

VILLAGE COUNCIL REGULAR MEETING OF SEPTEMBER 3, 2015

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

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

Also present: Village Manager Peter Lombardi, Village Attorney Burt Saunders, Finance Director Lisa Pace, Community Development Director Mary Gibbs, 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

The Invocation was offered by Rabbi Greenberg from Chabad of Bonita Springs and Estero.

4. ROLL CALL

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

5. PROCLAMATIONS AND EXPRESSIONS OF APPRECIATION

(A) **Labor Day** – The proclamation recognizing Labor Day was read by Councilmember Errington.

Councilmember Wilson moved approval of the proclamation, seconded by Councilmember Errington, called and carried unanimously.

6. APPROVAL OF AGENDA

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

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**

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

8. COUNCIL BUSINESS

- (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**

Resolution No. 2015-53 was read in entirety by Village Manager Lombardi.

The public hearing was opened at 6:38 p.m.; Mayor Batos called for public comment and no one came forward.

Mayor Batos called for Council comments or questions related to Resolution 2015-53 and there were none.

Councilmember Wilson moved to adopt Resolution No. 2015-53, seconded by Councilmember Errington, called and carried unanimously through roll call vote.

- (B) Public Hearing: Resolution No. 2015-54 Adopting the Tentative Budget for Fiscal Year 2015-2016; and Providing an Effective Date**

Resolution No. 2015-54 was read in entirety by Village Manager Lombardi.

The public hearing was opened at 6:40 p.m.

Mayor Batos provided an explanation of the process.

Councilmember Errington inquired whether the \$30,000 Corkscrew Transportation Planning line item title could be revised to read: Corkscrew/Estero Parkway/US 41north to The Vines. Discussion ensued; consensus was to leave the line item name as is.

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

Councilmember Errington made a motion to change the line item title. The motion died for lack of a second.

Councilmember Errington made a proposal for an additional expenditure of \$17,850 to hire a deputy from the Lee County Sheriff's Office to be in attendance at Council regular and workshop meetings. She noted that a majority of local entities have a deputy in attendance at their meetings. Discussion ensued regarding whether to include Planning and Zoning Board and Design Review Board meetings.

Councilmember Errington moved to add an additional expenditure of \$17,850 to hire a deputy from the Lee County Sheriff's Office to be in attendance at meetings for Council, regular and workshops, Planning and Zoning Board, and Design Review Board; seconded by Councilmember Brown.

Mayor Batos called for public comment.

Public Comments:

Roy Hyman, Shadow Wood resident, addressed concern regarding spending funds for this purpose since Estero was a safe community.

A roll call vote on the motion followed resulting in Councilmembers Ribble, Brown, Errington, Wilson, Vice Mayor Levitan, and Mayor Batos voting aye, Councilmember Boesch voting nay. The motion carried.

Councilmember Errington requested that an amount be specified in the budget indicating that the Village was attempting to perform a study regarding bike and walk paths, due to the high interest within the community. Discussion followed regarding the capital program process, which would begin September 23; FGCU staff and students would be providing a presentation regarding existing bike paths and roads, etc., as well as what was needed to be included in recommendations. Mayor Batos believed that it was appropriate to ask for funding as Council went through the capital program process. Councilmember Ribble believed Council should continue with a focused approach. Vice Mayor Levitan stated that the plan was to go through and address all of the needs of the Village.

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

Mayor Batos asked for a motion on the item; however, a motion was not offered.

Councilmember Boesch proposed that the Village hire a deputy from Lee County Sheriff's Department to work 1 shift, 365 days per year, to address patrol, speed limits, and traffic. Discussion ensued regarding the duties of the deputy; possibility of meeting with the Sheriff's Department to determine what their concept of problems and issues in Estero were and then deciding whether additional help was needed from them prior to making a commitment; requesting that the Sheriff monitor and record the traffic patterns on concerned roads. Mayor Batos indicated that he had spoken with Sheriff Mike Scott and that "smart carts" have been positioned on Corkscrew Road, Three Oaks Parkway, and Estero Parkway. He added that if there were speeding problems in certain areas, the Sheriff was committed to work with the Council within the level of service that the Village already paid for; if at some point Council was not satisfied with the results, Council could consider expending additional public funds to help reduce a problem if it was found. Brief discussion followed.

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

Councilmember Boesch withdrew the proposal. Brief discussion followed regarding making budget changes during the year.

Councilmember Ribble believed that some of the traffic issues were a result of sand and stone trucks and inquired whether anyone had approached the company to ask cooperation from the carriers.

Village Manger Lombardi went through the changes in the budget. Page 1, Total Revenues, from \$10,960,020 to \$10,620,020; Total Expenditures from \$6,418,650 to \$6,568,650; the new general fund expenditure total was \$6,586,500 as a result of tonight's \$17,850 amendment.

Mayor Batos called for public comment on the budget.

Roy Hyman, Shadow Wood resident, addressed concern regarding budgeted salaries, retirement contributions, health insurance, county taxes, and the ability to speak about the items in the budget. Responses to Mr. Hyman's concerns were offered by Vice Mayor Levitan and Mayor Batos.

Councilmember Errington moved to adopt Resolution No. 2015-54, adopting the tentative budget for fiscal year 2015-2016, with the modification of the additional expense for the security at the meetings for Council, regular and workshops, Planning and Zoning Board, and Design Review Board, seconded by Councilmember Brown, called and carried unanimously through roll call vote.

(C) Colin Baenziger & Associates – Presentation of Village Manager Finalist List to Council with Interview Schedule

Mr. Baenziger provided background information on the Village Manager recruitment process. He stated that there were 80 applicants; a list of 6 finalists were presented to the Council. He spoke to the concern raised that a number of the candidates had annual salaries over \$200,000 and whether the Village would have to pay that amount. He indicated the Village would not have to pay that amount, as the advertised salary range was \$135,000 to \$175,000; the candidates were aware of the salary range and would not be looking for more than the top of the range. Mr. Baenziger added that the average annual City Manager salary for Florida cities between 20,000 and 30,000 population was approximately \$150,000. Discussion ensued regarding interview questions, lack of Florida experience for some of the candidates, and high salaries.

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

Mr. Baenziger explained the process going forward; a public reception would be held for the Village Manager finalists on Thursday, September 10, 2015, 6:00 p.m. until 8:00 p.m. at the Estero Fire Rescue District Meeting Room and interviews would be conducted on Friday, September 11, 2015, beginning at 9:00 a.m. Mr. Baenziger noted that each candidate would be asked to provide a written response to the four interview questions that were suggested to be asked of everyone, and that they would be provided to the Councilmembers prior to interviews.

Discussion followed regarding the Village paying the expenses for the candidates to attend the interviews; paying for lodging Wednesday through Friday and airfare or mileage; and reserving rooms for all candidates in the same hotel. Consensus was for the Village to pay the expenses and for Mr. Lombardi to make the arrangements.

Village Attorney Saunders provided guidance for the Council while in attendance at the public reception and a reminder to be cognizant of the Sunshine laws.

Public Comment:

Bobbie Nelson inquired whether the Village would be paying for the candidates' spouses' travel expense; whether the Village would be paying for moving expense; and whether a contract had been written. Mayor Batos responded that the Council was not inviting spouses to attend at this point; he believed that moving expense would be discussed during negotiations; and a contract had not been written.

Brief discussion followed regarding Councilmembers inviting their spouses to the reception.

(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

The title of Ordinance No. 2015-09 was read by Mayor Batos and the public hearing was opened.

Village Manager Lombardi explained that the community had been paying an FPL franchise fee of 4.5% to Lee County; under Ordinance 2015-09 the franchise fee would be paid to the Village. He added that the 2015-2016 budget estimated revenues in the amount of \$636,000. Mayor Batos stated that the franchise fee would remain the same as it had been in the past; no increase in the percentage.

Councilmember Errington shared some positive information regarding Florida Power & Light that she gathered. Discussion followed regarding franchise fee revenue accruing as of October 1 and the Village would receive the first check in January 2016.

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

Councilmember Wilson moved to approve the first reading of Ordinance 2015-09, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

Village Manager Lombardi noted that second reading and hearing were scheduled for the September 16, 2015 Council meeting.

(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

Mayor Batos explained that Resolution No. 2015-55 would be rescheduled for the September 16, 2015 Council meeting.

Vice Mayor Levitan presented information regarding the Community Development Department contract with Calvin, Giordano & Associates, which included: Goals for the Contract; Community Development Structure; Administration; Planning and Zoning; Development Services; Code Compliance; Information Technology Services; Building Department Services; Fee Based Applications; Cost Recovery System; Building Permit/Inspection Fees; On-Site Personnel Costs; How to Analyze Fixed Fees; Issues Left to Do; and Approval Schedule.

Discussion followed regarding an inquiry from Councilmember Ribble whether having an in-house Community Development Department had been researched, noting that the Village Community Development Director was well-experienced and the possibility of lower cost than contracting with a consultant. Vice Mayor Levitan responded that over time the decision may be to go forward with an in-house department; however, he believed that starting a department from scratch would be difficult.

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

(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

Mayor Batos read the title of Resolution No. 2015-56.

Councilmember Ribble provided an update on the building located at 9401 Corkscrew Palms Blvd. and explained that, as part of the process, Joe McHarris had prepared preliminary drawings and the Village would need to hire a certified architect through Sterling Design Group, which was part of the McHarris Group.

Village Attorney Saunders noted that, in reviewing the contract, there was relatively new language required by State statute that would need to be included.

Councilmember Ribble added that, upon adoption of the resolution, drawings could get started, and would be a 60-day process. He noted that the lease for the building should be included in the agenda for the September 16, 2015 Council meeting.

Following comments from Village Attorney Saunders, brief discussion ensued regarding the total construction cost of the project being below the \$325,000 threshold, which authorized the Council to enter into the contract without going through the competitive negotiation process.

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

The resolution title was re-read by Village Manager Lombardi.

Vice Mayor Levitan moved to adopt Resolution No. 2015-56, seconded by Councilmember Errington, called and carried unanimously.

(G) Resolution No. 2015-57 Accepting Audit Selection Committee Recommendation; Authorizing the Village Mayor to Execute Contract; and Providing an Effective Date

Mayor Batos read the title of Resolution No. 2015-57.

Village Manager Lombardi provided an explanation of the resolution and stated that one bid was received as a result of the RFP; the audit selection committee evaluated the proposal provided by the qualified firm and recommended award by the Village Council to CliftonLarsonAllen LLP for a period of three fiscal years. He added that an engagement letter would follow, for Village Attorney review and execution by the Mayor.

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

Councilmember Brown moved to adopt Resolution No. 2015-57, seconded by Councilmember Ribble, called and carried unanimously.

9. PUBLIC INPUT ON NON-AGENDA ITEMS

Phil Douglas, Lighthouse Bay - Brooks resident, requested that Council take a position to publicly recommend that there be absolutely no fracking in the DR/GR.

Don Eslick, ECCL, spoke to a motion that was unanimously approved by the ECCL members present at the August 28, 2015 meeting related to including a list of civic, recreational and arts, and entertainment assets in the section of the Village Center south of Corkscrew Road and expanded public, bike, and pedestrian access to the Estero River, improved integration of the Koreshan State Site and the Boomer/future State park property with the historic and river access properties in the Old Estero area north of the Estero River into an expanded Village Center north of Corkscrew Road.

Fire Chief Scott Vanderbrook invited the Council to view a live fire demonstration in the parking lot at 1:30 p.m. on September 15, 2015. He also noted that the Board would be holding a public hearing at 2:00 p.m. on the fire sprinkler ordinance.

10. COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Ribble reported that five offices have been located at The Brooks Executive Suites for Community Development Department temporary offices.

Vice Mayor Levitan expressed appreciation to all staff involved in the budget process.

Councilmember Brown echoed the Vice Mayor's comments, conveyed gratitude for the Vice Mayor's work on the Community Development Department, and spoke to the Estero Walmart grand opening ceremony.

Councilmember Errington agreed with Mr. Eslick's comments regarding the areas that he mentioned. She also expressed gratitude to everybody.

Councilmember Boesch reported that he had been working with the Apple representative to address computer issues.

Mayor Batos announced that the September 11, 2015 Workshop was cancelled and rescheduled for September 17, 2015. He also noted that FDOT changed the speed limit to 50 mph on US 41 from Corkscrew Road south to the Lee County line; they were still analyzing data from Corkscrew Road going north. He also announced that on Saturday, September 5, 2015, he would be presenting a proclamation to Estero High School in honor of Coach Sommer.

11. VILLAGE MANAGER COMMENTS

Village Manager Peter Lombardi reported that, going forward, all minutes of Council, Planning and Zoning Board, and Design Review Board would be in abbreviated format; it was not necessary for the minutes to be as verbatim as they had been due to the availability of the recordings of the meetings.

12. VILLAGE ATTORNEY COMMENTS

Village Attorney Burt Saunders reported that, according to State and FEMA representatives, the Council would need to approve, by resolution, Lee County's Local Mitigation Strategy (LMS) and Comprehensive Emergency Management Plan (CEMP). He stated that both resolutions were planned for the September 16, 2015 Council meeting.

Mr. Saunders also reported that he was informed that the Village should have its own floodplain management even though the Village previously adopted the Lee County version; first reading/public hearing would be held at the September 16, 2015 Council meeting and the second reading would need to occur on September 23, 2015. He noted that the Special Magistrate ordinance first reading/public hearing would be held at the September 16, 2015 Council meeting, with second reading/hearing on September 23, 2015. Discussion followed regarding the process allowing for a regular meeting and workshop on September 23, 2015.

Councilmember Errington requested to be excused for the October 9, 2015 Council workshop. The request was accepted.

13. ADJOURN

A motion to adjourn was called and carried unanimously. Mayor Batos adjourned the meeting at 8:50 p.m.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor

Minutes approved as presented: September 16, 2015