

**MINUTES OF MEETING  
LANDMARK AT DORAL  
COMMUNITY DEVELOPMENT DISTRICT**

Multiple Public Hearings and a Regular Meeting of the Landmark at Doral Community Development District's Board of Supervisors were held on Friday, May 18, 2018, at 2:30 p.m., at the offices of Lennar Homes, LLC, 730 N.W. 107<sup>th</sup> Avenue, Suite 300, Miami, Florida 33172.

**For Landmark at Doral CDD:**

Teresa Baluja	Chair
Steve Colamarino	Assistant Secretary
Jorge Ortiz	Assistant Secretary
Raisa Krause	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Gerry Knight	District Counsel
Juan Alvarez	District Engineer
Carmen Herrera	Lennar

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 2:51 p.m. Supervisors Baluja, Colamarino, Ortiz and Krause were present, in person. Supervisor Maria Carolina Herrera was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

▪ **Resignation of Supervisor Maria Carolina Herrera**

***\*\*\*This item was an addition to the agenda.\*\*\****

Ms. Cerbone presented and read Ms. Maria Carolina Herrera's resignation letter, which was received before the meeting started.

*"Dear Board,*

*I, Maria Caroline Herrera, hereby resigned as supervisor of the Landmark at Doral Community Development District, effective May 18<sup>th</sup>, 2018."*

On MOTION by Ms. Baluja and seconded by Mr. Ortiz, with all in favor, the resignation of Ms. Maria Carolina Herrera, effective May 18, 2018, was accepted.

Ms. Cerbone asked for nominations to fill the vacant seat. Ms. Baluja nominated Ms. Carmen Herrera to fill the seat. No other nominations were made.

On MOTION by Ms. Baluja and seconded by Mr. Ortiz, with all in favor, the appointment of Ms. Carmen Herrera to Seat 2, was approved.

▪ **Administration of Oath of Office to Newly Appointed Supervisor**

*\*\*\*This item was an addition to the agenda.\*\*\**

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Carmen Herrera. Because Ms. Herrera was already familiar with the following items, which were provided to her, a review was not necessary.

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Financial Disclosure Forms**
  - i. **Form 1: Statement of Financial Interests**
  - ii. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - iii. **Form 1F: Final Statement of Financial Interests**
- D. **Form 8B – Memorandum of Voting Conflict**

**THIRD ORDER OF BUSINESS**

**Public Hearings to Hear Public Comment and Objections to Proposed General and Procedural Rules and Parking Rules and Regulations**

- A. **Affidavits of Publication**
  - **Notice of Rule Development**
  - **Notice of Rulemaking**

The proofs of publication for today's Public Hearings were included for informational purposes.

Ms. Cerbone asked if there were any comments regarding the circulated Agreements and stated that, prior to Ms. Herrera's appointment to the Board, both she and Ms. Baluja were instrumental in reviewing and pointing out various items. Attachments to the Agreement that were not in the original agenda package were distributed. In response to a question, Ms. Cerbone affirmed that the Parking Rules were related to the public roads in the District. Mr. Ortiz questioned if all this applies to the Parking Rules. Ms. Cerbone stated that some will apply to an Agreement that will be discussed later in the agenda. As directed, District Counsel prepared an Agreement between the CDD and Landmark at Doral HOA allowing the Landmark at Doral HOA to officially perform limited maintenance on CDD infrastructure and appointing the Landmark at Doral HOA as Administrator of the towing contract, since the Landmark at Doral HOA has operations personnel on site and the CDD does not. In response to a question of who receives the income from the towing contract, Ms. Baluja stated no income is associated with the towing; the Agreement states that the towing company will charge and collect its fees directly from the person retrieving the towed vehicle.

Ms. Cerbone stated that the Rules were typical to other Districts. The Parking Rules pertain to the public roads and public access areas and allowed flexibility so that the Landmark at Doral HOA and the Developer could park and leave their vehicles in areas where maintenance or further development is occurring.

**\*\*\*Ms. Cerbone opened the Public Hearing.\*\*\***

Ms. Cerbone explained the General and Procedural Rules and the Parking Rules and Regulations. Mr. Colamarino asked who is covered by the Rules. Ms. Baluja stated that the General Rules pertain only to the CDD and not the HOAs. The Parking Agreement being discussed only pertains to the Landmark at Doral HOA, which only operates a certain area and could only enforce that area; therefore, the Agreement is specific only to the areas operated by the Landmark at Doral HOA. Ms. Cerbone explained that the District's Rules and an Agreement specific to only one of the HOAs within the District were being presented.

Mr. Knight stated that the District Rules would be CDD-wide but enforcement must be by the Landmark at Doral HOA. The Landmark at Doral HOA originally requested the Rules, due

to abandoned cars left on CDD-owned streets, but other HOAs could do to the same. The Agreement allows the Landmark at Doral HOA to administer the towing contract. Ms. Cerbone explained that the Rules would be CDD-wide but would not be enforced by the District; the District would allow HOAs the flexibility to enforce any of the District's Rules. The other HOAs should contact District Management if they would like to apply those same Rules and she will have District Counsel prepare a Maintenance and Administrative Services Agreement, which would allow the HOA to contact the towing company directly. This Contract is necessary because the towing company will not tow vehicles on a public road, on the authority of the Landmark at Doral HOA. The CDD's contract with the towing company indicates that the Landmark at Doral HOA has authority to administer it.

In response to the questions of whether the parking spaces are insured and who is responsible if a car catches fire, Mr. Knight stated that the spaces are owned by the CDD and those responsible depended on why the car caught fire. Unless the District was negligent the District would not incur any legal fees or be obligated to pay for damages. Aside from insurance, the District is a government agency and has sovereign immunity, which has certain limits on recovery. Discussion ensued regarding who would be responsible for vehicles damaged during towing. Ms. Cerbone stated that an indemnification clause was added to the towing company Agreement in which the CDD is an additional insured and the first responsible party would be the towing company. Ms. Baluja stated that the Landmark at Doral HOA would send notices to residents informing them of the new Rules and the effective date and that towing will be enforced. Mr. Knight stated all the safeguards have been provided and, if there is a negligence claim against the CDD, the CDD has sovereign immunity; however, that cannot prevent someone from suing the District, in which case, the District would have to defend itself.

**\*\*\*Ms. Cerbone closed the Public Hearing.\*\*\***

**B. Consideration of Resolution 2018-03, Adopting the General and Procedural Rules of the District; Adopting Parking Rules and Regulations; Authorizing and Directing the District Manager To Take Certain Actions Consistent With the Adoption of This Resolution; and Providing For an Effective Date**

Ms. Cerbone presented Resolution 2018-03.

**On MOTION by Ms. Baluja and seconded by Ms. Herrera, with all in favor, Resolution 2018-03, The General and Procedural Rules of the District; Adopting Parking Rules and Regulations; Authorizing and Directing the District Manager To Take Certain Actions Consistent With the Adoption of This Resolution; and Providing For an Effective Date, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Maintenance and Parking Enforcement Agreement with HOA**

Ms. Cerbone presented the Maintenance and Parking Enforcement Agreement with the Landmark at Doral HOA. Four diagrams were distributed indentifying the maintenance areas that the CDD wants the Landmark at Doral HOA to assume and clarifies the location of the parking areas; if towing was necessary it could occur only from the roads that are marked. Ms. Baluja questioned whether the Landmark at Doral HOA maintained certain areas noted on the diagram. Mr. Alvarez stated the area marked is part of the preservation area and clarified that the symbols on the exhibits were exaggerated in width; the Landmark at Doral HOA is maintaining the area that is approximately 10' from the back of the sidewalks. The area was part of the conservation/wetland tracts and the permits called for certain plantings in the wetland area, as well as on the side slopes, and those areas will be maintained by the CDD, under the Agreement with the lake and wetland management company. The permits called for a buffer area between the side slopes and the back of sidewalks, which is the 10' area with special upland plants that are irrigated and will serve as the frontage of the development. Discussion ensued regarding who maintains Sections #3, #4 and #5, as those are not part of the Landmark at Doral HOA's maintenance. Further research was necessary to identify who maintains the area and who is paying for its upkeep, as the area is not located within the Landmark at Doral HOA boundaries. It was suggested that, if all the other terms in the Agreement are acceptable, the Board could consider approving the Agreement, in substantial form, subject to the District Engineer and District Counsel looking further into this diagram and working with the Chair to ensure the exhibit is properly updated. Mr. Knight stated, from these discussions, the 10' strip, known as the upland buffer, is part of the CDD's conservation area. Discussion ensued regarding the CDD not having an official entity assigned to maintain the buffer nor any budgeted funds to maintain the area.

Ms. Cerbone suggested the CDD enter into a Maintenance Agreement with the applicable HOA, as the Landmark at Doral HOA's land abuts the buffer and they, in turn, would incur the expense and pass it on to residents. Ms. Baluja stated the Maintenance Agreement should include Sections #1 and #2 and the appropriate HOAs would be responsible for Sections #3, #4 and #5. Ms. Cerbone will contact Mr. Ortiz regarding who to contact to get an Agreement in place for the other areas. Ms. Cerbone suggested approving the Agreement, in substantial form, knowing that the District Engineer will update the exhibit, and removing all items not related to the Lennar's Landmark at Doral HOA. Once complete, the Chair will review the Agreement to ensure the updated document is accurate and then execute it. Mr. Knight stated that Exhibit A would only be for Areas #1 and #2 and, if The Congress Group was agreeable, a separate Agreement would be prepared without the parking enforcement.

**On MOTION by Ms. Baluja and seconded by Ms. Herrera, with all in favor, the Maintenance and Parking Enforcement Agreement with Landmark at Doral HOA, in substantial form, subject to updating and attaching the appropriate exhibit(s) and approval by the Chair, was approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Sunshine, Inc., Towing Agreement**

Ms. Cerbone stated that, after numerous calls and emails, she was only able to speak with Alex at Sunshine Towing, Inc. (Sunshine Towing) but not someone in authority regarding entering into a contract with a governmental entity, as opposed to a private property agreement. Discussion ensued regarding asking Muriel, with the Landmark at Doral HOA, to contact Sunshine Towing, on behalf of the CDD, and possibly contacting the City or whoever handles the Midtown Miami garage. Ms. Baluja stated that the CDD does not have a preference, as long as the towing company is responsive. Other Board Members will forward towing company contacts to Ms. Cerbone. Ms. Cerbone suggested deferring this item to June or September, when the budget is adopted, giving her sufficient time to find a vendor. Ms. Baluja asked if the Agreement could be approved, in substantial form, for whichever towing company is selected. Mr. Knight stated the Agreement with Sunshine Towing could be

approved, subject to changing to another vendor, if recommended by the District Manager and with input from the Chair.

**On MOTION by Ms. Baluja and seconded by Ms. Krause, with all in favor, the Sunshine, Inc., Towing Agreement, in substantial form, subject to selecting another vendor, if recommended by Management and with input from the Chair, was approved.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-04, Approving a Proposed Budget for Fiscal Year 2018/2019; and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2018-04. She reviewed the proposed Fiscal Year 2019 budget line items noting increases, decreases and other changes. Mr. Ortiz asked what entity was responsible for maintaining the bike path. Ms. Cerbone stated that the path is the District's property. Mr. Alvarez stated that it was not formally conveyed to the CDD. Discussion ensued regarding whether the path was completed and currently maintained by the Developer, the likelihood of a Maintenance Agreement with the HOA once completed and conveyed to the CDD and modifying the same Agreement they have with Lennar's Landmark at Doral HOA. This was the preferred method so, if an issue arose, the CDD would have one point of contact with the Landmark at Doral HOA, which has more flexibility than the CDD to allocate additional assessments or change assessments, throughout the year.

The Fiscal Year 2019 assessments would remain the same as in Fiscal Year 2018. The proposed assessments will be reflected on the Miami-Dade Truth in Millage (Trim) Notices.

**On MOTION by Ms. Baluja and seconded by Mr. Ortiz, with all in favor, Resolution 2018-04, Approving a Proposed Budget for Fiscal Year 2018/2019; and Setting a Public Hearing Thereon Pursuant to Florida Law for September 13, 2018 at 10:00 a.m. at this location; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of March 31, 2018**

Ms. Cerbone presented the Unaudited Financial Statements as of March 31, 2018. Both the 2006 and 2016 Capital Project Funds have fund balance that could be utilized. On-roll assessment revenue collections were at 90% and off-roll were at 59%. Overall, expenditures were on target; however, "Engineering" and "Annual permits & plat" were slightly over budget.

**On MOTION by Ms. Baluja and seconded by Mr. Ortiz, with all in favor, the Unaudited Financial Statements as of March 31, 2018, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Approval of April 12, 2018 Regular Meeting Minutes**

Ms. Cerbone presented the April 12, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Ms. Baluja and seconded by Mr. Colamarino, with all in favor, the April 12, 2018 Regular Meeting Minutes, as presented, were approved.**

- **Consideration of Resolution 2018-05, Electing the Officers of the Landmark at Doral Community Development District, Miami-Dade County, Florida**

***\*\*\*This item was an addition to the agenda.\*\*\****

Ms. Cerbone provided and presented Resolution 2018-05. Ms. Baluja nominated the following slate of officers:

Chair	<u>Teresa Baluja</u>
Vice Chair	<u>Carmen Herrera</u>
Secretary	<u>Craig Wrathell</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	<u>Raisa Krause</u>
Assistant Secretary	<u>Jorge Ortiz</u>



Assistant Secretary	<u>Steve Colamarino</u>
Assistant Secretary	<u>Cindy Cerbone</u>
Assistant Treasurer	<u>Jeff Pinder</u>

**On MOTION by Ms. Baluja and seconded by Ms. Krause, with all in favor, Resolution 2018-05, Electing the Officers of the Landmark at Doral Community Development District, Miami-Dade County, Florida, as nominated, was adopted.**

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.***

There being no report, the next item followed.

**B. District Engineer: *Alvarez Engineers, Inc.***

There being no report, the next item followed.

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

**i. NEXT MEETING DATE: June 14, 2018 at 10:00 A.M.**

Ms. Cerbone stated that the next meeting will be held on June 14, 2018 at 10:00 a.m., at this location. This meeting will be cancelled, if there are no items to address.

**TENTH ORDER OF BUSINESS**

**Public Comments/Supervisors' Requests**

There being no public comments or Supervisors' requests, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss, the meeting adjourned.

**On MOTION by Ms. Baluja and seconded by Ms. Herrera, with all in favor, the meeting adjourned at 3:36 p.m.**

*Cindy Cebrone*  
Secretary/Assistant Secretary

*Carment*  
Chair/Vice Chair