

WILDBLUE

COMMUNITY DEVELOPMENT DISTRICT

January 5, 2023

BOARD OF SUPERVISORS REGULAR MEETING AGENDA

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

WildBlue Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W • Boca Raton, Florida 33431
Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

December 29, 2022

ATTENDEES:
Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors
WildBlue Community Development District

Dear Board Members:

The Board of Supervisors of the WildBlue Community Development District will hold a Regular Meeting on January 5, 2023 at 10:00 a.m. at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901. The agenda is as follows:

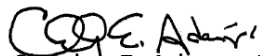
1. Call to Order/Roll Call
2. Public Comments
3. Update: Retaining Wall and Lake Bank Erosion Repair Activities
4. Update: Lee County Alico Road Widening
5. Acceptance of Unaudited Financial Statements as of November 30, 2022
6. Approval of Minutes
 - A. November 3, 2022 Landowners' Meeting
 - B. November 21, 2022 Continued Landowners' Meeting
 - C. November 21, 2022 Regular Meeting
7. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - B. District Engineer: *Barraco and Associates, Inc.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: February 2, 2023 at 10:00 AM
 - QUORUM CHECK

Seat 1	Aaron Milosevic	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Seat 2	Christopher Hasty	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Seat 3	Barry Ernst	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Seat 4	Chris Johnson	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Seat 5	Russell Smith	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO

8. Board Members' Comments/Requests
9. Public Comments
10. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,


Chesley E. Adams, Jr.
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:

CALL-IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 229 774 8903

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED
FINANCIAL
STATEMENTS

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
NOVEMBER 30, 2022**

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
NOVEMBER 30, 2022**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 253,478	\$ -	\$ -	\$ 253,478
Investments				
Revenue	-	499,905	-	499,905
Reserve	-	696,987	-	696,987
Construction	-	-	3,438	3,438
Principal	-	1	-	1
Due from general fund	-	63,597	-	63,597
Utility deposit	400	-	-	400
Total assets	<u>\$ 253,878</u>	<u>\$ 1,260,490</u>	<u>\$ 3,438</u>	<u>\$ 1,517,806</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Retainage payable	-	-	433,933	433,933
Due to debt service fund	63,597	-	-	63,597
Landowner advance	6,000	-	-	6,000
Total liabilities	<u>69,597</u>	<u>-</u>	<u>433,933</u>	<u>503,530</u>
Fund balances:				
Restricted for:				
Debt service	-	1,260,490	-	1,260,490
Capital projects	-	-	(430,495)	(430,495)
Unassigned	184,281	-	-	184,281
Total fund balances	<u>184,281</u>	<u>1,260,490</u>	<u>(430,495)</u>	<u>1,014,276</u>
Total liabilities and fund balances	<u>\$ 253,878</u>	<u>\$ 1,260,490</u>	<u>\$ 3,438</u>	<u>\$ 1,517,806</u>

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2022**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: on-roll - net	\$ 29,471	\$ 29,471	\$ 624,611	5%
Interlocal agreement - Vista Blue	-	-	13,000	0%
Total revenues	<u>29,471</u>	<u>29,471</u>	<u>637,611</u>	5%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording	4,000	8,000	48,000	17%
Legal	1,173	1,173	15,000	8%
Engineering	-	500	4,000	13%
Audit	-	-	5,500	0%
Arbitrage rebate calculation	500	500	750	67%
Dissemination agent	83	167	1,000	17%
Trustee	-	-	3,950	0%
Telephone	17	33	200	17%
Postage	-	-	500	0%
Printing & binding	42	83	500	17%
Legal advertising	-	-	1,200	0%
Annual special district fee	175	175	175	100%
Insurance	-	5,988	5,500	109%
Contingencies/bank charges	-	13	1,200	1%
Website				
Hosting	705	705	705	100%
ADA compliance	-	-	210	0%
Total professional & administrative	<u>6,695</u>	<u>17,337</u>	<u>88,390</u>	20%
Field operations				
Field management	833	1,667	10,000	17%
Aquatic maintenance	-	-	83,000	0%
Conservation area maintenance	1,850	1,850	180,000	1%
Conservation area monitoring & reporting	35,309	35,309	69,000	51%
Lake bank erosion repairs	13,792	13,792	109,540	13%
Water level and quality reporting	-	-	26,000	0%
Littoral plant replacements	-	-	20,000	0%
Conservation area fence review/repairs	-	-	10,000	0%
Aeration operating supplies	410	817	5,000	16%
Contingencies	-	-	10,000	0%
Shoreline/seawall repair and replacements	-	-	25,000	0%
Total field operations	<u>52,194</u>	<u>53,435</u>	<u>547,540</u>	10%
Other fees and charges				
Property appraiser	-	-	673	0%
Tax collector	976	976	1,010	97%
Total other fees and charges	<u>976</u>	<u>976</u>	<u>1,683</u>	58%
Total expenditures	<u>59,865</u>	<u>71,748</u>	<u>637,613</u>	11%
Excess/(deficiency) of revenues over/(under) expenditures	(30,394)	(42,277)	(2)	
Fund balances - beginning	214,675	226,558	193,728	
Fund balances - ending	<u>\$ 184,281</u>	<u>\$ 184,281</u>	<u>\$ 193,726</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2019
FOR THE PERIOD ENDED NOVEMBER 30, 2022**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Special assessment: on-roll	\$ 63,513	\$ 63,513	\$ 1,392,509	5%
Interest	2,602	4,546	-	N/A
Total revenues	<u>66,115</u>	<u>68,059</u>	<u>1,392,509</u>	5%
EXPENDITURES				
Principal	-	-	465,000	0%
Interest	-	-	933,194	0%
Total expenditures	<u>-</u>	<u>-</u>	<u>1,398,194</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	66,115	68,059	(5,685)	
OTHER FINANCING SOURCES/(USES)				
Transfers out	-	(3,345)	-	N/A
Total other financing sources	<u>-</u>	<u>(3,345)</u>	<u>-</u>	N/A
Net change in fund balances	66,115	64,714	(5,685)	
Fund balances - beginning	1,194,375	1,195,776	1,188,308	
Fund balances - ending	<u>\$ 1,260,490</u>	<u>\$ 1,260,490</u>	<u>\$ 1,182,623</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2019
FOR THE PERIOD ENDED NOVEMBER 30, 2022**

	Current Month	Year To Date
REVENUES		
Interest	\$ -	\$ 1
Total revenues	-	1
EXPENDITURES	-	-
Total expenditures	-	-
Excess/(deficiency) of revenues over/(under) expenditures	-	1
OTHER FINANCING SOURCES/(USES)		
Transfer in	-	3,345
Total other financing sources/(uses)	-	3,345
Fund balances - beginning	(430,495)	(433,841)
Fund balances - ending	\$ (430,495)	\$ (430,495)

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

A

DRAFT
MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

A Landowners' Meeting of the WildBlue Community Development District was held on November 3, 2022 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present at the meeting were:

Chuck Adams	District Manager
Carl Barraco	District Engineer
Four Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:00 a.m.

SECOND ORDER OF BUSINESS

Affidavit of Publication

Mr. Adams stated that, due to a newspaper publishing issue, this Landowners' Election Meeting will be continued to Monday, November 21, 2022 at 10:00 a.m.

THIRD ORDER OF BUSINESS

Election of Chair to Conduct Landowners' Meeting

FOURTH ORDER OF BUSINESS

Election of Supervisors [Seats 1, 2 & 3]

A. Nominations

B. Casting of Ballots

I. Determine Number of Voting Units Represented

II. Determine Number of Voting Units Assigned by Proxy

C. Ballot Tabulation and Results

FIFTH ORDER OF BUSINESS

Landowners' Questions/Comments

SIXTH ORDER OF BUSINESS

Adjournment

The meeting recessed at 10:01 a.m., and was continued to Monday, November 21, 2022 at 10:00 a.m., at this location.

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Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

B

DRAFT

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

A Continued Landowners' Meeting of the WildBlue Community Development District was held on November 21, 2022 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present at the meeting were:

Chuck Adams	District Manager
Carl Barraco	District Engineer
Wes Haber (via telephone)	District Counsel
Chris Johnson (via telephone)	Board Member
Aaron Milosevic	Board Member
Barry Ernst	Board Member
Christopher Hasty	Board Member/Proxy Holder
Numerous Homeowners	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:05 a.m. He explained that each unit has one vote, which must be cast by the unit owner or a proxy holder of the owner. With regards to land ownership, each acre, property or fraction thereof has one vote, as well.

SECOND ORDER OF BUSINESS

Affidavit of Publication

The affidavit of publication was included for informational purposes. This meeting is a continuance from the November 3, 2022 meeting that was postponed because of advertising issues with the newspaper.

THIRD ORDER OF BUSINESS

Election of Chair to Conduct Landowners' Meeting

All in attendance agreed to Mr. Adams serving as Chair to conduct the Landowners' meeting.

39 **FOURTH ORDER OF BUSINESS** **Election of Supervisors [Seats 1, 2 & 3]**

40

41 **A. Nominations**

42 The following nominations were made:

43 Seat 1 Aaron Milosevic

44 George Cingle

45 Seat 2 Christopher Hasty

46 David White

47 Seat 3 John Buchholz

48 Barry Ernst

49 No other nominations were made.

50 **B. Casting of Ballots**

51 Mr. Adams stated that property owners in attendance who have not already proxied
52 their vote to someone can complete a ballot and cast their votes; those who already proxied
53 their votes to someone else cannot submit a ballot.

54 Mr. Adams collected the ballots, proxies and proxy holder ballots and reported that
55 votes were present, in person, and represented by Proxy Holders Rosanne Duffy and Chris
56 Hasty. Mr. Chris Hasty is the designated Proxy Holder of 1,751 votes on behalf of the major
57 Landowner, Lennar Homes LLC.

58 **I. Determine Number of Voting Units Represented**

59 A total of 2,759 voting units were represented.

60 **II. Determine Number of Voting Units Assigned by Proxy**

61 Of the 2,759 voting units represented, Mr. Chris Hasty is the Proxy Holder for 1,751
62 voting units and Ms. Rosanne Duffy is the Proxy Holder for numerous resident property owners.

63 Discussion ensued regarding the non-Developer Landowners not having enough votes to
64 override the Developer votes.

65 Mr. Adams explained the requirements and process to transition to the General Election
66 process. An attendee asked the Developer representatives to consider electing at least one of
67 the resident Landowner preferred candidates.

68 Discussion ensued regarding other Developer Landowners that still hold property and
69 votes.

70 In response to the question of whether the other Developer Landowners will vote or if
71 they proxied their votes, Mr. Adams stated that they are not present to vote and did not proxy
72 their votes.

73 Discussion ensued regarding home sites, undeveloped lots, platted units, parcels,
74 assessments and zoning actions.

75 Mr. Adams stated the final tally for the individual homeowner votes by ballot or by
76 proxy is 1,010, which were cast for Mr. George Cingle for Seat 1, Mr. David White for Seat 2 and
77 Mr. John Buchholz for Seat 3.

78 The following votes were cast by Mr. Hasty:

79	Seat 1	Aaron Milosevic	1,751 votes
80	Seat 2	Christopher Hasty	1,751 votes
81	Seat 3	Barry Ernst	1,750 votes

82 **C. Ballot Tabulation and Results**

83 Mr. Adams reported the following ballot tabulation, results and term lengths:

84	Seat 1	Aaron Milosevic	1,751 votes	4-year Term
85	Seat 2	Christopher Hasty	1,751 votes	4-year Term
86	Seat 3	Barry Ernst	1,750 votes	2-year Term

87

88 **FIFTH ORDER OF BUSINESS**

Landowners' Questions/Comments

89

90 Mr. Hasty introduced himself and stated he has been in the market since 2005, has
91 served on numerous CDD Boards and is employed by Lennar. Mr. Ernst stated he has been with
92 Lennar for five years and, prior to that, he was with WCI for 25 years. Mr. Milosevic stated he
93 has been a Land Development Manager for Lennar for three years.

94 Mr. Hasty thanked the residents in attendance and stated it is not the Board's intent to
95 remain longer than is necessary and, as soon as they are able to, they will resign their Seats so
96 residents can take control. Although Board Members can receive compensation of \$200 per
97 meeting , the current Board Members decline the compensation because they feel it is part of
98 their job.

99 Discussion ensued regarding the level of service for home construction, lake banks,
100 hurricane damage and repairs to the infrastructure.

101 **SIXTH ORDER OF BUSINESS**

Adjournment

102

103 There being no further business to discuss, the meeting adjourned at 10:38 a.m.

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107 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

C

DRAFT
MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on November 21, 2022, immediately following the adjournment of the Continued Landowners' Meeting scheduled to commence at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Chris Hasty	Vice Chair
Barry Ernst	Assistant Secretary
Aaron Milosevic	Assistant Secretary
Chris Johnson (via telephone)	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Carl Barraco	District Engineer
Doug Tarn	BAI
Numerous Homeowners	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:39 a.m. Supervisors Hasty, Ernst and Milosevic were present, in person. Supervisor Johnson was attending via telephone. Supervisor Smith was not present.

SECOND ORDER OF BUSINESS

Public Comments

It was agreed that the public comments would be heard near the end of the meeting.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [SEATS 1, 2 & 3] (the following to be provided in a separate package)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Hasty, Mr. Ernst and Mr. Milosevic. All were familiar with the following items:

- 42 A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
- 43 B. Membership, Obligations and Responsibilities
- 44 C. Financial Disclosure Forms
 - 45 I. Form 1: Statement of Financial Interests
 - 46 II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - 47 III. Form 1F: Final Statement of Financial Interests
- 48 D. Form 8B – Memorandum of Voting Conflict

49 Mr. Haber stated he will circulate a memorandum about Form 8B, which essentially
 50 specifies that the Board Members are representatives of the Landowner and, pursuant to
 51 provisions of Florida Statutes Chapters 190 and 112, they are permitted to vote on the various
 52 items that come before them that entail the involvement of that Landowner. Once executed,
 53 Form 8B should be sent to Management for the District’s records.

54

55 **FOURTH ORDER OF BUSINESS** **Consideration of Resolution 2023-01,**
 56 **Canvassing and Certifying the Results of**
 57 **the Landowners’ Election of Supervisors**
 58 **Held Pursuant to Section 190.006(2),**
 59 **Florida Statutes, and Providing for an**
 60 **Effective Date**

61
 62 Mr. Adams recapped the results of the Landowners’ Election, as follows:

63	Seat 1	Aaron Milosevic	1,751 votes	4-year Term
64	Seat 2	Christopher Hasty	1,751 votes	4-year Term
65	Seat 3	Barry Ernst	1,750 votes	2-year Term

66

67 **On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor,**
 68 **Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’**
 69 **Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes,**
 70 **and Providing for an Effective Date, was adopted.**

71

72

73 **FIFTH ORDER OF BUSINESS** **Consideration of Resolution 2023-02,**
 74 **Designating a Chair, a Vice Chair, a**
 75 **Secretary, Assistant Secretaries, a**
 76 **Treasurer and an Assistant Treasurer of the**
 77 **WildBlue Community Development**
 78 **District, and Providing for an Effective Date**

79

80 Mr. Adams presented Resolution 2023-02. Mr. Ernst nominated the following slate:

- 81 Christopher Hasty Chair
- 82 Barry Ernst Vice Chair
- 83 Chuck Adams Secretary
- 84 Aaron Milosevic Assistant Secretary
- 85 Chris Johnson Assistant Secretary
- 86 Russell Smith Assistant Secretary
- 87 Craig Wrathell Assistant Secretary

88 No other nominations were made. Prior appointments by the Board for Treasurer and
89 Assistant Treasurer remain unaffected by this Resolution.

90

91 **On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor,**
 92 **Resolution 2023-02, Designating a Chair, a Vice Chair, a Secretary, Assistant**
 93 **Secretaries, a Treasurer and an Assistant Treasurer of the WildBlue Community**
 94 **Development District, as nominated, and Providing for an Effective Date, was**
 95 **adopted.**

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98 **SIXTH ORDER OF BUSINESS**

**Consideration of Transfer of Surface Water
Management System Permit from
Construction to Operation and
Maintenance**

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103 Mr. Haber explained that, by virtue of the plats that have been approved, there has
104 been a transfer of dedication of the easements and maintenance responsibility for the
105 stormwater system in the community to the CDD. At previous meetings, there were motions
106 approving the transfer of the permit for the stormwater system from the Developer to the CDD.
107 The South Florida Water Management District (SFWMD) changed the way the permit is
108 transferred so, rather than transferring the permit in phases, it is transferred all at once.
109 Resolution 2023-03 facilitates authorizing the final step of transferring the permit.

110 Mr. Barraco confirmed that the SFWMD changed its policy and Staff is still certifying
111 permits by phase but the new policy requests a final certification encompassing all the phases.
112 Once the matter of a bond is completed, the final certification will be issued.

- 113 • **Consideration of Resolution 2023-03, Expressing its Intent to Accept the Permit for**
 114 **and Operate and Maintain the Water Management System in Accordance with the**
 115 **Same; Providing for Severability and an Effective Date**

116 Mr. Adams presented Resolution 2023-03.

117

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2023-03, Expressing its Intent to Accept the Permit for and Operate and Maintain the Water Management System in Accordance with the Same; Providing for Severability and an Effective Date, was adopted.

122

123

- 124 ○ **Construction Completion Certification (Environmental Resource Permit No. 36-**
- 125 **05075-P)**

126 This item was not addressed.

127

SEVENTH ORDER OF BUSINESS

Consideration of Acceptance of Deeds and Easements for Stormwater and Conservation Parcels

129

130

131

132 Mr. Haber stated the Deeds for the Stormwater and Conservation Parcels were
133 prepared by District Counsel’s office, in coordination with the District Manager, to identify the
134 areas to be conveyed to the CDD. The documents must still be transmitted to the various
135 Landowners for review and they will ultimately execute the deeds and deliver them to the CDD.
136 He recommended approval in substantial form and authorizing the Chair to finalize the
137 acceptance of the deeds, subject to review by the various Landowners identified in the deeds.

138 **A. Quit Claim Deed from the WildBlue Master Property Owners Association, Inc.**

139 **B. Special Warranty Deed for Various Parcels from SD WildBlue, LLC**

140 **C. Special Warranty Deed for Various Parcels from Lennar Homes, LLC**

141 **D. Special Warranty Deed for Various Parcels from Pulte Home Company, LLC**

142 **E. Partial Assignment of Easements from the WildBlue Master Property Owners**
143 **Association, Inc.**

144

On MOTION by Mr. Hasty and seconded by Mr. Ernst, with all in favor, Documents A through E, the Deeds and Easements for Stormwater and Conservation Parcels, in substantial form, and authorizing the Chair to finalize and execute, subject to review by the various Landowners identified in the deeds, were approved.

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151

152 **EIGHTH ORDER OF BUSINESS****Update: Lake Bank Erosion and Retaining
Wall Damage Remediation**153
154
155

Mr. Barraco gave the following update:

- 156 ➤ After Hurricane Ian, Staff toured the site, including the entire perimeter of all lakes, and
157 prepared the WildBlue CDD Retaining Wall Damage Exhibit.
- 158 ➤ Staff photographed and documented the damages to the retaining wall.
- 159 ➤ There is approximately 6,400 total linear footage of wall damage and 5,350 linear feet of
160 total major damage.
- 161 ➤ The maps will be converted to a computer format and posted on the CDD website.
- 162 ➤ The two colors on the legend delineate the difference between the major damage and
163 minor damage areas.

164 Mr. Barraco read the following note from the report into the record:

165 “This exhibit is intended to document the location of the retaining wall which
166 may be structurally-damaged by Hurricane Ian, other damage including but not
167 limited washouts, land of the retaining wall, erosion around the retaining wall
168 were visible but slight, non-structural changes in the wall alignment are not
169 exhibits.”

170 Discussion ensued regarding the data maps, major damage versus minor or “light”
171 damage areas, total linear feet of the entire area, repair costs, 60% damage to the lakes, survey
172 locations, Indigo Lake, Latitude Lake and which entity is responsible for repairing the damages.

173 Mr. Adams stated that Mr. Haber researched the statutes and the documented damages
174 qualify as an emergency of procurement, which allows the CDD to bypass the lengthy sealed bid
175 process. Staff received one proposal and is currently working with Lennar to secure better
176 proposals, which will be presented at the January meeting. Asked about the bid received, Mr.
177 Adams stated the cost is approximately \$500 per linear foot, which is exorbitant. Staff hopes to
178 have the work started in the first quarter of 2023. Another bond issue will be necessary and
179 assessments will have to be levied over all units that the original assessments were spread over
180 and to the same criteria. The retaining wall damage is compounded by erosion on every single
181 lake that was present before the storm. The CDD planned to address what was mostly on the
182 property lines of every home on the stormwater/exterior ponds. There was nothing regarding
183 the recreational ponds at that time but that has changed. All repair work will be covered by the
184 bond issue. Lennar will do construction administration at no charge to the CDD and Mr.

185 Barraco, as the District Engineer, will be involved in reviewing plans, doing walk-throughs and
186 inspecting the work as it is performed and will sign off and be a part of the acceptance process.

187 Mr. Barraco stated erosion repairs on the smaller lakes, not caused by the storm, must
188 be done in the dry season, when the water levels decrease; there must be a waiting period to
189 make sure the repairs are completed properly.

190 The residents in attendance voiced their concerns and frustrations regarding the
191 extensive Hurricane Ian damage, responsibility for erosion repairs and what they perceive as a
192 flawed design of the seawall and posed the following questions:

193 Regarding what entity is responsible for the repairs, Mr. Adams stated the CDD is
194 responsible and, as a part of that work, some preventative measures will be installed and most
195 of the work that the CDD will be doing will include a spreader berm.

196 The property owners voiced their opinion that they have the right to view the specs that
197 were put forth at the time the wall was installed, as they believe the issues might be the
198 contractor's fault. Mr. Barraco emphasized and reiterated that the erosion repair work on the
199 water management lakes will not commence until the dry season.

200 Regarding why homeowners were not informed at the time of purchase that they have
201 to pay for repairs, Mr. Hasty stated there is implied maintenance that goes along with owning
202 property and a home. Mr. Barraco stated the SFWMD governs construction in Southwest
203 Florida and issued a permit for this system. As part of the permit issuance, the SFWMD requires
204 a legal operating entity be in place, such as a POA, HOA or CDD, and the reason is that the State
205 is aware that these systems require maintenance. It is well-accepted that maintenance of these
206 systems is required throughout the life of the system.

207 Regarding why there was not a design that included riprap or grasses to catch the water
208 that creates runoff between homes, Mr. Barraco stated the State mandates that only a
209 maximum of 40% of the perimeter can be hardened, via riprap or a retaining wall, but the
210 littoral plants are also very effective. Regarding installing riprap, Mr. Barraco stated, if the
211 District Manager and the Board are amenable to resident input on the rebuilding process, it is
212 an appropriate discussion. Additional consideration was given to the shoreline in that additional
213 permission was obtained from the County for its construction, but, if not, the CDD will have had
214 a much greater problem because the shoreline is fairly stable with the rocks, retaining wall and
215 littoral plantings. Mr. Barraco stated that he did not design the retaining wall.

216 Regarding whether residents have access to the drawings, Mr. Adams stated they do. A
217 link will be put on the CDD website so the drawings can be viewed and downloaded.

218 Regarding resident perception that the seawall did not hold up and the questions of
219 when it will be rebuilt, who Lennar will engage and the amount of the original bond, Mr. Adams
220 stated the original bond was \$22 million.

221 Regarding whether the community is fully developed, Mr. Adams stated the CDD is
222 100% built out and the construction fund is empty. Mr. Barraco stated, although the CDD has
223 not received final certification, everything is complete.

224 Regarding what parts of the infrastructure is the CDD's responsibility, Mr. Adams stated
225 the CDD is responsible for the stormwater system, which includes all recreational ponds/lakes,
226 all inter-connecting pipework, control structures, retaining wall and the preserves, which also
227 receive stormwater from the stormwater ponds. Asked if that includes the 10' strips between
228 homeowner properties and the lakes, Mr. Adams replied affirmatively and stated it includes the
229 perimeter for access. Mr. Barraco stated Staff completed an exhibit that shows CDD ownership
230 and CDD easements. Mr. Adams will include a link to the exhibit on the CDD website.

231 Regarding what will be done about the trees that fell in the preserves, Mr. Adams stated
232 a contractor was engaged and the trees will be removed this week. Another contractor was
233 engaged to pick up small debris at the perimeter of the ponds and map out large debris, such as
234 docks, waves or road runners and a fence contractor toured and will soon submit a proposal.

235 Regarding the costs, Mr. Adams stated the cleanup work can be absorbed in the
236 operating budget but the erosion repairs will be added into the retaining wall repairs and made
237 into one project, which will be financed altogether, at a reasonable interest rate.

238 Regarding whether the CDD can receive reimbursement from the Federal Emergency
239 Management Agency (FEMA), Mr. Adams stated this is a private, gated community so FEMA
240 funds will not be available. Mr. Hasty stated the Board was referred to a Disaster Law Attorney
241 regarding FEMA eligibility and, after a review, the Board was informed that the CDD has no
242 chance of receiving FEMA reimbursement.

243 A resident stated that the docks are damaged, the retaining wall is displaced, materials
244 were scattered and, in their opinion, the area is a mess, and asked who will clean up the docks,
245 pick up the pontoons that washed up on resident lawns and asked if all sprinkler lines in the
246 headwall were checked. He felt that the situation is urgent, as residents are preparing to host
247 relatives and visitors for the holidays.

248 Mr. Adams stated that the sprinkler lines are the adjacent property owners’
249 responsibility and the Master Association is responsible for the recreational management
250 component, such as the docks, boats and pontoons.

251 Discussion ensued regarding residents tidying the docks and retrieving abandoned
252 items, a “Derelict Vessels” law obligation to contact the Florida Fish & Wildlife Conservation
253 Commission (FFWCC) for assistance, insurance coverage, the perceived flawed design,
254 installation of the seawall/retaining wall, seawall materials manufacturer, potential liability on
255 the Developer and wall designer, design criteria, residents filing a lawsuit, the Engineer who
256 inspected and certified the retaining wall, obtaining proposals and when repairs will occur.

257 A resident stated his backyard was re-graded twice. The resident discussed erosion and
258 installing a swale and asked about the CDD’s plan. Mr. Barraco stated Staff met with three
259 Developers, Pulte and Stark indicated that they plan to utilize a coco-mat approach, which is
260 one of the three options, and the CDD plans to do the spreader swale at the bottom of the silt
261 within that 10’ area that is CDD-owned. Mr. Adams stated the CDD will also give homeowners
262 an option of running hard piping off their downspouts, down the bank and to the lake’s edge,
263 and the CDD will tie on to the end and carry it out into the pond, which is an effective option.

264 The resident consensus was to ask the CDD to recommend a professional to review the
265 seawall specs and drawings to determine if it was inadequate, determine how it was installed
266 and have reports generated as quickly as possible. Regarding the request for an analysis, Mr.
267 Adams stated Staff will research the materials used in the construction of the seawall and try to
268 have a manufacturer representative evaluate it. If that is not possible, Staff will confer with the
269 Chair and, if he is in agreement, have a third-party Engineer come out and review it.

270 Mr. Hasty summarized that the erosion situation and the repair and cleanup costs will
271 be evaluated and Staff will facilitate a review of the seawall by the manufacturer.

272 Discussion ensued regarding the importance of establishing specific timelines, securing
273 proposals before the next Board meeting, securing funding, purchasing materials, executing
274 contracts and the need for residents to attend a public hearing regarding planned construction
275 of a gas station on Corkscrew Road that will impact the CDD’s waterway.

276

277 **NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial
278 Statements as of September 30, 2022**

279

280 Mr. Adams presented the Unaudited Financial Statements as of September 30, 2022.

281 The financials were accepted.

282

283 **TENTH ORDER OF BUSINESS**

Consideration of September 1, 2022 Public Hearing and Regular Meeting Minutes

284

285

286 Mr. Adams presented the September 1, 2022 Public Hearing and Regular Meeting
287 Minutes.

288

289 **On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the**
290 **September 1, 2022 Public Hearing and Regular Meeting Minutes, as presented,**
291 **were approved.**

292

293

294 **ELEVENTH ORDER OF BUSINESS**

Staff Reports

295

296 **A. District Counsel: *Kutak Rock LLP***

297 There was no report

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

299 There was nothing further to report.

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

- 301 • **NEXT MEETING DATE: December 1, 2022 at 10:00 A.M.**

- 302 ○ **QUORUM CHECK**

303 The December 1, 2022 meeting will be canceled; the next meeting will be in January.

304

305 **TWELFTH ORDER OF BUSINESS**

Board Members' Comments/Requests

306

307 There were no Board Members' comments or requests.

308

309 **THIRTEENTH ORDER OF BUSINESS**

Public Comments

310

311 There were no public comments.

312

313 **FOURTEENTH ORDER OF BUSINESS**

Adjournment

314

315

316 **On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, the**
317 **meeting adjourned at 12:20 p.m.**

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323

Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE

LOCATION

offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 6, 2022 CANCELED	Regular Meeting	10:00 AM
November 3, 2022	Landowners' Meeting	10:00 AM
November 3, 2022 CANCELED	Regular Meeting	10:00 AM
November 21, 2022	Continued Landowners' Meeting & Regular Meeting	10:00 AM
December 1, 2022 CANCELED	Regular Meeting	10:00 AM
January 5, 2023	Regular Meeting	10:00 AM
February 2, 2023	Regular Meeting	10:00 AM
March 2, 2023	Regular Meeting	10:00 AM
April 6, 2023	Regular Meeting	10:00 AM
May 4, 2023	Regular Meeting	10:00 AM
June 1, 2023	Regular Meeting	10:00 AM
July 6, 2023	Regular Meeting	10:00 AM
August 3, 2023	Regular Meeting	10:00 AM
September 7, 2023	Regular Meeting	10:00 AM