

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on June 1, 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
David Myers	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Doug Tarn	District Engineer
Carl Barraco	Barraco and Associates, Inc.
Jeff Haas (via telephone)	Engineer
Kristi Houston	Resident
John Buchholz	Resident
Greg Christiansen	Resident
Other residents (present and via telephone)	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:01 a.m. Supervisors Milosevic, Hasty, Ernst and Meyers were present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Adams advised everyone that the call-in number is for Board Member and District Staff use only. He asked the other participants attending via telephone to just listen and not be disruptive or he will disconnect the call.

Resident John Bucholz read a list of questions, some of which were already discussed, but that he wanted on the record.

Regarding Hans Wilson & Associates (HWA), Mr. Buchholz asked if it is possible to schedule a meeting with Mr. Wilson, the Marine Engineer, as they identified several discrepancies between the Reports for WildBlue and Vista Blue.

On MOTION by Mr. Hasty and seconded by Mr. Ernst, with all in favor, authorizing the Chair to meet with the resident group to review, vet and engage an Engineer to review the HWA Reports and provide a report and options to rebuild the retaining wall, was approved.

Mr. Buchholz stated that the Report indicates that littorals were placed on lake beds and stonework at the time of the hurricane but there is evidence to the contrary. Specifically, the littorals on Indigo Lake were destroyed prior to the hurricane, when it was sprayed in the last two years. Mr. Adams stated the CDD pays SOLitude Lake Management (SOLitude) an extra fee to have its wetland crew hand remove within the littoral shelf to avoid over spraying.

Mr. Buchholz asked if the CDD will consider engaging the same engineer to produce a second report, which he discussed with Mr. Hasty; he recommended MKA. Mr. Hasty stated Mr. Wilson advised that he is not interested in this project. Mr. Hasty indicated that MKA does not have a lot of marine specific experience on their website. He suggested engaging marine coastal engineering firms Weiler Engineering and Cummins Cederberg, one to represent the residents and the CDD would engage the other to design different levels of service.

Mr. Buchholz stated a resident meeting will be held right after this meeting and WildBlue is meeting today at 5:00 p.m. Mr. Haas was vetting MKA and noted MKA has a lot of the background. He vetted Mr. Andre Slintak, of MKA, and voiced his opinion that he has the background necessary to design seawalls.

The consensus was to proceed with the suggestion to share the scope of services MKA would provide and the CDD will work on a common scope and obtain proposals from Weiler Engineering and Cummins Cederberg.

Discussion ensued regarding defining the resident scope of work, original designs prepared by Marine Consulting, the Developer Agreement between Lennar/Stock/Pulte, not considering any upgrades to the original design to be a Developer issue and possibly considering this when the Board transitions to the General Election process in November 2024.

Mr. Haas stated the reason for doing a root cause analysis is to identify the root cause of the failure and then be able to properly design it because, if it is not properly assembled, it will

fail. The purpose of this is to understand what is there, whether it was installed properly, why it failed and determine if it can be repaired so the same situation is not repeated.

Regarding the status of erosion repair activities, Mr. Adams stated the project manual was circulated to three contractors and Crocker Land Development, LLC (CLD) was the sole respondent. This will be discussed later in the meeting. He responded to questions and explained the assessment breakdown.

Regarding the Corkscrew Road widening project, unofficially, the request to amend zoning for the proposed gas station will be on the County Commission July 20, 2023 agenda. Discussion ensued regarding a request to modify the Environmental Resource Permit (ERP) and whether it requires expanding the lake in order to fix any modeling issues. This will be discussed later in the meeting.

Regarding the transfer of properties, it is believed that payment for the land should go to the CDD not Lennar. Mr. Hasty stated it makes greater sense for Lennar to argue that it cannot sell homes as it could generate a higher damage claim and that Lennar has agreed to give those funds to the CDD.

A Board Member asked if it is possible to obtain the appraisals for the other non-CDD properties. Mr. Tarn will submit a public records request once the appraisal on the CDD property is received.

Regarding the fence, there is no fence near the new development on the south side of Corkscrew Road. Mr. Barraco stated that fencing was installed for environmental purposes, not for security.

Regarding the assessment formula, Mr. Adams will email the Assessment Methodology Report to Mr. Buchholz.

A resident asked if \$14 million is the cost to repair the entire lake wall. It was noted that the amount was in the Vista Blue Report and it is the cost to repair the damaged areas. The intent is to engage the Engineers to provide a scope for repairs and the cost to go out to bid.

Discussion ensued regarding defining the amount of linear repair work and cost, the cost to install the wall by the new home, the original cost to install retaining walls, the intention of berms and the process of residents tying gutters into the French drain.

Resident Greg Christensen asked about the exposed rocks. Mr. Adams will check on installing proper water buoys as the low water levels caused further delays.

THIRD ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 5; Term Expires November 2024

Mr. Hasty stated that Mr. Bucholz and Mr. Cingle withdrew their candidacy for Board Seat 5. Mr. Buchholz noted Mr. Cingle resigned from the Master Board. Mr. Hasty stated he is comfortable conducting meetings with four Board Members. This item was deferred.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly 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 2023-05, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

- **Update: Retaining Wall and Lake Bank Erosion Repair Activities**
This item, previously the Eighth Order of Business, was presented out of order.
 - **Consideration of Award of Contract for Lake Bank Erosion Repairs**
Mr. Adams stated that CLD was the sole respondent to the Request for Proposals (RFP). The cost to homeowners is \$3,560. He suggested surveying residents to determine interest and have them split this cost between themselves. A large quantity may help reduce the overall costs. Lennar will copy the CDD’s approach.

Discussion ensued regarding the project start time, designating a staging area to help reduce costs and the current roadway and sidewalk conditions.

A resident stated that 18628 WildBlue Boulevard is not under contract and asked for the drainage conditions for this area and the surrounding homes be inspected.

Residents were advised to report concerns to the HOA or CDD Board.

Mr. Tarn and Mr. Barraco responded to questions regarding the scope of work. They were asked to monitor the areas up until the project starts.

Suggestions were made to install floritam grass and silt fencing and to negotiate the homeowners' portion of the installation costs.

The Project Manual will be emailed to Mr. Hasty.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, awarding Crocker Land Development, LLC, the Phase 1 Lake Bank Restoration Project, Estimate #580, in a not-to-exceed amount of \$249,185, and authorizing the Chair to further negotiate and execute the final contract, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-06, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2023-06. He suggested setting the public hearing for September to allow time to obtain information about the cost of the retaining wall project, make budget adjustments and, if necessary, set the assessment ceiling amount for noticing purposes in August. Further adjustments can be made until the budget is adopted in September.

Mr. Milosevic advised he will be unable to attend the September meeting.

Mr. Adams responded to questions about the CDD possibly obtaining outside funding to fund all or part of the retaining wall project, how the cost might affect the Fiscal Years 2024 and 2025 assessment projections and collecting delinquent accounts through tax certificate sales. He needs to remove the "Revenue, Interlocal agreement-Vista Blue" budget line item and reduce that amount in the "Water level and quality reporting" line item, as the Master Association handles that.

On MOTION by Mr. Milosevic seconded by Mr. Myers, with all in favor, Resolution 2023-06, Approving a Proposed Budget for Fiscal Year 2023/2024, and Setting a Public Hearing Thereon Pursuant to Florida Law for September 7, 2023 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Mr. Adams presented Resolution 2023-07.

Ms. Houston will coordinate with HOA Staff to schedule the CDD Fiscal Year 2024 meetings at the Social Center and email the address to Mr. Adams.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024, as amended to insert the new meeting location if it changes, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Update: Retaining Wall and Lake Bank Erosion Repair Activities

- **Consideration of Award of Contract for Lake Bank Erosion Repairs**

This item was presented following the Fifth Order of Business.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2023

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2023.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of April 6, 2023 Regular Meeting Minutes

On MOTION by Mr. Ernst and seconded by Mr. Myers, with all in favor, the April 6, 2023 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

Mr. Haber reported the Governor signed recently passed legislation obligating all CDD Board Members to undergo ethics training starting January 1, 2024. Information about fulfilling that obligation will be provided at the next meeting. The proposed bill to increase sovereign immunity limits on liability for tort type claims did not pass.

B. District Engineer: Barraco and Associates, Inc.

There was nothing further to report.

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

- **721 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: July 6, 2023 at 10:00 A.M.**
 - **QUORUM CHECK**

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

A resident asked who is responsible for cleaning up hurricane debris and construction debris in the canal. Mr. Adams will obtain a proposal for the next meeting.


FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the meeting adjourned at 11:55 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair