

**MINUTES OF MEETING
LEXINGTON OAKS
COMMUNITY DEVELOPMENT DISTRICT**

The recessed meeting of March 23, 2006 of the Board of Supervisors of the Lexington Oaks Community Development District was reconvened on Thursday, March 30, 2006 at 8:30 a.m. at the Lexington Oaks Clubhouse, 26304 Lexington Oaks Boulevard, Wesley Chapel, Florida.

Present and constituting a quorum were:

Peter Hanzel	Chairman
Don Peters	Vice Chairman
Patricia Dwyer	Assistant Secretary
Alison Berke Morano	Assistant Secretary
Maxine Carlson	Assistant Secretary

Also present were:

Andy Mendenhall	Severn Trent
Bob Fernandez	Severn Trent
Shawn Millard	Clubhouse Manager
Numerous Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Review of Requests for Engineering Services

Mr. Fernandez stated this is the continued meeting from March 23, 2006 for the purpose of reviewing the engineering proposals.

On MOTION by Mr. Hanzel seconded by Ms. Dwyer with all in favor the review of Requests for Engineering Services and the adoption of the engineering service contract was opened for discussion.

Mr. Fernandez stated the Board is required by law to follow the Consultant's Competitive Negotiations Act. This requires the bidding of contracts for architects and engineers. This local government advertised for proposals as required. The proposals must be reviewed from the

perspective of selecting three of the most qualified proposers and then authorizing staff to negotiate with the most qualified. Only if failing satisfactory negotiations do you move to the second and then the third most qualified. Then, if not successful, return to the pool of proposals and chose another three in priority order and follow the same process. The policy presumes more than one proposal is received. Price is what separates this process from a normal bid process. A normal bid process includes price as part of the evaluation criteria. There are specifications and price and you look for the most responsive and responsible bidder with the lowest cost. Responsive means they addressed all specification requirements and responsible means they have a reputation and the capacity to perform. This process is separate and different and I want to make this distinction so the Board is aware of the process they are holding today. This process is designed to choose the most qualified firm and then negotiate the best contract. You may have a price in mind and if you cannot meet it with your negotiations than you go to the next choice. One proposal was received and this changes how we proceed. If this proposal is satisfactory, the Board can make the appropriate motion to direct staff to negotiate with this firm. The decision to hire will become final after you approve the negotiated contract. If you do not like them we go through this process again, re-advertise and start over. Are there any thoughts on the proposal?

Ms. Carlson asked has Severn Trent worked with American Consulting Engineers of Florida?

Mr. Fernandez responded I have experience with them in other Districts. District engineering services is a unique discipline of the engineering field and not everyone is comfortable performing this type of work. Mr. Piercefield, who performed this work for many Districts, indicates there are aspects of District engineering which go beyond the normal disciplines of Civil Engineering. This involves other facets of work and is not as clear cut an engineering role. It is a combination of management and engineering.

Ms. Dwyer asked are Meadow Pointe II and Lake Bernadette Severn Trent Districts?

Mr. Fernandez responded yes.

Mr. Hanzel stated the meeting minutes of the Lake Bernadette organization are available on the county website. They commented favorably about American Consulting Engineers of Florida.

Ms. Dwyer asked does Severn Trent have comments?

Mr. Fernandez responded the Supervisors of Meadow Point II and Heritage Pines also have concerns regarding responsiveness and addressing issues in a timely manner. It is difficult to satisfy the expectations of the Board of Supervisors when it involves coordination with other engineering firms.

Ms. Morano asked do they know how many projects we currently have?

Ms. Dwyer stated they indicate a deadline date of August 31, 2006 and are prepared to support our interests in these matters.

Mr. Fernandez stated this refers to getting the assessment work completed and the information through the tax collection process. I am not sure they know about the capital projects for the District. The advertisement was generic for District Engineering services and we must be careful the same information is distributed to everyone.

Ms. Morano asked can we ask them now, since they submitted a bid?

Mr. Fernandez responded yes. The District has a large agenda of projects. The items not requiring an engineering site plan will require an engineer to sign requisitions in order to receive funds from the bonds.

Mr. Peters stated we should authorize Mr. Fernandez to negotiate a price.

Ms. Carlson asked how long was the request for bids out and where was it advertised?

Mr. Mendenhall stated I will check. I believe it was four weeks. It was advertised in the Tampa Tribune.

Ms. Carlson stated I agree with Mr. Peters. It has been advertised so why prolong the process.

Mr. Hanzel stated I am disappointed. I gave Severn Trent a long list of engineering firms and we received one proposal. The downside is they do not have an architect on staff.

Ms. Morano asked does King Engineering perform this type of work?

Mr. Fernandez responded the only experience I have with King Engineering is as the Developer's Engineer not the District's Engineer.

On MOTION by Mr. Peters seconded by Ms. Dwyer with all in favor staff was authorized to negotiate a contract with American Consulting Engineers of Florida, LLC for engineering services.

THIRD ORDER OF BUSINESS

Review of Pond Treatments

Mr. Hanzel stated two bids for pond treatments from Aquatic Systems, Inc. and Biological Research Associates were distributed to the Board.

On MOTION by Mr. Hanzel seconded by Ms. Morano with all in favor review of the proposals received for pond management system treatment service to control algae was opened for discussion.

Mr. Hanzel stated this previously came before the Board and they wanted another bid. Aquatic Systems will perform the work for \$1,700 a month. The proposal from Biological Research Associates is for \$4,775 per month.

Ms. Dwyer asked are we satisfied with the current company?

Mr. Hanzel responded they are not bidding on the work.

Mr. Fernandez stated this is not a formal bid process, these are quotes. A formal bid process is highly structured. The bids are all opened at the same time and evaluated against strict criteria. The Board can consider a quote from the existing vendor.

Mr. Millard stated there will be problems with whatever company we choose because of present pond maintenance conditions.

Mr. Fernandez stated I asked Mr. Piercefield to respond to a notice received from SWFWMD regarding a statement and inspection for proper operation and maintenance. They cited structure 1B which is washed out and under mud preventing the bank structure from functioning correctly. The skimmer is missing or broken on structure 6E. Mr. Piercefield requested I authorize him to proceed.

Mr. Peters asked is this the bi-annual inspection SWFWMD is supposed to perform?

Mr. Fernandez responded yes.

Ms. Morano asked what does the current company charge for pond maintenance?

Mr. Peters responded \$1,255 per month. Do they perform a weekly inspection?

Mr. Millard responded they perform an inspection every two weeks and treatment weekly.

Ms. Morano asked is there a reason why we are considering changing or is it because the contract was expiring?

Mr. Peters responded it is because of all the discontent from residents.

Mr. Hanzel stated we received a number of complaints with the present company. Aquatic Systems maintains the ponds for the golf course and they look better than our ponds. My recommendation is to go with Aquatic Systems. They will include the grass carp at no additional charge.

Mr. Peters stated the budget is \$20,000 and \$1,700 multiplied by 12 months totals \$20,400.

On MOTION by Mr. Peters seconded by Ms. Morano with all in favor the proposal from Aquatic Systems, Inc. to perform pond maintenance was approved.
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FOURTH ORDER OF BUSINESS Supervisor Requests

Mr. Hanzel stated I received a memo from Brenda's Swim School. I thought the discussion with her was dealing with space.

Mr. Peters stated I thought it was opening the classes to non-residents. The point was made swimming was open to non-residents and tennis was not.

Mr. Fernandez stated I am cautioning the Board this meeting was continued for the purpose of two specific items and there may be a notice issue if other items are discussed. They can be discussed at the next fully advertised meeting so anyone who may be interested in the issue can attend.

Mr. Hanzel stated we do not have to make a decision. We can clarify this and bring Ms. Brenda back next week. She has to sign legal documents which were part of the agreement last year.

Mr. Fernandez asked was she asked to sign a contract last year and did not?

Mr. Hanzel responded she must re-sign because it was for a certain period of time.

Mr. Fernandez stated I will contact Mr. Robin and try to get an agreement prepared for the next meeting.

Mr. Hanzel asked can Mr. Robin send it and not attend the next meeting?

Mr. Fernandez responded yes.

Ms. Dwyer stated Mr. Millard informed me Mr. Bob Hendrick was hired for the maintenance position at the community center. Mr. Hendrick is my sister's brother-in-law. The attorney informs me this is not a conflict of interest. If it becomes one, I will recuse myself from voting and file the appropriate papers.

Mr. Hanzel stated I have a problem with the way the time attendance reporting is handled. Everyone is paid up front. Ms. Dwyer agreed it is a problem.

Mr. Fernandez stated this was set up by Rizzetta & Company and we are working with Mr. Robin to change it.

Ms. Dwyer stated I request Mr. Millard's job description be placed on the April 13, 2006 agenda for discussion.

Mr. Peters asked when will the financials be reviewed?

Mr. Fernandez responded there is another District which meets for workshops without Severn Trent to discuss financials in between their Board meetings. How does the Board feel about having its workshops without Severn Trent attending and sending us your notes? We are trying to reach a more normal workload for this District compared to the others.

Ms. Dwyer responded last year the District Manager was present when we had a workshop with Rizzetta & Company.

Mr. Fernandez stated we will attend budget workshops. In May we will present and go through the budget process. Items discussed at the workshops held to review financials and identify issues can be sent to us and addressed at the next meeting. This is the way it is handled in other Districts.

Mr. Peters stated I do not have a problem with Severn Trent not attending. I have a problem with the financials not being up to date?

Mr. Fernandez stated definition of up-to-date depends on the time of the month the Board meets. If the District changes its meeting to later in the month, they can have the month end for the previous month available for that meeting. If the District meets the first week in March and expects the February 28 month-end financials it is impossible to have it done. There needs to be a time lag from the end of the month to the time the financials are completed and distributed to you in advance of the meeting. The process takes time and if you meet later in the month it is easier to have up to date financials.

Ms. Dwyer asked will we have the March financials at the April 13, 2006 workshop?

Mr. Fernandez responded probably not. In order to have April 13 financials we must finish our work by April 6. This gives us six days to get the financial reports completed, analyzed, corrected and sent out.

Mr. Peters asked why by April 6?

Mr. Fernandez responded in order to give the information to the Board in advance of the meeting.

Mr. Peters stated items have been emailed before.

Mr. Fernandez stated if it is acceptable to the Board to receive the financials the night before the meeting, it may be enough time.

Mr. Peters stated we went through this last month with Mr. Brown. We did not receive February data reflecting Severn Trent and Luke Brothers being paid for January and February. This is what I mean by current and up-to-date.

Mr. Fernandez stated we will provide the financials to you as early as possible.

Mr. Peters stated a resident on Middleground Loop is requesting we cut down the trees so she can see the 13th frame.

Mr. Hanzel stated Mr. Millard and I are working on this problem. We sent a note to SWFWMD. They do not own the property but have control over it.

Mr. Peters stated if we own it but SWFWMD has control, we should not pay Luke Brothers to cut it down every year.

Mr. Hanzel stated true. Then the answer from the Board will be we are not paying for it.

Ms. Carlson stated residents asked why the flowers have not been planted in front of the monuments.

Mr. Millard stated they are working from the front to the back.

Ms. Morano asked will Florida Native Nurseries submit a new quarterly based proposal?

Mr. Mendenhall responded yes. The overall yearly cost will be lower, but the per visit cost will be slightly higher than the current \$600 per month.

Mr. Peters asked will there be any other proposals?

Mr. Mendenhall responded I spoke to a number of pond companies we use in other Districts. They advise it is not wise to go to another company. They feel the cost Florida Native Nurseries charges is in line and if you switch mitigation monitoring companies you run the risk of additional costs for re-evaluation of the ponds.

Mr. Hanzel stated I had a meeting yesterday with Mr. Kennedy, the Chief of Pasco County Utilities, regarding our reclaimed water. According to their map, reclaimed water is in DelMar, Arlington, Fairmont, and parts of Saratoga, Preakness, Remington and Churchill. Pulte Homes indicated they will repair the roads in the near future. They said there were two contributing factors, one was the under drains within the system which according to Pasco

County is the responsibility of the CDD to clean and flush out. The other issue is the asphalt was not thick enough. They will mill it down and add four or five inches of asphalt. When the work begins the main entrance will be closed. We must move the monument up front. Mr. Shephard wants our landscape design for the front so when the monument is moved they know how to position it. We do not have a landscape architect. Can we contract or hold a small bid for this design?

Mr. Peters stated we can inform OneSource the monument is going to be moved back ten feet and ask them how this will change the landscape design.

Mr. Fernandez stated anything over \$150,000 requires a formal bid process.

Mr. Hanzel stated all we need is the landscape architectural part. They are paying for all the moving. He wants to know what we want it to look like in front after the monument is moved so they can configurate the sign.

Mr. Peters stated if they are going to move it, what we do with landscaping is a completely different thing.

Ms. Dwyer stated it may be better to wait until after the monument is moved to design the landscaping.

Mr. Hanzel stated I will ask him if he can attend the April 13, 2006 workshop.

Ms. Carlson asked will the pavers at the entrance be repaired?

Mr. Hanzel responded yes.

FIFTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Hanzel seconded by Ms. Morano with all in favor the meeting was adjourned.

Pat Dwyer
Assistant Secretary

Peter Hanzel
Chairman