

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

The Board of Supervisors of the Babcock Ranch Community Independent Special District held a Regular Meeting on Thursday, July 26, 2018 at 1:00 p.m., at 14750 SR 31, Punta Gorda, Florida 33982.

Present at the meeting were:

Gary Nelson	Chair
Bill Vander May	Vice Chair
Elizabeth Andres	Assistant Secretary
Kathy Valentine	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Alyssa Willson	District Counsel
Amy Wicks	District Engineer
John Broderick	Construction Manager
Greg Panko	Kitson & Partners
Erica Woods	Kitson & Partners

FIRST ORDER OF BUSINESS

Call to Order

Ms. Cerbone called the meeting to order at 1:00 p.m.

SECOND ORDER OF BUSINESS

Roll Call

Ms. Cerbone stated that Supervisors Nelson, Vander May, Andres and Valentine were present, in person. Supervisor Maltese was 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 Items Related to Solicitation of Design-Build Firm for SR 31 Improvements

Ms. Willson presented the Personnel Leasing Agreement, from Kitson & Partners, for Mr. Nelson to serve as the Construction Administrator for the SR 31 Improvements Project and to work with the District Engineer and the selected Design Criteria Professional and Design-Build Firm design-build firm.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, the Personnel Leasing Agreement with Kitson & Partners Management Services, Inc., was approved.

Ms. Willson presented the Solicitation of Design Criteria Professional, Request for Qualifications (RFQ). The notice was prepared pursuant to Florida Statutes, and the and the evaluation criteria was presented which included consideration of the Consultant’s past performance which requires proposers to provide their past experiences and past performances with other Special Districts, Charlotte and Lee Counties, Florida Department of Transportation (FDOT) or the State Infrastructure Bank Loan Program. This is the first part of the selection process; Staff will work with the Construction Administrator and District Staff to coordinate the RFQ publication and submittal date.

On MOTION by Ms. Andres and seconded by Ms. Valentine, with all in favor, the Solicitation of Design Criteria Professional and Evaluation Criteria Request, as stated, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Restroom Lease Agreement

This item was deferred to the next meeting.

SIXTH ORDER OF BUSINESS

Consideration of Revised Babcock Ranch Water Utilities Policies for Purposes of Setting Rulemaking Hearing

Ms. Woods distributed the Revised Babcock Ranch Water Utilities Policies and stated additional policy revisions were made and certain additional items were being clarified to the currently adopted Policy. Additional changes were still being made and will be finalized before it is adopted at the August Public Hearing. Ms. Willson affirmed the Board should approve the policy in form, knowing the revisions will be refined and presented to the Board at the August meeting, and requested the Board ratify Staff’s actions related to publication of the notices of the public hearing.

On MOTION by Ms. Valentine and seconded by Mr. Vander May, with all in favor, approved the Revised Babcock Ranch Water Utilities Policies for Purposes of Setting Rulemaking Hearing, in substantial form, set the public hearing for August 23, 2018, at 1:00 p.m., at this location, and ratified Staff ‘s actions.

SEVENTH ORDER OF BUSINESS

Consideration of Babcock Ranch Water Utilities Rates for Purposes of Setting Public Hearing (August)

Ms. Cerbone presented the Babcock Ranch Water Utilities Rates. Ms. Willson affirmed the Reuse on a Bulk Basis interim rate is \$0.55 per 1000 gallons and that the Public Notice was published for the August meeting, and suggested ratifying Staff’s actions in publishing the notice. Ms. Cerbone noted that the Notice of Rule Development and Setting of Fees was located behind Tab 7 and indicated publication of the notices.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, approved the Babcock Ranch Water Utilities Rates for Purposes of Setting Public Hearing for Thursday, August 23, 2018 at 1:00 p.m., at this location, and ratified Staff’s actions.

EIGHTH ORDER OF BUSINESS

Consideration of Engineering Review Fees for Purposes of Setting a Rulemaking Hearing

Ms. Cerbone presented the Engineering Review Fees.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, the Engineering Review Fees for Purposes of Setting a Rulemaking Hearing for August 23, 2018 at 1:00 p.m., at this location, was approved and Staff’s actions regarding publication of notices were ratified.

NINTH ORDER OF BUSINESS

Ratification of Items Related to Acquisition of Phase 2A Infrastructure

A. Agreement Regarding Acquisition of Infrastructure and Payment of Retainage

Ms. Willson presented the Agreement, which requires the Developer to pay Mitchell & Stark Construction Co., Inc. (M&S) the retainage owed, noting that M&S had provided the District with a Release of Lien, which is attached as an exhibit to the agreement.

B. Demand Note Agreement for Second Lift of Phase 2A Roadway

Ms. Willson stated this Demand Note Agreement indicates that the Developer acknowledges the need for a second lift of asphalt on the roadway, to be installed at the appropriate time, and that the Developer would pay for it.

Mr. Vander May mentioned that, on Page 5, the Chairman’s signature was not attested. Ms. Cerbone and Ms. Willson will confirm whether two original forms were executed.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, the Agreement Regarding Acquisition of Infrastructure and Payment of Retainage and the Demand Note Agreement for Second Lift of Phase 2A Roadway, were ratified.

TENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of June 30, 2018

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2018.

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

ELEVENTH ORDER OF BUSINESS

Consideration of June 28, 2018 Regular Meeting Minutes

Ms. Cerbone presented the June 28, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Vander May and seconded by Ms. Valentine, with all in favor, the June 28, 2018 Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

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

There being nothing further to report, the next item followed.

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

There being no report, the next item followed.

C. Field Operations Manager

Mr. Vander May stated that Mr. Joe Cook, CCMC Regional President, hired Mr. Allen Baum, as the new Operations Manager, to replace Mr. Evans. Mr. Baum will start on August 6, 2018. Mr. Cook would schedule an introduction call. Mr. Vander May provided Mr. Baum’s work experience and noted that he will be a resident of the District.

D. Construction Manager

Mr. Broderick distributed handouts of the Babcock Property Holdings, L.L.C. (BPH) proposed Request for Proposals (RFP) Schedule for future projects, such as Lennar’s plans to build 243 lots, install roadways, etc. BPH prefers to bid the contracts through the District and then fund the contract, if the construction funds are not yet available. He expects to commence the request for proposals and after he and the District Engineer finish preparing the RFPs and determine the submittal dates, he will follow up with the District Manager regarding publishing the RFPs. Mr. Broderick stated that, as these are substantial projects, the RFP will also include the Developer’s sample contracts and several rounds of questions.

Mr. Broderick provided an update of his discussions with the new Developer who is hoping to build approximately 1,000 lots and a golf course in the area called Village III. Negotiations are ongoing; Ms. Willson the Board approve by motion to advertise the request for proposals; and then consider the evaluation criteria at the next meeting. Ms. Willson affirmed the publication of the request for proposals is not required to include the evaluation criteria, but it will be included in the project manual.

On MOTION by Mr. Vander May and seconded by Ms. Andres, with all in favor, authorizing District Staff to begin the process of publishing the notice of RFPs for construction-related work, was approved.

Mr. Broderick stated the school received its Certificate of Occupancy (CO). The first day of school is August 10, 2018. He was encouraged with its and stated the school receiving an "A" rating.

Ms. Andres' support was needed, given the number of submittals received from Lennar; about 170 homes were contracted and more were anticipated. Ms. Andres stated, in addition to that activity, Lennar submitted 12 to 14 site plan renewals, which, in turn, flows into the permitting process. Mr. Vander May asked if it would be difficult to get multiple contractors to bid on a project, given the current status of construction, the Statement of Qualifications and timeline. Mr. Broderick stated that could happen but, with the projects being long term, he expects that contractors already on site will submit bids. He proposed having the contractors' local ties to the area as part of the ranking criteria.

Mr. Broderick provided an update regarding Town & Country Utilities (TCU). The design build plan is 50% completed. The gross maximum price, which is necessary to determine how the Board would be notified of how much it will increase the rates and how many Equivalent Residential Connections (ERC's) will be generated off the plant, was expected by mid-August. Once the plan is closer to 100% completed, he will value engineer everything and provide true-up amounts. The Board was notified when the plant was damaged due to a lightning strike; repairs were expected to be under \$10,000 but the protocol is to notify the District if costs exceed \$10,000. Repairs are ongoing and they are working off of inventory; the repairs should be completed within the week.

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

Ms. Cerbone provided an update on the ADA website compliance matter. The District's website is very complex, as the information on it is interactive. At this time, until Mr. Wrathell attends the next meeting to go over the recommendations, action will only be taken on smaller items. Hopping Green & Sams, P.A. (HGS) provided Management with guidelines that are compatible with Florida Statutes, the insurance carrier and outside counsel.

Ms. Cerbone explained that Management is suggesting, unless the Board chooses otherwise, for the website to contain only the minimum items required and to remove those items that have reached their legally required time to be posted on the website. For any public records requests, Management will send PDF-A assessable formatted documents; however, if formatting is not possible, Management will offer to assist the individual. Staff is being trained to format and upload documents in PDF-A format. Those wanting to view documents, such as the annual financial report and audit, which are not required to be posted on the District’s website, will be referred to the State of Florida website. If there is an issue, the issue would be with the State and not the District’s website. This is a slow and arduous process but steps are being taken to resolve other issues that involve more steps and actions such as tagging and uploading sketches, color maps and creating drop downs for them, so that audio capability is available. This matter is to remain as an agenda item; Staff will provide updates going forward.

i. NEXT MEETING DATE: August 23, 2018 at 1:00 P.M.

The next meeting will be on Thursday, August 23, 2018 at 1:00 p.m., at this location.

THIRTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

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

FOURTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Ms. Andres and seconded by Ms. Valentine, with all in favor, the meeting adjourned at 1:38 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair