

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village "Clerk. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL  
FEBRUARY 10, 2016**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
21500 Three Oaks Parkway  
Estero, FL 33928  
Village Council Regular Meeting  
January 20, 2016 10:00 a.m.**

**1. CALL TO ORDER:** 10:01 a.m.

**2. INVOCATION:** Offered by Pastor Mark Goodman from Christ Community Ministries.

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

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Village Land Use Attorney Nancy Stroud, and Village Clerk Kathy Hall.

**4. APPROVAL OF AGENDA:**

**Motion:** Move to approve the agenda.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Brown

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

**5. CONSENT AGENDA:**

(A) Approval of Minutes

(1) January 6, 2016 Regular Meeting

(2) January 6, 2016 Workshop

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

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

## **6. COUNCIL BUSINESS:**

- (A) Second Reading and Public Hearing: Ordinance No. 2016-01 An Ordinance of the Village Council of the Village of Estero, Florida, Approving the Third Budget Amendment for Fiscal Year 2015-2016; and Providing an Effective Date - for the record, the notice was published pursuant to Florida statutes

Village Clerk Hall read the title of Ordinance No. 2016-01. Village Manager Sarkozy provided a brief explanation regarding the ordinance that provided additional appropriations to the Village Hall Capital Outlay in the 2015-2016 budget funding from supplemental appropriations due to the preliminary estimates for the Village Hall occupancy costs potentially requiring additional funding in the amount of \$200,000.

**Public Comment:** None.

**Motion:** Move to adopt Ordinance No. 2016-01.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Ribble

**Action:** Adopted Ordinance No. 2016-01.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

- (B) First Reading: Ordinance No. 2016-02 A Zoning Ordinance of the Village Council of the Village of Estero, Florida; Rezoning 1.36 Acres Located at 21700 S. Tamiami Trail, from Mixed Planned Development to Commercial Planned Development, for the Development of up to 15,000 Square Feet of Commercial Uses, Including Fast Food, and Including Conditions of Development; Approving Certain Deviations; Providing for Conflict; Providing for Severability; and Providing an Effective Date

**Questions or Comments by:** Vice Mayor Levitan.

**Motion:** Move to continue this item to a date when the staff report is available.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Wilson

**Questions or Comments by:** Vice Mayor Levitan, Councilmembers Errington, Boesch, Wilson and Mayor Batos.

**Action:** Continued this item to a date when the staff report is available.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

(C) Annual Adoption of Council Appointments

Village Manager Sarkozy provided an explanation of the appointments list, which had been discussed with each Councilmember. He noted that the list would also be included in the Council Rules of Procedure.

**Public Comment:** None.

**Motion:** Move to approve the Council Appointments list.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Wilson

**Questions or Comments by:** Councilmember Wilson and Mayor Batos.

**Action:** Approved the Council Appointments list.

**Vote:**

Aye:

Nay:

Abstentions:

(D) Suspend Bidding Procedure and Adopt as an Emergency Action, Securing a Consulting Traffic Engineer for Studies on Coconut Road

Village Manager Sarkozy reviewed discussion from a previous Council meeting regarding engaging an engineer to perform a traffic study on Coconut Road; a proposal was received from Trebilcock Consulting Solutions in the amount of \$16,500. Discussion followed related to the Florida Consultant's Competitive Negotiation Act and the Village purchasing ordinance.

**Public Comment:** None.

**Motion:** Move to approve the proposal from Trebilcock Consulting Solutions and waive the competitive bidding procedures outlined in the Village purchasing ordinance.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the proposal from Trebilcock Consulting Solutions and waived the competitive bidding procedures outlined in the Village purchasing ordinance.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

#### **8. PUBLIC INPUT ON NON-AGENDA ITEMS:**

None.

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

Vice Mayor Levitan provided an update regarding the Village Center and spoke regarding the recent workshop presented by Bill Spikowski; Village Comprehensive Plan amendments process; and developers that have requested concurrent approvals.

Councilmember Brown provided an update regarding the Lee Memorial Health System binding arbitration.

Councilmember Errington offered appreciation to the Village Manager, Community Development Director, and staff; noted that it would be helpful for the Planning and Zoning Board to participate in the zoning hearing process; and wanted to make certain that the public was aware of new developments. Note: at the February 10, 2016 meeting, Councilmember Errington clarified that she did not agree with Planning and Zoning Board Members commenting during the Council zoning hearing presentation.

Councilmember Boesch reminded Council of the upcoming grand opening for Hertz.

#### **10. VILLAGE ATTORNEY COMMENTS:**

Village Attorney Saunders provided updates regarding the charter amendment and the fracking Bill.

#### **11. VILLAGE MANAGER COMMENTS:**

Village Manager Sarkozy provided copies of a summary of public comments received at the January 12, 2016 Village Center Master Planning Process public forum and spoke to the next steps involved. He also reported that he authorized a permanent part-time position to assist the Finance Director, in order to address an audit flag regarding segregation of duties.

A motion to adjourn was made and duly passed.

**12. ADJOURN:** 10:37 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC  
Village Clerk

By: Nicholas Batos  
Nicholas Batos  
Mayor

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FEBRUARY 10, 2016**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
21500 Three Oaks Parkway  
Estero, FL 33928  
Village Council Workshop  
January 20, 2016**

**1. CALL TO ORDER:** 10:38 a.m.

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

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Village Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

**3. APPROVAL OF AGENDA:**

**Motion:** Move to approve the agenda.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

#### **4. COUNCIL BUSINESS:**

- (A) Presentation by the FGCU Engineering and Planning Team regarding Infrastructure and Inventory Condition Assessment

**Presentations by:**

Margaret Banyan, Ph.D.  
Claude Villiers, Ph. D., E.I.T.

Through a PowerPoint presentation, the Estero Infrastructure Inventory prepared by Florida Gulf Coast University was presented, including objectives, process, results and analysis, and recommendations. Feedback was requested by January 26, 2016.

**Questions or Comments by:** Vice Mayor Levitan, Councilmembers Errington, Boesch, Brown, Ribble, Wilson, and Mayor Batos.

**Public Comment:**

Doug Saxton, The Reserve resident  
Ed Weil, Rookery Point resident

- (B) Presentation by Community Development Director Mary Gibbs regarding Comprehensive Plan Process Description

Village Community Development Director Gibbs, through a PowerPoint presentation, provided information related to the Comprehensive Plan process, including state required elements and optional elements.

**Questions or Comments by:** Councilmembers Boesch, Ribble, Wilson, Errington, Brown, Vice Mayor Levitan, and Mayor Batos.

There was Council consensus for a Request for Qualifications for the Village Comprehensive Plan to be prepared.

**Public Comment:** None.

#### **5. PUBLIC INPUT ON NON-AGENDA ITEMS:**

None.

#### **6. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Councilmember Errington recommended consideration be given to finding ways of obtaining grants for landscaping.

#### **7. VILLAGE ATTORNEY COMMENTS:**

None.

**8. VILLAGE MANAGER COMMENTS:**

None.

A motion to adjourn was made and duly passed.

**9. ADJOURN:** 12:18 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC  
Village Clerk

By: Nicholas Batos  
Nicholas Batos  
Mayor



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**APPROVED BY COUNCIL  
FEBRUARY 10, 2016**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
21500 Three Oaks Parkway  
Estero, FL 33928  
Village Council Zoning Hearing  
January 20, 2016 9:00 a.m.**

**1. CALL TO ORDER:** 9:00 a.m.

**2. PLEDGE OF ALLEGIANCE:** Led by Mayor Batos.

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

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

**4. CONTINUATION OF DELIBERATIONS:**

(A) Case #DCI 2015-00013 Volunteers of America

Mayor Batos provided a brief introduction.

Mary Gibbs, Community Development Director, provided a review of the January 13, 2016 meeting and revisions to Ordinance No. 2015-21.

**Questions or Comments by:** Councilmembers Ribble, Brown, Errington, Boesch, Ribble, Wilson, Vice Mayor Levitan, and Mayor Batos.

Discussion between Councilmembers and Charles Basinait, Land Use Attorney, included consistency with building styles; timing of the medical office building; sidewalks; landscape; Type D buffer; rebuilding the damaged wall; secured gate for pedestrian access in the emergency access easement; tax exempt status; commitment of the applicant to meet with residents of Estates of Estero River and notice via USPS; cross walk; dumpster location; removal of the covered parking; addition of the berm with enhanced planting.

Mr. Basinait provided the following regarding new Condition 16 (f): The Developer agrees to install an enhanced Type “D” buffer along Corkscrew Road within the two highlighted areas indicated on the Mixed Use Development Site Plan labeled as Exhibit 1. The enhancements to the buffer in these specific areas consist of increasing the size of the required shrubs to 36 inches tall with a 20 inch spread at the time of installation, to be maintained at a minimum of 48 inches tall. The required buffer in these areas will also be constructed on a berm of at least 2 feet in height.

Community Development Director Gibbs reviewed the further revisions to conditions in the ordinance, which included the wall in Condition 18, Deviation 1 would be approved (condition would be removed), and language would be inserted in Condition 16 (f) regarding the enhanced Type D buffer in the two areas along Corkscrew Road shown on the exhibit.

**Motion:** Move to approve the application going forward as meeting the criteria for an exception to the Zoning in Progress Resolution.

**Motion by:** Vice Mayor Levitan  
**Seconded by:** Councilmember Ribble

**Action:** Approved the application going forward as meeting the criteria for an exception to the Zoning in Progress Resolution.

**Vote:**  
**Aye:** Unanimous  
**Nay:**  
**Abstentions:**

**Motion:** Move to adopt Ordinance No. 2015-21 as revised and described by Community Development Director Gibbs.

**Motion by:** Vice Mayor Levitan  
**Seconded by:** Councilmember Boesch

**Action:** Adopted Ordinance No. 2015-21 as revised and described by Community Development Director Gibbs.

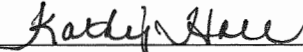
**Vote:**  
**Aye:** Unanimous  
**Nay:**  
**Abstentions:**

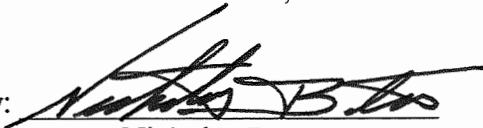
A motion to adjourn was made and duly passed.

**5. ADJOURN:** 9:40 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By:   
Kathy Hall, MMC  
Village Clerk

By:   
Nicholas Batos  
Mayor