

**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 July 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
Rollin Crawford	Assistant Secretary
Bill Docherty (via telephone)	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 (via telephone)	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
Bill Kurth	SOLitude Lake Management (SOLitude)
David Caplivski (via telephone)	Grau & Associates
David Willems	Public Works Director-Village of Estero
Frank Feeney	GradyMinor
Mark Grimes	GulfScapes Landscape Management

Resident present were:

Larry Rothenberg	Wayne Adaksa	Jerry O'Connor	Alex Messerle
Ken Kadel	Wayne Wickens	Mary O'Connor	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:01 p.m.

For Brooks of Bonita Spring, Supervisors Merritt, Crawford and Stoehr were present, in person. Supervisor Docherty was attending via telephone. Supervisor Varnum was not present.

For Brooks of Bonita Springs II, Supervisors Pierce, Gould, Bertucci and Bartoletti were present, in person. Supervisor Brown was attending via telephone.

On MOTION for Brooks of Bonita Springs by Mr. Stoehr and seconded by Mr. Merritt, with all in favor, authorizing Mr. Docherty's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Bartoletti, with all favor, authorizing Mr. Brown's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

Public Comments (agenda items only)

Resident and Oak Hammock President Larry Rothenberg stated that he and the former Presidents were present to ask the Boards to have the issues at Lakes #112 and #115 addressed. The issues have been presented for the last five to six years, without any action.

Resident and former Oak Hammock President Wayne Adaska distributed photographs of Lakes #112 and #115. Of the 50 lakes in the community, he felt that the conditions of those are deplorable. The biggest issue is overgrowth of spike grass that extends more than 25' into Lake #115, dead grasses, vegetation and fungus near the shoreline. He expressed his belief that the area is not being sprayed and residents cannot fish in the area. Based on the assessments being paid, he feels that homeowners are not getting their money's worth.

Resident and former Oak Hammock President Jerry O'Connor distributed photographs of Lake #112 and noted his concern is mostly about the timing of maintenance and that it should be more frequent. The photographs showed areas of algae growth, spikerush engulfing the lake and overgrown littorals.

Resident Alex Messerle provided statistics on pickleball and overcrowded courts, along with statistics for surrounding communities. He asked the Board to develop and execute a plan for an appropriately sized pickleball amenity.

Mr. Kurth, of SOLitude Lake Management (SOLitude), stated that he inspected Lake #115 prior to the meeting and would inspect Lake #112 after the meeting. He explained that spikerush is part of the littorals, discussed its purpose and noted it is at the Boards' discretion as to how much to remove. Noting that SOLitude responded to the complaints, he voiced his frustration of not seeing the desired results, which he believed could be due to wash offs caused by thunderstorms. Because of that, he implemented a plan to treat for algae and weeds weekly until it is under control. Staff is on site each week but the algae in the lakes are resistant and may require several treatments; Staff must be cautious because the chemicals might negatively impact the littorals. In response to a question about dredging the shelf, Mr. Kurth stated that it is not cost-effective. He offered the suggestion to decide whether to implement a benchmark to keep it at a certain width.

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, 2021, Prepared by
Grau & Associates**

Mr. Caplivski presented the Audited Financial Report for Fiscal Year Ended September 30, 2021 and highlighted pertinent information. There were no deficiencies on internal controls; it was an unmodified opinion, known as a clean audit. There was one finding and a recommendation that a debt service reserve account be established, per the Bond Indenture, which the CDD already brought to the bank's attention.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2022-03,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2021**

Mr. Merritt presented Resolution 2022-03.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, Resolution 2022-03, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, 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, 2021, Prepared by Grau & Associates

Mr. Caplivski presented the Audited Financial Report for Fiscal Year Ended September 30, 2021 and highlighted pertinent information. An unmodified opinion was issued, also known as a clean audit; there were no deficiencies on internal controls. There was one finding and a recommendation that a debt service reserve account be established, per the Bond Indenture, which the CDD already brought to the bank's attention.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021

Mr. Bartoletti presented Resolution 2022-03.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, Resolution 2022-03, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.

JOINT BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

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

Resident Ken Kadel stated he would speak on behalf of Mr. David Dore-Smith, General Manager of the Copperleaf Golf Club. He noted that Mr. Frank Feeney, of GradyMinor, is present. He referred to Project 2024 and the drawing provided to the CDDs regarding the

expansion to build 20 parking spaces, as required by the City of Estero. In order to proceed, approval from the CDDs is necessary, as it will encroach into the lake, which is CDD property. He stated the dirt will come from off site, as expansion of the other CDD lake is no longer an option. The encroachment would consist of .16 acres.

A Board Member asked what impact filling in the lake will have on the effectiveness of the lake and its purpose. Mr. Feeney stated that the amount requested will not affect the overall size requirement and noted the Golf Club's prior project resulted in overages of about ½ acre; therefore, the project will not impact the overall stormwater capacity.

Littoral plans, plantings, meeting the criteria for the slopes and the lake adjacent to Three Oaks, were discussed.

Mr. Feeney stated that there are no plans to impact the flow through the pipes on CDD property or modify the historical flow, as any expansion will only occur on their property.

Mr. Feeney addressed Board Member concerns about potential flooding, already having excess capacity, water levels and requests to lower the emergency gates. He stated that the area on the map refers to Lake #136. Mr. Bartoletti referred to the adjacent lake and noted his concerns of flooding, as the two front residences are known to flood.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, allowing the Copperleaf Golf Club Association to interlink the lake to the left of the Clubhouse, for the purposes of proceeding with the petition to the South Florida Water Management District (SFWMD) to fill in the lake, up to .16 acres, was approved.

▪ **Pickleball Discussion Items**

A. Concept Plans - #1, #2 and #3

This item, previously item 16A, was presented out of order.

Mr. Gould discussed various actions that occurred and resulted in Concept Plan #2.

Mr. Bartoletti stated the request is to approve the overall concept. He noted that only Phase 1 is being done at this time.

The following was discussed:

- Timeline: The Limited Development Order (LDO) review process will be through December or January and the construction detail plans needed to go out to bid will follow. The hope is to have additional courts in Fall 2023.
- Regarding night lighting control, each Phase will have its own separate power and will be finalized during the LDO phase.
- Regarding the overall cost, Mr. Gould expected it not to exceed the original \$800,000 estimated, with the caveat that finalizing plans and seeking bids is a deciding factor.

In response to a question, Mr. Merritt stated that any improvements or enhancements will be included as part of the cost of the land transfer.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, accepting Concept Site Plan #2 for presentation to the Village of Estero, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Bartoletti, with Mr. Bertucci, Mr. Bartoletti, Mr. Pierce and Mr. Brown in favor and Mr. Gould dissenting, accepting Concept Site Plan #2 for presentation to the Village of Estero, was approved. [Motion passed 4-1]

▪ **Consideration of Award of Contract for Lake and Wetland Management**

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

• **Bid Analysis**

Mr. Merritt presented the Bid Analysis and recommended awarding the contract to SOLitude Lake Management, based on past performance. When asked about the Superior Waterway contract, Mrs. Adams stated that work for aerator installations has not commenced and their submittal was incomplete.

On MOTION for Brooks of Bonita Springs by Mr. Stoehr and seconded by Mr. Merritt, with all in favor, ranking SOLitude Lake Management as the #1 ranked respondent to the Request for Proposals for Lake and Wetland Management Services, awarding the contract to SOLitude Lake Management, the #1 ranked respondent, and authorizing Staff to prepare a contract, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, ranking SOLitude Lake Management as the #1 ranked respondent to the Request for Proposals for Lake and Wetland Management Services, awarding the contract to SOLitude Lake Management, the #1 ranked respondent, and authorizing Staff to prepare a contract, was approved.

EIGHTH ORDER OF BUSINESS

**Discussion/Consideration: Village of Estero
Proposed Imperial Parkway Signage
Request**

- **CDD Monument Update**

This item was presented following the Tenth Order of Business.

NINTH ORDER OF BUSINESS

Landscape Report: GulfScapes

This item was presented with the Tenth Order of Business.

TENTH ORDER OF BUSINESS

**Consideration of GulfScapes Landscape
Management Services Proposals for
Landscape Renovations**

Mr. Grimes stated that the proposals for the landscape renovation were broken down to be in line with the surrounding irrigation in the area. Prices will be held if approved this year, if completed in 24 months, due to the economy.

The age of the community, prior plant selection and recommending approval of the five-year plan that will provide consistency, were discussed.

Mr. Bartoletti asked if GulfScapes can complete the five-year plans in two years, if this is approved. Mr. Grimes replied affirmatively. Mr. Bartoletti recommended financing the \$527,526 project. Mr. Adams agreed and suggested including the sidewalk repair and root barrier projects in the financing. The Boards agreed with Mr. Adams' suggestion for Staff to obtain contractor proposals and a financing agreement to present at the October meeting.

Mr. Grimes stated that the proposals include both sides of the road, but not the medians. The median on Coconut Road will be added to the project.

A. Clock 1 – Railroad Tracks East on Coconut Road to Spring Run Entrance [\$48,625.00]

- B. Clock 2 – Spring Run Entrance East on Coconut Road to Enrichment Center
[\$51,902.00]**
- C. Clock 3 – Enrichment Center Entrance East on Coconut Road to Lighthouse Bay
Entrance [68,891.00]**
- D. Clock 4 – Three Oaks and Coconut Light South on Imperial to End of Brooks
[\$36,795.00]**
- E. Clock 5 – Three Oaks and Coconut Light North on Three Oaks to Copperleaf Entrance
[\$106,940.00]**
- F. Clock 6 – Copperleaf Entrance North to Bridge [\$113,128.00]**
- G. Clock 7 – Three Oaks Parkway Bridge, North to Williams Road [\$56,906.75]**
- H. Clock 8 – 41 East on Coconut Road to Railroad Tracks [\$44,337.50]**

- **Discussion/Consideration: Village of Estero Proposed Imperial Parkway Signage
Request**

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

- **CDD Monument Update**

Mr. David Willems, Village of Estero Public Works Director, reviewed the site plans and the Village’s project to install a monument sign on Imperial Parkway and one on U.S. 41. The permits were submitted to the Florida Department of Transportation (FDOT) and Lee County. He asked if the Boards would consider approving tapping into the CDDs’ existing irrigation line and to maintaining the landscaping around them. The Boards agreed to the request.

A Board Member asked if the Village would consider a joint venture to install a monument in Three Oaks. Mr. Willems stated he would have to discuss it with the Village Manager and Counsel.

This item will remain on the agenda.

- **Continued/Discussion: Integra Realty Resources Appraisal**

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

Mr. Cox discussed the appraisal pertaining to land valuation and improvements, depreciated value and impact of deed restriction on the value. He stated that he is comfortable with the \$970,000 valuation and negotiating with The Commons Club.

Mr. Cox responded to questions regarding access.

Board Members voiced their opinions of Mr. Crawford's comment to have Staff continue discussions with The Commons Club and notify the Boards.

Discussion ensued regarding Staff emailing updates to the Boards between meetings and including expenditures of CDD funds in the discussions.

Mr. Bartoletti believed the purpose of the appraisal was to sell the land to The Commons Club at the appraised value, instead of negotiating a price. Mr. Cox described Florida Statute Chapter 190 and the relevancy towards purchasing and selling land.

A Board Member asked if any costs associated with the design and construction of pickleball courts on that property will be recouped when the property is appraised. Mr. Cox replied affirmatively.

Discussion ensued between regarding selling the land, realizing savings in shared costs, defining a benchmark price to sell, transferring the property to The Commons Club and the CDDs constructing the pickleball courts.

On MOTION for Brooks of Bonita Springs by Mr. Stoehr and seconded by Mr. Docherty, with all in favor, authorizing Mr. Adams and Mr. Cox to meet with The Commons Club Board of Directors and/or Negotiating Team to determine The Commons Club's interest in acquiring the property and the general terms that will be acceptable to The Commons Club for acquisition, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Brown, with all favor, authorizing Mr. Adams and Mr. Cox to meet with The Commons Club Board of Directors and/or Negotiating Team to determine The Commons Club's interest in acquiring the property and the general terms that will be acceptable to The Commons Club for acquisition, was approved.

ELEVENTH ORDER OF BUSINESS

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

Mr. Cox reported that Accounting should be generating invoices of about \$42,000.

TWELFTH ORDER OF BUSINESS

Continued Discussion: The Commons Club Contract

This item was discussed earlier in the meeting.

THIRTEENTH ORDER OF BUSINESS

**Continued/Discussion: Integra Realty
Resources Appraisal**

This item was presented following the Tenth Order of Business.

FOURTEENTH ORDER OF BUSINESS

**Presentation/Discussion: Brooks Lake
Audit**

Mr. Willis presented the audit results, which determined that Lakes 30 and 31 are a high priority and, since it is within budget, work will be done in Fiscal Year 2022. Due to certain circumstances, planting will not occur until mid-August. Mr. Merritt asked that Staff provide a financial analysis of the cost to complete all the lake bank restoration projects at once.

Mr. Adams and Mr. Cox were asked to email the Boards information on when The Commons Club's meeting is scheduled and keep them apprised of major milestones. Mr. Cox reminded the Boards to avoid responding with "reply all" to any email; responses should only be sent to Mr. Cox or Mr. Adams.

FIFTEENTH ORDER OF BUSINESS

**Consideration of Architectural Fountains,
Inc., Interactive Fountain Proposal for
Fiberglass Equipment Enclosure**

Mrs. Adams presented the Architectural Fountains Inc., proposal.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the Architectural Fountains, Inc., proposal for new fiberglass equipment enclosures and to remove and reinstall existing pumps and motors, including electrical costs, in a not-to-exceed amount of \$28,000, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Brown, with all favor, the Architectural Fountains, Inc., proposal, for new fiberglass equipment enclosures and to remove and reinstall existing pumps and motors, including electrical costs, in a not-to-exceed amount of \$28,000, was approved.

SIXTEENTH ORDER OF BUSINESS

Pickleball Discussion Items

A. Concept Plans - #1, #2 and #3

This item was presented following the Seventh Order of Business.

B. Pickleball Facility Project Schedule

This item was included for informational purposes.

SEVENTEENTH ORDER OF BUSINESS

**Consideration of Award of Contract for
Lake and Wetland Management**

- **Bid Analysis**

This item was presented following the Seventh Order of Business.

EIGHTEENTH ORDER OF BUSINESS

**Continued Discussion: Proposed Budgets
for Fiscal Year 2022/2023**

Mr. Adams stated that the proposed Fiscal Year 2023 budgets were the same versions that were presented at the April meeting and employed the same strategy to keep assessment levels the same, year-over-year, while increasing fund balance.

Mr. Adams discussed plans to finance certain projects, which will allow repurposing \$100,000 of \$180,000 in recognized savings to make the May 1 and November 1 loan payments. He will obtain loan information from competing banks and have the payment schedule reversed so that the interest payment is due May 1, with the next payment due, November 1.

Mr. Adams noted increases to the water management contractual services and the landscape maintenance contracts line items, as discussed at the last meeting. Mrs. Adams stated that the landscape maintenance contract went out to bid and the results will be presented at the August meeting.

The Boards agreed with the request to increase the “culvert cleaning” budget to a more realistic amount. Mr. Adams stated that he would use fund balance to offset that increase; it would not affect the assessment levels.

Discussion ensued regarding the culverts, Copperleaf's responsibility and the CDDs' responsibility to keep the systems cleaned and operating efficiently, as designed. It was noted that 25% blockage is an acceptable condition.

Regarding incorporating the recent changes discussed, the final assessment levels and upcoming projects, Mr. Adams stated that, if the CDDs settle on the park and there are excess funds, he recommends prepaying or making a significant payment on the loan, which will free up more funds in the annual budget.

NINETEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of June 30, 2022**

This item was discussed during the Eighteenth Order of Business.

TWENTIETH ORDER OF BUSINESS

**Approval of April 27, 2022 Joint Regular
Meeting Minutes**

Mr. Bartoletti presented the April 27, 2022 Joint Regular Meeting Minutes. The following changes were made:

Line 211: Insert sentence "The proposal did not include Project Management or the contingency fee of 10% each, nor locking of the facility."

Line 213: Change "The Respondents to The Preserves RFP" to "The aquatics and wetland preserves services went out to RFP."

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the April 27, 2022 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Docherty, with all favor, the April 27, 2022 Joint Regular Meeting Minutes, as amended, were approved.

TWENTY-FIRST ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

- **Update: RFQ for Pickleball Facility Management**

This item was discussed during Item 16A.

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

There was no report.

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

- **Monthly Status Report – Field Operations**

The Field Operations Report was included for informational purposes.

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

- **NEXT MEETING DATE: August 24, 2022 at 1:00 P.M. {Public Hearing on Adoption of Fiscal Year 2023 Budget}**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

The next meeting would be held on August 24, 2022.

TWENTY-SECOND ORDER OF BUSINESS

Supervisors' Requests

Mr. Brown recommended Mr. Wayne Wickens to fill his unexpired Board Seat.

It was reported that Ms. Mary O'Connor qualified and ran unopposed for the Seat; she will be appointed to the Board in November, after the General Election. Board Members welcomed Ms. O'Connor to the Board.

Mr. Bertucci asked if the Boards can meet with District Counsel without an audience. Mr. Cox replied only if it regards pending or threatened litigation.

A Board Member felt that there are too many emails about establishing a quorum.

TWENTY-THIRD ORDER OF BUSINESS

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

This item was not addressed.

TWENTY-FOURTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:20 p.m.

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

July 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