

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on November 29, 2022, at 5:00 p.m., at Cunningham Park, 12131 Rangeland Boulevard, Odessa, Florida 33556.

Present were:

Jason Silber (via telephone)	Chair
Mary Comella (via telephone)	Vice Chair
David Deenihan	Assistant Secretary
Frank Stalzer	Assistant Secretary
Tim Green	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Alyssa Willson	District Counsel
Patrick Gassaway	District Engineer
Barry Mazzoni	Operations Manager
Mark Yahn	SunScape Consulting, Inc., (SCI)
Rene Hlebak	WTS Starkey Ranch Lifestyle Director
Alex Murphy	WTS Starkey Ranch
Matt Call	Developer
Ray Szelest	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 5:01 p.m. Supervisor Green and Supervisors-Elect Deenihan and Stalzer were present. Supervisors Silber and Comella attended via telephone.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

There were no public comments.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [SEATS 1 & 2] *(the*

following will be provided in a separate package)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. David Deenihan and Mr. Frank Stalzer. Mr. Adams and Ms. Willson briefly explained the following items:

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. **Form 1F: Final Statement of Financial Interests**
- D. **Form 8B – Memorandum of Voting Conflict**

The Supervisors were instructed to submit a W-4 to Management to receive the Supervisors' stipend and advised to use the CDD email address provided, as it will make it easier to respond to any public records requests.

FOURTH ORDER OF BUSINESS

Update: Letter to Supervisors Regarding the Applicability of Sunshine Law and Public Records Law to Social Media and Internet

Ms. Willson presented the letter to the Supervisors regarding the applicability of Sunshine Law and Public Records Law to social media and the internet. She recommended Board Members follow best practices and not post CDD business on social media websites to avoid it becoming a Sunshine Law violation. If they post or reply to a post a copy should be forwarded to Mr. Adams for record keeping purposes. Ms. Willson or Mr. Adams should be contacted with any questions.

In response to a question, Ms. Willson stated that posting factual items, such as an upcoming agenda on the website is okay but cautioned Board Members to not respond to any follow-up responses. Mr. Silber and Ms. Comella opined that it is best not to post CDD business on social media, as it must then be forwarded and it will become part of a public record.

A Board Member asked how the Board is supposed to conduct business when Board Members cannot communicate between meetings. The Board was advised to contact District Staff if information is needed between meetings.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the TSR Community Development District, and Providing for an Effective Date

Mr. Adams presented Resolution 2023-01. Ms. Comella nominated the following slate:

Chair	Jason Silber
Vice Chair	Mary Comella
Secretary	Chesley (Chuck) E. Adams
Treasurer	Craig Wrathell
Assistant Secretary	Tim Green
Assistant Secretary	David Deenihan
Assistant Secretary	Frank Stalzer
Assistant Secretary	Craig Wrathell
Assistant Treasurer	Jeffrey Pinder

No other nominations were made.

On MOTION by Mr. Green and seconded by Mr. Deenihan, with all in favor, Resolution 2023-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the TSR Community Development District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Discussion: Evaluation of Landscape Maintenance Proposals

Mr. Adams distributed and presented the following:

- Evaluation Criteria
- Bid Submission Criteria Evaluation spreadsheet

- Pricing Bid Summary Comparison spreadsheet Fiscal Year 2023 -2025
- Extra Services Pricing Bid Summary Comparison spreadsheet Fiscal Year 2023 -2025
- Bid Criteria Evaluation Results

Mr. Adams stated that the Landscape Committee Members, led by Mr. Yahn, reviewed the bid submittal packages and were scored according to the criteria.

DUE TO TECHNICAL DIFFICULTIES, AUDIO WAS NOT AVAILABLE

THE FOLLOWING WAS TRANSCRIBED FROM MEETING NOTES

The Board reviewed the scores for each respondent in each category. Discussion amongst the Board regarding one of the criteria, which caused a scoring change, resulted in the following score:

#1	Landscape Maintenance Professionals, Inc.	\$1,705,128.00	82.50 points
#2	Sunrise Landscape Maintenance, LLC	\$1,806,539.00	81.75 points
#3	Cerpa Landscape, LLC	\$1,554,270.00	79.00 points
#4	Yellowstone Landscape, Inc.	\$1,701,538.00	77.50 points
#5	Mainscape, Inc.	\$1,861,822.00	65.00 points
#6	Juniper Landscaping of Florida, LLC	\$1,794,667.00	64.75 points
#7	RedTree Landscape Systems, LLC	\$1,550,850.00	61.00 points

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, acceptance of the scoring and rankings, ranking Landscape Maintenance Professionals, Inc. as the #1 ranked respondent to the Landscape and Irrigation Maintenance Services Contract and authorizing Staff to negotiate an agreement with Landscape Maintenance Professionals, Inc., the #1 ranked respondent, and authorizing the Chair to execute, was approved.

- **Consideration of Resolution 2023-02, Regarding the Award of Contract for TSR Landscape and Irrigation Maintenance Services; Providing a Severability Clause; and Providing an Effective Date**

Mr. Adams presented Resolution 2023-02.

On MOTION by Mr. Stalzer and seconded by Mr. Deenihan, with all in favor, Resolution 2023-02, Regarding the Award of Contract to Landscape Maintenance Professionals, Inc., for TSR Landscape and Irrigation Maintenance Services; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TRANSCRIPTION FROM AUDIO RESUMED

The Notice of Award letters will be sent tomorrow and the final form of Agreement will be finalized upon conclusion of the 72-hour protest period.

Mr. Stalzer expressed his disappointment that the Board did not receive all the information today. Going forward, he expects the Board to receive all data they are supposed to have before making such a large commitment.

- **Update: Conveyances**

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

- A. **Albritton Park [Tracts F-1 and B-3]**

- **Warranty Deed**
- **Engineer's Certificate**

These items were included for informational purposes.

Mr. Silber asked why the Board was not advised of this until now, as he believed Albritton Park had not been opened to the public because permits were still pending.

Ms. Willson stated that the District Engineer reviewed and signed off on the conveyance items, which included permits and is within the scope of work and in accordance with the Series 2019 Acquisition Agreement. These items were prepared in the last few weeks. She addressed Mr. Silber's concerns about the CDD's recourse if the conveyance is completed and the permits are not fully processed.

Mr. Call addressed the following concerns:

- **Pool Permit:** Pasco County and the State Health Department completed their inspections. Staff confirmed that the pool can be opened for operations.
- **Wildlife Permit:** This is believed to be a social media matter; all the permits were pulled and closed out properly.

- **Future Conveyances**

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

Mr. Call distributed and presented the following proposals, which address resident concerns:

- DTE Estimate #42107 to install additional sod and irrigation changes at the Albritton Dog Park for \$10,289.83
- RIPA & Associates Invoice #RS221101 to install additional fencing and gate outside the Albritton dog park for \$4,450.

Mr. Call stated, if approved, the Developer will proceed with the projects and request reimbursement out of the construction account.

Mr. Call stated there is about \$256,0000 remaining in the construction fund. The Developer plans to use those funds and stay within budget to complete two other projects, including additional landscaping at Pine Gap Spur and along the frontage of the commercial property in between Fencepost Drive and Gunn Highway. The Developer is working with the Commercial Developers to prepare plans for the pedestrian plaza and landscape improvements.

Ms. Willson stated that, to the extent the projects exceed the budget, there is the Developer Completion Agreement so the CDD will not pay for these projects.

Ms. Willson stated there is no risk of the CDD having to fund the projects. She recommended preparing a License Agreement to allow the Developer to access CDD property to perform this work and to protect the CDD in the event of any unforeseen damage to CDD property, which obligates the Developer to make those repairs.

On MOTION by Mr. Silber and seconded by Ms. Comella, with all in favor, the DTE #42107 and RIPA & Associates #RS221101 proposals from the Developer to make the improvements, pursuant to acceptable terms, and authorizing District Staff to prepare a License Agreement and for the Chair to execute, were approved.

SEVENTH ORDER OF BUSINESS

Consideration of Letter Agreement for Mitigation Area Conveyance and Maintenance

Mr. Call stated the purpose of the Developer’s Letter Agreement is for the CDD to consider taking on maintenance responsibilities for 1.07 acres of mitigation area along Lake Blanche Drive. In exchange, the Developer will provide the funds to complete the work and be responsible for any costs that exceed \$22,500.

Ms. Willson stated that the CDD already accepted conveyance of the property about a year ago. The Developer is proposing that the CDD add this area to its landscape contract and monitor those costs, instead of the Developer maintaining the area. The intent is that the Developer will provide any and all such funds to the CDD to maintain it.

In response to a question, Mr. Call stated he will ask if the Developer will consider keeping the same amount of funds in escrow.

Discussion ensued regarding the Easement Agreement and the thought that designating funds in escrow will address liability concerns.

This item was deferred.

EIGHTH ORDER OF BUSINESS

Discussion: Landscape Maintenance Services on Lake Blanche ROW

Mr. Call stated that Pasco County wants to know if the CDD will consider maintaining the landscape at the right-of-way (ROW) on Lake Blanch Road. He distributed and reviewed photographs of the area and noted that the contractor will be completing punch list items before final inspection and closing out the permit. The benefit will be that the area will be maintained to the CDD’s standards; however, the CDD has not budgeted for this expense.

Mr. Silber suggested Mr. Adams obtain a proposal from LMP for the CDD to maintain it and ask the County to reimburse the CDD.

Mr. Adams stated that Sunscape’s Representative was unable to attend the meeting and asked to defer the Ninth, Tenth and Eleventh Orders of Business to the January or February meeting, since the December 7, 2022 meeting will be cancelled.

Ms. Comella was in favor and Mr. Stalzer was opposed cancelling the December 7, 2022 meeting. Mr. Stalzer and Mr. Deenihan conveyed their frustration about how long it takes the Board to get things done.

The Board agreed to hear public comments.

Resident Ray Szelest referred to Agenda Item 10 and asked why West Bay Homes is not being held responsible for payment of the full amount of the invoice, since they caused the issue.

NINTH ORDER OF BUSINESS

**Discussion: Sunscape Consulting
Landscaping Projects for Fiscal Year
2022/2023**

- A. Soil Treatments and Pruning for Albritton Park [\$36,295] & [\$5,900]**
- B. Fall Tree Pruning and Soil Treatments for Various Locations [\$30,950] & [\$39,027]**
- C. Spring Tree Pruning and Soil Treatments for Various Locations [\$28,159] & [\$22,027]**
- D. Tree Pruning for Huckleberry Pond and West Side of Cunningham Park [\$14,500]**

This item was deferred.

TENTH ORDER OF BUSINESS

Consideration of Down to Earth, Estimate #30688 for Zoysia Sod, Parcel B Turf Loss – Tallfield Lane [\$10,780.00]

This item was deferred.

ELEVENTH ORDER OF BUSINESS

Consideration of Proposals for Tree Care at Cunningham Park

- A. The Davey Tree Company [\$17,200]**
- B. BrightView Tree Care Services [\$15,000]**

This item was deferred.

TWELFTH ORDER OF BUSINESS

Consideration of Standard Brick Pavers, Interlocking Paver Proposal for Heart Pine Avenue Bridge [\$15,348]

Mr. Mazzoni presented the revised Standard Brick Pavers Proposal that included costs for additional pavers and a recommendation to change the pattern, which will strengthen the paver deck going forward. He was unable to obtaining other proposals. If approved, he will notify on-site Staff of the project dates.

Ms. Willson will prepare the standard contract Agreement.

On MOTION by Mr. Stalzer and seconded by Ms. Comella, with all in favor, the revised Standard Brick Pavers proposal dated October 21, 2022, to install interlocking pavers at Heart Pine Avenue Bridge, in the amount of \$15,348.00, and authorizing the Chair to execute, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Egis Insurance & Risk Advisors, Proposal for Workers Compensation [\$636]

Mr. Mazzone presented the Egis Insurance & Risk Advisors proposal for workers compensation coverage, which will allow resident volunteers to participate in cleanup days around Cunningham Park, on a quarterly basis; it excludes assisting with Christmas decorations.

Ms. Willson recommended purchasing this policy to ensure coverage if there are any claims.

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, the Egis Insurance & Risk Advisors proposal for Workers Compensation insurance coverage, in the amount of \$636, was approved.

FOURTEENTH ORDER OF BUSINESS

Consideration of Cornerstone Proposal for Woods Rider Loop Project [\$11,719]

Mr. Mazzone presented the options of approving the proposal, which will avoid the CDD having to use private property or the sidewalk to access the area, or keeping the maintenance status quo, in which homeowners are maintaining 2' to 3' of CDD property behind their homes.

This item was deferred.

FIFTEENTH ORDER OF BUSINESS

Consideration of Duke Energy Florida, LLC, Easement

Ms. Willson presented the Duke Energy Florida, LLC, Easement Agreement to install a new transformer and reduce the easement area from 10' to 5', which will require the CDD to provide a certified sketch and legal description within 60 days of installation of the

improvements. Mr. Call stated that the original request was from Taylor Morrison because a transformer is needed at the entranceway to help the irrigation system.

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, the Duke Energy Florida, LLC, Easement Agreement to install a new transformer and keeping the Easement Area at 10', was approved.

SIXTEENTH ORDER OF BUSINESS

Consideration of Replacing/Adding Bollards Back to the Trails

Ms. Hlebak presented proposals for various kinds of pylons to replace the missing plastic pylons on Rangland Boulevard behind Monroe Commons. She recommended installing the ones with the locking mechanism in three areas on a trial basis, which will address traffic congestion and prevent golf cart and dirt bike access, before deciding whether to install them elsewhere.

Discussion ensued regarding the budget and the possibility of other neighborhoods requesting bollards.

On MOTION by Mr. Stalzer and seconded by Ms. Comella, with all in favor, replacing and/or adding bollards back to the trails in three locations, as recommended by Staff, was approved.

SEVENTEENTH ORDER OF BUSINESS

Update: Conveyances

B. Albritton Park [Tracts F-1 and B-3]

- **Warranty Deed**
- **Engineer's Certificate**

This item was presented following the Sixth Order of Business.

EIGHTEENTH ORDER OF BUSINESS

Update: Future Conveyances

This item was presented following the Sixth Order of Business.

NINETEENTH ORDER OF BUSINESS

Discussion: Welcome Center Availability

Ms. Willson stated Mr. Liquori advised her that the Developer will allow the CDD to continue using the space until March 2023 with no fee. Beginning April 1, 2023, the CDD should plan to lease the Welcome Center or secure an alternate facility. The Developer is reviewing possible terms of a lease for the Board's review.

Mr. Call stated that the Developer affirmed to him, prior to the meeting, that they will do a lease with the CDD starting April 1, 2023 at \$25 per square foot, which, based on 3,260 square feet, is \$81,500 per year and matches the current budget. He will email a sample lease to Ms. Willson to present at the next meeting. The CDD can negotiate the ability to sublease, in the lease.

Ms. Willson stated she will have the tax laws researched to determine what the CDD needs to abide by. She asked for the Developer to consider coordinating the lease dates with the CDD's Fiscal Year.

TWENTIETH ORDER OF BUSINESS

Update: Sunshine Law and Committee Rules

Ms. Willson stated that, upon further research, establishing a Committee to explore real estate options and the Amenity Center would be subject to Sunshine Law and require adhering to certain guidelines.

TWENTY-FIRST ORDER OF BUSINESS

Discussion: Consultant's Competitive Negotiation Act - District Engineering Services Procurement

- **Authorization of Request for Qualifications (RFQ)**

Ms. Willson gave an overview of the RFQ process. She presented the RFQ for Engineering Services and the Competitive Selection Criteria required to replace the current District Engineer, Heidt Design, LLC, due to lack of responsiveness.

Mr. Green suggested the Board consider a transition period involving keeping the current District Engineer for six months and engaging a new District Engineer. Mr. Call agreed that this is an advantage but felt that, since the CDD is moving beyond that stage, the Board could engage firms that specialize in CDDs going into the operation and maintenance (O&M)

phase. Mr. Green stated it is typical for Developers to engage an Engineer separate from a Project Engineer. The responses to the RFQ will be presented at the February meeting.

On MOTION by Mr. Stalzer and seconded by Mr. Deenihan, with all in favor, the Request for Qualifications for Engineering Services and Competitive Selection Criteria and authorizing District Staff to advertise the RFQ, was approved.

TWENTY-SECOND ORDER OF BUSINESS

Discussion: Holiday Lighting Program

Mr. Szelest asked if the Board will consider soliciting bids for holiday lighting, as the CDD was late in doing so last year. Ms. Hlebak stated that a vendor was scheduled and already installed the lighting. She requested feedback on the varied aesthetics. Mr. Szelest suggested decorations more inclusive of other religions. Mr. Call recommended having volunteers help the Lifestyle Staff with the decorations next year.

- **Consideration: County Recycling Waste Agreement**

This item was an addition to the agenda.

Mr. Adams presented the County Recycling Waste Agreement to assign all provisions in the Agreement to Coastal Waste and Recycling; he and Ms. Willson received this just prior to the meeting. The original 5-year contract date was October 1, 2015 and an Addendum was executed on October 1, 2020 that extended the term five years. The CDD is already into year two of the extended contract. Ms. Willson reviewed the Agreement and recommended approval, subject to correcting the CDD's address.

On MOTION by Mr. Stalzer and seconded by Mr. Deenihan, with all in favor, the County Recycling, Inc., Waste Agreement to Assign services to Coastal Waste & Recycling of Central Florida, LLC, as amended to correct the CDD address, and authorizing Staff to prepare a proposed Addendum, was approved.

TWENTY-THIRD ORDER OF BUSINESS

Acceptance of Unaudited Financial Reports as of October 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2022.

Mr. Stalzer asked the Board Members to review the financials, in detail, sometime in the next couple of months. To save time, the new Board Members were asked to review the budget with Mr. Adams individually, prior to the meeting with the other Board Members.

The financials were accepted.

TWENTY-FOURTH ORDER OF BUSINESS

Approval of October 12, 2022 Regular Meeting Minutes

Mr. Adams presented the October 12, 2022 Regular Meeting Minutes.

The following changes were made:

Lines 31 and 82: Change "Davison" to "Anderson"

Lines 69 and 70: Delete "Regarding whether a building is being constructed behind Esplanade, Mr. Call stated he heard a rumor Starkey sold the Blueberry Farm and is building something."

Regarding Line 124, Mr. Stalzer stated that he did not recall Mrs. Adams' statement that WestBay agreed to pay 50% of DTE Estimate #30688. Mr. Call stated he received additional correspondence from Homes by WestBay since the last meeting on this matter; he will email it to Mr. Adams to email to the Board. He recalled that the CDD asked them to take the lead on completing work and pay 50% of the costs, since the builder can get a better price.

Line 167: Insert "reflecting cost of \$279,000 to develop" after "costs"

On MOTION by Mr. Stalzer and seconded by Mr. Silber, with all in favor, the October 12, 2022 Regular Meeting Minutes, as amended, were approved.

Mr. Stalzer was designated point person to review meeting minutes.

TWENTY-FIFTH ORDER OF BUSINESS

Action & Completed Items

Items 3, 4, 6, 7, 8, 10, 11, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 33, 34, 35, 36, 37, 38 and 39 were completed.

Item 5: Completed with the exception of one outstanding deed.

Item 19: All but four commercial payments were received. Mr. Adams is working with Ms. Willson to pressure them to pay quickly.

Mr. Silber left the meeting at 7:20 p.m.

Item 30: Mr. Call stated that, after further research and reviewing the permits, it was determined that there is no minimum standard of maintenance required in the wetlands after it is transferred to the operation phase. This issue will be if the CDD wants to maintain the Esplanade area to a higher standard than it is today. Ms. Willson stated that any maintenance responsibilities allowing the HOA to maintain need some sort of Agreement so the CDD can make sure the HOA is not maintaining too much such that it is in violation of the Water Management District permit.

TWENTY-SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock, LLP*

Ms. Willson stated she will continue working on ongoing items. She welcomed the new Supervisors to the Board and instructed them to contact her with any questions.

Ms. Comella left the meeting due to technical difficulties.

B. District Engineer: *Heidt Design, LLC*

Mr. Patrick Gassaway stated that, once the RFQ is posted, he expects the CDD to receive several responses.

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

- **NEXT MEETING DATE: December 7, 2022 at 5:00 p.m.**

- **QUORUM CHECK**

The December 7, 2022 meeting was cancelled. The next meeting is scheduled for January 11, 2023.

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

Ms. Hlebak reviewed the October 2022 Monthly Summary Report. The December Report will be emailed to the Board. She will be covering for Ms. Iliana Santiago, while the new Lifestyle Coordinator, is out of the office for personal reasons. She stated that Ms. Santiago is doing an amazing job and is working on revamping some programs to implement in January.

Ms. Hlebak stated she received the keys to Albritton Park today and most of the programs in January will take place at the park. The Grand Opening will be scheduled the last weekend of the month.

- **Discussion: Repairs/Replacement of Whitfield Park Splash Pad Flooring**

Ms. Hlebak stated that the Pasco County Health Department inspected the splash pad and advised that the patches the Developer had done in 2020 are failing and need to be addressed within the next year or they will have to shut it down.

Ms. Hlebak presented two proposals from vendors who suggested replacing the flooring; proposals from two other firms are pending. The other option is to install a concrete or cement type of painted surface, which most of outdoor facilities are heading towards due to cost. The County advised that the lifespan is typically eight years, which is how old these are. If they change to another type of flooring, it will require changing the permitting with the County.

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

Mr. Mazzone presented the November Field Operations Report.

TWENTY-SEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Stalzer asked that the Board receive the agenda prior to the meeting in case they want to add to it. Mr. Adams stated he will distribute the agenda and advised the Board Members to submit items for the agenda ten days before the scheduled meeting date.

Mr. Stalzer asked if, as a Board Member, he is allowed to meet with a Sheriff's Representative to discuss vandalism occurring in the CDD. Ms. Willson replied affirmatively.

Mr. Green stated he is resigning after the meeting. He thanked Mr. Adams and Ms. Willson for a great job and wished the Board all the best. Mr. Stalzer stated that the Board will miss the Developer Representative Board Members and appreciate all that they have done in the community. Mr. Green's resignation letter will be presented at the next meeting.

TWENTY-EIGHTH ORDER OF BUSINESS

Adjournment

<p>On MOTION by Mr. Stalzer and seconded by Mr. Green, with all in favor, the meeting adjourned at 8:36 p.m.</p>


Secretary/Assistant Secretary


Chair/Vice Chair