

BOGGY 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 Boggy Creek Improvement District was called to order on Tuesday, September 21, 2021, at 3:34 p.m. at Courtyard Orlando Lake Nona, 6955 Tavistock Lakes Blvd, Orlando, FL 32827.

Present:

Richard Levey
Thad Czapka
Chad Tinetti

Chairperson
Assistant Secretary
Assistant Secretary

Also attending:

Jennifer Walden
Lynne Mullins
Amanda Lane
Kourtney Dinkins
Tucker Mackie
Jeff Newton
Larry Kaufmann

PFM
PFM (via phone)
PFM (via phone)
PFM (via phone)
Hopping Green & Sams
Donald W. McIntosh Associates, Inc.
Construction Supervisor & Construction
Committee Member (via phone)
District Landscape Supervisor
Construction Committee Member

Scott Thacker
Matt McDermott

SECOND ORDER OF BUSINESS

Public Comment Period

Dr. Levey asked for any public comments. There were no comments at this time.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the August 17, 2021, Board of Supervisors' Meeting

Board Members reviewed the minutes from the August 17, 2021, Board of Supervisors' Meeting.

On Motion by Mr. Czapka, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the August 17, 2021, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-11, Designating Registered Agent

Ms. Walden requested that the Registered Agent be updated to be herself, Jennifer Walden, and use the new PFM East Orlando address which is 3501 Quadrangle Blvd., Suite 270, Orlando, FL 32817.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2021-11, Designating Registered Agent.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-12, Designating Primary Administrative Office and Local Records Office

Ms. Walden stated the District needs to update the Primary Administrative Office and Local Records Office as PFM's office has moved.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2021-12 Designating Primary Administrative Office and Local Records Office to PFM East Orlando Office at 3501 Quadrangle Blvd., Suite 270 Orlando, FL 32817.

SIXTH ORDER OF BUSINESS

Discussion regarding Receipt of Funds in connection with Conveyance of Interchange Pond Acreage

Ms. Mackie stated at the prior meeting the Board approved the conveyance of certain surplus property back to two property owners adjacent to the interchange ponds. That resulted in a total acquisition price of \$122,650.00, which resulted in \$34,342.00 coming to the Boggy Creek Improvement District and the remainder of the funds were split between the Myrtle Creek Improvement District and the Greenway Improvement District. Those funds have not been deposited in the construction account as the 2013 Bonds were utilized to acquire those ponds. Those funds can sit in the O&M Account and can be used for construction purposes, operations and maintenance items, or be used for funding the reserve for future improvements as well. No action is required by the Board.

SEVENTH ORDER OF BUSINESS

Consideration of Joint Project Agreement for Signalization of Laureate Boulevard and Veterans Way

Ms. Mackie stated at the prior meeting this Board authorized the District to enter into negotiations in connection with the design of the signal at the intersection of Veterans Way and Laureate Boulevard, with the understanding that the District was negotiating a Joint Project Agreement with the VA for the construction of that signal. This Agreement would memorialize the understanding that the District would pay for 100% of the design cost associated with the signal but split the construction cost equally between the District and the VA. The Chair wanted to make sure the District made significant advancement towards this Joint Project Agreement prior to beginning the design work itself. The VA has reviewed this Agreement, some of their comments have been incorporated, and there are only two remaining comments. The first comment is understanding within Section 3 what the threshold would be if the District were to receive a bid that exceeded the VA's cap on allocated funding, and what the subsequent process would entail, including options for rebidding or termination of the agreement itself. The other comment is in Section 8, where the VA wants to remove the enforcement language because the Agreement will now be governed by Federal Law, which governs enforcement generally as it relates to contacts with the Federal Government and contracting parties. Ms. Mackie wants to confirm that modification with the VA's counsel prior to finalizing the Agreement. Ms. Mackie requested a motion to approve Joint Project Agreement for Signalization of

Laureate Boulevard and Veterans Way subject to continuing discussions and ultimate delegation to the Chair to sign once those have occurred.

Dr. Levey asked what the dollar amount cap would be if it exceeds the cap on allocated funding. Ms. Mackie stated that is what District Staff is trying to determine to ensure the VA has allocated 50% of that total cost. In communication with the VA, it seems they have allocated in their budget for this signal but District Counsel wants to make sure the District's estimates are consistent with the VA's budget in advance of execution of this Agreement. Dr. Levey asked if they are waiting until the design is done. Ms. Mackie stated that the District is not waiting until the design is done and can estimate costs based on prior signals. Mr. Newton stated the signalization at Helios was between \$500,000.00-\$600,000.00. He suggested that number be grossed up 20% due to increased material pricing.

Mr. Tinetti asked if the maintenance cost associates with the signalization is being split as well. Ms. Mackie stated this is not a signal that will be maintained by the District long term as it will be a City of Orlando signal ultimately.

On Motion by Mr. Czapka, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Joint Project Agreement for Signalization of Laureate Boulevard and Veterans Way subject to continuing discussions about the two outstanding issues to be negotiated with the VA and delegating authority to the Chair to sign once those have occurred.

EIGHTH ORDER OF BUSINESS

Consideration of OUC Proposal for Lake Nona Blvd. Trail Lighting

Mr. Kaufmann stated there are two proposals in the agenda package from OUC related to the additional streetlights on Lake Nona Blvd. south of Nemours Parkway. It includes 63 streetlights. Mr. Kaufmann stated the standard form of agreement from OUC is for an amount of \$1,899.82 per month for the 20 year term, and it is consistent with the previous Streetlight Agreements the District has executed with OUC, with the exception of a price increase that went through on April 1, 2021, and also for the additional cost for the reduced height streetlights.

There is also a cost letter from OUC for the installation of the conduits and the junction boxes for the 63 streetlights in the amount of \$121,768.18. It is a turnkey agreement and OUC will install all the equipment and install the streetlights for that price. It is much less expensive than Mr. Kaufmann originally estimated, as his estimate did not include design and permitting. He recommends the Board approve this request from OUC for the installation.

Dr. Levey asked if the District should expect the need to extend this beyond Humboldt in future years. Mr. Kaufmann replied yes because the lighting on the sidewalk and trails from the center median high poles is not adequate. Dr. Levey asked if these were cobra head lights. Mr. Kaufmann responded no, they are standard Evolve lights that are also located around the residential portion of the project. They are located behind the trail and the sidewalk to illuminate those areas that are very dark right now. The trail currently does not receive much light due to the tree cover, and Mr. McDermott indicated raising the canopy of the trees in those areas to accommodate the 12 foot pole height is in the budget as part of the tree trimming of the project.

Mr. Tinetti asked if the \$1,800.00 per month amount for these additional fixtures also covers the maintenance and utility fees. Dr. Levey stated that is typical for the OUC contracts. Dr. Levey asked Mr. Kaufmann if that price is all inclusive. Mr. Kaufmann said yes, and it is the fixed price until there is another price increase. OUC is allowed to increase their pricing 3% per year per the Agreement. Dr. Levey asked if the lighting fixtures match what is on the side streets. Mr. Kaufmann said yes. Mr. Tinetti asked if the Board could negotiate the 3% increase. Dr. Levey asked how often OUC increases their price. Mr. Kaufmann responded they have historically increased it every third year but now, with price of fuel going up, he wouldn't be surprised if they increased it again next year.

On Motion by Mr. Czapka, second by Mr. Tinetti with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the OUC Proposal for Lake Nona Blvd. Trail Lighting and the Installation of the Underground Conduit.

NINTH ORDER OF BUSINESS

Consideration of RFP for Interchange District Landscaping & Common Area Maintenance

Ms. Walden explained there have been ongoing issues with the current landscaper, which is Down to Earth. Mr. Thacker has worked with them, noted those deficiencies, and tried to get them to meet the District's requirements, but that is not happening. Ms. Walden stated the contract amount is over the competitive bidding threshold, and District staff is looking for approval from the Board to go through the RFP process for a new landscaper. Included in the agenda packet is the ad and the evaluation criteria.

Dr. Levey asked how long the RFP process would take. Ms. Walden explained the RFP packages are due October 27, 2021, then they would go to the Construction Committee at their November meeting for review, and then they will come back to the Board with a recommendation. Dr. Levey asked Mr. McDermott what happens in the field when the RFPs are out. Mr. Thacker said the District can have another landscaper supplement any deficient maintenance if necessary. Dr. Levey asked if Down to Earth is going to quit. Mr. Thacker thinks they will put in some effort into continuing, but the District will have to do some clean up. Ms. Mackie stated in the past the District has withheld payment to the extent that services continue to deteriorate.

Mr. Tinetti asked if this is going back out to bid because Down to Earth is not performing at this location. Ms. Mackie stated the contract amount is over the competitive bidding threshold so the District has to go through the RFP process. Dr. Levey asked if Down to Earth is on property elsewhere. Mr. Thacker stated their Agreement is being terminated in the Greenway Improvement District. Mr. Newton asked if we want to go out for three-year bids as this will put it off schedule with the other District landscaping RFPs. Ms. Mackie suggested putting the RFP out for three years and the District can always choose not to renew the contract for the second year if they want to go back out to bid. She noted there may not be as much efficiency by going out at the same time every time with the sister Districts.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the RFP for Interchange District Landscaping & Common Area Maintenance.

TENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in August 2021 in an amount totaling \$110,046.05

The Board reviewed the Operation and Maintenance Expenditures paid in August 2021 in an amount totaling \$110,046.05. Ms. Walden noted that these have been approved and just need to be ratified by the Board.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Operation and Maintenance Expenditures paid in August 2021 in an amount totaling \$110,046.05.

ELEVENTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-203 – 2018-206 in August 2021 in an amount totaling \$2,615.00

The Board reviewed Requisition Nos. 2018-203 – 2018-206 in August 2021 in an amount totaling \$2,615.00. Ms. Walden noted that these have been approved and just need to be ratified by the Board.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-203 – 2018-206 in August 2021 in an amount totaling \$2,615.00.

TWELFTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann was presented a Work Authorization from Donald W. McIntosh Associates for the widening of Medical City Drive in the amount of \$259,270.00. This is for adding two additional lanes south of Laureate Blvd. up to it's connection to Lake Nona Blvd. to the north.

Dr. Levey asked if this widening is to the median. Mr. Kaufmann responded in the section between Laureate Blvd. and Lake Nona Blvd. is where the road gets widened. Dr. Levey asked if he is designing north of Lake Nona Blvd. also. Mr. Kaufmann said no it is just up to that intersection. Mr. Newton added that this proposal covers from the terminus of the current roadway all the way up to Lake Nona Blvd. and is a median side widening from two lanes to four lanes. There are some complexities in it such as turn lanes and intersection improvements, accommodation of future intersection signalization, and evaluation of the drainage system as the City's requirements have changed since the road was originally built.

Dr. Levey raised some concerns regarding the costs as this was a planned and designed expansion to the middle. Discussion ensued regarding costs. Mr. Kaufmann stated he can go back through the individual line items to see if they are reasonable for a project of this magnitude and then take the total and review the cost per foot. Dr. Levey stated he is willing to support the work authorization.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Work Authorization from Donald W. McIntosh Associates for the widening of Medical City Drive in the amount of \$259,270.00.

THIRTEENTH ORDER OF BUSINESS

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

Ms. Walden noted through August 2021 the District has total expenses of \$706,000.00 vs. an overall budget of \$920,500.00. The District is trending to be on budget and District staff will keep an eye it. No action is required by the Board.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel –

No Report

District Manager –

Ms. Walden noted the next meeting is scheduled for Tuesday, October 19, 2021, at the new time, which is 3:00 p.m. at the same location.

District Engineer –

No Report

Construction Supervisor –

No Report

District Landscape Supervisor –

No Report

Irrigation Supervisor –

No Report

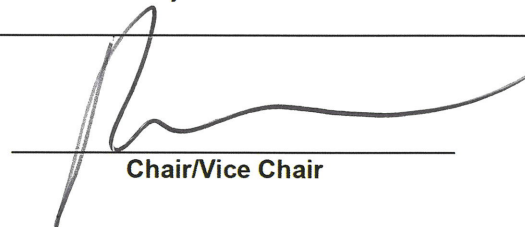
FIFTEENTH ORDER OF BUSINESS

Supervisor Requests and Adjournment

As there were no Supervisor requests, Dr. Levey requested a motion to adjourn the meeting.

On Motion by Mr. Czapka, second by Mr. Tinetti, with all in favor, the September 21, 2021, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair