

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 **24, 2016 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930**
8 **Coconut Road, Bonita Springs, Florida 34135.**
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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 Phil Douglas	Assistant Secretary

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

16 Joseph Bartoletti	Chair
17 James Strecansky	Vice Chair
18 Jack Meeker	Assistant Secretary
19 Ray Pierce	Assistant Secretary
20 Gary Davidson	Assistant Secretary

21 **Also present were:**

22 Chuck Adams	District Manager
23 Cleo Crismond	Assistant Regional Manager
24 Dan Cox	District Counsel
25 Dave Robson	District Engineer
26 Joe Archazki	General Manager – The Commons Club
27 Alex Messerle	Resident
28 T. J. Wright	Resident

29 **FIRST ORDER OF BUSINESS**

30 **Call to Order/Roll Call**

31 Mr. Adams called the meeting to order at 1:04 p.m., and noted, for the record, that
32 Supervisors Merritt, Ward, Crawford and Douglas were present, in person, for Brooks of Bonita
33 Springs. Supervisor Bonner was not present. All Supervisors were present, in person, for
34 Brooks of Bonita Springs II.
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36 **SECOND ORDER OF BUSINESS**

37 **Public Comments (agenda items only)**

44 Mr. T. J. Wright, a resident, thanked the Boards and Staff for the pickleball courts and
45 stated that the courts are a great addition to the community. He suggested adding wind barriers
46 to prevent the ball from curving to the right.

47 Mr. Alex Messerle, a resident, stated that he and his neighbors recognize the valuable
48 tasks performed by the CDDs, in terms of streetlighting, maintenance and water management.
49 Water management was very significant to the community, due to heavy rains received this past
50 summer and last month. Mr. Messerle and his neighbors developed a “high degree of confidence
51 that the ponds will drain through the Districts’ water management system”.

52 Mr. Messerle thanked the Boards and Staff for Coconut Park, which has amenities that
53 Copperleaf does not, such as, a playground, basketball court and pickleball courts. Copperleaf
54 residents greatly appreciate the addition of those amenities.

55 Mr. Messerle discussed methods used to promote pickleball in Copperleaf. The first
56 Stillwater Cay neighborhood event, to boost resident participation, will take place on Saturday,
57 February 17, at the pickleball courts.

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59 **THIRD ORDER OF BUSINESS**

**Update: Potential Transfer of Property
from Associations Adjacent to Three
Oaks and Coconut Road Right-of-Ways
to the CDDs**

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64 Referring to a map, Mr. Robson noted where field work ended, in December. Mr.
65 Robson stated that nine property associations are involved in the transfer and approximately 20
66 legal descriptions must be written. He estimated \$8,000 to write the legal descriptions and
67 \$2,000 to complete the survey work. Markups were requested to determine where association
68 maintenance responsibilities end, at each entrance, which is where the legal description would
69 stop.

70 Mr. Merritt felt that there was no other option than to proceed.

71 Mr. Davidson asked if the association monuments and plantings, at the entrances, would
72 be carved out of the legal description. Mr. Robson replied affirmatively.

73 Mr. Douglas asked if the appropriate entities would be notified once the legal
74 descriptions are completed. Mr. Robson replied affirmatively.

75 Mr. Adams stated that he will meet with each association manager to discuss the purpose
76 and value of the undertaking. If necessary, he will meet with association boards.

77 Mr. Douglas felt that a brief narrative explaining the project would be helpful for Board
78 Members when answering resident questions.

79 Mr. Bartoletti indicated that there are neighborhoods in the master associations where
80 voting is necessary for a change of this nature; therefore, two meetings may be required.

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82 **FOURTH ORDER OF BUSINESS**

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

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85 Mr. Robson reported that drainage swale repairs, in the Copperleaf flow way, went
86 reasonably well. When the January rains arrived, the swale functioned as designed but had a
87 stream of water in it. An average was used to calculate the minimum swale width. Some yards
88 are slightly lower; therefore, when water is high enough, it begins to move up the side lot lines
89 because the side lot lines are as low as the bottom of the swale, or close to it, which upset many
90 residents.

91 Mr. Robson explained that one of the final survey activities was to include all lanais. The
92 contractor did not compact well enough, where pipes were installed; therefore, pipes sagged and
93 the project was out of construction tolerance. Those areas had to be repaired and are being
94 measured to ensure that they were built correctly. A table will be prepared, for distribution to the
95 association, showing lanai and berm elevations and the vertical difference, meaning that water
96 will go over the berm before it enters the lanai. With regard to the side lot issues, Mr. Robson
97 advised that All Inc., the contractor, is measuring the lots and will submit a proposal to add fill or
98 install a bunker.

99 Mr. Bartoletti thanked Mr. Robson for working with residents, one-on-one, to allay fears
100 about losing trees. Only three out of 12 trees were removed and residents were very satisfied.
101 Of 44 residences, only eight experienced ponding or puddling.

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103 **FIFTH ORDER OF BUSINESS**

Update: Pickleball Court Project

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105 Mr. Adams reported that the initial pickleball court project hurdle was related to
106 permitting; however, permits were issued and construction commenced in the July/August time
107 frame, when the rains began, resulting in repeated delays.

108 Mr. Adams stated that three pickleball courts were in place, since late December;
109 however, the contractor has not been paid since the project began. The contractor has a punch
110 list of items to be addressed, including repairs to the courts themselves, lights to painted black,

111 per the contract, gates that do not close on their own, missing latches and providing a crank for
112 the nets. Girard Environmental Services, Inc. (Girard) is installing landscaping, filled in the soil
113 around the edges, imported good draining top soil and is installing irrigation around the entire
114 perimeter, along with coco plum, along the media edge, dropping down to a combination of
115 duranta and purple bougainvillea, for added color. Mulch will be black, including mulch from
116 the courts to the walkway at The Commons Club, as a temporary measure, until the season ends.
117 Once the season ends, pavers will be installed.

118 With regard to Mr. Wright's request for wind screens, Mr. Adams advised that the cost is
119 approximately \$300 for 120' of 6' good quality screens and volunteers can assist with
120 installation or Girard can install them. Mr. Adams felt that two rolls of screens would cover the
121 entire perimeter.

122 Mr. Adams recalled an inquiry about a water and ice system. A commercial system
123 could be installed between the two bathrooms. The system is 16" wide and 22" deep so ADA
124 access to the bathrooms would be maintained. The system stores 12 pounds of ice and makes
125 400 pounds in 24 hours. Based on the location, it would be easy to tie into water, drainage and
126 power. It is a 115-volt system and the cost is approximately \$5,600, plus \$1,500 to \$2,000 for
127 installation.

128 Mr. Merritt recommended installing the wind screens properly. Due to heavy usage of
129 the pickleball courts, the water cooler must be monitored. Mr. Adams noted that daytime
130 monitoring is easy; night time monitoring is more difficult because the facility is not secured. A
131 security camera may be required.

132 Mr. Davidson pointed out that wind screens are required to be removed during hurricane
133 season. Mr. Adams felt that staff could respond quickly in the event of a large storm.

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On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the purchase and installation of wind screens and a commercial water and ice system, was approved.

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On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Pierce, with all in favor, the purchase and installation of wind screens and a commercial water and ice system, was approved.

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146 Mr. Bartoletti asked if there were any issues with public play. Mr. Joe Archazki, General
147 Manager of The Commons Club, advised that a reservation system is in place and residents must
148 obtain a pass code to gain access. Mr. Archazki receives an email confirmation when
149 reservations are made. He noted very few instances of members playing and outsiders entering
150 the courts. Friends of members of The Commons Club are welcome to play but no outside
151 groups are permitted.

152 Mr. Merritt asked what was being done to monitor court play.

153 Mr. Archazki stated that many members enjoy pickleball and want a more organized
154 structure. Last week, about 30 residents attended a meeting and Mr. Archazki suggested forming
155 a committee to handle future challenges and refine the current process. So far, five or six
156 members expressed an interest. This week, an email was sent to The Commons Club members
157 advising them to contact Mr. Archazki if they wish to participate.

158 Mr. Archazki referred to a handout showing dates and play for February. On a daily
159 basis, there are six hours of play, per court, most of which is morning play. In March, a
160 pickleball sunset party will be hosted by The Commons Club and 40 to 50 members are expected
161 to attend. Currently, 60 to 70 residents are registered in the reservation system and there were no
162 “hiccups”.

163 Mr. Bartoletti recalled that Mr. Archazki was to contact the pickleball group in Sun
164 Valley, Arizona, with regard to conflict resolution information and asked if he was able to do so.

165 Mr. Archazki indicated that the group’s material is public and board meetings are on
166 video. Often, conflicts are between tennis groups and pickleball groups.

167 Mr. Archazki stated that the main concern is that some groups will want to reserve
168 weekly play times and members who do not participate in those groups but want to reserve a
169 court want to ensure there are no conflicts and that not too many days are blacked out. As
170 participation grows, those details must be worked out.

171 With regard to the email regarding participation in the pickleball committee, Mr.
172 Bartoletti asked who the mailing list consisted of and how it affects residents that are non-
173 members. Mr. Archazki indicated that a notice was included in The Commons Club’s weekly
174 email, which is sent to 60% of residents. The notice was also posted on the pickleball bulletin
175 board. Mr. Archazki suggested posting the notice on the CDD website. Mr. Bartoletti wanted to
176 ensure that residents of the four communities receive the information and have an opportunity to
177 participate.

178 **SIXTH ORDER OF BUSINESS**

**Discussion/Consideration: Request for
Contribution from San Carlos Water
Control District for Canal Cleaning
Project**

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183 Mr. Adams recalled that, last February, Ms. Angela Hill, Attorney for the San Carlos
184 Estates Water Control District, requested that the Districts resume participation in the
185 maintenance of the canal on the southern border, between Lighthouse Bay, Spring Run and San
186 Carlos Estates. Prior to agreeing to resume participation, Board Members asked Ms. Hill to
187 approach Pebble Point for a contribution, to offset the Districts' contribution, and Ms. Hill
188 received a verbal commitment from Mr. John Asher.

189 Mr. Douglas understood that, if Mr. Asher contributes \$5,000, the CDDs' commitment
190 would be \$20,000. Mr. Adams asked if the Boards wanted Mr. Asher's contribution to reduce
191 the CDDs' cost. Mr. Bartoletti replied affirmatively.

192 In response to an inquiry from Mr. Meeker about District water entering the ditch, Mr.
193 Robson confirmed that Lighthouse Bay was using the ditch for drainage. Water leaves the
194 control structure through a 24" pipe, flows underneath the wall and into the canal.

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196 **On MOTION for Brooks of Bonita Springs by Mr. Merritt and**
197 **seconded by Mr. Crawford, with all in favor, allocating not-to-**
198 **exceed \$20,000 for participation in canal maintenance on the**
199 **southern border, as requested by the San Carlos Estates Water**
200 **Control District, assuming a \$5,000 contribution from Pebble**
201 **Point, was approved.**

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204 **On MOTION for Brooks of Bonita Springs II by Mr. Pierce**
205 **and seconded by Mr. Douglas, with all in favor, allocating not-**
206 **to-exceed \$20,000 for continued participation in canal**
207 **maintenance on the southern border, as requested by the San**
208 **Carlos Estates Water Control District, assuming a \$5,000**
209 **contribution from Pebble Point, was approved.**

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212 Mr. Merritt inquired about the status of third party contributions from Mr. Ned Dewhurst,
213 of Oakbrook Properties, and Coconut Point Mall. Mr. Adams stated that Coconut Point Mall
214 paid for the current and prior year, this month. Mr. Dewhurst is two years behind. Mr. Merritt
215 indicated that follow up was required. Mr. Adams explained that multiple invoices were sent, to

216 no avail. Mr. Bartoletti asked if other action may be taken. Mr. Cox will write a letter and Mr.
217 Merritt will call Mr. Dewhurst.

218 Mr. Merritt thanked Staff for their efforts related to the most recent storm and the
219 operation of the emergency gate. He stated that the gate's performance was very impressive.
220 Mr. Merritt advised the Shadow Wood Community Association (SWCA) to contact him in the
221 event of serious flooding or ponding in the community and, throughout the storm, no calls were
222 received. The gate was open for approximately ten days, at reduced levels.

223 Mr. Adams stated that, at first, the gate was wide open; after four or five days, the gate
224 was reduced to 25%, due to continued sheet flow.

225 Mr. Merritt indicated that the level was 14.1 and the capacity is 160 cfs, or 15.6. Even
226 though the level was 14.1, only 50% to 60% of the outfall capacity was utilized; therefore, room
227 remained. Mr. Merritt pointed out that, unless certain parameters are met, the gates will not be
228 utilized.

229 Mr. Davidson asked how long the current water levels would remain and at what point
230 the gates would be opened again. Mr. Merritt stressed that the emergency gate is only for
231 emergencies but he shared Mr. Davidson's concern about the lake levels.

232 With regard to recent rainfall patterns, Mr. Robson characterized the waterway as being
233 typical of July. He indicated that, usually, there is discharge into the big weir in July and
234 August.

235 Mr. Ward asked if significantly higher rainfall amounts were anticipated in the summer
236 due to El Niño. Mr. Robson stated that the South Florida Water Management District (SFWMD)
237 is predicting more rain but not worse and it will continue to stay wet. If there is a larger than
238 normal rainy season, there will be ground saturation and the water table will rise. Mr. Robson
239 explained that most of the lake systems drain into the flow way and the flow way is the
240 determining factor, particularly if there is a high amount of rain east of I-75. The internal lake
241 systems are set at 14', 14.1' or 14.2', so they are .5' higher than the flow way; therefore, water
242 will pool in neighborhoods before reaching the flow way.

243 Mr. Robson stated that, if ground saturation continues into the hurricane season and a
244 hurricane occurs, the water will sit on top. Mr. Merritt noted a concern about a deluge, in a
245 storm-related event, if water levels remain where they are.

246 Mr. Strecansky recalled two days with 10" of rain and that there were no issues.

247 Further discussion ensued.

248 Mr. Douglas reported that the storm drains, on Coconut Road and Three Oaks Parkway,
249 are clogged with debris and asked if the landscape contractor was aware. Mr. Merritt indicated
250 that it is the County's responsibility to clear the drains and he suggested writing to Lee County
251 regarding this issue.

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253 **SEVENTH ORDER OF BUSINESS**

Consideration of Annual NPDES Report

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255 Mr. Merritt was concerned about the size of the report, the financial impact and time that
256 must be expended to meet the requirements. He questioned the benefits of the report versus its
257 cost and effort.

258 Mr. Robson indicated that each agency, in Tallahassee, has its own concerns about
259 CDDs, inside Lee County's Phase One. The agencies realize that there is a large amount of
260 criteria built into each cycle of the permit and he expected additional requirements in Cycle 4.
261 Tallahassee has been considering pulling CDDs from the permit and preparing a permit tailored
262 to a CDD.

263 Mr. Robson explained that, when Lee County wanted to include CDDs, Tallahassee did
264 not refuse; however, other counties have not done so, which makes Lee County unique, and
265 Tallahassee is trying to determine how to approach it.

266 Mr. Robson pointed out that there were more comments in the report where zeros occur
267 because explanations were requested. The cover letter was new this year.

268 In response to a question from Mr. Davidson, Mr. Robson advised that the Brooks of
269 Bonita Springs CDD and the Brooks of Bonita Springs II CDD will continue to report inventory
270 and information, as a permittee of The Brooks.

271 Mr. Davidson suggested publicizing the Lee County Home Chemical Disposal Program
272 information in the newsletter. Mr. Adams indicated that the information will be added to the
273 Districts' website.

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**On MOTION for Brooks of Bonita Springs by Mr. Crawford
and seconded by Mr. Ward, with all in favor, the Annual
NPDES Report and authorization for execution and
transmittal, were approved.**

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On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Pierce, with all in favor, the Annual NPDES Report and authorization for execution and transmittal, were approved.

EIGHTH ORDER OF BUSINESS

Discussion: Lake Bank Erosion Repairs Review and Phasing

Mr. Adams stated that the review and analysis of the lake bank erosion repairs and phasing were completed, which was difficult since the water levels did not recede.

Mr. Adams referred to a slide and noted each phase of repairs. He explained that some of the lakes were included last year but were removed, due to budget constraints. Those lakes will be included in the first year phase and more, in close proximity, will be added. Mr. Adams identified the lakes to be included in Phases Two, Three, Four and Five and indicated that the idea was to remain under the \$100,000 annual budget amount.

Mr. Adams explained that the objective for phasing was to identify groupings of lakes so that less mobilization was required for the contractor, which keeps the price constant. Phase One will be completed this spring; then, the next phase will be evaluated. The majority of lake banks are on the residential side, opposite prevailing winds. From a strategy perspective, this year, the last mortgage payment on the property will be made; therefore, in the Fiscal Year 2017 budget, those dollars may be repurposed to reduce phasing from five years to three.

Mr. Davidson recalled that the CDD surveyed homes on Lake 92, where the 20' lots extended into the lake and asked if the water would ever be low enough to perform a lake bank restoration. Mr. Adams stated that the project will occur in May or June. Water levels will recede, making it easier to work and minimize casualties to the littorals. The lake bank edge will be remediated to bring the area into compliance with the 9" vertical drop.

NINTH ORDER OF BUSINESS

Approval of October 28, 2015 Joint Public Hearing and Regular Meeting Minutes

Mr. Bartoletti presented the October 28, 2015 Joint Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following change was made:

Line 118: Insert "Copperleaf" before "golf course"

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On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Crawford, with all in favor, the October 28, 2015 Joint Public Hearing and Regular Meeting Minutes, as amended, were approved.

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On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Davidson, with all in favor, the October 28, 2015 Joint Public Hearing and Regular Meeting Minutes, as amended, were approved.

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TENTH ORDER OF BUSINESS

Other Business

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Mr. Adams stated that Pelican Landing recently entered into an agreement with a photo imaging company to provide drone overviews of the wetlands. The overviews show what is occurring in the wetlands, particularly in the interior. Mr. Adams referred to samples provided for Pelican Landing and showed how, for resident security, the camera can be panned, keeping the focus on the wetland, at all times. If a particular area of concern is identified, the image can be enlarged to confirm whether there is an actual concern. Baseline data would be established in the first year and, in subsequent years, adverse impacts may be seen, as well as how the contractor is performing with regard to removal of exotics and invasives from the preserve. The first year costs more, per acre, because it is a more intense exercise. Once the GPS points are set, the same flight pattern can be flown the following year so that the differences are visible. There are 400 acres of wetland. For the first year, the cost is \$36 per acre, or \$14,400. Subsequent years are \$28 per acre, or \$11,200.

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Board Members were not in favor of the drone program, at this time.

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ELEVENTH ORDER OF BUSINESS

Staff Reports

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A. Attorney

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There being no report, the next item followed.

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B. Engineer

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Mr. Robson stated that there is a 5' Teflon coated rubber gasket at the bottom of the north outfall structure, which is \$400. Installation is \$18,000 and Lee County is using FDOT funds. There are two 72" pipes entering the control structure. The contractor wants to install two "C" channels, on the front of the headwall, on each 72" pipe, to close them off, in order to pump

356 water out and repair the seal on the gate. A request was made to temporarily remove the fence
357 and cross the berm to bring in materials, install the tracks on the headwall and place wood pieces
358 in the tracks. Once repairs are completed, the wood will be removed and the tracks will remain
359 for future gate repairs. The work would be performed, at no cost to the Districts, and Mr.
360 Robson will ensure that the fence is reinstalled.

361 The request was approved.

362 **C. Manager**

363 **i. Approval of Unaudited Financial Statements as of January 31, 2016**

364 Mr. Bartoletti presented the Unaudited Financial Statements as of January 31, 2016.

365 Mr. Davidson noted that the final payment on the Series 2006 A1 bonds would be made
366 on May 1, 2016 and several residents asked when this would be removed from the ad valorem
367 tax bill. Mr. Adams indicated that the payoff would be reflected on the November, 2016 bill.

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369 **On MOTION for Brooks of Bonita Springs by Mr. Crawford**
370 **and seconded by Mr. Douglas, with all in favor, the Unaudited**
371 **Financial Statements as of January 31, 2016, were approved.**

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374 **On MOTION for Brooks of Bonita Springs II by Mr. Meeker**
375 **and seconded by Mr. Strecansky, with all in favor, the**
376 **Unaudited Financial Statements as of January 31, 2016, were**
377 **approved.**

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380 **ii. NEXT MEETING DATE: April 27, 2016 at 1:00 P.M.**

381 Mr. Adams stated that the draft budget and audit would be presented at the next meeting,
382 on April 27, 2016 at 1:00 p.m., at this location.

383 **D. Operations Report**

384 **i. Landscape Maintenance Activities**

385 Mr. Ward inquired about the status of Girard. Ms. Crismond indicated that the contractor
386 is on notice. She and Mr. Adams made it clear that the issues must not continue. Staff will
387 provide recommendations to the Boards.

388 Mr. Adams stated that this is the year for bidding the contract and other options were
389 being considered.

390 Mr. Crawford asked if the main issue was identified. Ms. Crismond stated that Girard is
391 not spending the required amount of time on the property. Mr. Adams voiced his opinion that
392 Girard's staff is spread thin and the quality of their work is not up to par.

393 Mr. Davidson asked if the pavers that require repair or replacement are on CDD property
394 or if they are part of the cost share. Mr. Adams confirmed that the pavers are on CDD property.

395 **ii. Lake Maintenance Activities**

396 There being no questions regarding lake maintenance activities, the next item followed.

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398 **TWELFTH ORDER OF BUSINESS**

Supervisors' Requests

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400 Mr. Davidson noted that there were eight weeks left of the season and it was time for a
401 newsletter to be published. He asked for suggestions. Since mailbox stuffers are not forwarded
402 by the Post Office, residents must receive them before they leave.

403 It was agreed that the Communications Committee would meet to discuss the newsletter.

404 Mr. Meeker asked for an agenda item to discuss the need for a newsletter. Mr. Bartoletti
405 stated that this will be a discussion item on the April agenda.

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407 **THIRTEENTH ORDER OF BUSINESS**

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

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

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412 **FOURTEENTH ORDER OF BUSINESS**

Adjournment

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414 There being nothing further to discuss, the meeting adjourned at 2:32 p.m.

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416 **On MOTION for Brooks of Bonita Springs by Mr. Bonner and**
417 **seconded by Mr. Merritt, with all in favor, the meeting**
418 **adjourned at 2:31 p.m.**

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421 **On MOTION for Brooks of Bonita Springs II by Mr. Davidson**
422 **and seconded by Mr. Pierce, with all in favor, the meeting**
423 **adjourned at 2:31 p.m.**

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FOR BROOKS OF BONITA SPRINGS:

Secretary/Assistant Secretary

Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:

DRAFT

Secretary/Assistant Secretary

Chair/Vice Chair