



Rizzetta & Company

Paseo Community Development District

**Board of Supervisors' Meeting
March 22, 2023**

District Office:
9530 Marketplace Road, Suite 206
Fort Myers, Florida 33912
(239) 936-0913

www.paseocdd.org

PASEO COMMUNITY DEVELOPMENT DISTRICT

Paseo Village Centre – Theatre, 11611 Paseo Grande Boulevard, Fort Myers, Florida 33912

Board of Supervisors	Steven Brown Sharon Schulman Dave Cabell Debra Johnson Ian Noy	Chairman Vice Chairman Assistant Secretary Assistant Secretary Assistant Secretary
District Manager	Belinda Blandon	Rizzetta & Company, Inc.
District Counsel	Andrew Cohen	Persson, Cohen, Mooney, Fernandez & Jackson, P.A.
District Engineer	Carl Barraco	Barraco and Associates, Inc.

All cellular phones must be placed on mute while in the meeting room.

The Public Comment portion of the agenda is where individuals may make comments on any matters that concern the District. Individuals are limited to a total of three (3) minutes to make comments during this time. **Please note that going forward all public comments on agenda and non-agenda items will be taken at the onset of the meeting. There will only be one public comment period. All those desiring to speak during public comment will need to sign the Speaker Sign In sheet.**

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (239) 936-0913. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) 1-800-955-8770 (Voice), who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

PASEO COMMUNITY DEVELOPMENT DISTRICT
 District Office · Ft. Myers, Florida · (239) 936-0913
 Mailing Address · 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.paseocdd.org

March 15, 2023

Board of Supervisors
**Paseo Community
 Development District**

REVISED AGENDA

Dear Board Members:

The regular meeting of the Board of Supervisors of Paseo Community Development District will be held on **Wednesday, March 22, 2023, at 10:00 a.m.** at the Paseo Village Center Theater, 11611 Paseo Grande Boulevard, Fort Myers, FL 33912. The following is the agenda for this meeting.

1. **CALL TO ORDER/ROLL CALL**
2. **PUBLIC COMMENT**
3. **DISTRICT ENGINEER STAFF REPORT**
 - A. Review and Discussion Regarding Asset Report
4. **BUSINESS ITEMS**
 - A. FMS Bonds Introduction and Discussion
 - B. Review of March 03, 2023 Field Inspection Report Tab 1
 - C. Consideration of Pinnacle Landscapes Proposal to Close in Square Mulch Beds to Circles Tab 2
 - D. Discussion Regarding Floratam Lethal Virus Necrosis
 - E. Discussion Regarding Deciduous Trees and Solar Systems
 - F. Consideration of Resolution 2023-03, Superseding Resolution 2005-5 and Revising Policy with Regard to Support and Legal Defense Tab 3
 - G. Discussion and Consideration of Rizzetta & Company Proposals Tab 4
 - H. Discussion and Consideration of Condo Association Request for use of CDD Parcel for Debris Storage During Construction
 - I. Discussion Regarding Multi Use Path Vandalism
 - J. Discussion Regarding Multi Use Path Lighting Concrete Bases
 - K. Discussion Regarding O&M Expenditure Packages and Approval of Prior Months
 1. **Consideration of January and February 2023 O&M Expenditures..... Tab 5**
5. **BUSINESS ADMINISTRATION**
 - A. Consideration of the Minutes of the Board of Supervisors' Meeting held on February 22, 2023..... Tab 6
6. **STAFF REPORTS**
 - A. District Counsel
 - B. District Manager Tab 7
 1. FEMA Process Update

- 7. **SUPERVISOR REQUESTS**
- 8. **ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (239) 936-0913.

Sincerely,
Belinda Blandon
Belinda Blandon
District Manager

cc: Andrew Cohen: Persson, Cohen, Mooney, Fernandez & Jackson, P.A.

Tab 1

PASEO

LANDSCAPE INSPECTION REPORT



March 3, 2022

Rizzetta & Company

John R. Toborg – Sr. Landscape Specialist

John Fowler – Landscape Specialist



Rizzetta & Company
Professionals in Community Management

Summary & Zone 1

General Updates, Recent & Upcoming Maintenance Events, Important Notices:

- ❑ Prune all palms with dead or vertically hanging fronds and fruiting structures throughout the district.
- ❑ Recommending to not cut back shrub species damaged by the cold until the threat of frost is gone.

The following are action items for Pinnacle Landscapes to complete. Please refer to the item # in your response listing action already taken or anticipated time of completion. **Red text** indicates deficient from previous report. **Bold Red text** indicates deficient for more than a month. **Green text** indicates a proposal has been requested. **Blue** indicates irrigation. **Orange** indicates an issue to be handled by Staff and **bold, underlined black** indicates an update or question for the BOS.

Zone 1 Penzance, Guardhouse & Paseo Grande

Zone 2 Condos, west of Paseo Grande,

Zone 3 Condos, east of Paseo Grande

Zone 4 Rosalinda, Provencia, Mercado & Sarita (includes Bibiana to Emilia and Javiera to Nalda)

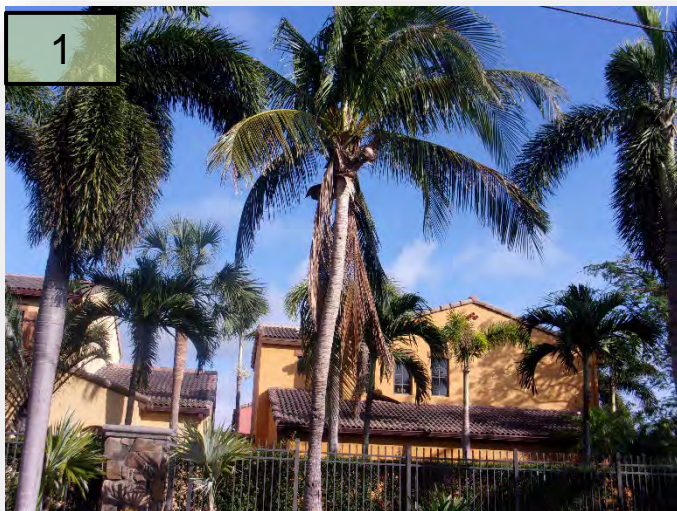
Zone 5 Paseo Drive (starting at Paseo Grande and including bridge)

Zone 6 Adelio, Dario & Adora

Zone 7 Esteban, (both sides) & Macario

Zone 8 Hidalgo, Falisto & Renata

1. **Need to schedule a Palm pruning event for Penzance. Any vertically hanging fronds, even if green, should be removed from previous damage by the hurricane. Here is a Coconut Palm in need on the West side of the main entrance. (Pic. 1)**



2. Now that there is less shade from plant material on the Westend of Penzance, the Shell Ginger, a shade loving plant, is being burned out in some spots. Have the necrosis leaves removed.
3. After a recent Pygmy Palm pruning event on the West end of Penzance, there are a couple fronds that were nicked and hanging. Please remove.
4. There are 2 palms across the street from 8390 Penzance on the Westend, there are 2 declining palms that may need removal. Please have your arborist diagnose and report your findings.
5. Set a hard defined bed edge for the Westend of Penzance ROW.
6. Small dead palm across from Flintlock LN.

Zone 1

7. Remove a couple dead hanging Oak limbs by the path on the Eastside of Penzance entrance.

8. Schedule a rejuvenation cutback for the Ixora and Firebush on the Eastside of Penzance entrance on the Southside of the bike trail.

9. Appears to be a couple hot spots on the Eastside of Penzance entrance between the new lights. Please inspect these areas for proper coverage.

10. Treat the Foxtail tree beds for weeds starting to pop up on Paseo Grande Blvd. ROWs.

11. Treat the crack weeds along the paver walkway on Paseo Grande Blvd. around the lake.

12. Treat the broadleaf weeds within the St. Augustine ROW on Paseo Grande Blvd.

13. The Bromeliads around all 4 Gazebos are not performing. Please remove any that are dead and check the proposal section at the end of this report for possible replacement.

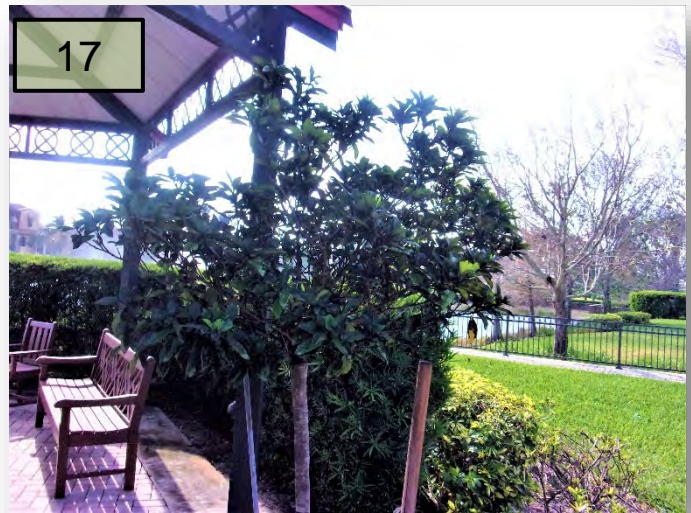
14. There is a cut bubbler causing a washout around a tree by the bench on the West ROW of Paseo Grande Blvd. by the pond. (Pic. 14)



15. Diagnose and treat the 'Maui' Ixora in the Northwest roundabout on Paseo Grande Blvd. Remove any diseased or dead material within them.

16. Remove any sucker growth on the Magnolia trees just North of the Southwest Gazebo on Paseo Grande Blvd.

17. Diagnose and treat the Gardenia Standard that appears to have sooty mold at the Southwest Gazebo on Paseo Grande Blvd. (Pic. 17)



18. Noting for the record that there are several areas in the St. Augustine on the Westside of Paseo Grande Blvd. from the street to the middle lake that are bare due to winter grassy weeds dying out.

19. Please provide the District the remaining fertilizer schedule for turf, ornamental shrubs, and palms before the blackout period.

20. Remove grassy weeds growing within ferns close to the lake bank just South of the Southwest Gazebo.

21. Treat for sedge on the turf on Herminia St. on the North ROW between Paseo Grande Blvd. east and westside. It appears some of it was treated. Should the irrigation be reduced here as sedge is an indicator weed?

Zone 1

22. Cut back the shrubs around the short lights within them on Herminia St. on the North ROW between Paseo Grande Blvd. east and westside. They are currently leaning out of the shrubs. (Pic. 22)



23. Remove a dead hanging frond in the Coconut Palms in the median just North of the guard gate after you enter through it.

24. Diagnose and treat the 'Petit' Ixora on the median on Paseo Grande Blvd. just North of Penzance. Remove any diseased or dead material within them.

25. During this inspection, it is noted that the irrigation was on just prior to our arrival to water the newly planted annuals for the first median entering the community. The last report it was noted this median has standing water. Is this because of the extra water needed for the annuals? If so, could this zone be broken up to run just annuals?

26. Schedule a rejuvenation cutback for the Jatropha Trees at the first median coming into the community.

27. Diagnose and treat a couple declining Bromeliads on the first median coming into the community.

28. Turf on the Southeast side of Paseo Grande Blvd. ROW is thinning and in decline. What can be done to rectify this? (Pic. 28)



29. Remove a volunteer palm growing within the Variegated Arboricola at the Southeast gazebo on Paseo Grande Blvd.

30. Check the irrigation for coverage for the turf at the Southeast gazebo. There appears to be a dry spot just North of the gazebo. (Pic. 30)



31. Diagnose and treat the declining 'Maui' Ixora on the Southeast roundabout on Paseo Grande Blvd.

32. There are a couple spots on the Eastside of Paseo Grande like the Westside that have brown spots where there is no St. Augustine but just winter weeds that are dying off.

Zone 1

33. Treat the Dollarweed in the St. Augustine turf just South of the Northeast Gazebo.

34. Remove an out of place Ixora next to the Variegated Arboricola at the Northeast Gazebo. (Pic. 34)



36. Diagnose and treat the Bromeliads on East and West ROW of Paseo Grande Blvd. at the Paseo Dr. intersection.

35. During the last inspection, it was noted that there were several cut bubblers on the Shady Lady trees on the East ROW of Paseo Grande. Two were repaired, however, the washouts holes were not filled in. There are also a couple more still cut causing more washouts. Please go through all these tree rings to ensure there are no more cut pipes and fill in any washouts. (Pic. 35a & 35b).



Zone 2

1. Treat the weeds in the Foxtail Palm beds along Bibiana Way.
2. It appears the broadleaf weeds were recently treated in the turf in zone 2. Some areas may need a second application.
3. There are a couple dry spots on Bibiana between the road and the sidewalk. Please inspect for proper irrigation coverage.
4. Treat the bed weeds on the South ROW of Bibiana just West of Paseo Grande Blvd. within the Bougainvillea and Ixora.
5. Diagnose and treat the 'Nora Grant' Ixora and schedule a rejuvenation cutback on the South ROW on Bibiana. (Pic. 5)
9. Foxtail Palm on Algeria St. on the North end looks chlorotic.
10. Two Foxtail palms on Hermina St. look like they may need replacement. Please have your arborist investigate and submit a proposal if necessary. (Pic. 10)



6. Need to treat the broadleaf weeds and sedge on the North ROW of Bibiana.
7. On the South ROW of Bibiana that runs along Penzance on the Eastside there are a cluster of declining Crown of Thorn. Please just remove these.
8. Some of the Foxtail Palms appear chlorotic. When is the next fertilizer event. I am asking the question if newly installed Foxtail Palms need more than the contractual 4 fertilizers for the first year to be established? If so, please provide a proposal for the extra.
11. There is a small rock sitting in a Foxtail palm tree ring on Adoncia Way. Please have this removed.
12. There is a Foxtail Palm that may need replacement on Adoncia Way. Please have your arborist investigate and submit a proposal if necessary.
13. There is a bubbler sticking straight up in the air approximately 2 feet straight up in the air and is cut on Adoncia Way. Please have this capped and pinned down until the area is repaired from hurricane damage.
14. Prune the shrubs around the lift station on Emilia St. to fence height.
15. Prune the Copperleaf touching the mailboxes at the kiosk on Olinda Way.
16. Several hot spots throughout zone 2 on the outer streets shared with ponds. Please check the irrigation for coverage in these areas.

Zone 3

1. Zone 3 is similar to zone 2 with Foxtail palms. Would it be beneficial to propose an extra fertilizer event to help with establishment? Many appear chlorotic.
2. Treat the weeds in the Foxtail tree rings throughout zone 3.
3. Treat broad leaf weeds within the St. Augustine on Izarra Way and throughout zone 3.
4. Similar to zone 2, check all hot spots for coverage for proper irrigation.
5. There is a possible dead tree on Izarra Way on the Northeast corner as it heads South. Please have your arborist investigate and send a proposal to flush cut if dead. (Pic. 5)
9. Prune the shrubs around the lift station on Javiera Way down to the height of the fence.
10. Very dry by the lift station on Javiera Way. Please investigate the irrigation. (Pic. 10)



11. Treat the weeds in the Oak tree rings.
12. The biggest issue in zone 3 is the Oak tree canopies. There are several that are getting low and overhanging the street where it will start touching vehicles. Please raise the canopies by the current specification of the contract.

6. Remove small rocks located under the shrubs on the South ROW of Palba Way by the fence shared with Penzance.
7. The South ROW of Palba Way soil is very dry. Please investigate the irrigation.
8. There were a few areas in zone 3 turf that have seed heads like it has not been mowed for a while. Please ensure this area is being serviced every other week. This specific area is just North of the mailbox kiosk on Palba Way.

Zone 4

1. Diagnose and treat the 'Petit' Ixora looking off color or possibly chlorotic at the Rosalinda monument. This was on the last report and stated it was treated but they are getting progressively worse. (Pic. 1)




10. Large palm debris on the ground during this inspection on Sarita Ct. roundabout. Please remove.

2. Selectively prune a couple taller stalks of the Red Ti at the Rosalinda entrance to continue a uniform height.
3. Treat the sedge and broadleaf weeds within the turf on the Felisa Ct. roundabout.
4. Remove the Mexican Petunia growing within the Variegated Arboricola on the Felisa Ct. roundabout.
5. Large palm debris on the ground during this inspection on the Rosalinda roundabout. Please remove.
6. Check the irrigation in front of the Provencia monument as there is a hot spot in the turf.
7. Diagnose and treat the declining Red Ti behind the monument of Mercado.
8. Treat the sedge in the turf at the Mercado Ct. roundabout. This has been on two previous reports and does not seem to be dying off.
9. Diagnose and treat the declining Red Ti at the Sarita Ct. monument.



Zone 5

1. The Coconut Palms just south of the bridge on Paseo Dr. were pruned. However, a couple green fronds were nicked and are now hanging. Please have these removed.
 2. The Bromeliads at the Esperanza monument and the south median on Paseo Dr. are in severe decline and should be removed.
 3. There is a dead branch hanging in a Ligustrum tree just South of the Bridge on Paseo Dr. on the West ROW. Please remove.
 4. The Flax Lilies just North of the bridge on Paseo Dr. look less than desirable. What can be done to improve this area? (Pic. 4)
- 
5. Just North of the bridge on the East ROW there are a few Croton that look diseased. Diagnose and treat.
 6. Treat the bed weeds on the West ROW of Paseo Dr. just South of Adelio Ln.
 7. The Awabuki hedge on the East ROW of Paseo Dr. does not appear to be flushing out new growth yet. Does this need to be retreated?
 8. There are also nicked hanging fronds on the Medjool Palm and Coconut Palms north of the bridge on Paseo Dr. Please remove.
 9. Pitch Apple still looks like its struggling and chlorotic in some areas on Paseo Dr. One specific area is on the West ROW of Paseo Dr. just North of Dario Way.
 10. Check the irrigation on the North ROW of Paseo Dr. just South of Esteban Dr. intersection. Large hot spot noted during this inspection.
 11. Diagnose and treat the Mexican Petunia that appear to have Powdery Mildew at the Paseo Dr. and Esteban Dr. intersection.
 12. Nicked hanging palm fronds that needs to be removed on both sides of South ROW on Paseo Dr. at the Esteban Dr. intersection.
 13. The relatively newly planted Jatropha Trees are starting to flush out on the ROW of Paseo Dr.
 14. Treat the weeds growing in the paver sidewalk on the North ROW of Paseo Dr. after the Esteban Dr. entrance.
 15. Schedule a rejuvenation pruning event for the Firebush on Paseo Dr. ROW beds.
 16. Hot spots showing on Paseo Dr. East of Hidalgo Ct. Please check the irrigation coverage.
 17. What is the status of the proposal for the Pitch Apple on the South ROW of Paseo Dr. from previous reports where there are 6 dead ones just East of Hidalgo Ct?
 18. Remove dead hanging branches on the Shady Lady trees near Falisto Pl.



Zone 6

1. There are a couple hot spots in the turf on the Adelio Ln. roundabout. Please check irrigation for proper coverage.
2. Treat the weeds in the Bougainvillea bed at the Adelio Ln. roundabout. (Pic. 2)



3. Three Shady Lady trees on the North ROW on Dario Way are leaning. Can these be straightened and staked where needed?
4. Treat the broad leaf weeds within the turf at the Dario Way roundabout.
5. Treat the weeds growing under the Bougainvillea at the Dario Way roundabout.
6. Remove the dead Paurotis Palms at the Dario Way roundabout.
7. Check a hot spot in the turf at the Adora Ct. roundabout for proper coverage.



Zone 7

1. Remove a large weed growing within the Arboricola on the Esteban Dr. North roundabout. (Pic. 1)



2. Check the irrigation for a hot spot that has formed at the Esteban Dr. North roundabout for proper coverage.
3. Continue to monitor the Bismark Palm at the Macario Ct. roundabout. It appears it will survive.
4. Treat the weeds in the bed on Marcario Ct. roundabout.



Zone 8

1. The Bismark Palm on the Hidalgo roundabout appears that it will not survive. What is the status for a proposal to remove?



2. Mound of dirt on the Hidalgo roundabout that needs to be smoothed out.
3. Treat the sedge within the turf on Hidalgo roundabout.
4. Hot spot and possibly chinch bug activity at the Falisto Pl. Please check the irrigation coverage.
5. Check the irrigation coverage for a hot spot at the Renata Ct. roundabout.



Proposals

1. Pinnacle to provide a proposal for a new shrub species to replace the under performing Bromeliads at each of the 4 Gazebos on Paseo Grande Blvd.
2. Pinnacle to provide a proposal to replace turf on Paseo Grande Blvd. that has winter weeds that have died off and now have large brown spots.
3. Pinnacle to provide a proposal for a low growing shrub species to fill in the bare area in front of the Mercado monument.
4. Pinnacle to provide a proposal to fill in the bare spots on the first median coming onto Paseo Dr. for replacing the failing Bromeliads.



Tab 2

Pinnacle Landscapes, Inc.

PO Box 100520

Cape Coral, FL 33910

Office@Pinnaclelandscapes.com

Estimate

Date	Estimate #
5/13/2022	3482

Name / Address
Paseo CDD c/o Rizzetta & Company 9530 Marketplace Road Suite 206 Fort Myers, Florida 33912

Description	Qty	Cost	Total
Requested by Steve Brown; Installation of Floratam around the 145 Foxtail palms that have square beds around them. Pinnacle will be closing the beds in to make circles to match the newly installed Foxtail palms. (Revised 3/15/2023)			
Removal and disposal of existing mulch. Prep locations for new turf. Install 12 pallets Floratam Irrigation - 30 days extra water set and removal or until roots develop.	12	800.00 690.00 200.00	800.00 8,280.00 200.00
Come visit us at www.Pinnaclelandscapes.com !!	Total		\$9,280.00

Customer Signature _____

Tab 3

RESOLUTION 2023-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PASEO COMMUNITY DEVELOPMENT DISTRICT SUPERSEDING RESOLUTION 2005-5 AND REVISING THE POLICY OF THE PASEO COMMUNITY DEVELOPMENT DISTRICT WITH REGARD TO SUPPORT AND LEGAL DEFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Paseo Community Development District (the "District"), District employees, and certain independent contractors and any District-approved committees are presented with the necessity for making decisions regarding various phases of District policy and management; and

WHEREAS, it is essential to the effective operation of the District that such decisions be made in an environment where the threat of personal liability for the Board of Supervisors, its Officers, District employees, certain independent contractors, and committees is maintained at a minimum; and

WHEREAS, the Board of Supervisors previously enacted Resolution 2005-5 on or about January 27, 2005, but wishes to supersede such Resolution and expand and formalize its policy with regard to the support and legal protection of certain protected parties as defined below so as to reduce the threat of personal liability to such individuals.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PASEO COMMUNITY DEVELOPMENT DISTRICT, THAT:

SECTION 1. The recitals stated above are hereby adopted and incorporated herein by reference. As set forth in this Resolution, the Paseo Community Development District, in accordance with Florida law, agrees that the following Board members, Officers, employees, independent contractors and Committees of the District shall be provided the benefit of the indemnification, support, and legal defense provisions provided in this Resolution:

- (a) All members of the Board of Supervisors, all members appointed by the Board of Supervisors to District-created committees, the District Manager and support personnel, employees of the District, the District Secretary, Assistant District Secretaries, the District Engineer, and the District Counsel (hereafter "Protected Parties").
- (b) Independent contractors and other agents or persons not listed in Section 1(a) of this Resolution shall not be so indemnified with respect to any

service provided to the District except to the extent permitted by law and authorized by a majority vote of the members of the District's Board of Supervisors.

SECTION 2. As set forth in this Resolution and in accord with sections 111.07 and 768.28, Florida Statutes, the District hereby agrees to provide legal representation to defend any and all civil actions, including federal civil rights and other federal civil claims, arising from a complaint for damages or injuries suffered as a result of any act or omission of action of any of the Protected Parties of the District, present or former, arising out of and in the scope of his or her employment or function, unless, in the case of a tort action, the Protected Party acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Defense of such civil actions includes, but is not limited to, any civil rights lawsuit seeking relief personally against any of the above-listed Protected Parties for an act or omission under color of state law, custom, or usage, wherein it is alleged that such Protected Party has deprived another person of rights secured under the Federal Constitution or laws, including, by way of example, actions under 42 U.S.C. § 1983 or any other federal statute. The District hereby further agrees to provide legal representation to defend against any other litigation arising against the Protected Parties from the performance of their official duties while serving a public purpose, including civil, administrative, or criminal actions as permitted by law. By these provisions, the District does not waive any immunity from liability or limited waiver of such immunity as granted under Florida law. Rather, the District is stating that to the extent the state does not through its laws protect the Protected Parties from liability; it is committed to doing so to the extent described in this Resolution.

SECTION 3. The District may insure itself in order to cover all reasonable costs and fees directly arising out of or in connection with any legal claim or suit which directly results from a decision or act made by a Protected Party while performing the duties and functions of his or her position.

SECTION 4. This Resolution is intended to evidence the District's support of its Supervisors, Officers, employees, certain independent contractors, and committee members who perform acts and render decisions in the good faith performance of their duties and functions. The District will neither support nor defend those actions or omissions committed by an individual outside the scope of his or her office/employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In the event that the District has expended funds to provide an attorney to defend a Protected Party who is found to be personally liable by virtue of actions outside the scope of his or her employment or function, or is found to have acted in bad faith, with malicious purpose, or in a manner exhibiting wanton disregard for human rights, safety, or property, the individual shall be required to reimburse the District for funds so expended. The District may recover such funds in a civil action against such individual.

SECTION 5. The District agrees to pay any final judgment, including fines, penalties, damages, costs, and attorney's fees and costs, arising from any complaint for

damages or injuries suffered as a result of any action or omission of action of any Protected Party as described in Section One (1) of this Resolution, in any civil action or civil rights law suit described in section 111.07, Florida Statutes. If the action arises under section 768.28, Florida Statutes, as a tort claim, the limitations and provisions of that section governing payment shall apply. If the action is a civil rights action arising under 42 U.S.C. § 1983, or similar federal statutes, payment for the full amount of judgment may be made unless the individual has been determined in the final judgment to have caused the harm intentionally. The District agrees to pay any compromise or settlement of any claim or litigation described in this paragraph, provided, however, that the District determines such compromise or settlement to be in the District's best interests.

SECTION 6. Payment of judgments or provision of legal representation pursuant to this Resolution is conditioned on the following as determined in the sole discretion of the District:

- (a) The actions of the Protected Party were within the scope of his or her duties and authority; and
- (b) The acts or omissions of the Protected Party did not constitute bad faith, malicious purpose, intentional infliction of harm, or were not done in a manner exhibiting wanton and willful disregard of human rights, safety, or property; and
- (c) The Protected Party did not receive any financial profit or advantage to which he or she was not legally entitled; and
- (d) A copy of the summons, complaint, notice, demand letter, or other document or pleading in the action, or a letter setting forth the substance of any claim or complaint was delivered to the District Chair, Vice Chair, District Manager, or District Attorney within fourteen (14) calendar days after actual receipt of any such document together with a specific request in writing that the District defend or provide representation for the individual; and
- (e) The Protected Party cooperates continuously and fully with the District in the defense of the action.

SECTION 7. Any indemnification, legal defense, or other protection provided pursuant to this representation shall not extend to:

- (a) Consulting or other outside professional or business activities for which the Protected Party received financial or other material compensation, which are outside the scope of his or her District duties and authority; and
- (b) Any independent contractor for whom defense or indemnification is not authorized pursuant to Section 1(b) of this Resolution; and
- (c) Any fine, penalty, or other punishment imposed as a result of conviction for a criminal offense, and any legal fees and costs incurred to defend criminal prosecution in which a conviction is obtained; and
- (d) Any indemnification or defense prohibited by law.

SECTION 8. In the event legal representation or defense is provided pursuant to this Resolution, the Protected Party may either:

- (a) retain legal counsel appointed by the District, in which case legal counsel shall be paid directly by the District; or
- (b) retain legal counsel chosen by the Protected Party, in which case the District shall have the right to:
 - (i) approve, in advance, any agreement for legal fees or disbursements; and
 - (ii) pay all or part of the legal fees, costs, and other disbursements and to set a maximum for legal fees, costs, and other disbursements; and
 - (iii) direct the defense and settle or compromise the action or claim.

Any monies that may be payable by the District shall be reduced or offset by any court costs or attorneys' fees awarded to the Protected Party.

SECTION 9. The benefits of the policy adopted in this Resolution shall not enlarge the rights that would have been available to any third-party plaintiff or claimant in the absence of this policy.

SECTION 10. This Resolution shall not apply to actions initiated by the District against a Protected Party.

SECTION 11. To the extent permitted by law, this Resolution shall inure to the benefit of the heirs, personal representatives, and estate of the Protected Parties.

SECTION 12. The District reserves the right to change, modify, or withdraw this Resolution in its sole discretion, except as to actions, demands, or other claims based on

acts or omissions which occurred before the effective change, modification, or withdrawal of this Resolution.

SECTION 13. This Resolution shall be effective as of its adoption on the date listed below and shall apply to any acts or omissions occurring after that date.

SECTION 14. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 15. To the extent of any conflict, this Resolution supersedes the terms of any prior Resolution including superseding District Resolution 2005-5.

PASSED AND ADOPTED this 22nd day of March, 2023.

ATTEST:

**BOARD OF SUPERVISORS OF THE
PASEO COMMUNITY DEVELOPMENT
DISTRICT**

Assistant Secretary

Chair

Tab 4



Rizzetta & Company

Professionals in Community Management

3434 Colwell Avenue
Suite 200
Tampa, FL 33614
p: 813.514.0400

rizzetta.com

March 22, 2023

Dear Supervisors:

Rizzetta & Company, Inc. ("Rizzetta") is pleased to submit the scope of services and pricing to the Board of Supervisors of Paseo Community Development District ("District") for an option to add a full time Coordinator or a full time District Manager. The scope of services and associated fee for the Coordinator is detailed below. Likewise, the additional work associated with the increased responsibility for a full time District Manager and the increased fee is also described below.

Based on our understanding of the request, we are proposing the following outline of services to be provided by a full time Coordinator and the proposed impact on the current contract.

COORDINATOR SCOPE OF SERVICES:

1. Weekly inspections documenting items to be addressed with photographs of District Assets, Landscaping Concerns, and or issues to be addressed.
2. Follow Up on Pending Action Items.
3. Assist the District Manager with obtaining estimates for items requested by the Board.
4. Programming and entering of all data for the access control system.
5. Respond to constituents' requests and correspondence.
6. Issue work orders for items to be addressed by Field Manager.
7. Assistance with asset review projects.
8. Programming of transponders and processing of payments received.
9. Creation of District Project List and Action Item List for weekly submittal to the Board.
10. Preparation and Tracking of District Inventory.
11. Preparation of Monthly Board Meeting Agendas.
12. Preparation of Meeting Minutes.
13. Response to emergencies as needed.
14. Correspond with sub associations on District Projects and or items of importance.
15. Preparation and submittal for distribution of notices for residents.
16. Ordering of supplies for the guardhouse and inventory tracking.
17. Review of guardhouse post orders and policies and presentation of procedures to be implemented by the District.
18. Review of daily logs and security reports and submit urgent items to the District Manager for review and action.
19. Attendance at board meetings.
20. Consistently check emails for Manager matters, vendor proposals, etc. Keep clear and open communication with team members at all times.



Rizzetta & Company

Professionals in Community Management

3434 Colwell Avenue
Suite 200
Tampa, FL 33614
p: 813.514.0400

rizzetta.com

21. Communicate with and respond timely to board members.
22. Keep abreast of company and community policies.
23. Prioritize tasks based on urgency.
24. Ad-hoc duties include, but are not limited to, scanning, copying, mailing, filing, storing, assisting administrative assistant when needed, etc.
25. Other job-related duties as assigned.

Based on our understanding of the request, we are proposing the following outline of services to be provided by a full time District Manager and the proposed impact on the current contract.

DISTRICT MANAGER ADDITIONAL SCOPE OF SERVICES:

1. Weekly inspections documenting items to be addressed with photographs of District assets, landscaping concerns, and or issues to be addressed.
2. Programming and entering of all data for the access control system.
3. Issue work orders for items to be addressed by Field Manager.
4. Programming of transponders and processing of payments received.
5. Creation of District Project List and Action Item List for weekly submittal to the Board.
6. Preparation and tracking of District inventory.
7. Correspond with sub associations on District projects and or items of importance.
8. Ordering of supplies for the guardhouse and inventory tracking.
9. Review of guardhouse post orders and policies and presentation of procedures to be implemented by the District.
10. Review of daily logs and security reports and respond to urgent items.
11. Ad-hoc duties include, but are not limited to, scanning, copying, mailing, filing, storing, assisting administrative assistant when needed, etc.
12. Other job-related duties as assigned.

*These services are in addition to the responsibilities the District Manger currently provides, which are outlined below.

- A. Attend and conduct all regularly scheduled and special Board of Supervisors meetings, Landowners' meetings, continued meetings, hearings and workshops. Arrange for time and location and all other necessary logistics for such meetings, hearings, etc.
- B. Ensure compliance with all statutes affecting the district which include but not limited to:



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1. Certify Special District Update Form, submitted to the Special District Information Program, Department of Economic Opportunity each year.
2. Assign and provide Records Management Liaison Officer for reporting to the Department of Library and Archives
3. Provide contact person for the State Commission of Ethics for Financial Disclosure coordination
4. Provide Form 1 Financial Disclosure documents for Board Members
5. Provide Form 1F Financial Disclosure documents for Resigning Board Members.
6. Monitor and supply Form 3A, Interest in Competitive Bid for Public Business as needed
7. Monitor and provide Form 8B, Memorandum of Voting Conflict for the Board.
8. Monitor and provide update on Creation Documents, including Notice of Establishment, to Department of Economic Opportunity and the County.
9. Maintain and file Disclosure of Public Financing and file with Department of Economic Opportunity and each residential developer.
10. Provide for a proposed budget for Board approval on or by June 15 of each fiscal year.
11. Provide copy of approved proposed budget to the County a minimum of 60 days prior to the public hearing on the budget.
 - a. Provide written notice to owners of public hearing on the budget and its related assessments.
12. Provide for the Public Facilities initial report to the County.
13. Provide for annual update on the Public Facilities report to the County.
14. Provide for the five (5) year Public Facilities report, based on reporting period assigned to the County is located in.
15. File name and location of the Registered Agent and Office location annually with Department of Economic Opportunity and the County.
16. Provide for submitting the regular meeting schedule of the Board to County.
17. Provide District Map and update as provided by the District's Engineer as needed to the Department of Economic Opportunity and the County
18. Provide legal description and boundary map as provided by District Engineer to the Supervisor of Elections
19. File request letter to the Supervisor of Election of the County for number of registered voters as of April 15, each year.



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20. Provide for public records announcement and file document of registered voter data each June.
 21. Update Board Member names, positions and contact information to the State Commission on Ethics annually.
 22. Certify and file the Form DR 421, Truth in Millage Document with the Department of Revenue each tax year.
 23. Properly notice all public meetings, in accordance with the appropriate Florida Statutes, including but not limited to, public hearings on assessments, the budget, establishment of rates, fees, or charges, rulemaking, uniform method of collection, and all other required notices of meetings, hearings and workshops.
 - a. Provide for the appropriate ad templates and language for each of the above.
 24. Provide for instruction to Landowners on the Election Process and forms, etc.
 25. Respond to Bond Holders Requests for Information.
- C. Assist in the negotiation of contracts, as directed by the Board of Supervisors.
- D. Advise the Board on the status of negotiations as well as contract provisions and their impacts on the District.
- E. Make recommendations on contract approval, rejection, amendment, renewal, and cancellation. In advance of expiration of contracts, advise the Board as to need for renewal or additional procurement activities and implement same.
- F. Monitor certificates of insurance as needed per contracts.
- G. Answer Project Status Inquiries from Contractors Bonding Companies.
- H. Provide an office location to handle and respond to written, phone or e-mail inquires from the public.

Tab 5

PASEO COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913
Mailing Address - 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.paseocdd.org

Operation and Maintenance Expenditures January 2023 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from January 1, 2023 through January 31, 2023. This does not include expenditures previously approved by the Board.

The total items being presented: **\$355,829.33**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Paseo Community Development District

Paid Operation & Maintenance Expenditures

January 1, 2023 Through January 31, 2023

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Advancetek Services, Inc.	100155	221006-01	Final Payment 12/22	\$ 2,060.00
Barraco and Associates, Inc.	100187	25223	Engineering Services 12/22	\$ 2,643.75
CenturyLink		311416420 01/23 Auto Pay	Telephone Service 01/23	\$ 542.78
CenturyLink	100151	311416420 6/11	Telephone Service 12/22	\$ 551.50
City of Fort Myers	100177	1-015317-00 12/22.	Compactor 11604 Paseo Grande Blvd 12/22	\$ 5,006.96
CNB Mechanical Inc	100156	262	A/C Preventative Maintenance 12/22	\$ 855.00
Crystal Clean Inc.	100192	4743	Cleaning Services 05/22	\$ 867.88
Crystal Clean Inc.	100192	5119	Cleaning Services 08/22	\$ 917.30
Crystal Clean Inc.	100192	5181	Cleaning Services 09/22	\$ 917.30
Crystal Clean Inc.	100192	5337	Cleaning Services 10/22	\$ 867.00
Crystal Clean Inc.	100192	5463	Cleaning Services 11/22	\$ 1,123.10
Crystal Clean Inc.	100192	5584	Cleaning Services 12/22	\$ 1,099.55
Crystal Clean Inc.	100192	N5697	Cleaning Services 01/23	\$ 899.00

Paseo Community Development District

Paid Operation & Maintenance Expenditures

January 1, 2023 Through January 31, 2023

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
David W Cabell	100193	DC012523	Board of Supervisors Meeting 01/25/23	\$ 200.00
Debra Johnson	100194	DJ012523	Board of Supervisors Meeting 01/25/23	\$ 200.00
Earth Tech Environmental, LLC	100185	8865	Semiannual Preserve Maintenance 12/22	\$ 9,700.00
Florida Department of Revenue	100181	Sales Tax 46-8015667667-	Sales Tax 12/22	\$ 200.18
Florida Power & Light Company	100186	FPL Summary 12/22	FPL Summary 12/22	\$ 11,547.90
Hands Free Security, LLC	100157	1368051	Entrance Gate Service Call 12/22	\$ 148.49
Hands Free Security, LLC	100158	1368052	Gate Service Call 12/22	\$ 190.45
Hands Free Security, LLC	100188	1368316	Proximity Cards 01/23	\$ 2,006.76
HomeTeam Pest Defense, Inc.	100159	89448008	Rodent Service 12/22	\$ 30.00
Hoover Pumping Systems Corp.	100173	168429	Irrigation Pump System South Station Replacement	\$ 123,759.50
Hotwire Communications, LTD	100178	30210660 1/23	Cable Services 01/23	\$ 229.99
Ian Y Noy	100195	IN012523	Board of Supervisors Meeting 01/25/23	\$ 200.00
Johnson Engineering, Inc.	100160	20097877-021-15	WUP Compliance Monitoring Svcs Through 12/11/22	\$ 800.00

Paseo Community Development District

Paid Operation & Maintenance Expenditures

January 1, 2023 Through January 31, 2023

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Johnson Engineering, Inc.	100161	20097877-023-03	WUP Compliance Monitoring Svcs Through 12/11/22	\$ 1,148.80
Johnson Engineering, Inc.	100162	20225206-000-01	WUP Compliance Monitoring Svcs Through 12/11/22	\$ 5,352.50
Johnson Engineering, Inc.	100189	20225206-000-02	WUP Compliance Monitoring Svcs Through 01/15/23	\$ 187.50
Pinnacle Landscapes, Inc.	100182	14605	Landscape Maintenance 10/22	\$ 25,568.50
Pinnacle Landscapes, Inc.	100183	14679	Hurricane Ian Clean Up 11/22	\$ 2,995.00
Pinnacle Landscapes, Inc.	100164	14815	General Monthly Maintenance 12/22	\$ 26,988.50
Pinnacle Landscapes, Inc.	100165	14847	Irrigation Repairs 12/22	\$ 2,718.50
Pinnacle Landscapes, Inc.	100163	14848	Winter Annuals Installation 12/22	\$ 3,920.00
Rizzetta & Company, Inc.	100154	INV0000074338	Excess Meeting Time 12/22	\$ 153.21
Rizzetta & Company, Inc.	100152	INV0000074667	District Management Fees 01/23	\$ 7,499.84
Rizzetta & Company, Inc.	100153	INV0000074780	Personnel Reimbursement 01/23	\$ 15.76
Rizzetta & Company, Inc.	100176	INV0000074875	Annual Dissemination Services 01/23	\$ 5,000.00
Rizzetta & Company, Inc.	100175	INV0000074944	Personnel Reimbursement 01/23	\$ 850.00

Paseo Community Development District

Paid Operation & Maintenance Expenditures

January 1, 2023 Through January 31, 2023

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Sharon E. Schulman	100196	SS012523	Board of Supervisors Meeting 01/25/23	\$ 200.00
South Florida Water Managemen	100191	011923 SFWMD	Water Use Permit No.36-04092-W	\$ 1,000.00
Spectrum Nightscapes, LLC	100166	1091	Pathlight and Transformer 12/22	\$ 74,713.75
Spectrum Nightscapes, LLC	100179	1098	Vandalism Repairs 01/23	\$ 750.00
Steven A. Brown-Cestero	100197	SB012523	Board of Supervisors Meeting 01/25/23	\$ 200.00
Suntech Electrical Contractors, In	100174	5484-73	Irrigation Repairs 12/22	\$ 549.00
Superior Waterway Services, Inc.	100167	84632	Fountain Repair 12/22	\$ 4,890.31
Superior Waterway Services, Inc.	100168	84635	Fountain Repair 12/22	\$ 1,460.00
TEM Systems, Inc.	100170	INV25763	GateHouse Equipment Service Call 12/22	\$ 1,372.50
TEM Systems, Inc.	100169	INV25765	GateHouse Equipment Service Call 12/22	\$ 187.50
TEM Systems, Inc.	100190	INV25793	GateHouse Cloud - Monthly Fee 02/23 - 04/23	\$ 1,740.00
Tower Compactor Rentals, LLC	100150	RENTAL-23-01122	Trash Compactor 01/23	\$ 333.90
Weiser Security Services, Inc	100172	1092785	Guard Weekly Billing 12/09/22-12/15/22	\$ 3,597.55

Paseo Community Development District

Paid Operation & Maintenance Expenditures

January 1, 2023 Through January 31, 2023

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Weiser Security Services, Inc	100171	1093536	Guard Weekly Billing 12/16/22-12/22/22	\$ 3,596.16
Weiser Security Services, Inc	100180	1095030	Guard Weekly Billing 12/23/22-12/29/22	\$ 3,836.96
Weiser Security Services, Inc	100184	1095386	Guard Weekly Billing 12/30/22-01/05/23	\$ 3,809.68
Weiser Security Services, Inc	100198	1096502	Guard Weekly Billing 01/06/23- 01/12/23	<u>\$ 3,629.52</u>
Report Total				<u>\$ 355,829.33</u>

PASEO COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913
Mailing Address - 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.paseocdd.org

Operation and Maintenance Expenditures February 2023 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from February 1, 2023 through February 28, 2023. This does not include expenditures previously approved by the Board.

The total items being presented: **\$127,672.04**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

**Paseo Community Development
District
Check Register**

Company Name: Paseo Community Development District
Report Name: Check Register
Created on: 03/09/2023
Location: 300--Paseo

300TRUISTOP	Account	Payment da	Vendor name	Document/check	Payment Amount
	300TRUISTOP	02/22/2023	Barraco and Associates, Inc.	100214	\$3,428.75
	300TRUISTOP	02/22/2023	City of Fort Myers	100215	\$5,452.25
	300TRUISTOP	02/22/2023	Earth Tech Environmental, LLC	100216	\$19,500.00
	300TRUISTOP	02/22/2023	Florida Power & Light Company	100217	\$10,793.90
	300TRUISTOP	02/22/2023	Fusion Welding of SWFL, Inc.	100218	\$19,430.00
	300TRUISTOP	02/09/2023	Hands Free Security, LLC	100203	\$2,006.76
	300TRUISTOP	02/26/2023	HomeTeam Pest Defense, Inc.	100227	\$40.00
	300TRUISTOP	02/22/2023	Hotwire Communications, LTD	100219	\$229.99
	300TRUISTOP	02/22/2023	Johnson Engineering, Inc.	100220	\$1,055.00
	300TRUISTOP	02/21/2023	Monster Builders LLC	100210	\$5,350.00
	300TRUISTOP	02/02/2023	Persson, Cohen & Mooney, P.A.	100199	\$3,820.07
	300TRUISTOP	02/22/2023	Persson, Cohen & Mooney, P.A.	100221	\$7,206.59
	300TRUISTOP	02/07/2023	Pinnacle Landscapes, Inc.	100202	\$838.00
	300TRUISTOP	02/22/2023	Pinnacle Landscapes, Inc.	100222	\$350.00
	300TRUISTOP	02/14/2023	Pinnacle Pest Management Services, Inc.	100206	\$67.41
	300TRUISTOP	02/22/2023	Provencia at Paseo	100223	\$1,965.00
	300TRUISTOP	02/07/2023	Rizzetta & Company, Inc.	100201	\$7,499.84
	300TRUISTOP	02/16/2023	Rizzetta & Company, Inc.	100208	\$252.35
	300TRUISTOP	02/20/2023	Rizzetta & Company, Inc.	100209	\$1,767.04
	300TRUISTOP	02/22/2023	Rizzetta & Company, Inc.	100212	\$32.86
	300TRUISTOP	02/22/2023	Rizzetta & Company, Inc.	100213	\$2,242.58
	300TRUISTOP	02/02/2023	Solitude Lake Management, LLC	100200	\$2,841.67
	300TRUISTOP	02/28/2023	Solitude Lake Management, LLC	100228	\$2,841.67
	300TRUISTOP	02/22/2023	Suntech Electrical Contractors, Inc.	100224	\$1,330.00
	300TRUISTOP	02/09/2023	Tower Compactor Rentals, LLC	100204	\$333.90
	300TRUISTOP	02/14/2023	Trimmers Holiday Décor, Inc. - Naples	100207	\$5,000.00
	300TRUISTOP	02/22/2023	U.S. Bank	100225	\$4,040.63
	300TRUISTOP	02/21/2023	Weiser Security Services, Inc	100211	\$3,596.16
	300TRUISTOP	02/22/2023	Weiser Security Services, Inc	100226	<u>\$14,359.62</u>
					<u>\$127,672.04</u>

**Paseo Community Development
District
Debit Card Report**

Company Name: Paseo Community Development District
Report Name: Debit Card Report
Created on: 03/09/2023
Location: 300--Paseo

	Location name	Date	Account	Account title	Record type	Transaction amount
10201-300						
	300 General Fund	02/23/2023	10201-300	Cash-Truist Clubhouse Debit Card Account - Paseo	Funds transfer	2,067.20
	Sum for 10201-300					2,067.20
	Sum Total					2,067.20

Tab 6

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, 2023 at 10:00 a.m.** at the Paseo Village Center, located at 1611 Paseo Grande Boulevard, Fort Myers, Florida 33912.

Present and constituting a quorum:

Steven Brown	Board Supervisor, Chairman
Sharon Schulman	Board Supervisor, Vice Chair
David Cabell	Board Supervisor, Assistant Secretary (via Teams)
Debra Johnson	Board Supervisor, Assistant Secretary
Ian Noy	Board Supervisor, Assistant Secretary

Also present were:

Belinda Blandon	District Manager, Rizzetta & Company, Inc.
Andrew Cohen	District Counsel Persson, Cohen, Mooney, Fernandez & Jackson, P.A.
Doug Tarn	District Engineer, Barraco & Associates, Inc.
John Fowler	Landscape Inspection Services, Rizzetta & Company, Inc.
Joe Green	Pinnacle Landscapes
Evan Fey	Pinnacle Landscapes
Rodrigo Bettini	Public Trust Advisors (via Teams)
Matt Tight	Public Trust Advisors (via Teams)
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

On a Motion by Mr. Brown, seconded by Mr. Noy, with all in favor, the Board Approved Mr. Cabell to Participate in the Meeting and Vote via Teams, for the Paseo Community Development District.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Brown opened the floor to public comments.

44 Mr. Buchinski addressed the Board regarding the investment resolution, hog fencing,
45 and the methodology expert.
46

47 Ms. Gooderham thanked the Board for their time and effort. She further spoke
48 regarding replanting of trees lost in the hurricane and communication amongst the various
49 entities within Paseo.
50

51 **THIRD ORDER OF BUSINESS**

**Sunshine Law and Ethics Refresher by
District Counsel**

52
53
54 Mr. Cohen provided an update to the Board regarding Sunshine Laws and ethics
55 considerations. He advised that the Paseo CDD Board does have directors and officers
56 insurance as well as a Special Defense resolution which can protect Board members when
57 acting within fiduciary duties. Mr. Brown recommended reviewing the Special Defense
58 resolution for any necessary updates. Mr. Noy asked if Mr. Cohen planned to respond to the
59 legal letter received. Mr. Cohen advised that he did not plan to respond unless directed to
60 do so by the Board. Mr. Cabell advised that he has no axe to grind with any vendor and he
61 welcomes competition and free market; he advised that he is looking for the best value for
62 the district.
63

64 **FOURTH ORDER OF BUSINESS**

**District Engineer Staff Report, Review
and Discussion Regarding Asset
Report**

65
66
67
68 Mr. Brown recommended tabling the discussion regarding the Asset Report. Mr.
69 Cabell advised that he would like input from the District Engineer as to how the priority level
70 is determined. Mr. Tarn advised that the sidewalk field review was conducted prior to the
71 hurricane and so there is more damage than is captured within the report. Ms. Blandon
72 advised that any sidewalks damaged by the hurricane should be reported to FEMA and a
73 re-review of the sidewalks should be completed along with estimates for the repairs. Mr.
74 Tarn recommended reaching out to Curb King for pricing; he further advised that he will re-
75 review the sidewalks to ensure that all damages are captured.
76

77 Mr. Tarn advised that the third bidder for the perimeter fencing has declined to bid
78 and so he has reached out to a fourth vendor who is interested in providing a bid. He advised
79 that he reviewed the stone façade, and it is not a concern related to the South Florida Water
80 Management District permit. Mr. Noy inquired as to whether Mr. Tarn will continue to report
81 on the fencing proposals until such time that a vendor is selected. Mr. Tarn advised that he
82 is hopeful that a third proposal will be received prior to the next meeting. Discussion ensued
83 regarding financing of the fencing project. Mr. Cohen reviewed the provisions for issuing and
84 validating bonds. Ms. Blandon was asked to invite FMS Bonds to the next meeting. Mr. Tarn
85 advised that he will obtain pricing, including contingency, for the curb and sidewalk repairs.
86 Discussion ensued.
87

88 Mr. Tarn advised that South Florida Water Management District should have little to
89 no involvement in the fencing project as long as the fence remains on District property.
90

91 **FIFTH ORDER OF BUSINESS** **Discussion and Consideration of FL**
92 **CLASS Fund Investment**
93

94 Mr. Bettini of Public Trust Advisors provided an update related to the FL CLASS fund
95 investment. He introduced Mr. Matt Tight of Public Trust Advisors who has been involved in
96 the fund since its inception.
97

98 **SIXTH ORDER OF BUSINESS** **Consideration of Resolution 2023-02,**
99 **Authorizing the Investment of District**
100 **Funds**
101

102 Mr. Cohen provided an overview of the updated resolution related to the
103 investment of District funds and clarified changes that have been made since the initial
104 draft resolution was presented. Discussion ensued. Mr. Cabell recommended adding a
105 provision that the Chair or Vice Chair notify the remainder of the Board of any large
106 transfers. Mr. Noy recommended distinguishing between notifying the Board about
107 transfers either into or out of the fund. Discussion ensued.
108

On a Motion by Mr. Brown, seconded by Ms. Schulman, with all in favor, the Board Adopted Resolution 2023-02, Authorizing the Investment of District Funds, Subject to Updating of Verbiage of Section 4 as Stated on the Record, for the Paseo Community Development District.

109
110 Mr. Cohen advised that the Board needs to discuss what if anything to do with FL
111 CLASS fund. Discussion ensued. Mr. Tight provided a detailed overview of the FL CLASS
112 fund. Further Board discussion ensued.
113

On a Motion by Mr. Brown, seconded by Ms. Johnson, with all in favor, the Board Authorized Moving Funds to FL CLASS Fund Investment, for the Paseo Community Development District.

114 **SEVENTH ORDER OF BUSINESS** **Review of February 3, 2023 Field**
115 **Inspection Report**
116
117

118 Mr. Fowler provided an overview of the February 3, 2023 inspection report; he
119 advised that Mr. Cabell will join him on the next inspection, March 3, 2023. Mr. Cabell
120 thanked Mr. Fowler for the report. Ms. Johnson advised of some dry patches that are in
121 need of irrigation. She further advised that there are twelve items left over from the
122 January report to be addressed. Mr. Noy asked if Mr. Fowler follows up on previous
123 reports to ensure that items are completed. Mr. Fowler confirmed.
124

125 **EIGHTH ORDER OF BUSINESS** **Discussion and Consideration of**
126 **Mulch Specifications**
127

128 Ms. Johnson acknowledged the amount of work that went into the original mulch
129 specification. She reviewed her recommended changes to the specification. Mr. Brown

130 thanked Ms. Johnson for the work that she did and recommended not identifying a specific
131 mulch but rather state “approved mulch as per specifications”. Mr. Noy recommended
132 obtaining pricing per number of bags. Ms. Johnson advised that mulch is measured in
133 cubic yards. Discussion ensued.
134

135 On a Motion by Mr. Brown, seconded by Ms. Johnson, with all in favor, the Board Approved
136 the Mulch Specifications, Subject to Amendment on the Record, and Authorized Staff to
137 Utilize the Specifications to Bid the Next Mulch Installation, for the Paseo Community
138 Development District.

139
140 **NINTH ORDER OF BUSINESS**

**Discussion Regarding Landscaping
Replacements and Proposals for
Work Outside of contracted Scope**

141
142
143
144 Ms. Bandon advised that Pinnacle has pulled all of their proposals and will not bid
145 any outside of contract work. Mr. Fey clarified that Pinnacle will bid in the future. Ms.
146 Bandon advised that she will reach out to Mr. Dudley for further clarification.
147

148 **TENTH ORDER OF BUSINESS**

**Discussion and Consideration of
Proposals for Pump Station Plantings**

149
150
151 Ms. Bandon advised that proposals have been received although the proposals
152 did not seem comparative. Mr. Fowler reviewed the proposals for the Board and
153 recommended checking the health of the plants for the lower bid. Discussion ensued.
154

155 On a Motion by Mr. Noy, seconded by Ms. Johnson, with four in favor and one opposed,
156 the Board Approved Ameriscape Proposal for Pump Station Plantings, Subject to
157 Preparation of an Agreement by Counsel, for the Paseo Community Development District.

158
159 **ELEVENTH ORDER OF BUSINESS**

**Discussion Regarding Phase 3 of Oak
Tree Replacement Project**

160
161
162 Mr. Brown advised that based on current finances, he recommends postponing
163 this project for at least a year and if the Board should move forward with any portion, it
164 should be only the removal of oaks that could be potential fodder for the hogs. Discussion
165 ensued regarding removing 41 trees: 14 on Bibiana, 7 on Tulio, 8 on Palba, and 12 on
166 Nalda. Mr. Brown recommended obtaining a quote for the removal of the listed trees.
167

168 **TWELFTH ORDER OF BUSINESS**

**Update on Deciduous Tree
Replacement Project at Rear of
Homes**

169
170
171
172 Ms. Johnson advised that she has completed her research on recommended trees,
173 and she would now like to schedule a site visit with Rizzetta to review. Ms. Bandon asked
174 Mr. Fowler to provide his schedule in order to coordinate an onsite meeting with Ms.
175 Johnson.

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THIRTEENTH ORDER OF BUSINESS **Consideration of Premier Pressure Cleaning Proposal**

Ms. Blandon reviewed the Premier Pressure Cleaning proposal and advised that she will coordinate with Ms. Vandernack for work in the condo areas. Ms. Blandon advised that she will obtain additional proposals for the work. Ms. Blandon advised that street sweeping will be scheduled one week prior to pressure washing. Mr. Brown asked that the Condo Association remove materials from one curb cut out on the west side of Bibiana and four curb cut outs on the east side of Bibiana as those have not been cleaned in many years and two need to be repaired. He further asked that the work be inspected by the Field Manager as it is done prior to issuing payment. Mr. Cabell advised that there is still time to obtain an additional proposal.

On a Motion by Mr. Noy, seconded by Ms. Schulman, with four in favor and one opposed, the Board Dispensed of the Requirement for Three Bids for this Particular Project, and Approved the Premier Pressure Washing Proposal, Subject to Preparation of an Agreement by Counsel, for the Paseo Community Development District.

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FOURTEENTH ORDER OF BUSINESS **Discussion Regarding Vendor Processes and Staff Direction**

Ms. Blandon advised that Supervisors should contact her should correspondence need to be sent, or direction given, to a vendor.

FIFTEENTH ORDER OF BUSINESS **Discussion Regarding Rizzetta Proposal Regarding District Management Team Hours**

Mr. Brown advised that he requested a proposal for additional hours for the District Management team and the proposal received does not cover what was asked and so he asked to table this discussion until the next meeting to allow him time to review the proposal with Rizzetta. Discussion ensued.

SIXTEENTH ORDER OF BUSINESS **Consideration of the Minutes of the Board of Supervisors' Meeting held on January 25, 2023**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on January 25, 2023 and asked if there were any questions, comments, or changes to the minutes as presented. There were none.

On a Motion by Mr. Brown, seconded by Ms. Johnson, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on January 25, 2023, for the Paseo Community Development District.

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SEVENTEENTH ORDER OF BUSINESS Staff Reports

- A. District Counsel
Mr. Cohen advised that he received a response to the letter sent regarding vandalism of the pathway lighting and the homeowner has denied responsibility. The Board decided not to pursue the issue any further.

- B. District Manager
Ms. Bandon reviewed another vandalism issue; she advised that Mr. Siciliano has made the necessary repairs.

Ms. Bandon advised that the next meeting of the Board of Supervisors is scheduled for Wednesday, March 22, 2023 at 10:00 a.m.

Ms. Bandon provided an update regarding the FEMA process and responded to questions from the Board.

EIGHTEENTH ORDER OF BUSINESS Supervisor Requests and Audience Questions

- Ms. Bandon opened the floor to Supervisor requests.

- Mr. Brown spoke regarding installing cameras at the multi-use path; he spoke of the concerns related to lack of power at the multi-use path.

- Mr. Brown asked that the Board allow Staff to begin repairs to the Village Center sidewalk.

On a Motion by Mr. Brown, seconded by Ms. Schulman, with all in favor, the Board Approved Repairs to the Village Center Sidewalk, Not to Exceed \$20,000, Subject to Preparation of an Agreement by Counsel, for the Paseo Community Development District.

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- Mr. Brown spoke regarding the decline in hog damage; he advised that sod is typically not replaced during dry season, so sod replacements would take place in the April/May timeframe.

- Mr. Brown advised that residents have asked to hold evening meetings once a quarter or once every other quarter. Discussion ensued.

252 Ms. Johnson advised that she would like to have the Pinnacle proposal for circular
253 tree rings on the next agenda.

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255 **NINETEENTH ORDER OF BUSINESS** **Adjournment**

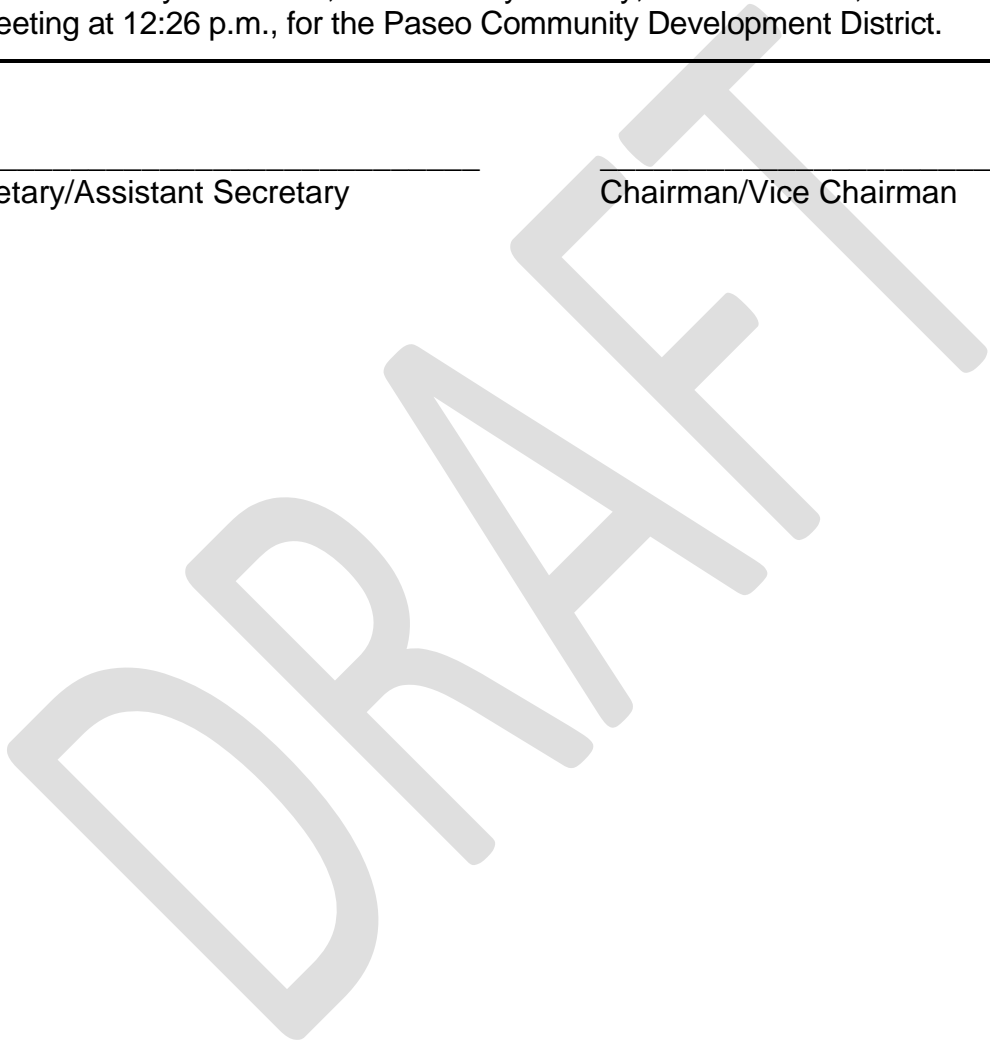
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257 Ms. Blandon advised there was no further business to come before the Board and
258 asked for a motion to adjourn the meeting.

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On a Motion by Mr. Brown, seconded by Mr. Noy, with all in favor, the Board adjourned the meeting at 12:26 p.m., for the Paseo Community Development District.
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_____	_____
Secretary/Assistant Secretary	Chairman/Vice Chairman



Tab 7



Rizzetta & Company

UPCOMING DATES TO REMEMBER

- **Next Meeting:** April 26, 2023
- **FY 2021-2022 Audit Completion Deadline:** June 2023
- **Next Election (Seats 3 & 4):** November 5, 2024

**District
Manager's
Report**

March 14

2023

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<u>FINANCIAL SUMMARY</u>		<u>2/28/2023</u>
General Fund Cash & Investment Balance:		\$1,415,404
Reserve Fund Investment Balance:		\$493,659
Debt Service Fund Investment Balance:		\$1,093,053
Total Cash and Investment Balances:		\$3,002,116
General Fund Expense Variance:	\$24,644	Over budget



FEMA Update – FEMA has been reorganizing its teams. The 2nd Program Delivery Manager is no longer in place and we are still pending re assignment of a new team. This has been unfortunate and disappointing as we need to complete the damage inventory. In the interim we have completed the following:

1. Update of Damage Inventory
2. Registration for a Unique Entity Identification Number as required for submittal of the funding agreement.
3. Registration on [MyFloridaMarketPlace](#) website.

In addition, we have submitted all costs information to the assigned insurance adjuster. During the meeting the District Manager will review the expenses year to date for Hurricane Recovery.

FL Class Transfer – Fund transfers have been completed.

Pump Station Plantings – Ameriscape has completed the pump station plantings.





Lake # 19 – We received a complaint from a homeowner regarding the growth of the spikerush on the lake. The homeowner is complaining that the littorals are taking over the lake. These plants are beneficial to the lake banks. DM will discuss this with the Board at the meeting.



Rizzetta & Company

