

**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, April 27, 2015 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
John Crew	Vice Chair
John Kaiser	Assistant Secretary
James Patterson	Assistant Secretary
Bernie Cramer	Assistant Secretary

**For Bay Creek CDD:**

Fred McAuley	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary
Jesse W. Lawrence	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Tony Grau ( <i>via telephone</i> )	Grau & Associates
Nolan Norris	Clarke Aquatic Services
Lori Clemence	Clarke Aquatic Services
Dr. Bret Bultemeier	Clarke Aquatic Services
John Greene	Regional Manager, Clarke Aquatic Services
Clyde Knowles	PLCA Liaison
David Caldwell	WCI Communities
Dr. Serge Thomas	Florida Gulf Coast University
Robert Niles	Resident
Jack Lienesch	Resident
Jeff Fickey	Resident
Gail Gravenhorst	UOC Representative – Pelican Landing

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

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

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. McAuley asked the Supervisors to state their names. For Bayside Improvement Community Development District, Supervisors Cramer, Patterson, Kaiser, Crew and McCarthy were present, in person. For Bay Creek Community Development District, Supervisors Lawrence, Janek, Glueck and McAuley were present, in person. Supervisor McVay was not present.

Mr. McAuley introduced Mr. Clyde Knowles, PLCA board member, and welcomed him to the meeting.

Mr. Cramer introduced Ms. Gail Gravenhorst, UOC Representative for Pelican Landing, who was attending in an official capacity.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

There being no public comments regarding agenda items, the next item followed.

▪ **Staff Report: Engineer (Both)**

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

Mr. Barraco recalled that, at the last meeting, he was asked to research pipe sizes and prices. He indicated that a reduction in size was not advisable and the savings were not significant.

Mr. Barraco reported that three bids were obtained for the sluice gates, ranging from \$40,425 to \$61,496. He recommended Golden Harvest, Inc., the lowest bidder, at \$40,425.

In response to a question from Mr. Glueck, Mr. Barraco noted an option for stainless steel, for an additional \$10,000, which he felt was not necessary.

Mr. McCarthy asked Mr. Barraco to provide the grade of aluminum being proposed.

Mr. Barraco stated that Phase 2 is for the main work and Phase 3 is for two road crossings. Bids for Phase 2 ranged from \$77,490 to \$174,000, the lowest bidder being Stevens and Layton, Inc., (Stevens and Layton), who Mr. Barraco has known for over 30 years.

Mr. Barraco indicated that Phase 3, the portion of the main improvement that includes two road crossings, was the most expensive phase. Stevens and Layton's bid for Phase 3, area five, was \$210,550 and the lowest bid was \$209,000. For area nine, Stevens and Layton's bid was \$201,000; the next highest bid was \$202,000.

Mr. Barraco recommended awarding the contract for Phase 2 and area nine to Stevens and Layton, with the area five crossing being considered at a later date.

Mr. Kaiser inquired about the timeline for the project. Mr. Barraco indicated that Stevens and Layton can begin immediately. Since the work is being separated and area five may be considered later, Stevens and Layton agreed to hold the price.

Mr. Cramer asked if Mr. Barraco discussed financial participation with WCI Communities (WCI). Mr. Barraco recalled that he and Mr. Adams spoke with WCI months ago, when the project was first considered.

Mr. Adams asked Mr. David Caldwell, of WCI, to provide an update.

Mr. Caldwell recalled a meeting last fall, with Mr. McCarthy, Mr. Adams and Mr. Barraco, when the drainage improvement program was presented and financial participation was requested from WCI. He advised that the information was provided to "Corporate" but WCI's participation was rejected by WCI's Chairman.

Mr. Caldwell explained that the work is for improvements in parts of the community that were part of the "old WCI", which were completed before WCI filed Chapter 11 bankruptcy. Since none of the work was related to the bankruptcy plan of emergence, the WCI Chairman would not approve the expenditure.

Mr. Cramer requested a letter confirming WCI's non-participation. He stated that many residents want to know why WCI will not participate, when various elevations were not constructed properly by the declarant. Mr. Cramer voiced his opinion that Chapter 11 did not absolve WCI.

Mr. Caldwell will provide a letter indicating the reasons for WCI's non-participation. He had hoped for a different outcome and initial feedback indicated that may have been the case; however, WCI's participation was rejected.

Mr. Cramer recalled that, last month, Mr. Caldwell discussed construction revisions and made helpful recommendations.

Mr. Caldwell hoped that the relationship would remain cooperative.

Mr. Cox voiced his understanding that, with Chapter 11 bankruptcy, specific claims, debt claims or future claims must be disclosed in order to be dissolved.

Mr. McAuley asked about the impact of WCI's decision.

Mr. Adams stated that the first phase will cost about \$350,000, including sluice gates and initial contractor work; engineering fees will bring the total closer to \$400,000, which must be addressed with surplus fund balance or the "Uninsurable Assets Fund". He stressed that the project will be a significant debt. Mr. Adams recalled that, last fall, Bayside borrowed funds from its "Uninsurable Assets Fund" to fund operating costs in the first three months of the fiscal year. If the Districts move forward with the project, he will recommend an increase to fund balance, as part of the budget process, to recover a portion of the funds.

Mr. McCarthy expressed deep disappointment with WCI's position. He indicated that WCI failed to recognize that they still retain the South Florida Water Management District (SFWMD) permit and the permit is noncompliant; the CDDs are trying to have the project certified. Mr. McCarthy noted that the CDDs are the operation and maintenance (O&M) entity and not the permittee; since WCI participated in this exercise, some degree of partnership was assumed.

Mr. McCarthy asked Mr. Cox to research the permittee's responsibility to rectify the issue. He stressed that the system was constructed and certified improperly; therefore, liability exists. If WCI will not participate, the CDD should explore every avenue in an attempt to reverse WCI's decision, including interceding with SFWMD to prevent WCI from securing further permit modifications.

Mr. Cramer felt that it was important for the community to understand the efforts of the Board Members, as residents of the community, as well as Staff, to bring this project to fruition. He believed that it would be wrong to consider raising rates to replenish money that must be utilized for modifications. Mr. Cramer asked Mr. Cox to meet with WCI and engage the PLCA. He stressed the importance of this issue and that it was time for WCI to "step up".

Mr. Crew was against awarding a contract. He recalled the Districts' contingency plan, in the event of excess water in the lakes or threat of a major storm, and felt it prudent to allow discussions to continue in order to clarify permit responsibilities and how berms were constructed, as opposed to permitted specifications.

Mr. Adams recommended requesting a formal written response from WCI, stating their position for denial, and authorizing Staff to research available options, legally or otherwise, for proceeding with the project.

Mr. McCarthy asked the Boards to authorize Staff to meet with SFWMD, explain the situation and request assistance.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Kaiser, with all in favor, authorization for District Counsel to request a formal written response from WCI, stating their position for denial, and for Staff to research future options, legally or otherwise, to proceed with the project, were approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, authorization for District Counsel to request a formal written response from WCI, stating their position for denial, and for Staff to research future options, legally or otherwise, to proceed with the project, were approved.**

Mr. Barraco pointed out that, with the wet season approaching, the bids may not be valid, in the future. He confirmed that the project was on hold and that he will schedule a meeting between himself, Mr. Adams and SFWMD.

Mr. Barraco suggested that he meet with Mr. Adams to establish a procedure for monitoring lake elevations and weather during the rainy season.

Mr. Barraco recalled previous discussions about modifications related to the bocce ball court in Bay Creek’s conservation area. He requested the Boards’ permission to submit the permit modification to SFWMD.

**BAYSIDE IMPROVEMENT ITEMS**

**FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2014, Prepared by Grau & Associates**

Mr. Grau indicated that he was unaware of today's meeting and requested time to prepare for the presentation. Mr. McCarthy suggested deferring the audit presentation to the next meeting. Mr. Patterson asked Mr. Grau to attend the meeting in person.

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Patterson, with all in favor, deferring the presentation of the Audited Financial Statements for Fiscal Year 2014 to the next meeting and requiring Mr. Grau's attendance, in person, were approved.**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Lawrence, with all in favor, deferring the presentation of the Audited Financial Statements for Fiscal Year 2014 to the next meeting and requiring Mr. Grau's attendance, in person, were approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-2, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2014**

This item was deferred.

**BAY CREEK ITEMS**

**SIXTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2014, Prepared by Grau & Associates**

This item was deferred.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-3, Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2014**

This item was deferred.

**JOINT MEETING ITEMS**

**EIGHTH ORDER OF BUSINESS**

**Staff Report: Engineer (Both)**

This item was discussed following the Third Order of Business.

**NINTH ORDER OF BUSINESS**

**Update: Drainage System Performance Review/Modifications Status Update (Both)**

This item was discussed following the Third Order of Business.

**TENTH ORDER OF BUSINESS**

**Consideration of Award of Contract for Drainage Remediation Project Sluice Gate Fabrication Services**

This item was discussed following the Third Order of Business.

**ELEVENTH ORDER OF BUSINESS**

**Lake Maintenance Activities Report (Both)**

Mr. McAuley indicated that the monthly report submitted by Mr. Kurth contained good results. Follow up will continue on items identified in the report.

Mr. Nolan Norris, of Clarke Aquatic Services (Clarke), reported that the Wedelia, on the shoreline of Lake A-12, was sprayed.

Referring to a map, Mr. Norris noted an unusual amount of algae growth in the line of ponds beginning at Las Palmas, referred to as the "E chain", which includes Lakes F-1, F-16 and E-1 through E-7. He explained that algae requires heat, sunlight and nutrients, in order to grow; therefore, the likely cause was a large amount of nutrients. Water and soil samples were taken to determine what was occurring at these sites.

Dr. Bret Bultemeier, of Clarke, indicated that, while familiarizing themselves with the ponds, Clarke reviewed previous minutes and reports. Testing revealed large amounts of phosphorous and it was determined that the solution was to eradicate the nutrients that algae feeds on. An aggressive plan was developed to ensure that the maximum amounts of nutrients were present and then remove them. Algae abatement should be observed quickly.

Dr. Bultemeier indicated that, on Friday, Lakes E-2 and E-3 were treated with Phosclear, a buffered alum product that is pre-blended and contains a buffering agent. A dye treatment was performed today, to block sunlight and prevent residual algae from blooming before the

phosphorous settles. On Friday, April 24, Lakes E-1 and E-5 will receive the same treatment and, on April 27, dye will be added. On May 4, treatment will be applied in Lakes F-1 and F-16. Dr. Bultemeier indicated that, for several days, the ponds treated for phosphorous will appear cloudy and milky white; this is part of the treatment process and the water will clear.

Mr. Crew noted that all of the ponds were located in one geographical drainage area and asked about determining the source of the nutrients to prevent another occurrence of nutrient loading.

Dr. Bultemeier reiterated that soil samples were taken and one source location may have been identified. Clarke will discuss the results with the Boards and Staff, once received, to determine how to best prevent phosphorous from entering the lakes. Dr. Bultemeier also noted a relatively high calcium concentration in the soil around the ponds.

In response to a question from Mr. Cramer, Dr. Bultemeier advised that the source of the phosphorous was Lakes E-1 and E-2. He stated that the nutrient loads at the golf course maintenance facility were very high.

Mr. Crew expressed concerns about Lake F-16. Dr. Bultemeier stated that the treatment activities to eliminate slender spikerush caused the extreme algae. Since the spikerush subsided, Phosclear treatments to reset the system will begin.

On behalf of the residents of Las Palmas, Mr. Robert Niles, HOA President, conveyed the community's disappointment with the deteriorating condition of the lakes, over the last three weeks and that, from their perspective, what changed was the vendor.

Mr. Niles noted the community's long history with LakeMasters Aquatic Weed Control (LakeMasters) and residents developed a relationship with LakeMasters because they did such a good job. Now, he was "sending emails and photos everywhere" and this is not the way it worked in the past.

Dr. Bultemeier stated that Clarke's goal is to use all of the knowledge and tools available to return the lake to the desired condition and work with residents to keep it that way. He stressed that, what matters is what the community sees and how they feel about their ponds. Once they prove themselves, Clarke's goal is for the community to speak highly of them and the plans that are in place are the best way to accomplish that.

Mr. Niles discussed recent efforts to remove algae from the lake and that it continues to grow back. He did not know what changed, in the past three months but, to the residents, it seems that everything was fine, until now.



Mr. Niles asked what he should relay to the residents. Dr. Bultemeier stated that Clarke will continue to treat and remove algae, the May 4 phosphorous treatment will remove the nutrients and, the following week, the algae will be gone.

Mr. McCarthy pointed out that two things changed, one of which was the vendor. He explained that, for the past few years, when water levels were lowest, Sonar was applied, which made a dramatic difference. While the Boards promised not to interfere with Clarke's methodology, Board Members have a responsibility to react, if Clarke's performance is not satisfactory.

Mr. McCarthy asked why Sonar applications were not performed. Dr. Bultemeier advised that fluridone is good for controlling submersed plants but it is not a good long-term solution for algae. Clarke's secondary concern was that Sonar may cause resistance in plants; therefore, Sonar would have been an inappropriate tool for the "E" chain. Treatments are slightly behind schedule but, next year, phosphorous treatments will begin earlier.

Mr. McCarthy indicated that algae problems subsided, in recent years, so residents are not used to these issues.

Mr. Kaiser reported that a resident of Sandpiper Isle expressed concern about an area on the left side of Lake C-4, where plants are growing across the lake. Mr. Nolan explained that the plants are gold coast spikerush, which was intentionally planted. Ms. Crismond indicated that, if the plants are closing up the lake, they must be sprayed; flow is not permitted to close in any of the ponds.

Mr. Niles reported that the two fountains in Lake F-1 completely shut down. During repairs, grass and debris were removed from the bottom of the lake. Mr. Nolan indicated that Lake F-1 was scheduled for a Phosclear treatment on May 4. Mr. Niles asked if Clarke will assist with the fountains. Mr. Norris advised that this will be addressed by Ms. Lori Clemence, of Clarke.

With regard to Sonar, Mr. Nolan explained that a full site assessment was performed by himself and Dr. Bultemeier and it was determined that fluridone was not necessary in the majority of the lakes.

Mr. Cramer suggested emailing residents notifying them of when the Phosclear treatment will be applied.

**TWELFTH ORDER OF BUSINESS**

**Presentation: Dr. Serge Thomas  
Summarizing the Results of Lake Health  
Assessment Report and  
Recommendations**

Dr. Thomas referred to the Lake Health Assessment Report and noted high levels of phosphorous in the water and sediment. He recalled recommending Phoslock or alum treatments and felt that alum was a good approach, since the lakes have hard water.

Dr. Thomas explained that one way to sequester nutrients is to create official wetlands, or “rain gardens”, around the ponds, to prevent runoff from entering. He suggested littoral plantings, as the littoral zone is a “second guard” against phosphorous; plants grow and sequester nutrients before they enter the water column. Littorals also provide shade in the shallow portion, to prevent algae growth.

Dr. Thomas reported that much of the sediment is very organic, which may be the result of leaf litter or dead algae. Raking is a good way to remove the plants and algae that would otherwise sediment on the bottom of the pond, adding more nutrients.

Dr. Thomas recalled that dredging was discussed and described a small vehicle that is used for spot dredging, which remains on top of the lake and sucks up muck from the bottom. He noted that the mapping, performed during the study, showed the exact locations of the muck.

Dr. Thomas explained that aeration helps to improve water quality. The report compared two lakes and the lake with aeration had better results; therefore, additional aeration may be required.

Dr. Thomas advised that dye makes water more opaque and blocks sunlight to prevent algae growth in the deepest portions of the lake. Calculations were provided in the report. Dr. Thomas explained that, when water quality improves, such as in Lake C-4, water transparency will be very high and there are fewer particulates in the water column. As the water clears, more surface area is available on the bottom, for algae growth; the way to prevent algae growth is with dye.

Mr. Janek inquired about black dye versus blue. Dr. Thomas advised that black dye is used in wetlands, blue and red dyes are used in lakes. Blue dye blocks at least 50% of the sunlight available for photosynthesis and keeps the lake cooler.

**THIRTEENTH ORDER OF BUSINESS****Consideration of Budget Amendment Addressing the District's Utilization of Two Different Contractors for Lake Maintenance Services (to be provided under separate cover)****A. Resolution 2015-3, *Bayside Improvement***

Mr. McCarthy presented Resolution 2015-3 for the Bayside Improvement Board's consideration. He voiced his understanding that the purpose of the amendment was to separate Bayside Improvement and Bay Creek. Mr. Adams explained that it is permissible to show the funds separately but revenues were collected, based on the methodology of sharing all costs associated with the budget. Going forward, the cost sharing methodology may be changed but not in the current fiscal year.

Referring to Account 001, on Page 4, Mr. Patterson asked why a Bay Creek charge was reflected in Bayside Improvement's budget. Mr. Adams explained that the "Combined lakes" line item was zeroed out and the lake portions were broken out to account for two separate contracts and the value of each. Cumulatively, there is about \$20,000 of additional shared costs. Mr. Patterson suggested one line item for lakes and one line item for wetlands. Mr. Adams recalled that the Board Members wanted the budget presented in this manner to reflect separate maintenance contracts; next fiscal year, the methodology may be changed.

**On MOTION for Bayside Improvement by Mr. Kaiser and seconded by Mr. McCarthy, with all in favor, Resolution 2015-3, Amending the General Fund Portion of the Budget for Fiscal Year 2015; Amending the Enterprise Fund for Fiscal Year 2015; and Providing for an Effective Date, was adopted.**

**B. Resolution 2015-4, *Bay Creek***

Mr. McAuley presented Resolution 2015-4 for the Bay Creek Board's consideration.

**On MOTION for Bay Creek by Mr. Cramer and seconded by Mr. Lawrence, with all in favor, Resolution 2015-4, Amending the General Fund Portion of the Budget for Fiscal Year 2015; Amending the Enterprise Fund for Fiscal Year 2015; and Providing for an Effective Date, was adopted.**

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Proposals for Lake Water Quality and Muck Testing and Reporting**

- A. FCGU**
- B. Johnson Engineering, Inc.**
- C. LakeMasters Aquatic Weed Control, Inc.**

Mr. McAuley indicated that three proposals were received for lake water quality and muck testing and reporting.

Mr. Adams referred to the spreadsheet, located behind Tab 14, comparing the three vendors that were contacted. He noted that an advertisement was published in the newspaper and no responses were received.

Mr. Adams stated that the Johnson Engineering, Inc. (Johnson Engineering), proposal most comprehensively met the requirements in the request for qualifications (RFQ) and was the lowest bidder, with the bid being within budget. He noted that the proposal anticipated a quarterly water sampling and analysis and a report, along with one annual muck sample, per lake, for a minimum of ten lakes, in comparison to Dr. Thomas' recommendation for an average of 2.38 corings per lake. Mr. Adams indicated that the primary purpose of the coring was to determine the composition of the muck and whether the muck layer was being reduced.

In response to a question from Mr. McAuley, Mr. Adams indicated that Johnson Engineering has a tremendous background in environmental engineering, headed by Mr. Tilton and Mr. Denison. Mr. Tilton has at least 30 years of experience in this area; he is a consultant to the county and assists with the county's watershed planning.

Mr. Crew expressed that he was very comfortable with Johnson Engineering and that it was good to have a third party provide benchmarks, for yearly reference but suggested focusing on one lake in each basin, in addition to those that are most critical.

Mr. Cramer noted the large markup in FGCU's prices and suggested ruling them out.

Mr. Glueck indicated that Johnson Engineering's price was \$7,000 lower than LakeMasters but about 50% fewer samplings would be taken.

Mr. McAuley asked if funds were available in the current budget and how much was allocated. Mr. Adams confirmed that \$25,000 was allocated for lake health.

Mr. Lawrence asked if testing and sampling were done in the past. Mr. Adams explained that one year of testing and sampling were performed by FGCU, for \$35,000 or \$40,000;

therefore, the FGCU cost was in line with previous testing. He stated that the Boards decided to keep the line item in the budget, choose the parameters and identify a minimum of ten lakes, building on the previous data and analysis provided by Dr. Thomas.

Mr. McCarthy noted that, prior to hiring Dr. Thomas, nutrient testing was performed on a limited basis.

Mr. Adams indicated that the budget may allow for expansion to 20 or 30 lakes; however, for budget purposes, quotes for a minimum of ten lakes, with all parameters, were obtained.

Mr. Patterson recalled that a different approach was to be followed.

Mr. McCarthy explained that the spreadsheet was prepared for ten lakes. If a Secchi disk is used on 90 lakes, the cost will be \$25 per lake. If all of the tests are performed on ten lakes, Johnson Engineering’s cost would be \$19,920. The tests may be “mixed and matched”, as long as a minimum of ten lakes are tested. The price per item was noted on the spreadsheet and the cost may be adjusted, accordingly.

Mr. McAuley stated that LakeMasters will provide twice as many samplings for \$7,000 more. LakeMasters is familiar with the lakes in the community and is following Dr. Thomas’ recommendations. Mr. McAuley advised that he was not happy with Johnson Engineering’s bid.

Mr. McCarthy made a motion to award the contract for lake water quality and muck testing and reporting to Johnson Engineering, and to determine the parameters for testing at the next meeting. Mr. Cramer seconded the motion.

Mr. Lawrence made the motion on behalf of Bay Creek, which was seconded by Mr. Janek.

Upon further discussion, Bay Creek’s motion was withdrawn and the Board Members agreed to table this item until the next meeting. Mr. McCarthy was not present to withdraw his motion.

**FIFTEENTH ORDER OF BUSINESS**

**Discussion: Assessment of Bayside Improvement and Bay Creek Common Landscape Areas**

Mr. Crew indicated that this item was placed on the agenda for discussion. He noted that the community was over 25 years old and a professional assessment of the common landscape areas was needed to determine whether a plan should be generated for horticultural selection and plantings, over a five-year period.

Mr. Crew understood that the PLCA was not ready to proceed with a plan and had not established a landscape committee. The recommendations of a professional landscape architect can be used by the UOC, the PLCA and the CDDs, as a framework.

Mr. Patterson recalled that, several months ago, Mr. Lienesch made a presentation to the Districts and both Boards supported his plan to form a landscape committee, through the PLCA, and to hire a landscape architect to provide recommendations. The Boards supported the plan because the Districts did not want to form a committee themselves, due to Sunshine Law constraints. Mr. Patterson indicated that most of the land is owned by the PLCA so it was logical for the committee to present their ideas to the PLCA. He voiced his understanding that the presentation was favorably received and the committee was asked to contact landscape architects to obtain pricing, request approval for funding from the PLCA and establish a committee.

Mr. Crew felt that it was the Districts' responsibility to obtain baseline information regarding the current status of the landscaping.

Mr. Patterson viewed Mr. Crew's proposal as a reversal of the Boards' previous position and felt that the Boards would be interfering in a process that was approved.

Mr. Cramer acknowledged that both Boards agreed to support what Mr. Crew was proposing but explained that the Districts cannot be responsible for the landscaping assessment because taxpayer dollars would be utilized.

Mr. Cramer advised that, at last month's PLCA meeting, Mr. McPherson indicated that this topic was discussed by the Districts and that he had many conversations with CDD representatives about the CDDs' ability to assess the common area landscaping. Mr. McPherson dismissed the proposal presented by Mr. Lienesch and his group and identified a member of the Design Review Committee (DRC) to devise a plan, which the CDDs would be part of. Mr. Cramer felt that it was the PLCA's responsibility to devise a plan and request CDD support.

Mr. McCarthy expressed discomfort with the CDDs spending money to provide capital improvement recommendations for someone else's property. He stressed that the common area landscaping is primarily PLCA property and, therefore, it is the PLCA's prerogative to determine what capital improvements are made.

In response to a question from Mr. Crew, Mr. McCarthy explained that the landscape palette was determined in the beginning, by the developer; the CDDs are maintaining that palette.

Mr. Lienesch recalled that both Boards approved his presentation and he was instructed to contact the PLCA; however, the PLCA representative that he was working with passed away and the project was placed on hold. The UOC asked Mr. Lienesch and his group to make a presentation and were very supportive. Mr. Lienesch asked to be placed on the PLCA's March 18 agenda and forwarded his presentation to the PLCA Board. The PLCA held an organizational meeting on April 4 and someone who attended informed him that the landscape committee was addressed and the board decided not to proceed and to shift the responsibility to the CDDs.

Mr. Lienesch reported that five landscape architect quotes were obtained and five separate assessments can be completed for \$9,000 or one assessment for \$2,500. One architect offered to drive around the community with him and discuss the landscaping while Mr. Lienesch took notes, which he did, earlier this month, and the architect made recommendations.

Mr. Adams stated that this is an opportunity to review the entire program and consider wholesale understory changes, which is a large capital item.

Mr. Cramer asked if Mr. Adams had an overlay of the areas where the Districts have interlocal agreements, as well as the declaration from WCI, describing the Districts' responsibilities. Mr. Adams indicated that he has a GIS map with a landscape component reflecting where landscape maintenance is performed.

Mr. McAuley asked if the Districts ever hired an architect for its projects. Mr. Adams recalled that an architect was hired as part of the Planned Integration Committee (PIC) program. Mr. Adams confirmed that the discussion was related to the PIC program, as opposed to routine maintenance. Following the assessment, the Boards will determine whether the look, feel and character of the community are the same as in the beginning and whether it is what the Boards want the community to look and feel like, going forward.

Mr. Crew clarified that his proposal was to provide the necessary baseline information for taking the next step. He stressed that the Board Members have a responsibility to report on the current condition of the landscaping, based on the CDDs' maintenance for the past 25 years.

Mr. Glueck recalled that, when the landscaping was installed as part of the PIC program, the committee requested a lump sum from the CDD, for funding; however, there was no involvement from the CDD or the PLCA. The PIC committee made its decisions with input from residents and the Garden Club.

Mr. Adams stated that Mr. Lienesch and his group are filling the role of the PIC committee. A potential overhaul is being discussed and the PLCA, as the owners, should spearhead the project with CDD support.

Mr. Crew asked if the assessment referred to in his proposal would be helpful to Mr. Lienesch in his dealings with the PLCA and the community at large. Mr. Lienesch advised that he had no success with the PLCA. He stated that he is not a botanist and does not know what the community needs but there are residents in the community who do and several of them approached him after the UOC meeting and expressed enthusiasm; however, the enthusiasm ended with the PLCA. Mr. Lienesch asked Mr. Knowles to report on the PLCA's decision.

Mr. Knowles stated "you have to learn to walk before you run" and Mr. Crew is "right on". He felt that the first step was to place the plants that grow well in sunlight in the sun and care for those with a canopy over them and those that are overgrown. Mr. Knowles questioned how well the maintenance program was being executed. He recommended taking care of the existing landscaping and making sure that the plants are in the proper location.

Mr. McAuley acknowledged that the landscaping must be brought under control and more color must be introduced but the DRC should be involved.

Mr. Cramer stated that the PLCA should form a group. Mr. Knowles confirmed that the DRC will form a group. Mr. Cramer felt that the group should request assistance from the CDDs.

Mr. McAuley suggested that Mr. Crew be part of the DRC's committee, along with Mr. Lienesch. Mr. Crew noted that the proposal is for an outside review of the existing landscaping, with regard to maintenance, mulching and watering, using a sampling, rather than the entire community.

Mr. McAuley referred to Bay Creek's withdrawal of the motion to retain Johnson Engineering for lake water quality and muck testing and reporting, which was made in Mr. McCarthy's absence. He asked Mr. McCarthy to withdraw Bayside Improvement's motion.

Mr. Adams indicated that he corrected the spreadsheet and the numbers remain the same; LakeMasters' bid was \$27,300.

This item was deferred to the next meeting.

**SIXTEENTH ORDER OF BUSINESS****Irrigation Reports (Both)****A. High User**



- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

Mr. Kaiser asked who determined the high user fees. Mr. Janek advised that the Districts set the fees. Mr. Kaiser surmised that, if the fees were doubled, the same usage would occur.

Mr. McCarthy noted that, last month, the penalty portion was less than in previous months.

**B. Penalty Usage Summary: *Bayside Improvement CDD***

This item was provided for informational purposes.

**C. Zero Consumption**

- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

Mr. Patterson asked why the zero consumption was being reported. Mr. Adams explained that the purpose was to provide the number of meters reflecting no consumption, mainly for Staff's use.

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of March 23, 2015 Joint Regular Meeting Minutes (Both)**

Mr. McAuley presented the March 23, 2015 Joint Regular Meeting Minutes and indicated that additions, deletions and corrections were provided to Ms. Crismond.

The following changes were submitted to Ms. Crismond:

Line 237: Change "that Whale Lake had problems in the past and it is the last lake before the sluice. Mr. McAuley asked" to "previous problems with the last lake before the sluice and asked"

Line 241: Change "bottom" to "top"

Line 597: Change "silk" to "silt"

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the March 23, 2015 Joint Regular Meeting Minutes, as amended, were approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Lawrence, with all in favor, the March 23, 2015 Joint Regular Meeting Minutes, as amended, were approved.**

**EIGHTEENTH ORDER OF BUSINESS**

**Other Business (Both)**

- **Action Items**

Mr. McAuley reviewed the action items.

Items 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 21, 22, 23, 24, 25 and 26 were completed.

Item 1, 2, 3, 5, 15, 16 and 20 were continued.

Mr. McCarthy indicated that Mr. McPherson thought that the PLCA board deliberated on the storm drain medallions some time ago but he would confirm.

With regard to Item 20, Mr. Adams stated that the estimate from Davey Tree Service would be discussed during budget deliberations.

With regard to Item 23, Mr. Adams reported that oyster plants are on the invasive list for natural settings but not in a yard. Mr. Lawrence advised that the website he viewed indicated that oyster plants are not only invasive but poisonous and they are “everywhere”, particularly by the Parkway and at the Hurricane #1 tee. Mr. Lawrence stated that he spoke with Mr. Zimmerman and the plants will be removed from the golf course property this summer. Ms. Crismond reported that Mr. Kucera confirmed that there were no oyster plants on CDD property.

**NINETEENTH ORDER OF BUSINESS**

**Old Business (Both)**

There being no old business, the next item followed.

**TWENTIETH ORDER OF BUSINESS**

**Staff Reports (Both)**

**A. Attorney**

There being no report, the next item followed.

**B. Manager**

**i. Approval of Unaudited Financial Statements as of March 31, 2015**

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2015.

Mr. Patterson called attention to Page 6 and noted that “Other contractual services: wetlands (BS)” was at 391%. Mr. Adams stated that recoding was necessary, as “Other contractual services: Lakes (both)” was 11%.

Mr. Lawrence recalled that, at the last meeting, Mr. Adams advised that there were reserves to cover the last year of bond payments and he asked if that was reflected in the maturity. Mr. Adams replied no, as there may be an opportunity to call the bonds early.

Mr. Patterson stated that the Bay Creek bonds should be fully paid in April, 2016, with reserve funds. Although Bayside’s bonds were issued one year later, Bayside should be able to pay off its bonds two years earlier by making the last payment in April, 2016; however, a 10% payment increase will be required next year.

Mr. McCarthy recalled that the audit referred to something similar to a prepayment penalty on the bonds; therefore, consequences for early payment should be researched. Mr. Adams advised that there is usually a ten-year no call provision to ensure bondholders a certain amount of interest earnings; however, that is all he is aware of.

**ii. Savings & Money Market Account/Investment Snapshot as of 4/20/15**

This item was presented for informational purposes.

**iii. Monthly Status Report: Field Operations**

The monthly Field Operations Report was provided for informational purposes.

**iv. Number of Registered Voters as of April 15, 2015**

- o **Bayside Improvement CDD: 2,615**
- o **Bay Creek CDD: 800**

This item was provided for informational purposes.

**v. NEXT MEETING DATE: May 18, 2015 at 2:00 P.M.**

Mr. McAuley advised that the next meeting will be held on May 18, 2015 at 2:00 p.m.

**TWENTY-FIRST ORDER OF BUSINESS Supervisors’ Requests (Both)**

Mr. McAuley inquired about the flower program.

Mr. Adams noted that, this year; the seasons went from winter to summer with no period of typical spring time temperatures. He explained that flowers are ordered three to four months in advance of the scheduled planting, at a significant discount. When the selections were made, Staff anticipated lower temperatures; therefore, some of the flowers were good for spring but not summer and those that cannot tolerate summer temperatures quickly deteriorated.

In response to a question from Mr. Lawrence, Mr. Adams confirmed that the flowers are changed out three times per year. Mr. Lawrence inquired about the difference in cost between twice per year and three times per year. Mr. Adams stated it is generally 50% more.

Mr. Lawrence reported that he drove along the main road, in Pelican Bay, to view the entrances and there were many begonias, which are very hearty. Begonias were planted in September or October and were still alive, although they were beginning to fail. Mr. Lawrence stated that, if the right types of flowers were chosen, the Districts could revert back to a twice per year rotation. Mr. Adams pointed out that flowers are matched with the season.

Mr. Adams advised that the first planting is performed in November. The PLCA conveyed a desire for a color change in the spring so that seasonal residents observed two color changes during their stay. The third change is performed in May, with summer varieties.

Mr. Adams reviewed the plants to be used in the next changeout.

**TWENTY-SECOND ORDER OF BUSINESS    Public Comments: *Non-agenda Items***

Ms. Gravenhorst indicated that three times per year was viable, for planting flowers; however, she did not agree with the times that were selected. The fall planting should be removed the week after Thanksgiving, the winter planting should be completed in mid-December and removed shortly after Easter and the summer planting should last until Labor Day. Ms. Gravenhorst also suggested a program to replace the flowers that do not last.

Ms. Gravenhorst advised that Port Charlotte adds minnows to the lakes to control the mosquito population and recommended instituting a similar program.

Ms. Gravenhorst suggested devising a program for leaf pickup as, currently, leaves are blown off of the sidewalks and streets but remain in the mulch or end up in the lakes.

With regard to mulch, Ms. Gravenhorst reported that she walked around The Colony and observed that the mulch was very deep and was capturing the leaves. She suggested reducing the amount of mulch that is installed.

Ms. Gravenhorst suggested discouraging maintenance vehicles from parking on the curves and, when they do, someone should direct traffic to allow residents to pass.

Ms. Gravenhorst noted a severe problem with tiny caterpillars on the black olive trees and inquired about spraying in the District.

Mr. Adams agreed that vehicle parking on curves must be addressed.

**BAY CREEK ITEMS****TWENTY-THIRD ORDER OF BUSINESS    Adjournment: *Bay Creek***

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

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Lawrence, with all in favor, the meeting adjourned at 4:42 p.m.**

**BAYSIDE IMPROVEMENT ITEMS**

**TWENTY-FOURTH ORDER OF BUSINESS      Consideration/Acceptance of Certain  
Common Areas in Terzetto Neighborhood  
in The Colony**

Mr. Caldwell indicated that the first item for consideration is related to common areas in Terzetto, for Lakes L-1, L-2, L-3 and C. He was advised by Mr. Adams that aerators were required in all lakes; two of the lakes have aerators and one is being installed. Mr. Caldwell noted that there are two decorative fountains in the lakes, which WCI will convey to the condominium association.

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with all in favor, acceptance of common areas for Lakes L-1, L-2, L-3 and C, in Terzetto, was approved.**

Mr. Caldwell requested approval of the conveyance of Parcel 14, a 29.3-acre conservation tract north of Terzetto, which WCI owned.

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with all in favor, acceptance of the conveyance of Parcel 14, a 29.3-acre conservation tract, was approved.**

**TWENTY-FIFTH ORDER OF BUSINESS      Consideration of Request from Bryan  
Huxford, 25280 Goldcrest Drive, to Allow  
Encroachment into District's Lake  
Easement**

Mr. McCarthy presented a request from Mr. Bryan Huxford, 25280 Goldcrest Drive, to allow encroachment into the District's lake easement.

Mr. Jeff Fickey, a friend of Mr. Huxford, explained that Mr. Huxford would like to extend his lanai 10' into the lake easement area.

Mr. Cox recalled that, when the Phase 1 permit was turned over, the lake tract became part of the District; Lee County will look to the District to determine whether Mr. Huxford may encroach upon the easement. He explained that, in the past, agreements were utilized, indicating that the encroachment may remain but, if it interferes with lake maintenance, it must be removed.

Mr. Fickey stated that, according to the Zoning Department of the City of Bonita Springs, the easement was deeded to the public. Mr. Cox clarified that tracts A, B, C and drainage easements were dedicated to the lot owners and public utility easements were dedicated to the public; therefore, each lot owner has the right to drain into the lake. The lot owners, through the HOA, granted an easement to the District. Once the easement was granted, the permit was changed to operation and maintenance.

Mr. Fickey pointed out that the lake easement is never used because there is no access between the homes. In the past, LakeMasters gained access at the clubhouse.

Mr. Patterson asked if an agreement was prepared. Mr. Cox replied no but it would not take long to complete. Mr. Cox explained that, if the lanai is damaged and while the District is maintaining the lake, the District could not be held responsible for the damage.

Mr. Patterson asked if Mr. Fickey was aware that an agreement was necessary. Mr. Fickey replied no and was informed by the City of Bonita Springs that the easement was public and that the city had no objection to granting the permit, as long as the District had no objections to extending into the lake easement.

Mr. Patterson motioned to approve the encroachment, if an agreement is executed. The motion failed due to lack of a second.

**TWENTY-SIXTH ORDER OF BUSINESS**

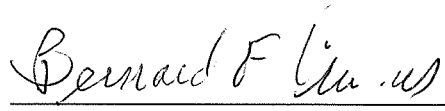
**Adjournment: *Bayside Improvement***

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

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Crew, with all in favor, the meeting adjourned at 5:01 p.m.**

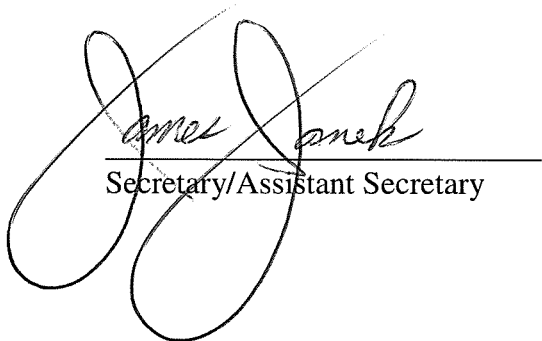
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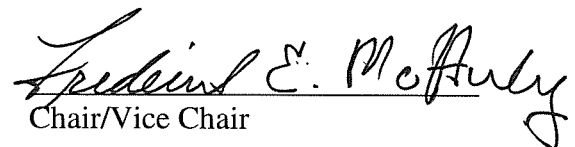
**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair