

**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 May 20, 2024 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public were able to participate via Zoom, at <https://us02web.zoom.us/j/84137772934>, and via conference call at 1-929-205-6099, Meeting ID: 841 3777 2934 for both.

Present for Bayside Improvement CDD:

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

Present for Bay Creek CDD:

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

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Greg Urbancic (via phone/Zoom)	District Counsel, Bayside Improvement CDD
Frank Savage (via phone/Zoom)	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Tim Denison	Johnson Engineering
Grant Gale	The Garland Company, Inc.

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

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

The Pledge of Allegiance was recited.

SECOND ORDER OF BUSINESS

Roll Call

For Bayside Improvement CDD, all Supervisors were present.

For Bay Creek CDD, Supervisors Janek, Travers, Durney and Addison were present. Supervisor McVay was not present at roll call.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

No members of the public spoke.

Mr. McCarthy stated, if he must leave early, Mr. Janek would facilitate the meeting.

JOINT BUSINESS ITEM(S)

FOURTH ORDER OF BUSINESS

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

Mr. Savage reported the following:

- Work on the National Pollutant Discharge Elimination System (NPDES) MS4 permit is underway, as the inspection period closed at the end of April. Lee County changed the deadline to submit the Report to the end of June 2024 because as the person overseeing this process will be away when Report is typically due.
- Regarding construction, there was nothing additional to report.

Mr. Cramer asked if there is any information regarding confusion about soil testing and the status of the drainage system, as residents have been calling him. Mr. Savage stated he will verify with Mr. Kayne about the soil testing and provide an update later in the meeting. Regarding the drainage system, the results will be summarized in the annual report, once District Management completes the inspections.

Mr. Durney asked if Barraco & Associates can prepare specifications and bid documents to replace the pump station roof. Mr. Savage thinks it is possible but, if not, they can provide recommendations.

FIFTH ORDER OF BUSINESS

Treatment Report: April 2024 – Superior Waterway Services, Inc. (Andy Nott)

Mr. Nott presented the Treatment Report and discussed upcoming monitoring and treatments on certain lakes.

- **Discussion: Lake A-16 Lab Notes and Service Agreement for Treatment**

Mr. Nott presented the Service Agreement for Lake A-16 to apply bacteria for one month and a one-year maintenance plan to help break down the decay, which is causing the odor. The aeration system will reduce the nutrients, over time. Ms. Montgomery thinks that it is appropriate to consider a treatment that can reduce the high nutrients. Mr. Nott stated that Superior is working with a lab to obtain exclusive rights to one of their phosphorates that will help reduce nutrients in the lakes; once that is finalized, the company will obtain a water sample and provide a treatment recommendation. He will have the technician apply blue dye this Thursday to confirm if the water is flowing freely and provide a proposal to reduce the nutrients.

Ms. McVay arrived at the meeting at 2:12 p.m.

SIXTH ORDER OF BUSINESS

Discussion/Consideration of Johnson Engineering, Inc. 2023 Water Quality Monitoring Report (Tim Denison)

Mr. Denison presented the Johnson Engineering, Inc. 2023 Water Quality Monitoring Report. Johnson Engineering, through the Water Quality Task Force, has been monitoring water flow from the outflow from the lakes that discharge directly into Spring Creek, which are depicted in the yellow triangles in the map. He asked if the Boards want to continue monitoring the individual areas or just Lake A-17 and monitor the T-1 canal upstream, as many of the ponds feed into the T-1 canal and then into Spring Creek.

Mr. Denison clarified that these are stormwater treatment ponds; calling it a lake might not be designated by the State as a lake. He discussed causes for algae, prior actions, taking sediment samples and the benefits of an aeration system.

Mr. Denison recommended sampling twice during the rainy season, another sample the next month, adding a site in the area feeding into the T-1 canal, possibly trading out Lake A-16 to Lake A-17 and considering A-11, which is a smaller basin that feeds into Estero Bay. He will provide a proposal for the upcoming Fiscal Year 2025 Water Quality Report.

SEVENTH ORDER OF BUSINESS

Discussion: Water Quality and the Task Force

Ms. Montgomery stated that this item was discussed above.

This item will be removed from future agendas.

EIGHTH ORDER OF BUSINESS

Discussion: Future Maintenance Demands

Ms. Gravenhorst voiced concern about the PLCA asking the CDDs to purchase and install plantings when they had to address staffing shortages to ensure all regularly scheduled maintenance is being handled. She requested scheduling a workshop with the PLCA to discuss the request and to ensure that the CDDs budget accurately for Fiscal Year 2025. Mr. Adams stated that adding to the current scope will require adding more staff to maintain the desired level of service. Mr. Kemp stated that some of this is borne out of his desire to have control over how and what things are installed, especially if the CDDs are going to be responsible for long-term maintenance and the health of the landscaping.

The consensus was to abide by the existing Landscape Agreement

This item will be removed from future agendas.

NINTH ORDER OF BUSINESS

Discussion: Maintenance Facility Deferred Maintenance Items

Mr. Nicholson recalled approval of the W.J. Johnson & Associates Letters of Engagement for Project Scope A & C at the last meeting. Regarding the Scope B Project, he does not think the competitive bid process would be violated since Mr. Adams requested bids but no one submitted bids. Mr. Adams explained that, due to the project amount, the CDDs must go through the Request for Qualifications (RFQ) process for District Engineering Services, which was originally not done because he did not think the Scope B Project would exceed the \$35,000 threshold.

On MOTION for Bayside by Mr. Nicolson and seconded by Mr. Cramer, with Mr. Nicholson, Mr. Cramer and Ms. Gravenhorst in favor and Mr. McCarthy and Ms. Montgomery dissenting, authorizing Staff to advertise a Request for Qualifications (RFQ) for Engineering Services for Section B Maintenance Facility Deferred Maintenance Items, and not execute that work with CDD labor, except for landscaping-related work on CDD property, was approved. [MOTION PASSED 3-2]

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, authorizing Staff to advertise a Request for Qualifications (RFQ) for Engineering Services for Section B Maintenance Facility Deferred Maintenance Items, and not execute that work with CDD labor, except for landscaping-related work on CDD property, was approved.

TENTH ORDER OF BUSINESS

Consideration of Bentley Electric Co of Naples FL, Inc. Proposal 24-265 [Single Phase 60'-Amp Streetlights]

Mr. Kemp presented Bentley Electric Co of Naples FL, Inc. Proposal 24-265 to repair the electrical service for a series of street lights on Pennyroyal that have become hazardous.

On MOTION for Bayside by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, Bentley Electric Co. of Naples, FL, Inc. Proposal 24-265 to repair the single-phase 60'-amp metered services for streetlights on Pennyroyal, in a not-to-exceed amount of \$3,225, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, Bentley Electric Co. of Naples, FL, Inc. Proposal 24-265 to repair the single-phase 60'-amp metered services for streetlights on Pennyroyal, in a not-to-exceed amount of \$3,225, was approved.

ELEVENTH ORDER OF BUSINESS

Discussion/Update: The Garland Company, Inc Roof Asset Management Program [Greenview Ave Pumphouse]

Mr. McCarthy stated this is specific to Bay Creek CDD. Mr. Brent Gayle discussed his firm's qualifications as a full-service engineering design and manufacturing firm. He presented the Roof Asset Management Program (RAMP) PowerPoint presentation based on his inspection with Mr. Kemp. He reviewed photographs of the roof's failed condition and explained that the CDD would purchase the materials through them, at a discount, which includes an all-inclusive warranty, and select from the proposals already at the lowest price obtained via the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) and OMNIA Partners, Public Sector contract.

Discussion ensued regarding roof specifications, the bids and ensuring the expense is cost-shared with the golf course.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, Garland/DBS, Inc. Proposal #25-FL-240465 to subcontract Ferrera Consultants to install a new roof on the Bay Creek Pump Station on Greenview Drive, in a not-to-exceed amount of \$60,544, to be cost-shared 50/50 with the Pelican Nest Golf Course, was approved.

TWELFTH ORDER OF BUSINESS

Consideration of Resolutions Approving the Districts’ Proposed Budgets for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams will update the proposed budgets for Fiscal Year 2024/2025 to include the latest projected forecasted year-end totals, for review at the budget workshop.

A. Resolution 2024-03, Bayside Improvement Community Development District

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, Resolution 2024-03, Approving the Districts’ Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 26, 2024 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

B. Resolution 2024-03, Bay Creek Community Development District

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, Resolution 2024-03, Approving the Districts’ Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 26, 2024 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Joint Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

A. Resolution 2024-04, Bayside Improvement Community Development District

B. Resolution 2024-04, Bay Creek Community Development District

The following change was made to the Fiscal Year 2024/2025 Joint Meeting Schedule:

DATE: Change “December 2, 2024” to “December 9, 2024”

On MOTION for Bayside by Mr. Nicholson and seconded by Ms. Gravenhorst, with all in favor, Resolution 2024-04, Designating Dates, Times and Locations for Joint Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025, as amended, and Providing for an Effective Date, was adopted.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, Resolution 2024-04, Designating Dates, Times and Locations for Joint Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025, as amended, and Providing for an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Discussion: Meeting with PLCA Representatives Regarding 2024 Hurricane Season

Mr. Nicholson reviewed his Summary Meeting Notes, which outlined discussions with Mr. Hoppensteadt, Mr. Levi Herrera and Ms. Ellen Ennis on April 23, 2024 regarding the history and current state of the Emergency Preparedness and Emergency Response plans, the Disaster Recovery Agreement with the PLCA and CDDs and preparing for the 2024 hurricane season.

Mr. Adams stated that Staff implemented a new process for conducting monthly meetings, the first of which was held today. At the meeting, attendees Mr. Adams, Mrs. Adams, District Staff, Bayside CDD and Bay Creek CDD Chairs, Mr. Hoppensteadt and his Staff and the Manager and Staff of The Foundation and The Colony discussed the Disaster Preparedness Plan, each participant’s role and responsibilities and how the Plan is to be administered. The next step is to get the Agreements in place over the next couple of weeks. He suggested the HOA implement a means to assess itself for recovery costs or file a loss assessment, as the Federal Emergency Management Agency (FEMA) is not receptive to funding private communities.

Discussion ensued regarding the cost for the HOA to engage a company to represent them on FEMA claims possibly exceeding the actual FEMA reimbursement, agreements with adjacent HOAs for the CDDs to do landscape maintenance along the outer buffer and who owns the roads.

FIFTEENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

Ms. Gravenhorst provided the following update:

BAYSIDE IMPROVEMENT/BAY CREEK CDDS

May 20, 2024

- Landscape Chair, Ms. Hughes, was appointed to The Colony’s Finance Committee.
- Plantings are scheduled at La Scala Circle and along the sign across from the Bay Club, which the CDDs will be responsible for maintaining.
- The Colony Board thanked the CDDs for planting over 30 donated orchids; more are still arriving. She thinks that Mr. Kemp is doing a good job planting them in the trees.

SIXTEENTH ORDER OF BUSINESS

Presentation of Monthly Year-End Financial Forecast (under separate cover)

This item was discussed in conjunction with the Seventeenth Order of Business.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2024

Mr. Adams will check on future statements showing the interest earned amounts, transferring “Due to Bayside CDD” monies and closing the Wells Fargo account. Regarding why Bay Creek CDD had no additional revenue for four months. Mr. Adams will find out if any property is going through the tax certificate sale process, since the payment deadline was March 31, 2024.

Mr. Nicholson asked Mr. Adams to insert the year-end projection figures in the proposed Fiscal Year 2026 budget before presenting it to the Boards.

The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of April 22, 2024 Joint Regular Meeting Minutes

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the April 22, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Durney, with all in favor, the April 22, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

NINETEENTH ORDER OF BUSINESS

Action/Agenda Items

This item was not addressed.

TWENTIETH ORDER OF BUSINESS

Old Business

There was no old business.

TWENTY-FIRST ORDER OF BUSINESS

Staff Reports

A. District Counsel: Coleman Yovanovich Koester, P.A. [Gregory Urbancic, Esq.]

There was no report.

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

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

II. Number of Registered Voters as of April 15, 2024

- **Bayside Improvement CDD: 3,068**
- **Bay Creek CDD: 792**

III. NEXT MEETING DATE: June 24, 2024 at 2:00 PM

- **QUORUM CHECK**

For Bayside Improvement CDD, Supervisors Montgomery, Gravenhorst, McCarthy and Cramer confirmed their in-person attendance at the June 24, 2024 meeting. For Bay Creek CDD, Supervisors Travers, McVay and Addison confirmed their in-person attendance at the June 24, 2024 meeting. Supervisors Janek and Durney will attend via telephone.

TWENTY-SECOND ORDER OF BUSINESS

Supervisors' Requests

Mr. Travers asked who owns the fountain on Burnt Pine Road. Mr. Adams stated that Burntwood Development Associates owns the fountain; per an Agreement via the CDD.

Regarding the pump station repair costs, Mr. Addison asked who pays the other half of the repairs, aside from the Pelican Nest Golf Course. Mrs. Adams replied Bay Creek CDD.

TWENTY-THIRD ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

TWENTY-FOURTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:47 p.m.

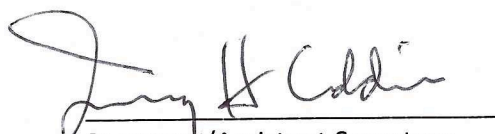
**BAYSIDE IMPROVEMENT/BAY CREEK CDDS
FOR BAYSIDE IMPROVEMENT:**

May 20, 2024


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair