

**BOARD OF SUPERVISORS MONTHLY MEETING MINUTES OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT AGENDA**

MONDAY June 17, 2024, 6:00 PM.

GULF SHORE CHURCH, 25300 BERNWOOD PKWY, BONITA SPRINGS FL 34135

1. Call Meeting to order: 6:00 pm

2. Roll Call of the Board of Supervisors: Chair and President via telephone, Jim Bradford (Jim), Vice-Chair and Vice President, Jennifer Finazzo (Jennifer) and Supervisor, John Cellucci (John); Engineer Ron Edenfield (Ron) – via Skype, Attorney, Richard Pringle (Richard), Audrey Medeiros, Manager and Superintendent of Operations (Audrey), Secretary Treasurer, Shanelle Cruz and guests: approx. 19

3. Pledge of Allegiance and Invocation

4. Receive Engineer's Report on District Works:

Open Permits: 30 Permits Approved: 1 Finalized (Closed) Permits: 1 Inspections: 10

- Finalized Permits Spring Creek Bonita Springs Golf Course Projects (AKA City of Bonita Springs Permit Connections to the Stillwell Canal) will be issued this week.
- Received complaints regarding flooding on Busy Bee with a video. Has been followed up and investigated. Cause needs to be identified to the instructions.
- 3 days there was 11-11.5" rainfall, statistically was in line with 25-year rainfall amount.
- Bids solicited from four contractors, only received bids from two. Engineering firm will make a recommendation unless more bids are required.
- Completed executed memorandum of agreement with FGCU and they will have their students out on or around the 22nd of this month.

5. Manager's Report:

- New light across from railroad tracks on Strike.
- Light on Stillwell needs fixed.
- working on getting power on sign at Strike.
- Thanks to Tony for fixing the gate. (Fence around the pond.)
- Code Enforcement is involved with a resident on Strike and Catskill.
- Manager gave 6 months' notice.

6. Chair's Report:

*** Skipped and completed after Attorney's report**

- Checks were received from FEMA

- Have 22 acres at front of subdivision, years back went to court and won a court case to get separated from our subdivision. They do not have to pay for any of our road fees or ditch cleaning. Subsequently, they went back to court to petition to use our roads and were told they could not. We are in a debate with the owners about using our roads and collecting fees.

- Supervisor Cellucci discussed bringing electric to the front of Strike to install LED light and a sign, or a mobile solar powered battery back-up sign that can be moved to various locations.

- Signs will help to display announcements and job vacancies.

- District would like to put up vegetation along Imperial Pkwy to deter vehicles from cutting through the District property.

- Attorney asked if the Chairman would like to add an item to the agenda tonight. Chairman confirmed he did.
- Supervisor Cellucci discussed how previously the District requested the city to place boulders or some other impediment, but they have not assisted.
- The attorney discussed options to amend the agenda items and how to proceed whether it is this meeting or moved to the next meeting.

7. Treasurer's Report: Financial reports have been submitted for approval for March and April.

- Introduction of Secretary Treasurer

- Reports have been submitted for approval for

- Recommendation to add reconciliation report to the monthly financials

8. Attorney's Report:

- Last meeting Chief of Bonita Springs Fire Board mentioned "we could not amend our agenda" - some research on that topic found several things that are relevant:

- District is Water control district governed by Chapter 189 of the Florida Statutes and Chapter 298 of Florida Statutes where authority is received.
- Also receive authority from initial enabling judicial decree from 1969.
- Reference made to Chapter 120 – Florida Administrative Procedures Act. We are not governed by Chapter 120.
- The board can amend the agenda items.
- Public input must be allowed on all business meeting agenda items before a decision is made.
- Policy manual on page 39, section 11 includes the format for board meeting agendas.
- Policy manual on page 40 discussion on public input – very detailed description.

- Chairman Bradford made comments regarding accusations at last meeting and correcting last months minutes.
 - The attorney stated the minutes do not need to be corrected and the board acted correctly, and they are allowed to change the agenda.
- Special Conditions for the Spring Creek in Bonita Springs permit is completed. In Special conditions if there are violations, we would have authority to stop water coming into the district.
 - Draft of Interlocal Agreement with City of Bonita Springs was received, and revisions are being made.
 - Engineer Edenfield made comments that one of the Special Conditions of the permit is the provision that they pay their proportionate share of maintenance costs. (Approx \$17,000)
 - FGCU Agreement has been completed and signed.
 - Two bids have been received on the Strike Lane project. Typically, you would like to get 3-4 bids. Not on the agenda for this meeting to award the contract to one of the vendors. The Engineer has offered to solicit more bids.
 - Engineer discussed the scope of the work for the project. Consisting of sixteen intersections that would be repaired in various extents. Also pave easterly side where Strike and Waterfall intersect to make it more usable to people that turn around.
 - Chairman Bradford suggests that the project be discussed further and moved to next month.
 - Chairman would like additional bids requested and detail of any warranty on the project.
 - Auditor has sold to a larger firm and has provided an assignment of his business including the contract with the District. The Auditor needs District's consent to assign the contract.
 - The manager asks given the change of firm are we able to change our contract relationship.
 - Attorney says that Auditor will still be involved in the new firm, so does not change our contract relationship.

9. Amendments to the Meeting Agenda:

- Motion to amend the agenda to add installation of vegetation to roads that front Imperial Pkwy. John 1st, Jennifer 2nd, Jim 3rd, motion approved.

9.5 **ADDED** Installation of Vegetation

- 50 sabal palms installed \$8,000
- Engineer suggested putting clusias in between sabal palms, that way they grow in stages, and can prevent small vehicles from getting through.
- Supervisor Cellucci can get contractor pricing of 6-foot clusias for \$40 delivered.

10. Public Input on Business Agenda Items (3-minute limit):

- Homeowner asks what kind of warranty we would get if we put the plants in ourselves and who will maintain the vegetation.

- Chairman said there would be no warranty if we install the vegetation ourselves and the plants should be self-maintaining, with occasional trimming needing done.

- Homeowner asked about pricing on boulders.

- Chairman said the boulders would not accomplish what needs done.

- Homeowner said \$8,000 is a great price and boulders would cost \$6-\$7,000 to transport in.

- Board requested a homeowner review the project and request other homeowners to join a committee.

- Attorney reiterated what it is the board is requesting regarding vegetation.

- Motion to authorize the purchase of vegetation that fronts Imperial Pkwy up to \$8,000 and authorize the Chairman to complete the purchases and oversee the installation. John 1st, Jennifer 2nd, Jim 3rd, motion approved.

11. Business Agenda Items (Agenda Items Requiring Action)

a. Monthly Meeting Minutes Approval – 05/20/2024 John 1st, Jim 2nd, Jennifer 3rd, motion approved.

b. Financial Report Approval – 5/31/2024 Bank Statements; 5/31/2024 Financial Reports; 5/31/2024 Bills: John 1st, Jennifer 2nd, Jim 3rd, motion approved.

c. Property located at 25441 Moriah Ln and pavement of perimeter road. Tyler Thompson update:

- Engineer reached out to Tyler and has not heard back.

12. Public Input (3-minute limit):

- Homeowner requests additional fobs due to his multiple businesses he runs from his home.

- Discussion regarding why gate was changed and upgraded and how exceptions are made.

- Homeowner asked why last meeting a landowner was granted a fob that did not actually live in the District and why people that actually live here are having a hard time getting requested fobs.

- Attorney suggests that the Board add an agenda item for next month's meeting to discuss procedures for getting fobs.

- Homeowner thanks the board. Asks if Bonita Bill is public access for all residents, as a landowner put up a fence across the road and will not allow access to the street.

- The attorney says right of ways are controlled by the Board along the perimeter canal and pedestrian traffic is allowed in numerous locations. Suggests there should be a discussion regarding this matter to enforce rights of right of way easement and modifications to any previous rules.

- Homeowner request that gates not be closed on Moriah and Busy Bee as it is a right of way.

- Homeowner says the road is his property and he has the right to deny access.

- Multiple comments regarding road access.

- Homeowner asked about pipes on Moriah and if they are the City's project and if they need to be a certain distance from District property.

- Engineer says it is properly designed and signed off by an engineer.
- Engineer requested pictures if there is an issue.

-Homeowner states BSU pipe burst on Mountain View and was washing out the road.

- Engineer states it has been referred to BSU for correction.

13. Supervisor Comments:

14. Adjournment. 7:46p.m.