

PANTHER TRACE COMMUNITY DEVELOPMENT DISTRICT

October 28, 2008 Minutes of Meeting

Minutes of the Regular Meeting

The regular meeting of the Board of Supervisors for Panther Trace Community Development District was held on Tuesday, October 28, 2008, at 6:30 p.m. at the Panther Trace Clubhouse, located at 12515 Bramfield Avenue, Riverview, Florida 33579.

1. CALL TO ORDER/ROLL CALL

Mr. Lamb called the regular meeting of the Board of Supervisors of the Panther Trace Community Development District to order on Tuesday, October 28, 2008, at 6:35 p.m.

Board Members Present and Constituting a Quorum:

Donna Lee Burke	Chairman
Megan Jones	Vice Chairman
Anthony Trask	Supervisor
Ken Roberts	Supervisor
Andrea Berberat	Supervisor

Staff Members Present:

Brian Lamb	District Manager, District Management Services, LLC
Pete Altman	District Management Services, LLC
Tony Canorro	District Management Services, LLC
John Vericker	District Counsel, Straley & Robin, P.A.
Monica Vitale	Recreation Manager

Audience Members Present:

Pete Lucadano	Luke Brothers, Inc.
Chelya Seymour	Luke Brothers, Inc.
Larry Latimer	Raymow, Inc.
Paul Woods	OLM, Inc.
Residents	

2. BUSINESS ADMINISTRATION

A. Consideration of Minutes of the Board of Supervisors Meetings on September 23, 2008 (Tab 1)

Ms. Burke stated that she had a few minor grammatical revisions to make to the minutes. She stated that she will provide the revisions to the District Manager.

Mr. Roberts clarified the statement made on page eight in the last paragraph reflecting "She stated that the purpose of the letter is to let DMS know the Board hasn't been 100% satisfied" is not a fully accurate statement. He stated that the letter stating dissatisfaction was not supported or approved by the full Board.

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on September 23, 2008 (subject to grammatical revisions to be made by the Chairman).
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Trask
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

B. Consideration of Operations and Maintenance Expenditures October 2008 (Tab 2)

Items of discussion were:

- Clarification of services provided by Brown & Brown.
- Removal of personal addresses on invoices. Put address on file as opposed to mailing address.
- Location of 24 nozzles replaced by Luke Brothers.
- Clarification of services provided by Straley & Robin.

No invoices were removed from consideration.

MOTION TO:	Approve the Operations and Maintenance Expenditures – October 2008 (\$60,251.88).
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Jones
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

3. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS ON AGENDA ITEMS

1. Discussion Regarding Individual Spending Authority of a Supervisor (Tab 3)

Mr. Altman stated that he received a request to discuss the amount of money that can be spent by an individual Board Supervisor prior to receiving Board authorization. He stated that Resolution 2001-01 allows the District Manager to disburse District funds for payment of invoices under a specific set of requirements but does not allow an individual Supervisor the same disbursement authority. Mr. Altman stated that the Board could approve a resolution setting forth the specific spending authority of an individual Board Supervisor.

Mr. Roberts stated that there have been some improvements installed in the community that have never been brought back before the Board for approval. He stated that in the past they gave DMS the authority to approve the installation with a not-to-exceed amount. Mr. Roberts stated that there are improvements that he has seen that he did not vote to approve. He stated that because the Board members are responsible for the expenditures, they ought to be involved in the decision making.

Mr. Roberts stated that he wanted to know what the limit of expending funds is, if there is a limit. He stated that if there is a specific item that needs to be repaired, the Board may not need to approve the expenditures. Mr. Roberts stated that if an improvement is being installed, the Board should have to approve the expenditure. Mr. Trask stated that the Supervisors have authorization to potentially approve maintenance of a current asset versus the replacement or installation of a new asset.

Mr. Lamb stated that the management firm looks for an amount of discretion to operate the District so they do not have to continuously come back to the Board for approval. He stated that if a request is made, the District Manager can take the appropriate actions prior to the next meeting. Mr. Lamb stated that there should be a discretionary amount of approval authority, for the District Manager. He stated that if they are looking for individual Supervisor input and authority a resolution specifying the authority would need to be approved. Mr. Altman reviewed the conditions under which the District Manager can disburse funds in advance of presenting the proposal/invoice to the Board. He stated that they may need to readdress the resolution to further specify the limits.

Ms. Burke stated that currently Supervisors have no authority to disburse any funds. She stated that it is at the discretion of the District Manager. Ms. Burke stated that the Supervisors can make suggestions but the ultimate authority is with the District Manager. She stated that she does not feel that any Supervisor should be granted authority to expend funds. Ms. Burke stated that the District Manager should be involved in the expending of any funds.

Mr. Trask stated that there needs to be better control of how much is spent and where it is being spent. He stated that as the Board of Supervisors, they are ultimately responsible for how the District funds are spent. Mr. Altman stated that the Board could direct Mr. Vericker to revisit the resolution to provide a few more specifics.

Ms. Jones stated that the fundamental issue is that if DMS is going to make a decision to install Hardscapes or some other enduring property within the District, it needs to be brought before the Board so that they can set an amount not to exceed.

Mr. Trask asked if in other communities there is a baseline minimum for an expense that doesn't need to be brought before the Board. He suggested that they delineate a cutoff amount. Mr. Lamb stated that \$5,000 could be a potential limit for the District. Discussion ensued regarding drafting a spending limit policy.

Mr. Trask stated that he feels that \$7,500 would be a suitable maximum spending limit.

Mr. Altman stated that as long as the District Manager has the authority to handle the necessary expenses between meetings, the conditions under which the District Manager can disburse funds need to be expanded. He stated that there should be a provision that is not only for contracted items but also necessary repairs or anything that would be required to protect the value of the assets of the District. Mr. Altman stated that they would be happy to bring proposals for items that are new, not replaced, or not budgeted for before the Board for approval.

Mr. Altman asked if there were any further Supervisor requests.

Ms. Jones requested that the Board receive their Supervisor packets more in advance of the meeting.

Ms. Berberat stated that she had no requests.

Mr. Altman asked if there were any audience comments.

Items of discussion included:

- Tree issue not being addressed in a timely manner. Communication was received from Ms. Burke stating that the resident could submit an invoice for payment because they maintained the tree on CDD property themselves. Submitted an invoice and have not received payment to date.
- Lack of communication and follow up on items addressed at last months meeting.
- Mr. Altman stated that the approval for payment to the resident would have to be approved by the Board. He stated that the resident made a complaint and asked for the tree to be looked at. Mr. Altman stated that they need to create a policy in regard to trees on District land or in a conservation area, so that residents know what kind of service they can expect from the District for those trees. He stated that they did receive an invoice with a charge for \$50 plus 60 hours of labor for a total of \$480. Mr. Altman stated that they have to have vendors set up with a vendor ID and they must have an occupational license and insurance for any authorized work. He stated that he would need the Board's direction on how to move forward with an invoice for work that was not contracted for, authorized, or requested to be done on the District land.
- Whether it was the District's responsibility to have maintained the tree.
- Clarification that a tree limb was hanging over the property and typically it would be the private property owner's responsibility.
- Oak tree was being killed by a grapevine over the course of years that had not been maintained. Potential for the tree to fall over onto the property owner's lanai or pool.
- Tree is cleared of the vines now and seems to be healthy. Needs to be maintained.
- Need for an evaluation showing the acreage the District has and the level of attention to be given to the lands that are not covered under the landscaping contracts.

Mr. Altman stated that Tony Canorro has joined the DMS team as an Assistant District Manager to provide Field Services and will assist in solving the communication issues.

- Tree in conservation area is not covered under the current landscaping contracts.
- Ways to prevent setting precedence for reimbursing residents for unauthorized work in the future. Need to implement a policy.
- Whether the \$480 was a reasonable price for the work.
- Obtained proposal from Luke Brothers for the work. Luke Brothers came out to perform the maintenance and the work was already underway by the resident.
- Need to set a policy to for an evaluation in April/May of the conservation area to ensure that they are taking the proper precautions for hurricane season.
- Mr. Lamb and Mr. Canorro met with the District Engineer last week to discuss updating the map of the community showing the conservation areas.

MOTION TO:	Authorize District Staff to draft a policy outlining the need for District approval and consent prior to residents performing work on District property and approve the reimbursement of \$480 to Lenore Wilson for the landscaping in the conservation area.
MADE BY:	Supervisor Berberat
SECONDED BY:	Supervisor Jones
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

Mr. Altman asked if there were any further audience comments. There were none.

4. OLD BUSINESS

A. OLM Landscape Inspection Report (Tab 4)

Mr. Woods reviewed the site inspection completed in October. He stated that a representative of Luke Brothers was in attendance as well as Jeri Connor and Tony Canorro of DMS. Mr. Woods stated that the improvement that has been made is reactive to the direction provided by the initial inspection completed on September 19, 2008. He stated that most notably, expansion of tree trimming occurred throughout the community. Mr. Woods stated that they were done well, but not to the industries standards. He stated that there was nothing that they felt would not have been part of a normal landscape service. Mr. Woods complimented the work that was done and stated that it was a start to what will hopefully be lasting improvements on the property. He reviewed the items of demerits as well as the improvements.

Mr. Woods stated that he is concerned that Luke Brothers sports turf management practice is not within the OLM specifications state.

Mr. Woods stated that the specifications the future landscape contractor will be working under addresses the conservation easements and trees in several manners. He stated that there is a three foot maintenance offset with the conservation area, the contractor of OLM is to look at these buffer areas. Mr. Woods stated that they look for any hazards that may be present in the landscaping and follow them up with a direct notice to owner or request for proposals by the maintenance provider during the monthly inspection. He stated that the next inspection will be held on November 17, 2008 at 9:00 a.m.

Ms. Burke stated at the last meeting she asked Mr. Woods to assign a grade to Luke Brothers based on his inspection of the premises on September 18th and he gave them a C-. She asked Mr. Woods what grade he would give to Luke Brothers based on his recent inspection. Mr. Woods stated that the grade would be a C. He stated that he is not familiar with the specifications that Luke Brothers contracted for but that it falls short of industry standards.

Discussion ensued regarding the running of the irrigation system outside of the previously requested watering time window.

B. Consideration of Landscape and Irrigation Maintenance Proposals

Mr. Altman stated that the proposals were previously distributed and reviewed at the last meeting.

Ms. Berberat stated that the law firm where she is employed is handling a case indirectly on behalf of Luke Brothers. She stated that it is not a landscape contract issue. Ms. Berberat stated that after discussing it with District Counsel, the District Manager, and her employee, it was determined that there would be no conflict but that she wanted to disclose the information. She stated that she is not working on the case. Ms. Berberat stated that the firm that she works for was not retained by Luke Brothers but by Luke Brothers insurance company.

Mr. Altman stated that the District followed the requirements of the Florida Statute in terms of advertising and following the Request for Proposals process. He reviewed Chapter 190.033 of the Florida Statute regarding bid requirements. Mr. Altman stated that the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are too high or the Board determines it is in the best interest of the District to reject all bids. He stated that in each case in which requests for proposals or qualifications are used the District will determine which response is most advantageous for the District and award the contract to that proposer. Mr. Altman stated that because there were some questions regarding the definitions of "responsive" and "responsible" he further researched the Statute. He stated that responsible vendor means, "a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance". Mr. Altman stated that a responsive vendor means, "a vendor that submitted a bid proposal or reply that conforms in material respects to the solicitation". He stated that in the Board members evaluation of the packages, they need to make these determinations based on these definitions. Mr. Altman stated that Mr. Vericker had expressed a process where the Board has to make a finding whether or not the bid was responsive and responsible and therefore if they determined that it wasn't, reject that bid.

Mr. Vericker further reviewed the process for evaluating the bids.

Larry Latimer, a representative of Raymow, Inc., presented the proposal from his firm and reviewed the services they could provide. General questions were entertained.

Pete Lucadano, a representative of Luke Brothers, Inc., clarified several items in the recent inspection report done by OLM, Inc. He requested that as the lowest responsive and responsible bidder that they have the opportunity to continue to build on what they have accomplished and be accountable to the District and OLM, Inc.

Mr. Altman asked if there were any bidders in attendance that would like to make a presentation. There were none.

Ms. Berberat stated that her concern with continuing with Luke Brothers, is that Luke Brothers came before the Board last year after the Board awarded the contract to another vendor and they ended up switching the contract to Luke Brothers. She stated that certain assurances were made to the Board at that time and she does not feel that they have been met. Ms. Berberat stated that the multi-purpose field was a specific issue and they were assured that it would be resolved. She stated that the multi-purpose field does not look any better than last year. Ms. Berberat stated that there are still a large amount of ant hills on the field as well. She stated that they had discussed the multi-purpose field again in July and the lines of communication should have been opened to determine what could be done to improve the area at that time.

Discussion ensued regarding the landscape team's familiarity with the community and specifications.

Ms. Berberat voiced her concerns with the initial score given by OLM, Inc., after the first inspection in September. She stated that she does not feel that the Board's concerns that were brought to Luke Brothers attention in July were addressed.

Mr. Lucadano briefly addressed Ms. Berberat's concerns.

Dennis Stevens, a resident, asked how Luke Brothers can say that they received scores in the 90's yet, Mr. Woods gave them a grade of a C which should relate to a score in the 70's. Mr. Woods explained the scoring basis that OLM, Inc. utilizes for the inspection.

Mr. Altman reminded the Board that they need to determine which bidder is the lowest responsive and responsible bidder and would be the most advantageous to the District. He stated that the lowest cost bidder would be Luke Brothers, so the Board needs to determine if the bid was responsive and responsible. Mr. Altman stated that they recognized that the bid from Luke Brothers was not accurate mathematically but these were corrected and the Board was notified that Luke Brothers agreed to honor the numbers on the original. He stated that had the numbers that were in the proposal been added up correctly it would have increased the bid. Mr. Altman stated that the difference between the lowest bidder and the second lowest bidder is minimal. He stated that based on the concerns voiced by the Board members today regarding Luke Brothers lack of service, it would be recommended that they reject the bid from Luke Brothers.

Ms. Berberat stated that based on past performance and the current presentations by Luke Brothers, she does not feel that the proposal from Luke Brothers is the most advantageous to the District, nor does she find that they have the integrity or reliability to perform the contract in good faith. She recommended that they reject the bid from Luke Brothers under those terms and award the contract to the next lowest responsive and responsible bidder.

MOTION TO:	Award the landscape and irrigation maintenance contract to Raymow, Inc. as the next lowest responsive and responsible bidder.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Berberat
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 3/2 - Motion passed (Supervisor Trask and Roberts opposed)

C. Management Services Update and Review (Tab 5)

Mr. Altman stated that at the previous meeting, Ms. Burke presented DMS with a letter of dissatisfaction with the level of services that DMS is providing. Ms. Burke stated that the goal was to improve services. She stated that based on what she has seen; she feels that DMS is putting forth efforts to service the District well. Discussion ensued regarding the action items status report.

Ms. Jones stated that in speaking with Deputy Pulido at the last meeting it was determined that there were additional no trespassing signs needed in order to enforce some of the trespassing issues. Mr. Altman stated that the Board could establish a non-resident fee for the use of the facilities. He stated that they could incorporate those rules into the public hearing on the user rates and rules at the November meeting. Discussion ensued regarding the enforcement of the non-resident user fees. Mr. Altman stated that an updated Action Item Status Report will remain as a regular part of future agendas.

Discussion ensued regarding the line of communication in reporting security incidents.

The Board decided to discontinue utilizing Ace Project and utilize the Action Item Status Report.

D. Child Safety Fence (Tab 6)

Mr. Altman stated that at the Board's direction, he obtained a proposal to install a child safety fence with a gate around the mushroom at the pool, to provide a separation of the children's play area from the main pool. He stated that the proposal is from Pool Time totaling \$1,600. Ms. Berberat stated that she would like to see an architectural drawing showing the layout of the fence as well as the specifications of the fence. After further discussion, the Board decided not to approve the proposal at this time.

Discussion ensued regarding whether the clubhouse rental fees offset the maintenance costs associated with the clubhouse.

5. BUSINESS ITEMS

A. Consideration of Revised Pool Maintenance Contract (Tab 7)

Mr. Altman stated that Staff has received a request to revise the contract for pool maintenance services provided by Pool Time. He stated that the services provided are not changing, however, they have requested an increase in their monthly fee from \$875 to \$1,050. Mr. Altman stated that the budgeted amount for pool maintenance is \$13,200. He stated that if the rate increase is approved, \$600 in additional funds will be left in the pool maintenance line item.

Mr. Altman stated that Staff is currently satisfied with the level of service provided by the current pool contractor. He stated that the Board could authorize Staff to extend the current contract for one month in order to conduct a cost comparison of the proposed rate increase with competing pool maintenance providers or approve the increase in fees. Discussion ensued regarding the quality of service currently being provided by Pool Time.

MOTION TO:	Authorize Staff to enter into the revised contract with Pool Time, Inc. for pool maintenance.
MADE BY:	Supervisor Berberat
SECONDED BY:	Supervisor Trask
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

B. Employee Staffing and Discretionary Service Scheduling for Fiscal Year 2009 (Tab 8)

Mr. Altman stated that they matched the budget with non-gross salary costs that include all costs associated with employees. He stated that in order to make the budget work and provide for some reserve funds to utilize for special needs, they shown almost double the amount of hours to be spent by Staff during April, May, June, July, and August than would be spent in January, February, March and September. Mr. Altman stated that they are trying to reflect staffing as needed for demand and usage of the facilities. He stated that this is matching the salary schedule to the budget. Mr. Altman stated that Staff feels that it is an acceptable and strategic plan and will keep the District within budget.

Ms. Burke stated that she does not feel they need to allocate \$22,000 and 1,135 hours to the private courtesy patrol. She stated that she would rather see a significant portion of that allocated to the off duty Sheriff Patrol.

Mr. Roberts stated that his understanding is that the private courtesy patrol is for the kids. He stated that the elementary school children are walking in daylight but the high school children go to school in the dark each morning and the middle school children come home from school in the dark each evening. Mr. Altman stated that the Board needs to keep in mind that the District does not have police authority and that the main objective is the protection of the District's assets. He stated that nothing is more valuable than the families that live in the District. Mr. Altman stated that the both services are beneficial to the District.

Ms. Burke stated that the bottom line is that she would like to see more funding allocated to the off duty Sheriff Patrol than the private courtesy patrol. The Board agreed with Ms. Burke. Ms. Burke stated that they should cut 50% of the funding for the private courtesy patrol and reallocate the funds to the off duty Sheriff Patrol.

No Board action was taken.

C. Employee Training Program Policy (Tab 9)

Mr. Altman stated that the Employee Manual requires six years of full time employment before educational assistance will be provided. He stated that courses that would be directly related to the performance of the job would be encouraged. Ms. Burke stated that this would be handled on a case by case basis. Mr. Lamb recommended that they revisit the policy as Ms. Vitale recently obtained her LCAM license which helps her to support the facilities. Discussion ensued regarding terms to set regarding length of employment required after certification or training obtained. Ms. Burke recommended that they leave it to the District Manager to make a discretionary decision regarding employee training.

MOTION TO:	Approve the educational training for Ms. Vitale.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Berberat
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

D. General Matters of the District

No further matters were presented.

6. STAFF REPORTS

A. District Counsel

Mr. Vericker and Mr. Lamb reviewed the upcoming General and Landowner Elections. Mr. Vericker reviewed the Sunshine Law in regards to communication between Supervisors.

Mr. Lamb stated that if they receive a bid protest for the landscape maintenance contract and they do not have the ability to award the contract to the lowest responsible and responsive bidder, the existing contractor agreed to extend their contract to a term that expires October 31, 2008. He stated that they will be negotiating a month to month contract with Raymow, Inc. effective November 1, 2008 until the matter is settled.

B. District Engineer

Not present.

C. District Manager

1. Financial Statements, Month Ended August 31, 2008 (Tab 10)

Mr. Altman reviewed the financial statements for the Board. He stated that they will be doing an amendment to the Fiscal Year 2008 Budget at the next meeting to authorize the use of reserves if the expenses exceed the budgeted amount.

2. Adopted Fiscal Year 2009 Budget (Tab 11)

General discussion ensued regarding the Fiscal Year 2009 Budget.

Mr. Lamb reminded the Board that any public records created (i.e. notes, documents) need to be left behind for the District Manager to inspect. He stated that any records that the Board needs to take with them, to further research, should be kept in a separate file. Mr. Altman stated that he brought back some of the public records that they obtained from the Board members previously.

Mr. Altman stated that the Board members elected in the General Election on November 4, 2008 will take office on November 18, 2008.

3. Manager Report (Tab 12)

Mr. Altman reviewed the Manager Report for the Board.

Mr. Lamb stated that they received proposals for decorative lighting from \$3,500 down. He stated that the Board discussed hiring professionals last year to do the decorative lighting. Discussion ensued regarding the ability of the receptacles to handle the level of power needed for the decorative lighting.

MOTION TO:	Authorize the District Manager to obtain decorative lighting (not-to-exceed \$3,000).
MADE BY:	Supervisor Berberat
SECONDED BY:	Supervisor Trask
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

Discussion ensued regarding moving the Staff Reports to earlier in the meeting. Mr. Altman recommended adding the Pledge of Alliance to the beginning of the meeting. He stated that they could put an item for audience comments on agenda items at the beginning of the meeting and an item for general audience comments at the end of the meeting.

7. ADJOURNMENT

MOTION TO:	Adjourn the regular Panther Trace Community Development District meeting.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Roberts
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

**These minutes were done 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 11.25.08.



Signature

Donna Lee Adams Burk

Printed Name

Title:

- Chairman
- Vice Chairman

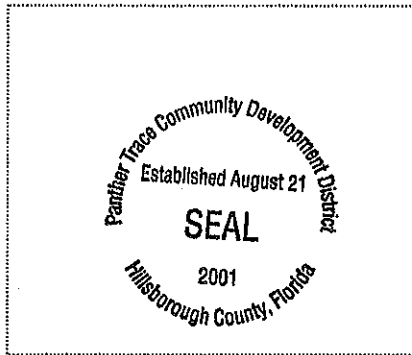


Signature

Printed Name

Title:

- Secretary
- Assistant Secretary



Recorded by Records Administrator



Signature

12.25.08

Date