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**DRAFT**

**FINAL ACTION AGENDA/MINUTES**

**VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
April 24, 2019 9:30 a.m.**

**1. CALL TO ORDER: 9:30 a.m.**

**PLEDGE OF ALLEGIANCE:** Led by Councilmember Batos.

**INVOCATION:** Pastor Frank Brand from First Baptist Church of Estero.  
Mayor Ribble announced information regarding the May 2, 2019 memorial services for Lee County Commissioner Larry Kiker.

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

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Village Land Use Attorney Nancy Stroud, 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 Batos requested that Agenda Item 8 (c) related to the mining application recently approved by the Lee County Board of County Commissioners be added to the agenda.

**Motion:** Move to approve the agenda as amended, adding agenda item 8 (c).

**Motion by:** Councilmember Wilson  
**Seconded by:** Councilmember McLain

**Action:** Approved the agenda as amended, adding agenda item 8 (c).

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**3. PRESENTATIONS:**

- (a) Dr. Sandra Kauanui – Florida Gulf Coast University, Center for Entrepreneurship and Innovation

Dr. Kauanui offered a PowerPoint Presentation entitled FGCU’s CEI Campaign - Center for Entrepreneurship and Innovation, addressing the fund raising campaign supporting all of the colleges across the campus; community involvement; statistics; plans for the Center for Entrepreneurship and Innovation; and FGCU’s priority. Dr. Kauanui spoke regarding the spirit of entrepreneurship and announced that she would be going with Governor DeSantis on his trade mission to Tel Aviv.

Brief questions and comments followed.

- (b) Jeff Tuscan, CPA, Tuscan & Company, PA - Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2018

Jeff Tuscan, CPA, highlighted information from the report related to the Certificate of Achievement for Excellence in Financial Reporting; staff’s management discussion and analysis; fund balance; internal compliance report; and noted that auditor comments and weaknesses were not found within internal controls.

Brief comments followed.

**Motion:** Move to approve the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2018.

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Wilson

**Action:** Approved the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2018.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

Joe Miceli, Rookery Pointe, spoke to the recent mining decision by the Lee County Board of County Commissioners.

**5. CONSENT AGENDA:**

- (a) April 3, 2019 Council Meeting Minutes

**Public Comment:** None.

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

**Motion by:** Councilmember Boesch  
**Seconded by:** Councilmember Errington

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA:** None.

**7. ORDINANCE SECOND READING AND PUBLIC HEARING:**

- (a) Ordinance No. 2019-22 An Ordinance of the Village Council of the Village of Estero, Further Amending Ordinance No. 15-01 Regarding Appeals from the Village Planning and Zoning Board and from the Design Review Board; Amending Ordinance 15-01 to Require Written Recommendations from the Village Manager or His Designee to the Planning and Zoning Board and Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Mayor Ribble introduced the ordinance, the Clerk responded affirmatively when asked whether the ordinance had been published, followed by the title being read into the record. Village Manager Sarkozy provided a brief explanation of the ordinance.

Brief comments and questions followed.

**Public Comment:** None.

**Motion:** Move to adopt Ordinance No. 2019-22.

**Motion by:** Councilmember Levitan  
**Seconded by:** Councilmember Batos

**Action:** Adopted Ordinance No. 2019-22.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**8. ACTION ITEMS:**

**(a) Contract Renewal for Code Enforcement Special Magistrate**

Village Manager Sarkozy provided an explanation of the contract, noting that it allowed for an increased rate and that staff recommended approval.

**Questions or Comments:** None.

**Public Comment:** None.

**Motion:** Move to approve the contract renewal for Code Enforcement Special Magistrate.

**Motion by:** Councilmember Boesch  
**Seconded by:** Councilmember Errington

**Action:** Approved the contract renewal for Code Enforcement Special Magistrate.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(b) Approval of Consultants Ranking for Estero River Sedimentation Analysis**

Village Manager Sarkozy provided an explanation, noting that this would involve an engineering review of what is in the sediment, and pointed out that staff had reviewed the proposers. Village Public Works Director Willems provided comments regarding the ranking process and the reasons for selecting the consultant ranked as No. 1. He also referred to the irrigation main that recently broke; the fact that Calusa Waterkeepers took only one sample at the ditch and that there were no septic tanks near that area. He noted that he has asked to speak with the Waterkeepers.

**Questions or Comments:** Councilmembers Levitan, Boesch, Vice Mayor Errington, and Mayor Ribble. Discussion included a description of the scope of work; concern regarding recent news about the quality of the water and whether the Village should proceed at this point in time; a request that the Public Works Director work with the people at FGCU; Public Works Director commended for taking the initiative to start the process; this may be a broader problem than just septic systems; issues discussed by all Mayors regarding septic systems; whether reclaimed water was tested; concern regarding making the public aware of what the Village was planning to do; suggestion that a workshop be scheduled regarding septic systems; including the county in discussions; and addressing septic to sewer conversion was a large project.

**Public Comment:** None.

**Motion:** Move to: (1) Approve consultants ranking for Estero River Sedimentation Analysis as follows: Number 1 – Coastal Engineering Consultants, Inc.; Number 2 – Taylor Engineering, Inc.; Number 3 – TKW Consulting

Engineers, Inc.; and Number 4 – GHD Inc. (2) Authorize staff to negotiate a contract with the Number 1 ranked firm, Coastal Engineering Consultants, Inc. to provide professional services to perform a sedimentation analysis of the Estero River.

**Motion by:** Councilmember Levitan  
**Seconded by:** Councilmember Batos

**Action:** (1) Approved consultants ranking for Estero River Sedimentation Analysis as follows: Number 1 – Coastal Engineering Consultants, Inc.; Number 2 – Taylor Engineering, Inc.; Number 3 – TKW Consulting Engineers, Inc.; and Number 4 – GHD Inc. (2) Authorized staff to negotiate a contract with the Number 1 ranked firm, Coastal Engineering Consultants, Inc. to provide professional services to perform a sedimentation analysis of the Estero River.

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

(c) Extension of Contract with Spikowski Planning Associates

Councilmember Batos requested consideration of an extension of the contract with Spikowski Planning Associates related to the mining issues with the purpose of gathering the specifics of the areas of concern in order to be transmitted to the various reviewing organizations of the comprehensive plan as well as any future issues that Council may choose to select regarding the mining issue.

**Questions or Comments:** Councilmembers Levitan, Wilson, Batos, and McLain. Discussion included preparing the letters for the specific agencies the county will be seeking approval from; following the process and making certain all the necessary steps are followed so that the Village is on the record to challenge; and the 30-day timeline.

Village Manager Sarkozy stated that staff and Mr. Spikowski, as an expert, would frame the letters.

**Motion:** Move to extend the contract with Spikowski Planning Associates not to exceed \$10,000.

**Motion by:** Councilmember Batos  
**Seconded by:** Councilmember Boesch

**Action:** Approved extending the contract with Spikowski Planning Associates not to exceed \$10,000.

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

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

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

Councilmember Levitan: Provided an update on the Land Development Code project.

Councilmember McLain: Requested that staff contact the Lee County Sheriff's Office to make them aware of the illegal turning maneuvers on Estero Parkway near the Estero Grande community.

Vice Mayor Errington: Expressed displeasure with the treatment from Lee County Board of County Commissioners at their recent meeting.

Councilmember Boesch: Spoke regarding Joe Miceli working with FGCU related to blue-green algae research, as well as a meeting with John Cassani, Calusa Waterkeeper.

Councilmember Batos: Noted that his take-away from the recent Lee County Board of County Commissioners meeting was that the Village Council treats the people of the Village a lot better.

Councilmember Wilson: Spoke regarding an issue brought up from a resident related to cell phone reception problems. He inquired whether the Village had a map that indicated cell tower locations. Village Community Development Director Gibbs responded that she would look into it.

Mayor Ribble: Stated that he would not support anyone that does not live in the area as a replacement for Commissioner Kiker. He also called attention to a flyer distributed to Councilmembers regarding a celebration event, July 20, 2019, at The Club at Grandezza, in honor of the 50<sup>th</sup> anniversary of the Apollo moon landing.

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

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

The meeting went into recess at 11:00 a.m. and reconvened at 11:05 a.m.

**Adjourn Regular Session and Convene Workshop**

**13. WORKSHOP ITEMS:**

(a) Community Development Block Grant - Urban County Cooperation Agreement

Village Manager Sarkozy provided an explanation regarding an opportunity for the Village to be included in the Urban County Cooperation Agreement for federal entitlement funds for affordable housing, infrastructure and similar items from the Department of Housing and Urban Development (HUD). He noted that the county would administer the program for a small portion of the cost and he believed that the Village should get involved with the grant for the good of the community.

**Questions or Comments:** Councilmembers Wilson, Boesch, and Levitan. Discussion included a clarification regarding page 7 of the agreement; concern regarding strings attached to grants; and whether the Village would need a grant consultant.

**Public Comment:** None.

**11:00 a.m. 14. ATTORNEY/CLIENT SESSION PURSUANT TO 286.011(8), FLORIDA STATUTES RELATING TO THE FOLLOWING CASES:**

**Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, DOAH Case No. 18-3613GM; and**

**Village of Estero v. Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, SFWMD No. 2019-015-DAO-ERP**

**11:14 a.m. Council relocated to the Executive Conference Room on the second floor of Village Hall.**

**(a) CHAIR ANNOUNCEMENT**

**(b) CLOSE THE OPEN MEETING AND COMMENCE ATTORNEY/CLIENT SESSION**

**Persons Attending the Attorney/Client Session:**

Mayor Bill Ribble  
Vice Mayor Katy Errington  
Councilmember Howard Levitan  
Councilmember Jon McLain  
Councilmember James Boesch  
Councilmember Nick Batos  
Councilmember Jim Wilson  
Attorney Nancy Stroud  
Attorney Burt Saunders  
Attorney Jeffrey Hinds  
Attorney Jay Bartlett  
Village Manager Steve Sarkozy  
Terri Lewis, Court Reporter

**(c) REOPEN MEETING / CHAIR ANNOUNCEMENT**

**12:30 p.m. Council relocated to the Council Chambers.**

A motion to adjourn was made and duly passed.

**15. ADJOURNMENT:** 12:34 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

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

By: \_\_\_\_\_  
Bill Ribble, Mayor