

**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 May 29, 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
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Jody Benet	Fiddler’s Creek Irrigation Manager
Victor Ledezma	Fiddler’s Creek Landscape Manager
Andy Nott	Superior Waterway Services, Inc. (Superior)
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Mark Grimes	GulfScapes
Gayle Repetto	Resident
Nat Pappagallo	Resident
Shannon Benedetti	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:01 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

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

No members of the public spoke.

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 that he was deposed for three and a half hours on May 14, 2024. The next item on the litigation schedule, the motion for summary judgment, is scheduled to be orally argued for a half hour on June 25, 2024. Interested Board Members who wish to watch it via Zoom should notify Mr. Miller.

Mr. Klug asked if the discovery phase is complete. Mr. Miller stated that discovery is pending; Counsel provided everything that was requested and there is nothing else to discuss.

Ms. Viegas stated that the April invoice has not been received from Mr. Reyes. 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:

- Water levels continue to drop; more manpower was added to stay ahead.
- Lakes 90, 65E and 65G are currently being treated for pondweed.
- Water levels are dropping and grasses and weeds are growing, as expected.
- More manpower will be brought in as needed. Rain is needed.

Mrs. Adams asked if Sonar® treatments are being applied. Mr. Nott stated contact treatments have been applied, but they are preparing to schedule Sonar® treatments.

Mr. Nott will email a treatment schedule to Mrs. Adams.

Mr. Klug asked if the sprays used have any toxic elements. Mr. Nott stated that all herbicides are on the Environmental Protection Agency (EPA) list for aquatic use; all treatments comply with EPA limits.

Mrs. Adams stated that the annual Fixed Structure Report is included in the agenda.

FIFTH ORDER OF BUSINESS**Health, Safety and Environment Report
(Ryan Hennessey)**

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 hardwoods throughout CDD #1 and in CDD #2 in the buffer around Veneta. Juniper is currently trimming palms in CDD #2 in Sandpiper, from US-41 to Cherry Oaks.

A. Irrigation and Pressure Washing Efforts

- Irrigation Projected Usage: 0.1" of rain was received in April.
- There were no rain holds in the villages and none in the common areas.
- Water Usage: April 2024 usage was approximately 68.5 million gallons, compared to 60 million gallons in April 2023.
- Irrigation Report: A community-wide power failure on April 10, 2024 resulted in some satellite communication failures. No major repairs have been needed, due to the lack of lightning storms, which often cause issues.
- Mr. Benet is assisting with the satellite mapping related to the Baseline system.
- An Assistant Irrigation Manager has not been hired yet; the position was re-posted.
- Pressure Washing: Crews completed Laguna, Varenna, and Oyster Harbor; crews are presently working on Cherry Oaks and Club Center Boulevard. The map was updated.

Ms. Viegas asked about the report that was sent to the Board regarding unresolved irrigation items. She noted that some of them were identified over two years ago and are still unresolved. Mr. Haak stated the report was sent to the CDD for informational purposes. Mrs. Adams stated that items on the list are ongoing irrigation repairs to be addressed, of which The Foundation is aware. These items are budgeted for and discussed in meetings. Mr. Cole believes that some items were resolved; he will review the report and update it.

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: Average weekly occupancy decreased from 2,343 in March to 2,013 in April 2024, a decrease of approximately 14%.
- 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: Total gate entries for all three gatehouses, from March to April 2024, decreased by 6%, decreasing from approximately 92,000 to 87,000.
- Incidents: Parking violations decreased substantially but continue to be the highest incident category. Of the 63 violations issued in April, 44% were on street violations, 21% were pickup trucks, and 14% were parking violations at The Club & Spa and parking on the grass. A small percentage were repeat offenders and went to the Fining Committee. Approximately 50% of By-Law violations were nonresidents entering to go fishing; the other 50% were related to signs, such as open house signs, that are against the By-Laws.

Mr. Miller asked if the open house violations were related to one particular Realtor. Mr. Hennessey stated they were not.

Mr. Tomazin asked about the nature of "Officer Observations" and what caused them to increase. Mr. Hennessey stated that the category includes anything observed by an officer, such as leaking pipes, as opposed to a resident calling to make a complaint. He did not know the reason for the increase.

- Speed Detection and Enforcement: The portable speed detection device was in use during April at Aviamar, Sandpiper, Championship, Marsh Cove, and Oyster Harbor. With the four new speed humps, there was only one violation from the fixed device on Cherry Oaks Trail.

Of the 47 violations in April, 44 were first time offenses and received warnings; three were repeat violations and were referred to the Fining Committee.

- The Collier County Sheriff's Office (CCSO) advised that there were 62 extra patrols, 20 medical calls, 13 accidental calls to 911 (hang-ups), 13 alarm calls, seven traffic stops, and four

crashes. The CCSO is in the CDD at various times; they can be here for any reason. Staff maintains a good relationship with the CCSO.

Asked about the severity of the crashes, Mr. Hennessey stated that they are generally minor and do not involve injuries.

SIXTH ORDER OF BUSINESS

Developer's Report/Update

Mr. Miller asked if the second payment from Halvorsen was received. Mr. Haak stated that the request was transmitted; he will check the status and advise.

Mr. Haak responded to questions and reported the following:

- Development continues in Oyster Harbor and in Dorado.
- Golf Course construction is on schedule, and the Golf Clubhouse is moving forward.
- Last month, a Construction Manager was engaged for the master irrigation system project, and work commenced. A kickoff call was held earlier this month on behalf of the CDDs; Mr. Cole, Mr. Benet, himself, and other individuals participated. The first step in the process is surveying and mapping the current system, which has started. He will communicate with the CDDs and the villages regarding their part in locating things to ensure accurate maps.

Mr. Miller asked how long that should take. Mr. Haak stated it will depend upon the accuracy of information received from all the various components in the process. After the mapping process is completed, the design process begins. The goal/objective is to have the mapping done in the Fall of 2024, and to have the design completed by the end of the year. Asked if somebody will follow up with the villages to provide the information if they do not, Mr. Haak replied affirmatively.

Mr. Haak stated that regular meetings will occur and updates will be provided throughout the process to keep Staff informed. When available, the definitive design, numbers, and requirements will be communicated.

Mr. Miller asked if the Construction Manager assigned is doing this full time. Mr. Haak stated that he might not be dedicated solely to this project; he might have other work, but the contract has a specific set of services that must be completed. There is not necessarily a contractual time period, but he will work diligently to complete the project.

Mr. Miller asked to be informed if any of the CDD #2 villages are slow in providing the information. Mr. Haak will keep the Board and Staff informed of any problems.

Mr. Tomazin asked how detailed the mapping and design will be at the village level. Mr. Benet stated the Geographic Information System (GIS) mapping service uses a Global Positioning System (GPS) that includes different interactive layers. It is the same service the CDD uses for other items. He discussed the information to be collected from the villages and stated the more information collected, the better the design will be.

It was noted that the information will be collected one area at a time. Information is currently being requested from The Foundation and common areas; individual residents and Boards do not need to provide information, as it will be collected at the village level.

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

Ms. Viegas stated that two separate items relate to signs. This item is for the temporary signs that are still installed, and how many are the responsibility of The Foundation or the Developer to replace. Mr. Haak stated that there is no resolution yet; he has the information from Mr. Cole, but they need to discuss the issue.

This item will remain on the agenda.

SEVENTH ORDER OF BUSINESS

**Discussion: Bidding Requirements
Clarification**

- **Trade Secrets and Confidentiality**

Mr. Miller recalled asking Mr. Pires to research the confidentiality of financial information provided to the CDD by prospective bidders.

Mr. Pires stated he would like to prepare a Memorandum because several statutes apply. Mr. Miller asked for information to be provided in the context of what the CDD can ask for, in terms of information from contractors, and giving contractors a feeling of security that information will not become a public record.

Mr. Pires discussed an exemption in the Florida Statutes and Public Records Law that provides for a trade secret held by an agency to be confidential and exempt from disclosure. He

discussed the criteria and read the references to and definitions of Trade Secrets from the Statutes and read the definition in the Public Records Law.

Mr. Pires suggested he prepare a Memorandum and an Affidavit the bidders could sign related to the Statutes, that outlines and meets the CDD's criteria to be exempt from public disclosure under Public Records Law.

Discussion ensued regarding the definition of a public works project and exemption from being public information, as applied to public works maintenance and construction projects.

Mr. Pires suggested he work with Mr. Adams, Mrs. Adams, and Mr. Cole to create a separate form to be included in future bid packages.

Mr. Klug asked if, in the broadest sense, the CDD is trying to address contracts of a certain dollar amount for which the Board wants to see financials, or if financials are wanted for all contracts.

Ms. Viegas recalled that she brought this matter up at the last meeting because one vendor was chosen over another vendor that did not supply financial information even though that vendor had the lowest bid. She raised the question of whether the Board is requiring financial information to be provided in a bid, and, therefore, disqualifying a bidder if they do not supply it, because, in her opinion, if so, the bidders need to be informed of the requirement. The discussion led to the concern that the CDD will lose some bidders if financial information is required, because some potential bidders do not feel comfortable supplying the information. When Mr. Miller asked how bidders can be made to feel comfortable providing the information, Mr. Pires raised the possibility that the financial information might be considered a trade secret, as another client was able to do it that way. Ms. Viegas thinks that it comes back to the question of whether the Board feels comfortable requiring the financial information, given that the CDD does not require it from the largest vendor, the landscaping vendor, which provides credit and bank references.

Mr. Klug asked if it will be determined by the service provider's category, such as landscaping, or by a financial threshold above which the information will be required.

Ms. Viegas thinks that the question is whether the Board will make financial information a requirement and disqualify a bidder if they do not supply it.

Mr. Klug asked the District Management team, in its experience, how many times a selected contractor has gone under due to finances. Mr. Adams stated there have been zero such instances.

Mr. Adams suggested that this requirement could be implemented in conjunction with the sealed bidding thresholds. Mr. Miller believes that would be a sensible solution.

Mr. Adams stated the amounts that require sealed bidding are \$195,000 for maintenance and an escalator applies for construction contracts. Mr. Cole stated that the sealed bidding threshold for construction is \$519,000, as of February 2024.

Mr. Tomazin recalled discussion at the last meeting and suggested the Board review the Rules of Procedure, which he requested be distributed to the Board but was not received, determine requirements, and develop a policy.

Mr. Adams stated that the Procurement Policies are addressed in the Rules of Procedure, and these and other matters can be reviewed and updated, as necessary.

Mr. Miller asked how many bidders submit financial statements. Mrs. Adams stated that bidders generally only submit bank and credit references.

Confidentiality and the rationale for requesting the financial information were discussed.

The Board and Staff discussed the formal process to change the Rules of Procedure, which includes publishing a notice, presenting a revised draft of the Rules, holding a Public Hearing, and adopting the new Rules.

Mr. Adams stated the Rules of Procedures are mostly a compilation of the Statutes that must be followed.

This item will be included on the next agenda.

EIGHTH ORDER OF BUSINESS

**Engineer's Report/Update: Hole Montes, a
Bowman Company**

A. Consideration of Bonness Paving Proposals/Credit References

Mr. Cole presented the Bonness proposals and credit references that were requested at the last meeting. Mr. Miller asked if the credit references were checked. Mr. Cole stated that he has not checked the credit references, and noted that he has no reason to doubt Bonness, as they are a very reputable contractor and his firm has and is working with them on several projects.

Mrs. Adams stated that the CDD's contracts are small for a contractor such as Bonness.

Mr. Miller noted that big companies can also go bankrupt. Mr. Klug agreed, in principle, but recalled the earlier discussion when Mr. Adams stated no contractor has gone under due to finances, and asked how far the Board wants to pursue this matter.

Mr. Adams stated the proposals do not meet the bidding thresholds discussed earlier.

Discussion ensued regarding the need for financial prudence and the need to check the references to ensure accuracy.

Ms. Viegas asked Mrs. Adams if the credit references supplied by the landscape bidders are checked. Mrs. Adams stated that they are not checked.

Mr. Miller expressed his opinion that the references should be checked. Mr. Tomazin agreed and voiced his opinion that requesting references and not checking them is worse than not requesting them at all.

Mr. Cole presented the proposals, which are recommended for approval. He stated that he can check the credit references, should the Board direct him to do so.

I. Estimate Number 213902024 [Museo Circle -Valley Gutter and Sidewalk Repairs \$8,552.77]

Mr. Miller stated that, when he drove the area, he did not see any areas that need repairs. Mr. Cole stated that, due to uplifting tree roots, water is collecting in the valley gutters when it rains, although it has not rained recently.

Ms. Viegas recalled that these four proposals are for areas that Mr. Cole indicated are in need of immediate repair; lengthy discussions have occurred at previous meetings.

II. Estimate Number 213892024 [Chiasso Ct. – Asphalt Repairs \$37,979.84]

Mr. Miller questioned the need for the repairs on Chiasso Court.

Mr. Cole discussed the scope of work. He noted that two contractors bid on the repairs to mill and repave the area, and recalled that a resident expressed concern because his grandchildren slipped while skateboarding.

Mr. Klug reiterated that the four proposals were recommended by Mr. Cole after his inspection of the areas.

III. Estimate Number 213912024 [Sandpiper Dr. – Sidewalk Repairs (Multiple Locations) \$24,219.04]

Mr. Cole discussed the scope of work. He noted that multiple locations need to be repaired.

IV. Estimate Number 217162024 [Vadala Bend Ct. – Asphalt Repairs]

Ms. Viegas stated that she prepared a spreadsheet totaling the four proposals that shows Bonness is now a total of \$22,461.64 less than Collier Paving, for the same four proposals. She noted that, for the Chiasso proposal, Bonness would be milling 1" while Collier Paving only proposed milling .75".

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, Bonness Estimate Number 213902024 for Museo Circle -Valley Gutter and Sidewalk Repairs, in the amount of \$8,552.77; Estimate Number 213892024 for Chiasso Ct. -Asphalt Repairs, in the amount of \$37,979.84; Estimate Number 213912024 for Sandpiper Dr. Sidewalk Repairs at Multiple Locations, in the amount of \$24,219.04; and Estimate Number 217162024 for Vadala Bend Ct. - Asphalt Repairs, were approved.

B. Consideration of Street Sign and Light Poles Painting Proposals

Mr. Cole stated his belief that this proposal is to be presented by Mrs. Adams.

Ms. Viegas stated the proposal in the agenda book is not the most recent proposal, and that an updated proposal was presented in December. She discussed her previous motion to table this work until Fiscal Year 2025, and stated, after reviewing the areas, it was not believed to be necessary, especially since construction continued in Oyster Harbor and Dorado. Due to the significant number of large projects in the upcoming Fiscal Year 2025 budget and the purely cosmetic nature of the work in this proposal, Ms. Viegas voiced her opinion that the proposal

should be tabled to at least Fiscal Year 2026. The current cost of the corrected proposal is \$82,375.

Mr. Miller asked if any additional quotes were requested.

Ms. Viegas stated that Lykins Sign-Tek submitted a bid for \$210,000.

Mrs. Adams stated that she will seek additional bids for the project in the future.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, deferring the Florida Painters Street Sign and Light Poles Painting Proposals until at least Fiscal Year 2026, was approved.

Mr. Cole distributed Draw #194 for \$1,300 for Engineering Services for the traffic signal, specifically, for him to provide emails to Carrie Robinson for the pending litigation between CDD #1 and CDD #2. This applies to the 2014-2 Series bond, formerly the 2005 Series bond.

On MOTION by Mr. Klug and seconded by Mr. Miller, with all in favor, Draw #194, in the amount of \$1,300, was approved.

Mr. Cole reported the following:

- The 17 pedestrian crossing signs that were missing were installed. Mr. Cole will inspect them after the meeting.
- The Irrigation Pumphouse #2 truss drawings, that were discussed at the last meeting, were received and are being reviewed by the Structural Engineer. They will be resubmitted for the building permit for the roof replacement.
- The Board approved approximately \$157,000 in lake erosion repairs with Landshore Enterprises LLC (Landshore) at the last meeting. Landshore supplied the signed documentation needed yesterday; the original contract indicated that work would be completed by the end of June. Landshore is now requesting an extension until the end of September because they have not started the work yet. Landshore is busy working in CDD #1. Mr. Cole recommends approving the extension, through September. Mrs. Adams stated the work must be done by the end of September, within this fiscal year.

Mr. Nuzzo asked if Landshore is holding its pricing. Mr. Cole replied affirmatively.

On MOTION by Mr. Klug and seconded by Mr. Tomazin, with all in favor, extending the completion date through September 2024 for the Landshore Enterprises, LLC Proposal for Shoreline Restoration, as discussed, was approved.

Mrs. Adams mentioned a warranty issue. Mr. Cole stated Landshore will warranty the workmanship for 10 years, but, regarding materials, they can only provide whatever the manufacturer's warranty offers. He asked for the information, but has not yet received it.

NINTH ORDER OF BUSINESS

Consideration of Award of Contract for Landscape Maintenance of Right-of-Ways, Water Management Areas and Similar Planting Areas

Mrs. Adams presented a Memorandum, including the bid tabulation and recommendations, regarding the award of contract for landscape maintenance of right-of ways, water management areas and similar planting areas.

Mr. Miller noted that the Memorandum states that only one contractor is qualified, and asked why BrightView is not qualified.

Mrs. Adams stated BrightView submitted incomplete bid schedules. Three RFP packages and three bid bonds were required, but BrightView only submitted one RFP package and one bid bond. Less than 72 hours before the bid opening, a BrightView representative emailed questions, which is not allowed per the detailed bid specifications; when assembling the bid, BrightView did not have the necessary information because they had not done the field work. BrightView's bid schedule included a separate charge for over \$100,000 for irrigation repairs which are to be included in the contract agreement, as specified.

Mr. Miller asked if this was brought to BrightView's attention. Mrs. Adams stated it was brought to their attention at the bid opening. Mr. Miller asked if it could not be done before the bid opening. Mrs. Adams replied affirmatively.

Mrs. Adams stated the BrightView bid also did not include a cost for mulch labor; instead, it specified that they do not supply mulch labor, but that they wanted the CDD to supply the mulch. Again, BrightView would have known what was needed had it done its research in the field.

Mr. Miller asked if Mrs. Adams has worked with BrightView in the past. Mrs. Adams replied affirmatively.

Mr. Pires asked if BrightView raised questions after the bid opening. Mrs. Adams replied affirmatively. Mr. Pires asked if BrightView made any request for clarification prior to the bid submittal date. Mrs. Adams reiterated that BrightView emailed her less than 72 hours before the bid submittal was due. She did not respond to that email as noted earlier.

Mr. Miller asked if BrightView was aware of these issues before the bid opening.

Mrs. Adams reiterated that BrightView was made aware after the bid opening.

Mr. Miller noted that there is an \$81,000 difference between the bids.

Mrs. Adams stated the difference cannot be determined because BrightView did not provide any price for labor or mulch. She stated that the bid analysis notes that BrightView only provided one package, but they were supposed to provide three. BrightView provided three references, and all three were contacted. One reference was not an apples-to-apples comparison, as it related to a \$100,000 contract; whereas, the CDD contract is a \$1 million contract. The second reference did not call back to provide the size of its contract and the third reference did not call back to provide any information.

Ms. Viegas stated she found several errors in the BrightView's bid submittal, including an erroneous reference to another community. She distributed copies to the other Board Members and noted that BrightView clearly forgot to change the name of the community in its bid. She stated she reviewed each bid schedule and found multiple errors and voiced her opinion that, based on this submittal and issues with BrightView in the past, she would like not to waste Mrs. Adams' time in the future and eliminate BrightView from bidding on future work with the CDD.

Mrs. Adams stated that the CDD has no choice but to allow all interested parties to submit bids; the RFPs must be advertised, and all bidders are welcome.

Mr. Pires stated that the bid processes set a high threshold.

Ms. Viegas stated that the GulfScapes bid indicates that they offer a \$10,000 discount if awarded the full contract, with all areas, including Veneta and Aviamar. She thanked GulfScapes for offering the discount.

Mr. Tomazin asked if the contract term is typically two years. Mrs. Adams replied affirmatively, and noted that the CDD can always cancel a contract with 30 days' notice.

Mr. Tomazin questioned the scope of work in Veneta. Mrs. Adams stated that the large Ficus hedge adjacent to Museo requires pruning twice a year, which involves extensive labor. Mr. Tomazin asked Mr. Mark Grimes, from GulfScapes, to explain why his cost of labor increased by 10% over the previous contract. He noted that the two bids were so different and the BrightView bid was much lower for the Veneta area.

Mr. Grimes stated he cannot speak to how BrightView came up with its numbers; he only knows the totals because the bids were read publicly. He thinks it is unusual that BrightView was substantially lower on Veneta, but substantially higher on Aviamar, which did not seem to make sense because Veneta is a costlier job because of the Ficus hedge. Maintenance-wise, there is less maintenance labor involved with Veneta than with Aviamar. He noted that excluding mulch is significant.

Ms. Viegas noted that, in her review of BrightView's Veneta bid schedules, one column had incorrect calculations that resulted in a \$40,000 error which accounts for half of the difference in the bids.

The Board and Staff discussed the scope of service, the bid schedules, and the need for contractors to view the property in advance of bidding.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, awarding the Landscape Maintenance of Right-of-Ways, Water Management Areas and Similar Planting Areas Contract to GulfScapes, in the amount of \$884,355, was approved.

TENTH ORDER OF BUSINESS

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

Mrs. Adams displayed updated photos that were taken after Bentley Electric repaired the landscape uplighting. Although a proposal was submitted for installation of a double fixture streetlight post to match existing lighting, she does not believe it is necessary.

Ms. Viegas stated that she drove around the Oyster Harbor and Aviamar entrances at night, after the repairs were made, and, in her opinion, the Oyster Harbor entrance is much brighter than Aviamar, which only has single fixture streetlights. She stated that she is not promoting any additional lighting for Aviamar, as there has never been an incident. She agrees with Mrs. Adams' recommendation.

The Board agreed that lighting is sufficient at the Oyster Harbor entrance.

ELEVENTH ORDER OF BUSINESS

Discussion: Rules of Procedure

This item was discussed during the Seventh Order of Business.

This item will be included on the next meeting agenda.

TWELFTH ORDER OF BUSINESS

Discussion: Refinancing of Bonds

Mr. Adams stated that he is working with Mr. Bill Reagan to determine if refinancing is possible. He stated that the CDD is very well-established and has had a good collection rate. An update will be provided at the next meeting.

THIRTEENTH ORDER OF BUSINESS

Consideration of District Engineer's FY2025 Budget Items

Mr. Cole presented his spreadsheet of budget items to be included in the Fiscal Year 2025 budget. He noted the following:

- Pumphouse 1 full equipment replacement is anticipated to occur in August or September 2025. Bids were obtained in 2023; a 20% contingency for inflation is included and updated bids will be obtained.
- Pumphouse 2 roof replacement might not occur until Fiscal Year 2025.

- Pumphouses 3 and 4 will not be replaced for another ten years; however, computers, filters, drive replacements, and other items, including the roof, must be repaired.
- The spreadsheet includes a 10% contingency and shows the cost split between CDD #1 and CDD #2, but the shared pumphouse costs will go down because the split should be 55% to CDD #1 and 45% to CDD #2, not 50% for each CDD as his budget reflects.
- The irrigation valve replacements are for multiple valves that are 15 to 20 years old.
- As discussed in previous years, the wiring, controllers, and various components of the master irrigation distribution system need to be upgraded.
- CDD #2's infrastructure is much newer than CDD #1. An irrigation consultant was contracted, as noted in the Sixth Order of Business; his fees will be charged one-third each to CDD #1, CDD #2, and the villages.
- During Fiscal Year 2025, CDD #2's system will be mapped and designed. At the end of the year, a bid will be obtained for CDD #1 infrastructure improvements. There will be no construction for the system in CDD #2 in Fiscal Year 2025, but design is necessary so that the HOAs and CDD #2 can budget accordingly.

Mr. Miller asked if CDD #2 can defer any of this based on the history of CDD #1's system. Mr. Cole replied affirmatively, and stated that he anticipates doing 40% to 50% of CDD #1's system in Fiscal Year 2025, which is why they need to budget an additional \$1 million. When the system is designed and information is analyzed, Staff will be able to determine how much CDD #2 must budget in Fiscal Year 2026 and beyond. Based on input from Mr. Benet and others, no construction is anticipated for CDD #2 in Fiscal Year 2025.

Mr. Cole stated that CDD #2's funding of Pumphouse 1 will be greater in Fiscal Year 2026, but, by Fiscal Year 2027, that pumphouse replacement will have already been completed and Pumphouses 3 and 4 will not be replaced for another eight to ten years.

Ms. Viegas asked if the consultant is the same one that Mr. Haak spoke about earlier. Mr. Cole replied affirmatively. His name is Mr. Russ Geiger.

Ms. Viegas questioned the amounts being paid by CDD #1 and CDD #2.

Mr. Haak stated that CDD #2 is not paying anything right now; The Foundation has a contract with Mr. Geiger's company. The first service is the mapping of the irrigation system,

and the next will be the design. Mr. Cole has evaluated the total price Mr. Geiger quoted for the mapping and design, in its entirety, and Mr. Cole estimated CDD #2's share of the expense.

Mr. Cole stated that Mr. Geiger's total cost for the design and mapping is approximately \$135,000; divided into thirds, it would total \$45,000 each, and he rounded it up to \$50,000. The design will happen by the end of the year. CDD #1 will also pay for the observation and construction services for its portion, which is another \$220,000 for Mr. Geiger, and it will occur over a few years. CDD #2 will not pay anything in Fiscal Year 2025, except for the design and mapping portion.

- The total for the irrigation system is approximately \$1,077,000; CDD #2's share is slightly less.
- \$200,000 should be budgeted for Lake Erosion Repairs; most of the repair work is along what he calls the County canal, which is the lake to the west of Campanile Circle, next to Amador, in CDD #2. The work that Landshore will be doing, for \$157,000, is also along the same County canal lake. During Hurricane Ian there was extensive damage to the lake bank due to wind and waves.

Mr. Miller asked when this work needs to be done. Mr. Cole stated that this work could be done in late spring 2025. The work for Fiscal Year 2024 will be completed between now and September.

Ms. Viegas asked if the lake erosion amount of \$200,000 is based on the \$552,000 proposal presented last month, and if that means that \$157,000 of the work would be completed this year, leaving \$395,000 to be split over Fiscal Years 2025 and 2026. Mr. Cole replied affirmatively; Staff essentially evaluated the lake banks and determined the priorities.

- \$50,000 should be budgeted for sidewalk repairs, in addition to those just approved along Sandpiper, as these repairs occur every year.
- Road repairs and pressure washing will be needed; \$100,000 was budgeted.
- This year, \$50,000 was budgeted for Engineering Fees, and more than that has already been expended. A lot of time and money have been spent on pumphouse work and the irrigation system. He increased the amount to \$75,000 in his budget since those projects will

continue. Remaining bond funds for the Traffic Signal, currently at approximately \$40,000, will be depleted quickly.

- Some of the Pumphouse 2 work might have already been funded.
- It is anticipated that the Traffic Signal will be installed by December 2024, and it will have been funded by monies previously budgeted by CDD #1, CDD #2, and the Construction Bond; therefore, nothing is budgeted in his budget items for that in Fiscal Year 2025.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2024-04.

Ms. Viegas stated she has questions about the actual budget numbers. Mrs. Adams stated she has the edits Ms. Viegas previously submitted. Ms. Viegas noted that those edits relate to the verbiage, but she still has questions about the numbers. Mr. Adams asked her to email her questions.

Mrs. Adams stated that she sees some things that need to change, based on today’s discussions.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Resolution 2024-04, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law on August 28, 2024 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Designating Dates, Times and Locations for Regular Meetings of the Board of

Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

Mr. Adams presented Resolution 2024-05.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Resolution 2024-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date, was adopted.

SIXTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2024

Ms. Viegas asked about the status of the audit. Mr. Adams believes that the draft is ready; he will look into it. Ms. Viegas asked when the audit is required, by Statute. Mr. Adams stated the audit is due by June 30th each year.

Mr. Tomazin asked why Mr. Cole stated earlier that the traffic signal is not in the budget, given that \$710,000 is included on Page 5. Mr. Cole clarified that his spreadsheet is not part of, nor is it included in the proposed Fiscal Year 2024/2025 budget or any other budget. Mr. Adams stated that \$710,000 has been included under "Roadway capital outlay".

Ms. Viegas asked about the \$30,250 credit, that was supposed to be applied to "Irrigation- Capital Outlay" due to the error she found last month. Mrs. Adams will follow up and advise.

SEVENTEENTH ORDER OF BUSINESS

Approval of Minutes

Mrs. Adams presented the following:

A. April 24, 2024 Regular Meeting

The following changes were made to the April 24, 2024 Regular Meeting Minutes:

Line 127: Change "courses" to "course"

Line 264: Add "if" after "that"

Line 265: Add a comma after "million" and delete "questioned"

Line 346: Change both instances of "who" to "whom"

Line 559: Change "The Foundation" to "contractor"

On MOTION by Mr. Klug and seconded by Mr. Tomazin, with all in favor, the April 24, 2024 Regular Meeting Minutes, as amended, were approved.

B. April 29, 2024 Continued Meeting and Attorney-Client Executive Session

The following changes were made to the April 29, 2024 Continued Meeting and Attorney-Client Executive Session Minutes:

Line 18: Insert "(Via Zoom)" after "Reyes"

Line 53: Add "Pending Litigation" after "-XX"

Line 59: Change "June 26" to "May 29"

On MOTION by Mr. Klug and seconded by Mr. Miller, with all in favor, the April 29, 2024 Continued Meeting and Attorney-Client Executive Session Minutes, as amended, were approved.

EIGHTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 3, 9, 11 and 14 were completed.

Regarding Item 1, Ms. Viegas stated it looks like there will be an assessment increase. She asked for the Board to review and edit the letter before it is sent to residents.

Regarding Item 2, Ms. Viegas noted the draft audit has not been provided. She thinks that should be taken into consideration when the audit services goes out to bid.

Regarding Item 5, Mr. Pires stated the letter will be sent within the next week.

Regarding Item 7, Ms. Viegas stated "FY2025" should be changed to "FY2026" and "2024" should be changed to "2025".

Regarding Item 8, Mr. Pires stated he sent the letters regarding DTE to the property management companies on May 21, 2024, and asked for a response by June 5, 2024.

Regarding Item 10, Mr. Pires said he is sorting through all the emails Mrs. Adams sent regarding SOLitude. When done, he will contact SOLitude.

NINETEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires thanked Mrs. Adams for her assistance with the sealed bidding. Mrs. Adams thanked Mr. Pires for his assistance in this matter.

Ms. Viegas asked if Mr. Pires sent the letter to Juniper about the payment deduction of \$8,000 to replant the Clusia in the area taken out in error. Mrs. Adams stated that no letter is needed because Juniper completed the work. Mr. Cole stated that they were planted and sod was installed. Mr. Benet stated that Juniper has not turned on the two zones for Amador Court on the Amador controller. Mr. Cole will talk to Mr. Benet after the meeting and contact Juniper.

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

- **1,356 Registered Voters in District as of April 15, 2024**

Ms. Viegas noted that the number of registered voters increased by 83 from last year.

- **NEXT MEETING DATE: June 26, 2024 at 10:00 AM**

- **QUORUM CHECK**

All Supervisors confirmed their attendance at the June 26, 2024 meeting.

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

The Operations Report was included for informational purposes.


Ms. Viegas asked about the Oyster Harbor streetlight, in the report, that happened in 2021, and just receiving notification about it on April 30, 2024. Mrs. Adams confirmed that is correct and stated that she does not know why it took so long; everything was sent to the insurance company. Asked if there will be any problem with the insurance claim since it is three years old, Mrs. Adams did not believe so.

TWENTIETH ORDER OF BUSINESS

Adjournment

There being nothing else to discuss, the meeting adjourned at 11:53 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair