

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 COUNCIL
JUNE 1, 2022**

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928**

May 18, 2022 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Pastor Frank Brand First Baptist Church of Estero.

PLEDGE OF ALLEGIANCE

Led by Councilmember Ribble

ROLL CALL

Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1 (left meeting at 11:23 am), Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward - District 6, and Councilmember Jim Wilson - District 7.

Also present

Village Manager Steve Sarkozy, Village Attorney Robert Pritt, Finance Director Chris Philips, 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

Consensus was made by Council to excuse Councilmember Ribble at 11:30 am today.

Motion: Motion to approve agenda to move up agenda item 7 (i) to 10:45 to allow Councilmember Ribble to participate in the discussion.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ribble

Action: Approved agenda to move up agenda item 7 (i) to 10:45 to allow Councilmember Ribble to participate in the discussion.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble,
Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

3. PROCLAMATION

(a) National Boat Safety Week

Council Questions or Comments
Mayor Errington.

Flotilla Commander, Terry Schwinghammer accepted this proclamation for National Boat Safety Week

4. PUBLIC COMMENT ON NON-AGENDA ITEMS
None.

5. CONSENT AGENDA

(a) May 4, 2022, Council Meeting Minutes

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Boesch
Seconded by: Councilmember Wilson

Action: Approved the Consent Agenda.

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

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA
None.

7. ACTION ITEMS

(a) Resolution No. 2022-09, amending the Fiscal Year 2021-2022 Village Budget

A Resolution of the Village Council of the Village of Estero, Florida, Approving the First Budget Amendment for Fiscal Year 2021-2022 to Approve the use of Village

Funds and to Recognize Increased Revenues for use in Capital Improvements and Debt Retirement; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmembers Wilson, Fiesel, and Vice Mayor McLain.

Public Comments

None.

Motion: Motion to approve Resolution 2022-09, to amend the 2021-2022 Fiscal Year Budget to recognize increased revenues and increased expenditures for capital projects and debt retirement.

Motion by: Councilmember Ribble

Seconded by: Councilmember Fiesel

Action: Approved Resolution 2022-09, to amend the 2021-2022 Fiscal Year Budget to recognize increased revenues and increased expenditures for capital projects and debt retirement.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(b) Resolution No. 2022-10, Retirement of outstanding indebtedness, series 2019 Note

A Resolution of the Village Council of the Village of Estero, Florida, Authorizing and Directing that the not to exceed \$20,000,000 Taxable Revenue Note, Series 2019, with Capital Bank, A Division of First Tennessee Bank National Association, Succeeded by First Horizon Bank, for the Purpose of Financing in Part the Cost of Purchasing Certain Parcels of Land, Be Paid Off in Full and the Note Cancelled; Authorizing and Directing the Mayor, Village Manager and Appropriate Staff to make Said Payment and to Execute All Documents Necessary to Pay Off and Cancel the Indebtedness; Determining that the Payment is an Optional Prepayment Without Premium; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Pritt, Village Attorney

Council Questions or Comments

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

Public Comments

None.

Motion: Motion to approve Resolution 2022-10, providing authority to pay off the 2019 series debt early, during fiscal year 2021-2022.

Motion by: Councilmember Ward

Seconded by: Councilmember Wilson

Action: Approved Resolution 2022-10, providing authority to pay off the 2019 series debt early, during fiscal year 2021-2022.

Vote: (Roll Call)

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

Nay:

Abstentions:

(c) Resolution No. 2022-13 - Stoneybrook Sidewalk Easement

A Resolution Approving and Accepting a Sidewalk Easement from Stoneybrook Community Development District; Authorizing the Village Manager to Execute on Behalf of the Village; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

David Willems, Public Works

Council Questions or Comments

Councilmember Boesch, Vice Mayor McLain, and Mayor Errington.

Public Comment

None.

Motion: Motion to approve Resolution No. 2022-13.

Motion by: Councilmember Boesch

Seconded by: Vice Mayor McLain

Action: Approved Resolution No. 2022-13.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(d) Resolution No. 2022-14 TAQ, LLC Sidewalk Easement

A Resolution Approving and Accepting a Sidewalk Easement from TAQ, LLC, as Trustee; Authorizing the Village Manager to Execute Same on Behalf of the Village; and Providing an Effective Date.

Staff Presentation/Comments

David Willems, Public Works

Council Questions or Comments

Councilmember Boesch and Vice Mayor McLain.

Public Comment

None.

Motion: Motion to approve Resolution No. 2022-14.

Motion by: Councilmember Ribble

Seconded by: Councilmember Fiesel

Action: Approved Resolution No. 2022-14.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(e) Corkscrew Road Pathway Construction Contract – Cougar Contracting

Staff Presentation/Comments

David Willems, Public Works

Council Questions or Comments

Councilmember Fiesel and Vice Mayor McLain.

Public Comment

None.

Motion: Motion to approve Misc. Contractor Services contract EC 2019-06 STA 07 with Cougar Contractor Services for \$313,468 for the construction of a pathway on the south side of Corkscrew Road from Stoneybrook Golf Blvd. to the Stoneybrook Golf Drive right turn lane, approve a contingency fund amount of \$31,300 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Motion by: Councilmember Boesch

Seconded by: Councilmember Ribble

Action: Approved Misc. Contractor Services contract EC 2019-06 STA 07 with Cougar Contractor Services for \$313,468 for the construction of a pathway on the south side of Corkscrew Road from

Stoneybrook Golf Blvd. to the Stoneybrook Golf Drive right turn lane, approve a contingency fund amount of \$31,300 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

- (f) Corkscrew Road Stoneybrook Path Construction Engineering and Inspection (CEI) Contract – AIM Engineering & Surveying

Staff Presentation/Comments

David Willems, Public Works

Council Questions or Comments

Vice Mayor McLain.

Public Comment

None.

Motion: Motion to approve Misc. Professional Services contract EC 2020-07 STA 02 with AIM Engineering and Surveying for \$42,211.13 for CEI service on the Corkscrew Road Stoneybrook path construction, approve a contingency fund amount of \$4,200 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ward

Action: Approved Misc. Professional Services contract EC 2020-07 STA 02 with AIM Engineering and Surveying for \$42,211.13 for CEI service on the Corkscrew Road Stoneybrook path construction, approve a contingency fund amount of \$4,200 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

- (g) Broadway Ave. West Utility Extension Project Design and Permitting Contract –
Johnson Engineering, Inc.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comment

None.

Motion: Motion to approve the contract with Johnson Engineering, Inc. to provide design and permitting services Broadway Ave. West UEP in the amount of \$1,060,763, approve a contingency fund amount of \$106,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract with Johnson Engineering, Inc., and any other related ancillary documents on behalf of the Village Council.

Motion by: Councilmember Ward

Seconded by: Councilmember Ribble

Action: Approved the contract with Johnson Engineering, Inc. to provide design and permitting services Broadway Ave. West UEP in the amount of \$1,060,763, approve a contingency fund amount of \$106,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract with Johnson Engineering, Inc., and any other related ancillary documents on behalf of the Village Council.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

- (h) Broadway Ave. East Utility Extension Project Design and Permitting Contract –
Tetra Tech

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comment

None.

Motion: Motion to approve the contract with Tetra Tech, Inc. to provide design and permitting services for Broadway Ave. East UEP in the amount of \$1,134,239, approve a contingency fund amount of \$114,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract with Tetra Tech, Inc., and any other related ancillary documents on behalf of the Village Council.

Motion by: Councilmember Fiesel

Seconded by: Vice Mayor McLain

Action: Approved the contract with Tetra Tech, Inc. to provide design and permitting services for Broadway Ave. East UEP in the amount of \$1,134,239, approve a contingency fund amount of \$114,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract with Tetra Tech, Inc., and any other related ancillary documents on behalf of the Village Council.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(i) Resolution No. 2022-15

Memorandum of Understanding (MOU) Between the Village of Estero and The Greater Estero Virtual Information Center, Inc.

A Resolution Approving a Memorandum of Understanding (MOU) Between the Village of Estero and The Greater Estero Virtual Information Center, Inc. (GEVIC); Determining that the MOU is for a Public Purpose, Authorizing the Mayor to Execute the MOU; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Pritt, Village Attorney

Council Questions or Comments

Councilmembers Boesch, Ward, Wilson, Fiesel, Ribble, Vice Mayor McLain, and Mayor Errington.

Public Comments

In Person

Jim Gilmartin, ECCL

eComment

Jim Gilmartin, ECCL

Motion: Motion to approve Resolution No. 2022-15 as written.

Motion by: Vice Mayor McLain

Seconded by: Councilmember Ward

Action: Motion Failed.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Ward, and Vice Mayor McLain.

Nay: Councilmembers Wilson, Fiesel, Ribble, and Mayor Errington

Abstentions:

(j) Resolution No. 2022-16

Commercial Contract for the Purchase of Real Estate from GESS Family Partnership + Gulf Coast Driving Range LLC

A Resolution Approving Moving Forward to Closing on a Commercial Contract for the Purchase of Real Estate from GESS Family Partnership + Gulf Coast Driving Range LLC, Located at 9000 Williams Road, Estero, Florida; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Pritt, Village Attorney

Council Questions or Comments

Councilmembers Fiesel, Ward, and Vice Mayor McLain.

Public Comment

None.

Motion: Motion to approve Resolution No. 2022-16.

Motion by: Vice Mayor McLain

Seconded by: Councilmember Ward

Action: Approved Resolution No. 2022-16.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

8. FIRST READING

- (a) First Reading of Ordinance No. 2022-03, amending Ordinance No. 2019-01, Reserves Policy.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending Ordinance No. 2019 – 01 Titled: An Ordinance of The Village Council of the Village of Estero, Florida, Adopting a Reserve Policy; and Providing an Effective Date, By Revising Attachment A, Reserve Policy, to Reduce the Intended Reserve Level Period From Twelve Months to Three Months and to Revise the Plan for Replenishment of Funds; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmember Ward.

Public Comment

None.

Motion: Motion to pass first reading of Ordinance 2022-03 and set second reading for June 1, 2022.

Motion by: Councilmember Wilson

Seconded by: Councilmember Fiesel

Action: Passed first reading of Ordinance 2022-03 and set second reading for June 1, 2022.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

9. SECOND READING AND PUBLIC HEARING

- (a) Second Reading and Public Hearing of Ordinance No. 2022-02 for Miromar Outlets Signage

Ordinance 2022-02 of the Village Council of the Village of Estero, Florida, Considering an Amendment to the Commercial Planned Development, Specifically Deviation 3, for Replacement Signage for Miromar Outlets Property Located at the Northeast Quadrant of I-75 and Corkscrew Road, Consisting of Approximately 75 Acres; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
None.

Public Comment
None.

Motion: Motion to approve the applicant - requested continuance until the June 15, 2022, Council meeting.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ward

Action: Approved the applicant requested - continuance until the June 15, 2022, Council meeting.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

10. PUBLIC COMMENT ON NON-AGENDA ITEMS
None.

11 COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Fiesel, Ward, Wilson, Vice Mayor McLain, and Mayor Errington.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Robert Pritt, Village Attorney
David Willems, Public Works Director

12. VILLAGE ATTORNEY'S REPORT

Robert Pritt, Village Attorney

13. VILLAGE MANAGER'S REPORT

Steve Sarkozy, Village Manager

14. ADJOURNMENT at 11:57 am.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

(td/CS)

For an official copy of the signed minutes, please submit a [Public Record Request](#).