

**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, July 19, 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:

Don Whyte	<b>Board Supervisor, Vice Chairman</b>
Rhonda Brewer	<b>Board Supervisor, Assistant Secretary</b>
Scott Shimberg	<b>Board Supervisor, Assistant Secretary</b>
Kary McDonald	<b>Board Supervisor, Chairman</b> <i>(joined the meeting in progress)</i>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
John McKay	<b>Financial Advisor, Rizzetta &amp; Company, Inc.</b>
Herb Boatner	<b>Bond Counsel, Fowler White</b>
Warren Bloom	<b>Underwriter Counsel, Greenberg Traurig, P.A.</b>
Justin Rowan	<b>Investment Banker Representative, Prager, Sealy &amp; Co., LLC</b>
Biff Craine	<b>District Counsel, Bricklemyer, Smolker &amp; Bolves, P.A.</b>

**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 the Minutes of the  
Board of Supervisors' Meetings on  
May 17 and June 16, 2004**

Mr. Williams stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meetings on May 17 and June 16, 2004. He asked if there were any correction, deletions or additions to the minutes. There were none, so he asked for a motion to approve.

On a Motion by Mr. Whyte, seconded by Ms. Brewer, with all in favor, the Board approved the minutes of the Board of Supervisors' meetings on May 17 and June 16, 2004 for Fishhawk Community Development District II.

**THIRD ORDER OF BUSINESS**

**Consideration of Authorization to Disburse District Funds 2004-10**

Mr. Williams stated that the next order of business is the consideration of Authorization to Disburse District Funds 2004-10. He distributed the Authorization to Disburse District Funds 2004-10 to the Board. 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 Mr. Shimberg, seconded by Ms. Brewer, with all in favor, the Board approved Authorization to Disburse District Funds 2004-10 for Fishhawk Community Development District II.

**FOURTH ORDER OF BUSINESS**

**Public Hearing on Special Assessments and Consideration of Resolution 2004-07, Approving Assessments**

Mr. Williams stated that the next item on the agenda is the public hearing on Special Assessments and consideration of Resolution 2004-07, Approving Assessments. He asked for a motion to open the public hearing.

On a MOTION by Mr. Whyte, seconded by Mr. Shimberg, with all in favor, the Board opened the public hearing on Special Assessments for Fishhawk Community Development District II.

*(Ms. McDonald joined the meeting in progress).* Mr. Williams explained that the public hearing was advertised per statutory requirements. He explained that the next step in the public hearing process is to open the public hearing for public comment and testimony. He asked if there were any comments or testimony for presentation. There were none, so he asked for a motion to close the public hearing.

On a MOTION by Ms. Brewer, seconded by Mr. Shimberg, with all in favor, the Board closed the public hearing on Special Assessments for Fishhawk Community Development District II.

Mr. Williams explained Resolution 2004-07 in detail. He asked if there were any questions. There were none, so he asked for a motion to approve the resolution.

On a MOTION by Mr. Whyte, seconded by Mr. Shimberg, with all in favor, the Board approved Resolution 2004-07, Approving Assessments for Fishhawk Community Development District II.

#### **FIFTH ORDER OF BUSINESS**

#### **Issues Related to Bond Transaction**

Mr. Williams stated that the next item for discussion is any issues related to the bond transaction.

Mr. Boatner recommended that the Board ratify Resolution 2004-05, Delegated Bond Award, in order to provide that the Board is in approval of the rate and parameters of the bond purchase contract as entered into by the Chairman on behalf of the District. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On a MOTION by Mr. Whyte, seconded by Mr. Shimberg, with all in favor, the Board ratified Resolution 2004-05, Delegated Bond Award for Fishhawk Community Development District II.

#### **SIXTH ORDER OF BUSINESS**

#### **Staff Reports**

##### **A. District Counsel**

Mr. Craine stated that the revisions to the Courtside Cabana Lease as discussed at the May 17, 2004 meeting have been made. He presented the final draft of the Courtside Cabana Agreement to the Board. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On a MOTION by Mr. Whyte, seconded by Ms. Brewer, with all in favor, the Board approved the Courtside Cabana Lease as revised for Fishhawk Community Development District II.

B. District Engineer  
Not present.

C. District Manager  
Mr. Williams distributed a copy of the Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions agreement between Park Square, LLC and the District. He explained that the document outlines specific conditions and restrictions, which will be agreed to in relation to the Park Square area. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve. Mr. Shimberg stated that he will abstain from the voting due to a conflict of interest regarding the Park Square area. He completed a Form 8B, Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers.

<p>On a MOTION by Mr. Whyte, seconded by Ms. McDonald, with three in favor, none opposed (Mr. Shimberg abstained) the Board approved the Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions between the District and Park Square LLC for Fishhawk Community Development District II.</p>
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**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 audience present. Mr. Williams asked if there were any audience comments.

A resident recommended that the Board consider constructing four additional tennis courts. The Board agreed to take this recommendation under advisement.

The Board entertained additional resident requests; however, no actions were taken by the Board.

Mr. Williams stated that, due to a shortage of concrete in Florida, prices for concrete have increased. He distributed a copy of two change orders from Larkin Contracting, Inc. for the Towncenter project, which reflect an increase in construction costs for concrete materials. Mr. Williams recommended that the Board consider approving the change orders with the increased pricing rather than rebidding the project, as Larkin Contracting, Inc., in the past, has retained unit pricing for long periods of time. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On a MOTION by Mr. Whyte, seconded by Mr. Shimberg, with all in favor, the Board approved the change orders from Larkin Contracting, Inc. for material price increases for the Fishhawk Ranch Towncenter for Fishhawk Community Development District II.

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

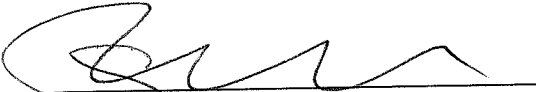
**EIGHTH ORDER OF BUSINESS**


**Adjournment**

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

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

**Attachment:** Form 8B (Scott Shimberg)

  
Pete Williams  
Secretary

  
Kary McDonald  
Chairman