

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

FIRST ORDER OF BUSINESS

Roll Call to Confirm a Quorum

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, July 19, 2022, at 5:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

Bob Da Silva	Chairman
Kam Shenai	Vice Chairman
John Lynaugh	Assistant Secretary
Marsha Leed	Assistant Secretary

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	
Amanda Lane	PFM	(via phone)
Tucker Mackie	Kutak Rock	
Jeffrey Newton	Donald W. McIntosh Associates	(via phone)
Larry Kaufmann	Construction Supervisor	(via phone)
Matt McDermott	Construction Committee Member	
Aaron Wilbanks	Berman	
Ryan Dugan	Kutak Rock	
Kevin Plenzler	PFM	(via phone)
Jorge Orsini	PFM	(via phone)
Chris Dennison	Cepra	
Matt McCollum	Cepra	

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Dennison from Cepra introduced himself and his colleague, Matt McCollum. He stated they have reviewed the results of the bid and they see that they are in second place after BrightView. He understands price was a big factor, but he believes that their price wasn't unrealistic with the price increases they are facing.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
May 9, 2022, RFP Meeting to Open
Responses for Landscaping and
Irrigation Maintenance Services**

The Board reviewed the Minutes of the May 9, 2022, RFP Meeting.

On motion by Ms. Leed, seconded by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the May 9, 2022, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the June 21, 2022, Board of Supervisors' Meeting

The Board reviewed the Minutes of the June 21, 2022, Board of Supervisors' Meeting.

On motion by Mr. Da Silva, seconded by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the June 21, 2022, Board of Supervisors' Meeting.

FIFTH ORDER OF BUSINESS

Consideration of Award of Landscape and Irrigation Maintenance Services – Lake Nona Central – Boulevard and Roadways a) Construction Committee Recommendation

Ms. Walden explained this process is done every three years and included are maps and criteria chosen at a previous meeting for ranking the proposals. Additionally, included is the recommendation by the Construction Committee.

Mr. Mc Dermott explained that the Committee reviewed the proposals and the rankings for technical capacity, experience and understanding of scope were consistent throughout all the Districts. This Board chose to weigh price at a higher point value. He noted that there are a few negative points which need to be updated to zero, but that will not affect the outcome of the ranking. The Committee recommends both Section 1 and Section 2 to be awarded to BrightView as they had the highest number of points.

Discussion ensued regarding the difference in pricing and BrightView's capability, current team, and previous experience.

Mr. Shenai asked if the other Districts were required to choose the same vendor. District staff clarified that based on each District's criteria, they could choose different vendors. Mr. Shenai then expressed his hesitancy in choosing BrightView due to them being terminated in the past. He stated that they have had a good relationship with Cepra and he has received positive feedback about Cepra's work. Mr. Shenai expressed concern that when a vendor comes in low it's easier to get a contract, but then when the contract is over, they are left to deal with headaches. Ms. Walden noted that this is a recommendation from the Construction Committee and if the Board does not agree with the rankings, then the Board is able to go to through the exercise and rank the proposers themselves.

Ms. Mackie stated the Board has heavily weighted price, and with that decision, price is determinative of the outcome. She explained all proposals received must be reviewed, and if there is an irregularity in the proposals, then the Board has the ability to not consider them, but it can't be based on current experience alone.

The Board discussed the great work Cepra has been doing but understands the process that they have to go through. Mr. Shenai stated he wanted to go on record that he is uncomfortable moving forward with BrightView. Mr. Da Silva acknowledged Mr. Shenai's concern, but he explained Mr. Shenai would have to go to the rankings and see what he would change from the recommendation for a different outcome.

Ms. Leed expressed concern over the low bidder being at such a different amount than the others and wondering if they are missing something in their proposal as compared to what the project would actually cost. Mr. McDermott stated that BrightView has a new team than they had a few years ago, they provided

a full proposal, and he believes they are fully understanding of the scope. Mr. McDermott noted that the District can fully document the current conditions so it can be tracked. Then if they are not performing, the Board can come back and chose a different method to move forward. Mr. Shenai expressed he would like to meet with the person that is head of this project with BrightView. Mr. McDermott stated he would set up a meeting.

On motion by Mr. Da Silva, seconded by Mr. Lynaugh, with Mr. Shenai opposing, the Board of Supervisors for the Myrtle Creek Improvement District approved the Construction Committee's Recommendation to award Landscape and Irrigation Maintenance Services for Lake Nona Central – Boulevard and Roadways to BrightView Landscape Services.

SIXTH ORDER OF BUSINESS

Public Hearing on the Imposition of Special Assessments

- a) Public Comments and Testimony**
- b) Board Comments**
- c) Consideration of Resolution 2022-06, Levying Special Assessments**

Ms. Walden noted that this hearing was noticed pursuant to Florida Statutes.

On motion by Mr. Lynaugh, seconded by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District opened the Public Hearing.

Ms. Mackie stated that the Board is going through a Chapter 170 process at it relates to the levy of assessments necessary to provide for the Wellspring and Performance Drive Project. She explained it doesn't result in any additional assessment for Village Walk properties or properties that do not benefit from that Project. Those benefitting properties are still owned by Tavistock or USTA entities. Ms. Mackie stated the foreseeable plan is that the District wouldn't issue bonds or certify debt service assessment for collection associated with this Project. She stated the Wellspring and Performance Drive Project improvements include right-of-way acquisition, roadway and underground utility construction, and landscape and hardscape improvements. Part of the reason the District is going through this process now is not only to preserve the possibility that the District could issue debt for the Wellspring and Performance Drive Project in the future, but also for purposes of the maintenance of the existing infrastructure on Wellspring and Performance Drive, which has been Developer funded in the budget for the last several years. There has been a request for the District to offset the maintenance expense of the existing infrastructure on Wellspring and Performance Drive through the levy of maintenance assessments. The basis of the Methodology that is presented to the Board today is the same method the District will use to assign the assessment for operation and maintenance for that roadway against the benefiting property for the upcoming Fiscal Year. She explained the Board is approving a 170.08 Resolution that will levy a master assessment based on the total cost of the operation and maintenance activities. She also noted this hearing was publicly advertised and mailed notices were sent to potential assessment payers.

Mr. Newton discussed the Engineer's Report and noted that for today's purpose it mainly boils down to two concluding pages. Page 43 shows the map of Wellspring Drive and Performance Drive, which is the improvement being discussed. Table 1 is the Engineer's opinion on probable cost. The estimate is approximately \$18.5 million for all improvements, but there is the benefit of a \$6.25 million grant, so the net is \$12.3 million. Ms. Mackie noted that, if bonds are issued, the maximum amount of bonds that could be issued would be limited to \$18.5 million, but it could be less. Mr. Newton added that there is a possible

need to update project costs, as these costs are from 2016 and construction costs have changed significantly over the past year or two.

Mr. Newton was asked, in his professional opinion, are the estimated costs of the Project to be financed by the District reasonable and proper. He answered that the construction cost has gone up since 2016 but they are reasonable for the context of this report. He was also asked if there is any reason that the project can't be carried out by the District. Mr. Newton answered no.

Ms. Mackie asked Mr. Plenzler to review his Methodology. He stated that, on Page 48 of the agenda packet, Table one details the development volumes associated with the sub area that would be impacted by the assessment, which is subject to change based on market conditions. Table two is the same CIP as detailed by the Engineer with respect to CIP cost. On Table four, on Page 52, those CIP cost are now grossed up to account for estimated debt service reserve, capitalized interest, cost of issuance, and typical costs associated with the bond financing, totaling a bond principal of \$14,970,000.00. This represents a not-to-exceed for the amount of bonds that could be issued by the District with a net annual debt service of \$1,146,364.00. On Tables five and six, located on Page 55, is the breakdown of assessments, maximum assessments for both principal per unit and annual assessment levels, and the ERU factors are consistent with what is currently utilized within the District with respect to all these uses. Also, the debt service assessments have been analyzed and found to be reasonably and equitably allocated. He noted these represent maximum annual assessments to the extent the bonds are financed, and actual assessments would have to come in at this level or below. If it needs to be changed, the Board would have to come back through the Chapter 170 process.

Mr. Plenzler was asked in his opinion do the lands subject to the assessment receive special benefits from the District's Wellspring and Performance Drive Project. Mr. Plenzler answered yes. He also confirmed that, in his opinion, the special assessments are reasonably apportioned among the lands receiving that benefit, it is reasonable and proper to assess the cost of the Wellspring and Performance Drive Project against the lands in the District in accordance with the Methodology, which results in the special assessments included in the final assessment roll attached to his report, the special benefits the lands receive as set forth in the roll are equal to or in excess of the maximum special assessments when allocated according to the Methodology, and it is in the District's best interest that the assessments be collected in accordance with the Methodology and the District's assessment Resolutions.

Ms. Mackie stated before the Board is Resolution 2022-06.

On motion by Mr. Shenai, seconded by Mr. Da Silva, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2022-06, Levying Special Assessments.

On motion by Mr. Lynaugh, seconded by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District closed the Public Hearing

SEVENTH ORDER OF BUSINESS

**Ratification of Operation and
Maintenance Expenditures Paid in
June 2022 in an amount totaling
\$53,392.27**

Ms. Walden noted that these Operation and Maintenance Expenditures have been approved and need to be ratified by the Board.

On motion by Mr. Shenai, seconded by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in June 2022 in an amount totaling \$53,392.27.

EIGHTH ORDER OF BUSINESS

Recommendation of Work Authorization/Proposed Services

Mr. Kaufmann noted that there are no Work Authorizations.

NINTH ORDER OF BUSINESS

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

The Board reviewed the District's Financial Statements through June 2022. Ms. Walden noted the District has spent just under \$432,000 of the \$1,009,000.00 budget, which is approximately 43%.

TENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No report.

District Manager – Ms. Walden noted that the next meeting is scheduled for Tuesday, August 16, 2022, and that a public hearing is being held so at least three of the Board Members are needed to be present in person.

District Engineer – No report.

Construction Supervisor – No report.

Landscape Supervisor – Mr. McDermott stated there are landscape enhancements underway. These include sabal palms being placed along the turning lanes, magnolias being put at the back entrance of Enclave, and sod and shrub work on the west side of the road between the main entrance and the west entrance of Village Walk. He also stated that he met with the tree trimming company and they have provided a proposal of \$22,500.00 for trimming the western oaks. Mr. McDermott noted that \$10,000.00 has been spent for 38 trees that had become diseased last year and bugs took over this year. The plan is to plant roughly 60 new young trees which are more resistant to bugs.

Irrigation Supervisor – No report.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests.

TWELFTH ORDER OF BUSINESS

Adjournment

On motion by Mr. Da Silva, seconded by Mr. Lynaugh, with all in favor, the July 19, 2022, meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair