

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held Public Hearings and a Regular Meeting on August 7, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

**Present:**

John Buchholz	Chair
Rick Bennington	Vice Chair
Herbert Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary
Chris Hasty	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via zoom/phone)	District Counsel
Frank Savage	District Engineer
Carl Barraco (via zoom/phone)	Barraco and Associates, Inc.

**Residents present: (in person or via phone)**

Tribby Warfield	Kathleen O'Connor	Tom MacNamara	Patricia Warfield
Bill Magri	Other Residents		

The names of all attendees, residents and/or members of the public are not included in these meeting minutes. If the person did not identify themselves, their name was inaudible or their name did not appear in the meeting notes or on an attendee sign in sheet, the name was not listed.

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:00 a.m.

All Supervisors were present.

**SECOND ORDER OF BUSINESS****Public Comments: Agenda Items (3 Minutes  
Per Speaker)**

Mr. Adams asked attendees to hold comments specific to the proposed Fiscal Year 2026 budget until the public hearing is opened. He reviewed the protocols for public comments regarding time limits, conduct, and the Board is not required to respond to questions or comments but might choose to do so.

A resident asked for updates on Latitude Lake issues regarding odor emitting from the lake, the aeration system and if the Developer agreed to lower the lake level in exchange for the fill. Mr. Willis stated that the aeration systems are functioning and the crews applied the second contact herbicide treatment for the vegetation to die off today, since this must be done seven days apart. SOLitude decided to add aerator inspections to the crews checklist and is preparing a map identifying the location of all the diffusers, instead of installing indicator lights on the aerator boxes, to avoid voiding the installation warranty.

Regarding lowering the lake level, Mr. Hasty stated that Lennar advised him “they would look into it”, as they must determine if construction, hauling and permit costs and timing of the project falls within the market. He will check with his team and see if other “mining” groups are interested.

Resident Tom MacNamara asked if a milestone chart on the retaining wall exists and, if so, requested a copy. Mr. Buchholz stated the Schedule behind Item 3A is updated monthly and posted on the CDD website.

Resident Kathleen O'Connor recalled the Board agreeing to incorporate her comments from the April or May 2025 meeting, into the Request for Proposals (RFP) of requiring contractors to mark the utilities and taking necessary precautions to maintain the safety of those utilities, marking the property lines and the easements, and to define and work within the easements. She thinks the Board should consider including this language for all other maintenance projects, due to a recent incident with a contractor using the non-easement area of her property. Mr. Buchholz asked Mr. Savage to include the staging area in the RFP; he does not want the contractor selecting the location.

Ms. O'Connor stated she had comments to the meeting minutes and were provided later in the meeting.

A resident asked for details about the expenses incurred and deducted from the \$700,000 in the "Other Financing Sources/Uses" budget line item. Mr. Adams stated the majority consists of emergency repairs in early spring, follow-up drainage repairs and Barraco & Associates, Taylor Engineering and Cummins Cederberg, Inc. (CC), engineering design and permitting costs. In response to a question of if any of those expenses went towards the engineering and litigation expense for the commercial property, Mr. Adams replied no.

Mr. Bennington stated he spoke to Mr. Adams about texts he received from residents about residents Chris Whiten and his wife's Facebook post of a threatening nature against the Board and CDD at large, and of his intent to report it to the Lee County Sheriff's office and other federal authorities. He asked Mr. Haber if there is any other procedure required to document what has occurred. Mr. Haber stated that making the issue public before reporting it to the authorities as a threat of violence is the appropriate step; he will review the statutes and will follow up with him if there is anything additionally required. He asked Mr. Bennington to email the texts to him.

A resident asked why the CDD is countersuing the commercial property owners. Mr. Buchholz stated the original issue was the owners were moving the CDD's canal onto their property and using it as their overflow. The CDD is responsible for the water quality and is contesting the permit issued to the owners, which did not go through procedurally.

Resident Patricia Warfield asked the Board to improve communicating critical issues to the residents. Mr. Buchholz stated that the CDD provided updates to the Master HOA to e-blast to residents caused a lot of Facebook posts, so residents should attend CDD meetings, which are held every two weeks or review the meeting minutes.

### **THIRD ORDER OF BUSINESS**

#### **Updates:**

Mr. Savage and Mr. Barraco discussed the following:

#### **A. Lake Bank Erosion Repair Project**

- **Downspout Diagram**

The diagram was included for information purposes. The following was reported:

- This pertains to the non-recreational surface water management lakes.
- Updated maps were presented in June.
- He expects to present the bid next month for all the erosion, which is structured for maximum flexibility, based on the direction of the Board on whether to award the contract for all the erosion or partial erosion.
- The project is broken down into phases by priority; consisting of areas that are actively not compliant and severely non-compliant versus areas that have forming erosion that are observed by the team, which have been identified and phases accordingly.
- The localized washout and the responsibilities of the builders are identified distinctly and separately within the phase and incorporated in the overall bid documents.
- He expects to award the contract in early November pending documents being executed and will issue the notice to proceed when weather conditions are most favorable, since the dry season is the ideal time to perform the work.
- As of this week, the erosion project is totally separate from the retaining wall project; one will not impact the other.

Mr. Savage was asked to update the diagram to include the minimum back slop on the berm, add the dry season water table and enhance the specs of the drain.

It was suggested that the performance bond from the contractor include a two-year maintenance plan.

#### **B. Retaining Wall Restoration**

The following was reported:

- The updated Phase 1 Rec Lake Restoration Schedule was provided last week.
- Anticipates receiving the 90% design plans from Cummins Cederberg, Inc. (CC) next week and will be included on the next agenda.
- Mr. Cheifet asked direction on how to address the existing docks in the Phase 1 area and designating a staging area. He expects to bid this portion of the project at the end of next month or early October.

- Permitting is underway. Mr. Savage anticipates submitting the Administrative Amendment Amending the County Plan Development Codes today, which Mr. Barraco is currently reviewing, and the other two permits later this month.
- The submission package to the South Florida Water Management District (SFWMD) and the County is about 70% done; Staff is working to obtain CAD Files.
- There will be two sets of plans. One is Mr. Cheifet's plans and the other is Barraco & Associates plans, which is basically land ward of retaining wall.
- Once the plans, permit and funding is in place construction can start.

Mr. Barraco stated that, based on an earlier public comment, added a new sheet plan which basically will be a contractor allowable access and work area plan.

Discussion ensued regarding the next steps regarding bid completion, funding, project start date, Mr. Cheifet being directed to design around the docks subject to further Board direction, and multiple suggestions/solutions in addressing the docks.

**Mr. Buchholz opened public comments.**

A resident stated she is more concerned that the remediation is protecting the home first and secondary the dock. Mr. Buchholz stated the force is hitting the whole embankment and only a 20' section of erosion is being repaired.

Discussion ensued regarding the integrity of the seawall being the primary focus, the docks being a secondary issue, suggestion that homeowners decide on moving the docks prior to hurricane season, and the direction Blue Lake CDD took.

Regarding the Board's decision to remove the 38 docks and run the mats to the pilings, which will be incorporated in the plans required for permitting, Mr. Haber stated that the Board can order the homeowner to remove the dock well in advance of construction.

A suggestion was made to have the contractor unpin and move the dock and reinstall after the repairs are done. Mr. Willis stated this will require adding a detailed specification onto the RFP.

Mr. Haber stated that Pulte's counsel is requesting an informal meeting with the CDD's attorneys on August 26, 2025 at 9:30 a.m. in Punta Gorda, Florida. The CDD's litigation counsel offered to attend at no cost to the CDD.

**On MOTION by Mr. Buchholz and seconded by Mr. Bourque, with Mr. Buchholz, Mr. Bourque, Mr. Lanese and Mr. Bennington in favor and Mr. Hasty abstaining due to a conflict of interest, authorizing Mr. Bennington to attend an informal meeting with the CDD Attorneys and Pulte's Litigation counsel on August 26, 2025 at 9:30 a.m., in Punta Gorda, Florida to discuss the matter and potential options to resolve matter, was approved.**

**C. Fuel Station Site**

Mr. Adams stated the CDD filed a Motion to Strike Defendant's (the Developer) Affirmative Defenses pleading and Motion to Dismiss the Counter claim in Circuit Court yesterday. The hearing is scheduled for October 13, 2025 at 2:00 p.m., via zoom.

Mr. Buchholz stated he is waiting on Dan to return his call to find out what happened to the concessions they discussed, that caused filing the pleading.

**D. Schedule**

Mr. Savage stated he will continue to update the Schedule as needed.

**FOURTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year  
2025/2026 Budget**

**A. Affidavit of Publication**

**B. Consideration of Resolution 2025-11, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2025, and Ending September 30, 2026; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams stated that the Fiscal Year 2026 budget is the same as the version approved at the May meeting for the purposes of setting the public hearing. He revisited the budget items causing the assessment increase and requiring assessment notices. He anticipates the CDD taking out a long-term bond for the 2025 note repayment, upon receipt of the RFP responses. The Proposed FY2026 Annual O&M Assessment per residential unit is \$1,210.36, which is outlined in the Mail Notice behind Item 5B.

In response to question regarding the budget not showing the increase to Supervisors' fees, Mr. Adams stated the budget in the agenda is outdated; however, the assessment increase amount is correct in the Mailed Notices.

**Mr. Adams opened the Public Hearing.**

Resident Bill Magri asked for a breakdown of the legal and engineering expenses for the different lawsuits to be posted on the CDD website.

A resident asked for clarification about the proposed FY2026 assessment amount on Page 8 of the budget. Mr. Adams stated the budget in the agenda is outdated; the O&M assessment amount is not correct but is correct on the Mailed Notice. The Proposed FY2026 Annual O&M Assessment per residential unit is \$1,210.36, which, when compared for the FY2025 assessments, is a difference of \$240.24 per unit.

The following changes will be made to the proposed Fiscal Year 2026 Budget:

Page 1, Expenditures-Supervisors: Change "\$6,000 to "\$20,000" which will change the amount in the "Total professional & administrative" budget line item

Page 8, On-Roll Assessments-FY2026 O&M Assessment per Unit: Change "\$1,188.80" to "\$1,210.36"

Add: "Special Revenue Fund" budget item within the budget to house just the revenues and expenditures related to the 2025 Note.

Mr. Adams presented Resolution 2025-11.

**On MOTION by Mr. Hasty and seconded by Mr. Bennington, with all in favor, Resolution 2025-11, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2025, and Ending September 30, 2026, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2025/2026, Pursuance to Florida Law**

**A. Proof/Affidavit of Publication****B. Mailed Notice(s) to Property Owner(s)**

These items were included for informational purposes.

**C. Consideration of Resolution 2025-12, Providing for Funding for the FY 2026 Adopted Budget(s); Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

**On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, Resolution 2025-12, Providing for Funding for the FY 2026 Adopted Budget(s); Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS****Acceptance of Unaudited Financial Statements as of June 30, 2025**

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2025. The second General Fund column will be retitled to Special Revenue Fund which consists of bond proceeds minus expenses incurred at closing, the Debt Service Reserve Fund (DSF) and transferring funds into the General Fund for qualifying expenses, related to design permitting and emergency repairs to lake banks incurred earlier in the year.

Mr. Adams, recalled prior discussions about pursuing a bridge loan to cover the gap period before reaching a settlement, due to Operations and Maintenance (O&M) expenses, specifically legal expenses, exceeding the Fiscal Year 2025 budget. He hopes to present a Term Sheet from Synovus Bank at the next meeting, which was decided in an effort to keep assessment increases reasonable.

Mr. Adams stated he will work on obtaining an Affidavit of No Liens from the Developer and the Engineer's Certificate of Completion this month; all of which is required to close the construction fund account, which has a negative balance of \$380,000. Mr. Buchholz reminded Mr. Adams to email legal and engineering invoices to all Board Members to review.



The financials were accepted.

**SEVENTH ORDER OF BUSINESS****Approval of Minutes****A. June 19, 2025 Special Meeting and Attorney-Client Session**

Mr. Willis stated that several residents complained that their comments were not specifically mentioned in the minutes and reminded everyone the CDD prepares summary meeting minutes and the audio is available as public record, upon request.

The following change was made:

Line 130: Change “Don” to “Adan”

**On MOTION by Mr. Bucholz and seconded by Mr. Bennington, with all in favor, the June 19, 2025 Special Meeting and Attorney-Client Session Minutes, as amended, were approved.**

**B. July 3, 2025 Regular Meeting**

The following changes were made:

Lines 28 and throughout: Change “Rayson” to “Gregson”

Line 154: Change “Mr. Gurley’s firm” to “those firms”

**On MOTION by Mr. Bucholz and seconded by Mr. Bennington, with all in favor, the July 3, 2025 Regular Meeting minutes, as amended, were approved.**

**C. July 17, 2025 Special Meeting and Attorney-Client Session**

**On MOTION by Mr. Bennington and seconded by Mr. Buchholz, with all in favor, the July 17, 2025 Special Meeting and Attorney-Client Session Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS****Staff Reports****A. District Counsel: Kutak Rock LLP**

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

There was nothing further to report.

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

Mr. Willis stated the District Engineer had to leave the meeting due to a prior engagement and asked him to pass on any questions or comments that may arise.

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

- **UPCOMING MEETINGS:**
  - **August 21, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**
  - **September 4, 2025 at 10:00 AM**
  - **September 18, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**
  - **QUORUM CHECK**

**NINTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members comments or requests.

**TENTH ORDER OF BUSINESS**

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

Mr. Magri thinks there should be standard practices available to homeowners wanting to add a dock, post repair, which should be the same as the process to remove the dock. Mr. Buchholz agreed, they should also be able to use existing piling, if they exist, otherwise they would need to add another process to the standard practice documents.

A resident referred to the erosion map listing CDD and Builder responsibilities located at the site and asked if the CDD's responsibilities pertain only to erosion repairs. Mr. Adams replied affirmatively; the rest of the project will be turned over to the builders to complete based on the 2021 or 2022 Agreement. Kristy stated the intent is to build the entire plan to ensure cohesiveness and compare it against the plans from a few years ago and present it to the CDD

Board. Mr. Adams stated that the three builders and the CDD discussed remedies on a going forward basis; the builder was supposed to incorporate the remedies, like installing a yard drain or a coco mat or both, if not, the homeowner will have to pursue the builder.

In response to a question about the permit, Mr. Adam stated the CDD's only responsibility is to ensure the permit is in compliance to avoid fines, which would be passed on to homeowners; the County should require builders to install downspouts on the homeowners' property.

A resident asked what the issue is with the lake on Aqua Shore Drive. Mr. Adams stated this was discussed earlier in the meeting. It was noted it has the same design deficiencies and remedies that WildBlue Lake had; the Board is waiting on the Report from Taylor Engineering.

Mr. Hasty announced his last day with Lennar is next Thursday. He will email his resignation notice after the meeting and new contact information. This will allow time to send an e-blast asking interested candidates to submit a letter of interest before the next meeting.

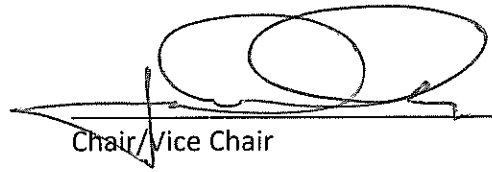
**ELEVENTH ORDER OF BUSINESS****Adjournment**

**On MOTION by Mr. Bourque and seconded by Mr. Bennington, with all in favor, the meeting adjourned at 12.31 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair