

MINUTES OF MEETING WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Willow Creek Community Development District was held on Friday, November 3, 2023, at 1:00 p.m. at 4735 Helen Hauser Blvd., Titusville, Florida.

Present and constituting a quorum were:

Steve McConn
Casey Dare
Chad Harvey
Bill Crawford

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary

Also present were:

Andressa Hinz Philippi
Matthew Hans
Rich Hans
Grace Kobitter

District Manager
Governmental Management Services
Governmental Management Services (by phone)
District Counsel (by phone)

FIRST ORDER OF BUSINESS

Oath for Mr. Matthew Ramirez

Ms. Hinz Philippi: We're not going to give the oath for Matthew Ramirez because he's no longer with this group, so they're going to appoint a new Board member at the next meeting.

SECOND ORDER OF BUSINESS

Roll Call

Ms. Hinz Philippi called the meeting to order and called the roll.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the August 4, 2023 Meeting

Ms. Hinz Philippi: The next item would be the approval of the minutes of the August 4, 2023 meeting and that is on page 4. I need a motion to approve, or any additions or deletions.

November 3, 2023

Willow Creek CDD

On MOTION by Mr. McConn seconded by Mr. Harvey with all in favor, the Minutes of the August 4, 2023 Meeting were approved.

FOURTH ORDER OF BUSINESS Consideration of:

A. Resolution #2024-01 Establishing an Electronic Signature Policy

Ms. Hinz Philippi: The next item would be consideration of resolution #2024-01 establishing an electronic signature policy. So, both of these resolutions were reviewed by Jennifer at Grace's office, and it does exactly what it's says, it establishes that you can sign documents by electronic signature, and I think that's very good for us, so when we have things to approve, we can just send it to you by email and you can sign it electronically. Then the second resolution #2024-02 we have the records retention policy for us to retain those documents. Grace, do you have any comments on that?

Ms. Kobitter: No additional comments unless the Board has any questions for me.

Ms. Hinz Philippi: Alright, so I'm looking for a motion to approve resolution #2024-01 establishing an electronic signature policy.

On MOTION by Mr. McConn seconded by Mr. Harvey with all in favor, Resolution #2024-01 establishing an electronic signature policy was approved.

B. Consideration of Resolution #2024-02 Adoption of Records Retention Policy

Ms. Hinz Philippi: And the next item would be resolution #2024-02 adopting the records retention policy, and that is pertaining to the electronic signature policy.

On MOTION by Mr. McConn seconded by Mr. Crawford with all in favor, Resolution #2024-02 adoption of records retention policy was approved.

C. Second Amendment to District Management Agreement between Willow Creek CDD and Governmental Management Services – South Florida, LLC

Ms. Hinz Philippi: The next item would be the second amendment to District management agreement between Willow Creek CDD and Governmental Management Services, South Florida, LLC, and that's on page 26. We also sent that to Jennifer's office to review, and if Grace has any comments we can take those. This is just an update on

November 3, 2023

Willow Creek CDD

our agreement because the original was from 2006 if I'm not mistaken, and this updates indemnification, insurance, and all the new set of updated versions of the requirements that we have for our Districts, and so we are giving that to you guys too for this CDD. So, I don't know, Grace, do you have any comments on that?

Ms. Kobitter: No, nothing just to recap, we just wanted to make sure that all of the provisions were up to date. (inaudible comment) This has been done in all of our other Districts as well, so unless the Board has any specific questions they'd like me to review, I'm going to ask that we go ahead and approve that, but nothing additional to add, thank you.

Ms. Hinz Philippi: Alright, so we need a motion to approve the second amendment to District Management Agreement.

On MOTION by Mr. McConn seconded by Mr. Harvey with all in favor, accepting the Second Amendment to District Management Agreement between Willow Creek CDD and Governmental Management Services – South Florida, LLC was approved.

D. Engagement Letter with Grau & Associates to perform the Audit for Fiscal Year Ending September 30, 2023

Ms. Hinz Philippi: The next item would be the engagement letter with Grau & Associates to perform the audit for fiscal year ending September 30, 2023, and on this one I just have one comment. So, this one is \$4,900 for this audit and I just wanted to make a comment that when we approved the amount it was set at \$3,400, but it was before we had the bonds, so they increased because of course the amount of work that comes with the bonds, the tax roll, and everything, so that was the change. If you guys would like, next year we can get three bids and come back to the audit selection committee, but if not, we're looking for a motion to approve the \$4,900, and that's not to exceed \$4,900.

On MOTION by Mr. McConn seconded by Mr. Harvey with all in favor, accepting the engagement letter with Grau & Associates to perform the audit for Fiscal Year ending September 30, 2023 not to exceed \$4,900 was approved.

November 3, 2023

Willow Creek CDD

FIFTH ORDER OF BUSINESS

**Ratification of LED Lighting
Agreements for Verona Street
Light Timing with Florida Power &
Light Company**

Ms. Hinz Philippi: The next item is ratification of the LED lighting agreements for Verona street light timing with Florida Power & Light. I just need a motion to ratify.

On MOTION by Mr. McConn seconded by Mr. Harvey with all in favor, ratifying the LED lighting agreements with Verona street light timing with Florida Power & Light Company was approved.

SIXTH ORDER OF BUSINESS

Landscape Proposals:

A. Meadowbrook Acres of South-Central Florida, Inc.

B. BrightView Landscape Services

C. Down to Earth Landscape & Irrigation

Ms. Hinz Philippi: The next item would be landscape proposals, and we have three companies that you can see on page 55. So, we have proposals from Meadowbrook, BrightView, and Down to Earth, and I did some comparisons and put together a spreadsheet for you guys here. So, if you look at the final amount of \$139,960, that's for Meadowbrook, the final amount of \$126,750.35, that's for BrightView, and the final amount of \$99,749.67 is for Down to Earth. The mulch is included in Meadowbrook's price, but the mulch is not included in the monthly rate for BrightView and Down to Earth because it's not included in the payments we make monthly, but the final price here is this, so it's included in the price. Mulch for Meadowbrook is \$36,000 and they apply it once a year, the other two are also doing it once a year, but their amounts are smaller. The difference is, they are charging us monthly for the mulch, but they apply just once a year also, so that is the difference there.

Mr. Matthew Hans: Yes, and I can say one thing too, on the Meadowbrook, the mulch I think we can probably get them to lower the price more because when they went to lay the mulch this past month, or a month ago, they were going to charge us \$6,000 for the amount of mulch that they laid down, so I think their \$6,000 might be a little bit of a high estimate.

Mr. McConn: But that was a one-time mulch, or was that for the whole year?

November 3, 2023

Willow Creek CDD

Mr. Matthew Hans: That was for mulching the front entrance, we only have mulch for the CDD.

Ms. Hinz Philippi: So, Matt I want to ask you a question, this is \$139,960 but, on their proposal here it's \$144,465.

Mr. Matthew Hans: Yes, it was annuals, and we don't have any annuals, all of our plants in the community are perennials right now.

Ms. Hinz Philippi: Ok, so on this price they included the annuals?

Mr. Matthew Hans: Yes.

Ms. Hinz Philippi: Alright, so were there any questions on that?

Mr. Matthew Hans: Down to Earth is the cheapest, they're also the furthest away, realistically, I'd say personally, it's either Meadowbrook or BrightView in terms of the people that came out, and we have a relationship already with Meadowbrook as well for the price difference, so I don't know if it's worth swapping.

Mr. Dare: Well, what we encountered in other communities where we've made a change, you have some companies that do what I'll call almost like an HOA level look versus what the builders want still in the building sales process, so what the homeowners want to spend versus what the builder wants to spend, and look expectational with what the builder wants as far as like it being highly maintained versus just keeping the grass cut, so there is a difference in that appearance, and once the builder is involved, they just don't understand that's not what we're looking for.

Mr. Matthew Hans: Understood.

Mr. Dare: So, even though you get what you think is a comparable scope, it's not strictly comparable.

Mr. McConn: So, the price from BrightView is \$136,000, is that their bid?

Ms. Hinz Philippi: It's \$126,000.

Mr. McConn: Ok, so \$126,000 and Meadowbrook is \$144,000 and we're not sure if the \$36,000 is accurate for the mulch is that correct?

Ms. Hinz Philippi: No, it's \$139,960.

Mr. Matthew Hans: Right, and if you look at the breakdown of the general maintenance for Meadowbrook it's \$93,000, and BrightView is \$101,000, and Meadowbrook is charging slightly more for irrigation maintenance, \$3,500 to BrightView's

November 3, 2023

Willow Creek CDD

\$1,800, and then fertilization is pretty much identical, the only difference is really the mulch.

Mr. McConn: But the pricing would be almost the same and the relationship and expectation set, I wouldn't go with a new company.

Ms. Hinz Philippi: I think we should really talk to them about the amount of mulch because if the two other companies are saying one time a year is around \$14,000 or \$16,000 and they are at \$36,000 we should just come back to them to ask them to re-evaluate that.

Mr. Dare: Also, keep in mind that they've been kind of told to keep the mulch more fresh on our end, because to freshen mulch more frequently, especially along the entry drive, has a better look than just once a year where you're only just trying to keep the weeds down.

Mr. Matthew Hans: And in their contract did you specify mulching once a year, because I'll speak to them, and we can get that kind of straightened out language-wise.

Ms. Hinz Philippi: And probably just set up for now like 4 times per year for mulch and then you have the amount there for it.

Mr. Rich Hans: So, why don't you approve the agreement taking the mulch out, and then add a separate agreement for mulch, or pricing on mulch separately?

Mr. Matthew Hans: Does that sound good?

Mr. McConn: That's fine.

Mr. Matthew Hans: Ok.

Mr. McConn: I'll make a motion to approve Meadowbrook Acres maintenance contract removing the mulch and initiating that separately.

Ms. Hinz Philippi: So, it's going to be then \$105,000, so not exceed \$105,000.

Mr. McConn: Right.

Ms. Hinz Philippi: And then the mulch is going to be billed separately per occurrence.

Mr. Dare: And we'll have a conversation to determine whether we're going to do mulch once a year, or twice a year, so we'll figure that out.

Ms. Hinz Philippi: Right, so we can have like per occurrence and then it will be billed separately.

November 3, 2023

Willow Creek CDD

On MOTION by Mr. McConn seconded by Mr. Crawford with all in favor, accepting the proposal from Meadowbrook Acres of South-Central Florida, not to exceed \$105,000, removing the mulching and making that a separate billing per each occurrence was approved.

SEVENTH ORDER OF BUSINESS Lake Proposal for Additional Services

A. Addendum to Annual Services Contract with Solitude Lake Management

Ms. Hinz Philippi: The next item would be the lake proposal for additional services, and if you look at your agenda they are proposing to add ponds 4 and 5 and that will include \$300 a month for the service, and you have been out with them Matt, do we also have an invoice for the fountains?

Mr. Matthew Hans: They've not sent over the invoice for the fountain yet, but the timer had to be replaced on the fountain since it was not functioning properly so it should be good going forward as well.

Ms. Hinz Philippi: And you went out with them?

Mr. Matthew Hans: Yes.

Ms. Hinz Philippi: So, this is just to add those two ponds at \$300 more per month.

Mr. Matthew Hans: And they're going to treat the retention areas as well that's in between the clubhouse and pond 4.

Ms. Hinz Philippi: Alright, so I need a motion to approve the addendum to the annual services contract with Solitude Lake Management.

On MOTION by Mr. McConn seconded by Mr. Harvey with all in favor, accepting the addendum to the annual services contract with Solitude Lake Management for additional services in the amount of \$300 per month for ponds 4 and 5 was approved.

EIGHTH ORDER OF BUSINESS Discussion of Meeting Location

Ms. Hinz Philippi: The next item would be discussion of meeting location, and I think I have expressed to Steve that the other hotel that we had, they were asking for 60 days in advance confirmation, and we can't do that. Here they accommodate us for 15

November 3, 2023

Willow Creek CDD

days in advance so we can check with the Board 15 days prior to the meeting date to confirm the quorum and then let them know.

Mr. McConn: That's fine.

Ms. Hinz Philippi: So, if it's ok for us to do that we will.

Mr. McConn: Yes, let's keep doing that, and then hopefully sometime next year we'll have a clubhouse that we can relocate to.

Ms. Hinz Philippi: Alright, so for now we are going to change the location to 4735 Helen Hauser Blvd., Titusville, Florida, 32780 for this fiscal year which started in October. So, I need a motion for that meeting location change.

On MOTION by Mr. McConn seconded by Mr. Crawford with all in favor, authorizing staff to advertise to change the Fiscal Year 2024 Meeting location to 4735 Helen Hauser Blvd., Titusville, Florida 32780 was approved.

NINTH ORDER OF BUSINESS

Staff Reports

Ms. Hinz Philippi: The next item would be staff reports, attorney, Grace, do you have anything for us?

A. Attorney

Ms. Kobitter: No, I don't have anything to report unless the Board has any questions for me.

Ms. Hinz Philippi: Not hearing any questions, thank you so much Grace.

B. Engineer

Ms. Hinz Philippi: I don't think we have the engineer with us today.

C. Field Manager

Ms. Hinz Philippi: Moving on to field manager, Matt do you have anything else?

Mr. Matthew Hans: Yes, on the erosion problem that we've been having on CDD property behind some of the lots, the plan is for me and Jeff to go through next week and identify all the locations on CDD property that eroded and we'll re-sod those areas on the CDD side, and then we're going to keep track of those areas as well because some of the locations it looks like it might be an issue from their irrigation system causing some of the washout, there's a lot of sand at some of the locations which is usually the cause of that, or

November 3, 2023

Willow Creek CDD

that's usually a side effect of that cause. So, we're going to document all those as well, if that area specifically starts eroding again, we're going to give the homeowners a day and let them know we're going to take care of their irrigation system because that might also be causing the problem.

Mr. Crawford: The issues that I'm dealing with back up to the conservation area when they run those commercial mowers.

Mr. Matthew Hans: Right, that's not helping at all.

Mr. Crawford: No, because some of the places are easy to run them but, others are not, it's not wide enough and once they start digging in the rocks and the sod, you're getting the erosion and it happens pretty quickly, especially here in Brevard County where it rains every day.

Mr. Matthew Hans: Right, and the water does not help at all, now they're supposed to be going through with weed whackers but, they have not given us the number for doing that yet either. So, when Jeff isn't there, the crew kind of does this. They do it but, I've been on top of Jeff to get us the number to have them go through with weed whackers, and I have actually, or BrightView suggested a push mower as well, but it would be much lighter and save them a lot of time, so I've asked them for that as well.

Mr. Crawford: And Village B, I was talking to Steve that we're probably going to, and the GC is the one that's been putting the sod in the back but, like I said, between mowing that area and I don't know how much they charge per lot every week and all the issues with erosion, unless we switch the vegetation that you basically can't mow then it's only, and Meadowbrook said it's only like twice a year, so I have to get the numbers of what that is to just have them install vegetation versus sod because I think in the long run it's going to benefit KB and the CDD as far as maintenance, and homeowner complaints because there's probably like 20 people I've had to deal with. So, if you take in every year that we keep having more and more people, it's going to overload the CDD.

Ms. Hinz Philippi: Ok that sounds good, anything else Matt?

Mr. Matthew Hans: No, that's about all I have, we can explore prices for the CDD area as well to get that done too.

Mr. Crawford: Ok.

Mr. Matthew Hans: Because that would also cut down on our maintenance costs as well because that's most of our CDD areas that run behind each individual home.

November 3, 2023**Willow Creek CDD****D. Manager****1) Insurance Policy Renewal and Appraisal with Egis Insurance & Risk Advisors****2) Mail Notice to Residents for Wild Hogs**

Ms. Hinz Philippi: Alright, so moving on to item D under manager. I added to the agenda the insurance policy renewal with Egis, and Egis Insurance has been our company that we use for the insurance for most of our CDDs. You have here the property schedule and I just put it on the agenda so you guys can take a look and see if there is anything that you think is out there that we should add like maybe a pump or something that was added that we don't have the knowledge of, we should put it here on this. As far as price, last year we paid for the premium of \$6,886 and this year it was \$7,161, which is like a 4% increase and all insurances went up, so that was a little amount for this District, so that was good. I just need a motion to approve and ratify this renewal with Egis.

On MOTION by Mr. Crawford seconded by Mr. McConn with all in favor, accepting the insurance policy renewal and appraisal with Egis Insurance & Risk Advisors was approved.

Ms. Hinz Philippi: Then on page 133 you have the hog letter that we sent out, I just wanted this to be part of the record, as we said at the last Board meeting we were going to send this to all of the residents, so we did that. We put all the different ways that they can deal with the hogs, and I think it was good because we haven't heard much back from the residents since, so I think that worked.

TENTH ORDER OF BUSINESS**Financial Reports****A. Approval of Invoices****B. Acceptance of Unaudited Financials**

Ms. Hinz Philippi: The next item would be financial reports, tab A is the approval of invoices, and tab B is the acceptance of the unaudited financials. If you have any questions, please let me know, if not, we need a motion to approve those.

On MOTION by Mr. McConn seconded by Mr. Crawford with all in favor, the Invoices and the unaudited financials were approved.

November 3, 2023

Willow Creek CDD

ELEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Ms. Hinz Philippi: The next item would be Supervisor's request and audience comments. Just for the record we have no audience today, do we have any Supervisor's requests?

Mr. McConn: None.

TWELFTH ORDER OF BUSINESS

Adjournment

Ms. Hinz Philippi: Ok, not hearing any, I need a motion to adjourn.

On MOTION by Mr. McConn seconded by Mr. Crawford with all in favor the meeting was adjourned.

DocuSigned by:

Andressa Hinz Philippi

Secretary/Assistant Secretary

DocuSigned by:

Stephen McConn

Chairman / Vice Chairman