

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 26, 2023**

**VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers**

**9401 Corkscrew Palms Circle**

**Estero, FL 33928**

**July 5, 2023 9:30 a.m.**

**1. CALL TO ORDER**

**INVOCATION**

Pastor Phil McMillan from Ocean Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Mayor Jon McLain - District 3, Vice Mayor Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Lori Fayhee – District 4, Councilmember Jim Ward - District 6, and Councilmember George Zalucki - District 7 (left at 2:17 pm). Absent: Councilmember Rafael Lopez - District 5.

**Also present**

Village Manager Steve Sarkozy, Village Attorney Robert Eschenfelder, Community Development Director Mary Gibbs, Public Works Director David Willems, Finance Director Kevin Greenville, Village Land Use Attorney Nancy Stroud, Deputy Village Clerk Tammy Duran, Village Clerk Carol Sacco.

**2. APPROVAL OF AGENDA, ADDITIONS, AND DELETION**

**Motion:** Motion to approve agenda with moving 7 (a) to the start of the meeting and 6 (h) to follow.

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Fiesel

**Action:** Approved agenda with moving 7 (a) to the start of the meeting and 6 (h) to follow.

Vote: (Roll Call)

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

Nay:

Abstentions:

### **3. PUBLIC COMMENT ON NON-AGENDA ITEMS**

#### **In Person**

Tom Schrader, Neighborhood Association

Richard Penton, Sweet Bay

### **4. CONSENT AGENDA**

#### **(a) June 21, 2023 Council Meeting Minutes**

**Motion:** Motion to approve the Consent Agenda.

**Motion by:** Councilmember Ward

**Seconded by:** Councilmember Zalucki

**Action:** Approved the Consent Agenda.

**Vote:** (Roll Call)

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

Nay:

Abstentions:

### **5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA**

None.

### **7. SECOND READING AND PUBLIC HEARING**

#### **(a) Second 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.

Village Land Use Attorney 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 Clerk Sacco.

Councilmembers Fiesel, Fayhee, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain all had a pre-meeting with the applicant in separate meetings. Community Development Director Gibbs attended the meetings as well.

There was no conflict of interest noted.

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager  
Mary Gibbs, Community Development Director  
Nancy Stroud, Village Land Use Attorney  
Robert Eschenfelder, Village Attorney

**Presentation/Information by**

Rich Yovanovich, Esq. CYK Law Firm  
Ross Abramson, Woodfield Development  
Alexis Crespo, AICP, RVi Planning + Landscape Architecture  
Victor Dover, FAICP, Dover Kohl & Partners  
Billy Hattaway, Fehr & Peers  
Elizabeth Suarez, PE, Fehr & Peers

**Council Questions or Comments**

Councilmembers Fiesel, Fayhee, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain

**Public Comments**

**In Person**

Francisco Figueroa, Trecisco  
Nancy Cohen, Pelican Landing

**eComments**

Beth Pilley, Marsh Landing  
Wanda Wagner, Marsh Landing

**Recess at 12:09 pm and Convene 12:45 pm.**

**Motion:** Motion to approve Ordinance No. 2023-06 with the Council revisions.

**Motion by:** Councilmember Fiesel

**Seconded by:** Councilmember Ward

**Action:** Approved Ordinance No. 2023-06 with the Council revisions.

**Vote:** (Roll Call)

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

Nay:

Abstentions:

**6. ACTION ITEM**

(h) Estero Entertainment District P3 Partners Term Sheets

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager  
Robert Eschenfelder, Village Attorney

**Presentation/Information by**

Michael Comparato, Vieste

**Council Questions or Comments**

Councilmembers Fiesel, Fayhee, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

**Public Comments**

None.

**Motion:** Motion to approve the terms set forth in the Chicken N Pickle and High 5 term sheets dated July 5th, 2023, and to authorize the Village Manager to proceed with negotiating a final Public Private Partnership Agreement and related CAM and lease agreements with each company based on these terms.

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Fiesel

**Action:** Approved the terms set forth in the Chicken N Pickle and High 5 term sheets dated July 5th, 2023, and to authorize the Village Manager to proceed with negotiating a final Public Private Partnership Agreement and related CAM and lease agreements with each company based on these terms.

**Vote:** (Roll Call)

**Aye:** Councilmembers Fiesel, Fayhee, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

**Nay:**

**Abstentions:**

Councilmember Zalucki requested to leave at 2:16 pm.

**6(a). Resolution No. 2023-12**

A Resolution of Village Council of the Village of Estero, Florida, determining the proposed Millage Rate for fiscal year 2023-2024, setting the date, time and place for the public hearing required by state law; directing staff to transmit necessary documentation pursuant to the requirements of Florida Statutes and the rules and regulation of the department of revenue; and providing an effective date.

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

**Council Questions or Comments**

None.

**Public Comments**

None.

**Motion:** Motion to adopt Resolution No. 2023-12.

**Motion by:** Councilmember Fayhee

**Seconded by:** Councilmember Ward

**Action:** Adopted Resolution No. 2023-12.

**Vote:** (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

- (b) Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2022, by Jeff Tuscan, CPA, Tuscan &. Company, PA

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

**Council Questions or Comments**

None.

**Public Comments**

None.

**Motion:** Motion to approve Comprehensive Annual Financial Report.

**Motion by:** Councilmember Ward

**Seconded by:** Vice Mayor Ribble

**Action:** Approved Comprehensive Annual Financial Report.

**Vote:** (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

- (c) Village of Estero Water Monitoring Contract – 2024

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

**Council Questions or Comments**

Mayor McLain.

**Public Comments**

None.

**Motion:** Motion to approve award of Supplemental Task Authorization 06 to Contract EC 2022-38 to Johnson Engineering to provide water monitoring services for The Village of Estero for \$146,340, approve a \$14,600 contingency 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 Fayhee

**Seconded by:** Vice Mayor Ribble

**Action:** Approved award of Supplemental Task Authorization 06 to Contract EC 2022-38 to Johnson Engineering to provide water monitoring services for The Village of Estero for \$146,340, approve a \$14,600 contingency 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, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

**(d)** Sandy Lane Path Prefabricated Bridge - Request for Bid (RFB) 2023-07

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

David Willems, Public Works Director

Robert Eschenfelder, Village Attorney

**Council Questions or Comments**

Councilmembers Fiesel, Fayhee, and Mayor McLain

**Public Comments**

None.

**Motion:** Motion to award of RFB 2023-07, Sandy Lane Path Prefabricated Bridge to Contech Engineered Solutions, LLC to provide the bridge as provided in the contract, at a grand total cost of \$239,500, approve a contingency fund amount of \$23,950 (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:** Vice Mayor Ribble  
**Seconded by:** Councilmember Ward

**Action:** Approved of RFB 2023-07, Sandy Lane Path Prefabricated Bridge to Contech Engineered Solutions, LLC to provide the bridge as provided in the contract, at a grand total cost of \$239,500, approve a contingency fund amount of \$23,950 (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 Fiesel, Fayhee, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(e) Roadway/Sidewalk Assessment - Contract EC 2022-32 STA 01

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

**Council Questions or Comments**

None.

**Public Comments**

None.

**Motion:** Motion to approve STA 1 to Contract 2022-32 with Tetra Tech, Inc. for the preparation of an engineering assessment of the existing roads and sidewalks maintained by the Village of Estero for \$256,060, approve a \$25,600 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:** Vice Mayor Ribble  
**Seconded by:** Councilmember Ward

**Action:** Approved the STA 1 to Contract 2022-32 with Tetra Tech, Inc. for the preparation of an engineering assessment of the existing roads and sidewalks maintained by the Village of Estero for \$256,060, approve a \$25,600 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, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

**(f) Seminole Gulf Railway License Agreement**

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

David Willems, Public Works Director

**Council Questions or Comments**

Councilmembers Ward, Fayhee, and Vice Mayor Ribble, and Mayor McLain

**Public Comments**

None.

**Motion:** Motion to approve the Seminole Gulf Railway license agreement and approve payment of \$55,233.34 to Seminole Gulf Railway to secure the license agreement and authorize the Village Manager to execute the agreement on behalf of the Village Council.

**Motion by:** Councilmember Fiesel

**Seconded by:** Vice Mayor Ribble

**Action:** Approved the Seminole Gulf Railway license agreement and approve payment of \$55,233.34 to Seminole Gulf Railway to secure the license agreement and authorize the Village Manager to execute the agreement on behalf of the Village Council.

**Vote:** (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

**(g) Resolution No. 2023-14 Budget Amendment**

A Resolution of the Village Council of the Village of Estero, Florida, Approving the First Budget Amendment for Fiscal Year 2022-2023 to Approve the Use of Village Funds and to Recognize Increased Revenues and Increased Expenditures For Capital Projects and Debt Retirement; and Providing an Effective Date.

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

Kevin Greenville, Finance Director

**Council Questions or Comments**



None.

**Public Comments**

None.

**Motion:** Motion to adopt Resolution No. 2023-14.

**Motion by:** Councilmember Ward

**Seconded by:** Councilmember Fayhee

**Action:** Adopted Resolution No. 2023-14.

**Vote:** (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Ward, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

\*Note: 6 (h) and 7 (a) moved to the front of the agenda.

**8. PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

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

Councilmembers Ward, Fayhee, Fiesel, Vice Mayor Ribble, and Mayor McLain.

**10. VILLAGE ATTORNEY'S REPORT**

Robert Eschenfelder, Village Attorney

**11. VILLAGE MANAGER'S REPORT**

Steve Sarkozy, Village Manager

**Adjourn Regular Session at 3:09 pm and Convene Workshop Item 3:09 pm**

**12. WORKSHOPS**

**(a) FY 2023/2024 Budget Introduction**

**Staff Presentation/Comments**

Steve Sarkozy, Village Manager

Kevin Greenville, Finance Director

**Council Questions or Comments**

Councilmember Ward.

**Public Comments**

None.  
**13. ADJOURNMENT at 3:16 pm**

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](#).