

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
MARCH 17, 2021**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
March 3, 2021 9:30 a.m.**

1. CALL TO ORDER

INVOCATION: Pastor Tim Carson Estero United Methodist Church

PLEDGE OF ALLEGIANCE: Led by Mayor Bill Ribble

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, Deputy Village Manager Kyle Coleman, Village Land Use Counsel Nancy Stroud, Public Works Director David Willems, Community Development Director Mary Gibbs, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda with the deletion of 6b.

Motion by: Councilmember McLain

Seconded by: Councilmember Boesch

Action: Approved agenda with the deletion of 6b.

Vote: (Roll Call)

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

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

In Person:

Mark Novitski, ECCL
Gary Israel, Estero Life Magazine
Bob Dion, Pelican Sound

4. CONSENT AGENDA

- (a) February 3, 2021 Council Meeting Minutes
- (b) February 17, 2021 Council Meeting Minutes
- (c) Financial Report January 2021

Motion: Motion to approve the Consent Agenda.

Motion by: Vice Mayor Errington
Seconded by: Councilmember McLain

Action: Approved the Consent Agenda.

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

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEMS:

- (a) Planning, Zoning and Design Board Member Appointments

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
Nancy Stroud, Village Land Use Counsel
Burt Saunders, Village Attorney

Council Questions or Comments:

Councilmembers Wilson, McLain, and Mayor Ribble.

Public Comments: None.

Motion: Motion to appoint nine members, Kristin Jeannin, Barry Jones, Michael Sheeley, Jim Wallace, Anthony Gargano, Marlene Naratil, James Tatooles, Leonard Scotty Wood, and Howard Levitan.

Motion by: Vice Mayor Errington
Seconded by: Councilmember McLain

Action: Appointed nine members, Kristin Jeannin, Barry Jones, Michael Sheeley, Jim Wallace, Anthony Gargano, Marlene Naratil, James Tatooles, Leonard Scotty Wood, and Howard Levitan.

Vote: (Roll Call)

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

Nay:

Abstentions: Councilmember Levitan

Motion: Motion to appoint Kristin Jeannin, Barry Jones, Jim Wallace, and Howard Levitan. to a two-year term and Michael Sheeley, Anthony Gargano, Marlene Naratil, James Tatooles, and Leonard Scotty Wood to a three-year term.

Motion by: Vice Mayor Errington
Seconded by: Councilmember McLain

Action: Appointed Kristin Jeannin, Barry Jones, Jim Wallace, and Howard Levitan. to a two-year term and Michael Sheeley, Anthony Gargano, Marlene Naratil, James Tatooles, and Leonard Scotty Wood to a three-year term.

Vote: (Roll Call)

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

Nay:

Abstentions: Councilmember Levitan

Motion: Motion to appoint Howard Levitan and Leonard Scotty Wood as co-chairs of the Planning, Zoning, and Design Board.

Motion by: Councilmember McLain
Seconded by: Councilmember Batos

Action: Appointed Howard Levitan and Leonard Scotty Wood as co-chairs of the Planning, Zoning, and Design Board.

Vote: (Roll Call)

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

Nay:

Abstentions: Councilmember Levitan

(b) Coconut Landing Final Plat –DELETED FROM AGENDA

(c) Estero River North Branch Drainage Improvements Contract

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:

Councilmembers Batos, Boesch, McLain, and Mayor Ribble.

Public Comments: None.

Motion: Motion to approve Estero River North Branch Drainage Improvements contract with JR Evans Engineering under Supplemental Task Authorization (STA) – 03 Contract EC 2020-30 Miscellaneous Professional Services to perform a suite of design services for drainage improvements along the North Branch of the Estero River from Bamboo Island to River Oaks Preserve. Approve a 10% contingency for additional services that may be required to complete the project. 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: Councilmember McLain

Seconded by: Vice Mayor Errington

Action: Approved Estero River North Branch Drainage Improvements contract with JR Evans Engineering under Supplemental Task Authorization (STA) – 03 Contract EC 2020-30 Miscellaneous Professional Services to perform a suite of design services for drainage improvements along the North Branch of the Estero River from Bamboo Island to River Oaks Preserve. Approve a 10% contingency for additional services that may be required to complete the project. 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.

Vote: (Roll Call)

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

Nay:

Abstentions:

7. PUBLIC HEARING

(a) Pavich (Rezoning Case) Ordinance No. 2021-02

Village Land Use Counsel Stroud provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for the hearing were sworn in by Village Land Use Counsel Stroud. There were no conflicts of interest noted. Councilmembers McLain, Levitan, Batos, Wilson, and Vice Mayor Errington each attended a Zoom meeting separately with Fred Drovdlc from Waldrop and Mark McLean from MHK Architects to go over the project and questions. Councilmember Batos also noted he had a few conversations over the last seven or eight months with Joe Pavich, Sr., met, talked with staff on issues, and visited the site.

Ordinance No. 2021-02 an ordinance of the Village Council of the Village of Estero, Florida, Considering a Rezoning from Agriculture (AG-2) to Estero Planned Development (EPD) for a .73-Acre Parcel at the Intersection of Corkscrew Road and Happy Hollow Lane; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director
Nancy Stroud, Village Land Use Counsel

Presentation/Information by:

Fred Drovdlc, AICP, Waldrop Engineering
Matthew Kragh, AIA, MHK Architecture
Sabrina McCabe, PLA, Waldrop Engineering
James Ink, Waldrop Engineering
Reid Fellows, TR Transportation

Council Questions or Comments:

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

Public Comments: None.

Motion: Motion to approve Ordinance No. 2021-02 with Council's additional conditions and revisions.

Motion by: Vice Mayor Errington
Seconded by: Councilmember McLain

Action: Approved Ordinance No. 2021-02 with Council's additional conditions and revisions.

Vote: (Roll Call)

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

Nay:

Abstentions:

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

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

Councilmembers Levitan, McLain, Wilson, Vice Mayor, and Mayor Ribble

10. **VILLAGE ATTORNEY'S REPORT:**

11. **VILLAGE MANAGER'S REPORT:**

12. **ADJOURNMENT at 11:44 am.**

ATTEST:

By: 

Carol Sacco, Village Clerk

(td/CS)

VILLAGE OF ESTERO, FLORIDA

By: 

Katy Errington, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Levitan, Howard J		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Village of Estero Council	
MAILING ADDRESS 21711 Palmetto Dunes DR, Unit 201		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Estero. 33928	COUNTY Lee	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED March 3, 2021		NAME OF POLITICAL SUBDIVISION: Village of Estero	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Howard J. Levitan, hereby disclose that on March 3, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a candidate for the same advisory board appointment that Council was voting to appoint.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

February 24, 2021 +

March 3, 2021

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.