

Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings, as well as transcripts. Video recordings of Village Council meetings from June 8, 2016 forward, as well as 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
June 17, 2020

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
May 27, 2020 9:30 a.m.

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

INVOCATION: Pastor Nolen Rollins from Legacy Church.

PLEDGE OF ALLEGIANCE: Led by Councilmember McLain.

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

A motion permitting Councilmember Levitan to attend the meeting via teleconference was made and duly passed.

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, and Village Clerk Kathy Hall.

2. SPECIAL ANNOUNCEMENT: Councilmember Batos read a statement into the record regarding his resignation, effective November 17, 2020, as the Village of Estero District 6 Councilmember in order to run as the District 3 County Commissioner of the Lee County Board of County Commissioners.

3. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Motion: Move to approve the agenda.

Motion by: Councilmember Batos
Seconded by: Councilmember Boesch

Action: Approved the agenda.

Vote: (Verbal)

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

Nay:

Abstentions: Councilmember Wilson absent

4. PROCLAMATIONS:

- (a) Lee Health System “Unsung Heroes” Recognition – presented by Councilmember Batos to Dr. Larry Antonucci, Lee Health President and CEO.

5. PRESENTATIONS:

- (a) City of Sanibel Mayor Kevin Ruane – Presented updated information regarding the Lake Okeechobee release schedule as well as provided details regarding the SanCap Safe initiative, Sanibel/Captiva best practices for hotels; food and beverage; restaurant reopening; markets; and cleaning/sanitizing/disinfecting.

Council Questions or Comments: Mayor Ribble, Councilmember Batos

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

7. CONSENT AGENDA:

- (a) March 18, 2020 Council Meeting Minutes
- (b) April 22, 2020 Council Workshop Minutes
- (c) State Highway Lighting, Maintenance, and Compensation Agreement and Resolution No. 2020-04 A Resolution of the Village of Estero, Florida, Approving the State Highway Lighting, Maintenance, and Compensation Agreement Between the Village of Estero and State of Florida, Department of Transportation; Authorizing the Village Mayor to Execute the Agreement; and Providing an Effective Date

Action: Adopted Resolution No. 2020-04 and authorized the Village Mayor to execute the agreement on behalf of the Village of Estero Council.

- (d) Resolution No. 2020-05 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Sovereignty Submerged Lands Lease Modification to Reflect Change in Ownership for a Parcel of Sovereignty Submerged Land in Section 33 Township 46 South, Range 25 East, in the Estero River between the Village of Estero and Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; Authorizing the Village Mayor to Execute the Agreement; and Providing an Effective Date

Action: Adopted Resolution No. 2020-05 and authorized the Village Mayor to execute the agreement on behalf of the Village of Estero Council.

(e) FPL Right-of-Way Consent Agreement – Coconut Road

Action: Approved the FPL right of way consent agreement and authorized the Village Manager to execute the agreement and other additional implementing documents within the scope of the agreement on behalf of the Village of Estero Council.

(f) Cape Coral Police Department Request for Letter of Support for Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Action: Authorized the Village Manager to sign the letter of support to Ms. Rona Kay Cradit, Bureau Chief, Office of Criminal Justice Grants, Florida Department of Law Enforcement.

Motion: Move to approve the Consent Agenda.

Motion by: Vice Mayor Errington

Seconded by: Councilmember Batos

Action: Following the titles of Resolutions 2020-04 and 2020-05 being read into the record by Village Clerk Hall, the Consent Agenda was approved.

Vote: (Verbal)

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

Nay:

Abstentions: Councilmember Wilson absent

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

9. ACTION ITEMS:

(a) Corkscrew Road Interlocal Agreement

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

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

Public Comment:

eComment: Lou Frattarelli, representing ECCL Transportation Council and East Corkscrew Alliance Members

Motion: Move to: 1) Approve the Interlocal Agreement between Lee County and The Village of Estero (Corkscrew Road Improvements). 2) Authorize the Mayor to execute the agreement on behalf of the Village of Estero Council.

Motion by: Vice Mayor Errington

Seconded by: Councilmember Batos

Action: 1) Approved the Interlocal Agreement between Lee County and The Village of Estero (Corkscrew Road Improvements). 2) Authorized the Mayor to execute the agreement on behalf of the Village of Estero Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

(b) Corkscrew Road Design and Permitting and Resolution No. 2020-07 A
Resolution of the Village Council of the Village of Estero, Florida, Approving the Budget Amendment for Corkscrew Road Widening Design and Permitting for Fiscal Year 2019-2020; and Providing an Effective Date

Staff Presentation/Comments: Village Manager Sarkozy; Public Works Director Willems; the title of Resolution No. 2020-07 was read by Village Clerk Hall.

Council Questions or Comments: Councilmembers Batos and Boesch.

Public Comment:

eComment: Lou Frattarelli, representing ECCL Transportation Council and East Corkscrew Alliance Members

Motion: Move to: 1) Approve the piggybacking of Lee County Bid and the resulting Contract with Johnson Engineering, Inc. to perform a suite of design and permitting services for the Corkscrew Road Widening. 2) Adopt Resolution No. 2020-07 providing a budget amendment for fiscal year 2019-2020. 3) Authorize the Village Manager to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Motion by: Vice Mayor Errington

Seconded by: Councilmember McLain

Action: 1) Approved the piggybacking of Lee County Bid and the resulting Contract with Johnson Engineering, Inc. to perform a suite of design and permitting services for the Corkscrew Road Widening. 2) Adopted Resolution No. 2020-07 providing a budget amendment for fiscal year 2019-2020. 3) Authorized the Village Manager to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (c) Corkscrew Road/Puente Lane Traffic Signal Developer Agreement (Stock Development)

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: Councilmember Levitan.

Public Comment:

Jane Niehaus, Corkscrew Woodlands

eComment: Lou Frattarelli, representing ECCL Transportation Council

Motion: Move to approve the Corkscrew Road/Puente Lane Traffic Signal Developer Agreement and authorize the Village of Estero Mayor to execute the agreement.

Motion by: Councilmember McLain

Seconded by: Councilmember Batos

Action: Approved the Corkscrew Road/Puente Lane Traffic Signal Developer Agreement and authorized the Village of Estero Mayor to execute the agreement.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (d) Corkscrew Road/Puente Lane Traffic Signal Design - Contract EC 2019-04 STA-1 Change Order 01

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

Council Questions or Comments: Councilmember Batos.

Public Comment:

eComment: Lou Frattarelli, representing ECCL Transportation Council

Motion: Move to: 1) Approve Change Order Number 01 to Contract Number EC 2019-04-STA1 to increase the total contract of STA1 by \$10,000 to \$174,515.
2) Authorize the Village Manager to execute the Change Order and other additional implementing documents within the scope of the Change Order on behalf of the Village of Estero Council.

Motion by: Vice Mayor Errington
Seconded by: Councilmember Boesch

Action: 1) Approved Change Order Number 01 to Contract Number EC 2019-04-STA1 to increase the total contract of STA1 by \$10,000 to \$174,515.
2) Authorized the Village Manager to execute the Change Order and other additional implementing documents within the scope of the Change Order on behalf of the Village of Estero Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

(e) Williams Road at Estero High School Turn Lane Improvements RFB 2020-03

Staff Presentation/Comments: Village Manager Sarkozy.

Public Comment:

eComment: Lou Frattarelli, representing ECCL Transportation Council

Motion: Move to: 1) Approve award of Request for Bids No. RFB 2020-03 Williams Road at Estero High School Turn Lane Improvements (Via a Piggyback of Lee County B180007ANB) to Pavement Maintenance, LLC at a Grand Total Cost of \$448,800. 2) Approve a contingency fund amount of \$44,800 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur. 3) Authorize the Village Manager to execute the contract and any other related ancillary documents on behalf of the Village of Estero Council.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Errington

Action: 1) Approved award of Request for Bids No. RFB 2020-03 Williams Road at Estero High School Turn Lane Improvements (Via a Piggyback of Lee County B180007ANB) to Pavement Maintenance, LLC at a Grand Total Cost of \$448,800. 2) Approved a contingency fund amount of \$44,800 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur. 3) Authorized the Village Manager to execute the contract and any other related ancillary documents on behalf of the Village of Estero Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (f) Trailside Drive and Poinciana Avenue Resurfacing/Rebuild RFB 2020-08 and Resolution No. 2020-06 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Budget Amendment for Trailside Drive and Poinciana Avenue Resurfacing/Rebuild for Fiscal Year 2019-2020; and Providing an Effective Date

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: Vice Mayor Errington.

Public Comment:

eComment: Lou Frattarelli, representing ECCL Transportation Council

Motion: Move to 1) Approve award of Request for Bids No. RFB 2020-08 Trailside Drive and Poinciana Avenue Resurfacing/Rebuild to Ajax Paving Industries of Florida, LLC at a total bid cost of \$377,679.65. 2) Approve a contingency fund amount of \$37,767 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur with total project funds of \$415,447. 3) Adopt Resolution No. 2020-06 for a budget amendment for fiscal year 2019-2020. 4) Authorize the Village Manager to execute the contract and any other related ancillary documents on behalf of the Village of Estero Council.

Motion by: Vice Mayor Errington

Seconded by: Councilmember Batos

Action: 1) Approved award of Request for Bids No. RFB 2020-08 Trailside Drive and Poinciana Avenue Resurfacing/Rebuild to Ajax Paving Industries of Florida, LLC at a total bid cost of \$377,679.65. 2) Approved a contingency fund amount of \$37,767 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur with total project funds of \$415,447. 3) Adopted Resolution No. 2020-06 for a budget amendment for fiscal year 2019-2020. 4) Authorized the Village Manager to execute the contract and any other related ancillary documents on behalf of the Village of Estero Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (g) Community Rating System (CRS) / Flood Insurance Assistance Proposal

Staff Presentation/Comments: Village Manager Sarkozy; Assistant to Village Manager Kyle Coleman.

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

Public Comment:

Jim von Rinteln, JR Evans Engineering

Motion: Move to table this agenda item.

Motion by: Councilmember Boesch

Seconded by: Councilmember McLain

Action: This agenda item was tabled.

Vote:

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

Nay:

Abstentions: Councilmember Wilson absent

(h) Computer Replacement Proposal

Staff Presentation/Comments: Village Manager Sarkozy; Assistant to Village Manager Coleman.

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

Public Comment: None.

Motion: Move to authorize the Village Manager to approve the purchase of new computers from ProAudio for the Council Chambers, the purchase of new laptops, briefcases, and docking stations from Dell for staff, and the purchase of new laptops and briefcases from Dell or Apple for Council, depending on preference.

Motion by: Vice Mayor Errington

Seconded by: Councilmember McLain

Action: Authorized the Village Manager to approve the purchase of new computers from ProAudio for the Council Chambers, the purchase of new laptops, briefcases, and docking stations from Dell for staff, and the purchase of new laptops and briefcases from Dell or Apple for Council, depending on preference.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

10. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Scott Stryker, Bella Terra, request for Council to adopt policy requiring all roads to have an adjacent black top pavement bike/multi-use path.

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

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

12. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders addressed the topic of small claims settlements and suggested that Council give the Village Manager the authority to sign and accept minor settlements.

Motion: Move to give the Village Manager the authority to sign and accept minor settlements.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Errington

Action: Authorized the Village Manager to sign and accept minor settlements.

Vote: (Verbal)

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

Nay:

Abstentions: Councilmember Wilson absent

13. VILLAGE MANAGER'S REPORT:

(a) COVID-19 Update

Village Manager Sarkozy commended the staff for maintaining full operational readiness and addressed special projects that have been done; for example ADA compliance on the Village website and multiple files that were organized and sent for scanning in order to archive properly. He also spoke regarding hurricane season preparedness.

A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 11:08 a.m.

ATTEST:

By: 

Kathy Hall, MMC, Village Clerk

On behalf of Kathy Hall

VILLAGE OF ESTERO, FLORIDA

By: 

Bill Ribble, Mayor