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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

### **VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
May 2, 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:** Father Hugh McGuigan from Our Lady of Light Catholic Community.

**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, Village Land Use Counsel Nancy Stroud, 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:** Vice Mayor Ribble

**Seconded by:** Councilmember McLain

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Residents of The Cascades speaking against a roundabout on Estero Parkway:

John Stankoski  
Alden McGee  
Tom Kukla  
Caren Kerrs  
Sue Begley  
Judy Smith  
Eric Fried  
Nadine Kaliner  
John Piccolo  
Alden McGee on behalf of George Falber  
Jim Copp  
Sandy Geoffroy  
Paola Snyder  
Pat Correnti  
Phyllis Pantaleo  
Carol Schwartz  
Gail Barry  
JoAnn Susko  
William Williams

**Council Questions or Comments:** Mayor Boesch, Vice Mayor Ribble, and Councilmember McLain.

**4. CONSENT AGENDA:**

- (a) Financial Report for Month Ended March, 2018
- (b) April 4, 2018 Council Meeting Minutes
- (c) April 11, 2018 Council Meeting Minutes

**Motion:** Move to approve the Consent Agenda.

**Motion by:** Vice Mayor Ribble  
**Seconded by:** Councilmember Batos

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**5. CONTINUED PUBLIC HEARING - COCONUT SQUARE LOT 5 HOTEL:**

- (a) Zoning Final Plan Approval (Resolution No. 2018-06) for Coconut Square Lot 5 Hotel

Zoning Resolution No. 2018-06 A Resolution of the Village Council of the Village of Estero, Florida, for Final Zoning Plan Approval and one Deviation for a Commercial Planned Development for a Project Known as Coconut Square Lot 5 Hotel; and Providing an Effective Date

Village Clerk Hall read the title of Zoning Resolution No. 2018-06; Mayor Boesch provided a brief opening explanation. Mayor Boesch asked for a motion to reopen the public hearing.

**Motion:** Move to reopen the public hearing.

**Motion by:** Councilmember Wilson

**Seconded by:** Vice Mayor Ribble

**Action:** The public hearing was reopened.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

Mayor Boesch provided an explanation for the public that intended to provide testimony. Audience and staff intending to testify were sworn in by Village Clerk Hall.

Disclosure of further ex parte communications subsequent to disclosure at the April 11, 2018 hearing: Councilmember Levitan - discussion with Neale Montgomery and Community Development Director Gibbs, followed up by emails from Ms. Montgomery and Ms. Gibbs. Vice Mayor Ribble - was contacted by Vicki Olson. Councilmember Wilson - visited the site. Councilmember Batos - spoke with staff regarding questions.

Community Development Director Gibbs provided a brief summary and spoke regarding concerns; noted that she requested them to reach out to the community; addressed the condition precluding amenities at the Hyatt and the three proposed new conditions submitted by the applicant.

**Applicant's Presentation:**

John Wojdak, DeLisiFitzgerald, Inc., provided a PowerPoint Presentation regarding follow up items from the April 11, 2018 hearing, which included Overall DRI Inventory; outreach to the Tides of Pelican Landing to provide information regarding the proposed project; line of sight information; landscape planting plan, including an addition of a single hedge row buffer; and a proposal for three additional conditions.

**Council Questions or Comments:** Councilmembers Batos, Levitan, Errington, Vice Mayor Ribble and Mayor Boesch. Discussion included the number of golf holes on the overall DRI Inventory; inquiries regarding the Annual Status Report; an evacuation plan;

hurricane preparedness; improvements to and dedication of Coconut Road; trees to screen dumpster area; concern regarding transparency due to non-disclosure of the hotel's name.

In response to the transparency concern, Steve Hartsell, Pavese Law Firm, indicated that they have provided all of the information that was required.

Mike Liggins, ComTerra Development, representing the applicant, spoke to traffic, stormwater, and his belief that they have been transparent. He said that it was not a matter of them being intentionally evasive and added that he could say that it would not be a Hyatt.

Council discussion followed reiterating concern of the non-disclosure of the hotel's name as well as disclosure of names of principals.

**Public Comments:** None.

The hearing was closed.

Village Land Use Counsel Stroud indicated that the three new conditions provided by the applicant would need to be included in the resolution. Community Development Director Gibbs noted that she would like to incorporate the Entitlement Inventory Table in the Master Concept Plan and, therefore, the date of the Master Concept Plan would need to be updated.

**Motion:** Move to approve the final zoning plan with the conditions in Resolution No. 2018-06, including the three additional conditions provided by the applicant and a revision to the date of the Master Concept Plan due to the addition of the Entitlement Inventory Table.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Batos

**Action:** Approved the final zoning plan with the conditions in Resolution No. 2018-06, including the three additional conditions provided by the applicant, and a revision to the date of the Master Concept Plan due to the addition of the Entitlement Inventory Table.

**Vote:** (Roll call vote)

**Aye:** Councilmembers Levitan, McLain, Batos, Wilson, Vice Mayor Ribble, and Mayor Boesch

**Nay:** Councilmember Errington

**Abstentions:**

## 6. ACTION ITEMS:

(a) Set Hearing Date and Time for Comprehensive Plan Adoption

The Village prepared its Comprehensive Plan and voted to transmit it to the State for review on January 10, 2018. On March 16, 2018, the State sent a letter with Objections, Recommendations and Comments to the Village. The Village staff and its consultants reviewed the comments and proposed changes to the Plan to address the State's letter.

Once the revisions are made, the next step is a public hearing to review the proposed changes and adopt the Plan. The staff originally proposed a public hearing be set for May 23, 2018. However, Community Development Director Gibbs explained that the hearing date needed to be extended to June 13 2018. Ms. Gibbs noted that Florida Statutes require one of the two required public hearings must be held after 5:00 p.m., unless the Council voted to hold it at a different time, such as 9:30 a.m. Brief discussion ensued.

**Public Comment:** None.

**Motion:** Move to set the public hearing date of June 13, 2018 at 9:30 a.m. for adoption of the Comprehensive Plan.

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Levitan

**Action:** The public hearing date was set for June 13, 2018 at 9:30 a.m. for adoption of the Comprehensive Plan.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(b)** Approval of Land Development Code (RFQ 2017-01) Professional Services Agreement between Village of Estero and Clarion Associates

Village Manager Sarkozy explained that there were concerns regarding the scope of work from the previously ranked firm and an agreement had been negotiated with the second most qualified company, Clarion Associates. He noted that Clarion Associates had a great deal of experience and the contract amount was just below \$325,000. Councilmember Levitan said that he found this company to be excellent.

**Public Comment:** None.

**Motion:** Move to approve the agreement for professional services with Clarion Associates for the Land Development Code.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Errington

**Action:** Approved the agreement for professional services with Clarion Associates for the Land Development Code.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (c) Approval of Award of Request for Bids No. RFB 2018-05 to P&T Lawn and Tractor Service, Inc.

Village Manager Sarkozy explained that the contract related to the annual maintenance of the Village irrigation systems for a total cost of \$2,850 per year.

**Questions or Comments:** Councilmembers Batos, McLain and Levitan. Discussion included whether repairs or additions were intended for Estero Parkway.

**Motion:** Move to (1) Approve award of Request for Bids No. RFB 2018-05, Roadway Irrigation Maintenance for the Village of Estero to P&T Lawn and Tractor Service, Inc. to provide irrigation system maintenance services as provided in the contract for a one year period, at the rates listed in the contract (including all Options). (2) Authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council. (3) Grant the Village Manager the authority to renegotiate and execute the renewal of this contract for one additional one year term under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Motion by:** Vice Mayor Ribble  
**Seconded by:** Councilmember Errington

**Action:** (1) Approved award of Request for Bids No. RFB 2018-05, Roadway Irrigation Maintenance for the Village of Estero to P&T Lawn and Tractor Service, Inc. to provide irrigation system maintenance services as provided in the contract for a one year period, at the rates listed in the contract (including all Options). (2) Authorized the Village Manager to execute the contract documents on behalf of the Village of Estero Council. (3) Granted the Village Manager the authority to renegotiate and execute the renewal of this contract for one additional one year term under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Vote:**  
Aye: Unanimous (Roll call vote)  
Nay:  
Abstentions:

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS:** None.

8. **COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Councilmember Wilson: (1) Actions taken by the county: moving the Corkscrew Road project to a Tier 1 capital improvement status in the current 5-year plan; Item 23 on the County Commissioner’s agenda this month is the acceptance of the bids for the traffic light at Germain Arena and Grandezza.

Councilmember Batos: (1) First meeting of the educational task force will be with the principals. (2) City of Cape Coral recently adopted an ordinance requiring more safeguards at all gas stations in the city, protecting against “skimming.” (3) Lee County’s response to the state Legislature enacting a law requiring police officers in every school.

Councilmember Errington: (1) Progress being made on the Estero Grande project; she has been pleased with the concrete walls that are being built. (2) Congestion at US 41 and Estero Parkway; she sent an email to the undersheriff asking for a traffic report; she also spoke regarding accidents and the major safety factor in that area.

Councilmember McLain: (1) Reported regarding meetings with Estero Parkway communities with regard to stormwater.

Councilmember Levitan: (1) Recently attended a seminar, along with some other Councilmembers, put on by Streets Alive Southwest Florida, experts in street planning, complete streets, etc. Those attending also included the District 1 Transportation Director from Florida Department of Transportation (FDOT). He noted there was good discussion regarding roundabouts including clear statements from FDOT that they strongly believe in the concept of roundabouts. He suggested that, if it was going to take the Village a while to fix Estero Parkway, maybe the left-outs should be closed off. He believed that Council needed to take some action soon to save people's lives.

Vice Mayor Ribble: (1) Kudos to David Willems and Alex Greenwood regarding the meeting at Pelican Landing concerning Pelican Colony Boulevard and left-hand turns.

Mayor Boesch: (1) Called Ed Weil to the podium to speak regarding the Estero High School coach. Mr. Weil reported that Libby Diamond was named coach of the year in the state in their division. (2) He and Village Manager Sarkozy met with David Clark, Deputy Secretary, Land and Recreation, Department of Environmental Protection, regarding the concept of the suitability of the Estero Park; it is underutilized and it may be a good idea for Estero and the Department of Parks to get together. (3) There was a major accident at Corkscrew Woodlands. Village Manager Sarkozy responded that there is a major problem at the intersection of Corkscrew Woodlands and Corkscrew Road; recently, there have been two fatalities and the intersection needs to be addressed as quickly as possible. He added that it was the hope to put that intersection improvement right after the state does the intersection improvements at I-75 and Corkscrew Road; based on the severity of the problem, try to move up the county project of the lighted intersection at Lowe's before the state does their intersection improvements at I-75 and Corkscrew Road. He added that the county was aware of this. Mayor Boesch asked that the Village Manager continue to look into this. (4) Tomorrow at 12:00 p.m., Legacy Church would be hosting the National Day of Prayer Meeting. (5) He will be attending the water preservation conference on May 5. (6) Announced that he will be seeking reelection next year.

## **9. VILLAGE ATTORNEY'S REPORT:**

Village Attorney Saunders reported: (1) Village Manager review forms would be sent to the Councilmembers, along with Behavior Examples for Core Competencies. He asked that Councilmembers complete the forms and submit them to the Village Clerk. The review would be scheduled for the second Council meeting in June. (2) A reception to welcome a new attorney at his office will be held on May 8. (3) He will be providing a report related to responsibilities of cities regarding the Marjory Stoneman Douglas High School Public Safety Act. Brief discussion followed.

**10. VILLAGE MANAGER’S REPORT:**

Village Manager Sarkozy announced that Community Development Director Mary Gibbs and Village Land Use Counsel Nancy Stroud received a prestigious, national honor from the American Institute of Certified Planners for exemplary leadership, high standards, outstanding achievements, and distinguished contributions to the advancement of the art and science of the planning profession.

The meeting went into recess at 11:38 a.m. and reconvened at 11:45 a.m.

**Adjourn Regular Session and Convene Workshop**

**11. WORKSHOP ITEMS:**

- (a) Stormwater Master Plan Project Update

Public Works Director Willems provided a brief introduction.

Elizabeth Fountain, J.R. Evans Engineering, offered a PowerPoint Presentation: Village of Estero Stormwater Master Plan Project Status Update - Project Overview included: Project Goals; Regional-Scale Model (MIKE SHE); Local-Scale Village Model (ICPR); Regional-Scale Model; Data Collection and Inventory Evaluation; Map of Study Area; Map of Tributary Watersheds within Study Area; Maps of Estero River - North Branch Watershed, South Branch Watershed, Halfway Creek Watershed, Estero River Main Watershed; Maps of Soil Data, Land Cover/Land Use Data, Recorded High-Water Marks August/September 2017; Master Plan Current Status; Map of Overall ICPR Model Network; Example ICPR Model Study Scenario; and Next Steps. Ms. Fountain indicated the completion date as July 2018.

**Questions or Comments:** Councilmembers Levitan, Errington, and Batos. Discussion included difference between swales and culverts handling water; reason for restriction to west of I-75; studying the main tributaries in the Village; definition of watershed; and whether work has been done yet.

**Public Comment:** None.

A motion to adjourn was made and duly passed.

**12. ADJOURNMENT: 12:17 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

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

By: \_\_\_\_\_  
James R. Boesch, Mayor