

**MINUTES OF MEETING**

**HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Harbor Bay Community Development District Board of Supervisors was held **Tuesday, December 18, 2001 at 9:30 a.m.** at the offices of Terrabrook, located at 3505 Frontage Road, Suite 145, Tampa, Florida 33607.

Present and constituting a quorum were:

Mike Dady	<b>Board Supervisor</b>
Kathy Jacobs	<b>Board Supervisor</b>
Debbie Jones	<b>Board Supervisor</b>
Brian Sewell	<b>Board Supervisor</b>
Steve Gamm	<b>Board Supervisor</b>

Also present were:

Pete Williams	<b>District Manager</b>
Toxey Hall	<b>District Engineer</b>
Jonathan Johnson	<b>District Counsel</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Williams called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Consideration of the Board of Supervisors'  
Meeting Minutes on November 20, 2001**

Mr. Williams stated that the first item on the agenda is the consideration of the minutes of the Board of Supervisors' meeting on November 20, 2001 (located behind tab 1 in the agenda package). He asked if there were any additions, deletions or corrections to the minutes. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On a MOTION by Mr. Dady, seconded by Mr. Sewell, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on November 20, 2001 for Harbor Bay Community Development District.
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**THIRD ORDER OF BUSINESS**

**Consideration of Ballenger & Company Proposal**

Mr. Williams stated that the next item on the agenda is the consideration of a proposal from Ballenger & Company for irrigation and pump station design in the amount of \$12,255 (located behind tab 2). The amount is below the bidding threshold.

On a MOTION by Mr. Dady, seconded by Mr. Gamm, with all in favor, the Board approved the Ballenger & Company irrigation proposal for \$12,255 for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Woodruff & Sons  
Change Orders #3 and #4**

Mr. Williams stated that the next item on the agenda is to consider Woodruff & Sons change orders #3 and #4 (located behind tab 3). Mr. Hall stated that the two change orders are adjustments from revisions made to Gulf and Sea Boulevard under the base contract. He noted that there is a typo that Woodruff & Sons has been asked to revise. Mr. Hall explained that the deletions on Attachment A are due to the fact that underlying infrastructure items are added and deleted.

On a MOTION by Mr. Dady, seconded by Ms. Jacobs, with all in favor, the Board approved Woodruff & Sons Change Order #3 (pending attachment A being corrected and replaced prior to execution) for Harbor Bay Community Development District.

Mr. Hall reviewed change order #4 for the Board. A modular block retaining wall is being added for boat traffic and aesthetics.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board approved Woodruff & Sons Change Order #4 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Heidt & Associates  
Revisions Proposal**

Mr. Williams stated that the next item on the agenda is the consideration of the Heidt & Associates revisions proposal (located behind tab 4). Mr. Hall explained the authorization for work proposal. The original bid plans are being revised.

On a MOTION by Mr. Sewell, seconded by Mr. Gamm, with all in favor, the Board approved the Heidt & Associates Revisions Proposal for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Authorization to Disburse  
District Funds 02-03**

Mr. Williams stated that the next order of business is the consideration of the Authorization to Disburse District Funds 02-03, located behind tab 5 in the agenda package. There are invoices for District Staff fees and legal advertising. He asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On a MOTION by Mr. Sewell, seconded by Ms. Jones, with all in favor, the Board approved Authorization to Disburse District Funds 02-03 for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Construction Requisitions  
#41-#51**

Mr. Williams stated that the next agenda item is to consider construction requisitions #41 through #51 (recap is located behind tab 6). These have been certified by the District Engineer. Requisition #48 to TECO is being held by the Developer. A comment was made that TECO has revised the invoice to include the realignment of Gulf & Sea Boulevard. Mr. Johnson verified that the realignment of the roadway is required by the development order. Requisition #46 was voided by the Developer. There were no further questions and Mr. Williams asked for a motion.

On a MOTION by Mr. Dady, seconded by Mr. Sewell, with all in favor, the Board approved Construction Requisitions #41 through #51 (holding #48 and deleting #46) for Harbor Bay Community Development District.

Mr. Williams stated that additional requisitions were brought to the meeting. They have not been certified yet by the District Engineer. There is an executed resolution under the Acquisition Agreement authorizing the District to process requisitions between meetings. Mr. Johnson stated that there is acquisition of schematics for the recreation center. We are continuing to fulfill our obligations to Terrabrook Apollo Beach LP. A discussion ensued regarding making sure that the invoices are addressed to the District and that there is an approved contract on file.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Construction Matters**

Mr. Williams stated that the next item on the agenda is the consideration of any construction matters. Mr. Hall stated that he had received and approved Woodruff & Sons Pay Application #5. Mr. Williams stated that it will be circulated with the mandatory requisition cover sheet for signature. Mr. Hall stated that Reuben Clarson, a structural engineer, has submitted a contract proposal related to the seawall. Mr. Johnson stated that Mr. Clarson be given the same kind of agreement that Jamie Scarola received. Mr. Williams asked if there were any further questions or discussion. There was none.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board approved the Reuben Clarson contract as structural engineer (at a rate of \$150 per hour and not-to-exceed \$10,000 and pending execution of work agreement) for Harbor Bay Community Development District.

Mr. Hall stated that there may be a potential change order to the Woodruff & Sons contract to add either the "Phase 1A" entry road and/or "Phase 1B" lots. Woodruff's current pricing is not satisfactory. He asked what the procedure should be. Mr. Johnson stated that Mr. Hall could ask the Board to authorize change orders at an upset number not-to-exceed the subject amount pending District Engineer certification. A discussion ensued.

On a MOTION by Mr. Sewell, seconded by Mr. Gamm, with all in favor, the Board authorized the Woodruff & Sons for Phase 1A upset amount of not-to-exceed \$1.6 million and Phase 1B upset amount of not-to-exceed \$2 million and allow District Engineer to begin price negotiations for Harbor Bay Community Development District.

Further discussion ensued regarding whether the \$1.6 million price is acceptable.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.
- B. District Engineer  
No further report.
- C. District Manager  
Mr. Williams stated that the current financial statements are located behind tab 7. The current Investment Management Report is located behind tab 8.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

Mr. Williams stated that the next item on the agenda is Supervisor Requests and Audience Comments. There was no audience in attendance other than those noted at the beginning of the meeting. There were no comments. He asked if there were any Supervisor requests. A question was asked about possibly changing the name of the CDD. Mr. Johnson stated that a fictitious name application could be filed. The legal name could remain Harbor Bay, but Mira Bay could be the fictitious name to operate under for public advertising.

On a MOTION by Mr. Sewell, seconded by Ms. Jones, with all in favor, the Board authorized District Counsel to file the fictitious name application for Harbor Bay Community Development District.

A discussion ensued regarding the U.S. 41 improvements. The District Engineer has reviewed the work and is bringing it to the Board for review. Mr. Hall reviewed this proposal for the Board. It was decided to set a not-to-exceed figure for this work.

On a MOTION by Mr. Dady, seconded by Mr. Sewell, with all in favor, the Board approved the not-to-exceed upset limit of \$400,000 figure for the contractor's work for U.S. 41 improvements (pending District Engineer's negotiation with Woodruff & Sons for a competitive price for the work and is tied to the District Engineer's approval of Phase 1A) for Harbor Bay Community Development District.

A brief discussion ensued regarding a Mortensen proposal for testing on the sales center site that has been voided.

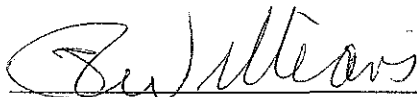
A request was made that the Board receive a professional services agreement from Genesis for work on the landscape berm to determine whether the services are accepted or bid out.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Williams stated that there were no further agenda items scheduled for discussion and asked for a motion to adjourn.

On a MOTION by Mr. Sewell, seconded by Ms. Jones, with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.



Pete Williams  
District Manager



Brian Sewell  
Chairman