

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

A special meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Monday, August 2, 2021 at 4:01 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Chris DelBene	Chairman
Diana Jordan-Burks	Vice Chairperson by telephone
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor
Jeremy Vencil	Supervisor

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel
Jonathan Johnson	Hopping Green & Sams
Jim Schieszer	RMS

The following is a summary of the actions taken at the August 2, 2021 special meeting. An audio 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**

Mr. Vencil stated I have received feedback from residents and in summary they want to make sure whatever decision we make that going forward there is an increased focus on accountability and that we are setting realistic expectations for what is expected and that we are holding accountability with our staff and board and the vendor selected to keep those standards. People are frustrated with the level of accountability recently and they want to see improvements.

**THIRD ORDER OF BUSINESS**

**Consideration of Client Matters & Joint Letter (HGS/KE Law)**

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Mr. Torres stated I put in each of your stations, the joint letter that was received a few weeks ago from Hopping Green and KE Law. The attorney that represents Hopping Green & Sams is Jennifer Kilinski, and when an individual is leaving a firm under the Florida Bar rules has the privilege to continue to represent you as a choice or you can retain the firm that was representing you. There are three choices, one is to retain the firm, retain the attorney or do an RFQ. Jonathan Johnson, representing Hopping Green & Sams is on the phone and Jennifer Kilinski representing KE Law is here.

Mr. DelBene asked who are the members of KE Law?

Ms. Kilinski stated myself, Jere Earlywine and Roy Van Wyk.

Mr. DelBene asked who is the most senior of the attorneys?

Ms. Kilinski stated Roy was practicing at HGS for 22 years.

Mr. DelBene asked would anything change in regard to our representation if we go with KE Law?

Ms. Kilinski responded no. In terms of cost we are willing to hold the same fee agreement you have had since 2018, we do have two paralegals as well as two contract attorneys and the hope is to continue to drive the price down as much as possible while still holding our ethical obligations.

Mr. Wing asked does that mean we could possibly look at lower fees at some time in the future?

Ms. Kilinski responded we are very efficiently staffed, we have three partners, a non-equity partner, two associates, two paralegals and two contract attorneys so we have a lot of folks with lower billing rates and the idea would be that any of your routine agreements we would push down to paralegals or contract attorneys who have a lower billing rate than a partner level attorney.

Mr. Del Bene asked is Sarah Warren one of the associates?

Ms. Kilinski responded yes.

Mr. Vencil asked if we go with your firm who would be attending our meetings?

Ms. Kilinski stated it would still be myself unless you wanted somebody else to come.

Mr. DelBene asked who would be the representative of Hopping Green & Sams at our meetings?

Mr. Johnson responded if you elect to stay with Hopping Green & Sams then Alyssa Willson overseen by myself would be the attorney staffing your meetings on a going forward basis.

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Allyssa is a senior associate level and experienced attorney within the firm. I have been with Hopping for 30 years overseeing the CDD practice.

Mr. DelBene asked is there any particular reason we should stay with your firm?

Mr. Johnson stated we are happy to have you stay. I certainly recognize Jennifer's long association with you. We have a staff of nine attorneys and six support staff who are very well experienced, we have seen an awful lot of districts in the Jacksonville/St. Johns County market, we served them efficiently and productively. We would welcome your business, but I know you have worked with Jennifer for a long time.

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor alternate no. 1 in the client matter letter was approved and the agreement with KE Law Group was approved.
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Mr. Johnson left the telephone conference at this time.

#### **FOURTH ORDER OF BUSINESS**

#### **Presentations and Q&A**

Mr. Torres stated before the meeting I placed a worksheet and evaluation criteria that was approved in March or April to be used in rating the landscape providers. We can adjust the timeline since all the presenters are not here leaving more time for discussion and time for Duval and Down to Earth to arrive.

Mr. Vencil asked is this something that was approved for us to evaluate the proposals or is it binding such that whoever scores best wins the contract?

Ms. Kilinski stated it is a public bid process so the scoring criteria is the criteria that needs to be used to evaluate the proposals to make a decision. The way you come to that conclusion can be a number of different ways, it can be an active discussion, come to a consensus about how you rank each individual category and the points you want to ascribe as a board, you can do it individually then talk through it and rank them in the order that you come to a conclusion on or you can just do it on your own, Ernesto can tally it and announce the winner based on the highest score. They do need to be tallied based on this scoring criteria that was included in the public bid process.

**4:15 – 4:30 Trimac Landscape**

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Mr. Mike Couch and Josh Fletcher gave their background and experience in landscape maintenance and presented their proposal for landscape maintenance with the focus of being proactive, attention to detail, communication and quality. This presentation was followed by questions by the board.

**4:30 – 4:45 Duval**

Mr. Devin Koopman of Duval gave an overview of their proposal and was proud of their communication and irrigation department, timely reports and proactive maintenance after which he took questions by the board.

**4:45 – 5:00 Brightview**

Mr. Davis and Mr. Hicks reviewed the background of Brightview and gave an overview of their approach to maintain Turnbull, a proposed schedule of maintenance activities and documentation followed by questions by the board.

**5:00 – 5:15 Down to Earth**

There were no representatives of Down to Earth present to give a presentation

The board discussed each proposal, equipment, budget limitations, landscape contingency, possibility of employees versus contracts, price comparison.

Mr. Torres read into the record the consensus scoring as follows: Trimac 468 points, Brightview 440 points, Duval 410 points, Down to Earth 149 points.

Ms. Kilinski stated often what we see in the transition process is your new landscaper comes and walks the property and will help you create a deficiency list so if you have a 30-45 day window you have the opportunity to cure and make sure you are getting those things done or withholding the appropriate funds if they are not getting done prior to that transition and that is something you are going to consider here. Otherwise, you are going to get change orders at the beginning of your contract saying this is deficient and it is nice to have them holding hands across that October 1<sup>st</sup> threshold.

**FIFTH ORDER OF BUSINESS**

**Supervisors Requests and Public Comment**

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A resident asked did we ask any of the new proposers if there was an exit clause just in case something happens again so we know what we are up against?

Mr. Torres stated all of our contracts have that 30-day clause.

A resident stated and that was a 3-year contract.

Mr. Torres stated yes.

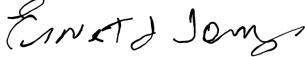
**SIXTH ORDER OF BUSINESS**

**Next Scheduled Meeting – August 10, 2021 at 6:30 p.m.**

Mr. Torres stated the next scheduled meeting is August 10, 2021 at 6:30 p.m.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the meeting adjourned at 6:35 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman