

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.

CONCORDE ESTATES COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of Concorde Estates Community Development District was held on **Friday, June 10, 2011 at 9:11 a.m.**, at the Concorde Estates Clubhouse, located at 3151 Georgian Bay Lane, Kissimmee, Florida 34746.

Present and constituting a quorum:

Adam Schott	Board Supervisor, Vice Chairman
Christina Mahon	Board Supervisor, Vice Chair
Edwin Diaz	Board Supervisor, Assistant Secretary
Sailyn Gorrita	Board Supervisor, Assistant Secretary

Also present were:

Eric Dailey	District Manager, Rizzetta & Company, Inc.
Brady Lefere	District Manager, Rizzetta & Company, Inc.
Gregg Johnson	District Counsel, Brown, Garganese, Weiss & D'Agresta
Broc Althafer	District Engineer, Woolpert, Inc. <i>(via speakerphone)</i>
Kelly Evans	Representative, Rizzetta Amenity Services, Inc.
Richard McGath	Clubhouse Manager
Glenn Marvin	Representative, Maxcy Development Group
Harry Lerner	Representative, Maxcy Development Group <i>(via speakerphone)</i>
Jeremy Needham	Operations Manager, Rizzetta & Company, Inc.

Audience Members

FIRST ORDER OF BUSINESS

Call to Order

Mr. Dailey called the meeting to order and read the roll call.

Mr. Dailey introduced Mr. Needham and Mr. Lefere to the Board.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting held on
May 13, 2011**

Mr. Dailey noted that the minutes have been corrected to reflect that the meeting was held at the Anthem Park Clubhouse.

On Motion by Mr. Diaz, seconded by Mr. Schott, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on May 13, 2011 (as amended) for Concorde Estates Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for April 2011**

Mr. Dailey briefly reviewed the expenditures for the Board. A brief discussion ensued.

On a motion by Mr. Schott, seconded by Ms. Gorrita, with all in favor, the Board approved the Operation and Maintenance Expenditures for April 2011 (\$23,128.94) for Concorde Estates Community Development District.

FOURTH ORDER OF BUSINESS

**Continued Public Hearing on Special
Assessments from May 13, 2011**

On a motion by Mr. Schott, seconded by Ms. Gorrita, with all in favor, the Board opened the Continued Public Hearing on Special Assessments for Concorde Estates Community Development District.

Mr. Johnson stated that there is a portion of the overall settlement that the Board will be asked to consider today. He stated that the settlement has two basic parts, first, the agreement between the District, the Landowner, D. R. Horton, and the Single Purpose Entity (SPE) that is going to be taking title to the land via transfer. Mr. Johnson stated that the agreement was sent out via email to the Board and Mr. Dailey also has copies for the Board. He noted that the agreement has been executed by D. R. Horton. Mr. Johnson stated that the Bondholders, the Trustee and the SPE have also agreed to the form of that agreement. He stated that the agreement itself is in the same form as the one that was presented two months ago with the exception of one small part.

Mr. Johnson stated that once that agreement is executed it will set into motion the drafting of all of the real estate documents between the Bondholders, the Trustee and D. R. Horton. He stated that following that agreement's execution, the Public Hearing, which is open right now but will need to be continued, will be held for the approval and the restructuring of the bonds for that particular land. Mr. Johnson stated that will absolutely happen at the July meeting.

Mr. Dailey asked if there were any questions. There were none.

On a motion by Mr. Schott, seconded by Ms. Mahon, with all in favor, the Board continued the Public Hearing on Special Assessments to Friday, July 8, 2011 at 9:00 a.m. at the Anthem Park Clubhouse, located at 2090 Continental Street, St. Cloud, Florida 34769 for Concorde Estates Community Development District.

FIFTH ORDER OF BUSINESS

Discussion regarding Modification and Settlement Agreement and First Amendment to Modification and Settlement Agreement

Mr. Johnson stated that the first part is the actual Settlement Agreement between D. R. Horton and Maxcy Development Group Holdings, which is the SPE, and the Concorde Estates CDD. He stated that this agreement is the District's agreement to D. R. Horton's transfer of the land over to the SPE. Mr. Johnson stated that this agreement does mention the bonds and the need for those bonds to be restructured, the real estate closing, and the dismissal of the foreclosure lawsuit once everything is finalized. He asked if there were any questions. Mr. Diaz asked a question as to what had been modified in this agreement.

Mr. Johnson noted that this agreement releases D. R. Horton from any and all, past and future, known or unknown, causes of action that the CDD entity might have against D. R. Horton; he stated that it is not specifically limited to the transfer of this foreclosed land. He stated he is comfortable with this provision because the construction of the common amenities was directly contracted by the CDD and not by D. R. Horton. Mr. Johnson stated that by releasing D. R. Horton per the terms of this first amendment he did not feel that the District has any risk with regard to the construction issues. He noted that this purely relates to the District and is separate from any homeowner's ability to pursue D. R. Horton. Mr. Johnson stated that he has discussed this provision with the District Manager and the District Engineer and he could not think of any cause of action that the District might have against D. R. Horton that would be related to this provision. He asked if there were any questions. General discussion ensued.

Mr. Johnson noted that the Modification and Settlement Agreement references the payment of closing costs. He stated that the agreement is written such that the District will be responsible for paying the closing costs but they will be funded by the Trustee as stated in the Acknowledgement Agreement that is in the process of being executed. Mr. Johnson recommended that if the Board accepts this contract and directs the Chairman to execute it that the Board also place a caveat that the original will be withheld until a signed copy of the Acknowledgement Agreement is received.

Mr. Diaz asked Mr. Johnson to confirm that the existing individual homeowners have no liability with respect to these agreements.

Mr. Johnson stated that was correct. He stated that none of the bond assessments for the existing homeowners will change in any way as a result of this transaction.

On a motion by Ms. Mahon, seconded by Ms. Gorrita, with all in favor, the Board directed the Chairman to execute the Modification and Settlement Agreement and the First Amendment to the Modification and Settlement Agreement subject to District Staff holding the transmittal of the originals contingent upon the receipt of the executed Acknowledgement Agreement from the Trustee for Concorde Estates Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Recommendation from
Audit Review Committee**

Mr. Dailey stated that the Audit Review Committee met immediately prior to the Board of Supervisors' Meeting at a duly noticed meeting. He stated that the Audit Review Committee reviewed and ranked the proposals that were received in response to the Request for Proposals as follows: McDirmit Davis, number one, Carr, Riggs & Ingram, number two, and Grau & Associates, number three. Mr. Dailey asked if there were any questions or comments. There were none. Mr. Dailey requested that the Board approve a motion to accept the ranking as recommended by the Audit Review Committee and authorize District Staff to send out award letters and authorize the Chairman to execute an Engagement Letter.

On a motion by Ms. Gorrita, seconded by Ms. Mahon, with all in favor, the Board accepted the ranking as recommended by the Audit Review Committee (McDirmit Davis, number one; Carr, Riggs & Ingram, number two, and Grau & Associates, number three); authorized District Staff to send out award letters; and authorized the Chairman to execute an Engagement Letter with McDirmit Davis for Concorde Estates Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Proposals for Fence
Repair**

Mr. Dailey stated that these quotes are to restore the fence to perfect condition. He stated that from a structural standpoint the fence does not need to be replaced. Mr. Dailey stated that the gates in various areas do need to be replaced, as well as some of the ties and fence poles. He stated that Sunshine State's proposal came in the lowest and had the best warranty.

Mr. Dailey stated that he totaled up roughly what it would cost to repair the items minus putting in the black chain link and it would be approximately \$1,200.00 and he suggested having the proposals modified. Mr. Dailey noted that the Chairman has the authority, outside of a meeting, to approve proposals under a certain dollar amount.

Mr. Dailey recommended that the Board authorize the replacement and repair of the gates and latches and some of the fence fittings with a not-to-exceed amount of \$1,500.00 and authorize execution by the Chairman.

On a motion by Ms. Mahon, seconded by Mr. Diaz, with all in favor, the Board authorized the replacement and repair of the gates and latches and some of the fence fittings with a not-to-exceed amount of \$1,500.00 and authorized execution by the Chairman for Concorde Estates Community Development District.

Mr. Dailey noted that there is also a PVC fence pressure washing quote in the package; he stated that Rich McGath and Jeremy Needham are working with the new landscape maintenance company to get a bid from them.

EIGHTH ORDER OF BUSINESS

**Presentation of Fiscal Year 2011/2012
Proposed Budget**

Mr. Dailey briefly reviewed the budget process for the Board. He noted that a landowner notice is required per the District's Interlocal Agreement with Osceola County.

Mr. Dailey stated that the Fiscal Year 2010/2011 Final Budget was adopted at \$761,720.00. He stated that in view of the restructuring process that is not complete he is proposing the budget for Fiscal Year 2011/2012 at the same amount. Mr. Dailey stated that he did move some numbers around and he referred the Board to the budget analysis beginning on page 8. He briefly reviewed the budget line items for the Board. Mr. Dailey stated that if the budget is adopted as proposed there will be no change in the assessments.

Mr. Dailey recommended that the Board consider doing a Reserve Study next year; he stated that the cost would be approximately \$3,500.00.

Mr. Johnson noted that this is just the approval of a Proposed Budget; it is not the adoption of the Final Budget. He stated that the Board has the option to make any line item changes at the Public Hearing.

Mr. Dailey asked if there were any questions or comments. There were none.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2011-12,
Approving Fiscal Year 2011/2012
Proposed Budget and Setting the Date,
Time and Location for the Public Hearing**

Mr. Dailey recommended that the Board set the Public Hearing for the August meeting.

On a motion by Ms. Mahon, seconded by Mr. Schott, with all in favor, the Board adopted Resolution 2011-12, Approving Fiscal Year 2011/2012 Proposed Budget (\$761,720.00) and Set the Date, Time and Location for the Public Hearing to be Friday, August 2, 2011 at 9:00 a.m. at the Concorde Estates Clubhouse, located at 3151 Georgian Bay Lane, Kissimmee, Florida 34746 for Concorde Estates Community Development District.

TENTH ORDER OF BUSINESS

Presentation of Monthly Maintenance Reports

Mr. Dailey reviewed the American Ecosystems report and the Davey partial month summary for the Board. He stated that Davey's contract started on June 1st and he met with them on June 3rd along with Rich McGath, Jeremy Needham and John Toborg. He stated that Davey is very excited about working with the District. Mr. Dailey stated that Davey told him that they had under quoted the tree trimming but they will honor their price. He stated that Davey would like to try a new "green certified" mulch which is available in a number of different colors. Mr. Dailey stated that Davey would like to pull the pine bark mulch out of the bed next to the back pool gate and install a few different types of mulch at their cost for the Board to look at over the next month. He stated that Davey will bring a full presentation at the July meeting for the Board's consideration.

No formal Board action was taken.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel
No report.

B. District Engineer
Mr. Althafer provided a brief update with regard to the wetland maintenance that is required to close out the Water Management District and Army Corps of Engineer permits. He stated that Aquatic Maintenance and Consulting has started the maintenance activity in the large on-site wetland as previously approved by the Board. Mr. Althafer stated that they should be finished by the end of next week and it will take approximately two or three weeks before all of the exotic and nuisance species are completely dead. He stated that WilsonMiller can then be sent out to inspect and close out the permits.

C. Clubhouse Manager
Ms. Evans briefly reviewed the Operations Report for the Board.

D. District Manager
Mr. Dailey stated that Mr. Needham will be providing a report for the Board starting with the next meeting.

Mr. Dailey stated that the next meeting will be held on Friday, July 8, 2011 at 9:00 a.m. at the Anthem Park Clubhouse, located at 2090 Continental Street, St. Cloud, Florida 34769. Mr. Dailey noted that the Public Hearing on Special Assessments will be continued until that meeting.

Mr. Dailey stated that the Carol King contract also included picking up the trash receptacles. He stated that Davey has provided a proposal to pick up the 16 trash receptacles once per week for \$294.00 per month, which is approximately a \$50.00 per month increase over the Carol King price.

Mr. Dailey stated that Rich McGath currently picks up the trash around the Clubhouse and he has offered to pick up the 16 trash receptacles if the District is willing to cover his gas and the trash liners. A brief discussion ensued. The Board determined to have Mr. McGath pick up the trash receptacles at this time.

Mr. Dailey stated that District Staff has been investigating alternatives to the Envera contract without success; he stated that other companies would have to install new equipment. Mr. Dailey stated that Envera has agreed to extend their contract for one year without any price increase. He noted that he has proposed a 30-day termination addendum to the contract. Mr. Dailey stated Mr. McGath and Mr. Needham will be obtaining proposals in the new few months for some additional cameras. A brief discussion ensued.

TWELFTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Marvin asked for an update on the ADA compliance issue. Mr. Dailey stated that he is working on getting a proposal for an ADA compliance evaluation. General discussion ensued. No formal Board action was taken.

There were no Supervisor requests.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On a motion by Ms. Gorrita, seconded by Mr. Schott, with all in favor, the Board adjourned the meeting at 10:03 a.m. for Concorde Estates Community Development District.


Secretary/Assistant Secretary


Chairman/Vice Chair