

**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 February 22, 2021 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. The public were able to participate, via Zoom, at <https://us02web.zoom.us/j/87212438831>, and 1-929-205-6099, Meeting ID 872 1243 8831 for both.

For Bayside Improvement CDD, present were:

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
James Nicholson	Assistant Secretary
Karen Montgomery	Assistant Secretary

For Bay Creek CDD, present were:

Mary McVay	Chair
Robert Travers	Vice Chair
James Janek	Assistant Secretary
R. Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager

Present via Zoom were:

Tammie Smith	Operations Manager
Dan Cox	District Counsel, Bay Creek CDD
Greg Urbancic	District Counsel, Bayside Improvement CDD
Wes Kayne	District Engineer
Tim Denison	Johnson Engineering
Andy Tilton	Johnson Engineering

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

February 22, 2021

Christina Kennedy
Johanna Muller
Gail Gravenhorst
Marilyn Price

Howard Lowe

SOLitude Lake Management (SOLitude)
Resident/PLCA Landscape Committee
Resident/Landscape Committee Member
Resident/PLCA Landscape Committee Chair
and PLCA Board Member
Resident

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

For Bay Creek CDD, all Supervisors were present, in person. For Bayside Improvement CDD, all Supervisors were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

No members of the public spoke.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

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

There being no report, the next item followed.

FIFTH ORDER OF BUSINESS

**Lake Maintenance Report: *SOLitude Lake
Management***

Ms. Kennedy presented the February Monthly Report and noted that, during inspections, Ms. Smith was given a tour of the lakes. She reported the following:

- Several lakes required additional treatments, which would be done during the routine maintenance visit.

➤ Mr. Kurth would be present for and monitor the treatment of Lake B-5, scheduled for tomorrow, to ensure the treatment was appropriate to correct the issues.

Per Supervisor and Staff requests, Ms. Kennedy would perform the following tasks:

➤ Lake D-14: Inspect the matted vegetation along the shoreline portion of the Costa Del Sol area, although Mrs. Adams already notified Mason of this issue.

➤ Sonar Treatments: Email Mrs. Adams a schedule for the lakes being treated for bladderwort.

➤ Lake D-9: Inspect and treat or remove debris blown into the corner of the lake.

➤ Two large ponds near Southbridge: Upon being notified by Mrs. Adams regarding the status of follow-up items discussed at the January meeting, determine whether spike rush at Lake D-1 was excessive and required removal.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

- **Discussion: Landscape Proposal for Work on Colony Drive, Including North Gatehouse**

Ms. Muller reported that the Landscape Architect was working on the design plans for Pelican Colony Boulevard. Plans for the area would be decided later and work would commence once all the gatehouse projects are completed. Work was currently underway on the landscaping projects for the south and center gatehouses, with the north gatehouse to follow.

Ms. Muller answered questions and confirmed that Mr. Kucera and Mr. Kemp were working with the landscapers to address irrigation for the new plantings. She described the landscape project at the south gate. Mr. Janek would be updated, once she speaks to Mr. Kucera regarding identifying the five trees at the south entry, around the pond, that were not blooming, and a determination is made as to whether the trees are native or if they should be replaced.

B. Colony Landscape Committee

Ms. Gravenhorst stated she emailed the Report to the Bayside Board last week; she would email future Reports to Ms. McVay, as facilitator of the meeting. She and Mr. Adams

discussed the landscape issues on the west side of the Coconut gate, insufficient watering being the cause and now the irrigation repairs were made. Both felt the area should be monitored to see if the plants would recover before making a decision whether to replace them. The Colony would incur expenses, if certain plants warranted replacing. Ms. Gravenhorst felt that most residents were pleased with the renovations.

C. Water Quality Task Force

The February 18, 2021 WQTF report was emailed to the Boards last week.

Ms. Montgomery stated the WQTF was reviewing the data to draw conclusions collectively. The focus would be on the total nitrogen levels, not everything that was contributing in a negative way. She discussed the Communication Plan, which was in limbo until they identify the benefits of all the communities working together to address the nitrogen issue. Estero River was now rated D⁺. She commended Mr. Shinouskis, who prepared a summary from the Barraco & Associates Report and the data collected; an action plan would be prepared. Proposals for one year of quarterly testing would be presented to the WQTF at the next meeting and, if approved, presented to the CDDs and other parties for approval. This would require budgeting funds in the future. Discussion ensued regarding Golf Course sprinklers directed towards the ponds and collective participation needed for the project to be successful. The BSU reclaimed water presentation was delayed.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Activity Tracking Software

Mr. Adams discussed a new Activity Tracking Software Google cloud-based program used by many well know firms, the implementation process, software capabilities and the cost. This program was a lot more user-friendly for tracking performance on activity-based assignments, as opposed to the current BOSS system that, in Mr. Kemp's opinion, was time consuming when entering and manipulating data, taking up his time in the field. Mr. Kemp extended his free trial training on the new program to address various items BOSS was not able to provide.

Mr. Adams discussed the initial and monthly service costs and implementation process, in which the Account Manager inputs the data for the District. Mr. Bill Nicholson mentioned using this program for items other than landscaping and suggested hiring a person to enter data and budget those funds for Fiscal Year 2022/2023. Mr. Adams agreed that a part-time 15 to 20 hour position could help operate the system, input meter readings from the field technicians and perform other various duties.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, authorizing Staff to commence implementation of the Activity Tracking Software program, was approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, authorizing Staff to commence implementation of the Activity Tracking Software program, was approved.

EIGHTH ORDER OF BUSINESS

**Continued Discussion/Presentation:
Modified Financials and Monthly Report
Narrative (to be provided under separate
cover)**

Mr. Adams distributed and presented the Modified Financials and Monthly Report. Further adjustments to certain formulas and other modifications to the report would be made. Adherence to the Governmental Accounting Standards Board (GASB) requirements and irrigation revenues were discussed. This item would be included on the next agenda.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of January 31, 2021**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2021. He would review Bentley Electric billing with Steve to determine if the bills they submitted were late. The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of January 25, 2021 Joint Regular Meeting Minutes

Ms. McVay presented the January 25, 2021 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Jim Nicholson, with all in favor, the January 25, 2021 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Durney, with all in favor, the January 25, 2021 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action Items

Mrs. Adams presented the Action/Agenda Items, which would be updated after the meeting.

- Item 1: Mrs. Adams would follow up with Mr. Kurth on the status of outstanding items discussed at the prior meeting.
- Revised Item #10: Staff would submit the Disaster Response Agreement to the PLCA, after March 2021, and schedule joint Workshops with the PLCA and WQTF to discuss the Disaster Response Agreement and Water Quality issues, respectively.

With regard to discussion earlier in the meeting, Mrs. Adams confirmed that the five trees at the south entry, around the pond, were identified as Jacaranda and Royal Poinsettia.

TWELFTH ORDER OF BUSINESS

Old Business

Mrs. Adams discussed when the original aeration units were installed or upgraded at certain ponds that were being studied. She was still retrieving data for the remaining ponds.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

I. *Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.*

Mr. Urbancic discussed potential new legislation and stated he and Mr. Cox would apprise their respective Boards if any new legislation passes that affects the Districts.

Mr. Urbancic reviewed the Districts' insurance policy coverage for cyber attacks and stated it was consistent with most CDDs in Florida. The Insurance Agent's general summary of coverage was emailed to the Boards, subsequent to the last meeting. A copy of Management's policy would be provided to Mr. Urbancic to ensure there is no gap in coverage between the Districts and District Management.

II. *Daniel Cox, Esq.*

- Update: Litigation and Proposed Amendment to Ordinance

Mr. Cox reported the outcome of the case management conference conducted last week with Mr. Rooney, the City Attorney, at which the County Manager conveyed the intent to proceed with settlement negotiations, instead of amending the Ordinance related to CDDs and the Stormwater Utility Tax.

Mr. Cox requested a Shade and an Executive Session to discuss a settlement and recommended Mr. Urbancic file a Notice of Appearance in order to participate in the negotiations. He explained that, if a settlement is not reached at the March meeting, this matter would be on the July trial docket and Motions for Summary Judgment would need to be filed with the court. He discussed the costs and asked the Boards to give Mr. McCarthy and Mr. Janek, the named Plaintiffs in the lawsuits, authorization to represent the interests of the Bayside and Bay Creek CDDs, respectively, during the Shade Session or to proceed with mediation. Discussion ensued regarding the budget, continuing discussions asking the City Council to reconsider its stance on the matter, engaging other communities to challenge this Ordinance and who would be the listed attendees for the Shade Session.

The Regular meeting would be scheduled for March 22, 2021 at 1:00 p.m., with the Executive Session commencing immediately after opening and recessing the Regular meeting.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Bill Nicholson, with Mr. McCarthy, Mr. Bill Nicholson, Mr. Jim Nicholson and Ms. Montgomery in favor and Mr. Cramer dissenting, authorizing Mr. McCarthy and Mr. Janek to participate in the settlement negotiations between the City of Bonita Springs and provide recommendations at the next meeting, to be discussed in an Executive Session, and take action afterwards, in a public session, and for Mr. Urbancic to File a Notice of Appearance to participate in these discussions, was approved. [Motion passed 4-1]

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, authorizing Mr. McCarthy and Mr. Janek to participate in the settlement negotiations between the City of Bonita Springs and provide recommendations at the next meeting, to be discussed in an Executive Session, with action taken afterwards, in a public session, and for Mr. Urbancic to File a Notice of Appearance to participate in these discussions, was approved.

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

I. Monthly Status Report: Field Operations

The Monthly Status Report was included for informational purposes.

Mr. Durney asked about the pump station failure. Mr. Adams stated that Mr. Kucera reported Bayside's electrical service issue to Florida Power & Light (FPL), which resulted in over \$20,000 in damages but FPL denied the claim, because they did not agree that FPL was responsible for those failures. The damaged pump motor and drives were replaced and the next step would be to file a claim with the District insurance carrier. Mr. Cramer wondered if Bentley Electric caused the damages while working in the area. Mr. Adams replied no, as the damages were not related to the work that was done.

Mr. Adams stated that the Bentley Electric street lighting bills were submitted to Management and split between the CDDs in January.

II. NEXT MEETING DATE: March 22, 2021 at 2:00 P.M.

- **QUORUM CHECK: *BAYSIDE IMPROVEMENT CDD***
- **QUORUM CHECK: *BAY CREEK CDD***

The next meeting would be held on March 22, 2021, commencing at 1:00 p.m., and immediately recessing for the Executive Session, followed by the Regular meeting.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Cramer asked who maintains the landscape and culverts exiting the community and heading towards Publix. Mr. Adams stated the District is responsible for certain landscaping areas. Mr. Cramer was directed to contact Code Enforcement, as the Publix Plaza Management had not maintained the culverts or removed debris on the north and south sides.

Mr. Cramer conveyed a request from resident Robert Bish to install a fake ivy blanket on the inside of the fence to obscure the view of debris on the other side, as a result of a blown FPL transformer. Mr. Cramer would advise Mr. Bish to submit his request to the PLCA.

On behalf of the Capri residents, Ms. Montgomery thanked Mr. Adams, Mrs. Adams, Mr. Kucera and Mr. Kemp for their teamwork to help initiate the process of redesigning monuments in the community. Mr. Adams stated the process would be the same one used for Longlake.

Mr. Cramer discussed an internal issue with the Longlake monument renovation project.

FIFTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS

Adjournment

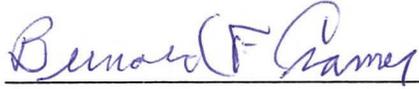
There being no further business to discuss, the meeting adjourned at 4:05 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

February 22, 2021

FOR BAYSIDE IMPROVEMENT:



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair