

**MINUTES OF MEETING
BABCOCK RANCH
COMMUNITY INDEPENDENT SPECIAL DISTRICT**

The Board of Supervisors of the Babcock Ranch Community Independent Special District held a Continued Public Hearing, multiple Public Hearings and a Regular Meeting on Thursday, May 24, 2018 at 1:00 p.m., at 14750 SR 31, Punta Gorda, Florida 33982.

Present at the meeting were:

Bill Vander May
Gail Maltese
Elizabeth Andres

Vice Chair
Assistant Secretary
Assistant Secretary

Also present were:

Craig Wrathell
Cindy Cerbone
Jonathan Johnson (*via telephone*)
Amy Wicks
Jerry Evans
Erica Woods (*via telephone*)

District Manager
Wrathell, Hunt & Associates
District Counsel
District Engineer
Operations Manager
Kitson & Partners

FIRST ORDER OF BUSINESS

Call to Order

Mr. Wrathell called the meeting to order at 1:09 p.m.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Wrathell stated that Supervisors Vander May, Maltese and Andres were present, in person. Supervisors Nelson and Valentine were not present.

THIRD ORDER OF BUSINESS

Public Comments [*any members of the public desiring to speak on a specific agenda item may address the Board*]

There being no public comments, the next item followed.

FOURTH ORDER OF BUSINESS

Consideration of Responses to RFP for Landscape, Irrigation Maintenance and Porter Services

A. Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Respondents

- i. **P & T Lawn and Tractor Services, Inc.**
- ii. **The Davey Tree Expert Company**

Mr. Wrathell stated that responses to the Request For Proposals (RFP) for Landscape Services were received from P&T Lawn and Tractor Services, Inc. (P&T) and Davey Tree Expert Company (Davey) and both attended the pre-bid meeting. Staff reviewed the proposals and provided rankings. Mr. Evans stated that the bids were for the area east of Founder’s Square, including the medians and landscaping on the sides of the roads, up to and past the sidewalks. The RFP was in four parts, consisting of landscaping and mulch, fertilizer, pesticides and irrigation and included a grand total. The respondents were scored based on Completeness of Proposal (5 points), Experience (25 points), Qualifications of Key Personnel (20 points), Machinery, Equipment and Manpower (20 points), References (10 points) and Cost (20 points).

P&T lost points for not having enough experience maintaining large-scale communities, and received a total score of 72 whereas Davey received a total score of 90.5. Mr. Evans noted certain irregularities in P&T’s proposal, for being below the minimum qualifications included in the notice of RFP. In response to Mr. Wrathell’s inquiry, Mr. Johnson was comfortable with accepting P&T’s response and waiving the irregularities as minor and not affecting the competitive nature of the solicitation.

On MOTION by Mr. Vander May, and seconded by Ms. Maltese, with all in favor, accepting P&T’s bid and waiving P&T’s irregularities as minor, was approved.

C. Staff Proposed Ranking

The Board accepted Staff’s recommendation that the Davey Tree Expert Company is the more qualified of the two respondents.

D. Award of Contract/Authorization to Negotiate

On MOTION by Ms. Maltese, and seconded by Mr. Vander May, with all in favor, accepting District Staff’s rankings and awarding the Landscape, Irrigation Maintenance and Porter Services contract to The Davey Tree Expert Company, was approved.

FIFTH ORDER OF BUSINESS

Continued Public Hearing to Consider Adoption of Resolution 2018-20, Adopting Policies Manual for Babcock Ranch Waste Services; Providing for Severability and an Effective Date

Mr. Wrathell stated that this was a continued Public Hearing. Mr. Johnson stated that the Board should consider adopting the Policies Manual for Babcock Ranch Waste Services, in substantial final form, subject to minor formatting adjustments and for consistency purposes.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the Continued Public Hearing was opened.

Mr. Wrathell stated that the two forms from Ecologic Waste Management (Ecologic) provide an outline of the Commercial Solid Waste and Recycling Service fees and assessments. The residential assessment is \$20 per month, or \$240 per year, if included on the tax bill. Ms. Maltese requested the addition of a \$28.50 per week non-residential “96 Gallon Can Waste” collection fee for the 96-gallon container, plus additional pickups, which is the same fee imposed on the “96 Gallon Can Recycle” collection container. Mr. Vander May noted a request to create a third class of rates for the addition of Community Park Services, which would cover collection from the cans in the Sunset Park common areas, the District right-of-way (ROW), Founder’s Square and other identified common areas within the District. He requested setting the waste collection fees in those areas at \$20 per month. In response to Mr. Wrathell’s inquiry regarding porter services, Mr. Evans confirmed that porter services was a component of the RFP for landscape services and involved more than emptying trash cans.

No members of the public spoke.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the Continued Public Hearing was closed.

Mr. Wrathell presented Resolution 2018-20. The requested revisions will be incorporated to the Policies Manual and the fee Schedule.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, Resolution 2018-20, Adopting the Policies Manual for Babcock Ranch Waste Services; Providing for Severability and an Effective Date, in substantial form, incorporating the requested revisions and fee schedule, as described, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of Rule Setting Fees and Charges Related to the Use of District’s Amenity Facilities and Services; Address Requirements for Suspension and Termination for Use of the District’s Amenity Facilities Pursuant to Chapter 2007-306, Laws of Florida, as Amended and Section 120.54, Florida Statutes

A. Affidavits of Publications

- **Notices of Rule Development**
- **Notices of Rulemaking**

The affidavits of publication were provided for informational purposes. The District Amenity fees were listed in the first half of the advertisements, along with the Rates, Line and Grade Review fees and Waste Collection fees. Fees are two-tiered; the proposed nonresident fee is higher because residents must pay debt assessments to construct the improvements and operating assessments to maintain them. Assessments, the fee schedule and membership dues were discussed. Mr. Johnson asked the following question:

Mr. Johnson: While creating classes of users under the statute, one being those who reside in the community and another class of users that do not; based upon your professional experience as a District Manager, would you deem the rate differential as just and equitable given the investments that the residents have already made in the infrastructure and you would view that as a fair and equitable distinction for the Board to make.

Mr. Wrathell: Yes and, in fact, I think there is room for the Board, if they wished, because of the level of assessments that the property owners pay, to increase the fees higher than what is currently proposed.

Mr. Vander May asked if residents should pay rental fees. Mr. Wrathell replied that the current proposed fee schedule was a starting point; it would be best to wait until residents move in, en masse, before determining what would dictate a fair rate. Mr. Johnson stated that District

Staff was creating classes to generate user fees and clarified that the Amenity Fees are usage-based fee structures. Mr. Wrathell reviewed the Amenity Policies and Fees.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the Public Hearing, was opened.

No members of the public spoke.

On MOTION by Ms. Andres and seconded by Ms. Maltese, with all in favor, the Public Hearing was closed.

B. Consideration of Resolution 2018-25, Adopting Amenity Policies, Suspension and Termination Policies and Amenity Rates; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2018-25.

On MOTION by Ms. Maltese and seconded by Mr. Vander May, with all in favor, Resolution 2018-25, Adopting Amenity Policies, Suspension and Termination Policies and Amenity Rates; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of Rule Setting Fees Related to Line and Grade Review Within the District Pursuant to Chapter 2007-306, Laws of Florida, as Amended and Section 120.54, Florida Statutes

A. Affidavits of Publications

- **Notices of Rule Development**
- **Notices of Rulemaking**

The affidavits of publication were provided for informational purposes.

Mr. Wrathell reviewed Exhibit A, Line and Grade Review Fee, schedule, as follows:

- First re-inspection: \$50
- Second re-inspection: \$100

- Third or subsequent re-inspection: \$150 and
- Partial re-inspection: \$50

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Ms. Andres and seconded by Ms. Maltese, with all in favor, the Public Hearing was closed.

B. Consideration of Resolution 2018-26, Adopting Site Plan Review Resubmittal Fees; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2018-06. An error in the agenda item and Resolution title was noted. The following change was made:

Title: Change “Site Plan Review Resubmittal Fees” to “Line Grade Review Fees”

On MOTION by Ms. Andres and seconded by, Mr. Vander May, with all in favor, Resolution 2018-26, as amended to correct the title, Adopting the Line and Grade Review Fees; Providing a Severability Clause; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2018-27, Ratifying, Confirming and Approving the Sale of the Special Assessment Revenue Bonds, Series 2018

Mr. Wrathell presented Resolution 2018-27. The Resolution would ratify the actions of the Chair, Vice Chair and District Staff to proceed in effectuating the issuance of the 2018 bonds.

On MOTION by Mr. Vander May and seconded by, Ms. Maltese, with all in favor, Resolution 2018-27, Ratifying, Confirming and Approving the Sale of the Special Assessment Revenue Bonds, Series 2018, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2018-28, Approving a Proposed Budget for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant To Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

Mr. Wrathell presented Resolution 2018-28. He and Mr. Vander May discussed contracting with the Master Association, who would budget for, raise revenues and operate and maintain the District-owned improvements. If the Board opts to proceed with entering into such a contract with the Master Association, the Operations and Maintenance (O&M) component, on Pages 4 and 5, would be removed. Ms. Maltese stated that the inspections prior to turnover, including roadways, were being completed and examined to ensure that they are up to the District's standards. Mr. Wrathell reviewed the proposed Fiscal Year 2019 budget line items and accompanying Exhibits and Assessment Tables.

Mr. Evans stated that the budget was his first draft and several estimates were precise and others would require considerable research and due diligence, such as landscaping, which could change. Discussion ensued regarding Equivalent Residential Units (ERUs), assessments, landscaping Spine Road and the Work Order Systems app. Mr. Vander May asked Mr. Evans to follow up with Mr. Broderick on roadway ZZ, which will contain a linear park that will be maintained by the District. A scope of work must be determined; the project will be completed in the next four months and the Engineers must sign off on it.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, Resolution 2018-28, Approving a Proposed Budget for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant To Florida Law for August 23, 2018 at 1:00 p.m., at this location; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Second Supplemental Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken By the District [Phase 2A Project]

Mr. Wrathell presented the Second Supplemental Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Babcock Ranch Community Independent Special District [Phase 2A Project]. When bonds are issued, District Staff is statutorily required to file a notice of bond financing and public finance. The document includes a description of the maintenance of improvements and will be recorded in the property records.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the Second Supplemental Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Babcock Ranch Community Independent Special District [Phase 2A Project] and authorizing Staff to record the Disclosure, were approved.

ELEVENTH ORDER OF BUSINESS

Ratification of First Amendment to License and Indemnity Agreement

Mr. Wrathell presented the First Amendment to License and Indemnity Agreement. The Agreement allows Lennar Homes, LLC (Lennar) to temporarily place a construction trailer on Tract I-25. Mr. Johnson pointed out that Lennar must list the District as an additional insured.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the First Amendment to License and Indemnity Agreement, was ratified.

TWELFTH ORDER OF BUSINESS

Consideration of Use Agreement (Ecologic Waste Management, LLC and MSKP Town and Country Utility, LLC) - Vehicles

Mr. Wrathell stated that the Use Agreement allows Town and Country Utility, LLC (TCU) to use Ecologic's trucks and equipment to transport bio-solids to landfills. The two entities share facilities and the arrangement makes sense in lowering costs. In response to Mr. Wrathell's inquiry, Mr. Vander May confirmed that the equipment being shared is a Chevy Silverado.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the Use Agreement (Ecologic Waste Management, LLC and MSKP Town and Country Utility, LLC) - Vehicles, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of First Amendment to Use Agreement (Ecologic Waste Management, LLC and MSKP Town and Country Utility, LLC) – Office Space

Mr. Wrathell stated that the First Amendment to Use Agreement provides for a \$10 monthly rent payment from Ecologic to TCU for office space use. The Agreement provides for cost efficiency for the benefit of the residents of the District.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the First Amendment to Use Agreement (Ecologic Waste Management, LLC and MSKP Town and Country Utility, LLC) – Office Space, was approved.

FOURTEENTH ORDER OF BUSINESS

Consideration of Earth Tech Environmental, LLC Proposal #1910 – Phase 1A

Mr. Wrathell presented the \$2,200 Earth Tech Environmental, LLC Proposal #1910 for removal of exotics and maintenance-related services for the Rain Garden and the Native Vegetation area. Mr. Evans stated that the next page contains a map of the maintenance location.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, Earth Tech Environmental, LLC Proposal #1910 – Phase 1A, in the amount of \$2,200, was approved.

FIFTEENTH ORDER OF BUSINESS

Consideration of Aquagenix Aquatic Management Agreement for Lake Bank Littoral Maintenance Services

Mr. Wrathell presented the Aquagenix Aquatic Management Agreement for lake bank littoral maintenance, Proposal #88372, and noted that the location should be changed from Management’s address to the District’s address in Punta Gorda. Mr. Evans would make the

change. The total annual program amount is \$26,400 and the monthly amount is \$2,200. In response to a Board Member’s question, Mr. Evans stated that, in addition to littoral work, the Agreement also includes the following services:

- Aquatic Consulting
- Border Grass and Brush Control to the Water’s Edge
- Management Reporting
- Littoral Zone Management on 23,200 Linear Feet of Shoreline

He confirmed that Earth Tech would not handle the littorals and would focus on the Rain Gardens and invasives.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, the Aquagenix Aquatic Management Agreement for Lake Bank Littoral Maintenance Services, for a \$2,200 monthly amount, equating to \$26,400 per year, was approved.

SIXTEENTH ORDER OF BUSINESS

Consideration of Lineal Park Agreement

Mr. Wrathell presented the Lineal Park Agreement between the District and Babcock Property Holdings, LLC. Babcock Property Holdings would construct a lineal park which will ultimately be conveyed to the District, and the District will assume the park maintenance responsibilities. Mr. Johnson stated that the Warranty Deed is attached to the Agreement and recommended approval.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, the Lineal Park Agreement, was approved.

SEVENTEENTH ORDER OF BUSINESS

Consideration of Babcock Ranch Community Design and Specification Manual – Right of Way

Mr. Wrathell presented the Babcock Ranch Community Design and Specification Manual Volume 1. Ms. Wicks stated that the Manual provides clear guidelines in deciphering how to develop a parcel and includes the submittal process for submitting plans to the District for review. Mr. Johnson recommended approving the document, authorizing use of it as Interim Policy and authorizing Staff to set an adoption public hearing. In response to Mr. Vander May’s

question regarding ARC, Ms. Wicks stated that Charlotte County required a letter from ARC and the District must sign off before the South Florida Water Management District (SFWMD) will approve a State permit.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, adopting the Babcock Ranch Community Design and Specification Manual, as an Interim Policy, was approved.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, authorizing Staff to publish Notices of Rule Development and Rulemaking to set Public Hearings to adopt the Babcock Ranch Community Design and Specification Manual, was approved.

EIGHTEENTH ORDER OF BUSINESS

Discussion: Credit Card Usage Fees

Mr. Wrathell stated that Management would add a not-to-exceed amount of up to 4% for credit card fees. In response to Mr. Wrathell's inquiry, Mr. Johnson confirmed that the document should be adopted as an Interim Policy and authorization of Rule Development and Rulemaking was in order.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, adopting the Credit Card Usage Fees as an Interim Policy, was approved.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, authorizing Staff to publish Notices of Rule Development and Rulemaking to set Public Hearings to adopt the Credit Card Usage Fees, was approved.

NINETEENTH ORDER OF BUSINESS

Consideration of Cross Connection Utility Policies

Mr. Wrathell explained that the Cross Connection Utility Policy is intended to protect the District's water systems from contamination.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, adopting the Cross Connection Utility Policy, in substantial form, and authorizing Staff to publish Notices of Rule Development and Rulemaking, was approved.

TWENTIETH ORDER OF BUSINESS Approval of Unaudited Financial Statements as of April 30, 2018

Mr. Wrathell presented the Unaudited Financial Statements as of April 30, 2018.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the Unaudited Financial Statements as of April 30, 2018, were approved.

TWENTY-FIRST ORDER OF BUSINESS Consideration of Minutes

- A. April 17, 2018 Special Meeting and Continued Public Hearings**
- B. April 26, 2018 Continued Public Hearings and Regular Meeting**

Mr. Wrathell presented the April 17, 2018 Special Meeting and Continued Public Hearings and April 26, 2018 Continued Public Hearings and Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the April 17, 2018 Special Meeting and Continued Public Hearings and April 26, 2018 Continued Public Hearings and Regular Meeting Minutes, as presented, were approved.

TWENTY-SECOND ORDER OF BUSINESS Staff Reports

- A. District Counsel: *Hopping Green & Sams, P.A***

Mr. Johnson stated that one document on Item 5 was overlooked. Resolution 2018-20 adopted the Policy Manual and, based upon public comments, there were revisions to the rates and a recently circulated new Resolution would amend Resolution 2018-19, which previously adopted the rates. He felt it necessary to authorize the approval of the Resolution amending the Rate Schedule to incorporate the public comments, as a specific action item.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, authorizing approval of Resolution 2018-20, Adopting the Policies Manual for Babcock Ranch Waste Services; Providing for Severability and an Effective Date, as amended to amend the Rate Schedule to incorporate the public comments on the rates, was adopted.

B. District Engineer: *Kimley-Horn & Associates*

There being no report, the next item followed.

C. Field Operations Manager

There being no report, the next item followed.

D. Construction Manager

There being no report, the next item followed.

E. District Manager: *Wrathell, Hunt and Associates, LLC*

i. Registered Voters in District as of April 15, 2018

- **Charlotte County: 14**
- **Lee County: 0**

Mr. Wrathell reported that there were 14 Charlotte County and zero Lee County registered voters residing within the boundaries of the District as of April 15, 2018.

ii. NEXT MEETING DATE: June 28, 2018 at 1:00 P.M.

The next meeting will be on Thursday, June 28, 2018 at 1:00 p.m., at this location.

TWENTY-THIRD ORDER OF BUSINESS Board Members' Comments/Requests

There being no Board Members' comments or requests, the next item followed.

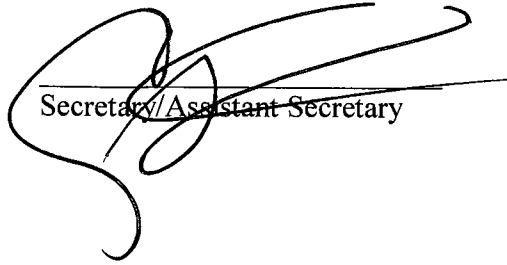
TWENTY-FOURTH ORDER OF BUSINESS Public Comments

There being no public comments, the next item followed.

TWENTY-FIFTH ORDER OF BUSINESS Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Vander May and seconded by Ms. Maltese, with all in favor, the meeting adjourned at 3:00 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair