

**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 February 19, 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 (via Zoom/phone)	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.
David Gurley (via Zoom/phone)	Special Counsel, Gurley Fant, P.A.
Chris Fiore (via Zoom/phone)	Gurley Fant, P.A.
Kevin Hennessey (via Zoom/phone)	Special Counsel, Lewis Longman Walker
Court Reporter	

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

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

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. Willis called the meeting to order at 10:02 a.m. All Supervisors were present.

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

Mr. Willis discussed public comment protocols and addressed public decorum. The public comments sections is not a Question & Answer (Q&A) period. Under Florida Statutes, the Board is not required to answer comments but may choose to answer questions at the end or after the meeting. The Board may also choose not to respond to questions that have been answered in previous meetings, as that information is available through the District's records, via the minutes and its website. Attendees have a 3-minute time limit, per speaker, to make their public comments. Public comments on agenda items are heard at the beginning of the meeting and public comments on non-agenda items are heard at the end of the meetings.

Mr. Buchholz discussed the protocol for holding Attorney-Client Session Shade Meetings within a Public meeting. Attendees will receive a text if they choose to receive a notification from Mr. Bennington when the Special Meeting reconvenes so they can return to the meeting room. He asked those making public comments to identify themselves and spell their last name to ensure accurate meeting minutes.

Resident Dennis Yoakum thinks the statement on elevation in the last meeting was incorrect based on his discussions with an Engineer who stated the overflow from the retaining pond would be closer to 4' not 4". He asked the Board to confirm the elevation and to correct the minutes. Mr. Buchholz clarified that the statement was about Lakes H-1, H2, H3 and H4, not 4" elevation. The District Engineer informed the CDD there is a high probability, under certain conditions, that additional water from the commercial property could flow and cause damages on the CDD homeowners' property. He will notify him of the correct elevation number.

Resident Paul Daly stated he was reading data from the South Florida Water Management District (SFWMD) showing the control elevation for retention ponds is set at 17.8' above sea level, the average rainy season level, and the elevation for finished lots is 20.9'. He asked if records show Barraco & Associates' build level was set to 21.8', 4' above the control level. As the outfall level for the retention ponds set at 20.9', he thinks this means the outflow of water from the

ponds will not run south; rather, it will be northeast into the preserve; therefore, the homes will not flood. He will send the SFWMD information to the Chair. Mr. Buchholz stated he will have Barraco & Associates check the data.

Resident Elaine Daly voiced concerns that the original infrastructure development bond and the future bond to fund the lake bank erosion repair projects (spanning three phases) would bankrupt the neighborhood. Mr. Adams and Mr. Willis noted this was addressed in a prior meeting. Mr. Adams explained how the bonds would work moving forward if approved. Ms. Daly referred to the language related to obligations in Section 9. 27 of the original bond. She was asked to send her question to the Board so the correct party can respond. Mr. Willis advised Ms. Daly of exceeding the 3-minute public comments time limit.

Mr. Bennington provided his cell number to the attendees interested in rejoining the meeting at the conclusion of the Shade Sessions.

**THIRD ORDER OF BUSINESS**

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

Mr. Haber announced that Attorney-Client Session Shade Meeting 1 will be transcribed by the Court Reporter. The CDD is implementing the portion of the Sunshine Law that allows the Board to meet privately with Counsel and the District Manager when the District faces litigation. This is specifically related to Lee County Case Nos. 001775 and 25-CA-1837, outlined in the Fourth and Seventh Orders of Business, respectively. Both Shade Sessions were formally requested in a prior meeting and were properly noticed. Attendees for both Shade Sessions include the CDD Board Members, Mr. Haber, and District Management representatives Chuck Adams and Shane Willis. Also in attendance in Shade Session 1 is Litigation Counsel David Gurley and Chris Fiore. Also in attendance in Shade Session 2 is Litigation Counsel Kevin Hennessy. The Court Reporter will be in attendance and will transcribe both Shade Sessions.

Mr. Haber recessed the Special Board Meeting at 10:22 a.m., and announced commencement of both Attorney-Client Session Shade Meetings. Mr. Willis disconnected the phone lines and audio recording and in-person members of the public left the meeting room.

Notifications will be sent to Mr. Hennessy to join Shade Session 2 and to Mr. Barraco to rejoin the Special Meeting, respectively.

**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.

**FIFTH ORDER OF BUSINESS**

**ADJOURN ATTORNEY-CLIENT SESSION SHADE MEETING 1**

This occurred during the Shade Session.

**SIXTH ORDER OF BUSINESS**

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

Attorney-Client Session Shade Meeting 2 was announced during the Third Order of Business.

**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**

The Executive Session commenced at 11:19 a.m.

**EIGHTH ORDER OF BUSINESS**

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

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. Willis reconvened the Special Board Meeting at 12:17 p.m. and then recessed it for a brief break.

The Special Board Meeting reconvened at 12:30 p.m. The same Board Members present at roll call were still present.

**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. Willis stated that Special Counsel Gurley will make a statement to the homeowners, but he will not answer any questions.

**THE FOLLOWING SECTION WAS TRANSCRIBED VERBATIM**

Mr. Gurley stated the following:

“The Board asked me to explain to the group a recent event, which was the filling of an updated claim against Lennar and contractors and the designers, and the import of all of that, and that is something that regularly happens in litigation, intermittently through a lawsuit to kind of update the clients. We made a filing on February 2, 2026 in the Circuit Court of Lee County and the update that we just wanted to make everyone aware of was a couple of added claims against Lennar and some of the others. Essentially the Lennar Claims that got added were:

1) A Claim for indemnification or reimbursement to the CDD for the money that is being spent to repair the wall. There is a contract between the CDD and Lennar that states that the CDD is damaged on account of a bad design, which we do believe there is a bad design that we have to spend money to fix it and we are legally obligated to fix it so that Lennar has to reimburse the CDD.

2) The second claim that was added is what we lawyers call a Breach of Warranty, which everyone knows what a warranty is. Basically in the contract I am referring to, Lennar agreed that, admit that the CDD could rely upon its design of the retaining wall and also that the retaining wall would be sufficient to do what it is supposed to do, which is in this case, one of the essential failures it that is does not protect the lake banks against wind erosion from the lakes. The bank just keeps getting eaten away, the wall falls in or falls over. We got two claims that we recently added, based upon a written document, which is always good and in addition to that, the average document also provides for Attorneys' fees for the recovery; and we believe there is going to be recoveries, so we believe there will be a claim for Attorneys' fees, and that is all in the discretion of the Court, but that is the best you will ever get to do. Well, you can find yourself in the, we sent the records to the Courthouse referencing the lawsuit, the filing, like I said was on the second, everything that is filed with the court file has a number attached to it. For this lawsuit, was started by Mr. Kurth, so that is the first name in the lawsuit, the filing number is number 208, but I know that we are going to make the updated claim and maybe we will do this in the future, available to all the homeowners via the website. It will be a drop box or a shared file, or something like that. That is my update and like I said this is available to everybody and I believe you will be able to read it and understand it, so I refer you to that if you want to dig in or drill down into the legal claims that are pending. So thank you and have a great day."

**SUMMARY TRANSCRIPTION RESUMED**

No further action was considered at this time.

**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 addressed during the Ninth Order of Business.

**ELEVENTH ORDER OF BUSINESS**

**Updates**

**A. Lake Bank Erosion Repair Project**

- **Downspout Diagram**

Mr. Savage stated the bid opening was on Monday; analysis of the three bids is underway and will be emailed to the Board and Staff before discussion/consideration at the next meeting.

**B. Retaining Wall Restoration**

- **Schedule**

Steps are underway with District Counsel to finalize the contact with Kelly Brothers for the initial phase by this week. Construction will be broken into the currently funded Phase 1A component, which is highlighted on the spreadsheet in yellow. The barges for Phase 1A are expected to be in the water no less than 60 days from today and, in coordination, Staff will be working to finalize the funding arrangement for the remaining of Phase 1, which is Phase 1B.

Mr. Haber stated Kelly Brothers requested some provisions to the CDD contract. He suggested designating a Board Member to work with Staff to review the requested changes and provide authorization to execute the contract, to avoid further delays.

**On MOTION by Mr. Lanese and seconded by Ms. Baker, with all in favor, authorizing the Chair, acting on behalf of the Board, to work with Mr. Haber on necessary changes and on finalizing the contract and to substantially approve and execute the contract in final form, was approved.**

**C. Fuel Station Site**

There was no update.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: Kutak Rock LLP**

Mr. Bennington stated he sent a letter to Mr. Haber and Mr. Adams seeking direction in handling online public defamatory statements of a legal nature being made about the Board, in

relation to taking kickbacks or the inference that this Board is involved in taking kickbacks. His research stated making those types of public statements on a public official is a felony, if you know it is fallacious.

Mr. Haber provided options for Counsel to speak to the individual Board Members and determine if it is appropriate to prepare and send a letter to the appropriate people in relation to civil defamation. Alternately, individual Board Members could address criminal defamation by contacting law enforcement.

**On MOTION by Mr. Bourque and seconded by Ms. Baker, with all in favor, authorizing District Counsel to discuss defamation cases individually with the Board of Supervisors Board Members, was approved.**

**B. District Engineer: Barraco and Associates, Inc.**

There was no report.

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

Mr. Willis stated SOLitude Lake Management offered to extend the wetland/aquatics maintenance contract another two years at the current price; the current contract expires in March 2026. If not approved, the CDD would not have to go out to bid.

Discussion ensued regarding SOLitude’s performance, competitor prices typically exceeding the existing contract of about \$72,000 and SOLitude crews monitoring the aerators due to low water levels.

This item will be placed on the next agenda.

- **Performance Measures/Standards & Annual Reporting Form (for informational purposes)**
- **UPCOMING MEETINGS**
  - **March 5, 2026 at 10:00 AM [Regular Meeting]**
  - **March 19, 2026 at 10:00 AM [Special Meeting and Attorney-Client Session]**
  - **April 2, 2026 at 10:00 AM [Regular Meeting]**

All Supervisors confirmed their attendance at the March 5, 2026 meeting.



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.

○ **QUORUM CHECK**

**THIRTEENTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests**

Mr. Buchholz wants to assign tasks to various Board Members. Mr. Bourque volunteered and was assigned to review the meeting minutes posted on the website to ensure the edits submitted were made correctly. Ms. Baker volunteered and was assigned to follow up with the Attorneys on what they are proceeding with and on the estimated costs.

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

Mr. Buchholz asked everyone to review the latest version of the public statement and submit comments to Mr. Adams.

This item will be on the next agenda.

**FOURTEENTH ORDER OF BUSINESS**

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

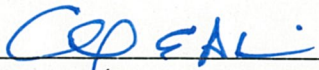
Resident Robert Finkelstein asked if the lowest bidder dropped its bid protest. Mr. Buchholz replied yes; they signed off on it after discussions at the last meeting. Mr. Haber stated he received the executed release from any further claims with respect to the bid protest.

A resident asked if the CDD can help negotiate a deal to move all the homeowner docks. Mr. Willis stated the CDD, as a governmental entity, cannot negotiate a contract but it can make sure the contractor is involved with the project. Asked if Board Members, as homeowners can request a quote from Kelly Brothers to move their docks. Mr. Willis stated yes, as long as they understand the CDD is not involved in their private negotiations with contractors.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Lanese and seconded by Mr. Bourque, with all in favor, the meeting adjourned at 1:09 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair