

**MYRTLE CREEK IMPROVEMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES**

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, January 15, 2019 at 5:00 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, FL 32827. Board Members listed below constituted a quorum.

Jeff Macre	Chair	(joined @ 5:01 p.m.)
Bob da Silva	Vice-Chair	
Kam Shenai	Assistant Secretary	
Kyle Scholl	Assistant Secretary	

Also present were:

Lynne Mullins	Fishkind & Associates
Jeff Newton	Donald W. McIntosh Associates
Scott Thacker	Construction Committee
Tucker Mackie	Hopping Green & Sams

SECOND ORDER OF BUSINESS

Public Comment Period

There were no public comments at this time.

THIRD ORDER OF BUSINESS

**Consideration of the
Minutes of the December 18,
2018 Board of Supervisors'
Meeting**

Board Members reviewed the minutes from the December 18, 2018 Board of Supervisors' Meeting.

Mr. Macre joined the meeting in progress at 5:01 p.m.

On Motion by Mr. Scholl, second by Mr. da Silva, with all in favor, the Board of Supervisors of the Myrtle Creek Improvement District approved the Minutes of the December 18, 2018 Board of Supervisors' Meeting.

SIXTH ORDER OF BUSINESS

**Discussion of Authorization
to Issue Request for
Qualifications for Traffic
Signal Design**

Ms. Mackie explained that the Board previously prequalified contractors for signal design services and received three proposals which were deemed qualified but then ranked in a manner in which the Board would have like to have seen staff negotiate contracts with those vendors. Over time the No. 1 ranked vendor was having timing and performance issues in other Districts. The question was raised by those Boards if the District must go to the No. 1 ranked vendor before it can negotiate with No. 2. The sister Districts requested District Counsel to review their Rules of Procedure to see if there is an ability to draft revisions to that document which would provide that discretion to the Board lawfully. Requesting that the Board allow her to do that as the other Boards directed her to do. There is no formal action from the Board required.

SEVENTH ORDER OF BUSINESS

**Consideration of District
Management and
Assessment Consultant
Agreement**

Ms. Mullins explained that there is an agreement in place whereby Fishkind & Associates will be acquired by PFM, Public Financial Management. There will be no change to the District's staff, scope of work, or cost. Dr. Fishkind will continue to work with the District.

Ms. Mackie explained that the agreement behind Tab 3 in the agenda package is still with Fishkind & Associates as PFM has an agreement to acquire Fishkind & Associates which will be effective at the end of February. This form of contract includes PFM's comments to the existing Fishkind contracts that they would like to see incorporated. It mainly relates to the indemnification provision. She explained the language added by PFM to the agreement. District Counsel wanted to clarify the Financial Advisory Services aspect of the agreement, which is behind Tab 4 in the agenda package. She noted that the Board currently does not have an agreement with Fishkind & Associates for the Financial Advisory Services described in the Agreement behind Tab 4, but the

Board had an agreement like it in the past with PFM directly when it comes to the refinancing of the District's bonds. The Board engaged PFM to serve as a pricing consultant to the District to verify that the pricing that the Underwriter received was within market rates and market standards and the District paid a portion of the proceeds of the bond issuance for that work. That contract mirrors the one behind Tab 4. There is a termination provision in the Financial Advisory Services Agreement and it is in the form that the Board has executed in the past. The District has in the past engaged in those services with a contemplated financing not just to have it open ended.

Ms. Mackie stated that the Greenway and Boggy Creek District chose to table the second agreement and they approved the District Management and Assessment Consultant Services Agreement only. She is comfortable in this Board proceeding in either direction.

Mr. da Silva asked how the Financial Advisory Agreement cost compares to the existing arrangement. Ms. Mackie responded that the District does not have an existing arrangement and she does not know how it compares to the pricing from the Myrtle Creek refinancing and she does not think that it differs that much because when she reviewed Boggy Creek and Greenway when they engaged the services of PFM recently, they were identical to what the breakout was for Myrtle Creek.

Mr. Scholl asked if PFM approached the District to enter into the Financial Advisory Agreement or if District staff approached PFM. Ms. Mackie stated that PFM is approaching the District to enter into this agreement. That when PFM's services have been utilized by all Board's in the past with Greenway, Boggy Creek, and Myrtle, with their initial issuance of bonds, it was making sure that the underwriter was getting the best pricing for the Bonds. Not every District in Florida engages PFM or a PFM like entity to do that, they rely on their underwriter. Ms. Mackie stated that she has no opinion one way or the other.

Ms. Mullins requested a motion to approve the District Management and Assessment Consultant Agreement.

Mr. da Silva asked if the assignment clause will be adjusted. Ms. Mackie replied that the Board will take up a resolution that acknowledges that at such time as the transaction with PFM and Fishkind closes it will be assigned to PFM. District staff will modify the resolution if the Board's decision is to table the Financial Advisory Agreement to remove the Financial Advisory component.

Mr. Macre asked if there was a benefit to tabling both to a later date until PFM acquires Fishkind & Associates. Ms. Mackie stated there is no benefit to tabling the District Management Services Agreement. Mr. da Silva added that it might hinder their merger because this agreement allows for a clear path for PFM to acquire Fishkind & Associates and be able to continue.

On Motion by Mr. Scholl, second by Mr. Shenai, with all in favor, the Board of Supervisors of the Myrtle Creek Improvement District approved the District Management and Assessment Consultant Agreement.

SEVENTH ORDER OF BUSINESS

**Consideration of Financial
Advisory Agreement-
Tabled**

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution
2019-04, Designating
District Manager,
Assessment Consultant, and
Financial Advisor**

Ms. Mullins recommended approval subject to a caveat to remove the Financial Advisory Agreement.

On Motion by Mr. Scholl, second by Mr. da Silva, with all in favor, the Board of Supervisors of the Myrtle Creek Improvement District approved Resolution 2019-04, Designating District Manager and Assessment Consultant, as amended to remove the Financial Advisory Agreement.

EIGHTH ORDER OF BUSINESS

**Ratification of Operation
and Maintenance
Expenditures Paid in
December 2018 in an
amount totaling \$105,562.58**

Board Members reviewed the Operation and Maintenance Expenditures paid in December 2018 in an amount totaling \$105,562.58. Ms. Mullins noted that these have already been approved and paid but just needs to be ratified by the Board.

The Board discussed various invoices.

On Motion by Mr. da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors of the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in December 2018 in an amount totaling \$105,562.58.

NINTH ORDER OF BUSINESS

**Recommended Work
Authorization/Proposed
Services**

Ms. Mullins noted for the record that there are no work authorizations for this Board.

ELEVENTH ORDER OF BUSINESS

**Review of District's
Financial Position and
Budget to Actual YTD**

Board Members reviewed the Statement of Financial Position and Budget to Actual through the end of December. There was no action required.

Mr. Shenai stated that everything looks positive and was not sure if there were any issues. He asked if there were timing issues with irrigation. Mr. Thacker responded that it is Winter. It does not take into account items that hit the budget one time per year or later in the fiscal year. Mr. Shenai asked if there were any red flags. Ms. Mullins responded that there were none at this point in time.

TWELFTH ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Manager – Ms. Mullins noted that the next meeting is February 19, 2019

District Engineer – Mr. Newton distributed a Change Order form (Minutes Exhibit A). He explained that at the last meeting the Board authorized the Construction Committee to issue a conditional notice of award for Performance Drive Phase 3 to Jr. Davis Construction. The condition was that the Construction Committee would get their pricing on the

4-lane version of the road before they awarded it. The Construction Committee did that as a Change Order. The base price for the 2-lane is still the base of the contract and this Change Order would raise their contract value to \$3,756,897.50 for the full 4-lane road.

The Construction Committee reviewed their Change Order and everything appears to be in order and the unit prices matched their bid prices, the quantities make sense, and the revised contract amount is only \$45,118.25 higher than the second lowest bidder for the 2-lane road which is another good way of proofing that their prices are reasonable. The Construction Committee requested that the Board authorize the District Engineer to issue a formal notice of award to Jr. Davis Construction for Performance Drive Phase 3 and also authorize Change Order 1 in the amount of \$626,304.50.

Mr. Macre asked if there is any concern with Jr. Davis continuing to do the work even though they are priced the way they are because of some of the issues within the community. The neighborhood has been trying to pursue discussions with them, KPMG, and the District without much traction. Mr. da Silva stated it is worthy of discussing. The Board discussed if the prices would fall differently if the other bidders would have known that the project is going to be 4-lanes. Mr. Newton stated that he would expect all of the bidder's prices to increase by an amount similar to that quoted in the change order presented by Jr. Davis and reminded the board that Jr. Davis' total quote for the 4-lane road is only approximately \$45,000.00 higher than the second lowest bidder for the 2-lane road.

Mr. Scholl stated that he thinks the District is serving their constituents properly by awarding the contract but noted it feels a little strange. He asked if it is confirmed that Jr. Davis was at fault for pond issues. Mr. Macre stated it is not District business so he can discuss it outside the meeting.

Ms. Mackie mentioned that the District will have a performance and payment bond in place for this work in addition to a maintenance bond for two years and that Jr. Davis' surety company must stand behind the work for that period of time, post construction.

On Motion by Mr. da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors of the Myrtle Creek Improvement District approved the Jr. Davis Change order for the total revised contract amount of \$3,756,897.50 and to Authorize the District Engineer to issue a formal notice of award to Jr. Davis Construction for Performance Drive Phase 3.

Mr. Newton stated that the Construction Committee will work with District Counsel on the contract with Jr. Davis and get Jr. Davis to execute their contract and Change Order. District Staff will bring the executed documents back to the Chairman to sign on behalf of the District.

Construction Supervisor – No Report

Irrigation Specialist - No Report

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests, Audience Comments & Adjournment

Mr. Shenai stated that once per quarter he goes out and does a field trip with Steven and this time he met Mr. Mosley who has 26 years' experience with Disney. He learned a lot in 30 minutes and asked his opinion regarding the landscaping. He stated that Mr. Mosely said that the important part is the health of the landscape and then to beautify it and maintain it. Mr. Shenai suggested that the Board listen to Mr. Mosley for a few minutes and proposed that Mr. Mosley join the next meeting to speak with the Board.

Mr. Shenai stated that he was informed KPMG was going to do intensive landscaping behind the signage. He suggested that as a Board they do not overdo the landscaping on their side and match the way they do it. He asked how the Board will know what KPMG will do. Mr. da Silva stated that he knows exactly what KPMG is going to do because he is managing it and the Developer has reviewed it too. Mr. Shenai asked if it is possible for the Board to look at it.

Mr. Macre asked about the trail. Mr. da Silva stated that KPMG is renovating everything on their side of the trail and they are not touching anything between the trail and the road. Ms. Mullins asked Mr. Thacker to follow up. The Board and Construction Committee discussed the landscaping

and that if KPMG was putting some type of enhancement adjacent to the roadway, the Developer would review that as well.

Mr. Macre discussed the off-ramp of the 417 onto Lake Nona Boulevard and the issue with cars not stopping while making the right to turn into Medical City. It was previously discussed about moving signage and placing a stop sign earlier and the response was that if the Board wanted to do that right away the District would foot the bill but it was on a list of planned signage improvements by to be implemented by CFX. He asked for an update on that because the traffic is just getting worse. District staff discussed that the District does not have authority to do work like that without approval. Ms. Mackie stated that the District staff can follow up with Mr. Kaufmann to see about reaching out to the appropriate parties again.

Mr. da Silva stated that there may be improvements that may have to occur as this development moves forward on that off-ramp. Mr. Macre stated it is a safety issue and no one stops. Ms. Mackie stated that the District can address line of site issues with landscaping. Mr. Macre is concerned about pedestrian safety. He suggested solutions of putting signage on the road warning of a stop ahead.

Mr. Macre stated that the other item he is concerned about is what is happening on Lake Nona Boulevard. He asked how the District is taking care of the landscape. Mr. Thacker stated that the Developer is working closely with the contractor to keep an eye on the landscape and the Water Management Specialist and Horticulturalist have met several times with the Contractor on site reviewing the cut throughs and making sure irrigation is still functional. The District will need to hold the City and County responsible. The Maintenance Contractor will have full access to maintain everything while they are doing the work. The Board discussed issues with the Contractors parking their trucks on the median. Once the two lanes of traffic are closed that will be minimized.

Ms. Mullins requested a motion to adjourn.

On Motion by Mr. Scholl, second by Mr. Shenai, with all in favor, the January 15, 2019 Meeting of the Board of Supervisors of the Myrtle Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair

Myrtle Creek Improvement District
CONTRACT CHANGE ORDER

Change Order No. 1

Project: Performance Drive Phase 3

Date 1/14/2019

Engineer: Donald W. McIntosh Associates, Inc.

Contractor: Jr. Davis Construction Company, Inc.

ITEM NO.	WORK PERFORMED	DESCRIPTION OF CHANGE	AMOUNT / (-) +
1	Changing the Construction Project from a 2-lane roadway to a 4-lane roadway per revised Plans dated December 13, 2018.	ADD	\$ 626,304.50
2	Add 60 days to Contract.	ADD	\$ -

Net Change Order Amount \$ 626,304.50

Contract Amount Prior to Change Order \$ 3,130,593.00

Revised Contract Amount \$ 3,756,897.50

COMMENTS:

See detailed backup attached.

Acceptable To: _____ Date: _____
Jr. Davis Construction Company, Inc.

Approved By: _____ Date: _____
Myrtle Creek Improvement District

c: Jeffrey J. Newton, PE
Tarek Fahmy, PE

BID FORM
MYRTLE CREEK IMPROVEMENT DISTRICT
LAKE NONA CENTRAL PERFORMANCE DRIVE PHASE 3
December 5, 2018

ITEM	DESCRIPTION	QUANTITY	UNIT	MATERIAL COST	INSTALLATION COST	TOTAL UNIT COST	AMOUNT
1090	3" 2 Way	525.00	LF			\$6.00	\$3,150.00
1100	6" Galvanized Sweeps	58.00	EA			\$500.00	\$29,000.00
1110	4" Galvanized Sweeps	4.00	EA			\$309.00	\$1,236.00
1120	3" Galvanized Sweeps	10.00	EA			\$117.00	\$1,170.00
1130	6" Caps	44.00	EA			\$34.00	\$1,496.00
1140	40x40 Transformer Pads	3.00	EA			\$319.00	\$957.00
1150	5x7 Pull Boxes	1.00	EA			\$9,616.00	\$9,616.00
1160	6x15 Manholes	3.00	EA			\$18,699.00	\$56,097.00
1170	String/Misc Fittings	1.00	EA			\$7,900.00	\$7,900.00
	STREET LIGHTING						
1200	2" PVC	4,860.00	LF			\$4.50	\$21,870.00
1210	2" Sweeps	63.00	EA			\$7.00	\$441.00
1220	Junction Boxes	29.00	EA			\$350.00	\$10,150.00
1230	Secondary Boxes	2.00	EA			\$460.00	\$920.00
1240	String/Misc Fittings	1.00	LS			\$2,500.00	\$2,500.00
	Subtotal						\$191,786.00
	SLEEVE PLAN						
1410	Type A	6.00	EA			\$1,100.00	\$6,600.00
1420	Type 12	6.00	EA			\$525.00	\$3,150.00
1430	Type 16	6.00	EA			\$975.00	\$5,850.00
	Subtotal						\$15,600.00
TOTAL PERFORMANCE DRIVE PHASE 3							\$626,304.50

Notes:

- 1 If the Owner elects to authorize extra work or changes in the work, the unit prices above by the Contractor shall apply.
- 2 The Owner reserves the right to add or deduct any work and material at his sole discretion and shall establish extra costs or credits based on the Contractor's unit prices quoted.
- 3 All "materials" shall consist of material and delivery to the site only; exclusive of any other materials needed for installation.
- 4 "Installation" shall consist of the supply of equipment, labor, supplies, and materials to complete the project.
- 5 All areas around landscape must be hand graded, rock and debris removed prior to mulching.
- 6 Final landscape approval and acceptance shall be issued by the Owner's representative.
- 7 Contractor to provide a planting mix for trees and backfill for palms. Soil may require additional amendments based upon soil and percolation tests.
- 8 Contractor to verify location of utilities and any hardscape features before planting.
- 9 Landscape Contractor shall ensure that the irrigation system is operational or a water truck and hand-watering is provided until the irrigation system is operational.
- 10 Unit cost shall include all sales tax.

Lisa Toney

From: Angela Rosario <Angela.Rosario@jr-davis.com>
Sent: Wednesday, January 09, 2019 2:41 PM
To: Lisa Toney
Cc: Tyson Snyder
Subject: RE: MCID LNC Performance Drive Phase 3 change order
Attachments: ep645 Perf.Drive Ph3 - Bid Form-Add 1 -change order.xls

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Good Afternoon Lisa,

See the attached change order for the above project. Along with this change order, we will need an additional 60 days.

Please confirm receipt of this email.

Should you have any questions, feel free to let us know.

Thank you,

Angela Rosario
Estimating Admin Asst. /
Document Control



Jr. Davis Construction Company, Inc.
210 S. Hoagland Blvd.
Kissimmee, FL 34741
Phone: 407 870-0066 (Ext. 122)

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From: Lisa Toney [mailto:ltoney@dwma.com]
Sent: Wednesday, January 02, 2019 4:52 PM
To: Angela Rosario <Angela.Rosario@jr-davis.com>
Cc: Jeffrey J. Newton, PE <jjnewton@dwma.com>; Tyson Snyder <Tyson.Snyder@jr-davis.com>; Mike LaVallee <Mike.LaVallee@jr-davis.com>; Michael Farrell, PE <mfarrell@dwma.com>
Subject: MCID LNC Performance Drive Phase 3

Angela,

For your use and as requested, please find attached the latest Performance Drive Phase 3 (4 lane design) base file.