

Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings. Video recordings of Village Council meetings from June 8, 2016 forward, as well agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at <https://estero-fl.gov/agendas/> at the corresponding meeting date.

**APPROVED BY THE COUNCIL
SEPTEMBER 18, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
September 4, 2019 5:30 p.m.**

1. CALL TO ORDER: 5:30 p.m.

INVOCATION: Pastor John Roth from Thrive Community Church.

PLEDGE OF ALLEGIANCE: Led by Mayor Ribble.

Motion: Move to approve Councilmember Levitan's attendance via teleconference.

Motion by: Councilmember Wilson

Seconded by: Councilmember Batos

Action: Approved Councilmember Levitan's attendance via teleconference.

Vote: (Roll call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

ROLL CALL: Present: Mayor Bill Ribble - District 1, Vice Mayor Katy Errington - District 4, Councilmember Howard Levitan - District 2 (via teleconference), 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 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. SPECIAL GUEST:

- (a) Commissioner Ray Sandelli, Lee County Board of County Commissioners – Introduced by Mayor Ribble

3. PROCLAMATIONS AND RECOGNITIONS:

- (a) Robert L. King Proclamation – Presented by Councilmember Wilson to Mrs. Janet King and Richard King (Mr. and Mrs. King's son)
- (b) Annual Government Finance Officers Association Distinguished Budget Preparation Award – Presented by Mayor Ribble to Finance Director Roberson

4. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Motion: Move to approve the agenda, with the addition of Agenda Item 10 (c) Resolution No. 2019-15 A Resolution of the Village Council of the Village of Estero, Florida, Declaring a State of Local Emergency and Providing for Emergency Governmental Operations Related to Hurricane Dorian if Deemed Necessary and in Conjunction with Lee County; and Providing an Effective Date.

Motion by: Councilmember Boesch

Seconded by: Councilmember Batos

Action: Approved the agenda, with the addition of Agenda Item 10 (c) Resolution No. 2019-15.

Vote: (Roll call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

5. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Debi Osborne, Conservation Foundation of the Gulf Coast, regarding River Oaks Preserve

6. CONSENT AGENDA:

- (a) Financial Report for Month Ended June and July, 2019
- (b) July 24, 2019 Council Meeting Minutes
- (c) Modification to Paid Time Off (PTO) Accrual Policy

Resolution No. 2019-14 A Resolution of the Village Council of the Village of Estero, Florida, Amending Resolution No. 2016-09 Adopting Personnel Policies; and Providing an Effective Date

Public Comment: None.

Staff Presentation/Comments: Village Clerk Hall read the title of Resolution No. 2019-14.

Motion: Move to approve the Consent Agenda.

Motion by: Vice Mayor Errington
Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda.

Vote: (Roll call)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble
Nay:
Abstentions:

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

8. **PUBLIC HEARINGS:**

- (a) Resolution No. 2019-12 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 2019-2020; Establishing the Date, Time and Place for a Final Hearing to Adopt the Final Ad Valorem Taxes for Fiscal Year 2019-2020; and Providing an Effective Date

Staff Presentation/Comments: Village Manager Sarkozy; Village Clerk Hall read the resolution in its entirety.

Public Comment: None.

Motion: Move to adopt Resolution No. 2019-12.

Motion by: Councilmember Wilson
Seconded by: Councilmember Boesch

Action: Adopted Resolution No. 2019-12.

Vote: (Roll call)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble
Nay:
Abstentions:

- (b) Resolution No. 2019-13 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Tentative Budget for Fiscal Year 2019-2020; and Providing an Effective Date

Staff Presentation/Comments: Village Manager Sarkozy; Village Clerk Hall read the resolution in its entirety.

Council Questions or Comments: Councilmember Batos and Vice Mayor Errington.

Public Comment: None.

Motion: Move to adopt Resolution No. 2019-13.

Motion by: Councilmember Boesch

Seconded by: Councilmember Batos

Action: Adopted Resolution No. 2019-13.

Vote: (Roll call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

9. FIRST READING OF ORDINANCES:

- (a) Ordinance No. 2019-27 An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Commercial Planned Development Zoning for Tract B, Phase 2 at Estero Town Center CPD for the Development of a Burger King Fast Food Restaurant on 1.435 Acres in the 32.96-Acre Commercial Project Located in the Southeast Corner of the Intersection of Corkscrew Road and Three Oaks Parkway and Including Conditions of Development; Approving Deviations; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Staff Presentation/Comments: Community Development Director Gibbs; Village Clerk Hall read the ordinance title.

Council Questions or Comments: Councilmembers Batos, McLain, Levitan and Vice Mayor Errington.

Public Comment: None.

Motion: Move to continue first reading of Ordinance No. 2019-27 and refer it to the Design Review Board to review the concerns/issues that Councilmembers raised related to: the lack of details in the Pattern Book; landscaping buffer (berm) details on the north side of the property; additional detail on landscaping along Corkscrew Road and Three Oaks Parkway; the failing condition of the roadway in front of the property; utilities shielding; information related to the opening date of the business and how it coincides with the interchange improvements; reduction of parking spaces and possibility of increasing the number of handicap spaces; vehicle stacking; improvement to the building architecture, specifically the flat surfaces; minimal amount of outdoor seats; and the site plan.

Motion by: Councilmember McLain
Seconded by: Vice Mayor Errington

Action: Continued first reading of Ordinance No. 2019-27 and referred it to the Design Review Board to review the concerns/issues that Councilmembers raised related to: the lack of details in the Pattern Book; landscaping buffer (berm) details on the north side of the property; additional detail on landscaping along Corkscrew Road and Three Oaks Parkway; the failing condition of the roadway in front of the property; utilities shielding; information related to the opening date of the business and how it coincides with the interchange improvements; reduction of parking spaces and possibility of increasing the number of handicap spaces; vehicle stacking; improvement to the building architecture, specifically the flat surfaces; minimal amount of outdoor seats; and the site plan.

Vote: (Roll call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

- (b) Ordinance No. 2019-28 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting Amendments to the Capital Improvements Element to Update the Capital Improvements Schedule for Fiscal Year 2019/2020 and Adopt the Most Recent Lee County School District Capital Improvement Plan; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Staff Presentation/Comments: Community Development Director Gibbs; Village Clerk Hall read the ordinance title.

Council Questions or Comments: Councilmembers Boesch and Batos.

Public Comment: None.

Motion: Move to pass first reading of Ordinance No. 2019-28.

Motion by: Councilmember Batos
Seconded by: Vice Mayor Errington

Action: Passed first reading of Ordinance No. 2019-28.

Vote: (Roll call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

10. ACTION ITEMS:

(a) Water and Sewer Expansion

Staff Presentation/Comments: Village Manager Sarkozy; Public Works Director Willems.

Council Questions or Comments: Councilmembers Levitan, Boesch, McLain, and Mayor Ribble.

Public Comment: None.

Motion: Move to approve Supplemental Task Authorization (STA)-1 under CN 2018-02 Miscellaneous Professional Services to Banks Engineering to perform a suite of design services for the Water and Sewer Expansion Project.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Errington

Action: Approved Supplemental Task Authorization (STA)-1 under CN 2018-02 Miscellaneous Professional Services to Banks Engineering to perform a suite of design services for the Water and Sewer Expansion Project.

Vote: (Roll call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

(b) Approval of Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: Councilmembers Batos, McLain, Wilson, Mayor Ribble and Vice Mayor Errington.

Public Comment: None.

Motion: Move to table this agenda item until the Staff can get more information.

Motion by: Councilmember Batos

Seconded by: Councilmember Boesch

Action: Tabled this agenda item until the Staff can get more information.

Vote: (Roll call)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble
Nay:
Abstentions:

- (c) Resolution No. 2019-15 A Resolution of the Village Council of the Village of Estero, Florida, Declaring a State of Local Emergency and Providing for Emergency Governmental Operations Related to Hurricane Dorian if Deemed Necessary and in Conjunction with Lee County; and Providing an Effective Date

Staff Presentation/Comments: Village Attorney Saunders; Village Clerk Hall read the resolution title.

Council Questions or Comments: Mayor Ribble and Vice Mayor Errington.

Public Comment: None.

Motion: Move to adopt Resolution No. 2019-15.

Motion by: Councilmember Boesch
Seconded by: Councilmember Batos

Council Questions or Comments: Councilmembers

Action: Adopted Resolution No. 2019-15.

Vote: (Roll call)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble
Nay:
Abstentions:

11. PUBLIC COMMENT ON NON-AGENDA ITEMS:

12. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmembers McLain, Boesch, Batos, Wilson, Vice Mayor Errington and Mayor Ribble. Councilmembers addressed: appreciation of the thorough communications from Assistant to Village Manager Coleman relating to Hurricane Dorian, as well as the efforts on stormwater drainage; question regarding proper disposal of medication; the Labor Day podcast hosted by Florida Power & Light President Eric Silagy; Governor DeSantis' authorization to activate Florida Guardsmen to State Active Duty for hurricane response operations; the lack of drop-off locations for Bahamian relief; reaching out to the public regarding the Village's emergency notification system; landscape maintenance issue on Ben Hill Griffin Parkway, running from the entrance into the outlet mall all the way north to Estero Parkway; Lee County Commission consideration of purchasing 80 acres that could be used for multiple county projects, including the extension of Allico Road; presentation by Lee County Sheriff Carmine Marceno regarding Lee County unlit and

unsafe school bus stops; and an announcement regarding a Southwest Florida League of Cities meeting that will include a presentation by Chauncey Goss, Chairman of the South Florida Water Management District, held in the Council Chambers on September 19, 2019 at 1:00 p.m.

13. VILLAGE ATTORNEY'S REPORT: None.

14. VILLAGE MANAGER'S REPORT: None.

A motion to adjourn was made and duly passed.

15. ADJOURNMENT: 7:05 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor