

Minutes of Meeting  
Durbin Crossing  
Community Development District

The regular meeting of the Board of Supervisors of the Durbin Crossing Community Development District was held Monday, September 23, 2019 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida.

Present and constituting a quorum were:

Peter E. Pollicino	Chairman
Tim Brownlee	Vice Chairman
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
Debbie Driscoll	Supervisor

Also present were:

Daniel Laughlin	District Manager
Dave deNagy	GMS
Mike Eckert	District Counsel
Stephen Howell	Vesta/Amenity Services Group
Jay King	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Danelle DeMarco	Vesta/Amenity Services Group
Buddy Tate	Down to Earth Landscaping
Troy Miller	Down to Earth Landscaping
Mike Wooldridge	Down to Earth Landscaping
Carlos Gregory	Down to Earth Landscaping

The following is a summary of the discussions and actions taken at the September 23, 2019 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Pledge of Allegiance**

Mr. Laughlin called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the roll.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of Minutes of the August 26, 2019 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses**
- C. Assessment Receipt Schedule**
- D. Check Register**

On MOTION by Mr. Brownlee seconded by Mr. Pollicino with four in favor the consent agenda items were approved with amendments to the minutes.
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**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Down to Earth Landscape**

Ms. Hall joined the meeting at this time.

Mr. Tate gave a PowerPoint presentation that covered the history of Down to Earth, the transition from R&D to Down to Earth, regional team out of the Maitland office, local team in Jacksonville, issues they have been identified being sod issues, weed areas, aging juniper, winter schedule, communication, permanent crew on weekly basis,

Mr. Pollicino stated we had issued a remedy notice.

Ms. Alfano brought up that even after weekly drive throughs with Down to Earth staff, issues remain, the amenity center does not look good, weeds, the detail work, there are staffing concerns, issues with pond banks and that staff was more unhappy in the last month than happy.

Mr. Howell stated I understand the economy and staffing issues and through all the changes and excuses it continues to be the same, lack of consistency, relocation of the office, and your team has to travel further to get to the job.

Mr. Harrah stated maybe they underbid the contact and if we put out an RFP they can rebid it, they come in with a price they can do the job for.

Mr. Eckert stated from a process standpoint we have a 30-day notice of termination without cause and I recommend you not exercise that today if you are going to go out for an RFP but if

you want to move to have staff prepare and issue an RFP for landscape services consistent with what we did last time in terms of form then I would need advice from the board in terms of how long you want us to leave that on the street.

Mr. Harrah stated in the interim they will continue to do what they are doing.

Mr. Eckert stated yes, they are still under contract. We would not expect any drop off in service because we are paying under the contract, we expect the contract requirements to be met. In terms of how long the RFP is on the street the law requires a minimum of seven days that you provide notice before the bids are due. In my experience for a project this size that is not going to be enough time to get meaningful proposals back. You need to tell me what you think; I would say it is a minimum of 21 days and probably more like 30 is customary.

Mr. Harrah stated we are going to put it on the street, in the event the proposals come in higher than we budgeted and if we want to accept one that is over what we budgeted how do we handle that?

Mr. Eckert stated you would just amend your budget to pull those funds from another line item. As long as you have the money in your budget you can move it around from line item to line item.

This isn't a specific agenda item other than landscape report so you should ask for any comments from the audience before you take any action.

Mr. Chrisp stated the owner's association to which he belongs let R&D go a month and a half ago and went with our own services to do it. You can't mow around the ponds on a daily, weekly or bi-weekly basis, we are getting our area turned around and the grass is high in the front. Today I had to sign for almost \$15,000 of work to be done in my community because they couldn't get stuff done correctly. Something has to change. The trees around the pond haven't been edged or mulched in who knows how long. That is our concern in the townhomes.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor staff was directed to put out an RFP on the revised landscape project manual and scope of work and to receive proposals 30 days after publication.

**B. District Counsel**

Mr. Eckert stated the Florida Legislature has concluded their first week of committee meetings. The legislature doesn't have their session the same time each year, every year they do a different two months and this year it is January and February and we have committee meetings all fall. One of the things that has come out of committee is there is the retainage bill we had last year. Right now, we are allowed to withhold 10% retainage on construction contracts until they get to 50% completion then we are allowed to hold 5%. Last year the way it ended up was 5% across the board because they were trying to get it down to 2 ½% and that bill didn't pass. This year it has been filed at 5% across the board, which is still not a lot in the beginning part of a contract, but we will monitor that in case we have construction contracts where we are holding retainage back.

We do anticipate there is going to be some amendment 12 legislation coming out and if you will recall, amendment 12 was that no public employee or officer can get a disproportionate benefit from anything they do or omit to do in public office and we are monitoring that to make sure that it doesn't affect this district because there is an interpretation, which is a broad reading that says that if in fact the district contracts with Verizon for example for phone service and an individual supervisor has a Verizon phone that would be something you voted on to give a benefit to a company you contract with. We are trying to work with the powers that be to refine that to make sure it doesn't have unintended consequences. The ethics commission already decided that it has to be a wrongful intent rather than just knowing and that was a very good development. We will keep you posted on that.

**C. District Engineer**

There being none, the next item followed.

**D. District Manager**

There being none, the next item followed.

**E. General Manager - Report**

Ms. Alfano reviewed the general manager's report, copy of which was included in the agenda package.

It was the consensus of the board to have staff use their judgement on the bicycle fixit station since it is within staff's spending cap.

Ms. Alfano stated we were contacted by UPS with regard to their agreement to house their pods in the back of the parking lot. We did not do that in 2018 due to the parking lot expansion, we did it in 2017 for \$1,000 from October to January. They are requesting October 15<sup>th</sup> through January 15<sup>th</sup> and I proposed a \$1,500 charge this year.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor a license an agreement with UPS to place their pod in the parking lot from October 15, 2019 through January 15, 2020 was approved with Margaret making the request of \$1,500.

Ms. Alfano stated Danelle and I have finalized our revenue numbers for this fiscal year and our revenue sharing for this fiscal year is \$12,848.61 that will come back to the district.

**F. Operations Manager - Report**

Mr. Howell gave an overview of the field operation manager's report, a copy of which was included in the agenda package.

Mr. Harrah asked what is the timeframe for advertising and receiving bids.

Staff will have the bid package reviewed and ready for publication by the end of the month, send it to the paper, have a pre-bid meeting for potential contractors, it will run for 30 days and receive bids prior to the November 18<sup>th</sup> meeting at which time a decision will be made.

Mr. Harrah suggested the following changes in scoring criteria: personnel 30 points, experience 40 points, understanding the scope 10 points and price 20 points.

Ms. Alfano read into the record the previous scoring criteria: personnel 25 points and is now 30, experience 30 points and is now 40, understanding scope of work 15 points and is now 10 and price was 30 and is now 20.

Mr. Eckert stated before you take action on the scoring you need to ask for audience comments.

Mr. Chrisp stated to me the understanding of the scope of work needs to be increased because that is going to be the biggest thing they need to know we are looking at. If it is scored at 10 experience and all that stuff doesn't mean anything.

Mr. Rucker stated it was remarkable that a company would send senior management in response to a cure letter and the senior manager didn't know the contents of the cure letter. It would seem when you are considering all the vendors that should be taken into account. I don't know how that fits in your criteria.

Mr. Eckert stated I think you can take that into account under experience and personnel.

Ms. Driscoll suggest experience be 35 and scope of work 15.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the scoring for the landscape maintenance contract will be as follows: personnel 30 points, experience 35 points, understanding scope of work 15 points, and price 20 points.

Ms. Alfano stated I will have this document to Mike at the end of business tomorrow.

**SEVENTH ORDER OF BUSINESS**                      **Supervisor's Requests and Audience Comments**

Mr. Browning asked did we get final approval by the county on the parking lots?

Mr. Howell stated no, we are still waiting on the trees.

Mr. Brownlee asked have we gotten any money for the irrigation damage.

Mr. Howell responded not yet.

Mr. Brownlee asked has our attorney sent out letters yet?

Mr. Eckert stated we are happy to send letters. My understanding is that Steve and Michelle have been talking and there is another avenue Steve is going to try to recover that before we send out those letters.

**EIGHTH ORDER OF BUSINESS**                      **Next Scheduled Meeting – October 28, 2019 @ 6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next scheduled meeting is October 28, 2019 at 6:00 P.M. here at the Durbin South Amenity Center.

On MOTION by Mr. Brownlee seconded by Ms. Driscoll with all in favor the meeting adjourned at 7:20 p.m.

September 23, 2029

Durbin Crossing CDD



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Secretary/Assistant Secretary



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Chairman/Vice Chairman