

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on October 11, 2023, at 6:00 p.m., at Cunningham Park, 12131 Rangeland Boulevard, Odessa, Florida 33556.

Present were:

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

Also present were:

Chuck Adams	District Manager
Antonio Shaw	Wrathell, Hunt and Associates, LLC (WHA)
Alyssa Willson (via telephone)	District Counsel
Barry Mazzoni	Operations Manager
Rene Hlebak	WTS Starkey Ranch Lifestyle Director
Alex Murphy	WTS Starkey Ranch Operations Director
Gary Hawkins	Landscape Management Professionals
Mark Yahn (via telephone)	SunScape Consulting, Inc. (SCI)
Jon Herman (via telephone)	Berger, Toombs, Elam, Gaines & Frank
Swine Solutions Representative	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call/Pledge of Allegiance

Mr. Adams called the meeting to order at 6:00 p.m.

Supervisors Deenihan, Stalzer, Silber and Szelest were present. Supervisor Comella attended via telephone.

All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

***Disclaimer:** These summary minutes are intended to only highlight the topics discussed, items being considered and actions taken. The audio is available upon request.*

No members of the public spoke.

THIRD ORDER OF BUSINESS**Presentation of Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Mr. Herman presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022 and noted the pertinent information. The CDD received an unmodified “clean” opinion. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance. He encouraged Board Members to read the Management Letter.

Mr. Stalzer asked Mr. Herman if accounting principles conclude what is a reasonable amount of time for writing off delinquent accounts spanning over three years. Mr. Herman replied, no. He thinks that one year is reasonable.

Asked if the Report was filed timely, Ms. Willson stated the State notified the CDD in September of the Report being late and that it must be filed by November 17, 2023 to avoid any additional action or penalty. Mr. Adams stated the Report was filed prior to the meeting.

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2024-01, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022**

<p>On MOTION by Mr. Stalzer and seconded by Mr. Szelest, with all in favor, Resolution 2024-01, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was accepted.</p>
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FIFTH ORDER OF BUSINESS**Continued Discussion/Consideration of Revised LMP Addendum 2 to the Landscape Maintenance Agreement (Parcel C)**

Mr. Mazzone presented the Revised LMP Addendum 2 to the Landscape Maintenance Agreement for Parcel C and accompanying Exhibit. The amount of this Addendum is the same amount credited to the CDD in June, as the parcel was not conveyed to the CDD at that time.

Mr. Szelest asked Mr. Hawkins, of LMP, if this is the same amount that was used in the workshop. Mr. Mazzone and Mr. Hawkins replied affirmatively.

On MOTION by Mr. Silber and seconded by Mr. Szelest, with all in favor, the Revised Landscape Maintenance Professional (LMP) Addendum 2 to the Landscape Maintenance Services Agreement for Parcel C, increasing the landscape maintenance services invoice by \$2,353.42 per month and the new invoice amount increase from \$134,353.25 per month to \$136,706.67 per month, was approved.

SIXTH ORDER OF BUSINESS

Consideration of LMP Landscaping Enhancement Proposals - Sunscape

Mr. Mazzone stated that the landscaping enhancement proposals are the same ones that were ranked in June and presented again in September and they are the areas Sunscape and LMP recommended during regular inspection. Staff responded to questions and explanations about replacing the drip tubing irrigation system to meet new landscape requirements, installing drought resistant plants consistent with existing landscaping, having experienced irrigation technicians assigned to the project, invoice coded to two separate budget items, commencing the project in the fall during cooler weather and budget concerns.

On MOTION by Mr. Szelest and seconded by Mr. Deenihan, with all in favor, LMP Fiscal Year 2023-2024 Landscaping Enhancement Program Estimates #83446, #83599, #83593, #83705, #83600, #83601, #83597 and #83596, were approved.

Mr. Mazzone stated that he and Mr. Yahn discussed the landscape project for Rangeland East and West and proposed \$450,000 cost after the workshop. They concluded that the only way to proceed is for the Board to determine a working budget amount and expend \$5,000 for Mr. Yahn's team to work with their in-house design team to refine the original plan and build

the scope for the Request for Proposals (RFP), which will give an idea of the overall project and enable the Board to decide whether to proceed with the entire project or a partial project. Mr. Yahn stated the two options are to replace the sod and seed, for \$300,000 to \$325,000, versus plantings for an additional \$150,000, for a total project cost of \$450,000. This requires expending \$5,000 for his team to finish Cody's drawings to create a biddable document. Another option is to sod everything and add plants or a combination of plants with areas for pine straw beds and then add more plants later.

Mr. Silber asked for workshops to be scheduled in the evening. He asked why the original plan to keep the good sod and add plants differs from what is being proposed today. Mr. Yahn gave an overview of the options discussed in the workshop and the need for a scale plan if the CDD decides to plant, create and group pine straw beds, which will help reduce maintenance costs.

Some Board Members prefer incurring the expense for preparation of a final sketch. Staff observed no irrigation issues in the area.

Heated discussion and debate ensued.

Mr. Deenihan motioned to install sod and pine straw around the trees, as discussed in the workshop. The motion died due to lack of a second.

Mr. Yahn discussed an option to just install sod and not plants. This would only require the contractor to prepare the area to lay sod, for about \$325,000, and SCI would draw the proposed areas where they would install pine straw beds in the field, at no cost to the CDD, which would avoid incurring costs for a full landscape drawing.

Mr. Deenihan motioned and Mr. Silber seconded to install sod and for Mr. Yahn to draw the pine beds out in the field. The Board conceded for Ms. Comella to present her motion. Mr. Deenihan withdrew his motion.

On MOTION by Ms. Comella and seconded by Mr. Stalzer, with Ms. Comella, Mr. Stalzer and Mr. Szelest in favor and Mr. Deenihan and Mr. Silber dissenting, engaging SCI to finish Cody's Planting design drawings for Rangeland Boulevard to create a biddable RFP document, in a not-to-exceed amount of \$5,000, was approved. [Motion passed 3-2]

- **Continued Discussion/Update: Hog Trapping Questions and Responses**
 - A. **Consideration of Swine Solutions Proposal for Wild Pig Removal**

This item, previously Item 8A, was presented out of order.

The Hog Trapping Questions and Responses memorandum was included for informational purposes.

Mr. Mazzone and a Swine Solutions representative addressed questions about how the service areas and number and types of traps are determined, who will be assigned to the project, distance from the CDD and ensuring provider has commercial liability insurance.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, the Swine Solutions Proposal for Wild Pig Removal, in a not-to-exceed amount of \$1,850 per month, subject to the CDD's standard contract terms, was approved.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration of SOLitude Lake Management, LLC Proposals for Pond Dye and Plantings

Mr. Mazzoni presented the memorandum with a breakdown of SOLitude's Pond Program Quotes to dye the ponds, the add-on monthly maintenance quote for Stencil Ponds A through C once they are conveyed to the CDD and for pond plantings, which will be deferred to Spring 2024 due to low water levels. Another add-on quote to install the SOX system in Pond 12-5 (Night Star Trail) was provided for informational purposes, while Staff explores other options. A quote for hydro seed is being obtained.

At the Board's request, Mr. Mazzoni will provide SOLitude's proposals and addendum to the Agreement to show the annual expenditures.

Regarding a recent fish kill, Mr. Mazzoni explained what causes fish kills, which mostly occur during certain seasons. SOLitude typically does a general cleanup per contract and the rest is usually up to nature; otherwise, the CDD will incur significant costs for overall cleanup.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, the SOLitude add-on maintenance quote for Stancil Ponds A through D, in a not-to-exceed amount of \$300 per month or \$3,600 annually, subject to turnover of parcels, and the SOLitude Pond Dye quote, as listed, in a not-to-exceed amount of \$1,708 per month or \$20,494 annually, were approved.

EIGHTH ORDER OF BUSINESS

Continued Discussion/Update: Hog Trapping Questions and Responses

A. Consideration of Swine Solutions Proposal for Wild Pig Removal

This item was presented following the Sixth Order of Business.

NINTH ORDER OF BUSINESS

Continued Discussion: Paver Maintenance on Heart Pine Avenue and Long Spur Avenue

Mr. Mazzone presented the following:

- A. Consideration of Rose Paving, LLC Proposal**
- B. Consideration of Standard Brick Pavers Proposal (under separate cover)**
- C. Consideration of Watkins & Sons Paving, Inc. Estimate**

Mr. Stalzer pointed out that the proposals have different square footages and that the Rose Paving proposal omitted recommendations to seal the pavers after six months, which will extend the life span. Mr. Adams stated that is not typically done on roadways.

On MOTION by Mr. Silber and seconded by Mr. Szelest, with all in favor, Rose Paving, LLC Proposal No OPP-23-022473 to remove pavers and install a base and asphalt on Heart Pine Avenue and Long Spur Avenue, in a not-to-exceed amount of \$29,936.59, subject to Staff verifying the square footage is accurate and the standard form of agreement with Ms. Willson’s advice, was approved.

TENTH ORDER OF BUSINESS

Update: Welcome Center Lease

Mr. Adams stated that the edits to the Welcome Center Lease were completed. Staff is binding insurance and verifying the accuracy of the contents inventory list. Regarding commencement, Ms. Willson stated that the Developer asked for the lease to commence

retroactive to October 1, 2023. It still includes the no live music or theatrical entertainment clause without advanced landlord approval. The Lifestyle Events & Use of the Welcome Center Ideas, Suggestions & Current Use list was included for informational purposes. The lease excludes use of the grassy “property” area on the side of the building.

On MOTION by Mr. Deenihan and seconded by Mr. Silber, with all in favor, moving future CDD meetings to the Welcome Center and advertising the new meeting location starting with the November 2023 meeting, using the same address as for the September Workshop, was approved.

Regarding moving all activities to the Welcome Center to make Cunningham Park more available for rentals, Ms. Hlebak stated she already contacted a few HOA’s about conducting meetings there. Mr. Silber asked Ms. Helbak to have the HOAs reschedule future meetings scheduled after the next 30 days to the Welcome Center.

ELEVENTH ORDER OF BUSINESS

Discussion/Update: Operating Funds Investment Options

Mr. Adams reviewed investment options for the CDD’s surplus funds. He recommended the BankUnited Insured Cash Sweep (ICS) deposit program. In his opinion, it is the best option, as it is fully backed beyond FDIC limits, has no set minimum deposit requirement, rates are flat across the board, is 100 basis points below the Federal Funds Rate and will automatically adjust monthly. The rate at the time of the letter was federal 5.5% and increased ¼ point 5.75 resulting earning rate 4.75%.

On MOTION by Mr. Szelest and seconded by Mr. Stalzer, with all in favor, authorizing Staff and the Chair to take all steps necessary to open an ICS account with BankUnited, was approved.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Reports as of August 31, 2023

Mr. Adams presented the Unaudited Financial Reports as of August 31, 2023. The shared commercial property owners past due payments were received in full yesterday, with the exception of BW 54 Gunn West LLC, now known as Real Sub, LLC, whose balance due is \$1,974; Starkey Ranch Asset's balance due is \$5,105.

Mr. Stalzer asked Mr. Adams why the \$53,000 in the Audit was not written off as liability. Mr. Adams stated he will discuss it with the Controller.

The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of September 13, 2023 Regular Meeting Minutes

The following changes were made:

Line 11: Delete

Line 36: Delete "at roll call"

Regarding Line 60 discussion about speed limit and conveyance documents, Mr. Deenihan asked if he can forward information to Mr. Clemons directly. Mr. Adams replied affirmatively, just not on Facebook or other social media.

On MOTION by Mr. Stalzer and seconded by Mr. Deenihan, with all in favor, the September 13, 2023 Regular Meeting Minutes, as amended to incorporate the edits made and edits submitted to Management, were approved.

FOURTEENTH ORDER OF BUSINESS

Action & Completed Items

Item 5: Mr. Adams will email the materials to Mr. Stalzer.

Item 6: Delete as it is a duplicate of 5.

Staff will further update the Action & Completed Items list after the meeting.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock, LLP

Ms. Willson stated she is working on getting the lease finalized and executed.

B. District Engineer: Johnson Engineering, Inc.**C. District Manager: Wrathell, Hunt and Associates, LLC**

There was no District Engineer or District Manager reports.

- **NEXT MEETING DATE: November 8, 2023 at 6:00 PM**
 - **QUORUM CHECK**

The next meeting will be on November 8, 2023 at the Welcome Center.

D. Lifestyle Director & Amenity Manager: Arch Amenities Group

Ms. Hlebak presented the Monthly Summary Report. She discussed options to transition from the FOB system to a new locking system, app capability, access concerns and notifying residents and the HOAs' about the CDD's new email address and app. She encouraged reporting landscaping concerns on the new app.

Mr. Szelest complemented Staff on an outstanding job on the Wildlife Symposium.

Mr. Silber reported that coping is separating from the tile at the Homestead Park pool. Ms. Hlebak stated that the pool technician deemed it a cosmetic matter and nothing to be concerned about but it will be repaired.

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

Mr. Mazzoni presented the Monthly Field Operations Report and noted the following:

- Frontier Project: After further inspection, Staff and vendors determined that the new figure to reimburse the CDD for damages is \$7,057.50.
- West Bay Homes offered to reimburse the CDD a total of \$28,769.36 to cover repair costs due to turf loss, plant and turf replacement and irrigation repairs, if the CDD accepts turnover of Parcels B1 and B2, respectively. Mr. Mazzoni thinks this is the best option for the CDD, as it will avoid further damage and delays.

<p>On MOTION by Mr. Szelest and seconded by Mr. Stalzer, with all in favor, authorizing Staff and Ms. Willson to work with West Bay to finalize a Settlement Agreement for Parcels B1 and B2, in the amount of \$28,769.36, and authorizing the Chair to execute, was approved.</p>
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➤ The Night Star Trail speed limit is 35 miles per hour (mph), which differs from the 30 mph on similar roadways or 25 mph on Barbour Trail.

Mr. Deenihan stated he spoke to several agencies and was told they will pass the CDD’s request to reduce the speed limit to the Traffic Administration Department. If the change goes through, it will take about two months; most likely around November 21, 2023.

➤ Pond M-14D: A homeowner submitted a request to bush hog the area. He and Mr. Hawkins do not think it would be wise to allow it, as this area will not be easy to maintain.

Regarding the Parcel C ponds, Mr. Mazzoni stated the issues were resolved.

SIXTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Stalzer asked for Staff to advertise an RFP for Auditing Services.

On MOTION by Mr. Stalzer and seconded by Mr. Silber, with Mr. Stalzer, Mr. Silber, Mr. Deenihan and Mr. Szelest in favor and Ms. Comella dissenting, authorizing Staff to advertise an RFP for Audit Services, using the existing Auditor Selection Ranking Criteria and proceeding with the use of the violation criteria required by Statute and additional evaluation criteria to consider and to include price from the commencement from the RFP, was approved. [Motion passed 4-1]

Mr. Deenihan asked for the Board Members to use respectful tones when addressing each other and the public. Mr. Adams reminded the Board Members about decorum at meetings and adhering to the Rules of Procedures Meeting Policy.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Deenihan and seconded by Mr. Szelest, with all in favor, the meeting adjourned at 8:23 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair