

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on April 13, 2022, 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
Renee Hlebak	WTS Starkey Ranch Lifestyle Director
Mark Yahn	SunScape Consulting, Inc. (SCI)
Peter Soety	Down to Earth Landscape & Irrigation
Ben Devivo	Resident
John Dailey	Resident
Greg Best	Resident
Frank Skalls	Resident
Karen Anderson	Resident
Mark Russell	Resident
John Holinka	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 5:01 p.m. Supervisors Liquori, Comella, Silber and Green were present, in person. Supervisor Call was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

Resident Ben Devivo stated the boards on the wooden bridge are coming up and asked if there was an update from the Florida Department of Transportation (FDOT) about it. He asked if Mr. Matt Sawyer, of Taylor Morrison (TM), contacted Management regarding the fencing at Rangeland. Mr. Adams stated the FDOT asked for the wooden bridge to be reconstructed in a different format. Bridge repairs involving board replacement would commence within the next week or two and an email from Mr. Sawyer was transmitted today but he had not had a chance to view the contents.

Resident John Daily presented photographs of the TSR signage that needs to be addressed and distributed a list of solutions to deter trespassers from accessing Cunningham Park at night. He expressed his opinion that the signage on the gate at the entrance to Cunningham Park and throughout the park alerting the public that the park is for the use of TSR property owners, their guests and non-resident user fee payers, is not easily visible due to the small print and where they were placed. He voiced his frustration regarding the popularity of Cunningham Park as a nightly hangout, constant traffic, loud music and staff not closing the gates to the park consistently enough. He stated that, after filing complaints, he took it upon himself to close the gate at night until he was asked to stop and assured that only Starkey Ranch employees should close the park gates. He reviewed the five solutions on his list and appealed to the Board to act on this matter and install more prominent signage.

Resident John Holinka echoed Mr. Daily's concerns and asked if anything has been done or was considered to resolve the noise and trespassing issues in Cunningham Park. Ms. Comella stated her understanding, that the gate was being closed at night. Ms. Hlebak stated, although it is not budgeted to have staff on duty 24/7 from dawn to dusk, staff has been securing the gate after late meetings. She noted that, per the Board's request, the gate is chained but not locked and staff cannot control individuals entering the facilities after they have closed it.

Discussion ensued regarding the park hours, staff's opening and closing responsibilities, addressing Mr. Daily's recommendations, installing an automatic gate and developing an action plan. Mr. Liquori stated he understands the issue and assured Mr. Daily that his suggestions would be reviewed and considered and the Board would coordinate with the lifestyle team to go over specific programming issues and come up with a solution.

Resident Greg Best expressed frustration about non-residents accessing the park, loitering and setting off fireworks; he felt that the weekends are out of control. He asked if IDs of people entering and exiting the park gate could be checked and if the CDD uses the Florida Highway Patrol (FHP) for enforcement. Mr. Adams stated the Sheriff was engaged, not FHP. He stated that the park is patrolled on the weekends and a weekly police report is transmitted.

Resident Frank Smalls thanked the Board for resolving the parking issues at Lake Blanche; the permanent "No Parking" signage is very effective in keeping motorists from parking on the grass, sidewalks and street. He suggested the Board coordinate with TM to install fencing and additional "No Fishing" signage at Huckleberry Pond and "No Trespassing" signage in and around the community.

A resident asked if the lake behind Esplanade, where people fish, is CDD property and if trespassers can be arrested. Mr. Adams stated the upper portion is part of Esplanade and the lower is part of the CDD lake tract; people fishing on the CDD side would not be arrested but the CDD can post "No Trespassing" signs. The HOA has additional powers that it can enforce that the CDD cannot because the CDD is a public body. Asked why the CDD has not obtained "No Trespass" authorizations for Cunningham Park, Mr. Adams stated the challenge with that is that residents must identify authorized representatives to be present at the time of the trespass and document the trespass activity with the Sheriff's Department. Mr. Adams would review the trespass agreements in place for the CDD and determine if they can be amended.

Resident Karen Anderson stated on the Lake Blanche side, there is one "No Fishing" sign but no "No Trespassing" signs and the Rangeland side has three "No trespassing" signs, which is what created a lot of conflict in the area. She opined that the CDD should remove the "No Fishing" sign and replace it with a "No Trespassing" sign.

Discussion ensued regarding ordering signage, authorizing placement of the "No Fishing" sign, lack of enforcement of the "No Trespassing" signs, amending the policy in the deed restrictions allowing residents to fish at Huckleberry Pond, catch and release policies, etc.

THIRD ORDER OF BUSINESS

Consideration of Starkey Ranch Access Agreement

Mr. Call recalled that the Board previously approved the Starkey Wilderness Park Foot Bridge and Access Agreement for the wooden foot bridge that goes from the Barber Trail area into the Starkey Wilderness Preserve and includes the access point by a park over the existing vehicular bridge to the Wilderness preserve. Once approved, it was amended by the Southwest Florida Water Management District (SWFWMD) and the County to the point that District Counsel suggested presenting it to the Board for re-examination and re-approval.

Ms. Willson stated there were significant rewrites of the protections, more stylistic than anything, and additional background management agreement information with the County on Starkey Wilderness Park. The overall concept had not changed; the CDD is responsible for the engineering and construction of the foot bridge and the required maintenance. He recommended approval in substantial form, in case the County and SWFWMD feel it necessary to make further revisions.

On MOTION by Mr. Call and seconded by Mr. Liquori, with all in favor, the Starkey Ranch Wilderness Park Foot Bridge and Access Agreement, in substantial form, was approved.

Regarding the Fourth and Fifth Orders of Business, Mr. Call stated the Developers reversed their position on selling the Welcome Center (WC). They would like to keep the WC for the remainder of the year. In the future, they would be more open to possibly selling the WC. The Board should bear this in mind as it considers the next few proposals.

FOURTH ORDER OF BUSINESS

Discussion/Consideration of Rocchetta A:DB (RADB) Proposal for Cunningham Park Office Building

Referencing an area map, Ms. Comella stated the Board is considering acquiring three pieces of property to reconstruct. The sites have been approved with utilities. The office building is approved for up to 2,800 square feet. The Rocchetta A:DB (RADB) Proposal shows the 2,800 square feet but that does not necessarily mean that the Board has committed to that

size. Per the Architect, if the Board proceeds with 2,800 square feet, the CDD could build additional office buildings that could be rented out for temporarily or permanently uses.

FIFTH ORDER OF BUSINESS

Discussion/Consideration of Rocchetta A:DB (RADB) Proposal for Gunn Highway Landscape Maintenance Yard

Ms. Comella stated this proposal is for the landscape maintenance yard that is currently at the District Park. The landscapers that service the CDD and District Park will likely transfer park maintenance to the County. The CDD owns a parcel off State Road 54, which already has a site plan for a trailer and a yard area to store tractors, mulch and other landscape-related equipment. The Rocchetta A:DB (RADB) proposal for the Gunn Highway Landscape Maintenance Yard is for that particular site. Ms. Comella stated the RADB architectural firm is highly regarded and the Architect agreed to circulate a survey to all residents for their feedback on how to utilize the property.

A Board Member voiced his opinion that constructing a 2,800 square foot building does not serve the CDD's needs and he would vote against it. Asked about the District Engineer's involvement with the project, Ms. Willson stated it was previously discussed that the work would be subcontracted under the District Engineer's agreement.

Discussion ensued regarding the advantages and disadvantages of proceeding with the construction projects, purchasing and renting out the building, purchasing the smaller building and adding on instead of purchasing the larger building, the prospect of the CDD becoming a commercial landlord, using tax-exempt financing to finance the projects and an issue with increasing the amount of pavement to the maintenance yard.

The Board and Staff responded to questions about the cost of the office building being considered, the survey, current use of the WC building, WC staffing needs, traffic concerns and the CDD leasing the property.

Mr. Liquori felt that how much space the CDD needs must be established.

- **Update: DTE Credit**

This item, previously the Ninth Order of Business, was presented out of order.

Referencing a handout, Mr. Adams reviewed a credit offer from Down to Earth Landscape & Irrigation (DTE) to the CDD and discussed the contracts and their values, value tallies, a 3% escalator fee, DTE extracting hourly rates over the contract value, a scope of work review, a billable rate and overhead costs.

Mr. Yahn gave an update of his interactions with DTE and discussed DTE underbilling and losing revenue, DTE undergoing industry consolidation and asking DTE to produce a seasonal roster. Mr. Adams summarized that DTE learned its lesson, understands that the CDD is going to update and intensify the agreement and yet they are still very interested in continuing to service the CDD. He stated Staff would not be presenting this to the Board if they did not think it is the best settlement that could be reached.

Discussion ensued regarding the \$52,897 credit offer, how the amount was reached, if backup was provided for DTE's spreadsheet, DTE's level of service, DTE's failure to bill \$34,000 worth of work in 2019, determining a fair counteroffer and what to stipulate in the motion.

On MOTION by Mr. Call and seconded by Mr. Liquori, with all in favor, authorizing District Staff to make a counteroffer to DTE, in the amount of \$105,160.79 and no lower than \$70,858.79, and ask DTE to pro-rate the credit for six months, through the end of the contract, and authorizing the Chair to coordinate with District Staff on the final figure, was approved.

- **Down to Earth Landscape & Irrigation Estimate: #29254 – Tree and Plant Installation**
This item was an addition to the agenda.

Mr. Soety referenced a \$13,076 DTE proposal and stated, although the community fared well in the winter, a few areas with firebush shrubs were damaged by frost and need to be replaced. The proposal is to replace the damaged plants and is split between the east and west sides of the community, including high traffic areas, such as the community entrances.

The Board and Staff discussed the landscaping budget, the proposal and if the firebush could be salvaged. The consensus was to wait 30 days, evaluate the condition of the shrubs with DTE and present the findings to the Board.

SIXTH ORDER OF BUSINESS

Consideration of SOLitude Lake Management Pond Maintenance Addendum for Three (3) New Sites – Ponds 4-A, 4-B and 5-A (Transfer of Operations for Esplanade at Starkey Ranch Phases 1 - 4)

Mr. Adams presented the SOLitude Lake Management Pond Maintenance Addendum. Mrs. Adams presented Change Order #2, for \$2,132, to facilitate conveyance of maintenance of Ponds 4-A, 4-B and 5-A to the CDD, which will increase the overall contract amount to \$98,730.

Discussion ensued regarding the SOLitude contract, the Developer, preparing a deed for conveyance of Ponds 4-A, 4-B and 5-A and the future conveyance of Pond 5-B. Ms. Willson would forward the documents to the Developer for execution.

On MOTION by Mr. Liquori and seconded by Mr. Call, with all in favor, the SOLitude Lake Management Pond Maintenance Addendum adding Ponds 4-A, 4-B and 5-A, in an annual amount of \$2,132, bringing the total contract amount to \$98,730, was approved.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Starkey Ranch Sidewalk Cleaning

Mr. Adams recalled that, at the last meeting, Ms. Hlebak presented a \$113,000 proposal for sidewalk cleaning and Staff was asked to obtain another proposal.

Mr. Adams presented a proposal from Anthony’s of Tampa Bay for \$103,000. Staff would include \$120,000 in the proposed Fiscal Year 2023 budget for sidewalk cleaning.

EIGHTH ORDER OF BUSINESS

Continued Discussion: District Office

This item was not addressed.

NINTH ORDER OF BUSINESS

Update: DTE Credit

This item was presented following the Fifth Order of Business.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2022

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2022. Mr. Liquori stated he had submittals for the 2018 and 2019 bonds. Mr. Adams would double check the capital project funds. The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of March 9, 2022 Regular Meeting Minutes

Mrs. Adams presented the March 9, 2022 Regular Meeting Minutes.

On MOTION by Mr. Liquori and seconded by Mr. Call, with all in favor, the March 9, 2022 Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Action & Completed Items

The following Action Items were discussed:

Item 2: The washout repair project expected to commence on April 18th and take three weeks to complete.

Item 3: Per Mr. Liquori, this item could be removed from the list.

Items 3, 6, 7, 9, 10, 11, 12, 13, 15, 16 and 17 were completed.

Items 1, 2, 4, 5, 8, 14, 18, 19 and 20 remained ongoing.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock, LLP*

Ms. Willson stated Staff is continuing to work with the Developer on various conveyance items, bond requisition agreements and other bond-related documents.

B. District Engineer: *Heidt Design, LLC*

- **Continued Discussion: Line of Sight Issues at Longspur and Heart Pine Avenue Intersection and at Longspur and Fence Post Drive Intersection**

Mr. Adams stated he conferred with Brian who has been working directly with the County on the line-of-sight issues. An update would be provided at the next meeting.

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

- **NEXT MEETING DATE: May 11, 2022 at 5:00 p.m.**
 - **QUORUM CHECK**

The next meeting would be held on May 11, 2022.

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

- **Monthly Summary Report**

Ms. Hlebak reviewed the March 2022 Monthly Summary Report and action items.

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

There was nothing to report.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

In response to a question regarding gate/security Staff directions, Mr. Adams stated Staff would present options for consideration.

Mr. Adams stated, regarding ownership of the retaining wall between Lots 33 and 34 and the preserves, the ownership dedication indicates that WS TSR LLC and Homes by West Bay LLC own it and both acknowledge ownership of the assets. It is noted that the wall would be transferred to the CDD in the future.

Discussion ensued regarding wall maintenance, landscape maintenance, conveyances of the Barbour Trail and Whitfield preserve wall, Tract B1 and if there is a deed transferring Tract B-1 to the CDD.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Liquori and seconded by Mr. Silber, with all in favor, the meeting adjourned at 8:04 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair