

**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 April 28, 2021 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
Sandra Varnum	Vice Chair
Phil Douglas	Assistant Secretary
Rollin Crawford	Assistant Secretary
Bill Docherty	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 (via telephone)	Assistant District Manager
Dan H. Cox	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes (GS)
Mark Grimes	GulfScapes (GS)
Jim Ward	Commons Club President
Bill Hollister	Resident
Cindy Nielsen	Resident
Alex Mefferle	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:00 p.m. All Supervisors were present, in person for both Brooks of Bonita Springs CDD and for Brooks of Bonita Springs II CDD.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Referencing slides, Resident Bill Hollister outlined pickleball court issues and reviewed examples of updated, cutting-edge pickleball courts. He discussed nets, a wind tunnel, screens, new court construction, a gel surface designed to accommodate players with joint issues, large viewing areas between courts, maintenance costs, staff and impact on real estate values. He urged the Boards to consider conveying the pickleball courts to an entity that is more knowledgeable about amenities and to pay close attention to the needs of its tax paying constituents.

Resident Cindy Nielsen questioned how many attendees were tax payers and pickleball players.

JOINT BOARD BUSINESS ITEMS

THIRD ORDER OF BUSINESS

Landscape Report: GulfScapes

Mr. Blake Grimes reported the following:

- Yearly cutbacks commenced after Easter.
- The medjool plants would be trimmed in May.
- Fertilizer applications would commence in May.

Discussion ensued regarding elevating or changing the flower beds for a stronger blossom, line of sight (LOS) issues on Three Oaks and the uneven appearance of the sod.

FOURTH ORDER OF BUSINESS

Irrigation Report

- A. Meter Usage by Clock**
- B. Year-Over-Year Water Usage**
 - **Rainfall Comparison**

These items were provided for informational purposes.

Regarding the sod, Mr. Blake Grimes stated that Mr. Perkins was emailed about it. He discussed the grounding out of Clock 5 on Coconut and Three Oaks, the cable issues on Clock 6 from Copperleaf to the Bridge and the ongoing cable issues on Clocks 6 and 7. He concluded that, overall, everything has operated well in recent weeks and the grasses are fairly green. Asked if there would be issues if GulfScapes could no longer park its equipment near the pickleball courts, if the area is used to construct additional courts, Mr. Grimes stated there would be no issues and the equipment would be parked near the fitness center or wherever there is room. He reviewed the 2020/2021 Water Usage Report, the Brooks Year-Over-Year (YOY) Water Usage and Yearly Rainfall charts and noted that Clock 6 has the most usage of all.

Referencing the proposed Fiscal Year 2022 budget, Mr. Bartoletti voiced his opinion that the CDDs are not going to make their budgets no matter how hard they try; he reviewed irrigation costs for Fiscal Year 2021. He stated that the CDDs are overbudget by approximately \$4,000 and, unless the CDDs find a way to stop using over 2.7 million gallons of water, it will be very difficult to remain within budget so the CDDs would most likely have to increase the water budget. Mr. Bartoletti thought that the CDDs are probably overcharging The Commons Club (CC) for irrigation and under-billing the Coconut Road Mall, assuming all linear footage is maintained at an equal price. It was noted that the cost-sharing formulas must be re-examined. Mr. Gould stated the Boards and Staff must follow up to determine if charges should be adjusted for the CC and the mall. Mr. Bartoletti asked Mr. Adams to email the charts to the Boards, review the billings for the CC and the mall and present his findings at the next meeting.

FIFTH ORDER OF BUSINESS

**Consideration of SOLitude Lake
Management Services Contracts for
Aeration Installation**

- A. Lakes 105 – 108 and Lake 110**
- B. Lakes 111 – 113**

Mrs. Adams presented the SOLitude Services Contracts for aeration installation in Lakes 105 – 108, 110 and 111 – 113 for a total cost of \$63,770. The project was put on hold in the previous fiscal year, due to budget constraints; \$65,000 was budgeted for the expenditures.

Discussion ensued regarding a funding source, the number of remaining lakes to be aerated and a past study about the value of aeration.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, SOLitude Lake Management Services Contracts for Aeration Installation in Lakes 105 – 108, 110 and 111 - 113, in a total not-to-exceed amount of \$63,770, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, SOLitude Lake Management Services Contracts for Aeration Installation in Lakes 105 – 108, 110 and 111 - 113, in a total not-to-exceed amount of \$63,770, was approved.

- **District Engineer: *Johnson Engineering Inc.***

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

Mr. Burford presented the Order of Magnitude Cost Estimate for The Brooks Pickleball Court Expansion and noted the following:

- A conceptual site plan for nine additional courts, with adequate water retention and room for 27 parking spaces, was created.
- The improvements could be adjusted to better accommodate the community's needs.
- Parking: At the previous meeting, there was mention of needing three parking spaces per court, equating to 27 parking spaces. A review of the Village of Estero's Codes found that the parking requirement is at the discretion of the Director of Community Development.

Discussion ensued regarding the parking requirement, the markup for construction management fees, widening the pickleball court sizes to meet current pickleball standards, eliminating the basketball courts, cost of permitting and the public land issue. Mr. Burford would contact the Village of Estero for more information regarding the parking requirements.

Ms. Varnum asked how the CDDs would pay for the pickleball improvements. Mr. Bartoletti stated either through imposing a one-time assessment or taking out a loan. He pointed out that, once the improvements are made, the Boards must ensure that the new pickleball facility is operated and managed in a sustainable, high-quality way. In his opinion, the

CC would be the ideal entity to own and operate the pickleball facility because it is in the business of amenities; however, the CC indicated that it is not interested in joining the CDDs in this venture. He wanted to know the basis for the CC's decision.

Commons Club President Jim Ward stated the CC Board considered managing the project but ultimately decided that it was in the best interest of the Brooks community that the pickleball courts remain an amenity of the CDDs. A decision was made years ago that the pickleball amenity would be the CDDs' responsibility and be available to 3,500 CDD residents within the Brooks, as opposed only the 2,400 members of the CC. The CC Board did not want to be in the position of telling pickleball players that are not CC members that, in order to play pickleball, they must join the CC and pay initiation and annual fees, in order to play pickleball.

Mr. Ward discussed the CC's 2010 reasons for asking the CDD's for buying the CDD park, consideration of different memberships for pickleball only players, the CC Board alerting the CDDs that the land could possibly be sold to a third party, the sale of the property for about \$830,000 and the strong financial position of the CC. Mr. Ward recalled that the CDDs decided to install pickleball courts on its properties and the CC had no input on that decision.

A Board Member voiced his opinion that the proper way to proceed would be to obtain an appraisal and, if there are any other interests in the property that could be suitable for the Districts, the property should be sold; the Boards should hold off on the pickleball improvements until the court sizes and parking details are worked out.

Ms. Varnum stated the CDDs' responsibility is to maintain the infrastructure of the Brooks; she doubted that the Boards ever approved constructing six additional pickleball courts.

Mr. Bartoletti stated there was a vote and the Boards decided to engage in a recreational amenity and construct original courts.

▪ **Update: Pickleball**

Resident Alex Mefferle stated the Brooks Pickleball Club (PBC) used members' experiences, consulted a retired attorney on the content and wording of the documents and sought the advice of a tax professional, a CPA and a community general manager regarding the fiscal details of the Implementation Plan. He presented the BPC Implementation Plan (IP) and

reviewed the BPC bylaws, Rules of Play, BPC Incorporation, financial aspects of the BPC and the liability waiver. In closing, the PBC believed the following:

- It addressed the issues previously expressed by the Supervisors.
- The IP has a legal basis for success.
- The IP is complete on the assumption of administrating the pickleball amenities.
- There are more than a sufficient number of qualified and motivated Brooks pickleball players to continue to oversee the administrative tasks, indefinitely.
- The financial tasks of the amenity are recognized and covered.
- If wanted by the CDDs, the PBC could provide the specific documents that have been developed.

Mr. Mefferle reviewed the following regarding the timing for the elements of the IP:

- In June and July, the PBC would gather feedback from members about the proposed rules of play and finalize those rules and the bylaws.
- In August, the PBC would file for incorporation, open a bank account and assign committee leadership positions within the BPC.
- In September, the PBC would initiate the Chelsea Reservation system and develop structures for drop-in play, league play and social events.
- Everything would be in place to commence operations on October 1, 2021.
- Relative to engineering, the current pickleball courts are currently 60' long by 30' wide. The PBC is proposing that the width be increased to 64' to 34', on the two eastern ends of the courts to accommodate social gatherings.

Mr. Mefferle responded to questions regarding the use of CC administration to issue new BPC cards, \$20 BPC membership fee, \$500 non-resident annual membership fee, Chelsea Reservation System, liability waiver, pickleball professional that would be engaged and the CDDs' responsibility to maintain, repair and replace the courts.

Mr. Crawford voiced his opinion that the total cost of the pickleball improvements would be \$750,000 to \$800,000, which is substantial. He noted that the Boards have yet to discuss the costly ongoing maintenance. Discussion ensued regarding construction costs, amortization, ongoing operational costs, potential assessment increase of \$250 to \$300 per

door, the need for financial and legal oversight and the need for additional, accurate information in order to make a final decision.

Asked to provide his insight based on his knowledge and today's discussions, Mr. Cox stated, when the property was purchased several years ago, the CDD Boards were blended with officers and members of the CC and the transaction was ethical and legal. Staff solicited an opinion from the Department of Ethics, which was confirmed and later adopted by the Legislature into the Florida Ethics Code. There was a proposal to sell the property and take back a note. Mr. Cox stated his preference would be for a long-term lease, which could be for as little as \$1 per year, to make it a binding contract, and Staff could stipulate the responsibilities of the lessee for day-to-day maintenance, including sweeping the courts and painting the courts every three to five years.

DUE TO TECHNICAL DIFFICULTIES, AUDIO WAS NOT AVAILABLE

THE REMAINDER OF THE MINUTES TRANSCRIBED FROM THE MEETING NOTES

SIXTH ORDER OF BUSINESS

Consideration of Resolutions Approving the Districts' Proposed Budgets for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

Mr. Adams explained the annual budget preparation, deliberation, public hearing and adoption process and reviewed the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and modifications, compared to the Fiscal Year 2021 budget, and explained the reasons for any adjustments.

A. Resolution 2021-03, *Brooks of Bonita Springs Community Development District*

Mr. Adams presented Resolution 2021-03.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2021-03, Approving the Districts' Proposed Budgets for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

- B. Resolution 2021-04, *Brooks of Bonita Springs II Community Development District***
Mr. Adams presented Resolution 2021-04.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, 2021-04, Approving the Districts' Proposed Budgets for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Update: Pickleball

This item was addressed following the Fifth Order of Business.

EIGHTH ORDER OF BUSINESS

Update: Cane Toad Reduction Program

The audio was not available.

NINTH ORDER OF BUSINESS

Continued Business Items

- A. Coconut Point Overdue Payment – Dan Cox**
Mr. Cox was waiting for an invoice to be sent.
- B. Pickleball Club Update – Alex Mefferle**
This item was discussed following the Fifth Order of Business.
- C. Coconut CDD Park Continued Discussion – Board of Supervisors**
- D. Irrigation Water Usage by Coconut Road and Three Oaks – GulfScapes**
- E. Clock 7 Base Water Usage from Zone and Head Analysis – GulfScapes**
An update would be provided at the next meeting.

TENTH ORDER OF BUSINESS

New Business Items

- A. Irrigation Water Billing Analysis – Joe Bartoletti**
- B. 2022 Budget Discussion – Joe Bartoletti**
- C. Services to TCO, CP and TCC**
- D. Usage of RCS for BSU Recycled Water**

Mr. Bartoletti would contact Bonita Springs Utilities (BSU) regarding recycled water.

ELEVENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of March 31, 2021**

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2021. The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of Minutes

- A. January 27, 2021 Joint Regular Meeting**

Mr. Adams present the January 27, 2021 Joint Regular Meeting minutes.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the January 27, 2021 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 favor, the January 27, 2021 Joint Regular Meeting Minutes, as presented, were approved.

- B. February 24, 2021 Joint Special Meeting**

Mr. Adams present the February 24, 2021 Joint Special Meeting Minutes.

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Douglas, with all in favor, the February 24, 2021 Joint Special Meeting Minutes, as presented, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the February 24, 2021 Joint Special Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

- Update: Status of Simon Group Payment

The Board's consensus was to file a complaint against the Simon Group.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Ms. Varnum, with all in favor, authorizing Staff to file a legal complaint against the Simon Group to recover funds owed to the CDDs, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Brown and seconded by Mr. Bartoletti, with all favor, authorizing Staff to file a legal complaint against the Simon Group to recover funds owed to the CDDs, was approved.

B. District Engineer: *Johnson Engineering Inc.*

There being no report, the next item followed.

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

- Status Report – Field Operations

The April Field Operations Report was provided for informational purposes.

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

I. Registered Voters in Districts as of April 15, 2021

- Brooks of Bonita Springs: 2,225
- Brooks of Bonita Springs II: 1,453

II. NEXT MEETING DATE: July 28, 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 July 28, 2021 at 1:00 p.m.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' requests, the next item followed.

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 at 4:47 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

April 28, 2021

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair