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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, March 23, 2016 at 11:00 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>
Manny Samson	<b>Board Supervisor, Vice Chairman</b>
Jim Heather	<b>Board Supervisor, Assistant Secretary</b>
Bill Shulha	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Kristen Suit	<b>District Manager, Rizzetta &amp; Company, Inc.</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. (joined meeting in progress)</b>
Patrick Miles	<b>Account Manager, Luke Brothers Landscaping</b>
Nick McGinley	<b>Vertex Water Features</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 regarding agenda items were entertained.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisors' Meeting held on February  
24, 2016**

Ms. Suit presented the Minutes of the Board of Supervisors' meeting held on February 24, 2016 and asked if there were any revisions to the minutes. There were none.

On a Motion by Mr. Dengler, seconded by Mr. Samson, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on February 24, 2016, for the Paseo Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Operations and Maintenance Expenditures for the Month of February 2016**

Ms. Suit presented the Operations and Maintenance Expenditures for the period of February 1-29, 2016, totaling \$138,640.13. She asked if there were any questions. There were none.

On a Motion by Mr. Dengler, seconded by Mr. Shulha, with all in favor, the Board approved the Operations and Maintenance Expenditures for the period of February 1-29, 2016 which totaled \$138,640.13, for the Paseo Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Vertex Water Features Proposal for Replacement of Lights at Fountain 16**

Ms. Suit advised she received a proposal from Vertex Water Features in the amount of \$3,793.96 to fix the lights on fountain #16. Mr. Nick McGinley of Vertex Water features discussed the proposal with the Board for the lights at fountains 15 and 16. He advised the LEDs do not have bulbs but it is a circuit board. He further advised fountains 15 and 16 were the first fountains installed with these LED lights are there are six fixtures in each fountain and he is unable to locate the drivers necessary to make the repairs. Mr. Dengler inquired if all lights on fountain 16 are replaced, can the good lights be used on fountain 15. Mr. McGinley confirmed he can do that. Mr. McGinley advised his proposal is for replacement of four fixtures in fountain 16 and replacing the non working fixture in fountain 15 with a good fixture from fountain 16; which will leave 2 fixtures in reserve. Mr. Dengler asked about the warranty on the new lights. Mr. McGinley advised the warranty is in the proposal. Discussion ensued.

On a Motion by Mr. Dengler, seconded by Mr. Shulha, with all in favor, the Board approved the Vertex Water Features proposal for Replacement of four lights in fountain 16 and one light in fountain 15, in the amount of \$3,793.96, for the Paseo Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Earth Tech Environmental Proposal for Control Structure and Spreader Swale Vegetative Maintenance**

Mr. Dengler advised he and Ms. Suit met with Earth Tech regarding where the water overflows from the lakes to the slough, during the inspection it was noted that vegetation is beginning to overgrow these areas and is preventing the water from exiting the lakes. He further advised this proposal is to remove that vegetation. Ms. Suit provided an overview of the proposal; advising the initial vegetation removal within the structures and spreader swales is \$3,750.00 and the semi-annual maintenance of the control structure and spreader swale is

\$800.00 which is a total of \$4,550.00. She further advised the budget line item for preserve and wetland maintenance is \$17,800, which covers the two semi-annual maintenance events by Earth Tech. Currently that line item is over budget \$12,000 based on having done the native vegetation trimming . She further advised money is available to move around but this particular line item is over budget. Mr. Dengler advised that if this work is not done, and the vegetation is not removed, the water will back into the streets rather than the slough.

On a Motion by Mr. Shulha, seconded by Mr. Heether, with all in favor, the Board approved the Earth Tech Environmental proposal, in the amount of \$4,550.00, for the Paseo Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Luke Brothers Proposal for Mulch Installation**

Ms. Suit provided an overview of the proposal for mulch installation as provided by Luke Brothers. She advised this is the second installation; the first one was completed in October. She further advised the budget line item is \$80,000.00 and the contract is \$88,000.00, there is money in the budget available. Discussion ensued regarding the budget amount and monies available.

On a Motion by Mr. Samson, seconded by Mr. Dengler, with all in favor, the Board approved the Luke Brothers proposal, in the amount of \$15,120.00 for Mulch Installation, for the Paseo Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Luke Brothers Proposal for Pine Straw Installation**

Ms. Suit provided an overview of the proposal received from Luke Brothers for pine straw installation. She advised this is the contracted amount for the second installation.

On a Motion by Mr. Heether, seconded by Mr. Shulha, with all in favor, the Board approved the proposal from Luke Brothers in the amount of \$14,000.00 for Pine Straw Installation, for the Paseo Community Development District.

**NINTH ORDER OF BUSINESS**

**Consideration of Proposals for Electrical Engineer to Inspect Street Lighting System**

Mr. Barraco presented the proposal as received from Burgess Brant for inspection of the street lighting system. He advised that at the last meeting he was directed to prepare a scope and work with the Manager for an electrical engineer to inspect all of the street lighting south of the bridge due to problems with the lighting. Mr. Barraco advised he spoke with an electrical engineer to work on the scope since the electrical engineer is the expert. He advised the Board can approve the proposal from Burgess Brant or use the scope to obtain additional proposals. He further advised he feels the proposal is reasonable. Mr. Dengler inquired as to whether this is a local engineering company. Mr. Barraco confirmed and added he contacted a couple of lighting engineers who recommended this electrical engineer. He advised the system is created by two different professionals: the lighting design is something that many Civil Engineers do; the

electrical layout to supply the power to those fixtures is done by an Electrical Engineer. He advised Burgess Brant has been around a long time and came highly recommended. Discussion ensued. The Board requested that the District Engineer provide at least two additional proposals to be considered at the April meeting.

**TENTH ORDER OF BUSINESS**

**Consideration of Proposals for Installation of (2) Speed Limit Signs**

Mr. Barraco discussed the reason for the request to install two speed limit signs. He advised that at the last Board meeting he was asked to have the City of Fort Myers inspect the signage within the community to make way for the agreement with the City of Fort Myer Police Department; they typically don't do the inspection until the agreement is ready but they provided a cursory review. The Fort Myers Police Department suggested basically in an abundance of caution, it would be wise to install a speed limit sign at both the main entrance and the temporary entrance which states "Community Wide" speed limit. He further advised he is obtaining pricing for those two signs, which will be minimal. Mr. d'Adesky advised he also spoke with the Traffic Engineer and the Chief of Police and they concurred that placement of the signs would be a good idea. Board discussion ensued. Mr. Shulha requested the speed limit be changed from 20 miles per hour to 25 miles per hour as the 20 miles per hour is inconsistent with the City of Fort Myers, which is 25 miles per hour within residential areas. He further advised he believes the signage at the entrance would be a good idea before moving forward, he further advised right now there is no speed limit signage in Esperanza what so ever and the 25 miles per hour speed limit should carry through. Mr. d'Adesky advised per the Chief of Police, any area where the speed limit is not posted, the default is 25 miles per hour, so once it is being enforced it will be enforced at 25 miles per hour. Mr. Barraco advised Mr. Shulha is correct, any unmarked street is default to 25 miles per hour and he does not believe there is a safety concern going from 20 miles per hour to 25 miles per hour. Ms. Suit asked what the permit is within Paseo and can the District just change the speed limit. Mr. Barraco advised he does not believe it will require anything from the District. Mr. d'Adesky concurred. He further advised the recommendation of the Chief of Police was 25 miles per hour. Mr. Dengler asked if the police would enforce anything less than 25. Mr. d'Adesky advised if it is posted within compliance, then yes a lower speed limit will be enforced. Mr. Shulha suggested changing the current speed to 25 miles per hour to be consistent with the City. Mr. Samson asked if the 20 miles per hour signs would have to be removed, the answer was yes. Mr. Barraco advised that if the speed limit is set to 25 miles per hour there is no signage required as it is the City default, however removal of the 20 miles per hour signs would be required and then the new 25 miles per hour signs posted at the entrances. Discussion ensued regarding the existing signs and posts. Mr. Shulha suggested changing out the signs.

On a Motion by Mr. Shulha, seconded by Mr. Heether, with three in favor and one opposed, the Board Changed the Community Speed Limit to 25 mph, approved replacing the existing signs, and adding the community wide signs at the entrances, for the Paseo Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2016-02, Setting a Public Hearing Regarding a Policy Related to Signage on District**

**Property**

Ms. Suit advised at the last meeting the Board discussed not allowing signage to be placed on CDD property. She further advised this would be an addition to the Districts' Rules of Procedure. Mr. d'Adesky advised that due to a previous Supreme Court case, to would be best to have this as a rule rather than just a policy. He further advised a public hearing date would need to be established. Ms. Suit advised the earliest a Public Hearing could be held would be at the May 27<sup>th</sup> meeting or this item can wait and the public hearing can be held during the same meeting as the public hearing on the final budget, which is currently calendared for the July 27<sup>th</sup> meeting.

Discussion ensued concerning language contained in the policy and the City of Fort Myers policy concerning signage. Mr. Heether addressed counsel regarding drafting accurate documents. Mr. d'Adesky advised he will bring an updated copy of the policy to the Board in April.

On a Motion by Mr. Samson, seconded by Mr. Shulha, with all in favor, the Board adopted Resolution 2016-02, Setting a Public Hearing to Adopt a Rule Regarding Signage on District Property, to be held on Wednesday, May 25, 2016 at 11:00 am, to be held at the Paseo Village Center – Theatre, 11611 Paseo Grande Boulevard, Fort Myers, Florida 33912, for the Paseo Community Development District.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Resignation of Board Supervisor Chad Kocses**

Ms. Suit advised she received a letter of resignation from Mr. Chad Kocses, which will vacate seat #5, the term of which expires in November 2016. She further advised his letter of resignation is effective February 24, 2016.

On a Motion by Mr. Dengler, seconded by Mr. Heether, with all in favor, the Board accepted the resignation of Board Supervisor Chad Kocses, for the Paseo Community Development District.

Ms. Suit asked if the Board is prepared to appoint someone to fill the seat left vacant by the resignation of Mr. Kocses, she advised seat #5 with a term to expire November 2016 is now vacant. The Board advised they would like this item to be on the Agenda for the April meeting. Ms. Suit advised the process for filling the vacant seat is for the Board to appoint someone to the vacant seat. She further advised it is not a general election, and the Board can appoint someone until such time as the term expires and the seat is filled at the next general election. Mr. Dengler advised a Board member has someone in mind to appoint, so the Board can each interview that person individually, and then appoint that person at the next meeting. Discussion ensued concerning getting more people involved, putting in an application, and the purpose for conducting interviews outside of a meeting individually. Mr. d'Adesky provided input regarding filling a vacant seat or leaving it vacant. Discussion ensued.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Disclosure of Public Finance**

Ms. Suit advised the Disclosure of Public Finance was drafted by District Counsel and reviewed by the District Engineer and District Manager. Discussion ensued.

On a Motion by Mr. Samson, seconded by Mr. Dengler, with all in favor, the Board approved the Disclosure of Public Finance, as amended, for the Paseo Community Development District.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2016-03,  
Authorizing Disbursement of Funds**

Ms. Suit provided a brief overview the resolution, advising it needed to be updated to remove Mr. Kocses and replace with Vice Chairman.

On a Motion by Mr. Shulha, seconded by Mr. Samson, with all in favor, the Board adopted Resolution 2016-03, Disbursement of Funds, for the Paseo Community Development District.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Appointment of Board  
Supervisor Liaisons**

Mr. Shulha discussed the purpose of appointing Board Supervisor Liaisons for the following positions: Roads and Signage, Storm Sewer System, Common Area Maintenance, and Street Lighting. He advised that this would be a good conduit for residents to ensure maintenance items are brought to the attention of the District Manager so that proper repairs can be made. Discussion ensued regarding items that may not have been turned over to the CDD and budget considerations. Mr. Dengler advised the public can report deficiencies directly to the Management company. Mr. Shulha advised he would just like to make sure things are being taken care of. Discussion ensued regarding the process for having repairs made.

Mr. Dengler advised one of things being considered for the budget next year is having an onsite maintenance person which would help with these concerns. He further advised the District attempted to enter into an agreement with the HOA to use their onsite maintenance person to help with general maintenance issues. Discussion ensued. Mr. d'Adesky advised having a dedicated maintenance person can have a positive impact on the budget.

This item was tabled until further notice.

**SIXTEENTH ORDER OF BUSINESS**

**Discussion Regarding Fishing Policy and  
Signage**

Ms. Suit provided background to the policy; and advised that making a change to the policy to make it enforceable would entail changing the existing policy and creating an all or nothing type of policy. Mr. Samson advised he had not heard from any residents though he did not go out seeking input. Mr. Shulha advised the only comments he received were from residents

who said they wish people who are fishing were respectful of private homes. He further advised he thinks the CDD should stick with the current policy. The Board advised the current policy shall remain in place, and no additional action was taken.

**SEVENTEENTH ORDER OF BUSINESS**

**Discussion Regarding City of Fort Myers  
Inspection of Compactor/Recycle  
Containers and Enclosure Area**

Mr. Dengler provided an overview of the meeting held with the City of Fort Myers regarding the design and operation of Paseo Dumpster Area. He advised the following were present: Darryl Bell, City of Fort Myers, Manager of Solid Waste Department; William Emerson, City of Fort Myers, Supervisor of Code Enforcement; Kristen Suit, Rizzetta & Co, District Manager; and himself as Chairman of the Paseo CDD Board. He advised the meeting took place on March 16, 2015 at the dumpster area. Mr. Dengler advised the city officials provided the following history and information: 1) The Paseo Community was designed with the intention of providing waste pickup by city trucks at every residence. 2) The builder approached the city for help when they discovered that waste pickup by city trucks in the condo area was not possible and/or practical. 3) The city suggested the building of a dumpster area and provided the specifications to build same. A dumpster area was then constructed across from the Village Center. 4) The configuration of the Paseo dumpster area calls for the gates to be closed and locked at all times. Only the city and condo trash hauler would have keys. 5) The existing compactor is not designed for side access. Mr. Dengler advised the city officials offered the following suggestions: 1) Keep gates closed and locked at all times. 2) Install camera to prevent illegal dumping in front of or over the gates. 3) Close the side-wall cut-out or purchase a compactor designed for side access. Estimated cost for side access compactor plus required modifications is approximately \$25,000.

On a Motion by Mr. Shulha, seconded by Mr. Samson, with all in favor, the Board directed that the compactor/recycle container area be permanently closed, for the Paseo Community Development District.

Discussion ensued regarding enforcement of illegal dumping outside the enclosure area.

On a Motion by Mr. Dengler, seconded by Mr. Samson, with all in favor, the Board approved the Cypress Access Proposal for Installation of a Camera System at the Dumpster Enclosure Area, in the amount of \$7,981.00, for the Paseo Community Development District.

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. d'Adesky provided an update regarding Stock Development removing the HOA lighting tied into the CDD streetlights. He advised he received an e-mail from Mr. Gelder of Stock advising their electrician is rewiring the quad lights. Mr. d'Adesky advised he further e-mailed Mr. Gelder to further discuss the tennis court parking lot lights.

Mr. d'Adesky provided an update regarding the Policing Agreement with the City

of Fort Myers Police Department. He advised the City Attorney sent a formal letter approving the concept of the traffic agreement and sent a form agreement which if executed, the process can move forward. However, there are minor changes to be made and he is waiting for a response from the City Attorney, with reference to HOA versus CDD. Once executed the agreement would go to City Counsel and once approved by City Counsel we are good to go.

Mr. Samson inquired as to the status of the golf carts. Mr. d'Adesky advised the golf cart situation is separate from the traffic enforcement agreement. Until a traffic agreement is in place, the golf cart issue cannot be addressed. Basic Police traffic enforcement must be in place prior to enforcing the golf cart usage.

B. District Engineer

Mr. Barraco provided an overview of the proposal received from Burgess Brant related to the fuses in the streetlights in Esperanza. He advised he received the proposal for \$3,600.00 as a maximum not to exceed. Mr. Dengler asked if this is a redundant proposal. Mr. Barraco advised the first proposal is for streetlight failure; however this proposal is for the fuse issue alone. Mr. Barraco advised he was under the impression that this was for excessive of bulb failure. Ms. Suit provided background to the separate issues. The issue for the entire community was the installation itself and the issue in Esperanza is the fuses being installed in the hand hole and not further up the pole as they are in the Southern phase of the community. Mr. Barraco advised he believes the first step is to determine if there is a problem with the fuses or if the fuses are designed to be installed where they are. Ms. Suit advised that Stock should be the responsible party for the fuse issue for lights that have not been turned over to the District. Mr. Barraco advised he will revise the previous scope to be a full evaluation of the streetlight system. Mr. d'Adesky advised the Esperanza Phase II and Phase II lights are a turn over issue.

Mr. Barraco provided an update regarding the Olinda/Izarra curb issue; he advised he e-mailed and spoke with Mr. Keith Gelder of Stock Development and Stock will be cleaning the areas of concern as well as making repairs to the curb. Board discussion ensued.

A discussion regarding turn over ensued with Mr. d'Adesky, Mr. Barraco, Ms. Suit, and Mr. Miles. Discussion ensued regarding the outstanding items list and how to ensure those are taken care of. Discussion ensued regarding turn over of the remaining infrastructure within the community.

Mr. Barraco provided an update regarding the asphalt repairs at the junction of the bridge and roadway. He advised that before the bridge approach there is an area of asphalt that was slipping about 80' before the bridge on the South side, the repair of which was not approved by the Board. PMI advised the mobilization price would increase if the slippage area is removed, because they had planned to use a paving machine to pave the 24' wide by 20' long area at the same time as the slippage area. Mr. Barraco advised he thought the area was 24" by 20" but he was mistaken. Regarding the slippage area; the slippage is due to construction vehicles



so the CDD should not be responsible for that repair. The Board requested that the District Engineer go to Stock to determine if Stock will pay for the slippage portion of the repair and update the Board at the April meeting.

Mr. Barraco advised he cannot find a vendor who can do the bridge façade repairs.

C. District Manager

Ms. Suit advised the next meeting of the Board of Supervisors is scheduled for April 27, 2016 at 11:00 am. She advised that at the onset of the April 27<sup>th</sup> meeting a CDD 101 will be held and will take a majority of the meeting time. She further advised that Rizzetta will provide a disk to each Board member with District specific information related to the CDD 101 prior to April 27<sup>th</sup>.

Ms. Suit advised the proposed budget will be presented to the Board at the May 25, 2016 meeting for consideration.

**NINETEENTH ORDER OF BUSINESS**

**Audience Questions and Supervisor Requests**

Ms. Suit opened the floor to supervisor requests and comments. There were none.

Ms. Suit opened the floor to audience questions and comments. Questions and comments from the audience were entertained.

Discussion ensued regarding the community wide speed limit.

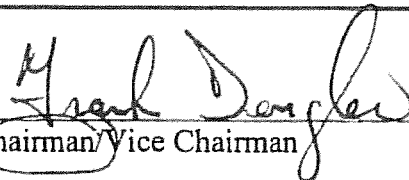
On a Motion by Mr. Samson, seconded by Mr. Heether, with three in favor and one opposed, the Board Rescinded the Previous Motion Changing the Community Speed Limit to 25 mph, approving replacing the existing signs, and adding the community wide signs at the entrances, for the Paseo Community Development District.

**TWENTIETH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Samson, seconded by Mr. Dengler, with all in favor, the Board adjourned the meeting at 2:30 pm, for the Paseo Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman