

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

The regular meeting of the Board of Supervisors of the Lexington Oaks Community Development District was held Thursday, June 22, 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
Maxine Carlson	Assistant Secretary
Alison Morano	Assistant Secretary (via telephone)

Also present were:

Andy Mendenhall	District Manager
Tracy Robin	Attorney
Shawn Millard	Site/Community Center Manager
Numerous Residents	

*The following is a summary of the minutes and actions taken at the June 22, 2006 Lexington Oaks Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the May 25, 2006 Meeting**

Mr. Hanzel stated each Board member received a copy of the minutes of the May 25, 2006 meeting and requested any additions, corrections or deletions.

The Board made several changes, which will be incorporated in the amended minutes.



- Only the benefited properties will be assessed for this service.
- Pimlico residents want to make sure there will be recycling and two day per week pick up. They are concerned about the size of the trash cans.
- Currently Waste Aid charges \$2 per month for the trash cans and this should be included in their proposal.
- They should also provide a trash can which fits inside the homes for residents who require it.
- Mr. Mendenhall will inquire about the cost of trash cans from the waste management companies.
- This item is tabled until further information is received.
- Ms. Dwyer questioned whether the proposed \$10,000 for Landscape Replacement Plants is sufficient and will they be replaced this year.
- Based on last year the amount is sufficient and if there is enough money remaining in fiscal year 2006 they will be replaced this year.
- There was concern the Collection Fees item is not an expense and should not be placed under Administrative Expenditures.
- This is included on the revenue side as well as in the assessments.
- It is typically put in as an expense and offset by collections received.
- It is coded as an expense because if everyone in the District pays early there will be an expense to the District which is offset by collecting through assessments.
- The Collection Officers' fee is also included and is an expense the District pays regardless.
- Mr. Robin noted most people pay their taxes through mortgage payments and the law requires the mortgage holder pay the taxes during the maximum discount period. The assumption the 4% discount will be used is reasonable.
- Mr. Mendenhall will speak with the Assessment Department for a more detailed technical explanation on the allocation of the discount.
- The total revenues proposed for fiscal year 2007 are \$1,224,970.

- At the end of the fiscal year if there are excess revenues, they can be carried forward surplus. Some communities designate a certain portion of this as a Reserve Fund. The carry forward surplus is overall and not for a specific line item
- The carry over this year will be minimal.
- The revised budget should be posted on the web site.

**C. Review and Consideration of Landscape Maintenance Bids**

Mr. Mendenhall distributed the bids for landscaping services and a bid summary from OLM.

- The bid summary provides prices with and without the separate addendum for irrigation.
- Four qualified bids were received. The lowest bidder, LMP, Inc., withdrew their bid due to an error.
- Their revised bid was higher but was submitted after the public opening and cannot be considered.
- The three remaining qualified bidders are OneSource, Nanak's and Cedarwood.
- These three firms pre-qualified and the Board is required by Chapter 190 to choose the lowest reasonable and responsible bid from OneSource for \$359,380.
- Another option is to go out for RFPs again if the Board feels not enough bids were received.
- There is \$340,000 budgeted for landscaping and the lowest bid without the irrigation addendum is \$359,380.
- This will increase the budget by \$19,000 in the landscaping line item without the irrigation addendum.

*The Board recessed for ten minutes to contact Mr. Roher for clarification on what is covered in the irrigation amendment.*

- All irrigation items are included except the pumps.
- Mr. Millard provided additional information on the pumps.

*The Board and staff continued to discuss different issues regarding the proposals and the performance and remaining responsibilities of the present landscape company, Luke Brothers.*

- There was concern regarding who will be responsible for repairing the irrigation system.
- There is a portion of the contract giving the new landscaping company the ability to inspect the irrigation system to make sure there are no residual problems.
- Mr. Robin suggested the Board select a company based on the lowest reasonable and responsible bid and direct Counsel and the District Manager to negotiate the contract for final approval by the Board with the proviso this irrigation issue be incorporated into the contract before the existing contractor is terminated.
- It must be made clear there will be no additional charges for irrigation repairs.
- There must be no misunderstanding that the vendor takes over the irrigation system the day they execute the contract and there is no “blank check” for repairs. It is understood they had an opportunity to inspect the system.
- Mr. Millard will conduct an irrigation inspection with the new company and notify Luke Brothers to complete the repairs within seven days. If they do not, the repairs will be done by the new landscape company.

*Ms. Carlson was unable to vote due to a conflict of interest with OneSource, and submitted Form 8B, Memorandum of Voting Conflict for the record.*

On MOTION by Mr. Hanzel and seconded by Ms. Morano with Mr. Hanzel, Mr. Peters, Ms. Dwyer and Ms. Morano in favor and Ms. Carlson abstaining District Counsel and the District Manager were authorized to negotiate and define the contract for landscaping including irrigation issues with OneSource.

**D. Consideration of OLM Monthly Inspection Proposal**

Mr. Mendenhall distributed the OLM monthly inspection proposal.

- For a cost of \$1,200 per month OLM will conduct monthly inspections and grade the landscaping company’s performance.

- Mr. Mendenhall described his experience with OLM as a Supervisor in a district utilizing their service.
- Mr. Millard was questioned regarding his comfort level of conducting an inspection and sitting down with the new landscape company's Site Manager to review problems.
- Mr. Robin informed the Board the contract in the bid document was prepared by OLM with the anticipation this would be a performance driven contract. It is set up so the contractor is guaranteed 75% of the payment and does not receive the remaining 25% unless they perform to a certain standard which is 87% on OLM's score sheet. There is the ability under this contract to dock the landscape company 25% if the performance is not up to standards. OLM employees are trained and have horticultural landscape expertise allowing them to use the developed score sheet. They consistently from one community to another score the performances of the landscape contractors. It will be difficult for the District to substitute Mr. Millard unless he has the same education and background experience to perform the scoring in lieu of OLM. It is not a practical solution and is likely to generate controversy.

Mr. Peters moved to accept the monthly landscape maintenance inspection proposal in the amount of \$1,200 per month with OLM, Inc. Services for a period of six months and Ms. Dwyer seconded the motion.

*The Board and staff continued to discuss the issues concerning the monthly landscape maintenance inspection proposal with OLM.*

The prior motion with Mr. Peters and Ms. Dwyer voting aye and Mr. Hanzel, Ms. Carlson and Ms. Morano voting nay failed.

*The record will reflect Ms. Morano left the meeting.*

**FIFTH ORDER OF BUSINESS**

**Attorney's Report**

Mr. Robin addressed the following:

- The Board was advised by Counsel to change the meeting minutes to a summary format.
- The tape becomes the permanent record of the meeting and anyone can request a copy.

*The Board agreed and the District Manager was instructed to direct the Recording Secretary to begin preparing the minutes in summary form.*

- Ms. Dwyer questioned the difference between property owned and maintained by the CDD.
- The only difference Mr. Robin perceives is if the District was delegated through an agreement with an HOA the responsibility of maintaining or mowing landscaping and if the District delegated to a particular HOA responsibility for maintaining an area of the District property by some agreement.
- There is a dead tree located on a stretch of grass in the Churchill Community.
- The Board discussed who is responsible for removing the dead tree.

On MOTION by Ms. Dwyer seconded by Mr. Hanzel with all in favor removing but not replacing the dead tree in Churchill by the District's landscaping company was approved.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

The Engineer was not present and Mr. Mendenhall distributed a project status punch list, a copy of which is attached for the record.

- Mr. Robin will follow up with King Engineering regarding the plans.
- Ms. Dwyer is not working on the Sports Court Lighting.
- Plats are recorded in the Clerk of the Circuit Court's office and are public record.
- The total price for the new play area is \$92,904.92.

*The Board and staff discussed the different color schemes for the new play area with the outcome being the color "Jungle" was chosen for the mat area. Mr. Millard will notify and follow up with GameTime.*

- Mr. Piercefield responded on March 29, 2006 to the March 23, 2006 letter from SWFWMD with a copy to Mr. Fernandez. Another letter from SWFWMD was received on April 28, 2006.
- Mr. Piercefield received the plans for Pond 5A and 1B from King Engineering.
- Repair to Ponds 5A and 1B should be added to the Engineer project list.
- Mr. Mendenhall will coordinate with Mr. Piercefield's office to get the plans to Mr. Valentine.
- Mr. Mendenhall presented the Florida Native Nursery and King Engineering contracts relating to wetland mitigation monitoring which were tabled at the April Board meeting pending discussion with SWFWMD representatives.
- Mr. Griffith is meeting with his staff to modify the King Engineering contract.

On MOTION by Ms. Dwyer seconded by Ms. Carlson with all in favor staff was authorized to enter into a contract with Florida Natives Nursery, Inc. for quarterly mitigation maintenance in the amount of \$5,200.

**SEVENTH ORDER OF BUSINESS                      Staff Report**

**A. Site and Community Center Manager**

Mr. Millard reported on the following items:

- There is still an issue of scheduling between the Bridge Club and the Fine Committee.
- It is up to the Board to decide what the priorities are for the use of the building.
- A policy should be developed for use of the facility.

On MOTION by Ms. Carlson seconded by Ms. Dwyer with Mr. Hanzel, Ms. Carlson and Ms. Dwyer in favor and Mr. Peters voting nay staff was authorized to inform the Fine Committee to choose another evening for their meetings.

- The Daycare Center is using the District's garbage dumpster and leaving a mess.
- Mr. Millard will contact the Daycare Center owner about cleaning up.
- Mr. Millard gave an update on the capital projects.
- Additional proposals are being sought for the water fountains and fences.

- A meeting with a third company is scheduled regarding the Security system. There is concern of how to get power to the cameras on the boulevard and the tennis courts.
- Ms. Carlson is working on the issue of gate ownership.
- Mr. Millard met with four companies regarding pool heating. Three use heat pumps and one uses gas. It will cost under \$90,000 for the installation of four to six heat pumps.
- The Board discussed the issue of granting the Flying Dragon and the Football groups use of the facility and the answer was no.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

There not being any, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests**

- The agenda for this meeting was not posted on the website.
- It was sent to Ms. Mercer and Mr. Mendenhall will follow up.
- Change the address for the public utilities. It is still sent to Rizzetta & Company.
- The electricity for the village gates based on the number of homes was discussed at the March workshop.
- Mr. Mendenhall prepared an invoice with the understanding it was a \$400 annual charge for each of the three villages.
- A fee of \$5 per home was discussed at the workshop.
- The Board discussed fishing in the community by outsiders and residents and the issuance of a policy relating to this matter.
- Mr. Robin stated once you enter District property it has the ability to regulate the use of the property. If the District has a policy stating there is “no fishing”, it makes no difference if there is a public road beside the pond or a conservation area.
- The fishing issue will be placed on the next agenda.
- Ms. Carlson requested a letter be sent to OLM thanking them for their services even though the Board decided not to enter into a service agreement with them at this time.
- Mr. Robin reviewed the OLM service contract and advised the Board unless they sit the contractor down and establish the standards for scoring now before the contract is

executed you will not be in a position to use the performance part of the contract without OLM. If you forego OLM's monthly inspection you are going to forego the performance review and the ability to withhold 25% the way the contract is set up. We can leave the provision in the contract, it will not be functional unless or until the Board decides at a later time it wants to engage OLM to begin this review. The Board will have the option to start the process and trigger the performance review in the future.

- The Board agreed to leave the performance part of the contract in for implementation at a later date.
- Mr. Millard was instructed to keep the Board updated on the new landscape company's performance.
- Mr. Mendenhall suggested the Board include budget funds for this OLM service agreement in the event they decide to initiate it.

*The record will reflect Mr. Robin left the meeting.*

#### **TENTH ORDER OF BUSINESS**

#### **Approval of the Financial Statements and Check Registers**

Mr. Mendenhall distributed a list of questions and answers relating to the May financials, a copy of which is attached for the record.

- The OneSource invoice for \$21,118.89 and the \$1,670 for sidewalk replacement should be posted to the old capital improvement projects.
- Mr. Mendenhall will follow up on the OneSource payment, the electric charges for the month of May and clarification of Deloitte arbitrage.
- Mr. Mendenhall will attend the budget workshop scheduled in July.

<p>On MOTION by Mr. Peters seconded by Ms. Dwyer with all in favor the financials and check registers were approved.</p>
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- Although there is one broken sign, two need to be replaced.

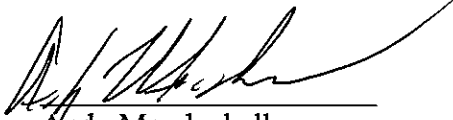
*The Board and staff continued to discuss the issue of replacing and repairing two community signs with the outcome being Mr. Millard will have them replaced.*

**ELEVENTH ORDER OF BUSINESS**

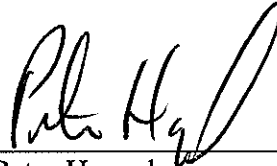
**Adjournment**

There being no further business,

On MOTION by Mr. Dwyer seconded by Ms. Carlson with all in favor the meeting was adjourned.



Andy Mendenhall  
Assistant Secretary



Peter Hanzel  
Chairman