



**AVENIR
COMMUNITY DEVELOPMENT
DISTRICT**

**CITY OF PALM BEACH GARDENS
SPECIAL BOARD MEETING
SEPTEMBER 9, 2019
12:00 P.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.aveniredd.org
561.630.4922 Telephone
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AGENDA
AVENIR COMMUNITY DEVELOPMENT DISTRICT
The Oaks Center
2501 Burns Road, Suite A
Palm Beach Gardens, Florida 33410
SPECIAL BOARD MEETING
September 9, 2019
12:00 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. August 22, 2019 Regular Board Meeting.....Page 2
- G. Old Business
- H. New Business
 - 1. Consider Resolution No. 2019-16 – Setting a Public Hearing to Levy Assessments.....Page 6
 - 2. Consider Approval of Supplement to the Engineering Report.....Page 10
- I. Administrative Matters
- J. Board Member Comments
- K. Adjourn

Palm Beach Daily Business Review

Aug. 30, 2019

Miscellaneous Notices

AVENIR COMMUNITY DEVELOPMENT DISTRICT NOTICE OF SPECIAL BOARD MEETING

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Avenir Community Development District will hold a Special Board Meeting on September 9, 2019, at 12:00 p.m. in the Conference Room of Special District Services, Inc. located at the Oaks Center at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

The purpose of the Special Board Meeting is to supplement the Report of the District Engineer, to consider a resolution setting a Public Hearing for October 2019 and any business coming before the Board. The Special Board Meeting is open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the Agendas for this Special Board Meeting may be obtained from the District's website or by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 prior to the date of the meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at this Special Board meeting, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the meeting.

Meetings may be cancelled from time to time without advertised notice.

AVENIR COMMUNITY DEVELOPMENT DISTRICT

www.avenircdd.org

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**AVENIR COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 22, 2019**

A. CALL TO ORDER

The Regular Board Meeting of the Avenir Community Development District was called to order at 12:13 p.m. in the Offices of Greenberg Traurig located at 5100 Town Center Circle, Suite 400, Boca Raton, Florida 33486.

B. PROOF OF PUBLICATION

Proof of publication was presented which indicated that notice of the Regular Board Meeting had been published in *The Palm Beach Daily Business Review* on May 3, 2019, as legally required.

C. ESTABLISH A QUORUM

A quorum was established with the following Supervisors in attendance: Chairperson Virginia Cepero, and Supervisors Daniel Lopez and Eduardo Stern and it was in order to proceed with the meeting.

Also in attendance were: Jason Pierman of Special District Services, Inc.; District Counsel Dennis Lyles of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.; District Engineer Carlos J. Ballbe of Ballbe & Associates (via phone).

D. ADDITIONS OR DELETIONS TO AGENDA

Mr. Pierman noted that Mr. Ballbe had sent over change orders 24-33 for H&J earlier in the morning. A **motion** was made by Ms. Cepero, seconded by Mr. Lopez, and unanimously passed to add H&J change orders 24-33 under New Business.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. June 27, 2019, Public Hearing & Regular Board Meeting

The minutes of the June 27, 2019, Public Hearing & Regular Board Meeting were presented for approval.

A **motion** was made by Ms. Cepero, seconded by Mr. Lopez and passed unanimously approving the minutes of the June 27, 2019, Public Hearing & Regular Board Meeting, as presented.

Mr. Pierman then recessed the Regular Board Meeting and opened the Public Hearing.

G. PUBLIC HEARING – LEVY NON-AD VALOREM ASSESSMENTS

1. Proof of Publication

Proof of publication was presented which indicated that notice of the Public Hearing had been published in *The Palm Beach Daily Business Review* on August 5, 2019, and August 12, 2019, as legally required.

2. Receive Public Comment Regarding Intent to Levy Non-Ad Valorem Assessments

Mr. Pierman noted that no members of the public were in attendance. Upon discussion, due to the fact that not all professionals could not be in attendance in person, and the most recent methodology was unavailable for reference, a **motion** was made by Mr. Stern, seconded by Mr. Lopez, and unanimously passed to reschedule the Public Hearing for October 3rd, 2019 at 12:00. Mr. Pierman noted that staff would advertise for the rescheduled Public Hearing and would resend the notice to owners.

3. Consider Adjusting and Equalizing Non-Ad Valorem Special Assessment based on Comments from the Public

4. Consider Approval of the Project and the Levy of Special Assessments

5. Consider Resolution No. 2019-16 – (1) Levying Special Assessments; and (2) Adoption of Final Assessment Roll

H. OLD BUSINESS

There were no Old Business items to come before the Board.

I. NEW BUSINESS

1. Consider Approval of Scope of Services and Fee Proposal for North-South Road

Mr. Ballbe presented the Scope of Services and Fee Proposal for North-South Road, noting that the project was divided into three phases, and this phase covers the road from Northlake and Coconut Boulevards to the end of the development area.

A **motion** was made by Ms. Cepero, seconded by Mr. Lopez and passed unanimously approving the Scope of Services and Fee Proposal for North-South Road.

2. Consider Approval of Proposal to WGI for Continuing Services

Mr. Ballbe presented the proposal from WGI for Continuing Services, noting that this proposal continues the existing contract to handle dry utilities.

A **motion** was made by Ms. Cepero, seconded by Mr. Lopez and passed unanimously approving the proposal to WGI for Continuing Services.

3. Consider Approval of Proposal for Irrigation of the Avenir Clubhouse Site

Mr. Ballbe presented the proposal for irrigation design of the Avenir Clubhouse Site from David Fond Design.

A **motion** was made by Ms. Cepero, seconded by Mr. Lopez, and unanimously passed approving the proposal for Irrigation of the Avenir Clubhouse Site.

4. Consider Approval of Change Order No. 22 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 22, explaining that it is to increase the pipe size for lake interconnects 5, 6 and 7.

5. Consider Approval of Change Order No. 23 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 23, explaining that it is to purchase benches and bus shelters for the spine road, phase one.

6. Consider Approval of Change Order No. 24 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 24, explaining that it is for entry feature fountains a lights.

7. Consider Approval of Change Order No. 25 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 25, explaining that it is for revisions to lift station number 2, required by Seacoast Utilities.

8. Consider Approval of Change Order No. 26 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 26, explaining that it is for the lake interconnect parcel A-2.

9. Consider Approval of Change Order No. 27 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 27, explaining that it is for the lake interconnect parcel A-4.

10. Consider Approval of Change Order No. 28 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 28, explaining that it is for the lake interconnect parcel A-5.

11. Consider Approval of Change Order No. 29 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 29, explaining that it is for a force main relocation A-4 turn lane.

12. Consider Approval of Change Order No. 30 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 30, explaining that it is for the bypass road water main relocation.

13. Consider Approval of Change Order No. 31 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 31, explaining that it is for additional drainage for turn lanes in Parcels A-4 and A-5.

14. Consider Approval of Change Order No. 32 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 32, explaining that it is for entrance feature grading.

15. Consider Approval of Change Order No. 33 from H&J Contracting for Phase One

Mr. Ballbe presented change H&J Change Order No. 24, explaining that it is for installation of pavers on the spine road.

A **motion** was made by Ms. Cepero, seconded by Mr. Lopez, and unanimously passed to approve H&J change orders 22-33.

16. Consider Approval of Partial Release of True Up Agreement – Pod 5

A **motion** was made by Ms. Cepero, seconded by Mr. Lopez and passed unanimously approving the Partial release of True-Up Agreement – Pod 5.

- Declaration of Covenants, Conditions and Restrictions and Reservation of Rights

J. ADMINISTRATIVE MATTERS

There were no Administrative Matters to come before the Board.

K. BOARD MEMBER COMMENTS

There were no comments from the Board Members.

L. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Cepero, seconded by Mr. Lopez and passed unanimously to adjourn the meeting at 12:45 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

RESOLUTION NO. 2019-16

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVENIR COMMUNITY DEVELOPMENT DISTRICT SETTING A PUBLIC HEARING TO BE HELD AT 12:00 ON OCTOBER 3, 2019, AT THE OFFICES OF GREENBERG TRAURIG, P.A., 5100 TOWN CENTER CIRCLE, SUITE 400, BOCA RATON, FLORIDA 33486, FOR THE PURPOSE OF HEARING PUBLIC COMMENT ON THE LEVY OF NON AD VALOREM SPECIAL ASSESSMENTS ON CERTAIN PROPERTY (PARCEL A-4) WITHIN THE BOUNDARIES OF THE DISTRICT PURSUANT TO CHAPTERS 190, F.S., 170, F.S., AND 197, F.S

WHEREAS, the Board of Supervisors (“Board”) of the Avenir Community Development District (“District”) has adopted Resolution No. 2019-12 (the “Initial Assessment Resolution”), for implementing the limits, definitions, purpose, intent, location, nature and estimated cost of the Improvements, as defined in the Initial Assessment Resolution, to be partially defrayed by certain non-ad valorem special assessments on certain benefited properties, referred to as Parcel A-4, within the boundaries of the District; and

WHEREAS, the Initial Assessment Resolution provides for the portion of the estimated cost of the Improvements to be defrayed by the Assessments, as defined in the Initial Assessment Resolution, and provides further for the manner in which such Assessments shall be levied, when the levy shall occur, and setting forth and designating the lands upon which the Assessments shall be levied, providing for an assessment plat, the preparation of a preliminary assessment roll, and related matters; and

WHEREAS, the Initial Assessment Resolution further provides for notice and conduct of a public hearing to consider the advisability and propriety of the Assessments and the related infrastructure Improvements; and

WHEREAS, pursuant to the Initial Assessment Resolution a preliminary assessment roll has been prepared and all of the conditions precedent (as set forth in applicable provisions of Chapter 190, F. S., 170, F.S. and 197, F.S., pertaining to the notice and conduct of the aforementioned Public Hearing) have been satisfied and all related documents are available for public inspection in the offices of 2501A Burns Road, Palm Beach Gardens, Florida 33410.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVENIR COMMUNITY DEVELOPMENT DISTRICT THAT:

Section 1. The above recitals are hereby adopted.

Section 2. There is hereby declared to be a public hearing to be held on October 3, 2019 at 12:00 p.m., at the offices of Greenberg Traurig, P.A., 5100 Town Center Circle, Suite 400, Boca Raton, Florida 33486, for the purpose of hearing questions, comments and objections to the proposed Assessments and the related infrastructure Improvements as described in the preliminary assessment roll, a copy of which is available for public inspection in the offices of Special District Services, Inc., The Oak Center, 2501A Burns Road, Palm Beach Gardens, Florida, 33410. Affected persons may either appear at the hearing or submit their written

comments prior to the meeting to the offices of Special District Services, Inc., The Oak Center, 2501A Burns Road, Palm Beach Gardens, Florida, 33410.

Section 3. Notice (substantially in the form attached hereto as Exhibit A) of said hearing shall be advertised in accordance with Chapters 170, 190, and 197 Florida Statutes, and the District Manager is hereby authorized and directed to place said notice in a newspaper of general circulation within Palm Beach County (by two publications one week apart with the last publication at least one week prior to the date of the hearing established herein). The District Manager shall file a publisher's affidavit with the District Secretary verifying such publication of notice. The District Manager is further authorized and directed to give thirty (30) days written notice by mail of the time and place of this hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all Assessments

PASSED, ADOPTED and EFFECTIVE this 9th day of September, 2019.

ATTEST:

**AVENIR
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

EXHIBIT A

NOTICE OF HEARING TO LEVY AND PROVIDE FOR THE COLLECTION AND ENFORCEMENT OF NON-AD VALOREM SPECIAL ASSESSMENTS (PARCEL A-4)

Notice is hereby given that the Board of Supervisors (the "Board") of the Avenir Community Development District (the "District"), located in Palm Beach Gardens, Florida, will conduct a public hearing to levy non-ad valorem special assessments against certain properties within the boundaries of the District. The general location of these assessment area one Improvements for Parcel A-4 is located approximately within the southeast 591.74+/- acres of the District, which District totals approximately 2,427.5 acres located approximately one (1) mile east of Pratt-Whitney Road on the North Side of Northlake Boulevard.

The purpose of the special assessments is to fund the cost of certain infrastructure improvements to certain properties within the area described above. The nature of the Improvements generally consists of roadway improvements, stormwater management system, water distribution system, sanitary sewer system, land acquisition, street lighting and signage, sidewalks and landscaping, and other related improvements, all as described more particularly in the Third Supplemental Engineer's Report for Special Assessment Bonds Series 2019 B (Parcel A-4 Project) and Taxable Special Assessment Bonds Series 2019 B (Parcels A-4 Project), dated June 27, 2019, prepared by Ballbe & Associates, and in the plans and specifications on file in the offices of Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410 (the "Improvements"). A description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained by all persons interested in the offices of Special District Services, Inc. 2501A Burns Road, Palm Beach Gardens, Florida 33410.

A public hearing to receive comments from affected property owners as to the propriety and advisability of making such Improvements, as to the cost thereof as to the manner of payment thereof; and as to the amount thereof to be assessed against each parcel will be held on October 3rd at 12:00 p.m. at the offices of Greenberg Traurig, P.A., 5100 Town Center Circle, Suite 400, Boca Raton, Florida 33486.

All affected property owners have a right to appear at the public hearing. Actions taken by the Board at this public hearing, or as the hearing may be continued, in adopting a final assessment resolution shall be the final adjudication of the subject presented, including the levy of the non-ad valorem special assessments, the ascertainment and declaration of special benefits peculiar to the property, the fairness and reasonableness of the duty to pay and the rate of assessment, unless proper steps are initiated in a court of competent jurisdiction within ten (10) working days of the date of Board action at the hearing.

If any person decides to appeal any decision made with respect to any matter considered at this Public Hearing, such persons will need a record of the proceedings and for such purpose said person may need to ensure that a verbatim record of the proceeding is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the Americans with Disabilities Act, this document may be requested in an alternative format. Auxiliary aids or services will also be provided upon request with at

least five (5) days notice prior to the proceeding. Please contact the District Manager at (561) 630-4922 or toll free at (877) 737-4922 for assistance. If hearing impaired, telephone the Florida Relay Service (800) 955-8771 (TDD) for assistance.

**CONSIDER APPROVAL
OF SUPPLEMENT TO THE
ENGINEERING REPORT**

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**