

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

The Board of Supervisors of the Edgewater East Community Development District held a Regular Meeting on September 14, 2023 at 4:00 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
Kate John	Kutak Rock, LLP
Shawn Hindle	District Engineer
Michael Osborn	BTI
Cliff Leung (via telephone)	BrightView

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 4:00 p.m. Supervisors Mays, Kramer and Wanas were present. Supervisors Onorato and Breakstone were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Discussion: Toho Invoices

Mr. Torres called attention to a letter, dated August 10, 2023, and copies of invoices from the Toho Water Authority (Toho). The letter offered an explanation about invoices received from April through July. He corresponded with the Board Members regarding this item, in relation to the General Fund and asked Mr. Cliff Leung, of Brightview, to attend today

to answer any questions the Board might have regarding broken water lines, untimely repairs and other circumstances that led to the high consumption rates.

Mr. Leung stated there were a few broken sprinkler heads but they are repaired on a weekly basis. The CDD owns a large roadway of roughly 1½ miles, where nine acres of sod needs to be constantly irrigated. There are 270 valves putting forth 392 gallons of water, three times per week, to sustain the life of the landscaping, barring any droughts or rain events.

Mr. Kramer asked if the amount of flow and irrigation needed on the invoices matches the CDD's irrigation needs.

Mr. Leung stated the months in question were during the drought, when there was no rain for two to three months, high temperatures and a need to irrigate daily for 25 minutes per day to sustain the new and growing landscape. Asked about an adjustment that decreased the amount owed from \$25,000 for April, May and June to \$9,000, Mr. Leung stated that was a manual adjustment, as the team noticed that it started raining more frequently so, instead of six days per week, irrigation was reduced to three days per week at 15 minutes per zone, which is the current run cycle. The CDD might use slightly less irrigation if the rain sensor detects a significant amount of water and stops the controls from running; however, it is currently running at 392 gallons if there is no change in the run cycle.

Mr. Mays stated it sounds as if the invoices are accurate and there was no break and it is concerning that, at first, Toho was not billing the CDD and then the CDD suddenly received three or four invoices collectively. Mr. Torres stated the letter states that the water authority conducted an "in house estimate."

Mr. Leung left the call.

Per Mr. Mays, Mr. Torres to ask Toho to approve a payment plan or allow the CDD to defer payment to stay on budget so close to the end of the fiscal year. Mr. Torres will confer with the Toho Water Authority and update the Board at a future meeting.

FOURTH ORDER OF BUSINESS

Consideration of RFP and Selection Criteria for ED6 Framework Roadway Phase 1 Landscape and Irrigation Work

Mr. Torres presented the Request for Proposals (RFP) and Selection Criteria for ED6 Framework Roadway Phase 1 Landscape and Irrigation Work.

Discussion ensued regarding the Evaluation Criteria and the schedule summary.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the RFP and Selection Criteria and Evaluation Criteria for ED6 Framework Roadway Phase 1 Landscape and Irrigation Work, were approved.

FIFTH ORDER OF BUSINESS

Consideration of Hanson, Walter & Associates, Inc., ED6 Construction Management Work Authorization

Mr. Torres presented the Hanson, Walter & Associates, Inc., ED6 Construction Management Work Authorization in the amount of \$38,000.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the Hanson, Walter & Associates, Inc., ED6 Construction Management Work Authorization, in the amount of \$38,000, was approved.

SIXTH ORDER OF BUSINESS

Consideration of BrightView Landscape Services Landscape Maintenance Proposal (Cross Prairie Pkwy)

Mr. Torres presented the BrightView Landscape Services Landscape Maintenance Proposal for Cross Prairie Parkway. The project is slated for and included in the Fiscal Year 2024 budget.

Mr. Wanas stated BrightView is the CDD's current landscape contractor and submitted the most favorable bid for the project. He reviewed the proposal and confirmed that this will be a one-year agreement with no renewals.

Discussion ensued regarding other vendors and irrigation breaks.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the BrightView Landscape Services Landscape Maintenance Proposal for Cross Prairie Parkway, subject to preparation of the contract by District Counsel and execution by the Vice Chair, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Change Orders

Mr. Hindle presented the following:

- A. **Jr. Davis Construction Company RFCO 01 OUC Distribution & Lighting CFU**
- B. **Jr. Davis Construction Company Change Order 02 Irrigation Telecom Sleeves R1**
- C. **Jr. Davis Construction Company Change Order 07 Reuse Meter Installation**

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, the Jr. Davis Construction Company Change Orders 01, 02 and 07, as listed, were approved.

EIGHTH ORDER OF BUSINESS

Ratification of Southern Dev. and Construction Change Oder No. 004 Phase 1 Civil Work Clay Whaley Road

Mr. Torres presented Southern Development and Construction Change Order No. 004 for Phase 1 Civil Work on Clay Whaley Road and stated this is for an adjustment of \$420,370.67 for a direct purchase.

Mr. Hindle stated the Board previously approved the Change Order and this is an acknowledgement of the transaction and the signatures. Asked if this is a deduction for the materials that the CDD directly purchased, Mr. Hindle replied affirmatively.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Southern Development and Construction Change Oder No. 004 Phase 1 Civil Work Clay Whaley Road, was ratified.

NINTH ORDER OF BUSINESS

Discussion: How CDD Addresses Damage to CDD Owned Land

Mr. Eckert stated this is a common occurrence with CDDs and it is typically resolved by the CDD sending a letter to the construction company/builder that damaged the property and requesting restoration. There is no current agreement with the builder whereby the CDD can bring a lawsuit for breach of agreement but, typically, when a builder receives a demand letter

with a cost estimate, they usually make the repairs. Asked if a letter was sent, Mr. Eckert stated not yet.

Mr. Wanas stated he has sent emails, made repair requests, provided Meritage Homes with a deadline that was largely ignored and copied District Counsel on all correspondence.

Discussion ensued regarding the contractor’s response to the emails, the damages, the subcontractor responsible for the damages, obtaining and sending a cost estimate, County inspections and securing a turnkey contractor to make the repairs.

Mr. Torres will email the contact information to Mr. Eckert.

Mr. Eckert will draft and email a demand letter to Mr. Wanas for his review and then send it to Meritage Homes, including a cost estimate.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2023

Mr. Torres presented the Unaudited Financial Statements as of July 31, 2023.

Discussion ensued regarding the budget, irrigation invoices, irrigation costs and the amount budgeted for streetlights.

Per Mr. Mays, Mr. Torres will inquire about setting up a payment plan for the irrigation invoices, check to see if the streetlights were paid and clarify the budget in advance of the next meeting.

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

ELEVENTH ORDER OF BUSINESS

Approval of August 3, 2023 Public Hearings and Regular Meeting Minutes

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the August 3, 2023 Public Hearings and Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock, LLP

Mr. Eckert reported the following:

- The Boundary Amendment Hearing will be considered at a City meeting this evening, as well as a previously discussed revised Interlocal Agreement related to roadway maintenance, where the CDD will own and maintain the local roads. Staff is hopeful to get the 3.24-acre Boundary Amendment approved by the County in October.
- Regarding a previously-approved amendment to Collateral Assignment Agreement to carve out the property being conveyed by the School Board, Staff might have a different approach; rather than amending the Agreement, which might require bondholder consent, they might be able to release the property from the Collateral Assignment Agreement instead of actually amending the Agreement. Mr. Eckert stated this is at the suggestion of Bond Counsel and the Underwriter and he is comfortable with the approach if it is acceptable to the School Board. He asked for authorization to release the land from the Collateral Assignment Agreement rather than amend it.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, authorizing District Counsel to effectuate release of the land to the School Board instead of amending the Collateral Assignment Agreement, was approved.

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

Mr. Hindle stated the most recent hurricane caused a significant rainfall that led to flooding on Cross Prairie Parkway and clogged the storm drain pipes. There were several washouts of dirt. He suggested having the pipes cleaned out and installing rubble riprap at the entrance of the pipes to slow the velocity and prevent future flooding and erosion.

Discussion ensued regarding erosion control, bio-swales, ground cover and using bond funds to repair the pipes. Mr. Hindle will ask a few Engineers from Johnson Engineering and their Landscape Architect to participate in a walk-through of the area.

Asked about the Clay Whaley bond, Mr. Hindle stated that Clay Whaley Phase 2 is over \$3 million. There is a \$6 million bond from Clay Whaley Phase 1 and there is less than \$3 million of work left to do on Clay Whaley Phase 1 so there are enough bond funds to cover the bonding

of Phase 2. However, in the bond itself and in the rider given to the County, it establishes Clay Whaley Phase 1. He is unsure if the CDD would have to obtain a new bond for Phase 2 or take the existing bond and do a rider to include Clay Whaley Phase 2.

Discussion ensued regarding the rider, contractor’s bonding company and the County Attorney.

Mr. Eckert will follow up with Mr. Hindle.

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

- **NEXT MEETING DATE: October 5, 2023 at 9:00 A.M.**
 - **QUORUM CHECK**

THIRTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

Mr. Kramer stated he and Mr. Hindle have been working on a mobility fee credit reimbursement with the County to receive \$3.7 million of impact fee credits from the work on the first phase of Cross Prairie Parkway. The transaction is still in progress and could be drawn to a close by October in front of the City Council.

Discussion ensued about how the impact fee payments will be made, the number of Lots in ED4, the School District, road maintenance and RFPs for additional roadway construction.

FOURTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

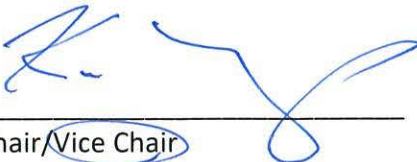
FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the meeting adjourned at 4:55 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair