

**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 November 20, 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)	District Counsel
David Gurley	Special Counsel
Christopher Fiore	Gurley Fant, P.A.
Jordon Cheifet	Cummins Cederberg, Inc.
Terry Kurth	Resident
Elaine Daily	Resident
Victor Shneur	Resident
Kathleen (via Zoom)	Resident
Other residents	
Court Reporter	

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 10:03 a.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments (3 Minutes Per Speaker)

Resident Victor Shneur expressed concern about low lake levels approaching dry season and asked if levels will be monitored. Mr. Willis stated that stormwater lakes are affected by fluctuating rainfall. SOLitude monitors lake levels and applies treatments during the dry season to control growth of invasives. The system is designed to catch stormwater runoff and move the water out of the system; water levels balanced by equilibrium are not within the CDD's control. It was noted that the lake in question is very shallow, rainfall totals are very low and water restrictions might be imposed.

Resident Terry Kurth expressed concern about low lake levels, given the eventual need for boats to be moved or removed from the lake during construction. He stated that a marina experienced an issue at the edge of the concrete and voiced his opinion that a contingency plan is needed. It was noted that recreational use of the lakes is an Amenities matter unrelated to the CDD but the CDD can speak with Amenities about placing boats in open slips.

Discussion ensued regarding underwater obstructions that need to be buoyed, repair and replacement of buoys, the need to increase the input levels, etc.

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

Mr. Adams announced the Attorney-Client Session Shade Meeting and recessed the Special Meeting. Members of the public left the meeting room and telephone and/or Zoom.

FOURTH 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 at 10:14 a.m.

The Attorney-Client Session Shade Meeting adjourned and the Special Meeting reconvened at 11:33 a.m. Members of the public were invited to returned to the meeting.

The Special Meeting recessed at 11:33 a.m., and reconvened at 11:41 a.m.

All Supervisors were present.

SIXTH ORDER OF BUSINESS

**ANNOUNCE ATTORNEY-CLIENT SESSION
SHADE MEETING 2**

This item was not addressed.

SEVENTH 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 not addressed.

EIGHTH ORDER OF BUSINESS

**ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING 2/RECONVENE
CONTINUED BOARD MEETING**

This item was not addressed.

NINTH 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. Adams stated that the Board needs to designate a representative to attend the mediation. The designated representative will be authorized to approve a settlement to be presented to the Board for consideration and final action, should a settlement be presented.

Mr. Haber asked for a shade session to be scheduled for during the December 4, 2025 meeting.

On MOTION by Mr. Lanese and seconded by Mr. Buchholz, with all in favor, designating Mr. Bennington to serve as the Board's representative at the December 3, 2025 mediation, was approved.

TENTH 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.

This item was not addressed.

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

Mr. Savage stated that work proceeded as discussed at the last meeting. Authorization was received to push some due dates back, and those due dates outlined in Addendum #2 and Addendum #3 remain in effect. Bids are due on Tuesday, November 25, 2025 at 3:00 p.m. A public bid opening will occur on November 26, 2025, at which the bids will be opened and amounts announced. It was noted that phone-in access for members of the public will not be offered for the bid opening.

Mr. Savage stated that Addendum #3 will likely be issued today or tomorrow to address Litigation Counsel's opinions regarding insurance requirements and the final Bid Calculation Form. It was noted that one of the bidders inquired about an extension, and bidders were advised that no further extensions will be provided.

Discussion ensued regarding Lennar's ownership of the land at the rotaries adjacent to CDD properties, the Board's support for the use of the property, and HOA maintenance of the property.

Mr. Haber stated that the issue was raised at the last BlueLake meeting and recommended obtaining permission from Lennar or the property owner to use the property.

Discussion ensued regarding the argument that the multi-million dollar retaining wall repair is maintenance, the need to confirm that the property the CDD would like to use is burdened by a maintenance easement in favor of the CDD, and shoreline repair not storage of materials fitting within the maintenance easement's intended purpose.

Mr. Haber voiced his hope that, despite the ongoing litigation, all would agree with the need to complete the shoreline repairs and that the CDD would receive cooperation in that regard. He recommended asking Litigation Counsel, who is in contact with Counsel for Lennar, to raise the question in the hope that Lennar will agree to the property's use for that purpose.

The Board and Staff discussed the map, which includes the buffer at the end of Blue Sapphire Drive.

Mr. Adams stated that, according to the plat dedicated to the Master POA with responsibility for maintenance, there is no mention of Tract O3 under the dedications to the CDD.

Mr. Buchholz stated that mediation is scheduled for December 3, 2025. Following the bid opening, the leveled bids will provide the Phase 1 costs.

Mr. Cheifet was asked to calculate the linear footage to create estimated costs for Phase 2, which is the south side of the lake.

Mr. Savage will prepare and circulate an Exhibit that shows the Phase 2 limits, which will exclude Indigo Lake.

Mr. Buchholz stated that he and Mr. Cheifet will consider Phases 2 and 3. He expressed uncertainty regarding how to handle Indigo Lake, which was handled by a different contractor. After December 3, 2025, the costs that will be needed, including littoral plantings, permit costs, Barraco Engineering costs, estimated phases to date, Mr. Cheifet's costs, and any other miscellaneous costs, will give a final amount to be pursued from the Developers.

Mr. Buchholz and Mr. Cheifet discussed the timeframes for cost calculations to be provided before the December 3, 2025 mediation, and information to be provided at later dates.

Discussion ensued regarding holding a shade session in conjunction with the regularly scheduled December 4, 2025 meeting, and items to be discussed at upcoming meetings.

Barraco & Associates will provide a summary of the bids to the Board and Staff by December 1, 2025, well in advance of the discussion at the December 4, 2025 meeting.

It was noted that a community meeting will be postponed for the time being.

Mr. Adams stated that, although the bids will be considered at the December 4, 2025 meeting, the documents generally allow 120 days for the contract to be awarded.

Mr. Savage stated that the sealed bids are due at 3:00 p.m. on November 25, 2025. The bids will be opened at a public meeting at Barraco & Associates' Fort Meyers, Florida office at 10:30 a.m., on November 26, 2025.

Mr. Barraco stated the Environmental Resources Permit (ERP) Modification was submitted; he expects it to be approved but, if not approved, he believes there is still time.

Mr. Cheifet stated that his firm is completing the last changes to Addendum #4. These will be forwarded to Mr. Savage for distribution.

- **Consideration of Resolution 2026-02, Authorizing the Issuance of its Taxable Public Improvement Revenue Note, Series 2025B, in the Aggregate Principal Amount Not to Exceed \$500,000 to Provide Funds, Together with other Funds of the District, to Finance Certain Legal Expenses Incurred by the District; Providing that Such Note Shall be Payable from Operation and Maintenance Special Assessments Upon Benefitted Properties in the District as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter into a Loan Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection therewith; and Providing an Effective Date**

This item was an addition to the agenda.

Mr. Adams presented Resolution 2026-02, including the Term Sheet and Form of Loan Agreement. He recommended approval in substantial form.

On MOTION by Mr. Buchholz and seconded by Mr. Bourque, with all in favor, Resolution 2026-02, Authorizing the Issuance of its Taxable Public Improvement Revenue Note, Series 2025B, in the Aggregate Principal Amount Not to Exceed \$500,000 to Provide Funds, Together with other Funds of the District, to Finance Certain Legal Expenses Incurred by the District; Providing that Such Note Shall be Payable from Operation and Maintenance Special Assessments Upon Benefitted Properties in the District as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter into a Loan Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection therewith; and Providing an Effective Date, in substantial form, was adopted.

TWELFTH ORDER OF BUSINESS

UPCOMING MEETINGS

- **December 4, 2025 at 10:00 AM [Regular Meeting]**

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

These items were discussed during the Eleventh Order of Business.

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

Resident Elaine Daily asked how much was spent on the commercial property litigation and how it was financed. Mr. Adams estimated that approximately \$400,000 was financed through operating assessments. The \$500,000 loan will restore the operating assessments utilized to pay the legal expense and help to offset multiple Special Counsel costs incurred in the past year and a half, including the commercial property lawsuit. He estimated that slightly more than \$100,000 was spent on the retaining wall lawsuit with Lennar.

Mr. Adams stated that the commercial property has been the subject of an Administrative Hearing, which included the South Florida Water Management District (SFWMD) and the Developer, and then there was a lawsuit; both proceedings have been through discovery and depositions, where many of the legal costs accumulate. The litigation with Lennar has not gone through that process yet; mediation is scheduled for December 3, 2025.

Mr. Adams stated that future costs associated with the commercial lawsuit are expected to be light, as all the high-cost activities have occurred. Asked if there is an estimate of future costs, Mr. Adams replied no. Asked if a cost/risk benefit was done prior to entering into the lawsuit, Mr. Adams replied no. Asked about future costs related to the Lennar lawsuit, Mr. Adams stated that future costs depend on the outcome of mediation. The lawsuit is not expected to go to arbitration. There is no estimate yet regarding future legal expenses.

A resident asked when work can be expected to begin. It was noted that cleanup must occur first, which could take two to three months. It is hoped that demolition can begin in January and that as much of the missing up front wall can be completed before hurricane season.

FOURTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor, the meeting adjourned at 12:32 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair