

## 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 23, 2011 at 11:04 a.m.** at the Paseo Village Center, located at 1611 Paseo Grande Boulevard, Fort Myers, Florida 33912.

Present and constituting a quorum:

Chad Kocses	<b>Board Supervisor, Chairman</b>
Keith Gelder	<b>Board Supervisor, Vice Chairman</b>
Valerie McChesney	<b>Board Supervisor, Assistant Secretary</b>
Tim Clark	<b>Board Supervisor, Assistant Secretary</b>
Frank Dengler	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Molly Syvret	<b>District Manager; Rizzetta &amp; Company, Inc.</b>
Colt Little	<b>District Counsel; Latham, Shuker, Eden &amp; Beaudine, LLP (via speakerphone)</b>
Carl Barraco	<b>District Engineer; Barraco and Associates, Inc.</b>
David Jae	<b>Maxcy Development (via speakerphone)</b>
Audience	

#### **FIRST ORDER OF BUSINESS**

#### **Call to Order**

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

#### **SECOND ORDER OF BUSINESS**

#### **Discussion Concerning Blasting for Lake Construction**

Mr. Barraco provided an overview of the timing for tentative development in Phase II, which will involve excavation of the lakes. Mr. Barraco further explained that the land that needs to be excavated for the lakes is owned by the District, so a construction agreement is needed authorize the developer to undertake construction on the District property. Mr. Little explained the potential liabilities of the process to the District and how the construction agreement would address those concerns. Mr. Barraco advised that the developer would be conducted a workshop wherein the blasting process would be explained and questions entertained. Notice of the workshop will be provided to the residents and other affected parties.

**THIRD ORDER OF BUSINESS**

**Consideration of Temporary Construction Easement Relating to Lake Construction**

Mr. Little provided an overview of the Temporary Construction Easement relating to lake construction. Questions and comments were entertained.

On a Motion by Mr. Gelder, seconded by Ms. McChesney, with all in favor, the Board Approved the Temporary Construction Easement relating to lake construction in substantial form, subject to final review by District and Developers' Counsel, and Authorizing the Chairman to execute the Construction Easement Agreement and related permits from the City of Fort Myers, for the Paseo Community Development District.

**FOURTH ORDER OF BUSINESS**

**District Engineers' Staff Report**

Ms. Syvret explained that Timo Brothers, the contractor whose proposal was accepted to perform the repairs to the paver walkways around the pavilions, had commenced repair activities on the property prior to the contract being executed by the District and without coordinating and meeting with the District Engineer. Mr. Barraco advised that upon inspection of the subject areas, the scope of work contemplated was not completed. Additionally, it was explained that the District had lost the benefit of marking the failure areas for future purposes. Mr. Little discussed the legal options to the Board. Discussion ensued. The Board directed Ms. Syvret and Mr. Barraco to speak with the contractor and come with options for resolving the matter. The various options will be presented at the next meeting for the Board to make a determination as to how to proceed.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Board of Supervisors' Meeting held on January 12, 2011**

Ms. Syvret presented the minutes of the Board of Supervisors' meeting held on January 12, 2011. She asked if there were any revisions. It was noted that on page three, in the fourth order of business, the names for the motion and second need to be corrected.

On a Motion by Mr. Kocses, seconded by Mr. Gelder, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on January 12, 2011, subject to the correction noted, for the Paseo Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of the Operation and Maintenance Expenditures for the Month of February 2011**

Ms. Syvret presented the Operation and Maintenance Expenditures for the month of February 2011, covering the period of January 1-31, 2011, and totaling \$45,618.88. Questions were entertained. It was noted there may be a discrepancy in the amounts actually paid for electric services and the amount reflected on the summary sheet.

On a Motion by Mr. Kocses, seconded by Mr. Dengler, with all in favor, the Board approved the Operation and Maintenance Expenditures for the Month of February 2011, covering the period of January 1-31, 2011, and totaling \$45,618.88, subject to confirmation that the total expenditure amount is accurate, for the Paseo Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2011-11, Re-Appointing an Assistant Treasurer**

Ms. Syvret advised that the next item on the Agenda is Consideration of Resolution 2011-11, Re-appointing an Assistant Treasurer. Ms. Syvret stated that previously the Board had appointed a Treasurer and Assistant Treasurers of the District. She stated that due to a change in personnel within Rizzetta & Company, Management is requesting that the Board re-appoint an Assistant Treasurer.

On a Motion by Mr. Kocses, seconded by Ms. McChesney, with all in favor, the Board Adopted Resolution 2011-11, Re-Appointing Mr. Shawn Wildermuth and Mr. Keith Gelder as Assistant Treasurers of the District, for the Paseo Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Supplemental Agreement for Water Use Compliance Monitoring from Johnson Engineering**

Ms. Syvret provided an overview of the Supplemental Agreement from Johnson Engineering. Questions and comments were entertained.

On a Motion by Mr. Kocses, seconded by Mr. Clark, with all in favor, the Board Approved the Supplemental Agreement for Water Use Compliance Monitoring from Johnson Engineering, for the Paseo Community Development District.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2011-12, Initiating Rule Development and Rule Making and Setting a Public Hearing for the Purpose of Public Comment**

Mr. Little provided an overview of the purpose of the rules of procedure and the changes proposed from the current rules. Mr. Little also explained the rulemaking process. Discussion ensued.

On a Motion by Mr. Kocses, seconded by Mr. Gelder, with all in favor, the Board Adopted Resolution 2011-12, Initiating Rule Development and Rule Making and Setting a Public Hearing for the Purpose of Public Comment on April 27, 2011 at 11:00 a.m., to be held at the Paseo Village Center, located at 11611 Paseo Grande Boulevard, Fort Myers, Florida 33912, for the Paseo Community Development District.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
Mr. Little advised that the Bond Validation hearing is set for March 28<sup>th</sup> at 10:15 am.
- B. District Engineer  
Mr. Barraco provided his report under the Fourth Order of Business.
- C. District Manager  
Ms. Syvret provided an update regarding completed repairs, which include repairs to the perimeter fencing, landscape lighting, and water features. Ms. Syvret also advised that landscape improvements are scheduled to begin within the next week on the roundabouts and pavilions on Paseo Grande and the planting beds in front of the village monument signs. The field inspection report prepared by Mr. Toborg was also presented. Ms. Syvret noted that there are numerous areas requiring sod replacement, but the landscape provider is recommending that the new sod not be installed until the beginning of rainy season. Ms. Syvret announced that a District website is now available and provided the web address for the audience.

Ms. Syvret stated that the next meeting of the Board of Supervisors is scheduled for Wednesday, March 23, 2011 at 11:00 am.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

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

There were no supervisor requests or comments.

Ms. Syvret opened the floor to Audience comments. Questions and comments were entertained, no Board action was taken.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Kocses seconded by Ms. McChesney, with all in favor, the Board adjourned the meeting at 12:26 p.m. for the Paseo Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman