

VILLAGE COUNCIL REGULAR MEETING OF OCTOBER 21, 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, Village Attorney Burt Saunders, Village Clerk Kathy Hall, and Finance Director Lisa Pace.

1. CALL TO ORDER

Mayor Batos called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Batos led the Pledge of Allegiance.

3. INVOCATION

The Invocation was offered by Pastor Kathy Flores Shubert from Lamb of God Church.

4. ROLL CALL

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

5. APPROVAL OF AGENDA

Councilmember Ribble moved approval of the agenda, seconded by Councilmember Brown, called and carried unanimously.

7. CONSENT AGENDA

(A) Approval of October 7, 2015 Regular Meeting Minutes

(B) Approval of October 9, 2015 Workshop Minutes

Councilmember Ribble moved approval of the Consent Agenda, seconded by Councilmember Errington, called and carried unanimously.

8. COUNCIL BUSINESS

(A) Kevin Ruane, Mayor of Sanibel – Request for Funding Participation to Support Regional Water Resources Consulting Services

Mayor Ruane provided a copy of the whitepaper entitled “Caloosahatchee Watershed Regional Water Management Issues” and provided an explanation of the proposed

agreement with Mr. Dan DeLisi for water resource consulting services to represent the interests of the City of Sanibel and other Lee County municipalities during the upcoming legislative session. He spoke to the specific water policy issues that were anticipated on a state and regional level, which included the C-43 West Basin Reservoir Project. He also spoke to Mr. DeLisi's expertise. He stated that he was asking for an amount not to exceed \$2,500 and noted that he had presented the proposed agreement to the other 5 municipalities in Lee County and all had offered support in the amount of \$2,500; the consultant's services totaled \$20,000 and the City of Sanibel was picking up the difference. Discussion ensued.

Public Comment:

Patty Whitehead, Old Estero resident, inquired regarding the Everglades and Mayor Ruane provided an explanation.

Councilmember Boesch moved to authorize payment in the amount of \$2,500, seconded by Councilmember Ribble, called and carried through a roll call vote.

- (B)** Second Reading and Public Hearing Ordinance No. 2015-10 An Ordinance of the Village of Estero, Florida, Establishing the Village of Estero False Alarm Ordinance; Providing for Short Title, Purpose and Territorial Scope; Providing for Definitions; Providing for Alarm Permit and Fee; Providing for False Alarm Penalties; Providing for Revocation and Reinstatement of Alarm Permit; Providing for Appeals of Fines and Revocations; Providing for Response to Alarm; Providing for Deactivation of Audible Alarms; Providing for Alarm Monitoring Companies; Providing For Alarm Verification Calls Required; Providing for Alarm System Contractors; Providing for Automatic Dialing Devices Prohibited; Providing for Modification of Existing Alarm Systems; Providing for Auxiliary Power Supply; Providing for no Public Duty; Providing for Administration and Enforcement; Providing for Disposition of Fees and Fines; Providing for Reporting; Providing for Annual Audit; Conflicts of Law; Severability; and Providing an Effective Date (Village Manager)

Village Clerk Hall read the title of Ordinance No. 2015-10. The public hearing was opened.

Village Manager Lombardi explained that the ordinance had been requested by the Lee County Sheriff.

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

Village Attorney Saunders stated that the ordinance was consistent with other municipalities in the area.

Councilmember Wilson moved to adopt Ordinance No. 2015-10, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

- (C) Second Reading and Public Hearing Ordinance No. 2015-15 An Ordinance of the Village of Estero, Florida, Approving a Budget Amendment for Fiscal Year 2015-2016; and Providing an Effective Date (Village Manager)

Village Clerk Hall read the title of Ordinance No. 2015-15. The public hearing was opened.

Finance Director Pace provided an explanation of the ordinance and noted two minor changes to Section 2, which was revised as follows: Community Development Department contractual expenditures of \$1,353,700 are added to the fiscal year 2015-2016 budget with \$123,000 allocated to the Information Technology cost center. \$594,400 will be removed from the Lee County Community Development services line item. After this reduction, the total 2015-2016 budgeted Lee County Community Development services will be \$118,890 representing a 60 day transition period. The increase in expenditure of \$759,300 will result in total Village of Estero expenditures for the fiscal year 2015-2016 of \$7,345,800. Projected Fund Balance at end of fiscal year 2015-2016 totals \$5,287,990 which is an increase of \$258,300.

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

Councilmember Brown moved to adopt Ordinance No. 2015-15 as revised, seconded by Councilmember Wilson, called and carried unanimously through a roll call vote.

- (D) First Reading Ordinance No. 2015-16 An Ordinance of the Village of Estero, Florida, Repealing Village of Estero Ordinance No. 2015-08, Amending Village of Estero Land Development Code Chapters 6 and 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)

Village Clerk Hall read the title of Ordinance No. 2015-16.

Village Attorney Saunders explained that this would be the permanent ordinance to replace the emergency ordinance that was approved to make certain that the Village was participating in the National Flood Insurance Program.

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

Councilmember Errington moved to pass first reading of Ordinance No. 2015-16, seconded by Councilmember Boesch, called and carried unanimously through a roll call vote.

- (E) Resolution No. 2015-66 A Resolution of the Village Council of the Village of Estero, Florida Authorizing the Village Manager to Invest Surplus Funds of the Village in the Local Government Trust Fund Administered by the State Board of Administration; and Providing an Effective Date (Village Manager)

Village Clerk Hall read the title of Resolution No. 2015-66.

Village Manager Lombardi noted that, at the last meeting, Council requested additional information regarding the Local Government Trust Fund. He provided an explanation of the additional information and discussion followed related to accessibility of funds; rates; and laddering Certificates of Deposit.

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

Councilmember Boesch moved to adopt Resolution No. 2015-66, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

- (F) Resolution No. 2015-72 A Resolution of the Village Council of the Village of Estero, Florida, Adopting a Capitalization Threshold Policy for Financial Reporting; and Providing an Effective Date (Village Manager)

Village Clerk Hall read the title of Resolution No. 2015-72.

Finance Director Pace provided an explanation of the resolution and stated that the thresholds were developed through recommendations of the auditor, Government Accounting Standards Board, and the Government Finance Officers' Association.

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

Councilmember Boesch moved to adopt Resolution No. 2015-72, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

- (G) Resolution No. 2015-73 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Engagement Letter between the Village of Estero and GrayRobinson for Lobbying Services; Authorizing the Village Mayor to Execute the Engagement Letter; and Providing an Effective Date (Mayor Batos)

Village Clerk Hall read the title of Resolution No. 2015-73.

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

Discussion followed related to whether paragraph 2 on page 2 of the engagement letter changed the bar requirement for prior disclosure; Village Attorney Saunders responded that it did not.

Village Attorney Saunders noted that he was preparing a report of important issues to focus on that he would bring to the next Council meeting.

Councilmember Ribble moved to adopt Resolution No. 2015-73, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

- (H) Resolution No. 2015-64 A Resolution of the Village Council of the Village of Estero, Florida, Approving a Commercial Lease between the Village of Estero and Hamleg Corkscrew, LLC, for the Village of Estero Village Hall Offices; Authorizing the Village Mayor to Execute the Commercial Lease Agreement; and Providing an Effective Date (Councilmember Ribble)

Village Clerk Hall read the title of Resolution No. 2015-64.

Councilmember Ribble requested that the resolution be amended to include approval of the plans. He recognized Joe McHarris and the Sterling Design Group for their work. He also provided an explanation of the three floor plans.

Village Attorney Saunders stated that a revision was made to Section 53 of the lease relating to contingency; the date was extended to October 30, 2015 to allow sufficient time for all parties to sign the document.

Public Comment:

Wayne Smith inquired regarding designated parking; payment of utilities; and whether there was space for other non-profits to lease.

Councilmember Wilson moved to adopt Resolution No. 2015-64 and to accept the minor change to Section 53 of the lease relating to contingency, extending the date to October 30, 2015, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

Discussion followed regarding a resolution to approve the plans. Village Attorney Saunders stated that he would draft a resolution if a motion was made to approve. He added that Council could approve the design work that had been presented and direct staff to move forward with starting the project.

Discussion followed related to the Village Manager taking over the project.

Councilmember Boesch moved to approve the design work and that staff be authorized to make minor modifications in the drawings to eliminate the need to bring the drawings back to Council unless there was a major change. Motion seconded by Councilmember Errington, called and carried unanimously through a roll call vote. Village Attorney Saunders added that a Resolution would be drafted for the Mayor's signature.

9. PUBLIC INPUT ON NON-AGENDA ITEMS

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

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmember Ribble requested that representatives from Florida League of Cities be scheduled for an upcoming workshop to make a presentation regarding pension benefits. Village Manager Lombardi stated that the topic had been scheduled for the November 16, 2015 workshop and he could make arrangements for the representatives to attend. Vice Mayor Levitan inquired whether Village Manager Lombardi had contacted Steve Sarkozy regarding his pension plan. Village Manager Lombardi responded that he had not been able to make contact with him regarding this.

Councilmember Brown reported that board members from Lover's Key State Park contacted him related to making a presentation regarding a resolution to support their funding efforts to build an environmental education center. The topic was scheduled for the December 11, 2015 workshop.

Councilmember Errington reported that the property she spoke about at a recent Council meeting related to approaching a business regarding the possibility of building a park on the property next to Walmart did not belong to Walmart. She also spoke to Walmart representatives about another parcel; however, it was not available as well. She encouraged everyone to come to the Estero River presentation at the October 28, 2015 Council workshop.

Councilmember Boesch shared that, in speaking with someone involved in a government during a recent trip to Poland, he learned that they had 200 Council members.

Councilmember Wilson complimented Councilmember Ribble on negotiating the Village Manager contract and the lease for the new Village offices.

Mayor Batos reported: (1) He attended a meeting with FGCU staff regarding the infrastructure inventory work. (2) FGCU President Bradshaw sent a letter of congratulations and welcome to the new Village Manager. (3) The updated version of the workshop calendar was sent to the Council and reminded Councilmembers to submit requests. He also provided a brief report regarding the MPO meeting that he attended on Friday, October 16, 2015.

11. VILLAGE MANAGER'S COMMENTS

Village Manager Peter Lombardi spoke regarding the budget report dated September 30, 2015. He also read a letter that he wrote to the Mayor and Council regarding his time as Village Manager and noted that this was his final regular Village Council meeting.

Mayor Batos, Councilmembers, and Village Attorney Saunders expressed appreciation and best wishes.

12. VILLAGE ATTORNEY'S COMMENTS

Village Attorney Burt Saunders reported that he spoke with Representative Ray Rodrigues regarding the fracking issue and possible dates that he may be able to attend a Council meeting, which would depend upon his schedule.

13. ADJOURN

A motion to adjourn was made and carried.

Mayor Batos adjourned the meeting at 7:42 p.m.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor

Minutes approved as submitted: November 18, 2015