

MINUTES OF MEETING

*Babcock Ranch Community Independent Special District
Board of Supervisors' Meeting
Thursday, June 22, 2017 at 1:00 p.m.
14740 SR 31, Punta Gorda FL, 33982*

Present and constituting a quorum:

Gary Nelson	Board Member
Elizabeth Andres	Board Member
Kathy Valentine	Board Member
Gail Maltese	Board Member
Bill Vander May	Board Member

Also present were:

Jen Walden	Fishkind & Associates	
Erica Woods	Kitson & Partners	
John Broderick	Kitson & Partners	
Jerry Evans	CCMC	
Johnathan Johnson	Hopping Green & Sams	(via phone)
Jill Burns	Fishkind & Associates	(via phone)
Sarah Warren	Hopping Green & Sams	(via phone)
Amy Wicks	Kimley Horn	(via phone)
Matt Smith	Lee County Liaison	(via phone)

FIRST ORDER OF BUSINESS

Call to Order

The meeting was called to order at 1:00 p.m. and Ms. Burns proceeded with roll call. Board Members Gary Nelson, Elizabeth Andres, Kathy Valentine, Gail Maltese, and Bill Vander May were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Organizational Matters

Public Comment Period

There were no public comments at this time.

Consideration of the Minutes of the April 27, 2017 Board of Supervisors' Meeting

The Board reviewed the minutes of the April 27, 2017 Board of Supervisors' Meeting.

On MOTION by Ms. Andres, seconded by Mr. Vander May, with all in favor, the Board approved the minutes of the April 27, 2017 Board of Supervisors' Meeting.

THIRD ORDER OF BUSINESS

Business Matters

Consideration of First Amendment to Landscape and Irrigation Maintenance Agreement with Davey Tree

Ms. Walden indicated that this agenda item and the one following are related. The District has an existing contract with Davey Tree for landscape maintenance & irrigation. There are some new areas which need to be maintained and these amendments will update their agreement to service in these areas. Ms. Walden requested approval in two separate motions. Mr. Evans thought there was an error in the amount in the agreement so Ms. Woods suggested approving a not to exceed amount and then finalize the numbers. Mr. Evans will send the spreadsheet to Ms. Burns and will copy Mr. Vander May on the spreadsheet.

(Note: It was discovered after the meeting there was no error and the agreements were executed in the form presented)

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board approved the First Amendment to Landscape and Irrigation Maintenance Agreement not to exceed the amount listed in the agreement and authorized the Chair to execute after staff review.

Consideration of First Amendment to Mulching Maintenance Agreement with Davey Tree

Mr. Evans made the same comments about the amount and said that the number that he came up with was different than what was presented the package. The Board discussed approving a not to exceed amount.

(Note: It was discovered after the meeting there was no error and the agreements were executed in the form presented)

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board approved the First Amendment to Mulching Agreement not to exceed the amount listed in the agreement and authorized the Chair to execute after staff review.

**Consideration of Agreement with
Davey Tree for Porter Services**

Ms. Walden directed the Board's attention to page 7 of the exhibit which outlines the scope and pricing. This is for additional services that the District needed for the more visible areas and was not included in the original contract. It includes debris, trash pickup, hand watering, and hand raking. Mr. Evans provided the same comments stating that the number that he came up with is \$10,560.00 per month. Mr. Evans said that the \$111,000.00 total is correct but he does not think that the allocation is correct and asked the Board to approve the total. He recommended that the Board approve a not to exceed amount of \$10,560.00 for the Porter Services. 10 monthly payments of \$11,132.00 for a total cost of \$111,320.00.

(Note: It was discovered after the meeting there was no error and the agreements were executed in the form presented)

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board authorized the Chair to execute the Agreement with Davey Tree for Porter Service pending final staff review on amount of contract.

Mr. Vander requested that the District manager and Mr. Evans coordinate the information before it gets into the agenda package.

**Consideration of First Amendment
to the Cost Share Agreement with
HOA for landscape Maintenance
- Tabled**

The Board members requested a simple summary for clarification.

**Consideration of Agreement
Allowing the Developer to Assign
Impact Fee Revenues to the
Babcock Ranch**

Mr. Johnson explained that the Board previously authorized the Chair, other Members of the Board, and District staff to put together an application of the State Infrastructure Bank to facilitate a loan for transportation improvements contemplated by the ISD. The structure that is proposed is outlined in the agreement which would be to have the District approve the assignment of transportation and impact fee credits from the Developer, pledge those to repayment of the loan with back stop special assessments which would be levied on those properties which have not paid the transportation impact fee. The document was reviewed by Mr. Johnson's office as well as counsel for the landowner and expects it to go through some review at the State level prior to finalizing the application. He suggested that the Board approve it in substantial form and authorize the Chair and District staff to work with the State of Florida and make any revisions necessary to facilitate the loan transaction and to authorize District staff to provide minutes, resolutions, and other documents relating to the process that the State may request. Mr. Nelson noted that the State approved the District's Letter of Intent to make the application. He noted that the application is due to be submitted by July 14, 2017 and then go into a 3-month negotiation period with the State. Mr. Johnson indicated that the annual payment should balance out at \$2,500,000.00 per year and about \$140.00 per acre and that fee would be added to the tax bill. If approved the District will receive the money beginning July of 2018 and start paying it back 5 years later which will give the District 5 years to start generating transportation fee revenue to start paying it back and it gets paid out over a 15-year period. The impact fees would be from the Developer and on an annual basis the Developer provides the fees collected up to the amount of the annual payment to the ISD.

On MOTION by Mr. Vander May, seconded by Ms. Valentine, with all in favor, the Board approved the Agreement Allowing the Developer to Assign Impact Fee Revenues to the Babcock Ranch in Substantial form, Authorizing the Chair to execute the final version on behalf of the District.

**Consideration of Johnson
Engineering Work Authorization
#4**

There is an existing contract for the Engineering Services and this Work Authorization covers the services associated with mitigation area C Phase 2 First Annual Monitoring. Mr. Broderick explained that it is for the monitoring of the mitigation for the solar array end

caps and it was paid up front. Mr. Vander May noted that this authorization is what will be paid from the current escrow.

On MOTION by Mr. Vander May, seconded by Ms. Valentine, with all in favor, the Board approved Johnson Engineering Work Authorization #4.

**Ratification of Funding Request
124 & 125**

Ms. Walden stated that this funding request has already been approved by the Chair and need to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board ratified Funding Request 124 & 125

**Ratification of Deficit Funding
Request No. 2 & 3**

Ms. Walden noted that these have been approved and paid and just need to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in favor, the Board ratified Deficit Funding Request No. 2 & 3.

Ratification of Change Order

Ms. Walden noted that the Change Order has been approved and the deduct has been made and it needs to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in favor, the Board ratified the Change Order.

**Statement of District Financial
Position**

There was no action required by the Board. Mr. Evans requested to see a month ending actual rather than a month ending budget as well as a year to date actual rather than a year to date budget. Ms. Walden said the accountant can prepare that on the next set of financials for the next meeting.

FOURTH ORDER OF BUSINESS

Other Business

Staff Reports

Attorney- No Report

Engineer- No report

Manager- The next meeting is scheduled for July 27, 2017. It is also the date of the public hearing for the adoption of the Fiscal Year 2018 budget.

FIFTH ORDER OF BUSINESS

**Audience Comments and
Supervisors Requests**

Mr. Vander May asked when the draft will be circulated for what will be approved on July 27, 2017. Ms. Walden said that she and circulate the budget and Ms. Burns added that she can send it two weeks before the meeting.

Mr. Vander May said that he has not seen the revised re-forecast for the current year as well as how they think next year will play out and he said that the Board is an operating District and it will be important to budget for next year as well as project what they think they will do for this year to have some comparability for costs for the District.

Mr. Evans said he had a meeting with Lisa to review re-forecast numbers and the financials provided had some errors to where she has had to send new financials and he has not had time to do that yet but hopes to meet with her to review the reforecast numbers by mid-next week which will give the District a clearer picture of where it needs to be for next year's budget.

Status Report on Construction-

Mr. Broderick stated that everything is going well and had some productive discussions with Developers with 1B1, the last parcel that was platted parts of which might be re-platted but it will create additional lots, the take downs would be significant and beneficial for all parties. Tract 2A has been Contracted with Lennar and it is started to be cleared. Two Certificates of Occupancy are expected and the School will have a CO in the

beginning of July and he sees no issues with starting up the school in August and it already has full enrollment. By August 1, 2017 he anticipates having the market and hatchery open up in the Founders Square as well. The Wellness Center was just started in the Founders Square and should be open in the first quarter of 2018. Mr. Broderick has been working with Mr. Johnson's office and the Ecologist, Johnson Engineering because of some communication gaps between the Manager on the State property and what the District's mitigation is on the State property and there are ongoing meetings. A Board member added that there are over 40 lots have been closed and in addition to the 4 alley load homes that are under construction there are 4 new specs that have been started by Homes by Town and they expect to have another 7 homes under construction within the next 60-90 days. The District is hopeful that it will have two other national builders closing on additional land in the 3rd and 4th quarter of this year in 1B2 as well as 2A. the Developer is looking to have a Grand Opening Event as soon as the Wellness Center is open.


SIXTH ORDER OF BUSINESS

Adjournment

There were no further questions or comments. Ms. Walden requested a motion to adjourn.

On MOTION by Ms. Andres, seconded by Mr. Vander May with all in favor, the June 22, 2017 Board of Supervisors meeting for the Babcock Ranch Community Independent Special District was adjourned.


Secretary/Assistant Secretary


Chairman