

MINUTES OF MEETING
BONNET CREEK RESORT
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Bonnet Creek Resort Community Development District was held Thursday, August 6, 2020 at 2:00 p.m. via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69, 20-112, and 20-150 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, and June 23, 2020 respectively, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum were:

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| Bob Gaul | Chairman |
| Randall Greene | Vice Chairman |
| Ruth Perry | Treasurer |
| Herb Von Kluge | Assistant Secretary |

Also present were:

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| George Flint | District Manager |
| Jan Carpenter | District Counsel |
| Kristen Trucco | District Counsel |
| Jim Nugent | District Engineer |
| Clayton Smith | GMS |
| Fred Sawyers | Hilton Managing Director |

The following is a summary of the minutes and actions taken at the August 6, 2020 meeting and a copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Glen Winsor

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor Mr. Winsor's resignation was accepted.

B. Appointment of Individual to Fill the Board Vacancy with a Term Ending November 2022

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor Fred Sawyers was appointed to fill the unexpired term of office.

C. Administration of Oath of Office to Newly Appointed Supervisor

Mr. Flint stated I can't swear you in over Zoom, but we will provide you the oath of office form and you will need to have a notary administer it to you or we can wait until the next meeting assuming we are meeting in person and I can do it at that point. You are welcome to participate in the meeting; you just can't vote at this meeting.

Ms. Carpenter stated I am District Counsel and Kristen works with me and we will send you all kinds of information about sunshine law, public records, that once you get sworn in you are a government official of the State of Florida. The biggest concern is that you not talk to another Board Member about business that could come before the Board so that you get involved in sunshine law violations and if we send emails, don't reply to all because you may be communicating something you would vote one way or the other.

Mr. Sawyers stated Glen gave me some updates and warnings and I have also been a Board Member of the New Orleans Convention Center.

D. Consideration of Resolution 2020-06 Electing a Secretary

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor Resolution 2020-06 electing Fred Sawyers as Secretary was approved.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the June 4, 2020 Meeting

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor the minutes of the June 4, 2020 meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Contract Extensions

A. Amendment to Agreement for Maintenance of Landscape/Hardscape, Berms and Irrigation Improvements with Yellowstone Landscape, Inc.

Mr. Flint stated this is for an extension of the contract and a reduction in cost. At the prior Board meeting the Board directed me to issue an RFP for the landscape maintenance service. The current contractor voluntarily agreed to reduce their contract by 15% and administratively I deferred action on issuing the RFP. I talked to several of the Board Members and they seemed to be comfortable and that this would be acceptable to the Board in lieu of issuing the RFP. The contract is going from about \$232,000 to \$198,000 with the exact scope of work. We will monitor their work to make sure that this cost reduction does not result in a reduction in performance. We prepared an extension for 12 months and you will be approving a revised pricing sheet as Exhibit A to the contract. This was entered into July 1 and will be retroactive to July 1.

Ms. Perry asked Clayton, have you seen any issues?

Mr. Smith responded no, there was a little bit that I had to get on them but now that they have worked this out, I have seen them increase their service. I feel like they are moving in the right direction.

On MOTION by Mr. Greene seconded by Mr. Gaul with all in favor the amendment to the agreement with Yellowstone extending the term of the agreement one-year with a reduction in cost was approved.

B. Wetland Maintenance with Aquatic Weed Control, Inc. (2)

Mr. Flint stated they have agreed to hold their pricing; this is extending both agreements by 12 months.

On MOTION by Mr. Gaul seconded by Ms. Perry with all in favor the Wetland Maintenance Agreements with Aquatic Weed Control, Inc. were extended one-year.

C. Wetland & Upland Monitoring Services with Breedlove, Dennis & Associates (2)

On MOTION by Mr. Von Kluge seconded by Ms. Perry with all in favor the Wetland & Upland Monitoring Services agreements with Breedlove, Dennis & Associates were extended one-year.

SIXTH ORDER OF BUSINESS

Ratification of Consulting Engineer's Report

Mr. Flint stated this is ratification of the work authorization for the consulting Engineer's report. When we issued the bonds and when we refinanced the indenture requires that we have an Engineer's report prepared by July 1 of each year. In an effort to be able to meet the deadline I executed the work authorization for a fee that was consistent with what they charged in prior years, which was \$5,000.

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor execution of the work authorization to prepare the consulting Engineer's Report was ratified.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter stated we finally entered and got the settlement done with Reedy Creek and the money was deposited and Bob was a trooper getting everything signed and notarized during this time with no staff around.

B. Engineer

i. Update on Entry Monumentation Construction

Mr. Nugent stated the county building permit was issued for the signs, July 29th. Revised plans that were prepared in response to RCID comments were submitted to the county for review on the 29th of July, to date of the 13 departments reviewing, three have approved, three are in review and the other departments haven't looked at the plans. We will continue to follow-up and try to get formal approval or deal with whatever comments we may get on the revised plans once they are available at the county.

The contractor's payment and performance bond was received on the 29th of July. Jan's staff noted an error in the District's name on the performance bond and I followed up with the

contractor and asked him to get a revised page for inclusion in the bond that they have already provided.

Ms. Carpenter stated if it looks like it is going to take time from an administrative standpoint we could record the NOC if we know it is on its way. Keep us posted, I don't want to hold up if it is just administrative getting the new page circulated.

Mr. Nugent stated we coordinated with the contractor to update the pricing on the revised plans and we requested that the contractor provide a change order request, which he gave to us on the 28th of July, we prepared the change order form, got it signed by the contractor and I sent a copy to George today for Board review.

Mr. Flint stated it didn't get in the package, but I will forward that to the Board now. We bid this quite some time ago and the Board awarded a contract to Don Bell Signs in the amount of \$721,840 and based on the time that has gone by since it was originally awarded there were increases from his subcontractors and rather than revising the original contract amount we handled the changes through this proposed change order.

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| On MOTION by Mr. Greene seconded by Mr. Gaul with all in favor change order no. 1 from Don Bell Signs in the amount of a net increase of \$27,000 was approved. |
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Mr. Nugent stated we are coordinating with Canin and the contractor on the shop drawing submittal review, some of it deal with the colors on the signs, equipment and the depth of the foundation on the eastern sign. We have a meeting with Canin, the contractor and the structural Engineer tomorrow to talk about that because the foundation design for the eastern sign is set to accommodate the ultimate condition of the widening of Buena Vista Drive. We started the Reedy Creek right of way permit application process through their websites. I need information from the contractor to complete the application form.

There is one item I want to bring forward for consideration. The contractor submitted their initial pay application and on review the amounts reflect payment for work that has not yet been completed and I asked for backup on that from the representative from Don Bell Signs and I was told that some of the subcontractors they are using are asking for deposits upfront to secure materials and schedule the work. I'm not in a position to recommend payment without input

from the Board as to whether they are agreeable in providing depository amount to the contractor to start work.

Ms. Carpenter stated generally you would want to see whatever the contract is that they have ordered that requires deposits so we have confirmation on the money went to whoever it is going to. Some kind of requirement to pay and then we will need a receipt or something.

Mr. Sawyers asked is the contractor getting sub-bonds out of the subs?

Mr. Nugent responded no, I believe the bonding is coming in its entirety from Don Bell Signs as the prime. I will ask them for backup as to what their contract agreements are with their subs that they require this. In general discussions I have had with Jim Wetherell he said this is probably a one off deal for them because it is a governmental contract. He said they generally request a 50% deposit on the front end when they start work on private signs.

Mr. Flint stated between District Counsel, myself and the Engineer, hopefully, we can make a common sense decision on that without having Board action necessary.

Ms. Carpenter asked would the Board be comfortable delegating to one Board Member to okay it once staff has going through it so we don't have to wait for another Board meeting to get the payment out?

Mr. Flint stated typically the chair would be delegated that authority.

Mr. Gaul stated I will volunteer for that.

On MOTION by Mr. Green seconded by Ms. Perry with all in favor Mr. Gaul was delegated the authority to review and authorize the deposit amount to the contractor once staff has reviewed and approved the request.

ii. Update on Irrigation Pump Station Replacement

Mr. Nugent stated we did get the recorded version of the easement for the irrigation pump station on the 17th of July. We submitted the plans for the Orange County building permit on the 17th of July, based on their website there are 12 departments reviewing; two of them have approved, ten other departments are still open.

We met with the contractor last week onsite, Pro Pump, which is going to be the prime contractor brought on a new sitework contractor to do the wet well and some of the pipe work after their previous sub begged off based on other scheduled commitments. We met with them

and walked through the new site work subcontractor on the scope of the project and the site conditions and what they are up against so far as working on the Waldorf Golf Course. We are hoping with that input to get pricing from them they generally committed to two weeks from last Friday. I will get Jim Boyd, our environmental Engineer in that loop as well. We should have approved plans no later than mid to late September.

A couple items that came up with discussions with the contractor. They are looking where they could place a construction trailer and use for a lay down area while they are doing the pump station work. The only place I can think of is the vacant lot, the Wyndham lot. That JW was using during construction. I don't know if that is available on a short-term basis or on what conditions that would be acceptable. The only other option is the contractor, Pro Pump was going to approach Reese as to whether he might have space available in the maintenance area immediately adjacent to the pump station site. I shared Reese's contact information with Richard at Pro Pump but have not yet heard back from them.

They are going to have at least one backhoe and probably a frontend loader would need a place to park it in the evenings. The wet well will be precast and will have to be off loaded and stacked, then the pipe will be shipped in probably 20 or 40 foot pieces for the suction line and they have to be off loaded and staged for installation. Those are the bigger components I can think of. I don't know how large of a trailer they are proposing, I didn't ask for a lot of detail because I didn't know if your lot was acceptable, but I was asked to bring it up. I'm trying to facilitate to help the contractor a little bit and to keep the pump station project moving forward.

Mr. Gaul asked Randall is that something you can live with over there?

Mr. Greene stated yes, we would be good.

Mr. Gaul stated I'm going to need to be held harmless in case something happens on that land. I don't know if that is something Jan would put together for us or not.

Mr. Sawyers stated you are also going to need an insurance certificate naming you, as proof of coverage.

Ms. Trucco stated Bob, that is something we can put together.

Mr. Gaul stated I'm willing to get it through to Wyndham if Randall is willing to look at it for as long as it is out there I think we can probably move this along because we all want to move it along.

Mr. Nugent asked would you want me to put Richard at Pro Pump in contact with you directly or do you want us to act as intermediary?

Mr. Gaul stated you are the expert for our group. The biggest thing is if Kristen is going to handle that just making sure that part is taken care of. She can reach out to me or to Randall and once I get the document I'm happy to take it to corporate.

Mr. Flint stated what will need to happen if the CDD is preparing the agreement it will likely be between the CDD and Wyndham and the CDD would have to give certain protections and also make sure the contractor is providing the same to us. Let's get together offline and we can get it coordinated.

Ms. Trucco stated I will coordinate that with them.

Mr. Nugent stated one of the items I brought up during a prior Board meeting is we need to proceed with a modification to the existing water use permit that governs the operation of the pump station and backup well, because we are moving the location of the pump station from where it is shown in the District plans. I had a pre-application meeting with District staff in March before the Corona Virus crises started and got direction from them. I have that permit modification submittal ready to go in, however, one of the items I will need is authorization from the Board to request that permit modification on behalf of Bonnet Creek Resort CDD.

On MOTION by Ms. Perry seconded by Mr. Greene with all in favor the District Engineer was authorized to request a letter modification to the water management District permit for the pump station relocation.

Mr. Nugent stated the contractor wants to know whether they can rely on McIntosh as District consultant to assist them with construction stakeout and survey for the pump station construction. I told them we may be able to provide them horizontal and vertical control for the construction, but they should consider providing their own surveyor to help with the actual construction stakeout for the pipe work and everything else that needs to be done.

Mr. Flint asked how did you structure it when you bid the project?

Mr. Nugent stated in the original cost breakdown we had survey and as-builts included as more of a lump sum line item. I just need to tell him that he needs to provide that. He may ask us to do it under separate contract to him, but we don't often do construction stakeout except in rare

instances and in this particular case assisting with horizontal control is more of a minimal item but I don't think we want to be in the position of working for both the contractor and District as a consultant.

Mr. Flint stated the issue is whether you want to do it or not and if you want to do it, the issue is whether you believe there is a conflict that the Board may need to waive. I would tell them they need to provide their own.

Ms. Trucco stated especially as it is included as a lump sum, we can see what their response is to that.

Mr. Nugent stated okay. I will inform the contractor.

C. Manager

i. Consideration of Check Register

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| On MOTION by Ms. Perry seconded by Mr. Greene with all in favor the check register was approved. |
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ii. Balance Sheet and Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

iii. Field Manager's Report

Mr. Smith stated we have some upcoming projects some landscape enhancements, some areas to fill in some sod, some grasses that look like they have been run over by a vehicle and we are going to fill in some of the juniper that declined before we got some rain. We have some sidewalk repairs between the end of the Wyndham Grand and to the front of the JW Marriott. For some reason around the outfalls they seem to have collapsed in these corners and this happened very recently, which prompted fixing all the stuff down there. When we did it last year we didn't do this branch of the sidewalks. There are some grinding of the inlets and repairing some of the curb, that is also part of the Engineer's report. I have been working with the contractor for the Marriott signage and they are moving slowly but we are in the permitting process. There is a temporary sign they put in place.

I have one proposal from Heritage to repair approximately eight locations on that stretch of sidewalk for \$11,320 and one from Heritage to repair the curb inlets that are sinking is \$1,840,

and the last one from GMS-CF is to grind all the inlets that are creating trip hazards between the Grand and JW Marriott entrance and a few other spots along that sidewalk stretch.

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor the proposals with Heritage Service Solutions, LLC and GMS-CF, were approved.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.


NINTH ORDER OF BUSINESS

Other Business

There being none,

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor the meeting adjourned at 2:53 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman