

Boggy Creek Improvement District

3501 Quadrangle Boulevard, Suite 270, Orlando, FL 32817; Phone: 407-723-5900

www.boggycreekid.org

The following is the proposed agenda for the upcoming Meeting of the Board of Supervisors for the Boggy Creek Improvement District ("District"), scheduled to be held at **3:00 p.m. on Tuesday, May 9, 2023, at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827**. A quorum will be confirmed prior to the start of the meeting.

District Staff, please use the following information to join via computer or the conference line:

Phone: 1-844-621-3956

Computer: pfmgroup.webex.com

Participant Code: 796 580 192#

BOARD OF SUPERVISORS' MEETING AGENDA

Organizational Matters

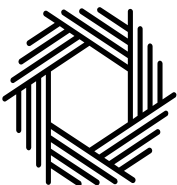
- Roll Call to Confirm a Quorum
- Public Comment Period
- 1. **Consideration of the Minutes of the April 18, 2023, Board of Supervisors' Meeting**
- 2. **Letter from Supervisor of Elections – Orange County**

Business Matters

3. **Discussion of Construction Committee Members**
4. **Request to Advertise for RFQ for Prequalified Design Engineering Contractors** (*provided under separate cover*)
5. **Consideration of Resolution 2023-05, Approving a Preliminary Budget for Fiscal Year 2024 and Setting a Public Hearing Date** [*suggested date of August 15, 2023*] (*exhibit provided under separate cover*)
6. **Review and Acceptance of Arbitrage Rebate Report for the Series 2013 Bonds** (*provided under separate cover*)
7. **Consideration of Pest Control Proposals** (*provided under separate cover*)
8. **Ratification of Operation and Maintenance Expenditures Paid in April 2023 in an amount totaling \$71,707.10** (*provided under separate cover*)
9. **Ratification of Requisition No. 2018-290 Paid in April 2023 in an amount totaling \$2,572.20** (*provided under separate cover*)
10. **Recommendation of Work Authorizations/Proposed Services** (*if applicable*)
11. **Review of District's Financial Position and Budget to Actual YTD** (*provided under separate cover*)

Other Business

- A. Staff Reports
 1. District Counsel
 2. District Manager
 3. District Engineer
 4. Landscape Supervisor



pfm

5. Irrigation Supervisor
 6. Construction Supervisor
- B. Supervisor Requests

Adjournment



pfm

BOGGY CREEK IMPROVEMENT DISTRICT

**Minutes of the April 18, 2023,
Board of Supervisors' Meeting**

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

FIRST ORDER OF BUSINESS

Roll Call to Confirm Quorum

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Tuesday, April 18, 2023, at 3:11p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

Richard Levey	Chairperson
Damon Ventura	Vice Chairperson
Thad Czapka	Assistant Secretary
Chad Tinetti	Assistant Secretary

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	(via phone)
Amanda Lane	PFM	(via phone)
Jorge Jimenez	PFM	(via phone)
Tucker Mackie	Kutak Rock	
Jeffrey Newton	Donald W. McIntosh Associates, Inc.	
Larry Kaufmann	Construction Supervisor	(via phone)
Matt McDermott	Construction Committee Member	
Katie Harmer	Berman	

SECOND ORDER OF BUSINESS

Public Comment Period

Dr. Levey called for public comments. There were no public comments.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
March 21, 2023, Board of
Supervisors' Meeting**

The Board reviewed the minutes of the March 21, 2023, Board of Supervisors' Meeting.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the March 21, 2023, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

**Review of Fiscal Year 2024
Operations & Maintenance Budget**

Ms. Walden stated District staff brought this today for Board review and feedback concerning the different line items. She noted this will be brought back to the May meeting for the Board to adopt the official proposed budget.

Dr. Levey asked if there are any line items that District staff thinks will reflect a significant change from the current year operating budget. Mr. McDermott spoke about reclaimed water going down as irrigation is a constant focus and one where the team is working to fix items as quickly as possible to avoid overspending. He also noted that contingency was brought down to compensate for other items taking increases.

The Board reviewed the budget with no action taken.

FIFTH ORDER OF BUSINESS

Discussion of Landscape Enhancements

Mr. McDermott stated this is a follow up item from last month as he was asked to speak to the Developer a little bit more to make sure District staff is not doing enhancements on future construction work. He noted his work is in between intersections so future roundabouts or traffic signals are not greatly impacted. The Board will see an additional page for landscape, which shows a year-by-year breakdown based on priorities and demonstrates that the work falls in the budget.

Mr. McDermott went over the plans for the landscape enhancements. Dr. Levey noted the Expressway Authority is going through a design process for which the Developer is paying because the widening of the overpass is the Developer's responsibility for capacity enhancement. He discussed the details of the agreement to fund the design and the plans of widening the bridge.

Discussion ensued about the plans for the upcoming enhancements to the District in the not-to-exceed amount of \$65,000 for each year through FY 2025.

SIXTH ORDER OF BUSINESS

Review and Acceptance of Arbitrage Rebate Report for the Series 2013 Bonds

Ms. Walden stated LLS Tax Solutions Inc. provided a report which indicates that there was no cumulative rebatable arbitrage liability as of April 24, 2018.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the Arbitrage Rebate Report for the Series 2013 Bonds.

SEVENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in March 2023 in an amount totaling \$129,406.53

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

On motion by Mr. Tinetti, seconded by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation and Maintenance Expenditures Paid in March 2023 in an amount totaling \$129,406.53.

EIGHTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-287 – 2018-289 Paid in March 2023 in an amount totaling \$6,065.31

Ms. Walden noted that Requisition Nos. 2018-287 – 2018-289 have been approved and need to be ratified by the Board.

On motion by Mr. Tinetti, seconded by Ms. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-287 – 2018-289 paid in March 2023 in an amount totaling \$6,065.31.

NINTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Newton stated there is a proposal from Donald W. McIntosh Associates, Inc. for two sketches of description associated with the District’s acquisition of the two interchange ponds on the south side of the 417. It’s a not-to-exceed \$2,200.00 to prepare the two sketches needed for that acquisition.

Dr. Levey asked if there a time concern with this item. Ms. Mackie stated the District has been informed by Tavistock that they are ready for the District to acquire these ponds. She stated this is one of the items in the District’s current project. It is associated with the interchange, so it is a shared expense with the Boggy Creek Improvement District, the Myrtle Creek Improvement District, and the Greenway Improvement District. Additionally, District staff previously had a metes and bounds description prepared when the District accepted a perpetual maintenance easement over these ponds until such time as they were ready to be acquired. At the time, the District did not move forward for the benefit of itself and the sister Districts because it was deemed that these ponds might be subject to modification. In between the time the easement was done and now, portions of the original property had been conveyed to CFX in conjunction with a potential widening of the interchange. The District still has a perpetual easement over the property owned by CFX, so the fact that certain portions of the pond are owned by CFX versus the District isn’t problematic. However, it does mean that the District is acquiring less land than was initially anticipated, meaning the District needs new metes and bounds descriptions for this property because it’s not platted. Acquisition of the ponds will not be presented to the District until the next meeting, but in order to prepare documents District staff would need the metes and bounds descriptions to start.

On motion by Mr. Ventura, seconded by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the not-to-exceed amount of \$2,200.00 with Donald W. McIntosh Associates, Inc. to prepare two sketches for the description associated with the acquisition of the two interchange ponds.

TENTH ORDER OF BUSINESS

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

Ms. Walden stated the District has expenses of just under \$492,000.00 versus an overall budget of \$1,760,000.00 which equates to spending approximately 28% of the budget.

ELEVENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No report.

District Manager – Ms. Walden stated the next scheduled meeting for May will be on the second Tuesday, May 9, 2023. Dr. Levey and Mr. Czapka noted they will not be in attendance. Ms. Walden stated that District staff will check with Ms. Salvo to ensure there will be a quorum since Mr. Ventura and Mr. Tinetti can attend.

Ms. Walden noted for the Construction Committee monthly meetings the location is changing from the District Engineer’s office to the Developer’s office starting in May. District staff is also going to cancel the secondary meeting, so the meeting will be once a month now. The dates will be May 4, 2023, June 15, 2023, July 13, 2023, August 10, 2023 and September 7, 2023. The Board Members asked to be added to the calendar invite.

District Engineer – Mr. Newton stated District staff got some preliminary results from Kittleson regarding the feasibility of a roundabout at the VA entrance. From an operational standpoint, Kittleson indicated it is feasible so they need to move on into the geometric analysis of it to make sure they can physically make it work.

Landscape Supervisor – No report.

Irrigation Supervisor – No report.

Construction Supervisor – No report.

TWELFTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests.

THIRTEENTH ORDER OF BUSINESS

Adjournment

Dr. Levey requested a motion to adjourn.

On motion by Mr. Czapka, seconded by Mr. Ventura, with all in favor, the April 18, 2023, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.

Secretary/Assistant Secretary

Chair/Vice Chair

BOGGY CREEK IMPROVEMENT DISTRICT

**Letter from Supervisor of Elections
– Orange County**

BILL COWLES
Supervisor of Elections
Orange County, Florida



OUR MISSION IS TO:
Ensure the integrity of the electoral process.
Enhance public confidence.
Encourage citizen participation.

April 15, 2023

Jennifer Walden, Senior District Manager
Boggy Creek Improvement District
PFM Group Consulting LLC
3501 Quadrangle Boulevard, Suite 270
Orlando FL 32817

Dear Ms. Walden:

Per the requirements of Chapter 190.006, Florida Statutes, the Orange County Supervisor of Elections Office Mapping Department has determined the number of registered voters in the Improvement District as of **April 15, 2023**. Our research is based on the most recent legal description provided to us by the District Office.

As of **April 15, 2023**, there are **22 registered voters** in the
Boggy Creek Improvement District

A map and list of addresses can be provided upon request. If you have any questions or corrections, please contact the Mapping Department at 407-254-6554.

Sincerely,

Mapping Department
Orange County Supervisor of Elections
Phone: 407-254-6554
119 W. Kaley St
Orlando, FL 32806
soemapping@ocfelections.gov

BOGGY CREEK IMPROVEMENT DISTRICT

Discussion of Construction Committee Members

BOGGY CREEK IMPROVEMENT DISTRICT

**Request to Advertise for RFQ for Prequalified Design
Engineering Contractors**
(provided under separate cover)

BOGGY CREEK IMPROVEMENT DISTRICT

**Resolution 2023-05,
Approving a Preliminary Budget for Fiscal Year 2024
and Setting a Public Hearing Date**
(exhibit provided under separate cover)

RESOLUTION 2023-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT DISTRICT APPROVING PROPOSED BUDGET(S) FOR FISCAL YEAR 2023/2024 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has heretofore prepared and submitted to the Board of Supervisors (“**Board**”) of the Boggy Creek Improvement District (“**District**”) prior to June 15, 2023, proposed budget(s) (“**Proposed Budget**”) for the fiscal year beginning October 1, 2023, and ending September 30, 2024 (“**Fiscal Year 2023/2024**”); and

WHEREAS, the Board has considered the Proposed Budget and desires to set the required public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT DISTRICT:

1. **PROPOSED BUDGET APPROVED.** The Proposed Budget prepared by the District Manager for Fiscal Year 2023/2024 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

2. **SETTING A PUBLIC HEARING.** A public hearing on said approved Proposed Budget is hereby declared and set for the following date, hour and location:

DATE: _____, 2023

HOUR: 3:00 p.m.

LOCATION: Courtyard Orlando Lake Nona
6955 Lake Nona Blvd.
Orlando, Florida 32827

3. **TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL PURPOSE GOVERNMENT(S).** The District Manager is hereby directed to submit a copy of the Proposed Budget to the local general-purpose governments at least 60 days prior to the hearing set above.

4. **POSTING OF PROPOSED BUDGET.** In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved Proposed Budget on the District’s website at least two days before the budget hearing date as set forth in Section 2 and shall remain on the website for at least 45 days.

5. **PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed in Florida law.

6. **SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this

Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

7. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 9TH DAY OF MAY 2023.

ATTEST:

BOGGY CREEK IMPROVEMENT DISTRICT

Secretary / Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Proposed Budget

BOGGY CREEK IMPROVEMENT DISTRICT

**Review and Acceptance of Arbitrage Rebate Report
for the Series 2013 Bonds**
(provided under separate cover)

BOGGY CREEK IMPROVEMENT DISTRICT

Pest Control Proposals
(provided under separate cover)

BOGGY CREEK IMPROVEMENT DISTRICT

**Operation and Maintenance Expenditures Paid
in April 2023 in an amount totaling \$71,707.10**
(provided under separate cover)

BOGGY CREEK IMPROVEMENT DISTRICT

**Requisition Nos. 2018-290 Paid in April 2023
in an amount totaling \$2,572.20
*(provided under separate cover)***

BOGGY CREEK IMPROVEMENT DISTRICT

Work Authorizations/Proposed Services
(if applicable)

WORK AUTHORIZATION FOR MAINTENANCE SERVICES

This Work Authorization (the "Work Authorization"), dated 5/1/23, 2023 authorizes certain work in accordance with that certain *AGREEMENT BETWEEN THE BOGGY CREEK IMPROVEMENT DISTRICT AND BERMAN CONSTRUCTION, LLC FOR GENERAL MAINTENANCE SERVICES* (the "Agreement"), dated August 18, 2020, by and between:

Boggy Creek Improvement District, a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, being situated in the City of Orlando, Florida, and whose mailing address is 3501 Quadrangle Boulevard, Suite 270, Orlando, Florida 32817 (the "District"); and

Berman Construction, LLC, a Florida limited liability company, with a mailing address of 9801 Lake Nona Club Drive, Orlando, Florida 32827 (hereinafter "Contractor", together with District the "Parties").

Section 1. Scope of Services. Contractor shall provide signage maintenance services, as set forth in the attached **Exhibit A**, which is incorporated herein by reference, all in accordance with the terms of the Agreement (collectively, the "Services").

Section 2. Compensation and Term. It is understood and agreed that the payment of compensation for the Services under this Work Authorization shall be in the amount and for the term set forth in the attached **Exhibit A**, and in the manner set forth in the Agreement.

Section 3. Acceptance. Acceptance of this Work Authorization will authorize the Contractor to complete the Services as outlined above and is indicated by the signature of the authorized representative of the District and the Contractor in the spaces provided below. Contractor shall commence the aforesaid Services as provided herein and shall perform the same in accordance with the terms and conditions of the Agreement, which, except to the extent expressly altered or changed in this Work Authorization, remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Work Authorization to be executed the day and year first above written.

BOGGY CREEK IMPROVEMENT DISTRICT

Secretary

By: _____
Its: _____

BERMAN CONSTRUCTION, LLC

Katie Harmer VP, 5/1/23

Witness

By: _____
Its: _____

Exhibit A: Proposal/Scope of Services



Date of proposal: May 1st, 2023
Client: BCID- Boggy Creek Improvement District.
Project: Road Signage
Scope: New “Bike Lane Replacement Signage WO #48334

Berman proposes to furnish all labor and materials for the following scope of work:

- A. Provide materials and install new signage.**
 - a. Supply all materials, equipment and labor to replace (2) faded bike lane signs along Lake Nona Blvd – one is near PF Changs and the other is farther south down LNB. This includes the cost of fabrication, shipping and installation.



Note: Labor is based on work performed during normal business hours, Monday thru Friday. Cost is for two units.

Total Project Costs \$575.31

Estimated Time of Completion- Work will be completed in the most expedient time frame possible.

Payment Schedule: Upon Completion

Additional Notes:

Berman Construction State of Florida CGC # 1518721
All labor work is guaranteed for 1 year. Any work defects due to poor craftsmanship will be repaired at contractor’s expense. Any defect or poor craftsmanship of an installed product will be subject to manufacturer’s warranty. If any dispute arises as a result of this contract, then parties agree to seek binding arbitration as outlined by State of FL contracting policies. Berman Property Maintenance & Construction/ Berman Construction LLC is not responsible for damage to personal property as a result of accepted construction practices and such was not caused from negligent behavior or practices.

Revision and Approval Policy: Please contact our office upon receipt and approval of this contract, and any questions you might have. Due to availability and cost of material at this time, this proposal is only valid for 14 days, starting on the date of the proposal. Should you accept the terms outlined above please sign below and return. We can then schedule your services at that time. This proposal will become binding once executed by both parties.

Agent for owner (print name and signature)

Berman Property Maintenance & Construction
By, Martin Berman, Chairman & Chief Executive Officer

BOGGY CREEK IMPROVEMENT DISTRICT

District's Financial Position and Budget to Actual YTD
(provided under separate cover)