

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, May 17, 2004 at 11:30 a.m.** at the Fishhawk Ranch Clubhouse, located at 5721 Osprey Ridge Drive, Lithia, Hillsborough County, Florida 33547.

Present and constituting a quorum:

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

Also present were:

Pete Williams	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

**Consideration of Board Supervisor
Resignation**

Mr. Williams stated that the first item on the agenda is the consideration of a Board Supervisor resignation. He stated that Staff has made contact with Board Supervisor Andrew Berger who has submitted his resignation from the Board. Mr. Williams asked for a motion to accept the resignation.

On a MOTION by Ms. Brewer, seconded by Mr. Shimberg, with all in favor, the Board accepted the resignation of Board Supervisor Andrew Berger for Fishhawk Community Development District II.

Mr. Williams asked if there were any nominations to fill the vacancy created by Mr. Berger. There were none, so he recommended that the Board consider possible nominations and submit them at the next Board meeting in June.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting on
April 19, 2004**

Mr. Williams stated that the next item on the agenda is to consider the minutes of the Board of Supervisors' meeting on April 19, 2004 (located behind tab 1). He asked if there were any additions, deletions or corrections to the minutes. There were none, so he asked for a motion to approve.

On a Motion by Ms. Brewer, seconded by Mr. Shimberg, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on April 19, 2004 for Fishhawk Community Development District II.

FOURTH ORDER OF BUSINESS

**Consideration of Authorization to
Disburse District Funds 2004-08**

Mr. Williams stated that the next order of business is the consideration of Authorization to Disburse District Funds 2004-08 (located behind tab 2). He stated that the disbursement contains invoices for standard contractual commitments. Mr. Williams asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Shimberg, seconded by Ms. McDonald, with all in favor, the Board approved Authorization to Disburse District Funds 2004-08 for Fishhawk Community Development District II.

FIFTH ORDER OF BUSINESS

**Consideration of Series 2003
Construction Requisitions #197-#222**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2003 Construction Requisitions #197-#222 (recap behind tab 3). He explained that Requisition #209 is still pending approval from the District Engineer. 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 Mr. Shimberg, with all in favor, the Board approved Series 2003 Construction Requisitions #197-#222 (with the exception of Construction Requisition #209, still pending) for Fishhawk Community Development District II.

SIXTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Not present.
- B. District Engineer
Not present.
- C. District Manager
Mr. Williams stated that the proposed budget for the next fiscal year will be presented at the June Board meeting.

SEVENTH 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 audience comments. There were none. Mr. Williams asked if there were any Supervisor requests.

There was a motion to recess the meeting and reconvene with a mandatory adjournment time of 1:00 p.m. (if not reconvened prior).

On MOTION by Ms. Brewer, seconded by Ms. McDonald, with all in favor, the Board recessed the meeting to reconvene with a mandatory adjournment of 1:00 p.m.(if not reconvened prior) for Fishhawk Community Development District.

The meeting reconvened at 11:55 a.m. Mr. Williams confirmed that a quorum of Board members were present. (*Mr. Craine joined the meeting in progress*). Mr. Craine presented a revised lease for Courtside Cabana as discussed at the May Board meeting.

He stated that one of the revisions to the Courtside Cabana lease specified a minimum age of employees of the Courtside Cabana of 16 years old and must be accompanied by supervisory staff at a minimum of 18 years old. Another revision to the lease provides that the deposit for the Courtside Cabana must be placed in a non-interest bearing account. Ms. Brewer asked for clarification whether the clause stating the structure must be converted back to the original shade structure if the business operation was not successful is still in effect. The original intention of the \$5,000 deposit was to be utilized for this type of structural conversion. A discussion ensued regarding whether the clause should be revised. Ms. Brewer recommended that the clause be clarified to provide specific details of what the conversion would entail. Mr. Williams recommended that the Board consider verbiage providing that both parties of the lease agree to a specific description of said conversion. A discussion ensued regarding a request by the Lease, Trent Boise, for two-year rent abatement in lieu of construction that was performed by his firm. It was agreed that the two-year rent abatement for the Leasee be considered by the Board with the provision that a specific list of improvements be drafted in order to specify what improvements would remain with the structure and what items could be removed by the Leasee in the event the contract is terminated. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.


On a MOTION by Mr. Shimberg, seconded by Ms. Brewer, with all in favor, the Board authorized the revisions (as discussed above) to the Courtside Cabana Lease pending final approval by District Counsel for Fishhawk Community Development District II.

EIGHTH 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. McDonald, seconded by Mr. Shimberg, with all in favor, the Board adjourned the meeting for Fishhawk Community Development District II.



Pete Williams
Secretary



Kary McDonald
Chairman