

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  
MARCH 16, 2016**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
21500 Three Oaks Parkway  
Estero, FL 33928  
Village Council Regular Meeting  
February 24, 2016 10:00 a.m.**

**1. CALL TO ORDER:** 10:00 a.m.

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

**3. INVOCATION:** None.

**4. 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 Clerk Kathy Hall, Village Community Development Director Mary Gibbs, and Village Finance Director Lisa Pace.

**5. APPROVAL OF AGENDA:**

**Motion:** Move to approve the agenda with removal of agenda item 6(A).

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Brown

**Action:** Approved the agenda with the removal of agenda item 6(A).

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

**6. CONSENT AGENDA:**

- (A) Approval of Minutes – Removed from Agenda

**7. COUNCIL BUSINESS:**

- (A) Notice of Competitive Negotiation CN 2016-01 - Miscellaneous Professional Services

Village Manager Sarkozy provided a brief explanation of the Notice of Competitive Negotiation, which would provide a pool of services and consultants to be used as needed.

There were no questions or comments by Councilmembers and no public comment.

**Motion:** Move to approve the Notice of Competitive Negotiation.

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

**Action:** Approved the Notice of Competitive Negotiation.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

- (B) Case No. DCI2015-00016 Estero WAS

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

Village Clerk Hall read the title of Ordinance No. 2016-02.

**Questions or Comments by:** Vice Mayor Levitan and Councilmember Boesch.  
Discussion included questions related to the process; issues that needed to be addressed by staff at the upcoming hearing; and questions that may need to be addressed by legal counsel.

**Motion:** Move to approve first reading of Ordinance No. 2016-02.

**Motion by:** Councilmember Wilson  
**Seconded by:** Councilmember Ribble

**Action:** Approved first reading of Ordinance No. 2016-02.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

Village Attorney Saunders referred to a copy of a letter that he distributed to the Council for the Mayor to sign related to a waiver of a potential conflict of interest concerning his firm's representation of Tommy Bahama, seeking an administrative approval for a restaurant with alcoholic sales in Coconut Pont shopping mall.

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

**Motion:** Move to authorize the Mayo to sign the letter.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Ribble

**Action:** Authorized the Mayor to sign the letter.

**Vote:**

Aye: Unanimous (no roll call)

Nay:

Abstentions:

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

### **Appearance by:**

Charles Dauray and Peggy Phillips, College of Life Foundation: Estero River Conditions East of US 41.

Gary Green, Estero resident: Petition to vacate and general comments regarding the February 16, 2016 Planning and Zoning Board hearing.

Marlene Fernandez, Trailside Subdivision resident: Agreed with previous speaker and conveyed appreciation to Council.

Zelma Newberry, Estero River Heights resident: Importance of Estero River and agreed with previous speakers.

Beverly MacNellis, Marsh Landing resident: Responsibility of Council to take care of Estero River cleanup.

**Questions or Comments by:** Councilmembers Boesch, Ribble, and Errington.

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

Councilmember Ribble provided a report regarding the Florida League of Cities SW Chapter meeting that he attended last week.

Councilmember Errington spoke regarding the fracking issue; vacation petition that went before the Planning and Zoning Board on February 16, 2016; the Estero River; and listening to the residents and taking into consideration what they have to say.

Councilmember Boesch spoke regarding the fracking issue; Sheriff’s Office reporting concerning accidents on Corkscrew Road; and provided a report regarding the MPO meeting that he attended on the Mayor’s behalf.

Councilmember Wilson spoke provided information related to the Lee County Commissioners inviting cities to provide written comments regarding roads for their upcoming workshop in April. He also spoke regarding an upcoming Lee County Commission hearing related to the Corkscrew Farms development agreement. He inquired regarding an updated Council workshop list.

Mayor Batos spoke regarding the fracking issue and Village Attorney Saunders provided an explanation of the fracking Bill.

**10. VILLAGE ATTORNEY COMMENTS:**

None.

**11. VILLAGE MANAGER COMMENTS:**

None.

A motion to adjourn was duly made and passed.

**12. ADJOURN:** 10:56 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC  
Village Clerk

By: Nicholas Batos  
Nicholas Batos  
Mayor