

**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 October 16, 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
Sima Baker	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via zoom/phone)	District Counsel
Carl Barraco (via zoom/phone)	Barraco and Associates, Inc.
Chris Fiore (via zoom/phone)	Special Counsel
David Gurley (via zoom/phone)	Litigation Attorney
Kevin Henessey (via zoom/phone)	Litigation Attorney
Court Reporter	

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

Ann Crystal	Kristi Huston	David Harden	Kathleen O'Connor
Lynn Brown	Other Residents		

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.

Sima Baker provided a notarized Oath of Office that was administered to her before the meeting.

All Supervisors were present.

## **SECOND ORDER OF BUSINESS**

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

Resident Lynn Brown asked for the status on the broken drainage pipes on Blue Sapphire. Mr. Willis stated that he will inspect the area and report his findings at the next meeting.

A resident asked for an update on the status of the commercial property.

Mr. Henessey stated Counsel filed an administrative challenge for permits that was initiated for the commercial parcel adjacent to WildBlue where there was a change from plans to build a church to a large gas station. The challenge was filed over flooding concerns and the gas station draining into the CDD's stormwater management system without permission. There was also a concern over water quality and oil spills or other contaminants infiltrating and causing harm to the community. The case is currently in the circuit court and is getting ready to go to a final hearing; both the applicant and the agency recognize that there are permit issues based on the legal determination of the right to drain.

Mr. Henessey discussed property rights, an easement, the lake, why the church was never constructed, and the new Developer wanting to discharge water onto CDD property. He concluded that Counsel is proceeding with discovery in the circuit court case and believes that this case should be decided as a matter of law by the judge, through a motion for summary judgment, probably sometime in the first quarter of 2026.

Mr. Buchholz stated that he participated in a lengthy conference call with Counsel, the circuit court judge and the Developer to discuss the case. The CDD's first offer was a refusal of the gas station, which was immediately rejected.

Mr. Henessey clarified that the conference call was a confidential mediation which was presided over by a mediator instead of a judge. He provided a summary, including the Developer's failure to provide a revised plan for their development, the dismissal of a counterclaim filed by the Developer and settlement negotiations.

Mr. Buchholz stated he recently conferred with Mr. Barraco, whose office provided a new updated drawing, which will be reviewed during the negotiations with the Developer. He discussed flooding concerns, the new proposed development and the Board's goal to ensure that the community is not impacted by the surrounding developments.

In response to a resident's question regarding the CDD's ability to recover fees from the Developer for the summary judgement, Mr. Hennessey stated it was not a summary judgment, it was a dismissal of their counterclaim. The only way the CDD could have pursued fees on that would be if it would have brought a claim for sanctions pursuant to Florida Statutes 57.105, which states that a party has brought a claim that has no basis in fact or law, a party could be entitled to attorney's fees. That motion was not presented because it would have been difficult to prove that they had absolutely no basis in fact or law to bring the action. To bring such a motion for sanctions, the CDD would have to give the other side a chance to withdraw its pleading, which was a counterclaim, which they did anyway. So, the CDD will not be recovering fees at this time.

Mr. Buchholz and Mr. Hennessey provided an overview of how the negotiations are going. Mr. Hennessey concluded that the advantage of having gone through mediation early is that they do not have a right to drain on CDD property without permission. Therefore, because they must obtain permission, it is appropriate for the CDD to provide the conditions under which such permission would be granted, and those conditions can go beyond simply what is involved with them obtaining a permit from the Water Management District. The Board has been very diligent in trying to do what is best for the community.

Mr. Haber stated there are three attorneys standing by for the Shade Session. Mr. Buchholz stated the Board will take questions first.

Resident Ann Christo reported about an area that is collecting garbage at the end of Blue Sapphire and the cul-de-sac. She commented about a double gate with a huge gap that she believes is making the area less safe. Mr. Buchholz stated the area might be used for the wall replacement and there is also a storage shed in the area. The Board would like to determine its ownership, why it is there and how it can be removed.

Mr. Buchholz responded to questions regarding which entity is responsible for sidewalk repairs and pressure vents for the lift system, and summarized a call he received from a prospective buyer.

Mr. Bennington stated Shade Sessions typically last two hours and interested residents can text him with questions about the meeting.

**THIRD ORDER OF BUSINESS**

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

Mr. Adams stated that Ms. Baker provided a Florida Notarized Oath of Office prior to the meeting, which meets the requirements of being sworn in. Staff will review the following with her after the meeting:

- 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**

Mr. Barraco left the call.

**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 presented following the Twelfth Order of Business.

**FIFTH ORDER OF BUSINESS**

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

Mr. Haber stated Florida law provides for limited exception to the Sunshine Law that allows the Board to meet privately with Counsel and the District Manager, when the District is

engaged in litigation. In this case, there are two outstanding matters; the case number of the first case is 001775 and the case number for the second case is 25CA1837. Today's Shade Session was also noticed by publication.

Mr. Haber stated the Shade Session attendees will be John Buchholz, Richard Bennington, Herbert Lanese, Denis Bourque, Sima Baker, himself as District Counsel, Attorneys Chris Fiore, David Gurley and Kevin Hennesey, the District Manager Chuck Adams, Shane Willis and a Court Reporter. The Court Reporter will record and transcribe the Attorney-Client Shade Session.

Mr. Haber recessed the Special Board Meeting at 10:36 a.m. and announced commencement of both Attorney-Client Shade Session 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: 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**

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**

The 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**

The 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 Meeting at 12:32 p.m.

All Supervisors were present with the exception of Supervisor Baker.

**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 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 action was considered at this time.

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

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

**On MOTION by Mr. Bennington and seconded by Mr. Lanese, with all in favor, Resolution 2025-13, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was ratified.**

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

Mr. Buchholz stated that he conferred with Jordan and Mr. Savage. Going forward, the District Engineer will provide the District with a map for Phase 2, with linear footage. The group discussed requesting information about Indigo Lake from the attorneys who are currently working on that project.

Mr. Buchholz opened the meeting for public comments.

Resident Kathleen O'Connor noted that Mr. Bourque's name is spelled incorrectly, as well as his email address and Mr. Hasty's name should be replaced by Ms. Sima Baker on the CDD website. She commented that the summary from the commercial litigation attorney was excellent and voiced her appreciation that the CDD is being proactive in dealing with drainage issues. Ms. O'Connor stated she was glad the Developer withdrew his counterclaim. She concurred with Counsel's advice to not seek attorney's fees, as it is costly and oftentimes unsuccessful.

Mr. Buchholz stated he would like to schedule a community meeting in December to discuss details of the wall replacement project, the outcome of the mediation and to provide a status update on the CDD's lawsuit.

**Mr. Barraco joined the meeting.**

Regarding shoreline stabilization, Mr. Barraco stated the bidding process is underway; Staff is awaiting the actual bids and going through the final permitting process.

The Board and Staff discussed the Request for Proposals (RFP) for the WildBlue Shoreline Stabilization (Phase 1) Evaluation Criteria, particularly the “Means and Methods (10 points)”, “Price (25 total points)”, how the proposals will be scored/ranked, the bid submissions, if the award of contract meeting will be public or private and if the District Engineer can or will give opinions during the meeting.

**On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, the RFP for Wildblue Shoreline Stabilization (Phase 1) and Evaluation Criteria, were approved.**

#### **FOURTEENTH ORDER OF BUSINESS**

#### **UPCOMING MEETINGS**

- **November 6, 2025 at 10:00 AM [Regular Meeting]**
- **November 20, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**
  - **QUORUM CHECK**

#### **FIFTEENTH ORDER OF BUSINESS**

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

Resident Kristi Huston asked if Jordan will be available to assist with evaluating the proposals given that he is the Marine Engineer. Mr. Barraco stated it is extremely important for Jordan to attend that meeting to answer questions during the evaluation criteria scoring process, as the Board will ultimately have to make a decision on cost and protection and he is the only one that can help with that.

Discussion ensued regarding when to hold the award of contract meeting, the November 11, 2025 bid submittal deadline, how the bid opening meeting will be conducted, sealed bid protocols, and whether to cancel the November 20, 2025 Shade Session.

Mr. Haber stated, per Florida Law, the Shade Session should be held on Counsel’s advice if it is deemed to be needed. He voiced his belief that the Shade Session is appropriate.

#### **SIXTEENTH ORDER OF BUSINESS**

#### **Adjournment**



On MOTION by Mr. Lanese and seconded by Mr. Bennington, with all in favor,  
the meeting adjourned at 1:02 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

WILDBLUE CDD

October 16, 2025



Paula BA  
Secretary/Assistant Secretary



Chair/Vice Chair