

**MINUTES OF MEETING
SWEETWATER CREEK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Sweetwater Creek Community Development District was held on Thursday, **April 1, 2021** at 4:00 p.m. at the offices of Governmental Management Services-North Florida, in World Golf Village, 475 West Town Place, Suite 114, St. Augustine, Florida.

Present and constituting a quorum were:

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|--------------------------------|---------------|
| Rob Lisotta | Chairman |
| Stephen Handler <i>by Zoom</i> | Vice Chairman |
| Scott McNary | Supervisor |
| John Williams <i>by Zoom</i> | Supervisor |
| Charles Usina | Supervisor |

Also present were:

| | |
|----------------------------|-----------------------|
| Ernesto Torres | District Manager, GMS |
| Sarah Warren | Hopping Green & Sams |
| Brian Stephens | RMS |
| Erin Gunia <i>via Zoom</i> | Marshall Creek CDD |

The following is a summary of the discussions and actions taken at the April 1, 2021 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Lisotta called the meeting to order at 4:00 p.m. Five Board members were present, two via Zoom and three in person, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Lisotta asked for any residents who have comments to use Zoom's 'raised hand' feature and to please keep their comments to three minutes. There were no comments at that time, so the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the March 4, 2021 Meeting

Mr. Lisotta presented the previous meeting's minutes and asked for any comments or corrections from the Board. Mr. McNary asked that the word designer be changed to project manager on page 2. The Board had no other changes.

On MOTION by Mr. Usina, seconded by Mr. McNary, with all in favor, the Minutes from the March 4, 2021 Meeting, were approved as amended.

B. Financial Statements

Mr. Torres pointed out the total expenditures and noted the prorated budget is \$206,069 and the expenditure is at \$206,247. The CDD is above budget by \$178 and this is reported as of February 28th. He believes they are doing fine and there is nothing to be concerned about. They are at 98% collected from the tax collector's office.

C. Check Register

Mr. Torres added that the check register balance is \$66,572.74. The board had no questions.

On MOTION by Mr. Lisotta, seconded by Mr. Williams, with all in favor, the Check Register, was approved.

FORTH ORDER OF BUSINESS

Update on Capital Improvement Projects

Mr. Torres reported that they had a meeting March 24th concerning the capital improvement projects. Mr. Torres stated that after reaching out to Mike Lucas of Basham & Lucas they are too backed up and did not have time to dedicate to this particular project. He met the people who have been involved in the renovation at Marshall Creek and reached out to their architect from Studio One based out of Orlando. There is an attached proposal to the agenda package for consideration of services.

The representative from Studio One talked about the services they can provide for the project withing the budget of the CDD. They would be looking at providing an in-depth concept plan package for the Boards review and approval. He then added trying to keep the cost of their services down as low as possible to use some of the work from the resident who is also an architect

who wanted to help with the project. His name is Walt. 95% of the work that studio One provides is design build which include residential and commercial work throughout the state of Florida.

Mr. Williams added that with the feasibility study, they tried to determine what the inhibitors might be in parking spots, restrooms, HVAC, and what kind of permits would be needed for the project. They did not find any inhibitors as of yet. Mr. Lisotta noted that the driving factor will be what they can afford to do, and they want to be able to maximize what they can achieve within that budget.

Mr. McNary is concerned about the need to be able to delineate what they are going to be doing in terms of space and within that space. He's hoping the contract will hone in on the specific aspects of what the project will entail. A discussion continued about moving forward and what the space they are adding will be filled with and whether they need to make that decision right now. Mr. Williams ensured Mr. McNary that those involved have spent a lot of time making decisions and brainstorming on what to do with the space. Although it may have not been presented to the Board, they do have an idea and have spent a lot of time planning for it. He believes they have a good grasp on what can go where and what will fit.

Mr. Torres talked about the fee schedule and he reported that this is standard from experience he has with other firms. He stated that Studio One will probably provide a few different concepts and moving forward from there the Board will decided what they want to move forward with in terms of cost and value. He reported that he believes it is a fair price for the point they are at with the project. Joe from Studio One hopes to have some solid material to present to the Board by the next CDD meeting.

Discussion continued in the direction of involving Board members and the possibility of having a workshop to give direction toward preliminary drawings. The question was also asked if residents should be involved as well.

On MOTION by Mr. McNary, seconded by Mr. Lisotta, with all in favor, Accepting the Fee Schedule and Working with Studio One as the Preliminary Architect Firm Moving Forward on Capital Improvement Projects, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Fiscal Year 2022 Service Contracts

Mr. Lisotta introduced representatives from Yellowstone Landscaping and there were a couple of proposals for contract extension. Mr. Stephens presented to the Board two different pricing options. The first which is most expensive, is the original scope for services needed. The second option is a reduced scope, and the biggest difference is associated with the grass cut back not being included, the lake bank mowing through the summer is every other week as opposed to every week, and flower installation two times per year using perennials.

Mr. Williams asked what the current amount is paid for landscaping services and Mr. Stephens answered that the current FY21 budget is \$205,000 and the first option raises the price by an approximated \$145,000. Mr. Usina asked if that price increase included any tree cutting and Mr. Stephens answered that it covered tree lifting but trees that die are out of scope.

The Yellowstone representatives presented to the Board and explained why they believe the scope was underbid for the last fiscal year and how they have arrived at the current bid pricing. Mr. McNary asked for them to better explain the difference in square footage of how they came to the first bid and how they came to the second. Yellowstone did not have that information in front of them at the time but will provide it to the Board. Mr. Williams asked when the existing contract expires, and Mr. Torres answered that it has reached its three year mark and moving forward they are on a year-to-year contract that will need to be extended again in July.

Mr. Lisotta asked District counsel if they are able to move forward with a contract extension without an RFP whether or not if the price stays the same. Ms. Warren answered yes, they are able to continue, and the Board is not required to send the contract out for RFQ because of a price increase.

Mr. Usina reported to the Board some of the due diligence he took in collecting past invoices provided by Yellowstone from the past three fiscal years. There were some discrepancies that he brought up and discussed with Mr. Stephens. He would like Yellowstone to add in tree removal of some kind as part of the scope. Mr. Lisotta chimed in that it is hard to budget for tree removal because you never know when a tree might die and when it might need to be removed. Mr. Usina then asked why the CDD pays for dead sod when the CDD is paying Yellowstone to maintain it. Yellowstone answered that any sod that is replaced due to negligence of their care would be replaced with no charge, but if it is damaged by way that is out of their control they will have to charge for replacement.

Mr. Lisotta added that the Board did not have to come to a decision today.

SIXTH ORDER OF BUSINESS

Consideration of Issuing an RFP for Landscape Maintenance Services

Mr. Lisotta stated that after discussion with Yellowstone and the Board, it seems like they came to the conclusion to motion for an RFQ. He thanked Yellowstone for the service they provided, and they will move forward with a new bid process. Mr. Stephens and Mr. Torres gave direction of what the Board would like to be added to the scope for RFQ purposes.

Mr. Torres noted for the record that the Board has approved a request for proposal for landscaping services as outlined in section 6 in the agenda package and also the evaluation criteria that is going to be used once they have received the RFP for the Board to rank.

On MOTION by Mr. Lisotta, seconded by Mr. Handler, with all in favor, Issuing an RFP for Landscape Maintenance Services, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-04, Re-Designating the Primary Administrative Office and Principal Headquarters; Re-Designating the Location of the Local District Records Office to the GMS North Florida Office

Mr. Torres explained that the primary administrative office will change from Central Florida to the GMS North Florida office.

On MOTION by Mr. Lisotta, seconded by Mr. Handler, with all in favor, Resolution 2021-04, Re-Designating the Primary Administrative Office and Principal Headquarters and Re-Designating the location of the local District Records Office to the North Florida Office, was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Ms. Warren had nothing further for the Board and will continue to work through the closeout with Lennar to have a report for the Board to review by the next meeting.

Mr. Williams asked if Lennar had responded to the request to remove the 'For Sale' signs and Mr. Torres answered that all the signs should be removed by April 8th.

B. District Engineer

There being none, the next item followed.

C. Field Manager - Memorandum

Mr. Stephens had a couple of updates as field manager for the Board. They are continuing with paint touchups on the mailboxes. There were some grasses and sod to be installed this month that has been pushed to April due to plant availability. Yellowstone continues to cut back the ornamental grass throughout the community. At the last meeting he was asked to look at the sign for Ensenada Park that is in bad need of repair. Mr. Usina suggested a black sign that is concurrent with the rest of the signage in the neighborhood. The estimate on the repair Mr. Stephens gave is approximately \$60. There was no Board action needed for approval.

A resident contacted Mr. Stephens from 272 Dosel who is putting in a pool and wanted to know if they can access land behind them for their pool contractor. They agreed to return it to its original state barring any damage, but it is the only way the pool contractor can get back there. Mr. Lisotta is worried that if you let one person do it, then everyone is going to want to do it. Mr. Handler chimed in that the Board had decided against this kind of thing in the past and he is not in favor of it.

Dead tree removal continues in the preserve areas. Future Horizons continues to treat the ponds on a by-weekly basis and Mr. Stephens continues to tour the facility with Future Horizons once a month to inspect all the ponds.

Mulch is scheduled for installation on the third week of April. It will take 4 to 5 days to complete the entire property.

Mr. Usina stated that he did a drive through the community to see what it looks like compared to the sister community. He and Mr. Torres walked the parks and looked at flower beds. He prepared a packet for the Board with different things that alarmed him and went over each item with the field manager and the Board. He then asked if Yellowstone and RMS are conducting landscape inspections. Mr. Stephens answered yes. The CDD paid approximately \$420,000 for the

different forms of landscape maintenance and Mr. Usina wanted it noted for the record. Possibly moving forward combining some of that work to help mitigate costs.

Mr. Lisotta shares some of the same concerns that there are shortcomings with landscaping, but he does argue that the sister community Mr. Usina is comparing pays significantly more for their landscape contract. He continued to comment on some of the items from Mr. Usina’s list. In short, he agrees that there are shortcomings, and he continues to work hard with Mr. Stephens and Yellowstone to try and get those things addressed and accomplished.

Mr. Usina then requested that Mr. Stephens compare the cost of mulch and the labor of mulch installation to pine straw and bring those number back to the Board. He doesn’t want to pay for mulch and then have this conversation six months down the road because the mulch has floated away. He believes pine straw is more cost effective. Chairman Lisotta asked the Board if they would all like to continue to look into the use of pine straw and bring it back at a later meeting? Mr. Stephens will look into the pricing and the Board will give authorization to the chair to decide pine straw vs. mulch based on value and community standard.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, Looking into the Options of Pine Straw vs. Mulch and Authorizing the Chair to make the Final Decision, was approved.

D. District Manager

Mr. Torres had nothing further for the Board.

E. Amenity Facilities Manager

Ms. Guina relayed updates to Mr. Lisotta due to a dying battery. Updates included the resuming of child watch with no complaints at this time. She had nothing further to report to the Board.

NINTH ORDER OF BUSINESS

Supervisor Requests/Audience Comments

Mr. McNary brought up the request of shrubbery on Dosel Lane. He spoke to two of the residents that live there and both of them are in a quandary in respect to the land that is behind them. There is approximately 40 feet of dirt, grass, and gravel and he doesn’t think it is fair that they have to live with that in their backyards. It is very unsightly and doesn’t match the rest of the

neighborhood's aesthetic. He believes that they should speak to Lennar before they leave and ask them to "clean up" some of the issues in the neighborhood that he believes might be their responsibility.

Mr. Handler asked counsel how the CDD should approach investigating some of the things that Lennar might need to settle before they leave the project for good. She reported that she has been working with Lindsey Rodgers from Lennar on about them turning over all the common areas to the CDD. Those deeds have been provided in executed form by Lennar but prior to recording them, the next step would be to have the district engineer inspect the tracks to confirm that they are in the proper condition that is acceptable to the District. Mr. Lisotta asked what kind of time frame that might create. If the CDD decides to take legal process with Lennar, could it take years? Ms. Warren answered that it could, but the reality is that Lennar won't want to hold onto the tracks any longer than they would have to, so they'll want to do what they can to settle. Conversation continued about hypothetical situations that may or may not arise when it is time to part with Lennar and Ms. Warren answered all the Boards questions. Until the engineer can go out and do an actual inspection, she can't speak to what the issues may or may not be.

On MOTION by Mr. McNary, seconded by Mr. Lisotta, with all in favor, Tabling the Consideration of Landscaping Dosel Lane, was approved.

Mr. Usina suggested that when Yellowstone come back to the Board with a proposal, they then present it to Lennar and see where it goes from there. They will circle back when the proposal is presented at the next month's meeting. Finally, there was a motion to table this issue until the Board has more information and it will be on the next month's agenda.

Mr. Usina stated that residents have asked if they can install a bike rack and trash can. Installation would be at Glorietta and Las Calinas. The Board agreed to go ahead and install.

On MOTION by Mr. Usina, seconded by Mr. McNary with all in favor, Installation of Bike Rack at Glorietta and Las Calinas, was approved.

Resident John Smith commented that he has concerns of the roads and paying for them to be repaved and where the money will come from. He's worried about the reserves. Each year they

keep asking for more CDD money and that is a concern of his. Mr. Lisotta commented that there is a reserve studying coming up and he insured the resident that these things will be addressed with the study and upcoming budget meeting.

Resident Christopher Perry commented on the roundabout issue and how they feel like it is a forgotten territory. He appreciates that Mr. Usina and Mr. McNary touched on those things for those residents. He requested a speed sign be placed in a blind spot.

TENTH ORDER OF BUSINESS

Next Scheduled Meeting – Thursday, May 6, 2021 at 4:00 p.m. at the offices of Governmental Management Services, 475 West Town Place, Suite 114, St. Augustine, Florida 32092

Mr. Lisotta stated the next meeting will be May 6, 2021 at the same time and place.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Usina, seconded by Mr. McNary, with all in favor, the Meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman