

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on August 3, 2023 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Christopher 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
John Glenn	Johnson Engineering/Lee County Consultant
Rick Acosta	Johnson Engineering/Lee County Consultant
Kristi Houston	Resident
John Buchholz	Resident
Other residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:02 a.m. Supervisors Milosevic, Ernst, Hasty and Meyers were present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

▪ **Update: Alico Road Widening**

This item was an addition to the agenda.

Lee County Consultants, Mr. John Glenn and Mr. Rick Acosta, of Johnson Engineering, provided the following update:

- The first public hearing was held on May 11, 2023 on the Phase 1 portion of the project, which is for extending Alico Road from the end of the existing four lane to just past Green Meadows Road.
- They are reviewing the public comments and incorporating some into the plans that were submitted for the South Florida Water Management District (SFWMD) permits and are finalizing this with a target of having the Phase 1 permits in hand by the end of this year.
- WildBlue Ponds: They simplified the permit modifications, which will be submitted in the next week or two. The plans are to restore the ponds to the original size specified in the original permit.
- The ponds were originally dug to the size just outside of the proposed right-of-way (ROW) and then they were expanded through the Development Order (DO) to get additional fill for the community. There is no net reduction in the actual permitted areas.

Referencing a map, Mr. Acosta showed the size of the existing lake; after the road is widened, the lake will match the original permit.

Mr. Glenn and Mr. Acosta responded to questions about the following:

- Executing the Permit Application: Lennar is the owner and executed the signature page for the permit application.
- Target Date for Phase 1 Construction: Commencing the second quarter of 2024 is anticipated but it is still subject to acquiring the property; completion of Phase 1 is anticipated in two to three years.
- Acquisition: The County filed the Resolution of Necessity and submitted it, the appraisal and other supporting documents to the Board of County Commissioners for consideration. The County will incur all costs associated with purchasing the land, construction costs within the 80' they are acquiring and any impact costs outside the County ROW.

Regarding capacity, a Board Member noted Mr. Barraco confirmed this will significantly reduce two ponds. He asked whether the CDD will have the correct capacity, if the reduction proceeds. It was noted that this was not a concern, as the ponds were constructed bigger than they were designed and were expanded for fill purposes, not for additional water.

➤ Regarding the notion that the Corscrew Road widening project resulted in increased traffic accidents and if there is a way to avoid that on this project, the plans indicate there will be less traffic impacts than with the Corkscrew project.

Discussion ensued regarding a request to stage the project to ease traffic delays into the CDD, contractor initiating the conceptual staging plan and a rumor to place the minor front entrance opposite the WildBlue CDD.

Asked if the \$1.3 million to be turned over to the CDD will be kept by the CDD to pay for landscaping and the new sign or if it will be turned over to the HOA, Mr. Hasty stated he does not know the specifics; he only knows that the Developer stated the funds will come back to the community.

Asked if a traffic light is planned in the north entrance, Mr. Glenn replied no.

THIRD ORDER OF BUSINESS

Update: Retaining Wall and Lake Bank Erosion Repair Activities

Mr. Adams and Mr. Tarn discussed the following regarding the Lake Bank Erosion Repair Project:

- The Crocker Land Development, LLC (CLD) contract was executed in late June.
- The Limited Development Order was received from the County about two weeks ago.
- CLD inspected the property and communicated concerns to Mr. Tarn about the water levels and ability to place soil in the localized areas, which is essentially the lot lines that are blown out, and the inability to achieve the compaction needed to keep the integrity of the repair.

Mr. Tarn stated that the water surface elevations in the lakes rose 2½' to 3' from the time the project went out to bid and the erosion is below the surface area. As this will delay the project, CLD committed to hold its prices, as long as things do not change significantly over the next six months, and will commence work once the water levels recede. It was noted that the LDO does not expire for six years.

Discussion ensued regarding the CDD's inability to control water levels, the lake level actually being the water table level, dewatering not being an option and 10' being the ideal elevation to commence the project, which is expected to occur in October. Also discussed was

homeowner responsibility for repairing damages beyond CDD property and that homeowners should engage a landscaper or irrigation company to install the French drain now; the specifications are posted on the CDD website.

Regarding budgeting, Mr. Adams stated that the Developer agreed to proceed with a bridge loan or a Funding Agreement, which will include funds spent on the lake bank erosion repair project.

Mr. Adams had no update on the retaining wall.

A resident thanked everyone involved in preparing the paperwork for this matter. He attended Mr. Salyer's presentation for another \$6 billion in Housing and Urban Development (HUD) grants held at City Hall.

Ms. Kristi Houston provided the following information:

- The County estimated \$8 billion in unmet needs; the legislature set aside \$350 million for the County's unmet needs.
- They do not qualify for HUD grants, which is separate from the legislative funds applied for on Monday.
- The County already received 50 applications, which are categorized into four tiers. They are Tier 4.

Discussion ensued regarding the possibility of WildBlue qualifying for additional funding, the \$350 million designated to those Counties with hurricane damage, contacting and sending letters to Florida House Representative Tiffany Esposito and Senator Kathleen Passidomo, who spearheaded the funding and Mr. Salyer advising that WildBlue had the largest request for funding.

Mr. Hasty asked Mr. Adams to send Ms. Passidomo a letter requesting further details about the program and expressing the CDD's interest in obtaining funding.

Discussion ensued regarding leveraging voter donations, initiating a letter writing campaign, criteria to address County Commissioners directly and bond issue and prepayment penalty clause.

Mr. Buchholz stated that he asked a Lennar representative for funding and will advise him of the HOA's and CDD's due diligence to obtain other funding alternatives for these

projects. Mr. Hasty stated he thinks the next step is to prepare and issue the Request for Proposals (RFP) to design the retaining wall, while funding is being pursued.

Mr. Buchholz recalled Mr. Haas submitting varying reports for Vista Blue and WildBlue. He suggested the CDD ask Mr. Haas to certify, in writing, that they can use the Vista Blue Report for analysis on the lake, which will be provided to the design Engineer. He clarified that Mr. Haas is the Marine Engineer, MKA is the Engineer that will provide the Root Cause Analysis Report and an unknown Engineer will prepare the designs.

Mr. Tarn stated he will obtain design proposals from Marine Engineers for the next meeting. Mr. Haber stated, since the overall project exceeds certain cost thresholds, the CDD must adhere to the Consultants Competitive Negotiation Act (CCNA), which requires publishing the RFP. He discussed the overall process and stated he will research the CCNA criteria.

Discussion ensued regarding procurement requirements associated with various funding sources, the Davis Bacon Act, whether the bonds will be marketable, potentially purchasing the development property on Corkscrew Road, which would require amending the CDD boundaries, surveying residents to gauge support of the purchase, justifying the use and possibly changing the lake from private to public.

Regarding issuing bonds, Mr. Hasty stated he will ask the two primary bond issuers about the maximum amount of debt they can assess the Landowners and homeowners before concern of non-payment is raised.

FOURTH ORDER OF BUSINESS**Continued Discussion: Fiscal Year 2024 Budget**

Mr. Adams stated that additional changes were made to the proposed Fiscal Year 2024 budget compared to the one in the agenda. The changes involved the "Conservation area maintenance" and "Lake Bank erosion repairs" line items in order to keep the assessment levels the same as in Fiscal Year 2023. The Fiscal Year 2024 Budget will be adopted at the next meeting.

Mr. Adams stated, from a strategy perspective for paying for the erosion repairs and replacement of walls and shorelines, the CDD will have the Funding Agreement with Lennar for the lake bank repairs. That will be taken out with any financing obtained for the retaining wall

replacement and repairs. Mr. Hasty agreed that this is the intended path. Mr. Adams stated that, if needed, the CDD can include a little of the capitalized interest period in the funding so that the increase in assessments to pay for that financing will not appear until next year’s budget. He anticipates the bond financing will need to be ready by the first or second quarter of 2024, as it will be needed prior to the start of the next budget process. The CDD must also budget working capital to align with the payment schedule, until assessment revenues are received from the Property Tax Collector.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2023. He is working with Lennar to obtain the Affidavit of No Liens to declare that the retainages in the Construction Fund have been paid.

The financials were accepted.

SIXTH ORDER OF BUSINESS

Approval of July 6, 2023 Regular Meeting Minutes

Mr. Adams presented the July 6, 2023 Regular Meeting Minutes.

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

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

B. District Engineer: Barraco and Associates, Inc.

District Counsel and District Engineer had nothing further to report.

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

- **NEXT MEETING DATE: September 7, 2023 at 10:00 A.M. [Fiscal Year 2024 Budget Adoption Hearing]**

- **QUORUM CHECK**

EIGHTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

NINTH ORDER OF BUSINESS

Public Comments

Ms. Houston stated that Stock Homes is installing a drain on one of its homes. She asked if the CDD can find out if they will be installing drains for every home or just the homes with erosion and, if so, will it reduce the CDD's repair costs. Mr. Adams was asked to contact C.J.

A resident asked if there are plans to hold CDD meetings on site. Mr. Adams stated at some point but it has not been possible because the increase in attendance has exceeded the room's capacity. Regarding the suggestion to conduct Zoom meetings to address the overflow issue, Mr. Adams stated it is possible until the financing and the projects are underway.

A resident asked at what point the SFWMD will start to fine the CDD because it is not controlling the water. Mr. Adams stated that, at some point, the CDD might be fined if it continues to let this go. Right now, the SFWMD is inspecting the conservation areas because the CDD just completed the final Wetland Mitigation Monitoring Report. The SFWMD is more interested in the CDD being in compliance than issuing fines and the CDD can provide the SFWMD with sufficient evidence of its ongoing efforts.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Milosevic and seconded by Mr. Ernst, with all in favor, the meeting adjourned at 11:53 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair