

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on October 18, 2023 at 9:00 a.m., in the Bella Vita I Room at the Sports Club at Mediterra, 15735 Corso Mediterra Circle, Naples, Florida 34110.

Present were:

Robert Greenberg	Chair
Kenneth Tarr	Vice Chair
Mary Wheeler	Assistant Secretary
John Henry	Assistant Secretary
Vicki Gartland	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Alyssa Willson (via telephone)	District Counsel
Andy Tilton	District Engineer
Jared Brown	JEI
James Barron	EarthBalance Corporation
Andy Nott	Superior Waterway Services, Inc.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:03 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes)

Asked when the survey will come out, Mr. Greenberg stated it will be discussed today.

THIRD ORDER OF BUSINESS

Chairman's Comments

Mr. Greenberg welcomed the residents and attendees. He noted the following:

- Water levels are still low but the ponds look better than in recent weeks. The ponds levels are down approximately 2' and while nothing can be done about that the problem lake banks will be addressed.
- Discussion of the nature trail was delayed by a month but that is probably good so residents can be present for discussions as opposed to sending emails. Transparency and full and open discussion with the community are preferable.
- Due to SOLitude's deficiencies, a replacement vendor will be selected today. Some ponds did not look well over the summer and many complaints were received. Staff should be commended for their management of the situation.

FOURTH ORDER OF BUSINESS

Continued Discussion/Update: Nature Trail and Boardwalk

- **Nature Boardwalk Fact Sheet**

This item was addressed following the Fourteenth Order of Business.

FIFTH ORDER OF BUSINESS

Discussion/Consideration: Sports Club LME

Mr. Adams presented the request from the Club at Mediterra for a 10' Lake Maintenance Easement to accommodate expansion of the pool area.

Discussion ensued regarding how best to address the request be it by legal description and deed or by a Consent to Use Agreement.

Ms. Willson recommended the CDD enter into a Consent to Use Agreement. Mr. Adams discussed the proposal for a 10' encroachment into the CDD's 20' easement and noted that the CDD also has access to the lake bank from the other shore. Ms. Willson stated the Agreement will require the Club to follow all County and other governmental setback requirements. Mr. Adams stated the requirements will be vetted during the permitting process. Ms. Willson recommended the document be recorded in the public record so that all parties are on notice that the encroachment is allowed for this specific purpose only.

Mr. Tarr noted that, although it is a minor encroachment, the lake bank will be altered to some extent. Mr. Adams stated The Club will be required to maintain the slope.

On MOTION by Mr. Tarr and seconded by Mr. Henry, with all in favor, authorizing a Consent to Use of Easement Agreement with The Club, as identified on the Exhibit provided, subject to the usual restrictions and indemnities and recording of the Agreement, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Sod Replacement at Lake 6

- A. BLUE Landscape Contracting Group, LLC Estimate 17863**
- B. LandCare Proposal/Authorization for Extra Work**

Mr. Willis presented the proposals for sod replacement at Lake 6. The proposals are comparable and he recommended engaging BLUE Landscape Contracting Group, LLC, (BLUE) as they are on site and maintain the landscaping for the Villoresi Association. Mrs. Adams stated that the LandCare proposal does not include irrigation. Mr. Tarr noted that residents have been very satisfied with the services provided by BLUE.

Mr. Willis was directed to ask BLUE to match the lowest bid submitted of \$11,460.

On MOTION by Mr. Tarr and seconded by Ms. Wheeler, with all in favor, BLUE Landscape Contracting Group, LLC Estimate 17863, in a not-to-exceed amount of \$12,225, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: Termination of SOLitude Lake Management, LLC Services

Mrs. Adams presented the Memorandum regarding the Award of Contract for Lake & Wetland Management, included in Item 9E. When the SOLitude contract was terminated, Superior Waterway Services (Superior) was engaged to perform initial cleanup, etc., in the interim due to Mr. Andy Nott’s familiarity with the property and immediate availability.

Mrs. Adams stated the sealed bid process was followed as outlined.

Mr. Greenberg stated, as other Board Members were out of town, he acted upon the authority given to him by the Board and directed Staff to proceed with terminating the

SOLitude contract. He reiterated that the lakes were looking poor over the summer, partly due to low water levels.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, termination of the SOLitude contract, was ratified.

A. Superior Waterway Services, Inc. Report (Andy Nott)

Mr. Nott described the emergency work provided by Superior. Every lake was treated at least once; crews sprayed grasses, vines, broadleaf and weeds. Several crews hand-cut taller foliage. Multiple treatments will be needed to eradicate grasses and, due to the overgrowth of weeds and vines, there will be some collateral damage to the littorals. Good progress was made and more treatments are required to catch up. All lakes received initial treatment, except for a few areas with access issues; boats will be used to reach undeveloped areas. Brazilian pepper trees will be cut back.

Asked for his personal sense of the quality and condition of the CDD's lakes compared to other communities in Collier and Lee Counties, Mr. Nott stated they are below standard. Many communities are struggling but, when growth is 4', 5' and 6' tall, vines canopy over and torpedo grass is so thick, it is below standard and looks like it was missed or not treated at all.

Asked to describe the progress made, Mr. Nott stated crews treated every lake at least once and multiple treatments were done; good progress has been made.

Mr. Tarr acknowledged that Superior stepped into a difficult situation. He asked if the dead vegetation will be removed from the lake bank. Mr. Nott stated removal is unlikely as that is a massive project; technicians are trying to limit treatments to protect beneficial vegetation.

Mr. Tarr stated he has never seen the lakes in such poor condition. In his opinion, residents will be dissatisfied if treatments are limited to spraying. Mr. Greenberg stated Staff can be asked to solicit additional proposals for lake cleanup. Mr. Tarr noted that the bids for non-emergency services include removal of dead matter.

Asked to define the services provided thus far, Mr. Nott stated technicians visited 20 to 30 times. Crews might vary from two to five technicians, for a total of 20 to 25 “man days” in the last six to eight weeks.

Mr. Tarr stated the CDD had issues when contractors offered a great price but underestimated the magnitude of the problems. Mr. Nott stated the bid is not a lowball price. He confirmed the cleanup contract scope of work includes only spraying and killing of weeds.

Mr. Greenberg noted that Superior came in under exigent circumstances based on the nonperformance of SOLitude. In his opinion, Superior executed the scope of work admirably. He expressed his appreciation.

Ms. Gartland thanked Staff and Superior for acting so quickly. She believes Mr. Tarr’s point is that, in doing this part of the repair, there will be other matters to consider; the maintenance needed will not be typical as it will involve extensive issues. Mr. Greenberg stated the scope of work will cover what is needed.

On MOTION by Mr. Tarr and seconded by Ms. Gartland, with all in favor, the Superior Waterway Services, Inc. contract, in the amount of \$31,500, was approved.

EIGHTH ORDER OF BUSINESS

Discussion/ Consideration of Superior Waterway Services, Inc., Service Agreement for Cut, Removal and Disposal of Palm Trees on Lakes 57 and 60

Mrs. Adams presented the Superior proposal for removal of the seeded palms.

Discussion ensued regarding the scope of work and the residential nature of Lake 57.

Mr. Greenberg asked for the downside of leaving the trees. Mrs. Adams expressed concern about the seeded palms adjacent to the golf course. Mr. Greenberg voiced his opinion that the Golf Club should raise the issue if necessary and the CDD should perform cleanup rather than removal. Mrs. Adams noted that the tree behind the residence is small.

Mr. Nott stated small trees will be removed at no charge. Mr. Willis recalled a policy was stated that trees below shoulder height will be removed as a matter of course.

Mr. Greenberg directed removal of small trees and for Staff to be consulted regarding large trees. Asked what issue seeded palms present, Mr. Adams stated the seeds enter the pond and float around and when water levels fall they are left on the bank where they can germinate and block access.

NINTH ORDER OF BUSINESS

Consideration of Responses to RFP for Maintenance of Water Management Areas [Aquatic and Wetland Management]

A. Affidavits/Proofs of Publication

B. RFP Package

These items were included for informational purposes.

C. Respondents

I. EarthBalance Corporation

II. Superior Waterway Services, Inc.

Mrs. Adams stated bid packages were sent to four contractors; two contractors attended the mandatory pre-bid meeting. She has experience with both contractors and both are well-qualified. She discussed her experience with the contractors and their subcontractors.

D. Evaluation Criteria

The Board Members and Staff discussed the Evaluation Criteria and the bid package, Mr. Tarr's concern about removal of duff and dead weeds, the scope of work, distinction between mechanical removal, chemical treatment, removal of weeds and removal of debris.

Ms. Willson stated the bidding process is different from those followed in the past due to the cost threshold, which necessitated a sealed bid process. Questions can be asked of Staff and vendors and a contract can be finalized based on the price provided. If necessary, a Change Order can be negotiated for additional services with the vendor following the bid process.

Discussion ensued regarding the Request for Proposals verbiage and changes desired for future reference.

Mr. Tarr asked if bidders understand that dead weeds will be removed to the top of the lake bank. Mrs. Adams stated they can speak for themselves but that is how these contracts have always worked; she has never had to give that type of instruction.

Following additional discussion, Mr. Greenberg opined that the intent was that material cut and pulled out would be hauled away and materials sprayed would be left to decay.

Mr. Nott stated the intent is not to let it get to that point. Superior came into a situation where some collateral damage is necessary to improve the conditions. A lot of manpower will be needed for spraying, weed eating, raking, etc. Moving forward, if an area in their contract is neglected, they will cut and remove it if necessary.

Mr. Tarr noted that six months from today, the existing problem could be addressed.

Mr. James Barron, EarthBalance Corporation Project Manager, stated his subcontractor Crosscreek Environmental has been doing this type of work for years. EarthBalance's bid is a bit pricier because it includes removal and the preserves also require management. He noted that most of the preserves are treated in place; his firm has worked with District Management on lake bank restoration and removal of unsightly vegetation in other communities.

Mr. Tarr pointed out that the EarthBalance bid lists a large array of equipment but the other bid does not. Mr. Nott discussed the equipment included in Superior's bid.

Mr. Greenberg observed that one bidder intends to perform the entire contract in-house with its own staff under direct supervision but the other bidder intends to utilize subcontractors for a significant portion of the contract, which, in his opinion, leads to questions about control responsibility, etc.

The Board and Staff discussed the bids and scope of work. Mr. Nott and Mr. Barron responded to questions about the scope of work, work experience, aerators, etc.

Mr. Greenberg called for a brief recess so the Board Members can complete the Evaluation Forms.

The meeting recessed at 10:05 a.m., and reconvened at 10:10 a.m.

Mr. Tarr asked Mrs. Adams to discuss how many technicians each firm would supply. Mrs. Adams indicated that Superior's bid states that routine maintenance will include two technicians with one supervisor and one project manager. Technicians will be on site two days per week. EarthBalance indicated that Crosscreek Environmental's routine maintenance will include three technicians on site three days per week. Mr. Tarr opined that 50% more visits with 50% more technicians will equal more activity.

Mr. Adams presented the bid tabulations and bid amounts, as follows:

1. EarthBalance Corporation (EarthBalance): Scored 425.8 points. Bid \$349,364.60 for the first and second years.
2. Superior Waterway Services, Inc. (Superior): Scored 356 points. Bid \$198,623.52 for the first year and \$206,568.44 for the second year.

E. Award of Contract

Asked if the Board is obligated to award the contract to the highest scoring entity, Ms. Willson replied affirmatively. She stated the Notice of Intent to Award the Contract will be sent to both entities informing them of the ranking. Following the protest period, assuming there is no protest and provided that the required insurance and certifications and backup are provided, the contract will be circulated for execution.

Asked when the Superior contract ends, Mrs. Adams stated the Superior contract ends at the end of October. The new contract will commence on November 1, 2023.

Mr. Tarr stressed it is imperative that EarthBalance understands the extent of the issues.

Mr. Greenberg voiced his opinion that the Board is making a terrible mistake today, as Superior is a small, local company that rescued the CDD. Ms. Gartland agreed with Mr. Greenberg’s opinion and stated she does not think the points in the categories offered a way to emphasize Superior’s work for the CDD. Additionally, she prefers a company that does not subcontract out the work.

Mr. Tarr voiced his opinion that more visits with more technicians will achieve a significant difference. Mr. Greenberg stated it is also significant to note that EarthBalance will subcontract out half the work.

On MOTION by Ms. Gartland and seconded by Mr. Henry, with Ms. Gartland, Mr. Henry, Mr. Tarr and Ms. Wheeler in favor and Mr. Greenberg dissenting, authorization for District Staff to issue a Notice of Intent to Award Contract to EarthBalance Corporation, and to prepare and circulate an Agreement for execution, was approved. [Motion passed 4-1]

Monterosso at Mediterra Condominium Association, Inc.

Mrs. Adams stated the License Agreement was executed; no further action is needed.

ELEVENTH ORDER OF BUSINESS

Consideration of Long Bay Partners, LLC, Warranty Deed

Mr. Adams presented the Long Bay Partners, LLC, Warranty Deed. The parcel identified within the CDD boundaries has always been recognized as a future right-of-way (ROW) for the Parkway; the deed indicates that the parcel is not and will not be subject to any CDD assessments now or in the future, as Collier County requires.

Ms. Willson stated the CDD’s request to add the caveat that the condition applies as long as the property is owned by Collier County was accepted.

On MOTION by Mr. Tarr and seconded by Ms. Gartland, with all in favor, the Long Bay Partners, LLC, Warranty Deed and authorizing the Chair to execute, was approved.

TWELFTH ORDER OF BUSINESS

Discussion/Update: Operating Funds Investment Options

Mr. Adams presented three investment option proposals for the CDD’s operating funds. The BankUnited Insured Cash Sweep (ICS) Money Market account is FDIC insured up to \$150 million versus a typical business Money Market account with FDIC coverage up to \$250,000. FineMark Bank offers an ICS Cash Sweep account with FDIC coverage up to \$250,000. Synovus Bank offers a Money Market account with FDIC coverage up to \$250,000. Synovus and BankUnited have very similar terms, indexing interest rates against the Federal Prime rate, which would currently yield approximately 4.75% interest; the rate would be checked against the Federal Prime rate monthly and adjusted accordingly.

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, accepting the BankUnited proposal and investing CDD funds in a BankUnited ICS account, was approved.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of August 31, 2023

- **2023 Operations Financial Impact Analysis**
- **Breakdown/Summary Report**

Mr. Adams stated, eleven months into the fiscal year, the operating fund revenues are above budget and expenditures are and well below budget.

Mr. Henry asked what the “Cost of issuance” expenditure of \$105,795 refers to. Mr. Adams stated it is related to fees and expenses incurred in the financing activities. He noted that District Management did not charge a fee, although they had the right to.

Ms. Gartland asked why postage was at 400% of the budgeted amount. Mr. Adams stated the postage expenses are related to shipping agenda packets to Board Members when they are on vacation. Asked if the agenda is still being emailed, Mr. Adams stated this month it was emailed with a link to the agenda, due to the very large file size.

Mr. Willis stated postage costs were also due to mailing Defective Work Notices.

Mr. Greenberg directed Staff to adjust the postage line item for next year’s budget in anticipation that Board Members might be traveling.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of August 16, 2023 Public Hearings and Regular Meeting Minutes

The following changes were made:

Line 336: Insert “Club” before “President” and change “MCA” to “Club”

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, the August 16, 2023 Public Hearings and Regular Meeting Minutes, as amended, were approved.

- **Continued Discussion/Update: Nature Trail and Boardwalk**

This item, previously the Fourth Order of Business, was presented out of order.

- **Nature Boardwalk Fact Sheet**

Mr. Greenberg discussed the process whereby he developed the fact sheet over the summer with the assistance of Mr. Tilton, Mr. Willis, Mr. Adams and Mrs. Adams. The goal was to create a clear and concise document of the project scope of work and cost, and address concerns voiced to the Board or Board Members. The final draft of the survey created by Ms. Babair includes revisions submitted by Mr. Tarr, Mr. Greenberg and Staff. He suggested the Board discuss the fact sheet, survey and process going forward.

Mr. Tarr expressed concern about utilizing surplus funds to fund the Nature Trail, given the lack of reserves, a recent broken drain pipe in Medici and the unknown condition of the CDD pipes. He believes such a project should be assessed and the Board should not use CDD funds possibly needed later to meet the CDD's charter requirement to maintain the stormwater system and the preserves. He discussed his long advocacy for a nature trail and stated he could support an assessment or a bank loan for it but he finds financing it troublesome.

Having researched the matter, Mr. Adams stated the options depend upon whether the Board undertakes only Phase I or the full 1,200 linear feet. Non-financing options include maintaining assessments at the current level. Without an assessment program, the project would likely have needed to be deferred two years. He noted that the contract just awarded will have a great impact on the budget, as the expense is \$150,000 more than what the CDD paid previously, which will likely increase the need to defer the project three years.

Mr. Tarr voiced his opinion that the Board should discuss using ROVs to inspect critical pipes because the crack in the Medici pipe was unexpected. Asked if the ROV inspections will show pipe loss in advance, Mr. Adams replied affirmatively and stated that it is much more expensive than regular inspections. Mrs. Adams stated that currently, the ROV is only employed in outfall structures. It was noted that ROV inspections would impact funds.

Mr. Henry recalled the Board agreed to a survey. He noted the last question asks residents if they are in favor of constructing a 600' or 1,200' trail or not in favor. He suggested

accurately explaining the costs to assist residents in making a decision. He assumes residents understand that the Board will do its best to finance or assess the project, if necessary. In his opinion, absent a plurality of residents supporting it then it is a bigger issue given the cost. He thinks the CDD's primary responsibilities are to maintain lakes and conservation areas and fire prevention. He supports the nature trail but he will not support it if residents do not want it.

Mr. Greenberg stated he thought the nature trail would be a great amenity for the community. He asked Mr. Adams to include discussion of the ROV on the next agenda. He suggested discussing the fact sheet and the survey and sending the Survey in the next month.

Mr. Henry voiced his opinion that the Board should not predict how the Nature Trail would be funded and suggested flexibility, as the Board does not yet know how funding will be accomplished given the additional expense for the lake management contract.

Ms. Gartland recalled a previous estimate of \$700 per unit. Mr. Greenberg discussed his estimate that, with what is already budgeted, \$500 spread over two years would equate to \$250 per unit for each of the two years.

Discussion ensued regarding whether to propose an assessment or to show different scenarios including one without an assessment increase, issue with using funds that would normally go into surplus and the possibility that surplus funds can be used for financing.

Ms. Gartland stated she does not want to complicate the survey but she thinks homeowners will want to know how much they will have to pay.

Mr. Greenberg thinks the nature trail will probably need to be deferred until the significant impact of other expenses can be considered. He noted that the lake management contract selected is \$150,000 higher than previously budgeted and will significantly impact the budget, which is why he voted against it. He believes that contract, possibility of ROV inspections and the results should be factored in. He suggested tabling this to the next meeting.

Discussion ensued regarding changes to simplify the fact sheet.

Mr. Greenberg asked Ms. Gartland to review and edit the fact sheet.

Discussion ensued regarding the spreadsheet and it was decided that "Sources and Uses of Funds" will be removed from the spreadsheet.

Mr. Henry proposed indicating that no assessment increase is expected this year but future assessments could be affected that it is not expected to be outside normal increases.

The Board agreed. Ms. Gartland will make the necessary revisions.

Regarding risk management, Mr. Tarr thinks the average homeowner does not understand sovereign immunity for CDD Supervisors. Mr. Greenberg will revise the language.

Mr. Greenberg stated the revised survey will be circulated when it is complete and he believes the survey can be sent next week.

Discussion ensued regarding removing “How often do you or your family members walk the Corso or the East Side loop?” and “If you live on the East Side, how often do you go to the West Side to talk the Corso?”

A resident voiced their opinion that walking does not matter and suggested asking “Do you want a nature trail or do you not want a nature trail and why?”

Mr. Greenberg thinks the questions are “Do you believe it would be a valuable amenity, why, and are you in favor.”

Mr. Adams stated the survey can ensure that each home gets one vote, as the survey will be sent to the registered email address. Regarding how many votes The Club will get, it was noted that, while The Club pays assessments, it also collects fees and the survey will not be sent to The Club. Asked how The Club views the nature trail, Mr. Greenberg stated his feeling that The Club does not want to weigh in.

It was agreed that “Check All That Apply” will be added to the survey.

Mr. Tarr thanked Mr. Greenberg for his service to the community over the years, including the wall, finding the General Manager, managing the hurricane, etc.

Mr. Greenberg stated he does not understand why the nature trail has been an uphill battle and stated, if the survey is possible and the nature trail proceeds, he will consider running again in 2024 when his seat is up for election. In his opinion, the nature trail will last forever, it is environmentally responsible and designed in the best way. He noted that the Board and especially Staff have worked very hard on it and they will try to see it to fruition; however, if the community does not want it, that will be it.

Asked if guided tours would be possible, Mr. Adams suggested a volunteer could walk the trail and produce a video. Staff will walk the trail and produce a video with a voiceover to be sent in advance of the survey.

Mr. Greenberg thanked everyone for their input and suggestions.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: Johnson Engineering, Inc.

Mr. Tilton introduced Mr. Jared Brown, who has served as his firm’s Office Manager for ten years and has worked in Collier County for 20 years and stated Mr. Brown will take over when he retires in January.

Mr. Tarr asked about the Governor’s recent Declaration of Emergency. Mr. Brown stated his understanding that Declarations of Emergency cannot overlap; further information will be provided at the next meeting.

The Board wished Mr. Tilton well in his retirement.

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

- **NEXT MEETING DATE: November 15, 2023 at 9:00 AM**
 - **QUORUM CHECK**

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

- **Key Activity Dates Report**

The October 2023 Key Activity Dates Report was included for informational purposes.

SIXTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

This item was not addressed.

SEVENTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Tarr asked when the GIS maps will be updated. Mr. Willis stated the update was completed. Mr. Tarr asked for very big maps to be printed for the next meeting.

NINETEENTH ORDER OF BUSINESS

Public Comments (3 minutes)

A resident asked for the fact sheet. Mr. Greenberg provided it and noted that the revisions discussed today will be made.

A resident asked who will be responsible for maintaining the nature trail. Mr. Greenberg stated it would be the CDD but maintenance would be de minimis for at least the first five years; for example, the golf course has not needed to replace the planks on the bridges until after 20 years.

Asked about the measures that would be taken if the ROV discovers pipe issues, Mr. Adams stated there is no reserve but the CDD has "Unassigned Fund Balance" in excess of \$600,000.

TWENTIETH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the meeting adjourned at 11:18 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair