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 September 18, 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
David Gurley (via zoom/phone)	Special Counsel
Chris Fiore (via zoom/phone)	Gurley Fant, P.A.
Sima Baker (via zoom/phone)	Supervisor-Elect
Kathleen O'Connor (via zoom/phone)	Resident
Roseanne Duffy (via zoom/phone)	Resident
Court Reporter (via zoom/phone)	

The names of all attendees, residents and/or members of the public might not appear in the 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 10:01 a.m.

Supervisors Bennington, Buchholz, Lanese and Bourque were present. Supervisor-Elect Sima Baker attended via telephone.

Mr. Adams asked if Supervisor-Elect Sima Baker can participate in the upcoming Shade Sessions, given she was elected but has not taken the Oath of Office. Mr. Haber replied no, as participation would be a violation of Sunshine Law and Shade Session requirements; although

Ms. Baker was appointed to the Board, she is not officially on the Board until she takes the Oath of Office, which must be done in person by any Florida Notary. Her attendance and participation today is limited to that of a member of the public.

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

Kathleen O'Connor asked if Mr. Bennington will continue the process of texting attendees when the Special Board Meeting reconvenes so they can return to the meeting. Mr. Buchholz replied affirmatively.

Regarding a suggestion at the last meeting, Mr. Willis stated he will continue to provide CDD updates to Karen Murphy to disseminate to residents.

THIRD ORDER OF BUSINESS **Administration of Oath of Office to Sima Baker (the following will be provided under separate cover)**

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**

B. Membership, Obligations and Responsibilities

C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Administration of Oath of Office

This item was deferred.

FOURTH ORDER OF BUSINESS **Ratification of Resolution 2025-13, Electing and Removing Officers of the District and Providing for an Effective Date**

This item was deferred.

FIFTH ORDER OF BUSINESS **ANNOUNCE ATTORNEY-CLIENT SESSION SHADE MEETING 1/RECESS SPECIAL BOARD MEETING**

Mr. Haber announced the Attorney-Client Session Shade Meeting, which will be transcribed by the Court Reporter in acknowledgement that the CDD is implementing the portion of Sunshine Law that allows the Board to meet privately with Counsel and the District Manager when the District faces litigation. This is specifically related to Lee County Case Nos. 001775 and 25-CA-1837, outlined in the Sixth and Seventh Orders of Business, respectively. Both Shade Sessions were formally requested in a prior meeting and properly noticed. Attendees for both Shade Sessions include CDD Board Members, Mr. Haber, District Management representatives Chuck Adams and Shane Willis. Also in attendance in Shade Session 1 is Litigation Counsel David Gurley and Chris Fiore. Also in attendance in Shade Session 2 is Litigation Counsel Kevin Hennessy. The Court Reporter will also be in attendance and will transcribe both Shade Sessions.

Mr. Haber recessed the Special Board Meeting at 10:14 a.m., and announced commencement of both Attorney-Client Session Shade Meetings. Mr. Willis disconnected the phone lines and audio recording and in-person members of the public left the meeting room.

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

- **Executive Session Regarding: <u>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.</u> Pending Litigation**

  The Executive Session commenced.

SEVENTH ORDER OF BUSINESS **ADJOURN ATTORNEY-CLIENT SESSION SHADE MEETING 1**

This occurred during the Shade Session.

EIGHTH ORDER OF BUSINESS **ANNOUNCE ATTORNEY-CLIENT SESSION SHADE MEETING 2**

Attorney-Client Session Shade Meeting 2 was announced during the Fifth Order of Business.

NINTH 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**

  The Executive Session commenced.

TENTH ORDER OF BUSINESS **ADJOURN ATTORNEY-CLIENT SESSION SHADE MEETING 2/RECONVENE SPECIAL BOARD MEETING**

Attorney-Client Session Shade Meeting 2 adjourned. The phone lines and audio recording were reconnected and the meeting room was opened to the public.

Mr. Adams reconvened the Special Board Meeting at 12:16 p.m. The same Board Members present at roll call were still present. Supervisor-Elect Sima Baker was present as a member of the public, as the Oath of Office has not been taken.

ELEVENTH 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**

No further action was considered at this time.

TWELFTH 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.**

No further action was considered at this time.

THIRTEENTH ORDER OF BUSINESS **Update: Shoreline Stabilization**

Mr. Savage reported the following:

- Work is proceeding according to the schedule.
- The plan was to advertise the Request for Proposals (RFP) tomorrow, as the contract award and construction commencement is targeted for November 24, 2025 but it is dependent on receiving documents from Cummins Cederberg, Inc. (CCI), status of the permits, financing and phasing considerations with two ongoing parallel restoration projects.
- To meet the November milestones, he proposed advertising the RFP September 26, 2025 and changing dates to certain components of the RFP before it is finalized and advertised.

Discussion ensued regarding the proposed RFP date changes, offering a pre-bid meeting, setting October 23, 2025 as deadline to submit Request for Information (RFI) addendums, adding language requirement that all communication with District Staff during the RFP process must be solely via email, ensuring CDD responses are disseminated to all bidders to avoid a potential bid protest that could cause further delays, and the RFP advertising protocol.

- The recommendation is to establish unit prices phase-based on linear feet calculations, instead of a lump sum amount, to give the ability to address unknown issues that might arise.
- Regarding easements, there is a fixed line delineating the areas for both Engineers of Record. Barraco & Associates is the Engineer of Record for portions of the Phase 1 area, land work of the proposed solution CCI designs, and is responsible for restoring fill material, re-grading, drainage, etc.;. CCI is the Design Engineer and Engineer of Record from the area of its solution toward the water for the recreational lakes only.
- The recommendation is for the CDD to incur the cost for construction as-builts.
- Regarding phasing, all references to alternative options will be removed from the draft RFP. Both Phase I.a., which consists of all decimated areas, and Phase 1.b. projects can be completed simultaneously.

Mr. Adams asked Mr. Savage to add surveys and engineering administrative contingency costs into the RFP.

In response to a question about the docks, Mr. Buchholz stated it was decided that they must be moved.

- Regarding means and method, the RFP states that the onus is on the contractor.

- The bid tabulation will be broken down by phase and will include separate components for each Engineer of Record. The contractor will provide their own quantities, which will be compared against the CDD Engineer's quantities.
- Since the addition of the marine mattress, it will be necessary to update the Engineer's Report based on the new anticipated costs for Phase 1.
- Staff is updating the documents to define the Engineer of Record for the marine side and the land side.
- The recommendation is to extract the bid validation criteria from the RFP and email it to the Board and Staff to review and finalize at the October meeting and, once approved, disseminate it on the date of the pre-bid meeting.
- He and Mr. Adams recommend revising language in the RFP such that the CDD is not initiating the ability to direct purchase materials.

Mr. Savage recapped an earlier decision not to reference the construction phases and construction as-built certification in the RFP to keep the contract independent of the RFP.

- The RFP places the onus on the contractor to indicate the project time frame and to provide a daily liquidating damage amount for failure to complete the project within the designated time fame.

Discussion ensued regarding defining points in the Evaluation Matrix/Ranking; adding language in the RFP incentivizing the contractor who can accelerate costs and completion; incorporating a potential bonus into the bond amount; redefining language related to work experience and doing business in Florida, instead of in Lee County minimum requirements, and keeping standard language regarding surety bond.

- Further changes to the RFP include requiring only one original, one copy and one electronic PDF copy on a flash drive of the proposal forms and other attachments and including language about installing silt fences to define the property lines and easements to be used between the homes, prior to commencing project.
- Project updates and defining roles of the Project Manager will be sent to Ms. Murphy to disseminate to residents.

On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, authorizing Staff to proceed with finalizing and advertising the RFP before the next meeting, was approved.

> **On MOTION by Mr. Bourque and seconded by Mr. Bennington, with all in favor, designating Mr. Buchholz as the Board liaison to work with Staff to finalize the RFP and to review the final RFP before advertising, was approved.**

Discussion ensued regarding potential Phase 1 staging areas; memorializing the final area in the RFP and obtaining permission from the Master Association; and, in addition to the contactor assigning a Project Manager, both CDD Engineers of Record will be responsible for quality control.

Mr. Buchholz opened public comments.

Ms. OConnor asked if the specific sheet to define the permitted work area will be added into the RFP. Mr. Willis stated it will state that specifically in the documents and the easement information. Regarding utility markings, the contractor will be required to contact 811 and mark the easements and work area, as outlined in the RFP.

No other members of the public spoke.

FOURTEENTH ORDER OF BUSINESS **UPCOMING MEETINGS**

- **October 2, 2025 at 10:00 AM [Regular Meeting]**
- **October 16, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**
  - **QUORUM CHECK**

FIFTEENTH ORDER OF BUSINESS **Public Comments (3 Minutes Per Speaker)**

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS **Adjournment**

> **On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, the meeting adjourned at 1:32 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Secretary/Assistant Secretary

Chair/Vice Chair