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**APPROVED BY COUNCIL
JANUARY 3, 2018**

FINAL ACTION AGENDA/MINUTES

Village Council Meeting

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
November 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 Councilmember Wilson

Invocation: Father Hugh McGuigan from Our Lady of Light Catholic Community

Roll Call: Present: Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Councilmember Jon McLain - District 3, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7. Absent: Mayor Jim Boesch - District 5.

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:**

Village Manager Sarkozy announced that agenda item 5 (b) Ordinance No. 2017-11 would need to be tabled and brought back to Council on a future agenda.

Motion: Move to approve the agenda as amended, tabling agenda item 5 (b).

Motion by: Councilmember Levitan

Seconded by: Councilmember Errington

Action: Approved the agenda as amended, tabling agenda item 5 (b).

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

David Sides, Reserve at Estero, inconsistencies of the tax rate Estero residents pay into the San Carlos Park Fire District (Fire Protection Tax Districts 3 and 4)
Gary Green, Pensacola Avenue, Ordinance No. 2017-11
Barry Freedman, The Vines, lack of professionalism of the Design Review Board
Gary Israel, Stoneybrook, offered praise for the Veterans Day event

4. CONSENT AGENDA:

- (a) September 20, 2017 Council Meeting Minutes
- (b) September 26, 2017 Council Meeting Minutes
- (c) Resolution No. 2017-31 A Resolution of the Village Council of the Village of Estero, Florida, Supporting the Designation of the Coach Jeff Sommer Memorial Highway on U.S. 41 from the North Boundary to the South Boundary of the Village of Estero; and Providing an Effective Date

Public Comment: None.

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. ORDINANCE SECOND READINGS/PUBLIC HEARINGS:

- (a) Ordinance No. 2017-10 An Ordinance of the Village Council of the Village of Estero, Florida, Amending Chapter 34, Division 31 of Estero Land Development Code to Prohibit Medical Marijuana Facilities within the Boundaries of the Village; Providing for a Moratorium Contingency; Providing for Codification, Severability, Conflicts and an Effective Date

Vice Mayor Ribble introduced Ordinance No. 2017-10 and the title was read by Village Clerk Hall.

Village Attorney Saunders provided an explanation of the Village being permitted to ban dispensaries.

Public Comment:

Benjamin Bachrach, Pelican Sound, opposed to the ordinance

Anina Bachrach, Pelican Sound, opposed to the ordinance

Nick Garulay, Naples, representing My Florida Green, opposed to the ordinance

Questions or Comments: Councilmembers Levitan, Batos, and Wilson. Discussion included home rule; possible location of dispensaries; and recreational marijuana. Village Attorney Saunders noted that many communities are waiting to see what happens when the state legislature addresses additional regulations on medical marijuana dispensaries during the 2018 legislative session. At the present time, the state has permitted banning dispensaries altogether of allowing dispensaries wherever retail pharmacies are located, with no limit to the number of dispensaries.

Motion: Move to pass second reading and adopt Ordinance No. 2017-10.

Motion by: Councilmember Batos

Seconded by: Councilmember Levitan

Action: Passed second reading and adopted Ordinance No. 2017-10.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Ordinance No. 2017-11 An Ordinance of the Village Council of the Village of Estero, Florida, Further Amending Ordinance No. 15-01, Changing the Qualifications for Membership of the Design Review Board; Adding a New Section 4 Regarding Ethics and Conflicts of Interest; Revising the Quorum Requirement for the Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Ordinance No. 2017-11 was tabled under agenda item 2.

6. ACTION ITEMS:

- (a) Resolution No. 2017-32 A Resolution of the Village Council of the Village of Estero, Florida, Establishing Meeting Dates, Time, and Location for the Meetings of the Village of Estero Council for 2018; and Providing an Effective Date

The title of Resolution No. 2017-32 was read by Village Clerk Hall. Village Manager Sarkozy explained that the Village Clerk prepared the proposed calendar. He added that special meetings could be accommodated if necessary.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-32.

Motion by: Councilmember Errington

Seconded by: Councilmember Wilson

Action: Adopted Resolution No. 2017-32.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Resolution No. 2017-33 A Resolution of the Village Council of the Village of Estero, Florida, Approving a Budget Amendment for Fiscal Year 2016-2017 for the Building Fee Fund; and Providing for an Effective Date

The title of Resolution No. 2017-33 was read by Village Clerk Hall. Village Manager Sarkozy provided an explanation of the budget amendment, relating to the building fee fund, which is intended to operate as close as possible to a cost recovery basis. In response to an inquiry from Councilmember Levitan, Village Finance Director Roberson further explained that when the actual expenditures exceed the budgeted amount, an amendment is required within that fiscal year; this type of amendment is typically done at the end of the fiscal year when end-of-year invoices have been accumulated and paid and revenues have been collected to make certain a budget amendment is necessary.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-33.

Motion by: Councilmember Errington

Seconded by: Councilmember Batos

Action: Adopted Resolution No. 2017-33.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (c) Estero Parkway Roadway/Landscape Design & Estero Roadways Landscape Master Plan CN 2017-01

Village Manager Sarkozy reviewed that the Village Council previously approved the ranking of firms and authorized negotiation of a contract with Agnoli, Barber and Brundage to initiate the work. A staff committee and Councilmember McLain met to review the first phase; bringing back a recommendation for the first phase of design work to be authorized that would include the field work necessary to consider potential roadway options; prior work done by JR Evans Engineering will be utilized; roadway design will be brought back to Council along with a recommendation for the next step in the process; prior council discussion included that all types of improvements/options be looked at. Design alternatives will be brought to Council and the next step will be the bidding process.

Questions or Comments: Councilmembers Batos, McLain, Levitan, Errington, and Wilson. Discussion included concern that Council directed staff to get a bid on the entire project; concern with not knowing the cost of the entire project up front; moving forward with this action provides the opportunity to evaluate options; concern that the project will continue to get pushed off; taking care of safety concerns first – road and bike lanes; and authorizing the thorough analysis as described in the proposal.

Public Comment:

Edward Mehmel, Rookery Pointe, addressed safety concerns related to road crossing and turn out.

Richard Tarin, The Reserve, addressed concern regarding proper study of the project.

Motion: Move to approve the agreement utilizing Exhibit A-2 scope of work.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Questions or Comments: Councilmembers Levitan, Wilson, McLain, and Vice Mayor Ribble. Discussion ensued regarding differences between Exhibits A-1 and A-2. To better understand the two exhibits, a suggestion was made to table the item and each Councilmember meet individually with the Village Manager.

Ted Tryka, Agnoli, Barber and Brundage, Inc., Project Manager, provided clarification; depending on what is chosen on Phase 1 will change the overall scope; focus on Phase 1 and once Council chooses what they want to do in Phase 1, that will help them cost Phases 2 and 3; timing has been important to this project; if Council chooses to do mill and overlay and keep the road footprint the same, that will eliminate a lot of other design options that have been discussed. No matter which option the Council chooses, a lot of the tasks apply to the other options, as the upfront work has to be done no matter which option is chosen.

Action: Councilmember Levitan withdrew the motion.

Motion: Move to approve the contract with Agnoli, Barber and Brundage, Inc. as recommended, utilizing the A-1 alternative.

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Questions or Comments: Councilmembers Wilson, Errington, McLain, and Levitan. Discussion included existing right-of-way as it relates to roundabouts; completion time frame; from a safety concern, consideration of all alternatives.

Action: Approved the contract with Agnoli, Barber and Brundage, Inc. as recommended, utilizing the A-1 alternative.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

The meeting went into recess at 10:47 a.m. and reconvened at 10:55 a.m.

8. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Batos: (1) Attended a Lee County Port Authority meeting at the request of Mayor Boesch. At that meeting, a resolution presented by Fort Myers Beach was tabled regarding changing flight patterns so that flights would not go over Fort Myers Beach; with the installation of a new runway and flight patterns changing, he believed this was something the Council needs to be aware of. He asked that the Village Manager

make arrangements to have the port authority representatives make a presentation at a Council workshop in January or February. (2) Requested permission or to put on an agenda, a letter to our state legislators asking that they send a letter to Tallahassee indicating support of the local SUNTrail efforts. There was consensus to send the letter. (3) Estero High School is holding the culinary event again this year on December 18 (Councilmembers previously supported); tickets may be purchased through the ECCL website.

Councilmember Errington: (1) Requested two workshops to be scheduled: Lee County Utilities and Planning for Emergencies.

Vice Mayor Ribble: (1) The Elks Club annual luncheon was moved to a breakfast on Veterans Day and was well attended. (2) FGCU business school expansion that includes Institute for Entrepreneurship has requested that students and mentors be permitted to speak at an upcoming Council workshop.

Councilmember McLain: (1) Praised the success of the Veterans Day event and conveyed appreciation to the volunteers.

Councilmember Levitan: (1) Comprehensive Plan public hearing before the Planning and Zoning Board has been scheduled for December 19, 2017 and the transmittal hearing before the Village Council has been scheduled for January 10, 2018; attorney friends in Lee County that may have issues regarding the Land Use and Transportation Elements have been asked to provide written comments by November 17 in order to adjust the final language prior to the Planning and Zoning Board and Village Council hearings. If they want to provide comments, they need to provide them now and not wait until the hearing dates.

9. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders provided an update regarding the Legislative session and noted that the Village of Estero comments/priorities have been delivered to the delegation and there has been work on the priorities.

10. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session and Convene Workshop

11. WORKSHOP ITEMS:

(a) Comprehensive Plan:

- (1) Conservation and Coastal Management Element
- (2) Capital Improvements
- (3) Intergovernmental Coordination

Community Development Director provided opening comments and highlighted the upcoming workshop and hearing schedule.

Laura DeJohn, Johnson Engineering, Conservation and Coastal Management PowerPoint Presentation - Major Objectives: Plant and Tree Preservation; Water Access and Quality; Coastal Conservation; Wildlife Preservation; Resource Management and Efficiency; and Hazard Protection.

Ben Smith, LaRue Planning, Capital Improvements Element PowerPoint Presentation - Major Objectives: Level of Service Standards; Concurrency Management; and Public School Coordination. Intergovernmental Coordination Element – Major Objectives: Government Coordination; and Education Coordination.

Questions or Comments: Councilmembers Errington, Batos, Levitan, and McLain. Discussion included landscaping; flooding and drainage; phasing out septic tanks; and water wells.

Public Comment:

Lynn Zonczak, Little River Lane, representing Big Cypress Mitigation Bank

A motion to adjourn was made and duly passed.

12. ADJOURNMENT: 11:45 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: William F. Ribble, Jr.
William F. Ribble, Jr., Vice Mayor