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COVID-19 NOTICE:

The April 21, 2021 Village Council Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity to participate virtually. The meeting will be broadcasted live via the Village of Estero website link: <https://estero-fl.gov/council/watch-meetings-online/>. Access in Council Chambers will be limited in order to comply with the safety instructions relating to COVID-19. Please see page 4 of this agenda for further information and instructions for public participation.

AGENDA

VILLAGE COUNCIL MEETING

9401 Corkscrew Palms Circle, Estero, Florida

April 21, 2021 9:30 a.m.

Village Council: District 1 – Joanne Ribble; District 2 – Larry Fiesel; District 3 – Jon McLain, Vice Mayor; District 4 – Katy Errington, Mayor; District 5 – James Boesch; District 6 – Jim Ward; District 7 – Jim Wilson

1. CALL TO ORDER

INVOCATION – Pastor Sheri Weston River of Life Assembly of God

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PRESENTATIONS

(a) Lee County Tax Collector
R. Noelle Branning

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

5. CONSENT AGENDA:

(a) April 7, 2021 Council Meeting Minutes

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

7. ACTION ITEMS:

- (a) Interlocal Agreement with Lee County Port Authority for “Tall Structure” notification

Recommended Action: Approve Interlocal agreement and forward to Lee County Port Authority for their approval and signature.

Financial Impact: This is a notification process only; there is no financial impact.

- (b) Resolution No. 2021-13 Appointment of Representative and Alternate to the Lee County MPO Bicycle Pedestrian Coordinating Committee

Resolution No. 2021-13 a Resolution of the Village Council of the Village of Estero, Florida, Appointing a Representative and Alternate to the Lee County Metropolitan Planning Organization’s (MPO) Bicycle Pedestrian Coordinating Committee (BPCC); and Providing an Effective Date.

Recommended Action: Approval of Resolution No. 2021-13

Financial Impact: None

8. FIRST READINGS

- (a) Ordinance No. 2021-05 Year-round landscape irrigation conservation measures.

Ordinance No. 2021-05 an Ordinance of the Village Council of the Village of Estero, Florida; Providing for the Intent and Purpose; Providing Definitions; Providing for Applicability; Providing for Local Implementation of the Mandatory Year-Round Landscape Irrigation Conservation Measures Rule of the South Florida Water Management District (40E-24, F.A.C.); Providing for Variances; Providing for Enforcement; Providing for Codification; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action: Pass First Reading and set Second Reading for May 5, 2021 at 9:30 a.m.

Financial Impact: Minor cost associated with enforcement.

- (b) Ordinance No. 2021-06 Water Shortage or Water Shortage Emergency Declarations

Ordinance No. 2021-06 an Ordinance of the Village Council of the Village of Estero, Florida; Providing for the Intent and Purpose; Providing Definitions; Providing for Applicability; Providing for The Declaration of Water Shortage or Water Shortage Emergency; Providing for Variances; Providing for Enforcement; Providing for Codification; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action: Pass First Reading and set Second Reading for May 5, 2021 at 9:30 a.m.

Financial Impact: Minor cost associated with enforcement.

9. SECOND READING

- (a) Ordinance 2021-03 An Ordinance of the Village Council of the Village of Estero, Florida, Readopting and Correcting Ordinance No. 2021-01 Capital Improvement Element Schedule Update Due to Omission of Two Pages of the Village of Estero Fiscal Year 2020-2021 Capital Improvement Projects in Exhibit A; Providing for Conflict; Providing for Severability; and Providing an Effective Date.

Recommended Action: Approve Ordinance 2021-03

Financial Impact: Minor cost of newspaper advertisement.

10. PUBLIC COMMENT ON NON-AGENDA ITEMS

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

12. VILLAGE ATTORNEY'S REPORT

13. VILLAGE MANAGER'S REPORT

Adjourn Regular Session and Convene Workshop Items

14. WORKSHOP ITEM

- (a) Land Use and Zoning Procedures
- (b) Community Development Software
- (c) Septic to Sewer Workshop.

15. ADJOURNMENT

COVID-19 INFORMATION AND INSTRUCTIONS

To view and/or participate in the Village Council Meeting, the following options are available:

- 1) View the meeting online, but not participate: You may watch the meeting via the Village of Estero website link: <https://estero-fl.gov/council/watch-meetings-online/>.
- 2) View the meeting online as indicated above and provide public comment prior to the meeting by utilizing the eComment Card on the Village website: <https://estero-fl.gov/ecomment-cards/>. Please fill out all required information. Comments must be received by noon on Tuesday, April 20th and they will be distributed to the Council but will not be read at the meeting.
- 3) Council Chambers will be open to the public during the meeting, in accordance with social distancing orders. Public who attend in person may speak during scheduled public comment periods. Participants are recommended to wear their own-supplied mask.

For additional information or for special assistance prior to the meeting, please contact Carol Sacco, Village Clerk at, sacco@estero-fl.gov or 239-221-5035.

If you desire to address the Council, please complete a Public Comment Card and return it to the Village Clerk. Citizens desiring to speak must step up to the podium, state their full name and address, and whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment should contact Village Clerk/Executive Assistant, Carol Sacco, 239-221-5035, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes: “If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 21, 2021

Agenda Item:

The Role of the Tax Collector

Description:

Ms. R. Noelle Branning, Esq., Tax Collector will present roles of tax collector which include tax dollars, responsibilities, tax season impact, services, and priorities.

Action Requested:

None

Financial Impact:

None

Attachments:

1. Presentation

THE ROLE OF THE TAX COLLECTOR

AND THE MANY SERVICES WE PROVIDE

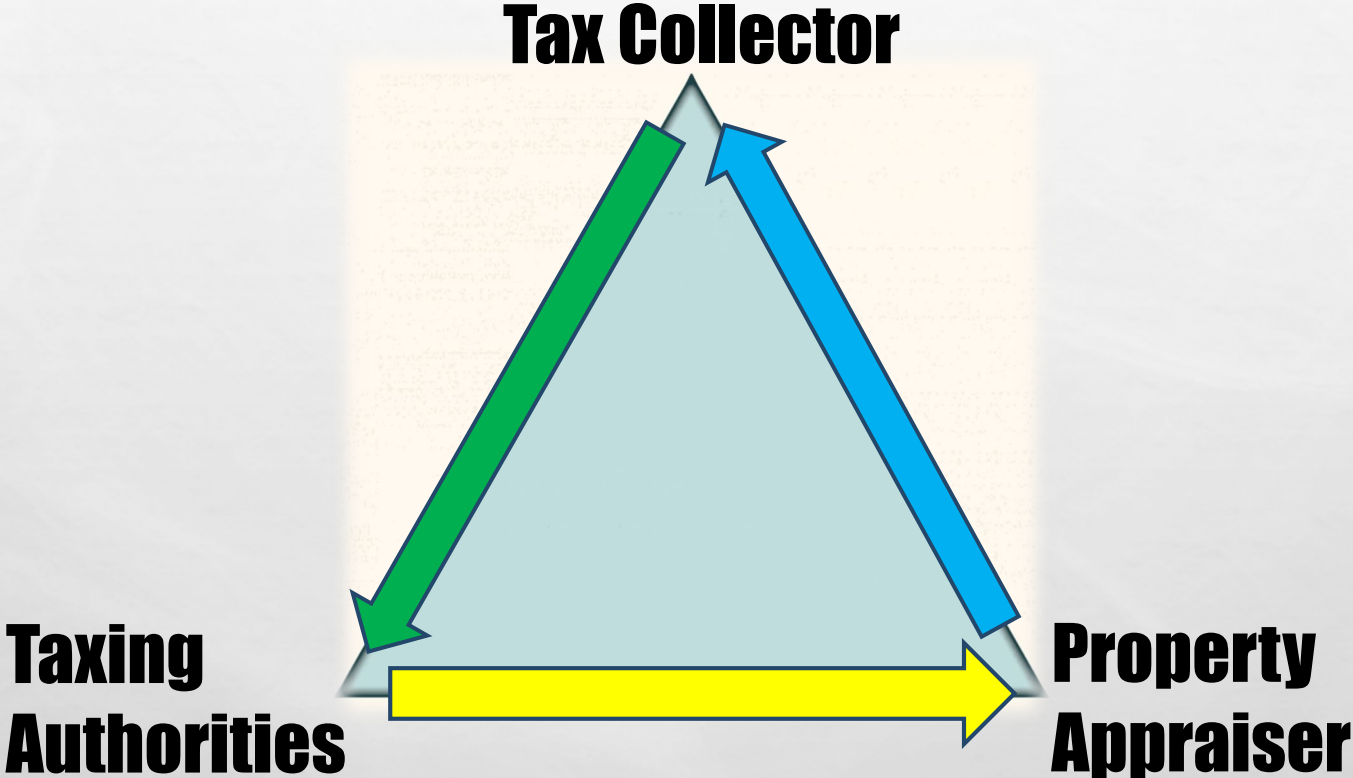




YOUR TAX DOLLARS

- **COLLECTIONS**
- **DISTRIBUTIONS**
- **BUDGET**

BERMUDA TRIANGLE?



RESPONSIBILITIES

TAXING AUTHORITIES

- **SET RATES**
- **HOLD PUBLIC HEARINGS**
- **PASS INFORMATION TO PROPERTY APPRAISER**

PROPERTY APPRAISER

- **ASSESS REAL AND TANGIBLE PROPERTY**
- **GRANT EXEMPTIONS**
- **SEND TRIM NOTICES**
- **PASS CERTIFIED ROLL TO TAX COLLECTOR**

TAX COLLECTOR

- **SEND TAX BILLS EACH NOVEMBER 1**
- **COLLECT TAXES DUE**
- **DISTRIBUTE MONEY TO TAXING AUTHORITIES**

TAX SEASON IMPACT

- **TAX DISCOUNTS**
- **REVENUE COLLECTIONS**
- **DISTRIBUTIONS TO TAXING AUTHORITIES**
- **ANNUAL TAX CERTIFICATE SALE**

TAX COLLECTOR SERVICES



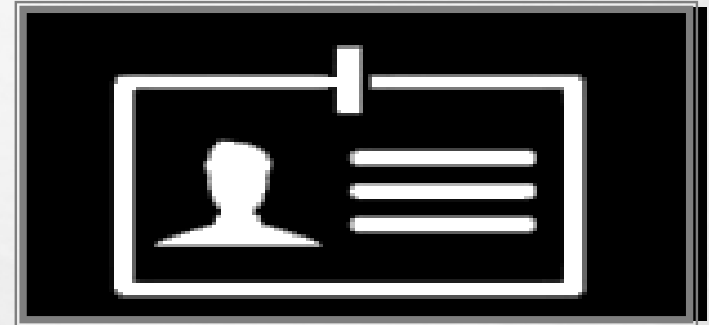
DL/DMV

- **VEHICLE/VESSEL TITLING/REGISTRATIONS**
- **DRIVER LICENSE**
- **PARKING PLACARDS**
- **ID CARDS**



LOCAL BUSINESS TAX

- **APPLICATIONS**
- **BUSINESS TAX RECEIPTS**



PERMITS/RECORDS

- **CONCEALED CARRY**
- **HUNTING/FISHING**
- **BIRTH CERTIFICATES**

THE FUTURE OF THE LEE COUNTY TAX COLLECTOR'S OFFICE

AGENCY PRIORITIES





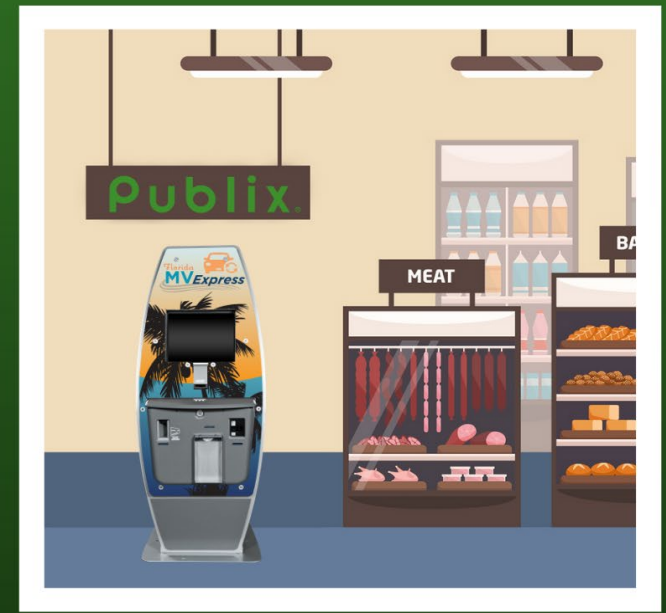
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Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings, as well as transcripts. Video recordings of Village Council meetings from June 8, 2016 forward, as well as agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at <https://estero-fl.gov/agendas/> at the corresponding meeting date.

DRAFT

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
April 7, 2021 9:30 a.m.**

1. CALL TO ORDER

INVOCATION: Pastor John Roth Thrive Community Church

PLEDGE OF ALLEGIANCE: Mayor Errington.

ROLL CALL: Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Deputy Village Manager Kyle Coleman, Community Development Director Mary Gibbs, Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Boesch

Seconded by: Councilmember Fiesel

Action: Approved agenda.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Mark Novitski, ECCL
Joe Miceli, Rookery Pointe

4. CONSENT AGENDA

- (a) March 24, 2021 Special Council Meeting Minutes
- (b) Financial Report February 2021

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Ribble

Action: Approved the Consent Agenda.

Vote: (Roll Call)
Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEMS:

- (a) Resolution No. 2021-10 of the Village Council of the Village of Estero, Florida, Approving the Second Budget Amendment for Fiscal Year 2020-2021 to Approve Use of Additional Village Funds and Provide a Funding Transfer for Corkscrew Road/Puente Lane Traffic Signal; and Providing an Effective Date.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
Burt Saunders, Village Attorney

Council Questions or Comments:

Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Public Comments:

Joe Miceli, Rookery Pointe

Motion: Motion to approve Resolution 2021-10.

Motion by: Councilmember Boesch

Seconded by: Councilmember Ribble

Action: Approved Resolution 2021-10.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

- (b) Resolution No. 2021-12 of the Village Council of the Village of Estero, Florida, Approving the Third Budget Amendment for Fiscal Year 2020-2021 to Approve Use of Additional Village Funds and Provide a Funding Transfer for Williams Road and Atlantic Gulf Boulevard Intersections Improvements; and Providing an Effective Date.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:

Councilmember Boesch, Vice-Mayor McLain, and Mayor Errington.

Public Comments: None.

Motion: Motion to approve Resolution 2021-12.

Motion by: Councilmember Wilson

Seconded by: Councilmember Boesch

Action: Approved Resolution 2021-12.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

- (c) US 41 Landscape Improvements RFB 2021-02

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director
Burt Saunders, Village Attorney

Council Questions or Comments:

Councilmembers Boesch, Fiesel, Ribble, and Mayor Errington.

Public Comments: None.

Motion: Motion to approve award of Request for Bids No. RFB 2021-02, US 41 Landscape Improvements Broadway East to Vintage Parkway and Coconut Road to Fountain Lakes Boulevard to P & T Lawn and Tractor Service, Inc. at a Grand Total Cost of \$118,075, approve a contingency fund amount of \$11,800 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract and any other related ancillary documents on behalf of the Village of Estero Council.

Motion by: Councilmember Boesch

Seconded by: Councilmember Ward

Action: Approved award of Request for Bids No. RFB 2021-02, US 41 Landscape Improvements Broadway East to Vintage Parkway and Coconut Road to Fountain Lakes Boulevard to P & T Lawn and Tractor Service, Inc. at a Grand Total Cost of \$118,075, approve a contingency fund amount of \$11,800 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract and any other related ancillary documents on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(d) Williams Road & Atlantic Gulf Drive Intersection Improvement Design Contract – KCA

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments: None.

Public Comments: None.

Motion: Motion to approve award of Supplemental Task Authorization (STA) – 02 Contract EC 2020-61 to KCA under the Village’s Misc. Service Contract CN 2020-01 in the amount of \$469,099, approve a contingency fund amount of \$47,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA and any other related ancillary documents on behalf of the Village of Estero Council.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Approved award of Supplemental Task Authorization (STA) – 02 Contract EC 2020-61 to KCA under the Village’s Misc. Service Contract CN 2020-01 in the amount of \$469,099, approve a contingency fund amount of \$47,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA and any other related ancillary documents on behalf of the Village of Estero Council.

Vote: (Roll Call)
Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(e) Williams Road & Atlantic Gulf Blvd. Intersection Improvement Project Management Contract – CW3.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:

Vice Mayor McLain.

Public Comments: None.

Motion: Motion to approve award of Supplemental Task Authorization (STA) 06 to Contract EC 2020-48 to CW3 Engineering under the Village’s Misc. Service Contract CN 2020-01 in the amount of \$54,000, approve a contingency fund amount of \$5,400 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA and any other related ancillary documents on behalf of the Village of Estero Council.

Motion by: Councilmember Ward
Seconded by: Councilmember Ribble

Action: Approved award of Supplemental Task Authorization (STA) 06 to Contract EC 2020-48 to CW3 Engineering under the Village’s Misc. Service Contract CN 2020-01 in the amount of \$54,000, approve a contingency fund amount of \$5,400 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA and any other related ancillary documents on behalf of the Village of Estero Council.

Vote: (Roll Call)
Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(f) Village of Estero Water Monitoring Contract - 2021

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:

Councilmembers Boesch, Fiesel, Ribble, and Mayor Errington.

Public Comments: None.

Motion: Motion to approve award of Supplemental Task Authorization 06 to Contract EC 2020-32 to Johnson Engineering to provide water monitoring services for The Village of Estero for \$41,352, approve a 10% contingency for additional services that may be required to complete the project, and authorize the Village Manger to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Wilson

Action: Approved award of Supplemental Task Authorization 06 to Contract EC 2020-32 to Johnson Engineering to provide water monitoring services for The Village of Estero for \$41,352, approve a 10% contingency for additional services that may be required to complete the project, and authorize the Village Manger to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Vote: (Roll Call)
Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

7. PUBLIC HEARINGS

(a) Resolution No. 2021-08 a Resolution of the Village of Estero, Florida, Vacating A Portion of a Drainage Easement of That Part of the Plat for Shadow Wood at the

Brooks Unit One, According to The Plat Thereof Recorded in Plat Book 61, Page 38, Public Records of Lee County, Florida, Lying and Being in Sections 3 And 10, Township 47 South, Range 25 East, Village Of Estero, Lee County, Florida; and Providing for an Effective Date.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Council Questions or Comments: None.

Public Comments: None.

Motion: Motion to approve Resolution 2021-08.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Ward

Action: Approved Resolution 2021-08.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(b) Resolution No. 2021-09 a Resolution of the Village of Estero, Florida, Vacating A Portion of the Public Utility Easements and Drainage Easements of that Part of the Plat of Lots 9 Through 14, Marshall's Estero River Groves, Unit 1, According to the Plat Thereof as Recorded in Plat Book 12, Page 131, Public Records of Lee County, Florida, Lying and being in Section 28, Township 46 South, Range 25 East, Village of Estero, Lee County, Florida

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Council Questions or Comments: None.

Public Comments: None.

Motion: Motion to approve Resolution 2021-09.

Motion by: Councilmember Ward

Seconded by: Councilmember Fiesel

Action: Approved Resolution 2021-09.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

8. FIRST READING

- (a) Ordinance 2021-03 An Ordinance of the Village Council of the Village of Estero, Florida, Readopting and Correcting Ordinance No. 2021-01 Capital Improvement Element Schedule Update Due to Omission of Two Pages of the Village of Estero Fiscal Year 2020-2021 Capital Improvement Projects in Exhibit A; Providing for Conflict; Providing for Severability; and Providing an Effective Date.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Council Questions or Comments: None.

Public Comments: None.

Motion: Motion to Pass First Reading and set Second Reading for April 21, 2021 at 9:30 a.m.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Passed First Reading and set Second Reading for April 21, 2021 at 9:30 a.m.

Vote: (Roll Call)

Aye: Councilmembers Wilson, Boesch, Fiesel, Ward, Ribble, Vice-Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

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

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Wilson, Boesch, and Mayor Errington.

11. VILLAGE ATTORNEY'S REPORT

Burt Saunders, Village Attorney

12. VILLAGE MANAGER’S REPORT

Steve Sarkozy, Village Manager

Adjourn Regular Session at 11:00 am and Convene Workshop Item at 11:10 am

13. WORKSHOP ITEMS:

a) FGCU Estero River Water Quality Report

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Presentation:

Dr. Donald Duke, FGCU

Council Questions or Comments:

Councilmembers Ward, Boesch, and Mayor Errington.

Public Comments:

Joe Miceli, Rookery Pointe
Patty Whitehead, Old Estero

(b) Cypress Bend RV Resort Wastewater Treatment Plant

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments: None.

Public Comments:

Joe Miceli, Rookery Pointe

14. ADJOURNMENT at 12:02 pm

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

Carol Sacco, Village Clerk

By: _____

Katy Errington, Mayor

(td/CS)

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 21, 2021

Agenda Item:

Interlocal Agreement with Lee County Port Authority for “Tall Structure” notification

Description:

Florida Statute Chapter 333 requires every affected jurisdiction to adopt, administer and enforce airport protection zoning regulations by interlocal agreement.

Because Estero has airport hazard areas within its territorial limits, it is an “affected jurisdiction” and an interlocal agreement is needed.

The purpose of an interlocal agreement is to establish a method to coordinate permitting of tall structures to ensure that they do not interfere with airport operations and flight paths, or create a safety hazard.

When the Village reviews permits and development orders, we will coordinate with Port Authority staff for any tall structures. Tall structures are generally 125 feet or higher. These could include cell towers, high rise buildings, construction cranes, and similar uses.

The Port Authority is establishing interlocal agreements with all the cities in Lee County, except Sanibel and Bonita Springs who are not affected.

Action Requested:

Approve interlocal agreement and forward to Lee County Port Authority for their approval and signature.

Financial Impact:

This is a notification process only; there is no financial impact.

Attachments:

1. Airport Zoning Regulations and Tall Structures Permitting Overview
2. Interlocal Agreement – Coordinated Tall Structure Permitting
3. Airport Obstruction Notification Zone Map

Airport Zoning Regulations & Tall Structures Permitting Interlocal Agreement Overview

Chapter 333, Florida Statutes, Airport Zoning, requires that every Political Subdivision having an airport hazard area within its territorial limits shall adopt, administer, and enforce **airport zoning regulations**.

Airport hazard area is any area where an airport hazard/obstruction might be established. An airport hazard/obstruction can be established if a structure penetrates into the navigable airspace that surrounds an airport.

Code of Federal Regulations (C.F.R.) Title 14, Part 77 establishes height restrictions and federal notification and review criteria for potential airport obstructions or hazards surrounding airports.

- Part 77 surfaces for Page Field extend into Cape Coral and Fort Myers.
- Part 77 surfaces for RSW extend into Estero.
- Cape Coral, Fort Myers, and Estero have land underlying a Part 77 surface of an airport, and therefore have an airport hazard area within their territorial limits.

FS 333.03 (1)(b) outlines that a political subdivision which controls an airport [Lee County] and another political subdivision, which has land underlying a surface of the airport [Cape Coral, Estero, Fort Myers] shall enter into an interlocal agreement to adopt, administer, and enforce **airport zoning regulations**.

Status of Airport Zoning Regulations

- Updated **airport zoning regulations** for Lee County Port Authority-operated Airports were adopted by [Lee County Ordinance 19-03](#).
 - These airport zoning regulations are found in [Airport Compatibility District - Sec. 34-1011 et. seq.](#) & [Appendix C - Airport Compatibility District Maps](#) of the Lee County Land Development Code.
- [Lee County Administrative Code 13-7](#) outlines procedures for permitting of vertical objects that exceed thresholds of the LCPA Airport Obstruction Notification Zone, requiring Tall Structures Permit review.
- The terms of the Interlocal Agreement provide that [Cape Coral, Estero, Fort Myers] must not issue a development order for structures that meet notification criteria without Tall Structures Permit review and approval by the Port Authority.
 - For Cape Coral and Estero, any structure over 125' is subject to the Lee County Port Authority Tall Structure Permitting process. (Reference: [Appendix C - Map 6 - LCPA Airport Obstruction Notification Zone Map](#))
 - City of Fort Myers has stricter height thresholds and additional restrictions due to proximity of Page Field.

More information is available at these weblinks:

[Lee County Port Authority Tall Structures Permit Program \(flylcpa.com\)](#)

[Airport and Airspace Protection and Zoning \(fdot.gov\)](#)

INTERLOCAL AGREEMENT

COORDINATED TALL STRUCTURE PERMITTING

THIS INTERLOCAL AGREEMENT, is made and entered into this ____ day of _____, 20____, by and between the LEE COUNTY PORT AUTHORITY, a dependent special district and political subdivision of the State of Florida ("Port Authority") and the VILLAGE OF ESTERO, a municipal corporation of the State of Florida ("Village"), acting by and through its Village Council, the governing body thereof, (collectively the "Parties") to this Agreement.

WITNESSETH:

WHEREAS, the Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes authorizes the joint exercise of any power, privilege, or authority which the public agencies involved share in common and which each might exercise separately; and,

WHEREAS, the Village and the Port Authority are public agencies within the meaning of the Interlocal Cooperation Act and desire to jointly exercise the power which each might exercise separately under their power to regulate and permit the construction of tall structures, as defined in this Agreement, located within the jurisdiction of the Village and the operational boundaries of public airports under the jurisdiction of the Port Authority; and,

WHEREAS, Chapter 333 of the Florida Statutes defines "airport" as any area of land or water designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose; and,

WHEREAS, Chapter 333 of the Florida Statutes defines "airport hazard" as an obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities, and defines "airport hazard area" as any area of land or water upon which an airport hazard might be established; and

WHEREAS, Chapter 333 of the Florida Statutes states that an airport hazard endangers the lives and property of users of the airport and the occupants of land in the airport's vicinity, and, therefore, the creation or establishment of airport hazards must be prevented in the interest of the public health, safety and welfare and in order to protect the utility of the airport and the public investment therein; and,

WHEREAS, Chapter 333 of the Florida Statutes states that certain activities and uses of land in the immediate vicinity of airports are not compatible with normal airport operations and may, if not regulated, endanger the lives of the participants,

adversely affect their health, or otherwise limit the accomplishment of normal activities; and,

WHEREAS, Chapter 333 of the Florida Statutes states that, in order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits shall adopt, administer and enforce airport protection zoning regulations for such airport hazard area, and if an airport is owned or controlled by a political subdivision and if any other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. Part 77, the political subdivisions shall by interlocal agreement adopt, administer and enforce a set of airport protection zoning regulations; and,

WHEREAS, the Code of Federal Regulations (C.F.R.) Title 14, Part 77 establishes height restrictions and federal notification and review criteria pertaining to potential airport obstructions or hazards; and

WHEREAS, pursuant to Florida Statutes Chapter 333 and 14 C.F.R. Part 77, Lee County duly adopted Section 34-1101 et. seq. of the Lee County Land Development Code establishing regulations which restrict the height of structures near any Lee County state-licensed aviation facility, and providing for administrative review procedures for projects which may be a hazard to safe air navigation and, thereby, may derogate public health, safety, and welfare; and,

WHEREAS, the Village Comprehensive Plan states that the Village shall coordinate with the Lee County Port Authority by way of an interlocal agreement or other means to assure consistency with airport zoning regulations, consistent with Florida Statute Section 333.03(b); and

WHEREAS, the Port Authority and the Village find that interlocal cooperation in this matter will make the most efficient use of their respective powers to provide services in a manner that will accord best with the needs and development of the Village and the Port Authority; and,

WHEREAS, the Port Authority is authorized by Chapter 63-1541, Laws of Florida, and Lee County Ordinance 90-02, as amended, to operate and govern all public airport facilities under the jurisdiction of Lee County or the Lee County Port Authority; and

WHEREAS, the Port Authority desires to enter into an interlocal agreement with the Village to apply and enforce existing Lee County Zoning Regulations and procedures pertaining to areas located within the physical boundaries of the Village; and

WHEREAS, the Port Authority and the Village find that entering into this Agreement serves a public purpose and is to the benefit of the public.

NOW, THEREFORE, IN CONSIDERATION OF the foregoing, and the mutual promises as contained herein, the sufficiency of which is acknowledged, the parties agree as follows:

1. RESPONSIBILITY OF THE VILLAGE

- 1.1 The Village Building Official, or his or her designee, shall utilize the Lee County Airspace notification map, as outlined in Section 34-1101 et. seq. of the Lee County Land Development Code in order to determine notification criteria for a Tall Structures Review to be performed by the Lee County Port Authority.
- 1.2 The Village agrees not to issue any development order (as defined in Florida Statute Section 163.3164, including building permits) for structures that meet the notification criteria without Tall Structures Permit approval from the Lee County Port Authority.
- 1.3 The Village agrees to ensure that any after-the-fact permit requests are reviewed by the Lee County Port Authority.
- 1.4 These regulations shall apply to any Lee County state-licensed aviation facility operated by the Port Authority within an airport hazard area within the jurisdictional limits of the Village.

2. RESPONSIBILITY OF THE PORT AUTHORITY

- 2.1 The Port Authority shall be governed by the rules and regulations outlined in Section 34-1101 et. seq. of the Lee County Land Development Code, as amended, pertaining to Airport Hazards, Zones and Regulations and Tall Structures Permitting.
- 2.2 The Port Authority shall review all applications for Tall Structures Permits using the procedures set out in Section 34-1101 et. seq. to issue or deny issuance of a Tall Structures Permit.
- 2.3 The Port Authority shall provide updated copies of the Lee County Port Authority Obstruction Notification Map and appropriate documentation to the Village each time such documentation or maps are amended.
- 2.4 The Port Authority agrees, on behalf of the Lee County Board of Port Commissioners, to coordinate any future revisions to Section 34-1101 et. seq. with the Village.

3. TERM

This Agreement shall take effect on the date it is signed by the last of the parties signing below and shall continue in full force and effect until terminated by either party. Pursuant to Section 163.01, Florida Statutes, this Agreement may be rescinded or revised by mutual agreement of both the Village and Port Authority at any time, or it may be rescinded by either party upon thirty (30) days written notice to the other party, for any reason whatsoever, or it may be rescinded upon written notice of a material breach of the agreement, provided that, prior to such termination due to material breach, the breaching party shall be given thirty (30) days from the receipt of such written notice to correct any alleged material breach.

4. MODIFICATIONS

All changes, modifications, addendums, or amendments to this Agreement shall be in writing and executed with the same formalities as this document.

5. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties, and shall supersede all prior agreements pertaining to this subject, whether written or oral.

This Agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

IN WITNESS WHEREOF, the Port Authority has caused these presents to be signed in its name and behalf by its Chairman of the Board of Port Commissioners and attested to by the Clerk of the Board of Port Commissioners, thereunder duly authorized, and to its acceptance of this Agreement. The Village has caused these presents to be signed in its name and behalf by its Mayor and its official seal to be hereunto affixed and attested by its Village Clerk, all as of the day and year first above set forth.

ATTEST:

VILLAGE OF ESTERO

By: _____
Village Clerk, Carol Sacco

By: _____
Mayor Katy Errington

APPROVED AS TO LEGAL FORM

Date: _____

By: _____
Village Attorney, Burt Saunders

ATTEST: LINDA DOGGETT

BOARD OF PORT COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Clerk or Deputy Clerk

By: _____
Chair or Vice Chair

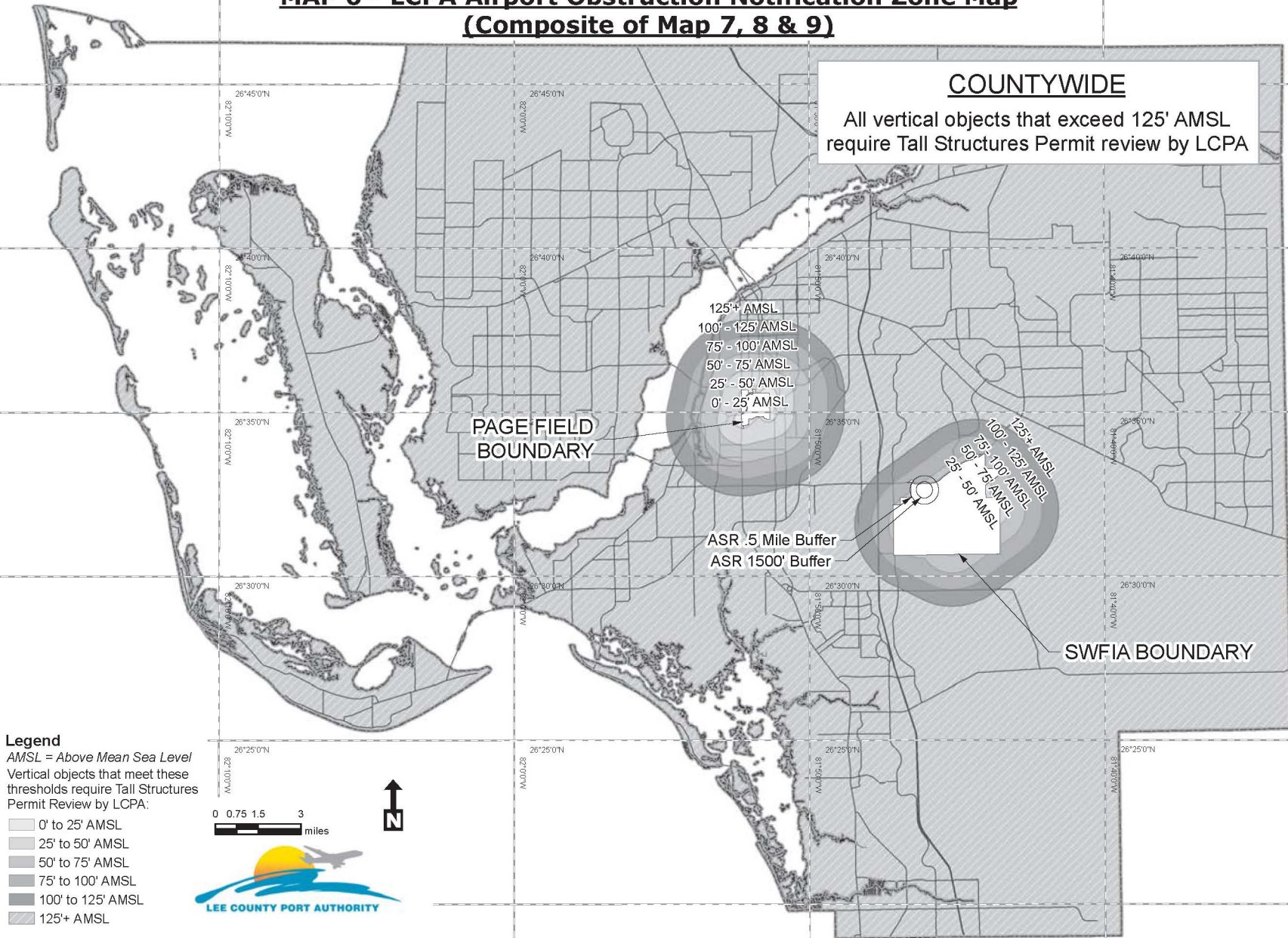
APPROVED AS TO FORM FOR THE
RELIANCE OF THE LEE COUNTY
PORT AUTHORITY ONLY

By: _____
Port Authority Attorney's Office

MAP 6 - LCPA Airport Obstruction Notification Zone Map (Composite of Map 7, 8 & 9)

COUNTYWIDE

All vertical objects that exceed 125' AMSL require Tall Structures Permit review by LCPA



Use of this map is limited to notification and review and is not intended to authorize or suggest allowable heights or land uses.

Instructions for Use

Step 1 Determine location of proposed object on the map surface.

Step 2 If the proposed project is located within the Southwest Florida International or Page Field Airport Notification Boundary, go to Step 6a; otherwise continue to Step 3.

Step 3: Determine the proposed project's and all related temporary construction equipment's maximum height Above Mean Sea Level (AMSL = object's height above ground + ground elevation). If the proposed object's or temporary construction equipment's maximum height is 125' AMSL or greater, go to Step 6a; otherwise go to Step 4.

Step 4: Determine if the proposed object or any temporary construction equipment heights AMSL will exceed any of the notification heights for the selected area.

Step 5: If the proposed object or construction equipment exceeds the notification heights, go to Step 6a; otherwise go to Step 6b.

Step 6a: Submit a Tall Structure Review Application to the Lee County Port Authority.

Step 6b: Notification is not required.

Legend

AMSL = Above Mean Sea Level
Vertical objects that meet these thresholds require Tall Structures Permit Review by LCPA:

- 0' to 25' AMSL
- 25' to 50' AMSL
- 50' to 75' AMSL
- 75' to 100' AMSL
- 100' to 125' AMSL
- 125'+ AMSL

0 0.75 1.5 3 miles



AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 21, 2021

Agenda Item:

Resolution No. 2021-13 Appointment of Representative and Alternate to the Lee County MPO Bicycle Pedestrian Coordinating Committee

Description:

This representative and alternate will serve on the Lee County Metropolitan Planning Organization's (MPO) Bicycle Pedestrian Coordinating Committee for the Village. The volunteer resident will attend the meetings, advocate for bicycle and pedestrian safety regionally, and provide periodic updates to the Village.

The recommended representative and alternate are:

- Representative: Gordon Brown
- Alternate: Scott Stryker

Action Requested:

Approval of Resolution No. 2021-13

Financial Impact:

None

Attachments:

1. Resolution 2021-13
2. Volunteer Applications received by the Village

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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 - 13

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPOINTING A
REPRESENTATIVE AND ALTERNATE TO THE LEE
COUNTY METROPOLITAN PLANNING
ORGANIZATION'S (MPO) BICYCLE PEDESTRIAN
COORDINATING COMMITTEE (BPCC); AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, The Lee County MPO's BPCC serves an important role in shaping the future of bicycle and pedestrian improvements across Lee County; and

WHEREAS, the Village wishes to protect and support bicyclists and pedestrians throughout Lee County; and

WHEREAS, the Village remains committed to volunteerism as a mechanism for community engagement and continued low staff levels; and

WHEREAS, Mr. Gordon Brown and Mr. Scott Stryker are professional, informed, and active bicyclists and advocates.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. Gordon Brown and Scott Stryker are selected to be the representative and alternate, respectively, for the Village of Estero on the Lee County Metropolitan Planning Organization's Bicycle Pedestrian Coordinating Committee for a term of one (1) year each.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 2021.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

46
47
48

By: _____
Burt Saunders, Esq., Village Attorney



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee
APPLICATION

Name: Scott P Stryker

Address: [REDACTED]

Community: Bella Terra

Home Phone: [REDACTED] Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 15

Employed: Retired:

Monthly Hours Available for Community Service: 20

Prior Community Service: Bella Terra Master Association Board Member.
Townhomes of BT Board Member (Vice-President). Avid cyclist for
recreation, transportation and exercise.

Signature Scott P Stryker Date 2/18/2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee APPLICATION

Name: MARION_MALONE

Address: [REDACTED]

Community: VILLAGES AT COUNTRY CREEK

Home Phone: _____ Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 9

Employed: _____ Retired:

Monthly Hours Available for Community Service: 20

Prior Community Service: ENGLISH LANGUAGE CAFÉ AT SOUTH COUNTY LIBRARY. TENNIS COMMUNITY LESSONS AT COUNTRY CREEK. PROFESSIONAL WORK IN HEALTH CARE WITH UNDERSERVED POPULATIONS NATIONWIDE. WALKING/HIKING GROUPS IN IRELAND.

Signature Marion Malone Date Feb 18, 2021

Thank you for your interest in serving the Village of Estero Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO

Lee County MPO Volunteer Committee

APPLICATION

Name: Gordon S Brown Jr

Address: [REDACTED]

Community: Pelican Sound Golf & River Club

Home Phone: _____ Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero: _____

Years as Estero Resident: 2008

Employed: _____ Retired:

Monthly Hours Available for Community Service: 20

Prior Community Service: Committee member - Estero Bike/Ped Plan Advisory Committee;
Pelican Sound - Bike Club Chairman;

Signature Gordon S Brown Jr Date 2/19/2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO

Lee County MPO Volunteer Committee

APPLICATION

Name: PATRICIA RUSSELL

Address: [REDACTED]

Community: ESTERO PALMS

Home Phone: [REDACTED] Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 20
Employed: Retired:

Monthly Hours Available for Community Service: 12+

Prior Community Service: HOA & CONDO BOARDS (IN FL & CHICAGO) OLD TOWN TRIANGLE ASSOCIATION (CHICAGO) CURRENT: BOARD MEMBER, PINE MANOR IMPROVEMENT ASSOC.

Signature Patricia Russell Date 2-18-21

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee
APPLICATION

Name: Barry Bratton

Address: [REDACTED]

Community: Bella Terra

Home Phone: N/A Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 11

Employed: P.T. Retired: Semi

Monthly Hours Available for Community Service: 20 as required

Prior Community Service: Lee County Port Authority General Aviation Director, 8 1/2 years. Former director, Streets Alive of SWFL. current advisor to the Board. Member and certified ride leader, Florida Bicycle Association.

Signature  Date 2/18/2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee
APPLICATION

Name: Craig S. Korkoian

Address: [REDACTED]

Community: Brooks - Spring Run

Home Phone: N/A Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 9

Employed: Retired:

Monthly Hours Available for Community Service: 8+

Prior Community Service:

Signature Craig S Korkoian Date 2/19/2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO

Lee County MPO Volunteer Committee

APPLICATION

Name: Jo Ann Schoellkopf

Address: [Redacted]

Community: The Vines

Home Phone: [Redacted] Cell Phone: _____

Email Address: [Redacted]

Year-round Resident: ___ Snowbird: ___ Annual months in Estero: 7-8 mos.

Years as Estero Resident: 14

Employed: ___ Retired: X

Monthly Hours Available for Community Service: 4-

Prior Community Service: _____

Signature Jo Ann G. Schoellkopf Date 2-23-2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO

Lee County MPO Volunteer Committee

APPLICATION

Name: Jackie Story

Address: [REDACTED]

Community: The Groves

Home Phone: — N/A Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 25

Employed: Retired:

Monthly Hours Available for Community Service: 8-16

Prior Community Service: Active volunteer Our Lady of Light
Active sponsor of Big Brother Big Sister organization
Active volunteer United Methodist Community garden

Signature Jackie Story Date 2-24-2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee
APPLICATION

Name: Patty Whitehead

Address: [REDACTED]

Community: Old Estero

Home Phone: _____ Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Yes Snowbird: _____ Annual months in Estero: _____

Years as Estero Resident: 14

Employed: semi Retired: _____

Monthly Hours Available for Community Service: 20 or more

Prior Community Service: Served two full terms on the Estero Design Review Board. Served on the MPO Citizens Advisory Committee from 2014 to 2018 appointed by Commissioner Frank Mann

Signature Patty Whitehead Date 2/23/2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO

Lee County MPO Volunteer Committee

APPLICATION

Name: Robbie Powell

Address: [REDACTED]

Community: Cypress Chase - Three Oaks

Home Phone: same as cell Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero:

Years as Estero Resident: 0

Employed: Retired:

Monthly Hours Available for Community Service: flexible - pending the need

Prior Community Service: I'm a member of the American PW Assoc. and Florida Transportation. I have been a roadway / complete streets contractor for 20 years. I would appreciate representing Estero and Three Oaks Community.

Signature James R Powell III Digitally signed by James R Powell III Date: 2021.02.25 11:32:55 -05'00' Date

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO

Lee County MPO Volunteer Committee

APPLICATION

INTERESTED IN BICYCLE/PEDESTRIAN COORDINATING COMMITTEE

Name: Dr. Jesse Arman

Address: [REDACTED]

Community: Colonial Oaks

Home Phone: _____ Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: Snowbird: Annual months in Estero: 12

Years as Estero Resident: 5

Employed: Retired:

Monthly Hours Available for Community Service: 5

Prior Community Service: Trash pick-up w/ Julie Yellig's group. Also, president of time share resort association.

Signature Jesse B. Arman Date 2-27-21

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840

* I WILL BE AVAILABLE AFTER 4-15-21



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee
APPLICATION

Name: TERRY KOCH

Address: [REDACTED]

Community: CORKSCREW SHORES

Home Phone: _____ Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: _____ Snowbird: Annual months in Estero: 7

Years as Estero Resident: 2

Employed: _____ Retired:

Monthly Hours Available for Community Service: 32

Prior Community Service: various

Signature Terry Koch Date 3-1-2021

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840



VILLAGE OF ESTERO
Lee County MPO Volunteer Committee
APPLICATION

Name: Michael Atherton

Address: [REDACTED]

Community: Marsh Landing

Home Phone: — Cell Phone: [REDACTED]

Email Address: [REDACTED]

Year-round Resident: — Snowbird: X Annual months in Estero: 5

Years as Estero Resident: 10

Employed: X Retired: —

Monthly Hours Available for Community Service: 6 - 12

Prior Community Service: Treasurer: Waukesha Tennis Assoc., Inc
& Woyahn Tennis Complex

Signature Michael Atherton Date 2/20/21

Thank you for your interest in serving the Village of Estero
Any questions please email or call
Carol Sacco/Village Clerk/Executive Assistant
sacco@estero-fl.gov or 239-319-2840

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL
April 21, 2021

Agenda Item:

First reading of Ordinance 2021-05 to establish a local implementation of mandatory year-round landscape conservation measures.

Description:

Development within Southwest Florida has strained the area's water resources. The over use of groundwater and surface water sources for irrigation has impacted the environment as well as drinking water wells. The conservation of water resources is critical in protecting the quality and volume of water available for all users, now and in the future.

The attached Ordinance 2021-05 will establish year-round water conservation measures, including the following:

1. Landscape irrigation prohibited between 10:00 am and 4:00 pm daily;
2. Even addresses can only water on Thursday and/or Sunday;
3. Odd addresses can only water on Wednesday and/or Saturday;
4. Irrigation of new landscaping will be allowed under certain exemptions;

If adopted, this ordinance will better protect water resources by allowing the Village of Estero to enforce irrigation water conservation efforts.

Action Requested:

Pass First Reading and set Second Reading for May 5, 2021 at 9:30 a.m.

Financial Impact:

Minor cost associated with enforcement.

Attachments:

1. Ordinance No. 2021-05

1 **WHEREAS**, the Village of Estero relies upon the guidance and regulations issued by the
2 District in the drafting, adopting, and implementing this Ordinance; and

3
4 **WHEREAS**, it is the desire of the Village Council of the Village of Estero to adopt this
5 Ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C.; and

6
7 **WHEREAS**, the Village Council finds and declares that the adoption of this Ordinance is
8 appropriate, and in the public interest of this community.

9
10 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
11 **VILLAGE OF ESTERO, FLORIDA:**

12
13 **Section 1.** **Recitals.**

14
15 Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if
16 specifically set forth herein.

17
18
19 **Section 2.** **Intent and Purpose.**

20
21 It is the intent and purpose of this Ordinance to implement procedures that promote water
22 conservation through the efficient use of landscape irrigation.

23
24 **Section 3.** **Definitions.**

25
26 For the purpose of this Ordinance, the following terms, phrases, words, and their
27 derivatives shall have the meaning listed below. When not inconsistent with the context, words
28 used in the present tense include the future, words in the plural include the singular, and words in
29 the singular include the plural.

- 30
31 (1) “Address” means the “house number” (a numeric or alphanumeric designation)
32 that, together with the street name, describes the physical location of a specific
33 property. This includes “rural route” numbers, but excludes post office box
34 numbers. If a lot number in a mobile home park or similar community is used by
35 the U.S. Postal Service to determine a delivery location, the lot number shall be the
36 property’s address. If a lot number in a mobile home park or similar residential
37 community is not used by the U.S. Postal Service (e.g., the park manager sorts
38 incoming mail delivered to the community’s address), then the community’s main
39 address shall be the property’s address. If a property has no address, it shall be
40 considered “even-numbered.”
41
42 (2) “Athletic Play Area” means all golf course fairways, tees, roughs, greens, and other
43 athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn
44 bowling fields, and rodeo, equestrian, and livestock arenas.
45
46 (3) “Consumptive Use Permit” (CUP) means a permit issued pursuant to Chapter 40E-

1 2, F.A.C., authorizing the consumptive use of water.
2

- 3 (4) “District” means the South Florida Water Management District, a government
4 entity created under Chapter 373, F.S.
5
- 6 (5) “Even Numbered Address” means an address ending in the numbers 0, 2, 4, 6, 8,
7 or rights-of-way or other locations with no address, or the letters A-M.
8
- 9 (6) “Existing landscaping” means any landscaping which has been planted and in the
10 ground for more than ninety (90) days.
11
- 12 (7) “Landscaping” means shrubbery, trees, lawns, sod, grass, ground covers, plants,
13 vines, ornamental gardens, and such other flora not intended for resale, which are
14 situated in such diverse locations as residential landscapes, recreation areas,
15 cemeteries, public, commercial, and industrial establishments, public medians, and
16 rights-of-way, except athletic play areas, as defined in Section 2(2).
17
- 18 (8) “Landscape Irrigation” means the outside watering of shrubbery, trees, lawns, sod,
19 grass, ground covers, plants, vines, ornamental gardens, and such other flora not
20 intended for resale, which are planted and situated in such diverse locations as
21 residential landscapes, recreation areas, cemeteries, public, commercial, and
22 industrial establishments, public medians, and rights-of-way, except athletic play
23 areas.
24
- 25 (9) “Law Enforcement Officials” means designated code inspectors and code
26 enforcement officers of the Village.
27
- 28 (10) “Low Volume Hand Watering” means the watering of landscape by one (1) person,
29 with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.
30
- 31 (11) “Low Volume Irrigation” means the use of equipment and devices specifically
32 designed to allow the volume of water delivered to be limited to a level consistent
33 with the water requirement of the plant being irrigated, and to allow that water to
34 be placed with a high degree of efficiency in the root zone of the plant. The term
35 also includes water used in mist houses and similar establishments for plant
36 propagation. Overhead irrigation and flood irrigation are not included.
37
- 38 (12) “Micro-irrigation” means the application of small quantities of water on or below
39 the soil surface as drops or tiny streams of spray through emitter or applicators
40 placed along a water delivery line. Micro-irrigation includes a number of methods
41 or concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface
42 irrigation.
43
- 44 (13) “New landscaping” means any landscaping which has been planted in the ground
45 for ninety (90) days or less.
46

- 1 (14) “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or
2 the letters N-Z.
3
- 4 (15) “Reclaimed Water” means wastewater that has received at least secondary
5 treatment and basic disinfection, and is reused after flowing out of a wastewater
6 treatment facility as defined by Rule 62-40.210, F.A.C.
7
- 8 (16) “User” means any person, individual, firm, association, organization, partnership,
9 business trust, corporation, company, agent, employee, or other legal entity whether
10 natural or artificial, the United States of America, and the State and all political
11 subdivisions, regions, districts, municipalities, and public agencies thereof, which
12 directly or indirectly takes water from the water resource, including uses from
13 private or public utility systems, uses under water use permits issued pursuant to
14 Chapter 40E-2, F.A.C., or uses from individual wells or pumps.
15
- 16 (17) “Wasteful and Unnecessary” means allowing water to be dispersed without any
17 practical purpose to the water use; for example, excessive landscape irrigation,
18 leaving an unattended hose on a driveway with water flowing, allowing water to be
19 dispersed in a grossly inefficient manner regardless of the type of water use; for
20 example, allowing landscape irrigation water to unnecessarily fall onto pavement,
21 sidewalks, and other impervious surfaces; or allowing water flow through a broken
22 or malfunctioning water delivery or landscape irrigation system.
23
- 24 (18) “Water Resource” means any and all water on or beneath the surface of the ground,
25 including natural or artificial watercourses, lakes, ponds, or diffused surface water,
26 and water percolating, standing, or flowing beneath the surface of the ground.
27
- 28 (19) “Water Shortage” means when the District determines there is the possibility that
29 insufficient water will be available to meet the present and anticipated needs of the
30 users, or when conditions are such as to require a temporary reduction in total use
31 within a particular area to protect water resources from serious harm. A water
32 shortage usually occurs due to drought.
33
- 34 (20) “Water Shortage Emergency” means when the District determines the provisions
35 listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public
36 health, safety, or welfare, the health of animals, fish, or aquatic life, a public water
37 supply, or commercial, industrial, agricultural, recreational, or other reasonable-
38 beneficial uses.
39

40 **Section 4. Applicability.**
41

42 The provisions of this Ordinance shall apply to each user, as defined in Section 2(16),
43 providing landscape irrigation from all water resources within the boundaries of the Village with
44 the following exceptions:
45

- 46 (1) The use of reclaimed water, which may or may not be supplemented from another
47 source;

- (2) Irrigation at agricultural and nursery operations; and
- (3) Irrigation of athletic play areas.

Section 5. Year-Round Landscape Irrigation Conservation Measures.

The Village adopts the rules of the South Florida Water Management District, listed in Subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions or corrections which are set out as follows:

- (1) The year-round landscape irrigation conservation measures contained in this Ordinance are applicable to all users including permitted and exempt users under Chapter 40E-2, F.A.C., unless otherwise indicated. These conservation measures apply to all water resources, unless otherwise indicated. In addition to the requirements of this Section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including requirements to implement water conservation practices.
- (2) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Ordinance which affect each particular water use.
- (3) In addition to the specific conservation measures, all wasteful and unnecessary water use, as defined in Section 2(17), is prohibited.
- (4) The following requirements shall apply to all users, unless specified in Section 3 or Section 5.
 - (a) Landscape irrigation shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided.
 - (b) Irrigation of existing landscaping shall comply with the following provisions:
 - i. Even addresses, as defined in Section 2(5), installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Thursday or Sunday, or both.
 - ii. Odd addresses, as defined in Section 2(13), shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Wednesday or Saturday, or both.
 - (c) Irrigation of new landscaping shall comply with the following provisions:
 - i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the normal watering days and times.
 - ii. A ninety (90) day establishment period begins on the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

- 1 iii. Irrigation of new landscaping which has been in place for thirty (30)
2 days or less may be accomplished on any day of the week except
3 Friday.
4 iv. Irrigation of new landscaping which has been in place for thirty-one
5 (31) to ninety (90) days may be accomplished on any day of the week
6 except Tuesday, Friday or Sunday.
7 v. Irrigation of new landscaping is limited to areas only containing the
8 new landscaping. An entire zone of an irrigation system shall only be
9 utilized for landscape irrigation under this Subsection if the zone
10 contains at least 50% new landscaping. If a zone contains less than
11 50% new landscaping, or if the new landscaping is in an area that will
12 not typically be irrigated by an irrigation system, only the individual
13 new plantings are eligible for additional irrigation. Targeted watering
14 may be accomplished by low volume hand watering, as defined in
15 Section 2(10), or any appropriate method which isolates and waters
16 only the new landscaping.
17
18 (5) Any water shortage, as defined in Section 2(19), restrictions or other measures
19 declared pursuant to Chapter 40E-21, F.A.C., or related District Governing Board
20 or Executive Director orders which are more restrictive than a measure contained
21 within this Ordinance, shall supersede this Ordinance for the duration of the
22 applicable water shortage declaration.
23

24 **Section 6. Exceptions to the Landscaping Irrigation Schedules.**

25
26 Landscape irrigation scheduling shall be subject to the following exceptions:
27

- 28 (1) Landscape irrigation systems may be operated during restricted days and times for
29 cleaning, maintenance, and repair purposes with an attendant on site in the area
30 being tested. Landscape irrigation systems may routinely be operated for such
31 purposes no more than once per week, and the run time for any one (1) test should
32 not exceed ten (10) minutes per zone.
33
34 (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides,
35 pesticides, fungicides and herbicides, where such watering-in is recommended by
36 the manufacturer, or by federal, state or local law, or best management practices,
37 shall be allowed under the following conditions:
38 (a) Such watering-in shall be limited to one (1) application, unless the need for
39 more than one (1) application is stated in the directions for application
40 specified by the manufacturer; and
41 (b) Such watering-in shall be accomplished during normally allowable watering
42 days and times set forth in Subsection 4(4)(a) and (b), unless a professional
43 licensed applicator has posted a temporary sign containing the date of
44 application and the date(s) of needed watering-in activity.
45

- 1 (3) Any plant material may be watered using low volume irrigation, as defined in
2 Section 2(11), micro-irrigation, as defined in Section 2(12), low volume hand
3 watering method, rain barrels, cisterns, or other similar rain-harvesting devices
4 without regard to the watering days or times allowed pursuant to this Section.
5

6 **Section 7. Additional Requirements.**
7

8 Any user who purchases and installs an automatic landscape irrigation system shall properly
9 install, maintain, and operate technology that inhibits or interrupts operation of the system during
10 periods of sufficient moisture in accordance with Section 373.62, F.S.
11

12 **Section 8. Variances.**
13

- 14 (1) A variance from the specific day or days identified in Subsection 4(4)(b) may be
15 granted by the Village if strict application of the restrictions would lead to
16 unreasonable or unfair result; provided the applicant demonstrates with
17 particularity that compliance with the schedule will result in substantial economic,
18 health, or other hardship on the applicant or those served by the applicant. If
19 granted, the applicant shall be required to post a notice at each parcel to which the
20 variance pertains. Relief may be granted only upon a demonstration that such
21 hardship exists, is peculiar to the person or the affected property, is not self-
22 imposed, and further demonstrates that granting the variance would be consistent
23 with the general intent and purpose of this division.

- 24 (2) The Village shall recognize all irrigation variances or waivers issued by the District
25 under Rule 40E-24.501, F.A.C.
26

27 **Section 9. Declaration of Water Shortage or Water Shortage Emergency.**
28

29 Declaration of a water shortage condition or water shortage emergency, as defined in Section
30 2(20), within all or parts of the Village by the District's Governing Board or Executive Director
31 shall supersede this Ordinance for the duration of the applicable water shortage declaration in
32 accordance with Ordinance No. 2021-06. A water shortage usually occurs due to drought.
33

34 **Section 10. Enforcement.**
35

36 The Village authorizes law enforcement officials having jurisdiction within the Village to
37 enforce the provisions of this Ordinance. In addition, the Village may delegate this Ordinance's
38 enforcement responsibility to other agencies and departments within the Village government or
39 other governmental entities through interlocal agreement.
40

41 **Section 11. Penalties.**
42

43 Violations of any provision of this Ordinance may be punished pursuant to Chapter 162,
44 Florida Statutes, however the Village may also take any other appropriate legal action, including
45 but not limited to injunctive action to enforce the provisions of this Ordinance.

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Section 12. Codification.

The Village Council intends that this Ordinance be made part of the Code of the Laws and Ordinances, of the Village of Estero, Florida; and that the sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the Village Manager without the need for a public hearing.

Section 13. Conflict.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Village or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

Section 14. Severability.

In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 15. Effective Date.

This Ordinance shall take effect immediately upon adoption.

[SIGNATURE PAGE FOLLOWS]

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PASSED on first reading this 21st day of April 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida
this ____ day of ____, 2021.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Errington	_____	_____
Vice Mayor McLain	_____	_____
Councilmember Ribble	_____	_____
Councilmember Boesch	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Ward	_____	_____
Councilmember Wilson	_____	_____

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL
April 21, 2021

Agenda Item:

First reading of Ordinance 2021-06 for the declaration of water shortage or water shortage emergency.

Description:

The rainfall pattern in Southwest Florida of a very wet summer and a very dry winter can lead to times of critically low water levels. Critically low water levels can have adverse environmental and economic impacts.

To mitigate potential impacts, the South Florida Water Management District (SFWMD) can declare a Water Shortage or Water Shortage Emergency. Definitions are provided below.

Water Shortage - When the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area to protect water resources from serious harm.

Water Shortage Emergency - When the District has determined that the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable beneficial uses.

With the Water Shortage or Water Shortage Emergency the SFWMD will typically provide additional water restrictions. For example, in 2020 SFWMD issued a Water Shortage Emergency Order that limited irrigation watering to 1-day per week.

This ordinance will provide authority to enforce the Water Shortage or Water Shortage Emergency restrictions declared by SFWMD. This will help reduce environmental and economic impacts that could be created by critically low water levels.

Action Requested:

Pass First Reading and set Second Reading for May 5, 2021 at 9:30 a.m.

Financial Impact:

Minor cost associated with enforcement.

Attachments:

1. Ordinance No. 2021-06

1
2 **ORDINANCE NO. 2021 - 06**
3

4 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE**
5 **OF ESTERO, FLORIDA; PROVIDING FOR THE INTENT AND**
6 **PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR**
7 **APPLICABILITY; PROVIDING FOR THE DECLARATION OF**
8 **WATER SHORTAGE OR WATER SHORTAGE EMERGENCY;**
9 **PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT;**
10 **PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS;**
11 **PROVIDING FOR SEVERABILITY; AND PROVIDING AN**
12 **EFFECTIVE DATE.**
13

14 **WHEREAS**, the South Florida Water Management District (“District”) has the
15 responsibility and exclusive authority under Chapter 373, Florida Statutes, for implementation of
16 a water shortage plan; and
17

18 **WHEREAS**, the District has promulgated and amended Chapter 40E-21, Florida
19 Administrative Code (“F.A.C.”), which comprises the District’s water shortage plan required
20 under subsection 373.246(1), Florida Statutes, the purpose of which is to protect the water
21 resources of the District from serious harm; to ensure equitable distribution of available water
22 resources among all water users during times of shortage consistent with the goals of minimizing
23 adverse economic, social and health related impacts; to provide advance knowledge of the means
24 by which water apportionments and reductions will be made during times of shortage; and to
25 promote greater security for water use permittees; and
26

27 **WHEREAS**, Chapter 40E-21, F.A.C., applies to all users as defined in subsection 40E-
28 21.051(3), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C.; and
29

30 **WHEREAS**, Rule 40E-21.421, F.A.C., seeks the cooperation and assistance of state,
31 county, municipal governmental, and law enforcement officials in the enforcement of the water
32 shortage plan or any issued water shortage orders; and
33

34 **WHEREAS**, Rule 40E-21.421, F.A.C., authorizes and encourages counties and
35 municipalities throughout the District’s jurisdiction to adopt ordinances which provide for local
36 enforcement of the water shortage plan or any issued water shortage orders; and
37

38 **WHEREAS**, the Village of Estero relies upon the guidance and regulations issued by the
39 District in the drafting, adopting, and implementing this Ordinance; and
40

41 **WHEREAS**, it is the desire of the Village Council of the Village of Estero to adopt such
42 an Ordinance in accordance with Rule 40E-21.421, F.A.C.; and
43

44 **WHEREAS**, the Village Council of Village of Estero finds and declares that the adoption
45 of this Ordinance is appropriate, and in the public interest of this community.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
2 **VILLAGE OF ESTERO, FLORIDA:**

3
4
5 **Section 1.** **Recitals.**

6
7 Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if
8 specifically set forth herein.

9
10 **Section 2.** **Purpose.**

11
12 It is the intent and purpose of this Ordinance to protect the water resources of the Village
13 of Estero from the harmful effects of overutilization during periods of water shortage by assisting
14 the District in the implementation of its water shortage plan, or issued water shortage orders, under
15 Chapter 40E-21, F.A.C.

16
17 **Section 3.** **Definitions.**

18
19 For the purpose of this Ordinance, the following terms, phrases, words, and their
20 derivatives shall have the meaning listed below. When not inconsistent with the context, words
21 used in the present tense include the future, words in the plural include the singular, and words in
22 the singular include the plural. The word "shall" is always mandatory and not merely directory.

23
24 (1) “District” means the South Florida Water Management District, a government
25 entity created under Chapter 373, Florida Statutes.

26
27 (2) “Law Enforcement Officials” means designated code inspectors and code
28 enforcement officers of the Village.

29
30 (3) “User” means any person, individual, firm, association, organization, partnership,
31 business trust, corporation, company, agent, employee or other legal entity whether natural or
32 artificial, the United States of America, and the State and all political subdivisions, regions,
33 districts, municipalities, and public agencies thereof, which directly or indirectly takes water from
34 the water resource, including uses from private or public utility systems, uses under water use
35 permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.

36
37 (4) “Water Resource” means any and all water on or beneath the surface of the ground,
38 including natural or artificial water courses, lakes, ponds, or diffused surface water, and water
39 percolating, standing, or flowing beneath the surface of the ground.

40
41 (5) “Water Shortage” means when the District determines there is the possibility that
42 insufficient water will be available to meet the present and anticipated needs of the users, or when
43 conditions are such as to require temporary reduction in total use within a particular area to protect
44 water resources from serious harm.

45
46 (6) “Water Shortage Emergency” means when the District has determined that the

1 provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health,
2 safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial,
3 industrial, agricultural, recreational, or other reasonable beneficial uses.

4
5 **Section 4. Applicability.**

6
7 The provisions of this Ordinance shall apply to each user, as defined in Section 3. (3), using
8 the water resource, as defined in Section 3. (4), within the geographical areas subject to the water
9 shortage condition or water shortage emergency, as defined in Section 3. (6), as determined by the
10 District, whether from publicly or privately-owned water utility systems, private wells, or private
11 connections with surface water bodies. This Section shall not apply to users using reclaimed water
12 or saltwater.

13
14 **Section 5. Declaration of Water Shortage or Water Shortage Emergency.**

15
16 (1) A declaration of a water shortage condition and/or water shortage emergency in
17 accordance with Part II of Chapter 40E-21, F.A.C., within all or parts of the Village by the
18 District's Governing Board or Executive Director, shall invoke the provisions of this Ordinance.

19 (2) A water shortage, as defined in Section 2(5), or water shortage emergency order
20 shall supersede mandatory year-round water irrigation measures until the more restrictive measure
21 is rescinded by the District.

22 (3) Upon the District issuing a water shortage order, all water use restrictions or other
23 measures adopted by the District applicable to the Village, or any portion thereof, shall be subject
24 to enforcement action by the Village officials pursuant to Section 6 of this Ordinance. Any
25 violation of Chapter 40E-21, F.A.C., or any order issued pursuant thereto, shall be a violation of
26 this Ordinance.

27
28 **Section 6. Variances.**

29
30 The Village shall recognize all variances issued by the District pursuant to Rule 40E-
31 21.275, F.A.C.

32
33 **Section 7. Enforcement.**

34
35 The Village authorizes law enforcement officials having jurisdiction within the Village to
36 enforce the provisions of this Ordinance. In addition, the Village may delegate this Ordinance's
37 enforcement responsibility to other agencies and departments within the Village government or
38 other governmental entities through interlocal agreement.

39
40 **Section 8. Penalties.**

41
42 Violations of any provision of this Ordinance may be punished pursuant to Chapter 162,
43 Florida Statutes, however the Village may also take any other appropriate legal action, including
44 but not limited to injunctive action to enforce the provisions of this Ordinance.

1
2 **Section 9. Codification.**
3

4 The Village Council intends that this Ordinance be made part of the Code of the Laws and
5 Ordinances, of the Village of Estero, Florida; and that the sections of this Ordinance can be
6 renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and
7 regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-
8 lettered and typographical errors and clarification of ambiguous wording that do not affect the
9 intent can be corrected with the authorization of the Village Manager without the need for a public
10 hearing.

11
12 **Section 10. Conflict.**
13

14 All ordinances, resolutions, official determinations or parts thereof previously adopted or
15 entered by the Village or any of its officials and in conflict with this Ordinance are hereby repealed
16 to the extent inconsistent herewith.

17
18 **Section 11. Severability.**
19

20 In the event that any portion of this ordinance is for any reason held invalid or
21 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,
22 distinct and independent provision, and such holding shall not affect the validity of the remaining
23 portions of this ordinance.

24
25 **Section 12. Effective Date.**
26

27 This Ordinance shall take effect immediately upon adoption.

28
29 **PASSED** on first reading this 21st day of April 2021.

30
31 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
32 Florida this ____ day of ____, 2021.

33
34 Attest:

VILLAGE OF ESTERO, FLORIDA

35
36
37 By: _____
38 Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

39
40
41
42
43 Reviewed for legal sufficiency:

44
45
46 By: _____

1 Burt Saunders, Esq., Village Attorney

2

3

4

5

6

7 Vote: AYE NAY

8 Mayor Errington _____

9 Vice Mayor McLain _____

10 Councilmember Ribble _____

11 Councilmember Boesch _____

12 Councilmember Fiesel _____

13 Councilmember Ward _____

14 Councilmember Wilson _____

15

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL
April 21, 2021

Agenda Item:

Second reading of Ordinance 2021-03 to readopt and correct Ordinance 2021-01, Capital Improvements Element Schedule Update 2020.

Description:

Ordinance 2020-01 was approved by Council on January 20, 2021 to update the Comprehensive Plan Capital Improvements Element Schedule for the Village of Estero and the Lee County School District Capital Improvements Plans. However, two pages of the approved CIP were inadvertently not included in the attachment.

The sole change to the ordinance is to include two pages of the 2021 Village of Estero Fiscal Year 2021-2021 Capital Improvement Projects that were missing from Exhibit A. The proposed readoption and correction ordinance, Ordinance 2021-03, includes the missing pages in Exhibit A.

The first reading was held on April 7, 2021.

Action Requested:

Approve Ordinance 2021-03

Financial Impact:

Minor cost of newspaper advertisement.

Attachments:

1. Readoption and Correction Ordinance No. 2021-03

1 **VILLAGE OF ESTERO, FLORIDA**

2
3 **ORDINANCE NO. 2021 - 03**

4
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**
6 **VILLAGE OF ESTERO, FLORIDA, READOPTING AND**
7 **CORRECTING ORDINANCE NO. 2021-01 CAPITAL**
8 **IMPROVEMENT ELEMENT SCHEDULE UPDATE DUE**
9 **TO OMISSION OF TWO PAGES OF THE VILLAGE OF**
10 **ESTERO FISCAL YEAR 2020-2021 CAPITAL**
11 **IMPROVEMENT PROJECTS IN EXHIBIT A;**
12 **PROVIDING FOR CONFLICT; PROVIDING FOR**
13 **SEVERABILITY; AND PROVIDING AN EFFECTIVE**
14 **DATE.**

15
16 **WHEREAS**, Ordinance No. 2021-01 was adopted by the Village of Estero Council on
17 January 20, 2021 to update the Capital Improvements Schedule; and

18
19 **WHEREAS**, Exhibit A, Village of Estero Fiscal Year 2020-2021 Capital Improvement
20 Projects was missing two pages; and

21
22 **WHEREAS**, readopting and correcting Ordinance 2021-01 is necessary to add the two
23 missing pages of the Village of Estero Fiscal Year 2020-2021 Capital Improvement Projects to
24 Exhibit A; and

25
26 **WHEREAS**, this ordinance readopts Ordinance 2021-01 to include Exhibits A, Village
27 of Estero Fiscal Year 2020-2021 Capital Improvements Projects and Exhibit B, Lee County
28 School District Capital Improvements Plan in their entirety; and

29
30 **WHEREAS**, Florida Statute 163.3177(3)(a) requires Comprehensive Plans to contain
31 a Capital Improvements Element, and a schedule of capital improvements for a 5-year period;
32 and

33
34 **WHEREAS**, Florida Statutes Section 163.3177(3)(b) states that the Capital
35 Improvements Element must be reviewed on an annual basis, and further that modifications to
36 update the 5-year Capital Improvements Element schedule may be accomplished by ordinance
37 and may not be deemed an amendment to the Comprehensive Plan; and

38
39 **WHEREAS**, the Village of Estero adopted its first Capital Improvements Element,
40 including its 5-year Capital Improvements Element Schedule on June 13, 2018; and

41
42 **WHEREAS**, the Village of Estero, Lee County, Florida, held public hearings on its
43 Capital Improvement Program as required by the Village Charter Section 8(7)(b); and
44

45 WHEREAS, the Village reviewed and adopted its most recent Capital Improvement
46 Program by Resolution 2020-14 on July 22, 2020 pursuant to Village Charter Section 8(7)(b)
47 and now desires to update the Capital Improvements Element Schedule pursuant to Florida
48 Statutes Section 163.3177(3)(b).

49
50 NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero,
51 Florida:

52
53 **Section 1. Purpose.**

54
55 The purpose of this Ordinance is to readopt and to correct Ordinance 2021-01, which
56 updated the Capital Improvements Program schedule that is now a part of the Comprehensive
57 Plan, to add two missing pages to Exhibit A of that ordinance. This ordinance may be referred
58 to as the “Capital Improvement Element Schedule Update 2020”.

59
60 **Section 2. Re-Adoption of the Capital Improvements Element Schedule**
61 **Update 2020.**

62
63 The Village Council hereby readopts and corrects its Capital Improvement Element
64 Schedule to reflect the latest adopted Capital Improvement Projects for the Village and
65 incorporates the latest adopted Lee County School District Work Plan, attached hereto in their
66 entirety as Exhibits A and B, respectively.

67
68 **Section 3. Conflict.**

69
70 All ordinances, resolutions, official determinations or parts thereof previously adopted
71 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby
72 repealed to the extent inconsistent herewith.

73
74 **Section 4. Severability.**

75
76 If any provision of this Ordinance or its application to any person or circumstance is
77 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
78 which can be given effect without the invalid provision or application, and to this end the
79 provisions of this Ordinance are severable.

80
81 **Section 5. Exhibits**

82
83 The following exhibits are attached to this Ordinance and incorporated by reference:

84
85 Exhibit A: Village of Estero Fiscal Year 2020-2021 Capital Improvement Projects

86
87 Exhibit B: Lee County School District 2020-2021 Five Year Capital Improvement Plan:
88 Adopted October 6, 2020

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Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 7th day of April, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 21st day of April, 2021.

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	_____	_____
Vice Mayor McLain	_____	_____
Councilmember Ribble	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Boesch	_____	_____
Councilmember Ward	_____	_____
Councilmember Wilson	_____	_____

Village of Estero
Fiscal Year 2020-2021
Capital Improvement Projects

	Budgeted Total Projects	Fund Source	Estimated Expended To Date	CIP Budget FY 20-21	CIP Budget FY 21-22	CIP Budget FY 22-23	CIP Budget FY 23-24	CIP Budget FY 24-25	5 Year Total Projects	CIP Budget Thereafter	Total Project Cost
Debt Service & Debt Reduction											
Debt Service - General Fund		GF	3,422,590	1,415,800	1,415,800	1,415,800	1,415,800	1,415,800	7,079,000	4,247,400	14,748,990
Debt Reduction - General Fund		GF	4,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	5,500,000	2,304,500	11,904,500
Village Debt Service & Debt Reduction Total			7,522,590	2,515,800	2,515,800	2,515,800	2,515,800	2,515,800	12,579,000	6,551,900	26,653,490
Roadway Improvement Projects (700)											
Estero Parkway Improvements (US41-Three Oaks)	9,728,240	GF	6,448,070	420,560	93,610	-	-	-	514,170	-	6,962,240
		GT	-	570,000	-	-	-	-	570,000	-	570,000
		LDOT	-	2,196,000	-	-	-	-	2,196,000	-	2,196,000
Corkscrew Road Widening (East of Ben Hill)	49,044,560	Lee County	-	23,590,770	-	17,795,310	-	-	41,386,080	-	41,386,080
		Rd I	-	300,000	3,626,430	3,732,050	-	-	7,658,480	-	7,658,480
River Ranch Road Improvements (Drainage, Road, Bike/Ped)	2,769,250	GF	205,500	-	-	-	-	-	-	-	205,500
		Rd I	-	310,000	1,532,750	-	-	-	1,842,750	-	1,842,750
		GT	-	-	721,000	-	-	-	721,000	-	721,000
Broadway W. Ave Phase 1 Improvements (US 41-Breckenridge) (Drainage, Road, Bike/Ped)	1,550,440	GF	-	-	-	318,740	406,030	-	724,770	-	724,770
		GT	-	-	-	335,170	490,500	-	825,670	-	825,670
Broadway W. Ave Phase 2 Improvements	1,233,700	GT	-	-	-	-	-	-	-	1,233,700	1,233,700
Williams Road Widening (US41 - Via Coconut)	3,561,900	Rd I	-	-	-	-	-	840,000	840,000	2,721,900	3,561,900
Via Coconut Pt Street Lights	2,365,200	GF	-	205,200	-	83,210	-	-	288,410	2,076,790	2,365,200
Three Oaks Pwky Street Lights	700,900	GF	-	-	-	-	-	-	-	700,900	700,900
Corkscrew Road W. Street Lights (US 41-I-75)	1,673,200	GF	-	-	-	-	-	-	-	1,673,200	1,673,200
Coconut Road Street Lights	613,300	GF	-	-	-	56,500	44,360	-	100,860	512,440	613,300
Williams Road Street Lights (Via Coconut-Three Oaks)	657,000	GF	-	57,000	44,910	-	-	-	101,910	555,090	657,000
River Ranch Road Street Lights	350,500	GF	-	30,500	24,000	-	-	-	54,500	296,000	350,500
Broadway Avenue East Street Lights	148,400	GF	-	12,900	-	11,130	-	-	24,030	124,370	148,400
Broadway Avenue West Street Lights	671,710	GF	-	-	-	61,910	51,670	-	113,580	558,130	671,710
Sandy Lane Street Lights	328,600	GF	-	28,600	-	23,110	-	-	51,710	276,890	328,600
Via Coconut Point Extension (South)	2,249,000	Rd I	-	-	-	-	-	-	-	2,249,000	2,249,000
Roadway Improvement Projects (700)			6,653,570	27,721,530	6,042,700	22,417,130	992,560	840,000	58,013,920	12,978,410	77,645,900
Intersection Improvements Projects (710)											
Corkscrew Road-Estero Town Commons Signal	1,010,270	Developer	-	842,600	-	-	-	-	842,600	-	842,600
		GF	167,670	-	-	-	-	-	-	-	167,670
Corkscrew Road-Corkscrew Woodland Blvd. Intersection Improvements	57,200	Lee County	-	57,200	-	-	-	-	57,200	-	57,200
US41-Pelican Sound Intersection Improvements	700,560	Developer	-	132,000	568,560	-	-	-	700,560	-	700,560
Williams Road-Atlantic Gulf Drive Intersection (Walgreens)	3,190,880	Rd I	-	300,000	-	2,782,250	-	-	3,082,250	-	3,082,250
		GF	108,630	-	-	-	-	-	-	-	108,630

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Village of Estero
Fiscal Year 2020-2021
Capital Improvement Projects

	Budgeted Total Projects	Fund Source	Estimated Expended To Date	CIP Budget FY 20-21	CIP Budget FY 21-22	CIP Budget FY 22-23	CIP Budget FY 23-24	CIP Budget FY 24-25	5 Year Total Projects	CIP Budget Thereafter	Total Project Cost
Corkscrew Road-Three Oaks Pkwy. Intersection Improvements	443,110	Lee County	-	-	443,110	-	-	-	443,110	-	443,110
Coconut Road Intersection Study	117,000	GF	-	117,000	-	-	-	-	117,000	-	117,000
US-41-Coconut Road Intersection Improvements	574,100	{ Other Govmt	-	-	-	-	-	-	-	574,100	574,100
		GT	-	-	-	-	-	-	-	-	-
US41-Williams Rd Intersection Improvements	270,400	Rd I	-	-	-	-	-	-	-	270,400	270,400
Coconut Road - Coconut Shores Roundabout	1,057,190	Other Govmt	-	-	-	1,057,190	-	-	1,057,190	-	1,057,190
US41-Pelican Sound Intersection Improvements	854,400	Developer	-	-	-	-	-	-	-	854,400	854,400
Corkscrew-US 41 Intersection Improvements	392,500	LDOT & FDOT	-	-	-	-	-	-	-	392,500	392,500
Coconut Road - Meadowbrook Roundabout	1,086,290	Other Govmt	-	-	-	-	-	1,086,290	1,086,290	-	1,086,290
North Point Railroad Crossing	1,120,000	Rd I	-	-	-	-	-	1,120,000	1,120,000	-	1,120,000
Coconut Road - El Dorado Roundabout	969,900	Other Govmt	-	-	-	-	-	-	-	969,900	969,900
Intersection Improvements Projects (710)			276,300	1,448,800	1,011,670	2,782,250	1,057,190	2,206,290	8,506,200	3,061,300	11,843,800
Bicycle and Pedestrian Improvements Projects (720)											
Coconut Road Crosswalks	241,550	GF	91,550	150,000	-	-	-	-	150,000	-	241,550
Williams Road Bike-Ped Improvements (East of Via Coconut)	1,605,270	Rd I	258,000	150,000	1,197,270	-	-	-	1,347,270	-	1,605,270
Intersection Safety Improvement Study	110,000	GF	-	110,000	-	-	-	-	110,000	-	110,000
Sandy Lane Bike-Ped Improvements	1,922,270	Rd I	-	438,780	-	1,483,490	-	-	1,922,270	-	1,922,270
Broadway E Shared Use Path (US 41-Sandy)	1,999,260	Rd I	-	245,700	-	1,753,560	-	-	1,999,260	-	1,999,260
Corkscrew Road Shared Use Path (3 Oaks-Sandy)	4,239,600	{ GF	-	-	222,480	-	-	-	222,480	3,708,120	3,930,600
		Rd I	-	-	309,000	-	-	-	309,000	-	309,000
Coconut Road Sidewalk (Oakwild to Via Coconut)	963,460	Rd I	-	-	142,140	-	821,320	-	963,460	-	963,460
Corkscrew Palms Blvd. Sidewalks	103,400	Lee County	-	-	-	-	-	-	-	103,400	103,400
Via Coconut Point Roundabouts Improvements	512,090	Rd I	-	-	-	171,720	-	340,370	512,090	-	512,090
Corkscrew Rd Bike-Ped Improvements (E of US41)	11,308,600	{ GF	-	-	-	-	-	-	-	10,748,600	10,748,600
		Rd I	-	-	-	-	-	560,000	560,000	-	560,000
Coconut Rd Shared Use Path	1,336,210	Rd I	-	-	-	343,440	992,770	-	1,336,210	-	1,336,210
Corkscrew Rd W. Bike-Ped Improvements	1,339,170	Rd I	-	-	-	239,140	1,100,030	-	1,339,170	-	1,339,170
Williams Rd W. Bike-Ped Improvements (West of US41)	1,204,620	Rd I	-	-	-	-	274,680	929,940	1,204,620	-	1,204,620
Broadway E. Shared Use Path (Sandy Ln to Three Oaks & Estero Pkwy)	2,159,500	GF	-	-	-	-	-	-	-	2,159,500	2,159,500
SUN Trail Estero Parkway South	5,429,000	GF	-	-	-	-	-	-	-	5,429,000	5,429,000
SUN Trail Estero Parkway North	4,353,200	GF	-	-	-	-	-	-	-	4,353,200	4,353,200
FPL Shared Use Path (East I-75)	1,873,300	GF	-	-	-	-	-	-	-	1,873,300	1,873,300
Utility Shared Use Path (West US 41)	4,041,800	GF	-	-	-	-	-	-	-	4,041,800	4,041,800
Bicycle and Pedestrian Improvements Projects (720)			349,550	1,094,480	1,870,890	3,991,350	3,188,800	1,830,310	11,975,830	32,416,920	44,742,300

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Village of Estero
Fiscal Year 2020-2021
Capital Improvement Projects

	Budgeted Total Projects	Fund Source	Estimated Expended To Date	CIP Budget FY 20-21	CIP Budget FY 21-22	CIP Budget FY 22-23	CIP Budget FY 23-24	CIP Budget FY 24-25	5 Year Total Projects	CIP Budget Thereafter	Total Project Cost
Landscaping & Beautification Projects (730)											
US41 Median Landscaping	1,504,100	FDOT	766,000	-	-	-	-	-	-	-	766,000
			GF	508,520	114,790	114,790	-	-	229,580	-	738,100
US 41 FDOT Landscape Grant	199,600	FDOT	-	134,490	-	-	-	-	134,490	-	134,490
			GF	-	65,110	-	-	-	65,110	-	65,110
US-41 Monument Signs	156,000	GF	-	156,000	-	-	-	-	156,000	-	156,000
I-75 Monument Signs	222,480	GF	-	-	222,480	-	-	-	222,480	-	222,480
Three Oaks Parkway Monument Signs	156,000	GF	-	156,000	-	-	-	-	156,000	-	156,000
Ben Hill Griffin Monument Sign	80,340	GF	-	-	80,340	-	-	-	80,340	-	80,340
Corkscrew Road Monument Sign	80,340	GF	-	-	80,340	-	-	-	80,340	-	80,340
Via Coconut Point Landscape Improvements (Williams-Coconut)	2,999,400	GF	63,750	276,000	-	2,659,650	-	-	2,935,650	-	2,999,400
Ben Hill Griffin Pkwy Landscape Improvements	2,346,360	GF	-	130,000	-	2,216,360	-	-	2,346,360	-	2,346,360
I-75 Interchange Landscaping	1,701,000	FDOT	-	-	-	-	-	980,000	980,000	-	980,000
			GF	-	60,000	61,800	-	-	599,200	721,000	-
US41 Shoulder Landscaping	3,737,200	GF	-	-	-	-	-	-	-	3,737,200	3,737,200
Three Oaks Parkway Landscape Improvements (Excluding Brooks)	5,552,200	GF	-	-	-	-	-	-	-	5,552,200	5,552,200
Corkscrew Road Landscape Improvements (US- 41 to I-75)	4,064,300	GF	-	-	-	-	-	-	-	4,064,300	4,064,300
Williams Road Landscape Improvements	1,524,950	GF	-	143,000	1,381,950	-	-	-	1,524,950	-	1,524,950
Landscaping & Beautification Projects (730)			1,338,270	1,235,390	1,941,700	4,876,010	-	1,579,200	9,632,300	13,353,700	24,324,270
Parks & Recreation Projects (740)											
Estero on the River Master Plan	252,000	GF	-	252,000	-	-	-	-	252,000	-	252,000
Estero Community Park Expansion Master Plan	150,000	GF	-	150,000	-	-	-	-	150,000	-	150,000
Estero Community Park Expansion	11,317,790	CPI	-	118,700	-	-	-	-	118,700	-	118,700
		PIF	-	581,300	309,000	318,000	-	-	1,208,300	-	1,208,300
		Rd I	-	-	387,280	349,800	-	-	737,080	-	737,080
Estero on the River	4,729,080	GF	-	38,000	4,132,160	5,083,550	-	-	9,253,710	-	9,253,710
		PIF	-	-	2,060,000	2,669,080	-	-	4,729,080	-	4,729,080
Parks & Recreation Projects (740)			-	1,140,000	6,888,440	8,420,430	-	-	16,448,870	-	16,448,870

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Village of Estero
Fiscal Year 2020-2021
Capital Improvement Projects

	Budgeted Total Projects	Fund Source	Estimated Expended To Date	CIP Budget FY 20-21	CIP Budget FY 21-22	CIP Budget FY 22-23	CIP Budget FY 23-24	CIP Budget FY 24-25	5 Year Total Projects	CIP Budget Thereafter	Total Project Cost
Stormwater Projects (750)											
Villages of Country Creek Bypass Swale Improvements	708,650	GF	-	192,000	516,650	-	-	-	708,650	-	708,650
Dry Creek Bed Sediment Removal	440,460	GF	-	150,000	290,460	-	-	-	440,460	-	440,460
Estero River Sediment Removal (Railroad to Sandy Ln)	807,950	GF	-	-	166,860	641,090	-	-	807,950	-	807,950
Estero River Sediment Removal (West of US 41)	2,549,010	GF	-	30,000	37,080	-	2,481,930	-	2,549,010	-	2,549,010
Trailside Drainage Improvements	1,187,900	GF	-	-	-	-	-	-	-	1,187,900	1,187,900
Villagio-Estero Pkwy Drainage Improvements	1,624,200	Estero/Lee County	-	-	-	-	-	-	-	1,624,200	1,624,200
US-41 Drainage Improvements Design (Williams-Corkscrew)	72,000	FDOT	-	-	-	-	-	-	-	72,000	72,000
Stormwater Projects (750)			-	372,000	1,011,050	641,090	2,481,930	-	4,506,070	2,884,100	7,390,170
Building Projects (760)											
Public Works Storage Facility	354,000	GF	-	-	-	-	-	-	-	354,000	354,000
Village Hall	4,914,000	GF	-	-	-	-	-	-	-	4,914,000	4,914,000
Performing Arts Center	20,000,000	GF	-	-	-	-	-	-	-	20,000,000	20,000,000
Building Projects (760)			-	-	-	-	-	-	-	25,268,000	25,268,000
Land Acquisitions (770)											
Christ Community Ministries (Williams Road)	3,000,000	PL/BD	280,000	-	-	-	-	-	-	-	280,000
		CPI	857,551	-	-	-	-	-	-	-	857,551
		Sale Proceeds	1,000,000	-	-	-	-	-	-	-	1,000,000
		RPI	862,449	-	-	-	-	-	-	-	862,449
School District of Lee County Property (Block Lane)	4,480,000	GF	-	-	-	-	-	3,718,400	3,718,400	-	3,718,400
		PIF	-	-	-	-	-	761,600	761,600	-	761,600
Driving Range Property (Williams Road)	3,500,000	GF	-	-	-	-	-	-	-	2,800,000	2,800,000
		PIF	-	-	-	-	-	-	-	700,000	700,000
River Oaks Preserve	900,000	PL/BD	-	-	900,000	-	-	-	900,000	-	900,000
SUN Trail	30,000,000	GF	-	-	-	-	-	-	-	30,000,000	30,000,000
Land Acquisitions (770)			3,000,000	-	900,000	-	-	4,480,000	5,380,000	33,500,000	41,880,000
Projects Total											
	249,543,310		11,617,690	33,012,200	19,666,450	43,128,260	7,720,480	10,935,800	114,463,190	123,462,430	249,543,310
Less Lee County and Florida Dept of Transportation Projects			-	23,647,970	443,110	17,795,310	1,057,190	1,086,290	44,029,870	3,736,100	47,765,970
Less Other Governmental Entity Participation on Village Projects			11,617,690	9,364,230	19,223,340	25,332,950	6,663,290	9,849,510	70,433,320	119,726,330	201,777,340
Less Developer Contributions			766,000	2,330,490	-	-	-	980,000	3,310,490	-	4,076,490
Total Capital Projects			10,851,690	6,059,140	18,654,780	25,332,950	6,663,290	8,869,510	65,579,670	118,871,930	195,303,290

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Village of Estero
Fiscal Year 2020-2021
Capital Improvement Projects

	Fund Source	Estimated Expended To Date	CIP Budget FY 20-21	CIP Budget FY 21-22	CIP Budget FY 22-23	CIP Budget FY 23-24	CIP Budget FY 24-25	5 Year Total Projects	CIP Budget Thereafter	Total Project Cost
<i>Capital Projects By Funding Source</i>										
General Fund	GF=	7,593,690	3,044,660	9,529,910	13,824,330	2,983,990	4,317,600	33,700,490	111,696,930	152,991,110
Gas Tax Funds	GT=	-	570,000	721,000	335,170	490,500	-	2,116,670	1,233,700	3,350,370
Road Impact Fees	Rd I=	258,000	1,744,480	7,194,870	10,855,450	3,188,800	3,790,310	26,773,910	5,241,300	32,273,210
Community Park Impact Fees	CPI=	857,551	118,700	-	-	-	-	118,700	-	976,251
Regional Park Impact Fees	RPI=	862,449	-	-	-	-	-	-	-	862,449
Park Impact Fees	PIF=	-	581,300	309,000	318,000	-	761,600	1,969,900	700,000	2,669,900
Sale of Surplus Property Proceeds	Sale Proceeds=	1,000,000	-	-	-	-	-	-	-	1,000,000
Public Land/Bonus Density	PL/BD	280,000	-	900,000	-	-	-	900,000	-	1,180,000
Total Capital Projects		10,851,690	6,059,140	18,654,780	25,332,950	6,663,290	8,869,510	65,579,670	118,871,930	195,303,290

Cumulative Allocation to Reserves

5,922,300

Number of months of operating expenditures accumulated

12.0

2020/21 Five-Year Capital Plan Summary Budget					
Project Year	FY2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Project Status	Funded	Project Scoping & Schedule		Project Identification	
Revenues					
Unallocated Fund Balance	300,907,538	205,590,659	210,611,295	255,814,014	135,478,290
Estimate Revenues	225,418,054	231,881,649	241,107,890	251,506,488	263,838,296
Debt Proceeds	-	108,000,000	241,000,000	-	-
Total Revenues and Begin Fund Balance	526,325,592	545,472,308	692,719,186	507,320,502	399,316,586
Department Appropriations & Payments					
Transfers & Debt Service	104,808,549	147,650,615	142,338,820	142,256,539	143,550,414
Charter School Payments	196,028	7,162,900	7,377,800	7,599,150	7,827,100
Operations Funds	25,867,314	30,305,523	21,025,523	25,858,523	22,546,523
Technology Funds	34,131,000	17,995,000	7,405,000	7,105,000	7,620,000
Equipment/Personnel Funds	11,815,310	10,955,000	11,044,000	11,138,000	11,236,000
Total Recurring Appropriations	176,818,201	214,069,038	189,191,143	193,957,212	192,780,037
Capital Projects					
Bonita Springs ES Cafeteria Restroom	-	100,000	300,000	-	-
Cape HS Tower Restroom	330,000	-	-	-	-
Cypress Lake HS Science Wing Remodel	-	-	-	3,000,000	-
Cypress Lake MS Rebuild	-	4,000,000	28,000,000	28,000,000	-
District Annual Small Projects	211,500	-	-	-	-
District Atlas Refresh	10,526,000	12,100,000	11,445,000	200,000	200,000
District Electrical Panel Projects	1,181,609	241,080	-	-	-
District HVAC Projects	10,905,844	8,700,000	24,575,000	12,900,000	23,500,000
District Window Replacement Projects	-	-	-	-	-
District Property Purchase	945,000	2,200,000	300,000	5,100,000	300,000
District Roof Projects	15,020,162	6,700,000	-	5,450,000	-
District School Technology Refresh	11,521,100	18,317,770	17,760,905	12,835,000	19,394,516
East Elementary JNew School	-	2,000,000	25,500,000	25,500,000	-
East Innovation PreK-8 New School	-	5,000,000	35,000,000	35,000,000	-
Franklin Park ES Rebuild	-	3,000,000	25,000,000	25,000,000	-
FMMA Cafeteria Remodel	300,000	-	-	-	-
FMTC Refresh	3,000,000	3,000,000	4,000,000	-	-
Gateway HS New School	48,042,925	-	-	-	-
James Stephens Pre-K Center Remodel	1,870,284	-	-	-	-
LAMS New Campus	30,575,000	-	-	-	-
NFMHS Science Wing Remodel	-	-	-	3,000,000	-
Patriot ES Classroom Remodel	300,000	-	-	-	-
Property - Taylor Lane	255,000	-	-	-	-
Riverdale HS Refresh	3,200,000	-	12,650,000	12,650,000	12,650,000
South ES K New School	1,960,214	20,413,249	20,413,249	-	-
South MS New School	2,542,095	31,269,875	31,269,875	-	-
Tice ES New Elevator	600,000	-	-	-	-
VLMS Sidewalk Expansion	230,000	-	-	-	-
Veteran's Park K-8 Campus Expansion	400,000	2,250,000	2,250,000	-	-
Veteran's Park K-8 New PAC	-	-	-	-	650,000
West HS Expansion	-	1,500,000	9,250,000	9,250,000	-
Total Capital Projects	143,916,733	120,791,974	247,714,029	177,885,000	56,694,516

CIP Projects Summary

In October of 2019, School District of Lee County kicked-off a new CIP project selection process through which school and district administrators proposed projects for their facilities. Approximately 360 project requests were submitted; a summary of these requests is as follows:

- **20** school or grant funded projects that didn't require District funding;
- **81** small capital projects requesting District support of \$250,000 or less;
- **56** large capital projects requesting District support of more than \$250,000; and
- **203** maintenance projects that will be incorporated in the District's rotational work plan schedule.

The 28 large and seven small capital projects that were selected for the Capital Improvement Plan were chosen by an interdepartmental team of 25 staff members from the Operations, Business Services, Academic Services, and Information Systems Divisions. The team selected the projects that best met the District's capital planning priorities, values, and goals. As a result, the capital projects included in this year's five-year capital plan highlight and address some of the ongoing needs throughout the District.

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 21, 2020

Agenda Item:

Workshop on Land Use and Zoning Procedures

Description:

Nancy Stroud, the Village's land use attorney, will provide an overview of public official laws (government in the Sunshine), as well as other legal issues including quasi-judicial procedures, to update the Council prior to Comprehensive Plan amendment and zoning public hearings which will begin in May.

Financial Impact:

N/A

Attachments:

1. PowerPoint Presentation



Land Use and Zoning Procedures Workshop

Village Council

April 21, 2021

Agenda

- **Florida Public Official Laws**
- **Role of Council**
- **Quasi-Judicial proceedings**
- **Role of PZDB and staff**
- **Other legal issues**
- **Questions**



Florida Public Official Laws



Government in the Sunshine

- Public Meetings
- Public Records

Conflict of Interest Disclosure

Role of the Council:

Land Use and Zoning



- **Decision maker for comprehensive plan amendments and rezonings**

Comprehensive Plan is the land use “constitution” for the Village. All land use decisions and all land development regulations must be consistent with Estero’s Comprehensive Plan.

- **Land Development Code**
Purpose: Implements the Comprehensive Plan
More specific technical details

Cases Council will review



Legislative

- Comprehensive Plan Amendments
- Ordinance Review
(Example: Land Development Code Amendments)
- Vacations of Right-of-way (roads, utility and drainage easements)

Quasi-judicial (examples)

- Rezoning
- Planned Development Rezoning
- Planned Development Amendments
- Bar Special Permits

Other

- Plats



Typical Land Use or Zoning Agenda

- **Staff introduces item**
- **Applicant presentation**
- **Council's questions**
- **Public Input**
- **Council Discussion**
- **Council Decision**

Zoning



Public Hearings are Quasi-Judicial*

1. Swearing in, disclose ex-parte communications and conflicts
2. Staff overview of case
3. Applicant presentation
4. Council Questions
5. Public Input (3 minutes)
6. Council Discussion
7. Motion and vote
 - Decorum

*** Must have quorum present**

Council Decision Options



- **Approve**
- **Approve with conditions (may be different from staff or PZDB recommendation)**
- **Continue for additional information**
- **Send back to PZDB for further evaluation**
- **Deny**



Quasi-Judicial proceedings

All rezoning hearings will be heard by the Council in a quasi-judicial proceeding.

Florida case law requires the Council to conduct quasi-judicial proceedings to ensure that due process is provided to applicants for site-specific zoning decisions.

Quasi-Judicial proceedings



Minimum requirements for quasi-judicial proceedings:

- 1. An impartial decision-maker (ex parte disclosures)**
- 2. All fact witnesses to be sworn and testimony under oath**
- 3. Proponents (applicants), staff and interested parties have full opportunity to present evidence and argument, including expert witnesses**
- 4. Witnesses may be cross-examined by the parties**
- 5. Public testimony may be allowed**
- 6. Formal rules of evidence do not apply, but fundamental due process is required**
- 7. A written decision supported by competent, substantial evidence in the record of the proceedings**



Quasi-Judicial proceedings

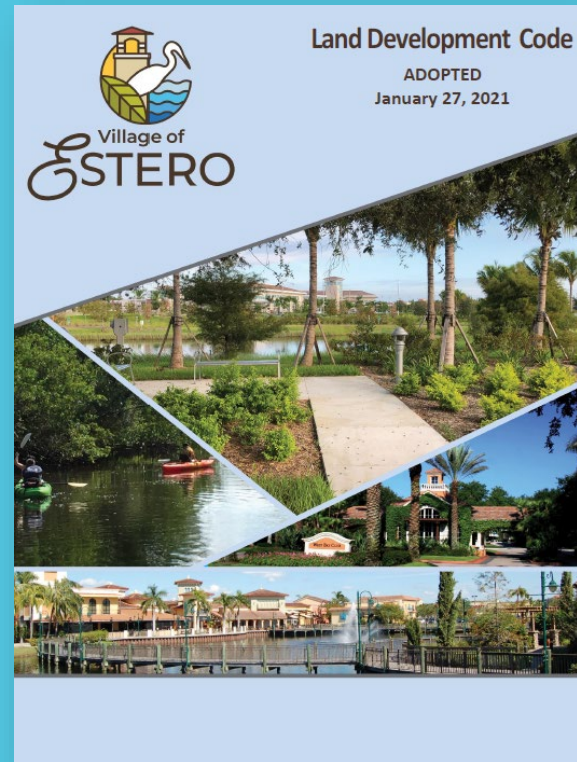
A written decision supported by substantial competent evidence in the record of the proceedings

What is "Substantial Competent Evidence"?

- Based on facts
- Credible (believable)
- Material (relevant)
- Not speculative
- Legally sound
- A reasonable mind would accept as enough to support the conclusion

New Land Development Code

- Modified Planning Zoning and Design Board Role
- Modified Staff Role





PZDB Decisions

PZDB will review and make decisions:

- Development Orders
- Special Exceptions
- Variances
- Consumption on Premises for outdoor seating (certain cases)
- Monument Signs
- Commercial building repainting and building alterations

Note: Council may take “jurisdiction” of a decision (30 days)



PZDB Recommendations

PZDB will review and make recommendations to Council:

- Rezoning
- Planned Development Zoning and Amendments
- Comprehensive Plan Amendments
- Miscellaneous Land Development Related Ordinances

Process Changes



Staff will now decide administrative items

- **Minor setback variance** (Example, 1 ft. or less)
- **Limited (small) Development Orders**
(Example, small clubhouse renovation)
Except pickleball-requires public hearing
- **Minor Technical Deviations (Engineering related)**
- **Consumption on Premises - Alcoholic Beverages (except outdoor seating)**
- **Farmer's Markets**

PZDB also conducts



Public Information Meetings
(Application specific, Development Order or Rezoning)

Workshops
(Generally design oriented)



Role of Staff

- **Review all cases and prepare Staff Reports for PZDB and Council**
- **Provide recommendations and guidance**
- **Staff has “expert” opinion**
- **We are also here to help with any questions!**



New LDC has additional items for certain cases



- **Development Order Review – more than Architecture and Landscaping**
- **Connectivity, Site Plan Design**
- **Green Building Standards**
- **Public “Gathering Places”**
- **Residential Impact Criteria (Commercial next to Residential)**
- **Placemaking for Mixed Use Areas**

Rules of Procedure



The Planning Zoning and Design Board will adopt procedures in May for the conduct of business and meetings, conduct of public hearings, and conduct of workshops

Council may wish to modify the Council Rules of Procedure

The Village Clerk will maintain the Council's records (agendas, reports, minutes)

Other Legal Issues



1. The **constitutionality** of a Council decision may be based on whether or not it is **confiscatory**
 - A "regulatory taking" occurs when government action leaves property with **no economically viable use**
 - The decision does not have to allow the most economically beneficial use

Other Legal Issues



2. The decision may not interfere with **vested rights**
The landowner has no automatic vested rights in a particular zoning classification

But the landowner may have a vested right in the use of a prior issued approval if the landowner **relied in good faith on the approval and made **substantial expenditures in reliance** to his detriment, and it would be **unfair** to take away the approval**

Other Legal Issues



3. Otherwise, on the basis of state law, the court will decide

Was there any **substantial competent evidence** to support the decision? The court will not re-weigh the evidence but only look at whether there was any evidence to support the local decision

Did the decision-making body follow the correct law?

Was procedural due process accorded (quasi-judicial procedures followed)

If yes to all of the above, the local decision will be upheld even if the court would come to a different conclusion than the local government

Other Legal Issues



For certain matters, state law or federal law may **pre-empt** procedures and standards for approval

Examples:

- Wireless facilities and other special uses
- Uses implicating freedom of speech - Signs and billboards
- Uses implicating freedom of religion

Bert J. Harris Act



Intended by the Florida Legislature to provide a damages remedy to a property owner where a constitutionally based regulatory takings could not otherwise be found.

The property owner must prove that the regulation **inordinately burdens** its private property rights such that the owner is **permanently** unable to attain the reasonable **investment-backed expectations** for the 1) existing use or 2) vested right to a specific use of the property as a whole.

The Act's procedures require notice to the government before filing in court and the opportunity to negotiate a resolution. Resolution can include damages, a change to the regulation, and other resolutions. Court may approve a resolution that is inconsistent with the existing LDC or Comprehensive Plan.



Questions?

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 21, 2021

Agenda Item:

Community Development Software

Description:

Background

Community Development is in need of software to manage and coordinate all its processes and provide a high level of customer service. The functions of Community Development include:

- permitting
- building inspections
- zoning
- development review
- code enforcement
- planning
- GIS
- impact fees

These functions need to be linked, as well as integrated with other Village functions such as financial tracking of payments, as well as providing reports and metrics.

The software that is currently partially in use is a proprietary software developed by the Village's outsourced company CGA. This software, called "Gov-Easy," is only used for building permits, building inspections, and code enforcement, not planning, zoning or development review.

The software currently in use is outdated, and does not link well with our financial system. Recent audits have commented that the software system should be updated and improved. There are frequent issues and problems requiring a significant amount of staff time to resolve. A more robust product is needed that can not only link Community Development functions, but also integrate seamlessly with finance software. A more updated product would provide the capability for electronic plan review as well, which

would enhance customer service. Electronic plan review is offered in many other cities and counties.

Next Steps

The acquisition and implementation of this software is a complex, labor intensive and lengthy process. Village Staff has done extensive research into various products and is now ready to proceed.

- 1st step - workshop to apprise Council of the project.
- 2nd step - engage a consultant with technical expertise in this area who will assist in the choice of the product and then oversee its installation.
- 3rd step - choice and implementation of the software itself – including data conversion, training, and roll-out for public use.

Financial Impact:

The Village's budget includes the purchase of a new software package. The exact financial impact is yet to be determined. Funds have been budgeted in the fiscal year 2020-2021 budget under Community Development (estimated at \$211,530, consisting of \$154,330 for acquisition and \$57,200 annual maintenance cost).

Attachments:

1. PowerPoint Presentation
2. Request for Information (RFI) - Software
3. Request for Information (RFI) – Software Consultant

PROJECT NO.: RFI 2020-02

DUE DATE: October 23, 2020

AND TIME: 2:00 PM

LOCATION: Estero Village Hall
9401 Corkscrew Palms Circle
Estero, FL 33928

Please submit your response electronically to me via email at the following address:
franceschini@estero-fl.gov

REQUEST FOR INFORMATION

TITLE:
COMMUNITY DEVELOPMENT SOFTWARE
CONSULTANT

Advertised Date: October 9, 2020

REQUESTER: VILLAGE OF ESTERO, FLORIDA

ADDRESS
9401 CORKSCREW PALMS CIRCLE #101
ESTERO, FL 33928

VILLAGE CONTACT:
BOB FRANCESCHINI, C.P.M., CPPB
PHONE NO.: 239-319-2821
EMAIL: franceschini@estero-fl.gov

VILLAGE OF ESTERO, FLORIDA
REQUEST FOR INFORMATION
FOR
COMMUNITY DEVELOPMENT SOFTWARE CONSULTANT

DATE SUBMITTED: _____

VENDOR NAME: _____

TO: The Village of Estero
Estero, Florida

FIRM NAME _____

BY (Printed): _____

BY (Signature): _____

TITLE: _____

FEDERAL ID # OR S.S.# _____

ADDRESS: _____

PHONE NO.: _____

FAX NO.: _____

CELLULAR PHONE NO.: _____

E-MAIL ADDRESS: _____

VILLAGE OF ESTERO, FLORIDA
REQUEST FOR INFORMATION
FOR
COMMUNITY DEVELOPMENT SOFTWARE CONSULTANT

STATEMENT OF NEED

The Village of Estero is requesting information needed to assist it in making a decision as to which Consultant to engage with to assist it with contracting for, overseeing the implementation of, and the data transfer/conversion for a turnkey Community Development Software package. The goal is to successfully acquire, implement, and manage a computerized permit management software that is user-friendly, that will increase staff efficiency, assist the public, and integrate all functions of the Community Development Department.

DEFINITION OF COMMUNITY DEVELOPMENT

The Village of Estero Community Development Department includes building permitting, plan review, inspections, zoning, planning, development review (site plan review), and code enforcement.

Therefore, the Village is seeking to acquire a software package capable of, as a minimum, performing the following and similar functions on-line:

- Scheduling inspections.
- Processing applications for building permits.
- Checking permit status.
- Processing zoning and planning applications.
- Checking status of zoning and planning requests.
- Processing applications for Development Orders/Development Review.
- Providing status of development order requests.
- Electronic plan review.
- Code enforcement.

INFORMATION REQUESTED

Discuss your company's background, your relevant experience, and project approach in your response (please number your responses to correspond with the numbered items below):

1. How long has your company been in business?
2. How many similar engagements (specifically assisting in the conversion/implementation of a Community Development software package) have you successfully completed within the past five (5) years in Florida with local governments? (Please provide entity name, a contact name, phone number, and email.) Include a discussion of how each project is similar to this project.
3. Discuss your understanding of Community Development as a function and how it relates to the Village's definition as outlined above.
4. Discuss your experience with and knowledge of the CityView (from Harris Computer Systems) software platform. Have you successfully completed the implementation/administration of CityView software within the past five (5) years at a local

- government in Florida? (Please provide entity name, a contact name, phone number, and email.)
5. Discuss your experience with and knowledge of the Accela software platform. Have you successfully completed the implementation/administration of Accela software within the past five (5) years at a local government in Florida? (Please provide entity name, a contact name, phone number, and email.)
 6. Discuss your experience and knowledge of the EnerGov (from Tyler Technologies) software platform. Have you successfully completed the implementation/administration of EnerGov software within the past five (5) years at a local government in Florida? (Please provide entity name, a contact name, phone number, and email.)
 7. Discuss the approach of working with a third party concern (not the actual software provider) in the implementation of the software. Include your opinion of this arrangement and advantages/disadvantages vs. an implementation done with in-house (employees of the software provider) personnel.
 8. The sources of data for the conversion will be from several internal and external sources, including Lee County, FL government. Discuss your knowledge of the Lee County, FL government (including its Community Development operation) and any existing relationships/contacts you may have with that entity.
 9. Please outline your understanding of this engagement. Provide details on where you see potential challenges and opportunities.
 10. Discuss your experience in consulting on contracts for complex software buys. What do you view as the three (3) most important issues when negotiating this type of contract on behalf of the entity?
 11. Provide a preliminary project schedule that outlines the important project milestones. The schedule should identify which tasks are predecessors or others and potential for shortening the implementation/conversion schedule by overlapping project tasks.

PROJECT NO.: RFI 2020-01

DUE DATE: July 10, 2020

AND TIME: 2:00 PM

LOCATION: Estero Village Hall
9401 Corkscrew Palms Circle
Estero, FL 33928

Please submit your response electronically to me via email at the following address:
franceschini@estero-fl.gov

REQUEST FOR INFORMATION

TITLE:
COMMUNITY DEVELOPMENT SOFTWARE
Advertised Date: June 18, 2020

REQUESTER: VILLAGE OF ESTERO, FLORIDA

ADDRESS
9401 CORKSCREW PALMS CIRCLE #101
ESTERO, FL 33928

VILLAGE CONTACT:
BOB FRANCESCHINI, C.P.M., CPPB
PHONE NO.: 239-319-2821
EMAIL: franceschini@estero-fl.gov

VILLAGE OF ESTERO, FLORIDA
REQUEST FOR INFORMATION
FOR
COMMUNITY DEVELOPMENT SOFTWARE

DATE SUBMITTED: _____

VENDOR NAME: _____

TO: The Village of Estero
Estero, Florida

FIRM NAME _____

BY (Printed): _____

BY (Signature): _____

TITLE: _____

FEDERAL ID # OR S.S.# _____

ADDRESS: _____

PHONE NO.: _____

FAX NO.: _____

CELLULAR PHONE NO.: _____

E-MAIL ADDRESS: _____

VILLAGE OF ESTERO, FLORIDA
REQUEST FOR INFORMATION
FOR
COMMUNITY DEVELOPMENT SOFTWARE

STATEMENT OF NEED

The Village of Estero is requesting information needed to assist it in making a decision as to which vendor to contract with to provide a turnkey Community Development Software package. The goal is to obtain computerized permit management software that is user-friendly, to increase staff efficiency, assist the public, and integrate all functions of the Community Development Department.

DEFINITION OF COMMUNITY DEVELOPMENT

The Village of Estero Community Development Department includes building permitting, plan review, inspections, zoning, planning, development review (site plan review), and code enforcement.

Therefore, the Village requires a software package capable of, as a minimum, performing the following and similar functions on-line:

- Scheduling inspections.
- Processing applications for building permits.
- Checking permit status.
- Processing zoning applications.
- Checking status of zoning requests.
- Processing applications for Development Orders/Development Review.
- Providing status of development order requests.
- Electronic plan review.

BACKGROUND

Discuss your company's background. Please answer these questions in your response (please use corresponding letters for your response):

- a. How long has your company been in business?
- b. How many full-time employees do you have? What are their functions?
- c. How many customers/placements do you currently have in Florida with local governments? (Please provide entity name, a contact name, phone number, and email.)

INFORMATION REQUESTED

Discuss how your software package meets the following requirements in your response (please number your responses to correspond with the numbered items below):

1. Is your portal 508 compliant allowing accessibility to the disabled? (WCAG 2.1)
2. Does your software include Electronic Document Review Capabilities as well as Plan Review Capabilities? Please describe or identify application if it is a commercial product.
3. Does your software incorporate the latest HTML5 (Standards) CSS3 and mobile first design?
4. What is your application developed in? (IE node.js)

5. Does your software incorporate an App that allows contractors to schedule inspections on the go?
6. Do you include an automated telephone app for scheduling inspections?
7. Does your software allow for mobile applications on all major devices and platforms?
8. Does your software allow for the incorporation of open data initiatives?
9. Does your software natively support GIS and ESRI data?
10. Does your software include a built-in Ad Hoc Report Writer (thus eliminating the need for Crystal Reports)?
11. Does your software include/allow for customization for Planning and Zoning?
12. Does your software include code enforcement? If yes, please describe briefly.
13. Does your software include an application for site plan review (development orders) including Plan Review capability? If not, does it include/allow for customization for site plan review?
14. Which financial software does it integrate with?
15. How do you handle impact fees?
16. What is your methodology for data conversion? Please explain in detail how this will be accomplished. Please list the software with which your system is compatible and/or any that your system is not compatible with.
17. How do you accomplish the software implementation? Is the implementation handled by your company? A third-party vendor? The entity itself? Please explain in detail your typical implementation methodology.
18. What options do you offer for a direct purchase? Are you on GSA? Florida State Contract? Consortium contract? Competitively awarded bids to piggyback? Other?
19. How is implementation training addressed/handled?
20. Please explain how your system addresses various fees. Does it handle variable fees as well as fixed fees? Does it interface with credit card applications?
21. Please verify that the Village will own all of the transaction data contained in the software.
22. Please outline your process for establishing work flows for all software modules/functions, i.e., Permitting, Plan Review, etc.
23. Can your software be cloud-based (Hosted)? Please provide information of cloud-based operation for your software.
24. Once implementation is completed, please provide information about the cost and process of future reporting customization or work flow modifications.
25. Please provide information about your software's document management system.
26. Fees for Services. Please verify that complex fees can be automatically calculated, i.e., Florida Surcharges.

Community Development Software Workshop

April 21, 2021

Village Council



Background

- Staff has been evaluating new software for Community Development due to ongoing issues
- Research has been conducted for over a year
- Staff “team” effort
 - Village Manager
 - Deputy Manager
 - Procurement Manager
 - Community Development
 - Finance Director



Today's Workshop

- Review staff research
- Explain function of software
- Explain need for new software
- Next steps
- Answer questions
 - * This is a complex project



What does software do?

- Improves customer service by allowing customers and staff to track status of permits and applications
- Allows online submittal of customer applications
- Calculates impact fees and other fees
- Links to financial software to process transactions, reconciliation and provides receipts
- Provides reports of activity for management use and metrics
- Automates daily business process instead of manual entry



New Software Advantages

- The current software is a proprietary product of our vendor CGA and is outdated
- The current software is only partially implemented
- Audits have suggested that improved software is needed

New software will:

- Link all Community Development functions and financial software together
- Allow for electronic (paperless) plan review
- Increase the overall efficiency of Community Development



Village of
ESTERO

What to expect?

This is a major complex project which will:

- **Take 9 to 18 months to prepare, implement and activate**
- **May cause short term inconvenience and delays to customers and staff**
- **Require a major commitment from Village staff (not just Community Development, but many other staff as well)**
- **Require special expertise to assist staff with selection and implementation of a product (Complex and technical)**



Village of
ESTERO

How do we get there from here?

Staff has:

- Completed preliminary research it has conducted over the past year, including use of software in other cities and counties
- Issued a Request for Information (RFI) for the software – 13 responses received
- Issued a Request for Information (RFI) for a consultant to assist staff – 8 responses received



Village of
ESTERO

Current Status - Software

Staff has:

- Short listed 3 software providers
- Scheduled software demonstrations
- Begun to arrange for site visits to neighboring entities who are currently using the software packages we are considering



Village of
ESTERO

Current Status – Consultant Assistance

- A consultant is needed to provide technical IT assistance for this project
- Staff is recommending Mike Skweir of Provion to serve as Program Manager
- Program manager has 20 years information technology experience, and has assisted government agencies with projects like ours



Village of
ESTERO

What's next?

- 1. Obtain Council approval of the software consultant's contract – upcoming agenda**
- 2. Analyze the data and feedback obtained from the demonstrations and site visits**
- 3. Choose a software package and obtain Council approval of that choice and the accompanying contract.**



Village of
ESTERO

Questions?



Village of
ESTERO

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 21, 2021

Agenda Item:

Septic to Sewer

Description:

This workshop follows the water quality report presented by FGCU at the April 7th, 2021, Village Council meeting. The objectives of this workshop are as follows:

- provide an update on the work that has already been completed and a sense of where the Village stands today
- review the steps necessary to convert from septic to sewer, as well as potential funding sources, and propose a program manager contract to manage this effort
- outline the decision-making process and the role of the public in this process

This workshop will be led by the following two presentations:

- Utility Expansion Review, presented by Brent Addison of Banks Engineering. This study was previously presented to Council on June 17, 2020. This will provide an overview of the septic-to-sewer conversion process and recommended first steps.
- Planning and Program Management, presented by Scott Shannon of Woodard & Curran. This will provide an overview of the program management services that this firm can provide.

Financial Impact:

To be determined

Attachments:

1. Utility Expansion Review
2. Planning and Program Management

ESTERO
VILLAGE HALL

Village of Estero Utility Expansion

THE VILLAGE OF ESTERO PUBLIC WORKS

VILLAGE COUNCIL PRESENTATION

JUNE 17, 2020



PREPARED BY

BANKS
ENGINEERING

Study Areas



Determining Sub-Areas

What existing infrastructure is in place?

Property Similarities?

Gravity Sewer Limitations?

Preliminary Design

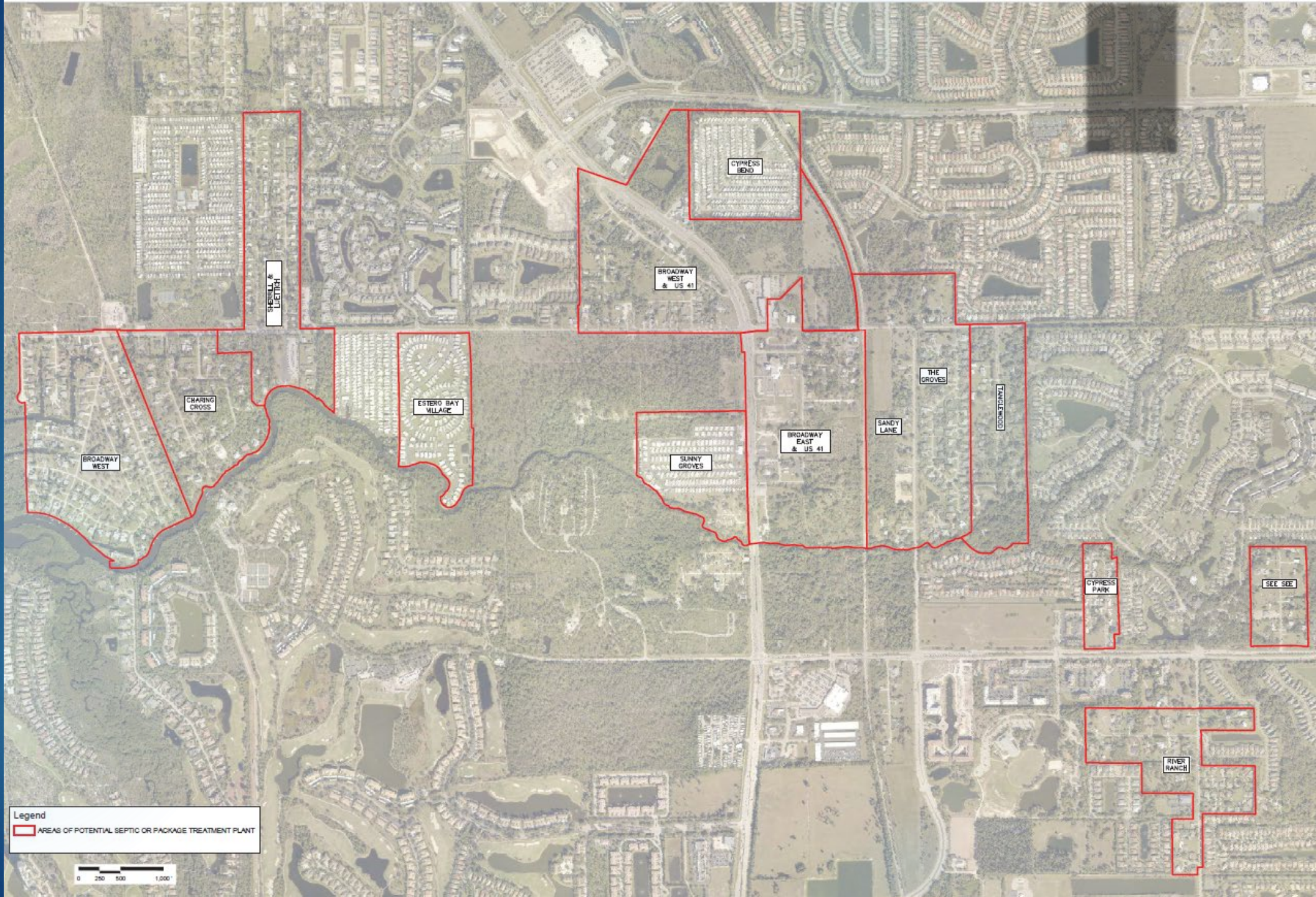
Basis of Design:

- Lee County Utility Design Requirements
- Connecting All Lots in Area
- Minimizing Pipe Lengths & Depths
 - Minimizing Costs

Future Refinement of Design:

- Construction Plans for each Area
 - More Detailed Design to Confirm Costs
- Assessed Value will be Different for Commercial Areas Based on Proposed Use.

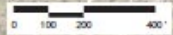
Study Sub-Areas



Study Sub-Areas



Legend
[Red Outline] AREAS OF POTENTIAL SEPTIC OR PACKAGE TREATMENT PLANT



Broadway West

- 90 AC
- 157 Lots
- Single Family
- No Sewer
- Has water along:
 - Broadway West
 - Armada Ct
 - Porthole Ct
- Cost
 - \$6.3M
 - Shared Pump Station with Charing Cross (80%)



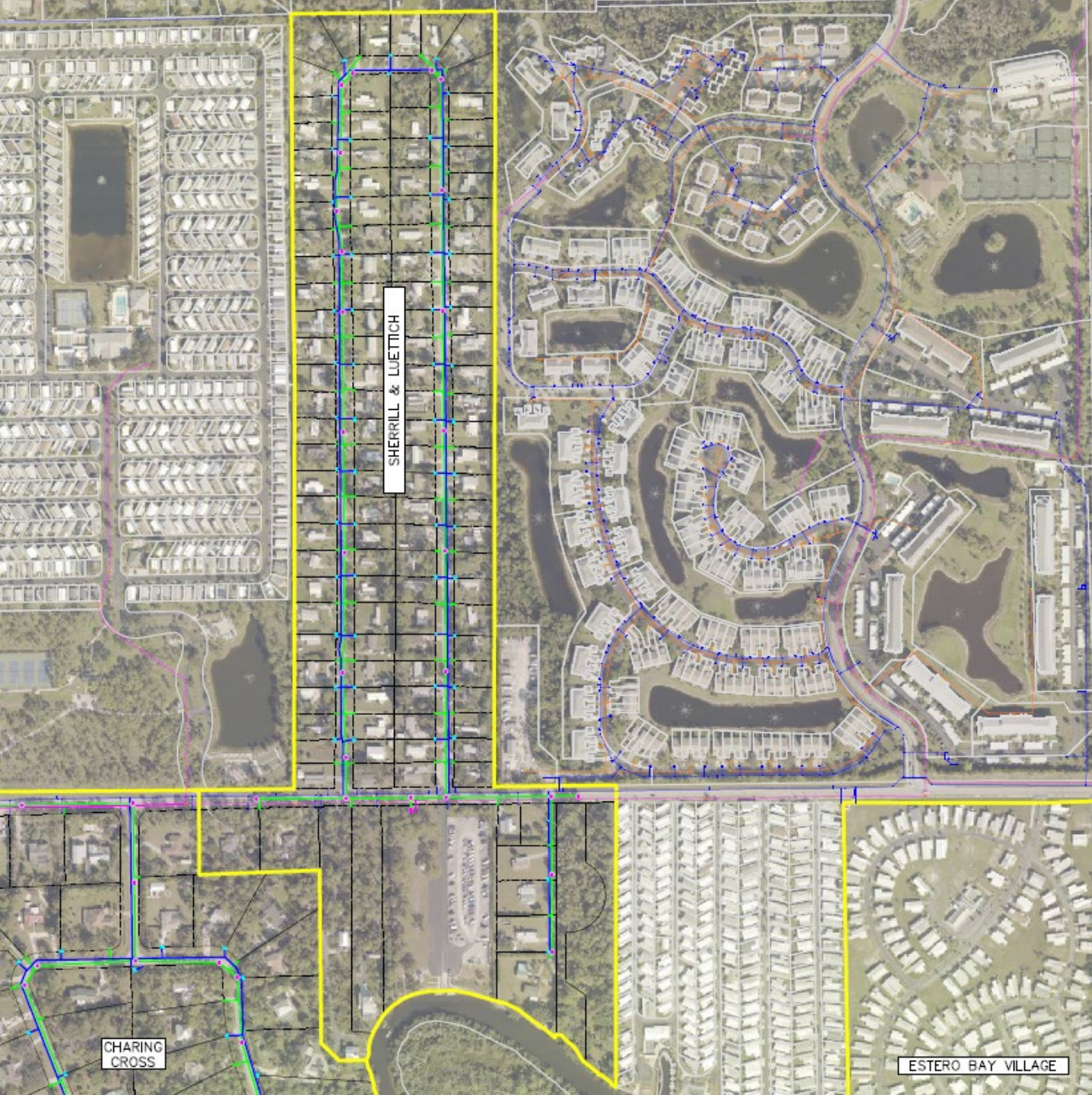


Charing Cross

- 55 AC
- 40 Lots
- Single Family
- No Sewer
- Has water along:
 - Broadway West
- Cost
 - \$2.4M
 - Shared Pump Station with Broadway West (20%)

Sherrill & Luetlich

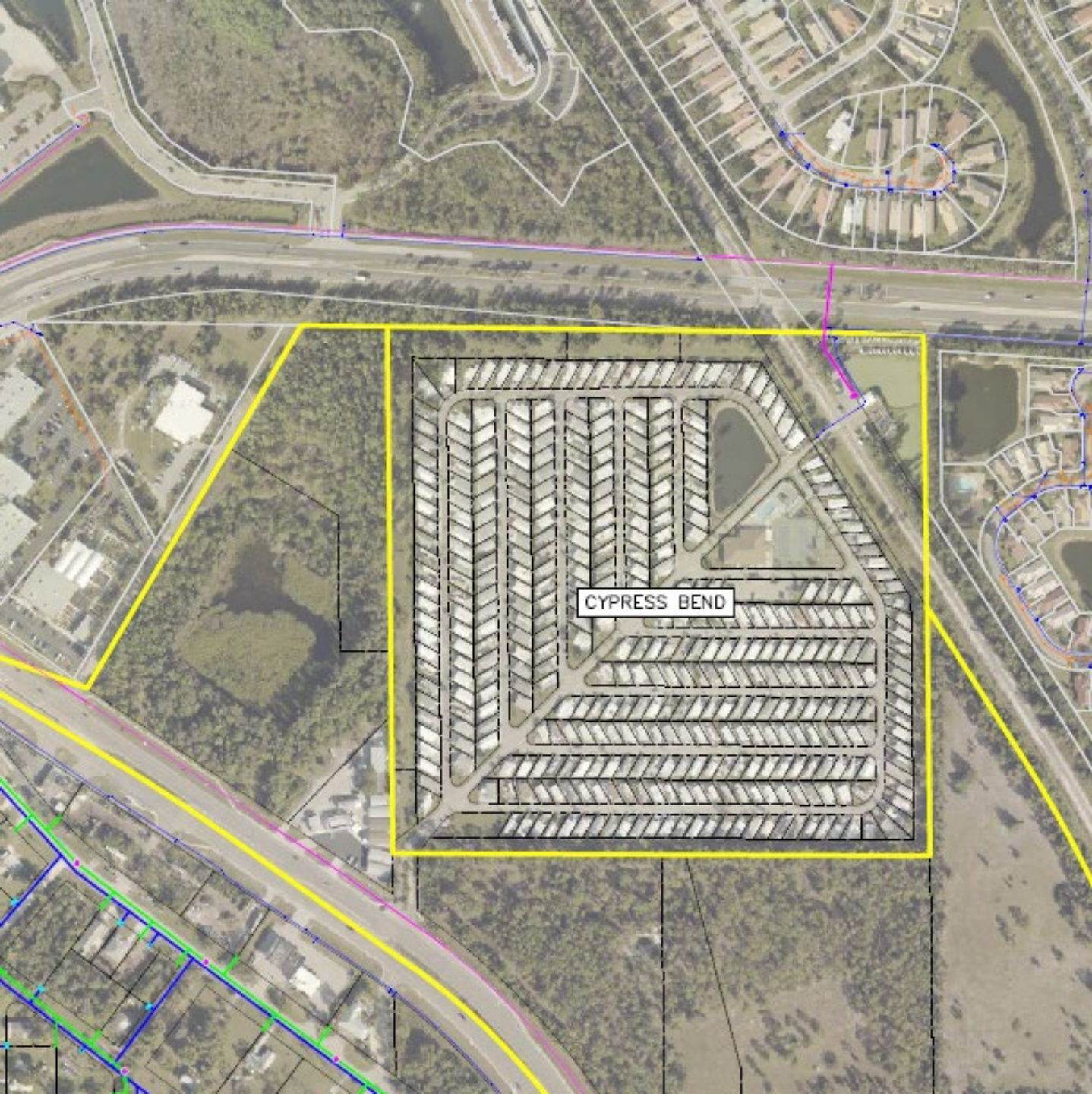
- 40 AC
- 125 Lots
- Single Family
- No Sewer
- Has water along:
 - Broadway West
- Cost
 - \$5.1M
- Special Consideration
 - Private roadway that currently does not meet standards for utility installation.



Estero Bay Village

- 35 AC
- 204 Lots
- Single Family
- Package Plant - No Sewer
- Has water
- Cost
 - \$600K





Cypress Bend

- 40 AC
- 411 Lots
- Single Family
- Package Plant - No Sewer
- Has water
- Cost
 - \$500K

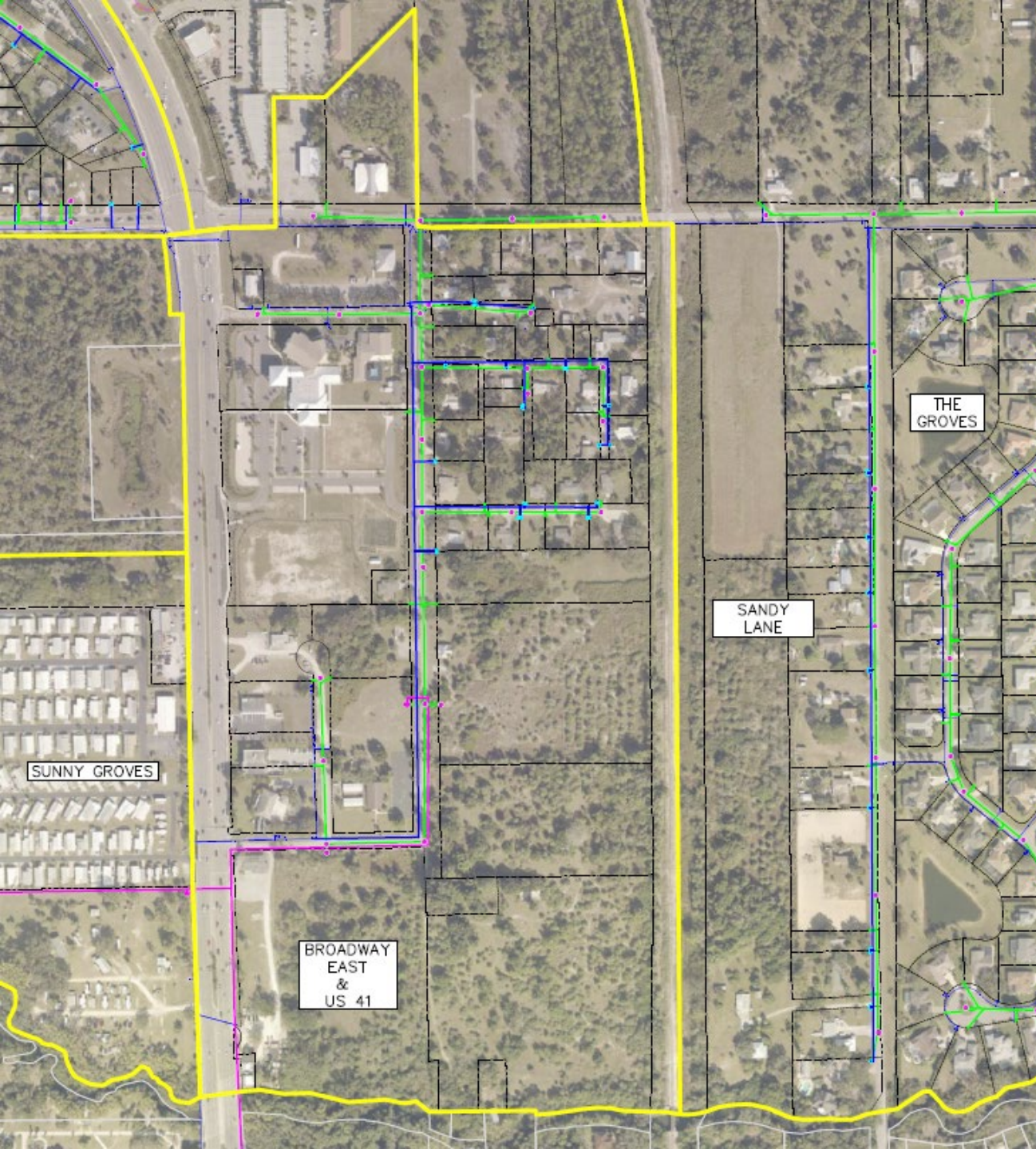
Sunny Groves

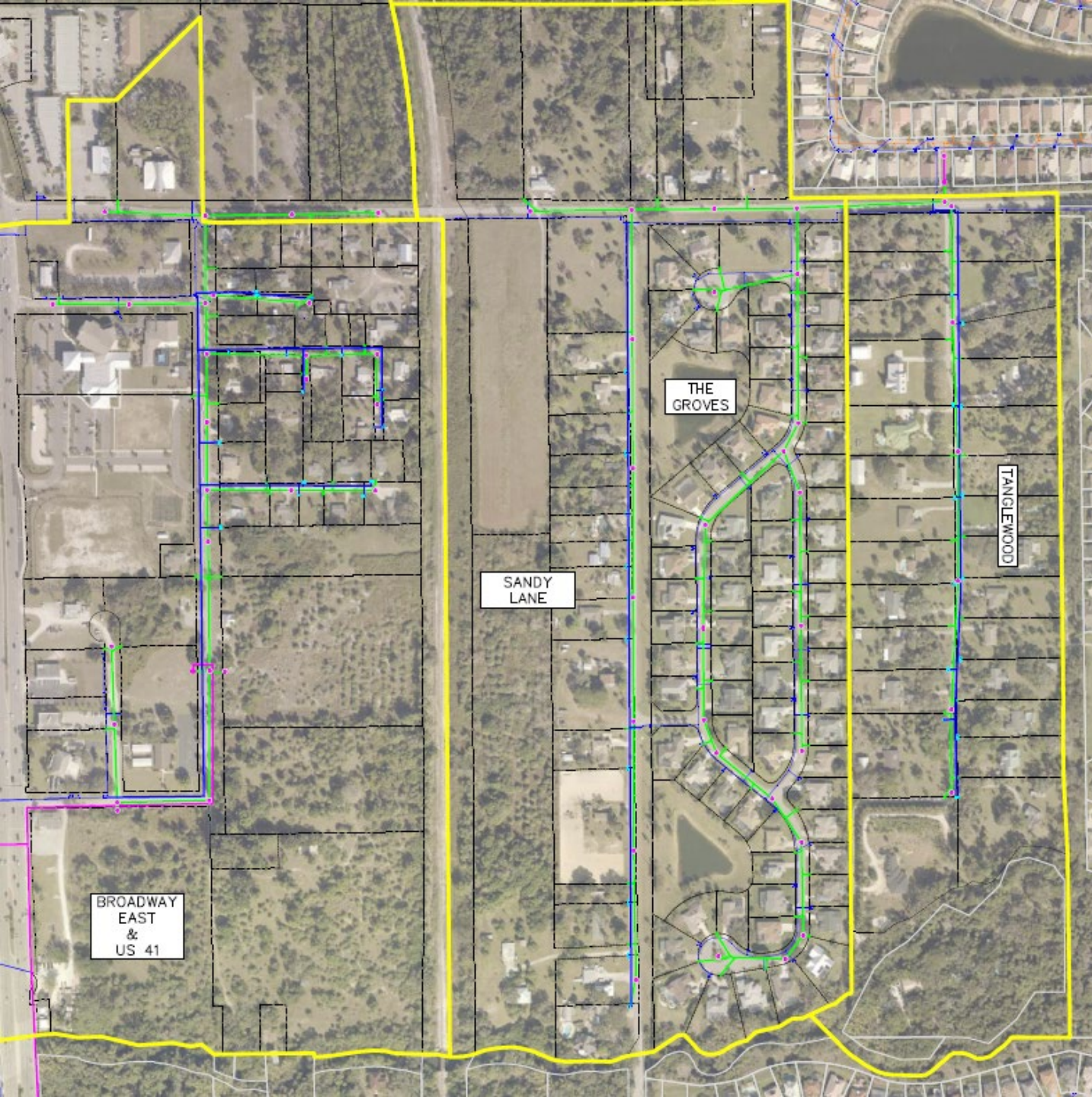
- 40 AC
- 205 Lots
- Single Family
- Package Plant - No Sewer
- Has water along:
 - US 41
- Cost
 - \$700K
 - Shared Pump Station with Broadway East & 41 (79%)



Broadway East & US 41

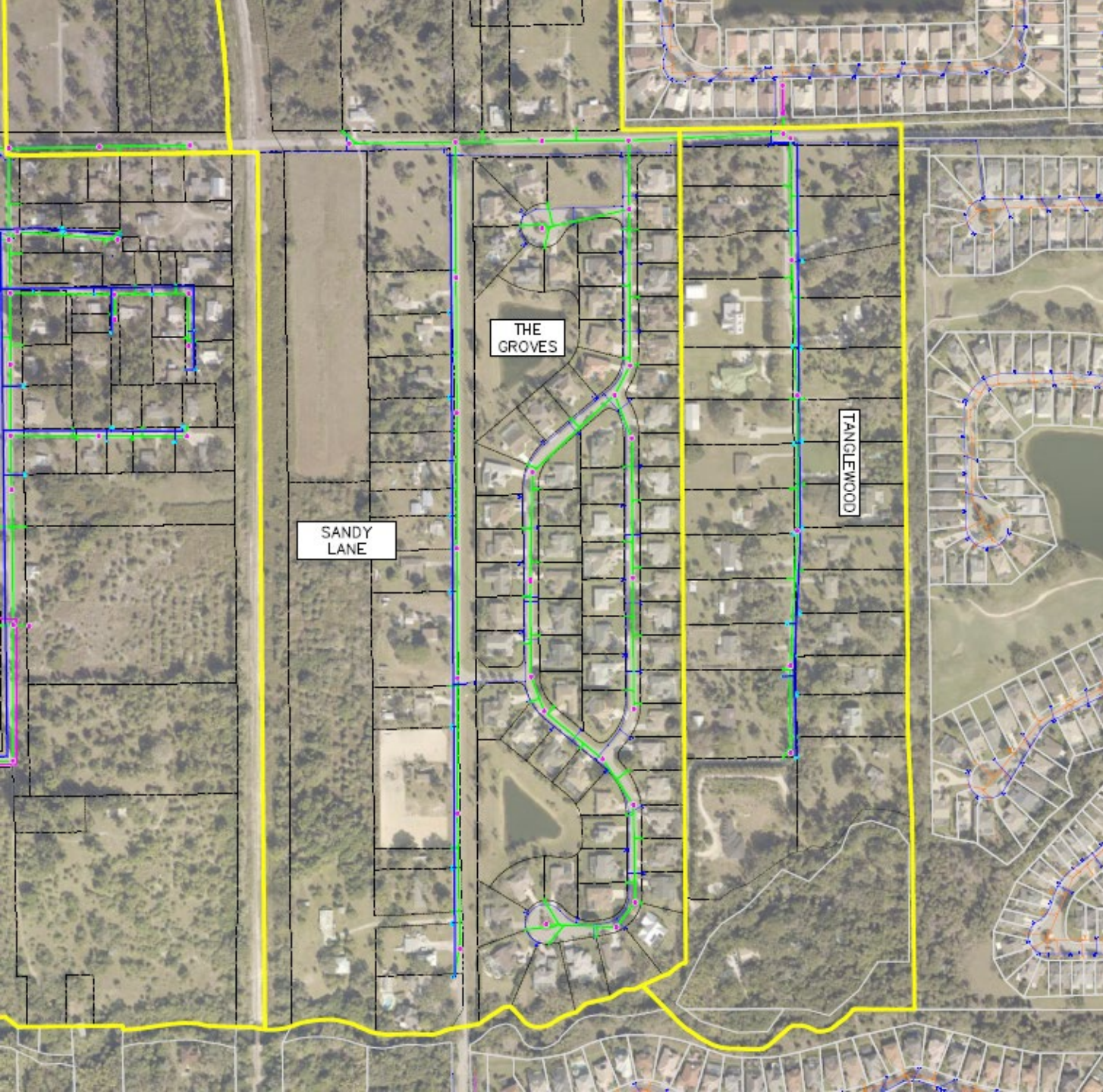
- 90 AC
- 54 Lots
- Single Family & Commercial
- No Sewer
- Has water along:
 - Broadway East
 - Lord's Way
- Cost
 - \$3.5M
 - Shared Pump Station Cost with Sunny Groves (21%)





Sandy Lane & The Groves

- 95 AC
- 113 Lots
- Single Family
- No Sewer
- Has water in The Groves and along:
 - Broadway East
- Cost
 - \$4.2M
 - Shared Pump Station with Tanglewood (78%)
- Special Consideration
 - The Groves area contains private roadways.



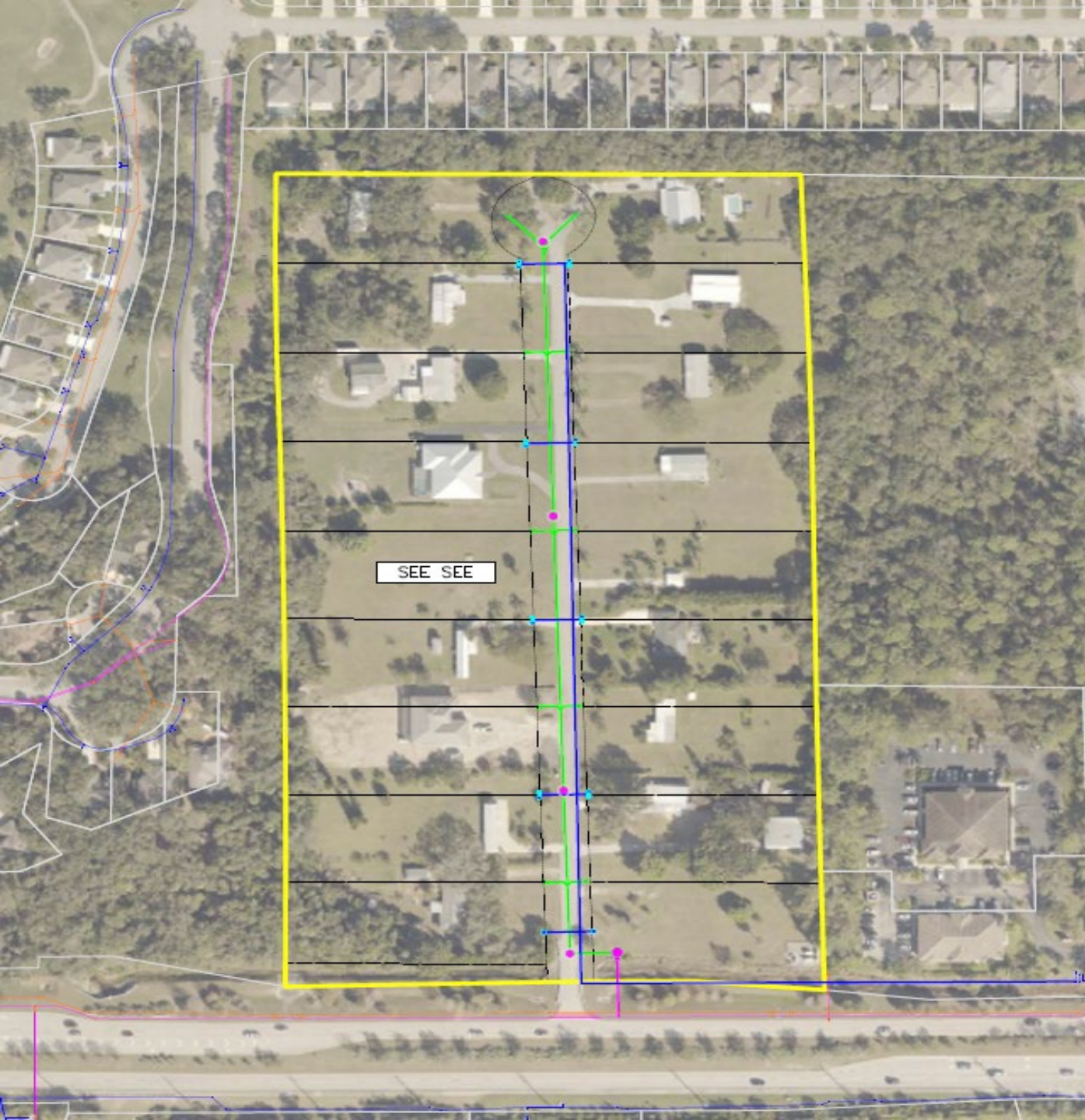
Tanglewood

- 45 AC
- 27 Lots
- Single Family
- No Sewer
- Has water along:
 - Broadway East
- Cost
 - \$1.2M
 - Shared Pump Station with Sandy Lanes and The Groves (22%)



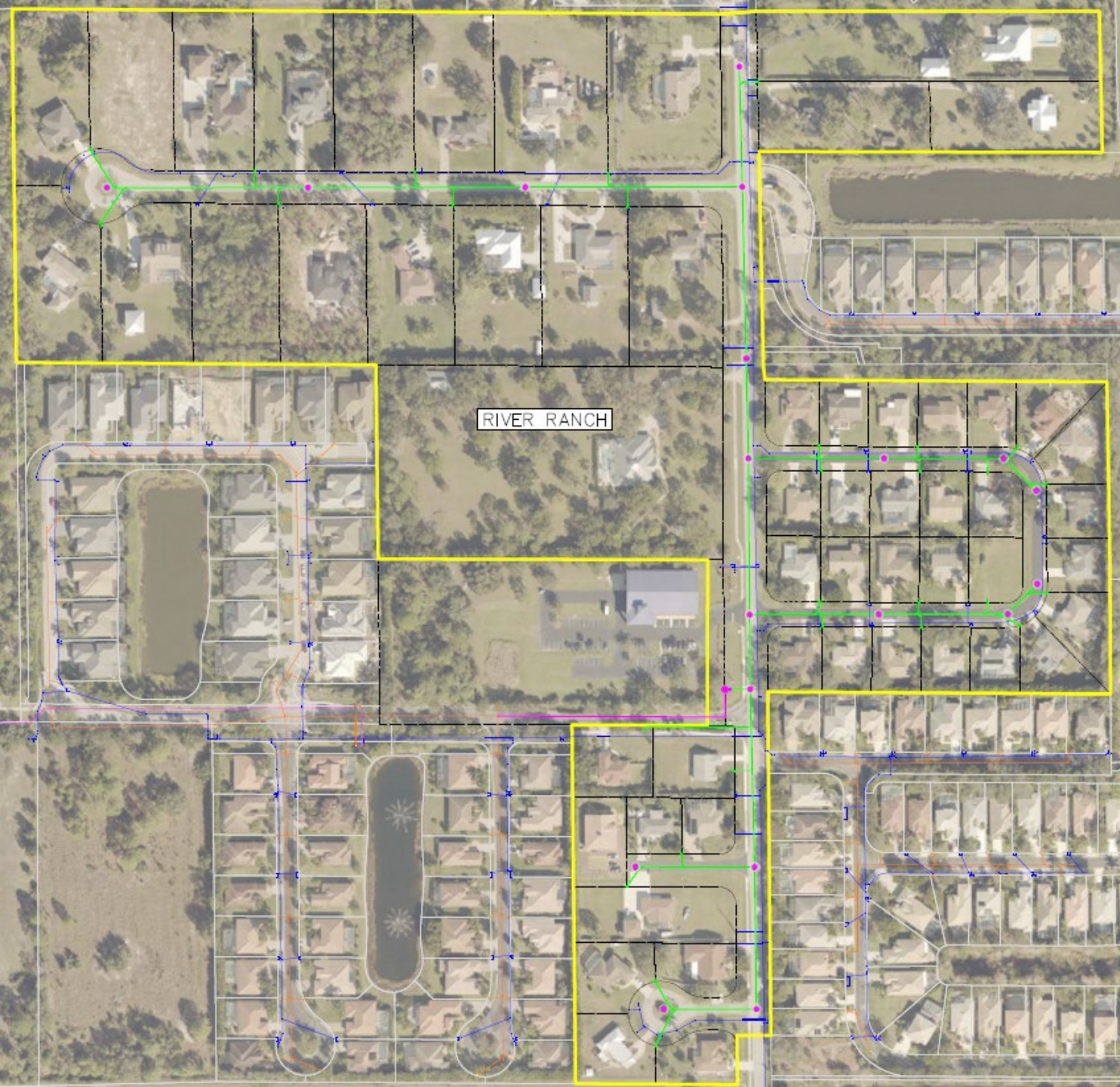
Cypress Park

- 12 AC
- 34 Lots
- Single Family & a Motel
- No Sewer
- No Water
- Cost
 - \$1.8M
- Special Consideration
 - The Cypress Park area contains private roadways.



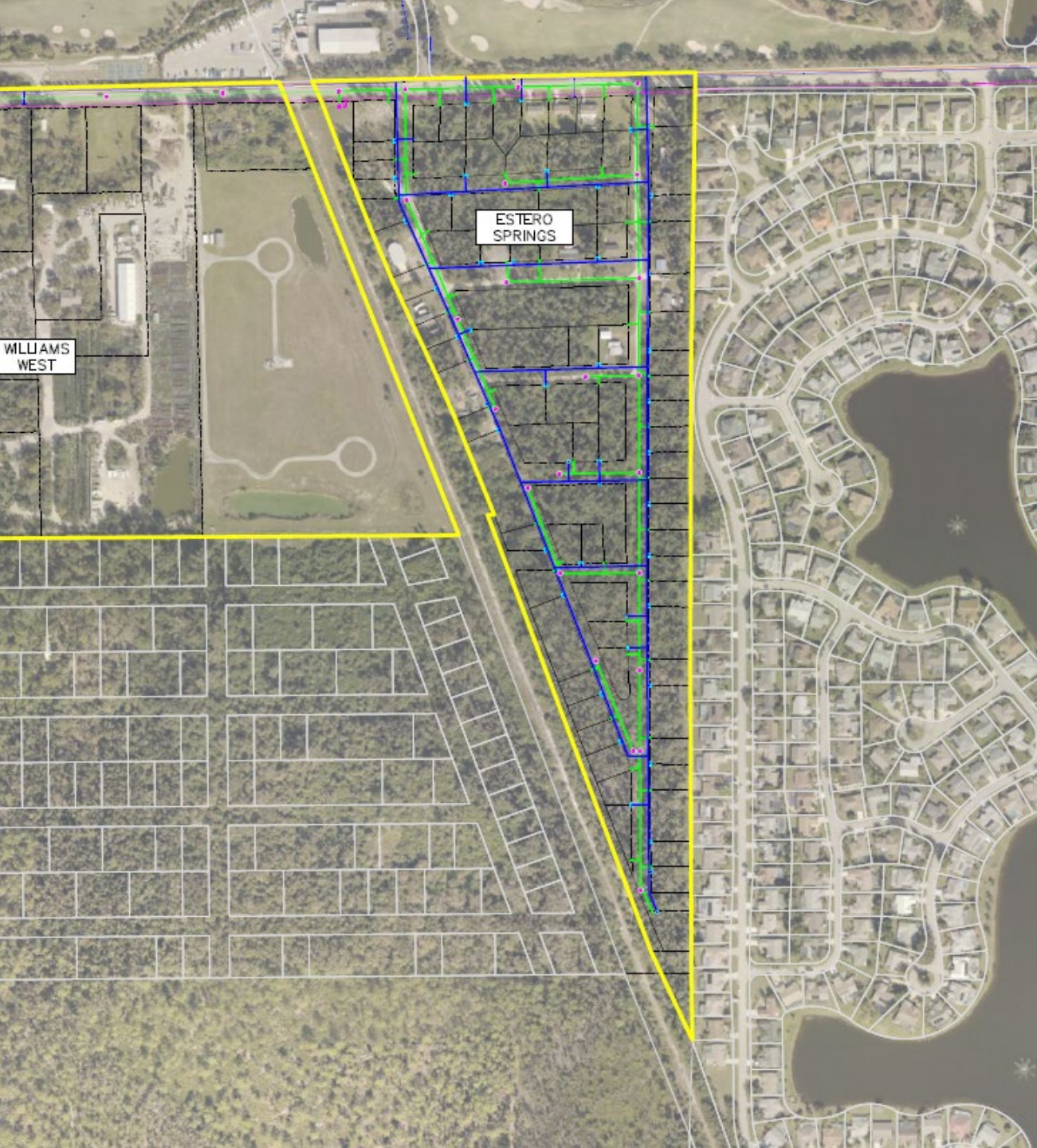
See See

- 20 AC
- 18 Lots
- Single Family
- No Sewer
- No Water
- Cost
 - \$1.1M



River Ranch

- 45 AC
- 56 Lots
- Single Family
- No Sewer
- Has Water
- Gravity Sewer Only
- Cost
 - \$2.4M
- Special Consideration
 - The River Ranch area contains private roadways.



Estero Springs

- 40 AC
- 88 Lots
- Single Family & Undeveloped
- No Sewer
- Located in BSU Franchise Area
- LCU has Existing Water and Sewer in Area
- Has water along:
 - Williams
- Cost
 - \$5.1M
 - Shared Pump Station with Williams West (80%)
- Special Consideration
 - The Estero Springs area will require roadway construction in private right of ways.



Williams West

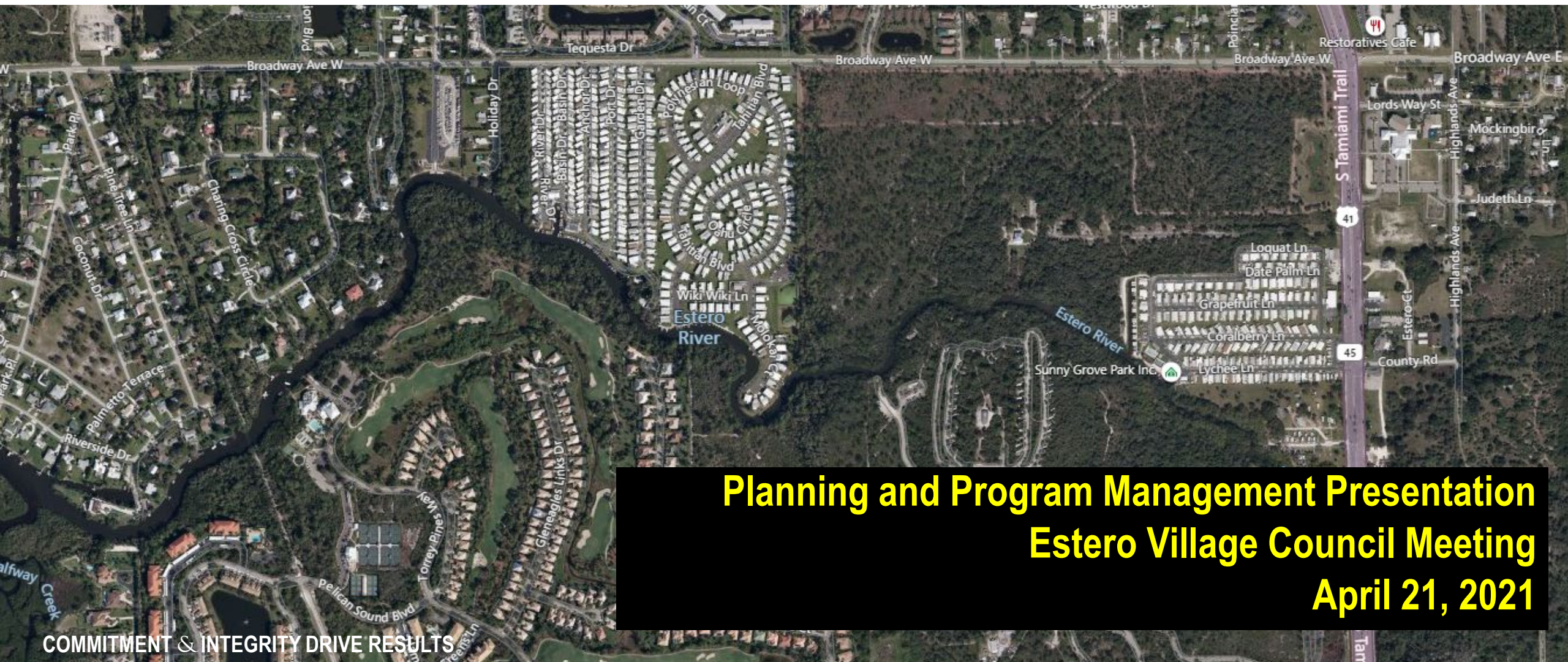
- 70 AC
- 22 Lots
- Single Family & Commercial
- No Sewer
- Located in BSU Franchise Area
- LCU has Existing Water and Sewer in Area
- Has water along:
 - Williams
 - Kings
- Cost
 - \$700K
 - Shared Pump Station with Estero Springs (20%)

Potential Areas to Investigate First

- Estero Bay Village
 - Proximity to the River
 - High Population Density
 - Anticipated Low Unit Cost
- Sunny Groves
 - Proximity to the River
 - High Population Density
 - Anticipated Low Unit Cost
- Cypress Bend
 - Community has Expressed Interest in Converting
 - High Population Density
 - Anticipated Low Unit Cost
- River Ranch Road
 - Current Road Improvements Under Design
 - Reduces Cost to Incorporate in Road Project
 - Eliminates Future Road Demolition



Village of Estero Septic-to-Sewer Program



**Planning and Program Management Presentation
Estero Village Council Meeting
April 21, 2021**

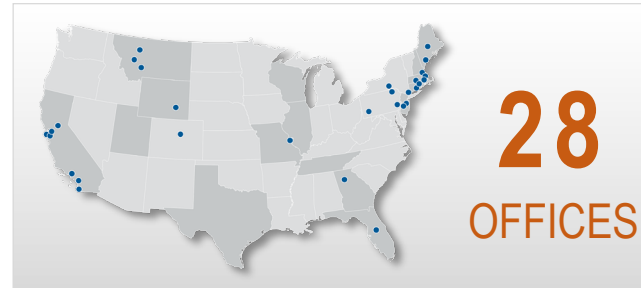




About Woodard & Curran



FOUNDED
1979



LOCATIONS

CORE MARKETS

Local Government	Life Sciences
Higher Education	Manufacturing

1100+
PEOPLE

33%
EMPLOYEE OWNERSHIP

Our Core Values

PEOPLE FIRST	INTEGRITY	AUTONOMY	STEWARDSHIP	COLLABORATION
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SIZE

COMMITMENT

OVER 80% of work is from repeat clients

Site Investigation & Remediation | Contract Operations
 Industrial Wastewater Treatment | Site Civil Engineering
 Compliance, Permitting & Sustainability | Design-Build
 SCADA | Water Services & Engineering
 Climate Adaptation & Hazard Resiliency
 Sanitary Wastewater Engineering
 Industrial Engineering

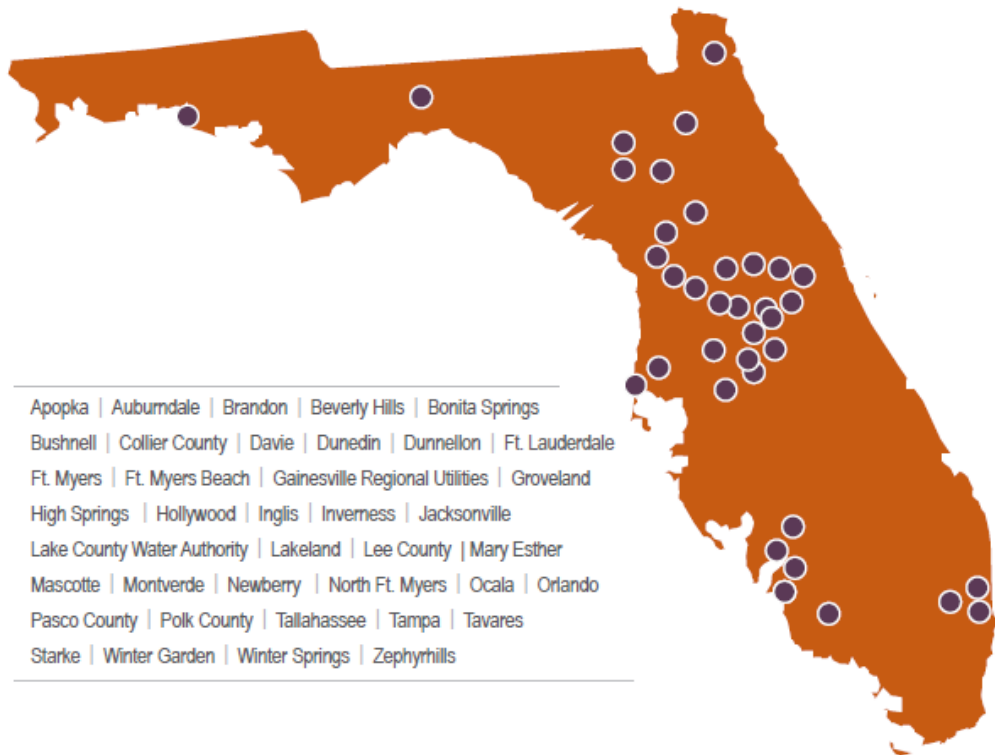
34% of staff has 20+ years experience

EXPERIENCE





Experience to Match Your Program Needs



Apopka | Auburndale | Brandon | Beverly Hills | Bonita Springs
 Bushnell | Collier County | Davie | Dunedin | Dunnellon | Ft. Lauderdale
 Ft. Myers | Ft. Myers Beach | Gainesville Regional Utilities | Groveland
 High Springs | Hollywood | Inglis | Inverness | Jacksonville
 Lake County Water Authority | Lakeland | Lee County | Mary Esther
 Mascotte | Montverde | Newberry | North Ft. Myers | Ocala | Orlando
 Pasco County | Polk County | Tallahassee | Tampa | Tavares
 Starke | Winter Garden | Winter Springs | Zephyrhills

Client	Project	Potable Water	Wastewater/Reclaim	Stormwater	General Engineering Services	SCADA Services	Operations Consulting	Grant Funding
Tavares, FL	On-Call Engineering and SCADA	◆	◆	◆	◆	◆	◆	◆
Groveland, FL	On-Call Engineering, SCADA, and Operations	◆	◆		◆		◆	◆
Mascotte, FL	On-Call Engineering Services	◆	◆		◆			◆
Montverde, FL	Water Treatment Plant Control Upgrades	◆			◆	◆	◆	
Starke, FL	Wastewater Treatment Plant and Collection System Upgrades		◆		◆			◆
Inglis, FL	Wastewater Treatment Plant Study		◆		◆			◆
Newberry, FL	Wastewater Engineering and Operational Assessments		◆		◆		◆	
Pasco County, FL	Duck Slough Stormwater Automation			◆	◆	◆		
Polk County, FL	SCADA Maintenance and Repairs	◆	◆			◆		
Orlando/Orange County, FL	Water Conserv II		◆			◆	◆	





Program Management: Contract Objectives

Engage the community

Guide selection and prioritization process

Manage grant application process

Manage the engineering process

Manage assessment implementation

Develop scope for construction bids





Anticipated Schedule

	2021			2022				2023				2024	
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Approve Program Plan and Select Initial Communities	■												
Procure Design Engineer and Award Contract		■											
Prepare Engineering Design			■										
Procure Construction Contractor and Award Contract							■						
Construct Improvements in Selected Communities								■					
Implement Special Assessment for Affected Parcels		■				■	■						
Identify and Secure Grant Funding and Project Financing	■												
Conduct Public Outreach	■												





Key Program Milestones

Village approval of the Program Plan, and selection of initial communities	June 30, 2021
Issue RFQ for Design Engineer	July 1, 2021
Award Design Contract and Issue Notice to Proceed	September 1, 2021
Develop boundary definition and approve resolution for Special Assessment	December 31, 2021
Complete Engineering Design for selected communities	May 31, 2022
Issue Request for Bids from Construction Contractors	4th Quarter 2022
Award Construction Contract and Issue Notice to Proceed	1st Quarter 2023
Complete Construction	2nd Quarter 2024





Program Management Scope – Woodard & Curran

Engage the community

- Guide public discussion to determine best options, sequencing, and implementation
- Keep the community engaged and apprised throughout the project

Guide selection and prioritization process

- Finalize selection of initial communities based on public input, technical & financial requirements
- Establish and manage program schedule

Manage assessment implementation

- Coordinate with Village to develop boundary definition and approve resolution
- Coordinate with Property Appraiser and Tax Collector to implement assessment





Program Management Scope – Woodard & Curran

Manage grant application process

- Complete affordability study for the selected communities
- Identify applicable State/Federal Grants and complete grant proposals for selected programs
 - Direct Federal Stimulus Allocation – to be disbursed
 - Federal Earmarks – Village has provided requests to Representative Donalds
 - **U.S. Economic Development Administration – accepted on rolling basis**
 - **Clean Water State Revolving Fund (FDEP) – accepted quarterly (Feb, May, Aug, Nov)**
 - **Florida Department of Economic Opportunity (FDEO) – accepted on rolling basis**
 - State Legislative Appropriations – accepted first quarter of calendar year
- Conduct community specific household income surveys to determine MHI metric
 - Programs **in bold above** use MHI in evaluating and prioritizing grant awards



Program Management Scope – Woodard & Curran

Manage the engineering process

- Assist Village with Engineer procurement
- Oversee design process

Develop scope for construction bids

- Identify scope of Construction Contractor based on outcome of design process.





Program Management Costs (Initial Phase)

Engage the community	\$24,000
Guide selection and prioritization process	\$53,000
Manage assessment implementation	\$31,000
Manage grant application process	\$51,000
Manage the engineering process	\$24,000
Develop scope for construction bids	\$51,000
TOTAL	\$159,000

