

**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 March 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	District Engineer
David Gurley (via Zoom/phone)	Special Counsel, Gurley Fant, P.A.
Christopher Fiore (via Zoom/phone)	Gurley Fant, P.A.
Court Reporter	

Residents present in person or via Zoom/phone:

Steve Wirth	Ann Massaro	Patrick Broesch	Kathleen O'Connor
Bob Carr	Joe Massaro	Gordon Russell	Nancy Reichenbaugh
Paul Daly	Alonzo Moseley	Scott Harris	Tom Reichenbaugh
Elaine Daly	Jeff Rechlicz	Chris Gregson	Bob Finkelstein
Kristi Huston			

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 10:00 a.m. All Supervisors were present.

A motion was made to reinstate printing agenda packages. A Supervisor Bennington offered to print copies of the package for the Board in order to save shipping costs. Mr. Haber stated that does not constitute a violation of the Sunshine Law. The motion was withdrawn.

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 section is not a Question & Answer (Q&A) period. Under Florida Statutes, the Board is not required to respond to comments or questions 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 CDD's records, minutes, and the 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 meeting.

Mr. Buchholz welcomed the attendees and discussed the protocol for holding Attorney-Client Session Shade Meetings within a Public meeting.

Mr. Willis asked those making public comments to identify themselves and spell their last name to ensure accurate meeting minutes.

Resident Ann Massaro asked for updates on the litigation, the settlements with Lennar and Pulte, the \$10 million bid, and the mediation. Mr. Buchholz stated more information might be available following the Attorney-Client Session Shade Meeting. Attendees will receive a text notification from Mr. Bennington when the Special Meeting reconvenes.

Resident Patrick Broesch recalled discussions regarding Phases 1 and 2 being handled separately because one requires repair and replacement and the other requires preventative measures. He asked for drawings to be provided before discussion, pricing, or voting. As a representative of the Fishing Club, he expressed concern about the CDD's involvement in the fishing tournament, which he thinks is none of the CDD's business. He asked for any issues to be referred to WildBlue Amenities. He was informed that the CDD is not getting involved.

Resident Bob Finklestein stated he is organizing the dock owners. He met with three dock builders and progress is being made; they need to know where the docks will go, and whether

the pilings must be removed. Vista is apparently proceeding with repairs without moving their docks.

Resident Joe Massaro asked why the lowest bidder was not selected during the sealed bidding process. It was noted that the lowest bidder was not local, they are based in Indiana, their list of equipment was sparse and their stone costs bid was less than half the amount of the bids from the other respondents, which is extreme. Kelly Brothers is a local contractor, they have an extensive list of equipment, provided photos of similar projects, and are experienced. The District Engineer also recommended them. It was noted that this matter was discussed and explained several times over multiple meetings ; Mr. Massaro was encouraged to attend CDD meetings and to review past meeting minutes.

Resident Kathleen O'Connor discussed her impressions of the Indiana bidder and expressed support for the Board's decision and noted that the audio and meeting minutes are available for the meetings, etc. related to awarding the contract.

Resident Steve Wirth asked what the retaining wall project might look like when completed and if pictures can be provided to the public. He asked if the environmental impact to vegetation and wildlife was evaluated. Regarding the environmental impact, the District Engineer went through the Environmental Resource Permit process with the State and the County and everything was addressed. Mr. Barraco stated the County had one final question about the littorals; he will provide them with the information and he does not expect any delays.

THIRD ORDER OF BUSINESS

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

Mr. Haber announced the Attorney-Client Session Shade Meeting 1. 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 and the Court Reporter.

The Shade Sessions will be transcribed by the Court Reporter. Also in attendance in Shade Session 1 is Litigation Counsel David Gurley and Chris Fiore.

Mr. Haber stated that the only topic of discussion that can occur outside of a public meeting is about outstanding litigation and the discussions need to be addressed in the formal way he did. They must be publicly noticed, the only people allowed in the Session are the ones he listed and the topics of discussion are limited to only strategy related to the litigation. No formal Board decision or votes occur during the Shade Session; it is just for questions, answers and advice between the Board and Litigation Counsel. To the extent there are decisions to be made that flow out of the questions, answers and advice given in the Shade Session will be done in the public session that occurs after the Shade Session is concluded. When the case is resolved, the transcripts of the Shade Sessions become public.

Mr. Willis recessed the Special Board Meeting at 10:30 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.

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 1 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 Attorney-Client Session Shade Meeting 2 Executive Session commenced following adjournment of the Attorney-Client Session Shade Meeting 1 Executive Session.

EIGHTH ORDER OF BUSINESS

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

Attorney-Client Session Shade Meeting 2 adjourned.

Mr. Haber stated the Attorney-Client Session Shade Meetings 1 and 2 Executive Sessions concluded and members of the public were notified that the public meeting will commence. The phone lines and audio recording were reconnected and the meeting room was opened to the public.

The Special Board Meeting reconvened at 11:46 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

It was noted that they went through questions about what came from the last mediation, where they want to take the lawsuit, the finding they have, the greater findings they found. The next mediation will likely be in June or July 2026.

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**

B. Retaining Wall Restoration

- **Schedule**

Discussion ensued regarding who will be inspecting the work performed, recommendations as the work progresses, signing off on the work, the possibility that the State might inspect once the project is certified complete, pay requisition process, phasing the work, potential impact of weather, etc.

It was noted that Staff is meeting regularly with Kelly Brothers.

C. Fuel Station Site

This item was presented following the Thirteenth Order of Business.

TWELFTH ORDER OF BUSINESS

Consideration of Greenberg Traurig, P.A. Engagement Letter to Issue Series 2026 Bonds

Mr. Adams explained the Engagement Letter. The Engagement Letter will be updated as few edits/changes are necessary. In response to the question of how many bond issuances this

covers, Mr. Adams stated one issuance is being contemplated, which will be known as the Series 2026 Bonds. Regarding the documents, Mr. Adams stated the documents are standard. This will be a public bond offering. Regarding concerns about some boilerplate verbiage in the Engagement Letter, Mr. Adams stated that Greenberg Traurig agreed to take out the boilerplate items of concern.

On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the Greenberg Traurig, P.A. Engagement Letter Agreement to Issue Series 2026 Bonds, in substantial form and authorizing the Chair to execute, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of FMSbonds, Inc. Agreement for Underwriter Services & Rule G-17 Disclosure Letter

Mr. Adams presented the FMSbonds, Inc. Agreement for Underwriter Services & Rule G-17 Disclosure Letter. The Agreement will be updated as necessary.

On MOTION by Mr. Bourque and seconded by Mr. Bennington, with all in favor, the FMSbonds, Inc. Agreement for Underwriter Services & Rule G-17 Disclosure Letter, in substantial form and authorizing the Chair to execute, were approved.

A Board Member asked for a Financial Summary. Mr. Adams stated the Engineer’s Report supporting the project and the costs and the Methodology Report will be presented at the next meeting.

Mr. Adams discussed the bond process. He expects bonds to be issued in May 2026. Discussion ensued regarding bond issuance and project timing.

▪ **Fuel Station Site**

This item, previously Item 11C, was presented out of order.

It was noted that mediation is set for April 27, 2026. There was a Summary Judgement Hearing but the Judge has not provided.

FOURTEENTH ORDER OF BUSINESS

Discussion/Consideration of WildBlue Fishing Club Community Shoreline Fishing Derby Waiver (Supervisor Baker)

Mr. Willis stated Ms. Baker raised this matter. It relates to a concern that, if the CDD authorizes shoreline fishing on CDD property that is only accessible through private property, the

CDD would inadvertently be condoning people trespassing across private property to access CDD property. Ms. Baker stated a resident raised this concern with her.

Discussion ensued regarding possibly needing waivers.

Mr. Haber explained that the property in question is dedicated to the CDD for O&M purposes. The CDD cannot grant anyone access to property in the community aside from contractors to perform O&M of the stormwater system, property, etc.

He stated it is not within the CDD’s scope to “grant access” to the shoreline for the fishing derby and, due to the condition of the shoreline and retaining wall, the CDD might want to require a waiver that waives any claims against the CDD for any injury to a person or property that might result from the conditions of the property on which people will be fishing. If the intent of the fishing derby is to have people access private lots, the fishing derby organizers need to make sure they have the rights necessary to tell participants that they can go on private property.

Ms. Baker stated she does not want to stop the fishing derby; she is notifying the Board of resident concerns. She supports the idea of a waiver but does not want to open the CDD to liability.

Mr. Haber stated the CDD does not need to openly object to the fishing derby but it should not endorse it; the CDD should have nothing to do with it. However, the CDD can raise its concerns and request a waiver in that the derby organizers facilitate having each participant sign a waiver.

Mr. Haber will email information and a waiver to Management for distribution to the appropriate parties.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: Barraco and Associates, Inc.

There was no report.

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

- **Performance Measures/Standards & Annual Reporting Form (for informational purposes)**

- **UPCOMING MEETINGS**
 - **April 2, 2026 at 10:00 AM [Regular Meeting]**
 - **April 16, 2026 at 10:00 AM [Special Meeting and Attorney-Client Session]**
 - **May 7, 2026 at 10:00 AM [Regular Meeting]**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the April 2, 2026 meeting.

SIXTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

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

Mr. Buchholz stated the contract with Kelly Brothers is signed. A schedule is being prepared, they met a few times, financing is underway; everything is moving forward, signage will be posted and resident complaints will be directed to the Board.

SEVENTEENTH ORDER OF BUSINESS

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

Resident Elaine Daly voiced her opinion that the CDD is not in mediation with the developers. Supervisor Buchholz stated it is being scheduled for July 2026. Ms. Daly asked about the call option for the upcoming bond issuance. Mr. Haber stated that Bond Counsel who drafts the bond and call provisions was advised of the outstanding litigation and the Board's desire to have the option to use any litigation recovery to paydown the bonds; this differs from the original bonds. This one will have a unique feature allowing the CDD to use funds recovered in litigation to paydown the bond, without a specified call date; the CDD can prepay without penalty. Ms. Daly asked about legal fees for the commercial lawsuit. Mr. Willis stated the CDD's financial statements are on the website. Ms. Daly expressed concerns about the litigation expenses.

Resident Gordon Russell asked about the downspout diagram in the agenda and asked if this was required by Lennar. Regarding the diagram in the agenda, Mr. Willis stated it is included as a courtesy. Regarding installation of downspouts, Staff is unaware if Lennar installed them as it would have been on private property, which would have been between the homeowners and

Lennar. Mr. Russell asked what is being done if anyone has non-compliant downspouts. Mr. Barraco stated if a drain is causing a problem, it would be brought to the homeowners' attention.

Resident Paul Daly asked how the Board reached decisions about a restoration option. Mr. Daly yielded the remainder of his time to Ms. Daly.

Resident Alonzo Moseley thanked the Board for taking action on the retainment wall. He asked about the legal fees incurred in the litigation. Mr. Willis reiterated that the information is in the financial statements on the website. The resident alleged that Ms. Daly is being cut off. Mr. Willis explained that Ms. Daly's 3-minute time limit expired. The resident yielded the remainder of his time to Ms. Daly.

Ms. Daly voiced her opinion that the financial statements do not accurately reflect the legal fees and asked why the legal fees are not being discussed. A Board Member asked Ms. Daly to forward her information to District Management.

Mr. Haber stated the CDD has a Resolution dictating how the Public Comments periods are conducted. Individuals making public comments are limited to three minutes and other speakers cannot assign/yield their time to other speakers to extend that other speaker's time. It is at the Board's discretion as to whether it wants to allow assigning/yielding time.

Resident Bob Carr asked for a breakdown of each homeowners' cost for the restoration project. It was noted that the cost will be divided by the ERU formula; the overall per home amount is spread over the bond term. The amount can change contingent upon the outcome of the Lennar litigation.

Resident Scott Harris asked if the new bond must be paid off before a home is sold. He was advised that it does not need to be paid off at the time of sale; it runs with the property, if it is not paid off.

A resident asked about equipment storage for the project and asked if the benches in a certain area should be temporarily removed to avoid damage.

Resident Kristi Huston stated two benches were damaged a while ago by lawn mowers. It was included on the report at the time of turnover.

Resident Nancy Reichenbaugh asked about the project timeline and start date. Initial work/mobilization in preparation will occur first and then by May 2026, barges, tugboats, cranes,

etc. will be brought in. The project is expected to last nearly an entire year. Signage will be posted at the entrance before construction commences.

Resident Tom Reichenbaugh asked which entrance the construction team will use. It was noted that the back entrance will be used as much as possible.

Resident Jeff Rechlicz asked about the requisition payment process and who will approve requisitions as the project progresses and asked if there will be a notarized “certified payroll” of the hours for each of the contractor’s employees.

Mr. Willis stated that he and District Counsel will work on a statement regarding the public comments procedures. It will be included in the agenda packages and posted on the website.

Mr. Bourque asked when people will be notified as to when they must remove their docks and what will happen if it is not removed. It was noted that they will be notified soon and, if they do not remove it, the contractor will remove it, and the homeowner will be billed.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bourque and seconded by Ms. Baker, with all in favor, the meeting adjourned at 1:05 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair