

MINUTES OF MEETING

**HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT**

The continued meeting of Harbor Bay Community Development District Board of Supervisors was held **Monday, May 21, 2001 at 10:10 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	Board Supervisor
Debbie Jones	Board Supervisor
Mike Price	Board Supervisor
Brian Sewell	Board Supervisor

Also present were:

Pete Williams	District Manager
Toxey Hall	District Engineer (by speakerphone)
Heather Wertz	District Engineer
Jonathan Johnson	District Counsel (by speakerphone)

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order and stated that some of the agenda items would be presented out of order.

SECOND ORDER OF BUSINESS

Consideration of Rules of Procedure

Mr. Williams stated that a discussion on the Rules of Procedures would be presented by Jonathan Johnson. Mr. Johnson stated that the procedural rules govern how the District does business. The rules entail everything from how meetings are noticed to how bids are solicited. He has worked with Mr. Williams to revise the rules. He is asking the Board to consider a resolution adopting the rules, which he has supplied to the Board. Mr. Johnson stated that the resolution will adopt procedural rules for immediate use and authorize Staff to provide notice for a public hearing if requested. The distinction between how this is being handled today is that in other instances more traditional rule-making has been followed. For example, a public hearing would be set and anyone interested would have an opportunity to comment on the rules before they were adopted. Chapters 190 and 120 also allow us to adopt procedural rules by adopting the rules and provide notice in the newspaper that if anyone wishes to have a public hearing, they may request it and it would held at the next Board meeting. Consistent with Chapter 190.011, we have found that these rules should be adopted by resolution as necessary for the conduct of the District's business. Mr. Williams asked the Board if they had any questions. A question was asked about Section 1.3; it states that a person may appeal a decision made at the hearing workshop, but that they need a verbatim record. Does that imply that they do not need to attend the public hearing and that a third person could challenge a decision? Mr. Johnson stated at some hearings, i.e., an assessment hearing might later be held against them. In other instances, whether a person is physically present at a public hearing or not is irrelevant. It will depend on what kind of hearing is being held and

what the issues are. Another question was asked if there was any type of protest or request for an appeal, what is the timeframe that the District needs to abide by? Mr. Johnson stated that it depends on the kind of decision being made. Hearing and seeing no further questions, 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 Rules of Procedure and the resolution as drafted for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Phase I Infrastructure Bid Award

Mr. Williams stated that the next item on the agenda is the bid award process for the Phase I infrastructure. He stated that Ms. Wertz or Mr. Hall would review for the Board. Mr. Johnson stated Ms. Wertz or Mr. Hall should review the bids that were received focusing on who the apparent low bidder is. The decisions the Board needs to make are whether to go with the low bidder, whether to award the contract on the consolidated basis (meaning bid items 1 and 2 together) or to do something differently, which kind of seawall you would like to select, and which boat lift foundation.

Ms. Wertz stated that she had handed out a bid breakdown chart. It shows that Woodruff is the low bidder. The chart is broken out into items 1 and 2 together and then item 1 only and item 2 only. Item 1 is all of the earthwork, including the boatlift foundation and everything except the seawalls. Item 2 is the seawall. Items 1 and 2 together, for the base bid (which includes the concrete boatlift foundation) segmental seawall was \$14,394,550; concrete \$16,009,955; and vinyl \$13,989,445.00. Ms. Wertz stated that Option A boatlift foundation is a concrete foundation. Option B is a vinyl foundation, but they would both have segmental retaining walls. A discussion ensued regarding the differences between concrete and vinyl and the different combination of options available. Mr. Williams asked if there were any other questions. Mr. Johnson stated that there were a series of questions that he would like Mr. Williams to ask the Board to approve.

Mr. Williams stated that Woodruff appears to be low bidder across the board. He asked for a motion to accept Woodruff as the low bidder.

On a MOTION by Mr. Sewell, seconded by Mr. Price, with all in favor, the Board approved Woodruff as low bidder for Harbor Bay Community Development District.

Mr. Williams stated that next is whether or not to consolidate items 1 and 2 into one contract.

On a MOTION by Mr. Dady, seconded by Ms. Jones, with all in favor, the Board approved consolidating items 1 and 2 into one contract for Harbor Bay Community Development District.

Mr. Williams stated that next is for the Board to designate the type of seawall: segmental, concrete or vinyl. A brief discussion ensued regarding the differences in the three choices and any requested warranty.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board designated that the seawall should be vinyl for Harbor Bay Community Development District.

Mr. Williams stated that next is for the Board to designate the type of boatlift foundation: Option A or B. A brief discussion ensued regarding the differences in the two options. It was decided that Option A was acceptable to the District Engineer and was the lowest bid.

On a MOTION by Mr. Price, seconded by Mr. Dady, with all in favor, the Board designated that the boatlift foundation should be Option A (concrete) for Harbor Bay Community Development District.

Mr. Johnson stated that he wanted the District Engineer to concur that they requested a couple of things in the bid package which were not provided by Woodruff. One is a technical matter of how they signed their proposal (which is that the bid be sealed and attested to by the Secretary of the Corporation) or provide certain information regarding their corporate status, and that Woodruff and Sons did not provide some information which was requested by addendum. Addendum #6 requested that they designate the manufacturers of the seawalls in their bid from the list of approved designs and manufacturers provided by the District and that they provide certain aesthetic information regarding color and texture. They did not provide that. Section 2 paragraph 15 of the bid package reserves the right to waive any and all minor irregularities and to award the contract that is in the best interest of the District. Staff proposes that you have the authority to continue to award the contract to Woodruff. Mr. Johnson stated that it is not necessary for the Board to go through the balance of the list of the bidders and undertake the same analysis if you decide to waive the irregularities that were not contained in their bid. A question was asked about the signature on the Woodruff bid missing the seal. Mr. Johnson verified that it was signed by the president of the corporation and not the secretary. Mr. Williams asked if there were any other questions. There were none.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution
Bid Award**

Mr. Williams stated that the next item on the agenda is the consideration to award the bid as revised here on the record.

On a MOTION by Mr. Sewell, seconded by Mr. Price, with all in favor, the Board approved the Bid Award Resolution (as revised) for Harbor Bay Community Development District.

Mr. Johnson stated that the notice process was discussed earlier. In the event that a protest was to be filed, we will follow the rules, which will allow the Chairman to make certain decisions regarding the conduct of the hearing. Mr. Johnson stated that he would like the notice format used that he provided to Ms. Wertz. The notices will be overnighted for delivery tomorrow.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution
Requisition Invoices**

Mr. Williams stated that the next topic of discussion is a resolution to process invoices. Mr. Johnson stated that there needs to be a procedure pursuant to which the District would be authorized to pay bills in accordance with contracts and invoices. The Chairman would be authorized to execute contracts under approximately \$50,000 to provide for the smooth operation of the District and avoid a processing delay. Staff is recommending the adoption.

On a MOTION by Mr. Dady, seconded by Mr. Price, with all in favor, the Board approved the Requisition/Invoice Payment Resolution for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Engineering Contract Presentation

Mr. Williams stated that the next order of business is to discuss the presentation of the engineering contract. The Engineering Services Contract between Harbor Bay and Heidt & Associates was sent out last week. We are at the final stages of the negotiations and fee schedule discussions. Mr. Johnson asked Mr. Hall to confirm that Heidt & Associates has reviewed the contract and that the fee schedule is the same as is in place for other CDD's that Heidt & Associates works with. Mr. Hall confirmed and stated that they are satisfied. Mr. Williams asked if there were any questions.

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

SEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Mr. Johnson stated that he had no further report except a reminder that the Board will need to continue today's meeting until May 29, 2001. He suggested that the Board may want to consider holding the meeting at 11:00 a.m.
- B. District Engineer
No further report.
- C. District Manager
No further report.

EIGHTH 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.

NINTH 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 Tuesday, May 29, 2001 at 11:00 a.m. at this location.

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



Pete Williams
District Manager



Brian Sewell
Chairman