**MINUTES OF MEETING**
**WILDBLUE**
**COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on October 2, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

**Present:**

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

**Also present:**

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| 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. |
| Kathleen O'Connor (via zoom/phone) | Resident |
| Roseanne Duffy (via zoom/phone) | Resident |
| Jerry O'Malley (via zoom/phone) | Resident |

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 10:00 a.m.

Supervisors Bennington, Buchholz, Borque and Lanese were present. Supervisor-Elect Sima Baker was absent.

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

Resident Kathleen O'Connor stated she has comments on the Sixth and Seventh Orders of Business. Mr. Adams asked her to defer her comments to those agenda items.

A resident asked if the 45% riprap includes the surf and causeway areas. Mr. Adams stated the CDD is restricted to 40%. The District Engineer will clarify this during his presentation.

**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 Code of Ethics for Public Officers and Employees**

**D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

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** **Updates**

Mr. Buchholz stated he and Mr. Adams received the bid proposal for the Lake Bank Erosion Repair project this morning. He showed photographs of the Esplanade lake banks and compared them against the WildBlue lake banks. He voiced dismay by the CDD conditions. Mr. Barraco will provide a comparison of both lakes to ensure the comparison is like-for-like.

**A. Lake Bank Erosion Repair Project**

Mr. Savage stated Items 5A and 5B are interconnected and will be presented simultaneously.

Mr. Savage and Mr. Barraco presented and discussed the following:

- **Downspout Diagram**

➢ Items 5A and 5B are interconnected. The title of the Request for Proposals (RFP) was changed from "Retaining Wall Restoration" to "Shoreline Stabilization".

➢ The bid documents are being updated specific to the project and will be sent via an addendum. Special Counsel is reviewing the contract and supplemental condition, which will be provided under separate cover.

➢ The recommendation is to exclude planting littorals along the recreational lake bank, since they do not survive, and provide additional compensating littorals in addition to regular standards, in all surface water management "pre-treatment" lakes. This will be more beneficial for controlling elevation and stabilization in the areas that are more prone to seasonal changes.

Discussion ensued regarding project scope, funding, timeline, status of the County approving the current plans and defining the phases as Phase 1.a., 1.b., and 1.c.

The consensus was to add littorals for the recreational lake bank in the RFP, as an alternate, via an addendum.

To avoid chaos and without interfering with the construction means and methods criteria, Mr. Buchholz asked Staff to work on a way for the contractor to demolish and cleanup all three phases simultaneously and have 80% of the Phase 1.a. project completed before proceeding to the next phase. Mr. Barraco proposed discussing this at the pre-bid meeting to ensure that approach will not increase costs or delay project completion and, if feasible, it will be added as an addendum to the RFP.

The draft Evaluation Criteria form with potential point allocation for each category, based on the evaluation criteria, was distributed and presented.

Board Members were asked to submit their comments to Mr. Adams to forward to Mr. Savage. The final draft will be on the next agenda.

**B. Retaining Wall Restoration**

- **Schedule**

Item 5B and Item 5A were discussed simultaneously.

**C. Fuel Station Site**

Mr. Buchholz stated he will provide an update at the next meeting.

**SIXTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial Statements as of August 31, 2025**

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2025. Although the Accountant is not too excited about this approach, from a tax law perspective, work on obtaining an Operations and Maintenance (O&M) bridge loan is underway. Special Counsel Chris Fiore will be submitting the litigation letters today, which are necessary to issue the Fiscal Year 2024 Audit. A Resolution to adopt the Term Sheet will be presented at the next meeting. The $72,000 in conservation expenses were transferred to the Aquatics Maintenance budget line item and will occur again before the close of Fiscal Year 2025. The Special Revenue Fund $5,000,000 Note will be closed out prior to the Fiscal Year 2025 Audit.

Ms. O'Connor asked where to find the gross revenues for the entire year in the Financial Statements. Mr. Adams stated the information is in the Year to Date column on Page 2 and the Debit Service Fund Series 2019 on Page 5. It was noted that every homeowner pays the same O&M assessment amount. The Debt Service assessment amounts are calculated on a square footage basis, which was determined as part of the original validation of the bonds.

The financials were accepted.

**SEVENTH ORDER OF BUSINESS** **Approval of Minutes**

**A. August 21, 2025 Special Board Meeting and Attorney-Client Sessions**

The following changes were made, which included edits from Ms. O'Connor and others:

Line 25 and throughout: Change "Whiten" to "Gregson"

Line 26 and throughout: Change "Brickleman" to "Braegelmann"

Line 133: Change "the Holz" to "Creighton"

Line 139: Change "Adam Levy" to "Mark Levy"

Line 144: Change "Leby" to "Levy"

Line 160: Delete sentence

Line 169: Change "judgement" to "judgment"

Line 176: Change "revenant" to "revetment"

Line 202: Insert "Murphy" after "Karen"

**On MOTION by Mr. Bennington and seconded by Mr. Buchholz, with all in favor, the August 21, 2025 Special Board Meeting and Attorney-Client Sessions Minutes, as amended, were approved.**

**B. September 4, 2025 Regular Meeting**

The following changes were made, including edits from Ms. O'Connor and Board Members:

Lines 25, 61 and throughout: Change "Whiten" to "Gregson"

Line 54: Change "development" to "litigation"

Lines 186, 187, 203 and 204: Delete

Line 234: Insert "/Due" after "Due to"

**On MOTION by Mr. Bennington and seconded by Mr. Lanese, with all in favor, the September 4, 2025 Regular Meeting Minutes, as amended, 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 no report.

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

There was nothing further to report.

Discussion ensued regarding Mr. Buchholz attending the pre-bid meeting and offering contractors the option to bring their own watercraft to inspect the shoreline.

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

- **UPCOMING MEETINGS:**
  - **October 16, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**
  - **November 6, 2025 at 10:00 AM [Regular Meeting]**

- **QUORUM CHECK**

Mr. Buchholz asked for Special Counsel Kevin Hennessy to attend the next meeting to discuss the commercial property.

**NINTH ORDER OF BUSINESS** **Board Members' Comments/Requests**

Mr. Bennington discussed transition from the Developer Board to a Resident Board; the Resident Board's vote to proceed with litigation, which was filed on February 28, 2025; and advertising the RFP to repair the wall, which was all done in just seven months. He commended Mr. Buchholz and District Staff for their efforts.

Mr. Buchholz proposed scheduling a Workshop in November or December to openly discuss the Developer's offer, bid costs, design plans, staging areas, etc.

Mr. Bourque voiced his opinion that Lennar, not the homeowners, should incur any expense as a result of the wall failing, including the docks. He believes language in the Lennar contract with the homeowner was changed in 2023. It was noted that individual homeowners must pursue Lennar, as the CDD cannot use public funds, since the docks are on the CDD easement.

Mr. Haber stated this matter can be discussed and addressed at mediation as part of a global settlement. He proposed continuing the discussion in the next Shade Session. It was noted that Mr. Buchholz, Mr. Bourque and Supervisor-Elect Sima Baker are all dock owners.

Mr. Haber will prepare draft documents allowing the CDD to access Lennar and HOA properties in advance of project commencement.

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

Ms. O'Connor cautioned the Board about whether the docks can be part of the global settlement, since homeowners will not be represented in any settlement discussions, in addition to expending CDD public funds on a private matter. She asked for the CDD to continue providing Ms. Murphy with CDD meeting notices to disseminate to residents, in the hopes of educating residents and increasing attendance.

Resident Jerry O'Malley asked when the dock owners will be notified to move their docks, whether Staff can find out how backlogged the dock removal contractor J&M is, whether all docks must be removed all at once, at reduced cost because they can use part of the remaining wall. He wants to know if January 2026 is still the tentative start date. Mr. Savage stated the schedule has not changed. Mr. Buchholz stated notices will be sent, once everything with J&M is worked out.

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

**On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the meeting adjourned at 11:45 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

S. R. Baker

Secretary/Assistant Secretary

Chair/Vice Chair