

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on January 9, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

**Present:**

Christopher Hasty	Chair
David Meyers	Vice Chair
Aaron Milosevic	Assistant Secretary
John Buchholz	Assistant Secretary
Rick Bennington	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via telephone)	District Counsel
Frank Savage	District Engineer
Carl Barraco	Barraco & Associates

**Residents present:**

Steve Riggs	Kristi Huston	Jerry Mallett	Mark Sorenson	Joseph Cerbone
Terry Kurth	Dennis Burke	Sue Lucente	Jim Schwartz	Richard Gurney

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:03 a.m.

All Supervisors were present.

**SECOND ORDER OF BUSINESS**

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

Resident Joseph Cerbone recalled a heavy/soaking rain that he thinks left 10' of erosion on the newly created berm at his neighbor's home, which is almost contiguous to his property.

The new berm is starting to fall into the lake. He forwarded a video to the Board and hired a landscaper, to restore St. Augustine grass on his property as the bare dirt between the berm and his property was contributing to the runoff. He plans to advocate on behalf of his neighbors; one has significant erosion and exposed infrastructure. He asked how long it would take for MRI to make the repairs. Mr. Adams stated these items will be discussed later in the meeting. Asked about a lake bank erosion repair map, Mr. Adams stated that is primarily for the stormwater ponds.

Resident Richard Gurney recalled discussion at a previous meeting regarding a breakwater proposal. He commented that the breakwater example in a Cummins Cederberg report seems to be oriented more to a lake that has a gradually increasing depth as opposed to one like Wildblue's that frequently has rapidly increasing depth. Mr. Adams stated breakwater will be addressed later in the meeting.

**THIRD ORDER OF BUSINESS**

**Updates**

**A. Lake Bank Erosion Repair Project**

Mr. Adams stated that the stormwater ponds are the ones that receive runoff from backyards; either from the front half that flows to the street and into the drains that go to the stormwater ponds or on the backside at the base of the berm between the drain and the recreational pond. The idea is that it captures all the runoff from the homesite, goes into the drain, which circles back across the street into the stormwater pond so that as little as possible stormwater comes off residential properties into the recreational pond itself; therefore, keeping the water quality at the highest possible level.

Mr. Adams, Mr. Barraco and Mr. Willis responded to questions regarding any direct connection between the lake and stormwater pipes, the lake water treatment process, control height of the pipes, overflow drains, rainfall going into the preserves and controlling elevation.

Mr. Willis stated there is no way for the CDD to control lake levels, it is controlled by nature and the State permit.

Mr. Savage provided the following update:

- Staff is currently following several parallel paths, based on the direction of the Board.

- Although the understandable priority is the recreational lake, the stormwater lakes continue to be inventoried and updated.
- The collection of survey information for the recreational lake is complete and will be discussed. The surface water lake inspections are ongoing.
- Staff has been coordinating with crews to ensure they identify and overlay the new information with previously existing data, as well as what was reportedly prepared and paid for by the CDD so all those layers can be on top of one another to get a good inventory of where the system is, where the current conditions are and what has been repaired.
- Although there is an understanding that multiple parties have agreed upon, in some way, to take the lead on some remediation efforts, the South Florida Water Management District (SFWMD) recognizes that the CDD is the ultimate entity.
- The next step is to finish the inspection, update the exhibits and communicate everything very clearly, including what was repaired, what is new, prioritize the conditions identified and also disaggregate the responsibility for each of the pieces. Next is to have a meeting with those parties to make sure that it is all understood and then identify who will supervise/oversee the work.

Given the mapping and issues that arose as to who is responsible for what, resident Kristi Huston asked if the project must be re-bid or go back through the Request for Proposals (RFP)/Request for Qualifications (RFQ) process. Mr. Savage stated, regarding mobilizing the next stage of work, it would ultimately depend on the scale that will be pursued in the dry season. Mr. Adams stated Staff will have to go through the bidding process, which will take 60 days. Asked about a change order, Mr. Adams stated the magnitude would need to be known first so the unit pricing from the bidding process can be applied to determine the number.

Discussion ensued regarding the cost of fill, the change order accelerating the process, negotiating with contractors, the bidding threshold, stabilizing the berm and properties that are considered emergency situations.

Resident Jim Schwartz asked if MRI completed its work and how Staff determines where they go next. Mr. Savage stated his understanding that the emergency repairs are concluded and no other emergency repairs were identified or are being considered, pending additional

information. Mr. Willis stated the CDD was in violation of its environmental resource permit and those repairs were completed.

Mr. Barraco stated the emergency is simply making sure all the water is treated before it enters the recreational lake. Mr. Buchholz stated he forwarded emails and photographs he received from residents directly to Mr. Savage, so that all situations deemed as an emergency are placed on a priority list.

**B. Retaining Wall Restoration**

Resident Terry Kurth stated, although a broken pipe was repaired, another area where his property meets his neighbor's property has already caved in. He asked for the status of that repair. Mr. Willis provided details about two sets of repairs that were facilitated. The only outstanding item is an easement repair at a property further south, including sod replacement and irrigation repairs. Proposals were requested to address the homes with ongoing irrigation pipe damage. He responded to questions regarding riprap installation at the bottom of the lake and the completed restoration work at 17392 and 17460 Blue Sapphire.

Discussion ensued regarding the berm correction that continues to degrade, the retaining wall and the temporary action that was taken.

Mr. Willis stated the SFWMD determined the emergency status of certain areas, not Management.

Resident Susan Lucente distributed information packets with photographs of damage behind her home and stated that her lot is eroding significantly. She discussed how the retaining wall damage and erosion from the hurricanes are impacting her pool repair project and brush growth behind her home. She voiced her opinion that her property has one of the worst damage situations and requested emergency assistance from the Board.

Mr. Savage stated emergency repair conversations will be followed by the next item, which is the most ongoing and active priority over the past month and that he and Mr. Buchholz, who is a dedicated liaison in this particular piece, will provide updates.

Mr. Buchholz thanked the Board for authorizing him to meet with Mr. Dave Bello, the Design Engineer from Blue Lake. He provided an overview of the topics discussed during the meeting. Mr. Buchholz, Mr. Barraco, Mr. Bello and Jordan, of Cummins Cederberg, met. The

group discussed design options, a wall revetement at Blue Lake and the CDD's wall repair options, particularly breakwater, dumping boulders onto the shoreline, the CDD maintenance easement, rebuilding the wall, approval process, the survey and cost of the breakwater project. A suggestion was made for the CDD to proceed with a rock revetement instead of a plastic wall, as it can be installed very quickly with less future repairs. Mr. Buchholz noted the following conclusions:

- The plan is for the District Engineer to proceed with the breakwater design, which will take three months to complete, followed by an approval process for the breakwater, followed by a bidding process.
- It is uncertain if the project will occur before the next hurricane season.
- The Board must determine whether to launch into a new design, have the project completed or install a stopgap solution.
- The breakwater will cost approximately \$6 million, cannot be installed right away and is not a shortcut or a final solution.
- Jordan suggested commencing on the wall repair project as soon as possible and installing a deadman system and a sturdier cap.

Mr. Barraco stated all the survey fieldwork needed by Cummins Cederberg is complete and the Board must tell Cummins Cederberg what level of service it wants.

Discussion ensued regarding wall repair solutions, including an upland versus a barge approach, breakwater, rock revetement, a riprap barrier, soil replacement, installing a concrete cap on the wall, a deadman system and a weep hole; determining the level of service needed, permitting, the SFWMD, the County, the need for a public hearing, design criteria, the aquifers, protecting water quality, establishing a catastrophe fund, hurricane force winds versus torrential rains, the RFP timing, sealed bids, contractors, project timing, project costs, cost containment, issuing bonds and establishing a not to exceed amount.

Ms. Lucente voiced her opinion that it would be prudent for the CDD to consider a lower level of service for which residents pay to have installed and then obtain an insurance policy against storm damage.

Mr. Hasty stated, in two weeks, he would like an answer that delineates a wall in similar size and location that does not have to be re-permitted and is able to withstand a Category 1 hurricane, and to immediately commence the RFP process and start the project in May 2025.

Mr. Buchholz will schedule a conference call with Mr. Barraco and Jordan, contact County officials and provide an update at the next meeting.

**C. Fuel Station Site**

Mr. Adams stated Staff has been preparing for a hearing. He recently met with the attorneys regarding production of documents for the upcoming year and, per their request, management-related documents pertaining to the fuel station site were provided. Mr. Barraco's meeting is scheduled for tomorrow, wherein he will provide technical documents and technical insights. Asked what documents he provided, Mr. Adams stated meeting minutes and a resolution pertaining to the site.

**FOURTH ORDER OF BUSINESS**

**Discussion/Consideration: Lennar Homes, LLC Special Warranty Deed - Request to Convey Certain Parcels of Real Property to the CDD**

Mr. Haber presented a letter from Mr. Charles Mann, Lennar's Counsel, and a deed to the CDD that includes the description of several parcels. The deed was recorded in the official record and executed. Mr. Haber stated, under Florida Law, in order for a deed to be effective, the grantee, in this case the CDD, needs to accept the deed. The signing and recordation of the deed was not served to effectively convey the real property to the CDD, which is why this item is on today's agenda for the Board to consider whether to accept the deed. The form of the deed is one that Staff previously discussed with Lennar's Counsel before the storms occurred, causing damage to the wall. Staff is comfortable with the form of deed and also comfortable acknowledging that it was always the intent and expectation that the real property would be conveyed to the CDD. To the extent that there is property on the deed unrelated to the issues the CDD is facing with respect to the wall, it is perfectly appropriate for the CDD to consent to the acceptance of the property. However, after conferring with Litigation Counsel regarding the plats, Staff feels that this is not an appropriate time to accept the conveyance of those parcels.

Discussion ensued regarding the letter from Mr. Mann, the deed, the real property, what the CDD owns, which areas are being conveyed, the recreational pond, the conservation areas, liability of the wall, WildBlue lake, Indigo Lake, a legal description, modifying the deed to remove a lake tract and Staff’s recommendation to hold off on accepting the parcels related to the wall until Litigation Counsel presents a report on the lake parcels.

This item was deferred.

**FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of November 30, 2024**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2024. The financials were accepted.

**SIXTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. November 21, 2024 Special Meeting**

The following changes were made:

Line 28 and throughout: Change “Hayden” to “Harden”

Line 63: Change “Fred” to “Aaron”

Line 194: Change “remover” to “remove”

**On MOTION by Mr. Hasty and seconded by Mr. Milosevic, with all in favor, the November 21, 2024 Special Meeting Minutes, as amended, were approved.**

**B. December 5, 2024 Regular Meeting**

The following changes were made:

Line 68: Delete “National” before “Survey”

Line 71: Change “Buchholz” to “Barraco”

**On MOTION by Mr. Buchholz and seconded by Mr. Meyers, with all in favor, the December 5, 2024 Regular Meeting Minutes, as amended, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

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

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

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

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

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

- **UPCOMING MEETINGS:**
  - **January 23, 2025 at 1:00 PM [Special Meeting]**
  - **February 6, 2025 at 10:00 AM [Regular Meeting]**
  - **QUORUM CHECK**

**EIGHTH ORDER OF BUSINESS**

**Discussion: Continue Consideration of Lennar Retaining Wall Settlement Offer**

There was no update.

**NINTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

Mr. Buchholz asked which entity handles what; specifically, is it the CDD and the Master Association for the Amenities. Mr. Adams stated the Master Association maintains certain lake tracts for the CDD. He will check the Agreement to make sure it was executed appropriately to Amenities and not the Master Association with regard to the recreational pond and management of the recreational use of the pond. Mr. Adams will send Mr. Buchholz a scope of services.

Discussion ensued regarding which entity is in charge of water quality, the boat recreational plan, fully executed agreements, Lennar, buoys on the lake and the CDD's responsibilities.

Mr. Buchholz stated, if there are any grey areas, the Board's preference would be for it to be an Amenities lake that Vista owners and WildBlue owners enjoy and that maintenance be



shifted away from WildBlue Master in a fairness doctrine and any expenses be divided equally among members.

Mr. Adams will locate the fully executed agreement and check and modify the scope.

**TENTH ORDER OF BUSINESS**

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

There were no public comments.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Milosevic and seconded by Mr. Meyers, with all in favor, the meeting adjourned at 12:33 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair