

**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, January 22, 2018 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.

For Bayside Improvement CDD:

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

For Bay Creek CDD:

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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox (<i>via telephone</i>)	District Counsel
Wes Kayne	District Engineer
Bill Kurth	SOLitude Lake Management
Marvin Hancock	Resident/PLCA Board
Tim Denison	Johnson Engineering
Jack Lienesch	Resident/Chair of Landscape Subcommittee
Gail Gravenhorst	Resident/Landscape Subcommittee
Warren Miner	Resident
Mike Snyder	Resident
Ron Gregory	Resident

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 McBride, Travers, Janek, McVay and Glueck were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Cramer, Crew, Bill Nicholson and Jim Nicholson were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Mr. Warren Miner, a resident and President of the Treviso Board, stated that he has worked a lot with Mr. Adams on the Preserve. He stated that all Treviso residents were appreciative of that. He introduced Mr. Mike Snyder, a Treviso Representative for the Colony Residence Counsel, and Mr. Ron Gregory, the Building and Ground Liaison for Treviso. Mr. Gregory and Mr. Adams spoke about an issue arising in the aftermath of Hurricane Irma and he thought they could work the issue out.

Mr. Gregory stated that, in the aftermath of Hurricane Irma, a dozen trees were blown over in the Preserve. A contractor inspected the buttonwood trees and indicated that they were still alive. As the buttonwood trees are protected, they cannot be removed. While the protective status was understood for healthy trees, these trees were out of the ground and on their sides; therefore, he questioned that requirement and restriction. Mr. Gregory felt that, comparing what occurred after the storm with the significant debris in South Florida, not much consideration was given to species during cleanup operations, especially with protected trees. Lee County's website has a list of about 60 trees and he felt that consideration or reconsideration of whether the trees could be removed should be given. Mr. Adams stated that he inspected the buttonwood trees within the Preserve and they are alive. The canopies are still green and the leaves are starting to put off new shoots. In the eyes of the South Florida Water Management District (SFWMD), they are considered alive. There is an opportunity to remove them but they are live species; however, a request could be submitted to SFWMD for a vegetation plan. The first step would be to remove the species and develop a restoration plan. The trees are usually a three to one ratio; therefore, it comes with an expense and success criteria must be met, along with, typically, a five-year monitoring program. Each year, a Biologist must check the trees to determine if they are still alive and look good, prepare and submit reports until the fifth year, at which time; a final report would be completed. Even downed and dead trees cannot be removed

and, with fire season approaching, political pressure might ultimately end that. Mr. Gregory stated that he recently discovered that the trees were on Treviso's property. When this first came up, he went on the assumption that their property line was at that retaining wall but, through research, it was discovered that the property is about 10' to the west of the retaining wall and some is within Treviso's property. They would like to consider, at their expense, what portion of all of this is on their property. Mr. Adams recommended that Mr. Gregory conduct a field survey and show that the trees originated on Treviso's property. If Mr. Gregory could show that, he would have a better opportunity with the SFWMD. Mr. McCarthy stated that this was located within The Village of Estero and, since The Village has a vegetative removal process, he recommended obtaining approval from The Village.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer (Both)

Mr. Kayne reported the following:

- Work with SFWMD was underway for the permit modification to remove emergency sluice gate structures #5 and #9 from the permit and to revise the stormwater gate rules and procedures, to allow operation of the gates without tropical storm or hurricanes and without the delay associated with SFWMD approval.
- Discussions with SFWMD were underway, since they do not want to allow the District to open the gates at will, without actual criteria.
- SFWMD requested the following:
 - ✓ The addition of certain triggers for opening and closing the gates.
 - ✓ A large surface elevation and forecasted rainfall to trigger opening the sluice gates and a trigger to close them, following a storm.
 - ✓ Inclusion of a table of the respective basin control and sluice gate weir elevations, depicting which basins can be lowered below control.
 - ✓ Requirement for written permission to lower the larger surface elevations below the basin control elevation.
- SFWMD would allow the gates to be operated with a triggering mechanism, such as if there was a forecasted rainfall event of 1'5", in a 24-hour period.

Mr. McCarthy stated that he was involved in this because his name is on the permit modifications. He asked for a permit application extension so that this could be discussed with all Board Members and the public is in attendance, so that everyone was aware of the parameters. Mr. McCarthy explained that there are only two bases for when the District can open the weirs, unless requested to do so.

Mr. Bill Nicholson asked for an explanation of the criteria for storms. Mr. Kayne stated, for non-tropical storms, it must be a forecast of 1'5" and the water elevation must be $\frac{2}{10}$ ' above control to open the gates and levels can only go to control level. When the water recedes to control, it can be shut.

In response to a question from the public, Mr. McCarthy stated that, once the modification is approved, the above information will be posted on the website.

▪ **Consideration of Proposals for Heron Marsh Breached Berm**

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

Mr. Kayne stated that he received proposals from two contractors and contacted three. The three property owners along this area must be consulted, as there were landscaping and slate improvements in the easement and there was a gazebo and a park bench, which the contractors mentioned when reviewing the area. He recommended engaging Crocker Land Development, since their pricing appeared fair and he had past success working with them.

Discussion ensued regarding the cost increasing in January, the bid amounts and working with homeowners.

Mr. McCarthy stated that he needed everything, prior to voting, and requested all information, quantities and the bids, for the next meeting.

Regarding using GPS along a portion of Heron Marsh West berm, Mr. Kayne stated that, about $\frac{2}{3}$ or better of the berm is heavily vegetated and the GPS cannot be used so it would require three or four days of field work and cost approximately \$1,100 to \$1,200 per day, plus time and materials. He could give an estimate after the first day. In response to Mr. McCarthy's question, Mr. Adams stated that this could be funded from surplus funds.

Mr. McCarthy stated that, prior to spending any money, he wanted to determine the quantities of materials and requested "on the ground work" be conducted to determine if it is practical. Mr. Tarn, Mr. Adams and Mr. Kayne, would tour the area.

Mr. Kayne discussed the berm elevation along Coconut Road at Waterside and Villas of Pelican Landing, continuing with some of the eastern boundary, US 41 and potentially out-falling through Pelican Landing, current drainage patterns, etc.

Discussion ensued about the entire area being connected to the District’s system, no good remedies and putting pressure on the systems.

In response to a question from Mr. Jack Lienesch, a resident and Landscape Subcommittee Chair, Mr. McCarthy stated that he heard, the Estero Water Study would be completed in April.

Discussion ensued regarding the Waldrup Engineering Study, Mr. McCarthy notifying Waldrup to advise him about current water concerns and Mr. Kayne providing a map of the key elevations for the next meeting.

FIFTH ORDER OF BUSINESS

Lake Maintenance Report: *SOLitude Lake Management*

Mr. Kurth stated that there was nothing out of ordinary from the prior month. He reported the following:

- Maintenance work was performed.
- There was a little more algae than desired for this time of year, which he is working on. Some submersed vegetation was slower to go away this year than typical on certain lakes.
- The lakes had do go down a bit, prior to Sonar® treatments.
- With the cooler weather, algae was starting to go away;
- A new muck removal technique was used on Lake F-16, which always has a lot of muck, and the lake went from muck to sand within one week. Given the good result, that product would probably be incorporated into the treatments.

Discussion ensued regarding lake access points, inaccessible lakes, difficulty getting equipment to areas, nutrients and bacteria in lakes, researching the lakes and oxidants.

SIXTH ORDER OF BUSINESS

Continued Discussion: Lake Health Remediation Options and Testing/Reporting Parameters (SOLitude Lake Management and Johnson Engineering)

Mr. Denison recalled the water quality and sediment findings for the lakes previously monitored. Typically, water quality and sediment sampling was performed on eleven lakes and, in many of those lakes, mud and correlating water quality issues such as, elevated concentrations, were found. He recommended concentrating on those water bodies, in terms of concerns with water quality issues, because there is no jurisdiction that the Districts have on lakes on their property that must meet water quality standards of a Class 3 water body. These water quality systems are really stormwater treatment ponds; therefore, it is the Boards' decision to entertain whether there is an issue with a given lake, with the exception of those that might be discharging off site. Mr. Denison wanted to know what lakes should be sampled this year.

Mr. Adams stated that, based on discussion at the last meeting, the Boards were moving away from water quality and towards sediment; sediment should be reduced using the sock treatments. There was about \$40,000 in capital investment, for aeration right to create an environment with maximum efficiency for the actual biozymes. He would focus on four lakes, using the eco socks, and, depending on the results, go back to water quality in a few years.

Discussion ensued about the problem lakes, specific lakes for treatment, upgrading existing systems, warranties, relocating equipment to other locations, etc.

On MOTION for Bay Creek by Mr. Gluck and seconded by Mr. Travers, with all in favor, installation of aeration in Lakes A-2, A-17, D-8 and F-12 for approximately \$40,000, lake sock treatments for approximately \$5,000 and lake testing for approximately \$5,000, were approved.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Crew, with all in favor, installation of aeration in Lakes A-2, A-17, D-8 and F-12 for approximately \$40,000 plus, lake sock treatments for approximately \$5,000 and lake testing for approximately \$5,000, were approved.

Mr. Denison stated that, for Johnson Engineering's part of the testing, sediment would be sampled annually and one water quality sample would be taken from the discharge lakes, with the results presented annually.

SEVENTH ORDER OF BUSINESS

Consideration of Award of Contract for Lake Maintenance

Mrs. Adams stated that bids were received from Aquagenix and LakeMasters Aquatic Weed Control, Inc. (LakeMasters). LakeMasters is the current contractor with a contract price of \$270,000. LakeMasters' bid was approximately \$5,000 more, due to the continued upgrades to the aeration systems and the required maintenance twice per year, maintenance event that includes written reports and photo/time stamped documentation. Maintenance includes filter changes, compressor review, etc. Mr. McCarthy thought the combined budget appropriation was \$257,000. Mr. Adams replied that he thought that price went down and the figure remained there from two years ago. Mrs. Adams stated that there was an \$18,580 difference, in pricing.

Mr. McCarthy asked if there were any special findings that the Boards must make in order to not award to the lowest bidder, if the Boards choose to award the contract to LakeMasters, for \$275,580, rather than Aquagenix, who bid \$249,082.

Mr. Cox replied that it should be made clear, on the record, that the Boards are considering the unique experience that LakeMasters has with the Districts' particular project and the network of other disciplines that they have brought in to try the different non-chemical based treatment methods, which the community has been looking for years, and the innovative approaches that LakeMasters has taken to address the Districts' concerns. Adding that to the record clearly justifies the Boards' position and that the Boards are taking the most responsive and responsible bid that is in the best interest of the community.

Mrs. Adams added that, in reading the memorandum, Aquagenix is a very large company but does not appear to have the same presence in Southern Florida, as they had years ago. The references provided, upon her request, were lacking and she had to do her own research. None of Aquagenix's contracts are near or of equal value the Districts' scope of work; this is a very unique property.

Mr. Crew asked if the budgeted allocation was satisfactory. Mr. Adams replied that, percentage-wise, yes; this was underfunded but there was a capital outlay for aeration, in the amount of \$15,000, which would almost covered this gap.

On MOTION for Bay Creek by Mr. Gluck and seconded by Mr. McBride, with all in favor, awarding the Lake Maintenance Contract to LakeMasters Aquatic Weed Control, Inc., in the amount of \$275,580, based on the findings recommended by Mr. Cox, was approved.

On MOTION for Bayside Improvement by Mr. Jim Nicholson and seconded by Mr. Bill Nicholson, with all in favor, awarding the Lake Maintenance Contract to LakeMasters Aquatic Weed Control, Inc. in the amount of \$275,580, based on the findings recommended by Mr. Cox, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Proposals for Heron Marsh Breached Berm

This item was presented following the Fourth Order of Business.

NINTH ORDER OF BUSINESS

Update: Hurricane Irma Recovery

Mr. Adams stated that stump removal was progressing. Regarding the reimbursement grant, a new Grant Manager was just reassigned and he would meet with him on Thursday and hopefully finalize the grant approval. It would be necessary to obtain an after-the-fact Debris Staging Permit from Lee County since they were within a flood zone.

Mr. Crew stated that a Lake Mount Drive resident asked if removal of a couple of pine trees adjacent to the property line, which were dead due to the hurricane, could be considered.

Mr. Adams replied that the only time trees would be taken down was if they were leaning in a threatening posture. If the trees were dead to the core, they could possibly be dropped into the Preserve.

Ms. McVay stated that she attended the PLCA Board Meeting with Mr. Cramer. They would have a recap of Hurricane Irma and suggested that Mr. Adams be the contact point. Mr. Adams stated that he spoke to Ms. McFarland and that was the intention.

In response to Mr. McCarthy's question, Mr. Adams replied that approximately \$390,000 was submitted for reimbursement. There were more damages and expenses than that; however, reimbursement from the Federal Emergency Management Agency (FEMA) will only be for things that are in the name of public safety, such as the initial clearing of roads, rights-of-ways, sidewalks, overhead hanging, hazards and things of that nature.

A resident asked if there were plans to replace the hedges behind him that came down during the hurricane, or to replace the hedges with something else. Mr. McCarthy replied that the Districts were experiencing this overall and decisions would be made about repairs or replacement of certain shrubs or hedges.

Mr. Adams stated that another budget adjustment may be needed in the spring.

Discussion ensued regarding seasonal workers and landscapers.

TENTH ORDER OF BUSINESS

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

Mr. Adams stated that Mr. Dave Richardson vacated their current activities at the tennis facility. The City of Bonita Springs indicated that the District did not need a permit for those activities, as they were deemed maintenance, and he asked Mr. Richardson or Ms. McFarland to try to get it in writing, on the City of Bonita Springs' letterhead, for the Districts' files. Ms. McFarland would attempt to get the drainage improvements back on track. There were multiple workshops last summer and the Landscape Architect prepared preliminary artwork and some rough calculations. This would then move from the design drawings to Engineering and then permitting. The CDDs could help with some things but the contractors will do the heavy lifting.

Mr. Crew stated that the connecting bed work, adjacent to the courts, was nearly completed. Mr. Spencer should provide landscape alternatives.

ELEVENTH ORDER OF BUSINESS

PLCA Landscape Committee Update

Mr. Lienesch discussed the following:

- A Landscaping Committee Meeting held this month.
- Mr. Spencer provided more drawings. They have 40 or 50 sheets for a Phase 1 interior and broken down into plant selection, the number of plants and a rough budget.
- He has committed to do everything by March 5. This was presented to the PLCA Board and he went through the history of activities. The Committee wanted a joint meeting.
- There should be discussion about the imprints at the south gate, on the side, which were removed. This was an opportunity to implement Mr. Spencer's plan along that area.

Mr. Lienesch presented a slide show, including a budget. The theme for Pelican Landing is for the same organized plants, starting at the gates and mirrored at key areas, such as the circle by The Colony.

Mr. Adams stated that the quotes included the installation. Sod will be \$16,000, the replacement budget is for \$30,000 but they are unable to get the sod now and specialty plantings have been hard to obtain since the hurricane.

Discussion ensued regarding the Medjool Palm, which was a Pelican Landing selection, evaluating the plants from a maintenance perspective and high-maintenance shrubs or plants,

Mr. Cramer stated that they went through this a number of times and the PLCA was given several options. Mr. Spencer has not finished his plans yet and must complete them.

Mr. McCarthy stated that the plant maintenance issue could be a concern and the selections may not be right.

Ms. Gravenhorst stated that Asian Jasmine takes awhile to establish but does not require weekly maintenance, which should alleviate costs. The PLCA has a work plan but it is not completed yet, as Mr. Spencer has not finished all the areas. As Mr. Lienesch stated, it is repetitive, with the same plants repeated throughout the community; there is currently no consistency. Mr. Spencer understands that the Districts want a more natural look and is selecting plants to enable the Districts to continue the preserve-like feature. There are no flowering trees yet but it will be presented in February. The plants are not yet set. Since the CDDs will spend money to plant grass or something else, the PLCA thought it should be in the Plan.

Discussion ensued regarding the dogs damaging the jasmine, planting something other than grass, when the full plantings will be completed, installing sod, date palms impacting maintenance, returning the date palms to the PCLA and royal palms.

Mr. McCarthy wanted confirmation of the plants so the Boards could determine if that is what they wanted. He did want to create maintenance issues with any of the plantings. There was no rush to plant now since the Boards will meet next month.

Mrs. Adams stated that there is 21,000 square feet of landscaping and the proposal is to address 5,000 square feet now.

Mr. McCarthy stated that this would be discussed at the next meeting.

TWELFTH ORDER OF BUSINESS

Irrigation Reports (Both)

A. High User

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

These items were provided for informational purposes.

B. Penalty Usage Summary

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

These items were provided for informational purposes.

C. Zero Consumption

i. Bayside Improvement CDD

ii. Bay Creek CDD

A Board Member stated that nothing changed but one month he had no bill and the next month his bill was \$600 bill; he called and the bill was reduced to \$100.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2017

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2017.

FOURTEENTH ORDER OF BUSINESS

Approval of December 4, 2017 Joint Regular Meeting Minutes (Both)

Mr. McCarthy presented the December 4, 2017 Joint Regular Meeting Minutes and asked if there were any additions, deletions or corrections. Edits, were previously submitted to the District Manager.

On MOTION for Bayside Improvement by Mr. Jim Nicholson and seconded by Mr. Bill Nicholson, with all in favor, the December 4, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the December 4, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

FIFTEENTH ORDER OF BUSINESS

Action Items (Both)

Regarding Item 2, Mr. McCarthy stated that interest rates were starting to move and asked that Mr. Adams to provide a report of the Districts' investments. Mr. Adams would provide a report but did not believe that the change in interest rates would have much effect.

SIXTEENTH ORDER OF BUSINESS

Old Business (Both)

In response to a question, Mr. Adams stated that Bay Creek's conversion to reclaimed water was completed and it was flowing manually. In response to a Board Member's question, Mr. Adams replied that the water was coming from Bonita Springs.

Mr. Joe Hammerman, a resident and PLCA Member, suggested notifying the community that it will be 45 days to install the landscaping around the pipe, as he received calls from residents. Mr. Hammerman was advised to refer calls to the Boards or Mr. and Mrs. Adams. Mr. Adams will give Ms. McFarland a statement for the Pelican Landing update.

SEVENTEENTH ORDER OF BUSINESS**Staff Reports (Both)****A. District Counsel**

Mr. Cramer inquired about Legislative affairs and the status of Bill HP439. Bill HP439 was to keep the Sunshine Laws intact. Mr. Cox stated that two or three amendments pertaining to Sunshine Law were introduced could amend the law. The Florida League of Cities is taking a "wait and see" approach on two of the Bills that he was aware of; however, he was not aware of what they are saying about this one.

Mr. Cramer read the Bill:

"This Bill would limit the citizens an excess of meetings of the legislators and enable more of these meetings to take place in the dark, free of public scrutiny."

In response to Mr. Cox's question, Mr. Cramer replied that this was a House Bill, which was just in the papers.

A Board Member stated that a Constitution Revision Committee is proposing "CRC 69", which will require Special Districts to get reauthorized every ten years, through an electoral vote. Mr. Cox stated that Constitutional Amendments require a high threshold to pass and would monitor it, pursuant to Mr. McCarthy's request. There is a Commanding Bill for the House (0439), in the Senate.

B. District Manager**i. Monthly Status Report: Field Operations**

The Field Operations Report was included in the agenda package.

ii. NEXT MEETING DATE: February 26, 2018 at 2:00 P.M.

Mr. McCarthy stated that the next meeting will be on February 26, 2018 at 2:00 p.m., at this location.

EIGHTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

There being no public comments, the next item followed.

▪ **Supervisor's Comments**

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

Mr. Nicholson was concerned about the color and appearance of the annuals, especially by The Colony, and the impatiens by the County Club; there was no continuity in the sizing. Mrs. Adams stated that Mr. Tarn is trying to get the growers to look at them, since certain pink ones are not thriving like the rest. Mr. Nicholson stated that he asked Mrs. Gravenhorst about the issues with the plantings. Mr. Adams stated that the last planting that Mr. Nicholson spoke about were actually plantings that Mrs. Gravenhorst chose. They looked wonderful in the basket in her backyard but, in the field is something totally different and the flowers failed miserably.

Mr. Nicholson was concerned about spending thousands on plantings.

Mr. Cramer stated that, earlier at the meeting, they talked about the Design Review Committee (DRC) having Rules and Regulations for the community. The Districts have a Resolution and he wanted to ensure that Mr. Hammerman had a copy, as far as landscaping and making adverse changes to his property. Mr. McCarthy wanted to ensure that people were obtaining the proper permits. In response to a question, Mr. McCarthy stated that the information is on the website. Discussion ensued regarding advising or reminding residents that they must obtain a permit if making improvements and that the CDDs must be contacted and potential enforcement. Mr. Adams would send an email to Mr. Hancock.

A Board Member noted some hanging hazards in the cedar along the south side of the fence at the tennis courts. Mr. Adams would take care of it and communicate it to Mr. Tarn.


A Board Member stated he toured the butterfly garden with Mr. Tarn and pointed out trees. That will be coordinated with Mr. Tarn and the butterfly garden.

NINETEENTH ORDER OF BUSINESS

Adjournment (Both)

There being no further business to discuss, the meeting adjourned at approximately 4:26 p.m.

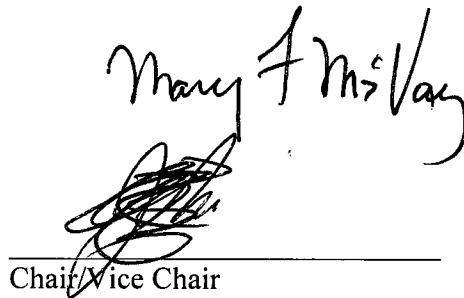
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair