

**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 27, 2022 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
Rollin Crawford	Assistant Secretary
Bill Docherty	Assistant Secretary
William Stoehr	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	District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes
Theresa Weinberg	President of The Commons Club
Jim Ward	Treasurer of The Commons Club
Joe Archazki	General Manager/The Commons Club
David Dore-Smith	General Manager/Copperleaf Golf Club
Terry Ebaugh	Resident
Alex Messerle	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:01 p.m. All Supervisors were present, in person for both Brooks of Bonita Springs and Brooks of Bonita Springs II CDDs.

SECOND ORDER OF BUSINESS

Public Comments (agenda items only)

Resident Terry Ebaugh thanked the Boards for working on updating and constructing additional pickleball courts. He discussed the popularity of pickleball within the CDDs and voiced his opinion that the CDDs should stay competitive as new developments are being constructed. He noted certain areas in need of repair.

Mr. Willis stated that he expects the trip hazard to be repaired soon; he is having difficulty finding companies for small repair projects. He discussed repairs completed to date.

THIRD ORDER OF BUSINESS

Landscape Report: GulfScapes

Mr. Grimes reported the following:

- The flower rotation project was completed.
- The cutback projects for landscape have commenced.
- The pine straw project was completed.
- The hardwood trimming project was completed. The ones blocking the street lights on Coconut Road will be trimmed.
- The fertilizer blackout period commences in June.

FOURTH ORDER OF BUSINESS

Irrigation Report

- A. Clock 7 Base Water Usage from Zone and Head Analysis**
- B. Meter Usage by Clock**
- C. Year-Over-Year Water Usage**
- D. Irrigation Water Update**

Mr. Grimes presented the newly formatted Irrigation Reports and noted the following:

- Clock 7 continues having ongoing cellular connection issues despite all his efforts. Switching networks from AT&T to Verizon was recommended. Rain Bird's customer service seems to be lacking.

➤ Overall, water usage increased which, might be due to less rain.

Clogged nozzles causing hotspots, Rain Bird's central irrigation system, RCS's system and incorporating new rate increases, were discussed.

Board Members commented on the community looking good and commended Mr. Grimes on a great job.

FIFTH ORDER OF BUSINESS

**Discussion/Consideration: Johnson
Engineering, Inc., Stormwater
Management Needs Analysis Report
(DRAFT)**

Mr. Burford presented the draft Stormwater Management Needs Analysis Report; once finalized, it will be submitted to the County on May 1, 2022, ahead of the June 30, 2022 due date. The CDDs will not have to consider replacing the pipes or culverts until Year 2042. Maintaining the CDDs drainage swales is critical, budget planning and criteria for using unassigned funds versus building fund reserves was discussed. Due to the age of the community, planning street lighting and landscaping replacement costs is imminent. The GulfScapes landscape proposals recently submitted will be presented at the next meeting.

SIXTH ORDER OF BUSINESS

**Update: Copperleaf Lake Change for
Project 2024 (Ken Kadel & David Dore-
Smith)**

Mr. David Dore-Smith, General Manager of the Copperleaf Golf Club, reported that the Copperleaf homeowners approved the 2024 project. Grady Minor is preparing the necessary studies to fill in a portion of an RCA lake and expand another at the exit of Copperleaf to create the fill necessary to fill in the other lake. The Report will be presented at the next meeting. Approval from RCS on the concept of filling in a portion of an RCS lake to create more room for a poolside café was still pending.

SEVENTH ORDER OF BUSINESS

**Discussion: TCC Shared Cost Analysis FY
2021 (Supervisor Bartoletti)**

Mr. Bartoletti and Mr. Adams presented the revised version of the 2021 Year End Reconciliation Report showing TCC's true-up financial costs broken down by percentage, which was emailed to the Boards. Mr. Archazki stated the Report is acceptable.

EIGHTH ORDER OF BUSINESS

Discussion: Sports Legal Firm ID for The Commons Club Contract

Mr. Cox stated that a basic Professional Service Contract is sufficient and recommended going out to bid, as he was unable to find and obtain input from similar communities managing pickleball facilities. Mr. Cox was provided the names of organizations to contact that manage these facilities and was directed to proceed with the Request for Qualifications process so the results can be presented at the next meeting.

NINTH ORDER OF BUSINESS

Discussion: Results of Coconut Point Developers, LLC, Court Filing

Mr. Cox reported that this was refiled in the Circuit Court upon notification that it was improperly filed in the County Court. The CDDs will not be billed to correct the error. Coconut Point will be served the corrected subpoenas; the incorrect ones were retrieved before they went out. The results will be presented at the next meeting. He expected that, by then, the CDDs will have already been paid or will be in the process of receiving payment.

TENTH ORDER OF BUSINESS

Consideration of Resolutions Approving the Districts' Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Bartoletti presented the following:

- I. **Resolution 2022-01, Brooks of Bonita Springs Community Development District**
- II. **Resolution 2022-01, Brooks of Bonita Springs II Community Development District**

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, Resolution 2022-01 Approving the Districts' Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law on August 24, 2022 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, Resolution 2022-01 Approving the Districts' Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law on August 24, 2022 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

ELEVENTH 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

Mr. Bartoletti presented the following:

- I. Resolution 2022-02, *Brooks of Bonita Springs Community Development District***
- II. Resolution 2022-02, *Brooks of Bonita Springs II Community Development District***

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, Resolution 2022-02, 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.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all favor, Resolution 2022-02, 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.

TWELFTH ORDER OF BUSINESS

Pickleball Discussion Items

I. Pickleball Usage Fees Company ID

Mr. Adams stated he already identified a firm to perform the rate study, once the construction cost is determined. It was noted the usage fees cannot be determined until the bidding process is completed. Once commenced, the process will be completed within 30 days.

II. Site Plan Update

III. Consideration of RWA Engineering, Inc., Revised Professional Service Proposal for Pickleball Facility

Mr. Bartoletti reported on the on-site meeting with the designated CDD Representative Mr. Merritt and the RWA Representative. He presented the \$64,800 RWA proposal for ratification. He recalled engagement of a professional firm was approved at the last meeting. It was noted the intent is to permit the entire project in one phase but the construction will be in multiple phases based on the site plans and Board approval.

The following topics were discussed:

- An on-site meeting with The United States Tennis Association (USTA), which determined the property can only hold 16 courts was held.
- The Johnson Engineering proposal to construct 17 courts. A proposal of \$543,989 included fencing and finishing work but the social area was not included. The proposal did not include Project Management or the contingency fee of 10% each, nor locking of the facility.
- Upgrading the surface material for an additional cost of about \$150,000.
- The aquatics and wetland preserves services went out to RFP.

Regarding TCC involvement, Mr. Gould opined that, based on the latest TCC Board Meeting, they might be open to purchasing the property from the CDD.

Discussion ensued regarding the suggestion to defer the RWA proposal while the CDD Representatives discuss this concept, Ms. Weinberg's comment on the CDD/TCC prior conversations being geared towards the land lease approach and proceeding with both tasks concurrently because, without a Site Plan, the January deadline will not be met.

Mr. Gould proposed a motion comprised solely of discussing the concept of the TCC purchasing CDD property. The following matters were discussed:

- Pursuing both tasks concurrently, approving the RWA proposal and continuing discussions with TCC to purchase the property to prevent further delays.
- Any costs associated with design and construction of pickleball courts on that property will be recouped when the property is appraised.
- The CDDs provided a list of guidelines to RWA and clarification was made that any work product associated with the project can be sold to TCC.

Based on the recent TCC Board Meeting, Mr. Ward voiced his opinion that TCC believes the CDDs are the best entity to own the courts, as they represent 3,500 doors.

Mr. Cox referred to Mr. Ward's earlier comment about TCC not being able to make a decision without a purchase price and stated that the appraiser will determine the value, which will be fluid and dependent on what phase it is in; each phase will bring a different value to the property.

Mr. Ward stated that TCC suggested the CDDs engage an attorney more specialized in this area of law. Mr. Cox named real estate transaction firms that can be engaged. He stated that no one is more qualified than him to advise his clients of the CDDs meeting its governmental requirements.

Zoning, impact of deed restrictions on the value and the appraisal costs were discussed.

Mr. Gould modified his motion based on the above discussions.

Mr. Cox provided direction and restated the motion.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Brown, with all favor, the RWA, Inc., proposal for professional services associated with the redevelopment of the Pickleball Facilities, in a not-to-exceed amount of \$64,800, directing Mr. Adams to contact appraisers and proceed with obtaining an appraisal if the cost is less than \$8,000 but, if not, contacting The Commons Club to see if it will pay the difference, which will

prove if there is any legitimate interest from The Commons Club in negotiating the acquisition of the property, as stated, was ratified and/or approved.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, the RWA, Inc., proposal for professional services associated with the redevelopment of the Pickleball Facilities, in a not-to-exceed amount of \$64,800, directing Mr. Adams to contact appraisers and proceed with obtaining an appraisal if the cost is less than \$8,000 but, if not, contacting The Commons Club to see if it will pay the difference, which will prove if there is any legitimate interest from The Commons Club in them negotiating the acquisition of the property, as stated, was ratified and/or approved.

Mr. Cox stated that the CDDs can start negotiations with TCC on the sale of the property upon receipt of the appraisal.

THIRTEENTH ORDER OF BUSINESS

**Consideration of FL GIS Solutions, LLC,
Professional Services Agreement to
Provide Geospatial Services**

Mr. Adams presented the FL GIS Solutions, LLC (FLGIS) Professional Services Agreement to provide Geospatial Service. He stated that he negotiated to fee down to \$100 per hour for a minimum of two years. The fee from the original provider, Passarella and Associates, Inc. (Passarella), was \$140 per hour. He gave an overview of the GIS interaction mapping program, which is on the CDDs' website.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the FL GIS Solutions, LLC, Professional Services Agreement for Geospatial Services, as amended to reflect the rate of \$100 per hour with a minimum contract term of two years, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the FL GIS Solutions, LLC, Professional Services Agreement for Geospatial Services, as amended to reflect the rate of \$100 per hour with a minimum contract term of two years, was approved.

FOURTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of March 31, 2022**

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2022.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all favor, the Unaudited Financial Statements as of March 31, 2022, were accepted.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the Unaudited Financial Statements as of March 31, 2022, were accepted.

FIFTEENTH ORDER OF BUSINESS

Approval of Minutes

Mr. Bartoletti presented the following:

I. January 26, 2022 Joint Regular Meeting

The following changes were made:

Line 41: Change "Archesky" to "Archazki"

Line 55: Insert "storage" after "lake"

Line 56: Change "and" to "or"

Lines 152 and 153: Delete "and Shadow Wood County Club is not participating in the can toad control program on the golf course side"

Line 228: Change "everyone" to "pickleball players"

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all favor, the January 26, 2022 Joint Regular Meeting, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the January 26, 2022 Joint Regular Meeting, as amended, were approved.

II. March 7, 2022 Joint Special Meeting

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all favor, the March 7, 2022 Joint Special Meeting, as presented, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the March 7, 2022 Joint Special Meeting, as presented, were approved.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

I. District Counsel: *Dan Cox, Esquire*

There was no report.

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

There was no report.

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

• **Monthly Status Report – Field Operations**

The Field Operations Report was included for informational purposes.

Mr. Willis highlighted the following:

- Sidewalk repairs on Imperial Parkway were completed. The project entailed grinding down the sidewalks to prevent trip hazards.

In response to the comment that the sidewalks will need to be replaced in the near future, Mrs. Adams stated that the next repair project is not scheduled until Fiscal Year 2023, in the fall and spring; only potential trip hazards are being addressed at this time.

- A revised Accurate Pavers proposal is pending. The project will commence upon receipt.

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

• **Registered Voters in Districts as of April 15, 2022**

- **BROOKS OF BONITA SPRINGS: 2,298**
- **BROOKS OF BONITA SPRINGS II: 1,523**

• **NEXT MEETING DATE: July 27, 2022 at 1:00 P.M.**

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

The next meeting would be held on July 27, 2022.

For Brooks of Bonita Springs, Supervisors Merritt, Crawford and Stoehr confirmed their in-person attendance and Supervisors Varnum and Docherty might attend via telephone. For Brooks of Bonita Springs II, all Supervisors confirmed their in-person attendance.

Regarding enabling Board Members to attend meetings via Zoom and using better equipment in that regard, Mr. Adams was directed to request the Owl Video Conference device from The Commons Club for the next meeting.

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

EIGHTEENTH ORDER OF BUSINESS

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

There were no public comments.

NINETEENTH 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. Crawford, with all in favor, the meeting adjourned at 3:26 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the meeting adjourned at 3:26 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

APRIL 27, 2022

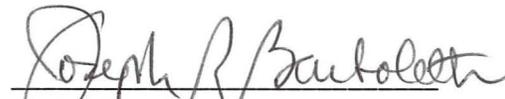
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair