



**VILLAGE COUNCIL  
REGULAR MEETING  
Agenda – FINAL - REVISED**

**Village Hall  
21500 Three Oaks Parkway, Estero, FL  
Website: [estero-fl.gov](http://estero-fl.gov)**

**Thursday, September 3, 2015  
6:30 p.m.**

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

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. INVOCATION**

Rabbi Greenberg – Chabad of Bonita Springs

**4. ROLL CALL**

**5. PROCLAMATIONS**

(A) Labor Day

**6. APPROVAL OF AGENDA**

**7. CONSENT AGENDA**

(A) Approval of July 10, 2015 Workshop Minutes

(B) Approval of July 15, 2015 Regular Meeting Minutes

(C) Approval of July 22, 2015 Workshop Minutes

**8. COUNCIL BUSINESS**

The public will have an opportunity to speak during the agenda item. Each individual has one opportunity to speak for three minutes per agenda item.

(A) Public Hearing: Resolution No. 2015-53 Adopting the Tentative Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2015-2016; Establishing the Date, Time and Place for a Final Hearing to Adopt the Final Ad Valorem Taxes for Fiscal Year 2015-2016; and Providing an Effective Date

- (B) Public Hearing: Resolution No. 2015-54 Adopting the Tentative Budget for Fiscal Year 2015-2016; and Providing an Effective Date
- (C) Colin Baenziger & Associates – Presentation of Village Manager Finalist List to Council with Interview Schedule
- (D) First Reading and Public Hearing: Ordinance No. 2015-09 Granting to Florida Power & Light Company, Its Successors and Assigns, a Non-Exclusive Electric Franchise, Imposing Provisions and Conditions Relating Thereto, Providing for Monthly Payments to the Village of Estero; and Providing for an Effective Date
- (E) Resolution No. 2015-55 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
- (F) Resolution No. 2015-56 Approving the Proposal Submitted by Sterling Design Group for Architectural Services for Village Hall Offices; Authorizing the Village Mayor to Execute the Agreement; and Providing an Effective Date
- (G) Resolution No. 2015-57 Accepting Audit Selection Committee Recommendation; Authorizing the Village Mayor to Execute Contract; and Providing an Effective Date [View Proposal](#)

**9. PUBLIC INPUT OF NON-AGENDA ITEMS**

**10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS**

**11. VILLAGE MANAGER COMMENTS**

**12. VILLAGE ATTORNEY COMMENTS**

**13. ADJOURN**

If you desire to address the Council, please complete a Public Comment Card located on the table in the lobby and return it to the Clerk. Citizens desiring to speak must step up to the podium, state their full name and address and/or whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment, should contact Peter Lombardi, at 239-390-8000, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:

“If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

## VILLAGE COUNCIL WORKSHOP OF JULY 10, 2015

The Village of Estero Council Workshop 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, and Councilmember Jim Boesch - District 5.

Absent: Councilmember Jim Wilson - District 7 (excused absence).

Also present: Village Manager Peter Lombardi, Attorney Derek Rooney (attending on behalf of Village Attorney Burt Saunders), Village Clerk Kathy Hall, and Village Finance Director Lisa Pace.

### **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 to the Flag.

### **3. ROLL CALL**

Village Clerk Kathy Hall called the roll; all members were present with the exception of Councilmember Wilson, whose absence had been previously excused.

### **4. APPROVAL OF AGENDA**

Mayor Batos noted amendments to the positioning of agenda items: 5 (E) Discussion – FPL Franchise Agreement moved to 5 (A); 5 (A) 2016 Budget Workshop #1 moved to 5 (D); 5 (D) Discussion – Interlocal Agreement with County regarding Services moved to 5 (B) and remove from the agenda the original 5 (B) Discussion – Procedures and Protocols for Council Meetings; 5 (C) Discussion – Capital Projects 2016 remained the same.

Councilmember Ribble moved approval of the agenda as amended, seconded by Councilmember Errington, called and carried unanimously, with Councilmember Wilson absent.

### **5. COUNCIL BUSINESS**

#### **(A) Discussion - FPL Franchise Agreement (Village Manager and Village Attorney)**

Village Manager Peter Lombardi stated that he met with Charlotte Miller, Florida Power and Light Southwest Florida representative this week to discuss the franchise agreement; Ms. Miller provided a draft ordinance for the franchise agreement, which he forwarded to Council. He said that he inquired what the Village could expect in franchise fee revenue; the estimate was approximately \$975,000 subject to usage, based on amount of electricity sold. He noted that they reviewed the draft document, he had questions, and Ms. Miller mailed a revised ordinance to him based on their conversation. He continued that Ms. Miller would be discussing the items that he brought to her attention with the FPL legal department, and she would be refining the revenue number. He said that he asked Ms. Miller to attend the July 22, 2015 Council meeting to discuss the franchise agreement and answer questions. Mr. Lombardi explained that he chose the July 22 date due to the revenue estimates that he asked her to provide were based on the

franchise agreement becoming effective October 1, 2015. In order to get the franchise for October 1<sup>st</sup> two readings and public hearings were required and tentatively set for September 3 and 16; however, the first revenue check would not be received by the Village until January 2016. Mayor Batos inquired whether the checks would be received monthly or quarterly. Mr. Lombardi responded that the Village would receive payment via direct deposit on a monthly basis. Mayor Batos inquired whether the draft ordinance had been given to the Village Attorney and Mr. Lombardi responded that he had. Attorney Derek Rooney responded that Tom Cloud, Gray-Robinson's franchise expert, would be reviewing the ordinance and would be able to provide revisions if necessary prior to the September 3, 2015 Council meeting.

Vice Mayor Levitan stated that he received a phone call from the Design Review Board Chairman regarding the ordinance. He stated the Chairman commented that the franchise agreement included a clause that incorporated the rules and regulations of FPL which related to trees within 20 feet of the right-of-way; FPL was becoming aggressive in rules for planting trees in the right-of-way that caused damage to their underground utilities; most of the gated communities in Estero have underground utilities as a requirement and the majority of the streets are lined with Live Oaks, which after 15 years of growth have started to cause some damage to the pavement and underground utilities. He asked that the Village Manager obtain a copy of the rules in order to show them to the Design Review Board Chairman, a landscape architect. Village Manager Lombardi stated that the issue of the applicability of the franchise ordinance within the gated communities was raised when he met with Ms. Miller. He noted that the franchise agreement provisions were only applicable to public rights-of-way, not applicable to private roads, and would not impact gated communities. Mayor Batos stated that revenue generated would include the gated communities. Mr. Lombardi agreed, and reiterated that the franchise agreement provisions regarding where the utility goes was not applicable to private roads. Vice Mayor Levitan believed that Village counsel needed to review the issue due to a difference between privately maintained road and a public right-of-way; even though it might not be realized, someone could go through the gate of a gated community. Mayor Batos added that there was some concern that if the rules were implemented, in the future there would not be a community that would have trees along the roads. Attorney Derek Rooney responded that counsel would review the issue. Councilmember Brown inquired whether the Village would receive franchise fees for the time period that the Village had been incorporated. Mr. Lombardi responded that the Village would not be receiving the franchise fees currently being collected by Lee County, due to the County's franchise agreement. He added that if the Village's franchise agreement goes into effect October 1, franchise fee revenue would be accruing as of October 1 and the Village would receive the first check in January 2016.

#### Public Comment:

Dennis Cafaro, Bella Terra resident, inquired whether there would be revenue for products and services that FPL would sell to their Estero customer base. He also inquired whether there would be a detraction to the Village energy fee if residents began to generate their own power and sell back into the grid. Village Manager Lombardi responded that he asked Ms. Miller those questions and was informed that, for those people who had solar power or wind power, if they generated more electricity than they could personally use, there was a tariff that power gets sold back to FPL and was a fee that FPL paid for that power. He added that whole house surge protectors were available that FPL could provide; the cost was added to the monthly service. He also stated the Village franchise fee was based on the amount of energy sold, not including extra services.

**(B) Discussion - Interlocal Agreement with County regarding Services  
(Village Manager and Village Attorney)**

Mayor Batos stated that negotiations were continuing with Lee County. He noted that things were going along fairly well; one item to bring up was the issue of the Community Development area, that there was a difference of opinion in how the reports would be prepared and who would make final determination on a recommendation. He reviewed that at a previous meeting it was stated that if they could not come to terms, Council would consider the possibility of outsourcing. He stated it appeared that this was the direction it was heading. He asked if any Councilmembers had any objections to proceeding along those lines and notifying the County that if there was no change in their position, this was the direction Council would take.

Councilmember Ribble said he noticed that permitting was not listed. Vice Mayor Levitan responded that, consistent with the authority that Council gave him to look at these services, he had met with two major companies and a Request for Qualifications was being prepared. He continued that it had been felt to be advantageous to reword the response so that the Village would be taking over all of the listed services in Community Development on October 1, 2015 with the exception of permitting, which would be taken over January 1, 2016, to allow time for a smooth transition. He agreed with Mayor Batos that it was appropriate to look at alternative sources.

Councilmember Ribble said he believed there was movement in a positive direction regarding the negotiations.

Mayor Batos stated that work with the County and attempting to get the best arrangement possible would continue, and it would be made known that, if the County position did not change, the Village's intention would be to take over all of the listed services in Community Development on October 1, 2015 with the exception of permitting, which would be taken over January 1, 2016.

Councilmember Errington inquired about maintenance of waterways. She noted that it was discovered last week that debris was blocking water flow in some areas of the Estero River. Mayor Batos responded that the arrangements that have been in effect in Lee County would continue under the Interlocal Agreement; the County program involved looking at the areas on a regular basis; however, County budget constraints over the last few years had reduced the amount of inspection and cleaning the County had done. He added that it would be the Village's responsibility to advise the County of areas that needed cleaning and then follow-up.

Councilmember Boesch questioned whether the boundaries of the Estero River were in Estero. Mayor Batos responded that the river went through a number of areas within Estero.

Vice Mayor Levitan noted that County representatives walked along Halfway Creek with representatives of Fountain Lakes and the County representatives reported that nothing had to be done. He and the residents of Fountain Lakes did not accept that as an appropriate response and that they were concerned about flooding; he believed there was a lot more to do regarding remediation, particularly culverts. Vice Mayor Levitan noted that he and the Village Manager would be going to the site. Mayor Batos stated that if anyone had a particular area that caused concern, they could contact the Village office and the Village Manager would contact Lee County Natural Resources Department. He noted that Council would be looking at the level of

services going forward to determine whether they were adequate to Estero's needs; if not, it would have to be negotiated separately.

**(C) Discussion - Capital Projects 2016**

**(1) Estero Parkway Sidewalks (Councilmember Boesch)**

Mayor Batos reviewed that Capital Projects was on the list of items that the Council had been working through during workshops for the past few months. He clarified that this was a process for creating and establishing a capital program; a process that the Council had to establish and work through. He noted that Council had been asked for input and that he had itemized what he felt was a starting point: establish a list of items that would be included in the capital program, including two categories - equipment and other; such as sidewalks, bike paths, roads (including repairs and widening), gateway signs, landscaping, road medians and shoulders, possibly a new entrance into the park, and possibly a future City Hall. He suggested getting this started by establishing a complete inventory of what exists; this would include having an understanding of what road transfers would take place between Lee County and the Village and the status of those roads; the inventory would also include the condition of the areas and what Council would like to do; establishing a list of those capital items and perhaps establishing maps that might indicate what the Village had now and what items Council might want to have. Mayor Batos suggested that the process include a number of public workshops to allow public input for thoughts and priorities; Council would need to obtain estimated costs to establish a workable process over the next five years. He also suggested that staff and Council prioritize the projects and take recommendations from staff and the public as needed; Council may schedule additional workshops after those priorities were established and prior to the Council establishing a fixed policy. He believed that this five year program would identify needed capital projects and additional ongoing project costs. Mayor Batos said he hoped that the Village Manager would take control of the project and get whatever help he needed, from either outside consultants, help from the university, or the Council. He estimated the project taking six months to a year to complete. He recommended that no capital funds be spent on these items until a plan was in place, except in the case of emergency. He also suggested establishing restricted funds for the future capital projects as well as any natural or financial emergencies; it was prudent that this was part of the future discussion and that Council not rush into something before fully understanding the program and long term effects.

Councilmember Ribble commented that he agreed regarding finances. He added that he was not negative on the sidewalk issue; however, was not sure that the funds should be spent right now.

Councilmember Brown addressed concern regarding the time line. Mayor Batos responded his recommendation would be that the Council work between 6 and 12 months; the Village Manager would have to find out how long the process was going to take to do it properly. He estimated that it would be done in time to include any items Council thought would be needed in the 2016-2017 budget. He added that, at this time next year, Council would be putting items into the budget. Councilmember Brown stated that Council needed to consider the safety issue, which was a huge concern along Estero Parkway; he was in favor of anything Council could do to expedite. Mayor Batos responded that he was not getting into individual projects at this time, however, this was part of the discussions and negotiations with Lee County. He added that whoever owns the road, there may be different responsibilities, and this should be taken into consideration.

Councilmember Boesch said that, since Estero Parkway was brought up, this project had been in process for three years, this was an emergency with the imminent opening of Walmart that would bring large amounts of traffic along a road that does not have complete sidewalks; even the County agreed that it was a number one priority and the issue was going to be funded. He believed that this project should be listed as a capital improvement project that would hopefully be funded by the County and Council should approach the County to see if the Village could get the funds in order to satisfy the safety issue; he strongly recommended that Council get this put on the list as a capital improvement and that Council was extremely positive and hopeful that the County would fund. Mayor Batos responded that he appreciated the comments, was not trying to diminish the importance of the project, however, this discussion was not on this one topic; it was on the overall topic of trying to establish a capital project program procedures.

Vice Mayor Levitan asked for an explanation of what the Council's responsibilities were with respect to capital in the first year's budget and an overall five year budget. He inquired whether Council was to come up with a capital budget as part of the budget process this year and at some point add to it and change it to the overall needs of the community. Village Manager Peter Lombardi responded that there was no requirement to have a capital budget at all. He added that the Comprehensive Planning statute required development of a five-year capital improvement program as part of the Village's Comprehensive Plan; the plan was updated annually. Vice Mayor Levitan stated that this could become part of the planning process for the first Estero Comp Plan. Mr. Lombardi stated that the 2015/2016 operating budget did not include any capital projects due to (1) because the Village needed to do a capital program as part of the Comp Plan and (2) it was not known which roads the Village would ultimately take control over and be responsible for; most of the capital projects that the Village would be dealing with other than parks and those types of things, would be road-related – either building, rebuilding, resurfacing roads, construction of sidewalks, storm drains, etc.; until the issue of roads has been settled it was difficult to establish a capital improvement program. He didn't believe that at this time the Village was ready to spend funds on any capital project because of not knowing which projects were out there and the cost.

Bill Williams, The Cascades Homeowner's Association President, a retired City Manager and current member of ICMA, said that he was fully supportive of the recommendations of the Village Manager and Mayor regarding a capital budget process. He stated that, having worked with capital budgets and being familiar, knew it was a long process and involved a lot of citizen input. Mr. Williams stated that the sidewalk project has existed for many years and certain issues were coming to a head with the development of Walmart. He continued that the project was listed as a number one priority on the Lee County Bicycle and Pedestrian Advisory Committee list and, according to Lee County Department of Transportation, the scheduling of the department was dependent upon availability of funding, in this case, as a result of the Interlocal Agreement; actual funding was also dependent on Lee County revenue projections. He said that the project sponsors were The Cascades, Belle Lago, Reserve, Rookery and Osprey Cove; working together they secured the approval necessary from the Bicycle and Pedestrian Advisory Committee. Mr. Williams continued that, with the rapid development in the northern section of Estero and the opening of Walmart, vehicular traffic and bicycle/pedestrian would be dramatically impacted. He indicated that photos demonstrating safety conditions were provided that included cost estimates prepared by Lee County Department of Transportation for the Bicycle and Pedestrian Advisory Committee, which needed to be worked out further. He stated that residents residing along the Estero Parkway were looking for the Village Council to support the project in the interest of public safety; they were not seeking Estero funds; they believed Lee County should step up and eliminate the unsafe conditions caused by past omission of sidewalks.

Mayor Batos extended appreciation for the work that people have done over the last few years. He wanted everyone to know that from the day of incorporation entity and negotiations with Lee County began, this has been an issue that Council had been working on; it was a tenuous situation because of the various negotiations underway; however, it was something that would continue in discussions with the County in an effort to find the best way to get this resolved.

Doug Saxton, resident of The Reserve, stated that he echoed what the Mayor said regarding having a plan for capital improvement projects. He stated the Village had an opportunity for a bikeable, walkable community by having a vision. He suggested putting money in the budget for consultants, in order to help plan a bikeable, walkable community so that people can be safe. Mr. Saxton stated that Estero Parkway was originally Koreshan Parkway and had been in the County's hands since 1989. He did not expect the Village to put any money into the sidewalks and believed that the residents should be putting pressure on the County Commissioners for funding. Discussion ensued.

Adele Amico, resident of Osprey Cove, noted that Walmart had been great with the community by installing sidewalks and inquired about the responsibility of the developers as it related to sidewalks, specifically Corkscrew Road (east), and whether there was a possibility of requiring bike paths as well. Mayor Batos responded that there was a requirement currently in Lee County that any new development must install sidewalks. He added that he was not certain whether Corkscrew would ever be a Village road; the County wanted to maintain possession and if so, the County would be responsible for improvements.

Councilmember Boesch stated the people were asking for the support of the Council to solicit the County Commissioners so that they would provide funds to commit to the sidewalks on Estero Parkway. He believed that Council should go forward with the request.

Mayor Batos said that he and the Village Manager had already brought these assumptions up and were supporting the items and discussing them. He stated that, due to this being a Council workshop, it would not be appropriate to take a vote to approve or to support a request.

Discussion followed regarding which Council meeting agenda to put on Councilmember Boesch's request for Council action; July 22 was chosen.

Vice Mayor Levitan stated that he welcomed groups to come before Council to discuss issues and hoped that they would support Council's efforts as a municipality to get this done with the County. He said he believed that this was a municipal function now, not a group function, to negotiate with the County. He noted the Mayor said that he was already negotiating with the County and he believed there was good consensus that Council was in favor of pushing the County.

Mayor Batos reiterated that discussion had taken place and that they continue to work on the issue. He believed that everybody had the opportunity and right to have discussions and bring up their ideas; however, if efforts were not consolidated, it would confuse the issue and break down the possibility of getting something accomplished. Discussion ensued.

Councilmember Ribble believed that Mayor Batos had a lot more material now to drive the case home as he continued the negotiations. He also believed that this was a hot issue within the community.

Councilmember Errington stated that about a month ago it was indicated that Estero Parkway was number one on the list and inquired what happened in the interim. Mayor Batos responded that the project was actually number three on the list recently and that the County decided to take care of items one, two, and four. He assumed that the County had \$750,000 to work on sidewalks and bike paths, they were able to do one, two and four for the \$750,000; number three would have been \$1.3M and they would have only had half the amount for that project; they probably were able to get three projects done rather than half a project. He indicated that another possibility was the open discussion on the ownership of the roads.

Brief discussion followed related to an inquiry by Councilmember Brown regarding developers being mandated to put in sidewalks or shared use walkways and whether that was part of the Complete Streets Initiative.

Mayor Batos inquired whether there were any objections to asking the Village Manager to move forward with the capital budget. No objections were noted.

The meeting went into recess at 11:02 a.m. and reconvened at 11:12 a.m.

Mayor Batos noted that there was a mistake in the discussion regarding the upcoming meeting dates. Village Manager Peter Lombardi stated the next Council meeting was scheduled for July 15 and that agenda had already closed and was posted; the next meeting after that was July 22, which was a workshop. He indicated that the first meeting that he could put Councilmember Boesch's item on for Council action would be September 3.

#### **(D) 2016 Budget Workshop #1**

Village Manager Peter Lombardi began with the Budget Calendar on page 1, and pointed out that a resolution to approve the proposed millage rate and set the public hearing dates would be on the July 15 Council meeting agenda. Mr. Lombardi then proceeded to page 4 in order to review each of the General Fund revenues, indicating revisions to Ad Valorem Taxes, Local Communications Services Tax, Franchise Fees-FPL Electric, Shared Revenue-Sales Tax Portion, Shared Revenue-Fuel Tax Portion, Half-cent Sales Tax; the revised Total General Fund Revenues was \$10,909,720.

Vice Mayor Levitan inquired regarding the footnote related to Road Impact Fees and whether there were issues that were still being negotiated. Village Manager Lombardi responded that all of the impact fees were fine; all figures were provided by Lee County. Mayor Batos added that these were the numbers Lee County provided; however, the Village had not received any funds for the current year. Vice Mayor Levitan questioned why Estero was not receiving impact fees beginning with January 1, 2015, noting that the Fire District had been paid on a monthly basis. Village Manager Lombardi responded that they continue to ask Lee County that question. Mayor Batos inquired whether other cities received impact fees on a monthly or quarterly basis. Village Finance Director Lisa Pace responded that information from the County indicated that the Village would be paid quarterly; her experience was that other cities were paid on a quarterly basis; however, when the Village begins to collect impact fees, the Village could decide to collect monthly. She added that staff had been following up on everything that the County requested in order to receive payment. Ms. Pace also said that the County did not dispute payment; however, payment had not begun. Brief discussion ensued.

Village Manager Peter Lombardi resumed discussion on the budget. Page 6, Expenditures – Village Council. No revisions were noted.

Page 7, Expenditures – Village Manager – Mayor Batos inquired regarding the assumption of 10% for retirement contributions, which pertained to all the department pages, and whether there was a specific reason for choosing 10%. Village Manager Lombardi responded that was the amount he was recommending in the budget; whether Council agreed and approved was their decision. He added that this would be the time for discussion if they chose to do so in order for revisions to be entered. Mayor Batos inquired whether a fringe benefit analysis from other cities had been received. Mr. Lombardi responded that a survey was not conducted and added that the Florida Retirement System was paying 7 ½%. Vice Mayor Levitan inquired about the availability of fringe benefits with Florida League of Cities. Mr. Lombardi responded that the amount under Group Insurance was a quote from Florida League of Cities through United Health Care; proposed coverage was for 100% of employee premium for medical, dental, vision, and life. Mayor Batos indicated that he would like a better understanding of proposed plans and what was available as a group; regarding the retirement package, he assumed that the Charter was being followed regarding defined contribution plan. Mr. Lombardi responded that the Florida League of Cities plan was a defined contribution plan.

Mayor Batos requested that detailed information be provided regarding the proposed benefits, establishing a policy for the employees, and, if possible, comparable information from some of the neighboring cities. Village Manager Lombardi indicated that information from other cities would be difficult to obtain. He stated that the health insurance quote was high due to the relative age of the employees. Vice Mayor Levitan inquired whether there was an intention to adopt a retirement plan, match employee contributions, and provide employees the ability to decide how the money was invested. Mr. Lombardi responded that typically, in the case of the FLC or ICMA plan, the plan was a group of investment options and employees would choose investments; upon budget approval, an RFP would go out to obtain plan proposals.

Mayor Batos reiterated the importance of obtaining information from other cities regarding fringe benefits. Mr. Lombardi said that we would ask, but having done salary surveys in the past, it would be more difficult getting that information than it was to get information from Florida League of Cities. Mayor Batos stated that he would like to see the details and Councilmember Boesch agreed. Councilmember Brown addressed concern regarding insurance deductibles, which were a reflection of premium rates. He added that he wanted to make certain that the best plan was provided in order to maintain a long-term relationship with the employees. Mr. Lombardi stated that he had information on four plans from Florida League of Cities, which he would provide to the Council.

Page 7, Regular Salaries and Wages, Vice Mayor Levitan inquired how many employees were included. Mr. Lombardi responded three full time equivalent positions, consisting of the Manager, Assistant Village Manager, and Administrative Assistant, which were in the feasibility study. Vice Mayor Levitan inquired whether the Village Manager was recommending filling the Assistant Village Manger position in the 2015-2016 fiscal year and what the role would be. Mr. Lombardi responded “yes” and the role would be contract manager. Discussion ensued regarding the types of contracts the Assistant Village Manager would manage.

Page 8, Village Attorney, including retainer for the attorney as well as contractual services, Mayor Batos inquired whether there was any reason to believe that the amounts in the proposed budget would change. Attorney Derek Rooney responded that he believed the contract estimate

was accurate and the retainer was a realistic figure. Vice Mayor Levitan noted that work on the Comprehensive Plan would begin in the Fall and suggested adding additional funds into the attorney budget. Discussion ensued regarding whether the amount proposed was sufficient. Mr. Lombardi suggested that Council negotiate a retainer with Nancy Stroud for the work that she would be performing on the Comprehensive Plan and development regulations. Vice Mayor Levitan stated that the Council had not yet determined what Ms. Stroud's role would be related to the Comprehensive Plan. Discussion followed regarding whether to put additional funds in Village Attorney expenditures or another category. Mayor Batos suggested that the Village Manager review the numbers with the attorneys to determine if the legal fees were accurate; if additional legal fees were needed, another line item could be added based on recommendations from legal counsel. Discussion ensued regarding the amount that was in the Feasibility Study for legal fees, which did not include the Comprehensive Plan. Councilmember Errington inquired whether it was typical to have two attorneys working for a Village the size of Estero. Mr. Lombardi responded that there would typically be one Village attorney; however, the attorney may not always have experience in all areas. He added that he felt the recommended amount in the attorney expenditures budget at \$480,000 would be adequate; if it was believed that the \$120,000 in the Community Development budget was inadequate, he suggested increasing that number as well as charging legal fees to the same account because it was related to Community Development, i.e., planning, zoning, etc. He added that through internal accounting systems it would be known on a month to month basis how the expenditures were coming out. In conclusion, Mayor Batos asked that the Village Manager review the numbers, Councilmembers could make suggestions, hold discussions with the attorneys, and come up with a number that was realistic.

Page 9, Village Clerk – Village Manager Lombardi stated that this was the first cost center where the Interlocal Agreement with Lee County came into play; under Contractual Services – Elections March 2015, \$78,830, the cost of the Village election to be paid, which depended upon the final outcome of the Interlocal Agreement. Mayor Batos inquired whether it was customary for the total cost of the election to be expensed in the year the election occurred or could the expense be pro-rated over a two year period. Mr. Lombardi responded that it could be done either way. Vice Mayor Levitan noted that he did not have a problem creating an expenditure; however, he objected to the amount in the budget for March 2015. He added that the Legislature clearly stated that Lee County would pay for the election cost; however, creating a reserve for the 2017 election would be appropriate. Discussion ensued regarding whether to leave the amount in the budget. Consensus was to remove the election expense. Vice Mayor Levitan inquired regarding the line item for legal notices, noting concern whether \$500 would be sufficient. Mr. Lombardi responded that there was an additional legal notices line item in the Community Development budget. Village Finance Director Lisa Pace called attention to footnote #4 on page 9, explaining that this line item represented the cost as required for ordinances, Truth in Millage Compliance and other required advertisements. Vice Mayor Levitan recommended increasing the allocation in the Community Development budget.

Page 10, Finance – Mayor Batos inquired about the auditing fee. Vice Mayor Levitan inquired regarding the timing on hiring an auditor. Village Manager Lombardi responded that an RFP would go out in August and a recommendation would go to Council in September. Discussion ensued regarding (1) the necessity of getting an auditor on-board and (2) training expense. It was noted that, for the initial budget and until the Village has history of these types of expenses, Travel, Per Diem and Training line items were combined for a total of \$2,000 for all cost centers (footnote #4, page 10).

Page 11, Community Development – Village Manager Lombardi noted that the Planning Initiative line item was the contract with Mr. Spikowski. Vice Mayor Levitan believed that the full \$79,180 would not be spent this fiscal year and inquired whether the Village Manager wanted to roll some of the funds from this fiscal year to the next fiscal year. Mr. Lombardi responded that, when the budget closes on September 30, staff would be presenting budget adjustments to Council in October, which would include adjustments for funds not spent that were anticipated for this fiscal year. Councilmember Errington asked for an explanation regarding Comprehensive Plan, land development regulations, and community development services. After providing a detailed explanation of the reasons and undertaking of a Comprehensive Plan, Vice Mayor Levitan stated that the \$695,740 reflected the initial proposal from Lee County and was now up to \$713,000. He added that there was no revenue amount in the budget on a contractual basis; however, if the Village took over the services, the Village would be entitled to revenues including fees for planning and zoning, code enforcement, animal control, plus building permit fees. He said the County’s revenue estimate for an annual basis for fiscal year 2014 was approximately \$1.7M, which would have a tremendous impact on the Village’s budget. Mayor Batos added that the budgeted \$695,740 would be more than sufficient. Mr. Lombardi stated that he would recommend changing the \$695,740 to \$713,290, reflecting the latest amount in the Interlocal Agreement.

Page 12 – Animal Control – Village Manager Lombardi stated that the \$194,140 was the figure that the County provided in the Interlocal Agreement first draft; however, the amount was now \$193,720. Mayor Batos added that the County would bill the Village on that amount and whatever history they gain over the first year would establish what the second year fee would be. Discussion ensued regarding the fee amount, the possibility of subcontracting, the lack of history on the number of calls, and the possibility of a retroactive adjustment.

Page 13 – Public Works – Village Manager Lombardi stated that this was another area that had Interlocal Agreement ramifications; the new total expenditures were \$288,750. Brief discussion ensued.

Page 14 – Public Works Transportation – Village Manager Lombardi stated that this was another area that had Interlocal Agreement ramifications; the new total expenditures were \$2,322,260.

Page 15 – Information Technologies – Vice Mayor Levitan inquired whether the Village had migrated to its own server. Village Manager Lombardi responded that the server had been delivered; however, he was not certain whether installation was complete. Vice Mayor Levitan acknowledged the helpfulness of Assistant Fire Chief Wahlig and inquired whether the Village should retain a technician. Mr. Lombardi responded that the \$30,000 contract amount for the IT Services line item was for the technician that would be responsible for the system. Discussion ensued regarding the contractor the Fire District has used for a number of years, which was the same contractor that provided a proposal to maintain the Village’s system. Vice Mayor Levitan addressed concern regarding the Village being on a virtual server with the Fire District and believed that, since the Village had the equipment, it should be installed. Mr. Lombardi explained that there were three separate servers that the Fire District provided the Village to use; the new Village server will replace the three borrowed servers. Councilmember Errington inquired regarding security. Mr. Lombardi responded that there were various levels of security on the system and the new server would have higher security than the three current servers. Councilmember Boesch spoke regarding the concept of internships through FGCU. Mayor Batos responded that he had been speaking with the FGCU regarding interns.

Page 16 – General Government Operations Expenditures – Village Manager Lombardi noted that no additional personnel was listed; however, if Councilmembers believed there was a need due to work load, an additional \$135,000 could be entered for additional personnel on an as needed basis. Vice Mayor Levitan responded that there were many volunteers available in Estero and the Village should explore that opportunity prior to hiring part-time employees. He inquired whether the Village was in a position to begin discussions with potential landlords. Councilmember Ribble responded that information will be placed on the July 22 workshop agenda. Vice Mayor Levitan believed that the Village should begin budgeting for a lease. Mayor Batos explained that funds were budgeted in Capital Outlay.

Vice Mayor Levitan inquired about budgeting for charitable contributions, economic development, Chamber of Commerce or other Estero groups that would request funds to help citizens, as well as contributions for emergencies and money available for economic development needs. Councilmember Ribble believed that agencies were available to fill some of the needs. Discussion ensued regarding the Bonita Springs Estero Economic Development Council. Councilmember Boesch believed that funds needed to be budgeted for economic development. He also spoke to a new economic development program in the business department at FGCU and suggested that Mayor Batos speak with the FGCU President. Councilmember Errington stated that there were many non-profit organizations in Estero that provided service; it would be nice to recognize them, however criteria would need to be developed. Mayor Batos noted the Contingency line item on page 16, and spoke to the reserve in the budget, which would be available if needed; however, that did not preclude the fact if Council wanted to have a line for economic development. Consensus was to add a line for economic development. Regarding the charitable aspects, Vice Mayor Levitan stated that Council had been approached already and believed that there should be a process in place. Mayor Batos directed the Village Manager to schedule the topic of the Council's role for a workshop. He added that he would try to contact other cities for information regarding how they handle economic development and charitable requests.

Councilmember Boesch suggested that the Village hire a one shift sheriff from the Sheriff's Department to be involved with traffic control. He addressed speeding concerns and the need for a police presence in Estero. Mayor Batos directed the Village Manager to place the topic of additional police needs on a workshop agenda for discussion. He also stated that information from the Sheriff's office could be obtained. Discussion ensued.

Mayor Batos referred to the Insurance line item on page 16 and inquired whether the amount should be increased to take care of the proposed increase in coverage. Village Manager Lombardi responded the amount reflected the estimated increase. Discussion ensued regarding the 6-month amount versus the 12-month amount. Village Manager Lombardi stated that he and the Village Finance Director would review the amount. Mayor Batos believed the 12-month figure was incorrect and he also wanted to make certain that the Village had the additional coverage Council would need to have the maximum coverage for potential lawsuits. Attorney Derek Rooney responded that generally there were standard exclusions for land use. Discussion ensued.

Vice Mayor Levitan inquired regarding an ordinance to create a magistrate system. Attorney Derek Rooney responded that the ordinance and process could be set up rather quickly. Brief discussion followed.

Public Comment:

Adele Amico, Osprey Cove resident, addressed concern regarding salaries in the Village Manager budget due to the size of the Village. Mayor Batos responded that the budget contained figures for two employees that have not been hired yet and salaries for those employees had not been determined. He added that, in reviewing competitive salaries in other communities, the size of the community is not taken into consideration due to trying to get the best person for the position, noting that they may have come from a larger community. Mayor Batos stated that the numbers were within the scope of the feasibility study, which took an average salary that was being paid within the areas. Ms. Amico believed that the numbers were high for administrative work and private sector employees were not being paid salaries that high. She also believed that small government should get in line with private sector. Ms. Amico inquired about the health insurance premiums and whether taxpayers were paying for the premiums. Mayor Batos responded that the proposed amount was 100% for the employees, with no employee contributions toward the premium. Mayor Batos reiterated that staff was asked to obtain a survey of benefits from other communities. Brief discussion followed.

**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**

**(A) Council Comments**

Mayor Batos reported on the progress of the Village Attorney's recuperation.

Councilmember Ribble understood Ms. Amico's comments. He added that most companies had a premium co-payment paid by employees.

Vice Mayor Levitan commented that the budget discussion was excellent, he appreciated it, and was looking forward to finalizing the budget.

Councilmember Brown echoed Vice Mayor Levitan's comments and inquired whether a letter could be written to the owner of an unattractive, large sign structure that was laying on the ground and causing issues with the sidewalk. Attorney Derek Rooney responded that he would reach out to the owner and work with the Village Manager if necessary. Councilmember Brown stated that constituents reached out to him regarding obtaining more information about the community over and above what was available on the website. He inquired whether Marilyn Edwards could add them to an email list. Ms. Edwards agreed to help.

Councilmember Errington stated that the Village shirts were a great idea and suggested purchasing ball caps. She noted that, after reading a *News Press* article regarding Estero Bay Preserve, she visited the new facilities; upon arrival, a fire truck and four rangers were there as well as news media reporting on the odor in the area, which turned out to be "muck" burning from the Everglades. She also was offered the opportunity to take a tour in a fire truck to view the Estero River; she noted that an invitation was extended to the other Councilmembers to take the same tour.

Councilmember Boesch stated that the budget was the most difficult and most important thing that the Council does and offered appreciation to the audience members.

Mayor Batos invited further public comment on any topic and no one came forward.

**(B) Village Manager Comments**

None.

**(C) Village Attorney Comments**

Attorney Derek Rooney extended appreciation to the Council. He noted that he was the counsel to the Metropolitan Planning Organization (MPO) and mentioned that there would not be an MPO meeting this month. He reported that the Governor's office signed off on the addition of Estero; they were preparing an Interlocal Agreement and once the agreement was executed, Estero would have a seat on the MPO.

**8. ADJOURN**

Mayor Batos adjourned the meeting at 1:05 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_

Kathy Hall, MMC  
Village Clerk

Nicholas Batos  
Mayor

## VILLAGE COUNCIL REGULAR MEETING OF JULY 15, 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 (attending on behalf of Village Attorney Burt Saunders), and Village Clerk Kathy Hall.

### **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**

Pastor Rollins was unavailable.

### **4. ROLL CALL**

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

### **5. PROCLAMATIONS AND PRESENTATIONS**

#### **(A) Proclamation Expressing and Proclaiming Support for the Creation of an Estero Historic Preservation Citizens Committee**

Mayor Batos read the proclamation expressing and proclaiming support for the creation of an Estero Historic Preservation Citizens Committee. He extended thanks to Councilmember Errington for bringing this to the Council and presented the proclamation to Charles Dauray. Mr. Dauray stated that, to date, the committee held one meeting and noted that a number of other people have shown interest in joining the committee. Mr. Dauray shared the committee's mission statement: to identify, preserve, protect, and educate about Estero's historical, environmental, water, and cultural heritage for future generations. He spoke regarding news from last week on the 11,000 acres of the Estero Bay Preserve as well as additions to the County park. He stated that the committee's task was important in order to leave a legacy for the future.

#### **(B) Presentation on Website Enhancements (Village Manager)**

Mayor Batos provided background information regarding the Village website and introduced Kim Dailey from Papyrus Document and Design. Ms. Dailey stated that everyone agreed that the Village needed a website that provided a professional appearance, proactively addressed resident concerns, and allowed for easy navigation. Ms. Dailey provided a demonstration of the website and noted that the site would go live on Friday, July 19, at 1:00 p.m.

Mayor Batos extended thanks to Ms. Dailey and noted that the website was quite a change from the existing website. Village Manager Peter Lombardi added that staff would continue to look at ways to continually modernize and improve the website as needed.

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

## **6. APPROVAL OF AGENDA**

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

## **7. COUNCIL BUSINESS**

### **(A) Colin Baenziger – Report on Findings of Interviews with Councilmembers (Village Manager)**

Colin Baenziger, Owner, Colin Baenziger & Associates, stated that, after meeting with each Councilmember, a draft recruitment file was assembled that described the community, the government, and information on the ideal candidate. He noted that the goal was to put together enough material to provide information to candidates in order for them to make a preliminary judgment on whether this was a job they seriously wanted to look at just by reading the document. Mr. Baenziger stated that the draft document was distributed and minor changes were made at the direction of the Mayor. After review of the revisions, Mayor Batos noted an additional revision on page 2.

Discussion ensued regarding salary range; Mr. Baenziger provided an explanation of the City Manager salary survey, which included a listing of 147 cities ranging in population. It was noted that the Estero Village Manager position was different from many other cities due to not overseeing Police, Fire, Public Works, and Parks; however, Council was looking for certain specialized skills along with management ability and thorough knowledge of land use planning and zoning. Discussion followed regarding longevity and length of contract. Mr. Baenziger believed that five to six years was the average length of stay for a City Manager based on information from the International City/County Management Association; a minimum contract was two years, three to five years was standard; however, he recommended an open ended contract.

Mayor Batos inquired whether information regarding benefits would be added to the recruitment information. Brief discussion followed regarding whether to leave it out, state that benefits were currently being developed, or indicate competitive benefits.

Public Comment:

Tim McCullough, Estero resident, addressed concern regarding the Village hiring someone with a lot of experience and then they move on to something bigger. Mayor Batos responded that one of the advantages Estero had was that most managers would look at this as a great opportunity to start something from scratch.

Councilmember Ribble moved to set the salary range at \$135,000 to \$175,000, seconded by Councilmember Brown, called and carried unanimously.

Mayor Batos inquired when the information would go out. Mr. Baenziger responded that it should go out tomorrow.

Vice Mayor Levitan commented on information regarding hiring that was distributed by Councilmember Ribble.

**(B) MPO Committee Assignments (Mayor Batos)**

Mayor Batos reviewed that filling the open non-voting positions for CAC, TAC and BikeWalk was brought up a few weeks ago, inquired whether Councilmembers had any names for the positions, and the response was “no.” Mayor Batos stated that he recommended Doug Saxton for the BikeWalk, Community Development Director Mary Gibbs for the TAC, and Pat Hiltman for the CAC.

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

Councilmember Ribble moved to accept the three names as stated, seconded by Councilmember Wilson, called and carried unanimously.

Mayor Batos offered thanks to Doug Saxton for serving on the BikeWalk. Mr. Saxton stated this was a passion of his and was excited to work with the Village.

**(C) RESOLUTION NO. 2015-46 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2015-2016, SETTING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARINGS REQUIRED BY STATE LAW; DIRECTING STAFF TO TRANSMIT NECESSARY DOCUMENTATION PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Village Manager)**

Village Manager Peter Lombardi read the title of Resolution No. 2015-46 and stated the resolution was required by the State of Florida’s TRIM legislation program. He explained that the resolution sets a tentative millage rate of 0.8398, which was the existing millage rate for Fiscal Year 2014-2015; the rate would be published in the TRIM notice, along with the date of the TRIM hearing of September 3, 2015, 6:30 p.m., that the property appraiser would send out in August.

For clarification, Mayor Batos stated that he and Mr. Lombardi attended a meeting at the tax appraiser’s office this week and it was noted that the Estero Fire District had an 11.02% increase, which was a combination of increased values on homes and new products coming on line, the highest in Lee County. Mayor Batos continued that, in addition to what Council was proposing today, and Council’s action of removing the All Hazards Tax, on October 1, 2015 the accumulative tax rates for Estero residents would be lower than last year, if the rate remained as proposed.

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

Councilmember Brown moved to adopt Resolution 2015-46, seconded by Councilmember Errington, called and carried unanimously.

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

Mayor Batos called for public input on any issue.

Mike Janowsky, 5-year resident on Sandy Lane, stated that he chose to live in Estero due to the laid back atmosphere; however, his road has become a speedway due to increased development. He inquired whether anything would be done to the area to calm the traffic. Mayor Batos responded that speeding problems were discussed at the last Council meeting and he and the Village Manager would be meeting with police next week to try to establish where the problems were and look at it in an enforcement point of view. He added that the Village would be beginning a capital program and during the process Council would be looking at roads, how they are used, if there would be any changes; he noted that there would be public input during the process. Mayor Batos stated that this was not something that would happen overnight; however, it was something that was in process, on the list of multiple items that Council was trying to work through as quickly as possible. Mr. Janowsky noted that Sandy Lane had room for sidewalks, etc. He also noted that he was happy there was an evening Council meeting.

## **9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS**

Councilmember Ribble stated that he was in Stone Harbor, New Jersey over the weekend and was impressed with the main “drag” which had four lanes and a 25 mph speed limit. He indicated that it was well managed no matter what time of the day and had a great bike lane. He believed that the Estero speed limits were too high and needed to be reviewed.

Vice Mayor Levitan explained that the reason for the special Council meeting in August was due to the Request for Qualifications for work labeled community development under the exhibit that Lee County provided that included code enforcement, zoning, planning, development services, etc.; the responses were due on or before August 5, 2015 and Council would meet on August 10, 2015 to review and rank the proposals. He added that negotiation with the company ranked first would be scheduled as well. He stated that commencement of services was targeted for October 1, 2015 with respect to everything except building permits, which was targeted for January 1, 2016. Mayor Batos added that the Interlocal Agreement may be completed and ready for approval at the August 10, 2015 meeting.

Councilmember Brown reported that the cellular service on US 41, near First Watch restaurant, had placed big, fluttery signs in front of their business last Sunday and every weekend when they understand that code enforcement officers were not on duty. He believed that they were advised that the signs were not permitted. He inquired whether there was something that could be done or if the Village Attorney could write them a letter. Mayor Batos responded that the County could be contacted again. Discussion ensued. Attorney Pires said that a letter could be sent and believed the best thing would be to find out if code enforcement would come out on a weekend. Mayor Batos asked that the Village Manager contact the County. Mr. Lombardi responded that he would make the contact as well as drive by the location if possible, and take a photo to provide to the County.

Councilmember Errington said that she believed there was enough interest from the Council to order baseball caps. Discussion ensued and consensus was to purchase the baseball caps.

Councilmember Errington commended the Estero Fire Rescue for the quick response to the home of a friend that had experienced a heart attack. She also commended Jerry, Patrick and David (last names unknown) for a quick response to her condo building after an upstairs neighbor had fallen and hit her head in the bathroom which subsequently caused flooding. She expressed appreciation for the paramedics' quick response and taking charge of the situation.

Councilmember Wilson offered a special thank you to the Council for indulging him in getting his Illinois-based home issue solved.

Mayor Batos reviewed that there were comments from the public and a Councilmember at the last Council workshop regarding the Council supporting the efforts of a group to get the County to fund the sidewalk project on Estero Parkway. Mayor Batos stated that he wanted to express his strong belief that this was completely the wrong direction. He said that Estero was now a municipality and the residents had voted for this Council to represent them, and as such it was that committee and the residents of Estero who should support the Council and its work with the County to get that project done as well as other projects. He encouraged all residents of Estero to advocate through this Council for items and issues they felt were needed or important to them. Mayor Batos continued that everyone had the best interest of Estero at heart and by working together there was no limit to what could be accomplished. He believed that, if individual groups continued to push their agendas on items that were within Estero with other governmental agencies, it would do nothing less than damage the Village's ability to be successful. He stated that the Village had been working with the County on many important issues and that Commissioner Kiker and the County staff had been very cooperative; there had been differences, but the Village and County were moving forward together. He noted that the Village needed the County and the County needed the Village for all of Estero and Lee County to be successful. Mayor Batos said that the help and cooperation the County had given the Village should be recognized. He asked Estero residents to give their support to the Council, to work with the Council and not go out on their own. He also asked that the Estero residents give the Council the opportunity to bring the visions everyone had for Estero to fruition; the vision why over 86% of the citizens voted for incorporation, and the vision the citizens voted this Council in and rightfully expected the Council to work for the citizens together.

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

None.

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

Attorney Tony Pires provided an update on Village Attorney Saunders' recuperation.

#### **13. ADJOURN**

Mayor Batos adjourned the meeting at 7:38 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_

Kathy Hall, MMC  
Village Clerk

Nicholas Batos  
Mayor

## VILLAGE COUNCIL WORKSHOP OF JULY 22, 2015

The Village of Estero Council Workshop 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 (attending on behalf of Village Attorney Burt Saunders), Finance Director Lisa Pace, 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, seconded by Councilmember Ribble, called and carried unanimously.

Mayor Batos acknowledged State Representative Ray Rodriguez in the audience and expressed appreciation for Representative Rodriguez's assistance with the incorporation of the Village as well as all that he does for the State of Florida.

### **5. COUNCIL BUSINESS**

#### **(A) Presentation – Metropolitan Planning Organization (MPO) (Mayor Batos)**

Don Scott, Executive Director, explained that the MPO was a transportation policy making board which included representatives from the cities of Bonita Springs, Cape Coral, Fort Myers, Sanibel, Town of Fort Myers Beach, Village of Estero, and Lee County Commissioners. He stated that, based on State and Federal laws, the MPO was responsible for establishing a continuing, cooperative, and comprehensive transportation planning process for Lee County, and that Federal and State transportation funding flowed through the MPO. Mr. Scott noted that the MPO had four staff members and was funded 95% from Federal funds.

Mr. Scott provided background information regarding the MPO: the 1962 Federal Aid Highway Act required each urbanized area with a population of 50,000 or more to establish an MPO as a condition of receiving federal funds; the Lee County MPO was formed in 1977; there were 27 MPOs in Florida. He noted that there were five committees: Citizens Advisory Committee (CAC), Technical Advisory Committee (TAC), Bicycle Pedestrian Coordinating Committee (BPCC), Traffic Management Operations Committee (TMOC), and Transportation Disadvantaged Local Coordinating Board (LCB); Key Tasks included Long Range Transportation Plan, Five Year Transportation Improvement Program, Unified Planning Work

Program, Public Involvement Plan, Congestion Management Process, Federal and State Funded Project Priorities, and Transportation Disadvantaged Service Plan. Mr. Scott provided explanation of the seven ongoing/upcoming projects: Update of the Long Range Plan to 2040; TIGER Design Build Project; Round-a-bout Feasibility Study; Cape Coral Bicycle Pedestrian Master Plan; Collection of Bicycle Pedestrian Count Data; and Fort Myers Beach Bicycle Pedestrian Master Plan/Crosswalk Lighting Study.

Mr. Scott spoke to the Long Range Transportation Plan explaining that it was a countywide multi-modal transportation plan that included road, bicycle, pedestrian, and transit projects; updated every five years for the 25-year planning horizon through 2040 and identified strategies to ensure future mobility. He then addressed the population projections for Lee, Collier, and Charlotte Counties, the long range plan elements, completed tasks, funding sources, and projected revenues. He addressed the FDOT District One Regional Transportation Model and noted the three entries regarding Corkscrew Road noted in the Lee MPO Long Range Transportation Plan Update. He also spoke to the Lee/Collier 2040 Cost Feasible Alternative II and II B and the STP and State Funded Priorities for FY 2021.

Mr. Scott noted that a Lee 2040 Transportation Plan Public Workshop would be held on August 25, 2015 from 5:00 p.m. to 7:00 p.m. at the Estero Recreation Center.

Councilmember questions and discussion followed.

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

**(B) Horizon Council Foundation (Councilmember Wilson)**

Councilmember Wilson reviewed that Estero accepted an invitation from the Horizon organization in order to be a member of the executive committee. He stated that he attended his first meeting, and referred to materials distributed to Council which indicated that the Horizon Foundation and the Lee County Economic Development Office engage in sophisticated marketing efforts to strategically attract and retain companies that do business in and with Lee County; funds raised for the Foundation pay for direct marketing costs only and were not used for salaries, travel or other operational expenses so that donations were an investment County-wide. Councilmember Wilson noted that they asked if Estero would consider becoming an investor similar to other cities at the “Investor” level at \$2500. He recommended that Council reach consensus to become an investor and give it a full budget year to understand the benefits to Estero. Councilmember Ribble agreed and supported becoming an investor. Vice Mayor Levitan inquired what the foundation was as opposed to Horizon Council, what role the Horizon Council played in Lee County matters and why it was not an advisory committee. He suggested that Community Development Director Gibbs may be able to provide the answers. He said that he was in favor of supporting economic development; however, the materials seemed to say that Horizon Foundation supported and participated in the activities of the Horizon Council. Councilmember Wilson responded that after a couple more meetings he would be able to answer questions. Councilmember Errington asked that Councilmember Wilson find out how the salaries were paid. Councilmember Wilson stated that he believed Pat O’Rourke was a County employee.

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

Mayor Batos inquired whether this topic would be brought up at the next Council meeting. Councilmember Wilson hoped that the Investor contribution could be included in the upcoming budget in order to make a commitment for the first year. Vice Mayor Levitan stated that he did not have a problem putting it in the budget; however, he would like answers to questions before agreeing to spending the funds. Councilmember Wilson believed that a commitment had already been made when the Village accepted the membership. Mayor Batos inquired whether there was any objection to instructing the Village Manager to work it into the budget. Village Manager Peter Lombardi explained that at the present time there were no funds in the proposed budget for economic development of any kind. Mayor Batos stated that there have been other economic development inquiries. Discussion ensued regarding budgeting more than \$2500 for economic development. Mayor Batos stated that discussion on this item could continue under the budget agenda item.

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

**(C) Village Contributions/Donations Policy (Tabled by Vice Mayor Levitan at July 10, 2015 Workshop)**

Village Manager Peter Lombardi stated that, since the agenda item had been previously tabled, a motion by the Councilmember that tabled the item would be required to take it off the table prior to discussion. Brief discussion ensued and Vice Mayor Levitan chose not to make a motion to take it off the table.

**(D) Village Office Space (Councilmember Ribble)**

Councilmember Ribble stated that he was looking for a recommendation to talk to one of the corporations that represented one of the three buildings Council reviewed for a potential leased facility for the next five years (9401 Corkscrew Palms Circle, Brooks Town Center, and Picaya Bay). He provided detailed information regarding square footage, allotted parking spaces, current market rental rates, estimated common area maintenance expense, and build out expense. Discussion ensued. Consensus was for Councilmember Ribble to continue with the process, contact the representatives of 9401 Corkscrew Palms Circle property, and bring back information to the Council. Village Manager Lombardi stated that there were some other issues he wanted to make Councilmember Ribble aware of. He also stated that a draft lease could be developed for Council consideration. Brief discussion followed regarding the plan layout of the Council Chambers and the size of the dais, which would use approximately 25% of the room.

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

The workshop went into recess at 11:14 a.m. and reconvened at 11:20 a.m.

**(E) 2016 Budget Workshop #2**

Village Manager Peter Lombardi highlighted the revisions made since the last workshop, indicated in summary on page 1 of the budget document. He noted that revenues increased from \$10,693,120 to \$10,960,020, expenditures increased from \$6,216,960 to \$6,418,650; net change in General Fund was \$65,210. Mr. Lombardi stated that there were no funds in the budget for economic development; if Council was going to add funds in the budget for economic development, he suggested placing the funds in the Community Development budget. Vice Mayor Levitan suggested \$15,000 to \$20,000 as a place holder. Discussion ensued regarding

economic development groups. Vice Mayor Levitan suggested scheduling the discussion for a workshop. Mayor Batos stated that he and the Village Manager were working on upcoming workshop agendas. Consensus was to place \$20,000 in the Community Development budget for economic development.

Regarding the General Government Operations Expenditures, page 16, Village Manager Lombardi stated that he had originally placed funds in the cost center in anticipation of expanded facilities; currently there were \$28,560 appropriated for the lease of the current facility; if relocation occurred, the funds would be used in the new location. He continued that \$450,000 was included in the Capital Outlay line item, which included \$100,000 for furniture and fixtures for the new office facility and the increase lease cost and/or build-out. He indicated that, based on build-out costs, he believed an additional \$100,000 to \$150,000 should be budgeted. Vice Mayor Levitan suggested keeping the \$450,000 for the build-out and equipment and change the office lease line item to a realistic number. Mayor Batos stated that funds could be moved from one line item to another at a later time; in a negotiating point of view, indicating the lease line item or build out line item separately would put negotiators in a strong position. Consensus was to increase Capital Outlay by \$100,000.

Councilmember Ribble inquired whether the IT expense on page 15 was adequate, particularly as it related to planning and zoning. Vice Mayor Levitan explained that the IT expense for planning and zoning was not included in this cost center. He explained further that, in the building permit function, the fees acted as a trust fund and the trust fund paid for the cost of inspections and all activities with respect to building permits; part of that was to make the process public through a computer system with online access, which would occur as part of a vendor contract and would come from the Community Development budget. Mayor Batos added that the portion of the funds received by the County for Estero was in excess of \$1M per year; a significant amount went into IT availability. Village Manager Lombardi stated that the IT budget was strictly for the Village email system, servers, financial software; anything dealing with software for building permits would come out of the Community Development budget.

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

Councilmember Wilson stated that he had been serving and meeting with the presidents of the Corkscrew Corridor homeowners associations as well as with ECCL in an effort to understand traffic estimates and potentially conduct a traffic study for the Corkscrew Corridor. He noted that Don Eslick was in the audience and said that he would like for him to present a brief report, which he would also like to be scheduled for a workshop. Mayor Batos inquired whether this was something that would be part of the current budget discussion. Councilmember Wilson responded it would be up to the Council. He added that ECCL had bid estimates from two transportation consulting firms; however, he believed that the estimates only included up to Three Oaks. Mayor Batos stated he believed that Council had expressed their concern along with adoption of a resolution; if the Council decided to have a study done, it would be added as a placeholder in the budget, which would be approximately \$25,000.

Don Eslick stated that the ECCL began talking about understanding potential development and what it meant in terms of traffic on Corkscrew and the interchange several months ago; they realized that they needed expertise and interviewed two firms. He stated that both firms recommended a Transportation Corridor Study with boundaries at the eastern end of the overlay area proposed by Lee County; the western end would be US 41; Williams Road would be the southern boundary; Estero Parkway would be the northern boundary. He stated that the more

appealing of the two recommendations would cost \$20,000 to \$25,000 and, within the boundaries, the study would look at all of the development that was likely to occur over the next 10 years which would include the types of road improvements needed; comprising intersection improvements and what types of egress issues would need to be cured over the next 5 to 10 years. He presumed that all of the information would form the basis of the transportation component of the Village CIP. Mr. Eslick stated that such a study would take approximately two to three months to complete. He said that, in light of the fact that about half of the total budget goes for transportation matters and given the amount of funds the Village was expecting to receive in road improvement funds, he believed that \$25,000 to \$30,000 was not much in comparison to the type of baseline information the Village would receive. He continued that the ECCL pondered whether they should fund it; however, they believed it would be of benefit to the Village to fund it, and urged Council to include it in the budget. Councilmember Errington stated that her major concern was that the ECCL brought this up and wanted to do it and the ECCL should pay for it. She said it was easy to sit out in the community and decide how Council should spend funds. She added that the study had nothing to do with the north end of Estero. Councilmember Wilson responded that the primary focus was not ECCL but rather the presidents of the Corkscrew Corridor homeowners associations; however, in order to have somebody else to work with, they went to the ECCL. He added that this affected District 7 along with going all the way to the west boundary; if there were needs, he believed everyone could work together to solve problems across the Village. Councilmember Ribble believed that it was not about one specific district, this was a team, and he encouraged the study be done and was supportive. Councilmember Brown agreed with Councilmembers Wilson and Ribble and inquired about expanding the boundaries. Mr. Eslick responded that they went through two iterations with consultants; the original western boundary was Three Oaks Parkway, they asked them to extend it to US 41, which added \$2,000 to the cost of the study. Brief discussion ensued.

Beverly MacNellis, Director, Estero Community Improvement Foundation, stated that they had contacted and employed FGCU to do a needs assessment of Estero for \$15,000; a transportation study was included in the assessment. She suggested that Councilmember Wilson speak with Wayne Smith, President of the Estero Community Improvement Foundation.

Village Manager Lombardi noted that the ECCL was talking about a traffic study with an estimate of \$25,000 – the budget included funds for the comprehensive plan; one part of the comprehensive plan was a transportation element; the consultant that writes the comprehensive plan and the land development regulations were required to meet State law. He added that if a transportation plan was done as part of the comprehensive plan, the transportation element dealt with the entire community. Vice Mayor Levitan added the Council would need to know which roads would be Estero's and an RFQ would be needed to do a transportation study. Discussion followed.

Mayor Batos inquired whether available funds were in the budget if Council wanted to do the traffic study. Village Manager Lombardi responded that additional funds should be budgeted. Discussion ensued regarding the transportation element of the comprehensive plan. Consensus was to include an additional \$30,000 as a Corkscrew Transportation Planning line item.

Village Manger Lombardi stated that the budget would be finalized, the TRIM hearing was scheduled for September 3, 2015, 6:30 p.m., and the second hearing would be held September 16, 2015, 6:30 p.m.

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

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

Mayor Batos called for public input on any issue.

Don Eslick stated that ECCL was committed to seeking support of the Village and that Estero was stronger when everyone spoke in one voice. He provided an update of ECCL's plans and spoke to a recent transportation committee meeting as well as action with respect to sidewalk and bike path issues associated with Estero Parkway.

## **7. COUNCIL COMMUNICATIONS/FUTURE AGENDA ITEMS**

### **(A) Council Comments**

Councilmember Ribble conveyed thanks to the Village Manager and Finance Director for their work on the budget.

Vice Mayor Levitan noted that he would be out of town from July 23 through August 8.

Councilmember Brown echoed Councilmember Ribble's comments and conveyed appreciation to Marilyn Edwards and Kim Dailey on the website.

Councilmember Errington reported that she attended a webinar presented by the Conservancy of Southwest Florida. She stated that Estero residents need to be assured that an open invitation stands for anyone in the community who has an idea that would improve the community; citizens should contact a Councilmember and after discussion, if everyone is in agreement that the idea seems worth pursuing, ask that it be presented at a Council workshop. She continued that a good example of this was when a group of concerned residents contacted and met with her regarding the need to start an Estero Historic Preservation Committee; after an initial meeting with them and others in the community, she asked that the idea be placed on a Council workshop agenda, which was held a few weeks later. As a result of the workshop a proclamation was presented to the Estero Historic Preservation Citizens Committee at the July 15, 2015 Council meeting, expressing and proclaiming support for the creation of the committee. She noted that she attended the first committee meeting; one of the major topics was concern for the Estero River, which is no longer listed as one of Florida's outstanding waters. She stated the committee recognized that the Estero River needed to be healthy and be recognized for the contribution it has made to Estero over many years. She conveyed thanks to the committee for the historic preservation challenges that they have accepted and for the work that they will do to make the quality of life in Estero even better and the environment more beautiful.

Councilmember Boesch reminded Council that a resolution regarding the Estero Parkway sidewalks would be on the September 3, 2015 agenda. Mayor Batos stated that he didn't recall a resolution being prepared; however, Council may have discussed an item for discussion. Councilmember Boesch stated he requested a resolution and had discussed it with the Village Manager when he brought it up at the previous meeting. Discussion ensued and the Village Manager stated that the minutes of the meeting would be reviewed. Councilmember Boesch requested that a project for a median divider installation at The Preserve be scheduled for a workshop, with an invitation for the contractor and LDOT to attend. He also requested that a project for the crossover at Corkscrew Woodlands be scheduled for a workshop due to safety and aesthetic concerns, with an invitation to Commissioner Kiker and LDOT to attend.

Mayor Batos stated that he did not believe that County Commissioners and contractors should be asked to attend workshops until there was an understanding of what the Council wants or does not want. He continued that he believed Council should not be discussing these issues until there was an understanding as to what the Village policies were, part of the long range plan.

Vice Mayor Levitan believed the last time Council discussed the sidewalk issue that it would be part of a future CIP discussion, would probably be deferred until such time Council knew which roads the Village would or would not take, and Council would look at the priorities of the whole Village for sidewalks, bike paths, medians, beautification, etc., which would all need to be discussed in workshops and perhaps with outside consultants.

Councilmember Boesch stated that Council could look at that; however, if he requested a resolution, it should be done at the September 3, 2015 meeting.

Mayor Batos inquired whether it was true that any Councilmember could request a resolution to be prepared before Council discussion and approval. Attorney Pires responded that he was not certain whether the Council had adopted rules or policies that indicated the procedure; however, generally a governing body collective would suggest a resolution. Mayor Batos stated that he would try to put a discussion item on an agenda for a September meeting, however, he noted that Council would be discussing the next step in the CIP in October and he believed that all of the items Councilmember Boesch referred to would be part of the CIP discussion. He also believed that Council should not be taking any of the programs piecemeal prior to having a cohesive plan established as a group, as priorities and not as individual requests. Councilmember Boesch stated that these were immediate demands from citizens. Mayor Batos said that he understood; however, he also understood that each of the requests had other ramifications; sidewalks on Estero Parkway was one portion of numerous amounts of sidewalks and bike paths throughout Estero that had not been done; the individual roadworks were possibly part of a much larger area. He added that he believed it would be fair for the Council to have a chance to vote on the sidewalks issue and would make certain that it was placed on the September agenda.

Councilmember Ribble stated that he applauded Councilmember Boesch's passion on the issues and supported what he was trying to do; however, Council talked about this at several meetings and right now Council was negotiating with Lee County. He believed that, until the negotiation was complete, Council should support the Mayor.

Councilmember Wilson stated that he shared Councilmember Boesch's compassion with the problem at The Preserve and he would support it if there was a way to get somebody else to pay for it on an accelerated basis; however, Council needed to have a process through which all Councilmembers would put thoughts, ideas and dreams into a capital budget.

#### **(B) Village Manager Comments**

Reported that an RFP had been prepared for the Financial Audit Services and would be released on Friday, July 24, 2015; an audit selection committee had been formed; RFP results would be on the September 3, 2015 agenda.

#### **(C) Village Attorney Comments**

Attorney Tony Pires provided an update on Village Attorney Saunders' recuperation.

**8. ADJOURN**

Councilmember Brown moved to adjourn, seconded by Councilmember Ribble, called and carried unanimously. Mayor Batos adjourned the meeting at 12:26 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_

Kathy Hall, MMC  
Village Clerk

Nicholas Batos  
Mayor

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **RESOLUTION NO. 2015 - 53**

4  
5 **A RESOLUTION OF THE VILLAGE OF ESTERO, LEE**  
6 **COUNTY, FLORIDA, ADOPTING THE TENTATIVE**  
7 **LEVYING OF AD VALOREM TAXES FOR THE**  
8 **VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, FOR**  
9 **FISCAL YEAR 2015-2016; ESTABLISHING THE DATE,**  
10 **TIME AND PLACE FOR A FINAL HEARING TO ADOPT**  
11 **THE FINAL AD VALOREM TAXES FOR FISCAL YEAR**  
12 **2015-2016; AND PROVIDING AN EFFECTIVE DATE.**

13  
14 **WHEREAS**, the Village of Estero, Lee County, Florida, on September 3, 2015,  
15 adopted Fiscal Year Tentative Millage Rate following a public hearing as required by Florida  
16 Statutes 200.065; and

17  
18 **WHEREAS**, the Village of Estero, Lee County, Florida, held a public hearing as  
19 required by Florida Statutes 200.065; and

20  
21 **WHEREAS**, the gross taxable value for operating purposes not exempt from taxation  
22 within the Village of Estero, Lee County, Florida has been certified by the Lee County Property  
23 Appraiser to the Village of Estero as \$5,699,812,482;

24  
25 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,  
26 Florida:

27  
28 **Section 1.** The fiscal year 2015-2016 tentative ad valorem operating millage rate  
29 for tax (calendar) year 2015 is hereby adopted at .8398 mills and the levy of an annual tax for  
30 said year is tentatively made. As this is the initial year of assessing a millage rate, the rolled-  
31 back rate will not be calculated.

32  
33 **Section 2.** A public meeting and hearing will be held to consider and adopt the  
34 final millage rate for fiscal year 2015-2016 as follows:

35

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 16, 2015	6:30 P.M.	Estero Fire Rescue Administrative Bldg. 21500 Three Oaks Parkway Estero, Florida 33928

36  
37  
38  
39  
40  
41

42 **Section 3.** This resolution shall take effect immediately upon adoption.  
43  
44  
45  
46  
47

48                   **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3<sup>rd</sup>  
49 day of September, 2015.

50

51

52 Attest:

**VILLAGE OF ESTERO, FLORIDA**

53

54

55 By: \_\_\_\_\_  
56       Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Nicholas Batos, Mayor

57

58

59 Reviewed for legal sufficiency:

60

61

62 By: \_\_\_\_\_  
63       Burt Saunders, Village Attorney

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **RESOLUTION NO. 2015 - 54**

4  
5 **A RESOLUTION OF THE VILLAGE OF ESTERO, LEE**  
6 **COUNTY, FLORIDA, ADOPTING THE TENTATIVE**  
7 **BUDGET FOR FISCAL YEAR 2015-2016; AND**  
8 **PROVIDING AN EFFECTIVE DATE**  
9

10 **WHEREAS**, the Village of Estero, Lee County, Florida, held a public hearing as  
11 required by Florida Statute 200.065; and  
12

13 **WHEREAS**, the Village of Estero, Lee County, Florida, set forth the appropriations  
14 and revenue estimate for the Budget for Fiscal Year 2015-2016 as follows:  
15

16 Total General Fund Expenditures \$6,568,650  
17

18 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,  
19 Florida:  
20

21 **Section 1.** The fiscal year 2015-2016 tentative budget is hereby adopted.  
22

23 **Section 2.** This resolution shall take effect immediately upon adoption.  
24

25 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3<sup>rd</sup>  
26 day of September, 2015.  
27

28  
29 Attest:

**VILLAGE OF ESTERO, FLORIDA**

30  
31  
32 By: \_\_\_\_\_  
33 Kathy Hall, MMC, Village Clerk  
34

By: \_\_\_\_\_  
Nicholas Batos, Mayor

35  
36 Reviewed for legal sufficiency:  
37

38  
39 By: \_\_\_\_\_  
40 Burt Saunders, Village Attorney

# *Village of Estero, Florida*

## **Annual Operating Budget Fiscal Year 2015-2016**



### **Mayor**

Nick Batos, District 6

### **Vice Mayor**

Howard Levitan, District 2

### **Village Council**

Bill Ribble, District 1

Donald Brown, District 3

Katy Errington, District 4

Jim Boesch, District 5

Jim Wilson, District 7

### **Administrative Personnel**

Peter G. Lombardi, Village Manager

Burt Saunders, Village Attorney

Kathleen Hall, Village Clerk

Lisa G. Pace, CPA, Finance Director

Mary Gibbs, Director of Community Development

The Village of Estero, Florida was incorporated December 31, 2014.

## *Table of Contents*

Summary of Budget Changes.....	1
General Fund Budget.....	2
Budget Summary.....	3
General Fund Revenue Summary.....	4
General Fund Expenditure Summary.....	5
General Fund Expenditure Cost Centers:	
Village Council.....	6
Village Manager.....	7
Village Attorney.....	8
Village Clerk.....	9
Finance.....	10
Community Development.....	11
Animal Control.....	12
Public Works.....	13
Information Technologies.....	15
General Government Operations.....	16

## Village Council



**District 6: Nick Batos, Mayor**

Phone (239) 292-2909

Email: [batos@estero-fl.gov](mailto:batos@estero-fl.gov)



**District 1: Bill Ribble**

Phone: (239) 292-0665

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**District 2: Howard Levitan, Vice-Mayor**

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**District 3: Donald Brown**

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**District 4: Katy Errington**

Phone: (239) 292-1237

Email: [errington@estero-fl.gov](mailto:errington@estero-fl.gov)



**District 5: Jim Boesch**

Phone: (239) 292-1715

Email: [boesch@estero-fl.gov](mailto:boesch@estero-fl.gov)



**District 7: Jim Wilson**

Phone: (239) 292-2978

Email: [wilson@estero-fl.gov](mailto:wilson@estero-fl.gov)



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September 3, 2015

Honorable Mayor and Village Council,

Following the swearing in of the first Village Council during the inaugural meeting of March 17, 2015, council began the process of governing; approved Resolutions ratifying the purchase of liability insurance, assumed operation of the Village's first website, appointed an Interim Village Manager, Village Attorney, and Finance Director, designated a depository for financial operations, approved a letter of credit for necessary operating funds, approved a lease for temporary municipal offices, approved an initial public meeting schedule, and established initial purchasing guidelines. It began the process to adopt ordinances to establish a Planning and Zoning Board and Design Review Board, rescind the County restriction against communication with the boards, and repeal the County ordinance relating to lobbyist activities and reporting. And thus, the Village of Estero progressed from an idea to a movement into a living and breathing local government.

Our government-light organization has grown to 5 full-time professionals who handle the day-to-day business of operating a local government and providing assistance to the Village Council and 2 advisory citizen boards.

While municipal fiscal years begin October 1, and end September 30, Estero's 2015 Fiscal Year began on March 17, and will last only 6.5 months. Following 3 months of operation, we are projecting a reserve of \$1,226,170.

I am pleased to provide you with my recommended Fiscal Year 2016 Annual Budget in compliance with Section 8 (2)(3) of the Village Charter. I recommend setting the ad valorem millage rate at 0.8398, the same as 2015. Adhering to the commitment to maintain a government-light, citizen involved village, the budget affords the resources to establish a solid foundation to provide the highest quality municipal services.

Having been in operation for only 3 months, we have not had the luxury to evaluate past financial conditions. We have researched all the state, county, and local revenue sources available to the Village. After several weeks of negotiations with County officials, we have determined what local services have been provided prior to incorporation and what it will cost to continue those services. The Village and Lee County will soon enter into an Interlocal Agreement for the continuance of those services at an agreed upon cost.



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Budget Message  
September 3, 2015  
Page 2

The proposed budget is balanced and sufficient to meet this year's operating needs. The 2016 Operating Budget consists of total General Fund revenues of \$10,620,020 which when added to the 2015 projected reserves of \$1,226,170 total \$11,846,190 in available funds. Proposed General Fund expenditures are \$6,568,650, leaving a projected fund balance on September 30, 2016, of \$5,277,540.

Revenues include \$5,011,000 in taxes, \$843,000 from the local option gas tax, \$636,000 from franchise fees, \$927,600 from impact fees, \$3,189,000 from intergovernmental revenue, \$10,000 from fines and forfeitures, and \$3,420 interest income.

Expenditures include \$793,400 for Personal Services, \$5,050,250 for operating expenditures, \$575,000 for capital outlay, and \$150,000 in debt service.

The projected Fund Balance of \$5,277,540 provides for \$1,654,240 in Unrestricted Reserves, \$980,700 Restricted Reserves for Road Capital Projects, \$642,600 Restricted Reserves for Park Capital Projects, and \$2,000,000 for Emergency Reserves.

We will carefully monitor revenue and expenditures during the year and bring the Council recommendations for changes to the approved budget as necessary.

I would like to thank the Village Council for giving me the opportunity to work alongside you to get your mission underway. I especially want to express my sincere appreciation to our Finance Director, Lisa Pace, for the many hours she has spent at my side managing the day-to-day financial operations, obtaining revenue estimates from County and State officials, and preparing the Village Budget. I am proud of the progress we have made in a very short period of time and the efforts of a small but extremely efficient management team. And for those who have volunteered their time, opinions and recommendations, thank you.

Peter G. Lombardi  
Interim Village Manager

*Village of Estero*

**Budget Calendar**

Fiscal Year 2015-2016

Date	Responsibility	Action Required
June 1, 2015	Lee County Property Appraiser	Estimate of Taxable Value
June 24, 2015	Village Manager Finance Director	Village Manager's Proposed Budget is submitted to the Village Council
July 1, 2016	Lee County Property Appraiser	Certification of Taxable Value is Finalized, DR420.
July 10, 2015 and July 22, 2015	Village Council Village Manager Finance Director	Budget Workshops
July 15, 2015	Village Council Village Manager	Adopt Resolution setting proposed Millage Rate for 2015 and setting public hearing dates (TRIM Notice)
July 17, 2015	Village Manager	Notify the Property Appraiser of Proposed Millage Rate
August 24, 2015	Lee County Property Appraiser	Notice of Proposed Tax Bill and Public Hearing dates to homeowners (TRIM notice)
September 3, 2105 at 6:30pm	Village Council Village Manager	First Public Hearing on Tentative Budget and Ad Valorem Tax Rate
September 16, 2015 at 6:30pm	Village Council Village Manager	Final Public Hearing to Adopt Budget and Ad Valorem Tax Rate
September 19, 2015	Village Manager	Deadline for returning final Millage Rate to Property Appraiser and Tax Collector
October 16, 2015	Village Manager	Certify compliance with Florida Statute Chapter 200 to the Florida Department of Revenue



*Village of Estero*  
*Fiscal Year 2015-2016*  
*Summary of Budget Changes*

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*Revenue Changes:*

	Total Revenues July 22, 2015 draft	\$ 10,960,020
Page 4	Local Communication Services Tax-decrease for State Estimate & Lee County Collections	\$ (202,000)
Page 4	Franchise Fees-FPL Electric-Decrease for FPL estimate initial remittance January, 2016	(138,000)
<i>General Fund Revenue Total</i>		<u><u>(340,000)</u></u>
Total Revenues September 3, 2015 draft		<u><u>\$ 10,620,020</u></u>

*Expenditure Changes:*

	Total Expenditures July 22, 2015 draft	\$ 6,418,650
Page 11	Corkscrew Transportation Planning	\$ 30,000
Page 11	Economic Development	20,000
Page 16	Capital Outlay	100,000
<i>General Fund Exenditure Total</i>		<u><u>150,000</u></u>
Total Expenditures September 3, 2015 draft		<u><u>\$ 6,568,650</u></u>
<i>Net Change in General Fund</i>		<u><u>\$ (490,000)</u></u>

*Village of Estero*  
*Fiscal Year 2015-2016*  
*General Fund Budget*

The following schedule represents a summary of Revenues by Category:

	Budget 6 Months 2014-2015	Estimated 6 Months 2014-2015	Manager Recommend 12 Months 2015-2016	Council Adopted 12 Months 2015-2016
Ad Valorem Tax	\$ -	\$ -	\$ 4,465,000	\$ 4,550,000
Gas Tax	-	-	750,000	843,000
Franchise Fees	-	-	1,043,000	636,000
Communication Svcs Tax	-	-	690,700	446,000
Other Taxes	-	-	15,000	15,000
State Shared Revenue	245,340	245,340	492,500	591,000
1/2 Cent Sales Tax	756,980	756,980	2,270,900	2,573,000
Other Intergovernmental Revenue	-	12,500	25,000	25,000
Fines and Forfeitures	-	-	10,000	10,000
Impact Fees	-	695,700	927,600	927,600
Investment Earnings	-	-	3,420	3,420
<i>Total Revenues</i>	<u>1,002,320</u>	<u>1,710,520</u>	<u>10,693,120</u>	<u>10,620,020</u>
Proceeds from Debt	-	150,000	-	-
Estimated prior year surplus	-	-	1,837,710	1,226,170
<b>Total Sources of Funds</b>	<u>\$ 1,002,320</u>	<u>\$ 1,860,520</u>	<u>\$ 12,530,830</u>	<u>\$ 11,846,190</u>

The following schedule represents a summary of Expenditures by Cost Center :

	Budget 6 Months 2014-2015	Estimated 6 Months 2014-2015	Manager Recommend 12 Months 2015-2016	Council Adopted 12 Months 2015-2016
Village Council	\$ 20,630	\$ 27,380	\$ 75,510	\$ 75,510
Village Manager	161,810	104,920	374,780	408,350
Village Attorney	240,000	152,690	480,000	480,000
Village Clerk	36,560	38,950	201,780	122,950
Finance	58,780	60,550	162,830	162,830
Community Development	120,000	111,030	1,014,770	1,217,140
Animal Control	-	-	194,140	193,720
Public Works				
Physical Environment/Natural Resources	-	13,150	266,200	288,750
Transportation	-	-	2,445,300	2,503,800
Information Technologies	-	6,230	71,940	71,940
General Governmental Operations	<u>306,250</u>	<u>119,450</u>	<u>779,710</u>	<u>893,660</u>
Operating Expenditures	944,030	634,350	6,066,960	6,418,650
Debt Service	-	-	150,000	150,000
<i>Total Expenditures</i>	<u>944,030</u>	<u>634,350</u>	<u>6,216,960</u>	<u>6,568,650</u>
Projected Fund Balance	<u>58,290</u>	<u>1,226,170</u>	<u>6,313,870</u>	<u>5,277,540</u>
<b>Total Uses of Funds</b>	<u>\$ 1,002,320</u>	<u>\$ 1,860,520</u>	<u>\$ 12,530,830</u>	<u>\$ 11,846,190</u>

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Budget Summary*

	General Fund	Special Revenue	Capital Projects	Total Governmental Funds
Prior Year Surplus	\$ 1,226,170	\$ -	\$ -	\$ 1,226,170
<b>Revenues</b>				
Ad Valorem Tax	4,550,000	-	-	4,550,000
Gas Tax	843,000	-	-	843,000
Franchise Fees	636,000	-	-	636,000
Communication Services Tax	446,000	-	-	446,000
Other Taxes	15,000	-	-	15,000
Intergovernmental Revenues	3,189,000	-	-	3,189,000
Fines and Forfeitures	10,000	-	-	10,000
Impact Fees	927,600	-	-	927,600
Investment Earnings	3,420	-	-	3,420
Total Revenues	<u>10,620,020</u>	<u>-</u>	<u>-</u>	<u>10,620,020</u>
<b>Other Financing Sources</b>				
Transfers from Other Funds	-	-	-	-
<i>Total Revenues &amp; Other Financing Sources</i>	<u>10,620,020</u>	<u>-</u>	<u>-</u>	<u>10,620,020</u>
<b>Total Sources of Funds</b>	<b><u>\$ 11,846,190</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 11,846,190</u></b>
<b>Expenditures</b>				
General Government	\$ 3,432,380	\$ -	\$ -	\$ 3,432,380
Physical Environment	288,750	-	-	288,750
Transportation	2,503,800	-	-	2,503,800
Human Services	193,720	-	-	193,720
Debt Service	150,000	-	-	150,000
Total Expenditures	<u>6,568,650</u>	<u>-</u>	<u>-</u>	<u>6,568,650</u>
<b>Other Financing Uses</b>				
Transfers to Other Funds	-	-	-	-
<i>Total Expenditures &amp; Other Financing Uses</i>	<u>6,568,650</u>	<u>-</u>	<u>-</u>	<u>6,568,650</u>
<b>Fund Balances</b>				
Unrestricted	1,654,240	-	-	1,654,240
Restricted for Road Capital Projects	980,700	-	-	980,700
Restricted for Park Capital Projects	642,600	-	-	642,600
Emergency Reserves	2,000,000	-	-	2,000,000
<i>Total Fund Balance</i>	<u>5,277,540</u>	<u>-</u>	<u>-</u>	<u>5,277,540</u>
<b>Total Use of Funds</b>	<b><u>\$ 11,846,190</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 11,846,190</u></b>

*Village of Estero*  
*Fiscal Year 2015-2016*  
*General Fund Revenue Summary*

Fund <i>General Fund</i>		Budget	Estimated	Manager	Council
Transaction/ Object #	Account Description	6 Months 2014-2015	6 Months 2014-2015	Recommended 12 Months 2015-2016	Adopted 12 Months 2015-2016
3110000	Ad Valorem Taxes <sup>1</sup>	-	-	4,465,000	4,550,000
3152000	Local Communication Services Tax <sup>2</sup>	-	-	690,700	446,000
3160000	Lee County Business Tax - Estero Portion	-	-	15,000	15,000
	<b>Taxes Total</b>	<b>-</b>	<b>-</b>	<b>5,170,700</b>	<b>5,011,000</b>
3124100	Local Option Gas Tax	-	-	427,500	486,000
3124200	Local Option Gas Tax-5 Cent	-	-	322,500	357,000
	<b>Gas Tax Total</b>	<b>-</b>	<b>-</b>	<b>750,000</b>	<b>843,000</b>
3231000	Franchise Fees-FPL Electric <sup>3</sup>	-	-	1,000,000	593,000
3237000	Franchise Fees-Solid Waste <sup>4</sup>	-	-	43,000	43,000
	<b>Franchise Fees Total</b>	<b>-</b>	<b>-</b>	<b>1,043,000</b>	<b>636,000</b>
3243X00	Road Impact Fees <sup>5</sup>	-	420,300	560,400	560,400
3246X00	Community Park Impact Fees <sup>5</sup>	-	144,900	193,200	193,200
3246X01	Regional Park Impact Fees <sup>5</sup>	-	130,500	174,000	174,000
	<b>Impact Fees Total</b>	<b>-</b>	<b>695,700</b>	<b>927,600</b>	<b>927,600</b>
3220000	Building Permits <sup>6</sup>	-	-	-	-
	<b>Licenses &amp; Permits Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
3351200	Shared Revenue-Sales Tax Portion	184,000	184,000	369,400	451,000
3351201	Shared Revenue-Fuel Tax Portion	61,340	61,340	123,100	140,000
3351400	Mobile Home Licenses	-	5,000	10,000	10,000
3351500	Alcohol Beverage Licenses	-	7,500	15,000	15,000
3351800	Half-cent Sales Tax	756,980	756,980	2,270,900	2,573,000
	<b>Intergovernmental Total</b>	<b>1,002,320</b>	<b>1,014,820</b>	<b>2,788,400</b>	<b>3,189,000</b>
3490000	Animal Control Fees <sup>6</sup>	-	-	-	-
3419000	Development/Zoning Review <sup>6</sup>	-	-	-	-
	<b>Charges for Service Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
3590000	Fine and Forfeitures <sup>7</sup>	-	-	10,000	10,000
	<b>Fines &amp; Forfeitures Total</b>	<b>-</b>	<b>-</b>	<b>10,000</b>	<b>10,000</b>
3611000	Interest Income	-	-	3,420	3,420
	<b>Interest Income Total</b>	<b>-</b>	<b>-</b>	<b>3,420</b>	<b>3,420</b>
	<b>Total General Fund Revenues</b>	<b>\$ 1,002,320</b>	<b>\$ 1,710,520</b>	<b>\$ 10,693,120</b>	<b>\$ 10,620,020</b>

<sup>1</sup> Preliminary Property Taxable Value as of June 1, 2015, \$5,699,812,482, with millage rate of 0.8398 consistent with Lee County's prior year unincorporated tax rate budgeted at a 95% collection rate.

<sup>2</sup> Assumes collection per Estero Ordinance 15-07, with 3.61% tax rate effective January 1, 2016. The January collections will be received in March; therefore, only seven (7) months of collections have been budgeted.

<sup>3</sup> Assumes an October 1, 2015 effective date for Franchise Agreement negotiated with FPL and estimate provided by FPL. Initial remittance will be in January, 2016 which will result in 9 months of collections.

<sup>4</sup> Assumes an October 1, 2015 effective date for Franchise Agreement negotiated with Lee County Solid Waste.

<sup>5</sup> Budget estimates are based upon Lee County collections from January 1 to June 10, 2015.

<sup>6</sup> Assumes revenues collected and retained by Lee County for continuation of Village services provided for in an Interlocal Agreement.

<sup>7</sup> Revenues are derived from court fines and traffic citations within the Village of Estero.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*General Fund Expenditure Summary*

Fund <i>General Fund</i>	Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
Personal Services	\$ 277,780	\$ 198,500	\$ 759,830	\$ 793,400
Operating Expenditures	491,250	370,850	4,832,130	5,050,250
Capital Outlay	175,000	65,000	475,000	575,000
	-	-	-	-
<i>Total Operating Expenditures</i>	<i>944,030</i>	<i>634,350</i>	<i>6,066,960</i>	<i>6,418,650</i>
Debt Service	-	-	150,000	150,000
	-	-	-	-
	<b><u>\$ 944,030</u></b>	<b><u>\$ 634,350</u></b>	<b><u>\$ 6,216,960</u></b>	<b><u>\$ 6,568,650</u></b>
Full Time Equivalent Positions	<u>5.0</u>	<u>5.0</u>	<u>6.0</u>	<u>6.0</u>
<i>Expenditures by Cost Center:</i>				
Village Council	\$ 20,630	\$ 27,380	\$ 75,510	\$ 75,510
Village Manager	161,810	104,920	374,780	408,350
Village Attorney	240,000	152,690	480,000	480,000
Village Clerk	36,560	38,950	201,780	122,950
Finance	58,780	60,550	162,830	162,830
Community Development	120,000	111,030	1,014,770	1,217,140
Animal Control	-	-	194,140	193,720
Public Works				
Physical Environment/Natural Resources	-	13,150	266,200	288,750
Transportation	-	-	2,445,300	2,503,800
Information Technologies	-	6,230	71,940	71,940
General Government Operations	306,250	119,450	779,710	893,660
Debt Service	-	-	150,000	150,000
	-	-	-	-
	<b><u>\$ 944,030</u></b>	<b><u>\$ 634,350</u></b>	<b><u>\$ 6,216,960</u></b>	<b><u>\$ 6,568,650</u></b>
<i>Expenditures by Function: <sup>1</sup></i>				
General Government	\$ 944,030	\$ 621,200	\$ 3,161,320	\$ 3,432,380
Physical Environment	-	13,150	266,200	288,750
Transportation	-	-	2,445,300	2,503,800
Human Services	-	-	194,140	193,720
Debt Service	-	-	150,000	150,000
	-	-	-	-
	<b><u>\$ 944,030</u></b>	<b><u>\$ 634,350</u></b>	<b><u>\$ 6,216,960</u></b>	<b><u>\$ 6,568,650</u></b>

<sup>1</sup> Expenditure Functions are required by the Florida State Chart of Charts.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Village Council Expenditures*

Fund	<i>General Fund</i>	Cost Center	<i>100 Village Council</i>		Transaction	<i>511 Legislative</i>
			Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
Transaction/ Object #	Account Description					
5111100	Executive Salaries	20,630	24,380	45,000	45,000	
5112100	FICA Taxes	-	1,860	3,450	3,450	
5112400	Workers Compensation	-	70	130	130	
5112500	Unemployment Compensation	-	1,070	1,700	1,700	
		-	-	-	-	
	<b>Total Personal Services</b>	<b><u>20,630</u></b>	<b><u>27,380</u></b>	<b><u>50,280</u></b>	<b><u>50,280</u></b>	
5114000	Travel & Per Diem <sup>1</sup>	-	-	21,000	21,000	
5115400	Books, Pub, Memberships <sup>2</sup>	-	-	4,230	4,230	
5115500	Training <sup>1</sup>	-	-	-	-	
		-	-	-	-	
	<b>Total Operating Expenditures</b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>25,230</u></b>	<b><u>25,230</u></b>	
		-	-	-	-	
	<b>Village Council Expenditures</b>	<b><u>\$ 20,630</u></b>	<b><u>\$ 27,380</u></b>	<b><u>\$ 75,510</u></b>	<b><u>\$ 75,510</u></b>	
		-	-	-	-	
	Full Time Equivalent Positions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	

<sup>1</sup> Travel and Per Diem and Training line items include \$3,000 per Village Council Member.

<sup>2</sup> Books, Publications and Memberships include Florida League of Cities and Southwest Florida League of Cities memberships.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Village Manager Expenditures*

Fund	General Fund	Cost Center	200 Village Manager		Transaction 512 Executive	
			Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
Transaction/ Object #	Account Description					
5121100	Executive Salaries	57,290	67,710	125,000	155,000	
5121101	Car Allowance	-	3,900	7,200	7,200	
5121200	Regular Salaries & Wages	62,500	-	150,000	150,000	
	Fringe Benefits @ 35%	42,020	-	-	-	
5122100	FICA Taxes	-	5,830	20,870	21,300	
5122200	Retirement Contributions <sup>1</sup>	-	-	27,500	30,500	
5122300	Group Insurance <sup>2</sup>	-	4,650	34,200	34,200	
5122400	Workers Compensation	-	210	790	850	
5122500	Unemployment Compensation	-	840	2,220	2,300	
		-	-	-	-	
	<b>Total Personal Services</b>	<b><u>161,810</u></b>	<b><u>83,140</u></b>	<b><u>367,780</u></b>	<b><u>401,350</u></b>	
51234xx	Contractual Services-Admin Assistant	-	21,780	-	-	
5124000	Travel & Per Diem <sup>3</sup>	-	-	4,000	4,000	
5125400	Book, Pub, Membership <sup>4</sup>	-	-	3,000	3,000	
5125500	Training <sup>3</sup>	-	-	-	-	
		-	-	-	-	
	<b>Total Operating Expenditures</b>	<b><u>-</u></b>	<b><u>21,780</u></b>	<b><u>7,000</u></b>	<b><u>7,000</u></b>	
		-	-	-	-	
	<b>Village Manager Expenditures</b>	<b><u>\$ 161,810</u></b>	<b><u>\$ 104,920</u></b>	<b><u>\$ 374,780</u></b>	<b><u>\$ 408,350</u></b>	
		-	-	-	-	
	Full Time Equivalent Positions	<u>3.0</u>	<u>2.0</u>	<u>3.0</u>	<u>3.0</u>	

<sup>1</sup> Retirement contributions are budgeted at 10% of salaries.

<sup>2</sup> Group insurance includes health, life, AD&D, dental and vision.

<sup>3</sup> Travel and Per Diem and Training line items include \$1,500 for conference attendance for the Village Manager and Assistance Village Manager and \$500 for other travel reimbursement.

<sup>4</sup> Books, Publications and Memberships include International City/County Management Association (ICMA) & Florida City/County Management Association (FCCMA) memberships

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Village Attorney Expenditures*

Fund	<i>General Fund</i>	Cost Center <i>210 Village Attorney</i>		Transaction <i>514 Legal Counsel</i>	
<u>Object #</u>	<u>Account Description</u>	Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
Transaction/ 5143400	Professional Services	240,000	-	-	-
	Village Attorney-Retainer	-	48,750	90,000	90,000
5143401	Contractual Services	-	-	-	-
	Other Legal Counsel	-	103,940	390,000	390,000
		-	-	-	-
	<b>Total Operating Expenditures</b>	<u><b>240,000</b></u>	<u><b>152,690</b></u>	<u><b>480,000</b></u>	<u><b>480,000</b></u>
		-	-	-	-
	<b>Village Attorney Expenditures</b>	<u><b>\$ 240,000</b></u>	<u><b>\$ 152,690</b></u>	<u><b>\$ 480,000</b></u>	<u><b>\$ 480,000</b></u>
	Full Time Equivalent Positions	-	-	-	-

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Village Clerk Expenditures*

Fund	<i>General Fund</i>	Cost Center <i>220 Village Clerk</i>		Transaction <i>513</i> <i>Administration</i>	
Transaction/ Object #	Account Description	Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
5131200	Regular Salaries & Wages	27,080	26,670	80,000	80,000
	Fringe Benefits @ 35%	9,480	-	-	-
5132100	FICA Taxes	-	2,040	6,120	6,120
5132200	Retirement Contributions <sup>1</sup>	-	-	8,000	8,000
5132300	Group Insurance <sup>2</sup>	-	4,000	11,400	11,400
5132400	Workers Compensation	-	80	220	220
5132500	Unemployment Compensation	-	1,100	650	650
		-	-	-	-
	<b>Total Personal Services</b>	<b><u>36,560</u></b>	<b><u>33,890</u></b>	<b><u>106,390</u></b>	<b><u>106,390</u></b>
51334xx	Contractual Services				
5133400	Audio Software Maintenance	-	-	3,000	3,000
5133401	Codification	-	-	6,000	6,000
	Elections March 2015	-	-	78,830	-
5134000	Travel & Per Diem <sup>3</sup>	-	-	2,000	2,000
5134800	Legal Notices <sup>4</sup>	-	5,060	5,060	5,060
5135400	Book, Pub, Memberships <sup>5</sup>	-	-	500	500
5135500	Training <sup>3</sup>	-	-	-	-
		-	-	-	-
	<b>Total Operating Expenditures</b>	<b><u>-</u></b>	<b><u>5,060</u></b>	<b><u>95,390</u></b>	<b><u>16,560</u></b>
		-	-	-	-
	<b>Village Clerk Expenditures</b>	<b><u>\$ 36,560</u></b>	<b><u>\$ 38,950</u></b>	<b><u>\$ 201,780</u></b>	<b><u>\$ 122,950</u></b>
	Full Time Equivalent Positions	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>

<sup>1</sup> Retirement contributions are budgeted at 10% of salaries.

<sup>2</sup> Group insurance includes health, life, AD&D, dental and vision.

<sup>3</sup> Travel and Per Diem and Training line items include \$1,500 for conference attendance for the Village Clerk and \$500 for other travel reimbursement.

<sup>4</sup> Legal Notice cost as required for Ordinances, Truth in Millage Compliance (TRIM) and other required advertisements.

<sup>5</sup> Books, Publications and Memberships include Florida Association of City Clerks and International Institute of Municipal Clerks memberships.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Finance Expenditures*

Fund	<i>General Fund</i>	Cost Center	<i>230 Finance</i>		Transaction		<i>513 Financial</i>
			Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>	
Transaction/ Object #	<u>Account Description</u>						
5131200	Regular Salaries & Wages		43,540	25,000	100,000	100,000	
	Fringe Benefits @ 35%		15,240	-	-	-	
5132100	FICA Taxes		-	1,920	7,650	7,650	
5132200	Retirement Contributions <sup>1</sup>		-	-	10,000	10,000	
5132300	Group Insurance <sup>2</sup>		-	-	11,400	11,400	
5132400	Workers Compensation		-	70	270	270	
5132500	Unemployment Compensation		-	430	840	840	
			-	-	-	-	
	<b>Total Personal Services</b>		<b>58,780</b>	<b>27,420</b>	<b>130,160</b>	<b>130,160</b>	
5133100	Professional Services						
	Auditing & Actuarial Services		-	-	30,000	30,000	
5133400	Contractual Services <sup>3</sup>		-	33,130	-	-	
5134000	Travel & Per Diem <sup>4</sup>		-	-	2,000	2,000	
5135400	Book, Pub, Memberships <sup>5</sup>		-	-	670	670	
5135500	Training <sup>4</sup>		-	-	-	-	
			-	-	-	-	
	<b>Total Operating Expenditures</b>		<b>-</b>	<b>33,130</b>	<b>32,670</b>	<b>32,670</b>	
			-	-	-	-	
	<b>Finance Expenditures</b>		<b>\$ 58,780</b>	<b>\$ 60,550</b>	<b>\$ 162,830</b>	<b>\$ 162,830</b>	
			-	-	-	-	
Full Time Equivalent Positions			<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	

<sup>1</sup> Retirement contributions are budgeted at 10% of salaries.

<sup>2</sup> Group insurance includes health, life, AD&D, dental and vision.

<sup>3</sup> Contract for accounting services and interim Finance Director for full fiscal year totals \$117,600.

<sup>4</sup> Travel and Per Diem and Training line items include \$2,000 for 40 hours per year of continuing education as required to maintain Florida Certified Public Accounting (CPA) License.

<sup>5</sup> Books, Publications and Memberships include Governmental Financial Officer's Association, Florida Governmental Financial Officer's Association membership as well as publications for Audited Financial Statement preparation.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Community Development Expenditures*

Fund	<i>General Fund</i>	Cost Center	<i>240 Community Development</i>	Transaction	<i>515 Planning</i>	
			Budget	Estimated	Manager	Council
			6 Months	6 Months	Recommended	Adopted
			<u>2014-2015</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2015-2016</u>
Transaction/ Object #	Account Description					
5151200	Regular Salaries & Wages		-	24,310	79,000	79,000
5152100	FICA Taxes		-	1,860	6,050	6,050
5152200	Retirement Contributions <sup>1</sup>		-	-	7,900	7,900
5152300	Group Insurance <sup>2</sup>		-	-	11,400	11,400
5152400	Workers Compensation		-	70	220	220
5152500	Unemployment Compensation		-	430	650	650
			-	-	-	-
	<b>Total Personal Services</b>		<u>-</u>	<u>26,670</u>	<u>105,220</u>	<u>105,220</u>
51531xx	Professional Services		120,000	-	-	-
5153100	Planning Initiative <sup>3</sup>		-	79,180	74,420	74,420
5153101	Comprehensive Plan/Land Development Regulations		-	-	120,000	250,000
5153102	Corkscrew Transportation Planning		-	-	-	30,000
51534xx	Contractual Services					
5153401	Economic Development		-	-	-	20,000
5153410	Lee County Community Development Community Development Services		-	-	695,740	713,290
5154000	Travel & Per Diem <sup>4</sup>		-	-	2,000	2,000
5154800	Legal Notices-Planning and Zoning <sup>5</sup>		-	5,180	5,180	10,000
5155400	Book, Pub, Memberships <sup>6</sup>		-	-	12,210	12,210
5155500	Training <sup>4</sup>		-	-	-	-
			-	-	-	-
	<b>Total Operating Expenditures</b>		<u>120,000</u>	<u>84,360</u>	<u>909,550</u>	<u>1,111,920</u>
			-	-	-	-
	<b>Community Development Expenditures</b>		<u>\$ 120,000</u>	<u>\$ 111,030</u>	<u>\$ 1,014,770</u>	<u>\$ 1,217,140</u>
			-	-	-	-
Full Time Equivalent Positions			<u>-</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>

<sup>1</sup> Retirement contributions are budgeted at 10% of salaries.

<sup>2</sup> Group insurance includes health, life, AD&D, dental and vision.

<sup>3</sup> Contractual services for Village of Estero Planning Initiative.

<sup>4</sup> Travel and Per Diem and Training line items include \$1,500 for conference attendance for the Community Development Director and \$500 for other travel reimbursement.

<sup>5</sup> Required Land Development Legal Notices.

<sup>6</sup> Books, Publications and Memberships include Lee County Metropolitan Planning Organization (MPO), \$3,320, and Southwest Regional Planning Council \$8,890 memberships.

*Village of Estero  
Fiscal Year 2015-2016  
Animal Control Expenditures*

Fund	<i>General Fund</i>	Cost Center	<i>250 Animal Control</i>		Transaction	<i>562 Human Services</i>	
Transaction/ Object #	<u>Account Description</u>	Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>		
56234xx	Contractual Services						
5623410	Lee County Animal Control						
	Animal Control Services	-	-	194,140	193,720		
		-	-	-	-		
	<b>Total Operating Expenditures</b>	<u>-</u>	<u>-</u>	<u>194,140</u>	<u>193,720</u>		
		-	-	-	-		
	<b>Animal Control Expenditures</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 194,140</u>	<u>\$ 193,720</u>		
	Full Time Equivalent Positions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Public Works Expenditures*

Fund	<i>General Fund</i>	Cost Center <i>260 Public Works</i>		Transaction <i>537 Physical Environment</i>	
Transaction/ Object #	<u>Account Description</u>	Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
53731xx	Professional Services				
	Flood Plain-Community Rating System	-	13,150	-	-
53734xx	Contractual Services				
5373410	Lee County Dept of Natural Resources				
	Surface Water Management	-	-	119,440	121,990
	Major Maintenance	-	-	96,760	96,760
	Appeal Preliminary Flood Ins Rate Maps <sup>1</sup>	-	-	50,000	70,000
		-	-	-	-
	<b>Total Operating Expenditures</b>	<u>-</u>	<u>13,150</u>	<u>266,200</u>	<u>288,750</u>
		-	-	-	-
	<b>Public Works-Physical Environment Expenditures</b>	<u>\$ -</u>	<u>\$ 13,150</u>	<u>\$ 266,200</u>	<u>\$ 288,750</u>
		-	-	-	-
	Full Time Equivalent Positions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

<sup>1</sup> Balance needed to complete Appeal of 2015 Preliminary Flood Insurance Rate Maps FIRM.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Public Works Expenditures*

Fund	<i>General Fund</i>	Cost Center <i>260 Public Works</i>		Transaction <i>541</i>			
				<i>Transportation</i>			
				Budget	Estimated	Manager	Council
				6 Months	6 Months	Recommended	Adopted
				<u>2014-2015</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2015-2016</u>
Transaction/ Object #	<u>Account Description</u>						
54134xx	Contractual Services						
5413410	Lee County Transportation						
	Canal Maintenance	-	-	165,200	160,750		
	Transportation	-	-	2,140,700	2,161,510		
	Vehicle Replacement Fund	-	-	139,400	139,400		
	Employee Pay Increase	-	-	-	42,140		
		-	-	-	-		
	<b>Total Operating Expenditures</b>	<u>-</u>	<u>-</u>	<u>2,445,300</u>	<u>2,503,800</u>		
		-	-	-	-		
	<b>Public Works-Transportation Expenditures <sup>1</sup></b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 2,445,300</u>	<u>\$ 2,503,800</u>		
	Full Time Equivalent Positions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		

<sup>1</sup> Gas Tax and State Revenue Sharing-Fuel Tax are required to be spent on Transportation expenditures. For 2015-2016, transportation revenue is estimated at \$843,000 for Gas Tax and \$140,000 for State Revenue Sharing-Fuel Tax for a total of \$983,000. This reduces the financial impact of transportation expenditures in the Interlocal Agreement to \$1,520,800.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*Information Technologies Expenditures*

Fund	<i>General Fund</i>	Cost Center <i>270 Information Technologies (IT)</i>		Transaction <i>513 Administration</i>	
Transaction/ Object #	Account Description	Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
51334xx	Contractual Services				
5133400	Webmaster Services and Maintenance	-	3,000	6,000	6,000
5133401	Website Enhancements	-	2,000	5,000	5,000
5133402	Software Licensing	-	1,230	5,940	5,940
5133403	IT Services <sup>1</sup>	-	-	30,000	30,000
		-	-	-	-
	<b>Total Operating Expenditures</b>	<u>-</u>	<u>6,230</u>	<u>46,940</u>	<u>46,940</u>
5136400	Capital Outlay <sup>2</sup>	-	-	25,000	25,000
		-	-	-	-
	<b>Total Capital Outlay</b>	<u>-</u>	<u>-</u>	<u>25,000</u>	<u>25,000</u>
		-	-	-	-
	<b>Information Technologies Expenditures</b>	<u>\$ -</u>	<u>\$ 6,230</u>	<u>\$ 71,940</u>	<u>\$ 71,940</u>
		-	-	-	-
	Full Time Equivalent Positions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

<sup>1</sup> Proposed IT contractual services for operation, maintenance and repair to IT System.

<sup>2</sup> Estimate includes cost of hardware and software updates.

*Village of Estero*  
*Fiscal Year 2015-2016*  
*General Government Operations Expenditures*

Fund	General Fund	Cost Center	900 General Government Operations		Transaction 513 Administration	
			Budget 6 Months <u>2014-2015</u>	Estimated 6 Months <u>2014-2015</u>	Manager Recommended 12 Months <u>2015-2016</u>	Council Adopted 12 Months <u>2015-2016</u>
Transaction/ Object #	Account Description					
51334xx	Contractual Services					
5133400	Office Lease <sup>1</sup>		54,000	26,760	28,560	28,560
5133101	Tax Collector Fees-Local Bus Tax		-	-	3,300	3,300
5133102	State Alcohol Service Charge		-	-	1,200	1,200
5134100	Communications		-	2,490	4,500	4,500
5134200	Freight & Postage		-	-	1,200	1,200
5134300	Utilities		-	-	-	-
5134400	Equipment & Leases		-	-	-	-
5134500	Insurance		13,080	11,620	13,950	27,900
5134600	Equipment Repair & Maintenance		-	-	5,000	5,000
5134700	Printing		-	-	1,500	1,500
5134901	Bank Charges		-	-	8,500	8,500
5134902	Line of Credit Interest		-	1,580	-	-
5134909	Contingency <sup>2</sup>		64,170	-	250,000	250,000
5135100	Office Supplies		-	12,000	12,000	12,000
			-	-	-	-
	<b>Total Operating Expenditures</b>		<b><u>131,250</u></b>	<b><u>54,450</u></b>	<b><u>329,710</u></b>	<b><u>343,660</u></b>
5136400	Capital Outlay <sup>3</sup>		175,000	65,000	450,000	550,000
			-	-	-	-
	<b>Total Capital Outlay</b>		<b><u>175,000</u></b>	<b><u>65,000</u></b>	<b><u>450,000</u></b>	<b><u>550,000</u></b>
			-	-	-	-
	<b>General Government Operations Expenditures</b>		<b><u>\$ 306,250</u></b>	<b><u>\$ 119,450</u></b>	<b><u>\$ 779,710</u></b>	<b><u>\$ 893,660</u></b>
513xxxx	Line of Credit Repayment		-	-	150,000	150,000
			-	-	-	-
	<b>Total Debt Services</b>		<b><u>-</u></b>	<b><u>-</u></b>	<b><u>150,000</u></b>	<b><u>150,000</u></b>
			-	-	-	-
	Full Time Equivalent Positions		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

<sup>1</sup> Office Lease was included in the initial Cash Flow Projections as Operations and Rent. Included in the estimate for 2014-2015 is \$7,600 as reimbursement for operating expenditures to Estero Council of Community Leaders (ECCL).

<sup>2</sup> Contingency is approximately 4% of General Fund Budgeted Expenditures.

<sup>3</sup> Capital Outlay includes \$450,000 for Municipal Office Expansion for lease and build out and \$100,000 for office furniture, fixtures and equipment.

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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2015 - 09**

**AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF ESTERO, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Estero, Florida recognizes that the Village of Estero, Florida and its citizens need and desire the benefits of electric service; and

**WHEREAS**, the provision of such service requires substantial investments of capital and other resources in order to construct, maintain and operate facilities essential to the provision of such service in addition to costly administrative functions, and the Village of Estero, Florida does not desire to undertake to provide such services; and

**WHEREAS**, Florida Power & Light Company (FPL) is a public utility which has the demonstrated ability to supply such services; and

**WHEREAS**, FPL and the Village of Estero, Florida desire to enter into a franchise agreement providing for the payment of fees to the Village of Estero, Florida in exchange for the nonexclusive right and privilege of supplying electricity and other services within the Village of Estero, Florida free of competition from the Village of Estero, Florida, pursuant to certain terms and conditions;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA:**

Section 1. There is hereby granted to Florida Power & Light Company, its successors and assigns (hereinafter called the "Grantee"), for the period of 30 years from the effective date hereof, the nonexclusive right, privilege and franchise (hereinafter called "franchise") to construct, operate and maintain in, under, upon, along, over and across the present and future roads, streets, alleys, bridges, easements, rights-of-way and other public places (hereinafter called "public rights-of-way") throughout all of the incorporated areas, as such incorporated areas may be constituted from time to time, of the Village of Estero, Florida, and its successors (hereinafter called the "Grantor"), in accordance with the Grantee's customary practice with respect to construction and maintenance, electric light and power facilities, including, without limitation, conduits, poles, wires, transmission and distribution lines, and all other facilities installed in conjunction with or ancillary to all of the Grantee's operations (herein called "facilities"), for the purpose of supplying

45 electricity and other services to the Grantor and its successors, the inhabitants thereof, and persons  
46 beyond the limits thereof.

47  
48 Section 2. The facilities of the Grantee shall be installed, located or relocated so as to not  
49 unreasonably interfere with traffic over the public rights-of-way or with reasonable egress from  
50 and ingress to abutting property. To avoid conflicts with traffic, the location or relocation of all  
51 facilities shall be made as representatives of the Grantor may prescribe in accordance with the  
52 Grantor's reasonable rules and regulations with reference to the placing and maintaining in, under,  
53 upon, along, over and across said public rights-of-way; provided, however, that such rules or  
54 regulations (a) shall not prohibit the exercise of the Grantee's right to use said public rights-of-  
55 way for reasons other than unreasonable interference with motor vehicular traffic, (b) shall not  
56 unreasonably interfere with the Grantee's ability to furnish reasonably sufficient, adequate and  
57 efficient electric service to all of its customers, and (c) shall not require the relocation of any of  
58 the Grantee's facilities installed before or after the effective date hereof in public rights-of-way  
59 unless or until widening or otherwise changing the configuration of the paved portion of any  
60 public right-of-way used by motor vehicles causes such installed facilities to unreasonably  
61 interfere with motor vehicular traffic. Such rules and regulations shall recognize that above-grade  
62 facilities of the Grantee installed after the effective date hereof should be installed near the outer  
63 boundaries of the public rights-of-way to the extent possible. When any portion of a public right-  
64 of-way is excavated by the Grantee in the location or relocation of any of its facilities, the portion  
65 of the public right-of-way so excavated shall within a reasonable time be replaced by the Grantee,  
66 and any damages repaired, at its expense and in as good condition as it was at the time of such  
67 excavation. The Grantor shall not be liable to the Grantee for any cost or expense in connection  
68 with any relocation of the Grantee's facilities required under subsection (c) of this Section, except,  
69 however, the Grantee shall be entitled to reimbursement of its costs from others and as may be  
70 provided by law.

71  
72 Section 3. The Grantor shall in no way be liable or responsible for any accident or damage  
73 that may occur in the construction, operation or maintenance by the Grantee of its facilities  
74 hereunder, and the acceptance of this ordinance shall be deemed an agreement on the part of the  
75 Grantee to indemnify the Grantor and hold it harmless against any and all liability, loss, cost,  
76 damage or expense which may accrue to the Grantor by reason of the negligence, default or  
77 misconduct of the Grantee in the construction, operation or maintenance of its facilities hereunder.

78  
79 Section 4. All rates and rules and regulations established by the Grantee from time to time  
80 shall be subject to such regulation as may be provided by law.

81  
82 Section 5(a). As a consideration for this franchise, the Grantee shall pay to the Grantor,  
83 commencing 90 days after the effective date hereof, and each month thereafter for the remainder  
84 of the term of this franchise, an amount which added to the amount of all licenses, excises, fees,  
85 charges and other impositions of any kind whatsoever (except ad valorem property taxes and non-  
86 ad valorem tax assessments on property) levied or imposed by the Grantor against the Grantee's  
87 property, business or operations and those of its subsidiaries during the Grantee's monthly billing  
88 period ending 60 days prior to each such payment will equal 4.5 percent of the Grantee's billed  
89 revenues, less actual write-offs, from the sale of electrical energy to residential, commercial and

90 industrial customers (as such customers are defined by FPL's tariff) within the incorporated areas  
91 of the Grantor for the monthly billing period ending 60 days prior to each such payment. Except  
92 subject to the provisions of Section 5(b), in no event shall payment for the rights and privileges  
93 granted herein exceed 4.5 percent of such revenues for any monthly billing period of the Grantee.

94 The Grantor understands and agrees that such revenues as described in the preceding  
95 paragraph are limited to the precise revenues described therein, and that such revenues do not  
96 include, by way of example and not limitation: (a) revenues from the sale of electrical energy  
97 for Public Street and Highway Lighting (service for lighting public ways and areas); (b)  
98 revenues from Other Sales to Public Authorities (service with eligibility restricted to  
99 governmental entities); (c) revenues from Sales to Railroads and Railways (service supplied  
100 for propulsion of electric transit vehicles); (d) revenues from Sales for Resale (service to other  
101 utilities for resale purposes); (e) franchise fees; (f) Late Payment Charges; (g) Field Collection  
102 Charges; (h) other service charges.

103  
104 Section 5(b). It is further provided that the Grantor shall have the option once annually,  
105 subject to all terms, conditions, and limitations specified below, to increase up to a maximum  
106 of 6.0% or decrease to a minimum of 1.0%, the percentage used to calculate the amount to be  
107 paid by the Grantee pursuant to this Section 5 (such percentage hereinafter sometimes referred  
108 to for purposes of this option as the "percentage"). This option shall be exercised, if at all, by  
109 an ordinance duly adopted by the Grantor in accordance with law, a certified copy of which  
110 must be delivered to the Grantee. Such ordinance shall include a provision that the Grantor is  
111 exercising the option provided herein and state the new percentage to be used in accordance  
112 with and subject to the terms, conditions and limitations set forth in this Section 5. In no event  
113 may the Grantor, in exercising this option, increase or decrease the percentage in increments  
114 of less than 0.5% from the percentage then in effect. The Grantor's option hereunder is limited  
115 solely to the percentage used to calculate the amount to be paid by Grantee pursuant to this  
116 Section 5, and no other section, provision or term of this franchise shall or may be altered,  
117 amended or affected by the Grantor's exercise of this option. Nothing herein shall require the  
118 Grantor to exercise its option hereunder. As a condition precedent to the taking effect of the  
119 ordinance exercising the option, the Grantee shall file its acceptance of the new rate with the  
120 Grantor's Clerk within 30 days after receipt by Grantee of a certified copy of said ordinance.  
121 The effective date of the new rate shall be the date upon which the Grantee files its acceptance.

122  
123 Section 6. As a further consideration, during the term of this franchise or any extension thereof,  
124 the Grantor agrees: (a) not to engage in the distribution and/or sale, in competition with the  
125 Grantee, of electric capacity and/or electric energy to any ultimate consumer of electric utility  
126 service (herein called a "retail customer") or to any electrical distribution system established solely  
127 to serve any retail customer formerly served by the Grantee, (b) not to participate in any  
128 proceeding or contractual arrangement, the purpose or terms of which would be to obligate the  
129 Grantee to transmit and/or distribute, electric capacity and/or electric energy from any third  
130 party(ies) to any other retail customer's facility(ies), and (c) not to seek to have the Grantee  
131 transmit and/or distribute electric capacity and/or electric energy generated by or on behalf of the  
132 Grantor at one location to the Grantor's facility(ies) at any other location(s). Nothing specified  
133 herein shall prohibit the Grantor from engaging with other utilities or persons in wholesale  
134 transactions which are subject to the provisions of the Federal Power Act.

135 Nothing herein shall prohibit the Grantor, if permitted by law, (i) from purchasing  
136 electric capacity and/or electric energy from any other person, or (ii) from seeking to have the  
137 Grantee transmit and/or distribute to any facility(ies) of the Grantor electric capacity and/or  
138 electric energy purchased by the Grantor from any other person; provided, however, that before  
139 the Grantor elects to purchase electric capacity and/or electric energy from any other person, the  
140 Grantor shall notify the Grantee. Such notice shall include a summary of the specific rates, terms  
141 and conditions which have been offered by the other person and identify the Grantor's facilities  
142 to be served under the offer. The Grantee shall thereafter have 60 days to evaluate the offer and,  
143 if the Grantee offers rates, terms and conditions which are equal to or better than those offered  
144 by the other person, the Grantor shall be obligated to continue to purchase from the Grantee  
145 electric capacity and/or electric energy to serve the previously-identified facilities of the Grantor  
146 for a term no shorter than that offered by the other person. If the Grantee does not agree to rates,  
147 terms and conditions which equal or better the other person's offer, all of the terms and conditions  
148 of this franchise shall remain in effect.

149  
150 Section 7. If the Grantor grants a right, privilege or franchise to any other person or  
151 otherwise enables any other such person to construct, operate or maintain electric light and power  
152 facilities within any part of the incorporated areas of the Grantor in which the Grantee may  
153 lawfully serve or compete on terms and conditions which the Grantee determines are more  
154 favorable than the terms and conditions contained herein, the Grantee may at any time thereafter  
155 terminate this franchise if such terms and conditions are not remedied within the time period  
156 provided hereafter. The Grantee shall give the Grantor at least 60 days advance written notice of  
157 its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for the  
158 Grantee herein, advise the Grantor of such terms and conditions that it considers more favorable.  
159 The Grantor shall then have 60 days in which to correct or otherwise remedy the terms and  
160 conditions complained of by the Grantee. If the Grantee determines that such terms or conditions  
161 are not remedied by the Grantor within said time period, the Grantee may terminate this franchise  
162 agreement by delivering written notice to the Grantor's Clerk and termination shall be effective  
163 on the date of delivery of such notice.

164  
165 Section 8. If as a direct or indirect consequence of any legislative, regulatory or other action by  
166 the United States of America or the State of Florida (or any department, agency, authority,  
167 instrumentality or political subdivision of either of them) any person is permitted to provide  
168 electric service within the incorporated areas of the Grantor to a customer then being served by  
169 the Grantee, or to any new applicant for electric service within any part of the incorporated areas  
170 of the Grantor in which the Grantee may lawfully serve, and the Grantee determines that its  
171 obligations hereunder, or otherwise resulting from this franchise in respect to rates and service,  
172 place it at a competitive disadvantage with respect to such other person, the Grantee may, at any  
173 time after the taking of such action, terminate this franchise if such competitive disadvantage is  
174 not remedied within the time period provided hereafter. The Grantee shall give the Grantor at  
175 least 90 days advance written notice of its intent to terminate. Such notice shall, without prejudice  
176 to any of the rights reserved for the Grantee herein, advise the Grantor of the consequences of  
177 such action which resulted in the competitive disadvantage. The Grantor shall then have 90 days  
178 in which to correct or otherwise remedy the competitive disadvantage. If such competitive  
179 disadvantage is not remedied by the Grantor within said time period, the Grantee may terminate

180 this franchise agreement by delivering written notice to the Grantor's Clerk and termination shall  
181 take effect on the date of delivery of such notice.

182  
183 Section 9. Failure on the part of the Grantee to comply in any substantial respect with any  
184 of the provisions of this franchise shall be grounds for forfeiture, but no such forfeiture shall take  
185 effect if the reasonableness or propriety thereof is protested by the Grantee until there is final  
186 determination (after the expiration or exhaustion of all rights of appeal) by a court of competent  
187 jurisdiction that the Grantee has failed to comply in a substantial respect with any of the provisions  
188 of this franchise, and the Grantee shall have six months after such final determination to make  
189 good the default before a forfeiture shall result with the right of the Grantor at its discretion to  
190 grant such additional time to the Grantee for compliance as necessities in the case require.

191  
192 Section 10. Failure on the part of the Grantor to comply in substantial respect with any of  
193 the provisions of this ordinance, including, but not limited to: (a) denying the Grantee use of  
194 public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic;  
195 (b) imposing conditions for use of public rights-of-way contrary to Florida law or the terms and  
196 conditions of this franchise; (c) unreasonable delay in issuing the Grantee a use permit, if any, to  
197 construct its facilities in public rights-of-way, shall constitute breach of this franchise and entitle  
198 the Grantee to withhold all or part of the payments provided for in Section 5 hereof until such  
199 time as a use permit is issued or a court of competent jurisdiction has reached a final determination  
200 in the matter. The Grantor recognizes and agrees that nothing in this franchise agreement  
201 constitutes or shall be deemed to constitute a waiver of the Grantee's delegated sovereign right of  
202 condemnation and that the Grantee, in its sole discretion, may exercise such right.

203  
204 Section 11. The Grantor may, upon reasonable notice and within 90 days after each  
205 anniversary date of this franchise, at the Grantor's expense, examine the records of the Grantee  
206 relating to the calculation of the franchise payment for the year preceding such anniversary date.  
207 Such examination shall be during normal business hours at the Grantee's office where such  
208 records are maintained. Records not prepared by the Grantee in the ordinary course of business  
209 may be provided at the Grantor's expense and as the Grantor and the Grantee may agree in writing.  
210 Information identifying the Grantee's customers by name or their electric consumption shall not  
211 be taken from the Grantee's premises. Such audit shall be impartial and all audit findings, whether  
212 they decrease or increase payment to the Grantor, shall be reported to the Grantee. The Grantor's  
213 right to examine the records of the Grantee in accordance with this Section shall not be conducted  
214 by any third party employed by the Grantor whose fee, in whole or part, for conducting such audit  
215 is contingent on findings of the audit.

216  
217 Section 12. The provisions of this ordinance are interdependent upon one another, and if  
218 any of the provisions of this ordinance are found or adjudged to be invalid, illegal, void or of no  
219 effect, the entire ordinance shall be null and void and of no force or effect.

220  
221 Section 13. As used herein "person" means an individual, a partnership, a corporation, a  
222 business trust, a joint stock company, a trust, an incorporated association, a joint venture, a  
223 governmental authority or any other entity of whatever nature.

224 Section 14. All ordinances and parts of ordinances and all resolutions and parts of  
225 resolutions in conflict herewith, are hereby repealed.

226  
227 Section 15. As a condition precedent to the taking effect of this ordinance, the Grantee  
228 shall file its acceptance hereof with the Grantor’s Clerk within 30 days of adoption of this  
229 ordinance. The effective date of this ordinance shall be the date upon which the Grantee files  
230 such acceptance.

231  
232 **PASSED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015

233  
234 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
235 Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

236  
237  
238 Attest: **VILLAGE OF ESTERO, FLORIDA**

239  
240  
241 By: \_\_\_\_\_ By: \_\_\_\_\_  
242 Kathy Hall, MMC Nicholas Batos  
243 Village Clerk Mayor

244  
245  
246  
247 (SEAL)

248 Reviewed for legal sufficiency:  
249  
250  
251 By: \_\_\_\_\_  
252 Burt Saunders, Esq.  
253 Village Attorney

254  
255  
256 Vote: AYE NAY  
257 Mayor Batos \_\_\_\_\_  
258 Vice Mayor Levitan \_\_\_\_\_  
259 Councilmember Boesch \_\_\_\_\_  
260 Councilmember Brown \_\_\_\_\_  
261 Councilmember Errington \_\_\_\_\_  
262 Councilmember Ribble \_\_\_\_\_  
263 Councilmember Wilson \_\_\_\_\_

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**VILLAGE OF ESTERO, FLORIDA**

**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.**

**WHEREAS**, pursuant to Chapter 287.055, Fla. Stats., the Consultants Competitive Negotiation Act, the selection of professional consulting firms is based on a qualification based selection process; and

**WHEREAS**, Calvin, Giordano, & Associates, Inc., (Consultant) has provided the Village with its qualifications and a fee has been negotiated for providing Community Development Services to the Village of Estero in compliance with the Consultants Competitive Negotiation Act; and

**WHEREAS**, the Village Attorney had determined that the contract between the Consultant and the Village of Estero will be a “continuing contract” as defined by the Consultants Competitive Negotiation Act wherein the contract has no time limitation and the contract provides a termination clause; and

**WHEREAS**, the Village Council determines that approving the contract with the Consultant is in the best interest of the Village.

**NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero, Florida:

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The Village Council authorizes the Village Mayor to execute a contractual agreement with the Consultant to provide Community Development Services to the Village of Estero which is attached to incorporate herein to this resolution.

**Section 3.** The Village Manager is hereby authorized to expend funds on behalf of the Village.

44            **Section 4.**      This Resolution shall take effect immediately upon adoption.

45

46            **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3<sup>rd</sup>  
47 day of September, 2015.

48

49

50 Attest:

**VILLAGE OF ESTERO, FLORIDA**

51

52

53 By: \_\_\_\_\_  
54        Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Nicholas Batos, Mayor

55

56

57 Reviewed for legal sufficiency:

58

59 By: \_\_\_\_\_  
60        Burt Saunders, Village Attorney

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**VILLAGE OF ESTERO, FLORIDA**

**RESOLUTION NO. 2015 - 56**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA APPROVING THE  
PROPOSAL SUBMITTED BY STERLING DESIGN  
GROUP FOR ARCHITECTURAL SERVICES FOR  
VILLAGE HALL OFFICES; AUTHORIZING THE  
VILLAGE MAYOR TO EXECUTE THE AGREEMENT;  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council has determined that it in order to serve the residents of the Village of Estero in a more efficient manner, it is necessary to increase the size of its office space; and

**WHEREAS**, Sterling Design Group has submitted a design proposal of the new office space at 6% of the estimated \$290,000 improvement project, for a fee of \$17,400; and

**WHEREAS**, the Village Council determines that accepting the proposal from Sterling Design Group is in the best interest of the Village.

**NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero, Florida:

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The Village Council authorizes the Village Mayor to execute a contractual agreement with Sterling Design Group for the design of the Village's new office space.

**Section 3.** This Resolution shall take effect immediately upon adoption.

**ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3<sup>rd</sup> day of September, 2015.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Nicholas Batos, Mayor

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
Burt Saunders, Village Attorney

# **Sterling Design Group**

*11338 Bonita Beach Road, Suite 103  
Bonita Spring, FL  
239-948-6688*

## **Proposal**

August 25, 2015

Bill Ribble  
Estero Village Council  
District 1  
239-292-0665

Re: Village Hall, Estero, FL

Dear Bill,

Please review the proposal below for our professional services. The scope of work as discussed is for renovation and remodel of the first floor based on our previous work. These documents will be used for both permitting and the bidding process.

### **Existing/As Built Drawings**

The owner will provide SDG (Sterling Design Group) with existing plans that are reasonably accurate. If plans are not available SDG will need to create as built Documents. This will require SDG to measure up and take photos of the existing building to use as the basis of our work.

Work product: Computer elevations of existing building

### **Schematic Design (Finished)**

MPD will take the existing schematic plans for discussion with the Village representative, selected staff/council and or contractor. Based on input from the stakeholders, SDG will take comments and revise previous drawings into one plan.

Work product: revised schematic plans for approval

### **Design Development**

MPD will take the owners Schematic Design and create Design Development drawings. The development of the design will be incorporated into computer while taking into mind issues as they relate to design/code/program and cost.

Work product: Computer elevations and basic finishes for budgetary proposes.

**Construction documents**

Based on the DD documents we will create a set of working drawings for permitting and bids. Plans will include, MEP and Structural.

**Meetings and Coordination**

As part of the proposal we have provided up to 3 meetings for schematic design and 4 meeting for the design development approvals as part of the overall scope of work. Additional work or meetings not included in the contract will be billed at our hourly rate of:

**Hourly Schedule**

Principal	\$165.00/hr
Project Manager	\$125.00/hr
Drafting	\$85.00/hr
Administrative	\$55.00/hr

**Bid Consulting**

Assist in review and approval of up to three competitive bids

**Construction Administration**

**This is in addition to the contract and typical runs \$2,500 per month during construction**

Duties include but not limited to:

- Pay request review and approval
- Shop drawings
- Adjustment due to field or owner changes.
- Construction meetings

**Owners Responsibilities**

- A. The owner shall be responsible for providing SDG with existing drawings. If these are not available MPD will provide cost estimate to find or provide them.
  
- B. Prompt written notice shall be given by the Owner to SDG if the Owner becomes aware of any fault or defect in the project or nonconformance with the contract documents.

**NOT INCLUDED IN CONTRACT FEE**

1. Site Survey
2. Existing Drawings
3. Any SDP work if require
4. Fire protection Drawings

**Reimbursable Expenses**

Cost for duplication, printing, plotting, postage and telephone shall be in addition to the fee listed in the agreement and shall be paid by the Client at the rate of one and fifteen one hundredth times the cost incurred by our office for the work. Mileage will be billed at \$0.55 per mile. Net-billed

amounts are due and payable within 30 days of the first billing date. Finance charges will be computed at a rate 1-1/2% per month yielding an annual rate of 18%.

**Compensation**

Compensation for the above services are as described above and is set a 6% cost of construction. Cost is expected to be in the range of two hundreds and nighty thousand dollars based on the scope of work and our previous estimates. If this proposal is acceptable, please sign below and return to our office as not work can begin in till a proposal is approved and signed. . If you have any questions, please feel free to give me a call.

Sincerely,

President  
Sterling Design Group

*Accepted* \_\_\_\_\_ *Date* \_\_\_\_\_

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**VILLAGE OF ESTERO, FLORIDA**

**RESOLUTION NO. 2015 - 57**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, ACCEPTING AUDIT  
SELECTION COMMITTEE RECOMMENDATION;  
AUTHORIZING THE VILLAGE MAYOR TO EXECUTE  
CONTRACT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes 218.39 requires the Village of Estero to have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds; and

**WHEREAS**, Florida Statutes 218.391 requires the establishment of an audit committee. The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit; and

**WHEREAS**, the audit committee has issued Request for Proposals for Financial Audit Services 2015-02 which established factors that were used for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under Florida Statutes 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy; and

**WHEREAS**, the audit selection committee has evaluated the proposal provided by the qualified firm and has recommended award to Clifton Larsen Allen by Village Council;

**NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero, Florida:

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The Village Council authorizes the Mayor to execute a contract for financial audit services with Clifton Larsen Allen.

**Section 3.** This Resolution shall take effect immediately upon adoption.

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**ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3<sup>rd</sup>  
day of September, 2015.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Nicholas Batos, Mayor

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
Burt Saunders, Village Attorney



## Memorandum

**TO:** Mayor and Village Council Members

**FROM:** *Lisa G. Pace, CPA*  
Finance Director

**DATE:** August 27, 2015

**RE:** Audit Committee Recommendation  
Request for Proposals for Financial Audit Services (RFP) 2015-02

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An audit selection committee consisting of Village Manager, Peter G. Lombardi, Finance Director, Lisa G. Pace and Resident/Retired CPA, Bob Lienesch was appointed on August 10, 2015.

The selection committee held a public meeting on August 11<sup>th</sup>. The committee reviewed and edited the RFP which was released on August 12<sup>th</sup> with distribution to six (6) firms known to preform audits of local governments in southwest Florida.

In response to the RFP, the Village received one proposal for audit services from Clifton Larsen Allen with offices in Fort Myers and Naples.

Staff placed inquiries to the non-responding firms and was provided the following feedback: a) distance to Village of Estero from firm location too large, and b) other firms in Lee County area that were just as qualified.

The following references were contacted with a positive recommendation for Clifton Larsen Allen: Collier County; City of Cape Coral and City of Sanibel. Staff also contacted Bonita Springs Utilities (BSU) who was not listed as a reference and Clifton Larsen Allen is currently performing their audit. All entities contacted recommended Clifton Larsen Allen for the engagement. Comments such as very responsive, knowledgeable, professional and easy to work with were noted.

At a public meeting on August 27<sup>th</sup>, the selection committee determined that Clifton Larsen Allen proposal suits the overall needs of the Village.

It is the committee's recommendation that the Village enter into a contract with Clifton Larsen Allen for audit services for three years commencing with the fiscal year ending September 30, 2015. The contract base fee will be \$25,000, \$30,000 and \$30,000, respectively, with an additional \$10,000 charge for Florida Single Audit Act and/or OMB Circular A-133 which will apply if we expend \$500,000 or more in State or Federal grant assistance. As staff does not anticipate having a single audit, the contract base fee for the initial year will be \$25,000. This amount is within the Village's budget for audit services of \$30,000.