

MINUTES OF SPECIAL MEETING OF KISSIMMEE UTILITY AUTHORITY, HELD TUESDAY, JANUARY 5, 1988, AT 5:00 P.M., 2ND FLOOR MUNICIPAL ADMINISTRATION BUILDING, KISSIMMEE, FLORIDA

Present at the meeting were Chairman Hord, Secretary Bobroff, Assistant Secretary Jones, Director Lowenstein, Attorney Brinson, General Manager Welsh, Recording Secretary Reubelt. Vice-Chairman Price and Director Gant were absent. Also in attendance were Ed Spelman, Catalyst Inc. Architecture and Larry Walter, Hanson, Walter and Associates.

A. MEETING CALLED TO ORDER at 5:00 P.M. by Chairman Hord.

Chairman Hord stated that the purpose of the special meeting was approval of the change order for parking lot work at the new administrative building.

General Manager Welsh stated that staff, in conjunction with our architect and engineers, have determined an amount they feel is justified for the change order under consideration and are recommending that \$53,839.00 be paid and that amount be transferred from the Reserve for Future Capital Outlay. He emphasized that the contractor (whose first request for this work was \$61,239.08 and whose present request is \$60,558.99) does not agree with the smaller amount as recommended, but that in consultation with our attorney, staff feels it is in our best interest at this time to pay the amount they feel is justified and to not hold up payment. Mr. Welsh again noted that the contractor does not agree, but that staff feels there are good substantial reasons for denying the rest of this change order. He noted there are many other items which will need to be discussed and negotiated in the future.

Manager of Planning & Engineering Ken Davis detailed the procedures staff has gone through to justify this amount and reviewed the information distributed to the Board item by item.

In response to a question by Director Jones, Larry Walter reviewed the difference between stabilizing a sub-surface and the necessity of removing a sub-grade. Ken Davis stated that the contract called for stabilizing the sub-surface and when they went in they could not stabilize the material there because there was debris in it. The debris had to actually be removed, clean fill brought back in, and then that material stabilized to provide an adequate sub-base for the job.

Attorney Brinson informed the board as to the notification of the subcontractor that he will have to withdraw from the job if he is not paid. Mr. Brinson reported that after considerable discussion this morning between the sub-contractor's attorney, Ken Davis, Ed Spelman and himself, it was his feeling legally that since we owe the contractor some money - more than the original quote - that we should arrive at a number and authorize a change order.

Director Bobroff moved acceptance of staff's recommendation to authorize the General Manager to execute the change order for removal and replacement of unsuitable material in the parking lot for the amount of \$53,839.00 and authorize transfer of this amount from the Reserve for Future Capital Outlay. Director Lowenstein seconded.

Director Jones asked when the retention has to be paid. Ed Brinson responded that it was when the punch list is completed. Ed Spelman stated that they would not make a decision as to whether or not to accept the building until after seeing the engineers' punch list. Mr. Welsh noted that even if the engineers' report came back 100% clean, there are items right now that preclude us from accepting the building. Mr. Brinson agreed and recommended proceeding with caution when discussing punch lists and not be tied to any stopping date.
Discussion

continued regarding the best way to proceed in this matter. Attorney Brinson commented that as a practical matter he would like the Board to approve the change order so there can't be any question that we have done what we are supposed to do.

Motion carried 4 - 0

Meeting adjourned 5:38 P.M.


Chairman

Attest:


Secretary