

MINUTES OF MEETING  
CHAMPIONSGATE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the ChampionsGate Community Development District was held Monday, May 13, 2019 at 2:00 p.m. at the offices of RIDA Development, 8390 ChampionsGate Boulevard, Suite 104, ChampionsGate, Florida.

Present and constituting a quorum were:

Phillip Montalvo	Chairman
Darin Tennyson	Vice Chairman
Jordan Rockefeller	Assistant Secretary
Lee Dawson	Assistant Secretary
Elizabeth Allen	Assistant Secretary

Also present were:

Jill Burns	District Manager
Scott Clark	District Counsel
Mark Vincutonis	Hanson Walter
Yvonne Shouey	RIDA Development
Marc Reicher	RIDA Development
Teresa Viscarra	GMS

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order at 2:00 p.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the April 8, 2019 Meeting**

Mr. Rockefeller joined the meeting at this time.

On MOTION by Mr. Montalvo seconded by Mr. Tennyson with all in favor the minutes of the April 8, 2019 meeting were approved, as presented.
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*Item four was taken later in the meeting.*

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-07  
Approving the Proposed Fiscal Year 2020  
Budget and Setting a Public Hearing**

Ms. Burns stated the budget is attached to the resolution and there are some minor changes, but the overall assessment is proposed to remain the same.

Mr. Montalvo stated we show an decrease in revenue of almost \$27,000. What is that attributable to?

Ms. Burns stated we are projecting less carry forward surplus.

Mr. Montalvo stated the landscape maintenance amount is based on last year.

Ms. Viscarra stated the Weber contract has two one-year renewals and it didn't indicate a price increase.

Ms. Shouey stated he raised it when he did the new contract, he is not going to raise it again.

Mr. Montalvo asked when was the last time we bid this contract?

Ms. Viscarra stated Fiscal Year 2019 was the first year of the three-year contract. I'm not sure if we took proposals or did a formal RFP. The last time Weber raised their price was 2015 and they have kept that price the same and the increase also covered another small area that we took over from Bella Trac.

Mr. Clark stated I think we did Weber for three years and then renewed it and we are on three years again. I don't think we did a formal solicitation, but I think we did go out and contacted firms and got multiple bids.

Ms. Burns stated they are under the bid threshold.

Mr. Montalvo stated one of the problems I'm having is that on the website we only have two years going back, which is difficult to look at historical data. I'm not sure why we only do two years.

Mr. Clark stated I agree it is nice to have a website that is completely loaded with stuff but we had this issue with ADA compliance and our consultants are telling us that everything we put on the website we need to process so that it is ADA compliant and that is extremely expensive, the more documents you have. What management companies and attorneys have been advising is you need to skinny down your website just for cost efficiency to those things

that absolutely have to be there. That is unfortunate and I wish the Department of Justice would do something about it, but they are busy with other things.

Mr. Montalvo asked is that retroactive to when the regulation was established?

Mr. Clark stated the truth on it is the regulation is not in existence for small businesses. It was proposed in 2014, it was carried forward and then when the Trump administration came in they started their "let's cut regulations" and it was put on hold and it is still on hold. There has been some discussion about let's get rid of a lot of regulations that affect small business and small governments, which we would be defined as, but they haven't done it yet. Now there is a regulation that is pending and courts are looking at it and saying we are going to treat it as if it is in force because it is a regulation that is in force for big businesses. Retailers have had law suits for years on this. We are put in the position where we say we can spend \$50,000 or \$100,000 to fight it if we get a lawsuit or we can pay a consultant \$3,000 or \$4,000 a year and just comply.

Ms. Burns stated we have met with the insurance companies and several lawsuits have been brought against different Districts that they ultimately settled through insurance and the insurance company has told us if Districts are not making moves to make their websites ADA compliant, they will no longer offer coverage.

Mr. Montalvo asked is everything on our website ADA compliant now?

Ms. Viscarra stated I believe this District did pay for that service.

Ms. Burns stated the way they do the ADA compliance proposal is by the volume of documents on the website. If you want ten years of documents or the ability to schedule classes for amenity centers then some of the quotes for that service was \$25,000 to \$30,000. What most are suggesting is that you put what is required by statute, the limited amount that is on there, which is two years and it saves money and the website is ADA compliant.

Mr. Montalvo stated if anybody wanted to get copies of minutes or budgets we direct them to our office.

Ms. Burns stated or to the District Manager. Any public records request should go to the District Manager.

Ms. Allen stated the electric is going from about \$5,000 up about 10%. Is that because of the potential lights on Laura Lane if we do the sidewalk project?

Ms. Viscarra stated compared to last year the bills are coming in a little higher and even though we call every year to ask the utility company if there is going to be an increase and they say no, as soon as we approve the budget they have an increase.

Ms. Allen stated that increase is not taking into account the potential seven new lights if we do Laura Lane.

Ms. Viscarra responded I wasn't aware of that. If we need to include that I can offset any increase with the amount going into the capital reserves.

Mr. Montalvo asked what is the increase in security for?

Ms. Viscarra stated we have paid VGlobalTech in February to do the compliance and if they are not finished by now they should be close.

Mr. Montalvo asked did we tell them to go back two years?

Ms. Burns stated it was whatever was on the website. Their quote outlined the current amount that was on the website. I can check to see.

Mr. Montalvo stated do that because there is only two years on there.

Ms. Viscarra stated if there is a certain amount you are wishing to go back we can do that.

Ms. Burns stated we can get them to add additional items, but it will be at an additional cost.

Mr. Montalvo stated why don't we just say 2015 going forward. See what the cost would be to do that.

Ms. Burns stated okay.

Ms. Shouey asked are you trying to put these on the website or get copies?

Mr. Montalvo stated budgets and minutes. Let's find out what it would cost to go back five years, get a cost for minutes and a cost for budgets.

Ms. Viscarra stated as far as security we did increase that heading into this year when Osceola County Sheriff's Department advised us that they were looking at a new system where they would be forcing us to pay the bills via ACH, which incurred an admin fee from them. About two and a half months in they decided this is too much of a hassle we are taking that back and that opened up for us to have a little cushion in there, however, after the last meeting having the gentleman from Florida Highway Patrol come in and we discussed an overlap or possibly

switching to them 100% where their rates were a little higher, I decided to cushion it a little bit more and should the Board decide to go with them we would have enough to offset that fee.

Ms. Burns stated the last bond payment was made on May 1, 2019, there will be excess funds in the amount of \$529,080.16 that will be transferred into the capital reserve fund.

Ms. Viscarra stated if by April 30<sup>th</sup> the District is not 100% collected on the tax roll, anything we get between now and the beginning of July we would still allocate on the tax receipt schedule the same way we have been so any amount that would have been designated to the debt service fund would automatically transfer into the capital reserves, that is where you see the \$16,000 on the debt service projected for the remainder of the fiscal year.

On MOTION by Mr. Tennyson seconded by Ms. Allen with all in favor Resolution 2019-07 approving the proposed budget and setting a public hearing for August 12, 2019 at 2:00 p.m. at the offices of RIDA Development, 8390 ChampionsGate Boulevard, Suite 104, ChampionsGate, Florida, was approved.

**SIXTH ORDER OF BUSINESS**

**Discussion of Issuing RFP for Landscape Maintenance Services**

Mr. Montalvo stated the question is we have not had a formal RFP for four years; we have been tagging along the renewals on Weber and did an informal check a year or two ago. What is the appetite of the Board in terms of do we want to go out to a formal RFP for landscaping services or not? Do we have any policy on this that you are aware of in terms of how often we need to do these things?

Mr. Clark stated since we are not over the threshold we have more discretion, if you are under threshold and do a contract for a particular term you may build in an extension. Once you get to the end of the contract period and extensions then you have to go back out to market and go through the process. We can go through an RFP, we can do something informally or we can agree to stay with the existing contractor.

Mr. Dawson stated the shrubs in front of Publix look pretty shabby.

Ms. Shouey stated they are 20 years old and are scheduled to be replaced.

Mr. Reicher stated the managers at Weber do a good job in overall quality and the responsiveness is excellent. If you point something out that is failing they respond. It is

landscaping, it is living and dying and subject to disease and crickets and whatever. They are very responsive and they have a fulltime person here every day.

Mr. Montalvo stated there is something attacking the viburnum and we had to replace a lot of it in Bella Trae. We need to talk about what we want to do.

Ms. Shouey stated they know they have to replace them.

Mr. Dawson stated I propose that a couple of us do a walk around with Weber.

Ms. Shouey stated they will do that.

Mr. Montalvo stated we need to look at these areas because some of these plantings are 20 years old and some look stringy and need to be replaced, others look good. We need to have a conversation because we are talking about significant dollars.

Ms. Allen asked how does that tag back to the budget?

Mr. Dawson stated the budget is the same as it was last year and there are some things that need to be done to refresh the place and I proposed we use a walk around with them, determine what their agriculturist decides is a good choice for our area, figure out what that is going to do and I think the budget is fine.

Ms. Burns stated you have the capital reserve if you want to do a more significant enhancement.

Ms. Shouey stated I think that is a good idea, they love to be involved instead of just me telling them what plants.

Mr. Reicher stated the goal of this Board and community is to make sure that everything looks as good as it can possibly look.

Mr. Montalvo stated we need a comprehensive plan for landscape replacement and maintenance. Areas that don't need it we are not going to mess around with, areas that need it that are increasing because of the age of the plant material we need to address. Lee you can take the lead on that and work with Yvonne and bring something back to the Board so we can have an idea of the expense.

Ms. Burns stated you have \$8,000 in the landscape miscellaneous and you have only spent \$1,600 so you have \$6,300 left.

Mr. Montalvo asked what is the will of the Board on item 6?

Ms. Burns stated you are not looking to issue an RFP at this time.

Mr. Montalvo stated we don't need any formal action at this time. We have an existing contract and will roll it over until further notice.

Mr. Clark stated that is the Board consensus and if the Board wants to revisit it in the future then we will.

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Proposals for Sidewalk Addition on Laura Lane**

Mr. Reicher stated last time we said we would do some remote monitoring so we could understand the condition out there. We hung a camera and we are going to show you a couple highlights. When we go through the tape we see people going on both sides. We see people cross it, a lot of singles, two's once in a while a family and maybe we have seen five or six people in a day is probably a high-water mark. We did it for ten days.

Mr. Montalvo stated most of the snowbirds are gone. A lot of Bella Trae people use that but a lot of people from Legends and Toscana area use it going to the shopping center, the Ale House and other places.

Mr. Reicher stated we have to make a decision as to whether we are putting sidewalk in one side or the other, take the alternative around the lake or you can opt not to have a sidewalk.

Mr. Dawson stated anybody walking down there is an issue. The car traffic can be quite heavy down there too especially during lunch and dinner times. It's a safety issue.

Mr. Vincutonis stated in your agenda package there are cost estimates and exhibits showing the four options you discussed at the last meeting.

Option 1 is keeping the sidewalk on the south side of Laura Lane and from a plan standpoint it seems to make pretty good sense. I think that is the side that most people would tend to want to walk on because you are right behind those businesses that are there. It came in at \$187,000. We are anticipating a 3-foot green strip and there are challenges because there is a steep slope and the manhole is right at eight feet from the curb.

Option 2 we skipped the Walgreens and crossed, that avoids having to deal with the steepness of the Walgreens driveway. Both the Walgreens driveway and the next one is not as steep but there is going to have to be some modifications done to those turnouts where we eat into the drive to be able to get the crosswalk to be 2% because right now those drives exceeds 2%. We would have to create a 2% crosswalk area and the difference in elevation it would eat up doing that has to get prorated back into the turnout throat. That option is a little cheaper

because it does salvage a little bit of sidewalk in front of the bank on the north side of Laura Lane, a little less landscaping has to be removed. We estimate that price at \$161,000.

We would have to get easements from those owners, sidewalk easements, construction easements. One of the exhibits we put together showed what those easements could look like for discussion purposes.

Option 3 was halfway behind the pond, that is the cheapest option because there is less landscaping, less utilities and that is \$120,000. It might take you a little off the beaten path but it may look nice and become an amenity of sorts.

Option 4 keeps the sidewalk on the north side of Laura Lane but does get us into a condition with a guardrail and slope and concrete retaining wall up against the pond doing some sort of boardwalk that would match grade there but would be elevated on that side. The cost is \$308,000 and I think we can rule this one out.

Mr. Dawson stated on a dark night you usually don't walk down that way anyway you would choose the sidewalk in the front.

Mr. Montalvo stated it seems like we are between Option 1 and Option 2. Option 1 you have to deal with Walgreens and the easement issue, which could complicate things. Option 2 is \$26,000 cheaper and avoids the Walgreens issue and we do have an existing sidewalk that runs along the south side of the medical building so we are just piecing a little bit of sidewalk, extending it and putting a crosswalk to the other thing. At that point we will have provided anybody who is going to walk there a clear path to get to the Ale House and back. There will be street lighting.

Mr. Dawson stated option 2 you still may have to deal with Walgreens a little bit if we tie into their driveway at the corner.

Mr. Montalvo asked do we all agree that Option 2 is the best?

Mr. Reicher asked is there any benefit to putting up no pedestrian signs until we get this done? We still have to get easements.

Mr. Clark stated it is a mixed bag because you would argue we warned you and you did it at your own risk and they would argue you knew it was a problem.

Mr. Montalvo stated we are on the record as this is a problem and we are aware of that.

Mr. Clark stated at the end of the day if there is an incident someone is going to sue you. Be aware of liability concerns and try to deal with them but they can't drive your decision making. That is why you have insurance.

Ms. Allen stated then you think the signs are a moot point.

Mr. Dawson stated I don't think many people will follow the sign, however, that being said I'm questioning since we have a solution that we haven't voted on but are moving forward with potentially, we have already addressed an issue so even though it is in place as a temporary measure there may be some value in putting up a sign saying go to ChampionsGate Boulevard. If it is not going to protect us one way or another then I don't think it is an issue.

Ms. Shouey stated it is not going to protect you.

Mr. Montalvo stated I agree. We all agree that Option 2 is the way to go with giving Mark instructions to see if he can improve upon it by extending it more towards the guardrail. Then we would ask you to put this formally together to be able to vote on the final package but if we approve Option 2 as a Board that will give you the ability to do that.

Mr. Vincutonis stated the first step would be surveying this route, getting a hard survey and we can look into some of the specifics and we would have something to sketch on, something to scale that would be useful then we can generate the plan and work out the details with cross sections for bids.

Ms. Shouey stated I have two bids on this and it covers a lot of the stuff you have in here already.

Mr. Reicher asked at what point do you think we need to go to the landowners?

Mr. Clark stated when you have a drawing, because the landowners are going to ask for it.

Mr. Reicher stated I would say a sketch before we spend all this money in engineering and they say they want \$100,000 for the land.

Mr. Clark stated you may have that come up; they may view it as a positive in foot traffic.

Ms. Shouey stated Mr. Watson told me he is not opposed but he wants to see the plan.

Mr. Reicher stated a full size of the sketch makes sense.

Mr. Clark stated the conceptual plan and the footprint showing where you are going to be on their property.

Mr. Reicher stated maybe a small elevation of what it might look like, like a cut.

Ms. Shouey stated then I'm going to work up what we are going to take out.

Mr. Reicher stated an initial drawing would be good and we can go to the landowners and show them what we are thinking about doing. It is going to require us creating an easement, which is going to take some land away from you and make it into an easement but it is going to create a sidewalk and create a safety benefit, people are walking back there and explain why we would like them to donate it.

Mr. Montalvo stated let's formalize that so the Board can take an action on this other than just conversation.

On MOTION by Mr. Montalvo seconded by Mr. Dawson with all in favor the District Engineer was authorized to do the preliminary sketch as discussed to present to the owners for approval on Option 2.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

Mr. Vincutonis stated the Goodman/ChampionsGate Boulevard right turn lane where trucks are up on the sidewalk, we looked at it and it looks like they are rolling over 5-6 feet behind the curb. We took the plan we had for putting that island in and ran an auto turn with the standard size tractor trailer and it is about the same. There is a larger tractor trailer, I don't know what size is really using that but for them to make the turn they have to be in the middle lane and make that turn and they are still going over the curb. You do have a 40-foot radius there now, which is a pretty good size radius. We can look at putting a 50 or 55-foot radius there to help or put some sort of concrete behind the curb and let them hop on it.

Ms. Shouey stated I think a wider radius. Why put more concrete they will just run over it again.

Mr. Vincutonis stated if you move the radius back you will have to add more asphalt.

Mr. Montalvo asked can you come up with a proposal to change the radius?

Mr. Vincutonis stated we may want to survey the area and make sure the grades are going to work because if we flatten out the radius and add asphalt you are slipping away and you want to make sure we don't hold any water there. Probably the first thing is we will send our survey crew out to survey the side of the intersection so we have grades and that way we have a to-scale plan rather than trying to draw stuff on aerials.

Mr. Montalvo asked do you have a rough idea of what we are talking about? I'm talking about spending authority so you don't have to come back to the Board.

Mr. Vincutonis stated it will probably be less than \$5,000 to survey and put a sketch together.

Mr. Montalvo stated that is within my authority. Can you work on that then?

Mr. Vincutonis stated yes.

Mr. Reicher asked what do you think the improvement is going to cost?

Mr. Vincutonis responded \$10,000 to \$12,000.

**C. Manager**

**i. Approval of Check Register**

Ms. Burns presented the check register from April 1, 2019 through April 30, 2019 in the amount of \$35,316.73.

On MOTION by Mr. Montalvo seconded by Mr. Tennyson with all in favor the check register was approved.

**ii. Balance Sheet and Income Statement**

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

**iii. Presentation of Number of Registered Voters – 1,195**

A copy of the letter from the Supervisor of Elections indicating there are 1,195 registered voters residing within the District was included in the agenda package.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

Mr. Montalvo stated we talked about these streetlights that have all that stuff on them and I think we need to get a formal bid, they look atrocious and are getting worse and worse. If we could have that available at the next Board meeting so we can act on it, I would appreciate that.

Mr. Reicher asked does that include the mast arms?

Ms. Shouey stated I have a bid to do the mast arms.

Mr. Montalvo the leaning mast arm?

Ms. Shouey stated no, that they are fixing today. What are you talking about?

Mr. Montalvo stated the flagpole.

Ms. Shouey stated that one is going to be fixed today. The golf course guys are fixing it.

Mr. Montalvo stated make sure it gets in the minutes. So, the leaning flagpole is being taken care of and you are going to get us bids to repaint the lamp posts.

Ms. Shouey stated and the mast arms. They need it really bad, we cannot clean them and it is not cheap. On the mast arms, can we get new frames for the lights that are hanging because they are 20 years old and some of them are broken off.

Mr. Montalvo stated yes. Just get us a bid so we can act on it at the next meeting. It would be nice if it could be done by the time of the population increase in the fall.

The signage; I just don't have words to continue talking about this situation. I took pictures and asked you to walk and see. Weeks have gone by and they haven't done anything. They are just incredible. What can we do? It is a game with these people.

Ms. Shouey stated all the signs are painted.

Mr. Montalvo stated no, they are not. I can show you pictures.

Ms. Shouey stated they painted it the wrong color.

Mr. Reicher stated they are still waiting on the stones.

Mr. Clark stated we are still holding the contract balance.

Mr. Reicher stated I agree with Phil it should be done.

Ms. Shouey stated I sent an email to him this morning.

Mr. Montalvo stated this is the problem and I want it on the record because I think it is absolutely obscene what these people are doing. Tens of thousands of dollars and we have gone now, this is probably the third year into this process and every single time they say, oh yeah it is on order, and at some point in time when it comes to paying this bill I think we are going to have a real tough discussion on it. Because they certainly have not earned what they contracted to do. I don't care how many times they redo, it is absolutely unconscionable what they are doing to the people of the District. I think they are playing us and I don't think they really care.

Ms. Allen asked at what point do you decide to bring somebody else in to do the work?

Mr. Montalvo stated that is going to be a good question.

Ms. Shouey stated that is up to you.

Mr. Reicher stated they did the difficult part, which was to feather in the radius. I couldn't agree with Phil more and we have been pushing this guy and pushing this guy.

Ms. Shouey stated he told me this morning that his painters will be onsite tomorrow to finish all the painting but there is still the stone, there is no stone on.

Mr. Montalvo stated there is no stone there is not lettering, it is broken.

Ms. Allen asked do we need to do a formal letter to him and document it?

Mr. Clark stated we have done that. It seems like we need to put together a punch list and get it agreed this is the punch list and when are you going to get it done and from there we can say we will look at it again in August and take some other action.

Mr. Montalvo asked can we say instead, if this is not done by this time we terminate.

Mr. Clark stated that would be the recourse.

Mr. Montalvo stated then let the chips fall where they may. I think that we have to give them a deadline and say this is when this will be completed and that means the lights, the broken light, the painting, feathering, the stone, everything.

Ms. Burns stated what about July 1<sup>st</sup> because you have a meeting on July 8<sup>th</sup> and that gives you a week to take that into consideration before that meeting.

Mr. Reicher asked do we have retainage from this guy still?

Ms. Shouey stated we paid a deposit.

Mr. Clark stated we are holding a majority of the contract.

Mr. Reicher stated we have money to have someone else finish it without costing us anything.

Mr. Montalvo stated yes, we have over \$70,000. Scott can you originate that letter?

Mr. Clark stated okay. I can't originate the punch list if someone provides that to me and we are going to notify them that the work is to be done by July 1<sup>st</sup> or we will terminate their performance and find someone else to do it at their expense.

Mr. Montalvo asked Yvonne, can you get that punch list together for Scott?

Ms. Shouey stated yes.

Mr. Montalvo stated then if you don't mind go ahead and send a draft to me and let me go over it as well because I walk that every single day.

Mr. Reicher stated I would punch list it by sign not by category.

Mr. Montalvo stated when I get that I will walk it and make sure we didn't miss anything and we will do this sooner than later.

Mr. Reicher stated then we will get Weber out here and fix some shrubs under the round sections.

**NINTH ORDER OF BUSINESS**

**Supervisor's Requests**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Burns stated the next meeting is scheduled for July 8, 2019 at 2:00 p.m. at this location.

On MOTION by Mr. Montalvo seconded by Mr. Dawson with all in favor the meeting adjourned at 3:30 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman