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**MINUTES OF MEETING**

*Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

**PASEO  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Paseo Community Development District was held on **Wednesday, January 27, 2016 at 11:09 a.m.** at the Paseo Village Center, located at 1611 Paseo Grande Boulevard, Fort Myers, Florida 33912.

Present and constituting a quorum:

Frank Dengler	<b>Board Supervisor, Chairman</b>
Jim Heather	<b>Board Supervisor, Assistant Secretary</b>
Emmanuel Samson	<b>Board Supervisor, Assistant Secretary</b>
Bill Shulha	<b>Board Supervisor</b>

Also present were:

Kristen Suit	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Jan Carpenter	<b>District Counsel, Latham, Shuker, Eden &amp; Beaudine, LLP (via speaker phone)</b>
Andrew d'Adesky	<b>District Counsel, Latham, Shuker, Eden &amp; Beaudine, LLP (via speaker phone)</b>
Carl Barraco	<b>District Engineer, Barraco &amp; Associates, Inc.</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Suit called the meeting to order and read roll call.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Ms. Suit opened the floor for public comment. Questions and comments from the public were entertained.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisors Meeting held on November  
18, 2015**

Ms. Suit presented the Minutes of the Board of Supervisors meeting held on November 18, 2015 and asked if there were any revisions to the Minutes. There were none.

On a Motion by Mr. Heether, seconded by Mr. Samson, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting held on November 18, 2015, for the Paseo Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Audit Committee Meeting held on November 18, 2015**

Ms. Suit presented the Minutes of the Audit Committee meeting held on November 18, 2015 and asked if there were any revisions to the Minutes. There were none.

On a Motion by Mr. Dengler, seconded by Mr. Heether, with all in favor, the Board accepted the Minutes of the Audit Committee Meeting held on November 18, 2015, for the Paseo Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Operations and Maintenance Expenditures for the Months of November and December 2015**

Ms. Suit presented the Operations and Maintenance Expenditures for the period of November 1-30, 2015, totaling \$60,943.90 and the period of December 1-31, 2015, totaling \$132,877.87. She asked if there were any questions. There were none.

On a Motion by Mr. Samson, seconded by Mr. Heether, with all in favor, the Board approved the Operation and Maintenance Expenditures for the period of November 1-30, 2015 which totaled \$60,943.90 and the period of December 1-31, 2015 which totaled \$132,877.87, for the Paseo Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Audit Committee Recommendation**

Ms. Suit provided an overview of the Audit Committee meeting held prior to the onset of the Board of Supervisors' meeting. She advised the Committee reviewed and ranked the four proposals submitted in the response to the published RFP for Audit Services, and the Committee recommends entering into contract negotiations with McDirmit Davis & Company as the highest ranked firm. She asked for a motion to accept the recommendation of the Audit Committee.

On a Motion by Mr. Dengler, seconded by Mr. Samson, with all in favor, the Board accepted the recommendation of the Audit Committee to enter into contract negotiations with McDirmit Davis & Company for Audit Services, for the Paseo Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Locking Dumpster Enclosure at 5:00pm Daily and Remaining Locked Throughout the Weekend**

Ms. Suit provided an overview of the pictures of the dumpster enclosure of large items being placed within the enclosure which the District must pay to have removed. She advised she has spoken with the HOA Master Association and the condo association and they are willing to open the enclosure at 7:00 am and then close at 5:00 pm, and remaining locked throughout the weekend. Discussion ensued regarding whether the HOA Master Association had previously agreed to be responsible for closing and opening the gates. Counsel advised that impermissible dumping is a violation of Florida Statute and a misdemeanor at the least and possibly a felony depending on what is dumped. If the District can identify who is dumping the Police will respond accordingly. Ms. Suit advised a sign can be installed which must cite Florida Statute and then also install a camera and while the CDD cannot impose fines, the CDD can turn the video over to the Police department who can prosecute offenders. Mr. d'Adesky provided an overview as to why the CDD cannot impose fines. Discussion ensued. Mr. Dengler advised he thinks a good starting point would be a sign, which states the hours of operation and then possibly review the issue again. Mr. Samson advised he believes the hours of operation signage would be futile, in that locking the doors would cause people to leave garbage outside the door. Discussion ensued. Luke Brothers advised that at one point the doors had been locked and, to Mr. Samson's point, they found bulk items outside the enclosure. Discussion ensued. Mr. Miles suggested closing the two inside doors and leaving open the two outside doors so that there is access to the compactor and the recycle without leaving open access to the open space where bulk items are dumped. It was suggested that a chain be installed, stretched between two four by four posts, to prevent people from driving up to the open space to dump bulk items and they would be forced to walk their garbage up to the compactor and recycle container. Discussion ensued. Mr. Dengler directed staff to obtain quotes for the chain and four by four posts as well as a camera. This item was tabled until the next meeting.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resignation of Board Supervisor, Lawrence Bagozzi**

Ms. Suit advised the resignation from Mr. Bagozzi was to be effective December 30, 2015. Mr. Heether thanked Mr. Bagozzi for his service.

On a Motion by Mr. Heether, seconded by Mr. Dengler, with all in favor, the Board accepted the Resignation of Mr. Lawrence Bagozzi, for the Paseo Community Development District.

Ms. Suit asked the Board if there is a resident they would like to appoint to the Board to fill the vacant seat for the remainder of the term, which expires in November 2016.

Mr. Dengler recommended Mr. Bill Shulha.

On a Motion by Mr. Dengler, seconded by Mr. Samson, with all in favor, the Board appointed Mr. Bill Shulha to the Board of Supervisors, to fill Seat 4 for the remainder of the current term, for the Paseo Community Development District.

Ms. Suit read and confirmed the Oath of Office to Mr. Shulha.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2016-01, Re-Designating the Officers of the District**

Ms. Suit provided an overview of the resolution, advising it would be appropriate to re-designate the Board after the appointment of a new Supervisor.

Board discussion ensued.

On a Motion by Mr. Dengler, seconded by Mr. Heether, with all in favor, the Board adopted Resolution 2016-01, Re-designating the Officers of the District as follows: Mr. Frank Dengler to serve as Chairman; Mr. Manny Samson to serve as Vice Chairman; and Mr. Jim Heether, Mr. Chad Kocses, Mr. Bill Shulha, and Ms. Kristen Suit to serve as Assistant Secretaries, for the Paseo Community Development District.

**TENTH ORDER OF BUSINESS**

**Consideration of Copeland Southern Enterprises Lake Restoration Proposal**

Ms. Suit presented the proposal received from Copeland Southern Enterprises for lake bank restoration. She advised the work on lake banks 2, 3, and 12 has already been completed, and repairs to lake banks 8, 11, 14, and 16 are still needed. She further advised the budget for this was increased \$120,000 for Fiscal Year 2015/2016 to have the lake restoration repairs made. Mr. Heether asked if restoration should be completed on lakes 8 and 14 as construction is ongoing in those areas. Discussion ensued. The District Engineer advised it may be a good idea to hold off on those banks until construction is finished; he also advised they should be inspected to ensure there are no serious concerns to be addressed immediately. Discussion ensued. Mr. Barraco suggested going forward with the work, taking photos of and documenting the repairs and when construction is completed ensure that no damage has been done. If damage has been done the Board can go back to Stock for repairs.

On a Motion by Mr. Dengler, seconded by Mr. Heether, with all in favor, the Board approved the Copeland Southern Enterprises Lake Restoration Proposal for Lakes 8, 11, 14, and 16 in the amount of \$116,350.00, for the Paseo Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Proposals from Barraco & Associates for Yearly Lake Bank Erosion Inspections**

Ms. Suit presented the proposals received from Barraco & Associates for Lake Bank Inspections, she advised the proposal for fiscal year 2015/2016 is for the Esperanza lakes only, in the amount of \$3,500.00 and the proposal for fiscal year 2016/2017 is for the lakes within the entire community, in the amount of \$6,000.00. Board discussion ensued. Mr. Heether advised he noticed a lot of lakes in construction areas do not have silt protection around the lakes and he thought that was a violation. Mr. Barraco advised it is a violation and if someone witnesses the violation they are encouraged to contact Stock and if they do not respond appropriately then they should contact the City of Fort Myers Building Department. Discussion ensued. The Board

directed Ms. Suit to hold the fiscal year 2016/2017 proposal until closer to year end.

On a Motion by Mr. Dengler, seconded by Mr. Samson, with all in favor, the Board approved the Barraco & Associates Proposal for Esperanza Lake Inspections, in the amount of \$3,500.00, for the Paseo Community Development District.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Oak Tree Removal at  
8812 Sarita Court**

Mr. Patrick Miles of Luke Brothers addressed the resident request to remove an oak tree at 8812 Sarita Court. Discussion ensued.

On a Motion by Mr. Heether, seconded by Mr. Dengler, with all in favor, the Board approved removal of the Oak Tree at 8812 Sarita Court, for the Paseo Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Proposal to Add Timers  
to the Streetlights**

Mr. Heether discussed the proposal and the purpose of replacing the photo eyes with timers, he advised the photo eyes are in areas that are now overgrown by trees and bushes which causes the lights to stay on for an extended period of time and in order to alleviate the electricity cost as well as extending the life of balasts and bulbs a timer can turn them off at a specific time. Discussion ensued.

On a Motion by Mr. Heether, seconded by Mr. Dengler, with all in favor, the Board approved the Proposal from Bellmore Electric, in the amount of \$1,629.00, to replace photo eyes with timers at the 9 locations, for the Paseo Community Development District.

Further discussion ensued regarding inspection of the street lighting system.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. d'Adesky provided updates regarding the golf carts and policing; he has had conversations with Chief Eads and at this point the signage needs to be inspected to ensure it is in compliance with City and DOT standards. With regards to turn over of Esperanza, phases II and III, Stock has delivered title and back up documents for turn over and the District is working on determining the maintenance requirements and obtaining quotes for the ongoing maintenance. He advised that the District anticipates that they conveyance documents for the turnover will be ready for the next Board meeting. Ms. Suit advised there is a final turn over inspection scheduled. Discussion ensued.

B. District Engineer

Mr. Barraco provided an overview of the report related to the lake number 9 and lake number 11 interconnect; he advised the flooding issue has been resolved. Discussion ensued.

Mr. Barraco reviewed reports related to flooding concerns in the following areas: West of Nalda and Javiera, Nalda and Javiera in front of the compactor/recycle, and the South side of the Esperanza bridge. He advised most of the concerns are maintenance issues. Ms. Suit advised most of the areas are on Master HOA property and have not been turned over by the developer. She advised she has reached out to the developer to have maintenance performed. Ms. Suit advised Sweeperman will be providing a proposal to pipe jet the interconnects, and if that does not work Mitchell and Stark will need to be called back out.

Mr. Barraco advised he will solicit proposals to repair the transition between the road and the Esperanza bridge and will bring those to the next meeting. He also advised they are working to find a contractor to fix the façade on the bridge, but so far cannot find a vendor to do the work. Ms. Suit advised she has found a vendor but would like the Engineer to work with them for the repair. Discussion ensued.

C. District Manager

Ms. Suit advised the next meeting of the Board of Supervisors is scheduled for February 24, 2016 at 11:00 am.

**FIFTEENTH ORDER OF BUSINESS**

**Audience Questions and Supervisor Requests**

Ms. Suit opened the floor to supervisor requests and comments.

Mr. Samson advised that in the last two months, the gates were down and he would like to know what the issue may be. Discussion ensued.

Ms. Suit opened the floor to audience questions and comments.


Mr. Patrick Miles of Luke Brothers discussed the Adora Court berm proposal to repair the hog damage. He asked if the Board and Engineer would prefer rip rap on the back side of the berm as opposed to sod as it seems the hogs do not damage the rip rap. Mr. Barraco advised the reason for the rip rap in some areas is done due to the slope of the berm and the rip rap very costly. He advised his office will provide a proposal, per square foot, for adding rip rap to the back side of the berm at the next meeting.


Questions and comments from the audience were entertained.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Heether, seconded by Mr. Shulha, with all in favor, the Board adjourned the meeting at 1:14 pm, for the Paseo Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman