

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
JULY 5, 2023**

VILLAGE COUNCIL MEETING

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

June 21, 2023 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Father Hugh McGuigan Our Lady of Light

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Jon McLain - District 3, Councilmember Larry Fiesel - District 2, Councilmember Lori Fayhee – District 4, Councilmember Rafael Lopez - District 5, Councilmember Jim Ward - District 6, and Councilmember George Zalucki - District 7.
Absent: Vice Mayor Joanne Ribble - District 1.

Also present

Village Manager Steve Sarkozy, Village Attorney Robert Eschenfelder, Community Development Director Mary Gibbs, Village Land Use Attorney Nancy Stroud, Finance Director Kevin Greenville, and Deputy Village Clerk Tammy Duran.

2. PROCLAMATION

(a) Florida Everblades Kelly Cup

Brad Ralph, Head Coach of The Florida Everblades
Mike Kelly, Vice President of Business Development and Broadcasting for The Florida Everglades.

3. PRESENTATION

Honorable Representative Adam Botana

Council Questions or Comments

Councilmembers Zalucki, Fayhee, and Mayor McLain

4. APPROVAL OF AGENDA, ADDITIONS, AND DELETION

Motion: Motion to approve agenda.

Motion by: Councilmember Ward

Seconded by: Councilmember Fiesel

Action: Approved agenda.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

In Person

Mark Novitski, Bella Terra

Richard Sherman, Wildcat Run

6. CONSENT AGENDA

(a) June 7, 2023 Council Meeting Minutes

(b) Florida Local Government Cybersecurity Grant Agreement

(c) Liaison Assignments

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Zalucki

Seconded by: Councilmember Lopez

Action: Approved the Consent Agenda.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

7. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

None.

8. ACTION ITEM

(a) Resolution No. 2023-13 Plat for Milan Villas

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Presentation/Information by

Wayne Everett, DR Horton

Council Questions or Comments

Councilmember Ward and Mayor McLain

Public Comments

None.

Motion: Motion to approve Plat.

Motion by: Councilmember Ward

Seconded by: Councilmember Fiesel

Action: Approved Plat.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(b) Cypress Park Circle Utility Extension Project (UEP) Design & Permitting – EC 2022-29 STA 02

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve STA 02 to Contract EC 2022-29 with Weston & Sampson to design and permit the extension of utilities to Cypress Park Circle for \$311,650, approve a \$31,000 contingency (10%) for additional services that may be required to complete the project, and 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 Lopez

Seconded by: Councilmember Fayhee

Action: Approved STA 02 to Contract EC 2022-29 with Weston & Sampson to design and permit the extension of utilities to Cypress Park Circle for \$311,650, approve a \$31,000 contingency (10%) for additional services that may be required to complete the project, and 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 Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(c) 8801 Corkscrew Road Structure Demolition - RFB 2023-04

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Eschenfelder, Village Attorney

Council Questions or Comments

Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Public Comments

Jim Boesch, Estero

Marlene Rodak, Meadowbrook

John Quinn, Estero Forever Foundation

Motion: Motion to approve award of Request for Bids No. RFB 2023-04, 8801 Corkscrew Road Structure Demolition to Southwest Builders Inc. to demolish the structure located at 8801 Corkscrew Road at a grand total cost of \$106,890, approve a contingency fund amount of \$10,689 (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 with the instructions that the Village Manager is not to move forward with the demolition until further direction from Council. Additionally, Resolution No. 2023-02 was clarified to correct the date of execution from March 15, 2023, to February 15, 2023 due to error.

Motion by: Councilmember Lopez

Seconded by: Councilmember Ward

Action: Approved award of Request for Bids No. RFB 2023-04, 8801 Corkscrew Road Structure Demolition to Southwest Builders Inc. to demolish the structure located at 8801 Corkscrew Road at a grand total cost of \$106,890, approve a contingency fund amount of \$10,689 (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 with the instructions that the Village Manager is not to move forward with the demolition until further direction from Council. Additionally, Resolution No. 2023-02 was clarified to correct the date of execution from March 15, 2023, to February 15, 2023 due to error.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(d) Estero Parkway Plant Replacements - EC 2021-04 Amendment 5

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmember Fiesel.

Public Comments

None.

Motion: Motion to approve Contract EC 2021-04 Amendment 5 to replace plant materials along Estero Parkway and authorize the Village Manager to sign the contract amendment and other additional implementing documents within the scope of the contract amendment on behalf of the Village of Estero Council.

Motion by: Councilmember Ward

Seconded by: Councilmember Fiesel

Action: Approved award Contract EC 2021-04 Amendment 5 to replace plant materials along Estero Parkway and authorize the Village Manager to sign the contract amendment and other additional implementing documents within the scope of the contract amendment on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(e) 8801 Corkscrew Road Debris Removal – EC 2023-21 Amendment 1

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Amendment 1 to Contract EC 2023-21 to mulch all debris and downed trees located at 8801 Corkscrew Road for \$11,886.89 and authorize the Village Manager to sign the contract amendment and other additional implementing documents within the scope of the contract amendment on behalf of the Village of Estero Council.

Motion by: Councilmember Zalucki

Seconded by: Councilmember Fayhee

Action: Approved award Amendment 1 to Contract EC 2023-21 to mulch all debris and downed trees located at 8801 Corkscrew Road for \$11,886.89 and authorize the Village Manager to sign the contract amendment and other additional implementing documents within the scope of the contract amendment on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(f) Munis a Tyler Technologies Enterprise Resource Planning (ERP) Solution

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve the software as a service agreement (SaaS) for Munis ERP software between the Village of Estero and Tyler Technologies, Inc. and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Motion by: Councilmember Fayhee

Seconded by: Councilmember Fiesel

Action: Approved the software as a service agreement (SaaS) for Munis ERP software between the Village of Estero and Tyler Technologies, Inc. and authorized the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(g) Entertainment District Design & Permitting - EC 2022-33 STA 01

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmembers Ward, Lopez, Fiesel, and Mayor McLain.

Public Comments

None.

Motion: Motion to approve STA 01 to Contract EC 2022-33 with RWA Engineering to design and permit the Estero Entertainment District for \$485,045, subject to the consultant's acceptance of a revised Exhibit "C" (Project Schedule) to meet the time constraints of the Village, to 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, and to authorize the Village Manager to terminate the STA on 30 days' notice pursuant to S7.2 of EC 2022-33.

Motion by: Councilmember Lopez

Seconded by: Councilmember Fiesel

Action: Approved STA 01 to Contract EC 2022-33 with RWA Engineering to design and permit the Estero Entertainment District for \$485,045, subject to the consultant's acceptance of a revised Exhibit "C" (Project Schedule) to meet the time constraints of the Village, to 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, and to authorize the Village Manager to terminate the STA on 30 days' notice pursuant to S7.2 of EC 2022-33.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

9. PUBLIC HEARING SETTLEMENT AGREEMENT

(a) Public hearing to consider proposed Settlement Agreement between the Village of Estero and Long Bay Partners, LLC; TOP CR Associates, LLC; and PAC Estero Apartments, LLC, related to The Brooks Town Center property lawsuits.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director
Nancy Stroud, Village Land Use Attorney

Council Questions or Comments

Councilmembers Ward, Zalucki, and Mayor McLain.

Public Comments

In Person

Mary O'Connor, Shadow Wood

eComment

Le Nidetz, Copperleaf

Regina Fisher, Shadow Wood

Mario Lucarelli, Shadow Wood

Motion: Motion to approve Settlement Agreement

Motion by: Councilmember Fiesel

Seconded by: Councilmember Fayhee

Action: Approved Settlement Agreement.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

10. FIRST READING

(a) First Reading of Ordinance No. 2023-06, Coconut Road EPD Rezoning

An Ordinance of the Village Council of the Village of Estero, Florida, Considering a Rezoning from Mixed Use Planned Development (MPD) to Estero Planned Development (EPD) for a 45.6-Acre Parcel on the Northwest Corner of US-41 and Coconut Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Council Questions or Comments

Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Public Comments

eComments

Carol and Ray Stark, Shadow Wood

Kathleen Wilson, Coconut Shores

Barbara Piester, Coconut Shores

Andrew Coyle, Estero

Motion: Motion to pass First Reading of Ordinance No. 2023-06 and Set Public Hearing and Second Reading for July 5, 2023.

Motion by: Councilmember Zalucki

Seconded by: Councilmember Fiesel

Action: Passed First Reading of Ordinance No. 2023-06 and Set Public Hearing and Second Reading for July 5, 2023.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

11. SECOND READING AND PUBLIC HEARINGS

Village Land Use Attorney Stroud provided information regarding Board business and quasi-judicial hearings for 11(a). All audience members and staff providing testimony for the hearing were sworn in by Deputy Village Clerk Duran.

- (a)** Second Reading of Ordinance No. 2023-04, Village Initiated Rezoning on Williams Road

An Ordinance of the Village Council of the Village of Estero, Florida, Rezoning 21± Acres of Property Owned by the Village of Estero from Commercial Planned Development and Agriculture to Estero Planned Development (EPD) Zoning to Allow for Various Sports-Related and Recreation Uses; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Council Questions or Comments

None.

Public Comments

eComments

Mary Ann Batos, Shadow Wood

Motion: Motion to approve Ordinance No. 2023-04.

Motion by: Councilmember Lopez

Seconded by: Councilmember Zalucki

Action: Approved Ordinance No. 2023-04.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

(b) Resolution No. 2023-11 Capital Improvement Program

A Resolution of the Village Council of the Village of Estero, Florida, Adopting the Capital Improvement Program for Fiscal Year 2023-2024; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Resolution No. 2023-11.

Motion by: Councilmember Fayhee

Seconded by: Councilmember Zalucki

Action: Approved approve Resolution No. 2023-11.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, and Mayor McLain.

Nay:

Abstentions:

12. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

13. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Fiesel, Fayhee, Lopez, Zalucki, and Mayor McLain.

14. VILLAGE ATTORNEY'S REPORT

Robert Eschenfelder, Village Attorney

15. VILLAGE MANAGER’S REPORT

Steve Sarkozy, Village Manager

Adjourn Regular Session at 12:28 pm and Convene Workshop Item 12:28 pm

16. WORKSHOPS

(a) Tuscan Auditors

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Presentation/Information by

Jeff Tuscan, CPA, Tuscan &. Company, PA

Council Questions or Comments

Councilmembers Ward and Zalucki.

Public Comments

None.

A consensus to give authority to the Village Manager to submit the audit report to the state before the June 30th deadline.

17. ADJOURNMENT at 12:40 pm

Motion by Councilmember Fiesel and seconded by Councilmember Lopez.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Carol Sacco, Village Clerk

Jon McLain, Mayor

(td/CS)

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