

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on February 5, 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 (via Zoom/phone)	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)	District Engineer
Frank Savage (via Zoom/phone)	Barraco and Associates, Inc.

**Residents present in person or via Zoom/phone:**

Terry Kurth	John Meyer	Greg Christiansen	Don Martin
Chris Gregson	Kathleen O'Connor	Richard Gurney	Jerry O'Malley
Thomas Knight	Ann Massaro	Paul & Elaine Daly	Bill & Doreen Shaheen
Michael Downhart	Kristi Huston	Will Schneider	

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 Buchholz, Bennington, Bourque and Baker were present. Supervisor Lanese attended via phone.

**SECOND ORDER OF BUSINESS**

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

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

Resident Paul Daly informed the Board that he spoke with David, with the Tensar Corporation, who designs rock mattresses and he believes laying down fabric will sufficiently remediate instead of laying down mattresses. Having a construction background, Mr. Daly stated that he agrees with the Engineer. He disagrees with the Board's decision not to accept Lennar's \$5 million settlement offer, since there are no assurances the CDD will receive a large settlement and homeowners would be the ones left paying additional costs, via a bond.

Mr. Daly was asked if he resides in the CDD. He replied affirmatively.

Mr. Buchholz stated that the Board based its decisions on the recommendation of the two biggest Marine Engineering companies in Florida. They told Lennar they would review the offer and investigate how much the wall would cost; the Board did not reject the offer. It was noted that the Lennar-controlled CDD Board presented Lennar's offer and engaged Litigation Counsel to research Mr. Kurth's lawsuit. The Lennar Board Members then resigned when Litigation Counsel's recommendation was to proceed with litigation, based on Taylor Engineering's review of how much the actual cost would be to construct the wall properly and to protect the CDD's interest.

Resident Doreen Shaheen asked when the CDD took ownership of the wall. It was noted that the CDD did not take ownership of the wall because of the litigation and possible encumbrances of the CDD taking possession of a liability. Lennar or one of its subsidiaries owns the wall.

Resident Terry Kurth encouraged residents not to take Facebook comments or false news as being accurate and to put their faith in the Board and the professionals they engage and in the recommendations for remediating the wall. He is willing to gamble a potential \$5 million to potentially get \$25 million.

Resident John Meyer noted that the CDD is responsible for maintaining existing assets and asked if the CDD repaired the wall after the 100-year storm about three and a half years ago. Mr. Buchholz stated the CDD repaired all the necessary things, such as the broken water lines,

sprinkler heads and drainage lines, and laid down soil to prevent homes from eroding into the lake, while obtaining engineering studies, drawing designs, bids and engaging a contractor.

Discussion ensued regarding the project, the thought that the entire wall is defective and failing, Phases of the project, Phase 1 taking care of the areas that were obliterated, having the Engineer provide recommendations for Phase 2 the south side, the Board determining where mediation takes them, construction not being dependent on the litigation, Phase 1 estimates of \$10 million, and the Category 4 Fort Myers Beach hurricane with Category 2 wind speed at the airport and less than that in the CDD.

Resident Ann Massaro asked how many phases are in the project. She would like the scope of work for each phase to be defined. Mr. Buchholz stated there are three project phases, which were covered in prior meetings. The Phase 1 project is laying three miles of riprap/mattress, which commences next month.

A resident asked if residents will be able to keep their boat docks once the riprap is laid. Mr. Buchholz replied affirmatively. Phase 1 is similar to the riprap in Esplanade on Alico Road. It was noted that the details of Design 2, which is the new cross section, are posted on the CDD website.

A resident asked if there is a plan to remove the docks. Mr. Buchholz stated that J&M is meeting with the homeowners to remove their docks; homeowners will be provided with the contractor's schedule to use to coordinate removing their docks at the homeowner's expense; this will be done in phases. He outlined the project scope in which J&M, or any other homeowner's contractor, and Kelly Brothers will determine how far down the steel must be.

Resident Michael Downhart asked how the CDD can start the project when Lennar still owns the property and does not own the homes. Mr. Adams stated that the CDD owns the Environmental Resource Stormwater permit and is responsible for returning the lake bank into compliance with the permit to avoid being fined \$10,000 a day. As the project increased from \$3 million, he asked for a copy of the Engineer's Estimate. Mr. Buchholz stated the Board thinks the Engineer's cost estimate is lower than the cost of redoing the wall and it is a better design.

Regarding a comment that another mediation will be scheduled in the next 90 days, a resident asked why the litigation has not progressed to the point where Lennar declares why they

believe they are not at fault. Mr. Buchholz stated the CDD's Engineering Reports prove there were problems both in the design and implementation. Mr. Haber stated that, by law, mediation and settlement discussions must be kept confidential. The CDD is represented by litigation counsel and has construction litigation experts who advised the Board that they believe the CDD has a valid case against Lennar; they made no guarantees but thought, for various reasons, that it was the correct decision to file the complaint that the CDD filed. The parties are mediating and, by law, cannot provide details about the mediation. The Board and litigation counsel meet monthly in a Shade Session held within a Public meeting. The Shade Session is closed to the public for the purpose of discussing litigation strategy and is not available until litigation has ended. This is to avoid sharing decisions/strategy with opposing parties and to ensure the CDD's position in the litigation remains as advantageous as possible. The Board should be careful not to disclose settlement or mediation discussions or the CDD's position in litigation.

A resident asked about the litigation timeline. Mr. Haber stated the parties are required to resolve the litigation via the Rules of Civil Procedure to go to trial.

A resident asked how the CDD is accounting for the costs. Mr. Adams stated the bridge loan and expenditures are recorded in the General Fund Special Revenue Fund of the Unaudited Financial Statements. A bond will be issued for Phases 2 and 3 and, upon settlement, those funds will be used to pay down the principal amount of the bonds and can result in reduced assessments.

A resident asked about the legal fees and what happened to the bridge loan. Mr. Adams stated the bid is for \$10 million, the CDD is only issuing a Notice to Proceed for an amount less than \$3.5 million that is still available from the bridge loan, which also covered significant engineering, design and emergency lake bank erosion repair costs. The General Fund is funding the legal fees.

Resident Chris Gregson stated, now that Mr. Kurth's case settled, the court records show that CDD litigation counsel filed an answer to Mr. Kurth's second amended complaint but Mr. Kurth has not filed a dismissal notice. Mr. Haber stated that, while settlement discussions might still be outstanding, the parties must still adhere to the Civil Rules of Procedure on filing.

Resident Elaine Daly stated the Board keeps referencing the \$7 million number. The bid is based on unit prices and she asked if there is a penalty if Kelly Brothers does not complete the one-year project completion deadline. Mr. Buchholz stated, like any other construction project, there might be change orders. The bond issue will fund all three phases and repay the \$5 million bridge loan. The CDD will fine Kelly Brothers \$750 a day if they do not meet the completion deadline.

### THIRD ORDER OF BUSINESS

### Updates

#### A. Lake Bank Erosion Repair Project

- Downspout Diagram

#### B. Retaining Wall Restoration

- Schedule

These items were included for informational purposes.

Mr. Savage stated this update is parallel to the earlier discussions about the recreational lake and ongoing work with Kelly Brothers. He expects the bid process to conclude in the next few weeks for the surface water management lakes for the erosion conditions that were both linear and localized along those components. He is working with Staff to finalize certain contract documents and to generate and send the Request for Information (RFI) addendums to the contractors, so they can meet the response deadline. He hopes to present bid responses and recommendations at the next meeting. Mr. Barraco stated the intent is to execute the contract and have the contractor working and completed before the end of this dry season and before the lakes water levels start increasing based on the rainy season.

#### C. Fuel Station Site

Mr. Buchholz stated he spoke to the attorneys today. He had nothing else to report.

Mr. Adams stated they are moving towards mediation. There is also a desire to file a Declaratory Judgment. He intends on asking the attorney to convey the CDD's position to counsel and see if they can reach a settlement.

#### D. Lake Bank Revetment Communication

This item was discussed during the Seventh Order of Business.

**FOURTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of December 31, 2025**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2025. The majority coded to the Aquatic maintenance budget will be recoded to the correct Conservation area maintenance budget item.

The financials were accepted.

**FIFTH ORDER OF BUSINESS**

**Approval of January 15, 2026 Regular Meeting and Attorney-Client Sessions Minutes**

The following changes were made, including edits from Ms. O’Connor and others:

Line 28 and throughout: Delete “Chris Brexton” and change “Dailey” to Daly”

Line 29: Delete “Brian Grillo”

Line 30 and throughout: Change “Faro” to “Mussaro” and change “Herbman” to “Hartman”

Line 72: Change “Forman” to “Foreman”

Line 83: Change “Humprey” to “Humphrey”

Line 114: Delete “the”

Line 123: Change “Brian Grillo” to “A resident”

Line 284: Insert “a” after “award of”

Line 370: Delete “the CDD setting up a Facebook account to offset negative posts;”

**On MOTION by Mr. Buchholz and seconded by Mr. Bourque, with all in favor, the January 15, 2026 Regular Meeting and Attorney-Client Sessions Minutes, as amended, were approved.**

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel: Kutak Rock LLP**
- B. District Engineer: Barraco and Associates, Inc.**

There were no District Counsel or District Engineer reports.

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

- **Performance Measures/Standards & Annual Reporting Form (for informational purposes)**
- **UPCOMING MEETINGS**
  - **February 19, 2026 at 10:00 AM [Special Meeting and Attorney-Client Session]**

Special Counsel Mr. Hennessy and Mr. Fiore will be invited to the next meeting. It was noted that Special Meeting “Shade Sessions” are held at the second meeting of the month.

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

**SEVENTH ORDER OF BUSINESS****Board Members’ Comments/Requests**

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

Mr. Buchholz distributed and presented the draft of the Official Wildblue CDD Public Statement Regarding the Retention Wall Project. Board Members were asked to submit their comments to Mr. Adams. He hopes to finalize and e-blast the document to homeowners and residents within the next two weeks.

This item will be on the next agenda.

Ms. Baker asked about Kelly Brothers responsibility with regard to the roads while the project is underway, as opinions differ as to whether to do the final lift of asphalt now or after the project. Mr. Barraco stated photographs and videos will be taken of CDD assets prior to preconstruction, which will help determine if Kelly Brothers is responsible for repairing damage. He recommends deferring the second lift of asphalt until Phase 1 is complete.

A Board Member caution residents about posting comments online, as a Senior Management employee of Lennar resides on Wildblue Boulevard and might be reporting the comments to Lennar Management.

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

Resident Kristi Huston asked if the weeds on the Vista Blue fences are removed by hand after being sprayed. Mr. Willis stated he notify Vista Blue to remove the weeds.

Resident Bill Shaheen voiced his safety concerns about protruding sewer caps on the peninsula potentially flipping over golf carts. Ms. Baker stated she will ask Karen Murphy to contact Lennar about cold patching around the sewer caps to help soften the bump.

Resident Richard Gurney asked if the CDD received all the permits listed on the Lake Restoration Schedule and if the Phases 2 and 3 project scopes of installing riprap at the base of the current wall and reinforcing the cap changed. Mr. Barraco discussed the progress on the retaining wall permits. Mr. Buchholz stated he will speak to the engineers next week to shore up Phases 2 and 3 and will provide an update at the next meeting.

Resident Jerry O'Malley asked for an explanation of the Phase 1 schedule. Mr. Buchholz stated the project will start from the circle on Blue Sapphire. The contractor will remove the wall, lay the mattresses, and build the wall moving in sections, counterclockwise. The schedule and map of Phase 1 will be posted on the website, once finalized.

In response to Mr. Kurth's earlier comment, Mr. Daly stated that having a difference of opinion does not mean you have misinformation. He thinks it is inaccurate and unnecessary to diminish somebody by claiming that they are misinforming somebody. The Board inferring he could be a spy or supporter of Lennar simply because he has more experience than them is untrue and inappropriate. A Board Member stated he asked the question because Lennar can drag him into this because of his posts. He noted his background experience.

Resident Thomas Knight asked if the contract includes restoring the roads on the circle and if the residents will be remunerated from the settlement for what they paid. Mr. Buchholz replied affirmatively, there will be new curbing, landscaping, etc. Mr. Adams stated funds will be used to reduce the principal on the bonds resulting in reduced annual assessments.

Ms. Shaheen asked how homeowners who paid off their bond debt would receive the settlement funds. Mr. Buchholz stated that would have to be reviewed with the Trustee.

Resident Will Schneider commended the Board on preparing the communication to homeowners and residents to keep them apprised of the project. Mr. Buchholz stated the communique will be posted on the CDD website and forwarded to Karen Murphy to e-blast to homeowners and residents. Mr. Schneider thinks the Board should elaborate in the communique how the assessments and settlement funds will be addressed. A Board Member stated he will email the informal spreadsheet he prepared and shared in prior meetings, which outlines the financial impact in Fiscal Years 2027 and 2028, if the CDD does not recover the costs.

A resident posed and Mr. Adams responded to questions regarding the Liabilities, Landowner advance budget item. As discussed earlier, the CDD has not issued the settlement check to Mr. Kurth. Regarding the \$500,000 spent on the commercial property matter, those funds were spent for the administrative hearing filing with the Water Management District and the Developer. The CDD filed for attorney’s fees and the primary reason for continuing to pursue this matter is flooding. The CDD is in negotiations with the Developer to alleviate several matters.

Mr. Kurth stated that Lennar had absolute control over the CDD Board for two years. He asked the attendees not to punish the resident-controlled CDD Board for the actions of the prior Board and to realize the professional engineers deem that it will take \$20 million to \$25 million or more to remediate. He also stated he thinks the CDD has a high chance of winning this case and recouping the costs.

Somebody stated that the debt service assessment amount is not a fixed amount per household.

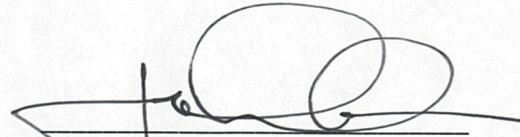
Based on earlier comments on being new to the community and not everyone is able to attend the meetings, resident Kathleen O’Connor stated that, although it is not required, the Board has graciously provided the ability for people to attend and participate in CDD meetings via telephone. The contact information is on the agenda.

**NINTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Bennington and seconded by Ms. Baker, with all in favor, the meeting adjourned at 11:54 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair