

**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 on Thursday, December 11, 2008 at 3:00 p.m., at the Watersone Clubhouse, Phase II, 1355 Waterstone Way, Homestead, Florida.

Present and constituting a quorum were:

Alex Diaz de Villegas	Chairman
Kimberly Felipe-Ochoa	Vice Chairman
Monica Elliott	Assistant Secretary
Curtis Cooper	Assistant Secretary

Also present was:

Michael Pawelczyk	District Attorney
Paul Winkeljohn	District Manager
Dennis Baldis	Governmental Management Services

FIRST ORDER OF BUSINESS

Roll Call

Mr. Diaz called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

**Consideration of Letter from the
Portofino Lakes Property
Owner's Association Regarding
Removal of FP&L Light Pole**

Mr. Diaz: Item No. 2 is Consideration of Letter from the Portofino Lakes Property Owner's Association Regarding Removal of FP&L Light Pole, Mr. Manager?

Mr. Winkeljohn: As the board directed, I wrote a letter to the association asking them for a removal of a light pole for their community that's actually in the District's property. The letter speaks for itself, but they basically asked us to help pay for it or wait

until they get more proposals, so I don't know how the board would like to move forward on this but that is before you today.

Ms. Elliott: Where is the light pole?

Mr. Diaz: It's at the entrance of Portofino Lakes, it's on the corner on the grass and it's obviously not one of our lights.

Ms. Felipe-Ochoa: How much would it cost to remove that?

Mr. Winkeljohn: Their letter states about \$1,200.

Mr. Diaz: We've never gotten the quote.

Mr. Winkeljohn: Yes, so they estimate between \$1,200 and \$2,000 and they'd like us to pay half.

Mr. Diaz: That's crazy.

Ms. Felipe-Ochoa: Yes, I don't have a problem with sharing the cost with the community.

Ms. Elliott: Why do we have to remove it?

Mr. Winkeljohn: There are some basic cosmetic and uniformity issues. It doesn't match your light scheme, it's not part of your system, etc. and it's for the benefit of that community and it's in your property and it really doesn't do anything from a District standpoint and it's really ill-placed for their purposes.

Mr. Diaz: Not to mention, as far as light goes it's overkill, for that light hasn't worked over a year or maybe two years.

Ms. Elliott: So we asked them to remove it and they're asking us to help pay for it?

Mr. Diaz: Well they're stating they don't have funds right now to do it, they would have to do a special assessment to have it moved.

Mr. Winkeljohn: They'll put it in next year's budget.

Mr. Diaz: Right.

Ms. Felipe-Ochoa: That's a good segway for what I'm about to say, could we reuse that light pole, because where we put all of these benches, there is lighting problems. I'm walking up to them and the lighting that we currently have is scary.

Ms. Elliott: Who installed the lighting there?

Ms. Felipe-Ochoa: The developer.

Ms. Elliott: Well let's just give them the time to build it into their budget and be patient with it and then let them pay for it.

Mr. Diaz: Well they're saying it's \$2,000, I don't think it's that much to remove it from the ground, they're guesstimating in their letter that it's \$1,200 to relocate it. Yes, Dennis?

Mr. Baldis: Would you like to get a quote from Voltage Electric to see what they charge?

Mr. Diaz: Sure, just to take it out and secure it.

Mr. Cooper: This way we can get a better estimate and it's not a guesstimate.

Mr. Diaz: It's not our pole.

Ms. Felipe-Ochoa: It's not our pole, I understand that, but there's a lot of things and there's a lot of mistakes that happened within this community and I think that as being a board we would just show good will and we're sharing the cost with the community and everybody's having difficulties because there are lots of foreclosures and having said that, maybe we can get our own estimates, tell them it's going to cost this, and get them to agree to pay for something.

Mr. Cooper: Or either work out a payment plan with them and then they can pay us.

Ms. Felipe-Ochoa: No, no payment plan, they put it in the budget, they do a special assessment.

Mr. Winkeljohn: Yes, we don't want to get into an accounting process with some HOA, that's more labor than the money is worth probably. I don't see why you would spend your money for the District on somebody else's intrusion or something on your property, you have every right to tell them to move it.

Ms. Elliott: So we can be patient and get them a second quote and then they build it into their budget and when they do have their act together remove it then.

Ms. Felipe-Ochoa: Well let's get some quotes and then we'll provide it to them.

Mr. Baldis: I'll get the quote and I'll provide it to you.

Mr. Winkeljohn: There's no action required, I just wanted to discuss the letter.

THIRD ORDER OF BUSINESS

Staff Reports

Mr. Winkeljohn: Moving on to Staff Reports, Mike?

A. Attorney

Mr. Pawelczyk: I don't really have anything to report. Comcast, I have not heard from them since the last meeting. To be honest with you, it's been quiet since Thanksgiving, I don't know if you're experiencing the same thing Paul but it's difficult to get anything done this time of year. The only thing we've done is we've worked with Christmas Designs to make sure their contract was corrected and done, and they will execute that and fix that. There were some provisions in there that were left out that we had asked for.

Mr. Winkeljohn: And we have an email correspondence acknowledging and accepting the contract, it's just a question of physically getting it signed, so there's really no issue other than just make sure everything is caught up.

Mr. Pawelczyk: Paul is going to follow up on that. I think that's about all, the revocable licenses agreements, the Stonebrook one has been executed by the District and Paul's going to transmit that to Stonebrook HOA and they can sign that. Portofino Point one, Paul is gathering up the items for that and we'll finalize that agreement this week and get it signed.

Mr. Winkeljohn: Anything else?

Mr. Pawelczyk: No, that's it.

B. Engineer

There not being any, the next item followed.

C. Field Manager - Management Report

Mr. Winkeljohn: Mr. Baldis?

Mr. Baldis: Yes, I have two AEW's for the board to consider. The first one is to remove two ficus trees that are blocking the street lighting here at the new Friendship Park area where the benches are. Like Kim was saying, it's real dark there, the trees are actually

blocking the street lighting there and the lighting on the street and that's for \$800 to remove them and remove the stump.

Ms. Felipe-Ochoa: Which lake is that?

Mr. Baldis: Right there at the new park, the Friendship Park.

Ms. Felipe-Ochoa: Can we get it cheaper?

Mr. Baldis: Ok, I'll try.

Mr. Winkeljohn: And that's for both trees, \$800?

Mr. Baldis: Two trees, yes.

Mr. Winkeljohn: Stump removal too, grinding or removal?

Mr. Baldis: Removal of the stump.

Ms. Elliott: So can we make a motion to get that done?

Ms. Felipe-Ochoa: Well I said cheaper.

Ms. Elliott: Ok.

Ms. Felipe-Ochoa: But let's make a motion to not exceed a number.

On MOTION by Ms. Felipe-Ochoa seconded by Ms. Elliott with all in favor, authorizing the removal of two ficus trees and stump removal by the Friendship Park not to exceed \$600 was approved.

Mr. Winkeljohn: And if they can't do it for that amount we'll bring it back to you.

Ms. Felipe-Ochoa: Yes because we're meeting next week.

Mr. Winkeljohn: Well actually since you brought that up, it looks like we're not going to have a quorum because of vacation schedules so I'm anticipating that meeting may be cancelled. I don't have any pressing business before you for action, so I would recommend cancelling also.

Ms. Felipe-Ochoa: Ok that's fine.

Mr. Winkeljohn: Ok, I'll take care of it. Anything else Dennis?

Mr. Baldis: Yes, I have an AEW for shrub fillers, to fill in the shrubbery throughout Waterstone Way and Waterstone Blvd. I have three different options from 3 gallon to 7 gallon to 15 gallon and price ranges from \$5,515.62 to \$11,744.65, or \$25,328.30 and we

talked about the reason why these shrubs are missing, there are numerous reasons from whether they were installed properly, people walked on them when they were jumping over the fence, storms, whatever the case may be. ValleyCrest has offered to cut anyone of these AEW's in half and do the job because they feel responsible to a certain extent due to lack of care.

Ms. Felipe-Ochoa: I thought those shrubs were guaranteed?

Mr. Baldis: Some of them were missing from the storm, there's really no way to identify which shrub, what happened to each individual shrub.

Mr. Diaz: Actually, Jose said today that some are part of the guarantee and some aren't, so what the deal was is they would go half and half, so what we're actually paying is half.

Mr. Baldis: So it's just a matter of choice between 3, 7 or 15 gallon and I, myself suggested we could do this but should wait until the spring that would give them a better chance of surviving.

Ms. Elliott: So the three price quotes that you quoted us would be actually half of the amount?

Mr. Baldis: Yes.

Ms. Elliott: And what were the three prices again?

Mr. Baldis: \$5,515.62, \$11,744.65 and \$25,328.30.

Ms. Felipe-Ochoa: Why are they three different numbers, I don't understand?

Mr. Baldis: Different size shrubs, 3 gallon, 7 gallon and 15 gallon.

Ms. Elliott: If we didn't go with the largest shrubs because the existing ones are pretty much at the larger size and we went with something that's a little bit smaller just to be more cost effective would it look weird when we replaced it?

Mr. Baldis: I would give them some time, but I think by summer they're all going to catch up to each other.

Ms. Elliott: Ok.

Mr. Winkeljohn: Yes, in 6 months they'll look pretty close to what they are now.

Ms. Felipe-Ochoa: So you think to go with the medium size one and they're going to cut that price in half?

Mr. Baldis: Yes.

Ms. Felipe-Ochoa: And you think within 6 months or after the summer they should be caught up to the other ones.

Mr. Diaz: Well you're suggesting not to plant them until April?

Mr. Baldis: Well we could plant them now, but they would have a better chance of survival if you plant them later, they're not going to grow much, they may survive, but you're not going to see a lot of growth this time of year on anything.

Ms. Felipe-Ochoa: Since Monica had brought up the suggestion to go with the \$11,000 dollar quote, 50% of that would be around \$6,000 so if we get the more mature ones which are \$25,000, we'd still be around \$12,500, it's not that much difference.

Ms. Elliott: Well, they'll catch up, the medium size plants, if they're planted in the spring time and watered properly, fertilized properly they grow rather quickly.

Mr. Winkeljohn: Yes, since you have a maintained height, it's only going to grow past that and you're only going to be trimming it back, so it's probably healthier for the plant to let it grow in a little bit. It may not look perfect on day 1, but it will catch up from there and I would argue that it would probably be a mistake to go bigger in the beginning.

Ms. Felipe-Ochoa: Ok.

Mr. Diaz: Ok so do we have a motion?

Mr. Cooper: So to recap your suggestion was to go with what Paul?

Mr. Winkeljohn: The middle one and also the thing that you guys have that is a huge investment is the drip line that will make all the difference.

Mr. Diaz: That's exactly what I was going to get to, even if we do plant them now, and let's say they don't have a growth spurt until April, I don't see any reason if it's not going to hurt it to just go ahead and plant them.

Mr. Winkeljohn: Maybe you can authorize the concept and let Dennis and I work with the grower a little bit, because what happens is, these plants are sitting in a pot right now and they have a price on them today, if you wait until February you're not going to

get those plants, you're going to get the little ones that have grown up to be the bigger plants possibly and so there may be a break even if we talk to them in a little bit more detail and look at what they actually have in the field and pick them out.

Ms. Elliott: I see what you're saying but they'll have other plants and I'm sure they're still going to have some stock.

Mr. Winkeljohn: Right, so we may buy the smaller plant today, but not take delivery of it until March and it will be the bigger plants, because the growers they're going to be very happy to have a check in their hands or a deposit and know that product is sold.

Ms. Elliott: How do we guarantee that those plants are going to grow well and then the small plants won't?

Mr. Winkeljohn: Well they'll use the same standards they use in their nursery for those plants as they use for the ones they're going to sell. I'm used to the growers, I know the way they do business. I would ask the board to authorize a not to exceed amount of \$6,200 and let us work out the right size and the right quantity now or in February or March so we're at a planning range to get the optimal answer.

On MOTION by Ms. Felipe-Ochoa seconded by Ms. Elliott with all in favor, authorizing District staff to proceed with shrubbery infill plantings at an amount not to exceed \$6,200 with staff identifying the timing of installation and plant size was approved.

Mr. Winkeljohn: Anything else Dennis?

Mr. Baldis: No, other than the construction update.

D. Manager

Mr. Winkeljohn: Ok I'll cover that. I skipped over the engineers report because it rolls into your project update. I can't remember exactly where we left off in our last meeting, but I'll tell you when we were doing the inclusion of the fire department's 15 foot lane topic, the Waterstone Blvd. gate, you may remember it exceeded the platting lines. It

was possible that the city and the county said you have to go through a re-platting which is an extensive 6 month process with large fees, engineering, legal, on top of another \$10,000 or \$15,000 dollar fee to the city, so it's a big ordeal, for 7 feet of intrusion. Within our own property line exists that says this is for roadway, this is for landscape buffer, it's material in some places but in our situation because we own both sides of that line, it opens the door for a waiver. Sherri Kamali from the city of Homestead went to meet with the county, the public works department that handles plat lines and asked them how they felt about it, whether they would accept this change. They came back and asked for a letter from any adjacent homeowners association. We provided them back letters of no objection from both the master association in that area, as well as the sub-master which was Marbella Bay and those letters included copies of the drawings, included copies of the plats, they were forwarded back to the county, the county sent back a one line statement, this is fine, so that happened this week sometime. What that did for me was that triggered, now we know that this design is what we're going to go forward with, I printed plans with that new design.

Mr. Diaz: Let's back up a little bit because I don't think they're aware of the 15 foot wide lanes.

Mr. Winkeljohn: No, we talked about that. I think that the 15 foot lane is at optimal spacing for fire rescue and large vehicles, it's not required but that's what they asked for. They said they would fight us to get a full 15 feet and it would take 6 months or so and we could possibly win that argument, but do you want to restrict your rescue vehicles, obviously nobody wants to be on that side of an argument either. So we felt that if we could fit it, we had an estimate of the construction impact of about \$250,000 to take Waterstone Blvd. and Waterstone Way and 137th and widen their design envelope to include curb, gutter, sidewalk and landscape shifting. Basically, two thirds of your architectural plans, your civil work and your architectural plans had to be revised. I held them off on finishing all those drawings because if the city and the county said your plat needs to be redone with the formal process, the board would be in a position to say well we can go to smaller gauge, the one overhang gate which is attractive but not as nice as we

would have wanted, for the cost difference we might have chosen that and then all our drawings would have to be done a third time and I choose not to do that obviously. So now it fits, the double overhang gates fit within our property, fit within the agreed upon plat language, and since I have that, I've withdrawn all the documents and submittals to the city, I also had the engineer update the traffic study. You may remember there was a broader scope required from the traffic study as one of the notes on our dry run, that was in draft form and he said it would take about a week, he added about another 5 hours to correct what he had done to capture the newest changes to the gate, which is the width of the lane and the distance that we ended up off of the main roads. All that said, I met with the architect and the engineers, we all sat down and agreed on a design, positioning, where do you put the gate where it interrupts the least amount of utilities, all of those issues were on the table all at the same time and we came to a placement and a quality that you would be expecting. Those drawings were updated in one day, they were printed on the second day and they were delivered this week. The city has accepted them, they federal expressed them, and I met with them again this morning because there was some cleanup work. All of the contractors and department heads have their plans as of this morning. There is a possibility that we will not make, actually it's a certainty we will not make the December 18th DRC meeting. However, because of the nature of this project it's possible that the people that look at the plans will issue a report and if the report is as we are expecting it to be, that the project is satisfactory by each department then there is no need for a DRC meeting, because the meeting would be to basically talk about how to resolve those issues and what they recommend. We don't foresee anything because we've done a tremendous amount of homework that most people don't already have in place and they go in with much more preliminary plans where we're actually far down the road on that. So we would go straight to a zoning hearing, so I filled out that paperwork today and we're moving forward. Basically, they want me to revise my letter of intent which orients any person interested in this project, so I wrote it originally for a scope of explaining the issues that we have overcome and now we've already gotten past that point, so we have to re-write the letter just to orient people in general to the project. On

the Waterstone Way and Campbell Drive project, the retaining wall is finished, there is a pretty good idea that we need to relocate all the fencing in that area. At first, we talked about possibly just jogging a few pieces of fence to get a nice clean grade, as of today we looked at it in the field with everybody and it really just makes more sense to take our fencing and move it back to the widest possible birth to the property line and then start from there and then build backwards the correct look that matches the rest of the community. Most of that we can do pretty quickly and inexpensively. The landscaping costs, I don't know what they are but I'll include that into the budget and see how it fits before we authorize it. The other impact of widening these gates on Waterstone Blvd. and Waterstone Way and 137th is there is some more landscape relocation required. I've authorized them today, since it's now pretty much where we're going, to begin, because that's a separate permit, you may remember we spun that out on its own, to go see if she can get those pieces under that permit, and if that's the case that will move forward very quickly. The other impact of that is the \$250,000 in probable civil costs, because there is utility drainage issues, curbs, sidewalks and this tree removal, it actually increased your costs. My advice to you and I've vetted this out with the traffic engineer is, in your project you may remember you have Waterstone Way by the school, just inside that you have a roundabout which is designed to help meter and control traffic, but because of the school circulation and because of the configuration of your road, it really fits that there is a roundabout there. You may remember the goal of traffic calming and trying to make the community have the best possible enjoyment for everybody and traffic control and traffic enhancements do that for you, but there was an engineering function to that roundabout to help control turnarounds in the area. Moving into the community, about the halfway point was another roundabout and that did not have a significant engineering necessity or traffic necessity, it was more of uniformity. As you move into the community you have your existing large roundabout and then towards 137th you have another gate. It's my recommendation that you revise your project to delete or postpone the middle proposed roundabout. It coincidentally costs about \$300,000 and it would balance your budget in this project and there's been a lot of talk that it actually would create that slingshot approach

that I talked about. Sometimes, if you put too many traffic enhancements too close together you have your guardrail which it looks like it's working to slow traffic down right before you get to this proposed roundabout. I think the issue is to live without it for now and one or two years from now, take a look at what your traffic is doing and we already have the design, it's sitting there, we go get a permit and then we build it with other dollars identified later. That balances your budget back to where you need to be and so that's my advice. The action for you today is twofold, one is to authorize your District engineer to revise and amend his engineers report, reflecting what I've just said that those items be eliminated, that all these enhancements be described in the project and what that does is it allows you to use your bond funds for that. In addition, I would add in your bench project, your holiday lighting project, and the electrical work required for that and have him describe those as enhancements to the security lighting system, etc., and what that does, like I just stated, that allows the engineer to requisition funds to pay for those things cleanly and very appropriately. You shouldn't do anything from a capital standpoint of a scale bigger than \$50,000 that isn't articulated to the engineers report and that's just my opinion.

Mr. Cooper: Would also like the fountains go into security lighting as well?

Mr. Pawelczyk: Well you're not obligated to just do security functions, I just put that in just as a list. You can do anything that adds value in benefit to the District. So there is a laundry list of items that are more clear to us now and it's not unusual for him to update his report as the project goes on anyway, so I think you can do a lot of things all at once. You can authorize so the money is flowing correctly that would change the engineers report, and capture things you've already authorized.

Mr. Diaz: So I just want to get this straight, we just basically retro authorizing the project we've already done.

Mr. Pawelczyk: Some of it is retro and some of it's known design changes.

Mr. Diaz: Now what about what you talked about with trying to get the roadway, the civil engineering portion of the guardhouse projects on the two other entrances as part of the change order?

Mr. Pawelczyk: Yes, that's another topic, but the motion for the engineering report opens up and moves you to be current today in process and your relationship with your trust agreement to do this project, so that's number 1. Number 2 would be that there's some synergy because you have a contractor in place, we're within so many months of being able to get a permit for the civil side of this project and we have a contractor in place and it's possible that if he offers to keep his bid unit pricing within say 10% or 20% let's say because he was that much better than the other bids, that you could change order his project to pick up another \$100,000 or \$200,000 dollars worth of similar related work. With that you would get the lowest price you're ever going to see, which we know that because we did a bid, he's already here, and there's a lot of benefits to that, so we could explore that and start that as soon as possible and then while the bidding is taking place for the vertical construction, so as the guardhouses go up, that's a different bid anyway often times, and so you would get a specialized shell builder, they call it, just for that, because what happens is if you bid a project with a pretty significant civil in it and a vertical construction, you go after a highly qualified range of contractors. We now already have the civil guy in place and you're only bidding a shell, you're going to get a better, much more efficient bid on the shell and so I see lots of advantages in proceeding that way. There's no action for you today on that item but it's just a concept of moving forward that I had.

Ms. Felipe-Ochoa: So now there's going to be roadwork on 137th and Waterstone Blvd.?

Mr. Winkeljohn: Yes.

Ms. Felipe-Ochoa: And you're estimating about \$250,000.

Mr. Winkeljohn: Our engineer has estimated, yes.

Ms. Felipe-Ochoa: Obviously it's not going to be expensive as this.

Mr. Winkeljohn: It's nowhere near expensive, there are no retention walls, there's no major utility relocations, there's two spots in the gates, both of them had significant utility runs, for whatever reason there are no water or sewer lines anywhere near those two gates, so you were going to have to do some underground utility as part of the civil

and all we're adding to that is some widening which is in one case the drainage structures. You saw the boxes, when they're up in the ground they're 4 ½ feet high and they're 25 feet wide and 10 feet deep, they're big, and you see a little gutter when you go by it, all you see is the inches, so if it goes down 4 feet and it goes wide 25 feet and back 10 feet, that's a lot of work and that's why they cost as much as they do, so there's that type of work now impacting the other two sides and that adds up to about \$250,000 for both of them.

Ms. Felipe-Ochoa: Well we have to do what we have to do.

Mr. Winkeljohn: Right.

Ms. Felipe-Ochoa: The only concern I have with that traffic circle, just for later on in the future, I really want it and I know it's not feasible and I understand your concerns with that, but the grass continues to be destroyed in that area on both sides and that was my whole thing about putting the traffic circle there and hopefully we'll have enough money.

Mr. Winkeljohn: Well, even in this project you may very well have the funds to do it and add it in, we'll bid and price it, but I'm just saying in your minds let go of it because you need this other thing first and as long as we all see that we'll move forward.

Ms. Felipe-Ochoa: Right, so what do we need to make a motion on specifically?

Mr. Winkeljohn: Just one more comment on that traffic circle. You may not get any benefit from it and this is what made me start to think of it, is what happens is when you put multiple traffic features together and I mentioned the slingshot effect, they don't always complement each other. You may get the better driving and the less likely to run off into the grass and tear up the grass from what we do with the gates, with the one roundabout. Adding a next roundabout may actually undo the benefits, it's not always a linear forward motion.

Mr. Diaz: What you're saying is, let's see how this looks and how it works out.

Mr. Winkeljohn: Yes, what you do is, after we build what we have to build, then you come in and do a quick straw traffic study for a couple of thousand dollars, and he'll tell us what the new feature will do, it's hard for him to judge with multiple changes will do to your traffic because it's like a guess on a guess, on a guess.

Mr. Diaz: I'm with you and I think I understand where you're going, the assumption is that the majority of the speeding traffic and damage to the property isn't people who necessarily live here, it's people who are traveling through here, trying to get through here as a short cut.

Mr. Winkeljohn: Right and your gate system will deter quite a bit of that.

Mr. Diaz: Right.

Mr. Winkeljohn: So it's a little bit misleading because the new center of the road is over 3 or 4 feet from where the yellow striping is, so you have to look at the paint first and you'll see that it's a little misleading. To conclude my report, the action item would be an authorization to authorize the engineer to amend his report to reflect the known changes to the project and the added items that we've already approved.

On MOTION by Ms. Felipe-Ochoa seconded by Mr. Cooper with all in favor, authorizing the District Engineer to amend the engineers report to reflect the known changes to the project along with the added items that were previously approved by the Board of Supervisors was approved.

Mr. Winkeljohn: I don't have anything else to report.

FOURTH ORDER OF BUSINESS

Supervisors Request and Audience Comments

Mr. Winkeljohn: Do we have any Supervisors Requests or Audience Comments today?

Mr. Diaz: I just want to publicly thank Mr. Winkeljohn who has been feverishly trying to coordinate this project and jump over many hoops with the city of Homestead and the county, by personally running these items over to Mr. De Marco and the city asked for one point person and that will be Paul as our registered lobbyist, so Paul thank you very much, I know it's been a very rough two weeks with everybody and all the phone calls back and forth and jumping over all these hoops.

Mr. Winkeljohn: It's my pleasure and the project is moving ahead. Also, I forgot yesterday, Dennis and I met with Gary Mars, your outside counsel for purposes of negotiating a conclusion to some outstanding items for the District. The first comment I'll make is that we should lose the term "punch list", it should be development deficiencies from here going forward because a punch list opens up a whole other topic and it's really not related to what we're looking for. Dennis and I went through all of the details in our punch list and the results of that report are that his first wave of activity he thinks will be the most valuable and probably the outcome will be a letter writing on some notice type of thing that he thinks will be under the \$5,000 limit at this point and he'll come back if it looks like he'll take more time to do that. Then when they react to that letter, he'll come back to us and tell us how much he wants to do that. A couple of things, before he writes his first main letter to The Venture, he wants to make sure that everything that you want or need or feel is important is definitely on this list because you can't come back. What happens is, he is dealing with this group, either The Venture or its components, they are of the mindset that they want to be done and they seem to negotiate well if you offer a full release of everything. Some groups may not want a release because they think there's a long term liability potential or a defect or something like that, in our situation I don't know of anything that looks like it's a long term defect that we haven't already improved and dealt with ourselves, so that's a decision for the board, but he wants you to be thinking along those lines, that this is everything, that you'll probably be expected to sign a release to receive anywhere near any of the corrections either financially or physical correction in the field of the main items which are your signage, upgrades that you paid for, the missing berms and landscape buffers, the irrigation line, those types of things so if there is something beyond that we need to incorporate that into this list.

Ms. Felipe-Ochoa: The missing hedges.

Mr. Winkeljohn: Yes and we have a bullet item in here for landscape omissions, things that were approved by the city that weren't in the landscape plans, he feels comfortable enough that he can ask for that. He did say that he didn't think, as our attorney, he said at the end of this, this isn't hundreds of thousands of dollars in a

settlement, this is low one hundred to high \$70,000, \$80,000 or \$90,000 that's probably where this is going to end up, and the reason he said that up front is because the purpose of my meeting with him was to gauge his legal fee level versus the recovery level, so we're going to provide him with a litany of documents that we discussed and try to tie in as many independent verifications of things that aren't working or didn't work or were done improperly, the landscape architect who did a review, those documents and any of those things that he can use as ammunition that will benefit him and he wants all that for his first letter so that he can articulate it all completely and hopefully have the best benefit, so that's where we are on that. There's no action for you, I just wanted you to be aware of that and if you have anything you can think of in the next couple of weeks I'll be producing documents. He thought the best timing for his letter would be mid to late January would be the receipt date of The Venture because he thought that's when their attention span would be at its best as opposed to during the holidays.

Mr. Cooper: Is there a way to get a list that we have?

Mr. Winkeljohn: Yes, I can email it to you, we have it circulated but I'll send it to the board and there is back up if you need to see it. Again, no action required here just an update for your information.

Mr. Diaz: Great, does anyone else have anything? One other thing, is we got the poles, three of four poles along 137th Avenue have been removed.

Ms. Felipe-Ochoa: Three?

Mr. Diaz: Three of four.

Ms. Felipe-Ochoa: What's the hold up and they were all removed by FP&L?

Mr. Diaz: No.

Mr. Winkeljohn: No we found an independent private contractor that agreed to do it.

Mr. Diaz: We had to wait for AT&T, they won't take the one with the power on it.

Ms. Felipe-Ochoa: Ok and how much did that end up costing, obviously under \$500.

Mr. Winkeljohn: \$200.

Mr. Diaz: \$200 dollars and they filled in the hole.

Ms. Felipe-Ochoa: I think we should bill FP&L for them. They are FP&L poles, their lack of response, responsibility and it just goes on and on after 4 years, and I know it's only \$200 dollars but it's just a letter.

Mr. Winkeljohn: So send FP&L a bill for which pole?

Ms. Felipe-Ochoa: Whatever the \$200 was for, they did remove one and then they left it there, so that one and what is the delay and why is it taking so long and so forth.

Mr. Winkeljohn: Ok.

Mr. Diaz: That's it, does anyone have anything else?

FIFTH ORDER OF BUSINESS

Adjournment

Mr. Winkeljohn: If there are no further items to discuss we just need a motion to adjourn.

On MOTION by Mr. Cooper seconded by Mr. Diaz with all in favor, the Meeting was adjourned.

Secretary / Assistant Secretary

Chairman / Vice Chairman