

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 Harbor Bay Community Development District was held on Tuesday, April 21, 2016 at 6:05 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

- Bob Collins Board Supervisor, Chairman
Bob Cribbs Board Supervisor, Vice Chairman
Ned Carr Board Supervisor, Assistant Secretary
Joe McNeil Board Supervisor, Assistant Secretary
Kathy Dukes Board Supervisor, Assistant Secretary

Also present were:

- Matthew Huber District Manager, Rizzetta & Co.
Angel Montagna District Manager, Rizzetta & Co.
Jere Earlywine District Counsel, Hopping, Green & Sams, P.A.
Doug Smith District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola District Engineer, Scarola Associates Eng.
John Magnavita Langan Engineering & Environmental Services
Raul Anaya Club Director
Audience Members

FIRST ORDER OF BUSINESS

Call to Order and Pledge of Allegiance

The meeting was called to order and roll call performed confirming that a quorum was present.

The Pledge of Allegiance was conducted.

Mr. Cribbs provided a brief overview of District Rules pertaining to audience comments sections of the agenda. He encouraged everyone to be respectful of one another throughout the meeting.

SECOND ORDER OF BUSINESS

Audience Comments

Audience comments were entertained regarding concerns with the seawall project in terms of the process itself, the proposed repair options, the timing of making a selection given the District only received one bid on the project, and the length of time it is taking to get repairs made.

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THIRD ORDER OF BUSINESS

Consideration of Developer Conveyance Items

Mr. Earlywine stated that inspections of the stormwater system and the common areas were completed and found to be acceptable. He noted that currently the Stormwater permit is in Newland's name but the agreement will make the CDD a co-permitee. Ms. Dukes questioned whether the approval should be contingent upon completion of the items noted in the inspection by Staff.

On a Motion by Mr. McNeil, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors accepted the conveyance documents for Wolf Creek Park, Admiral's Point common areas, the Water Use Permit Agreement pending completion of items noted in the District's inspection, and the transfer of the Admiral's Pointe stormwater permit in substantial form and authorized the Chairman to execute once finalized for Harbor Bay Community Development District.

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Mr. Cribbs stated that he would like Newland to work with the District on these types of matters going forward.

FOURTH ORDER OF BUSINESS

Consideration of Construction Options

Mr. Earlywine reviewed the concerns that Newland has expressed relative to awarding the bid at this time and their request to hold off on making a decision at this time.

Discussion was held by the Board regarding timing, the need for an additional opinion of the proper fix, funding for the project, and whether or not to consider the bid or just vote on the construction options. The construction options for seawall/berm stabilization were the main focus of discussions. Mr. Magnavita stated that time of the essence as the wall continues to move and the solutions proposed or common sense ones. They keep in mind budgetary concerns and consistency in the types or repairs. It was noted that any decision made this evening would be just for section one. Mr. Collins made a motion to approve option 3 for section 1. The Board sought clarification on the motion itself before deciding on whether or not to second it. Mr. Magnavita explained the reasoning behind the decision as to what type of stabilization plan was proposed for the various lots in section 1. Mr. Cribbs seconded the motion and further discussion ensued regarding cost concerns and not having the required life cycle information to make a decision. Mr. Earlywine stated that any decision made would be contingent upon funding.

On a Motion by Mr. Collins, seconded by Mr. Cribbs, with four in favor and one against (Joe McNeil), the Board of Supervisors approved option 3 for seawall repairs for section 1 for Harbor Bay Community Development District.

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FIFTH ORDER OF BUSINESS

Consideration of Award of the Master Project RFP

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86 Mr. Earlywine spoke regarding the RFP process and the options available to the Board
87 given that only one bid was received. He stated that Staff is recommending that the Board
88 postpone discussion on the bid from Hecker Construction. However, Langan Engineering is
89 recommending that the repairs be made sooner than later. A concern was expressed that having
90 work stop between contracts would add additional mobilization costs. The risks of issuing a
91 contract for the entire project, given the inability of Hecker to obtain a bond were also put
92 forward.

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94 Discussion was held regarding the bid process and concerns with rebidding now that
95 pricing is available from one bidder and why the response to the RFP was so limited. It was
96 stated that Hecker can obtain a bond for \$1.2 million and contracts can be issued in increments
97 that fall within that range.

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99 Mr. Magnavita stated that Hecker Construction has been doing a good job on the repairs
100 to date. He emphasized that his firm would not want to be involved with the project without a
101 construction oversight agreement in place.

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103 The Board decided to table a decision on awarding the contract opting to discuss it at a
104 special meeting on May 10th.

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106 **SIXTH ORDER OF BUSINESS**

Staff Reports

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108 **A. District Counsel**

109 Mr. Earlywine stated that the Board has received a request to complete the work at 5610
110 Skimmer Drive. He stated that the precedence has been set to establish a not-to-exceed
111 amount in these instances.

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On a Motion by Ms. Dukes, seconded by Mr. Collins, with all in favor, the Board of Supervisors authorized a not-to-exceed amount of \$50,000 to complete repairs at 5610 Skimmer Drive for Harbor Bay Community Development District.

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114 Concerns were expressed regarding whether the District owes residents refunds for damage
115 repairs as a result of shoddy work of the electrical re-connect. It was stated that these should be
116 handled on a case by case basis.

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On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors authorized a refund of \$500 to Ed Norstrem for the electrical reconnect for Harbor Bay Community Development District.
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119 **B. District Engineer**

120 No report.

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123 **C. District Manager**

124 Mr. Anaya confirmed that the Board could meet on the 10th.

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On a Motion by Mr. Cribbs, seconded by Mr. Collins, with all in favor, the Board of Supervisors authorized Staff to notice a special meeting for May 10, 2016 at 6:00 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

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SEVENTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests put forward at this time.

EIGHTH ORDER OF BUSINESS

Audience Comments

Audience members were entertained regarding concerns with the seawall and the need for additional information such as the tie rod /life cycle study and the root cause for the continual pressure build up. An opinion was expressed against awarding the contract to a sole bidder.

Mr. McNeil requested that the tie rod and life cycle studies be completed as soon as possible.

NINTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Collins, seconded by Ms. Dukes, with all in favor, the Board of Supervisors adjourned the meeting at 8:54 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary


Chairman/ Vice Chairman