

**MINUTES OF MEETING
ENTERPRISE COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Enterprise Community Development District was held Wednesday, February 2, 2022, at 4:00 p.m. at the District Office, 313 Campus Street, Celebration, Florida 34747.

Present and constituting a quorum were:

Jason Herrick	Chairman
Kimberly Locher	Vice Chairman
Gregg Harkness	Assistant Secretary
Paul Johnson	Assistant Secretary
Henry Thrash	Assistant Secretary

Also present, either in person or communications media technology, were:

Angel Montagna	Manager: Inframark, Management Division
Sarah Sandy (<i>via phone</i>)	Attorney: Hopping Green & Sams
Kathy Leo	Engineer: GAI Consulting
Brad Brown	Inframark, Utility Operations Division
Kent Kaufman	Inframark, Utility Operations Division
Rick Lavoie	Inframark, Utility Operations Division
Kacey Lothar	Mattamy Homes
Renea McRoberts	Inframark, Utility Operations Division
Russ Simmons	Inframark, Management Division
Edward Smith	Inframark, Utility Operations Division
Members of the Public	

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Herrick called the meeting to order at 4:00 p.m.

Ms. Montagna called the roll and stated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mr. Herrick led the *Pledge of Allegiance*.

THIRD ORDER OF BUSINESS

Public Comment Period

There being none, the next order of business followed.

FOURTH ORDER OF BUSINESS

Administrative Matters

Mr. Smith introduced himself and the new utility personnel.

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Acceptance of the Minutes of the November 3, 2021, Regular Meeting

The minutes are included in the agenda package and available for public review in the District Office during normal business hours.

B. Check Register and Invoices

The check register and invoices are included in the agenda package and available for public review in the District Office during normal business hours.

On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, unanimous approval was given to the consent agenda, as presented.

SIXTH ORDER OF BUSINESS

Business Matters

A. Resolution 2022-02, Adopting Prompt Payment Policies and Procedures

Mr. Herrick read Resolution 2022-02 into the record by title.

Ms. Sandy reviewed Resolution 2022-02 as updated due to changes in the Florida Legislature in 2021 to stay in compliance with current Statutes. Additional provisions were added regarding dispute resolution procedures, as well as an increase in the amount of interest that can be charged for late payments for construction-related services.

Mr. Herrick asked did the interest rate increase or decrease?

Ms. Sandy stated it increased from 1% to 2%.

Mr. Herrick asked what was Resolution 2022-01?

Ms. Sandy stated it was for a budget amendment that was approved in November.

Mr. Harkness stated the Resolutions are numbered by fiscal year.

On MOTION by Ms. Locher, seconded by Mr. Harkness, with all in favor, unanimous approval was given to Resolution 2022-02 adopting prompt payment policies and procedures.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Manager

i. Financial Statements (*December 2021*)

The financial statements are included in the agenda package and available for public review in the District Office during normal business hours.

Ms. Montagna stated we have used about 58% of the budget for water/sewer fund, which as mentioned previously by Mr. Gary Moyer will rapidly increase. We will need to address that in this next budget cycle, along with a few other budget line items Mr. Moyer mentioned when we present the next draft budget.

Mr. Herrick asked will the overage be addressed through a budget amendment?

Ms. Montagna stated yes, if needed at the end of this fiscal year. As we discuss the budget for fiscal year 2023, we can address any other changes. We discussed the utility

maintenance line item that has historically been over budget, which the Board wanted to address. I do not believe it is anything insurmountable.

Ms. Locher stated I think we were waiting to understand if all the leaks would be taken care of with the meter replacements and if that cost would decrease. We wanted to manage it for a few years to see if it settled down and is where it should be.

Ms. Montagna stated I think it had increased, then decreased. That is why Mr. Moyer did not recommend adjusting that line item because it went up and down. I think it will be pretty steady, where it has been over the past two years.

Mr. Harkness stated the system is aging. That cost will not decrease.

Ms. Montagna stated that is correct; it will continue to increase. We will discuss further when our next meeting will be since we have the utility request for proposal (“RFP”) to discuss.

Mr. Herrick stated I am not available the first week in March, if we could meet the week after.

Ms. Montagna stated we could meet at the convenience of the Board, but if a meeting is not required in March, then we will simply cancel it.

Ms. Leo stated we will not need a meeting in March, so we could wait until April.

B. Field Operations

i. Field Management Reports

The field management reports are included in the agenda package and available for public review in the District Office during normal business hours.

Mr. Simmons stated we are replacing sidewalk panels near the library all the way to the bridge at the C-2 canal. The proposal was just under \$24,000. That budget line item will not cover the full cost, so we will use some monies from other line items. The panels broken in front of Chick-fil-A will cost a couple thousand dollars. I have reached out to the County because I want them to be responsible for that. We do not have any trees there. The repairs we discussed earlier are all due to tree roots, but this one is from contractors installing cable. The County approved their permits for that work, so they should be the ones to monitor the progress and damage. I have not received a response yet, but I will continue to reach out to them. Regarding the boardwalk along U.S. 192, I purchased caps. We have two of the three boxes. We are putting caps on the six-foot-by-six-foot posts to keep them from splitting. We installed thousands of them in Celebration Village, and everyone has liked them. It will save a lot of money in the future. We had a

utility repair two months ago at Arbor Circle and had to cut a little bit of the owner's entry walk, which was mosaic tile. I cannot get anyone to come out and look at it.

Ms. Montagna stated it is so small that no vendor wants to come out and repair it.

Mr. Harkness stated it will cost them too much money to come out.

Mr. Simmons stated we are willing to do the whole entry walk, but I cannot get in contact with the home owner.

Ms. Montagna stated we are trying to work something out with him, and we will do whatever we need to do. The walk was installed before this owner bought the house.

Mr. Simmons stated it is covered with wood for now, which does not look great, but he can still use his walk.

Mr. Johnson asked has CROA made an issue of it?

Mr. Simmons stated no, they have not said anything yet. I just wanted the Board to be aware of it.

Mr. Johnson stated if they notice it, they will fine him.

Mr. Simmons stated we will tell CROA to talk with us.

Mr. Herrick asked what is the plan?

Mr. Simmons stated we are trying to contact the owner. We might have to redo the whole walkway with a different tile, but we cannot get anyone to come out to look at it. I have talked with Mattamy Homes, and they will talk with their tile vendor.

Ms. Locher stated I might be able to assist with this. I will talk with you after the meeting.

Ms. Montagna stated we have been receiving complaints regarding landscaping. Mr. Simmons and Mr. Perez have met with Yellowstone, which is why they are here today. They prepared a site audit report with pictures.

Mr. Simmons stated we are hopeful the next report will show all these items have been taken care of.

Mr. Herrick asked who prepares this audit?

Mr. Simmons stated I prepare it, and I take them on the inspection when I am doing the review.

Mr. Herrick asked what is the process in communicating with Yellowstone when problem areas need to be addressed?

Mr. Simmons stated Mr. Mike Smith with Yellowstone is fairly new. The way it normally works is, we will invite them to come on the review, we will send them a copy

to notate when work will be complete or the status, such as waiting on a proposal, and they return it with their comments.

Mr. Herrick stated I do not recall seeing an audit before.

Mr. Simmons stated it is somewhat new, maybe in the past four to five months.

Ms. Locher asked is this work in progress? Is this something we are discussing? Did they want to discuss it and tell us what the plan is?

Mr. Smith stated we will get everything resolved. We will warranty the sod damage. We noted some sod damage under trees, but we cannot do much about that. On my way in, I noticed some sod damage that looks like a vehicle drove through the median. I have a proposal to repair that. We will pay for any warranty sod. It is a schedule in progress.

C. Utility Operations

i. Utility Report *(November 2021 through January 2022)*

The utility report is included in the agenda package and available for public review in the District Office during normal business hours.

ii. Consideration of Proposal from All Florida Septic for Lift Station 9

The proposal from All Florida Septic is included in the agenda package and available for public review in the District Office during normal business hours.

Ms. McRoberts stated the proposal is dated August. I reached out to them, and they will still honor the proposal price. We need to get the lining in the lift station replaced.

Mr. Harkness asked did we receive multiple proposals for this lift station?

Ms. McRoberts stated I went with All Florida Septic because they provided the best price.

Ms. Montagna stated yes, she solicited proposals from numerous vendors but only submitted one.

Mr. Harkness stated you received several but are submitting the ones you want us to approve.

Ms. McRoberts stated yes.

iii. Consideration of Proposal from BCI Technologies for Island Village Lift Station 12

The proposal from BCI Technologies is included in the agenda package and available for public review in the District Office during normal business hours.

Ms. McRoberts stated this proposal is to install the SCADA system in the Island Village lift station.

On MOTION by Mr. Harkness, seconded by Mr. Johnson, with all in favor, unanimous approval was given to the proposal from All Florida Septic to replace the liner in lift station 9, in the amount of \$63,546.00; and to the proposal from BCI Technologies to install SCADA at lift station 12 in Island Village, in the amount of \$21,758.96.

iv. Proposals for Bypass Pumps

Ms. McRoberts stated we had received proposals for the bypass pumps, at the Board's request, but they are quite dated so they are revising and updating the proposals. We did have to get a bypass pump on one of the lift stations for 30 days.

Ms. Locher stated the lift station by the fields at the K-8 school has been taped off for some time.

Mr. Simmons stated it has been removed.

Ms. McRoberts stated it was just replaced yesterday. We kept it there. We were not being charged for it. One pump had to be removed and cleaned out, which is complete.

v. Lift Station Access

Mr. Simmons stated the Board has previously discussed access driveways to lift stations. Ms. McRoberts and I would like to submit proposals to do the worst lift stations first, and we have three. Instead of doing them all at once, we wanted to prioritize them and get them done incrementally.

Mr. Harkness stated I like that idea.

Mr. Simmons stated they have not had driveways in 25 years, so some of them can wait another couple years.

Mr. Harkness stated some should not cost much since it is not that big of an area.

D. Attorney

i. Kutak Rock Retention and Fee Agreement

Ms. Sandy stated with our practice group switching to Kutak Rock, we need to get a new fee agreement in place with the District. I believe the Board authorized at the last meeting to enter into the fee agreement, but we wanted to provide it to the Board. It is in line with the same fees we previously had in place. So no changes in regard to fees.

Mr. Harkness stated no change in fees, just a change in firm name.

Ms. Sandy stated that is correct.

Ms. Montagna stated the fee agreement was approved at the last meeting. Does Ms. Sandy want the original to be signed?

Ms. Sandy stated yes. Since the Board has the physical contract in front of them, I will ask they approve the agreement by motion.

On MOTION by Mr. Harkness, seconded by Ms. Locher, with all in favor, unanimous approval was given to the retention and fee agreement with Kutak Rock, as presented.

ii. Resolution 2022-03, Designating a Registered Agent

Ms. Sandy read Resolution 2022-03 into the record by title.

Ms. Sandy stated this Resolution will update the District's registered agent office to Kutak Rock. A temporary address is listed and what will be our permanent address.

On MOTION by Ms. Locher, seconded by Mr. Harkness, with all in favor, unanimous approval was given to Resolution 2022-03 designating Ms. Sandy as the District's registered agent and Kutak Rock offices as the registered office.

E. Engineer

i. Work Authorization 2022-1 for Construction Engineering Inspection Services for Island Village

Ms. Leo reviewed work authorization 2022-1 for construction engineering inspection services for Island Village in an amount not to exceed \$25,000.

Ms. Leo stated we were working on Celebration Boulevard extension and into Island Village Phase 1. We are now working on inspections for rerouting the forcemain in Phase 1 due to the school and other site issues. We will bill work performed under this work authorization on an hourly basis. We do not expect the forcemain reroute to use all these funds, but if subsequent issues arise, we will have a budget to work within.

Mr. Herrick asked do you know the cost of the forcemain project?

Ms. Locher stated about \$80,000 to \$90,000.

Ms. Leo stated it is a fairly small project, but it is complicated. We reviewed it before the holidays to give the contractor time to get going. We have been onsite for a week.

Mr. Simmons stated they finished yesterday and might have been calling for testing.

Mr. Harkness stated it looks like we will not use much of this \$25,000 budget at all.

Ms. Leo stated we could not catch the meetings right and had some leftover from the current project. It is all on an hourly budget.

On MOTION by Mr. Harkness, seconded by Ms. Locher, with all in favor, unanimous approval was given to work authorization 2022-1 for construction engineering inspection services for Island Village in an amount not to exceed \$25,000.

ii. Approval of Evaluation Criteria for Utility Services Bid Package

Ms. Leo stated the operations contract for operating and maintaining the utilities expired the end of May 2021. We drafted a bid package, and I have copies for Board members to take if you want to review further. I can also email a copy. We are thinking to advertise in late February or early March and target a bid opening around the date of the April meeting. That will give everyone time to review the bids and award the contract at the May meeting with a start date the end of May.

Mr. Harkness asked when does the current contract expire?

Ms. Montagna stated in May 2021; last year, we extended the contract for one year, so it will go through May 2022.

Mr. Herrick asked how long has the existing contract been in place?

Ms. Sandy stated 2016 was the last time we went out for bids.

Mr. Harkness stated we extended it.

Ms. Montagna stated yes, you were able to extend it two times.

Ms. Leo stated in our bid package, we added all the new development and plans for the remainder of the project. Ms. Sandy is working on the bid package as well. Once complete, we will advertise and follow the proper bidding procedures.

Mr. Harkness asked have you identified what firms you will be sending this to?

Ms. Leo stated I would appreciate any feedback you have on that. Ms. Sandy and I were discussing that the last time this went to bid, we struggled to get bidders. We have some ideas who to contact, and we will advertise in the newspaper. The selection criteria were provided in the agenda package for the Board's consideration as the basis of awarding the contract. Points are assigned to various categories.

Mr. Herrick asked what was the rationale for choosing the points? I am not saying they are wrong, but I am just curious.

Ms. Sandy stated I believe it is the same as what was used in the last bid package. It is not outside the realm of what we normally see with a lot of evaluation criteria, but I do not know who put this specific one together. If the Board has any input on reallocating points or redefining any of the criteria, now would be the time to have that discussion.

Mr. Herrick stated we could move things around. I have no comments or changes.

Mr. Johnson stated I think as long as it is clear on the point calculation for price.

Mr. Harkness stated yes, that is a little confusing to me.

Mr. Johnson stated it looks like 15 points goes to the lowest bidder, and then the calculation applies to the other bids.

Mr. Harkness stated other proposals receive a percentage based upon the difference between their bid and the low bid.

Mr. Johnson stated my guess is if someone bids \$10 million, they get 15 points as the low bid. If another firm bids \$15 million, that is 50%.

Ms. Sandy stated I think it is actually more of a pro rata of the 15 points, with the higher points going to the low bid.

Mr. Harkness stated as long as it is clear to the proposers. Maybe it can be cleaned up to clarify. I am not opposed to including an example.

Ms. Sandy stated on the 10 points for reasonableness of unit prices, often we include a reasonableness factor. Maybe one firm had the lowest bid but they left something out or it is a reasonableness that they can actually accomplish what they are saying they can do based on that low price. I do not know if you want to limit this to unit prices or more on a general basis.

Mr. Herrick stated this looks complicated.

Mr. Harkness stated yes. Who is going to define reasonableness?

Mr. Herrick stated I like the idea of putting in an estimated number of hours for each unit, and then awarding 30 points the way Mr. Johnson suggested.

Ms. Montagna asked can we do it in a simpler way? Is this change doable?

Ms. Sandy asked just award 30 points for price?

Mr. Herrick stated 30 points for price, but price is the base bid plus an estimated number of hours per unit, multiplied out. We have a number, and we are applying the 30 points toward that number. They should be able to estimate number of hours per unit.

Ms. Leo stated I think we should include language for unit pricing that will enter into their calculations.

Ms. Sandy stated I am hearing that the lowest bidder will not necessarily receive the full 30 points.

Ms. Montagna stated that is correct.

<p>On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, unanimous approval was given to evaluation criteria, amended as discussed, and to direct staff to advertise the request for proposals.</p>
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F. District Representative

There being no report, the next item followed.

G. Mattamy Homes (Island Village)

Ms. Lothar stated we are starting the design for Phase 2 of Island Village. We have been talking with Ms. Leo about Phase 1 items. We are doing Phase 2 in two parts: Phase 2A and Phase 2B. The Duke Energy power easement goes through the middle. The lift station is in Phase 2B and will serve all of Phase 2. Part of our plan is to build an access road to the lift station until Phase 2B comes along, which will be right behind it.

Mr. Herrick asked is this the road Mr. Simmons showed me?

Mr. Simmons stated no, that is an existing road.

Ms. Lothar stated this is future access. Our design was done with Toho Water Authority (“Toho”) in mind because the District has an agreement with them. Everything we have proposed would be approved if we were going to Toho. Since the District does not have a standard, we use Toho as our guide, and they are very strict. Ms. Leo wanted me to raise this with the Board to be sure you are okay with this temporary condition. We discussed a maintenance agreement, and she does not want to turn over the lift station until it has an actual paved road to it. It is temporary access, and we will have a maintenance agreement where Mattamy will maintain the lift station until it is ready to be turned over to the District.

Mr. Johnson asked what was the reason behind phasing Phase 2?

Ms. Lothar stated Phase 2A is connected as a site development plan with the County to the F1/F2 crossing. We need lots to sell because we are already behind. This is our way of bringing on 87 lots faster. The second half of the phase is quite an undertaking and will take longer. As soon as we receive approval for Phase 2B, we will start immediately. Phase 2A is just a little bit ahead.

Ms. Leo stated one thing I still need to be comfortable with that I need to discuss with Mr. Simmons. One lift station has a gravity line 20 feet deep, and I want to talk that through to be sure we are good on the operations side. I thought it was good for the Board to hear the procedure and turnover process and why the design was received this way, versus bringing it to you later and then not wanting to do some part of it.

Mr. Herrick stated so we are not turning over anything early.

Ms. Lothar stated we did something similar in Phase 1 under a maintenance agreement where we paid the District to maintain it until it was ready to be turned over.

We want to make sure anyone we hire to maintain it would maintain it to the same standards.

Ms. Montagna asked is that what you are asking for?

Ms. Lotter stated I do not know that we are asking for anything. We wanted to make sure the Board is comfortable with our plan and to let you know the lift station will be in line with Toho's standards. If the District has SCADA that is available to us, we can include those in our plans to install. I do not believe we have it in Phase 1.

Mr. Harkness stated we really need it included.

Ms. Montagna stated I will provide a copy of the proposal the Board just approved for Ms. Lotter's use.

Ms. Lotter stated yes, and we will include it in our plans.

Mr. Johnson asked are you expecting sales to pick up?

Ms. Lotter stated because of covid, we made the business decision to not move forward on Phase 2 for a year. No one expected the market to take off like it did, so now we are a year behind.

Ms. Locher stated our projects in North Carolina are taking 15 months for power.

Mr. Harkness asked are we okay with adding SCADA to these phases?

Mr. Lavoie stated yes, we are fine as long as the system ties into what we have. We will provide the specifications for Phase 1, and then we will tie everything into the SCADA system.

Ms. Montagna stated when Ms. Lotter provides us with drawings, I will forward to everyone.

Ms. McRoberts stated Duke Energy contacted us to provide some locates where they are going to do the forcemain around the school, but we do not have any plans or as-builts for the water lines in the ground.

Ms. Lotter stated we will have as-builts as part of our turnover.

Mr. Simmons stated we also need plans. Those should be available through Atkins.

Ms. Leo stated yes, those are part of the turnover package. I am not sure to whom it was distributed.

Ms. McRoberts stated we do not have anything.

Ms. Lotter stated I will email them to you.

Mr. Harkness asked how will electricity be provided? Will it be a temporary overhead?

Ms. Lothar stated no, we will install it underground.

Mr. Harkness asked even under the gravel road?

Ms. Lothar stated no, the underground will be in its normal location in the right-of-way. Power will not be moved. It will be where it should be, and it will stay there.

Mr. Johnson asked you are routing permanent power now so you will not have to use temporary?

Ms. Lothar stated everything will be permanent. The only thing that will be temporary is the access road to the lift station, and we will pave it.

Ms. Locher asked what is the schedule for the school?

Ms. Lothar stated we anticipate starting construction May 20.

Ms. Leo stated they are submitting permits, and the school is one of them. They are still in process and have not submitted all their permits yet.

Mr. Simmons stated when construction starts on the school, we have a lot of stub-outs and p-lines and other infrastructure. Who will take care of all that?

Ms. Lothar stated they are supposed to. It is part of their plan. We told them they have to take care of it. I have seen their plans, and that is all part of the plans.

Ms. Leo stated we are working on a couple parallel efforts. When the utility master plan was done three or four years ago, questions were raised by the Phase 2 designer on the peaking factor, thinking they might be too high. We are exploring that with Atkins and their subconsultants, and I am trying to get the answer to that question. In a parallel effort, Ms. Sandy has been working with me on finding an easement or easement rights to do that. I do not think we are there yet. Our last correspondence included Mr. Todd Rimmer, but we have not received a response. It has taken a bit of time since there were delays, but we are working on these two things.

Mr. Herrick asked what about the peaking factor is too high?

Ms. Leo stated I do not remember off the top of my head. I am talking with Mr. Raj Singh at Atkins, and his memory is a little foggy on this. We do not remember if it was in the original master plan, or what was proved out at the time. I can get back with you on that.

Mr. Herrick stated I was just curious.

EIGHTH ORDER OF BUSINESS

Other Business and Supervisor Requests

Ms. Locher asked does anyone know when the repair will be complete at the high school?

Mr. Simmons stated they gave a three-month date, but they are hopeful to have it done in two months. They are about two-plus weeks into it.

Ms. Locher stated the backups getting to and from the school are horrible. Summer would have been a better time for this.

Mr. Simmons stated permitting caused the delay. They started the process six or eight months ago.

NINTH ORDER OF BUSINESS

Adjournment

The next meeting is scheduled for Wednesday, March 2, 2022, at 4:00 p.m.

On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, the meeting adjourned at 4:45 p.m.
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Angel Montagna, Secretary

Jason Herrick, Chairman