

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

DRAFT

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
April 18, 2018 9:30 a.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

Call to Order: 9:30 a.m.

Pledge of Allegiance: Led by Mayor Boesch

Invocation: Mayor Boesch

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

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Assistant to Village Manager Kyle Coleman, Public Works Director Willems, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

- 2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:**

Motion: Move to approve the agenda.

Motion by: Councilmember Batos

Seconded by: Councilmember Wilson

Action: Approved the agenda.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Barbara Saxton, The Reserve, unhappy with Council meeting process; appreciated the Mayor attending a recent Blue Zones event.

Doug Saxton, The Reserve, disappointed with Council meeting process; appreciated the Mayor attending a recent Blue Zones event; complete streets and slowing people down on the streets.

Gary Israel, Stoneybrook, press release that he provided to the Village Manager regarding planting of 40 trees.

4. PROCLAMATIONS:

Note: Proclamations were addressed prior to roll call.

- FGCU Governor’s Cup Award – presented by Vice Mayor Ribble
- Anu Laxis - presented by Councilmember Errington
- Joe McHarris - presented by Councilmember McLain
- Al O’Donnell - presented by Councilmember Wilson
- Bill Prysi - presented by Councilmember Batos

5. PRESENTATION:

FY 2016-2017 Audit Report – Martin Redovan, CliftonLarsonAllen LLP

Village Manager Sarkozy provided a brief introduction.

Martin Redovan, Engagement Principal, addressed management discussion and analysis section; financial statements opinion; internal control, noting that there was one finding that needed to be addressed regarding the permitting process; management letter; independent accountant’s report; and investment policy. He noted that there were no surprises and their examination showed a clean report.

Council Questions or Comments: Councilmembers Errington and Wilson. Discussion included adequacy of software and safety from hackers and the transmittal letter from the Village Manager and Finance Officer.

Motion: Move to accept the FY 2016-2017 Audit Report.

Motion by: Councilmember Errington

Seconded by: Councilmember Wilson

Action: Accepted the FY 2016-2017 Audit Report.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

6. Planning and Zoning Board Applicant Second Interviews and Appointment of Board Member:

The following applicant was interviewed:

- James E. Scialabba

Council Questions and Comments: Vice Mayor Ribble, and Councilmembers Batos and Levitan. Discussion included sensitivity to others; involving others in problem solving; projects worked on. Councilmember Levitan believed that Mr. Scialabba's background would more closely match Design Review Board.

The other applicant, Marcus T. (Tim) Allen, PhD, had been interviewed previously; however, had a conflict and was unable to attend the Council meeting for a second interview.

Motion: Move to nominate Tim Allen.

Motion by: Councilmember Levitan
Seconded by: Councilmember Batos

Questions or Comments: Discussion ensued regarding voting by ballot; concern regarding setting a precedent; waving Council Rules and handling the appointment by Council motion; Roberts Rules of Order; if vote were done by ballot, the Clerk should read the ballots for the record; and requesting that the Village Attorney clarify the process.

Action: Appointed Marcus T. (Tim) Allen, PhD to the Planning and Zoning Board with a term expiring March 31, 2021.

Vote:

Aye: Councilmembers Levitan, McLain, Wilson, and Vice Mayor Ribble
Nay: Councilmembers Errington, Batos, and Mayor Boesch
Abstentions:

The above action was followed by a motion from Councilmember Levitan to make the previous vote unanimous. Brief discussion followed and the motion was withdrawn.

7. CONSENT AGENDA:

(a) March 7, 2018 Council Meeting Minutes

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan
Seconded by: Councilmember Batos

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous
Nay:
Abstentions:

8. ACTION ITEMS:

- (a) Membership in the Bonita Springs Estero Economic Development Council for 2018

Mayor Boesch recommended that this agenda item be tabled until such time as the Council holds a workshop with the Estero Chamber of Commerce representatives. Discussion followed regarding the belief that the Bonita Springs Estero Economic Development Council (EDC) and the Estero Chamber of Commerce were two separate organizations and the need to make a decision regarding the EDC at this meeting.

Motion: Move to provide financial support in the amount of \$10,000.

Motion by: Councilmember Ribble

Seconded by: Councilmember Wilson

Questions or Comments: Councilmembers Errington, Batos, Levitan, McLain, Wilson, Vice Mayor Ribble, and Mayor Boesch. Discussion included doing the best for Estero; helping to stimulate and support business; concern with the EDC proposal; to date, Estero has not been a beneficiary; support in the amount of \$10,000 this year and see what happens in a year; Estero Chamber of Commerce restructuring and scheduling a workshop.

Public Comment:

Bill Daubmann, The Preserve, EDC Board Member, stated that he provided Councilmember Wilson details regarding the EDC, asked the Council to invest in the EDC, and noted that they are working very hard and that the Council would not be disappointed.

Action: Approved financial support in the amount of \$10,000.

Vote:

Aye: Councilmembers McLain, Errington, Wilson, and Vice Mayor Ribble

Nay: Councilmembers Levitan, Batos, and Mayor Boesch

Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble: Spoke regarding conduct of the boards and noted that the Council Rules of Procedure apply to all Village of Estero advisory boards. Councilmember Levitan spoke to a discussion at the April 17, 2018 Design Review Board meeting that would also be discussed at a future Planning and Zoning Board meeting. Councilmember Batos inquired whether the attorney could enforce the rules. Village Attorney Saunders responded that it was up to the Chairman to control the meeting. Vice Mayor Ribble indicated that, in several cases, the Chairman was the person being the abuser. The Village Attorney responded that, if the chairman was doing something inappropriate it, would be up to the Board Members to say something. Mayor Boesch asked Councilmember Levitan to meet with Community Development Director Gibbs and each Board Chairman.

Councilmember Levitan: Provided an update on the Comprehensive Plan amendment; the May 2, 2018 Council meeting agenda will include an item to set a hearing date; there were a variety of objections and suggestions from the state. He also addressed the revised scope of work for the Land Development Code.

Councilmember Errington: Spoke regarding: (1) The grant approved by the West Coast Inland Navigation District that will fund a Deputy Sheriff to patrol the Estero River. (2) Commissioner Kiker located areas for trees to be planted along US 41. (3) Concern for the number of fatalities on US 41. (4) The Zonta Club luncheon that she attended yesterday.

Councilmember Batos: Provided an update regarding Estero hospitals; Lee Health filed a Certificate of Need on April 11; Hospital Corporation of America (HCA) filed an application as well; a state decision is expected by June 1.

Councilmember Wilson: Conveyed appreciation to Mayor Boesch for participating in a presentation at Grandezza.

Mayor Boesch: Reported that HCA contacted him and the Village Manager prior to their application submittal. He noted that, at this time, any particular interest should not be generated. Councilmember Levitan added that it was likely that any site HCA chose would need to come before the Council and, therefore, the Council needed to be careful what was said at this time.

11. VILLAGE ATTORNEY'S REPORT: None.

12. VILLAGE MANAGER'S REPORT: None.

The meeting went into recess at 11:15 a.m. and reconvened at 11:30 a.m.

Adjourn Regular Session and Convene Workshop

13. WORKSHOP ITEMS:

(a) Florida Department of Transportation (FDOT) US-41 Street Lights

Village Manager Sarkozy provided a brief introduction.

Public Works Director Willems reported that when FDOT started getting ready for the testing period, they found that some fixtures were defective; consequently, this created a 9-week delay. Discussion followed regarding what would need to be done prior to project close-out; responsibility of the lights after project completion; spot checks performed by the Village maintenance company; how the meters are read; payment and reimbursement.

Public Comment:

Joyce Johnson, Marsh Landing, representing herself and ECCL Transportation Committee, inquired whether the contract addressed what happens when the project was not done on time.

(b) Estero Parkway

(This agenda item was addressed prior to agenda item 13.a)

Village Manager Sarkozy provided a brief introduction and history of prior presentations. Edward F. Tryka, III, P.E., Principal and Vice President of Transportation, Agnoli, Barber & Brundage, offered a PowerPoint Presentation: Preliminary Design Exercise – Design Considerations; Typical Section Legend; Section 1 – Walmart and Estero Ridge Plaza existing conditions; Section 2 – Osprey Cove and Cypress Bend RV Resort; Section 3 – Belle Lago and The Cascades; Section 4 – The Reserve and The Cascades; Section 5 – Vacant Land west of Cypress View; Section 6 – Vacant Land west of 7-11 and Vacant Land west of Three Oaks; Other Options; Estero Parkway Drainage Basins 1, 2, and 3 maps. Alternate options and design constraints were also discussed.

Questions or Comments: Councilmembers Levitan, McLain, Batos, and Errington. Discussion included depth of swales; water flow; providing adequate pedestrian ways; objectives; public meetings regarding the roundabout were held at The Reserve and The Cascades; a previous workshop where Council decided on certain aspects including the roundabout; lack of ability to put in landscaping due to slope; substantial landscaping could be put in swales; all possibilities needed to be examined; locations where more water could be stored; water gauges; and questions regarding areas shaded in green on slides 18 and 19. Village Manager Sarkozy commented regarding priorities and what Mr. Tryka was trying to show.

Public Comment:

John Tuttle, The Reserve, proponent of a roundabout.

Doug Saxton, The Reserve, apologized to the Council for earlier comments; asked Council to think long and hard regarding a 5 or 6 foot sidewalk; look at all options; safety of the people; reducing speed; and the roundabout.

Susan Green, The Reserve, concern with speed on the roadway.

Steve Jones, The Reserve, safety of intersection; in favor of roundabout.

Patty Middleton Jones, The Reserve, in favor of roundabout.

JoAnn Susko, The Cascades, residents have a strong opinion about a roundabout as well as safety.

William Williams, The Cascades, roundabout is not appropriate.

Councilmember Levitan inquired regarding the consensus at the last workshop. Village Manager Sarkozy responded that we are building on that consensus.

(c) US-41 Median Landscaping

Public Works Director Willems introduced Kimley Horn representatives.

PowerPoint Presentation: Review of Data Collection / Site Visits; General Information; Review of Design Team Site Visit; Review of Arborist Site Visit; Concept Design –

Design Goals; The Corridor; Design Concepts – Groups A through D; Design Concept Summary, Restrictions/Considerations, Application, Typical Median – Narrow Condition and Wide Condition; Renderings of Typical median end treatment, wide median and narrow median; Southern Gateway Design Concept; and next steps.

Questions or Comments: Councilmembers Batos, Levitan, Errington, Wilson, and McLain. Discussion included 50 mph speed limit; concrete median by Walmart; how the budget matched to the amount of funds that FDOT was providing; concern regarding sabal palms; make certain that native plants are utilized; fewer plants if need be; an inquiry when they would be back to Council with further information; an inquiry whether there was an irrigation system; and a request for a list of plant maintenance requirements related to how much water would be needed, etc.

Public Comment:

Joyce Johnson, (no address provided) inquired regarding the white rock along US 41.

A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 1:16 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor