

**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 January 27, 2020 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
Bill Nicholson	Assistant Secretary
James Nicholson	Assistant Secretary

For Bay Creek CDD:

Mary McVay	Chair
Donald J. McBride	Assistant Secretary
James Janek	Assistant Secretary
R. Gary Durney	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox	District Counsel
Wes Kayne	District Engineer
Christina Kennedy	SOLitude Lake Management
Bill Kurth (via telephone)	SOLitude Lake Management
Steve Backman	PLCA General Manager
Gail Gravenhorst	Resident/PLCA Landscape Committee
Ed Shinouskis	Resident
Abe Levy	Resident
Jim Hollers	The Colony Foundation Board
Paul Brocia	Resident
Rick Sola	The Colony Foundation Board

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.

All present recited the Pledge of Allegiance.

Roll Call

For Bay Creek CDD, Supervisors Janek, Durney, McBride and McVay were present, in person. Supervisor Travers was not present. For Bayside Improvement CDD, Supervisors Cramer, Bill Nicholson, Jim Nicholson, Crew and McCarthy were present, in person.

Mr. McCarthy expressed his condolences on Supervisor Glueck's passing. He acknowledged Mr. Glueck's 12 years of service to the District and noted that he was one of the hardest working individuals he has known; he would be missed. Ms. McVay read a card Mrs. Glueck sent to the CDD, which indicated that Mr. Glueck received the service plaque and the message from Mr. Cox before passing. The service was well attended.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Mr. Ed Shinouskis, a resident, discussed the ECO Club and asked the CDDs to consider adopting the PLCA Environmental Policy Statement created by the PLCA Board and Club. He suggested the CDDs hold workshops to explain their responsibilities and the overall infrastructure to PLCA residents. He distributed a letter regarding Estero Bay being deemed "Verified Impaired for Nutrients" by the Florida Department of Environmental Protection (FDEP). He asked the CDDs to become more involved in determining if there is a nutrient issue and, if so, why it is happening and how to solve it. Mr. McCarthy stated that several water testings and studies were performed over the years and the CDDs continue to treat and monitor certain lakes that discharge into the CDDs and onto other properties. He believed that the golf course was contributing to this issue. Mr. Shinouskis asked for copies of the studies.

Mr. Abe Levy, a resident, stated that, on behalf of the ECO Club, he would attend meetings to learn about the use of fertilizers, pesticides and herbicides and how they factor in to the issues that Mr. Shinouskis discussed.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

Consider Conveyance of Trevi Lake by The Colony at Pelican Landings to the CDD

Mr. Adams presented the conveyance of CDD Lake F10, referred to as Parcel 11 in the document. Mr. Jim Nicholson asked if there were any issues with assuming responsibility of the retaining wall. Mr. Cox stated the legal description would specify that the wall is excluded.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Bill Nicholson, with all in favor, conveyance of Trevi Lake by The Colony at Pelican Landings to the CDD, subject to the exclusion of the retaining wall at Trevi, was approved.

FIFTH ORDER OF BUSINESS

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

Mr. Kayne stated there was nothing new to report.

Mr. McCarthy expressed concern that the Engineering expenses were already at 54% of its budget. Mr. Adams would review the account detail report to confirm the expenditures were for the preparation of the National Pollutant Elimination Systems (NPDES) report.

SIXTH ORDER OF BUSINESS

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

Ms. Christina Kennedy, the new SOLitude Lake Management (SOLitude) Account Manager, presented the January 2020 Monthly Report and reported the following:

- Beneficial bacteria was added to the outfall lakes and other ponds to maintain algae.
- Aquatic vegetation was being treated with contact herbicides as the lakes were too high for Sonar treatments.
- Outfall structures at Lakes A12 and A13 eroded and missing grates must be replaced.

Mrs. Adams stated she would check with MRI on the status of the work order.

Several Supervisors observed the landscapers mowing grass clippings into the ponds adjacent to the fairway. As a member of the Nest's greens committee, Mr. Crew stated he would send a reminder to the Landscape Supervisor about the standard operating procedures (SOP), which requires clippings to be blown into the fairway.

SEVENTH ORDER OF BUSINESS

Update: PLCA Landscaping Maintenance Outsourcing Investigation

Mr. Backman stated he had nothing to report.

Mr. Adams stated that another meeting related to the maintenance agreement between the CDDS and the PLCA was scheduled for this Thursday; the last meeting was very productive. Maintenance items were added to the Activity Tracker Report to address issues at Pelicans Nest Drive, Bayview Drive and the central water feature, as a result of the tour with

PLCA representatives last week who were determining how to potentially fund these items. A tour of the north end and into The Colony was scheduled for next week.

Mr. McCarthy stated that he and Ms. McVay attended the January 15, 2020 workshop and another workshop was scheduled for this week. Discussion ensued regarding capital improvement projects, upgrading the main water feature, ensuring sufficient power to light the main entrance, water issues, etc.

EIGHTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Ms. Gail Gravenhorst, a resident and PLCA Landscape Committee Member, reported the following and responded to questions, as follows:

- Plantings were being reinstalled at the perimeter of the inner Spring Creek Circle that was part of the Architect's plan. Samples of the pergola and sculpture would be installed following submittal to the Board of Directors for approval.
- The first quarterly inspection of the community was completed but it did not include the entire community. Areas identified, as well as other areas known to have issues, were added to the Activity Tracker Report.
- Communication between the CDDs and the PLCA was much better. The CDDs would ensure all maintenance items are addressed before the grand reopening of the Tennis Center, which is set for mid February.

Mr. Cramer asked Mr. Backman to have the Bonita Springs Utilities (BSU) water system switched on so the Tennis Center foot washing system could be used when the CDDs' system is not running.

B. Colony Landscape Committee

Ms. Gravenhorst reported the following:

- The Colony was waiting on the final two projects from the Architect, which were expected at the end of February.
- The regular monthly meetings with the Landscaping Committee and CDD Representatives have improved communication between the entities and given Committee Members a better understanding of what the CDDs do.

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& BAY CREEK CDDS**

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➤ A report of the items to address was given to the CDDs who already added them to the Activity Report, which is distributed to the PLCA and The Colony for review and input.

➤ Grass continues to be a major concern.

➤ The design for the last flower rotation called for smaller plants but the flowers should have been planted closer. Increasing the budget next year for additional plants was suggested.

Mrs. Adams stated that the contractor did not review the order prior to install but corrected the issue by replacing those that differed in size, as spacing was not the issue.

➤ The PLCA Landscape Committee engaged Mr. John Ribes to reduce the number of beds in the PLCA and provide other options that would impact the beds that are retained and Mr. Adams agreed to work with Mr. Ribes and tour the PLCA entrances, in order to develop a better design with greater visual impact.

NINTH ORDER OF BUSINESS

Update/Report: Landscape Maintenance Activities

This item was presented during the Seventh Order of Business.

TENTH ORDER OF BUSINESS

Consideration of Award of Contract – Lake Maintenance

Mrs. Adams presented the bid results for lake maintenance and discussed Management’s recommendation to award the contract to SOLitude, the current contractor, over Aquagenix.

Several Supervisors voiced why they supported awarding the contract to SOLitude, including past performances, services provided to the CDDs after Hurricane Irma, ability to develop alternative technology, etc.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. McBride, with all in favor, awarding the Lake Maintenance Contract to SOLitude Lake Management, in the amount of \$279,996, was approved.

On MOTION for Bayside by Mr. Crew and seconded by Mr. Jim Nicholson, with all in favor, awarding the Lake Maintenance Contract to SOLitude Lake Management, in the amount of \$279,996, was approved.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS
ELEVENTH ORDER OF BUSINESS**

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**Continued Discussion/Update: City of
Bonita Springs Storm Water Utility Fees**

Mr. Cox stated that a meeting with Mr. Rooney, the City Attorney, was scheduled in response to his request for more time to review the CDDs' request for a mitigation credit on the stormwater utility fee, as the Districts do not discharge stormwater into the City's system. He informed Mr. Rooney that the lawsuit would be filed if no progress was made by that time.

TWELFTH ORDER OF BUSINESS

**Continued Discussion: PLCA Environmental
Policy Statement**

Mr. Cox stated that the PLCA Environmental Policy statement was a great aspiration statement; however, anything that is implemented would be costly and affect the CDDs' budget. The PLCA would be informed of the Boards' consensus, which was that the CDDs would work jointly with the PLCA and community to consider specific initiatives beneficial to achieving these policies but without actually adopting the policy.

THIRTEENTH ORDER OF BUSINESS

**Update: Longlake Monument Renovation
and Presentation of Uniform Plan**

Mr. Backman stated that completion was expected in the next few days; funding was being collected through assessments. Neighboring communities were encouraged to consider renovating their monuments and, if they proceed, the PLCA was considering engaging the designer of the gatehouses to redo the monuments so that the same stone is used throughout.

Mr. Cramer stated the PLCA should incorporate a uniform plan into its rules indicating that CDD approval is required as landscaping and electrical items for these types of projects are the responsibility of the CDDs.

FOURTEENTH 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.

Mr. Durney asked why the Bay Creek, Tier “1010” rate was lower than the others. Mr. Adams stated the golf course has a reduced rate because it uses reclaimed water and its own pumps. The Irrigation Rules of Procedure and rate sheet would be sent to Mr. Durney.

FIFTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of December 31, 2019**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2019. A budget amendment would be necessary as unexpected repairs caused expenses to exceed budget. Discussion ensued regarding whether the flower and mulch budgets were sufficient for the remainder of the Fiscal Year, tracking expenses and the potential need for the PLCA to supplement shortages. Mr. Adams would review and update last year’s flower and mulch cost analysis report. The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

**Approval of December 2, 2019 Joint
Regular Meeting Minutes [Both]**

Mr. McCarthy presented the December 2, 2019 Joint Regular Meeting Minutes. Mrs. Adams confirmed receipt of Mr. Bill Nicholson’s comments about the minutes.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. McBride, with all in favor, the December 2, 2019 Joint Regular Meeting Minutes, as amended to include any edits provided to District Management, were approved.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, the December 2, 2019 Joint Regular Meeting Minutes, as amended to include any edits provided to District Management, were approved.

SEVENTEENTH ORDER OF BUSINESS

Action Items (Both)

Mrs. Adams would review and update the Action Items report after the meeting.

EIGHTEENTH ORDER OF BUSINESS

Old Business (Both)

There being no old business the next item followed.

NINETEENTH ORDER OF BUSINESS

Staff Reports (Both)

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

Mr. Cox stated he was monitoring the legislative session. The focus was on water quality issues primarily in municipalities with sewage treatment systems that need to be retrofitted.

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

Mr. Adams distributed the Landscape Base Level Costs Analysis that he prepared at the request of others, outside the CDDs, following a meeting that he and Mr. Cox attended. This matter was in the initial stage. Mr. Cramer expressed concern about the various entities in the community making requests to the CDDs through Mr. Adams or individually. He felt that the PLCA and other entities should designate the President to present requests to the CDDs.

I. Monthly Status Report: Field Operations

Mrs. Adams stated that Andy would muffle the nano-bubblers at Lakes E-2 and E-5 that were unplugged due to resident complaints about the frequency, not the decibels.

II. NEXT MEETING DATE: February 24, 2020 at 2:00 P.M.

○ QUORUM CHECK – BAYSIDE IMPROVEMENT CDD

All Supervisors confirmed their attendance at the February 24, 2020 meeting.

○ QUORUM CHECK – BAY CREEK CDD

Supervisors McBride, Janek, McVay and Durney confirmed their attendance at the February 24, 2020 meeting.

TWENTIETH ORDER OF BUSINESS

Supervisors' Requests

Ms. McVay asked when ground maintenance at the south entrance of Bay Creek would be addressed. She asked for all of Spring Creek to be taken care of not just the first 100'. Mr. Adams stated he would confirm with Mr. Kucera about when maintenance was scheduled on the Activity Tracker list. Regarding proceeding with a permit modification, the CDDs must comply with what the governing agency allows and, if other areas still need to be addressed

after the first run is completed, he would direct the District Engineer to prepare a proposal to commence the permit modification process.

Mr. Cramer asked to continue working with the ECO Group in relation to water conservation and with Mr. Jenkins, from Bonita Springs Utilities, who stated that the BSU organization was hiring an advocate for its outreach program.

Mr. Bill Nicholson asked if the tree trimming crew were trained yet. Mr. Adams stated that crews were trained last week and would continue to receive training.

Mr. Crew stated that he plans to seek a position on the Pelican Landing Board and would resign from the CDD Board at the end of March. The consensus was for Mr. Crew to delay his resignation until after the Pelican Landing elections.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Mr. Jim Hollers, a resident and Colony Foundation Board Member, asked if there were any other lakes to be conveyed to the CDDs. Mr. Adams stated that WCI controls the tracts owned by the golf course.

Mr. Paul Brocia, a resident, asked to work with Mrs. Adams to resolve any confusion to the email regarding Sandpiper and Palm Colony.

Mr. Rick Sola, a resident and Colony Foundation Board Member, stated, for reference, that members from The Colony and Pelican Landing Boards who were designated to bring the two communities together over various differences about financial issues, etc., are generally referred to as "G4" or "the gang of 4". He provided Mr. Cox with historical data about the Trevi lake retaining wall and stated that it should be excluded from the deed as the Trevi Homeowners Association had it surveyed and found that it owned 40% of the lineal feet of the wall and the owner for the remaining portion was unknown. The homeowners contend that replacement of the seawall acts as a benefit as a water shed reserve.

Ms. Gravenhorst asked for the retention pond at Bay Creek to be treated with contact herbicide as it was emitting an odor. Mrs. Adams stated that the CDD is unable to treat that area as it is part of the conservation.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 4:05 p.m.

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

January 27, 2020


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair