

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 the Harbor Bay Community Development District was held on **Tuesday, April 21, 2009 at 6:43 p.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	Board Supervisor, Chairman
Laura Ackerman	Board Supervisor, Vice Chairman
Ed Stone	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary
Rip Ripley	Board Supervisor, Assistant Secretary

Also present were:

Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Jaime Scarola	District Engineer, Scarola Associates Engineer
Scott Smith	Community Association Manager, Rizzetta & Company, Inc.
Karla Gibson	Representative, WTS
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meeting held on March 17,
2009**

It was stated that at the top of page five, under number eight, "*Bali Bay*" should read "*Balibay*".

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on March 17, 2009 as amended, for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for April 2009

Mr. Ripley requested more detail on the invoices in general. He stated that an example would be including the complaint, cause, and cure on the irrigation bills.

There was a question regarding the massage license bill totaling \$305. It was stated that the State required the property owner to apply for the license.

On a Motion by Ms. Ackerman, seconded by Mr. Ripley, with all in favor, the Board approved the Operation and Maintenance Expenditures for April 2009 totaling \$244,818.69 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Public Hearing on the Updated Rules of Procedure

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board opened the Public Hearing on the Rules of Procedure for Harbor Bay Community Development District.

The Board indicated that they were not ready to adopt the updated Rules of Procedure and asked for a motion to continue the Public Hearing.

On a Motion by Ms. Ackerman, seconded by Mr. Hatcher, with all in favor, the Board continued the Public Hearing on the Rules of Procedure to June 25, 2009 at 9:00 a.m. at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572 for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Update of Basketball Court Lighting Proposals (table from previous meeting; under separate cover)

The Board agreed to table this item until the next meeting.

SIXTH ORDER OF BUSINESS

Discussion Regarding Contract Renewal with the MiraBay HOA and the Harbor Bay CDD

Ms. Dremann stated that because the HOA was not subject to Sunshine Laws that they were able to manage the facilities with more ease than the District. She stated however, that due to budgeting complications and to minimize resident confusion regarding management responsibility, the HOA Board recommended that the District assume full responsibility. It was stated that there would not be significant changes in the daily operations of the facilities if the District were to be the sole point of contact.

It was stated that the HOA would need to terminate the contract with WTS and the District would need to create their own agreement for Property Maintenance.

It was stated that the Rizzetta fees for the District's budget would remain the same and most likely an employment management line item would be created. It was stated that from an employee perspective, there would be little or no change.

Mr. Craine stated that he did not find any reason that would direct the Board to be required to bid out management services but that the current HOA and District contract was not solely a management contract. He stated that he believed it was the position of District Management to recommend bidding out the contract. He stated the District's rules did not have a category for acquiring maintenance services. He also stated that it was up to the Board to determine whether or not to bid out services and that the Board should make a decision promptly.

Ms. Wells stated that the bidding process would be recommended solely because it was such a large budget line item, but that it was not a requirement under the statutes.

Mr. Craine stated that since it was the Board's wish to publicly bid the contract for the amenities management, that he recommends extending the contract with WTS until the end of the fiscal year and to direct District Management to draft a scope of services to be added to the May agenda. It was stated that this would provide time for the public bidding process and to have a new contract in place by October 1st.

Discussion ensued among the Board and it was stated that if the District chooses to do this, the District would need to extend their contract with the HOA until September 30th, 2009, and that the HOA would need to extend their contract with WTS until then as well. During that time period the District would go through the bidding process.

Mr. Craine stated that the best option would be to give notice of termination to the HOA and to negotiate an interim contract until September 30th.

Ms. Wells stated that the draft scope of services would be included in the May agenda. She stated that the evaluation criteria would be set, the scope would be approved, and staff would be authorized to advertise for the bid in the May meeting. Ms. Wells stated that she would have a timeline, evaluation criteria, and scope of services together for the May Agenda.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board authorized District Staff to give notice of termination to the MiraBay Homeowners Association by April 30, 2009 and to extend the current contract, expiring June 30, 2009, for a three month period resulting in an amended expiration date of September 30, 2009 as discussed for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Discussion Regarding Speeding in the
Community**

Mr. Scarola stated that in review of the Board of County Commissioner information, he found that because of budgetary cuts at the County, that their Construction Consultant may be able to provide the District with a traffic study and a method to purchase speed bumps from the County.

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board authorized District Staff to advertise a speeding workshop to be held on Thursday, May 28, 2009 at 6:30 p.m. at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572 for Harbor Bay Community Development District.

Ms. Wells reviewed the upcoming schedule with the Board and recommended a second Budget Workshop be held.

On a Motion by Ms. Stone, seconded by Ms. Ackerman, with all in favor, the Board authorized Staff to advertise a second Budget Workshop to be held on Tuesday, June 16, 2009 at 10:00 a.m. at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration of Proposals from Lee Te Kim for May & June 2009

Mr. Scarola reported that only regional water sources are on Phase IV watering restrictions. It was stated that portions of MiraBay water sources come from regional sources and some do not. He reported that if MiraBay would have been committed by the respective agencies for reclaimed water that it would have happened at its inception. He stated that therefore, it would not be worth the consideration at this time due to the cost of tying in the current infrastructure.

It was stated that Newland Communities and the District Engineer would look into water conservation systems for the District.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board approved the hand-watering Proposals from Lee Te Kim for May and June with a not to exceed amount of \$5,500 each for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2009-06,
Setting Remainder of Fiscal Year
2008/2009 Meeting Schedule**

The Board agreed to the following schedule:

- June 25, 2009 at 9:00 a.m.
- July 23, 2009 at 6:30 p.m.
- August 27, 2009 at 9:00 a.m.
- September 24, 2009 at 9:00 a.m.

On a Motion by Ms. Ackerman, seconded by Mr. Hatcher, with all in favor, the Board approved Resolution 2009-06, Setting Remainder of Fiscal Year 2008/2009 Meeting Schedule, as discussed, for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
1. Mr. Craine briefly reviewed updates regarding the Sea Wall issues as well as the upcoming mediation scheduled for April 28th and 29th, 2009.
 2. Mr. Craine reported that his opinion had been requested regarding illegally parked cars being towed on the District's roads. He stated that he was not aware of any policies in place that would authorize the District to tow vehicles. He advised the District against towing because there are not any policies in place allowing the District to do so.
- B. District Engineer
1. Mr. Scarola reported that any locations that pull from a Regional water supply are on Phase IV water restrictions and that other resources would remain in Phase III.
- C. HOA Manager
1. Mr. Smith reported that with the new water restrictions, the Districts fountains were allowed to run a maximum of four hours per day.
 2. Mr. Smith reported that the Hillsborough County Inspector had approved the Massage License. He stated that according to the Health Inspection the facility was in good condition.
 3. Mr. Smith stated that the Tennis Court Photo cell had been repaired.
 4. Mr. Smith also stated that the pot hole on Manns Harbor Road will be repaired soon.
 5. Mr. Smith stated that he is working on a recycling program but that county funding may not be available.
- D. District Manager
1. Ms. Wells stated that Board needs to make a decision regarding either annual or perennial replacement before the May meeting because the current annuals were not thriving. She mentioned that she should be receiving proposals later that week and recommended that the replacement happen before the May meeting.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board authorized the Chairman and the District Manager to approve either an annual or perennial replacement proposal for Harbor Bay Community Development District.

2. Ms. Wells requested that Mr. Stone report on Riprap maintenance issues. Mr. Stone stated that the Developer has been committed to repairing Riprap in both private and common areas both in the past and currently. He stated that the Developer requested to work with the District Engineer to review his previous inspection and to assess the current Riprap situation. Mr. Stone requested that the areas within District control, be put into the budget as a separate line item. Mr. Stone also requested that the Board allow the Developer, the District Engineer, and himself to formulate a plan of action and financial proposal to bring before the Board within 60 days. Discussion ensued.

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board authorized the District Engineer to work with the Developer, one Board Member, and the District Manager to determine a maintenance plan for ongoing Riprap repair for the next meeting with a not to exceed amount of \$2,500 for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Mr. Stone mentioned that a large number of Tilapia had removed from the Lagoon, approximately 14,000 to 16,000 pounds.

The following audience comments were discussed:

A comment was made that there were certain high impact areas that should retain annuals at the entrance but there are smaller islands that could benefit from perennials and that this was a cost saving recommendation as well. Ms. Wells stated that she would bring it to Mr. Kim's attention.

It was stated that the last round of annuals did not turn out well and that should be kept in mind.

An update was requested regarding the replacement boatlift slings. Mr. Smith stated that he had received proposals from Florida Handling and would forward to Ms. Wells.

An update regarding the Performance goals and objectives was requested for some of the service contracts in place such as Rizzetta & Company, Inc., District Counsel, and District Engineer. It was decided to add a discussion to the May agenda to set up criteria for performance evaluations.

It was asked why the District is funding the repair of the sea wall but not the Riprap. Mr. Scarola stated that the original sea wall was in the capital improvement plan for MiraBay which was the original plan for bond funds that were issued. He stated that the Riprap was not and it was put in for the purpose of erosion control for the storm water system project.

It was requested to have the contracts with the District coincide with the District's fiscal year.

There was a question regarding the relevancy of the speeding workshop. Discussion ensued and the Board explained that they cannot enforce more tickets being issued within the community and that the workshop will serve to discuss the Sheriff's citation history among other issues.

The performance of the Street Sweeping service was brought into question and it was decided to discuss it further at the budget workshop.

TWELFTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board adjourned the meeting at 8:42 p.m. for Harbor Bay Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman