

**Sebastian Inlet District
November, 2010 Regular Commission Meeting
Wednesday, 4:00 PM, November 10, 2010
Sebastian Inlet District Offices
114 Sixth Avenue, Indianalantic, Florida 32903**

AGENDA

- I. Call to Order - Chairman Perry**
 - Welcome Re-elected Commissioners**
 - Oath of Office**
 - Filing of Commissioner's Bonds**

 - Election of Officers**

- II. Approval of Minutes – Regular Commission Meeting of October 13, 2010**

- III. Information and Discussion Agenda**
 - A) Media and Information**
 - B) Executive Director's Reports:**
 - 1) Status of DMMA Project and Construction Bid Opening**
 - 2) TRIM Process and Audit**
 - 3) Discussion of Local Preference in Contracting with the District**
 - 4) Additional Items**
 - 5) Discussion of Consent Agenda**

- IV. Overview of Indian River County's Sector 3 Beach Renourishment Project – Completion of Phase I and Initiation of Phase II – Mr. James Gray**

- V. Park Matters – Terry Coulliette**

- VI. Legal Counsel Update - Jack Kirschenbaum**

- VIII. Public Comment Period**

- IX. Consent Agenda**
 - A) Authorized Work for Commission Review**
 - 1) Amendment to Work Order #0809-002-PBSJ – DMMA Design and Permitting – Additional Costs Associated with Preparation of Bid Documentation and Contract Documents - \$4,820**

 - 2) Amendment to Work Order #0809-025-PBSJ – Engineering and Permitting Services for Tide Pool – Additional Costs Associated with Preparation of Bid Documentation and Contract Documents - \$4,860**

B) Recommended for Approval:

- 1) Work Order 1011-004-PBSJ - Construction Administration, Engineering and Permit Compliance Services for Construction of Dredged Material Management Area (DMMA) and Tide Pool Restoration – Not-To-Exceed \$185,640**
- 2) Approval and Acceptance of Contractor and Bid for DMMA Construction and Tide Pool Restoration based on Bid Opening held November 5, 2010.**

X. Commissioners Items

- A) Commissioner Mitchell**
- B) Commissioner Lawton Seal**
- C) Commissioner Culberson**
- D) Commissioner Westlake**
- E) Commissioner Perry**

XI. Old Business

XII. New Business

XIII. Adjournment

**Minutes of the Sebastian Inlet District
Regular Commission Meeting
November 10, 2010
4:00 p.m.**

Call to order: A regular meeting of the Sebastian Inlet District Commissioners was held at the Sebastian Inlet District Offices, 114 Sixth Ave., Indialantic, FL 32903 on November 10, 2010. The meeting was called to order at 4:00 p.m. by Chairman Ann Perry. Secretary Jenny Lawton Seal was present and there was a quorum.

Welcome Newly Re-Elected Commissioners: Mr. Kirschenbaum read the oath of office to Chairman Perry and Vice Chairman Culberson, swearing them into office.

Filing of Commissioners Bonds: A check for the bonds was submitted and when the certificates are received they will be recorded in Tallahassee.

Election of Officers: Chairman Perry opened the floor for nominations and Commissioner Lawton Seal nominated Commissioner Mitchell for Chairman with Commissioner Culberson seconding. Hearing no other nominations, **motion carried 5-0**. Commissioner Mitchell nominated Commissioner Lawton Seal as Vice Chairman with Chairman Perry seconding. Hearing no other nominations, **motion carried 5-0**. Commissioner Culberson nominated Commissioner Perry as Secretary/Treasurer with Commissioner Mitchell seconding. Hearing no other nominations, **motion carried 5-0**. Chairman Perry closed the floor to nominations.

Approval of Minutes- Regular Commission Meeting of October 13, 2010: Commissioner Lawton Seal moved to amend the minutes to reflect that she had moved to approve the minutes of the October 2010 meeting. Commissioner Mitchell moved to approve the minutes as amended. **Motions carried 5-0**.

Executive Director's Reports:

Media and Information - Mr. Smithson commented on an article in the media packet that touted the success of the PEP Reef. An article from the Florida Bar Journal on the beach renourishment case in Walton County was also in the media packet.

Status of DMMA Project – An invitation to bid was advertised on October 18, 2010 and a mandatory pre-bid meeting was held on October 26th with 8 – 10 people attending. After the meeting, questions were submitted and answered. The official bid opening occurred on November 5, 2010 at 10:00 a.m. at the District Office. Three bids were received and the District's consultants from PBS&J reviewed the submittals and recommended Barco-Duval Engineering. Mr. Flynn explained how the bid proposal selection was determined and that Barco-Duval had also been highly recommended by a list of referrals. During the construction process, reasonable change orders may be needed and a committee would be effective to keep the project flowing in a timely manner.

Commissioner Mitchell moved to create a committee of the District's attorney, the Administrator and the District Chairman to deal with change orders up to \$25,000 without the need to call a special meeting. In the event a change order should be over \$25,000 a special meeting would be called or the change would be discussed at the following meeting. **Motion carried 5-0**.

In order to facilitate the men from Barco-Duval, consent agenda item IX, B-2 was taken out of order. Commissioner Mitchell moved to approve hiring Barco-Duval as the contractor for the DMMA Construction and Tide Pool Restoration. **Motion carried 5-0.**

The gopher tortoise permit should be in hand within two weeks. Excavation for tortoise relocation should take 2 – 3 days and silt fencing will take 2 – 3 days.

TRIM Process and Audit: The Commissioners' packets contained letters from the Department of Revenue that showed the District satisfied the millage certification and tax levy calculations with no deficiencies. The annual audit began over the summer with a "walk-through". Ms. Knowles has been preparing the schedules for the field work that will take place in mid December.

Discussion of Local Preference in Contracting with the District: Mr. Smithson said many entities, including Indian River, Brevard and Martin Counties are trying to keep money for large projects local by hiring local contractors but the legalities are not clear. Mr. Kirschenbaum reported that he would check with his associate Cliff Reperger and bring information to the next meeting.

Additional Items: The fully executed agreements with FIND for the multi use pier and the Coconut Point restoration projects have been received.

Mr. Smithson discussed the deaths of Dr. Harris and Dr. Irlandi of FIT and the arrangements. A plaque for the north jetty to honor Dr. Harris was considered as he was instrumental in keeping the weather station operational for many years.

Discussion of Consent Agenda: Items IX, A-1 and 2 are both for additional hours for the project that was bid very low originally. Item IX, B-1 is three work orders combined into one for DMMA construction management. Permit compliance services, engineering services during construction and full time on-site owner's representative over the estimated 20 weeks for the project.

Overview of Indian River County's Sector 3 Beach Renourishment Project – Completion of Phase I and Initiation of Phase II – Mr. James Gray: The total project places 570,000 cubic yards of sand on the beaches south of the inlet. Phase I will be completed and Phase II is ready to begin. Two local upland sand sources are being used. All of the Phase II work will occur in the Archie Carr National Wildlife Refuge. Nesting monitoring has been occurring all summer for the nests laid in the new sand that was placed on Phase I to ensure the compatibility of the sand. Indian River County anticipates receiving a notice to proceed by November 24, 2010.

Park Matters – Terry Coulliette: The contractor for the Park's concession stand has come back with a price increase of 30% - 40% and the Park has released them from the contract. The Park will have to go out for bid again.

Legal Counsel Update – Jack Kirschenbaum: Mr. Kirschenbaum had nothing additional to add.

Public Comment: There was no public comment.

Consent Agenda: Motion was made by Commissioner Mitchell to approve the consent agenda. **Motion carried 5-0.**

Commissioners Reports: Commissioner Mitchell inquired of Mr. Coulliette the status of the Inlet Marina. The marina will build a new building, stabilize the seawall and bulkhead, drainage and focus on safety. They've decided to keep the boat ramps open for public use but will rehab the ramps to meet ADA requirements.

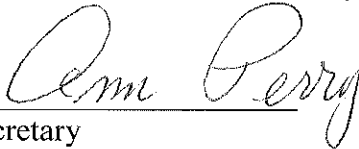
Commissioner Mitchell having been absent at the last meeting, noted that a memorandum of law had been received by the commissioners from the District's legal counsel on the Division of Elections concerns and that she would like to either move forward with the matter or place it on the following month's agenda. After discussion, Commissioner Mitchell moved to have Mr. Kirschenbaum move forward with an action for declaratory judgment for the matter addressed in the legal memorandum dated December 17th. **Motion carried 4-1** with Commissioner Westlake dissenting.

Commissioner Culberson noted that in the past, boaters had been able to pull into the tide pool area to access the amenities of the Park but Mr. Coulliette relayed that the safety concerns were too great.

Old Business: There was no old business.

New Business: There was no new business.

Adjournment: Chairman Perry adjourned the meeting at 5:41 p.m.



Secretary
Sebastian Inlet District Commission



Date Approved