

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

A special meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Wednesday, November 12, 2014 at 10:00 a.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Ralph J. DeFranzo	Chairman
Aage G. Schroder, III	Vice Chairman
Joseph Quinto	Supervisor
Mabry Edwards	Supervisor
Kathleen Venezia	Supervisor

Also Present were:

Dave deNagy	District Manager
Mike Eckert	District Counsel
Preston Doub	District Engineer
Several Residents	

The following is a summary of the minutes and actions taken at the November 12, 2014 special meeting and 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 10:00 a.m.

SECOND ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed.

THIRD ORDER OF BUSINESS

Consideration of Matters Relating to Pond Bank Reconstruction

- A. Consideration of RFP Evaluation Criteria, Instruction to Proposers, Minimum Qualifications, Advertisement and Form of Pond Bank Reconstruction Contract**

Mr. Eckert stated this is a little bit different than the normal process we go through in terms of coming up with an RFP process. We have comments from various board members on the documents that were prepared by your staff and also the district engineer has provided some comments. We have incorporated as many of those comments as we could but where there were conflicting comments we need to workshop that through the board right now so that we get a consistent set of documents and so that everybody's concerns are addressed. I recommend we go one by one on the documents that are in 3A and see if we can reach a consensus so that we can have a final form of RFP.

Evaluation Criteria

After discussion it was the consensus of the board to weight the evaluation criteria as follows: Personnel 15 points, combine Experience, Bonding Capacity, Available Equipment and Understanding Scope of Work (to include narrative from contractor with logistics plan showing how he is going to do this job) for a total of 35 points; Schedule 15 points; and Price 35 points, with 25 and 10 for a total of 100 points and deleting the addition of financial capability and geographic proximity to the project site.

On MOTION by Ms. Venezia seconded by Mr. DeFranzo with four in favor and Mr. Edwards abstaining due to a conflict of interest the RFP evaluation criteria was approved as outlined.

Instruction to Proposer

Mr. Eckert stated there was not agreement on where the proposals should be received and we need to decide that question.

After discussion it was the consensus of the board to have the bid opening at GMS' St. Augustine office and Mr. Doub and his staff will be there to facilitate receiving, opening and recording the bids.

Mr. Eckert stated next is the language about the preproposal conference may include but not be limited to discussion of contract requirements, inspections, evaluation and Preston suggested that line be deleted. That is something we have in many of our instructions to proposers and I will ask Preston to state what his concern is and let the board make the decision.

Mr. Doub stated I would prefer to have it taken out of the advertisement but I'm okay leaving it over here. I would like to have the preproposal conference in our office because we have a large conference room and are able to access Google Earth and it helps address contractor questions and get them oriented to the scope of work very easily.

Mr. Eckert stated section 6 is the issue of the difficulty to find contractors who have experience in similar work in terms of the specific types of reconstruction we are talking about.

Mr. Doub stated we need to be careful that we are going to award it to someone who has experience in similar work and I can work with Mike on that.

Mr. Eckert stated in section 6 why don't we say, third line, proposal satisfactory evidence of suitable experience and training in excavation earthwork and stormwater management facilities.

Section eight is the one about the addenda and I have always seen it if a contractor asks a question in relation to the proposal an addendum is issued to everybody who picked up the plans so everybody knows the answer to that question. I prefer to deal with that because it helps against challenges.

Mr. Doub stated we have some language I will send you to add to this.

On MOTION by Mr. DeFranzo seconded by Mr. Quinto with four in favor and Mr. Edwards abstaining due to a conflict of interest the instruction to bidders was approved as amended.

RFP

Mr. deNagy stated this is the document that will be advertised in the paper. Preston had a comment that he would prefer to have the project available by file transfer protocol only.

Mr. Doub stated we have done this a number of different ways over the years and what we have found in the last year or so is putting this all out on an FTP site is beneficial to us as well as the contractors and all their subs. A lot of these guys want to see what this job is about but they may not want to pay \$300 for all the documents. This puts it out there and it is going to be included in the advertisement of how they can go in and pull that up and they can look at it, decide what they want to do, they can send PDFs to their blueprint shop and have plans printed, they can send stuff to their subs very easily and contractors love this.

On MOTION by Mr. Schroder seconded by Mr. DeFranzo with four in favor and Mr. Edwards abstaining due to a conflict of interest the RFP was approved as amended.

Minimum Qualifications

Mr. Eckert stated we have very basic minimum qualifications but there were concerns in terms of the amount of bonding capacity that the district was requiring.

It was the consensus of the board that the minimum bonding be changed to evidence of \$1 million or 125% of the contract value whichever is greater.

Next issue is evidence of experience was changed to a minimum of \$500,000 over the past five years and two projects and change the language to earthwork, grading or stormwater management facility construction.

On MOTION by Mr. Quinto seconded by Mr. DeFranzo with four in favor and Mr. Edwards abstaining due to a conflict of interest the minimum qualifications for the contract were approved as amended.

The board took a short recess after which the meeting reconvened.

Pond Bank Reconstruction Agreement Phase 1

Mr. Eckert stated my experience has been to put the form of agreement in the RFP package so you are not spending weeks negotiating with the contractor by starting an agreement from scratch. We need the board to approve the form of agreement and there are some blanks that will need to be filled in but this is what we will tell contractors they are going to be required to sign if they are the successful proposer.

Article 3, contract sum; one of the comments we got back was the project should be bid on unit price basis and not a lump sum and this needs to be discussed further. The last sentence in the paragraph basically says the contractor is going to submit to us a lump sum bid to do the work they are also going to submit unit prices but really what those unit prices are going to be used for is for determining an appropriate application for payment and what the unit prices would be if there are any change orders or additional work that needs to be done.

8.2 will now read the district agrees to procure necessary authorizations for contractor's ingress and egress to the project site. Prior to contractor's commencement of the work the

contractor shall appropriately mark the boundary of ingress and egress to the project site. Contractor shall remain within the marked ingress and egress boundary at all times. The plans will delineate what the ingress and egress areas are.

8.4 District shall provide contractor with vertical control for construction surveying, construction stakeout and surveying is responsibility of contractor.

9.1 there is a question, is the survey work discussed in these paragraphs necessary for reconstruction project or is something we can use already been completed?

Mr. Doub stated it has the engineer replacing them and it really should be by a surveyor at the expense of the contractor. In the middle we say one set of horizontal and vertical control provided by engineer at district's expense. That is really the same issue we had on the other and need to make those consistent with each other.

Mr. Eckert stated we are going to have the surveying work that the district could to as a bid alternate so when one of the contractors says I'm going to do this and if you want me to do the surveying work this is the cost for the surveying work and then the district engineer can look at the cost for us to do it and if it makes a lot more financial sense for us to do it then we would probably go ahead and reject that bid alternate.

15.3 take out at or within blank feet of the project site and it will be shown on the plans.

16.2 take out lawfully authorized to do business in the jurisdiction in which the project is located and leave the rest of it in terms or property insurance.

17.2 we have a one year warranty and have a bid alternate of a one year maintenance bond.

On MOTION by Mr. DeFranzo seconded by Mr. Quinto with four in favor and Mr. Edwards abstaining due to a conflict of interest the form of pond bank reconstruction agreement Phase 1 was approved in substantial form including the changes made and non-substantial changes staff will make prior to the RFP is issued.

B. Consideration of Appointment of a Pond Bank Reconstruction RFP Committee

Mr. Eckert stated the committee can be anybody on the board, any member of the public, this RFP committee will meet in the sunshine, we will publicly notice the meetings for that. I ask that it be at least three people and that it be an odd number of people.

On MOTION by Ms. Venezia seconded by Mr. Schroder with four in favor and Mr. Edwards abstaining due to a conflict of interest a pond bank reconstruction RFP committee will be formed and appointment of that committee will be placed on the November 25, 2014 agenda.

C. Consideration of Engineer’s Report for Pond Bank Reconstruction

Mr. DeFranzo left the meeting at this time.

This item tabled until the November 25, 2014 meeting.

D. Presentation of Validation Report

This item tabled until the November 25, 2014 meeting.

E. Authorization to Prepare Bond Validation Complaint

On MOTION by Mr. Quinto seconded by Ms. Venezia with three in favor and Mr. Edwards abstaining due to a conflict of interest district counsel was authorized to prepare the bond validation complaint.

F. Consideration of Proposal from Bond Counsel

This item tabled until the November 25, 2014 meeting.

G. Consideration of Proposal to Prepare Special Assessment Methodology

This item tabled until the November 25, 2014 meeting.

FOURTH ORDER OF BUSINESS Supervisor’s Requests and Audience Comments

Mr. Eckert stated on the developer discussions I don’t want anybody here to have the expectation that there is going to be a definitive answer one way or another by the 25th because I have to provide the documents they have to have time to review the documents and analyze the documents but that issue shouldn’t impact the timeline in terms of the validation and things like that.

Mr. deNagy stated I handed out to the board information regarding the Area 1 and 2 drainage project that is currently being completed by Metric Civil.

Mr. Doub stated we have issued our punch list and it is sod, grading, repairing the asphalt path and access area where they came in off the road. The contractor is working on all these items. I don't know that he is disputing any of it yet and I also asked him to reduce his previous pay request, he had asked for almost \$23,000 and I reduced it down to \$12,799.80 and he has agreed with that reduction and even if he didn't complete the work there is about \$21,000 remaining to do so if we had to step in we have some cushion there.

Mr. Schroder opened the floor for audience comments.

A resident asked what kind of sod was originally there.

Mr. Schröder responded Bermuda.

Mr. Labanowski asked is there a resolution to the irrigation system?

Mr. Doub responded I talked to Brian about that and he said they did coordinate with him and he felt Metric did what they needed to do there but when they started work on it there was a lot more work than they normally would have expected. On the other project we just had irrigation heads that had to be taken out and protected and they came back and put them back in. We thought the same thing would happen over here but because of the grade changes the laterals were very shallow and they had relay them deeper to fit the new grade.

Mr. Schroder stated the \$5,000 is a lot of money we did not anticipate spending.

Mr. Doub stated unfortunately I don't have any grounds to go back to Metric on that. We may want to negotiate more with Austin on that invoice.

On MOTION by Mr. Quinto seconded by Ms. Venezia with four in favor and Mr. DeFranzo absent at time of vote, pay request no. 2 from Metric Engineering in the amount of \$12,799.80 was approved.
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Mr. deNagy stated I will go back to Brian to see if there is anything he can do on the invoice.

Mr. Quinto stated people complain about fishing in the pond and I told them to call the police department and the police department doesn't want to do anything.

Mr. Eckert stated this is an issue in every community. A resident can contact the field manager and they can go out and inform them that they can't fish there. If someone is on private property that lot owner can ask them to leave and can call the police and say this person is on my property I want them off my property but if they are on the CDD property it makes it much more difficult.

Mr. Quinto stated there is a rumor going around that the CDD fee is going to be raised \$75 per month.

Mr. deNagy stated you can have anybody who has questions about their CDD assessments call me. I will be happy to explain it.

Ms. Venezia stated leave it alone because everybody just got their tax bill anyway so they will see it in their tax bill.

Mr. Ferris stated you didn't have any discussion of who you are going to select for the committee or the process. There are people in the neighborhood who would be great candidates and they don't know the meeting is coming up and that is going to be decided.

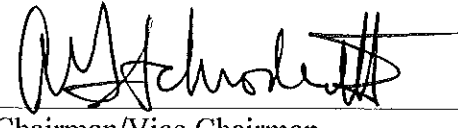
Mr. Eckert stated I suggest anybody who is interested to contact Dave deNagy, the district manager and say I'm interested in serving on this committee, here are my qualifications, here is why I think I would be good and any of the people you have spoken with that you think are qualified just give them Dave's name and number and they can contact him and the board can have that in front of them at the next meeting to make an informed decision.

FIFTH ORDER OF BUSINESS

Next Scheduled Meeting – November 25, 2014 at 2:00 p.m. at Murabella Amenity Center

On MOTION by Mr. Quinto seconded by Mr. Schroder with all in favor the meeting adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman