

# **GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT**

**March 15, 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, March 15, 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 – arrived 3:09 p.m.
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	Gateway Resident
Joe DiPrima	Stoneybrook Resident
Joe Targia	Stoneybrook Resident
Delores Linscott	Gateway Resident
Marie Lynch	Resident
Matt Chitwood	Resident

## **1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Chairman Neubauer led the pledge of allegiance.

Regular Meeting was called to order at 3:00 p.m.

## **A. OVERVIEW OF MEETING PROCEDURES AND DECORUM**

## **2. AUDIENCE/PUBLIC COMMENTS**

### **A. Regarding Agenda Items**

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

Joe Mikulka discussed the issues with Hampton Park creating dust and dirt upon the residents within Stoneybrook. Chairman Neubauer directed Joe Mikulka to contact Danville Leadbetter from WCI who is in charge of moving dirt in Hampton Park and Pelican Preserve.

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**3. BUSINESS ITEMS**

**A. In Depth Analysis of Rates and Revenues and Visit by Burton Consultants**

Chairman Neubauer requested to move Mr. Burton next in line if no one has an issue with this. Peter Altman wanted to familiarize the Board with where Burton Associates will take us today. Peter Altman addressed the Board to go to Tab 16 on page 12 and review water and wastewater revenues which are identified. Peter Altman stated the Board will be impressed with the Burton presentation. Peter Altman reviewed the documents regarding the Enterprise Fund with the Board. He highlighted the restricted funds like revenue fund, stabilization fund and reserves funds.

Chairman Neubauer stated Supervisor Doragh joined the meeting at 3:09 p.m.

Mr. Burton stated that looking at seasonality data and the long term view that they might vary. He discussed a five year plan with a ten year projection which include cash flow analysis, and what is needed to fund the program. Chairman Neubauer requested a clarification of what factors will be used in the Excel formula for projection. Burton stated he will show the Board the factor involved and give a general overview as well. He also discussed a revenue sufficient analysis which gives you a guide to plan for financial utility. He suggested the second phase to look at is the structures of your rates. He stated the most important step is to make sure you have enough revenue. Mr. Burton stated once it is finalized we can do an interactive presentation with revenue projections, borrowing requirements, rate adjustments during planning periods, and management of reserves. He indicated the model will show if there is enough cash flow and determines if there are net funds and combination with fund balances to determine if adequate reserves are on hand. He explained the rate increases are affected by inflation increases due to increased vendor costs. He concluded this model puts a telescope on your budget and allows you to know that your decisions made today will allow you to be sustainable for the future.

Peter Altman hopes to get through the first phase of sufficiency and complete an inventory of all the lift stations so we can create a capital improvement plan along with utilizing the District Engineer. He stated there are four or five phases that fit in the model and expects to have it in time which is a thirty day time frame. Burton stated he would need year end balances to begin the analysis and look at what happens this year and then look at the last three years. Peter Altman stated Steve Connolly has things in draft for FY 2011. Supervisor Guy requested Burton to talk about alternative water sources. Mr. Burton discussed membrane treatment, using

93 river water and your District should not have to worry about this because your  
94 water comes from the county and it is already treated.  
95 Supervisor Sichel stated he feels the residents do not realize what a great thing they  
96 have offered to them regarding utilities. Supervisor Sichel stated he was very  
97 concerned about the financials for the end of January regarding the water.  
98 Supervisor Doragh stated the first four months of the year are now seasonal and we  
99 do not put much time into a monthly budget and need to do prior year comparisons  
100 and also do monthly comparisons. Burton stated Gateway has good reserves.

101  
102 Supervisor Sichel stated one of his concerns about the problem with the county  
103 water meters regarding the overbilling and under billing and how it affects our  
104 financials. He suggested we need to turn it over to the Water Advisory Committee.  
105 He suggested we need to know where we stand. Ed Tinkle looked at the county bill  
106 regarding the six month period. He stated the District might have benefited from  
107 this "which makes me more nervous." Supervisor Sichel stated the Board should  
108 have known about this when it was happening. Chairman Neubauer suggested we  
109 hold on this issue until we have the documentation that backs this concern for the  
110 Board to review.

111 **4. COMMITTEE REPORTS**

112 **A. PELICAN PRESERVE REPORT**

113  
114 Anthony Pires referenced the minutes of February 9, 2012 p. 4 item #5 regarding  
115 the ownership of lakes. He stated that the District does own some lakes however  
116 the transfer of the operating entity has not occurred. He further stated some of the  
117 lakes are maintained by the District but no maintenance regarding the wetlands.

118 **B. STONEYBROOK ADVISORY COMMITTEE REPORT**

119  
120 Joe Mikulka stated that Danny Nelson had a proposal from Siemen's representative and  
121 will be invited to the next meeting to consider ours and another lift station within  
122 Gateway. Al Abdo stated it is not uncommon for these problems to occur – it is a  
123 system problem not a design problem. Joe Mikulka stated it has been an issue from day  
124 one. Joe Mikulka stated to ask Danny Nelson that question. Supervisor Guy asked "how  
125 many of these stations do we have in gateway," and Al Abdo and Danny Nelson  
126 answered that there are 21 in the District and 8 are a master station and the big stations  
127 cause the issues.

128  
129 Joe Mikulka stated he had just received a response from the District Counsel regarding  
130 the agreement and Stoneybrook is very close to resolving the agreement. He further  
131 stated at the last meeting the easement was signed by the President of the association  
132 and it will be a done deal.

133 Joe Mikulka stated the Lennar issue needs to be talked about. Anthony Pires stated he  
134 has had discussion with the attorney for the Stoneybrook Association regarding  
135 Stoneybrook.  
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140 **C. TRAFFIC ADVISORY COMMITTEE**  
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142 Marie Lynch stated the Jet Blue Stadium has created an increase in traffic and the Traffic  
143 Committee felt it would be necessary to get a cost estimate for a car count study to  
144 receive a baseline especially on game days to justify the request for an increase in  
145 sheriff patrol. Ms. Lynch is speaking on Tamara's behalf regarding the quote to hire  
146 McMahon Associates, Inc. regarding a 24 hour count and a 72 hour count to be done  
147 during game days. She stated the 24 hour counts would cost \$3,500 and the 72 hour  
148 count would cost \$4,500.  
149

150 Supervisor Fineberg stated it is a good idea to do this to give the District a baseline.  
151 Supervisor Doragh asked who made this suggestion. He wanted to know if it was the  
152 Engineer or did the District request this. Marie Lynch stated she believed Tamara  
153 Sendewicz requested it. Supervisor Doragh stated WCI does traffic studies which  
154 include surrounding roadways and I am sure the county does routine traffic cycles.  
155 Supervisor Doragh stated he was not sure information gathering is fundamentally  
156 different from what all ready is being gathered. Supervisor Fineberg stated the  
157 importance is the game day traffic. Then we could justify additional or increased sheriff  
158 patrol. Chairman Neubauer stated the traffic on Daniels Parkway is very heavy but not  
159 heavy in the Gateway community. Supervisor Guy agreed with Supervisor Doragh to do  
160 the traffic study after the traffic settles down. Supervisor Guy stated the people will  
161 find other ways to enter and exit and it will resolve itself. Supervisor Sichel stated it is  
162 too early to be doing this and we are going through a trial period and a more meaningful  
163 study will be done at a later time.

164 **D. WATER ADVISORY COMMITTEE**  
165

166 Ed Tinkle stated the Board has minutes from the meeting in March and in attendance  
167 were Danville Leadbetter (WCI), Andy Tilton (Johnson Engineering) and Frank Barraco  
168 (Barraco and Associates) and David Caldwell (WCI). Ed Tinkle reported on WCI  
169 modifying plans to place connecting pipes to accommodate requests of committee. He  
170 reported that David Caldwell (WCI) was unaware of this. Ed Tinkle stated the District is  
171 in process of doing another amendment on easement regarding the series of five lakes  
172 and down to one lake which serves north 2/3 of Hampton Park. He stated a pipe will  
173 come out of this lake and take it to the Stoneybrook parallel to Hidden Links and shoot it  
174 across and attach to the lake there and bore under two lanes of roads. He further  
175 stated the east side of road a drainage problem and will be improved by a manhole with

176 an inlet to solve that pooling there. He stated WCI has sent out an easement to the  
177 District which confirms an easement does exist. He stated the permit cannot be located  
178 at this time. He also stated Stoneybrook has a 36" pipe to the right of the Guard House  
179 which is 90% blocked with rip rap. Al Abdo stated that 7 out of 8 pipes have been  
180 unblocked for \$200 per pipe. Ed Tinkle stated the stormwater system in Silverlakes was  
181 never turned over to the CDD and it is an issue between Lennar and the HOA at  
182 Silverlakes. Ed Tinkle stated he would talk to Ed Frost, President of HOA at Silverlakes  
183 but it is not a WAC issue because it has not been turned over. Supervisor Doragh stated  
184 there must be a piece of paper missing and it is the role of the District to manage.  
185 Supervisor Doragh stated in the past we lacked checks and balances and things were not  
186 handled correctly or it was an over site. Ed Tinkle learned today that there are four  
187 letters of non compliance to Lennar regarding the entire road and lot drainage which  
188 was never certified in Silverlakes. Supervisor Doragh asked if Lennar still exist.  
189 Chairman Neubauer stated they do still exist. Ed Tinkle stated Gateway was not even  
190 copied on these letters of noncompliance. Ed Tinkle stated a pipe needs to be put in  
191 and the question is who will do these improvements. Al Abdo stated the lots were also  
192 built wrong. Chairman Neubauer stated "why should the District take all these issues on  
193 and then have the residents pay for it. It is not their fault and not their responsibility.  
194 Let's go to the faulty party and seek damages." Ed Tinkle suggested he would get the  
195 WAC to have Lennar at the next WAC meeting along with their engineer to come up  
196 with a plan to resolve this problem.

197  
198 Supervisor Fineberg asked why no Road Turn-Over Committee minutes. Supervisor  
199 Sichel stated the committee has not met. Supervisor Sichel talked to Paul Wingard  
200 letting him know he was not going to talk to him due to Sunshine Laws. Supervisor  
201 Sichel stated the memorandum has not been determined.

202  
203 Supervisor Doragh asked if we found the policy regarding the committee policy which  
204 was done in the past. Chairman Neubauer stated it will be discussed at the next  
205 meeting.

206  
207 Chairman Neubauer asked what happen to the workshop of Rules of Procedure.  
208 Anthony Pires discussed that on April 5, 2012 Rules of Procedure Workshop is  
209 scheduled.

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211 **5. APPROVAL OF CONSENT AGENDA ITEMS**

- 212 **A. Approval of November 3, 2011 Meeting Minutes**  
213 **B. Approval of December 1, 2011 and December 15, 2011 Meeting Minutes**  
214 **C. Approval of January 5, 2012 and January 19, 2012 Meeting Minutes**

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(02:07:26)

MOTION TO:	Approve all Board minutes.
MADE BY:	Chairman Neubauer
SECONDED BY:	Supervisor Guy
DISCUSSION:	None further.
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

Supervisor Fineberg had further discussion regarding minor revisions.

**D. Approval of Operations and Maintenance Expenditures, March 2012**

**E. Approval of Enterprise Fund Expenditures, March 2012**

(02:07:43)

MOTION TO:	Approve Operations and Maintenance Expenditures, March 2012 and Enterprise Fund Expenditures, March 2012
MADE BY:	Chairman Neubauer
SECONDED BY:	Supervisor Fineberg
DISCUSSION:	None further.
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

**F. Summary of Construction Requisitions, February 2012**

(02:08:01)

MOTION TO:	Approve Summary of Construction Requisitions
MADE BY:	Supervisor Fineberg
SECONDED BY:	Chairman Neubauer
DISCUSSION:	None further.
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

**G. Contracts and Purchases**

**i. Approval of Pool Lift and Drain**

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(02:08:11)

MOTION TO:	Approve pool lift.
MADE BY:	Supervisor Fineberg
SECONDED BY:	Chairman Neubauer
DISCUSSION:	None further.
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

Chairman Neubauer commented on having a double deco drain is much better to improve water discharge. Supervisor Doragh stated the lift chair is mandatory requirement by ADA by April 1, 2012. Supervisor Doragh stated we should just repair the drain. Al Abdo stated it is not safe and is causing a trip hazard.

(02:13:00)

MOTION TO:	Not to exceed \$10,000 regarding the drain.
MADE BY:	Supervisor Sichel
SECONDED BY:	Supervisor Doragh
DISCUSSION:	None further.
RESULT:	Called to Vote: motion PASSED 5/0, motion passed unanimously

## 6. BUSINESS ITEMS

### B. In Depth Analysis of Rates and Revenues and Visit by Burton Consultants

Supervisor Sichel wants an effective date on the rate schedule regarding the resolution. Anthony Pires agreed.

### C. Stoneybrook Facilities & Maintenance Agreement

Joe Mikulka stated the Stoneybrook Facilities & Maintenance Agreement was discussed earlier and requested to come back to the next meeting. A question was asked by the Board if the staff at Stoneybrook was restricting access to the Stoneybrook roads. Joe Mikulka stated an individual needs a purpose to enter Stoneybrook. Anthony Pires stated that Stoneybrook has been advised by the District before that a person cannot be denied access and the gate staff cannot detain them or preclude them/people from going on District roads. Anthony Pires further stated the community could give them a District road map. Supervisor Doragh asked who manages the Gate House. Peter Altman stated the agreement was terminated. Supervisor Doragh stated the District should operate that community asset that the District owns. Supervisor Doragh stated the District is responsible for everything, pay for everything and then let them run the Gate House. Joe Mikulka stated Stoneybrook residents pay for this via their taxes.

298 Supervisor Doragh agreed the residents of Stoneybrook pay taxes but they come to the  
299 District and the District pays the necessary bills with that tax money. Supervisor Doragh  
300 stated we have never turned over a District facility in the past, why are we doing this  
301 now. Joe Mikulka stated the gates at times have been broken for an entire weekend.  
302 Stoneybrook has contacted the District to fix things. Supervisor Fineberg stated they are  
303 only interested in the residents to have access control for the Gate House because we  
304 felt it was important due to our proximity to Lehigh Acres. Joe Mikulka stated it is  
305 important enough to Stoneybrook to spend a small fortune to put a fence around the  
306 community. Supervisor Guy stated let them run the Gate House. The District should not  
307 pay because there is no agreement. Anthony Pires stated Chapter 190 access control is  
308 different than maintenance agreement and the contract is not with District and the  
309 security vendor it will be the vendor of the Stoneybrook Association. Chairman  
310 Neubauer stated "we are nowhere near to settling this agreement and there is a need  
311 for a bidding process. I suggest we do that immediately." Anthony Pires stated Exhibit  
312 A is from Stoneybrook and Exhibit B is from Anthony Pires which is revised and  
313 submitted. There was further discussion regarding tabling this item and Supervisor  
314 Doragh requested a date to be attached to this and finally put this to bed. Chairman  
315 Neubauer suggested he and Anthony Pires will get together and settle this agreement.

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317 (02:37:15)

318 MOTION TO:	Table this item.
319 MADE BY:	Supervisor Guy
320 SECONDED BY:	Chairman Neubauer
321 DISCUSSION:	None further.
322 RESULT:	Called to Vote: motion PASSED
323	5/0, motion passed unanimously

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325 **D. Human Resource Employee Benefits**

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327 Peter Altman stated the only way to avoid an increase in benefits is raising the  
328 deductibles from \$4000 to \$8000. Peter Altman recommended staying with the current  
329 vendor and accepting the reality of the market and allows renewing. Supervisor Sichel  
330 stated if we take out the spousal renewal it is not 16.73 % increase.

331  
332 Supervisor Sichel discussed the continual increases with United Healthcare and is  
333 in favor of looking for another plan or the District should not pay 100% for  
334 employees. He stated the employees need to contribute to their premium. Supervisor  
335 Doragh agreed that the employees need to share the expense. Supervisor Doragh asked  
336 if the employees are offered options. Al Abdo stated the HMO is not offered because it  
337 is more expensive. Peter Altman stated United Healthcare is the dominant carrier.  
338 Supervisor Fineberg stated BCBS is the dominant carrier and Chairman Neubauer



339 agreed. Peter Altman stated it is more expensive with a 20% increase. Supervisor  
 340 Doragh stated to accept this now but in the future the District needs to take incremental  
 341 steps toward the employees paying a portion toward their premium.  
 342

343 (02:40:41)

344	MOTION TO:	Approve employee benefits.
345	MADE BY:	Supervisor Guy
346	SECONDED BY:	Chairman Neubauer
347	DISCUSSION:	None further.
348	RESULT:	Called to Vote: motion PASSED
349		4/1, Supervisor Sichel opposed

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 353 **E. Pelican Preserve DRI Update**

354 Anthony Pires stated the Operations Manager did a fine job outlining this DRI update.

355 Al Abdo stated this will be placed on the website this week.

356 **7. STAFF REPORTS**

357 **a. District Counsel**

358  
 359 Anthony Pires asked for specific languages in the development order that where the  
 360 District and the County would enter into an agreement for maintenance of the roads.  
 361 Supervisor Fineberg stated it is important to maintain the character of the community.  
 362 Chairman Neubauer stated the mood changed at the last meeting and did not seem as  
 363 adversarial. Supervisor Doragh stated the District is not obligated to own the roadways.  
 364 Anthony Pires stated he will attend the hearing and not raise objection and state it is not  
 365 the language we wish but if not providing further changes then it is acceptable.  
 366

367 **8. BUSINESS ITEMS Continued**

368 **a. Fairway Lakes Office Park**

369 Supervisor Sichel stated the District does not own this but is there anything the District  
 370 can do to change this. Anthony Pires stated we do not have the ability to do anything  
 371 without an interest in the property. Supervisor Guy stated whether we do it or not it  
 372 sets precedents and could be expensive down the road and we should also have a photo  
 373 of the appearance of the location not a map. Supervisor Fineberg asked if the property  
 374 is owned by an entity that is dissolved. Anthony Pires stated there would be a need to  
 375 re-establish them. Supervisor Doragh stated the community has an interest in  
 376 maintaining the property values within the community and the landscaping and the  
 377 expense will be minimal and temporary expenditure and one create a bridge in time so  
 378 the association can re-form itself.  
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(03:01:52)

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MOTION TO: Spend a \$1000 (one time) to install seasonal plants and maintain property including islands.

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MADE BY: Supervisor Doragh

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SECONDED BY: Supervisor Sichel

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DISCUSSION: None further.

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RESULT: Called to Vote: motion PASSED

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4/1, Supervisor Guy opposed

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b. General Matters of the District

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**Staff Reports continued (5.)**

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a. District Engineer

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b. District Operations

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c. District Manager

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i. Financial Statements and Summary Analysis PE January 31, 2012

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**9. SUPERVISOR COMMENTS**

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a. Recess To Audit Committee Meeting

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(03:06:00)

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MOTION TO: Convene to Audit Committee.

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MADE BY: Supervisor Doragh

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SECONDED BY: Supervisor Fineberg

406

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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(03:06:55)

411

MOTION TO: Invite the lowest three vendors to speak after considering their credentials which are Grau & Associates, Keefe, McCullough & Co., LLP and Rehmann.

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MADE BY: Supervisor Doragh

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SECONDED BY: Supervisor Fineberg

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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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420 Peter Altman stated we would present their presentation to the Board at the second  
421 meeting in April.  
422

423 Supervisor Sichel asked if it is appropriate to have a set term regarding agreement and  
424 negotiate the second year. Peter Altman stated the Board does have some flexibility  
425 Peter Altman stated the ranking will occur at the second meeting in April during the  
426 Audit Committee Meeting.  
427

428 (03:10:24)

429	MOTION TO:	Continue to move meeting to second meeting in April.
430	MADE BY:	Supervisor Doragh
431	SECONDED BY:	Chairman Neubauer
432	DISCUSSION:	None further.
433	RESULT:	Called to Vote: motion PASSED
434		5/0, motion passed unanimously

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436 **b. Return and Proceed to Regular Meeting**

437 **10. ADJOURNMENT**

438 Motion to adjourn meeting at 6:20 p.m.  
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440 (03:10:30)

441	MOTION TO:	Adjourn the meeting.
442	MADE BY:	Supervisor Fineberg
443	SECONDED BY:	Chairman Neubauer
444	DISCUSSION:	None further.
445	RESULT:	Called to Vote: motion PASSED
446		5/0, motion passed unanimously

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

467  
468 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed

469 meeting held on 6-21-12.

470 [Signature]

471 Signature

472 GL NEUBAUER

473 Printed Name

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479 Title:  
480  Chairman  
481  Vice Chairman

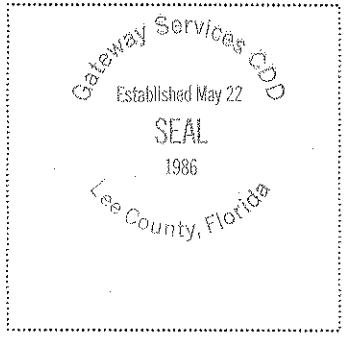
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Signature

PETER A. NEWMAN

Printed Name

479 Title:  
480  Secretary  
481  Assistant Secretary



Recorded by Records Administrator

[Signature]

Signature

10-2-12

Date