

**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 23, 2024 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:

James Merritt	Chair
Sandra Varnum	Vice Chair
David Garner	Assistant Secretary
John (Rod) Woolsey	Assistant Secretary
Edward Franklin	Assistant Secretary

Present for Brooks II CDD:

Joseph Bartoletti	Chair
Ken D. Gould	Vice Chair
Thomas Bertucci	Assistant Secretary
Mary O'Connor	Assistant Secretary
Lynn Bunting	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Meagan Magaldi	District Counsel
Mark Zordan	Johnson Engineering, Inc. (JEI)
Blake Grimes	GulfScapes Landscape Mgmt Services
Andy Nott	Superior Waterway Services, Inc.
Bill Kurth	Premier Lakes, Inc. (Premier)
Chad Unger	Bonness Inc
Steve Bentley (via telephone)	Bentley Electric Co.
David Greene	Madrid CPWG Engineering Firm

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.

SECOND ORDER OF BUSINESS

Public Comments: Agenda items only [3 minutes per person]

No members of the public spoke.

The Board agreed to requests to reorder the agenda and add a Report to consider establishing various committees.

- **Discussion: Superior Waterway Services, Inc., Treatment Report for August through September 2024 [Andy Nott]**

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

Mr. Nott presented the Treatment Report for August through September 2024. He noted the following:

- Lake 47: Crews removed all the floating Tape Grass mats, which are still present in the bottom and also moved into Lakes 53 and now 40, 41 and 42. Initial Sonar® treatments are scheduled, as typical treatment is not feasible, due to the course renovations.
- The lakes at Lighthouse Bay were spot treated for Baby Tears to reduce collateral damage the prior vendor caused by over spraying. The new vendor will have to assess and determine whether to replant littorals or if the littorals have grown back and finish the lake bank restoration projects, once the water levels recede.

Mr. Nott responded to questions and explained the Sonar® treatment process. He was asked to email a Report to Mrs. Adams with photos outlining damaged littoral areas caused by SOLitude’s defective work, so she can track the costs in case the littorals do not grow back and the CDDs need to pursue SOLitude for the costs incurred.

THIRD ORDER OF BUSINESS

Consideration of Award of Contract – Lake & Wetland Management

Recalling the Boards’ prior decision to reject all bid responses and re-advertise the Request for Proposals (RFP) for the Lake and Wetland Management contract, Mrs. Adams presented a bid

from Premier Lakes, Inc. (Premier), who was the sole respondent to the RFP. She highlighted other key information, as outlined in the memorandum.

Mr. Bill Kurth, Vice President of Premier Lakes, discussed his personal experience maintaining the lakes prior to SOLitude and the creation of the CDDs and his decision to leave SOLitude. He noted that Mr. Nott is a former employee and his knowledge level and experience in the community exceeds Mr. Nott. He commended Mr. Nott and his crew for gaining control of torpedo grass, etc.

Mr. Kurth discussed the condition of the lakes that still require significant work to treat the varied submersed weeds; the bid is slightly higher to cover the Sonar® treatments.

Discussion ensued regarding redesigning future Reports to list CDD lakes by community, Mr. Kurth's offer to meet with the Associations, expectation that noticeable lake improvements will be seen within six weeks and last month's decision to reject the prior bids since the new bid is higher and the previous vendors did not re-submit bids.

In response to a question regarding the RFP process, Mrs. Adams confirmed that the CDD complied with Florida Statutes. Board Members voiced concern about awarding the contract and, as CDD I's motion failed, CDD II did not feel it necessary to proceed with the process.

District Staff was directed to reject the bid and readvertise the RFP for Lake and Wetland Management Services again and extend the Superior Waterway contract on a month-to-month basis until a contract is awarded.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with Mr. Merritt and Ms. Varnum in favor and Mr. Woolsey, Mr. Garner and Mr. Franklin dissenting, ranking the sole respondent Premier Lakes, Inc., as the #1 ranked and qualified respondent to the Request for Proposals (RFP) for Lake and Wetland Management and awarding the Lake and Wetland Management contract to Premier Lakes, Inc., was not approved.

▪ **Update/Discussion: Sidewalk Project**

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

Mr. Adams stated the contract with Bonness was fully executed.

Mr. Zordan stated he is responding to insufficiency letters from Lee County and the Village of Estero as to the Limited Development Order (LDO); they are requesting additional information. He expects they will issue the LDO in two to three weeks, after which Bonness will apply for the Right-of-Way (ROW) permit with the Village of Estero, for which work will commence on Coconut Road.

Mr. Zordan stated that a team meeting was held with Mr. Brooks and Lee County Community Development to review the comments and address the unforeseen challenges within the areas. He noted they are in agreement with the CDDs to obtain an LDO from the Village of Estero. Mr. David Williams believes easements are not needed for this project.

Mr. Unger expects to obtain the ROW permit and start work from Coconut Road by Three Oaks and working towards 41.

Mr. Merritt asked if there are any outstanding items needed in order to proceed with the project and requested details about the concrete mix. Mr. Unger stated they expect to use SRM concrete and will provide the submittals from the concrete plant to Johnson Engineering.

Discussion ensued regarding the project's expected completion date, scope, pricing, Maintenance of Traffic (MOT) plan and asking the Village of Estero's Information Officer to circulate the project information to the communities.

In response to Board Members requests for the MOT plan and ways to educate the communities, such as key parties providing project updates via Zoom meetings, Mr. Zordan stated he will prepare a PowerPoint Presentation. Mr. Woolsey believes a short letter or memorandum would suffice. Mr. Garner agreed with Mr. Woolsey. Mr. Adams suggested distributing the letter to the HOA Managers and posting it on the CDD websites.

Upon outlining the negotiations with the Village of Estero's Attorney on the Interlocal Agreement between the CDDs and the Village of Estero, Ms. Magaldi presented the Interlocal Agreement, which is in final form and recommended approval. Once executed it will be presented at the Village of Estero November 6, 2024 City Council meeting for approval. She responded to questions regarding the project timeline, breaking down the CDD and The Village costs and anticipating the Village's reimbursement amount to be up to \$380,000.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Garner, with all in favor, the Interlocal Agreement Between the Village of Estero and The Brooks of Bonita Springs Community Development District and The Brooks of Bonita Springs II Community Development District for the Three Oaks Parkway Sidewalk Enhancement Cost Reimbursement, was approved.

On MOTION for Brooks of Bonita Springs II by Ms. O'Connor and seconded by Mr. Bartoletti, with all in favor, the Interlocal Agreement Between the Village of Estero and The Brooks of Bonita Springs Community Development District and The Brooks of Bonita Springs II Community Development District for the Three Oaks Parkway Sidewalk Enhancement Cost Reimbursement, was approved.

FOURTH ORDER OF BUSINESS

Discussion: Roadway Lighting Project [Steve Bentley]

Mr. Woolsey distributed and gave a presentation outlining Roadway Lighting Project items to consider. He noted the following:

- Most municipalities target a 20-year life span on streetlights; finding parts and light bulbs for the existing streetlights is becoming difficult.
- The CDDs must engage an Engineer to develop the RFP, evaluate the bids and oversee the project, which will allow Bentley Electric to bid on the project. Upon review Electrical Engineer David Greene was deemed qualified for the project and in attendance for further consideration.
- Mr. Woolsey recommends an engineering firm inspect and analyze the concrete bases on whether they are good for the current design criteria, specifically wind load or if the bolts need to be replaced.

If the Boards wish to proceed with full replacement, Mr. Woolsey asked if they want to match what the Village of Estero used on Estero Parkway and consider eliminating the big decorative bases or installing a barneu to prevent lawnmowers damaging them.

- As the heavily canopied trees continue to be a problem, the Engineer will need to speak to the Village of Estero to determine what can and cannot be done regarding trimming and tree removal and will need to find out Lee County's plans to expand the highway.
- A decision must be made on whether to finance the project via a loan or by issuing bonds.

Mr. Steve Bentley, of Bentley Electric, presented renderings and cost estimates for different options. He responded to questions regarding solar lighting, reasons not to reduce the size of the poles to accommodate the tree canopies and the life span of the existing foundation.

Mr. Woolsey asked Mr. Adams for a copy of the original base drawings.

Mr. David Greene, of Madrid CPWG, gave an overview of his professional background. He thinks everyone's questions are valid and noted the Florida Building Code designed bases for 150 miles per hour (mph) winds, the profile of the poles will be the wind load, so the base has to match the poles. If engaged, they will do an analysis of the bases to determine which pole can be put on the base, as is, if available; otherwise, they will have to go with different options, meaning they would have to replace the bases, which will be expensive.

Discussion ensued regarding the next steps, including engaging Mr. Greene's firm, Mr. Greene's firm providing costs to perform the analysis for Phase 1 and costs to develop the design build approach in order to go out for sealed bids. In addition, he, Mr. Woolsey and Ms. Bunting would speak with the Village of Estero and Lee County to ensure their requirements for tree removal are covered correctly in the bid specifications.

Mr. Adams stated he would provide the Pelican Sound Tree Removal memorandum to Ms. Bunting, as he believes it will help with the Village of Estero discussions. Regarding financing, the strategy is to fund the estimated \$4 million project with the existing loan and proceeds from the sale of the park. If the project exceeds that amount, the CDDs can issue bonds to repay the loan and transfer the capital outlay funds to deferred costs. He discussed impacts to the ad valorem assessments and suggested redoing the entry monuments.

FIFTH ORDER OF BUSINESS

Discussion: Superior Waterway Services, Inc., Treatment Report for August through September 2024 [Andy Nott]

This item was presented following the Second Order of Business.

SIXTH ORDER OF BUSINESS

Landscape Report: GulfScapes Landscape Management Services

- **Irrigation Reports**

A. Meter Usage by Clock

B. Year-Over-Year Water Usage

Items A and B were included for informational purposes.

Mr. Grimes reported the following:

- Palm trimming is scheduled for next month.
- Mulch/pine straw will be installed by early December.
- Flowers will be planted by the end of the week.
- The December Irrigation Meter Usage by Clock Report is missing; costs are expected to be under budget.

Mr. Gould asked Mr. Grimes to inspect Clock 5, as zero usage was reported for July, August and September 2024.

Mr. Grimes responded to questions regarding causes for leakage; noting crews repaired several mainline breaks due to an oversaturated soil condition.

▪ **Consideration of Award of Contract – Lake & Wetland Management**

This item, previously the Third Order of Business, resumed.

Mrs. Adams asked to revisit this item as Superior Waterway’s bid was recorded incorrectly in the memorandum and the actual bid amount is \$391,750, not \$311,741, and the Premier Lakes’ bid is \$336,000.

On MOTION for Brooks of Bonita Springs by Mr. Garner and seconded by Ms. Varnum, with all in favor, rescinding the prior vote rejecting the bid and readvertise the RFP for Lake and Wetland Management, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. Bunting, with all in favor, ranking the sole respondent, Premier Lakes, Inc., as the #1 ranked and qualified respondent to the RFP for Lake and Wetland Management and awarding the Lake and Wetland Management contract to Premier Lakes, Inc., was approved.

On MOTION for Brooks of Bonita Springs by Mr. Woolsey and seconded by Ms. Varnum, with all in favor, ranking the sole respondent, Premier Lakes, Inc., as the #1 ranked and qualified respondent to the RFP for Lake and Wetland

Management and awarding the Lake and Wetland Management contract to Premier Lakes, Inc., was approved.

▪ **Committee Reports**

This item was an addition to the agenda.

Ms. Bunting distributed and presented her Report about establishing Committees and the Members of the Committees. She will update the Report to include additional Committees, including Fish Stocking, Signage, Monuments, Lake Bank and Aeration Committees.

Discussion ensued regarding creating a Frequently Asked Question (FAQ) section to post on the CDDs' website and ensuring responses to resident concerns are timely and Mrs. Adams, Mr. Willis and designated Committee Members are copied on the responses.

SEVENTH ORDER OF BUSINESS

Update/Discussion: Sidewalk Project

This item was presented following the Third Order of Business.

EIGHTH ORDER OF BUSINESS

Update/Discussion: Back Billing from Seminole Gulf Railway

Mr. Adams conveyed the outcome of his and Ms. Magaldi's conversation with the Village. Ms. Magaldi stated that the Railway declined the CDDs' request to enter into a new agreement directly with the Railway.

Ms. Magaldi asked for Board direction and recalled the statute of limitations could be a partial defense for the CDDs; however, that direction must be weighed on the fact the railroad has the right to terminate the License Agreement either by default, upon 30-days' notice, and remove the CDDs' critical infrastructure Mr. Adams stated that Joe Madri referenced removing the CDD infrastructure.

Ms. Magaldi and Mr. Adams responded to questions as to the CDDs' legal position, cost of litigation, the demand letter, CDD payment history and removing cost from the budget after three years not receiving billings. Regarding negotiating final payment, Mr. Adams stated the Railway is willing to participate in the negotiations of the appropriate entity.

Mr. Garner suggested the negotiating a significant payment to Rails and Trails and, in return, provide the CDDs negotiating a perpetual easement with Rails and Trails.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, paying the CDDs' obligations to Seminole Gulf Railway in full and, upon receipt, the Railway providing assignment papers in the CDDs' name for the 1998 License Agreement, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Woolsey, with all in favor, paying the CDDs' obligations to Seminole Gulf Railway in full and, upon receipt, the Railway providing assignment papers in the CDDs' name for the 1998 License Agreement, was approved.

NINTH ORDER OF BUSINESS

Discussion: Lake Bank Erosion 2024-2025

Mr. Willis stated Anchor Marine crews will make some repairs to the geo-tubes but is waiting for water levels to recede to assess the lake banks.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2024

The Unaudited Financial Statements and Financial Highlights Report as of September 30, 2024 were included for informational purposes. The CDD was unable to recover a portion of the Anchor Marine "Bad debt" and implemented a positive pay process in which the bank contacts the CDDs to confirm it is okay to process CDD checks. Mr. Adams will speak to the Controller to clarify payment.

ELEVENTH ORDER OF BUSINESS

Approval of August 28, 2024 Joint Public Hearing and Regular Meeting Minutes

Mr. Merrit presented the August 28, 2024 Joint Public Hearing and Regular Meeting Minutes. The following changes were made:

Lines 69 through 78: Mr. Adams and Mr. Merritt will reword.

Line 286: Change "he" to "she"

Line 337: Change “Bunting” to “Varnum”

Line 342: Insert additional language explaining Option 2.

Line 384: Insert “Coconut Road” before “fence”

Regarding wording on Line 251: Mrs. Adams stated she will obtain the figure from Mr. Nott to include the final letter to SOLitude on the actual payment amount being withheld.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the August 28, 2024 Joint Public Hearing and Regular Meeting Minutes, as amended and to include any additional changes submitted to Management, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. Bunting, with all in favor, the August 28, 2024 Joint Public Hearing and Regular Meeting Minutes, as amended and to include any additional changes submitted to Management, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Coleman, Yovanovich & Koester, P.A.

Ms. Magaldi reminded the Board Members to complete the required four hours of ethics training by December 31, 2024; completion of the requirement will be reported when filing Form 1 in 2025. She will email the memorandum containing links to free online courses.

B. District Engineer: Johnson Engineering, Inc.

There was nothing further to report.

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

• Monthly Status Report – Field Operations

The Field Operations Report was included for informational purposes.

Mrs. Adams stated she is obtaining proposals to install 57 aerators. Mr. Merritt thinks the communities might not have sufficient funds and suggested the CDD finance the costs via the bonds.

Discussion ensued regarding the emergency gate and suggestions to install a camera system and generator and to consider replacing the irrigation system in Lighthouse Bay and any other asset over 25-years old using bond money to fund the projects.

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

- **NEXT MEETING DATE: January 22, 2025 at 1:00 PM [Estero Community Church, 21115 Design Parc Ln., Estero, Florida 33928]**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

FOURTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda items only [3 minutes per person]

No members of the public spoke.

FIFTEENTH ORDER OF BUSINESS

Adjournment


There being nothing further to discuss, the meeting adjourned at 4:19 p.m.

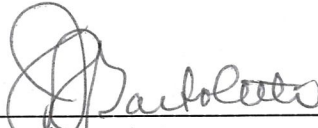
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**BROOKS OF BONITA SPRINGS &
BROOKS OF BONITA SPRINGS II CDDS**

October 23, 2024

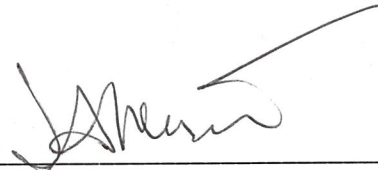
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair