

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on November 10, 2021, at 5:00 p.m., at Cunningham Park, 12131 Rangeland Boulevard, Odessa, Florida 33556.

Present were:

Mike Liquori	Chair
Matt Call	Vice Chair
Mary Comella	Assistant Secretary
Jason Silber	Assistant Secretary
Tim Green	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Alyssa Willson (via telephone)	District Counsel
Brian Wilkes	District Engineer
Mark Yahn	SunScape Consulting, Inc. (SCI)
Peter Soety (via telephone)	SunScape Consulting, Inc. (SCI)
Gary Hawkins (via telephone)	Down to Earth Landscape & Irrigation (DTE)
Renee Hlebak	WTS Starkey Ranch Lifestyle Director
Nikole Desclafani	WTS Starkey Ranch Lifestyle Coordinator
Ray Szelest	Resident
Ben Devivo	Resident
Kurt Naser	Resident
Dave Deenihan	Resident
Linda Deenihan	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 5:01 p.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

Resident Ray Szelest, representing his fellow neighbors, asked for two speed limit signs to be installed near Anclote Preserve and to the roundabout, because a speeding car stopped

inches from a child on Halloween. This requested signage would be in addition to the current sign and help deter speeding and hopefully enable police to enforce the speed limit.

Resident Ben Devivo voiced concern about whether the Rangeland Bridge was properly constructed, as his neighbor discussed at the last meeting, and the possibility that assessments might be imposed on homeowners to properly reconstruct the bridge surface. He suggested engaging an Engineering firm, not York Bridges, to analyze whether the bridge surface was properly constructed.

Mr. Call asked Mr. Adams when the Florida Department of Transportation (FDOT) is expected to inspect the bridge. Mr. Adams stated the FDOT was engaging another consultant to conduct bridge inspections soon, which covers the request for a third party to analyze the bridge.

Resident Kurt Naser echoed concern about the wooden bridge in Esplanade and preparing for the expense to replace it with long-lasting hearty plank material once the construction period is done. He felt that homeowners and the CDD should not incur this unnecessary expense. He believed it should never have been built using wooden material and the construction trucks damaged the surface material.

Resident Dave Deenihan asked when residents would be able to use the fire pit near the Whitfield pool. Welcome Center Staff told him they were waiting on the final inspection. He was given the business card of Ms. Hlebak, WTS Starkey Ranch Lifestyle Director, to contact. Ms. Desclafani would send an update to Mr. Adams to email the Board.

THIRD ORDER OF BUSINESS

Consideration of Estimates for Turf Replacement Areas Along with Corresponding Herbicide Application

- A. Turf Replacement – Travis Resmondo Sod, Inc.**
 - I. Lake Blanche Estimate #7438**
 - II. Whitfield Preserve Pocket Parks Estimate #7456**
 - III. Monroe Commons Estimate #9172**
 - IV. Rangeland East Estimate #7454**
 - V. Rangeland West Estimate #7447**
- B. Herbicide Applications – Down to Earth Landscape and Irrigation**

- I. **Lake Blanche Estimate #10518**
- II. **Whitfield Preserve Pocket Parks Estimate #10578**
- III. **Monroe Commons Estimate #10569**
- IV. **Rangeland East Estimate #10572**
- V. **Rangeland West Estimate #10574**

Mr. Yahn recalled the Board wanting to revisit these proposals, which identified problem areas, and stated that herbicide would be applied to “get a good kill” on the weeds, before installing new sod.

Mr. Yahn responded to questions about timing, materials and budget, and recommended installation in December or January, when it is cooler and drier. He discussed a recent inspection and expressed a preference for drought resistant zoysia grass in parks with a lot of foot traffic.

Mr. Adams confirmed that \$120,000 was budgeted. The Board agreed to begin with the Whitfield Preserve Pocket Parks (Whitfield) and Monroe Commons and defer the others. A Board Member suggested using the funds contributed by the Starkey Ranch Master Property Owner’s Association, Inc. (SRMPOA) The herbicide project would commence in December and the sod would be installed in January 2022.

Discussion ensued regarding the following:

- Installing bahia sod at Rangeland but it is not cost effective due to its short life span and is better for retention pond banks.
- Sod replacement at Rangeland East was about three years ago.
- Suggestion to use the SRMPOA funds to offset costs.
- Having Welcome Center staff install caution tape or signs.
- Informing residents of park closings for six weeks and monitoring the area.

Mr. Hawkins confirmed that only the pocket parks listed below need sod replacement.

Mr. Yahn was asked to investigate and report if the bahia sod at Rangeland East is a sod or installation issue and if it makes sense to reduce some of the bed areas and lay more turf in the common areas at Monroe Commons to provide more playing surface. Mr. Hawkins clarified that the Whitfield Pocket Parks are at each end of Barbour Trail.

Ms. Comella and Mr. Silber presented a motion and during discussion it was modified to include the optional SCI contract provision to provide Management Services, which Mr. Yahn

presented, as these projects exceeded a certain threshold. Mr. Yahn discussed SCI offering to reduce the typical 8.5% amount to 5% of the project amount and explained that SCI's services include managing the project from preparation through to the warranty period.

On MOTION by Ms. Comella and seconded by Mr. Silber, with Ms. Comella, Mr. Silber, Mr. Call and Mr. Green in favor and Mr. Liquori dissenting, 1) Travis Resmondo Sod, Inc. Estimates #7456 and #9172 to install Empire Zoysia sod at the Whitfield Preserve Pocket Parks, in a not-to-exceed amount of \$10,158.00, and at Monroe Commons, in a not-to-exceed amount of \$51,600.00, 2) Down to Earth Landscape and Irrigation Estimates #10578 and #10569 for herbicide application at the Whitfield Preserve Pocket Parks, in a not-to-exceed amount of \$338.60, and at Monroe Commons, in a not-to-exceed amount of \$1,720.00, for a combined not-to-exceed amount of \$63,816.60, and 3) SunScape Consulting, Inc. 5% Project Management fee, in a not-to-exceed amount of \$3,190.83, for a combined not-to-exceed amount of \$67,007.43, was approved. [Motion passed 4-1]

Mr. Liquori stated his belief that the Pocket Parks are an issue but he dissented because he did not think the Board did a good enough job verifying its worth for the entire community.

Mr. Yahn suggested the Board engage SCI to manage the plant replacement project, at the 8.5% fee, and voiced his opinion that it was not necessary for arbor care, as the Arborist is on site. The Board was referred to Page 41, which indicated \$50,649 was approved last month for this project. Discussion ensued regarding negotiating the SCI fee, what service is involved, delaying pine straw application to January and a suggestion to insert a new budget line item next year for professional service fees because sod funds were being used to offset costs.

Mr. Call calculated \$3,172.54 as the cost to oversee plant replacement only, not the entire project.

Mr. Deenihan asked for the purpose of incurring additional fees to oversee vendors who should already be doing the job correctly. Mr. Yahn voiced his opinion that contractors and crews behave differently and provide better quality materials and installation techniques when SCI is managing projects. He noted that the crew is not the same as the crew performing day-to-day services.

Mr. Yahn stated he would amend the SCI contract to commit to oversee any turf projects in the future for 5% and at 7.5% for all Project Management Services for large projects for Starkey Ranch, instead of 8.5%. He would transmit the amended contract to Mrs. Adams.

On MOTION by Mr. Liquori and seconded by Ms. Comella, with all in favor, retaining Mr. Yahn for Project Management Services to oversee both plant and tree projects approved at the last meeting, at 7.5%, for a total of \$3,798.67, was approved.

Mr. Silber asked Mr. Yahn for an update on his efforts working with Down to Earth (DTE) on labor and staffing issues. Mr. Yahn stated that conversations transpired since July. DTE has a new Regional Manager and was having labor issues. He commended Mr. Hawkins for his resiliency moving forward despite crew turnover and labor shortage issues since last winter.

Mr. Yahn noted the Request for Proposals (RFP) crew list quoted 16 as the average; however, SCI believes 20 are needed. During the recent meeting, several matters were addressed and DTE committed to SCI's requests and provided a revised crew list of 14, plus two additional irrigation crew members, designated Mr. Hawkins as a dedicated Site Manager. DTE would add more crew members proportionate to the additional tracks conveyed to the CDD in March, April and May and, by summer, have a crew of 20. SCI plans to request a rotating roster every season and, upon receipt, it would be sent to District Staff.

Mr. Yahn stated that his recent inspection noted Section 1 looked a lot better and last month's inspection of Section 2 was much better than July, when conditions escalated. He stated that DTE showed good faith in spending a lot in overtime but questioned if it is productive if the crew is not familiar with the site.

Discussion ensued regarding perennial peanut, herbicides, items in the winter schedule and reconsidering awarding more business to DTE when DTE cannot keep up with its duties. Mr. Yahn stated it was not necessarily premature to make a claim.

Resident Linda Deenihan stated that, during her morning walk a few weeks ago, she observed two female crew members working hard at Cunningham Park and a male crew member sitting in his golf cart playing games on his phone for over 30 minutes. Mr. Yahn welcomed the comment and stated he would discuss this with DTE Management and, even if the current crew roster is resolved, there should be some sort of financial reconciliation to the

CDD. Mr. Silber stated he wanted to discuss several DTE issues with Mr. Yahn this week. A Board Member suggested revisiting the DTE contract and, if needed, executing the termination clause in the contract, if DTE is not meeting its requirements.

FOURTH ORDER OF BUSINESS**Discussion: Follow up on Traffic Request from Prior Meeting.**

Mr. Wilkes stated he was working on the design to stripe the cross walk at the Welcome Center to provide to contractors. He was having difficulty obtaining estimates without a design and most contractors are busy and unavailable. He would provide Mr. Adams with the list of resources to discuss design.

Mr. Wilkes stated he would provide updates on the continuing discussions with the Pasco County Traffic Operations and Facilities Management Departments about whether the County would cost share for pedestrian safety improvements at Heart Pine Avenue and Long Spur. This item will remain on the agenda.

FIFTH ORDER OF BUSINESS**Update: Welcome Center Lease Agreement Between Developer and CDD**

Mr. Call stated the Developer did not send the draft lease to Ms. Willson. Mr. Adams asked if the Board wanted to make arrangements to use CDD-owned on-site property. Discussion ensued about whether to consider utilizing a portion of Cunningham Park or to build or expand an existing structure, the Developer wanting the CDD to lease more space than needed, Mr. Call showing Ms. Comella available areas to build and designating Ms. Comella to work with the District Engineer on alternatives, in the next few months. This item will remain on the agenda.

**On MOTION by Mr. Call and seconded by Mr. Green, with Mr. Call, Mr. Green, Ms. Comella and Mr. Liquori in favor and Mr. Silber dissenting, designating Ms. Comella to work with Mr. Wilkes to look at the Site Plan for Cunningham CDD-owned land and provide scenarios, in the next few months, was approved.
[Motion passed 4-1]**

Ms. Comella asked Mr. Silber why he dissented and if he wanted the position. Mr. Silber stated his reason for dissenting was because of what was discussed tonight and possible conversations that may have occurred outside of a meeting, besides hearing that “the CDD is going to have to rent that facility”. Ms. Comella confirmed that nothing about renting, building or costs were discussed and that Mr. Silber misunderstood the discussion. Mr. Silber stated that he hoped so. Mr. Call stated that the situation arose as both were attending a publically noticed meeting, after which, in response to Ms. Comella’s question of going about building another building, he showed her where all the utilities were for the various building pads. He did not believe this was a conflict of interest considering his position.

Ms. Willson stated, as the CDD moves through this process and to ensure all requirements of the Sunshine Law are met, she recommended advertising a workshop before or after a CDD meeting, which would give multiple interested Supervisors the opportunity to walk and view any portions of the property and discuss the CDD’s potential options.

SIXTH ORDER OF BUSINESS

Continued Discussion: Traffic Enforcement Agreement with Pasco County

Mr. Adams stated that the Pasco County Attorney’s office required CDD information, such as defining the level of service in coordination with the Sheriff’s Department, and for Mr. Wilkes to provide a certification that all traffic markings and signage are to County code. If the County deems the CDD qualified, the County would prepare a form of Agreement to the CDD, which must be presented to the County Commissioners for approval. Once the Agreement is executed, the County would be in the position of traffic enforcement over all CDD-owned roads claimed by the County. This would be a lengthy process. Upon receipt of a draft Agreement from the County Attorney’s Office, similar to Meadow Point III, the Agreement and the service plan would be presented to the Board.

Mr. Adams reported that Meadow Brooks’ Management conveyed that they were happy with their program for which an Agreement was entered into in 2009. Meadow Brooks budgeted \$8,800 a month, or \$106,000 a year. Although he did not know what level of service they selected, Meadow Brooks CDD is comparable to the TSR CDD in size and its roadways.

SEVENTH ORDER OF BUSINESS**Continued Discussion: Traffic Enforcement with Off Duty Officers**

- **Financial Comparison – FHP and Pasco County**

Mr. Adams presented the Financial Comparison Report. Discussion ensued regarding defining the level of service, the budget and off-duty patrol services. Until the Traffic Enforcement Agreement is executed, the Sheriff would only patrol County-owned roads as reflected on the County Appraiser's website, which could take longer than 60 days due to the process involved. Everyone was encouraged to attend County Commission meetings and request additional traffic control in the neighborhoods, if they do not think it is sufficient.

Mr. Deenihan was concerned about the CDD taking on extra expenses, when homeowners repeatedly complain about the issue but do not attend the County Commission meetings, and the Sherriff reassigning day patrols.

Discussion ensued regarding possibly asking the Florida Highway Patrol (FHP) to provide once a month service, if it would charge the CDD the same cost as Pasco County.

MOTION by Mr. Silber and seconded by Mr. Liquori, with all in favor, authorizing Mr. Adams to implement program for Pasco County Sheriff to provide off-duty patrols in the CDD once a week, was approved.

EIGHTH ORDER OF BUSINESS**Consideration of Letter Agreement Regarding Donation of Excess Starkey Ranch Master Property Owners' Association, Inc. Funds**

Ms. Willson stated that she discussed this matter with Mr. Call. The SRMPOA recently approved donating excess funds to the CDD for operation and maintenance (O&M) expenses of its public infrastructure, that the CDD would otherwise fund by assessments. The CDD Accountant must determine whether the CDD has to pay taxes on this amount.

MOTION by Ms. Comella and seconded by Mr. Call, with all in favor, accepting the Starkey Ranch Master Property Owner's Association, Inc., \$289,500 donation to the TSR Community Development District, was approved.

Ms. Comella asked if the donated funds could be used towards constructing a building, instead of O&M of the property, as stated in the letter. Ms. Willson stated that the CDD could request a change to the terms of the Letter Agreement; however, its purpose was to supplement the CDD's O&M budget. A Board Member noted SRMPOA's desire for the donated funds to go towards reserves or the O&M budget.

NINTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of September 30, 2021**

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2021. The financials were accepted.

TENTH ORDER OF BUSINESS**Approval of October 13, 2021 Regular Meeting Minutes**

Mr. Adams presented the October 13, 2021 Regular Meeting Minutes. The following changes were made:

Lines 59, 339 and 348: Change "Liquori" to "Call"

Line 60: Change "and bricks are" to "is"

Line 301: Change "Call" to "Adams"

Line 302: Delete "Ms. Comella and"

Line 302: Change "terms were" to "budget was"

Line 348: Insert "gavin" after "installing"

Line 350: Change "Woodfield" to "Whitfield" and "Park Pine" to "Part Time Avenue"

Line 488: Change "Call" to "Silber"

On MOTION by Mr. Liquori and seconded by Mr. Call, with all in favor, the October 13, 2021 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS**Action & Completed Items**

Mr. Adams presented the Action & Completed Items List.

Items 5, 7, 8, 9, 10, 11, 12, 13, 15 and 16 were completed.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.***I. Ratification of Kutak Rock LLP Transition Letter****II. Consideration of Kutak Rock LLP Fee Agreement**

Ms. Willson presented the letter regarding transition from Hopping Green & Sams, P.A. (HGS) Special District Practice Group to Kutak Rock LLP (Kutak Rock) for District Counsel Services and an updated Retention and Fee Agreement, which included the ability to subcontract for other legal services to individuals who used to be with HG&S, upon consent. November 12, 2021 would be the last day under HGS and Kutak Rock would commence work on November 15, 2021; Ms. Willson would execute the Fee Agreement then.

On MOTION by Mr. Call and seconded by Mr. Green, with all in favor, the Kutak Rock LLP Transition Letter was ratified and the Updated Kutak Rock LLP Retention and Fee Agreement was approved.

The Fee Agreement signature page would be forwarded to Ms. Willson to execute; in turn, she would forward the fully executed document to the CDD.

Mr. Call stated he expected to receive a draft of the County Agreement to allow for the trail access into the Wilderness Preserve within the next few weeks; it should be on the December agenda for consideration.

B. District Engineer: *Heidt Design, LLC*

There was no report.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: December 1, 2021 at 5:00 p.m.**

- **QUORUM CHECK**

The next meeting will be held on December 1, 2021.

D. Lifestyle Director & Amenity Manager: *WTS International*

Ms. Hlebak presented the WTS Monthly Summary Report and discussed recent and upcoming events. She reported the following:

- McWilliams & Sons servicing the restrooms mini-split air conditioners at the pools and parks recently quoted \$10,427 to replace the men's room unit at Homestead Park, which could

no longer be repaired. The cost to rerun the lines for the two units at Cunningham Park, including labor, is \$984.

Ms. Hlebak was asked to obtain additional quotes to replace the air conditioning unit and warranty information. Discussion ensued regarding if the existing equipment is under warranty. Mr. Call suggested proceeding in order to maintain the equipment.

On MOTION by Mr. Call and seconded by Mr. Liquori, with all in favor, engaging McWilliams & Sons to replace the line voltage air conditioning units at Cunningham Park, in a not-to-exceed amount \$984, was approved.

➤ Obtaining quotes as the current pool access card system had issues because it exceeded its 3,000 user threshold.

➤ The Bike Park Grand Opening event was schedule for November 20, 2021.

Ms. Desclafani discussed the Friendsgiving adult social event.

E. Operations Manager: *Wrathell, Hunt and Associates, LLC*

Mr. Adams stated SOLitude emailed a comprehensive Lake Management Report to the Board.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Call stated he was still not copied on the SCI report on DTE. Mrs. Adams would have Mr. Yahn add the Board Members to the distribution list.

Mr. Call asked Mrs. Adams to verify if DTE is doing a top choice application at Monroe Commons to address fire ants.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Call and seconded by Mr. Silber, with all in favor, the meeting adjourned at 7:39 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair