

MINUTES OF MEETING

BRIGHTON LAKES COMMUNITY DEVELOPMENT DISTRICT

The special meeting of the Board of Supervisors of the Brighton Lakes Community Development District was held Thursday, December 13, 2018 at 1:00 p.m. at the Brighton Lakes Recreation Center, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

Nestor Olmo	Chairman
Jeffrey Slack	
Brenda Jennings	
Marcial Rodriguez, Jr	

Also present were:

Kristen Suit	District Manager
Tucker Mackie	District Attorney
Gerry Frawley	CDD Maintenance Liaison
Russell Simmons	Field Services Manager
Ariel Medina	Project Coordinator

This represents the context and summary of the meeting.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

SECOND ORDER OF BUSINESS

Roll Call

- Ms. Suit called the meeting to order and called the roll.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Oath of Office

- Ms. Suit administered the Oath of Office to Brenda Jennings, Marcial Rodriguez, Jr and Nestor Olmo.

B. Consideration of Appointment to Vacancy (Seat 5)

- Ms. Suit indicated there is a vacant seat and questioned if the Board would like to nominate someone to this seat.
- Mr. Slack indicated he would be interested in nominating Ms. Incandela to fill the vacant seat 5 for the remainder of the seat term. He stated Ms. Incandela brings a wealth of knowledge, history and experience. Mr. Olmo agreed.

On MOTION by Mr. Slack seconded by Mr. Olmo with all in favor appointment of Ms. Michelle Incandela to the vacant seat 5 was approved. 4-0

C. Resolution 2019-01, Designation of Officers

- Upon discussion, the Board decided to put this resolution on hold until all the Board members were present. However, Ms. Mackie indicated a Chair should be nominated in order to have proper authorization to sign documents.

On MOTION by Ms. Jennings seconded by Mr. Rodriguez with Ms. Jennings, Mr. Rodriguez, and Mr. Olmo voting AYE and Mr. Slack voting NAY, the appointment of Mr. Olmo for Chairman was approved. 3-1

- Board decided to hold off on the vote for Vice Chairman until the next meeting when all Board members are present.

On MOTION by Mr. Rodriguez seconded by Ms. Jennings with all in favor, Resolution 2019-01 designating Nestor Olmo Chairman; Kristen Suit Secretary; Bob Koncar Secretary; Stephen Bloom Treasurer; and Alan Baldwin Assistant Treasurer was adopted. 4-0

D. Review of Sunshine Law and Public Records Law

- Ms. Mackie reviewed the Sunshine Law as it states all public meetings of the District be noticed and all business of the District take place at those public meetings. This prohibits conversation amongst board members outside of a publicly noticed meeting on any matter that could come before the board.
- Ms. Mackie suggested board members who are a part of the HOA should make HOA meetings publicly noticed as workshops of the board, to prevent violations of Florida Sunshine Law.

FOURTH ORDER OF BUSINESS

Consideration of Landscape and Irrigation Maintenance Proposals

- Ms. Suit provided the Board with ranking sheets to be used during the RFP process.

- Ms. Mackie asked the Board how they would like to proceed regarding point allocation for each proposal.
- Discussion ensued regarding not having adequate time to review the material and rank it before the meeting and it was suggested tabling the ranking until the next meeting.
- The Board reviewed the presented list of proposals with miniature presentations and Q&A's.

Sorbello

- Sorbello Landscaping presented their proposal to the Board. They stated that they are a **pole** service landscape contractor, and do not subcontract any of their services except mulch, which is common in the industry. They are a licensed irrigation contractor and licensed pest control company and have been in business for 30 years.
- Mr. Slack had a number of questions for which the vendor provided responses. Ms. Jennings questioned how would they rectify the issues going on now with the landscaping at Brighton Lakes?
- Sorbello stated they perform background checks and drug tests on all of their employees. As well, their employees wear uniforms and there is a foreman and account manager on site. They felt they would be an asset because they have supervision and great customer service unlike other companies.
- The Board mentioned wanting a landscape representative present at all of the meetings. The company responded this should not be a problem. They recommended a smaller crew would be more ideal as they would be onsite all week. They give their employees incentives to motivate them to do a good job.
- Discussion ensued regarding bush hog and maintaining it.

Down to Earth Landscaping

- Down to Earth Landscaping stated they can start on the 7th, as they already have their crews. All of their workers are Down to Earth employees and own all of their equipment.

- Mr. Slack had a number of questions to which responses were received.
- Ms. Jennings asked how long Down to Earth has been in business and was told 30 years.
- Ms. Jennings asked based on their observation of Brighton Lakes Community, what would be the first thing that needs to be tackled?
- They responded as follows: (1) going through the irrigation system; (2) assessing the turf issues; (3) detail (major cleanup, trimming); and the conservation areas.
- Mr. Slack asked how big the crew would be for the Brighton Lakes Community? He was informed all of their crews consists of 5-6 men, for the Brighton Lakes property and they would use the same 6 men crews for 3 days with 144 man hours, with supplemental help as needed.
- Ms. Jennings asked how they would monitor work being completed and she was told they would have the account manager designated to the Brighton Lakes property and operational manager who would oversee as well. They informed her the manger will come out every time the crew is onsite and whenever Brighton Lakes reviews the work.
- Mr. Slack asked how Brighton Lakes compared in size to other properties Down to Earth has worked on? He was told they have many large onsite properties, approximately over 40 CDD contracts, contracts with HOAs, resorts, and approximately 1500 homes and will have representatives available to attend the board meetings.
- They encouraged the Board to reach out to their references or visit some of the properties they maintain.

Blade Runner Commercial Landscaping Company

- Blade Runner Commercial Landscaping stated that they are not a small or very huge company. The company is privately owned and is more flexible than other companies. They do everything in house, the only thing they do not do is drill wells. They have been in business for 11 years and have a great work order system. If someone puts in a work order they will get a response back regarding when the work will get completed.
- The Board had a number of questions for which responses were received.

- The Board asked about their equipment and was informed they own all of their equipment, and are a debt free company. As they get business they try to add one crew a month.
- They were questioned how does Brighton Lakes property compare in terms of size to properties their company currently handles? The vendor responded and stated they do not handle properties that are overwhelmingly huge, but have dealt with a couple of big properties and do a couple of properties for the CDD.
- The vendor stated Brighton Lakes requires a lot of trimming and maintenance of the wetlands. They presented a proposal to Brighton Lakes for an estimated 10-14 days of a crew at \$1500 a day for the tractor for external mowing.
- Discussion ensued regarding residents planting on property they do not own and discussed having two crews to work on the property. The vendor realizes they have a low bid but are confident they will get the work done for the price quoted.
- The Board questioned if Blade Runner had any exceptions to the work which had to be done and they indicated they do not, as they are available to start 24 hours after Brighton Lakes presents them with a contract.
- The vendor stated to start they would need a solid insurance certificate and would like to ride on the property again to get a clear understanding of it with the crew. They mentioned their average contract is 6-7 years, as they do not typically lose contracts.

Yellowstone

- Yellowstone stated they have their own employees and utilize a H2B program in the summer, which brings visa workers in from Mexico but they keep the same workers. These workers do not need to be trained again because they already know the property and equipment, they are just there to help supplement Yellowstone's crew during the heavy working months.
- The Board had some questions for the vendor and responses were received.
- The Board asked how long company has been in business and were informed they have been in business since the early 90s, and are currently in business in eight states, and are the 3rd largest company in the country.

- Discussion ensued regarding the scope of the work and man hours.
- Yellowstone was asked when they could start and was informed they can begin Monday after the Boards' meeting. Yellowstone is very familiar with CDDs and currently have their longest standing account with a CDD and provided a lists of the CDD properties they have had and work with currently.

Dora Landscaping

- The Board questioned when would they start if this vendor was presented the contract. They responded they can start in January.
- They were asked regarding their personnel and equipment and responded they have 125 employees who currently work for the company, and handle a lot of different counties. The equipment and trucks are owned.
- The Board asked how much personnel will be on the Brighton Lakes property and for how long. They responded around 6 or 7 guys during the summer. Recommends pulling certain plants and adding other plants to illuminate color and make the property pop. Also, addressed safety concerns and illustrated what the Board can expect the final product to look like. They stated they give large properties like Brighton Lakes a \$15,000 enhancement credit to utilize as they choose.
- Additional questions were asked and responses were received.
- The Board asked about the number of managers who will be onsite for inspection and the vendor responded they will see managers Chance and Anthony a few times a month and the production manager a couple times a week.
- The Board mentioned they have a monthly drive thru with Inframark and if performance was lacking they would deduct approximately \$100 for liquidated damages.
- Board asked if the vendor would have a representative present at board meetings and was informed they would be present.

Millennium Grounds & Waters

- Millennium Grounds & Waters stated they have been in business since 1996, and their specialty is all inclusive neighborhoods.

- The Board questioned when Millennium would be available to start and was informed they would be available to start 3 weeks from today.
- They were asked about their personnel and equipment and informed the Board they have approximately 125 employees during the season, approximately 25 trucks, 36 mowers, 2 vehicles and 2 technicians for pest control.
- They were asked about their size crew that would be used for the Brighton Lakes community and was informed 8 guys for 3 days a week.
- For a new project they will bring in more guys than needed for the first couple of weeks to make sure they can accomplish their goals.
- The Board asked if there was anything in the RFP which the company would be unable to do, because it is a very extensive scope of work. The Board was told there was nothing in the RFP, except 26 irrigation inspections, as there are only 12. Discussion ensued regarding the irrigation.
- The vendor indicated they have their own employees; and do not do sub contracts.

Brightview

- The Board informed Brightview the scope of work provided in the RFP over the years had not been met by their company.
- Brightview explained before Brightview bought Girard, around 2014, Girard took over the contracts. Their structure was to see what the property's current budget and try to bid to match the budget, but the budget is usually inadequate to match the need and expectations of the client. The vendor stated they handle contracts differently and are more precise.
- The Board asked for assurance of improvement under the new contract and was told with the right equipment, man power, and scope of services they are confident they can turn Brighton Lakes back into what it was before.
- Discussion ensued regarding the bids.
 - Board noted Brightview bid was not in conformance with what the Board asked each bidder to submit, therefore they will be deemed non responsive.

- Blade Runner received 25 points and were the lowest bidder. Their 3-year average was \$217,850. However, it is Important to note their bid is a \$58,000 increase from Brighton Lake's current contract with Brightview.
- Down to Earth received 19.37 points, their bid is approximately \$107,000 above Brighton Lake's current contract.
- Sorbello received 16.03 points, their bid is approximately \$132,000 above Brighton Lake's current contract.
- Millennium Grounds & Waters received 15.65 points, their bid is approximately \$140,000 above Brighton Lake's current contract.
- Yellowstone received 13.55 points, their bid is approximately \$152,000 above Brighton Lake's current contract.
- Dora received 10.36 points, their bid is approximately \$179,000 above Brighton Lake's current contract.
- Capital received 8.42 points, their bid is approximately \$200,000 above Brighton Lake's current contract.
- Discussion ensued further as the Board calculated the final scores.
- Ms. Mackie announced final scores based on the numbers provided by the Board.
 - 1st Blade Runner received 88.50 points
 - 2nd Down to Earth received 88.12 points
 - 3rd Sorbello received 84.03 points
 - 4th Dora received 81.61 points
 - 5th Yellowstone received 78.55 points
 - 6th Millennium Grounds & Waters received 76.90 points
 - 7th Capital received 64.42 points
- Ms. Mackie asked the Board that if any board member individually feels there is something collectively which should be reconsidered they can discuss this now.
- Mr. Slack asked what the price was for the top 2.
- Ms. Mackie indicated Blade Runner was the lowest at \$217,000 for the first year.
- The Board decided to rewrite bidding scores and circle the bids they are changing.

- Ms. Mackie informed the Board they are going to have to pull from some of the reserves due to the increase being \$107,000 more than the current contract for the first year.
- Mr. Frawley stated the guy from Blade Runner had a good grasp on what they needed to do to accomplish what Brighton Lakes wanted.
- Ms. Jennings asked if the Board could check out any of the references before making a commitment.
- Mr. Simmons suggested they go for the lowest bid, which is still a lot of money and just hope for the best. Stated Blade Runner's supervisor has done work on another project before and that the work comes down to who is on the field not the owner. Briefly discussed who's work he is familiar with.
- Ms. Mackie reported the bidding scores again.
 - 1st Blade Runner received 90 points
 - 2nd Down to Earth received 88.12 points
 - 3rd Sorbello received 84.03 points
 - 4th Dora received 81.61 points
- Based on the results, the Board decided to go with Blade Runner. They will begin the first week in January and the contract with Brightview will be terminated.

On MOTION by Mr. Slack seconded by Mr. Olmo with Mr. Slack, Mr. Olmo, and Ms. Jennings voting AYE and Mr. Rodriguez, Jr voting NAY to adopt the rankings as so indicated and authorizing District staff to negotiate the contract with Bladerunner understanding the form of the contract that is included in the agenda package starting the first week of January was approved.
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FIFTH ORDER OF BUSINESS

Supervisor Requests and Comments

- Ms. Mackie reported the District refinanced their series 2007 bonds back in September of 2017, resulted in a net present value savings to the homeowners who pay a debt service assessment under those bonds of approximately 13%. When you issue bonds you enter into a Trust Indenture

and under this indenture you have a Trustee, in the District's case the trustee is US Bank. US Bank received funds from the District for debt service payment and misapplied the funds received to principal instead of interest. The District entered into a promissory note with US Bank, stating in the event the District over collects assessments, over the course of the next two years after the District is done making debt service payments we are going to reduce our promissory note with US Bank. At the end of this fiscal year, November 2nd, we have approximately \$39,000 in excess funds.

On MOTION by Mr. Slack seconded by Ms. Jennings with all in favor, authorization for withdrawal of funds to promissory note in the amount of \$32,878 was approved. 4-0

- Ms. Mackie reported she had been talking with Nathan Fraser, who is Counsel for the HOA, regarding street tree trimming, which has been a subject of warnings and potential fines by the county. They cannot get emergency equipment through due to clearance. HOA declaration has always made it the homeowner's responsibility to maintain the sidewalk to the curb. The District maintains the street trees to the extent they do not abut homeowner's property. After talking with Mr. Fraser they determined the district does not have the budget to maintain street trees. The best option would be a holistic approach, for HOA to notify homeowners that they will be charged an assessment that will be included in their dues.
- Discussion ensued regarding tree trimming.
- Mr. Frawley stated his CDD email was deleted because he is no longer a board member. Discussion ensued regarding this and it was indicated due to the Board changes this account was closed.
- Ms. Mackie will prepare a contract. Within the contract it will state the individuals that contact Mr. Frawley and give him direction.

On MOTION by Mr. Rodriguez seconded by Mr. Olmo with all in favor, nominating Mr. Gerry Frawley as the CDD Liaison for the

landscape and CDD maintenance with a payment of \$200 per meeting was approved. 4-0

SIXTH ORDER OF BUSINESS

Other Business

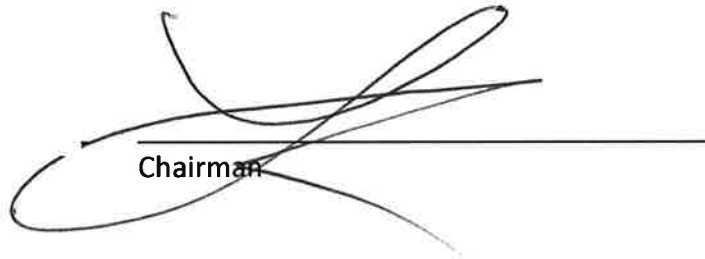
- There being none.

SEVENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting was adjourned.

On MOTION by Mr. Slack seconded by Mr. Rodriguez, Jr. with all in favor, the meeting was adjourned. 4-0



Chairman