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**APPROVED BY COUNCIL
MARCH 20, 2019**

**FINAL ACTION AGENDA/MINUTES
VILLAGE COUNCIL SPECIAL MEETING**

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
December 12, 2018 9:30 a.m.**

1. CALL TO ORDER: 9:30 a.m.

PLEDGE OF ALLEGIANCE: Led by Mayor Boesch.

INVOCATION: Pastor Nolen Rollins from Legacy 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, 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, adding Resolution No. 2018-23 as Agenda Item 4 (g).

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Batos

Action: Approved the agenda as revised

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Garth Errington, Breckenridge, congratulated the Council for being able to move forward and work together as a Council in the interest of Estero.

Bob Lienesch, Brooks, Finance Director of ECCL, stated he is in favor of naming the bridge the Don Eslick Bridge.

Peter Cangialosi, ECCL, stated Lee County is proposing a major change to the Lee County Comprehensive Plan and deleting several restrictions that control mining.

4. ACTION ITEMS:

- (a) *“Estero on the River”* Consideration of Waiving Contingencies and Move to Closing

Recommended Action: Motion to waive contingencies and move to address financing issues.

Village Manager Sarkozy spoke regarding transparency of the record, due diligence, reviewing documentation addressing contingencies, and reviewing the findings.

John Paulich, Village Real Estate advisor, stated he has done due diligence over the last few weeks and documents have been prepared and signed by all parties.

Village Land Use Counsel Stroud spoke regarding land use. She spoke with Mr. Solis and adjustments have been made regarding the zoning resolution, proportionate share and the density language.

Financial Advisor Maryann Edmonds with PRAG, updated the Council regarding locking in the interest rate.

Questions or Comments: Councilmembers had questions regarding interest rates if the government shuts down, ownership of mineral rights, and if the three-party agreement can be in recordable form.

Public Comment: None

Motion: Motion to waive contingencies and have the three-party agreement be in a recordable form.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember McLain

Questions or Comments: None

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Resolution No. 2018-22 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing Acceptance of a Loan Commitment from Capital Bank, A Division of First Tennessee Bank, National Association, as Described Herein; Making Certain Other Covenants and Agreements in Connection Therewith; Providing for Severability; and Providing an Effective Date

Questions or Comments: None

Public Comment: None

Motion: Move to adopt Resolution No. 2018-22 incorporating the selected interest rate lock option with amended language.

Motion by: Councilmember Batos

Seconded by: Councilmember Wilson

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (c) Estero Parkway Budget

Recommended Action: Two separate potential actions are provided for Council's consideration to establish the project's construction budget.

Action 1: Council to establish the project's construction budget for the following budget items: Mill & Overlay; Curbing; Conduit; Roadway Signage; Sidewalk; Drainage & Swales; Landscaping; Irrigation; Pavement Widening; Access Management Improvements.

The budget for the designs previously presented to Council is \$8,090,000.

Action 2: Council to establish the project's construction budget related to street lighting. Installation of street lights along the entire roadway is estimated to be \$1,200,000. Installation of conduit only for future installation of street light is estimated to be \$200,000.

Village Manager Sarkozy introduced the item. Village Public Works Director Willems described the two proposed actions. Village Manager Sarkozy provided further explanation; recommending moving forward with action 1.

Questions or Comments: Councilmembers had questions about the reimbursement from Lee County, maintenance for the landscaping, and lighting.

Public Comment:

JoAnn Susko, Cascades, stated she does not have a firm commitment from the HOA regarding the water but will go back to them to get one. She agreed the parkway needs lighting.

Bob Brady, Belle Lago, spoke about the traffic and darkness of the roadway.

Jim Lowry, Belle Lago, President of HOA, encouraged safety first and aesthetics second.

Ed Mehmel, Rookery Pointe, stated they can commit to continuing to water the landscaping and is in favor of adequate lighting.

Motion: Move to approve action 1.

Motion by: Councilmember Wilson

Seconded by: Vice Mayor Ribble

Questions or Comments: None

Vote:

Aye: Unanimous

Nay:

Abstentions:

Motion: Move to approve action 2; add \$1.2 million for lighting to the entire \$8 million and move that forward.

Motion by: Councilmember McLain

Seconded by: Councilmember Errington

Prior to the vote Councilman Levitan moved to table the item until we receive bids on the main project. Seconded by Councilman Batos. The motion failed. After discussion, the original motion was voted on.

Questions or Comments: Councilmembers had questions about budget, lighting, water of landscaping, and if changes are allowed once the bids have come in.

Motion: Move to approve action 2; add \$1.2 million for lighting to the entire budget and move that forward

Motion by: Councilmember McLain

Seconded by: Councilmember Errington

Vote:

Aye: Councilmembers Wilson, Errington, McLain, Vice Mayor Ribble

Nay: Councilmembers Batos, Levitan, Mayor Boesch

Abstentions:

- (d) Village of Estero Branding and Roadway Monument Sign Contract Approval RFQ 2018-03

Village Manager Sarkozy introduced this item, and Village Public Works Director Willems explained the Village has started negotiation with the number one ranked firm. We have worked out a scope and fee outline. The cost is about \$129,000. In the CIP, we have budgeted \$131,000. We are asking for approval of all six phases. However, we will only release the first four phases; the last two phases rely on the first four phases. It should take about nine months to a year to complete. We would like them to start the project in January

Questions or Comments: None

Public Comment: None

Motion: Move to approve the contract with Frazer Enterprises Inc. DBA Vitalink for the Branding and Roadway Monument Sign project and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Motion by: Councilmember Errington

Seconded by: Vice Mayor Ribble

Questions or Comments: None

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (e) March 5, 2019 Election

- (1) Determine Whether to Conduct Early Voting for the March 5, 2019 Election and Choose a Site for Early Voting
- (2) Resolution No. 2018-21 A Resolution of the Village Council of the Village of Estero, Florida, calling for an Election for Village of Estero Council Members; Setting the Date; Providing for Ballot Language; Requesting the Lee County Supervisor of Elections to Conduct the Election and Certify the Results to the Estero Village Council; and Providing an Effective Date

The title of Resolution No. 2018-21 was read by the Village Clerk.

Village Manager Sarkozy provided explanation regarding early voting.

Questions or Comments: Councilmembers had a question if the Village was permitted to do voting by mail only.

Public Comment: None

Motion: Move to not have early voting and to adopt Resolution No. 2018-21.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Ribble

Questions or Comments: Councilmember Levitan- stated he would like to research if the Village may use only mail in ballots for the future for our elections.

Vote:

Aye: Unanimous

Nay:

Abstentions:

(f) Peer Review of Mine Report

Village Manager Sarkozy introduced and reviewed the report from the previous meeting regarding the peer review. He stated the Village is asking to allocate \$15,000 to hire a peer review consultant.

Community Development Director Gibbs stated the peer review could provide objective insight.

Questions or Comments: Councilmembers had questions about the Lee County report and whether hiring a consultant would benefit the Village.

Public Comment:

The following expressed support of the peer review:

Kelly McNab, Conservancy of SWFL

Matt Uhle, Fort Myers, representing Sakata Seed

Arvo Rahe, Corkscrew Estates Court

Kim Rahe, Corkscrew Estates Court

Peter Cangialosi, ECCL

Joe Miceli, Rookery Pointe

Michael Cann, Mayflower Way E

Richard Quist, Copperleaf

Greg Stuart, representing Sakata Seed

Don Eslick, ECCL, in support of peer review.

Motion: Approved hiring a consultant to be selected by staff to conduct a peer review of the Mine Report by Stuart and Associates. Included at the same time was authorization to staff and Village Attorney to attend the county meeting on December 17th to request that changes should not be made and that we each can let the commissioners know how we feel about their actions.

Motion by: Councilmember Batos

Seconded by: Councilmember Wilson

Questions or Comments: None

Vote: Motion to Approve the hiring of a consultant and for staff to attend December 17th meeting

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (g) Resolution No. 2018-23 A Resolution of the Village Council of the Village of Estero, Florida, Respectfully Requesting the Lee County Board of County Commissioners Reconsider Their Vote on December 4, 2018 and Reinstate the Name of the Don Eslick Bridge in the Village of Estero; and Providing an Effective Date

The title of Resolution No. 2018-23 was read by the Village Clerk and the Mayor read the resolution in its entirety.

Questions or Comments: Councilmembers stated they would like to address Lee Commissioners regarding the renaming of the bridge.

Public Comment:

Scotty Wood, West Bay Club, stated he is in support of the resolution and read excerpts from a letter that he recently wrote to the commissioners.

Bob King, Bella Terra, stated he is in support of the resolution.

Motion: Move to adopt Resolution No. 2018-23.

Motion by: Councilmember Batos

Seconded by: Councilmember Errington

Action: Adopted Resolution No. 2018-23.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

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

Village Attorney Saunders, asked for ten-minute recess at 12:00 p.m. and reconvened at 12:10 p.m.

Village Attorney Saunders stated there is an issue now on waiving of contingencies, and recording of the three-party agreement for the land purchase.

Kate Brown stated today is the last day to waive contingencies and any contingencies that are left are a problem. Mr. Paulich does not believe recording is necessary. Village Attorney Saunders stated he also spoke with Mr. Solis and it would take more time to execute and record the document. Village Attorney recommended leaving the action item the way it was or eliminate the recording.

Councilmembers had questions about possible ramifications of not having it recorded. There was some disagreement as to whether it needs to be recorded.

Motion: to reconsider the vote on agenda item 4(a)

Motion by: Councilmember Batos
Seconded by: Councilmember Wilson

Questions or Comments: None

Vote:

Aye: Councilmember McLain, Errington, Batos, Wilson, Mayor Boesch

Nay: Councilmember Levitan and Vice Mayor Ribble

Abstentions:

Decision was to undo the previous motion regarding the requirement to record the three-party agreement.

Village Attorney Saunders explained that the motion was to proceed without the recording contingencies; directing staff to move forward.

Motion: Motion to proceed without contingencies, and directing staff to move forward

Motion by: Councilmember Batos
Seconded by: Councilmember Wilson

Questions or Comments: None

Vote:

Aye: Councilmembers McLain, Errington, Batos, Wilson, Mayor Boesch

Nay: Councilmember Levitan and Vice Mayor Ribble

Abstentions:

6. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble spoke regarding The Swamp Cabbage Festival in LaBelle.

Councilmember Errington stated the oldest 108-year-old in Estero lady passed away, Mildred Lewis.

Councilmember Wilson stated that the traffic signal at Hertz Arena and Grandezza became operational yesterday.

7. VILLAGE ATTORNEY'S REPORT: None


8. VILLAGE MANAGER'S REPORT: None

A motion to adjourn was made and duly passed.

9. **ADJOURNMENT:** 12:47 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC, Village Clerk
on behalf of Kathy Hall

By: 
Bill Ribble, Mayor