

**MINUTES OF MEETING
WINDWARD AT LAKEWOOD RANCH
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Windward at Lakewood Ranch Community Development District held a Regular Meeting on September 14, 2022, at 12:00 P.M., at 5800 Lakewood Ranch Blvd, Sarasota, Florida 34240.

Present were:

Pete Williams	Chair
Sandy Foster	Vice Chair
Dale Weidemiller (via telephone)	Assistant Secretary
John Blakley	Assistant Secretary
John Leinaweaver	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Ed Vogler (via telephone)	District Counsel
Barry Mazzoni	Field Operations Manager
Kris Wilhoit	Stantec Consulting Services, Inc. (Stantec)
John Nokes	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 12:15 p.m.

Supervisors Foster, Blakley and Leinaweaver were present. Supervisor Weidemiller was attending via telephone. Supervisor Williams was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items *(limited to 3 minutes per individual)*

Resident John Nokes asked if the Interlocal Agreements being considered today affect the CDD's cashflow and liability.

Mr. Adams stated, regarding the Fourth Order of Business, work would be paid from the CDD's construction fund or by the Developer. Regarding the Third Order of Business, the budget supports the reclaimed water expenses.

Regarding the Fourth Order of Business, Mr. Vogler stated that the County requested the Interlocal Agreement, which expands the scope of services from the prior Interlocal Agreement; the County will fund 100% of the costs. He felt that this should not impact the CDD's budget and, in this instance, there is not a specific Developer Funding Agreement because all the funds are being provided by the County, as the County wanted the improvements. At the same time, the CDD is engaging Stantec to work collectively with the County. Responsibility for professional design, sealed plans and the concern that errors might be made would be the responsibility of the Engineering company, who provided the necessary certificates of insurance and liability to the County.

Mr. Vogler stated that these types of joint, cooperation agreements are usually beneficial to the CDD and its residents; in this instance road improvements are beneficial and the work comes at no cost to the CDD. He felt that there is no liability concern, unless someone can articulate a specific basis for concern.

Mr. Williams joined the meeting during Public Comments.

Mr. Williams noted that the CDD is protected by sovereign immunity, which places a monetary cap on damages, should the CDD be sued.

Mr. Nokes asked about the potential to have a third free right turn lane onto Fruitville with a merge lane. Mr. Wilhoit stated that Stantec will analyze that intersection with the County, including a traffic analysis; it is common for roundabouts to have a free right.

Mr. Nokes asked if reclaimed water entering the irrigation pond will worsen the algae issues. Mr. Adams stated that it will necessitate a much more prudent and responsive maintenance program because of the additional nutrients that come from reclaimed water.

THIRD ORDER OF BUSINESS

Consideration of Reclaimed Water Use Agreement with Sarasota County for Golf Courses, Common Areas, Apartments and Single-Family Homes

Mr. Adams presented the Reclaimed Water Use Agreement. He noted that this expense was included in the Fiscal Year 2023 budget and discussed the 10-year term of the Agreement, termination provision, maximum amount of reclaimed water to be received per day and the County’s responsibilities.

Mr. Wilhoit stated and Mr. Vogler agreed that this type of Agreement is common.

On MOTION by Mr. Williams and seconded by Mr. Blakely with all in favor, the Reclaimed Water Use Agreement with Sarasota County for Golf Courses, Common Areas, Apartments and Single-Family Homes, was approved.

FOURTH ORDER OF BUSINESS

Consideration of Interlocal Agreement Between Sarasota County, Florida and the Windward at Lakewood Ranch Community Development District for the Design, Engineering, Permitting, and Ancillary Services of Fruitville Road Widening from Debrecen Road to Lorraine Road

Mr. Adams presented the Interlocal Agreement.

Mr. Wilhoit stated that the additional work included roundabout designs at Founders Club Drive and at Laceleaf Boulevard; in addition to a right-turn lane going to Sarasota Center Boulevard.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, the Interlocal Agreement Between Sarasota County, Florida and the Windward at Lakewood Ranch Community Development District for the Design, Engineering, Permitting, and Ancillary Services of Fruitville Road Widening from Debrecen Road to Lorraine Road, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Stantec Consulting Services Inc., Specific Authorizations

A. No. 9: General District Engineering Services for Fiscal Year 2022-2023

Mr. Adams presented Authorization No. 9, for \$20,000.

On MOTION by Mr. Williams and seconded by Mr. Weidemiller, with all in favor, Stantec Consulting Services Inc., Specific Authorization No. 9 for General District Engineering Services for Fiscal Year 2022-2023, in the amount of \$20,000, was approved.

- B. No. 10: Intersection Improvements at Fruitville Road and Founders Club Drive, Fruitville Road and Sarasota Center Boulevard and Fruitville Road and Laceleaf Boulevard - Design, Permitting and Surveying Services**

Mr. Adams presented Authorization No. 10.

On MOTION by Mr. Weidemiller and seconded by Mr. Blakley, with all in favor, Stantec Consulting Services Inc., Specific Authorization No. 10 for Intersection Improvements at Fruitville Road and Founders Club Drive, Fruitville Road and Sarasota Center Boulevard and Fruitville Road and Laceleaf Boulevard - Design, Permitting and Surveying Services, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Hetteema Saba, LLC Fee Proposal for Fruitville Road Right of Way Project

Mr. Adams presented the proposal from Hetteema Saba, LLC for the Fruitville Road Right of Way Project.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, the Hetteema Saba, LLC Fee Proposal for the Fruitville Road Right of Way Project, was approved.

SEVENTH ORDER OF BUSINESS

Acceptance of the Unaudited Financial Statements as of July 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2022.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, the Unaudited Financial Statements as of July 31, 2022, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of August 17, 2022 Public Hearings and Regular Meeting Minutes

Mr. Adams presented the August 17, 2022 Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Williams and seconded by Mr. Blakley, with all in favor, the August 17, 2022 Public Hearings and Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Vogler Ashton, PLLC*

There was nothing further to report.

B. District Engineer: *Stantec*

There was nothing further to report.

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

- **NEXT MEETING DATE: October 12, 2022 at 12:00 P.M.**

- **QUORUM CHECK**

The next meeting will be held on October 12, 2022.

TENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Nokes noted a recent irrigation pump issue and asked who should be contacted in that situation.

Mr. Nokes asked for the status of having the algae in the irrigation pond scraped. Mr. Mazzone stated that a proposal is expected next week. Mr. Nokes asked about a long-term proposal and a proposal a few months ago to add aeration. Mr. Adams stated that it would be a bubbler system rather than a fountain. The CDD's focus should be on bolstering the lake maintenance contract so that lake is reviewed and treated more frequently.

- **Phase 2 Infrastructure**

This item was an addition to the agenda.

Mr. Vogler recalled that Jon M. Hall Company (JMH) was terminated and notice was sent to JMH. Although JMH objects to the termination, they accept it and demobilized and removed all of their equipment from the site. Now the balance of the work must be covered. He and the District Engineer suggest that this should be viewed as emergency work for the purpose of finishing the work because there have been some washouts and other conditions that are increasing the costs.

Mr. Vogler stated that JMH filed suite against the CDD but, to his knowledge, the CDD has not been served. He suggested engaging the same Counsel as the Developer to defend this matter. He estimated about \$700,000 of retainage that might be payable to JMH that is being held because JMH did not complete the work. The CDD will have the work completed by another company and then offset any costs against the retainage and any remaining retainage will be remitted to JMH.

Mr. Vogler recalled that the decision to terminate JMH was because the Developer's Engineer and the District Engineer tried for a long time to get JMH to finish the work but JMH did not finish it.

A Board Member asked why the process of obtaining proposals, etc., did not commence sooner, right after JMH was terminated. No one was sure of the reason. Mr. Vogler stated that the Project Developer's team has been on site, shoring up things on an interim basis, pending the potential that JMH might have finished the work, when they received notice.

On MOTION by Mr. Williams and seconded by Mr. Blakley, with all in favor, the declaring an emergency, authorizing the District Manager and District Engineer to solicit proposals and engage a company to perform the emergency Phase 2 Infrastructure work, and authorizing engagement of the same Counsel as the Developer to defend this matter, was approved.

ELEVENTH ORDER OF BUSINESS**Public Comments: Non-Agenda Items
(limited to 3 minutes per individual)**

There were no public comments.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Blakley and seconded by Ms. Foster, with all in favor, the meeting adjourned at 12:35 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair