

1
2
3
4
5
6
7
8

**MINUTES OF MEETING
K-BAR RANCH
COMMUNITY DEVELOPMENT DISTRICT**

9 The regular meeting of the Board of Supervisors of the K-Bar Ranch Community
10 Development District was held on Friday, June 3, 2011 at 10:00 a.m. at the offices of
11 Stantec/ Wilson Miller, 2205 North 20th Street, Tampa, Florida.

12
13
14

FIRST ORDER OF BUSINESS – Roll Call

15 Mr. Daugirda called the meeting to order.

16 The Board members introduced themselves for the record.

17 Present and constituting a quorum were:

18	Jamie Goodman	Vice Chairperson
19	Marc Mobley	Supervisor
20	Vanderlyn Brown	Supervisor

21 Also present were:

22	John Daugirda	Manager
23	Gina Grimes	District Counsel
24	Tonja Stewart	Engineer
25	Mike Metropolis	Resident
26	Biff Craine	SHBC Attorney

27 Mr. Daugirda established a quorum of the Board was present.

28
29
30

SECOND ORDER OF BUSINESS – Business Administration Items:

31 **A. Consideration of Resolution 2011-8, Petitioning the City to Dissolve the**
32 **Bassett Creek Phase 1 Street Light District and Accepting the Bassett Creek Phase 1**
33 **and 2A Street Lights**

34 Mr. Daugirda stated Resolution 2011-8 petitions the City to Dissolve the Bassett
35 Creek Phase 1 Street Light District, and the District accepts the Bassett Creek Phase 1
36 and 2A street lights. It shifts responsibility to the CDD so it is now covered under the
37 CDD budget.

38 Ms. Stewart stated the main reason we did this is because we found in other
39 districts, they tend to get over charged due to changes in staff and no one realizes they
are getting taxed twice for the street lights. By dissolving it, the District has control over

1 the streetlights. It is important to the residents to note that is there will be increased
2 assessments for the street lights in the CDD budget, but it will be off set by a reduction or
3 elimination of the street light taxes on the city tax bill. There should be a 100% offset
4 and there are no increases through TECO.

5

6 On MOTION by Mr. Mobley, SECONDED by Ms. Goodman, WITH ALL IN FAVOR,
7 the Board adopted Resolution 2011-8, Petitioning the City to Dissolve the Bassett Creek
8 Phase 1 Street Light District and Accept the Bassett Creek Phase 1 and 2A Street Lights.

9

10 **THIRD ORDER OF BUSINESS – Discussion of Bond Financing**

11 **A. Overview of Bond Financing**

12 Mr. Daugirda stated staff will be holding a meeting with the residents on June 22,
13 2011 at the Library in the early evening. Today we will move it forward one step by
14 resolution and set a hearing for resident comment on this issue in July. We will send out
15 the legal notifications to all of the landowners. We did this once before with the lease
16 option, which was withdrawn. The bond financing is another way for the District to
17 obtain the amenity center, and we will get resident input at the hearing.

18 A discussion took place regarding the workshop potential agenda.

19 Mr. Metropolis stated the SHBC Board has recommended to the homeowners that
20 we move forward with the bond financing for the pool based on the discussions at the last
21 meeting. Finding alternative financing was a win-win for both parties. It showed the
22 CDD Board and developer have listened to the community and responded.

23 Mr. Daugirda stated we will get the appraisal done for \$1,250.

24

25 **A. Discussion of Supplemental District Engineer's Report**

26 Ms. Stewart stated the value of the facility is based on the actual cost and the
27 report will be modified and put in final format once that amount is confirmed. There will
28 be some modification as the project is still being completed. Bond counsel's comments
29 are very minor. The acquisition will include the entire 3.5 acres of land.

30 Ms. Grimes stated this is a not to exceed number. We need to include the
31 financing and administrative costs. The maximum we can spend is \$574,873 for
32 acquisition costs. Based on the appraisal, that amount may come down, as well as the

1 administrative costs proportionately. The Board will decide whether to decrease the
2 overall amount or buy it as.

3 Ms. Stewart stated I also spoke to the developer regarding the ADA compliance,
4 and he has committed to make sure it is ADA compliant by as required by law. We are
5 reviewing the ADA new guidelines. We are going to research, get a plan, and get a clear
6 understanding of what is required. We are looking to get the upgrades started at the end
7 of this year, beginning of next so it is the most cost effective compliance. We are looking
8 to the city on what they are planning to do, as well as other premier communities.

9

10 **B. Discussion of Preliminary Assessment Methodology**

11 Mr. Daugirda stated the amount of the proposed total debt is \$700,000. The
12 maximum principal amount per lot is \$1,852. The maximum annual principal and interest
13 is \$190 per unit. The methodology applies equally to all benefited units for the recreation
14 amenity and is consistent with the benefit analysis. Currently we have 194 developed
15 units which equates to about half of the development. The other planned undeveloped
16 property will have 184 units. Page 10 of the report provides the calculation regarding the
17 developable acreage and it's principal. There is also a "True-Up" provision. If the
18 developer decides not to build a portion of the remaining 184 lots, they will have to pay
19 off the debt on those remaining lots. Page 15 shows the sources and use of the funds and
20 bond sizing. Page 16 shows the preliminary assessment roll. There is a prepayment
21 calculation if you want to pay the amount off in its entirety. The anticipation is to get this
22 bond issuance completed in July so we can get the assessments on the November tax
23 bills.

24

25 **C. Discussion of Financing Consultant Documents**

26 Mr. Daugirda outlined the consultant documents:

- 27 ■ FMS Bonds proposal for their services is a fee of \$20,000 plus their expenses.
- 28 ■ Greenberg Traurig is treating this as a Bond Anticipation Note and is proposing a
29 reduced fee. Their normal fee for a Bond is \$45,000. For a note it is \$38,000; and
30 they are reducing it to \$24,000 including all time and expenses.
- 31 ■ DPGF's proposal for District Manager and financial consultant at a fee of
32 \$10,000.

- 1 ▪ Hill Ward Henderson's proposal, for District Counsel, is a fee of \$10,000 plus
- 2 expenses.
- 3 ▪ Wilson Miller/Stantec general authorization is in the amount not to exceed \$7,500
- 4 based on billing.
- 5 ▪ The existing trustee is US Bank and their fee is \$1,500 for the acceptance and an
- 6 annual fee of \$2,000 a year for the trustee, plus 7.75% at \$155 expense per year.
- 7 Also there is a Trustee counsel fee of \$2,500 a year.
- 8 ▪ Wells Fargo proposes \$2,500 a year, and administrative costs.
- 9 ▪ Riggins Atkinson Cones and Associates appraisal services are \$1,250 with a
- 10 completion date in three weeks.

11

12 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
13 Board approved the FMS Bonds Underwriter Agreement in the amount of \$20,000 plus
14 expenses.

15

16 On MOTION by Ms. Brown, SECONDED by Mr. Mobley, WITH ALL IN FAVOR, the
17 Board approved the Greenberg Traurig Bond Counsel Agreement in the amount of
18 \$24,000.

19

20 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
21 Board approved the DPGF District Management and Financial Service Agreement in the
22 amount of \$10,000.

23

24 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
25 Board approved the Hill Ward Henderson District Counsel Agreement in the amount of
26 \$10,000.

27

28 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
29 Board authorized WilsonMiller/Stantec to perform bond services under their general
30 authorization in the amount not to exceed \$7,500.

31

32 On MOTION by Mr. Mobley, SECONDED by Ms. Goodman, WITH ALL IN FAVOR,
33 the Board approved the Wells Fargo Trustee Agreement in the amount of \$2,500 yearly
34 plus expenses.

35

1 On MOTION by Mr. Mobley, SECONDED by Ms. Goodman, WITH ALL IN FAVOR,
2 the meeting ratified the Riggins Agreement for Appraisal Services in the amount of
3 \$1,250.

4
5 **D. Resolution Declaring Intent to Levy of Special Assessments – Resolution**
6 **2011-5**

7 **E. Resolution Setting the Public Hearing – Resolution 2011-6**

8 Ms. Grimes stated Resolution 2011-5 declares your intent to levy special
9 assessments for the recreation improvements. It sets out the total estimated acquisition
10 cost of \$574,873, and the assessment will be used to defray the overall \$700,000 of the
11 bond issuance amount. It includes the estimated cost of financing, administrative,
12 capitalized interest, debt service reserve, and contingencies. It also states the allocation
13 of the assessment is based on Equivalent Residential Unit (ERU) which is addressed in
14 the Preliminary Assessment Methodology Report (PAMR) used to determine the
15 assessment on each lot or acreage. It also provides that the District Manager is to create a
16 preliminary assessment roll which is part of the PAMR, and a notice provided to the
17 owners that will be assessed, and set a public hearing to consider this information and
18 whether the assessment is appropriate and if so the amount of the assessment. The
19 resolution setting the public hearing is Resolution 2011-6, and contains the title of
20 Resolution declaring your intent to levy assessments. The proposed date of the formal
21 public hearing is scheduled for July 13, 2011 at 10:00 a.m. Before that date, we will have
22 a workshop with the residents to discuss this.

23
24 On MOTION by Ms. Brown, SECONDED by Mr. Mobley, WITH ALL IN FAVOR, the
25 Board adopted Resolution 2011-5, Declaring the Intent to Levy Special Assessments.

26
27 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
28 Board adopted Resolution 2011-6, Setting the Public Hearing on July 13, 2011 at 10:00
29 a.m. at the offices of Wilson Miller/Stantec.

30
31 **F. Other Matters**

32 Mr. Daugirda stated the individuals who came forward with the lease option,
33 Amenity Investments, LLC, have send in an invoice for their consulting fees of \$4,355.
34 It was not my understanding they were not previously retained as consultants. They
35 presented the lease financing option which the Board ultimately rejected.

1 Mr. Johnson stated it is not a CDD issue, and we did not sign an engagement
2 letter.

3
4 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
5 Board denied the Amenity Investment LLC Proposal.
6

7 Ms. Stewart stated I recommended to Mr. Daugirda that we do an inspection of
8 the vertical construction. I am only qualified to do the horizontal construction. One
9 inspector was Eckley, and it was about \$600 for him to do a building inspection. I request
10 we get the authorization to contact him to perform the inspection at a cost not to exceed
11 \$600.

12 After discussion,

13
14 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
15 Board authorized staff to contact Eckley to perform the building inspection of the
16 Amenity Center Infrastructure in an amount not to exceed \$750.
17

18 **FOURTH ORDER OF BUSINESS – Staff Reports**

19 **A. Manager**

20 **A.1. Report on the Number of Registered Voters – 137**

21 Mr. Daugirda stated as of April 14, 2011 the Supervisor of Elections reports there
22 are 137 registered voters in the District. This is relevant to the formal transition to
23 general election status. We must meet both six years in existence and 250 registered
24 voters as thresholds for the formal transition.

25
26 **A.2. Ratification of BWA Supplemental Pond Maintenance Agreement**

27 Mr. Daugirda stated Blue Water Aquatics is the existing storm water maintenance
28 contractor. Six additional ponds have come on line. The chair approved this agreement.
29 We are looking for ratification of the agreement for \$4,440 a year or \$320 a month.

30 Ms. Stewart stated BWA is doing a fine job, and over the next few years their
31 methods of water quality treatments will be adjusted.
32

33 On MOTION by Mr. Mobley, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the
34 Board ratified the BWA Supplemental Pond Maintenance Agreement.
35

1 **A.3. Discussion on Proposed FY 2011-2012 Budget**

2 Mr. Daugirda stated the amount of the budget for FY 2011 was \$158,666. The
3 \$33,000 is added for the street lights, and the amenity center maintenance is \$19,200.

4 Ms. Stewart stated the legal and engineering fees were increased significantly due
5 to the fees incurred this fiscal year. Between Ms. Grimes and me it is not our intent to
6 come in and double your assessment for us. Your budget is so small any increase is
7 significant. Now that this CDD is more active, things need to be done. We are
8 sharpening our pencils.

9 Mr. Daugirda stated for landscape maintenance, Ms. Becky Jenkins recommends
10 considering increasing the amount by 30%, approximately \$16,000, because new
11 properties are coming on line. We have an amount of \$54,000 for the existing property
12 for landscape maintenance, irrigation and landscape replacement.

13 Ms. Stewart stated the amount may be higher than what the actual modifications
14 will be this year.

15 Mr. Daugirda stated I have also given her the name of other firms in the area to
16 get proposals for landscape maintenance, as it is very competitive right now.

17 A discussion related to personnel overseeing the field maintenance, and getting
18 estimates for the service for potential implementation in the future.

19 After discussion,

20 Board consensus was to amend the draft budget to include additional \$20,784 for
21 landscape and pond maintenance and \$6,000 for field management.

22

23 **B. Attorney**

24 There being no report, the next item followed.

25

26 **C. Engineer**

27 There being no report, the next item followed.

28

29 **FIFTH ORDER OF BUSINESS – Supervisors Requests and Audient Comments**

30 Mr. Craine asked is there a deposit for the street lights?

31 Ms. Stewart responded no deposit is required for the District.

1 Mr. Daugirda reiterated the meeting date, times and locations of the following
2 Board meetings: June 22 at 5:00 p.m. at the New Tampa Library; July 13 at 10:00 a.m. at
3 WilsonMiller/Stantec; and July 20 at 5:30 p.m. at New Tampa Library.

4 Mr. Craine stated the homeowners requested the Board create a vacancy for a
5 resident elector to come on the Board to ease through a transition. What is going on with
6 that so far?

7 Mr. Daugirda responded individual supervisors are deliberating on the matter.

8 Mr. Metropolis stated the community feels it is warranted to put a resident on the
9 Board. There may be some type of public protest if it is not done. The Board needs to
10 make that commitment to the community and not to the developer. There should be a
11 sign of good faith. I was voted into this spot, and I come to these meetings. They made
12 it clear about the venue of these meetings, and in the community's mind the CDD public
13 meeting should be a true public meeting where it is easier for the residents' to attend, not
14 for the Board. The residents feel out of touch with their Board of Supervisors.
15 Workshops are a wonderful idea. I am trying to communicate as best as I can the
16 residents concerns and your responses. The SBHAC organization was created so
17 someone could calmly talk to the Board and resolve issues. We have made awesome
18 headway. The feeling is the Board members are developer employees and decisions are
19 being made by the developer. That is the feeling. If one of the developer employees
20 steps down, and a resident is put on it will not change the voting power, but it will
21 provide insight as to how the Board actually works, and how the recommendations of the
22 engineers, managers and lawyers are arrived at, as well as the developer moving forward
23 with the project. They feel they have been left out in the cold and all they get is a notice of
24 here is your new assessment.

25 Mr. Craine stated the most difficult period of any District's existence it is the
26 transition period between landowner controlled to resident controlled. In my experience
27 where there has been one resident put on the Board early it has allowed for a smoother
28 transition.

29 Ms. Stewart stated it has improved significantly just over the last few meetings.

30 Mr. Daugirda stated the lines of communication are open.

31 Ms. Stewart stated at the last meeting, there was a request regarding resumes.

1 Mr. Metropolis asked people were asking why that was necessary.

2 Ms. Grimes responded it is common practice in all governments to submit
3 resumes.

4 Ms. Stewart stated on some boards, they choose their members by their
5 background.

6 Mr. Metropolis stated I have sent out three requests to the residents asking if
7 anyone was interested in being considered if a vacancy comes up, and I have not received
8 one. I will be happy to provide my resume, but I would have thought more residents of
9 the community would have been interested. I am a little surprised that no other residents
10 have shown up today. I will be at every meeting until the SBHAC is dissolved. Maybe
11 they are waiting to see if the vacancy is made and then maybe respond.

12

13

14

15

16

[The remainder of this page is intentionally left blank.]

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SIXTH ORDER OF BUSINESS – Adjournment

There being no further business,

On MOTION by Ms. Goodman, SECONDED by Ms. Brown, WITH ALL IN FAVOR, the meeting was adjourned at 11:30 a.m.

**These minutes were prepared in summary format.*

**Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on July 13, 2011.



Signature

John DUGARD

Printed Name

Title:
 Secretary
 Assistant Secretary



Signature

Printed Name

Title:
 Chairperson
 Vice Chairperson