

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on November 9, 2023 at 4:30 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Christopher Hasty (via telephone)	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
Frank Savage	District Engineer
Rosanne Duffy	Resident
Julia Lambert	Resident
Lisa Tilson (via telephone)	Resident
John Bucholtz	Resident
Steve Riggs	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 4:31 p.m. Supervisors Milosevic, Ernst and Meyers were present. Supervisor Hasty attended via telephone. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (3 Minutes Per Speaker)

Resident Rosanne Duffy thought that notice was advertised in the Naples News. Mr. Adams stated it was published in the News-Press at Fort Myers in Lee County.

THIRD ORDER OF BUSINESS

Consideration of Response(s) to Request for Qualifications (RFQ) for Design Engineering Services

A. Affidavit of Publication**B. RFQ Package****C. Respondent: Cummins Cederberg, Inc.**

Mr. Adams noted that Cummins Cederberg, Inc. is the sole respondent to the RFQ for design engineering services related to the retaining wall. From the submittal, they appear to be well qualified. It is the same firm performing a similar scope of work at Vista Blue.

D. Competitive Selection Criteria/Ranking

Mr. Adams advised that, with only one respondent, this step is no longer necessary. Upon review, the Board can deem Cummins Cederberg, Inc., as the most qualified responsive respondent and, in the best interest of the CDD, award the contract to them.

E. Award of Contract

Mr. Haber provided language for the motion below. Mr. Hasty noted that the intent of the RFQ is not to negotiate the total scope to work and pricing; rather, it is to generate pricing.

On MOTION by Mr. Hasty and seconded by Mr. Ernst, with all in favor, deeming Cummins Cederberg, Inc., as a qualified respondent to the RFQ for Design Engineering Services, and authorizing Staff to commence negotiations related to the scope of work and price, in the form of Agreement, as outlined by Mr. Haber, was approved.

FOURTH ORDER OF BUSINESS**Update: Retaining Wall Cleanup Project**

Mr. Adams provided the following update:

- The project manual was finalized last week.
- The notice to bidders will be advertised tomorrow.
- The project manual was sent to Frank, who will also distribute it to other firms.
- The pre-bid meeting is Wednesday, November 15, 2023 at 10:00 a.m., at Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901. Attendance is optional.
- December 8, 2023 at 10:00 a.m., is the deadline for the Engineer to answer questions.
- The deadline to submit bids and the bid opening are December 15, 2023 at 10:00 a.m., at Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901. Attendance is optional.

- The RFP responses and recommendations will be on the January 2024 agenda.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2023

Mr. Adams noted that, because certain expenditures exceeded budget, a budget amendment will be presented at the next meeting. This will avoid a finding in the annual audit.

The financials were accepted.

SIXTH ORDER OF BUSINESS

Approval of October 5, 2023 Regular Meeting Minutes

Ms. Duffy asked for confirmation that the CDD will be responsible for recovering costs from the Developer for damages to landscaping, roadwork, etc., caused by construction, vendors and customers of the commercial property. She wants this information in the minutes.

Mr. Adams stated that the CDD will be responsible for pursuing the party responsible for damaging CDD property.

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

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: Barraco and Associates, Inc.

Mr. Savage stated that the deferred Lake Bank Erosion Repair project can commence, now that conditions have improved. A preconstruction meeting with the contractor is being scheduled to go over the scope of work, finalize the schedule for Staff to distribute to residents, verify that pricing will be honored and finalize the storage area. The contractor provided pricing for those homeowners interested in installing a secondary drain on their property.

Resident John Bucholtz asked if homeowners can negotiate a bulk price to install the secondary drain for their individual property. Mr. Weber did not foresee an issue with this.

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

- **NEXT MEETING DATE: December 7, 2023 at 10:00 A.M.**
 - **QUORUM CHECK**

EIGHTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Hasty thanked Staff and everyone for their efforts rescheduling the meeting and approving the RFQ.

NINTH ORDER OF BUSINESS

Public Comments Non-Agenda Items (3 Minutes Per Speaker)

Ms. Duffy asked about researching the status of the conveyances. Mr. Savage noted his preliminary findings were from the Lee County Property Appraiser's website, which indicated the real property appears to be with the various entities, not the CDD. Mr. Adams noted that operating permits differ from property conveyances.

Ms. Duffy voiced her opinion that there was an issue with the survey and asked if it will be recirculated. Mr. Savage replied affirmatively. He noted receiving 398 responses to the survey and shared the "raw" results.

Discussion ensued regarding concerns that households submitted multiple responses to the survey, the extra cost to ensure there are no duplicate email addresses, issuing a reminder that input can be made during public comments or before the CDD meeting and the purpose of the initial survey.

The consensus was to incur the additional not-to-exceed amount of \$500 to ensure the recirculated survey limits it to one email address per household.

A resident voiced their belief that Developers are not coming to the CDD to request road changes. Mr. Adams stated that they will. As owners of the improvements, the CDD will be part of the approval process.

Ms. Duffy posed follow-up questions to Mr. Adams related to her conversation with the SFWMD. Mr. Adams advised Ms. Duffy to contact the SFWMD, Lee County and the Florida Department of Environmental Protection (FDEP) and to voice her concerns at the hearing. Regarding damage to CDD improvements, Mr. Haber stated that the CDD would become an active party to determine the appropriate steps necessary to address the damage.

Ms. Duffy voiced her opinion that the Developer is relying on a loophole in the Statute and asked if the CDD has any recourse once the development period expires in twelve years. Mr. Haber stated this is not a CDD issue; per Florida Statute Chapter 190, the CDD has no enforcement powers for local ordinances or permits of other entities.

Mr. Bucholtz advised Mr. Haber of his discussions with the Hex Officer regarding the original code review and zoning changes. Mr. Adams reiterated that these are really good points for residents to make at the hearing. Asked about taxation, Mr. Adams stated that the CDD is authorized to impose non-ad valorem assessments for special and peculiar benefits on property owners who benefit from CDD services.

Resident Lisa Silvner noted plans to install another exit on Wildblue Boulevard. She asked who will be responsible for repairing damage, if any, to the CDD entrance caused by big trucks. Mr. Adams stated that the CDD would pursue the party that causes damage and the CDD will ensure that the repairs are adequate. It is in the Developer's best interest to correctly develop that entry to allow them to utilize their parcel in the manner in which they want to use it. Any change to the approved, permitted improvements will require CDD approval, as the CDD is the owner of those facilities. As of this date the CDD has not been approached.

In response to a request for written documentation, Mr. Adams directed residents to obtain the meeting minutes from the CDD website.

Mr. Bucholtz stated that the Developer's response to resident concerns was that the area was built for dump trucks coming in and out of the community. Mr. Adams noted the turning radiuses are much different.

Asked if the CDD will approve the changes, Mr. Adams stated the Developer must work with the CDD on any redesign; the District Engineer would review the plans to ensure the CDD's interests are protected.

Mr. Adams again encouraged residents to share their concerns at the hearing.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Meyers and seconded by Mr. Milosevic, with all in favor, the meeting adjourned at 5:16 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair