

## MINUTES OF THE BOARD OF SUPERVISORS

### ISLE OF PALMS SPECIAL DISTRICT

May 13, 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 39887680#]

Board President Ken Wright opened the meeting; calling it to order at approximately 1840 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 a public meeting room. However, the State of Florida temporarily suspended said requirement, in light of the restrictions on public gatherings, and allowed remote meetings]. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was also present. Joe Wagner, P.E., the Project Manager with Wood, PLC, as representative for the District's Engineer of Record to administrate upcoming dredging efforts was not present. Although they did not identify themselves, apparently, five other attendees were detected as having called in to listen to the meeting. 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.

#### **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 - no known homeowners called-in.

#### **OTHER AGENDA ITEMS**

3. Approve the Minutes of the April 8, 2020 Board meeting.

**MOTION:** To approve the minutes of the April 8, 2020 Board meeting, by PRaudenbush.

**The motion was seconded by JReichert 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 \$1,276,261.97, as of May 13, 2020. There was one bill(s)/invoice(s) needing approval for payment: \$1,100.00 to LLW for April legal fees. 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, as described above, by BRadloff.

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

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. Review issues raised by Joe Wagner email and possibly vote on issuing Request for Bids. [*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 last 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., 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 the bidding and get 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 this May meeting, PRAudenbush began the discussion with Joe Wagner's 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.

**MOTION:** To amend the existing contract language to include 1) liquidated damages for non-performance at \$5,000.00 per day, 2) a mobilization period of not more than 90-days from notice to proceed, 3) a contract completion period of not more than 365-days from the end of the mobilization period, and 4) approve the schedule to conduct the bidding process, as proposed by Joe Wagner in his email, dated May 12, 2020 (1556 hours), by PRAudenbush.

**The motion was seconded by KWright and PASSED by four Board members voting *FOR* the motion with BRadloff having the dissenting vote.**

6. Review and discuss timing of pre-dredge Survey and possibly vote on the issue. PRAudenbush began this discussion suggesting that the pre-dredge survey should be done early in/around June for the primary purpose of obtaining more accurate bids and, therefore, a better likelihood of obtaining a loan for the project. Originally, KWright had a concern with conducting the survey too soon but is currently more inclined to go with PRAudenbush's suggestion and also believes, given the current economic climate, that the dredging should get going as soon as possible.

**MOTION:** To authorize Wood, PLC to initiate the currently proposed scheduled as indicated in Joe Wagner's email, dated May 12, 2020 at 1556 hours, by KWright.

**The motion was seconded by PRAudenbush and PASSED by four Board members voting *FOR* the motion with BRadloff having the dissenting vote.**

PRAudenbush brought back the discussion of when to get the pre-dredge survey and considers it to be very important and wants to get the survey right away, sooner than when Joe Wagner has suggested (right before dredging begins). Stanley indicated that getting a survey done this soon in the process may dictate (by the dredging contractor) that another one will need to be done just before the

dredging gets started since that might not happen until nine to 12 months down the road after the bidding process and final notice to proceed. DTouring agrees with PRAudenbush's approach for purposes of the loan and would also consider conducting a second survey just before the initiation of the dredging. PRAudenbush suggested that the survey be conducted as soon as practicable.

**MOTION:** To conduct the pre-dredge survey as soon as practicable, by PRAudenbush.

The motion was seconded by KWright and PASSED by four Board members voting *FOR* the motion with BRadloff having the dissenting vote.

7. Website migration update. PRAudenbush reported that the web migration is complete and the new website is available now with all pertinent information uploaded and can be accessed under the original web address - isleofpalmsjax.com. Big hand to PRAudenbush for getting the migration done and the on-going management of the website and data!
8. Candidates must South IOP Seats 1 (Paul) and 3 (David) and Central IOP Seat 5 (Ken) must file for election this month. PRAudenbush indicated that the three Seats will have to re-apply within a certain period and deadline. Applications must be submitted from June 8<sup>th</sup> to June 12<sup>th</sup>. KWright indicated that he hoped that all the current Seat holders would apply for re-election to the Board.
9. New Business. WFlowers indicated that the Government extended the virtual meetings option until July 7<sup>th</sup> and should let him know if the Board wants to do another virtual meeting in June, so he has a chance to properly notice the public.

### ***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 1925 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:

June 10, 2020   July 8, 2020   August 12, 2020   September 9, 2020   October 14, 2020

November 11, 2020   December 9, 2020