

MINUTES OF SPECIAL MEETING OF KISSIMMEE UTILITY AUTHORITY, HELD WEDNESDAY, JULY 14, 1993, AT 6:00 PM, BOARD ROOM, ADMINISTRATION BUILDING, 1701 W. CARROLL STREET, KISSIMMEE, FLORIDA

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Present at the meeting were Chairman Hord, Vice-Chairman Gant, Secretary Bobroff, Assistant Secretary Lowenstein, Director Jones, Mayor Pollet, Attorney Brinson, President & General Manager Welsh, and Recording Secretary Rundio.

**A. MEETING CALLED TO ORDER at 6:05 PM by Chairman Hord.**

Mr. Welsh stated that approval by the Board was necessary for the following Cane Island projects, which would normally be on the Consent Agenda at a Regular Meeting. In the interest of time, he suggested presentations not be made unless the members had any questions.

**B. AGREEMENT WITH MCI FOR REIMBURSEMENT OF PROTECTIVE WORK EXPENSES AT CANE ISLAND ACCESS ROAD**

Staff recommended approval of the Letter Agreement with MCI to reimburse MCI for the cost of protective work of their utility lines at Cane Island access road up to an amount of \$25,886, and authorize the Chairman and Secretary to execute the letter agreement.

**C. AGREEMENT WITH WILTEL, INC. FOR REIMBURSEMENT OF PROTECTIVE WORK EXPENSES AT CANE ISLAND ACCESS ROAD**

Staff recommended approval of the Letter Agreement with Wiltel, Inc., and authorize the Chairman and Secretary to execute the same.

**D. AGREEMENT WITH CENTRAL FLORIDA PIPELINE COMPANY CONCERNING ENCROACHMENT AT CANE ISLAND ACCESS ROAD**

Staff recommended approval of the Letter Agreement with Central Florida Pipeline Company (CFPL); and authorize the Chairman and Secretary to execute the same.

Director Bobroff moved that Staff's recommendations, as included in Agenda Items B, C and D, be considered and approved with one vote. Seconded by Director Lowenstein.

Motion carried 5 - 0

The following item, which was a straightforward bid, was the primary reason for calling this meeting.

**E. AWARD OF CONTRACT - CONSTRUCTION OF PRODUCTION (WATER) WELLS AT CANE ISLAND - IFB #035-93**

Director Bobroff moved to accept and approve Staff's recommendation on the award of contract for the construction of the production of water wells at Cane Island - IFB 1035-93, to Centech Utility Corporation for the sum of \$76,962. Seconded by Director Jones.

Motion carried 5 - 0

**F. CONSERVATION EASEMENT FOR FLORIDA GAME & FRESHWATER FISH COMMISSION (EGFWEC) AT CANE ISLAND**

Mr. Welsh stated that this easement, normally a Consent Agenda item, was necessary to complete the Plant.

Director Jones moved to accept Staff's recommendation (as included in the Agenda Item) to approve the conservation easement to Florida Game & Fresh Water Fish Commission; and authorize the Chairman and Secretary to execute said easement when the surveying details and the legal description of the easement are completed and are made part of the easement. Seconded by Director Lowenstein.

Director Gant queried the reason for this easement. Staff responded that it is a requirement by the Florida Game & Fresh Water Fish Commission for our obtaining the required license by setting aside a specified amount of land (a minimum of 25 acres) to serve as a mitigation measure to compensate the incidental takings of gopher tortoises and habitat loss. This is congruent with portions of the other environmental and conservation easement which has been dedicated to the South Florida Water Management District (SFWMD). It was clarified that this mitigation easement was not given to the County; the County agreed to let SFWMD be the lead agency.

Director Gant expressed concern with this type of an arrangement in that at some future date problems might arise. He had a problem with that Agency (Florida Game & Fresh water Fish Commission). He felt that in the past they did not present themselves as a fair and reasonable Agency and had acted in an adversarial manner. Mr. Welsh stated we had no choice, that the Florida Game & Fresh Water Fish Commission would simply take it or we would not receive the license.

Motion carried 5 - 0

**G. TRANSFER OF FUNDS FOR ENGINEERING SERVICES FOR TAFT  
LAKELAND/CANE ISLAND TRANSMISSION LINE**

Mr. Welsh stated that all the funds for this project are currently in the 1994 fiscal year's Budget. It is necessary to approve the recommended transfer so that expenditures on this facility can be given immediately to meet the project schedule.

Director Jones moved to accept Staff's recommendation authorizing the transfer of funds from the Reserve for Future Capital Outlay in the amount of \$300,000 for the Taft/Lakeland/Cane Island project. Seconded by Director Bobroff.

Motion carried 5 - 0

**H. PURCHASE OF PARCELS H & J, BOGGY CREEK**

Mr. Welsh stated that at the previous Board Meeting the Board approved the purchase of Parcels H & J, the back parcels of the Boggy Creek substation property, if they were to appraise at \$45,000 or greater. The appraisal came in at \$150,000; therefore, it is Staff's intention to proceed to close that for the \$50,000 plus \$744.50 in closing costs. It was Staff's recommendation that the Board authorize Staff and Attorney Edward Brinson to proceed with the purchase of Parcels H & J for \$50,744.50, and authorize the Chairman and Secretary to execute the Purchase Agreement and authorize the transfer of funds from the Reserve for Future Capital Outlay in that amount.

Director Bobroff moved to accept Staff's recommendation to purchase Parcels H & ~ for the price of \$50,000, plus \$744.50 in closing costs; and authorize the Chairman and Secretary to execute the Purchase Agreement; and further authorize the transfer of \$50,000 from the Reserve for Future Capital Outlay. Seconded by Director Lowenstein.

In reply to Chairman Hord, Attorney Brinson stated that we do have a survey and both deals (along with Parcels D & F) would be closed at the same time.

Mayor Pollet inquired why we chose Clayton, Roper & Marshall, Appraisers, over a local firm. Mr. Welsh stated their firm has been used by us a number of times in the past. Mr. Ken Davis, Director/Engineering, stated that in this particular appraisal they had appraised the front piece on Boggy Creek and when Staff talked to them about the methodology to do the back two parcels, they recommended the best way to handle this would be as an addendum to the other appraisal in order to get it done in about a week's time. They had done an excellent job on other appraisals for us. There is not a local appraiser who would give an MIA appraisal. They don't do full MIA appraisals; they have them signed off by another appraiser in Orlando.

**Motion carried 5 - 0**

**I. HEAR GENERAL MANAGER, ATTORNEY, DIRECTORS**

**GENERAL MANAGER**

Mr. Welsh stated that the bid is coming in for the primary general construction contract; however, it is still too early to approve at the July 28th meeting and it would be too late for the August 25th meeting. Therefore, a brief Special Meeting was scheduled for August 12, at 6:00 p.m., to approve the general construction contract after it is evaluated. The estimated budget on the general construction contract is close to \$6 million.

Mr. Welsh indicated that a letter from a customer and former City Commissioner, Richard Herring, had made a suggested change to KUA's travel policy for Board members. Mr. Welsh asked for some direction from the Board as to whether they wish to have this item agendaed at an upcoming meeting.

The suggested change to the Travel and Training Policy affects Board members and would be as follows. All overnight travel by Board members would be explicitly pre-approved (except in an emergency) by the Board as a whole. This would either be done annually (perhaps at Budget time) or as the need arose for unanticipated items.

Director Hord polled the Board as to how they felt about this. Initially, Director Bobroff and Director Lowenstein felt as though we should leave our policy as it currently is. Chairman Hord and Director Gant felt it should be changed, and Director Jones was somewhat non-committal.

Some discussion ensued on the merits of the suggested change. After some discussion all the Board members, with the exception of Director Bobroff, felt that we should proceed with the change.

Mr. Welsh indicated that, based on the direction being given by the Board, he would prepare a change to the KUA Travel and Training Policy to require the explicit pre-approval for overnight trips for Board members by the Board as a whole, either on an annual basis or as they occur. He will also prepare a suggested list for this year's allowed travel by Board members. He would present this to the Board at the next Regular Meeting on the Consent Agenda. He also indicated that unanticipated travel by Board members would be presented to the Board as a whole for approval prior to the fact (with the exception of emergencies).

General Manager Welsh dialed the "KUA Morning Minute", which is so professionally compiled and broadcast by our Communications Specialist, Chris Gent, in which he daily highlights upcoming informative events. This can be dialed by employees and customers alike. Thank you, Chris, for "making our day!"

**ATTORNEY** - No comments

**DIRECTORS**

Director Bobroff expressed his personal appreciation and thanks to all and those who joined him and his family in observing the death of his wife, Rose Ann, on July 6th, during the visitation at the home of his son, Michael. He also thanked everyone for the beautiful basket of fruit from the KUA Board of Directors and Staff.

The Board had an opportunity to view a three-minute panoramic video of the Cane Island site shown by Greg Harrington, KUA's Owner's Representative for that project. He narrated the construction already taking place there and the progress being made in the road construction, the actual Plant site, retention pond, mitigation and wetlands creation area, gas lines, etc. Brief discussion followed.

J. **ADJOURNMENT**: Meeting adjourned at 6:50 p.m.

  
CHAIRMAN

ATTEST:

  
SECRETARY