

**MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #2**

The Board of Supervisors of the Fiddler’s Creek Community Development District #2 held a Regular Meeting on April 24, 2024 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

Elliot Miller	Chair
Bill Klug	Vice Chair
Linda Viegas	Assistant Secretary
John Nuzzo	Assistant Secretary
William Tomazin Jr.	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Jon Phillips	Director, Foundation Operations
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Victor Ledezma	Fiddler’s Creek Landscape Manager
Andy Nott	Superior Waterway Services, Inc. (Superior)
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Sue Leone	Resident
Gayle Repetto	Resident
Nat Pappagallo	Resident
Ray Magill	Resident
Shannon Benedetti	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items (3 minutes per speaker)

Oyster Harbor resident Gayle Repetto asked if the Board would consider a Mosquito Control Department program in which fish are stocked in the lakes to control mosquitoes by

eating the mosquito eggs. Mrs. Adams stated the CDD lakes already have an abundance of mosquito fish.

Oyster Harbor resident Nat Pappagallo asked about the Oyster Harbor entrance illumination. Mrs. Adams stated the reflectors were removed because they should not have been placed on CDD property. Mr. Pappagallo stated those are his reflectors and he wants them back. Mrs. Adams stated GulfScapes removed them, and she does not know if they were saved. She stated Bentley Electric repaired landscape uplighting in that area, along with the pillar lights; she is unsure if that is enough illumination. Mrs. Adams stated the original report she received stated a vehicle ran over the center median at the Oyster Harbor entrance. This is the first time such damage occurred, and she does not know if it was related to the lighting.

Asked if he drove the area on recent nights, Mr. Pappagallo stated the area is still dark. In his opinion, an additional uplight is needed to illuminate the “Keep Right” sign. Ms. Viegas believes Oyster Harbor has had the same entrance lighting since 2015 with no issues reported.

Mr. Nuzzo stated the Oyster Harbor population has grown in recent years; he thinks the area is dark. Mr. Miller asked if the Oyster Harbor Committee still exists and meets with Fiddler’s Creek Management. Mr. Nuzzo replied affirmatively.

Ms. Viegas voiced her opinion that it is no darker than the Aviamar entrance.

It was noted that the cause of the accident is unknown.

Mr. Pappagallo suggested that, in addition to the uplighting, lighting should be installed in front of the plants to illuminate the “Keep Right” sign in front of the island.

THIRD ORDER OF BUSINESS

Continued Discussion/Update: Claim Against Fiddler’s Creek CDD #1 Regarding Anticipatory Breach of Interlocal Agreement [Traffic Signal Cost Sharing]

Mr. Miller stated CDD #2’s motion for summary judgement is pending before the court for May 14, 2024 but has been delayed due to a request for document production when Mr. Cole was on vacation. Mr. Cole stated he emailed Ms. Carrie Robinson, who asked if he had sent any emails directly to Halvorsen, and he did not remember any; everything he sent was sent through Mr. Parisi. He will provide whatever he has.

Mr. Miller stated in place of the hearing on CDD #2's motion for summary judgement, he will now be deposed on May 14, 2024. He asked for an Executive Session for 15 minutes to be scheduled regarding the litigation.

The Board and Staff agreed to schedule the Executive Session for Monday April 29, 2024 at 9:00 a.m. Mr. Tomazin stated he will participate via telephone.

Ms. Viegas stated, as of March 27, 2024, \$29,008.58 has been spent on this litigation.

FOURTH ORDER OF BUSINESS**Update: Superior Waterway Services, Inc.
Treatment Report (Andy Nott)**

Mr. Nott presented the Treatment Report and noted the following:

- The lakes look good; some algae treatments have been necessary.
- Submersed weed treatments applied in Lakes 88 and 90 look good; some traces of Pond weed will be monitored and treated as needed.
- A five-person crew selectively sprayed multiple lakes for two days.
- The treatments seem to be effective. Overall, everything looks good.

FIFTH ORDER OF BUSINESS**Health, Safety and Environment Report**

Mr. Hennessey presented the PowerPoint and reported the following:

- Concerns related to irrigation and pressure washing, etc., can be emailed to Irrigation@Fiddlerscreek.com and Pressurewashing@Fiddlerscreek.com for staff response.
- Tree Canopy Trimming: Juniper trimmed the fruited palms throughout CDD #1 and CDD #2 on Sandpiper Drive. They also trimmed hardwoods in CDD #1 and CDD #2 and in the buffer around Veneta in CDD #2.

A. Irrigation and Pressure Washing Efforts

- Irrigation Projected Usage: Approximately 4.5" of rain was received in March.
- There were two rain holds in the villages and one in the common areas.
- Water Usage: March 2024 usage was approximately 48.6 million gallons, compared to 60 million gallons in March 2023.
- Irrigation Report: There were no major repairs in March. Some routine satellite communication failures occurred.

Mr. Miller asked why the Veneta entrance satellite lost power. Mr. Hennessey stated it occurs from time to time. Mrs. Adams stated, sometimes Florida Power & Light (FPL) shuts off power while working in the area.

- An electrician identified a power supply issue in the I-21 Campanile buffer. Power was restored on March 29, 2024. There will be a cost to the CDD for the repair.
- Pressure Washing: Crews completed the Campanile area. Crews are currently working in Oyster Harbor, Laguna and Varenna.

Mr. Miller asked if the sidewalk cement discoloration in the before and after photos would ever disappear. Mr. Hennessey stated it will not, as it occurs due to weather and stains from fertilization.

Mr. Tomazin asked if the irrigation cycles can run longer in communities where some homes have large parcels of land with a combination of sprinklers and rotors that only run three times per week for a short time. He believes the rotors do not run long enough, so there are numerous brown areas. He asked if thought has been given to balancing the times allotted. Mr. Hennessey stated that is an HOA landscaper matter.

Mr. Haak stated he discusses irrigation runtimes often with Mr. Benet, landscapers, and Presidents of Village Associations; everyone wants more water now, but there are controlling issues that everyone needs to be mindful of. The permits and County regulations control water usage and it is necessary to meter water throughout the entirety of the area keeping those things in mind and staying in accordance with those limitations.

Mr. Miller asked if that includes the golf course. Mr. Haak replied no. Mrs. Adams stated that the golf course is a separate entity.

Mr. Haak stated that Villages and landscapers have often asked because areas are brown, but they cannot have as much water as they want whenever they want it. Water is meted out in accordance with the controlling regulations as best as possible; it is looked at regularly. Later in the meeting, he will discuss the master irrigation system to be installed throughout the entire community, which will help. The comments are heard and understood, but the regulations and limitations cannot be ignored, or there will not be enough water for everyone.

- Pressure washing crews are working in Oyster Harbor; they are approximately three months ahead of schedule and trying to be as thorough as possible.

B. Security and Safety Update

Mr. Hennessey reported the following:

➤ Gate Access Control: Community Patrol's number is 239-919-3705. Community Patrol should be called for assistance with security matters. In an emergency, 911 should be called first, followed by Community Patrol. The automated gatehouse number is 239-529-4139; that number should be called to add vendors or visitors to the list.

➤ Occupancy Report: Occupancy from February to March 2024 decreased, especially in the last week of March when it went down to 2,290. It is expected to be under 1,000 in August.

Mr. Miller asked why it decreased so much in late March and asked if there is an estimate for April. Mr. Hennessey predicted it will continue to decline as seasonal residents depart. Ms. Viegas stated Easter was early this year, so many people went home in March, which is earlier than usual.

➤ Gatehouses and Patrols: Sandpiper, Championship, and the Main gates are operational 24 hours a day, seven days a week. There are two patrols per shift.

➤ Gatehouse Activity: Gate entries from February to March 2024 decreased by 10%, decreasing from approximately 102,000 to 92,000.

➤ Incidents: A small nuisance alligator was removed from Campanile; the trapper arrived within about an hour to remove the alligator. Parking continues to be the highest incident category, with 36 more tickets issued in March versus February. Medical incidents tripled, going from 10 to 31. Officer observations also doubled.

➤ Speed Detection and Enforcement: The portable speed detection device was in use at Campanile, Museo, and Fiddler's Creek Parkway.

Mr. Tomazin asked for the difference between speeding violations and warnings. Mr. Hennessey stated that 22 warnings were given to first-time offenders exceeding the speed limit by 5 miles per hour. Violations are given to repeat offenders; six violations were issued and, together, these totaled 28 violations for the month.

➤ The Collier County Sheriff's Office (CCSO) advised that there were 79 extra patrols, 31 medical calls, 18 accidental calls to 911 (hang-ups), 16 alarm calls, 10 traffic stops and three crashes.

Asked if Mr. Benet hired a new assistant yet, Mr. Hennessey replied no, they are still searching.

SIXTH ORDER OF BUSINESS

Developer's Report/Update

Mr. Haak responded to questions and reported the following:

➤ They entered into an agreement with a Construction Manager Consultant for the master irrigation system project. The kickoff meeting will be next week; Mr. Cole will be part of the process. Further updates will be provided.

Mr. Miller asked if the consultant is an individual or part of a company. Mr. Haak stated it is a company, with one consultant assigned to the project.

➤ The first part of the project will likely be an overall mapping of the total system. Villages, landscapers, and irrigation managers will be contacted and involved in the mapping and the design phase of the process.

Mr. Tomazin asked if the Villages should be doing anything to prepare now. Mr. Haak stated Staff will contact the Villages one-by-one as information is needed.

Mr. Miller asked how familiar the contractor is with Fiddler's Creek and its issues. Mr. Haak stated the contractor has worked on systems like this in other communities and has familiarity with the underlying type of system. The contractor was provided with information about the villages, issues, and existing data during contract negotiations and meetings.

➤ Development continues in Oyster Harbor and in Dorado.

In response to Mr. Miller's question, Mr. Haak stated, in Oyster Harbor and Dorado, they typically only build when they have a contract. He believes there is one house left to close on Fanny Bay North and ongoing construction of one house on Breton. In Dorado, Building 2 was closed out and delivered. Building 10 is the next building for which some units have been delivered and some more will be delivered within the coming weeks. Other buildings in Dorado will be completed and delivered throughout the rest of the year.

➤ Work on the golf clubhouse is continuing.

➤ Work on the golf course is continuing and is progressing as scheduled; significant progress was made at Holes 6, 7 and 8. He thanked everyone for the great effort getting the Agreement executed so work could begin on schedule.

Mr. Miller asked for the status of the second Halvorsen payment. He stated that Mr. Parisi sent an email to Halvorsen, and a response was received, including some questions. Mr. Cole will follow up. Mr. Miller asked Mr. Cole to make it a priority.

- **Continued Discussion/Consideration of Replacement of Seventeen (17) Temporary Signs in Aviamar and Veneta with Permanent Decorative Signs**

Ms. Viegas asked for the status of the temporary signs. Mr. Haak stated there was a discussion regarding the original plans, but nothing was resolved. Discussions are ongoing.

This item will remain on the agenda.

SEVENTH ORDER OF BUSINESS

**Discussion: Bidding Requirements
Clarification**

Ms. Viegas stated she asked for this item to be on the agenda so the Board can review the recent decision to award work to Collier Paving, and to clarify future direction to give to Mr. Cole regarding bids. She recalled that, at the last meeting, Collier Paving increased one of its proposals by \$13,065. At the time, she asked Mr. Cole if, with that increase, Collier Paving was still the lowest bidder, and Mr. Cole said yes. After the meeting, she checked the bids and emailed Mr. Cole because she found that Collier Paving was not the lowest bidder. He confirmed that Collier Paving was not the lowest bidder for the three proposals; overall, Collier Paving was \$11,900 more than Bonness. Collier Paving was only lower than Bonness in one of the three proposals, and, in that proposal, Collier Paving was only \$117.25 lower. In an email, Mr. Cole stated that, since Bonness did not supply its financials, Collier Paving was selected. That email exchange is included in the agenda.

Ms. Viegas stated her understanding of the Board's Statutory fiduciary responsibility is that the Board must always award contracts to the lowest qualified bidder. She questioned if the Board considers submission of financials a qualification in the bid process, because, in her recollection, it never has been in the past. She thinks that requiring bidders to submit their financials will limit the number of vendors that bid. She asked if the Board is directing Mr. Cole to eliminate bidders from consideration if a vendor does not submit financials, even if submission of financials is not a qualification. She thinks the Board needs to clarify what Mr. Cole needs to do because Bonness was the lowest bidder, but Bonness was eliminated by Mr. Cole because they did not supply financials. Ms. Viegas voiced her opinion that, if the Board decides that submission of financials is a qualification, it must be clearly stated in the bid package. She stated that she is not in favor of requiring bidders to submit their financials, but she believes that the Board should discuss it.

Ms. Viegas stated the second email in the agenda is related to Collier Paving's current work in Oyster Harbor; defective sidewalk slabs had to be replaced. She asked Mr. Haak if Collier Paving will or has replaced the slabs at no charge. Mr. Haak stated that the slabs were replaced at no charge to the CDD; Collier Paving does a lot of work throughout the community and will continue to do so.

Mr. Miller feels that the definition of a qualified bid is a very important one.

Ms. Viegas asked if there is a statute regarding the Board's responsibility to choose the lowest qualified bidder. Mr. Pires stated the CDD's Rules of Procedure outline the means of obtaining various services. He did not have a copy with him but believes it addresses the lowest qualified responsible competent bidder with the bid most advantageous to the CDD.

Discussion ensued regarding the wording of the Rules of Procedure.

Mr. Miller voiced his opinion that looking at financial statements is a key element to ascertaining responsibility. Mr. Pires thinks it is a Board policy decision whether to require financials and recalled the requirement was discussed in the past.

Mrs. Adams stated that landscaping bidders do not supply financials in their bids, but credit references or bank references are provided. She stated, since all bids are public information, many bidders will not supply financials. Asked why Bonness declined to provide financials, Mrs. Adams stated she did not know, as she was not involved.

Mr. Pires stated he, Mr. Adams and Mrs. Adams can review the Rules of Procedure. He discussed another case in which a statute addresses how trade secrets could be exempt from public records; he will review case law to see if financial details can be protected as trade secrets.

Mr. Miller asked Mr. Cole if he knew why Bonness declined to provide financials. Mr. Cole stated it might be because it was a small job, and Bonness typically works on much larger projects. Mr. Miller asked if Bonness might provide financials for a larger project and Mr. Cole stated he is not sure. Mr. Miller reiterated his opinion that it is important to know the financial status and credibility of bidders with whom the CDD is dealing. He would like to pursue this further, and, if Mr. Pires' recollection is correct, he thinks it could be made a condition of bidding and that the financials would be kept as a trade secret.

Mr. Pires stated he will review the statute and the case law and provide an opinion of steps to obtain that status.

Ms. Viegas expressed her belief that, if the CDD is not obtaining financials from bidders for the landscaping contract, which has a value over \$1 million and how can the Board justify exclusion of bidders that do not submit financials for lower valued contracts.

Mrs. Adams stated this item will remain on the agenda.

Ms. Viegas agreed that the financials are important but expressed concern about fiduciary responsibility to homeowners. She questioned which is more important, given her belief that, for years, bids were accepted without financials. She also thinks a number of potential bidders will not bid if financials are required.

Ms. Viegas noted that it is already difficult getting bidders, and stated that Mr. Adams, Mr. Cole, and Mrs. Adams just nodded in agreement. She summarized her belief that the CDD will not get bidders if financials are required. She believes that was Mr. Cole's interpretation because he did not select Bonness, the lowest bidder, because Bonness did not submit financials, and instead selected Collier Paving.

Mrs. Adams suggested accepting bank information, credit references, or bank references. Asked if any of those items were requested of Bonness, Mr. Cole stated no; he stated that he was asked to obtain financials so that is what he requested.

The Board and Staff discussed whether to sign the contract with Collier Paving for \$13,000 more than Bonness or ask Bonness for additional information.

Discussion ensued regarding Collier Paving and the work done in Fiddler's Creek for years. It was noted that Collier Paving is responsive and reliable, and, while the lowest bid is important, the most qualified contractor should also be considered, even if it is not the lowest bidder. It was noted that The Foundation and the Developer have used Collier Paving extensively, and, in addition to fiduciary responsibility, work product responsibility should be considered.

Asked if Bonness has done work in Fiddler's, Mr. Cole replied affirmatively. They did the initial work in Marsh Cove. He stated that Collier Paving has been very responsive and responsible in both CDDs. It is difficult to get contractors and get them in a timely manner; Collier Paving was responsive on the Amador swale project. Mrs. Adams noted Collier Paving's responsiveness to the main irrigation break.

Mr. Cole stated that all the vendors are reputable, but Bonness is a large contractor that might not be as responsive as Collier Paving due to the small size of the project.

Ms. Viegas asked Mr. Cole who he would have recommended if Bonness had submitted their financials. Mr. Cole stated he would have recommended Bonness. Mr. Miller voiced his opinion that, if that is the case, alternative financial substantiation should be sought from Bonness.

Mr. Cole stated that financials were never requested until now, and most of the contracts have been in the \$20,000 to \$40,000 range; it just happens that there are four different locations, two of which are milling and repaving of about \$75,000, which is why these bids are higher. Typically, multiple proposals have not been sought; from a timing standpoint, Collier Paving has been engaged, and financials have not been requested until now due to the cost of the project. Based on Board direction, the request was sent to Alex DeMarco from Collier Paving on April 11, 2024 stating "The Board approved the attached proposals provided you address the comments noted and also consider reducing the mobilization cost since all four will be done at once. Please revise and resend and Cleo will prepare a contract." This morning, his revised proposals showed a savings of \$750 on the mobilization, about 10% less than the original overall amount for the four different proposals. The original mobilization of approximately \$7,500 was only reduced by about \$750.

Mr. Tomazin asked why the email in the agenda lists only three projects, but he is referring to a fourth. Ms. Viegas recalled that Mr. Cole originally sought bids on three projects, and, when the fourth project was identified, it was only sent to Collier Paving, and the other two bidders were not asked to bid.

On MOTION by Mr. Miller and seconded by Ms. Viegas, with all in favor, asking Bonness to provide credit or bank references before making a decision on awarding the contract, was approved.

Mr. Tomazin asked if the policies can be provided in advance of the next discussion and suggested giving more weight in the application of the policy to reliability and timeliness rather than to whether the bidder provides financial information.

Mr. Pires asked for the Rules of Procedure to be included in the next agenda, as they include the competitive solicitation requirements for bids. He stated he will also provide information about whether financial information qualifies as a trade secret.

In response to Mr. Nuzzo's comments regarding Lykins-Signtek (Lykins), Ms. Viegas voiced her belief that the only reason Lykins is chosen for projects is because no other contractors will bid. She stated she submitted the names of three other contractors thought to be competitors of Lykins that may bid in the future.

Mrs. Adams stated that Lykins is the only one in Collier County; she has reached out to the contractors provided by Ms. Viegas but received no response.

Mr. Cole stated that, in the past 25 to 30 years that he has been involved with the CDDs, the only time he has been required to obtain three proposals is when the cost of the project reaches a certain threshold for public bidding, which is approximately \$300,000. He asked the Board for direction as to the project amount the Board wants to require him to obtain three proposals. He stated that, for example, Timo Brothers has been very responsive for paver block repairs. Mrs. Adams noted that they have been very reasonably priced. Mr. Cole stated that most of the jobs are between \$5,000 and \$6,000, which is reasonable, so they are used so repairs can be made, rather than spending more time obtaining two more proposals. Mrs. Adams voiced her opinion that it makes no sense to spend the additional time in that situation, and that no work would ever get done. Mr. Cole stated, in the same way, for at least the last several years, Collier Paving proposals have typically been between \$15,000 and \$20,000 notwithstanding these repaving proposals for the cul-de-sacs. He asked the Board for a threshold amount above which he must obtain three proposals.

Mr. Miller stated he likes to know whom he is dealing with and whom he is giving money. For anything of material substance, at Mr. Cole's discretion, he should seek alternative bids. Mrs. Adams noted that was not Mr. Cole's question.

Mr. Cole stated a lot of time and money has been spent obtaining proposals that were needed for various maintenance work as the community ages. These four proposals came up totaling approximately \$120,000. He can easily obtain credit references for any contractor. He asked if one of the proposals was \$48,000, at what point does he need to obtain three proposals. He believes the statute threshold amount is closer to \$300,000.

Mr. Pires stated the threshold depends on the work; there is a difference between Construction, and Repairs and Maintenance. For Construction, the threshold requiring proposals to be solicited is \$300,000 which increases when you apply other indices which can increase the amount to the high \$400,000s. For Repairs and Maintenance, the threshold is

\$195,000 to require competitive solicitation. He noted that amendments to the CDD's Rules could be made at a Board discussion at a workshop. Amending the Rules will require a two-month process, including noticing and advertising the meeting.

Mr. Miller agreed this requires a lengthy discussion that should be on the agenda for future consideration.

The Board did not provide Mr. Cole with a threshold amount above which the Board wants him to obtain three proposals/bids.

EIGHTH ORDER OF BUSINESS**Engineer's Report/Update: Hole Montes, a Bowman Company****A. Consideration of Landshore Enterprises, LLC Proposal #4156 for Shoreline Restoration**

Mr. Cole stated that necessary lake repairs were identified, and the initial quote totaled approximately \$552,000. He knew due to the cost the entire project could not be completed all at once, so he walked the areas with Mr. Bob Ferguson and adjusted the proposal to repair the high priority areas first. Approximately \$157,000 is recommended initially. The other repair areas are recommended for Fiscal Years 2025 and 2026.

Mr. Miller asked Mr. Cole to describe the necessary work.

Mr. Cole stated the work would be typical new geotube installations, like the ones done for a decade. Lake 65G, Case 1, requires 1,940' of shoreline repair. A Case 1 means there is 18" to 21" of erosion. He recommends fixing Lake 65G and installing rock riprap at Lake 25. These repairs would include a full permanent tube pumped full of sand and a sacrificial tube full of sand that would be cut and spread, with sod planted on top to restore the bank with a 9" to 10" lip that would be the permanent tube that would remain.

Ms. Viegas noted that, given the previous discussion, the initial proposal was over \$552,000, which is way over the limits requiring the bidding process. She asked if Landshore is the only contractor that does this type of work.

Mr. Pires stated it sounds like, from what Mr. Cole has told the Board, breaking this into multiple projects is not any attempt to avoid the competitive solicitation process. It is just a reasonable engineering way of addressing the necessary repairs; each portion of the work can be a standalone project.

Mr. Cole stated he knew this would be a big project; therefore, pricing was requested for budgeting purposes to work within what can be completed this fiscal year and the following two fiscal years. There are other contractors, but, like Collier Paving, Landshore has been very responsive and responsible. Landshore has done 90% of all the lake repairs in CDDs #1 and #2 over the last 12 to 15 years. Some other groups, including Anchor Marine on the east coast, have been sold.

Mrs. Adams stated that Anchor Marine still does work in Lee County, but they are not taking on new work now as they are too busy.

Mr. Tomazin asked if \$80.34 per linear foot is a good price. Mr. Cole stated yes, it is compatible with pricing given for other communities. Mr. Miller asked if it is compatible with other companies. Mr. Cole stated yes; he believes it is within 10% to 20% of what other companies would charge.

Ms. Viegas noted that the back of the proposal states Landshore reserves the right to change the estimate unless the CDD executes it within 30 days. It was noted that type of language is always included. Mr. Miller stated that the CDD will not execute that Agreement.

Mr. Cole recommended approving approximately \$157,000 for Fiscal Year 2024, and the proposal can be revised accordingly. Mr. Miller stated the CDD will only execute its form of contract.

Ms. Viegas asked if any of this expense is budgeted. Mr. Cole stated \$100,000 was budgeted; based on the severity and the need to do one long stretch at a time, this is what he recommends. Ms. Viegas noted that the expense will be \$57,000 over budget for Fiscal Year 2024. Mrs. Adams stated there are sufficient funds in the Unassigned Fund Balance.

On MOTION by Mr. Nuzzo and seconded by Mr. Tomazin, with all in favor, Landshore Enterprises, LLC Proposal #4156 for Shoreline Restoration, in the amount of \$157,014.10, subject to using the CDD's form of contract, was approved.

Mr. Tomazin noted that the proposal is addressed to CDD #1. Mr. Cole stated that will be corrected.

B. Consideration of Napier Sprinkler, Inc. Proposal #e1431 for Rip Rap Repairs

Mr. Cole presented Napier Sprinkler, Inc. Proposal #e1431, for minor lake bank erosion repairs with some riprap on Lake 7D, in Oyster Harbor.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Napier Sprinkler, Inc. Proposal #e1431 for Rip Rap Repairs, in the amount of \$1,868.31, was approved.

C. Consideration of Sophistico Construction Proposal for Pumphouse 3/4 Truss Repairs from Water Damage

Mr. Miller asked if any of this is covered by insurance since it is due to water damage. Mr. Adams stated the repair cost will not exceed the \$5,000 deductible. The \$4,500 cost will be split with CDD #1 since it is for the pumphouse.

Mr. Cole stated a truss connection has been rotting due to water damage; three columns are needed for temporary repair. Unlike with Pumphouse 2, the pumps for Pumphouses 3 and 4 will not be replaced en masse for another 10 years. When that is done, the roof must be removed, and fixing the trusses involves a much more extensive repair for which he is obtaining proposals. This temporary repair could last a few years; they do not want to replace the entire roof if they do not have to because it should last another 10 to 12 years.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, the Sophistico Construction Proposal for Pumphouse 3/4 Truss Repairs from Water Damage, in the amount of \$4,500, was approved.

Mr. Cole distributed Draw #193 for \$20,450.75 related to the traffic signal work. This applies to the 2005 Series bond. According to the financials there is only \$42,000 left in the account so, with this draw, the account will be nearly depleted. This draw includes \$20,300 for the signal permit bond cost. Mr. Miller asked which Bonding company was used. Mr. Cole did not know; he will look it up.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Draw #193, in the amount of \$20,450.75, was approved.

FIDDLER’S CREEK CDD #2

April 24, 2024

Mr. Cole stated there is no status change for the traffic signal. The mast arms and controllers have a very long lead time. The designs were approved and sent to the manufacturer. The controllers are expected to arrive in October 2024, and the mast arms should arrive by November 2024. Physical site work will begin in September 2024, and work on the traffic signal should be complete in December 2024. The signal should be operational by the end of December 2024, including the flash mode.

NINTH ORDER OF BUSINESS

Consideration of Aqua-Matic Irrigation Systems, Inc. Revised Proposal for Gate Valve Replacements at Veneta

Mr. Cole distributed a revised proposal. Ms. Viegas explained that the proposal in the agenda book had an amount of \$4,250, that was listed, but not included in the total. She researched and found it was an amount from CDD #1, and asked Mr. Cole to obtain a revised proposal with it deleted so there is no question of the amount CDD #2 owed the contractor. She asked Mr. Cole to have Aqua-Matic break down the labor expense, per item. She confirmed that the total is correct. Because the cost was so high, last month she asked Mr. Cole to ask Aqua-Matic to reduce the total Labor Expense and they reduced it by \$2,000.

Mr. Miller reiterated that the vendor’s document will not be executed as a contract. Mrs. Adams stated, as usual, the CDD’s standard form of Agreement will be signed.

Mr. Tomazin recalled the original conversation related to the \$17,500 labor charge to install three gate valves of 6”, 8” and 12”, in comparison to the \$2,250 charge to install the 4” gate valve, and noted that the latest iteration indicates that these are deep. He asked if the difference is substantive. Mr. Cole replied affirmatively.

On MOTION by Mr. Tomazin and seconded by Mr. Klug, with all in favor, the Aqua-Matic Irrigation Systems, Inc. Revised Proposal for Gate Valve Replacements at Veneta, in the amount of \$32,451, was approved.

TENTH ORDER OF BUSINESS

Discussion/ Consideration of Bentley Electric Proposal for Lack of Lighting at Sandpiper Drive/Oyster Harbor Entrance

This item was discussed during the Second Order of Business.

ELEVENTH ORDER OF BUSINESS**Discussion: Interlocal Agreements with CDD #1 [Irrigation Distribution Lines]**

- **Consideration of Second Amendment to Interlocal Agreement**

Mr. Pires stated all edits submitted and concerns raised by the Board at the last meeting were incorporated. After receiving backup data from Mr. Mark Minor, Mr. Cole updated the maps to ensure that the correct development patterns are reflected and areas outside the CDD boundaries are excluded. Edits submitted by Ms. Viegas, related to vehicles and other items, were made, along with Mr. Miller's suggestion to clarify that this only amends this Agreement and nothing else.

On MOTION by Mr. Miller and seconded by Mr. Klug, with all in favor, the Second Amendment to the Interlocal Agreement, and authorizing the Chair to execute, was approved.

TWELFTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of March 31, 2024**

Ms. Viegas stated the Balance Sheet lists "Due from FCC Aviamar" under the 2014-3 Bond, with an amount of \$375,672, but she believes the bond does not apply to Aviamar. She emailed and the detail showed it is actually "Due from FC Oyster Harbor." It was corrected but is not reflected on the financials in the agenda book.

Ms. Viegas referred to the General Fund Statement of Revenues and stated the "Capital Outlay" under "Irrigation" shows \$57,139. She asked for the detail because she was concerned that the \$55,000 deposit approved last month was not split between CDD #1 and CDD #2, as it needs to be. It was not, and CDD #2 was charged the entire \$55,000. That line item will be credited \$30,250 in the next financials.

Mr. Tomazin asked about the "Due From" line items, such as the "Due from FCC Aviamar" line item. Mr. Adams stated those line items reflect the direct billing of off-roll assessments for the various debt service funds.

Mr. Tomazin observed that, in the debt service fund operating statements, in many instances 50% of the interest has accrued, and, in some instances, the number is different; for example, in the Series 2005, 75% of the interest has accrued. Mr. Adams stated the interest

payments are made twice a year; 50% each time, typically on November 1 and May 1, and 100% of annual principal is paid on May 1 of each year, which is why 50% of interest is accrued at this stage in the year.

Mr. Tomazin asked why the Series 2005 bond, on Page 5, is at 75%, and the Series 2015 A-1, on Page 11, is at 65%, and the Series 2015 A-2 is at 62%. Mr. Adams stated he will find out; it could be related to pre-payments.

Mr. Miller asked what interest rates the CDD is paying on the bonds.

Mr. Adams stated he does not have them on hand; the rates are all different. He stated most of the bonds were refinanced not too long ago, and, with the current interest rate market, it would not make sense to refinance. The bonds are at 6% and 6.75% in most cases.

Mr. Miller asked for the CDD's credit standing now, from the perspective of a bond issuer. Mr. Adams believes it is 4.5 to 5.

Mr. Miller asked if the CDD can refinance any of the bonds. Mrs. Adams stated another community has been watching the market for months to refinance, and it is not a good time to refinance now.

Mr. Miller asked about the rate the CDD is getting on the Money Market Account. Mr. Adams stated it is still 4.75%; the CDD cannot do any better right now, but he will make sure the CDD is getting the correct rate. Another tranche of cash was just moved to the account at Synovus.

Ms. Viegas asked Mr. Cole about his billings, which fluctuate throughout the year, given that the Engineering expense line item is at 85% of budget, when it should be at 50%. She asked if he expects it to go up significantly. Mr. Cole replied affirmatively and stated that a tremendous amount of effort has been related to the Amador Swale, Pumphouse #2, and the multiple proposals. Most of the expense is related to Pumphouse #2, which is continuing. Ms. Viegas noted that the CDD will be over budget for that line item, as well.

The financials were accepted.

THIRTEENTH ORDER OF BUSINESS**Approval of March 27, 2024 Regular Meeting Minutes**

Mrs. Adams presented the March 27, 2024 Regular Meeting Minutes.

The following changes were made:

Line 10: Change “Elliott” to “Elliot”

Line 149: Change “Contractor” to “FCC Golf Club”

Line 245: Change “have” to “has”

Line 346: Change “15” to “31”

Line 537: Add “, Irrigation” after “Agreement”

On MOTION by Mr. Klug and seconded by Mr. Miller, with all in favor, the March 27, 2024 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 2, 5, 8 and 12 were completed.

Regarding item 7, Ms. Viegas asked Mr. Pires if the letter was sent to the Amador homeowners advising them that the CDD will not accept the plantings and the homeowners must maintain the Clusia they installed. Mr. Pires replied that it was not. Ms. Viegas asked for “Amador” to be added before “homeowners” in item 7.

Ms. Viegas asked for an item to be added for the SOLitude demand letter status.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Woodward, Pires and Lombardo, P.A.

Mr. Pires stated he spoke with the SOLitude District Manager who was not apologetic and wants details. Mrs. Adams will compile all the emails sent to SOLitude. The current SOLitude District Manager was not with SOLitude when the situation occurred. They also have in-house legal counsel that was not with SOLitude during that time. Mr. Pires will send them the materials gathered by Mrs. Adams, and then call again.

The Amador swale project is still not completed; a further extension to the amendment will be sent to extend the time. The amendment will be extended until the end of June 2024.

Mr. Cole stated one yard drain that is not draining is scheduled to be repaired today. The sod installed was suspect, and it was not watered enough, so the sod needs to be replaced. Irrigation coverage is not adequate, and, as mentioned, Ficus hedges were erroneously removed in CDD #1, beyond the scope of work. Juniper must replant the hedge with Clusia. CDD

#1 gave approval for GulfScapes to replace them, at a cost of \$8,000, to be held back from Juniper's payment.

Mrs. Adams stated CDD #2 approval is needed to reimburse CDD #1 and deduct \$8,000 from the payment to Juniper. Mr. Miller asked if Juniper is aware of this arrangement. Mr. Cole stated Juniper is not; they were told, without success, what needs to be done. A letter from Mr. Pires is needed to address the sod, etc. Mrs. Adams stated the decision was made this morning.

Mr. Miller thinks that CDD #2 should not pay anything to CDD #1 until the letter is sent. Mr. Pires asked Mr. Cole to send him the information to include in the letter.

Mr. Pires stated he distributed information regarding a Neighborhood Information Meeting related to the property across US-41.

B. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: May 29, 2024 at 10:00 AM [Presentation of Fiscal Year 2024/2025 Proposed Budget]**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the April 29, 2024 Continued Meeting/Executive Session at 9:00 a.m.

C. Operations Manager: Wrathell, Hunt and Associates, LLC

The Operations Report was included for informational purposes.

Ms. Viegas asked which contractors attended the landscaping services pre-bid meeting. Mrs. Adams stated, although not invited, BrightView attended, and GulfScapes.

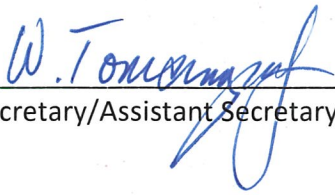
Ms. Viegas asked if the pumphouse numbers on Mrs. Adams' report are CDD #2's portion of the totals to be split with CDD #1. Mrs. Adams stated they are the totals that will be split.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Miller and seconded by Ms. Viegas, with all in favor, the meeting recessed at 11:45 a.m., and was continued to April 29, 2024 at 9:00 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair