

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, July 22, 2010 at 5:30 p.m.** at 700 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Laura Ackerman
Rip Ripley
Tom Hatcher
Ed Stone

Board Supervisor, Vice Chairman
Board Supervisor, Assistant Secretary
Board Supervisor, Assistant Secretary
Board Supervisor, Assistant Secretary

Also present were:

Jonathan Miller
Biff Craine
Jamie Scarola
Karla Gibson
Kristy Owens
Audience

District Manager, Rizzetta & Company, Inc.
District Counsel, Brickleyer, Smolker, Bolves
District Engineer, Scarola Associates Engineering
MiraBay Club Manager, WTS International
District Coordinator

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' Meeting held on June 24, 2010

<p>On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on June 24, 2010 for Harbor Bay Community Development District.</p>
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THIRD ORDER OF BUSINESS

Consideration of Operations and Maintenance Expenditures for July 2010

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance Expenditures for July 2010 (\$284,084.54) for Harbor Bay Community Development District.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with all in favor, the Board approved the Operation and Maintenance Expenditures for July 2010 (\$63,317.57) for the Mirabay Clubhouse for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Staff Report – District Engineer

Mr. Scarola discussed the Sea Crest subdivision storm structure repairs and presented two proposals from Hecker Construction Company, Inc.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with all in favor, the Board approved proposal #648 in the amount of \$750; and proposal #649 in the amount of \$2,800 for necessary repairs as presented for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Proposals Received from RFP for Security Guard Services

Mr. Miller announced that he received proposals from the RFP for Security Guard Services. A discussion ensued among the Board. Each Board Supervisor presented a ranking of the proposals.

The following proposals were received:

- ABM Security Services
- American Eagle Sentry
- Control Security
- Diamond Investigations & Security
- DSI Security Services
- Excelsior Defense
- G4S Security Solutions (dba Wackenhut)
- Guardsmark
- Kent Security Services
- National Alliance Security Agency
- Securamerica
- Securitas Security Services
- Shield Security
- Swift Security
- U.S. Security Associates

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, in accordance with the terms and conditions of the Security Guard Services RFP dated May 2010, the Board determined U.S. Security Associates to be the successful bidder for Security Guard Services for the Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Discussion on Landscape & Irrigation
Maintenance Services RFP Bid Protest
Settlement Agreement**

A discussion ensued among the Board and District Counsel regarding the bid protests that were received in response to the landscape and irrigation maintenance services RFP.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board authorized District Counsel to draft final order demonstrating findings of fact, conclusions of law, and concurrence with District Counsel's recommendation to dismiss the protest with prejudice; and authorized the Chairman to sign on behalf of the District outside of a regularly scheduled meeting of the District for Harbor Bay Community Development District.

Mr. Craine explained the terms of the settlement agreement which included the cost for maintaining these areas would be \$3,500 annually. This amount is to be deducted from Lee Te Kim's Landscape contracts. The following tracts being given to Greenbriar to maintain:

- Tract D-1B (drainage) as stated on Plat: Mirabay Parcel 7 Phase 2
- Portions of Tract A-7 (street) on Plate: Mirabay Parcel 7 Phase 2
- Portions of Tract D-14B (wetland) on Plat: Mirabay Parcel 7 Phase 3

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved to enter into a settlement agreement with Greenbriar Landscaping as discussed and presented for Harbor Bay Community Development District.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved to enter into a landscape services agreement with Greenbriar Landscaping per the terms and conditions of the settlement agreement for Harbor Bay Community Development District.

The Board entertained general audience comments regarding the landscape RFP. No further Board action was taken.

SEVENTH ORDER OF BUSINESS

**Review of Unaudited Financial Statements,
June 2010**

Mr. Miller reviewed the District's financials for June 2010 for the Board.

EIGHTH ORDER OF BUSINESS

**Review of Districts Financial Cash Flow
Analysis, June 2010**

Mr. Miller reviewed and explained the District Financial Forecast Analysis for June 2010 for informational purposes only. Board discussion ensued.

NINTH ORDER OF BUSINESS

**Discussion on Revised Fiscal Year
2010/2011 Proposed Budget**

Mr. Miller reviewed the updated proposed budget reflecting the revised numbers based on the most recent financial information and per the Board's direction. Mr. Miller stated that many of the updated figures contained in the most recent version of the proposed budget were based on the revised figures from the outcome of the final RFP's (security guard services and the landscape and irrigation maintenance). No Board action was taken.

TENTH ORDER OF BUSINESS

Presentation of Utilities Report

Mr. Miller stated the utilities report was included in the agenda for informational purposes only.

ELEVENTH ORDER OF BUSINESS

Discussion on General Election

Mr. Miller announced that the general election would be held on November 2, 2010.

The following seats will be up for election:

- Seat 1 – Laura Ackerman
- Seat 2 – Scott Jones
- Seat 3 – Rip Ripley

The following are qualified candidates:

- Seat 1 – Paul Stumph
- Seat 2 – Julie A. Guill & Rick Terrell
- Seat 3 – Bill Kirchhofer & Millard G. Ripley

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Craine gave an update on the sea wall design/construction litigation.

It was noted that the shaded meeting scheduled for July 23rd would be held in order to continue it to July 30th based on District Counsel's recommendation.

B. Club Manager – Karla Gibson

Ms. Gibson stated that she received a marriage request for February 26, 2011 from 6:30-11p.m.; and to have the Lagoon Room available as back up.

The Board approved the event with the following rate structure:

\$600 outside
\$600 inside
\$500 after hours
\$1,819 total for event

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved the event on February 26, 2011 at \$1,819 for Harbor Bay Community Development District.

- C. District Coordinator – Kristy Owens
No report.
- D. District Manager
 - 1. Mr. Miller announced the next meeting would be held on August 26, 2010 at 5:30 p.m.; the public hearing on the final budget would be held at that time.
 - 2. Mr. Miller presented a proposal for the installation of annuals with a not-to-exceed amount of \$4,000.

On a Motion by Ms. Ackerman, seconded by Mr. Stone, with all in favor, the Board approved the proposal for the installation of annuals with a not-to-exceed amount of \$4,000 for Harbor Bay Community Development District.

- 3. Mr. Miller reviewed the pending action items for the Board giving an update on each. Items included were:
 - Off Duty Law Enforcement Liability Coverage
 - Series 2001A Bond Refinancing
 - WTS Management Agreement
- 4. Mr. Miller addressed the business item regarding the Resident Services Specialist position. It was his recommendation to postpone any action until the official request was made by the HOA. The Board agreed.

THIRTEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Ripley requested to allow audience comments at the beginning of the meetings beginning in August.

Mr. Stone presented a recommendation of a policy on how to use the boat ramp and requested Board approval on a proposal for a new gate to prohibit unauthorized access and use of the boat ramp.