

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

MINUTES

April 16, 2007

(Regular Authority Meeting #7)

IN ATTENDANCE

Tom Tripp, Attorney for PPWMD
Janet Rogers, Executive Secretary, PPWMD
Rick Frazee, FJS Research, Pinellas Park, Fl.
Daniel Glaser, P.E. McKim & Creed, Clearwater, Fl.
Tom Nicholls, Public Works Administrator, Pinellas Park, Fl.
Chip Herom, P.E., CDM, Tampa, Fl.
Mike Smith, P.E., CDM, Tampa, Fl.

ROLL CALL

Mr. Farrell – Present
Mr. Tingler _ Present
Ed Taylor _ Absent

Chairman Tingler opened Regular Authority Meeting #7 for the fiscal year 2006/2007 at 5:30 P.M.

MINUTES

Mr. Farrell made a motion to approve the minutes of the Regular Authority Meeting #6 for March 15, 2007.
Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

00-01-01

CHANNEL 1A – RE-CONSTRUCTION

Richard Frazee, Executive Director stated that the bids were due on March 29, 2007 and that no bids were received. There are still issues with Tensar. Tom Tripp, Attorney for the District, Mike Smith, CDM and Richard Frazee, Executive Director met on April 4, 2007 to discuss future options and all agreed that all design issues need to be resolved prior to starting the bid process again. Mr. Farrell wanted to know because there were issues with the design, is that why no one wanted to bid? Richard Frazee, Executive Director stated that four (4) addendums were issued and there were still some un-resolved issues and that could have very well been a reason why there were no bids but may not have been all of them. Chip Herom, CDM stated that in speaking with all of the plan holders, reasons given were; too much work, issue with the County and bidding within the County, seemed like a very difficult project to administrate. Mr. Farrell wanted to know if that was due to the construction of the project or the nature of the project. Chip Herom, CDM stated that the plan holder saw the addendums and what had come out on the street while putting his bid together and thought best not to bid. Mr. Farrell wanted to know how many potential bidders there were. Chip Herom, CDM stated that there were four (4) plan holders. Mr. Tingler stated that at least

two (2) plan holders would have bid if the plans were not in such a disarray. Mike Smith, CDM stated that the concept is that the design gets completed. Tensar is the third (3rd) party to agreement and are required to furnish a finish designed of which they have not yet provided. The issue of not clearly showing the number of layers of the Channel height varies as it moves down the channel is an on going issue. This has been a design issue since Tensar first presented the design and not sure why Tensar is not addressing. Mike Smith, CDM presented a time table and why the decision was made to proceed to bid. Tom Tripp, Attorney for the District stated that:

- No one bid on the job as there was not sufficient design for the contractor to make a bid.
- In the later part of last year there was some discussion and it was agreed that Tensar was to provide the design by January 12, 2007.
- The District went out to bid January 15, 2007, right about the time of the third (3rd) incomplete design was furnished.
- This case is pending in Pinellas County Circuit Court. All parties entered into and signed the agreement and now we have a breach of the agreement or mis-understanding of the agreement.
- Can take it back in front of the mediator who will act as a Special Master and rule with regard to factual disputes and then it would be ruled upon. This would be almost like a real trial and could take a few months.

Mr. Farrell wanted to know if it would be helpful to do our own design work and it was established that if the District were to do that, the funds would be used up on the design and it was part of the agreement that Tensar furnish the design. Richard Frazee requested the Board for a motion to move forward with legal action if needed. Mr. Farrell made a motion to authorize Dalan & Katz, to seek whatever recourse under the settlement agreement to protect the District as directed by the Executive Director for Channel 1A Reconstruction.

Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

Tom Tripp, Attorney for the District stated that at some point in the future there would be a recommendation for an out of Sunshine Meeting as this is still pending litigation. Mike Smith, CDM stated as CDM is a party to the agreement, it is now costing CDM out of pocket money and a letter will be going out to Tensar stating their response and economic loss, but this will be a total issue outside of the District's.

04-09-02

CHANNEL 1-A-2 (MCKIM & CREED)

Richard Frazee, Executive Director stated that last month the Board approved awarding the contract to MTM for the amount of One Million Two Hundred Ninety-One Thousand Seventy Five Dollars (\$1,291,075.00). The contract documents have been reviewed and signed off by MTM, McKim & Creed and the District after approval was received from the District's Attorney, Tom Tripp. McKim and Creed has requested a change to their contract increasing their multiplier from 3.05 to 3.15, revising the work scope which will reduce their contract amount from Three Hundred Thirty-Seven Thousand Three Hundred (\$337,300.00) to Two Hundred Seventy Thousand Nine Hundred (\$270,900.00). Richard Frazee, Executive Director gave his recommendation for this change. Discussion was held on the project was put on hold by the District and the cost increase to McKim & Creed while the District had this project on hold. Mr. Farrell wanted to know if this increase would be on work already performed and Richard Frazee, Executive Director stated that it is for work forward. Design work is complete and paid for.

Pinellas Park Water Management District
Regular Authority Meeting #7
April 19, 2007

Dan Glaser, McKim & Creed stated that this change in multiplier applies only to the present contract and should there be another contract with the District in the future, McKim & Creed would request the new multiplier should the District agree to this change. Tom Tripp, Attorney for the District reviewed the portion of the contract that considers a change that the District may or may not consider. Mr. Farrell wanted to know how the multiplier compares to the other engineers and was informed that it would be the highest the District has paid. Discussion was held on why the project had been put on hold and determined that it was by the District's choice. Mr. Farrell made a motion authorizing the Executive Director to amend the existing contract with McKim & Creed on Channel 1 A 2 – 52nd St to Channel 1A changing the multiplier from 3.05 to 3.15 revising the work scope and some minor items which reduce the total contract from Three Hundred Thirty-Seven Thousand Three Hundred Dollars (337,300.00) to Two Hundred Seventy Thousand Nine Hundred Dollars (\$270,900.00) subject to the District's Attorney Approval. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

12-19-02

CHANNEL 1 – 60TH ST TO 52ND ST – (CDM)

Richard Frazee, Executive Director stated that the District has received on Thursday, April 19, 2007 a copy of a revised document which supposedly has been signed by Gail Larson and a signed copy should be delivered to the District on Friday, April 20, 2007. The document will be reviewed by Tom Tripp, Attorney for the District, and if acceptable will be signed and a check in the amount of Twenty-Nine Thousand Dollars will be issued. This project will then be removed from the agenda. There is no Board action required at this time.

03-15-07

CHANNEL 2 – CULVERT UPGRADES – 76TH TERRACE

Mike Smith, CDM stated that the Executive Director had authorized the modeling East of US 19 and presented the results to the Board of two scenarios. It was determined that there were two (2) bottle necks, one at Gandy Blvd. and the other at 76th Terrace. CDM presented pictures of the culverts and the damage that has occurred to present time. Scenario #1 runs up to Mainlands and Scenario #2 connects to the City of Pinellas Park project and have just learned within the last few days that this will be included in the City of Pinellas Park's project. A spread sheet was presented showing the scenarios. Richard Frazee, Executive Director stated that since the City of Pinellas Park has included 76th Terrace in their project, the District does not need to look any further into this culvert upgrade. However, after the City of Pinellas Park determines how much funding will be received from SWFWMD, the District may be asked to co-fund the project.

03-15-07

CHANNEL 2 – CULVERT UPGRADES – GANDY BLVD.

Mr. Farrell made a motion to authorize the Executive Director to advertise RFP for the engineering of Channel 2 – Gandy Blvd. Culverts. 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 #7
April 19, 2007

Mr. Farrell made a motion to authorize the Executive Director to procure co-funding from SWFWMD and other agency's for ongoing District expenditures.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

04-19-07

CHANNEL 2 – PARK BLVD. PHASE 3 – CITY PROJECT

Richard Frazee, Executive Director stated that it was nice to hear that the City of Pinellas Park will be doing the 76th Terrace culvert upgrade. Richard Frazee, Executive Director and Tom Tripp, Attorney for the District have been working on the Inter-Local Agreement.

04-10-03

CHANNEL 3 – HAINES ROAD

Richard Frazee, Executive Director stated that a meeting was held on March 22, 2007 with URS, Pinellas County, H.W. Lochner and the District. The county's schedule to bid the project is December 2008. As the Executive Director of the District the funding in our proposed CIP program will agree with their schedule. URS is proceeding with required design changes working toward a July ERP application. There is no action required by the Board at this time.

03-08-02

CHANNEL 4 – 58th ST TO RAILROAD – (TBE GROUP)

Richard Frazee, Executive Director stated that on March 1, 2007 a pre-construction meeting was held and Notice to Proceed was issued to the contractor MTM. The contractor has mobilized and started clearing. MTM schedule shows February 28, 2008 for completion. Pictures were presented to the Board. Permits have been secured and the drawings have been approved. The backhoe operator cut a phone line and Verizon took a full day to repair.

03-08-03

CHANNEL 4E – 62nd STREET TO MCKEE LAKE

Richard Frazee, Executive Director stated that Advance Engineering has been instructed to stop work on the project until CDM completes their modeling on Channel #4. Richard Frazee, Executive Director stated that a request for additional funds has been received by CDM for the modeling work on Channel 4 and limited amount on Channel 4E. Mike Smith, CDM did a recap of the modeling of Channel 4, Channel 4E and SWFWMD permitting which further explained the need for Advance Engineering to be put on hold and with the additional authorization fund amount allow CDM to fully review and evaluate the modeling on these Channels. Mr. Farrell made a motion to authorize the Executive Director to issue a work authorization for an additional Sixteen Thousand (\$16,000.00) to CDM to model Channel #4 and Channel 4E. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

11-11-03

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

Mike Smith, CDM presented several scenarios and showing the scope of the project with improvements to the Southeast corner of the old Castle Supply development where the main flooding occurs. The Channel is eroding sufficiently all the way back to the Castle Supply building. Castle Supply had roof drains that went underground and ran into the channel, which leaked and caused the sufficient eroding of the channel banks. CDM is recommending that the District change the scope of the work by putting a concrete liner in place only to the Southeast corner of the old Castle Supply development. CDM is planning at the May 2007 Board Meeting to come with a SWFWMD permit application and in October 2007 to request the Board to advertise for a contractor to do the work, then in December 2007 select a contractor to do the work and issue a Notice to Proceed in January 2008.

03-12-01

CHANNEL 5 – CITY PROJECT

Richard Frazee, Executive Director stated that last month the Board approved paying Three Million (\$3,000,000.00) to the City of Pinellas Park for the portion of Channel #5 from 65th Street to 62nd Way which is a Pinellas Park Water Management District Channel and authorized the Executive Director to finalize, sign the Inter Local Agreement with the City of Pinellas Park. In discussing the CIP later tonight will enable Tom Tripp, Attorney for the District and Richard Frazee, Executive Director to put some values in the Inter Local Agreement.

02-04-01

FEMA MAP CHANGES UPDATE

Richard Frazee, Executive Director stated that CDM has been trying to get a response from FEMA and has sent a letter on March 27, 2007.

FINANCE

a) Financial Statement for the month of March 2007.

Mr. Farrell read the financial statement for the month of March 2007. Mr. Tingler made a motion to approve the financial statement for the month of March 2007. Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

b) Investment Summary

Richard Frazee, Executive Director made the recommendation for no change at this time. Mr. Farrell made the motion to approve the Investment Summary for April 2007. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

c) Draft CIP

Richard Frazee, Executive Director presented three (3) drafts of the CIP which was requested by the Board at last month's Board meeting showing the different possibilities in funding for the fiscal year 2006-2007 to 2009 – 2010. Richard Frazee, Executive Director recommended option #2 with the possibility of during a

budget revision paying a little more towards the City Project if funds should allow at the end of the final quarter. Mr. Farrell made a motion to approve the CIP option #2 that was presented and dated April 3, 2007. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

NEW BUSINESS

a) Maintenance Department Update

Richard Frazee, Executive Director stated that John Thompson was terminated on March 16, 2007. A selection committee was formed and after reviewing twenty-seven (27) candidates recommended Greg Baker who has worked for the District for twenty-seven (27) years. The recommendation was accepted and Greg Baker started as our Maintenance Supervisor on Monday, April 16, 2007.

The rental front end loader has been sent back. The new slope mower has been purchased and appears to be doing a fine job.

b) Monthly Board Meeting date change

Richard Frazee, Executive Director requested the changing of the Regular Authority Meeting be moved in order to accommodate the First Trim Hearing to be followed by the Regular Authority Meeting in August 2007. Mr. Farrell made a motion to approve the first trim hearing on August 23rd, 2007, the final trim hearing on August 30th, 2007 with both trim hearings to begin at 5:30 P.M. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

Mr. Farrell made a motion to move the Regular Authority Meeting from August 16th, 2007 to August 23rd, 2007. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

c) Harry W. Marlow – Fee Schedule

Richard Frazee, Executive Director presented the new fee schedule that has been presented by Frank Wells the new owner of Harry W. Marlow, Inc. The last fee schedule change was in 2002. Tom Tripp, Attorney for the District stated that indications of the fee schedule represent a contract vs just a fee schedule. Discussion was held on doing an RFP research of surveyors. Mr. Farrell made a motion to approve Harry W. Marlow, Inc. fee schedule starting April – December 2007 for survey work until a contract can be finalized. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED.

b) Executive Directors Comments

Richard Frazee, Executive Director stated:

- City of Pinellas Park is requesting a meeting on Tuesday, April 24, 2007. As it turns out the District's Board can not meet because of the need to advertise. It appears that Ed Taylor at the City Council meeting made a comment that the District was requesting to meet with the City. Richard Frazee recommended that it was too early to meet at this time and that a June 2007 date would be better. Tom Tripp, Attorney for the District stated that about the time of the June 2007 meeting is when the Inter Local Agreement will be presented.
- New signs have been installed on the building, parking lot has been repainted and trying to make the fact known that the District is not going away.
- Mr. Tingler wanted to know if the second spider was back in operation and it was stated that it was.

MISCELLANEOUS

A. Monthly Rainfall/Maintenance Report

The monthly report has been delivered and is included in the Boards packet.

There was no further business to come before the Board and Mr. Farrell moved to adjourn the meeting. Second was made by Mr. Tingler. Chairman Mr. Tingler closed the meeting at 6:50.M.