

VENETIAN ISLES COMMUNITY DEVELOPMENT DISTRICT
SPECIAL BOARD MEETING
AUGUST 3, 2009

A. CALL TO ORDER

District Manager Neil Kalin called the August 3, 2009, Special Board Meeting of the Venetian Isles Community Development District to order at 7:02 p.m. in the Venetian Isles Community Clubhouse located at 15355 Egret Lake Circle, Miami, Florida 33185.

B. PROOF OF PUBLICATION

Mr. Kalin presented proof of publication that notice of the Special Board Meeting was published in the *Miami Daily Business Review* on July 24, 2009, as legally required.

C. ESTABLISH QUORUM

Mr. Kalin determined that the attendance of Chairman Luis Baluja, Vice Chairman Andres Vazquez and Supervisors Abelardo Hernandez and Roger Perez constituted a quorum and it was in order to proceed with the meeting.

Staff in attendance were: District Manager Neil Kalin of Special District Services, Inc.; and District Counsel Susan Delegal of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Also in attendance were the following residents from the District: Richard Borrazas, Marcelo Proaño, Roberto Vich, José Miguel, Aldo Wrvés, Eduardo Alvarez, José Medina, Jesus Moqollon and Ann Johnson; Eduardo Molieri, Marcal Buurman, Juan R. Cespedes, Mr. and Mrs. Orfilio Borrego.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Mr. Proaño, a Resident of the District, asked for a brief overview of the functions of the District. Mr. Baluja obliged and gave an outline of the District's responsibilities, including but not necessarily limited to the financing and the construction of certain public improvements such as roadways (on Circle Drive and entrances to community), stormwater management system including the lake tracts, sanitary sewer system and the water distribution system. The District manages the bond debt, establishes annual budgets/assessments and maintains the public infrastructure, as required.

F. APPROVAL OF MINUTES

- 1. June 11, 2009 – Public Hearing**
- 2. June 11, 2009 – Regular Board Meeting**

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Mr. Kalin asked if there were any corrections or additions to the minutes of the June 11, 2009, Public Hearing or the June 11, 2009, Regular Board Meeting.

One amendment was made to the June 11, 2009, Regular Board Meeting minutes, to wit: on the second page, second paragraph, line 16, the word “Sony” was deleted after the word “Nissan”.

A **motion** then made by Mr. Hernandez, seconded by Mr. Vazquez and unanimously passed to simultaneously approve the minutes of the June 11, 2009, Public Hearing, as presented; and the minutes of the June 11, 2009, Regular Board Meeting, as amended.

G. OLD BUSINESS

There were no Old Business items for the Board to address.

H. NEW BUSINESS

1. Discussion Regarding Master HOA Concerns Related to the Speed Hump Project

Mr. Baluja provided an overview of the speed hump project from the inception to the current day status. He stated that the initiative was driven by the Master HOA as a result of accidents and property damage within the community. The District and the Master HOA worked together cooperatively to insure that the Residents’ health, safety and welfare was the primary reason for taking on this project. The project had its challenges and additional measures had to be taken (the installation of curbing) to protect property and the Residents. Many comments were received from the Residents of the community, some positive and some negative. A survey was performed and from comments received by the Master HOA, a formal request was submitted to the District to have modifications made to lessen the severity of the humps. Mr. Baluja stated that it would be in order to address the concerns outlined by the Master HOA and therefore he called for this Special Meeting.

Mr. Baluja took comments from the public:

Mr. Roberto Vich, a Resident of the District, agreed with the concept of the humps however, he strongly urged that adjustments be made to the height. Mr. Eduardo Alvarez, a Resident of the District, stated that the “humps” needed a height adjustment and this was evident by the continued scaring on the surface of the “humps” and in some cases there were pieces of asphalt missing. Mr. Richard Borrazas, a Resident of the District, commented that he was in favor of the purpose to slow down vehicular traffic; however he stated that the “humps” were too high and required a height adjustment. Mr. Cespedes, a Resident of the District, explained the various types of speed bumps/humps at Florida International University (FIU) and stated that the speed in which one travels over the hump will greatly effect if the vehicle undercarriage hits the “hump” or not. Mr.

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Cespedes was concerned that should the height of the “humps” be lowered, will that in turn compromise the intent of the project? Mr. Baluja informed those in attendance that the “humps” installed on the first day had been lowered/adjusted as a result of being too high.

Susan Delegal, District Counsel, informed those in attendance that she had discussed with the Contractor the height of the “humps” and the Contractor claimed that the “humps” were at three inches in height. A question was raised about the liability should the “humps” be lowered. Ms. Delegal stated that there is certain criterion for speed hump design and as long as minimum standards are met, then there should be no liability. The range of height for the type of speed hump used is from 2 ½ inches to 3 ½ inches.

Comments were made regarding the inconvenience the “humps” have created and one must come to a complete stop in order to go over the devices. The “humps” have “cheapened” the neighborhood; and have caused Residents to find other ways in and out of their community in order to avoid the “humps”. In avoiding the devices on Egret Lake Circle, Residents cannot enjoy the beauty or ambiance of the entry lake and this is upsetting to some of the Residents.

Mr. Orfilio Borrego stated that he did not like the design of the “humps” and adjustments were needed. Mrs. Borrego commented on the size and design of the signs relating to the Project; and that there were too many signs. Mr. Marcel Buurman stated that he drives an Audi and he cannot go over the “humps”; he strongly urged the District to make height adjustments. Mr. Aldo Wrvés stated that the speeding in the neighborhood has stopped and that he likes the results of the project.

Mr. Jose Miguel stated that he would prefer to see the speed humps remain as they have been installed; he feels that the project has been successful in controlling vehicular speed.

Mr. Baluja thanked the Residents for their comments and at this time asked the Members of the Board for their input/comments regarding the speed hump project. Mr. Vazquez stated that the initiative was to provide safety and now the Board must make a decision whether to lower/adjust the speed humps and to modify or change the signs. Mr. Vazquez also wanted clarification on the District’s liability associated with the damage that certain Residents incurred to their vehicles during the early stages of the project.

District Counsel advised Mr. Vazquez that the District has very little liability with respect to property damage of others as a result of the speed hump installation; however, if there are claims of damage as a result of non-performance under the contract terms by the Contractor, then the Contractor could have responsibility.

Mr. Marcelo Proaño respectfully requested that the District “stand firm” and leave the speed humps as they now exist; the inconvenience to the Residents is far outweighed by the safety that is provided by the current state of the “humps”. Mr. Baluja asked the

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Manager if there were any funds available in this current budget year for expenses, should modifications be made to the speed humps. Mr. Kalin stated that there was approximately \$5,000 available for modification work should the Board decide to do so. A discussion ensued amongst the Members of the Board after which:

A **motion** was made by Mr. Vazquez, seconded by Mr. Perez and unanimously passed to authorize the District Manager to investigate with the speed hump Contractor the possibility of modifying/adjusting the current speed humps in a uniform manner either by lowering the height to 2 ¾ inches or softening the approach/exit side (smoother transition - greater length) or by both methods; and obtaining pricing for all adjustment work. The District Manager will bring back all information and pricing to the Board for final action on this matter at the Board Meeting scheduled in September.

A brief discussion ensued regarding the signs and changing the sign décor to meet the community standards. Mr. Medina and Mr. Alvarez volunteered their time and resources to assist the District in a plan to upgrade the signs recently installed during and associated with the speed hump project. The District Manager will work with Mr. Alvarez and Mr. Medina and bring sign design information with associated costs to the Board for their consideration at the Board Meeting in September.

I. ADMINISTRATIVE MATTERS

There were no Administrative Matters to come before the Board.

J. BOARD MEMBER COMMENTS

There were no further comments from the Members of the Board.

K. ADJOURN

There being no further business for the Board to address, a **motion** was made by Mr. Hernandez, seconded by Mr. Perez and unanimously passed to adjourn the meeting at 8:51 p.m.

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Secretary/Assistant Secretary

Chairman/Vice Chairman