

**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 February 14, 2024 at 11:00 a.m., at 5800 Lakewood Ranch Blvd., Sarasota, Florida 34240.

**Present were:**

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

**Also present:**

Chuck Adams	District Manager
Ed Vogler	District Counsel
Mike Kennedy	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 11:26 a.m. Supervisors Williams, Foster, Blakley and Leinaweaver were present. Supervisor Weidemiller attended via telephone.

**SECOND ORDER OF BUSINESS**

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

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Consideration of Award of Contract [Windward Phase 3]**

Mr. Kennedy presented the Stantec Recommendation of Award for Windward Phase 3 project. He discussed the responses to the Request for Proposals (RFP) and noted the following:

- The RFP was advertised appropriately and the bids were opened on February 12, 2024.

- The four respondents were Frederick Derr & Company, Inc., Deme Construction LLC, 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 Construction LLC bid \$4,782,290.95, Forsberg Construction, Inc. bid \$5,777,606.20 and RIPA & Associates bid \$5,876,573.00.
- The respondents were evaluated according to the agreed-upon Evaluation Criteria of: Personnel (10 Points), Proposer’s Experience (20 Points), Understanding of Scope of Work and Schedule Requirements (20 Points), and Price (50 Points)
- The Review Committee, consisting of District Engineer Michael Kennedy, Harry Russom of Neal Communities, LLC and Engineer of Record Matthew Morris, PC, of Morris Engineering, convened this morning.
- The Committee felt that all respondents are equally qualified for this project, in the Personnel and Experience categories.
- The respondents were ranked as follows:

#1	Frederick Derr & Company, Inc.	98 Points
#2	Deme Construction LLC	87.5 Points
#3	Forsberg Construction, Inc.	88 Points
#4	RIPA & Associates	88 Points
- The RFP Committee’s recommendation is to award the contract to Frederick Derr & 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 into a contract for which funds are not available or reasonably expected to be available.

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**

**Update: Required Ethics Training**

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

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:

- Litigation is continuing.
- The CDD is being defended by the Tampa firm of Hill Ward Henderson.
- To the best of his knowledge, the CDD has completed all the work not completed by John M. Hall. Accountings are ongoing and, ultimately, the CDD will have to square up with them.
- There are six pending cases involving John M. Hall and other Districts and private parties for six projects.
- District Counsel is not actively involved in the complicated litigation but is monitoring it.
- As of today, a global mediation is scheduled for two days at the end of March 2024. It is anticipated that there might be a complete resolution and end to the proceeding.
- The CDD is not exposed; the funds have been retained and, if John M. Hall is ultimately entitled to any of the funds, they will receive the amount they are entitled to or that they agree to accept.

**B. District Engineer: Stantec Consulting Services, Inc.**

There was no report.

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

- **NEXT MEETING DATE: March 13, 2024 at 11:00 AM**
  - **QUORUM CHECK**

**EIGHTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**NINTH ORDER OF BUSINESS**

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

No members of the public spoke.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Weidemiller seconded by Ms. Foster, with all in favor, the meeting adjourned at 11:44 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair