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**APPROVED BY COUNCIL
MAY 15, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
May 1, 2019 9:30 a.m.**

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

PLEDGE OF ALLEGIANCE: Led by Councilmember Levitan.

INVOCATION: Pastor John Roth from Thrive Community Church.

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, Village Land Use Counsel Nancy Stroud, 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:

Councilmember Levitan requested that Agenda Item 8 (c) related to the open seat on the Lee County Board of County Commissioners be added to the agenda.

Motion: Move to approve the agenda as amended, adding Agenda Item 8 (c).

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Approved the agenda as amended, adding Agenda Item 8 (c).

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

3. PROCLAMATION:

(a) Girl Scout Bridging Day

Presented by Mayor Ribble proclaiming May 12, 2019 as Girl Scout Bridging Day. Recipients included: Kim Poinsett, Leader, Troop 245; Kris Salter, Co-Leader, Troop 245; Katie Poinsett, Girl Scout Ambassador and Estero High School Senior; Mollie Leffert, Girl Scout Ambassador and Estero High School Senior; Alex Salter, Girl Scout Ambassador and Estero High School Junior; Connie Martin, GSGCF Community Manager; and Mary Anne Servian, GSGCF CEO.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Bob Dion, Pelican Sound, Estero River sedimentation project.

Dorothy Lingren, Pelican Sound, community involvement, Estero River water quality, and Lee County Board of County Commissioners.

5. CONSENT AGENDA:

(a) Financial Report for Month Ending March 31, 2019

(b) April 24, 2019 Council Meeting Minutes

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan

Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

7. PUBLIC HEARING:

(a) Public Hearing to Consider Settlement Agreement between the Village of Estero and Argo Corkscrew Crossing, LP; Argo US LLC; Argo Land US, LLC; and Richard I. Templeton Family Trust

Mayor Ribble provided an introduction followed by Village Manager Sarkozy providing a brief explanation. Village Land Use Counsel Stroud offered background information regarding the Comprehensive Plan that was challenged by Argo and spoke to defending the challenge as well as two separate litigations, noting that Council had previously met in executive sessions. Village Land Use Counsel Stroud also addressed the major elements of the settlement agreement as well as additional information that was provided to the Council this week.

Questions or Comments: Councilmembers Batos, Wilson, Errington, and Levitan. Discussion included water management; drainage; wildlife crossing; appreciation for all involved with the settlement process; the current plan was improved significantly from the plan approved by the county well before Village incorporation, including better wetland protection and less density.

Public Comment:

Brad Cornell, representing Audubon/Corkscrew Swamp
Peter Cangialosi, The Preserve at Corkscrew
Neale Montgomery, Pavese Law Firm, representing Argo
Joseph Cameratta, Fort Myers, FL
Meredith Budd, representing Florida Wildlife Federation, 2590 Golden Gate Parkway, Naples

Motion: Move to approve the Settlement Agreement between the Village of Estero and Argo Corkscrew Crossing, LP; Argo US LLC; Argo Land US, LLC; and Richard I. Templeton Family Trust.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Questions or Comments: Councilmembers Levitan, Errington and Boesch. Discussion included zoning aspects of the project being discussed at a future hearing; concern regarding wildlife; and concern regarding fees brought up by Joseph Camoratta, which will be addressed as part of zoning conditions at a future hearing as well.

Action: Approved the Settlement Agreement between the Village of Estero and Argo Corkscrew Crossing, LP; Argo US LLC; Argo Land US, LLC; and Richard I. Templeton Family Trust.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

8. ACTION ITEMS:

(a) Community Development Block Grant - Urban County Cooperation Agreement

Village Manager Sarkozy reviewed that this opportunity for the Village to be included in the Urban County Cooperation Agreement for federal entitlement funds for affordable housing, infrastructure and similar items from the Department of Housing and Urban Development (HUD) was addressed at the April 24, 2019 Council workshop.

Public Comment: None.

Motion: Move to participate in the Community Development Block Grant program.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Action: Approved participating in the Community Development Block Grant program

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Consideration of Appeal of Estero Town Center (Aldi) Development Order
Pursuant to Ordinance No. 2019-22

Village Manager Sarkozy provided an explanation regarding a request from Vice Mayor Errington that Council consider an appeal of the Estero Town Center (Aldi) Development Order under Ordinance No. 2019-22, adopted at the April 24, 2019 Village Council meeting.

Vice Mayor Errington stated that she reviewed the Design Review Board meeting recording and was concerned; she met with Village staff, as well as speaking with the Lee County Sheriff's Department, and Walmart representatives. She spoke to concerns related to lighting and delivery trucks, which, after meeting with representatives from Aldi, were addressed.

Sam Marshall, Engineer, Banks Engineering, addressed concerns raised by Vice Mayor Errington as discussed at their meeting on April 30, 2019. He also distributed maps indicating the on-site delivery truck routes.

Vice Mayor Errington withdrew the request for appeal.

Public Comment: None.

- (c) Open Seat on the Lee County Board of County Commissioners

Councilmember Levitan and Mayor Ribble spoke regarding the open seat on the Lee County Board of County Commissioners and noted that Councilmember Batos' name came up as a possible applicant to fill the open seat. Brief discussion followed.

Motion: Move to endorse Councilmember Batos for the position of Lee County Commissioner District #3 seat vacated by Commissioner Kiker's untimely death and authorize a letter of endorsement signed by all Councilmembers to be sent to Governor DeSantis.

Motion by: Mayor Ribble

Seconded by: Councilmember Errington

Questions or Comments: Mayor Ribble read the letter for the record. Brief discussion followed.

Action: Endorsed Councilmember Batos for the position of Lee County Commissioner District #3 seat vacated by Commissioner Kiker's untimely death and authorized a letter of endorsement signed by all Councilmembers to be sent to Governor DeSantis.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

Public Comment:

Robert King, Bella Terra

Don Eslick, ECCL

9. PUBLIC COMMENT ON NON-AGENDA ITEMS:

City of Sanibel Councilman Jason Maughan commented regarding the recent Lee County Board of County Commissioner's meeting on mining as well as offered support for Councilmember Batos' application for the position of Lee County Commissioner District #3 seat.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Levitan: Addressed the importance of the Village moving forward with a septic to sewer process. Village Manager Sarkozy spoke to how the county could be a helpful resource with handling the administrative procedures. Mayor Ribble commented on a recent meeting he attended regarding septic systems. Village Attorney Saunders stated that he would provide a report for the May 15, 2019 Council meeting.

Councilmember McLain: Noted that he reached out to County Commissioner Cecil Pendergrass regarding Estero Parkway.

Vice Mayor Errington: Announced that Starbucks opened at Estero Grande and noted that she met with the manager. She also noted that she intends to meet with the manager at the new Verizon store.

Councilmember Batos: Conveyed appreciation to Council for their support in signing the letter of endorsement of his application to fill the vacant seat on the Lee County Board of County Commissioners.

Councilmember Wilson: Briefly commented regarding the monthly budget report.

11. VILLAGE ATTORNEY'S REPORT: None.

12. VILLAGE MANAGER'S REPORT:

Village Manager Sarkozy spoke regarding the unavailability of documents on the Village website due to currently being in the process of ensuring all online content complied with the Americans with Disabilities Act Standards for Accessible Design. He noted that this was a complex and major issue with challenges within the state.

The meeting went into recess at 11:09 a.m. and reconvened at 11:20 a.m.

Adjourn Regular Session and Convene Workshop

13. WORKSHOP ITEMS:

(a) Estero Parkway Landscape Update

Village Manager Sarkozy provided a brief introduction. Public Works Director Willems spoke to the project budget and noted that 90% plans would be available May 6, 2019 at which time the project would be able to go out for bid, and the project would begin in August 2019.

Brandon Howard from Bruce Howard and Associates offered a PowerPoint Presentation: Project Scope; South Florida Water Management – Water Wise Florida; Last Roadway Sections Approved by Council; Naturalized Swales; Right-of-Way (ROW) Conditions Dictating Plant Choices; Areas of Roadway where Cross Sections were Taken; Existing Proposed Cross Section through ROW @ Station 259; Existing Proposed Cross Section through ROW @ Station 297; Partial Landscape Elevations Depicting Integrated Plant Choices; Partial Landscape Elevations of Center Median; Large Shade Trees; Palms; Other Plants Utilized; Native Trees and Plants Capable of Wet or Dry Conditions; Native Wetland Plants – Bottom of Swale Conditions; Irrigation System Design Criteria; Plant Material List Trees, Shrubs and Miscellaneous; and Overall Budget Summary.

Questions or Comments: Vice Mayor Errington and Councilmembers Batos, Wilson and McLain. Discussion included inquiries regarding: whether all native plants would be used; whether the road paving would need to be finished first; concerns with rain sensors; the installation of 6 ft. and 8 ft. sidewalks; plantings in the bioswales; actual cost of plants; wells and whether the number of wells would need to be increased; and comment regarding staying within the budget.

Public Comment: None.

A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 11:51 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor