

## **VILLAGE COUNCIL REGULAR MEETING OF JULY 1, 2015**

The Village of Estero Council Regular 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, Attorney Tony Pires (on behalf of Village Attorney Burt Saunders), and Village Clerk Kathy Hall.

### **1. CALL TO ORDER**

Mayor Batos called the meeting to order at 10:01 a.m.

### **2. PLEDGE OF ALLEGIANCE**

Mayor Batos led the Pledge of Allegiance to the Flag.

### **3. INVOCATION**

The Invocation was offered by Pastor Nicholas Weston of the River of Life Assembly of God.

### **4. ROLL CALL**

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

Mayor Batos introduced Attorney Tony Pires, noting that Mr. Pires would be attending Council meetings during the absence of Village Attorney Burt Saunders.

Mayor Batos added an additional agenda item: 8 (H) – Horizon Council Foundation.

### **5. PROCLAMATION**

#### **(A) Recognizing Independence Day**

Councilmember Errington read the proclamation, proclaiming that the Village Council of the Village of Estero, Florida, recognizes Independence Day as a time to honor our Founders and their legacy of freedom and remember with thankfulness the sacrifices of our men and women in uniform. (President George Bush, 2006)

### **6. APPROVAL OF AGENDA**

Councilmember Ribble moved approval of the agenda with the addition of agenda item 8 (H), seconded by Councilmember Brown, called and carried unanimously.

### **7. CONSENT AGENDA**

#### **(A) Approval of Minutes – June 3, 2015 Regular Meeting and June 17, 2015 Regular Meeting**

Vice Mayor Levitan pulled the June 3, 2015 minutes for corrections.

Councilmember Wilson moved approval of the June 17, 2015 Regular Meeting minutes as presented, seconded by Councilmember Brown, called and carried unanimously.

Vice Mayor Levitan noted the following corrections to the June 3, 2015 minutes: Page 3, correct spelling of Joseph Cameratta; Page 3, last paragraph, last sentence should read: "Mr. Ribble moved approval, seconded by Vice Mayor Levitan, called and carried unanimously via roll-call vote with Mr. Wilson absent." Page 4, agenda item 8 (G), correct the title to read: RESOLUTION – Establishing and Providing for the Authority of the Village Manager to fill the Position of Community Development Director.

Councilmember Errington moved approval of the June 3, 2015 Regular Meeting minutes as corrected, seconded by Councilmember Ribble, called and carried unanimously.

## **8. COUNCIL BUSINESS**

### **(A) Resolution 2015-37 Approving the Fire Control and Prevention Interlocal Agreement between the Estero Fire District and the Village of Estero Regarding Fire Control and Prevention Services for the Village of Estero; and Providing an Effective Date (Village Manager)**

Vice Mayor Levitan requested that Council table Resolution 2015-37 and Resolution 2015-38 until the next regular Council meeting, to provide an opportunity to work on part of the language with the Estero Fire District Fire Chief and San Carlos Fire District Fire Chief. Vice Mayor Levitan noted that Village Attorney Burt Saunders had reviewed and made comments regarding the resolutions some time ago; however, he had not had an opportunity to confirm with the attorney and was not certain whether the comments were included in the resolutions. He suggested that Council delegate one of the Councilmembers to work with both Fire Chiefs and bring the resolutions back when the language had been agreed upon. He noted that he had spoken with both of the Fire Chiefs and they were amenable with waiting the additional time for approval.

Vice Mayor Levitan moved to table consideration of Resolution 2015-37 and Resolution 2015-38 until the next meeting and to delegate Vice Mayor Levitan to work with the fire districts on the form of the agreement, seconded by Councilmember Brown, called and carried unanimously.

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

### **(B) Resolution 2015-38 Approving the Fire Control and Prevention Interlocal Agreement between the San Carlos Fire District and the Village of Estero Regarding Fire Control and Prevention Services for the Village of Estero; and Providing an Effective Date (Village Manager)**

(See notes under Resolution 2015-37)

**(C) Resolution 2015-39 Appointing Members to the Village of Estero Design Review Board; Establishing Terms of the Members; and Providing an Effective Date (Vice Mayor Levitan)**

Vice Mayor Levitan stated that because of the original requirement that there be two members of the Design Review Board that were registered Florida architects, Council only filled six out of eight seats on the Board; subsequently, the Council amended the ordinance to require only one registered Florida architect. He stated that the Design Review Board has held several meetings, however, the Board needed a full complement of members; at one of the meetings only four members were present.

Vice Mayor Levitan brought forward nominations for the registered architect position and the number eight seat. He mentioned that information on applicants not previously chosen to fill positions had been distributed to Council and that he believed it appropriate to choose from applicants that had already applied and gone through the nomination process. He nominated Scott Anderson, a registered Florida architect, and noted that Mr. Anderson's information had been provided to the Council. He also said that he met with Mr. Anderson and that he was willing to serve. With respect to the eighth seat, Vice Mayor Levitan stated that he believed it was important to balance the professional aspects of the Board with some Estero citizens who also have a background in building and construction, but are not necessarily in the profession. Vice Mayor Levitan nominated Jim Tatooles, one of the finalists for the Planning and Zoning Board.

Councilmember Ribble said that he supported Mr. Anderson; however, would have preferred if he could have appeared before the Council to speak to the group. He noted that he was pleased that Vice Mayor Levitan brought up Mr. Tatooles due to the ranking he received previously and would support his nomination.

Vice Mayor Levitan stated that, by the time he told Mr. Anderson that this would be on the agenda, Mr. Anderson apologized and advised him that he had a prior work commitment.

Vice Mayor Levitan moved to nominate Scott Anderson to fill the two-year seat and Jim Tatooles to fill the one-year seat on the Design Review Board, seconded by Councilmember Wilson. Discussion of the motion followed.

Mayor Batos noted that in the prior round, the process was handled by ballot and stated if any of the Councilmembers had nominations for anyone else, Council could revert to that process. Mayor Batos called for further nominations and no one responded.

Mayor Batos called for public comment, no one came forward and then called for further Council comment.

Councilmember Errington said that when Council went through the interview process, it was specified that Board Members be present for the meetings. She noted that at the recent Design Review Board meeting only four of the six members were present. She reiterated her concern for the residents of Breckenridge who attended the meeting and felt that their values were not appreciated. She stated there has to be a way to make sure that the community has input at meetings.

Vice Mayor Levitan stated it was very important to increase and enhance public participation; however, the public had to understand that Council had to follow the laws as well. Discussion followed regarding the Design Review Board meeting that Councilmember Errington referred to.

The motion to nominate Scott Anderson to fill the two-year seat and Jim Tatooles to fill the one-year seat on the Design Review Board was called and carried unanimously.

**(D) Resolution 2015-40 To Appoint the Village of Estero's Member to the Lee County Metropolitan Planning Organization; and Providing an Effective Date (Mayor Batos)**

Village Manager Peter Lombardi explained that the resolution officially appoints the Mayor as Estero's voting delegate on the Metropolitan Planning Organization.

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

Councilmember Ribble moved approval of Resolution 2015-40 appointing Mayor Batos to the Lee County Metropolitan Organization, seconded by Councilmember Boesch, called and carried unanimously.

Mayor Batos mentioned that if Councilmembers had recommendations for appointments to the CAC or the BikeWalkPed to bring them to the next Council meeting for appointment; the TAC appointment would be a proposal from one of the Village staff.

**(E) Resolution 2015-41 Accepting the Proposal of an Executive Search Firm to Conduct Recruitment for a Permanent Village Manager; Authorizing the Village Mayor to Execute Documents; and Providing an Effective Date (Village Manager)**

Village Manager Peter Lombardi stated that the resolution was a result of the Village's RFP. He explained that three proposals were received from consultants; a volunteer evaluation committee consisting of senior advisors with the Florida City County Management Association and a retired city manager performed the evaluation; the tabulation of points led to a rating system – 1. Colin Baenziger & Associates; 2. Slavin Management Consultants; and 3. SGR. Mr. Lombardi noted he knew all of them, they were all extremely qualified, and recommended Colin Baenziger & Associates.

Mayor Batos expressed appreciation to the evaluation committee and Village Manager Lombardi. Council discussion followed regarding the proposals; consensus was to accept the Colin Baenziger & Associates proposal and to proceed with the first phase of meeting one-on-one to talk about what Councilmembers believed were their needs in a Village Manager.

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

Councilmember Ribble moved approval of Resolution 2015-41 accepting the proposal of Colin Baenziger & Associates to conduct recruitment for a permanent Village Manager, seconded by Councilmember Errington, called and carried unanimously.

Mayor Batos requested on future agendas that contain a financial implication, that staff indicate what they believe the financial implication would be, and include whether or not it was a budgeted expense.

**(F) Resolution 2015-42 Appointing a Member to the Southwest Florida Regional Planning Council; and Providing an Effective Date (Village Manager)**

Village Manager Peter Lombardi stated that Council discussion was held at Council workshops whether the Village wanted to become a member of the Southwest Florida Regional Planning Council. He indicated that the assessment would be \$9,000, effective October 1, and that the assessment was in the 2015/2016 fiscal year budget; Lee County had paid the fee for the 2014/2015 fiscal year. In response to an inquiry from Councilmember Brown, Vice Mayor Levitan explained that the Regional Planning Council (RPC) had responsibility with respect to Developments of Regional Impact. He noted that over the years, Legislature has continually reduced the influence and obligation of the RPC; the most recent changes in Legislature also decreased the duties; however, the RPC still had responsibilities for Developments of Regional Impact, which Estero had a number of. He continued that RPC also sponsored the Estero Bay Agency on Bay Management. Vice Mayor Levitan suggested that Council make an appointment for one of the Councilmembers to begin attending the meetings since the fee had already been paid by Lee County for this fiscal year, and Council could determine whether this was something that should continue in the next fiscal year.

Councilmember Errington inquired whether Vice Mayor Levitan knew why the Estero Bay Agency on Bay Management voted 7-6 on the Village Council Resolution 2015-33 opposing the two projects on Corkscrew Road. Vice Mayor Levitan responded that he did not ask, however, it was probably for the same reason that the conservancy took the position that they were in favor of the developments because, just looking at the separate developments, there was a good environmental benefit; the issue he raised was to view those developments as a whole and what their impact was going to be on Estero, particularly transportation and sprawl.

**Public Comment:**

Pete Cangialosi, ECCL Board Member, stated that he was in attendance at the Estero Bay Agency on Bay Management meeting when the 7-6 vote was taken. He indicated that the issue was brought up and several people were not aware of what the issue was about; they were just learning about the issue.

Councilmember Wilson moved approval of Resolution 2015-42, amending the fourth "Whereas" to read: "the Village of Estero desires to make an appointment to the Southwest Florida Regional Planning Council for the remainder of Fiscal Year 2014/2015." Motion seconded by Councilmember Ribble, called and carried unanimously. Councilmember Errington agreed to serve as the Village's representative.

Mayor Batos asked whether this appointment would automatically put Councilmember Errington on the Estero Bay Agency on Bay Management. Councilmember Errington stated that she would inquire.

**(G) Resolution 2015-43 To Endorse the Creation of the Estero Historic Preservation Citizens Advisory Committee; Determination that the Estero Historic Preservation Citizens Advisory Committee is not an Advisory Board to the Village Council; and Providing an Effective Date (Councilmember Errington)**

Mayor Batos reviewed the background on the resolution, which was discussed at the June 24, 2015 Council workshop. Councilmember Errington stated that, after consulting with counsel this morning, a few changes were made. Attorney Tony Pires stated that, after further review, he

suggested that the resolution be revised to be in the form of a proclamation, recognizing the role of the proposed Estero Historic Preservation Citizens Committee, removing the word “advisory” along with not limiting the number of groups comprising the committee. Attorney Pires asked that this agenda item be continued until the next Council meeting.

Vice Mayor Levitan moved to table this agenda item until the July 15, 2015 Council meeting, seconded by Councilmember Errington, called and carried unanimously.

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

## **8 (H) Horizon Council Foundation**

Mayor Batos stated that Councilmember Wilson attended the recent Horizon Council meeting. Councilmember Wilson explained that the Horizon Foundation had sponsors and it appeared that the other Lee County communities were investors in the Foundation at various amounts. He stated that his proposal was to accept the invitation for the Village to be an investor and allocate \$2,500, given the fact that Estero was working with the first operating budget. Mayor Batos inquired whether it was an annual contribution. Councilmember Wilson responded that he did not know; Vice Mayor Levitan said he believed it was.

Councilmember Wilson moved to allocate \$2,500 as a Horizon Foundation investor, seconded by Councilmember Ribble. Discussion followed. In response to Village Manager Lombardi inquiring whether this would be coming from the current fiscal year budget, Councilmember Wilson responded that it should, if it could be done from the current fiscal year budget. Vice Mayor Levitan stated that there had been other requests from this year’s budget and his understanding was that Council took the position that until the Village had gone through a budget cycle and developed a fiscal year 2015/2016 budget, Council was not going to consider these types of requests. Councilmember Wilson stated that the Foundation was looking for the funding now and he believed the Village had sufficient funds if the Council chose to pay at this time. Councilmember Boesch inquired about the possibility of calling the Foundation to explain that this was the Village’s first year, the budget did not include payment of contributions, the Council was in favor of the contribution, however would probably have to wait for payment after October 1, 2015. Mayor Batos believed that this request was not the same as the charitable organizations that the Council was talking about; this was part of a general community effort in Lee County.

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

Councilmember Wilson moved to table this until the second budget meeting, seconded by Councilmember Boesch, called and carried unanimously.

## **9. PUBLIC INPUT ON NON-AGENDA ITEMS**

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

## **10. COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS**

### **Councilmembers' Comments:**

Councilmember Ribble reported that the architect was working on plans for the three proposed buildings discussed at the June 24, 2015 Council workshop for the future Village office space; he believed the architect would have lease and build-out per square foot numbers available for the July 22, 2015 Council workshop.

Vice Mayor Levitan noted that Council received an email from the Village Manager and Finance Director with respect to receipt of payment of the half-cent sales tax, the first major revenue source received by the Village. He inquired whether this was the appropriate time to think about about paying off the line of credit. Village Manager Lombardi responded that, since the July 1 interest payment had been made, it would be done before payment of the next interest payment. Vice Mayor Levitan reported that he had been meeting with representatives from Calvin, Giordano & Associates, a large engineering, planning, and zoning firm that has done work for many Florida cities; he was also meeting with representatives of CH2M Hill, an international engineering firm as well as the Community Development Department for Bonita Springs, in order to continue efforts to explore the alternatives with respect to community development aspects.

Councilmember Brown reported that Lee Memorial Health System Hospital Board of Directors approved a contractor to build two additional floors on the Gulf Coast Hospital, part of the efforts to bring quality health care to south Lee County; the project will also add 275 beds on two floors and a couple of parking garages. He stated that this would work well with the proposed medical village. Councilmember Brown hoped to invite representatives from Lee Memorial Health System to a Council workshop in the first part of September in order to provide a progress update. He also conveyed thanks to everyone for the well wishes while he was absent.

Councilmember Errington noted, with Council working on the village center and healthcare village, to continue to remember the northern part of Estero, due to concerned citizens. She added that Council needed to make sure that the citizens were included because they are as important as everyone else.

Councilmember Wilson stated that parking was one of the very important aspects for the future Village office space, and related parking issues as a result of last night's Planning and Zoning Board meeting. He reported that he would be meeting with the Village Manager and Finance Director to go over the budget, as he would be out of town for the first budget workshop.

Mayor Batos conveyed thanks to Attorney Tony Pires attending the meeting on behalf of Village Attorney Burt Saunders. He also spoke to an email that announced the hiring of another employee, Lisa Pace, as the Village Finance Director.

## **11. VILLAGE MANAGER'S COMMENTS**

None.

## **12. VILLAGE ATTORNEY'S COMMENTS**

None.

### 13. ADJOURN

Mayor Batos wished everyone a happy and safe 4<sup>th</sup> of July, conveyed thanks for all we have and the great country that we live in, and adjourned the meeting at 11:12 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall

By: Nicholas Batos

Kathy Hall, MMC  
Village Clerk

Nicholas Batos  
Mayor

Minutes approved as presented: August 10, 2015