

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 04/22/20**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:02 a.m. on April 22, 2020 via Zoom teleconference.

1) ROLL CALL

There were present (via online teleconference) Board President Matthew J. Boykin and Supervisors L. Marc Cohn, John P. Cohen, and Gregory Block; Executive Director O'Neal Bardin, Jr.; District Engineer Robert W. Lawson of Arcadis and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Deputy Director Dan Beatty; Finance Director Katie Roundtree; Executive Assistant Susan Scheff; Director of Operations Ken Roundtree; and Permit and Contract Specialist Mila Acosta.

2) ESTABLISHMENT OF A QUORUM

Mr. Boykin announced that a quorum was present and that it was in order to consider any business to properly come before the Board.

3) ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Bardin reported that that no additions or deletions to the Agenda were necessary.

4) APPROVAL OF MINUTES

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed approving the Minutes of the March 25, 2020 Regular Meeting.

5) COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Mr. Boykin called for any comments from the public for items not on the Agenda to which there was no response.

Ms. Roundtree also confirmed that Ms. Scheff had not received any comments from the public via email prior to the meeting nor were any public comments received by any of the other advertised methods.

6) CONSENT AGENDA

Mr. Boykin called for any comments from the public on the Consent Agenda to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed approving the following Consent Agenda Items:

- a) General
 - i) Ratify Adjournment of Recessed March 25, 2020 Regular Meeting
 - ii) Consider Approval of Minor Services Contract – Brown’s Welding LLC
- b) Multi-Unit
 - Consider Purchase Orders to Hinterland Group, Inc. (3)
- c) Unit No. 2C – Alton
 - Consider Purchase Order to Murray Logan Construction, Inc.
 - Consider Purchase Order to PI Electric, Inc.
- d) Unit No. 11 – PGA National
 - Consider Purchase Order to Sun Art Painting Corporation
- e) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) MULTI-UNIT

i) Consider Award of Contract to Aquatic Vegetation Control

Mr. Beatty stated that this item is for an annual contract for Aquatic Weed Control and Marsh Maintenance and encompasses nine Units of Development. He explained that this contract was publicly

bid and Northern received three bids. He reported that the low bidder was Aquatic Vegetation Control, Inc. (AVC) in the amount of \$559,210.60. He further reported that this contract will go into effect on October 1, 2020 and the costs will budgeted among the individual Units based upon the work required in each Unit. Mr. Beatty explained that Staff has been very pleased with AVC's work in the past and recommends approval of this Award of Contract, noting that it is for one year with the option of four additional renewals for a total contract period of five years.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed approving award of an annual contract to Aquatic Vegetation Control, Inc. in the amount of \$559,210.60, as presented.

ii) Consider Reimbursement Resolution

Ms. Roundtree stated that in February, the Board approved Resolution 2020-02 authorizing certain expenses, related to the design and bidding of projects in Units of Development No. 5, 14 and 15, be reimbursed to Northern from an upcoming proposed loan. She explained that when Staff discussed Northern's proposed budget with representatives from Unit of Development No. 20, Juno Isles, they suggested that the salt water weir replacement project, included in Northern's five-year capital plan for year five, be started earlier. She reported that Staff is recommending, and residents agree, that Northern plan and build the replacement weir over a two-year period, with the proposed Fiscal Year 20/21 Budget to include engineering costs for the project and then construction in Fiscal Year 21/22.

Ms. Roundtree stated that Resolution No. 2020-06 adds Unit of Development No. 20 to the previously approved list of Units and authorizes certain expenses, related to the design and bidding of these projects, be reimbursed to Northern from an upcoming proposed loan.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed adopting Resolution No. 2020-06.

b) UNIT OF DEVELOPMENT NO. 2C – ALTON

i) Status Report

Mr. Beatty gave a brief verbal status report of this project. He stated that all of the current projects are proceeding as scheduled, noting that the Artistry preserve buffer project is ongoing and nearing completion. He also noted that the park project is nearing completion, but there is currently no opening date due to the COVID-19 issue, and any subsequent opening will have to be in compliance with County and State guidelines. Mr. Beatty stated that the I-95 fence had been installed and Northern is hoping to receive the necessary approval from the Florida Department of Transportation (FDOT) in order to finalize the wall and fence construction project.

Mr. Edwards reported that Northern received an Acquisition Purchase Proposal from FDOT for a small Temporary Easement that they want to acquire along I-95. He explained that the easement request is for ten years and Northern has a 30-day time period in which to respond to the proposal. If Northern does not respond within 30 days, an extension can be requested and would likely be granted. If such an extension request is not granted, FDOT could proceed to commence an eminent domain action. He reported that Northern has requested several documents and will be requesting an extension in order to prepare this item for consideration at the next Board meeting.

Mr. Bardin added that the Temporary Easement is to facilitate the construction of an exit off I-95 on the southbound side of the road to Central Boulevard.

This item was presented for information only and no Board action was required.

**c) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL
Consider Award of Contract to J.W. Cheatham, LLC.**

Mr. Beatty explained that this project was included in Northern's five-year capital improvement plan and involves pavement milling and resurfacing within Ryder Cup Boulevard. He further explained that a sketch of the project area was included in the Board's materials. Mr. Beatty stated that Northern's District Engineer prepared the plans, and the project was publicly bid. He reported that Northern received four bids, and the low bidder was J.W. Cheatham, LLC. in the amount of \$508,832.85. Mr. Beatty noted that J.W. Cheatham has successfully completed this type of work on previous projects and is very well qualified to do the work.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed approving award of contract and approval of Purchase Order 20-420 in the amount of \$508,832.85 to J.W. Cheatham, LLC.

**d) UNIT OF DEVELOPMENT NO. 31 – BALLENSLES COUNTRY CLUB
Consider Award of Contract to J.W. Cheatham, LLC.**

Mr. Beatty explained that this project is the second phase of the roadway milling and resurfacing project which was also part Northern's five-year capital improvement plan. He stated that Phase I had included the spine roads and the pedestrian pathway and this phase will encompass BallenIsles Drive. This project was publicly bid and he reported that Northern received two bids with J.W. Cheatham, LLC. as the low bidder in the amount of \$628,863.07. Mr. Beatty noted that J.W. Cheatham was the contractor of the first phase, so they are very familiar with the project.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed approving award of contract and approval of Purchase Order 20-421 in the amount of \$628,863.07 to J.W. Cheatham, LLC.

**e) UNIT OF DEVELOPMENT NO. 53 – ARDEN
Status Report**

Mr. Beatty gave a verbal status report of this project, noting that this project is proceeding as planned, but there will be some additional discussion under the District Engineer’s report with respect to Parcel J. He stated that other improvements are proceeding as scheduled. He explained that the Brightview contract for Phase II of the Linear Park project is in the process of being executed. He reported that Northern has had no interruption or requests from contractors for special consideration due to the COVID-19 virus, however they are following the County’s guidelines with respect to masks and protective gear.

Mr. Beatty stated that he had nothing further to report, but once again noted that the District Engineer will have some additional information under his report.

This item was presented for information only and no Board action was required.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Mr. Lawson reported that on April 20, 2020, Northern received a formal request from the developer of Arden to not proceed with the previously awarded construction of the Parcel J improvements that were included in PRJ 615. He explained that Parcel J was originally bid along with Parcel F-East. He further explained that the Board awarded the combined contract to CK Contractors and Development, LLC, and Northern issued a Notice to Proceed on November 18, 2019. Mr. Lawson stated that the Notice to Proceed stipulated that the Parcel J project would commence 180 days following the time when the contract began to run, which is due to occur on May 16, 2020, and prior to Northern’s next regularly scheduled Board Meeting.

Mr. Lawson explained that the timing of this formal request by the developer to not construct the Parcel J improvements at this time appears to be due to the financial impacts of COVID-19 upon potential homebuyers which has affected the developer's ability to sell finished lots to builders. He reported that Staff has reviewed Northern's options with regard to this request, along with General Counsel, noting that termination of the contract did not seem feasible since the contract encompasses two parcels. He stated that the consensus was that the most appropriate option would be to request the contractor to prepare a deductive Change Order to remove all items that were previously included in the Parcel J award. In order to implement the deductive Change Order, Staff is requesting Board authorization to issue a 60-day suspension of commencement of the Parcel J public improvements, noting that such a suspension is allowed without cause under the General Conditions of the contract. Mr. Lawson explained that this suspension will allow Staff time to send a Notice of Suspension to the contractor and negotiate with the contractor with regard to any fees or charges they believe they are entitled to as a result of both the suspension and deductive change order. It will also put Northern's Project Engineer on notice of the suspension and deductive change order request as well. He added that Staff will need to negotiate with the developer regarding potential cost recovery for this project as a result of removing the Parcel J work from the contract.

Once again, Mr. Lawson advised that Staff is requesting Board authorization for a 60-day suspension of this contract.

Mr. Boykin asked if the developer's reason for requesting the deductive change order is economic and Mr. Lawson responded affirmatively. He advised the Board that the developer has advised that it does not currently have a buyer for Parcel F-East or Parcel J. He then explained that there is also a companion contract for private improvements with the same contractor for the two Parcels that is similarly being changed. As a result, Northern would be unable to get County acceptance of Northern's Parcel J

improvements without construction of the private component, so the deduction of Parcel J from both contracts will have to be negotiated with the contractor.

Mr. Edwards advised the Board that he concurs with Mr. Lawson's recommendations, but wants to make the Board aware that if Northern issues a written suspension, the contractor will be entitled to seek an increase in contract price for direct costs to the contractor resulting from the suspension and those costs are unknown at this time.

Mr. Bardin stated that Staff is asking the Board to authorize a 60-day suspension of the CK Contractors and Development, LLC contract.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Cohen and unanimously passed authorizing a 60-day suspension of the contract with CK Contractors and Development, LLC with respect to the Parcel J construction project, as presented.

b) ATTORNEY

Mr. Edwards began his report by reminding the Board to submit their 2019 Form 1 Statements.

Mr. Edwards also reported that the Governor's Executive Order allowing for this electronic meeting, among other items, will expire on May 8, 2020 unless the Governor extends it. He explained that Northern has been receiving the required Certificates of Extension every seven days. He asked Ms. Scheff if the current weekly extension has been received and she responded affirmatively. He reported that Northern is continuing to operate under the current guidelines for emergency operations recently approved by Resolution.

c) EXECUTIVE DIRECTOR

Mr. Bardin advised the Board that he had a few items to report and the first item is an update on the recent work performed by Data Flow Services which Mr. Beatty will provide.

Mr. Beatty stated that the Board had approved a Purchase Order to Data Flow Systems, Northern's sole source telemetry provider, in October 2019. He explained that the project involved the conversion from the current UHF (Ultra High Frequency) to VHF (Very High Frequency). He reported that the project is nearly complete and Staff is already experiencing significant improvements in the level of communication with electronics, speeding up the ability to acknowledge and respond to alarms and also noting that fewer alarms are received. Mr. Beatty ended by stating that this has turned out to be an extremely worthwhile project and Staff is very pleased with the results thus far.

Mr. Bardin reported that the Board adopted Resolution No. 2020-05 verbally at its March Board Meeting in response to the Governor's Emergency Order allowing for these Board Meetings to be held electronically. He explained that the Resolution was put into writing and has been included in the Board's materials together with the Standards for Electronic Meetings. The Standards for Electronic Meetings were prepared by Staff and Mr. Edwards and previously sent to the Board. Mr. Bardin stated that he will not review the Standards with the Board at this time, but he reported that they have been followed in today's Board Meeting.

Mr. Bardin stated that the Public and Community Relations Report and is included in the Board materials for review.

9) RECEIVE AND FILE

The following items were presented to be received and filed:

- Greg Block Q&A – 04-08-20;
- Assessment Collection Status as of April 8, 2020;
- Northern Quarterly Financial Report; and
- Proof of Publication of Meeting Notices

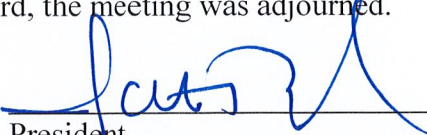
copies of which are contained in Northern's records.

10) COMMENTS FROM THE BOARD

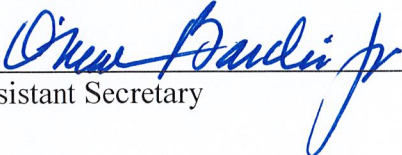
Mr. Boykin noted that he thought the virtual Board Meeting ran smoothly and there was agreement among the Board.

11) ADJOURN

There being no further business to come before the Board, the meeting was adjourned.



President



Assistant Secretary