

WILDBLUE

**COMMUNITY DEVELOPMENT
DISTRICT**

March 7, 2024

**BOARD OF SUPERVISORS
REGULAR MEETING
AGENDA**

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

WildBlue Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

February 29, 2024

Board of Supervisors
WildBlue Community Development District

Dear Board Members:

The Board of Supervisors of the WildBlue Community Development District will hold a Regular Meeting on March 7, 2024 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: *Agenda Items (3 Minutes Per Speaker)*
3. Discussion with Rob Price of Lee County DOT
 - Potential Ingress/Egress Traffic Flow Requirements for Commercial Parcel at South Entrance
 - Alico and Corkscrew Road Widening Projects Update
4. Update: Lake Bank Erosion Repair Project
5. Continued Discussion/Update: Construction Litigation Regarding Retaining Wall Repairs
6. Acceptance of Unaudited Financial Statements as of January 31, 2024
7. Approval of February 1, 2024 Regular Meeting Minutes
8. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - B. District Engineer: *Barraco and Associates, Inc.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: April 4, 2024 at 10:00 AM

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

NOTE: Meeting Location

○ QUORUM CHECK

SEAT 1	AARON MILOSEVIC	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 2	CHRISTOPHER HASTY	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 3	BARRY ERNST	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 4	DAVID MEYERS	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 5		<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO

- 9. Board Members' Comments/Requests
- 10. Public Comments *Non-Agenda Items (3 Minutes Per Speaker)*
- 11. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,


 Chesley E. Adams, Jr.
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:
CALL-IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 229 774 8903

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED
FINANCIAL
STATEMENTS

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JANUARY 31, 2024**

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
JANUARY 31, 2024**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 771,889	\$ -	\$ -	\$ 771,889
Investments				
Revenue	-	1,293,750	-	1,293,750
Reserve	-	701,319	-	701,319
Construction	-	-	33,117	33,117
Principal	-	2	-	2
Due from general fund	-	106,833	-	106,833
Utility deposit	400	-	-	400
Total assets	<u>\$ 772,289</u>	<u>\$2,101,904</u>	<u>\$ 33,117</u>	<u>\$ 2,907,310</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Retainage payable	-	-	433,933	433,933
Due to debt service fund	106,833	-	-	106,833
Landowner advance	6,000	-	-	6,000
Total liabilities	<u>112,833</u>	<u>-</u>	<u>433,933</u>	<u>546,766</u>
Fund balances:				
Restricted for:				
Debt service	-	2,101,904	-	2,101,904
Capital projects	-	-	(400,816)	(400,816)
Unassigned	659,456	-	-	659,456
Total fund balances	<u>659,456</u>	<u>2,101,904</u>	<u>(400,816)</u>	<u>2,360,544</u>
Total liabilities and fund balances	<u>\$ 772,289</u>	<u>\$2,101,904</u>	<u>\$ 33,117</u>	<u>\$ 2,907,310</u>

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED JANUARY 31, 2024**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: on-roll - net	\$ 14,389	\$ 592,322	\$ 622,369	95%
Total revenues	<u>14,389</u>	<u>592,322</u>	<u>622,369</u>	95%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording	4,000	16,000	48,000	33%
Legal	1,140	2,460	15,000	16%
Engineering	8,742	18,481	15,000	123%
Dissemination agent	83	333	1,000	33%
Telephone	17	67	200	34%
Postage	43	197	500	39%
Printing & binding	44	167	500	33%
Legal advertising	-	1,360	1,200	113%
Annual special district fee	-	175	175	100%
Insurance	-	6,228	6,500	96%
Website				
Hosting	-	705	705	100%
ADA compliance	-	-	210	0%
Total professional & administrative	<u>14,069</u>	<u>46,173</u>	<u>100,390</u>	46%
Field operations				
Field management	833	3,333	10,000	33%
Aquatic maintenance	6,393	25,572	78,000	33%
Conservation area monitoring & reporting	880	15,313	69,000	22%
Conservation area fence review/repairs	-	13,800	10,000	138%
Aeration operating supplies	398	1,651	7,500	22%
Total field operations	<u>8,504</u>	<u>59,669</u>	<u>517,500</u>	12%
Other fees and charges				
Tax collector	-	1,238	1,010	123%
Total other fees and charges	-	1,238	1,683	74%
Total expenditures	<u>22,573</u>	<u>107,080</u>	<u>619,573</u>	17%
Excess/(deficiency) of revenues over/(under) expenditures	(8,184)	485,242	2,796	
Fund balances - beginning	<u>667,640</u>	<u>174,214</u>	<u>178,216</u>	
Fund balances - ending	<u>\$ 659,456</u>	<u>\$ 659,456</u>	<u>\$ 181,012</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2019
FOR THE PERIOD ENDED JANUARY 31, 2024**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Special assessment: on-roll	\$ 32,193	\$ 1,322,428	\$ 1,392,509	95%
Interest	-	15,262	-	N/A
Total revenues	<u>32,193</u>	<u>1,337,690</u>	<u>1,392,509</u>	96%
EXPENDITURES				
Debt service				
Principal	-	-	480,000	0%
Interest	-	458,459	916,919	50%
Total expenditures	<u>-</u>	<u>458,459</u>	<u>1,396,919</u>	33%
Excess/(deficiency) of revenues over/(under) expenditures	32,193	879,231	(4,410)	
OTHER FINANCING SOURCES/(USES)				
Transfers out	-	(16,645)	-	N/A
Total other financing sources	<u>-</u>	<u>(16,645)</u>	<u>-</u>	N/A
Net change in fund balances	32,193	862,586	(4,410)	
Fund balances - beginning	2,069,711	1,239,318	1,205,966	
Fund balances - ending	<u>\$ 2,101,904</u>	<u>\$ 2,101,904</u>	<u>\$ 1,201,556</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2019
FOR THE PERIOD ENDED JANUARY 31, 2024**

	Current Month	Year To Date
REVENUES		
Interest	\$ -	\$ 269
Total revenues	-	269
EXPENDITURES		
Total expenditures	-	-
Excess/(deficiency) of revenues over/(under) expenditures	-	269
OTHER FINANCING SOURCES/(USES)		
Transfer in	-	16,645
Total other financing sources/(uses)	-	16,645
Net change in fund balances	-	16,914
Fund balances - beginning	(400,816)	(417,730)
Fund balances - ending	\$ (400,816)	\$ (400,816)

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

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The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on February 1, 2024 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:

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Carl Barraco	District Engineer
Kristi Houston	Resident
Roseanne Duffy	Resident
John “Jack” Dolan	Resident
Steve Riggs	Resident
Julia Lambert	Resident
Other residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:00 a.m.
Supervisors Hasty, Ernst, Milosevic and Myers were present. One seat was vacant.

SECOND ORDER OF BUSINESS

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

Mr. Adams explained the protocols for public comments.
Mr. Dolans deferred his comments to the Third and Eleventh Orders of Business.

40 **THIRD ORDER OF BUSINESS****Update: Lake Bank Erosion Repair Project**

41

42 • **Consideration of Proposal for Additional Work**

43 Mr. Barraco stated that he is working with the contractor on defining a new project start
44 date; the project was delayed due to recent rainfall and the high-water levels. The contractor is
45 revisiting using the same unit pricing for linear work for the additional washout areas identified
46 that are beyond the original bid and scope of work and is updating the project schedule that
47 outlines the project start date, start location and the direction in which the project will
48 proceed. The information will be disseminated to the Board and residents and posted on the
49 CDD website.

50 Regarding where the water levels need to be for the project to commence, Mr. Barraco
51 stated that his staff will determine this independently from the contractor; it is also dependent
52 on the condition of the soil.

53 Regarding where the project would commence, Mr. Barraco stated that he will need to
54 confirm the location with the contractor because erosion conditions have changed and,
55 regarding future erosion repairs, continuing causes will be identified and documented during
56 the project.

57 Mr. Adams stated he will forward the detailed information about homeowners repairing
58 their own property before the CDD commences its project so Karen can e-blast it to
59 homeowners; it will be posted on the CDD website.

60 Discussion ensued regarding the Developer remedying the cause for any future erosion
61 issues and the prior regime being the reason the CDD is incurring costs to repair the initial lots
62 with erosion rather than the Developer.

63 A suggestion by resident and Aqua Shore HOA President John Bucholtz that
64 homeowners negotiate a bulk price with a landscape or irrigation company to make the
65 improvements to their property, at their expense, since the CDD contractor's bid was excessive,
66 was discussed.

67 Regarding requests, Mr. Adams will prepare a document identifying the additional
68 homes that were not part of the original scope of work and post the map on the CDD website.

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70 **FOURTH ORDER OF BUSINESS** **Resident Presentation of Potential**
71 **Ingress/Egress Traffic Flow Concern with**
72 **Commercial Parcel at South Entrance**
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74 Resident Jack Dolan distributed and presented his report titled “Unsafe Traffic
75 Conditions When Exiting Wild Blue from Main Entrance Gate to Corkscrew Road” and
76 accompanying exhibits that he prepared supporting his opinion that there are safety and
77 potential ingress/egress traffic flow concerns with the commercial parcel at the south entrance.
78 He discussed his law practice representing the County and City on roadway claims in Michigan
79 and disclosed that he is not a licensed attorney in Florida.

80 Mr. Dolan distributed documents and pointed out his belief that the documents
81 recorded in 2015 approving the Development Plan and permissible uses in each zoning district
82 conflict with what was recorded in 2018. He thinks most communities will only allow gas
83 stations in intense commercial zoning areas and under special conditions.

84 Residents asked Mr. Dolan about surrounding neighborhoods impacting traffic and the
85 County prohibiting school bus stops inside the CDD. Mr. Dolan suggested residents invite
86 County Representatives to observe the area before the County approves the Developer’s
87 request. He would prefer it if the CDD declines the request for the additional ingress and egress
88 area.

89 District Staff explained that only the County can approve Land Use Zoning; the CDD’s
90 consent is not required and the CDD’s powers, as a governmental entity are limited under
91 Chapter 190. Staff suggested the CDD address line-of-sight issues now. It was noted that any
92 approval does not alleviate the Developer from obtaining the proper permits to access the
93 road.

94 Mr. Barraco suggested he, Mr. Haber and Mr. Adams continue researching the CDD’s
95 approval authority with regard to Developer Rights. Mr. Hasty suggested Mr. Dolan and
96 residents schedule meetings with the County Commissioner to discuss safety concerns, since
97 the Development Order has not been issued and send updates to Mr. Adams.

98 Resident Julia Lambert stated that she and other affected residents petitioned Lee
99 County after the hearing, since the advocate did not officially exercise the option rights before

100 the hearing, as required; rather, they did so after the hearing. In her opinion, they should not
101 have been allowed to rely on the 2022 zoning regulations.

102 Mr. Hasty asked for a Florida Department of Transportation (FDOT) Representative to be
103 invited to attend the next meeting to provide an update about the Corkscrew Road process.

104 Mr. Dolan suggested the CDD engage legal counsel to provide a legal opinion as to
105 where the CDD’s authority exists on the added driveway.

106 **▪ Continuation of the Third Order of Business Update: Lake Bank Erosion Repair Project**

107 Mr. Barraco stated that, for the project to commence, the contractor wants the water
108 levels at 1.5 control elevation, which gives them 9’ to work in.

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110 **FIFTH ORDER OF BUSINESS**

Consideration of Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that Lee County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

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120 Mr. Adams presented Resolution 2024-02. Seat 4, currently held by Mr. Meyers, and
121 vacant Seat 5 will be up for election at the November 2024 General Election. He explained the
122 candidate qualification process and the candidate qualifying period, which runs from noon,
123 June 10, 2024 to noon, June 14, 2024.

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On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that Lee County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

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133 **SIXTH ORDER OF BUSINESS**

Consideration of Resolution 2024-03, Designating a Date, Time, and Location for Landowners’ Meeting and Election;

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Providing for Publication; Providing for Severability and an Effective Date

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Mr. Adams presented Resolution 2024-03. Seat 3, currently held by Mr. Ernest, will be up for election at the Landowners’ Meeting and Election in November 2024.

On MOTION by Mr. Milosevic and seconded by Mr. Myers, with all in favor, Resolution 2024-03, Designating November 7, 2024 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Boulevard, Fort Myers, Florida 33913, as the Date, Time, and Location for Landowners’ Meeting and Election; Providing for Publication; Providing for Severability and an Effective Date, was adopted.

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SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2023

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The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of January 4, 2024 Regular Meeting Minutes

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On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the January 4, 2024 Regular Meeting Minutes, as presented, were approved.

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NINTH ORDER OF BUSINESS

Staff Reports

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A. District Counsel: Kutak Rock LLP

- **Required Ethics Training**

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Mr. Haber highlighted key information in the Memorandum and explained what the Board Members must do to fulfill the four-hour ethics training requirement. The Memorandum includes a link to online courses and information about reporting completion of the course in 2024, when filing Form 1 in 2025. Form 1 is now filed electronically with the Commission on Ethics instead of with the local Supervisor of Elections office.

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Mr. Adams will forward Mr. Haber’s email containing links for two free courses to the Board.

173 Regarding the retaining wall, Mr. Haber suggested engaging the construction litigation
174 counsel he spoke to for guidance on whether the CDD's issues are a latent defect or patent
175 defect. He received another demand letter from the group of residents that hired counsel and
176 are demanding the CDD take certain action to preserve claims related to the wall. The resident
177 group threaten to sue the CDD and other parties. The deadline for the CDD to respond to the
178 demand letter is February 16, 2024.

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180 **On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor,**
181 **delegating authority to Mr. Hasty to retain construction litigation counsel and**
182 **authorizing construction litigation counsel to review the issue and take initial**
183 **steps they deem prudent to preserve the CDD's claims related to the damaged**
184 **wall, was approved.**

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

188 Mr. Barraco read the email from the roofing contractor stating that the WildBlue project
189 is its priority and that work will commence as soon as the water levels receded to the 1.5
190 control elevation.

191 Mr. Hasty noted that the CDD went out to bid for the Hurricane Ian Lake Bank Cleanup
192 Project and awarded the contract to the sole respondent; however, that contractor withdrew
193 its bid when asked to clarify the scope of work. Based on that action, the CDD can now
194 negotiate directly with contractors. That same contractor asked, and Mr. Hasty agreed, that the
195 contractor can resubmit a proposal and, if he receives support from residents not to spend
196 unnecessary funds, Mr. Hasty will consider delaying the project.

197 Regarding the Design Engineer contract, Mr. Haber stated that the Engineer submitted
198 revisions to the Agreement, which is now ready to be executed. He was asked to incorporate
199 into the Agreement a deadline of March 15, 2024 to complete the work product before sending
200 it for signatures. The project must go out to bid.

201 Discussion ensued regarding the Request for Proposals (RFP) timeline, financing and
202 developing the proposed Fiscal Year 2025 budget based on the financing plan.

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

- 204 • Consideration of Changing July 4, 2024 Meeting to July 11, 2024

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206 On MOTION by Mr. Hasty and seconded by Mr. Meyers, with all in favor,
207 changing the July 4, 2024 meeting date to July 11, 2024, was approved.

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- 210 • NEXT MEETING DATE: March 7, 2024 at 10:00 AM [Community Center (Card
211 Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913]

- 212 ○ QUORUM CHECK

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214 **TENTH ORDER OF BUSINESS** **Board Members’ Comments/Requests**

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216 There were no Board Members’ comments or requests.

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218 **ELEVENTH ORDER OF BUSINESS** **Public Comments Non-Agenda Items (3**
219 **Minutes Per Speaker)**

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221 Multiple residents suggested disseminating a project timeline and pertinent information
222 about the lake bank erosion repair project to the residents, including clarifying that the CDD is
223 not responsible for repairing any damage to homeowners’ property during the project. A
224 communique will be sent to Karen to include in the newsletter and to e-blast to homeowners
225 and residents.

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227 **TWELFTH ORDER OF BUSINESS** **Adjournment**

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229 On MOTION by Mr. Milosevic and seconded by Mr. Hasty, with all in favor, the
230 meeting adjourned at 11:31 a.m.

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235 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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241 _____
Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE

LOCATION

¹offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901

²Community Center (Card Room), 18721 WildBlue Boulevard, Fort Myers, Florida 33913

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 5, 2023	Regular Meeting	10:00 AM
November 2, 2023 CANCELED NO QUORUM	Regular Meeting	10:00 AM
November 9, 2023	Regular Meeting	10:00 AM delayed to 4:30 PM*
December 7, 2023	Regular Meeting	10:00 AM
January 4, 2024	Regular Meeting	10:00 AM
February 1, 2024	Regular Meeting	10:00 AM
March 7, 2024 ²	Regular Meeting	10:00 AM
April 4, 2024 ²	Regular Meeting	10:00 AM
May 2, 2024 ²	Regular Meeting	10:00 AM
June 6, 2024 ²	Regular Meeting	10:00 AM
July 11, 2024 ²	Regular Meeting	10:00 AM
August 1, 2024 ²	Regular Meeting	10:00 AM
September 5, 2024 ²	Regular Meeting	10:00 AM

Exceptions/Notes

**November 9, 2023 Meeting start time delayed to ensure a quorum of the Board.*