



# **MINUTES**

**Monday, June 3, 2013**

**FORT MYERS BEACH TOWN COUNCIL  
WORK SESSION  
TOWN HALL – COUNCIL CHAMBERS  
2523 ESTERO BOULEVARD  
FORT MYERS BEACH, FLORIDA 33931**

## **I. CALL TO ORDER**

Mayor Mandel called to order the June 3, 2013 Work Session of the Town Council at 2:45 p.m. Present along with Mayor Mandel were: Vice Mayor Kosinski and Council Members Andre, List, and Raymond. Also Present: Town Manager Stewart, Community Development Director Fluegel, Public Works Director Lewis, and Town Clerk Mayher.

## **II. PLEDGE OF ALLEGIANCE**

## **III. LEGISLATIVE SUMMARY**

Keith Arnold of Fowler White Boggs gave a synopsis of his background and experience as a Florida resident, elected official, and lobbyist. He discussed the experience and expertise of his firm and the Government Affairs Team. He noted there were approximately 1,800 bills filed this year during the legislative session, and explained how bills affected issues such as but not limited to local planning, local zoning, and even government retirement issues. He reported there was a bill passed this year that required local government to enact an ordinance to describe how they would make sure citizens were allowed to be heard before a vote was taken on an issue. He noted that the Lee County Tourist Development Council, HB 1007 was passed that revised the composition of the TDC by modifying the requirements for the two seats on the TDC that were filled by elected municipal officials. [The first seat would rotate biennially between elected officials from the two municipalities that generate the highest and second highest revenue from the tourist development tax; and the second seat rotates biennially between elected officials from the remaining municipalities within the County.] He acknowledged he was very aware of the issues facing the Town as it related to Estero Island, Estero Boulevard, San Carlos Boulevard, and ‘getting on and off the beach’; and indicated he was working with Mayor Mandel, Commissioner Kiker, and Town, County, and State staff on transportation issues.

Town Manager Stewart stated he was particularly interested in why there was a delay on the TDC legislation.

Mr. Arnold reported that bills passed during the last few days of the legislative session were to be prioritized in order to be presented to the Governor; and added it was just a matter of timing. He continued with a synopsis of the Town of Fort Myers Beach 2013 Legislative Summary:

- Mr. Arnold's objectives to work with the Council on issues concerning the Town; the State's fiscal year commencing July 1<sup>st</sup> and the State's upcoming preparation for their budget; work to have the State include some of the improvements to Estero Boulevard and San Carlos Boulevard in the State's next fiscal year budget.
- Page 4, Summary of Specific Issues Affecting the Town of Fort Myers Beach – Fertilizer Preemption Amendment; HB 1007 Tourist Development Council (approved) which had not been signed by the Governor yet, and he recommended the Mayor send a letter to the Governor indicating the Town's support and desire for the Governor to sign HB1007; and SB 7123 Claims Bill that would substantially increase Sovereign Immunity caps for local governments.
- Page 5, Unfunded Mandates – HB 321 Impact Fee Moratorium, local governments would have been prohibited from assessing impact fees on commercial properties fewer than 6,000 square feet for three years.
- Page 6, Budget Summary – sales tax collections were up in the State; and noted how the State needed to assist with funding for the improvements to Estero Boulevard. He pointed out that if federal funds were obtained for improvements to Estero Boulevard the improvements would have to comply with federal standards.
- Page 12, 2013 Major Legislation That Passed the 2013 Session – SB 52 Relating to Wireless Communications While Driving, HB 269 Relating to Building Construction
- Page 29, Major Legislation that Failed to Pass the 2013 Session – SB 584/901 Purchase of Land by Government Entity

He stated his role was to assist the Town in developing a legislative agenda for ideas the Town wanted to promote in Tallahassee that he would work to accomplish through working with Town staff and each member of Town Council.

Council Member Andre noted the Town Attorney was already working on short-term rentals.

Mr. Arnold noted his belief that the issue of short-term rentals began on the east coast where some local governments had tried to take a stance on short-term rentals.

Mayor Mandel asked if there was consensus for him to send the letter to the Governor about HB 1007.

Consensus agreed to approve the Mayor to send a letter to the Governor about HB 1007 as described by Mr. Arnold.

Mr. Arnold recapped issues that had been addressed through the Council's efforts:

- Confirmation was given that the bridge would support three lanes of traffic
- County had not decided where they wanted to start construction on Estero Boulevard
- BOCC was interested in coordinating efforts with the Town to avoid duplication of infrastructure construction during the improvements to Estero Boulevard

Fort Myers Beach Town Council Work Session

June 3, 2013

Page 2 of 8

Town Manager Stewart encouraged the Council to create their legislative agenda early this year, and recommended that the Council set a date in August to discuss the Town's legislative priorities.

**Recessed at 3:25 p.m. – reconvened at 3:30 p.m.**

#### **IV. PUBLIC-PRIVATE PARTNERSHIPS FOR PARKING**

Vice Mayor Kosinski explained how he had introduced this concept for an idea that could deal with parking and traffic on the beach; and noted that this idea may not be the correct one. He introduced Walker Parking Consultants and their representatives, Tom Sobczak and Tom Butcher.

Mr. Sobczak utilized a PowerPoint presentation to discuss the concept of a public-private partnership for a parking garage:

- Definition of a public-private partnership – contractual agreement between a public agency and a private sector entity; through the agreement the skills and assets of each sector are shared in delivering a service or facility for the use of the general public; in addition to sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility.
- Seven Keys to Successful PPPs
  - Public Sector Champion – A leading political figure; create and communicate a strong policy statement
    - Serve as the spokesperson
    - Liaison with administrative officials
    - Unwavering focus
    - Willingness to face challenges
    - Public interest in mind
  - Statutory Environment
    - A basis for authority for a PPP contract
    - A transparent, open, competitive process
  - Organized Structure
    - Need for good governance
    - Dedicated group – focused on process, monitors implementation, conducts RFI, RFQ and/or RFP process
    - Defined lines of communication
    - Defined goals – shift risk, best value versus lowest price
  - Detailed Business Plan
    - Performance-based goals – allow for innovate alternatives, best value versus lowest price
    - Risk allocation
    - Specific milestones
    - Reporting metrics
    - Dispute resolution methodology
    - Term/extension
  - Clearly Defined Revenue Stream

- Covering the costs – fees (real or shadow), TIF or other form of a tax district, long-term maintenance contracts, concession model (limited application), creative approaches
  - Stakeholder Support
    - Communicating the facts
    - Building consensus
    - Reaching across ‘the aisle’(competing interests), some give and take
  - Pick Your Partner Carefully
    - Remember what motivates each partner
    - Verify experience (technical capability)
    - Verify background (ethics)
    - Verify financial capability
- First Steps
  - Market Analysis
  - Legal Analysis
  - Financial Analysis
  - Engineering/Design Analysis
- Market Analysis
  - Address a need (supply and demand)
  - Enhances the general welfare – safety, health, and create jobs
- Legal Analysis
  - Statutory authority
  - Contract structure
  - Risk allocation
  - Contract management
- Financial Analysis
  - Financial Feasibility
    - Comparatives
    - Cost of land, construction & operations
    - Potential return on investment
  - Value for Money Analysis
    - The value for money analysis compares the risk adjusted Net Present Value (NPV) of the public sector comparator and the private finance initiative
- Engineering/Design Analysis
  - Programming
  - Functional design (layout and circulation)
  - Structural alternatives
  - Criteria package

Mr. Sobczak reviewed Walker’s PPP experience:

- City of Chicago Parking Garages Lease
- Harrisburg Parking Authority Parking Lease
- City of Minneapolis Parking Ramps Sale
- North American Airport Parking Privatization
- City of Indianapolis Parking Meters & Management Contracts
- Allegheny County Port Authority Airport Parking

Fort Myers Beach Town Council Work Session

June 3, 2013

Page 4 of 8

- City of Pittsburgh/Pittsburgh Parking Authority System
- City of Los Angeles Parking Garages
- A corporate resume of more than 3,000 parking studies across the 50 states and in 41 foreign countries and 476 parking planning studies in the past five years along, no other firm can provide the breadth of experience and knowledge that Walker can demonstrate.
- Over the past decade, Walker Parking Consultants had assisted the City of Miami Beach by conducting a series of analyses including supply/demand analysis, alternatives analysis, financial/feasibility analysis, and a valet parking financial valuation study.
- Broward County engaged Walker Parking Consultants to conduct a study of the County Courthouse Complex that included an operational audit, market rate analysis, supply/demand analysis, alternatives analysis (existing garage), and alternative analysis (future site analysis).
- Walker Parking Consultants was providing comprehensive services to the Riviera Beach CRA including municipal parking facility fee study, parking demand and trip generation model, design guidelines and scenario testing, operations and financial modeling, feasibility recommendations and alternatives, and provide integrated district parking plan.
- Walker Parking Consultants assisted the City of Fort Myers to develop a transportation and parking master plan – parking demand and trip generation model, parking supply/demand modeling, operations and financial modeling, feasibility recommendations and alternatives, and provided integrated city-wide parking plan.
- Walker Parking Consultants was assisting the City of Sarasota to develop a parking master plan – parking supply/demand modeling, operations and financial modeling, feasibility recommendations and alternatives, developing an integrated city-wide parking plan, and design/build State Street Parking/Mixed-Use facility.

Town Manager Stewart noted that during the past year the State Legislature passed HB 85 which related to public-private partnerships, and he questioned if Walker Parking Consultants had done an analysis of the new law.

Mr. Sobczak stated he would check with their attorneys to verify that WPC was taking the appropriate actions according to the new law, and he would report back to the Town on that matter. He reported that photographs of the parking garages completed by WPC could be viewed on their company website.

Vice Mayor Kosinski asked what would be the next step in being able to sit down with property owners.

Mr. Sobczak stated his belief was that the next step would be the market analysis to quantify the use; and reviewed the type of information that would be included such as but not limited to parking use at various times of the year and days of the week.

Mr. Butcher noted his opinion that some preliminary meetings with the stakeholders and property owners would need to be held before the preliminary analysis.

Vice Mayor Raymond pointed out the importance of identifying the public entity which seemed to be as important as the site location.

Mayor Mandel asked how long a market analysis would take to conduct given the seasonal nature of the Town; and how much would the analysis cost.

Mr. Sobczak reviewed that the 'ballpark' cost could be between \$20,000-35,000; and it would take approximately six months to include seasonal information.

Mr. Butcher explained how it could be done over the summer months without the tourist season information.

Town Manager Stewart pointed out there were some parking lot operators in Town that had kept records over the years that could provide information. He discussed public-private partnerships and how each side must have '*something to throw into the pot*' (i.e. – dollars, fee waivers, etc.). He noted that the Town would have to decide what they would put into the partnership.

Vice Mayor Kosinski asked if Council wanted WPC to prepare a proposal in order to determine what would be covered, estimated costs, and recommendations.

Town Manager Stewart reported that he had been requested by a property owner to schedule a meeting pertaining to parking with himself and Vice Mayor Kosinski and the Town Manager; and added that he would be scheduling the meeting.

Discussion was held regarding the policy direction that would be required from Council in order for staff to move forward with an RFQ or RFP; a future formal motion concerning the preliminary analysis and discussion by Council to decide what would be the general purpose for moving forward with a public/private partnership; and the appearance of the parking garages built by WPC with sensitivity to urban design.

Mayor Mandel noted the matter would need to be placed on an agenda in order to obtain public comment and a formal motion by Council.

## **V. COUNCIL MEMBERS ITEMS**

Council Member Raymond – explained that he did not mind looking into issues; and the importance of determining who the public entity was and the potential location(s) for parking solutions.

Discussion ensued regarding determining the public entity/stakeholder.

Council Member Andre – reported he received an email from Mr. Shaw regarding 425 Palermo Circle.

Community Development Director Fluegel noted he had seen the email from Mr. Shaw and that he would get back to Mr. Shaw tomorrow. He discussed the elevated pool issue and reviewed the Town Attorney's interpretation of the Town code that she had reviewed at the Regular Meeting earlier in the day. He explained how he was looking into setbacks for accessory uses and would be bringing the policy before Council to determine if a clarification or an amendment to the code was necessary.

Town Manager Stewart explained that the Town Attorney clearly stated that the accessory use of the elevated pool could not be attached to the main structure [as noted at the earlier meeting].

Discussion was held concerning 425 Palermo Circle; and reconstruction projects and floodplain elevation requirements.

Council Member Andre – reported he had been in Key West where he observed banners on the light poles that included recognition of Viva Florida 500 at the bottom of each banner. He asked if the Council could give CRAB the task of evaluating the appearance of the front of the Town Hall building.

Vice Mayor Raymond noted that the Town Hall building owner would have to approve any improvements or changes to the front of the building.

Town Manager Stewart pointed out that he was still awaiting a response from the building owner on other matters.

Mayor Mandel asked for an update on the Town Hall building at the next meeting.

Council Member List – no report.

Vice Mayor Kosinski – no report.

Mayor Mandel – no report.

Town Manager Stewart reviewed how Randy at Bay Oaks had completed the “Corporate Membership Fee Plan” and that he would forward copies to the Council. He noted the project description of ‘invasive exotic plant control’ listed on the Mound House Projects Update Report and reported that the Town had conducted control of the exotics in the meadow area. He added there was a plan to recover the meadow which would be done over a 2-3 year period. He addressed the ‘interpretive signage’ project which would be worked on by staff and the archeologist. He announced the final value engineering for the deck was close to completion. He requested Public Works Director Lewis to offer an update on the pathways at the Mound House.

Public Works Director Lewis reported that the Town successfully entered into a change order with the subcontractor for the company building the kayak shed, and that the remedial work at the Mound House would commence shortly.

Town Manager Stewart reported the Shell Mound Exhibit was complete and some minor tweaking was necessary for the lighting and video presentation. He explained that the ‘sinkhole’ issue on the site was actually an old septic tank that would need to be collapsed and filled, and staff was in the process of having the work completed.

Public Works Director Lewis reported the RFQ for the Mound House restoration was due tomorrow, and it was her intention to have that ready for Council at the first August meeting. She anticipated the kayak

shed would be completed in August. She reviewed the process and action by Council that would be necessary for the RFQ.

Discussion ensued regarding the original bids received for the Mound House restoration; the construction manager-at-risk methodology; and the encumbrance deadline for the State grant for the Mound House.

Consensus agreed to place the RFQ results on the next June meeting agenda even though the information may not be included in the agenda packet; and if necessary the item could be pulled from the agenda.

Town Manager Stewart reiterated that the kayak shed was anticipated to be completed in August.

## **VI. ADJOURNMENT**

Meeting adjourned at 4:35 p.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

---

Michelle D. Mayher, Town Clerk

- End of document.