

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

A Joint Regular Meeting of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts' Boards of Supervisors was held on Wednesday, October 25, 2017 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	Vice Chair
Phil Douglas	Assistant Secretary
Rollin Crawford	Assistant Secretary
Sandra Varnum (<i>via telephone</i>)	Assistant Secretary

Present for Brooks II CDD were:

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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan H. Cox	District Counsel
Dave Robson	District Engineer
Mallory Clancy	District Engineer
Mr. Katz	Resident
Mrs. Katz	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:04 p.m. Supervisors Douglas, Crawford and Ward were present, in person, for Brooks of Bonita Springs. Supervisor Merritt was not present at roll call. Supervisor Varnum was attending via telephone. Supervisors Pierce, Strecansky, Meeker, Davidson and Bartoletti were present, in person, for Brooks of Bonita Springs II.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Ward, with all in favor, authorizing Ms. Varnum's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Strecansky, with all in favor, authorizing Ms. Varnum's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Update: Hurricane Irma Recovery Costs and Financial Impacts to Fund Balance and Current Project Programming, Timing, Potential FEMA Reimbursement, Drainage Performance

Mr. Adams stated there were a few storms since the last meeting, in particular, Hurricane Irma. A lot of trees were down in the Coconut and Three Oaks corridors and in Coconut Park. There was approximately \$120,000 in debris clean up, with three or four contractors participating in the work and each one bringing a special discipline to the table. The larger items were handled by Davey Tree (Davey). BrightView Landscapes, LLC (BrightView) addressed the Enrichment Center for removal of debris the first week after the storm. Southeast Spreading Company (Southeast), which is more of a manpower and chainsaw group, was also on site... LakeMasters Aquatic Weed Control, Inc. (LakeMasters) was on site as well; they have a wetland crew and are very well-versed in running chainsaws. They could not do much in the wetlands or lakes immediately following the hurricane but they were put to work in the right-of-ways (ROWs). All debris is being staged in the open space, on the west end of the park; they had to chip it all up due to the limited amount of space in that location. Mr. Adams will make provisions to haul the debris out of the Districts but he first wanted to see what the County's reaction was going to be. Bonita Springs had entered into agreements with FEMA and trucks were hauling within the City limits of Bonita Springs. He hoped this would all be at the cost of

the Federal Emergency Management Agency (FEMA) and not have to run it through the District or utilities; he hoped the same would happen with Lee County and would wait and see, since it was worthwhile, rather than trucking it out on their own. The costs for debris and damages were as follows:

- \$120,000 in initial clean up.
- \$150,000 in tree replacement, based on 150 trees at approximately \$1,000 per 100-gallon tree, pre-storm pricing; post-storm pricing could be higher due to supply and demand.
- \$30,000 in fence repairs; Carter Fencing scheduled to commence work November 20.
- \$30,000 for stump grinding; BrightView will commence work this week and take seven to ten days to complete.
- \$20,000 in miscellaneous streetlights and replacements; three poles were down on the East end of Coconut Road. An initial response was received from Bentley Electric. There will be a timing issue with replacement of the three light poles, since the permit requirements have changed.
- Repairs to the monument entry up-lighting are scheduled for the week of November 23.

*****Mr. Merritt arrived at the meeting at approximately 1:10 p.m.*****

Mr. Bartoletti thanked Staff for their efforts during the hurricane and all the people they hired. He questioned the \$1,000 per tree amount and wanted to know about replacement or the options, relevant to Lee County requirements. Mr. Adams will research the Lee County requirements. The CDD lost approximately 150 trees, including oaks, black olives, softwoods, mahogany and a rain tree. Mr. Bartoletti did not think the CDD had to replace all 150 trees and felt that native plants would be better replacements. He believed that the light poles that went down on Coconut Road were the old lights and that the light poles on Three Oaks withstood the damage. Coconut Road took the brunt of the storm.

Mr. Adams stated that there is a new design requirement on the light poles. The electrician was dealing with the manufacturer on that and there will be a timeline to set up manufacturing for a small number of poles since they are unique poles.

Mr. Davidson stated that, with respect to the fence repairs in June, he was going to call the Country Club and the Shadow Wood Community Association since they have wind screens tied to the perimeter fencing along Three Oaks Parkway. He thought it should have been taken down during hurricane season; however, it was not removed. Part of the wind screen is still

there but he did not know what they could do about it; it must be taken down during hurricane season.

A Board Member stated that it was evident that, based on the trees and sunlight availability, there are better bushes to plant along the fence line. Mr. David Smith recommended clusia, which is a very fast growing leaf/bush conducive in both sun and shade. If those are planted along the fence line, the HOA may not need the screen there, which was intended to block light from traffic, etc. Clusia can grow like a hedge and does not take a lot of water. Whatever is not spent on trees should be applied towards plantings along the fence line, to ensure the correct coverage and reduce the District's costs for long term maintenance.

Mr. Davidson suggested that plantings along the berms should be lower so they do not crowd the fence and to get a visual and noise buffer.

A Board Member questioned if the District should hire a Landscape Architect to provide a visual of the appropriate plantings.

Ms. Varnum suggested starting with BrightView's recommendation because Spring Run has a pretty effective Landscape Committee. Ms. Nancy Camadecca said that, Spring Run spent a fortune on a Landscape Architect and he was not very effective. The Board may want to first check with a Landscaper or a garden center first for recommendations. If the Board felt they needed more expert advice after that, they could hire a Landscape Architect. One Board Member commented that a Landscape Architect was used in Cooper Leaf, for overall common grounds, and it was not that expensive and once seeing the numbers, the Board could make a decision. Mr. Ward stated that, to Ms. Varnum's point, there was an issue with the Landscape Architect in Spring Run but he thought it was more the person running the Committee itself; there were conflicts with that particular person. A Board Member thought that funds should be used wisely to do what is right and to get rid of the wind screens on the fence lines.

In response to Mr. Bartoletti's question of the financial impact, Mr. Adams replied that he already registered the District in the system and filed for a Grant Application Reimbursement from FEMA. The minimum he expected in reimbursement is the \$120,000 for the debris clean up, since it is all that the District had that qualified for reimbursement. Reimbursement will be for public safety items related to roads and sidewalks. Beyond that, such as for fencing, street lighting, stump grinding and removal, it is no longer a public safety matter. He would be pleased if the District received \$50,000 to \$60,000 of the \$120,000. Reimbursement, on the dollar, for

those qualifying expenses will be approximately \$0.75 to \$0.90. In terms of off-setting the costs, the District budgeted \$150,000 in this 2018 Fiscal Year Budget for capital needs and \$100,000 was budgeted for the lake bank erosion program; if those two were deferred, \$250,000 would be available for this. There are other areas for savings and funds in the Fund balance that the Board can repurpose. Those two programs would be deferred until this is resolved.

Mr. Ward was not concerned so much about the short-term funding; his concern was the long-term consequences of replenishing the funds, as the District has long-term infrastructure needs, as discussed last spring.

A Board Member stated all the communities have special assessments for what occurred and felt that people understand that certain things must be done in the community.

Mr. Adams stated that he fielded some comments about the lighting on the pickleball courts, while pursuing a warranty on them. They should have held up to the wind load but did not. Arbor Woods had a similar situation and those were covered under the warranty; he will pursue the warranty on the lights. The wind screens are down and new ones were ordered; tennis curtains are a hot commodity after the storm.

Mr. Douglas felt that the \$150,000 in tree replacement could be spread out.

Mr. Adams stated that he will take tree replacement off and put in landscaping replacement, for the discussion. The Board could decide how to spend it; it could be a combination of both.

Mr. Adams discussed the 100-year storm event in August, the parameters that allowed for opening the gates to release water without being in a forecasted event or a cone of influence, the amount of rainfall received during the storm events, water elevations, Hurricane Irma, closing the gates and related challenges, water on roadways after the storms and the system's better performance after Irma than for the 100-year storm event. Discussion ensued regarding the elevation levels, the emergency gates, and effects on Bonita Springs, South Florida Water Management District (SFWMD) and the Estero River.

Mr. Ward asked if there was some responsibility on what will happen downstream, when opening the flood gates.

Mr. Robson relayed that, if the District follows its permit, they are following the operating regulations and are protecting themselves.

In response to a Board Member's question, Mr. Robson replied that "sheet flow" is when it rains and water lays in pools and puddles. If it continues raining, the puddles pool together and the low lying areas become a sheet of water; it very slowly migrates downhill. It is called "time and concentration" in places where the water interconnects and flows to a creek and then the creek flows to the river before it finally gets to where all the water is accumulating at the river. Sheet flow is similar to a time and concentration effect; the water is spread out and it takes a long time to finally drain to a low point. This occurs at ground level and the groundwater will be below these levels.

Mr. Douglas asked if the District or the County were responsible for the area where Lee County dug out a ditch north of the outfall and installed stone, which fills Palmira and is a bottleneck. A Board Member replied that the County had responsibility for the stretch north of the viaduct down to the south branch, which never performed well. There were many arguments about that area and there will be meetings, going forward, as the drainage must be clear.

FOURTH ORDER OF BUSINESS

**Discussion/Consideration: Annual
Report Form for Individual NPDES
Permits for Municipal Separate Storm
Sewer Systems – Cycle 3, Year 6**

Mr. Robson stated that the NPDES Permit is a five-year permit, which was issued in 2012 and 2017. The permit should have been renewed but it was not renewed until May, 2017; therefore, the District ended up with a gap from October to May. When Cycle 3 was issued, there was a gap between Cycles 2 and 3 of six months, instead of seven months and they told everyone that they did not have to do an April report. Since it was seven months, instead of six a report was required. This report represents the activities for that seven month period, from October through April.

A Board Member asked what an MS 4 Pipe Culvert is. Mr. Robson stated that the National Pollution Discharge Elimination System (NPDES) program has a municipal separate storm sewer system, in essence, MS 4. The pipes that the District owns that connect the lakes, are the MS 4 pipes.

Mr. Meeker stated that Pages 4 and 18 talk about recording and cleaning, street cleaning, etc., and asked Mr. Robson to elaborate. Mr. Robson replied that, at the beginning of the Cycle 3 Permit, the District had operating procedures to address street sweeping, trash collection, etc.

The District argued that these are private roads that do not have commercial traffic and the landscapers clean the streets after they mow, etc., which the agency accepted.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, the Annual Report Form for Individual NPDES Permits for Municipal Separate Storm Sewer Systems – Cycle 3, Year 6, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Strecansky, with all in favor, the Annual Report Form for Individual NPDES Permits for Municipal Separate Storm Sewer Systems – Cycle 3, Year 6, was approved.

Mr. Robson stated that the District is in the Year One recording period for the new permit. In response to Mr. Davidson’s question, Mr. Robson replied that the next report is due six months after the end of the recording year, which is standard. Recording is May 1 to April; therefore, the report is due in October. That will be for one year; it will be the third one year.

Mr. Merritt questioned why the water management budget was high, every year, and asked if that would continue. Mr. Robson replied that the budget will return to normal after this. Mr. Adams stated that there were two reports in one year because there was an annual for a prior and then, seven months and they ended up on one.

FIFTH ORDER OF BUSINESS

Continued Discussion: Coconut Park Security/Unauthorized Use Initiatives

Mr. Adams reported that the signs were in place.

In response to Mr. Bartoletti’s question, Mr. Cox replied that, in order to go to the next stage for public use, there will be a Fee Hearing, which would cover the reasonable cost to provide that service to the general public. In response to Mr. Bartoletti’s question concerning how a reasonable fee is determined and the calculations to determine that, Mr. Davidson replied that, typically, it is the maintenance and operating costs.

Mr. Merritt stated that The Commons Club participated with the CDD, in terms of on-site, manned security, which costs about \$100 a night. To date, the CDD has been very successful in preventing intrusions from about 9:00 p.m., until 1:00 to 2:00 a.m. They have elected to continue that surveillance through the end of the year. He is recommending that the Districts share that cost. Mr. Bartoletti stated that the District supported that initiative, prior to this, before the fiscal year. Mr. Meeker stated that it was \$36,500 per year; \$100 per night. The bill will be split fifty-fifty. Mr. Bartoletti noted that Mr. Meeker stated that he was not in support of this.

SIXTH ORDER OF BUSINESS

**Update: Irrigation Design Group
Installation**

Mrs. Adams stated that she received an email from Mr. Perkins today. They moved the contract start date to November, since they have not been able to do anything to this point other than order the equipment. They are putting in two weather stations and she referred to a map of the location where they would be installed. She emailed Mr. Perkins to see if additional power was needed; one is on Coconut Road and the other is on Three Oaks Parkway. Mr. Perkins has a couple of changes to the contract, which she will review with Mr. Adams.

In response to Mr. Bartoletti's question, Mrs. Adams stated that the current state of the irrigation system, performance-wise, is that there are some main line breaks. Jose reported it to her but she has no additional information. In areas that require stump removal, she told BrightView to cut the lines and go around, so the District can still have irrigation. BrightView has still not hired an Irrigation Manager; they still have the one Irrigation Technician.

In response to Mr. Davidson's question, when the District planted trees, they did not put the bubblers running off the line to provide the initial water; however, they will with the new installations. As the trees mature, they tend to discontinue using bubblers.

Mr. Bartoletti stated that a week after the storm irrigation water was still being pumped out and wondered if a control wire was out. Anything like that should be reported to Mrs. Adams so Armando can check it. Mrs. Adams stated that she was not provided any inventory from BrightView. They have only told her of two irrigation main line breaks. Mr. Adams stated that they were doing many wet checks; the system was in pretty good shape and fared well. Mr. Bartoletti stated that water usage was down significantly.

SEVENTH ORDER OF BUSINESS

**Discussion: County Plans for Three Oaks
Parkway**

Mr. Adams had no updates on this item and would endeavor to get updates on both 7 and 8, for the January meeting.

EIGHTH ORDER OF BUSINESS

**Continued Discussion: Estero Village
Ownership of Coconut Road and Estero
Parkway Median Plantings**

Mr. Meeker stated that he requested this agenda item but it could be deferred.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of September 30, 2017**

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2017.

Mr. Davidson reminded Mr. Adams to provide the break out for Coconut Road instead of one big figure.

▪ **Resolution 2018-01; Amending Fiscal Year 2017 Budget**

******This item was an addition to the agenda.******

Mr. Adams presented Resolution 2018-01. This Resolution takes into consideration the accruals through yesterday and the additional amounts in the landscape contracts both on the thoroughfares and around Coconut Park. It takes into consideration that there was a double hit on the lake bank erosion repairs because the repairs were not done, although they were funded in the Fiscal Year 2016 budget and rolled over to the 2017 budget. Under contingencies, the Amendment has to do with the accruals. The Hurricane Irma recovery costs were also captured. Regarding invoices dated September, he and Mrs. Adams are going back and forth with the contractors to ensure those invoices were accurate, in terms of who was on site, the kind of equipment, the number of people and the unit prices. Each day, he noted who was on site and then he conducted a field inspection to ensure that information was accurate, as to what and who he was seeing in the field. He was matching the journal entries and that is part of the backup that FEMA will require for reimbursement. As a result, invoices for September work have been delayed; there were discrepancies that he needed to work out with the vendors before processing

them. A package was sent this week and would be processed this week. Those will be treated as an accrual that will be reflected in the amendment, which was it contained \$100,000 for accruals.

In response to Mr. Ward's inquiry, as it related to the expenses that Mr. Adams went through earlier, particularly the \$120,000 in debris clean up, Mr. Adams replied that there was additional work over the last couple of weeks that actually posted on October 1; therefore, for the \$120,000, he is only telling the Board about \$100,000 of that. There were forces still working for the first and second week and they were shut down, as of last Wednesday; part of that carries over into the new fiscal year. In response to Mr. Ward's question, the stump grinding, fence repairs and lighting repairs would be included in Fiscal Year 2018, since he had to close the books for the audit.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, Resolution 2018-01; Amending Fiscal Year 2017 Budget, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, Resolution 2018-01; Amending Fiscal Year 2017 Budget, was adopted.

TENTH ORDER OF BUSINESS

Approval of August 23, 2017 Joint Public Hearings and Regular Meeting Minutes

Mr. Bartoletti presented the August 23, 2017 Joint Public Hearings and Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 329: Delete "Mr. Bartoletti stated that a license tag camera would cost \$1,600."

Line 147: Insert "not" after "would"

Line 147: Delete "to maintain the quality of life within the community"

Lines 354 through 363: Mr. Bartoletti will provide different wording for this, under separate cover, to Mr. Adams at a later date.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the August 23,

2017 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, the August 23, 2017 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

i. Status Update: Three Oaks Parkway and Coconut Road Community Lands Transfer to CDDs

Mr. Cox stated that everything was prepared ready to go out; everything was approved by The Village. He noticed that it will cost approximately \$1,200 for the recording costs and he wanted to send an invoice for that. The Board will probably hear from the Association at the beginning of next week. The one completed is the one that Estero kicked back since they wanted different language. They were holding him up because they were trying to figure out how to deal with the ownership of the roads and there is still talk about a modification to the Landscape Maintenance Agreement, which is what opened the door for what Mr. Bartoletti spoke about today and at the last meeting. He suggested proceeding and stated that, at some point, The Village will have to decide if they want to move forward with ownership of the ROW.

B. District Engineer

There being no report, the next item followed.

C. District Manager

There being no report, the next item followed.

i. NEXT MEETING DATE: February 28, 2018 at 1:00 P.M.

Mr. Bartoletti stated that the next meeting will be on February 28, 2018 at 1:00 p.m., at this location.

D. Operations Report

i. Landscape Maintenance Activities

Mrs. Adams reported the following:

- LakeMasters will review all the aeration systems and equipment for any necessary repairs. Because of Hurricane Irma she and Mr. Adams are finding that, in several communities that they currently manage, there are numerous required repairs due to power surges and flooding, causing equipment to be completely submersed under water she had no doubt that there would be required repairs in this District, as well.
- She had not yet received dates for palm pruning, which is an exercise typically performed during November.
- Pine straw installation was scheduled to commence the week of November 6. She wanted to work with BrightView to ensure the removal of stumps, prior to scheduling that program because all the pine straw will be removed.
- Fall flowers will be installed the week of November 6.

ii. Lake Maintenance Activities

Mrs. Adams stated that scheduling a meeting with the Representatives of the Neighborhood abutting Lake 115 was still on her radar; and she will schedule in the Spring of next year.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Bartoletti stated that, at the last meeting, they talked about holding a workshop meeting between the Supervisory Boards and The Commons Club, to discuss the privacy in dealing with the extended use of the guard. He and Mr. Merritt will be participating in that. Ms. Varnum stated that she would be happy to participate, as well. Mr. Bartoletti asked Mr. Adams to give guidance relative to the Sunshine Law. Mr. Adams suggested one Supervisor from each Board, since they may want to make some decisions. He would like to keep the group small to start with. They will brainstorm about what is occurring and logistics and then, maybe jointly present a plan to the bigger groups.

Mr. Bartoletti stated that the Flower Committee worked well together, although there were disagreements but they got together and resolved the problem. As the two of them have been able to do something in that regard, he suggested that Ms. Varnum could participate if it is okay. Mr. Adams stated that, if the Boards are okay with having one Chair, from each Board attend, then they could coordinate the Lake 115 matter and, perhaps the same day, roll over into that at the same time, while they are all in attendance.

Mr. Merritt stated that security was working right now. In response to Mr. Adam's question concerning going to another level, Mr. Merritt stated that he wanted to wait and see if it continues to succeed.

Discussion ensued regarding the security.

THIRTEENTH ORDER OF BUSINESS

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

There being no public comments, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, the meeting adjourned at 2:22 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Strecansky, with all in favor, the meeting adjourned at 2:22 p.m.


[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

October 25, 2017

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair