

**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 15, 2019 at 3:30 p.m. at the 6900 Tavistock Lakes Blvd., Suite 200, Orlando, FL 32827. Members listed below constituted a quorum.

Richard Levey	Chair
Damon Ventura	Vice-Chair
Thad Czapka	Assistant Secretary
Heather Isaacs	Assistant Secretary (joined @ 3:36 p.m.)
Scott Gasaway	Assistant Secretary (joined @ 3:38 p.m.)

Also, attending:

Lynne Mullins	Fishkind & Associates, Inc.
Tucker Mackie	Hopping Green & Sams
Jeff Newton	Donald W. McIntosh Associates
Scott Thacker	Construction Committee

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Levey called for any public comments on any agenda items.

THIRD ORDER OF BUSINESS

**Swearing in Newly Elected
Board Members**

Ms. Mullins stated that Mr. Gasaway is not present and will be administered the oath of office at another time.

FOURTH ORDER OF BUSINESS

**Consideration of Minutes of
the December 18, 2018
Board of Supervisors'
Meeting**

Board Members reviewed the minutes from the December 18, 2018 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, 2018 Board of Supervisors' Meeting.

Ms. Isaacs joined the meeting in progress at 3:36 p.m.

FIFTH ORDER OF BUSINESS

**Consideration of
Authorization to Issue
Request for Qualifications
for Traffic Signal Design**

Ms. Mackie stated that staff discussed this at the Greenway Board meeting. She explained that in the past District staff has issued an RFQ for Traffic Design Services and the Construction Committee has discussed wanting to be able to have some flexibility to go to the No. 2 vendor before having to consider the No. 1 vendor given some timing considerations and working with the No. 1 vendor in the past. District Counsel has been directed to investigate the Board's ability to modify their existing Rules of Procedure to allow for the flexibility to go to the No. 2 vendor to negotiate first, working more like a continuing services contract with all vendors and allowing District Staff to pick a specific vendor for a particular job if it is deemed that it would be in the best interest of the District to do so. Ms. Mackie will look into this and report back to the Board at the next meeting.

Mr. Ventura asked if the District received a bid as part of the bid process. Ms. Mackie stated that the District has already gone through the RFQ process previously so the District has a list of three vendors that have already been prequalified. Mr. Levey stated that the District cannot currently negotiate with the No. 2 vendor because they must go to the No. 1 vendor first and there has been some performance issues with the No. 1 vendor so the Construction Committee wants some flexibility to ask any of the others to provide proposals.

SIXTH ORDER OF BUSINESS

**Consideration of FY 2018
Audit Engagement Letter**

Ms. Mullins stated that the Board previously approved this but the District received a new engagement letter increasing the fee by \$2,000.00 because of the issuance of the 2018 BAN.

Ms. Mackie stated that this is reflective of a typical increase that Districts would see as a result of an additional issuance.

On Motion by Mr. Ventura, second by Ms. Isaacs, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the FY 2018 Audit Engagement Letter.

SEVENTH ORDER OF BUSINESS

**Consideration of District
Management and
Assessment Consultant
Agreement**

Ms. Mullins explained that Fishkind & Associates, Inc. has been acquired by PFM, Public Financial Management Services and this is a standard agreement that is in place. District Counsel has reviewed it and added additional comments. All the fees and the staff will remain the same.

Ms. Mackie stated that PFM reviewed the existing agreements and added language regarding gross misconduct and negligence. Additional language was also added to the District Management Agreement that would make clear that they were to provide the Assessment Consultant Services perspective to a methodology that they have always provided in the past under their District Management Agreement. Mr. Levey asked if this agreement would be assigned on the closing from Fishkind & Associates to PFM. Ms. Mullins replied yes.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the District Management and Assessment Consultant Agreement.

Mr. Gasaway joined the meeting in progress at 3:38 p.m. Ms. Mullins administered the oath of office to Mr. Gasaway.

EIGHTH ORDER OF BUSINESS

**Consideration of Financial
Advisory Agreement**

Ms. Mackie stated that in advance of particular financings the District has engaged PFM in the past to serve as Financial Advisor with respect to that issuance. She noted that their compensation was tied to the amount of the bond issued and it is in line with the agreement that the Board has before them. The existing agreement the District had with PFM was limited to the 2018 BAN such that if the Board would like it could engage PFM on a systemic basis for financial services or defer this item until a financing is contemplated.

Mr. Levey stated that he does not see the need for the Board to tie their hands to pick one particular Financial Advisor now when there are no financings in the near future. He stated that the prior Board agreed to table this item until such time as the Board was interested in bringing it back up. The Board agreed to table this until a time to be determined at the Board’s request.

NINTH ORDER OF BUSINESS

**Consideration of Resolution
2019-03, Designating
District Manager,
Assessment Consultant, and
Financial Advisor**

Ms. Levey stated that if the Board considers a motion for this then it would need to be amended to eliminate the Financial Advisor role. Mr. Ventura asked if these are agreements with PFM. Ms. Mackie explained that the agreements are still with Fishkind & Associates and the resolution addresses the fact that upon the transaction closing it will then be assigned to PFM and the Board would be agreeing up front to the assignment with this resolution and the Chair is suggesting that language relating to the Financial Advisory Agreement be removed from this.

On Motion by Mr. Ventura, second by Ms. Isaacs, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2019-03, Designating District Manager and Assessment Consultant subject to the removal of the Financial Advisor component from this resolution.

TENTH ORDER OF BUSINESS

**Ratification of Requisition
Nos. 2018-40 - 2018-42,
2018-44 & 45, 2018-47 & 48**

**Approved in December
2018 in an amount totaling
\$40,111.54**

Board Members reviewed Requisition Nos. 2018-40 - 2018-42, 2018-44 & 45, 2018-47 & 48 Approved in December 2018 in an amount totaling \$40,111.54.

Ms. Mullins noted that these have already been approved and paid and just need to be ratified by the Board.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-40 - 2018-42, 2018-44 & 45, 2018-47 & 48 Approved in December 2018 in an amount totaling \$40,111.54.

ELEVENTH ORDER OF BUSINESS

**Ratification of Operation
and Maintenance
Expenditures Paid in
December 2018 in the
amount totaling \$122,376.87**

Board Members reviewed the Operation & Maintenance expenditures paid in December 2018 in the amount totaling \$122,376.87

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 2018 in the amount totaling \$122,376.87.

TWELFTH ORDER OF BUSINESS

**Recommendation of Work
Authorizations/Proposed
Services**

Mr. Newton explained that Mr. Kaufmann has reviewed the work authorization for Construction Phase Services on turn lane and median nose modifications that were made at the intersections of Tavistock Lakes Boulevard with Lake Nona Boulevard and Veterans Way with Lake Nona Boulevard where the District did some signalization improvements. DWMA got down to the close-

out and certification process and realized that they never did a Construction Services Agreement with the District for that work.

A Board Member asked if DWMA prepared the record drawings. Mr. Newton stated that he has not prepared the record drawings for that yet. He prepared the permit drawings and all of those are in hand but the record drawings get prepared as part of the close out process which is what the District is about to enter into. Mr. Levey stated that the City of Orlando has not accepted those improvements yet and Mr. Newton responded that is correct but they have accepted the signals but not the improvements to the roadway.

On Motion by Mr. Ventura, second by Ms. Isaacs, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the recommendation for Work Authorization to Donald W. McIntosh in the amount of \$7,800.00.

THIRTEENTH ORDER OF BUSINESS

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

Board Members reviewed the Statement of Financial Position. No action is required by the Board.

Mr. Gasaway asked if there was any carry over cost that was not recognized in Fiscal Year 2018 that will come to this ledger in Fiscal Year 2019. Ms. Mullins stated that the District is all caught up for the end of Fiscal Year 2018.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel - No Report

District Manager - Ms. Mullins noted that the next meeting is February 19, 2019.

District Engineer – Mr. Newton distributed the Construction Status Memorandum (Minutes Exhibit A). He stated that for Nemours West & Lift Station 10, paving is scheduled to start today.

Mr. Newton stated that the traffic signal phasing is still listed in the report of there being an issue but he received an email this morning

that the City had gone out there and changed the signal phasing at Tavistock Lakes Boulevard so there are no longer opposing left turns happening at the same time.

Mr. Ventura asked if the City confirmed the painted radiuses out there because it feels like they are still off. Mr. Newton stated that they meet the DOT minimums.

Mr. Newton stated that Medical City Drive is not a District project but the District has an ongoing saga of the missing segments in the reclaim. He stated that they connected up the missing segment this morning, put pressure on it and found a leak. He noted that now they have to find the leak. He stated that they did not have to replace the valve.

Mr. Newton stated that Nemours Parkway Phase 7 just started a few months ago so there are no updates on that.

Mr. Newton stated that there is a traffic signal going in at the intersection of Helios Boulevard and Lake Nona Boulevard which is the opposite end of the Loop Road from the Nemours Parkway Intersection. He received a price from Traffic Control Devices to do that work and it was nearly \$600,000.00 which exceeds the District's limit at which it must get bids. Mr. Newton stated that a Request for Proposals is attached (Minutes Exhibit B). He proposed to run that in the newspaper and seek proposals from qualified signal contractors. The District must evaluate those on a selection criterion so, page 3 of that document shows the evaluation criteria subject to the Board's approval. The last page outlines the timeline for the RFP process and Contractor selection.

On Motion by Ms. Isaacs, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District Staff to proceed with the Request for Proposals for Traffic Signalization Construction and approving the Evaluation Criteria.

Ms. Mackie asked Mr. Newton if the District needed to move the meeting date for March. Mr. Newton stated that District staff should seek the Board's position on it.

Mr. Newton directed the Board's attention to the timeline on the last page of the RFP, the bids are back in hand the day after the February Board meeting. Because of the timeline they must give 30 days from the date of advertisement until the bids are due and if they run the ad in Sunday's paper January 20, 2019 then it puts the due date at February 20, 2019. So, the Board will not see these bids until March 19, 2019. He stated that if that intersection does not have a signal the District cannot open the road.

Mr. Newton mentioned that the signal poles and mast arms have a 6-month lead time and the District's contractor will not be ordering materials until 30-60 days after the District awards the contract.

He stated that the only way the Board could deal with this would be to have an earlier meeting in March. Mr. Levey asked how long it would take for the Construction Committee to go through the proposals and evaluate them. Ms. Mackie asked the Board if they wanted to expedite this process by moving the March Board meeting up two weeks.

Mr. Gasaway stated that he is not concerned about Town Center but he is concerned about the construction going on during Town Center and thinks there is a potential safety issue without putting some traffic control devices in. Mr. Newton responded that he and Mr. Kaufmann met with the Town Center Team late last week and the intent is to barricade off the road at the intersection of Helios and Lake Nona Boulevard and then another set of barricades on the Loop Road less than a quarter of a mile from its intersection at Nemours Parkway to give construction access only for the Town Center construction and to keep construction traffic off of the bulk of the Loop Road so it is protected during the Town Center construction.

Construction Supervisor - Not Present

Irrigation Specialist- No Report

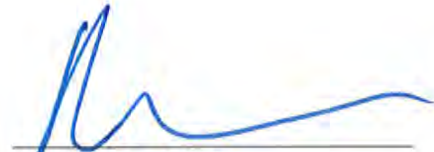
FIFTEENTH ORDER OF BUSINESS

**Supervisor and Audience
Comments & Adjournment**

There were no Supervisor requests or audience comments. Mr. Levey requested a motion to adjourn.

On Motion by Ms. Isaacs, second by Mr. Czapka, with all in favor, the January 15, 2019 Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair



**DONALD W. McINTOSH
ASSOCIATES, Inc.**

MEMORANDUM

DATE: January 15, 2019
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 summary of our construction contract status. Listed below by project is a brief summary of recent contract activity. Copies of the latest Change Order logs are attached.

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

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

Construction Status: The City has completed the video inspection of the sanitary sewer. The City punch list from the video inspection was received by DWMA on January 4, 2019, and distributed to the Contractor. Paving of the roadway first lift and asphalt trail is currently scheduled to commence on January 15, 2019. Plans for the proposed traffic signal at the intersection of Lake Nona Boulevard and Helios Boulevard were sent to Traffic Control Devices for pricing last month. Since the cost of the work (nearly \$600,000) exceeds the statutory threshold for bidding, the signal project will need to be advertised as a Request for Proposal. The Developer has decided to keep the cobra head light fixtures as designed but would like to add banner bars to the light poles. This will likely result in some increase in monthly cost (O&M) but should have no impact on the Contractor's costs (capital cost).

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

Recommended Motion: None at this time.

Lake Nona Boulevard Intersection Modifications: Tavistock Lakes Boulevard and Veterans Way – Jon M. Hall Company

Construction Status: Striping on Veterans Way north of Lake Nona Boulevard has been completed.

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

Recommended Motion: None at this time.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

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Memorandum
Re: Boggy Creek Improvement District
Construction Contract Status
January 15, 2019
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Lake Nona Boulevard Traffic Signals: Tavistock Lakes Boulevard, Veterans Way, and Nemours Parkway – Traffic Control Devices

Construction Status: Lead-lag phasing has been implemented at both intersections, although simultaneous left turn movements are still occurring at Tavistock Lakes Boulevard. Since this signal has been turned over to the City, Traffic Control Devices no longer has access to reprogram the signal. As a result, District Staff is working with City Staff in an attempt to eliminate simultaneous left turns.

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

Recommended Motion: None at this time.

Medical City Drive Phase 2 – Jr. Davis Construction

Construction Status: The District Board previously authorized an expenditure of not to exceed \$32,620.00 to reimburse the Developer for work associated with a missing segment of reclaimed water main at the intersection of Medical City Drive and Laureate Boulevard (a prior District project). This work was completed by the Developer's contractor within the approved budget. Subsequently, the District Board authorized an additional expenditure of not to exceed \$20,000.00 to reimburse the Developer for further investigation and repair of a second separation of the existing reclaimed water main farther north on Medical City Drive (also a prior District project). The Developer's contractor submitted a proposal on January 7, 2019, in the amount of \$11,575.00 to reinstate the second separation and install a replacement of the existing non-functional gate valve at the separation. The Contractor has been authorized by District Staff to proceed with the work, which is currently scheduled to begin January 14, 2018.

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

Recommended Motion: None at this time.

Nemours Parkway Phase 7 – Jr. Davis Construction, Inc.

Construction Status: The Contractor is continuing with the installation of the underground storm and sanitary sewer systems and has initiated installation of the pressure utilities (i.e., potable and reclaimed water systems). District Staff is coordinating with the Developer regarding a proposed change in lighting fixtures from cobra-heads to straw hats, which may require a plan change to show revised junction box locations.

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

Recommended Motion: None at this time.

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Memorandum

*Re: Boggy Creek Improvement District
Construction Contract Status*

January 15, 2019.

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Should there be any questions, please advise.

Thank you.

End of memorandum.

c: Larry Kaufmann
Troy Davidson
Scott Thacker
Lance Jackson
James C. Nugent
Tarek Fahmy

LAKE NONA SOUTH
Boggy Creek Improvement District
Nemours Parkway West and Lift Station No. 10
Jon M. Hall Company
Change Order Log

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date 1/5/18	To Board	Approval Date	Notes
						\$9,231,392.00			
1 (RCO 1)	2/20/2018	Change Order per revised plans 12/18/17 - 1/4/18, and add 15 days	15	\$14,124.25	Approved	\$9,245,516.25	2/20/2018	2/20/2018	
2 (RCO 2)	2/23/2018	Add Turn Lane Modifications at Tavistock Blvd and at Vetrans Way	15	\$132,054.00	Approved	\$9,377,570.25	2/20/2018	2/20/2018	
3 (RCO 5)	3/22/2018	Direct Owner Purchase Materials - Mack \$172,274.38, Ferguson \$854,545.14, Rinker \$279,532.54	0	(\$1,306,352.06)	Approved	\$8,071,218.19	4/17/2018	4/17/2018	
4 (RCO 3)	2/20/2018	Change order Per Plan Revision dated 2/19/18. (For City requested changes to access road and precast materials.)	10	\$132,157.52	Approved	\$8,203,375.71	6/19/2018	6/19/2018	
5 (RCO 7)	5/4/2018	Change Subcontractor for Telecom Conduit (telecom conduit to be funded by developer)	0	(\$103,532.32)	Approved	\$8,099,843.39	6/19/2018	6/19/2018	
6 (RCO 4)	4/3/2018	Off-site road modifications per City plan review comments.	15	\$75,421.10	Approved	\$8,175,264.49	6/19/2018	6/19/2018	
7 (RCO 6)	5/4/2018	Utility stub-outs requested by the Town Center engineer.	5	\$27,142.20	Approved	\$8,202,406.69	7/17/2018	7/17/2018	
8 (RCO 8)	6/8/2018 revised on 7/31/18	Addition of median to Nemours West and associated changes.	55	\$263,540.66	Approved	\$8,465,947.35	8/23/2018	8/23/2018	
9 (RCO 11)	8/14/2018	Landscape / Irrigation revised irrigation fittings	0	\$20,126.64	Approved	\$8,486,073.99	8/23/2018	8/23/2018	
10 (RCO 12)	8/15/2018	Forcemain Wet Relocation	3	\$10,187.40	Approved	\$8,496,261.39	8/23/2018	8/23/2018	
11 (RCO 10)	7/17/2018	Landscape / Irrigation revised Landscape plans	20	\$25,717.62	Approved	\$8,521,979.01	10/16/2018	10/16/2018	
12 (RCO 13)	8/24/2018	Add paving per revision #6, Add water per RFI #26, Add sleeving per Owners request.	2	\$6,262.80	Approved	\$8,528,241.81	10/16/2018	10/16/2018	
13 (RCO 16)	10/16/2018	Earthwork - Soil Fracturing	10	\$14,141.28	Approved	\$8,542,383.09	10/16/2018	10/16/2018	
14 (email)	11/9/2018	Add Stop Bar	0	\$1,600.00	Approved	\$8,543,983.09	11/19/2018	11/19/2018	

**LAKE NONA SOUTH
 Boggy Creek Improvement District
 Nemours Parkway West and Lift Station No. 10
 Jon M. Hall Company
 Change Order Log**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date 1/5/18	To Board	Approval Date	Notes
Days to Substantial Completion			345	Revised Contract Amount		\$8,543,983.09			
Days to Contract Completion			375						

LAKE NONA SOUTH
Boggy Creek Improvement District
Lake Nona Blvd. Traffic Signal Modification at Tavistock Lakes Blvd and Veterans Way - Signal
Change Order Log
Traffic Control Devices

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
						\$40,025.00			
CO#1		Lake Nona Boulevard and Nemours Parkway Traffic Signal Modifications		\$126,124.30	Approved	\$166,149.30	8/23/2018	8/23/2018	
CO#2		Temporary Signal		\$14,185.50	Approved	\$180,334.80	9/18/2018	9/18/2018	