

VILLAGE COUNCIL REGULAR MEETING OF MAY 20, 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, with the following Council members present:

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

CALL TO ORDER

The Mayor called the meeting to order at 6:31 pm.

INVOCATION

The Invocation was offered by Father Tony Gilborges of Our Lady of Light Catholic Church.

ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

APPROVAL OF AGENDA

Mr. Brown moved approval, seconded by Mr. Wilson. Village Attorney Burt Saunders requested that Items 8(E) and 8(F) be moved to the beginning of the meeting. The maker and the seconder of the motion agreed to the change, and the motion was carried unanimously.

COUNCIL BUSINESS

8(A) Approval of May 8, 2015 Regular Meeting Minutes and May 8, 2015 Workshop Minutes

Mr. Ribble noted a misspelling in Item 6(A) of the May 8 Regular Meeting. Mr. Ribble moved approval as amended, seconded by Mr. Wilson, called and carried unanimously.

8(B) FIRST READING AND PUBLIC HEARING – ORDINANCE 15-05 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing and Adopting Uniform Travel Policies and Procedures; Providing a Process for Amending Travel Policies and Procedures; Providing for Severability; Providing an Effective Date

Mayor Batos mentioned several issues: Section 6 is missing from Exhibit A; meal allowance amounts appear to be unreasonable; and exempting expenses for all of Lee and Collier counties from reimbursement could cause hardships in the future. Discussion followed concerning the policies in other municipalities, realistic meal allowances, allowing no reimbursement for alcoholic beverages, and setting daily or per-meal caps. Village Attorney Burt Saunders clarified the reference to Section 6, and summarized desired changes: strike out “Lee and Collier counties” and insert “Estero” in Section 5(4) on page 2 of 4; and add “no reimbursement for alcoholic beverages. Additional discussion ensued regarding a budget line item, types of expenses covered, forms and documentation needed, and notice required for first and second hearings. The Mayor called for public comment, and the following individual came forward to speak:

Stoneybrook resident, Mike St. John suggested use of Internal Revenue Service (IRS) guidelines
 Mr. Wilson moved the item to second hearing as amended, seconded by Mr. Brown, called and carried unanimously via roll-call vote.

8(C) FIRST READING AND PUBLIC HEARING – ORDINANCE 15-06
An Ordinance of the Village Council of the Village of Estero, Florida, Establishing Purchasing Procedures; Designating a Purchasing Agent; Providing for Limitations on Purchases; Providing for Competitive Bidding; Establishing Competitive Bidding and Bid Opening Procedures; Providing for Awarding of Bids; Providing for Waiver of Competitive Bidding; Providing for Exemptions from Competitive Bidding; Providing for Repeal of Conflicting Provisions; Providing for Severability, Inclusion on the Code and in an Effective Date.

Village Attorney Burt Saunders stated that several minor changes would be needed and confirmed that the proposed policy was more restrictive than general law required, and clarified the definition of professional services. In response to Mr. Boesch's inquiry, Interim Village Manger Peter Lombardi described the Competitive Negotiation process, which is not included in this ordinance. The Mayor called for public comment, and no one came forward. Mr. Ribble moved the item to second hearing, seconded by Ms. Errington, called and carried unanimously via roll-call vote.

8(D) SECOND READING AND PUBLIC HEARING – ORDINANCE 15-04
An Ordinance of the Village Council of the Village of Estero, Florida Amending Section 3-2(2)(B) of Ordinance 15-01 to Change Qualifications for Membership of the Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Vice-Mayor Levitan briefly reviewed the reasons for the originally requested amendments, which included replacing one of the required state-registered architects with a state registered engineer. He reported that the Planning and Zoning Board (PZB) had reviewed the proposed amendments, and had made two requests: 1) that the requirements remain two architects, of which only one would need to be state-registered; and 2) that the Design Review Board (DRB) include a requirement in their procedures for the presence of at least one architect for any architectural plan review. After Village Attorney Burt Saunders read the title of the proposed ordinance into the record, the Mayor called for public comment, and no one came forward. Mr. Ribble moved to approve the ordinance ~~with the changes recommended by Vice Mayor Levitan~~ as originally written without changes, seconded by Ms. Errington, called and carried unanimously via roll call vote. (Minutes corrected per motion made at the June 17, 2015 Village Council meeting)

8(E) RESOLUTION – Resolution of Intent to Participate in the National Flood Insurance Program

ITEMS 8(E) AND 8(F) WERE DISCUSSED SIMULTANEOUSLY

Village Attorney Burt Saunders briefly described efforts to ensure that Village residents would not lose the existing 25% flood insurance discount, explained the purpose of the interlocal agreement for necessary services to be provided by the County and the invoicing for those services, and asked Council to approve the agreement and authorize staff to make any necessary changes and to negotiate the fee. After explaining the purpose of the resolution to implement performance measures to achieve eligibility for Community Rating

System (CRS), he requested that Council approve the resolution and authorize staff to make any necessary changes. Referring to the second resolution, he stated that the purpose was to require the recognition and evaluation of flood or flood-related hazards in all official actions relating to land use and development. Josh Overmyer, area representative of the Florida Division of Emergency Management, provided information about the CRS, and noted that the proposed resolutions were necessary to expedite the process of enrolling the Village in CRS. Discussion followed regarding whether and how the Village could actually retain or increase the 25% discount, the assistance that Mr. Overmyer would provide, interlocal agreements between the County and other municipalities, the need for a separate agreement for these specific services from the County, and the potential effect on the primary interlocal. Throughout the discussion, Mr. Overmyer, and Attorney Saunders and Daphnie Bercher, responded to questions and provided additional information. Attorney Saunders stated that he could check on the County's fee structure and bring the interlocal back to the first meeting in June, and recommended retention of Ms. Lori Lehr of J.R. Evans Engineering as consultant for purposes of the CRS. Additional discussion occurred regarding the discount rate, the effective date for any revised discount, and an ordinance that would be required to complete the application process. The Mayor called for public comment, and no one came forward. Attorney Saunders reviewed the items requiring action:

1. Resolution requiring the recognition and evaluation of flood or flood-related hazards in all official actions relating to land use and development. 8(E)

Mr. Ribble moved approval, seconded by Ms. Errington, called and carried unanimously via roll call vote.

RESOLUTION NO. 2015-29

2. Resolution implementing performance measures to achieve eligibility for CRS.

Mr. Wilson moved approval, seconded by Mr. Ribble, called and carried unanimously via roll call vote.

RESOLUTION NO. 2015-30

3. Interlocal Agreement

Attorney Saunders requested authorization to determine whether the agreement was necessary; and, if so, negotiate terms with the County and bring back an interlocal agreement dealing with flood plain management.

Ms. Errington so moved, seconded by Mr. Boesch, called and carried unanimously.

4. Retention of Consultant

Attorney Saunders requested authorization for Interim Village Manager Peter Lombardi to negotiate an agreement with Lori Lehr of J.R. Evans Engineering to bring back to Council for approval. Mr. Brown so moved, seconded by Ms. Errington, called and carried unanimously.

Vice-Mayor Levitan pointed out that no determination had been made of the financial impact on residents if the rate were to increase. Mr. Overmyer reported that residents of unincorporated Lee County saved over \$15 million per year and that Estero represented a large portion of that amount. Additional discussion occurred regarding requirements for individual flood insurance and updating of floodplain maps. The Mayor requested a motion to authorize the Interim Village Manager to negotiate a contract with Lori Lehr of J. R. Evans Engineering. Vice-Mayor Levitan so moved, seconded by Mr. Brown called and carried unanimously.

8(F) RESOLUTION – Resolution Adopting Performance Measures for Participation in the Community Rating System (CRS) Program

ITEMS 8(E) AND 8(F) WERE DISCUSSED SIMULTANEOUSLY. SEE DISCUSSION ABOVE.

8(G) RESOLUTION – Resolution Adopting Public Records Fees

Mayor Batos noted that proposed fees were listed on Exhibit A to the resolution. There were no comments from the Council members. The Mayor called for public comment, and no one came forward. Mr. Brown moved approval, seconded by Mr. Boesch, called and carried unanimously.

RESOLUTION NO. 2015-31

8(H) RESOLUTION – Resolution Approving the Interlocal Agreement for Distribution of Local Option Gas Taxes

Village Attorney Burt Saunders clarified that approval of the resolution would authorize the Mayor to sign the Interlocal Agreement. Discussion followed regarding the roads included in the lane mile allotment and the fact that the Village was not required to assume control of the roads at this time. The Mayor called for public comment, and no one came forward. Mr. Wilson moved to approve, seconded by Ms. Errington, called and carried unanimously.

RESOLUTION NO. 2015-32

8(I) PROCLAMATION – Memorial Day Proclamation

Ms. Errington read a Proclamation recognizing the sacrifices of past and current members of the United States Armed Forces, and remembering those who have made the ultimate sacrifice to protect and preserve cherished freedoms.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; and the following individual came forward:

Mike St. John, Stoneybrook resident, representing Vote Estero – Tax revenue, zoning, and roads

Mayor Batos responded to Mr. St. John's comments.

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Ms. Errington inquired about the status of impact fees. Mayor Batos responded that he had asked Village Attorney Burt Saunders to speak to Lee County on this subject.

Mr. Boesch reported meeting with an engineer from Toll Brothers regarding the sidewalks on Estero Parkway; and requested Council authorization for himself, Interim Village Manager Peter Lombardi, and Attorney Saunders to discuss the situation with Commissioner Kiker. Attorney Saunders read part of an email from County Transportation Planning Manager, Andrew Getch, indicating that approval for the project did not include the requirement to provide sidewalks or a bond. Discussion followed regarding County records for Development Orders, who should be involved in any discussion with Commissioner Kiker, and the possibility of the Village taking over the road. There was consensus that the subject would be discussed with Commissioner Kiker at a meeting that was previously scheduled for another topic.

Mr. Boesch reported the potential formation of a Citizen's Transportation Advisory Committee, with no connection to the Council; described the mission of the committee; and noted that he had been asked to sit in on committee meetings. Following discussion, there was consensus that Council members could attend any committee meetings they desired, and report to the Council as needed.

Mayor Batos asked whether any of the public had been able to attend this meeting because it was in the evening, and there was no affirmative response. The Mayor stated that evening meetings would continue to be scheduled for several months and then evaluated to determine whether such meetings made it possible for more people to attend meetings.

Village Attorney's Comments:

Village Attorney Burt Saunders had no comments.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no comments.

ADJOURN

The Mayor adjourned the meeting at 8:12 pm.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor