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**APPROVED BY COUNCIL
APRIL 19, 2017**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
March 15, 2017 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: Pastor Sheri 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 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, 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, with the removal of Agenda Item 11 (e).

Motion by: Councilmember Boesch

Seconded by: Councilmember Errington

Action: Approved the agenda as amended.

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

Village Manager Sarkozy spoke to the support of the Estero Fire Rescue during the recent Collier County fire. Brief discussion followed.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Amber Crooks, Conservancy of Southwest Florida, spoke regarding bills that the conservancy is tracking through the legislative session related to the ban on well stimulation treatments for oil and gas. She also requested Council consideration of a letter to Senator Passidomo and Representative Rodrigues to be written and sent along with copies of the Council resolution and ordinance related to fracking.

Mayor Batos referenced the letter that was distributed to Council. Vice Mayor Levitan stated that he wanted time to review the letter, since it had just been distributed to Council at the meeting.

Discussion ensued regarding Senator Passidomo's bill related to Home Rule. Mayor Batos requested that, if any of the Councilmembers had a problem with the letter, to pass along their concerns to the Village Manager; he would wait a few days before mailing the letter.

4. CONSENT AGENDA:

- (a) Approval of February 22, 2017 Council Workshop Minutes
- (b) Approval of February 28, 2017 Joint Workshop with Bonita Springs Council Minutes

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Errington

Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

5. ACTION ITEMS:

- (a) Appointment of Liaison to SUN Trail Project

Village Manager Sarkozy explained that this was a follow up to the February 28, 2017 joint workshop with Bonita Springs City Council; motions would be needed to support the efforts to secure the SUN Trail for a multi-purpose trail and to appoint a liaison.

Public Comment:

Norm Berger, President, The Vines

Motion: Move to support the project and continue with fact finding.

Motion by: Councilmember Ribble

Seconded by: Councilmember Wilson

Action: Approved support for the project and to continue fact finding.

Vote:

Aye: Unanimous (roll call vote; Councilmember Brown absent)

Nay:

Abstentions:

Mayor Batos reviewed that, at the February 28, 2017 workshop, it was asked that he and Peter O'Flinn, Bonita Springs Councilmember, continue as liaisons.

Motion: Move to appoint Mayor Batos as liaison.

Motion by: Councilmember Boesch

Seconded by: Councilmember Errington

Questions or Comments: Councilmembers Ribble, Errington, Vice Mayor Levitan and Mayor Batos. Discussion included whether Peter O'Flinn or Mayor Batos would be stepping down from the Metropolitan Planning Organization; the importance of knowing all of the ramifications prior to appointing the liaison; and the revised Council meeting agenda that was distributed on March 13, 2017.

Substitute Motion: Move to table appointment of a liaison.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

Action: Appointment of a liaison was tabled.

Vote: (roll call vote; Councilmember Brown absent)

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

Nay: Councilmember Errington and Mayor Batos

Abstentions:

Brief discussion ensued regarding appointment of liaisons.

6. **UNFINISHED BUSINESS:** None.

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS:** None.

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

Councilmember Ribble: Spoke regarding the FGCU foundation endowment.

Councilmember Errington: Spoke regarding the March 21, 2017 Planning and Zoning Board meeting regarding the comprehensive plan. She noted that the Estero Historic Preservation Citizens Committee has been looking at the historic area, which she believed was critical to designate.

Councilmember Boesch: Addressed concern regarding Senator Passidomo's bill related to Home Rule that was moving forward. Discussion followed related to the numerous emails Council has received; concerns being heard through the Florida League of Cities contacts; and the Village Attorney's upcoming meeting with key legislators to discuss impacts.

9. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders reported on the legislative session in Tallahassee. He also indicated that he would be providing a report to Council next week.

10. VILLAGE MANAGER'S REPORT:

(a) 2016 Staff Projects Annual Report

Village Manager Sarkozy provided a brief overview of the report that included major accomplishments and highlights from 2016 as well as a preview for 2017. He indicated that the report will also be available on the Village website.

11. WORKSHOP ITEMS:

(a) Estero River Maintenance – Roland Ottolini, Director, Lee County Natural Resources Division

Roland Ottolini offered a PowerPoint Presentation and spoke to Lee County objectives for creek maintenance; 2016 and 2017 scope of work; and 2017 proposal and scope of work.

Questions or Comments: Councilmembers Errington and Boesch. Discussion included a description of the north and south branch; river clean up performed by the Estero River Boating Committee at the railroad bridge; and possible maintenance further upstream.

(b) Estero Parkway – Danny Nelson, Tetra Tech

Village Manager Sarkozy provided a brief introduction and explained that Tetra Tech was chosen from the pool of engineers that Council previously approved.

Danny Nelson offered a PowerPoint Presentation and spoke to information regarding the firm and team; Estero Parkway capital component of interlocal agreement background information; Estero Parkway existing conditions and needed improvements; phased approach – Phase 1 - road and sidewalk/linear park and Phase 2 - beautification; conceptual design; evaluation phase; design and implementation – Package 1 - roadway and sidewalk improvement and Package 2 - roadway beautification; and considerations by Council, including standards for landscaping, lighting and road signs; workshops and stakeholder meetings; and adoption of standards and guidelines.

Questions or Comment: Councilmembers Ribble, Boesch, Wilson, Errington, Vice Mayor Levitan, and Mayor Batos. Discussion included widespread communication regarding the project; project funding; landscaping; the project being unique and an example for future projects; and lighting.

Public Comment:

Darla Letourneau, BikeWalkLee
Doug Saxton, The Reserve, BikeWalkLee
Patty Whitehead, Old Estero
Marian Rosencrans, Breckenridge
Marie Catanese, The Cascades
Don Eslick, ECCL
Bill Carr, Riverwoods Plantation
Joe Miceli, Rookery Pointe
Brice Ehmig, FGCU
Gary Green, Pensacola Avenue

Questions or Comments: Vice Mayor Levitan and Councilmembers Boesch and Errington. Discussion included the firm that the Village selected for the project; narrowing roads; and Estero Parkway improvement will be a long range plan.

The meeting went into recess at 11:31 a.m. and reconvened at 11:42 a.m.

(c) Fee Reductions as an Incentive in Village Center

Village Manager Sarkozy provided a brief introduction. Community Development Director Gibbs reviewed the Village Center land use category as it relates to incentives and spoke to the idea of partnering with developers of projects on a case by case basis to incentivize the types of development the Village desires; one type of suggested incentive has been a partial reduction of building permit fees. Ms. Gibbs noted that permit fees, listed in the fee schedule adopted by resolution, did not provide for any reduction or waivers; if a reduction was desired, Council would need to amend the fee schedule.

Community Development Director Gibbs continued that a proposal from Mr. Wallace, Genova Partners, LLC, was requesting a waiver of fees for the parking that would be underground and a fee reduction for hiring a private provider company to conduct certain building inspections and plan reviews. Ms. Gibbs added that Florida statutes do not address this and local jurisdictions do not allow for fee reductions.

Questions or Comments: Councilmembers Boesch, Wilson, Errington, Vice Mayor Levitan and Mayor Batos. Discussion included setting precedent; incentives; benefit of underground parking; subsidizing or raising fees; possibility of a grant fund out of the general fund; developers' choice to hire a private provider to perform inspections; guest parking; staffing needs for building inspections; whether Lee Health would be requesting a fee waiver; length of time

for building completion; no other municipality or the county was allowing a waiver or fee reduction; and impact fees.

Public Comment:

Jim Wallace, Genova

(d) Developments in the DR/GR Area

Village Manager Sarkozy explained that this workshop item was intended as a general discussion. Community Development Director Gibbs reviewed the history of the DR/GR (Density Reduction/Groundwater Resource), a description of where it lies, and provided a summary of the projects (as provided in the staff report).

Questions or Comments: Vice Mayor Levitan, Councilmembers Boesch, Wilson, Errington, Ribble, and Mayor Batos. Discussion included water flow to Estero; negotiating an interlocal agreement with the county; increased vehicle trips; local schools at capacity; affecting the quality of life for Estero residents; and clear consensus of the Council that this is of great concern and something needs to be done.

Community Development Director noted that the Scope of Services for County Traffic Study was included in the staff report which includes an analysis of Corkscrew Road and developing a proportionate share for some of the developments, and environmental enhancement including restoration of flowway.

Public Comment:

Sean McCabe, Conservancy of Southwest Florida
Patty Whitehead, Old Estero
Don Eslick, ECCL
Ed Weil, Rookery Pointe
Peter Cangialosi, The Preserve
Bill Carr, Riverwoods Plantation

Brief discussion followed on how to proceed. Village Manager Sarkozy spoke to the stormwater study that would provide useful data to understand stormwater flow, groundwater infiltration, as well as saltwater intrusion. He also spoke to other issues that the county would need to address. He indicated that staff would provide further detailed analysis.

(e) Review of Conflicts of Interest and Performance

This workshop item was removed from the agenda.

A motion to adjourn was duly made and passed.

12. ADJOURNMENT: 1:15 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: James R. Boesch
James R. Boesch, Mayor