



**BLUE LAKE
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
DECEMBER 12, 2023
1:00 P.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

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AGENDA
BLUE LAKE
COMMUNITY DEVELOPMENT DISTRICT
WildBlue Social Building
18721 WildBlue Boulevard
Fort Myers, Florida 33913
REGULAR BOARD MEETING
December 12, 2023
1:00 P.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. October 10, 2023 Regular Board Meeting.....Page 2
- G. Old Business
- H. New Business
- I. Administrative Matters
 - 1. Manager’s Report
 - Financials.....Page 6
 - 2. Engineer’s Report
 - 3. Attorney’s Report
- J. Board Members Comments
- K. Adjourn

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
NOTICE OF REGULAR BOARD MEETING

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Blue Lake Community Development District will hold a Regular Board Meeting in the WildBlue Social Building located at 18721 WildBlue Boulevard, Fort Myers, Florida 33913 at 1:00 p.m. on December 12, 2023.

The purpose of the meeting is to address any business to properly come before the Board. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the agenda for this meeting may be obtained from the Districts website or by contacting the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 prior to the date of the meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the meeting.

Meetings may be cancelled from time to time without advertised notice.

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

www.bluelakecdd.org

Dec 1, 2023 #9567783

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
OCTOBER 10, 2023**

A. CALL TO ORDER

The October 10, 2023, Regular Board Meeting of the Blue Lake Community Development District (the “District”) was called to order at 1:00 p.m. in the WildBlue Social Building located at 18721 WildBlue Boulevard, Fort Myers, Florida 33966.

B. PROOF OF PUBLICATION

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in the *Naples Daily News* on September 29, 2023, as part of the District’s Fiscal Year 2023/2024 Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

It was determined that the attendance of the following Board Members constituted a quorum:

Chairman	Chris Hasty	Present
Vice Chairman	Scott Edwards	Present
Supervisor	Tommy Dean	Present
Supervisor	Walter Fluegel	Present
Supervisor	Barry Ernst	Present

Also present were the following Staff Members:

District Manager	Kathleen Meneely	Special District Services, Inc.
District Counsel	Wes Haber (via phone)	Kutak Rock LLP
District Engineer	Carl Barraco (via phone)	Barraco and Associates, Inc.
District Engineer	Frank Savage (via phone)	Barraco and Associates, Inc.

Residents present: Steve Hamburger, Michael Newman, John Reis, Ted Towgood, Marc & Sydell Musbaum, Patricia Reis, Greg Miholic and other residents via phone.

D. ADDITIONS OR DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. September 12, 2023, Regular Board Meeting

The minutes of the September 12, 2023, Regular Board Meeting were presented for consideration.

Mr. Haber clarified that the page 1(e) reference to the funding agreement and Lennar's liability are two separate issues and not attached to each other. The expectation is and has been a repayment to Lennar for upfront funding.

A **motion** was then made by Mr. Ernst, seconded by Mr. Hasty and passed unanimously approving the minutes of the September 12, 2023, Regular Board Meeting, as presented.

G. OLD BUSINESS

1. Update on Fence Repairs

Mr. Dean advised that he had received 3 or 4 proposals and went over each one, asking each company to validate that all was included. He stated that AJW Construction had the most responsive proposal at \$55,000 but the budget was \$50,000. He went on to state that he would go back to see if they would do the project within the budget.

A **motion** was made by Mr. Dean, seconded by Mr. Fluegel and passed unanimously approving the proposal from AJW Construction at a not-to-exceed amount of \$50,000.

Ms. Meneely confirmed that the spraying of the weeds had occurred. Mr. Edwards added that where the spraying occurred looked dead.

H. NEW BUSINESS

1. Consider Cummins/Cederberg Agreement for Design Engineering Services for Retaining Wall

Mr. Edwards stated that the proposal was received Friday, after having been updated from the initial proposal. He added that he wanted to make sure that the next step of preparing construction plans could be part of the contract. Mr. Haber stated that it could, but they may not have wanted to provide a cost since permitting costs is an unknown until an alternative is selected for the repairs. Mr. Barraco stated that the firm would do a thorough investigation and then come up with options. Mr. Hasty added that he did a review of the company and they are qualified to take the project through to permitting. Ms. Meneely pointed out that funds were not available until a funding agreement is in place so there is time to finalize everything with the consultant

After discussion, a **motion** approving an agreement and authorizing Mr. Edwards, as Vice Chair, to execute and ratify at a future meeting.

2. Consider Resolution No. 2023-07 – Adopting a Fiscal Year 2022/2023 Amended Budget

Resolution No. 2023-07 was presented, entitled:

RESOLUTION NO. 2023-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Ms. Meneely advised that an updated amended budget had been distributed, as a large bill came in that was not reflected in the printed agenda backup. She stated that the District was operating in a deficit. Mr. Hasty stated that the funding agreement with Lennar was in its final form. Mr. Haber pointed out that there were two forms of funding agreements being considered by Lennar. There are the expenses that are falling outside the scope of the annual budget that the District does not have money for and would need to repay in the next fiscal year. The other agreement would be a capital funding agreement for the hurricane repairs which the CDD would be obligated to repay within 5 years. He recommended the Board approve both the Budget Funding Agreement and the Capital Funding Agreement, authorizing the Chairman to execute each in between meetings.

A **motion** was made by Mr. Edwards, seconded by Mr. Ernst and passed unanimously approving both the Budget Funding Agreement and the Capital Funding Agreement, authorizing the Chairman to execute each in between meetings.

Mr. Miholic asked if the funding agreement would impact what he believes is Lennar's liability and if Lennar had been provided the Hans Wilson report. Mr. Hasty stated that they had been given the report and been asked for a contribution for which they responded that they were considering it, but no determination has yet been made. There were questions regarding the statute of limitations and Mr. Haber went over the deadlines for latent defects and statutes of repose. Mr. Barraco stated he would get the phases and dates based on certifications from the County. Mr. Haber was asked if Kutak Rock had litigators to which he responded that if it came to that, he would recommend the District seek expertise. After discussion, the Board then went back to approving the amended budget.

A **motion** was made by Mr. Edwards, seconded by Mr. Hasty and passed unanimously adopting Resolution No. 2023-07, as presented.

I. ADMINISTRATIVE MATTERS
1. Manager's Report

Ms. Meneely went over the financials. The Board had no questions.

Ms. Meneely advised that she had heard from the County that the application for FEMA funding was in the 4th tier, which were not funded.

Ms. Meneely announced the upcoming meeting schedule: November 14, 2023, and December 12, 2023.

2. Engineer's Report

There was no Engineer's Report at this time.

3. Attorney's Report

There was no Attorney's Report at this time.

J. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

K. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Ernst, seconded by Mr. Fluegel and passed unanimously adjourning the Regular Board Meeting at 2:08 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair