

Minutes of the Public Meeting Open Session
December 14, 2017

FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT #1

MINUTES OF THE PUBLIC MEETING

Held on December 14, 2017

2:30 p.m. to 3:27 p.m.

Fiddler's Creek Club and Spa

3470 Club Center Boulevard

Naples, Florida 34114

Members Present: Phil Brougham, Chairman
Bob Slater, Supervisor
Gerry Bergmoser, Supervisor
Rick Reyes, Special Counsel
Tony Pires, District Counsel

Also Present: Robert Dieckmann
Valerie Lord
Mike Herrera, Q. Grady Minor
Terry Cole, Hole Montes

Residents Present: Frank Weinberg
Edison Peres
Michael Quinlivan

Stenographically Reported By:
Terri L. Lewis
U.S. Legal Support, Inc.

1 CHAIRMAN BROUGHAM: It is 2:32, I think.
2 We'll call to order the regular continued meeting
3 of Fiddler's Creek CDD1. And the roll call, there
4 are three supervisors here. Supervisor Brougham;
5 Supervisor Slater; Supervisor Bergmoser; our
6 district engineer, Pires -- our district counsel,
7 Tony Pires; and our district engineer, Terry Cole.

8 Also present are Valerie Lord from the
9 Foundation; Robert Dieckmann, project -- interim
10 project manager for the restoration; Edison Peres,
11 a resident; and Frank Weinberg, a resident; and
12 Rick Reyes, a guest for now.

13 MR. REYES: Yes.

14 CHAIRMAN BROUGHAM: And I think that's all.

15 Item No. 2 on the agenda is a continued
16 discussion and action regarding the perimeter wall
17 repairs and replacement. I'd like to open this
18 up -- of course, we all heard a lot about it at our
19 last meeting, and Mike's here to answer any
20 last-minute questions.

21 But I think at the last meeting the
22 supervisors there were, at the time, pretty much
23 convinced that we should repair our perimeter
24 fencing with vinyl, steel-reinforced vinyl fencing
25 instead of going with the stacked concrete that was

1 there originally, and it's been repaired over the
2 years.

3 Subsequent to that, I believe you-all got an
4 email where there was a one-page comparison sent
5 out by Robert, and that broke down CDD1 into three
6 sections of fencing and gave comparison as to the
7 vinyl fencing versus the Coastal Concrete products
8 fencing, repair of that or replace with the same
9 material.

10 At the top side, replacing all of our damaged
11 fence around the perimeter of Pepper Tree, Bent
12 Creek, and Whisper Trace, a section all around the
13 perimeter of Mulberry and Championship Drive from
14 the entrance gate clear up to -- I don't know
15 what's behind Mahogany, but about -- Banetta
16 (phonetic), something like that. Anyway, that
17 total to replace that fence with vinyl fencing is
18 \$742,279 in total.

19 To repair all of the damaged sections of the
20 current fence for those same three area was
21 538,000, putting the same material back up, but the
22 new material -- I'll get to your name in a minute.
23 I just want it for the record -- and to replace all
24 the damaged fencing with the same material but new
25 stackable concrete is 910,875.

1 So, last meeting -- and I'm not going to put
2 words in anybody's mouth, but last meeting I think
3 we had a consensus to go with vinyl.

4 The question that held up the actual vote and
5 a withdrawal of the motion was some uncertainty
6 about what the budget would be under the
7 restoration plan. We heard a number of a million,
8 and we heard that maybe that wasn't quite correct,
9 and a million was to cover both CDD1 and CDD2. So
10 we pulled back the motion at that point until we
11 got the clarity on the actual budget under the
12 restoration plan.

13 Subsequent to that, I had conversations --
14 exchange of emails and conversations with Valerie,
15 Robert and, by email, Tony DiNardo trying to get
16 clarity on what the budget was, et cetera.

17 Essentially where we are now, and I think it's
18 good news, is that under the Foundation restoration
19 plan, Mr. DiNardo has agreed there's enough,
20 sufficient money that they would, under the plan,
21 pay for the Pepper Tree section inclusive of Bent
22 Creek and Whisper Trace and the Championship
23 section from 951 all the way up to --

24 MR. SLATER: Gatehouse.

25 CHAIRMAN BROUGHAM: Well, from the gatehouse

1 all the way up to the amount of \$522,508. That
2 would leave a shortfall for the Mulberry, a
3 shortfall number of monies of \$219,771, which would
4 be the cost to do the Mulberry replacement.
5 Mulberry would be starting at the access of the
6 Pepper Tree section and then running north along
7 Mulberry excluding the chain-link fence section,
8 which is not included in that number at all, and
9 then start again and extend behind the homes up on
10 Mulberry. That cost was quoted to be \$219,771 that
11 the district would have to fund.

12 A couple more comments, and then I'll open it
13 up to some questions.

14 I asked through Robert and, then, also Mike
15 and his contacts where locally we might be able to
16 see an example of this installed steel-reinforced
17 vinyl fence. And there was one place -- there
18 might be others, Mike, I don't know. But the place
19 you told me was Ibis Cove which is, I think, condos
20 or apartments up on the south side of Immokalee
21 Road east of 951, between 951 and -- not east of
22 951. East of I-75; between I-75 and 951.

23 So I drove up there yesterday, and the section
24 of fencing along that roadway looked very good. I
25 mean, it looked like the pictures that we've seen

1 in the advertisements; however, there were two or
2 three panels along that stretch that had sagged. I
3 wanted specifically to see how it made out during
4 the hurricane. And there were two or three
5 sections that had not collapsed entirely, but it
6 looked like they had either been hit by something
7 or hit by the wind and sagged out. Maybe the posts
8 gave way. I don't know. But they were not
9 100 percent intact along that roadway. Just to
10 know that there was some fencing, it did go through
11 the hurricane, and it didn't survive 100 percent.

12 I think the numbers are good, but I think we
13 need some verification of the numbers if we get to
14 the point of going forward. I'd like to open it up
15 to any further questions, Gerry, you have, or Bob.

16 MR. SLATER: Well, I'm sorry.

17 MR. BERGMOSER: Go ahead.

18 MR. SLATER: I have a question. I know
19 DiNardo is saying that's what he's going to do, but
20 it's up to us what we're going to do. And you just
21 can't let Mulberry sit there and not get done.
22 He's holding us hostage with \$219,000 because he's
23 saying all he's going to do is the other two.

24 CHAIRMAN BROUGHAM: That's all he's going to
25 fund. That's all he has budgeted to fund, yes.

1 MR. SLATER: Which just means that you have to
2 fund it yourself.

3 CHAIRMAN BROUGHAM: Yes.

4 MR. SLATER: I have a problem with that, I
5 guess. He is either going to give us the money to
6 do the job right -- tell him -- my opinion is that
7 he needs to get more money if that's what it is. I
8 don't know what his other allocations are,
9 obviously. But this is a project that should be
10 done in its entirety, and I'm not sure the CDD
11 should pick it up, my personal opinion.

12 CHAIRMAN BROUGHAM: Gerry?

13 MR. BERGMOSER: I think -- well, I know my
14 tact is just the opposite. I think the CDD should
15 fund this, all of it, for as much as they can
16 through our ability so that the cost is spread out
17 over all 1,900 taxpayers, not just the 1,550 club
18 and spa members.

19 That issue, obviously, was in the craw of a
20 lot of our taxpayers who were at the last meeting,
21 and I think, to be fair and equitable to everyone,
22 we should look at using up our line of credit
23 from -- is it Iberia --

24 CHAIRMAN BROUGHAM: Yes.

25 MR. BERGMOSER: -- half a million dollars, and

1 squeeze the rest out of whatever accounts we can
2 this year.

3 CHAIRMAN BROUGHAM: Okay. Some comments on
4 funding. I didn't talk with Chuck Adams concerning
5 cash flow, and my concern was that even to the
6 extent of 220,000 that the CDD would potentially
7 pay out of its funds for the section on Mulberry, I
8 was concerned that, what's that going to do to our
9 cash-flow situation.

10 And given the fact that we've already
11 committed \$463,000, rough number, to what was
12 budgeted for paving, is going and did go for
13 Hurricane Irma cleanup, we also have 125,000 in
14 tree trimming budgeted, we have 200,000 for erosion
15 control, and we have 145,000 for landscaping
16 improvements and renovations. And, certainly,
17 we're doing a lot of landscaping and renovations on
18 our own.

19 So as far as having sufficient funds -- and
20 one more point. And also, Chuck, at the last
21 meeting mentioned that there's a probability, not
22 an absolute certainty, we should be getting roughly
23 50 percent of our cleanup expenses reimbursed back
24 from FEMA. When that happens or if that happens is
25 a question mark.

1 MR. BERGMOSER: Yeah, the timing is
2 questionable.

3 CHAIRMAN BROUGHAM: The timing could be 2019.
4 Who knows? But suffice it to say the bottom line
5 on that is, if we decide to go forward, we could
6 easily fund, without hurting our necessary
7 operating items, the Mulberry fencing to the tune
8 of 220,000.

9 Yeah, Bob?

10 MR. SLATER: I guess then I'm going to ask a
11 question. Where are we getting the extra money, or
12 where are we getting the money to replant? Is that
13 going to be a separate entity of dollars coming out
14 of --

15 CHAIRMAN BROUGHAM: For the District to
16 replant?

17 MR. SLATER: Yes.

18 CHAIRMAN BROUGHAM: That's in the restoration
19 budget.

20 MR. BERGMOSER: The Foundation.

21 MR. SLATER: But how much is the Foundation
22 willing to give us to do that? Is it going to be
23 one of those we're only to give you X amount, and
24 our total cost is X plus Y? It's kind of an
25 unknown. And you open the door with this over here

1 and you say, we're going to take care of \$200,000.
2 Does that mean you're going to take care of
3 whatever the amount is on the other end to replant?

4 CHAIRMAN BROUGHAM: No. I can let Valerie or
5 Robert speak to that, but the replanting under the
6 restoration plan is completely under the
7 restoration plan. They're going to develop the --
8 what do you call it --

9 MR. QUINLIVAN: Landscaping.

10 CHAIRMAN BROUGHAM: -- the landscaping plans,
11 submit them to the Villages and to the CDDs for
12 approval as to what trees are planted, where
13 they're planted, what species, what the
14 understory's going to be. None of that, to my
15 knowledge, is going to be coming back to the CDD.
16 It's all included within -- it's all included
17 within the restoration budget, is it not?

18 MR. SLATER: You're trusting DiNardo to do it
19 that way. I don't.

20 CHAIRMAN BROUGHAM: To do it what way Bob?

21 MR. SLATER: That he's not going to say -- say
22 for CDD1, just for a number, it's going to cost you
23 \$500,000 to do the restoration, put the new stuff
24 in, and he's saying, but I'm only going to give you
25 300,000. What his plan is may be \$500,000. What

1 he's willing to part with is \$300,000. That means
2 we have to come up with another 200,000. It's an
3 unknown. It's an unknown how he's going to do
4 that.

5 CHAIRMAN BROUGHAM: Well, I don't agree with
6 that.

7 MR. BERGMOSER: I think there was in excess of
8 \$3 million in the budget, was there not, for
9 replantings and then there was --

10 CHAIRMAN BROUGHAM: And a restoration budget.

11 MR. SLATER: For CDD1 and 2.

12 MR. BERGMOSER: -- a contingency of 300--.

13 CHAIRMAN BROUGHAM: I don't have it here in
14 front of me, no, because it was not going to be the
15 subject of any agenda item --

16 MR. BERGMOSER: I don't have it either.

17 Right.

18 CHAIRMAN BROUGHAM: -- but the restoration
19 plan estimates from -- who did the restoration?

20 MR. PIRES: Waldrop.

21 CHAIRMAN BROUGHAM: Waldrop Engineering was
22 pretty specific in their estimates for CDD1 and
23 CDD2 as to what those amounts would be. And on
24 that basis, I believe, is what the Foundation
25 obtained their loan facility on. So the dollars

1 that were in those estimates are the dollars that
2 are in those estimates. None of that, in my view,
3 is ever going to come back to the CDD to fund.
4 It's all going to be funded, planted under the
5 restoration plan that we agreed to.

6 MR. SLATER: I agree we agree to the plan. I
7 don't trust the money coming in. Sorry.

8 CHAIRMAN BROUGHAM: Frank?

9 MR. WEINBERG: Yeah, a comment. Frank
10 Weinberg.

11 To Bob's point, just like the fence was
12 included and, in fact, the total cost of the fence
13 is more than what was in the original estimate,
14 that's where the shortfall is coming up.

15 CHAIRMAN BROUGHAM: Yes, exactly.

16 MR. WEINBERG: Same thing could happen in any
17 of the other areas.

18 CHAIRMAN BROUGHAM: Mr. DiNardo's budget and
19 his commitment was that he would replace -- he
20 would pay for the repair of any damaged fencing.
21 He would pay for the repair of any damaged fencing.
22 We can repair the damaged fencing with the same
23 product, stackable concrete product --

24 MR. WEINBERG: Which we all agree is not a
25 good idea.

1 CHAIRMAN BROUGHAM: -- which would cost --

2 MR. PERES: Half a million.

3 CHAIRMAN BROUGHAM: Excuse me. I have his
4 commitment to pay for a repair using new material
5 with the same stackable concrete. He would pay for
6 the replacement or the repair to the tune of
7 \$538,000, estimated cost of repair.

8 If we want to use that product and repair the
9 fences damaged with that product, the restoration
10 plan would pay for it using stackable concrete,
11 okay. We wouldn't have to fund a dime.

12 What we're talking about here is taking out
13 existing fence, stackable concrete, whether it's
14 damaged or not damaged, and replacing it with all
15 new materials. To replace it with all new
16 materials is outside of the boundary of the plan.
17 The plan is restoration, not replacement, unless it
18 was completely destroyed.

19 So if we want to stay with stackable concrete
20 fencing --

21 MR. PERES: It won't cost anything.

22 CHAIRMAN BROUGHAM: -- it's not going to cost
23 this district a damn thing. And like I've said
24 before, it's an editorial, it's a money pit. We've
25 spent \$144,000 over the last 10 or 15 years

1 replacing those stupid posts, and 300 of the 340
2 posts along Mulberry or, excuse me, Bent Creek and
3 Whisper Trace and Pepper Tree are those old 5-inch
4 posts that have been failing right and left. Now,
5 we can replace it and go with that concrete stuff,
6 and that's an option, and it won't cost us a dime.

7 What this is about is improving and replacing
8 with better materials, supposedly longer-lasting
9 materials. And if we do that, it's going to cost
10 the District money. What it's going to cost us is
11 roughly \$220,000.

12 Frank?

13 MR. WEINBERG: I have a question, sir. There
14 is other cost for engineering and --

15 CHAIRMAN BROUGHAM: I was going to get to
16 that.

17 MR. WEINBERG: -- and landscaping.

18 CHAIRMAN BROUGHAM: I don't know. I'm going
19 to get to that. Landscaping is not included. The
20 landscaping that's damaged is going to be restored.

21 MR. WEINBERG: No, but I think you said last
22 time that we had to cut away the landscape near the
23 fence and above the fence, and that was not
24 included in the estimates that you had gotten nor
25 was your fees included.

1 CHAIRMAN BROUGHAM: Yeah. I have some
2 comments on that, or questions. You were assuming
3 that you didn't have access to that fencing. You
4 do have access all the way around the perimeter of
5 at least Pepper Tree, Bent Creek, and Whisper Trace
6 from the Antilles side. You have a cross-access
7 easement with the Antilles developer. So you could
8 enter that property and have access to that full
9 fencing and, to a certain extent, 50 percent of the
10 Mulberry line as well. I'm not saying there
11 wouldn't be any damage to landscaping. But your
12 quote does not include any landscaping replacement,
13 as I understand it.

14 MR. HERRERA: That's correct. And the
15 contractor's requirements for installation of the
16 product is for the -- any bushes or hedges to be
17 trimmed to two-and-a-half feet in height and 2-foot
18 clearance over the fence.

19 CHAIRMAN BROUGHAM: All right.

20 MR. HERRERA: So if there's any material out
21 there that doesn't meet that criteria, that needs
22 to be --

23 CHAIRMAN BROUGHAM: On both sides of the fence
24 or on one side?

25 MR. HERRERA: One side of the fence.

1 CHAIRMAN BROUGHAM: Then that would mean we'd
2 have to take down ficus and so forth.

3 I have another question for you, though, as
4 long as we're asking you questions. The color of
5 that fence is the same and the appearance on both
6 side of the fence?

7 MR. HERRERA: Correct.

8 CHAIRMAN BROUGHAM: I mean, it's the same
9 material, the same look?

10 MR. HERRERA: It looks like stone on both
11 sides. It's not flat and stone.

12 CHAIRMAN BROUGHAM: Okay. Did your quote
13 include sales tax --

14 MR. HERRERA: Yes.

15 CHAIRMAN BROUGHAM: -- and so on? 742,000, we
16 get 6 percent of that -- or not 6 percent of that,
17 at least on the Mulberry section, if we decide to
18 go with that. That was 219,000, so that included
19 6 percent sales tax. So that number would come
20 down by whatever 6 percent of 219,000 is.

21 MR. HERRERA: I believe so. Let me verify
22 that.

23 MR. PIRES: Yeah. I guess is the 219- the
24 cost as installed or the cost for the material?

25 CHAIRMAN BROUGHAM: The cost installed. It

1 better be, or we've got a whole 'nother ball game.

2 MR. HERRERA: The 219- is the installation and
3 the material.

4 MR. PIRES: Okay. How much is the material?
5 That's how much the sales tax would be.

6 MR. WEINBERG: Yeah. That's the only part the
7 sales tax would be.

8 CHAIRMAN BROUGHAM: Well, I mean, there's a
9 rounding factor.

10 MR. PERES: Anybody have a picture?

11 CHAIRMAN BROUGHAM: Yes, I do. There's two
12 different colors. Must not be easy to find, Mike.

13 MR. HERRERA: No. So you've got Mulberry.
14 Mulberry is -- oh, no. I stand corrected.

15 CHAIRMAN BROUGHAM: Excludes sales tax?

16 MR. HERRERA: Yep. Sales tax -- we cover
17 sales tax; not applicable.

18 CHAIRMAN BROUGHAM: Fine.

19 MR. HERRERA: So it's -- sales tax is -- we
20 cover -- the wholesaler covers sales tax. So
21 it's -- what was the dollar amount for installation
22 before the 21st?

23 CHAIRMAN BROUGHAM: 219,771.

24 MR. HERRERA: Well, no. That's for
25 installation and -- it's one hundred and -- you

1 wanted to know the product, the cost of the
2 product? 145,000.

3 MR. PERES: Doesn't matter.

4 CHAIRMAN BROUGHAM: Okay.

5 MR. HERRERA: It doesn't matter from this
6 point.

7 CHAIRMAN BROUGHAM: Okay. 144- for materials.

8 MR. SLATER: So the bottom line -- let me
9 interrupt you here. The bottom line is that
10 District is going to pay the 219,771.

11 CHAIRMAN BROUGHAM: Right.

12 MR. SLATER: And you're saying -- well, I also
13 know there's enough money in there. I was just
14 trying to say I could foresee, when we come to the
15 landscaping, we're going to have the damn problem
16 again. He's going to say yes, and he's going to
17 back off.

18 CHAIRMAN BROUGHAM: Well, I hope that's not
19 true.

20 MR. SLATER: But that's what happened here
21 when he said at the original meeting he was going
22 to cover the cost of the perimeter fencing. He's
23 not.

24 CHAIRMAN BROUGHAM: He's covering the cost to
25 repair damage, Bob. And I --

1 MR. SLATER: I don't think I heard it that
2 way. I heard -- okay.

3 CHAIRMAN BROUGHAM: Okay.

4 MR. PIRES: Mr. Chairman?

5 MR. SLATER: Go ahead, Bob.

6 MR. DIECKMANN: I just wanted to -- I'll
7 reiterate Tony's agreed to cover the cost of
8 repairing the existing fence --

9 CHAIRMAN BROUGHAM: That's what I said.

10 MR. DIECKMANN: -- which he said, and that
11 comes to 538,040.

12 CHAIRMAN BROUGHAM: That's what I said.

13 MR. DIECKMANN: Yeah. So it's -- you know,
14 it's a small difference, the 522- that you
15 mentioned.

16 CHAIRMAN BROUGHAM: I understand that.

17 MR. DIECKMANN: That should cover even if you
18 do that same amount.

19 CHAIRMAN BROUGHAM: I haven't explained, but I
20 will.

21 He has agreed to pay 538,040 to repair damaged
22 fence along that entire perimeter with the same
23 material, okay; 530,040 is more than the difference
24 we're talking about here, okay, of 522.508, if we
25 only did those sections.

1 And the reason -- the logic behind that is the
2 only way we can do it this way, if we do a portion
3 and the Foundation does a portion, is to write two
4 contracts. One contract would be between the
5 District and the contractor for one section, and
6 it's quoted to be -- the closest is the Mulberry
7 section for 219,771.

8 The other two sections combined, Pepper Tree
9 and Championship, are 522,508. Without trying to
10 divvy up and change the quote on odd sections, it
11 makes sense to write two contracts: One for
12 Mulberry and one for the other.

13 Originally there was an idea of setting up an
14 escrow fund that we would transfer money in that
15 the Foundation would draw. That's a no-go. It's a
16 nonstarter from a legal point of view; we can't do
17 that.

18 So I think we're to the point if we agree to
19 go forward and replace all that old crap -- you can
20 even put crap in there, which --

21 MR. BERGMOSER: Stuff, material.

22 MR. PIRES: Concrete replaceable accessible
23 panels. Concrete replaceable accessible panels.

24 CHAIRMAN BROUGHAM: Then the best option is
25 two contracts. I'll get it all out here in a

1 second; I'm sorry.

2 To do two contracts, we need to have Mr. Pires
3 facilitate with Ms. Lord a modification to the
4 scope of work in the Coordination Services
5 Agreement, because the scope of work, very
6 specifically in one of the paragraphs, says,
7 replace all damaged fencing, perimeter fencing, or
8 words to that effect. There would have to be a
9 modification that released or modified that scope
10 of work to exclude the fencing along the full
11 stretch of Mulberry.

12 MR. SLATER: Minus the chain-link fence.

13 CHAIRMAN BROUGHAM: Minus the chain-link
14 fence.

15 So I think I've got all of it out. We've
16 talked about sales tax, et cetera, et cetera.

17 But I have one more question. There's a price
18 quoted here for these sections, and it's off of the
19 documents you supplied to Robert, who supplied them
20 to us, of \$219,771. That's it? There's no ifs,
21 ands, buts, but didn't include, or could be more,
22 or could be whatever? I don't want any hidden --
23 come back after the fact, oh, but that didn't
24 include. I want it not to exceed \$219,771.

25 MR. HERRERA: 219,000 includes materials and

1 installation; does not include 800 linear feet
2 replacing a chain-link fence --

3 CHAIRMAN BROUGHAM: Correct.

4 MR. HERRERA: -- does not include any trimming
5 of the existing landscaping for construction
6 purposes --

7 CHAIRMAN BROUGHAM: Okay.

8 MR. HERRERA: -- nor does it include surveying
9 or engineering companies.

10 CHAIRMAN BROUGHAM: Mr. Cole, if we write two
11 contracts for this Mulberry section, I'm assuming
12 your firm could take care of any engineering that
13 has to happen with our contractor?

14 MR. COLE: Yes.

15 CHAIRMAN BROUGHAM: Okay.

16 MR. COLE: Let me just ask Michael a question.
17 The way I look at this is it's replacement.

18 MR. HERRERA: Right.

19 MR. COLE: So it's surveying. It's not really
20 permitting.

21 MR. HERRERA: Surveying, inspection.

22 MR. COLE: Yeah, it's not permitting --

23 MR. HERRERA: Not permitting.

24 MR. COLE: Right, because we're replacing an
25 8-foot wall with an 8-foot wall.

1 MR. HERRERA: Like for like.

2 MR. COLE: Yeah.

3 CHAIRMAN BROUGHAM: Okay.

4 MR. PIRES: And, Mr. Brougham, if I may.

5 CHAIRMAN BROUGHAM: Sure.

6 MR. PIRES: The Board has the ability to enter
7 into that contract without going through the
8 competitive solicitation process because it's under
9 the \$300,000 threshold for such a project.

10 CHAIRMAN BROUGHAM: Good, because there's only
11 one manufacturer and one supplier, but that's good,
12 another step.

13 MR. PERES: Could I ask a question?

14 CHAIRMAN BROUGHAM: Certainly.

15 MR. PERES: Not to change the subject, but
16 back on the fence, since I haven't physically seen
17 it, are we comfortable that that one is a
18 good-looking fence and actually would be an upgrade
19 to what we have now as far as visual?

20 CHAIRMAN BROUGHAM: Yeah. I have another
21 picture if you'd like. I mean, this is another
22 installed picture, and, yeah, we've -- I think it
23 looks better than the current one, but I'm horribly
24 biased on the current one; against it.

25 MR. PERES: You all feel comfortable?

1 MR. BERGMOSER: And in many areas it's covered
2 by, or has been, until the storm, covered by brush,
3 bushes, hedges, trees.

4 CHAIRMAN BROUGHAM: Well, can I -- may I ask a
5 question? Do we have a DRC around here? I was
6 told by certain people on the telephone that the
7 ultimate head of the DRC, the ultimate head of the
8 DRC, did not care whatever the CDD decided in terms
9 of this vinyl fencing or whatever.

10 MS. LORD: You mean as to color or concrete
11 versus plastic?

12 CHAIRMAN BROUGHAM: Concrete versus plastic,
13 and it didn't mention color one way or the other.

14 MR. PIRES: Or vinyl.

15 CHAIRMAN BROUGHAM: There's basically two
16 colors, as I understand -- and pulled off their
17 website. One is dark granite and one is beige
18 granite. We don't need to pick a color today.

19 MR. BERGMOSER: Good.

20 CHAIRMAN BROUGHAM: Okay. But be thinking
21 about it. I think we're where we are.

22 MR. SLATER: I think you have to take a vote.

23 CHAIRMAN BROUGHAM: Okay.

24 MR. BERGMOSER: I'm not sure where we are.

25 CHAIRMAN BROUGHAM: Well, I'll make a motion

1 that -- I'll make a motion that CDD1 endorses the
2 Foundation restoration plan replacing the Pepper
3 Tree section and the Championship section with COE
4 enforced vinyl fencing to the amount of \$522,508,
5 and that CDD1 fund the replacement of the Mulberry
6 section of current fence with steel-reinforced
7 vinyl fencing to the amount of 219,771.

8 MR. SLATER: Second.

9 CHAIRMAN BROUGHAM: You've heard the motion.

10 MR. PIRES: Well, okay. And as part of that
11 would it be to authorize negotiating --

12 CHAIRMAN BROUGHAM: Yeah. I was going to add
13 that as a second motion, but --

14 MR. PIRES: Okay.

15 CHAIRMAN BROUGHAM: -- we can do it here. And
16 to authorize district counsel to proceed with the
17 development of a modification to the coordination
18 of services agreement to exclude the Mulberry
19 section of perimeter fencing from that agreement.

20 MR. PIRES: And prepare the necessary
21 agreement with the contractor.

22 CHAIRMAN BROUGHAM: Whatever he said.

23 MR. PIRES: If the contract needs to be
24 entered into by a certain date as opposed to the
25 order being placed.

1 CHAIRMAN BROUGHAM: Okay. We have a motion
2 and a second. Discussion?

3 MR. BERGMOSER: So you're proposing that we do
4 not tap into our line of credit with the bank?

5 CHAIRMAN BROUGHAM: I don't -- Chuck does not
6 believe it's going to be necessary. It's there if
7 we need it as a cushion, and certainly we've got to
8 get the input or the revenue coming in from the tax
9 rolls. Hopefully this month they're coming in.
10 But, no, it does not include authorizing going into
11 the line of credit.

12 MR. BERGMOSER: But your proposal says the CDD
13 will fund only Mulberry, and the rest will be
14 funded by the 1,550 club and spa members.

15 CHAIRMAN BROUGHAM: Under the restoration
16 plan.

17 MR. BERGMOSER: The restoration plan, okay.

18 MR. PIRES: And one other aspect, too, is if
19 the Board took a path of wanting to construct a
20 fence, replace a fence with more than a \$300,000
21 contract, then you would have to competitively
22 solicit that work, which means preparing bid
23 documents, bid specs, advertising, which talks
24 about -- you're talking a 60-day time period,
25 Terry, in order to do all that and bring it back to

1 the Board if we have to bid documents, bid specs,
2 and advertise.

3 MR. COLE: Oh, yes, yes.

4 CHAIRMAN BROUGHAM: Okay.

5 MR. PERES: Is there any opportunity for the
6 Foundation or whoever it is who's going to do the
7 other walls to do something different, or the
8 decision that you're making, you know, going to fit
9 and be --

10 MR. SLATER: This is it.

11 CHAIRMAN BROUGHAM: This is it.

12 MR. SLATER: I mean, we've been playing with
13 this now for two months.

14 MR. PERES: I just don't want them to make a
15 separate decision.

16 CHAIRMAN BROUGHAM: No, no. We'll have
17 pitchforks and fires. No.

18 All in favor of the motion, say aye.

19 Aye.

20 MR. SLATER: Aye.

21 CHAIRMAN BROUGHAM: Opposed?

22 MR. BERGMOSER: Nay.

23 CHAIRMAN BROUGHAM: Motion passes 2-1 with
24 Supervisor Bergmoser dissenting.

25 There was one other thing I was going to ask

1 you. Oh. At the last meeting you made mention
2 that there was going to be a price increase.

3 MR. HERRERA: Yes.

4 CHAIRMAN BROUGHAM: If the price increases
5 before you get this order in, it's on you.

6 MR. SLATER: You said the 21st was the date.

7 CHAIRMAN BROUGHAM: I don't want a new number
8 coming back at us.

9 MR. HERRERA: The 21st is the date, and we'll
10 have to work with --

11 MR. QUINLIVAN: A week.

12 CHAIRMAN BROUGHAM: I don't know how else to
13 say it. The number is 219,771; work with it.

14 MR. PIRES: And, Val, if you could send me any
15 contract documents you have, if you do have any.

16 MS. LORD: I don't have anything so far.

17 MR. PIRES: Okay. Thank you. We'll work
18 together on it.

19 CHAIRMAN BROUGHAM: Thank you very much.

20 MR. WEINBERG: Question --

21 CHAIRMAN BROUGHAM: Yes.

22 MR. QUINLIVAN: What's the time frame on this
23 project?

24 CHAIRMAN BROUGHAM: Supposedly during winter,
25 we can get this fencing within two weeks, at least

1 that's what --

2 MR. HERRERA: That was the first meeting. The
3 second meeting the question was asked, and I have
4 the dates for you.

5 CHAIRMAN BROUGHAM: Three weeks. Terry?

6 MR. COLE: Well, I think -- yeah, the most
7 important question is, how soon can you get the
8 landscaping cleared?

9 MR. HERRERA: Yeah.

10 MR. COLE: And that is going to be some time.

11 CHAIRMAN BROUGHAM: And we need to have that
12 answer, obviously. But, also, let's not lose sight
13 of that cross-access easement that we have. I
14 mean, even though -- and you should take a look at
15 that, Robert, if you haven't. Even though it says
16 on both sides of the fence, if you can get at that
17 fence from the Antilles side with bobcats or
18 whatever you need, I don't --

19 MR. PIRES: Especially now when there's
20 nothing there.

21 CHAIRMAN BROUGHAM: Yeah. I mean, I don't see
22 the need that we have to cut down that ficus hedge
23 along the --

24 MR. HERRERA: I don't know how the
25 installation is.

1 CHAIRMAN BROUGHAM: Well, you need to find
2 out, because there's no sense in cutting down that,
3 or even in half, the hedge --

4 MR. HERRERA: Absolutely.

5 CHAIRMAN BROUGHAM: -- if we don't have to.
6 Because if you cut that ficus hedge in half, you
7 might as well take the whole thing out.

8 MR. PIRES: For the record, it was the whole
9 thing out.

10 MR. WEINBERG: You do have a different problem
11 on Championship because there is landscaping on
12 both sides of that.

13 CHAIRMAN BROUGHAM: Yeah. Championship is a
14 whole 'nother deal.

15 Okay, folks. We are done with our -- we're
16 not done?

17 MR. PIRES: Public meeting.

18 CHAIRMAN BROUGHAM: We are going to close the
19 public meeting.

20 MR. WEINBERG: There was --

21 CHAIRMAN BROUGHAM: Yes. I'm going to re-open
22 it, Frank, but go ahead.

23 MR. WEINBERG: The question was asked -- I
24 don't think I ever heard an answer -- of what's the
25 availability of the product?

1 MR. HERRERA: The product is available in
2 January.

3 MR. WEINBERG: So, theoretically, you start
4 the end of January.

5 CHAIRMAN BROUGHAM: As soon as the access --

6 MR. HERRERA: Well, access. Landscaping, I
7 think, was tentatively the end of January, so,
8 really, probably middle of February.

9 CHAIRMAN BROUGHAM: Robert can work on getting
10 that landscaping taken care of for us.

11 MR. WEINBERG: It doesn't have to be the whole
12 thing in the beginning, because you can only do so
13 many sections at one time.

14 MR. HERRERA: Yeah. Labor, certain amount of
15 labor.

16 CHAIRMAN BROUGHAM: Okay. We're going to have
17 to close the door on this. I'm going to re-open it
18 as soon as we finish with our executive session.

19 (A recess was had from 3:10 p.m to 3:26 p.m.)

20 CHAIRMAN BROUGHAM: So we're reopening, I
21 guess is the word, our regular continued meeting of
22 Fiddler's Creek CDD1.

23 I want to make a motion to approve --

24 MR. REYES: The matter discussed.

25 CHAIRMAN BROUGHAM: -- matter discussed --

1 MR. SLATER: The matter discussed in the
2 closed --

3 CHAIRMAN BROUGHAM: -- in the previous closed
4 attorney-client session.

5 MR. BERGMOSER: Second.

6 CHAIRMAN BROUGHAM: All in favor?

7 Aye.

8 MR. SLATER: Aye.

9 MR. BERGMOSER: Aye.

10 CHAIRMAN BROUGHAM: Opposed?

11 (No response.)

12 CHAIRMAN BROUGHAM: It passes.

13 The next meeting date is January 24th at
14 8 a.m.

15 Any supervisor requests?

16 (No response.)

17 CHAIRMAN BROUGHAM: It's down here. I have to
18 read it.

19 (No response.)

20 CHAIRMAN BROUGHAM: No public here.

21 MR. SLATER: Thank you.

22 CHAIRMAN BROUGHAM: We're adjourned.

23 (Proceedings concluded at 3:27 p.m.)
24
25

1 STATE OF FLORIDA

2 COUNTY OF COLLIER

3 I, Terri L. Lewis, Court Reporter and Notary
4 Public, do hereby certify that the foregoing proceedings
5 were taken before me at the date and place as stated in
6 the caption hereto on Page 1 hereof; that the foregoing
7 computer-assisted transcription, consisting of pages
8 numbered 2 through 32, inclusive, is a true record of my
9 Stenograph notes taken at said proceedings.

10 Dated this 18th day of December 2017.

11

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TERRI L. LEWIS, Court Reporter
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