

**MINUTES OF MEETING
PORTOFINO ISLES
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Portofino Isles Community Development District was held on Tuesday, February 13, 2024, at 10:00 a.m. at 2160 NW Reserve Park Trace, Port St. Lucie, Florida 34986.

Present and constituting a quorum were:

Juan Azcona	Chairman
Frank Wilson	Vice Chairman
Rohn Timm	Assistant Secretary
Gerald Mirabile	Assistant Secretary
Edward (Ted) Clark	Assistant Secretary

Also present were:

Liza Smoker	District Counsel
Paul Winkeljohn	District Manager
Roberto Cabrera	District Engineer
Joe Fine	Lake Doctors
John Jado	Field Supervisor
John Wexler	Resident (by phone)
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Winkeljohn called the roll and stated we have a quorum.

FOURTH ORDER OF BUSINESS

Discussion of:

A. Long-Term Planning to Address Erosion of Lake Banks and Removal of Lake Grass

- 1) Identification of Affected Areas**
- 2) Options for Remediation**
- 3) Budgetary Costs**
- 4) Duration**

Mr. Winkeljohn: So, for purposes of courtesy, we have a representative from Lake Doctors here so we wanted to have that report at the beginning of the meeting

February 13, 2024

Portofino Isles CDD

because he wants to go take care of your lakes instead of sitting here. So, if we could have John introduce what we're going to talk about on the lakes.

Mr. Jado: Well, basically we're talking about the carp and I wanted him to address a little bit about the turnaround time on the lakes and the cables and when something goes out so you guys are all aware that we are doing everything we can as quick as we can but, the logistics of it and the timing from the manufacturers take a long time to get these parts back to get them up and running. So, it's not like we're not doing it, it's just a long time for the turnaround, and we were going to mainly talk about carp today.

Mr. Fine: So, the grass carp, and he asked me to talk about the grass carp, we implement grass carp on approximately 75 of the accounts we maintain throughout the entire state. There's one lake in particular that's most problematic, it's the entry lake when you come on the left-hand side. Right now, it has hydrillas, as in the past, it has eelgrass, so I think that lake, in particular, would be a good candidate for grass carp, and they are relatively inexpensive in comparison to herbicide application. Eelgrass, there's not a lot of good solutions for that plant in particular but some of the other ones that I mentioned, they'll go a long way in helping with that. The downside to the grass carp is, one, you need a permit from Florida Fish and Wildlife, which takes some time, and two, South Florida Water Management also has to approve of the stocking, and then thirdly, you have to make sure the fish are contained within your property, within your lake. So, I know there's one outflow area from that lake but, I don't know exactly how the lakes are interconnected because I don't have the as-builts or any of that. So, we would have to determine, can we barrier that lake off, I guess that would be the first step.

Mr. Wilson: This is Frank, just to interject, and correct me where I'm incorrect, my understanding is the lakes are interconnected, some level changes, and all the same time, with one outfall which is our largest lake, and I forget the number, maybe lake #2, and the outfall is at the Rosser end of that lake.

Mr. Fine: Ok.

Mr. Winkeljohn: And I believe Butch looked at our permit and it specifically prohibited in our permit to use aquatic eating fish because of the nature of our lakes and

February 13, 2024

Portofino Isles CDD

the fact that they're wetland preserves, not lakes, they're designated that way, so we were pretty sure it was a hard no.

Mr. Fine: Ok.

Mr. Winkeljohn: So, we did look at it.

Mr. Wilson: There were a couple of items in the presentation that you had sent out to a Board member at some point, there's a limit on lake size of 5 acres.

Mr. Fine: For stocking the carp?

Mr. Wilson: Yes, for Florida online permitting, single owner, new inlets, outlets, mitigation, applies to 50 fish or less, size of ponds is less than 5 acres.

Mr. Fine: I don't know if that came from me but I stock lakes that are hundreds of acres in size, so I'm not sure.

Mr. Wilson: Was this you?

Mr. Fine: No.

Mr. Wilson: Ok, so which permit are you, and this is Frank, which permit are you referring to Paul?

Mr. Winkeljohn: Butch responded.

Mr. Fine: It would be the South Florida ERP permit, the environmental resource permit, so I guess maybe that's what you're speaking about, we have to work on modifying that because as it currently is, it would not be allowed.

Mr. Wilson: Ok, well, then I have one request coming out of this, I would like a level of effort estimate on what it takes to go through the permit modification process, I don't want to pursue it right now, I'd like to understand man hours associated with a permit revision and what the success rate is for permit revisions with respect to the grass eating fish.

Mr. Fine: Ok, I can do that.

Mr. Wilson: Ok, and I'm sorry, I appreciate your time.

Mr. Fine: No, it's perfectly fine, every situation is different, that's what I talked with John about, some places that have had mitigation in the past, we've been allowed to stock them, and have been really successful. There's a huge preserve area in the middle of the community, so if they are connected I'm sure everything flows into the preserve which is why you would want to block off that one lake from the preserve but, I

February 13, 2024

Portofino Isles CDD

haven't even gone down that step, or any other solutions for what we can do as far as the aquatic weed control goes, this is one of the solutions, and we have others. We could do heavy applications of flora done like another vendor suggested to you, manual removal which you guys have done in the past, we now have the ability to do that in-house. We have manual removal equipment now as well, so there's other options.

Mr. Wilson: Ok, and while you're still with us, I'd like to jump around on the agenda a little bit because on discussion item No. 4 under long-term health issue for our lakes because we have some erosion of our lake banks, which I don't think is inside your scope of offerings.

Mr. Fine: So, we offer it as well now, we've kind of partnered with another company that does erosion control, so we do have the ability to quote that work now.

Mr. Wilson: So, with that, we've got the lakes, we do have some deterioration and to describe it, the majority of the areas the turf is intact and you've got erosion underneath turf layer. In some cases, it might be 3% to 5% of the lakefront, some cases it might be more, we also have a couple of areas where you've had direct erosion and you can see the actual change in that swale, that embankment. So, with this, I would like to understand the options that are available to remediate.

Mr. Fine: Yes, so last month I know we looked at one resident in particular, and we often like to go out there and try to identify if there's maybe an irrigation line that was there or a drain that's not working correctly, but this one specific case it just looks like it's time. So, what we've done at some other communities is, we've done a couple of things, we have with a drone we could do a measurement of all our lake banks and come up with the areas where the slope is not quite being met, like generate a map, light a heat map showing the areas that aren't being managed and, there are some smaller contractors that we work with that can try to spot and repair those areas. I don't know how extensive that sort of thing is.

Mr. Wilson: Well, it starts with a survey.

Mr. Fine: Yes but, it would start with that service, and that's something we have in-house also.

February 13, 2024

Portofino Isles CDD

Mr. Wilson: So, for the understanding of the Board, the order of magnitude pricing when you go to restore 100 feet of lakefront, the order of magnitude of what the dollars are associated with that?

Mr. Fine: Yes, so I would estimate that probably at about \$5,000 per 100 feet of lakefront.

Mr. Wilson: That's correct.

Mr. Fine: I'll say whatever you guys are doing that is way less expensive than the Sox product. The Sox product is anywhere from \$150 to \$200 a foot, so just another option.

Mr. Winkeljohn: And that's a reinforcement system?

Mr. Fine: Yes, it's basically, it's a proprietary material that would be laid out, folded over, and then backfill with soil and putting sod on top of it.

Mr. Cabrera: It's kind of more of a localized approach to it, this is just regrading and restabilizing so that's just using dirt and grass to bring it back to what it was a few years ago.

Mr. Wilson: Ok.

Mr. Azcona: And once we do that, how successful is it?

Mr. Fine: Well, it has a lot to do with the appropriate timing and we've done this in the past because we've had to during the rainy season, and we had to go out there on some sites a couple of times to get it right but, now would be a pretty good time.

Mr. Wilson: Well, let's answer the question, so if we spend the dollars, we do a remediation, what is the expected life of that remediation? So, right now our lakes are approximately 20 years old, and we're starting to see the effects of time and erosion. To remediate do you expect another 20 years, do you expect 10 years, do you expect 25 years?

Mr. Fine: I would like to withhold answering that until we see kind of what the survey says and how bad it is.

Mr. Wilson: Well, either way when you go to fix it, from the sound of it, it's a matter of how much fill compaction and slope that we do.

Mr. Winkeljohn: And the nature of the lake, each particular lake, in most of my communities are 20 years old, I have one that's close to 45 years old, and it had all of

February 13, 2024

Portofino Isles CDD

its lakes remediated, and what happened is the hydrology of the community, there's one problem child, so to speak, that tends to be your first noticed. You spot that one and then you get ready to do the others because they're coming but, at a later time and it could be 5 years, or it could be 35 years and that's just how it works. So, if you fix the worst one on an ongoing basis you often buy a lot more time than if you just wait and wait and wait because the hydrology of lake level changes with rainfall and stuff like that but, in most communities, you're right, it's within the next 10 years on your plate, you're unique that you have extra funds just for stormwater from the greater community that's under a microscope now to make sure you're spending it, so all of the above is good news for you. So, survey one, identify A, B, and C quality of lake bank if you will, and have a solution for all of them and let's do it, so we're here for that.

Mr. Jado: Might I ask a question, is there a limitation on the materials that you can use to stabilize the bank, according to water management or any other association?

Mr. Fine: Well, it would have to be appropriate draining material, and I can't think of anything right now, you can't use asphalt.

Mr. Jado: No.

Mr. Fine: It has to be a pervious requirement as to what's there right now, and there can be some diverse stabilization products out there that we'd use.

Mr. Winkeljohn: And I think Juan was the only one on the Board when we did a survey of the catfish issue, we were worried we had catfish undermining our banks but, we dismissed that as a culprit, and we studied it pretty carefully.

Mr. Jado: There are certain fish that do go under the lake banks.

Mr. Mirabile: How big is the equipment that you'd be using, and what would be the risk to the property itself?

Mr. Fine: So, for the survey, it would be a drone, that's the survey part, and it really depends on how bad it is, we've looked at one specific lot and there was erosion there but, it was doable with a backhoe, it was a small area.

Mr. Mirabile: So, a small backhoe.

Mr. Fine: Yes, but if we're talking about redoing the entire community's lake bank, that would be different.

February 13, 2024

Portofino Isles CDD

Mr. Wilson: Well, what I'd like to do is get an understanding of the areas that are degraded and then lay it out step-wise over a period of time because I don't attend to address it all at once because of finances. So, I'd request again a budgetary estimate to do the survey and please provide that to Paul, and he will disperse it to the Board.

Mr. Winkeljohn: Right, and I can put the numbers next to it in terms of what your available finances are, one of the many ways and I'm thinking in your next 10 years when your bonds retire, oftentimes that's an opportunity to do a much bigger scale purchase of repair with that freed up bond money, so you have that at the back end if it's bigger than you can afford but, in the immediate, you can afford about anything we're considering today.

Mr. Azcona: If we're going to face it, are we going to take timing into consideration because of the rains and so forth, so I'm sure there's a time that's most appropriate to do something.

Mr. Fine: Yes.

Mr. Wilson: Yes, so dry is the appropriate time, and when I say phase out, I'm looking at something along a 5-year plan. So, if we start talking \$5,000 as a budgetary estimate for 100 feet, we have to spend \$25,000 or \$30,000 on the most aggressive deterioration and then continue.

Mr. Winkeljohn: That's a good scale, yes.

Mr. Wilson: Before we cut you loose, I would also like an estimate, you mentioned that you now have in-house mechanical removal, I'd like an estimate and if you could, so lake #2, and then also look at the lake that is on Rosser, so it could be this lake here.

Mr. Fine: Ok, so the one right next to lake #2.

Mr. Wilson: Yes.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Fine: Ok, so when you say grass, you're talking about the brush around the perimeter, the emerging plants around the perimeter?

Mr. Wilson: Yes, it's the grass and stuff that comes out by the Rosser exit.

Mr. Fine: Ok, alright. How wide is the requirement on the width of that material?

February 13, 2024

Portofino Isles CDD

Mr. Winkeljohn: The littoral?

Mr. Cabrera: Yes, I'd have to look that up.

Mr. Fine: Ok.

Mr. Winkeljohn: But that's exactly where I was going to throw in a piece was, I really want to hear recommendations for additional plant native material, that's even better for erosion control.

Mr. Wilson: Well, this is not on the banks.

Mr. Winkeljohn: Right, it's in the water but, all of the above, so you can introduce better options that are maybe natural or were installed at the beginning, but I'd just keep it an open concept.

Mr. Fine: There are many different plants but, yes they all help stabilize the shoreline but, it's really, people hate the way they look, I mean I deal with it all day.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Jado: That's the lake we had the fish kill in and the reason I'm not having them hit that grass too heavy is because that's the nursery for the baby fish so they can grow. We lost, I don't know, 300 or 400 pounds of fish in that lake because I know, I buried them.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Fine: And that's another option for that lake, depending on what width you're looking for and that would be a lot more cost-effective.

Mr. Wilson: So, do you want to set it up as another option as well?

Mr. Fine: Yes.

Mr. Wilson: Alright.

Mr. Azcona: And then on that proposal for the manual removal, let us know what the turnaround time is from the time we request it, and then what kind of guarantee do you offer that if you come and remove it, you're going to be removing a percentage of it, so if you have to come back again, if there's an additional cost, we just don't want to keep doing it and keep paying any amount of times with no results.

February 13, 2024

Portofino Isles CDD

Mr. Fine: Right, so with that, so with that spike rush, I mean it's instant, you'll see the removal. The aquatics grow at a much faster rate than the shoreline plants do, so let's say it's 20 feet wide and we say we're going to remove 10 feet of it, it will be instantaneous, you'll see 10 feet should be removed, so that shouldn't be a problem. It will be laid out exactly that way, we just need to know how much we're allowed to remove before we put that quote together.

Mr. Winkeljohn: Perfect.

Mr. Wilson: So, unless there are any additional comments with respect to agenda item No. 4 we can move on.

Mr. Fine: Did you want me to address the fountain turnaround time?

Mr. Wilson: You can speak to that, yes.

Mr. Fine: So, the entire process is, a fountain goes down, you guys call us, we schedule our technician to come out, he diagnoses it with the manufacturer, and a lot of times it's under warranty so we'll have to pull the item, clean it up, ship it ground back to the manufacturer, it sits on their shelf for a period of time until they're able to analyze it, figure out what's wrong with it and they determine, ok we're going to cover it under warranty, ship us the new part back and then we have to reschedule the installation, and it's ground, and all of the manufacturers are in the Midwest so it takes a few days on either side, plus however long it takes us to schedule on either side, so it can take a number of weeks. So, when you're saying, he calls us, he literally calls us the minute there's a problem and we try to do address it as quickly as possible.

Mr. Winkeljohn: Should we consider some spares maybe?

Mr. Jado: We brought that up at the last meeting, should we buy, we have two separate types.

Mr. Winkeljohn: I know.

Mr. Jado: So, we get spares for everything, we just replaced one of the main boxes and there was a bunch of burnt-out components in it, I took the box and put it into my shed and then that way when Winston comes out, if it's something that we can salvage out of that piece we do that but, the motors are rather expensive, right?

Mr. Fine: Yes.

Mr. Wilson: So, did we have a motor fail?

February 13, 2024

Portofino Isles CDD

Mr. Fine: Yes, I think we've had motors fail, I think we've had the majority of the components fail over time.

Mr. Jado: I don't think we had a motor fail.

Mr. Fine: No, never a motor?

Mr. Wilson: No.

Mr. Jado: It's the control panel, lights, and controllers.

Mr. Winkeljohn: In the utility business, you invest in your repairs in advance.

Mr. Mirabile: And this is Gerry, so a majority of the failures, are the lights?

Mr. Fine: So, take it with a grain of salt, I have thousands of customers and I replaced every part on every fountain many times. An average lifespan of a motor is 8 years, that's the average across every manufacturer that we deal with but, cables can go bad, you can have lightning hits, controllers can go bad, overloads, capacitors, there's so many different parts to it and it's in water, so you're just exacerbating the odds of a failure.

Mr. Jado: We do get some shorting, some arcing where the wires were actually arcing over and burnt out a few things, and they came out for a simple repair for that but, eventually it was like toast at the bottom.

Mr. Fine: Improper power from your main, sometimes can cause issues, surges, all types of different issues so, I guess what I would say is, you have so many different fountains there you would have to stock so many different parts that it may not be feasible to do that but, with enough money the sky is the limit, it just really depends on what you want to do.

Mr. Winkeljohn: So, if you see some items that you would like us to partner with in advance that would eliminate some of that time, delayed lights for instance, some of the electrical components, I'd entertain sharing that burden with you.

Mr. Jado: Because all the fountains have the same light component.

Mr. Fine: They do, the drivers and the power supplies, and that was an issue with Aqua Master where a certain couple of years where they were manufacturing the driver, they're always improving and saying, oh this is a better driver now, this is a better color board, oh now this is better, so you're kind of at the mercy of that. What I will say is, as things come out of warranty, the turnaround time is faster because then if you have a

February 13, 2024

Portofino Isles CDD

motor go down, I can just order a new motor versus having to send the old motor back and having them diagnose it and all of that. The downside is it's more costly but, the upside is it's faster for the repair.

Mr. Wilson: And this is Frank, with the fountains, feel free to correct me if I'm wrong, we have not seen a dramatic change in the health of the lakes, so to re-energize a fountain in a 24-hour, 48 or 72-hour period, is purely aesthetic, and in accordance with the documents that made the CDD, we are not in the aesthetics business. So, to leverage funds for spare parts for aesthetics is not our business, thank you.

Mr. Jado: And if I could interject something too, is the HOA is a split maintenance agreement, so they would have to pay for half of whatever we purchase to put on the shelf unless we purchased it and then billed them as using it.

Mr. Winkeljohn: It's good to consider and get it out to the public.

Mr. Wilson: Anything else while you have this audience?

Mr. Fine: Nothing.

Mr. Winkeljohn: Are we authorizing the drone survey?

Mr. Wilson: No, we're getting a price for that.

Mr. Winkeljohn: Ok.

Mr. Fine: Thank you.

Mr. Wilson: Ok, so we'll go back to item No. 2 on the agenda.

Mr. Winkeljohn: Yes sir, thank you.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the November 14, 2023 Meeting

Mr. Winkeljohn: Item No. 2 are the minutes from the November 14th meeting which are on your tablets and have been circulated by email, if those are in order a motion to approve would be appreciated.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, the Minutes of the November 14, 2023 Meeting were approved.

February 13, 2024

Portofino Isles CDD

THIRD ORDER OF BUSINESS

Discussion/Consideration of Fence Construction in Drainage Easements Criteria

Mr. Winkeljohn: Item No. 3 is sort of a big topic but, there's a very specific request tied to it. There was one individual but the HOA told him he needed CDD permission to put a fence up, and he submitted that request. I called a time out and asked our engineers to identify with John the areas in the community where there are fences that we don't know about, etc., and to begin the development of a District policy and practice on allowing a permitting, if you will, in a generic sense, the use of fences in or near or into the CDD property, and easements and so forth because we did have an incident on some of the preserves where people were entering into the preserves with equipment, large equipment in some cases, and we went through that, we got that all corrected but, we don't want to lose our traction. So, with that Roberto looked at some policy ideas and locations, and if you want to give a little overview of what you brought us today.

Mr. Cabrera: Yes, thank you, Paul, this is Roberto. So, we went out there to look at lot 257, 1985 SW Providence, I believe that's the resident who requested the fence. So, we happened to also look at two houses over, his neighbor, and we had our survey equipment located at his fence, and they asked for a fence within the CDD drainage easements. The neighbor's fence is within the drainage easement but also within the upland buffer tract.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Wilson: Now, let's go back to lot 259, so we have the fence that is within the easement, did we permit that fence?

Mr. Cabrera: No, we didn't permit anything to the best of our knowledge.

Mr. Azcona: Is that fence causing any damage to the property?

Mr. Cabrera: No, it's not but it's not permissible within the upland buffer tract.

Mr. Azcona: Ok.

Mr. Cabrera: So, that's one lot that we actually surveyed and it's my opinion that portion of the fence should be removed, and then we did what we call a desktop survey,

February 13, 2024

Portofino Isles CDD

so it's just looking at it on the computer, and some of the other lots along that road, and we came up with 9 other lots that encroach, not into the upland buffer tract, but are located already within the drainage easement. So, the other lots, it's a list of 9 additional lots, they would also need to kind of retroactively comply with our proposed policy on fences versus drainage easements, so there's a list of that which I provided. So, I'd like to speak to the proposed policy for fences and drainage easements, it is something that a lot of communities allow with a couple of caveats. One of the things that other communities like to see is a removal agreement that's entered into with a resident, so that provided us an example of what that removal agreement is and that basically states they're permitted to do their fence but, if the CDD ever needs to remove the fence we would be able to do so at any time. Then the other thing that I came up with was some proposed criteria to allow for the fence, so some of those things would be, there's a list here if anybody needs a copy but, it's basically you would install the poles on sleeves to make it break away, we can consider asking them to put gates and so if we need access along the easement, we can ask them to put gates, make sure that we have separation at the bottom if there's a swale at the backend of these gates. So, it's basically the six criteria that I think would be prudent to consider for allowing these fences.

Mr. Winkeljohn: You had a question, John?

Mr. Jado: Yes, there's also a coaxial cable line for our internet.

Mr. Winkeljohn: Yes, we have AT&T or whoever it is, that easement.

Mr. Jado: Right, it's in boxes and this tubing back there.

Mr. Cabrera: Yes, so a call before you dig, that makes sense.

Mr. Winkeljohn: And maybe, should we ask AT&T to have a sign-off, maybe when they call it doesn't conflict with their existing requirements or something like that?

Mr. Wilson: Yes, just call to say the survey is being completed.

Mr. Winkeljohn: Right.

Mr. Jado: Can I make reference to the easement, on the sides where we have walls and gates in the Jamesport area there, we allow them to go up to the wall, not onto the wall, but we make them put a 3' or 4' gate so that when maintenance comes

February 13, 2024

Portofino Isles CDD

through they're not allowed to do any plantings, and they'll be able to pressure clean and paint the wall, so if you want to go up to it, put a 4' gate.

Mr. Winkeljohn: Right, we would add that, a wall section.

Mr. Jado: Yes.

Mr. Winkeljohn: So, that's a good edit to add to this list, keep it all in one place.

Mr. Cabrera: Yes, I think that's #3 on this list of criteria.

Mr. Winkeljohn: No affixing to the wall, need access to clean the wall.

Mr. Wilson: So, the requester is which lot?

Mr. Cabrera: I understand it's lot 257, 1985 SW Providence Place.

Mr. Wilson: So, let's go back to the discovered impact of lot 259, and open up the discussion on Board recommendations to address a fence that shouldn't be where it's at, and our engineer has opined that it should be removed.

Mr. Winkeljohn: And write them a letter, tell them to remove it and consider these guidelines and if it meets, he can redo it to meet these guidelines, and that would be the steps I would suggest unless you want to do more, any remediation that it caused, and I don't know what the conditions look like but, if there's anything that needs to be done, that would be added to it.

Mr. Wilson: So, Liza we need to take action?

Ms. Smoker: Well, is there any specific, and I'm not as familiar as Paul is with this District but, are there any rules and procedures in place that you need to follow for when you address the owner?

Mr. Winkeljohn: No, I don't think so, other than normal correspondence, I don't think we have a specific guideline, no we do not. We've done it before so we have a precedent for sure, that we'll write them a letter, identifying the crime, if you will, and what we expect them to do in a specific timeframe because we've dealt with this already, so I would follow that pattern, it worked pretty well.

Mr. Azcona: Right, I don't think we need to be involved with legal at this point, I think it's very straightforward.

Mr. Winkeljohn: Right.

February 13, 2024

Portofino Isles CDD

Mr. Azcona: We got an indication from our engineer that it's violating the recommendations, and they need to comply and remove the fence, and if they want to put a fence back, they will have to meet the prerequisites.

Mr. Mirabile: And this is Gerry, they don't have to remove the fence, they just have to modify the fence to meet these recommendations.

Mr. Winkeljohn: Right, well, it depends on what the situation is, I don't know.

Mr. Wilson: The recommendations are?

Mr. Cabrera: They would have to remove a portion of this fence, this fence encroaches beyond the drainage easement, and that's the other thing I think we should add to this list is the request that they provide a survey of where they're proposing to install the new fence.

Mr. Winkeljohn: Definitely a survey, yes.

Mr. Wilson: Ok.

Mr. Jado: How much of an encroachment is there, is it 5' or 10'?

Mr. Cabrera: We measured it at 6'.

Mr. Jado: Ok.

Mr. Mirabile: So, they're encroaching beyond so a modification wouldn't be in order?

Mr. Jado: Right.

Mr. Mirabile: Ok, got it.

Mr. Wilson: Alright, now the remaining 9 lots that have fences that are in the drainage easement, once we have an agreement for the modified rules for engagement, a letter goes out, the fences are removed or restored or remediated in accordance with the guidelines.

Mr. Winkeljohn: Right, and we can streamline this where it's a form letter basically where John can find it, write the name on there, make a copy of it, and put it on their door.

Ms. Smoker: Are there local ordinances pertaining to fences?

Mr. Winkeljohn: Probably, and the rule we're referencing is our South Florida permits that we're not allowed to let things happen, so we can reference that if we want, is that where you're headed?

February 13, 2024

Portofino Isles CDD

Ms. Smoker: For your noncompliance, you know you have a wetland back there, and you have city ordinances.

Mr. Winkeljohn: Right.

Mr. Wilson: Yes, but it's on land they do not own.

Ms. Smoker: Sure, but when they rebuild it, they're going to have to pull a permit.

Mr. Winkeljohn: Right, they additionally have to make sure they're complying with the local government, and HOA because the HOA may have an aesthetic or a limitation on the fence.

Mr. Wilson: They do, so any required Port St. Lucie permitting, and HOA submittal and approval.

Mr. Clark: And this is Ted, do we have any idea when this fence was installed, I'm on the ACR Board also but, I just want to understand for the future.

Mr. Cabrera: I didn't look at it, but I can look at the historical areas and probably come up within a year of that.

Mr. Wilson: What does that help us with?

Mr. Clark: I just want to know why the Board, if they do a proper survey, then why was it approved to be built the way it was.

Mr. Wilson: Or maybe it wasn't.

Mr. Winkeljohn: Right, that would be the second guess.

Mr. Clark: Isn't a survey required?

Mr. Winkeljohn: Most likely, yes.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Azcona: It's still part of the CDD land.

Mr. Clark: Correct, I know it is, it's encroachment there but, I just want to know how it got installed with the survey and all of that.

Mr. Cabrera: You can look back on the records.

Mr. Clark: Yes, I will.

Mr. Jado: Are we going to be able to, will they have to possibly just take it down or are they going to be able to use this where they can remove it?

February 13, 2024

Portofino Isles CDD

Mr. Wilson: It needs to be taken down and moved back so it does not encroach in the upland buffer tract, and then follow the guidance, is that correct?

Mr. Cabrera: That's correct, yes.

Mr. Winkeljohn: So, there's one lot that really won the price there, he just showed me that they're in the drainage easement with a concrete patio also.

Mr. Cabrera: So, that's the same lot, 259, it does look like they had some building back there too, and I'd be curious to see if they submitted a survey and see what that survey looked like.

Mr. Winkeljohn: And they're just a little bit in the buffer tract the way it's designed it looks like, there's a little bit of a notch in the corner.

Ms. Smoker: So, my guess is it may be an unpermitted structure, and then if it's unpermitted it's illegal under the local ordinance, so the CDD is just saying you have an illegal structure if you get any pushback as well.

Mr. Wilson: Well, I also believe in the HOA rules there are no sheds or outbuildings allowed on your property. Alright, any other discussion, or we can move on.

Mr. Winkeljohn: So, this is an old rule, this is an existing permit enforcement so we can just approve this draft set of conditions, we can come back and ratify it but, I think we should go forward and not wait, do you guys feel that way, I want legal guidance to make sure I'm not leaning too far forward.

Ms. Smoker: Well, you may want to check and see if a permit was pulled as a starter.

Mr. Winkeljohn: Ok, and so my logic is, we have this permit where we're required to enforce, and we're enforcing it, that's really, and these are conditions we can do, we don't need extra protection for that.

Ms. Smoker: The strongest reason is that you have an illegal structure, so you know that's a good starting point to see, something you want to know. I'd also want to circle back with Ginger just because she's more familiar already with the District but, it's an ongoing issue, I'm dealing with this in another District as well, and they did a rule amendment and they have a specific procedure if you're going to go through something you have to go through these in this order, and these are the forms, and then you also

February 13, 2024

Portofino Isles CDD

get your permitting, and then you can extract it and make sure but it comes before the Board on a case by case basis but, it prevents impervious services.

Mr. Winkeljohn: Right, so we could do both I think, is go ahead with the egregious one, get it in writing, get our list of violations of our requirements and permits that are already in place, like we've done in the past but, then start drafting what she's recommending maybe is a rule that we adopt to even up the protection and power of what we're up to, does that sound good, because I don't think we want to wait on the fence.

Mr. Wilson: No, I don't want to wait on it at all, I'd like the rules of engagement for putting a fence in finalized and sent out for review and have that on the street prior to the next meeting.

Mr. Winkeljohn: Ok.

Mr. Jado: Is there a way to put vegetation in there where people are coming down our bank and putting trees, I have to be able to drive and get around the lake so I need to cover that they can't plant any trees within so many feet of their property.

Mr. Winkeljohn: I think we covered that before, and we sent everybody a letter about that but, it eventually will have a little guideline for fencing that will just list our needs and all of these elements and so if anybody asks the HOA or John we just hand them that information.

Mr. Jado: I've been handling it on a one-to-one basis and even trimming the branches, you don't let them go down, you have to have them cut up at least 8' high, or I cut them myself, I just cut them.

Mr. Winkeljohn: Right, that's valid, we should add that.

Mr. Azcona: I mean, if it's in the CDD property, and there are trees in our property you should have the right to cut it.

Mr. Wilson: But it's actually the CDD easement to get to the lake banks, the drainage, the preserve.

Mr. Jado: And I have to be able to drive that so I can clean.

Mr. Winkeljohn: Right, it's a maintenance access option as well, so all of the above really. Alright, so do you want to wait on the letter or go ahead because I think this one particularly should get the letter of you're noticed, stating this is bad, and we

February 13, 2024

Portofino Isles CDD

are drafting and finalizing approvals for such things inside your property line, or inside the easement requirements but, you have to take care of these now. We'll work with you on your reinstallation of these new guidelines in the future, so just leave that on the side, don't go any further, we would need to notify them right away that this is not going to work.

Mr. Wilson: Yes.

Mr. Mirabile: Are you going to put a time limit on that? An enforcement time?

Mr. Winkeljohn: Well, what I usually like to do because we have John is that they have like 5 or 10 days to contact us, and discuss a timeframe, and leave that a little bit open because they're going to get another letter if they don't react and they don't satisfy John and he reports to us that they're not going to do anything, or yes, they're jumping on it, they realize, wow that's terrible, so it sort of gives them a chance to be friendly, and if they are friendly we don't have to pound them but, if they're not, we'll be coming back with deadlines, requirements. The other case is, we got a contractor, there were a bunch of violations in the back easements in the preserve, and we got a contractor to do all the replanting and we charged each one of them their share of it and collected on it, so we've gone that far. This is a little bit different because we don't have to restore anything.

Mr. Azcona: Do we have any capabilities or powers of enforcement in the event they decide they're not going to do anything about it?

Mr. Winkeljohn: Not really.

Mr. Jado: We could sue them.

Mr. Winkeljohn: Right, you'd have to file a lawsuit, we don't have fining capabilities, we don't have any of that.

Mr. Azcona: So, we would just file a lawsuit.

Mr. Winkeljohn: Right.

Ms. Smoker: And this is something that I'm sure at the next meeting Ginger can give you all your options based on the documents, I haven't seen this easement in particular, I haven't read it, so it's hard for me to give you the full benefit.

Mr. Winkeljohn: And one of the things I like to throw in here because the teeth in communities are still with the HOA because if they're not allowed to do this under their

February 13, 2024

Portofino Isles CDD

rules, they have the ability to lien, they have all that capability immediately, we have to go through which Liza just said, figure out what the easement rules are, we have to consider the lawsuit, and that's a lengthier process so, if we partner with the HOA in helping us enforce these things, which we've talked about this before, that's really the best hammer in the short term to consider as well. So, I think we should copy them on our letter John, and ask them to review it very carefully, if you're on the committee or whatever, see if this was permitted.

Mr. Mirabile: Yes, I'm going to check that.

Mr. Winkeljohn: Right, and if it wasn't, use a parallel attack but, we always want to give people the opportunity to be cooperative and not get into a conflict that we don't need.

Mr. Azcona: Alright, next.

Mr. Winkeljohn: Alright, so no action, we've got a general direction but, we're going to bring back the fence and the easement encroachment.

Mr. Wilson: I prefer we don't wait until the next meeting, so Roberto for permits in the near future, get that document modified.

Mr. Winkeljohn: And we can operate under it and then have it adjusted as necessary if you want to move this forward because I think the parameters are very obvious, they're not really flexible, once you say, you're allowing it but it's this, access not into the drainage portion, etc.

Mr. Wilson: And really, I'd like to have something sent out to be reviewed and to opine on if there's any additional items and then move forward with it.

Mr. Winkeljohn: So, then I'm going to go back one step and ask for a motion of this Board to authorize the fence encroachment as discussed.

Mr. Wilson: I make a motion to authorize Paul to address the fence encroachment into District property and easements, into the upland buffer tract and drainage easement.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, authorizing staff to proceed with the fence encroachment letter in the upland buffer tract and drainage easement as discussed on the record was approved.

February 13, 2024

Portofino Isles CDD

FOURTH ORDER OF BUSINESS

Discussion of: (Cont.)

A. Long-Term Planning to Address Erosion of Lake Banks and Removal of Lake Grass

- 1) Identification of Affected Areas**
- 2) Options for Remediation**
- 3) Budgetary Costs**
- 4) Duration**

B. Review Total Costs (Equipment, Permitting, Installation and Maintenance of Existing Fountains)

Mr. Wilson: So, just to make sure we covered everything under item No. 4 and make sure we do due diligence on our agenda. We had a review of the total costs for the existing fountains, and Paul sent out a spreadsheet.

Mr. Winkeljohn: I'm sorry I missed that.

Mr. Wilson: So currently, we're looking at and this excluded, the volunteered time by Dan Duncan and Frank Austin, anticipated that we're between \$20,000 and \$25,000 per fountain, for our initial capital equipment, our infrastructure which would be the electrical transformers, additional control boxes, we have an annual electric bill of approximately \$14,000 for the existing fountains, and we have an annual maintenance bill of \$20,450, so that should put it in perspective of what the fountains cost. We've had discussion on whether or not the fountains improve the health of the lakes, and we have seen no significant beneficial impact.

Mr. Winkeljohn: And I wanted to talk about what you said earlier because if a 600,000 gorilla in lake quality is environment, like what our rainfall is, what our cloud cover is, etc., and you get more cold fronts, you get fewer cold fronts, you get a bunch of storms, so we've had bazaar heavy rain all over Florida in the last 10 years, and so in the last 10 years our lake maintenance has been completely chaotic. A fountain is a really small gnat flying around the room versus that, in terms of scale, and we did put that on the record when we decided to purchase the fountains, that it was predominantly an aesthetic decision that the amount of aeration, even Dan calculated it with our engineer, what amount of oxygen benefit would be, like it was almost insignificant.

Mr. Mirabile: Question, what timeline is that over since the inception of the fountains?

February 13, 2024

Portofino Isles CDD

Mr. Wilson: So, the annualized numbers for electric and maintenance were for a rolling 12 months for 2022, the fountain cost, and the capital cost were the capital costs right out of the contracts.

Mr. Winkeljohn: And final payments because there were some change orders.

Mr. Wilson: So, per fountain.

Mr. Mirabile: Ok, so \$25,000 per fountain, and \$14,000 per year for electric?

Mr. Wilson: Yes, for all fountains.

Mr. Mirabile: For all fountains.

Mr. Wilson: And then \$20,450 for maintenance.

Mr. Mirabile: For maintenance annually?

Mr. Wilson: That was the running total for that year.

Mr. Mirabile: For 2022?

Mr. Wilson: Well, it was 2022 into 2023.

Mr. Winkeljohn: It was a fiscal year for 2022/2023, so ending last October.

Mr. Mirabile: Ok, so \$25,000 per fountain.

Mr. Winkeljohn: That was the first year we had all of them and a full 12 months of operation.

Mr. Wilson: Per fountain.

Mr. Winkeljohn: Right, and I forgot how many we have, we have 7 of them?

Mr. Jado: 6, and that doesn't include the spring that Lake Doctors is supplying.

Mr. Winkeljohn: That's a separate issue, this is just the fountain program.

Mr. Wilson: And just so we're all refreshed, in accordance with FS189.0692A, our public purpose is to plan, finance, construct, operate, and maintain community-wide infrastructure. Are there any other questions on the cost of the fountains from a capital perspective or annual costs?

Mr. Winkeljohn: And I don't mean to sound contradictory but, they are a justifiable expense in the drainage business, they are not completely zero but, it's not the end all, be all. I just want to put it in perspective that if the wrong person walks in this room and says, why did you spend money on fountains, it is justifiable.

Mr. Wilson: And at the time, the view was that we were hoping that there could be more benefit, we haven't seen it.

February 13, 2024

Portofino Isles CDD

Mr. Winkeljohn: John, did we ever do bubblers here?

Mr. Jado: Not yet.

Mr. Winkeljohn: Ok, so there's two more steps in this business that you tie to the fountain program and that is the bottom of the lake bubbler system which creates a lot more vertical columns and then some of the cooler things I'm seeing, and I'm sorry that the Lake Doctor guy didn't hear this, is a horizontal transfer. What happened with a lot of these littoral shelf design lakes is, you get dead ends in them, that don't get much circulation so you actually manufacture some circulation, and those are the next two if you really want to try but, you'll end up, and it's such a hit or miss world, you can actually create more growth in those lakes by doing too much, and now you have a new plant that loves that environment that you can't treat, and so just be careful what you ask for kind of a world we're in.

Mr. Azcona: So, can you go over the numbers, the \$20,000 to \$25,000 per fountain, what was that?

Mr. Winkeljohn: Capital purchase.

Mr. Wilson: Right, that was a capital purchase.

Mr. Azcona: Ok.

Mr. Mirabile: Now, does that include the fountain, the cable?

Mr. Wilson: Hold on, I'm going to back up so we're all talking about the same thing. It includes the fountain costs, which would be the lighting, the motor, the spray heads, and potentially the umbilical that goes to the ground. The electrical cost I believe included the ground.

Mr. Winkeljohn: Joe Electric, basically everything for a licensed electrician to do the job.

Mr. Wilson: Right, and then the monthly electric is broken down by unit and again, that was an annual cost of \$13,980 for that particular year, and the annual maintenance cost of \$20,450.

Mr. Timm: This is Rohn Timm asking a question, wasn't the HOA supposed to pay half of it?

Mr. Wilson: That is correct.

Mr. Timm: So, these figures are what our costs are?

February 13, 2024

Portofino Isles CDD

Mr. Winkeljohn: These were the project costs, some of them we got shared cost back.

Mr. Timm: Well, that's what I'm asking for clarification of, are you talking about what our cost is or the total cost split in half?

Mr. Wilson: This is the total cost.

Mr. Timm: Alright, so now split it by half, so we're paying this and the HOA is paying the other half.

Mr. Wilson: So, \$131,000, is not the right number to look at, there's two numbers to look at and look at them separately and distinct. So, your initial capital cost for the fountains is \$97,150, so for use of numbers call it \$100,000, the CDD paid \$50,000, and the HOA paid \$50,000. Now, you have \$34,500 roughly, on an annual basis that is split by two, recognize that it's all the same people paying for this in the end, because you have HOA dues, and you have a CDD assessment. So, we can say, oh it's great that the HOA is paying for it but, if you look around the room it's still everybody that owns property in Newport Isles that pays the CDD assessment and their HOA assessment. So, to the community, the real numbers are \$97,153 and \$34,500 on a real perspective for maintenance.

Mr. Winkeljohn: Yes, so \$5,000 of fountain a year for maintenance.

Mr. Timm: So, are we talking about, we don't want to have more fountains, or we're not going to finish maintaining what we have, I'm just asking because I don't understand.

Mr. Wilson: What we were asked for, there was the HOA president, Michele, made a statement that the CDD had committed to fountains in all lakes. That commitment was not made, that was an incorrect statement but, for the record I want it to be very clear what the ongoing costs and the capital costs are, we have not discussed abandoning fountains, nor at this point have we discussed putting more fountains in. This is strictly before we get to those conversations, how much money does it cost to put up a fountain?

Mr. Mirabile: And this is Gerry, if you look at previous minutes, we said that we were going to do due diligence, look at maintenance costs, look at the cost of the fountains, consider inflationary costs of new fountains, of new motors, of new cable,

February 13, 2024

Portofino Isles CDD

which has probably gone up anywhere from 10% to 15% maybe in some cases. We haven't checked on those costs but we could consider those costs to be true inflationary numbers.

Mr. Wilson: And you could also, it would be reasonable to anticipate somewhere between \$5,000 and \$10,000 to the project manager for each fountain with the drawings that are required for submittals for permits, the coordination of permits, the coordination of inspectors, and the final signoff on each fountain, and that was all done on a level of effort by Dan Duncan and Frank Austin.

Mr. Mirabile: And I think there's also another consideration of some smaller lakes may not have the depth for fountains, I think that has been mentioned in the past as well.

Mr. Jado: Also, we're going to be putting in heavier stuff like motors and stuff eventually that price is going to be inflated quite a bit.

Mr. Wilson: So, we understood the costs, it will be in the minutes, the folks who pay their CDD assessment will understand the cost, and the HOA will too.

Mr. Azcona: Ok, I'm going to mention too, and this is Juan by the way, and we understand the reasoning behind this conversation. The president of the HOA came to a meeting and she made a comment about what the CDD had said or not said, at the end of the day, whether the CDD said it or not, this is the Board that is going to make that determination of whether we decide to venture ourselves to have a relationship with the HOA for existing maintenance, or future maintenance, or integration of new fountains, so the existing Board will decide that approval or not when the time comes. With regard to the numbers, we understand the purpose of the fountains that it's most aesthetics, again the CDD, we are in the business of, as Frank has said, of maintaining the lakes and so forth, however, the HOA and the neighbors are a big part of the CDD, and for the most part in my experience every person I've spoken with have mentioned that they were pleased with the aesthetics of the fountains, and if we look at the numbers in a different fashion we could argue that regardless of the cost that was spent on the fountains which was already done, so as far as keeping the existing fountains we need to focus on the electric, and the maintenance which based on last year was roughly \$34,000 and change, and I don't know what was the cost for the previous year

February 13, 2024

Portofino Isles CDD

or not, or if there was an average but, we can look at it from a point of view of saying, if we do the math, the cost will be \$4.00 per month, per resident, and is that worth spending \$4.00 per month, per resident to keep the aesthetics of the fountain, so that's another thing to take into consideration. At the end of the day, obviously, there are 5 people on this Board, this Board will decide whether we remove the fountains, whether we keep the maintenance of the fountains, whether we add or we do not add more fountains, but let's take into consideration or let's not cherry pick numbers to steer a decision in one direction or another. Let's take that into consideration and at the end of the day the majority will rule.

Mr. Wilson: There's one other thing that we're not considering is that now the last 3 fountains that we purchased in the second agreement, are now coming out of warranty, so the one behind the small pool, the light has been pulled, the cable has been pulled, I think we were still covered under warranty for about 2 or 3 months but, that's going to be nonexistent but, that one and the other ones that were repaired recently. So, this number here is going to go up significantly, and that's ok. The whole point of this discussion is to understand the financial impact of a fountain.

Mr. Winkeljohn: Right, and you can't do a cost-benefit analysis without the costs.

Mr. Wilson: And I agree, we should fully anticipate the cost of maintenance going up.

Mr. Winkeljohn: Wonderful.

Mr. Wilson: Any other discussion on that agenda item?

Mr. Winkeljohn: Thank you for putting that out there.

Mr. Mirabile: Just a quick note, I think we should make a plan to consider this at the next meeting, which should be next month, I think we should have a meeting next month.

Mr. Winkeljohn: Yes sir.

Mr. Mirabile: So, I make a motion that with all of the discussion we've had, we should consider putting this on the agenda for further discussion.

Mr. Wilson: So, Gerry, I'm good with that but, you had mentioned a couple of things, like some of the lakes might be too shallow, so if we're going to put it on the

February 13, 2024

Portofino Isles CDD

agenda we have to come prepared with, this is a proposed location that is appropriate where the depth supports, because not every fountain is going to be the same.

Mr. Mirabile: Well, they wanted all lakes.

Mr. Wilson: I don't care what they wanted, I really don't, what I want to do is be very methodical, so if there were lakes that by default will not support a fountain, I don't want to spend this Board's time or engineering dollars to address it.

Mr. Mirabile: Right.

Mr. Winkeljohn: So, we'll have John do the list of the remaining lakes and basically the qualifications of each lake, can you do that for me, John?

Mr. Jado: Yes.

Mr. Winkeljohn: The ones that don't have fountains, and what is their capability, are they a no-go or whatever.

Mr. Jado: I'll get a hold of the Lake Doctor and he'll let me know.

Mr. Winkeljohn: Ok, thank you.

Mr. Wilson: So, we'll have it at the next meeting, we'll kick at the next, so we know the cost now, let's pick a target lake.

Mr. Winkeljohn: We'll do a list of all of them, and their status, and we don't need a motion for that, that's just a Supervisor's direction that's totally fine, so with no objection I'm seeing around the room, we'll do that. Yes sir?

A resident: I live on the pond as I call it, the smallest lake in the place, and I was more concerned about the aeration of the fountain.

Mr. Wilson: And that was, Paul brought up about the bubblers.

Mr. Winkeljohn: Yes, they have a much greater aeration capability, they're not as interesting to look at though.

A resident: Ok, and maybe the cost estimate of buying it and that kind of stuff could also be included, that's something that could be considered.

Mr. Winkeljohn: Well, if it's a no-go because it's too shallow or whatever, we'll say what an alternative might be.

Mr. Wilson: Right, or the right thing for the lake is a bubbler versus a fountain, let's do the right thing for the lake.

Mr. Winkeljohn: Right.

February 13, 2024

Portofino Isles CDD

Mr. Jado: The next time the Lake Doctor goes out, I'll ask him to go ahead and give us an assessment of the center of the lakes and try to get a depth and find out whether it's capable of maintaining a 3 or 5-horsepower fountain.

Mr. Mirabile: This is Gerry, ASAP, John if you could get that looked at with Lake Doctors I'd appreciate it.

Mr. Timm: I have a question, and this is Rohn speaking, so this analysis that you're presenting is what we had talked about several meetings ago that we wanted to evaluate the costs by putting because what Gerry is saying, the cost viability and this is now what that report is.

Mr. Wilson: That's correct.

Mr. Timm: Yes, and I'm just giving it in my own words, so now we're getting ready to discuss the next part before we establish this part, so I'm just trying to understand what we're saying.

Mr. Wilson: And John, when you look at the lakes, if you can, identify the closest electrical infrastructure because that has a direct impact on the cost because you have to pull off the installed transformer, step down to 220 or 208 depending on the pump. Thank you.

C. Schedule of Spraying for "Lubber" Control in Preserve

Mr. Wilson: The next item is, John if you could just give a brief update on the plans for spraying for lubber control.

Mr. Winkeljohn: Right, I saw that on there, landlubber.

Mr. Timm: What is that?

Mr. Wilson: It looks similar to a grasshopper when it's young they're smaller, and as they get older they get a very hard shell.

Mr. Timm: So, where are they on this map?

Mr. Jado: So, yesterday I had taken care of an additional first spray, and by the end of the month I'll be spraying 54 lots that have lubber infestation, and we will control like we did last year but, this year we've had significantly less than I've ever seen before.

February 13, 2024

Portofino Isles CDD

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Wilson: So, I didn't hear John, just to recap the schedule.

Mr. Jado: Yes, I scheduled between the 20th and 30th of the month.

Mr. Wilson: Thank you very much, John.

D. Attendance of Lake Doctors Regarding Grass Carp

E. Research for Additional Fountains in Lakes, Costs, and Voided Costs Covered Under Maintenance Contracts

Mr. Wilson: Ok, and we've already discussed the grass carp and fountains, so let's move on to staff reports.

FIFTH ORDER OF BUSINESS

Staff Reports

Mr. Winkeljohn: That brings us to our attorney for any updates.

A. Attorney – Ethics Training and Financial Disclosure

Ms. Smoker: Yes, so you all have been told that there's a new law that requires 4 hours of ethics training, so that's now in effect. You have until the end of the year, December 31st to take it, we've circulated a memo, the electronic version has free and paid courses you can choose from to take that requirement, and it is self-reporting. So, you will report and you must take it by the end of this year but, you will report on your Form 1 when you file it in 2025 which is retrospective if that makes sense.

Mr. Wilson: Thank you. To share, I did the 2-hour audio, it was incredibly painful. So, you can do two different ones to meet the criteria without paying \$49 or \$79 and that's basically a PowerPoint presentation and an individual speaking, and I'm looking forward to it.

Mr. Timm: I did that last year, and I think you maybe even suggested it because it's been a while since I've been on a Board.

Mr. Winkeljohn: Right, you wanted to do it.

Mr. Timm: Yes, I wanted to do it, so what I did is I even took screenshots at different points along the way just so I could remember where I was but, it wasn't so bad the 4 hours because they give a lot of examples of things throughout the state, and all these other people and how their lives have been impacted, so that why I was so enthusiastic about it.

February 13, 2024

Portofino Isles CDD

Mr. Winkeljohn: Yes, it's painful but, I've heard stories of how people have mitigated the pain by entertaining themselves.

Mr. Wilson: There's two ways on there that don't require you to post any funds, they're each 2 hours that meet your requirement by the end of the year, and then you'll get to do it again next year.

Mr. Winkeljohn: If you have them, you want to share them.

Mr. Wilson: They're on here.

Mr. Winkeljohn: Ok, so we already have them, so they're the same ones.

Mr. Wilson: So, there's two 2-hour sessions you can take to meet the requirement of 4 hours, or you can pay the \$79 or \$49 and do it.

Mr. Timm: I did the whole 4 hours.

Mr. Winkeljohn: So, what I'll do is I'll send her memo by itself and what that does is that makes the links clickable, right now they're part of the PDF file, and not everybody can click on them.

Mr. Azcona: Yes, if you don't mind just send a quick email with the links.

Mr. Winkeljohn: Yes, we'll send it again.

Ms. Smoker: And we'll remind you as that gets closer, you might want to keep in your own files which one you took, if you were ever asked for that information but, you're not asked which particular one you took on Form 1, and you will be filing the Form 1 electronically this year and next year.

Mr. Azcona: So, if we listen to those presentations, then we just sign the affidavit stating that we did it?

Mr. Winkeljohn: When you fill out your Form 1 there's a little box you check.

Mr. Azcona: Ok, so check the box that says I did it, so there's not a test or something?

Ms. Smoker: No test.

Mr. Azcona: Ok, so basically you just have to be honest about it.

Mr. Winkeljohn: So, the State of Florida has taken over the Supervisor of Elections job of getting you your Form 1s and receiving them, so they have this statewide digital portal, it's an email system, you go to the state system, and they'll send you an email like probably in May or June, saying you need to renew your Form 1, you

February 13, 2024

Portofino Isles CDD

do it electronically and it keeps you in the file every year. It's actually a structured form so it tells you how to do it while you're doing it, it's totally different than pen and paper was, or PDF autofill, this is a portal electronic input system.

Mr. Wilson: I think it's on the agenda.

Mr. Winkeljohn: Yes, we put it in there, so brace of impact on that.

Mr. Wilson: What else?

Ms. Smoker: That's it unless you have any questions.

B. Engineer

Mr. Wilson: Ok, moving on to the engineer's report.

Mr. Cabrera: I think we discussed everything, the only other thing I would like to update is we did update the ownership map and we also provided Paul with a web map version that I think might be usable in the field, you can see yourselves on the map, and it's login controlled, so any updates that you want to give us, subsequently will work on here.

Mr. Wilson: Thank you, Roberto, we appreciate your attendance today.

Mr. Azcona: Also, may I step out, I have another call that I have to make.

Mr. Wilson: That's fine, and I appreciate the work you did on the batteries, the fencing, and everything.

(At this point several people were talking at one time, and no one conversation could be heard)

C. Field Manager - Monthly Report

Mr. Winkeljohn: John, your report.

Mr. Jado: Yes, so we've had numerous problems with trucks running over the curb over at Walmart, and tearing it up, I've been repairing it, I've put new sod down, I filled it up, we gave up basically and decided to do something else.

Mr. Winkeljohn: You have a turning radius problem?

Mr. Jado: Yes, early in the morning. So, I put some rocks in, I put two rocks in, they did it again, I put some shrubs, so then I had to go buy another rock, a bigger rock, and I put that in, and I put it within 6" of the concrete curbing and he hit it again. So, I'm at the point where I'm going to get the contractor back to push him because they're too

February 13, 2024

Portofino Isles CDD

big for me to handle and we're going to clean it up but, we're talking about possibly putting a post in there, and I don't know if there's any liability on our part or permitting.

Mr. Winkeljohn: Anything we do comes back.

Mr. Azcona: I would say just put some pavers on it.

Mr. Winkeljohn: I was going to say that, a mountable paver.

Mr. Jado: That was our original thought to put pavers but, it's only going to encourage him to drive over it anyway.

Mr. Azcona: Do they have any other way of going into the area?

Mr. Jado: They have a back exit through Walmart, they have another exit over by the gas station.

Mr. Wilson: So, Juan, just to be clear, they put boulders, and they ran them over, they'll move them.

Mr. Winkeljohn: Yes, I think it encouraged them.

Mr. Wilson: So, I agree with the thought John, if you want to attempt to dress it up again if we have another destructive event, I agree we ought to stop throwing good money after bad, and figure out another solution.

Mr. Winkeljohn: And can you shoot me a picture of what you're talking about?

Mr. Jado: It's in the report.

Mr. Winkeljohn: Oh, ok.

Mr. Jado: So, anyway, I have another rock up at the front, we have three rocks at the tip of Gatlin coming in, I planted more shrubs there this month and the rock is kind of hidden so I could take that rock out when they come and repair that and just extend it even more, and we'll have 4 boulders and hopefully that will stop them.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Wilson: Ok, continue John.

Mr. Jado: Oh, we have another problem as long as we're on that subject, up in the front where people turn into Gatlin and they're coming towards the community, they tend to park on the soft shoulder of the road there, and I think pavers would be a good place to put something in there just so they can pull in and park with tearing up the

February 13, 2024

Portofino Isles CDD

shoulder of the road because again, I'm starting to get problems over there, not as severe as the one we just looked at but, it's constant.

Mr. Wilson: So, we have that plaza being developed, are there entrances that cars go there?

Mr. Jado: No, everything goes out the back by the gas station but, I guess people are putting in their addresses to certain locations, and they park on the side of the road there, I don't know.

Mr. Clark: And this is Ted, if we're doing a paver system you think they're going to use that paver system, or just pull over anywhere they can?

Mr. Jado: We had the same problem where the kids are being picked up across from the pizzeria, they put pavers in there, and the problem was solved.

Mr. Winkeljohn: Right, it did work.

Mr. Clark: Ok.

Mr. Jado: And we did that 4 or 5 years ago.

Mr. Winkeljohn: Like 8 years ago.

Mr. Clark: Oh, that was all grass at one time?

Mr. Winkeljohn: Yes, and we did nothing but repair it.

Mr. Wilson: Let's at least start with a price, let's get a budgetary estimate on what would be the cost, and we'll go from there.

Mr. Mirabile: Who would you get to do that, Agnosia?

Mr. Jado: I'd probably have Agnosia do it or get a price for a contract to do it because we have to put a nice sub base down there too because you can't put it in that muck, that muck has to come out, then you have to put rock, and then you have put the sand, and you know the system.

Mr. Mirabile: I wouldn't necessarily make it square.

Mr. Jado: No, we'll just smooth it in.

Mr. Winkeljohn: Yes, definitely a copy Roberto because we don't want to create a drainage problem.

Mr. Wilson: Right.

Mr. Jado: Well, pavers don't have drainage problems.

February 13, 2024

Portofino Isles CDD

Mr. Winkeljohn: Yes, they do, they're not considerably permeable, even if they're permeable pavers they still have it, and it doesn't matter because you packed it in so tightly with lime rock, you created a pond on purpose. So, turf block even eventually compacts it so much that you don't get any drainage either, but anyway, we can move on.

Mr. Jado: Alright so, lake #1 we had a problem with a short, Winston came out and repaired it, so far so good, and that was just a wire or two and it happened twice to us. I'm thinking maybe down the road we're going to get the same situation as we had on lake #2 which is the one we replaced on the exit gate, we don't know, time will tell. Then the small fountain at lake #4 had a problem, no working lights, that's the one by the townhouses, we had to pull the lights and pull the cable, and it got shifted off to the abyss and we should hear something in 2 or 3 weeks, I think. That one I think is still under warranty for another 3 months, and then that's going to disappear. I fertilized all the shrubs, took care of the boulders we spoke about, and we're having trouble with the pump, we replaced the pump over at Rosser, it's 20 years old, we placed an in-time clock, and now we have a pressure problem, and Frank, he's out there today, he put two in and he has isolated it right now to that piece that goes around the shrubs around the lake towards the library. So, what he did is he put one on this side, a valve went past the motor, and put another one here, and when he did that he could turn this on and shut this off, and so the pressure is not right.

Mr. Wilson: And just for the Board members' understanding, you have the suction line, we replace the pump, and it's not an issue, we're not positive the suction hit it or it's discharge pressure on the pump but, there's an underground rupture so in order to determine where the rupture is, we excavated at a pump discharge, it's a common discharge, the Ts, it goes all the way on Rosser. Two insulation valves, to determine which side, and the side that has the rupture is heading down Rosser towards the library, the next step will be picking the location, and put on another isolation valve in, if the pressure holds it means the leak is downstream, if the pressure doesn't hold, the leak is upstream, narrow it down, excavate, repair or replace.

Mr. Jado: So, right now we have two in and I think that's going to be enough unless they find another problem I guess.

February 13, 2024

Portofino Isles CDD

Mr. Wilson: It probably would be one more.

Mr. Jado: Well, he bought three, and we're finding different covers that have been covered up with dirt and grass, so we're extending them up, I'm going to mulch around them with a 1' radius around the circle of the piece and try to maintain it so that we never lose these things again where they have to spend time finding them because it costs us money to do that.

Mr. Wilson: The piece he's talking about is the solenoid wells for the zones, to put this in perspective they're about a 10" diameter, and they've been covered, so nobody maintained them. Thank you, John.

Mr. Jado: Ok, I have more. Joe's Electric, we had three streetlights out on Brigantine, I had him replace the streetlights with a new kind of lighting system so that we don't have to use a ballast, it's a little bit brighter, it's more modern and it's cheaper to repair if we have to have a repair, we just have to replace the bulb. So, the difference between the labor cost to use the original equipment and the new equipment is a no-brainer, it's just a wash but, if we have problems in the future with those lights you just put a bulb and it's easy to get it fixed. The fountain lights on lake #3 behind your house, we had to pull the lights in the water, which we went over already, and that's about it, that's all the major items.

Mr. Mirabile: What about power washing on Brigantine sidewalks?

Mr. Jado: Oh yes, power washing, well I called the guy, and I spoke to him, he's the guy that's going to be supposedly maintaining Brigantine again, which I had a hard time getting a hold of him so I'm not happy about it and he was supposed to send me a price a week and a half or two weeks ago and I haven't seen it yet but, he owns a power washing company that does the community inside the HOA area, and he gave us a price, and I want to say it was like \$2,700 or \$3,000 to both sidewalk pieces on Brigantine and Rosser. So, once I get a hold of him, and he got fired is what happened after 17 years, they are reducing the amount of people cutting the grasses and they're getting rid of certain communities, and certain things, they didn't want to have anything to do with Port St. Lucie anymore because they're located in West Palm Beach and so the owner of the company, who was an absentee owner came in and said, we're cutting

February 13, 2024

Portofino Isles CDD

this out, we're cutting this out, and in turn, he got cut out, not for lack of performance but basically they're shutting it down a little bit.

Mr. Winkeljohn: So, he's got a new company that he went to, right?

Mr. Jado: Right, he has a new company that he's going to, they're there today and unfortunately, I'm here so I can't see if they're cutting the grass for us like he said he would, and if not, I'll be calling you up for a recommendation.

Mr. Winkeljohn: Well, BrightView will come back and cut it, like they don't mind on a month-to-month.

Mr. Jado: Yes, I know I spoke to Abbey, she'll come back and cut it but, it's a difference of \$7,000.

Mr. Wilson: So, with that, that over magnitude of \$3,000 falls within Paul's purview to approve the work, what I would request is that we look at the timing on when the construction and the land, the civil work that's going to be done on Jetson's and play around that when we spray because that is part of our issue with the black dirt. What I prefer not to do is spend the \$3,000 and then have them continue and finish their civil work, take that 150 or 200 yards, and have to redo it.

Mr. Jado: Well, last time they did civil work on the shopping center they replaced the concrete, so we'd have brand new concrete.

Mr. Winkeljohn: I'd also recommend pressure washing to be in September and end of October, that is the most economical time because if you do it now, your June, and July sunlight and rainfall would be right where you started anyway, so if you're going to do it once a year do it in the fall.

Mr. Jado: So, I think that's about it on my report.

Mr. Winkeljohn: Excellent, thanks John.

Mr. Wilson: Any questions for John?

Mr. Winkeljohn: Yes sir?

Mr. Clark: About two weeks ago I spent a morning with John driving the community so I would learn about it and learn what John does for us, there's a lot of work out there, and I didn't realize how big this property actually was, especially down there along Rosser, that was an eyeopener for me. So, that being said, I was told by

February 13, 2024

Portofino Isles CDD

John that he's been doing this job for us for about 5 years now and he's yet to have a raise and I'm requesting that John gets \$100 a week raise, and that's for consideration.

Mr. Wilson: Ok, any dialogue with respect to that request?

Mr. Timm: I think he deserves it, I've been impressed by the amount of expertise he has that's invaluable to the CDD, so overall, and for the years I've known him it's just incredible the amount of work he does, and I think we all see that, maybe we don't always acknowledge it but, all the work that he does is, even stuff beyond his ability, I mean outside of what he would normally do, that someone else would do, he does it because it needs to be done, and I like that, he takes the initiative to get things done.

Mr. Wilson: What I'd like to say is, that I reviewed the market reference pricing of value for John's services, and the \$100 a week is more than appropriate in accordance with current marketing conditions that are in Florida, and so I make a motion to adjust the salary to \$100 more per week, going forward, is there a second?

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, authorizing an additional \$100 per week to John Jado for his field manager services were approved.

Mr. Jado: Thank you, I appreciate that.

D. CDD Manager

Mr. Winkeljohn: Moving on, I have nothing to report.

SIXTH ORDER OF BUSINESS

Financial Reports

A. Approval of Check Register

B. Acceptance of Unaudited Financials

Mr. Wilson: Moving on to the check register, I reviewed it, unless there is a comment from another Board member, I accept as presented.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, the Check Register and the Unaudited Financials were approved.

February 13, 2024

Portofino Isles CDD

SEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Winkeljohn: Are there any other Supervisor's requests or comments?

Mr. Wilson: No.

Mr. Winkeljohn: John before you leave, I have one thing I want to talk to you about.

Mr. Jado: Ok.

Mr. Wilson: And ladies, if you would like to go around the room, was there anything in particular you wanted to be here for?

A resident: Well, I was but, I think a lot of it the engineer covered that.

Mr. Wilson: Ok, alright.

A resident: We're just learning about the CDD and Joe is running for the Board.

Mr. Wilson: Ok, let's go around to the Board, any additional input?

Mr. Clark: No.

Mr. Timm: I'm satisfied.

Mr. Wilson: Gerry?

Mr. Mirabile: I'm good, just one comment, I'm running for the Board of the HOA and there will be no conflict of interest between the CDD and the HOA conversely, so I just wanted to let you know that.

Mr. Winkeljohn: No problem.

Mr. Wilson: Ok, so I guess the one item I'd like to have considered is when we have projects that are jointly impacted by the HOA and the CDD we have some rules of engagement so there is not a conflict of interest.

Ms. Smoker: Yes, so it's common that you have, or in many of our Districts you have Supervisors that serve on both Boards, the same Sunshine Laws apply so if you're at an HOA meeting and they're bringing up the CDD, you just say, according to the Sunshine Law we need to discuss that at a CDD meeting, so that item can't be discussed there, even if they're sitting and not saying anything, it can't be discussed.

Mr. Mirabile: So, I'd have to leave the podium?

Ms. Smoker: And there's an ethics hotline for all the specific scenarios but, it's not an uncommon thing, you sometimes have CDD Boards that make up the entirety of the CDD and the HOA Board.

February 13, 2024

Portofino Isles CDD

Mr. Wilson: And that’s my concern is that if we have something that we’re going to vote on that addresses joint funding, I think that’s something you should consider recusing yourself from.

Mr. Mirabile: Of course.

Mr. Winkeljohn: And another step that we do sometimes is we’ll advertise the HOA meeting as a public meeting and have it treated that way if there’s CDD Board members there, and they’re not allowed to discuss it, and they’re still restricted but, it at least we’ve notified the public that these topics are going to be discussed by the HOA, and we do our best, I mean there’s no perfect solution for it, and it’s reality, it’s happening everywhere and sometimes it’s necessary to have the same leader on both.

Mr. Mirabile: I just wanted to bring that up on the record.

Mr. Winkeljohn: That’s fine.

Mr. Wilson: I appreciate it, John anything else?

Mr. Jado: No, I’m good.

Mr. Wilson: Juan?

Mr. Azcona: No, I agree with the same thing, I don’t have a problem with that, just recuse yourself.

Mr. Mirabile: Of course, ethically that’s my position.

EIGHTH ORDER OF BUSINESS Adjournment

Mr. Wilson: Alright, Liza, Paul, thank you very much, so if there is nothing else, a motion to adjourn.

On Motion by Mr. Azcona seconded by Mr. Wilson with all in favor, the Meeting was adjourned.

DocuSigned by:
Paul Winkeljohn
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Secretary / Assistant Secretary

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Chairman/Vice Chairman