

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

The Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District held a Joint Regular Meeting on Monday, January 28, 2019 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
William J. Nicholson	Assistant Secretary

For Bay Creek CDD:

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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Dan Cox (via telephone)	District Counsel
Doug Tarn	District Engineer
Chris Land	SOLitude Lake Management
Marvin Hancock	Resident
Charlotte McCarthy	Resident
Gail Gravenhorst	Resident/Landscape Committee

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. McCarthy called the meeting to order at 2:02 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 McVay, Glueck, Travers, McBride and Janek were present, in person. For Bayside Improvement Community Development District, Supervisors Cramer, Bill Nicholson, Jim Nicholson, Crew and McCarthy were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There being no public comments, the next item followed.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

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

Mr. Tarn provided the following update:

- The 9 Holes Drainage Permit, in Pelican Colony, that was recently certified to the South Florida Water Management District (SFWMD) by the Developer's engineer were reviewed. The certification was certified by the SFWMD.
- Reviewed the perimeter berms, lake banks, control structures and outfalls of the stormwater management system for consistency with the permit and access rights for maintenance and recommended conversion to Operation and Maintenance (O&M) by the District.

Mr. McCarthy stated that WCI previously failed to certify this portion of the system to the SFWMD so the District Engineer was asked to double-check everything and ensure that the transfer could proceed. In response to a Board Member's question, Mr. Tarn confirmed that the area has no deferred maintenance or substandard conditions, requires no investment and comes with no financial obligations. A preserve area near the Lake F-11 outfall that the District currently operates and maintains was inspected and taking additional topography shots in and around it and potentially grading the area out was recommended, which would serve Treviso drainage-wise and be an improvement to the system; however, it was not required. Mr. Adams stated that he, Mrs. Adams and Mr. Kayne previously met with representatives from Treviso to

discuss this particularly sensitive item and Management asked the District's Engineer to review the area prior to the transfer because of the concerns at Treviso. The issue is that the flow elevation of Treviso's garage is lower than the adjacent properties and, consequently, in extreme events, water backs up through the drainage system into their garage, which occurred during Hurricane Irma. In discussions with property owners and the building manager, Staff noted that water travels from the roof, off the pool deck, down through the same pipe and backs it up and, in some cases, pushes the water back into the garage. Engaging a plumber would probably resolve the majority of the issue. Although the pipes are functioning as designed, Staff concluded that the topography should be examined because the elevation of the discharge and the soil elevation in the area are very close. Mr. McCarthy pointed out that the elevation of the floor of the garage is below the Federal Emergency Management Agency (FEMA) flood elevation and nothing can be done about that. Discussion ensued regarding construction of the building, flood elevations and repair costs. Mr. Adams stated that the real solution would involve changing how the water runs off the roof and pool deck area, which would be a simple remedy. As to who will pay for the repairs, Mr. Adams stated that the building is owned by Treviso; the CDDs should just do a little bit of work around the bubble up and make sure there is no excessive amount of blow down debris that will slow any swale flow. Mr. McCarthy stated that this is a maintenance item and not a capital item.

FIFTH ORDER OF BUSINESS

**Consideration of Request to Transfer
Colony Additional 9 Holes Drainage Permit
from WCI to the Bayside CDD**

Mr. Adams stated that Staff recommends acceptance of the transfer of the additional 9 Holes Drainage Permit from WCI to the Bayside CDD and WCI will handle the process.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. McBride, with all in favor, the Request to Transfer the Pelican Colony Additional 9 Hole Golf Course Drainage Permit from WCI to the Bayside CDD, was approved.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, the Request to Transfer the Pelican Colony Additional 9 Hole Golf Course Drainage Permit from WCI to the Bayside CDD, was approved.

SIXTH ORDER OF BUSINESS

Lake Maintenance Report: SOLitude Lake Management (Both)

Mr. Land reported the following:

- At this time of year, there is minimal algae, torpedo grass or alligator weed in the lakes.
- Despite being behind schedule a few months ago, and lesser algae issues, SOLitude was able to catch up treating the grasses.
- Bacteria would continue to be applied to certain lakes.

Mr. Crew stated that the center aerator in Lake B6 is pulsating and needs to be cleaned. Mr. Land will inform the aeration department. In response to Mrs. Adams' question, Mr. Land stated the nano-bubbler device was moved from Lake A-18 to Lake E-3 and the lake cleared up considerably.

SEVENTH ORDER OF BUSINESS

Presentation: 2018 Water Quality Monitoring Report

This item was deferred.

EIGHTH ORDER OF BUSINESS

Consideration of Proposals for LED Retrofit

Mrs. Adams stated that the retrofit would be in the three entry areas that are metered, which includes Pelican Nest, Pelican Landing Parkway and Pelican Colony Boulevard. If approved, the CDDs would break even in approximately 11 months and the cost-savings, moving forward, is explained in the enclosed breakdowns.

A. Bentley Electric Co.

Total proposed cost of \$18,000.

B. West Coast Electrical & Lighting Services

Total proposed cost of \$28,350.

In response to Mr. Jim Nicholson's question regarding the difference in price, Mrs. Adams stated that, after investigating and comparing the two contractors, Staff concluded that

West Coast Electrical & Lighting (WCEL) does not want the work. Discussion ensued regarding the scope of work, tone or brightness of the lights, LED lighting in neighboring communities and the project locations. Mr. Crew suggested that Staff alert the PLCA Board of the CDDs' plans to change the lighting and include a brief explanation as to why the work will be limited to those areas and that other areas will eventually be converted, when Florida Power & Light (FPL) provides the incentive. Staff would forward a notice to Cheryl.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Glueck, with all in favor, the Bentley Electric Co., proposal for LED retrofitting, in the amount of \$18,000, was approved.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Crew, with all in favor, the Bentley Electric Co., proposal for LED retrofitting, in the amount of \$18,000, was approved.

NINTH ORDER OF BUSINESS

Update: PLCA Landscape Committee (PL Phase 1)

Mr. Cramer asked if it was possible to combine Ms. Avenatti's comprehensive report with Mr. Kucera's report on various landscaping topics. Mr. McCarthy felt that it was best to keep the reports separate since one report is from an operations standpoint and the other is from the PLCA's standpoint.

TENTH ORDER OF BUSINESS

Update: Hurricane Irma Recovery

Mr. Adams stated that the CDDs will be fully funded for everything that was expended, with the sliding percentage scales, depending upon when the work was performed. The Districts filed for \$393,000 and were reimbursed \$369,000, which is significant. For budgeting purposes, Mr. McCarthy asked Management to prepare a spreadsheet of what the expenditures were, total FEMA recovery amount and the funds recovered. Mr. Adams stated that all expenses were placed in one account. In response to Ms. McVay's question regarding alerting residents of the reimbursement, Mr. Adams would include FEMA reimbursement information in the newsletter and provide an update at the next meeting.

ELEVENTH ORDER OF BUSINESS

Continued Discussion: Revised Draft Plant Replacement Policy

Mr. Marvin Hancock, the PLCA Board Liaison to the CDDs, presented the Revised Draft Plant Replacement Policy and stated that the agreement is between the PLCA and the CDDs, from 2016, which will be up for renewal in September 2019. The PLCA Board and its attorney concur that, if the conditions are going to change, it should take the form of a mutually-agreed upon amendment to the contract. Mr. Bill Nicholson voiced his opinion that the Boards should leave this item in abeyance, rather than resolve it in isolation. Mr. Adams reminded everyone that the Policy was set up to automatically renew for additional one-year periods, after September 20, 2019, unless one side cancels with 90 days advance notice.

Ms. Avenatti stated that some entrance areas have dead plants and bushes that need to be addressed and the Boards should consider this prior to automatic renewal of the Policy. Mr. Bill Nicholson stated that the Boards do not have to necessarily target September 30, as the date for replacement, as a new contract could supersede the expiration of the old one, and the transition could be done before September 30. The consensus was to hold the Policy in abeyance; this item would be continued.

TWELFTH ORDER OF BUSINESS

Continued Discussion: Key Management Objectives/Staff Performance Appraisals

Mr. Adams stated that the Key Management Objectives/Staff Performance Appraisals were drafted and compiled in a simplified format and includes 15 Key Objectives for 2019, as identified by the Boards. He circulated the document and urged the Board Members to add their feedback and suggestions and forward them to Management for finalization and presentation at the next meeting.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolutions Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018; and Providing for an Effective Date

Mr. Adams stated that the Amendment recognizes transfers from the uninsured assets funds from each District to offset huge unbudgeted expenses related to Hurricane Irma recovery. There is an additional \$150,000 in the budget amendment, over and above what the actuals show, to allow for any issues with journal entries found during the auditing process and to avoid a finding. Any funds not expended fall back into the surplus fund balances to be transferred back into the uninsured assets fund.

A. Resolution 2019-02, *Bayside Improvement Community Development District*

On MOTION for Bayside by Mr. Crew and seconded by Mr. Bill Nicholson, with all in favor, Resolution 2019-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018; and Providing for an Effective Date, was adopted.

B. Resolution 2019-02, *Bay Creek Community Development District*

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, Resolution 2019-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018; and Providing for an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Irrigation Reports (Both)

- A. High User**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**
- B. Penalty Usage Summary**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**
- C. Zero Consumption**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**

These reports were included for informational purposes.

FIFTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of December 31, 2018**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2018. The reason that the "Other contractual services: culverts/drains" line item, on Page 2, is at 332% is because of delayed maintenance of the pipes. In response to Mr. McCarthy's request for an update on the cost of reuse water, Mr. Adams stated that, in February, once the system is in effect for one full year, he would note the ebbs and flows throughout the year and provide an update; RCS recently forwarded a notice that there will be an annual increase of a half cent per 1,000 gallons. The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

**Approval of December 3, 2018 Regular
Minutes (Both)**

Mr. McCarthy presented the December 3, 2018 Regular Meeting Minutes. Ms. McVay commented that the blank speaker designations look bad. Mr. Adams urged all attendees of the December 3, 2018 meeting to contact Management if they wished to have a specific statement attributed to them.

On MOTION for Bayside by Mr. Jim Nicholson and seconded by Mr. McCarthy, with all in favor, the December 3, 2018 Regular Minutes, as amended to include any 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 3, 2018 Regular Minutes, as amended to include any edits provided to District Management, were approved.

SEVENTEENTH ORDER OF BUSINESS

Action Items (Both)

Mr. McCarthy stated that Staff previously marked all ongoing and completed items, which is very helpful.

EIGHTEENTH ORDER OF BUSINESS

Old Business (Both)

Mr. Adams requested the date and time of the PLCA'S March annual meeting so that he can update his schedule. Mr. Bill Nicholson would forward an email.

NINETEENTH ORDER OF BUSINESS

Staff Reports (Both)

A. District Counsel: *Dan Cox, Esq.*

There being no report, the next item followed.

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

Mr. Adams stated that Staff recently attended a live demonstration of the BossLM cloud-based Business Management Software specific to landscape maintenance programs that the Districts recently invested in. The program comes with full support, including up-front training for District Staff, data population and a user guide. All Board Members will be granted access and District Staff will have administrative rights to make changes, with assistance from a live technician. A GIS software program is already in place and the reports that the program generates are very impressive; it will be an incredible management tool for everyone to utilize, and the program is user-friendly and fully integrated. The provider has been in business for 30 years, offers four different platforms and there are 130 clients on the landscape maintenance program. The program will cost \$9,000 for the first 6 months and then \$1,000 per month. Discussion ensued regarding the software program, landscape crews, landscape architects, flower changeouts, equipment, modules, work order information and group pricing.

i. Monthly Status Report: Field Operations

Mrs. Adams presented the January 28, 2019 Monthly Status Report and provided the following update:

- The District's maps are still being updated.
- The first drafts should be ready by the end of the week.

ii. NEXT MEETING: February 25, 2019 at 2:00 P.M.

The next meeting will be held on February 25, 2019 at 2:00 p.m.

Mrs. McVay asked if there will be another workshop. Mr. Adams stated that he would know by next Tuesday and will provide adequate notice to all Board Members.

TWENTIETH ORDER OF BUSINESS

Supervisor Requests

Mr. Hancock asked to revisit the previous discussion with the PLCA Board regarding the main entrance Esplanade and the dead or dying plants and voiced his displeasure that the recently-engaged Horticulturist has not advised the Boards or Staff as to why a plant species does not grow and did not present solutions to the problem. Mr. Adams stated Staff can address this concern with Mr. Joyce. The solution lies in exporting old soil and importing new soil. Discussion ensued regarding adding plug-ins, irrigation, white flies and Mr. Joyce's absence from the community. Mr. Jim Nicholson requested a work schedule for Mr. Joyce and voiced his opinion that it may be necessary to reconsider his engagement, if there is no change in the situation. Mr. Adams would request a Horticulturists' Report for the February meeting and remind Mr. Joyce that he has been engaged since mid-November and the Boards need his suggestions when considering the budget. After the initial report, it will be easy to track his progress for the next 30 days. Mr. Bill Nicholson commended Mr. Kucera and Paul on their dedication and responsiveness and stated that, in the rare instances that he has had to contact them during a weekend, they have responded immediately; they should be recognized for their effectiveness. He recalled that, at the previous meeting, the Boards discussed rethinking what the CDDs do and, after the meeting, he mentioned to Mr. Adams bringing up a previous motion regarding maintaining a parcel of property located behind the Hyatt that is mismanaged and abused by the entity. He suggested that the Districts cease maintaining the property, as it does not bring value to the Districts. Discussion ensued regarding the Boards' method of choosing which parcels to maintain, the marina, the wetland area, the preserve line and a PLCA permit. Mr. McCarthy stated, going forward, Mr. Kucera should be asked to record the activity in that area. The Board's consensus is to request that the PLCA enter into an agreement with the Hyatt, instructing them to maintain the area.

Mr. Bill Nicholson listed several reasons why he is dissatisfied with District Counsel and proposed a search for local representation. The Boards and Staff discussed Mr. Cox's handling of the tennis center issue, his overall representation, legal fees and amending the contract. Mr. McCarthy suggested that District Counsel's contract should be a discussion item on the next agenda. Mr. Adams would ask Mr. Cox to attend the next meeting, in person.

In response to Mr. Jim Nicholson's question regarding Mr. Joyce, Mr. Adams stated that the Horticulturist's first task was to draft and present an initial assessment report, based upon

his visual inspection of the community from an horticultural and maintenance perspective and, if the initial report is not submitted by February, Staff will have genuine concerns. Discussion ensued regarding Mr. Joyce, inspections, the Landscape Architect and the ficus hedge at Bay Cedar. Staff was asked to address the ficus hedge.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Ms. Gravenhorst, a resident and Landscape Committee Member, stated, from The Colony's standpoint, it will help the Committee if it knew exactly what Mr. Joyce's assignment might be. Mr. Joyce previously met with the Committee and toured the property with certain Members. The Committee pointed out the appearance of Pelican Colony Boulevard, west of Addison, where the golf course is visible, and requested feedback. Mr. Joyce suggested installing ground cover, instead of acres of mulch, and grinding the stumps on the Country Club property and using it as mulch. Mr. Adams stated that Management emailed a recommendation to Amy, which was to engage a Landscape Architect to create renderings, as this would require approval from the Country Club, as well. Discussion ensued regarding expending CDD funds on The Colony's property, the golf course, stumps, etc. Ms. Gravenhorst stated that, after interviewing five Landscape Architects, The Colony engaged Mr. Scott Wyndham. The Colony would like the CDDs to entertain training the staff to better trim the bushes, specifically, more frequently and less aggressively. She requested that a workshop be scheduled prior to the February meeting.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment (Both)


There being no further business to discuss, the meeting adjourned at 3:52 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

January 28, 2019

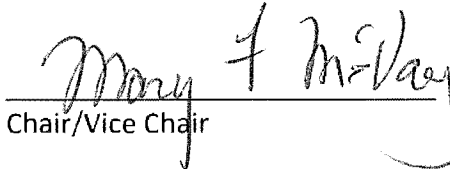
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair