

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting and Attorney-Client Session on January 15, 2026 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	District Engineer
Christopher Fiore (via Zoom/phone)	Special Counsel
Court Reporter (via Zoom/phone)	

Residents present in person or via Zoom/phone:

Caitlin Galligan	Richard Gurney	Doreen Shaheen	Elaine Daly	Greg Christiansen
Peter Brown	Chris Gregson	Mark Sorensen	Terry Kurth	Ann & Joe Mussero
Jerry O'Malley	Scott Artman	Steve Humphrey		David Goodman
Kristi Huston	Julia Lambert	Joseph Cerbone		Kathleen O'Connor

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. All Supervisors were present.

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

Mr. Buchholz welcomed the attendees and discussed public comment protocols.

Resident Richard Gurney asked for a summary of events leading up to the current status of the wall project.

It was noted that, in coordination with Mr. Buchholz, a document was prepared for the Board to review and, subject to final approval, it will be disseminated to the residents within the next couple of weeks and will be posted on the website.

It was noted that settlement negotiations and strategy discussed in the Attorney-Client Session Shade Meetings are deemed private under the Sunshine Law and will not be disclosed until certain statutes are met. Residents are urged to attend meetings instead of obtaining information from their neighbors.

Resident Peter Brown asked for maps outlining Phases 1 and 2 and asked for them to be included in the communique to the residents. He asked if there are plans for the existing wall where it is okay. Mr. Buchholz stated that is being designed. The thought process is to take care of the areas that were obliterated, the District Engineer will review and provide recommendations for the second half of Phase 2, which is the south side. In general, the project scope will be for similar reinforcement to the level the North is getting but, because the wall will remain in place in many areas, it will provide enforcement. The CDD will do what is necessary.

Resident Doreen Shaheen asked if Legal Counsel can provide details of what occurred in mediation. Litigation Counsel Chrisopher Fiore stated that no settlement was reached in mediation, which is all he can share due to mediation privilege. Residents can go to the 20th Judicial Circuit Court website to review all the public litigation filings. The litigation is currently in the discovery process, where the parties exchange information that gives each party a better understanding of the position of each side of the evidence that supports the arguments; it then transitions into depositions. Mediation is an ongoing process, which may take several months.

Discussion ensued regarding the efforts of the resident Board versus prior Boards, and residents wanting ongoing updates instead of having to attend the CDD meetings.

Resident David Goodman asked about dock removal and storage and if it will be done on a case-by-case basis. Mr. Buchholz stated he will meet with J&M and the General Contractor Foreman with Kelly Brothers once they are officially engaged to determine where the project is starting and provide a flow schedule of where they can store and anchor the docks. The first

phase will involve removing debris, the Engineers inspecting the piping and establishing where the walls used to be and establishing the heights; he expects this to take three or four months to complete before moving any docks. Homeowners are responsible for engaging J&M or another contractor to remove their docks at their expense.

Resident Caitlin Galligan voiced concern about the utilities being shutdown properly to avoid being electrocuted. It was noted that the construction company will provide all the requirements and those will be disseminated to residents. The docks are on Ground Fault Interrupters (GFI) breakers; individual homeowners or a group are not prevented from suing Lennar in small claims court for having to remove their docks.

Resident Steve Humphrey discussed his experience and damages from a prior hurricane and read a statement about hurricane dangers. He believes the Board received bad advice about proceeding with litigation and thinks the remediation solution is unethical. He suggests stopping all litigation before the CDD is in financial ruin. He suggested the Board listen to the homeowners they represent and do what he thinks is the right thing and reach a compromise, or risk being voted off the Board. Mr. Buchholz stated the wall was inadequately built, in that it did not hold up in a simple storm. He suggested inspecting the wall at the marina, which was built correctly.

Discussion ensued regarding the Board's decision to proceed with the project to save homes during the next hurricane. It was noted that the Lennar CDD Board engaged litigation counsel and then resigned when Counsel's recommendation was to proceed with litigation; any settlement has nothing to do with remediation.

Resident Scott Herberman asked why the project is proceeding without a settlement.

Resident Ann Mussero asked who approved the original retention wall and if the CDD can sue the people who approved the wall. She suggested researching the Quarry, which won its lawsuit about the wall. Mr. Buchholz believes the South Florida Water Management District (SFWMD) probably approved the wall based on the Engineer's Seal but did not review the plans.

Resident Joseph Cerbone discussed his loss of property and community access prior to closing on the home and explained the initial repairs for a temporary berm conducted because of water violations. He encouraged residents to attend CDD meetings.

Resident Elaine Daly asked how the CDD is financing Legal and Special Counsel litigation costs, which she expects will exceed the \$70,000 budgeted in Fiscal Year 2026. Mr. Adams stated the proceeds will come from the \$500,000 gap funding Note obtained to fund the anticipated operating expense, plus \$700,000+ in levied assessments. Regarding the commercial lawsuit, Mr.

Adams stated the goal is to spend what it takes to ensure that those property owners adjacent to the commercial site are not impacted by the quantity and quality from the runoff coming from the commercial site.

Discussion ensued regarding the formula used to calculate the \$50 million in estimated remediation costs, the site plans posted on the website, and the spreadsheet outlining the financial impact in Fiscal Years 2027 and 2028, if the CDD does not recover the costs.

Resident Chris Gregson acknowledged there is a difference of opinion on how and when to proceed. In his opinion, there is no immediate need to do anything so the CDD should wait until it wins or loses the lawsuit. He read a statement "Directing the CDD Board to immediately stop all the following items; commercial property acquisition, and all legal proceedings on the commercial property topic; all Phase 1, 2 and 3 progress until the Board can present a plan that convinces homeowners the plans are solid and shows the residents it can trust this plan, by needing to pass a vote of the majority of the total membership of the CDD buyer, every door, et. al." It was noted that remediation is to protect the assets of the CDD. Mr. Buchholz thanked Mr. Gregson for his comments.

Mr. Bennington will continue the process of texting attendees when the Regular Board Meeting reconvenes so they can return to the meeting.

Resident Brian Grillo asked why the Shade Session is held in the middle of the CDD meeting. Mr. Willis stated this is a Florida Statute requirement.

Resident Kathleen O'Connor, thanked the Board for their performance over the last 13 months. She does not see any reasons to delay the project. She and Mr. Cerbone have not had a wall on their property since a year before their closing and their properties continue to erode. She encouraged residents to attend the CDD meetings.

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

Mr. Haber announced the Attorney-Client Session Shade Meeting.

Mr. Haber stated the Shade Meeting acknowledges implementation of a portion of Sunshine Law allowing the Board to meet privately with Counsel and the District Manager when the District is subject to litigation. This is specifically related to Lee County Case No. 1775 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 Chris Fiore, 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 Regular Meeting recessed at 11:03 a.m. In-person members of the public left the room, and Mr. Willis disconnected the phone lines and recording.

The meeting transitioned to the Court Reporter.

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 Attorney-Client Session Shade Meeting Executive Session commenced.

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

The Attorney-Client Session Shade Meeting adjourned at 11:45 a.m.

Mr. Adams reconvened the Regular Board Meeting at 11:56 a.m. The phone lines and audio recording were reconnected and the meeting room was opened to the public. The same Board Members present at roll call were still present.

SIXTH 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.

There were no matters to consider.

SEVENTH ORDER OF BUSINESS

Updates

A. Lake Bank Erosion Repair Project

- **Downspout Diagram**

This item was discussed during Item 7B.

B. Retaining Wall Restoration

- **Schedule**

These items were included for informational purposes.

Mr. Barraco discussed the following:

- The bid package to remediate erosion on the non-recreational lakes is underway. The contract will be awarded soon and the project will commence during the dry season, when conditions are favorable.
- The downspout diagram is posted on the website. Homeowners should provide the diagram to their contractors. The Engineer's recommendation is to install the pipe deep into the lake to avoid potential exposure during the dry season.
- A contractor has been selected.
- District Staff, the District Engineer and the Marine Engineer will coordinate items such as docks, access, storage areas, schedules, etc., before construction starts. A way to submit any concerns or questions during construction will be implemented.

C. Fuel Station Site

There was no update.

Mr. Buchholz asked Mr. Adams to reschedule his deposition to the following week.

It was noted that Mr. Gregson's prior statement about the CDD planning to acquire the Fuel Station Site is untrue.

EIGHTH ORDER OF BUSINESS

**Discussion/Consideration/Ratification:
Performance Measures/Standard & Annual
Reporting Form**

Mr. Adams stated that the 2025 Goals and Objectives Reporting was completed.

A. October 1, 2024 – September 30, 2025 [Posted]

On MOTION by Mr. Lanese and seconded by Mr. Bennington, with all in favor, the Fiscal Year 2025 Goals and Objectives Annual Reporting, was ratified.

B. October 1, 2025 – September 30, 2026

Mr. Adams stated that the Goals and Objectives Fiscal Year 2026 Performance Measures and Standards are the same as for Fiscal Year 2025.

On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor, the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards, were approved.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of November 30, 2025**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2025.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of Minutes

A. November 20, 2025 Special Meeting and Attorney-Client Sessions

On MOTION by Mr. Buchholz and seconded by Mr. Bourque, with all in favor, the November 20, 2025 Special Meeting and Attorney-Client Sessions Minutes, as presented, were approved.

B. December 4, 2025 Regular Meeting and Attorney-Client Session

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

Line 26 and throughout: Change "Phil Magery" to "Bill Magri"

Line 50: Insert "pre-mediation" after "Lennar's"

Line 60 and throughout: Change "Magery" and "Magery's" to "Magri"

Line 148: Change "City" to "County"

Line 152: Change "Counter Claim" to "counterclaim"

Line 297: Change "linier" to "linear"

Line 308: Change "Bailey" to "Daily"

Line 313: Change “to the point of” to “to this point in”

On MOTION by Mr. Buchholz and seconded by Mr. Lanese, with all in favor, the December 4, 2025 Regular Meeting and Attorney-Client Session Minutes, as amended, were approved.

C. December 18, 2025 Special Meeting and Attorney-Client Session

The following changes submitted by Ms. O’Connor were made:

Line 27 and throughout: Change “Wirley” to “Worley”

Line 28 and throughout: Change “Merrill” to “Meryl”

Lines 55 to 58: Delete

Lines 60 and 61: Delete

Line 69: Change “after submitting the Report” to “after the litigation attorney submitted their report”

Lines 137, 153, 160, 176: Change “Projects” to “Project”

Line 156: Change “bond performance to “performance bond”

Line 171: Insert “be” after “will”

Lines 172 and 175: Change “Phases 2 and 3” to “Phase 2”

Mr. Adams noted the Phase 2 contract addressing stormwater runoff/washout deficiencies is currently out to bid.

Line 175: Change “Phases 2 and 3 projects” to “Phase 2 project”

Line 191: Insert “for” after “filing”

Line 198: Change “Feinstein” to “Finkelstein”

Line 199: Insert “sought” after “amount”

Line 208: Change “it will” to “Phase 1 will”

Line 209: Insert “for Phase 2” after “estimate”

Line 227: Insert “he” after “yesterday,”

On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, the December 18, 2025 Special Meeting and Attorney-Client Session Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

Mr. Haber requested amending the agenda to add consideration of a bid protest filed in response to a award of contract related to the Request for Proposals (RFP) for Lake Bank and Wall Remediation Project.

On MOTION by Mr. Bourque and seconded by Mr. Buchholz, with all in favor, amending the agenda to add Discussion and Decision Regarding the Bid Protest to the Request for Proposals for Lake Bank and Wall Remediation Projects, was approved.

▪ **Discussion and Decision Regarding the Bid Protest to the Request for Proposals for Lake Bank and Wall Remediation Projects**

This item was an addition to the agenda.

Mr. Haber recommended rejecting B&Z Construction's protest and deny any action with respect to the request which are based either on procedural and substantive reasonings, such as failure to make factual or legal arguments as to why the CDD should provide B&Z Construction, any relief to cure and submit a bond, or to timely post a protest bond, respectively, which are outlined in his memorandum to the Board.

Mr. Haber described the bid protest status and suggested sending a formal notice to B&Z Construction that their protest has been rejected based on items the Board reviewed and their decision to award the contract to Kelly Brothers, Inc. Since the contract with Kelly Brothers, Inc. cannot be executed until the protest is resolved, he suggests scheduling an informal meeting with B&Z Construction coming before the Board to make an argument as to why they think they should be entitled to the contract, at which the Board can then decide whether or not to engage further on this matter. The decision was made to continue this meeting to January 23, 2026 at 10:00 a.m. to avoid further delays.

Mr. Haber suggested designating a Board Member to contact B&Z Construction prior to the January 23, 2026 meeting to discuss the Board's decision regarding the protest and, if B&Z Construction decides to withdraw its protest, having them provide that in writing.

Mr. Buchholz was designated spokesperson on behalf of the Board.

On MOTION by Mr. Bourque and seconded by Mr. Bennington, with all in favor, rejecting the B&Z Construction Protest for the reasons Mr. Haber stated and directing Staff to send a formal notice of the rejection to B&Z Construction and advising that an informal proceeding has been scheduled for January 23, 2026 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913, was approved.

B. District Engineer: Barraco and Associates, Inc.

There was no report.

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

- **UPCOMING MEETINGS**

- **February 5, 2026 at 10:00 AM [Regular Meeting]**
- **February 19, 2026 at 10:00 AM [Special Meeting and Attorney-Client Session]**
- **March 5, 2026 at 10:00 AM [Regular Meeting]**

- **QUORUM CHECK**

The January 23, 2025 Continued Meeting might be cancelled, subject to B&Z Construction submitting a letter withdrawing its protest prior to the meeting date.

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

- **Discussion/Consideration of Official Wildblue CDD Public Statement Regarding the Retention Wall Project**

Board Members were asked to submit their comments to Mr. Adams. This item will be on the next agenda.

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

Resident Doreen Shaheen asked if the lakes will be shut down during the project. Mr. Buchholz stated there is potential for a partial shutdown but that will not be decided until they receive input from the contractor. Mr. Barraco suggested posting weekly work schedules on the website.

Resident Krisi Huston asked if the bid is good for 120 days. Mr. Willis replied affirmatively.

Resident Jerry O'Malley listed reasons he believes the District needs to proceed with the repairs and the Lennar litigation. He suggested the Engineers for Phases 2 and 3 review the maps and locate where the Lennar contractors installed the wall and back filled with rock.

Resident Julia Lambert asked if individuals can modify personal property, such as building up the wall at their own expense, once the project is completed. Mr. Willis replied no; since the SFWMD and the County will not approve individual permit modifications on a lot-by-lot basis.

Residents can only modify on the landward side of the wall, up the lake bank towards the wall, any of which will require approval from the Architectural Review Committee (ARC).

Resident Terry Kurth expressed frustration with unfavorable Facebook posts. He discussed his out-of-pocket litigation expenses exceeding the settlement amount and expressed support for the District's litigation against Lennar.

Mr. Bennington left the meeting at 1:02 p.m.

Regarding the map of the erosion restoration project, resident Mark Sorensen asked for clarification of the differences between builder responsibility versus CDD responsibility. It was noted that the map is posted on the wildbluecdd.net website. Regarding Retention Pond G1 identified on the map as builder responsibility only, Mr. Adams confirmed that the CDD included Pond G1 on the map and in the bid sheet.

A resident offered to provide a video supporting wave action over the shoreline on a good day.

Resident Kathleen O'Connor recommended the communication to residents include bullet points, a thorough explanation of the project progress, a segment on the differences between the CDD and HOA and provide the Board Members' contact information.

Discussion ensued about the Board's ongoing efforts to communicate information to residents, who in turn pose questions that are outlined in prior communiques or just complain about nonfactual information and a resident suggestion to consider installing flood control walls in certain areas.

FOURTEENTH ORDER OF BUSINESS

Adjournment

<p>On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor, the meeting recessed at 1:19 p.m. and was continued to January 23, 2026 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.</p>
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WILDBLUE CDD

January 15, 2026



Secretary/Assistant Secretary



Chair/Vice Chair