

Key Largo Wastewater Treatment District Board of Commissioners Meeting Minutes

4:00 PM Wednesday, February 12, 2003

**Key Largo Civic Club
209 Ocean Bay Drive
Key Largo, Monroe County, Florida**

Commissioners Present

Chairman, Andrew Tobin, Esq.
Gary Bauman
Cris Beaty
Charles Brooks
Jerry Wilkinson

Staff Present

Robert E. Sheets, General Manager (GSG)
Amy Dukes, Esq., Utility Counsel (LLW)
Robert Betancourt, P.E., Engineer (Gartek)
Fred Mittl, P.E., Engineer (Boyle)
Faith Doyle, Board Clerk (GSG)

Guests Present

Martha Richard, resident of Key Largo Mobile Home Park
Charles Fishburn, Gartek Engineering
Robert Burt, resident of Key Largo Trailer Village
Burke Cannon, Key Largo resident
John Stone, Key Largo resident
Murray Nelson, Monroe County Commissioner
Steve Gibbs, resident and Free Press Reporter

A. Call to Order

Chairman Tobin called the meeting to order at 4:07 PM.

B. Pledge of Allegiance

The pledge was recited and lead by Chairman Tobin.

C. Minutes – February 5, 2003

Commissioner Brooks suggested moving the minutes until later in the meeting.

The Board requested that additions, deletions and corrections to the agenda be moved to its previous location in the agenda. Chairman Tobin asked the members of the board if there were any additions, deletions or corrections to the agenda.

The General Manager requested that item G1 be removed from the agenda and it will be presented to the Board in the future.

The Chairman requested that item J1 be removed because the issue had been resolved at the previous meeting.

The Chairman stated that the major issue to be discussed at the meeting was the Transitional Interlocal Agreement ("TIA") and that George Garrett would be joining the meeting at approximately 5:00 p.m. It was requested that discussion on the TIA be postponed until Mr. Garrett's arrival.

D. General Manager Report

Mr. Sheets stated that scenarios would be developed for five year capital improvement plans, one that would show the BOCC funding as loans that would need to be repaid and another that would treat all contributions as grants except the final money. These will be done by February 29, 2003.

One of the items required by the DEP is to demonstrate committeemen to implement mandatory connection to the system. This requirement could be met by considering adopting the County's ordinance on the same issue.

It was requested that the Board at the next meeting present the County's ordinance on mandatory connection for consideration.

Mr. Robert Betancourt is not available to be a member of the Technical Evaluation Committee. Mr. Betancourt suggests Charles Fishburn of Gartek Engineering. The Board gave consensus to have Charles Fishburn replace Robert Betancourt as the Gartek Engineering representative to the Technical Evaluation Committee.

Mr. Sheets stated that the insurance coverage on the KLTWD is now in force.

E. Legal Counsel Report

Ms. Amy Dukes stated that as outlined in her report the focus of her attention has been on the TIA. It was requested that all comments on the TIA be submitted to her by Friday, February 14th. The TIA should be finalized and acted upon at the Wednesday the 19th meeting so that it can be presented to the Monroe BOCC at the meeting on February 19, 2003. Ms. Dukes stated that a special meeting of the KLWTD Board of Directors has been scheduled and noticed for 10:00 AM on February 19, 2003.

The clerk was requested to review the costs for classified advertising and legal advertising. Discussion ensued on the various newspapers that serve Key Largo. It is the intent of the Board to comply legally with the State of Florida noticing acts and to use the paper that gets to the citizenry. The February 26, 2003 public hearing and the

impact on the residents of Key Largo requires additional effort to inform those affected. It was suggested that the clerk contact the Monroe County property appraiser for a mailing list so that a letter detailing the agenda of the meeting could be forwarded to the residents. Commissioner Brooks stated that with the limited time and funds available that a notice to the village homeowners association could be more feasible. Mr. Sheets stated that technically notice should go to the property owner. The grant application requires community outreach beyond March 1, 2003. Developing community outreach programs will be imperative. The Board requested that staff provide additional notice of the public hearing scheduled for February 26, 2003 to the community and to coordinate the effort with the local homeowners associations.

Mr. John Stone stated that there presently is not a homeowners association for Key Largo Park. Mr. Robert Burt, the newly elected president of the Key Largo Trailer Village stated that the quarterly newsletter could be mailed earlier and could include notice of the public hearing. Mr. Burt also requested that a representative of the Board come to the Village's March 29, 2003 picnic for community outreach.

Ms. Dukes informed the Board that after March 5, 2003 there is not a KLWTD Board meeting schedule. Mr. Brooks noted that the Key Largo Civic Center would be available on Wednesday at 4:00 PM. The Board requested that the manager and legal counsel develop a schedule for the Board to consider.

F. Engineering Report

Fred Mittl of Boyle Engineering who has done the design work for the Key Largo Park (KLP) and the RFP for the Key Largo Trailer Village (KLTV) stated that all information is on the street.

The two projects being bid are the (KLTV), which, is a design build and includes a wastewater treatment plant and the Key Largo Park (KLP) project. There have been four addendums issued for the KLTV bids. The technical proposals will be received on February 19, 2003 at the Florida Keys Aqueduct Authority (FKAA) offices and then they will be forwarded to the committee members for review and discussion at the committee meetings to be noticed. The cost proposals are to be received on February 26, 2003 and held until the technical committee has finished its review and the technical ranking provided to the Board.

The second project KLP is a construction project and a detailed set of plans and specifications have been developed and are out to bid. The pre-bid was held on February 11, 2003 and the bids for KLP are due on February 25, 2003.

The comments received from Gartek on the 90/100 percent plans will be responded to and forwarded to GSG for review.

Commissioner Bauman asked if there would be advantages to one firm being awarded both projects. Mr. Mittl stated that the cost advantage is mostly comprised of front-end costs (mobilization of the equipment and labor force) and that it could result in significant cost savings. Commissioner Brooks asked after the construction starts what inconveniences could the neighborhood expect. Mr. Mittle stated that possibly because

of bedrock and difficulty in trenching temporary seals on the trenches prior to the installation of asphalt overlays would be the largest imposition. The time frame could be from ten days to several months, however, it is in the contractor's best interest to go quickly.

Mr. Steve Gibbs asked as a homeowner if input can be given on where to place the lines. Mr. Mittle stated that the contractors would work with them for a final location. Mr. Robert Burt of KLTV asked who will be contracted to do the interconnect from the water line to the house. Mr. Sheets stated that the homeowner is responsible for the interconnect, however, plans are being looked at to minimize the impact on the ratepayer. The plan is being developed and will be presented to the citizens in the near future. Mr. Sheets stated that if the KLWTD meets the March 1, 2003 deadline with the DEP then there will be community meetings set up to appoint street captains to contact and inform the residents. Mr. John Stone asked if the public input received would become part of the plan submitted to the DEP. Mr. Sheets stated that for the March 1, 2003 submittal there is not much flexibility but as the project progresses input on the critical issues would be addressed. Martha Richards asked if the vacuum containers would be in every yard and how big they are. Commissioner Brooks stated that no lift stations or vacuum pits would be on private property. Some properties may have 'candy canes' but they can be painted or otherwise decorated.

Robert Betancourt attended the pre-bid for the KLP and the preliminary review of Boyle's RFP was done. Comments on the plans and specification may require an addendum. Commissioner Bauman asked that with the time frame in place if the comments could be incorporated prior to the bids being received. Both engineers stated that they could.

Martha Richards, a resident of KLTV asked why there are two engineering firms represented. Chairman Tobin stated that Boyle Engineering was hired by the FKAA when the projects were under its jurisdiction. The KLWTD Board contracted with Gartek to insure there were check and balances of the work done by Boyle.

G. Action Items

1. Approval of Final Professional Consultant Services Agreement by and between KLWTD and Government Services Group, Inc. for management services

The item was tabled.

2. Approval of Final Professional Consultant Services Agreement by and between PRMG for rate consulting services

Mr. Sheets stated that PRMG would be retained to assist with the five-year proforma and cost estimates required in the grant agreement. It will also identify the local sources of funding. One scenario would treat the funds from the BOCC as a loan and

another would treat them as a grant. This would also confirm that an MSTU rate of .35 would be adequate. The contract has been executed by PRMG.

Discussion ensued on several points of the agreement. Commissioner Brooks asked for clarification on item (d) on page 4. Commissioner Wilkinson stated concern with incurring debt adding that if the money is not there don't do the project or scale down the project to the size of the budget. Commissioner Bauman stated that the agreement with PRMG is for running the numbers only not for implementing the plan. County Commissioner Nelson stated that the scenarios were run on maximum project costs and that they could come in less also, the dollar figure included for the land may be inflated, it is for 20 acres and the KLWTD would only be using 4 acres. Commissioner Nelson also expressed concern with the appearance of asking for an additional amount of approximately one million dollars. Commissioner Nelson stated that the BOCC is committed to make the project work along with the DEP, the DCA and the Governor. Mr. Sheets stated that he is in agreement with Commissioner Nelson but to date the requirement for the DEP is to include a commitment and the document provides funding that commits operations being covered for the next five years.

Discussion ensued on the effect that the appearance of a larger budget would have on the bidding process. Chairman Tobin concluded the discussion by saying that with the recent incorporation of the Board (November, 2002) and with the deadline of March 1, 2003 looming the staff and the Board is making great progress and should the bids come in over budget they could be rejected and reissued. CHAIRMAN TOBIN THEN RECESSED THE MEETING AT 5:31 PM. CHAIRMAN TOBIN RECONVENED THE MEETING AT 5:42 PM.

COMMISSIONER BAUMAN MOTIONED TO APPROVE THE CONTRACT WITH PRMG. COMMISSIONER WILKINSON SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Approval and Execution of Final Professional Consultant Services Agreement by and between KLWTD and Gartek Engineering, Inc.

COMMISSIONER BROOKS MOTIONED TO APPROVE THE FINAL PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH GARTEK ENGINEERING, INC. FOR EXECUTION BY THE CHAIRMAN. COMMISSIONER BEATY SECONDED THE MOTION AND WITH NO FURTHER DISCUSSION ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Consideration and Approval of the Transition Interlocal Agreement

Discussion ensued on several points of the draft TIA. Consensus was reached on all major points and Legal Counsel would present the final version for consideration by the Board at the February 19, 2003 meeting.

H. Additions, Deletions or Corrections to the Agenda

This item was moved to earlier in the agenda.

I. Committee Reports

Mr. Cris Beaty presented the KLWTD accounting books to the clerk who would forward them to David Miles of GSG the appointed CFO of the KLWTD.

J. Commissioner's Items

1. Discussion regarding holding a vendors presentation meeting, requested by Chairman Tobin

This item was removed from the agenda.

2. Discussion and update on SFWMD funding, requested by Commissioner Brooks

This item was tabled.

3. Discussion regarding the Key Largo Park drawings, project manual and quantity take-off, requested by Commissioner Wilkinson

Commissioner Wilkinson asked why some business zones were not included in the service area for KLP. Mr. Mittle stated that a small business area is included in the Key Largo Trailer Village service area but some are excluded. Mr. Mittl would address the issue with Commissioner Wilkinson.

K. Meeting Adjournment

Chairman Tobin adjourned the meeting at 8:36 PM.