

**MINUTES OF MEETING
SOUTH-DADE VENTURE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the board of supervisors of the South-Dade Venture Community Development District was held Thursday, November 20, 2008 at 3:00 p.m. at the Waterstone Clubhouse, Phase II, 1355 Waterstone Way, Homestead, Florida.

Present and constituting a quorum were:

Alex Diaz de Villegas	Chairman
Kimberly Felipe Ochoa	Vice Chairman
Sonia Castro	Assistant Secretary
Curtis Cooper	Assistant Secretary

Also present were:

Paul Winkeljohn	District Manger
Mike Pawelczyk	District Counsel
Dennis Baldis	Field Manager

FIRST ORDER OF BUSINESS Roll Call

Mr. Diaz de Villegas called the meeting to order at 3:18 p.m.

SECOND ORDER OF BUSINESS Organizational Matters

B. Oath of Office for Newly Appointed Supervisors

Mr. Winkeljohn stated we have some organizational issues to take care of today. The first of which are oaths of office for Mr. Curtis Cooper who was earlier this afternoon elected to the landowners seat, seat no. 5, to a four year term as well as your chair who was the only qualifying candidate for his seat which was on the general election held November 2nd. For those purposes I have distributed to the two of you a blank oath of office.

Mr. Winkeljohn being a notary public of the State of Florida administered the oath of office to Mr. Cooper and Mr. Diaz de Villegas.

A. Consideration of Appointment of Supervisors to Seat #1 (currently occupied by Mr. Diaz) and Seat #4 (currently occupied by Ms. Sonia Castro)

Mr. Winkeljohn stated the next item of business and was incorrectly put on your agenda that there is vacant seat technically because when seat no. 4 was put on the general election docket as well as the current chairman's seat Sonia was not on the board, it was a vacant seat at that time. No one qualified for that seat in the general election and it is the responsibility of the existing board to appoint the vacancies which you did but because the seat is clear now because of the election Sonia will hold that seat until replaced so today it is at your discretion to appoint a person to fill that seat beginning the new four year term which started today.

Ms. Ochoa asked do we have to appoint her today?

Mr. Winkeljohn stated that is your choice.

Mr. Pawelczyk stated if you were to do that I think the motion would be first to declare the seat vacant and the reason for that is the statute says if nobody qualifies for the seat which nobody did then you have to declare it vacant. In that same motion you can move to appoint her or somebody else if you wish.

Ms. Ochoa stated that term is a four year term.

Mr. Winkeljohn responded yes.

On MOTION by Ms. Ochoa seconded by Mr. Diaz de Villegas with all in favor seat no. 4 was declared vacant.

On MOTION by Ms. Ochoa seconded by Mr. Diaz de Villegas with all in favor Sonia Castro was appointed to fill seat no. 4

Mr. Winkeljohn being a notary public of the State of Florida administered the oath of office to Ms. Castro.

Ms. Ochoa asked do they have to file the disclosure within 30 days?

Mr. Winkeljohn stated they have already filed for this calendar year.

Mr. Pawelczyk stated district management will take care of notifying the proper state authorities that you have been reelected.

C. Consideration of Resolution 2009-02 Canvassing and Certifying the Results of the Landowners Election

Mr. Winkeljohn stated the next item is consideration of Resolution 2009-02 which is canvassing and certifying the results of the landowners election. For those of you who joined us after the landowners election, two residents, Alex and Sonia, cast ballots for Curtis Cooper and the resolution basically solidifies those actions of the landowners process.

Ms. Ochoa asked why do they call it canvassing?

Mr. Winkeljohn stated if we were a true voting district or voting precinct they call it canvassing when you make sure you have all the votes and that you counted them properly. You verify the votes.

On MOTION by Ms. Ochoa seconded by Mr. Cooper with all in favor Resolution 2009-02 was approved.

D. Consideration of Resolution 2009-03 Electing Officers

Mr. Winkeljohn stated item D is consideration of Resolution 2009-03 electing officers. As you know when there are new appointees or an election it is appropriate for a board to consider all of its officers and reaffirms those they want to keep and add new ones. That is your discretion. You may recall the officers of your board include the treasurer from my office, Patti Powers, who does certain filings for you through the financial world and accounting world, Rich Hans who handles certain documentation through the state and other agencies as secretary of your board, I serve as an assistant

secretary for various reasons, one of which is to attest the minutes and such and work on your behalf. Each of you serve as either an assistant secretary, a vice chairperson or chairperson. You can take them one at a time or you can announce a slate.

Ms. Ochoa asked why don't we just keep it the way it is?

Mr. Winkeljohn stated that would be a motion to elect the existing slate to their current positions.

On MOTION by Ms. Ochoa seconded by Ms. Castro the current slate of officers was elected to the same positions as reflected in Resolution 2009-02.

**THIRD ORDER OF BUSINESS Approval of the Minutes of the
October 23, 2008 Meeting**

Mr. Winkeljohn stated item three are the minutes from your October 23, 2008 meeting. Those minutes are available for any changes, corrections or additions.

On MOTION by Ms. Ochoa seconded by Ms. Castro with all in favor the minutes of the October 23, 2008 meeting were approved as presented.

**FOURTH ORDER OF BUSINESS Consideration of Revocable License
Agreements**

Mr. Pawelczyk stated this is what we talked about in the past the revocable license agreement. Paul sent me the information we need for the Stonebrook monument. That agreement has been prepared in final, it is ready to go but I didn't bring it. We can go ahead and approve it. It hasn't changed compared to what it is. We added the exhibit and the exhibit is a description of the monument, the camera poles, the security pole, a device and a utility box. There are two pictures that are also attached to that exhibit to show what is there and what is authorized. We can bring it back at the next meeting and you can do that and we will just put it in the agenda package because the other one Portofino Point we haven't received the exhibits yet.

Paul is still putting that together. It has been there for a long time. It is really up to the board how you want to proceed. We can approve them both subject to review by your manager or the chair will see it when he signs it or we will put it in the agenda package for the next meeting. It is up to you.

Ms. Ochoa asked does anyone have an objection to approve them?

A resident asked is this regarding the gates?

Mr. Diaz de Villegas responded no it is regarding two areas that we discovered that the developers put things on our property without our consent or knowledge.

Mr. Pawelczyk stated the district has certain properties for instance the roadways, the gates, and this parking lot here is not district property, this is association property. In a piece of district property the district has inherited basically a traffic circle and there is a monument there that is not the district's it is the adjacent association's monument. We are just recognizing the fact that we are allowing that association to keep the monument there. It is something you inherit occasionally as part of the development.

Ms. Ochoa stated what the developers did was they put on the CDD property the Stonebrook monument and they were never supposed to do that. Now we have to have a license agreement that says we allow them to have the monument there and to have those things there and it is just something that protects all parties.

Mr. Pawelczyk stated if we need the property we can tell them to remove it or remove it ourselves which we don't really foresee.

Mr. Diaz de Villegas stated let me take her out of order and take a couple of comments no because I know she has a comment and I don't want her to sit here through a one hour meeting.

Mr. Pawelczyk asked do you want to handle this by motion?

A resident asked did the president of Stonebrook agree to maintain everything in there?

Ms. Ochoa stated I actually talked to him and he had a change of heart so to speak and he said he wanted to get it rectified and I was very pleased when I heard

that. Because previously he did not have an open mind and I think in his defense I don't think he really understood what was involved with it. I think at this point he understands.

Mr. Pawelczyk stated your other option is we can send it to the individual HOAs when it is done and get them to sign it and then bring it back to you as a signed document. It really doesn't matter to me which way you go. It is a cleanup item.

Mr. Diaz de Villegas asked which is more efficient, give it to them to sign and then come back to us and tell us what the deal is, right?

Mr. Pawelczyk stated that is the cleanest way.

On MOTION by Mr. Cooper seconded by Ms. Castro with all in favor the license agreements with Portofino Point and Stonebrook 1 were approved and the chairman was authorized to execute the documents.

Audience Comments

Ms. Salazar stated I live at 1221 NE 37th Avenue. My concern deals with the widening. Is it going to be going on until the school semester?

Mr. Winkeljohn stated today's discussion in the field with the contractor is that even though there are some short weeks coming up because of the holidays he feels that he should be close to finishing the major interruptive type work before the end of this calendar year. In the next two months almost all the large equipment will be gone and almost all the disruptive traffic issues. Today they asphalted the west lane and that will allow traffic to move over there and he can work on what he has to do on the east side in front of the school. There is a water and sewer line that has to be diverted to stay out of the way of the future gatehouse. That is going to be pretty disruptive. What you see now is really disruptive because he has been in both sides of both lanes. That is virtually done, the sidewalks are poured, the gravity wall on the east side is done so that sidewalk will be fully intact and won't be so inconvenient. To me the big thing is getting the equipment out of the way. That makes it feel tight in there. They tore the

guard shack down today. I think the annoying part of construction is way behind us and it will be less and less. Every week you are going to see less inconvenience.

Mr. Diaz de Villegas stated I think it is important to note that this is a project itself, it is one project. There is another project coming down the road which is the actual guardhouse. That hasn't been approved yet. It is in permitting and planning and we don't have a vendor yet for that.

Ms. Salazar asked couldn't this be done in the summer so that it doesn't affect the school?

Ms. Ochoa responded the problem is the timing with the guardhouses and any type of construction there are so many legal obstacles and challenges. We wanted that to start at the beginning of the summer and the board thought we were on that timeline but when it came to permitting and all these other outside entities that we have no control over that is why it started the first week of school which we were not happy about but it is what it is and we didn't want to further delay it because the community is five years old now and we have a plan, we have a temporary walkway and so forth and every day I see progress in that area. As soon as they finish that, that is only the road widening, they are not going to start on the guardhouse until we get a zoning change from the city. For us to tell you it is going to be done in 6 months or a year or whatever, we can't because we don't really know.

Mr. Winkeljohn stated we passed a review and just before we were ready to start the traffic engineers from Dade County were asked by the city to look at it again so they started our process all over again.

Ms. Ochoa stated we don't even have contractors yet to build the guardhouses because we are still in that process. The first guardhouse we are going to start on is going to be on the boulevard. We want it that way because there is nothing over there and we want to try to make that part of the community seem like they are a part of the community because they feel like stepchildren. Hopefully, with that timing and they start that maybe we can time it that they do it during the summer which is the optimal thing that we want. It is dangerous and all these different factors that make it

frustrating for us as a board and we know for the residents. Every day I drive by there I think somebody is going to get hurt or another budget increase is going to happen which has happened because of this diversion of the sewer line. The bottom line is our hands are tied because of governmental challenges.

Mr. Diaz de Villegas stated we have to bid it and we don't know if they are going to do one guardhouse at a time or all three at the same time.

Mr. Winkeljohn stated my recommendation to the bid documents would be to allow the sequencing as long as it takes a reasonable amount of time to be the determination and efficiency of the contractor. If they choose to pour three slabs all at once or pour a slab 1, 2, 3 and then do walls 1, 2, 3, that may be the most efficient way. It may look like it is happening at the same time, it may look like one started first.

Ms. Salazar asked are you ready to go with the process?

Mr. Winkeljohn responded yes.

Ms. Ochoa stated we are ready, it is the city and the county.

Mr. Winkeljohn stated it is a complex multi-million process that has many steps and many of those steps are unpredictable. You attack one each day and do the best you can.

Ms. Ochoa stated every day we attack management and it is out of their control.

Mr. Diaz de Villegas stated the improvement we are doing is we are talking a two way road that was an obvious design flaw when the developer built this place and we are improving a two lane road to a four lane road. There is going to be frustration but it is a minor point in the history of this community to finally correct a problem that we inherited. I think everyone is going to be pleasantly pleased when it is all said and done just like any other project where there were minor delays. While they have been doing all this construction we have had two lanes functioning 100%.

Mr. Winkeljohn stated they have come in on Saturdays to pave and work the entrances to the school because they knew that would be impossible. Our last change order that was approved previously included payment hours to work longer hours

during the day because they weren't able to work for an hour or so in the morning and an hour or so in the afternoon during the peak drop-off and pick-up times.

Mr. Diaz de Villegas stated we have had meetings with school, security, principal, management and school, our management, the policy department, myself and the engineer in charge of the project. The only suggestion we came up with was a temporary walkway which cost us thousands of dollars to put up.

Ms. Salazar stated I walked my daughters to school and they had a temporary walk but you can't put a stroller through there.

Mr. Diaz de Villegas stated it wasn't a perfect system but it was the best we could do. We aren't going to put cement on a temporary sidewalk. We put mulch and most people wouldn't even have done that.

Ms. Salazar stated I asked the school and the school told me we don't have anything to do with that the CDD board did whatever they wanted to do without concern.

Ms. Ochoa stated that is not true. You are asking the wrong person.

Ms. Salazar stated at least now we have a sidewalk.

Mr. Winkeljohn stated the district met with representatives of the school and in a board meeting and representatives of the school have met individually with board members and staff on a pretty regular basis to coordinate the construction that is going on out there.

Mr. Diaz de Villegas stated we even hired extra police officers. We have a regular officer there and we added an extra two hours every morning in addition to the hours we already had and that is Monday through Friday. During the real peak times we had an additional officer for four hours so we had two police officers directing traffic. I know you had concerns about seeing officers sitting in their car but that is a management issue I guess that we need to address on a case by case basis.

Ms. Ochoa stated having said that how do you like the community with the decorations and all of the other improvements?

Ms. Salazar stated it looks good.

Ms. Ochoa asked what are the other residents saying?

Ms. Salazar stated they are anxious for gates and the projects to be complete. The need for more security is less with the Homestead officers, but still needed.

FIFTH ORDER OF BUSINESS Staff Reports

A. Attorney - Update on Comcast Service Agreement

Mr. Pawelczyk stated South-Dade Venture, I got an email from Ryan Loftus stating that he expects to get the agreement back from his legal department this week. I don't foresee that happening, we are just waiting on them and that is the Comcast agreement.

At the last meeting we had a question come up about offering rewards leading to the arrest associated with vandalism of CDD property. Of course, there is no law that says the CDD shall not offer a reward but looking at the law that is available and certain attorney general opinions dealing with rewards I don't think a district can use public funds for that purpose. In fact the law I refer to is back before home rule power was really established by constitution and statute for municipalities and municipalities did not have the authority to offer a reward for information leading to an arrest. Once home rule came out home rule says a municipality can do whatever it wants as long as it is not prohibited by general or special law. The City of Homestead has home rule powers that basically say it can do anything it wants as long as it is not prohibited by general or special law as long as it is in the best interests of the public. Obviously, the district doesn't have that kind of power and the district's powers are limited to that which is set forth in Chapter 190 which deals with the maintenance of infrastructure. That being the case I don't think we have that authority. Maybe you can construe it very liberally to say that you are doing it to protect public infrastructure but I think that is a stretch.

Ms. Ochoa asked could we do like maybe an appreciation picnic that everyone is invited?

Mr. Pawelczyk responded no you are not allowed to use district funds for those purposes for events. There is even an attorney general opinion.

Ms. Ochoa asked what type of events could we use the public funds for?

Mr. Pawelczyk responded that is an HOA function. There is an attorney general's opinion which I can circulate that says a district cannot use public funds to fund a Halloween party for instance.

Mr. Diaz de Villegas asked what about at a board meeting at 7:00 p.m. or something like that.

Mr. Pawelczyk stated I think it is reasonable to say that you can have coffee or something here at a board meeting or food.

Ms. Ochoa stated but we couldn't call it an event or anything to that affect we would have to be creative.

Mr. Pawelczyk stated the funding would have to come from another source. You couldn't use assessment funds for that purpose. It could be donated if someone donates it.

Mr. Diaz de Villegas stated we could have a town hall meeting like we have had in the past and have food and whatnot.

Mr. Pawelczyk stated I think so.

Mr. Diaz de Villegas stated then if there was something on the agenda.

Mr. Pawelczyk stated that would be a way to do it to construct it around a meeting time, as long as it is not an event it is more stuff you would typically see at a meeting.

Mr. Winkeljohn stated my advice would be through one of the association entities, crime watchers, a citizen's board that has the authority to raise money, collect money as donations and give a reward that you ask them that you connect them to this. That would be a more natural use of funds for those groups but it would obviously be on your behalf.

Mr. Diaz de Villegas stated you are protecting the infrastructure.

Mr. Pawelczyk stated a very liberal, liberal, interpretation you could probably do that.

Ms. Ochoa stated I think the town hall gist of it maybe under a town hall meeting we can probably have that as an agenda item as something to recognize the citizen of the community.

Mr. Pawelczyk stated I think you can do that. It might not be appropriate to say here is \$500 for information leading to an arrest if (a) it wouldn't be prohibited to say we want to honor Joe Johnson for his efforts here is a plaque, because his efforts made sure our property was protected or allowed the district to go back and get restitution from the guy who actually damaged it or vandalized the infrastructure.

A resident asked is there any word from Mr. Morris?

Mr. Winkeljohn stated we haven't the meeting yet. We haven't set the date yet, we have a couple of ideas. I will report that back as soon as we have it.

B. Engineer

There not being any, the next item followed.

C. Field Manager - Management Report

Mr. Baldis stated we continue to do the landscaping around the paver pads. We also found that we are going to be able to make an insurance claim for the holiday lights that were stolen. There is a \$1,000 deductible and it was \$2,948 loss. We are going to turn that in.

Ms. Ochoa asked what about the stolen skirts? Can we put that in that claim?

Mr. Winkeljohn asked do we have a police report?

Mr. Diaz de Villegas responded yes.

Mr. Winkeljohn stated as long as we haven't missed a calendar requirement. I'm sure the light poles are covered. There would be two separate claims.

Mr. Baldis stated at the last meeting you tabled the garden area Friendship Park area.

Ms. Ochoa stated we didn't receive an updated budget to see where we are at.

Mr. Winkeljohn stated that was handed out tonight.

Mr. Baldis stated I'm waiting on direction from the board on that project.

Mr. Winkeljohn stated I have handed out to you what I'm using as a tracking budget, tracking financial, for your capital projects. Oftentimes the accounting rules for governments put your costs and your expenses into so many different places or in such an ambiguous way that it is really difficult to ask the million dollar questions, how much have I spent, how much do I have on this specific world. I have created one sheet tracking system for your road widening, gate project and other significant capital purchases you have been considering or have already enacted. I also tied the dollars that are appropriate to that, one of which is the \$2.3 million loan you took out specifically with the engineer's report tied to a widening and a gate construction project but there is also some discretionary capital funds on top of that which is at the top of the page. As you go through this page I can talk about all of it but I wanted to tell you that I have projected out what I think you will spend to complete those projects, the scope of work under the engineer's report includes three constructed gates and a widening project as well as some landscape mitigation because of the widening we had to add and move some landscaping to satisfy the landscape inspectors from the city. We added some of that in here and if you go sort of towards the bottom of the page it says other expenses I started to list them out. The landscape mitigation is an estimate of what we are going to spend in that scope inclusive of that would be the dollars that Mr. Baldis just mentioned for the mitigation area surrounding lake 6. There is another \$25,000 in my project of things I'm going to have to do throughout the construction area which is your whole property. The second item benches and pads that is a specific item you authorized, I'm tying that to this tracking sheet as well. A lighting purchase which is the holiday lighting, capital purchase I put that in here. I didn't have the exact invoice in front of me so I rounded it to about \$52,000.

Ms. Ochoa stated I thought the lighting purchase was going to be for the first year \$100,000.

Mr. Diaz de Villegas stated the first is \$52,000.

Mr. Winkeljohn stated this is capital project only. We are not talking about the maintenance or the operation parts.

Ms. Ochoa stated so that is under a different part of the budget.

Mr. Winkeljohn stated it will be under your normal financials under your normal operating budget.

Ms. Ochoa stated the problem I have with that is that surplus we had that is where that money is coming out of so this number is not accurate.

Mr. Winkeljohn stated no, you cannot spend operating money out of a capital budget. We are talking about just the capital budget. The only part of that \$100,000 holiday lighting package that could be assigned to this topic is a direct purchase, long life item which is all the things he put in that contract that qualified for us and is a capital purchase meaning it is a durable good that will last more than three years. On your operating budget which is not what we are talking about you had a \$30,000 budget and that had to be increased to cover the \$50,000 that you spent this year. I will show you that when we do financials next time. I just wanted you to be able to track your project. You have assigned added scope to it and I'm tracking the added scope. What I want you to know now as we go forward as you make decisions to this project if I know in advance of the meeting I will give you a projected and the projected column shows what I think you are going to spend and what was budgeted to spend. You will see to a penny basically every decision we make and the impact. I will talk about a few things specifically but you see a \$2.7 million budget right now it looks like you are going to have about a \$230,000 push, should you spend all of that. I am recommending that you keep as much of every dollar as possible and one of my main focuses is to try to keep some of these projected costs as low as possible. I don't think you will have to spend them all, I'm hoping you won't. I am capturing all of your design costs, change orders, miscellaneous things as they pop up. I'm happy to answer any specific questions or go into more detail if you find it necessary.

Ms. Ochoa stated under the box where it says road widening that is the \$419,000 plus the \$89,000+ for that change order. I think I understand because the way you broke it down. When you say soft costs what do you mean by that? I think I know what you mean but I want to make sure.

Mr. Winkeljohn responded when you purchased the engineer's report, your engineer wrote gate no.1, gate no. 2, gate no. 3, round about no. 1, widening project which included a round about. He split it up into those pieces. I'm tying my budget column to his numbers. The \$760,991 that shows the total that is directly out of his engineer's report that you borrowed the money against. How I have assigned those expenses soft costs a portion of the soft cost that we spent some of the survey is in there, some design fees.

Ms. Ochoa stated I see we are approaching over \$55,000 in that budget alone.

Mr. Winkeljohn stated there is a budget of \$81,000 you are over 95% done with any soft cost for the widening project. My projection is the column that answers your question, I'm saying you are going to spend probably \$65,000 of that \$81,000 budget so you are tracking ahead by \$16,000 on soft costs for that project. The other thing I will point out like the survey I haven't had to spend the \$13,000 because the other line items in the budget that had survey dollars are already paid the expense. I can leave those zeros or put it on this one. I put it in where in my view where it fits best. The survey was really the whole community we haven't had to do any survey work just for the widening project. So far you are under budget in what it would typically cost and what was claimed on the engineer's report to do survey work. I am projecting that it is a total capture.

Ms. Ochoa stated since the county went back and told the engineers that they needed to redo some things that is going to cost.

Mr. Winkeljohn stated I don't know what that is going to cost. Since we are on that I will give you an update. I met with staff and the architect and the good news is to the architect "it's peanuts" for him to make the changes. Basically the fire interpretation of the code was different this month than it was 8 months ago. What it turned out to be

and to give you an understanding how that world works there is a standard of 12 ½ feet lanes for a fire truck, that is what we designed. However because the structure enters basically an envelope of proximity to a structure. Because fire trucks are tall they are going to be going by a structure because they see that structure they are going to want 15 feet, a 2 ½ foot increase to two lanes is a 5 foot change. If you remember our gate out here (Waterstone and Campbell) that we are widening we are using every inch of our right of way to fit the fire trucks and we even gave up a second overhang because we didn't have enough room for it. We have a one sided gate that turned out looking pretty good. That was to accommodate a fire truck or garbage truck or anything with that sort of profile of a large UPS truck and things like that. What we had to do in that gate and we are going to move that gate, there is no cost it is what we call centerline of the road as you are coming in it will sit right on the center and you would have a very generous lane on one side and the fire code lane on the other. Moving the very generous lane which was in the 20 foot range is now 15 feet to meet that rule so that the other side is now 15 feet. The other two gates will require a narrowing of the pad that the gate itself sits on. Nothing changing in the structure of the gate. There is a concrete pad that was for a generous walkway around it, it is less generous now. There is no code, there is no requirement for us to have a certain amount of room around that because an officer working doesn't actually have to come out of the gate to work. For instance for a disabled person, this is designed for them to be able to do the job. The pad is not for them the pad is simply just space. We don't have it anymore, we had to give it up. No impact on architecture. The civil engineer is still working on the extent of concrete costs and the impact. The short story is to get the lane to 15 feet on both sides we have a little bit of room to shrink in the middle and we can move the gates a little bit, a foot or so on the survey, to gain some space. The Boulevard gate as you know is moving inbound more to get more queuing for another problem, moving it in gives us a couple of spots that are a little more generous.

Ms Salazar asked do we have an owner's lane which would be a residents lane but if we move the guardhouse back extend that road to make it comply with the 15 feet?

Mr. Winkeljohn stated we are talking about the width of the lane to make it 15 feet doesn't change the other lane. The two inbound lanes one is going to be 12 ½ feet like the other one was and the outside lane without a cover over it will be 15 feet. The only thing right now the sidewalks onto the boulevard where it was originally designed matched right up with the gate. As we move it in we actually gained more real estate so it got better for us. If we went 300 feet in we would start to mess up the traffic flow inside where the round about is and where the residents enter their respective communities.

Ms Salazar stated I believe the residents lane begins to merge rather quickly so if we move the gate I would like to move it as far as possible.

Mr. Winkeljohn stated our impact area is up in front. We have dealt with all of that but it is not a lot and the good news is there is not much landscaping, there is a little triangle that gets bigger and bigger as those lanes merge back to two lanes which is now four lanes and we are going to have to do a slight curb and gutter modification. There is hopefully no utility impact in that. The one in front of the school was more expensive because of the utility needs, there is no roadway change, it is all pretty simple.

Ms. Ochoa stated it fits what is there.

Mr. Winkeljohn stated the good news is the existing sidewalk structure is the width of four lanes. We will be okay. I have anticipated the design cost and the construction cost to a degree but I don't think it is a lot, \$10,000 a gate maybe, well within contingencies of the gates, well within design costs of what I have anticipated. It is all par for the course. It is part of the normal process. It is disheartening because we made such an effort to ask the county 8 months ago does this work and they said yes. All you can do is try. We are going to meet them halfway. They did have a request for immediate turnaround which is the code for hard gate construction so if somebody isn't

a resident and they are not allowed in they can just be circled right out. That doesn't apply to us at all because there aren't immediate turnaround now and the gate being there wouldn't change that at all because we can't deny anyone entry. It is not applicable. The third thing they asked for is some sort of emergency gate arm keypad so that an emergency vehicle could open the gate. One, our gates are manned 24 hours a day, two, if they aren't manned our policy, by resolution, is to open the gates because we are not going to stop anyone anyway. The third thing is the gate arm we are specifying not only does it rotate up, at a finger touch it will rotate outward away from any traffic so that if a driver hit that gate at 50 mph the gate has a spring mechanism in it which won't really damage your car it just bounces out. Again, we are not in the business of stopping anyone we just want the driver to see the arm so they slow down so we can say hello and capture their license plate, their image. All said and done I think the turn around and the emergency button thing is not applicable and we are going to meet with the county and ask that those be deleted from the request. In exchange we will meet the extreme interpretation of the code for 15 feet.

Mr. Diaz de Villegas stated going back to the budget, can we go back to Dennis.

Ms. Ochoa stated before we get to Dennis I know we were using the surplus money to pay for the police officers.

Mr. Winkeljohn stated two different types of surplus money. The only thing we are talking about today is capital. Your operating account has money that comes in money that comes out that transfers each year, there is unspent money from last year it comes in and becomes budgeted money.

Ms. Ochoa asked does that come from more interest?

Mr. Winkeljohn responded interest, unspent money from previous fiscal years.

Ms. Ochoa asked is this \$420,000 year to date that money is in the bank.

Mr. Winkeljohn stated you have more than that. I rounded down last year's calculation to \$420,000 that is a year later. Your 2002 bond that is where that money comes from. The rules were written, they were silent on money that wasn't needed for reserves and silent meaning that means the trustee is allowed to transfer those to a

qualifying capital expense. It is unusual, you are fortunate you have an old enough bond where that was allowed in this case. Every time people pay money on that bond, pay the debt and the money goes into that account there is a little more money than is probably really required so that \$420,000 is probably \$430,000 so it is conservative.

Ms. Ochoa asked are we running over budget with the police with the other money because we added the extra policeman?

Mr. Winkeljohn responded you had a \$200,000 plan you are tracking right on that right now. Last month we started randomly reducing a day or so to cut down so that we don't go over. I don't know how we are doing it has only been two weeks, actually it has only been a week since we had that conversation. My guidance on that topic is to continue to do that, as this construction stops cut the hours down, some of those dollars can be moved over to this budget but to pull on a random basis two patrols off the docket so that will save you enough money or you will have more discretion with those hours later in the year.

Mr. Diaz de Villegas stated we also talked about as a contingency now is the time to start considering a plan if the guardhouses aren't ready for the summer to increase our patrols.

Ms. Ochoa stated having said that since the money is really tight and I know this balance for contingency right now as the budget stands is \$238,000 but I would like to have a town hall meeting before that because we may need to increase the assessments because of that.

Mr. Diaz de Villegas asked do you mean for police protection?

Ms. Ochoa responded yes.

Mr. Diaz de Villegas stated what I was thinking is we have a town hall meeting every year I think it is May.

Mr. Winkeljohn stated you usually have one for your budget proposal, usually March/April. We have to propose a budget by June 15th. We fit that meeting in depending on what is convenient for us before June 15th.

Mr. Diaz de Villegas stated even with the guardhouses it would probably behoove us to keep the police.

Mr. Winkeljohn stated it is only November. Let me do sort of a management report on your operating side for your next meeting. I will have that ready for one of your two meetings in December. It is very difficult to pull government accounting numbers into a management report. It takes me a couple days in my office which as you know I don't get to do that very often lately. Let's look at the operating side in December early January for decisions on how to prepare next year's budget.

Ms. Ochoa stated I just wanted to put it out to the board to get them thinking for the future so in case they are approached that that may be something we are looking at so it doesn't come as a surprise because I know if we send out a budget letter with the intent to increase the assessments we are going to have a full house. I prefer that because people need to be informed and unless they come to the meetings they don't get informed.

Mr. Diaz de Villegas stated that is why is it important to stress when we deal with anybody specifically about the police roving program that somewhere in that conversation insert the word "pilot program".

Ms. Ochoa stated I say "temporary".

Mr. Diaz de Villegas stated it is important to know we are enjoying this now and it is not set in our budget and the budget is designed for the guards themselves not the roving police. I don't want any surprises later on that people didn't know that is was an exchange for one or the other misunderstanding.

Mr. Baldis stated I was looking to get direction on the landscaping project. The cost is \$23,310.66.

Mr. Winkeljohn stated this report because it is part of the project it is already in here under the landscape mitigation line the \$50,000, there is another \$25,000.

Ms. Ochoa stated to this \$50,000 is part of that \$23,000.

Mr. Winkeljohn stated the other \$26,000 is intended for the buffer that will be needed on the boulevard. I am anticipating the same scale of cost and I have seen some proposals from them.

On MOTION by Mr. Cooper seconded by Ms. Castro with all in favor the proposal for the landscape mitigation for Friendship Park in the amount of \$23,310.66 was approved.

Mr. Cooper stated I would like to request that we see about putting a film on the lights on Waterstone Way from the monuments.

Mr. Diaz de Villegas stated if it is under \$500 just do it.

Ms. Ochoa stated if it is under \$500 that is fine but I have a question about the lights on the right hand side of Waterstone the entrance on 137th those lights are out.

Mr. Baldis stated Omar from Voltage Electric is going to see why those fixtures aren't working.

Ms. Ochoa asked we are waiting for them to tell us what the problem is?

Mr. Baldis responded yes. I changed the light bulbs last month so something happened either with the annuals or when they were digging for the traffic light. I asked Omar to look at it.

Ms. Ochoa asked were they working after the drainage was installed?

Mr. Baldis responded yes.

Ms. Ochoa stated I have been walking out almost every night to the paver pads on my side of the community in Waterstone 1 and there is no lighting. I wanted to put it out to the board that if there is any money left over from this project that maybe we may consider lights for the paver pads. Let's say a light the scope of what we have within our communities, that size maybe around or in or on the side of the paver pads.

Mr. Diaz de Villegas stated I had a discussion yesterday with Corinne and Major Kennedy and there are two schools of thought. One is if you light it up at night it will attract people to sit on the benches at night and become a hangout and two, is it makes

it unsafe for someone who is there in the dark and you can't see what is going on. My interpretation of the matter is lighting helps to deter crime but you are going to have debates on both sides.

Ms. Ochoa stated I have seen people driving to my community and I don't know if they live within Waterstone but the other day there were three cars there. They were parked on the side of the grass.

Mr. Diaz de Villegas stated let's think about up lighting.

Ms. Ochoa stated if there is any money left over from the guard gate project we should consider using that.

Mr. Diaz de Villegas stated the pads look great I give Dennis full credit publicly.

Mr. Pawelczyk stated I was at Stonegate yesterday and you received a lot of comments as to how wonderful the landscaping looks and how well groomed the community is and you are serving as a model for them as they get started.

Mr. Diaz de Villegas stated the city mayor contacted me and asked who our landscaping company is and how nice everything is looking in Waterstone and the Christmas display is perfect for Nascar week with over 30,000 race fans.

D. Manager

There not being any, the next item followed.

SIXTH ORDER OF BUSINESS Supervisors Requests and Audience Comments

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Cooper seconded by Ms. Ochoa with all in favor, the meeting adjourned at 4:35 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman

NOTES:

Robin Please include invoices Luis Hernandez sent us which I printed a copy for the meeting file

Jennifer

Agenda Items:

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