

VILLAGE COUNCIL WORKSHOP MEETING OF APRIL 7, 2015

The Village of Estero Council Workshop meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

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

CALL TO ORDER:

Mayor Batos called the meeting to order at 10:00 am, followed by the Pledge of Allegiance to the flag.

ROLL CALL:

Interim Village Manager Peter Lombardi called the roll. All Council members were present.

AGENDA CHANGES:

Mayor Batos announced that:

Item 4(D) will be removed from today's agenda because it was taken up on yesterday's agenda.

Two items will be added to the COUNCIL BUSINESS agenda:

1. Report on the Consultants Competitive Negotiations Act, which the Interim Village Attorney Burt Saunders was asked to provide today.
2. Discussion of process to be used for Friday's workshop to interview candidates for the two committees.

Items 4(A), 4(B), and 4(C) will be treated as one item; and public comment will be requested at the end of the presentations.

COUNCIL BUSINESS:

1. Report on the Consultants Competitive Negotiations Act (F.S. 287.055, copy on file)

Interim Village Attorney Burt Saunders reported that he had reviewed the Act; looked at case law; and communicated with Bill Spikowski regarding the actual work to be done by the architect who would be working with Mr. Spikowski. He asserted that the Act does not apply because the individual will not be doing architectural work. In response to Mr. Boesch's questions, Attorney Saunders stated that the County policy for competitive negotiations for contracts over \$100,000.00 is not required by ordinance; and that there should be no potential lawsuit over awarding this contract. Brief discussion of the transition cash flow followed, and Attorney Saunders noted that a SunTrust representative would be available later to obtain signatures for the line-of-credit documents. The Mayor called for public input; however, no one came forward.

4(A) DISCUSSION – Nancy Stroud Proposal for the Village of Estero Planning Initiative

4(B) DISCUSSION – Spikowski Planning Associates Proposal for Professional Planning Services

4(C) DISCUSSION – Community Planning Initiative Final Report

(Copies of these documents are available on the Village of Estero website: www.villageofesterofl.org)

Vice-Mayor Levitan briefly provided background on the previous planning contract, between the Estero Council of Community Leaders (ECCL) and Seth Harry and Associates, for revisions to the Estero Community Plan, a part of the Lee County Comprehensive Plan, which is now the Village's Transitional Comprehensive Plan. He noted that a plan was developed for approximately 1,000 acres of vacant land; and that the ultimate result is the "Community Planning Initiative Final Report", dated January 2015, to be considered today. Also to be considered are proposals from Bill Spikowski (Spikowski Planning Associates) for professional planning services, and from Special Zoning Counsel Nancy Stroud (Lewis Stroud & Deutsch P.L.) for legal support services.

ECCL Emeritus Chairman Don Eslick asserted that the key issue is whether the Council wishes to continue past planning efforts, with the same kind of competent advisors that the ECCL has been working with, to continue to plan for critical sites in the Village. He mentioned the support for the plan that had been shown by 300 persons who attended 3 community meetings last year.

Spikowski Planning Associates Principal, Bill Spikowski commented on the need to respond to renewed development activity with regulations that are in sync with Village policy direction. He stated that the final step of the Community Planning Initiative (CPI) was to suggest the best way to integrate the new ideas into the planning system in a timely manner. Referring to the last page of the "Community Planning Initiative Final Report" and to the Tasks defined in the planning services proposal, he briefly outlined the steps that would allow completion of the process within 12 months instead of the usual 2-3 years. He emphasized that adjoining parcels in the proposed mixed-use areas would be considered together as future interconnected neighborhoods; and that the changes would improve predictability for both the community and the developers. Mr. Spikowski responded to inquiries from Councilmembers Errington and Boesch by stating that the boundaries of the proposed area were limited by budget constraints, and that a series of open meetings would be held. At the Vice-Mayor's request, Mr. Spikowski described the supportive reactions of those who attended the three meetings mentioned by Mr. Eslick; then briefly reviewed his experience and qualifications. Council discussion ensued, during which Mr. Spikowski responded to questions regarding legal requirements for the Comprehensive Plan, planning for the needs of multiple generations, size limitations on the planning area, and exclusion of land outside Village boundaries.

Village Land Use Counsel Nancy Stroud stated that she had previously worked with Mr. Spikowski, and that her contribution to the planning efforts would be to ensure that the Council avoids legal pitfalls. Her proposal is for a fixed fee based on the work program described. In response to a question from Vice-Mayor Levitan, Ms. Stroud stated that either a Council resolution to adopt the CPI or signing a contract for the proposed work would serve to indicate to the public the direction that Council is taking. General discussion ensued regarding possible preparation of a resolution and contracts for approval at the April 17, 2013 Regular Meeting; legal limitations on the "zoning in progress" concept;

The Mayor called for public input, and the following individuals came forward:

Rappalo resident and local contractor, Jim Wallace cautioned against hasty action (handout on file)

Attorney Neale Montgomery expressed concerns about protection of private property rights.

Pelican Sound resident, John Goodrich asked about the role of the Planning and Zoning Board.

Old Estero resident, Patty Whitehead emphasized the importance of transportation/mobility.

ECCL Emeritus Chairman, Don Eslick noted that 3 other major areas should be considered. Island Club resident, Donna Pogliano stated that the CPI contained inaccurate information.

Additional Council discussion occurred regarding other sizable areas, including Old Estero, which might be included in the optional overlay map; and whether proposals or agreements should be presented for approval at the meeting on April 17. Mr. Boesch requested another look at contracts and limits on dollar amounts; and Interim Village Manager Peter Lombardi stated that, when he has staff on board, he would prepare a formal purchasing procedure for Council approval. There was consensus that approval of contracts for Mr. Spikowski and Ms. Stroud should be added to the agenda for the Regular Meeting of April 17, 2015.

~~4(D) DISCUSSION – Support of State Purchase of Sugar Land~~

~~(Presented by Council Member Katy Errington)~~

AT THE BEGINNING OF THE MEETING, THE MAYOR ANNOUNCED THAT THIS ITEM WOULD BE REMOVED FROM THE AGENDA BECAUSE IT WAS CONSIDERED AT YESTERDAY'S MEETING.

2. DISCUSSION - Process for Friday's Workshop

Mayor Batos commented that 26 applications have been received, and suggested that the Council allow 10 minutes per person for the interviews at the Workshop on April 10 -- 5 minutes opening statement by applicant and 5 minutes questions to applicant from Council – plus “one-on-one” time after the meeting if desired. Extensive discussion ensued regarding the possibility of appointing members to the boards as soon as April 17; whether alternate members should be considered; availability of candidates for interviews; and other details to be considered during the meeting. Interim Village Manager Peter Lombardi suggested that the applications/resumes be arranged in alphabetical order, with the first half to be scheduled for the morning and the second half for the afternoon. During additional discussion, Mr. Levitan pointed out that the Council would have authority to deal with the application backlog if necessary.

THE MAYOR RECESSED THE MEETING AT 11:33 AM AND RE-CONVENED AT 11:41 AM WITH ALL MEMBERS PRESENT.

Mayor Batos requested and received Council consensus to schedule half of the interviews for Friday morning and half for Friday afternoon. Mr. Lombardi stated that he would schedule the interviews and that the applications packet would be ready for Council members by 4:00 pm today.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; however, no one came forward.

COUNCIL/VILLAGE ATTORNEY/VILLAGE MANAGER COMMUNICATIONS

Council Members' Comments

Additional discussion took place regarding the interview process for Friday's Workshop. Mr. Ribble stated that he would use his proposed summary sheet for his list of candidates and give it to the Interim Village Manager to share. Mr. Levitan commented that a candidate with excellent qualifications who lives part-time in Estero should be considered.

Interim Village Manager's Comments:

Mr. Lombardi mentioned that he had very important documents for the members to sign.

Interim Village Attorney's Comments:

Attorney Saunders announced that there should be \$150,000.00 in the Village bank account by tomorrow.

ADJOURN

The Mayor adjourned the meeting at 11:47 am.

ATTEST:

By: 

Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 

Mayor