

**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 Multiple Joint Public Hearings and a Regular Meeting on August 25, 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
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	Assistant Secretary
Thomas Bertucci	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes (GS)
Bill Hollister	Resident
Chuck Burress	Resident
Dave Garner	Resident and Director of Harbor Club of Lighthouse Bay (HCLB)
Lisa Mason	HCLB Property Manager

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:00 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Varnum, Stoehr and Crawford were present, in person. Supervisor Docherty was attending via telephone. For Brooks of Bonita Springs II, all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Resident Chuck Burress, of Spring Run, expressed support for the pickleball program and stated the opportunity for the pickleball court expansion was key in his family's decision to purchase their home. He felt that the Pickleball Club was doing an excellent job training new players. In his opinion, there were not enough courts during season. He expressed support for the three new proposed pickleball courts.

Mr. Bartoletti stated the pickleball courts would be discussed later in the meeting.

BROOKS OF BONITA SPRINGS ITEM

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2021-05,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Merritt presented Resolution 2021-05. The following slate of officers was nominated:

Chair	James Merritt
Vice Chair	Sandra Varnum
Secretary	Chuck Adams
Assistant Secretary	Rollin Crawford
Assistant Secretary	William Docherty, Jr.
Assistant Secretary	William Stoehr
Assistant Secretary	Howard McGaffney
Treasurer	Craig Wrathell

Assistant Treasurer

Jeff Pinder

No other nominations were made.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Docherty, with all in favor, Resolution 2021-05, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2021/2022 Budget**

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolutions Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

I. Resolution 2021-06, *Brooks of Bonita Springs Community Development District*

II. Resolution 2021-06, *Brooks of Bonita Springs II Community Development District*

A Board Member referred to The Commons Club shared maintenance costs, on Page 8 of the proposed Fiscal Year 2022 budget, and asked why it had listed actuals through 3/31/21 of approximately \$3,600 but projected costs through 9/30/21 of approximately \$103,000.

Mr. Adams stated per the Agreement, a percentage of actual costs incurred was billed following the year-end; however, going forward the billing would be done on a quarterly basis.

The Public Hearing was opened.

No members of the public spoke.

The Public Hearing was closed.

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Crawford, with all in favor, Resolution 2021-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Bertucci, with all in favor, Resolution 2021-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Special Assessments for Operations and Maintenance for Fiscal Year 2021/2022, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolutions Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

I. Resolution 2021-07, *Brooks of Bonita Springs Community Development District*

II. Resolution 2021-07, *Brooks of Bonita Springs II Community Development District*

Mr. Bartoletti presented the Resolutions. This Resolution levies assessments and provides for collection via the Property Appraiser and Tax Collector. The Debt Service and Operation & Maintenance (O&M) assessments and amounts were discussed.

The Public Hearing was opened.

No members of the public spoke.

The Public Hearing was closed.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, Resolution 2021-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Pierce, with all in favor, Resolution 2021-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2021/2022 and Providing for an Effective Date

- A. Resolution 2021-08, *Brooks of Bonita Springs Community Development District***
- B. Resolution 2021-08, *Brooks of Bonita Springs II Community Development District***

Mr. Bartoletti presented the Resolutions.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, Resolution 2021-08, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2021/2022 and Providing for an Effective Date, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Brown and seconded by Mr. Pierce, with all in favor, Resolution 2021-08, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2021/2022 and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Landscape Report: GulfScapes

Mr. Grimes reported the following:

- Vines, plants and weeds were constantly being maintained, as the rains have caused rapid growth.
- Bougainvillea responded very well to the fertilizer and water; trimming was ongoing to keep roadways and bike lanes clear. Blooms were expected in November.
- Flowers were growing well.
- Canna lilies at the sign adjacent to Williams Road looked very nice.
- Pest issues were affecting the front signs. Treatment for snails was underway.
- The fertilizer blackout ends on October 1, 2021 but residents should be advised not to fertilize turf or shrubs. Turf would be fertilized in October.
- Annual flowers were fertilized, as the fertilizer blackout only applied to granules.
- Fakahatchee grass trimming would begin on September 1, 2021. Mite treatments would be applied and grasses trimmed as necessary.

EIGHTH 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**

These items were included for informational purposes.

Mr. Grimes reported the following:

- The rotor sprinkler head repairs approved at the last meeting were approximately halfway completed.
- Coverage would be measured and run times would be reported at the next meeting.
- A lightning strike destroyed the clock at #41; the clock was replaced and Rain Bird may warranty the ET cartridge, which provides remote access. Rain Bird advised that the timers can be connected to ET to provide weather data via satellite. Further work would be done and updates would be provided. Additional tech support from Rain Bird was needed. ET should adjust run times based on weather data; zone data would be entered into the system.

Discussion ensued regarding irrigation system operations, weather stations and ongoing staff monitoring of the system.

- Excavation started for a mainline break under Coconut Road. Tampa Electric Company (TECO) was called to mark the utilities and work was expected to begin on August 27, 2021.

Mr. Grimes presented the Irrigation Reports and highlighted the following:

- The clocks were operating as expected; Clocks 5 and 6 still have the highest usage.

Mr. Pierce asked why Clock 4 was using 15% of the total and the average was eight. Mr. Grimes stated he would investigate.

- Total water usage was approximately five million gallons for June, up 26% from the previous year; there was 8.5" of rain, of which 6" occurred in the last week of June.

NINTH ORDER OF BUSINESS

Update: Pickleball

- **Discussion: Letter of Intent**

This item was presented in conjunction with Item 12D.

TENTH ORDER OF BUSINESS

Update: Cane Toad Reduction Program

This item was presented following the Twelfth Order of Business.

ELEVENTH ORDER OF BUSINESS

**Discussion: Shared Cost Calculations for
Coconut Road Park Hardscape Repairs and**

**Spreadsheet Created by Supervisor
Bartoletti**

This item was presented in conjunction with the Twelfth Order of Business.

This would be an ongoing agenda item.

TWELFTH ORDER OF BUSINESS

Discussion:

- A. YTD Irrigation Report – Joint, Village Green and Town Center Entrance**
- B. Reconciliation of 2020 Commons Club Shared Cost Budget vs. Actual**
- C. Irrigation – US 41 to Railroad Tracks**

Mr. Bartoletti presented a spreadsheet detailing the “RCS Billing Joint Village Green and Town Center Entrance” that showed water usage, budgeted amounts and costs for the Joint CDDs, Village Green and Town Center Entrance. He identified the area for which the CDDs are responsible and the areas the CDDs irrigate and noted that the Coconut Point Mall and South Village are charged \$13,000 for that irrigation. He asked if that is negotiable and, if so, how it can be negotiated. Mr. Merritt stated it is not negotiable.

Mr. Bartoletti noted that other entities, such as the hospital, benefit from the irrigation and asked if the hospital and the apartments could be approached.

A Board Member asked if the CDDs are required to irrigate the area. Mr. Adams stated it was likely tied into the Development Order (DO), in terms of responsibility.

Mr. Merritt observed that the area was now a different entity; the Village now owns the roadway. Mr. Bartoletti stated he would like to approach the Village to assume responsibility for the portion from the Railroad Tracks to US 41, as an act of good faith.

Mr. Merritt thought that there were other options to consider. He expressed support for pursuing discussion with the Village but felt that the CDDs should not accept a token. Mr. Bartoletti stated he was willing to approach the hospital to discuss the matter.

Mr. Adams stated Mr. Cox would research the extent of the CDDs’ responsibility.

Mr. Bartoletti stated his purpose was to present his research about the amount of water used and where it is used; he did not believe that \$13,000 adequately reimburses the CDDs' expenses for staff, irrigation and plantings.

Mr. Bartoletti presented a GIS depicting the areas in question, including Clock 9, which he thought is the responsibility of The Commons Club and not the CDDs, given that it is inside their gates. Discussion ensued regarding the parking lot, shared use of property, shared costs on a spreadsheet and allocation of expenses in the Shared Cost Agreement. Mr. Adams stated the Methodology was already in place prior to the purchase of the parcel. Mr. Bartoletti felt that the CDDs need to determine if The Commons Club is paying too much. The need for a true-up was discussed. Mr. Adams stated a true-up could be addressed in the Fourth Quarter. Discussion of the financials and when Third Quarter accruals would be available.

The Boards thanked Mr. Bartoletti for compiling this information. Discussion ensued regarding the need to compile and examine the data and the possible amount of the reimbursements that might be owed to the CDDs. The consensus was that Mr. Adams would provide additional information on which to base a decision.

D. Copperleaf Land Lease Discussion Results

Mr. Bartoletti stated, in late July, Copperleaf decided to pursue "Project 2024" in which a consultant will survey existing physical facilities to determine future use and trends related to facilities. Owners will be surveyed about their perceptions and desires for future amenity additions and improvements. Owners would receive a presentation in February and a vote would be held regarding the "Project 2024" costs. He felt that it is important for the Copperleaf Board of Directors to be aware that the CDDs are offering a land lease and that the park is available for adding an amenity. Based on the CDDs' presentation of the land lease approach that is still being prepared, the Copperleaf Board of Directors supported the land lease.

Mr. Crawford believed it was important to incorporate input from the communities when the CDDs develop a vision similar to "Project 2024".

Mr. Bartoletti stated Johnson Engineering surveyed the park land relative to having pickleball on the 3.73 acres and it was determined that the number of courts could be expanded but the current courts are not in line with where they would need to be. Rather than

building three more courts in the wrong place, they were trying to determine where to put the courts and how much demand there is but accurate data of who is playing, when they are playing, how often and which community they are associated with was needed. He stated that the Board Members hoped to offer a land lease to the HOAs, given that the 3,552 ERU's contribute to the parks; all property owners pay for the courts that the public may access. The improved land lease would delegate responsibility for managing the amenity to the HOAs. To make this work, the HOAs will need to buy into the concept. Copperleaf was the first of the four HOAs to allow a presentation and approve the land lease and the three other HOAs were not yet approached.

Discussion ensued regarding the request to add three pickleball courts, concerns about placement of present and additional pickleball courts, the need for long-term amenity and social planning and the need to present a concept of what the project could look like.

Mr. Merritt stated the CDDs need to sell the land lease concept to the HOAs. He observed that Copperleaf has a 2024 plan for its amenity needs and they are a bundle community, as opposed to an equity community such as Shadow Wood. Meetings would be held with each of the HOAs and the Country Club, which are better able to address amenity use than the Community Association, which manages security, gates and the common areas. Once each HOA's needs are known, the Engineers could develop a specific plan that includes future land for future amenity needs.

Mr. Crawford felt that a rendering would help sell the concept and that it would be difficult to manage assigned courts for individual HOAs.

Mr. Bartoletti stated the Boards need to know what is needed in addition to pickleball and the park must accommodate future needs to fit holistically into 3.73 acres. Johnson Engineering provided a plan for 17 potential courts but three are not facing the correct direction so, to provide adequate space, it would be necessary to move into the playground area, which was the only remaining social area. He felt that it was important to evaluate all needs, including pickleball, so that a concept can be planned accordingly.

Mr. Crawford thought that it would be very difficult to determine future pickleball needs given that it is such a new and emerging activity. Discussion ensued regarding the need for data from the Pickleball Club and surrounding communities.

Mr. Bartoletti stated the design with 17 courts was based on the general estimation provided by the Pickleball Club that one court is needed per 368 residents, which represented the potential needs rather than the current needs. The land can accommodate 17 courts but the playground must be given up to do so and it is possible that noise could affect The Commons Club. He suggested asking all four communities if they see a need for another amenity and if not, a current site plan could be developed but, if the need for another amenity is identified, the plan could be revised accordingly.

Discussion ensued regarding whether a term sheet is needed, the meeting with the Copperleaf Board and General Managers and their willingness to sell the concept to their HOAs and the challenge of the land lease concept, which would allow the CDDs to provide additional pickleball courts and ensure access for residents.

Based on today's discussions, Mr. Cox asked how much detail the Letter of Intent should include. The consensus was that more detail should be included. Mr. Cox would forward a draft to Mr. Crawford and Mr. Gould by the weekend.

Mr. Bartoletti asked if the Board Members wanted him to proceed with additional meetings scheduled with the remaining HOA Boards and General Managers. He stated discussions were limited to the general concept of the land lease and a shared cost approach to the three existing pickleball courts. He discussed the current pickleball courts and existing pickleball reservation systems. Mr. Crawford stated, with the land lease arrangement, the HOAs would manage the reservations.

Mr. Cox asked if only the existing three courts would be included in the current land lease. Mr. Bartoletti replied affirmatively. Mr. Cox agreed that the lease limits public use and transfers management responsibility to the HOAs.

Resident Bill Hollister noted that all property owners own the property, through the CDD, and asked if leverage is required and if the project would need all HOAs to participate.

Mr. Bartoletti stated the project is presented so that, for commonly shared and needed amenities, all communities share the cost. Mr. Hollister believed that, if the project would fail due to one community opting out, it should be noted on the term sheet. Mr. Bartoletti stated, in that case, the CDDs' might approach the Country Club, given Shadow Wood's equity situation. A Board Member stated each community would have the option to participate.

Resident Dave Garner, Director of Harbor Club of Lighthouse Bay, stated there is a lot of confusion about the CDDs' intentions for the property. He suggested including other amenities that cannot be accommodated inside Lighthouse Bay, such as a dog park or a dog run. He felt that a sole focus on pickleball would be detrimental and suggested addressing the role, if any, of The Commons Club in joint management of the park, as The Club may be more amenable to contractual responsibility versus ownership.

Mr. Merritt stated the CDDs could not speak for The Commons Club

▪ **Update: Cane Toad Reduction Program**

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

Mr. Adams stated 240 mature cane toads were harvested in Copperleaf in early August, along with 335 in Spring Run, 1,250 in ShadowWood and 125 in Lighthouse Bay.

The consensus was that the second breeding system was underway. Residents expressed great appreciation for the program.

THIRTEENTH ORDER OF BUSINESS

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

Mrs. Adams presented the Unaudited Financial Statements as of July 31, 2021. A miscode of \$5,568 for The Commons Club shared maintenance costs would be recoded to Coconut Road cost sharing. The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

**Approval of July 28, 2021 Joint Regular
Meeting Minutes**

Mr. Bartoletti presented the July 28, 2021 Joint Regular Meeting Minutes.

The following changes were made:

Line 140: Delete “He believed the consensus was that the land lease approach could be utilized if the HOAs refuse.”

Line 144: Change “Merritt” to “Bartoletti”

Line 147 and throughout: Change “Mefferle” to “Messerlee”

Line 149: Insert “Pickleball Club” before “presentation”

Line 166: Delete “whose costs are absorbed by the general population”

Line 171: Change “A Board Member” to “Mr. Gould”

Line 173: Insert “He discussed the natural gas model in ShadowWood in which the costs were passed only to participating residents.” after “costs”

Line 176: Delete “reaching an agreement with the HOAs. Mr. Merritt expressed support for the Pickleball Club”

Line 178: Change “negotiate an agreement with the HOAs” to “convince HOAs owners to support the court expansion”

Line 185: Change “A Board Member” to “Mr. Pierce”

Line 187: Insert “The CDDs are responsible” after “expense.”

Line 209: Change “dropping” to “drop in play”

Line 224: Change “and Mr. Gould in favor and Mr. Pierce” to “, Mr. Gould and Mr. Pierce in favor”

Line 227: Change “3-2” to “4-1”

Line 273: Change “on Spring Run” to “On Coconut Run”

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the July 28, 2021 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Bertucci, with all favor, the July 28, 2021 Joint Regular Meeting Minutes, as amended, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

- **Update: Status of Simon Group Complaint**

Mr. Cox stated the deadline for a payment or payment schedule is August 31, 2021. If not received, a judgment will be filed.

B. District Engineer: *Johnson Engineering Inc.*

There was no report.

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

- **Monthly Status Report – Field Operations**

Mrs. Adams stated that littoral plantings at Lighthouse Bay would commence this week. Several villas reported that they were installing drainage pipes in the spring and requested that littoral plantings be delayed, so the littorals scheduled for that pond were rescheduled to ponds on the waiting list. Mr. Merritt voiced his opinion that the littoral plantings in the CDDs are lacking and suggested evaluating them to preserve the health of the waterway. Mrs. Adams stated the focus was shifted from filling in littorals to bank restoration projects. A Board Member asked if communities other than Lighthouse Bay have issues with grass carp. Mrs. Adams stated the grass carp were only present in Lighthouse Bay.

Mr. Gould asked if the reduction in littorals is adversely affecting water quality. Mrs. Adams stated the CDDs have an abundance of littorals. Discussion ensued regarding the importance and expense of littorals. Mrs. Adams stated she would review the littorals. The consensus was that both littorals and addressing bank erosion were high priorities.

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

- **NEXT MEETING DATE: TBD**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

The next meeting will be held on October 27, 2021 at 2:00 p.m.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Merritt asked Mr. Adams to discuss the provision for changes in accounts when the budget is adopted if the appropriation is within 10%. Mr. Adams stated, as District Manager, he has the authority to make adjustments at 10% or \$10,000. Expenditures above that amount are presented to the Boards. Most expenditures are presented to the Boards at meetings, in the form of proposals, and funds are repurposed when necessary. This occurs informally when a proposal exceeds the CDDs' budgets but the Boards have made a determination that the expenditure is very important.

Mr. Bartoletti recalled that the audit was completed last month and the recommendation was reconciliation from the end of the year numbers. He asked how this can be added to the agenda so it is not overlooked. Mr. Adams stated the year-end reconciliation determined that expenses exceeded appropriations; approval of a budget amendment to increase appropriations by rolling up surplus fund dollars to fund those and remove the note from the audit was recommended. It was a minor note and there was no issue with refinancing bonds. The current financials did not show any such a risk for Fiscal Year 2021.

Mr. Bartoletti stated he would like to include an agenda item for Staff reconciliation of The Commons Club at the appropriate time. Mr. Adams stated this could be an agenda item at the next meeting.

SEVENTEENTH ORDER OF BUSINESS

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

There were no public comments.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the meeting adjourned at 3:22 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Brown, with all favor, the meeting adjourned at 3:22 p.m.

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

August 25, 2021

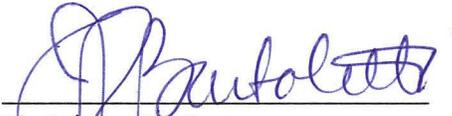
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair