

1 **MINUTES OF MEETING**

2 **ASTURIA**

3 **COMMUNITY DEVELOPMENT DISTRICT**

4 The Regular Meeting of the Board of Supervisors of the Asturia Community Development District
5 was held on Tuesday, January 24, 2023 at 6:00 p.m., at the Asturia Clubhouse, 14575 Promenade Pkwy.,
6 Odessa, Florida 33556, with Zoom Conference Call available.

7 **FIRST ORDER OF BUSINESS – Call To Order**

8 Ms. Dobson called the meeting to order and conducted roll call.

9 Present and constituting a quorum were:

10	Glenn Penning	Board Supervisor, Chairman
11	Jacques Darius	Board Supervisor, Chairman
12	Susan Coppa	Board Supervisor, Assistant Secretary
13	Jonathan Tietz	Board Supervisor, Assistant Secretary
14	Marie Pearson	Board Supervisor, Assistant Secretary

15 Also present were:

16	Tish Dobson	District Manager, DPFPG Management and Consulting
17	Scott Smith <i>(via phone)</i>	Vesta
18	Logan Muether <i>(via phone)</i>	DPFG Management and Consulting
19	Lauren Gentry	District Counsel, KE Law Group
20	Grace Kobitter	KE Law Group
21	Pete Lucadano	RedTree
22	Amy Palmer <i>(via phone)</i>	Lighthouse Engineering

23 *The following is a summary of the discussions and actions taken at the January 24, 2023 Asturia CDD*
24 *Board of Supervisors Regular Meeting. Audio for this meeting is available upon public records request.*

25 **SECOND ORDER OF BUSINESS – Audience Comments – (limited to 3 minutes per individual for**
26 **agenda items)**

27 There being none, the next item followed.

28 **THIRD ORDER OF BUSINESS – Staff Reports**

29 The Board agreed to move Exhibit 9 up on the Agenda.

30 A. Exhibit 9: Consideration of Responses to RFQ for District Engineering Services

31 1. Lighthouse Engineering District Engineer Services Proposal

32 Ms. Palmer presented the proposal for District Engineering Services from Lighthouse
33 Engineering.

34 Discussion ensued regarding Lighthouse Engineering’s experience District Engineering.
35 Ms. Palmer confirmed with the Board that Lighthouse Engineering has a hands on
36 approach to their practice, which includes attending meetings in person. Ms. Palmer also
37 stated that although they do not have a geotechnical engineer on staff that they are able to
38 subcontract out that service.

39 **This item, originally Item A under the Fifth Order of Business, Business Items, was**
40 **presented out of order.**

41 On a MOTION by Mr. Penning, SECONDED by Mr. Tietz, WITH ALL IN FAVOR, the Board approved
42 the Lighthouse Engineer proposal for District Engineering services, for the Asturia Community
43 Development District.

44 B. Landscape & Irrigation

45 1. Exhibit 1: Red Tree December 2022 – January 2023 Services Log

46 Mr. Lucadano gave updates to the board regarding palm tree trimming, oak tree
47 sampling, the pruning project, the status of the turf that took a hit from the frost as well as
48 the annuals, and the two broad leaf weed treatments. Mr. Lucadano noted that the turf
49 was fertilized forty-five (45) days prior and that Red Tree would be cutting back on all of
50 the ornamental grasses. Mr. Lucadano also noted that Red Tree would be shrinking the
51 annual beds and that proposals would be forthcoming.

52 Discussion ensued regarding the vehicle accident invoices.

53 Discussion ensued regarding reclaimed water at the clubhouse.

54 The Board agreed to move Exhibit 19 up on the agenda.

55 C. Exhibit 19: Consideration of FitRev Fitness Center Flooring Installation Proposal

56 **This item, originally Item J under the Fifth Order of Business, Business Items, was**
57 **presented out of order.**

58 Discussion ensued regarding the FitRev proposal, as well as the Great Britain Tile and Bob's
59 Carpet Mart proposals that were circulated to the Board before the meeting. The item was tabled
60 to the February agenda.

61 D. Introduction of New Painter Employee – Brian Pecore

62 **This item was not previously on the agenda.**

63 Discussion ensued regarding Mr. Pecore's experience as well as his suggestions for the
64 community.

65 E. Presentation of Land Use Cost Share Exhibits in Draft Form – Logan Muether

66 **This item was not previously on the agenda.**

67 Discussion ensued regarding the land use cost share exhibits and the two metrics used to draft
68 said exhibits, greenspace acreage and roadway acreage.

69 The Board agreed to move Exhibit 8 and Exhibit 14 up on the agenda.

70 F. Exhibit 8: Ratification of Jimerson Birr Representation Agreement

71 **This item, originally Item D under the Fourth Order of Business, Consent Agenda, was**
72 **presented out of order.**

73 Discussion ensued regarding the \$5,000.00 retainer and Land Use & Construction Defect
74 invoices.

75 Discussion ensued regarding the Board's previous authorization of 6 hours of work, and that
76 further direction will be provided in writing.

77 On a MOTION by Mr. Penning, SECONDED by Mr. Tietz, the Board ratified the Jimerson Birr Land Use
78 Agreement and approved the payment of the \$5,000.00 retainer fee with further direction to be given in

79 writing with the separation of Land Use and Construction Defect, for the Asturia Community Development
80 District.

81 G. Exhibit 14: Discussion of Jimerson Birr Construction Defect Invoices

82 **This item, originally Item E under the Fifth Order of Business, Business Items, was**
83 **presented out of order.**

84 Discussion ensued on the previously approved 6 hours of work and the phone call to Halff
85 Associates in the amount of \$3,477.50.

86 On a MOTION by Mr. Darius, SECONDED by Ms. Coppa, the Board approved the payment for the 6.5
87 hours of the construction defect invoices, in the amount of \$3,477.50, as well as Jimerson Birr's acceptance
88 of the payment as full settlement, for the Asturia Community Development District.

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90 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, the Board approved Supervisor Penning
91 negotiating a contingency agreement with Jimerson Birr for construction defect, for the Asturia Community
92 Development District.

93 H. District Counsel

94 1. Discussion Regarding Inframark Disputes – Update from Supervisor Penning

95 **This item, originally Item E. 1. under the Third Order of Business, Staff Reports,**
96 **was presented out of order.**

97 Discussion ensued regarding the Halff Associates invoices and authorization by
98 Inframark. Inframark has stated that they are not willing to move on issuing a refund on
99 the Halff Associates invoices. Inframark's position on the matter is that they had
100 authorization and followed protocols to engage Half Associates for the work
101 authorization #1, in the amount of \$40,000.00, for the road assessment. The contract
102 clause stated that the extra charge was based on the budget. The budget in effect in
103 October of 2022 was when the clause kicked in and the budget was raised to \$50,000.00,
104 and Halff Associates was permitted to bill 1/12 of the \$50,000.00. Inframark is willing to
105 pay back the amount that was charged in addition to the regular charges for maintenance,
106 and verbally acknowledged that they were willing to pay the District back for the
107 increase. Inframark's position is that the District is responsible for the invoices from
108 Halff Associates.

109 Discussion ensued regarding issues with Red Tree. Inframark's position is that the
110 District is responsible for the issues with the vendor due to the contract with the vendor
111 not being executed.

112 Discussion ensued regarding contacting EGIS to advise on the possibility of filing a
113 claim against Inframark for authorizing Half Associates to engage in construction defect
114 work.

115 On a MOTION by Ms. Pearson, SECONDED by Mr. Tietz, WITH ALL IN FAVOR, the Board approved
116 to proceed with the insurance investigation of the unauthorized Halff Associates charges, for the Asturia
117 Community Development District.

118 The Board agreed to move Exhibit 15 up on the agenda.

119 I. Exhibit 15: Discussion of Halff Associates, Inc. Outstanding Invoices

120 **This item, originally Item F under the Fifth Order of Business, Business Items, was**
121 **presented out of order.**

122 Discussion ensued regarding validation of charges and qualifications.

123 On a MOTION by Mr. Penning, SECONDED by Mr. Tietz, WITH ALL IN FAVOR, the Board approved
124 the authorization of valid general engineering charges, the authorization of work under work authorization
125 #2 with the validation of the expenses, which the report was sent to and accepted by the county, and the
126 authorization to have work authorization #1 sent to the insurance company, for the Astoria Community
127 Development District.

128 J. Exhibit 3: Aquatic Services Report

129 Discussion ensued regarding algae and resident requests.

130 Discussion ensued regarding locations for the electricity.

131 1. Exhibit 4: Consideration of Blue Water Aquatics EutroSORB Treatment Proposal

132 This item was tabled to the following meeting.

133 K. District Engineer

134 There being none, the next item followed.

135 L. Land Use Counsel

136 There being none, the next item followed.

137 **FOURTH ORDER OF BUSINESS – Consent Agenda**

138 A. Exhibit 5: Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting
139 Held December 19, 2022

140 B. Exhibit 6: Consideration for Approval – The December 2022 Unaudited Financial Statements

141 Discussion ensued regarding the revenue at 70%.

142 C. Exhibit 7: Consideration of Operation and Maintenance Expenditures for December 2022

143 On a MOTION by Mr. Darius, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
144 the consent agenda as it was presented, for the Astoria Community Development District.

145 D. District Counsel

146 **This item, originally Item E under the Third Order of Business, Staff Reports, was**
147 **presented out of order.**

148 Ms. Gentry provided an update on the road paving tax, and reminded the board that the meetings
149 are open to the public with clarification that non-residents are allowed to attend.

150 **FIFTH ORDER OF BUSINESS – Business Items**

151 A. Consideration of LLS Tax Solutions Arbitrage Services Engagement Letters

152 1. Exhibit 10: 2014A-1, A-2

153 2. Exhibit 11: 2016A-1, A-2

154 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board approved
155 the LLS Tax Solutions Arbitrage Services Engagement Letters for bond series 2014A-1 & 2014A-2 and
156 bonds series 2016A-1 & 2016A-2, for the Asturia Community Development District.

157 B. Discussion Regarding Terms of Maintenance Personnel Employment

158 1. Exhibit 12: Scope of Maintenance Position

159 Discussion ensued regarding the job description.

160 On a MOTION by Mr. Tietz, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
161 the Scope of Maintenance Position, for the Asturia Community Development District.

162 2. Exhibit 13: Consideration of Maintenance Position Employment Compensation & Benefits

163 Discussion ensued regarding the bullet point list.

164 Discussion ensued regarding retention rate.

165 On a MOTION by Mr. Darius, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
166 a part-time maintenance position not to exceed 25 hours per work week at the range of \$15 - \$20 per hour,
167 for the Asturia Community Development District.

168 C. Consideration of Advertisement for Additional Part-Time Maintenance Staff

169 On a MOTION by Mr. Darius, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
170 the placement of an ad for the 2nd part-time position and for staff to work within the confines of the budget,
171 for the Asturia Community Development District.

172 D. Exhibit 16: Consideration of Site Masters Fenland/Alimara Pond Erosion Repair Proposal

173 Discussion ensued regarding the causes of erosion.

174 This item was tabled for the new engineer.

175 E. Exhibit 17: Consideration of Complete IT Access Control Upgrade Proposal

176 Discussion ensued regarding the accuracy of the proposal.

177 This item was tabled.

178 F. Exhibit 18: Consideration of Electro Sanitation Service Clubhouse & Fitness Center Deep Cleaning
179 Floors Proposal

180 Discussion ensued.

181 This item was tabled.

182 G. Exhibit 20: Consideration of Volunteer Insurance Coverage Proposal

183 Discussion ensued.

184 On a MOTION by Mr. Darius, SECONDED by Ms. Coppa, WITH ALL IN FAVOR, the Board approved
185 the volunteer insurance coverage proposal, for the Asturia Community Development District.

186 H. Exhibit 2: Field Inspections Report & District Manager Report – *note: stopped at 3:12:38*

187 **This item, originally Item B under the Third Order of Business, Staff Reports, was**
188 **presented out of order.**

189 There being none, the next item followed.

190 **SIXTH ORDER OF BUSINESS – Audience Comments** *(limited to 3 minutes per individual for non-*
191 *agenda items)*

192 Mr. Chambers noted that he reported to Duke that 16 lights were out, and discussion ensued.

193 **SEVENTH ORDER OF BUSINESS – Supervisors Requests**

194 Discussion ensued regarding a refund from Pasco county for FY 2021-2022 assessments in the
195 amount of \$5,993.00 for payments received after the discount threshold.

196 On a MOTION by Mr. Darius, SECONDED by Mr. Tietz, WITH ALL IN FAVOR, the Board approved
197 carrying forward the funds totaling \$5,993.00 to FY 2022-2023, for the Astoria community development
198 district.

199 Mr. Tietz requested information on how much it would cost to have the streets swept.

200 Mr. Penning discussed bringing down legal costs for the district. Discussion ensued.

201 Mr. Penning noted damage to CDD easement property from pool installers. Discussion ensued.

202 A board member noted that the SCC websites needed to be updated with the correct clubhouse
203 contact information.

204 **EIGHTH ORDER OF BUSINESS – Action Items Summary**

205 Ms. Dobson indicated that the Action Items Summary would be emailed.

206 **NINTH ORDER OF BUSINESS – Next Month’s Agenda Items**

207 Ms. Dobson indicated that the Action Items Summary would be emailed.

208 **TENTH ORDER OF BUSINESS – Next Meeting Quorum Check: February 28th, 6:00 PM**

209 Mr. Penning, Mr. Darius, Ms. Pearson, and Ms. Coppa indicated that they would be present for the
210 meeting in February, which would establish a quorum. Mr. Tietz indicated that he may not be in
211 attendance at the February meeting.

212 **ELEVENTH ORDER OF BUSINESS – Adjournment**

213 Ms. Dobson asked for final questions, comments, or corrections before requesting a motion to
214 adjourn the meeting. There being none, Mr. Darius made a motion to adjourn the meeting.

215 On a MOTION by Mr. Darius, SECONDED by Ms. Coppa, WITH ALL IN FAVOR, the Board adjourned
216 the meeting at 10:02 p.m. for the Astoria Community Development District.

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

220 **Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed**
221 **meeting held on February 28, 2023.**

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Signature



Signature

Glen Penning - Chairman

Printed Name

Vicki Johnson - Asst. Sec.

Printed Name

232 Title: Secretary Assistant Secretary

Title: Chairman Vice Chairman