

MEETING MINUTES
MID CHARLOTTE STORMWATER UTILITY ADVISORY COMMITTEE
August 6, 2014 – Regular Meeting
2:00 p.m. - Public Works Conference Room

Attendees: Michael Brown, George Kearns, Bob Logan, Ben Petrone, Dianne Quilty and Steve Vieira

County: Karen Bliss, John Elias, Mike Dallenbach, Dawn Harrison, Joanne Vernon and Sandy Wright

The meeting was called to order at 2:00 P.M. A roll call was taken. A quorum was present.

The minutes from the May 22, 2014 meeting were unanimously approved as written.

Citizen Input:

- Mr. Scott Andrichak has questions:
 1. Why was Prolime paid for the Cat Tail Project when the project is not complete?
 2. What is the process for verifying the work is complete?
 3. Who signs off on each stage of the project?
 4. Why did Prolime submit an invoice for a job that is not complete?
 5. Will citizen input be allowed again at the end of the meeting?

Old Business:

- Sunshine Lake Project – Ms. Vernon gave a status update regarding the bird issue; they are still waiting for one nest of birds to be vacated. The environmentalist found that two of the nests were vacated last week so the nests were destroyed. The last nest should be vacated within the next 2-3 weeks. Prolime was asked to clear the remaining southern portion of the lake while waiting for the birds to leave, taking care to stay 300 feet away from the bird nests. Prolime is on call and will begin work as soon as they are given authorization. When Prolime came in with a change order to remove additional algae a settlement was reached between the County Legal Department and the legal department representing Prolime; the agreement was that the County would pay in full for the rest of the contract amount. The change order that amounted to approximately \$1.1 million additional dollars was broken up and would be paid per acre based on the amount of work done. The amount for cattail removal was paid due to it being included in the rest of the contract amount. Mr. Brown expressed concern over paying for items twice; once on the original amount and again on the change order. The latest change order agreement is for the County to pay \$5270 per day based on a 5 day work week for each day they can't work due to the bird nests. The project is 86% complete and Prolime is anxious to complete it. Atkins is working under a separate contract for a management plan. A lesson learned would be to clear the entire area at the beginning of the project instead of clearing as they worked the different algae areas; however with as long as this project took, it would have grown back and still could have happened. There was discussion regarding nature causing these delays; there was no way to foresee this happening. The Committee agreed that the contract should have included wording that would have made the endangered species that were located within the construction area be the contractors responsibility. Mr. Logan asked if the wells can begin. Atkins is currently performing water quality testing and should have a draft report ready within a couple of weeks with test results and recommendations to eliminate the need to ever go through this process in the future. Atkins is also looking at the ground water wells. The downstream weir work will be scheduled as soon as the algae removal is complete. There is an inspector onsite that verifies the work is completed by the contractor on a daily basis and reports back to Ms. Vernon. Mr. Vieira stated that in the past change orders were presented to the committee during meetings for discussion. The committee votes on whether they are in favor or not to recommend approval to the BCC. The recommendation then goes to the BCC for review and approval. The BCC makes final decisions to approve or deny.

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There have been 5 change orders: one for cattail removal, one for additional days, one for approximately \$1.1 million for additional algae removal, one for an extension due to nesting birds and another extension for more nesting birds. Some but not all of the cattails have been removed. There is no way to stop birds from nesting. The area is only monitored. The sewer line break on Quesada will not have any effect on the project. The leak was able to be isolated and shut off. Ms. Vernon stated that the approximate grand total of the project is around \$3.5 million; she will get the exact number and report back. Mr. Vieira stated he would like the exact number as well as the funding sources be made part of the meeting record to clear up confusion over articles and rumors. The original \$1.9 million is coming from the MSBU and the rest will come from the general fund. Mr. Andrichak asked about the date of the attorney's meeting where the agreement was made to pay the original invoice amount. Mr. Vieira stated that there was good faith work that was being done by the contractor that was caused when additional debris was located at the bottom of the lake.

- Desoto Ditch – Ms. Vernon stated that Phase II is in the Purchasing Department going through spec review and should be put out on the street very soon; it will remain on the street for about a month then will take approximately 90 days before it goes to the BCC for approval. The Committee expressed concern about running into the next Scrub Jay season. The Natural Resources Department has done their first review for tortoises in the area. Ms. Vernon will follow up and report back. The SWFWMD permit is in hand. The tortoise relocation permit fees are based on the number of tortoises being relocated and is issued by FWC. Scrub Jay season ended on July 1st. During Phase I the contractor didn't want to work during the rainy season. The Committee would like the work to be performed during the dry season as much as possible. There was discussion regarding Phase I's repairs and its current condition. The hillsides are currently stable and 51 houses were saved from going into the canal. Ms. Quilty asked if she can review the area and was advised to contact the inspector if the area is under construction so they can ensure proper gear is worn. There was discussion regarding a change in project managers for Phase II.
- Directional Drilling under US41 – Ms. Vernon stated that the 3 culverts under the Elkcam Waterway are complete. The funding for the tunneling underneath US41 is coming from sales and gas tax money; not the MSBU. No water lines were replaced during the tunneling. CCU would have been responsible for water lines.
- Ms. Bliss reported that the structure at Quesada and Forrest Nelson that crosses the Sunset Waterway was found to have an unforeseen pipe 11 feet underground that is in conflict with the location of the wing walls. The pipe will have to be rerouted. A change order for \$15,658 was sent through which will bring the contract total to \$928,212.21. The contractor is 50% complete. 4 days have been added to the contract for the additional work and 3 rain days have been added to the contract to date. The project completion date is now September 17, 2014. There will be a pre-construction meeting next Wednesday for the Dorchester 4.89 structure where the road collapsed. The contract was awarded to Lovin Corp. No temporary bridge will be installed at this location. The two water control structures on Peachland will have temporary bridges during construction so that Peachland will remain open to traffic. The Edgewater Project for work from Harbor Blvd. to Midway Blvd. will go out for bid and the bids are due back in September. There was discussion regarding the status of Snapper Creek that was brought up at the last meeting. Mr. Elias stated that the area has been checked and found to be environmentally sensitive. Different options are being looked at. The water is flowing ok.

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New Business:

- Financial Reports – The 9 month actual report was distributed for review and questions. There was extensive discussion regarding the finances of the MSBU. The Committee is concerned about remaining solvent and the members agree that they have been very cost conscious and want to remain that way.
- The Committee would like to have an opportunity to review all projects before they go to the BCC for approval and stated that doesn't always happen. Mr. Kearns requested an accounting statement of what is owed, what will be owed and the funding sources on the different projects. The financial history report doesn't provide this detailed information. The drainage control structures and the Sunshine Lake projects are large numbers and both have multiple projects tied to them. Ms. Vernon will get the information and requested the Committee let her know if the information she provides is not what the members are looking for.
- Ms. Vernon commented that the east/west ditch is being sprayed for vegetation. This MSBU now has the responsibility for this ditch. Mr. Doherty is going to initiate discussion regarding an inter-local agreement between Desoto and Charlotte Counties.

Open Discussion:

- Mr. Brown asked about the rule for citizen input at the beginning of the meeting stating he doesn't feel there is always enough information at the beginning of the meeting for citizens to be able to make comments. He feels when people show up at a meeting they should be able to be heard.
- Mr. Logan hopes that Sunshine Lake has been a learning curve for all involved. The County has done as much as they can do and he feels things have come up that are out of the County's control.
- Mr. Kearns talked about the situation in Toledo Ohio regarding algae contaminating the drinking water Ms. Vernon will ask Atkins if they have any research and will report back.
- Mr. Andrichak commented on the Committee's comment that it was a bird issue. He stated that the birds could have been written into the contract that would have made the contractor more responsible for the situation. It should have been the contractor's responsibility to monitor the birds. He finds it odd that the County doesn't know that. He doesn't feel that this is just nature. Going forward he would like for contracts to contain verbiage that would eliminate the need for tax payers to pay \$5300 a day while the contractor can't work. The committee is in agreement. He also asked about Ms. Vernon's statement saying that Prolime is ready to start back up tomorrow but he thought there was a waiting period. Ms. Vernon explained that there is no waiting period after the birds have fledged. The work can begin immediately. A permit is in hand to remove the nests.

Next meeting scheduled for Wednesday, October 8, 2014 at 2pm in the Public Works Conference Room.

The meeting was adjourned at 3:36 pm.

Submitted by:



Sandy Wright
Public Works Department

