

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

A Joint Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, February 27, 2012 at 2:00 p.m.**, at the **Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.**

**For Bayside Improvement CDD:**

James Patterson	Chair
Walter McCarthy	Vice Chair
Jack Lienesch	Assistant Secretary
Bernie Cramer	Assistant Secretary
T. Marvin Hancock	Assistant Secretary

**For Bay Creek CDD:**

Frederick McAuley	Chair
Nelson Glueck	Vice Chair
Keith Huffman	Assistant Secretary
Robert Pritt	Assistant Secretary
James Janek	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Jim Murphy	PLCA Liaison
Michelle Blackstock (via telephone)	Grau & Associates
Peter Apostle	President, Costa del Sol Condo Assoc.
Dan Geist	GreenScapes
Rick Parker	Florencia Association
Mary McVay	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

Mr. McAuley called the meeting to order at 2:00 p.m., and all present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Supervisors McAuley, Pritt, Huffman, Janek and Glueck were present, in person, for Bay Creek CDD. Supervisors Cramer, Hancock, Lienesch, McCarthy and Patterson were present, in person, for Bayside Improvement CDD.

**THIRD ORDER OF BUSINESS**

**Public Forum**

Mr. McAuley stated the public forum is for audience members to address any issues on the agenda. Mr. Jim Murphy, PLCA Liaison, indicated that he wished to speak regarding Item 14 when it is addressed.

**BAYSIDE IMPROVEMENT ITEMS**

**FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30,  
2011, Prepared by Grau & Associates**

Ms. Blackstock presented the Audited Financial Report for the fiscal year ended September 30, 2011. She stated the Independent Auditor's Report is an unqualified opinion, or a "clean" opinion. On Page 8, she noted that the District's total assets were about \$1.68 million and exceed the liabilities of \$115,000, resulting in a total fund balance, at year end, of about \$1.57 million. On Page 10, the "Statement of Revenues, Expenditures, and Changes in Fund Balances", indicates total revenues of about \$2.4 million, which did not exceed the total expenditures of approximately \$2.7 million. This resulted in a shortfall of \$246,593, decreasing the fund balance in the current year.

On Page 12, Ms. Blackstock noted assets of about \$962,000, exceeding liabilities of \$66,000, resulting in net assets, at the end of the year, of \$196,000. On Page 13, the "Statement of Revenues and Expenses" shows operating revenues of \$457,355, which exceeded the operating expenditures of about \$440,000. Including the interest income, there was \$18,134 in revenue.

Ms. Blackstock advised that the "Report on Internal Control over Financial Reporting and on Compliance" was a "clean" opinion. The Management Letter, on Page 28, was also a "clean" opinion and there are no current or prior year findings for the District.

Mr. Lienesch inquired about Page 30, Item 8, and asked if this is a positive statement. Ms. Blackstock responded affirmatively, noting that the District is not in a financial emergency.

Mr. McCarthy referred to Page 5, under General Budgeting Highlights, second paragraph, and indicated that the same statement is made every year, whether there is a shortfall or an excess of revenues over expenses. Ms. Blackstock noted that the statement being referred to is on Page 25 and explained that this is the management discussion and analysis, which is required supplementary information, and they are required to address any significant differences. The statement indicates that the difference between the final total revenues of \$2,104,730 and the actual amount of \$2,119,313 is not a significant difference. Mr. McCarthy inquired about the shortfall under 'total expenditures'. Ms. Blackstock clarified that the actual numbers did not exceed the budgeted numbers. Mr. McCarthy asked about the negative variance in the net assets. Mr. Adams recalled that the Board chose to utilize fund balance to reduce or keep the assessments at a certain level.

Mr. Lienesch referred to Page 17, Irrigation Fund, first paragraph, and pointed out that there is now a non-ad valorem special assessment. Mr. Cox confirmed that a portion of that budget's income is now from non-ad valorem special assessments. The sentence will be revised to add "and non-ad valorem special assessments" after "connection fees", for both the Bayside Improvement and Bay Creek CDD audits.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2012-5,  
Accepting the Audited Financial Report  
for the Fiscal Year Ended September 30,  
2011**

Mr. McAuley asked for a motion to approve the Audited Financial Report.

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, Resolution 2012-5, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2011, as amended to include the correction to Page 17, was adopted.**

**BAY CREEK ITEMS**

**SIXTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30,  
2011, Prepared by Grau & Associates**

Ms. Blackstock presented the Audited Financial Report for the fiscal year ended September 30, 2011. She stated the Independent Auditor's Report is an unqualified opinion, or a "clean" opinion. On the Balance Sheet, on Page 8, she noted total assets in the amount of \$633,722, which exceeded the liabilities of \$19,257, resulting in a total fund balance of \$614,000, at the end of the fiscal year. On Page 10, the "Statement of Revenues, Expenditures and Changes in Fund Balances", it was noted that the expenditures exceeded the revenues, which resulted in a shortfall of about \$20,000, decreasing the fund balance to \$614,465.

Ms. Blackstock stated Page 12 shows that the total current assets were \$191,184. The addition of the capital assets resulted in total assets of \$470,840. The liabilities were \$30,278; thus, total net assets were \$440,562.

Ms. Blackstock referred to the total operating revenues, in the amount of \$110,949. She indicated that revenues did not exceed operating expenses of \$146,844. This resulted in a change in net assets of negative \$35,755. Ms. Blackstock noted that the "Report on Internal Control over Financial Reporting and on Compliance" was a clean opinion and the Management Letter shows there were no current or prior year findings.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2012-4,  
Accepting the Audited Financial Report  
for the Fiscal Year Ended September 30,  
2011**

There being no further discussion, Mr. McAuley asked for a motion to approve the Audited Financial Report.

**On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Pritt, with all in favor, Resolution 2012-4, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2011, as amended to include the correction to Page 17, was adopted.**

**JOINT MEETING ITEMS**

**EIGHTH ORDER OF BUSINESS**

**Staff Report: Engineer**

Mr. Barraco was not present. Mr. Adams advised that the standard operating procedures, as a part of the NPDES permit, are still being drafted. He indicated that Mr. Cox participated in the conference call and requested that he provide an update.

Mr. Cox reported that they are looking at barely meeting the September deadline for having the interlocal agreements in place. Many of the operational issues are being argued but much progress has been made. There was some informative discussion regarding the Spring Creek area. Mr. Cox stated he got the impression that the total maximum daily load (TMDL) program will not be as onerous to comply with as was originally anticipated.

**NINTH ORDER OF BUSINESS**

**Lake Maintenance Activities Report - Bill Kurth**

Mr. Kurth was not present. Mr. Hancock reported that he went on two trips, on alternate Thursdays, with Mr. Kurth and Ms. Crismond, to review the lake maintenance activities. He felt this was very worthwhile and encouraged the other Board Members to go along on a regularly scheduled tour. Mr. Hancock noted that he now sees how well Mr. Kurth knows their lakes and that he is on top of the chemical solutions to their lake issues.

**TENTH ORDER OF BUSINESS**

**Results of Water Quality Testing – January**

Mr. Hancock referred to the chart reflecting 12 months of data for water quality testing. He asked if the Boards want to continue with the testing and indicated that he is in favor of having an expert analyze the data. Mr. Hancock stated they want much more information than what was provided by the Sonar vender.

Mr. Adams advised there are several experts at the University of Florida (UF) who are experts in water quality and lake management. He will contact them to obtain proposals for reviewing the data and providing a report. Mr. McAuley inquired about the cost. Mr. Adams speculated it would cost between \$5,000 and \$10,000. He noted that an annual report was obtained for a client in the Palm Coast area, which provided various means and methods of

maintaining their lakes. He felt it was well written and the final conclusions were under the direction and authorship of a doctor at UF, for significantly less than \$10,000. Mr. Adams will provide them with the data, along with the target materials in their lakes. By looking at the water quality and the source point of their issues, they may be able to identify if something is occurring that they can address and mitigate. Soil samples will also be taken.

Mr. Hancock suggested one more month of water quality testing while Mr. Adams obtains a proposal from the experts at U.F. Mr. McCarthy felt it would be worthwhile to solicit more than one proposal. Mr. Adams noted that the lab department at FGCU is environmentally driven and there may be some resources there, as well.

Mr. McAuley indicated that, next month, the Boards will vote on whether to continue the water quality testing, as well as on proposals for an expert, if quotes are available.

Mr. Pritt discussed a U.S. District Court case concerning nutrients and the Clean Water Act. He noted that nitrogen and phosphorous were discussed throughout the case. Mr. Pritt recommended waiting about a month before proceeding until the Boards have had an opportunity to digest the case. He indicated that the environmental attorneys are having a symposium in Fort Lauderdale, in March, concerning this case, which essentially says that the State of Florida must begin the nutrient number system. Mr. Pritt felt the case would be upheld and suggested not spending money until they find out if there is a funding source through the state.

Mr. Lienesch saw no reason not to solicit proposals, between now and next month, and suggested mentioning to the experts that the Districts are cognizant of the court case regarding the Clean Water Act in Florida.

Mr. Glueck requested that the update on the grass carp permitting be carried on the next agenda as an action item.

Mr. Hancock indicated that the deadline for the fertilizer moratorium is coming up soon. He discussed implementing an educational program, this year, to inform residents of fertilizer issues and the importance of keeping it away from the lakes.

In response to a question from Mr. Patterson, Mr. Hancock advised he will contact the greens superintendent this week. His intention is to discuss the fertilizer program to see if they are using fertilizer without phosphorous and nitrogen.

**ELEVENTH ORDER OF BUSINESS**

**Presentation/Discussion: Irrigation (Peter Apostle, President of Costa del Sol Condo Association in Pelican Landing)**

Mr. Apostle, President of Costa del Sol Condo Association, inquired about an increase in their water allotment. The irrigation company and the landscapers advised that Costa del Sol is not getting enough water to properly maintain the landscaping and lawns. Mr. Apostle noted the community receives 558,000 gallons per month. He indicated that they had to re-sod and will constantly be over budget for landscaping due to grass burning.

Mr. Apostle discussed the problem created by the live oaks that line the streets, which have doubled in size over the past ten years. Mr. Lienesch pointed out that live oaks tend to shade more than some trees. Mr. Apostle agreed that the type of grass they have fares better with more sun; however, he does not feel they should have to re-sod as often.

Mr. Adams explained that the allotment of water is based upon the product type and a formula adopted by the Boards 15 to 20 years ago, based upon square footage of various types of single-family dwellings. The multi-family category is based upon four units equaling one standard single-family home. The benchmark single-family product type is 36,000 gallons per month, or 9,000 gallons per multi-family home. Mr. Adams believed that to be the allotment provided to Costa del Sol.

With regard to the oak trees, Mr. Adams explained that, as trees mature, they reach a point where they no longer need a large amount of water. Live oaks have a very large root ball that spreads out and the amount of water put onto the turf more than suffices for an oak tree. He stated the turf issue is due to the excessive amount of shade created by the oak trees and he suggested replacing it with a plant material that does well in shade, which should reduce the irrigation usage.

Discussion ensued regarding how the formula for water allotment was derived. Mr. Geist advised of new software that takes a satellite image of the community and calculates the irrigation square footage. He stated Costa del Sol is the only community that GreenSpace is not able to water for 20 minutes on the mist heads and 45 minutes on the rotors. Mr. Cox suggested that GreenSpace provide square footage calculations of their acreage to justify a monthly allocation increase.

Mr. Lienesch noted that a comprehensive engineering analysis was completed prior to developing the formula for water allocation. He pointed out that the Boards have made case-by-case adjustments, over the years. Mr. Lienesch requested soil and moisture data demonstrating that the water is under allocated. Mr. Adams felt that the biggest indicator will be square footage of green space to the number of units. He clarified that this is a variance request to the District, which will be handled through him and then brought before the Board.

**TWELFTH ORDER OF BUSINESS****Discussion: Newsletter Proposal**

Mr. Cramer provided a handout regarding a newsletter proposal. He reported that he recently read the Brooks CDD newsletter, which brought the residents up to date on current CDD activities. Mr. Adams stated the Brooks began sending a quarterly newsletter about two years ago and it is seasonal. As the rainy season begins, it reminds the residents about the stormwater system and what they can expect to see in terms of how the lakes will react to rainfall events. Mr. Adams indicated that the cost is low because it is sent via email, using Constant Contact. A marketing group was engaged to assist with writing the newsletter.

Mr. Cramer requested approval to work with Mr. Adams to develop a proposal, with a cost estimate, to create a newsletter that will keep the community continually updated, as well as update the PLCA publications, for consistency.

With regard to cost, Mr. Adams stated the initial set up cost for the template is \$1,000 to \$1,500. Once the template is set up, each quarterly newsletter, with two reviews, is \$750. The cost is about \$3,000 per year, if they limit it to two rewrites. Mr. Janek asked if it could be sent less than four times per year. Mr. Adams responded affirmatively.

Mr. McAuley recommended having Mr. Kerans send the emails to the community. He noted that there is no longer any reference to CDD information in the Pelican Landing pages, such as agendas and meeting minutes. Mr. Murphy will check into this. Mr. McAuley suggested reestablishing the Communications Committee. Mr. Adams recommended that one Board Member from each Board form a Newsletter Committee. In response to a comment from Mr. McCarthy, Mr. Adams explained that he will look to the Board Members to provide topics and, together, they will work on the content of those topics and bullet them for the marketing firm.

Mr. McAuley requested a motion to appoint one Board Member from each District to work on the newsletter. Mr. Pritt felt this would constitute a delegation and would be a violation



of the Sunshine Law. Mr. Cox expressed his opinion that this is not something that would require decisions; it is informational. Mr. Pritt indicated that he totally disagreed with this opinion. Mr. Adams recommended delegating Mr. Cramer to work with Staff. Mr. McAuley expressed his preference to have one member from each Board. Mr. Adams stated since Bayside Improvement and Bay Creek meet monthly, they can have brief discussions on topics of importance and then he will work with Mr. Cramer on the content. Mr. Pritt felt that Mr. Adams and Mr. Cox were incorrect.

Mr. Huffman advised he will support the newsletter as long as there is a clear, distinct message and it does not vary from one distribution point to another. Mr. Adams clarified that there would be no duplication of information between the CDDs and the PLCA.

Mr. Patterson explained that the Communications Committee consisted of three members, the meetings were noticed and minutes were kept and he asked Mr. Pritt if that would satisfy his concern. Mr. Pritt responded affirmatively. At Mr. Huffman's request, Mr. McAuley explained the function of the Communications Committee.

Mr. Lienesch suggested including a paragraph in each newsletter regarding the 'who, what, how and why' of the CDDs, as well as a listing of the Board Members.

Mr. Pritt advised he will vote against the motion. He expressed concerns over creating a "super committee" of the Board and preferred to discuss topics at the Board meetings. Mr. Adams suggested having the committee work with Staff to prepare a draft, which would not be disseminated until approved by both Boards. Mr. McCarthy agreed with Mr. Pritt and felt that the newsletter should be discussed at the Board meetings, as opposed to forming a committee.

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Hancock, with Mr. Lienesch, Mr. Cramer and Mr. McCarthy opposed, reestablishing the Communications Committee was not approved. (Motion failed 3 – 2)**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Glueck, with Mr. McAuley and Mr. Huffman in favor and Mr. Pritt opposed, reestablishing the Communications Committee was approved. (Motion passed 4 – 1)**

Mr. Adams will present a proposal at the next meeting and additional discussion will take place regarding the newsletter.

**THIRTEENTH ORDER OF BUSINESS****Discussion: Certain High Rises in The Colony That Have Not Connected to Districts Irrigation System**

Mr. Patterson reported that of the seven high rises in The Colony, only two are connected to the Districts' irrigation system. These are Castella and Sorrento. He indicated that if the five high rises were to pay the Districts' connection fees, it would amount to about \$300,000. They are currently using Bonita Springs Utilities potable water. The high rise tenants want to know what the Districts can do to persuade WCI to make the connections, as they did for Castella and Sorrento.

Mr. Adams reported that he raised this topic with Mr. Caldwell, who indicated that he is working on it. Mr. Adams felt it was WCI's intention, as well as Mr. Caldwell's, that all of those units would be connected to the Districts' irrigation system. He stressed that the Districts cannot mandate that they connect to their system; it is an alternative source that is available to them.

Mr. Patterson stated when he reviewed the O&M costs last year, it appeared that all of the high rise units were being charged the non-ad valorem water charge. He indicated that five towers, consisting of about 500 units, paid \$60 last year and \$55 this year for water that they never use. Mr. Adams explained that the charges are for system fixed costs and availability of a system. When they connect to it, they will also be charged a user fee. Mr. Pritt advised this is a readiness to serve or an availability charge, which is one of the components discussed when the Boards were looking at a rate approval last fall. Mr. Adams concurred.

In response to a question from Mr. Patterson, Mr. Adams acknowledged that the last rate study was completed in 2002 and that there have been changes in development since then. The rate study determined full system costs, number of units and product type using a proportionate share assignable to each product type. Mr. Adams noted that, periodically, a review can be performed by the District Engineer to ensure that the absorption schedules are consistent with the original plan. He would only need to address The Colony component to ensure that those units were constructed as originally anticipated or if there have been any changes in the land use plan.

Mr. Rick Parker, from Florencia, advised that the report was sponsored by Florencia, as they are the largest building of the group and most adversely affected. Mr. Parker pointed out that Florencia has its own irrigation meter so they know exactly what they are spending on city water. The other estimates were based on property size and irrigation needs and he feels they are probably inaccurate. Mr. Parker indicated that it would cost \$80,000 for Florencia to connect to the CDDs' irrigation system. Their irrigation costs for last year were \$13,500, which equates to a six or seven year payback period. Mr. Parker suspected that the cost for the other four high rises would be close to theirs.

Mr. Parker stated the residents of Florencia would like to have the Districts revisit the possibility of connecting to the CDDs' irrigation system and to see if the cost could be lowered. Mr. Patterson suggested looking into having WCI pay for the costs. Mr. Adams will discuss this with Mr. Caldwell to see what progress he has made in this regard. At the very least, Mr. Adams felt Mr. Caldwell would participate in paying the costs for connection, if not all of them. Mr. Cox suggested looking into grants from the South Florida Water Management District (SFWMD). Mr. Adams will follow up with Mr. Caldwell and provide an update at the next meeting.

**FOURTEENTH ORDER OF BUSINESS**

**Continued Discussion/Actions Related to Facilities Maintenance Agreement with PLCA**

Mr. Adams referred to the letter from Mr. Thomas Hart, outlining his position on behalf of the PLCA, as well as his reference to an Interlocal Agreement with NPDES, which he feels does not relate to taking on any operational responsibility within the community; it is only for reporting purposes through the NPDES program.

Mr. Cox stated the real issue is which entity has responsibility for renewal and replacement of the drainage facilities, or catch basins, serving the roadways.

Mr. Patterson advised if the catch basins are within the road right-of-way and the road was transferred to the PLCA, if the CDDs are to take them over, the PLCA should transfer them to the Districts, for ownership. Mr. Adams pointed out that the agreement contains language indicating that, at the time of replacement, the drainage facilities would be the road owner's responsibility. He noted that this language can be changed to indicate that the CDDs would

accept that responsibility, as the Districts are more geared to managing infrastructure. Further discussion ensued.

Mr. Pritt asked if anyone had been tasked to look at the legal aspects to determine who is actually responsible, as this may have something to do with whether or not the Districts are obligated to charge a reasonable amount of money for whatever they take over, since they are spending public funds.

Mr. Cox advised that the Districts have never impliedly or expressly accepted responsibility for maintaining the catch basins. Mr. Murphy did not agree because the Districts have been maintaining the drainage systems for many years. He felt that the Districts should review their permits from the NPDES and SFWMD to see what their responsibilities are. Mr. Murphy stated if anyone is reimbursed, it should be the PLCA for having the catch basins cleaned out.

Mr. Cox indicated that the NPDES and SFWMD permits are the basis to justify the PLCA assuming responsibility for maintenance of the catch basins because it enables the PLCA to ensure that there is no debris in their system.

Mr. McCarthy pointed out that the SFWMD permit names WCI. The Districts are struggling to have it changed.

Mr. Patterson asked what was needed from the PLCA in order for the CDDs to take on the responsibility. Mr. Adams replied acceptance of the O&M agreement that was presented and final modification of the language, to meet everyone's needs.

Ms. Mary McVay, a resident, pointed out that there are many neighborhoods that are not on main roads and the Bay Creek CDD is paying for them but not getting the benefit. She stated the reason that the PLCA took over the roads was because it was the only way to keep them private. Ms. McVay stated it does not seem right that there is discrimination in the community between parcels, which are basically subdivisions that WCI sold off to one developer. Ms. McVay indicated that the single-family homes are being given a benefit whereby the parcels have to pay for their storm sewer systems, as well as their own. She feels that the CDDs can maintain the roads, street sweeping and landscaping much better than the PLCA.

Mr. Adams stated if Mr. Cox approves, he will suggest that the language in the agreement be modified to indicate that the Districts will assume the capital replacement. Mr. Pritt stated as a general rule, you cannot take public funds and use them for private facilities. Mr. Cox advised

that he has no problem with the trucks coming in to clean out the catch basins; however, the renewal and replacement issue is much more complex.

Mr. Patterson suggested that the Districts take over the responsibility for the catch basins in all of the neighborhoods. Mr. Adams cautioned against assuming ownership of the parcel neighborhood roads because they are not mandated to construct their roads and drainage facilities to the same level as the roads outside of the parcel neighborhoods. He saw no issues, from an operational standpoint.

In response to a question from Mr. Huffman, Mr. Adams felt that a much simpler agreement can be drafted because they are only discussing cleaning of the drainage system without any acceptance of ownership or recognition of a public benefit.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with all in favor, authorizing District Counsel to draft an agreement between the Districts and the parcel neighborhoods for the operation and maintenance of the catch basins for all neighborhoods and present to the Board for review was approved.**

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, authorizing District Counsel to draft an agreement between the Districts and the parcel neighborhoods for the operation and maintenance of the catch basins for all neighborhoods and present to the Board for review was approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Continued Discussion/Actions Related to Facilities Maintenance Agreement with PLCA**

Discussion ensued regarding Facilities Maintenance Agreement with the PLCA. Mr. Cox pointed out that, according to the letter from Mr. Hart, the PLCA will not accept the agreement in its current form. Mr. Adams explained that the issue is the ownership of the facilities. He stated there is some dedication language of easements on plats and other legal instruments but there has been no transfer of ownership. Dedications do not transfer ownership or responsibility; they provide an avenue for that to occur in the future.

Mr. Patterson made a motion to ask the PLCA to transfer ownership of the culverts that they own to the Districts and that the Districts assume full responsibility for maintenance and renewal, when required. Mr. Cox clarified that if the Districts are going to be responsible for renewal and replacement, they need to own the facility.

**On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Glueck, tabling the Discussion/Actions Related to the Facilities Maintenance Agreement with PLCA was approved.**

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, tabling the Discussion/Actions Related to the Facilities Maintenance Agreement with PLCA was approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Approval of Minutes**

- **January 19, 2012 Joint Workshop**

Mr. McAuley presented the January 19, 2012 Joint Workshop Minutes and asked for any additions, corrections or deletions. The following changes were made:

Line 39: Change “Adams” to “McAuley”

Line 32: Change “McVey” to “McVay”

Line 34: Change “Ron Pure” to “Wayne Edsall”

Lines 168, 171 & 172: Change “McVey” to “McVay”

Line 207: Change “Ron Pure” to “Wayne Edsall”

Line 193: Change “inertia” to “initiative”

**On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Janek, with all in favor, the January 19, 2012 Joint Workshop Minutes, as amended, were approved.**

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. McCarthy, with all in favor, the January 19, 2012 Joint Workshop minutes, as amended, were approved.**

- **January 23, 2012 Joint Regular Meeting**

Mr. McAuley presented the January 23, 2012 Joint Regular Meeting Minutes and asked for any additions, corrections or deletions. The following changes were made:

Line 37: Delete “Pete \_\_\_\_\_ Resident”

Line 74: Change “center” to “main”

Line 169: Change “four” to “the”

Line 322: Change “Leinesch” to “Lienesch”

Line 396: Add “and seconded by Mr. Pritt”

Line 397: Change “McCarthy” to “Glueck”

Line 397 & 398: Add “with Mr. Pritt in favor and Mr. Janek, Mr. Cramer, Mr. McAuley and Mr. Glueck dissenting”

Line 616: Change “Kurth” to “Kemp”

Line 615: Change “center” to “main”

Line 625: Change “Districts” to “districts”

**On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Janek, with all in favor, the January 23, 2012 Joint Regular Meeting Minutes, as amended, were approved.**

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Lienesch, with all in favor, the January 23, 2012 Joint Regular Meeting Minutes, as amended, were approved.**

**SIXTEENTH ORDER OF BUSINESS**

**Other Business**

*\*\*\*This item, previously the Seventeenth Order of Business, was presented out of order.\*\*\**

**a. Action Items**

Mr. McAuley reviewed the action items that were pending from the last meeting. Ms. Crismond advised that Item #1 has not been completed. It will remain on the list.

Mr. Adams advised that he will present the GIS map today. Item #2 will be removed.

Ms. Crismond noted that Item #3, which is the one-time testing of the Lake E-1 lake water, will remain on the list and will be addressed in the Operations Report. The fourth, fifth and sixth items will remain, as well.

Mr. Adams advised that Ms. Harmon provided the CDD with recorded documents for Lot 3, Las Palmas. This item will be removed.

Items 8 and 9 will remain as Action Items. Mr. Adams noted that he will provide an outline identifying the neighborhood locations and estimated quantities for the flower program in March.

Items 10 and 11 were discussed during the Fourteenth Order of Business and will be removed. Items 12, 13 and 14 will remain. Item 15, related to the merger, will be deleted.

Mr. McCarthy advised Mr. Barraco provided the information to him for Item 16 and this item can be deleted. Item 17 is scheduled for discussion in March and will remain. Item 18 will be deleted, as Mr. Adams indicated that the coding was corrected.

**SEVENTEENTH ORDER OF BUSINESS            Old Business**

*\*\*\*This item, previously the Sixteenth Order of Business, was presented out of order.\*\*\**

There being no old business, the next item followed.

**EIGHTEENTH ORDER OF BUSINESS            Staff Reports****a.     Attorney**

The attorney had nothing further to report and the next item followed.

**b.     Manager**

Mr. Adams recalled a previous presentation of the GIS program and indicated that the assets and lake interconnections have been added. Mr. Adams referred to the GIS map and pointed out the lake interconnections, assets, street lighting poles, wells, pump houses, fountain and decorative poles. He stated the concrete poles have been assigned an inventory number. Mr. Adams discussed the different colors on the map and what they are associated with. He pointed out the location of the irrigation well, which is the deep well that goes down 800 to 1,000 feet. He explained that this well brings up chlorides at 1,500 parts per million (ppm), which can be



mixed with the fresh water wells along Walden Center Drive, keeping the chlorides at 250 and under, making it usable for landscaping.

Mr. Adams commented that one of the values of the GIS program is that they now have the full set of plats for the entire property, in electronic form, because they are all linked to various portions of the GIS map. He stated all of the electronic data is now in one central location. In response to a comment by Mr. Lienesch, Mr. Adams advised that the elevation data provided by Mr. Barraco will be inserted. At the Boards' request, Mr. Adams indicated he will burn the map onto separate thumb drives and send it to them.

**i. Unaudited Financial Statements as of January 31, 2012**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2012. He noted that they are in line with the revenues and expenditures, year-to-date.

Mr. Patterson pointed out that rentals and leases are running at 82%. Mr. Adams will research this and report back.

Mr. Patterson advised he received a call from Mr. Monty Robson from the Sanctuary at Pelican Landing, inquiring about their sprinkler water cost for the entrance to the Sanctuary, which was \$2,600 for last year. Mr. Adams reviewed the billing history and, last summer, in the August thru October timeframe, there appeared to be a problem with the irrigation clock at the entry because the bills were running \$200 to \$400 per month. They have subsequently decreased to the normal \$20 to \$30 per month. He indicated he advised Mr. Robson that he would email him the billing history so that he could see what the typical usage was.

**ii. Savings & Money Market Account/Investment Snapshot as of 2/20/12**

Mr. Adams advised this item was for informational purposes, indicating where the balances are invested.

**iii. Irrigation High User Report**

- o **Bayside Improvement CDD**
- o **Bay Creek CDD**

**iv. NEXT MEETING DATE: March 26, 2012 at 2:00 P.M.**

Mr. McAuley noted that the next meeting is scheduled for March 26, 2012.

**v. Operations Report**

Ms. Crismond recalled that the Boards approved repainting the lamppost and the project was scheduled in January. Mr. Hancock reported that an expert in automobile paint attended his

neighborhood meeting and expressed concern that the mailboxes were painted without proper cleaning or sandblasting. He felt the paint would not last more than a year or two. After hearing that, Mr. Hancock felt they should revisit painting the lamppost. Ms. Crismond spoke with the vendor and the vendor assured her that since the lamppost is in such good condition, they should not have a problem. Mr. Murphy pointed out that the same vendor who painted the mailboxes will be painting the lamppost. Upon further discussion, the consensus was to stay with their decision.

Ms. Crismond recalled that the landscape/entry renovation project pricing was to be provided at this meeting. She noted the total project cost is estimated at \$4,000.

Mr. Lienesch reported that on the 19<sup>th</sup>, he toured the entrances with Ms. Crismond, Mr. Kucera and the Garden Club and found some evidence of failed plant material. Rather than replacing it again, the Garden Club will look at other options. He stated they want to eliminate the ornamental grasses along the north gate and plant pigmy date palms, six on each side. Mr. Lienesch indicated that the middle gate has one monument, the south gate has one monument, and the north gate has two huge monuments, lights and flowers and is the largest area. He advised there is \$40,000 remaining in the replacement budget for landscaping, for this year, and this would be 10% of that. Mr. McAuley did not feel they should spend the money now. Mr. Janek pointed out that the south gate has the most volume of traffic going in and out. Ms. Crismond advised all three entryways will be getting enhancements.

Mr. Pritt discussed a condo sign that was placed at the north gate. He felt it was a Pelican Landing sign and commented that no matter how many flowers are planted, the sign will make the area look bad.

This item was tabled until the April meeting.

**NINETEENTH ORDER OF BUSINESS**

**Audience  
Request**

**Comments/Supervisors'**

There were no audience comments or Supervisors' requests and the next item followed.

**TWENTIETH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting adjourned at 5:01 p.m.

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

**FOR BAY CREEK:**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

***ACTION/AGENDA ITEMS:***

1. **ACTION ITEM:** 3,000 plants to be added in the Spring – plantings last year did not survive
2. **ACTION ITEM:** Mr. Barraco to email details on the control structures to Mr. McCarthy; Mr. McCarthy to look in county files to see if there is a plan that corresponds to what Mr. Barraco has
3. **ACTION ITEM:** Mr. Barraco to follow up with WCI regarding status of WCI looking into the records to help determine why the two (2) control structures do not match plans in SFWMD’s files
4. **ACTION ITEM:** Mr. Kurth to follow up on grass carp permitting
5. **ACTION ITEM:** Mr. Hancock to meet with Mr. Zimmerman regarding the specifics of the fertilizer applications. He will also request copies of reports filed relative to dates of fertilizer applications over past year from Pelican’s Nest and The Colony
6. **ACTION ITEM:** Mr. Barraco to provide the status of certifications
7. **ACTION ITEM:** Light Post Painting
8. **ACTION ITEM:** Mr. Adams to obtain a proposal from the experts at UF & possibly FGCU
9. **ACTION ITEM:** GreenSpace to provide square footage calculations of green space to the number of units in Costa del Sol to justify a monthly allocation increase
10. **ACTION/AGENDA ITEM:** Mr. Adams to work with Mr. Cramer regarding a proposal for a newsletter and report back at the next meeting; additional discussion to take place
11. **ACTION/AGENDA ITEM:** District Counsel to draft an agreement between the Districts and the PLCA for the operation and maintenance of the catch basins for all common roads and present to the Board for review
12. **ACTION ITEM:** At the Boards’ request, Mr. Adams to burn the GIS map onto separate thumb drives and send it to them
13. **ACTION/AGENDA ITEM:** Mr. Adams to research “rentals and leases”, which are running at 82%, and report back
14. **AGENDA ITEM – APRIL:** Landscape/Entry Renovation Projects
15. **AGENDA ITEM –** Follow up on meeting minutes with PLCA website

16. **AGENDA ITEM** – Possibility of having SFWMD pay for costs of connecting CDD water to the five towers

*Bernard F. Crumey*

Secretary/Assistant Secretary

*James A. Patterson*

Chair/Vice Chair

**FOR BAY CREEK:**

*James Janek*

Secretary/Assistant Secretary

*Nelson Black*

Chair/Vice Chair