

**MINUTES OF MEETING  
HAMAL  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Hamal Community Development District's Board of Supervisors was held on **Wednesday, October 17, 2012 at 8:30 a.m.**, at the **Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.**

**Present and constituting a quorum were:**

Brian Dowling	Chair
Robert Simeone (via telephone)	Vice Chair
Ione Senior	Assistant Secretary
Edward Zakarian	Assistant Secretary
Steven Pincus	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Matthew Adika	Wrathell, Hunt & Associates
Roy Van Wyk (via telephone)	District Counsel
Bruce King	Kings Management
Leo Giangrande	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 8:32 a.m., and noted, for the record, that Supervisors Dowling, Senior, Zakarian and Pincus were present, in person. Supervisor Simeone was not present at roll call.

**SECOND ORDER OF BUSINESS**

**Approval of September 12, 2012 Public Hearing and Regular Meeting Minutes**

Mr. Wrathell presented the September 12, 2012 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 284: Change "Mr. \_\_\_\_\_" to "Mr. Zakarian"

Line 288: Change "the Board will renew the contract" to "the Board will not renew the contract"

Mr. King indicated that Staff will read contracts more carefully and make sure there is a 'way out' default clause.

**On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, the September 12, 2012 Public Hearing and Regular Meeting Minutes, as amended, were approved.**

**THIRD ORDER OF BUISINESS**

**Courtesy Letter to Holiday Lighting Designs, Inc.**

*\*\*\*This item, previously the Fourth Order of Business, was presented out of order.\*\*\**

Mr. Wrathell presented a copy of the letter to Holiday Lighting Designs, Inc. (Holiday Lighting), located behind Tab 4. The letter warned Holiday Lighting that the District intends to terminate their contract, if their services do not improve. Mr. Wrathell advised that no response was received.

In response to Mr. Pincus' inquiry, Mr. King indicated that Holiday Lighting has not scheduled a date to hang the holiday lights; however, Andy received their response to Management's letter. Holiday Lighting's reply mentioned that their records reflect two (2) service calls for the season and that their policy will be to respond to services calls within 24 hours.

Mr. King recalled that, last season, the holiday lights were going out because rain was tripping the breakers. Staff thought it was more efficient to reset the breakers instead of waiting 24 hours for Holiday Lighting's service call. A major problem was Holiday Lighting's use of indoor cables and extension cords, which caused outages at the slightest onset of moisture. Mr. King pointed out that, although, Holiday Lighting has two (2) service calls on file, in all probability, Staff reset the breakers approximately 15 times.

Mr. Pincus recalled that the diagrams and proposal, approved by the Board, did not match the ornamentation that Holiday Lighting installed. Mr. King advised that, going forward, he will ensure that the diagrams match the actual decorations.

**FOURTH ORDER OF BUSINESS**

**Update: Pump Station**

*\*\*\*This item, previously the Third Order of Business, was presented out of order.\*\*\**

Mr. Wrathell recalled that, as a result of Tropical Storm Isaac, it was discussed that additional and frequent pump station inspections are essential. Referring to emails that the Board was copied on, Mr. Wrathell stated that Mr. Giangrande considered some of the suggestions to be excessive, while other suggestions were incorporated into the proposed bid specs.

Mr. Wrathell stated that, because the revisions took longer than anticipated, he and Mr. Dowling decided to present the specs to the Board once again.

Mr. Dowling recalled that, during the September 12, 2012 meeting, the Board approved finalization of the Request for Proposal (RFP), as well as authorized him to solicit bids based on the final RFP. Mr. Dowling noted that the objective of giving him authority was to not prolong the bidding process another month; however, the RFP was not finalized until approximately one (1) week ago and, given that it was close to today's meeting, he elected to wait to give the Board an opportunity to review it once more.

Mr. Wrathell noted that Mr. Giangrande concurred with the suggestion of scheduling one (1) of the required inspections prior to hurricane season. Genset Services, Inc. (Genset) proposed a May date for the inspection.

Referring to Exhibit A-C, Mr. Wrathell expressed his concern with the quantity of inspections for the intake culvert and discharge pipe and pointed this out to Mr. Giangrande in an email. Genset suggests a visual inspection once per year; Mr. Giangrande feels this is sufficient. Mr. Wrathell finds the frequency questionable and feels that the Board may consider increasing the number of inspections. The other inspections are quarterly, except for the generator, which is inspected monthly, per the manufacturer's requirements.

In response to Mr. Dowling's question, Mr. Wrathell stated that it would be less complicated to work with one (1) contractor but he will defer the decision to the Board. Mr. Dowling indicated that, in this type of facility, multiple levels of experience and expertise may be required. Mr. Wrathell indicated that there may be one (1) contractor that is accountable to the District and that contractor may have subcontractors, as part of their team. Mr. Pincus compared the process to building a house and the general contractor hires subcontractors for every facet of building the house.

In response to a question, Mr. Wrathell indicated it is his understanding that the RFP includes subcontractors. Mr. Pincus stated that the subcontractors must submit their proof of

insurance and licenses. Mr. Wrathell suggested that Mr. Van Wyk and Mr. Giangrande add a provision to the RFP regarding subcontractors and insurance requirements.

Mr. Van Wyk recalled an issue with the landscaper hiring an irrigation contractor; however, they were not authorized to do so. He cautioned the Board against allowing a Genset maintainer to provide electrical contracting, because this is a licensed profession. It is important to include language in the contract such that an electrical contractor would be obtained by the District, in the event that electrical work was required or determined to be required by the generator contractor.

Mr. Dowling recommended at least two (2) contractors, one (1) electrical contractor and one (1) contractor for the generator; they will keep each other honest. In his experience, a generator's electrical system is complex.

Mr. Wrathell stated that the RFP may be modified with the aforementioned provisions.

Mr. Zakarian suggested the following modification for Exhibit A-E, electrical telemetry: any electrical work must be performed by a licensed electrician. Mr. Pincus suggested adding that 'any party responding to the RFP must hold the applicable licenses necessary for all facets of the work'. Mr. Wrathell concurred with Mr. Pincus and suggested Mr. Van Wyk draft language that will require contractors to have the necessary licenses and, if needed, the District will have a direct contractual relationship with the electrical contractor.

In response to Mr. Dowling's comment, Mr. Wrathell directed the Board to the statement in Item 8B, "firm should provide statement of qualifications for the enlistment of work similarly performed including other ongoing maintenance contracts..." For the District's protection, Mr. Pincus proposed adding 'and will provide proof of applicable licenses' after "proposed personnel hourly rates".

Seeking clarification, Mr. Wrathell asked if the Board intends to include language stating that the electrical contractor will be contracted directly with the District or if it would be through the bid. Mr. Pincus indicated that it would depend on whether the responding contractor has both types of licenses. Mr. Wrathell suggested including language requesting that the contractor provide proof of all the applicable licenses and see what qualifications the responding contractors have. Mr. Wrathell reiterated that it is more desirable to have a single contractor, with the project handled under "one roof". Mr. Pincus noted that the contract the Board will ultimately sign may contain language advising that the District may contract with an electrician, separately.

***\*\*\*Mr. Simeone joined the meeting, via telephone.\*\*\****

Mr. Zakarian proposed adding language allowing bidders to bid in whole or in part; for example, an electrician may bid just on the electrical portion of the RFP. Mr. Dowling and Mr. Pincus were in agreement.

Mr. Wrathell expressed his concern with the RFP becoming too piecemeal and, if the Board would like the ability to accept separate bidders, he suggested adding a separate bid for the generator and another for the electrical.

Mr. Zakarian suggested extending the bid to one (1) company that is able to handle it all, such as an electrical firm that has experience in this area. The three (3) areas of specialty include the generator, the electrical and the pumps; the firm handling the pumps will also handle the culverts, intakes and outtakes.

Mr. Dowling stated that the decision will be made based on the bid responses.

Mr. Wrathell suggested adding to Item 8C, “the firms will be required to provide proof of all applicable licensing”, as well as adding, “bidders are able to bid in whole or in part”. Mr. Zakarian suggested putting out a bid for each of the maintenance requirements. Discussion followed regarding the maintenance requirements listed on Exhibit A.

Mr. Wrathell recommended one (1) contractor handle the pumps, wet well and discharge bay and the intake culvert/discharge pipe, with a different contractor handling the backup generator, the electric controls and telemetry.

A consensus was reached to amend Item 8C to include language requesting proof of all applicable licenses and the District will consider separate items for D and E under Exhibit A.

Mr. Zakarian asked if language should be added regarding the District awarding the bid to the best qualified party, regardless of pricing. Mr. Pincus felt it was not necessary.

In response to Mr. Wrathell’s question Mr. Van Wyk recalled that, during a previous discussion, it was decided not to hold a formal bid and accept proposals instead, as well as remove the word ‘bid’ from all documents. If bids are sought, the District will be forced to go with the lowest offer unless an evaluation criterion, describing how the selection will be made, is added to the bid package. In Mr. Van Wyk’s opinion, the amended language agreed on today will allow the District to choose contractors that will be most beneficial, regardless of cost.

Referring to the language at the end of Section 8, Mr. Wrathell pointed out that the packet is referred to as “request for proposal package” and asked if the language should be modified.

Mr. Van Wyk reiterated his opinion regarding keeping the word 'proposal', as using the word 'bid' will bind the District to bidding requirements.

Mr. Zakarian was under the impression that the District's by-laws contained verbiage allowing the District to accept the most qualified bidder instead of the lowest price. Mr. Van Wyk indicated that the decision will be made, by the Board, when the responses are received.

Mr. Wrathell asked for a motion approving the revisions and asked if the Board wishes to review the package before it is executed. Mr. Pincus advised that the Board does not need to review the package again.

**On MOTION by Mr. Zakarian and seconded by Mr. Pincus, with all in favor, authorizing the District Engineer, District Counsel and District Manager to revise Item 8C, of the RFP, as agreed, and authorizing the Chair to execute the agreement, pending final review by District Counsel, was approved.**

**FIFTH ORDER OF BUSINESS**

**Other Business**

There being no other business to discuss, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Manager**

**i. Unaudited Financial Statements as of August 31, 2012**

Mr. Wrathell presented the Unaudited Financial Statements as of August 31, 2012. He advised that funds were moved from the State Board Administration (SBA) account and he would investigate why \$5 was left in the account. He reported that assessment collections were at 102%, which is indicative of the fact that some property owners did not pay their tax bill in November. Additional funds were received in August, which may have been a result of tax certificate sales.

**On MOTION by Ms. Senior and seconded by Mr. Simeone, with all in favor, the Unaudited Financial Statements as of August 31, 2012 were approved.**

**ii. NEXT MEETING DATE: December 19, 2012 at 8:30 A.M.**

Mr. Wrathell advised that the next meeting is scheduled for December 19, 2012.

**SEVENTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

Mr. Dowling requested that Mr. Wrathell elaborate on Mr. Giangrande's report. Mr. Wrathell reported that it is his understanding that one (1) objective is to convince the Northern Palm Beach County Improvement District (NPBCID) to approve expanding the District's permit, allowing an increase in pumping capacity; however, this may be a significant issue. It was Mr. Wrathell's understanding that the South Florida Water Management District (SFWMD) prefers that the District have NPBCID's approval before meeting with them; however, there is a tentative meeting scheduled with SFWMD. Mr. Wrathell hoped to clarify this issue with Mr. Giangrande today. Mr. Wrathell indicated that the District may have an upward climb to have the pumping capacity increased.

Mr. Dowling recalled that at the last meeting, the Board discussed upgrading the pumping capacity. Mr. Dowling questioned Mr. Giangrande's comment regarding a second permit issued, as the District is young. Apparently, there was a permit issued before the land was developed. The permit was amended when the District was developed.

Mr. Dowling reported that SFWMD set the pumping capacity for the District at 3,596 gallons per minute. Mr. Pincus inquired if the issue was that the District had one (1) pump running and the other not running. Mr. Dowling replied no, and indicated that there are many misconceptions as to the reasons for the flood.

Mr. Dowling clarified that the pumps are set to automatic mode; there is absolutely no reason for anyone to turn them off. The pumps are set to turn on periodically when the floats reach 15.25'; however, when the floats reach 15.75' the pumps run continuously. Mr. Dowling indicated that, 72 hours before Tropical Storm Isaac, he switched the pumps to manual, allowing them to run continuously. The District is still limited as to how much it may pump. There are two (2) pumps for redundancy; the pumps were not designed to run simultaneously. One (1) pump runs for an hour and shuts down; the other pump starts, for overheating protection. Mr. Zakarian indicated that the engineers tried to bypass the system and the pumps kept blowing out, as they were not designed to run at the same time. If the system is taking in more than 3,600 gallons per minute, the system will shut down. The District could not anticipate receiving 18 to 21 of rain in a 24-hour period. Discussion ensued regarding flooding areas.

Mr. Dowling reported that the good news is that the District was at saturation overflow and the homes were not flooded. Mr. Pincus pointed out that it was very close; in some areas, the water reached the garage doors. Mr. Dowling stated that the minimum required flow level is 18', the maximum water level, based on the equipment readings, was 16.75'. Theoretically, the water should not get above that level because it will automatically overflow into the easement behind the pump stations. Mr. Wrathell indicated that water flowing from off-site areas taxes the District's system.

**\*\*\*Mr. Giangrande joined the meeting.\*\*\***

Mr. Dowling advised that Hamilton Bay and the District do not have a berm protecting it from water coming in from Grassy Waters. Riverwalk, Enders Isles and Baywinds have a 6' berm protecting them from Grassy Waters; the water reached the berm capacity. Mr. Pincus pointed out that the properties that abut the preserve did not have their backyards flooded; only the street side was flooded. Discussion ensued regarding the areas that were flooded and the off-site areas that drain into the District's system.

Mr. Giangrande reported that the meeting with NPBCID went well; they had exhibits and presentations. The District is a water management district, assigned to only one (1) basin, and Mr. Giangrande has never encountered this type of situation. The District is defined as a basin by the SFWMD, which, in turn, defines what the discharge rates will be. The District is located in the C51 basin, which does not have an available discharge but discharges into another basin, which is a unique situation. The basin the District is assigned to was previously designated for another property and a minimal discharge amount was allocated to the District.

Mr. Giangrande stated that the problem is that the District is a retainage site; there is 3,600 feet of pipe discharging with only two (2) pumps. The District's frustration is that the basin is not having a big impact on the performance and is the reason why the bleed down is so poor. He reported that NPBCID is not seeking to provide relief to the District because the 3,600 foot pipe that discharges into NPBCID comes into a residential neighborhood that has one (1) gravity float discharge which would be beneficial to the District and that is backed up to the whole top end to the system. There is no available storage and any changes the District makes will impact their neighborhood immediately.

The District is bound by the C51 restrictions, established by the SFWMD, who initially determined the discharge parameters per basin; typically, there is a certain amount of discharge



per acre of land. NPBCID expressed their desire to assist the District but their hands are tied. Mr. Giangrande will proceed with the SFWMD meeting and see what transpires.

Currently, there is a public safety issue, and there must be something that the District can do regarding negotiating. Mr. Giangrande was not sure where the District may negotiate, other than being given the opportunity to turn the pumps on prior to storm events. He noted that the District was full before Isaac and would have had better performance given the chance to bleed down. Mr. Dowling pointed out that the District should bleed down six (6) weeks prior to an incoming storm. Conversation ensued regarding monitoring of the pump system.

Mr. Wrathell expressed concern that going forward with the SFWMD meeting may elevate the issue. The District should consider advance draining before a storm approaches. In response to Mr. Wrathell's question, Mr. Giangrande indicated that the District is not permitted to manually turn the pumps on at a lower than permitted elevation; the permitted elevation is 6" above control. Mr. Dowling indicated he believes it is 15.25'. Mr. Giangrande stated that, in order to level out, the District will have a bleeder at control, which is how 99% of the sites work.

Mr. Pincus asked if the pumps are currently set to discharge at the maximum rate permitted. Mr. Giangrande replied affirmatively. Mr. Dowling indicated that the pumps need to be tested to confirm that they will discharge at that setting.

Mr. Giangrande indicated that, in reviewing the District's initial and subsequent permits, he noted that having a minimal bleed down above control is a poor level of service and is almost pure retention. The District still needs to prove that it will bleed down in seven (7) days.

Mr. Dowling stated that the last time the District had any street flooding was approximately six (6) to seven (7) years ago and that was what prompted Mr. Collazo to research who was responsible. Mr. Giangrande stated that the District's pumps were previously maintained by NPBCID, until Mr. Collazo upset them, causing them to hand over maintenance of the pumps to the District. Ms. Senior indicated that Mr. Collazo may have been trying to protect the District.

Mr. Pincus inquired whether the District has legal recourse if NPBCID and SFWMD are not willing to voluntarily find a solution and the problem is an initial permit issue where the District was given inadequate capacity and there is a public safety issue. Mr. Giangrande indicated he is not sure; however, he is stating it is a safety issue. Per Volume 4 of the SFWMD Rules and Regulations, the District is in full compliance, has a permit that is within South Florida standards, the site functions per the SFWMD standards and all the finished floor levels are

protected. Mr. Dowling expressed concern regarding homeowner's insurance turning the District into a flood zone. Mr. Wrathell pointed out that everyone should have flood insurance, regardless.

Mr. Wrathell reviewed the District's options: (1) the District does not meet with the SFWMD and handle the situation; and (2) meet with the SFWMD and document the concerns and put the onus on them. The advantage of meeting with the SFWMD is that, in case of a flood, the District may prove they spoke with SFWMD and NPBCID; however, they both refused assistance. The other aspect is the District must cut holes in the berms to relieve water, in the event of a major storm.

Mr. Dowling indicated that the District will need to watch the pump levels and deal with situations on a case by case basis.

Mr. Giangrande stated that he is aware of the Board's responsibility to document the meetings and show that the Board has made every good faith effort to service the community; however, he is not sure where that card will come into play. Mr. Wrathell indicated that it is a protection for the Board, in the sense of assisting the community to understand that the limitations that exist are real.

Conversation ensued regarding bleed down rates and emergency situations.

Mr. Giangrande stated that the pumps are minimal. It would benefit the system if the pumps turn on 6" above control. In the event of a major storm, the District should set the pumps on 1' below control, four (4) days in advance of a major storm. This will provide 18' of freeport, which, for this acreage, is massive. Discussion ensued regarding flooding areas.

In response to Mr. Dowling's question, Mr. King advised that homeowner's inquiries regarding the flooding have eased. Mr. Dowling suggested composing a simple summarized report of the occurrence for a mailing to the homeowners; Mr. Pincus added it should be in laymen's terms.

Mr. Giangrande asked if the memo he prepared, summarizing the permit, was too technical. Mr. Dowling and Mr. Pincus agreed that it was too technical. Mr. Wrathell indicated that the District should proceed with the SFWMD November 30 meeting and try to obtain a written response as to how to proceed and include that in the information to the homeowners. Discussion ensued regarding what information should be provided to the homeowners. Mr. Pincus suggested adding 'if you are concerned, feel free to write to the SFWMD' to the mailing.

A consensus was reached to prepare the homeowners' mailing after the November 30 meeting with SFWMD.

In response to a question, Mr. Wrathell stated that the property appraiser's database may be used to mail the information to homeowners.

Mr. Van Wyk presented Resolution 2013-1 for the Board's consideration

In response to Ms. Senior's question, Mr. Van Wyk stated that an attorney from his office was the prior registered agent; however, this year, he will be the registered agent.

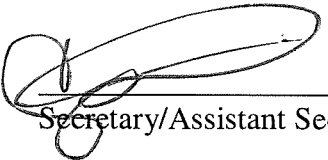
**On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, Resolution 2013-1, Authorizing and Approving Change of Designated Registered Agent and Registered Office, was adopted.**

**EIGHTH ORDER OF BUSINESS**

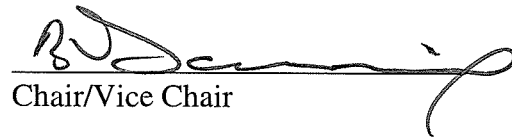
**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Simeone and seconded by Mr. Pincus, with all in favor, the meeting adjourned at 9:41 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair