

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on January 11, 2023, at 5:00 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

Also present were:

Chuck Adams	District Manager
Alyssa Willson (via telephone)	District Counsel
Barry Mazzoni	Operations Manager
Mark Yahn	SunScape Consulting, Inc., (SCI)
Peter Soety (via telephone)	SunScape Consulting, Inc., (SCI)
Scott Carlson	LMP Landscape Maintenance Professionals
Rene Hlebak	WTS Starkey Ranch Lifestyle Director
Matt Call	Developer
Ray Szelest	Resident
Bill Schumacher	Resident
Karen Anderson	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 5:00 p.m. Supervisors Deenihan, Stalzer and Silber were present. Supervisor Comella attended via telephone. Supervisor Green was not present.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

There were no public comments.

***Disclaimer:** These summary minutes are intended to only highlight the topics discussed, items being considered and actions taken.*

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Tim Green; Seat 4 (*Term Expires November
2024*)**

Mr. Adams presented Mr. Green’s resignation letter.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, the resignation of Mr. Tim Green from Seat 4, effective immediately, was accepted.

FOURTH ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired
Term of Seat 4**

Discussion ensued regarding considering an appointment today and potential difficulty establishing a quorum.

Some Board Members mentioned other potential candidates and voiced their opinion that information about the vacant seat should be e-blasted to the residents.

Mr. Deenihan nominated Mr. Ray Szelest to fill Seat 4.

On MOTION by Mr. Deenihan and seconded by Mr. Silber, with Mr. Deenihan and Mr. Silber in favor and Mr. Stalzer and Ms. Comella dissenting, the appointment of Mr. Ray Szelest to fill Seat 4, was not approved. [Motion failed]

On MOTION by Ms. Comella and seconded by Mr. Stalzer, with Ms. Comella, Mr. Stalzer and Mr. Silber in favor and Mr. Deenihan dissenting, directing Staff to send an e-blast notifying residents about the vacant seat, was approved. [Motion passed 3-1]

- A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)**
 - I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

- II. **Membership, Obligations and Responsibilities**
- III. **Financial Disclosure Forms**
 - a. **Form 1: Statement of Financial Interests**
 - b. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. **Form 1F: Final Statement of Financial Interests**
- IV. **Form 8B – Memorandum of Voting Conflict**
- B. **Consideration of Resolution 2023-03, Designating Certain Officers of the District, and Providing for an Effective Date**

FIFTH ORDER OF BUSINESS

Consideration of Letter Agreement for Mitigation Area Conveyance and Maintenance

Mr. Call stated that the Developer is not interested in designating funds in escrow. If the CDD decides not to accept maintenance responsibility for the mitigation area along Lake Blanche Drive, the Developer will continue to maintain it until the five-year compliance period expires.

Discussion ensued about the advantage of the CDD maintaining it, would be maintenance consistency and the ability to keep excess funds, if any.

On MOTION by Ms. Comella and seconded by Mr. Silber, with all in favor, rejecting the Letter Agreement for Mitigation Area Conveyance and Maintenance and leaving maintenance responsibility for the mitigation area along Lake Blanche Drive to the Developer, was approved.

SIXTH ORDER OF BUSINESS

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

Mr. Yahn discussed the vendor transition process. He reviewed the final tasks with Down-to-Earth (DTE), which will be completed by the end of January. He will start inspecting LMP's work in February. The transition went well and they are off to a very good start. The CDD website will be updated with the new after-hours contact information.

The Board agreed to LMP's request to install an on-site timeclock for employees to use and a dumpster for cut-back debris. Site options will be presented at the next meeting.

Mr. Soety presented the following proposals for projects that were originally slated for last October and, if approved, will commence in March:

- 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]**

Discussion ensued regarding the "Landscape arbor care" budget, allocating a portion to contingency in case of a storm event, prioritizing projects, implementing a tree program and the budget projections for Fiscal Year 2023.

The Board approved agenda item 6D and asked SCI to present a list prioritizing all projects and supporting proposals at the next meeting.

On MOTION by Mr. Stalzer and seconded by Mr. Silber, with all in favor, Davey Tree Expert Company Proposal #20071275-1636637109 for tree pruning at Huckleberry Pond and the West Side of Cunningham Park, in a total not-to-exceed amount of \$14,500, was approved.

- **Consideration of Proposals for Tree Care at Cunningham Park**

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

Mr. Soety presented the following:

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

The Board discussed each proposal and suggested allotting \$20,000 of the current budget to contingency. SCI was asked to negotiate the Davey Tree Company proposal, add this item to the priority list and consolidate the Cunningham Park proposals. SCI will prepare the same list for the proposed Fiscal Year 2024 budget to be presented at the June meeting.

- **Consideration of LMP Proposal for Maintenance Services on Lake Blanche ROW (*to be provided under a separate cover*)**

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

Mr. Soety distributed and presented the proposal regarding Pasco County’s request for the CDD to maintain landscape in the Right-of-Way (ROW) on Lake Blanch Road.

Mr. Adams will ask the County to reimburse the CDD for this expense.

SEVENTH ORDER OF BUSINESS

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

Mr. Adams presented the emails regarding this estimate.

Mr. Call felt that WestBay can take care of the issue more efficiently than the CDD and can research if they can use the money that is held back for this project.

Discussion ensued regarding West Bay’s responsibility.

On MOTION by Mr. Stalzer and seconded by Mr. Deenihan, with all in favor, authorizing District Staff and persons with personal knowledge of the event to prepare a summary timeline of events and authorizing Ms. Willson to prepare and send a demand letter demanding payment of the estimate amount or replacement of the zoysia sod as proposed by DTE incorporating the timeline in the demand letter and attaching the email chain, was approved.

EIGHTH 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]**

These items were presented following the Sixth Order of Business.

NINTH ORDER OF BUSINESS

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

Mr. Mazzoni recapped this item deferred at the last meeting, responded to questions and reviewed the map in the Field Operations Report. In lieu of taking no action, Mr. Mazzoni was asked to review other options to address the access and bottleneck issues with LMP.

TENTH ORDER OF BUSINESS**Consideration of Responses to RFQ for Engineering Services****A. Affidavit/Proof of Publication****B. RFQ Package**

These items were included for informational purposes.

C. Respondents**I. Johnson Engineering, Inc.****II. Lighthouse Engineering, Inc.**

Mr. Adams stated that, of the five invitations, only two responded to the Request for Qualifications (RFQ).

D. Competitive Selection Criteria/Ranking

Mr. Adams and Ms. Willson discussed the RFQ process. Some Board Members voiced their concerns about their inexperience with the ranking process and asked for more time to review the responses to the RFQ.

Ms. Willson stated it is appropriate for the individual Board Members to obtain input on the categories from outside sources.

E. Award of Contract

Mr. Adams distributed the original RFQ package to the Board Members to review and complete and return at the next meeting.

This item was deferred.

ELEVENTH ORDER OF BUSINESS**Discussion: Memorandum Regarding Public Records Retention**

Ms. Willson stated that the Records Retention Policy is being updated to conform with best practices. This will allow deleting transitory messages and original records when they are available electronically.

A. Consideration of Resolution 2023-04, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison

Officer; Adopting a Records Retention Policy; Determining the Electronic Record to be the Official Record; and Providing for Severability and an Effective Date

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, Resolution 2023-04, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; Determining the Electronic Record to be the Official Record; and Providing for Severability and an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Rose Paving, LLC Proposal OPP-22-022046 for Sidewalk & Asphalt Repair [\$9,665.06]

Mr. Mazzoni presented the Rose Paving, LLC proposal for sidewalk and asphalt repair. Of the five invitations, Rose Paving was the sole respondent. He discussed the scope of work.

On MOTION by Mr. Silber and seconded by Ms. Comella, with all in favor, Rose Paving, LLC Proposal OPP-22-022046 for Sidewalk & Asphalt Repair, in the amount of \$9,665.06, subject to confirmation that the parking spaces and all property to be repaired is owned by the CDD, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Shenandoah General Construction CO Proposals

Mr. Mazzoni presented the following:

- A. P28087 Chain Pass [\$14,975]**
- B. P28088 Villamore Lane [\$1,653.75]**

Mr. Mazzoni reviewed the scopes of work, responded to questions and requested approval to do the same grout project in another area of Villamore Lane, which will save in mobilization costs.

On MOTION by Mr. Stalzer and seconded by Mr. Deenihan, with all in favor, Shenandoah General Construction CO Proposal #P28087 for Chain Pass, in the

amount of \$14,975 plus an additional 5% fuel charge, Proposal #P28088 for Villamore Lane, in the amount of \$1,653.75, and a forthcoming proposal for another location on Villamore Lane plus an additional 5% fuel charge, in a not-to-exceed amount of \$20,000, were approved.

FOURTEENTH ORDER OF BUSINESS

Consideration of LMP Proposal for Maintenance Services on Lake Blanche ROW (to be provided under a separate cover)

These items were presented following the Sixth Order of Business.

FIFTEENTH ORDER OF BUSINESS

Welcome Center Update

Ms. Willson stated the Developer sent the draft lease today but she did not have an opportunity to review it. The lease prohibits subletting. The lease will be emailed to the Board

Mr. Call distributed and reviewed the Summary of Terms sheet, which contains the same terms discussed at the last meeting. The lease will start on April 1, 2023, at a rate of \$25 per square foot based on 3,260 square feet of office space. The CDD will be billed \$6,791.67 monthly. The Developer will entertain allowing the CDD to sublease space for a lifestyle/POA/HOA activities and meetings but leasing it to another professional business will still be prohibited.

Mr. Call listed outstanding discussion items. He discussed an annual rate adjustment based on the Consumer Price Index (CPI), the security deposit, common area maintenance charges, the option to transfer certain utilities and landscape to the CDD and miscellaneous maintenance.

Mr. Stalzer felt that the rent amount is high and suggested renting month-to-month until the CDD finds other alternatives.

Resident Ray Szelest proposed renting the Cunningham Park facility until a decision is made on whether to expand the building or lease off site.

Mr. Silber suggested seeking a long-term solution that is cost effective and then figuring out a temporary solution, such as WTS employees working from home or finding temporary office space.

Discussion ensued regarding the suggestion to rent rooms at the library and the need for storage for equipment. It was noted that, if the CDD leases the space, WTS has ideas to rent the Welcome Center space that will benefit the residents.

Mr. Call stated that renting the Welcome Center will enable both parties to move forward to a potential sale in the future. The Developer always thought the CDD could use the space for more programming but has already received interest from real estate firms that want to lease or purchase the space.

Discussion ensued regarding renting the facility until Fiscal Year 2024 while exploring alternatives, obtaining market costs, establishing a committee to explore options and resident participation.

Resident Bill Schumacher voiced his opinion that this should have been in the planning stage years ago and that the Board should negotiate the price for a short-term lease, as this price is for a "Class A" facility, which this is not, or utilize the Cunningham Park building.

Discussion ensued regarding installing a temporary office trailer at Cunningham Park, requirement for committee meetings follow the Sunshine Law, scheduling workshops, further investigation to find alternatives, costs, timeline and surveying residents.

In response to a question, Ms. Hlebak discussed the space requirements, which she provided at a prior meeting, and meeting with Mr. Stalzer on site to determine the square footage needed.

Mr. Silber left the meeting and returned shortly thereafter.

Mr. Stalzer proposed a motion to proceed with a six-month lease and counter the amount. Mr. Silber seconded Mr. Stalzer's motion and then withdrew his second. Mr. Stalzer's motion died due to lack of a second.

Mr. Silber proposed a new motion.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, asking the Developer to provide their best and final lease terms, was approved.

Mr. Silber did not object to Mr. Mazzoni's suggestion to include CAM costs in the counter offer.

Discussion ensued regarding scheduling a workshop and the Developer's lease amount being based on their appraisal, which differed from the CDD's appraisal.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, authorizing Management Staff and WTS Staff to research and obtain preliminary information for long term options and for Option 1: Build a new structure or expand the structure at Cunningham Park with sufficient space to support Amenity Staff's operation and outside storage needs, Option 2: Rent or purchase an off-site facility that will provide the same office space and needs and Option 3: Enter into a long-term lease for the Welcome Center, was approved.

SIXTEENTH ORDER OF BUSINESS

Consideration of Natural Trailbuilding Proposals

Mr. Mazzoni presented the following:

- A. #00016 for Bike Park Maintenance**
- B. #00018 for Bike Park Repairs**

Discussion ensued regarding notifying residents that dirt bikes are causing damage, contacting the police, annual resurfacing costs, Sheriff Deputy's suggestion to post signage regarding "motorized vehicles" and the inability to reangle cameras at Cunningham Park.

On MOTION by Mr. Deenihan and seconded by Ms. Comella, with all in favor, Natural Trailbuilding Proposals #00016 for the Bike Park Quarterly Maintenance Package and other tasks as needed, in the amount of \$800 per quarter, and #00018 for Bike Park Repairs, in the amount of \$2,000, were approved.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Reports as of November 30, 2022

Mr. Adams noted that he reviewed the financials, in detail, with Mr. Stalzer before the meeting.

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2022 and responded to questions. He will research the “Due from Developer C” line item, West Bay collecting interest on late shared costs and contingency items. He will report his findings at the next meeting.

The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of November 29, 2022 Regular Meeting Minutes

Mr. Adams presented the November 29, 2022 Regular Meeting Minutes.

The following changes were made:

Line 117 through 118: Replace both sentences with “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 scoring:”

Line 151: Change “A Board Member” to “Mr. Stalzer”

Line 430: Change “this” to “completing work” and “CDD” to “Builder”

Mr. Stalzer asked for the October meeting minutes to be posted on the CDD website.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, the November 29, 2022 Regular Meeting Minutes, as amended, were approved.

NINETEENTH ORDER OF BUSINESS

Action & Completed Items

Mr. Adams will update the list after the meeting.

TWENTIETH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock, LLP*

There was no report.

B. District Engineer: *Heidt Design, LLC*

There was no report.

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

- **NEXT MEETING DATE: February 8, 2023 at 5:00 p.m.**
 - **QUORUM CHECK**

The next meeting will be held on February 8, 2023.

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

Ms. Hlebak reviewed the 2022 Year in Review Report, distributed the December Report and listed the events Staff is working on. Albritton Park pavilion rentals are mostly booked through April or May; rentals typically taper off in the warmer months. She discussed the need to relocate the communal trash cans near the homes, as some residents are filling them with household trash; she will present options at the next meeting. The missing bollards were reinstalled.

Mr. Stalzer commended WTS Staff's efforts.

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

Mr. Mazzoni presented the Monthly Field Operations Report and discussed the items he is working on, including obtaining the contractor's executed contract for the bridge project and obtaining proposals to pressure wash CDD sidewalks and presenting them at the next meeting.

Discussion ensued regarding the Heart Pine Avenue Bridge project commencing during spring break and transitioning to in-house pressure washing using a crew from a staffing agency to perform the work.

Mr. Deenihan is the designated point person to obtain information on this matter.

TWENTY-FIRST ORDER OF BUSINESS

Supervisors' Requests

Mr. Stalzer recalled the July 4th fireworks event that a resident held and stated that the resident did not comply with the requirement to obtain a single-event liability insurance policy before the event, which was not to take place on CDD property. He discussed the Fire Department's criteria to approve that type of event and stated he is extremely uncomfortable about this and that it happened and noted that he will not approve it in the future without the resident complying with the requirements.

Ms. Willson conveyed the CDD's stance to the original request and stated the passive use of CDD property without Board consent warrants another conversation with the CDD's insurance carrier. She will provide an update at the next meeting.

Discussion ensued regarding suspending the privileges of the resident who violated the requirements and whether enforcement after the fact would be effective. It was noted that an official letter was already sent to the resident and it was suggested that residents contact the police or fire department when a violation is in progress.

Mr. Stalzer conveyed conversations with County Commissioner Starkey and Traffic and Sherriff's Departments about activities and damages to the park on Lake Blanche Drive. The Park Commissioner and other parties are working on a plan to enhance security or limit access.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, the meeting adjourned at 9:07 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COFEAL
Secretary/Assistant Secretary

[Signature]
Chair/Vice Chair