

**MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**

The Board of Supervisors of the Fiddler’s Creek Community Development District #1 held a Regular Meeting on January 23, 2019 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present at the meeting were:

Phil Brougham	Chair
Joseph Badessa	Assistant Secretary
Joseph Schmitt	Assistant Secretary
Robert Slater	Assistant Secretary
Torben Christensen	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Tony Pires	District Counsel
Valerie Lord	Counsel – The Foundation
Terry Cole	District Engineer
Carrie Robinson (via telephone)	Special Counsel
Ron Albeit	General Manager – The Foundation
Robert Dieckmann	Interim Project Manager – The Foundation
Elyse Marshall	Resident
Shane Willis	Director of Safety, Health and Environment
Kenny Flage	LandCare USA, LLC
Mark Swanson	LandCare USA, LLC
Alfredo Molina	Laz’s Lawn Services, Inc.
Laz Torres	Laz’s Lawn Services, Inc.
Frank Weinberg	Resident
Judy Tibbs	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 8:00 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

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

Ms. Elyse Marshall, a resident, asked for the status of closing up the 8” fence gap on Mulberry Lane. Mr. Cole stated the repairs would be completed within the next month by C&C Fence Builders (C&C); as he just received and forwarded Mrs. Adams their proposal.

THIRD ORDER OF BUSINESS

Special Counsel Update

Ms. Robinson provided the following update:

- Depositions continue.
- The trial docket remains set for April 24.
- The hearing before the new judge for the CDD to be excused from non-binding arbitration was yesterday. Judge Krier denied the District’s request, as she strongly believes in the arbitration process; therefore non-binding arbitration for CDDs #1 and #2 will proceed.
- The parties have 10 days from yesterday to select an arbiter.
- Thus far, U.S. Bank has not expressed a willingness to discuss a resolution of this case outside of a global resolution, together with CDD #2.

Ms. Robinson explained the benefits in participating in non-binding arbitration.

Ms. Robinson requested an Executive Session to discuss matters that are not appropriate for a public meeting. Today’s meeting will be continued to Wednesday, January 30, 2019 at 9:00 a.m., for the purposes of holding the Executive Session.

Mr. Adams will bring a current detailed statement of expenditures associated with this litigation to the meeting.

Ms. Robinson left the meeting.

FOURTH ORDER OF BUSINESS

Developer’s Report

Mr. Albeit introduced Mr. Shane Willis, the new Director of Safety, Health and Environment. Ms. Puckett recently resigned.

Mr. Willis discussed his background, education and experience.

Mr. Albeit stated there was nothing to report; however, he noted both CDDs intend to hire one outside source to maintain the irrigation system, once the control system is upgraded, and, for efficiency had been relocated to Ms. Puckett's office; however those changes were not working. The CDD should be concerned as, under the current structure, there is no control of water consumption, specifically in the Villages. He suggested utilizing The Foundation's process, as they were developing ideas with the team that is running the irrigation system for the golf course, using the same system, software and hardware but having separate pump houses from the CDDs, which results in little need for outside interference.

Mr. Brougham stated a joint workshop to discuss the irrigation system is scheduled for February 27, 2019 at 1:30 p.m., between CDDs #1 and #2 and with certain other participants invited. Mr. Adams stated that the workshop will include discussions about the current irrigation system, hydraulics, consumption control, etc. Mr. Albeit will have a representative attend the workshop, since he would not be able to attend. Mr. Adams stated a copy of his presentation would be forwarded to Mr. Albeit.

FIFTH ORDER OF BUSINESS

Engineer's Report: *Hole Montes, Inc.*

Mr. Cole distributed the Hurricane Irma Restoration Report for January 23, 2019, which includes Mr. Dieckmann's input. He reported the following:

➤ Juniper completed the remaining punch list items for CDDs #1 and #2 and was now addressing items still under warranty,

Mr. Dieckmann stated the list was compiled from the walkthrough with the District's Landscaper; all dead or heavily distressed trees still under warranty were identified. The plan is to replace all the dead trees; however, they will allow time for the heavily distressed trees to recover before deciding whether to replace them. The decision will be made during the spring, since the warranty is for a full year. In response to Mr. Brougham's question, Mr. Flage stated removal of the dead sables at Hawk's Nest was included in the project list.

➤ Landscape Lighting in CDD #1 was completed.

➤ The remaining street light repairs and signage punch list items were completed.

- The proposal to repair the fencing adjacent to Mulberry Court and to repair the 8” gap, located on Mulberry Lane, was submitted to Mrs. Adams for execution.
- Miscellaneous paver work commenced.
- The park benches damaged by Hurricane Irma would be replaced within the next week. Mrs. Adams confirmed that Mr. Olson ordered the remaining benches needed to replace the benches, throughout the community.
- The staging area at Fiddler’s Creek Parkway, in CDD #2, will be cleaned up within the next couple of weeks.

Mr. Brougham asked about The Foundation’s plans for building the linear park at the staging area. Mr. Dieckmann stated there were no project updates other than its design.

Mr. Brougham asked about the notices sent to Ashton Woods regarding cleaning up the cement they were discharging into the drainage structure located in Marsh Cove. Mr. Cole stated that the notices were sent; however, no action has occurred. Mr. Brougham directed Mr. Pires to send a letter to Ashton Woods indicating that, unless the area is cleared, the Board intends to have Collier County Code Enforcement intervene. Ms. Lord stated she too prepared a draft letter and will forward it to District Counsel for approval before sending it.

- Regarding locating utility lines, Mr. Cole provided an overview of the process of initiating Sunshine 811 and its rates. Because the CDD is provided only 48-hours advance notice of the location where work is being performed on CDD property to locate and tag all lines, he recommended engaging a utility locating contractor, similar to Earth View LLC, to perform that work. Mr. Pires stated that this process would provide the CDD a mechanism to submit claims against vendors who nick or break CDD utility lines. Mr. Cole stated he would prepare a Standard Operating Procedure (SOP) and provide it to the gatehouse and security for them to follow.

On MOTION by Mr. Schmitt and seconded by Mr. Brougham, with all in favor, authorizing the District Engineer to implement Sunshine 811 contract and prepare Standard Operating Procedure for the gatehouse and security to follow, was approved.

- The sidewalk repair project at Fiddler’s Creek Parkway, from 951 to the gatehouse, began. Bids for the remaining sidewalk repairs, curbing repairs and other repaving projects would be sent within the next month; the cost of the work was approximately, \$30,000. Mr. Cole was directed to present a timeline of the project and the plans to redirect traffic.
- Mr. Cole will forward Mr. Pires the proposal to restripe Championship Drive to pass on to the Pelican Lakes Attorney; if agreed, the District and Pelican Lakes would split the \$2,700 cost.
- Mr. Cole stated an Ashton Woods representative contacted him about the CDD addressing the issue of CDD air conditioning pads, pool equipment, etc., encroaching on one of their drainage easements. He explained to the person that the CDD owns the drainage easements and certain items can be stored there, through agreements, and that Ashton Woods should address the CDD’s notices to them to clean up the area where they are discharging cement into the CDD’s drainage structure. Discussion ensued regarding the CDD and its responsibilities. Mr. Cole will identify areas of encroachment throughout the CDD and forward areas identified in Marsh Cove to Mr. Pires to send a formal letter to Ashton Woods requesting that they remove the encroachment.

SIXTH ORDER OF BUSINESS

Continued Discussion: Responsibility for Replacement of Trees Damaged by Hurricane Irma and for Maintenance of the Lane

This item was not addressed and should be removed from future agendas.

SEVENTH ORDER OF BUSINESS

Continued Discussion: LED Streetlight Conversion

Mrs. Adams distributed a revised proposal from Bentley Electric Co. In response to Mr. Brougham’s question, it was confirmed that the 78 streetlights along Fiddler’s Creek Parkway were excluded from the analysis because there was no cost savings to the CDD, since Florida Power & Light (FPL) does not have a tariff schedule for them; those streetlights will remain on a flat rate.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the Bentley Electric Co. proposal to convert 193 metered streetlights to LED, in the amount of \$29,290, was approved.

EIGHTH ORDER OF BUSINESS

**Consideration of Award of Contract –
Landscape Maintenance**

Mrs. Adams stated the CDD’s Landscape Maintenance contract went out to bid. Four of the seven contractors invited to the mandatory pre-bid meeting attended. She presented the financial tabulation results, reporting the following:

- Laz’s Lawn Services, Inc. – \$727,882: Established in 2003 with an office located in Naples, Florida. Mr. Alfredo Molina, formerly with LandCare, would be the assigned foreman for this project. The references submitted were not comparable to Fiddler’s Creek by size or value, as required in the specifications of the contract. Their bid was \$150,118 less than the current contract value.
- LandCare USA, LLC, (LandCare) – \$858,000: Has been the CDD’s contractor for ten consecutive years. Their performance fluctuates but their overall level of service is very good. Mr. Kenny Flage replaced Mr. Alfredo Molina as the foreman and has provided quick response time for completing work order requests. Their bid was \$20,000 less than their current contract, reflecting a 2% savings.
- Juniper Landscaping of Florida, LLC – \$1,124,633: Established in 2001, with a local office in Naples. An incomplete bid schedule was submitted, which did not meet the requirements in the specifications of the contract. Their bid was \$246,633 over the current contract value.
- Superior Landscaping & Lawn Services, Inc. – \$1,403,969. Established in 1998 in Miami-Dade County with a local office in Fort Myers. They failed to submit their equipment list or bank credit references, as required in the specifications of the contract. Their bid was \$525,969 over the current contract value.

Mrs. Adam stated Juniper Landscaping of Florida, LLC (Juniper) and Superior Landscaping & Lawn Services (Superior) had sufficient qualifications to award the contract. The Contractors’ financial statements are not publically available so none of the contractors

provided them; however, they would be provided upon request. The Fiscal Year 2019 Landscape Maintenance budget was \$900,000.

Board Members asked questions about each company’s bid submittal, missing information, project size experience, staffing sufficiency, etc., which were answered by Mrs. Adams or the respective company’s representative.

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, deeming LandCare USA, LLC as the most responsive and responsible bidder and most advantageous bidder, in the best interest of the District, and awarding the Landscape Maintenance Contract to LandCare USA, LLC, for two years, were approved.

NINTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

Mr. Adams stated that the Federal Emergency Management Agency (FEMA) forwarded all three grant reimbursements to the department responsible for determining cost of reasonableness. He expected the District to receive approximately \$500,000 of the \$600,000 that was submitted. Due to FEMA’s delays, an extension would likely be filed, as March 10th is the one year deadline to file an extension.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2018

Mr. Brougham presented the Unaudited Financial Statements as of December 31, 2018. Mrs. Adams explained that the “Street lighting”, “Contractual services” line item overage was due to a coding error; the Florida Painters \$31,419 invoice would be moved to the “Roadway”, “Roadway maintenance” line item. The \$8,669 “Irrigation supply”, “Repairs and maintenance” line item was the result of Aqua-Matic repairing a break in the main line.

ELEVENTH ORDER OF BUSINESS

Consideration of Minutes

A. November 14, 2018 Regular Meeting

Mr. Brougham presented the November 14, 2018 Regular Meeting Minutes. The following changes were made:

Line 96: Change "Architecture" to "Architect"

Line 49: Insert "The Board consensus was to allow Mr. Schmitt's attendance and full participation, via telephone, due to exceptional circumstances."

Line 102: Change "defaults" to "defects"

Mr. Pires recommended that Mrs. Adams clarify with Ms. Robinson her statement on Lines 132 and 133.

Line 143: Change "Court" to "County"

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, the November 14, 2018 Regular Meeting Minutes, as amended, were approved.

B. December 12, 2018 Regular Meeting

Mr. Brougham presented the December 12, 2018 Regular Meeting Minutes. The following changes were made:

Line 151: Change "Marco" to "Marcos"

Line 209: Change "\$250,000" to ".25 mil"

Line 212: Change "Waldrup" to "Waldrop"

Line 265: Delete the last sentence

On MOTION by Mr. Badessa and seconded by Mr. Slater, with all in favor, the December 12, 2018 Regular Meeting Minutes, as amended, were approved.

C. December 14, 2018 Continued Meeting

Mr. Brougham presented the December 14, 2018 Continued Meeting Minutes.

On MOTION by Mr. Brougham and seconded by Mr. Badessa, with all in favor, the December 14, 2018 Continued Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Action Items

Completed Action Items: 2, 5, 6, 8, 9, 10, 12, 13, 16, 17, 14, 15, 18, 19, 21, 26 and 27.

Item 11: Revise to insert “Collier Paving and Concrete”

Item 13: Revise to add Mr. Schmitt stated that he and Mr. Pires attended Collier County’s Productivity Committee meeting regarding implementing a storm water fee to pay for infrastructure operations and maintenance costs; they will continue to monitor activity and attend any Committee meetings.

Item 22: Revise to insert “GIS presentation will be held at the February meeting.”

Item 28: Revise to state Mr. Olson to schedule painting of street light on Runaway Lane once it is confirmed the CDD is responsible for its maintenance.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires provided an update on the Collier County Stormwater Fee Public Hearing, which was heavily attended by the public. Discussions involved looking for an additional revenue source and, as an alternative to having the fee on the tax bill, imposing an electricity franchise fee that would be on electric bills. The County is moving forward with setting the public hearings necessary to enter into agreements with the Property Appraiser and Tax Collector, to set the mechanism in place for the stormwater utility case. Commissioner Saunders is the liaison and Vice Chair of the Committee and Commission Taylor is pushing for this program.

Mr. Pires stated that, in 2016, the County Commissioners were provided with a brief history of the stormwater management bundle, which explained the reasons for their shortfall; however, it was not provided to the Productivity Committee.

Mr. Schmitt provided a brief history of the way the County funded the operations and maintenance costs and why these changes were now being discussed.

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

- **NEXT MEETING DATE: February 27, 2019 at 8:00 A.M.**

The next meeting will be held on February 27, 2019 at 8:00 a.m.

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

Mrs. Adams presented the Field Operations Report for January 23, 2019 and highlighted the following:

- Fountain repairs will be completed by the end of the month.

Regarding patrols, Mr. Brougham stated that, at the Village Council meeting, a Collier County Sheriff’s Lieutenant indicated to him that they were considering resuming patrols in the District. In response to a question about the physical altercation between the Security Guard and another person and whether Security Guards can make claims of working in a hostile work environment, Mr. Willis stated Security Guards have the ability to call the Sheriff’s Department, who, in this incident, offered to intervene. The employee decided not to press charges against the person.

Mr. Brougham explained that Fiddler’s Creek Security is contracted out to The Foundation and they handle all aspects of that responsibility.

FOURTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Slater asked whether the gate not working properly was due to software or equipment issues. Mr. Willis stated it was a combination of both; the inbound visitor gate needed a part ordered, which should arrive this week but the ongoing issue was mostly due to TEM not performing proper maintenance on the equipment.

Mr. Slater thanked Fiddler’s Creek and District Staff, on behalf of Bent Creek Way, for their efforts in improving the appearance of Fiddler’s Creek, specifically with regard to maintaining the new plantings around the monuments, etc.

Mr. Schmitt asked why the Traffic Hawk was set up on Championship. Mr. Willis stated it is a mobile device that is used daily to identify speeding within the community; however, no fines were being issued at the moment.

Mr. Pires confirmed that the continued meeting, for the closed door session, would be held in the Egret Room on Wednesday, January 30, 2019 at 9:00 a.m.

FIFTEENTH ORDER OF BUSINESS

Public Comments

This item was not addressed.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting recessed and was continued to January 30, 2019 at 9:00 a.m., in the Egret Room.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair