COMMUNITY DEVELOPMENT
DISTRICT

BOARD OF SUPERVISORS

March 13, 2024

REGULAR MEETING
AGENDA

COMMUNITY DEVELOPMENT DISTRICT

AGENDA LETTER

Windward at Lakewood Ranch Community Development District OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W Boca Raton, Florida 33431 Phone: (561) 571-0010 Toll-free: (877) 276-0889 Fax: (561) 571-0013

March 6, 2024

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors

Windward at Lakewood Ranch Community Development District

Dear Board Members:

The Board of Supervisors of the Windward at Lakewood Ranch Community Development District will hold a Regular Meeting on March 13, 2024 at 11:00 a.m., at 5800 Lakewood Ranch Blvd., Sarasota, Florida 34240. The agenda is as follows:

- 1. Call to Order/Roll Call
- 2. Public Comments: Agenda Items (limited to 3 minutes per individual)
- 3. Acceptance of Unaudited Financial Statements as of January 31, 2024
- 4. Approval of February 14, 2024 Regular Meeting Minutes
- 5. Staff Reports
 - A. District Counsel: Vogler Ashton, PLLC
 - B. District Engineer: Stantec Consulting Services, Inc.
 - C. District Manager: Wrathell, Hunt and Associates, LLC
 - NEXT MEETING DATE: April 10, 2024 at 11:00 AM
 - QUORUM CHECK

SEAT 1	JOHN LEINAWEAVER	In Person	PHONE	No
SEAT 2	SANDY FOSTER	In Person	PHONE	No
SEAT 3	Dale Weidemiller	In Person] PHONE	No
SEAT 4	PETE WILLIAMS	In Person	PHONE	No
SEAT 5	JOHN BLAKLEY	In Person	PHONE	No

- 6. Board Members' Comments/Requests
- 7. Public Comments: Non-Agenda Items (limited to 3 minutes per individual)
- 8. Adjournment

Board of Supervisors Windward at Lakewood Ranch Community Development District March 13, 2024, Regular Meeting Agenda Page 2

If you should have any questions or concerns, please do not hesitate to contact me directly at (239) 464-7114.

Sincerely,

Chesley (Chuck) E. Adams, Jr.

SDE. Adar

District Manager

<u>FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHON</u>

CALL-IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 229 774 8903

COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED FINANCIAL STATEMENTS

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT FINANCIAL STATEMENTS UNAUDITED JANUARY 31, 2024

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT BALANCE SHEET GOVERNMENTAL FUNDS JANUARY 31, 2024

	(General Fund	R	Special evenue Fund - ruitville	Debt Service Fund Series 2020		Debt Service Fund eries 2022	Capital Projects Fund Series 2020	Capital Projects Fund Series 2022	Go	Total overnmental Funds
ASSETS Cash	\$	525,238	\$	_	\$ -	\$	_	\$ -	\$ -	\$	525,238
Investments	Ψ	020,200	Ψ		Ψ	Ψ		Ψ	Ψ	Ψ	020,200
Reserve		_		-	88,879		396,250	-	-		485,129
Prepayment		-		-	1,065,687	1	1,134,750	-	-		2,200,437
Revenue		-		-	311,986		419,942	-	-		731,928
Construction		-		-	-		-	1,467,930	2,872,370		4,340,300
Due from Developer		3,697		-	51,686		8,180	-	-		63,563
Due from general fund		-		-	43,782		175,434	-	3,803		223,019
Due from debt service fund				-	4,116		-	-	-		4,116
Due from other		575		-	-		-	-	-		575
Deposits		225		-	-		-	-	-		225
Undeposited funds	\$	284,616 814,351	Ф.		219,861	Φ.	2,134,556	\$1,467,930	\$ 2,876,173	ф.	504,477 9,079,007
Total assets		814,351	\$		\$1,785,997	\$2	2,134,556	\$ 1,467,930	\$ 2,876,173	\$	9,079,007
LIABILITIES Liabilities:											
Contracts payable	\$	-	\$	-	\$ -	\$	-	\$ -	\$ 1,967	\$	1,967
Retainage payable		-		-	-		-	625,762	65,195		690,957
Due to Developer		-		118,978	-		-	-	-		118,978
Due to debt service fund 2020		43,782		-	-		4,116	-	-		47,898
Due to debt service fund 2022		175,434		-	-		-	-	-		175,434
Due to capital projects fund 2022		-		-	-		3,803	-	-		3,803
Developer advance		6,000									6,000
Total liabilities		225,216		118,978			7,919	625,762	67,162		1,045,037
DEFERRED INFLOWS OF RESOURCES	,										
Deferred receipts		3,697		_	51,686		8,180	_	-		63,563
Unearned revenue		84,743		-	26,715		173,033	-	_		284,491
Total deferred inflows of resources		88,440		-	78,401		181,213		_		348,054
FUND BALANCES Committed Restricted for:											
Debt service		_		_	1,707,596	1	1,945,424				3,653,020
Capital projects		_			1,707,590		-	842,168	2,809,011		3,651,179
Assigned								042,100	2,000,011		0,001,170
Three months working capital		146,418		_	_		_	_	-		146,418
Unassigned		354,277		(118,978)	_		_	_	_		235,299
Total fund balances		500,695		(118,978)	1,707,596	1	1,945,424	842,168	2,809,011		7,685,916
Total liabilities, deferred inflows											
of resources and fund balances	\$	814,351	\$		\$1,785,997	\$2	2,134,556	\$ 1,467,930	\$ 2,876,173	\$	9,079,007

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT GENERAL FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES FOR THE PERIOD ENDED JANUARY 31, 2024

		urrent Month	Year to Date		Budget	% of Budget
REVENUES						
Assessment levy	\$	14,651	\$ 203,657	\$	507,962	40%
Assessment levy: off-roll		-	169,485		60,709	279%
Lot closing		-	6,723		-	N/A
Interest and miscellaneous		125	 125		500	25%
Total revenues		14,776	 379,990		569,171	67%
EXPENDITURES						
Professional & administrative						
Supervisors		1,000	3,000		12,800	23%
Management/accounting/recording		4,000	16,000		48,000	33%
Field management		833	3,333		10,000	33%
Debt service fund accounting		458	1,833		5,500	33%
Legal		1,860	1,860		20,000	9%
Engineering		1,205	3,195		20,000	16%
Audit		-	-		5,000	0%
Arbitrage rebate calculation		-	-		750	0%
Dissemination agent		167	667		2,000	33%
Trustee		-	4,031		6,000	67%
Telephone		16	66		200	33%
Postage		79	167		500	33%
Legal advertising		-	-		2,000	0%
Annual special district fee		-	175		175	100%
Insurance		-	5,590		5,500	102%
Contingencies/bank charges		-	-		750 500	0%
Miscellaneous		-	-		500	0%
Website		-	-		705 210	0% 0%
ADA website compliance Property appraiser & tax collector		209	3,044		10,583	29%
Total professional & administrative		9,827	 42,961		151,173	28%
Total professional & administrative		3,021	 42,301		101,170	2070
Field Operations						
Well pump maintenance					5,000	0%
Wetland monitoring contract		2,750	6,700		125,000	5%
Pond maintenance contract		18,611	23,792		50,000	48%
Pond maintenance		-	-		5,000	0%
Irrigation system maintenance		4,567	19,480		125,000	16%
Irrigation PS maintenance		-	-		5,000	0%
Irrigation pump maintenance		4 500	6 406		10,000	0%
Streetlights Curb replacement		1,533	6,136		18,000	34% 0%
Curb replacement		0 167	32,272		5,000	161%
Effluent water supply Fruitville road cleanup		8,167	32,212		20,000 30,000	0%
Waterline flushing		_	_		20,000	0%
Total field operations	-	35,628	 88,380	_	418,000	21%
Total expenditures	-	45,455	 131,341		569,173	23%
rotal experiatares		40,400	 101,041		000,170	2070
Excess/(deficiency) of revenues						
over/(under) expenditures		(30,679)	248,649		(2)	
Fund balances - beginning		531,374	252,046		241,778	
Assigned		301,017	202,040		2-1,110	
Three months working capital		-	146,418		146,418	
Unassigned		500,695	 354,277		95,358	
Fund balances - ending	\$	500,695	\$ 500,695	\$	241,776	

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT SPECIAL REVENUE FUND - FRUITVILLE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES FOR THE PERIOD ENDED JANUARY 31, 2024

	Current Month	Year to Date
REVENUES Total revenues	\$ -	\$ -
EXPENDITURES Total expenditures		<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	-
Fund balances - beginning Fund balances - ending	(118,978) \$ (118,978)	(118,978) \$ (118,978)

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES DEBT SERVICE FUND SERIES 2020 FOR THE PERIOD ENDED JANUARY 31, 2024

	Current	Year To	Decident	% of
REVENUES	Month	Date	Budget	Budget
Assessment levy Assessment levy: off-roll	\$ 17,314 -	\$ 240,668 53,431	\$ 366,984 363,255	66% 15%
Assessment prepayments	150,849	1,181,851	-	N/A
Interest	1,461	19,134	-	N/A
Total revenues	169,624	1,495,084	730,239	205%
EXPENDITURES				
Debt service				
Principal - S2020A1	-	-	120,000	0%
Principal prepayment - S2020A-2	-	1,140,000	-	N/A
Principal prepayment - S2020A-3	-	20,000	-	N/A
Interest - S2020A-1	-	118,657	237,315	50%
Interest - S2020A-2	-	91,630	196,900	47%
Interest - S2020A-3		83,178	166,355	50%
Total debt service		1,453,465	720,570	202%
Other fees & charges				
Tax collector	247	3,597	7,646	47%
Total other fees & charges	247	3,597	7,646	47%
Total expenditures	247_	1,457,062	728,216	200%
Excess/(deficiency) of revenues				
over/(under) expenditures	169,377	38,022	2,023	
Fund balances - beginning	1,538,219_	1,669,574	515,880	
Fund balances - ending	\$1,707,596	\$ 1,707,596	\$ 517,903	

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES DEBT SERVICE FUND SERIES 2022 FOR THE PERIOD ENDED JANUARY 31, 2024

		urrent 1onth	 Year To Date	 Budget	% of Budget
REVENUES			_		
Assessment levy	\$	2,435	\$ 33,855	\$ 553,606	6%
Assessment levy: off-roll		-	346,066	264,367	131%
Assessment prepayments		-	277,367	-	N/A
Lot closing		-	9,636	-	N/A
Interest / misc. income		8,590	28,172	-	N/A
Total revenues		11,025	695,096	817,973	85%
EXPENDITURES					
Debt service					
Principal		_	-	265,000	0%
Interest		_	268,328	555,513	48%
Total debt service		-	268,328	820,513	33%
Other fees & charges					
Tax collector		34	506	11,533	4%
Total other fees & charges		34	506	11,533	4%
Total expenditures		34	268,834	832,046	32%
Excess/(deficiency) of revenues					
over/(under) expenditures		10,991	426,262	(14,073)	
Fund balances - beginning	1,9	934,433	1,519,162	707,811	
Fund balances - ending	\$ 1,	945,424	\$ 1,945,424	\$ 693,738	

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES CAPITAL PROJECTS FUND SERIES 2020 FOR THE PERIOD ENDED JANUARY 31, 2024

	Current Month		Year To Date
REVENUES	 		
Interest	\$ 6,554	_\$_	25,823
Total revenues	6,554		25,823
EXPENDITURES Total expenditures	<u>-</u>		<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	6,554		25,823
Fund balances - beginning	835,614		816,345
Fund balances - ending	\$ 842,168	\$	842,168

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES CAPITAL PROJECTS FUND SERIES 2022 FOR THE PERIOD ENDED JANUARY 31, 2024

	_	Current Month	Y	ear To Date
REVENUES				
Interest	\$	12,949	\$	51,058
Total revenues		12,949		51,058
EXPENDITURES Capital outlay		27,442		29,409
Total expenditures		27,442		29,409
Excess/(deficiency) of revenues over/(under) expenditures		(14,493)		21,649
Fund balances - beginning Fund balances - ending		823,504		,787,362 ,809,011

COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

1 2 3 4	MINUTES O WINDWARD AT LA COMMUNITY DEVE	AKEWOOD RANCH
5	The Board of Supervisors of the	Windward at Lakewood Ranch Community
6	Development District held a Regular Meeting	on February 14, 2024 at 11:00 a.m., at 5800
7	Lakewood Ranch Blvd., Sarasota, Florida 34240.	
8 9	Present were:	
10 11	Pete Williams Sandy Foster	Chair Vice Chair
12	John Leinaweaver	Assistant Secretary
13 14	John Blakley Dale Weidemiller (via telephone)	Assistant Secretary Assistant Secretary
15 16 17	Also present:	
18 19 20	Chuck Adams Ed Vogler Mike Kennedy	District Manager District Counsel District Engineer
21 22 23	FIRST ORDER OF BUSINESS	Call to Order/Roll Call
24 25	Mr. Adams called the meeting to orde	r at 11:26 a.m. Supervisors Williams, Foster,
26	Blakley and Leinaweaver were present. Supervis	or Weidemiller attended via telephone.
27		
28 29 30	SECOND ORDER OF BUSINESS	Public Comments: Agenda Items (limited to 3 minutes per individual)
31 32	No members of the public spoke.	
33 34 35	THIRD ORDER OF BUSINESS	Consideration of Award of Contract [Windward Phase 3]
36	Mr. Kennedy presented the Stantec Rec	ommendation of Award for Windward Phase 3
37	project. He discussed the responses to the Requ	est for Proposals (RFP) and noted the following:
38	> The RFP was advertised appropriately an	d the bids were opened on February 12, 2024.

- 39 > The four respondents were Frederick Derr & Company, Inc., Deme Construction LLC,
- 40 Forsberg Construction, Inc., and RIPA & Associates. All are pre-qualified CDD contractors.
- Frederick Derr & Company, Inc., was the low bidder at \$4,732,327.85; Deme
- 42 Construction LLC bid \$4,782,290.95, Forsberg Construction, Inc. bid \$5,777,606.20 and RIPA &
- 43 Associates bid \$5,876,573.00.
- The respondents were evaluated according to the agreed-upon Evaluation Criteria of:
- 45 Personnel (10 Points), Proposer's Experience (20 Points), Understanding of Scope of Work and
- 46 Schedule Requirements (20 Points), and Price (50 Points)
- 47 The Review Committee, consisting of District Engineer Michael Kennedy, Harry Russom
- 48 of Neal Communities, LLC and Engineer of Record Matthew Morris, PC, of Morris Engineering,
- 49 convened this morning.

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- 50 The Committee felt that all respondents are equally qualified for this project, in the
- 51 Personnel and Experience categories.
- 52 The respondents were ranked as follows:
- 53 #1 Frederick Derr & Company, Inc. 98 Points
- 54 #2 Deme Construction LLC 87.5 Points
- 55 #3 Forsberg Construction, Inc. 88 Points
- 56 #4 RIPA & Associates 88 Points
- 57 The RFP Committee's recommendation is to award the contract to Frederick Derr &
- 58 Company, Inc., in the amount of \$4,732,327.85.
 - Mr. Vogler stated his firm followed the District Engineer's approach to the RFP responses and the evaluation of the Committee, and finds it appropriate. The recommendation of the District Engineer is very important for Board consideration. In addition, his firm jointly confirmed that various funds exist within the CDD's accounts for construction of these improvements but it would appear that there is not a sufficient amount to cover the entire award, which is a concern. It was noted that some of the CDD funds also include retainage of approximately \$700,000 that is currently in dispute with former contractor John M. Hall for which litigation is pending; an update will be provided during Staff Reports. As it relates to funding, when presented with this type of situation, it is not appropriate for the CDD to enter

Mr. Vogler recommended the Board require the imposition of a Developer Funding Agreement and ratification of that commitment by the Developer. He stated that he spoke with the Developer and he understands and knows that commitment will be provided. To proceed with the award today, he recommends a motion to approve the recommended contractor and require that, as a condition of entering into the contract, District Counsel and the District Engineer approve a budget and a Developer Funding Agreement that confirms the existence of adequate funds.

Asked if this will be a new Developer Funding Agreement, Mr. Vogler believes that is correct; while there is always a Developer Funding Agreement, it must be examined to specifically tie it to this project.

Asked if he has experience with this contractor, Mr. Kennedy stated very much so; the company is very well established, very well-known and very responsive.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, accepting the Review Committee's recommendation and awarding the Windward Phase 3 contract to Frederick Derr & Company, Inc., in the amount of \$4,732,327.85, contingent upon District Counsel and the District Engineer approving a budget and entering into a Developer Funding Agreement that confirms the existence of adequate funds, was approved.

Mr. Kennedy stated a preliminary pre-construction meeting will be scheduled soon. Once the Developer Funding Agreement is executed, the intent is to have the contracts executed and issue a Notice to Proceed, effective the first week of March. A conflict exists due to an eagle's nest so a part of the project must be completed before the eagles return in September.

FOURTH ORDER OF BUSINESS

Mr. Adams presented a Memorandum and discussed the new requirement for Supervisors to complete a four-hour ethics continuing education course every year. The electronic version of the agenda includes links to courses; the Florida Commission on Ethics offers good free course options. Supervisors will receive an email from the Florida Commission

Update: Required Ethics Training

WINDWARD AT LAKEWOOD RANCH CDD DRAFT

on Ethics requiring registration in order to receive Form 1 directly from the State; Form 1 will be completed and filed electronically.

Mr. Williams stated, in addition to the Florida State University course, the Florida Association of Special Districts offers the same type of course for \$79. The other courses are free but the free courses are arranged so it is important to ensure that the full four hours are received. He noted that Supervisors have the full 2024 year to complete the requirement. Completion will be reported on Form 1 in 2025. He suggested completing the coursework before the deadline.

Mr. Adams stated his understanding that the 55-minute courses will be honored as a one-hour course. Board Members are not members of the Florida Association of Special Districts but that course offers a Certificate of Completion; whereas, the Florida Commission on Ethics courses do not, so it is recommended that Board Members keep a screenshot or photograph to document completion. At this time there is no requirement to submit proof of course completion.

FIFTH ORDER OF BUSINESS

Acceptance of the Unaudited Financial Statements as of December 31, 2023

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2023.

The financials were accepted.

SIXTH ORDER OF BUSINESS

Approval of January 10, 2024 Regular Meeting Minutes

 On MOTION by Ms. Foster and seconded by Mr. Leinaweaver, with all in favor, the January 10, 2024 Regular Meeting Minutes, as presented, were approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Vogler Ashton, PLLC

Mr. Vogler reported the following related to the litigation with John M. Hall, a former contractor for the CDD:

WINDWARD AT LAKEWOOD RANCH CDD DRAFT

136	>	Litigation is continuing.	
137	>	The CDD is being defended by the Tampa	firm of Hill Ward Henderson.
138	>	To the best of his knowledge, the CDD	has completed all the work not completed by
139	John	M. Hall. Accountings are ongoing and, ult	timately, the CDD will have to square up with
140	them		
141	>	There are six pending cases involving Joh	n M. Hall and other Districts and private parties
142	for si	x projects.	
143	>	District Counsel is not actively involved in	the complicated litigation but is monitoring it.
144	>	As of today, a global mediation is schedu	led for two days at the end of March 2024. It is
145	antici	ipated that there might be a complete resol	lution and end to the proceeding.
146	>	The CDD is not exposed; the funds have	been retained and, if John M. Hall is ultimately
147	entitl	ed to any of the funds, they will receive the	e amount they are entitled to or that they agree
148	to ac	cept.	
149	В.	District Engineer: Stantec Consulting Ser	vices, Inc.
150		There was no report.	
151	c.	District Manager: Wrathell, Hunt and As	sociates, LLC
152		NEXT MEETING DATE: March 13,	2024 at 11:00 AM
153		O QUORUM CHECK	
154			
155 156	EIGH'	TH ORDER OF BUSINESS	Board Members' Comments/Requests
157		There were no Board Members' commen	ts or requests.
158			
159 160 161	NINT	H ORDER OF BUSINESS	Public Comments: Non-Agenda Items (limited to 3 minutes per individual)
162		No members of the public spoke.	
163			
164 165 166	TENT	H ORDER OF BUSINESS	Adjournment
167 168		On MOTION by Mr. Weidemiller second	led by Ms. Foster, with all in favor, the
			II III

WINDWARD AT LAKEWOOD RANCH CDD DRAFT

February 14, 2024

171			
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174	Secretary/Assistant Secretary	Chair/Vice Chair	

COMMUNITY DEVELOPMENT DISTRICT

STAFF REPORTS

WINDWARD AT LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE

LOCATION

5800 Lakewood Ranch Blvd, Sarasota, FL 34240

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 11, 2023	Regular Meeting	11:00 AM
November 8, 2023	Regular Meeting	11:00 AM
December 13, 2023 CANCELED	Regular Meeting	11:00 AM
January 10, 2024	Regular Meeting	11:00 AM
February 14, 2024	Regular Meeting	11:00 AM
March 13, 2024	Regular Meeting	11:00 AM
April 10, 2024	Regular Meeting	11:00 AM
May 8, 2024	Regular Meeting	11:00 AM
June 12, 2024	Regular Meeting	11:00 AM
July 10, 2024	Regular Meeting	11:00 AM
August 14, 2024	Regular Meeting	11:00 AM
September 11, 2024	Regular Meeting	11:00 AM