

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

The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts held a Joint Regular Meeting on January 22, 2020 at 2:00 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
Sandra Varnum	Assistant Secretary
Phil Douglas	Assistant Secretary
Rollin Crawford	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
Ray Pierce	Assistant Secretary
Ken D. Gould	Assistant Secretary
Jack Meeker	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer
Chris Perkins (via telephone)	Irrigation Design Group
Mark Grimes	GulfScapes Representative
Blake Grimes	GulfScapes Representative
Barry Huck	Building Committee Chairman

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 2:00 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Varnum, Douglas and Crawford were present, in person. Supervisor Ward was not present. For Brooks of Bonita Springs II, Supervisors Bartoletti, Pierce, Gould and Meeker were present, in person. Supervisor Strecansky was not present.

SECOND ORDER OF BUSINESS

**Moment of Silence in Memory of
Supervisor Jim Strecansky**

All meeting attendees observed a moment of silence for Supervisor Strecansky. Mr. Bartoletti conveyed sincere condolences to Mr. Strecansky's family, on behalf of the Boards.

THIRD ORDER OF BUSINESS

Public Comments (*agenda items only*)

There being no public comments, the next item followed.

BROOKS OF BONITA SPRINGS II ITEMS

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2020-01,
Declaring a Vacancy in Seat 3 of the Board
of Supervisors due to Supervisor
Strecansky's Passing; and Providing an
Effective Date**

Mr. Bartoletti presented Resolution 2020-01.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, Resolution 2020-01, Declaring a Vacancy in Seat 3 of the Board of Supervisors due to Supervisor Strecansky's Passing; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired
Term of Seat 3; *Term Expires November
2022***

Mr. Gould proposed appointing Mr. Thomas Brown to fill Seat 3 and distributed Mr. Brown's resume. He felt that Mr. Brown is a good leader and listener and would be an asset to the Board.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Bartoletti, with all in favor, appointing Mr. Thomas Brown to fill the unexpired term of Seat 3; Term Expires November 2022, was approved.

- A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)**

- I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. Membership, Obligations and Responsibilities**
- III. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- IV. Form 8B: Memorandum of Voting Conflict**

Mr. Adams stated that Mr. Brown would be contacted and sworn in at a later date.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2020-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District and Providing an Effective Date

Mr. Bartoletti presented Resolution 2020-02 and read the title.

The following slate of officers was nominated:

Chair	Joseph Bartoletti
Vice Chair	Ray Pierce
Secretary	Chuck Adams
Assistant Secretary	Thomas Brown
Assistant Secretary	Kenneth Gould
Assistant Secretary	Jack Meeker
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Gould, with all in favor, Resolution 2020-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District and Providing an Effective Date, as nominated, was adopted.

JOINT BOARD BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

Landscape Report: GulfScapes

- **Interim Report Regarding Recommendations for Landscape Renovations**

Mr. Blake Grimes of GulfScapes reported the following:

- GulfScapes indicated that the sod replacement projects that were previously discussed, had been completed.
- The project is the first step to GulfScapes' total approach to the property; it is a great one and shows its direction.
- An additional proposal for landscape enhancement was pending and would be broken down by sections of the property. Whenever a landscape install is completed, water usage increases for one to two months.
- Clock 7, between Williams and the bridge, was recently repaired. Work on Clock 6, from the bridge to Copper Leaf, would commence soon.

Mr. Grimes explained that, recently, there was a mainline break in front of a high voltage electric box that saturated the ground, spilled over, formed algae and eventually became a trip hazard. Although the break was repaired, it was a major project that involved excavating an 8" to 10" hole, pulling sleeves out and installing irrigation pipes; he was comfortable with the repairs. A Board Member asked if the landscape renovation recommendations would be available at the next meeting. Mr. Grimes stated it would take a few months to create a plan for the entire project but a cost estimate for one clock could be obtained to provide an idea of what was being proposed. A detailed description of the project, along with photographs of selected areas and a proposal would be presented.

Referencing a spreadsheet, Mr. Bartoletti gave an example of how the Water Consumption Reports should be prepared, going forward. The current reports do not present the rainfall data in a straightforward, easy-to-follow manner. Mr. Perkins asked to be provided with the spreadsheet so that it can be copied. Discussion ensued regarding the April meeting, Controller #7, manual readings, meter checks, total water consumption, leaks, plant growth, variance in total rainfall, weather patterns, flow meters, etc. Mr. Merritt remarked that he could not rationalize investing in new controllers at a time when leaks have become an infrequent occurrence, the CDDs are on a proper water schedule, the turf is plush and the

annuals are healthy. He felt that the focus should be on becoming even more efficient and that GulfScapes was leading the Districts down the right path.

EIGHTH ORDER OF BUSINESS

Update: IDG Review of Water Usage Data

Mr. Perkins, of Irrigation Design Group (IDG), presented the Water Consumption Report and stated he would study the spreadsheet that he was directed to replicate and produce and send a monthly report to the Board Members.

NINTH ORDER OF BUSINESS

Update: Hurricane Irma Recovery – FEMA Reimbursement

Mr. Adams stated that the Federal Emergency Management Agency (FEMA) obligated hurricane recovery funds of \$173,000. Management completed four of the five steps required for the funds to be issued; final approval and disbursement from the State were pending.

TENTH ORDER OF BUSINESS

Update/Continued Discussion: The Commons Club Use of CDD Areas for Access and Staging During Health Club Renovations

Mr. Bartoletti stated that this item was not relevant at this time.

ELEVENTH ORDER OF BUSINESS

Discussion: Estero Parkway vs. Coconut Road

Mr. Meeker stated that the Estero Parkway construction commenced. The project, along with the landscape irrigation, grass, street lighting, etc., would be paid for by taxpayers. He voiced his opinion that the Village of Estero should reimburse the Districts for the operating expenses and the Boards should consider that during the upcoming budget season and how to approach the Village. Mr. Adams stated, per the Boards' direction, he contacted the Public Works Director, who agreed that the Village could consider issuing a credit to the Brooks community, realizing the valuable contribution to the landscape roadway network; however, that would not occur until after completion of several major projects. Mr. Douglas believed that, three years from now, memories would fade and this item would be forgotten; therefore,

he would like the CDDs to obtain a commitment from the Village and invite Village officials to a future meeting. Discussion ensued regarding the Village crediting or reimbursing the CDDs, the Fiscal Year 2021 budget, who benefits from the roadway construction project, Coconut Road, etc. Mr. Adams would schedule a meeting with the Public Works Director and the Village Manager in March and give an update at the next meeting. Mr. Bartoletti suggested that Mr. Douglas contact Mr. Nick Batos for advice on the best path for the CDDs to take in considering the matter.

TWELFTH ORDER OF BUSINESS

Update/Discussion: BrightView Unpaid Invoice Litigation Activities

Mr. Cox stated that a mediation proceeding was held on January 7, 2020. Although both parties were adamant in their positions, an agreement was reached. Considering BrightView's potential exposure was close to \$100,000, including legal fees, versus the Districts' potential expense of \$60,000, it would be advisable for the CDDs to pay BrightView a difference of \$42,500 to end the litigation. Discussion ensued regarding the settlement.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, consenting to a \$42,500 settlement with BrightView Landscaping to end the ongoing litigation, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Bartoletti, with all in favor, consenting to a \$42,500 settlement with BrightView Landscaping to end the ongoing litigation, was approved.

THIRTEENTH ORDER OF BUSINESS

Update: Pursuit of Unpaid Shared Cost Assessments from Coconut Point Mall

Mr. Cox stated he reviewed the public records and learned that, immediately after executing the agreement with the CDDs, Coconut Point conveyed the parcel that was immediately adjacent to Coconut Road to the Holding Company for Dillard's. The issue was brought to their attention and they were processing the first two invoices. Once those payments are made, the other two invoices pending would then be processed and paid. In response to a Board Member's question, Mr. Cox stated the payments range from \$25,000 to

\$28,000. Mr. Bartoletti asked about Oak Brook. Mr. Adams stated that Oak Brook was current, for the most part, but Coconut Point was multiple years in arrears.

FOURTEENTH ORDER OF BUSINESS

Discussion: Coconut Park Security

Referencing a Security handout, Mr. Meeker voiced his concern for the property. In his opinion, the Boards are responsible for securing the Brooks, along with The Commons Club. The pickleball courts are very popular and some players behave as though the park is theirs; random individuals have used the fire pit area and lounge chairs at The Commons Club. Currently, the CDDs are accessible 24/7, 365 days a year and he feels that access must be restricted in order to avoid potential tragedies. Mr. Meeker suggested installing fences and gates to secure the property from transients. Discussion ensued regarding addressing security concerns, the Lee County Sheriff Department, The Commons Club, liability and costs. Mr. Merritt felt that the process should start with the help of Mr. Adams and Mr. Archazki. Mr. Adams would contact Mr. Archazki.

FIFTEENTH ORDER OF BUSINESS

Discussion: Location for July 22 and August 26 Joint Meetings

Mr. Bartoletti stated the potential locations for the July and August meetings were the administrative building at the Estero Fire Department or the Estero Recreation Center. Mr. Adams would check availability and advise at the next meeting.

SIXTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2019

Mr. Bartoletti presented the Unaudited Financial Statements as of December 31, 2019. Discussion ensued regarding culvert cleaning costs. Mr. Meeker stated that the interconnecting pipe near the gatehouse to the north, at Lake 131, required inspection. Mrs. Adams would notify the contractor.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, the Unaudited Financial Statements as of December 31, 2019, were accepted.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, the Unaudited Financial Statements as of December 31, 2019, were accepted.

SEVENTEENTH ORDER OF BUSINESS

Approval of October 23, 2019 Joint Regular Meeting Minutes

Mr. Bartoletti presented the October 23, 2019 Joint Regular Meeting Minutes.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the October 23, 2019 Joint Regular Meeting Minutes, as presented, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, the October 23, 2019 Joint Regular Meeting Minutes, as presented, were approved.

EIGHTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

Mr. Cox stated that the legislature was in session. He doubted that the Districts would be affected by current proposals.

B. District Engineer: *Johnson Engineering, Inc.*

There being no report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

There being no report, the next item followed.

D. Operations: *Wrathell, Hunt and Associates, LLC*

i. Landscape Maintenance Activities

Mrs. Adams presented the January 22, 2019 Field Operations Status Report.

ii. Lake Maintenance Activities

Mr. Adams stated there would be a kick-off meeting next Monday with Lighthouse Bay officials and the contractor; the CDDs have an obligation to complete four lake banks prior to June 2020.

- NEXT MEETING DATE: April 22, 2020 at 1:00 P.M.

- **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
- **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

This item was not addressed.

NINETEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Crawford asked if the line of sight distances at the entrances and exits at Shadow Wood were addressed. Mrs. Adams stated Management reviewed the landscape material and sod was installed and work crews were instructed to ensure that the Durante hedges throughout the entire property are maintained at a height no greater than 1½'. She suggested reducing the bed to half and installing sod. To avoid liability, Mr. Adams recommended directing the District Engineer to evaluate the intersections and apply the Uniform Traffic Codes. The District Engineer's findings would be emailed to the Boards and Mrs. Adams would take the appropriate actions, per the District Engineer's recommendations.

TWENTIETH ORDER OF BUSINESS

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

There being no public comments, the next item followed.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Crawford, with all in favor, the meeting adjourned at 3:52 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Bartoletti, with all in favor, the meeting adjourned at 3:52 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

January 22, 2020

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair