

**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, August 13, 2024, at 10:00 a.m. at Newport Isles Clubhouse, 1856 SW Newport Isles Blvd., , Port St. Lucie, Florida 34953.

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
John Jado	Field Supervisor
Stefan Obel	Resident
Frank Austin	Resident
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

**Approval of the Minutes of the
March 12, 2024 Meeting**

Mr. Winkeljohn: Moving on to the minutes from our March 12th meeting, if those are in order a motion would be welcomed.

On Motion by Mr. Wilson seconded by Mr. Azcona with all in favor, the Minutes of the March 12, 2024 Meeting with the submitted changes were approved.

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THIRD ORDER OF BUSINESS

Consideration of Resolution #2024-04 Approving the Proposed Fiscal Year 2025 Budget and Re-Setting the Public Hearing

Mr. Winkeljohn: Item No. 3 is resolution #2024-04 and since we had some quorum issues for setting today's public hearing we had moved it today, so to meet that requirement staff did the proper notices. This resolution acknowledges those actions so that today is a legitimate budget hearing meeting, so a motion would be welcomed.

On Motion by Mr. Wilson seconded by Mr. Timm with all in favor, Resolution #2024-04 approving the proposed Fiscal Year 2025 Budget and re-setting the Public Hearing was approved.

FOURTH ORDER OF BUSINESS

Public Hearing to Adopt the Fiscal Year 2025 Budget

A. Motion to Open the Public Hearing

Mr. Winkeljohn: So, at this time we can begin the public hearing portion of today's budget which is to open it by motion.

On Motion by Mr. Wilson seconded by Mr. Mirabile with all in favor, opening the Public Hearing was approved.

B. Public Comment and Discussion

Mr. Winkeljohn: At this time, I'll give a quick introduction to the budget because we have a pretty good audience here, in fact, I need to get a sign-in sheet going around the room. This year's budget has no increase to it, it's the same assessment as in prior years, and staff put together a budget that meets all of the service levels that the Board has set over the past few years, and accomplishes those missions, as well as a very successful reserve accumulation which is required for us because we are a drainage District and we have to be able to maintain that and all of our infrastructure. So, I'm very confident that this budget meets all of the needs of the community and staff is recommending its approval. If there is any public comment or discussion on the budget portion of today's meeting, that's where we are now, and we can begin that. So, if you would please state your name and if anybody needs a copy of the budget I have extras here.

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A resident: Yes, I was just going to ask you if it was on the website or if you had a copy.

Mr. Winkeljohn: Yes, it is on the website, it's on there and I also brought some hard copies as well.

A resident: Ok, thank you.

Mr. Winkeljohn: And the budget is on your tablets also, this is just for the audience if they need to look at anything. Are there any questions or discussions related to the budget?

Mr. Obel: Good morning, everyone. Yes, I was trying to get a copy of resolution #2024-06 and when the county does things like that you can actually click on the blue highlighted thing and it takes you to the PDF file, and I was not able to find that on the website but, maybe that's just me but, none of those things were clickable, so do you have a copy of that resolution?

Mr. Winkeljohn: Ok, so when the agenda is put on the website, the entire document includes every attachment, so you'd have to just scroll through it.

Mr. Obel: Well, I got the budget, but I did not get the resolution.

Mr. Winkeljohn: Right, and by Statute the budget has to be a separate item which we put on there separately but, I can also email it to you if you ask for it.

Mr. Obel: Ok, so that was just a general question but, I would like to address the Board regarding an issue where I think the taxes are not being levied equally between all property owners. So, for example, and I gave you guys all a copy, those are the folios of two equal lots, in this case, you can actually see the lots, and the ones that I'm talking about here are lot #208 and then the neighboring lot on the other side, lot #223, so those are equal empty lots. One lot pays \$1,730 something and change, and the other one pays zero. So, two equal lots, one pays \$1,700 and one pays zero, the zero lots are actually 238 lots over in Portofino Court that all pay zero in levied assessment.

Mr. Winkeljohn: Can I stop you right now because I can't have a whole tape full of inaccurate information?

Mr. Obel: That is not inaccurate, that's from the Tax Collector.

Mr. Winkeljohn: So, you're going to tell me it's accurate?

Mr. Azcona: Let him give you like a five-second answer.

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Mr. Winkeljohn: Yes, so there's two types of assessments, there's operation and maintenance, and there's debt. The operation and maintenance is exactly the same for every parcel in this community, no one pays zero.

Mr. Obel: It says zero.

Mr. Winkeljohn: You're looking at the debt portion. The debt portion is in a forbearance situation where the bondholders have frozen those assessments on the parcels that are in default, so that's just simple CDD debt 101, that's how it works.

Mr. Obel: Well, the Tax Collector and the Property Appraiser of the county tell me differently, so unfortunately, the county lawyer wasn't available today to join here to fact-check on those things but, \$6.5 million dollars is what has not been collected.

Mr. Winkeljohn: It feels like Groundhog Day, you and I have had this conversation hundreds of times, we've had this conversation, the Board has had this conversation dozens of times, and it's been explained to them, and we've had bond counsel explain it.

Mr. Obel: Ok, then show me where lot 233 pays the maintenance portion.

Mr. Winkeljohn: I don't have that detail in front of me.

Mr. Obel: But it would be on the tax records, wouldn't it?

Mr. Winkeljohn: Excuse me, sir, this is a budget hearing to adopt our operations and maintenance, those two lots get the exact same assessment as any other lot.

Mr. Obel: Ok, then show me proof of that because I have the proof here.

Mr. Winkeljohn: I don't have to prove it in this hearing.

Mr. Obel: One says \$1,700 and one says zero.

Mr. Winkeljohn: I think your 3 minutes is about up, so if you have any other questions, we can take them.

Mr. Azcona: At the next meeting can you bring the documentation?

Mr. Winkeljohn: Yes, I made a note, and I'll look at what he's talking about and give the Board a full report.

Mr. Azcona: Ok, so we will provide an answer at the next meeting.

Mr. Obel: Yes, I want to see the tax bill that shows the maintenance.

Mr. Azcona: Ok, so we will send an email and document this during the next meeting to answer your questions.

Mr. Obel: Thank you.

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Mr. Azcona: And if you have any other specific questions, please send those in writing to Paul, and that way we can provide you the answers to those questions and we'll have it for the record so you don't have to go back and forth multiple times during the public meeting.

Mr. Winkeljohn: Thank you. Are there any other comments for today's operating budget hearing? Can you come forward a little bit so we can hear you, and say your name for the record?

Mr. Austin: Yes, my name is Frank Austin, on the stormwater, I noticed that the adopted budget for 2024, and you doubled that for June 30th, so what's the increase on that?

Mr. Winkeljohn: Can you help me, where are you looking so I'm in the same spot you are?

Mr. Austin: At the very top where it says, revenues.

Mr. Winkeljohn: Yes, ok, the revenue side, thank you. So, you're on revenues, now I'm with you, go ahead, and the stormwater is listed at \$104,424 in the annual budget, and the projection through the year is \$248,202, so this is slightly related to the conversation earlier but, there are lots that are not paying their bills, and they put it on the tax roll, and we end up getting the money.

Mr. Austin: Who are they?

Mr. Winkeljohn: Portofino Court properties, and this money comes through the county, and we do not assess for it, it's assessed by the county under the stormwater system. So, historically we've always budgeted that as a low number because we didn't want to build our operations on a number that wasn't 100% predictable, so we've always done that.

Mr. Austin: Ok, so then the 2025 budget is the same, what about that new development, don't we get maintenance through that additional revenue from them?

Mr. Winkeljohn: No additional revenue, the only thing they pay for is through the county their stormwater fee.

Mr. Austin: Ok.

Mr. Winkeljohn: But they're not a part of the District, they're not within the District, they're in the stormwater system for the District but, not in the District in terms of any other services.

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Mr. Austin: Ok, then on page 2, the lake fountain maintenance, is that the fee for the shared cost?

Mr. Winkeljohn: That is our share of it, yes.

Mr. Austin: So, technically it's \$42,240.

Mr. Winkeljohn: It's not quite 50% but yes, because of the electric and different things, it's not always a clean straight 50%.

Mr. Austin: Ok and in talking to John I thought The Lake Doctors was doing a pretty good job. Do you know if, is there a number of properties that you manage that use The Lake Doctors?

Mr. Winkeljohn: Quite a few yes.

Mr. Austin: Are they pretty good overall?

Mr. Winkeljohn: Yes, they're excellent.

Mr. Austin: Because I talked to John a week later and he said he had a problem with them.

Mr. Winkeljohn: So, you've drifted into a maintenance discussion, and we're in the budget portion of the hearing.

Mr. Austin: Ok, thank you.

Mr. Winkeljohn: Are there any other comments on today's budget hearing? Hearing none, the Board can close the public comment and discussion and move on to resolution #2024-05.

C. Consideration of Resolution #2024-05 Annual Appropriation Resolution

Mr. Winkeljohn: This resolution, as you guys know, the budget is adopted really setting the assessment level, the line items of the budget, if we wanted to expend more money on something we can adjust that throughout the year as long as we don't go beyond our existing revenue or cash supplies, and so you're really affixing the assessment level through resolution #2024-05, and as discussed staff recommends approval. Is there a motion?

On Motion by Mr. Mirabile seconded by Mr. Azcona with all in favor, Resolution #2024-05 the Annual Appropriation Resolution was approved.

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Mr. Winkeljohn: I'm sorry, Frank, did you have any comments during the public comment hearing, I had you on mute by accident.

Mr. Wilson: Well, I couldn't hear any of the conversation so, no comments, were there any specific concerns?

Mr. Winkeljohn: Nothing really specific.

Mr. Wilson: Alright, thank you.

D. Consideration of Resolution #2024-06 Levy of Non Ad Valorem Assessments

Mr. Winkeljohn: So, resolution #2024-06 is the resolution which applies the already approved assessment to the tax roll according to the uniform method of the county for Non-Ad Valorem Assessments, and resolution #2024-06 is recommended for approval by staff. Is there a motion?

On Motion by Mr. Clark seconded by Mr. Wilson with all in favor, Resolution #2024-06 Levy of Non Ad Valorem Assessments was approved.

E. Motion to Close the Public Hearing

Mr. Winkeljohn: Then we just need a motion to close the public hearing.

On Motion by Mr. Mirabile seconded by Mr. Azcona with all in favor, closing the Public Hearing was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution #2024-07 Electing Sharyn Henning as Assistant Treasurer

Mr. Winkeljohn: Moving ahead, item No. 5 is resolution #2024-07 which adds some redundancy to our current operations. As you may recall, staff provides you with the official secretary of the Board, which handles the state regulatory items, we also have a treasurer in the form of staff that handles similar financial regulation processes. We're requesting that you elect Sharyn Henning as an assistant treasurer, this gives us a little more bench room if Patti Powers is on vacation, who is our company CFO, and she's not

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always in the office, and that kind of thing, and Sharyn is a fully qualified CPA, and has been a District accountant for over 20 years and is exceptional.

Mr. Mirabile: Is this for all CDDs?

Mr. Winkeljohn: We're doing it for all of our Districts.

Mr. Mirabile: Ok, so it's not specific to our CDD.

Mr. Winkeljohn: Right, it's for all of them, and just for that reason, sometimes we need a signature on something and it's just for efficiency purposes.

Mr. Mirabile: So, we currently do not have one?

Mr. Winkeljohn: You do not, so is there a motion?

On Motion by Mr. Clark seconded by Mr. Azcona with all in favor, Resolution #2024-07 electing Sharyn Henning as Assistant Treasurer was approved.

SIXTH ORDER OF BUSINESS

Ratification of Landscape Maintenance Services Agreement with BrightView Landscape Services, Inc.

Mr. Winkeljohn: So, item No. 6 is the ratification of the BrightView landscape services, and the Board authorized staff to negotiate an agreement with them with various service adjustments to the current agreement. That was successful and they've begun doing the work, and they were doing it at the time on a monthly basis, and I do want to say on my drive in for this time of year I think everything looks really healthy. The grass is exactly where it ought to be, so I'm pleased and I hope all of you are as well, John can talk about this under his report but, the agreement was approved, I just brought it back to you for that information and a motion to ratify.

Mr. Mirabile: I just had a quick question about Brigantine, did we know there was going to be a cut-in for Jetson? I know in the past there was a letter sent to them requesting that they not make a cut into that location, and now there is one, I just didn't know in the past, and maybe I wasn't on the Board but, what's the status of that? I guess the city approved it or somebody approved it, and it is going to cause a lot of traffic, a lot of U-turns on Brigantine back out to Gatlin, so I think the people here may have that question, I certainly have that question, and it is what it is, so what's the status of that?

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Mr. Winkeljohn: So, let me build it this way, we have no standing in that decision because it's the traffic, it's the county's road, 100% jurisdiction, we have input and I know our engineering firm monitored that process, we did get a drawing at one point I believe.

Mr. Cabrera: Yes, the items that we reviewed from the CDD were mostly related to the stormwater, we also got some concerns regarding the landscaping, and they're sharing that stormwater pond with another business next to it, so we asked them whether they could provide sufficient capacity for stormwater treatment but that was more or less kind of what Paul was saying, the extension of what we could produce with them was the stormwater system.

Mr. Mirabile: And I also noticed that off of Aledo you go into that little plaza there, and that connects to Jetson, so people are going to be coming out of that little business plaza onto Brigantine and it's just going to cause a whole maze of traffic, so that's just something I thought about.

A resident: (inaudible comment)

Mr. Winkeljohn: And that is a city or county road.

Mr. Mirabile: Brigantine?

Mr. Winkeljohn: Yes.

Mr. Mirabile: Ok, I didn't know that.

Mr. Winkeljohn: Right, we only have the responsibility for the landscaping but the actual road is theirs, they haven't ever accepted it technically but, it's really not a CDD road in the big picture.

Mr. Mirabile: Who is responsible to repave that when the necessary time comes?

Mr. Winkeljohn: That's a good question, we would be the most likely one to do it but there's a good argument that it's really not our road, and the wear and tear isn't our responsibility, we don't collect taxes off of that road, so to speak, indirectly, they do.

Mr. Austin: (inaudible comment)

Mr. Winkeljohn: So, when it was built, the intent and the language was to turn it over to the county. The reason we did not is because we wanted to have a higher level of landscaping and we knew we would maintain it at a higher level, so the Board's historical decision to this point is to let it be as it is, we were able to enjoy landscaping improvements for many years, and going forward if we choose to but who ultimately paves it is an excellent negotiating discussion with them, I think.

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Mr. Mirabile: Well, I just wanted to bring that up because it's a concern of some of the neighbors here.

Mr. Winkeljohn: Yes sir?

Mr. Austin: Did the city notify you guys that they were planning to approve that entrance at Jetson?

Mr. Winkeljohn: In so much as the drainage implications, yes, I believe we saw a drawing and they came to this Board, that was quite awhile ago that we got that drawing.

Mr. Austin: What's quite a while ago?

Mr. Winkeljohn: About 2 years ago.

Mr. Austin: So, I can tell you when Dan and I, when they did the first development, because the city did not notify us how they were going to do that intersection up there, which on the left side of that intersection that's not really a road, it's a service road for those businesses. Anyway, Dan at the meeting, said hey, I went to the city and explained there would be no entrance to anything built over there off Brigantine simply because we own the road, and it is a public road, the CDD owns it, but we're not responsible for the maintenance. So, what happened between then and now?

Mr. Cabrera: Like Paul was saying, it's been a while since I looked at Jetson, and I actually don't recall there being a Brigantine connection on the plans for Jetson but it's been 2 years, and I haven't seen anything new since then.

Mr. Winkeljohn: And they didn't ask us, so that's the short answer.

Mr. Austin: So, how can they do that? Did the city notify you?

Mr. Cabrera: We did not get notified but, I'd have to go back and look at those plans from a couple of years ago.

Mr. Austin: Well, if they didn't notify us and we didn't approve it, then why did you guys let them do it?

Mr. Winkeljohn: You understand, they just did it, we don't let people do something if they don't ask us for our approval, then that would have been an obvious mistake.

Mr. Austin: All I know is they took out the sidewalk and put an entrance there. (inaudible comment) Then if you look at how they're going to exit, it appears to be following that traffic right back on to Brigantine where they would have to make a right or a left.

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Mr. Jado: I haven't checked but they're working on the opposite side of that entrance out to the other side of the road on the backside of the parking lot, and it looks like they're going to have a cut-through right there.

Mr. Austin: You're correct, they are. (inaudible comment) It's just an observation.

Mr. Azcona: Can I make a comment, does the CDD have any power to override any decision by the city or the county with regard to that road?

Mr. Winkeljohn: Not to my knowledge but we can find out, I mean we can look at it and see what rights we might have had. We've never had traffic rights, that's clear, we've never had circulation rights, Districts don't have that authority or jurisdiction even on their own roads, it's always the senior jurisdiction that oversees that.

Mr. Azcona: Ok, could we find out to get like a definite answer to see if the CDD can have full control of that road because my understanding is that if we give them full control to the DOT, is that the level of landscape would be whatever the city decides would be much lower than the standard that we have. So, we decided to keep it as it is, so we are able to maintain the landscape more beautiful than it would be, keeping in mind that the city with regard to the actual road they have the power to make the decision that they want.

Mr. Winkeljohn: Right, that's accurate to my understanding, yes.

Mr. Azcona: Ok, so could we verify that just to make it public for everybody to know that's the decision that the CDD Board has decided to go with knowing that if we turn everything formally over to the DOT, to the city, the landscape will be under their control and if it goes down the tube, that's what it will be.

Mr. Winkeljohn: Right, so there's lots of pieces to that, obviously the original goal was always the landscaping, the lighting, all those upgrades and the beautification of it, that was the goal. The road circulation and the penetration points, we have no jurisdiction there and they don't have a requirement to ask us, they should have, and ideally that's a normal cooperative way, but the rights of that property owner they are going to have the right to get to any road that the traffic engineer says is appropriate. So, we're really not a big dog in that fight but, we can find out through either Butch or legal and we can push our nose into it again and see.

Mr. Azcona: Yes, so let's have a definite answer so that we can put this to rest because if we do have the power to override their decision, obviously everyone is going to

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be in favor of not having that entrance but, if we do not have the power, then we're beating a dead horse.

Mr. Winkeljohn: Correct, very well. So, in our landscaping agreement can we have an all-in favor for that since it's been motioned and seconded?

On Motion by Mr. Clark seconded by Mr. Azcona with all in favor, ratifying the Landscape Maintenance Services Agreement with BrightView Landscape Services, Inc. was approved.

Mr. Winkeljohn: Thank you. So, we sort of got a little bit ahead of our agenda with the sidewalk repairs. Yes, ma'am?

A resident: (inaudible comment)

Mr. Cabrera: Yes, so I just pulled up the plans from 2022 that they circulated to us, the driveway connection was on there, and the way they do it is they have separation requirements from the intersection, so it's not necessarily a study but that it meets certain requirements, and this driveway connection met those requirements, so that's why the city approved it.

A resident: And the requirement, did that take into consideration the people who live in Newport Isles who use this road mostly because I didn't see anything on that?

Mr. Cabrera: Yes, so typically driveway connections are approved at the city administrative level, so they don't go through like the city council or a public input process.

Mr. Winkeljohn: So, not to cut you off but, the short answer is, no they don't ask.

A resident: Ok, so how can you go and tell them?

Mr. Winkeljohn: That we don't like it?

A resident: Yes.

Mr. Winkeljohn: I mean it's really not a District jurisdiction, so it's a resident issue, so I think all three heads of the monster should go, all residents should inquire, there's nothing wrong with that, the HOA may want to have something to say about it, and as an entity, but the District is with our technical staff as well.

A resident: (inaudible comment)

Mr. Winkeljohn: So, I think the big takeaway is that they don't ask on certain levels.

A resident: Ok, thank you.

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Mr. Obel: So, how is it that you say it's owned by the city?

Mr. Winkeljohn: I didn't say they owned it, I gave the whole history, and the intent was to hand it over to them and it would be owned by them. We paused that because we wanted to have landscaping in the center median, so we still have the legal ability to transfer it.

Mr. Obel: So, the road is owned by the CDD?

Mr. Winkeljohn: Yes.

Mr. Obel: So, why do we allow outsiders to use the roads that we pay for, there is a construction business going on there, there are Walmart trucks that turn into Brigantine, and then they actually go over the landscaping and destroy it, so it's our road, we pay for it, where does it say that we have to let them, why can't we put our gate right outside there?

Mr. Winkeljohn: Because it's not a private road, it's a public road.

Mr. Obel: No, it's a private road, it's owned by us.

Mr. Winkeljohn: It's a public road, we are a public entity, and you're in the middle of a meeting of a public entity called a CDD, the CDD cannot close a road if it has jurisdiction over that road, which in this case we have operational jurisdiction but not traffic management, construction management, all of those other things, we have no rights in that capacity whatsoever. The reason, which I've said probably three times already, is the Boards chose to retain the ownership of that for the purposes of upgrading the landscaping, it's done all over the state, and many entities put their money outside of their own jurisdiction to enhance the look because it's your front entrance, it's your driveway, and that's the logic.

Mr. Obel: And that of course makes sense but, we are paying for something that others destroy and we should have a say in that.

Mr. Winkeljohn: Sounds like it makes a lot of sense doesn't it and the recommendation is to keep that negotiation and that dialogue going with the jurisdiction and in some cases, they have been generous and shown us plans, we saw these plans because we are the drainage authority that they have to get our approval on but, the process ideally would include impact on the residents. It doesn't work that way all the time, it's not a requirement as we just stated, that entrance/exit, the ingress/egress of a property, they have a right to that, and we don't get to vote.

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Mr. Obel: Would it help to invite maybe our council representative to the next meeting because it seems like there needs to be more communication between the two entities maybe to get to a solution that works for everyone?

Mr. Winkeljohn: That's a great idea, and I would add three entities to that, I would say, any individual person is one, that has individual rights, the HOA is a collective association that represents the aesthetics of the community, for lack of a better description, and then the third would be the District because our jurisdiction is drainage, and our infrastructure, that is our responsibility.

Mr. Obel: Thank you.

Mr. Winkeljohn: Yes ma'am?

A resident: I just have a question, is the tax dollars from that new property being developed going to help pay for that road or any of the stuff that's going on? Is it going to benefit CDD or the community by them being there, it obviously adds more value, so the tax dollars have to go up, does anything go to us, meaning the CDD?

Mr. Winkeljohn: So, there's two parts, we do collect revenue for the stormwater portion of that quite a bit, we do not get any shared revenue that their tax bills pay for roads and different types of infrastructure to the city, and we do not get those funds. It's a strong position that we would be in, is that no, we shouldn't have to pay for it, and most local governments would take this scenario and probably create a Special Taxing Unit of those commercial properties with us to let us collaborate or share the costs like you're describing, and it wouldn't surprise me if that's what we ultimately get to, and I think it's a strong argument.

A resident: (inaudible comment)

Mr. Winkeljohn: And I'll go back, just for everyone's purposes, because I've been the manager here for 20 years, and we've tried that fight on several situations, and I can't remember what the infrastructure was, it might have been a lift station or something we helped put in, or we did some infrastructure work off our property, and this was before we did the landscaping and we tried to create an agreement with all of the commercial properties and they just threw it out and one of the flaws in Districts is we have zero enforcement capability.

A resident: Well, lift stations don't bring in revenue.

Mr. Winkeljohn: That was just an example, I don't remember what it was.

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A resident: No, I'm just saying that's completely different because you're putting in infrastructure, people don't see it as use.

Mr. Winkeljohn: Right, but there's other things we do.

A resident: Like a physical retail chain is a physical remedy that people can see.
(inaudible comment)

Mr. Winkeljohn: And I would just say, it's been long understood that there would always be an imbalance in this relationship but the cost-benefit of it for this Board has always sided and talked about it, hundreds of times, dozens of times at the very least, that it's worth it.

A resident: So, what would the impact be to the community for the roads, for like the stress of the road, what kind of impact would we see on the roadway?

Mr. Winkeljohn: Generally, it's a different kind of wear and tear, and our engineer is here, and we could do an analysis and we may need to at some point to make the argument stronger of the added wear and tear, and there are engineering standards, I know of those, you could make that argument, they're usually pretty nominal in this size of a road but, you can make the argument.

A resident: Well, the argument is a lot of traffic comes to this 4-way and it's all stop signs, it's not even a light, so it's just safety concerns and the bus stops for all of the kids at that intersection. So, it becomes a lot more dangerous for residents, and so I'm just saying there's a lot to it.

Mr. Winkeljohn: I love your comments being on the public record, it's excellent.

A resident: Yes, I'm just saying that's a big concern for me as I have all my family lives here, my grandkids live here, so that bus stop area, and that intersection is important.

Mr. Winkeljohn: And the school Districts oversee the bus stops, they don't talk to anybody when they decide to put them in, and I've been in this for 30-some odd years and that conversation still is mind-blowing.

Mr. Azcona: Again, I would suggest from the HOA Board, you put an initial draft of concerns that we can share with the city on behalf of the HOA and the residents, shared with the CDD if we're ok with that, then the three entities and we all sign for it, so they know that it's 700 plus homes here that are going to be voting and selecting them, and they're backed up by the HOA and the CDD and that will be something that we can say, listen, we have this property, you guys have done this and that without even asking us, so

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if the road needs to be paved, who's going to pay for that, are they going to chip in, what about security measures or traffic control, who's going to have to do that, we would like to know. Give them another list and let's share it with everybody and if we are all on the same page, we'll all sign on it, and send it in.

A resident: (inaudible comment)

Mr. Winkeljohn: Absolutely.

Mr. Azcona: And it should be signed by the residents for leverage to the elected officials over there. So, if you guys start putting that initial draft together and then share it with us and we can work together on that.

Mr. Winkeljohn: Perfectly stated sir, thank you.

SEVENTH ORDER OF BUSINESS

Discussion of:

- A. Sidewalk Repairs Rosser Blvd. & Brigantine**
- B. Tree Planting at 4 Benches**
- C. Paver Installation at Brigantine & Walmart Intersection**
- D. Results from Lake LIDAR & Walkdown Survey**
- E. Rosser Wall Cleaning & Painting**

Mr. Winkeljohn: Moving on to the sidewalks, we have a number of items, I'm guessing that came from you John, right, do you have any updates on those?

Mr. Jado: Yes.

Mr. Wilson: Hey John?

Mr. Jado: Yes.

Mr. Winkeljohn: Yes, go ahead Frank.

Mr. Wilson: Before you get into it, I worked with Roberto on ownership so with respect to the sidewalk on Rosser, we do not have any ownership Roberto, correct me where I'm wrong but, I believe our ownership ends on the Brigantine side at the intersection which is Aeros where the road is that parallels the backside of Walmart, is that correct?

Mr. Cabrera: Yes, that sounds correct Frank.

Mr. Wilson: Right, so John, the majority of the stuff we looked at is actually not ours to touch or repair, so I kept it on the agenda just to get that clarified.

Mr. Jado: Ok, great, that's good we don't have to deal with it because it's expensive to replace those sections.

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Mr. Winkeljohn: But it would be good to notify, like if we observe an adverse situation or if they had a safety issue or had a repair, or public works from the city or whoever's road it is, or sidewalk it is, could be notified at the very least you have a paper trail.

Mr. Wilson: Correct.

Mr. Winkeljohn: So, that was a good idea to put that on. The benches, actually driving in I loved seeing the benches but, I was like wow where are the trees, we need to put some trees in there, what do you have for us, John?

Mr. Jado: Well, we planted some Japanese-style trees on the wall back at the library that we have never maintained anything, we put them in the ground, they have a beautiful shade of those trees, and I can get prices to do two or three of them over here. I would say it would probably take around \$1,800 to \$2,000.

Mr. Winkeljohn: And you call them Japanese-style trees, do you remember their name?

Mr. Jado: I don't know, it's Japanese something.

Mr. Winkeljohn: I got it.

Mr. Jado: So, what I'm saying is, what we did over there was great, you can put an oak tree in there.

Mr. Winkeljohn: No, that's too messy, the maintenance would be negative on that one.

Mr. Jado: But these, we never trim, we never cut.

Mr. Winkeljohn: Right, but I think I know what you're talking about, there's a couple out there that I'd like to help identify, I have a lot of new developments that I see every day and when I see material 20 years later, it does exactly what you want it to do and no maintenance headaches, so I have that list in my head.

Mr. Jado: Right.

Mr. Mirabile: Are you talking 2 per bench?

Mr. Jado: At least 2 per bench.

Mr. Winkeljohn: Right, you don't want anything that you have to do extraordinary maintenance on just to make the bench useful because you kill all the grass, so we need to be very careful, and BrightView has a complete landscape architect and arborist at their disposal for free, so we should have their input as well.

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Mr. Jado: Yes.

Mr. Winkeljohn: Great, so do we need authorization, or do you want to come back with a list of trees?

Mr. Wilson: No, I don't believe it requires authorization, it's going to fall under the \$5,000 threshold, and John would get a couple of different species of trees, and get the quotes on them, so we can get that to Paul, and I think at this point just move forward with the plantings.

Mr. Winkeljohn: Thank you for that.

Mr. Jado: Yes, I'm going to go back to Palm City Frank and that's who did these trees along the front, the back of the wall, and the side of the library there, and they carry those trees, and they're very good at what they do, and I think they're a lot cheaper than BrightView.

Mr. Winkeljohn: Right, so I'm not saying we have to buy from BrightView, I'm saying let's tap their expertise and make sure we're certain of the species, the specification of the tree can be a big difference, so we'll use our technical resources.

Mr. Jado: Ok.

Mr. Winkeljohn: Excellent. Next is item C, paver installation at Walmart intersection.

Mr. Cabrera: Yes, so this is the one we reached out to the city, we pushed them a few times and then they did send us a letter of no objection for that work, and then they said, we suggest you also reach out to planning who really has nothing to do with this component and pushed and prodded them, even more, a couple of times, without any response, so I suggested proceeding with our letter of objection from public works because it's similar to, I remember us working on that part of it, and that was back in April actually.

Mr. Jado: Right, a lot of phone calls.

Mr. Winkeljohn: So, no other questions?

Mr. Mirabile: So, my only question is, I know that we were going to do a paver installation along the right side of the entrance, with that said, do we still want to consider that since we have that opening going into Jetson?

Mr. Cabrera: I mean we should probably take a closer look at that one specifically now that we're comparing it to Jetson, how far would that have been to get to Jetson?

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Mr. Jado: Probably about 150', and that definitely changes the whole scope of work over there because of that turn into the Jetson area.

Mr. Cabrera: Why don't we proceed with the other ones, and then we'll take a closer look at that Jetson and see how it interfaces.

Mr. Mirabile: I mean you can plan it, you can put in on the plans and have it ready in case you decide to go but, maybe just put a little bit of a hold on it to see where we are with that entrance at Jetson because if they're going to pull up, they're going to need to pull into the entrance to Jetson.

Mr. Cabrera: Right, and then there's more conflicts with that.

Mr. Mirabile: Right, so we'll see where that goes.

Mr. Jado: So, is it my understanding that we're going to do the two corners which is not a whole lot of square footage.

Mr. Cabrera: Right, and I don't foresee us doing until that we put together a little exhibit, we showed them where it's been done before and we showed them the pictures that our inspector took of the damage, and there was no objection to it.

Mr. Jado: Right.

Mr. Mirabile: Do you think we can get Walmart to pick up any of that cost?

Mr. Jado: I don't know about that, and they're still going through there, I've taken all the bushes that were there, and I've planted them on the center island in areas that needed to be thickened up so they wouldn't go to waste, and half of them were run over and destroyed but, what I could save I saved, I have 2 or 3 more there to move to a location and that's all that's left of it. So, I would like to know if I should move forward with just doing it.

Mr. Wilson: Yes, John, I would recommend that, and the rest of the members can opine, but I would recommend moving forward. This ties back to the whole conversation on Brigantine, so if we want Brigantine to be maintained at a certain level, and to look decent there is a cost associated with it, this fix, although it doesn't address the problem of delivery trucks rolling over, it does address the damage to either the swale or whatever landscaping we've done, so my recommendation is to move forward.

Mr. Jado: And it will probably run anywhere from \$1,500 to \$2,000.

Mr. Winkeljohn: Right, so it's within our discretion, so with no objections we'll proceed on that project.

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Mr. Jado: Right.

Mr. Wilson: Very good.

Mr. Jado: I've got one other question about that area where the existing pavers are, where the bus stop is. There are four streetlights that are out, three out of the four. I have fixed all the streetlights on the block this week, there were four out, the two in the middle island which we're in the process of fixing, that was our streetlights that we turned that island back but I am completing to fix those lights, but in front of the pizzeria and across where the parking lot for the school, where the school bus stop is, they're not on any electrical grid that we own.

Mr. Winkeljohn: Right, they're private.

Mr. Jado: Right, they're FPL, so I told a person at Portofino Isles, the manager, and he said he would take care of getting FPL out there to repair those streetlights.

Mr. Winkeljohn: Ok.

Mr. Jado: So, they're not ours.

Mr. Winkeljohn: Are they numbered? Do they have a code on them or anything?

Mr. Jado: Yes, they have some kind of code on them.

Mr. Winkeljohn: One of the best solutions is to go to the power outage, click on FPL, and put that pole number in there and it will get into their system.

Mr. Jado: He said he was going to take care of it.

Mr. Winkeljohn: And I can help you do that, and that's a great practice because the way FPL's maintenance division has been converted is they don't work on people they work on an algorithm of orders, because they were being inefficiently pulled in every direction so they changed their system where it's all computer driven and if you don't put it into that system, the odds of getting it on the top of the list are really rare, so that's my recommendation, thanks John. Item D, the lake LIDAR and walkdown survey, if anybody needs to see that copy on your tablets it's in there but, if you've had a chance to look at it's quite a comprehensive report, and thank you for doing that, and he's got the hard copies too.

Mr. Wilson: So, I would like to summarize that for the team, and again, Roberto thank you to yourself and the team for getting that complete. The background, we had some concerns with lake bank erosion, specifically from a couple of homeowners in the association. We commissioned the study, and the study results with approximately 3,340

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linear feet that's spread over the different lakes that have erosion to the point where it should be addressed. Roberto provided a handful of different mitigation options, I have taken a look at them, and we'll have some further discussion on what is the most appropriate but, I did reach out, there's a CDD down in Fort Lauderdale, very recently experienced with lake bank erosion, they had significantly more, they had about 11,000 linear feet affected, they chose to go with a geotube remediation and it ends up not being visually obtrusive once the project is complete. They priced out on a 5-year capital plan between \$600,000 and \$700,000 for that amount of linear footage, so for the CDD Board, we do have an identified issue, again approximately 3,340 linear feet, so please take an opportunity at your convenience to look at the report and the subsequent recommendations and I would like to have Paul, put it on the agenda for a determination on the path forward and the budgeting for the next CDD meeting.

Mr. Winkeljohn: Yes sir, I like that. Yes, the geotube solution is very successful in the District world, I have lakes that 15 years ago were 30 years old, they had hundreds of thousands of dollars at each lake for that repair and to date, I've seen their lifespan just in practicality and it's an exceptional solution. My first pass at this report for Roberto and all of you is that some of these are pretty minor repairs and I'd almost want our engineers to come back with some recommendations or a little deeper dive into this, is there an interim step rather than a full remediation, that might be more economical and you buy a lot more years for a lot less money, so to speak, sort of the cost-benefit thinking, that was my reaction to it. A couple of pipes are a little dented and some of those are not particularly, there isn't an operational outcome with that, it's mostly cosmetic, not entirely, but mostly. What do you think?

Mr. Cabrera: Yes, so I think Paul and Frank, I wanted to say before anything it's a 20-year-old system, everything we saw out there was consistent, I think slightly better than most 20-year-old systems would look like so there's nothing really out of the ordinary, it's just regular wear and tear. The geotube that Frank and Paul speak of, that's also something we have experience with, I've seen a lot of success with that, and that would also be one of my top items to consider, and yes I think in summary a little cost comparison analysis where we take into account the present cost of what these items would be and then maintenance moving forward over the lifecycle of whatever solution that we can come up with that would be the appropriate next step.

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Mr. Wilson: Alright, so with that Roberto what I request is that you take the staged approach on the cost comparison, and in the areas that have a very short linear footage degradation on the slope, you look more toward the interim solution rather than a 20 or 30-year fix and then consider for the longer length areas that are continuous that have erosion, we look at a longer term 20 or 30-year fix.

Mr. Cabrera: Ok.

Mr. Winkeljohn: And I totally agree with that approach, that's the best practice in the business.

Mr. Cabrera: And there's one other asterisk I want to highlight, the 3,300 linear feet, that was what I call the priority areas which are the areas where we're seeing more slope erosion in proximity of the buildings. There were some, for example, if you look at lake #10 on the west side, there was a fair amount of erosion there but, I consider that low priority because there's nothing on the west side of that lake, so just to be aware. There were some additional erosion areas that I thought didn't make it in the 3,300 linear feet just because it was a lower priority.

Mr. Wilson: Yes, fully understood, I appreciate that Roberto.

Mr. Winkeljohn: Alright, so we'll take those steps and begin that analysis and we'll have the report for you at whatever level we can get to by the next meeting. Excellent, any other questions for Roberto, thanks for the report again, that was really great. I want to segway just a little bit, the timing couldn't be better because remember I was telling you all that the county wanted to reshape the proportion of revenue that we get for our stormwater fee, and we're providing them an analysis and we're going to provide them as well this type of analysis because we have to defend the revenue.

Mr. Azcona: To justify that we need those funds.

Mr. Winkeljohn: Right, and they hired a consultant to start the analysis so the timing of this report couldn't be better. Moving on to the Rosser wall cleaning and painting, how's your painting going John?

Mr. Jado: Well, I have to get approval, basically I've got one bid on it that's \$4,000, it should cost between \$4,000 and \$5,000, for the cleaning and the painting of the wall, and I'll get several bids, and it's an HOA/CDD split so we would pay half of that and they would pay half since it's a maintenance issue.

Mr. Mirabile: What portion of the wall are we talking about, is that on Rosser?

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Mr. Jado: The whole wall, all of Rosser, just the base, not behind the library because that's not our wall, on the north side of that wall, inside and outside, so naturally both, coming in on both entrances and the monuments.

A resident: (inaudible comment)

Mr. Jado: I have a painter that I've been watching painting several houses, he painted Frank's house as a matter of fact, and he does a great job, and it's relatively inexpensive, I thought it was cheap actually.

Mr. Winkeljohn: So, roughly \$2,500 to the HOA, and \$2,500 for us so about \$5,000 total. Yes ma'am?

A resident: Are we allowed to change the colors because it's shared?

Mr. Winkeljohn: I don't get into the color discussion, but that's a great idea, I don't know.

A resident: (inaudible comment)

Mr. Winkeljohn: It was in the original plan, I remember it.

Mr. Jado: I think it's from the original paint that we have here.

Mr. Winkeljohn: Right.

A resident: We didn't have black originally that's why I'm asking.

Mr. Jado: No, Michele picked these colors, and we matched them on the wall.

A resident: So, Michele got to pick them as the president of the Board, so if the president of the Board wants to change it, can we change it?

Mr. Jado: I don't know if the price would change if we changed colors.

A resident: I'm asking about the procedure.

Mr. Winkeljohn: There isn't a procedure but, when you do repairs and paint and you want to change color, this would be the time.

A resident: That's why I'm saying that.

A resident: (inaudible comment)

Mr. Winkeljohn: Yes, it's expensive to change to a new color because you probably have to do two coats.

A resident: (inaudible comment)

Mr. Winkeljohn: Right, and what is the preference that you're saying, so I know which way you're going?

A resident: I'm just saying get rid of the black.

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Mr. Winkeljohn: That's the accent I believe.

A resident: Yes, it's not Mediterranean, and we're a Mediterranean neighborhood, and it changed over to a modern taste and not Mediterranean it doesn't look right, I mean that's my personal opinion, but that doesn't mean I speak for the whole community.

Mr. Winkeljohn: No, but this is the time to talk about it, maybe a suggestion is for John to get a few color recommendations maybe from the painter.

Mr. Jado: I don't pick colors.

Mr. Winkeljohn: Right, so why don't we work with John, with the association, so let's do that and see if we come up with something.

A resident: I'm just asking for a procedure.

Mr. Winkeljohn: So, we don't have a formal process but just today let's throw one together, you work with John and your group and get some color ideas and if both groups agree then it will go forward, and if there are sections that can be updated easier than others, I don't know but, whatever is efficient.

A resident: (inaudible comment)

Mr. Winkeljohn: So, I think it makes great sense, as long as you pick together.

Mr. Wilson: I have one more comment with respect to this Paul, I would like to take it to the HOA regardless of color because we're asking to spend the HOA's money and I have not seen their budget for this calendar year and what their surplus is nor have I seen the proposed budget for 2025, so I'd like to give them the opportunity to chime in on when they'd like to spend the money, we could potentially do this work in the third or fourth quarter, or if it's a budget issue with the HOA it could be done the first or second quarter of 2025.

Mr. Winkeljohn: Great point, I've nodded at John to put an email together to begin that process.

Mr. Jado: I actually reached out to John to ask him if he had any recommendations for other bids for the wall, giving him a chance to participate.

Mr. Winkeljohn: Which John is this?

Mr. Jado: The manager, and as of this time, I don't know if he has something or not but, if not I'll get another bid or two.

Mr. Winkeljohn: Alright, we got it clear.

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EIGHTH ORDER OF BUSINESS

Staff Reports

Mr. Winkeljohn: Moving on to staff reports, Ms. Attorney?

A. Attorney – Memorandum – 2024 Legislative Update

Ms. Smoker: Yes, so every year our firm gives you the annual legislative memo showing what new laws might affect the CDD, so that is included in your package today. There are a lot of them so I won't go through them all but, I did want to point out one in particular that is now effective and has some items for the CDD to accomplish, and that's establishing goals and objectives and performance measures for the CDDs programs and activities. CDDs are now required to establish those and the first establishment of those will be on October 1st of this year, and then on December 1, 2025, the CDD will issue an annual report to report on those goals and objectives. So, that will be typically done by resolution, and management will be preparing some for consideration by this Board, and then those can be passed by resolution. Are there any questions on that or any other items in the memorandum?

Mr. Mirabile: What was the October 1, 2024 date?

Ms. Smoker: October 1, 2024 is the CDD establishing their goals and objectives, as well as the performance standards for their programs and activities.

Mr. Mirabile: Ok.

Mr. Winkeljohn: And as an interim step what I think we could do is just take our budget and call that our performance measures for this year. I'll bring back some other general ones that will fit and are applicable to us, maybe some lake standards, and we don't want to put anything in there we can't achieve easily or fairly but, the budget in essence does that really. It puts money by what our priorities and our measurements are literally so, that's my recommendation for all of my Districts this year and let us marinate and develop something for next year, that's what most cities do by the way.

Mr. Azcona: Are they requiring any specific format?

Mr. Winkeljohn: No, it's as detailed as that sentence I just said, you need performance and goals.

A resident: (inaudible comment)

Mr. Winkeljohn: For the District, it's a requirement that's been in the municipal and county world for dozens of decades, I guess, and what most of those jurisdictions do is

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what I just said, they add a page to their budget, and they say these finances generate these goals, or whatever they are, and they just submit that. There's actually no test that you're passing, it's just a check box.

Ms. Smoker: Are there any other questions on the memo?

Mr. Winkeljohn: Do you want to mention some of the HOA stuff real quick that's in your memo because we have a lot of the HOA people here, do you mind?

Ms. Smoker: Well, I'll mention that I don't advise on the HOA laws.

Mr. Winkeljohn: There's new HOA rules, but if you already have them then that's good.

Ms. Smoker: But they are included, and the Statutes are included in the agenda.

Mr. Winkeljohn: And we can send them a copy of this agenda, or even look at our agenda, they're in there just for good measure, we just don't want you to be surprised, and I'm sure you're not.

A resident: (inaudible comment)

Mr. Winkeljohn: Right, so it was a busy session this year, a lot of my other types of Districts got hit with ridiculous amounts of new requirements.

Ms. Smoker: Also, just a reminder that by the end of the year, December 31st your 4 hours of ethics training needs to be completed. You've gotten the memo on that, so just a reminder to get that done before the end of the year.

Mr. Winkeljohn: And congratulations, under my report, all of you are done with your filing for the Form 1s.

B. Engineer

Mr. Winkeljohn: Alright, moving on to engineer, anything else for us today?

Mr. Cabrera: The only other thing is we've scheduled our annual inspection of the community, and I believe that's next week, so we'll be around the community checking on the CDD infrastructure and issuing our report after that.

Mr. Winkeljohn: And that's another thing we can tie into our performance and goals. The reason Districts do it is it's expressed in the bond documents that an engineer does that annually, that's why we do that. Are there any questions for our engineer, if not we can move to the next item.

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C. Field Manager - Monthly Report

Mr. Winkeljohn: Moving on to field manager, John you kind of got a lot of your stuff done earlier.

Mr. Jado: Well, I have a few things. We got the fountain and cable in, and it is not under warranty as first anticipated, it's a \$6,600 or so bill that's split with the HOA, they'll be receiving it today and installing it tomorrow so it should be up and running by tomorrow afternoon. The center island trees at Rosser, where the one that was hit by the car, the other two are dying, and it's due to running its lifecycle as far as its life expectancy of the trees, I got a price from BrightView today of almost \$1,000 a tree installed but, I will be getting other prices because I think that's rather high.

Mr. Azcona: And those are for the center island at Rosser?

Mr. Jado: Just the three on the outside, they're having the same problem with the HOA trees on the inside, they're dying.

Mr. Azcona: Right.

Mr. Winkeljohn: What kind of trees are they?

Mr. Jado: They're ligustrums, and they're running their course.

Mr. Azcona: So, who told you that they're running their course?

Mr. Jado: I've had 3 people look at them. So, I've had it rewatered to make sure I'm getting enough water but, we've had tons of rain over the last month or so, so it's all about just like everything else in life.

Mr. Azcona: So, it's \$1,000 per tree to have them remove and install?

Mr. Jado: Yes.

Mr. Azcona: But for that type of tree, that's a little bit expensive.

Mr. Jado: I think so but, I'm going to work on that.

Mr. Winkeljohn: We have a lot of economy negotiation capability with them, so keep me in the loop.

Mr. Jado: Ok, and I'm going to try the original, I'm going to go back over there, drive over there because there's a lot of people that have access to the trees, they have nurseries and they install.

Mr. Winkeljohn: There's a John price, and there's a Paul price, so let me know when you're ready for that.

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Mr. Jado: Yes, I know that. So, anyway, they surveyed the monument on the corner, and I'm anticipating and maybe you could help us with this, I think they're going to be going for permits, they wouldn't survey that corner if they weren't going for permits.

Mr. Winkeljohn: It's not the first time, it's been down a few times.

Mr. Jado: Right, but it eventually does come down, so I want the Board to think of, once that monument comes down, and the HOA, we're not going to have a sign coming into this place, and originally Dan and the old Board looked at putting something in the center island, a big tower with conditions, with Newport Isles on it, and sitting back on the center island. We may want to reopen that for discussion because once that's gone it takes quite a long time to get something like that approved, I'm talking about the city, Port St. Lucie.

Mr. Winkeljohn: Right, signs are a big hurdle.

Mr. Jado: So, I don't know if you guys want to move forward on starting the process.

Mr. Wilson: So, John, I'll take that, I have Dan's files, and as it was mentioned, it is very difficult because there's a lot of regulations on size due to the distraction of drivers, but, I do have the files, and I'll be happy to go back through them and give some input for the next meeting.

Mr. Winkeljohn: Thank you.

Mr. Jado: Thank you.

Mr. Winkeljohn: Any other comments John? Yes sir?

Mr. Mirabile: John, you said you got a new cable for the fountain?

Mr. Jado: Yes, it's brand new.

Mr. Mirabile: Does that have a warranty?

Mr. Jado: Three years.

Mr. Mirabile: Ok, great.

Mr. Winkeljohn: Excellent, so with nothing else we can move to the next item.

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D. CDD Manager

- 1) Number of Registered Voters in the District – 1,357**
- 2) Consideration of Proposed Fiscal Year 2025 Meeting Schedule**
- 3) Discussion of Financial Disclosure Report from the Commission on Ethics and Reminder to File Annual Form – *everyone has filed***

Mr. Winkeljohn: Moving on to the manager’s report, which includes the statutory information on how many registered voters we have in the District which is 1,357. The next item is the fiscal year 2025 meeting schedule, as you all know we advertise an entire slate for the year, and as quorum dictates, and business demands, we hold the meeting or postpone or cancel, so if this meeting frequency, date and time still works for everyone, a motion to approve would accomplish that.

On Motion by Mr. Mirabile seconded by Mr. Azcona with all in favor, accepting the proposed Fiscal Year 2025 Meeting Schedule was approved.

Mr. Winkeljohn: And I’ve already mentioned you all filled out your Form 1s, so congratulations on that, you know you have between now and December 31st to do your 4 hours of online ethics training.

NINTH ORDER OF BUSINESS

Financial Reports

- A. Approval of Check Register**
- B. Acceptance of Unaudited Financials**

Mr. Winkeljohn: Your financial reports are in your packets, they’ve been reviewed, and staff requests a motion to accept them as a record, and for the audience, I did want to mention there is a maintenance report in our agenda, we don’t go over it but it’s part of the file. Is there a motion on the financials?

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

TENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Winkeljohn: That brings us to Supervisor’s requests portion of the meeting, are there any other items, it seems like we got most of them throughout the meeting for items to talk about.

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Mr. Wilson: Hey Paul?

Mr. Winkeljohn: Yes, go ahead Frank.

Mr. Wilson: Yes, I do have one I didn't get on the agenda, my apologies, we've had a resident in Newport Isles with a fence that encroached, and I think in some cases it was on CDD property. Subsequent to that we put together rules of engagement for having proposed fence reviewed by the CDD, and I'd like an update on that.

Mr. Jado: I went out and saw it, I took pictures if you remember Frank, and it was left up to the office to send a letter of correction, they didn't want me to confront them.

Mr. Winkeljohn: Alright, so we'll send the letter of correction, I thought you did it.

Mr. Jado: No, I thought we were going to do that first, then I would follow up with them.

Mr. Winkeljohn: Ok, so we have the letter in essence, so I'll take care of it, and I don't like a confrontation either but, a friendly informational conversation with you as a resident, and in your role, you're great at it, so let's do that. Alright, very good. That's the update on that.

Mr. Wilson: No but with that, we had a resident who had put in a request to install a fence, that's how this whole thing started.

Mr. Winkeljohn: Right, so I gave him the conditions, and he acknowledged all the conditions and agreed he would meet them, he owned us a survey and a copy of his permit so we could verify that he was doing what he said, and I have not heard back from him.

Mr. Wilson: Understood, thank you, Paul.

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

Mr. Azcona: The lakes, the Jamesport lake, the smaller one is growing a lot algae.

Mr. Jado: I had them spray just the other day, I had a complaint, on Chatom, no the other block, but anyway someone called up and I had them spray that whole lake, so we're going to break it down, and then clean 5' around the edge of the sod line out to the lake and then they're going to leave some grasses for the fish, but we're going to taper it down.

Mr. Winkeljohn: And the erosion control.

Mr. Azcona: And so far this year we're doing pretty good on that lake, from the front with the algae.

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Mr. Jado: He used a new chemical, new to them at another location, in their company, and he sprayed it about 5 days ago, so far so good, and we'll see how it goes.

Mr. Azcona: And in the event we need to mechanically remove algae, then we'll just go with that.

Mr. Winkeljohn: Right, go with our normal program. Excellent, yes, they look good for this time of year.

Mr. Jado: I think we're ok, and we're well into the heat of the season.

Mr. Winkeljohn: Right, so they'll start to cycle the other way in the next 60 days probably when the weather and the sun angle starts to change but the rainfall is very helpful.

Mr. Jado: Right, it cools down the water.

Mr. Winkeljohn: And it creates a light barrier so less can grow. Are there any other Supervisor's requests? Not hearing any, that moves us to audience comments, if you could state your name at the beginning of your comment that would be helpful, so we'll start on the left.

A resident: (inaudible comment)

Mr. Cabrera: This is part of that, and I remember your lake, and your portion of the lake bank would be in the greater priority area to be repaired.

A resident: Ok. (inaudible comment)

Mr. Winkeljohn: Did you get a copy of the report?

A resident: I got copies.

Mr. Winkeljohn: Ok, we have an extra one for you.

A resident: (inaudible comment)

Mr. Winkeljohn: It's really an ala carte option, and geotubing would be the most severe and biggest expense and then down the list, eventually you would get to adding better plants, reinforcing the plant volume to create erosion protection, so all options are always on the table, it depends on the cost-benefit of it, which ones are appropriate for the problem.

A resident: (inaudible comment)

Mr. Winkeljohn: So, we're working on it, and earlier in the meeting we mentioned we're going to start developing that analysis and have a menu of worse problems, and here's the solution to that, then the smallest problem, do nothing or do something else.

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Mr. Cabrera: Yes, plantings were one of the options that was on the menu.

A resident: (inaudible comment)

Mr. Jado: On the grass, they're not supposed to spray into the wind, which they don't, I think they're supposed to spray in the water but, I'll take a look at it.

A resident: (inaudible comment)

Mr. Jado: Ok, I'll take a look at it.

A resident: (inaudible comment)

Mr. Winkeljohn: Ok, so we got it.

A resident: (inaudible comment)

Mr. Jado: I'll take care of it.

A resident: (inaudible comment)

Mr. Winkeljohn: It's not ours, our permit is actually a joint permit for irrigation withdrawal and we don't always know what's approved over on the HOA side, ultimately both parties work together on that, we do the monitoring of how many gallons are used for the report, so we should be involved and find out what's going on. Do you have that location?

Mr. Jado: Yes.

A resident: (inaudible comment)

Mr. Winkeljohn: Well, I get it, so we'll have to figure it out.

A resident: (inaudible comment)

Mr. Winkeljohn: Let's find out who it is first and put the puzzle together, ok John?

Mr. Jado: Yes, I'll take care of it.

Mr. Winkeljohn: Thank you. Alright, we're running out of time on your 3 minutes.

A resident: (inaudible comment)

Mr. Winkeljohn: I understand, we have a current policy on fishing, we allow it, the bank does go up and down and it's for this Board to discuss that at another time but, from a staff standpoint a few people walking on it a few times a year at low water, it's not going to amount to anything too serious but, the one easy way to handle it is if you see somebody, just let them know, hey be sure not to hurt the plants because those are the beneficial part of the erosion control, so it's not that serious.

A resident: Ok. (inaudible comment)

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Mr. Winkeljohn: Really, the HOA is most likely to have the ability to enforce that but, if we see golf balls we need to clean them out.

Mr. Jado: I have the same problem over here and I know exactly where you live, you talked to me about it and I went out there and I did not see golf balls but, I'm not out there every day.

A resident: (inaudible comment)

Mr. Jado: I'll check it out tomorrow when I go over there.

A resident: (inaudible comment)

Mr. Winkeljohn: Thank you for letting us know we'll do the best we can on that one. Anyone else have a public comment?

A resident: (inaudible comment) Before I forget, I asked to get the contact information for the Commission on Ethics.

Mr. Winkeljohn: Sure.

A resident: If that could be added to the next meeting's agenda regarding some ethics of Board members here.

Mr. Winkeljohn: I got you.

A resident: (inaudible comment)

Mr. Winkeljohn: Just real quick, I'll answer your question, yes, we've studied it, we've gotten pricing, and the permit requires significant cost modification to our system because you can't let the fish leave, you have to retain them in your system and our system is interconnected to waterways outside of the community and it was multiple times this Board has considered it. We can stock with native fish and native fish will also help, and there's plenty of fish in our lakes, so you're getting a natural reduction of the mosquito larvae through that but, the specific carp that each the algae would be cost prohibitive, I think we can put mosquito fish in John, do you want to double check without the permit, those are non-invasive, I'm pretty sure. So, there's other native fish and other fish that we can add, so yes to that.

A resident: Thank you.

Mr. Winkeljohn: As far as the item you asked to put on the next agenda, that's a decision of the Board, if it's the item you emailed me about that's not relevant to District business and I wouldn't recommend putting it on an agenda, it makes no sense.

A resident: (inaudible comment)

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Mr. Winkeljohn: Alright, are there any other public comments?

ELEVENTH ORDER OF BUSINESS

Adjournment

Mr. Wilson: Hearing none, is there a motion to adjourn?

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

DocuSigned by:

Paul Winkeljohn

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Secretary / Assistant Secretary

DocuSigned by:

Juan Arzona

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Chairman/Vice Chairman