

**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 April 16, 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 (via zoom/phone)	District Engineer
Sarah Hilliard (via zoom/phone)	Special Counsel, Lewis Longman Walker
Richard Green (via zoom/phone)	Lewis Longman Walker
David Gurley (via zoom/phone)	Special Counsel, Gurley Fant, P.A.
Chris Fiore (via zoom/phone)	Gurley Fant, P.A.
Court Reporter (via zoom/phone)	

Residents present in person or via Zoom/phone:

Pat Broesch	Dennis Yoakum	Elaine Daly	Doreen Shaheen
Terry Kurth	Chris Gregson	David Harden	Julia Lambert
Tom Knight	Joe Massaro	Kathleen O'Connor	Sherry DeWalt
Residents			

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.

Mr. Habor explained the genesis of Resolution 2018-08, Adopting the Rules Governing Public Comments, which was executed on November 29, 2017. It is specific to the public comment restrictions and the Board of Supervisors' policies. Because of this being questioned in prior meetings, Mr. Buchholz stated Resolution 2018-08 will be posted on the website, along with the CDD's Right of Demand Dock Removal that Mr. Haber prepared, all of which were based on District Counsel's recommendations.

Mr. Adams stated the dock notices went out to the first group of dock owners on Tuesday April 14, 2026 and receipts of delivery were received; this is in addition to being hand delivered. Mr. Buchholz discussed the number of times dock owners received notification and signed receipts of receiving the notices.

Mr. Buchholz reiterated the 3-minute time limit for public comments and asked attendees to provide their phone numbers to Mr. Bennington so he will contact them when the Shade Meetings have concluded.

Mr. Adams discussed the Public Records Request he received from resident Chris Gregson, who asserted that Resolution 2018-08 was not validly adopted. Mr. Adams indicated that such Resolution was properly approved. Staff is collecting the materials to respond to his Public Records request.

THIRD ORDER OF BUSINESS

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

Resident Pat Broesch asked about improving the surface water maintenance and requesting a review of the Fishing Club's request for fish stocking at their expense.

Resident Dennis Yoakum expressed concerns about aquatics treatments possibly killing everything on the lake banks. Mr. Willis stated SOLitude is taking the appropriate actions to kill invasive species and algae.

Resident Elaine Daly asked questions about the Terry Kurth lawsuit. Mr. Adams stated the CDD has not paid Mr. Kurth since the attorneys have not worked out the final details. Ms. Daly asked why the permit number was not included on the signs Mr. Barraco's staff put up at

the entrances. Mr. Haber stated it is not a requirement. Mr. Barraco listed the permits received, and noted that the Limited Development Order (LDO) has not been issued yet.

Resident Doreen Shaheen asked conference callers to mute their phones.

Resident Terry Kurth explained his reasons for filing a lawsuit against the CDD.

Resident Chris Gregson asked about the public comment portions of the agenda.

Resident David Harden asked if Mr. Haber stated residents can ask questions or if it is a comment period. Mr. Adams stated it is a comment period and noted the Board is not required to reply to questions.

Mr. Bennington stated counsel for the commercial property will be making a statement after the Shade Meetings have concluded. He provided his phone number to attendees interested in receiving notification of when to return to the meeting.

FOURTH ORDER OF BUSINESS

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

Mr. Adams stated he will email Ms. Hilliard and Mr. Green when Shade Meeting 1 is about to end so they can rejoin the meeting to commence Shade Meeting 2.

Mr. Haber stated he asked the Court Reporter to begin transcription of Shade Meeting 1. He stated 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. 2024-CA-001775 and 25-CA-1837, outlined in the Fifth and Eighth 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, District Management representatives Chuck Adams and Shane Willis, and the Court Reporter. Litigation Counsel David Gurley and Chris Fiore are also in attendance for Shade Session 1.

Mr. Haber recessed the Special Board Meeting at 10:38 a.m., and announced commencement of both Executive Session/Shade Meetings. Mr. Willis disconnected the phone lines and audio recording and in-person members of the public left the meeting room.

FIFTH 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. 2024-CA-1775. Pending Litigation**

The Executive Session/Shade Meeting 1 commenced.

SIXTH ORDER OF BUSINESS

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

This occurred at the conclusion of Shade Session 1.

SEVENTH ORDER OF BUSINESS

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

This occurred during the Fifth Order of Business.

EIGHTH 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**

Executive Session/Shade Meeting 2 commenced.

NINTH ORDER OF BUSINESS

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

Shade Meeting 2 adjourned.

Mr. Willis stated the Shade Meetings 1 and 2 concluded. The phone lines and audio recording were reconnected and the meeting room was opened to the public.

The Special Board Meeting reconvened and immediately recessed at 12:17 p.m. Members of the public were notified that the Special Board Meeting would commence at 12:30 p.m.

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

TENTH 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

No actions were taken.

ELEVENTH 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.

Mr. Haber suggested designating a Board Member to represent the Board at an upcoming mediation, and authorizing them to agree to a proposed settlement if they believe the settlement is reasonable. If there is a settlement, it will be disclosed at a public meeting for the Board’s consideration.

On MOTION by Mr. Buchholz and seconded by Mr. Bourque, with all in favor, appointing Mr. Bennington as the Board of Supervisors Representative for the commercial property mediation meeting on April 28, 2026 related to the WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County, for the purpose of agreeing to a proposed settlement, if the settlement is reasonable as outlined by Mr. Haber, was approved.

Mr. Green summarized what occurred at the recent summary judgment hearing. The Judge denied the commercial parcel Developer’s Summary Judgment request on Counts #1 and #2, which denied them the relief they requested. The Judge only granted their Summary Judgment on Counts #3 and #4, which are injunction counts. Mr. Green asked the Judge to grant the CDD Summary Judgment as to Counts #1 and #2. The Judge stated, as to Counts #1 and #2, “Ok, alright and I believe that I answered that.” being she interpreted the easement, I would

grant Count #1 for the same reason I would grant Count #2. There is no other commentary on her ruling on the grant of Counts #1 and #2.

Mr. Green stated, as to the CDD’s Second Amended Complaint, the Judge ruled that, if the Developer did anything inconsistent with the PO4 permit or the easement, the Developer would need to obtain permission from the CDD.

Mr. Green stated the case is essentially pending, per written ruling. The CDD and the Developer’s counsel have until May 5, 2026, to submit a proposed order for the Judge to review. After the Judge issues her final Order, the CDD will have a final Judgment indicating all four counts have been resolved. The CDD is still involved in administrative litigation. Under the current permit design, the Developer would need to withdraw the permit application and amend the application for that design, which will require CDD approval, unless the design is exactly like the PO4 permit, the CDD already agreed to in the Easement Agreement.

Resident Julia Lambert discussed the reasons for certain residents winning an appeal to the HEX decision where the County allowed the Developer to expand the gas station. She asked how the appeal factors into future negotiations. Mr. Green stated the discussions now are what they can and cannot do with the Southwest Florida Water Management District (SWFWMD) permit. Mr. Buchholz stated this is beyond the scope of the CDD.

Mr. Bennington recalled resident concerns about assessments and costs reaching \$500,000. He explained that property owners already paid this amount via last year’s assessment.

TWELFTH ORDER OF BUSINESS

Updates

A. Lake Bank Erosion Repair Project

Mr. Adams stated the Phase 1 project cost was included in the bond amount. Mailed Notices for an Assessment Public Hearing on May 14, 2026 to issue bonds were sent to the property owners. The bonds will likely be issued by the end of May or early June and, since it is the rainy season, commencement of the Phase 1 recreational pond project is postponed most likely until fall.

- **Downspout Diagram**

This diagram is being provided to residents as guidance regarding how to enhance their drainage systems and what should be performed and installed before contractors come on site.

B. Retaining Wall Restoration

- **Schedule**

This item was included for informational purposes.

Mr. Buchholz discussed his and Mr. Finkelstein's meetings with the private dock owners about the project and schedule. Signs with contact information were posted at two locations and eight lawn signs with the same information will be posted at the mailboxes. Mr. Buchholz indicated he will meet with the Sunnygrove and Kelly Brothers Reps to inspect the area, as the fencing is being installed today. The mattresses and the rocks will be delivered Monday, and the vessels will arrive three weeks after that.

Mr. Barraco reiterated that the Lake Bank Erosion Repair Project must be done when water levels are down in order to have a quality product. Mr. Barraco suggested, and Mr. Buchholz agreed, that he prioritize the localized areas he deems already significant, in order to install silt fencing so the conditions do not worsen between now and the next dry season. It was noted the heavy rainfall caused major washouts in several retention ponds.

- **Discussion: Second Lift of Asphalt Timing and Other Considerations as it Relates to the Lake Bank Revetment Project**

This item, previously the Fourteenth Order of Business, was presented out of order.

Mr. Barraco explained why Lennar wants to do the final lift of asphalt project and why this is an issue now. He offered suggestions and, per guidance provided by the Board, he and Mr. Buchholz will work on options to postpone the portion of the project showing the route Kelly Brothers' will be taking.

A resident asked if the CDD can negotiate costs with Lennar's contractor. Mr. Buchholz stated Mr. Barraco is researching this.

Resident Tom Knight stated he observed new damages and potholes in the road. Mr. Buchholz stated they will be addressed. Mr. Barraco stated the County will inspect the final project and this is a timing matter; there would be no issues if the asphalt was laid with sufficient time to cure.

A resident asked Mr. Buchholz to make sure the Master receives project updates to pass on to the homeowners.

Resident Joe Massaro asked if there is an estimate on the cost of the Retaining Wall Project. Mr. Buchholz stated the Phase 1 cost, plus incidentals, is \$11.5 million and \$750,000 to \$1 million for bonding and miscellaneous costs. The Phases 2 and 3 projects are being combined.

Mr. Buchholz left the meeting at 1:12 p.m.

C. Fuel Station Site

This item was discussed during the Eleventh Order of Business.

THIRTEENTH ORDER OF BUSINESS

Discussion/Consideration: Fishing Club’s Request to Restock the Recreational Lake with Threadfish

Mr. Bennington proposed a motion to the Fishing Club’s request to stock the recreational lake with threadfish, the Amenities Board agreed to incur this cost. In response to a question regarding responsibility, Mr. Adams stated the CDD did this in conjunction with the Fishing Club three years ago. The Fishing Club coordinates with SOLitude Lake Management’s Fisheries Division every year to evaluate the ecosystem. Mr. Barraco stated this process results in a higher level of water quality. It is an option, not a regulatory requirement.

Discussion ensued regarding considering incorporating this cost into the CDD’s Fiscal Year 2027 budget.

On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, authorizing the Fishing Club to engage SOLitude for fish stocking services to stock the Recreational Lake with threadfish, at the Fishing Club’s expense, was approved.

FOURTEENTH ORDER OF BUSINESS

Discussion: Second Lift of Asphalt Timing and Other Considerations as it Relates to the Lake Bank Revetment Projects

This item was presented following Item 12B.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

B. District Engineer: Barraco and Associates, Inc.

There were no District Counsel of District Engineer reports.

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

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

This item was included for informational purposes.

- **UPCOMING MEETINGS**

- **May 14, 2026 at 10:00 AM [Debt Assessment Public Hearing and Regular Meeting]**
- **May 21, 2026 at 10:00 AM [Special Meeting and Attorney-Client Session]**
- **June 4, 2026 at 10:00 AM [Regular Meeting – Presentation of FY2027 Proposed Budget]**
 - **QUORUM CHECK**

SIXTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

SEVENTEENTH ORDER OF BUSINESS

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

Resident Kathleen O’Connor indicated that she was accused on Facebook of speaking on behalf of an unknown group during the public comments period at the April 2, 2026 meeting. She stated that she only speaks for herself.

Resident Doreen Shaheen identified a typo in Section 11C of the Easement Agreement, which will be discussed tonight at the Master Association meeting. Mr. Haber stated it will be corrected before the Agreement is executed.

Resident David Harden expressed concern about the Lennar asphalt project. Mr. Barraco stated he will have Staff make sure the contractor mills around the manholes.

Resident Sherry DeWalt asked who will attend the mediation meeting for the commercial property and what the goal is for the mediation. Mr. Adams stated the parameters were discussed during the Session Shade portion of the meeting and is not yet privy to the public.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bourque and seconded by Mr. Bennington, with all in favor, the meeting adjourned at 1:27 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair