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**APPROVED BY COUNCIL  
JULY 19, 2017**

## **FINAL ACTION AGENDA/MINUTES**

**Village Council Meeting  
Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
June 21, 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 Boesch

Councilmember Batos announced that he received a phone call that Councilmember Brown passed away yesterday.

**Invocation:** Pastor Todd Weston from River of Life Assembly of God

**Roll Call:** Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Assistant to Village Manager Kyle Coleman, Village Clerk Kathy Hall, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, and Development Review Manager Walter McCarthy.

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

**Motion:** Move to approve the agenda.

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Levitan

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

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

Gary Israel, representing the Estero Rotary Club, "Light Up Estero"

**4. CONSENT AGENDA:**

(a) Approval of May 15, 2017 Council Meeting Minutes

(b) Approval of May 17, 2017 Council Meeting Minutes

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

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Batos

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

**5. DISTRICT 3 COUNCIL CANDIDATE INTERVIEW, COUNCIL DISCUSSION AND APPOINTMENT OF DISTRICT 3 COUNCILMEMBER**

District 3 Council Candidate Jon McLain was interviewed. Questions included: importance of Estero historic area; tell a little bit more about his corporate background; what his response would be if a client wanted to see a real estate listing at 9:30 a.m. on a Council meeting day.

Village Attorney Saunders explained the appointment process, specifically voting by ballot. Councilmember Levitan objected to the ballot process, provided an explanation of his reasons, and noted that Council would need to suspend their rules in order to vote by ballot. He also objected to waiving the rules.

Councilmember Levitan commented that he was pleased how many diverse and well educated people applied; each candidate was well qualified. He added that he made his decision based on how they would fit in and have a good working relationship.

**Motion:** Move to suspend Council rules.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Batos

**Action:** Suspended Council rules.

**Vote:**

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

Nay: Councilmember Levitan

Abstentions:

A vote-by-ballot process followed resulting in Jon McLain being appointed as the District 3 Councilmember. A tally of all votes was announced by the Village Clerk. Councilmember McLain took his seat at the dais after being sworn in by Village Clerk Hall.

**6. ORDINANCE FIRST READING:**

- (a) Ordinance No. 2017-02 An Ordinance of the Village Council of the Village of Estero, Florida, (Approving) (Denying) Zoning and DRI Development Order Amendments for the Coconut Point Mixed Use Planned Development and Development of Regional Impact for Property Bounded by US 41 on the West, Williams Road on the North, Seminole Gulf Railroad Right-of-Way on the East and the Southern Boundary for the Village of Estero Limits, all in the Village of Estero, Florida; Providing for Severability; and Providing an Effective Date

Mayor Boesch provided an introductory statement, noting that this was not a public hearing and the second reading and public hearing were tentatively set for July 12, 2017. The title of Ordinance No. 2017-02 was read by Village Clerk Hall.

Community Development Director Gibbs provided an overview of the ordinance changing the zoning of a portion of the Coconut Point DRI (a 13-acre tract), located at the northeast corner of the site south of Williams Road and east of Via Coconut; the request is for multifamily development of 180 dwelling units and four deviations; it was shown on the previous plan for assisted living. Ms. Gibbs reviewed that the ordinance previously came to Council on February 15, 2017 for first reading; the Planning and Zoning Board and staff had recommended denial and, in the meantime, the applicant advised that they were making some revisions to the project based on comments from the Planning and Zoning Board meeting. At the February 15, 2017 Council meeting, first reading of the ordinance was continued to allow time for staff to review the revisions.

Disclosure of ex parte communications: Vice Mayor Ribble - spoke with Ned Dewhirst. Councilmember Levitan – met extensively with people involved with the project, met with Ned Dewhirst and people from 13<sup>th</sup> Floor Investments, spoke with Joe McHarris, and the subject of Tract 1A came up during the working group activities. Councilmember Batos - meetings with Ned Dewhirst and others over the years.

Village Land Use Attorney Stroud stated that, since there is a new Councilmember and she has not had an opportunity to speak with him regarding potential conflicts, if he had any conflicts of interest with this project, he would not be permitted to vote on the ordinance. Councilmember McLain declared that he had no conflict.

**Questions or Comments:** Councilmembers Wilson, Levitan, Errington, Batos, and Vice Mayor Ribble. Discussion included concern regarding the Planning and Zoning Board not recommending approval but the staff was recommending approval; the plan has changed to the benefit of the Village; passing first reading, but not reviewing it again until the Planning and Zoning Board has an opportunity to review the changes. Concerns addressed related to the staff report and attachments: better definition of affordable housing; statements in the DRI document regarding wetlands, providing the Lee County Sheriff's Department with finished shell space in the main regional mall complex, and providing a site at least five acres in size and appropriately located to accommodate the

growing school needs in this area of the county; deviation 1 - one exit on a busy road; deviation 2 - reduction in parking spaces; density; adjoining properties; compatibility of the landscaping on Via Coconut; allowing an opportunity for the Planning and Zoning Board to review again; restatement of prior amendments in the staff report annotated by foot note or side note; tract L1 – maintenance of the lake and the public access around the lake and how it is going to work; recommendation that the Planning and Zoning Board not consider anything until they review the traffic monitoring report; concern regarding the traffic pattern from the development site, lack of specific guidelines in the staff report regarding landscaping on Via Coconut and landscaping being added to the roundabout, and lack of pattern book.

**Motion:** Move to pass first reading of Ordinance No. 2017-02 with the condition that it goes back to the Planning and Zoning Board for a new recommendation of the modified plan.

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

**Action:** Passed first reading of Ordinance No. 2017-02 with the condition that it goes back to the Planning and Zoning Board for a new recommendation of the modified plan.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

Brief discussion followed regarding providing the Planning and Zoning Board with a transcript of the minutes; advertising second reading of the ordinance; and the developer addressing questions raised.

## **7. ACTION ITEMS:**

- (a) Resolution No. 2017-16 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Estero Commons Plat; and Providing an Effective Date

The title of Resolution No. 2017-16 was read by Village Clerk Hall. Village Manager Sarkozy provided a brief explanation and Development Review Manager McCarthy provided information regarding the plat; the subject property is located on the corner of Atlantic Gulf Road and US 41, currently occupied by Race Trac service station and convenience store, Honda car dealership, and Tract "A."

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2017-16.

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

**Action:** Adopted Resolution No. 2017-16.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**(b) Competitive Negotiation CN 2017-01 Estero Parkway Roadway and Landscape Design**

Village Manager Sarkozy reviewed the discussion from the May 31, 2017 Council meeting. He also spoke to the competitive bidding process and noted that he hired someone part-time to take care of the bidding process, which has made it possible to provide a high quality product at low cost.

**Questions or Comments:** Councilmembers Levitan, Errington, McLain, and Batos. Discussion included the Village Attorney's approval of the bid documents; an explanation regarding the competitive negotiation process; concern that the list of companies include companies that have national recognition; making certain that there is a mechanism for interaction with the public; reviewing road safety; and the two-step selection process.

**Public Comment:**

Doug Saxton, Reserve, representing BikeWalkLee  
Robert King, ECCL Transportation Director  
Patty Whitehead, Old Estero

**Questions or Comments:** Councilmembers Batos, Levitan, Errington, and Mayor Boesch. Discussion included adding the term "complete streets" to the documents; inclusion of conduit for lighting and landscaping.

**Motion:** Move to approve release of CN 2017-01, which solicits proposals for the Estero Parkway Roadway and Landscape Design.

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Errington

**Action:** Approved release of CN 2017-01, which solicits proposals for the Estero Parkway Roadway and Landscape Design.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(c) Request for Quotation RFQ 2017-01 for Estero Village Hall 2nd Floor Remodel

Village Manager Sarkozy provided a brief explanation regarding the formal bidding process for remodeling the other half of the second floor of Village Hall.

**Questions or Comments:** Councilmembers Levitan, Wilson, Vice Mayor Ribble, and Mayor Boesch. Discussion included “hand shake” process with the property owner prior to original occupancy regarding improvements to the inside of the elevator; project timeline; and asking the property owner to install an American flag outside the Village Hall.

**Public Comment:** None.

**Motion:** Move to approve release of RFQ 2017-01, which solicits proposals for the Estero Village Hall 2nd Floor Remodel.

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

**Action:** Approved release of RFQ 2017-01, which solicits proposals for the Estero Village Hall 2nd Floor Remodel.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(d) Request for Bid RFQ 2017-04 for Pipe Replacement under Broadway Avenue

Village Manager Sarkozy explained that, as part of the Stormwater Master Plan, Evans Engineering was asked to look at the area in the northwest quadrant of US 41 and Broadway Avenue for flooding issues; upon inspection, it was found that the pipeline under Broadway Avenue had some problems.

Assistant to the Village Manager, Kyle Coleman, provided a PowerPoint presentation indicating the location and condition of the pipe, road deterioration, and project outline.

**Questions or Comments:** Councilmembers McLain, Errington, Levitan, Wilson, and Mayor Boesch. Discussion included pipe size; previous flooding; the need for the Stormwater Management Plan; redesign; availability of funds to address projects such as this; and issues if this pipe collapsed.

**Public Comment:**

Robert King, ECCL Transportation Director

**Motion:** Move to approve release of RFQ 2017-04, which solicits proposals for the Pipe Replacement under Broadway Avenue.

**Motion by:** Councilmember Errington  
**Seconded by:** Councilmember Batos

**Action:** Approved release of RFQ 2017-04, which solicits proposals for the Pipe Replacement under Broadway Avenue.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**(e) Request for Quotation RFQ 2017-02 for Disaster Debris Monitoring**

Village Manager Sarkozy explained that, as part of a post-emergency recovery program, a disaster debris monitoring contract would bring in a firm that would monitor the quantity and location of debris as well as create a formal tally for the Village, which would be used for the FEMA reimbursement process.

**Questions or Comments:** Councilmembers Errington, Batos, Levitan, and Mayor Boesch. Discussion included gated communities; roadways that belong to the county; it is believed that this is needed for the roads under Village control; debris will continue to be removed by the county; and the need to enforce water flow in gated communities.

**Public Comment:** None.

**Motion:** Move to approve release of RFQ 2017-02, which solicits proposals for Disaster Debris Monitoring.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved release of RFQ 2017-02, which solicits proposals for Disaster Debris Monitoring.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**(f) Request for Quotation RFQ 2017-03 for Disaster Recovery Services**

Village Manager Sarkozy explained that this would provide assistance in the event that an isolated event occurred in Estero. Assistant to the Village Manager Kyle Coleman added that, included with this agenda item, was a request to approve a letter to Pete Minton, Assistant Lee County Manager/Chief Financial Officer, requesting Lee County disaster response services, in the case of Lee County declaring an emergency. In response to an inquiry regarding a separate line in an existing agreement, he explained that if the county activates a Lee County emergency, they would activate all of their bids for response; they would include Estero as part of that offer. He added that this bid contract would only be executed if a local, isolated event occurred in Estero and Lee County did not activate their disaster response process. Village Manager Sarkozy stated that staff would prepare a "road map" for clarity of each type of disaster response, including coordinating with the Fire District.

**Questions or Comments:** Councilmembers Batos, Levitan, Errington, and Vice Mayor Ribble. Discussion included concern regarding the county being able to get to Estero quick enough; a separate line in an agreement with the county related to disaster recovery services; encouraging residents to utilize the Village website and other methods of outreach, including the possibility of a direct mailing to every Estero resident.

**Public Comment:**

Patty Whitehead, Old Estero

**Motion:** Move to approve release of RFQ 2017-03, which solicits proposals for Disaster Recovery Services and approve a letter to Pete Minton, Assistant Lee County Manager/Chief Financial Officer, requesting Lee County disaster response services, in the case of Lee County declaring an emergency.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Errington

**Action:** Approved release of RFQ 2017-03, which solicits proposals for Disaster Recovery Services and approved a letter to Pete Minton, Assistant Lee County Manager/Chief Financial Officer, requesting Lee County disaster response services, in the case of Lee County declaring an emergency.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

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

Doug Saxton, Reserve, regarding incentivizing businesses to install landscaping along US 41.

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

Vice Mayor Ribble: Chamber of Commerce event last week; Florida League of Cities Home Rule Hero awards - recommended that Councilmember Batos be nominated to receive the award as the first Village Mayor.

Councilmember Levitan: Comprehensive Plan group meets every week; the document may be presented to the Planning and Zoning Board in early fall; he urged everyone to either watch or attend the Planning and Zoning Board meetings. He addressed concern regarding board members with conflicts of interest. He drafted revisions to the ordinance regarding board member qualifications and forwarded to Village Land Use Attorney Nancy Stroud.

Councilmember Errington: Numerous reports have been received concerning landscaping along US 41; she has had meetings with staff and contacted Commissioner Kiker; a response from FDOT regarding the weeds and tall grass indicated that there was a safety issue due to the current lighting project. She reported regarding a recent



invitation to speak concerning Estero history and stated that she continues to be in touch with Nola Boomer.

Councilmember Batos: Received a notice from Lee Health regarding the construction project status; they are still on schedule and the Council should receive monthly reports.

Councilmember Wilson: Lee County officially withdrew from the Southwest Florida Regional Planning Council. He recommended that Estero formally withdraw. He asked that staff include this on a published agenda.

Mayor Boesch: FDOT and LDOT will be here on September 6 to present information regarding I-75 and Corkscrew Road. Village Manager Sarkozy stated that confirmation on the date was pending from the state. Mayor Boesch also spoke regarding the Metropolitan Planning Organization meeting that he recently attended.

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

Village Attorney Saunders reported that provisions of HB 1021 would have an impact on Estero; he will be meeting with the Village Manager to go over the provisions.

**11. VILLAGE MANAGER'S REPORT:** None.

A motion to adjourn was made and duly passed.

**12. ADJOURNMENT:** 11:55 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

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