

1 **MINUTES OF MEETING**
2 **BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II**
3 **COMMUNITY DEVELOPMENT DISTRICTS**
4

5 The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs
6 II Community Development Districts held a Joint Regular Meeting on **Wednesday, February**
7 **25, 2015 at 1:00 p.m., at Estero Fire and Rescue, 21500 3 Oaks Parkway, Estero, Florida**
8 **33928.**
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10 **Present for Brooks CDD were:**

11 James Merritt	Chair
12 Jim Ward	Vice Chair
13 Rollin Crawford	Assistant Secretary
14 Bob Bonner	Assistant Secretary
15 Phil Douglas	Assistant Secretary

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18 **Present for Brooks II CDD were:**

19 Joseph Bartoletti	Chair
20 James Strecansky	Vice Chair
21 Jack Meeker	Assistant Secretary
22 Ray Pierce	Assistant Secretary
23 Gary Davidson	Assistant Secretary

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26 **Also present were:**

27 Chuck Adams	District Manager
28 Cleo Crismond	Assistant Regional Manager
29 Dan Cox	District Counsel
30 Dave Robson	District Engineer
31 Angela Hill	Attorney – San Carlos Estates Water Control District
32 Robert Block	Resident

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37 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

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39 Mr. Adams called the meeting to order at 1:03 p.m., and noted, for the record, that
40 Supervisors Merritt, Ward, Crawford and Douglas were present, in person, for Brooks of Bonita
41 Springs. Supervisor Bonner was not present at roll call. All Supervisors were present, in person,
42 for Brooks of Bonita Springs II.
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44 **SECOND ORDER OF BUSINESS** **Public Comments (*agenda items only*)**
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46 There being no public comments, the next item followed.

47 ******Supervisor Bonner arrived at the meeting.******
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49 **BROOKS OF BONITA SPRINGS ITEMS**
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51 **THIRD ORDER OF BUSINESS** **Administration of Oath of Office to Newly**
52 **Elected Supervisors, Incumbents Rollin**
53 **Crawford [Seat 4] and Jim Ward [Seat 5]**
54 ***(the following to be provided in a separate***
55 ***package)***
56

57 Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath
58 of Office to Supervisors Rollin Crawford and Jim Ward.

59 Since both Supervisors are incumbents, Mr. Adams indicated that he would forego an
60 explanation of the following documents:

- 61 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and**
62 **Employees**
63 **B. Membership, Obligations and Responsibilities**
64 **C. Financial Disclosure Forms**
65 **i. Form 1: Statement of Financial Interests**
66 **ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**
67 **iii. Form 1F: Final Statement of Financial Interests**
68 **D. Form 8B – Memorandum of Voting Conflict**

69 Mr. Adams reminded Supervisors Crawford and Ward that they are subject to the
70 provisions of the Sunshine Law.
71

72 **FOURTH ORDER OF BUSINESS** **Consideration of Resolution 2015-1,**
73 **Electing Officers of the District**
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75 Mr. Merritt presented Resolution 2015-1 for the Board's consideration. He requested
76 nominations for Chair.

77 Mr. Bonner nominated Mr. Merritt as Chair. No other nominations were made.

78 Mr. Adams requested nominations for Vice Chair.

79 Mr. Bonner nominated Mr. Ward as Vice Chair. No other nominations were made.

80 Mr. Adams stated that Mr. Merritt will serve as Chair, Mr. Ward will serve as Vice Chair,
81 Supervisors Crawford, Bonner and Douglas will serve as Assistant Secretaries, he will serve as
82 Secretary and Mr. Wrathell will serve as Treasurer.

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84 **On MOTION for Brooks of Bonita Springs by Mr. Bonner and**
85 **seconded by Mr. Crawford, with all in favor, Resolution 2015-**
86 **1, Electing Officers of the District, as nominated, was adopted.**

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89 **BROOKS OF BONITA SPRINGS II ITEMS**

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91 **FIFTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly
Elected Supervisors, Incumbents James
Strecansky [Seat 3], Jack Meeker [Seat 4]
and Joseph Bartoletti [Seat 5] (the
following to be provided in a separate
package)**

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93 *****This item, previously the Sixth Order of Business, was presented out of order.*****

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95 Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath
96 of Office to Supervisors James Strecansky, Jack Meeker and Joseph Bartoletti.

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98 Since all Supervisors are incumbents, Mr. Adams indicated that he would forego an
99 explanation of the following documents:

100

101 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and**
102 **Employees**

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104 **B. Membership, Obligations and Responsibilities**

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106 **C. Financial Disclosure Forms**

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108 **i. Form 1: Statement of Financial Interests**

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110 **ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**

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112 **iii. Form 1F: Final Statement of Financial Interests**

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114 **D. Form 8B – Memorandum of Voting Conflict**

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116 Mr. Adams reminded the Supervisors that they are subject to the provisions of the
117 Sunshine Law.

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119 **SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-1,
Electing Officers of the District**

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121 *****This item, previously the Seventh Order of Business, was presented out of order.*****

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118 Mr. Adams presented Resolution 2015-1 for the Board’s consideration. He advised that
119 the Board may nominate a new slate of officers or choose to retain the existing slate.

120 Mr. Adams requested nominations.

121 Mr. Meeker nominated the existing slate of officers. No other nominations were made.
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**On MOTION for Brooks of Bonita Springs II by Mr. Meeker
and seconded by Mr. Davidson, with all in favor, Resolution
2015-1, Electing Officers of the District, as nominated, was
adopted.**

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129 **BROOKS OF BONITA SPRINGS ITEM**

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131 **SEVENTH ORDER OF BUSINESS** **Consideration of Annual NPDES Report**

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133 ******This item, previously the Fifth Order of Business, was presented out of order.******

134 Mr. Robson presented the Annual NPDES Report, for the Boards’ consideration. He
135 indicated that the permit is a five-year permit and certain years have additional tasks, besides the
136 standard annual reporting. Year 3 was for the period of October 1, 2013 through September 30,
137 2014 and the additional task for Year 3 was the pollutant loading calculation, which was required
138 by the Environmental Protection Agency (EPA).

139 Mr. Robson explained that the pollutant loading calculation is for any portions of the
140 District that discharge into waters of the state. He indicated that, since the Brooks water flows
141 into the Halfway Creek Extension, at the railroad, into adjacent permitted stormwater systems on
142 U.S. 41, before it reaches waters of the state, it was determined that Halfway Creek is a natural
143 waterway to Estero Bay. Lee County’s recommendation was to perform the calculation and
144 make note that the District does not have a major watershed. The District was given the option
145 to redo the calculation, using the current factors used for runoff and pollutants against current
146 land uses and the land uses that the District had in Cycle 2, in 2007. Mr. Robson advised that he
147 prepared the report with the assumption, and based upon records, that the District’s land uses
148 have not changed. The attachment reads “NOTE: There is no major watershed for this District”
149 and “NOTE: The land uses are the same and pollutant loading is equal.” Mr. Robson explained
150 that, if the District had an increase in pollutant loading, a list of changes in the stormwater
151 management program to reduce the pollutant loading would have to be provided next year. If the

152 report is accepted by FDEP, which it should be, there will be no consequences to the CDD with
153 regards to the discharge at the railroad.

154 Mr. Robson stated that, since all of the District's residents benefit from the Lee County
155 Program, a separate program is not required. He advised that the water quality graphs use the
156 Lee County station; therefore, the CDD is not required to perform its own measurements of
157 discharge water and pollutants in the water at the railroad tracks and continues to allow the use
158 of the nearest downstream Lee County monitoring stations.

159 Mr. Bartoletti referred to Attachment 1 and noted that total nitrogen concentrations in the
160 data collected since 2004 shows an increasing trend over both wet and dry seasons. He asked if
161 there was anything that the Districts should be considering, in this regard. Mr. Robson replied
162 no. He explained that, if the nitrogen and phosphorous rise to the level designated by FDEP
163 and/or the Estero Bay estuary area is designated as a special concern, a Total Maximum Daily
164 Load (TMDL) will be performed and the District will be contacted by FDEP, along with
165 everyone else that discharges upstream. The fact that the CDD has a current environmental
166 resource permit with the South Florida Water Management District (SFWMD), meeting criteria
167 that has not changed, means that the Districts will receive "almost a free pass", as the FDEP will
168 look at areas that do not have the stormwater system, water quality improvement and BMPs
169 (Best Management Practices) that are inherent in the permit.

170 Mr. Douglas stated that the developer of Pebble Point indicated that the retention pond
171 that will come through Lighthouse Bay will have no negative impact on the water. Mr. Robson
172 explained that the retention pond meets the permit criteria, just like the existing ponds in
173 Lighthouse Bay and modeling demonstrated that it did not exceed the criteria. Mr. Douglas
174 asked whether Pebble Point or the CDD would be responsible if, once the retention pond is up
175 and running, a report shows that there are increased pollutants and work is required on the part of
176 the CDD. Mr. Robson commented that all permitted users would be impacted. He pointed out
177 that the CDD discharges into the San Carlos Estates ditch and the San Carlos Estates Drainage
178 District (SCEDD) is a co-permittee of the Lee County NPDES Permit; therefore, the District's
179 water is joined with San Carlos Estates. The CDD and the SCEDD are linked by the SFWMD
180 and NPDES Permits and everyone will be treated the same.

181 Mr. Douglas surmised that the place causing the pollution will not be required to
182 contribute to remediation, which he felt was unfair. Mr. Robson explained that, if a problem
183 occurs, the CDD has been given an opportunity to monitor and identify the sources. The area

184 where San Carlos Estates' water discharges into the CDD could be a monitoring point and their
185 portion could be identified. The CDD's portion must also be identified and measured and San
186 Carlos Estates' portion would be deducted.

187 Mr. Merritt noted that water sent from Lighthouse Bay and Pebble Point through San
188 Carlos Estates only comes from _____; therefore, if Pebble Point causes a pollution
189 problem, it will be due to something that Pebble Point is doing. Mr. Robson clarified that Pebble
190 Point has the same environmental resource permit criteria built into their stormwater system as
191 the District, so FDEP will determine that the discharge must be the same. At that point, the CDD
192 will be given an opportunity to monitor, to identify whether there is any difference between the
193 water coming into the District from Pebble Point and the water leaving the District and going to
194 San Carlos Estates.

195 Mr. Merritt inquired about the impact of the Village of Estero, which is no longer
196 unincorporated. Mr. Robson advised that the FDEP will probably require the Village of Estero
197 to become a co-permittee of the Lee County NPDES Permit. Mr. Merritt noted that would
198 involve installing monitoring stations within the Village of Estero. Mr. Robson stated that the
199 Village of Estero may be permitted to use the Lee County monitoring stations.

200 Mr. Davidson indicated that, once the new structure is completed, there will be a better
201 flow of water in the north outfall, on a continual basis, and the water will enter the south branch.
202 He asked where that water will be monitored by Lee County. Mr. Robson stated that the closest
203 station downstream is near the Pelican Sound canoe and kayak ramp.

204 Mr. Bartoletti asked when Pebble Point was given permission to utilize the Lighthouse
205 Bay outfall. Mr. Robson confirmed that Bonita Bay granted permission around 1999, before
206 Lighthouse Bay was built.

207 Mr. Ward inquired about where the water samples measured in the NPDES Report came
208 from. Mr. Robson advised that the sample was taken at Halfway Creek, near U.S. 41, and
209 included water from upstream. Mr. Ward asked if the samples included stormwater runoff. Mr.
210 Robson replied affirmatively. Mr. Ward noted that any impurities may be from stormwater
211 drains, fertilizer from golf courses, etc. Mr. Robson commented that impurities may also come
212 from yards and road runoff, particularly from U.S. 41, and including east of I-75.

213 Mr. Ward indicated that there is a dog park at Pebble Point and asked if there may be any
214 runoff issues relative to the park. Mr. Robson stated that fecal contamination is not required to
215 be reported but a dog park is where a problem would be identified.

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On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Ward, with all in favor, the Annual NPDES Report, authorization for the Chair to execute and Staff to submit to Lee County, as the permittee, for submittal to the state, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Strecansky, with all in favor, the Annual NPDES Report, authorization for the Chair to execute and Staff to submit to Lee County, as the permittee, for submittal to the state, were approved.

JOINT MEETING ITEMS

EIGHTH ORDER OF BUSINESS

Consideration of Request from San Carlos Estates to Resume Participation in Maintenance of Joint Benefit Drainage Ditch

Mr. Adams recalled that, in previous years, a request was received from San Carlos Estates, recognizing that the Districts are users of their drainage system, to participate in the maintenance of the drainage ditch running between the two properties, for flow purposes. Mr. Adams indicated that Ms. Angela Hill, attorney for the San Carlos Estates Water Control District (SCEWCD), was in attendance, to address the Board Members.

Ms. Hill introduced herself and Ms. Joy Roberts, SCEWCD Manager. Ms. Hill recalled that, in the past, the CDDs contributed \$25,000 per year toward the SCEWCD's annual canal cleaning project for the canal that lies on the southern border. She noted that there is a permitted outfall from The Brooks into the SCEWCD. Some years ago, the SCEWCD approached the Boards to request a contribution to assist with maintaining the canal at a higher level, making it more in tune with NPDES requirements and more aesthetically pleasing.

Ms. Hill discussed the current canal cleaning agreement with Gerald's Tree Trimming, Inc. (Gerald's). She indicated that there is a scope on the last page outlining what is being done under the contract, such as clearing of exotics, aquatic spraying and clearing of debris and rubbish.

Mr. Hill advised that SCEWCD is paying Gerald's about \$70,000 per year, in two installments of \$25,000, plus add-ons. Ms. Hill expressed SCEWCD's hope that the Districts would resume their participation in the canal maintenance.

255 Mr. Bonner noted that the proposal was from February, 2012, effective September, 2014
256 and expires September, 2015; therefore, it will be up for renewal shortly thereafter. Mr. Bonner
257 asked how the proposal affects Pebble Point and whether Pebble Point should be a contributing
258 entity. Mr. Robson indicated that the Districts would have to approach Pebble Point for a
259 contribution. Mr. Bonner asked if there are other surrounding communities that empty into the
260 canal. Mr. Robson explained that there is no opportunity for any other discharge.

261 Mr. Bonner asked how the contribution amount was derived. Ms. Hill indicated that the
262 figure was based on engineering calculations made by Mr. Andy Tilton and Mr. Mike Morris,
263 SCEWCD's engineer.

264 Mr. Merritt asked if the contribution was voluntary. Ms. Hill replied affirmatively. Mr.
265 Merritt asked if the Districts had any recourse against Pebble Point. Mr. Robson was unaware of
266 legal recourse. Mr. Cox confirmed that Pebble Point's contribution would be voluntary.

267 Mr. Bartoletti asked if the quote represented the Districts' portion of the total bill or if it
268 was the total bill for San Carlos Estates. Ms. Hill advised that the February, 2012 proposal quote
269 was the most recent and was incorporated into the existing contract and represents San Carlos
270 Estates' obligation to Gerald's.

271 Ms. Hill reiterated that the contribution was voluntary and would be made via an
272 Interlocal Agreement. The rationale behind the agreement was that the Brooks discharges into
273 the primary canal and SCEWCD would like to maintain the canal at a higher level of service, not
274 only for themselves but to be good neighbors.

275 Mr. Bonner asked if the contribution was budgeted. Mr. Adams replied not in the current
276 year. He indicated that the contribution is an annual amount and, if the Boards agreed to the
277 contribution in the current year, surplus funds would be utilized. Going forward, the line item
278 would be reintroduced where it was in previous years. Mr. Bonner asked if the contribution was
279 made last year. Mr. Adams replied no.

280 Mr. Bartoletti asked if Spring Run was happy with the last cut that was made on the
281 perimeter boundaries, along #2. Mr. Ward recalled that the first cut was quite excessive and it
282 was very noticeable. He questioned the number of linear feet. Ms. Hill did not know. She
283 stated that the SCEWCD Board would be open to addressing any negative feedback with
284 Gerald's, to better meet the Districts' needs.

285 Mr. Meeker asked if the amount of water coming out of the Districts, going to the ditch,
286 was measured. Mr. Robson indicated that 12 cfs is the permitted discharge from Lighthouse

287 Bay. Mr. Meeker asked if any recent measurements were taken. Mr. Robson advised that the
288 only two areas where discharge was measured were at the Brooks of Bonita Springs II large weir
289 and the Brooks of Bonita Springs small weir, by the railroad tracks.

290 Mr. Bartoletti suggested asking Ms. Hill and Ms. Roberts if they would be willing to
291 approach Pebble Point for a contribution. He then looked to Mr. Robson to provide the
292 appropriate apportionment. Mr. Robson stated that there is a discharge rate in Pebble Point's
293 permit that goes into Lighthouse Bay, which would be their portion.

294 Ms. Hill felt it was a great idea to approach Pebble Point but was unable to commit on
295 behalf of the SCEWCD Board, although she felt that the Board would agree.

296 Mr. Douglas noted that the proposal was dated February 16, 2012 and asked if would be
297 better to have a more current proposal. He pointed out that San Carlos Estates was predicating
298 the request for \$25,000 based on costs established in 2012. Ms. Hill explained that the contract
299 was put out for bid and Gerald's was the lowest responsible bidder. SCEWCD has a five-year
300 contract; therefore, the price is good until 2017.

301 Mr. Merritt summarized that Ms. Hill was asking for a voluntary contribution of \$25,000
302 from the Brooks CDD and San Carlos Estates' total cost is about \$70,000; the Districts asked
303 Ms. Hill to negotiate a partial contribution with Pebble Point to offset the Districts' \$25,000
304 contribution. Mr. Merritt stressed the importance of protecting the flow ways and pointed out
305 that the Districts agreed to contribute, in the past.

306 Mr. Bonner noted the expiration date of 2015. Ms. Hill explained that the contract
307 contains up to five renewals. Mr. Bonner indicated that the Districts' contribution is made on an
308 annual basis.

309 Mr. Davidson recalled when the original contribution was made for aesthetics for Spring
310 Run residents and to ensure that water was flowing property and asked why San Carlos Estates
311 had not returned, every year, to request the contribution. Ms. Hill stated that the
312 Secretary/Treasurer passed away and there was a transition; the Board is now playing "catch up".

313 Mr. Douglas voiced his agreement with Mr. Merritt's comment that the Districts must be
314 good neighbors. He also agreed that Ms. Hill should inquire about a contribution with Pebble
315 Point, with no reference to the CDD. Mr. Douglas indicated that he would support making a
316 contribution but it was not necessary that it be made today.

317 Mr. Bonner recommended supporting the contribution, with the caveat that the amount of
318 Pebble Point's contribution would offset the amount of the Districts' contribution.

319 The Board Members agreed to place this item on the April agenda.

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321 **NINTH ORDER OF BUSINESS**

**Update: Construction of Pickleball
Courts and Walkway Extension at
Coconut Park**

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325 Mr. Adams recalled that, at the last meeting, the Boards approved and directed Staff to
326 proceed with permitting and, eventually, move toward construction of three pickleball courts, as
327 proposed in the final layout by Johnson Engineering, as well as the continuation of the walking
328 path.

329 Mr. Adams distributed the layout that was submitted for permitting, with minor
330 adjustments. He reviewed the layout and noted that the pod was moved back from the point,
331 from left to right, leaving enough room to add three additional courts.

332 Mr. Adams called attention to the paver brick walkway and pointed out the location of
333 the seating area and shade structures. He anticipated that any requests for information would be
334 received in the next few weeks. Mr. Robson confirmed that a request for two additional items
335 was received yesterday. He indicated that a vegetation permit is required to remove the sod. Mr.
336 Robson stated that, since the property was already listed as a park area, he felt that a traffic
337 impact statement might not be required because a study was performed when the property was
338 purchased; however, a traffic impact study was requested. Mr. Robson noted that Johnson
339 Engineering charges \$1,500 to generate the study.

340 Mr. Adams anticipated receiving the permits before the next meeting. He indicated that
341 he was comfortable enough with the existing plans to secure proposals. The goal is to complete
342 the work during the summer so that the park is up and running by fall. Mr. Adams pointed out
343 the areas where there will be lighting on the courts, for night use.

344 Mr. Bartoletti referred to the end of the pathway and asked if it was to be extended. Mr.
345 Adams confirmed that it will be extended to Coconut Road, with paver bricks, and then become
346 a mulch path.

347 Mr. Davidson asked if raised bricks on the paver path along Coconut Road might create a
348 danger. Mr. Adams anticipated that the extension of the path would be slightly raised as it
349 relates to the adjacent turf and signs may be installed stating "Do not drive beyond this point."

350 Mr. Adams advised that Staff was ready to submit the layout to Ritzman Tennis, for a
351 proposal and Bentley Electric will be asked to provide a lighting proposal.

352 Mr. Davidson asked about the potential basketball court. Mr. Adams stated that it will
353 not be moved. Mr. Davidson inquired about potential bocce ball courts. Mr. Adams noted
354 where bocce ball courts would be located.

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On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Merritt, with all in favor, authorization for the District Engineer to proceed with a traffic study for court development impact, was approved.

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On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Meeker, with all in favor, authorization for the District Engineer to proceed with a traffic study for court development impact, was approved.

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TENTH ORDER OF BUSINESS

Discussion: Newsletter

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Mr. Davidson stated that the Boards have been discussing the facilities for almost two-
and-a-half years. He expressed that the discussions were not consistent and the Board Members
do not follow through, from meeting to meeting or quarter to quarter. The discussion changed
from doing nothing, to pickleball and bocce ball, to determining that it was up to The Commons
Club to develop the facilities.

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Mr. Davidson indicated that a newsletter had not been published in over a year and the
Districts need to report what they are doing. He stated that there should be a newsletter in
October and this time of year and the Communications Committee should meet so that two
newsletters may be produced. Mr. Davidson requested input from the Board Members on
newsletter topics.

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Mr. Bonner suggested discussing how the Board Members arrived at the pickleball
decision and making it clear that the Boards discussed Pebble Point's participation, by way of
contribution, and the results thereof. He also suggested an article about cleaning the ditches
along Spring Run and that it is an on-going effort that benefits the community, as a whole.

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Regarding Pebble Point, Mr. Davidson noted that, based on the minutes, it appears that
Taylor Morrison was going to contribute a set amount to pay for the use of the amenities but
changed their mind because The Commons Club would not allow them to become members.
Mr. Davidson advised that the problem was with The Commons Club.

388 Mr. Adams explained that Taylor Morrison’s contribution was a voluntary funding to the
389 CDD and all that Taylor Morrison wanted, was to have The Commons Club amenities package.
390 When that failed, the contribution was withdrawn and the developer is not willing to discuss it
391 further.

392 Mr. Merritt recalled that the Districts’ negotiations commenced with Mr. Ned Dewhurst,
393 of Oakbrook Properties, and they were positive. When Taylor Morrison took over the property,
394 “it was a new ball game”. Oakbrook conveyed an understanding to Taylor Morrison and Taylor
395 Morrison knew that the participation was voluntary. Mr. Merritt advised that he made the
396 mistake of bringing The Commons Club into the equation.

397 Mr. Bartoletti expressed that “he was beside himself with what they have given up and
398 gotten in return from The Club. He was at the point where it was time to resume other
399 conversation.” Mr. Bartoletti recalled that the Boards were advised by District Counsel that the
400 public can play but cannot play for free. Mr. Bartoletti recommended that the Boards consider
401 establishing a fee. Mr. Adams pointed out that a fee will provide a control mechanism.

402 Mr. Davidson asked if The Brooks residents were considered “public”. Mr. Bartoletti
403 replied affirmatively. Mr. Davidson pointed out that “public” is also Pebble Point. Mr. Merritt
404 stated that anyone who is not a member of the CDDs will be charged a fee. Mr. Davidson
405 requested a written policy and procedure.

406 Mr. Bartoletti indicated that, once the fence is installed, membership cards will be issued.
407 Access will be granted with a membership card and a swipe. He noted that The Commons Club
408 volunteered to manage the facility and suggested using a part of the fee to offset some of the
409 management costs. He advised that the process is to distinguish between residents of The
410 Brooks and non-members, all of which are “the public”.

411 Mr. Davidson asked if reservations must be made in order to play. Mr. Bartoletti stated
412 that a Chelsea-like system must be in place so that equal opportunity for play exists. Mr.
413 Davidson reiterated that he would like the procedure in writing.

414 Mr. Bonner recalled that the Boards took the position to “wait and see what happens”. If
415 a fence becomes necessary to keep intruders out or to charge fees, the process will be developed,
416 over time. He voiced his agreement with a reservation system.

417 Mr. Merritt stated that he was upset with the developer but he was not upset with future
418 residents because they do not know what is going on; they could be misinformed. He was

419 concerned because he had conversations with individuals that looked at property in Pebble Point
420 and found that the developer is conveying misinformation.

421 In response to a question from Mr. Ward, Mr. Merritt clarified that he spoke to a couple
422 that came to The Commons Club, last Friday, and looked at property in Pebble Point; they were
423 told by the developer that they could avail themselves of more than just what bronze non-
424 resident members are entitled to, which includes the pool. Mr. Merritt commented that the
425 residents will think that the pickleball courts are open, as well.

426 Mr. Bartoletti advised that the developer also indicated that, as a result of a Commons
427 Club membership, residents will have reciprocity at Copperleaf, to play golf. Mr. Ward
428 recommended having a discussion with the developer advising him that he is wrong.

429 Mr. Davidson felt that he had enough information for the newsletter regarding Pebble
430 Point and asked for other suggestions.

431 Mr. Ward suggested including information relative to the CDD bonds. Mr. Merritt stated
432 that he is frequently asked when the CDD will “disappear”. Mr. Bartoletti recommended
433 conveying information relayed by the District Engineer about the NPDES Report that the
434 Districts passed and met all of the requirements.

435 Mr. Davidson recalled that, following the vote on April 29, he contacted Mr. Adams
436 about including a motion to rescind the vote on the next agenda. Mr. Davidson noted that all of
437 the surveys indicated that residents were in favor of bocce ball and the last survey indicated that
438 bocce and pickleball courts would be built and the results were marginally positive. He voiced
439 his opinion that the Districts should either build bocce and pickleball courts or nothing.

440 Mr. Douglas pointed out that the discussion was not related to the newsletter and
441 suggested moving on with the agenda, as a point of order.

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443 **ELEVENTH ORDER OF BUSINESS**

**Update: Drainage Swale Repairs Along
Flow Way in Copperleaf**

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446 Mr. Bartoletti recalled that the discussion regarding drainage swale repairs was delayed
447 until further bids were secured. A decision was made to hire contractors. Mr. Adams, Mr.
448 Robson and Mr. Bartoletti met with the contractor to obtain a bid that is less than the last bid, of
449 \$60,000. It is anticipated that the bid will be presented at the April meeting for the Boards’
450 consideration.

451 Mr. Robson noted that the expiration of the permit, to make the repairs, is July, 2017.

452 **TWELFTH ORDER OF BUSINESS**

**Approval of October 29, 2014 Joint
Regular Meeting Minutes**

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455 Mr. Merritt presented the October 29, 2014 Joint Regular Meeting Minutes and asked for
456 any additions, deletions or corrections.

457 Mr. Davidson referred to Lines 343 through 346 and recalled that, at a prior meeting, Mr.
458 Adams indicated that about \$100,000 would be needed and Mr. Merritt mentioned that it was
459 closer to \$.5 million. Mr. Davidson advised that there was nothing in the budget, in this regard.
460 Mr. Adams referred to Page 4 of the budget and noted the \$100,000 under “Water Management”,
461 “Capital outlay”, “Lake bank erosion”.

462 Mr. Davidson recalled a 2010 meeting where the Boards discussed long-range programs,
463 one of which related to lake bank erosion. He asked if a 9” drop off is required. Mr. Robson
464 confirmed that beyond a 9” drop off is a safety hazard. Mr. Davidson did not recall the \$100,000
465 coming before the Board and asked where the properties are located and what type of remedial
466 activity is being considered. Mr. Adams explained that Staff is identifying the areas now and
467 obtaining a proposal from the contractor. The project will take place in late spring, prior to
468 summer rains. Mr. Davidson asked Staff to provide a list of the properties.

469

470 **On MOTION for Brooks of Bonita Springs by Mr. Bonner and**
471 **seconded by Mr. Douglas, with all in favor, the October 29,**
472 **2014 Joint Regular Meeting Minutes, as presented, were**
473 **approved.**

474
475

476 **On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti**
477 **and seconded by Mr. Strecansky, with all in favor, the October**
478 **29, 2014 Joint Regular Meeting Minutes, as presented, were**
479 **approved.**

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481

482 **THIRTEENTH ORDER OF BUSINESS**

Other Business

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484

There being no other business, the next item followed.

485

486 **FOURTEENTH ORDER OF BUSINESS**

Staff Reports

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488

A. Attorney

489

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

490 **B. Engineer**

491 Mr. Robson reported that he was contacted by the Hidden Lakes HOA, in Spring Run, to
492 provide a boundary survey and markers to identify their property. Johnson Engineering is
493 providing the survey and he did not see it as a conflict of interest.

494 **C. Manager**

495 **i. Approval of Unaudited Financial Statements as of January 31, 2015**

496 Mr. Adams presented the Unaudited Financial Statements as of January 31, 2015, for the
497 Board's consideration.

498 Mr. Bonner noted that all assessments had not been collected. Mr. Adams explained that,
499 typically, the majority of assessments are received in early December. Some residents prefer to
500 retain their money as long as possible and remit their payments by March 31.

501 Mr. Merritt requested a status on irrigation water and repairs. Mr. Adams advised that
502 The Brickman Group (Brickman) replaced plants and watering frequently. Once Girard got the
503 clocks and timers running properly, they noticed that usages were set for every day. Watering
504 was reduced, which is why the color is coming back on the bougainvillea and the blue plumbago.
505 Reducing the water reduced chemical treatments and the water bill.

506 Mr. Merritt noted that repairs were at 46%. Mr. Adams explained that there was a major
507 leak in the center median, before Williams Road. There was a broken pipe inside a sleeve,
508 crossing underneath and the roots chased the water source up the sleeve. It was a very
509 significant repair.

510 Mr. Merritt reported that the contractor is spraying water in the roads, again. Mr. Adams
511 advised that Staff will follow up with the contractor.

512 Discussion returned to the Unaudited Financial Statements. Mr. Adams noted several
513 seasonal expenses. He indicated that expenditures were at 27%, cumulatively and 33% pro-
514 rated, through the end of January.

515 **ii. NEXT MEETING DATE: April 22, 2015 at 1:00 P.M. (The Commons Club)**

516 The next meeting will be held on April 22, 2015 at 1:00 p.m., at this location.

517 **D. Operations Report**

518 **i. Landscape Maintenance Activities**

519 **ii. Lake Maintenance Activities**

520 Ms. Crismond reminded the Boards that Staff will be looking at areas for yearly littoral
521 plantings. Lakes 64, 65 and 66 will be planted after erosion repairs are completed in those areas.

522 Ms. Crismond reported that she and Mr. Adams met with a resident in Lighthouse Bay, to
523 discuss the fishing areas, or lack thereof. Apparently, the areas are marked on maps used by
524 LakeMasters, and the manager for Lighthouse Bay was not provided with a specific map.
525 LakeMasters is in the process of reopening the fishing areas.

526 Ms. Crismond noted that the resident asked if the spike rush could be cut back on Lake
527 66. The resident was advised that the spike rush could not be cut out, as it was there
528 intentionally. Ms. Crismond indicated that the spike rush is 15' wide. She stated that she sent an
529 email response to several people and one resident expressed his unhappiness with her response.
530 Ms. Crismond advised the resident that it was in his best interest to attend today's meeting. It
531 was noted that the resident was in attendance and he was given an opportunity to speak.

532 Mr. Robert Block, a resident, stated that he is the Vice Chair of 3D, a Lighthouse Bay
533 sub- association. He indicated that most of the residents back up to a narrow finger of Lake 66.
534 While there may be 15' of spike rush, this area has an overabundance because the width is about
535 75'. Mr. Block stated that spike rush is an unpleasant, unattractive solution.

536 Mr. Block advised that the community is installing gutters along the buildings facing the
537 lakes to remove the torrent of water off of the roofs, in the summer, which contributes to major
538 erosion. A discussion took place at their meeting regarding spike rush and whether something
539 could be done to minimize it. Mr. Block stated that the community understands the need for
540 littorals and the benefit they provide to the lake; however, this particular plant is unattractive.
541 Mr. Block contacted the county in an effort to determine whether the statute requires 15' or if it
542 is a judgment call. A group of property owners requested action to try to reduce or eliminate the
543 spike rush and replace it with another type of plant material. Mr. Block expressed that the
544 community's board may be willing to pay for the removal and replacement.

545 Mr. Block noted inconsistencies regarding how spike rush is treated, as some lakes are
546 packed with spike rush, as edging, and others have no spike rush. The county advised him that,
547 as the authority that is responsible for the ponds, any action taken to remove or replace the spike
548 rush must come from the CDD. The residents requested authorization to remove and replace the
549 spike rush or make it more aesthetically pleasing.

550 Mr. Merritt stated that this was not the first time that the Boards heard an issue about the
551 spike rush. He explained that spike rush is the most beneficial littoral on the planet. The Brooks
552 has some of the finest lakes in this part of Florida and spent an untold amount of money to create
553 that environment. Mr. Merritt pointed out that The Brooks has 150 lakes and, if the Board

554 Members were to agree to remove the spike rush, many other communities would make the same
555 request. He confirmed that no new spike rush will be planted. Mr. Block asked if it would be
556 unreasonable to ask for a policy to gradually eliminate spike rush, particularly if the association
557 is willing to assume the cost, or a portion of the cost.

558 Mr. Bartoletti asked if Lake 66 had a significant amount of erosion on the banks due to a
559 lack of littorals. Ms. Crismond confirmed that all of the lakes in Lighthouse Bay have erosion
560 concerns. She recalled that there were grass carp in the lakes for many years and no littoral
561 plants; that significant exposure resulted in a lot of damage.

562 Mr. Bartoletti stated that, if there was erosion and the 4:1 slope no longer exists, it would
563 extend the width of the spike rush significantly and may be contributing to the problem.

564 Mr. Adams indicated that there is moderate erosion around Lake 66 and the littoral plants
565 have been helpful. The initial slope is a 4:1 slope leading into a 6:1 slope. The construction of
566 the shelf allows plant material to grow in depths of water 15' to 20'; therefore, the 15' width of
567 spike rush was expected. Mr. Adams explained that certain plant types will survive in deeper
568 waters and spike rush is on the outer edge of the shelves. No treatments were performed to
569 reduce the width so nature is keeping it in check.

570 Mr. Bonner felt that Mr. Block's request sounded reasonable, if the community was
571 willing to pay for the spike rush removal. With regards to setting a precedent, Mr. Bonner
572 indicated that if owners abutting the lake are willing to pay, the Districts will work with them to
573 make the lake nicer.

574 Mr. Adams noted an absence of diversity in the planting program around several lakes in
575 Lighthouse Bay and suggested the introduction of color and variety, once the erosion issues are
576 resolved, which will help with the aesthetics, if aesthetics are the concern.

577 Mr. Block indicated that spike rush will no longer be planted in lakes that do not
578 currently have it and his community has an overabundance and would be willing to share, since
579 the plants are so valuable. Mr. Adams advised that the contractors that supplement aquatic
580 plantings offer a reduced rate to harvest spike rush, on site, and relocate it, which may be an
581 opportunity for reduction.

582 Mr. Bartoletti voiced his agreement with Mr. Bonner's suggestion to approve the removal
583 of spike rush if the residents are willing to pay, at no cost to the Districts.

584 Mr. Strecansky suggested keeping 4' of spike rush and removing the rest. Mr. Block
585 stated that would help them immensely.

586 Mr. Merritt reiterated that the Districts have 150 lakes and spike rush is not only a
587 problem in Lighthouse Bay. He stated that he has toured the lakes and spoke to residents who
588 are adamant about the spike rush. Mr. Merritt stressed that the Boards decided that this was the
589 policy they would follow and now they are discussing something different.

590 Mr. Strecansky stated that spike rush is needed but not 20'. He felt that, if the lake has
591 more than 5' and the residents want to pay for removal, it should be permitted.

592 Mr. Adams expressed reservations and cautioned against removal to 4' to 5'; he
593 suggested a possible reduction to 10'. Mr. Adams explained that the ponds are still relatively full
594 but the water is beginning to recede. By May, if the level drops two vertical feet, from a width
595 perspective, on a slope of 4:1, the lake is at the edge of 10' and anything beyond that will be
596 exposed soil and erosion is very expensive.

597 Mr. Bonner stated that Mr. Block made a reasonable request. The precedent is that, if the
598 residents are willing to pay, the Boards will work with them to enhance to their satisfaction and
599 to the Boards' satisfaction that the lakes are being maintained properly.

600 Mr. Bartoletti pointed out that, if the Boards approve the request and further erosion
601 results, because the plants did not prevent it, the Districts and the residents have a shared
602 responsibility to cure the problem. He stressed that the Boards are taking a chance by making
603 modifications without knowing what the impact will be; therefore, the risk must be shared.

604 Mr. Douglas asked if, as part of the lake bank remediation process, some of the spike
605 rush can be harvested and other littorals interspersed, to enhance the aesthetics. Mr. Adams
606 stated that this can be done at the right time of year. He explained that the late May – June time
607 frame is when the supplemental plantings are installed; the water is at its lowest level, allowing
608 harvesting from the outer edges.

609 Mr. Douglas asked if Lakes 65 or 66 would be involved in this phase of lake bank
610 remediation. Mr. Block advised that two associations are involved, one on each side, and the
611 intent is to complete both repairs at the same time.

612 Mr. Adams stated that is the time to work with the associations. The spike rush will be
613 harvested back to 10', along with a diversity of plantings, such as flowering aquatics.

614 Mr. Merritt asked which littorals grow in deep water. Mr. Adams advised that blue flag
615 iris will survive in deeper water.

616 Mr. Merritt pointed out that there is no guarantee that that plant will survive in that lake;
617 it depends on the environment. Unless the plant grows there, the spike rush will be a continuing
618 problem.

619 Mr. Block noted that very few lakes in Lighthouse Bay have similar amounts of spike
620 rush and many are bare; therefore, if the concern is about the success of alternative planting, as
621 opposed to removal of the spike rush, the bigger problem exists regarding Lakes 65 and 66 being
622 treated the same as other lakes within the development, perhaps in the entire CDD area.

623 Mr. Merritt explained that Lighthouse Bay was unique. The developer installed grass
624 carp, which the Districts paid about \$60,000 to remove because the grass carp ate all the littorals.
625 Now, there is a program in place to replant all of Lighthouse Bay.

626 Mr. Block stated that he would like to pursue the option of working with Staff. Mr.
627 Adams stated that this will be done in conjunction with the lake bank erosion repair program.

628 A resident advised that Lighthouse Bay 5 has the same issue and attitude as Mr. Block;
629 the community would support the recommendation. Ms. Crismond confirmed that the residents
630 were referring to Lakes 65 and 66.

631 Ms. Crismond discussed moving forward with the aeration installation. She stated that
632 Lakes 79, 119, 120 and 93 will be next and a quote was obtained for \$45,000, against a budget of
633 \$75,000. Once these lakes are completed, Staff will review the remaining lakes.

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**On MOTION for Brooks of Bonita Springs by Mr. Merritt and
seconded by Mr. Bonner, with all in favor, the new aeration
installation program for Fiscal Year 2015, was approved.**

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**On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti
and seconded by Mr. Strecansky, with all in favor, the new
aeration installation program for Fiscal Year 2015, was
approved.**

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646 Ms. Crismond called attention to the Aeration Maintenance Report, which is completed
647 twice per year. She noted a recent addition to the specs, requiring the submission of a written
648 report of all the systems.

649 Ms. Crismond requested feedback regarding the spring flower rotation. Mr. Bonner
650 noted that the flowers that were removed were healthy, prior to the frost. He asked about the
651 timing. Ms. Crismond advised that the rotations are in the specs.

652 Mr. Merritt acknowledged that he liked the plantings. Mr. Bonner indicated that he liked
653 the Marigolds.

654 Ms. Crismond stated that a property audit was performed. A notice was sent to
655 Brickman, in January, advising that \$17,000 will be deducted from the final billing for landscape
656 replacements that were damaged due to their neglect. Ms. Crismond advised that she received a
657 letter, in February, from someone who indicated that he was Brickman's General Counsel,
658 demanding \$75,000 from the Districts. Numerous invoices were provided and a reimbursement
659 was requested for \$16,000, for Jewel Palms, from two years ago. She advised Brickman that the
660 money would not be refunded without proof that the trees were hit by lightning. The issue was
661 turned over to District Counsel and there was no response.

662 Mr. Bartoletti inquired about the removal of two Black Olive trees and asked if the trees
663 would be destroyed in the removal process. He indicated that trees are being moved around on
664 the golf course and suggested using two Black Olive trees on the golf course. He will speak to
665 the Golf Course Superintendent to see if the trees would be useful.

666 Regarding the property damage, Mr. Bonner asked accident reports were provided. Ms.
667 Crismond indicated that no accident reports were provided for these particular accidents. She
668 explained that automobiles drove over the curbs and hit the landscaping.

669 Mr. Merritt stressed the importance of advising the guards at the gatehouse that, if
670 property damage is observed, it should be reported. Ms. Crismond stated that the gate attendants
671 have reported incidents but she will remind them.

672 Ms. Crismond indicated that she forwarded pictures to the Boards of the fencing
673 installed by Taylor Morrison on District property. She advised that she has not had the fence
674 removed yet.

675 Mr. Merritt inquired about repeated billing for the damage to the irrigation. Ms.
676 Crismond advised that the builder ignores her. Mr. Bartoletti asked if habitual letters were sent,
677 relative to the damage. Ms. Crismond replied "we have not". Mr. Merritt stated that the builder
678 is difficult to deal with and will be gone soon. Any builder requests and issues should be
679 brought to the Board. Ms. Crismond explained that the fence is blocking the District's

680 maintenance access. She will advise the builder that, if he does not remove the fence, the
681 District will remove it.

682 Mr. Bartoletti thanked Staff for the quick removal of signs on Three Oaks and by
683 Lighthouse Bay.

684 Mr. Douglas stated that the Districts tried to be more than cooperative because of the
685 grand opening but the builder does not understand the rules and chooses to plead ignorance;
686 therefore, Mr. Douglas fully supported whatever Ms. Crismond does. Regarding sign removals,
687 Ms. Crismond indicated that she contacts Code Enforcement, emails pictures and the signs are
688 removed the next day.

689 Mr. Douglas noted the decrease in the amount of litter.

690 Regarding the excessive leaf drops at the Enrichment Center, Ms. Crismond advised that
691 she met with the contractor and indicated that a vacuum should be used every day. She also
692 noted that the supply closet doors on the standalone restroom are being replaced and the structure
693 will be pressure cleaned and painted.

694 Ms. Crismond reported on the wear and tear on the playground mat, under the swings.
695 The mat was under warranty and it was replaced with a red mat.

696 Mr. Bartoletti reported mower tracks on the grass along Coconut Road and Three Oaks
697 Parkway and asked if it was unique to the time of year. Mr. Merritt explained that, sometimes,
698 when an area is sprayed with weed killer, a vehicle enters the area and carries it onto the regular
699 turf.

700 Mr. Bartoletti if the drainage boxes were cleaned at the Shadow Wood main entrance, on
701 Coconut Road, going west. Mr. Merritt indicated that they were not cleaned. Mr. Bartoletti
702 asked to have them cleaned, along with those in Spring Run, to prevent significant flooding
703 during rainy season. Mr. Merritt stated that he was under the impression that Management was
704 supposed to follow up. Ms. Crismond advised that she will contact Mike, tomorrow, to have the
705 drainage boxes cleaned out.

706 Discussion ensued regarding the possibility of penetrating a pipe connecting the lakes
707 while bore drilling to install fiber optics. Mr. Adams stated that concrete drainage pipes are not
708 part of the locates. Mr. Bartoletti indicated that he will provide the lake interconnect map.

709 Mr. Ward inquired about the performance of the new landscaper. Mr. Crismond stated
710 that it was rough starting out but the landscaper has only been on the contract for a few months.

711 Much improvement was noted on a recent drive through. Ms. Crismond felt that the contractor
712 was going in a good direction.

713 Mr. Merritt asked about the breach in the property fence line. Ms. Crismond indicated
714 that there were several areas of fence damage. The contractor responded immediately and she
715 executed a proposal for the repairs. Mr. Merritt asked if the community was notified of the
716 breach. Ms. Crismond replied affirmatively.

717 A Board Member asked when lake erosion is the responsibility of the CDD and when it is
718 the responsibility of the homeowner. Mr. Adams explained that, generally, Staff looks at the
719 ownership of the lake. In this case, there are mostly lake tracts, which are inclusive of
720 easements, and the District is responsible for restoring the lake banks. In the case of a lake
721 contour, which includes the lake at high water, with a setback of an easement onto privately
722 owned property, the homeowner is responsible.

723

724 **FIFTEENTH ORDER OF BUSINESS** **Supervisors' Requests**

725

726 There being no Supervisors' requests, the next item followed.

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728 **SIXTEENTH ORDER OF BUSINESS** **Public Comments (*non-agenda items,***
729 ***only; four (4)-minute time limit*)**

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731 There being no public comments, the next item followed.

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733 **SEVENTEENTH ORDER OF BUSINESS** **Adjournment**

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735 There being nothing further to discuss, the meeting adjourned at 3:20 p.m.

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

February 25, 2015

FOR BROOKS OF BONITA SPRINGS:

Secretary/Assistant Secretary

Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:

Secretary/Assistant Secretary

Chair/Vice Chair