

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village "Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. 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
SEPTEMBER 21, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
September 7, 2016 5:30 p.m.**

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

Call to Order: 5:30 p.m.

Pledge of Allegiance: Led by Mayor Batos.

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, and Finance Director Lisa Pace.

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

Motion: Move to approve the agenda.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Approved the agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- 3. CONSENT AGENDA:** None.

4. PUBLIC HEARINGS:

- (a) Resolution No. 2016-26 A Resolution of the Village of Estero, Lee County, Florida, Adopting the Tentative Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2016-2017; Establishing the Date, Time and Place for a Final Hearing to Adopt the Final Ad Valorem Taxes for Fiscal Year 2016-2017; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2016-26. Village Manager Sarkozy provided an introduction, addressed the preliminary millage rate of 0.8398, and noted that the final millage rate would be adopted September 21, 2016. Finance Director Pace displayed a PowerPoint presentation and spoke to the changes made in budget. Following the Finance Director's presentation, Village Manager Sarkozy provided further comment.

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

Discussion included communications services tax projections; impact fees; reserve funds; and capital budget.

Public Comment: None.

Motion: Move to adopt Resolution No. 2016-26.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Adopted Resolution No. 2016-26.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (b) Resolution No. 2016-27 A Resolution of the Village of Estero, Lee County, Florida, Adopting the Tentative Budget for Fiscal Year 2016-2017; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2016-26.

Public Comment: None.

Motion: Move to adopt Resolution No. 2016-27.

Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

Action: Adopted Resolution No. 2016-27.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

5. ORDINANCES:

(a) FIRST READING:

- (1)** Ordinance No. 2016-11 An Ordinance of the Village Council of the Village of Estero, Florida, Providing for and Approving the Authority of the Mayor to Execute an Interlocal Agreement with Lee County for the Continuation of the University Landscaping Operation and Maintenance Special Improvement Unit to Provide an Enhanced Level of Landscaping along Certain Portions of Corkscrew Road, Estero Parkway and Ben Hill Griffin Parkway within the Village Limits; Providing for a Term and an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-11. Village Manager Sarkozy provided an explanation of the ordinance, which was introduced at the August 31, 2016 meeting with the adoption of the Interlocal Agreement with Lee County.

Questions or Comments by: Vice Mayor Levitan.

Public Comment: None.

Motion: Move to pass first reading of Ordinance No. 2016-11.

Motion by: Councilmember Wilson

Seconded by: Councilmember Boesch

Action: Passed first reading of Ordinance No. 2016-11.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (2)** Ordinance No. 2016-12 An Ordinance of the Village Council of the Village of Estero, Florida, Authorizing Lee County to Levy Special Assessments within Village Boundaries for Municipal Solid Waste Disposal Pursuant to §125.01(1)(Q), Florida Statutes; Providing for Conflicts of Law, Severability, and Scrivener's Errors; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-12. Village Manager Sarkozy provided an explanation of the ordinance and noted that the agreement would come due with other cities in the county.

Questions or Comments by: Councilmember Boesch.

Public Comment: None.

Motion: Move to pass first reading of Ordinance No. 2016-12.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Passed first reading of Ordinance No. 2016-12.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

6. ACTION ITEMS:

- (a) Agreement for Election Services between the Village of Estero and Sharon Harrington, the Supervisor of Elections of Lee County, Florida

The agreement was still in process. Village Attorney Saunders stated that the agreement should be completely finished by the September 21, 2016 meeting. Brief discussion followed related to early voting.

Agenda item continued to the September 21, 2016 Council meeting.

- (b) Interlocal Agreements with Lee County:

- (1) Solid Waste:

- (a) Collection, Customer Services, Billing, and Disposal

- (b) Disposal Facilities Assessment

Village Manager Sarkozy briefly spoke regarding the solid waste agreement process; contract term will run through the end of fiscal year 2019-2020.

Public Comment: None.

Motion: Move to approve the Interlocal Agreement for Municipal Solid Waste Collection, Customer Services, Billing, and Disposal.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Approved the Interlocal Agreement for Municipal Solid Waste Collection, Customer Services, Billing, and Disposal.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

Motion: Move to approve the Interlocal Agreement for a Disposal Facilities Assessment.

Motion by: Councilmember Wilson
Seconded by: Councilmember Ribble

Action: Approved the Interlocal Agreement for a Disposal Facilities Assessment.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(2) Distribution of Local Option Gas Taxes

Village Manager Sarkozy reviewed that this agreement was introduced as a workshop item at the August 31, 2016 meeting; 2.54% was recommended for Estero; contract term will run through August 31, 2017, reauthorized annually.

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

Discussion included an inquiry regarding restricted funds and the rate structure, based solely on lane miles.

Public Comment: None.

Motion: Move to approve the Interlocal Agreement for Distribution of Local Option Gas Taxes.

Motion by: Councilmember Wilson
Seconded by: Councilmember Ribble

Action: Approved the Interlocal Agreement for Distribution of Local Option Gas Taxes.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(3) Municipal Services

Fiscal Impact: Amounts budgeted in 2016-2017 for Municipal Services are as follows:

• Animal Services	\$ 48,430
• Natural Resources	\$ 246,000
• Transportation	<u>\$2,203,800</u>
Total:	\$2,498,230

Village Manager Sarkozy provided explanation of the contract, noting that it had been amended slightly due to the county's price structure. He also noted the following two amendments: (1) Page 4, Section V. A. Transfer Notice, last sentence to read: "The Notice shall be given not less than 60 days prior to effective date." (2) Page 5, Section X. Notices, correct the Village of Estero mailing address.

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

Discussion included the Village's ability to step up to their own services; a slight reduction in costs from last year; upcoming issues regarding conveyance of roads and transfer agreement as well as formalizing the county agreement related to Estero Parkway; and the assumption of road maintenance.

Public Comment: None.

Motion: Move to approve the Interlocal Agreement for Providing Municipal Services.

Motion by: Councilmember Errington

Seconded by: Councilmember Ribble

Action: Approved the Interlocal Agreement for Providing Municipal Services.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

7. **UNFINISHED BUSINESS:** None.

8. **WORKSHOP ITEMS:** None.

9. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Appearance by:

Doug Saxton, The Reserve, expressed appreciation for the Estero Parkway negotiations

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Appreciation and congratulations were conveyed regarding the Council working as a team and achieving success with the interlocal agreements.

11. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders reported that he contacted Angela Klug, Nature Conservancy Director of Real Estate, regarding the proposal addressed by Neale Montgomery, Pavese Law Firm, at the August 31, 2016 Council meeting related to the College of Life Property and the environmental easement held by the conservancy. If Council directed, staff would contact the Nature Conservancy to arrange a meeting for the Mayor and Village Manager to speak with them

regarding the options. Consensus was for the attorney to move forward with facilitating a meeting.

12. VILLAGE MANAGER'S REPORT:

None.

A motion to adjourn was duly made and passed.

13. ADJOURNMENT: 6:24 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor