

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, February 21, 2018**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, February 21, 2018 at 9:00 a.m. at the Pelican Marsh Foundation Building.

APPEARANCES: Frank Garofalo, Chairman
Gordon Walker, Vice-Chairman
Don Pomerantz, Treasurer
Joe Diaz, Assistant Secretary
Edward Walsh, Assistant Secretary

ALSO PRESENT: David Robson, Johnson Engineering
Mallory Clancy, Johnson Engineering
Tony Pires, Counsel for the Board
John Vanover, Operations Manager
James Calamari, Access Control

ROLL CALL

All members of the Board were in attendance with the exception of Mr. Pomerantz.

PUBLIC COMMENT

Jim Conner from Watercrest asked to speak about the fence, and Chairman Garofalo indicated that there was going to be a lot of discussion about the fence today, and those present will learn a lot more about what is going on with it. Mr. Connor expressed his concern over some things he had heard about the Board not getting things done as quickly as they could have. The Chairman indicated that they would not be discussing the attorney's letter as that is a legal issue, but that they will be discussing this issue today.

Joan ***Rozell from Watercrest provided the Board with a picture of the right hand side of the entrance at Airport Road, and reminded the Board that they had received a letter from her attorney.

DAVID ROBSON'S RETIREMENT

Mr. Robson was thanked for his work with the CDD these many years, and the Chairman

Pelican Marsh CDD – Minutes

February 21, 2018

Page 2

indicated that he has been a great asset for them, and that he will be missed. A plaque was given to Mr. Robson commemorating his 12 years of service.

APPROVAL OF THE AGENDA

On a MOTION by Gordon Walker and a second by Joe Diaz, the Agenda was unanimously approved by the Board.

APPROVAL OF MINUTES OF JANUARY 17, 2018 BOARD MEETING

On Page 3, in the first line under Manager's Report, the word "was" should be "has".

On Page 4, Mr. Walsh asked if the words "force account" in the seventh line were correct and was advised that it was, and is a word FEMA uses for in house work.

On Page 5, in the fourth line from the top, the word "back" should be "bad".

Additionally on Page 5 in the fourth line from the bottom, Mr. Pires suggested that for consistency the words "Water Management District" be added after "South Florida".

On Page 7, in the last paragraph, second line, the words "their preserves" should be changed to "CDD preserves".

On Page 8, the gentleman in the first line is the president of the Timarron HOA.

On Page 9, Item A under the Attorney's Report, the title should read "Livingston Road Wall and Landscaping".

On Page 11, to clarify the last sentence going on to Page 12, it should read, ""one being to put a line item in the 2019 Budget".

The starred name in the middle of Page 12 is Pat Tate. The starred name in the next paragraph should read "A resident of the Gables".

With those additions and corrections, the minutes were unanimously approved on a MOTION by Edward Walsh and a second by Joe Diaz.

FINANCIALS

The Special Revenue schedule showed that almost \$230,000 was received, some from people paying their property taxes in December. Year-to-date the amount is \$12,000 over the prior year at \$3,073,000. They are within 4/10ths of 1 percent of the forecasted amount.

The Hurricane Expenses which they are tracking was included, and showed expenses and transfers in anticipation of FEMA reimbursement. Through the end of January \$854,686 has been spent, the vast majority of that being debris collection and removal. This does not include salary and overtime costs which are tracked separately. Staff was successful in lobbying the County to remove all the material that had been pre-staged at Livingston and Vanderbilt Beach Roads. The damage at Pelican Marsh was almost twice what occurred at Pelican Bay, which is only a mile west.

Chairman Garofalo noted that they have two funds totaling \$1,300,000 for emergencies, and when the January amount is subtracted, which is not yet complete, there will be about \$550,000 remaining. Next month there will be a column inserted for FEMA collections, as they will begin getting money from FEMA, and they will add that money back into what the Chairman calls the checking account for emergencies. He added that they will discuss this further later on in the meeting. This does not include the fences, which will also be discussed later in the meeting, or plant replacement.

Apparently Fiddler's Creek is also approaching a million dollars in damages, and Mr. Dorrill noted that Pelican Marsh and Fiddler's Creek were probably the two most damaged communities in the area as it relates to horticultural debris.

The balance sheet as of the end of the calendar year showed almost \$4,000,000 in cash as part of total assets of \$30,000,000 against \$265,000 in payables at month's end, the majority of which was attributable to outside contract labor associated with the hurricane.

The income statement showed almost \$800,000 which was received during the course of the month from tax bills. Increases in transfer revenues were noted as residents returned to town.

Pelican Marsh CDD – Minutes

February 21, 2018

Page 4

Looking at all of the expense categories, Mr. Dorrill noted that Mr. Vanover is doing an excellent job. Total operating expenses through the end of the first quarter was \$63,000 below budget at \$944,000 against a budget of \$1,007,000.

On a MOTION by Gordon Walker and a second by Edward Walsh, the Financials were then unanimously accepted by the Board.

The Chairman then noted that Mr. Pomerantz was present at the meeting.

MANAGER'S REPORT

A. Hurricane Irma Recovery Update

The initial phase of debris removal has been completed, and the inventory and survey by the civil engineers of all of the fencing that was damaged or destroyed has been completed, and have been incorporated into the bid specifications.

B., C. Hurricane Irma FEMA Status/Financial Status

The FEMA worksheet has been filed, and sent to the analysts for approval. As it relates to the force account alluded to earlier, Pelican Marsh is eligible to receive a portion of all of the overtime and supervisory costs as well as any miscellaneous supplies and safety gear. The submitted amount included the amount mentioned earlier for outside contract labor.

Michelle Hanson from Sweet Bay asked if the total of all expenses will be shared with the residents at some point, and was advised that it would be, as it will be posted on the financials which is a public record. Mr. Dorrill indicated that they are hopeful that they will receive .85 to .90 on the dollar on reimbursements.

The Chairman added that he had been keeping track of how much replacement sod is being put down, which is over 150 pallets at this point. The following week he will begin walking the

Pelican Marsh CDD – Minutes

February 21, 2018

Page 5

entire Boulevard from Airport Road, making a list of all the plants and trees and shrubs that need replacement along that roadway. This will be the focus during the month of March, and Mrs. Rizzo area of concern will also be on that list. ***Kalusa shrubs will be put in along the berm there, where the new fences will be installed, and they will be bigger than what would normally be put in. After that is accomplished, the fences will be addressed, and finally the replenishing of the berms, which will be the biggest job.

Jim Connor from Watercrest asked if the five to six foot bush is from the ground, and the Chairman felt that they would be looking at a five to six foot bush, which is measured by the gallon container. Mr. Vanover did feel that it would depend on what is available as everyone in Southwest Florida is buying plants and sod right now. Mr. Walsh indicated that the quality of the available plants is significantly less, and the cost is approximately 35 percent more than this time last year. If they wait a while longer, the quality may go up and the cost down. Chairman Garofalo noted that they may have to order plants from the East Coast to get what they want, but he is targeting five foot shrubs from the ground level up. In a couple of years they will be twelve feet tall and six or seven feet wide.

Mr. Dorrill indicated once again that this is a four phase recovery, one being debris removal, then FEMA filing, then perimeter fencing, which is a priority, and then the restoration of landscaping.

D. Lake Bank Restoration Schedule

Mr. Dorrill indicated that they will be addressing about a mile's worth of lake bank erosion this year in five different communities. The schedule for the work was provided to the Board members, and the communities include Grand Isle, The Arbors, La Chateau, Watercrest and Augusta. There is a total of 4,900 linear feet of Geotube being placed, over which sod will be installed. A preconstruction conference will be held in about a month to advise the residents of those communities and any other community to attend to hear about the process. The work is

scheduled to begin after Easter when the water levels are low. Some littoral plantings will be put in at some point in November.

E. March Meeting at Tiburon

As a reminder, Mr. Dorrill indicated that the Board will meet at Tiburon in their community center on March 21st, as they have been doing once a year for the past several years. Notice of this will be sent out.

ATTORNEY'S REPORT

A. Routine Matters Discussions

Mr. Pires noted that he has consulting with Mr. Dorrill, Mr. Vanover, Mr. Robson and Mrs. Clancy on routine matters involving solicitation requirements for the chain link fence.

ENGINEER'S REPORT

A. Status of Chain Link Fence Sourcing

Chairman Garofalo reminded those present that he had asked Mr. Robson and Mrs. Clancy back in December to make a list of the repairs and replacement of all the chain link fencing. It is a tedious job, as it involves approximately 10,000 lineal feet of fencing. An exhibit was shown providing information on where the fencing is and where replacement is necessary.

Mr. Robson noted that he wanted to put the fencing in perspective, and back in 2004 when there was a big project with the gates, at that point 11,000 lineal feet of chain link fence was added. The 9,000 or so feet is probably 50 to 60 percent of the total fencing.

Mrs. Clancy indicated that since their last meeting they have had their engineers survey the entire perimeter, and the drawing showed the areas of damaged fence that need to be repaired, broken up into two different types of chain link fence, one with a top rail, another without a rail, and one with ornamental aluminum. The legend showed the lineal feet of each

Pelican Marsh CDD – Minutes

February 21, 2018

Page 7

type, an initial scope, notice to vendors and specifications for the bid process that will take place. They are still tracking on the schedule that was mentioned the previous month, and the notice to vendors will be sent out before the March meeting, and hopefully bids will be brought to the Board at the April meeting.

Chairman Garofalo added that this has been complicated due to the fact that there are different types of fences, and determining if a fence that is down can be set back into the ground or if it needs to be replaced, or if a top rail can be replaced on another type of fence. It was suggested that a top rail be put on all the fences, but the Chairman felt that this made it easier to climb and get into the community. Staff and the Board are not sure why there are these different fence types, but they were done that way 15 years ago. Therefore no top rails will be added where they did not previously exist.

(Larry Daily's question was inaudible.) The Chairman indicated that they did not want to work on fences where quite a bit of foliage would have to be removed, as it will make the situation worse. That will have to be evaluated.

A resident asked if areas such as Bay Colony and the golf course and other inside areas would be affected by the no top rails decision, and Mrs. Clancy pointed out on the schematic where these fences exist. By putting language in the scope such as "repair when possible", you would want to replace a fence with what is already in place.

When asked for clarification on "all other fencing", Mrs. Clancy indicated that all other fencing was all (overtalk, unable to hear answer.) Concrete fences are not included in the scope of this discussion. When asked about the Bay Colony fence, the Chairman indicated that the fence at Bay Colony is private and belongs to Bay Colony Golf Club and does not involve the CDD. All of the stone fences are being repaired in house.

This resident then reiterated that all other fencing was not included in a bid to go outside, and all repairs to these fences will be done in house over time, if they are owned by the CDD.

Chairman Garofalo then stated that although he liked all the work done by Mr. Robson and

Pelican Marsh CDD – Minutes

February 21, 2018

Page 8

Mrs. Clancy, it won't be done until June, through September. Additionally, trying to include all the variety of fences in the job description is too complicated. He has spoken with Mr. Dorrill and Mr. Vanover about this, and he personally felt that the repair work should be done by sections. He felt that it could be divided up in section, such as Watercrest, the Gables, et cetera. Then they have the aluminum fences in six different areas, and can go locally to try to get these smaller sections done. He and Mr. Vanover have already received a quote for all of Watercrest, and they are meeting with another fence man the following Tuesday to get another. More of these contractors are now becoming available, and the Chairman felt that getting the jobs on a smaller basis with local people will get it done more quickly, as timing is a critical element. As there are different types of fences, hopefully with two different contractors they can each do different sections, with Watercrest being the priority. A resident indicated that she could get her fence in Watercrest done in two days.

Mr. Dorrill noted that rather than have this become a free for all, dealing with several different vendors, some of whom may not have Worker's Comp or Liability Insurance, it was necessary to restore the entire community. There is almost 1,000 feet of fence at Watercrest, and while he appreciated the concern this resident has with the piece outside her home, he has got a mile and a half worth of fence that needs to be repaired or replaced.

The District has a process, and the way the specification is written, the whole job does not need to be bid on. If the District's insurance requirements can be met, a contractor can bid on the Watercrest fence, for example. Mr. Dorrill added that he is willing to pay an incentive to someone who shows up when they indicated that they would, sooner rather than later.

Mr. Pires added to this comment, indicating that the notice requirement is short, it's seven days in the newspaper. The Board can set a very short response time, and can have a special meeting if they wish to for evaluating bids. This is something that can be achieved in a very short period of time, assuming that parties want to bid on the work, and can be broken down into multiple areas. It cannot, however, be limited to just local people as a matter of law.

Pelican Marsh CDD – Minutes

February 21, 2018

Page 9

The size of this job appears to require the competitive bidding process, but if there is a legitimate basis for staging the fencing project month by month, for instance, with discrete, separate projects, that can be done. However, Mr. Pires did not hear that coming from the engineers.

Mr. Walsh asked if most fence companies are capable of doing all three different types of fences, and Mr. Vanover was not completely sure about that. He added that most of the work is standing fences back up, which most of them can do. The areas where trees have fallen on fences may have to have welders or fabricators fix them. Chairman Garofalo felt that most fence companies were capable of doing all three different types of fences, but the damaged portions would have to be welded or rebuilt, such as with the ornamental aluminum fence, by a subcontractor.

Mr. Walsh asked if it made sense to advertise those when they go to bid, noting that Number 1 is Watercrest, Number 2 is wherever, and so on in terms of priority. Chairman Garofalo added that the Gables is considering putting in their own, solid fence, and will probably take them years to do so. If someone is available, the Gables would be at the bottom of the list while they wait to see if they are going to do it on their own or not.

Chairman Garofalo noted that what he would like to do is use the way that Mrs. Clancy has it sectioned off, to get totals by these areas. Mr. Dorrill indicated that he still preferred to bid the way they have organized the work. For example, there are eight different neighborhoods that are going to receive new or repaired chain link fences. If they can determine what those costs are going to be, and what their premium would be for an early start, through the contract documents they can then prioritize the areas where the work will start. Then if this is broken up into multiple small contracts, everyone is bidding from the same platform from the start. Mr. Dorrill noted that he does like the way that Mrs. Clancy has organized the bid tab sheet, so the Board can pick and choose, or if someone from outside the County comes in and bids the entire job and meets the insurance requirements, it can be given to him at the Board's

Pelican Marsh CDD – Minutes

February 21, 2018

Page 10

discretion. The Chairman agreed, noting that he wanted to be able to go both routes, that of Mrs. Clancy and a one vendor situation, so that at some point they can make a decision on this, as again, timing is the most critical thing.

Mr. Dorrill agreed with Mr. Pires, that they don't have to advertise an invitation to bid for 30 days but can do it for seven days in the newspaper. If the Board wished to shorten the time and have a special meeting at the beginning of April to award the bid, that would be doable.

(Overtalk)

Chairman Garofalo felt that if they divided the work into sections, he and Mr. Vanover can walk the individual sections and know what needs to be fixed, and they can do this with every area.

Mr. Dorrill anticipates that Mrs. Clancy will have a pre-bid conference which prospective bidders will be encouraged to attend. The areas in question will be shown to them, so everyone is on notice as to what is contemplated. The Chairman felt that they were within a couple of weeks of making a decision on how this should be done.

A resident asked if there had been any security issues at all with the fences being down, and the Chairman advised that Pelican Marsh is one of the most secure areas in Southwest Florida. The fence is to keep people out, and if someone wants to come in, they can get in as the fence is a deterrent, but is not able to stop people.

Mr. Carter from Watercrest indicated that if you put all the critical areas together, that are not large, if he is hearing the discussion correctly, it seems to him that it won't take long to get bids in and make a decision. He was hoping that some decision making can be done by March.

Chairman Garofalo indicated that based upon the schedule they are using, and getting feedback from the contractors as to when they can do the work, it could possibly take one contractor 90 days to do the entire job. This is why they are looking at someone local, who could possibly begin in two weeks and have the job done in four weeks. Once they have the feedback, then they can make some decisions.

If the decision is made to do one section first, Chairman Garofalo then asked if the Board could

Pelican Marsh CDD – Minutes

February 21, 2018

Page 11

give him the authority to sign the paper for that, and Mr. Pires indicated that they could not, but a special meeting would have to be had to award the bid. Mr. Dorrill felt that the earliest they could award a bid would be at a special meeting sometime in the first ten days of April. He felt that they should stick with the process, as the work the engineers have done is excellent, and it gives the Board the ability to pick and choose the number of individual contracts or a single one, whatever the best, most responsive bidder may be.

Mr. Dorrill noted that he wanted it on the record that a fence along the golf course will not be put in by the CDD. Only existing fences will be repaired or replaced. He asked the Board if they would approve a motion authorizing staff to move at an accelerated basis to solicit bids and update the Board at the March meeting in anticipation that a special meeting would be held in early April.

The MOTION as worded above was made by Gordon Walker, seconded by Edward Walsh and unanimously approved by the Board.

The Chairman added that they will also proceed with the alternate way, where he and Mr. Vanover will approach local contractors. Mr. Dorrill did not feel it would be appropriate for local contractors to disclose their price in advance of an accelerated invitation to bid process. If the Chairman asks for bids for certain areas, as long as the bids are all open at the same time, there would be no problem.

Mr. Pomerantz asked if this sort of splitting up of a large task with multiple contractors has worked in the past and Mr. Robson indicated that this is not like a typical construction project, and it is hard to draw a corollary. The approach should that being a CDD, with statutes that must be followed, that Mr. Pires is leading them the right way, and should be listened to. It can be piecemeal, but should be an overall package that the Board can make decisions on.

Mrs. *** noted that they were told that the fence project was going to be put out to a statewide bid in December and January, and it will soon be March. The Chairman advised that these things take time. Mrs. *** indicated that if a contractor is not found in this first bidding

Pelican Marsh CDD – Minutes

February 21, 2018

Page 12

process, it may be July before anything is done. The Chairman agreed, and that is why he wanted to have a secondary method. By law, however, the bids must be opened at the same time.

Mr. Walsh indicated that at every meeting since the storm the plan has been the same, to get rid of the debris, put the sod down, and do an analysis of the fence, which was always the last item on the list. The fences have always been last because they are so complicated.

In response to a resident's question about the bidding process, Mr. Dorrill noted that the invitation to bid will be in the Naples Daily News as required by law. Nothing has changed about what the residents were told at the town hall meeting held after the storm, and they have consistently said the same thing.

In conclusion, Mr. Dorrill wanted those present to know that they got their debris picked up faster than probably any other district. He doesn't know of anyone else who filed with FEMA for reimbursement faster than the Pelican Marsh CDD. They are talking about accelerated process, incentives to start earlier, and special Board meetings. He felt that the Board has done an excellent job.

The residents will get another update at the March meeting, and the invitation will run, contractors will pick up plans and specifications from the Board's engineer, a voluntary pre-bid conference will be held for anyone who is interested, and conceivably a special meeting of the Board will be held ten days after the March meeting to request that a bid be awarded.

Chairman Garofalo will work with Mr. Vanover to get some of the shrubbery in, and replacing all of the landscaping is a massive job when they are trying to customize every area. He stated that very few people will be happy with it, because they are going to want it to look like it did before the hurricane, and that's not going to happen, but they will do the best job they can.

Mr. Robson noted that on Page 10 of the minutes from the previous meeting it talks about the conservation area transfer. He provided a summary to Mr. Dorrill on this issue, and it is complicated. The one conservation area behind Troon Lakes never met the environmental or

Pelican Marsh CDD – Minutes

February 21, 2018

Page 13

ecological factors. It was not included in the transfer back in 2012/2013, and what eventually happened was WCI gave up the environmental factors. The Water Management District had reminded WCI that there was a process whereby when WCI restored the Cocohatchee Strand, they got credit for turning that land into a qualified preserve. Those credits can only be used within the boundaries of Pelican Marsh CDD. There were credits left over, and the Water Management District suggested that WCI mitigate forward, to close the preserve behind Troon Lakes, and it will be accepted as is. There is no monitoring done on that preserve, and standard maintenance to keep the exotics out is all that is left to do. This is why Mr. Robson is recommending that the Board agree to this transfer, and he sees no down side or consequences to the CDD.

Mr. Pires noted that he and Mr. Robson had discussed this, and as Mr. Robson mentioned, it is in as is condition, and it does not need to be restored. WCI has sent the paperwork, and they are waiting for the Chairman to sign it. The documents will be brought to the March meeting, and it will be placed on the agenda. Keeping the areas free of exotics is all that needs to be done in these Pelican Marsh preserves. Mr. Robson reminded Mr. Dorrill and Mr. Pires that there are credits left over, and if there is something that the Board decides they want to alter in one of the preserves, a plan could be presented to the Water Management District and no money would need to be spent. Altering a preserve could be changing it to passive recreational use. Mr. Robson prepare that information for the next meeting so it will be part of the record that Pelican Marsh has this valuable asset.

ADJOURNMENT

With no further public comment. the **Meeting was adjourned at 10:25 a.m. on a MOTION and a second.**