

**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 October 28, 2020 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135 and via Zoom, at <https://us02web.zoom.us/j/84445658997>, and at 1-929-205-6099, Meeting ID 844 4565 8997, for both.

Present for Brooks CDD were:

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

Present for Brooks II CDD were:

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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Dan H. Cox	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes (GS)
Mark Grimes	GulfScapes (GS)
Chris Perkins	Irrigation Design Group (IDG)
Cheryl Hilburn	HOA

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Bartoletti called the meeting to order at 1:02 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Ward, Varnum and Douglas were present. Supervisor Crawford was not present. For Brooks of Bonita Springs II, all Supervisors were present. Due to the COVID-19 pandemic, this meeting was being held in-person, 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 II ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Board Member, Thomas Bertucci (*Term Expires November, 2022*)

A. Administration of Oath of Office to Newly Appointed Board Member (*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. Thomas Bertucci, who was appointed at the previous Board meeting. He provided and briefly explained the following items:

- I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. Membership, Obligations and Responsibilities**
- III. Chapter 190, Florida Statutes**
- IV. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form IX: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- V. Form 8B: Memorandum of Voting Conflict**

B. Consideration of Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, and Providing for an Effective Date

Mr. Adams presented Resolution 2021-01.

Chair	Joseph Bartoletti
Vice Chair	Ray Pierce
Secretary	Chuck Adams
Assistant Secretary	Ken Gould
Assistant Secretary	Thomas Brown
Assistant Secretary	Thomas Bertucci
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Brown, with all in favor, Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, as nominated, and Providing for an Effective Date, was adopted.

▪ **Moment of Silence in Honor of Mr. Jack Meeker**

This item was an addition to the agenda.

A moment of silence was observed in honor of former Supervisor Jack Meeker. Mr. Bartoletti noted Mr. Meeker’s untimely passing and stated he would forward the obituary to Mr. Adams for distribution.

JOINT BOARD BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

Landscape Report: GulfScapes

• **Main Line Irrigation Breakage Report**

Mr. Blake Grimes reported the following:

- The flowers would be installed next week and fertilizer was applied in October.

➤ Pine straw installation was scheduled for November 23rd and palm pruning was scheduled in November.

Regarding the mainline breaks, Mr. Grimes presented the Year to Date (YTD) Mainlines Report and stated there were several mainline breaks during the year and, although the repair costs are not astronomical, they are above average. Mr. Bartoletti asked for the Report to be maintained to have a history of the clocks, zones and repair amounts each month. Mr. Grimes would document the mainline breaks in December and commence a new report in January for the New Year. Mrs. Adams voiced her preference for the reports to be in accordance with the fiscal year of October 1 through September 30, instead of year-to-date (YTD). Discussion ensued regarding the September Clock 7 mainline repair, damage to the right-of-ways (ROW) by utility companies and following up with contractors for reimbursement in cases where the CDDs facilitated the repairs. Mr. Grimes would report any damages to CDD property to the contractors, alert Mrs. Adams and follow up with the contractors for reimbursement, if needed.

FIFTH ORDER OF BUSINESS

Update: IDG Review of Water Usage Data

A. Consideration of Continuing Consulting Service Proposal

Mr. Perkins presented the Continuing Consulting Service proposal for \$1,150 per month. Mrs. Adams stated that the three-year contract between the CDDs and IDG expired in July 2020 and the Boards agreed to revisit this to determine if the contract should be renewed. Mr. Bartoletti asked what services were included in the \$1,150 monthly fee. Mr. Perkins stated everything would remain the same except there would be a more in-depth evaluation, since the flow sensors were installed.

Mr. Bartoletti expressed his frustration with the 14-page reports that Mr. Perkins presents and asked if there could be a rate reduction by eliminating the reports. Mr. Perkins stated the reports could be eliminated but the price would remain the same. Discussion ensued regarding whether the charts reflect cost-savings, flow sensor averages, flow meters, addressing low flow and no flow areas, performing “on-the-ground” audits to count the number of heads per zone, establishing a benchmark, preferred format for the IDG reports and the next steps.

B. Controller 7 Update

Discussion ensued regarding Controller 7, gallons per minute, zones and data needed to establish a baseline.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the IDG Continuing Consulting Service Proposal, for \$1,150 per month, from November 1, 2020 through October 31, 2021, with a 30-day termination by either party with written notice provision, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the IDG Continuing Consulting Service Proposal, for \$1,150 per month, from November 1, 2020 through October 31, 2021, with a 30-day termination by either party with written notice provision, was approved.

Asked if he confirmed that the damage that resulted from the TECO installation in the Districts' ROW was corrected, Mr. Blake Grimes stated the sod was installed but the irrigation repairs were required, as of last week; he would check on it tomorrow. Asked if the Lighthouse Bay issue was remedied, Mr. Grimes stated the Century Link issue was unresolved.

SIXTH ORDER OF BUSINESS

Presentation: NPDES Year 3 Cycle 4 Annual Report

Mr. Burford presented the NPDES Year 3 Cycle 4 Annual Report for the reporting year commencing in May 2019 through the end of April 2020. He reviewed the pertinent data that could be found in each section. Mr. Gould requested a brief description of the expenditures in the Fiscal Analysis Section, on Page 2. Mr. Adams stated the expenditures were primarily in the water management portion of the budget, including lake bank erosion repairs, which help with pollutant loading, along with the NPDES reporting part of the budget, which is in the professional portion. Mr. Burford discussed the Stormwater Management Program, litter control, flood control projects, illicit discharges, improper disposal, construction site runoff and the accompanying attachments, namely, the water quality status summary and pollutant-

loading table. Discussion ensued regarding water quality, reporting costs, partnering with the Village of Estero as a co-permittee, GulfScapes and SOLitude.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration: Pesky Varmints, LLC, Cane Toad Information and Removal Proposals

Mrs. Adams recalled that Mr. Bartoletti previously asked Management to obtain proposals for removal of cane toads.

A. Proposals

I. Daytime Visits for Cane Toad Tadpole Removal

II. Nighttime Visits for Cane Toad and Cane Toad Tadpole Removal

B. Additional Literature

Mr. Adams stated Management started a tadpole removal and remediation program at another District. The first-year investment was approximately \$12,000 and the program resulted in a major reduction of the frog population. He suggested sharing the costs with the HOA or community associations, as The Brooks is a large community and the program would be costly. Discussion ensued regarding tadpole seasons, the cane toad issue, CDD responsibility for lake maintenance, reasons why the CDDs should not assume responsibility for cane toad removal, the four community associations and which entity should take the lead in controlling the cane toads. Mr. Cox stated the CDDs are responsible for maintaining preservation areas, which support native vegetation and wildlife, and the toads could have an adverse affect on native wildlife. Mr. Adams stated, ultimately, it is a policy decision of the Boards and there is justification on both sides of the argument. Mr. Bartoletti advocated for the funding and analysis/evaluation of the lakes to prescribe a cane toad removal program and to distribute and share the data with the community associations.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the Pesky Varmints LLC Estimate for Cane Toad Control, in the amount of \$450, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Bartoletti, with Mr. Bartoletti, Mr. Bertucci and Mr. Pierce in favor and Mr. Gould and Mr. Brown dissenting, the Pesky Varmints LLC Estimate for Cane Toad Control, in the amount of \$450, was approved. (Motion passed 3-2)

EIGHTH ORDER OF BUSINESS

Update: Potential Refinancing of Brooks Series 2001 and Brooks II 2003A Bonds

Mr. Bartoletti presented the proposal to refinance the Brooks Series 2001 and Brooks II 2003A Bonds. Mr. Gould asked about the cost-savings if the Districts proceeded with the refinancing. Mr. Adams stated the savings would be substantial, due to the reduction in the current interest rates. He discussed loan fees, review fees and payment due dates. Discussion ensued regarding the loan documents, estimated legal fees and the closing date.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, accepting the terms of the proposal to Refinance the Brooks Series 2001 and Brooks II 2003A Bonds, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, accepting the terms of the proposal to Refinance the Brooks Series 2001 and Brooks II 2003A Bonds, was approved.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2020

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2020. Discussion ensued regarding sharing maintenance costs with The Commons Club, the Financial Highlights Report, aeration and the settlement with BrightView. The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of August 26, 2020 Joint Public Hearing and Regular Meeting Minutes

Mr. Bartoletti presented the August 26, 2020 Joint Public Hearing and Regular Meeting Minutes. The following changes were made:

Line 216: Change “John Woodson” to “John Kozak” and “Capital Local Bank” to “Finemark Bank”

Lines 239, 297 and 302: Change “Mr. Merritt” to “Mr. Meeker”

Line 321: Change “Ms. Varnum asked if there would be any improvements to the restroom area” to “Ms. Varnum stated to be aware of needed improvements to the restroom area”

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the August 26, 2020 Joint Public Hearing and Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, August 26, 2020 Joint Public Hearing and Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

- I. Update: Status of Simon Group Payment**
- II. Update: Annexing Edison Farm Property**

Mr. Cox stated there were no actions to report.

B. District Engineer: *Johnson Engineering Inc.*

There being no report, the next item followed.

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

Mrs. Adams stated that Mr. Jim Dougherty, of SOLitude Lake Management, passed away unexpectedly.

Ms. Smith presented the October Field Operations Report.

- I. Landscape Maintenance Activities**
- II. Lake Maintenance Activities**
- III. Aeration Summary Replacement Schedule**

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

- **NEXT MEETING DATE: January 27, 2021 at 1:00 P.M.**

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

The next meeting will be held on January 27, 2021 at 1:00 p.m., in-person, at The Commons Club.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Bartoletti asked for the status of the walkways and sidewalks so he can respond to a resident's inquiry. Mrs. Adams stated the resident should be informed that Staff reviews and performs an audit of the walkways every summer and, if necessary, engages a contractor to make the repairs. No repairs were needed in 2020.

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. Merritt and seconded by Mr. Douglas, with all in favor, the meeting adjourned at 3:50 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, the meeting adjourned at 3:50 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

October 28, 2020

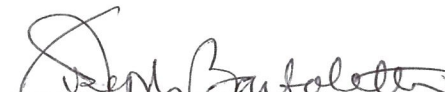
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair