

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

MINUTES

December 17, 2009

(Regular Authority Meeting #3)

IN ATTENDANCE

Tom Tripp, Attorney for PPWMD
Janet Rogers, Executive Director, PPWMD
Cynthia Gillott, Executive Secretary, PPWMD
Mike Smith, P.E., CDM, Tampa, FL
Bryan Nicely, P.E., McKim & Creed, Clearwater, FL
Randy Roberts, City of Pinellas Park
Tim Caddell, City of Pinellas Park
Representative Janet C. Long, House of Representatives
Emily Worden, Staff, House of Representatives

Chairman Charles Tingler opened Regular Authority Meeting #3 for the fiscal year 2009/2010 at 5:30 P.M.

ROLL CALL

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

MINUTES

Janet Rogers, Executive Director noted a correction to the minutes that were presented, Charles Tingler was present at the November 19, 2009 meeting and Ed Taylor was absent at the November 19, 2009 meeting.

Mr. Taylor made a motion to approve the minutes of the Regular Authority Meeting #2 held on November 19, 2009 as amended. Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

01-17-08

CHANNEL 1 - LARCHMONT FABRIFORM REPLACEMENT

Janet Rogers, Executive Director, stated that McKim & Creed are reviewing the Final Pay Application along with the receipts of the final as-builts, received on November 19, 2009. Project close-out paperwork has been completed. Change Order #3 in the amount of \$4,950.00 for additional sod and Change Order #4 in a credit amount of \$5,925 for quantity items that were verified through the final walkthrough. This is a combined total credit change of (\$975.00).

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Mr. Taylor made a motion to approve Change Order #3 in the amount of \$4,950.00 for additional sod and Change Order #4 in the credit amount of (\$5,925.00) for adjusted final quantities bringing the contract price for Kamminga & Roodvoets on Channel 1 Larchmont to \$698,509.50 with zero calendar days. Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

03-15-07

CHANNEL 2 CULVERT UPGRADES - GANDY BLVD.

Janet Rogers, Executive Director, stated the balance of the contract remains at \$740,280.71 of which the District still has the money in hand. Several phone calls have been placed in trying to contact the regional claims agent for Travelers in order to obtain information on the process that Travelers will be taking and any additional information in order to try to have this contract settled as Kearney Construction has not been able to obtain the Surety letter which is a requirement for payment along with final release of liens. The project work has been completed and the District remains on a sit and hold mode.

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. Nick Charnas, CDM, attended the last progress meeting with the City of Pinellas Park, project is moving along on schedule. April 2010 is when the work should begin on the box culvert @ 76th Terrace which lies within the District boundaries.

REPRESENTATIVE JANET LONG

Janet Rogers, Executive Director stated that the Pinellas County Legislative Delegation had their second meeting on December 14, 2009 at St. Petersburg City Hall. Representative Janet Long is in attendance tonight per the Board's invitation.

A welcome to the District and a brief biography on Representative Long was given by Janet Rogers, Executive Director.

Chairman of the Board, Charles Tingler gave some brief comments on what the District has accomplished since 1976 and a short biography of himself.

Treasurer, Michael Farrell gave a short biography of himself.

Vice Chairman, Ed Taylor gave a short biography of himself.

Michael Smith, P.E., CDM stated that he is presently representing the District as District Engineer.

Tom Tripp stated that he has a law firm in Pinellas Park and that the District is one of his clients.

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Representative Janet Long stated that in 2006 at a Lealman community meeting she was asked her position on Pinellas Park Water Management District – stated that she did not know and went about to do some research and where she is today with her bill.

- Spoke with Rick Butler and other local governmental representatives.
- Steps taken to have OPPAGA do research on the District
- A meeting was to take place with governmental representatives, Pinellas Park Water Management Board and the District's attorney for ways to work out a win – win for everyone. Meeting did not take place.
- Water seeks its own level and many areas in Pinellas County have water issues with drainage and storm water management.
- Pinellas County Charter gives County Commission the responsibility and authority to do surface water management.
- To give Pinellas Park Water Management District the availability to reduce millage substantially and work only on maintenance and repairs.
- The bill as it is written gives Pinellas Park Water Management District the opportunity to go out and partner with others for funding.
- Statute reads that you may come out of the Pinellas Park Water Management District but does not state how to be able to come out.

Discussion was held:

- Representative Long – City of St. Petersburg requesting to come out of District. Tom Tripp, District Attorney – has never received a request and was aware of the resolution that the City of St. Petersburg did regarding Representative Long's bill.
- Mike Farrell wanted to know if the bill provides a way to get out of the District. Representative Long stated there was no language in the bill. Conversations have been held with the City of Pinellas Park who would like to wait until the bill passes, everything settles down with the new management structure within the City of Pinellas Park and then the City of Pinellas Park would look at who may or may not come out of the District along with maybe expanding the District.
- Mike Farrell stated that the Pinellas Park Water Management District was established on a boundary basis.
- Tom Tripp, District Attorney stated that a main issue is drain water off of property vs receiving a benefit argument from Pinellas Park Water Management District. An example of Pinellas Park Water Management District benefit to its constituents is – Mr. Huntley's main business along Park Boulevard – Channel #5 runs under the road which would be impassable due to flooding if not for that channel. So anyone who has property contiguously or uses Park Boulevard receives a benefit. The problem with property owners is that they do not understand the difference from water draining off their property into the ditch vs receiving a benefit from a road that provides an access for ambulance and egress in time of hurricanes because Channel #1 & Channel #5 drains the water and that is a governmental benefit. If anyone could prove they were not receiving a benefit, they would be able to bring forth a suit to be removed.

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- Mr. Taylor stated that Pinellas County had been pursued in movement of their Charter for water management
- Charles Tingler stated that he took offense to the statement that the District had been mis-managed. Stated that the District is debt-free and has been backing down on the millage rate. Very concerned that the District will be neglected should the City of Pinellas Park take over. Representative Janet Long apologized if her language in any manner had offended anyone as that was not her intent.
- Ed Taylor stated that 60% of the Pinellas Park is within the Pinellas Park Water Management District and pays 85% of the revenue, yet the residents of the City of Pinellas Park don't seem to have a problem with the District. It is not good government to tear down something that is working properly and has been working properly only to rebuild and rewrite agreements.
- Tom Tripp, District Attorney stated that the Pinellas Park Water Management District projects have always been on the CIP and that the five (5) major channel basins are worked on. The District statute states that Pinellas Park Water Management District improves and maintains the channels within its boundaries.
- Representative Janet Long discussed the removal of the sunset provision from the statute. Tom Tripp, District Attorney stated that the original language said the District would go away upon the creation of a county-wide stormwater management district.
- Discussion was held on the present three (3) member board vs a five (5) member board. City of St. Petersburg requested to be on the board as well as Pinellas County by the County Administrator. Representative Long discussed having one member from the City of St. Petersburg, one member from Pinellas County and one member from the City of Pinellas Park. No one was opposed to that.
- Charles Tingler discussed the evaluation of the District and would the City of Pinellas Park be able to operate Pinellas Park Water Management District or would it fail.
- Mike Smith, CDM stated that working with many different municipalities, the Pinellas Park Water Management District has always and still is very concerned about finance and is determined even in this economy to remain debt free. Stated that although the intent is to reduce duplication of positions, feels that administrative cost will increase the overhead of the District. The District has gone to more harden replacement of fabriform which will last longer and all fabriform will be replaced eventually. Over all maintenance will stabilize and 1.5 millage rate should be good for the next 30 years. What needs to be discussed is the fact that the State and the United States EPA is going to place more stringent water quality issues which the cost is going to be extremely high and is not included in the 1.5 millage rate.
- Ed Taylor discussed that Pinellas Park Water Management District does not have any major reserves. Janet Rogers, Executive Director stated \$254,000.00. Ed Taylor discussed that budgeted for this fiscal year is a Long Term Facility Assessment Report which will give insight as to the longevity of the District's assets.
- Janet Rogers, Executive Director discussed during budget and trim hearings the Board great consideration on the millage rate and the requirements and needs to try to accomplish the projects in a timely manner. Charles Tingler mentioned that Janet Rogers has been certified as a Certified District Administrator.

- Ed Taylor discussed interlocal workings within the Lealman area with Pinellas County on a retention pond and the culverts at Haines Road.

In closing, the Board along with Representative Janet Long agreed that open discussion was good and long overdue.

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.

07-08-16

CHANNEL 3 – FABRIFORM REPLACEMENT

Janet Rogers, Executive Director, stated McKim & Creed, the District, and Tom Tripp are working with Progress Energy easement and has been moved to the top of their list, still working on going out to bid for February or March 2010.

08-16-07

CHANNEL 4 AND 4E ENHANCEMENT

Janet Rogers, Executive Director, stated CDM is wrapping up the technical memorandum which is a prelude to preparing for and administering a 2nd pre-application meeting with SWFWMD.

11-11-03

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

Janet Rogers, Executive Director, passed out pictures and stated the second progress meeting was held at the District on Tuesday, December 8, 2009. The contractor is approximately one week behind in construction and that should be able to be picked up during upcoming construction. Final completion is scheduled for April 2010. Pinellas County is working on a project just south of 62nd Avenue and has caused additional bad water to flow into the project. Ms. Rogers along with Mike Smith, CDM made an unexpected review of the pouring of one of the footer sections and was pleased in what was observed.

07-21-08

CHANNEL 4 – PANEL REPAIR AND REPLACEMENT

Janet Rogers, Executive Director, stated McKim & Creed are working on final design.

FINANCE

a) Financial Statement – November 2009

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

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

b) Investment Summary – December 2009

Janet Rogers, Executive Director recommended no transfer of money this month. Mr. Farrell made the motion to approve the Investment Summary for December 2009. Second was made by Mr. Taylor. No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

NEW BUSINESS

Executive Director Comments

1. Lealman Pond Property – the Interlocal Agreement has been signed and returned by Pinellas County, the check will be processed and then our portion of the Inter Local Agreement is completed.
2. The Districts Attorney, Tom Tripp and I have completed our work on the Service Agent Agreement which is in your folders. Along with this agreement for a new Insurance Agent is a copy of House Bill 247 – Section 189.4221 which states that Special Districts may work off of purchasing agreements of other Special District (piggy back) and RFP 09-002 from Gilchrist County for Insurance Consultant/Brokerage Services which PPWMD has used for the new Insurance Agent Service Agreement. The Broker fee for the remainder of this fiscal year will not change and should the District continue with Aetna current policy next fiscal year would also remain the same. If plans are changed broker fees could increase. This is part of the negotiations that are discussed at time of insurance renewal. A motion was made by Mr. Taylor to approve for the Executive Director to sign Agent Services Agreement for Brown and Brown with Risk Management Associates, Inc. Second was made by Mr. Farrell. No discussion. Roll Call:
Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler
MOTION APPROVED
3. The Long Term Facility Report is being worked on by CDM and they will be giving two presentations to the Board. Mike Smith, CDM reported that Janet Rogers, Executive Director came up with an additional idea that during this report process, to work closely with the District's maintenance staff to assist in their efforts of maintenance with no additional cost incurred.
4. Sawgrass Lake Park Restoration project by SWFWMD is in the beginning stages. PPWMD District Channels #2 and #3 drain into Sawgrass Lake. One December 3, 2009, Mike Smith and Ms. Rogers attended a public meeting regarding this project. We were there to answer any questions that the public may have regarding our PPWMD District channels and to show support on the SWFWMD project.

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MISCELLANEOUS

A. Monthly Rainfall/Maintenance Report

The monthly report is included in the Boards packet.

B. Regular Authority Meeting #4 will be held on January 21, 2010, 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 7:16 P.M. Second was made by Mr. Taylor.