

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 regular meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, April 22, 2010 at 5:30 p.m.** at 700 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Scott Jones	Board Supervisor, Chairman
Laura Ackerman	Board Supervisor, Vice Chair
Rip Ripley	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary
Ed Stone	Board Supervisor, Assistant Secretary

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
John Toborg	Operations Manager, Rizzetta & Company, Inc.
Samantha Carlson	Representative, Rizzetta & Company, Inc.
Karla Gibson	Representative, WTS International
Kristy Owens	District Coordinator
Tom Griggs	Representative, Newland Communities
Biff Craine	District Counsel, Bricklemyer, Smolker, Bolves
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Miller called the meeting to order and conducted roll call.

SECOND ORDER OF BUSINESS

Consideration of Minutes of the Board of Supervisors' Meetings held on March 25th and 26th, 2010

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meetings held on March 25th and 26th, 2010 for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Operations and
Maintenance Expenditures for April 2010**

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board approved the Operation and Maintenance Expenditures for April (\$269,936.37) 2010 for Harbor Bay Community Development District.

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board approved the Operation and Maintenance Expenditures for April (\$55,255.93) 2010 for the Mirabay Clubhouse for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

Mr. Scarola had nothing to report at this time.

B. District Counsel

Mr. Craine gave an update on the seawall design/construction litigation. He stated that there was a deposition held in the beginning of April; and the soil reports would be available for review during the shaded meeting on April 23, 2010.

Mr. Craine gave an update on the delinquent assessment collection from the First National Bank of Central Florida.

Mr. Craine gave an update on the RFP for landscape and irrigation maintenance services bid protest. He stated that the Board had two options: 1. Continue to proceed with the bid protest process and public hearing; 2. Rebid the project in accordance to the bid protest settlement agreement. Mr. Craine read the terms of the settlement agreement for the Board. He stated that Lee Te Kim had agreed to withdraw their protest and request for hearing if the Board approved the settlement agreement.

The Board agreed to open the meeting to public discussion among the vendors who bid on the project and that were present.

- A representative of Cornerstone inquired on what the requirement was for the audited financial statements and the lack of time allowed to include them in the bids.
- A representative from TruGreen inquired on whether or not a copy of the protest was sent to the bidders. Mr. Toborg clarified that they were emailed to each bidder.
- A representative from The Budd Group was present but did not have questions or comments.
- A representative from Greenbriar was present but did not have

questions or comments.

Mr. Craine clarified that the financial information is not discoverable under the Florida records law; it is an exception and is not public record.

The Board inquired on the approximate cost if the District went through with the bid protest. Mr. Craine explained the amount would vary and that it wouldn't be a lump sum amount.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board approved the Bid Protest Settlement Agreement for Harbor Bay Community Development District.

(Mr. Toborg left the meeting.)

FIFTH ORDER OF BUSINESS

Consideration of Draft Security Guard Services RFP

The Board requested that this item be tabled until the next meeting.

SIXTH ORDER OF BUSINESS

Consideration of Land Conveyances, MiraBay Parcel 7 Phase 3 Tracts (A-7 and D-14B)

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the Fee Title Deed for MiraBay Parcel 7 Phase 3 Tracts (A-7 and D-14B) for Harbor Bay Community Development District.

Mr. Craine requested when the district takes title, let property appraiser know for tax purposes.

SEVENTH ORDER OF BUSINESS

Consideration of Amendment # 1 to the Rizzetta Amenity Services, Inc. Agreement

On a Motion by Mr. Jones, seconded by Mr. Hatcher, with all in favor, the Board approved the Amendment #1 to the Rizzetta Amenity Services, Inc. Agreement for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Discussion on District Financials, March 2010 – General Fund

Mr. Miller reviewed the district financials in great detail; and reviewed the preliminary proposed budget.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved to set a budget workshop for May 13, 2010 at 5:30 p.m. and July 15th at 5:30 p.m. to be held at the MiraBay Clubhouse located at 700 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Presentation of March Utilities Report

Mr. Miller reviewed the March utilities report. No action was taken.

TENTH ORDER OF BUSINESS

Discussion on Speeding Issue within Sea Crest

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board authorized the installation of 20 mph speed limit signs within the Sea Crest subdivision for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Announcement of General Election

Mr. Craine announced that seats 1 (currently Laura Ackerman), 2 (currently Scott Jones), and 3 (currently Millard Ripley) will be up for election on November 2, 2010. He stated that the qualifying period for the general election was from noon on June 14th through noon on June 18th and all interested candidates should inquire with the Hillsborough County Supervisor of Elections office about running before the qualifying period begins.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

Mr. Miller stated that the next meeting is May 27, 2010 at 5:30 p.m.

A discussion ensued regarding the replacement of the MiraBay Blvd. gate house bar code reader. It was stated that the current one was no longer working due to wear and tear.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the proposal from Action Security for gate bar code reader repairs in the amount of \$4,985 for Harbor Bay Community Development District.

Mr. Miller discussed the insurance policies regarding the off duty law enforcement officers. Upon review of the districts current insurance policies the off duty officers are not covered. Mr. Miller stated that this was a violation of the current off duty employment agreement that is in place with the Hillsborough County Sheriffs office. Mr. Miller explained that he was working with the districts insurance provider to add this coverage.

Further discussion ensued. The Board agreed that this will be an agenda item for the next meeting. No action was taken.

Mr. Miller explained that currently there is no insurance for the off duty officers.

B. District Coordinator – Kristy Owens
No report.

C. Karla Gibson
- The pool would be closed for maintenance on Sunday at 6:30 p.m. until sometime on Monday.
- Cornerstone refurbished the lighthouse and should be done by Thursday.
- The flooring in the Lagoon room was completed and the window treatments would be installed in June.
- Requested a new freezer for Breezeway as the current one had stopped working and was not worth repairing.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board authorized the purchase of a new freezer for Breezeway with a not-to-exceed amount of \$1,200 for Harbor Bay Community Development District.

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Mr. Hatcher clarified the issue with the purpose of the Outfitters facility. He explained that Outfitters was created to give residents who did not live on the water access to the water.

The Board entertained various public comments; however no board action was taken.

(Mr. Jones left the meeting in progress.)

FOURTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board adjourned the meeting at 8:32 p.m. for Harbor Bay Community Development District.

Secretary/Assistant Secretary

Chairman/ Vice Chairman