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**APPROVED BY COUNCIL  
NOVEMBER 15, 2017**

## **FINAL ACTION AGENDA/MINUTES**

### **Village Council Meeting**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
September 20, 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

**Invocation:** Offered by Mayor Boesch

**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, Assistant to Village Manager Kyle Coleman, Village Clerk Kathy Hall, Finance Director Lisa Roberson, and Community Development Director Mary Gibbs.

Village Manager Sarkozy spoke regarding the recent flooding as well as Hurricane Irma. He offered appreciation to Carol Sacco, Executive Assistant to the Village Manager, Kyle Coleman, Assistant to Village Manager, Randy Brodersen, Public Works, and commended the Councilmembers for their assistance to residents in their Districts. He addressed the declaration of an emergency in the Village, and noted the governmental process that took place in an effort to take care of issues in the Village.

Kyle Coleman, Assistant to Village Manager, offered a PowerPoint Presentation entitled *Hurricane Irma - Preliminary Debriefing*, which included preliminary damage assessments; concentration of damage; damage assessment guidelines; preliminary totals; minor and major damage; Estero Parkway pipe cleaning; railroad, Cascades, and Belle Lago/The Reserve ditch cleaning; value of the Emergency Operations Center;

communication improvements; and critical technology. He also shared a brief video featuring the east side of The Cascades community.

**Questions or Comments:** Councilmembers Levitan, Errington, Wilson, McLain, Batos, Vice Mayor Ribble, and Mayor Boesch. Discussion included the requirements between minor and major damages; comments related to septic, flooding, lines lying in water; Rotary Club efforts; information provided on the Village website; pre-planning efforts of the Emergency Operations Center and the Estero Fire Rescue District; communications through cell phone service; importance of CodeRED; Xfinity hotspots; cooperation with ECCL; communications to the HOA presidents; appreciation to Maryann Batlle, Naples Daily News reporter; compliments to Marilyn Edwards' communications efforts; appreciation to the Village Manager and the staff; questions regarding Halfway Creek and Spring Creek; water flow from the east; development in Lee County; temporarily slowing down development in Estero until the Village Stormwater Master Plan becomes available.

Councilmember Batos spoke regarding information that he provided to the Village Manager in an effort to obtain email, cell and telephone numbers from residents to enable the Village to provide important information to residents, particularly in emergency situations. He believed that the response rate would be greatest if this was done within the next week or two. Discussion ensued; there was Council consensus to move forward with Councilmember Batos' suggestion.

**Motion:** Move to authorize Councilmember Levitan to attend the upcoming Board of Lee County Commissioners meeting and provide verbal input regarding development in the DRGR.

**Motion by:** Councilmember Wilson

**Seconded by:** Mayor Boesch

**Action:** Authorized Councilmember Levitan to attend the upcoming Board of Lee County Commissioners meeting and provide verbal input regarding development in the DRGR.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

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

**Motion:** Move to approve the agenda with the addition of Council Liaison Assignments as agenda item 5 (f).

**Motion by:** Councilmember Wilson

**Seconded by:** Vice Mayor Ribble

**Action:** Approved the agenda with the addition of Council Liaison Assignments as agenda item 5 (f).

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

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

Gary Israel, Stoneybrook, on behalf of Rotary Clubs of District 6960, disaster relief efforts.

Angele Nadeau, The Reserve at Estero, standing water and drainage issues.

Barbara Saxton, The Reserve at Estero, representing Friends of River Oaks Park, opportunity to purchase a piece of property to assist with water management.

Barry Freedman, The Vines, appreciation for direct contact from the Village Manager as well as Estero Fire District; question regarding how to deal with the railroad system and tree removal; and suggestion that Council pass a moratorium on building.

Lou Frattarelli, Preserve at Corkscrew, water flow.

Don Eslick, ECCL, Village engagement with development in the DR/GR.

Patty Whitehead, Old Estero, applying pressure on Lee County and the State regarding development in the DR/GR; concern regarding Three Oaks treatment plant; debris along Tanglewood Lane and question regarding timeline of claw trucks coming to Estero for hurricane debris removal.

Doug Saxton, The Reserve, communications via Facebook during power outage; water flow at The Reserve and an upcoming town hall meeting.

**Questions or Comments:** Councilmember Errington offered appreciation for Rotarians. Councilmember Ribble suggested that Congressman Rooney's office become involved with the railroad issues. Councilmember Levitan noted that the Board of County Commissioners meeting that he agreed to attend actually occurred this morning. Councilmember McLain stated that he would be attending a town hall meeting at The Reserve.

The meeting went into recess at 11:30 a.m. and reconvened at 11:41.

**4. CONSENT AGENDA:**

**(a) Financial Report for July 31, 2017**

Village Finance Director Roberson spoke to the extension issued by the Governor, due to the hurricane, for the budget hearings; however, the County Tax Collector asked that the Village conduct the hearings as soon as possible. Tentative budget hearings dates: September 26, 5:30 p.m.; final public hearing date: October 4, 5:30 p.m.

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

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Levitan

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**5. ACTION ITEMS:**

**(a) Estero Life Magazine**

Village Manager Sarkozy reviewed the previous “trial basis” approval, which has expired. He recommended approval of the placement of full-page articles in Estero Life Magazine, beginning with the October 1, 2017 issue through September 30, 2018.

**Questions or Comments:** Councilmembers Batos, Wilson, McLain, and Vice Mayor Ribble. Discussion included support of the recommendation; content provided by the Village; and magazine distribution due to the various zip codes in Estero.

**Public Comment:** None.

**Motion:** Move to approve placement of full-page articles in Estero Life Magazine, beginning with the October 1, 2017 issue through September 30, 2018.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember McLain

**Action:** Approved placement of full-page articles in Estero Life Magazine, beginning with the October 1, 2017 issue through September 30, 2018.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(b) Request for Bid RFB 2017-05 for Village Mowing**

Village Manager Sarkozy reviewed that, when the Village took over the roads, many contracts were executed via piggy-backing; at that time, Council asked that staff create bids for the Village in order to obtain our own contracts.

**Questions or Comments:** Councilmember Levitan referred to a comment made in a memorandum from the Assistant Village Attorney Derek Rooney related to the Village bid procedure and suggested that, if there was a question regarding the Village bid procedure, the ordinance should be amended. Village Attorney Saunders responded that he would get together with the Village Manager to prepare an amendment. In response to

an inquiry from Councilmember McLain, Assistant to the Village Manager Coleman provided an explanation of the Lee County contracts taken over by the Village.

**Public Comment:** None.

**Motion:** Move to approve the content of the bid package and authorize the advertisement for competitive solicitation of RFB 2017-05 Mowing for Village of Estero Roadways, Step One - Qualifications and Step Two - Pricing.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Ribble

**Action:** Approved the content of the bid package and authorized the advertisement for competitive solicitation of RFB 2017-05 Mowing for Village of Estero Roadways, Step One - Qualifications and Step Two - Pricing.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(c) Request for Bid RFB 2017-06 for Landscape Maintenance for Village of Estero Roadways

Village Manager Sarkozy explained that this bid was a similar situation as the request for bid RFB 2017-05 in agenda item 5 (b).

**Questions or Comments:** None.

**Public Comment:** None.

**Motion:** Move to approve the content of the bid package and authorize the advertisement for competitive solicitation of RFB 2017-06 Landscape Maintenance for Village of Estero Roadways, Step One - Qualifications and Step Two - Pricing.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Batos

**Action:** Approved the content of the bid package and authorized the advertisement for competitive solicitation of RFB 2017-05 Mowing for Village of Estero Roadways, Step One - Qualifications and Step Two - Pricing.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(d) Request for Bid RFB 2017-07 for Village Miscellaneous Right-of-Way Work**

Village Manager Sarkozy explained that the purpose of this bid was to obtain contractors capable of performing sidewalk and sign repairs, litter pickup, etc., on an on-call basis; annual award with a term of one year with the option to renew for an additional one year period.

**Questions or Comments:** None.

**Public Comment:** None.

**Motion:** Move to approve the content of the bid package and authorize the advertisement for competitive solicitation of RFB 2017-07 for Miscellaneous R.O.W. Work for the Village of Estero Right-of-Ways.

**Motion by:** Councilmember McLain

**Seconded by:** Vice Mayor Ribble

**Action:** Approved the content of the bid package and authorized the advertisement for competitive solicitation of RFB 2017-07 for Miscellaneous R.O.W. Work for the Village of Estero Right-of-Ways.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(e) Approve Ranking of Consultants and Authorize the Contract Negotiations for CN 2017-01 Estero Parkway Roadway/Landscape Design & Estero Roadways Landscape Master Plan**

Village Manager Sarkozy reviewed Council's authorization for staff to follow through with the Estero Parkway Roadway/Landscape Design & Estero Roadways Landscape Master Plan process and provided details regarding the process; first step in the process is ranking of consultants and authorizing contract negotiations. Village Manager Sarkozy provided a brief review regarding the August 21, 2017 Competitive Negotiations Committee meeting and the August 28, 2017 Evaluation Committee meeting. He noted that, after considerable discussion, the Competitive Negotiations Committee ranked four firms to be invited for an interview/presentation. At their August 28, 2017 meeting, the Evaluation Committee ranked the four firms, resulting in Agnoli, Barber & Brundage as the No. 1 firm.

**Questions or Comments:** Councilmembers Levitan and McLain. Discussion included, with the recent storms, the possibility of other stormwater issues and whether the Village will need to do other things to carry the water; whether the Village will need to deal with the Estero Parkway swales; identifying crossings; installing culverts; installing larger structures to accommodate a future issue; in moving forward, the process will be interactive and meetings will be held for discussions.

**Public Comment:**

Doug Saxton, The Reserve, stated this was a great step in getting Estero Parkway done, and addressed concern regarding pedestrians.

**Motion:** Move to: (1) Concur with the ranking of consultants for CN 2017-01 Estero Parkway Roadway/ Landscape Design & Estero Roadways Landscape Master Plan as follows: Number 1 – Agnoli, Barber & Brundage; Number 2 – Kimley-Horn; Number 3 – T.Y. Lin; Number 4 – DRMP; (2) Authorize staff to negotiate a contract with the Number 1 ranked firm, Agnoli, Barber & Brundage to provide professional consulting services for the roadway/landscape design for improvements to Estero Parkway.

**Motion by:** Councilmember McLain

**Seconded by:** Vice Mayor Ribble

**Action:** (1) Concurred with the ranking of consultants for CN 2017-01 Estero Parkway Roadway/ Landscape Design & Estero Roadways Landscape Master Plan as follows: Number 1 – Agnoli, Barber & Brundage; Number 2 – Kimley-Horn; Number 3 – T.Y. Lin; Number 4 – DRMP; (2) Authorized staff to negotiate a contract with the Number 1 ranked firm, Agnoli, Barber & Brundage to provide professional consulting services for the roadway/landscape design for improvements to Estero Parkway.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(f) Council Liaison Assignments**

Mayor Boesch inquired whether there were any Councilmember objections to suspend Council Rules and address Council liaison assignments. There were no objections.

**Questions or Comments:** Mayor Boesch, Vice Mayor Ribble, and Councilmembers Errington, Levitan, and McLain. Discussion included the lack of a generator at Village Hall; the code for the windows and doors does not meet the requirements; District 3 liaison assignments: Events, Parks and Recreation, Stormwater. Councilmember Errington would be willing to give up median landscaping except for US 41 and she also wanted to retain the Boomer property under her assignments. Councilmember McLain inquired regarding sanitation districts. Councilmember Levitan believed that someone needed to be involved with lift stations.

**Public Comment:** None.

**Action:** Tabled until the next meeting.

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

Gary Israel asked regarding a possible shelter for a citizen with a pet.

Discussion followed related to shelters in Estero.

## **7. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Vice Mayor Ribble: Provided a brief report regarding the marijuana workshop at the Florida League of Cities conference. Addressed concern regarding conversations that took place at the August 2 Council meeting when he was out of town and attended the meeting via teleconference. He requested that an agenda item be added to the next Council meeting agenda related to Council conduct at meetings.

Councilmember Levitan: Spoke regarding the August 2 Council meeting and believed that, in the heat of an argument, things can happen in meetings; all members are affected when there is a problem. He hoped that the issue could be resolved by an apology and that Council would make certain it doesn't happen again. He recommended that the Councilmember assigned to stormwater contact Jim Wallace regarding a suggestion he made related to a watershed issue. He also congratulated the Lee County Board of Commissioners on their purchase of Edison Farms.

Councilmember McLain: Provided a brief report regarding the Florida League of Cities conference; noting that it was very enlightening. He also addressed Home Rule and provided an update regarding the Veterans Day event.

Councilmember Errington: Inquired regarding the expiration of the ordinance related to temporary moratorium on cannabis dispensing businesses. Community Development Director Gibbs responded the expiration date is December 7, 2017 and stated that Assistant Village Attorney Rooney was working on a new ordinance. Councilmember Errington addressed a conversation she and the Mayor had at the September 6 special Council meeting and explained that she asked forgiveness of the Mayor due to the heated conversation at the August 2 meeting.

Councilmember Wilson: Spoke briefly regarding Lee County's acquisition of Edison Farms. He also addressed his disappointment when he viewed the video recording of the August 2 Council meeting.

Mayor Boesch: Commented that Governor Scott did an outstanding job regarding the hurricane. He inquired whether the Council believed it would be appropriate to ask FEMA to be here for a town hall meeting. Village Manager Sarkozy responded that he checked into this and found that FEMA was set up to attend 6 meetings for up to 1,000 people each. He said he would continue to see if a meeting could be set up in Estero. Another suggestion was to obtain the FEMA information to provide on the Village website and to make it available at Village Hall. Mayor Boesch said he was pleased regarding Lee County's acquisition of Edison Farms.

## **8. VILLAGE ATTORNEY'S REPORT:**

Village Attorney Saunders stated that the Council should be proud of the staff for doing a wonderful job during the hurricane. He also congratulated the Councilmembers on their interaction with constituents.



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

Village Manager Sarkozy said he intended to bring back at the next Council meeting commendations regarding the staff, county, etc., due to the good work involved with Hurricane Irma.

**Adjourn Regular Session and Convene Workshop**

**10. WORKSHOP ITEMS:**

- (a)** Comprehensive Plan Update/Overview

Village Manager Sarkozy introduced.

Ben Smith, LaRue Planning and Laura DeJohn, Johnson Engineering, PowerPoint: Status Report; Elements: Future Land Use; Transportation; Housing; Infrastructure; Conservation and Coastal Management; Recreation and Open Space; Intergovernmental Coordination; Capital Improvements; Public School Facilities; and Next Steps.

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

**Public Comment:** None.

A motion to adjourn was made and duly passed.

**11. ADJOURNMENT: 1:48 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

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