

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on March 2, 2023 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Chris Hasty	Chair
Barry Ernst	Vice Chair
Aaron Milosevic	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Carl Barraco	District Engineer
George Cingle	Resident
John Buchholz	Resident
Steve Riggs	Resident
Other residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:00 a.m. Supervisors Hasty, Ernst and Milosevic were present. Supervisors Johnson and Smith were not present.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Adams stated public comments related to the retaining wall and lake bank erosion repairs will be taken during the Sixth Order of Business.

Resident George Cingle suggested the Board procure a flag and recite the Pledge of Allegiance at meetings. Mr. Adams stated, unfortunately, the CDD does not have a flag.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Russell Smith [SEAT 5]; Term Expires
November 2024**

Mr. Adams presented Mr. Russell Smith's resignation letter.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the resignation of Mr. Russell Smith from Seat 5, was accepted.

FOURTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 5

Mr. Adams stated the Board might appoint someone to fill the unexpired term of Seat 5.

A resident noted that three individuals previously expressed interest in serving on the Board and asked if a resident can be appointed at this time.

Mr. Haber stated it is not uncommon, at this stage, for the CDD Board to be comprised of affiliates of the majority Landowner or Developer but who to appoint is a Board decision; the Board can but is not obligated to appoint a Qualified Elector residing in the CDD.

The previously submitted letters of interest will be included on the next agenda for Board consideration.

- **Administration of Oath of Office to Appointed Supervisor (the following will be provided in a separate package)**
 - A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - B. **Membership, Obligations and Responsibilities**
 - C. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. **Form 1F: Final Statement of Financial Interests**
 - D. **Form 8B: Memorandum of Voting Conflict**

This item was deferred.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

SIXTH ORDER OF BUSINESS

Update: Retaining Wall and Lake Bank Erosion Repair Activities

Mr. Adams reported the following:

- The CDD engaged Hans Wilson & Associates (HWA), a Marine Engineer specializing in retaining wall and seawall engineering.
- HWA completed all the field work necessary to prepare a Report that examines whether the existing retaining wall was built to the standards that were part of the permitting process and the design.
- The Report will address the root cause of the failure and provide options, going forward, such as replacement in like, meaning as it was originally designed, and options for upgrading, along with cost opinions.
- There were difficulties determining how the storm progressed and the wind levels at certain locations.
- The wind detector at Southwest Florida International Airport (RSW) stopped working when winds reached 100 miles per hour (mph) at noon on the day of the storm; he is attempting to gather additional data.
- The Report is estimated to be 80% complete.

Asked if the Report can be available to residents in advance of the next meeting, Mr. Adams stated he will circulate the Report to the Board and Staff for initial review, questions and comments; it can then be distributed to the public, at the Chair's direction.

Asked if bids will be solicited before the next meeting, Mr. Adams replied no; the Board must make decisions on behalf of the CDD and determine what type of bid is desired, such as whether to replace or upgrade. The retaining wall repair will likely be a multi-year repair. He noted that the retaining wall has been installed over the past three years.

Mr. Barraco stated dry season only affects erosion control, not retaining wall construction. Asked if the large lake's retaining wall is the only one being evaluated, Mr. Barraco stated the Report by HWA will examine all retaining walls. Any erosion control independent of the retaining wall will be discussed later in the meeting.

Discussion ensued about the types of retaining wall construction on both lakes and that size and direction of the lakes might have affected outcomes. Mr. Adams stated HWA will examine all retaining walls. The Report will discuss the initial installation, whether it was installed according to the specifications, the root cause of the failure, options going forward, whether to replace in kind and the possible cost of repairs and upgrades.

Mr. Adams noted that, if deficiencies are identified, it will be a different discussion but that is part of the examination to ensure it was constructed according to the specifications. If it was not installed according to the specifications, there might be something else to address.

A resident asked if the contractor had a performance bond and, if not, why. He requested the Professional Engineer's (PE) insurance certificate and asked on whose behalf the contractor was working. He would like to email additional thoughts. Mr. Adams stated they can exchange emails after the meeting.

A resident noted that Vista has a separate CDD and asked if they had similar damage, and, if so, who inspected it and how Vista is proceeding. Mr. Barraco believed they are also waiting on a report from HWA.

A Board Member stated there are not many well-respected marine engineers in this market. Given the amount of damage along the beach, canals and river, HWA is very busy. Bids cannot be obtained until the CDD knows the scope and timing. HWA's Report will include cost estimates useful for planning purposes.

A resident asked if Lennar used the same design on the other lakes and, if so, can it be bid out as one project. A Board Member stated the Lennar Development Team will coordinate for any efficiencies they can gain between the two CDDs.

Resident George Cingle indicated that some residents met with a registered PE that specializes in Marine Engineering and it appears the Developer might have changed the original Bayshore design based on cost since the original design was supposedly too high. The original design was based on 60 mph wind speed. It appears there were deficiencies during installation of the seawall around the lake, including a lack of littorals critical to wave speed reduction. The design, as installed, might not have been intended to be a wave protection device. The PE recommended an alternative option based on ready rock concrete stones with a good record for this type of application. He does not want to disclose the identity of the PE.

A resident voiced their opinion that replacing the seawall in kind would be a waste.

A resident noted that, if the seawall was not installed correctly, it might be sufficient to install it as it was designed.

Mr. Adams stated the lake bank erosion project is progressing.

Mr. Barraco gave an update on the Project Manual development; all observations are done and data is being compiled. He presented a color-coded diagram depicting areas and criteria for repairs to be done, for use in the bidding process.

Mr. Adams discussed lake bank erosion repairs and responded to questions, as follows:

- Bids will be requested within the next week. As a 30-day bid process is required, bids will likely be considered at the May meeting.
- Some techniques allow for work to be performed while water levels are rising.
- Information will be posted on the website, when possible. A separate page was added on the CDD website to accommodate construction plans, permit files and reports.
- Not all areas of the shoreline need erosion repairs, particularly in conservation areas.
- Focused runoff at property lines will be addressed by a spreader berm near the water's edge to slow the flow and spread it over a wider area to reduce the impact.
- The most efficient way to address runoff is to cap off downspouts from gutters and carry the flow underground to discharge into the lake but the CDD cannot make improvements on private property. The CDD encourages and will work with homeowners wanting to make such improvements at their own expense.

Discussion ensued about runoff remediation methods and the pros and cons of each.

The District Engineer presented options to the builders and Lennar and the CDD selected the spreader berm and Pulte and Stock chose to install coco mat at the water's edge.

Mr. Adams stated the problem has persisted for years and, in his opinion, the easiest solution is for the County or permitting municipalities to require downspouts with underground piping but that has not happened. Homes in the CDD with a washout problem will be addressed. The builders agreed to implement their solutions, on a go-forward basis, as new homes close. The consensus was that coco mats are a stopgap solution to the issue.

Mr. Adams stated, after erosion repairs are complete, a large number of beneficial littoral plants will be installed to help with runoff from the shore, wave action from the lake and removal of nutrient runoff from lawn fertilizers.

Littoral plants and placement, approval processes and homeowner-implemented remediations were discussed.

Mr. Adams stated homeowners wishing to install their own pipes can discharge into the pond and, if the remediation is done after the berm is installed, homeowners are encouraged to restore the berm to its original condition.

Discussion ensued regarding ruts related to washouts.

Mr. Adams stated the purpose of the lake bank erosion repair project is to restore washouts at the water's edge and to install the spreader berm up the bank. The methods will

be up to the contractors who bid; the project manual will specify the desired result and the bidders will determine the most efficient means to accomplish the desired results. The Board and Engineers will review the HWA Report and the bids.

Mr. Adams stated, from a financial standpoint, the retaining wall replacement and repair and the lake bank erosion repair will likely be funded through a bond issue, as no funds are left in the Construction Fund.

Regarding whether homeowners who already repaired their docks must remove them to repair the seawall and who will bear the expense, Mr. Adams stated that will be determined by the contractor and will need to be addressed in the pricing. Asked if residents should wait to make dock repairs, Mr. Adams stated he does not necessarily advise waiting to repair a dock, as this could be a multi-year project. The CDD and its contractor must implement a way to repair the retaining wall in a manner that is not detrimental to homeowners. Protective Barriers was engaged to install orange fencing in hazardous areas. Installation is underway with 2' tall orange fencing being installed as specified on the comprehensive map prepared by Mr. Tarn; 6,000 linear feet of fencing will be installed. Projected completion is by the end of March.

The consensus was to ask Ms. Murphy to email a notice advising residents about the presence of contractors installing the fence.

Asked if the Board will review HWA's Report for design and installation deficiencies and for liability, Mr. Adams replied affirmatively. The HWA Report will be posted on the CDD website. The Report will identify where and how failures occurred, potential improvement methods, design enhancements, and opinion of probable cost.

Asked if a workshop can be scheduled, Mr. Adams stated a Special Meeting is more beneficial because it allows for public input and Board actions.

Mr. Adams stated the contractor is scheduled to install hazard buoys in no wake zones within the next several weeks.

A resident asked if builders were notified that they will be responsible for any acceleration or further erosion to a retaining wall adjacent to their construction zones. Mr. Adams stated he will have notification sent as soon as possible.

Asked about the "Interlocal Agreement Vista Blue" revenue line item, Mr. Adams stated the line item will be removed; it was originally anticipated that the CDD would conduct water quality testing and share the cost with Vista Blue; however, the Master Association is performing the water quality testing required by the Lake Management Plan.

A resident asked about a silt barrier at Latitude Lake. A Board Member stated the silt barrier was installed as part of the Corkscrew Road widening project. The contractor performing the roadwork installed a headwall to keep the turbidity low for anything that might enter the system from the construction on Corkscrew Road.

A resident asked about plans to expand Alico Road. A Board Member stated Alico Road will be expanded to four lanes.

- **District Engineer: Barraco and Associates, Inc.**

This item, previously Item 9B, was presented out of order.

Mr. Barraco stated other causes of erosion, such as pool overflows and broken sprinkler heads, will be the homeowners’ responsibility. He discussed having reasonable expectations, with regard to timing, given that the retaining wall and erosion repairs will require permits. Following remediation, some erosion recurrence is anticipated, as the goal is to improve overall stability, over time.

Mr. Adams stated some level of erosion is always expected. The goal is to correct a large amount of erosion in a short time.

Mr. Barraco noted the State requires a legal operating entity to own, operate and maintain these systems because of the perpetual maintenance necessary. Most issues will be addressed in the first few years but new issues will continue to arise. The consensus was that large ruts and hazardous, 2’ drops must be addressed.

Mr. Barraco stated the County plans to widen Alico Road and it will eventually connect to SR-82. The first section is in front of the CDD and will extend east. Meetings were held with the Lee County Department of Transportation (LCDOT); the LCDOT will give a presentation at a future meeting.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2023

This item was presented following the Eighth Order of Business.

EIGHTH ORDER OF BUSINESS

Approval of January 5, 2023 Regular Meeting Minutes

Mr. Adams presented the January 5, 2023 Regular Meeting Minutes.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the January 5, 2023 Regular Meeting Minutes, as presented, were approved.

▪ **Acceptance of Unaudited Financial Statements as of January 31, 2023**

This item, previously the Seventh Order of Business, was presented out of order.

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2023. Assessment revenue collections were at 68% through the end of January; a large portion of that is Builder/Developer assessments, which are typically paid as late as possible or upon closing of a home.

As previously discussed, the Capital Projects Fund shows a deficit due to retainage. The Construction Fund will be closed upon confirmation from the Developer that retainages were paid and receipt of certification of project completion from the District Engineer.

The financials were accepted.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

There was no report.

B. District Engineer: *Barraco and Associates, Inc.*

This item was presented following the Sixth Order of Business.

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

- **NEXT MEETING DATE: April 6, 2023 at 10:00 A.M.**

- **QUORUM CHECK**

Mr. Adams hoped the HWA Report will be received well in advance of the meeting. Once approved in final form it will be posted on the CDD website. A presentation regarding the Alico Road expansion is expected.

Discussion ensued regarding proposed new commercial development and potential, detrimental effect to lakes and waterways from a 16-pump gas station with one tanker in close proximity to Latitude Lake and two aquifers. Inadequate turning radiuses for fuel and delivery trucks and the planned rebuild of the front entrance and installation of a traffic signal after completion of the road, were discussed.

The consensus was to push back on the proposed gas station due to its proximity of the lakes and aquifers.

Mr. Adams stated the parcel in question is not within the CDD’s boundaries but use of the parcel, as proposed, will impact CDD facilities, including the entry from Corkscrew Road to the gatehouse. To the extent that use of that road will be modified, they must come to the CDD. As part of the additional intensity of the use of that parcel in a way not originally planned, expansion of the CDD’s retention pond to receive additional runoff would likely open the permit for modifications to the original plan, in addition to modifications to medians and median cuts. The CDD does not have permitting or land use powers but it has input as to what improvements can be made to the CDD to facilitate development and, while the CDD does not have the right to say no, homeowners can speak at zoning meetings to the impact, given that gas stations are an intense use of the property, operate 24-hours per day and it would be directly across from the lake.

Discussion ensued regarding the upcoming meeting, the need for residents to make their voices heard, the access road, parcel in question and the CDD’s right to purchase the property for a public purpose, such as a park.

Mr. Hasty will discuss the CDD’s options to purchase the property with Mr. Haber.

TENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board members’ comments or requests.

ELEVENTH ORDER OF BUSINESS

Public Comments

Mr. Cingle stated that a link on the CDD website is corrupted. Mr. Adams stated the Corporate Office will have it corrected.

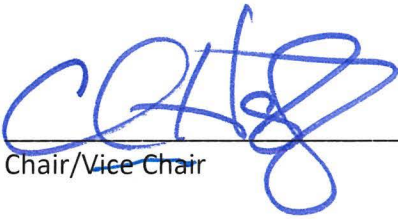
Mr. Barraco discussed a letter to be sent to the Developer, additional items that must be addressed before a permit can be issued and the CDD’s right to challenge the permit.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Milosevic and seconded by Mr. Ernst, with all in favor, the meeting adjourned at 11:41 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair