

Naples, Florida

April 18, 1990

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 BancFlorida Building, Fifth Floor, 5801 Pelican Bay Boulevard, Naples, Florida, with the following members present:

PRESIDENT:	James D. Hake
SECRETARY:	Ramer B. Holtan
TREASURER:	J. Russell Mudge
	James F. Dunwiddie
	Walter B. Potter

ALSO PRESENT: Mr. James P. Ward, Assistant District Manager; Mr. F. Joseph McMackin, Attorney for the District; Messrs. Steve Means and Ron Orach of Wilson, Miller, Barton, Soll & Peek; Messrs. Lou Hoegsted, Robert McClure and Mr. Edward Griffith of Westinghouse Communities of Naples, Inc.; Mr. Ben Briggs of the Pelican Bay Foundation; Mr. Rudy Small & Mr. Graeme Hunter, Members of the Pelican Bay Improvement District Conservation Advisory Committee; Mr. Bernie Young, Vice President of the Pelican Bay Property Owner's Association; Mr. Larry Salzman, PBID Resident; and Ms. Jean C. Smith, Assistant Secretary.

AGENDA

1. Roll Call.
2. Approval of Minutes of the Meetings held on March 21, 1990, April 2, 1990 and April 4, 1990.
3. Open Forum Discussion with Collier County Relative to Providing Utility Service to Pelican Bay.
4. Consideration of Award of Bid for Street Light Luminaires.

5. Discussion of Proposal from the City of Naples to Provide the District with Bulk Wastewater Treatment Plant Capacity and Return Effluent for Residential Irrigation.
6. Consideration of License Agreement with Westinghouse Communities of Naples, Inc. for the Construction of the Proposed North Boardwalk, Parking and Commons Berm Connection.
7. Consideration of Plat for Unit XII.
8. Consideration of Grants of Easement for Access and Drainage Through the Golf Course.
9. Consideration of Grant of Easement in Unit XIII, Site 70 and 71, for the District's Water and Sewer Lift Station.
10. Engineer's Report.
 - A) Review and Recommendations of Work Authorizations Currently in Process by Wilson, Miller, Barton, Soll & Peek and Consideration of Revised Work Authorization to Consolidate Revised Work Program for Implementation.
11. Attorney's Report.
12. Manager's Report.
13. Certificates of Payment.
14. Confirmation of Invoices and Operating Summaries.
15. Supervisor's Requests & Audience Participation.
16. Adjournment.

ROLL CALL

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

MINUTES OF MEETING OF MARCH 21, 1990 - APPROVED AS AMENDED

Mr. Dunwiddie moved, seconded by Mr. Mudge and approved unanimously, the Minutes of March 21, 1990, subject to the following corrections:

Page 3771 - In the tenth line of the page the words, "in the ground" be inserted after the word, "was".

Page 3771 - In the thirteenth line of the page the word, "He" be amended to "Mr. Hake".

MINUTES OF MEETING OF APRIL 2, 1990 - APPROVED AS PRESENTED

Mr. Hake moved, seconded by Mr. Dunwiddie and approved unanimously, the Minutes of April 2, 1990, as presented.

MINUTES OF MEETING OF APRIL 4, 1990 - APPROVED AS PRESENTED

Mr. Potter moved, seconded by Mr. Hake and approved unanimously, the Minutes of April 4, 1990, as presented.

OPEN FORUM DISCUSSION WITH COLLIER COUNTY RELATIVE TO PROVIDING UTILITY SERVICE TO PELICAN BAY

Mr. Hake advised that a letter dated April 18, 1990 had been received from Mr. Ron McLemore, Assistant County Manager in response to the District's letter of April 11, 1990 in which the Board invited representatives from the County to today's meeting in order to discuss alternatives for the County providing service to Pelican Bay. Mr. Hake reported that among other things, Mr. McLemore's letter stated that the County would not be represented at today's meeting, however, they were eager to review any reasonable written alternatives to succession that PBID would like to present. It was Mr. Hake's opinion that Mr. Dorrill & company were getting cold feet. For the Record, Mr. Hake read the April 18th letter from Mr. McLemore. (A copy of this letter is attached hereto and made an official part of these Minutes). Mr. Hake took exception to the sentence which read, "As you know, on April 3, 1990, the Board of County Commissioners directed its staff to prepare documents necessary to effectuate succession, and to receive and review any proposed alternative to succession offered by PBID." He stated that it was not part of the motion acted upon by the County Commissioners on April 3, 1990 that they would accept anything offered by PBID and he advised that, if one read Pages 3829 and 3830 of the April 4, 1990 Minutes where the motion by the Commissioners regarding the County takeover was played for the Board from a tape of the meeting, it would show there was no such proposal made by the

County for the District to supply the County with any alternatives. He asked Mr. Ward to write a letter to McLemore regarding this matter so that it would not be assumed that the District passively agreed with Mr. McLemore by not objecting to this portion of his letter.

Mr. Potter also suggested that the letter to Mr. McLemore should inform him that the District proposes that the County leave things just the way they are. Mr. Dunwiddie remarked he felt the District's response should be carried a little further to state that the District is happy the way things are and it proposes to proceed as if there is to be no succession, however, if for some reason the County can propose a better deal than the District can provide to the residents, the Board would be happy to hear it; however, to date, the Board has seen no proposal from the County.

Mr. Mudge read from Mr. McLemore's letter, dated February 7, 1990, written to Mr. Ward as follows: "In response to directives of the Board of County Commissioners and PBID Board of Supervisors, it appears our respective consultants are nearing completion of the capital cost determinations relative to this matter. In an effort to fully understand the program proposed by PBID, we respectfully request the following: 1) projected system budget (water, sewer & irrigation) for the next five (5) years, incorporating necessary budget increases to meet Class I reliability and the added costs of operating the expanded sewer plant; 2) A copy of PBID's financing plan, outlining the proposed method of funding the needed capital improvements; and 3) A projection of monthly rates and charges for the next five (5) years considering O&M increases and the impact of

financing the capital improvements. Based on previous statements in various public meetings, it is our understanding this information is readily available. We request receipts of this information by February 16, 1990. I believe the interest of the public would be best served in this process if your and the County's report documents were substantiated by our respective consulting engineers. I would appreciate your consideration of this in the reports we are requesting." Mr. Mudge felt the letter from Mr. McLemore was interesting because in the letter the County requested certain information from the District and yet the County has done nothing to give the District their rate projections.

Mr. Mudge had in his possession a copy of Mr. Ron McLemore's letter of March 26, 1990 which Mr. McLemore referred to in his letter of April 18, 1990 and Mr. Mudge read the letter into the record. (A copy of this letter is attached hereto and made an official part of these Minutes).

Mr. Hake suggested that what the Board was listening to was that the County may have asked for a lot of information that is already in their hands; particularly the information regarding the Referendum and the ability to levy ad valorem taxes and the last paragraph of the letter which reads as follows: "Finally, this letter is to advise you that a Report to the Collier County Board of Commissioners will be made by the County staff on April 3, 1990 relative to the provision of needed water and sewer service capacities to Pelican Bay, the issue of succession under the PBID enabling legislation and to generally advise the Board and request its direction.", states that regardless of what information the County is asking for they have already determined they are going to proceed with the

takeover of the District.

Mr. Hake asked Mr. Ward whether District staff has, to date, received any rate information or bulk service proposal from Collier County. Mr. Ward responded that no such information has been received from the County and the District has specifically gone on record requesting that the County provide the District with the details of a proposed bulk service agreement to supply the District with wastewater treatment plant capacity and irrigation service and to this extent the County has not responded to this request. Mr. Hake felt the County had responded by saying they were not interested in supplying bulk service to Pelican Bay. Mr. Ward agreed that the County has not responded to the District's request. Mr. Potter asked whether the District response to Mr. McLemore's letter of April 18, 1990 could say that the District will continue on as usual and again request that the County provide the District with the information on bulk service to Pelican Bay. Mr. Hake felt that the District, in its request for bulk service to Pelican Bay from the County and the City, set a deadline for rates by a specific date, April 1, 1990, and Collier County informed the District they were not interested, however, the City of Naples submitted a formal proposal for bulk rates to the District. He felt that if the District goes back a second time to Collier County to request bulk rates, the Board would be out of order. Mr. Potter then amended his suggestion to state that the letter should say that the District has received bulk rates from the City of Naples and the District proposes that they continue as they are and utilize the city service so that the District can operate at a cheaper rate than the County is proposing. Mr. Hake

remarked that the County has not proposed any rates. Mr. Mudge advised that the County has said that they intend to keep the District's current rates. Mr. Hake commented that he has not seen anything in writing that states that the County would use PBID's rates. Mr. Ward advised that the County, in a round-a-bout way has said this, however, they have also said that eventually Pelican Bay will pay the County's water and sewer rates. Mr. Mudge agreed but offered that Pelican Bay would only pay the County's rates at which time PBID's rates were comparable.

Mr. Mudge asked whether it would now be a good time to exchange rates with the County. He advised that District staff has generated six alternative rate structures for a five-year forecast and why not see what the County proposes and what their rates are going to be. Mr. Mudge advised that the District is very close to finalizing its proposed rates and are in a position to make a decision on which alternative to take. Mr. Mudge stated that a lot of work has been done on the rates and there are six alternatives for serving Pelican Bay and they look very favorable, i.e, they are below the current rates including the expansion, and they also include the alternative of the City providing the District with bulk service on both wastewater and effluent. Mr. Ward advised the Board that staff is very close to finalizing the rates, however, he was not in a position today to discuss the proposed alternatives for financing the system or the rates. Mr. Mudge felt that this meeting should be continued to a date and time certain in order to discuss the rates.

Mr. Dunwiddie then suggested that the response to Mr. McLemore's letter of April 18, 1990 should state that the District is currently in the

process of finalizing their projected rate structures, including cooperation with the City of Naples, and request the County's numbers so that the Board can make a comparison. Mr. Mudge felt that this is what the Board originally set out to do, i.e., to discuss this matter with the County, however, the County turned the thing around by having this matter put into the hands of the Consulting Engineers, with very little input from the Board of Supervisors and also by not taking into consideration any real financial analyses. Mr. Mudge felt that the County was dictating all the terms to the District and he felt the Board were being "patsies". Mr. Hake felt that the Board would be "patsies" if they offered to talk to them about anything. Mr. Mudge suggested that the Board should try and proceed by having both parties discuss a proposed rate structure. He felt the Board should go one last step on the rates, as it was the Board's duty to determine what was in the best interests of the residents of Pelican Bay. Mr. Hake felt that the Board should be determining this right now. It was his opinion that the District has given everyone an ample opportunity to sit and discuss every subject with the Board and the Board has openly invited the County to attend their meetings, however, they have elected not to attend. Furthermore, Mr. Hake stated that in Mr. McLemore's letter of March 26, 1990, the County asked the District for specific items and then in the last paragraph of the letter changed the letter completely to state what they are going to do. Mr. Hake could not understand why, under any circumstances, the Board is asking themselves to keep going an extra mile. He advised the Board has put out a request for proposals for bulk service, the County has told the District that under no circumstances are they

interested in supplying Pelican Bay with bulk service; the City of Naples has given the District a Proposal for bulk service and, frankly, he felt that the Board should proceed with the City of Naples and begin negotiations for entering into an Agreement with the City and to proceed in this direction. He offered if the County wants to make its move, then let them make a move. Mr. Holtan offered that he concurred with Mr. Hake; that the County has not moved one inch no matter what the Board has done and as far as he was concerned he was through with the County.

Mr. Mudge remarked that in the Executive Summary issued to the County Commissioners by County staff for the meeting of April 3, 1990, they discussed eliminating the wastewater treatment plant at Pelican Bay and providing this service at the North Naples plant, however, no figures were supplied for the cost of dismantling the plant. He also suggested that the capital costs do not include doing everything at the NCCWWTP and he still liked the idea of giving the County one more opportunity of getting together on the rates.

Mr. Mudge offered that the City of Naples wants to do business with the District and it was his understanding that it was the City's preference for effluent bulk service only, however, they would provide bulk service on wastewater treatment and in reviewing rough costs with Mr. Ward, the effluent only from the City and the District proceeding to expand its own facilities appeared to be the best financial alternative to date. Mr. Mudge suggested to Mr. Ward that he calculate the new rates beyond the five year period because after the five year period the rates should drop. Mr. Ward advised he would perform these calculations.

Following discussion, the Board concurred with the response to Mr. McLemore's letter of April 18, 1990 suggested by Mr. Hake which was that the Board has received your letter of April 18, 1990 and it is the subject of our review. Mr. Hake asked Mr. McMackin if there was anything wrong with a reply such as this. Mr. McMackin responded that it was the Supervisor's right to reply these letter in the way they felt most expedient. Mr. Hake asked Mr. McMackin if he recommended a different reply. Mr. McMackin stated that from a legal standpoint, no.

CONSIDERATION OF AWARD OF BID FOR THE STREET LIGHT LUMINAIRES

Mr. Ward recalled that at the April 4th meeting, the Board had requested that he and Mr. Hake review the specific bid from Graybar Electric and discuss with Sterner Lighting directly whether or not the District could receive any better pricing from them and whether they felt the pricing the District received from Graybar Electric was fair. Mr. Ward advised that subsequent to this meeting, he and Mr. Hake discussed the pricing with Sterner Lighting, the manufacturer of the luminaires, and they had agreed to revise their pricing from the original bid of \$71,885 to a total of \$65,175 for the same luminaire that was bid by Graybar Electric. Mr. Ward advised that both he and Mr. Hake have reviewed this matter and it was their recommendation that the Board authorize the purchase of the luminaires from Sterner in the bid amount of \$65,175. Mr. Ward explained that the luminaires would be purchased from SESCO, Sterner's manufacturing representative. Mr. Ward further advised that this approximated a \$95,000 savings over the original bid for the Cor-ten luminaires and that the Engineer's Street Lighting Special Assessment

Report reflects this savings.

There being no further discussion, Mr. Hake moved, seconded by Mr. Holtan and approved unanimously that the contract for the street light luminaires be awarded to SESCO, in the bid amount of \$65,175.

DISCUSSION OF PROPOSAL FROM THE CITY OF NAPLES TO PROVIDE THE DISTRICT WITH BULK WASTEWATER TREATMENT PLANT CAPACITY AND RETURN EFFLUENT FOR RESIDENTIAL IRRIGATION

The Board deferred this item to be discussed later in the Agenda.

CONSIDERATION OF LICENSE AGREEMENT WITH WESTINGHOUSE COMMUNITIES OF NAPLES, INC. FOR THE CONSTRUCTION OF THE PROPOSED NORTH BOARDWALK, PARKING AND COMMONS BERM CONNECTION

Mr. Ed Griffith of WCN advised that WCN's request today was for the Board's approval for three connections to the District's berm within the PBID easement that would allow WCN to construct the north boardwalk and complete the overall tram system. Using a drawing of the proposed tram system, Mr. Griffith depicted the three highlighted areas of the proposed connections. Mr. Griffith advised that this drawing had been previously reviewed by the Board at a meeting in November, 1989, when a conceptual presentation was made. He further advised that since the November presentation, the project has not changed in concept and WCN had taken into consideration the Board's comments from this meeting. He recalled for the Board that one of their concerns had been that the Boardwalk was too narrow and that detailed survey topo information be submitted to the Board at the time of the next presentation.

Mr. Griffith also advised that WCN desires parcel access along an access road from Pelican Bay Boulevard to the berm and the paramount importance of this request is the fact that there needs to be an emergency

access which would allow emergency vehicles to get to the boardwalk.

Mr. Griffith explained that WCN was proposing to asphalt the top of the PBID berm for a 10' width and to grass the side slopes for the length of the berm from the Commons South Boardwalk Facility all the way to the North Boardwalk. He also stated that WCN would like to use the PBID drainage easement area at the proposed north boardwalk/berm connection for a construction staging site for equipment and materials for the construction of the boardwalk. Mr. Hake felt that it would be practical to use this site as a staging area.

In response to a question by Mr. Hake, Mr. Griffith explained that WCN would like to start construction by May, 1990 to assure that they would be able to complete the project before March, 1991, when the COE/DER Permit expires. Mr. Hake asked if it was a correct statement that the COE/DER permit has nothing to do with the parking access along the berm nor the access from Pelican Bay Boulevard to the berm and is only for the boardwalk itself. Mr. Griffith responded that this was correct, that the COE/DER Permit is for the boardwalk.

Mr. Griffith offered that another request of the Board at the time of the conceptual presentation was that WCN submit information which was sufficient enough for the Engineers to review the impact this might have on the District's water management areas and he advised that this information had been provided in the Agenda package and it showed there would be a negligible impact.

Mr. Griffith explained that what was being proposed was for both the parking lot and boardwalk berm connections was a 50' diameter

turn-around constructed of wood pilings and decking that spanned the berm, as depicted on Plan Details A & B.

Mr. Hake asked whether Mr. Griffith had reviewed this matter with the Conservation Area Advisory Committee. Mr. Griffith responded in the affirmative and offered he had reviewed this with Mr. Small, who in turn reviewed it with other members of the Committee, and in general, the Committee found no problem with what WCN was proposing.

Mr. Hake asked whether the parking lot berm connection had anything to do with the COE/DER Permit. Mr. Griffith replied that it did not, however, the critical connection was at the boardwalk berm connection. Mr. Griffith advised that the parking lot plans had been submitted to PBID staff and had been reviewed for any affect it would have on the PBID water management easement and it had a very negligible effect.

Mr. Griffith explained that the third connection would be at the commons facility and this would merely be an extended asphalt drive which would transition to the existing PBID berm located between the Commons and St. Lucia which is proposed to be asphalted.

Mr. Griffith advised that one of the specific requests of the Conservation Advisory Committee was that WCN show the Hammock area and they had produced drawings showing that the boardwalk would be well below the Hammock area.

Mr. Dunwiddie could not understand why so many turn-around areas were needed, as simply picking up residents, does not require a turn-around. He did not see the need for any turn-around areas, except for possibly the one at the north end. Mr. Ben Briggs, Manager of the

Foundation, explained that the reason for the turn-arounds is that at the present time the Expansion Committee of the Foundation is trying to figure out what will be the best way to service the residents of Pelican Bay through tram service. He stated that the north turn-around is mandatory and the reason for the central turn-around is that the parking is located in this area and at the onset they might just run the tram between two of the locations and not run the tram all the way to the north turn-around, as there might not be an immediate need for this service. He stated that the Committee felt a turn-around at each one of the access points was desirable so that at some future time, if it is determined that the system has to be run in some way that is not fully understood today, they would not have precluded being able to do this. In other words, three turn-arounds would offer maximum flexibility for the future running of the tram system.

Mr. Dunwiddie asked whether any of the proposed berm connections would impede the District's water management flows. Mr. Griffith offered that a letter from Bruce Green and Associates, Inc. had been included in the material submitted to the Board for their review and this letter stated that the construction of the Boardwalk would have little, if any, effect on the Water Management System. Mr. Dunwiddie asked Mr. Means whether he had reviewed all the plans and concurred there would be no adverse effect on the District's Water Management System. Mr. Means responded that he had received detailed construction drawings on the parking lot and had asked for further clarification on some of the grading in the PBID drainage easement which, to date, he has not received. He also advised he had received detailed construction drawings on the proposed Boardwalk and

conceptual drawings of the three turn-arounds. Mr. Means advised he could not see, from the conceptual drawings, where there would be a significant impact to the Water Management System from the turn-arounds, however, he offered he would like to see a couple more grades on the drawings showing the bottom of the turn-arounds so he could be assured that they would not fall below design high water in these areas. He advised he has not seen any detailed drawings on the southern most connection and this area has always been an unknown in the water management area and is not within a drainage system. However, he stated that this foundation parcel could stand alone and have its own water Management System, without having to tie into and affect other drainage systems. Mr. Dunwiddie asked whether a turn-around in this area would impede the drainage in this area if this was an isolated drainage system. Mr. Hake advised that this area being referred to is not part of WCN's request today. Mr. Griffith advised the Board that when this area is designed, the drainage in this area would be taken into consideration and would be presented to the Board at a future meeting. Mr. Griffith explained that all WCN was asking today was whether the Board had a problem with WCN making the connection in this area. Mr. Hake offered that with what WCN had shown the Board, he had no objection, however, they had not shown them anything. Mr. Dunwiddie suggested that WCN come back at a future meeting with detailed construction drawings of the southern most connection and the Board would be happy to consider this matter.

To sum up his comments, Mr. Means advised that from what he has seen that WCN is asking for, he did not see where there would be any

significant impact to the PBID drainage easements in the three areas of connection.

Mr. Griffith stated that what WCN was asking for today was approval to make the three proposed berm connections, the asphaltting and sideslope grassing of the berm and the use of the PBID drainage easement area at the north boardwalk location for a construction staging area. In response to a comment from Mr. Hake, Mr. Griffith explained that the proposed parking area had been submitted to staff for their review. Mr. Hake asked if the parking area would be part of the parking lot berm connection and if so, he suggested that the Board defer any approval on the parking areas until WCN submitted these plans to the Board for their approval. Mr. Griffith offered that the parking lot is not within any PBID easements and the only thing being reviewed in this area is storm water. Mr. Hake asked Mr. Griffith whether he was inferring that the District had nothing what so ever to do with parking. Mr. Griffith remarked that it was his understanding that parking areas were not usually submitted to the Board for their approval; that they have always been reviewed at a staff level. Mr. Hake advised that the Board is very much interested in parking and to make it easy so WCN could get off and running and could begin construction of the Boardwalk, he suggested that WCN submit plans for the parking area at a future meeting. Mr. Mudge asked if there was anything holding up the construction of the Boardwalk. Mr. Hake replied that the only thing that was holding them up was the Board's approval for WCN to use the District's berm as a staging area at the north boardwalk.

Mr. Griffith offered he was somewhat confused regarding Mr.

Hake's request, as WCN has submitted the construction plans of the proposed parking area to District staff for their review and if the parking area is outside of any PBID easement, he could not understand why these plans had to be submitted to the Board for their approval. Mr. Hake replied because it was in the District's Charter to look after parking. Mr. Griffith commented that, in the past, construction plans have only be submitted to the Board when it involved a modification to the District's easement.

Mr. Mudge asked how WCN determined how many parking places would be put in. Mr. Briggs advised that the Expansion Committee originally felt that approximately 130 parking spaces were desirable to serve the northern boardwalk area, however, this was an arbitrary number and with the two parking lots that are planned, the one at the south end and the one at the north end, they figured there would be approximately 200 parking spaces available. He was hopeful that the provision of 200 parking spaces would meet the needs for the boardwalk. Mr. Hake remarked that WCN is going to keep a roadway in the area of the north boardwalk, from the end of the boardwalk directly out to Pelican Bay Boulevard, so it could be used by emergency vehicles and he asked why WCN couldn't use this area for parking, as it was the obvious place where parking should be. Mr. Briggs responded that WCN felt that they did not wish to encumber this very valuable land and, thus, chose an area south of this road and also WCN had cleared this matter with Mr. Ferraro, the Developer on both sides of this parcel, and he did not complain about a parking lot in this area. He also advised that this area is opposite the driving range so there will be no residents living on the opposite side of the road to complain about the parking lot.

He also felt that with a parking lot in this area, the Foundation could control the use of the Boardwalk by people who were not residents of Pelican Bay. In conclusion, he stated the Expansion Committee had looked at a number of alternatives, however, the plan under consideration is the one they felt would work the best.

Mr. Small remarked that the Conservation Area Advisory Committee had taken a look at the proposed berm connections and from a conservation standpoint, approved of the plans. He concurred with Mr. Hake that the question of parking should be reserved for review by the Board at some later date. It was his opinion that the proposed number of parking spaces did not make sense. He stated there currently is approximately 4,550 residents in Pelican Bay and they basically swamp the commons parking area with cars and the projection at buildout is for 17,000 to 18,000 residents and he did not feel that it made any sense that this number of residents could be adequately served by the proposed parking areas.

Mr. Graeme Hunter advised that he had attended all the meetings of the Foundation Expansion Committee and one thing they always kept coming back to was that it was important to keep the beach private for Pelican Bay residents and a parking lot at each end and none in the middle seemed to be advisable. However, he agreed with Mr. Small that at some point in the future, if parking became a problem, a parking area within the Pelican Bay Improvement District easement might have to be looked at, however, for the time being he saw no problem with a parking area at each end and pedestrian access in the middle.

Mr. Griffith remarked that some time ago the Board had some

problems as to what was and what was not being submitted to the Board for their review and approval and he recalled there was a concern by the Board that they did not wish to become overburdened with a great number of sets of plans to review and had concurred that if they desired to review plans, they would come to the office to review them and, thus, plan reviews were not a required item on a Board Agenda. He offered this is the way he has been proceeding in that the only items that needed to be placed on the Agenda were such things such as easement encroachments, vacations and grants of easement and plat approvals and what the Board was now requesting was creating a little confusion for him because this would affect how WCN proceeded with future submittals. He stated that without a standard policy of what should be submitted to the Board for their review, there would be a lot of confusion. Mr. Hake asked Mr. Griffith how many more boardwalks, berms, turn-arounds, and tram parking lots WCN was going to build. Mr. Griffith replied to his knowledge, none. Mr. Hake then stated that the Board's request for review of these items should have no affect on future plan submittals, unless WCN is going to build more boardwalks and more parking for turn-arounds for the tram. Mr. Hake advised Mr. Griffith that the Board desires to take a look at the parking for the Boardwalk and the tram and they want WCN to submit it to them for review in complete a form. He explained that the Board is interested in parking and it is part of the District's Enabling Act and further explained that the Board is interested in anything that affects the general welfare of the residents of Pelican Bay. Mr. Dunwiddie commented that if a member of the Board desires to take a look at specific drawings of a certain development that does not infringe

on any of the District's easements, then this is his prerogative, however, anything that affects the general welfare of the residents of Pelican Bay should be brought before the Board for their review.

Mr. Bob McClure, Attorney for WCN, remarked that the Board seemed to be getting into a bit of a legal issue regarding this matter and he believed that the only right of approval that the Board has is with respect to the impact of the Boardwalk on the easement and he wondered what the language was in the District's Enabling Act which gave the Board the right to approve parking. Mr. Dunwiddie remarked that the parking area for the northern boardwalk will have an affect the District's Water Management System and he wants to see the plans for this reason, if no other. Mr. McClure commented that Mr. Means had stated that the Boardwalk would have no significant impact on the District's water management areas. Mr. Dunwiddie commented he was not talking about the Boardwalk, that he was talking about the parking, and the parking lot is in the District's water management area and he wanted to see every detail on it and if WCN didn't like it this, then they didn't need to submit any proposal. Mr. Griffith advised that he has no problem with submitting anything the Board asks for. For Mr. McClure's information, Mr. Mudge read from Chapter 77-531, House Bill No. 1351, Sub-Section 1 of the District's Enabling Act, as follows: "Assessable Improvements" includes without limitation any and all sewer systems, storm sewers and drains, water systems, streets, roads of the District, streetlights, recreational activities and parking facilities of the District, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby and any and all

modifications, improvements and enlargements and maintenance thereof." Mr. McClure thanked Mr. Mudge for clarification on this matter.

Following further discussion, Mr. Hake moved, seconded by Mr. Holtan and approved unanimously, that WCN be allowed to proceed with the construction of the northern boardwalk and the berm connection for the northern boardwalk, subject to plan review by the District's Engineer's that the elevation of the beams of the turn-around are sufficiently high as to not impede the flow of water.

Mr. Hake asked Mr. Griffith to get the additional information on the remaining two turn-arounds to them as soon as he could and he promised that as soon as the Board received this information they would act on it promptly.

CONSIDERATION OF PLAT FOR UNIT XII

Mr. Griffith advised that the Plat of Unit XII and a location map of the Unit XII Plat had been included in the Agenda Package and the review of the Plat by the Board consisted of acknowledging that the property is within the boundaries of the District's Water Management System and that the District would accept the drainage from Unit XII. He explained that the Unit XII Plat boundary encompasses the new nine hole golf course, the driving range and some parcels that are internal and adjacent to the new nine hole golf course. He further explained that the basic purpose of the Unit XII Plat is to pick up the remainder of the portion of the area within the loop created by Pelican Bay Boulevard.

Mr. Hake suggested that the District does have a standard design for all of its lakes and felt it was important that WMBS&P and Mr. Ward get

in touch with the Developer of Calais, as a great deal of sand has been washed into the lake along Hole #3 because of the sand piles placed near the lake by the Developer. He felt that this lake will need to be re-worked by the Developer and, thus, should be checked very thoroughly.

Mr. Griffith advised that the proposed Plat had been reviewed with the Conservation Advisory Committee and WCN had received their general approval.

Mr. Dunwiddie asked whether, by acceptance of this Plat, the District was taking on any additional responsibilities which they did not have before. Mr. Griffith responded, "No", that the District would only be accepting the drainage from Unit XII.

Mr. Small stated that in looking at the drawing at Lake 21, there are lot lines in the lake and he was confused by Mr. Griffith's remarks in the Minutes of March 21, 1990 (Page 3778), where Unit 13 was discussed and which read as follows: "...when the Unit 13 Plat was presented, the Board had discussed this matter in great length, and the matter was ultimately resolved within the deed restrictions which explicitly state that the setbacks must be from top of bank and not the property line or PBID easements." Mr. Small was confused over this statement because he thought the setbacks were from the control elevation and he could not understand why the deed restrictions stated that the setback was from top of bank. Mr. Griffith explained that you don't want the setbacks from the control elevation, because the control elevation is further out into the lake than the easements and from a survey standpoint, there is no certainty as to where the top-of-bank is. He further advised that the setback, as set

forth in the deed restrictions, is from the PBID easements and this pushes the structures away from the easements and allows the buffer from the structure within the easement and, furthermore, this position is secured by the language as set forth in the deed restrictions. Mr. Small suggested if this were the case, the Minutes of the Meeting of March 21st were incorrect (Page 3778), as they specifically state that the setbacks must be from top of bank and not the property line or PBID easements. The Board concurred that either Mr. Griffith was misquoted or he had mis-stated the facts and to clear up any confusion it was correct to say that the setbacks, as defined in the deed restrictions, were from the PBID easement and not the top-of-bank.

There being no further discussion, Mr. Potter moved, seconded by Mr. Mudge and approved unanimously, that the Unit XII be accepted.

CONSIDERATION OF GRANTS OF EASEMENT FOR ACCESS AND DRAINAGE THROUGH THE GOLF COURSE

Mr. Griffith explained that this item involved granting of the golf course lake easements to the Pelican Bay Improvement District. He advised that a location map, the Grant of Access Easement for the Golf Course Water Management System and the Grant of Drainage Easement for the Golf Course Water Management System had been included in the Agenda Package. He explained that there were two different easements which WCN desired to grant to the District: the first Grant of Easement to PBID provides an access easement over the entire golf course (including the new nine) for the maintenance activities required for the water management facilities and the second Grant of Easement for PBID Water Management Facilities provides a drainage easement for the existence and maintenance

of lakes, pipes and other water management facilities that are located on the golf course including the new nine. Mr. Griffith advised that all of the legal descriptions had been included in the Agenda Package and that the proposed grants of easement had been reviewed with the Conservation Advisory Committee and the Committee had given WCN their general approval.

Mr. Dunwiddie asked Mr. Means whether he was satisfied that the legal descriptions accurately described the lake easements. Mr. Means responded in the affirmative. Mr. Dunwiddie asked Mr. McMackin whether he was satisfied with the Grants of Easement. Mr. McMackin responded that he was satisfied.

Mr. Small remarked that last week he had met with Mr. Griffith and he had been shown another drawing which depicted all of the lakes, the easements and the pipe connections and suggested the Board might wish to postpone this matter until they had seen this drawing. Mr. Dunwiddie commented that he personally was happy with what had been submitted in the Agenda Package. Mr. Hake asked Mr. Small whether he had seen all of the drawings which had been submitted to the Board in the Agenda Package and asked whether the Conservation Advisory Committee recommended approval of this item. Mr. Small reported that the Conservation Advisory Committee recommended their approval. Mr. Hake remarked that if this were this case, he saw no need to bring this matter back to the Board.

Following further discussion, Mr. Holtan moved, seconded by Mr. Potter and approved unanimously that the Grant of Easement for PBID Access and the Grant of Easement for PBID Water Management Facilities for the Golf Course Lakes from Westinghouse Communities of Naples, be accepted.

CONSIDERATION OF GRANT OF EASEMENT IN UNIT XIII, SITE 70 & 71, FOR THE
DISTRICT'S WATER AND SEWER LIFT STATION

Mr. Ward explained that a number of years ago the District constructed a "temporary" lift station along Greentree Drive to serve the development that was occurring along Greentree Drive at Site 70 & 71 and with the realignment of Greentree Drive that has occurred, this lift station now sits on these two sites which are owned by WCN and approval of this item would grant the District an easement for access and maintenance to this lift station.

There being no further discussion, Mr. Dunwiddie moved, seconded by Mr. Potter and approved unanimously, that the Grant of Easement in Unit XIII, Site 70 & 71 for the District Water and Sewer Lift Station from WCN be accepted.

ENGINEER'S REPORT

Review and Recommendations of Work Authorizations Currently in Process
by Wilson, Miller, Barton, Soll & Peek and Consideration of Revised
Work Authorizations to Consolidate Revised Work Program for Implement-
ation

Mr. Means recalled for the Board that at the last meeting the Board was presented with a Work Authorization for immediate improvements at the wastewater treatment facility and since this meeting he, Mr. Ward, Mr. Orach and Mr. Dunwiddie had met to further discuss this Work Authorization, its scope of services and the fees. He advised that the two major topics of discussion were the need for emergency generator facilities and the need for the reject storage facility and the question was whether these facilities needed to be constructed at the present time or would it be better to wait until the fate of the WWTP has been determined. He

explained that the reject storage facility would be located at the site of the present Lagoon and the existing Lagoon would be taken out of service and the pond would be lined such that when the WWTP did not produce effluent of quality for residential irrigation purposes, the bad effluent would be rejected to the pond and held there for subsequent treatment. He advised that the design of the reject storage pond had already been accomplished and has been permitted through D.E.R. He stated that he had recently contacted D.E.R. to advise them of the situation regarding the negotiations with Collier County and to advise them that if the County takes over the District's Utility Site, the reject storage pond will not be required and for the District to construct the reject storage pond at this point in time, would be a waste of money. He was advised by D.E.R. that they understood this situation and agreed that at the present time they would not require PBID to construct a reject storage pond until the fate of the District's WWTP had been determined. To this end, WMBS&P eliminated the construction of the reject storage pond from the Work Authorization, which reduced the immediate construction costs. Mr. Hake remarked that if he recalled correctly, the reject storage pond was on the list of critical items that needed to be constructed immediately. Mr. Dunwiddie explained it was on the list because of D.E.R. requirements, however, the District does not need the reject pond to operate. Mr. Hake commented that even if the County takes over the District, it is their plan to keep the WWTP operational and therefore, asked why the pond would not be required in either scenario. Mr. Means explained that under the two alternatives under consideration by the County, i.e., to keep the 1.0 MGD Plant operational and

send the 1.6 mgd to the North Collier Plant or in the alternate, to pump it all to the North Collier Plant, the reject storage pond would not be required because if there is an upset in the plant and the effluent quality could not be met, the bad effluent would be pumped to the North Collier Plant, treated there and returned to the PBID site. Mr. Hake suggested that regardless of what happened this would still be approximately two years away and, in the meantime, asked what would happen to the reject water and why the reject pond was needed in the first place. Mr. Means advised that it was part of the negotiations with D.E.R. for the spray field expansion to complete the rest of the irrigation system within Pelican Bay and further advised that in the interim the reject storage pond will probably not be needed. Mr. Dunwiddie explained that if the District has rejected effluent it will be in trouble in the next year to year and a half and this is the risk the District would be taking, however, if the Board did not wish to run this risk, then they would have to spend the money for the reject storage pond this summer. Mr. Potter asked how much money Mr. Dunwiddie was talking about. Mr. Means responded it would cost between \$150,000 and \$200,000 to complete the pond and the associated piping changes. Mr. Hake asked for Mr. Dunwiddie's opinion on this matter. Mr. Dunwiddie remarked he had voted not to proceed with the reject storage pond at this point in time and agreed to this change in WMBS&P's Work Authorization. Mr. Means explained that the construction of an additional effluent filter had been included in the Work Authorization and this was one of the leak links in the chain. Mr. Dunwiddie added that a second filter will go a long way in reducing the chances of another overflow and

advised there is some measure of risk, however, he felt the risk was worth taking and obviously D.E.R. felt it is worth taking or they would insist that the pond be constructed immediately. He advised that the risk is not whether the District is going to spill raw sewage, but rather the risk is that there would be a somewhat higher turbidity in the effluent than the present regulations standard call for, however, this would not cause any great deal of harm. Mr. Means explained that the District would not be violating current D.E.R. standards if they did not construct the reject storage pond, however, the District would run the risk of producing an effluent that does not meet the quality standards in the District's permit and the District could be forced to either put the rejected effluent on the residential areas or the golf course or overflow the Lagoon, which would be contrary to the District's permit. Mr. Holtan agreed with Mr. Dunwiddie's in that he felt the risk was worth taking.

Mr. Means explained that the other topic which was addressed was the emergency generator at the plant site. To offer some history regarding this matter, he advised that last year WMBS&P had their electrical consultant look at the generator who has determined that the emergency generator was not capable of handling the existing electrical loads should the FP&L service be discontinued. He advised that there would be sufficient capacity in the generator to run approximately two of the high service pumps, assuming that they could be started on this generator. He further advised that since WMBS&P has been aware of this problem, they have been working towards a solution. He explained that when the revised Work Authorization was first put together there was direction from the Board to

look at the generator problem and try and solve this problem, however, with the different alternatives facing the District as far as Collier County, there are at least four different generator designs their electrical consultant had come up with in order to solve this problem, depending on the final fate of the WWTP and WMBS&P had chosen the alternative that they felt would fit the best, given all the alternatives, and inserted this alternative in their original Work Authorization. This was discussed at the last meeting with Mr. Dunwiddie and it was decided to go back and take another look at this item, which they did, and it was determined that it was impossible at this point in time to give the Board a design that would tie into all of the possible alternatives, at the least possible cost. Thus, the emergency generator was removed from the Work Authorization, however, Mr. Means suggested that they look into the generator problem further as soon as the fate of the WWTP is known and then the District could proceed with bringing the emergency generator up to capacity. He advised that, in the short term, one of the possibilities is to lease a trailer mounted generator and hook it into the existing high service pumping building such as the plant site could be run sufficiently without FP&L service.

Mr. Hake asked Mr. Means how WMBS&P came up with all of these various alternatives regarding the emergency generator, as the District has a particular problem and cannot worry about what might happen six weeks or six months from now. Mr. Hake thought the Board had agreed approximately four months ago when this matter was first discussed that something had to be done to solve this problem immediately and he asked why this matter was

put on hold. Mr. Dunwiddie offered that at this point in time, he did not feel it was wise for the District to spend the money to design and install the emergency generators the District needs for buildout, however, if the Board felt differently, something could be done to handle the immediate needs of the District. Mr. Means explained that the Board has two alternatives at this time if they desire to run the existing facilities: they can build out the existing generator facilities and put in two additional 250 kw generators, however, these might have to be thrown away if the entire plant site is built out to 2.64 mgd, or secondly the District can lease a generator of the size required to run the existing facilities for approximately nine months or until the most cost effective way to provide emergency generator service for the plant is determined. In response to a question from Mr. Hake, Mr. Means advised they are currently looking into the cost of leasing an emergency generator and in the short term, he felt this was probably the most economical way to proceed. Mr. Hake remarked that the District is coming into the season for electrical storms and if it is not prepared to handle the sewage it has to handle, then the District will be in trouble and not doing its job. Mr. Mudge recommended that Mr. Means proceed with obtaining the lease figures and if the numbers look good, authorize Mr. Ward to give the go ahead without having to come back to the Board for authorization. Mr. Dunwiddie suggested that the Board approve the Work Authorization and then instruct WMBS&P to come back at the next meeting with what they desire the Board to specifically approve regarding the emergency generator. Mr. Hake stated it seemed to him that a lot of the items on the immediate expansion list had

been on previous lists. Mr. Dunwiddie concurred but stated that a lot of them were not. Mr. Hake asked how long it would take to complete all of the items in the Work Authorization. Mr. Means stated that a schedule of activities could be found on Page 5 of the Work Authorization and that the Work Authorization was broken into two separate contracts: the first being the Digester modifications, new effluent filter, sludge drying beds and the potable and irrigation water pump system modifications and the second being the remainder of the items in the Work Authorization. Mr. Hake commented that the schedule showed construction completion by February, 1991, even if the work was to begin immediately. Mr. Dunwiddie agreed that the District has held up proceeding with this work as long as they could and it was important to proceed with the work as outlined in the Work Authorization immediately. Mr. Mudge asked whether all the items listed in the Work Authorization would need to be done if the District maintained the 1.0 MGD Plant on site. Mr. Means replied in the affirmative. Then, Mr. Mudge could not see any reason to delay the work any longer. Mr. Hake concurred and added that he thought this work had been going on for the last three or four months. Mr. Hake asked Mr. Means what could be done to cut the 180 day construction time in half. Mr. Means responded that to cut the time down WMBS&P could pre-bid the mechanical equipment and have it on order while the bidding process was going on for the construction of facilities. The Board concurred that this is the way that WMBS&P should proceed. Mr. Means offered they would go ahead and do this and the contracts for the pre-purchase of the equipment could be presented to the Board at the June meeting, as it would take this length of time for them to write the

specifications, advertise for bids and prepare the contract documents. They also needed a twenty to thirty day bid time.

Following further discussion, Mr. Dunwiddie moved, seconded by Mr. Mudge and approved unanimously the Work Authorization from Wilson, Miller, Barton, Soll & Peek, dated April 18, 1990, and that WMBS&P be authorized to pre-bid as much of the mechanical equipment as they could in order to expedite the final completion date of all the items included within the Work Authorization.

Mr. Potter asked whether the Board needed any motion to authorize WMBS&P to proceed with the leasing of an emergency generator. Mr. Hake explained that WMBS&P needed to put this out for bids and, thus, no motion could be made at this time. Mr. Means promised to have this ready by the May meeting. On behalf of the Board, Mr. Hake advised that that they were going to be on WMBS&P's back about this and they desired an earnest effort to be put forth to get this done as quickly as possible.

Mr. Ward asked Mr. Means to discuss the status of the Preliminary Design Report with the Board and to give them an idea of when this Report would be completed. Mr. Orach stated that during the past week he has finally been able to get the final assistance that he had requested from a general contractor and an electrical contractor in terms of equipment prices and that he had just completed a more detailed cost estimate. He commented that he had met with Mr. Dunwiddie and the District's chief operator and they reviewed a draft text of the Report and the major item that he felt the Board was interested in was that he had come to the conclusion that the District should definitely pursue the use of all

external clarifiers and not use the boat clarifier in the plant any longer. He advised that they have done what they could to explore ways to make the boat clarifier work better and supplement its operation, but basically from what he has seen over the last three or four months, he would not put his professional reputation on the line any further with the boat clarifier. He felt that external clarifiers would be much more reliable and this is one of the main recommendations in WMBS&P's Report. Mr. Dunwiddie agreed with Mr. Orach's recommendation.

Mr. Graeme Hunter remarked that right now there is a fairly high noise level at the plant site and he asked whether the new system being recommended would have a higher or lower noise level than at present. Mr. Orach responded that with the equipment they are recommending there will be one additional rotor installed in the ditch, however, he felt that covers could be put over the rotors and this would help cut down the noise level. Mr. Dunwiddie promised that they would do everything they could to bring the noise level down.

Mr. Ward asked Mr. Orach when the Preliminary Design Report would be ready for Board presentation, as he shared the Board's concern that this Report was a very integral part of the District's long term operating plan and WMBS&P must bring this to the Board so they could take a look at the alternatives which are available. Mr. Orach offered he would have the Report ready for the May Board meeting.

ATTORNEY'S REPORT

Mr. McMackin urged that when the Board describes the action that the County has threatened to take, they describe it as a transfer of power

rather than a succession and he remarked he would appreciate it if the Board did not use the County's terminology.

Mr. McMackin stated that on Page 3836 of the April 4, 1990 Minutes, it discussed the street lighting special assessment and whether or not one must create a benefit before levying an assessment to the benefitted property and he recalled for the Board that on May 23, 1989 he had prepared a Memorandum to the Board regarding the Special Assessment for the Street Lighting District. He advised that it is not necessary to create a benefit before you can levy an assessment to the benefitted property and explained that the normal course of events is to create the special assessment, levy the tax and then proceed with the assessment. In other words, he advised you do not have to construct the improvements before you can perform the assessment nor must you borrow the money on a short term basis in order to construct the improvements. Mr. Dunwiddie asked whether any Board action on this matter was required at this time. Mr. Ward responded this matter did not require any action by the Board at this time and he could now proceed with setting the Public Hearing to implement the Special Assessment.

Mr. McMackin reported that on April 16th he and Mr. D'Agostino, under the Public Records Law, inspected the County Attorney's records and he was advised by the County Attorney and, it was verified by he and Mr. D'Agostino's personal inspection, that the County has done nothing to implement the transfer of powers nor have they prepared any documents or performed any action to implement the instructions of the Board of County Commissioners. He further reported that on April 20th they would be

inspecting the County Manager's records, as well as the County Engineer's records.

Mr. Mudge asked if there was any indication that the County Attorney had done any further research on this issue. Mr. McMackin commented that the County considers themselves, as a result of a letter written by Mr. Frederick Hardt, under treat of litigation and exempt under the Sunshine Law regarding their records being opened to the public as they are involved with pending or threatened litigation and this forms what is termed their work product, which they consider exempt from public inspection. He advised that he and Mr. D'Agostino had found requests for research in the County's records they examined, however, there was no research that went in line with this request and the explanation by County staff was that these records had been taken by the County Attorney and considered to be exempt under the work product exception. Mr. Mudge asked if it would be fair to say that if Mr. Hardt had not written this letter, the District would have had access to these records. Mr. McMackin responded, "not necessarily," as the County also made the statement that at one point he (Mr. McMackin) had said that this could result in litigation or words to that effect and the County feels they have sufficient grounds for withholding these records and the District's only alternative to gain access to these records would be to go into Court and it did not feel this would be an appropriate action at this time.

MANAGER'S REPORT

Mr. Ward had nothing to report at this time.

CERTIFICATES OF PAYMENT

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

<u>CERTIFICATE NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
P.B. Blvd., Oakmont Pky., Greentree Dr., Vanderbilt Connector Road - Construction	No. 3 Mitchell & Stark Const.	\$200,176.45
	TOTAL AMOUNT	\$200,176.45

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

CONFIRMATION OF INVOICES

Water/Sewer Invoices and Operating Summaries For March 1990 -
Approved As Presented

Following discussion, Mr. Potter moved, seconded by Mr. Hake, and carried unanimously, that the Water/Sewer Invoices for March, 1990, be approved as presented.

Water Management Invoices and Operating Summaries For March 1990 -
Approved As Presented

Following discussion, Mr. Potter moved, seconded by Mr. Holtan, and carried unanimously, that the Water Management Invoices for March, 1990, be approved as presented.

Street Lighting Invoices For March 1990 - Approved As Presented

Following discussion, Mr. Hake moved, seconded by Mr. Mudge, and carried unanimously, that the Street Lighting Invoices for March, 1990, be approved as presented.

DISCUSSION OF PROPOSAL FROM THE CITY OF NAPLES TO PROVIDE THE DISTRICT
WITH BULK WASTEWATER TREATMENT PLANT CAPACITY AND RETURN EFFLUENT FOR
RESIDENTIAL IRRIGATION

Mr. Hake asked Mr. Mudge to give the Board any recommendations he might have regarding the Proposal from the City of Naples. Mr. Mudge advised that Mr. Ward has been working on several different scenarios, one of which is that the City of Naples provides bulk wastewater treatment plant capacity and return effluent, and working these figures into different rate schedules in order to determine which is the best alternative for Pelican Bay residents. As Mr. Mudge mentioned, based on the calculations made to date, it appeared to him that the City proposal for effluent supply, with a \$1,000,000 capital cost charge to the District and expansion at the District's utility site to 2.65 mgd, was the most attractive to date, however, this could change. He also remarked there is a fairly attractive result if the District uses the City's Wastewater Treatment Plant capacity. Mr. Ward advised that the key to the issue and calculating the final numbers, is getting the numbers from WMBS&P so he can complete the rate comparison and if he receives this information, he should be in a position to discuss this matter in two weeks.

Mr. Hake asked if it would be fitting for District staff to get further involved in contractual matters with respect to the Proposal from the City of Naples. Mr. Ward did not recommend this at this time. He offered he would have a very good handle on this matter and would be in a position to make some formal recommendations as soon as he received the updated figures from WMBS&P. Mr. Mudge offered that within the next two weeks staff should be in a position to offer the Board some good solid

figures. Mr. Ward commented that it would take him approximately one week to run the calculations after he received the numbers from WMBS&P.

Mr. Orach remarked that the numbers he had run relating to the City of Naples were that the District maintain the 1.0 mgd here and take the rest to the City of Naples and regarding sludge digestion and sludge handling, he asked whether the City of Naples was planning on taking all the District's sludge and digesting and dewatering it at the City facilities. Mr. Ward offered that anything above the 1.0 mgd, the City would be handling. Mr. Orach commented it was one thing to pump the wastewater to the City, however, the District would still have the residual left over from its plant and he needed to know whether he needed to factor this into the numbers. Mr. Ward advised Mr. Orach that he needed to factor into the numbers that PBID would be responsible for sludge handling up to 1.0 mgd.

SUPERVISORS REQUESTS AND AUDIENCE PARTICIPATION

Mr. Hake asked whether the gasoline tanks at the Utility Site had been purged. Mr. Ward responded in the affirmative. Mr. Hake asked whether it had been determined whether there was any ground pollution from the tanks. Mr. Ward reported that a Closure Report needed to be prepared which would determine whether there is any pollution and he has asked Mr. Means if WMBS&P could complete this report and if they could not, to provide him with the name of a firm that could prepare this report.

Mr. Hake asked whether Coopers & Lybrand had been contacted as far as performing a study on the rates and the matter with the County. Mr. Ward reported he had not done anything on this matter to date, however, he

offered he would follow-up on this.

Following discussion, the Board concurred that this meeting be recessed and continued on May 2, 1990 at 3:00 p.m. to discuss the proposal from the City of Naples. Mr. Potter advised he would be out of town on this date. Mr. Hake also advised he would be out of town but would come back for this meeting, if he could.

Mr. Mudge stated that when he drives through Bay Colony he often sees a watering truck pulling water out of the lake and he asked whether this was for irrigation purposes. Mr. Ward offered that he has given WCN permission to periodically fill their irrigation truck from the lakes because of all the new plantings.

Mr. Mudge asked if there was any further action by staff regarding maintenance of the area around Lake #6 which was discussed at the March 21st meeting. Mr. Ward responded he was proceeding with this issue.

Mr. Mudge asked if staff had responded to Mr. Jim McMurphy's inquiry regarding his billing. Mr. Ward offered that he had talked to Mr. McMurphy personally and written to him regarding the District's policy on this matter. Mr. Mudge asked if this was the policy the District has been following. Mr. Ward replied in the affirmative. Mr. Mudge asked whether Mr. McMurphy seemed satisfied. Mr. Ward remarked that Mr. McMurphy had stated that he understood, however, he disagreed with the District's policy.

ADJOURNMENT

There being no further business to come before the Board at this time, Mr. Dunwiddie moved, seconded by Mr. Mudge and approved unanimously

Pelican Bay Improvement District
April 18, 1990

that the meeting be recessed until May 2, 1990 at 3:00 P.M. Time: 6:20
P.M.



JAMES D. HAKE
PRESIDENT
PELICAN BAY IMPROVEMENT DISTRICT

PELICAN BAY IMPROVEMENT DISTRICT
WATER/SEWER INVOICES
MARCH 1990

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Allied Universal Corp.	Chlorine	\$ 2,459.60
Atlantic Ice	Ice	24.00
BancFlorida	February Meeting Room Rental	25.00
B & B Builders	Plant Supplies	35.30
B & H Sales	Meter Supplies	110.88
B.J. Excavating	Limerock for Road	331.20
Bob Dean Supply	Plant Supplies & Repair Potable Pump	1,787.96
Bonita Rent-All & Sales Company	Rent Equipment	93.04
Chlorinator Replacement Parts	Chlorine Probe & Box	280.00
City of Naples	Potable Water to 02/05/90	27,646.73
Coast Pump & Supply	Irrigation Supplies	61.90
Coastal Courier	January Courier Service	4.00
Coral Springs Improvement District	March Dental Insurance	55.75
Creel Ford Tractor, Inc.	Backhoe Parts	372.76
Envirotech Operating Services	W/W Analyses	606.40
Federal Express Corp.	February Courier Service	31.50
Ferguson Enterprises	Irrigation Supplies	36.19
File One	February & March Office Supplies	52.27
Fischer & Porter	Repair Irrigation Pumps 1 & 2	684.00
Florida Municipal Health Trust	March Health Insurance	527.72
Florida Power & Light Gulf Oil Corporation	February Electric	16,373.21
Gulf Shore Associates	Gasoline	6.98
Gulf Shore Insurance	February & March Rent & Maintenance	962.73
	Additional Premium Commercial Package & Directors & Officers Liability Insurance	7,487.22
Hoffman Office Supply	Office Supplies	18.84
Hour Delivery, Inc.	February Courier Service	7.00
Intercept of Florida	March Answering Service	63.50
Johnson Paints, Inc.	Paint for Fire Hydrants	100.88
Karle Grain & Trucking	Remove Sludge WWTP	1,885.10
Manatron, Inc.	Payroll Checks	117.54
Mitchell & Stark Construction Co.	Repair Irrigation Line - Tierra Mar	1,290.00
Nasco	Water Core Sampler	170.75
Nationwide Business Forms	Computer Paper & Meter Cards	496.92
North Trail Auto Pars	Vehicle Maintenance Supplies	87.14
Palm Beach Local Arrangements Committee	FWPCOA Short School - Richard Stefanko	110.00

PELICAN BAY IMPROVEMENT DISTRICT
 WATER/SEWER INVOICES
 MARCH 1990
 (PAGE 2)

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Pitney Bowes	Lease Postage Meter	\$ 52.13
Qualicom Electronics	March Pager	49.03
Quarles & Brady	January Legal Services	3,540.66
Ray's Septic Service	Pump D-14 Lift Station	400.00
RMRS System	Postage for Meter	200.00
Rogers, Wood, Hill, Starman & Gustason	Fiscal Year 1989 Audit Fees	2,397.50
Smith Leshar Insurance	Dishonesty Bond	74.00
Southeastern Municipal Supply	Meters	746.40
Sunshine Ace Hardware	Plant Supplies	148.93
Telephone Support Systems	Telephone & Installation	126.25
United Telephone Of Florida	March Telephone	415.25
U.S. Postmaster	Utility Billing Postage Deposit	500.00
Waste Management	Dumpster - Utility Site	375.00
Weavers Office Supply	Office Supplies	18.44

PELICAN BAY IMPROVEMENT DISTRICT
WATER MANAGEMENT INVOICES
MARCH 1990

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A.C. Laboratories, Inc.	February Lake Sampling	\$ 350.00
Asgrow Florida Company	Lake Maintenance Chemicals	2,562.50
BancFlorida	February Meeting Room Rental	25.00
Coral Springs Improvement District	March Dental Insurance	55.76
Federal Express Corp.	February Courier Service	17.00
File One	February & March Office Supplies	52.28
Florida Municipal Health Insurance	March Health Insurance	527.72
Florida Power & Light Gulf Oil Corporation	February Electric Gasoline	18.00 6.98
Gulf Shore Associates	February-March Rent & Maintenance	962.74
Gulf Shore Insurance	Additional Premium Commercial Package & Director & Officers Liability Insurance	1,824.44
Hoffman Office Supply	Office Supplies	18.83
Intercept of Florida	March Answering Service	63.50
Jacaranda Landscape	February R-O-W Maintenance	17,461.87
Manatron, Inc.	Payroll Checks	117.53
Naples Daily News	Legal Advertising	24.02
Nationwide Business Forms	Computer Paper	169.53
PBID Water/Sewer Account	R-O-W Maintenance 02/1/90 to 02/28/90	6 967.48
Pitney Bowes	Lease Postage Meter	52.12
Qualicom Electronics	March Pager	49.04
Quarles & Brady	January Legal Services	3,540.66
RMRS System	Postage	200.00
Rogers, Wood, Hill, Starman & Gustason	Fiscal Year 1989 Audit Fees	2,397.50
Smith Leshar Insurance	Dishonesty Bond	74.00
Telephone Support Systems	Telephone & Installation	126.25
United Telephone of Florida	February Telephone	316.15
Weavers Office Supply	Office Supplies	18.44

PELICAN BAY IMPROVEMENT DISTRICT
STREET LIGHT INVOICES
MARCH 1990

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Florida Power & Light	February Electric	\$ 845.01
Gulfshore Insurance	Additional Premium Commercial Package & Directors & Officers Liability Insurance	536.60

PELICAN BAY IMPROVEMENT DISTRICT
WATER AND WASTEWATER OPERATING SUMMARY
MARCH 1990

	FISCAL YEAR 1990 BUDGET	MONTH TO DATE		VARIANCE FAVORABLE (UNFAVORABLE)	YEAR TO DATE		VARIANCE FAVORABLE (UNFAVORABLE)
		BUDGET	ACTUAL		BUDGET	ACTUAL	
<u>CHARGES FOR SERVICES</u>							
Connection Fees	\$1,944,320	247,440	618,690	371,250	1,512,980	1,546,642	33,662
Meter Use Fees	58,250	750	750	0	49,000	7,000	(42,000)
<u>USER REVENUE & INTEREST INCOME</u>							
Water	658,219	58,609	59,421	812	309,826	315,850	6,024
Sewer	649,735	56,659	56,340	(319)	307,895	303,955	(3,940)
Irrigation	669,543	64,717	81,366	16,649	386,434	462,302	75,868
Interest	160,347	13,362	16,513	3,151	80,172	82,645	2,473
<u>TOTAL REVENUE</u>	<u>\$4,140,414</u>	<u>441,537</u>	<u>833,080</u>	<u>391,543</u>	<u>2,646,307</u>	<u>2,718,394</u>	<u>72,087</u>
<u>PROFESSIONAL FEES</u>							
Engineering	\$ 40,000	0	0	0	18,255	18,255	0
Legal	27,000	3,541	3,541	0	18,564	18,564	0
Audit	8,000	2,398	2,398	0	7,916	7,916	0
Trust	7,050	469	469	0	469	469	0
Office	37,617	2,656	2,313	343	15,936	15,570	366
Billing	3,933	328	827	(499)	1,968	2,222	(254)
Insurance	80,195	8,445	8,445	0	48,729	48,729	0
Payroll	203,813	23,517	12,178	11,339	101,907	75,076	26,831
Transportation	8,667	722	16	706	4,332	1,679	2,653
<u>SYSTEM OPERATING EXPENSES</u>							
Water Quality Testing	18,310	1,526	606	920	9,156	5,954	3,202
Repairs & Maintenance	105,410	8,784	6,381	2,403	52,704	42,888	9,816
Electric	253,538	24,303	14,938	9,365	137,004	100,071	36,933
Chemicals	73,594	7,112	2,460	4,652	42,606	19,877	22,729
City of Naples Water	263,766	24,863	29,551	(4,688)	121,762	138,808	(17,046)
Meter Expense	13,600	1,133	746	387	6,798	6,427	371
Sludge Hauling	41,844	3,487	359	3,128	20,922	14,838	6,084
Contingencies	30,000	2,500	0	2,500	15,000	6,659	8,341
<u>TOTAL EXPENSES</u>	<u>1,216,337</u>	<u>115,784</u>	<u>85,228</u>	<u>30,556</u>	<u>624,028</u>	<u>524,002</u>	<u>100,026</u>

PELICAN BAY IMPROVEMENT DISTRICT
WATER MANAGEMENT OPERATING SUMMARY
MARCH 1990

	<u>MONTH TO DATE</u>				<u>YEAR TO DATE</u>		
	<u>FISCAL YEAR 1990 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	\$ 669,507	19,752	19,752	0	647,632	647,632	0
TOTAL REVENUE	<u>\$ 669,507</u>	<u>19,752</u>	<u>19,752</u>	<u>0</u>	<u>647,632</u>	<u>647,632</u>	<u>0</u>
MEETING EXPENSE							
Supervisors Fees	\$ 6,000	500	500	0	\$ 3,000	3,000	0
Legal Notification	1,500	125	24	101	750	554	196
PROFESSIONAL FEES							
Engineering	18,000	0	0	0	3,824	3,824	0
Legal	20,000	3,541	3,541	0	13,721	13,721	0
Audit	8,000	2,398	2,398	0	7,916	7,916	0
Trust	1,800	1,500	1,500	0	1,500	1,500	0
SYSTEM OPERATING EXPENSE							
Office	37,617	2,656	2,188	468	15,936	13,207	2,729
Payroll	171,797	19,823	12,068	7,755	85,898	66,859	19,039
Transportation	4,334	361	7	354	2,166	1,583	583
Aquascaping Program	8,000	0	0	0	0	0	0
Lake Maintenance	48,705	4,059	2,563	1,496	24,354	21,076	3,278
Berm & Swale Maintenance	4,000	333	0	333	1,998	1,028	970
Water Quality Testing	11,880	990	350	640	5,940	4,192	1,748
Insurance	17,858	1,898	1,898	0	10,536	10,536	0
Rights-Of-Way	271,111	18,043	16,476	1,567	138,138	133,200	4,938
Replanting Program	20,000	986	986	0	18,788	18,788	0
Water Connection	29,102	0	0	0	0	0	0
Water Use Projections	72,500	6,042	8,660	(2,618)	36,252	41,152	(4,900)
Contingencies	12,000	1,000	0	1,000	6,000	0	6,000
TOTAL EXPENSES	<u>\$ 764,204</u>	<u>64,255</u>	<u>53,159</u>	<u>11,096</u>	<u>376,717</u>	<u>342,136</u>	<u>34,581</u>



COLLIER COUNTY MANAGER'S OFFICE

February 7, 1990

3301 E. TAMiami TR.
NAPLES, FL 33962
(813) 774-8383

A CERTIFIED BLUE CHIP COMMUNITY

Jim Ward
PBID
801 Laurel Oak Drive, Suite 510
Naples, FL 33963

Dear Mr. Ward:

In response to directives of the Board of County Commissioners and PBID Board of Supervisors, it appears our respective consultants are nearing completion of the capital cost determinations relative to this matter.

In an effort to fully understand the program proposed by PBID, we respectfully request the following:

- 1) Projected system budget (water, sewer & irrigation) for the next five (5) years, incorporating necessary budget increases to meet Class I reliability and the added costs of operating the expanded sewer plant.
- 2) A copy of PBID's financing plan, outlining the proposed method of funding the needed capital improvements; and
- 3) A projection of monthly rates and charges for the next five (5) years considering O & M increases and the impact of financing the capital improvements.

Based on previous statements in various public meetings, it is our understanding this information is readily available. We request receipt of this information by February 16, 1990.

I believe the interest of the public would be best served in this process if your and the County's report documents were substantiated by our respective consulting engineers.

I would appreciate your consideration of this in the reports we are requesting.

Sincerely,

Ron McLemore
Assistant County Manager

RWM:dg



COLLIER COUNTY MANAGER'S OFFICE

March 26, 1990

3301 E. TAMIAMI TR.
NAPLES, FL 33962
(813) 774-8383

A CERTIFIED BLUE CHIP COMMUNITY

Mr. James P. Ward, Assistant District Manager
Pelican Bay Improvement District
801 Laurel Oak Drive - Suite 510
Naples, FL 33963

Dear Jim:

Among other things this letter is to reiterate the gist of my letter of February 7, 1990 (copy attached) which requested documentation, preferably in the form of a report substantiated by our respective consulting engineers, identifying the Pelican Bay Improvement District's (PBID) operating and financial plan for its water and sewer utility. I have not received the information requested to date.

This letter is also intended to memorialize what I understood to be an agreement on the part of the County and PBID representatives at our March 21, 1990 meeting wherein the parties addressed providing each other engineering reports by our respective consulting engineers certifying the rates, revenues and costs related to the financing of the operations and improvements of the Pelican Bay Improvement District Utility for not less than 5 years. As a part of this I also understood that PBID and the County would exchange "parity letters" from our respective independent certified public accountants substantiating each others ability to finance the operating and capital improvement cost identified by our respective consulting engineers in the engineering report. Please confirm that the PBID is in fact going to supply this information and identify the tentative date when this information can be exchanged by the parties.

Further, this letter requests that you advise how the PBID plans to pay the County the monies as provided in Article IV of the Agreement entered into between PBID and the County on November 4, 1986. It certainly would be appreciated if you provided this information in the above-referenced report; however, providing a response to this question by separate letter would also be appreciated.

James P. Ward, Assistant District Manager
Pelican Bay Improvement District
March 26, 1990
Page Two

With regard to your loosely suggested scheme of financing, it is our understanding that it is unlawful for a political subdivision of the State of Florida, such as an independent special district, to covenant to appropriate funds for debt coverage for a period of more than two years without a referendum? Please consider this letter a request from the County that the above-referenced report concerning your financing plan address this matter. Additionally, I would be pleased to hear from you by separate letter which addresses the authority on which the District has any ability to pledge property taxes to enhance the payment of debt for improvements to the PBID's utility system as you described in our Meeting of March 7, 1990.

Finally, this letter is to advise you that a report to the Collier County Board of Commissioners will be made by the County staff on April 3, 1990 relative to the provision of needed water and sewer service capacities to Pelican Bay, the issue of succession under the PBID enabling legislation and to generally advise the Board and request its direction.

Sincerely,



Ron McLemore
Assistant County Manager

cc: Board of Commissioners
County Attorney
Utilities Administrator
Finance Director
Clerk of Courts
Bernon Young

PELICAN BAY IMPROVEMENT DISTRICT
APRIL 18, 1990 MINUTES
TAPE NUMBERS & CORRESPONDING AGENDA ITEMS

<u>AGENDA ITEM</u>	<u>NUMBER ON TAPE</u>
1. Roll Call.	0 - 15 (Tape 1, Side A)
2. Approval of Minutes of the Meeting held on March 21, 1990.	15 - 76
3. Open Forum Discussion with Collier County Relative to Providing Utility Service to Pelican Bay.	76 - 415
4. Consideration of Award of Bid for Street Light Luminaires.	415 - 465
5. Discussion of Proposal from the City of Naples to Provide the District with Bulk Wastewater Treatment Plant Capacity and Return Effluent for Residential Irrigation.	465 - 468
6. Consideration of License Agreement with Westinghouse Communities of Naples, Inc. for the Construction of the Proposed North Boardwalk, Parking and Commons Berm Connection.	468 - 746 (End Tape 1, Side A) 0 - 746 (End Tape 1, Side B) 0 - 47 (Tape 2, Side A)
7. Consideration of Plat for Unit XII.	47 - 284
8. Consideration of Grants of Easement for Access and Drainage Through the Golf Course.	284 - 415
9. Consideration of Grant of Easement In Unit XIII, Site 70 and 71, for the District's Water and Sewer Lift Station.	415 - 442
10. Engineer's Report. A) Review and Recommendation of Work Authorizations Currently in Process by WMBS&P and Consideration of Revised Work Authorizations to Consolidate Revised Work Program for Implementation.	442 - 746 (End Tape 2, Side A) 0 - 361 (Tape 2, Side B)

PELICAN BAY IMPROVEMENT DISTRICT
APRIL 18, 1990 MINUTES
TAPE NUMBERS & CORRESPONDING AGENDA ITEMS

(PAGE 2)

<u>AGENDA ITEM</u>	<u>NUMBER ON TAPE</u>
11. Attorney's Report.	361 - 461
12. Manager's Report.	461 - 465
13. Certificates of Payment.	465 - 523
14. Confirmation of Invoices and Operating Summaries.	523 - 655
15. Discussion of Proposal from the City of Naples to Provide the District with Bulk Wastewater Treatment Plant Capacity and Return Effluent for Residential Irrigation.	655 - 746 (End Tape 2, Side B) 0 - 61 (Tape 3, Side A)
16. Supervisor's Requests and Audience Participation.	61 - 218
17. Adjournment.	218 - 225