

**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 June 28, 2021 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public were able to participate in the Joint Regular Meeting, via Zoom, at <https://us02web.zoom.us/j/88969163185> and 1-929-205-6099, Meeting ID: 889 6916 3185 for both.

For Bayside Improvement CDD, present were:

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
James Nicholson	Assistant Secretary
Karen Montgomery	Assistant Secretary

For Bay Creek CDD, present were:

James Janek (via Zoom)	Chair
Robert Travers	Vice Chair
Mary McVay	Assistant Secretary
R. Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Dan Cox (via telephone)	District Counsel, Bay Creek CDD
Greg Urbancic (via Zoom)	District Counsel, Bayside Improvement CDD
Wes Kayne (via Zoom)	District Engineer
Neill Mathes	Barraco & Associates, Inc. Project Manager
Christina Kennedy (via Zoom)	SOLitude Lake Management (SOLitude)
Mike Radford	M.R.I. Underwater Specialists, Inc. (MRI)
Morgan Brown (via Zoom)	Sewer Viewer, Inc.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

June 28, 2021

Roy Hyman
Ellen Dennis (via Zoom)
Joanna Muller (via Zoom)
Gail Gravenhorst
Ed Shinouskis (via Zoom)
Howard Lowe (via Zoom)
Ann Cramer (via Zoom)

PLCA General Manager
Resident/PLCA President
Resident/PLCA Landscape Committee
Resident/Landscape Committee Member
Resident/Water Quality Task Force Member
Resident
Resident

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

For Bay Creek CDD, Supervisors Travers, Addison, Durney and McVay were present, in person. Supervisor Janek was attending virtually. For Bayside Improvement CDD, all Supervisors were present, in person.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, authorizing Mr. Janek's attendance and full participation, virtually, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Resident and Water Quality Task Force Member Ed Shinouskis referred to Item 6C and asked the Board to strongly consider approving funding for the total nitrogen testing for the specific locations listed, as he felt that it would help the Districts know the level of nitrogen, if any, the Districts are discharging into Spring Creek. He appreciated the Boards support.

Mr. Adams noted that the Ninth Order of Business was inadvertently on the agenda and would be deferred to the workshop.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

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

Mr. Kayne introduced Mr. Neill Mathes, a new Associate who is taking on an assistant role as Project Manager for District-related items. The Districts would not be charged for Mr. Mathes' attendance today.

Mr. Kayne stated there was nothing to report. He would monitor the upcoming wet season projected storm events, as lake levels begin to rise. In response to a request, he discussed the Districts and the South Florida Water Management District (SFWMD) sluice gate process.

FIFTH ORDER OF BUSINESS

Lake Maintenance Report: *SOLitude Lake Management*

Ms. Kennedy presented the June Monthly Report and reported the following:

- Lakes D-13, E-8, E-9 and F-15 required attention; the other lakes were in pretty good condition.
- Lake E-5: The Service Department was investigating why the breaker for the nano-bubbler system was being tripped. The first full month of treatment for the bacteria study was completed and sampling for water quality and muck analysis would occur next week. A full report would be completed at the end of the six-month study.

Mr. Durney asked if operating the timers on the nano-bubbler systems for half days was effective, with regard to water quality, and, if not, should relocating them to other ponds be considered. Ms. Kennedy discussed noise issues and stated each lake must be evaluated before adjusting or adding timers.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Ms. Muller reported the following:

➤ Landscaping for the Phase 1 North gate house was completed.

➤ Phase 2 work on the North gate house was going out to bid.

Mr. Adams would email project updates from Ms. Muller to the Boards.

B. Colony Landscape Committee

Ms. Gravenhorst emailed the Report to the Board and Staff.

C. Water Quality Task Force

- **Discussion: Request to Conduct Water Samplings in the Ponds to Identify Elevated Nitrogen Levels in Water Entering the Community**

The discussion was about water “Discharged Out of the Community” rather than “Entering the Community”.

Mr. Durney distributed the sampling plan and costs, prepared in coordination with SOLitude, which is less costly than previously discussed. He proposed redirecting the sediment sampling funds, if available, to fund the sampling plan outlined in the SOLitude contract, as this item was not budgeted for in Fiscal Year 2021. Mr. Adams noted \$9,000 was designated for lake health and no contracts were issued as he knew requests for sampling were pending. Mr. Durney noted the Water Quality Task Force (WQTF) determined that sampling should not be calendar driven; rather, it should be rainfall driven in locations, prior to the first discharge of water in the ponds, as stated in the plan.

Ms. Montgomery noted this plan and the areas chosen are an attempt to decide if the Districts are significant contributors to the total nitrogen issues. In response to a question, the WQTF decided to target nitrogen levels since phosphate levels were not as significant a contributor to contamination compared to nitrogen.

On MOTION for Bayside Improvement by Mr. Bill Nicholson and seconded by Mr. Cramer, with all in favor, the Sampling Plan to test for nitrogen in selected locations, in a not-to-exceed amount of \$4,600, was approved.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Janek, with all in favor, the Sampling Plan to test for nitrogen in selected locations, in a not-to-exceed amount of \$4,600, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of M.R.I. Underwater Specialists, Inc., Phase Two Outfall and Interconnecting Pipe Cleaning Reinspection Report

This discussion was about the M.R.I. Underwater Specialists, Inc. (MRI) Phase Two Outfall and Interconnecting Pipe Cleaning “Inspection Report” rather than a “Reinspection Report”.

A. Discussion: Storm Sewer Allowable Blockage Percentage

Mr. McCarthy asked Mr. Morgan Brown, of Sewer Viewer, to explain the approach to cleaning catch basins. Mr. Brown referred to the basic maintenance plan proposal to be addressed during the Eighth Order of Business. He responded to questions regarding use of back truck, the parameters to clean the catch basins were set at 5” or 6” of sand, cleaning the interconnecting pipes was not included in the plan. He discussed prior work with the Developer and the Tennis Center and the extensive cleaning in 2012 and 2013 for the golf course.

Mr. Radford discussed MRI’s use of divers to inspect and clean the pipes. Discussion ensued regarding differences in scope of work for cleaning pipes and the opinion provided by the District Engineer to clean pipes with blockage of 25% of the diameter or greater and the Florida Department of Transportation (FDOT) Maintenance Rating Program (MRP) Handbook recommendation not to exceed 40%. Vendors addressed questions regarding scope, difference in the number of structures, etc.

Sewer Viewer was asked to provide a proposal with a scope of work similar to MRI’s and MRI was asked to provide a proposal similar to Sewer Viewer’s scope for Mrs. Adams to present at the next meeting.

B. 2021 Inspection Report

C. Map

D. Memo/Quotes – Phase 2 Storm Structure Cleaning

I. Estimate #2629 – 45% or More

II. Estimate #2761 – 25% or More

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: Sewer Viewer, Inc., Proposal – Catch Basin Direct Truck Access, Catch Basin No Direct Truck Access and Lake Outfall/Connector Cleaning of Sand and Debris

This item was addressed during the Seventh Order of Business and would be on the next agenda.

NINTH ORDER OF BUSINESS

Continued Discussion: Fiscal Year 2022 Proposed Budget

This item was deferred to the July 16, 2021 Budget Workshop.

TENTH ORDER OF BUSINESS

Discussion/Consideration: Disaster Response Agreement with the PLCA

Mr. Adams stated that the version of the Disaster Response Agreement with the PLCA included adjustments from Mr. Urbancic and the PLCA. He highlighted discussions that warranted verbiage changes regarding the timeline for removal of debris, direct billing the PLCA, emergency access repair; the E-Verify clause was added into both Agreements.

Mr. Urbancic explained each redline change. Discussion ensued regarding concerns about having more than one decision-maker and clarifying language whereby the Manager shall determine when to invoke the provisions. Ms. Dennis would consult with PLCA Counsel to determine whether they would agree with the Districts' removal of the indemnification clause. Mr. Cox would provide Mr. Urbancic with references for this matter to evaluate whether to re-insert the deleted Federal Emergency Management Agency (FEMA) claim back into the Agreement.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, the Disaster Response Agreement with the PLCA, subject to incorporating the edits discussed, and Authorizing the Chair to execute, was approved.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Ms. Montgomery, with all in favor, the Disaster Response Agreement with the PLCA, subject to Mr. Urbancic incorporating the edits discussed, and authorizing the Chair to execute, was approved.

ELEVENTH ORDER OF BUSINESS

Discussion/Consideration: Disaster Response Agreement with The Colony at Pelican Landing, INC.

Mr. Urbancic highlighted revisions that were made to standardize the changes in the Agreement. The following change would be made:

Page 2, Section 5, last sentence: Change “seven (7)” to “thirty (30)”

Mr. Cramer asked about including verbiage about using the beach parking lot as an interim area. Mr. Adams stated he needed to discuss it with the PLCA and noted that he had another area at The Colony in mind; separate locations are needed to properly document services.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, the Disaster Response Agreement with The Colony at Pelican Landing, INC., subject to Mr. Urbancic incorporating the edits discussed, and authorizing the Chair to execute, was approved.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2021

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2021 and noted that certain expenses discussed at the last meeting still needed to be recoded. Discussion ensued regarding including services for additional weekend landscape labor and staggering crews through the week to offset overtime labor costs. Bayside’s Financial Impact Reports would include weekend landscape labor and vehicle and phone use for the remainder of the year and would be included in the next agenda. The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of May 24, 2021 Joint Regular Meeting Minutes

Mr. McCarthy presented the May 24, 2021 Joint Regular Meeting Minutes.

On MOTION for Bay Creek by Mr. Durney and seconded by Ms. McVay, with all in favor, the May 24, 2021 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, the May 24, 2021 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

FOURTEENTH ORDER OF BUSINESS

Action Items

The Action Items were updated following the meeting.

FIFTEENTH ORDER OF BUSINESS

Old Business

There being no old business to discuss, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

I. *Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.*

Mr. Urbancic stated, if new legislation is executed today by the Governor, the Districts would be required to prepare a needs analysis to submit to the County, effective July 1, 2021.

II. *Daniel Cox, Esq.*

- *Update: Stormwater Utility Settlement Agreement with City of Bonita Springs***

Mr. Cox highlighted the revisions to the final version of the Stormwater Utility Settlement Agreement with the City of Bonita Springs, which were regarding:

➤ Paragraph 1: Defines the Water Quality Standards as the Total Maximum Daily Load (TMDL) as established by the EPA, until the Basic Management Action Plan is established, which will set maximum contribution of each contributing party.

Mr. Cox believed earlier discussions about measuring inputs to the system will be critical to helping establish that the District is meeting or attempting to meet those water quality standards.

➤ Page 4, Item 3a.iii: Clarified that the facilities met the regulations applicable when the systems were permitted.

➤ Page 4, 3b.iv: Clarified that the City acknowledges that any actions related to the Capital Management Plan are legislative functions. The only remedy is to affect the District's Capital Assessments Reduction.

Mr. Cox recommended approval of the Settlement Agreement, as Counsel for the City has not responded to the changes sent a while ago.

The Boards approved these changes last month and Staff and the designated liaisons for the Boards reviewed the final draft Agreement, which was not in the agenda package.

It was noted that the City was already implementing action and a request was received from the City for a list of all properties within the City of Bonita Springs affected by the Settlement Agreement so they can be removed from the assessment poll.

The Boards approved submitting the Agreement to the City for execution.

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

I. Monthly Status Report: Field Operations

- **Discussion/Presentation: Monthly Report Narrative (*to be provided under separate cover*)**

The Monthly Status Report was emailed and also distributed during the meeting.

The Note Section of the Terzetto Board request to install littoral plantings would be corrected to Lake A-28, not A-22, and Staff would obtain a revised proposal.

Mr. Adams presented the Monthly Summary Report that was distributed during the meeting and mentioned Mr. Kemp's accident.

II. NEXT MEETING DATE: July 16, 2021 - Budget Workshop, 9:00 A.M.

- **QUORUM CHECK: *BAYSIDE IMPROVEMENT CDD***

Supervisors Montgomery and Nicholson confirmed their attendance, in person, at the July 16, 2021 workshop. Supervisors McCarthy and Cramer would attend via telephone.

- **QUORUM CHECK: *BAY CREEK CDD***

Supervisors Travers, McVay and Durney confirmed their attendance, in person, at the July 16, 2021 workshop. Supervisors Janek and Addison confirmed their attendance via telephone.

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. McVay discussed several items still pending from the last meeting. The following actions would occur:

- Mr. Willis offered to reinspect the area to ensure the 3' tall weeds around the traffic circle were removed.
- Pending: Mr. Kemp addressing the issue of various sod widths on the left-hand side at the southern gate towards the traffic circle.

Mr. Cramer commented on The Colony circulating information to all residents and neighborhoods about CDD responsibility to clean up debris in the common area.

EIGHTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

No members of the public spoke.

NINETEENTH ORDER OF BUSINESS

Adjournment – *Bay Creek Community Development District*

There being no further business to discuss, Bay Creek adjourned at 4:11 p.m.

On MOTION for Bay Creek by Ms. Mary McVay and seconded by Mr. Durney, the meeting adjourned at 4:11 p.m.

BAYSIDE IMPROVEMENT ITEM

TWENTIETH ORDER OF BUSINESS

**Consideration of Revised Landscape
Maintenance Agreement with The Colony
at Pelican Landing Foundation**

Mr. Adams presented The Colony at Pelican Landing Foundation final redline version of the Landscape Maintenance Agreement, and highlighted items discussed at the last meeting that were re-incorporated into the Agreement. In response to a question, Mr. Adams clarified that Agreement Item 8F entailed costs associated with required irrigation maintenance and repairs and not new capital.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Bill Nicholson, the Revised Landscape Maintenance Agreement with The Colony at Pelican Landing Foundation, was approved.

TWENTY-FIRST ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
James Nicholson, SEAT 2 (*Term Expires
November 2022*)**

Mr. Jim Nicholson submitted his letter of resignation.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, the resignation of Mr. Jim Nicholson, effective immediately, was accepted.

TWENTY-SECOND ORDER OF BUSINESS

**Consider Appointment of Qualified Elector
to Fill Unexpired Term of Seat 2**

• **Qualified Elector Candidates:**

A. Wayne G. Bauman

Mr. Bauman was not in attendance. He emailed today indicating that he would fly in for meetings during the three or four summer months he is away, if needed. Mr. McCarthy read Mr. Bauman's email.

Mr. Lowe was placed on mute while the Board interviewed Ms. Gravenhorst.

B. Gail Gravenhorst

Ms. Gravenhorst discussed her background, understanding of the workings of the CDD, benefits she could provide to the CDD and why she wanted a seat on the Board. She responded to questions. As a member of several Committees, she intended to resign from the Pelican Landing Landscape Committee, to prevent the appearance of a conflict of interest.

Ms. Gravenhorst left the meeting while Mr. Lowe was interviewed.

C. Howard Lowe

Mr. Lowe discussed his background and why he wanted a seat on the Board. He responded to questions.

Mr. Lowe was placed on mute.

The Board discussed the candidates and their preferences. Ms. Montgomery disclosed she and Mrs. Sandy Lowe are volunteers with Turtle Time and stated that she was torn between the qualified candidates, as each brought a skill set the CDD could use. Mr. Cramer motioned to appoint Ms. Gravenhorst to the Board. No other nominations were made.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Bill Nicholson, the appointment of Ms. Gail Gravenhorst to fill Seat 2, was approved.

The candidates returned to the meeting. Mr. McCarthy announced that the Board voted to appoint Ms. Gravenhorst to the Board. He noted the Board's respect to Mr. Lowe and his interest in the CDD and hoped that it would continue.

TWENTY-THIRD ORDER OF BUSINESS

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

Mrs. Adams, a Notary of the State of Florida and duly authorized, would administer the Oath of Office to Ms. Gail Gravenhorst after the meeting. The following items would be provided to Ms. Gravenhorst:

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-FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Bayside Improvement Community Development District, and Providing for an Effective Date

This item was deferred to the next meeting.

TWENTY-FIFTH ORDER OF BUSINESS

Adjournment – Bayside Improvement Community Development District

There being no further business to discuss, the meeting adjourned.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

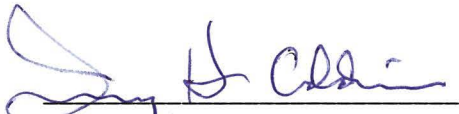
June 28, 2021

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair