

PINELLAS PARK WATER MANAGEMENT DISTRICT
6460 35TH STREET N
PINELLAS PARK, FL 33781-6221
(727) 528-8022

MINUTES
November 19, 2009

(Regular Authority Meeting #2)

IN ATTENDANCE

Tom Tripp, Attorney for PPWMD
Janet Rogers, Executive Director, PPWMD
Cynthia Gillott, Executive Secretary, PPWMD
Mike Smith, P.E., CDM, Tampa, FL
David Ramba, Ramba Law Group
Jeff Lowe, P.E., McKim & Creed, Clearwater, FL
Randy Roberts, City of Pinellas Park
Tim Caddell, City of Pinellas Park

Note: Tape malfunction on opening of meeting and approval of minutes.

Chairman Charles Tingler opened Regular Authority Meeting #2 for the fiscal year 2009/2010 at 5:30 P.M.

ROLL CALL

Mr. Farrell - Present
Mr. Taylor - Absent
Mr. Tingler - Present

MINUTES

Mr. Farrell made a motion to approve the minutes of the Regular Authority Meeting #1 held on October 15, 2009. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED

Janet Rogers, Executive Director, introduced David Ramba, Ramba Law Group, representing the District on Rep. Janet Long's bill.

Dave Ramba – Discussion of Bill

- 1) caps millage rate to 1.5 mils
- 2) governing body to 5 elected officials – 4 from City of Pinellas Park – elected and 1 from Pinellas County elected
- 3) Secretary and Treasurer – shifts to City of Pinellas Park Clerk of Court as Secretary and Chief Financial Officer as the Treasurer – combined with 4 elected officials will change from independent to dependent. With no referendum, large group of residents who are not members of the City of Pinellas Park would be ran by elected officials from the City of Pinellas Park

Pinellas Park Water Management District
Regular Authority Meeting #2
November 19, 2009

- 4) Change the work construction to repair and maintain. Rep. Long intent was for the City of Pinellas Park not to be able to pass off any large projects to the District and have District funds pay for that project.

After summary Dave Ramba asked for direction from the Board, stated that Rep. Long was not sure where she is with the bill at the present time. Does not know if it is legal or not. Right now two (2) Board members (City of Pinellas Park) could vote to enter into an interlocal contract with the City of Pinellas Park, City of St. Petersburg or anyone to handle the operations of the District.

Charles Tingler – Discussion

- 1) The District has nothing to gain and does not understand the desire to change from appointed officials to elected officials.
- 2) Funds have always gone to projects – again, do not understand the change – must be political.

Michael Farrell – Discussion

- 1) Only problem as a resident – where Board changed to 5 – referendum made it 2 from the City of Pinellas Park and 1 from Pinellas County – Is it legal to change without a referendum?

Dave Ramba – Answers

The legislature controls Special Districts – if it went to the Supreme Court they would look back at the legislature. Governors office would not allow, cannot make a change without a referendum of the people.

Michael Farrell – One could even be from Kenneth City, City of St. Petersburg. As a resident I don't think I would be represented in a fair way.

Charles Tingler – The Board has always been here to answer any questions regarding the District.

Dave Ramba – Delegation believes the District has done a good job – not a dime of debt has been incurred by the District. The City of Pinellas Park has mounds of debt. Five members do not work – will go before all 14 members of the delegation and explain the bill and answer any and all questions that they may have.

Tom Tripp, Attorney – at the delegation and Pinellas County Board of Commissioners meeting that was held last wee, Rep. Long said many times, whatever the City Manager of Pinellas Park wants to do – the City of Pinellas Park through the City Manager will run things. Believes that Dave Ramba, Janet Rogers and he are looking for direction from the Board on what they would like do.

Charles Tingler – there is no need for this bill – keep the District in tack the way the District is – keep as three (3) member board.

Rick Frazee, as a citizen – in reference to the number of members on the Board, this was brought up in November of 1975 and rejected by Mayor and City Council and Pinellas Park Water Management District. He followed with discussion on the history of the District. Having another meeting

with Rep. Long and will meet with each member of the delegation. As a citizen, would like to volunteer to help. Believes the changing of the name to Central Pinellas Stormwater District would be a good idea. 1.5 mils is acceptable – believes the County does not like the bill but would go along with it. Sure the City likes the bill a lot.

Michael Farrell – 1.5 mils is okay. District needs to be represented fairly as a Board member. To go to five members-not proportioned fairly.

Charles Tingler – three members, even if elected. Rick Frazee to work as an independent resident.

Dave Ramba – fine working with Rick Frazee. Direction – Clerk and Financial Officer out, can do that now; 1.5 mils okay and three (3) member Board (elected or appointed); construction change to repairs and maintenance. Rick Frazee to work as outside of District.

Charles Tingler and Michael Farrell made a point that they had never been called Rep. Long and had never refused a call.

Rep. Long wanted to make sure the Board understood that this bill is still a work in progress.

Charles Tingler presented Richard Frazee with a small gift from the District for his extension of service from 2006 thru 2009 as Executive Director and District Engineer.

01-17-08

CHANNEL 1 - LARCHMONT FABRIFORM REPLACEMENT

Janet Rogers, Executive Director, stated on Friday, October 23, 2009 McKim & Creed, Mike Smith and Ms. Rogers participated in the Final Walk Thru; some very minor items are to be completed. Certificate of Substantial Completion was signed on November 9, 2009, McKim & Creed are awaiting final as-builts and need to submit record drawings to SWFWMD and Pinellas County Building Department, are reviewing final pay application and completing project close-out paperwork. Before, during and after construction photos were presented.

03-15-07

CHANNEL 2 CULVERT UPGRADES - GANDY BLVD.

Janet Rogers, Executive Director, stated in the folders are three sets of letters from Cardno/TBE to Kearney Constr. dated November 16, 2009 referencing Pay Requests #5, #6 and Retainage Pay Request, as you can see the Surety Acknowledgment letter on all three have not been received and the closeout submittal has not been received. The balance remaining on this contract is \$740,280.71 which the District has on hand. Tom Tripp, Attorney stated the District is unable to do the math as not sure what is owed subcontractors. Mike Smith, District Engineer, stated the single most important thing the District and Cardno/TBE need to do is to make sure pay requests from the contractor have the appropriate

Pinellas Park Water Management District
Regular Authority Meeting #2
November 19, 2009

amount and quantities, etc. per the particular bid in the contact - that will be the District's responsibility. Ms. Rogers stated as an explanation to Tom Tripp's comment that the District is unable to establish what subcontractors as they are not listed on the pay request.

04-19-07

CHANNEL 2 - PARK BLVD. PHASE 3 - CITY PROJECT

Janet Rogers, Executive Director, stated no action is needed by the District at this time. Mike Smith, as District Engineer, attended the last progress meeting.

94-10-03

CHANNEL 3 - HAINES ROAD

Janet Rogers, Executive Director, stated no action is needed at this time; waiting for Pinellas County to go out to bid, and are still working with URS to sent us a letter to Pinellas County notifying the of the possibility of the District to do work on own. Mike Smith, District Engineer, stated we requested a cost estimate from URS if the District chose to do project but are unable to get the estimate as the engineer from URS has left the company.

07-08-16

CHANNEL 3 – FABRIFORM REPLACEMENT

Janet Rogers, Executive Director, stated McKim & Creed, the District, and Tom Tripp are awaiting Progress Energy easement that has to be completed on Progress Energy form. McKim & Creed are working on final contract documents for December 2009 and a target date to go out to bid for February or March 2010.

08-16-07

CHANNEL 4 AND 4E ENHANCEMENT

Janet Rogers, Executive Director, stated CDM has completed the first preliminary run of the model of Joe's Creek and the results indicate a minor impact of less than 0.03 feet. Mike Smith, CDM, stated 0.03 feet, less than an inch of impact. CDM planning to apply to SWFWMD for permit to widen channel 4 which we thought would have an impact on Joe's Creek. With such a minimal increase of 0.03 CDM will go back and make sure we have specific information in the model correctly to see if can get impact under zero feel confident will get permitting.

11-11-03

CHANNEL 4A - PHASE 3 - 53RD TO 62ND AVE.

Janet Rogers, Executive Director, stated the Notice to Proceed was given for September 21, 2009, first Progress Meeting was held at the District on Tuesday, November 3, 2009. Clark Hunt Construction has been submitting their submittals to CDM, are about one week behind, but should be caught up easily; do not have a definite start date for Clark Hunt Construction.

07-21-08

CHANNEL 4 – PANEL REPLACEMENT

Janet Rogers, Executive Director, stated meetings have been held with McKim & Creed with final design activities to start in December 2009.

FINANCE

a) Financial Statement – October 2009

Mr. Farrell read the Financial Statement for the month of October 2009. Mr. Tingler made a motion to approve the Financial Statement for October 2009. Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED

b) Investment Summary – November 2009

Janet Rogers, Executive Director recommended no transfer of money this month. Mr. Farrell made the motion to approve the Investment Summary for November 2009. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED

c) TRIM Compliance Certification

Janet Rogers, Executive Director, stated in the folders is the TRIM Compliance letter received from Department of Revenue on the Trim for 2009-2010 with a millage rate of 1.9867.

NEW BUSINESS

Executive Director Comments

1. Lealman Pond Property – the Interlocal Agreement has been returned by Pinellas County and there is only one small correction that needs to be made. Requesting that the Board make a motion to have the Executive Director accept the Inter local Agreement once the correction has been made and final approval by the District’s Attorney. The correction is a statement “and all other conditions have been met.” Mr. Farrell made a motion to have the Executive Director sign the Interlocal Agreement between Pinellas County and the District for the purchase of property in the Lealman area to construct drainage improvements after the District’s Attorney approval of the correction at the end of section 6.3 adding a comma “and all other conditions are met.” Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED

2. Tom Tripp and Ms. Rogers are still working on the Service Agent Agreement and it should be presented in December 2009.

3. In your packet is our yearly Loss Control Policy. Mr. Farrell made a motion to approve the Loss Control Policy for 2009-2010 as presented by the Executive Director. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED

Pinellas Park Water Management District
Regular Authority Meeting #2
November 19, 2009

4. Wednesday, October 21, 2009, kick-off meeting for the beginning of the Long Term Facility Report began. This project is scheduled to take approximately six (6) months with two (2) presentations being made to the Board.

MISCELLANEOUS

A. Monthly Rainfall/Maintenance Report

The monthly report is included in the Boards packet.

B. Regular Authority Meeting #3 will be held on December 17, 2009, 5:30 P.M. at the District.

There was no further business to come before the Board and Mr. Farrell moved to adjourn the meeting at 6:30 P.M. Second was made by Mr. Tingler.