

MINUTES OF THE BOARD OF SUPERVISORS

ISLE OF PALMS SPECIAL DISTRICT

June 10, 2020

[As a result of the COVID-19 Pandemic and necessary restrictions related to public gatherings, this Board meeting was conducted via a Skype-based audio-only teleconference. The call-in phone number was (904) 348-0303 and the Conf. ID was 972932507#]

Board President Ken Wright opened the meeting; calling it to order at approximately 1834 hours with a Roll Call of all Board members present [Agenda Item 1] for the teleconference. Other Board members/officers present were Vice President Paul Raudenbush, Secretary Brad Radloff, Member Dave Touring, and Member Josh Reichert. A quorum was established with all five Board members present for the meeting [It should be noted that the establishment of a quorum would normally require the actual presence of at least three Board members together in person at a public meeting. However, the State of Florida temporarily suspended said requirement, in light of the restrictions on public gatherings, and allowed remote meetings, as such]. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was also present. Charlene Stroehlen, P.E., the Project Manager with Wood, PLC, as representative for the District's Engineer of Record to administrate upcoming dredging efforts was also present. Although all others (10 or so) calling-in to the meeting did not identify themselves, Bruce Randall of The Moorings (Dredge Committee), Stanley Pipes from the HWSD, and Matt Sopranal (lives on Cordgrass Inlet) did make known their presence. The meetings (as a public gathering) are normally held in a Community Meeting Room of the Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246 (the July meeting is to be held in-person at this location).

Agenda-Specific Public Comments [Agenda Item 2]-

As a result of a Florida Statute, *public comments of Agenda items only* (no general items) are to be taken prior to addressing the Meeting Agenda. There were no public comments on any of the Agenda items from homeowners - if such homeowners had called-in to the meeting.

OTHER AGENDA ITEMS

3. Vote on approval of Meeting Minutes of May 13, 2020 regular Board meeting and May 20, 2020 Emergency meetings.

MOTION: To approve the minutes of both the regular May 13, 2020 and the "Emergency"

May 20, 2020 Board meetings, by KWright.

The motion was seconded by PRaudenbush and PASSED unanimously by the Board members present.

4. Treasurer's Report. PRaudenbush provided an update to the Treasurer's Report for this meeting and reported the District's bank balance at \$1,280,929.97, as of May 31, 2020. There were two bill(s)/invoice(s) and one reimbursement needing approval for payment: 1) \$2,300.00 to LLW for April and May legal fees, 2) \$102.67 to the Daily Record for public notices, and 3) \$60.00 to KWright for reimbursement of fees for other public notices through the Daily Record. As a special note, there is a dual signature requirement that is in place for all checks/bill payments.

MOTION: To approve payments to LLW, the Daily Record, and KWright, as described above, by PRaudenbush.

The motion was seconded by BRadloff and PASSED unanimously by the Board members present (without DTouring, lost his connection).

For the monthly summary/update regarding the Budget Report, there was no discussion since amendments were made to the budget at the June 2019 meeting to reflect more accurate line items for engineering, auditing, and insurance fees. The general intent of said report is to facilitate the reporting/accuracy of the current year's budget and preparation for projecting the upcoming fiscal year's budget and will be very useful closer toward the end of the fiscal year.

5. Report on ARC Surveying. KWright reported that he had received a proposal/quote directly from ARC but had requested that it be adjusted to include calculations for the over-dredging depth of six feet and was informed that the survey would take a few weeks to complete once they received the signed proposal.
6. Report on meeting of P. Raudenbush, K. Wright and W. Flowers re: Bid package documents. [**HISTORY:** At the November meeting, DTouring indicated that he wanted to discuss putting out bids to obtain hard cost numbers, so the Board will know what they are looking at rather than by using an Engineer's Opinion of Cost. That discussion was deferred until the December meeting. DTouring began the discussion with his reasons for wanting to obtain the bids with comments and discussion from other Board members and Joe Wagner (regarding Wood, PLC's proposed Bid Procurement services). There were some varying opinions on the necessity and/or timing for obtaining the bids. DTouring suggested that Wood, PLC should be authorized to initiate Task I of Wood's proposal. He made a motion to authorize Wood to initiate Bid Procurement services which was not passed as a result of certain Board members wanting to review the contract again before deciding to approve. At the January meeting, the proposal was

brought back up again and another motion was made to authorize Wood to initiate the Bid Procurement process which was passed on a 4-1 vote of the Board. At the February meeting Mr. Wagner provided an update on Wood's progress for the bidding process. Mr. Wagner passed out initial forms and figures that were to be used or used as go-by's for putting the bid out. He also discussed the general process, timing, and possible set-backs. Then for the March meeting, Joe Wagner distributed copies of the bid package and briefly discussed it. A subcommittee was formed, consisting of DTouring, PRaudenbush, and JReichert, to make comments on the package and to have a published special meeting (on 3-25-20) to discuss the comments, in an effort to finalize the document. At the meeting in April, PRaudenbush raised the question of when the next bathymetric survey should be done, relative to when the last one was done, and whether the survey be redone prior to the bid package (so that it can be included with the bid package) or as close as possible to when the dredging is getting ready to begin. PRaudenbush thought it should be updated for the bidding process to obtain accurate bids and for purposes of obtaining a loan from the bank (e.g., apparently banks won't loan the money if the volume is off by 25%). Joe Wagner indicated that typically surveys are done just prior to dredging after a bid is already accepted to get more accurate volume calculations for purposes of paying the dredging contractor and since the contractor is paid on a unit price basis, it seems to be more important to have accurate dredged volumes close to the start and end of dredging. This issue was discussed back and forth quite a bit to obtain an understanding and decide when the surveys should be done. KWright asked to be reminded of the cost of a survey (\$23,300.00). DTouring's thoughts are that the most recent survey done in 2018 is old and he doesn't see how the old survey can be used for bidding and getting accurate bids back. JReichert thinks the survey should be done closer to the start of the dredging and BRadloff agrees. The discussion continued primarily revolving around when the new survey should be done, before or after the bidding process. Joe Wagner added that some initial Bidder concerns related to the lack of DMMA information/details and even COVID-19 issues (i.e., availability of lodging and food), and other related issues that affect the bidder's pricing. DTouring addressed Joe Wagner and indicated that he thought the bid information and the way the information is being provided to the bidders should be done differently from the way Wood is doing it. Unfortunately, Joe Wagner's response basically ended the discussion with DTouring and, at some point briefly following the end of that discussion, DTouring exited the teleconference. Subsequently, on a new topic, Joe Wagner provided an estimate for conducting the Geotechnical analyses, if and when the District was ready to authorize it. He also indicated that more information was needed to provide current site conditions to the bidders (e.g., current aerials, drone video, and/or site visit) and for where the actual off-loading area is located. KWright and WFlowers indicated that they should be able to provide some of the necessary information. Then, the discussion went to when the bidding should be put out relative to the COVID-19 situation (the Governor does not officially consider this type of contracting as essential) and the actual schedule of bidding events. Finally, because of the current uncertainty about the COVID-19 restrictions and such, it was decided that the bidding process be delayed for, at least, 30 days until it can be seen how the restrictions play-out. For the last meeting in May, PRaudenbush began the discussion with Joe Wagner's then currently proposed

schedule for following through on the bidding process, indicated that certain changes were made to the bid documents during the document review meeting, and obtained Stanley Pipes verbal approval of the laboratory report(s) of analysis/results for the sediment chemical analysis and acceptance into their spoil site. Dave had three comments having to do with the bid forms and the contract: 1) thinks the pre-bid meeting should be mandatory, 2) he did not see any liquidated damages in the contract, and 3) two years is too long to allow for completion of the contract, should be a maximum of one year. PRAudenbush agrees with two of the three concerns DTouring has -- disagrees with the mandatory pre-bid meeting and suggests that the project should have a 2-month period to mobilize and once that is done, then a 12-month period would begin for the completion of the contract. Stanley Pipes agrees and suggested that the HWSD Board would likely not be amenable to anything over 12-months either. WFlowers indicated that the contract *does* specify liquidated damages of \$1,000.00 per day and that the project time was already reduced from 18-months to 12-months. After some additional discussion, it seemed that all basically agreed that the liquidated damages should be set at \$5,000.00 per day and that the project period should be as PRAudenbush suggested having an initial mobilization period of up to 90-days and then a period of up to 365-days to complete. Additional discussion ensued regarding the completion period (mobilization and actual contract completion, liquidated damages, and the bidding process schedule. PRAudenbush motioned to approve Joe Wagner's currently proposed schedule (as indicated in his email, dated 5-12-20, at 1556 hours) for initiating the bidding process on June 5, 2020 and beginning the "contracting period" on October 7, 2020, change liquidated damages to \$5,000.00, provide for up to a 90-day mobilization period, and up to 365-days to complete the contract following the mobilization period. For the May 20, 2020 "Emergency" meeting, which was intended to try and finalize the language for and complete necessary items of the Bid Package, actually brought up more needed adjustments and it was decided that a workshop meeting composed of KWright, PRAudenbush, and WFlowers would be necessary (along with a public notice) to get the language, etc. straightened out. The work meeting was held on May 22, 2020]. **For this June meeting**, based on the work meeting between KWright, PRAudenbush, and WFlowers; WFlowers had comments on certain documents (that were dispersed prior to the meeting via email) that were discussed amongst the Board members. KWright started out by indicating that the Bid Solicitation would still need to be published in a notice that meets the 30 day requirement and PRAudenbush indicated that Charlene had provided a list of contractors that might be interested in bidding and should be contacted. Based upon the work meeting on May 22, discussions ensued between the Board members and WFlowers regarding the possible necessity of adjusting the bidding schedule (e.g., receipt of bids, opening of bids and notice to proceed), a negotiation period, looking at several sections/subjects of the dredging contract (addressing night/weekend work, identifying the contract mgr./inspector/engineer (incl. changing the Engineer of Record name from Joe Wagner to Charlene Stroehlen), invoices, and additional bathymetric surveys), and other bid document details (e.g., removing the two "bank-to-bank" dredging templates and adjusting language indicating what the distances away from bulkheads and pilings will be for dredging - 10' from bulkheads and 5' from

pilings).

MOTION: To keep a minimum of 10' away from bulkhead structures and 5' from pilings associated with other non-bulkhead structures during dredging operations, by KWright.

The motion was seconded by DTouring and PASSED unanimously by all Board members present.

7. Review and discussion re: Engineer to oversee dredging. PRAudenbush reported that his discussions with Charlene Stroehlen, P.E. for Wood and the new manager for our project, after Joe Wagner had left Wood, indicated that she would be handling the dredging operations management/supervision but that Wood's previous proposal would need to be adjusted to reflect the additional fees for such services. PRAudenbush asked Ms. Stroehlen to provide said adjusted Proposal.
8. Vote on whether to publish Notice of possible increase in Annual Assessment by \$50 to maximum assessment of \$1000. KWright summarized the possibility and ability to increase the annual assessment to the maximum amount allowed by the Charter Ordinance establishing the District and then moved to publish the date of the public hearing (next meeting, July 8, 2020) to vote on whether the assessment will be increased or not.

MOTION: To publish a notice that a public hearing will be held to vote on whether to increase the assessment to the maximum allowable amount of \$1000 per year, by KWright.

The motion was seconded by BRadloff and PASSED unanimously by all Board members present.

9. New Business. DTouring had a question about his "declaration of candidacy" and what needed to be done to pay for and submit his paperwork indicating his intent to stay on the Board. Others on the Board indicated what was needed and otherwise answered his questions.

General Public Comment -

There were no other comments from the public at the end of the meeting (comments/questions taken during the meeting).

Adjournment-

KWright adjourned the meeting at 1944 hrs.

Future Meeting Dates -

Meetings are to be held on Wednesdays at 6:30 PM at the “Pablo Creek Regional Library,” 13295 Beach Blvd. Jacksonville 32246; for the dates listed below:

July 8, 2020 August 12, 2020 September 9, 2020 October 14, 2020 November 11, 2020

December 9, 2020