

**MINUTES OF MEETING  
THREE RIVERS  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Three Rivers Community Development District was held on Tuesday April 14, 2020 at 11:00 p.m. via Zoom.

Present and constituting a quorum were:

Liam O'Reilly	Chairman
Mike Taylor	Vice Chairman
Blake Weatherly	Supervisor
Rose Bock	Supervisor
Grady Miars	Supervisor

Also, present were:

Jim Perry	District Manager
Wes Haber	District Counsel
Ernesto Torres	GMS
<i>Greg Kern</i>	<i>Greenpoint</i>
<i>Cassie McCellan</i>	<i>Stower Inc.</i>

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Perry: There are two places for members to address the board on any subject matter. The first is now and then the 2<sup>nd</sup> is towards the end of the meeting. For the record this is being recorded not through zoom but through other recorders. So, if you can identify yourselves for the record that would be great. Are there any public comment at this time? Hearing none, we will move to item 3.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the March 17th,  
2020 Meeting**

Mr. Perry: Are there any comments, corrections, or additions to the minutes? Hearing none, I would ask for a motion to approve.

On MOTION by Mr. Taylor seconded by Mr. Weatherly with all in favor, the Minutes of the March 17th, 2020 Meeting, were approved.

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

#### **Ranking of RFQ's Regarding Construction Manager at Risk Services for Amenity Center and Hardscape and Landscape Features**

Mr. Perry: There is a grading of those proposals. Which the board members have. Then the proposals I believe that we have, there is Auld and White, Carlton, Elkins, K & G, Marand, Rivers/Rivers, and Sauer. I know that two of the supervisors have spent a lot of time and detail going through these. If the Chair would like to start off with this, that would be great.

Mr. Haber: I will add to your comments quickly Jim. As the board is aware, we put the RFQ on the street for construction manager at risk services for the amenity facility and some hardscape and landscape improvements. Subsequent to putting it on the street there was a public opening and those proposals were shared with all the board members for their review. The RFQ package contemplated that the board or some other group, in this case it will be the board, will serve as the evaluation committee. So, presently you will be serving as the evaluation committee as contemplated by the RFQ package. You have the right to score and rank all of the proposals. Because this is an RFQ as opposed to and RFP, which you may have seen at other CDDs. What you are doing is you are just ranking the respondents based on their qualifications with the understanding that based on those rankings district staff will start with your highest rank respondent and seek to negotiate a contract with them. If we successfully enter into a contract with them, great, we will move forward. If not, then we move on to the 2<sup>nd</sup>, 3<sup>rd</sup>, and so forth. I believe your Chair has already assigned some scores to his rankings and may have circulated those. I think it makes sense to start with Liam and sort of go over his review. You as a board have the option to independently score the proposals or you have the option to, after listening to Liam and his review and assignment of scores, choose to adopt his scores. Ultimately, it's you as a committee make a determination in how you want to go about making that determination. One thing I would add is the RFQ package contemplated either allowing respondents to make presentations or not. In light of the virtual meetings ultimately the decision was made that we were going to limit it to only the four corners of the packages and your review and scoring without any input from the respondents themselves. Ultimately your review is based on the

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packages received and your scoring of those packages without any presentations or input from the respondents. I am happy to answer any questions. Otherwise, I will defer to your chair.

Mr. O'Reilly: Thank you Wes. I circulated the draft ranking to the board just a few minutes ago. So, if you guys are able to pull it up on your email. First off, I would like to thank everybody who is on the phone that did respond. I know these packages are lengthy so we appreciate everyone's time and energy spent on this. I think just for time sake I will just run through where the ranking ended up and then the scoring of each package. Then if any of the other supervisors have any questions based on their review, I am kind of happy to dive deeper if you would like. In summary the #1 ranked package was Auld & White with a 95. The #2 ranking was Carlton construction with a 92. The #3 was Sauer with an 86. The #4 ranking was Elkins with an 84. The #5 ranking was Marand with an 82. #6 was Rivers/Rivers with a 78. #7 was K&G with a 71. So that was a total of 7 packages and that is the ranking and scoring for each. If you guys are familiar with the package, there were several different categories. I just listed off the total score. If there is any questions or any other comments from for the supervisors, we are happy to discuss. Otherwise I would like to ask for a motion to adopt that ranking and then begin negotiations with the #1 ranked package and if we can't reach an agreement with #1 then we would move to #2 and so on.

Mr. Haber: That is correct, Liam. Yes. So, first thing we would do is send a notice to all respondents. Once that notice has been sent, we could then commence negotiations with the first rank and as you mentioned if we are not able to successfully negotiate a contract, we would then move on to the 2<sup>nd</sup>, 3<sup>rd</sup>, and so on.

Mr. Perry: So, with that we do have a motion on the floor. Is there a 2<sup>nd</sup>?

On MOTION by Mr. O'Reilly seconded by Ms. Bock with all in favor, Ranking Auld & White #1 Regarding Construction Manager at Risk Services for Amenity Center and Hardscape and Landscape Features, was approved.

## **FIFTH ORDER OF BUSINESS**

## **Acceptance of Fiscal Year 2019 Draft Audit Report**

Mr. Perry: Included is a copy of that draft report for your review. A couple of things to keep in mind in regards to this report, page 1 is the auditor's opinion. That's a clean opinion report. After that is the report on internal controls on page 23 and that's also a clean opinion.



On MOTION by Mr. O'Reilly seconded by Ms. Bock with all in favor, Requisitions #62-69, were ratified.

**Mr. Perry: Then a provision for the chair to approve an additional requisition for some signage for a not to exceed amount of \$3,000.**

**Mr. O'Reilly: Yes. I don't remember the dollar amount. I do believe it was less than \$3,000.00. I think the not to exceed amount would suffice.**

On MOTION by Mr. O'Reilly seconded by Mr. Taylor with all in favor, a Not to Exceed Amount of \$3,000 for Signage, was approved.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Haber: No report unless there are any questions.

**B. District Engineer**

Mr. Schaffer: I have none to report at all.

**C. District Manager**

Mr. Perry: None to report.

**EIGHTH ORDER OF BUSINESS**

**Financial Statements as of March 31st, 2020**

Mr. Perry: Those are included in your agenda package. Nothing unusual to note in regards to the financials for the district at this time.

**NINETH ORDER OF BUSINESS**

**Approval of Fiscal Year 2020 Funding Request No. 7**

Mr. Perry: You have Funding Request No. 7 for \$9,612.96 and that's included in your agenda package. We would ask for a motion to approve.

On MOTION by Mr. Taylor seconded by Mr. O'Reilly with all in favor, Funding Request No. 7, was approved.

**TENTH ORDER OF BUSINESS**

**Supervisors' Request and Audience  
Comments**

Mr. Haber: Can I ask just a quick follow up? Is the ultimate goal to have a signed contract with a contractor for the RFQ ranking that we just did, if you are able to negotiate one before your next meeting, prior to your next meeting? Point being do you want to give the chair ultimate authority to negotiate and execute and bring back and ratify? Typically, your chair would negotiate with the understanding that an unsigned agreement would come back for board approval. I'm just trying to get to the extent you think you would want a signed contract before you meet again, we probably want to give the chair authority to not only negotiate the contract but ultimately the authority to execute it on the district's behalf.

Mr. Taylor: I think I would recommend giving the chair the authority to execute before the next board meeting.

Mr. O'Reilly: I would agree with that. Also, just a clarification on dates, is there a meeting that's outside of our regular monthly meeting.

Mr. Perry: Correct. April 21<sup>st</sup> is the next scheduled meeting.

Mr. O'Reilly: So, realistically when you have that meeting there would most likely not even have a contract executed or draft even by then. I just wanted to point that out. So, if anything it would be on the following board meeting in May. I would agree with Mike in that it would probably be best to allow me to work with staff to negotiate and execute.

Mr. Perry: Let's get a motion to that affect.

Mr. Taylor: I make a motion to allow the chair to negotiate a contract with the ranked bidder prior to the next meeting.

Mr. Haber: And authority to execute as well.

Mr. Taylor: Yes.

On MOTION by Mr. Taylor seconded by Mr. O'Reilly with all in favor, Authorizing the Chairman to Negotiate, Sign, and Execute Contract, was approved.
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**ELEVENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – April 21, 2020  
at 1:00 p.m. at the Amelia Walk  
Amenity Center**

Mr. Perry: The next scheduled meeting is **April 21<sup>st</sup>**, 2020. I don't know if we are going to need that. It doesn't sound like we are going to need it at all.

Mr. O'Reilly: I don't think so.

Mr. Perry: Let's just keep it on the schedule and we will cancel it at the beginning of next week or the end of this week.

Mr. O'Reilly: I just hate for Sarah to have to print a bunch of stuff.

Mr. Perry: No, after this meeting I give her notes of the meetings and I will let her know.

Mr. O'Reilly: I think the only thing that would be on the agenda is probably requisitions but I think probably all of those are for existing contracts. I think that's something the engineer and myself can go ahead and approve/ratify. Wes, I had spoken to you regarding the architect work authorization for some preliminary design services on the amenity but that's something that probably can't wait until the end of May.

Mr. Haber: I think similar to the RFQ, Liam you can provide more detail than I can, but ultimately we are in the process. The way the architects agreement works is we have a master agreement with tasks that are approved via work authorizations and Liam has been working with the architect for the 3<sup>rd</sup> work authorization. Typically the work authorization will describe and define the specific scope of work being approved and what Liam and I discussed for this one is having a notice to proceed concept included in the work authorization so the work authorization will define a fairly broad scope of work and I will let Liam discuss what that work is, with the understanding that ultimately Liam through the District would have to ability to issue notices to proceed and only after a notice to proceed is issued would any of the work described more broadly be able to be performed.

Mr. O'Reilly: I think it would be in the district's favor to have the ability to issue notice to proceed on the individual scope items instead of one notice to proceed for all 20 items. So, Wes said that we could draft a work authorization to allow us to issue a work authorization for all 20 but then we could issue individual notice to proceeds for each subtask. That way there is already a work authorization for the whole thing but tasks 5-20 are not authorized to proceed yet. But when they are ready, they are already there. Does that make sense?

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Mr. Taylor: Is there any legalities behind that if you award it all??

Mr. Haber: My intent is to include language that says the district in its sole absolute discretion shall determine which portions of the work shall be issued a notice to proceed and the district shall have no obligation to move forward with any work on which it doesn't issue a notice to proceed.

Mr. O'Reilly: It just gives us more flexibility, Mike.

Mr. Taylor: Okay, I would support that.

Mr. Perry: So, with that is there a motion to authorize your Chair to finalize and execute the 3<sup>rd</sup> work authorization to the architectural agreement.

On MOTION by Mr. Taylor seconded by Mr. O'Reilly with all in favor, authorize Chair to finalize and execute 3 <sup>rd</sup> work authorization to the architectural agreement, was approved.
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**TWELFTH ORDER OF BUSINESS**

**Adjournment/ Continuation**

Mr. Perry: We will probably notice you at the end of this week or the first of next, if we are going to have the meeting or not for April 21<sup>st</sup>. Unless we have anything else, I would ask for a motion to adjourn.

Mr. Taylor: I just have one question. Can Bill give us an update on construction of the first phase?

Mr. Schaffer: The contractor is moving along rather well with regards to the entry road. That is the Spine Road that comes in off of the DOT roadway. The smoothing, he has the curb down ready to put down asphalt. We have pressure testing of the water lines still to go before we can put down the asphalt. We would like to review the video of the actual storm pipes that have been placed in before we put down the asphalt. With regards to the residential and the Phase 1 construction, it's moving along rather well. He has all the water and all the sewer in. All of the storm is in and all of the ponds for units 1, 2, and 3 are in construction. The banks are sodded. He is focusing right now on unit 1 and getting it ready for acceptance. They are working on the lift station and trying to get that finalized so we can set pumps in it and get ready to do a pump station start up once we get power. Power has been placed out there. Most of the lines are in for Phase 1, it's probably about 50%-60% installed. I think that sums it up.

Mr. Taylor: That's all I had.



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Mr. Perry: Very good. So, unless there is anything else, a motion to adjourn.

On MOTION by Mr. O'Reilly seconded by Mr. Taylor with all in favor, meeting adjourned.

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*Jim Perry*

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Secretary / Assistant Secretary

DocuSigned by:

*Liam O'Reilly*

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Chairman / Vice Chairman