

**WEST VILLAGES IMPROVEMENT DISTRICT  
SPECIAL BOARD MEETING  
OCTOBER 25, 2024**

**A. CALL TO ORDER**

The October 25, 2024, Special Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 10:05 a.m. in the Chambers Room of the City of North Port located at 4970 City Hall Boulevard, North Port, Florida 34286.

**B. PROOF OF PUBLICATION**

Proof of publication was presented which showed the notice of the Special Board Meeting had been published in the *Sarasota Herald-Tribune* on October 15, 2024, as legally required.

**C. 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	John Luczynski	Present in person
Vice Chairman	Steve Lewis	Present in person
Supervisor	Tom Buckley	Present in person
Supervisor	Christine Masney	Present in person
Supervisor	John Meisel	Present in person

District Manager	William Crosley	Special District Services, Inc.
District Operations Manager	Kyle Wilson	Special District Services, Inc.
District Counsel	Michael Eckert	Kutak Rock LLP
District Engineer	Giacomo Licari	Dewberry

Also present were Todd Wodraska & Michelle Krizen of Special District Services, Inc.

**D. DISCUSSION REGARDING PUBLIC DECORUM AT BOARD MEETINGS**

Chairman Luczynski determined that since there was only one person in attendance that the public decorum policy reading could be waived.

**E. COMMENTS FROM THE PUBLIC REGARDING ALL AGENDA ITEMS**

Tim Graney, Senior Vice President with Mattamy Corporation (“Mattamy”), provided an update related to the Unit of Development No. 2 property on the northwest corner of U.S. 41 and West Villages Parkway (commonly referred to as Thomas 167). Mattamy obtained control of the property as part of a larger transaction back in 2020. This property had been burdened with a large debt allocation and, as a result, had delinquent property taxes and assessments dating back to 2010. Progress on negotiation of a potential bond purchase was delayed by a variety of factors including the purchase/sale of the investment company holding the bonds and the Covid pandemic. However, on October 24, 2024, Mattamy made a payment of approximately \$6 million to the Sarasota County Tax Collector to pay the outstanding taxes and

assessments, including interest thereon, for the period from 2010 to 2018. Mr. Graney estimated that approximately \$3 million of this payment would flow through to WVID as it represents payment of Unit 2 O&M, Unit 1 Debt Service, Unit 1 O&M and interest thereon. The Tax Collector will determine the actual allocation of interest and amounts distributed to WVID. Taxes and assessments for 2019 – 2024 remain outstanding to allow additional time for potential negotiation of the outstanding bonds. O&M due to WVID for this period is significantly less than amounts paid above due to fewer years outstanding and fewer periods of accrued interest. Chairman Luczynski asked whether the property would be transferred to the Wellen Park division for development. Mr. Graney indicated he was hopeful that a financially viable arrangement could be reached with the bondholders to facilitate development, but that has not been definitively determined at this time. There was additional discussion on the history of the Thomas 167 property and potential uses of proceeds coming back to WVID. Chairman Luczynski asked staff to research and report back at the December meeting as to how these proceeds can be legally used.

**F. APPROVAL OF MINUTES**

**1. September 12, 2024, Public Hearing & Regular Board Meeting**

The September 12, 2024, Public Hearing & Regular Board Meeting minutes were presented for consideration.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the minutes of September 12, 2024, Public Hearing & Regular Board Meeting, as presented.

**2. October 3, 2024, Contractor Prequalification for Construction and Maintenance Services**

The minutes of the October 3, 2024, Contractor Prequalification for Construction and Maintenance Services were presented for consideration.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney and passed unanimously approving the minutes of October 3, 2024, Contractor Prequalification for Construction and Maintenance Services, as presented.

**G. GENERAL DISTRICT MATTERS**

**1. Consider Resolution No. 2024-23 – Prequalifying Contractors for Construction and Maintenance Services**

Mr. Crosley presented Resolution No. 2024-23, entitled:

**RESOLUTION 2024-23**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT ADOPTING THE ADDITIONAL PREQUALIFIED CONSTRUCTION AND MAINTENANCE CONTRACTORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Crosley indicated, at the direction of the Board, that staff published a legal advertisement for anyone interested in submitting their professional qualifications to be a prequalified contractor for construction and

maintenance services to submit an RFQ package to the District. This process was followed earlier this year but had very little response. This round of prequalifying produced more submittals and once the deadline for submission passed, the Committee met to evaluate the packages received and prepare recommendations of who should be considered as a prequalified contractor. The Committee met on October 3, 2024, and reviewed all the submittals.

A **MOTION** was made by Mr. Lewis prequalifying the following contractors for construction and maintenance services: **Artistree Landscape Maintenance and Design; Impact Landscaping and Irrigation LLC; SunnyGrove Landscape and Irrigation Maintenance; and Yellowstone Landscape;** for (i) Irrigation Facilities; (ii) Landscape Installation; (iii) Hardscape Facilities; and (iv) Landscape and Irrigation Maintenance; and **DeAngelo Contracting Services dba Aquagenix, Eco-Logic Services LLC; and Crosscreek Environmental, Inc.;** for i) Exotic Vegetation Removal; and (ii) Lake and Littoral Maintenance. The **MOTION** was seconded by Ms. Masney and passed unanimously.

## **2. Consider Work Authorization No. 2025-01 to Dewberry for General Engineering Services**

Mr. Licari went over the details of Work Authorization No. 2025-01, which provides the renewal and authorization for Dewberry Engineering to continue to provide general engineering services to the District for fiscal year 24/25.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving Work Authorization No. 2025-01 to Dewberry for General Engineering Services, as presented.

## **3. Consider Work Authorization No. 2025-02 – to Dewberry for Turn Lanes, Surveying, Final Engineering and Permitting**

Mr. Licari presented Work Authorization No. 2025-02 and went over the new areas of development that will occur along Preto Boulevard and Playmore Road. These new communities will require turn lanes and roadway curbing to allow ingress and egress into the new communities. At the same time, the District has planned a project along Preto Boulevard for the addition of roadway curbing, intersection improvements, and parallel parking. These improvements will help deter vehicular traffic from driving on the grass medians and allow for parking along Preto Boulevard. It is felt these parallel parking spaces are needed for those who want to fish in the grand lake. There has also been significant wild hog damage occurring along Preto Boulevard in the grass medians which is very expensive to repair. This work authorization provides Dewberry the ability to simultaneously design and permit private turn lanes for the developer along with the District's project for curbing and parallel parking. The proposals are broken out by District or developer responsibility to fund these projects. The District will not be responsible for paying for any of the improvements that are related to the addition of a new community or commercial area. Those improvements will be the responsibility of the private landowner and the District will fund its portion of the project from its Road Reserve Fund. This combined effort is a savings to the District for these improvements. The estimated total cost for engineering fees is \$167,760, of which the District will be responsible for approximately \$51,000 and the developer will be responsible for the remaining \$106,000.

A **MOTION** was made by Mr. Meisel, seconded by Mr. Lewis and passed unanimously approving Work Authorization No. 2025-02 to Dewberry for turn lanes, surveying, final engineering and permitting, as presented.

## **4. Accept and Receive Fiscal Year 2022/2023 Audit**

Mr. Crosley presented the financial report for the fiscal year ended September 30, 2023, which was submitted by Grau & Associates. This report has been posted on the District website. There was a finding by the auditor for the delinquent Thomas 167 parcel since 2010 but if the Thomas 167 parcel can climb out of delinquency, that delinquency finding could provide a clean audit for the District.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney and passed unanimously accepting and receiving the Fiscal Year 2022/2023 Audit, as presented by Grau & Associates.

#### **5. Consider Amended and Restated Management Agreement with Special District Services, Inc. (“SDS”)**

Mr. Wodraska presented the Amended and Restated Management Agreement with Special District Services, Inc., which provides the management and operation of the District and stated that his goal was to address current staffing levels, liability or statutory concerns with the current 20-year-old contract, and to match the current contract with the approved budgeted amounts for the fiscal year 24/25. Mr. Wodraska provided a brief history of the relationship between Special District Services and the District that began back in 2004 and offered a brief slide presentation. Other than the dedicated full-time onsite District Manager, full-time Operations’ Manager and three full-time Operations Technicians, the contract includes many resources that handle the District contract that are behind the scenes, specifically from the home office of SDS office in Palm Beach Gardens. Supervisor Meisel asked why Unit of Development No. 3 was receiving an increase above the other units. Mr. Wodraska explained that staff spends a significant amount of time handling Unit 3 matters. The new agreement contemplates an amount of \$293,000 for Management and Administrative Services and for Operations Services in the amount of \$390,000. Mr. Wodraska stated that he felt that a full right sizing to the contract all at once would be too large of an increase and that he intended to approach the Board again next year in the hopes of incrementally increasing the contract so that it fully compensates all resources used to manage the District. Mr. Wodraska noted that the new Operations Manager Kyle Wilson was discovered through a recruiting service that Mattamy Homes helped obtain and asked the Board to reimburse SDS for the recruitment of Mr. Wilson. There was consensus of the Board to reimburse SDS for the recruitment fee in obtaining the new Operations Manager. Chairman Luczynski asked that staff be mindful in considering an additional operations person to help alleviate the workload of the always growing District improvements and operations. Chairman Luczynski thanked Mr. Wodraska for everything he and Special District Services does for the District and that he was in favor of the contract increases because it is well deserved and well earned.

A **MOTION** was made by Mr. Luczynski, seconded by Mr. Lewis and passed unanimously approving the reimbursement to Special District Services for the recruitment fee (a fee in addition to the contract just approved) in obtaining the new Operations Manager.

Supervisor Meisel asked that District staff look into having the ability for residents to listen to District meetings online and suggested it only be offered via audio, without audience participation and any resident who wants to provide public comment could either attend the meeting in person or public comments could be emailed to the District Manager to be read during the public meeting.

A **MOTION** was then made by Mr. Buckley, seconded by Mr. Meisel approving the Amended and Restated Management Agreement with Special District Services, Inc., as presented.

#### **6. Consider Post Annexation Agreement**

This amendment and restatement of the West Villages Developer Agreement (POST ANNEXATION) is between Wellen Park, LLLP, West Villages Improvement District and the City of North Port (CONP). When the WVID property was annexed into the CONP boundaries, the property was subject to the General Principles of Agreement which addressed the provision of certain land, facilities and equipment relative to the Annexed Property for recreational, fire safety, law enforcement, solid waste, and other City government purposes, which that agreement anticipated additional terms would be negotiated between the parties in a “post-annexation agreement.” The parties previously entered into a March 25, 2020 “West Villages Developer Agreement (Post Annexation),” to address and coordinate the manner in which System Improvements would be provided within the District.

An agreement was entered into July 2, 2020, “Partial Assignment (Related to Design and Construction of Fire Station No. 1) of West Villages Developer Agreement (Post Annexation),” which assigns all the District’s rights, duties, liabilities, and obligations under the Agreement. Based on the way the property is being developed and the manner in which it is anticipated to be built out. Now, the parties desire to alter and modify certain of the remaining System Improvements to be provided in connection with the development of the Annexed Property as contemplated by the Agreement.

The parties also desire to amend and restate the Agreement to memorialize the obligations each have met under the Agreement’s terms thus far and, further, to memorialize the manner in which the balance of the System Improvements will be provided within the District. The parties agree that this Restated Agreement does not amend, supersede or otherwise affect the 2019 Amended and Restated Utilities Agreement, dated September 10, 2019. This amended and restated agreement provides for the relocation of a previously planned 63-acre park to a new location that will now include 83 or 84-acres that will be operated and maintained by the City of North Port. The new park is initially being designed for sports tourism.

Supervisor Meisel stated that he felt the park trails should be maintained by the CONP because District residents are paying taxes to the City. Chairman Luczynski stated that the operation and maintenance of the trails that run throughout the District, including the trails that may connect to the City park were designed to be a responsibility of the District, not the CONP. Chairman Luczynski stated there may be potential cost sharing of operation and maintenance with the City in future agreements on publicly owned District improvements. The agreement also provides for the design and construction of Fire Station No. 2 which will be located on the southeast corner of Preto Boulevard and Manasota Beach Road. The developer has hired an architect for the permitting and design of the fire station and construction could begin as early as mid to late spring 2025 and could be operational in June 2026. Mr. Luczynski also stated that the CONP owes the District \$1,250,000 for Blue Heron Park and those funds can be used for a planned +/- 2-acre neighborhood playground/park that will be located near Fire Station No. 2. The District will equip Fire Station No. 2 with a fire pumper truck with equipment, one ambulance and one brush truck as well as related equipment for each vehicle. The CONP agrees to reimburse the District for the actual costs of planning, designing, permitting, construction and equipping Fire Station No.2 (and No. 3 if it is required by the future fire study.) The agreement also provides for lands to be provided to the City for a government building, a public works building and describes future public trails, potential sports facilities and determines how reimbursements and payments will be made for the public improvements, including the conveyance procedures.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Post Annexation Agreement, as presented.

**H. UNIT OF DEVELOPMENT NO. 1**

**1. Consider Change Order No. 11 between the District and DeMoya, Inc. for Wellen Park Boulevard Roundabout and US 41/ State Road 45 Improvement Project**

This change order is due to the needed additional quantities, not bid originally, for temporary pavement and temporary base for a special detour and needed 18-inch pipe culvert in the amount of \$61,510. The new contract total is \$10,962,344.72.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously approving Change Order No. 11 between the District and DeMoya, Inc. for the Wellen Park Boulevard Roundabout and US 41/State Road 45 Improvement Project, as presented.

**I. UNIT OF DEVELOPMENT NO. 6**

**1. Consider Work Authorization No. 4 Amendment 03 for Regulatory Assistance Services for Reuse Distribution System Florida Department of Environmental Protection Permit**

This work authorization provides Kimley Horn the authority to project engineering services for the District. This amendment is to extend the work authorization from October 1, 2024, to October 1, 2025, and supplement work authorization fees by an additional \$150,000 thereby increasing the total value from the contract inception from a not to exceed amount of \$300,000 to a not to exceed amount of \$450,000 for professional services related to the regulatory assistance for the reuse distribution system and Florida Department of Environmental Protection (FDEP) permit.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the Work Authorization No. 4 Amendment 03 Regulatory Assistance Services for Reuse Distribution System Florida Department of Environmental Protection Permit, as presented.

**2. Consider Termination of Agreement with RESPEC Company, LLC for General Irrigation Program Implementation Services**

Dave Kelly is the District's Hydrogeologist and consultant for the Southwest Florida Water Management District ("SWFWMD") water use permit. Mr. Kelly has been consulting the District on these matters for as long as Mr. Crosley has been with the District beginning in 2019 and many years prior. Mr. Kelly has transitioned over to a new firm and this agreement will terminate those services with RESPEC and if approved, will allow for the District to engage with Mr. Kelly's new firm, SWCA, Incorporated.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously terminating the agreement with RESPEC Company, LLC for General Irrigation Program Implementation Services, as presented.

**3. Consider Agreement between the District and SWCA, Incorporated for General Irrigation Project Implementation Services**

This agreement will allow the District to engage work with Mr. Kelly as the District's Hydrogeologist and consult for Southwest Florida Water Management District (SWFWMD) water use permit and general irrigation program implementation services, now with SWCA, Incorporated, Mr. Kelly's new firm.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously to engage with SWCA, Incorporated and Dave Kelly for general irrigation project implementation services.

## **J. ADMINISTRATIVE MATTERS**

### **1. District Engineer**

Mr. Licari reported that the District had fared well with respect to drainage during the last two recent hurricanes. The heavy winds however resulted in significant landscape damage where many trees and shrubs were blown over. It is not yet known how many will survive post hurricane.

### **2. District Attorney**

- **Consider Resolution No. 2024-24 – Demand for Payment of Well Availability Fees**

Resolution No. 2024-24 was presented, entitled:

#### **RESOLUTION 2024-24**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT REGARDING REMITTANCE OF COLLECTED WELL AVAILABILITY FEES IN CONNECTION WITH WEST VILLAGE IMPROVEMENT DISTRICT'S IRRIGATION QUALITY WATER SERVICE AND RELATED WATER USE PERMIT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Brown went over the historical background related to the resolution and the letter that the District received from the Ranch Entities legal counsel, along with a proposed draft resolution dealing with the demand of well availability fees that the District has been escrowing since the preliminary injunction related to the ongoing Gran Paradiso Property Owners Association irrigation litigation issued in February 2023. The District has escrowed a component of the existing irrigation rates called "Well Availability Fees" except for those well availability fees that would have normally been collected by Gran Paradiso. Those funds are being escrowed by the Gran Paradiso Property Owners Association separately due to the ongoing litigation. The letter from the Ranch Entities attorney demanded that the fees the District was escrowing be paid to their client because the District is operating under the water use permit by continually pumping ground water from the Ranch entity owned wells, but without remuneration to the Ranch Entity for the well availability fees. This resolution would direct staff to remit the fees to the Ranch Entity that the District has in escrow. Chairman Luczynski stated that it had not rained in any meaningful amount since Hurricane Milton, and as we enter into the dry season, the District should not risk not having the use of those wells and to pay the demand letter. Supervisor Meisel stated that in the court hearing the judge's order that Resolution 2018-18 (the original resolution that adopted the irrigation rates and fees) was voided ab initio, and all trailing agreements and asked if the water use agreement between the District and the Ranch Entity was part of that ruling. Mr. Brown responded that they had not been voided ab initio. Supervisor Meisel asked if Mr. Brown considered that a trailing agreement. Mr. Brown stated that yes, he believed that agreement was one of the agreements that were addressed in the order, but the judge's order did not grant ultimate relief; he did not say that they were all void ab initio. Supervisor Luczynski asked if the trailing agreements were to be terminated, would there be any obligation to give any irrigation water to Gran Paradiso given that the 2009 agreement to provide them irrigation water was terminated in April 2024. Mr. Brown stated that was correct; that if the irrigation agreement with Gran Paradiso were to be deemed void ab initio, the District would be under no obligation to provide Gran Paradiso irrigation water.

Supervisor Lewis commented that from what he understood the resolution at hand now has nothing to do with Gran Paradiso and the resolution has to do with the funds escrowed from the other District neighborhoods where there is no dispute of the well availability fees. The parties have continued to operate in a manner that was consistent with their original understanding where water has continued to be provided to end users, people have used water, people have been paid for water and there is no dispute with respect to those transactions other than with Gran Paradiso which will be resolved over time. Supervisor Meisel asked if the District approached the Ranch Entities about actually paying for metered usage as opposed to 10,000 gallons per month per ERU instead of paying a flat 10,000 gallons per ERU; has anyone approached them to tell them that we will pay you the same rate we are paying for reclaimed water or whatever; just pay them on the usage and asked if that has ever happened. Mr. Brown responded that he has not had that discussion. Supervisor Meisel asked the Supervisors if they thought it would be a fair and equitable way to put this behind us and let them get paid. Supervisor Masney stated that she was not an attorney and would rely on District Counsel to opine. Supervisor Meisel stated that it was a business question. Ms. Masney responded that in a public meeting she did not think that was a valid question to ask any of the Supervisors. Mr. Brown stated that the District had filed a motion for summary judgment but did not have a timeline for an expected response from the court.

Supervisor Meisel asked who owned the wells, Ranchland Operations or TRI (Thomas Ranch Intangibles). Chairman Luczynski asked if they were one and the same. Supervisor Meisel stated that they were two different entities. Mr. Brown responded that he would need to do research to determine which pieces of property were owned by a specific entity. Chairman Luczynski stated that he realized he was being simplistic, but if we do not pay our bills, they can shut the water off for default. Mr. Brown stated that, obviously, was a risk and he could imagine the Ranch entities looking at the District and saying, "Well you're just in breach, so no, you're not entitled to operate under the permit or use the wells." Chairman Luczynski responded that the District cannot take the chance of not having irrigation water as we enter the dry season. In addition, the District should continue to operate up to the theoretical trial date of late 2025 or 2026, pay our bills and operate so we get the water until all of this gets figured out in the courts.

Mr. Meisel stated that he would be abstaining if he were to vote but then left the meeting at 11:53 a.m. and before the vote.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley adopting Resolution No. 2024-24, as presented. Upon being put to a vote, the **MOTION** carried 4 to 0.

### 3. District Operations Manager

Kyle Wilson, the recently hired Operations Manager, introduced himself to the Board. Mr. Wilson noted that he was relocating from Panama City to the area and provided some background of his previous work experience. He expressed his delight in working for the District.

### 4. District Manager

Mr. Crosley advised that staff would present the amended budget for FY 2022/2023 at next month's meeting. The amended budget is a statutory requirement and provides an overview of how the District performed budgetarily versus actual revenue and expenses.

The District's insurance policy just renewed on October 1<sup>st</sup> and runs through September 30, 2025. There was an unbudgeted increase to the policy due to a change in the replacement cost of the streetlights from \$4,000 to \$11,000. This change was discovered after a vehicular accident damaged a pole that needed to be replaced and when the invoice came in, it was discovered that the replacement cost was not accurate.



The District will receive reimbursement for the loss from insurance. There was also additional infrastructure that was added to the policy after the renewal package was received, and that caused an increase to the policy as well. The budgeted amount was \$125,000 and the renewal with the increase in replacement cost per light pole and additional assets added to the budget was \$182,000, or an increase of \$57,000. It is common for additional assets to be added to the policy midterm to allow for any new assets that come online after renewal, i.e., a new pump station or a new segment of road that has streetlights conveyed to the District.

Ms. Krizen reported that District staff received an e-mail from the GP POA Board President Victor Dobrin that the building structure located at the entrance of Grand Paradiso had received damage from Hurricane Debby. After inspection, it was determined that there was damage to the roof, ceiling and malfunctioning gate mast arms. The District is the responsible party for approximately \$15,000 in damages. This expense is significantly below the insurance deductible and will be paid out of the Unit of Development No. 3 budget.

Mr. Crosley noted that the next meeting was scheduled for November 14, 2024, at 10:00 a.m.

**K. BOARD MEMBER COMMENTS**

There were no further comments from the Board Members.

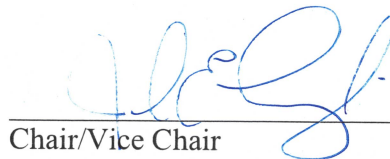
**L. ADJOURNMENT**

There being no further business to come before the Board, the Special Board Meeting was adjourned at 11:52 a.m. on a **MOTION** made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously.



---

Secretary/Assistant Secretary



---

Chair/Vice Chair

