

**MINUTES OF MEETING
EDGEWATER EAST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Edgewater East Community Development District held a Regular Meeting on March 9, 2023, at 3:00 p.m., at the offices of Hanson, Walter & Associates, Inc., located at 8 Broadway, Suite 104, Kissimmee, Florida 34741.

Present were:

Kevin Mays	Vice Chair
Kevin Kramer	Assistant Secretary
Robert “Bobby” Wanas	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Mike Eckert	District Counsel
Shawn Hindle	District Engineer
Shane Cox (via telephone)	So. Development & Construction (SDC)
Mary Eberhardt (via telephone)	SDC

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 3:01 p.m. Supervisors Mays, Kramer and Wanas were present. Supervisors Onorato and Breakstone were not present.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Eckert asked to add two items to the agenda, the Second Amended Interlocal Agreement which was not addressed at the last meeting, and authorization to sell excess dirt.

- **Consideration of Second Amended and Restated Interlocal Agreement Between Osceola County, Florida and Edgewater East Community Development District Regarding the Exercise of Powers and Cooperation on Providing Additional Disclosure and Notices**

This item was an addition to the agenda.

Mr. Eckert stated an Amended Interlocal Agreement is required anytime the CDD amends its boundaries so the CDD’s boundary description is the same as the last Ordinance the County adopted. The Agreement was in the agenda book last month.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Second Amended and Restated Interlocal Agreement Between Osceola County, Florida and Edgewater East Community Development District Regarding the Exercise of Powers and Cooperation on Providing Additional Disclosure and Notices, was approved.

- **Consideration of RFP and Selection Criteria for ED5 Framework Roadway, Phase 1 and Clay Whaley Road, Phase 1 Landscape and Irrigation**

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

Mr. Eckert stated the initial intent was to complete the two projects at the same time but one might exceed the competitive bid threshold and necessitate a Request for Proposals (RFP). Mr. Wanas stated contractors were asked to try to provide cost estimates for the ED5 Framework Roadway Phase 1 project that are below the bid threshold. The Evaluation Selection Criteria and the RFP package are similar to those for the Cross Prairie Parkway project. There is an option to contract the projects with competitive bids, if under the threshold or bundle them and advertise the RFP. It was noted that the threshold is approximately \$500,500. Depending on the outcome of the cost estimates, contract(s) will be presented at the next meeting, but, if the estimates exceed the threshold, approval to advertise the RFP will be requested.

On MOTION by Mr. Wanas and seconded by Mr. Kramer, with all in favor, the Evaluation Criteria and Request for Proposals for the ED5 Framework Roadway Phase 1 and Clay Whaley Road Phase 1 Landscape and Irrigation projects and authorizing Mr. Wanas to seek competitive estimates, was approved.

THIRD ORDER OF BUSINESS

Review of Bids for ED6 Framework Roadway Phase 1 Civil Site Work

A. Evaluation Criteria

Mr. Hindle reviewed the bids and noted a few irregularities with the unit cost, mobilization and survey but he deemed both bid responses as complete. He discussed correcting a \$2,000 error in Line Item #11 of the JR. Davis Construction (JDC) bid due to JDC retyping the bid form causing a formatting error. This did not change his recommendation to award the contract to JDC. Mr. Hindle discussed the scoring and responded to questions.

Mr. Kramer presented his scores, as follows, which the other Board Members accepted.

#1	Jr. Davis Construction	100 points
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#2 Southern Development & Construction, Inc. 75.8 points

B. Award of Contract

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, accepting the scorings and rankings, ranking Jr. Davis Construction as the #1 ranked respondent to the RFP for the ED6 Framework Roadway Phase 1 Civil Site Work, and authorizing the Chair or Vice Chair, in the Chair’s absence, to finalize and execute a contract with Jr. Davis Construction, the #1 ranked respondent, was approved.

FOURTH ORDER OF BUSINESS

Consideration of RFP and Selection Criteria for ED5 Framework Roadway, Phase 1 and Clay Whaley Road, Phase 1 Landscape and Irrigation

This item was presented following the Second Order of Business.

FIFTH ORDER OF BUSINESS

Consideration of OUC Service Agreement for Lighting Service Edgewater ED5 Roadway

On MOTION by Mr. Wanas and seconded by Mr. Kramer, with all in favor, the OUC Service Agreement for Lighting Service on Edgewater ED5 Roadway, was approved.

SIXTH ORDER OF BUSINESS

Consideration of BrightView Landscape Development, Inc., Work Authorization No. 01 for ED5 Sleeves

On MOTION by Mr. Wanas and seconded by Mr. Kramer, with all in favor, BrightView Landscape Development, Inc., Work Authorization No. 01 for ED5 sleeves, in a not-to-exceed amount of \$31,799.88, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: Summons to Show Cause and Notice of Hearing Date

Mr. Eckert will research why the CDD was named in the Summons and Petition in Eminent Domain, as it appears the areas on the map are not within the boundaries of the CDD. He will enter a Notice of Appearance and report his findings at the next meeting but, if there is a basis for the action, he recommends engaging an Attorney experienced in eminent domain.

A Board Member mentioned that the original alignment of the Cross Prairie Parkway might touch the State’s acquisition so the State might be thinking that, if the CDD is providing a new Right-of-Way (ROW), that ROW will be transferred to the CDD not the Developer.

EIGHTH ORDER OF BUSINESS

Consideration of Change Orders

Mr. Wanas presented the following:

- A. Change Order No. 001, Phase 1 Civil Work Clay Whaley Road [Southern Dev. and Construction]**
- B. Change Order No. 001 Phase 1 Civil Work ED-5 [JR. Davis Construction]**

On MOTION by Mr. Wanas and seconded by Mr. Mays, with all in favor Southern Development & Construction, Inc., Change Order No. 001, for a net decrease of \$83,163.10, and JR. Davis Construction Change Order No. 001, for a net increase of \$554,095.58, were approved.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2023

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Unaudited Financial Statements as of January 31, 2023, were accepted.

TENTH ORDER OF BUSINESS

Approval of February 2, 2023 Regular Meeting Minutes

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the February 2, 2023 Regular Meeting Minutes, as amended to include comments Mr. Eckert provided to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Kutak Rock, LLP***

Mr. Eckert stated discussions are underway to sell excess dirt that is not needed. This could be an outright sale with funds credited to the CDD construction account or potentially a deduct or credit to the CDD depending on the purchaser.

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, authorizing the Chair/Vice Chair to execute an Agreement outside of a meeting to sell excess dirt, subject to Bond Counsel approval and subject to confirming that the price is reasonable and based on market conditions, , was approved.

B. District Engineer: *Hanson, Walter & Associates, Inc.*

Mr. Hindle stated the design plans that were updated, as follows:

- A pipe and ditch were added by the inlet. The County was unconvinced that the property owner excavated the swale to discharge water onto Clay Whaley Road during a hurricane.
- Negotiated with the County to add one right turn lane at the eastern-most drive of ED2. Once this is approved by the County, SDC will submit a change order.
- Corrected a typographical error. One curb inlet had 3275 instead of 3375. It is already built and they might have to top it or move it over a foot.

Mr. Hindle stated a City of St. Cloud Council Member wants to direct operations and maintenance (O&M) of local streets to the CDD. The City of St. Cloud Board approved Impact Fee Credits of \$1.36 million to the CDD at its meeting last night.

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

- **NEXT MEETING DATE: April 6, 2023 at 9:00 A.M.**
 - **QUORUM CHECK**

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

An upcoming RFP was discussed.

THIRTEENTH ORDER OF BUSINESS

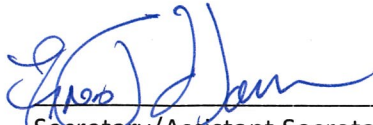
Public Comments

There were no public comments.


FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the meeting adjourned at 3:53 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair,