

**MINUTES OF MEETING
THE WOODLANDS
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of The Woodlands Community Development District was held on Monday, October 26, 2015 at 3:15 p.m., in the offices of DMK Associates, 421 Commercial Court, Venice, Florida.

Present and constituting a quorum were:

Carl Impastato	Chairman
William Richardson	Vice Chairman
James Rodger Underwood	Supervisor
Walter Cote	Supervisor
Lawrence Tinkham	Supervisor

Also present were:

Mark Vega	District Manager
Bob Nanni	Severn Trent Services
Dorian Popescu	District Engineer
Tracy Robin	District Counsel

The following is a summary of the discussion and actions taken at the October 26, 2015 Woodlands Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Vega called the meeting to order and called roll. All Supervisors reported as present.

SECOND ORDER OF BUSINESS

Public Comment on Agenda Items

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of Consent Agenda

A. Minutes - June 30, 2015 Meeting

B. Financials – Period Ending September 30, 2015

Mr. Hanzel requested the minutes include under the section titled Action Item it be noted Mr. Vega is to send an email recap of action items not later than one week after a meeting.

Mr. Vega provided a review of the end of the fiscal year financials, noting projected expenditures not yet paid, there would be an approximate Fund Balance of \$123,000. Discussion followed on a 60/40 cost sharing agreement with Centex on landscape expenses; and the potential costs if the pump goes down in Cedar Grove, possibly impacting irrigation for several months. In the Fiscal Year 2016 Budget nothing was allocated for landscaping.

Approved

On MOTION by Mr. Impastato seconded by Mr. Tinkham with all in favor the Consent Agenda was approved as amended. 5-0

- Mr. Vega will confirm with Valley Crest if there were any mow dates in October.
- Board consensus to direct Valley Crest to stop mowing; the status will be reconsidered at the next meeting.
- The operation and repair and maintenance of the street lights is an overriding concern.
- Consider adding additional meetings as needed.

FOURTH ORDER OF BUSINESS

Attorney’s Report

Mr. Robin stated, as discussed in the Workshop that took place in advance of this meeting, I have not been successful, despite letters, phone calls, and meeting with City Staff in getting the City to schedule the Plat approval to transfer Panacea and Plantation Boulevards to the City. The City has changed its position, in a significant way, since the March 23, 2015 Public Hearing at which time the City Council approved the Plat subject to 7 conditions which were all met in April 2015. The City is now saying they want the District to retain the responsibility for maintenance and operation of the street lights and for maintenance of the landscaping in the roadway. These are new conditions that did not exist at the time the last Public Hearing was held. These are the very issues I am trying to get in front of the City Commission by having the Public Hearing rescheduled. At the workshop it was discussed that District Counsel should attending the City meeting this evening to make a request of City Council during public comment to schedule a Public Hearing on the Plat.

On MOTION by Mr. Richardson seconded by Mr. Impastato with all in favor authorizing District Counsel to attend the City of North Port Meeting on October 26, 2015 at 6:00 p.m. to request a Public Hearing on the Plat approval. 5-0

Discussion followed on providing information to the community about the meeting on the District website. A status summary report can be provided to the District Manager for posting on the website.

Mr. Robin confirmed the street lights were turned off as of September 30, 2015 and that no landscaping work has been performed in Fiscal Year 2016. City Staff will be contacted to make a request tonight to see if the Public Hearing on the Plat Approval can be placed on the Board’s Agenda for City Commissioner review at the earliest practical date.

FIFTH ORDER OF BUSINESS

Engineer's Report

A. Status of Closing the Construction Account

Mr. Popescu reported the closing documents related to the construction account were prepared and submitted by Benderson Development in June and July 2015. However, the Bond Counselor indicated an unwillingness to resolve \$18,755.39 in DMK construction related invoices between February and May (invoices approved by the CDD board). Additional work on this matter was halted pending resolution. DMK efforts on issues directly related to the CDD continue on a time and materials basis.

As District Engineer, DMK was requested by the Woodland's District Manager to research records and outline steps required to approve the closing of the Construction Account. Based on review of the documents received, the following steps are recommended.

1. Warranty-Guarantee.

The warranty document was signed by the Director of Florida Construction for Benderson Development on June 9, 2015 specifying a one (1) year guarantee of the work from the date of execution of the Certificate of Substantial Completion. This Certification will not be executed until the following issues are resolved and subsequently approved by the CDD Board:

a. Since January, when the lights were placed in service, the CDD incurred a number of expenses related to the malfunctioning of the lights. At this time the expenses continue. Ultimately upon repair of the installation, these expenses must be reimbursed to the CDD.

b. The follow-up warranty issued on July 13, 2015 by the electric subcontractor Charles and Chase, expired on September 1, 2015. This warranty specifies it does not cover the poles, fixtures and lamps which were directly purchased by Benderson Development. This warranty issue will need to be clarified.

c. Due to frequent street light malfunctions, the CDD Board requested an independent review of the street light design. A proposal by Stewart Engineering will be presented to the Board at the October 26, 2015 meeting. Should the proposal be accepted and a report issued, all problems documented by the consultant will need to be corrected at no cost to the CDD.

2. As Built

The "as built" plans provided by the contractor depicting the actual location of the poles and underground conduit are currently hand marked prints. These prints will need to be transferred on the electrical CADD drawings for the CDD lights. A signed letter from Benderson certifying the accuracy of the plans will be required to accompany the "as-built" CADD drawing files. If requested, DMK will prepare the necessary plan updates to the CADD files.

3. Irrigation

ValleyCrest, the current maintenance contractor for the CDD, marked the location of the irrigation zones for Panacea and North Plantation. ValleyCrest will need to locate the zones for South Plantation Blvd. Final recorded drawings and zone diagrams will need to be placed on the roadway record plans. The expenses related to these efforts should be paid out of the construction account.

4. City Council

On the evening of October 26, 2015, the North Port City Council will consider the Woodlands CDD request that, as part of taking ownership of Panacea and Plantation Boulevards, the City maintains the roads and sidewalks, as well as the lights and the landscape within the right of ways. If the City approves the CDD request, any expenses related to meeting approval conditions shall be paid from the Construction Account. This includes lights, roads, sidewalks, landscape and engineering related costs.

5. Unpaid Invoices

The \$18,755.39 in unpaid DMK invoices mentioned above, occurred mostly during the end of February, March and early April 2015 when the CDD was being compelled to complete the 7 specific conditions imposed by City Council for approval of the record plat. DMK conducted meetings with the contractors and City staff on a daily basis to assure these conditions were satisfied. Since June 2015, all DMK expenses related to the record plat as well as assistance to the CDD attorney in efforts to get the maintenance issues solved, were billed directly to the CDD. These expenses, as well as any future expenses related to the construction account will need to be paid through the Construction Fund. These invoices, as well as all other past or future expenses for landscape, lights and roads, will require payment prior to DMK signing off on the close of construction.

Mr. Vega requested Mr. Scaglione at Benderson provide a follow-up to information sent to him on October 20, 2015.

Mr. Robin inquired if the information provided included everything that encompasses the AIA Contract, the holdback, and the deliverables.

Mr. Popescu confirmed his research of available records was extensive and complete. In summary, the warranty has not started and the bond is still in place.

Mr. Robin raised concern regarding the terminology of the Certificate of Substantial Completion and the beginning of the warranty guarantee.

SIXTH ORDER OF BUSINESS **Manager’s Report**

A. Acceptance of Audit completed by McDermitt –Davis for Fiscal Year ending September 30, 2014

Mr. Vega presented the audit completed by McDermitt-Davis for Fiscal Year ending September 30, 2014.

On MOTION by Mr. Impastato seconded by Mr. Underwood with all in favor Audit completed by McDermitt-Davis for Fiscal Year ending September 30, 2014 was accepted.

B. Authorizations

The following items were presented to the Board for review and consideration.

- i. Fence Cutback – No authorization for work was given.
- ii. Weed Treatment – District Manager provided authorization to spray. The work does not appear to be have been completed.

Mr. Richardson temporarily left the meeting.

- iii. Street Lighting – Additional Services
Consider authorizing \$4,750 to Stewart Engineering to complete a third party review of the street lighting. This item was tabled to the next meeting.

The warranty status on the street lights need to be clarified and established. There is concern Benderson may believe the warranty began as early as January 2015 while the District believes it has not been initiated.

C. Authorizations

i. Requisition #561 – Straley & Robin

Mr. Vega presented for consideration payment of Requisition #561 in the amount of \$9,540 from the construction account to Straley & Robin.

On MOTION by Mr. Impastato seconded by Mr. Cote with all in favor to approve Requisition #561 as presented. 5-0

D. Amendment to Woodlands Contract – October 26, 2015

Mr. Vega presented for consideration an amendment to expand services to include Field Maintenance Service under the Severn Trent agreement. Discussion followed on the services to be performed.

On MOTION by Mr. Tinkham seconded by Mr. Impastato with all in favor the First Amendment to the Woodlands Agreement with Severn Trent Services was approved. 5-0

SEVENTH ORDER OF BUSINESS

New Business

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisors’ Requests

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

RECAP ITEMS:

- Contact Casey at Pulte regarding a discount on the \$101,079 for landscape maintenance
- Follow-up on the information sent to Mr. Scaglione regarding the Benderson status.
- Follow up with Valley Crest:
 - Confirm the October mow dates; advise mowing is to cease until further notice.
 - Confirm when the dead palm tree will be removed.
 - Confirm the status of spraying the crack weeds.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Impastato seconded by Mr. Underwood with all in favor the meeting was adjourned. 5-0

Carl Impastato, Chairman