

**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, February 22, 2017 at 11:05 a.m.** at the Paseo Village Center, located at 1611 Paseo Grande Boulevard, Fort Myers, Florida 33912.

Present and constituting a quorum:

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|--------------|--|
| Steven Brown | <b>Board Supervisor, Vice Chairman</b>       |
| Jim Heether  | <b>Board Supervisor, Assistant Secretary</b> |
| Lyle Hicks   | <b>Board Supervisor, Assistant Secretary</b> |
| Jack Strohm  | <b>Board Supervisor, Assistant Secretary</b> |

Also present were:

|                 |   |
|-----------------|---|
| Belinda Blandon | <b>District Manager, Rizzetta &amp; Company, Inc.</b>   |
| John Crawford   | <b>Field Services Manager, Rizzetta &amp; Company, Inc.</b>   |
| Andrew d'Adesky | <b>District Counsel, Latham, Shuker, Eden &amp; Beaudine, LLP<br/>(via speaker phone)</b>                       |
| Jan Carpenter   | <b>District Counsel, Latham, Shuker, Eden &amp; Beaudine, LLP<br/>(via speaker phone)</b>                       |
| Carl Barraco    | <b>District Engineer, Barraco &amp; Associates, Inc.<br/>(joined the meeting in progress via speaker phone)</b> |
| Audience        |   |

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Blandon called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Ms. Blandon opened the floor for public comment. Questions and comments from the public were entertained regarding agenda items.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisors' Meeting held on January  
25, 2017**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on January 25, 2017 and asked if there were any additions, deletions, or corrections to the minutes. There were none.

On a Motion by Mr. Strohm, seconded by Mr. Hicks, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on January 25, 2017, for the Paseo Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Operations and Maintenance Expenditures for the Month of January 2017**

Ms. Blandon presented the Operations and Maintenance Expenditures for the period of January 1-31, 2017, totaling \$90,080.77. She asked if there were any questions. Mr. Hicks inquired regarding Luke Brothers submitting for invoices and their lack of action. He inquired regarding the ability to withhold payment. Ms. Blandon advised a termination letter was sent to Luke Brothers and in that letter the District did specify that Luke Brothers is expected to complete all pending items by February 28<sup>th</sup> and those items that are not resolved, Staff will proceed with repairs to those pending items and the amounts will be deducted from Luke Brothers final payment. Mr. d'Adesky advised of a Statute regarding prompt payment to vendors, although if there is a specific item they have been paid for that has not been completed the District may be able to withhold payment for that reason. He advised the District should tread lightly regarding withholding payment for quality of service. Mr. Hicks inquired regarding the term "tread lightly". Mr. d'Adesky advised if they have not completed an item on the list payment may be able to be withheld, but if the item has been completed but is not to the satisfaction of the District in terms of quality payment typically should not be withheld. Mr. Hicks advised he will work with Management to review the list of items to be completed by Luke Brothers. Ms. Blandon advised she intends to discuss this further later in the agenda. Mr. Heether inquired regarding the compactor pick up bill, and possibly cutting back service to once per week. Ms. Blandon confirmed.

On a Motion by Mr. Heether, seconded by Mr. Strohm, with all in favor, the Board Approved the Operations and Maintenance Expenditures for the period of January 1-31, 2017 which totaled \$90,080.77, for the Paseo Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Furniture Proposals for the Fishing Pier and Gazebos**

Ms. Blandon advised she received pricing on furniture items from EON, Polywood, and West Indies. She advised West Indies Home is the company Stock purchased the furniture from originally. Ms. Blandon provided an overview of the proposal summary provided. Ms. Blandon advised All Points is preparing a sample of refinished furniture and she will have them drop that sample at the site so that each Supervisor can review the refinished furniture. Mr. Hicks provided his input on the proposals and items presented. Discussion ensued regarding affixing the new furniture to the concrete slabs. Mr. Hicks inquired regarding the pricing disparity of EON furniture from the proposal to their website. Mr. Brown advised he is concerned they are going out of business. Ms. Blandon asked the Board to discuss which collection they would to use and which vendor so that she can obtain a firm quote to bring to the Board for approval. Discussion ensued. Mr. Brown inquired regarding placing benches at the lakes in Esperanza. Mr. Hicks inquired regarding placing additional benches at some of the lakes in the Southern phase. Discussion ensued regarding the budget for furniture replacement. Mr. Heether inquired regarding refinishing the

furniture. Ms. Blandon advised she received a proposal for refinishing all furniture under the gazebo and around the main lake, Allpoints has provided a price of \$4,900.00. Discussion ensued regarding replacement of the furniture versus refurbishment of existing furniture. Mr. Hicks inquired regarding any possible heat issues with the plastic. Mr. Brown advised the furniture is built for the Florida weather though he does expect that the furniture will get hot sitting in the sun.

On a Motion by Mr. Strohm, seconded by Mr. Hicks, with all in favor, the Board Instructed Staff to Proceed with Obtaining a Final Proposal from Polywood for the Chippendale Collection of Furniture, with an option for 10 additional benches to be added to the proposal for Esperanza, subject to review of District Ownership tracts, in addition Mr. Heether is appointed as liaison to review the existing benches and to review the refurbished furniture sample, for the Paseo Community Development District.

Mr. Barraco joined the meeting in progress via speaker phone at 11:35 am.

**SIXTH ORDER OF BUSINESS**

**Review of Esperanza/Paseo South Lake  
Bank Inspection Exhibit**

Mr. Barraco reviewed the lake bank inspection exhibits for Paseo North and Paseo South. He advised areas that were previously repaired still look good. Mr. Barraco advised some of the areas in the South could be attributed to work by Stock though some of it is maintenance related. Mr. Brown expressed his concerns about so much erosion when repairs were conducted in previous years. Mr. Barraco advised areas in South have been repaired, most have stayed in place. He advised that lake #16 was repaired in the past on the northern edge and that is still in good condition but the remainder of the lake had not been repaired. Mr. Hicks asked what can be done to prevent additional erosion on the lakes. Mr. Barraco explained the lakes have to be maintained regularly. He further recommended fill be brought in and littorals being planted in order to provide additional stability. Mr. Brown explained fill dirt and littorals were utilized for work done in lake #2. Mr. Barraco advised of an expensive repair item called a geo tube and explained the process, but he does not recommend it. Mr. Brown inquired regarding work completed on lake #13. Mr. Barraco advised coconut mat was previously installed on lake 13. Mr. Hicks asked regarding a rock structure for lakes. Mr. Barraco advised that is rip rap. He further advised rip rap is expensive but is effective. He also advised that due to county and SFWMD criteria, it is considered a hardened edge so the District is limited to 40% unless a deviation is requested. Mr. Strohm inquired regarding how many lakes have been turned over to the CDD. Mr. Barraco advised all the lakes have been certified and accepted by SFWMD have been turned over to the CDD. Mr. Strohm inquired regarding a significant amount of erosion. Mr. Barraco advised that some areas in the back as well as some areas in the front he believes that Stock is responsible for. Discussion ensued regarding what Stock will repair. Mr. Barraco advised the maps provided should be marked up to identify which ones are CDD maintained and which ones are maintained by Stock, and further identify the areas the District believes are attributable to Stock. Mr. Barraco advised he can have the maps back by Friday. Mr. Heether asked about the erosion issues due to roof drains in the Condo areas caused by roof drains not being installed properly. Mr. Heether advised he is willing to show Mr. Barraco the erosion issues caused by roof drains that have not been corrected. Mr. Brown inquired regarding a meeting with Mr. Heether, Mr. Barraco and Mr. Tarn. Mr. Heether advised he is available on Friday at 10:30 am. Mr. Hicks advised he would like a follow up from Mr. Barraco after the site visit is complete and Stock has provided a response. Mr. d'Adesky advised Stock has been responsive as

of late and they are taking action on items submitted in writing. Mr. Barraco advised that Mr. Tarn had previously corresponded with Stock regarding the roof drains being installed improperly. Mr. Brown advised he expects more professionalism from the District Engineer than is being received, he further inquired as to when Mr. Barraco will be providing his report on the site inspection. Mr. Barraco advised March 1<sup>st</sup>.

**SEVENTH ORDER OF BUSINESS**

**Discussion Regarding Maintenance Maps and Responsibilities**

Ms. Bandon suggested tabling this item since Mr. Barraco is not in attendance. She asked that if there are any questions regarding the maps, please provide them to her prior to the next meeting. Mr. Brown advised the maps are pretty clear and inquired as to whether or not there are questions. He advised he would like to not table this item in order to not delay this issue any further. Mr. Strohm inquired regarding the District Engineer accepting the lakes knowing there are erosion issues. Ms. Bandon advised she will forward the maps to the various Associations at Paseo. Mr. Barraco advised the Southern lakes were turned over years ago and the lake slopes were 4:1. He further advised SFWMD would not accept and certify the lakes if they were not in compliance with the plans.

On a Motion by Mr. Hicks, seconded by Mr. Brown, with all in favor, the Board Accepted the Maintenance Maps and Responsibilities as presented, subject to changes in the future, and for Staff to forward the maps and correspondence to each Association, for the Paseo Community Development District.

Mr. Brown asked that each Supervisor receive a copy of the cover letter sent to the Associations.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Replacement of Detectable Warning Strips and Review of Exhibits**

Ms. Bandon asked if there were any questions for the District Engineer related to the exhibits provided. Mr. Brown inquired regarding an order of magnitude proposal for this item. Mr. Barraco advised he does not. He advised the sidewalks are created after the homes are completed, so he would look to Stock for placement of the strips. Mr. Brown asked that Mr. Barraco review this at the time of the lake inspection. Mr. Barraco confirmed. Mr. Brown inquired with Mr. d'Adesky regarding including this item in a follow up letter to the Stock. Mr. d'Adesky confirmed.

**NINTH ORDER OF BUSINESS**

**District Engineer Staff Report**

Ms. Bandon asked if the Supervisors have any questions for the District Engineer. Mr. Brown inquired regarding his communication with the City regarding excess trees along roadways. Mr. Barraco advised the City has an ongoing problem with street trees they required in the past and they have been working with several communities to address them. He recommended the District present a proposal to the City advising which trees they would like removed. Mr. Brown advised the District will follow up with Mr. Crawford.

**TENTH ORDER OF BUSINESS**

**Consideration of Proposals for Reserve Study**

Ms. Blandon provided an overview of the proposal received from Custom Reserve (\$2,900.00) and Florida Reserve Study (\$3,700.00). She advised she has samples that she can forward to the Board. Discussion ensued.

On a Motion by Mr. Hicks, seconded by Mr. Brown, with all in favor, the Board Approved the Proposal received from Florida Reserve Study, in the amount of \$3,700, for the Paseo Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-02, Redesignating Treasurer of the District**

Ms. Blandon provided an overview of the resolution and asked if there were any questions. There were none.

On a Motion by Mr. Brown, seconded by Mr. Heether, with all in favor, the Board Adopted Resolution 2017-02, Redesignating Mr. Scott Brizendine as Treasurer of the District, for the Paseo Community Development District.

**TWELFTH ORDER OF BUSINESS**

**Consideration of the Rizzetta & Company Professional District Management Services Contract**

Ms. Blandon presented the Rizzetta & Company Professional District Management Services contract. She asked if there were any questions. There were none.

On a Motion by Mr. Hicks, seconded by Mr. Brown, with all in favor, the Board Approved the Rizzetta & Company Professional District Management Services Contract, for the Paseo Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of the Rizzetta & Company Professional Field Services Contract**

Ms. Blandon presented the Rizzetta & Company Professional Field Services Contract. She asked if there were any questions. Mr. Brown inquired regarding the maintenance supervisor to be hired and who he would be employed by. Ms. Blandon advised that person would be an employee of Paseo CDD. Mr. Hicks asked if that person would report directly to the District Manager. Ms. Blandon confirmed.

On a Motion by Mr. Brown, seconded by Mr. Heether, with all in favor, the Board Approved the Rizzetta & Company Professional Field Services Contract, for the Paseo Community Development District.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Pinnacle Landscapes  
Contract for Landscape and Irrigation  
Maintenance**

Ms. Blandon advised the contract was prepared by Counsel and Pinnacle has agreed to the terms of the contract. She further advised Pinnacle has sent the required certificates of insurance and they are on file. Mr. d'Adesky provided an overview of the contract. Mr. Brown advised he believes there should be a liaison of the Board to work with Pinnacle and Rizzetta. He further advised it should be Mr. Strohm or Mr. Hicks.

On a Motion by Mr. Brown, seconded by Mr. Hicks, with all in favor, the Board Approved the Pinnacle Landscape Contract, for the Paseo Community Development District.

Ms. Blandon advised the next step would be to have a transition meeting with Pinnacle.

On a Motion by Mr. Brown, seconded by Mr. Hicks, with all in favor, the Board Appointed Mr. Strohm as the Board liaison to work with Pinnacle Landscapes and Rizzetta, for the Paseo Community Development District.

**FIFTEENTH ORDER OF BUSINESS**

**Discussion Regarding Designated  
Representatives to Paseo Condominium  
Association and Paseo Master Association**

Ms. Blandon advised Mr. Brown requested this item be placed on the agenda. Mr. Brown advised of possible Sunshine Violations during the Master Association meetings or Condo Association meetings. He further recommended Mr. Hicks to be the liaison to the Condo Association and Mr. Samson should be the liaison to the Master Association. Mr. Hicks inquired with Mr. d'Adesky regarding possible issues with individual homeowners associations not having a liaison as this may set a precedent. Mr. d'Adesky advised it is not a legal issue as there is no duty to have a liaison to any association however in larger communities having a liaison is beneficial. He suggested having "liaison reports" section of the Agenda for each liaison to provide an update to the Board. He further advised the task of the liaison is to report to the CDD Board and the CDD Board can take action. Mr. d'Adesky advised the liaison does not have authority, but it can prevent any Sunshine issues. Mr. Hicks inquired regarding issues raised at association meetings that regarding the CDD, and what the liaison could respond to. He advised he is more comfortable in a reporting relationship, not a discussion relationship. Mr. d'Adesky advised the simple answer is it would be a reporting relationship since authority has not been granted to the liaison to deal with a specific topic. If the liaison was asked a question, they could answer factually but could not give an opinion of the CDD Board or a decision of the CDD Board. Mr. Strohm inquired regarding the Associations sending a liaison to the CDD Board and not have the CDD Board send a liaison to the Association. Mr. d'Adesky advised that is an option. He advised the liaison is a voluntary thing as some CDD Board members are already attending the Association meetings so it doesn't hurt to have one of those CDD Board members as a liaison. Mr. Strohm advised if a resident had an issue with the CDD they should report to their Manager who can bring the concern to the CDD Board. Mr. Brown advised the purpose of the liaison is to avoid issues that came up at the last Condo Association

meeting. Mr. Strohm advised there should not be liaisons, if Associations have a concern with the CDD they should address the CDD Board at a meeting or reach out to the CDD Manager. Discussion ensued.

On a Motion by Mr. Brown, seconded by Mr. Heether, with three in favor and one opposed, the Board Appointed Mr. Lyle Hicks as the Condo Association Liaison and Mr. Manny Samson as the Master Association Liaison, for the Paseo Community Development District.

**SIXTEENTH ORDER OF BUSINESS**

**Ratification of Honc Docks Contract**

Ms. Blandon advised the Honc Docks contract was executed by the Chairman on February 20, 2017, she further advised the Contract/Addendum 1 and Addendum 2 were prepared by Counsel and accepted by Honc Docs

On a Motion by Mr. Brown, seconded by Mr. Strohm, with all in favor, the Board Ratified Execution of the Honc Docs Contract/Addendum 1 and Addendum 2 as Presented, for the Paseo Community Development District.

Ms. Blandon advised the color samples have been received and she is trying to poll on the color selection. She believes there is a consensus on the colors, though she would like to get input from Mr. Strohm.

**SEVENTEENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. d'Adesky advised he will be working on the follow up letter to Stock and he will review the maintenance maps. He further advised he would like to conduct a quick Sunshine Law CDD 101 Workshop to provide more details with practical scenarios and to allow for questions and answers.

B. District Manager

Ms. Blandon advised the next meeting of the Board of Supervisors is scheduled for Wednesday, March 22, 2017 at 5:30 pm.

Ms. Blandon advised of correspondence received from a homeowner regarding a committee for landscaping. She advised the Board has previously discussed committees and she responded to the homeowner advising that Committees must comply with the Sunshine laws.

**EIGHTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Questions**

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

Mr. Brown suggested asking Rizzetta to rebuild the budget and restate the budget to allow for items he presented to Management. He advised this will allow for the projects to be completed. Ms. Blandon distributed schedule prepared by Mr. Brown. She advised she discussed the

amendment with Mr. d'Adesky. Mr. d'Adesky advised adopting of a budget requires a public hearing but due to this being an amendment then the strict budget adoption process does not typically have to be followed. He advised it would be prudent to advise the public of the amendment and include the amended budget in the agenda package. Mr. d'Adesky advised he reviewed the spreadsheet provided by Mr. Brown and some items on the spreadsheet would need to be bid out as they exceed the \$195,000.00 threshold. Mr. Brown provided an overview of the spreadsheet advising he recommends reducing the fund balance to cover the costs of the projects currently being discussed. Mr. Brown suggested creating a new reserve schedule. He provided an overview of items to be considered for the amended budget. Mr. Brown advised his estimates range from \$372,000.00 to \$432,000.00, he advised this amount would come out of the fund balance as well as making a contribution to the reserves. Ms. Blandon advised that once the reserve study is completed, the Supervisors will know how much to fund for reserves. She further advised that once the proposal is executed it should be completed within five weeks. Mr. Brown advised that Ms. Blandon recommended keeping three months worth of Operations and Maintenance expenses in the fund balance as the County does not fund until approximately mid November. He further advised the potential increase to assessments is \$25.00 to \$104.00, which is a pure estimate. Mr. Hicks inquired regarding a storage area and mobile office for the field person. Mr. Brown advised it is included in the \$30,000.00 estimate. Discussion ensued regarding security.

On a Motion by Mr. Hicks, seconded by Mr. Strohm, with all in favor, the Board Directed Staff to Present an Amended Budget, Based on the Schedule Provided, for Review and Consideration by the Board of Supervisors, for the Paseo Community Development District.

Ms. Blandon advised a request has been received from the Master Association Manager to use a second location on CDD property for a second POD. This item was tabled.

Mr. Brown asked for an update on the Field Manager new hire. Ms. Blandon advised she is working to re-advertise the job as a field manager/maintenance supervisor position. She advised she will continue with interviews and hopes to have a candidate for the next meeting. Mr. Brown advised he would like to participate.

Mr. Hicks provided an update on the trash compactor discussion with the Condo Association. The President of the Association sent him an e-mail advising the Condo Association is meeting on March 8<sup>th</sup> to discuss the compactor and take action. Mr. Brown advised the meeting will be held at 5:30 pm. Mr. Brown asked for clarification on what the transfer entails. Mr. d'Adesky advised options were presented in the past. He further advised conveyance is not required but a written agreement can be entered into whereas the Condo Association pays for the compactor and maintains the compactor but the property does not change hand. Mr. d'Adesky advised he will draft the agreement and it can be reviewed by Counsel to the Association. Mr. Hicks advised he wants to ensure the Condo Association knows of the options available related to transfer of the facility prior to the March 8<sup>th</sup> meeting. Mr. Brown advised the options are for the Condo Association to enter into an agreement with the CDD for the Condo Association to pay for the compactor or the CDD will revise the methodology to bill only Condo Association residents for the expense.

Mr. Heether advised he spoke with Bellmore Electric regarding the landscape lighting leading up to the Bridge being out, he advised a temporary line is being installed to get the lights working again. He further advised the lights at a round about have been out for some time so they



have been raised to a higher level and the main breaker was shut off, but has been turned back on. Mr. Heether advised he would like more direction on lighting for the entry to the community. He advised he reached out to FP&L to have additional lights installed on the current poles at the entry to the community, but he has not received the information. Mr. Strohm advised the purpose of the additional lighting is due to not being able to see the entrance to the community. Mr. Heether suggested installing higher output LED's in the decorative streetlights at the entry.

Mr. Strohm advised of a flooding concern at the entrance to the community. Ms. Blandon advised she is going to review the area on her way out and take pictures to submit to the City as the District does not own the property where the flooding is occurring.

Ms. Blandon advised Bellmore Electric would like to meet with Mr. Heether at night to review the entry lighting.


Mr. Heether advised lights #322, #323, #324, #325, and #326 are on the first street over the bridge at the end and they have all been replaced with LED lights and he would like input from the community on the new lights. He advised the switch to LED will save the community money versus the current system. Mr. Brown advised the cost will be recouped in five years.


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

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Hicks, seconded by Mr. Brown, with all in favor, the Board adjourned the meeting at 1:22 pm, for the Paseo Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman