

MINUTES OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT BOARD
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
May 20, 2008

A **Special Meeting** of the Vistancia Community Facilities District Board was convened at 8401 West Monroe Street in open and public session at 7:38 p.m.

Members Present: Board Chairman Bob Barrett; Vice Chairman Cathy Carlat; Board Members Ron Aames, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

Members Absent: None

Other Municipal Officials Present: Terrence Ellis, District Manager; Carl Swenson, Deputy City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, District Counsel; Mary Jo Kief, District Clerk; Brent Mattingly, Grady Miller, Dave Moody, Jeff Tyne, Glen Van Nimwegen and James Mason.

Audience: Approximately 5 members of the public.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the District Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member so requests; in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

CONSENT – New Business:

Motion was made by Vice Chair Carlat, seconded by Board Member Evans to approve the Consent Agenda. Upon vote, the motion carried unanimously.

1C MINUTES:

Special Meeting – April 15, 2008

2C Contract Amendment, MGC Contractors, Inc., Jomax Water Reclamation Facility, Phase 2 Expansion

Approved the District's portion of Contract Amendment No. 5 with MGC Contractors, Inc. for a Guaranteed Maximum Price (GMP) of \$67,866 for construction services for Phase 2 of the Jomax Water Reclamation Facility expansion project. (LCON08006E)

3C Quarterly Investment Report

Accepted the Quarterly Investment Report for the period ending March 31, 2008.

REGULAR AGENDA

NEW BUSINESS:

4R Settlement

Steve Kemp, District Counsel, reported to the Board that this is a litigation matter that arose out of construction of Phase I of the Jomax Water Reclamation Facility. Mr. Kemp stated in 2005, SDB Contracting, the general contractor for the first phase of the Jomax Water Reclamation facility was terminated as the contractor in accordance with the City's procurement regulations used by the District. The District procured substitute performance. At the same time, the District notified Wilson and Company that it had claims against Wilson. Recently, the parties participated in a mediation meeting which resulted in a basic agreement on terms of a settlement with Wilson & Company. Mr. Kemp reported the partial settlement is before the Board at this time for approval.

Motion was made by Board Member Hunt, seconded by Vice Chair Carlat to approve the partial settlement in SDB v. Vistancia Community Facilities District, et al. Upon vote, the motion carried unanimously.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before the District Board, the meeting was duly adjourned at 7:41p.m.

Bob Barrett, District Chairman

ATTEST:

Mary Jo Kief, District Clerk

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CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Vistancia Community Facilities District held on the 20th day of May, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of August, 2008.

Mary Jo Kief, District Clerk