

MINUTES OF MEETING  
JULINGTON CREEK PLANTATION  
COMMUNITY DEVELOPMENT DISTRICT

The continued meeting of April 14, 2009 of the Board of Supervisors of the Julington Creek Plantation Community Development District was reconvened Tuesday, April 21, 2009 at 6:00 p.m. at the Julington Creek Plantation Club Multi-Purpose Room, 350 Plantation Club Parkway, St. Johns, Florida.

Present and constituting a quorum were:

Kathleen P. Minnis	Vice Chairman
April Spears	Assistant Secretary
Brian Pincket	Assistant Secretary by telephone
Del Dosch	Supervisor

Also present were:

James Oliver	District Manager
Wes Haber	District Counsel by telephone
Stacie Hernandez	Julington Creek Plantation CDD
Shelly Timbol	Julington Creek Plantation CDD

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Minnis called the meeting to order at 6:00 p.m.

Ms. Minnis stated the record will reflect that we have representatives from Cornerstone in the audience.

**SECOND ORDER OF BUSINESS**

**Consideration of Termination Date for Trim Terrific and Commencement Date for Cornerstone**

Ms. Minnis stated the second item on the agenda is consideration of termination date for Trim Terrific and commencement date for Cornerstone.

Mr. Haber stated as the board probably recalls at the last meeting we identified the fact that a protest was filed with respect to the district's decision to award the contract with Cornerstone. Between the last meeting and today's meeting as I think the board is aware Trim Terrific has decided to withdraw its formal protest so we are not doing the informal hearing

tonight and the board and Cornerstone is no longer being protested. As you may have also seen in connection with their withdrawal of their protest Trim Terrific has also requested that their transition date and what they mean by their transition date is the date on which their contract will terminate go on through July 1<sup>st</sup> of this year. Under the terms of the contract that the district has with Trim Terrific the district has the authority and the right to terminate that contract pretty much at any time. What the language in the contract said is that at such time as the district announces its intent to award a contract to a contractor selected pursuant to the solicitation process that the contract will terminate. The district has the flexibility to extend that contract for as long as it deems necessary. It also has the right to terminate it and move forward with entering into a contract with Cornerstone. Legally and from my perspective it is 100% a district decision. You have the ability to decide to enter into as long as the contract we are entering into with Cornerstone is still going to be the one year contract that we publicly procured, the timing of that contract is up to you as the board. Essentially this board has the authority to do what it wants to do as it relates to finishing the contract with Trim Terrific awarding the contract with Cornerstone. You have seen the letter from Trim Terrific's counsel as far as the withdrawal of the protest as well as the request for the July 1<sup>st</sup> termination date. I spoke with Cornerstone prior to today's meeting and I believe you have a representative there and I believe they put together a summary of their perspective of what they think is in the district's best interest as it relates to this issue. I think in light of receiving Trim Terrific's document and Cornerstone's as well it is up to this board to make a determination how it wants to address the issue.

Ms. Minnis stated we have the information. We have a letter from Trim Terrific that went to Wes and then we have one from Cornerstone. I would like to open the discussion to Stacie. In the past when you had transition with other contracts how much time have you normally had?

Ms. Hernandez responded I am not certain the last time we had a transition. I want to say 30 days but I don't recall.

Ms. Minnis stated I don't either. I know we had one contract ended then in another board meeting it would come up but we never discussed what happened in between.

Ms. Hernandez stated I don't recall.

Ms. Minnis asked Del or April do you have any questions or comments?

Mr. Dosch stated in my opinion I think a 30 day termination and acceptance of the new contract is adequate. We are sitting here April 21<sup>st</sup> do we set a date of June 1 as far as the transition period? I know Cornerstone has expressed that we are getting into the spring time, May, June and July are pretty aggressive months as far as controlling weeds and other detrimental things as far as grounds maintenance. I think 30 days will be adequate for transition.

Ms. Minnis stated I have a question for Cornerstone and when you give me the answer could you state your name for the record and the company you are with. Where is your equipment located at this time for this project?

Mr. Hicks stated our nursery is at Green Cove Springs.

Ms. Minnis asked so you have no need to relocate? You would just start the job on the date we give you?

Mr. Hicks responded right.

Mr. Pincket asked how quickly could Cornerstone start working? Could you start May 1?

Mr. Hicks responded certainly we could, yes.

Ms. Minnis stated my big concern is the irrigation and the number of pumps that we have, the fact that it is part CDD, part POA I think we need to give enough time that we have a proper transition.

Mr. Pincket stated I think I would like to hear Mr. Hicks speak to that as well. They are a large company I would think that within the next 10 days they could figure out which pumps are ours which pumps are POA's and HOA's and what they have to maintain. They ought to have a pretty good idea of that already but I think in 10 days they could probably figure it out. I'm not sure we need 30 days to figure that issue out.

Ms. Hernandez stated I think Del probably has a good feeling on that working with the grounds committee. It is extremely difficult. JEA has a hard time finding those irrigation meters. In fact JEA came out here and met with Len because Len has been here so long. He was the one to tell JEA where some of the meters were.

Mr. Pincket asked doesn't Jerry know where all these meters are?

Ms. Hernandez responded he does now. Jerry is not here right now and I don't want to speak for him but I believe he does know where they are all located at this point. I'm not 100%.

Mr. Hicks stated from that perspective we would like that time. Certainly we would like at least that much time to prepare for that and to learn those different things until the beginning of May. May 4<sup>th</sup> is actually a Monday I don't know how that plays into the contract terms and how you run that or whatever. Whether it is the 1<sup>st</sup> or the 4<sup>th</sup> either of those is fine with us from that standpoint. We are kind of used to looking at irrigation situations like that and a lot of the things we run up against we have tracking equipment we have had to find things if the location is not known and things of that nature.

Mr. Dosch stated as Stacie pointed out Brian, we are still trying to finalize our mapping on the POA side as far as valves, timers, etc. Is that reflection of probably because over the entire sprinkler system is becoming aged as far as 15 to 20 year plus, yes. It is mandatory that we need to get a handle on all of the timers and so forth. I think we have to possibly rely on Cornerstone as to their comfort level to come up to speed as far as the irrigation system, timers, valves, etc. If they are comfortable May 4, May 15, I can live with their expertise.

Mr. Pincket asked isn't the issue you are raising you are telling me we have it right now so we would have it with Trim Terrific and with Cornerstone regardless of who we use? You said the POA is trying to figure out which pumps are its pumps or manned by it?

Ms. Minnis stated I think the CDD has been more aggressive in identifying all of this and keeping a record as opposed to the POA. The problem is a lot of this is shared and who owns what and who maintains what depends on the piece of ground. It was all put in by the same person. The POA has been volunteers over time and they have had transitioning landscape companies and their records are not public so they are not as detailed and documented as ours and Stacie we know in the past has put a lot of work into getting this identified. The CDD's situation is different from the POA's. It is some of the same sprinklers on the same lines but our documentation I'm sure is much better.

Mr. Pincket asked how does that issue affect the decision we are making today? What I thought I was hearing was because of that issue we would be more inclined to wait more time before Cornerstone takes over versus less. If that is not what is being said correct me but if that is what I'm hearing I don't understand how that issue affects the decision we are making.

Ms. Minnis stated I asked the question if the time was needed for that reason. I just said, do we need this time because of the irrigation. We were just throwing out a number, what number is needed. We have gone back and forth so we are not definitively saying that.

Mr. Pincket stated I understand that Kathy. I just don't understand how the issue of the HOA and the CDD trying to figure out which sprinkler systems are owned or controlled by each of those respective bodies is driving the decision of whether or not we want to give Trim Terrific more time or less time and get Cornerstone in there early or less. I don't understand how that is driving that decision because we have that problem no matter who our landscape company is.

Ms. Minnis stated we were just saying how much time do they think they need, we know this is an issue that they need to be aware of and that is all we are bringing up. We are giving it to them to give them input to let them know that this issue exists, that these records have been mixed, etc. Since they are in the room we are providing this feedback to them.

Mr. Dosch stated Brian I just initially threw out the 30 days because that was a transition in the POA before but based on what Kathy stated and it appears and I agree that the CDD is far more active in keeping records of their irrigation system, 30 days was just a nominal number. If it is 10 days, if it is 15 days, I think we are all receptive to some kind of shorter time period as long as Cornerstone is agreeable.

Ms. Hernandez asked is there any thought or consideration given to Trim Terrific for having been servicing the community for 14 years? Giving them an opportunity to have 30 days to find another job for their company and their staff who work for them?

Mr. Pincket stated Trim Terrific from all I can see has done a very good job for the community. Trim Terrific has also been paid for the work they have done for those 14 years. That was the agreement they would do the work and we would pay them. Obviously, they have been compensated according to the agreement for those 14 years. This contract was put out for bid with the successful bidder was supposed to begin in April. I believe that is at least what the Cornerstone document says I don't have the bid documents in front of me. The only reason Cornerstone has not started already and the CDD has not already begun to realize the savings from this process is because Trim Terrific filed a protest to the bid process. A protest that frankly was done hastily, there is no legal basis for it and no consideration was given prior to filing that protest as to the viability for the basis for doing so. The delay has cost the CDD money at least one additional month and now they are asking for more time but a delay that was based on no foundation whatsoever and a delay that has cost the CDD attorneys fees and all of our time as we kind of dealt with this issue. Yes, Stacie, they have been a provider for 14 years

they have been compensated for that but most recently they now have cost the CDD a lot of money.

Ms. Hernandez stated I hear what you are saying, Brian. I know though over the last 14 years Len has always been one of the lowest bidders, he has done a lot of work for free and if I had to go back and document and write everything up I'm sure the district has saved far more than what was spent in the last couple of months. I have no question about that. It was just something that I thought that the board might think about a little more heart into the situation.

Ms. Minnis stated to Brian's point the documents were delivered in January so at that point because I remember it went out and we got it at the end of January to go on February's meeting. Now we are already into April with this process. He technically knew back in February that this was potentially coming. The notice and the fact that it went out for an RFP should have been the first sign. Yes, from what you said I do agree but I don't think it is also fair that the bidder give up two months.

Mr. Pincket stated I think it is a little bit more than the two months it is some of the points that Cornerstone made in their email are valid points. They certainly could be addressed over time but the longer we take to put Cornerstone in the longer it is going to take for them do their job appropriately. My thoughts are and I can't say a month is unreasonable but my thoughts are I would rather have Cornerstone in May 4<sup>th</sup> is what I'm hearing Mr. Hicks say is the time that he is comfortable taking over the job and that is what I would like to see happen.

Ms. Minnis asked does anyone else have any opinion on this?

Mr. Dosch stated I would agree spring is one of the toughest times to catch up and maintain weed control and get control of the grounds so if Cornerstone recommends that they can begin May 4<sup>th</sup> and be comfortable getting up to speed I'm comfortable with that.

Ms. Minnis asked is there a motion from either Brian or Del?

Mr. Pincket stated Wes has to correct me if I'm using the wrong terminology but I think what we are talking about is a motion to terminate the CDD's contract with Trim Terrific effective the end of the day May 3<sup>rd</sup> and have the Cornerstone contract begin May 4<sup>th</sup>.

Mr. Haber stated that is an accurate representation.

On MOTION by Mr. Pincket seconded by Mr. Dosch with all in favor the contract with Trim Terrific will be terminated at the end of the day May 3<sup>rd</sup> and the Cornerstone contract will begin May 4<sup>th</sup>.

**THIRD ORDER OF BUSINESS**

**Next Scheduled Meeting – May 12, 2009 at 6:00 p.m. at the Julington Creek Plantation Club Multi-Purpose Room, 350 Plantation Club Parkway**

Ms. Minnis stated the next scheduled meeting is May 12, 2009 at 6:00 p.m. at the Julington Creek Plantation Club.

On MOTION by Mr. Dosch seconded by Ms. Spears with all in favor the meeting adjourned at 6:23 p.m.

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Secretary Assistant Secretary

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Chairperson/Vice Chairperson