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**APPROVED BY COUNCIL  
MAY 18, 2016**

## **FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
Village Council Meeting  
May 4, 2016 9:30 a.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

**Call to Order:** 9:30 a.m.

**Pledge of Allegiance:** Led by Mayor Batos.

**Invocation:** Offered by Pastor Frank Brand – First Baptist Church of Estero.

**Roll Call:** Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7. Absent: Councilmember Donald Brown - District 3 (excused absence).

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

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

**Motion:** Move to approve the agenda as revised by updated agenda provided, adding agenda item 8 (c).

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Boesch

**Action:** Approved the agenda as revised by updated agenda provided, adding agenda item 8 (c).

**Vote:**

**Aye:** Unanimous (Councilmember Brown absent)

**Nay:**

**Abstentions:**

### **3. CONSENT AGENDA:**

(a) Minutes of March 30, 2016 Council Meeting

(b) Minutes of April 6, 2016 Council Meeting

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

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Ribble

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

### **4. ORDINANCES:**

(a) **SECOND READING AND PUBLIC HEARING:** None.

(b) **FIRST READING:**

- (1) Ordinance No. 2016-05 A Zoning Ordinance of the Village Council of the Village of Estero, Florida; Correcting s Scrivener's Error to Eliminate the Maximum Side Setback of Five Feet for the Plaza Del Sol Commercial Planned Development Located at the Intersection of Three Oaks Parkway and Corkscrew Road, Village of Estero, Florida; Adopting Recitals; Adopting Findings; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-05.

Village Manager Sarkozy and Community Development Director Gibbs provided brief explanations and noted that details would be presented at second reading and public hearing at the May 18, 2016 Council meeting.

**Public Comment:** None.

**Motion:** Move to approve first reading of Ordinance No. 2016-05 and advance to second reading on May 18, 2016.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Ribble

**Action:** Approved first reading of Ordinance No. 2016-05 and advanced to second reading on May 18, 2016.

**Vote:**

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

**5. PUBLIC HEARINGS:** None.

**6. ACTION ITEMS:**

**(a) Selection of Comprehensive Plan Consultant (RFQ 2016-01)**

Village Manager Sarkozy and Community Development Director Gibbs provided an explanation regarding the Evaluation Committee and the proposals received.

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

Discussion included further information regarding the factors that helped make the Evaluation Committee's determination; fees; whether the recommended firm had previously prepared a comprehensive plan; whether all of the proposals qualified; and details regarding the RFP process.

**Public Comment:** None.

**Motion:** Award RFQ 2016-01 - Comprehensive Plan to LaRue Planning & Management Services, Inc. and authorize the Village Manager, with the assistance of staff, to negotiate a contract to be reviewed by Council at a later date.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Ribble

**Action:** Awarded RFQ 2016-01 - Comprehensive Plan to LaRue Planning & Management Services, Inc. and authorized the Village Manager, with the assistance of staff, to negotiate a contract to be reviewed by Council at a later date.

**Vote:**

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

**7. UNFINISHED BUSINESS:** None.

**8. WORKSHOP ITEMS:**

**(a) Personnel Policies**

Village Manager Sarkozy and Finance Director Pace introduced key aspects of the policies as well as providing detailed explanations.

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

Discussion included paid time off rate of accrual; probationary period; disability benefit; Employee Assistance Program; and retirement plan.

**Public Comment:** None.

**(b) Overview and Status of Village Center Land Development Code**

Village Manager Sarkozy provided a brief update. Community Development Director Gibbs addressed the Comprehensive Plan transmittal process; she believed that the Village may have a response from the state next week. She also addressed form based codes; meetings with the developers; comments received from Florida Department of Transportation; scheduling Planning & Zoning Board hearing dates for Via Coconut and Genova rezoning applications; reformatting the consultant's report for greater flexibility; public space; street connections; designing pedestrian-friendly streets; building mass; high quality, durable buildings; and a Council workshop scheduled for May 11, 2016.

**Questions or Comments by:** Councilmember Wilson and Vice Mayor Levitan.

**Public Comment:**

Matt Uhle, representing CP Land Investment LLC and Livingston/Veterans LLC  
Paula McMichael, representing Orange State Partners  
Doug Saxton, representing Bike/Walk Lee  
Katie Sproul, representing Estero North Point  
Gary Green, Estero resident

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

Discussion ensued regarding the availability of the information for the May 11 Council workshop. There was consensus to move the workshop to the May 18, 2016 Council meeting agenda.

**(c) Estero – 14 Months After Incorporation**

Village Manager Sarkozy provided a brief introduction. Councilmember Errington addressed concern regarding issues such as impact fees that have not been received by the Village; bus stops being constructed by Lee County that were not completed; over-night parking at Walmart; Trailside Drive; Cypress Bend flooding; US 41 median appearance; being proactive with property owners of land that are adjacent to US 41; applying for grants; part-time magistrate; and assistant to Village Manager.

**Public Comment:**

Steve Farrugia, Estero resident

Marlene Fernandes, Estero Historical Society

Village Manager Sarkozy addressed the overnight parking issue at Walmart and noted that Walmart agreed in the development process to not allow overnight parking.

**Questions or Comments by:** Councilmembers Boesch, Ribble, and Vice Mayor Levitan.

Discussion ensued regarding code enforcement cases and the special magistrate.

**9. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

**Appearance by:**

Rocco Catanese, Villages of Country Creek resident, concern regarding recent ordinance increasing Council compensation

Charles Dauray, Chair, Estero Historic Preservation Citizens Committee, cataloging of historic assets

Marlene Fernandes, Estero Historical Society, they have linked with FGCU to digitize historic records

Peggy Phillips, College of Life Foundation, update on Estero River project

Steve Farrugia, Estero resident, agreed with comments made by Mr. Catanese.

Councilmember Boesch conveyed appreciation to the volunteers. Councilmember Errington conveyed appreciation to the Estero Historic Preservation Citizens Committee members.

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

None.

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

Village Attorney Saunders stated that he would get together with Councilmember Errington regarding some of the issues that she brought up.

**12. VILLAGE MANAGER'S REPORT:**

Village Manager Sarkozy reminded Council about the May 24, 2016 Capital Improvement Program workshop at Legacy Church.

A motion to adjourn was duly made and passed.

**13. ADJOURNMENT: 11:43 a.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos  
Nicholas Batos, Mayor