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**APPROVED BY COUNCIL
JANUARY 22, 2020**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
January 8, 2020 9:30 a.m.**

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

INVOCATION: Pastor Kevin Morris from Hope United Presbyterian Church.

PLEDGE OF ALLEGIANCE: Led by Councilmember Levitan.

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, and Councilmember Nick Batos - District 6. Absent: Councilmember Jim Wilson - District 7 (excused absence).

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Assistant Village Attorney Derek Rooney, Village Land Use Attorney Nancy Stroud, 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: Continue until January 22, 2020, 9:30 a.m., Agenda Item 9 (a) Ordinance No. 2019-30 Annexing Property Located at 4528, 4406 and 4410 Coconut Road, Lee County, Florida.

Motion by: Councilmember Batos
Seconded by: Vice Mayor Errington

Action: Approved the agenda as revised: Continue until January 22, 2020, 9:30 a.m., Agenda Item 9 (a) Ordinance No. 2019-30 Annexing Property Located at 4528, 4406 and 4410 Coconut Road, Lee County, Florida.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

3. PROCLAMATIONS:

(a) The Bridge Fund

Proclamation presented by Mayor Ribble to The Bridge Fund Board Members Mike Beebe, Jay Trucks, Aileen Kevane and Ann Soper, in recognition of The Bridge Fund carrying out its mission of neighbors helping neighbors in need.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Barbara Saxton, The Reserve, Friends of River Oaks, gopher tortoise information and introduction regarding a presentation by Girl Scouts Troop 124

Olivia Schilling, Bella Terra, Girl Scouts Troop 124, gopher tortoise information

Jack Meeker, Copperleaf, proposed new Lee County toll road

5. CONSENT AGENDA:

(a) Financial Report for Month Ended November 30, 2019

(b) December 4, 2019 and December 18, 2019 Council Meeting Minutes

Public Comment: None.

Motion: Move to approve the Consent Agenda.

Motion by: Vice Mayor Errington

Seconded by: Councilmember McLain

Action: Approved the Consent Agenda.

Vote:

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

Nay:

Abstentions: Councilmember Wilson absent

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

7. ACTION ITEMS:

- (a)** River Ranch Road Improvements - Planning, Design, and Permitting Contract (CN-2019-04)

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: None.

Public Comment: None.

Motion: Move to: (1) Approve the contract with CW3 Engineering, Inc. to provide professional engineering services to proceed with the planning, design and permitting services work required for the River Ranch Road Improvements. (2) Authorize the Village Manager to execute the contract on behalf of the Council.

Motion by: Councilmember Boesch

Seconded by: Councilmember McLain

Action: (1) Approved the contract with CW3 Engineering, Inc. to provide professional engineering services to proceed with the planning, design and permitting services work required for the River Ranch Road Improvements. (2) Authorized the Village Manager to execute the contract on behalf of the Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (b)** Consider a Lien Mitigation Request from Celedonio Varela Relating to his Property at 8401 Mockingbird Lane, Located at the Corner of Highlands Avenue and Mockingbird Lane, just East of Estero United Methodist Church

Staff Presentation/Comments: Village Manager Sarkozy; Assistant Village Attorney Rooney.

Public Comment:

Celedonio Varela, Sunny Lane, Bonita Springs (via an interpreter)

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

Motion: Move to approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$5,000.00 and \$307.50 for administrative costs.

Motion by: Councilmember McLain

Action: Motion failed due to lack of a second.

Motion: Move to approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$2,000.00 and \$307.50 for administrative costs as recommended by the Village Attorney.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Errington

Action: Approved the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$2,000.00 and \$307.50 for administrative costs as recommended by the Village Attorney.

Vote: (Roll call vote)

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

Nay: Councilmember McLain

Abstentions: Councilmember Wilson absent

- (c) Consider Settlement Agreement between CHHCLA Investments, LLC and the Village of Estero Pertaining to Property at 20170 South Tamiami Trail, at the Intersection of US 41 and Trailside Drive

Staff Presentation/Comments: Village Manager Sarkozy; Community Development Director Gibbs; Assistant Village Attorney Rooney; Village Attorney Saunders.

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

Public Comment:

Russell Schropp, Attorney, Henderson Franklin Attorneys at Law

Motion: Move to approve the settlement agreement between CHHCLA Investments, LLC and the Village of Estero pertaining to property at 20170 South Tamiami Trail, at the intersection of US 41 and Trailside Drive.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Approved the settlement agreement between CHHCLA Investments, LLC and the Village of Estero pertaining to property at 20170 South Tamiami Trail, at the intersection of US 41 and Trailside Drive.

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

8. ORDINANCE FIRST READING:

- (a) Ordinance No. 2020-01 An Ordinance of the Village Council of the Village of Estero, Florida, Providing for the Prohibition of Micromobility Devices and Motorized Scooters; Providing for Purpose; Providing for Penalty; Providing for Conflict; Providing for Severability; Providing for Codification; and Providing an Effective Date

Mayor Ribble; Village Clerk Hall; Village Manager Sarkozy; Village Attorney Saunders.

Staff Presentation/Comments: Village Attorney Saunders.

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

Motion: Move to pass first reading of Ordinance No. 2020-01 and schedule second reading/public hearing for January 22, 2020.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Passed first reading of Ordinance No. 2020-01 and scheduled second reading/public hearing for January 22, 2020.

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

9. ORDINANCE SECOND READING/PUBLIC HEARING:

- (a) Ordinance No. 2019-30 An Ordinance of the Village Council of the Village of Estero, Florida, Annexing Property Located at 4528, 4406 and 4410 Coconut Road, Lee County, Florida, into the Corporate Limits of the Village in Accordance with the Annexation Provisions of Chapter 171, Part II, Florida Statutes; Redefining the Boundary Lines of Said Village in Conformance Therewith; Amending the Official Boundary Map of the Village of Estero, Florida, Providing that Existing Future Land Use and Zoning Designations Remain Until Changed by the Village Ordinance; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

This agenda item was continued to the January 22, 2020 Village Council meeting.

10. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Lou Frattarelli, The Preserve, concern regarding Ordinance No. 2020-01.

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmembers Boesch, McLain, Vice Mayor Errington and Mayor Ribble.

12. VILLAGE ATTORNEY'S REPORT: None.

13. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session and Convene Workshop Item

The meeting went into recess at 11:10 a.m. and reconvened at 11:20 a.m.

14. WORKSHOP ITEMS:

(a) Update on the Land Development Code

Village Manager Sarkozy; Community Development Director Gibbs.

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

(b) Phil Flood: South Florida Water Management District (SFWMD) Restoration Projects Update

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

A motion to adjourn was made and duly passed.

15. ADJOURNMENT: 12:05 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor