

**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 26, 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:

James Merritt	Chair
Sandra Varnum	Vice Chair
Rollin Crawford	Assistant Secretary
Bill Docherty	Assistant Secretary
William Stoehr	Assistant Secretary

Present for Brooks II CDD:

Joseph Bartoletti	Chair
Ken D. Gould	Vice Chair
Thomas Bertucci	Assistant Secretary

Also present:

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 Landscape Management
Lynn Bunting	CDD II Candidate
Randy Kinmetz	Resident
Jim Ward	Resident
Alex Messerle	Resident

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 all Supervisors were present, in person.

For Brooks of Bonita Springs II, Supervisors Gould, Bertucci and Bartoletti were present. Supervisor Brown was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Resident Randy Kinmetz stated he presented his last Pickleball Club update in January, when he reported that Pickleball Club membership increased 50% to about 570 members. Membership has again increased 50% to nearly 850 members and membership is expected to reach 1,000 by the end of the year. Players are limited to three courts and, in his opinion, neighboring communities are building courts more quickly. Pelican Sound received approval from the Village of Estero to build more courts. He feels that more courts are needed; the Club continues to manage with the existing courts and the reservation system has not changed but demand continues to exceed capacity. The Pickleball Club Board met with Supervisors Merritt and Bartoletti and the Site Plans to be presented today have the endorsement of the Pickleball Club Board, which recommends that the Site Plan be submitted to the Village of Estero as soon as possible.

JOINT BUSINESS ITEMS

THIRD ORDER OF BUSINESS

Update: Delinquent Payments for Coconut Point Mall

This item was addressed following the Fifth Order of Business.

FOURTH ORDER OF BUSINESS

Update: Negotiations with The Commons Club Regarding Potential Purchase of Coconut Property

Mr. Adams stated The Commons Club withdrew its offer to purchase the property.

FIFTH ORDER OF BUSINESS

Discussion: Revised Pickleball Court Layout

Mr. Merritt stated the Site Plan was revised from the original 16-court layout because of an orientation issue. The revised Site Plan addresses the orientation issue, includes 16 courts and all amenities in the original Site Plan, including covered areas and controlled access.

Mr. Cox joined the meeting via telephone at 1:05 p.m.

Aerial view images were displayed.

A Board Member asked if the three existing pickleball courts will eventually be removed. Mr. Merritt replied affirmatively and noted that the Pickleball Club is willing to forgo the three courts if the Phase I courts can be constructed within a reasonable time.

Mr. Merritt stated the increased costs related to Site Plan revisions total \$14,600.

Project costs, approval processes and Phases I and II were discussed.

Mr. Bartoletti stated the playground area, restrooms and interactive fountain are not impinged upon. Walking paths have been preserved.

On MOTION for Brooks of Bonita Springs by Mr. Docherty and seconded by Mr. Merritt, with all in favor, expending additional funds for Engineering and Permit fees, in the amount of \$14,600, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucciand seconded by Mr. Bartoletti, with all in favor, expending additional funds for Engineering and Permit fees, in the amount of \$14,600, was approved.

▪ **Update: Delinquent Payments for Coconut Point Mall**

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

Mr. Cox stated a final demand was sent, with a November 15, 2022 deadline. Amounts owed for all current outstanding invoices, including interest, total approximately \$50,000.

SIXTH ORDER OF BUSINESS

**Discussion/ Consideration: Johnson
Engineering, Inc. Fee Modification**

A. Rate Schedule - *Brooks of Bonita Springs Community Development District*

B. Rate Schedule - *Brooks of Bonita Springs II Community Development District*

Mr. Merritt presented the new Rate Schedules.

Discussion ensued regarding the increased hourly rates and future needs.

Mr. Adams stated that expenses depend on the number of hours engaged; expenditures will be monitored throughout the year and budgeted accordingly.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, the Johnson Engineering Professional Services Hourly Rate Schedule dated August 9, 2022, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, the Johnson Engineering Professional Services Hourly Rate Schedule dated August 9, 2022, was approved.

SEVENTH ORDER OF BUSINESS

**Consideration of Lykins Signtek, Inc.,
Quote 93739 for Installation of Monument
Wall [\$70,800.00]**

Mr. Bartoletti recalled that the Village approached the CDDs about possibly installing a monument in the median at the south entrance of Imperial Parkway indicating traffic is entering the Village of Estero. The CDDs had plans to install a monument indicating traffic is entering The Brooks but the County and Village will not allow any entity to install a monument in the center median. Quote 93739 no longer applies, as the former proposal is void.

A possible alternative monument location was discussed.

The consensus was to pursue other options as a potential future project.

EIGHTH ORDER OF BUSINESS

**Consideration of Award of Contract for
Landscape Maintenance**

Mrs. Adams presented the sealed bids for Landscape Maintenance.

Mr. Bartoletti praised GulfScapes for its efforts.

Mr. Grimes noted that GulfScapes did not raise its rates over the prior four years; the current bid includes a rate increase of approximately 6.5%.

Discussion ensued regarding Hurricane Ian cleanup and debris removal.

Mrs. Adams stated cleanup costs are estimated at \$170,000 so far but is not yet finished. Mr. Adams stated the official Federal Emergency Management Agency (FEMA) application process commenced; costs and documentation will be compiled for submission.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the GulfScapes Landscape Maintenance bid, in the amount of \$816,778, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Docherty, with all in favor, the GulfScapes Landscape Maintenance bid, in the amount of \$816,778, was approved.

NINTH ORDER OF BUSINESS

Irrigation Reports

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

Mr. Grimes presented the Irrigation Reports and stated that total annual water consumption will likely be greater than the prior year when September figures are added. September usage is estimated at 2,000,000 gallons.

Water usage, rainfall trends compared to prior years and budgeting, were discussed.

The consensus was that, while rainfall can reduce the need for irrigation, much of the water received during heavy rain is runoff.

Mr. Bartoletti asked residents to report leaks and gushing water to a Board Member so Staff can be notified and the water can be shut off as soon as possible.

TENTH ORDER OF BUSINESS

Landscape Report: *GulfScapes Landscape Management Services*

A Board Member asked if the landscape proposals in the Eleventh Order of Business replace those presented for re-landscaping in July.

Discussion ensued regarding potential cost increases and the additional scope of work to medians in Clocks 1, 2, 3 and 8.

Mr. Merritt expressed concern about contractors digging up and burying cables and necessitating costly repairs to irrigation and landscaping. Mr. Grimes stated, while he does not advocate turf everywhere, it allows for a cleaner landscape appearance and is easier to replace.

Discussion ensued regarding ongoing boring work to be done related to installation of fiberoptic cable and the likelihood that ongoing irrigation repairs will be needed.

Damages related to past projects were discussed.

Asked if the County provides reparations, Mr. Cox stated the County advised that the CDDs are responsible for any landscaping repairs needed as a result of work done on the County ROW. While utilities hired by the County get that same protection, non-County contractors should repair and replace landscaping they damage.

Discussion ensued regarding developing professional relationships with contractors, informing contractors about underground utilities, promoting use of the 811 number, monitoring and documenting work being done and documenting damages to pursue repairs.

ELEVENTH ORDER OF BUSINESS

Consideration of GulfScapes Landscape Management Services, Proposals for Landscape Installations

- A. Clock 1: Railroad Tracks East on Coconut Road to Spring Run Entrance [\$83,971.00]**
- B. Clock 2: Spring Run Entrance East on Coconut Road to Enrichment Center [\$88,712.00]**
- C. Clock 3: Enrichment Center Entrance East on Coconut Road to Lighthouse Bay Entrance [\$89,838.00]**
- 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 [\$60,524.50]

I. Clocks 1-8 Maps and Locations

J. Proposal #3723 for Installation of Root Barriers [\$159,750.00]

- **Root Barriers to Completed Asphalt Repaired Locations**

Mr. Bartoletti recalled discussions and noted the prior consensus about the need to enhance landscaping and address root barriers.

The consensus is to approve the expenditures for budgeting purposes while the sealed bidding process begins; a short-term note might be secured to cover the costs.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, approving Items 11 A through I for budgeting purposes and authorizing Staff to obtain sealed bids for Items 11 A through I, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, approving Items 11 A through I for budgeting purposes and authorizing Staff to obtain sealed bids for Items 11 A through I, was approved.

Mr. Bertucci supported adding Item J to the proposed decision-making process when sealed bids are received and awarding it as a separate contract included in the overall note. Mr. Adams stated Item J is beneath the threshold and is a separate project.

Discussion ensued regarding the need to install root barriers.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, adding Item J as part of the overall process of evaluating Items 11 A through I and adding it as a separate contract to be included in the overall note, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, adding Item J as a part of the overall process of evaluating Items 11 A through I and adding it as a separate contract to be included in the overall note, was approved.

TWELFTH ORDER OF BUSINESS

**Consideration of Collier Paving & Concrete,
Proposal #22-696 for Sidewalk
Replacement Project [\$940,370.79]**

The consensus was that the cost is excessive, given the exclusions listed.

Mrs. Adams suggested the District Engineer evaluate the proposal and make recommendations. Mr. Burford will contact the appropriate parties and advise. This item was deferred to the January meeting, pending additional information from the District Engineer.

Discussion ensued regarding safety issues that need immediate action.

Mr. Willis will compile a list of areas and quotes will be requested for individual repairs.

THIRTEENTH ORDER OF BUSINESS

**Consideration of EarthBalance Littoral
Planting and Lake Bank Restoration
Proposal**

Mr. Willis presented the EarthBalance proposal developed subsequent to the Lake Audit of all 175 lakes earlier this year, categorized as follows:

Category 1: No littorals present; littorals need to be planted.

Category 2: Lake bank restoration needed.

Category 3: Additional littorals needed to fill in gaps.

Mrs. Adams stated the proposal will only serve as an exhibit to the CDD's standard contract. Currently, \$30,000 is budgeted for aquascaping; the proposed work totals approximately \$52,000.

Mr. Willis stated the littorals listed in Category 2 must comply with Limited Development Orders (LDOs); remaining items can be adjusted, as directed by the Board.

Existing littorals, County requirements and the benefits of littorals were discussed.

Mrs. Adams recommended continuing to plant littorals annually. Mr. Willis noted that impacts on the lake banks increase over time; the sooner littorals are planted, the greater the impact and the lower the cost.

The consensus was to include this in the motion for the Fourteenth Order of Business.

FOURTEENTH ORDER OF BUSINESS

Consideration of Anchor Marine Services, Inc., Proposal #2280 for the Installation of Geo-Filter™ Tube Erosion Barrier [\$598,050.00]

A Board Member observed that, during the last ten years, other communities needed to perform extensive lake bank restoration due to the lack of littorals. Mr. Adams discussed County requirements, lake bank remediation efforts in other CDDs and the likely savings from The Brooks' ongoing proactive littoral plantings over the years preventing or reducing the need for lake bank erosion remediation.

The consensus was that the expenditure would be approved for budgeting purposes while the sealed bidding process begins.

A Board Member noted that funds for Proposal #2280 are not budgeted. Mr. Adams stated the expense will be funded via the note and paid over five years.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the EarthBalance Littoral Planting and Lake Bank Restoration Proposal and Anchor Marine Services, Inc., Proposal #2280, for budgeting purposes while commencing the sealed bid process, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, the EarthBalance Littoral Planting and Lake Bank Restoration Proposal and for Anchor Marine Services, Inc., Proposal #2280, for budgeting purposes while commencing the sealed bid process, were approved.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2022

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2022.

Mr. Adams stated the True-Up of shared costs with The Commons Club will occur after the audit process is complete. He discussed the audit process and stated he expects the draft audit to be presented in April, if all proceeds according to schedule.

The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of August 24, 2022 Joint Public Hearings and Regular Meeting Minutes

Mr. Merritt presented the August 24, 2022 Joint Public Hearings and Regular Meeting Minutes. The following change was made:

Line 288: Delete "he"

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the August 24, 2022 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all favor, the August 24, 2022 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

Mr. Bartoletti recalled a request from the General Manager David Smith and the 2024 Project Manager regarding the need to fill in part of the lake adjacent to the Clubhouse in order to create additional parking spaces. They drafted a legal document, asked The Brooks' to sign and requested Staff's guidance on how to proceed to keep the project moving.

Mr. Cox stated he has not seen the document.

Mr. Bartoletti stated he received a redline version of an official document requiring a perpetual easement to the property, which he believes is correct, as it will be a parking lot. He is unsure if it is a final draft approved by the Copperleaf Board and ready to be presented for District Counsel's review and if a special meeting is needed to approve the document. The engineering studies relative to water management were completed.

Mr. Adams stated, from a modeling perspective, loss of capacity does not negatively impact the permit. He suggested authorizing finalization of the documents under review by the

District Engineer and District Counsel, execution by the Chair and ratification at a future meeting.

Mr. Bartoletti stated the project will merely authorize filling part of the lake to create 20 additional parking spaces.

Mr. Adams believed a re-survey will be done and a deed will be completed to transfer ownership of the parking lot location, once it is completed.

Mr. Bartoletti expressed his desire to keep all parties informed, avoid misunderstandings and move the project forward in the appropriate way.

Mr. Adams reiterated that the Board approved the concept; the next administrative steps are Legal and Engineering review and authorizing the Chair to execute the documents necessary for that to occur.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, authorizing District Counsel and the District Engineer to review all documents provided by Copperleaf Golf Club Association to ensure compliance with the Engineering and Water Management District and all other legal and engineering considerations, and authorizing the Chair to execute, was approved.

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

Mr. Burford stated the NPDES Report for Cycle 4 Year 5 is complete and ready to be submitted to the County. Water quality trends are the same as in the past; nutrient levels are still below the established threshold.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, the NPDES Report for Cycle 4 Year 5, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, the NPDES Report for Cycle 4 Year 5, was approved.

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: January 25, 2023 at 1:00 p.m. (Meeting must adjourn by 3:00 p.m.)**

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

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

Mrs. Adams stated the next meeting will be held on January 25, 2023.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

NINETEENTH ORDER OF BUSINESS

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

Regarding The Commons Club retracting the offer to purchase the property, resident Jim Ward stated The Commons Club Beach Club had significant damage following the hurricane and it will take a major rebuilding effort to accomplish what needs to be done at the beach area. For that reason, The Club's resources must be dedicated in that area rather than to pickleball and ownership of the property. The Club's Board saw the property's strategic value, which is why the initial offer was made.

Mr. Ward stated the Village of Estero reacted quickly in declaring a State of Emergency. The Club contracted with FEMA to have a disaster recovery company remove debris; Crawford Landscape (Crawford) was contracted to remove debris within the Village, including the HOAs. Mr. Merritt, Mr. Bartoletti and Mr. Adams were alerted that the company was engaged and that FEMA will reimburse the expense.

Mr. Ward described the damage following Hurricane Ian as light and moderate in some areas but absolute devastation in other areas, primarily west of 41 and to manufactured homes

and recreational vehicles (RVs). Crawford is focused on picking up construction material and debris in those areas; some landscaping debris will be removed from HOAs soon. Landscaping debris at the intersection of Coconut will be removed by the Village when possible.

Regarding discussions with the Village regarding the monument, Mr. Ward stated he referred Mr. Bartoletti to the Village Project Director David Williams who will work with Mr. Bartoletti to install a monument outside the ROW. The Village is installing three monuments throughout the Village to establish Village boundaries. He offered his continued assistance regarding contractors working within the Village.

Mr. Adams asked if Crawford will remove the piles of debris. Mr. Ward replied affirmatively and noted the extensive debris will be removed as expeditiously as possible.

Resident Alex Messerle complimented the CDDs on the management of water levels in advance of Hurricane Ian and asked how he can have comfort that the gates will be opened in the same manner in the future. Mr. Adams stated that the CDDs are allowed to open the gate when a storm or hurricane is officially in NOAA's officially forecast "Cone of Uncertainty".

Mr. Bartoletti stated his annual letter to residents in advance of hurricane season provides that information and recommends flood insurance due to the threat of storm surge.

TWENTIETH ORDER OF BUSINESS

***Adjournment: Brooks of Bonita Springs
Community Development District***

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the meeting adjourned at 2:47 p.m.

BROOKS OF BONITA SPRINGS II ITEMS

TWENTY-FIRST ORDER OF BUSINESS

**Discussion/Resume Review of Qualified
Elector Candidates to Fill Vacancy in Seat 1
(Term Expires November 2024)**

- A. Joseph C. Alfenito**
- B. Lynn V. Bunting**

- C. Christopher E. Glynn**
- D. Kim Huttenlocher**
- E. David Woessner**

Mr. Adams stated that Ms. Mary O'Connor, who ran unopposed in the General Election, will be seated at the January meeting.

Mr. Merritt stated that Ms. Huttenlocher is not a resident of CDD II.

Discussion ensued regarding the candidates and their qualifications.

Mr. Gould nominated Ms. Bunting to fill Seat 1. No other nominations were made.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Bertucci, with all in favor, the appointment of Ms. Lynn Bunting to fill Seat 1, was approved.

Mr. Cox stated that Ms. O'Connor must file the Oath of Office with the Supervisor of Elections within 30 days of the election.

TWENTY-SECOND ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor *(the following to be provided in a separate package)*

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Bunting. He will review the following with Ms. Bunting:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

TWENTY-THIRD ORDER OF BUSINESS

**Consideration of Resolution 2023-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Adams presented Resolution 2023-01. The following slate was nominated:

Chair	Joseph Bartoletti
Vice Chair	Kenneth Gould
Secretary	Chuck Adams
Assistant Secretary	Thomas Bertucci
Assistant Secretary	Lynn Bunting
Assistant Secretary	Craig Wrathell

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, Resolution 2022-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

TWENTY-FOURTH ORDER OF BUSINESS

**Acceptance of Resignation of Thomas
Brown, Seat 3 (*Term Expires November
2022*)**

Mrs. Adams presented Mr. Thomas Brown's resignation letter.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the resignation of Mr. Thomas Brown from Seat 3, was accepted.

TWENTY-FIFTH ORDER OF BUSINESS

**Adjournment: *Brooks of Bonita Springs II
Community Development District***

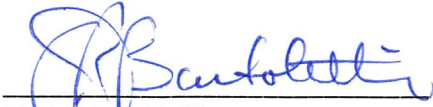
On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the meeting adjourned at 3:11 p.m.

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

October 26, 2022

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair