

**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, May 22, 2017 at 2:00 p.m.**, at the **Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.**

**For Bayside Improvement CDD:**

Walter McCarthy	Chair
Bernie Cramer	Vice Chair
John Crew ( <i>via telephone</i> )	Assistant Secretary
Jim Nicholson	Assistant Secretary

**For Bay Creek CDD:**

Mary McVay	Chair
Nelson Glueck	Vice Chair
James Janek	Supervisor-Elect
Robert Travers	Assistant Secretary
Donald McBride	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox	District Counsel
Doug Tarn	Barraco & Associates
Tim Denison	Johnson Engineering
Jeff Dever	Assistant Branch Manager, LakeMasters Aquatic Weed Control, Inc.
Marvin Hancock	PLCA Liaison
Barbara Craig	Resident

**\*\*\*DUE TO TECHNICAL DIFFICULTIES, AUDIO WAS NOT AVAILABLE  
FOR THE FIRST 12 MINUTES - MINUTES TRANSCRIBED FROM THE MEETING  
NOTES\*\*\***

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

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

All present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. McCarthy asked the Supervisors to state their names. For Bay Creek Community Development District, Supervisors Travers, Janek, McBride, Glueck and McVay were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Cramer and Jim Nicholson were present, in person. Supervisor Crew was attending via telephone. Supervisor Bill Nicholson was not present.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

Ms. Barbara Craig, a resident, reported green algae in Lake A-6. Mr. Adams would speak with Mr. Zimmerman about the fertilizer around the ponds.

**JOINT BOARD ITEMS**

**FOURTH ORDER OF BUSINESS**

**Staff Report: District Engineer (Both)**

Mr. Doug Tarn, of Barraco and Associates (Barraco), provided updates regarding the sluice gates and the pipe repair in The Colony. Mr. Cramer provided an update regarding the Pelican Landing Community Association (PLCA) property review.

**\*\*\*AUDIO COMMENCED\*\*\***

Mr. Adams discussed drainage pipe repairs in The Colony, in front of Ponza. The 20” ductile iron pipe is a protective sleeve with a 10” water line inside it and the District’s breached drainage pipe is on top of the sleeve. The contractor suggested pouring flowable cement around the pipe, after wrapping it with a Ram-Nek®, a concrete joint sealant. Barraco and Mr. Adams reviewed and approved the repair method. Mr. Cox prepared an agreement with Jensen Underground Utilities (Jensen) providing for an approximate \$19,000 reimbursement to the District. The project would commence on Monday and the Colony Residents Council (CRC) and PLCA would be notified of the repairs, in advance.

Mr. Cramer asked for an update regarding tennis center remediation. Mr. Tarn stated that a tennis court specialist was to review the courts, on behalf of the Pro Shop. Mr. Cramer stated that the contractor hired a subcontractor, who would review the elevations to ensure proper

runoff; however, the Tennis Pro advised that the process was not finalized. Bonita Springs Utilities (BSU) hooked up a new water line, not far from the District's connection.

Mr. Marvin Hancock, PLCA Liaison, stated that the project was managed by the Tennis Advisory Group (TAG) and funded by the PLCA. The Chair was Mr. Ron Bloom. A hydro system was installed to irrigate under the tennis courts, using CDD water. With the possibility that CDD water could be turned off, a BSU meter was installed, with a converter valve. There was a grid of pipes under the Har-Tru. Upon Mr. Barraco's recommendation, an architect was engaged to supervise the Har-Tru refurbishing and make suggestions regarding runoff. Runoff was still a problem, although it was mostly discolored water.

Mr. Cramer met with Mr. Bloom and Mr. Bloom indicated that he discussed permitting for the project with Councilwoman Quaremba. Mr. Bloom assured Mr. Cramer that he would keep the Districts informed.

Mr. Crew stated that the PLCA engaged a landscape architect with ties to Barraco. It became clear that the drainage swales, along the court, lost their grade and effectiveness. The architect would review the elevations and propose reconstruction and redevelopment of the swales, from the west, north and south sides of the courts. Mr. Crew suggested a workshop, once the preliminary plans were developed, because the natural drainage swales must be reestablished. Landscape irrigation must be replaced because irrigation heads were overspraying water into the drainage ditches and collection basins, inhibiting functionality, and the installation of dry wells adjacent to the collection basins must be considered.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, authorizing Mr. Crew's attendance and full participation, via telephone, due to exceptional circumstances, was approved.**

Mr. McCarthy suggested that the TAG research the system installed at Pelican Sound to mitigate runoff. Mr. Crew stated that the Group asked the architect to review the system to determine whether it would be applicable.

**FIFTH ORDER OF BUSINESS**

**Continued Discussion: Har-Tru Runoff from Tennis Courts to E Lakes**

This item was discussed during the Fourth Order of Business.

**SIXTH ORDER OF BUSINESS**

**Lake Maintenance Report: *LakeMasters Aquatic Weed Control, Inc. (Both)***

Mr. Jeff Dever, Assistant Branch Manager, LakeMasters Aquatic Weed Control, Inc. (LakeMasters), stated that, last week, Sonar herbicide treatments were applied to 22 lakes. Several more would be treated tomorrow. Rain was necessary to flush the lakes. The issue seemed to be resistant types of blue green algae, due to water hardness. The plankton in Lake A-6, reported by Ms. Craig, was not present last week. Mr. Zimmerman and the golf course staff adhere to Best Management Practices (BMPs) by maintaining an 18” buffer, which prevents many nutrients from entering the lakes. Improvement was observed today in Lake E-4.

Mr. Crew requested an update on the status of the aerators in Lake B-6. Mrs. Adams would follow up with Andy.

**SEVENTH ORDER OF BUSINESS**

**PLCA Landscape Committee Updates**

Mr. McBride attended a meeting at the Tennis Center and the Landscape Committee would work with the TAG and Mr. Spencer to select the proper plants for the area.

Mr. Cramer voiced concern about plant removal for construction equipment and asked who would pay for replacement. With regard to tree trimming, Mr. Cramer asked if root intrusion from overwatering may have caused some of the issues and, if so, whether the trees along the side would be pruned. Mr. McBride stated that the issue was discussed at the meeting and would be explored. Mr. Cramer stated that Mr. Kucera would move sprinkler heads in the perimeter areas to prevent overwatering.

Mr. Crew stated that the roots of a large ficus tree, on the southeast corner of the property, were entering the drainage basin and must be identified for removal.

**EIGHTH ORDER OF BUSINESS**

**Irrigation Reports (Both)**

**A. High User**

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

Mr. McCarthy stated that the same number of residents from Tuscany and The Ridge were on the High User report. Residents had questions in response to a revised report written by Mr. Bill Nicholson. Mr. Adams and Mr. Nicholson were responding to the questions.

**B. Penalty Usage Summary**

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

These reports were provided for informational purposes.

**C. Zero Consumption**

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

Mr. McCarthy noted that the list increased, this month, and assumed that Mr. Kemp was following up. Mr. Adams replied affirmatively.

**NINTH ORDER OF BUSINESS****Consideration of Resolutions Approving the Districts' Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date**

Mr. Adams stated that the Public Hearing to adopt the Fiscal Year 2017/2018 budgets was proposed for the August meeting date. A budget workshop would be held the Friday prior to the July Joint Regular Meeting.

Mr. Cramer asked if the Landscape Committee's recommendations would affect the adopted budget. Mr. Adams stated that the deadline for adding budget funds for the plant replacement program would be missed. The recourse would be to wait for the next budget cycle or to impose a special assessment. If the Boards decide to contribute to the program, funding mechanisms may be explored or funds in the current budget or in surplus fund balance may be repurposed. Mr. Adams would contact Cheryl, PLCA Manager, and remind her of the CDDs' budget cycle and deadlines.

- **Resolution 2017-7, *Bayside Improvement Community Development District***

Mr. McCarthy presented Resolution 2017-7 for the Bayside Improvement Board's consideration.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, Resolution 2017-7, Approving the Districts' Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon for Monday, August 28, 2017 at 2:00 p.m., at this location; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.**

- **Resolution 2017-7, Bay Creek Community Development District**

Mr. McCarthy presented Resolution 2017-7 for the Bay Creek Board's consideration.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Travers, with all in favor, Resolution 2017-7, Approving the Districts' Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon for Monday, August 28, 2017 at 2:00 p.m., at this location; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.**

**TENTH ORDER OF BUSINESS**

**Discussion: Q4 2016 & Q1 2017 Water Quality Monitoring Report**

Mr. Tim Denison, of Johnson Engineering, presented the Q4 2016 and Q1 2017 Water Quality Monitoring Report. Johnson Engineering was currently conducting quarterly sampling of 10 lakes; four were identified as having high levels of nutrients, based on last year's sampling, and six were identified, by LakeMasters, as requiring additional monitoring. Water quality samples and secchi disk readings were collected near the middle of each lake and tested for nitrogen and phosphorous. Field measurements were collected to back up the nutrient data. Mr. Denison recalled that, last year, the Boards identified a group of lakes, including one transect, which was basically a ditch, and one marine lake that opened to the bay. Samplings were tested for dissolved oxygen, total phosphorous and secchi depth. After four quarters of sampling, Mr. Denison gave a presentation and noted that Lakes A-2, A-17, D-8 and F-12 needed further investigation because of high levels of phosphorous and other indicators. Since that time, total nitrogen was added.

Referring to a slide, Mr. Denison noted the lakes currently being sampled. Those highlighted in red were nutrients that were more than twice as high as the comparable criteria for

fresh water lakes. The criteria was set for a fishable, swimmable lake and not a water quality treatment area. In the first few samples collected, Lakes A-2, A-11 and D-15 seemed higher than normal for total nitrogen. Lakes D-8 and E-16 had high levels of total phosphorous for the first quarter sampled and Lake A-2 had a high level for the second quarter sampled.

On the next slide, Mr. Denison stated that field data showed similar readings for each lake, except for Lake F-16, which had a higher pH level and conductivity. In the 1<sup>st</sup> Quarter of 2017, the lakes were similar but Lake F-16 had higher conductivity. Mr. McCarthy stated that Lake F-16, in Las Palmas, had no water. At best, the lake was 2' deep. Mr. Denison referred to Table 4, showing the parameters regarding the number of aerators and plantings around the side of the lake. At the end of the sampling year, results would be evaluated. So far, each lake sampled had higher nitrogen levels than the threshold for fresh water lakes. The total nitrogen levels from the samples of Lakes A-2 and A-11 were more than twice the value for both quarters. Total phosphorous was higher than expected for Lakes A-2, D-8 and E-16. In the 4<sup>th</sup> Quarter 2016, total phosphorous levels were higher than in the 1<sup>st</sup> Quarter 2017. Secchi disk readings for Lakes A-2 and A-11 were poor. Sediment samples were recently collected from the 10 lakes and an another lake proposed by the Boards; however, sediment results were not yet compared to the water quality results. Two more water quality samples would be collected and a report would be provided.

Mr. Janek asked why the lakes had more than twice the value for nitrogen. Mr. McCarthy stated that Lake A-2 was always high in nitrogen; it is on the golf course and runoff flowed directly into the lake. In the driest season, Lake A-2 was flowing over the weir and Lake A-3, which connects to it, was dry. Lake A-11 has always tested high for nitrogen and phosphorous.

**ELEVENTH ORDER OF BUSINESS****Consideration of Replacement of 1999 F350**

Mr. Adams stated that the 1999 F-350 truck was taken in for service but the garage owner was not comfortable repairing it and sending it back on the road. Approximately \$35,000 remained under "Rentals and leases". A 2017 Ford F-350 regular cab, with a 12' flatbed dump, would cost \$33,750.

**On MOTION for Bayside Improvement by Mr. Jim Nicholson and seconded by Mr. Cramer, with all in favor, replacing the 1999 F350 with a 2017 Ford F-350 regular cab, with a 12' flatbed dump, in the amount of \$33,750, was approved.**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, replacing the 1999 F350 with a 2017 Ford F-350 regular cab, with a 12' flatbed dump, in the amount of \$33,750, was approved.**

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2017**

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2017. The “General” fund assessment revenue collections were at 98%.

Under “Engineering”, Mr. McCarthy asked if the District’s engineering costs were included in the reimbursement from Jensen. Mr. Adams stated that approximately \$4,000 would be recovered from Jensen and approximately \$14,000 from M.R.I. Underwater Specialists, Inc. (M.R.I.).

Mr. Adams stated that “Street lighting” was at 68% and a portion was related to a replacement pole, in The Colony, due to a vehicle accident. The cost would be reimbursed by the insurance company. Four additional poles were purchased recently. “Total expenditures” were at 56%. “Irrigation revenue” was at 60%.

In response to a question from Mr. Cramer, Mr. Adams stated that flowers would be planted the first week of June.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of April 24, 2017 Regular Meeting Minutes (Both)**

Mr. McCarthy presented the April 24, 2017 Regular Meeting Minutes. Mrs. Adams stated that Board Members submitted changes.



**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Jim Nicholson, with Mr. Cramer, Mr. Jim Nicholson and Mr. Crew in favor and Mr. McCarthy opposed, the April 24, 2017 Regular Meeting Minutes, as amended to include edits provided to District Management, were approved. (Motion passed 3-1)**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the April 24, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.**

**FOURTEENTH ORDER OF BUSINESS                      Action Items (Both)**

Mr. McCarthy presented the Action Items.

Items 4, 6, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 were completed.

Items 1, 2, 3, 5, 7, 9, 10, 11, 12 and 23 were continued.

Regarding Item 5, Mr. Adams stated that pressure washing and painting would be performed this week.

Discussion ensued regarding the low intensity of the lighting in front of Bonita Bay. Mr. Adams asked the Board Members to view the lighting for discussion at the next meeting.

Regarding Item 20, Mr. McCarthy recalled speaking with Mr. Adams about the Treviso wetland and having an independent party evaluate the vitality of the plantings and provide comments regarding the viability of the wetland. Mr. Adams entered into an agreement with EcoPlanz, Inc. (EcoPlanz). Ms. Kim Trebatoski Ruiz, a former Lee County environmental consultant, evaluated the wetland and submitted a report.

Mr. McCarthy read the following report into the record:

*“Dear Mr. Adams:*

*I conducted a field inspection of the wetland adjacent to Treviso on May 11, 2017.*

*The following list summarizes the findings:*

- *The plants installed by EarthTech in 2017 have a 90% or greater survival rate.”*

Mr. McCarthy was present during the inspection and Ms. Ruiz pulled plants from the ground and, although the plants were not showing vitality above the ground, they were rooted well. Much improvement would be observed in the summer.

- *The majority of the plants are green with established roots (i.e. when gently pulled on their roots hold them in place)."*
- *Spartina alterniflora plants are establishing well with some plants shooting runners with new shoots appearing.*

Mr. McCarthy recalled that, when EarthBalance selected the pallet, a variety of plants were chosen deliberately, as some may have more vitality than others. Consequently, some plants were faring better than others.

- *New growth is present on canna and arrowhead plants.*
- *Spike rush has green growth present.*
- *The plants are doing well especially since there is less growth of wetland plants during the dry season. Many natural wetlands within Lee County have brown dried up vegetation at this time, but will emerge with new growth when the rain begins.*

Mr. McCarthy was originally concerned about there being enough moisture in the wetland to support the plants; however, the wetland was totally saturated.

- *The water sample taken from the small area still inundated had a salinity reading of 3.0 ppt. This shows a slight salinity in the water under the current factors (i.e. shallow, limited areal coverage of water). The average freshwater river has a 0.5 ppt salinity. Ocean water salinity averages 35 ppt. This wetland is not experiencing hypersalinity.*
- *The white surface showing on the soil as the wetland dries down, is likely a residue from the underlying limestone dissolving and suspending within the water.*
- *The orange surface showing on the soil is algae, and a natural feature of wetland systems.*
- *No signs of toxic inputs were observed.*
- *The wetland is healthy ecologically having a thick mucky soil with algae and invertebrates present. Footprints, slides and scat from birds, rabbits, and other wild animals are found throughout the wetland.*

**Recommendation:**

*Allow the installed plants to grow through the wet season/summer months to determine which plants are the best to provide the coverage and appearance desired while maintaining a healthy wetland system.”*

Mr. McCarthy stated that Ms. Ruiz indicated that, next summer, an enormous amount of growth would occur. It takes at least two years for plants such as these to establish themselves.

**FIFTEENTH ORDER OF BUSINESS**

**Old Business (Both)**

Mr. Crew recommended holding a special workshop, at the tennis courts, once a preliminary plan was in place.

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports (Both)**

**A. District Counsel**

Mr. Cox stated that a bill was presented to create a referendum provision for the dissolution of Districts, if 40% of District residents signed a petition; however, the bill did not pass.

**B. District Manager**

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

This report was provided for informational purposes.

**ii. Number of Registered Voters as of April 15, 2017**

- o **Bayside Improvement CDD: 2,619**
- o **Bay Creek CDD: 799**

Mr. McCarthy stated that there were 2,619 registered voters residing within the boundaries of the Bayside Improvement CDD and 799 registered voters residing within the boundaries of the Bay Creek CDD as of April 15, 2017.

**iii. NEXT MEETING DATE: June 26, 2017 at 2:00 P.M.**

Mr. McCarthy stated that the next meeting will be held on June 26, 2017 at 2:00 p.m., at this location.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

There being no public comments, the next item followed.

▪ **Supervisor Requests**

***\*\*\*This item was an addition to the agenda.\*\*\****

Mr. Jim Nicholson stated that Ms. Gravenhorst spoke to Mr. Kucera about the base of the Tuscany monument. Mrs. Adams discussed this matter with Mr. Kucera today.

Mr. Cramer inquired about irrigation for the new highrise. Mr. Adams was waiting for the layout plans. Using BSU for irrigation was not prohibited.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment: (Both)**

There being no further business to discuss, the meeting adjourned at 3:42 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

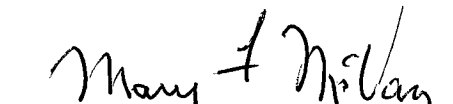
**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair