

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Special Meeting and Attorney-Client Session on December 18, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

John Buchholz (via Zoom/phone)	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
Frank Savage	District Engineer
Carl Barraco (via Zoom/phone)	Barraco and Associates, Inc.
Kevin Hennessy (via Zoom/phone)	Special Counsel
Court Reporter (via Zoom/phone)	

Residents present in person or via Zoom/phone:

Chris Gregson	Larry Weinstein	Joann Schaeffer	Greg Christiansen
Ron Worley	Bob Finkelstein	Marie Goodman	Kathleen O'Connor
Steve Wirth	Steve Swasey	Dave Goodman	Meryl Finkelstein

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 10:04 a.m. Supervisors Bennington, Lanese Bourque and Baker were present. Supervisor Buchholz attended via phone.

SECOND ORDER OF BUSINESS

Public Comments (3 Minutes Per Speaker)

Mr. Bennington discussed the upcoming agenda items and asked attendees to hold non-related Shade Session questions until after the Shade Session to avoid incurring attorney fees.

Resident Larry Weinstein asked why the Shade Session was scheduled on the same day as the Special Meeting or is not after the Special Meeting. He asked about Lennar's \$5 million offer, installing a high-priced wall, and why there is a rush to make the repairs. He thinks the Board is misleading residents by withholding information. He believes the other two phases should be deferred until the lawsuits are resolved, then build the wall as it was, and repair damages as they occur. Mr. Adams stated Statutes require the Shade Session to be within a Public meeting. Two meetings are held each month. The first meeting consists mostly of general routine CDD business. The second meeting is primarily to hold Shade Sessions. Today's Shade Session is to provide updates on the commercial property and upcoming mediation and depositions.

Resident Chris Gregson asked what will happen if the District loses the lawsuits. Mr. Adams stated information will be communicated to everyone when it does not negatively impact strategy with the ongoing litigation. The public portions of the meetings are transcribed and on the website. Shade Sessions are confidential.

Mr. Gregson and some Board Members gave their opinions as to the next steps.

It was noted that awarding the contract today should not be considered a rush decision since the CDD published a project timeline over the last ten months.

A resident thinks, if this was an insurance claim, the insurance company would restore the wall to its original condition and the judge might rule the same. A Board Member disagreed as Lennar engaged Marine Engineer Cummins Cederberg, Inc., who refused to install the wall using the same design due to insufficiencies. Lennar made its monetary offer to the prior CDD Board comprised of Lennar Representatives. A litigation attorney was engaged to review the offer and, after submitting the report to the litigation attorney, the Lennar Board Members resigned before the litigation attorney recommended pursuing litigation to protect the CDD's best interest. The belief is that Lennar's offer was to buy a liability release and Lennar's insurance deductible is \$5 million.

A resident asked if the memorandum Steve Wirth emailed to the Board will be addressed, as he was unable to attend the meeting. If not, he asked permission to read the letter, which was distributed. The consensus was to defer this until after the Shade Session.

THIRD ORDER OF BUSINESS**ANNOUNCE ATTORNEY-CLIENT SESSION
SHADE MEETING**

Mr. Haber announced commencement of the Attorney-Client Session Shade Meeting and transitioned the meeting to the Court Reporter. In-person members of the public left the room.

Mr. Willis stated his office is trying to fix the issue with the call in number.

Mr. Haber stated the Shade Meeting acknowledges implementation of a portion of Sunshine Law allowing the Board to meet privately with Counsel and District Manager when the District faces litigation. This is specifically related to Lee County Case No. 1837 outlined in the Fourth Order of Business. The Shade Session was formally requested at a prior meeting and properly noticed. Shade Session attendees include CDD Board Members, Mr. Haber, Litigation Counsel Kevin Hennessy, District Management representatives Chuck Adams and Shane Willis, and the Court Reporter. The Attorney-Client Session Shade Meeting must be confined to settlement negotiations or strategy related to litigation and not disclosed to third parties.

The Special Meeting recessed at 10:23 a.m. Mr. Willis disconnected the phone lines and recording.

FOURTH ORDER OF BUSINESS**COMMENCEMENT OF ATTORNEY-CLIENT SESSION SHADE MEETING (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.

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

The Attorney-Client Session Shade Meeting 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 11:03 a.m. The same Board Members present at roll call were still present.

SIXTH ORDER OF BUSINESS**Consideration of Matters Related to WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and**

There were no matters to consider.

SEVENTH ORDER OF BUSINESS**Consider Award of Contract for Lake Bank and Wall Remediation Projects**

Mr. Adams recalled discussion of the bid results for the Phase 1 Shoreline Stabilization Project at the last meeting. A link was emailed to the Board and Staff with the three bid responses, bid package, evaluation criteria, ranking form, Mr. Savage's Bid Comparison Tabulation Spreadsheet and a follow-up review and comments from Cummins Cederberg, Inc. He received individual evaluation forms from Supervisors Bennington and Bourque; Supervisors Lanese and Baker handed theirs to him. Mr. Buchholz is text messaging his Evaluation Form.

Mr. Savage was unsure why there was a different phone number on the documents but confirmed there was no communication with any of the respondents since receipt of the bids.

Discussion ensued regarding Cummins Cederberg's email assuming the reason for the differences on the stone is due to quality.

Mr. Haber confirmed Staff's ability to clarify the source of the stone with the three respondents to better evaluate the bids.

Everyone should have the same scores for timeframe and amount, as the calculation equation is in the bid package. Of the forms initially received, Kelly Brothers, Inc. was the #1 ranked respondent to the Request for Proposals (RFP) for the Lake Bank and Wall Remediation Project and B&Z Construction was the #2 ranked respondent. The points each Board Member awarded to each respondent, in each category, were noted. The Board Members discussed their individual scoring for each respondent and reasoning for their scores. A Board Member stated, based on the individual scores, the middle-priced bid ranked #1. Approximate bid amounts were:

Quality Enterprises	\$12,755,000
Kelly Brothers, Inc.	\$10,001,281
B & Z Construction	\$ 7,417,000

Mr. Savage read information from Consultant Jordan Cheifet regarding Cummins Cederberg's experience and Mr. Barraco's experience with the three respondents. Overall, both recommended clarifying the exact raw materials each contractor would use. He thinks it would be prudent to award the contract, subject to confirming the material source and visually

inspecting the materials. Mr. Haber reviewed the calculation formula for the price and schedule categories. Mr. Savage gave the scores to the Board Members to enter in their evaluation forms.

Mr. Adams stated the updated evaluation forms from the Board Members show Kelly Brothers as the #1 ranked respondent to the RFP.

Mr. Haber provided language for the motion to award the contract for the Lake Bank and Wall Remediation Project and issue the Notice of Intent to Award Letters. Staff will finalize the contract once the 72-hour protest period expires. As the contract will be for the entire project and is greater than the funds available, funding must be discussed before executing the contract.

Mr. Buchholz stated that, B&Z Construction's premium cost for the performance bond and its bid prices are some of the reasons he chose Kelly Brothers.

On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor, ranking Kelly Brothers as the #1 ranked respondent to the RFP for Lake Bank and Wall Remediation Project and authorizing Staff to send the Notice of Intent to Award letters to the respondents and to work with Kelly Brothers to finalize the contract, once the protest period ends, was approved.

Mr. Haber stated, with the monies available to fund the Phase 1 project, the CDD would enter into the Agreement with the understanding that the CDD will issue a Notice to Proceed and that the CDD will start the bond issuance process to secure the balance of funds needed to pay for the remainder.

Mr. Adams asked for the status of the Stormwater Pond Lake Bank Erosion bid package.

Mr. Savage stated his office is reviewing the bid package; he expects it to go out between meetings and to receive the responses in late January. Mr. Adams stated this will be on the February agenda and included in the bond issue for Phase 2, which addresses stormwater runoff/washout deficiencies. Mr. Willis stated information about the project is on the CDD website under the Exhibit Lake Bank Erosion Map.

Regarding the Phase 2 project proposed costs and location, Mr. Adams stated Kelly Brothers' unit pricing could be used to determine the costs. The project will address erosion on the preserves and will ultimately bring the CDD's permits back into compliance.

EIGHTH ORDER OF BUSINESS

UPCOMING MEETINGS

- **January 15, 2026 at 10:00 AM [Regular Meeting and Attorney-Client Sessions]**
- **February 5, 2026 at 10:00 AM [Regular Meeting]**

➤ February 19, 2026 at 10:00 AM [Special Meeting and Attorney-Client Sessions]

○ QUORUM CHECK

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

Resident Steve Swasey asked for an estimate of the homeowners affected by the stormwater repairs and for the status of the lawsuit on the front property. It was noted that it involves erosion along the pond retention areas. Mr. Adams stated the next step is mediation; the CDD is filing for sanctions against the Developer.

Resident Ron Worley asked if the CDD is requiring a two-year maintenance bond and if Lennar is responsible for paving the final coat and, if not, he suggested taking before and after photos of the roadway. Staff will confirm if there is a maintenance bond. Regarding potential roadway damages, Mr. Willis stated it was included as part of the bid.

Resident Bob Finkelstein asked if the Phase 2 and Phase 3 bids can be combined. Mr. Adams replied affirmatively.

Mr. Finkelstein asked when Lennar's settlement amount will be known. Mr. Adams stated no sooner than the next mediation date. The amount sought will be to cover all costs and those funds will be used to pay down the principal and hopefully reduce assessments.

A resident asked about legal expenses. Mr. Adams stated the CDD was given a couple million-dollar budget and about 18 months if the case goes through an actual court proceeding. It was noted that assessments would likely increase through 2027.

Resident Joann Schaeffer asked how the bond assessments are determined. Mr. Adams stated the Methodology will be used to ascertain the amount; the Methodology is on the CDD website under the Budget. Mr. Bennington provided the economic formula based on the budget.

A resident asked when construction will commence and be completed. Mr. Adams stated Phase I will commence in late January or early February 2026; the project timeline is one year.

Mr. Savage stated the preliminary estimate is \$1.6 million for Phase II.

Resident Greg Christiansen asked if docks will be removed to do the repairs. Mr. Adams stated notices will be sent to homeowners of their responsibility to remove their docks. Resident Ron Worley recommended notifying homeowners soon about having to remove their docks.

Resident Marie Goodman asked if all dock owners must move their docks now if it will be in phases. Mr. Adams stated the area is within the work limits, north of the peninsula; the CDD contractor will provide a schedule of the phases.

Resident Meryl Finkelstein voiced concern for dock owners and price gouging. Mr. Bennington stated he would, as a resident, help homeowners negotiate capacity pricing to remove the docks. Mr. Buchholz spoke to J&M who is ready to meet with dock owners and discuss with the contractor how to successfully complete both lakes at the same time.

Resident David Goodman stated that J&M told him J&M would try to work with the homeowners to remove the docks. J&M is not certain they need to remove everything associated to the docks. It was noted that everything should be removed, as the CDD/contractor is not liable for any damages to the docks, pilings, electrical, landscaping, etc.

A resident asked about Lennar providing funds for the Alico project that is on hold. It was noted that the CDD has not received any funds and the project has been delayed for over a year.

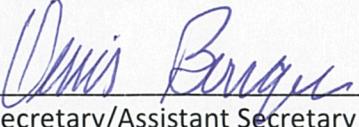
Resident Steve Wirth thanked the Board for their work over the last couple of years. As stated in the letter he sent to the Board yesterday, he thinks the CDD needs to improve communication to residents, as most are unable to attend the meetings during the day. He proposed holding Town Hall meetings. A Board Member asked the Board to review the document he distributed in the meeting and submit their comments to Mr. Willis for future discussions.

A resident asked for the timeline for Phases 2 and 3 and asked if it includes adding vegetation along the eroded slopes. Mr. Willis stated littorals will be planted in the stormwater ponds in accordance with the permits. The Phases 2 and 3 projects, if combined, might commence the second quarter of calendar year 2026.

TENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, the meeting adjourned at 12:31 p.m.

WILDBLUE CDD



Secretary/Assistant Secretary

December 18, 2025



Chair/Vice Chair