

Naples, Florida

September 20, 1989

LET IT BE KNOWN, that the Board of Supervisors of the Pelican Bay Improvement District met on this date in Regular Session at 3:00 P.M., in the Naples Federal Savings & Loan Building, Fifth Floor, 5801 Pelican Bay Boulevard, Naples, Florida, with the following members present:

PRESIDENT:	James D. Hake
SECRETARY:	Ramer B. Holtan
	J. Russell Mudge
	James R. Dunwiddie (Absent)
	Walter B. Potter

ALSO PRESENT: Mr. Gary L. Moyer, District Manager; Mr. James P. Ward, Assistant District Manager; Mr. Louis D'Agostino, Attorney for the District; Messrs. Thomas Peek and Ron Orach of Wilson, Miller, Barton, Soll & Peek; Messrs. Lou Hoegsted and Edward Griffith of Westinghouse Communities of Naples, Inc.; Mr. John Dyer of Post, Buckley, Schuh & Jernigan, Inc.; Mr. Seymour Sekuler, a Member of the Insurance Committee; Mr. Henry Michel, a Member of the Conservation Advisory Committee; Mr. John Petty of the Pelican Bay Improvement District; Collier County Officials; PBID Residents; and Ms. Jean C. Smith, Assistant Secretary.

AGENDA

1. Roll Call.
2. Approval of Minutes of the Meeting held on August 16, 1989.
3. Discussion of Fiscal Year 1990 Insurance Program.

AGENDA (CONT.)

4. Public Hearing:
 - A) Proposed Fiscal Year 1990 Rates and Charges
 - 1) Resolution Adopting the Rates and Charges
 - B) Fiscal Year 1990 Water and Wastewater Budget
 - 1) Resolution Adopting Fiscal Year 1990 Water and Wastewater Budget
5. Consideration of Award of Bids:
 - A) Right-Of-Way Landscaping Improvements
 - B) Water Management Chemicals for Fiscal Year 1990
 - C) Water and Sewer Chemicals for Fiscal Year 1990
 - D) Water and Sewer Meter Purchases for Fiscal Year 1990
 - E) Water and Sewer Sludge Hauling for Fiscal Year 1990
 - F) Street Lighting Repairs for Existing System
 - G) Water and Sewer Line Distribution System for Unit 13
 - 1) Consideration of Accompanying Subdivision Financing Agreement with Westinghouse Communities of Naples, Inc.
6. Discussion of Collier County Study to Provide Retail Service to Pelican Bay (Hole, Montes & Associates Study).
7. Consideration of License Agreement with Stratford Condominium to Construct a Boardwalk to Connect to the District's Berm.
8. Discussion of Invoice Submitted by Post, Buckley, Schuh & Jernigan Regarding the Boat Clarifier Tests.
9. Attorney's Report.
10. Engineer's Report.
11. Manager's Report.
12. Certificates of Payment.
13. Confirmation of Invoices and Operating Summaries.
14. Supervisor's Requests & Audience Participation.
15. Adjournment.

ROLL CALL

Mr. Hake called the meeting to order at 3:00 P.M. and asked the record show Mr. Dunwiddie absent, with all other members present.

MINUTES OF MEETING OF AUGUST 16, 1989 - APPROVED AS AMENDED

Mr. Mudge moved, seconded by Mr. Holtan, and approved unanimously, the Minutes of August 16, 1989, subject to the following corrections:

Page 3423 - In the ninth line of the second paragraph the word, "as" be amended to "has".

Page 3450 - In the second paragraph the following sentence be deleted:
"He felt that he and Mr. Hake had left the meeting with an understanding between St. Nicole, St. Simone and the Stratford of who would pay for what facilities."

DISCUSSION OF FISCAL YEAR 1990 INSURANCE PROGRAM

Mr. Seymour Sekuler, a member of the Insurance Committee, advised that he had written a Memorandum to the Board of Supervisors, dated September 14, 1989, in which he had attached a summary of the insurance premium comparisons of the bidders (A copy of the formal proposal from each bidder is available for inspection at the District's office). He further advised that bids had been received from Fred S. James & Co., Smith-Lesher Insurance Co. and Gulfshore Insurance Company. He went on to explain the difference in the bids and the adjustments that were made on the summary so the Board could make a fair comparison of all the bids. Mr. Sekuler offered that the proposal from the low bidder, Gulfshore Insurance Company, is approximately fifty percent (50%) lower than last year's premiums for the same coverage and advised that since a few of the items in Gulfshore's bid were noticeably quite low, he had spoken to Gulfshore Insurance and asked them whether their bid was okay and he was told that the bid was fine as Gulfshore had submitted it. Thus, he advised the Board he felt very comfortable with the bid from Gulfshore Insurance and felt it was complete and the District would have no trouble. Mr. Sekuler also mentioned that the insurance policy from Gulfshore Insurance would be a three year policy, except for Automobile Coverage, Umbrella Coverage and Workman's Compensation.

Mr. Hake advised that the Board would expect the insurance company to perform an inspection of the District's facilities and he felt

that this would result in a further reduction in the premiums, as Gulfshore Insurance Company had indicated that, in their opinion, they felt that the District was currently over-insured on many different items.

Mr. Potter offered that he has been insured with Cincinnati Insurance Company for approximately ten years and advised that his service has been excellent and felt they were a fine company. Mr. Hake stated that everyone he had spoken with in regard to Cincinnati Insurance Company had said nothing but good things and, thus, he felt they should be a satisfactory company.

Following further discussion, Mr. Holtan moved, seconded by Mr. Potter and approved unanimously, the proposal from Gulfshore Insurance Company be accepted.

Mr. Mudge thanked Mr. Sekuler and Mr. Hake for their fine efforts in this matter and he felt the savings to the District were tremendous.

Mr. Sekuler advised that the District has two other insurance policies currently in effect (Director's & Officer's Liability and Pollution Liability) that do not expire on September 30, 1989 and from what he understood, there is very little source for this type of coverage and, therefore, the District might end up with the same company who currently insures the District. Mr. Hake felt it would be to the District's advantage for Gulfshore Insurance to take a look at the two carriers currently providing coverage for Director's & Officer's Liability Insurance and Pollution Liability Insurance and speak to these carriers to see whether the District can get a return on their present premium and start a new policy so that all the premiums coincide in the same time frame. He

also recommended that all the District's insurance be in the same insurance broker's hands so there would never be any question as to who did what if there were any conflicts, as long as the premium did not cost any more.

PUBLIC HEARING

Proposed Fiscal Year 1990 Rates and Charges

Resolution Adopting the Rates and Charges

Legal Notice having been published in the Naples Daily News on September 10, 1989, as evidenced by the Affidavit of Publication presented for the Record, a Public Hearing was held to consider the District's Fiscal Year 1990 Rates and Charges.

Mr. Hake opened the Public Hearing and asked Mr. Ward to briefly describe the new schedule of rates and charges. Mr. Ward explained that the formula used for calculating the rates and charges for Fiscal Year 1990 corresponded to the way in which staff has traditionally performed this task in accordance with the Coopers & Lybrand Report, which outlines a capacity/commodity formula.

He advised the District currently has a capacity/commodity formula in place for establishing the potable, wastewater and irrigation rates and this formula includes a minimum monthly charge to each customer for the debt service portion of the expenditures, along with a portion of the fixed operating expenses. The commodity portion of the District's rate structure is flow variable in that the numbers will change as the flows change. Mr. Ward stated that the irrigation capacity portion of the formula can change depending on the Group Type and that the rates are dependent upon the relative densities within the various Group Types.

Mr. Ward explained the proposed variation in the irrigation rate for Fiscal year 1990. He stated that the proposal is for the District to establish the capacity fee as a minimum monthly service charge to the user, if the proposed commodity rate for irrigation water of \$.97/1,000 gallons produces a total irrigation bill less than the minimum capacity charge per month and alternately if they used an amount of water in excess of the predetermined maximum for each of the Group Types, the rate would fall to the Commodity II rate of \$2.40/1,000 gallons. In other words, the irrigation capacity fee would only go into effect if the total irrigation bill at the Commodity I rate is less than the capacity fee. In this event, the District would charge only the capacity fee for irrigation service and there would be no additional charges under the Commodity I rate. He explained that the Commodity II rate is based on the theory that above this maximum use, the District would be supplying potable drinking water to the user and if the District established a potable water rate that was only a per thousand gallon charge, the \$2.40 would represent this rate less some line distribution costs. Mr. Ward advised that the monthly allocations for maximum irrigation use in each of the Group Types are based upon the suggested theories of the Engineers and South Florida Water Management District of .25 inches of irrigation water per day and that the numbers were calculated based on a thirty day dry period.

Mr. Ward explained that the rates are based on average uses for the various Group Types through the year, by month.

Following are the proposed monthly irrigation maximums for each Group Type:

<u>GROUP TYPE</u>	<u>MAXIMUM USE</u>
Group I	57,200/gallons per month
Group II	26,600/gallons per month
Group III	8,800/gallons per month
Group IV	8,400/gallons per month
Commercial	3,425/ERC
Golf Course	31,000,000/gallons per month

Mr. Ward felt that the proposed rates and charges are very much in line with the rates currently in effect and he felt some of the residents might even see a lower average monthly bill than they had in Fiscal Year 1989.

At this time, Mr. Hake called for comments from the Public. There being no comments from the Public, Mr. Mudge moved, seconded by Mr. Holtan and approved unanimously the Resolution adopting the schedule of rates, fees and charges to become effective October 1, 1989 and that the President and Secretary be authorized to sign the Resolution.

Fiscal Year 1990 Water and Sewer Budget

Resolution Adopting the Fiscal Year 1990 Water & Sewer Budget

Legal Notice having been published in the Naples Daily News on September 5, 1989 and September 12, 1989, as evidenced by the Affidavit of Publication presented for the Record, a Public Hearing was held to consider the District's Fiscal Year 1990 Water & Sewer Budget.

Mr. Ward briefly summarized the proposed Budget. He explained that the Fiscal Year 1990 Water & Sewer Budget included expected revenue of \$4,144,997 and expenditures for the operating system of \$1,212,879 and expenditures for Bond and Note Obligations of \$1,428,090. Mr. Ward explained that the items listed on the Proforma Operating Summary under

Professional Fees are items considered fixed in nature and tend to correspond to the capacity portion of the rate structure and the items listed under System Operations are the flow variables items and correspond to the commodity portion of the rate structure. He advised that the projected connections to the systems, as outlined on Pages Two (2) and Three (3) of the Budget, had been provided to the District by Westinghouse Communities of Naples, Inc. and show that the District will have approximately 845 units connecting to the system in Fiscal Year 1990.

There being no comments by the Board, Mr. Hake called for comments from the Public. There being no comments from the Public, Mr. Hake moved, seconded by Mr. Potter and approved unanimously, that the Public Hearing be closed.

At this time, Mr. Mudge moved, seconded by Mr. Potter and approved unanimously, the Resolution Adopting the Fiscal Year 1990 Water & Sewer Budget and that the President and Secretary be authorized to sign the Resolution.

CONSIDERATION OF AWARD OF BIDS

Right-Of-Way Landscaping Improvements

Mr. Ward advised that bids were received on September 5, 1989 for the Right-Of-Way Landscaping Improvements and a Bid Tabulation, a Bidder's List and a drawing showing the right-of-way replanting program had been included in the Agenda Package. He explained that four bids were received, with the low bidder being Jacaranda Landscaping, in the amount of \$16,917.50. Mr. Ward stated that the improvements were in accordance with Fiscal Year 1989 Replanting Program and there is sufficient money in the

Budget for this work. As he previously explained, the replanting program was established to take into consideration comments which residents have made during the year on what areas they desired to see upgraded and a complete review of the system to insure the continued success of the program.

Mr. Ward also reported that he had personally gone out and looked at all of the proposed planting areas to insure that the District's Street Lighting System will be maintained clear of any planting material.

At this time, Mr. Ward recommended award of the bid to the low bidder, Jacaranda Landscaping.

Mr. Holtan asked Mr. Ward whether he was satisfied with the work Jacaranda Landscaping has been performing. Mr. Ward responded in the affirmative.

Mr. Hake asked who was paying for all the landscaping which is taking place at the Philharmonic, including the landscaping between the curb and the sidewalk. Mr. Ward responded that the Philharmonic is paying for all the landscaping to the back of curb. Mr. Hake stated that the District had some large bushes in this area and he wondered why they had been cut down to the ground, rather than transplanted. Mr. Ward replied that there are numerous lines in the ground at this location and it was felt it was cheaper to get rid of the plants than it was to possibly lose any of these facilities. Mr. Hake concurred.

There being no further discussion, Mr. Holtan moved, seconded by Mr. Mudge and approved unanimously, that the Contract for the Fiscal Year 1989 Right-Of-Way Landscaping Improvements be awarded to the low bidder,

Jacaranda Landscaping, in the amount of \$16,917.50.

Water Management Chemicals for Fiscal Year 1990

Mr. Ward stated that four bids were received on September 11, 1989 for the purchase of the herbicides used in the District's Aquatic Weed Control Program and a Bid Tabulation and Bidders List had been included in the Agenda Package. He explained that the low bidder for Sonar, Copper Sulfate and Diquat was Asgrow Florida Company and the low bidder for Rodeo was Van Water & Rogers, who offered an alternate bid for a thirty gallon drum of Rodeo at \$86.50 per gallon. He recommended that the award be made to the low bidders and advised that the combination of the low bids totaled \$49,786.25, with \$39,406.25 to Asgrow Florida Company and \$10,380.00 to Van Water & Rogers.

Mr. Holtan asked Mr. Ward whether District staff had run into any problems with the harming of wildlife with these chemicals. Mr. Ward responded that all these chemicals had been approved by the Federal Agencies and have gone through stringent testing requirements and he offered that over the past few years the E.P.A. has taken many chemicals off the market that have traditionally been used and the chemicals currently being used are plant specific, meaning when they are put on the plants they stay on the plant and do not harm any wildlife or other plant material in the lakes.

Following further discussion, Mr. Mudge moved, seconded by Mr. Holtan and approved unanimously, that the Contract for the chemicals for the Aquatic Weed Control Treatment Program for Fiscal Year 1989 be awarded as follows: the contract for Sonar, Copper Sulfate and Diquat, in the

amount of \$39,406.25, be awarded to Asgrow Florida Company and the contract for Rodeo, in the amount of \$10,406.25, in 30 gallon drums at \$86.50 per gallon, be awarded to Van Water & Rogers.

Water and Sewer Chemicals for Fiscal Year 1990

Mr. Ward advised that bids were received on September 11, 1989 for the chemicals (chlorine) used in the water and wastewater operations of the District. He stated that bids had been received from Allied Universal and PB&S Chemical, with the low bidder being Allied Universal in the amount of \$35,250.00. Mr. Ward offered that Allied Universal supplies chemicals to numerous municipalities and in his opinion are a very satisfactory supplier. He advised that the District is currently paying \$285.00/ton and, thus, the bid from Allied Universal, in the amount of \$235.00/ton represents a very good bid and, therefore, recommended award of the contract to Allied Universal.

Following discussion, Mr. Potter moved, seconded by Mr. Mudge and approved unanimously that the Contract for the chemicals for the water and wastewater operations of the District for Fiscal Year 1990 be awarded to Allied Universal, in the amount of \$35,250.00 or \$285.00/ton.

Water and Sewer Meter Purchases for Fiscal Year 1990

Mr. Hake asked that this item be deferred until the next meeting at which time, Mr. Dunwiddie would be in attendance. The Board concurred that this item be deferred until the October meeting.

Water and Sewer Sludge Hauling for Fiscal Year 1990

Mr. Ward advised that bids were received on September 20, 1989 for the wastewater sludge hauling for Fiscal Year 1990 and of the four

bidders, the apparent low bidder was B.W. Karle Grain & Trucking in the amount of \$95.00 per load. He explained that this firm is located in Punta Gorda and the firm currently does not have their Disposal Site Permit or Collier County Hauling License, however, they had verbally indicated to District staff that if they are awarded the bid, they would diligently pursue obtaining these licenses within the next thirty days.

Mr. Hake suggested that the contract could be awarded to B.W. Karle Grain & Trucking, contingent upon their obtaining the proper Collier County licenses and permits within the next thirty days.

Mr. Holtan asked whether or not the the sludge hauling would be re-bid if Karle Grain & Trucking was unable to obtain their license and permits within the next thirty days. Following discussion, the Board concurred it would not be fair to re-bid the hauling and it should be awarded to the second low bidder.

Following further discussion, Mr. Potter moved, seconded by Mr. Hake and approved unanimously that the bid from B.W. Karle Grain & Trucking, in the amount of \$95.00 per load, be accepted, subject to their obtaining their Collier County license and permits within the next thirty days and if B.W. Karle Grain & Trucking is unable to obtain their licenses and permits within the next thirty days, the bid be awarded to the second low bidder, J & J Baker Enterprises, in the amount of \$105.00 per load.

Street Lighting Repairs For Existing System

Mr. Peek stated that bids were received on August 22, 1989 for the street lighting repairs and two bids had been received for this project: one from Mid-Continent Electric, in the amount of \$34,802.00 and

one from Bay Electric, in the amount of \$36,423.65 with corresponding hourly rates for additional repair work of \$25.00 per hour for Mid-Continent Electric and \$22.50 per hour for Bay Electric.

Mr. Peek advised that the Bid Tabulation and Engineer's recommendation had been included in the Agenda Package and he explained there was an error in WMBS&P's letter of recommendation whereby the hourly electrician rate for Bay Electric should be amended to \$22.50 per hour instead of \$25.00 per hour as outlined in the letter.

He stated that it was WMBS&P's opinion that there would be some savings in the supplementary repair work which could be necessary while the poles are being raised, which would narrow the differences in the bids and, therefore, WMBS&P's recommendation was that it would be in the District's best interest to award to contract to Bay Electric. In response to a question by Mr. Hake, Mr. Peek explained that WMBS&P assumed that there would be certain unforeseen repairs to the lighting poles and had assumed that each of the 94 poles to be raised would require an average of one hour to repair. They also felt that since Bay Electric, the District's electrician, was so familiar with the lighting system, the hourly repairs would total less time than Mid-Continent and subsequently should save the District money.

Mr. Hake asked if the only thing charged for in the additional work was man hours or whether the hourly rate for the additional work included the bucket truck. Mr. Peek remarked it was his understanding that the additional work is for the electrician's labor while they have the pole picked up. In other words, the Contractor has to pick the pole up, the

bucket truck is there for the work they would be doing and while they have the pole up, if there is supplemental work inside the pole that needed to be done, past discussion indicated that the District would agree on a daily basis on what additional work would be done and the additional cost would be for the labor only, as the bucket truck would already be on site to pick the pole up and put it back. Mr. Hake remarked that if he were the Contractor and figured on handling eight poles per day and because there was extra work that needed to be done and he handled only four poles per day, then he would expect to be paid for his equipment while he was handling the extra poles. This did not make sense to him, however, if this is what the Contractor wished to charge, it would be okay with him. Mr. Mudge remarked the way he looked at it, the street lighting repairs would be completed at \$36,423.65 in the case of Bay Electric and then for the extra repair work, it would be additional at the rate of \$22.50 per hour. Thus, the \$36,423.65 would be the package price. Mr. Hake stated it was fine with him if the hourly rate was the only thing that was going to be charged for the repair work with no extra charges for equipment. Mr. Ward advised that WMBS&P should verify this with the Contractor before any Notice To Proceed was issued. Mr. Peek advised they would verify this.

It was Mr. Hake's suggestion that the repair work be awarded to the low bidder and let him take care of any additional repair work inside the pole and any additional repair work needed at a later date to bring the pole up to standard could be awarded to Bay Electric at \$22.50 per hour. In other words, the basic work of setting the poles back to their footings and making the reconnection with the grounding device be awarded to

Mid-Continent and then the District would use Bay Electric for as much additional repair work as was deemed necessary by District staff and this should lower the costs for these repairs.

There being no further discussion, Mr. Hake moved, seconded by Mr. Potter and approved unanimously, that the contract for the Street Lighting Repairs be awarded to Mid-Continent Electric in the amount of \$34,802.00 and for the additional repair work within the pole itself that is necessary to reset the pole at \$25.00 per hour and any additional repair work needed after the pole was reset be awarded to Bay Electric at the rate of \$22.50 per hour and the work would be awarded at the discretion of the District.

Water and Sewer Line Distribution System For Unit 13

Consideration of Accompanying Subdivision Financing Agreement
With Westinghouse Communities of Naples, Inc.

Mr. Peek advised that bids were received on September 8, 1989 for the Water & Sewer facilities for Unit 13 and of the three bids which were received, the low bidder was Mitchell & Stark Construction Co., Inc., in the amount of \$934,905.25. He stated a Bid Tabulation had been included in the Agenda Package, along with a map identifying the location of these facilities and at this time, recommended award of contract to the low bidder, Mitchell & Stark Construction Co., Inc.

Mr. Hake remarked that when this subject first came up four or five months ago, he had indicated that before the Board would approve this installation, it would first have to be determined how the work would be paid for and in determining how the work would be paid for, the Board

desired to know whether or not Bay Colony Drive was going to be closed to the Public in the future. He asked at this time whether or not anyone had an answer to this question. Mr. Moyer explained that the proposal for Unit 13 is consistent with the Master Plan of the District and the Coopers & Lybrand Feasibility Report in that the District would pay for those items considered to be major system components and the revenue to pay for this work would come from the connection fees levied on units within the District and any subdivision work identified by the District's Engineers would be paid for by Westinghouse Communities of Naples, Inc., as the Developer of the property. He stated that generally the District has looked at the issue of providing water and sewer lines, as long as they are covered by easements or license agreements sufficient to give the District the right to operate these facilities, regardless of whether the roadway is public or privately controlled. Thus, the proposal under consideration is that the District pay for the major mains from user revenue and the subdivision facilities be paid for by the Developer. Mr. Hake stated that he did not believe when the Coopers & Lybrand Report was issued that the determination of closing Bay Colony Drive to the the public had been made. Mr. Moyer remarked that the Coopers & Lybrand Report had nothing to do with whether the roadways were public or private, but rather had to do with the service that the lines provide. In other words, if the lines are categorized as a major part of the District's system, then the District acknowledged that it was their responsibility to pay for these facilities. He agreed with Mr. Hake in that the ownership of the roads was never addressed in the Coopers & Lybrand Report, but rather it solely looked at

the service these lines provided to the ultimate user. Mr. Hake stated that everything else within Pelican Bay that is behind a security gate has been paid for in its entirety by the Developer. Mr. Moyer advised that this might be true but only because these were the types of facilities that were being provided to a given project and generally the facilities within the major road rights-of-way are major facilities. Mr. Hake suggested that the major facilities for the District could stop at Bay Colony Drive. Mr. Moyer remarked that it is coincidental that the lines occur within a major road right-of-way, but the facilities down Bay Colony Drive are major facilities and would serve more than one subdivision. He explained that the Engineer's differentiation on whether facilities are subdivision facilities or a major facility of the District is determined by the use and if the line is a major main serving many different parcels it is considered a major facility. He further advised that the proposal for the water and sewer lines for Unit 13 is consistent with the Master Plan.

Mr. Hake stated that the Master Plan always showed Bay Colony Drive as a public road and he felt that the major road and the major development along Bay Colony Drive is Bay Colony and whatever takes place within this parcel to fit this area is subservient to the major parcel (Bay Colony). Mr. Hake asked Mr. D'Agostino his thoughts on this matter. Mr. D'Agostino advised that he had looked over some of the documents regarding this matter, specifically the Enabling Act as well as the Agreement for the Construction of Subdivision facilities and this Agreement is quite specific in outlining the duties of both the District as well as the Developer. He further advised that the question of whether the road is private or public

is not addressed in the Agreement and is really an irrelevant consideration under the terms of the Agreement. Mr. Hake remarked it seemed strange to him that sitting here as a member of a Public Board that the Board would approve a public road being made private that has been opened to the taxpayer of Pelican Bay by choice and by direction and now all of a sudden the road is closed off and the taxpayer is expected to pay for facilities to this area. He stated that if this becomes a private area then he would assume that there would be a return of the cost of these facilities to the District.

Mr. Hake commented that the Board still did not know whether the residents of Pelican Bay were going to be denied access to Bay Colony Drive and if they were going to be denied access to this area then he did not feel the District was responsible for the cost of the facilities in this area, however, if it remained open for access by the residents, then he felt the District should pay for the major mains.

Mr. Hoegsted advised that the Board was discussing two separate issues, approval of the water and sewer facilities for Unit 13 and who was going to pay for the facilities along Bay Colony Drive and one did not relate to the other.

Mr. Hoegsted advised that Bay Colony Drive will be closed to the Public, as Bay Colony will be a private community and in regard to the comments of Mr. Hake regarding the taxpayers paying for these facilities, he remarked that these facilities would be paid for from surplus connection fees. He further advised that Bay Colony Drive will be closed to the public at such time as WCN provides another road from Pelican Bay Boulevard

to Vanderbilt Beach Road (Carlton Way). Mr. Mudge asked when the Vanderbilt Connector Road would be completed. Mr. Hoegsted responded that this depended on the Board's decision on the facilities for Unit 13, as WCN cannot do any planning and development until the water and sewer facilities are installed. Mr. Hake offered that if the Board approves the construction of the Unit 13 facilities now, all it does is buy a lawsuit to come back after WCN and if the Board delays its decision, then the District has some leverage. Mr. Hoegsted asked what the lawsuit would be based on. Mr. Hake explained it would be on just what was being discussed and this is why he was asking that Mr. McMackin take a look at this matter and come back to the Board with his advice. Mr. Hoegsted offered that he did not know what a lawsuit could be based on because he did not feel the service of water and sewer had anything to do with Bay Colony Drive being public or private. Mr. Hoegsted commented that the connection fees derived from the units in Bay Colony would more than reimburse the District for the cost of these facilities. Mr. Hake remarked that this could be easily said but if the District could reduce the cost of its system to the taxpayer this was the job of the Board and if the District does not spend \$934,000 and it spends \$160,000 there is a big difference in what the taxpayer would pay. Mr. Hoegsted offered that the Board needed to review the Guaranteed Revenue Agreement because he felt if the District did not proceed with the construction of the facilities along Bay Colony Drive they would be in violation of this Agreement. Mr. Hake explained that this is why he was asking for legal advice.

Mr. Mudge offered that the lines in Unit 13 had to be installed

anyway, regardless of who paid for the lines along Bay Colony Drive, and suggested that the Board award the contract to the low bidder for the installation of the facilities in Unit 13 and then a determination could be made at the next meeting as to the District's obligation along Bay Colony Drive and after Mr. McMackin has had a chance to review this matter.

Mr. Hake concurred that since it is the District's responsibility to install the major mains, the Board would be derelict in its duties if they did not act upon the Contract for the installation of the facilities in Unit 13.

There being no further discussion, Mr. Mudge moved seconded by Mr. Potter and approved, with Mr. Holtan voting nay, that the Contract (Contract D-34) for the water, sewer and irrigation facilities for Unit 13 be awarded to the low bidder, Mitchell & Stark Construction Co., Inc., in the amount of \$934,905.25 and the Board later determine who pays for what facilities along Bay Colony Drive.

At this time, Mr. Hake moved, seconded by Mr. Mudge and approved unanimously, the Construction Financing Agreement with Westinghouse Communities of Naples, Inc. for the water and sewer line distribution system for Unit 13 (Contract D-34), providing for construction costs of \$88,741.43 for the subdivision facilities.

DISCUSSION OF COLLIER COUNTY STUDY TO PROVIDE RETAIL SERVICE TO PELICAN BAY (HOLE, MONTES & ASSOCIATES, INC. STUDY)

Mr. Hake remarked that he assumed by now all the Board members had a chance to read and review this Study and advised the District had received a letter from Mr. Mike Arnold, Collier County Utilities Director,

in which he offered to give a presentation to the Board on this Study if the Board so desired. Mr. Hake recommended that the Board ask Mr. Arnold to schedule a presentation for the October Board Meeting and at this meeting the public would also have the opportunity to hear this presentation and to make any comments they might have.

Mr. Mudge asked if there had been any written response by District staff to Mr. Arnold. Mr. Ward responded that he had talked with Mr. Arnold on the telephone and advised him that until he had received some direction from the Board of Supervisors on which way the Board desired to proceed that he would not respond in writing to him.

Mr. Potter commented that he saw no need for a presentation by the County and did not feel the Board should even consider the County's proposal, as it would increase the costs to the residents of Pelican Bay without giving them anything additional that they did not already have.

Mr. Mudge felt the Board owed Collier County the courtesy of hearing their views on this matter. Mr. Hake remarked that this was all he was asking for as he felt the Hole, Montes, & Associates' Study was so full of holes that he was glad he was not paying for it.

Mr. Holtan agreed that the Board should listen to what Collier County had to say on this matter.

Mr. Mudge advised that he had recently attended a meeting of the Pelican Bay Property Owner's Association regarding this matter and he felt that at this meeting there had been some clearing of the minds and he suggested that when representatives from Collier County come to the next Board of Supervisors meeting they should delve a bit deeper into the

projection of rates through the buildout period so the Board could better understand what is behind the figures as presented in the Report. He further reported that there was a fairly good discussion at the Property Owner's Association meeting on this matter which brought out some questions and it really came down to whether it was going to cost the residents of Pelican Bay more money to have the County take over Pelican Bay and if so, why it would be in the best interests of the residents to have the County take it over. He also remarked that questions had been raised regarding the irrigation system; engineering matters; financial matters, etc. and he felt these matters all needed to be addressed much more carefully. He was hopeful that when the County presented the Hole, Montes & Associates Study, it would be more complete than what was in the Report and the County would come with more background data to support their position.

The Board directed Mr. Ward to write a letter to Mr. Mike Arnold, inviting the County to give a presentation on the Hole, Montes & Associates Study to the Board at their next meeting to be held on October 18, 1989 at 3:00 P.M. Mr. Hake asked Mr. Mudge to pass this information along to the Pelican Bay Property Owner's Association so it could go out in their Newsletter. Mr. Hake also informed County personnel in attendance that if they desired to offer any written information to the Board regarding this matter, they should have it to Mr. Ward at least ten days prior to the meeting, if they expected the Board to make any decisions on this matter at the October Meeting. Mr. Mudge suggested that this item be the first item on next month's Agenda following approval of the Minutes, so the residents in attendance would not have to sit through the entire meeting if they did

not desire to do so.

Mr. Mike McNees, Finance Director of the Collier Utilities Division, commented that the County's intent at this point is not to try and get an immediate decision from the Board of Supervisors on how they feel about the County providing service to Pelican Bay. He advised that what the County was looking for at this point was no more than an agreement to proceed further into the analysis because the County does not want to do it if it is not a good idea for both parties. He agreed that what has been presented to the Board so far is not very detailed and from the meeting yesterday with the Pelican Bay Property Owner's Association, he felt it was pretty much agreed upon as to what the issues are, so what Collier County would like to do is present these to the Board and let the Board determine whether they felt the County should go further.

The Board thanked Mr. McNees for his remarks.

CONSIDERATION OF LICENSE AGREEMENT WITH STRATFORD CONDOMINIUM TO CONSTRUCT
A BOARDWALK TO CONNECT TO THE DISTRICT'S BERM

Mr. Ward stated that the Stratford Condominium is proposing to build a boardwalk connecting their project to the District's berm and the boardwalk would be located in the District's drainage easement and offered the proposed boardwalk is consistent with the District's current policy and the plans of other boardwalks previously approved by the Board. He advised that one of the questions that had risen was the width of the Boardwalk and whether it would be of sufficient width to allow the residents to pass. He commented that he had reviewed the plans and the width of the Boardwalk from outside to outside would be six feet. He advised that the minimum

width on the inside walkway of the boardwalks recently approved by the Board has been five feet and he recommended that if the Board approved this boardwalk that the approval be subject to the minimum width on the inside walkway being five feet. He further advised that the boardwalk has been staked in the field and the boardwalk would be constructed of the same materials and similar in design to those of neighboring projects.

Mr. Ward also advised that he had spoken with most of the Conservation Area Advisory Committee members and none of the members he had spoken with had expressed any problem with the Boardwalk other than their concern that the width of the boardwalk be wide enough to allow the residents to pass. Mr. Hake remarked that as he recalled the reason for the five foot width was to provide sufficient width to allow a golfcart to travel on the boardwalk for emergency purposes.

Mr. Henry Michel, a member of the Conservation Advisory Committee, advised the Board that he had walked the staked area and had no problem with the boardwalk.

There being no further discussion, Mr. Hake moved, seconded by Mr. Mudge and approved unanimously the License Agreement with the Stratford Condominium to build a boardwalk connecting to the District' berm subject to the plans being revised to show the Boardwalk having a minimum inside five-foot width dimension.

DISCUSSION OF INVOICE SUBMITTED BY POST, BUCKLEY, SCHUH & JERNIGAN, INC.
REGARDING THE BOAT CLARIFIER TESTS

Mr. Moyer explained that a letter from Mr. Dunwiddie outlining the specific reasons why he did not wish to see the invoices submitted by Post, Buckley, Schuh & Jernigan, Inc. for the Boat Clarifier Test Report

paid and excerpts from the Minutes at which the Board previously discussed this item had been included in the Agenda Package. At this time, Mr. Moyer called for Mr. John Dyer of PBS&J to comment on this matter.

Mr. Dyer stated that in retrospect it appeared to him that there was never any intent on the part of District staff to pay these invoices, as none of the invoices had ever been submitted to the Board for payment. He felt the District and PBS&J have a viable Contract and PBS&J had performed its duties under the terms of the Contract. Mr. Dyer remarked that all PBS&J had done under the terms of the Contract was to conduct the testing and the 1,400 gpm was a number Mr. Petty harped on, insisting this had to be the problem because the Boat did not work and was not pulling 1,400 gpm, as the tests Mr. Petty had run indicated. Thus, PBS&J came in, cleaned the Boat up, operated it and it ran great and verified that Mr. Petty was correct that the Boat Clarifier did not pull 1,400 gpm and all that Mr. Dyer had indicated in his cover letter of PBS&J's Report was that PBS&J would go with the District, hand-in-hand, if they wanted to take United Industries on, in that they had not met the requirement of their contract, however, with the performance of the Boat and because PBS&J verified that the Boat Clarifier worked great at the lower velocity, it was PBS&J's recommendation to try and save the District some money on a lawsuit against United Industries which they felt the District could not win. He offered that prior to the testing no one ever knew if the Boat Clarifier worked at a lower velocity because it had never worked properly and PBS&J contended this was because of poor operational techniques.

Mr. Hake advised that he relies very heavily on the

recommendations of Mr. Dunwiddie in these matters as he, for one, is not that familiar with the workings of the Boat Clarifier and he felt he would be derelict in his duties to oppose Mr. Dunwiddie's recommendation. Also, Mr. Hake took exception to Mr. Dyer's remarks that there has never been any intent on behalf of the Board to pay these invoices. Mr. Dyer commented that he was implying there was no intent by Mr. Ward to pay these invoices, rather than any intent by the Board to not pay these invoices. Mr. Ward advised there was never any intent on his part to withhold payment of these invoices.

Mr. Holtan felt this was a legal issue and asked Mr. D'Agostino his opinion on whether or not the Board should pay these invoices. Mr. Dyer advised Mr. Holtan that the Board did not have a legal problem as Post, Buckley, Schuh & Jernigan, Inc. is not going to sue the District if they decide not to pay these invoices; one reason being that for \$23,000 it is not worth getting Attorney's involved because even if PBS&J won the case they would end up owing the Attorneys more than \$23,000. Mr. Holtan then asked Mr. Dyer what he was after. Mr. Dyer responded he was after the \$23,000 and further commented, "the ball is in the District's court as it has always been".

Mr. D'Agostino advised that he has had the chance to review the Minutes of the meeting at which Mr. Dyer was present and Mr. Dyer seems to be emphasizing that the District has two independent issues; one relating to the design installation of the Boat Clarifier by PBS&J and one relating to the invoices in the amount of \$25,000. However, he advised that although Mr. Dyer seems to emphasize that these are two independent issues,

it is Quarles & Brady's opinion that these issues are actually dependent issues in that the necessity for testing the Boat Clarifier would never have come up if the Boat Clarifier had been installed properly. Mr. D'Agostino offered that in review of the Minutes of the past meetings, when PBS&J appeared before the Board they represented to the Board that they would be able to conduct tests to determine if the Boat Clarifier worked and at one of these meetings, the Board of Supervisors inquired as to what the determining factor would be in determining whether the Boat Clarifier was going to work and Mr. Dyer had emphasized that the deciding factor in this case would be whether or not the Boat Clarifier was producing approximately 1,400 gpm. Mr. D'Agostino stated that Mr. Dyer emphasized this on numerous occasions in the past Minutes and quoting Mr. Dyer, "the bottom line is that if the boat pulls 1,400 gpm, PBS&J thinks United Industries is off the hook." He explained that the District's defense for withholding payment of these invoices is based on a factual inquiry, i.e., if the Board of Supervisors relied on these factual statements of Mr. Dyer, and the deciding factor was whether the Boat Clarifier pulled 1,400 gpm and the Board relied on Mr. Dyer's representation that this was the determining factor and that the tests would actually prove or disprove this, then in Quarles & Brady's opinion, the District had a valid defense because Mr. Dyer was now coming back to the Board claiming that the testing was irrelevant. Mr. Dyer stated that this was not true and commented that the tests are very relevant and proved that under those circumstances, the Boat Clarifier did not pull 1,400 gpm and the only point in question is the cover letter of the Report in which PBS&J stated that they did not feel the

District could not win a lawsuit, because they were getting beneficial use out of the Boat, irrespective of whether it pulled 1,400 gpm. He explained that PBS&J did not know whether it was critical in the beginning if the Boat pulled 1,400 gpm because it never operated properly and thus the tests proved that the Boat did not pull 1,400 gpm under the test conditions. He stated that PBS&J would go with the District and defend that the tests were run and the Boat Clarifier did not pull 1,400 gpm, however, all he was saying was that he did not feel the District would win, based on the current performance of the Boat Clarifier.

Mr. D'Agostino advised the Board that their attention and focus must be on when they decided as a Board to enter into this Agreement with PBS&J to conduct the testing of the Boat Clarifier, whether or not they relied on Mr. Dyer's representations of fact; that the determining factor of these tests in deciding whether or not the Boat Clarifier worked or did not work was whether it pulled 1,400 gpm and now Mr. Dyer was telling the Board that this was not an important factor. Mr. Hake remarked the Minutes reflect that both Mr. McMackin and Mr. Holtan asked this specific question and PBS&J's response was what prompted the Board to make their decision to approve the Contract for \$25,000.

Mr. Hake remarked he did not wish to get into any further discussion on this matter as the Board had received a very good recommendation from Mr. Dunwiddie and from Mr. D'Agostino and at this time called for a motion by the Board to approve the payment of the invoices to Post, Buckley, Schuh & Jernigan, Inc. for the Boat Clarifier testing. This matter died for lack of a motion.

Mr. Hake apologized to Mr. Dyer if there was any misunderstanding and hoped there would be no ill feelings.

ATTORNEY'S REPORT

Mr. D'Agostino remarked that a Letter from Mr. McMackin to Ms. Karen Craddick of Representative Mary Ellen Hawkins' office regarding the proposed amendments to the District's Enabling Act had been previously sent to the Board under separate cover, and that this matter was proceeding on schedule. He advised that Mr. McMackin had recently submitted a second draft of the amendments to Ms. Craddick.

Mr. Hake advised that that Legislative Delegation Hearing is scheduled for Tuesday, October 24, 1989 at 9:00 A.M. at the Naples City Hall and the Public Hearing on these amendments would take place at this time. Mr. D'Agostino asked the members of the Board to contact Mr. McMackin or Mr. Ward prior to October 24th if they had any additional comments on the amendments.

At this time, Mr. Hake asked the Board if they had any comments on this amendments and if not directed Mr. McMackin to put the amendments in final form for submittal to Ms. Craddick. The Board had no additional comments on the amendments.

Mr. Hake asked Mr. Frederick Hardt to ask the Pelican Bay Property Owner's Association if they would lend their support to the Board at the Hearing to be held on October 24th. Mr. Hardt advised that he would see that a newsletter was sent out to the residents regarding this matter.

ENGINEER'S REPORT

Mr. Peek remarked that at the last meeting WMBS&P had been requested to do some additional analyses on the master feed line that was proposed to connect the County's water system to Pelican Bay and to date they have not completed this analysis. However, he advised the analysis would be finished by the next meeting, at which time WMBS&P would present their report.

Mr. Hake asked the Board whether they were prepared, at this time, to authorize WMBS&P to proceed with the preliminary design of the Phase III Expansion facilities. The Board concurred that this item be scheduled on next month's Agenda, at which time the Board would decide whether or not to proceed with the preliminary design of these facilities.

APPROVAL OF THE MINUTES OF THE MEETING HELD ON SEPTEMBER 6, 1989

This matter was deferred until the October meeting as a page was missing from the draft Minutes.

MANAGER'S REPORT

Mr. Ward reported that the Willowbrook weir structure is on order and is being fabricated and should be received within the next few weeks. Mr. Hake asked Mr. Ward whether he has been in contact with the Willowbrook residents. Mr. Ward responded in the affirmative.

CERTIFICATES OF PAYMENT

At this time, the following Certificates Of Payment were presented for approval by the Board:

Pelican Bay Improvement District
September 20, 1989

<u>CERTIFICATE NO.</u>		<u>CONTRACTOR</u>	<u>AMOUNT</u>
1989 Refunding Issue Phase III Facilities Expansion	No. 210	Wilson, Miller, et. al.	\$ 4,504.90
1989 Refunding Issue FDER Permit To Bring Utility Site in FDER Criteria 17.610	No. 211	Wilson, Miller, et. al.	4,644.50
1989 Refunding Issue Phase III-B Expansion External Clarifier	No. 212	Wilson, Miller, et. al.	14,215.95
1989 Refunding Issue WWTP Instrumentation	No. 213	Wilson, Miller, et. al.	75.00
Bay Colony Shores Design Services	No. 9	Wilson, Miller, et. al.	150.00
P.B. Blvd., Oakmont Parkway, Greentree Drive, Vanderbilt Connector Road - Design Services	No. 6	Wilson, Miller, et. al.	10,389.20
Oakmont Unit 11 Street Lighting Design Services	No. 4	Wilson, Miller, et. al.	1,322.50
Street Lighting Repair Design Services	No. 4	Wilson, Miller, et. al.	73.50
		TOTAL AMOUNT	\$ 35,375.55

Following further discussion, Mr. Mudge moved, seconded by Mr. Potter and unanimously approved, payment of the Certificates of Payment, as presented.

CONFIRMATION OF INVOICES

Water/Sewer Operating Summary and Invoices For August 1989 - Approved As Presented

Following discussion, Mr. Hake moved, seconded by Mr. Potter, and carried unanimously, that the Water/Sewer Operating Summary and Invoices for August 1989, be approved as presented.

Water Management Operating Summary and Invoices For August 1989 - Approved As Presented

Following discussion, Mr. Mudge moved, seconded by Mr. Potter and carried unanimously, that the Water Management Operating Summary and Invoices for August, 1989, be approved as presented.

Street Lighting Invoices For August 1989 - Approved As Presented

Following discussion, Mr. Hake moved, seconded by Mr. Holtan and carried unanimously, that the Street Lighting Invoices for August 1989, be approved as presented.

SUPERVISOR'S REQUESTS & AUDIENCE PARTICIPATION

Mr. Mudge advised the Board he had asked Mr. Ward to perform a projection of the District's water, sewer and irrigation rates through buildout. Mr. Ward reported that he had completed the preliminary draft and would see that Mr. Mudge received a copy of it.

Mr. Mudge remarked that the City of Naples potable water comes into Pelican Bay on West Boulevard near the St. Williams Church and he asked Mr. Peek where the City of Naples treated effluent ended. Mr. Peek responded that the City's effluent travels up the median strip as far as Solano Road. Mr. Mudge asked where the City's boundary ended. Mr. Peek responded their boundary end west of West Boulevard at Seagate Drive and it runs around the boundary of Parkshore and back to the trail and is very irregular in shape. Mr. Mudge asked whether the City is still dumping a lot of their effluent in Naples Bay. Mr. Peek responded that they were not and explained that besides supplying effluent to the medians, the City of Naples also supplies the Golf Courses along the east side of Goodlette

Road. Mr. Mudge asked Mr. Peek if he knew what the City was charging the Golf Courses for the effluent. Mr. Peek replied that he did not know the City's rates. Mr. Mudge also mentioned that the County supplies effluent to some Golf Courses. Mr. Peek explained that the County only supplies effluent to the Imperial Golf Course and advised that if the County charges Imperial anything at all for this effluent it is at a very low rate, because the County had an urgent need to dispose of their effluent. Mr. Mudge asked Mr. Peek whether or not he knew if the County's effluent would meet the D.E.R.'s requirements for irrigating in Pelican Bay. Mr. Peek explained that he has not looked at the Permit requirements, however, his understanding is that D.E.R.'s regulations changed approximately one year ago in that all effluent for all spray irrigation must meet the same standards. Mr. Hake asked Mr. Peek to report at the next meeting as to whether Collier County's effluent meets the same Class I reliability standards as would be required for Pelican Bay, as this information would be helpful to the Board.

Mr. Mudge reported that yesterday he had been told that the County Commissioners have said no to supplying effluent to Pelican Bay at a bulk rate. Mr. Ward asked who gave Mr. Mudge this information. Mr. Mudge responded that he had been told this by representatives of Collier County present at the Pelican Bay Property Owner's Association meeting.

Mr. Hake asked Mr. Ward what he had learned from the City of Naples regarding their chloramine levels. Mr. Ward reported he has been holding continuous discussions with the City regarding the chloramine residual levels and the City has been very helpful to the District in

boosting the chloromine levels at the City's plant in order to give the District higher residual levels and that this has been of tremendous help to the District. Also, as Mr. Ward has previously mentioned, the District has increased its frequency of flushing the internal major mains and has continued to work the condominium associations on getting their lines flushed out. He remarked he keeps in contact with these people on a regular basis, specifically the Grosvenor and the Sanctuary and both of these Managers have advised him that the problem has been significantly reduced. He also advised he is planning on discussing with the District's Engineers the possibility of installing some type of system which would give the District its own ability to increase the chloromine levels in order to keep the residual levels up.

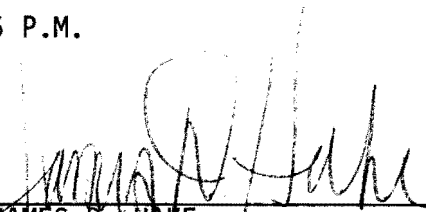
Mr. Hake asked Mr. Potter if he would make it a point of effort to use his political connections to talk to whom ever needs to be talked to to aid the Board in its request for the amendments to the District's Enabling Act.

Mr. Hake thanked Mr. Mudge on behalf of the Board and the residents of Pelican Bay for his hard work and fine effort he has put into reviewing the rates and charges and connection fees of the District. Mr. Mudge also thanked Mr. Ward for all his help.

Pelican Bay Improvement District
September 20, 1989

ADJOURNMENT

There being no further business to come before the Board at this time, Mr. Hake moved, seconded by Mr. Holtan and approved unanimously that the meeting be adjourned. Time: 5:05 P.M.



JAMES D. HAKE
PRESIDENT
PELICAN BAY IMPROVEMENT DISTRICT

PELICAN BAY IMPROVEMENT DISTRICT
WATER/SEWER INVOICES
AUGUST 1989

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Alpha Chemical	Janitorial Supplies	\$ 75.34
B & B Builders	Plant Supplies	125.13
B & H Sales	Meters & Meter Supplies	1,093.60
BancFlorida	W/S Portion July Meeting Room Rental	25.00
Bob Dean Supply	Irrigation Supplies & Pump Repair	470.85
City of Naples	Potable Water Service - June 1, 1989 to July 1, 1989	17,014.46
City of Naples	Potable Water Service - July 1, 1989 to August 1, 1989	15,369.17
Coast Pump & Supply	Irrigation Supplies	31.20
Collier County Clerk of Court	Record Easements	67.50
Coral Springs Improvement District	July & August Dental Insurance	148.67
Coral Springs Improvement District	Office Services - March 1989 through June 1989	70.94
Crews Equipment	Tractor Stickers	27.90
Department of Highway Safety & Motor Vehicles	Replace State Tag Ford Courier	8.40
Envirotech Operating Services, Inc.	W/W Analyses, Potable Water Analyses, & Ground Water Monitoring Testing	2,723.20
Federal Express Corp.	June Courier Service	12.62
Ferguson Underground File One	Irrigation Supplies & Meter Boxes	592.79
First Pennsylvania Bank	July & August Office Supplies	130.26
Fisher Scientific	Trustee Fees Through August 1, 1989	672.72
Florida Municipal Health Trust	Laboratory Supplies	171.66
Florida Power & Light	August Health Insurance	487.05
Florida Power & Light	July Electric	18,626.18
Gene's Fifth Avenue Florist	August Electric	14,999.68
Graybar Electric	Flowers - Harmon Turner	39.38
Gulf Shore Associates	Electrical Supplies	344.53
Gulf Shore Associates	August Rent & Maintenance	879.73
Harcros Chemicals	September Rent & Maintenance	879.72
Hoffman Office Supply	Chemicals - WWTP	504.53
Hour Delivery	August Office Supplies	26.55
Jacaranda Landscape	June Courier Service	10.00
Mitchell & Stark Construction	Bush Hog Wellfield	285.00
	Install Fire Hydrant	1,483.70

PELICAN BAY IMPROVEMENT DISTRICT
 WATER/SEWER INVOICES
 AUGUST 1989
 (PAGE 2)

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Mitchell & Stark Construction	Repair Water Line Break & Replace Saddle	\$4,995.00
North Trail Auto Parts	Vehicle Maintenance Supplies	132.43
PB&S Chemical Company	Chlorine	5,290.50
Quarles & Brady	June Legal Services	1,097.40
Ray's Septic Service	Remove Sludge WWTP	3,300.00
RMRS System	Meter Postage	100.00
Robbins Telephone Answering Service	August Answering Service	92.40
S.A.S.	Repair Effluent Pump #2	2,364.18
Scotty's	Plant Supplies	13.60
Southwest Electric Supply	Electrical Supplies	34.52
United Telephone	August Telephone	398.52
U.S. Postmaster	Utility Billing Postage	170.00
Waste Management of Collier County	Utility Site Dumpster	242.00
Weavers Office Supply	July & August Office Supplies	199.65
Wesco	Electrical Supplies	21.76
Westinghouse Communities of Naples, Inc.	June & July Fuel & Copying Charges	217.51
Wilson, Miller, Barton, Soil & Peek, Inc.	Engineering Services - June 17, 1989 Thru July 28, 1989	9,409.05

PELICAN BAY IMPROVEMENT DISTRICT
 WATER MANAGEMENT INVOICES
 AUGUST 1989

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A.J. Welding	Repair Boat	\$ 87.50
BancFlorida	W/M Portion July Meeting Room Rental	25.00
Coral Springs Improvement District	July & August Dental Insurance	148.69
Coral Springs Improvement District	Office Services & Water Quality Testing March 1989 through June 1989	2,054.43
Creel Ford Tractor	Backhoe Battery	129.95
Federal Express Corp.	June Courier Service	12.63
File One	July & August Office Supplies	130.25
Florida Municipal Health Insurance	August Health Insurance	487.07
Florida Power & Light Co. Gene's Fifth Avenue Florist	July & August Electric Flowers - Harmon Turner	36.00 39.37
Gulf Shore Associates	August Rent & Maintenance	879.72
Gulf Shore Associates	September Rent & Maintenance	879.73
Hoffman Office Supply	August Office Supplies	26.55
Hour Delivery	June Courier Service	5.00
Jacaranda Landscape	July R-O-W Maintenance	16,476.37
Jacaranda Landscape	August R-O-W Maintenance	16,801.37
Naples Daily News	Legal Advertising	27.36
North Trail Auto Parts	Vehicle Maintenance Supplies	35.96
PBID Water/Sewer Account	R-O-W Maintenance 6/15/89 - 7/15/89	2,230.54
PBID Water/Sewer Account	R-O-W Maintenance 7/15/89 - 8/15/89	3,856.21
RMRS System	Meter Postage	100.00
Robbins Telephone Answering Service	August Answering Service	92.40
United Telephone	August Telephone	299.40
Weavers Office Supply	July & August Office Supplies	199.67
Westinghouse Communities of Naples, Inc.	June & July Fuel & Copying Charges	217.52
Wilson, Miller, Barton, Soll & Peek, Inc.	Engineering Services - June 17, 1989 thru July 28, 1989	2,882.37

PELICAN BAY IMPROVEMENT DISTRICT
STREET LIGHT INVOICES
AUGUST 1989

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Florida Power & Light	July Electric	\$ 920.42
Florida Power & Light	August Electric	920.42
Naples Daily News	Legal Advertising	64.37
Wilson, Miller, Barton, Soll & Peek, Inc.	Engineering Services - June 17, 1989 thru July 28, 1989	132.00

PELICAN BAY IMPROVEMENT DISTRICT
WATER AND WASTEWATER OPERATING SUMMARY
AUGUST 1989

	FISCAL YEAR 1989 BUDGET	MONTH TO DATE			YEAR TO DATE		
		BUDGET	ACTUAL	VARIANCE FAVORABLE (UNFAVORABLE)	BUDGET	ACTUAL	VARIANCE FAVORABLE (UNFAVORABLE)
<u>CHARGES FOR SERVICES</u>							
Connection Fees	\$ 664,180	2,980	17,880	14,900	574,970	670,210	95,240
Meter Use Fees	22,250	250	1,500	1,250	12,500	19,450	6,950
<u>USER REVENUE & INTEREST INCOME</u>							
Water	616,818	50,075	46,789	(3,286)	566,970	564,583	(2,387)
Sewer	481,271	39,509	38,486	(1,023)	441,937	434,176	(7,761)
Irrigation	620,010	52,742	58,304	5,562	560,524	624,887	64,363
Interest	30,000	2,500	10,176	7,676	27,500	95,921	68,421
<u>TOTAL REVENUE</u>	<u>\$2,434,529</u>	<u>148,056</u>	<u>173,135</u>	<u>25,079</u>	<u>2,184,401</u>	<u>2,409,227</u>	<u>224,826</u>
<u>PROFESSIONAL FEES</u>							
Engineering	\$ 25,000	0	9,409	(9,409)	25,000	59,655	(34,655)
Legal	22,000	1,097	1,097	0	16,566	16,566	0
Audit	8,800	0	0	0	7,540	7,540	0
Trust	6,050	673	673	0	3,373	3,373	0
Financial Advisor	7,000	0	0	0	0	0	0
<u>SYSTEM OPERATING EXPENSES</u>							
Office	\$ 32,408	3,608	2,084	1,524	28,801	28,692	109
Billing	2,640	220	170	50	2,420	4,257	(1,837)
Insurance	53,439	0	0	0	63,439	66,536	(3,097)
Payroll	162,764	12,520	9,271	3,249	143,980	120,335	23,645
Transportation	8,667	722	230	492	17,942	13,802	4,140
Water Quality	16,950	1,095	2,723	(1,628)	15,847	12,693	3,154
Repairs & Maintenance	66,110	5,509	14,798	(9,289)	60,599	128,914	(68,315)
Electric	169,000	14,615	15,000	(385)	151,651	187,784	(36,133)
Chemicals	55,488	4,853	5,795	(942)	49,007	44,570	4,437
City of Naples Water	211,039	16,630	16,630	0	194,490	218,966	(24,476)
Meters	5,920	493	971	(478)	5,423	12,721	(7,298)
Contingencies	30,000	387	0	387	29,225	27,290	1,935
<u>TOTAL EXPENSES</u>	<u>\$ 883,274</u>	<u>62,422</u>	<u>78,851</u>	<u>(16,429)</u>	<u>815,303</u>	<u>953,694</u>	<u>(138,391)</u>

PELICAN BAY IMPROVEMENT DISTRICT
WATER MANAGEMENT OPERATING SUMMARY
AUGUST 1989

	<u>MONTH TO DATE</u>				<u>YEAR TO DATE</u>		
	<u>FISCAL YEAR 1989 BUDGET</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>FAVORABLE (UNFAVORABLE) VARIANCE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>FAVORABLE (UNFAVORABLE) VARIANCE</u>
REVENUE							
Maintenance Taxes	\$ 525,341	0	200	200	525,341	532,050	6,709
TOTAL REVENUE	<u>\$ 525,341</u>	<u>0</u>	<u>200</u>	<u>200</u>	<u>525,341</u>	<u>532,050</u>	<u>6,709</u>
MEETING EXPENSE							
Supervisors Fees	\$ 6,000	500	500	0	\$ 5,500	5,500	0
Legal Notification	800	67	27	40	737	923	(186)
PROFESSIONAL FEES							
Engineering	15,000	114	2,882	(2,768)	15,000	17,768	(2,768)
Legal	15,000	0	0	0	15,000	16,732	(1,732)
Audit	8,500	0	0	0	7,208	7,208	0
Trust	1,500	0	0	0	1,500	1,652	(152)
Financial Adviser	7,000	0	0	0	0	0	0
SYSTEM OPERATING EXPENSE							
Office	32,408	3,606	1,912	1,694	28,802	26,131	2,671
Payroll	159,415	12,263	9,022	3,241	141,024	119,483	21,541
Transportation	4,334	361	222	139	3,971	1,754	2,217
Fish Restocking Program	4,504	0	0	0	3,074	3,074	0
Lake Maintenance	32,147	2,679	88	2,591	29,469	24,847	4,622
Swale Maintenance	4,000	333	130	203	3,663	2,491	1,172
Water Quality	11,880	990	1,984	(994)	10,890	11,434	(544)
Insurance	16,325	0	0	0	16,325	16,685	(360)
Rights-Of-Way	269,110	17,019	16,801	218	198,624	190,508	8,116
Replanting Program	20,000	0	0	0	16,325	16,325	0
Water Connection	13,190	0	0	0	0	0	0
Water Use	23,259	1,938	3,874	(1,936)	21,318	32,984	(11,666)
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>\$ 662,372</u>	<u>41,370</u>	<u>37,442</u>	<u>3,928</u>	<u>534,930</u>	<u>495,499</u>	<u>39,431</u>

-3521-

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 9/20/89 Water & Wastewater
Budget

in the _____ Court, was published in
said newspaper in the issues of
Sept 5, 12, 1989

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 12th day
of September, A.D. 1989

Nancy Evans
Notary Public

My Commission Expires _____

[Signature]
Bonds and Title Insurance, Inc.

NOTICE OF PUBLIC HEARING
Notice is hereby given of a meeting of
Board of Supervisors of the Pelican
Improvement District in the Naples
General Savings & Loan Association
Building, 5801 Pelican Bay Boulevard,
1st Floor, Naples, Florida, on Wednes-
3, September 20, 1989, at 3:00 p.m. The
purpose of this meeting is to conduct gen-
eral business of the District and to hold a
2 public hearing for the purpose of solicit-
ing public comments on the Proposed
Local Year 1990 Water and Wastewater
1 Budget.
As citizens' input is requested, copies of
the proposed Water and Wastewater
Budget may be reviewed at the District's
office located at 801 Laurel Oak Drive,
Suite 510, Naples, Florida, beginning Sep-
tember 5, 1989. Additionally, this notice
advises that, if a person decides to ap-
peal any decision made by the Pelican
Bay Improvement District Board of Su-
pervisors, 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 testi-
mony and evidence upon which the ap-
peal is to be based. Comments may ei-
ther be submitted in written form prior to
the scheduled meeting or may be heard
on the day and time specified for the pub-
lic hearing.
PELICAN BAY IMPROVEMENT
DISTRICT
COLLIER COUNTY, FLORIDA
GARY L. MOYER
DISTRICT MANAGER
Sept. 5, 12
No. 2546

NAPLES DAILY NEWS
Published Daily
Naples, Florida 33940

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 9/20/89 water rate change

in the _____ Court, was published in said newspaper in the issues of Sept 10, 1989

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 11th day of September, A.D. 19 89

Nancy Evans
Notary Public

My Commission Expires _____

NOTICE OF PUBLIC HEARING

The Board of Supervisors of the Pelican Bay Improvement District will hold a public hearing on September 20, 1989, at 3:00 P.M. in the Naples Federal Savings & Loan Association building, 801 Pelican Bay Boulevard, Fifth Floor, Naples, Florida, for the purpose of: Solliciting 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 rates and the fiscal year 1990 water and wastewater budget are available for review of the offices of the Pelican Bay Improvement District located at 801 Laurel Oak Drive, Suite 518, 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 I (1) Per 1,000 Gallons	Commodity II (2) Per 1,000 Gallons
Potable Water	\$ 6.02/Unit	\$ 1.27	N/A
Wastewater	9.16/Unit	.78	N/A
Irrigation-			
Group I	26.68/Unit	.97	2.49
Group II	12.74/Unit	.97	2.49
Group III	4.37/Unit	.97	2.49
Group IV	8.57/Unit	.97	2.49
Commercial	13.53/ERU	.97	2.49
Golf Course	4.47/.89/Month	.99	2.49
Monthly Allocation		Commodity I (1)	Commodity II (2)
Group I		9-37,395 gal.	57,201 gal. and above
Group II		6-26,688 gal.	26,601 gal. and above
Group III		6-6,999 gal.	6,991 gal. and above
Group IV		6-4,499 gal.	4,491 gal. and above
Commercial		6-3,425 gal./ERU	3,426 gal./ERU and above
Golf Course		6-31,000,000 gal.	31,000,001 gal. and above

Note: The irrigation capacity fee would only go into effect if the total irrigation bill at the Commodity I rate is less than the capacity fee. In this event, the District would charge only the capacity fee for irrigation service and there would be no additional charges under the Commodity I rate.

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

**The proposed rates would become effective October 1, 1989.

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.

PELLICAN BAY IMPROVEMENT DISTRICT
COLLIER COUNTY, FLORIDA
GARY L. MOYER
DISTRICT MANAGER

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PELICAN BAY IMPROVEMENT DISTRICT
SEPTEMBER 20, 1989 MINUTES
TAPE NUMBERS & CORRESPONDING AGENDA ITEMS

<u>AGENDA ITEM</u>	<u>NUMBER ON TAPE</u>
1. Roll Call.	0 - 2 (Tape 1, Side A)
2. Approval of Minutes of the Meeting held on August 16, 1989.	2 - 45
3. Discussion of Fiscal Year 1990 Insurance Program.	45 - 201
4. Public Hearing:	
A) Proposed Fiscal Year 1990 Rates and Charges	201 - 275
1) Resolution Adopting the Rates and Charges	
B) Fiscal Year 1990 Water and Sewer Budget	275 - 332
1) Resolution Adopting Fiscal Year 1990 Water & Sewer Budget	
5. Consideration of Bids:	
A) Right-of-Way Landscaping Improvements	332 - 413
B) Water Management Chemicals for Fiscal Year 1990	413 - 508
C) Water & Sewer Chemicals for Fiscal Year 1990	508 - 555
D) Water and Sewer Meter Purchases for Fiscal Year 1990	555 - 590
E) Water and Sewer Sludge Hauling for Fiscal Year 1990	590 - 679
F) Street Lighting Repairs for Existing System	679 - 749 (End Tape 1, Side A)
	0 - 97 (Tape 1, Side B)
G) Water and Sewer Line Distribution System for Unit 13	97 - 331
1) Consideration of Accompanying Subdivision Financing Agreement with Westinghouse Communities of Naples, Inc.	331 - 343

PELICAN BAY IMPROVEMENT DISTRICT
SEPTEMBER 20, 1989 MINUTES
TAPE NUMBERS & CORRESPONDING AGENDA ITEMS

(PAGE 2)

<u>AGENDA ITEM</u>	<u>NUMBER ON TAPE</u>
6. Discussion of Collier County Study to Provide Retail Service to Pelican Bay (Hole, Montes & Associates Study).	343 - 497
7. Consideration of License Agreement with Stratford Condominium to Construct a Boardwalk to Connect to the District's Berm.	497 - 630
8. Discussion of Invoice Submitted by Post, Buckley, Schuh & Jernigan, Inc. Regarding the Boat Clarifier Tests.	630 - 749 (End Tape 1, Side B) 0 - 104 (Tape 2, Side A)
9. Attorney's Report.	104 - 154
10. Engineer's Report.	154 - 212
11. Manager's Report.	212 - 223
12. Certificates of Payment.	223 - 251
13. Confirmation of Invoices and Operating Summaries.	251 - 326
14. Supervisor's Requests & Audience Participation.	326 - 492
15. Adjournment.	492 - 495