

**MINUTES OF MEETING
BAYSIDE IMPROVEMENT AND BAY CREEK
COMMUNITY DEVELOPMENT DISTRICTS**

The Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District held a Joint Regular Meeting on October 28, 2019 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.

For Bayside Improvement CDD:

Walter McCarthy	Chair
Bernie Cramer	Vice Chair
John Crew	Assistant Secretary
Jim Nicholson	Assistant Secretary
Bill Nicholson	Assistant Secretary

For Bay Creek CDD:

Mary McVay	Chair
Robert Travers	Assistant Secretary
Donald J. McBride	Assistant Secretary
James Janek	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Dan Cox	District Counsel
Wes Kayne	District Engineer
Tim Denison	Johnson Engineering
James Dougherty	SOLitude Lake Management
Kristina Kennedy	SOLitude Lake Management
Gail Gravenhorst	Resident/PLCA Landscape Committee
Bob Boyd	Horticulturist Florida Evergreen
Jason Glasson	Resident and PLCA Association Manager

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. McCarthy called the meeting to order at 2:00 p.m.

All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

Mr. McCarthy asked Supervisors and Staff to state their names. For Bay Creek CDD, Supervisors Travers, Janek, McBride and McVay were present, in person. Supervisor Glueck was not present. For Bayside Improvement CDD, Supervisors Crew, Cramer, William Nicholson, Jim Nicholson and McCarthy were present, in person.

Mr. Cramer introduced Mr. Jason Glasson, the PLCA Association Manager.

Mr. Glasson stated that he has been the PLCA Association Manager for only two weeks, was still familiarizing himself with Pelican Landing and was looking forward to working with all Board Members. Previously, he worked as a licensed realtor, has a CAM license and worked for Allied Association Management for 13 years.

Mr. McCarthy asked about Mr. Glueck. Management would procure an appreciation plaque for Mr. Glueck.

Mr. McCarthy asked for the Ninth Order of Business to be addressed after the Fourteenth Order of Business, so that the reports could be presented all at once.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There being no public comments, the next item followed.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer: *Barraco & Associates, Inc. [Both]*

Mr. Kayne presented the NPDES NS 4 Year 2 Annual Report. The report was consistent with previous reports except that it highlights the additional efforts taken by Bayside Improvement and Bay Creek CDDs to install the nano-bubbler systems.

Mr. Cramer asked where the 880 linear feet of roadway owned by the CDDs are located. Mr. Adams stated outside the gates; the north entry, the section that runs up Colony Boulevard

to where the commercial property starts and a section that goes up to US 41. Mr. Cramer asked why the sluice gates were not mentioned in the identified highlights. Mr. Kayne stated those were more a function of flood control than water quality. Discussion ensued regarding the drainage systems, the 100-year rains, flood control and the perimeter berm. In response to a question about drainage, Mr. Kayne stated that the ultimate limitation is the discharge; the discharge is restricted and the CDDs are fortunate to have the sluice gates, which help discharge more rapidly in the basin. The remainder of the system was operating very well. As requested, Mr. Kayne stated that he would include a location map with the report.

FIFTH ORDER OF BUSINESS

Consideration of Annual Report Form for Individual NPDES Permits

Mr. McCarthy presented the Annual Report form for NPDES Permits.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, the Annual Report Form for Individual NPDES Permits, as amended to include a location map, was approved.

On MOTION for Bayside by Mr. Cramer, and seconded by Mr. Jim Nicholson, with all in favor, the Annual Report Form for Individual NPDES Permits, as amended to include a location map, was approved.

SIXTH ORDER OF BUSINESS

Consideration of 2019 Water Quality Monitoring Report

Mr. Denison presented the 2019 Water Quality Monitoring Report, including test results, laboratory reports, photographs and conclusions.

Discussion ensued regarding Pond D-13, the water quality results, drainage and clogged drains. Mr. Denison recommended continuing to monitor the lakes and staying proactive on what is actually flowing from them.

SEVENTH ORDER OF BUSINESS

Consideration of 2019 Annual Sediment Quality Monitoring Report

Mr. Denison presented the 2019 Annual Sediment Quality Monitoring Report. He discussed the purpose, scope of work, methodology results and conclusions.

Discussion ensued regarding the elevated muck readings in Lakes A-16 and A-2, oxygenation and the aerators. Mr. McCarthy expressed concern about high concentrations of nitrogen and phosphorous in the lakes, which was not good. He felt that the only way to solve the problem would be to start introducing nitrogen and phosphorous into the surface water management system, which is the partial responsibility of individual property owners, HOAs and the golf courses; most of the damage was alleged to have come from fertilizers introduced into the soil by the golf courses. Mrs. Adams stated that the golf course can fertilize as much as it wants; it is held to a different standard.

EIGHTH ORDER OF BUSINESS

**Consideration of Award of Contract –
Wetland Maintenance**

Mrs. Adams presented the Award of Contract Memorandum for Wetland Maintenance. Since the current EarthBalance contract expired on September 30, 2019, Staff publicized a Request for Proposals (RFP). Four companies submitted bid packages. She reviewed the financial tabulation and discussion ensued regarding EarthBalance’s failure to maintain certain areas, an article on Brazilian peppers and the budgeted amount for the services.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, awarding the Wetland Maintenance contract to EarthBalance, in the amount of \$54,609.72 for a two-year period, was approved.

On MOTION for Bayside by Mr. Jim Nicholson, and seconded by Mr. Bill Nicholson, with all in favor, awarding the Wetland Maintenance contract to EarthBalance, in the amount of \$54,609.72 for a two-year period, was approved.

NINTH ORDER OF BUSINESS

**Consideration of Resolutions Relating to
the Amendment of the Annual Budgets for
the Fiscal Year Beginning October 1, 2018
and Ending September 30, 2019**

This item was presented following the Fourteenth Order of Business.

TENTH ORDER OF BUSINESS

Lake Maintenance Report: *SOLitude Lake Management* [Both]

Mr. Dougherty presented the October 2019 Monthly Report and reported that a fish kill occurred by Southbridge. Mr. Travers noted considerable debris in the lake near the cart path. Mr. Dougherty would make sure the debris gets picked up.

ELEVENTH ORDER OF BUSINESS

PLCA Landscape Committee Report

Ms. Gail Gravenhorst, resident and PLCA Landscape Committee Member, reported the following:

- Bay Creek roundabout was recently cleared. Once the area dries out from the recent rains, equipment would be brought in and, upon completion of stump removal, O'Donnell would excavate.
- The architect redesigned/reset the type of materials that would be installed in the center island and altered the grasses so they can be sustained with the amount of water retained in the island; this would increase the ledge at the top so the slope would facilitate better drainage.
- The current Landscape Architect had a good understanding of the pending projects.
- The Committee conferred with Mr. Gary McKinney, of Bay Creek, regarding the perimeter island in front of Bay Creek to be incorporated in the design; he was interested in cooperating with the design and would present it to his Board.
- Mr. Kemp and Mr. Kucera had not obtained irrigation plans for the circle for after the plants are installed but the intent was to install the basic lines as soon as the soil is prepared.
- Upon completion of the perimeter area, the Committee would consider installing sculptures of birds indigenous to Pelican Landing. The goal was to create a man-made natural area.
- A pergola was also under consideration.

Ms. Gravenhorst responded to questions about the Landscape Architect's plans related to the triangle, vegetation removal and grass height. Ms. McVay voiced her concern about potential car accidents if the grass is 3' high and asked for the Architect's plan for the islands prior to her HOA meeting. Mr. Bill Nicholson asked about the landscape agreement and the status of the third-party bids for landscaping. He asked for the distribution email list to be updated. Mr. Adams stated that the landscape agreement rolled over, as an automatic renewal; he would ensure that the email list was updated. Mr. Gleason stated, so far, only one proposal was submitted. Mr. Adams would confer with the administrator. Mr. Cramer stated that he had an issue with the lack of progress with landscape agreement and suggested working with the PLCA to finalize the agreement. Mr. McCarthy stated that, at the previous PLCA Board of Directors meeting, the determination was that Mr. Cox would re-draft the agreement, which he did and presented; the CDDs have acted in the best faith. Ms. McVay noted a great deal of cooperation between the CDDs' Staff, members of The Colony and the landscapers; the Boards made a number of landscaping requests, which were accomplished, and she felt that, upon their return, residents that were away would be very pleased with the changes. Mr. Bill Nicholson stated that bids are being collected by the PLCA, at a net cost to the community, and Board Members need to be prepared to question how much the budget will be affected if the landscaping in Phase 1 is outsourced. Mr. Crew asked if the PLCA was bidding out CDD-owned property that they are responsible for managing or if the CDDs would manage their own properties and PLCA would manage their common property. He requested a financial analysis from Staff for outsourcing Phase 1 landscaping, prior to the next meeting, and for The Colony, after the holidays.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. McBride, with all in favor, authorizing Staff to prepare a financial analysis to determine how much the budget would be reduced by, if Phase I landscaping is outsourced, for Board review prior to the next meeting, was approved.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, authorizing Staff to prepare a financial analysis to determine how much the budget would be reduced by, if Phase I landscaping is outsourced, for review prior to the next meeting, was approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, authorizing Staff to prepare a financial analysis to determine how much the budget would be reduced by, if landscaping is outsourced in The Colony, for review after the holidays, was approved.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Crew, with all in favor, authorizing Staff to prepare a financial analysis to determine how much the budget would be reduced by, if landscaping is outsourced in The Colony, for review after the holidays, was approved.

Mr. McCarthy stated that he did not understand why sod was being installed in the area where the Indian Hawthorns were removed and voiced his opinion that it was a bad decision.

TWELFTH ORDER OF BUSINESS

Colony Landscape Committee Report

Ms Gravenhorst stated that The Colony had two meetings with the CDDs and there were more positive responses from returning snowbirds. Currently, there were three projects on board from the Landscape Architect. The Committee agreed to ask for funding from the new Colony Board, after turnover. The Colony would have a turnover on November 20th and, with that, there would be a new budget and the Board would be asked to fund the three pending projects. Discussion ensued regarding plantings, irrigation and Board Member attendance at an upcoming meeting wherein Ms. Amy Quaremba would make a presentation.

THIRTEENTH ORDER OF BUSINESS

**Landscape Maintenance Activities Update
and Report**

Mr. Adams discussed the real need for him to focus on the operations and determine how the CDDs could better utilize resources and have better efficiency. He met with Staff and,

together, identified a plan for routine maintenance. He explained the four week schedule for The Colony and Phase 1 and discussed the November flower rotation, entrances and high profile areas inside and outside The Colonies, work being completed on the spine road that leads to Coconut Road, etc. Ms. McVay stated that it had been six months since the bushes on Pelican Nest Drive, west of the bridge, were trimmed and some branches were 3' taller than the rest. Mr. Adams stated that work crews were tending to that particular area.

FOURTEENTH ORDER OF BUSINESS

**Continued Discussion/Update: City of
Bonita Springs Storm Water Utility Fees**

This item was not addressed.

- **Consideration of Resolutions Relating to the Amendment of the Annual Budgets for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019**

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

Mr. Adams stated that, due mainly to overages in landscaping personnel and in the contingency, the appropriation levels for the Fiscal Year 2019 budget were exceeded and funds should be rolled up from surplus fund balance to offset the over budget expenditures to avoid an audit finding. There were some overages in the Enterprise fund, which did not require a budget amendment; Management captured the transfer out of \$67,000 that was received after the start of Fiscal Year 2019 into the District's uninsured assets fund.

Mr. McCarthy felt that something was amiss on the assessment levy net and that the Boards and Staff should figure out why there was an overrun every year, as it did not make sense. In his opinion, this was unacceptable and stated that the Boards and Staff should make an effort to be more vigilant to ensure that there would not be a need for a budget amendment in the next fiscal year. Ms. McVay asked how long it had been since there was a sizeable increase in assessments. Mr. Adams replied that there was a sizable increase in 2018.

- A. Resolution 2020-01, *Bayside Improvement Community Development District***

On MOTION for Bayside by Mr. Crew and seconded by Mr. Bill Nicholson, with all in favor, Resolution 2020-01, Relating to the Amendment of the Annual Budgets for Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019, was adopted.

B. Resolution 2020-01, *Bay Creek Community Development District*

On MOTION for Bay Creek by Mr. McBride and seconded by Mr. Travers, with all in favor, Resolution 2020-01, Relating to the Amendment of the Annual Budgets for Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019, was adopted.

Mr. Boyd exited the meeting.

FIFTEENTH ORDER OF BUSINESS

Irrigation Reports

- A. High User**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**
- B. Penalty Usage Summary**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**
- C. Zero Consumption**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**

These reports were included for informational purposes.

A Board Member noted three residents in Blue Sage went over by \$300 each; he would contact those individuals.

SIXTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of September 30, 2019**

Mr. McCarthy presented the Unaudited Financial Statements as of September 30, 2019. The financials were accepted.

SEVENTEENTH ORDER OF BUSINESS

**Approval of September 23, 2019 Joint
Regular Meeting Minutes [Both]**

Mr. McCarthy presented the September 23, 2019 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. Jim Nicholson, and seconded by Mr. Cramer, with all in favor, the September 23, 2019 Joint Regular Meeting Minutes, as amended to include any edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the September 23, 2019 Joint Regular Meeting Minutes, as amended to include any edits provided to District Management, were approved.

EIGHTEENTH ORDER OF BUSINESS

Action Items (Both)

Mrs. Adams requested permission to review and correct the Action Items offline. A Board Member asked if the Action Items could be reviewed by exceptions, going forward, led by either Mr. or Mrs. Adams.

NINETEENTH ORDER OF BUSINESS

Old Business (Both)

Mr. McCarthy stated that the acceptance of North Commons Drive by the Village of Estero was moving forward at glacial speed and part of the agreement by WCI, in order to get it accepted, was that they must bring it up to the Village's standards, part of which included repairs to the wall. He felt that the CDDs should hold firm to the position of assuming a section and completing the maintenance.

TWENTIETH ORDER OF BUSINESS

Staff Reports (Both)

A. District Counsel: *Dan Cox, Esq.*

Mr. Cox reported the following:

- A lawsuit was filed against the City of Bonita Springs, on behalf of the CDDs, to preserve the CDDs' rights to challenge within the period of time dictated by the Ordinance.

➤ The City definitely recognized that the CDDs need a much bigger discount than 50% and was being more cooperative than litigious.

Mr. McCarthy stated the suit was filed in his and Mr. Janek's names. Mr. Cox stated that, in order to proceed with the litigation, the Boards would need the PLCA's cooperation. Currently, the City Attorney was being very cooperative. The City must have communicated that a solution must be found to make everybody happy. Mr. Cramer wondered if Councilwoman Quaremba would broach this topic when she attends the PLCA meeting. Mr. Cox doubted that she would; he hoped that Board Members would be discreet on the topic as well.

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

i. Monthly Status Report: Field Operations

The October 28, 2019 Monthly Status Report was included for informational purposes.

Mr. Adams called attention to the Key Objectives for 2020 handout, stated that several items on the list are ongoing, asked Board Members to forward all modifications to Management, so that a more formalized version could be presented at the next meeting. Mr. Bill Nicholson stated that he liked the approach but it was necessary for Staff to consider how they would know the items on the list were accomplished, to assess how well the objectives were met in one year.

ii. NEXT MEETING: December 2, 2019 at 2:00 P.M.

Mr. McCarthy asked why the October 7th tour with the PLCA was cancelled and requested replacement of the dead palms on Walden Center Drive. Mr. Adams stated that Ms. Gravenhorst cancelled the tour due to lack of a quorum.

Mr. Bill Nicholson asked when the asset maps would be completed. Mrs. Adams stated that the maps should be ready by February.

○ QUORUM CHECK – BAYSIDE IMPROVEMENT CDD

Supervisors Crew, Jim Nicholson, McCarthy and Bill Nicholson confirmed their attendance at the December 2, 2019 meeting.

○ QUORUM CHECK – BAY CREEK CDD

Supervisors McBride, Travers, Janek and McVay confirmed their attendance at the December 2, 2019 meeting.

TWENTY-FIRST ORDER OF BUSINESS

Supervisors' Requests

Ms. McVay requested removal of the exotics near the little bridge at Bay Creek.

Mr. Bill Nicholson asked for Board Members to be copied whenever there are external communications.

Mr. Jim Nicholson asked if it was possible to install stop signs on the cart path, where The Colony entrance and exit intersects with the bike path, if there was a warranty on the Sabal palms on Walden Center Drive and inquired about the flower selections. Discussion ensued regarding the plantings, the PLCA, the Landscape Architect and the budget.

Mr. Crew requested trimming of the Cocoplum at Heron Point Court and Pennyroyal and more mitigation of the hedge at Bay Cedar adjacent to Spring Creek. He stated that he conducted an informal survey of the property line of T-1 Spring Creek, at Southbridge, and found three or four Brazilian Pepper trees and asked if the Boards would consider sharing the cost of a formal survey. Discussion ensued.

Mr. McCarthy asked about the sod replacement projects in the main entrance ways. Discussion ensued regarding sod costs and synthetic turf.

TWENTY-SECOND ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

The being no public comments, the next item followed.

TWENTY-THIRD ORDER OF BUSINESS

Adjournment (Bayside Improvement CDD)

There being nothing further to discuss, the Bayside CDD meeting adjourned at 4:39 p.m.

BAY CREEK ITEMS

TWENTY-FOURTH ORDER OF BUSINESS

Discussion: Proposed Irrigation Rate Increase and Authorization to Set Public Hearing to Adopt New Rates at December 2, 2019 Meeting

Mr. Adams presented a Rate Analysis for Bay Creek CDD, dated October 2019. He responded to questions regarding the rate increase, reclaimed well and effluent water and the golf course pump stations.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. McBride, with all in favor, authorizing Staff to advertize for a public hearing and Rule Making at the December 2, 2019 meeting to effectuate the irrigation rate increase in Bay Creek, was approved.

TWENTY-FIFTH ORDER OF BUSINESS

Adjournment (Bay Creek CDD)

There being nothing furthers to discuss, the meeting adjourned at 4:49 p.m.


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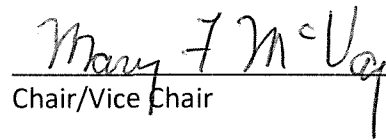
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair