

**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 26, 2023 at 1:00 p.m., at the Estero Community Church, 21115 Design Parc Ln., Estero, Florida 33928.

Present for Brooks CDD:

James Merritt	Chair
Sandra Varnum	Vice Chair
William Stoehr	Assistant Secretary
David Garner	Assistant Secretary
John Woolsey (via telephone)	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
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer
Leah Holmes	Johnson Engineering
Blake Grimes	GulfScapes Landscape Management
Eric Monroe	Rockford Construction

Residents present were:

Joseph Alfenito	Theresa Weinberg	Nick Batos	Mary Ann Blakeley
Rollie Crawford	James Preston	Chuck Burris	Charles Grimes, Esq.
Tom Schrader	Other Residents		

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 Garner were present. Supervisor Woolsey attended via telephone. For Brooks of Bonita Springs II, all Supervisors were present.

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

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

SECOND ORDER OF BUSINESS

**Public Comments (agenda items only)
Three-minute time limit**

Resident Nick Batos asked the Boards to table the pickleball discussion until all options and ramifications are considered. In his opinion, before expending \$1 million in the short-term and probably millions in the future, Board Members should share all information with all Brooks residents, including the full construction costs, annual operating costs and the procedures of this project. He proposed circulating an unbiased opinion survey to all Brooks residents. He discussed the Village of Estero's plan to construct 20 indoor and outdoor pickleball courts, with amenities, and stated this public/private partnership would, at the very least, be competitive with what the Boards are considering. He thinks the Village's facility could fulfill the need for pickleball courts in the area and save Brooks residents millions.

Resident Tom Schrader distributed a handout of a proposed alternative to the Phase 1 pickleball court project and stated Coconut Park adds value to the Brooks and to The Commons Club and, in his opinion developing it might damage the value of The Commons Club and the value to Brooks residents. Referencing the handout, Mr. Schrader reviewed the alternative plan, which is to start the pickleball court expansion in Coconut Park, with a combination of courts from the Phase 2 and Phase 3 courts. He discussed advantages and disadvantages and reviewed the site plan drawings.

Copperleaf resident and The Commons Club Board President Theresa Weinberg stated The Commons Club has long supported pickleball and is aware that the current facilities and park are not sufficient in size or quantity and that many Commons Club members play pickleball

but many do not. She noted that in the email recently sent to Brooks residents, the CDD stated “sound abatement will be installed in the area of the proposed project that will be closest to the enrichment center of the Commons Club”. She stated that The Commons Club is not in favor of the first set of courts being built so close to Commons Club property. The Commons Club asked the CDD project planners to begin building courts furthest west and The Commons Club is still of the opinion that starting on that side of the property will prevent noise from negatively impacting The Commons Club and other areas, while also leaving greenspace open in case the full number of courts are not needed.

Resident Joseph Alfenito voiced his opinion that there is a need for expanded pickleball in the Brooks. He feels that the Pickleball Club has done its utmost to manage the current number of courts, including providing extended and open play to accommodate pickleball players. He discussed the great demand for pickleball in the Brooks. He concluded that the Pickleball Club appreciates the CDDs’ efforts facilitating construction of the current courts and voiced his wish that the Boards proceed with the Phase 1 pickleball expansion project.

Referencing a handout, resident Charles Grimes, Esquire, read written remarks from Mr. James Preston, who is not in favor of Phase 1 of the pickleball project. Mr. Preston attended via telephone.

Mr. Charles Grimes, speaking on his own behalf, read his written questions, opinions and remarks related to the pickleball expansion project.

Resident Rollie Crawford voiced his opinion that the community is suffering from a lack of collaboration in the original planning, design, decision-making processes for the pickleball expansion and suggested pausing the project and coming to a mutual consensus.

Resident Chuck Burris thanked the Boards for their due diligence and commended them for their efforts to do everything in the proper manner, such as permitting and compiling responses for more than two years, as the pickleball expansion has been an uphill battle. In his opinion, only a small group of residents want to delay the project; he does not understand why, as the project was already delayed three or four years. He hopes the Board Members vote their conscience.

Resident Mary Ann Blakeley stated the reason she purchased her home behind the gazebo in Magnolia Bend, one year ago, was to enjoy the pure tranquility of the visible island, the birds and the eagle’s nest. She expressed her fear that the noise and lights from the

pickleball courts and everything else will hurt the wildlife and disturb the tranquility. Although she is not against pickleball, in her opinion, the proposed pickleball complex will wreak havoc on that tranquility. She asked if construction of additional courts can be moved to further away from The Commons Club.

Resident Pam Best stated that she plays pickleball in the Brooks and she observes eagles, owls and other birds routinely flying near the courts and some land nearby to watch. In her opinion, the pickleball complex will not hurt birds or nature.

Resident and Pickleball Club President Randy Kinmetz stated this has been ongoing for years and there is high-level frustration among pickleball players who have been part of the discussion over the years. He voiced his disappointment at the recent flurry of noise complaints and opposition to the pickleball complex from Brooks residents. He thinks the CDDs and the Pickleball Club did everything that was requested to have the project approved by the Village of Estero and experts indicated that the Phase 1 structure will not adversely impact Magnolia Bend, Sweet Bay or The Commons Club.

Resident Paul Nativi stated that he and his wife are gold members of The Commons Club and are not against pickleball; however, noise associated with pickleball is well-documented in print, on television and on the internet. He discussed the history of the pickleball expansion discussion in the Brooks. He questioned the motives and qualifications of the experts who conducted the sound study and discussed sound measurements.

Mr. Merritt stated, regarding the comments about wildlife, lakes and landscaping that adorn the Brooks, the CDDs record, in terms of maintaining the quality of those resources, is superb. Regarding the pickleball complex, his opinion is that there is an overall favorable climate for having pickleball in the Brooks and that the site selected for the pickleball complex is probably one of the most optimal locations for pickleball in all of Estero. He acknowledged that several issues that need to be addressed will be discussed later in the meeting.

JOINT BUSINESS ITEMS

THIRD ORDER OF BUSINESS

Landscape Report: GulfScapes Landscape Management Services

- **Irrigation Reports**
 - A. Meter Usage by Clock**

B. Year-Over Year Water Usage

The irrigation reports were included for informational purposes.

The following was reported:

- Flowers were installed in early July and cutbacks were completed.
- Although the project is going well, it would be helpful if there was more rainfall.
- Clock 1 went down due to lightning. New plantings were installed at the Enrichment Center; plants that fail to grow back will be warrantied.

The irrigation reports were reviewed and responses were given to questions regarding the tree canopies, a streetlight issue, additional irrigation costs and when the CIP landscaping project will be completed.

FOURTH ORDER OF BUSINESS

Consideration of AV Tech, LLC, Meter Swap Estimate 23104

Mr. Willis presented AV Tech, LLC, Meter Swap Estimate 23104 and responded to questions regarding the condition of the existing equipment and project costs.

Mr. Bartoletti stated Staff must make sure that the capacity at the new load center has enough spare space to add breakers to power the pickleball lights that will be installed and to make sure the power source is adequate enough for the demand. He thinks the CDDs might be able to manage with another generator. He noted that the Copperleaf General Manager offered to allow the CDDs to use their generator if the CDDs pay for the fuel. Mr. Willis will confirm usage of the mobile trailer with the Copperleaf General Manager. He asked if payment will be made from the shared cost agreement.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, AV Tech, LLC, Meter Swap Estimate 23104, in a not-to-exceed amount of \$39,550, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, AV Tech, LLC, Meter Swap Estimate 23104, in a not-to-exceed amount of \$39,550, was approved.

FIFTH ORDER OF BUSINESS

Discussion: Pathway Improvement Plans

Ms. Holmes presented the Pathway Improvement Plans, which will be finalized within the next two to three weeks; that Staff is obtaining roadway permits from the County.

Mr. Bartoletti asked for Bluestream Fiber to be added to the list of vendors, along with their contact information on Page 5. He asked if the end point of the roadway at the east end of Lighthouse Bay Road, as reflected on Page 9, is correct.

Asked about the estimated cost of the sidewalk replacement project, Ms. Holmes stated the costs will be closer to \$2 million, including Engineering fees.

Discussion ensued about borings, plan completion, avoiding liability, trip hazards, Core Reports, acquiring bids, CDDs' and Village of Estero's sidewalk responsibility, sidewalk construction material and assessment increases related to the Town Center Commercial complex.

Mr. Merritt will coordinate with Ms. Bunting to monitor the roadway project and the pavers.

Mrs. Adams will verify that the Village will install a sidewalk from Oak to US 41 and email copies of a December meeting with the Village of Estero to the Boards.

Mr. Burford will review the Town Center commercial complex plans, deviation, drainage and report his findings at a future meeting.

SIXTH ORDER OF BUSINESS

Continued Discussion: Pickleball

A. Presentation of Pickleball Management Update

Referencing slides, Mr. Garner presented the Pickleball Management Update dated July 19, 2023, including a Phase 1 process update, features unique to CDDs operating pickleball, corporate and individual management options and additional activities and recommendations. He stated a recurring issue, as per the plan, is that the facilities do not contemplate an office structure to house a manager, which is problematic.

Mr. Garner responded to questions about the existing maintenance and janitorial plan, a vendor's pricing and the pickleball fees in another city.

B. Update: Pickleball Project Milestone Tracker

Mr. Woolsey stated he updated the information in the booklet and emailed it to all Board Members. He noted pertinent information in the Pickleball Project Milestone Tracker and highlighted the following items that must be considered today:

- Develop roles and responsibilities of the general contractor (#3.10).
- CDD Boards to approve final MRO/Replacement cost values (#3.375).
- CDD Boards to approve final cost recovery procedure (#3.39).
- Establish rate for public play (#3.50).
- Appoint Project Manager (#5.08).
- Vote by the CDD Boards to fund/start construction of Phase 1 (#6.80).

C. Consideration of Award of Contract for Phase 1 Pickleball Facility Expansion

I. Respondents

- a. **EnviroStruct, LLC**
- b. **Rockford Construction**

II. Bid Analysis

Referencing slides, Mr. Bartoletti reviewed the EnviroStruct LLC and Rockford Construction bids for the pickleball project and stated there is a \$100,000 to \$150,000 difference.

Discussion ensued regarding the contractors, subcontractors, line-item discrepancies, a line-item breakout, drainage and estimated costs.

Asked if he is comfortable with the grading system amount of \$60,000, Mr. Monroe, of Rockford Construction, replied affirmatively and recommended that, after awarding the project, the Boards meet with the contractor and review the pricing. He confirmed that his prices are good for 45 days from the July 13, 2023 bid opening date.

On MOTION for Brooks of Bonita Springs by Mr. Garner and seconded by Mr. Stoehr, with all in favor, allocating a total of \$1,064,183.80, for the Phase 1 Pickleball Project, was approved.

On MOTION for Brooks of Bonita Springs II by Ms. O'Connor and seconded by Mr. Bartoletti, with all in favor, allocating a total of \$1,064,183.80, for the Phase 1 Pickleball Project, was approved.

Discussion ensued regarding price fluctuations, additional costs, total project costs, subcontractors, change orders, sound levels/barriers, fencing, aesthetics, financial impact on taxpayers, the impact on The Commons Club, parking, pickleball usage fees, whether to proceed with the lower bid, whether to relocate the court phasing and delaying the project.

Mr. Merritt stated he needs better assurance from the Pickleball Club that it will be able to provide the financial support necessary to carry out the plan. In response to a question, Mr. Kinmetz stated the Pickleball Club has 754 individual paying members.

On MOTION for Brooks of Bonita Springs by Mr. Garner and seconded by Mr. Stoehr, with Mr. Garner and Mr. Stoehr in favor, and Mr. Merritt, Ms. Varnum and Mr. Woolsey dissenting, awarding the Phase 1 Pickleball Facility Expansion Contract to Rockford Construction, was not approved (Motion failed 2-3).

Ms. Varnum noted a lot of objections to the project that she thinks should be considered. Mr. Bartoletti stated the Brooks is an amenity-driven environment and explained why he supports the pickleball project. Mr. Garner voiced his opinion that the Boards have done a wonderful job addressing the sound issue and that pickleball enhances the lives and well-being of Brooks residents.

On MOTION for Brooks of Bonita Springs II by Ms. O'Connor and seconded by Mr. Bartoletti, with Mr. Bartoletti, Ms. O'Connor and Mr. Bertucci in favor, and Ms. Bunting and Mr. Gould dissenting, awarding the Phase 1 Pickleball Facility Expansion Contract to Rockford Construction, was approved (Motion passed 3-2).

Mr. Cox discussed the unknowns associated with the pickleball project, the specifications, the bids and the uncertainty of the pickleball players accepting the increase in usage fees. Asked if a settled matter can be reconsidered, Mr. Cox stated the Boards do not subscribe to Roberts Rules of Order and can reconsider settled matters.

Mr. Adams polled the Board Members for their votes. There was no consensus.

Mr. Adams stated, since the project is a joint one, there is no ability to move forward.

SEVENTH ORDER OF BUSINESS

**Consideration of First Amendment to the
District Management Services Agreement
for Lien Roll Services**

Mr. Adams presented the First Amendment to the District Management Services Agreement for Lien Roll Services. The current combined amount is \$27,000. The fees for CDD #1 are \$17,739 and the fees for CDD #2 are \$9,261.

Discussion ensued regarding the CDD line items and the Consumer Price Index (CPI) annual fee adjustment. Mr. Adams stated the CPI adjustment will be removed.

A. Brooks of Bonita Springs Community Development District

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the First Amendment to the District Management Services Agreement for Lien Roll Services, as amended, was approved.

B. Brooks of Bonita Springs II Community Development District

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, the First Amendment to the District Management Services Agreement for Lien Roll Services, as amended, was approved.

EIGHTH ORDER OF BUSINESS

Update: CIP Budget and Cost per Unit Estimator

Mr. Adams reviewed the 2023 CIP Budget and Estimated Per Unit Costs Estimator and responded to questions regarding the \$2,992.50 "Engineering" amount, "Coconut Park playground and restroom renovations" line item and the assessment increase.

The \$900,000 "Pickleball Courts" line item will be removed from the CIP Budget and could be reconsidered for Fiscal Year 2025.

NINTH ORDER OF BUSINESS

Continued Discussion: Fiscal Year 2023/2024 Proposed Budget

Mr. Adams reviewed the proposed Fiscal Year 2024 budget, highlighting any increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the Fiscal Year 2023/2024 Proposed Budget, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, the Fiscal Year 2023/2024 Proposed Budget, was approved.

TENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of June 30, 2023**

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2023.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

**Approval of May 24, 2023 Joint Regular
Meeting Minutes**

Mr. Adams presented the May 24, 2023 Joint Regular Meeting Minutes.

The following changes were made:

Line 97: Change "Varna" to "Varnum"

Lines 252 and 253: Change "which will benefit home prices" to "which will benefit home sellers by being competitive with other communities being considered by buyers"

Lines 265 and 266: Delete "without paying a fee"

Line 296: Insert "court" before "builders"

Line 362: Change "Luckey" to "Lucke"

Line 376: Change "SCSF" to "Sports Court of South Florida"

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the May 24, 2023 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould with all in favor, the May 24, 2023 Joint Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Dan Cox, Esquire

- **Update: Delinquent Payments from Coconut Point Mall**

Mr. Cox stated discussions with a Coconut Point Mall representative regarding the delinquent payments were briefly paused; he will email an update to the Board Members on Monday.

B. District Engineer: Johnson Engineering, Inc.

There was no report.

C. Field 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 30, 2023 at 1:00 PM [Fiscal Year 2024 Budget Adoption Hearing]**
 - **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;
four (4)-minute time limit)**

There were no public comments.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 4:45 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

July 26, 2023


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair