

**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 December 10, 2025 at 10:00 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present:

Elliot Miller	Chair
Linda Viegas	Vice Chair
William Tomazin Jr.	Assistant Secretary
Scott Spitzer	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
John Baker III	Hole Montes, a Bowman Company
Ryan Hennessey	Fiddler's Creek Director of Community Services
Joe Parisi	Developer's Representative
Jeff DeFranco	Fiddler's Creek General Manager
Jody Benet	Fiddler's Creek Irrigation Manager
Andy Nott	Superior Waterway Services, Inc.
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Robert Engler	Crystal Waterscapes
Mark Adamczyk	Adamczyk Law Firm, PLLC
Fran Culver	Resident
Bennett Berger	Resident
Sue Leone	Resident
Bob Lynch	Resident
Charlene Tomazin	Resident
Nat Pappagallo	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:13 a.m.

Supervisors Miller, Viegas, Spitzer and Tomazin were present. Supervisor Nuzzo was not present.

SECOND ORDER OF BUSINESS

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

Resident Bob Lynch thanked the Board and Staff for the repair and lighting work and bulb replacements at the Veneta fountain over the summer. He encouraged the Board to have the 15-horsepower pump at the top of the fountain repaired to add water to the cascade flow over the steps. He voiced his understanding that Crystal Waterscapes will repair the height of the jets as many residents requested. Mr. Miller thanked Mr. Lynch for his involvement.

THIRD ORDER OF BUSINESS**Update: Superior Waterway Services, Inc.
Treatment Report**

Mr. Nott presented the October-November 2025 Lake Treatment Report and pictures. With regard to water levels dropping due to drought conditions, Mr. Nott stated that, in his opinion, water levels are lower than they should be at this point in the year. All lakes are different, but shoreline is showing in every community he services. Given the rain deficit, he anticipates water levels to be lower than usual this year. Proactive treatments will be applied and maintenance methods are adjusted according to water levels, as necessary, for example, treating exposed banks.

FOURTH 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 finished trimming the palms off Oyster Harbor Boulevard. They are still behind schedule. He will push them to finish by year end.

A. Irrigation and Pressure Washing Efforts

- Precipitation Data: In November 2025, average rainfall was .24", compared to .57" in November 2024.
- Yearly Rainfall Totals: 54" of rain was received so far in 2025, compared to 78.93" in 2024.
- Irrigation Projected Usage: The villages and common areas had no rain holds, due to the lack of rain. Mr. Benet is dialing down the amount of irrigation to 75% to 80% by reducing the number of minutes it runs each scheduled day.

Mr. Miller asked for the definition of the manual Toro clocks. Mr. Benet stated some Toro clocks that cannot communicate with central, via satellites, are in manual mode and controlled by the landscapers. They were never upgraded to the standards of the new operating system in 2019 and 2020; the cost to upgrade each one is approximately \$3,000. Ms. Viegas stated they are in some of the villages; none are on CDD property.

- Total water usage in November 2024 was 62,618,383 gallons and November 2025 usage was 65,204,890 gallons.
- Pump Station Usage has a variance of 600 to 710 million gallons annually. He estimates it will be over 700 million this year.
- Lake #88 Measurements: Lake 88's height is currently 2.25'. It might be necessary to purchase County water again this season. Mr. Adams stated the \$130,000 cost last year was split with CDD #1. There is no way to know how much it could cost this year.
- Pumphouse Station #1 is still working in a supportive role until it is fixed.
- Irrigation Report: There were a few communication failures this month. One resulted in a \$287 charge to CDD #2 to replace a bad modem.
- Pressure Washing: Work was completed in Museo, The Club & Spa, and the sales and corporate area. Crews are working in Aviamar. The map was corrected this month.

B. Security and Safety Update

Mr. Hennessey reported the following:

- Gate Access Control: Both phone numbers are operational. Community Patrol's phone number is 239-231-9878, which 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, which should be called to add vendors or visitors to the list. Information can also be emailed to safety@fiddlerscreek.com.
- Occupancy Report: Overall average weekly occupancy went from 1,427 in October 2025 to 1,757 in November 2025.
- Gatehouses and Patrols: Sandpiper, Championship, and the Main gatehouses are operational 24 hours a day, seven days a week. There are two patrols per shift, generally one patrol in CDD #1 and one in CDD #2. The gate arms are opening more uniformly.
- Gatehouse activity increased by 26% from October to November 2025, with 61,616 entries in October compared to 77,758 in November.

- Incidents: Most incidents stayed the same or went down this month compared to October. Resident complaints was the only category that increased.
- Speed Detection and Enforcement: The portable speed detection device was in use in Marsh Cove and on Sandpiper Drive. First-time offenders accounted for all 15 violations; all were given written warnings; none were referred to the Fining Committee.
- Per the Collier County Sheriff's Office (CCSO), in November there were 54 extra patrols, 17 medical calls, 10 alarm calls, 12 traffic stops, seven accidental calls to 911 (hang-ups) and three traffic crashes.

Ms. Viegas asked if Lake 88 levels will continue to be included in the report each month so it can be monitored to determine if County water needs to be purchased. Mr. Hennessey replied affirmatively.

FIFTH ORDER OF BUSINESS**Discussion/Consideration/Ratification:
Performance Measures/Standards &
Annual Reporting Form****A. October 1, 2024 - September 30, 2025 [Posted]**

Mr. Adams noted that the performance measures and standards were kept at a very high level. The boxes were filled in to state all were achieved. It will be necessary to authorize the Chair to approve the findings related to the 2025 Goals and Objectives.

Ms. Viegas noted that, according to the September Meeting Minutes, the phrase "Approval is under consideration." was supposed to be added to Goal 3.3. Mr. Adams stated he will make that change.

Mr. Tomazin asked about Goal 2.1 and the annual inspection. Mr. Adams stated the District Engineer inspects the sidewalks, roads, etc., throughout the year; there is no actual report. Mr. Tomazin thinks an independent reader would expect a report and suggested it be noted that no inspection report is prepared and that the results are noted in the meeting minutes throughout the year. Mr. Pires voiced his agreement and stated that, especially from the standpoint of claims made against the CDD, the CDD should have routine processes in place to identify results. Mr. Adams will add the verbiage to that section as well and forward an updated version to the Board.

Ms. Viegas suggested changing the word "report" to "evaluations completed throughout the year" since the Goal states there is a report related to the infrastructure and related

systems. She asked Mr. Cole if he ever submitted an actual report because she recalled one a few years ago. Mr. Cole could not recall.

Mr. Adams stated those items would be included in the meeting minutes.

On MOTION by Mr. Spitzer and seconded by Mr. Tomazin, with all in favor, authorizing the Chair to approve the findings related to the 2025 Goals and Objectives Reporting, as amended, was approved.

B. October 1, 2025 - September 30, 2026

Mr. Adams stated that the Section 2 modifications discussed above will be included.

Mr. Viegas noted the following change approved in the September 24, 2025 Meeting Minutes, for Section 1.3 in both the Objective and the Measurement sections:

Goal 1.3: Insert “required” after “other”

Mr. Adams stated the changes discussed will be made and the updated version emailed to the Board.

Mr. Tomazin voiced his opinion that the Public Comments section of the meetings is very important and he would like it mentioned in the Goals. Mr. Adams stated that the Public Comments agenda item is a requirement of any public meeting, which is in the Goals; the agenda requires a Public Comments section. Mr. Tomazin wants to add a new goal, as Goal 1.4, with the objective to solicit community comments and questions at every meeting, and for the measurement to be a standing agenda item at every meeting.

Mr. Miller asked Mr. Tomazin to send the language he suggests to Mr. Adams.

Mr. Tomazin suggested the following:

Goal 3.1, Objective: Change “was adopted” to “is adopted”

Mr. Adams will also make the change to Goal 2.1 that was approved for the 2025 Form to the 2026 Form.

On MOTION by Mr. Spitzer and seconded by Mr. Tomazin, with all in favor, the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards, as amended, was approved.

Mr. Parisi introduced himself and mentioned he has been General Counsel for the Developer at Fiddler's Creek since 1996. He stated that Deputy General Counsel Aaron Haak resigned. He introduced Jeff DeFranco, Fiddler's Creek's new General Manager.

Mr. DeFranco introduced himself and discussed his experience in large developments and hospitality in Sarasota and Boca Raton. He has been in Club and Community Management for over 20 years, mostly in Texas and Florida, and also in California and New York. He thinks Fiddler's Creek is a beautiful community. He just moved here from Boca Raton and was recently in Lakewood Ranch. He is originally from New York.

Mr. Parisi reported the following:

- Construction is underway in several developments. Building 13 in Dorado is under construction. Callista 2 will be starting next, and Oyster Harbor is still being developed.
- Hidden Cove, a new village that will be outside Runaway Bay, will develop 29 exclusive single-family homes on large lots with prices in excess of \$10 million.

Mr. Miller asked if the new homes under construction in Dorado are sold. Mr. Parisi stated that homeowners sign reservation agreements; generally, when they have at least two or three reservations for a building, they start construction.

Mr. Miller asked if there will be a pool. Mr. Parisi replied affirmatively. The pool will be by the mailboxes at the end of Dorado Lane. It will not be started until there are more buildings finished down Dorado Lane.

- The Club & Spa elevator banks are being worked on. The dining bank of elevators and the lobbies are being completed now. They will not start on the next bank of elevators until the dining one is completed.
- The parking lot was expanded. The cart barn was torn down, and 60 parking spaces were added. The tennis pro shop building is expected to be completed ahead of schedule.
- Caxambas is in the punch list stage. Chairs are coming in a few at a time. Staff is very happy with the work that was done on them.
- A spectacular new chef was hired. The restaurant is open; several events were held.
- A Certificate of Occupancy (CO) for the Sales Center was received. Crews are painting; sections are still closed. There is no exact reopening date yet, but the front should reopen soon.
- Regarding the community irrigation project, there is a need to change the program. More communication with meetings that include the Consultant, The Foundation staff, CDD representatives, Village representatives, and others are needed, as well as a better scope of

work and control estimates for budgeting. A system is needed so that documents such as plans can be shared on the CDD and Fiddler's Creek websites. The goal is to have more communication. Meetings will be held here once a month or every two weeks so that interested parties can attend and receive updates. Mr. Cole will discuss agreements that address how we can conserve and control water usage within the community.

Mr. Miller stated that each village needs to know how much to budget for the project. Mr. Parisi voiced his opinion that the villages should already be preparing and should have reserves set aside. Those in charge will do a better job with estimates. The Foundation might be able to assist with finding loans for villages.

Mr. Miller thinks there is a need to let the villages know about the costs now.

Mr. Parisi stated that emails went out to each village. The new equipment has been in use in the new villages for the last year and a half.

Mr. Tomazin thinks the irrigation project needs to be demystified. He appreciates that Mr. Parisi is planning to improve communication about the project. Mr. Parisi noted that the first consultant left because the job was too big and the second consultant works for a company that was bought out.

Mr. Parisi discussed the need to determine who is responsible for drainage issues at Mussorie, and how to fix it. One of the original plans in the littoral zone has a different piping system than what is currently in place. There is a plan out there from a company called Waldrop, that worked with Taylor Morrison, which built Mussorie. They are trying to come up with the easiest solution to address the drainage issues.

➤ Repair and cleanup work will be performed at the front entrance.

Ms. Viegas asked if the final Halvorsen payment should be requested since the traffic signal is operational. Mr. Pires stated Mr. Cole will discuss it.

➤ Some changes will be seen in front of Publix. Three outparcels were split into four because of the sizes and potential vendors approaching them. On the east side of Publix, from 41 to the back end of the parcel, 300 apartments will be added adjacent to Publix outside the gate. The apartments will not have access to Fiddler's Creek.

Mr. Cole stated this will be his last official meeting because he is retiring soon. He will still answer questions and will assist Mr. Baker through May 2026.

Mr. Cole and Mr. Baker discussed the following and responded to questions:

- The traffic signal is officially operational. Some initial detection issues that affected how many cars were getting through before the light changed have been corrected.
- Striping for the exit lanes from Sandpiper will be installed, as well as guide striping for the two lane turns.
- The contractor, the County, and Trebilcock are all working together on punch list items.
- If a problem arises with the signal, there is a number to call on the signal control cabinet. Mr. Hennessey is aware; there is also a camera. The County operates the signal.
- Staff will follow up to ensure that a final acceptance is received from the County when all punch list items are completed.
- Halvorsen's condition to make the final payment is for the CDD to provide the final cost and evidence of the final payment to the Contractor. The punch list items and cleanup needed to be done by the Contractor will take two to three months.
- Fair share payments for the J-House development and 7-ELEVEN total 24% of the signal. Mr. Cole is working on a summary of the costs for Mr. Pires to review. The present estimate is approximately \$1.6 million. The County and Bowman will be checking.

Mr. Pires stated the County should approve the letter sent to 7-ELEVEN and J-House when the amount is finalized for their fair share contributions. Mr. Cole stated the County already approved the percentages after their consultant reviewed them.

Mr. Miller asked about the estimated timing for collecting the money from 7-ELEVEN. Mr. Cole stated, if three months from now the final amounts are known, then the amount will be sent in a letter to 7-ELEVEN to pay. The County would be copied on the letter. Mr. Pires suggested following through every 30 days after the letter is sent until payment is received. Should they fail to pay, it would violate the PUD, which could be the subject of a Code Enforcement complaint.

Mr. Miller asked what punch list items are outstanding. Mr. Cole stated the striping, as mentioned earlier, and other cleanup items remain.

Mr. Parisi suggested the CDD request all warranty documents for the traffic signal for items such as paint, etc. Mr. Adams stated that will occur in conjunction with the transfer to the County.

Mr. Miller and the Board thanked Mr. Cole for his long service to the CDD and wished him a long, happy, and healthy retirement.

- **Memo Regarding Ongoing Irrigation Items**

Mr. Baker stated an irrigation memo is included in the agenda book to provide information about the lake levels and when the CDD must engage with the County for water. Certain readings are monitored throughout the year. The average wet season water table reading is 3.5'; water would be needed if the water table reaches the 0.5' level. Based on that, if the level goes down to 1', it is recommended to reach out to the County to see if water can be drawn. A water level of 0.5' is considered an emergency level, such as occurred when it was necessary to pay for water this year. The intakes for the pumphouses are set at -1'.

Mr. Miller voiced his understanding that water has always been available from the County and asked Mr. Baker if water will always be available from the County. Mr. Baker stated that potable water should always be available, but the price could change.

Mr. Baker stated that he spoke with Mr. Benet after the memo was sent and learned he is already cutting back on the time of each cycle. Therefore, they are no longer recommending cutting back the irrigation schedule from three days a week to two days.

Mr. Pires asked for a revised memo that can be put on the CDD website.

Discussion ensued regarding the 3.5' control, which is the wet season water table, which is the running average expected for the lake during the wet season. Past 3.5', water levels are relieved by the control structure.

Mr. Parisi discussed water management in Oyster Harbor, where they have too much water and sheet flow, and water must be spread out at the creek level. Mr. Baker noted that controls are in place to avoid flooding above 3.5'.

Mr. Miller asked about the team being formed. Mr. Baker referred to a proposal from Apex that was distributed today. Apex bought Water Science Associates, LLC (WSA), which has serviced Fiddler's for years. Mr. Parisi discussed Apex and WSA, and its staff, which includes Michael Jessich and Kirk Martin, who have managed irrigation throughout Collier County and serviced this property since its inception. He expressed support for the project which is about how water is treated, conserved, and managed. He thinks this is a good group to work with and that they can come up with great ideas going forward. Mr. Cole stated that this is a critical issue that has been talked about for a long time. They finally received the proposal, and he

recommends being proactive and not waiting to approve the proposal. It was noted that the proposal is \$24,500, with the cost shared with CDD #1.

Mr. Baker stated that, if this project is adopted, they want WSA on the team mentioned in their irrigation memo, as well as Mr. Benet, the CDD #1 and #2 Chairs, representatives from Bowman and The Foundation, etc.

Ms. Viegas asked if the \$24,500 is a one-time lump sum or if there will be more costs involved. Mr. Parisi stated there is \$5,000 estimated for time and materials in the total; more will be requested if necessary, but it is a lump sum one-time cost. Mr. Adams stated that CDD #2's share of the cost would be \$11,000. Mr. Spitzer asked if they will come back to the Board for approval if the time and materials are more than \$5,000. Mr. Adams and Mr. Parisi believe it unlikely that more than \$5,000 in time and materials will be needed, but they would request Board approval if necessary.

On MOTION by Mr. Tomazin and seconded by Ms. Viegas, with all in favor, the Water Science Associates, LLC (Apex) proposal, in the amount of \$24,500, subject to the cost share with CDD #1, was approved.

Mr. Baker will schedule a virtual meeting with the attendees mentioned earlier. The consensus was for a report to be presented sometime after the meeting.

Mr. Baker presented the following:

➤ Regarding the Lykins-Signtek (Lykins) proposal for sign insert replacements, a revised proposal is being obtained and a question arose about the All Way sign inserts. A series of four All Way sign inserts was proposed, but the inspector advised that five of the six signs at the intersection already have four 4-Way and one All Way sign inserts, so he proposed only one additional All Way sign for the intersection on Sandpiper between Oyster Harbor and Aviamar. He asked if, the Board would like to add just one All Way sign to the existing sixth sign, rather than replacing the four 4-Way sign inserts with All Way sign inserts, or leave it as is.

Ms. Viegas recalled that, at the last meeting, they were told that all the smaller signage under the stop signs had to be changed to All Way, but that is not correct. The 4-Way signs can remain. There is only one stop sign that does not have either a 4-Way or All Way sign below it. She thinks that it is not needed.

Ms. Viegas stated that the original \$6,410 Lykins proposal was decreased to \$4,935 due to the questions she raised. If this change is approved it will be further reduced to \$3,475.

On MOTION by Ms. Viegas and seconded by Mr. Tomazin, with all in favor, not adding the All Way sign and reducing the Lykins Proposal to \$3,475, was approved.

Ms. Viegas asked Mr. Baker if Lykins was asked if the yellow diamond for the divided highway sign is needed instead of the current rectangle sign. Mr. Baker stated he asked for it to be changed. Ms. Viegas noted that might reduce the final price even more. Mr. Baker hopes to have the revised proposal for the January meeting.

Regarding the Mussorie drainage issue, Mr. Baker stated the rover was sent in and found there is no connection to the lake as reported by MRI.

Mr. Parisi stated there are two lines at the end of the littoral in Mussorie; Mark Minor found them. The original design is different from what is there. They are in front of the littorals, not in the lake. The Waldrop plans show what is there. They need to be maintained. Riprap might be needed to prevent dirt from flowing into the drains. One of the lines is buried, so water is definitely not reaching the lake. The idea is either to maintain those two areas or find out if the design is insufficient as it is and change the design.

Mr. Miller asked if the Developer will resolve the problem. Mr. Parisi stated that, because he does not believe the CDD has the capability, he will help the CDD to determine the cause, who is responsible, and how to fix it. Two years ago, the Developer hired Jonathan Walsh, a PE Civil Engineer, and former Collier County building official, to oversee a lot of the projects. Mr. Walsh is working on it with Mr. Minor. Waldrop no longer exists, so he cannot contact them. Mr. Parisi will give an update at the next meeting.

Mr. Tomazin asked if anything should be communicated to the residents who continue emailing about this issue. Mr. Parisi stated there is no rain now and no chance of flooding any time soon. Since it is the CDD's responsibility to maintain it, not his responsibility, he is not responding. Ms. Viegas suggested if anyone is asked about the situation they should advise that the Developer is evaluating the situation.

Ms. Viegas asked about the drainage issue between 2822 and 2826 Avamar. She emailed Mr. Cole and Mr. Baker, who suggested Mr. Barrow look at it. Mr. Barrow stated he has not looked at it yet; he will do so this week. Ms. Viegas asked Mr. Barrow to email her with the outcome.

Ms. Viegas asked about the bid documents for Pumphouse #1. Mr. Baker stated Mr. Pires sent his comments this week. He will incorporate them and assemble the bid documents.

EIGHTH ORDER OF BUSINESS**Continued Discussion: Wall Bordering Museo Circle****• Consideration of GulfScapes Landscape Management Services Proposal #5149**

Mr. Baker stated his inspector is meeting with Coastal today to obtain a proposal. Precast by Design submitted a proposal for \$4,500 per section to repair the wall. The question is whether the CDD should remove the wall and add vegetation, or repair the wall. The proposal from Mr. Barrow does not include the cost to remove the wall. Mr. Baker is obtaining that cost.

Mr. Miller asked Mr. Baker if he thinks Mr. Barrow's proposal is reasonable. Mr. Baker replied affirmatively. Mr. Miller noted that the proposal could remain in consideration.

Ms. Viegas asked Mr. Barrow for the height of the proposed plantings and whether they would be the same height as the wall sections next to that area. Mr. Barrow stated the plantings would grow to the same height, but they would start out shorter.

NINTH ORDER OF BUSINESS**Discussion: Mussorie Village Tract OS-1****A. Consideration of Special Warranty Deed (Taylor Morrison to CDD)****B. Consideration of Owner's Affidavit (Mussorie Village to CDD)****I. Title Report****II. Survey**

Mr. Pires stated there is a parcel of land that was supposed to be conveyed to the CDD that was overlooked. He checked to make sure there had been no improvements or structures added to the land. The agenda book contains the proposed special warranty deed to convey the land to the CDD, as well as the title work and the Owner's Affidavit. Mr. Pires would like the Board's approval to accept the warranty deed. The CDD has been maintaining the parcel for years.

Mr. Spitzer asked if there was any evidence of dumping. Mr. Barrow stated the CDD has been maintaining it, so there was never any dumping.

On MOTION by Mr. Tomazin and seconded by Mr. Spitzer, with all in favor, the Special Warranty Deed for Mussorie Village Tract OS-1, was approved.
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TENTH ORDER OF BUSINESS**Continued Discussion: Existing Sign Inserts**

- Consideration of Lykins Signtek Quote 100401 [Replace/Install New Street Signage/Inserts]

This item was discussed during the Seventh Order of Business.

Ms. Viegas asked Mr. Baker to make sure Lykins holds its pricing until after the poles are painted. Ms. Viegas confirmed the start of the pole painting work on December 15, 2025 and asked how long it will take. Mr. Adams estimates the work will take nine weeks, depending on the weather. It was noted that there are hundreds of poles. Mr. Baker stated that Lykins is eight to twelve weeks out from starting this project, so the timing will work.

ELEVENTH ORDER OF BUSINESS**Continued Discussion: Irrigation Action Items**

Mrs. Adams stated that there was no report.

TWELFTH ORDER OF BUSINESS**Update/ Fountains: Crystal WaterScapes (Robert Engler)**

Mr. Engler provided an update and discussed the scope of work for fountain repairs. He is behind on the Aviamar fountain repairs. He just received the pumps on Monday. He is getting everything connected and the hydraulic work is done and they have the flow. He estimates the work will be finished and the fountain back up by January 1, 2026. Ms. Viegas reminded the Board it was supposed to be completed by mid-December.

Mr. Engler presented Crystal Waterscapes Quote 251125 for the Oyster Harbor Fountain Pump/Motor Replacement. One of the motors in the Oyster Harbor fountain is worn out. The problem is the impellers; there is nothing left. He contacted multiple suppliers and was unable to locate a replacement impeller. Additionally, the valves slow the water but they do not hold. Option 1 is for the middle ring. It would allow him to pull everything apart and duct tape it back together. He is not sure if it can be done until they pull it apart. It might not work. Option 1 is \$6,490. Option 2 is to replace the entire pump for the middle ring with the same type of pump as Aviamar. He recommends Option 2, which is \$45,143. Option 3 is for the center ring. It still pumps but not as high as it used to. The cost is \$42,420. If both Options 2 and 3 are selected, Mr. Engler is offering a 10% discount for a total cost of \$78,800.

Mr. Miller stated he thinks Option 1 is not feasible.

Ms. Viegas asked why the Board is hearing about this now. She stated that, as reflected in the September meeting minutes, she asked Mr. Engler what is most critical and needs to be done at the Oyster Harbor fountain, and Mr. Engler responded that the only thing needed was a new filter pump and sand filter, which the Board approved for \$10,675. Mr. Engler stated that he has no way of knowing exactly when a motor is going to fail; it failed after the September meeting.

Mr. Tomazin asked if there are any other mechanicals that could have issues in this fountain. Mr. Engler described the Oyster Harbor fountain's four systems, including the filtration system and the subterranean vault for the two jet systems, and the fountain's original design, and responded to questions.

Mr. Spitzer asked about the heights of the three rings after this work is done.

Mr. Engler discussed the impact on the fountain's jets, pressure, and aesthetics. There are three rings; there would be no change to the very center ring and no change to the very outside ring. The middle ring would increase from zero to 8'. The outer ring would remain at 3' and the inner ring would remain at 10'.

Mr. Engler stated that Option 3 would increase the ring heights from 3', 8' and 10' to 12' to 3', 8' and 15'. He stated the fountain is very big because the jets were designed to be very high.

Mr. Spitzer asked if Mr. Engler will give the 10% discount if the project is completed in phases, completing Option 3 later. Mr. Engler could not say if he would offer the discount.

Ms. Viegas asked if the center ring has ever been up to 15' and stated that, in all her years in the CDD, the fountain is the same height as it has always been. Mr. Engler stated it was made to go to 15'. Ms. Viegas noted being made to go that high does not mean it has gone to 15' or needs to go to 15'.

On MOTION by Mr. Tomazin and seconded by Mr. Spitzer, with all in favor, the Crystal Waterscapes Quote 251125, Option 2, in the amount of \$45,143, was approved.
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Mr. Engler estimated it will take two months to get the pump and do the work.

On MOTION by Ms. Viegas and seconded by Mr. Tomazin, with all in favor, rejecting Option 3 because it is not needed, was approved.

Ms. Viegas stated, since the Board was given the maintenance contract for the fountains with Mr. Engler, she is questioning the amount being charged for monthly maintenance. She noted that the contract states each fountain will cost \$1,200 to maintain per month for a total of \$3,600 and asked why the CDD is being charged \$2,400 since both the Aviamar and Veneta fountains have been empty and down for months; she thinks the CDD should only be charged \$1,200. Mr. Engler stated the fountains were still maintained to prevent the water from turning green when they were not spouting because fountains cannot be kept empty, especially during rainy season. The CDD is not paying on the Aviamar fountain, but during the months the Veneta fountain was not turned on, they were still being maintained with chemicals, as they are essentially pools. Mr. Engler believes \$2,400 is the correct amount. Ms. Viegas disagreed. Asked what is being done at the Veneta fountain, Mr. Engler stated that the top basin was drained, the lights were replaced in the lower basin, and all the jets in the top basin will be raised so that they shoot higher.

THIRTEENTH ORDER OF BUSINESS**Continued Discussion: Internal Control Related Matters**

Mr. Tomazin recalled that, at the end of the last meeting, the Board accepted two of the four opinions included in the Audited Financial Report, and the two related to internal controls were deferred. He was to reach out to the auditor and Jeff Pinder. However, he did not because he wants to look forward and no one is willing to admit to what he believes were deficiencies in the 2024 Report; they are standing by their opinions. Mr. Tomazin stated that the auditor and Mr. Pinder heard his opinion and they are not willing to change their opinions, so he thinks, in order to move forward, the Board should accept the Reports and follow up on the obligation of the District Management team to do a full review of the internal controls at least annually. He noted that he has not been made aware of or received documentation of such reviews. After the documentation is received, he suggested the Board consider if a full review of internal controls by another auditing firm is desired.

Mr. Miller stated he is unsure if the CDD will be able to get another firm. Mr. Tomazin believes another firm can be engaged. Mr. Adams stated District Management can advertise another Request for Proposals (RFP) or Request for Qualifications (RFQ) for a new audit firm. Mr. Miller asked if a new audit firm should do the audit of the internal controls. Mr. Tomazin

thinks there may be an issue if the new audit firm services other CDDs for District Management, as he thinks if they call one into question, it might raise a red flag so they might not do it. He referred to the Yellow Book, also known as Generally Accepted Government Auditing Standards (GAGAS) which provides a framework for conducting standards of government entities, ensuring accountability and transparency. Mr. Tomazin also mentioned the COSO standards he raised at the last meeting.

Mr. Pires suggested doing a parallel RFP or RFQ and looking at the scope of work of the audit and adding more specificity regarding internal controls, analysis, and asking for COSO or Government Audit standards to be used.

Mr. Adams suggested appointing Mr. Tomazin as liaison, and seeing what prior auditors submitted. He would like to get it back by the January meeting because timing is important if the Board is going to be hiring a new firm for the Fiscal Year 2025 audit. He suggested hiring an auditor for the financial reporting and another auditor for the internal controls audit. An auditor who does not prepare the audits for any of District Management's other clients should be used.

On MOTION by Mr. Tomazin and seconded by Mr. Spitzer, with all in favor, accepting the Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards for the Fiscal Year Ended September 2024, and the Management Letter for the Fiscal Year Ended September 30, 2024, was approved.

Mr. Adams will draft a Resolution accepting the full 2024 audit today.

On MOTION by Mr. Tomazin and seconded by Mr. Spitzer, with all in favor, authorizing Staff to initiate the RFP or RFQ Auditor Selection Process by preparation of the necessary solicitation documents, and authorizing Mr. Tomazin, as Board liaison to the District Manager, to review and incorporate his suggested language in the scope of the RFP or RFQ, was approved.

Mr. Pires suggested the Internal Controls report be considered for the January meeting and that the Board might consider amending the Resolution to include a written report.

Ms. Viegas recalled that she was supposed to discuss her internal control issues and concerns with Mr. Pinder after the last meeting. In the interest of time, and since he owes her more answers, she requested this item be included on the January agenda.

FOURTEENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of October 31, 2025**

- A. **Fiscal Year 2025 Fountains Summary Report/Breakdown**
- B. **Fiscal Year 2026 Fountains Summary Report/Breakdown (Year to Date)**

Mr. Tomazin asked about the two additions to the report regarding the fountains that were requested. Mrs. Adams stated the 2025 report shows what was actually paid, and the 2026 report is how much has been approved to date. Mr. Tomazin wants to add columns to the 2026 report that show how much has been paid to date each month.

Mr. Tomazin asked what the “Due From” amounts on the Balance Sheet represent. Mr. Adams stated those amounts are the off-roll billing assessments for debt service. They are billed the month before they are due, and then paid the next month. Ms. Viegas stated they come on and off the Balance Sheet as they are due and paid throughout the year.

Ms. Viegas stated she is waiting for six invoices she requested.

The financials were accepted.

FIFTEENTH ORDER OF BUSINESS**Approval of October 22, 2025 Regular Meeting Minutes**

The following changes were made:

Line 65: Change “General Accounting” to “Generally Accepted Accounting”

Line 65: Change “(GAP)” to “(GAAP)”

Line 172: After “signal.” Add “In response to Ms. Viegas, Mr. Pinder stated he was not aware of any of these issues.”

Line 483: Change “Mr. Pires” to “Mrs. Adams”

Line 608: Change “said he attended” to “discussed”

Line 609: Change “to change” to “approved”

Line 609: Change “They” to “The Developer”

On MOTION by Mr. Miller and seconded by Mr. Tomazin, with all in favor, the October 22, 2025 Regular Meeting Minutes, as amended, were approved.

SIXTEENTH ORDER OF BUSINESS**Action/Agenda or Completed Items**

Items 16 and 19 were completed.

Item 8: Ms. Viegas asked for the status. Mr. Pires stated too many hands were involved with the fountains. Ms. Viegas asked if that means there is no recourse to go back to any previous contractors for possible claims. Mr. Pires stated there is only a small amount that the CDD might be able to recover.

Item 15: The amount needs to be reduced after the final Lykins proposal.

Ms. Viegas thinks the list needs to be reviewed in more detail at the next meeting.

SEVENTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Woodward, Pires and Lombardo, P.A.**

- **Consideration of Limited Easement and Right of Way Use Agreement with Amaranda Village Association, Inc**

Mr. Pires stated that Mark Adamczyk, Esq., Attorney for the Amaranda Village Association, Inc., is in attendance. The document in the agenda book has multiple colors because the Agreement has gone back and forth between Mr. Pires and Amaranda. Once it is finalized, he will bring a final copy back to the Board for final approval.

Mr. Adamczyk distributed copies of the original irrigation plans for Amaranda Village, which shows that the irrigation system called for two connection points in a closed loop system. Last year, it was discovered that neither were done by Pulte and their irrigation contractor; they did a workaround. The plans always called for the two connection points in the line to create a closed loop system for Amaranda to go under Tract A1, which is Aviamar Circle. That was not done until last year. When Pulte was made aware, it was supposed to go between Lots 53 and 54, cross under the street, and connect back to Lot 71, which is also HOA property, and then go back around the community. The issue is going under the street in two locations. Because homes had been completed for some time, Pulte and their contractor went down further along the lake bank, around Lot 54, and barely into what is now the CDD's lake maintenance parcel, the stormwater parcel, subject to a Lake Maintenance Easement (LME), which is basically a lake bank. The only real change, as far as the road goes, is that the PVC line under the road went back up a little further than it did before, to reconnect to the south of Lot 71 there and back on to HOA property. He has been reviewing a version of an Easement and Limited Use Agreement acknowledging the encroachment. The HOA did not create the problem; it is now looking at having to sign an Agreement that accepts a lot of potential responsibility for relocation and

indemnity and a hold harmless. The practical issue is the relocation, that it could be relocated at any time by the CDD upon demand. Practically, there is nowhere else to go with it, unless developed Lots 53 and 54 were torn up, as originally planned. The Amaranda HOA is respectfully asking for some notice, adequate written reasons for the need for relocation, and time to be able to come up with another engineering solution so the community is not left without irrigation water at all if there is a need to relocate.

Mr. Miller asked what if there is no other engineering solution. Mr. Adamczyk stated the alternative is that the HOA must deal legally with Pulte regarding the errors, which would be unfortunate.

Referring to the highlighted document in the agenda, Mr. Pires indicated where the pipe comes along the south side of Lot 71 and then down to the end of Lot 54, and then up to the lake bank, which is a big difference rather than going through Lots 53 and 54.

Amaranda HOA President Fran Culver, stated there are lots of moving parts. They have been in discussions with Pulte; however, Pulte has not been cooperative. Ms. Culver cannot see why it would ever have to be moved. There is no indemnification from Pulte because they refused to give it when asked.

Mr. Pires stated the CDD needs to maintain as much control as possible over CDD property. Typically, the requirement is for the person whose equipment is in a CDD area to pay for all costs if relocation is needed or to remove it, so as to not interfere with any CDD operations.

Mr. Pires stated he takes a very conservative approach. He understands Mr. Adamczyk's situation and stated that he sees no need to give any reasons if it must be moved.

Discussion ensued regarding the Agreement, the need for indemnification, and the changes that have been made. Ms. Viegas and Mr. Spitzer also contributed comments to the Agreement.

Mr. Pires asked the Board to accept the edits. He will make the changes and provide a clean copy to Mr. Adamczyk and the Board, along with photos and cleaner copies of the plans.

On MOTION by Mr. Spitzer and seconded by Mr. Tomazin, with all in favor, the form of the Agreement, accepting all edits made in the Agreement format that is in the agenda, with all changes made today of a substantive nature, and all changes made by Ms. Viegas via email today, was approved, subject to final approval.

- **Report on Collier County Planning Commission/Consideration of Proposed Greenway-Fritchey RPUD**

Mr. Pires stated that he appeared at the Collier County Planning Commission hearing on December 9, 2025 to add the fair share contribution language. The request was denied. There was aggressive push back from the Greenway-Fritchey attorney. Commissioner LoCastro made the motion. Mr. Miller voiced his opinion that Commissioner LoCastro participated in depriving the CDD of a legitimate contribution to the CDD's cost.

Ms. Viegas mentioned the article about the Cassia Naples development going in across from Publix and asked if the CDD could request a fair share contribution from them. Mr. Pires noted that, in the Commission meeting yesterday it was stated that there is no precedent for a developer to pay a fair share contribution if the signal is already installed.

- **Update: Memorandum Regarding Ethics Training Requirements**

Mr. Pires reminded the Board Members to complete the required four hours of ethics training by December 31, 2025. Completion will be reported when filing Form 1 in 2026.

Ms. Viegas asked about completion of Form 1. Mr. Adams stated each Board Member should receive an email asking for it to be completed with a link to complete it.

Mr. Pires suggested a reminder be put on the March agenda to make sure the Board Members received the emails.

- **Discussion: Public Records**

Mr. Pires stated that all emails or other communication received by a Board Member to their personal email addresses regarding CDD business must be sent to Mr. Adams.

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

- **NEXT MEETING DATE: January 28, 2026 at 10:00 AM**
 - **QUORUM CHECK**

All Board Members present confirmed their attendance at the January 28, 2026 meeting.

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

The Operations Report was included for informational purposes.

Ms. Viegas asked for an update on the bond refinancing. Mr. Adams said he would give a report at the January meeting.

Ms. Viegas asked Mrs. Adams if she had heard back from Trimmers regarding extending their contract for the holiday lighting on the palms at the Sandpiper entrance for 3 more years at the same price. Mrs. Adams said she had not.

Ms. Viegas showed the Board an advertisement for Miromar Lakes Beach & Golf Club with a fountain similar to the Veneta fountain but on a smaller scale. Ms. Viegas requested the District Management team contact them to see who built and services their fountain. Ms. Viegas recalled that she and Mr. Tomazin have both requested that another fountain contractor look at the fountains and give a second opinion rather than being forced to use Mr. Engler and accept whatever he recommends at whatever price he wants to charge.

NINETEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Spitzer and seconded by Mr. Tomazin, with all in favor, the meeting adjourned at 12:48 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Scott Stutzman

Secretary/Assistant Secretary



G. D. K.

Chair/Vice Chair