

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on February 6, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

David Meyers (via telephone)	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 (via telephone)	Barraco & Associates

Residents present:

John Myer	Elaine Bissel	Kristi Huston	Summer Bayer	Dominic Sobnic
John Liap	Roger Milan	Adriane Ross	Doreen Shahin	Richard Gurney
Mary Liss	Bill Daggery	Paulette Kish	Boris Mittchell	Lou Fakenhgler
Terry Kurth	Ron Ferraro	Stephen Nelly	Terry Logowski	Joseph Cerbone

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:01 a.m. Supervisors Milosevic, Bennington and Buchholz were present. Supervisor Meyers attended via telephone. Supervisor Hasty was absent.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (3 Minutes Per Speaker)

Mr. Adams noted the public comments protocols. He stressed the three-minute limit and that the Board is not required to respond to questions or comments, but might choose to do so.

Resident Joseph Cerbone recalled previous discussions about retention wall repair options and asked if the Board decided on a method and which areas will be addressed first. He

believes the most crucial areas are the east and north sides of the lake. Mr. Adams stated those details will be addressed in the Third Order of Business.

Resident John Myer voiced his understanding that the CDD is responsible for the repair of damaged retention walls. He questioned why the CDD is allowing further erosion to occur and why it is not proceeding with repairing and replacing the wall in a timely manner. He acknowledged the ongoing litigation and that homeowners will ultimately have to pay for the repairs and expressed his opinion that, by not resolving the wall issue, the CDD is festering resentment and holding residents back from being good neighbors.

Resident Ron Ferraro voiced his understanding that the Board has three repair estimates for the wall, expressed his opinion that the Board has been vague about the repair decision and has provided no solid numbers. He asked how much it will cost to return the wall to its original state and if Lennar agreed to contribute to any of the costs. Mr. Adams stated information is being gathered and the Board will analyze the information before it makes a decision on the homeowners' behalf. He will email the original assessment data and repair options to Mr. Myer.

Mr. Adams and Mr. Bucholz responded to questions regarding order of magnitude costs, a rumored cost of \$51 million for the repairs, what the level of repair entails, when the CDD will provide a realistic range of the cost and when the project will commence.

Resident Boris Mitchell stated he resides on the east side of the lake and asked what, if anything, is being done to prevent further erosion.

THIRD ORDER OF BUSINESS**Updates****A. Lake Bank Erosion Repair Project**

Mr. Savage stated this is related to the master recreational lake, which has retaining wall damage that will be addressed in Item 3B. A parallel conversion related to Item 3A is the surface water management lakes surrounding the perimeter of the project, which are part of the CDD's responsibility. Staff has been updating the erosion maps for the past 12 months. The first phase was finished in April 2024. Inspecting/verifying the current conditions and helping prepare for the next phase of lake bank erosion, is underway. The lake inspections have not occurred, as the priority is on the recreational lake. The best-case scenario for an update on the lake bank erosion repair project will be in early March.

Referencing an area map, Mr. Adams stated the ponds that are being referred to under this update are the stormwater ponds outside of the homes on the loop that goes around the recreational pond. Most of the erosion that Staff will address under this item is taking place there. The drainage system for the homes that circle the recreational pond is designed such that the majority of the runoff collects into a drainage system in the backyards, crosses the street and flows into the stormwater ponds. There is very little direct discharge from the homes surrounding the recreational pond into the recreational pond. The discharge is back into the stormwater ponds, which are designed to retain the runoff for a period of time. Mr. Savage stated all the stormwater ponds are being re-inspected, re-inventoried, updated and distinguished between the entities that would be responsible for any conditions that would part of the remediation.

B. Retaining Wall Restoration

- **Discussion/Consideration of Cummins Cederberg, Inc. Proposal for Marine Engineering and Environmental Consulting Services**

Mr. Buchholz provided updates about coordinating with Mr. Savage and Mr. Cheifet, the Design Engineer, on the retaining wall repair options. He discussed the strong consideration of the rock revetement option over the enhancement option, which is basically installing a concrete cap wall, tie-backs and pinning the base. He read correspondence from Mr. Cheifet regarding the repair timeline, as follows:

“The schedule seems aggressive, I think it is realistic to go into and commence the project before the next hurricane season, the engineering design plans will take months, there are bidding contract negotiations, building department permits necessary to proceed, material procurement and mobilization. I think starting this year is realistic, this assumes no additional reviews or commenting from the community, but state or county permits required.”

Mr. Bucholz spoke of his coordination with Mr. Savage and Mr. Barraco to meet with the Southwest Florida Water Management District (SWFWMD) and Lee County officials regarding permitting requirements for the rock revetement project.

Mr. Savage stated, since the last meeting, part of the direction was to try to determine if enhancement and restoration of the existing wall could be accomplished faster. He discussed his conversations with Mr. Barraco and Mr. Cheifet about enhancements and the meeting with regulatory officials about permitting. As of yesterday, Engineering has received no response from officials and Mr. Barraco sent a follow up email. Mr. Barraco stated, going forward and in talking to Mr. Cheifet, the rock revetement is more cost-effective and a stronger replacement option.

Resident Richard Gurney asked if the rock revetement is a permanent solution. Mr. Buchholz replied affirmatively. It requires a permit which will take 2-7 months to obtain.

Mr. Meyers stated he would be in favor of the rock revetement but expressed concern about permitting issues from the County and different resident preferences about rock versus the wall enhancement option.

Mr. Bennington voiced his belief that there is no help coming for this hurricane season, and, no matter what the Board decides, most, if not all the hurricane season is going to be a mess. He is relieved that the Board has decided to go with the rock revetement, which he believes is the best option and the least costly for homeowners, as cost is a concern.

Mr. Haber stated, with respect to declaring a project an emergency, the two items at issue are permitting and the public procurement process. On the permitting side, he thinks it is outside the CDD Board's control, aside from explaining the emergency circumstances and hoping that the permitting agencies are willing to move quickly. On the procurement side, he is unsure that there is a great advantage because the CDD is able to move just the normal procurement process relatively quickly.

Mr. Savage presented the Cummins Cederberg, Inc. Proposal for Marine Engineering and Environmental Consulting Services, which includes an option for the enhancement or to forego it and proceed with rock revetement. Mr. Cheifet indicated that it might take months of design work to design the revetement sufficiently in order to submit for permitting. Mr. Barraco stated, after meeting with the County and the SFWMD, he is confident that Staff can work through it so permitting is not holding up the designs and the other decisions that the Board must make.

On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the Cummins Cederberg, Inc. Proposal for Marine Engineering and Environmental Consulting Services and authorizing proceeding with the rock revetement design, was approved.

Discussion ensued regarding when the rock revetement project will commence, permitting, the CDD continuing to perform erosion repairs before hurricane season and an anticipated offer from Lennar.

Regarding the ongoing litigation, Mr. Haber stated he is not a litigator and has largely deferred to the advice of Litigation Counsel that the CDD engaged. They are currently investigating if other parties are responsible for contributing to or paying, entirely, for the repair

and replacement of the wall. They specifically advised the Board to refrain from sharing the details of what they learned at a public meeting so as not to disclose any competitive advantage the CDD might have or lose by virtue of sharing the details. Mr. Haber voiced his belief that the litigators have no intent to trick, surprise or intentionally withhold information from residents. The litigators are waiting to hear back from the Engineer that they hired to perform a review analysis; a response is anticipated in February. This Board cannot make a decision about how to proceed with respect to the information residents want, such as what the fix will be, how much it will cost, the financial impact for each homeowner and what the CDD's plan is for reimbursement from other responsible parties. Litigation Counsel has not provided enough information for the Board to make meaningful decisions but, when those decisions are made, they will be made at a public meeting, like this.

Resident Paulette Kish noted that Bill 352 was introduced on January 30, 2025 as a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for common interest communities, condominiums and housing cooperatives damaged by major disaster and for other purposes. She asked if that could be investigated to be sure that the CDD is tapping into any other government payment systems. It was noted that, right after the hurricane, the CDD spent a month applying for some of the \$50 billion that the State of Florida received. \$20 million was requested but not received because the CDD was not considered an area in need compared to areas where the homes were in 10' of water.

Mr. Savage, Mr. Buchholz and Mr. Adams responded to questions regarding the initial phase of the design, identifying priority repair areas, the rock revetement process, project timeline, linear foot pricing and contingencies, the permitting process, the ongoing emergency erosion repairs, if residents are allowed to install riprap on their properties, the Architectural Review Committee (ARC), the CDD qualifying for a grant and Lennar's financial contribution.

C. Fuel Station Site

Mr. Adams stated a hearing is being scheduled between April 21 and April 25, 2025 at 9:00 a.m., at the SWFWMD offices. As it gets closer to those dates, the exact date and room information will be given. Asked if the hearing will be opened to the public, Mr. Barraco replied affirmatively.

Convey Certain Parcels of Real Property to the CDD

Mr. Haber stated there are no new updates since the last meeting. He spoke to Lennar’s Counsel and advised them that the Board decided not to accept the deed at this time and requested, to the extent Lennar is going to look to convey the property to a different entity, that they give the CDD an opportunity to revisit it; otherwise, it will continue to go through mediation.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2024

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2024. The financials were accepted.

SIXTH ORDER OF BUSINESS

Approval of January 9, 2025 Regular Meeting Minutes

The following changes were made:

Lines 27 and 87: Change “Houston” to “Huston”

Lines 50 and 51: Delete “as opposed to a brook”

Line 112: Change “Sapphire” to “Sapphire”

On MOTION by Mr. Buchholz and seconded by Mr. Milosevic, with all in favor, the January 9, 2025 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**

There was no report.

B. District Engineer: Barraco and Associates, Inc.

Mr. Barraco stated it is important to distinguish the Design Engineer from the District Engineer and the record should reflect that the Engineer referenced early in today’s discussions is the Design Engineer.

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

- **UPCOMING MEETINGS:**
 - **February 20, 2025 at 1:00 PM [Special Meeting]**
 - **March 6, 2025 at 10:00 AM [Regular Meeting]**
 - **March 20, 2025 at 1:00 PM [Special Meeting]**
 - **QUORUM CHECK**

EIGHTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Buchholz stated there are several questions in the community for which there are currently no answers. Today's meeting has addressed how the wall was damaged and why the repairs are taking so long. There is a possibility that he and Mr. Bennington can hold a workshop with the community to discuss the retaining wall without violating the Sunshine Laws. Mr. Adams confirmed the workshop and stated that a 10-day notice is required for advertising purposes. He noted that the workshop must be recorded and summary meeting notes must be taken. No decisions can be made at a workshop.

NINTH ORDER OF BUSINESS

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

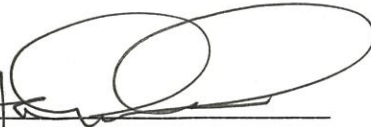
Mr. Adams, Mr. Willis and Mr. Haber responded to questions regarding the agreement with Lennar, why the CDD cannot divulge the Lennar offer/reimbursement amount, how much Litigation Counsel is charging the CDD, how long it takes to receive bond funds, if it is a conflict of interest that three of the five Board Members are Lennar employees, the emergency erosion repairs, if the CDD intends to take any and all necessary legal actions against any and all responsible parties, the priority repairs, how the revetement project will impact resident homeowners that have docks, how homeowners will be assessed for the repairs, if the wall should be insured once repaired and if there is a time limit for lawsuits.

TENTH ORDER OF BUSINESS

Adjournment

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


Secretary/Assistant Secretary


Chair/Vice Chair