

MINUTES OF MEETING

**FISHHAWK
COMMUNITY DEVELOPMENT DISTRICT II**

The regular meeting of the Board of Supervisors of Fishhawk Community Development District II was held on **Monday, November 17, 2003 at 11:35 a.m.** at the Fishhawk Ranch Clubhouse, located at 5721 Osprey Ridge Drive, Lithia, Hillsborough County, Florida 33547.

Present and constituting a quorum:

Kary McDonald	Board Supervisor, Chairman
Don Whyte	Board Supervisor, Vice Chairman
Rhonda Brewer	Board Supervisor, Assistant Secretary
Scott Shimberg	Board Supervisor, Assistant Secretary

Also present were:

Pete Williams	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Strickland Smith	District Engineer, Heidt & Associates

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting on
October 20, 2003**

Mr. Williams stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meeting on October 20, 2003 (located behind tab 1). He asked if there were any additions, deletions or corrections to the minutes. There were none, so Mr. Williams asked for a motion to approve.

On a Motion by Ms. McDonald, seconded by Mr. Shimberg, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on October 20, 2003 for Fishhawk Community Development District II.

THIRD ORDER OF BUSINESS

**Consideration of Authorization to Disburse
District Funds 2004-02**

Mr. Williams stated that the next order of business is the consideration of Authorization to Disburse District Funds 2004-02 (located behind tab 2). Mr. Williams stated that the disbursement contains invoices for standard contractual commitments. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Ms. McDonald, seconded by Mr. Shimberg, with all in favor, the Board approved Authorization to Disburse District Funds 2004-02 for Fishhawk Community Development District II.

FOURTH ORDER OF BUSINESS

**Consideration of Series 2003
Construction Requisitions #53
thru #77**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2003 Construction Requisitions #53 thru #77 (recap behind tab 3). He asked if there were any questions. There were none, so he asked for a motion to approve.

On a MOTION by Ms. McDonald, seconded by Ms. Brewer, with all in favor, the Board approved Series 2003 Construction Requisitions #53 thru #77 for Fishhawk Community Development District II.

FIFTH ORDER OF BUSINESS

**Consideration of Sunrise
Landscape Proposal**

Mr. Williams stated that the next order of business is the consideration of a Sunrise Landscape Proposal for ground maintenance, turf and ornamental services for Parcels X, Y and Z (located behind tab 4). He explained that the proposals are under the biddable threshold and involve additional work that is excluded from their existing contracts. The monthly charge will be \$1,600.00. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Brewer, seconded by Mr. Shimberg, with all in favor, the Board approved the Sunrise Landscape proposal for Parcels X, Y and Z (\$1,600.00) for Fishhawk Community Development District II.

SIXTH ORDER OF BUSINESS

**Consideration of Palmetto Club
Construction Management Services**

Mr. Williams stated that the next item for discussion is the consideration of the Palmetto Club construction management services (located under separate cover). He explained to the Board that an advertisement for construction management services pertaining to overseeing the construction of the Palmetto Club was run per statutory guidelines. The responses to the advertisement have been reviewed by the District Engineer and are being presented to the Board for consideration. Mr. Williams explained that due to time constraints, there were only two responses. The two firms that submitted interest in the project were CRS Building Corporation and Creative Contractors, Inc. Both respondents appeared duly qualified. The decision to award the contract to CRS Building Corporation was based upon their past satisfactory performance with the District. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Whyte, seconded by Ms. Brewer, with all in favor, the Board awarded CRS Building Corporation as Construction Management Services pertaining to the Palmetto Club project for Fishhawk Community Development District II.

SEVENTH ORDER OF BUSINESS

**Consideration of Aquatic Center Lease
Agreement**

Mr. Williams stated that the next item for discussion is the consideration of the Aquatic Center Lease Agreement. He explained that the lease agreement is still undergoing revisions and will be brought to the Board for review and execution once it is complete.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Craine stated that a hearing will be held on November 18, 2003 at 1:30 p.m. with the NOPC pertaining to the proposed expansion of the District.

B. District Engineer

No report. Mr. Whyte stated that the landowner located adjacent to the District across from the TECO easement has asked the District Engineer for permission to connect to the sanitary sewer. The connection would involve crossing over District property. Mr. Whyte explained that the proposed sewer connection is anticipated to involve additional improvements of the sewer system such as additional manholes and possible expansion of the lift stations. He expressed his concern that the additional improvements would occur at the expense of the District. Mr. Whyte recommended that the Board authorize the Chairman to draft an agreement between Mr. Nellis (the adjacent property owner) and District Counsel that would allow Mr. Nellis to pay for the improvements in advance and grant an easement to allow the sanitary sewer connection, with the provision that Mr. Nellis provide sufficient funds for the work to be completed.

On MOTION by Mr. Whyte, seconded by Mr. Shimberg, with all in favor, the Board authorized the Chairman to enter into an agreement with Mr. Nellis and the District allowing Mr. Nellis to connect to the District sanitary sewer provided that he pay any expense related to the connection and any improvements in the sanitary sewer system that may be required as a result for Fishhawk Community Development District II.

Mr. Craine stated that his firm is currently representing Mr. Nellis concerning a matter pertaining to the reservoir. Mr. Whyte explained that Mr. Craine's firm representation in that matter would not be considered conflict of interest. There was a recommendation that the Board approve waiving the conflict of interest.

On MOTION by Mr. Whyte, seconded by Mr. Shimberg, with all in favor, the Board waived the conflict of interest issue for Fishhawk Community Development District II.

C. District Manager

No further report.

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 were members of the general public in attendance. Mr. Williams asked if there were any comments or questions. There were none. Mr. Williams asked if there were any Supervisor requests.

Ms. Brewer asked a question regarding the swing sets. It was agreed that the issue concerning the swing sets be held and discussed at a future meeting.

TENTH ORDER OF BUSINESS

Adjournment

Mr. Williams stated that there were no other agenda items, and asked for a motion to adjourn the meeting.

On MOTION by Ms. Brewer, seconded by Ms. McDonald, with all in favor, the Board adjourned the meeting for Fishhawk Community Development District II.

Pete Williams
Secretary

Kary McDonald
Chair