

**MINUTES OF MEETING**

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**WATERLEFE  
COMMUNITY DEVELOPMENT DISTRICT**

The continued meeting of the Board of Supervisors of the Waterlefe Community Development District was held on **Thursday, August 11, 2011 at 1:15 p.m.** at the Waterlefe Lefe Room, 995 Fish Hook Cove, Bradenton, Florida.

Present and constituting a quorum were:

Ken Bumgarner	<b>Board Supervisor, Chairman</b>
Tony Maddaloni	<b>Board Supervisor, Vice Chairman</b>
Mark Kalish	<b>Board Supervisor, Assistant Secretary</b>
Rosalyn Warner	<b>Board Supervisor, Assistant Secretary</b>
John Brocki	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Molly Syvret	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
John Toborg	<b>Operations Manager, Rizzetta &amp; Company, Inc.</b>
Andy Cohen	<b>District Counsel, Hankin, Persson, Davis, McClenathen &amp; Darnell</b>
Joe Rasset	<b>General Manager, Waterlefe Golf Club</b>
Doug Egly	<b>Regional Manager, Escalante Golf</b>
Darcy Leahy	<b>Property Management</b>
Elly Krasow	<b>Representative, Landscape Committee</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Syvret called the meeting to order and conducted the roll call.

**SECOND ORDER OF BUSINESS**

**Presentation of the Landscape  
Architecture Qualifications**

Ms. Syvret stated for the record that the qualifications packages received in response to the published Request for Qualifications were all timely submitted in accordance with the Request, and copies of each of the responding firms' submittal were mailed to the Board members prior to the meeting. Ms. Syvret stated that the responding firms were Heartwood & Bark, Simply Verde, and Swann & Associates.

Mr. Cohen advised the Board is proceeding under the Consults Competitive Negotiations Act. He advised that the Board will rank the firms one through three. He stated that based on the rankings, District Staff will proceed with negotiations with the highest ranked firm. Mr. Cohen stated that price will not be a considered factor in this process because of how the Statute reads. Based upon the rules of the District and the Statute, criteria to be considered in the ranking include as follows: ability of firm/personnel; certified minority business; location; past experience; past work for the Community Development District; recent, current, and previous work loads; and willingness to meeting time and budget requirements.

Ms. Warner advised that members of the Landscape Committee had an opportunity to go on a fact finding trip to review some of the previous work performed by the submitting firms. Ms. Warner advised that after seeing examples of each of the firms' work, Simply Verde seemed to be a stronger firm than Heartwood & Bark and Swann & Associates.

Mr. Bumgarner stated that he was unable to go on any site visits, however, he called references provided in the responses. He advised he was impressed by Simply Verde because the reference told him they are extremely professional and their follow through was outstanding. He said he was given good references on the others as well, however they were general and not exceptional.

Ms. Syvret asked if any one else had anything they would like to share and also advised that she received photos from the landscape committee which she forwarded to the Board.

Mr. Brocki advised that he has concerns with some of the provisions he saw in prior contract documents from Simply Verde. Mr. Cohen advised that in the event Simply Verde was the highest ranked firm, the District would request for them to provide a draft contract, which the Board would have the opportunity to review and provide comment. Discussion ensued regarding project management. Mr. Cohen asked Mr. Toborg if he had worked with any of the responding firms. Mr. Toborg advised he has not worked with the companies who responded to the Request for Qualifications.

Discussion ensued regarding the submittals for each firm and permitting.

Ms. Syvret asked each Supervisor to provide a ranking of the firms and if there is a difference in rankings the discussion can continue. The consensus was to rank Simply Verde as the highest ranked firm, Heartwood & Bark second, and Swann & Associates third.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board ranked Simply Verde as the most qualified submitting firm, followed by Heartwood & Bark and Swan & Associates, authorized District staff to negotiate a contract with the first ranked firm, and if a contract cannot be negotiated with the first ranked firm, Staff is authorized to proceed with negotiations with the highest ranked firm until a contract is successfully negotiated, for Waterlefe Community Development District.

Mr. Cohen advised that the District Staff will need to send protest letters to the second and third ranked firms. Simply Verde will receive a ranking letter advising they have been ranked first, so that negotiations can begin upon expiration of the protest period. Letters will be sent to the other firms advising of the rankings and their right to protest the rankings. He advised they have 72 hours to file a notice of protest and then they have seven days to file the official protest.

Simply Verde will be asked to provide a sample contract for District Staff and Board review prior to execution. Ms. Warner requested a pre-construction meeting with Simply Verde prior to onset of the work. Mr. Cohen advised that the District can either notice a special meeting to discuss concerns with the firm awarded the contract, or the Board can invite the firm to the September meeting. An alternative is the Board can attend, but not discuss issues, during the Landscape Committee meeting with the awarded firm.

Ms. Syvret stated that she wanted to make the Board aware that there are a few outstanding issues relating to the erosion work on Maritime Court and she has asked Mr. Schappacher to attend the next meeting to review the issues and make recommendations to resolve them.

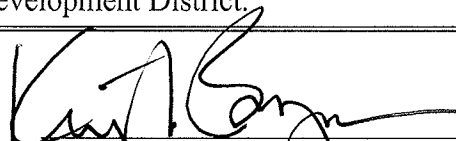
**THIRD ORDER OF BUSINESS**

**Adjournment**

Ms. Syvret stated that there was no further business to come before the Board and asked for a motion to adjourn.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board adjourned the meeting at 2:03 pm, for Waterlefe Community Development District.
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Secretary / Assistant Secretary

  
Chairman / Vice Chairman