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**APPROVED BY COUNCIL
APRIL 24, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
April 3, 2019 9:30 a.m.**

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

PLEDGE OF ALLEGIANCE: Led by Councilmember McLain.

INVOCATION: Pastor Mark Goodman from Christ Community Ministries.

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

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Assistant Village Attorney Derek Rooney, 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. PROCLAMATIONS:

- (a)** Zach Lozano – Florida Gopher Tortoise Day
Presented by Vice Mayor Errington to Zach Lozano, Koreshan State Park Manager, proclaiming April 10, 2019 as Gopher Tortoise Day.

3. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Village Attorney Saunders requested items to be added under Agenda Item 10 - Village Attorney's Report: (1) Closed Session on April 24, 2019 relating to the Comprehensive Plan litigation, as well as litigation involving the South Florida Water Management District. (2) Appointment of law firm to handle the litigation on behalf of the Village of Estero.

Motion: Move to approve the agenda as amended, adding two items under Agenda Item 10 - Village Attorney's Report.

Motion by: Councilmember Batos

Seconded by: Councilmember Wilson

Action: Approved the agenda as amended, adding two items under Agenda Item 10 - Village Attorney's Report.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

5. **CONSENT AGENDA:**

(a) Financial Report for the Month Ending February 28, 2019

(b) March 20, 2019 Council Meeting Minutes

Public Comment: None.

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

6. **CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA:** None.

7. **ACTION ITEMS:**

(a) Hurricane Irma Reimbursement Contract with State of Florida

Village Manager Sarkozy provided an introduction and Assistant to Village Manager Coleman provided an explanation regarding the contract that provides the mechanism for the Village to receive reimbursement for expenditures made in response to Hurricane Irma in September of 2017.

Questions or Comments: Councilmembers Wilson, Batos, and Levitan. Discussion included reimbursement going back into the general fund; the contract with Lee County that runs through September 2020; expenses incurred by the Village in 2017; and gated communities' expenses.

Public Comment: None.

Motion: Move to approve contract #Z0803 between the Village of Estero and the State of Florida.

Motion by: Councilmember Boesch

Seconded by: Councilmember Batos

Action: Approved contract #Z0803 between the Village of Estero and the State of Florida.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(b) Code Enforcement Mitigation Policy

Resolution No. 2019-03 A Resolution of the Village Council of the Village of Estero, Florida, Establishing Certain Policies with Respect to Municipal Code Enforcement; Providing for Delegation of Authority to the Village Special Magistrate; and Providing an Effective Date

The title of Resolution No. 2019-03 was read by Village Clerk Hall. Village Manager Sarkozy reviewed that this topic had been addressed in a previous workshop and noted that the Village Attorney's office had been working on this. Assistant Village Attorney Rooney provided an explanation of the resolution, noting that the resolution was broad in general and provided authority to work toward negotiations for fines.

Questions or Comments: Councilmembers Levitan, Batos and McLain. Discussion included the Special Magistrate forwarding lien reduction requests that exceed \$100,000; not granting zoning approvals on properties with outstanding fines; a monthly list of outstanding fines be provided to Council; possibility of posting violations on the Village Hall bulletin board and website. Assistant Village Attorney Rooney stated he would update the wording in Sections 4 and 5 of the resolution immediately, in order for the resolution to be approved at this meeting.

Public Comment: None.

Motion: Move to adopt Resolution No. 2019-03 as amended.

Motion by: Councilmember Levitan

Seconded by: Councilmember Boesch

Action: Adopted Resolution No. 2019-03 as amended.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(c) Membership in the Bonita Springs - Estero Economic Development Council (EDC) for 2019-20

Village Manager Sarkozy reviewed that Council agreed last year to provide support to the EDC with the understanding that it would be on a trial basis with further review to any additional contribution. He also noted that the EDC was advocating for businesses south on Alico Road to the County line and that there was a recent vote by their Board of Directors to change their name to the South Lee Economic Development Council.

Questions or Comments: Councilmembers Boesch, Wilson, Batos, Errington, Levitan, McLain and Mayor Ribble. Discussion included questions regarding what the Village benefitted from them; they were repeatedly asked for a report on results, which were never received; one Board Member had been helpful with schools; the image of the group; the lack of results for the Village; if they were going to rebrand themselves, it was requested that they be contacted to remove the Village from their website; poor track record; and attendance at their board meetings had dropped off.

Public Comment: None.

Motion: Move to deny the request of \$10,000 to support the Bonita Springs – Estero Economic Development Council for 2019-20.

Motion by: Councilmember Wilson

Seconded by: Councilmember McLain

Action: Denied the request of \$10,000 to support the Bonita Springs – Estero Economic Development Council for 2019-20.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

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

Councilmember Levitan – Called attention to a recent *News Press* editorial “What Civic Engagement is About” and recommended that all Councilmembers read it.

Vice Mayor Errington – Addressed: Village Hall security cameras; concern regarding the developments on Corkscrew Road advertising properties located in the Village when in fact they were located in the county. Brief discussion followed.

Councilmember Boesch – Reported that letters were sent to the local Mayors seeking support in opposition to Lee County’s proposal to repeal virtually all the meaningful restrictions on mining in the DR/GR area in Southeast Lee County. He strongly suggested that the entire Village Council attend the April 17, 2019 hearing before the Lee County Board of County Commissioners. He noted that he would be meeting with Chauncey Goss, South Florida Water Management District Board Member. Spoke

regarding Joe Miceli working with FGCU related to blue-green algae research. He also met with Representative Ray Rodriguez as well as John Cassani, Calusa Waterkeeper.

Councilmember Batos – Reported that he and Bill Spikowski would be attending the upcoming Bonita Springs City Council meeting to speak regarding limerock mining.

Councilmember Wilson – Conveyed appreciation to Marilyn Edwards regarding the voting by mail article. He noted that individual voters needed to go to the Supervisor of Elections website and get themselves re-registered because requests for vote-by-mail ballots expire. Discussion followed. Village Attorney Saunders stated that he would provide a report on how the Supervisor of Elections handles voters dropped from the rolls and the vote-by-mail registration process.

Mayor Ribble – Provided a report on his recent trip to Tallahassee to attend Legislative Action Days where he spent time meeting with Senator Passidomo, Representative Rodrigues, and Representative Fitzenhagen, as well as attending hearings.

10. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders announced the following attorney/client sessions to be held on Wednesday, April 24, 2019, 11:00 a.m., pursuant to Florida Statute 286.011(8): Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, DOAH Case No. 18-3613GM; Village of Estero v. Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, SFWMD No. 2019-015-DAO-ERP; and Village of Estero v. South Florida Water Management District and Argo Crossing LLP and Argo Corkscrew Crossing, LP, Case No. 19-000531

Village Attorney Saunders also spoke regarding the Smolker Law Firm representing the Village in the case with the South Florida Water Management District and that the Council would need to reaffirm that the Smolker Law Firm will continue to represent the Village in Case No. 19-000531.

Motion: Move to reaffirm that the Smolker Law Firm will continue to represent the Village in Case No. 19-000531.

Motion by: Councilmember Levitan

Seconded by: Councilmember Boesch

Action: Reaffirmed that the Smolker Law Firm will continue to represent the Village in Case No. 19-000531.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

11. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session and Convene Workshop

The meeting went into recess at 10:31 a.m. and reconvened at 11:41 a.m.

12. WORKSHOP ITEMS:

(a) Mid-Block Crossing Policy

Village Manager Sarkozy and Public Works Director Willems provided brief explanations and introductions.

Richard Arica, Kissinger Campo & Associates, offered PowerPoint Presentation “Consideration of Draft Mid-Block Crossing Policy” that included: Purpose and Objective; References; Policy Criteria and Conditions; Process; and Treatment Selection.

Questions or Comments: Councilmembers Boesch, Levitan, Batos, McLain, Errington, and Mayor Ribble. Discussion included suggested locations; need and criteria; CIP and budget priorities; warrants; and safety concerns.

Public Comment:

Robert King, ECCL

(b) Estero Branding

Village Manager Sarkozy and Public Works Director Willems provided brief introductions.

Jeanne Frazer, Vitalink, offered PowerPoint Presentation “Brand Options” that included: research; suggested logos and taglines; color palette; and next steps.

Questions or Comments: Mayor Ribble and Councilmembers Boesch, Errington, Batos, Levitan, Wilson, and McLain. Discussion included color palette, existing logo, and existing tagline “Village with a Vision.”

Public Comment:

Ed Weil, Rookery Pointe

Bill Carr, Riverwoods Plantation

Other Comments:

Councilmember Errington commented regarding the Zonta Club of Bonita Springs-Estero annual Woman of the Year fundraising luncheon on April 16.

Mayor Ribble reminded Council regarding the Lee County Board of County Commissioners meeting on April 17, 9:30 a.m., on the mining issue.

A motion to adjourn was made and duly passed.

13. **ADJOURNMENT:** 11:51 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor