

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on December 7, 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
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
Carl Barraco	Barraco & Associates
Christy Houston	Resident
Steve Riggs	Resident
Roseanne Duffy	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:02 a.m. Supervisors Milosevic, Hasty and Meyers were present. Supervisor Ernst was not present. One seat was vacant.

**SECOND ORDER OF BUSINESS**

**Public Comments: Agenda Items (3 Minutes Per Speaker)**

Resident Christy Houston pointed out the following changes that should be made in the previous meeting minutes:

Lines 23 and 152: Change "Silvner" to "Tilson"

Line 143: Change "Ms. Duffy" to "Ms. Lambert"

Resident Steve Riggs stated he attended the previous meeting in person and was not listed as an attendee.

**THIRD ORDER OF BUSINESS**

**Update: Retaining Wall Cleanup Project**

Mr. Adams asked for an update on the schedule for the lake bank repair erosion project.

Mr. Savage provided the following update:

➤ Engineering contacted the contractor for the lake bank erosion remediation washouts. The contractor anticipates mobilizing on January 8, 2024. There is not a detailed schedule for the project yet but it is in progress and will be emailed to Staff as soon as it is ready.

➤ There will be a pre-construction meeting with the contractor to walk through the existing washouts to verify and identify any changes since the prior rainy season.

Mr. Adams stated, once the work commences, the Board can consider a change order if one is needed.

Asked who will disseminate the project schedule to residents, Mr. Adams stated that he will email the schedule to the Board, copy Karen and have it posted on the CDD website. Mr. Adams reminded everyone that this relates to the localized erosion repairs and not the linear items and the schedule is subject to change.

A resident stated she photographed areas with significant runoff damage on Blue Safire in the northeast corner.

Mr. Adams provided the following update regarding the Retaining Wall Cleanup Project:

➤ Cummins Cederberg is developing the scope of work for the project.

➤ Staff recently participated in a conference call and the consensus was to take the work that was done for the Blue Lake CDD, change out the exhibits, make a few other adjustments and forward the documents for pricing and enter into an actual agreement to proceed with the project.

➤ Mr. Haber has provided the form of agreement that was used for the other CDD. The agreement and the scope were forwarded to Cummins Cederberg.

➤ Staff would like to have the Board consider approving and authorizing the agreement and authorizing the Chair to sign it, in between meetings.

➤ Sufficient funds are in the budget to cover the expense of the project, if it comes in at \$60,000 or less.

Mr. Haber recalled that, in prior meetings, there were discussions about a statute of limitations and discussions with other parties, as it relates to cost-sharing or making a claim requiring an entity to contribute to costs of the retaining wall repair project.

Mr. Haber stated, it is important to note, on the record, that the CDD’s use of its own funds from its general account that were acquired through the collection of Operation and Maintenance (O&M) assessments, should it be deemed an acknowledgement by the CDD that it is waiving any claims it may have against other parties for contribution towards these expenditures. He wants it in the record that, in the event that there is an issue, the minutes cannot be used against the CDD, as the CDD acknowledging responsibility and waiving those types of claims. This is an acknowledgement, on the record, that the District is still preserving any claim it may have notwithstanding the use of these funds for this purpose.

Mr. Adams stated Mr. Haber’s detailed statement will be included in the minutes.

**On MOTION by Mr. Milosevic and seconded by Mr. Meyers, with all in favor, authorizing the finalization of the scope of work and the agreement with Cummins Cederberg, and authorizing the Chair to execute, was approved.**

**FOURTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of October 31, 2023**

The financials were accepted.

**FIFTH ORDER OF BUSINESS**

**Approval of November 9, 2023 Regular Meeting Minutes**

Mr. Adams noted the earlier edits made during public comments, as follows:

Lines 23 and 152: Change “Silvner” to “Tilson”

Line 143: Change “Ms. Duffy” to “Ms. Lambert”

Line 25: Insert “Steve Riggs” and “Resident”

**On MOTION by Mr. Milosevic and seconded by Mr. Meyers, with all in favor, the November 9, 2023 Regular Meeting Minutes, as amended, were approved.**

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

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

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

There were no reports from District Counsel or the District Engineer.

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

Mr. Adams wished everyone a happy holiday season.

- **NEXT MEETING DATE: January 4, 2024 at 10:00 A.M.**

- **QUORUM CHECK**

**SEVENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

Mr. Meyers stated, after the feedback from the last meeting, a temporary survey link was placed on the CDD website and the survey regarding the CDD purchasing the commercial lease property up front was sent to 542 email addresses. He reviewed the survey questions and responses. Although the final results are not tabulated, the consensus is to not purchase the property.

A Board Member asked about moving the CDD meetings to Wild Blue proper and asked if a public notice is advertised for each meeting. Mr. Adams stated, if the venue changes, a blanket public notice will be advertised for the remainder of the fiscal year. He suggested holding the next meeting at the current location and deciding on the meeting schedule then.

Discussion ensued regarding whether to hold meetings in the card room or the restaurant space and a December 15, 2023 Bid Opening meeting for the retaining wall removal project.

**EIGHTH ORDER OF BUSINESS**

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

A resident asked for an update on the land acquisition for the Aliko widening project. Mr. Hasty stated the Developer enlisted Eminent Domain Counsel and the County sent a document listing what it would like to acquire, including two lakes and a temporary easement over the lakes; the 80' portion across the top. There was a recent conference call in which the parties discussed the sale of the lakes to the County, erosion repairs, map adjustments, expanding the acreage that the County needs for temporary easements and assigning value to

the lakes. The Eminent Domain Attorney is working with landscape architects for pricing on like-kind landscaping replacement, signage vendors and the temporary easement. The Board is doing the best it can to secure a profitable transaction with the County.

The Board and Staff responded to questions regarding if the County will run electrical on the main road, if the final offer will go back to the Board of Commissioners, lighting the WildBlue sign, why the WildBlue CDD is not listed on the County website for the 2024 General Election and the previously discussed latent defect in the retaining wall.

Regarding the latent defect, Mr. Haber gave a brief overview of latent defects versus known defects, statute of limitations and completion dates and stated he is not actively working on anything related to that particular issue.

Discussion ensued regarding the construction dates, latent dates, statute of limitations, risk analysis modeling, fetch issues, wind direction, wall repair/replacement options, project timing, funding, pursuing reimbursements, the County, permitting, construction litigation, obtaining a consensus to proceed with the project, resident vote and holding a town hall session.

Mr. Hasty asked Mr. Savage to update the map of the retaining wall, including certifications and dates.

A resident asked why or how the Developers fixed the erosion at the new homes but not the existing homes where homeowners are responsible for fixing the gutters into the lake. Mr. Myers stated tying in the gutters is something that must occur. Developers have reviewed past mistakes and remedied the issues. Mr. Adams stated there were three different options that were shared with the builders and all the fixes were basically at the waters edge. The recommendation was to tie off from the gutters and run sub-surface piping down to the water's edge, with a bubble-up to deliver it without scouring the surface; the fix is within the lake tract at the water's edge. The CDD will make the repairs at the water's edge on the property lines if it meets the criteria on the map.

**NINTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Hasty and seconded by Mr. Milosevic, with all in favor, the meeting adjourned at 11:12 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair