

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, February 9, 2016 at 2:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Aage G. Schroder, III	Chairman
Kathleen Venezia	Vice Chairman
Joseph Quinto	Supervisor
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor

Also Present were:

Dave deNagy	District Manager
Mike Eckert	District Counsel
Clark Gates	Hopping Green & Sams
Preston Doub	District Engineer
Mark Insel	Vesta/Amenity Services Group
Jeff Branch	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Michael Johnson	Duval Landscape
Dr. Gail Hansen	University of Florida
Bob Gang	Greenberg Traurig (phone)
Rhonda Mossing	MBS Capital Markets (phone)

The following is a summary of the actions taken at the February 9, 2016 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. deNagy called the meeting to order at 2:00 p.m.

SECOND ORDER OF BUSINESS

Audience Comments

A resident stated we are looking to be built out shortly and as the community grows we need to keep up with developments in the area i.e. amenities. If we are not keeping up we are

going to start losing property values. I'm basically asking the question. What improvements to the community intends to make?

Mr. Schroder stated what you see is what you get. We don't have any plans to add amenities to the development. We are concerned about maintaining it. We do have a reserve study that calls for replacing over the course of time many of the amenities and things like pool components and so forth.

Mr. Wing stated on the HOA agenda next week are two proposals for possible improvements, one is for a dog park, which would have to be done in cooperation with the CDD and the second is for an improvement to the empty area in the back by Porta Rosa Circle and we are talking about making that parking for RVs and boats.

THIRD ORDER OF BUSINESS

**Presentation by University of Florida
Agriculture Department about Grassing
Pond Banks**

Ms. Hanson of the University of Florida gave a presentation on options to help control erosion of the pond banks.

Mr. deNagy stated we have a copy of the slide presentation that we will put online for everyone to refer to.

Mr. Gang and Ms. Mossing joined the meeting by telephone during this presentation.

FOURTH ORDER OF BUSINESS

**Consideration of Proposal from Greenberg
Traurig**

Mr. deNagy stated item four is consideration of proposal from Greenberg Traurig. As you will recall at the last meeting we had a proposal that was submitted and a revised proposal for the refunding of the 2006 Bonds was included as part of the agenda package.

Mr. Gang stated the 2006 Bonds are probably going to be refinanced through a public offering. Originally, when we were talking about additional financing for the improvements we told you to do everything at the same time so the incremental time spent on doing the pond bank financing would have added not a whole lot of additional time and effort if you were already doing the refunding because there are resolutions to be drafted, supplemental trust indentures, tax documents, opinions, closing documents, reviewing the disclosure material, etc. all that had to be done for the refunding anyway, which is why my January 13th proposal was not substantially different from the prior one of January 6th. If you are going to separate out new money later on

depending on whether you do it and how big it is and when you do it and how those bonds are sold that would be the subject of a separate proposal. The essential work for the refunding is still there so our fee proposal of \$40,000 for the public offering is not a whole lot less than what we said we would do two at a time, do all the proceedings and documentation to do the refunding on a stand alone basis.

Ms. Venezia moved to approve the proposal from Greenberg Traurig to serve as bond counsel for refunding the Series 2006 Bonds in the amount of \$40,000 and Mr. Labanowski seconded the motion.

Mr. Wing asked what are the costs likely to be when the new amount is identified for pond reconstruction?

Mr. Gang stated I would need to have some facts in order to do that. Are we talking about a few hundred thousand or are we talking about several million? Would the marketing of those bonds be done with just a bank loan or maybe you won't even issue bonds? There are a lot of structuring questions that would have to be known before I could give an exact quote. It is likely to be reasonably small and it will certainly be less than \$40,000 but I don't know enough facts about it yet, I don't think anybody does. It should not require the same amount of work that the refunding will.

Mr. Eckert stated the refunding that is being contemplated right now is just the Series 2006 Bonds, which is just the 2006 assessment area and the intention of that refunding is to lower the annual payment of assessments and that is all we are considering here.

Mr. Gang stated this fee is built into the bond issue that is amortized over the remaining life of those bonds.

On voice vote with all in favor the motion passed.

FIFTH ORDER OF BUSINESS

Discussion/Overview of Series 2006 Refinancing

Ms. Mossing reviewed in detail the presentation, that included a summary of the bonds outstanding, overview, development status and proposed refunding of the Series 2006 Bonds, rating criteria and future actions.

Mr. Eckert asked is there any reason we can't do a delegated award resolution and then combine the pre-closing on the bonds with the assessment hearing? Do the delegated award resolution first?

Mr. Gang stated you need a disclosure document in substantially final form to do that.

Mr. Eckert stated if I'm not doing a master assessment lien I'm not going to know what the amount of the assessments to be finalized at the assessment hearing will be until we have a bond purchase contract.

Ms. Mossing stated right but it shouldn't exceed what you are going to put through during the assessment process and what we are targeting not to exceed numbers then we will ask the assessment consultant to come back with a supplemental report that details what the final numbers are.

Mr. Eckert stated okay, we can always continue the hearing in progress if we need to as well but we do need to get that on the books.

Ms. Mossing stated yes.

Mr. Schroder asked can we meet the schedule in the timetable?

Mr. Eckert responded we can meet that schedule from a legal standpoint my only question was do we time the assessment hearing with when we actually know the terms of the bonds we have sold. It doesn't affect the end date but you are going to be closing on the bonds around April 1st. My question didn't delay any of that it is just a question of when you have that public hearing.

Ms. Mossing and Mr. Gang left the conference call at this time.

SIXTH ORDER OF BUSINESS

Matters Concerning Series 2006 Bond Refinancing

A. Presentation of Preliminary Assessment Methodology

Mr. deNagy gave an overview of the preliminary assessment methodology then reviewed the tables, which reflects a decrease of \$156 per unit per year.

Mr. Eckert stated this will be approved as an attachment to the resolution that we are going to consider next. This is the beginning of the process, you are not making an decisions today that lock you in to actually proceeding with the refunding transaction but this is what you need to do to be able to position yourself to pull the trigger on that at some future date.

B. Consideration of Resolution 2016-04, 170.03 Declaring Assessments

Mr. Eckert stated Resolution 2016-04, is a resolution declaring assessments that was prepared by our office and is the first step in refinancing the bonds to achieve the annual interest rate savings. It is the same form of a resolution you approved last year when we did this with the 2005 Bonds.

On MOTION by Mr. Quinto seconded by Mr. Labanowski with all in favor Resolution 2016-04 was approved.

C. Consideration of Resolution 2016-05, 170.07 Setting Assessment Hearing

Mr. Eckert stated next is Resolution 2016-05 and all it does is set a public hearing and directs your district manager to both advertise and mail notice of that hearing to everybody who is affected by the refinancing. We need to talk about the date and I was trying to avoid doing two resolutions when I can accomplish it in just one. I think they may want to have some security that the new assessment lien is actually in place before they finalize the bond offering with a potential bond purchaser. They may be more comfortable giving a little better interest rate if we have already levied that assessment lien for the new amounts so I suggest that we look at the middle of March for that assessment hearing. If we decide that we want to continue it until a couple weeks later we can. We have a regular meeting on March 8th and I suggest we cancel that meeting and instead move our regular March meeting to a little bit later in the month to accommodate this.

Mr. Labanowski asked can we move it to March 15?

Mr. Eckert stated we can if that gives staff enough time to do the notice and mailing.

Mr. deNagy stated that gives us enough time.

On MOTION by Mr. Quinto seconded by Mr. Labanowski with all in favor Resolution 2016-05 setting a public hearing for March 15, 2016 at 6:00 p.m. in the same location was approved.

D. Consideration of Forms of Mailed and Published Notices

Mr. Eckert stated the next item is consideration of forms of mailed and published notices. As you recall last time we sent mailed notice to everybody who was affected by the assessment

increase because there is a slight increase in principal to achieve the decrease in the annual assessment amounts; those forms of mailed and published notices are in the agenda package. That is what you authorized to be sent in the last resolution but I wanted the board to have those and if they have any comments, questions or concerns we address those because they will be mailed out in very short order after this meeting.

Mr. Schroder stated the three that have partially paid down their assessments their number will be slightly different. What about the three who have paid the debt entirely, will they get a letter to let them know they are not involved?

Mr. Eckert stated we are not required to because they are not being assessed but to the extent that the board wants us to send them a letter that just says we are refinancing our bonds but because you have fully prepaid your lot assessment is not affected, certainly the board can direct staff to do that.

Mr. Schroder stated I don't know that it is a big deal but it might avoid some confusion. What about the other owners who benefited from the previous refunding we don't need to send them anything either but it would be nice if they understood. I'm afraid there are going to be questions asked and so forth if we don't. Is there something we can do in the newsletter or something to help them understand?

Mr. Eckert stated the district is not required to go to the cost of a mailing to them to let them know nothing is happening in relation to your assessment but to the extent that there is something that can be put out on a district website that just says if you live in the original 2005 Bond Assessment Area and your bonds were refinanced last year you are not affected by what we are doing now then certainly that is the prerogative of the board to direct staff to do that.

The letters will go out and it will be at least a 30 day period in between and if the district manager starts getting questions from people in the 2005 area maybe we can do something at that point.

Mr. Schroder stated I do think the three that have paid we should send a letter to them.

Mr. Eckert stated we can do that, it would be a three or four sentence letter to them that just says it is not affecting your lot's debt assessment.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Engineer

1. Work Authorization No. 7 Phase 2 Pond Bank Scope

Mr. Doub stated the first item is work authorization no. 7 for Phase 2 pond bank scope. The same work authorization was in the agenda package last month and was tabled. We are proposing to do this on an hourly basis and until we get into it we really won't know exactly what the costs are. I'm trying to give you an outside number, I certainly don't think we will go beyond this but to get going we would need to get this approved.

Ms. Venezia stated I'm still very uncomfortable with the budget estimate because I don't feel it is necessary for us to recreate the wheel on the plans and estimate for preparing all the documentation. I would like to see a not to exceed budget estimate of \$45,000. I think \$65,000 is way to expensive to recreate the wheel that we really don't feel is necessary.

Mr. Schroder stated that was my concern before and I have had a couple conversations with Mr. Doub about that. I expressed my concerns at the previous meeting about utilizing existing files and so forth in developing some of these base maps to reduce the number of people who are actually out there walking being paid by the hour to do that. My biggest concern is the extent we need to utilize the geotechnical engineer because we already have a pretty good understanding of what is out there. In the walking of the pond that I did I saw only one place where there was a depression that might warrant some kind of a boring or something. I feel comfortable that Preston understands that we want to reduce those costs. I don't know whether \$45,000 is the number or not. I don't have an objection to reducing that I would just like to hear what he has to say and he has said that is the upper end of what the cost would be. That does not include the geotechnical, which is also the next item but we need to discuss it.

Mr. Doub stated these things are very hard to estimate the time and effort that is going to be involved in them. I went back and looked at it again and looked at it in two different fashions and we came up very close to the numbers. We are just unwilling to do a not to exceed on it because I really feel like a budget of \$65,000 is what we need to have as our outside number. I don't want to tell you that I think I can do it for \$45,000 and then I'm back with \$50,000 or \$60,000 in invoices at the end of the day and trying to explain that. I would rather explain that we end up at \$45,000 but we had a budget of \$65,000 that is much easier. We will do everything we can to keep the cost down and be as efficient as we possibly can.

Ms. Venezia stated you already have in your systems all these maps, aerial photographs, streets and street names, lot and lot numbers, all of this information is already readily available in your system.

Mr. Doub stated we have that information in the computer files but it is not always organized in a way that is useful for the way you may put together a specific plan sheet. A CADD person has to go in and figure out where the limits of that sheet are going to be, what is going to be pulled in to that, what parts of the layers of information that are out there are going to be used for this specific purpose. A lot of the information that we have in some cases has been archived off of our main system. If the files are not used for a period of time it is archived and they get compressed and the further back in time that they go and we try to bring them back to current use there is manipulation to get it back from a compressed file to the regular files then up to current plotting standards and things like that.

Ms. Venezia asked why can't we utilize what we did for last year and then just input because that already has everything in there, why don't you just input the new information going on the existing map we had last year?

Mr. Doub stated we did about four sheets for those three ponds, we estimated there were 21 sheets to do this.

Ms. Venezia asked why do you need 21?

Mr. Doub stated it is for different areas. The area we did was about one quarter the area that we are going to be doing. Then the layout for those three was very efficient.

Mr. Schroder stated in the area I walked for example there were nine ponds. In my recommendation that I sent out recently I think three of those have no problem but that is still six ponds that have to be walked and six ponds based on what they recommend doing. That is my concern.

Mr. Wing asked is there any reason we can't do the work authorization not to exceed \$45,000 and if it looks like it is getting close come back to us and tell us why you need more?

Mr. Doub stated we would prefer not to do that just from a business standpoint.

Mr. Wing asked what if we prefer to do it from a business standpoint?

Mr. Labanowski stated I'm looking at a map that was done with all the borings, locations and everything else, that is one large map so what you are going to do is zero in, zoom in to that

location of that pond, which will blow it. If you have this already in your system why can't you just zoom into that area that we are going to work on and pull up everything?

Mr. Doub stated it is not that simple.

Mr. Labanowski stated then maybe you need to look at the system you are using because I can do that right now on my own computer and it is not that hard. I'm just concerned about the cost just like everybody else is. \$65,000 is a chunk of change for work that has already been accomplished or a good portion of it has already been accomplished.

Mr. Quinto asked can we make a motion not to exceed \$45,000?

Mr. Eckert stated let's be clear what we are actually talking about because right now what he has on there is an estimate. What you are asking him to do is change the estimate. It is still an estimate. Everybody needs to understand that is the way it is worded right now.

Mr. Wing stated I will make a motion to adopt the work authorization with a not to exceed amount of \$45,000. I would like to see monthly reports to the district manager or perhaps the chairman who has some engineering background to mark that progress and if it starts getting close to \$45,000 come back to us and explain why.

Mr. Wing moved to adopt the work authorization with a not to exceed amount of \$45,000, monthly reports to be submitted to the district manager or the chairman and when getting close to the \$45,000 to come back to the board with an explanation and Mr. Quinto seconded the motion.

Mr. Doub stated that is not something we are willing to do with a not to exceed number of \$45,000.

Mr. Schroder asked do you have a backup that shows how many hours?

Mr. Doub stated not in a formal presentation.

Mr. Schroder stated that is where we are uncomfortable. We have this number and six or eight bullets that tells us what is going to be done it is not saying so many hours for each task. That makes it very difficult and uncomfortable for us because we don't have a good feel for what that is going to cost. As discussed we feel that a lot of the information does not have to be redone.

Mr. Wing stated in response to Preston's comment, I don't think we are saying we will not under any circumstances pay \$65,000. I think what we are asking you to do is sharpen your

pencil, do as much as you can and when you get close to \$45,000 then come back and defend to us why you need to do more than that. That is not saying \$45,000 is an absolute cap, this board can come back and say we will authorize another \$5,000 if it is reasonable.

Mr. Labanowski stated again I go back to what we have done before. You should know how long it took you to get the package together from the last pond, you should be able to equate that into what we have coming up. You should know what it is going to cost.

Mr. Doub stated that is exactly part of what we did. That is why I came to the \$65,000 it is from what we looked at. I don't want to tell you that knowing what I have gone through to figure that number out to tell you that I think we can do it for \$45,000 when I can look at the numbers and see that it projects out to \$65,000.

Mr. Eckert asked is there a way to break the work out a little bit more in terms of what it will be to walk the ponds, what it would be to do whatever the CADD work is and maybe more clearly define a couple steps rather than have the lump sum and maybe that gives the board a little bit more of the detail that they are looking for?

Mr. Doub stated we can try to do that.

Mr. Schroder stated he does, there are seven bullets in his estimate.

Mr. Eckert stated I know but there is not a dollar amount attached to those bullets.

Mr. Schroder stated that is the problem we are at \$65,000 and we have no idea how much of each of those components signifies.

Mr. Wing stated we are saying there is a fair amount of information that is available that has been gathered over time so that should be made available and we have already paid for that.

Mr. Doub stated that is information we have from past work that we have done on the project. We used the same thing when we did Phase 1, we used the existing information that we had to create the new drawings for the Phase 1 engineering plans. We are doing the same thing, four times more than we did the first time.

Mr. Wing stated this is a professional contract. Is there any reason we can't bid this out?

Mr. Doub stated you can bid it out.

Mr. Eckert stated legally you can do a request for qualifications for engineering services for a project, then you would analyze those qualifications, you would select who you think is the most qualified, then you would try to negotiate a price with them for the work. That is how the request for engineering services works.

Mr. Eckert stated I need to say something about the motion that is on the table and that is a motion not to exceed \$45,000 in a work authorization. A work authorization contains a specific scope of work that is required to be done. I understand that and that is fine but when you add into it bring it back to us if it looks like it is going to be more than that and we will consider that, I think Preston has to rely on the board in good faith because the document that is going to be signed is going to say you will do this scope of work not to exceed \$45,000. I'm not sure how I would write it to accomplish what the motion is at this time.

Mr. Doub stated you are asking me to trust you and I'm asking you to trust me.

Mr. Schroder stated one of my concerns is we need to move forward we can't keep deferring this every month. We need him to authorized to move forward to begin walking the ponds and looking at these issues so we can hopefully have the estimate. On the other hand if we ask him to do the more detailed breakdown of the costs and so forth that is going to take another month. I'm at a loss as to what to do. On one hand I want to move forward as quickly as possible.

Mr. Doub stated if we start this month or we start after your next meeting I don't think that is going to hurt you time-wise in getting the work designed and under construction.

Mr. Eckert stated you aren't going to start the work until fall, the only thing that it does is push back the financing process so you would have an extra month of interest rate risk associated with however you are going to pay for it.

Mr. Wing asked if it didn't include all the remaining ponds would it reduce the cost?

Mr. Doub stated it would depend on which ponds you want to look at and I would have to evaluate that. Part of the reason for looking at all the remaining ponds at one time is because of staging issues and access issues and how we would phase the work if we do phase it, which sounds like you would and to make a good decision about that we need to understand the work that is required on pretty much all the ponds or a big part of the area that you think you want to do. We had ideal access and staging areas on the existing three but going forward we are pretty limited in common areas that we are going to be able to use.

Mr. Schroder stated there will be much less problem with access for the Pescara ponds because there is a 10 foot flat area outside the pond bank is on CDD property not on an easement behind lots so there are no fences to remove for most of those and the problems are much, much less than we had on the first three ponds. I suggest we ask the engineer to come back next month

with an itemized breakdown of the costs, scope of work with a breakdown at least as fine as the seven bullets and five sub-bullets in part 1 of the engineering cost estimate and if he can break down the part 2 that would help. Then we will deal with that at next month's meeting.

Mr. deNagy stated let's go back to the motion, we have a motion on the table. Is there an interest in proceeding with that motion?

Mr. Wing withdrew the motion and Mr. Quinto withdrew the second, therefore the motion was withdrawn.

Mr. deNagy stated Mr. Schroder you suggested that Preston bring back a more detailed itemization of work authorization no. 7 for the March 15th meeting.

Mr. Schroder stated to support the \$65,000 and ask him to look again as hard as he can to figure out ways we can save money. I would also like to see him discuss with the geotech engineer ways to reduce the geotechnical fee down considerably from the \$5,758.20 because I think it can be done for a third or half of that. There is no reason we need 24 hours of walking around the ponds and so forth. I don't even think it is going to need a boring.

Mr. deNagy asked Preston will that work for you?

Mr. Doub responded yes, that is fine with me.

Mr. deNagy stated we have consensus from the engineer. Is the board okay with what Mr. Schroder is suggesting?

The board was in agreement.

Mr. deNagy stated we will table work authorization no. 7 as well as the proposal from MAE and bring that back to the March 15th meeting for further discussion.

Mr. Labanowski stated definitely find out what all MAE is going to be doing if it is just go out there and so some more borings we don't need that.

2. Consideration of Proposal from MAE for Geo-Technical Work on Remaining 18 Ponds

This item tabled.

3. Other Pond Bank Issues

Mr. Doub stated I think we had some information from Chuck on lot 636 erosion and also on another lot a drainage pipe needed to be looked at.

Mr. Labanowski asked how far over are we going on 636 on that lot? I'm looking at a map of what was proposed and it looks like we are not going quite far enough. There are two areas over there that are eroded, one area looks like it could be the storm drain itself because the hole in the ground is up too high and there is no sign of any surface erosion it looks like that dirt is going underground and it doesn't look like it is coming out anywhere at this point. It could be going straight into the storm drain. The other spot is actually surface erosion. You can see where it has gone out into the pond.

Mr. Doub stated I thought we would look at this when we are getting underway again with Besch & Smith in March, get with them on what we would need go do to take care of that work.

Mr. Schroder stated I recall a discussion before about the top of that inlet was going to be raised several feet.

Mr. Labanowski stated they have already taken care of that when they put the drain in for D.R. Horton.

Mr. Doub stated the other one was a drainage pipe from a homeowner and I couldn't tell where that was.

Mr. Labanowski stated the homeowner put in a drainage pipe through their backyard that they ramped down across their backyard and she cut into the pond bank itself and brought it up about a foot and a half up out of the water. Water coming out of there is starting to cut the bank at the very bottom. I also sent that to the president of the HOA and he has passed that on as a violation because there was no application submitted for it by the homeowner.

4. Update on Permitting of Shed

Mr. Doub stated we have been talking to the county about what they are going to require, and they want a site plan, the setbacks and various information about the shed and Chuck sent me all the information on the shed. We have been trying to resurrect our amenity center engineering plans, which is one of those situations where it has been archived way back. We finally got that this morning and were able to pull it up and luckily some of the links to the plot

files were still in there so that wouldn't have to be recreated. I got a print of that just before I came out here today. I will mark it up and we will submit that to the county.

Mr. Schroder stated I have a question about the status of that drainage issue over in that area by Josh. The last I heard you were working with the county on that. That was where we actually constructed drainage in that easement.

Mr. Doub stated that work has been done.

Mr. Labanowski stated there are some other lots over there where they put sod in. They didn't do a fine grade on it they just raked it out a little bit and threw the sod on top of it, which has now created a high spot, which causes water to back up on both sides of the yards. There needs to be some fine-tuning done to get that sod back down to the proper level.

Mr. Doub stated that part of it is supposed to be taken care of by D.R. Horton so if you have information I can share with them I will be happy to send it to them.

Mr. Schroder asked do we feel comfortable accepting their work? I don't know how we would do that.

Mr. Eckert stated you are talking about work on private lots so we don't have any say over that at all. If it is affecting our property and causing drainage problems on our property then we have something to say from that perspective but we are not the county; we don't approve building construction.

Mr. Labanowski stated the CDD got involved to help out the homeowners so we are kind of watching over it.

A resident asked it is my understanding that if there are issues now then it is the homeowner's responsibility to make contact with D.R. Horton, again?

Mr. Labanowski stated no, I'm going to give Preston the pictures and he can handle it from there. It is the fine grading that didn't get done properly, all the other work has been completed. Where do we stand as far as funds from D.R. Horton for the rest of the pond work?

Mr. deNagy stated we received that.

Mr. Labanowski asked what was the dollar amount?

Mr. Eckert stated whatever the board approved, something like \$12,000.

Mr. Doub left the meeting at this time.

B. Landscape Manager

Mr. Johnson gave an overview of the work accomplished during the month.

C. Attorney

Mr. Eckert stated we did send back comments to Comcast on the proposed form agreement for another district and have not heard back from them whether they are acceptable. The comments are designed to make it consistent with Florida law from our perspective and once we get those comments back from them on whether they are acceptable or not at that point we would be able to perhaps bring an agreement to the district to discuss. At this point in time there is nothing I can present to you to ask you to vote on or even consider.

I wanted to introduce Clark Gates of our office and I will ask him to give you an update as to what is going on in Tallahassee right now that could affect the district.

Mr. Wing asked Comcast hasn't approached us have they?

Mr. Eckert stated they have. They have said we want to do some sort of a new agreement and here are the districts that we would want to do it with and this was one of those districts. I think originally they got in touch with Dave then we started talking to them in relation to another community and it morphed from there.

Mr. Quinto stated I wouldn't do anything until you find out what AT&T is doing because they are coming in too. You can get a price quote or whatever they want to do but let's see what AT&T does.

Mr. Eckert stated that is perfectly understandable and understand I have no decision-making authority whatsoever to bind the district.

Mr. Gates stated there are a couple of bills that might be of interest to the district. One is a website bill that if it passes would require the district to publish the budget before the actual budget hearing, two days before and once it is adopted within 30 days. Some of the parts that might be a drawback are in that it requires a lot of interaction and mandates the ability of everyone to make live graphs and charts and reviewing previous years spending and trends. That is something that might be an expense to the district.

There is another bill that would allow districts to merge with other districts and it actually would allow up to five CDDs to merge and create a big super district. There are some interesting parts to that in how it would work. In addition it would allow boundary limits and increase the establishment threshold for which entity creates CDD's. Right now depending on how a district

is established it dictates if it goes through the municipality or county or the state and this would allow an increase in the amount of acreage requirement from 1,000 to 2,500 acres and that would increase the amount allowed for boundary amendment. Right now you can only increase up to 10% of your initial land no greater than 250 acres it would increase it to 50% of your initial land no greater than 1,000 acres. Another part of that bill would allow the CDD to contract with a towing company if that became an issue, they would also not have to be put out to bid, just taken from an approved list from the county. If the county has a list of approved towing companies and it became an issue for the district they could contract with that towing company without going through the bidding process.

Mr. Eckert stated I think the important thing about the website bill is what they are really talking about is a whole different computer program that you will have to use for your website so that anybody can go to the website and say I want to plug in \$100,000 for landscape maintenance, \$3,000 for this and then it all formulates a budget. The two concerns that we have are the cost estimates we heard are quite significant and would cause an increase in assessments most likely to be able to incorporate that. We are also searching to try to determine if there is more than one vendor in the state that actually sells this type of software. There may be a point in time where we come back to the board and say do you want to adopt a resolution letting Tallahassee know whether you think your constituents would like to have this increased cost and website capability.

Mr. Labanowski asked as far as posting signs in the park areas being closed at dark was there anything on that?

Mr. Eckert stated we said that was fine and revised the policies, which I think are going to be considered a little later on in the board meeting.

D. Manager

There being none, the next item followed.

E. Operation Manager (ASG)

- 1. Report**
- 2. Pictorial Maintenance Report**

A copy of the report was included as part of the agenda package.

3. Consideration of Proposal to Prune or Remove Oak Trees and Plant Either Palms or Crape Myrtles at the Amenity Center and Pescara

Mr. Branch presented three options for the trees in the parking lot that interfere with the lighting and the curbs and asphalt.

On MOTION by Mr. Labanowski seconded by Mr. Quinto with all in favor the option to spade and relocate the oaks and replace the oaks with Phoenix Sylvestry trees in the amount of \$8,500 was approved.

4. Consideration of Proposals to Remove Old Sand Filter

Mr. Branch stated I spoke with the company that makes the filters and their authorized repair people. They felt comfortable that removal isn't the only option; we can repair the crack inside the sand filter. There is an estimate to vacuum and repair the sand filter and Duval Landscaping has offered a crew free of charge where I can get that sand that is going to be in pallets in our parking lot over to the sand filter then CES will be putting it in. The total cost for that project, CES is \$15,376.28 and you would have to add the \$500 for the removal of the sand. All of their repairs to the laterals on the inside of that sand filter and all the repairs to the crack and all their patches are under a five year warranty. If another part of the filter develops a problem they are not liable they will only warranty their repair work.

On MOTION by Mr. Quinto seconded by Mr. Labanowski with all in favor the proposal from Darrell Crew Septic Service LLC to remove the sand from sand filter in the amount of \$500 was approved and the proposal from CES in the amount of \$15,376.28 for the repair and installation of the sand was approved.

5. Consideration of Proposals to Install Plumbing on New Sand Filter

This item addressed in the last item.

F. Amenity Center Update - Report

A copy of the report was included as part of the agenda package.

EIGHTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the January 12, 2016 Meeting**
- B. Balance Sheet as of December 31, 2015 and Statement of Revenues & Expenditures for the Period Ending December 31, 2015**
- C. Month-by-Month Income Statement**
- D. Assessment Receipt Schedule**
- E. Approval of Check Register**

On MOTION by Mr. Wing seconded by Ms. Venezia with all in favor the consent agenda items were approved.

NINTH ORDER OF BUSINESS

Consideration of Approving Deferred Cost Distributions

Mr. deNagy stated item nine is consideration of approving deferred cost distribution Requisition 51A. These are deferred costs related to the Series 2006 Bonds. The total is \$7,457.01.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor Requisition 51A in the amount of \$7,457.01 was approved.

Mr. Eckert stated when we refund the 2006 bonds we have already negotiated the percentage we will have to pay to get rid of that liability, the same percentage that was in the agreement from the 2005 transaction.

TENTH ORDER OF BUSINESS

Consideration of Revised Amenity Policies – Hours for Community Parks and Prohibited Motorized Vehicles on District Property

Mr. deNagy stated this was discussed at the last meeting and is the revised amenity policies related to the hours for community parks and prohibiting motorized vehicles on district property. The redline version with the amended language is in your agenda package.

Mr. Schroder stated item 21 should read, motorized means of transportation “are” prohibited to make it consistent with the way the others are written. We talk about public roadways or county roadways, we need to distinguish between the public roads and the trails that we own and maintain.

Mr. Eckert stated it is your policy so write it the way you want to.

Mr. Schroder stated we allow motorized wheelchairs. My sister-in-law has MS and she uses a Segway and I wouldn’t necessarily preclude Segway’s if they are for people who are not ambulatory. I think we need to tweak the language a little bit.

Mr. Eckert stated you can say electric, handicap wheelchairs and vehicles. What I don’t want to do with this is I don’t want to say that people are permitted to use motorized vehicles on county roads because the county doesn’t let you use golf carts unless you go through a certain process. This policy is intended just to address district owned property. Do we have any roadways that we are concerned about people using motorized vehicles on that are district owned roadways?

Mr. Labanowski stated just the entrance to the amenity center and the mail kiosks.

Mr. Eckert asked are there concerns beyond the paths?

Mr. Wing stated I would say motorized means of transportation are prohibited on district property.

Mr. Eckert stated except for the parking lot and the entrance roadways or you would prohibit people from driving and parking here.

Mr. Wing stated I think the only exceptions are the parking lot here and parking at the mail kiosks. Or another way is motorized vehicles prohibited on jogging trails, athletic fields, walking paths.

Mr. Eckert stated with the exception of handicap vehicles. We will make that change. Do you want us to bring this back to you or do you want us to work with one member of the board and get it finalized between now and the next meeting?

On MOTION by Mr. Schroder seconded by Mr. Quinto with all in favor the revised amenity policies for the hours at the community parks were approved and revised policies prohibiting motorized vehicles on district property were approved with the caveat that Supervisor Wing was authorized to work with staff and approve any additional changes needed.

ELEVENTH ORDER OF BUSINESS

Consideration of Allowing the Rental by a Resident March 19, 2016 of Both the Social Hall and Party Pavilion

Mr. deNagy stated item eleven is consideration of allowing the rental by a resident of both the social hall and party pavilion on March 19, 2016. Either of these are allowed to be rented separately and we had a request from Supervisor Quinto to use both of these and this is a policy decision by the board.

Mr. Quinto stated I have a big birthday next month and quite a few people coming and I know it says no more than 50 people in this place. What happens if I have more than 50 people because the policy says generally you can have one event at a time and one rental at a time. If I have more than 50 people can I have one section of the outside? Maybe there won't be 50. Most likely it will be this room but I'm wondering if I had to what does the board think?

Mr. Eckert stated I think it is important to remember that Supervisor Quinto is approaching the board as a resident at this point in time and when we take a vote he will not be voting on it, he will be abstaining from a vote on this but he is a resident in the community and I want everybody to understand that capacity.

Mr. Labanowski stated if he ends up with this room and out there, there is a fire code regulation for this room. What happens when the people out there come in here and now you are over capacity?

Mr. deNagy stated he would be required to have a staff member who would be watching that and counting.

Mr. Insel stated this is unprecedented so I never had to get a clicker and count people coming and going. If we did that I would have to have somebody make an entrance and exit either that door or this door, you can only come and go. I would have to have a clicker and when you hit the limit you can't have everybody in here. Generally it is pretty cool and not good swimming weather but that is the first day of spring break.

Mr. Schroder stated I want Joe to have his party but I do not want to set a precedent by treating one person different than another one.

Mr. Quinto stated some people say they are coming and they don't show up but I won't know. I just wanted to see what the board would want. Whatever you decide is fine with me.

Mr. Schroder stated we have to stick with the 50 limit in here because that is a law.

It was the consensus of the board that the limit would be 50 people per the fire code.

TWELFTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Labanowski stated I want to thank the board for the support on the memorial park, it turned out quite well. Also we need to make sure we keep on top of Future Horizons on keeping trash out of the ponds. I think it is time that we start looking at our costs for engineering services. Let's see what's out there and I need to know what steps we need to take. I guess it is an RFP.

Mr. Eckert stated actually it falls within the Consultants Competitive Negotiations Act and you would advertise a request for qualifications where engineering firms would submit their qualifications. You would not find out price at that point in time. You would rank the engineering firms who submitted their qualifications in terms of who is the most qualified and then you would try to negotiate a contract based on prices with whoever you think is the most qualified. If you can't come to terms with them then you move on down the list.

Mr. Wing asked if we were to line this up with the next budget when would we need to start doing that?

Mr. deNagy stated we could start it now.

Mr. Eckert stated we could run an advertisement and then you would probably have the qualifications by your March 15th meeting.

Mr. Wing stated GMS has a number of districts. Are there other engineers you use as well?

Mr. deNagy stated we have other engineering firms we use.

Mr. Schroder stated we can do the request for qualifications part but the negotiating a fee we are going to have to have a very good detailed scope of services.

Mr. Eckert stated you need to tell me because I just heard what we are doing is trying to find an engineer as our general engineer. You can't get the price information until you have ranked them based on qualifications.

Mr. Schroder stated I'm used to that but I'm used to having a very good scope of services so they know exactly what they are going to do and how many man hours and what the price for that type of man or woman is so that you can differentiate the two to determine. The way it works is you pick the firm then negotiate the price. But you have to have some basis for them to negotiate that price, the number one firm.

Mr. Wing stated it seems to me the district manager can lay down a series of whatever Preston does now. That is what we would be asking the new person to do.

Mr. Eckert stated you are not going to get into knowing how many man hours until you have a project you are going to want to engage them on. In your request for qualifications I suggest you also include a requirement that they submit qualifications dealing with pond bank repairs and reconstruction and be very specific in terms of that particular issue. We are not going to get to a level of detail on hours and cost that you want to get to in the RFQ stage. I think that would have to come at the next stage. You could do an RFQ for pond bank work, which could be more specific and you might get more of that detail upfront if you just limited it to that but that is not what I'm hearing the board say and you have talked about this issue before. The motion if you want us to do this would be to authorize us to advertise under the CCNA for engineering services and if you want we can develop the scope and we can bring it back to you at the next meeting and you can approve the scope if that is what you want.

Mr. Wing stated I would agree with that. I would put in that we are particularly interested in experience with pond banks. Is our current engineering firm likely to respond to that?

Mr. Eckert stated your current engineering firm has the option of responding to that.

Mr. Wing stated I'm asking your opinion. Is it likely that they will?

Mr. Eckert responded I don't know.

Mr. deNagy stated I don't know either.

Mr. Schroder stated I would expect him to unless they give up but we are going to need to know what the current scope is and we just approved a change in his rates recently. You are going to select a firm either them or another firm to go to the next step, the negotiation step. You may end up with a substantially higher cost.

Mr. Wing stated you don't have to go with it.

Mr. Labanowski stated you don't have to go with them. We are doing a fact finding. Am I correct?

Mr. Eckert stated you are correct. The way the law works is you pick the most qualified, if you can't come to financial terms with the most qualified you move on down the list and if you can't come to financial terms with any of them then you haven't made a change. The only thing that can happen is your current engineer can say, this probably isn't a good match, the board doesn't have confidence in me and I'm not interested in continuing and that is the risk the board has. I'm not saying that will happen because I have no indication it will but that is where you are at right now.

Supervisor Quinto Exited the Meeting at 4:55 p.m.

Mr. deNagy asked is there a motion to authorize staff under the CCNA to put together a scope for the March 15th agenda for board consideration for an RFQ for engineering services?

Mr. Labanowski moved to authorize staff to prepare an RFQ for engineering services to be considered by the board at their March 15, 2016 meeting and Mr. Wing seconded the motion.

Mr. Wing asked can we wait until April because we have a lot of stuff going on in March?

Mr. Eckert stated we can hold it off until April but I think what you are also determining is you are probably holding off the engineering work authorization that we didn't approve today until April or later.

Ms. Venezia stated I don't think we are going to be able to make a good decision by that time. As far as the pond work going forward now I think we are going to end up with ETM. I don't think we are going to be able to change that at this point.

Mr. Eckert stated that is a discussion you need to have from a timing perspective

Ms. Venezia stated timing wise I'm not sure that is going to be possible.

Mr. Wing stated I was going by the assumption that any changes to be made it would be made at the beginning of the fiscal year but not necessarily right now.

Mr. Eckert stated if that is the goal I say let us bring it back in April even May. It is a 14 day ad and I'm sure staff would reach out to the people they know that do CDD engineering and let them know that is on the street.

Mr. deNagy asked do you prefer the April or May meeting?

Mr. Labanowski stated April.

Mr. deNagy asked are you okay to change the motion to April from March?

Mr. Labanowski stated yes.

Mr. deNagy asked Brian okay to second that?

Mr. Wing stated yes.

On voice vote with all in favor the motion passed 4 – 0 as amended with the RFQ to be considered at the April meeting.
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Mr. Schroder stated I have a couple things. I was alerted today by email about a couple things happening in the neighborhood outside Murabella. One is a communications tower and the other is a self storage building. Do we need to do anything to find out more about that? For example there is an address given for the communications tower and based on that address it is on the other side of Samara Lakes and I would like to get confirmation of that location. The other is self-storage at the southeast corner of this intersection and is probably the northeast corner. This is not really a north, south, east, west intersection.

Ms. Venezia stated it is across from CVS. I sent an email back. There is no PUD meeting set yet when that happens she will let me know.

Mr. Schroder stated I think I talked about this before and I cannot remember whether I got any movement on it or not but I would like to go out with a request for bids for a small grading and sodding firm that can do maintenance not requiring any engineering just small maintenance projects that Jeff can't do, beyond where you do it with a shovel. This would not require engineering but if we could get prices per hour for an operator and the piece of equipment such as a backhoe to dig a trench to get water draining off the mail kiosk, those types of things. I have talked to a couple small contractors who do that kind of work and two of them said they would be interested in pursuing such a thing. I think it would save us a considerable amount of money and allow us to do things not only cheaper but respond to things faster. We would not be using these for things where the complexity requires an engineering firm to look at it and come up with plans. These are things like scrape 6" of dirt from here for the next 20 feet so the water does not damn behind the irregularity in the field and that type of thing. I would like to hear if the board has any interest in pursuing something like that.

Ms. Venezia asked why would we not ask the landscape company to do something like that?

Mr. Schroder stated they could but I don't know that they are able to do that. They may or may not have a backhoe. If they have that capability they could do it. They could do the grassing but I'm talking about using a piece of equipment to grade or excavate a shallow swale.

Mr. Wing asked how often would we expect to use this service?

Mr. Schroder stated as needed.

Mr. Branch stated based on what we discussed we have come up with two or three different areas. I have all the documents and pricing from some other similar projects so we could call the same people back.

Mr. Eckert stated what you can do, which is the most efficient, is select two or three contractors that you want to work with. You can get them under contract and you only pay them if you approve a work authorization for a specific job. It has the specific details in there in terms of insurance, indemnification and it is a one page work authorization when you want to put them to work. If you did two or three it would take care of the situation where one was tied up and the other ones would be available. You can do that if you want to. I would do the contract for no more than three years to have them online and if they are willing to do that there is nothing that prohibits you from doing that.

Mr. Schroder stated I hope we would be able to use our judgment so that we can utilize them for a full days work and make it reasonably profitable for them. In other words they don't want to come out here and mobilize for two hours. We would wait until we have a day's worth of work.

Mr. Eckert stated the board is going to approve the work authorizations or you are going to approve a resolution saying the chairman can approve work authorizations under a certain amount and we can deal with that when we approve the contract.

Mr. Schroder stated my preference would have the board approve a work authorization. What do we need to do?

Mr. Eckert stated I will bring a form of contract. Is there something you need to do between now and March?

Mr. Schroder stated what I would like to do is continue the conversation with some of these folks that I talked to and get a rate schedule from them and see the types of things it is so that could guide us to how we structure it.

Mr. Eckert stated you don't need to do an RFP, don't generate protest rights or anything like that for this type of work. The amounts are so far under the bid limit just pick the two or three that you think are the most competent, present them to the board and the board can ask questions and if they feel comfortable they can approve those. I can get a form of contract together with an exhibit for the rates and the board can say this looks good to us.

Mr. Schroder stated I will work with the three of you.

Mr. Eckert stated we may already have something like this.

Mr. DeFranzo stated I want to bring to the board's attention based on presentation, which was very good about planting palms, etc. remember with all the work on the board and everything to be done in the various failed areas overwhelmingly the issues were not erosion. I keep hitting on that because everyone in my opinion incorrectly uses the phrase or term erosion. Erosion is surface loss and from all the experience I had here you really don't have erosion issues we only had those in areas between the property lines where the runoff is concentrated and where people are not maintaining their properties. Primarily everything was failures, we had the structural integrity that we are losing, the banks are falling off and pushing out based on the poor surface. First of all the cost of plants are prohibitive secondly you will never get consensus with people in the community around the ponds whether they like it or don't like it. Other issues you need to consider if you are looking at plants and that type of thing you are creating habitats for snakes and rodents and we don't need that. The flowers are beautiful we have a lot of experience with flowers not in this community but my prior experiences. The problem with flowering plants is they attract insects and in a residential neighborhood you have children and people who are prone to getting stung and having issues. All these things prohibit plants. The other thing is the soils we found out are very deep and shallow rooted plants are not really going to help us a whole lot. I never want to put trees in the ponds but trees on the banks with deep roots is something that would help. Then who is going to maintain it, then there are leaf problems to maintain. I would say let's not go forward looking at planting these pond banks. Do you want to plant instead of repairing or do you want to plant after you spent money to repair.

Mr. Schroder stated that is one of the questions I wanted to ask because some of those situations we are going to have to deal with that drop off at some point and that is going to be expensive. We are going to need to do that before any vegetation or biotube can be used.

Mr. Abush stated when I come to the stop sign at Copara and Positano there is no light at that intersection and many times when I make a turn I can't see people that don't have reflective clothing on. Is there a possibility the board could look at putting a light at these major intersections along Positano particularly with the buildout that is occurring there now where you are going to have a lot more foot traffic and things like that.

Mr. Schroder asked is that something that would be installed by the county since it is a county road?

Mr. Labanowski stated Florida Power & Light.

Mr. Schroder stated so we would pay for the installation?

Mr. Eckert stated staff can investigate that and let you know what the options are.

Ms. Covington stated I look at the newsletters on a regular basis and I don't know how many people read them but it is nice reminders for people and on the website anything we can do to remind them to be considerate and try to park in their driveways. I can't tell you how many times I have almost hit someone because I'm going around cars and there are people in the street and it is dark and lighting is an issue. I'm afraid I'm going to kill someone because they are walking at night with no reflective clothing. I'm very concerned something is going to happen to someone. Can you maybe do quarterly reminders to be considerate and park in your driveway and wear reflective clothing when you walk at night?

Mr. Wing stated if we are going to put something in the newsletter about parking, try to get people to not park right across from each other on the roads. Don't park too close to an intersection.

Mr. Labanowski asked can we put something in a box in the monthly newsletter saying friendly reminder for various reminders?

Mr. Eckert stated you can do that. The CDD is not going to enforce the HOA covenants but if you want to tell people to be good neighbors and here is how to be considerate that is fine. About parking too close to the intersections almost every county has a code that you can't be within 30 feet of a traffic signal, which is usually broadly defined to include a stop sign or 20 feet of an intersection. Also most county codes are going to have a prohibition against parking

across the sidewalks in the driveway. If you notice that it is either the county is going to use code enforcement to enforce that or it is going to be the sheriff's office. We have had mixed success getting counties to pay attention to that.

**FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – March 15, 2016 at
6:00 p.m. at the Murabella Amenity Center**

Mr. deNagy stated our next scheduled meeting is going to March 15th at 6:00 p.m.

On MOTION by Mr. Labanowski seconded by Ms. Venezia with all in favor the meeting adjourned at 5:17 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman