

**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 Telephonic Meeting on April 22, 2020 at 1:00 p.m. at 1-888-354-009 CONFERENCE ID: 8593810.

Present for Brooks CDD, via telephone, were:

James Merritt	Chair
Jim Ward	Vice Chair
Sandra Varnum	Assistant Secretary
Phil Douglas	Assistant Secretary
Rollin Crawford	Assistant Secretary

Present for Brooks II CDD, via telephone, were:

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

Also present, via telephone, were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan H. Cox	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes
Chris Perkins	Irrigation Design Group (IDG)

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:10 p.m. For Brooks of Bonita Springs, all Supervisors were present. For Brooks of Bonita Springs II, all Supervisors were present. Due to the COVID-19 pandemic, this meeting was being held telephonically, as permitted under the Florida Governor's Executive Orders, which allow local governmental public meetings to occur

via telephone. The meeting was advertised to be telephonic and the meeting agenda was posted on the District's website.

SECOND ORDER OF BUSINESS

Consideration of Resolutions Acknowledging the COVID-19 State of Emergency and the Requirements for Social Distancing; Waiving all Procedural Rules of the District Requiring the Physical Presence of a Majority of the Board of Directors to Constitute a Quorum; Adopting an Emergency Procedural Rule of the Conduct of Meetings Using Communications Media Technology, Providing for the Termination of the Emergency Rules Upon Expiration of Executive Order 20-69; Providing for Severability and Providing for an Effective Date

A. Resolution 2020-01, *Brooks of Bonita Springs Community Development District*

Mr. Merritt presented Resolution 2020-01.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2020-01, Acknowledging the COVID-19 State of Emergency and the Requirements for Social Distancing; Waiving all Procedural Rules of the District Requiring the Physical Presence of a Majority of the Board of Directors to Constitute a Quorum; Adopting an Emergency Procedural Rule of the Conduct of Meetings Using Communications Media Technology, Providing for the Termination of the Emergency Rules Upon Expiration of Executive Order 20-69; Providing for Severability and Providing for an Effective Date, was adopted.

B. Resolution 2020-03, *Brooks of Bonita Springs II Community Development District*

Mr. Merritt presented Resolution 2020-03.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with Mr. Bartoletti, Mr. Pierce, Mr. Gould and Mr. Brown in favor and Mr. Meeker dissenting, Resolution 2020-03, Acknowledging the COVID-19 State of Emergency and the Requirements for Social Distancing; Waiving all Procedural Rules of the District Requiring the Physical Presence of a Majority of the Board of Directors to Constitute a Quorum; Adopting an Emergency Procedural Rule of the Conduct of Meetings Using Communications Media Technology, Providing for the Termination of the Emergency Rules Upon Expiration of Executive Order 20-69; Providing for Severability and Providing for an Effective Date, was adopted. (Motion passed 4-1)

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

Administration of Oath of Office to Newly Appointed Supervisor, Thomas Brown (*the following will be provided in a separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Brown. The following items would be emailed and explained to Mr. Brown:

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

Mr. Cox stated, under the Electronic Notarization Act Management must have a specific format in the notary blog specifying that it was taken over video. Mr. Adams would include that in Mr. Brown's oath. He stated Mr. Brown was appointed at the last meeting.

JOINT BOARD BUSINESS ITEMS

▪ **Discussion: Estero Parkway vs. Coconut Road**

This item, previously the Twelfth Order of Business, was presented out of order.

Mr. Adams recalled Mr. Meeker's previous suggestion that Management ask the Village of Estero to reimburse the Districts for beautifying and maintaining Coconut Road so it is consistent with the beautification efforts on Estero Parkway. He had not contacted Mr. Sarkozy yet but would schedule a meeting prior to the July meeting.

▪ **Consideration of Line of Sight Analysis**

This item, previously the Eleventh Order of Business was presented out of order.

Mr. Grimes reviewed the March 2020 Line of Sight (LOS) Analysis for Brooks of Bonita Springs and highlighted the following:

- The LOS study is a survey that outlines key areas where cars would turn out, needing a certain distance to be able to see oncoming traffic.
- Staff examined the area and found that most of the issues with plants were in the median, which was trimmed to 2' or lower to accommodate LOS.
- The ligustrum trees do not necessarily block the LOS but were still included in the proposal. The Boards must decide if the ligustrum trees should be removed.
- The total cost of the project would be \$18,481.

Discussion ensued regarding trimming plants in the triangle, whether to remove the ligustrum trees, a massive viburnum hedge in Location 1 and drastic cuts. Mr. Merritt summarized that Board Members commissioned an Engineer to conduct a LOS study based on the required regulations. The study was completed and a number of public safety issues were identified. He questioned the latitude the CDDs have in not complying with the study. Mr. Cox stated the CDDs are held to a standard of doing what a reasonably prudent person would do. If the CDDs know that LOS obstructions are dangerous, it should have them corrected and, if a few obstructions are within the standard but are still questionable, the CDDs have some flexibility. Mr. Merritt voiced his opinion that the Boards must work towards resolving the LOS issues where there are violations and, since the study is on record and is being reviewed, the Boards must act positively. Mr. Bartoletti asked if there was a way to reduce the cost and still

meet the legal requirements of complying with the LOS study, by replacing removed plantings with sod. Mr. Merritt felt that the clear issue was that the Districts must meet the 2' requirement and would have to rely on Mr. Grimes' judgment. The Board and Staff discussed whether to proceed with the landscaping project, LOS requirements, intense labor hours in ligustrum tree removal and replacement, plant costs, cost savings to the Districts by installing sod versus plants, Location 6 on Imperial near Lighthouse Bay being a dangerous corner and whether Pebble Point or the Brooks owned and were liable for a certain location. Mr. Grimes would obtain and forward better photographs of the locations to the Boards and Mr. and Mrs. Adams. Mr. Burford suggested that the Engineering Transportation Team meet with Mr. Grimes on site to evaluate the locations and assist with finalizing the proposal. In response to Mr. Merritt's request, Mr. Burford would contact his firm's Survey Department to identify which entity owns a specific property. Per Mr. Merritt, Mr. Grimes would meet with Johnson Engineering, refine the proposal and give an update at the next meeting. Mr. Burford stated a Transportation Team representative would contact Mr. Grimes.

FIFTH ORDER OF BUSINESS

Landscape Report: GulfScapes

A. Discussion/Consideration: Master Landscape Plan

Mr. Merritt stated, based on the submittals, it would cost \$636,000 to complete the project. Mr. Adams stated the proposal provided an outline, going forward, and an opportunity to budget for projects over multiple years; certain locations need to be prioritized. Mr. Merritt felt that the Boards must settle on a plan with regard to the LOS first, as that is where the intersection is and where the LOS issues are. Mr. Adams stated that the LOS issues lend themselves to syncing with the reinvestment into the understory project. The intersections should be addressed first, followed by focusing on the enhancement, aesthetic attributes of the intersections. The consensus was that the LOS issues must be resolved immediately and the plants causing the issues should be removed as soon as possible to protect the Districts from liability if an incident occurs. Mr. Merritt stated that the LOS issues have been identified and additional information as to the costs of removing the ligustrum trees was needed. Discussion ensued regarding estimated costs for ligustrum tree removal versus trimming, root

removal, relocation, flush cuts and whether the CDDs are responsible for the intersection of Coconut Road and Olde Lighthouse Road. Mr. Adams stated Staff would proceed with addressing all LOS issues identified by the Engineers and the ligustrum trees would be revisited at the next meeting to see if they were trimmed enough to provide an open LOS, essentially 2' above pavement and 6' above pavement, which is generally the guideline. Mr. Ward asked if certain LOS projects could be approved via email prior to the July meeting. Mr. Adams stated approval for such projects must be in a public forum.

B. Meter Readings and Mainline Breaks Lists

This item was presented during the Sixth Order of Business.

SIXTH ORDER OF BUSINESS

Update: IDG Review of Water Usage Data

Mr. Perkins reviewed the Flow Monitoring Controller 7 Report and highlighted the following:

- IDG was previously directed to start monitoring Controller 7 to determine how useful it would be in terms of water consumption and cost savings.
- There are approximately 48 valves for Controller 7 and the area it covers.
- IDG's goal was to relieve the pressure on the mainline between RCS meters and corresponding valves in the field.
- The proposal would replace the current system of monthly manual leak detecting with an electronic 24/7 system, which would depressurize with a master valve and flow sensor system. This would allow IDG to monitor everything on a 24/7 basis and facilitate troubleshooting with GulfScapes to resolve irrigation issues.
- Graphs reflected projected water flow, actual flow and deviation in normal system operation that help to pinpoint the areas of water consumption that might be an issue.
- If engaged, Tucor would reduce the equipment installation cost for Controller 7 and waive the \$500 survey fee.
- The Controller 7 proposed costs were \$18,634.

Mr. Merritt noted that an additional installation fee of \$3,144 and stated that the total cost for each would actually be \$21,000 to \$22,000; therefore, the costs would be about

\$200,000 for 10 controllers. Mr. Bartoletti stated that Controller 7 would be used as a test case to gather data first and then proceed with the other Controllers, as needed.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Ward, with all in favor, the IDG Proposal, as a test case on Controller 7, in a not-to-exceed amount of \$21,000, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, the IDG Proposal, as a test case on Controller 7, in a not-to-exceed amount of \$21,000, was approved.

Mr. Perkins would contact Tucor and schedule a site survey, which would give a more accurate description of costs. A revised proposal would be transmitted to the Boards and Staff.

SEVENTH ORDER OF BUSINESS

Update: Hurricane Irma Recovery – FEMA Reimbursement

Mr. Adams stated that the Federal Emergency Management Agency (FEMA) reimbursed \$170,000 to the CDDs, in a grant, and subsequently disbursed an additional \$4,000.

EIGHTH ORDER OF BUSINESS

Consideration of Resolutions Approving the Districts’ Proposed Budgets for Fiscal Year 2020/2021 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

Mr. Adams presented the proposed Fiscal Year 2020/2021 budget. Generally, assessment levels were kept the same year-over-year. Any adjustments could be made prior to the July meeting and August Public Hearing to adopt the budget. Mr. Gould asked about refinancing the bonds due to the recent reduction in interest rates. Mr. Adams would contact the Underwriter and provide an answer at the next meeting.

A. Resolution 2020-02, Brooks of Bonita Springs Community Development District

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, Resolution 2020-02, Approving the Districts' Proposed Budgets for Fiscal Year 2020/2021 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 26, 2020 at 1:00 p.m., at the Village of Estero, 2nd Floor Executive Conference Room, 9401 Corkscrew Palms Circle, Estero, Florida 33928, or, if necessary, remotely by communications media technology and/or telephone, pursuant to the Florida Governor's Executive Orders; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

B. Resolution 2020-04, *Brooks of Bonita Springs II Community Development District*

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, Resolution 2020-04, Approving the Districts' Proposed Budgets for Fiscal Year 2020/2021 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 26, 2020 at 1:00 p.m., at the Village of Estero, 2nd Floor Executive Conference Room, 9401 Corkscrew Palms Circle, Estero, Florida 33928, or, if necessary, remotely by communications media technology and/or telephone, pursuant to the Florida Governor's Executive Orders; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolutions Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the Districts' General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

A. Resolution 2020-03, *Brooks of Bonita Springs Community Development District*

Mr. Adams stated Seats 1, 2 and 3, currently held by Mr. Douglas, Mr. Merritt and Ms. Varnum, respectively, would be up for election. Supervisors interested in retaining their seats must contact the Supervisor of Elections (SOE) and submit their paperwork in person or online, during the qualifying period of May 25 through June 12.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2020-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the Districts' General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

B. Resolution 2020-05, *Brooks of Bonita Springs II Community Development District*

Mr. Adams stated Seats 1 and 2, currently held by Mr. Pierce and Mr. Gould, respectively, would be up for election.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Pierce, with all in favor, Resolution 2020-05, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the Districts' General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolutions Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date

Mr. Adams presented Resolutions 2020-04 and 2020-06. Due to changes during the most recent legislative session, CDDs are required to formally adopt the Internal Controls Policy by resolution. Management's internal controls are already reviewed annually by the Auditor and Management has adhered to internal control policies since its inception.

A. Resolution 2020-04, *Brooks of Bonita Springs Community Development District*

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, Resolution 2020-04, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.

B. Resolution 2020-06, *Brooks of Bonita Springs II Community Development District*

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, Resolution 2020-06, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration of Line of Sight Analysis

This item was presented following the Fourth Order of Business.

TWELFTH ORDER OF BUSINESS

Update: Estero Parkway vs. Coconut Road

This item was presented following the Fourth Order of Business.

THIRTEENTH ORDER OF BUSINESS

**Update: Location for July 22 and August 26
Joint Meetings**

The Executive Meeting Room on the Second Floor of the Village of Estero's offices was secured for both dates; the meetings would commence at 1:00 p.m.

FOURTEENTH ORDER OF BUSINESS

**Ratification of Consent to Use District
Property Agreement: Lake 4, Shadow
Wood at the Brooks, Unit 1**

Mr. Adams presented the Consent to Use Agreement for the Wright property. This was to clear up encroachment of an easement in the Brooks CDD.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Ward, with all in favor, the Consent to Use District Property Agreement for the Wright Property, was ratified.

- **Ratification of Consent to Use District Property Agreement: Duncan Property, 9521 Chartwell**

This item was an addition to the agenda.

Mr. Adams presented the Consent to Use Agreement for the Duncan Property, at 9521 Chartwell, this was for a pool extension project in the Brooks CDD.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the Consent to Use District Property Agreement for the Duncan Property, was ratified.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2020

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2020. The Lighthouse Bay project amounted to \$203,000. The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of January 22, 2020 Joint Regular Meeting Minutes

Mr. Adams presented the January 22, 2020 Joint Regular Meeting Minutes.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the January 22, 2020 Joint Regular Meeting Minutes, as presented, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Gould, with all in favor, the January 22, 2020 Joint Regular Meeting Minutes, as presented, were approved.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

- **Consideration of Daniel H Cox, P.A., Amendment to Engagement as Counsel**

Mr. Cox presented the Amendment to the Engagement Counsel letter

On MOTION for Brooks of Bonita Springs by Mr. Ward and seconded by Mr. Crawford, with all in favor, the Amendment to Engagement as Counsel letter, dated April 15, 2020, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Pierce, with all in favor, the Amendment to Engagement as Counsel letter, dated April 15, 2020, was approved.

Mr. Cox stated that he contacted Simon Group to secure their payment. Due to the shutdowns related to the pandemic, payment was still pending. He would follow up on May 1, and give an update at the next meeting. In response to Mr. Bartoletti's question, Mr. Cox stated a lawsuit would be filed if payment is not received before the statute of limitation expires in July. The invoice was approximately \$23,000. Mr. Cox would research the interest amount and legal fees and give an answer later in the meeting.

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

Mr. Burford would ensure that the Transportation Team meets with Mr. Grimes for an on-site review of the line of sight issues.

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

I. Landscape Maintenance Activities

II. Lake Maintenance Activities

III. 2020 Drainage Inspections: Lighthouse Bay and Spring Run

Mrs. Adams presented the Field Operations Report. She would review the SOLitude Lake Management (SOLitude) documents regarding the new aeration installs and give an update at the next meeting. The results of the Interconnecting Pipe Inspection Report were discussed.

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

I. Registered Voters in District as of April 15, 2020

- **Brooks of Bonita Springs: 2,195**
- **Brooks of Bonita Springs II: 1,410**

II. NEXT MEETING DATE: July 22, 2020 at 1:00 P.M.

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

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

The next meeting will be held July 22, 2020.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Bartoletti asked if Mr. Douglas conferred with Mr. Batos about landscape cost-sharing. Mr. Douglas would contact Mr. Batos and give an update at the next meeting.

NINETEENTH ORDER OF BUSINESS

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

There being no public comments, the next item followed.

TWENTIETH ORDER OF BUSINESS

Adjournment

Mr. Cox stated the interest rate of the outstanding invoice is 10%, which brings the claim to approximately \$25,000, and legal fees are recoverable under the agreement.

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, the meeting adjourned at 3:05 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, the meeting adjourned at 3:05 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

April 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