

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on July 11, 2024 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913, and via Zoom at <https://zoom.us/j/93580282631> and via conference call at **1-305-224-1968**, Meeting ID: **935 8028 2631**, Passcode: **214379** for both.

**Present:**

Christopher Hasty  
Aaron Milosevic  
David Meyers

Chair  
Assistant Secretary  
Assistant Secretary

**Also present:**

Shane Willis  
Wes Haber (via telephone)  
Frank Savage  
Carl Barraco (via telephone)  
Jeff Molding

Operations Manager  
District Counsel  
District Engineer  
Barraco & Associates  
SOLitude

**Residents in attendance:**

Kristi Houston  
David Harden  
Tom O'Brien  
Christe Sinder

Lisa Tilson  
Eva Harden  
Jeff Molding  
Mike Baach

Julia Lambert  
Roseanne Duffy  
Steve Vannelli  
Mary Lanese

Bede Braegelman  
Monette Bennington  
Rick Bennington

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Willis called the meeting to order at 10:00 a.m. Supervisors Hasty, Milosevic and Meyers were present. Two seats were vacant.

Mr. Willis noted that several residents were attending via Zoom.

**SECOND ORDER OF BUSINESS**

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

Resident Roseanne Duffy distributed handouts and stated, after she reviewed previous meeting minutes and notes since 2019, it became evident to her that the responsibility for the erosion is clearly on the CDD. She discussed receiving drainage mitigation information from Mr. Savage, the erosion concerns of homes on Aqua Shore Drive, increased water levels, the Developer and the scope of work from Crocker Land Development. She asked how the CDD plans to resolve the erosion issues.

Resident Julia Lambert asked for a natural barrier to be added to the property off the commercial tract side, between Wildblue and Corkscrew, and voiced her belief that most, if not all other, developments in the area have natural barriers that separate commercial property from residential property. She stated that concerned homeowners already obtained proposals ranging from \$5,000 to \$20,000 for the frontage work, which can be provided to the Board.

Discussion ensued regarding a current CDD fencing project, adding a protective barrier, neighboring communities, the strip that is being maintained by the CDD, a 20' maintenance easement tract for the lake, zoning and South Florida Water Management District (SFWMD) permits and plant restrictions.

Mr. Barraco will find out if the CDD can install plantings within the 20' maintenance easement and provide an update at the next meeting.

**THIRD ORDER OF BUSINESS**

**Updates**

- **Lake Bank Erosion Repair Project**

Regarding erosion, Mr. Savage stated he recognizes that there might be some confusion related to statements he previously made about certification. He clarified that the CDD's responsibility over erosion certainly extends beyond what was contracted by Kelly Crocker, of Crocker Land Development (Crocker), for work that was completed and certified for payment back in April. There is an active Land Development Order (LDO) with Lee County that was obtained by the CDD to address the erosion. During that process, it appears that a rough order of magnitude for the scale of that work, which includes both localized erosion washouts that were the scope of the initial work, and there are long stretches of linear erosion that need to be addressed but was not within the initial scope of that work. Mr. Savage stated 150 of the

washouts were warrantied and the 80 or so that were deemed to be the responsibility of the CDD were added into the contract with Crocker, via change order. That is the work that was contracted and authorized by agreement and that is the work that commenced, was inspected by staff, certified for payment and closed out. Usage of the word “certification” is specific to a certification of the pay application; it is not a certification to any municipality. This work cannot be certified to Lee County until all the erosion work is completed. Mr. Savage stated Staff is scheduling a walk-through with a few residents.

Referencing the erosion map, resident Kristi Houston voiced her belief that it was deemed that Pulte should make the erosion repairs on Aqua Shore Drive. She asked who will follow up with Pulte. Mr. Hasty stated he will contact Pulte. He asked if the SFWMD or Lee County gave any reports to Barraco for Lennar. Mr. Savage stated a lot of the system has been certified through the SFWMD and that process still continues. The localized erosion that is being repaired is on areas previously certified by the SFWMD, so the SFWMD will not reinspect those particular areas; this was a proactive effort on behalf of the CDD when, post-certification, there has been erosion that needs to be addressed. These lakes were previously certified under the original DO by Lee County and there was no notice of non-compliance.

Discussion ensued regarding the SFWMD, the 240 washouts identified, which entity is responsible for which repairs and the agreement that Mr. Adams made with Lennar, Pulte, WCI and Stock Development.

In response to a resident’s question, Mr. Willis stated the SFWMD is the permitting authority for the stormwater system inside of the CDD.

Ms. Houston believes that, in March of 2024, it was stated that, for any home that closed prior to September 1, 2021, the erosion repairs would be a CDD responsibility but the homes on Aqua Shore Drive closed in 2019 or 2020.

Resident Roseanne Duffy asked about the project timeline and what items will be covered under the builder-warranty.

Discussion ensued regarding the need for a new map, identifying homes with erosion, the basis for delineating CDD versus non-CDD responsibilities, the grading, control elevation,

lake maintenance easement, the 20' area around the lake, determining which homes are on the agreement and determining how to proceed.

Within the next week, Mr. Savage will prepare a draft new map and email it to the Board Members for their review.

Regarding following up with the builders, Mr. Willis stated that he will discuss with Mr. Adams about scheduling a meeting between the builders and the residents.

- **Continued Discussion/Update: Construction Litigation Regarding Retaining Wall Repairs**

**This item, previously the Fourth Order of Business, was presented out of order.**

Mr. Haber reported that the CDD was officially served because of the deadline to serve; typically, once a complaint is served, there is a 20-day deadline to respond; however, there is no response date for the CDD because the lawyer for the plaintiff agreed to waive the 20-day response date. The CDD is presently at an indefinite extension from the plaintiff with respect to a time period for the complaint.

Mr. Haber stated that he received documents from Synovus indicating that the short-term \$300,000 note was approved and the CDD will have access to \$300,000 for expenses related to the retaining wall.

Asked if he has heard from any Developers, Mr. Haber stated he received an email from Counsel for Lennar asking to discuss the retaining wall.

Mr. Haber responded to questions regarding the reason the CDD was served with a lawsuit, the potential remedy, the litigation date of service, litigation Counsel, Plaintiff's Counsel, litigation costs and the purpose of the \$300,000 loan.

**Mr. Haber left the call.**

In response to an emailed question from resident Thomas Knight, Mr. Willis stated the CDD will encourage homeowners to install drainage at least 10' into the lake.

- **Retaining Wall Review and Rebuild Options Report**

Mr. Savage recalled a question at the last meeting about the anticipated costs of the order of magnitude provided in the draft of the Cummins Cederberg report. He discussed a

recent meeting with Cummins Cederberg consultants and discussions regarding the cost, the vinyl wall, the contractor, the influx of work after Hurricane Ian and the current storm season.

Mr. Barraco stated that the team met with a marine contractor, not a Marine Advisor, and a lot of the work that resulted from the last few hurricanes has lessened and there is an abundance of marine contractors available. It is currently a buyer’s market instead of a contractor’s market, which is advantageous to the CDD.

Mr. Savage and Mr. Barraco responded to questions regarding the options that were presented in the Cummins Cederberg report, specific prices for certain items, redi-rock versus rip-rap costs, setting bid criteria and the importance of engaging local contractors.

Discussion ensued regarding difficulties scheduling a design meeting or a workshop regarding the retaining wall, avoiding Sunshine Law violations, distinguishing the District Engineer from Marine Engineers, retaining wall installation costs, Lennar paying for a project manager and future hurricanes.

Mr. Willis stated the retaining wall options will be included on the next agenda and the District Engineer will work with the Marine Contractor to come up with reasonable project costs.

A Board Member asked Mr. Willis to collect and compile resident questions to forward to the Engineers and to invite the Marine Contractor and a representative from Cummins Cederberg to the next meeting.

• **Continued Discussion: Permit Entitlement Status for Proposed Fuel Station Site**

Mr. Barraco stated he will work with Management and schedule a meeting with the Attorney for the proposed fuel station site and include Mr. Savage and Mr. Willis.

**FOURTH ORDER OF BUSINESS**

**Continued Construction Retaining Wall Repairs**      **Discussion/Update: Litigation Regarding**

This item was addressed during the Third Order of Business.

**FIFTH ORDER OF BUSINESS**

**Consider Award of Contract for Wetland Maintenance**

Mr. Willis presented a July 11, 2024 Memorandum from the District Manager regarding this matter, an advertised Notice to Contractors Request for Bids and the response received from SOLitude Lake Management (SOLitude).

- **Respondent: SOLitude Lake Management, LLC**

Mr. Jeff Molding introduced himself as a Senior Business Consultant for SOLitude and stated SOLitude’s crews are very experienced in this type of work. He discussed the broad scope of work in WildBlue, maintaining compliance, the zones, exotic vegetation, types of treatments, the performance-based contract and adding two additional visits per year.

Discussion ensued regarding contract costs, what occurred with EarthBalance, the need to obtain another bid, delaying the start date until August 1, 2024, accountability, native species requirement, maintenance, warranty, inspections and who would provide oversight.

The Board’s consensus was that they are uncomfortable making a decision based off one bid and would like to speak to outside vendors to confirm the numbers. Mr. Willis informed the Board that the CDD is in the middle of a bidding process and, for those outside numbers to be considered legitimate, the CDD would need to start the sealed bidding process over from the beginning.

This item was deferred to the next meeting.

**On MOTION by Mr. Hasty and seconded by Mr. Milosevic, with all in favor, deferring the Award of Contract for Wetland Maintenance to the next meeting, was approved.**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of May 31, 2024**

Mr. Willis presented the Unaudited Financial Statements as of May 31, 2024.

The financials were accepted.

**SEVENTH ORDER OF BUSINESS**

**Approval of June 6, 2024 Regular Meeting Minutes**

Mr. Willis presented the June 6, 2024 Regular Meeting Minutes.

**On MOTION by Mr. Meyers and seconded by Mr. Hasty, with all in favor, the May 2, 2024 Regular Meeting Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel: Kutak Rock LLP**
- B. District Engineer: Barraco and Associates, Inc.**
- C. District Manager: Wrathell, Hunt and Associates, LLC**

There were no Staff reports.

- **NEXT MEETING DATE: August 1, 2024 at 10:00 AM**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the August 1, 2024 meeting.

**NINTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

Mr. Hasty thanked Mr. Willis for filling in for Mr. Adams and expressed his appreciation for resident participation and patience.

**TENTH ORDER OF BUSINESS**

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

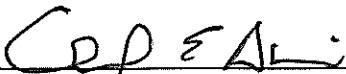
Mr. Willis responded to questions regarding erosion on Aqua Shore Drive, the retaining wall, the budget process and assessments.


A resident voiced his understanding that he and another resident have no conflicts-of-interest in being elected to CDD Board seats, in terms of their association with the lawsuit against the CDD, as they are not plaintiffs in the lawsuit.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Meyers and seconded by Mr. Milosevic, with all in favor, the meeting adjourned at 12:07 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice-Chair