

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on April 6, 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
Doug Tarn	District Engineer
Ryan Bell	Johnson Engineering Inc. (JEI)
Vince Miller	Project Manager
Teresa Mann	County Lands
John Glenn	County
George Cingle	Resident
John Buchholz	Resident
David Myers	Supervisor-appointee

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:02 a.m. Supervisors Hasty, Ernst and Milosevic were present. Two seats were vacant.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Adams asked that public comments related to the Alico connector, the retaining wall and lake bank erosion repairs be held until discussed later in the meeting.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Chris Johnson [SEAT 4]**

Mr. Adams presented Mr. Chris Johnson's resignation letter.

On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, the resignation of Mr. Chris Johnson from Seat 4, was accepted.

FOURTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector Candidates to Fill Unexpired Terms of Seat 4 and Seat 5; *Terms Expire November 2024*

- A. George Cingle III**
- B. John A. Buchholz**

Mr. Hasty stated he met with Mr. Cingle but not Mr. Buchholz. He is currently not ready to appoint a resident. He nominated Mr. David Myers to fill Seat 4 and suggested keeping Seat 5 vacant. No other nominations were made.

Mr. Myers introduced himself, and discussed his professional background.

On MOTION by Mr. Hasty and seconded by Mr. Ernst, with all in favor, the appointment of Mr. David Myers to fill Seat 4, was approved.

FIFTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisors *(the following will 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. Myers. He provided and briefly explained the following:

- 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**

SIXTH ORDER OF BUSINESS

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

Mr. Adams presented Resolution 2023-04. Mr. Ernst nominated the following slate:

Christopher Hasty	Chair
Barry Ernst	Vice Chair
Chuck Adams	Secretary
Aaron Milosevic	Assistant Secretary
David Myers	Assistant Secretary
Craig Wrathell	Assistant Secretary

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

On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, Resolution 2023-04, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

**Presentation of Alico Connector Impacts
[Ryan Bell, Johnson Engineering]**

Mr. Bell introduced himself, Mr. Miller, Ms. Mann and Mr. Glenn. The County is pursuing the Alico Connector project, which is the extension of Alico from where the four lanes stop near the I-hub. A four-lane widening through the current intersection where Falcon’s Driveway peels off is being proposed. The route will go east to further north, tying into SR 82 at Sunshine Boulevard in Lehigh Acres. The project is extensive and will be completed in phases. Staff completed 60% of the plans and submitted them to the South Florida Water Management District (SFWMD) for permits. The County wants to pursue a few proposed right-of-way (ROW) acquisitions with the CDD. Referencing photographs, Mr. Bell pointed out three parcels that the County wants to acquire, along with two ponds on either side of the northern entrance and a portion of the roadway. The project will not change the pond elevations or discharge rates and, once there is a contiguous ROW on Alico, widening will be to the south. As the Environmental Resource Permit (ERP) must be modified, the CDD is being asked to sign off on the permit stating it is amenable to the improvements. Mr. Bell wants permission to commence ROW acquisition negotiations and for the CDD to concur with the modification of the existing ERP.

Mr. Bell and his team responded to questions about the construction plans, whether the project is endorsed by a licensed Civil Engineer, a traffic analysis, if Lee County will facilitate a traffic light, project phases, road widening, underwater slope, runoff and pond water quality, a

right turn lane, deceleration and acceleration lanes, lighting at the entrances, access, appraisals, ROW acquisition, publicizing the project, compensation for CDD losses, Lennar, project commencement and construction timing.

Mr. Haber stated two requests were made. One is a taking or acquisition for which there is a legal process; an eminent domain proceeding where there is often an upfront negotiation based on a proposal. While the CDD might have interests in the property, the fee title rests with Lennar presently. For today's purposes, it could be acknowledged that there will be a negotiation and, depending upon the outcome, perhaps a proceeding to determine the value. He does not want today's record to reflect that anyone is agreeing to what the elements are in determining the value of the taking. The other aspect is the permit and the potential need to amend the permit for purposes of facilitating and accommodating the project. The CDD or other impacted parties have every right to certified, signed professional documentation to give the CDD comfort that the project will function in such a way that it will not adversely impact the functionality of the present stormwater system. No action is required by the CDD Board or Lennar representative today, this is more for informational purpose. Although he is not an eminent domain lawyer he believes there are aspects that are taken into consideration in determining the value of a property that might be subject to the taking. He encouraged the Board to make sure it is going through that process and to consider engaging someone on the side of the property owner to make the determination that the appraisal on the County's behalf takes all of this into consideration.

Mr. Bell stated Ms. Mann will secure the appraisal and start the formal acquisition process but the concurrence on the ERP is needed sooner rather than later to proceed with permitting. Mr. Hasty asked if there a timeline as to transferring the properties. Mr. Adams did not have a timeline but he will confirm if the ERP was transferred to the CDD.

A resident asked if the CDD will be responsible for the repair of unforeseen items. Mr. Bell stated the County will pay for the construction process.

Discussion ensued regarding erosion issues, changing the elevation of the control structure, inspection services, dump trucks straddling the curb, a guardrail, staging area and the current slope ratio.

Mr. Adams reported the following:

- Lake Bank Erosion Repair Project: The updated exhibit and initial scope of services were received from the Engineer and emailed to District Counsel who is preparing the rest of the package. Due to the anticipated value of the project, it must go through the sealed bid process and will require mandatory pre-bid meetings, which will be held at the District Engineer's office.
- Contractors will be required to submit a 5% bid surety with their bids for liquidating damages and finalizing a contract, if selected. Timewise, the project will be awarded at the June meeting and construction will commence shortly thereafter.
- Mr. Adams and Mr. Hasty recently met with a few residents and received favorable comments regarding the scope of work and project details; a few adjustments will be made as a result and those will be finalized soon.

Regarding finalizing the scope, Mr. Adams stated, once Mr. Haber is done with the legal side, the complete package will be circulated to the Board for individual comments. Asked about the design, Mr. Adams stated the design selected by the CDD includes a drainage berm between the homes. Linear repair work will be performed at the water's edge.

Discussion ensued regarding localized washout between two homes at the water's edge, berm restoration, quality control testing, select fill, geotechnical samples, wind/wave action, erosion repairs at Bonita National and Riverside, yard drains, dry season, littoral plants, maintenance issues caused by inlet boxes and restoring the slope to a 6:1 ratio.

- Regarding the retaining wall, a marine Engineer specializing in seawalls/retaining walls is working on a report; a draft was sent to the Chair and Staff. Input from Staff, the Chair and resident representatives is being incorporated into the report. The report should be completed within the next few weeks.

Mr. Hasty stated he met with Mr. Wilson and examined 20 to 30 items that need to be addressed. Mr. Wilson is working on a draft addendum.

Mr. Hasty asked to table this and schedule a continued meeting to avoid another 30-day wait if the report is ready beforehand.

Resident Tom Oliveri requested a summary of what the report will include and asked if there was further discussion of the competitive bid process. Mr. Hasty stated he and Staff questioned numerous things, such as what the wall was designed to do, was the design appropriate for that level of service, was it installed properly by licensed contractors and what

contributed to its failure. Even though the storm exceeded the intended design standards, Staff wants to understand what happened to the wall so a second opinion on how to repair the wall and the costs can be obtained from Mr. Wilson, an independent, third-party who was not involved in the design, construction or certification of the wall. Mr. Wilson was asked to determine if routine summer thunderstorms eroded the littoral shelf to the point of failure.

Regarding the competitive bids, Mr. Adams stated District Counsel’s opinion is that this project is a public health and safety issue so the CDD can forego the sealed bidding process.

Mr. Adams stated, rather than adjourning this meeting, it will be continued specifically for the continued discussion of the retaining wall and continuing discussion of a report to be released. Interested residents should monitor the CDD website, where confirmation or cancellation notices will be posted. An e-blast might also be sent.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2023

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2023. Coding errors involving “Aquatic maintenance” costs that were coded to “Lake bank erosion repairs” will be corrected.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of March 2, 2023 Regular Meeting Minutes

On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, the March 2, 2023 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

There was no report.

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

- **Consideration of Proposals for Stormwater Pond Inspections.**

Mr. Adams stated the bullet point item is erroneous and should be disregarded.

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

- **NEXT MEETING DATE: May 4, 2023 at 10:00 A.M.**
 - **QUORUM CHECK**

This meeting is being continued to April 21, 2023 at 1:00 p.m. The next scheduled meeting will be on May 4, 2023.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Adams responded to questions regarding the orange pentas and hazard buoys.

Mr. Hasty asked Staff to coordinate with Mr. Barraco to determine the timing of the certification of the Alico project and apprise the Board.

Regarding a corrupted link on the CDDs website, Mr. Adams stated the link to the audit was addressed.

THIRTEENTH ORDER OF BUSINESS

Public Comments

A resident questioned why the Board appointed a Supervisor that has no engineering background or CDD experience instead of Mr. George Cingle who has that background.

Mr. Hasty stated Mr. Myers' strength is in operations. He has been in the home building business for more than 20 years and is familiar with all of Lennar's developments. The CDD is not required by law to add residents to the Board until November 2024. Mr. Cingle will have an opportunity to interview with the other Board Members before a final decision is made on filling the remaining vacant seat.

A resident asked if the Board looked into the recent purchase of a property on Corkscrew Road. Mr. Hasty stated he met with Mr. Haber about the purchase and a meeting will be scheduled with the new owners.

Discussion ensued regarding the CDD purchasing the property from the new owner, developing a gas station or a park on the property, obtaining a loan, assessments, public benefit, the Association, buoy installations and the Alico project.

FOURTEENTH ORDER OF BUSINESS

Adjournment

<p>On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, the meeting recessed and was continued to April 21, 2023 at 1:00 p.m.</p>
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Secretary/Assistant Secretary


Chair/Vice Chair