

**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 and Virtual Public Meeting on July 22, 2020 at 1:00 p.m., in-person at The Village of Estero, 2nd Floor Executive Conference Room, 9401 Corkscrew Palms Circle, Estero, Florida 33928 and remotely, at <https://us02web.zoom.us/j/89680024541>, and at 1-929-205-6099, Meeting ID 896 8002 4541.

Present for Brooks CDD, via telephone or in-person, 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 or in-person, 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 or in-person, were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Dan H. Cox	District Counsel
Andy Tilton	District Engineer
Racquel McIntosh	Grau & Associates
Blake Grimes	GulfScapes
Mark Grimes	GulfScapes
Chris Perkins	Irrigation Design Group (IDG)

DUE TO AUDIO DIFFICULTIES, THE FOLLOWING ITEMS

WERE TRANSCRIBED FROM THE MEETING NOTES

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:02 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 in-person, as well as via Zoom and telephonically, as permitted under the Florida Governor's Executive Orders, which allow local governmental public meetings to occur by means of communications media technology, including virtually and telephonically.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

There being no public comments, the next item followed.

BROOKS OF BONITA SPRINGS ITEMS

THIRD ORDER OF BUSINESS

**Presentation of Brooks of Bonita Springs
Community Development District's
Audited Financial Report for Fiscal Year
Ended September 30, 2019, Prepared by
Grau & Associates**

TRANSCRIPTION FROM AUDIO COMMENCED

Ms. McIntosh presented the Audited Financial Report for the Fiscal Year Ended September 30, 2019, noting the information found on each page. There were no findings, deficiencies or instances of noncompliance; it was a clean audit.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2020-05,
Accepting the Audited Financial Report for
the Fiscal Year Ended September 30, 2019**

Mr. Bartoletti presented Resolution 2020-05.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2020-05, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2019, was adopted.

BROOKS OF BONITA SPRINGS II ITEMS

FIFTH ORDER OF BUSINESS

**Presentation of Brooks of Bonita Springs II
Community Development District's
Audited Financial Report for Fiscal Year
Ended September 30, 2019, Prepared by
Grau & Associates**

Ms. McIntosh presented the Audited Financial Report for the Fiscal Year Ended September 30, 2019, noting the information found on each page. There were no findings, deficiencies or instances of noncompliance; it was a clean audit. Mr. Meeker posed the following questions and Ms. McIntosh responded:

Page 21, Note 8 Question: Why do the Auditors continue to carry the accounts payable balance owed the District from year-to-year and do they count that as a deficiency of Management?

Answer: The Auditors report information. They do not determine what the District pays or does not pay; it is not considered a deficiency of Management.

Page 21, Note 11 Question: Regarding the litigation, why was BrightView Landscape Services (BrightView) paid, and do the Auditors consider having litigation and also having to pay a failure of Management.

Answer: The Boards had approved payment on the settlement amount. From an Auditor's perspective, it is not considered a deficiency of Management.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2020-07,
Accepting the Audited Financial Report for
the Fiscal Year Ended September 30, 2019**

Mr. Bartoletti presented Resolution 2020-07.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, Resolution 2020-07, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2019, was adopted.

JOINT BOARD BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

Landscape Report: GulfScapes

A. Continued Discussion: Master Landscape Plan

B. Update: Scheduled Line-of-Sight Project

Mr. Grimes reported that, weather permitting, the sod installation project would be completed no later than early next week and, subsequently, pine straw would be added.

Mr. Gould asked what legal requirement allowed Staff to proceed with a \$49,000 project to correct line-of-site (LOS) issues without the Boards' consent. Mrs. Adams explained that Staff's decision to proceed with the project was made after the on-site evaluation was completed and receipt of the Engineering Transportation Team's report. It was done to prevent potential liability exposure, if an incident occurred. Mr. Cox stated it is the Boards' responsibility to resolve LOS issues, once the scope of the work is defined, and, if the expense does not exceed the amount budgeted, Staff could proceed with the project. Mr. Gould was concerned that a pattern was forming and voiced his opinion that the Boards should have given Staff authority at the last meeting to proceed, under certain criteria, instead of leaving it to be discussed at the next meeting. Discussion ensued regarding actions showing up on the annual audit, Staff submitting a budget amendment resolution, etc. Mr. Meeker stated that, at a previous meeting, when he asked if this had to do be done, he was told "Yes, because of the safety issue", which left him with the impression that the work had to be done.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the proposal for landscape/vegetation removal, to correct the line-of-site issues, in the amount of \$49,000, was ratified.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Meeker, with all in favor, the proposal for landscape/vegetation removal, to correct the line-of-site issues, in the amount of \$49,000, was ratified.

EIGHTH ORDER OF BUSINESS

Update: IDG Review of Water Usage Data

- **Update on Installation of Flow Sensor on Controller #7**

Mr. Perkins provided the following responses to questions:

- Installation of the flow sensor was scheduled for next Wednesday. Once completed, the system would monitor and collect data on a 24/7 basis.
- The performance report would be presented at the next meeting and provided monthly. Since this was a test case, the Boards established a six month review period to determine whether to proceed with the other nine controllers.
- Tucor gave a discount, reducing the material costs by about \$2,500; the total project cost was \$20,600. A similar discount would be requested for the other nine controllers.

NINTH ORDER OF BUSINESS

Continued Discussion/Review of Fiscal Year 2021 Draft Budget

Mr. Adams stated that, overall, the proposed Fiscal Year 2021 budget was the same as when it was last presented; only internal adjustments were made. Assessment levels would remain essentially the same year-over-year. Mr. and Mrs. Adams responded to questions regarding the proposed Fiscal Year 2021 budget and confirmed that the replenishment of littorals at Lighthouse Bay were budgeted for Fiscal Year 2021 and a culvert cleaning work order was being held until Fiscal Year 2021, as scheduling, as scheduled, would exceed budget

Mrs. Adams would confirm that the proposed budget amount for culvert cleaning was sufficient and give an update at the next meeting. SOLitude agreed not to increase its fees; therefore, the Districts were not required to bid the project. This item would be included on the next agenda. Discussion ensued regarding irrigation water usage, the railroad crossing and boundary exotic removal expenses, etc.

Mr. Adams would make the following revisions to the proposal Fiscal Year 2021 budget:

- Page 2, Boundary exotic removal: Increase budget accordingly
- Page 20, Wisteria Point: Add "(excludes Bldg 11)"

TENTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2020/2021 and Providing for an Effective Date

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

Mr. Bartoletti presented Resolution 2020-06.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2020-06, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2020/2021 and Providing for an Effective Date, was adopted.

B. Resolution 2020-08, *Brooks of Bonita Springs II Community Development District*

Mr. Bartoletti presented Resolution 2020-08.

On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Bartoletti, with all in favor, Resolution 2020-08, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2020/2021 and Providing for an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2020

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2020. Mr. Adams responded to questions about the proposed Fiscal Year 2021 budget, in relation to the irrigation repair and NPDES permit line items.

TWELFTH ORDER OF BUSINESS

**Approval of April 22, 2020 Joint Telephonic
Public Meeting Minutes**

Mr. Adams presented the April 22, 2020 Joint Telephonic Public Meeting Minutes. The following change was made:

Line 425: Change “Betos” to “Batos”

Mr. Meeker was concerned that the April 22, 2020 meeting minutes did not reflect the actions Staff took to proceed with having the LOS issues corrected. Mr. Adams stated the minutes were correct and, although more details could have been added, no further action was needed because the Boards ratified the expense today.

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

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Meeker, with all in favor, the April 22, 2020 Joint Telephonic Public Meeting Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

• Update: Status of Simon Group Payment

Mr. Cox stated that the next step, due to the Simon Group’s unresponsiveness, was to send a formal, certified letter informing them that, if payment is not received within 30 days of receipt, a complaint to collect funds of approximately \$25,000 to \$30,000 would be filed with the County Court, as the statute of limitation expires soon. The consensus was for Mr. Cox to proceed as discussed.

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

• Flood Mitigation Effect in The Brooks

Mr. Tilton highlighted portions of the AME Engineering Report, which was sent to the Board. The Report included items in the East County Water Control District Flood Mitigation

Plan related to how to store and convey water, the need for improved conveyances and the need for storage east of I-75 that would be used in major events. Once the area recovers, the gates would be opened to allow water to be released from the area. Due to the project size, cost and environmental concerns, he believed the project would not commence in the near future. The creation of a major flow-way with direct discharge into Estero Bay was controversial and would be challenging and a major permit undertaking. Mr. Merritt felt that Copperleaf would never allow culverts to go underneath I-75 and that the danger would be if they widen west of the property. He was concerned about reverse flow.

Mr. Meeker stated he contacted the Village of Estero to annex the Edison Farm property that was recently purchased in 2020 and out of the control of Lee County, which would give the Districts leverage on what it is used for.

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

I. Landscape Maintenance Activities

II. Lake Maintenance Activities

These reports were provided for informational purposes. The Aeration capital outlay project was on hold due to budget constraints and would be presented for consideration in Fiscal Year 2021. Mrs. Adams would let Mr. Douglas know when Anchor Marine would be on site at Lighthouse Bay.

Ms. Varnum stated that Mr. Zeigler sent conceptual drawings of the new gatehouse and water feature projects to her during the meeting. Mr. Adams displayed the renderings. No action from the Board to proceed with the project was required.

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

- **NEXT MEETING DATE: August 26, 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 August 26, 2020.

A Board Member asked if the Mitigation Report factored in climate change. Mr. Tilton stated the major item in the modeling included the on-going sea level rise, so there were some projection changes on the waterway, close to where it is titled.

Mr. Gould asked about refinancing the Brooks II debt, given the low interest rates, and requested an update about redevelopment of the former Winn-Dixie property. Mr. Adams stated he would have the Underwriter review refinancing options again, as some were recently done, but it would not be feasible for the smaller ones. Mr. Bartoletti stated the Developer was waiting on a response from the Village of Estero regarding the formal application that was submitted. Mr. Cox stated the item would go through the administrative process to determine whether it must go through a full public hearing before the Village Council. Mr. Meeker stated, during the Village Council meeting today, he voiced his objections on the proposed 154 units and suggested a park instead; it must go through the Design Committee first.

Mr. Pierce asked Mr. Adams to prepare a report showing how they arrived at the shared maintenance cost with The Commons Club and provide it at the next meeting.

FIFTEENTH ORDER OF BUSINESS

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

There being no public comments, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Douglas, with all in favor, the meeting adjourned at 2:52 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Meeker, with all in favor, the meeting adjourned at 2:52 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

July 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