

MINUTES OF MEETING

HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of Harbor Bay Community Development District Board of Supervisors was held **Tuesday, May 15, 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>
Mike Price	<b>Board Supervisor</b>
Brian Sewell	<b>Board Supervisor</b>

Also present were:

Pete Williams	<b>District Manager</b>
Toxey Hall	<b>Heidt &amp; Associates</b>
Jonathan Johnson	<b>District Counsel</b>
John McKay	<b>Financial Advisor</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Williams called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Phase I Infrastructure Bid Award**

Mr. Williams stated that this agenda item would be considered first if that was alright with the Supervisors. There were no objections from the Board. Toxey Hall gave a recap. Mr. Hall stated that he had passed out the summary of the bids. The bidders included: Woodruff Smith, Phillips & Jordan, Ryan, CFE, Prince and Hubbard. The base bid and options are shown on the recap. The primary item to note is that the base bid SEG (segmental) retaining wall option. The next option is the concrete retaining wall and the next option is the vinyl retaining wall. The low base bid was Woodruff at \$14,394,000. Woodruff with the vinyl option is the low total of all the options at \$13,989,445. They have looked over Woodruff's bid package and are satisfied with the bid. No decision has been made.

Mr. Johnson stated that, procedurally, what the Board needs to consider is having a discussion among the Board regarding the various options available. He is recommending the possibility of having a continued meeting on Monday, May 21, 2001 to present the results of the analysis and be prepared to recommend an award. A discussion ensued regarding the bid options, and Mr. Johnson reiterated that these items could be covered in greater detail at the upcoming meeting. *Mike Price joined the meeting.* Mr. Williams asked Mr. Hall if any of the listed contractors would be considered unresponsive based on what the expectation was. Mr. Johnson stated that they are not prepared to address this today. Mr. Johnson stated that this subject would be continued until Monday, May 21, 2001 at 10:00 a.m. at this same location.

**THIRD ORDER OF BUSINESS**

**Consideration of the Board of Supervisors'  
Meeting Minutes on April 17, 2001**

Mr. Williams stated that the next item on the agenda is the consideration of the minutes of the Board of Supervisors' meeting on April 17, 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, he 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 April 17, 2001 for Harbor Bay Community Development District.

Mr. Williams stated that after the last Board of Supervisors' meeting, Scarola Associates resigned as District Engineer. A request for proposal was advertised for. We requested that the proposals be in by 5:00 p.m. on May 14, 2001. The firms that responded are listed on a recap that Mr. Williams handed out. They are listed by size and are as follows: PBS&J, Berryman & Heniger, Wilson Miller, Kisinger Campo, Heidt & Associates and Ash Engineering. These firms were all invited to attend today's meeting, but only Heidt & Associates attended. A comment was made that Heidt & Associates had the most CDD experience and a motion was recommended.

On a MOTION by Mr. Dady, seconded by Mr. Price, with all in favor, the Board appointed Heidt & Associates as District Engineer for Harbor Bay Community Development District.

Mr. Johnson stated that a contract would be brought to the next meeting with a rate schedule attached so that the contract can be approved.

**FOURTH ORDER OF BUSINESS**

**Consideration of Funding Request 01-08**

Mr. Williams stated that the next order of business is the consideration of Funding Request 01-08, located behind tab 2 in the agenda package. The funding request consists of the standard contractual fees for District Counsel, District Engineer and District Management. Mr. Williams asked the Board if they had any questions regarding the funding request. Hearing and seeing no questions, Mr. Williams asked for a motion to approve.

On a MOTION by Mr. Sewell, seconded by Ms. Jacobs, with all in favor, the Board approved Funding Request 01-08 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Construction Matters**

Mr. Williams stated that the next item for discussion is the consideration of construction matters. Mr. Johnson stated that this item had been previously covered and will be continued on Monday. Mr. Williams asked if there were any further questions. There were none.

**SIXTH ORDER OF BUSINESS**

**Consideration of Financing Matters**

Mr. Williams stated that the next agenda item is to consider the financing matters. He had passed out the Preliminary Engineer's Report. Mr. Johnson asked that this item be tabled until Monday's meeting.

A request was made that the Assessment Methodology Report be tabled until Monday also.

**SEVENTH ORDER OF BUSINESS**

**Construction Funding Agreement**

Mr. Williams stated that the next item on the agenda is a discussion on the Construction Funding Agreement. Mr. Johnson stated that months ago there had been a Construction Funding Agreement proposed, whereby Terrabrook Apollo Beach, LP would provide funds to secure the District's construction contract until such time as there are bond proceeds. We anticipate finalizing the agreement in the next day or so and will proceed with execution. He has a copy of the final agreement.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Johnson stated that he had no further report. There was no significant legislation which would adversely impact the District. The tax legislation that he has been following was amended, but is slated to go back next session. All tax-related matters this session were put into a study session over the summer with legislative staff. He asked the Board if there were any questions.

B. District Engineer

No report at this time.

C. District Manager

Mr. Williams stated that the current financial statements were located behind tab 3 in the agenda package.

**NINTH 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. He asked if there were any Supervisor requests. There were none. A comment was made that the assessment financing matters will be continued on May 21 until the May 29 meeting.

**TENTH ORDER OF BUSINESS**

**Continuation**

Mr. Williams stated that there were no further agenda items scheduled for discussion and asked for a motion to continue this meeting until Monday, May 21, 2001 at 10:00 a.m. at this location.

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



Pete Williams  
District Manager



Brian Sewell  
Chairman