

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Special Meeting and Attorney-Client Sessions on August 21, 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

Also present:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via zoom/phone)	District Counsel
Frank Savage	District Engineer
Kevin Hennessy (via zoom/phone)	Special Counsel
Sarah Spardy (via zoom/phone)	Lewis, Longman & Walker, P.A.
David Gurley (via zoom/phone)	Special Counsel
Chris Fiore (via zoom/phone)	Gurley Fant, P.A.
Adam Levy	Real Estate Broker

Residents present: (in person or via phone)

Tom Oliveri Kristy Huston Mary Ensley Kathleen O'Connor Other Residents

The names of all attendees, residents and/or members of the public might not appear 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 a 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. Supervisors Buchholz, Bennington, Lanese and Bourque were present. Supervisor Hasty was not present.

Mr. Adams stated that, since there is no Court Reporter in attendance, the shade sessions will not be held, but the Special Meeting will proceed.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (3 Minutes Per Speaker)

Public Comments were heard following the Eleventh Order of Business.

THIRD ORDER OF BUSINESS

Update: Shoreline Stabilization

This item was presented following the Eleventh Order of Business.

FOURTH ORDER OF BUSINESS

**ANNOUNCE ATTORNEY-CLIENT SESSION
SHADE MEETING 1/RECESS SPECIAL
BOARD MEETING**

This item was deferred.

FIFTH ORDER OF BUSINESS

**COMMENCEMENT OF ATTORNEY-CLIENT
SESSION SHADE MEETING (Closed to the
Public by Law)**

- **Executive Session Regarding: Terry Kurth, derivatively on behalf of WildBlue Master Property Owners Association, Inc. v. Lennar Homes, LLC, Pulte Home Company, LLC, SDWB, LLC, SD WildBlue, LLC, WCI Communities, LLC, Barraco and Associates, Inc., Turrell, Hall & Associates, Inc. and WildBlue Community Development District, pending in the Twentieth Judicial Circuit in and for Lee County Florida, Case No. 001775. Pending Litigation**

This item was deferred.

SIXTH ORDER OF BUSINESS

**ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING 1**

This item was deferred.

SEVENTH ORDER OF BUSINESS

ANNOUNCE ATTORNEY-CLIENT SESSION
SHADE MEETING 2

This item was deferred.

EIGHTH ORDER OF BUSINESS

COMMENCEMENT OF ATTORNEY-CLIENT
SESSION SHADE MEETING 2 (Closed to the
Public by Law)

- Executive Session Regarding: WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County. Pending Litigation

This item was deferred.

NINTH ORDER OF BUSINESS

ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING 2/RECONVENE SPECIAL
BOARD MEETING

This item was deferred.

TENTH ORDER OF BUSINESS

Consideration of Matters Related to Terry Kurth, derivatively on behalf of WildBlue Master Property Owners Association, Inc. v. Lennar Homes, LLC, Pulte Home Company, LLC, SDWB, LLC, SD WildBlue, LLC, WCI Communities, LLC, Barraco and Associates, Inc., Turrell, Hall & Associates, Inc. and WildBlue Community Development District, pending in the Twentieth Judicial Circuit in and for Lee County Florida, Case No. 001775

Mr. Buchholz distributed the Schedule from Gurley Fant, P.A. He is pushing to keep the schedule on track so they can start construction this year to protect the homes and publish the Request for Proposals (RFP) before the December 3, 2025 mediation meeting, so the true costs for the main portion of the project are available to use in negotiations with the Developers. Mr. Gurley stated that having the costs is essential for productive discussions. The Judge issued his

own Mediation Order yesterday setting a different mediation date and mediator than the one Counsel would present, who all parties agreed upon for the September 2, 2025 court hearing to set the mediation date. He hopes to clear this up before or the day of the hearing; he hopes to keep the original mediation date and mediator.

Mr. Buchholz stated he will follow up with Mr. Fiore regarding his comments to the Taylor Engineering Invoices needing backup materials.

ELEVENTH ORDER OF BUSINESS

Consideration of Matters Related to WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County.

Mr. Hennessy recalled that an agreement with the Developer was reached in mediation but the case is now aggressively being litigated. He discussed his and Mr. Buchholz's subsequent actions in trying to get the Developer back on track in regard to a settlement, which was derailed due to a misunderstanding. The Developer's response is pending. The litigation budget spreadsheet he sent will be less if the settlement negotiations resume and they settle the case. Discovery is underway and he will contact Mr. Buchholz and Mr. Adams for further direction, once he receives the responses to the CDD's Request for Admissions, which was sent this week.

Mr. Buchholz request information from Creighton.

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

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

Resident Kathleen O'Connor recalled discussion of mats at the last meeting and asked what they are for. Mr. Willis stated the discussion was about the sea mattress/concrete mattress.

On behalf of his clients Carmen and June Pinto who are under contract to purchase 17244 Blue Sapphire Drive, Realtor Mark Levy asked for information about the seawall and what to expect regarding the potential economic impact. It was noted that the Fiscal Year 2026 Operations and Maintenance (O&M) assessments will increase \$240 per unit; future impact is unknown until mediation and litigation is completed. Mr. Adams and Mr. Buchholz gave an update on the schedule and restoration project, which will be communicated to homeowners.

Mr. Levy was directed to review the CDD website and to call Mr. Adams or Mr. Buchholz with questions.

Resident Tom Oliveri thanked the Board for getting to this point and asked how to protect the homes when the wall is down. Mr. Buchholz stated the Board is proceeding with the project as quickly as possible.

▪ **Update: Shoreline Stabilization**

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

Mr. Savage discussed the schedule and reported the following:

- The dates on the schedule are locked in.

Discussion ensued regarding the Phase 1 timeline which is expected to be completed within one year of the November 2025 commencement date.

- Referring to the I.D. Number Items 33 and 35 on the Schedule, the plan is to submit a draft RFP Package at the next meeting. The full bid review is expected to be completed by the beginning of November.

Mr. Bennington stressed that the litigation and construction timelines are completely independent, nothing in the construction timeline is dependent upon the litigation.

- Items 17 and 25: The Limited Development Order (LDO) and the Environmental Resource Permit (ERP) Modifications will be submitted to the County and to the South Florida Water Management District (SFWMD), respectively, by the end of next week.

- The initial financing for a certain amount is already in place for Phase 1 and, based on the bid amounts, it might require another bond issuance, which was included in the bond validation amount. Phase 2 has no designs in place so the costs provided for mediation are estimates; it might require going through another bond validation process.

Mr. Adams asked for an updated Engineer's Report so he can start on the financing portion. Mr. Haber stated that \$23 million is remaining in the prior bond validation judgment and they have to do another bond validation only if costs exceed that amount. He proposed providing certain language to insert in the RFP that defines the Phase 1 Project and allows execution of a contract with certain terms and conditions allowing the CDD to issue various notices to proceed,

subject to financing. He suggested that he and Litigation Counsel play a part in preparing the language for certain parts of the RFP and contract.

The Board and Staff discussed the intent to work on the Phase 1 and Phase 2 projects simultaneously, prioritizing projects, mattress pads, rock revetment, designating staging area, how to address the existing docks in Phase 1, preparing communication to homeowners with docks and defining scores in the Evaluation Matrix/Ranking sheet.

Mr. Bennington offered to obtain quotes to provide to homeowners so they can remove and reinstall their own docks upon completion of the CDD project, subject to Board approval.

Discussion ensued regarding if the CDD can give homeowners the option to pay an additional amount to reinforce the wall if they are not happy with the CDD's remediation; it was noted that it would affect the SFWMD permit. Mr. Haber stated the Board will initiate the standard for homeowners who want to do something different in the future; Board approval would be needed first, followed by entering into an Agreement with the CDD outlining any future repairs must be substantially similar to what the CDD did for the remainder of the CDD.

Mr. Savage stated he will follow up with Mr. Cheifet on this conversation and noted that the design is not accommodating residents leaving the pilings in. Mr. Buchholz stated he would like the pilings to remain untouched but further research is needed before a final decision on what homeowners should do is made.

Board Members asked questions, gave suggestions and discussed things to consider related to the docks and restoration projects. It was noted that the wall does not accommodate for the docks and the docks have to accommodate for the wall. Distribution of a communication plan will be included in the bid documents.

In response to a question, Mr. Haber stated that the CDD cannot incur costs to remove items the homeowner is responsible for. He suggested sending a communication to homeowners with docks outlining the action that will be necessary on their part and what their rights or lack of rights are as it relates to the CDD proceeding with the project.

Discussion ensued regarding assigning tasks to Board Members at the next meeting and including items on the next agenda related to accepting Mr. Hasty's resignation and consideration of an appointment to fill the vacant seat.

Mr. Willis stated he will email Karen Murphy a notice to e-blast to residents asking interested candidates to submit a letter of interest and to attend the next meeting.

TWELFTH ORDER OF BUSINESS**UPCOMING MEETINGS**

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

THIRTEENTH ORDER OF BUSINESS**Public Comments Non-Agenda Items (3 Minutes Per Speaker)**

Residents posed questions and Staff and the Board responded.

Regarding if the \$23 million of remaining bond funds are readily available now, Mr. Buchholz stated he believes so. Regarding if the reason for cutting in landward is because the shelf eroded or there is not sufficient shelf for the mattress, Mr. Savage replied affirmatively. Regarding the parameters used to find “good” contractors, Mr. Willis discussed the mechanism and parameters utilized in soliciting contractors.

Mr. Haber asked if the Board is interested in copying Blue Lake CDD, who is working with the HOA on issuing an Easement Agreement over the parcels the HOA owns for storage of building materials.

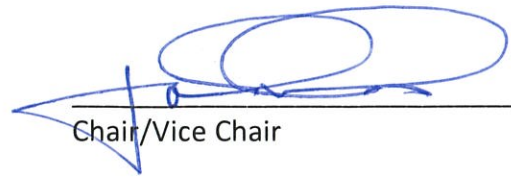
FOURTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Bennington and seconded by Mr. Lanese, with all in favor, the meeting adjourned at 12:20 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair