

**MINUTES OF MEETING
BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts held a Joint Public Hearing and Regular Meeting on **Wednesday, August 27, 2014 at 1:00 p.m.**, at **The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135.**

Present for Brooks CDD were:

James Merritt	Chair
Jim Ward (<i>via telephone</i>)	Vice Chair
Phil Douglas	Assistant Secretary
Bob Bonner	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
James Strecansky	Vice Chair
Jack Meeker	Assistant Secretary
Ray Pierce	Assistant Secretary
Gary Davidson	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Dave Robson	District Engineer
Joseph Archazki	General Manager – The Commons Club
Bill Kurth	LakeMasters
David Dore-Smith	Copper Leaf Golf Superintendant
Mike Wilkes	Resident
Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:15 p.m., and noted, for the record, that Supervisors Merritt, Douglas and Bonner were present, in person, for Brooks of Bonita Springs. Supervisor Ward was attending via telephone. Supervisor Crawford was not present. All Supervisors were present, in person, for Brooks of Bonita Springs II.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

There being no public comments, the next item followed.

JOINT MEETING ITEMS

THIRD ORDER OF BUSINESS

**Consideration of Award of Contract for
Lake and Wetland Management Services**

Ms. Crismond indicated that the lake and wetland management services contract went out to bid and was advertised, as required by Florida Statutes; with two (2) contractors submitting proposals; Aquagenix and LakeMasters Aquatic Weed Control, Inc., (LakeMasters). She noted a significant difference in price.

Mr. Adams agreed that the bids were at opposite ends of the spectrum in terms of pricing. He asked Ms. Crismond to provide a comparison of bids received from the two contractors over the past eight years and noted that generally speaking the pricing has not changed over that time frame, while we all know that there have been increases in material costs and significant increases in labor costs. Mr. Adams pointed out that, as a result, the level of service/detail has been affected. This can sometimes be a negative effect of the competitive bidding process and why he suggested that the Boards look at these bids in a responsible manner; eliminating Aquagenix, as it is well below the prior two-year contract amounts and, therefore, not a responsible bid. Management's recommendation is to continue with the current contractor, LakeMasters, as they have provided a level of service that the Boards are comfortable with and their increase, though significant, in comparison, over the prior two-year contract period, if extrapolated out over the last eight years, is a responsible bid, when considering the increases in costs of providing the service.

Mr. Bill Kurth, Director of Operations for LakeMasters, pointed out that their bid was competitive and, last year, LakeMasters experienced a significant loss. LakeMasters recognizes that the Districts have a large investment in the littoral plantings and want to provide proper service. He noted that LakeMasters has been hand pulling weeds on 45 lakes. Mr. Kurth believed that the Districts needed this upscale service in order to preserve existing plants and maintain the appearance of the lakes. He acknowledged that LakeMasters takes pride in maintaining this property for the last 12 years and was proud to have these Districts on their

reference list. Mr. Kurth clarified that the bid reflects the level of service that everyone wants but there may be ways of changing the programs so that the costs do not continue to increase.

Mr. Strecansky recalled a problem with LakeMasters. Ms. Crismond explained that LakeMasters was issued a defective work notice in the spring, due to invasives getting out of control. Mr. Kurth pointed out that Mr. Adams and Ms. Crismond found conditions that they were not happy with. Some were related to extreme low water levels, for a long period of time, and one frost, in the winter, which burnt the plant material highest on the lake bank, resulting in an abundance of weed growth. LakeMasters could not spray the weeds without spraying the beneficial plants and cost them over \$23,000 to rectify the situation.

Mr. Strecansky questioned whether this was a contributing factor in the higher bid amount. Mr. Kurth confirmed that it was a contributing factor but not the main factor.

Mr. Bonner made a motion to award the contract to LakeMasters. Mr. Merritt advised that Aquagenix was terminated within the last couple of months from Spanish Wells and Reserve of Estero and had difficulties with the River Hall CDD, in Ft. Myers, and West Bay Club.

Mr. Adams noted that he had difficulties with the people who were assigned to the account. Mr. Merritt requested that Mr. Kurth's best team work on this project and pointed out that, on the last tour, the north course had most of the issues; the south course was in "good shape". Mr. Adams confirmed that there was a vast difference in the approach from two different technicians. Mr. Kurth acknowledged the struggle for the last year-and-a-half, on the north course, as there was more weed growth on the littoral banks, while the south course was more established and the majority was aerated. Shadow Wood is the problem and LakeMasters dedicated four applicators to Shadow Wood and the Branch Manager is treating one section of the north course. Mr. Kurth was fairly confident with the current team on the north course.

Mr. Merritt believed that the Districts need to be more aggressive in installing aeration in the lakes and questioned whether the south course needing more attention was the reason they were struggling with the north course. Mr. Kurth pointed out that, as the system ages, lakes worsen, LakeMasters is seeing a big difference on the north course, as opposed to the south course, where the focus is on spraying around the littoral plants to control the weeds. Mr. Kurth noted that the north course requires the same, plus spraying for algae. In some of the lakes, the algae must be sprayed almost every week.

Mr. Merritt questioned whether aeration will favorably impact the quality and littoral growth on the lakes, as well as erosion control. Mr. Kurth advised that this occurs in most lakes

but aeration minimizes the effects of nitrogen and phosphorus, which down growth. Mr. Kurth noted that every lake in Spring Run has aeration and most of the Shadow Wood south and Copperleaf lakes are being aerated. Mr. Kurth suggested continued spraying in the long-term.

Mr. Merritt asked Mr. David Dore-Smith about his lakes. Mr. Dore-Smith reported that he received many compliments about his lakes; Ms. Leigh Simmons, of Lee County, inspected the lakes and determined that they do not require any erosion control and that the Brooks has the best littoral plantings in the county.

Mr. Merritt asked whether these bids could be dismissed and if the Districts could negotiate with LakeMasters to maintain the lakes. Mr. Adams suggested modifying Mr. Bonner's motion, recognizing the bid from Aquagenix as being non-responsive and approving the contract with LakeMasters. Mr. Bonner amended the motion, accordingly. Mr. Merritt seconded the motion for the Brooks of Bonita Springs. Mr. Meeker made the motion for Brooks of Bonita Springs II. The motion was seconded by Mr. Pierce.

Mr. Bartoletti pointed out that perhaps the cost of paying this year's contract was much more than they paid in the past. He questioned whether there was any way to discuss this in a different way and if there was a cost differential in the second year. Mr. Adams confirmed that the second year was an option year.

Mr. Davidson questioned how Management could be expected to obtain competitive bids if the CDDs did not properly emphasize the Districts' needs.

Ms. Crismond clarified that the information was in the bid specifications, which were thoroughly explained to the contractors prior to their bidding these projects. Mr. Adams clarified that there was a Special Service Agreement for the resistant plant material treatments, on an as needed basis, which was a factor to a certain degree, in the price increase.

Mr. Davidson questioned whether more companies responded. Ms. Crismond confirmed that six contractors attended the pre-bid meeting but only two responses were received. Mr. Davidson noted that Aquagenix did not increase their bid. Ms. Crismond pointed out that Aquagenix knows the property and has attended every pre-bid meeting; any changes in the bid specifications were explained to all of the contractors.

Mr. Davidson questioned how this was a real competitive bid process when some companies did not want to respond and those that did respond were just "trying to find some business". He believed that the Boards were not getting a true picture of the costs and that the only alternative was to re-up the two-year contract with LakeMasters.

Mr. Douglas pointed out that LakeMasters lost money last year and surmised that the bid is now reflecting the service level that the Districts are expecting. He did not believe they had any choice.

Mr. Bartoletti questioned the amount of extra fees being paid in addition to the current contract. Mr. Adams confirmed that the extra fees ranged from \$5,000 to \$10,000 and noted that he reviewed the pricing, from 2006 to 2009, which was more realistic. Although he would like to see a lower bid amount, Mr. Adams concluded that the LakeMasters bid was far more responsible.

Mr. Pierce pointed out that \$50,000 was budgeted for aeration for Fiscal Year 2015 and asked if the Boards should assume that aeration will not improve since the same amount was budgeted for Fiscal Year 2014. Mr. Merritt stated that he supported allocating more funds but the Boards did not agree. He questioned how much was spent on aeration. Mr. Adams estimated that close to the budgeted amount was spent on aeration. Ms. Crismond confirmed that aeration was added to lakes 48, 98, 89 and 92. In Fiscal Year 2015, aeration will be added to Lakes 93, 94 and 95 and will be considered for Lakes 79, 19, 20 and 97. The highest priority lakes will be addressed first.

Mr. Bartoletti recommended contracting for one year and tabling the second option until further review.

Mr. Strecansky voiced his surprise that an Aquagenix representative was not in attendance.

Mr. Merritt confirmed that he preferred LakeMasters, who proved their value to the Districts but recommended that Management negotiate with LakeMasters for a slight reduction.

Mr. Cox advised that the Boards have the option to reject both bids and to extend the current contract with LakeMasters for several months and develop the new scope of the work and re-bid; however, if they want to keep the current level of service, the bid will probably remain the same.

Mr. Davidson reiterated that LakeMasters lost \$23,000 by hand raking and questioned whether the bid amount of \$296,000 was to recoup the losses. Mr. Kurth confirmed that this amount was included, in the past, and that LakeMasters was in the process of hiring additional crews to perform such functions, not just in emergency situations but to help preserve the beneficial plants and improve the appearance of the lakes.

Mr. Ward believed that the increased amount of LakeMasters' bid was relative to the increase of work during 2014 and the scope of work anticipated for 2015. He questioned the Districts had anything contractually laid out, as to the work the contractor would be performing, in 2015, which added to the costs in 2014. Ms. Crismond confirmed that the specs were amended to treat the Hydrophila and Baby Tears, which have become widespread. Mr. Kurth pointed out that LakeMasters has utilized a safer, more costly method, which has been fairly effective on six or seven lakes. The majority of the control methods for the Hydrophila and Baby Tears are damaging to littoral plants but safer methods are more costly.

Mr. Ward questioned how this bid amount would impact the budgets. Mr. Adams pointed out that he factored the increase into the budget; increasing contractual services to \$300,000 and the use of \$98,000 from the fund balance to keep assessments stable year over year. Even with this increased use of fund balance, both Districts would still have 2015 year-end fund balances exceeding 50% of their annual operating budgets levels.

Mr. Ward questioned whether the assessment would remain the same and what the impact would be on the fund. Mr. Adams confirmed that the Districts have had no choice but to maintain the same assessment level, which will be three cents below the prior year.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, awarding the contract for lake and wetland maintenance to LakeMasters Aquatic Weed Control, Inc., in a not-to-exceed amount of \$296,000, and deeming the bid from Aquagenix as non-responsive, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Pierce, with all in favor, awarding the contract for lake and wetland maintenance to LakeMasters Aquatic Weed Control, Inc., in a not-to-exceed amount of \$296,000, and deeming the bid from Aquagenix as non-responsive, was approved.

Mr. Ward questioned whether the Districts could require companies to be present at the meeting where their bid was discussed. Ms. Crismond replied that a request could be made.

FOURTH ORDER OF BUSINESS

**Public Hearing to Hear Comments and
Objections on the Adoption of the
Districts' Final Budget(s) for Fiscal Year
2014/2015, Pursuant to Florida Law**

A. Affidavit of Publication

Mr. Adams presented the affidavit of publication for today's Public Hearing and Regular Meeting.

Mr. Adams presented the Fiscal Year 2015 budget. He reported that the largest change was a \$100,000 lake bank erosion item, which is a new item for Fiscal Year 2015.

On Page 2, Mr. Adams indicated that, based on the Boards' direction at the last meeting, the "Fund Balance" increased from \$6,000 to \$7,300. "Total expenditures" were \$1,972,726 but \$6,000 was used under the fund balance; changing the total expenditures to \$2,039,726. He noted that "Unreserved, undesignated" changed to \$993,946 at the end of Fiscal Year 2014. The "Assessments Per Unit" remained the same, at \$528.22. For both Districts, Mr. Adams indicated that the reduction for all product types will be \$0.03 lower than Fiscal Year 2014.

Mr. Bartoletti questioned why the legal fees remained the same. Mr. Adams clarified that the increase was somewhat modest, as it is difficult to predict hours. Mr. Merritt pointed out that "Legal" was showing a 38% increase, in terms of actual expenditures.

Mr. Davidson questioned why there was \$12,694 less, on assessments, as it is not related to The Commons Club or the Coconut Road cost sharing, only the assessment level on 3,615 units. Mr. Adams pointed out that was the number of ERU's had not changed.

Mr. Davidson referred to the first line item, under "Revenues-Assessment levy-gross" and asked what the difference of \$12,000 represents. Mr. Adams will research this further.

Mr. Merritt noted that "Interest and miscellaneous" was \$20,000 in Fiscal Year 2014 but \$3,500 for Fiscal Year 2015. Mr. Adams pointed out that these were payments from the other two properties that cost share landscaping; it was placed under miscellaneous because there was no specific category. Mr. Merritt questioned whether the cost sharing was collected, in full. Mr. Adams replied affirmatively but will provide an answer regarding where the \$17,809 came from.

Based on earlier discussion, Mr. Merritt motioned for an increase of \$25,000 for aeration. Mr. Adams advised that there were seven lakes, which would increase the use of fund balance. Mr. Merritt pointed out that the Districts are only spending \$100,000 for bank erosion control while other communities spend \$1 million. He indicated that aeration not only helps with the growth of the littorals; it secures the lake banks and minimizes silt build up and lake bank

erosion. Mr. Adams clarified that the aeration and higher oxygen levels help promote the recruitment of plants, which provide erosion control and break down the wave action. It also helps with the fish population and oxygen helps activate bacterial levels, which helps to reduce the sediment.

Discussion ensued regarding the benefits of an aeration system.

Mr. Adams pointed out that the Districts have aeration in lakes, identified as deep lakes. He noted that Bonita Bay was required to install aerators in order to obtain a Certificate of Completion, on those ponds, from the county. It was up to the community whether the remaining ponds should be aerated.

Mr. Bonner noted that the Spring Run lakes were in great shape due to aeration and was supportive of spending another \$25,000 to aerate the remaining lakes, assuming money would come from fund balance and the assessment remains unchanged.

Mr. Douglas questioned whether the purpose of the fountains was to oxygenate. Mr. Adams pointed out that fountains provide some benefit but not at the same level as an aeration system.

For Brooks of Bonita Springs, Mr. Bonner seconded the motion to increase the amount budgeted for aeration by \$25,000. Mr. Strecansky made the motion for Brooks of Bonita Springs II. Mr. Pierce seconded the motion.

Mr. Mike Wilks, a resident and President of Shadow Wood Preserve, questioned whether a lake study of aeration was completed. Mr. Adams recalled that the state completed a lake study several years ago, on a few lakes, comparing aerated to non-aerated lakes, in similar locations, and deemed the benefits of aeration to be "very recognizable". Mr. Adams noted that the Island Walk community completed a very thorough evaluation of their lakes with the South Florida Water Management District (SFWMD) and Florida Gulf Coast University (FGCU) completed a study in Pelican Landing; everything points to aeration as a true benefit.

Mr. Merritt asked whether Mr. Adams wanted the Boards to act on the \$25,000 increase. Mr. Adams noted consensus from both Boards. The resolution will adopt the budget with those adjustments.

Mr. Merritt questioned whether \$65,000 was ample for "Plant replacement supplies", as there was a lot of disease with the Cabbage and Queen Palms. Mr. Adams confirmed that he was comfortable with \$65,000 and anticipated they will have addressed most of the issues within five or six years.

**BROOKS OF BONITA SPRINGS &
BROOKS OF BONITA SPRINGS II CDDS**

August 27, 2014

In response to a question from Mr. Merritt regarding why funds were budgeted for “Capital outlay-lighting”, Mr. Adams indicated that this item was used to pay for the globes. Mr. Merritt asked whether light poles or arms were stockpiled. Mr. Adams noted that some spare parts are stored in an off-site pod for the large assemblies on Coconut Road and Three Oaks Parkway. Mr. Adams did not recall whether there was anything in inventory for the parking lot, which the Districts own. Mr. Merritt believed that this was the only capital item that was not addressed and expressed concern over the high cost for the assemblies for Coconut Road, Three Oaks Parkway and the parking lot. Mr. Adams noted that the globes for the parking lot were smaller and would cost less; he did not see this as a large, frequent expense. Mr. Adams anticipated phasing in LED bulbs.

Mr. Davidson pointed out that seven lights were out from the Shadow Wood entrance to Williams Road and some lenses looked like they needed to be cleaned.

Mr. Bartoletti requested replacement of a globe that fell out of a streetlight on the corner of Coconut Road and Three Oaks Parkway.

*****Mr. Adams opened the Public Hearing.*****

No members of the public spoke.

*****Mr. Adams closed the Public Hearing.*****

Mr. Adams pointed out that, with the adjustments made today, “Total expenditures” would be \$2,064,726, the use of the “Fund Balance” would be \$98,000 and the Fiscal Year 2015 year-end combined “Fund Balance” projected at \$968,546, with assessment levels remaining unchanged.

Mr. Merritt requested a copy of the amended budget. Mr. Adams indicated the adopted budget will be circulated to both Boards and posted on the website.

B. Consideration of *Brooks of Bonita Springs Community Development District Resolution 2014-5, Adopting the Final Budget for Fiscal Year 2014/2015*

Mr. Adams presented Resolution 2014-5 for each Board’s consideration.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, Resolution 2014-5, Adopting the Final Budget, as amended, for Fiscal Year 2014/2015, was adopted.

C. Consideration of *Brooks of Bonita Springs II Community Development District Resolution 2014-5, Adopting the Final Budget for Fiscal Year 2014/2015*

Mr. Adams presented Resolution 2014-5 for each Board's consideration.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Davidson, with all in favor, Resolution 2014-5, Adopting the Final Budget, as amended, for Fiscal Year 2014/2015, was adopted.

FIFTH ORDER OF BUSINESS

Consider Imposing Special Assessments and Certifying an Assessment Roll; Providing for the Collection and Enforcement of Special Assessments; Providing a Severability Clause; and Providing an Effective Date

- A. **Consideration of *Brooks of Bonita Springs Community Development District Resolution 2014-6***
- B. **Consideration of *Brooks of Bonita Springs Community Development District Resolution 2014-6***

Mr. Adams presented Resolution 2014-6 for the Boards' consideration. He explained that the resolution takes into consideration the adopted budget, assessment levels within the budget and directs Staff to finalize, certify and transmit the assessment roll to the tax collector for placement of the assessments on the property tax bill of properties within the boundaries of the Districts.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, Resolution 2014-6, Imposing Special Assessments and Certifying an Assessment Roll, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Strecansky, with all in favor, Resolution 2014-6, Imposing Special Assessments and Certifying an Assessment Roll, was adopted.

SIXTH ORDER OF BUSINESS

Continued Discussion: Coconut Road Park Enhancement Project

Mr. Adams recalled that, at the last meeting, the Boards posed a question to The Commons Club regarding whether it would entertain purchasing or leasing property from the

CDDs, with The Commons Club being allowed to develop facilities deemed appropriate and fitting with the rest of The Commons Club facilities. He reported that, per Mr. Joseph Archazki, General Manager of The Commons Club, The Commons Club did not desire to meet. Mr. Archazki requested the original cost that the CDDs paid for the property. The Commons Club is considering purchasing a portion of the property.

Mr. Adams believed that some of the quagmire with leasing the property was that the CDDs had 3,615 units paying for this property but now leasing it to a portion of those units, as not all 3,615 belong to The Commons Club and, therefore, usage may be restricted. He felt that it may be problematic trying to justify and explain this arrangement to residents and the only option he sees is a re-purchase.

Mr. Adams reiterated that he heard nothing further from The Commons Club, other than an interest in purchasing a portion of the property. No offers have been received.

Mr. Bonner explained that the CDD purchased this property for the benefit of the entire Brooks community; he supported utilizing the property; a survey was completed and there was a lot of interest from the community to install pickleball and bocce ball courts. Mr. Bonner did not believe that The Commons Club would purchase that property; he felt that the Districts should install pickleball and bocce ball courts and work out the particulars, such as security, and offer a nickel category for the entire community, along with the gold, silver and bronze categories.

Mr. Strecansky suggested that The Commons Club lease equipment to the CDDs for \$1 and The Commons Club would operate and maintain it. He felt that would give The Commons Club control and resolve any legal issues. Mr. Bonner disagreed, as it would limit the equipment to The Commons Club members or The Commons Club would end up managing it, on the Districts' behalf. The purpose was to have the equipment for use of the entire community.

Mr. Cox advised that, if The Commons Club installed the equipment, it would be considered a fixture and be a part of the property; The Commons Club would be charging \$1 to manage it for the Districts.

Mr. Bartoletti pointed out that they have the options of the bocce ball and pickleball courts or pickleball courts, with a fence and gate. He believed that the overwhelming need was for pickleball courts with a fence and gate. Mr. Bartoletti reminded the Boards that they have not discussed how it would be managed and the rules of engagement have not been determined.

Mr. Douglas agreed that something must be done with the property and it should be open to all residents of The Brooks; not strictly a venture of The Commons Club.

Mr. Davidson pointed out that the Districts have two surveys, with the most recent indicating double the amount of residents in favor of bocce ball courts. He supported having both pickleball and bocce ball courts.

Mr. Douglas believed that The Commons Club wants to manage the property on behalf of the CDDs.

Mr. Meeker questioned the exposure of the Districts for general public use of this property, as they are governmental agencies and own the property. Mr. Cox advised that the facility should be open for the general public, if it was financed with governmental funds. It was noted that the reason for the gate and fence would be to limit access. Memberships could be sold to limit access. Mr. Cox pointed out that, if the Districts lease the property to The Commons Club and The Commons Club pays for the operation and maintenance of the property, the general public obligation would be eliminated.

Mr. Merritt pointed out that The Commons Club does not have the resources to purchase the land. The perfect entity to do this is the CDDs; in every respect; taxes, liability, land and resources.

Mr. Cox advised that The Commons Club would have to understand that the lease hold interest would be subject to ad valorem taxation.

Mr. Strecansky suggested that Mr. Crawford and another Board Member meet with a member of The Commons Club regarding his previous proposal about leasing.

Mr. Bonner suggested appointing a committee, comprised of Mr. Adams, Mr. Archazki, Mr. Crawford and another Board Member.

Mr. Adams will place this item on the next agenda for further discussion.

SEVENTH ORDER OF BUSINESS

**Discussion: Brooks TV Internet
Installations**

Mr. Bartoletti reported that Spring Run and Copperleaf signed an agreement with Summit Broadband (Summit) yesterday. They will begin installation of fiber in the next quarter, by December 31.

Mr. Merritt pointed out that Summit was installing fiber for Lighthouse Bay and have been on CDD lands.

Mr. Bartoletti further reported that a hub site was on the corner of Three Oaks Parkway and Coconut Road, next to the Copperleaf monument. This hub site was designed as the master

brain for the entire Brooks of Bonita Springs community. He noted that any community served by Summit will be served by the hub and any internet and television signals will be delivered from that hub to the communities that have signed on. Lighthouse Bay has been doing advanced installations of the units and was now in the process installing “backbone” fiber, which brings fiber along the back of all the units, up to the actual building and inside of the units.

Mr. Pierce pointed out that the majority of the units have been pre-installed and will be operational by September 2.

Mr. Bartoletti indicated that he addressed this topic for the CDDs’ benefit and to obtain guidance from Mr. Adams. He explained that there may be a situation where the fiber optic cable backbone must be placed on the CDDs’ property, on the land between the end of the lot line and the water’s edge. This would be in a maintenance easement, not a utility easement. Mr. Bartoletti requested guidance from the CDDs or Mr. Cox regarding what could be granted to Summit to penetrate that land and lay the fiber there.

Mr. Adams requested a drawing to determine where the proposed layout would cross over any CDD tracts. Once it was identified, the Boards could take specific action in granting easements.

Mr. Merritt expressed concern about the timing, as the Boards do not meet again until October 29.

Mr. Bartoletti noted that he did not anticipate any issue; however, if there was an issue, he would meet with Mr. Adams and ratify the process at the October meeting.

Mr. Cox pointed out that the issue would be if it was an area where the Districts have an easement specific to lake maintenance; whereby, the Districts would not have authority to grant Summit an easement, it would be the responsibility of the lot owner.

Mr. Bartoletti noted the map reflected 20’ between the lot owner’s lot line and the water line, which was not owned by the owner. He believed that those areas are owned by the CDDs. Mr. Cox advised that he needed to review the map. Mr. Adams confirmed the Districts would not know what they were granting until the map is reviewed.

Mr. Strecansky suggested passing a resolution authorizing Mr. Adams to give Summit right-of-way, at his discretion.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Bonner, with all in favor, authorization for Mr. Adams and Mr. Cox to work with Summit Broadband, to identify and finalize grant of easements for installation of fiberoptics over/across CDD owned properties, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Strecansky, with all in favor, authorization for Mr. Adams and Mr. Cox to work with Summit Broadband, to identify and finalize grant of easements for installation of fiberoptics over/across CDD owned properties, was approved.

Mr. Merritt reported cable being installed in front of The Commons Club and questioned why The Commons Club was involved. Mr. Bartoletti explained that The Commons Club becomes involved when Shadow Wood signs the agreement, which would not happen until they have 100% consensus from the entire Brooks community; this would significantly reduce Comcast costs. A question was raised about what would happen if they only obtained a two-thirds vote from the Shadow Wood residents. Mr. Davidson advised that it was a decision of the Boards whether to proceed. A resident, explained that it is a Board decision; however, the decision will not be made with a minimal majority in favor.

EIGHTH ORDER OF BUSINESS

Approval of June 9, 2014 Joint Special Meeting Minutes

Mr. Bartoletti presented the June 9, 2014 Joint Special Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 34 and throughout: Change "Liker" to "Blaicher"

Line 247: Change "Bonner" to "Meeker"

Line 570: Change "Collier" to "Lee"

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, the June 9, 2014 Joint Special Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, the June 9, 2014 Joint Special Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Other Business

Mr. Adams recalled a request from Mr. John Asher, Land Development Director for Taylor Morrison, regarding installation of a marketing sign, for the Pebble Pointe project, at the intersection of Coconut Road and Three Oaks Parkway. Taylor Morrison no longer has the need for the sign but expressed interest in participating with the CDDs common operating cost. He noted that Taylor Morrison offered a flat rate per unit of \$300 towards the operating budget. The Pebble Point HOA would bill the residents and then transmit the money to the CDDs. Mr. Adams indicated that the fee would come into play the calendar year following the closing. He anticipated Taylor Morrison having some closings in 2015.

Mr. Adams indicated that they originally discussed, when Oakbrook owned the property, was that they would participate in certain portions of the budget, such as the landscaping along Coconut Road and Three Oaks Parkway, signage and streetlighting, currently exceeding \$300 per unit, and, as those cost increase or decrease each subsequent year, the amount the Pebble Point residents would pay would increase or decrease, accordingly. He noted a desire for Taylor Morrison to increase their offer.

Mr. Adams suggested that Mr. Merritt and Management meet with Taylor Morrison regarding the offer to participate in the CDDs' common operating costs.

Mr. Merritt pointed out that they were only talking about a portion of the operation and maintenance cost and the Districts had an agreement with Oakbrook Properties, which he would like to push. He noted that Taylor Morrison tied the closing or payment year to the CDDs' fiscal year and requested the same authorization to negotiate that was given to Mr. Cox and Mr. Adams. Mr. Merritt believed that Taylor Morrison's plan is to have models up by the first quarter of 2015.

Regarding a question about the sign, Mr. Merritt indicated that Taylor Morrison arranged with Bonita Bay to use the trademark for the Brooks. The sign would be placed on their right-of-way and not on the CDDs property.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, authorization for Mr. Merritt and Management to meet with Taylor Morrison regarding their offer to participate in the CDDs' common operating costs, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Davidson, with all in favor, authorization for Mr. Merritt and Management to meet with Taylor Morrison regarding their offer to participate in the CDDs' common operating costs, was approved.

Mr. Douglas reported that Mr. Asher informed him that there will be a 6' berm and 8' fence along I-75. Mr. Merritt pointed out that this was Taylor Morrison's property, which they will maintain. Mr. Douglas noted that, per Lee County limitations, the berm could not be higher than 6'.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing additional to report, the next item followed.

B. Engineer

Mr. Robson distributed an update about the north outfall structure and a copy of the permit. He explained that this update supports all the presentations made to the Boards and represents what was included in the permit regarding operation of the gate. Mr. Robson indicated that the next step will be discussion of when to commence construction, which will most likely be during the dry season.

Mr. Robson reported that Mr. Steven Farah, of Lee County, contacted him regarding the future electric for operating the controls on the north outfall structure. He directed Mr. Farah to obtain the records from Lee County Department of Transportation (DOT), as there was a conduit and meter at the north monument, which was sufficient to supply electricity.

Mr. Merritt questioned whether all of the permitting was completed. Mr. Robson indicated that the water management permit was completed; next, a Lee County permit must be obtained. Mr. Merritt asked about the bidding of the design work. Mr. Robson reported that the plans used for the permitting need more detail and it was Lee County's decision on how to

proceed. Johnson Engineering worked on the permit plans but not the construction plans. He anticipated that, within six months, they should expect to see dirt being moved.

Mr. Robson indicated that the aerial photographs showed that the trees were not on the CDDs' property; they were in the easement. He noted that they did try to plant the trees on the CDDs property and stakes may be beside the tree. Mr. Merritt pointed out that the Districts will be responsible for replacement of the trees, if Lee County removes them, as they were responsible for the landscaping. Mr. Robson concurred.

Mr. Merritt reported receiving calls and emails from residents complaining about the water level in the lakes when it rains and pointed out that the lakes were not even close to capacity. He noted that the western outfalls via Coconut Road had 8" to 10" clearance. Mr. Robson indicated that grass has been updated twice each year. Mr. Merritt requested updated information on the lake levels and rainfall amounts to be circulated to the Supervisors. Mr. Robson pointed out that the best rainfall information comes from Mr. Dore-Smith. Mr. Dore-Smith reported that the Districts have not had much rain lately; the lakes were at 13.86' and the control elevation was 14' at Copperleaf.

C. Manager

i. Approval of Unaudited Financial Statements as of July 31, 2014

Mr. Adams reported that he will follow up on the anomaly with "Interest and miscellaneous". The "Revenues" and "Expenditures" were slightly under budget. He noted that the second phase of the understory replanting was completed.

Mr. Merritt questioned whether the mall and Oakbrook Properties paid 100% of their contribution since the agreement. Mr. Adams replied affirmatively.

ii. Consideration of Fiscal Year 2015 Proposed Joint Meeting Schedule

Mr. Adams presented the proposed joint meeting schedule for Fiscal Year 2015.

Mr. Merritt expressed concern about quorum issues.

Mr. Adams reported problems booking the meeting room. He advised that the October meeting was scheduled for the fifth Wednesday of the month and there were no openings in February. Mr. Adams will poll the Boards and advertise that meeting separately.

Mr. Meeker suggested meeting at the Administration Building, where the Estero Fire District meets. Mr. Adams will look into this option.

Mr. Bartoletti requested that the May 27 meeting be moved to April 22 due to the limited availability of Board Members in May. Mr. Adams will present the draft budget at the April meeting.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Bonner, with all in favor, the Fiscal Year 2015 Proposed Joint Meeting Schedule, as amended, and directing Staff to advertise, accordingly, with the February meeting advertised separately, upon polling of the Boards, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Strecansky, with all in favor, the Fiscal Year 2015 Proposed Joint Meeting Schedule, as amended, and directing Staff to advertise, accordingly, with the February meeting advertised separately, upon polling of the Boards, was approved.

D. Operations Report

- i. Landscape Maintenance Activities**
- ii. Lake Maintenance Activities**

Ms. Crismond reported that Management continues to meet with The Brickman Group (Brickman), on a monthly basis, regarding landscape maintenance and to review the deficiencies. She noted that she has been working with the Vice President and General Manager of Brickman.

*****Supervisor Bonner left the meeting at 3:10 p.m.*****

Mr. Adams pointed out that Brooks of Bonita Springs no longer had a quorum; therefore, the remainder of the meeting was for informational purposes.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the meeting adjourned at approximately 3:10 p.m.

Mr. Merritt questioned whether the south course or north course were undergoing lake maintenance. Ms. Crismond indicated that it was the north course. Mr. Merritt asked if there was a Lake 121. Ms. Crismond replied affirmatively.

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

There not being any requests, the next item followed.

TWELFTH ORDER OF BUSINESS

**Public Comments (*non-agenda items,
only; four (4)-minute time limit*)**

Mr. Dore-Smith requested that the Copperleaf presentation on lake modifications be included on the October agenda.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Davidson, with all in favor, the meeting adjourned at approximately 3:12 p.m.


[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BROOKS OF BONITA SPRINGS &
BROOKS OF BONITA SPRINGS II CDDS**

August 27, 2014

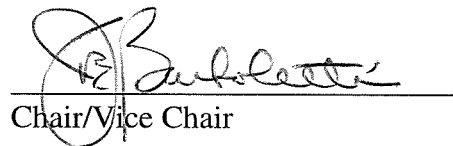
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair