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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

### **VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
July 25, 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:** Pastor Nolen Rollins from Legacy Church.

**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, Assistant Village Attorney Derek Rooney, Assistant to Village Manager Kyle Coleman, Public Works Director David Willems, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

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

Councilmember Wilson requested adding Troyer Brothers Proposed Mine as Agenda Item as 6 (e).

**Motion:** Move to approve the agenda as revised, adding Troyer Brothers Proposed Mine as Agenda Item 6 (e).

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Errington

**Action:** Approved the agenda as revised, adding Troyer Brothers Proposed Mine as Agenda Item 6 (e).

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

Mark Novitski, Bella Terra, addressed Councilmembers not getting involved in items outside of the Village and suggested that the Village either create a policy or communicate how and to what extent the Village will get involved in issues/projects outside of the Village.

**4. CONSENT AGENDA:**

(a) May 16, 2018 Council Meeting Minutes

(b) May 23, 2018 Council Meeting Minutes

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

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember McLain

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**5. PUBLIC HEARINGS:**

(a) Resolution No. 2018-10 A Resolution of the Village Council of the Village of Estero, Florida, Adopting the Capital Improvement Program for Fiscal Year 2018-2019; and Providing an Effective Date

Mayor Boesch opened the public hearing. Village Clerk Hall read the resolution title. Village Manager Sarkozy reviewed the July 11, 2018 first hearing regarding the Capital Improvement Program. He noted that there were no further changes since that date, recommended approval, and stated there was still time to make modifications during the upcoming budget hearings.

**Public Comment:**

Mark Novitski, Bella Terra, conveyed appreciation regarding inclusion of the pedestrian/bicycle paths over US 41. He spoke to short term improvements regarding Corkscrew Road and the main entrance at the Estero Recreation Center and land acquisition opportunities. He inquired whether the Village could purchase property outside of the Village boundaries.

**Motion:** Move to adopt Resolution No. 2018-10.

**Motion by:** Councilmember Wilson  
**Seconded by:** Councilmember Errington

**Action:** Adopted Resolution No. 2018-10.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

## 6. ACTION ITEMS:

- (a) Resolution No. 2018-11 A Resolution of the Village Council of the Village of Estero, Florida, Determining the Proposed Millage Rate for Fiscal Year 2018-2019, Setting the Date, Time and Place for the Public Hearings Required by State Law; Directing Staff to Transmit Necessary Documentation Pursuant to the Requirements of Florida Statutes and the Rules and Regulations of the Department of Revenue of the State of Florida; and Providing an Effective Date

Village Clerk Hall read the resolution title. Village Manager Sarkozy explained that, since the Village did not have sufficient information from the other taxing jurisdictions, the Village was proposing to establish the millage rate for the 2018-2019 budget at its current level of .7798 mills per thousand. He stated that the Council may reconsider this rate during the budget hearings on September 5 and September 20, 2018 at 5:30 p.m.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2018-11.

**Motion by:** Councilmember Levitan  
**Seconded by:** Councilmember McLain

**Action:** Adopted Resolution No. 2018-11.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Appoint the Audit Selection Committee for the Request for Proposals for Financial Audit Services (RFP 2018-01)

Village Manager Sarkozy reported that staff was proposing to rebid services for the annual audit. He explained the process for selecting an audit firm with the Audit Selection Committee which included preparing the Request for Proposals (RFPs), providing the Council with the scope of services, reviewing the RFPs that were submitted, and returning to Council with a recommendation.

**Questions or Comments:** Councilmember Wilson inquired whether there was a current policy that required a rebidding of audit services. Finance Director Roberson responded that bid proposals typically have a specified timeframe which is usually between three to

seven years and that the procedures being followed by the Village were outlined in Florida statutes.

**Public Comment:** None.

**Motion:** Move to appoint the audit selection committee consisting of Village Manager, Finance Director and Community Development Director.

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Errington

**Action:** Appointed the audit selection committee consisting of Village Manager, Finance Director and Community Development Director.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(c) FEMA Grant Management Services RFQ 2018-02

Village Manager Sarkozy summarized the process for selecting FEMA management services. He stated that four firms responded and that staff provided a recommendation on the firm that would be able to provide services if needed during a major event.

**Questions or Comments:** Councilmember Errington requested further details of how the firm would assist the Village. Village Manager Sarkozy explained that the FEMA reimbursement process was very specialized and the Village did not have the subject matter expertise on the FEMA reimbursement process. He stated that the firm would assist with this if needed during a major event.

**Public Comment:** None.

**Motion:** Move to: (1) Concur with and approve the ranking of consultants for RFQ 2018-02 FEMA Grant Management Services to The Village of Estero as follows: Number 1 – APTIM Environmental & Infrastructure, Inc.; Number 2 – Witt O’Brien’s, LLC; Number 3 – Tidal Basin Government Consulting, LLC; and Number 4 – Plexos Group, LLC; (2) Authorize staff to execute a contract with the Number 1 ranked firm, APTIM Environmental & Infrastructure, Inc. to provide professional FEMA Grant Management Services as provided in the contract for a one-year period, at the rates listed in the contract. (3) Authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council; (4) Grant the Village Manager the authority to renegotiate and execute the renewal of this contract for three additional one-year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Wilson

**Action:** (1) Concurred with and approved the ranking of consultants for RFQ 2018-02 FEMA Grant Management Services to The Village of Estero as follows: Number 1 – APTIM Environmental & Infrastructure, Inc.; Number 2 – Witt O’Brien’s, LLC; Number 3 – Tidal Basin Government Consulting, LLC; and Number 4 – Plexos Group, LLC; (2) Authorized staff to execute a contract with the Number 1 ranked firm, APTIM Environmental & Infrastructure, Inc. to provide professional FEMA Grant Management Services as provided in the contract for a one-year period, at the rates listed in the contract. (3) Authorized the Village Manager to execute the contract documents on behalf of the Village of Estero Council; (4) Granted the Village Manager the authority to renegotiate and execute the renewal of this contract for three additional one-year terms 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:

**(d) Miscellaneous Professional Services CN 2018-02**

Village Manager Sarkozy explained this was for professional services that may be needed during the year for small projects where the Village may need outside services to initiate a project that may come up on short notice and were below the Village’s purchasing cap. Village Manager Sarkozy further explained that the firms would go into a “pool” and noted that ownership interest would need to be disclosed where ownership interest in the firm was 5% or greater.

**Questions or Comments:** Councilmember Levitan expressed concern that several companies on the list represented both developers and government agencies. He requested that staff be cognizant of who was being hired especially in situations where the firm was taking a position against the Village when working for a developer. Village Manager Sarkozy responded that he understood the concerns expressed and stated there were currently no pending litigations against the Village.

**Public Comment:** None.

**Motion:** Move to: (1) Concur with the recommendation of the evaluation committee to select all 13 consulting firms that submitted Letters of Interest, for a contract period of two years commencing on August 30, 2018. The firms are: a) Agnoli, Barber & Brundage, Inc.; b) AIM Engineering & Surveying, Inc.; c) Banks Engineering; d) Barraco and Associates, Inc.; e) David Douglas Associates, Inc.; f) Q. Grady Minor & Associates, P.A.; g) Hole Montes, Inc.; h) Johnson Engineering, Inc.; i) JR Evans Engineering, P.A.; j) Kimley-Horn and Associates, Inc.; k) Kisinger Campo & Associates, Corp.; l) Stantec Consulting Services, Inc.; and m) Waldrop Engineering, P.A. (2) Authorize the Village Manager to execute agreements for individual projects as needed at or below \$50,000 (contracts in excess of \$50,000 will require Village Council approval).

**Motion by:** Councilmember Ribble  
**Seconded by:** Councilmember Wilson

**Action:** (1) Concurred with the recommendation of the evaluation committee to select all 13 consulting firms that submitted Letters of Interest, for a contract period of two years commencing on August 30, 2018. The firms are:  
a) Agnoli, Barber & Brundage, Inc.; b) AIM Engineering & Surveying, Inc.; c) Banks Engineering; d) Barraco and Associates, Inc.; e) David Douglas Associates, Inc.; f) Q. Grady Minor & Associates, P.A.; g) Hole Montes, Inc.; h) Johnson Engineering, Inc.; i) JR Evans Engineering, P.A.; j) Kimley-Horn and Associates, Inc.; k) Kisinger Campo & Associates, Corp.; l) Stantec Consulting Services, Inc.; and m) Waldrop Engineering, P.A. (2) Authorized the Village Manager to execute agreements for individual projects as needed at or below \$50,000 (contracts in excess of \$50,000 will require Village Council approval).

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(e) Troyer Brothers Proposed Mine

Councilmember Wilson stated that an email was sent to the Village Manager indicating that the hearing on the Troyer Brothers Mine was continued to July 31, 2018. He noted that the email asked if the Village was going to get involved in this issue. He expressed concern regarding the capacity of Corkscrew Road. Councilmember Wilson stated that, if the Board of Commissioners agreed with staff recommendation for approval, the Village of Estero should request that the mining permit not be effective until 2023 in order to allow for the planned improvements to Corkscrew Road and the extension of Alico Road out to State Route 82.

**Questions or Comments:** Councilmembers Levitan, Batos, Errington, Vice Mayor Ribble, and Mayor Boesch. Discussion included the Hearings Officer and county processes; staff obtaining information regarding the permit application; concern that staff did not bring this issue before the Council from the beginning of the process; Council preparing a statement to be read by an elected official or staff member at the hearing in order to protect the Village's ability to speak at the Board of County Commissioners meeting; suggestion that the Village request that the hearing be continued to allow time to prepare a statement to be read regarding the permit application; sending someone to the July 31, 2018 hearing to represent the Village to ensure that the Village's presence was shown; there are other ways to address these types of projects that are on the border of the Village, including negotiating an interlocal agreement with the County for projects in the DRGR; the Village having a conversation with the County, obtaining the facts, and coming to a position.

Village Manager Sarkozy responded that staff could obtain more information but given the timeframe, it may be difficult to take Council action prior to the July 31, 2018 hearing closing date; explained that since the Village runs as "Government Lite," there was no dedicated staff to monitor projects outside of Village boundaries that would affect the

Village; and explained that the Council was asking for staff to do research and engage in intergovernmental affairs that the Village was not prepared to do.

Discussion followed regarding the projects being done on Corkscrew Road, concern regarding mining truck traffic, and alternate roads for the trucks to utilize.

Assistant Village Attorney Rooney explained the options the Village could take regarding this project, noting that there was no value of having a Councilmember attend the hearing without having relevant testimony. However, there was value to having staff review the package related to the roads and having it as a placeholder stated on the record.

Discussion was held on having the Village Manager work with the County to obtain more information on the permit application and then determine how to proceed after obtaining all the facts.

**Public Comment:**

Don Eslick, ECCL, provided information related to the DRGR history and stated that the Council's efforts need to be visible.

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

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

Councilmember Errington: Reported that she was among four elected officials that were recently interviewed by *Bella* magazine and that her feature article would be in the August/September publication.

Councilmember Batos: Reported that, in September, he hoped to bring a full report on the school initiative which involved having the junior achievement program included in the school curriculum in 80 classes and that volunteers have been identified to lead those classes. He also noted that the Grandezza community sent a full crew to a school for cleanup activities.

Councilmember Wilson: Conveyed his appreciation to the public works group that have been following up on cleanup of the ditches.

Mayor Boesch: Reported that he met with State Parks representatives and stated that they were very interested in getting the park utilized.

**8. VILLAGE ATTORNEY'S REPORT:** None.

**9. VILLAGE MANAGER'S REPORT:** None.

**Adjourn Regular Session and Convene Workshop**

**10. WORKSHOP ITEMS:**

**(a) Codification Adoption Schedule**

Assistant Village Attorney Rooney reviewed that the Village adopted all of the Lee County ordinances as their own upon incorporation and explained that the re-codification involved the review of the Lee County code to eliminate irrelevant sections, incorporate changes made by the Council since incorporation, and identify areas of regulation where the Village may wish to adopt a different policy direction. He requested that Council review the subject areas listed in his memorandum dated July 17, 2018 and identify which areas they would like to consider for further review and policy direction. He noted that, due to the amount of ordinances needed to accomplish this, they would be presented on agendas in small batches and the first batch would be coming to Council in September.

**Questions or Comments:** Councilmembers Batos, Errington and Levitan.

A motion to adjourn was made and duly passed.

**11. ADJOURNMENT: 10:41 a.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

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

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

(kh/mr)