

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

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Tuesday, January 16, 2018 3:30 p.m. at 6900 Tavistock Lakes Blvd., Suite 200, Orlando, Florida 32827. Members listed below constituted a quorum.

Richard Levey	Chairman
Damon Ventura	Vice Chair
Thad Czapka	Assistant Secretary

Also, attending:

Hank Fishkind	Fishkind & Associates, Inc.
Jennifer Walden	Fishkind & Associates, Inc.
Tucker Mackie	Hopping Green & Sams
Larry Kaufmann	Construction Supervisor
Jeff Newton	District Engineer
Stephen Flint	Tavistock Development
Scott Gasaway	Tavistock Development (joined at 3:31 p.m.)

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Levey called for any public comments on any agenda items. There were no public comments.

THIRD ORDER OF BUSINESS

**Consideration of
Resignation of Skipper Peek
and Naming a Replacement
Supervisor**

Ms. Walden stated that Mr. Peek provided his resignation which is behind Tab 1 in the agenda package and noted that it was previously discussed that Mr. Gasaway would be taking that position. Mr. Gasaway joined the meeting in progress. Mr. Levey asked Mr. Gasaway if he was interested and willing to serve on the Board and he said yes. Mr. Levey requested a motion to accept the resignation of Mr. Peek.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the Resignation of Mr. Skipper Peek.

Mr. Levey requested a motion to appoint Mr. Gasaway to take that vacant seat.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District appointed Mr. Scott Gasaway to fill vacant Seat 3.

Ms. Walden administered the Oath of Office to Mr. Gasaway. Ms. Walden stated that she has a new Board Member packet that she will give him after the Board Meeting which includes some documents that will need to be filled out.

FOURTH ORDER OF BUSINESS

**Consideration of Minutes of
the December 18, 2017
Board of Supervisors'
Meeting**

Board Members reviewed the minutes from the December 18, 2017 Board of Supervisors' Meeting.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the December 18, 2017 Board of Supervisors' Meeting, as presented.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution
2018-02, Election of Officers**

Ms. Walden recommended naming Mr. Gasaway as Assistant Secretary and Ms. Burns as Secretary and keeping the remaining officers the same.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2018-02, Election of Officers with Mr. Richard Levey as Chair, Mr. Damon Ventura as Vice Chair, Ms. Jill Burns as Secretary, Ms. Jennifer Walden, Mr. Thad Czapka and Mr. Scott Gasaway as Assistant Secretaries, Dr. Hank Fishkind as Treasurer and Ms. Jill Burns as Assistant Treasurer.

SIXTH ORDER OF BUSINESS

Consideration of Amended and Restated Personnel Leasing Agreement with Tavistock Development Management, LLC

Ms. Mackie explained that this is a carryover item from the last Board meeting where the wrong entity was named and Mr. Flint and Mr. Gasaway were named as Ms. Ragusa's replacement for the manager of maintenance. Ms. Mackie prepared a new agreement as opposed to an amendment. She stated that she also looked at the Construction Supervisor Agreement to see if any changes needed to be made to that document as well but given that it was just a name change from Lake Nona Management to Tavistock Management there is no need to do a new agreement if there were not any other substantive changes to that agreement. Ms. Mackie requested a motion to approve the Personnel Leasing Agreement with Tavistock Development Management, LLC. Mr. Levey added that both Mr. Flint and Mr. Gasaway will be considered administrators for this. Mr. Ventura asked if Mr. Gasaway can be an administrator on this as well as a Board Member. Ms. Mackie replied that it is acceptable.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Personnel Leasing Agreement with Tavistock Development Management, LLC.

SEVENTH ORDER OF BUSINESS

Consideration of Amended and Restated Engineer's Report for Capital Improvements

Dr. Fishkind stated that the report is in very good shape but that it is not ready to be adopted at this time. This item will be tabled until the next meeting.

EIGHTH ORDER OF BUSINESS

Consideration of Nemours Parkway West & Lift Station No. 10 Hold Harmless Agreement & Requisition

Ms. Mackie explained that typically when the District goes to construct roadway improvements, the right-of-way has previously been platted but it is not the case with Nemours Parkway although she thinks that it is imminent. She noted that the District may obtain a permit prior to platting having been effectuated in which case the City requires of all Landowners a hold harmless agreement. Ms. Mackie said that the District does not have a choice but to approve this hold harmless agreement. She noted that it will be platted soon and with the District’s limitation on liability it is securing that event. Mr. Newton added that the letter is formatted for vertical construction but since the City issues building permits for horizontal construction too they use the same form. Mr. Gasaway asked about the anticipated bond amount. Ms. Mackie answered that because this project value exceeds \$1,000,000.00 the District was asked to provide a \$10,000.00 Bond. Mr. Levey asked if the bond is to secure the platting of the right-of-way then it should be refundable upon platting. Ms. Mackie and Mr. Kaufmann replied that is correct.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Nemours Parkway West & Lift Station No. 10 Hold Harmless Agreement & Requisition.

NINTH ORDER OF BUSINESS

Ratification of Requisition Nos. 341 – 352 Approved in December 2017 in an amount totaling \$311,986.24

Board Members reviewed Requisition Nos. 341– 352 approved in December 2017 in an amount totaling \$311,986.24.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified payment of Requisition Nos. 341– 352 approved in December 2017 in an amount totaling \$311,986.24.

TENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in

December 2017 in the amount of \$72,897.61

Board Members reviewed the Operation & Maintenance expenditures paid in December 2017 in the amount of \$72,897.61.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation and Maintenance expenditures paid in December 2017 in the amount of \$72,897.61.

ELEVENTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann noted that behind Tab 9 are two Work Authorizations. The first is from AECOM for landscape and irrigation design of Medical City Drive. He stated that the Board approved the project as a CDD project at a previous Board meeting and is in the amount of \$17,175.00. Mr. Levey asked if the new design standards would be shared with AECOM prior to their initiating this project. Mr. Kaufmann said that it will be covered at the Construction Committee meeting on Thursday.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Work Authorization from AECOM for landscape and irrigation design of Medical City Drive extension in the amount of \$17,175.00.

Mr. Kaufmann explained the second Work Authorization from is from Migre Engineers, LLC for the electrical design of Lift Station #10 which is a portion of Nemours Parkway West & Lift Station No. 10 project in the amount of \$4,000.00.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Work Authorization from Migre Engineers, LLC for electrical design of Lift Station #10 in the amount of \$4,000.00.

TWELFTH 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 today's date. Dr. Fishkind noted that the District is running under budget at this point in the fiscal year. No action was required by the Board.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel - No Report

District Manager - Dr. Fishkind stated that Mr. MacLaren resigned from Fishkind & Associates and so Dr. Fishkind will be working on this District with Ms. Walden and other District staff. Ms. Walden mentioned that on Resolution 2018-02 she forgot that Ms. Issacs was never added to the list and should be included as an Assistant Secretary.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved including Ms. Heather Issacs as Assistant Secretary to Resolution 2018-02, Election of Officers.

District Engineer – Mr. Newton distributed the Construction Status Memorandum (Minutes Exhibit A). Mr. Newton noted that a notice of award was issued to Jon M. Hall Company for Nemours Parkway & Lift Station #10. He brought the contract documents to have the Chair execute those so once the permits are issued and the change order is received from John M. Hall then the District will issue a notice to proceed. Mr. Newton stated that he received bids for the intersection improvements and signalization of Lake Nona Boulevard at Tavistock Lakes Boulevard and Veterans Way and has recommendations on both of the road improvements and on the signalization improvements for the Board to consider which Mr. Kaufmann will discuss.

Construction Supervisor - Mr. Kaufmann explained that the District received bids yesterday for construction of the dual left turn lanes into Veterans Way and

the signal modifications at the intersection to accommodate those dual left lanes. The requested bids were not put out as an advertisement for the public because it was not required and for the scope of the work it did not seem appropriate to bid it out that way. Mr. Kaufmann passed out a bid summary sheet (Minutes Exhibit B) and noted that Jon M. Hall was the low bidder for the dual turn lane in the amount of \$132,054.00. Mr. Kaufmann added that this project will require the demo of the median and paving and drainage of that portion. Mr. Ventura asked why there was such a large discrepancy with the Jr. Davis number. Mr. Kaufmann stated that a major portion of this work is the MOT to keep traffic off the median while they do this work. Since Jon M. Hall is already here as the Contractor for the Loop Road and they already have their MOT set up that portion of the work should be considerably less than the other bidders and that is what the bid numbers show. Mr. Gasaway proposed that the District have a continuation on this until the Board has the scope sheets that identify all of the backups so the Board knows that it is buying a complete package before they commit to making an investment.

Mr. Newton presented a form of advertisement for Medical City Drive Phase 2 (Minutes Exhibit C). He believes that the plans will be ready to bid prior to the next scheduled Board Meeting. He distributed the form of the advertisement to the Board Members. Mr. Kaufmann asked Ms. Walden to get Mr. Gasaway a list of approved Contractors for this Board.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District Staff to place the Invitation to Bid for Lake Nona South Medical City Drive Phase 2.

Mr. Gasaway asked about the level of detail of the documents that the District is sending out to bid and when the District anticipates getting the bids back. Mr. Kaufmann said that the level of detail is a complete set of construction plans and once the District receives sufficient information from the City saying that they are going to approve the permit based on those construction plans. Mr. Kaufmann noted that once the advertisement is placed then the

contractors have 30 days to submit their bids but it can be extended by the Board. Mr. Newton mentioned that the plans were submitted to the City of Orlando before Christmas and he has received comments and are in the midst of responding to them. Once he responds to the comments it will be in good shape and probably be ready to bid. He noted that the landscape architect was just authorized today and their schedule is about 4 weeks. The District will probably advertise this in early to mid-February.

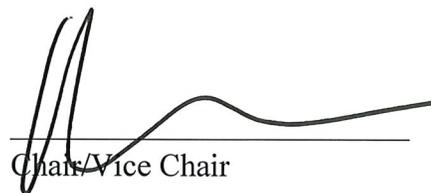
FOURTEENTH ORDER OF BUSINESS

**Supervisor and Audience
Comments & Adjournment**

Mr. Levey stated he had an item that he wanted to discuss. He noted that for him it is better to segregate emails and correspondence to the District email address and noted that he would prefer receiving it separate from getting it at another business email address like Tavistock. Ms. Walden noted she would update his email preference moving forward. Mr. Ventura added that he would like to do the same. There was no other business to discuss.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the January 16, 2018 Meeting of the Board of Supervisors for the Boggy Creek Improvement District was continued to Wednesday, January 24, 2018 at 2:00 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, FL 32827.


Secretary/Assistant Secretary


Chair/Vice Chair



**DONALD W. McINTOSH
ASSOCIATES, INC.**

MEMORANDUM

DATE: January 16, 2017
TO: Boggy Creek Improvement District
Board of Supervisors
FROM: Donald W. McIntosh Associates, Inc.
District Engineer
RE: Construction Contract Status

Dear Board Members,

Please accept this correspondence as a current summary of our construction contract status. Listed below by project is a brief summary of recent contract activity.

CIVIL ENGINEERS

Lake Nona Nemours Parkway West and Lift Station No. 10 – Jon M. Hall Company

LAND PLANNERS

Construction Status: The Notice of Award was issued on January 5, 2018. The contract documents are in process.

SURVEYORS

Change Order (C.O.) Status: None at this time.

Recommended Motion: None at this time.

Lake Nona Boulevard Traffic Signal Modifications at Tavistock Lakes Boulevard and Veterans Way - Roadway

Construction Status: Three bids were received on January 15, 2018. Staff is currently reviewing same.

Change Order (C.O.) Status: None at this time.

Recommended Motion: Recommend award of contract after review of same with a not to exceed amount of \$170,000.00.

Lake Nona Boulevard Traffic Signal Modifications at Tavistock Lakes Boulevard and Veterans Way - Signal

Construction Status: Two bids were received on January 15, 2018. Staff is currently reviewing same.

Change Order (C.O.) Status: None at this time.

Recommended Motion: Recommend award of contract after review of same with a not to exceed amount of \$45,000.00.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068



Memorandum

*Re: Boggy Creek Improvement District
Construction Contract Status*

January 16, 2018

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Lake Nona South Medical City Drive Phase 2

Project Status: SFWMD Permit issued January 8, 2018. Plans under review at City of Orlando.

Recommended Motion: Approve and authorize the form for Invitation to Bid to be advertised in the newspaper.

Should there be any questions, please advise.

Thank you.

End of memorandum.

c: Mr. Larry Kaufmann
Ms. Patrice Ragusa
Jason Good, P.E.
James C. Nugent, P.E.

EXHIBIT B

BID SUMMARY SHEET
BOGGY CREEK IMPROVEMENT DISTRICT
LAKE NONA BOULEVARD SIGNAL MODIFICATIONS
January 15, 2018

	JON M. HALL COMPANY	JMHC, INC.	JR. DAVIS CONSTRUCTION COMPANY
TAVISTOCK LAKES BOULEVARD	\$13,974.84	\$11,235.00	\$34,500.00
VETERANS WAY	\$118,079.16	\$157,658.00	\$304,928.60
TOTAL	\$132,054.00	\$168,893.00	\$339,428.60

INVITATION TO BID

**Boggy Creek Improvement District
Lake Nona South Medical City Drive Phase 2
City of Orlando, Florida**

Notice is hereby given that sealed Bid Proposals from previously pre-qualified bidders will be received until 11:00 a.m. on the _____ day of _____, 2018, by the Boggy Creek Improvement District, c/o District Engineer, John M. Florio, P.E., Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, FL 32789, for the Lake Nona South Medical City Drive Phase 2 project in the Lake Nona development in the City of Orlando, Florida. Bids will be publicly opened at the address listed above after the 11:00 a.m. deadline.

Scope of Work: The proposed project involves paving, grading, drainage, utility and landscape/irrigation for approximately 500 linear feet of divided two-lane roadway.

ONLY PREVIOUSLY PRE-QUALIFIED BIDDERS WILL BE ALLOWED TO SUBMIT A BID PROPOSAL ON THIS PROJECT. In the event that a change in the status of a pre-qualified bidder has occurred, including a change of ownership or any other change which materially affects an element the District considered when initially qualifying contractors, the pre-qualified bidder must provide written notice of such change to the District within its Bid Proposal.

The District has the right to reject any and all proposals, make modifications to the work, and waive any minor informalities and irregularities in proposals as they deem appropriate, if they determine in their discretion that it is in the best interest of the District to do so. Each proposal shall be accompanied by a Bid Bond in an amount not less than 5% of the total bid to be retained as liquidated damages in the event the Successful Bidder fails to execute the Agreement and file the required bonds and insurance within fourteen (14) calendar days after the receipt of the Notice of Award. A Performance and Payment Bond will also be required.

Any previously pre-qualified bidder who wishes to protest the scope of work and selection criteria shall file with the District a written notice of protest within seventy-two (72) hours after receipt of the proposed project plans and specifications or other contract documents, and shall file a formal written protest with the District within seven (7) calendar days after the date of timely filing the initial notice of protest. Filing will be perfected and deemed to have occurred upon receipt by the District Manager, Fishkind & Associates, 12051 Corporate Boulevard, Orlando, FL 32817. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object to or protest the contents of the Engineer's Bidding Documents. The formal written protest shall state with particularity the facts and law upon which the protest is based.

Copies of the Engineer's Bidding Documents may be obtained by pre-qualified General Contractors from Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, FL 32789 (Phone 407-644-4068) for the sum of \$100.00 per set. Each set will contain the Contract Documents and Construction Plans. Make checks payable to Donald W. McIntosh Associates, Inc. If after purchasing Bidding Documents the Contractor chooses not to bid the Project, the Contractor may within seven (7) days, return the plans for a refund. To receive a refund the returned plans and contract documents must be in good condition and free from notations or written mark-ups.

Any and all questions relative to this project shall be directed in writing only to Jeffrey J. Newton, P.E., of Donald W. McIntosh Associates, Inc. at 2200 Park Avenue North, Winter Park, FL 32789 not later than 5:00 p.m. on _____, _____, 2018.

BOGGY CREEK IMPROVEMENT DISTRICT
_____, District Manager

Run Date: _____