

**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 Monday, August 31, 2015 at 3:00 p.m. at 12350 Narcoossee Road, Room 120, Orlando, Florida 32832. Members listed below constituted a quorum.

Richard Levey	Vice Chair
Damon Ventura	Assistant Secretary
Thad Czapka	Assistant Secretary

Also attending:

Michael Eckert	Hopping Green & Sams
John Florio	Donald W. McIntosh Associates, Inc. (via phone)
Larry Kaufmann	Tavistock Development Company
Joe MacLaren	Fishkind & Associates
Brad Reed	Fishkind & Associates
Doris Houck	Fishkind & Associates

SECOND ORDER OF BUSINESS

Public Comment Period

There were no members of the general public present.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of
the July 20, 2015 Board of
Supervisors' Meeting**

Board Members reviewed the minutes from the July 20, 2015 Board of Supervisors' meeting. Mr. Florio had previously provided edits to Mrs. Houck .

On Motion by Mr. Czapka, second by Mr. Levey, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the minutes of the July 20, 2015 Board of Supervisors' meeting, as presented.

Mr. Levey suggested holding the public comment period. Mr. MacLaren called for any public comments on any agenda items. Mr. Eckert confirmed that there were no members of the general public in attendance.

FOURTH ORDER OF BUSINESS

Public hearing related to the proposed budget for Fiscal Year 2015-2016 and Consideration of Resolution 2015-08, Adopting an Annual Budget for Fiscal Year 2015-2016

Mr. MacLaren suggested a motion to open the public hearing related to the budget for Fiscal Year 2015-2016 and the related assessments. Mr. MacLaren directed the Board’s attention to the proposed operations and maintenance (“O&M”) budget and the full assessment roll for the upcoming fiscal year.

On Motion by Mr. Czapka, second by Mr. Levey, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District opened a public hearing to discuss the proposed O & M Budget for Fiscal Year 2015-2016.

Mr. Eckert noted for the record that no members of the general public were in attendance and no public comment offered. Mr. Eckert recommended a motion adopting Resolution 2015-08. Mr. Levey asked about the blanks in the resolution. Mr. Eckert noted that the amounts to be inputted in the blanks would come from the budgets.

On Motion by Mr. Ventura, second by Mr. Levey with all in favor, the Board of Supervisors for the Boggy Creek Improvement District adopted Resolution 2015-08 Adopting the Operations and Maintenance Budget for Fiscal Year 2015-2016.

FIFTH ORDER OF BUSINESS

Public Hearing Related to Imposition of O & M Assessments and Consideration of Resolution 2015-09 to Adopt the Imposition of O & M Assessments for Fiscal Year 2015-2016

Mr. Eckert directed that the public hearing will remain open for discussion related to imposition of assessments for Fiscal Year 2015-2015. Mr. MacLaren circulated an assessment roll (Minutes

Exhibit A). Mr. Eckert suggested a motion to adopt Resolution 2015-09 imposing assessments for Fiscal Year 2015-2016 per Minutes Exhibit A. There was no objection. No public comment was offered.

On Motion by Mr. Levey second by Mr. Ventura with all in favor, the Board of Supervisors for the Boggy Creek Improvement District adopted Resolution 2015-09 Imposing Special Assessments for Fiscal Year 2015-2016.

On Motion by Mr. Czapka, second by Mr. Levey, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District closed the two public hearings related to the adoption of the O&M Budget and the imposition of assessments for Fiscal Year 2015-2016.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2015-10 Approving an Annual Meeting Schedule for Fiscal Year 2015-2016

Board Members reviewed the proposed annual meeting schedule for Fiscal Year 2015-2016 (Minutes Exhibit B). There were no changes suggested.

On Motion by Mr. Czapka, second by Mr. Levey, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District adopted Resolution 2015-10 to approve the meeting schedule for Fiscal Year 2015-2016 as the third Monday of each month at 4:00 p.m. located at 9801 Lake Nona Road, Orlando, Florida, with the exception of Federal Holidays.

SEVENTH ORDER OF BUSINESS

Consideration of Renewal of Agreements with Austin Outdoor and Commercial for Landscaping Maintenance

Mr. MacLaren noted that the agreements with Austin Outdoor for the maintenance of the District's interior roadways and common areas and Commercial for the maintenance of the interchange landscaping were up for renewal. This would be the last year of a three-year renewal option. Mr. Eckert noted that, for Austin Outdoor, the price would be per month \$16,258.38 (\$195,100.67 annually) in the upcoming fiscal year. Mr. Eckert also noted that, for Commercial, the price would be \$12,916.67 per month (\$155,000.04 annually) in the upcoming fiscal year, which was not an

increase. Mr. Levey thought this pricing information was useful and asked for this type of background information in the future. Mr. Kaufmann confirmed that the construction committee supported the extension of both contractors.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized the extension of the Austin Outdoor and Commercial landscaping and common area maintenance contracts for the 2015-2016 fiscal year.

EIGHTH ORDER OF BUSINESS

**Consideration of Requisition
Nos. 97 - 108 Approved in July
2015 in the amount of
\$652,944.41**

Board Members reviewed Requisition Nos. 97 - 108 approved in July 2015 in the amount of \$652,944.41.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified payment of Requisition Nos. 97 - 108 in the amount totaling \$652,944.41.

NINTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures Paid in
July 2015 in the amount of
\$58,693.80**

Board Members reviewed the expenditures in the amount of \$58,693.80 paid in July 2015. There were no questions.

On Motion by Mr. Levey 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 July 2015 in the amount totaling \$58,693.80.

TENTH ORDER OF BUSINESS

**Recommendation of Work
Authorization/Proposed**

Services

Mr. Kaufmann noted that Mr. Florio had prepared a construction memorandum that had been distributed (Minutes Exhibit C). Valley Crest was approximately eighty percent complete in its work on Laureate Blvd. Section 3, Phases 1 & 2. The traffic signals along Lake Nona Blvd. were substantially complete, with the exception of some revised signage.

There is a portion of the right-of-way for Boggy Creek that is owned by CFX. CFX would like the County to assume responsibility for the right-of-way. CFX has proposed an indemnity agreement allowing District contractors to work in the right-of-way. Mr. Kaufmann would send the agreement to Mr. Eckert for review when it was received. Mr. Levey suggested delegating to the Chairman the ability to sign an agreement with CFX that would allow the District contractors to continue with their work.

On Motion by Mr. Ventura, Second by Mr. Czapka, with all in favor, the Chairman of the Board of Supervisors for the Boggy Creek Improvement District was delegated the authority to sign an agreement with CFX to work in CFX right-of-way following District Counsel's review and approval.

Mr. Kaufmann noted that signalization was being installed on Boggy Creek and it had been a slow process. The County now required the District to provide CEI service (construction, engineering, and inspection service) for the project and this needed to be put in place as soon as possible. District staff had solicited a proposal from Atkins for the work, with the cost of the contract to be reimbursed pursuant to the agreement with the County. The County would reimburse up to \$2.2 million for the whole project. Mr. Levey requested that staff solicit proposals from other FDOT-certified contractors by letter. Mr. Eckert asked about the cost of the signalization work. Mr. Florio estimated at approximately \$300,000. Mr. Eckert noted that this amount was below the CCNA threshold and Mr. Florio stated he would go back and review the specific cost. Mr. Levey recommended that Mr. Florio solicit pricing from three different firms.

On Motion by Mr. Ventura, second by Mr. Levey, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District staff to solicit additional price quotes for the construction, engineering, and inspection ("CEI") work for the new signalization on Boggy Creek Road and delegated to the Chairman the ability to finalize and execute an agreement with a qualified contractor, with a not-to-exceed of \$45,000 subject to the cost of the project being less than \$325,000.

Mr. Kaufmann noted that there were some issues with the depth of the asphalt installed on Lake Nona Boulevard. Mr. Kaufmann noted that the District Engineer would recommend that the District move to two (2) one-inch lifts of FDOT specification 9.5 asphalt versus the previous specification. This change in specifications would decrease the overall cost of the project, due to savings in material costs. However, the contractor was requesting \$7,800 to cover the cost associated with the change in materials. Mr. Kaufmann would ask the Board to approve a not-to-exceed \$10,000.

On Motion by Mr. Levey, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized the payment of not-to-exceed \$10,000 to Jr. Davis Construction, Inc. to compensate them for the change in material specifications.

ELEVENTH 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 YTD. The District is under budget in its O&M expenditures at this point in its fiscal year. No action required.

TWELFTH ORDER OF BUSINESS

Staff Reports

District Counsel – No report

District Manager – No report

District Engineer – Mr. Florio presented a Construction Status Memorandum dated August 31, 2015 (Minutes Exhibit C). No action required.


Construction Supervisor – Nothing further to report.

THIRTEENTH ORDER OF BUSINESS


**Supervisor and Audience
Comments & Adjournment**

Mr. MacLaren asked for any supervisor or audience comments, hearing none suggested a motion to adjourn. There was no objection.

On Motion by Mr. Levey, Second by Mr. Czapka, with all in favor, the August 31, 2015 meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.



Secretary/Assistant Secretary



Chair/Vice Chair