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**DRAFT**

**FINAL ACTION AGENDA/MINUTES**

**VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
March 18, 2020 9:30 a.m.**

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

**INVOCATION:** Pastor John Roth from Thrive Community Church.

**PLEDGE OF ALLEGIANCE:** Led by Mayor Ribble.

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

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

A motion to approve Councilmembers Levitan, McLain and Wilson to participate in the meeting via teleconference was made and duly passed.

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

The agenda was approved by consensus of the Council.

**3. PRESENTATION:**

- (a) Jeff Tuscan, Tuscan & Company, PA – Fiscal Year Ended 9/30/19 Audit Report

**Staff Presentation/Comments:** Village Manager Sarkozy.

**Presentation by:** Jeff Tuscan.

**Council Questions or Comments:** Councilmembers Boesch, Vice Mayor Errington, and Mayor Ribble.

**Motion:** Move to approve the Comprehensive Annual Financial Report.

**Motion by:** Councilmember Boesch

**Seconded by:** Councilmember Batos

**Action:** Approved the Comprehensive Annual Financial Report.

**Vote:** (Roll call vote)

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

**Nay:**

**Abstentions:**

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

**5. CONSENT AGENDA:**

- (a) March 4, 2020 Council Meeting Minutes

A motion to approve the Consent Agenda was made and duly passed.

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

**7. ACTION ITEMS:**

- (a) Resolution No. 2020-02 A Resolution of the Village of Estero, Florida, Adopting the Village of Estero Parks, Recreation, and Open Space Master Plan; and Providing an Effective Date

**Staff Presentation/Comments:** Village Manager Sarkozy; Village Clerk Hall read the title of Resolution No. 2020-02 and noted that on page 1, line 25, the workshop date of February 12, 2020 was corrected to read February 19, 2020.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2020-02.

**Motion by:** Vice Mayor Errington

**Seconded by:** Councilmember Boesch

**Action:** Adopted Resolution No. 2020-02.

**Vote:** (Roll call vote)

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

**Nay:**

**Abstentions:**

(b) Street Sweeping RFB 2020-04

**Staff Presentation/Comments:** Village Manager Sarkozy.

**Council Questions or Comments:** Vice Mayor Errington and Councilmember Levitan.

**Public Comment:** None.

**Motion:** Move to: 1) Approve award of Request for Bids No. RFB 2020-04 Street Sweeping for the Village of Estero to USA Services of Florida, Inc. to provide street sweeping services as provided in the contract for a one-year period, at the rates listed in the contract. 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 three (3) additional one (1) year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Motion by:** Councilmember Batos

**Seconded by:** Vice Mayor Errington

**Action:** 1) Approved award of Request for Bids No. RFB 2020-04 Street Sweeping for the Village of Estero to USA Services of Florida, Inc. to provide street sweeping services as provided in the contract for a one-year period, at the rates listed in the contract. 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 three (3) additional one (1) year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Vote:** (Roll call vote)

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

**Nay:**

**Abstentions:**

## 8. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Jane Niehaus, Corkscrew Woodlands, traffic signal at Corkscrew Road and Lowe's driveway

Public comments via eComment Cards:

William Savage, Island Club, traffic signal at Lowe's driveway

**Comments by:** Public Works Director Willems, Village Attorney Saunders and Councilmembers Boesch, Batos, Levitan, and McLain.

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

Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington and Mayor Ribble.

**10. VILLAGE ATTORNEY'S REPORT:**

**(a) Happehatchee**

**Village Attorney Presentation/Comments:** Village Attorney Saunders spoke to a request to add this to the agenda for the purpose of scheduling a closed session with the Council due to a letter received from the Save Our Creeks group offering a settlement. He suggested that Council authorize the Village Manager to work on the issue along with Attorney Mark Ebelini, rather than scheduling a closed session of the Council.

**Council Questions or Comments:** Councilmembers Boesch, Batos, Levitan, McLain, Vice Mayor Errington and Mayor Ribble.

There was consensus of the Council to authorize the Village Manager to work on the issue along with Attorney Mark Ebelini, as opposed to scheduling a closed session of the Council.

**(b) Pelican Landing Traffic Signal**

**Village Attorney Presentation/Comments:** Village Attorney Saunders addressed conversations that he has had with attorneys representing Lennar Corp. with respect to the Pelican Landing traffic signal and putting them on notice that the Pelican Landing DRI Development Order requires them to participate in the funding of the traffic signal which needs to be done this calendar year. He requested that the Council authorize the Village Manager and Village Attorney to proceed to litigation, continue the conversations, and retain counsel to file the declaratory judgment or whatever other legal action would be appropriate to force Lennar Corp. to comply with requirements of the DRI Development Order.

Further discussion involved taking legal action in relation to a code violation.

**Council Questions or Comments:** Mayor Ribble and Councilmember Levitan.

**Motion:** Move to authorize the Village Manager to proceed to litigation and direct staff to explore whether or not this is a code violation and, if so, to take appropriate action immediately on the code violation.

**Motion by:** Councilmember Batos

**Seconded by:** Vice Mayor Errington

**Action:** Authorized the Village Manager to proceed to litigation and directed staff to explore whether or not this is a code violation and, if so, to take appropriate action immediately on the code violation.

**Vote:** (Roll call vote)

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

**Nay:**

**Abstentions:**

- (c) Resolution No. 2020-03 A Resolution of the Village Council of the Village of Estero, Florida, Declaring a State of Local Emergency and Providing For Emergency Governmental Operations Related to the Outbreak of the Coronavirus Disease of 2019 (COVID-19); and Providing an Effective Date

**Village Attorney Presentation/Comments:** Ordinance No. 2018-08 Establishing Procedures for the Declaration of a State of Local Emergency, Sections 8 (a), (b) and (c), would not apply under the current circumstances and would be excluded from the resolution.

**Council Questions or Comments:** Vice Mayor Errington, Councilmembers Levitan, Batos and McLain.

**Motion:** Move to adopt Resolution No. 2020-03 with the recognition that Council was complying with Ordinance No. 2018-08 dealing with what happens when there is an emergency; however, Sections 8 (a), (b) and (c) of Ordinance No. 2018-08 are not included in the declaration of emergency.

**Motion by:** Vice Mayor Errington

**Seconded by:** Councilmember Batos

**Action:** Adopted Resolution No. 2020-03 with the recognition that Council was complying with Ordinance No. 2018-08 dealing with what happens when there is an emergency; however, Sections 8 (a), (b) and (c) of Ordinance No. 2018-08 are not included in the declaration of emergency.

**Vote:** (Roll call vote)

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

**Nay:**

**Abstentions:**

- (d) Future Council Meetings

**Village Attorney Presentation/Comments:** The matter of how to continue with the regular Council meeting schedule was discussed in light of recent events due to the Coronavirus (COVID-19).

**Council Questions or Comments:** Vice Mayor Errington, Councilmembers Levitan, Batos and McLain.

**Motion:** Move that the Village Manager, with consultation with the Mayor, will determine when the next substantive Council meeting will be. If there is a need to have a meeting due to an emergency, it will be taken care of via telephone.

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

**Action:** The Village Manager, with consultation with the Mayor, will determine when the next substantive Council meeting will be. If there is a need to have a meeting due to an emergency, it will be taken care of via telephone.

**Vote:** (Roll call vote)  
**Aye:** Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble  
**Nay:**  
**Abstentions:**

**11. VILLAGE MANAGER’S REPORT:**

**Village Attorney Manager Comments:** Village Hall is open and measures have been taken to encourage and enable people to do work with the Village without having to come in to Village Hall. He also briefly reported regarding the Happehatchee property.

A motion to adjourn was made and duly passed.

**12. ADJOURNMENT: 11:03 a.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

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

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