

VILLAGE COUNCIL SPECIAL MEETING OF SEPTEMBER 23, 2015

The Village of Estero Council Special Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Mayor Nick Batos - District 6, Vice-Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Peter Lombardi, Village Attorney Burt Saunders, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Mayor Batos called the meeting to order at 10:00 a.m.

2. PLEDGE OF ALLEGIANCE

Mayor Batos led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present.

4. APPROVAL OF AGENDA

Councilmember Errington moved approval of the agenda with a revision to the agenda by moving agenda item 5 (A) from the Council Workshop agenda as agenda item 5 (H) to this agenda, seconded by Councilmember Brown, called and carried unanimously.

5. COUNCIL BUSINESS

(A) Presentation: Suzanne Bradach – Progress with the Lee Memorial Health System at Coconut Point expansion

Suzanne Bradach, Director, Special Projects, Lee Memorial Health System, through a PowerPoint presentation, provided background information; vision and services for Coconut Point; team and commitment, including design and construction management team; new campus master plan and phase one multi-specialty building; maintaining communication and local community engagement; project schedule; and more to come: Bonita Bay Lifestyle Center; Healthy Life Center at Coconut Point Mall.

Council discussion followed.

Mayor Batos called for public comment and no one came forward.

(B) Resolution No. 2015-55 A Resolution of the Village Council of the Village of Estero Florida Approving a Contract with Calvin, Giordano & Associates, Inc., to Provide Community Development Services to the Village of Estero; Authorizing the Village Mayor to Execute the Agreement; Authorizing the Village Manager to Expend Funds on Behalf of the Village; and Providing an Effective Date (Vice Mayor Levitan)

The resolution title was read by the Village Clerk.

Vice Mayor Levitan provided information regarding revisions. Through a PowerPoint presentation, he provided an explanation of how the amounts were derived in the contract, along with services included; fixed fee costs; estimated labor costs; labor multiplier; fixed fee calculation; comparison to Lee County proposal; fee revenue estimates; building services/IT fees; revenue estimate for other services; and other factors.

Council discussion followed regarding recovering fees; number of staff that would be located in Estero; impact fees; parcel inventory; redevelopment; and IT services.

Mayor Batos called for public comment and no one came forward.

Councilmember Ribble moved to adopt Resolution No. 2015-55, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

(C) First Reading: Ordinance No. 2015-12 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing the Village of Estero Community Development Department; Providing a Severability Clause; Repealing and Rescinding all Ordinances in Conflict; and Providing an Effective Date (Vice Mayor Levitan)

The ordinance title was read by the Village Clerk. Vice Mayor Levitan provided an explanation of the ordinance and indicated that the Village was required to create departments by ordinance. He addressed notice to Lee County and suggested that the Village collect fees immediately. He stated he believed that additional language was needed in Section 5 regarding effective date, to revise Section 5 to read: "This Ordinance shall be effective immediately upon adoption on second reading. Upon the effective date, all applications filed pursuant to the Land Development Code for properties within the boundaries of the Village of Estero shall be filed with the Estero Community Development Department." Mayor Batos inquired whether there were any objections to the revision; none were noted.

Mayor Batos called for public comment and no one came forward.

Councilmember Ribble moved to approve first reading of Ordinance No. 2015-12 with the revision to Section 5, seconded by Councilmember Wilson, called and carried unanimously through a roll call vote.

- (D) First Reading: Ordinance No. 2015-13 An Ordinance of the Village Council of the Village of Estero, Florida, Providing for the Recovery of Professional Fees and Costs and Village Staff Costs for the Review of Certain Enumerated Development Applications and Procedures Therefore; Providing for Fixed Fees for the Village Review of Certain Enumerated Development Applications; Providing for Payment of Cost Recovery and Fixed Fees; Providing for Conflicts; Providing a Severability Clause; and Providing an Effective Date (Vice Mayor Levitan)**

The ordinance title was read by the Village Clerk. Vice Mayor Levitan provided an explanation of the ordinance and indicated that a fee schedule would follow with a resolution on the October 7, 2015 Council agenda.

Mayor Batos called for public comment and no one came forward.

Councilmember Errington moved to approve first reading of Ordinance No. 2015-13, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

- (E) First Reading: Ordinance No. 2015-14 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting Chapter 162, Florida Statutes, Providing for Municipal Code Enforcement; Establishing Enforcement Procedures and Authorities; Amending Conflicting Provisions of Code; Providing for Codification; Providing for Conflict with other Ordinances; Providing for Severability; and Providing for an Effective Date (Vice Mayor Levitan)**

The ordinance title was read by the Village Clerk.

Mayor Batos called for public comment and no one came forward.

Councilmember Ribble moved to approve first reading of Ordinance No. 2015-14, seconded by Councilmember Brown. Discussion of the motion followed. Vice Mayor Levitan believed that there may be revisions to the ordinance prior to second reading. The motion was called and carried unanimously through a roll call vote.

- (F) Second Reading and Public Hearing: Ordinance No. 2015-11 An Emergency Ordinance of the Village of Estero, Florida, Repealing Village of Estero Ordinance 2015-08, Declaring an Emergency; Amending Village of Estero Land Development Code Chapters 6 & 10 to Adopt Flood Hazard Maps, Designate a Floodplain Administrator, Adopt Procedures and Criteria for Development in Flood Hazard Areas, and for Other Purposes; Adopt Technical Amendments to the Florida Building Code; Provide for Conflicts of Law, Severability, Codification and Scriveners Errors, Modifications that may arise from Consideration at Public Hearing and an Effective Date (Village Attorney)**

The ordinance title was read by the Village Clerk. The public hearing was opened.

Village Attorney Saunders provided an explanation of the ordinance and the reason for the emergency language.

Mayor Batos called for public comment, no one came forward, and the public hearing was closed.

Councilmember Ribble moved to declare an emergency and adopt Ordinance No. 2015-11, seconded by Councilmember Errington, called and carried through a roll call vote.

(G) Resolution No. 2015-67 A Resolution of the Village Council of the Village of Estero Florida Establishing Meeting Dates, Time, and Location for Meetings and Workshops of the Village of Estero for 2016

The resolution title was read by the Village Clerk. Village Manager Lombardi referred to the schedule, noted the dates that the Fire District meeting room would not be available for use, and noted the dates providing for a summer break as well as Thanksgiving and Christmas. Discussion followed regarding reserving the room at the Estero Recreation Center to accommodate the meetings when the Fire District meeting room was not available. It was also noted that all meetings would begin at 10:00 a.m.

Mayor Batos called for public comment and no one came forward.

Councilmember Wilson moved to adopt Resolution No. 2015-67, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote.

(H) Short-term Lease with The Brooks Executive Suites for Community Development Department Offices (Councilmember Ribble)

Councilmember Ribble provided background information regarding the lease, noting that the property location was 9990 Coconut Road; the lease would cover 7 offices; however, there was room for expansion. Village Manager Lombardi spoke to the specifics of the lease. Discussion followed regarding computer servers; the automatic 6-month renewal of the lease; and Monday through Friday use of the building.

Village Attorney Saunders stated that, in terms of approval of the lease, a motion to adopt a resolution to approve the lease would be needed. Village Attorney Saunders noted that he would prepare a simple resolution for the Mayor's signature that would be dated today. Regarding the renewal of the lease, he stated that it would be advisable to suggest a change to the language indicating a month-to-month lease after the 6-month term to avoid confusion. Discussion ensued regarding changing the begin date of the lease from September 1, 2015 to October 1, 2015, running through March 31, 2016. Village Attorney Saunders added that wording would be added that if the lease was terminated by the Village, the Village would then be on a month to month lease.

Mayor Batos called for public comment and no one came forward.

Vice Mayor Levitan moved to approve a resolution that will be drawn up this afternoon to be signed by the Mayor as well as approving the Mayor's signature on the lease, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

6. PUBLIC INPUT ON NON-AGENDA ITEMS

Mayor Batos called for public input on any issue and no one came forward.

7. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

None.

8. VILLAGE MANAGER'S COMMENTS

None.

9. VILLAGE ATTORNEY'S COMMENTS

None.

10. ADJOURN

Mayor Batos adjourned the meeting at 11:50 a.m. and noted that the Workshop would follow.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Kathy Hall, MMC
Village Clerk

Nicholas Batos
Mayor