AGENDA

VILLAGE COUNCIL MEETING

9401 Corkscrew Palms Circle, Estero, Florida
February 5, 2020 9:30 a.m.

Village Council: District 1 – Bill Ribble, Mayor; District 2 – Howard Levitan; District 3 – Jon McLain; District 4 – Katy Errington, Vice Mayor; District 5 – James Boesch; District 6 – Nick Batos; District 7 – Jim Wilson

1. CALL TO ORDER

INVOCATION: Pastor Kevin Morris – Hope United Methodist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. CONSENT AGENDA:

(a) January 22, 2020 Council Meeting Minutes

(b) January 29, 2020 Council Meeting Minutes

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEMS:

(a) Amendment Two to Contract No. EC 2017-28 (Agnoli, Barber & Brundage, Inc. Estero Parkway Contract)

   Recommended Action: Motion to: (1) Approve of Amendment Two to Contract EC 2017-28 increasing the total contract by $96,900 from $792,724 to a Not to Exceed amount $853,624. (2) Authorize the Village Manager to execute the amendment and any other ancillary documents on behalf of the Council.

   Financial Impact: The Village of Estero has previously executed contracts with Agnoli, Barber & Brundage, Inc. for Estero Parkway design and permitting services in the amount $792,724.
(b) CN-2018-02 Miscellaneous Professional Services (Construction Engineering and Inspection Services for Estero Parkway Roadway and Landscape Improvements)

**Recommended Action:** Motion to: (1) Approve Change Order One to Contract No. EC 2018-50-STA3 for CEI services for Estero Parkway Roadway and Landscape Improvement Project. (2) Authorize the Village Manager to execute the amendment and any other ancillary documents on behalf of the Council.

**Financial Impact:** The proposed change order will increase the existing contract by $66,706.50 to $264,124.

(c) Consider a Lien Mitigation Request from Wayne and Maxine Schneider Relating to Their Property at 20031 Seagrove Street #1408, Located in the Sabal Palms III Community of Grandezza, Building 14, Unit 1408

**Recommended Action:** Move to approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of $2,000.00 and $201.20 for administrative costs as recommended by the Village Attorney.

**Financial Impact:** The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

8. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

9. VILLAGE ATTORNEY’S REPORT

10. VILLAGE MANAGER’S REPORT

Adjourn Regular Session and Convene Workshop Item

11. WORKSHOP ITEMS:

   (a) Williams Road West of US41 Update

   (b) Budget and Capital Improvement Program (CIP) Introduction

12. ADJOURNMENT
1. CALL TO ORDER: 9:30 a.m.

INVOCATION: Pastor John Roth from Thrive Community Church.

PLEDGE OF ALLEGIANCE: Led by Councilmember Boesch.

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

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

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Motion: Move to approve the agenda as revised, pulling Agenda Item 13 (c) Budget and Capital Improvement Program (CIP) Presentation.

Motion by: Vice Mayor Errington
Seconded by: Councilmember Levitan

Action: Approved the agenda as revised, pulling Agenda Item 13 (c) Budget and Capital Improvement Program (CIP) Presentation.

Vote: (Roll call vote)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble
Nay: Abstentions: Councilmember Wilson absent
3. RECOGNITIONS:
   (a) Award of Financial Reporting Achievement from The Government Finance Officers Association

   Presented to Village Finance Director Roberson by Mayor Ribble.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS:


   Council Questions or Comments: Mayor Ribble.

5. CONSENT AGENDA:
   (a) January 8, 2020 Council Meeting Minutes

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

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA:

7. ACTION ITEMS:
   (a) Disaster Recovery Services RFB 2020-02

   Staff Presentation/Comments: Village Manager Sarkozy.

   Council Questions or Comments: Councilmember Batos.

   Public Comment: None.

   Motion: Move to: 1) Approve award of Request for Bids No. RFB 2020-02, Disaster Recovery Services for the Village of Estero to CrowderGulf Joint Venture, Inc. to provide on-call disaster recovery services as provided in the contract for a one-year period, at the rates listed in the contract (including all Options). 2) Authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council. 3) Grant the Village Manager the authority to renegotiate and execute the renewal of this contract for three (3) additional one (1) year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

   Motion by: Vice Mayor Errington
   Seconded by: Councilmember Boesch

   Action: 1) Approved award of Request for Bids No. RFB 2020-02, Disaster Recovery Services for the Village of Estero to CrowderGulf Joint Venture, Inc. to provide on-call disaster recovery services as provided in the
contract for a one-year period, at the rates listed in the contract (including all Options). 2) Authorized the Village Manager to execute the contract documents on behalf of the Village of Estero Council. 3) Granted the Village Manager the authority to renegotiate and execute the renewal of this contract for three (3) additional one (1) year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

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

(b) Disaster Debris Monitoring RFB 2020-01

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

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

**Public Comment:** None.

**Motion:** Move to: 1) Approve award of Request for Bids No. RFB 2020-01, Disaster Debris Monitoring for the Village of Estero to Rostan Solutions, LLC to provide on-call disaster debris monitoring services as provided in the contract for a one-year period, at the rates listed in the contract. 2) Authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council. 3) Grant the Village Manager the authority to renegotiate and execute the renewal of this contract for three (3) additional one (1) year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Motion by:** Councilmember  
**Seconded by:** Councilmember

**Action:** 1) Approved award of Request for Bids No. RFB 2020-01, Disaster Debris Monitoring for the Village of Estero to Rostan Solutions, LLC to provide on-call disaster debris monitoring services as provided in the contract for a one-year period, at the rates listed in the contract. 2) Authorized the Village Manager to execute the contract documents on behalf of the Village of Estero Council. 3) Granted the Village Manager the authority to renegotiate and execute the renewal of this contract for three (3) additional one (1) year terms under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Vote:** (Roll call vote)  
**Aye:** Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble  
**Nay:**  
**Abstentions:** Councilmember Wilson absent
8. **ORDINANCE SECOND READINGS/PUBLIC HEARINGS:**

(a) Ordinance No. 2020-01 An Ordinance of the Village Council of the Village of Estero, Florida, Providing for the Prohibition of Micromobility Devices and Motorized Scooters; Providing for Purpose; Providing for Penalty; Providing for Conflict; Providing for Severability; Providing for Codification; and Providing an Effective Date

**Staff Presentation/Comments:** Village Attorney Saunders spoke to revisions suggested by Councilmembers; Village Clerk Hall read the title of the ordinance.

**Public Comment:**
Benjamin Bachrach, Pelican Sound
Clark MacKenzie, 20679 Highlands

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

**Motion:** Move to adopt Ordinance No. 2020-01 as revised: Line 19 – “…includes motorized scooters and motorized bicycles as defined in the chapter”; and”; Line 58 – “…This term includes motorized scooters and motorized bicycles”; Page 2, section (c) delete “or other portion of a roadway set aside for the exclusive use of bicycles, or bicycles and pedestrians.”

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

**Action:** Adopted Ordinance No. 2020-01 as revised: Line 19 – “…includes motorized scooters and motorized bicycles as defined in the chapter”; and”; Line 58 – “…This term includes motorized scooters and motorized bicycles”; Page 2, section (c) delete “or other portion of a roadway set aside for the exclusive use of bicycles, or bicycles and pedestrians.”

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

(b) Ordinance No. 2019-30 An Ordinance of the Village Council of the Village of Estero, Florida, Annexing Property Located at 4528, 4406 and 4410 Coconut Road, Lee County, Florida, into the Corporate Limits of the Village in Accordance with the Annexation Provisions of Chapter 171, Part II, Florida Statutes; Redefining the Boundary Lines of Said Village in Conformance Therewith; Amending the Official Boundary Map of the Village of Estero, Florida, Providing that Existing Future Land Use and Zoning Designations Remain Until Changed by the Village Ordinance; Providing for Conflicts; Providing for Severability; and Providing an Effective Date
Staff Presentation/Comments: Community Development Director Gibbs; Village Clerk Hall read the title of the ordinance.

Council Questions or Comments: Councilmembers Levitan, McLain and Mayor Ribble.

Public Comment:
Greg Wardeberg, Vice President, Headwaters Development

Motion: Move to adopt Ordinance No. 2020-01 for voluntary annexation of 10 acre property at 4528, 4406 and 4410 Coconut.

Motion by: Councilmember Batos
Seconded by: Councilmember Boesch

Action: Adopted Ordinance No. 2020-01 Ordinance No. 2019-30 for voluntary annexation of 10 acre property at 4528, 4406 and 4410 Coconut.

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

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

Mike Smith, Bella Terra, storm debris storage
Elizabeth Stikeman, Pelican Landing, inquired regarding the Bicycle and Pedestrian Master Plan.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

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

11. VILLAGE ATTORNEY’S REPORT: None.

12. VILLAGE MANAGER’S REPORT:

Village Manager Sarkozy noted that Lee County Sheriff’s Office was moving a substation to Estero in order to be more centrally located. A grand opening has been scheduled for January 29, 2020.

Adjourn Regular Session and Convene Workshop Item

The meeting went into recess at 10:30 a.m. and reconvened at 11:00 a.m.
13. WORKSHOP ITEMS:

(a) Planning and Zoning Board Annual Report

Community Development Director Gibbs and Scotty Wood, Planning and Zoning Board Chairman.

(b) Coconut Road Roadway Improvement Update

Staff Presentation/Comments: Village Manager Sarkozy; Public Works Director Willems.

Council Questions or Comments: Councilmembers Levitan, McLain, Batos, and Mayor Ribble.

Public Comment:
Lou Frattarelli, Preserve at Corkscrew, ECCL Transportation Council
Gordon Brown, Pelican Sound
Elizabeth Stikeman, Pelican Landing, representing Bonita Estero Safe Travelways (BEST)
Richard Piester, Coconut Shores

There was Council consensus to move the project forward. Staff will prepare a budget amendment and work to identify a qualified consultant.

(c) Budget and Capital Improvement Program (CIP) Presentation

This workshop was pulled from the agenda.

A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 11:38 a.m.

ATTEST: VILLAGE OF ESTERO, FLORIDA

By: ___________________________ By: __________________________
Kathy Hall, MMC, Village Clerk Bill Ribble, Mayor
1. CALL TO ORDER: 9:30 a.m.

INVOCATION: Pastor Mark Goodman from Christ Community Ministries.

PLEDGE OF ALLEGIANCE: Led by Councilmember Levitan.

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

Also present: Village Manager Steve Sarkozy, Village Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Public Works Director David Willems, and Village Clerk Kathy Hall.

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

3. ORDINANCE SECOND READING AND PUBLIC HEARING FOR ESTERO CROSSING:

Ordinance No. 2019-29 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions a Rezoning from Commercial Planned Development to Mixed Use Planned Development to Allow a Multiple Family and Commercial Development on Property Located 1,000 feet West of Interstate 75 and South of Corkscrew Road Consisting of Approximately 43 Acres; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Ribble explained the quasi-judicial process. Staff and audience members intending to provide testimony were sworn-in by Village Clerk Hall.
Disclosure of Ex Parte Communications: Councilmembers Levitan, McLain, Boesch, Batos, Vice Mayor Errington and Mayor Ribble. Conflicts of Interest: None noted.

**Staff Presentation/Comments:** Village Clerk Hall read the ordinance title and swore in all audience members and staff providing testimony; Community Development Director Gibbs spoke regarding the project history and revisions to the proposal.

**Presentations by:**
- Dan Delisi, Land Use Planner, Delisi, Inc.
- Brian Stock, CEO, Stock Development
- Keith Gelder, Vice President, Stock Development
- John Wojdak, Delisi Fitzgerald, Inc.
- Hunter Booth, RLA, Booth Design
- Trent Ebersol, Engineer, McMahon Associates
- Neale Montgomery, Land Use Attorney

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

The meeting went into recess at 11:02 a.m. and reconvened at 11:17 a.m.

**Public Comment:**
- William Savage, Island Club
- Jane Niehaus, Corkscrew Woodlands
- Darcie Finan-Morgan, Corkscrew Woodlands
- Sherry Sutton, Corkscrew Woodlands
- Jeff Ramsbottom, Villa Palmeras
- Jeff Collins, Corkscrew Woodlands
- Judy McGinnis, Corkscrew Woodlands
- Sue Guilford, Corkscrew Woodlands
- Paula Harris, Corkscrew Woodlands
- Joan Horan, Corkscrew Woodlands
- Bobbi Nelson, Island Club
- Beverly Pepper, Island Club
- Katrina Pace, Corkscrew Woodlands
- Rosemary Christensen, Corkscrew Woodlands
- John Matthews, Corkscrew Woodlands
- Denise Gunckle, Corkscrew Woodlands
- David Moore, Corkscrew Woodlands
- George Olmstead, Island Club
- John McDonald, Corkscrew Woodlands
- Chris Kiefer, Island Club
- Lee Kaldor, Island Club
- Jim Johnson, Island Club

**Council Questions or Comments:** Councilmember Boesch and Vice Mayor Errington.
Rebuttal:
Dan Delisi, Land Use Planner, Delisi, Inc.

Council Questions or Comments: Councilmembers Levitan, Batos, and Mayor Ribble.

Motion: Move to approve Ordinance No. 2019-29 with revisions: (1) Condition 8 – add the following language: “Staff will review and approve, at the time of Development Order, a plan for management of construction traffic including but not limited to posting of signs and other methods of communication.” (2) Condition 19, subparagraph b., second sentence to read: “Main walkways will be raised and constructed of paver bricks or similar materials.” (3) Add a new condition: “33. Public Access Easement. Consistent with the Village Comprehensive Plan, placemaking elements including the pedestrian plaza roads and reverse frontage road, public park, promenade and public open space, and sidewalks shall be accessible to the public through dedication of a public access easement in favor of the Village of Estero and acceptable to the Village Attorney.” (4) Deviation 12 new wording – “Deviation 12 (Connection separation for the mixed use parcel) Deviation from LDC Section 10-285(a) [Table 1] which requires a minimum roadway connection for separation distance of 60’ for access roads or accessways to allow a minimum separation of 48’ for the mixed use parcel access from the internal accessway serving the multi-family portion of the project.”

Motion by: Councilmember Levitan
Seconded by: Councilmember Boesch

Action: Approved Ordinance No. 2019-29 with revisions: (1) Condition 8 – add the following language: “Staff will review and approve, at the time of Development Order, a plan for management of construction traffic including but not limited to posting of signs and other methods of communication.” (2) Condition 19, subparagraph b., second sentence to read: “Main walkways will be raised and constructed of paver bricks or similar materials.” (3) Add a new condition: “33. Public Access Easement. Consistent with the Village Comprehensive Plan, placemaking elements including the pedestrian plaza roads and reverse frontage road, public park, promenade and public open space, and sidewalks shall be accessible to the public through dedication of a public access easement in favor of the Village of Estero and acceptable to the Village Attorney.” (4) Deviation 12 new wording – “Deviation 12 (Connection separation for the mixed use parcel) Deviation from LDC Section 10-285(a) [Table 1] which requires a minimum roadway connection for separation distance of 60’ for access roads or accessways to allow a minimum separation of 48’ for the mixed use parcel access from the internal accessway serving the multi-family portion of the project.”

Vote: (Roll call vote)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Vice Mayor Errington, and Mayor Ribble
Nay:
Abstentions: Councilmember Wilson absent
A motion to adjourn was made and duly passed.

4. **ADJOURNMENT:** 12:45 p.m.

ATTEST: VILLAGE OF ESTERO, FLORIDA

By: ___________________________ By: __________________________
Kathy Hall, MMC, Village Clerk By: __________________________
Bill Ribble, Mayor
Agenda Item:

Amendment Two to Contract No. EC 2017-28 (Agnoli, Barber & Brundage, Inc. Estero Parkway Contract)

Description:

With the final approval of the construction contract, the project team was able to work with the contractor to finalize the project schedule. The completion of the project schedule has allowed Village Staff and the project engineer to finalize their contract to provide construction services.

During construction of the Estero Parkway project, the Agnoli, Barber & Brundage (ABB) project team will provide construction administration services as the project’s engineer of record and project landscape architect.

Services will include:

- Respond to contractor questions
- Review/approve shop drawings
- Landscape installation oversight
- Project final walkthrough
- Maintenance period observations

Action Requested:

Approval of Amendment Two to Contract EC 2017-28 increasing the total contract by $96,900 from $792,724 to a Not to Exceed amount $853,624.

Authorize the Village Manager to execute the amendment and any other ancillary documents on behalf of the Council.

Financial Impact:

The Village of Estero has previously executed contracts with ABB for Estero Parkway design and permitting services in the amount $792,724.

This contract amendment will increase the total contract amount by $96,900, increasing the total contract amount to $853,624.
**Attachments:**

1. Amendment Two to Contract No. EC 2017-28
2. ABB Proposal Letter
ATTACHMENT 1

AMENDMENT TWO TO CONTRACT NO. EC 2017-28

THIS AMENDMENT, is made to Contract No. EC 2017-28 and is effective this ___ day of __________ 2020 by and between the Village of Estero, a municipal corporation of the State of Florida, whose address is 9401 Corkscrew Palms Circle #101, Estero, Florida 33928, hereinafter referred to as the “Village,” and Agnoli, Barber & Brundage, Inc. whose address is 7400 Trail Boulevard, Suite 200, Naples, FL 34108.

WITNESSETH

The Total Not To Exceed Payment under this Contract is increased to $853,624. This accommodates the Construction and Civil Administration Services ($96,900) required to complete the project. This amount is in addition to the $174,430 which has been expended for Phase 1 of the project under this contract which was approved by Council on November 15, 2017; and expenditures for Phase 1A ($44,619.00) and Phases 2 and 3 ($537,675.00) which were approved by Council on June 20, 2018.

IN WITNESS WHEREOF, the parties hereto have caused the execution of these premises as of the date and year first above written.

Agnoli, Barber & Brundage, Inc.

WITNESSES:

Signed By: __________________________
Print Name: Denise Rakich
Date: 1/8/2020

Signed By: __________________________
Print Name: Andrea Anderson
Date: 1/8/2020

VILLAGE OF ESTERO

By: __________________________
Steve Sarkozy, Village Manager
Date: __________________________

ATTEST:

By: __________________________
Kathy Hall, MMC, Village Clerk

Approved as to form
And legal sufficiency

By: __________________________
Burt Saunders, Village Attorney
January 8, 2020

David Willems, P.E.,
Public Works Director
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Re: Estero Parkway Roadway/Landscape Design
Phase 2A – Preliminary Design & Alternatives Analysis Continued
ABB PN 17-0098

Dear Mr. Willems:

At your request, Agnoli, Barber & Brundage, Inc. is pleased to submit this proposal to render professional services for design and permitting on the above-referenced project.

Agnoli, Barber & Brundage, Inc., hereinafter referred to as ABB, proposes to provide the Village of Estero professional services outlined in Exhibit A as attached.

We hope that this proposal satisfactorily responds to your request.

Sincerely,

AGNOLI, BARBER & BRUNDAGE, INC.

Edward F. Tryka III, P.E.
Vice President, Transportation

Enclosure
EXHIBIT A

SCOPE OF SERVICES

ESTERO PARKWAY ROADWAY/LANDSCAPE DESIGN
PHASE 2A – ROADWAY IMPROVEMENTS – POST DESIGN SERVICES
PHASE 3A – RIGHT-OF-WAY BEAUTIFICATION – CONSTRUCTION ADMINISTRATION

I. OVERVIEW

The Village of Estero, hereinafter referred to as VILLAGE, is seeking professional consultant services for construction administration and post design services during construction of Estero Parkway from US 41 to Three Oaks Parkway.

II. TASK DESCRIPTION

TASK 14.00 CONSTRUCTION CONTRACT ADMINISTRATION AND INSPECTION SERVICES

14.01 Post Design Services – Roadway Plans (ABB)

- Plan revisions/clarifications required during construction
- Review shop drawings
- Attend construction meetings
- Provide contract document interpretation
- Review and assist in field changes
- Respond to contractor RFI’s
- Provide periodic site investigation
- Submit project/permit certifications

14.02 Post Design Services – TCP, Signing & Marking and Lighting Plans (TCS)

- Plan revisions/clarifications required during construction
- Review shop drawings
- Respond to contractor RFI’s
- Provide periodic site investigation
14.03 Construction Administration – Landscape Plans (BHA)

- Site visitations during landscape installation - 3 months, 1 visit/ week = 12 trips
- Observation reports (after each site visit) will be provided to the Village of Estero and General Contractor detailing any issues, concerns, or any other field observation noted during the visit. After the issuance of these reports, GC will have 5 day maximum to rectify any problem that exists.

14.04 Construction Administration – Irrigation Plans (BHA)

- Site visitations during irrigation installation at 500 ft. increments - 19 visits
- Final walk through site inspection
- All Site Visits will include an itemized check list of all items reviewed in the field, which shall include items that have been checked and either not finished, work in progress, needs be rechecked or the work is finished.
- Reports will include all items checked will also include a check list that verifies equipment installed meets with specifications or fails to meet specifications and is rejected.
- This process also includes all site management concerning reviewing Contractor Submittal approvals, confirmation of all items needed for turn over to the client at the end of the project.

14.05 Construction Administration – Landscape and Irrigation Maintenance Period (BHA)

- With the maintenance of the landscaping and irrigation beginning as the first section of roadway is installed, 4 site visits are anticipated prior to the end of construction.
- One site visit per month for 12 months

III. FEES

Fees for the tasks listed above, Time & Materials/Not to Exceed as follows:

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<thead>
<tr>
<th>14.01</th>
<th>Post Design – Roadway Plans (ABB)</th>
<th>$ 31,500</th>
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<tbody>
<tr>
<td>14.02</td>
<td>Post Design – TCP, S&amp;M, Lighting Plans (TCS)</td>
<td>$ 3,000</td>
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<td>14.03</td>
<td>Construction Admin. – Landscape Plans (BHA)</td>
<td>$ 30,000</td>
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<td>14.04</td>
<td>Construction Admin. – Irrigation Plans (BHA)</td>
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<tr>
<td>14.05</td>
<td>Construction Admin. – Maintenance Period (BHA)</td>
<td>$ 2,400</td>
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**PHASE 2A & 3A TOTAL**  $ 96,900

IV. SCHEDULE

The schedule will follow the duration of the construction contract plus one-year maintenance period for landscape and irrigation.
Agenda Item:

CN-2018-02 Miscellaneous Professional Services (Construction Engineering and Inspection Services for Estero Parkway Roadway and Landscape Improvements)

Description:

The original contract with Kisinger Campo & Associates (KCA) was executed prior to the completion of the project bid documents and final construction schedule. This was done to allow KCA to review the construction plans and bid documents prior to selecting a contractor. An estimated length of construction of 270 days was included in the original contract. The attached contract extends the Construction Engineering and Inspection (CEI) contract to 360 days which includes the project construction schedule of 330 days plus 30 days to close out the project.

Action Requested:

Approve Change Order One to Contract No. EC 2018-50-STA3 for CEI services for Estero Parkway Roadway and Landscape Improvement Project.

Authorize the Village Manager to execute the amendment and any other ancillary documents on behalf of the Council.

Financial Impacts:

The proposed change order will increase the existing contract by $66,706.50 to $264,124.

Attachments:

1. Construction Contract Change Order
Upon the completion and execution of this Change Order by both parties to the Contract, the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:

(If you need space other than what has been provided, please attach additional sheets.)

Attachments:
(List documents supporting change) 1. Summary of CEI Services and Costs from Kisinger Campo & Associates, Corp.

Description: Change Order increases the total cost of the CEI services as well as the number of days these services will be provided to allow for inclusion of street lighting for the Estero Parkway Roadway and Landscape Improvements project.

Purpose of Change Order: To increase both the total cost of the CEI services and the number of days these services will be provided to allow for the inclusion of street lighting for the Estero Parkway Improvements project.

<table>
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<tr>
<th>Change in Contract Price</th>
<th>Dollar Amount</th>
<th>Change in Contract Time</th>
<th>Calendar Days</th>
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<td>Original Contract Price</td>
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<td>Net Change from Previous Change Orders</td>
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<td>Contract Price Prior to this Change Order</td>
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<td>Contract Time Prior to this Change Order</td>
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<td>Net Increase of this Change Order</td>
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<td>Net Increase of this Change Order</td>
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<td>Contract Price with All Approved Change Orders</td>
<td>$264,124.00</td>
<td>Contract Time with All Approved Change Orders</td>
<td>360</td>
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</table>

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

_______________________ Name of Contractor ______________________ Date Accepted By Contractor ____________________

_______________________ Contractor Contact Email Address ______________________ Contractor Contact Phone # ____________________

Accepted on behalf of the Contractor by: ______________________ Date: ______________________

Accepted on behalf of the Village by: ______________________ Date: ______________________

Print Name & Title: ______________________ Steve Sarkozy, Village Manager
### Villages of Estero

Estero Parkway Mill & Resurface

Project # ????

Project duration - Construction 300

CEI Service 30+300+30 = 360 or 12 months max

Anticipated Construction start late 2019

NOTE: time is based on single shift, 8 hours per shift, 5 days a week.

FDID #

<table>
<thead>
<tr>
<th>Year</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
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<tbody>
<tr>
<td>Month</td>
<td>Sept</td>
<td>Oct</td>
<td>Nov</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

### Construction

<table>
<thead>
<tr>
<th>STAFFING</th>
<th>Normal work schedule, 5 days a week, total construction duration 300 days</th>
<th>Total in Months</th>
<th>Total in Manhours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior PE</td>
<td>0 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05</td>
<td>115.5</td>
<td>115.5</td>
</tr>
<tr>
<td>PA</td>
<td>0 0 0 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.1</td>
<td>346.5</td>
<td>346.5</td>
</tr>
<tr>
<td>CSS/Admin</td>
<td>0 0 0 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2 0.2</td>
<td>396</td>
<td>396</td>
</tr>
<tr>
<td>Senior Inspector</td>
<td>0 0 0 0 0 0 0 0.5 0.5 0 0 0 0 0 0 0</td>
<td>165</td>
<td>165</td>
</tr>
<tr>
<td>Inspector</td>
<td>0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POSITION</th>
<th>Manhours</th>
<th>Rate</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$23,446.50</td>
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<tr>
<td>PA</td>
<td>347</td>
<td>$115.00</td>
<td>$39,847.50</td>
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<tr>
<td>CSS/Admin</td>
<td>396</td>
<td>$75.00</td>
<td>$29,700.00</td>
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<tr>
<td>Senior Inspector</td>
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<td>$95.00</td>
<td>$156,750.00</td>
</tr>
<tr>
<td>Inspector</td>
<td>165</td>
<td>$72.00</td>
<td>$11,880.00</td>
</tr>
</tbody>
</table>

Ardaman - Soil tests, IE Proctor, LB ** $2,500.00

TOTAL $264,124.00

NOTES:
Villages of Estero
Estero Parkway Mill & Resurface
Project # ???
Project duration - Construction 210

CEI Service 30+210+30 = 330 or 9 months max

Anticipated Construction start late 2019

NOTE: time is based on single shift, 8 hours per shift, 5 days a week.

FDID #

<table>
<thead>
<tr>
<th>Year</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sept</td>
<td>Oct</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Construction

STAFFING

Normal work schedule, 5 days a week, total construction duration 210 days

<table>
<thead>
<tr>
<th>POSITION</th>
<th>Manhours</th>
<th>Rate</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior PE</td>
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<td>$20,097.00</td>
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<tr>
<td>PA</td>
<td>248</td>
<td>$115.00</td>
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<td>CSS/Admin</td>
<td>330</td>
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<td>Senior Inspector</td>
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<td>$109,725.00</td>
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<tr>
<td>Inspector</td>
<td>165</td>
<td>$72.00</td>
<td>$11,880.00</td>
</tr>
</tbody>
</table>

Ardaman - Soil tests, IE Proctor, LB **

<table>
<thead>
<tr>
<th>POSITION</th>
<th>Manhours</th>
<th>Rate</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

$194,914.50

TOTAL

$197,414.50

NOTES:
Agenda Item:

Consider a lien mitigation request from Wayne & Maxine Schneider relating to their property at 20031 Seagrove Street #1408, located in the Sabal Palms III Community of Grandezza, building 14, unit 1408.

Description:

The owner acquired the residential Property at 20031 Seagrove Street #1408 on April 27, 2016. The owner was cited on January 26, 2018 for an expired permit, relating to the installation of a new Central Air Unit. A hearing was held in April, 2018. The owner was not present. The Special Magistrate imposed a fine beginning in May, 2018. A code enforcement lien in the amount of $145,201.20 has accrued.

The owners stated that they were unaware of any code violations until an estoppel request on the property was completed (See attached explanation from property owner.) This was in December, 2019. The property was brought into compliance on December 17, 2019.

Pursuant to prior direction of Council, liens in excess of $100,000 must be approved by the Village Council. The case for fine review was heard by the Special Magistrate on January 20, 2020. The property has been brought into compliance. The Village Attorney supports the requested mitigation.

Action Requested:

Approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of $2,000.00 and $201.20 for administrative costs as recommended by the Village Attorney.

Financial Impact:

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.
Attachments:

1. Code Enforcement Case Overview
2. Request for Fine Review
3. Special Magistrate Order Finding Violation
4. Special Magistrate Order of Imposition of Fine
**Case Overview**

**Property/Incident Information**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Address</th>
<th>Site Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCHNEIDER WAYNE W +</td>
<td>20031 SEAGROVE ST #1408</td>
<td>20031 SEAGROVE ST 1408, ESTERO, FL 33928</td>
</tr>
<tr>
<td>MAXINE J</td>
<td>ESTERO, FL 33928</td>
<td>FL 33928</td>
</tr>
</tbody>
</table>

**Legal Description**

SABAL PALM III AT GRANDEZZA DESC IN OR 3940 PG 2518 PH 7 BLDG 14 UNIT 1408

**Description**

Expired permit

**Case Status**    Closed    **Case #**  18030012

**Notes**

Expired permit

- Permit number 175524-0 has expired
- This is a A/C Change-out
- The Contractor will have to get an extension on the permit and have all required inspections scheduled
- **Final mechanical inspection required**
- **Fees may be due on this permit**
- Any fees must be paid before any inspections can be scheduled

Thank you

Stanley Knight
knight@estero-fl.gov

You or the contractor may call the permitting department at 239-221-5036 to schedule appointments

**Documents Issued**

<table>
<thead>
<tr>
<th>Date Issue</th>
<th>Document Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/26/2018</td>
<td>Complaint</td>
</tr>
<tr>
<td>1/26/2018</td>
<td>Courtesy Notice</td>
</tr>
<tr>
<td>2/27/2018</td>
<td>Affidavit of Non-Compliance</td>
</tr>
<tr>
<td>3/26/2018</td>
<td>Notice of Violation</td>
</tr>
<tr>
<td>3/26/2018</td>
<td>Notice of Hearing</td>
</tr>
<tr>
<td>4/26/2018</td>
<td>Notice of Hearing</td>
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<tr>
<td>4/26/2018</td>
<td>Final Order</td>
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<tr>
<td>5/17/2018</td>
<td>Order of Imposition/Liens</td>
</tr>
<tr>
<td>12/17/2019</td>
<td>Affidavit of Compliance</td>
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**Violations**
## Case Overview

<table>
<thead>
<tr>
<th>Ordinance/Regulation</th>
<th>Section</th>
<th>Description</th>
<th>Date Complied</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLORIDA BUILDING CODE</td>
<td>SECTION 105 PERMITS</td>
<td>105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.</td>
<td>12/17/2019</td>
</tr>
</tbody>
</table>

## Fines

<table>
<thead>
<tr>
<th>Fine Type</th>
<th>Section</th>
<th>Fine Type</th>
<th>Date Complied</th>
<th>Total Fine</th>
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</thead>
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<tr>
<td>Individual Violation</td>
<td>SECTION 105 PERMITS</td>
<td>Individual Violation</td>
<td>12/17/2019</td>
<td>$145,000.00</td>
</tr>
<tr>
<td>Admin Fixed</td>
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<td>Admin Fixed</td>
<td></td>
<td>$201.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total Fines</strong></td>
<td></td>
<td><strong>$145,201.20</strong></td>
</tr>
</tbody>
</table>

## Payments

<table>
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<tr>
<th>Date</th>
<th>Payment Type Name</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Total Payments</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>Fees Outstanding</td>
<td><strong>$145,201.20</strong></td>
</tr>
</tbody>
</table>
This form is for applicants seeking to reduce the fine or assessed costs resulting from a Code Enforcement Order by the Village of Estero Special Magistrate. This form may only be used if the violation has been corrected. The process cannot be used to reduce liens imposed for other Code Enforcement processes (such as lot mowing, securing pools, or lot clean-up).

Submit this form by email to knight@estro-fl.gov

### Name of Applicant:
Wayne W. and Maxine J. Schneider

### Mailing Address:
8 Eleanor Street Extension

### City, State, Zip:
Vernon, CT 06066

### Phone Number:
/o Attorney John D. Spear 239-344-1351

### Email Address:
John.spear@henfaw.com

### Code Enforcement Case Number (shown on recorded Order):
18030012

Provide a copy of the recorded document OR provide an instrument number or the Official Records Book and Page numbers below.

### INSTR # or Official Records Book/Page (shown on recorded Order):
2019000155672

### Property Address:
20031 Seagrove Street # 1408

### STRAP Number:
25-46-25-E1-21014.1408

**Relationship of Applicant to the property:**

- [x] Owner of the property or Owner’s Representative
- [ ] Contract Purchaser
- [ ] Other (specify): __________________________

**Relationship of Applicant to the violation resulting in the Order:**

- [x] Applicant was the owner of the property at the time of violation
- [ ] Applicant acquired the property after the imposition of the fine/costs
  - [ ] Purchased property from: __________________________
- [ ] Seeking to purchase the property
- [ ] Other (specify): __________________________

Has the Division of Code Enforcement verified the violation has been corrected? Yes [x] No [ ]

Who corrected the violation?  
- [x] Respondent
- [ ] County
- [ ] New Owner
- [ ] Unknown
The burden is on the Applicant to show why the fine/costs should be reduced.

SUMMARIZE YOUR REQUEST FOR FINE REVIEW, INCLUDING THE FACTORS TO BE CONSIDERED BY THE SPECIAL MAGISTRATE (Attach additional pages, if necessary):

Narrative- Case No. 18030012 is attached hereto.

Applicant's Signature: [Signature] Date: 12/18/2019

[LienMitigationRequest (Revised 02/27/2019)]
We are requesting reduction of the lien recorded as Instrument No. 2019000155672 in the Public Records of Lee County, Florida, in related to code enforcement case no. 18030012.

The lien is for installation of an air conditioning unit at 20031 Seagrove Street, #1408, in the Village of Estero, without first obtaining a permit. Fines were assessed at the rate of $250 per day for approximately 580 days, and the total lien amount is believed to be in excess of $145,000.

Please consider the following mitigating factors (reference: Chapter 162.09(2)(b), F.S.):

The gravity of the violation: The violation was for failure to obtain a permit for installation of an air conditioning unit. The property owner did obtain a permit (#175524-0), but it expired through no fault of the property owner. At no time did the violation ever present a threat to public health, safety, or welfare.

Actions taken by the violator to correct the violation: The property owner lives out of state and did not receive any notices regarding the permit expiration or the code violation. He trusted that the installation would be done properly by a licensed contractor. Unfortunately, it was not. Upon learning of the existence of the violation, the property owner promptly obtained a permit and corrected the violation.

Previous violations committed by the violator: The property owner has owned the property for several years, and there are no other violations committed by the violator.

In addition, we respectfully request your consideration of the following:

1. To the best of my knowledge, no certified copy of the lien exists. This (i.e., a certified, recorded copy of the lien) is a predicate for the lien to attach to the property, pursuant to Section 162.09(3)).

2. The violation did not involve any Village code – if it did, none has been articulated. Florida Statutes give the magistrate jurisdiction over the Village’s laws, not state laws and statutes. The only cited violation was “Florida Building Code Section 105.1” (a state law).

3. Charging the property owner over $145,000 for failure to obtain a permit for installation of an air conditioning unit is clearly excessive and disproportionate to the offense.

4. Charging the property owner over $145,000 in penalties on a $190,000* property (*current assessed value) is a confiscatory and excessive fine under the U.S. and Florida constitutions, and amounts to a taking of property, or at the least a prohibited exaction.

We respectfully request the maximum permissible reduction of the fine.
The Village of Estero Special Magistrate, having heard testimony under oath and argument at a Public Hearing, in reference to the above-described property, held Thursday, APRIL 26, 2018 after due notice to the Respondent(s):

AS AND FOR MY FINDINGS OF FACT:

1. The Respondent(s) is/are the owner(s) of record, and is/are responsible for the subject property.

2. The respondent(s) has/have received proper notice of this hearing by Certified Mail (Return Receipt Requested) of the alleged existence of certain conditions on the property described as violations, and that those conditions constituted a violation(s) of a Village of Estero Ordinance.

3. The Respondent(s), despite proper notice of this hearing, have failed to appear or otherwise participate in today's hearing, and are in default of having appeared.

4. The notice(s) previously given to the Respondent(s) specified that certain violations existed at the subject premises and what actions to abate the alleged violations were to be taken by a time certain, but the Respondent(s) has/have failed to complete such actions in a timely manner.

5. The following condition(s) is/are found to exist on the subject property located at 20031 SEAGROVE ST. #1408, Estero, FL 33928, as reported by the Village's Code Compliance Manager in the Notice
The conditions testified to by the Village’s Code Compliance Manager are found to have existed as the date and time of this hearing upon the subject property located at 20031 SEAGROVE ST. #1408, Estero, FL 33928.

6. That same constitute(s) a violation(s) under Florida Building Code Section 105 – Permits Required.

7. Due to the refusal or failure on the part of the Respondent(s) to remedy the conditions(s) which exist on the subject property, it may be necessary for the Petitioner/Village of Estero to take any and all steps necessary to remedy the conditions.

AS AND FOR MY CONCLUSIONS OF LAW:

Respondent(s), by reason of the foregoing, is/are in violation of the Village of Estero’s Ordinances, as specified above.

THEREFORE, I HEREBY ORDER:

1. That Respondent(s) shall correct or abate the aforesaid violations in the manner set forth in the official Notice of Violation PRIOR to 5:00 P.M., on MAY 16, 2018

2. That Respondent(s) shall pay to the Village of Estero, Florida, the sums determined to be due for the Village’s actual costs of prosecution of this case in the amount of $201.20 and shall deliver payment of same to the Village Clerk’s office no later than 10 days from the date of this Order; and if not paid, may also constitute a lien against the above-referenced property which may also be actionable by law.

In the event that the violation(s) is/are not corrected or abated as indicated above prior to 5:00 pm on MAY 16, 2018, additional fines of $250.00 per day shall be imposed against Respondent(s), beginning on that date and continuing for each day that the aforesaid violations continue to exist.

In the event the sums awarded herein are not paid, such sums will become a lien, which may attach to all real and personal property owned by the Respondent(s) upon being recorded in the Public Records of Lee County, even if the violations have been subsequently abated in accordance with this Order.

If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Lee County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can
SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on April 26th of 2018

Village of Estero Special Magistrate Clerk

By: Terry-Ann Boyd-Reynolds

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

STATE OF FLORIDA  )
)ss:
COUNTY OF LEE  )

Terry-Ann Boyd-Reynolds stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 26 day of April, 2018

MARIO SOTOLONGO
Notary Public

Print Name

SEAL:
be fined up to $500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when compliance has been reached.

3. In determining the amount of such fine(s), I have considered the gravity of the violation(s); any actions, or lack thereof, to correct the violation(s); and, any previous violation(s) committed by the Respondent(s).

4. When the violation(s) has/have been abated, the Respondent(s) MUST CALL THE VILLAGE OF ESTERO CODE ENFORCEMENT MANAGER – STANLEY KNIGHT, AT (239) 319-2815, AND REQUEST A RE-INSPECTION. UPON SUCH RE-INSPECTION, IF SUCH VIOLATION(S) ARE FOUND TO HAVE BEEN ABATED, SUCH FINES SHALL CEASE RUNNING.

5. The Village of Estero is hereby authorized, in its discretion, to enter onto the subject premises and to itself abate, clear and remove all violation(s) (or specific items listed in Finding of Fact), found to still exist at the subject premises on or after March 21, 2018, or as soon thereafter as practicable in the event the Respondent(s) has/have not abated the violations. In addition to the amount of fines, and the Village’s costs of prosecution, as imposed herein, all costs of such abatement, clearing and removal shall be recovered by the Village of Estero and shall accrue and increase the cost lien provided for herein.

6. Compliance by the Respondent(s) shall be considered at a subsequent Hearing before the undersigned Hearing Examiner/Special Magistrate to be held on MAY 17, 2018, at 1:00 p.m., at the Village Hall Council Chambers, 9401 Corkscrew Palms Circle, Estero, FL 33928.

7. You may also have other rights which are set forth in Article VI - Code Enforcement Board of the Village of Estero Code of Ordinances.

8. Respondents may appeal any decision with respect to any matter considered by the Village of Estero Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Section 286.0105, Florida Statutes.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 26TH day of APRIL 2018.

OFFICE OF THE SPECIAL MAGISTRATE
VILLAGE OF ESTERO, FLORIDA

[Signature]
Joseph Faerber
VILLAGE OF ESTERO, SPECIAL MAGISTRATE
OFFICE OF THE SPECIAL MAGISTRATE
ORDER OF IMPOSITION OF FINE & CLAIM OF LIEN

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Petitioner,

Vs

WAYNE W SCHNEIDER & MAXINE SCHNEIDER
20031 SEAGROVE ST #1408
ESTERO, FL 33928

Respondent(s)

The Village of Estero Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Village of Estero Special Magistrate did issue on the 26th day of April, 2018 a Final Order in the above captioned case commanding the Respondent to bring the violations specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on the dates shown below plus an additional fine to cover costs incurred by the Village in the amount of $201.20

<table>
<thead>
<tr>
<th>Ordinance/Regulation</th>
<th>Violation Description/Correction</th>
<th>Order Date to Comply by</th>
<th>Date Complied</th>
<th>Daily Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLORIDA BUILDING CODE</td>
<td>SECTION 105.1 Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.</td>
<td>05/16/2018</td>
<td></td>
<td>$250.00</td>
</tr>
</tbody>
</table>
2. That said violations occurred on the following described real property situate, lying and being in the Village of Estero, Florida, to-wit:

**FOLIO #:** 254625E1210141408

**LEGAL DESCRIPTION:** SABAL PALM III AT GRANDEZZA DESC IN OR 3940 PG 2518 PH 7 BLDG 14 UNIT 1408

**STREET ADDRESS:** 20031 SEAGROVE ST. #1408. ESTERO, FL 33928

3. That the Respondent did not comply with the Final Order on or before the date specified therein. Upon complying with this Final Order, the Respondent **SHALL NOTIFY STANLEY KNIGHT**, The Code Enforcement Compliance Manager, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Manager. **Additionally, a fine of $201.20 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**

5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Article VI – Code Enforcement of the Village of Estero Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this order in the Public Records of Lee County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violations were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Lee County, constituting a lien on the subject real property.

Respondents may appeal a final administrative order of the Special Magistrate for the Village of Estero to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 17th day of May, 2018.

---

**OFFICE OF THE SPECIAL MAGISTRATE**
**VILLAGE OF ESTERO, FLORIDA**

[Signature]

Joseph Faerber
VILLAGE OF ESTERO, SPECIAL MAGISTRATE
SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on May 17th of 2018

Village of Estero Special Magistrate Clerk

By: Terry-Ann Boyd-Reynolds

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

STATE OF FLORIDA
 )
 )ss:
COUNTY OF LEE
 )

Terry-Ann Boyd-Reynolds stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 17th day of May, 2018

Sheryl L. Hopping
Notary Public

Sheryl L. Hopping
Print Name

SEAL:

SHERYL L. HOPPING
MY COMMISSION #66014555
EXPIRES: JUL 24, 2020
Bonded through 1st State Insurance
Agenda Item:

Williams Road West of US41 Update

Description:

Williams Road just west of US41 has many traffic challenges including the following:

- Walgreens exit and Atlantic Gulf Drive located too close to US41
- Limited west to north bound left turn stacking
- Illegal left turns at Walgreens exit
- Vehicles using the Life Care Center parking lot as a turn around

The Village of Estero’s Consultant, AIM Engineering, will provide an update to Village Council on the current status of the preliminary design options for projects to improve traffic flow and safety on Williams Road west of US41. The presentation will include a recommended plan with a summary of estimated costs.

If Council provides consensus for the recommended design, Village Staff will setup meetings with residents in the area. After these meetings, Staff will move on to the design and permit phase of the project.

Attachments:

1. Power Point Presentation
WILLIAMS ROAD – ATLANTIC GULF BOULEVARD INTERSECTION IMPROVEMENTS

Presented to The Village of Estero Council Meeting
By AIM Engineering & Surveying, Inc.

Wednesday, February 5, 2020
@ 9:30am
Numerous Resident Complaints
Illegal Left turns from Walgreens driveway
Use of Life Care Center for U-turns
Proximity to US 41
Limited Williams Road Left Turn Stacking
Blocked Atlantic Gulf Left Turn Movement
ORIGINAL CONCEPTS
1) TRAFFIC SEPARATOR

[Image of a map showing a traffic separator concept]
ORIGINAL CONCEPTS

2) U-TURN
ORIGINAL CONCEPTS

3) 4-WAY INTERSECTION

Overview Concept Refinement Concept 4a Impacts and Constr. Costs
ORIGINAL CONCEPTS
4) ROUNDABOUT
CONCEPT REFINEMENT

- Data Collection
- Development of Original Concepts
- Initial Property/Stakeholder Meetings
- Concept 4 Roundabout Refinement
- South Florida Water Management District Meeting
- Development of Concept 4a
- Follow-up Property/Stakeholder Meetings
- Impacts and Construction Cost
CONCEPT 4A
ROUNDABOUT (95-FT DIA.)
CONCEPT 4A

PROP. R/W = 0.01 AC
CONCEPT 4A

R/W = 0.31 AC

PROP. R/W = 0.09 AC

PROP. R/W = 0.08 AC
IMPACTS AND CONSTR. COSTS

- FDOT Long Range Estimating System
  - Project Unknows Component
  - Design-Level Considerations
- Right-of-Way Considerations
  - No Impacts to West Bay Conservation Area
  - Impacts to Fountain Lakes Mitigated within RAB Greenspace
- Summary Memorandum

### Alternative 4A
Roundabout (95-ft Diameter)

<table>
<thead>
<tr>
<th>Component</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthwork</td>
<td>$88,409</td>
</tr>
<tr>
<td>Roadway</td>
<td>$389,964</td>
</tr>
<tr>
<td>Shoulder</td>
<td>$131,170</td>
</tr>
<tr>
<td>Drainage</td>
<td>$647,404</td>
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<tr>
<td>Signing</td>
<td>$10,440</td>
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<tr>
<td>Lighting</td>
<td>$139,268</td>
</tr>
<tr>
<td>Landscaping</td>
<td>$300,000</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$1,706,654</strong></td>
</tr>
<tr>
<td>Maintenance of Traffic (10%)</td>
<td>$170,665</td>
</tr>
<tr>
<td>Mobilization (10%)</td>
<td>$187,732</td>
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<tr>
<td>Project Unknowns (20%)</td>
<td>$413,010</td>
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<tr>
<td><strong>Total Construction Cost</strong></td>
<td><strong>$2,478,062</strong></td>
</tr>
<tr>
<td>Design (15%)</td>
<td>$371,709</td>
</tr>
<tr>
<td>CEI (15%)</td>
<td>$371,709</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$3,221,481</strong></td>
</tr>
</tbody>
</table>

Note: Project cost does not include right-of-way acquisition.
Thank You!

Questions?
Agenda Item:

Budget and CIP Introduction Workshop

Description:

This workshop is intended to begin the FY 20-21 Budget and CIP discussion. The presentation provided will give an overview of Estero’s operations and guiding principles, a survey and data-based analysis of our strengths and weaknesses, as well as a summary of the various funding sources available. It is our hope that this discussion will effectively frame the budget and CIP discussion for Village Council and the community, as we dive into great detail in the weeks and months to follow.

Financial Impact:

No impact.

Attachments:

1. Budget and CIP Introduction Powerpoint
Budget and CIP Introduction

Kyle Coleman
Agenda

- Annual Timetable for Budget Review and Adoption
- Estero’s Governing Principles
- Overview of Estero “Government Lite” Operations
- Strengths and Weaknesses Assessment
- Current Capital Improvement Plan & Budget Summary
- Funding: Maintenance Funds
- Funding: Improvement Funds
- Summary of our Principles
## Process Overview

<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
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<tbody>
<tr>
<td>January</td>
<td>Budget Workshop</td>
</tr>
<tr>
<td>February</td>
<td>CIP Workshop</td>
</tr>
<tr>
<td>March</td>
<td>Public Forum</td>
</tr>
<tr>
<td>April</td>
<td>CIP Approval</td>
</tr>
<tr>
<td>May</td>
<td>Community Survey</td>
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<tr>
<td>June</td>
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<tr>
<td>July</td>
<td>CIP Adoption</td>
</tr>
<tr>
<td>August</td>
<td>Council Recess</td>
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<tr>
<td>September</td>
<td>Budget Adoption</td>
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<tr>
<td>October</td>
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<tr>
<td>November</td>
<td></td>
</tr>
<tr>
<td>December</td>
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</tbody>
</table>
Our Principles: 1\textsuperscript{st} Level

**Low taxes**
- lowest in Southwest Florida

**Low staff level**
- lowest in Southwest Florida

**High reserves**
- highest in Southwest Florida
Our Principles: 2nd Level

Transparency in all facets
• our government is open and accessible to everyone

Quality over quantity
• every public and private project should be high quality

Exceptional customer service
• residents and business owners are surveyed for wants & needs and helped to the best of our ability
Our Principles: 3rd Level

Pay as you go
• no pension liabilities & all project maintenance fully funded

Apolitical operations
• data-based decisions reduce political influence
Government Lite Operations

8: full-time staff
6: part-time staff
11: full-time equivalents (full/part-time blend)

57: Bonita Springs
71: Fort Myers Beach
174: Sanibel
1,014: Fort Myers
1,716: Cape Coral
Government Lite Operations

12: months of operating reserves

0.7726: tax rate

0.8173: Bonita Springs

0.9500: Fort Myers Beach

1.8922: Sanibel

8.2400: Fort Myers

6.5500: Cape Coral
Strengths and Weaknesses

Strength #1: **Safety**

Estero crime rates are **half** of Florida and the US.

And, residents can feel it.

Which of the following do you associate with the Village of Estero? (choose all that apply)

- Great location, easy access to attractions
- Great shopping, entertainment, events
- Safe place to live or visit
- Architectural standards
- Government is engaged with the community
- Small town feel
- Local government reinvests in Estero
- Welcoming to new residents and visitors
- Park system, trails, access to nature
- Affordable housing
- Other (please specify)
Strengths and Weaknesses

Strength #2: Location

Our proximity to shopping centers and entertainment venues is a significant asset. This is invaluable for both residents and visitors alike.

Shopping centers:
- Miromar Outlets (in Estero)
- Coconut Point (in Estero)
- Gulf Coast Town Center (nearby)

Entertainment Venue:
- Hertz Arena (in Estero)
Strengths and Weaknesses

Strength #3: **Education**

**K-12 education in Estero is exceptional.** FGCU supplements this strength, greatly.

Residents intuitively feel that Estero is a good place to plant roots.
Strengths and Weaknesses

Weakness #1: **Programming**

Public organizations own land, but residents want programming.

We are now able to act with the land we have purchased.
Weakness #2: Operations

Today, our responses are uneven and not fast enough.

We’re addressing this with contracted project management and digital permit processing.
Weakness #3: Affordable Housing

Estero purchase and rental prices dwarf those of neighbor communities. This encourages commuting, which stresses our infrastructure.

Residents have noted this as their chief concern.
Current Budget & CIP Summary

Capital Improvement:
- Estero Parkway
- US-41
- I-75

Maintenance:
- Mowing
- Landscaping
- Roads/Traffic

Administration:
- Comm. Development
- Public Works
- General Admin
- Finance
- IT

Parks & Recreation:
- “Estero on the River”
The Village has established policies to aggressively defend against any claim. These are in addition to our insurance coverage.
The Village has established this reserve to safeguard against emergencies or economic downturns.
This reserve was established to fund major road repairs and ensure high quality maintenance, in perpetuity.
This shows the decline in annual maintenance costs following Village assumption of roads from Lee County, followed by expected growth.
Opportunities to improve Estero, via the following funding sources. The 20-21 funding amounts, by source, are provided below.

- General Fund: $12,781,092
- Park Impact Fee Fund: $2,498,450
- Road Impact Fee Fund: $9,636,120
- Gas Tax Fund: $763,100
- Debt Prepayment Reserve: $5,100,000
Summary of our Principles

- Low taxes
- Low staff level
- High reserves
- Transparency in all facets
- Quality over quantity
- Exceptional customer service
- Pay as you go
- Apolitical operations
Questions?