

**WINDING CYPRESS  
COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
MARCH 21, 2024**

**A. CALL TO ORDER**

The March 21, 2024, Regular Board Meeting of the Winding Cypress Community Development District (the "District") was called to order at 1:00 p.m. at the Clubhouse at Winding Cypress located at 7180 Winding Cypress Drive, Naples, Florida 34114.

**B. PLEDGE OF ALLEGIANCE**

**C. PROOF OF PUBLICATION**

Proof of publication was presented that Notice of the Regular Board Meeting had been published in the *Naples Daily News* on March 11, 2024, as legally required.

**D. ESTABLISH A QUORUM**

It was determined that the attendance of the following Supervisors constituted a quorum and it was in order to proceed with the meeting:

Chairman	Barbara Powell	Present
Vice Chairman	Alex Petrovsky	Present
Supervisor	Gerard O'Donohue	Present
Supervisor	Patrick Cirello	Absent
Supervisor	Paul Ellwood	Present

Also present were the following Staff members:

District Manager	Michelle Krizen	Special District Services, Inc.
District Counsel	Alyssa Willson (via phone)	Kutak Rock
District Engineer	Ted Tryka	Agnoli Barber & Brundage, Inc.

Also present were those indicated on the attached sign-in sheet.

**E. ADDITIONS OR DELETIONS TO THE AGENDA**

Supervisor Petrovsky requested the addition of a Discussion Regarding Seabreeze Erosion Specialist to the agenda. This will be addressed under New Business 3. "Next Steps Regarding Lake Erosion."

**F. APPROVAL OF MINUTES**

**1. February 1, 2024, Regular Board Meeting**

The minutes of the February 1, 2024, Regular Board Meeting were presented for consideration.

A motion was made by Supervisor O'Donohue, seconded by Supervisor Ellwood and passed unanimously approving the minutes of the February 1, 2024, Regular Board Meeting, as presented.

## 2. March 7, 2024, Workshop

This item was tabled until the next meeting.

### G. OLD BUSINESS

There were no Old Business items to come before the Board.

### H. NEW BUSINESS

#### 1. Accept and Receive Lake Erosion Evaluation Report

The report was previously reviewed in detail at the March 7, 2024, Workshop. The Board expressed appreciation for the level of detail provided in the report. Mr. Tryka was happy to answer any questions at this time. Neither the Board Members nor any members of the public had any questions at this time.

A discussion ensued regarding placing the report on the District's website. There is a possibility that making the report ADA compliant would be expensive and/or challenging due to its size. The Board was in agreement that if the report can be posted on the District's website, to do so. If there are additional charges for posting the report, Ms. Krizen will bring a proposal to the next meeting for Board consideration.

#### 2. Discussion Regarding Next Steps Regarding Lake Erosion

Since more than 60% of the erosion issues are caused by offsite sources, Mr. Tryka presented a recommendation that focused on the point source to prevent recurrence. The use of direct connections and catch basins was discussed. Mr. Tryka shared an example from another community that placed the connections as a preventive measure as part of the remediation project. There are currently drain connections in the lake, however most were not installed correctly and contribute to the issues. While the District can take action to remediate erosion from the lakes through its easement, to address causation back to source points beyond the easement, the District would have to work in conjunction with the HOA and/or individual residents. The District Engineer's preliminary estimate to remediate erosion throughout the District exceeds \$3 Million. [Note: A more refined estimate is to be included in his next report encompassing remediation options for consideration by the Board of Supervisors.]

Supervisor Petrovsky requested clarification from Ms. Willson regarding Statute 190.003 and the use of "real and personal property." Ms. Willson explained that does not give us jurisdiction over private property, as "personal" and "private" property are not synonymous terms under the law. Supervisor Petrovsky stated he believes we are in "a state of emergency" and need to immediately hire a contractor to begin work. District Counsel explained that the scope and projected cost of the work requires a sealed bid process pursuant to law. Supervisor Petrovsky then suggested that he and another resident act as a committee to select a contractor. Ms. Willson reiterated that the law requires use of a sealed bidding process for construction projects exceeding \$519,303.01. She then explained the bidding process and timelines in greater detail, highlighting the importance that all bidders contemporaneously receive identical information regarding the project and that **no bidder receives details or information from the board or staff regarding the bid beyond that which is provided to all bidders.**

Supervisor O'Donohue requested an option to repair the lakes that will stay within the District's boundaries of the easement rather than extending the entire distance to individual homes. Mr. Tryka stated that he started with this option since it is problem/solution based but could provide other options. Several members of the public expressed their thoughts: Diane Merola urged the Board to consider a long-term plan and be proactive, not reactive. Kathy Avallone requested clarification regarding potential costs to homeowners. Michael and Diane Merola suggested various ways to phase the project.

To ensure that Mr. Tryka had sufficient time to draft plans, it was suggested that the April 18, 2024, Workshop be changed to a meeting and the April 4, 2024, Regular Board Meeting be cancelled. Supervisor Petrovsky requested clarification whether official action can be taken at a Workshop, citing a Board resolution. Ms. Willson explained it could not and the resolution does not supersede state law and no action can take place at a Workshop.

A **motion** was made by Supervisor Ellwood, seconded by Supervisor O'Donohue and passed unanimously authorizing Mr. Tryka to work with District staff to present two repair options to the Board for consideration, including projected timelines and costs, at the April 18, 2024, meeting.

### **3. Consider Assignment and Assumption of Professional Services Agreement**

The current engineering contract with Agnoli, Barber & Brundage needs to be updated due to a merger with LJA Engineering, Inc.

A **motion** was made by Supervisor Powell, seconded by Supervisor O'Donohue and passed unanimously approving the Assignment and Assumption of Professional Services Agreement from Agnoli, Barber & Brundage to LJA Engineering, Inc., as presented.

## **I. ADMINISTRATIVE MATTERS**

### **1. Manager's Report**

Ms. Krizen presented the financials. She shared options to help fund the lake bank remediation. Directing funds from three budget line items enumerated below could offset the overall by approximately \$300,000:

- We have budgeted \$12,000 for Supervisors' Fees, but since four supervisors have waived their right to those fees, the remaining balance of \$8,400 (assuming the meeting schedule is unchanged) could be directed to erosion remediation costs.
- For Legal/Engineering Extraordinary we budgeted \$250,000 less the \$50,000 estimated for the engineering study, leaving \$200,000 that could be directed to erosion remediation costs.
- Lake Bank Maintenance is budgeted at \$75,000 and Pipe Maintenance at \$20,000, both of which could be legally directed to erosion remediation costs.

Given the current budget approval deadlines, switching the Workshop and Board Meetings in May would provide an additional two weeks to better plan and gather the necessary information related to the erosion remediation project. There was a consensus of the Board to switch those meetings.

### **2. Attorney's Report**

Ms. Willson had nothing further to report.

## **J. BOARD MEMBER COMMENTS**

There were no additional comments from the Board Members.

**K. ADJOURNMENT**

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 3:09 p.m. on a **motion** made by Supervisor Ellwood, seconded by Supervisor O'Donohue and passed unanimously.



Chairman/Vice Chairman



Secretary/Assistant Secretary

Date Approved

4/10/24



# Winding Cypress CDD

## SPEAKER'S FORM

If you wish to speak on an agenda item, please complete a separate form for each item.

TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM PLEASE COMPLETE THIS SETION.

NAME: Kathy Anderson

AGENDA ITEM NUMBER: #1

RELATING TO: DRAINS PROPOSED EFFECT ON HOMEOWNERS

**Please return this form to the District Manger prior to the agenda item being brought forward by the District Supervisors.**

Meeting procedure: By submitting a "request to speak" card to the District Manager, the public may comment during the course of the meeting: (1) Speakers may not comment under Public Comment at the beginning of each meeting on any issue that is related to District Business whether or not the item is included on the Agenda; (2) Speakers may comment on all scheduled Agenda items at the time the item is being discussed. Please indicate on the Speaker Card by writing Public Comment if you wish to speak under that portion of the meeting or specify the individual Agenda item Number you wish to speak to. Please wait until you are recognized by the District Chairman, state your name so that your comments may be properly recorded and limit your remarks to a period of **three (3) minutes or less**. The District Supervisors will act on an Agenda Item after comments from the Staff and Public have been heard.

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COMPLETE THIS SETION.

NAME: Diane Merela

AGENDA ITEM NUMBER: \_\_\_\_\_

RELATING TO: Remediation Plan for lakes / <sup>long term Plan</sup> ~~Reactive~~ and <sup>Proactive</sup>

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