

**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 July 29, 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 were:

Walter McCarthy	Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary
Karen Montgomery (via phone/Zoom)	Assistant Secretary

Present for Bay Creek CDD:

James Janek (via phone/Zoom)	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
Shane Willis	Operations Manager
Greg Urbancic (via phone/Zoom)	District Counsel
Frank Savage (via phone/Zoom)	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Jim Hoppensteadt	Pelican Landing General Manager
Ben Steets (via phone/Zoom)	Grau & Associates
Johanna Muller (via phone/Zoom)	Resident
Anne Cramer	Resident
Dean Francis	Resident
Bill Dietz (via phone/Zoom)	Resident & Pelican Landing Eco Club Advisory Group Member

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.

SECOND ORDER OF BUSINESS

Roll Call

For Bayside Improvement CDD, Supervisors Cramer, Gravenhorst and McCarthy were present. Supervisor Montgomery was not present at roll call. Supervisor Nicholson was absent.

For Bay Creek CDD, Supervisors Travers, Durney, Addison and McVay were present. Supervisor Janek attended via telephone.

On MOTION for Bay Creek by Mr. Durney and seconded by Ms. McVay, with all in favor, authorizing the attendance and full participation of Mr. Janek, via phone/Zoom, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

Longlake Village resident Dean Francis asked for an update on his email about the catch basin system and the new connection to the Community Center. Mr. McCarthy and Mrs. Adams stated that the maintenance schedule for the catch basins are done every three years and on an as needed, emergency basis. Mr. Adams stated that the connection to the Community Center will be discussed later under Staff Reports.

Resident Anne Cramer suggested inspecting the loose wiring and missing plates in the light poles that her neighbor saw while walking. She voiced her opinion that residents are still having difficulty understanding what the CDDs does and who is responsible for landscaping. As Chair of the Long Lake Neighborhood Committee, she distributed photographs of current landscaping issues in Longlake Village and asked that the CDD research if they need to increase the budget. She believes Mr. Billups received conflicting information indicating that the CDD will inspect and address certain areas and the Landscape Committee told him there is no money available.

BAYSIDE IMPROVEMENT BUSINESS ITEMS

Ms. Montgomery joined the meeting at 2:09 p.m., via phone/Zoom.

On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, authorizing the attendance and full participation of Ms. Montgomery, via phone/Zoom, due to exceptional circumstances, was approved.

FOURTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2023, Prepared by Grau & Associates

Mr. Steets noted the pertinent information in the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023. It was a clean audit; there were no findings, recommendations, deficiencies on internal control or instances of noncompliance.

Mr. Steets and Mr. Adams responded to questions and clarified that the Assessment receivable amount on Page 7 is excess rebate fees from the County Tax Collector for collecting assessments and the Compensated absences policy on Page 22, for which Mr. Steets will make a note in next year’s audit clarifying the number of CDD employees is correctly reflected on Page 26.

Mr. McCarthy would like the CDD to reconsider the compensated absences policy and he wants a list of independent contractors to reconcile the information on Page 26. Mr. Durney stated that the compensated absences policy is the same as if the employee took vacation days.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, Resolution 2024-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023, was adopted.

BAY CREEK BUSINESS ITEMS

SIXTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2023, Prepared by Grau & Associates

Mr. Steet noted the pertinent information in the Audited Financial Report for Fiscal Year Ended September 30, 2023. It was a clean audit; there were no findings, recommendations,

deficiencies on internal control or instances of noncompliance. Mr. Adams stated that Mr. Steets will make the same note for next year’s audit, to clarify that the number of CDD employees is correctly reflected, as he did for the Bayside CDD.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, Resolution 2024-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023, was adopted.

JOINT BUSINESS ITEMS

EIGHTH ORDER OF BUSINESS

Consideration of W.J. Johnson Engineering, LLC Professional Services Agreement

Mr. Urbancic highlighted areas in the latest version of the W.J. Johnson Engineering, LLC (WJJE) Professional Services Agreement, as follows:

- Added a provision addressing WJJE’s concerns that Project 3 might take more time than Projects 1 and 2, which states that, if there are delays caused by a third party, they will essentially work together on an extension of time so they can complete work on that project. No adjustments were made to price.
- WJJE agreed to adding a mechanism whereby invoices will be submitted for each of the three projects monthly and a credit to those invoices across the deposit that we made, so that Management can track each of the projects, which were calculated to be six-month projects.

Mr. Urbancic responded to questions regarding the ability to use this same mechanism to bid future projects, honoring the estimates, insurance, billing on a time and materials basis, the not-to-exceed contract amount and the CDDs initiating the same Professional Services Agreement for similar contracts.

Mr. McCarthy voiced his opinion that a lot of money is being spent to determine the project costs and that, to save money, Staff, with Board Member input, can prepare the scope for Projects 2 and 3. He suggested deferring this item until the next meeting.

Some Board Members voiced their opinions about Mr. McCarthy’s suggestion, the three projects, the reasons behind prior Board decisions.

Mr. Adams, Mrs. Adams and Mr. Kemp conveyed their ability to perform various tasks, after the permitting process is completed. Mr. Adams stated that project 3’s cost is about \$25,000.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with Mr. Janek, Mr. Addison, Mr. Travers and Ms. McVay in favor and Mr. Durney dissenting, deferring approval of the W.J. Johnson Engineering, LLC Professional Services Agreement to the next meeting, was approved. [Motion passed 4-1]

Mr. McCarthy made a similar motion for Bay Creek; the motion failed due to lack of a second.

NINTH ORDER OF BUSINESS

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

Mr. Savage reported the following:

- Staff will present the draft National Pollutant Discharge Elimination System (NPDES) Annual Report, at the next or following meeting. The Report is due October 2024.
- Mr. Savage and Mr. Adams are working on outstanding action items; there are no additional updates.

Mr. Cramer offered to meet Mr. Savage on site to address his questions about the soil samples and drainage issues at Lake A-23.

TENTH ORDER OF BUSINESS

Treatment Report: June 2024 - Superior Waterway Services, Inc. (Andy Nott)

Mr. Nott presented the monthly Treatment Report. Since the salinity levels are still high in Lake D-9, littoral planting will be deferred. Mrs. Adams stated it should be deferred until next year. Mr. Durney asked Mr. Nott if his company does water quality sampling and testing for its other clients. Mr. Nott replied affirmatively, if requested.

ELEVENTH ORDER OF BUSINESS

Continued Discussion: Water Quality

Creekside Crossing resident and Pelican Landing Eco Club Advisory Group Member Bill Dietz reiterated his concerns outlined in his email included in the agenda. Mr. McCarthy

addressed Mr. Dietz’s concerns and noted that the high concentration of E. Coli in Lake A-16 was “grievously” overlooked. It is in the Report but Mr. Denison never addressed it. He stated that the PLCA agreed to inspect the injector pump station to see if they can detect issues; this is the first of many steps to get answers.

Mr. McCarthy stated that a new Johnson Engineering Agreement for Water Quality Monitoring and Reporting will be presented at the next meeting; the scope includes performing tests twice a year and providing the data within 30-days of testing.

Mr. Dietz suggested the Boards make sure that all effluent points from ponds into Spring Creek are included in the work scope. Mr. McCarthy stated that, to the best of the CDDs’ knowledge, they will all be included. He thanked Mr. Dietz for his input.

Mr. Adams projected a map of the general area and discussed plans to go through a list developed today to investigate potential obvious items that are not the issue and, at some point, might include bringing in Bonita Springs Utilities (BSU) and checking the trunk sanitary system.

TWELFTH ORDER OF BUSINESS

Consideration of Johnson Engineering, Inc. Professional Services Agreement for Water Quality Monitoring and Reporting 2024

Mr. Adams presented the Johnson Engineering, Inc. Professional Services Agreement for Water Quality Monitoring and Reporting 2024. Mr. Tim Denison remains a contact; however, Abe is the new lead who will be doing the majority of the field work and writing the Reports.

The Boards agreed with the suggestion for Mr. Adams to obtain proposals from Superior Waterways and similar vendors for the next meeting and have Supervisor Waterways sample Lakes A-16 and A-17 for E. Coli upstream of the last weir and try to determine if the source is human or aviary.

THIRTEENTH ORDER OF BUSINESS

Continued Discussion: Maintenance Facility Deferred Maintenance Items

This item was discussed during the Eighth Order of Business.

FOURTEENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Hoppensteadt stated that, in response to residents expressing a desire to fund improvements to their neighborhood circle, he discussed the process of circulating a plan to the PLCA Board, which he will coordinate with the CDDs, upon approval, to determine the best approach. Mr. Cramer asked Mr. Kemp to inspect the monument wall for damage where the ficus trees were removed.

B. Colony Landscape Committee

The Report was included for informational purposes.

FIFTEENTH ORDER OF BUSINESS**Discussion: Fiscal Year 2025 Budget**

Mr. Adams stated that he incorporated the changes to the proposed Fiscal Year 2025 budget that were discussed at the recent workshop and following a discussion with Ms. Gravenhorst and The Colony Foundation President Mr. Loos. Subsequently, he added just under \$132,000 to the “General Fund 002 Budget – Colony Only”, the full amount to cover the estimate from W.J. Johnson related to the Street Lighting Repairs and Upgrade. The proposed Fiscal Year 2025 budget changes resulted in the General Fund 002 assessments increasing from \$637.88 in 2024 to \$775.05 in 2025; overall about a \$140 increase per unit.

Since assessments are increasing and Mailed Notices already need to be sent, Mr. McCarthy asked Mr. Adams to add \$25,000 to the General Fund 001 Budget Surplus Funds. Mr. Janek made a similar request to add \$15,000 to the General Fund 001 Budget Surplus Funds.

Regarding the minimal assessment increase in the Enterprise Fund 401 Budget, Mr. Adams was directed to keep assessments flat.

Regarding the utility billing, Mr. Adams will confirm with vendor that the \$40,000 he assigned is sufficient.

Regarding the Bay Creek 451 “Irrigation revenue” Budget, Mr. Adams stated that it is necessary to reconsider the irrigation rates and rules by introducing a monthly base rate to stabilize the revenue needs; this will be on the next agenda. He will add additional language to include in the Mailed Notices to the residents.

Discussion ensued regarding the “Irrigation revenue” and “Reclaimed water” budgets and the process to introduce a monthly base rate, which will require advertising a public hearing in September to adopt it.

Mr. Durney stated that he calculated a loss of \$2,000 a month for the rest of the year.

SIXTEENTH ORDER OF BUSINESS

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

Mr. Adams stated that the Monthly Year-End Financial Forecast was discussed in detail at the recent Budget Workshop

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of June 24, 2024 Joint Regular Meeting Minutes

On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, the June 24, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, the June 24, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

NINETEENTH ORDER OF BUSINESS

Action/Agenda Items

The Action Items list will be updated following the meeting.

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

Mr. Durney asked Mr. Kemp who funded the landscape replacement project between the south entrance and south bridge. Mr. Kemp stated that it was the Landscape Committee.

Mr. Janek explained why he tabled the contract with W.J. Johnson & Associates.

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

II. NEXT MEETING DATE: August 26, 2024 at 2:00 PM [Joint Public Hearing and Regular Meeting to Adopt Fiscal Year 2025 Budgets]

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

Bay Creek Supervisors McVay, Addison and Travers confirmed their attendance at the August 26, 2024 meeting. Supervisor Janek will attend via phone/Zoom. Supervisor Durney will be absent. Bayside Supervisors McCarthy, Cramer and Gravenhorst confirmed their attendance at the August 26, 2024 meeting. Supervisor Montgomery will attend via phone/Zoom.

Mr. Adams presented proposals Mr. Kemp obtained totaling \$8,100 to isolate the Lake Mont Village irrigation system. This is a Bayside CDD expense only.

Discussion ensued regarding Lake Mont Village cost sharing this expense.

The consensus was to split costs 50/50 and proceed with project upon receipt of payment.

On MOTION for Bayside by Mr. Montgomery and seconded by Mr. Cramer, with all in favor, 50/50 cost sharing of the unexpected expense to isolate the Lake Mont Village irrigation system, in a not-to-exceed amount of \$8,100, was approved.

TWENTY-SECOND ORDER OF BUSINESS

Supervisors' Requests

Mr. Cramer suggested the CDDs, with input from others, prepare a Hurricane Preparedness communication educating homeowners on what the CDDs do, similar to the materials the PLCA sent years ago, which he will forward to Mr. Adams and Mr. Hoppensteadt.

TWENTY-THIRD ORDER OF BUSINESS

Public Comments: Non-Agenda Items

A Board Member suggested having the CDDs Administrator create a plan on how they would build the facility, to compare it against the W. J. Johnson Engineering proposal.

TWENTY-FOURTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:55 p.m.

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

July 29, 2024


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair