

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  
JANUARY 4, 2017**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
Village Council Meeting  
December 7, 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 Todd Weston from River of Life Assembly of God.

**Roll Call:** Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3 (left the meeting at 12:30 p.m.), 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, Assistant to Village Manager Kyle Coleman, Village Clerk Kathy Hall, Finance Director Lisa Roberson, and Community Development Director Mary Gibbs.

- 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:

- (a) Approval of November 16, 2016 Council Meeting Minutes

Vice Mayor Levitan noted a typographical error on page 1 and amended the word “manipulating” to “revising” on page 6, paragraph 10.

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

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Boesch

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

### 4. ACTION ITEMS:

- (a) Stormwater Master Plan Consultant Selection (CN 2016-02)

Village Manager Sarkozy noted that the Stormwater Master Plan would be one of the major processes for the Village occurring in 2017. Community Development Director Gibbs provided details regarding the consultant interview and selection process from the eight submittals received; final ranking was JR Evans Engineering number one, Tetra Tech number two and Johnson Engineering number three; the contract will be reviewed by Council at a later date.

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

Discussion included budgeted funds; the process for reaching an agreement; Edison Farms; and water flow.

**Public Comment:** None.

**Motion:** Move to concur with the Competitive Negotiations staff review committee recommendation of award for CN 2016-02 and authorize the Village Manager to negotiate an agreement with the number one ranked firm of J.R. Evans Engineering to prepare the Village’s Stormwater Master Plan.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Boesch

**Action:** Concurred with the Competitive Negotiations staff review committee recommendation of award for CN 2016-02 and authorized the Village Manager to negotiate an agreement with the number one ranked firm of J.R. Evans Engineering to prepare the Village’s Stormwater Master Plan.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

- (b) Interlocal Agreement By and Between Lee County and the Village of Estero – Ownership, Jurisdiction, Operation, and Maintenance of Certain Roads

Village Manager Sarkozy stated that this was the first area where the Village will have a major day-to-day operation in the field and that it was a natural step in the evolution of the Village. He indicated that the \$2.6M that has been provided to Lee County for road maintenance, plus any available Road Impact Fee resources, was thought to be adequate to maintain the Village road system in top condition.

Village Attorney Saunders addressed a revision on page 6 of the interlocal agreement that was provided to Council.

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

Discussion included the issue of the county's denial that Corkscrew Road west of US 41 was a county road, although a research memorandum had been provided. The Village Manager suggested caution regarding maintenance responsibilities for that section of Corkscrew Road. Discussion also included the references in the agreement regarding canals and the possible consequences of delaying approval of the agreement until the January 4, 2017 Council meeting. It was decided to hold a meeting on December 20, 2016 for this agenda item.

**Public Comment:**

Robert Schultz, River Ridge CDD and Pelican Sound Golf & River Club

**Motion:** Move to table until December 20, 2016.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Brown

**Action:** Tabled until December 20, 2016.

**Vote:**

Aye: Councilmembers Ribble, Brown, Errington, Boesch, Vice Mayor Levitan and Mayor Batos

Nay: Councilmember Wilson

Abstentions:

(c) Approval of Various Maintenance Agreements

- Mowing  
Superior Landscaping and Lawn Service, Inc.  
6220 Topaz Court  
Fort Myers, FL 33966
- Landscaping  
Hannula Landscaping & Irrigation, Inc.  
28131 Quails Nest Lane  
Bonita Springs, FL 34135
- Irrigation  
P&T Lawn & Tractor Service, Inc.  
15980 Old Olga Road  
Alva, FL 33920
- Street Sweeping  
USA Services of Florida, Inc.  
4036 Edison Avenue  
Fort Myers, FL 33901

Village Manager Sarkozy provided an explanation regarding acceptance of the agreements and piggybacking on the bid documents, until such time as the Village goes through the formal bidding process.

Village Attorney Saunders called attention to the legal opinion provided in the Council packet.

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

Discussion included the contractors; maintenance along Three Oaks Parkway; and consideration of maintenance on US 41.

**Public Comment:** None.

**Motion:** Move to approve the mowing contract with Superior Landscaping and Lawn Service, Inc.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Errington

**Action:** Approved the mowing contract with Superior Landscaping and Lawn Service, Inc.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**Motion:** Move to approve the landscaping contract with Hannula Landscaping & Irrigation, Inc.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Brown

**Action:** Approved the landscaping contract with Hannula Landscaping & Irrigation, Inc.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**Motion:** Move to approve the irrigation contract with P&T Lawn & Tractor Service, Inc.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Errington

**Action:** Approved the irrigation contract with P&T Lawn & Tractor Service, Inc.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**Motion:** Move to approve the street sweeping contract with USA Services of Florida, Inc.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the street sweeping contract with USA Services of Florida, Inc.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

## **5. ORDINANCES:**

### **SECOND READINGS AND PUBLIC HEARINGS:**

- (a) Ordinance No. 2016-14 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing a Temporary Moratorium on Cannabis Dispensing Businesses as Further Defined Herein; Providing for Geographic Area Covered; Providing for Penalties; Providing a Savings Clause, a General Repealer Clause, and an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-14. Village Attorney Saunders provided an explanation of the moratorium.

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

Discussion included the moratorium time line and the obligation of the Village.

**Public Comment:**

Lorraine Fierro, The Reserve  
Trisha Turcotte, Estero Medical Center

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

Discussion included tax revenue; the legislature considering the regulatory scheme; the regulating agency developing a rule making process; and the appropriateness of the Village adopting the ordinance.

**Motion:** Move to pass second reading and adopt Ordinance No. 2016-14.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Ribble

**Action:** Passed second reading and adopted Ordinance No. 2016-14.

**Vote:**

Aye: Councilmembers Ribble, Errington, Boesch, Wilson, Vice Mayor Levitan and Mayor Batos

Nay: Councilmember Brown

Abstentions:

The meeting went into recess at 10:56 a.m. and reconvened at 11:05 a.m.

**(b) Shoppes of Coconut Trace Commercial Planned Development Tract B - Zoning Amendment**

Ordinance No. 2016-13 An Ordinance of the Village Council of the Village of Estero, Florida, Approving an Amendment to the Shoppes of Coconut Trace Commercial Planned Development Tract B, A 1.9 Acre Property Located at 22942 Lyden Lane, to add Limited Commercial Uses with Conditions to Previously Approved Uses on Tract B of the Commercial Planned Development, to Approve a Deviation for a Sign Setback, and to Deny a Parking Reduction Deviation; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Batos provided an explanation regarding the quasi-judicial process for Ordinance No. 2016-13. Village Clerk Hall read the title of Ordinance No. 2016-13; staff and audience members providing testimony were sworn in.

Ex parte communications: Vice Mayor Levitan and Mayor Batos disclosed that they had watched all of the proceedings online and visited the site.

Community Development Director Gibbs provided an explanation of the application, including location and restrictions that were applied to Tract B; the applicant requested adding additional types of limited retail uses; sign setback deviation for existing monument sign; and parking reduction. She noted that the Planning and Zoning Board had a lengthy discussion regarding technical aspects and not creating traffic issues. She also addressed the Board's recommendations.

**Presentations by:**

Neale Montgomery, Pavese Law Firm  
Dan Delisi, Delisi Land Use Planning  
Greg Roth, Bohler Engineering  
Henry Klover, Klover Architects  
Doug Olson, Trinity Commercial Group

Presentations included details regarding the request to allow retail uses on a portion of the parcel that previously did not meet site location standards, a deviation to reduce the monument sign setback, and a reduction of parking; transit stop and a bike rack; reverse access road dispersing traffic; parcel infill; the development has gone through extensive review; the Design Review Board evaluated and required high quality; property access via Lyden Drive; connections to US 41 and Coconut Road; master concept plan; special case for retail uses; modifications to address comments from Design Review Board workshop and meetings; and schedule of uses.

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

Discussion included Lyden Drive; assuring high quality development; monument sign setback; schedule of uses; parking; lack of green space or pocket park; special case finding; and Development Order approval.

**Public Comment:** None.

**Motion:** Move to pass second reading and adopt Ordinance No. 2016-13 with additional requirement, drafted by Village Land Use Attorney Stroud, for a plat approval in Condition #3, supporting the Planning and Zoning Board decision.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Errington

**Action:** Passed second reading and adopted Ordinance No. 2016-13, with additional requirement, drafted by Village Land Use Attorney Stroud, for a plat approval in Condition #3, supporting the Planning and Zoning Board decision.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

6. **UNFINISHED BUSINESS:** None.
7. **PUBLIC COMMENT ON NON-AGENDA ITEMS:** None.
8. **COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Councilmember Ribble: Reminder regarding the Estero High School Culinary Program fundraiser on December 19, 2016.

Councilmember Errington: Met with Jennifer Hecker, Executive Director, Charlotte Harbor National Estuary Program, and was invited to serve on the policy committee for the group. She suggested that a workshop item be scheduled in February, in order for Jennifer Hecker to make a presentation. She also suggested that Peggy Phillips, Master Naturalist, College of Life Foundation, be invited for a workshop item in February as well.

Councilmember Wilson: Attended the Eastern Corkscrew Alliance meeting recently; spoke regarding transponders being installed on gravel trucks. Mayor Batos recommended that he provide the truck transponder information to the Village Manager for the upcoming hospital move.

Mayor Batos: Received a letter of invitation to the Estero Fine Art Show and asked that it be distributed to all Councilmembers. He also briefly provided information regarding the Metropolitan Planning Organization meeting that he recently attended.

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

Village Attorney Saunders provided a Village Attorney Report for the period of November 1 through 30, 2016; he stated that he intends to provide a similar report on a monthly basis.

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

None.

**Adjourn Regular Session:** Regular Session was adjourned at 12:30 p.m.

The meeting reconvened at 1:04 p.m.

11. **WORKSHOP ITEMS:**

(a) **Possible Property Purchase and Sale Agreement**

Village Manager Sarkozy spoke regarding an available 12.02 acre parcel with DO and zoning in place, which could be used for recreational development.

Discussion ensued regarding installation costs for recreational amenities; ongoing maintenance costs; possibility of a preliminary development design and obtaining an appraisal; in the middle of this parcel is a portion owned by Stoneybrook CDD



that has never been used; re-distributing the list of available properties that Village Manager Sarkozy previously distributed to Council.

Brief discussion followed regarding the Village developing a property acquisition policy. Village Attorney Saunders stated that he would provide information to the Village Manager.

**(b) Proposed State Legislative Agenda**

Village Manager Sarkozy referred to his memorandum to Council dated December 1, 2016. Discussion ensued regarding Koreshan State Park; Estero Preserve; preparing a policy regarding septic tanks and the installation of force mains down West Broadway Avenue; and expanding bike/walk paths funding. Additional comments were to be sent to the Village Manager prior to the January 4, 2017 Council meeting.

A motion to adjourn was duly made and passed.

**12. ADJOURNMENT: 2:05 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos  
Nicholas Batos, Mayor