

**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 July 22, 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
Bill Nicholson	Assistant Secretary

**For Bay Creek CDD:**

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

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Dan Cox	District Counsel
Wes Kayne	District Engineer
Chris Land	SOLitude Lake Management
Steve Backman	PLCA General Manager
Cathy Avenatti	PLCA Property Manager
MaryAnn Brennan	Resident
Barbara Craig	Resident
Karen Montgomery	Resident
Gail Gravenhorst	Resident/PLCA Landscape Committee
Jim Hollar	Resident/Colony Board Member

**FIRST ORDER OF BUSINESS**

**Call to Order/Phone Silent Mode/Pledge of Allegiance**

Ms. McVay called the meeting to order at 2:00 p.m.

All present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Ms. McVay asked Supervisors and Staff to state their names. For Bay Creek Community Development District, Supervisors Travers, Glueck, and McVay were present, in person. Supervisors McBride and Janek were attending via telephone. For Bayside Improvement Community Development District, all Supervisors were present, in person.

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Glueck, with all in favor, authorizing Mr. Janek's and Mr. McBride's attendance and full participation, via telephone, due to exceptional circumstances, was approved.**

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

There were no public comments at this time.

**BAYSIDE IMPROVEMENT BUSINESS ITEMS**

**FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30, 2018,  
Prepared by Grau & Associates**

This item was presented following the Eighteenth Order of Business.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-04,  
Herby Accepting the Audited Financial  
Report for the Fiscal Year Ended  
September 30, 2018**

This item was presented following the Eighteenth Order of Business.

**BAY CREEK BUSINESS ITEMS**

**SIXTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30, 2018,  
Prepared by Grau & Associates**

This item was presented following the Eighteenth Order of Business.

**Consideration of Resolution 2019-04,  
Herby Accepting the Audited Financial  
Report for the Fiscal Year Ended  
September 30, 2018**

This item was presented following the Eighteenth Order of Business.

**JOINT BUSINESS ITEMS**

**EIGHTH ORDER OF BUSINESS**

**Staff Report: District Engineer: *Barraco & Associates, Inc.* [Both]**

Mr. Kayne stated that he attended Lee County's MS4 meeting, on behalf of the CDDs, and would begin preparing the Annual Water Quality Monitoring Report due in October; with all the programs the Districts initiated, he expected the report to be favorable. Mr. Cramer asked about having a District representative attend the South Florida Water Management District (SFWMD) August 21<sup>st</sup> workshop regarding the City of Bonita Springs stormwater system. It was suggested a volunteer from each District and Staff should attend. Mr. Kayne, Mr. Cramer, a PLCA representative and possibly Ms. McVay were designated to attend the workshop.

**NINTH ORDER OF BUSINESS**

**Lake Maintenance Report: *SOLitude Lake Management* [Both]**

Mr. Land presented the July 2019 Monthly Report and highlighted the following:

➤ Reported fish kills were being addressed; tests indicated oxygen and algae levels were not the cause. Live testing was unavailable but he believed the Tilapia contracted a bacteria that causes them to wean their population or something leached in from the golf course, via the sprinklers or rain water. Carp fish kills were reported at Lakes A-9, A-7, A-8, A-10 and A-12.

Ms. MaryAnn Brennan, a resident, asked if the lake behind her home was okay, as two divers were testing the lake last week. Mr. Adams stated the divers were only inspecting pipes.

Ms. Barbara Craig, a resident, asked if the Districts stock the lakes and what fish variety and population are stocked in each lake. Mr. Adams stated the Districts do not stock the lakes, with the exception of the south end of the community lake, which was stocked with sterilized grass carp to address vegetation issues. Ms. Craig asked that Sawgrass and other communities be provided a list of best practices for maintenance and trimming around the lakes, as she witnessed contractors violating State practices. Mr. Adams would provide a copy of Lee

County's Best Management Practices (BMPs). Landscapers must go through Lee County's certification process; those not familiar with the BMPs are most likely not certified contractors.

Ms. Karen Montgomery, a resident, stated there were no recent sightings of black vultures. The lakes are impaired, although oxygen levels at Sawgrass tested normal. She recommended better communication between the Districts, communities, golf staff and residents, since several factors cause oxygen levels to decrease, including warmer temperatures, global warming, contractors violating the BMPs, decaying plants and aquatic life. SOLitude was instructed to work with District Staff and continue investigating the cause and effect of the recent fish kill. Mr. Crew agreed but stated fish kills are sometimes just due to nature, such as, extensive rainfall causing oxygen levels to decrease.

➤ Nano Bubbler Systems: Five of the six systems would be installed by the end of July. Mrs. Adams stated they were preparing for the electrical feed today. Mr. Land stated the purpose of the nano bubbler systems is to decrease algae in the lakes.

**TENTH ORDER OF BUSINESS**

**PLCA Landscape Committee Report**

Ms. Gail Gravenhorst, resident and PLCA Landscape Committee Member, reported the following:

- Kayak – Spring Creek Circle Area: Once the design proposal process is completed, it would be presented to the Boards.
- Landscaping: The PLCA Board put all landscaping under the direction of the Landscape Committee, including the tennis, parks and other amenities, with the exception of the beach.
- Annual Flower Plantings: The Colony and Pelican Landing's annual flower selection Committee and residents expect the winter flowers to be full and lush by the end of February, but they understand that managing the annual flowers falls under the jurisdiction of the CDDs.

Mr. Crew made several observations. Mrs. Adams would coordinate with Mr. Kucera to include the perimeter of the tennis center as part of the routine maintenance schedule, for weed control, palm trimming, and removing dead branches off cedar trees.

Ms. Gravenhorst stated, she, the CDDs and Committee members toured the community and agreed with rejuvenating certain areas. She expected some of those items would be completed by fall and that The Colony Golf Club already started the trim work.

In response to Mr. Jim Nicholson questions, Ms. Gravenhorst stated she did not believe the Districts appropriated sufficient funds in the Fiscal Year 2020 budget to fill the beds in The Colony or for replacement and the Landscape Architect, not the PLCA, selected the flowers this year. Mrs. Adams stated the flower budget was increased and should be sufficient; however, she must review the plant numbers since they increased each plant bed.

**ELEVENTH ORDER OF BUSINESS**

**Discussion: Colony Foundation Turnover  
and Potential Effects on CDD**

Mr. Bill Nicholson stated The Colony assigned a sub-committee of the CRC to work on the turnover but, since there was no communication between them and the CDDs, he was concerned it would be the same as the Pelican Landing turnover, where Pelican Landing paid, rather than WCI, when some documents were omitted. Mr. Jim Hollar, resident and Colony Foundation Board Member, stated turnover was expected to be completed by mid-November; their attorneys were reviewing the proposed amendment, documents, etc. Once the new Board is in place, the first priority would be The Colony landscaping and working with the CDDs. Since Lennar only agreed to change the bylaws regarding a new Board and voting process, Mr. Bill Nicholson asked Mr. Hollar to present the CDDs' concerns about resolving legal titles, ownership, etc., to the CRC so they include it in their 90-day follow up discussions with Lennar.

Ms. McVay asked Mr. Hollar to speak with the PLCA President and Mr. Steve Backman, PLCA General Manager, about these concerns.

**TWELFTH ORDER OF BUSINESS**

**Discussion: Fiscal Year 2020 Joint Proposed  
Budget Actions Resulting from July 19,  
2019 Joint Budget Workshop**

Mr. Adams stated the changes from the Joint Budget Workshop were incorporated into the proposed Fiscal Year 2020 budget. He reviewed the following changes since the Workshop:

General Fund Combined:

- Allowable discounts throughout the budget: Change "2%" to "3%"
- Legal, throughout the four funds: Changed "15,000" to "25,000"
- Assessments would remain flat. Fund balance increased to \$33,700.

General Fund 002:

- Assessments would remain flat. Fund balance increased to \$18,830.

**BAYSIDE IMPROVEMENT  
& BAY CREEK CDDS**

**July 22, 2019**

Enterprise Fund 401/451 Combined:

- Assessments would remain flat; however, \$58.51 per unit was used from fund balance to offset shortage, while still recognizing \$8,618 plus \$500 in anticipated interest, for a total loss of \$5,118. Operating income was still positive, even though nearly \$50,000 was utilized to keep assessments flat. He expected the fund to depreciate no later than 2021.
- Assessment tables were corrected, as necessary, due to errors in the formula.
- Study continues on Bay Creek's Irrigation use of revenues.

**THIRTEENTH ORDER OF BUSINESS**

**Continued Discussion: CDD/PLCA  
Landscape Maintenance Agreement**

Mr. Adams stated the additional changes to the redline version, discussed at the last meeting, were incorporated and distributed prior to this meeting. Changes noted in the prior minutes and Mr. Bill Nicholson's comments were inadvertently omitted from the draft but would be incorporated into the next redline version. Mr. Bill Nicholson's comments were distributed. Mr. Adams reviewed the line item changes related to various items, which Mr. Cox incorporated into the document. Mr. Bill Nicholson proposed the following changes:

- Remove language that does not improve the quality, such as references in defining noxious weeds or listing individual tasks, or include additional language listing the collective body of work to be done.
- Terms and Conditions: Change terms of the Agreement to one year to allow the parties to reevaluate, address and resolve issues during the first year, rather than waiting three years.
- References to Facilities throughout documents: Include exhibit defining the "facilities".
- Permits: Add language requesting the PLCA provide copies of building permits that involve earthwork within the community or a letter indicating a permit is not required. Obtaining permit would enable the CDDs to comply with the NPDES permit requirements, since the PLCA has not complied with the CDDs' earlier request over a year ago.

Mr. Crew stated the permit section should pertain to landscaping projects only, as this was a Landscape Agreement and since the District already has a permit policy on record.

Discussion ensued regarding an incident and whether it occurred before or after the policy was implemented, including monument projects within the community in the Landscaping Agreement since they are usually done simultaneously and combining monuments and landscaping projects with work being performed in other communities.

Mr. Steve Backman, PLCA General Manager, stated PLCA Board designated him as the liaison between the PLCA and the CDDs. He asked for a working copy of the Agreement to be provided to the PLCA Board for review, so that a joint workshop could be scheduled. The PLCA's intent was to send invites to the CDD Boards and appropriate parties. The CDD Boards asked for the joint workshop to be scheduled for August 19<sup>th</sup>.

Discussion ensued regarding changing the term length of the Agreement, since it did not include any dispute or resolution clause. Mr. Cox stated he did not favor Alternative Dispute Resolutions (ADRs); he preferred they work out problems. The Boards decided to change the Terms of the Agreement to 18 months, effective October 1, 2019 to March 31, 2021.

**On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, amending the terms of the CDD/PLCA Landscape Maintenance Agreement to 18 months and authorizing District Staff to incorporate the changes discussed and provide clean and redline versions to Mr. Steve Backman, PLCA General Manager, was approved.**

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Glueck, with all in favor, amending the terms of the CDD/PLCA Landscape Maintenance Agreement to 18 months and authorizing District Staff to incorporate the changes discussed and provide clean and redline versions to Mr. Steve Backman, PLCA General Manager, was approved.**

Mr. Adams would incorporate the changes and send clean and redline versions to the PLCA, without the Exhibit B map, since it was being finalized. Staff would coordinate with the PLCA on a workshop date agreeable to both parties; if the PLCA has sufficient time to review the document, the meeting could be August 26<sup>th</sup>, the CDDs' next scheduled meeting date.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Resolutions Designating Dates, Time and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2019/2020 and Providing for an Effective Date**

- A. ***Bayside Improvement Community Development District: Resolution 2019-05***
- B. ***Bay Creek Community Development District: Resolution 2019-05***

The following changes were made to the Fiscal Year 2020 Joint Meeting Schedule:

DATE: Eliminate the November 25, 2019 meeting.

DATE: Change "December 23, 2019" to "December 2, 2019"

**On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, Resolution 2019-05, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2019/2020, as amended, and Providing for an Effective Date, was adopted.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Travers, with all in favor, Resolution 2019-05, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2019/2020, as amended, and Providing for an Effective Date, was adopted.**

**FIFTEENTH ORDER OF BUSINESS**

**Irrigation Reports**

- 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.

**SIXTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of June 30, 2019**

Ms. McVay presented the Unaudited Financial Statements as of June 30, 2019. The Financials were accepted.

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of June 24, 2019 Joint Regular  
Meeting Minutes [Both]**



Ms. McVay presented the June 24, 2019 Joint Regular Meeting Minutes.

**On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Jim Nicholson, with all in favor, the June 24, 2019 Joint Regular Meeting Minutes, as amended to include any additional edits provided to District Management, were approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Travers, with all in favor, the June 24, 2019 Joint Regular Meeting Minutes, as amended to include any additional edits provided to District Management, were approved.**

**EIGHTEENTH ORDER OF BUSINESS**

**Action/Agenda Items (Both)**

Active/Ongoing – New Items 4, 3, 6, 7, 8, 9, 10 and 11 were completed.

Items 1, 2 and 5 were ongoing and moved to the Active/Ongoing Carry Over List.

Active/Ongoing – Carry Over Items 1, 2, 10, 6, 7, and 8 were completed.

Active/Ongoing - Carry Over Item #11, topics for newsletters – “Littoral Plantings Around the Lake Side” would be the topic for the upcoming newsletter.

- **Bayside Improvement: Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2018, Prepared by Grau & Associates**
- **Bayside Improvement: Consideration of Resolution 2019-04, Herby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018**
- **Bay Creek: Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2018, Prepared by Grau & Associates**
- **Bay Creek: Consideration of Resolution 2019-04, Herby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018**

These items, previously the Fourth, Fifth, Sixth and Seventh Orders of Business, respectively, were presented out of order.

Mr. Adams stated that both audits were clean, unqualified audits.

**On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, deferring the Fourth and Fifth Orders of Business, related to the Audited Financial Report for Fiscal Year Ended September 30, 2018, to the next meeting, was approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Travers, with all in favor, deferring the Sixth and Seventh Orders of Business, related to the Audited Financial Report for Fiscal Year Ended September 30, 2018, to the next meeting, was approved.**

**NINETEENTH ORDER OF BUSINESS**

**Old Business (Both)**

There being no old business to discuss, the next item followed.

**TWENTIETH ORDER OF BUSINESS**

**Staff Reports (Both)**

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

In response to a request, Mr. Cox would continue to provide updates regarding Bonita Springs imposing a Stormwater Utility Fee on residents.

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

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

Mrs. Adams presented the July 22, 2019 Monthly Status Report.

➤ Moleaer Nano Bubbler Generators: Systems would be installed in July and the electrical feed work for Lakes E-2, E-5 and E-1 were being done today.

➤ Wetland Contract: EarthBalance agreed to hold its prices, hence no increase in budget.

➤ Roadway Lighting: Verified 32 additional street lights on Pelican Colony Boulevard needed retrofitting to LED, bringing the total number to 122. Mrs. Adams would confirm and notify Mr. McCarthy of the location of the additional street lights.

➤ Repairing Southbridge wall adjacent to Burnt Pine Drive: Mr. Olson obtaining proposals.

After a meeting with the PLCA Landscape Committee and Landscape Architect, Mr. Adams would coordinate implementing the Architect's recommendation to plant and remove specific items at the Bay Cedar and Greenview berms, rather than what was discussed in the prior meeting; the material switch would not affect cost. Mr. Adams would send a copy of the memorandum to the Board.

**ii. UPCOMING MEETING DATES**

- **August 26, 2019 at 2:00 P.M.**
- **September 23, 2019 at 2:00 P.M.**

The next meetings would be August 26 and September 23, 2019.

**Supervisors' Requests**

Ms. McVay asked District Staff to follow up with the Golf Course and Bay Creek about preventing water issues flooding Bay Creek streets and the golf cart path issues.

Mr. Travers asked if they intended to replace the dead Indian Hawthorn at Pelican Nest Drive. Mr. Adams stated District Staff was coordinating with the Landscape Committee to review all areas of concern and ensure Mr. Kucera is aware that, if they remove any deteriorating Indian Hawthorn, its replacement is consistent with their future planting plans. It was confirmed the CDDs maintain the other side of the golf course, between Ascott and the Ridge, and various other areas identified as a gopher tortoise preserve area.

**TWENTY-SECOND ORDER OF BUSINESS**

**Public Comments: *Non-Agenda Items***

Ms. Karen Montgomery, a resident, asked the Board to consider landscaping the community with only Florida-native plants, since they require less irrigation and fertilization and promote Florida's natural species, while also preventing issues in the future.

Ms. Brennan distributed a letter to the CDD. Mr. McCarthy read the letter:

"Thank you so much for all you do. I appreciate it all! I have been an owner here in Sawgrass since 2001. I have only made one request. When will you be able to remove the dead tree on Lakemont across from Sawgrass? Thank You Mary Ann."

Ms. Brennan stated she confirmed with Mr. Olson that the tree was not in the conservation area and was told it would be removed within two weeks, about two months ago. Mr. Olson would coordinate having it removed.

Mrs. Adams stated a realtor contacted her several times asking for the area along the South Bridge conservation area to be trimmed, as it blocks the view of the T1 canal; however, it is illegal to trim or remove vegetation from that area, as it is a conservation area. She noted that Mr. Glueck also requested trimming in that area. Mr. Adams identified the areas on the map, which are recognized as a wetland area by the U.S. Army Corps of Engineers (USACE), the SFWMD and the County.

**TWENTY-THIRD ORDER OF BUSINESS**

**Adjournment [Both]**

There being no further business to discuss, the meeting adjourned at 3:57 p.m.

**BAYSIDE IMPROVEMENT  
& BAY CREEK CDDS  
FOR BAYSIDE IMPROVEMENT:**

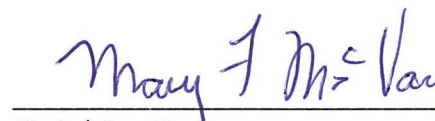
July 22, 2019

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair