

GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT

February 2, 2012 Minutes of Meeting

Minutes of the Regular Meeting

Chairman Neubauer called the Regular Meeting of the Board of Supervisors of the Gateway Services Community Development District to order on **Thursday, February 2, 2012 at 3:00 p.m.** at the Gateway Services CDD Offices meeting room, located at 13240 Griffin Drive, Ft. Myers, FL 33913.

Board Members Present and Constituting a Quorum:

Gary Neubauer	Chairman
William Guy	Vice Chairman
Margaret Fineberg	Supervisor
Pete Doragh	Supervisor
Ed Sichel	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Anthony Pires, Jr	District Counsel, Woodward, Pires & Lombardo, P.A.
Al Abdo, Jr.	District Operations Manager

Also Present:

Ed Tinkle	Resident
Carole Brokke	Resident
Richard Rittenberg	Resident
Delores Linscott	Resident
Paul Wingard	Kisinger Campo and Associates
Rod Thursby	Kisinger Campo and Associates
Marie Lynch	Resident
Steve Rodgers	BikeWalkLee
Andy Tilton	Johnson Engineering, Inc.

1. CALL REGULAR SESSION TO ORDER/ PLEDGE OF ALLEGIANCE

Chairman Neubauer led pledge of allegiance at 3:00 p.m.

A. Overview of Meeting Procedures and Decorum

Chairman Neubauer called meeting to order and announced rules of procedure for the meeting. He announced time management at the last meeting was handled very well. He further stated if Supervisors have comments please comment at the Supervisor section of the agenda. Chairman Neubauer requested to have cell phones placed on silent mode.

Peter Altman asked permission to recess for the Audit Committee.

B. CALL TO ORDER THE AUDIT COMMITTEE

C. APPOINT CHAIRMAN

Peter Altman discussed the requirement of the committee to appoint a Chairman.

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(00:05:00)

MOTION TO:	Appoint Gary Neubauer as Chairman.
MADE BY:	Supervisor Doragh
SECONDED BY:	Supervisor Guy
DISCUSSION:	None further.
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

D. SELECTION OF CRITERIA FOR EVALUATION OF PROPOSALS

(00:05:10)

MOTION TO:	Approve selection of criteria for evaluation of proposals as it has been presented to us.
MADE BY:	Supervisor Doragh
SECONDED BY:	Supervisor Fineberg
DISCUSSION:	Further discussion
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

Further discussion by Supervisor Guy stated it would be very, if not impossible for lay people to understand accounting principles, and to evaluate them exclusively by price. Supervisor Guy suggested we use the selection criteria including price. Supervisor Doragh stated he meant to include the price option criteria.

E. DETERMINE DATE, TIME, AND LOCATION FOR RFP REQUIRED

Peter Altman stated the committee needs to determine the date, time and location for the RFP required for the Consider Notice of Request for Proposals for Annual Audit Services.

(00:05:25)

MOTION TO:	Bring proposals to the second meeting in March.
MADE BY:	Supervisor Doragh
SECONDED BY:	Supervisor Fineberg
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

F. DETERMINE NEXT COMMITTEE MEETING

Peter Altman stated the next Audit Committee meeting was set for March 15, 2012 at 3:00 p.m. at the Gateway Services CDD Offices – Meeting Room, located at 13240 Griffin Dr., Fort Myers, FL 33913.

95 G. ADJOURNMENT
96 (00:05:53)

97	MOTION TO:	Adjourn audit committee.
98	MADE BY:	Supervisor Guy
99	SECONDED BY:	Supervisor Fineberg
100	DISCUSSION:	None further
101	RESULT:	Called to Vote: motion PASSED
102		5/0, motion passed unanimously

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104 Supervisor Sichel requested a copy of the previous RFP audit criteria. Peter Altman
105 stated he would copy everyone.

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107 H. Recess from Audit Committee Meeting

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109 I. Return and Proceed to Regular Meeting

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111 **2. AUDIENCE/PUBLIC COMMENTS**

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113 **A. Regarding Agenda Items**

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115 **B. Regarding Non-Agenda Items**

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117 Ed Tinkle addressed the Board regarding his findings from contacting Angelica Moffit from
118 SWFMD Engineering Department. He stated there were numerous open permits which need to
119 be transferred to Gateway Services CDD. He is determined that the main floway was not
120 certified.

121
122 He further stated Ms. Moffit is looking for a licensed engineer to certify that these structures were
123 built to plans and specifications. He suggested that the Gateway District needs a detailed
124 checklist for checking the required engineering and all administrative items to resolve these
125 issues. He stated the Water Advisory Committee is working on this task. Supervisor Fineberg
126 stated can we go back to the engineers who built these structures. Ed Tinkle stated unfortunately
127 it was not part of their contract. He stated this is a huge undertaking to uncover all the
128 documentation that is needed.

129
130 Richard Rittenberg read a prepared statement from the Alliance Committee at Pelican Preserve on
131 De-Annexation regarding the service road entering Pelican Preserve. He stated when WCI has
132 completed all construction activity the service road will be closed and GSCDD will have access
133 through the front gate.

134
135 Steve Rodgers presented on behalf of BikeWalkLee his plans within the Gateway Services CDD.
136 He stated BikeWalkLee is requesting permission to use the open field that is next to Gateway
137 Commons for a parking area for cars and this would allow residents to ride their bikes from this
138 location to JetBlue Park on Saturday, February 25, 2012 in conjunction with their Grand Opening
139 Event and this is a one-time request only.

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(00:25:15)

MOTION TO:	Approve location of staging area for this event which would be a one-time agreement.
MADE BY:	Supervisor Fineberg
SECONDED BY:	Supervisor Guy
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

3. BOARD PRIORITIES

A. Lakes and Wet Lands

Chairman Neubauer and Al Abdo discussed the meeting they had with SFWMD and felt the meeting was successful. Supervisor Doragh wanted to know how they cleared many of the District's issues with old permits. Chairman Neubauer stated it was a directive of Phil Flood and Kenneth Kellum from SFWMD. Chairman Neubauer further stated the District will need to go over these permits and clear these permits to receive certification by contacting the engineering firms or developer. SFWMD is being very cooperative and are willing to come and speak for a workshop, Chairman Neubauer reported. He further stated they would meet again in thirty days. Al Abdo felt they were very cooperative. Supervisor Doragh requested how SFWMD cleared numerous permits within Gateway.

(00:33:15)

MOTION TO:	Send various lists to engineering firms and insist they complete their task and/or did they provide evidence that the documents were sent to the District.
MADE BY:	Supervisor Doragh
SECONDED BY:	Supervisor Guy
DISCUSSION:	Further discussion
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

There was further discussion by Supervisor Guy regarding a newspaper article referring to a storm in Gulf Harbor where compliance was not met.

Peter Altman stated the recorded as-builts, in fact, were not built according to original plans. Supervisor Doragh stated the proposition that we have been maintaining lakes for many years. Anthony Pires stated some certifications are buried in an enormous document. Supervisor Doragh asked if the variance beyond tolerance.

- i. Status Report of SEWMD Permits

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182 Danny Nelson submitted documents regarding permit status within Gateway Services
183 CDD. He reported the process is moving forward on certification issues.

184 ii. Lake and Wetland Summary Presentation

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186 Danny Nelson gave a project update which included ownership/easement
187 coordination which is completed at this time including permit research. He stated the
188 Maps and Table Development are 95% completed. He further stated research has
189 been conducted on the SFWMD E-permitting website. He reported that project area
190 falls under SFWMD Permit #36-00678-S, and that it contains many sub-permit
191 numbers and applications. He has researched over 270 permits applications and 52
192 permit applications were related to Lakes and Wetlands. He stated many lakes were
193 found to be partially certified or had certifications returned due to issues found by
194 SFWMD.

195
196 Supervisor Guy asked if a punch list is developed and if this process is in place. Al
197 Abdo is working on putting a punch list in place. Peter Doragh stated the district
198 boundary is wrong and needs to be corrected on the maps provided by Danny Nelson.
199 Peter Altman stated once the maps are corrected should be placed on the website.

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201 **4. BUSINESS ITEMS**

202 **A. Engineering Services Presentations**

203 Peter Altman stated we have five engineering firms to present to the Board and each has
204 been given ten minutes for presentation and five minutes for interviewing process. The
205 firms presented in alphabetical order.

206 **Hole Montes, Inc.:**

207 Hole Montes presented a brief overview and identified several positive reasons for selecting them
208 for the District's Engineer. They reported that the firm worked for Westinghouse from 1980's.
209 They suggested they had the edge on other firms due to their previous experience as District
210 Engineer. They stated they are conveniently close, successfully managed GSCDD projects,
211 delivered on time and within budget, most services are done in-house, and we have a previous
212 history with GSCDD. Supervisor Sichel questioned if they had any experience regarding waste
213 water treatment plant and if they are currently working with WCI. They stated they did not have
214 experience with a waste water treatment plant and are currently not working with WCI.

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216 **Johnson Engineering (also present Dave Robson and Andrew Tilton)**

217 Steve Morrison and Andy Tilton presented to the Board of Supervisors and addressed the
218 previous resignation and experience. Mr. Morrison stated they have past knowledge of GSCDD
219 and proven SWFL CDD experience. He stated they have significant knowledge of existing
220 Gateway systems and faculties. They have a full range of engineering, planning and
221 environmental services. He also stated they are very familiar with Chapter 190 Florida Statutes
222 which GSCDD falls under. They are currently providing NPDES Permit Compliance to several
223 local municipalities. Supervisor Guy asked if they had any conflict with working with WCI and
224 having a contract with Gateway.

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Kisinger Campo & Associates Corp.

Paul Wingard, PE, LEED presented a brief presentation on their team's strength, capabilities, similar experience, and understanding the work that needs to be done within the District. He further reported their team consists of certified inspectors, experienced engineering technicians, professional civil engineers and environmental scientists. He closed his presentation with we are large enough to provide all the services identified in the scope of work, but small enough to meet the individual needs of the Gateway Services Community Development.

Tetra Tech

Danny Nelson addressed the Board of Supervisors regarding what Tetra Tech has to offer the District. He stated they have been serving SWFL since 1993 and serving Gateway CDD since 2009. They have over 13,000 employees, 500 located in Florida. He stated Tetra Tech offers local staff, local experience, local knowledge, nationally recognized capabilities, resources and expertise. He further stated they have full in-house capabilities. Tetra Tech also specializes in serving government agencies with their Public Works needs. He reaffirmed they have no conflict of interest because they do not and have not served private developments or developers within the GSCDD area and will continue to commit their attention to serving the District. Danny Nelson further stated they have vast knowledge and understanding of GSCDD and assisted other entities with utility, traffic/roadway, stormwater, and other miscellaneous items such as NPDES permitting, plat reviews, annual bond certification, permit criteria manual updates and surveying services.

Supervisor Doragh asked if the lakes in Pelican Preserve were constructed prior to Tetra Tech's contract. Danny Nelson stated they were constructed prior to his contract signing in 2009. Supervisor Guy stated that Danny Nelson was associated with this board longer than himself and he never dreamed there would be so many problems. Supervisor Guy further stated the engineering issues are monumental and should have been addressed long before my presence on the board. Danny Nelson stated in his opinion it was an accumulation of small things that added up. He also stated that stormwater side was a policy issue and in the past the county would hold on to the certification until system is complete. He stated these systems are still not complete and might not be for another twenty years. Danny Nelson also stated the Board has committees that can be utilized and understand the problems and do the research for free. He advised the Board to start with step one by implementing a checklist with the developer until the project is completed. He stated the District could have a computerized spreadsheet which lists the requirements to get a permit with the district and the District could track the data. He stated he is currently working with Al Abdo on developing this spreadsheet.

Supervisor Sichel stated the results are shocking on permitting and how did the meeting come about. Danny Nelson stated WCI called the meeting and the district was invited because WCI wanted to finalize their position in Pelican Preserve. Danny stated the meeting had several people from SWFMD and one person asked where Gateway is with all these permits. At the meeting Danny Nelson spoke up and stated Gateway did not build it. Danny further expressed to SWFMD that GSCDD can stop maintaining it and then what? He further stated that the construction issues that Gateway District inherited and developers and engineers having gone

270 belly-up makes it difficult to track. Danny Nelson stated the District lift stations are in good
271 condition. He did state Stoneybrook has an odor issue with one lift station to that degree where
272 the news media has come out. He concluded Tetra Tech has measured the levels of hydrogen
273 sulfide and a letter is being drafted to report results. Peter Altman stated for the record the
274 Chairman called that meeting.

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276 **TKW Consulting Engineers**

277 Patrick Day, PE addressed the Board regarding their experience and qualifications. He stated
278 TKW is an extension of your CDD Staff and their expertise are water and sewer systems and
279 facilities, reuse water systems, stormwater management systems & facilities, other community
280 intra-structures, and ancillary tasks. He further stated the ancillary tasks include project
281 management, master planning, coordinating with other utilities, value engineering, NPDES
282 compliance and review/prepare District manuals.

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284 Mr. Day further stated the local team has the ability to respond quickly to CDD needs, ample in-
285 house resources working as an extension of the CDD staff, unparalleled knowledge of Gateway
286 WWTP site, permits, and wastewater flow data, vast experience with SFWMD and Water and
287 Sewer System Projects and a highly qualified staff experienced at performing Value Engineering.

288 Anthony Pires reviewed the Competitive Negotiation Act especially regarding a minority owned
289 business. He also directed the Board to select no fewer than three firms. Chairman Neubauer
290 wants to keep the vote simple. Anthony Pires stated you must put your signature on the
291 document. Supervisor Doragh stated an artificial structure is not a good idea he feels we need to
292 discuss what we want between the Board members. Chairman Neubauer requested Al Abdo's
293 opinion since the District would need to work with them on a day to day basis. Al Abdo stated he
294 had good working relationships with all and enjoyed working with all firms. Supervisor Fineberg
295 stated we have five quality engineering firms. Supervisor Fineberg stated Tetra Tech is her
296 choice. She stated they are in the middle of projects and have done good work and quality work.
297 Supervisor Doragh stated he was confused because the presentation changed his thinking.
298 Supervisor Doragh personally would like to change the firm because we need a proactive
299 engineering firm. Supervisor Doragh felt District was failed by Tetra Tech regarding rate study
300 and it took way too long to produce. Supervisor Doragh stated problems were not resolved and it
301 was not Danny Nelson but the company. Supervisor Doragh did not know Tetra Tech only did
302 Public Sector which makes them reactive. Supervisor Doragh I don't think we have been given
303 the anticipated problems. Supervisor Doragh stated the District knew in the beginning of the
304 summer we had a problem and we were going to change the way we did surface water
305 management and we knew we had to bid that. Supervisor Doragh stated the District got to
306 September/October timeframe and disappointed by the process used because fixing the lakes but
307 not maintaining the connections between the lakes did not make any sense. Supervisor Doragh
308 ranks TKW number one.

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310 Supervisor Sichel stated TKW water and sewer system knowledge lacking and Johnson
311 Engineering's withdrawal still sticks in my mind. He stated Hole Montes are a great company.

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313 Supervisor Guy agreed with Supervisor Fineberg but in a year and a half they have been
314 consistently late with reports and bad spelling and grammar constantly and not proactive.
315 Supervisor Guy stated Johnson's proposal was the best he had ever read. He further commented
316 on how terrific the firm was but still could not get over their resignation and the District current
317 problems took place during their time period.

318 Chairman Neubauer stated that through the years the District clearly expressed to the engineering
319 firms that they have to be proactive. Chairman Neubauer mentioned in a business world you
320 expect the people to be proactive because you realize it is not a perfect world. He also stated that
321 being reactive causes one to work in a crisis mode. Chairman Neubauer stated the District needs
322 to let firms know that is what the expectations are. Chairman Neubauer stated it should be in a
323 very organized tabulated form. He continued to state he has a definite sentimentality for Danny
324 Nelson and that the Board has not been expressive enough. Supervisor Fineberg stated he walked
325 into unbelievable amounts of issues.
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327 Chairman Neubauer would like to put off the vote for 30 days and contact Danny Nelson.
328 Anthony Pires advised Chairman Neubauer cannot talk to Danny Nelson it is not appropriate
329 regarding the ranking of engineers. Supervisor Doragh stated he was not a Supervisor when Tetra
330 Tech was selected and believes the Board did describe the intentions of the Board at that time.
331

332 Peter Altman stated the decision doesn't have to be an all in situation regarding the District
333 Engineer. Chairman Neubauer explained that the District can have two different firms one for
334 city work situation and Tetra Tech for flowway. Anthony Pires stated you will need another RFQ
335 because engineer is singular not plural. Supervisor Doragh stated we continue with the projects
336 he started to completion.
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338 Chairman Neubauer asked do we continue to let him complete the projects he is working on with
339 the lakes and the wetlands. Chairman Neubauer stated an additional engineer would give us
340 exposure and additional expertise.
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342 Anthony Pires stated the Board members must sign your ranking sheet prior to handing the
343 ranking sheet in. Peter Altman suggested Anthony Pires agreed with the legend where ranking 1
344 = 3 points, ranking 2 = 2 points and ranking 3 = 1 point. Peter Altman requested Al Abdo to tally
345 the ranking as Peter Altman read the results. The ranking was read and Tetra Tech was ranked
346 number one and TKW and Johnson Engineering were tied for second ranking.
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(03:17:02)

349	MOTION TO:	Accept in order of ranking Tetra Tech ranked first and
350		Johnson Engineering and TKW tied for second.
351	MADE BY:	Supervisor Fineberg
352	SECONDED BY:	Chairman Neubauer
353	DISCUSSION:	Further discussion.
354	RESULT:	Called to Vote: motion PASSED
355		5/0, motion passed unanimously

(03:18:18)

358	MOTION TO:	Authorize negotiating with the top ranked firm to sign a
359		contract within 90 day timeframe.
360	MADE BY:	Supervisor Fineberg
361	SECONDED BY:	Supervisor Guy
362	DISCUSSION:	Further discussion.
363	RESULT:	Called to Vote: motion PASSED

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5/0, motion passed unanimously

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Chairman Neubauer requested Supervisor Doragh to offer his input. Chairman Neubauer suggested it be amended to 90 days instead of 30 day time frame.

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B. Authorization for RFQ Audit Service

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Peter Altman stated a motion needs to take place to accept the recommendation of the Audit Committee and direct staff to advertise for proposals.

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(03:19:41)

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MOTION TO: Authorize for RFQ Audit Service.

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MADE BY: Supervisor Fineberg

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SECONDED BY: Supervisor Guy

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DISCUSSION: None further.

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RESULT: Called to Vote: motion PASSED

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5/0, motion passed unanimously

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C. City of Fort Myers Fire Impact Fee Credit

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Supervisor Guy further discussed the fire impact fee credits. Chairman Neubauer asked for suggestions from Supervisor Guy. Supervisor Guy asked who has City of Fort Myers credits. Supervisor Guy suggested not discounting the credits if there are no credits available to the City of Fort Myers. Supervisor Doragh suggested to hire a broker and that would help the District receive the highest possible rate. Supervisor Guy stated there is a limited time to do this. Supervisor Doragh suggested we sell Fire Impact Fee Credits at 25% discount which would be \$12,000.

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(03:24:47)

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MOTION TO: Offer the Fire Impact Fee Credits at 75%.

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MADE BY: Supervisor Doragh

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SECONDED BY: Supervisor Fineberg

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DISCUSSION: Further discussion

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RESULT: Called to Vote: motion PASSED

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5/0, motion passed unanimously

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Peter Altman stated we have an implicit disadvantage being a public entity. Supervisor Doragh stated that is why the Board needs to hire a broker. Peter Altman has a connection regarding a broker and will bring it to the Board members in the future.

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D. Considerations for Nominations of Committee Nominations/Appointments

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Chairman Neubauer commented on Ms. Lynch's resume. Supervisor Guy stated it should be referred to the current Traffic Committee. Peter Altman stated these

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404 individuals came through outreach by the District for the people to volunteer. Supervisor
405 Fineberg stated they should go through the Traffic Committee to find out what the
406 committee is about. Supervisor Doragh stated we have never done this before and the
407 Board makes the decision. Chairman Neubauer suggested we shift the Traffic Committee
408 to the Road Turn-Over Committee and have Supervisor Sichel run that committee.

409 (03:30:19)

410 MOTION TO:	Shift the Traffic Committee to the Road Turn-Over
411	Committee and have Supervisor Sichel as Chairman.
412 MADE BY:	Supervisor Guy
413 SECONDED BY:	Supervisor Fineberg
414 DISCUSSION:	Further discussion
415 RESULT:	Called to Vote: motion FAILED
416	2/3, PD, ES, and GN opposed

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418 (03:30:43)

419 MOTION TO:	Approve Marie Lynch and John Kostycz as two members
420	to the Traffic Committee.
421 MADE BY:	Supervisor Doragh
422 SECONDED BY:	Chairman Neubauer
423 DISCUSSION:	Further Discussion
424 RESULT:	Called to Vote: motion PASSED
425	3/2, WG and MF opposed

426 Chairman Neubauer urged Supervisor Sichel to contact both individuals and discuss the
427 Road Turn-Over Committee with them giving them another option so they are not
428 forgotten.

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430 **E. Review of Future Meeting Schedule**

431 Supervisor Doragh stated the Board established a schedule of presentations and to present one per
432 month. He further stated the program's focus and financial explanation would be defined so at
433 the end of the presentation the Board will be knowledgeable of the District's Operations.
434 Supervisor Doragh stated the Board was promised this. Chairman Neubauer requested everyone
435 to be proactive overall. Chairman Neubauer requested within in seven days have something in
436 Supervisor Doragh's email box so at the next meeting Supervisor Doragh can comment and a
437 plan can be implemented.

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439 **F. General Matters of the District**

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441 **BOARD PRIORITIES CONTINUED**

442 **A. Recreation**

443 Supervisor Fineberg commented on the schedule and was happy with the calendar
444 of events:
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- 446 B. Landscaping
- 447 C. Enterprise Fund
- 448 D. Communication - No Report
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450 **5. APPROVAL OF CONSENT AGENDA ITEMS**

451 **A. No Items**
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453 **6. STAFF REPORTS**

454 **a. District Counsel**

455 Anthony Pires requested a Closed Door Session regarding US Homes/Lennar lawsuit.

456 (03:35:56)

457 MOTION TO:	Approve a Closed Door Session Meeting at 3 p.m. on
458	February 16, 2012 and move into a Regular Meeting.
459 MADE BY:	Supervisor Doragh
460 SECONDED BY:	Supervisor Sichel
461 DISCUSSION:	None further.
462 RESULT:	Called to Vote: motion PASSED
463	5/0, motion passed unanimously

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- 465 **b. District Engineer**
- 466 **c. District Operations**
- 467 **d. District Manager**
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469 **7. SUPERVISOR COMMENTS**

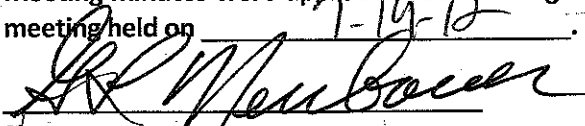
470 (03:36:38)

471 MOTION TO:	Adjourn the meeting.
472 MADE BY:	Supervisor Guy
473 SECONDED BY:	Supervisor Sichel
474 DISCUSSION:	None further.
475 RESULT:	Called to Vote: motion PASSED
476	5/0, motion passed unanimously

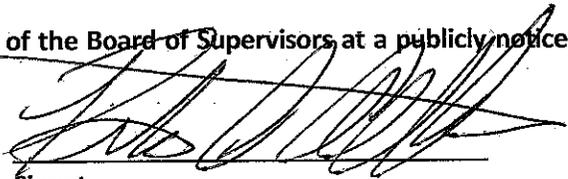
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479 *ALL minutes were done in summary format.
480 *Each person who decides to appeal any decision made by the Board with respect to any matter
481 considered at the meeting is advised that person may need to ensure that a verbatim record of the
482 proceedings is made, including the testimony and evidence upon which such appeal is to be based.

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484 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed
485 meeting held on 7-19-12.

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488 Signature

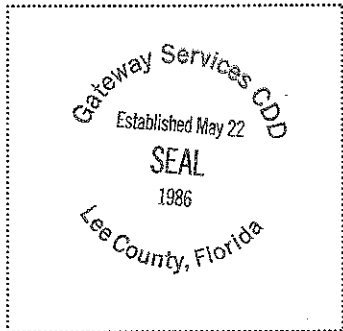
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Title:
509 Chairman
510 Vice Chairman

Title:
 Secretary
 Assistant Secretary



Recorded by Records Administrator

Signature
7-20-12
Date