

**MINUTES OF MEETING**

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The special meeting of the Board of Supervisors of the Harbor Bay Community Development District was held on **Tuesday, April 29, 2008 at 9:00 a.m.**, at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572.

Present and constituting a quorum were:

Scott Jones	<b>Board Supervisor, Chairman</b>
Ben Gelston	<b>Board Supervisor, Vice Chairman</b>
Laura Ackerman	<b>Board Supervisor, Assistant Secretary</b>
Diana Hilton	<b>Board Supervisor, Assistant Secretary</b> <i>(joined the meeting in progress)</i>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Wells called the meeting to order and read the roll call.

**SECOND ORDER OF BUSINESS**

**Review and Consideration of Landscape  
Maintenance Proposals**

Ms. Wells stated that the next item on the agenda was the review and consideration of the Landscape Maintenance Proposals. Ms. Wells stated that she had distributed the bid documents to the Board for their review and that the bid documents included ranking sheets. Ms. Wells asked the Board if they needed to have some discussion regarding the bid proposals. Mr. Jones stated that some of the bids were poorly put together and asked the Board if they were comfortable moving forward with the bid process.

*(Ms. Hilton joined the meeting in progress)*

Ms. Wells stated that the Board could choose to make a selection, continue the meeting, or restart the bid process. Mr. Jones asked if there were representatives from the landscape companies present. Ms. Wells stated that there were five bidders and that they all had representatives at the mandatory pre-bid meeting.

Ms. Hilton stated that the bid packages were vastly different and so she created a spreadsheet to enter in all of the information to compare them side by side. Ms. Wells stated that the extras in the request for proposals were mulch, annuals, freeze protection and hand watering. A discussion ensued regarding what was included in each of the proposals. Ms. Wells stated that the Board could share their ranking sheets with each other. Mr. Jones asked Mr. Gelston if the Board needed to re-issue a request for proposals. Mr. Gelston stated that he didn't think that was necessary. Mr. Gelston stated that he thought that the Board needed to make a decision based on the responsiveness of the bidders. Mr. Gelston stated that with a public bid, the Board can not go back and get further clarification. Mr. Jones stated that their overall goal was to get very high quality service at an appropriate price to reduce the CDD's exposure. Mr. Gelston stated that the Board should make their decision on the lowest qualified responsive bidder. Ms. Wells stated that by statute that the Board is not required to go with the lowest price. She stated that the Board can rank according to the criteria that was set forth and given to all of the bidders. A discussion ensued regarding the selection process. It was stated that all bidders were at the mandatory pre-bid meeting and received the same instruction.

Ms. Wells asked Ms. Ackerman, as the only resident Board member present, if she had any comments or questions for the Board. Ms. Ackerman stated that she had none. Mr. Jones reviewed his rankings for the Board. Mr. Gelston also reviewed his rankings. Ms. Ackerman stated that her top two choices according to her rankings were Vila & Son and Lee Te Kim. Ms. Hilton stated that according to her rankings she also had these two firms as the top two. It was stated that Mr. Kim knows the property better as they are the current contractor. The Board asked Ms. Ackerman how the residents felt about the current service. She stated that she hadn't heard any complaints. Ms. Ackerman opened up the discussion to the residents in the audience. The audience members had positive comments for Mr. Kim's landscape maintenance services.

Mr. Gelston added the totals of the bid ranking sheets and Ms. Wells checked them again. Ms. Wells stated that out of a possible 400 points, Natural Designs scored 292 points, Vila & Son scored 328 points, Lee Te Kim scored 363 points, Pro Boring scored 218 points, and ValleyCrest scored 279 points. Mr. Jones stated that according to the ranking sheets Mr. Kim should be awarded the landscape and maintenance contract. Mr. Jones asked if there were any thoughts or comments. Mr. Gelston reviewed all of the factors that were considered on the ranking sheets. Ms. Wells stated that she would need two motions from the Board. The first would be to select the contractor and the second motion would be to authorize District Counsel and District Staff to negotiate the contract. She stated that this was standard procedure. Ms. Wells stated that if the contract can't be negotiated then the CDD would go with the second ranked bidder who is Vila & Son.

On a Motion by Mr. Jones, seconded by Mr. Hilton, with three (Mr. Gelston) in favor, and one (Ms. Ackerman) opposing, the Board accepted Lee Te Kim Landscape & Lawncare, Inc.'s Proposal to provide the Landscape Maintenance for Harbor Bay Community Development District.

On a Motion by Mr. Gelston, seconded by Mr. Jones, with all in favor, the Board authorized District Counsel and District Staff to enter into negotiations with the number one ranked Lee Te Kim Landscape & Lawncare Inc. and if negotiations were to fail to enter into contract negotiations with number the two ranked Vila & Son, for Landscape Maintenance for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

Ms. Wells stated that the next item on the agenda was Supervisor Requests and Audience Comments. Ms. Wells asked if there were any Board Supervisor Requests. There were none. She asked the Board if they would like to entertain any more audience comments at this time. There were no further comments. Ms. Wells stated that the next regular meeting would be on Tuesday, May 20, 2008 at 6:30 p.m.

**FOURTH ORDER OF BUSINESS**

**Adjournment**

Ms. Wells stated that there were no further agenda items to come before the Board and asked for a motion to adjourn.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board adjourned the Board of Supervisors' Meeting for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman