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**APPROVED BY COUNCIL
AUGUST 2, 2017**

FINAL ACTION AGENDA/MINUTES

Village Council Meeting

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
July 19, 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: In recognition of Vice Mayor Ribble's recent Centennial Award, presented by the Urban League of Philadelphia at the 2017 Empowerment Dinner, Mayor Boesch asked the Vice Mayor to lead the Pledge of Allegiance.

Invocation: Pastor James Reho from Lamb of God Lutheran Episcopal Church.

Roll Call: Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Jon McLain - District 3, 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, 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 Wilson
Seconded by: Councilmember Batos

Action: Approved the agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

4. CONSENT AGENDA:

- (a) Approval of May 24, 2017 Council Comprehensive Plan Amendment Transmittal and Rezoning Hearing Minutes
- (b) Approval of May 31, 2017 Council Meeting Minutes
- (c) Approval of June 7, 2017 Council Meeting Minutes
- (d) Approval of June 21, 2017 Council Meeting Minutes
- (e) Financial Report for May 31, 2017

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Ribble

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

5. PUBLIC HEARINGS:

- (a) Proposed Capital Improvement Program

Village Manager Sarkozy provided an introduction. Finance Director Robison offered a PowerPoint presentation: schedule; construction projects include but are not limited to Estero Parkway improvement and selective beautification and isolated landscape projects; potential capital project allocation (subject to change throughout out the fiscal year) transportation projects, stormwater improvements and capital projects; potential capital project allocation for next 5 years (updated every fiscal year and can be updated during the fiscal year).

Questions or Comments: Councilmembers Levitan, Wilson, and Vice Mayor Ribble. Discussion included concern regarding prioritizing capital projects; how the two projects in the budget document were chosen; culmination of the decision made by the voters at incorporation; and stormwater improvements.

Village Manager Sarkozy explained that the capital program is selective and noted that Council has moved forward on some projects to meet needs and objectives; the needs that Council has determined are reviewed; staff will provide information as best as they can due to the wide range of projects; and a formula would not do justice for what the community needs.

Public Comment:

Mark Novitski, Bella Terra, spoke regarding the main entrance to the Estero Recreation Center and elimination of septic tanks.

Motion: Move to continue with discussion at the second hearing on August 2, 2017.

Motion by: Councilmember Wilson

Seconded by: Councilmember Batos

Action: Discussion will be continued at the second hearing on August 2, 2017.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

(b) Second Reading and Public Hearing:

Ordinance No. 2017-03 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing a Bonus Density Program for Certain Properties Which Contribute Funds to Purchase Public Lands; Providing for Purpose, Applicability, Definitions, Minimum Requirements, Procedures for Approval, Establishment of the Contribution Amount, and Payment and Use of Funds Collected; Providing for Severability; Providing a General Repealer Clause; and Providing an Effective Date

Mayor Boesch introduced the second reading of the ordinance and public hearing. The title of Ordinance No. 2017-03 was read by Village Clerk Hall.

Village Land Use Attorney Stroud reviewed previous discussions and provided an explanation of the ordinance, which sets forth a process; a resolution regarding adoption of a fee will be brought to Council at the next meeting.

Community Development Director Gibbs responded to an inquiry regarding projects.

Questions or Comments: Councilmembers Batos, Errington, Levitan, and Wilson. Discussion included a question related to Lee County fees; properties listed in the ordinance are located within, or close to, the historic area; concern regarding the definition of “environmentally sensitive land”; concern regarding wetlands and how the funds would be spent; revision to the second “Whereas” to replace “prior to the incorporation of the Village” with “prior to March 17, 2015”; inquiry regarding Section 4 – Procedure to approve bonus density; and an inquiry regarding deleting definitions from the ordinance.

Public Comment:

Mark Novitski, Bella Terra, concern regarding funds not being reflected in the proposed budget document.

Patty Whitehead, Old Estero, spoke to comments made by Councilmember Errington.

Bobbi Nelson, Island Club, concern regarding density in general.

Paul Mandelaro, commented regarding Council's microphone use in Council Chambers.
Don Eslick, ECCL, statement regarding transition period.

Motion: Move to adopt Ordinance No. 2017-03 with the revision to the second "Whereas" replacing "prior to the incorporation of the Village" with "prior to March 17, 2015."

Motion by: Councilmember Ribble

Seconded by: Councilmember McLain

Action: Adopted Ordinance No. 2017-03 with the revision to the second "Whereas" replacing "prior to the incorporation of the Village" with "prior to March 17, 2015."

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

6. ACTION ITEMS:

- (a) Resolution No. 2017-17 A Resolution of the Village Council of the Village of Estero, Florida, Appointing the Voting Delegate for the Village of Estero for the 2017 Florida League of Cities Annual Conference and Business Meeting; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2017-17. Village Manager Sarkozy provided an explanation of the resolution and reminded Council that Vice Mayor Ribble is the liaison to the Florida League of Cities.

Public Comment: None.

Motion: Move to appoint Vice Mayor Ribble as the voting delegate for the Village of Estero for the 2017 Florida League of Cities annual conference and business meeting and to adopt Resolution No. 2017-17.

Motion by: Councilmember Batos

Seconded by: Councilmember Wilson

Action: Appointed Vice Mayor Ribble as the voting delegate for the Village of Estero for the 2017 Florida League of Cities annual conference and business meeting and adopted Resolution No. 2017-17.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

- (b) Resolution No. 2017-18 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing the Waiving of Competitive Bidding Procedures and Authorizing the Village Manager to Execute a Contract for Landscape Design Services with Windham Studio, Inc.; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2017-17. Village Manager Sarkozy provided an explanation of the resolution. Due to the current state of the landscaping along US-41 in the Village, the Florida Department of Transportation (FDOT) was approached by the Village, seeking assistance. FDOT indicated that landscape capital funds for US-41 in the Village may be available in the summer of 2018, if the Village could provide a cost estimate in short order, to meet their budget deadlines. Village Manager Sarkozy noted that Windham Studio, Inc. is based in Bonita Springs, and has extensive experience in Southwest Florida, working with municipalities, and has performed landscape improvements along US-41. Windham Studio, Inc. can provide the preliminary plans and estimates to FDOT, to begin the process and keep the Village on track for landscape improvements along US-41.

Questions or Comments: Councilmembers Errington, McLain, Batos, Levitan, and Mayor Boesch. Discussion included the landscape work being just the medians and will probably be done in phases; the appearance that the Village is going from one reaction to another with waiving competitive bidding; a request that Council be provided more information regarding the contractor when these situations arise; concern regarding irrigation; keeping expectations at the right level; and appearance of both Estero entryways on US 41.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-18 authorizing the waiving of competitive bidding procedures and authorizing the Village Manager to execute an agreement with Windham Studio, Inc. for landscape design services.

Motion by: Councilmember Errington

Seconded by: Councilmember Batos

Action: Adopted Resolution No. 2017-18 authorizing the waiving of competitive bidding procedures and authorizing the Village Manager to execute an agreement with Windham Studio, Inc. for landscape design services.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

7. NEW BUSINESS:

- (a)** Discussion regarding withdrawal from Southwest Florida Regional Planning Council (SWFRPC)

Village Manager Sarkozy reviewed that this topic had been discussed previously; if Council approves, a letter would be sent to Southwest Florida Regional Planning Council. Village Attorney Saunders noted that Lee and Collier counties were also withdrawing.

Questions or Comments: Councilmembers Wilson, Levitan, Batos, McLain, and Mayor Boesch. It was noted that most discussions at the SWFRPC meetings related to other counties, rather than Lee and Collier. Discussion ensued regarding whether the Village had a one year obligation; what the SWFRPC role was with the Comprehensive Plan process; the fact that Lee County was paying increased dues since Estero had the free seat; the timing of submitting the Comprehensive Plan to them; sending the letter to withdraw and see how they respond; and the letter should reflect that the Village does not intend to renew membership.

Public Comment: None.

Motion: Move to withdraw membership from Southwest Florida Regional Planning Council.

Motion by: Councilmember Wilson
Seconded by: Councilmember McLain

Action: Membership will be withdrawn from Southwest Florida Regional Planning Council.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Gary Israel, Estero Life Magazine, requested that Council reopen conversation with the Postal Service regarding the zip code situation.

Mark Novitski addressed a similar issue with phones.

Councilmember Batos stated that the Village was still working on the zip code issue with various agencies within the county, with the assistance of Congressman Rooney.

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Wilson: Requested an excused absence for the August 2, 2017 Council meeting due to travel. He reported that he has been attending the Bonita-Estero Economic Development Council meetings and noted that Bonita Springs may not continue to participate. He also suggested that Council think about a closer relationship with the Estero Chamber of Commerce.

Councilmember Batos: Reported that the process of naming a portion of US 41 “Coach Jeff Sommer Memorial Highway” was moving forward and a ceremony will be arranged for the sign installation. He also reported that he met with the new head of Lee Health and they confirmed that they are still expecting to have construction completed in July 2018 and opening in November 2018.

Councilmember Errington: Reported regarding a recent Charlotte Harbor National Estuary Program meeting that she attended; she will be attending a Lee County resources meeting in August with Peggy Phillips. She also spoke to the Village not taking advantage of funding through West Coast Inland Navigation District that other cities are utilizing. She will be meeting with Senator Benacquisto and the Village Attorney regarding the Boomer property; the Senator is now working with the Village Attorney’s office on fact finding.

Councilmember McLain: Reported that he has been working on the Veteran’s Day event that is planned to be held at the Estero Recreation Center. He is also working with the Rotary Club on the annual Christmas event, and will be working on next year’s July 4th event.

Councilmember Levitan: Reported that he continues to meet on the Comprehensive Plan, the Planning and Zoning Board public hearing will be held July 25, 2017, and a Council workshop has been scheduled for September 20, 2017; the goal is to get the plan to the state by the end of the year. He noted that Community Development Director Gibbs was working on collecting pictures and diagrams for the final document.

Vice Mayor Ribble: Spoke regarding “Deep Wells” injection wells designed to pump treated waste into a cavernous “boulder zone.”

Mayor Boesch: Spoke regarding the I-75 underpass project and that the extensions on Corkscrew Road need to be reconciled with the county.

10. VILLAGE ATTORNEY’S REPORT: None.

11. VILLAGE MANAGER’S REPORT:

Village Manager Sarkozy spoke to the Comprehensive Plan and the upcoming meeting of the Planning and Zoning Board.

The meeting went into recess at 11:15 a.m. and reconvened at 11:30 a.m.

Adjourn Regular Session and Convene Workshop

12. WORKSHOP ITEMS:

(a) Proposed Fiscal Year 2017-2018 Budget

Village Manager Sarkozy introduced the workshop and spoke to the upcoming public hearings in August and September. PowerPoint Presentation: year in review; financial stability; operational improvements; development activity; year to come; traffic study review; capital improvements; stormwater master plan; comprehensive plan and land

development code; staffing enhancement and litigation defense; commitment to government lite; and performance management.

Questions or Comments: Vice Mayor Ribble inquired regarding public access to the Village Manager's budget message. Councilmember Levitan spoke to the definition of "government lite" as related to the number of staff and noted that he has some concern for some areas, noting that the Clerk's office could use some help with Planning and Zoning Board and Design Review Board meeting minutes. He asked that there be a backup person on each position of key personnel. Councilmember Wilson pointed out the schedule of evening public budget meetings in accordance with state law. Councilmember Batos believed the Village Manager's presentation was a good way to get the information out to the public and suggested a special report in the *Estero Life* magazine. Councilmember Errington expressed appreciation for the amount in reserves. Mayor Boesch stated the addition of a Public Works Director was very important. Councilmember McLain believed the budget was in excellent form and stated it was important to look at where we are today and be prepared for the future.

Public Comment: None.

(b) Traffic Study – Kimley Horn

Village Manager Sarkozy introduced the workshop and reviewed previous documents that related to Village traffic.

Christopher Hatton and Kelly Fearon, Kimley Horn representatives, offered a PowerPoint Presentation: overview; traffic study methodology; A.M. and P.M. Peak hour study intersections; Corkscrew Road; DR/GR projects – Corkscrew Road area; intersection analysis – Corkscrew Road and Bella Terra Blvd.; Corkscrew Road and Cypress Shadows Blvd.; Corkscrew Road and Ben Hill Griffin Parkway; Corkscrew Road and I-75 northbound and southbound ramps; Corkscrew Road and Corkscrew Woodlands Blvd.; Corkscrew Road and Three Oaks Parkway; Corkscrew Road and US 41; US 41 and Estero Parkway; US 41 and Pelican Sound Drive; US 41 and Williams Road; US 41 and Fountain Lakes Parkway; Three Oaks Parkway and Coconut Road; safety analysis at three intersections; and next steps.

Questions or Comments: Councilmembers Levitan, Batos, Errington, Wilson, and Boesch. Discussion included signal at Corkscrew Road and Cypress Shadows Blvd.; roundabouts; scheduled improvement of dual eastbound left-turn lanes along Corkscrew Road; re-timing the lights at Corkscrew Road and US 41; importance of prioritization; importance of crash data; left turns across traffic; whether they were willing to have a discussion with the Village Manager and transportation people regarding their recommendations; the next step for Council is to prioritize/rank projects and improvements; building roads is not the final option.

Public Comment:

Robert King, Bella Terra, ECCL
Don Eslick, ECCL

A motion to adjourn was made and duly passed.

13. ADJOURNMENT: 12:58 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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