

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, September 8, 2020 at 6:31 p.m. via Zoom.

Present and constituting a quorum were:

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| Chris DelBene | Vice Chairman |
| Brian J. Wing | Supervisor |
| Chuck Labanowski | Supervisor |
| Diana Jordan-Burks | Supervisor |

Also Present were:

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| Ernesto Torres | District Manager |
| Jennifer Kilinski | District Counsel |
| Mike Yuro | District Engineer |
| Jerry Lambert | Operations Manager |
| Erick Hutchinson | Amenity Manager |

The following is a summary of the actions taken at the September 8, 2020 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Torres called the meeting to order at 6:31 p.m. and called the roll. Mr. Torres announced Chairman Simmons is ill and unfortunate he will not be attending tonight's meeting. Vice Chair DelBene will run tonight's meeting.

SECOND ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Staff Reports

A. Landscape Manager (Presenter: Duval Landscape)

This item taken under the operation manager's report later in the agenda.

B. Engineer (Presenter: Mike Yuro)

Mr. Yuro stated I continue to follow-up with the county and their engineer and contractor on the signal at the intersection. It is my understanding that the signal has been activated, but we are still waiting on the TV video of the inside of the pipe to confirm if they cleared out all the debris they spilled. I did get a phone call a few minutes ago from Jack Holzburg with Kimley-Horn, he has been in contact with the contractor and said that they actually completed the video inspection today. According to the contractor the section of pipe that goes under the road from the north side to the south side of the road is clean, the section from the inlet where they spilled into the pond the contractor said that they have cleaned out the bottom of that pipe but I told Jack I needed to see the video myself to be able to confirm that the pipe is clear of any debris because there have been issues ever since they spilled it. He expects I will have that in the next couple of days.

FOURTH ORDER OF BUSINESS

Consideration of License Agreement with United Parcel Service, Inc. Regarding the Use of Certain District Property (Presenter: Jennifer Kilinski)

Mr. Torres stated this is standard for Turnbull Creek CDD, we do it every year. Last year Erick provided a different location that I thought worked out well. This agreement is for the period of October 15, 2020 through January 15, 2021. They will compensate the district \$1,000.

Mr. DelBene stated I want to make sure that the compensation is on par with other districts.

Ms. Kilinski stated yes, there are a couple that received \$1,000, the majority of them have not asked for funds.

Mr. Labanowski asked can exhibit A be changed because it shows the parking lot.

Mr. Torres stated I have asked Erick to provide an updated map so we can approve this in substantial form.

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor the agreement with UPS for use of district property from October 15, 2020 to January 15, 2021 was approved in substantial form.

FIFTH ORDER OF BUSINESS

Update Regarding Engineer RFQ (Presenter: District Staff)

Mr. Torres stated I worked with Supervisor Burks to advertise the RFQ on the website she recommended, and I reached out to four firms. JMT submitted a response for the last meeting that

we held onto, we received a response from Mike Yuro & Associates, your current district engineer, Matthew Design Group, JMT, and Gulfstream. We have four responses to the RFQ to consider. Based on guidance from the chair at the last meeting he wanted to schedule a special meeting to allow the firms to make a presentation to the board. I have a recommended date of September 29, 2020 at 10:30 a.m. and I would like to exercise the use of Zoom based on the executive order that ends October 1st.

Mr. DelBene stated my request would be that it be after 4:00 p.m.

It was the consensus of the board to have a special meeting by Zoom on September 29, 2020 for presentations from the four engineering firms.

SIXTH ORDER OF BUSINESS

Consideration of Bocce Ball Court (Presenter: Jerry Lambert)

Mr. Lambert stated in your packet there are pictures and proposals for the bocce ball courts. It would be a little cheaper to have them side by side, but you lose the ability to walk between them. The one we are thinking about using is the one where they are totally separate. We would be able to utilize the tabby stone we have, I think we have about 100 pieces and that would be enough to put two-wide between the courts all the way up to 60-feet. It would save a substantial cost rather than putting pavers between the courts. The last picture is what it will look like when finished. We should put the oyster shell finish in it, you can go a little cheaper with sand, but I think that is a lot more maintenance. It would look more professional with the oyster shell. The price sheet is included after the pictures. There are two prices, \$3,447.12 and \$2,997.20 the only difference is if we get support from the residents to help remove sod, we can save about \$500.

There has been some interest in this and I think it would be a great opportunity to have another activity. To have someone come in and build these two courts would be between \$30,000 to \$35,000. We are talking about putting them parallel with the basketball court on the soccer side of the field.

The board discussed alternative locations and Mr. Lambert and Mr. Yuro will review each and come back with a recommendation at the next meeting.

SEVENTH ORDER OF BUSINESS

Ratification of Agreement with B&S Signs, Inc. for Installation of Electronic Marquee Sign and Provision of Data Service (Presenter: Ernesto Torres)

This item tabled.

EIGHTH ORDER OF BUSINESS

Consideration of Audit Engagement Letter from Berger Toombs Elam Gaines & Frank (Presenter: Ernesto Torres)

On MOTION by Mr. DelBene seconded by Mr. Labanowski with all in favor the engagement letter with Berger Toombs to perform the fiscal year 2020 audit was approved.

NINTH ORDER OF BUSINESS

Consideration of Proposal for Dance Classes with Gift of Dance for Fall Season (Presenter: Erick Hutchinson)

Mr. Hutchinson stated last time I didn't have the dates. It is going to start in two days if we agree on it and end December 10th. It should be on Thursdays from 4:30 to 5:15 p.m. She usually has between 8 – 10 students and charges \$60 a month and 10% is about \$180.

On MOTION by Mr. DelBene seconded by Ms. Burks with all in favor the proposal for dance classes for the fall season with Gift of Dance, Thursdays 4:30 to 5:15 from September 10, 2020 to December 10, 2020 was approved.

TENTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney - (Presenter: Jennifer Kilinski)

There being none, the next item followed.

B. Manager - (Presenter: Ernesto Torres)

There being none, the next item followed.

C. Operation Manager – (Presenter: Jerry Lambert)

Mr. Lambert stated I will touch on Duval's report. Some of you know they cut the grass shorter last week, which is something they do with Bahia this time of year to help it thicken and grow. He is ready to put in new flowers around the amenity and entrances. They are struggling with the pond banks because they are wet. They are mowing as they can to get them done.

Ms. Burks stated when they cut the banks when they are wet it throws that green stuff on fence. Is there something they can do to eliminate that because it only happens on the back fence when they cut the grass when it is wet.

Mr. Lambert stated yes, they are supposed to blow the clumps and that stuff off fences if it happens. I noticed a couple areas like that. I will check with Mike on that.

1. Report

Mr. Lambert gave an overview of his report, copy of which was included in the agenda package.

2. Duval Proposals

Mr. Lambert stated Duval's proposal #9107 is to replace two dead trees at the entrance off of Positano with two 30-gallon Nellie Stevens Holly Trees in the amount of \$799.38.

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| On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor proposal #9107 from Duval in the amount of \$799.38 was approved. |
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3. Property Activities Sheet

A copy of the property activities sheet was included in the agenda package.

4. Duval Audit Reports

A copy of the landscape audit report was included in the agenda package.

5. Pool Umbrellas

This item tabled.

D. Amenity Center Update (Presenter: Erick Hutchinson)

Mr. Hutchinson stated we are entering fall season and per the contract the hours and everything changes. Currently the pool hours are 10 a.m. to 7 p.m. I'm requesting to change it to 10 a.m. to 30 minutes before sunset. That adds 8 minutes now but as we go through the season it becomes less and less.

It was the consensus of the board to change the closing pool hours from 7 p.m. to 30 minutes before sunset and staff was directed to try to find lifeguards for weekends during September so the slide can be utilized.

ELEVENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Wing stated I would like to revisit the meeting minutes from September of last year, because of the Zoom meetings minutes weren't published for several months. I went back and looked at some of them. I think most of us on the board value audience comments, particularly for those who stay around for the very end of the meeting to make comments. I sent to each of you the minutes that were provided at that meeting and particularly regarding homeowners who came to talk about the fishing policy. If you read the minutes you would come to the conclusion they all came to talk about the fishing policy but if you look at the transcript of the meeting that was sent to all of you, that is not what they came to complain about. They came to complain about how they were treated by one of the supervisors. That is public information, I confirmed with Ernesto that the tapes from the meeting are public information and I think at least if not verbatim a summary should be included because it is what caused us to finally pass a resolution that would withhold liability insurance from a supervisor working outside their duties. I'm interested in comments from the board, I think these minutes should be amended. Do you agree?

Mr. DelBene stated I think the minutes should reflect the transcript.

Ms. Burks stated I agree.

Mr. Wing moved to amend the September 2019 meeting minutes to include the transcript as provided and Mr. DelBene seconded the motion.

Mr. Torres asked Jennifer are we on the right path, just asking for the minutes to be amended to reflect the transcript?

Ms. Kilinski stated because it wasn't an agenda item we will need to open it up to audience comments in case any members of the audience want to comment.

Mr. Torres opened the floor for audience comments on the proposed amendment to the September 2019 meeting minutes.

Ms. Wing stated I agree the minutes should absolutely reflect what occurred at the meeting because a lot of residents do not attend, if they do want to know what happened and go to the website to read the posted minutes they should get a really good sense of what occurred. My understanding is the transcripts are not posted, however, the transcripts are also public record so if a resident is aware they can request the minutes as well, but I don't think we should put the onus on a resident to come to the conclusion that something was said at the meeting that was not captured in the minutes.

Ms. Venezia asked why doesn't a board member have the responsibility to question a resident who is going against regulations that they should normally have been aware of, which they were aware of, but why wouldn't a board member have that opportunity to approach a resident? What's wrong with that?

Mr. Wing stated Kathy I don't think you have seen the transcript because it wasn't released, it was only sent to board members. If you look it I think you might have a different opinion and I would also ask Jennifer to comment.

Ms. Venezia asked is it possible for us to see that then?

Mr. Wing stated sure.

Ms. Kilinski stated I'm going to make two quick clarifications. One is on meeting minutes. I keep hearing the word "transcript" and I want to be abundantly clear about what your meeting minutes are. This district and I don't have a single district that transcribes minutes in the true definition of transcript. The transcript would be a transcriptionist that is literally getting word for word on paper of what is said during the meeting. We don't have that. I would never recommend that you do that for all kinds of reasons that we can talk about from a legal and practical standpoint. What we have are summary minutes. I do have districts that there are certain discussions that happen whether it is audience comments or there may be a somewhat important issue of the day that they want to make sure the residents have captured adequately and something Ernesto and I talked about a month or two ago as one solution is if you have the topic you want transcribed then before that topic comes up you may say something along the lines of, transcriptionist we want this recorded verbatim and that would then queue the GMS transcriptionist to say okay, I know I need to get this as close as possible word for word in the minutes. As you see from our meeting minutes especially last meeting, we had a 3 ½ hour meeting. We as staff would be reviewing 80 to 100 pages of minutes that are surely going to be inaccurate in some way, shape or form and we need

to make sure we have those accurately captured for all kinds of reasons. I want to be really clear on the minutes when we are talking about the transcription, what we will be asking for in the future from a staff perspective and how you want some of those topics handled. That is the meeting minutes comment from a legal perspective.

I think the other, as you pointed out Supervisor Wing, you would have this discussion before, I have not seen it be an issue as of late, but I would never recommend a board member approach to enforce rules to another member of the public, whether it is a resident or not. I would never recommend it for safety and security of our supervisor, I would never recommend it from a practical standpoint from the district's perspective. We have policymaking authority but we don't want our board members nor would you want a city or county commissioner out there enforcing the law or the policy, we leave that up to either district staff or in some cases police, when we are talking about trespassing; it is never a good idea from my perspective anyway.

Ms. Venezia asked if the ruling for fishing is that no resident is to fish behind someone else's property then I am not allowed to tell someone to please move if they are fishing outside my backyard? Why would I not have that opportunity?

Ms. Kilinski stated we are talking about minutes. If you want fishing back on the agenda, then I recommend we do that. I'm saying that mostly because if the public is concerned or the board members are concerned about fishing policies again then I would want residents to be able to know we are having that discussion so they can tune in and be able to give their opinion. We haven't said anything about fishing tonight so I would be hesitant to give too much feedback. What I'm saying as the lawyer to the board members who I serve as district counsel to, I would not recommend that they in their capacity as a board member go around and enforce our fishing policies. If it is in your back yard I wouldn't stop a resident from doing that, how am I going to stop you, I'm just making recommendations that if you have somebody in your back yard you never know what could happen. If they are trespassing on your property, then we have adopted from a policy perspective the best practice on how do that at least as board members. You can call Jerry, Jerry can either check it out or call the police in the case that you see somebody that may be getting aggressive.

Mr. DelBene asked any other audience comments?

Ms. Wing stated again, about the history and I understand the volume of material that would have to be included if you had minutes that were verbatim, but what I do know in this

instance it did not reflect at all any part of the whole discussion and I think that is the issue. It was basically swept under the rug and only talked about fishing policy, which was really not the case.

Mr. Jacobs stated I am kind of surprised that this thing came about from last September, a year ago and your transcriptions are not going to be verbatim or exact and it is an issue to me that somebody is waiting a whole year to bring this up and looking back over your minutes, your minutes are not going to reflect accurately just as Jennifer just said. I have an issue with the way it has been handled.

There were no further comments from the audience.

Mr. Labanowski stated I didn't receive the email and I just checked my junk mail and it is not there so I'm not going to comment on something I haven't seen, Mr. Wing.

Mr. Wing asked Mr. DelBene, did you receive it?

Mr. DelBene responded yes.

Mr. Wing asked Diana did you receive it?

Ms. Burks stated yes.

Mr. Wing asked Ernesto, did you send it out?

Mr. Torres stated yes.

Mr. Wing stated I don't know Chuck, that's not my problem.

Ms. Burks stated I want to briefly comment about what Jennifer said. For us as board members I definitely wouldn't feel comfortable, not even a resident in my area coming to me and being aggressive about anything. If they have a problem with something I'm doing, I agree it should be taken through the staff and allow them to say something because as she said that could put us as board members in a situation that could look bad upon this CDD board. As professionals I think that we should be able to set an example for what we expect in our community so it won't be any confrontation, if you will.

Mr. DelBene stated I do believe that is what our policy now reflects after this whole discussion came up because of this incident.

Mr. Hutchinson stated for Jerry's sake I'm assuming a lot of these that happened are like close to nighttime and I believe I reviewed the policy, which is also online, and I believe it states you are supposed to call the sheriff in that case. I would hate for Jerry or myself to receive a phone call late at night. What is he really going to do? Not a whole lot. If there is something crazy going on, I highly recommend calling the sheriff.

Mr. DelBene asked Jerry are you here?

Mr. Lambert responded yes.

Mr. DelBene stated last meeting we talked with Duval who is not here. Can you find out what they are doing with those two cut out grass areas?

Mr. Lambert stated I was told that they were going to do that this week and I'm waiting to see. I will follow-up on that and let you know.

Mr. Torres stated we are still in discussion. I just received a text from Chuck that he didn't get the email. What date was that email sent, I would like to confirm it.

Mr. DelBene stated September 3 at 3:15 p.m. I see Brian, Wil, Chuck, myself and Diana attached to it.

Mr. Torres stated I'm not sure, Chuck, why you didn't get it in your box.

Ms. Kilinski stated one more quick note on the minutes, to one of the residents comments. Remember too, that our recordings are always available. We have had this come up before, we don't transcribe the minutes in the 100-page format, you can always get the audio recording and residents have requested that in the past for various issues so you can hear the whole meeting.

Mr. Torres stated the motion was to amend the September 2019 meeting minutes to reflect the additional discussion regarding the two audience comments that were made in the transcript that Brian sent to the board.

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| <p>On roll call vote the motion passed three to one. Mr. Wing voted yes. Mr. DelBene voted yes. Ms. Burks voted yes. Mr. Labanowski voted no.</p> |
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Mr. Torres stated I will work with legal and also GMS to amend the minutes and post them back on the website. The board will have to review and approve them in November's meeting before they can be uploaded. Is that right Jennifer?

Ms. Kilinski stated as long as the board saw the amendments that were proposed, which if I heard Supervisor Wing right the transcript that was produced from that meeting, as long as the board is okay with what was produced to you via email, then that doesn't need to come back.

Continuation of supervisor's requests and audience comments.

Ms. Venezia asked how many residents in the community actually want a bocce ball court? We have done surveys in the past and a bocce ball court was never mentioned. Is this only because a board member has played bocce with some other residents in the community? Are we going through this expense for 5, 6, 7, 8 residents in the community, when drainage issues are yet to be addressed?

Mr. Lambert stated I am the one who brought up the bocce ball court originally, but I know there are some board members in favor of it.

Ms. Venezia asked how many residents want it? I want to see if the expense is going to meet the number of residents who actually requested having something like this when we have other issues that haven't been addressed.

Mr. Jacobs stated I have a number of issues to go over and I'm disappointed that the chairman is not there because I wanted to address some of these issues with him. He is constantly going on Facebook and badmouthing the Homeowners Association and it is not very professional of him. I want to also remind him that there is a code of ethics for public officers and employees and there have been some things that may not meet that code of ethics standards. I'm not happy about it.

One of the issues about the bocce ball court that Kathy just mentioned, I am kind of surprised because it had drainage problems and you were mentioning drainage problems with the bocce ball court, but there have been drainage problems in San Marino for four years that have not been addressed. Why would we want to spend money on something new when we haven't fixed a problem for some of the homeowners?

I'm also disappointed that in 2018 you did a reserve study and it hasn't been changed yet but that reserve study said you were going to replace the gym equipment in 2023/2024, but all of a sudden they got replaced last year and it was a benefit to the president because he uses it every morning, he and his friends and all of a sudden you spend \$40,000+ buying new equipment. It wasn't set in the reserve study.

I have real issues that a couple members on the CDD board had a real axe to grind with a couple Homeowners' board members and I think it has become very personal. I'm upset because the HOA in the last five years has donated \$129,000 for items in the community that are under the purview of the CDD. We have done a part to help and I really resent the fact that he is constantly putting down the Homeowners' Association board.

A resident stated I was all for the bocce ball court. I was going to build it with a couple other guys. I came in half an hour late to the meeting. What was the final verdict with the message board?

Mr. Torres stated the agreement has gone back and forth after it was signed by Wil, we had it on the agenda to be ratified, but due to the vendor changing some of the language on the original agreement that was sent to them, we have to go back and update the comments and send it back to them and bring it back to the board. It is a work in progress and we have not come close to having the agreement signed.

A resident stated I think it was \$20,000 for the message board whereas the bocce ball was \$2,500. I can't believe the HOA first of all they are responsible for absolutely nothing that goes on in this community; 99% is all CDD. I'm proposing that the HOA fee get reduced from \$80 to \$65 take \$15 off and put it towards the CDD. It looks like they are going to make \$20,000 surplus every year and for what, what are their expenses. There are always going to be drainage issues and the pond behind my house is always going to be a problem. It is never going to be fixed. Why should the people not on a pond have to suffer, for \$2,500 for a bocce ball court? Everybody on both boards except for two don't even use the amenities, are never there. To have such an opinion, a strong opinion, it is ridiculous. The more things change the more they stay the same. I just hope it doesn't get reversed. If Wil Simmons loses, I'm out of here because things are going to go back to status quo, the way it was, where you needed permission to go next door in the amenity room. You couldn't do nothing here.

Ms. Randolph stated I have a question for Jennifer. You mentioned earlier about the homeowners, the officers talking to the homeowners directly if there was any problem or anything, don't get directly involved with the homeowners. Now we have the officers, the chairman of the CDD, going back and forth on Facebook, our Murabella Facebook page back and forth complaining. It got out of hand the last time. It was horrible the way you people were putting down one another and it went back and forth. I talked to a couple homeowners and said get on the CDD board today on Zoom and they said no, we will wait for Facebook to find out what is going on. You are professionals, you are elected by us at St. Johns County, we vote for you and I expect a little bit more professional people representing the board and not go back and forth like you have done last time on Facebook and it was out of hand and it was totally not acceptable in

my book. Please think about that the next time you guys go on Facebook. Really, you shouldn't be on Facebook.

Ms. Venezia stated the digital communication board is for every single resident and this community will benefit by it. Not every single resident in the community will benefit by a bocce ball court.

Mr. Jacobs stated I want to address her comment about Facebook. I am not on Facebook, I don't want to see and hear all that stuff, but it was brought to me because I'm president of the Homeowners' Association and I think it was disgusting, I agree with her 100%. Board members on both sides need to be more professional. I thank her for her comments.

Mr. Torres stated we did have a capital reserve study update last year and we have had annual contributions towards the fitness equipment. We took those contributions and moved it up one year and that is how we ended up approving the fitness equipment that was purchased recently.

TWELFTH ORDER OF BUSINESS **Approval of Consent Agenda (Presenter: Ernesto Torres)**

- A. Approval of Minutes of the August 11, 2020 Meeting**
- B. Balance Sheet as of August 31, 2020 and Statement of Revenues & Expenditures for the Period Ending August 31, 2020; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**
- D. Ratification of License Agreement with Ancient City Soccer Club, LLC Regarding the Use of District's Soccer Facilities**

Mr. Wing stated the first paragraph in the minutes if you will correct, Mrs. Wang to Mrs. Wing I would appreciate that.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the consent agenda items were approved to include an amendment to the minutes.

THIRTEENTH ORDER OF BUSINESS **Next Scheduled Meeting – November 10, 2020 at 6:30 p.m.**

Mr. Torres stated we have scheduled a special meeting on September 29, 2020 at 4:00 p.m. via Zoom to discuss the responses to the request for engineering qualifications.

Ms. Burks stated I don't get off until 5 p.m. but I will adjust my schedule.

Mr. Torres stated we will send out the responses to the RFQ to the board electronically.

We had four firms submit.

Ms. Burks asked was the list helpful that I sent to you?

Mr. Torres stated yes, I sent it to everyone, one firm had questions for me, I responded but none of them submitted by the deadline.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the meeting adjourned at 8:00 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

A special meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, September 29, 2020 at 4:00 p.m. via Zoom.

Present and constituting a quorum were:

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| Wil Simmons | Chairman |
| Chris DelBene | Vice Chairman |
| Brian J. Wing | Supervisor |
| Chuck Labanowski | Supervisor |
| Diana Jordan-Burks | Supervisor |

Also Present were:

| | |
|-------------------|-------------------------|
| Ernesto Torres | District Manager |
| Jennifer Kilinski | District Counsel |
| Mike Yuro | District Engineer |
| Jerry Lambert | Operations Manager |
| Erick Hutchinson | Amenity Manager |
| Alex Acree | Matthews Design Group |
| Matt Lahti | Gulfstream Design Group |
| Jason Evert | JMT |
| Robert Dvorak | JMT |

The following is a summary of the actions taken at the September 29, 2020 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Torres called the special meeting to order at 4:01 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Presentation by Firms Submitting RFQ for Engineering Services

Ms. Kilinski stated as the board is aware we noticed and specifically reached out to local engineering companies to solicit qualifications for engineering services. This process is not like

construction or amenity management or district management because it is not a request for a proposal, they are giving qualifications. You received qualifications back from four engineering firms. I have reviewed them for legal sufficiency, which is limited to insurance and the requisite certificates of professional liability and found them to be legally sufficient. As we discussed before we don't have scoring criteria that we would have in a proposal context instead your rules of procedure provide for guiding principles of what you may want to consider when you are thinking about their qualifications, which I provided to you in a spreadsheet format so you could take notes as they make presentations and when you review the qualification packages. At the end of the presentations you have a few options available to you. At the conclusion, regardless we are going to want to rank the engineering firms so you will rank them from one to four and our office with Ernesto's will send out letters notifying folks about that ranking. After we rank them we will negotiate a continuing engineering services agreement with the number one selected engineering firm and that will include their hourly rates and fees. If we are unable to negotiate a contract successfully then we would go to your number two ranked engineering firm and bring that back to you for your consideration. There is nothing to prevent you from having more than one engineering firm under a continuing services contract. If after all the presentations you say I can't decide, I like engineering firm A for purposes of these projects we are considering and engineering firm B for these projects we are considering. Nothing prohibits you from negotiating a contract with two engineering firms because as you are well aware they only do work at your direction. I do have districts that have a specialty engineering firm that does projects under work authorizations for discreet projects then you have your general district engineer for continuing smaller projects. As you go through the process and have questions ask them to me or Ernesto.

A. Gulfstream Design Group (4:15 p.m. to 4:30 p.m.)

Mr. Lahti of Gulfstream Design Group gave an overview of his background and Gulfstream Design Group's capabilities, past projects and experience.

The board members asked questions pertaining to pond bank erosion, availability of personnel, staffing, outsourcing.

B. JMT (4:30 p.m. to 4:45 p.m.)

Mr. Evert of JMT gave an overview JMT's background, team approach, capabilities, past projects and experience with CDDs.

The board members asked questions pertaining to drainage issues on walking paths, pond bank erosion, outsourcing,

C. Matthews Design Group (4:45 p.m. to 5:00 p.m.)

Mr. Acree of Matthews Design Group gave an overview of his background, the firm's background, capabilities, experience with CDDs and past projects.

The board members asked questions pertaining to the size of drainage problems previously dealt with, staffing and outsourcing

D. Yuro & Associates, LLC (5:00 p.m. to 5:15 p.m.)

Mr. Yuro gave an overview of his background and experience, experience in CDDs, on the engineering side and as a board member, the economics of being a registered engineer, and having a good working relationship with St. Johns County and the water management district.

The board members asked questions pertaining to the number of employees and drainage issues in the Pescara field.

FOURTH ORDER OF BUSINESS

**Consideration of Proposals Received in
Regard to Engineer RFQ (Presenter: District
Staff)**

Mr. Wing stated I like the fact that a couple of the firms had more than one engineer on staff, I liked JMT but they are a very busy firm, Matthews Design Group and could rank them one and two followed by Mike Yuro and Gulfstream last.

Ms. Burks stated JMT is my no. 1, Matthews Design Group is no. 2, Yuro Associates was no. 3, Gulfstream was no. 4.

Mr. DelBene stated my ranking was the same, JMT, Matthews Design Group, Yuro Associates and Gulfstream

Mr. Simmons stated that was my ranking too.

Mr. Labanowski stated that is my same order.

Mr. Simmons stated all five supervisors has the same order.

Ms. Kilinski stated we need a motion to approve that order then we will send award notices and at the next meeting we will bring back a negotiated contract with your number one ranked firm with their hourly rates for you to consider and approve.

On MOTION by Mr. Simmons seconded by Mr. Labanowski with all in favor the ranking order of the engineering firms qualifications were: JMT no. 1, Matthews Design Group no. 2, Yuro Associates no. 3 and Gulfstream no. 4 and staff was authorized to bring back an agreement for services with the number one ranked firm.

FIFTH ORDER OF BUSINESS

Ratification of Agreement with B&S Sign, Inc. for Installation of Electronic Marquee Sign and Provision of Data Service (Presenter: Ernesto Torres)

Mr. Torres stated next is ratification of the agreement with B&S Sign for the installation of electronic marquee sign and data services. The item in front of you is the actual agreement. A month or two ago the board approved the proposal and the proposal had stipulations that we were going to receive additional funds from the HOA to assist in the funding of this project. After the proposal was approved staff went several rounds back and forth with the contractor to provide the agreement with terms agreeable to both parties. The agreement in front of you has been reviewed by district counsel along with the contractor. We are looking for a motion to approve the agreement so we can engage with the contractor and get the sign purchased and installed.

Mr. Labanowski moved to approve the agreement with B&S Sign, Inc. and Ms. Burks seconded the motion.

Mr. Simmons stated given the electronic sign I think that is good on the surface, but once I started to think about it, for what we are paying for one electronic sign we could get three manual signs at \$6,000 saving the district at least \$10,000. The other two are about to go anyway. I don't think it is financially responsible to put up three electronic boards, which would run \$45,000 when we can get three manual boards for \$6,000, netting the district \$39,000 in savings. If you put up the electronic board the other two manual boards still have to be addressed. We are only addressing a piece of the problem and not the whole problem. It would benefit the people who use that mail kiosk and the other residents are not going to benefit from that electronic board.

Mr. DelBene stated I agree with you. There was a considerable amount of discussion on this offline on the Facebook group where 30 – 40 residents had those same concerns if the value was really there. I don't think spending \$20,000 on a single board after Jerry provided a quote for under \$6,000 for three manual boards is worth it.

Mr. Simmons stated even if you put up the electronic board you still have to manage the manual boards. Our facility manager is still going to have to do the manual work anyway. If the other two boards go down are we going to put up electronic boards in all three kiosks at the cost of \$45,000? We have other priorities we could use that money for.

Mr. Lambert stated that would be \$60,000.

Mr. Labanowski asked the price you gave us, is that a single board or three board?

Mr. Lambert stated the price with a custom top was going to be about \$6,300 for three of them. That doesn't include installation but that is pretty simple stuff that I can do. We would use the same posts that are already in there.

Mr. Wing stated I have seen the same posts the others have and I have talked to people in the neighborhood as well. I have to agree that the manual signs can be done for \$6,000 and Erick would have to maintain the other two anyway. I'm sure the HOA will want their contribution back because that was for an electronic sign.

Mr. Simmons stated the HOA will be saving \$9,000 in essence. If they were going to contribute to the cause they would have more in their coffer now.

Mr. Wing stated I don't disagree but based on my participation in those HOA meetings it was for electronic. If we move ahead with this we can go back to the HOA and say do you want to participate in the manual signs or not and if they say no it is only costing us maybe \$1,000 more than we would pay for the electronic sign because they limited their contribution to \$15,000.

Mr. Simmons stated the crux of this question is, is the electronic sign worth it.

Ms. Burks stated I don't disagree but I want to understand because with this manual sign I'm not convinced that is going to be it. Will there be maintenance? At the end what is the total cost? It may not be the same amount as the electrical sign,

Mr. Simmons asked can you speak to that, Jerry?

Mr. Lambert stated the manual signs are wood and they rotted, these are aluminum and they will last a lot longer. The maintenance shouldn't be that much. Keep in mind if you put the manual ones in you are saving the \$2,200 electric bill because we won't have to run electric to

them; they won't be powered. Unless you want LEDs in them, they do have that option in that sign. I thought it was \$1,000 more to have four LEDs put in then you would have to run power to the sign to do that. The manual ones don't have lights now. We can put solar panel up-lighting at that sign and they would light the sign at night and you wouldn't need to put power out there.

Mr. Simmons asked what is the consensus of the board? I'm in favor of going with the three manual signs and saving the district money.

Mr. Wing stated there is a motion on the floor.

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| <p>The motion failed on the following roll call vote. Mr. Simmons voted no. Mr. Wing voted no. Ms. Burks voted no. Mr. Labanowski voted yes. Mr. DelBene vote no.</p> |
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Mr. Torres asked do you wish to provide direction for staff with the other sign and perhaps re-engage the HOA to see if they would like to fund those signs?

Mr. Labanowski asked what is in the reserve study for sign replacement?

Mr. Torres stated year 2020-2021 for signage replacement \$4,371 for the amenity center and another one for \$4,917. Those are the two sign allowances for this year.

Mr. Simmons stated we would be \$1,700 under budget if we did all three signs.

Mr. Lambert stated you are going to have a few hundred in material.

Mr. Torres stated the proposal that Jerry provided is not in the agenda package but if you have it in front of you and want to approve that we can do that. If you give me the amount and the vendor I can record it for the record and you can send that to me.

Mr. Wing stated it is from Displays for Sale.

Mr. Lambert stated that is an aluminum one and it would look better black and that is a little upcharge. It was about \$6,370. I have to purchase some material to attach it to the poles.

Mr. Labanowski asked does this include the letters?

Mr. Lambert responded yes, it includes an extra set of letter for each board.

On MOTION by Mr. Simmons seconded by Ms. Burks with all in favor staff was authorized to purchase the three aluminum signs from Display for Sale in an amount not to exceed \$7,000.

SIXTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Wing stated I sent Ernesto a draft of a letter announcement that would go out concerning a parade for Halloween that the HOA approved. I spoke with Erick and he is okay with it and I believe he has the authority to okay anything. I wanted to see if anybody on the board has a problem with the announcement saying this is being done in cooperation with the CDD.

The board members had no objections.

Mr. Lopez asked as you are selecting a vendor for this project, the first item on the agenda, is this the due diligence that you do in picking a vendor? These are the questions and then the order at which you prioritize them as a company, is that the extent of what you do when you pick a vendor for a major project?

Mr. Simmons stated you can't paint everything with a broad brush, you have to take it on a case by case basis. We will go more in-depth depending on what it is.

Mr. Lopez stated for this specific project the process you just went through you will be selecting a vendor based on the questions you asked at this meeting then you are going to move forward and pick someone. Is that correct?

Mr. Simmons stated yes.

Mr. Lopez stated I have concerns about that. I feel the questions that were asked were not qualified questions in order to pick a vendor. I have a lot of experience in this area. I have picked a lot of vendors in my current career and things like success criteria specific to a problem, things like that were not asked, nor addressed. Specific solutions. What happens in a conflict resolution? What happens with customer support or levels of notification to the actual community and the board? None of those questions were asked other than questions about company size and outsourcing. From owning a couple companies, both those questions do not quantify the quality of a vendor. I have been on both ends of that outsourcing as well as in-house and the quality can be swayed one way or another. It is ultimately how that company is running their business.

Mr. Wing asked Jennifer will you explain the difference between when we do a contract for a service, professional services opposed to a vendor for buying something?

Ms. Kilinski stated there are statutorily required processes to follow for professional engineering services. It is somewhat unique in that way. If you were looking at doing a request for proposals for the amenity management piece, that has a lot more flexibility in the way that you can ask questions, what you are looking at by way of pricing, customer service, interviewing past individuals on the sort of programming they provide. For engineering services, there is a statutory driven process. You got qualifications back with 50-70 pages of information from each of these engineering firms. We are not hiring them for an individual project; it is a continuing services contract and that means that you have a professional engineering firm that can provide a host of engineering related services on a project by project basis where you would then structure a specialized work authorization for each individual project. For example, if you wanted to do pond bank erosion issues you would have a work authorization with a detailed scope of services provided on exactly the approach, the cost, potentially three or four different options, who their sub-consultants would be, we would get more into the details. This is a continuing services contract set on rates; it doesn't obligate you to pay any amount of money it only obligates to a contract potentially with the provider and we negotiate separate scopes of work. It is very different than what the resident was describing for other services where we have gotten very much into detail about different kinds of questions and different kinds of quantifications.

Mr. Lopez stated thank you for the explanation and as time goes on I would like to get a little more involved and listen to more of these meetings and maybe I will understand you process a little bit better.

About that project or any project, one of the concerns as a resident is the safety of the site if that is a question you can ask and get a response back. For all of us who have lived through a handful of construction sites during the development of these communities, they are quite painful and safety is a huge concern. Some contractors don't necessarily take the safety precautions when there is debris, trash or tools or equipment, they don't put their family hat on. If there is a project it would be great if we could put the kids' safety in mind when we have a construction site, whether that means boarding it off, sectioning it off or put up notices but make sure the vendors are a little more cautious with debris and trash.

Mr. Simmons stated I totally agree.

Ms. Venezia stated I'm a little confused about the digital board. I thought the CDD had already approved it because you had already agreed to the \$15,000 coming from the HOA. That

is how you got the proposals in. We have been talking about the digital board for several months and I'm surprised there is a turnaround because 40 or so residents out of the 959 homes voiced their opinion, some of them are friends with some board members, then all of a sudden a turnaround because there is no annual data cost for the electrical board. Why has it suddenly become an issue to no longer have it?

Ms. Kilinski stated the legal perspective unless there is a contractual reason not to as a board reserve your right to change your minds and we definitely had that happen before. Obviously, it was a board vote and consideration of new facts that were presented to you, but from my perspective it is definitely within your discretion.

Ms. Burks stated the main reason for changing directions in this was the cost and one of the biggest efforts of this board is to ensure we are doing due diligence to make sure we are being money conscious without spending money that is going to be more costly if we can find a more cost effective way to make this happen. That is the reason for the adjustment in this decision to go with the manual boards.

Ms. Venezia stated because there is no annual data cost, there isn't any additional cost to the CDD to maintain it. That is why I'm confused.

Mr. Torres stated the board has not approved the agreement; the board approved the proposal. There are things that happen after the proposal is approved by the board and once counsel drafts the agreement we send that back and forth at times with the contractor. There have been a lot of changes that brought it to this point.

Ms. Venezia stated from an HOA standpoint it would have been nice for us to be informed prior to this meeting that there were some questions involved with that proposal from B&S so we weren't blindsided with things being changed at this meeting.

Mr. Wing stated we can't talk to each other between meetings and I may feel one way but I have no idea what the others are going to feel until we are at the meeting.

Mr. Simmons stated some of this information was not available until recently. Once Jerry gathered the information and shared it with us, that is when it was a change in direction.

Mr. Labanowski stated we went through a process on the digital sign and we need as a board to do our due diligence a little bit better. I don't know how much it cost us as far as the attorney was concerned, but we have costs now upfront because we made a decision to buy the board and then we changed our mind. I don't know how many times they had to go back and forth

with the company with changes to the contract. We have money we threw out the window and that is where I have a concern. As a board we need to decide upfront if we are going to do it then we do it and carry it through or we don't do it at all.

Mr. Simmons stated I agree, we should do better due diligence but sometimes when you get information after the fact we have a responsibility to consider the additional information. We are still saving \$20,000 to \$30,000 of homeowners' money.

SEVENTH ORDER OF BUSINESS

**Next Scheduled Meeting – November 10, 2020
at 6:30 p.m.**

On MOTION by Mr. Simmons seconded by Ms. Burks with all in favor the meeting adjourned at 5:54 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman