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**APPROVED BY COUNCIL  
NOVEMBER 7, 2018**

## **FINAL ACTION AGENDA/MINUTES**

### **VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers**

**9401 Corkscrew Palms Circle**

**Estero, FL 33928**

**September 5, 2018 5:30 p.m.**

1. **OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

**Call to Order:** 5:30 p.m.

**Pledge of Allegiance:** Led by Mayor Boesch.

**Invocation:** Father Hugh McGuigan from Our Lady of Light Catholic Church.

**Roll Call:** Present: Mayor Jim Boesch - District 5, 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.

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

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

**Motion:** Move to approve the agenda as revised, removing agenda item 6 (a) and postponing the item until October 3, 2018.

**Motion by:** Councilmember Levitan

**Seconded by:** Vice Mayor Ribble

**Action:** Approved the agenda as revised, removing agenda item 6 (a) and postponing the item until October 3, 2018.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

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

Peter Cangialosi, The Preserve, presented a request for funding of \$2,500 for the Estero Bay Agency for Bay Management. He also conveyed support for the proposed land purchase.

**4. CONSENT AGENDA:**

(a) Financial Report for Months Ended July 31, 2018 and June 30, 2018

(b) June 6, 2018 Council Meeting Minutes

(c) June 13, 2018 Council Meeting Minutes

(d) June 20, 2018 Council Meeting Minutes

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

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

**5. PUBLIC HEARINGS:**

(a) Resolution No. 2018-12 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Tentative Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2018-2019; Establishing the Date, Time and Place for a Final Hearing to Adopt the Final Ad Valorem Taxes for Fiscal Year 2018-2019; and Providing an Effective Date

Mayor Boesch introduced the hearing. Resolution No. 2018-12 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy offered a PowerPoint presentation, provided an explanation of the resolution, and noted that this was the required first public hearing on the budget and the proposed millage rate. He also addressed reserves and capital projects.

**Questions or Comments:** Mayor Boesch spoke regarding the millage rate.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2018-12.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Batos

**Action:** Adopted Resolution No. 2018-12.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (b) Resolution No. 2018-13 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Tentative Budget for Fiscal Year 2018-2019; and Providing an Effective Date

Mayor Boesch introduced the hearing. Resolution No. 2018-13 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy provided a brief explanation of the resolution.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2018-13.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember McLain

**Action:** Adopted Resolution No. 2018-13.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

## **6. FIRST READING OF ORDINANCES:**

**Note:** This agenda item was removed from the agenda and postponed until October 3, 2018.

- (a) Ordinances Repealing Inapplicable Lee County-only Regulations

- (1) Ordinance No. 2018-12 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Personnel Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (2) Ordinance No. 2018-13 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Purchasing and Finance Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

- (3) Ordinance No. 2018-14 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Telecommunications Network Ordinance Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (4) Ordinance No. 2018-15 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Airports and Aircraft Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (5) Ordinance No. 2018-16 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Ambulance and Rescue Services Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (6) Ordinance No. 2018-17 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Building and Land Use Regulations Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (7) Ordinance No. 2018-18 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Courts Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (8) Ordinance No. 2018-19 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Discrimination Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (9) Ordinance No. 2018-20 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Development District Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date
- (10) Ordinance No. 2018-21 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Drainage and Water Control Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

**7. ACTION ITEMS:**

- (a) Audit Services RFP 2018-01

Finance Director Roberson provided a brief overview of the report.

**Questions or Comments:** Vice Mayor Ribble. Discussion included the fees for audit services being lower than what was paid in previous years and state statute regarding changing auditors.

**Public Comment:** None.

**Motion:** Move to: (a) Concur with and approve the ranking of firms for RFP 2018-01 Audit Services to the Village of Estero as follows: (1) Tuscan & Company, P.A.; (2) Ashley, Brown & Company, CPAs; (3) CliftonLarsonAllen LLP; (4) Mauldin & Jenkins, LLC; (5) Baylis & Company, PA; and (6) Keefe McCullough. (b) Authorize staff to execute an agreement with the number 1 ranked firm, Tuscan & Company, P.A. to provide professional Audit Services as provided in the contract to audit five (5) years of the Village's financial statements commencing with the fiscal year ending September 30, 2018, with the Village's option of two (2) one (1) year subsequent fiscal years (seven (7) year maximum), at the rates listed in the proposal and draft contract. (c) Authorize the Village Manager to execute an agreement on behalf of the Village of Estero Council. (d) Grant the Village Manager the authority to renegotiate and execute the renewal and/or extension of this agreement under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Errington

**Questions or Comments:** Mayor Boesch, Vice Mayor Ribble and Councilmember Batos. Discussion included going out to bid after three years; recognizing a lower proposed fee; and an inquiry whether it was required to change auditors.

**Action:** (a) Concurred with and approved the ranking of firms for RFP 2018-01 Audit Services to the Village of Estero as follows: (1) Tuscan & Company, P.A.; (2) Ashley, Brown & Company, CPAs; (3) CliftonLarsonAllen LLP; (4) Mauldin & Jenkins, LLC; (5) Baylis & Company, PA; and (6) Keefe McCullough. (b) Authorized staff to execute an agreement with the number 1 ranked firm, Tuscan & Company, P.A. to provide professional Audit Services as provided in the contract to audit five (5) years of the Village's financial statements commencing with the fiscal year ending September 30, 2018, with the Village's option of two (2) one (1) year subsequent fiscal years (seven (7) year maximum), at the rates listed in the proposal and draft contract. (c) Authorized the Village Manager to execute an agreement on behalf of the Village of Estero Council. (d) Granted the Village Manager the authority to renegotiate and execute the renewal and/or extension of this agreement under the same terms and conditions, if doing so is in the best interest of the Village of Estero.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

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

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

Vice Mayor Ribble: (1) Reported that he recently attended the Florida League of Cities annual conference in Hollywood, Florida and noted it was the 50<sup>th</sup> anniversary of

constitutional Home Rule in Florida. He shared information regarding workshops held at the conference.

Councilmember McLain: (1) Reported that he recently attended a meeting with the Koreshan State Park new Park Ranger, Park Manager, and the new President of the Friends of Koreshan State Park Board of Directors. He also spoke regarding Friends of Koreshan State Park brochures.

Councilmember Errington: (1) Requested that a workshop be scheduled before the end of December with Bonita Springs Utilities and Lee County Utilities in order for them to present their recent water quality reports. (2) Addressed red tide and blue green algae creeping into various parts of the Village and large bodies of standing water. (3) Inquired regarding the Village being proactive concerning dirt from excavation of an agriculture field.

Councilmember Batos: (1) Reported on his work with the Estero Education Initiative as a result of his liaison role with Lee County School District. He also spoke regarding a volunteer system that was in place and a local business program.

Councilmember Wilson: (1) Conveyed appreciation to Lee County for approval of their 2018-2019 budget which included funding for the design phase on the widening of Corkscrew Road as well as other temporary improvements.

Mayor Boesch: (1) Reported that the six municipalities in Lee County have reignited a coalition to discuss the red tide and blue green algae issue; a meeting will be scheduled at some point in the future.

**10. VILLAGE ATTORNEY'S REPORT:** None.

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

### **Adjourn Regular Session and Convene Workshop**

**12. WORKSHOP ITEMS:**

**(a) Property Assessed Clean Energy (PACE) Program**

Village Finance Director Roberson provided an introductory explanation and spoke to preliminary inquiries of the tax collector and the people who will run the PACE program.

Davesh Nirmul, Regional Director, Government Relations, Ygrene Energy Fund, offered a PowerPoint Presentation that provided the background of PACE; its benefits to property owners, local municipalities, and lenders; the types of properties and improvements; qualifications for property owners; and PACE assessments.

Ron Hanson, Simon Property Group, addressed Council comments and stated that PACE was designed to allow property owners to upgrade to new systems. He noted that the Village could put it in place for commercial properties only.

**Questions or Comments:** Councilmembers Levitan, McLain, and Vice Mayor Ribble. Discussion included how much of the program in Florida was providing funds to developers for commercial properties as opposed to homeowners; concern that properties may meet the criteria, however, cash flow of the individual may not; and an inquiry whether the PACE program provided assistance with failing septic systems.

**(b) Proposed Land Purchase**

Village Manager Sarkozy explained that the workshop was regarding a proposed land purchase of a 62.2-acre site known as “Estero on the River” located at the corner of Corkscrew Road and US 41. He provided information received from public outreach regarding land preservation; feasibility; accessing community waterways; conducting a community needs and assessment study; Village Center master plan and survey; bike and pedestrian improvements; and parks and open space. Village Manager Sarkozy stated that this property had been in the Village’s interest and explained that Council was not arbitrarily and independently looking to purchase this property, but was doing so based on comments and feedback received from residents. He further explained that, from the beginning, Village Council decided not to move forward with property purchases unless there was strong community input.

Mr. Sarkozy explained why the property known as “Estero on the River” was being brought forward to the Council for consideration and provided the property description and opportunities to connect this property with Koreshan State Park as well as a Rails-to-Trails opportunity. He explained what could be developed on this property zoned for commercial development if the Council decided to pass on this opportunity. Mr. Sarkozy provided information on the proposed purchase price and noted that a potential purchase by the Village would not affect current operations. He then provided information on potential projects and the vision of the various uses of the property.

**Questions or Comments:** Vice Mayor Ribble, Mayor Boesch, and Councilmembers Errington, Wilson, McLain, and Levitan. Discussion included real estate attorney services; utilizing Land Use Counsel Stroud to consider any potential zoning issues; Village needing more park and recreation space; protecting the Estero River; the need to have a highly qualified consultant to help design the property; this was an exciting investment for the Village and that this parcel met the benefit test of the residents; potential of repayment; the Village had been working on a Comprehensive Plan for a long time and if the Village looked at its Vision Statement, the purchase of this property was in that vision; the Village should not be in the development business, however, owning this property was the best way to get a Village Center; and public participation in the process as well as transparency.

Rob Moher, President, Conservancy of Southwest Florida, made the following points: this was a legacy project; future generations would benefit; important cultural resources would need to be identified; the property was environmentally sensitive as well. He added that the Conservancy was approached by the Happehatchee Center; they would be a committed player and work collaboratively with the Village.

**Public Comment:**

Speaking in favor:

Richard Shine, Board of Directors, Hapgehatchee Center, provided document

Ray Judah, Iona McGregor

Pete Cangialosi, ECCL (spoke at the beginning of the meeting)

Susan Prock, Bella Terra

Don Eslick, ECCL

Phil Douglas, Lighthouse Bay

Vivian Lavis, Breckenridge

Joe Miceli, Rookery Pointe

Jackie Story, The Groves

Meredith, Barnard, Florida Wildlife Federation

Katie Leone, Estero Bay Buddies

Danielle Shields, Cameron Circle, Fort Myers

Not in favor:

Ray Rezner, The Brooks

A motion to adjourn was made and duly passed.

**13. ADJOURNMENT: 7:50 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

(kh/mr)

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