

**MINUTES OF MEETING
MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Moody River Estates Community Development District's Board of Supervisors was held on **Thursday, October 15, 2009** at **1:00 p.m.**, at the **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913.**

Present and constituting a quorum were:

Ilse Mayer	Chairperson
Kathy Shea	Vice Chairperson
Matt Harrell	Assistant Secretary
Terry Pye	Assistant Secretary

Also present were:

Chuck Adams (via telephone)	District Manager
Cleo Crismond	Assistant Client Services Manager
Mike Eckert (via telephone)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Crismond called the meeting to order at 1:00 p.m., and called the roll. She stated all Board Members were present, with the exception of Mr. Berry. She advised that the District Manager and District Counsel were present via telephone.

SECOND ORDER OF BUSINESS

Consideration of Proposals for District Engineering Services

a. Affidavit of Publication for Request for Qualifications for District Engineering Services

Ms. Crismond referred to the Affidavit of Publication, located behind Tab 2.

b. Ranking of Proposals for District Engineering Services

- i. Atlas Design & Engineering, Inc.**
- ii. Barraco and Associates, Inc.**

Ms. Crismond then referred to the ranking form, located behind the Affidavit, and distributed extra forms to the Board. She stated the proposals for District Engineering Services

from Atlas Design & Engineering, Inc., and Barraco and Associates, Inc., are behind the ranking form.

Mr. Adams stated three (3) weeks ago, as a result of Heidt and Associates resigning as District Engineer, the Board authorized Staff to publish a Request for Qualifications. He said two (2) or three (3) weeks ago, the Board should have received copies of the two (2) responses that were received, along with a ranking form. In order to get an idea of the type of firm, in the RFQ, Staff asked for various disciplines within the firm, personnel size, location and a 255 form, which provides the majority of that information. Mr. Adams added Barraco and Associates provided some additional information with regard to their experience with communities and with Community Development Districts and Atlas completed the 255 form. He stated hopefully, the Board Members had an opportunity to review the proposals and have come to the meeting prepared with their ranking of the two (2) firms.

Mr. Adams explained whoever is there will cumulatively come up with the ranking and ask the Board to approve, by motion, ranking of the firms and then ask Staff to proceed with final negotiation of a contract, which will include the financial considerations.

Mr. Eckert stated, the Board, in making its ranking, is required by District Rule 3.14A to consider the following factors: the ability and adequacy of the professional personnel employed by each Consultant; whether the Consultant is a certified minority business enterprise; each Consultant's past performance; the willingness of each Consultant to meet time and budget requirements; geographic location of each Consultant's headquarters, office and personnel, in relation to the project; the recent current and projected workloads of each Consultant; the volume of work previously awarded to each Consultant by the District. He said some of these factors may not apply, but he wanted to remind the Board of what is in the Rules, in terms of factors they can consider in determining the most qualified Consultant.

Mr. Adams asked if the Board has had an opportunity to complete their forms and Ms. Crismond advised they were completing them now. She then stated they tallied the ranking forms and Atlas has eight (8) and Barraco and Associates has four (4). Mr. Adams indicated Barraco has the lower cumulative tally and, therefore, would be the first ranked firm. Ms. Crismond responded affirmatively.

Mr. Adams asked for a motion to approve the ranking of the firms, with Barraco and Associates ranked #1 and Atlas Engineering ranked #2 and to authorize Staff to conduct final

negotiations, prepare a final contract, starting with the #1 ranked firm and to bring it back for final Board approval and execution by the Chair.

On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor of approving the ranking of the firms, with Barraco and Associates, Inc., ranked #1 and Atlas Design Engineering, Inc., ranked #2 and authorizing Staff to conduct final negotiations, prepare a contract, starting with the #1 ranked firm, to be brought before the Board for final approval and execution by the Chair.

THIRD ORDER OF BUSINESS

Approval of Minutes

- **May 21, 2009 Regular Meeting**

Ms. Crismond indicated the Attorney submitted some changes. On Page 1, Mike Eckert was not at the meeting. On Page 2, in the second paragraph, line 59, after “therefore, the”, we added “Operation and Maintenance” before “assessment”. Also, in the next paragraph, line 61, we added “Operation and Maintenance” before “assessment”. In the fourth paragraph, line 64, after “keeping the”, we added “Operation and Maintenance” before “assessment”. Immediately under that paragraph, we added, “Mr. Earlywine noted that, as discussed, this year the Districts will be collecting Debt Service assessments that should have been paid in previous years, but were not properly billed, so the amounts on the tax bills may appear higher for the Fiscal Years 2009 and 2010.” She then asked if there were any other corrections on page 2. There being none, she went on to Page 3 and indicated in the top Motion Box, we added, “On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor of continuing to fund and balance the General Fund budget in order to maintain the Fiscal Year 2010 Operation and Maintenance Assessments”. There being no further corrections, Ms. Crismond called for a motion to approve the minutes, as corrected.

On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor of approving the May 21, 2009 Regular Meeting Minutes, as corrected.

- **August 20, 2009 Public Hearing and Regular Meeting**

Ms. Crismond presented the August 20, 2009 Public Hearing and Regular Meeting Minutes.

Mr. Eckert stated when the Board is finished, he had several comments that he did not provide to the District Manager in advance, even though the minutes were provided to him in advance; because of the nature of the meeting, he wanted all the discussions regarding the minutes to be on the record.

Ms. Crismond asked if anyone had any additions or corrections to the minutes. There being none, Mr. Eckert stated, on Page 2, in the first paragraph in the motion box, the language should be revised to reflect that the Board did not ratify Resolution 2009-2; he thinks they adopted the new resolution, which reset the hearing. Resolution 2009-2 was the resolution that originally set the hearing for the location it could not be held at. Mr. Adams agreed. Mr. Eckert stated at the bottom of Page 2, the second line from the bottom, line 77, it is more appropriate instead of “new” to say “Revised Supplemental Methodology”. He further stated, on Page 3, line 79, add “on-site” after “improvements”, as he feels the discussion was that there were no improvements on that particular parcel, but there were improvements that the District has funded that do benefit that land, so the word “on-site” should be added. He said in the next paragraph, line 91, change the word “suffices” to “makes up”. Then in line 99, before \$200,000, it should say “approximately”. He added on line 102, it should say “currently approximately” \$165,000, because each year, that number changes. Finally, given the nature and the fact that there was an attorney there that indicated that they may be filing suit against the District in some future time, he suggested that the portion of the minutes from lines 120 through 157 be repeated verbatim, instead of summarized; that would be more accurate, in the event this was ever an exhibit in a court hearing. On Page 7, line 235, it should read “certain urban mixed-use CDDs;” because the landowner control did not extend for all mixed-use CDDs.

There being no further corrections to the minutes, Ms. Crismond asked for a motion to approve, as corrected.

On MOTION by Mr. Pye and seconded by Ms. Shea, with all in favor of approving the August 20, 2009 Public Hearing and Regular Meeting Minutes, as corrected.

FOURTH ORDER OF BUSINESS

Other Business

There being no Other Business, the next item followed.

FIFTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Eckert reported he has not received any Summons or Complaint, or anything of that nature, naming the District as a party to any litigation. Also, he advised the Board there is a mediation scheduled for October 29th, in relation to the litigation that is going on between Meritage, Colonial and Moody East. He advised he does not know the results or whether or not the mediation has occurred, but it was scheduled to be held in October.

b. Manager

i. Unaudited Financial Statements as of August 31, 2009

Ms. Crismond presented the Unaudited Financial Statements as of August 31, 2009.

ii. Fiscal Year 2010 Meeting Schedule

Ms. Crismond referred to the Fiscal Year 2010 Meeting Schedule and indicated she had extra schedules available for distribution.

- **NEXT MEETING DATE: January 21, 2010 at 1:00 P.M.**

Ms. Crismond reminded the Board that the next meeting date is January 21, 2010 at 1:00 p.m.

SIXTH ORDER OF BUSINESS

**Audience
Requests**

**Comments/Supervisors'
Requests**

There being no Audience present, Ms. Crismond asked for any Supervisors' Requests. There being none, the next item followed.

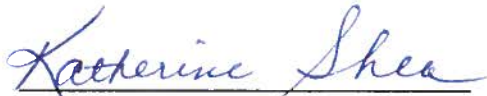
SEVENTH ORDER OF BUSINESS

Adjournment

Prior to adjournment, Mr. Eckert asked if the Board approved the meeting schedule at a prior meeting. Ms. Crismond responded affirmatively.

There being no further business, all were in agreement with adjournment.

On MOTION by Ms. Shea and seconded by Mr. Mayer, with all in favor, the meeting adjourned at 1:15 p.m.


Secretary/Assistant Secretary


Chairperson/Vice Chairperson