

**MINUTES OF MEETING
STONEBROOK WEST
COMMUNITY DEVELOPMENT DISTRICT**

A special meeting of the Board of Supervisors of the Stoneybrook West Community Development District was held on Wednesday, April 27, 2011 at 5:45 p.m. at the Town Center, 1201 Black Lake Boulevard, Winter Garden, Florida.

Present were:

George Morgan
Hector Clemente
Jacque Cockrell

Chairman
Vice Chairman
Assistant Secretary

Also present were:

Gary L. Moyer
Travis Rentz
Dave Kelly
Randy Miller

Moyer Management Group
Attorney
Engineer
Community Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order and stated the record will reflect we have Supervisors Morgan, Clemente and Cockrell present which constitutes a quorum of the Board.

SECOND ORDER OF BUSINESS

Discussion of the Portmoor Road Restoration

Mr. Moyer stated let me make a brief introduction on why we are having this special meeting. On behalf of the HOA based upon plans and specifications that were put together by Andreyev Engineering, Randy went out and solicited and received proposals to do corrective work for Portmoor which this Board has been discussing over the last six months or so. One of the emails Mr. Andreyev sent to Randy that he copied me on was of the tenor that *if you do not award the contract by the end of April the work will not start until the middle of the rainy season and that is going to be a mess.* So rather than have this Board blamed for postponing the Portmoor activities I thought I would call a meeting and let the Board discuss this item and take whatever action you are going to take on it so if you do proceed at least we can proceed in a fashion where the work can be done before the rainy season. So that is the purpose of the

meeting. There were two bids received by Randy that I provided to you in the agenda package. One was from NU Environmental Development in the amount of \$147,369.45 and the other was from DeWitt Excavating in the amount of \$282,306.12. It does not really matter that DeWitt was late in submitting the bid because the spread is so far apart and it is not like the District went through the process of bidding this. The bidding requirements for the HOA are much different than for the CDD so I do not think that is really critical but again I think everybody understands that we would not award a \$282,000 contract that we could award for \$147,000. The other item that the Board needs to be aware of is that when we refinanced the bond there was money that was remaining in the bond construction trust fund and we closed that construction trust fund and transferred that money into the general fund of the CDD with the condition that it be used for capital improvements which pursuant to the Trust Indenture in which these bonds were sold can be used for construction or reconstruction. Those are specific terms that are in the Trust Indenture so this clearly qualifies as a reconstruction project so I do not think we are violating any Trust Indenture or Internal Revenue Service guidelines by the Board considering contracting with the HOA to do this work. Having said that, the amount of money that has been reserved for capital improvements is \$158,808 which is currently what we carry and show on our financial statement. This will take the vast majority of that amount of money and I think everyone needs to be aware that when we expend this money we have as a District no further monies to give to the HOA for these types of projects. We are basically in the mode of continuing the administrative part of the District and collecting certain payments on behalf of the HOA that we transfer to them for the operation and maintenance of our systems and it will be solely up to them in the future to address these types of issues if any of these issues come up. We are basically out of that business if the Board is of the mind to go ahead and undertake the Portmoor project. That is the background of why you are here. Randy, feel free to add anything to that introduction but it is really up to the Board if you want to proceed to allocate those funds to the HOA for the Portmoor project.

Mr. Clemente stated we have two different companies; Randy, do we have a third proposal or any other bids?

Mr. Miller stated I think he sent out letters to five companies.

Mr. Clemente stated so basically two responded and for the record we have three no-bids.

Mr. Miller stated yes.

Mr. Clemente stated for the record you requested five proposals and only two came back, three were no bids. This is directed to our engineer. We have a vast difference in the dollar amount; from your perspective as an engineer do you think that the low bidder can get it done with that dollar amount?

Mr. Kelly responded they are saying they can. I would say that the second bidder's prices seem pretty high to what we have seen out there for these line items.

A resident stated say that again.

Mr. Kelly stated the second high bidder, their prices for these unit items seem very high from what we have seen.

Mr. Clemente stated so you are saying the other bidder looks reasonable. That is what I wanted to hear. I wanted to make sure I feel comfortable with that.

Mr. Kelly stated I scanned the line items and from the pricing we have seen some items are cheap and some are just right at market value and then the other bid is just really high on a lot of line items.

Mr. Clemente asked Randy, do you have any questions related to the bids?

Mr. Miller responded the only thing is that I would want the CDD's engineer, McIntosh, to come out in key points in the project and sign off that the CDD is happy in the direction the project is taking and upon completion do that as well.

Mr. Morgan stated if the contract is with the HOA, the HOA can hire whoever they deem appropriate to get the project done to the HOA's satisfaction.

Mr. Moyer stated George, there will be a requirement for McIntosh to periodically come out to make sure that the work is being done correctly because the HOA will hire Andreyev as the engineer of record to come out and certify that work. The only thing that Dave will have to do is come out and say, *yes 40% of the work is in the ground so we will pay 40% of the monies to the HOA when they ask us to pay the HOA.* But that is the only involvement that McIntosh will have. They actually will not certify that this work was done in accordance with the plans and specs; that will be Andreyev and they will do that and they are being hired by the HOA.

Mr. Clemente stated so basically we are going to add some additional expenses for verification on behalf of the CDD.

Mr. Moyer stated yes, on the payment of our funds to the HOA.

Mr. Clemente stated Randy, it was a long process and I want to thank you for getting all the paperwork done because as you know we all want to make sure it is done only once. I realize that we are satisfied with the proposal and if we go forward with the verification process that we have I think you are going to get a nice product.

Mr. Miller stated I appreciate your efforts and that clarification. I was under that impression but I wanted to make sure there were no other proprietors on that end for me to get to the CDD so I appreciate that, thank you.

Mr. Moyer stated if we are all in agreement I would need a motion to authorize the project and extend the District funds as the work progresses in an amount not to exceed the bid of \$147,369.45.

On MOTION by Mr. Clemente seconded by Mr. Morgan with all in favor the amount of \$147,369.45 to execute the project was approved.
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Mr. Morgan stated while we did not discuss it although it was part of the introductory comments about why we are here tonight, how quickly do you think it is going to get started?

Mr. Miller stated I would probably say at least three weeks for them to organize and for us to generate everything we need on our end. I will give Gary a status report on what needs to happen on our end and get some communication out to the homeowners.

A resident asked is there going to be some kind of communication especially with those residents?

Mr. Miller responded absolutely, just like we did with the Black Lake project. I sent flyers and went to those homes specifically affected and explained the situation so that everybody knew. I also posted to the website.

A resident asked do you know if the people who were affected originally are still in those homes?

Mr. Miller responded yes, a number of them are and they stated concerns that we are approaching another rainy season. We have been in communication with some of them and everyone will be happy that this is moving forward. We will push to get it done as quickly and as painlessly as possible.

Mr. Morgan asked what is the time frame? Do you have a schedule?

Mr. Miller responded I do not think he gave me a construction schedule. The phrase *90 days* comes into my head, but I think that is more for the G13. I will go back and look.

Mr. Kelly asked will they request payment in 30 days?

Mr. Miller responded probably.

Mr. Kelly stated I am just trying to figure how many visits we will need and how we are going to approve them.

Mr. Miller stated let me figure out what we are going to do on that end and I will supply Gary with a project calendar.

Mr. Morgan stated I assume the final agreement still needs to be signed.

Mr. Miller stated yes, by the HOA. We will review and we will sign. At this juncture they have been given all of the proposals in the same time frame that Gary was given them so they have had an opportunity to review them also but they were waiting until the CDD made a decision. My next meeting is on the 9th. I do not know if that is going to delay anything or not, but hopefully it will not.

Mr. Rentz stated let me introduce myself. I am Travis Rentz here for Scott Clark. Gary, for clarification the contract is between the HOA and the Engineer, so the CDD is just reimbursing the HOA for the expenses.

Mr. Moyer stated that is correct. Actually reimbursement is probably what we are doing, but what we are actually doing is retaining the HOA to undertake this project with the HOA fully responsible for the whole work product and all we are doing is contributing the funds.

Mr. Rentz stated I just want to clarify it from our standpoint of putting together a contract it seems like the HOA has that handled.

Mr. Moyer stated yes, it is clear at least I hope on the record and at least for this Board it is clear the District is not responsible for this work. If it works it's wonderful but down the road we are going to be looking at Randy and the HOA on why it is not working, if that is ever the case.

THIRD ORDER OF BUSINESS

Supervisor's Requests

Mr. Moyer asked are there any items from the supervisors?

There not being any, the next item followed.

April 27, 2011

Stoneybrook West CDD

FOURTH ORDER OF BUSINESS

Audience Comments


A resident thanked the Board.

FIFTH ORDER OF BUSINESS

Adjournment

There not being any further business,

On MOTION by Ms. Cockrell seconded by Mr. Morgan with all in favor the meeting was adjourned.


Gary Moyer
Secretary


George Morgan
Chairman