

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
OCTOBER 18, 2023
VILLAGE COUNCIL MEETING**

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

October 4, 2023 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Pastor Jan Chance River of Life 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 Rafael Lopez - District 5, Councilmember Jim Ward - District 6, and Councilmember George Zalucki - District 7.

Also present

Village Attorney Robert Eschenfelder, Community Development Director Mary Gibbs, Public Works Director David Willems, Finance Director Kevin Greenville, 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 5(b).

Motion by: Councilmember Fayhee

Seconded by: Vice Mayor Ribble

Action: Approved agenda with the deletion of 5(b).

Vote: (Roll Call)

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

Nay:

Abstentions:

3. PRESENTATION

- (a) Captains for Clean Water presented by Dianna Ryan and Captain Chris Wittman

Presentation/Information by
Captain Chris Wittman

Council Questions or Comments
Councilmembers Ward, Lopez, Fayhee, Vice Mayor Ribble, and Mayor McLain

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

5. CONSENT AGENDA

- (a) September 20, 2023 Council Budget Meeting Minutes
(b) Financial Report Month ended August 2023
(c) Superior Landscaping v. Village of Estero offer of Judgment

Motion: Motion to approve consent agenda with agenda item 5 b removed.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Lopez

Action: Approved consent agenda with agenda item 5 b removed.

Vote: (Roll Call)
Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.
Nay:
Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

7. ACTION ITEMS

- (a) Lien Mitigation 8800 Corkscrew Road Case No. 21060001

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Stanley Knight, Code Enforcement
Robert Eschenfelder, Village Attorney

Presentation/Information by
Chas DeFelice, ProEnergy and Corkscrew Energy

Council Questions or Comments
Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Public Comments

None.

Motion: Motion to approve the reduction of the lien to \$25,000 plus administrative costs.

Motion by: Councilmember Ward

Seconded by:

Action: Motion Failed

Motion: Motion to authorize the Village Attorney to negotiate with the violator on a recommended amount to come back to council. If that fails, authorize the village attorney to foreclose the lien.

Motion by: Councilmember Zalucki

Seconded by: Councilmember Lopez

Action: Authorized the Village Attorney to negotiate with the violator on a recommended amount to come back to council. If that fails, authorize the village attorney to foreclose the lien.

Vote: (Roll Call)

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

Nay:

Abstentions:

(b) Lien Mitigation 20275 Sherrill Lane Case No. 18040009

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Stanley Knight, Code Enforcement

Robert Eschenfelder, Village Attorney

Presentation/Information by

Kevin Bartlett, Kevin Bartlett Florida Real Estate

Council Questions or Comments

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

Public Comments

None.

Motion: Motion to approve staff recommendation accepting the request of Troy Blasko, the new owner to release the Village's code enforcement lien against 20275 Sherrill Ln, Estero in exchange for the payment of \$5000.00.

Motion by: Councilmember Fayhee

Seconded by: Mayor McLain

Action: Approved staff recommendation accepting the request of Troy Blasko, the new owner to release the Village's code enforcement lien against 20275 Sherrill Ln, Estero in exchange for the payment of \$5000.00.

Vote: (Roll Call)

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

Nay: Councilmembers Ward, Zalucki, and Vice Mayor Ribble

Abstentions:

(c) Hazard Mitigation Application Assistance Contract

Staff Presentation/Comments

David Willems, Public Works Director

Council Questions or Comments

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

Public Comments

None.

Motion: Motion to approve Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A. for the Estero River North Branch Drainage HMGP Assistance project and authorize the Village Manager to sign Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A.

Motion by: Councilmember Lopez

Seconded by: Councilmember Ward

Action: Approved Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A. for the Estero River North Branch Drainage HMGP Assistance project and authorize the Village Manager to sign Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A.

Vote: (Roll Call)

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

Nay:

Abstentions:

(d) Resolution No. 2023-26 Consideration of a Resolution regarding proposed County Charter amendment regarding voluntary annexation.

A Resolution of the Village of Estero, Florida, Opposing Amending the County Charter in any Manner Which Would Impede the Free Right of a Property Owner to

Voluntarily Annex into a Municipality and Opposing any Charter Language Which Would Allow County Commissioners to Arbitrarily Decide if a Voluntary Annexation May Occur; Making Related Findings; Providing for Severability and for an Effective Date.

Staff Presentation/Comments

Robert Eschenfelder, Village Attorney

Council Questions or Comments

Councilmembers Lopez, Fiesel, and Mayor McLain.

Public Comments

None.

Motion: Motion to approve Resolution No. 2023-26.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Lopez

Action: Approved Resolution No. 2023-26.

Vote: (Roll Call)

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

Nay:

Abstentions:

(e) Village Wide Traffic Study RFQ 2023-05

Staff Presentation/Comments

David Willems, Public Works Director

Council Questions or Comments

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

Public Comments

None.

Motion: Motion to approve consultants ranking for The Village Wide Traffic Study as follows: Number 1 – Johnson Engineering; Number 2 – Trebilcock Consulting Solutions; Number 3 – Pennoni and authorize staff to negotiate a contract with the Number 1 ranked firm, Johnson Engineering, to provide professional consulting services for the Village Wide Traffic Study.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Zalucki

Action: Approved consultants ranking for The Village Wide Traffic Study as follows: Number 1 – Johnson Engineering; Number 2 – Trebilcock

Consulting Solutions; Number 3 – Pennoni and authorize staff to negotiate a contract with the Number 1 ranked firm, Johnson Engineering, to provide professional consulting services for the Village Wide Traffic Study.

Vote: (Roll Call)

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

Nay:

Abstentions:

8. FIRST READING

(a) Ordinance No. 2023-07 Habitat Community Development District

An Ordinance of the Village Council of the Village of Estero, Florida Consenting to the Exercise by the Board of Supervisors of Habitat Community Development District of Certain Additional Powers Relating to Security; Providing for Conflict, Severability, and an Effective Date.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Robert Eschenfelder, Village Attorney

Presentation/Information by

Greg Urbancic, Attorney

Council Questions or Comments

Councilmembers Zalucki, Ward, Lopez, Vice Mayor Ribble, and Mayor McLain.

Public Comments

None.

Motion: Motion to pass first reading and set second reading and public hearing for October 18, 2023.

Motion by: Councilmember Zalucki

Seconded by: Vice Mayor Ribble

Action: Passed first reading and set second reading and public hearing for October 18, 2023.

Vote: (Roll Call)

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

Nay:

Abstentions:

9. PUBLIC HEARING

- (a) Resolution No. 2023-25 confirming under the State “Live Local Act” that there is no Village-owned property suitable for affordable housing.

A Resolution of the Village of Estero, Florida, Confirming No Ownership of Property Suitable for Affordable Housing; Making Related Findings; Providing for Severability and for an Effective Date.

Staff Presentation/Comments

Robert Eschenfelder, Village Attorney

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Resolution No. 2023-25.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Fayhee

Action: Approved Resolution No. 2023-25.

Vote: (Roll Call)

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

Nay:

Abstentions:

10. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

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

Staff Presentation/Comments

Robert Eschenfelder, Village Attorney

12. VILLAGE ATTORNEY’S REPORT

Robert Eschenfelder, Village Attorney

13. VILLAGE MANAGER’S REPORT

None.

Adjourn Regular Session at 11:52 am and Convene Workshop Item 12:02 pm.

14. WORKSHOP

(a) Discussion on Revisions to Council Procedures

Staff Presentation/Comments

Robert Eschenfelder, Village Attorney

Carol Sacco, Village Clerk

Council Questions or Comments

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

15. ADJOURNMENT at 12:57 pm

Motion by Councilmember Fiesel and seconded by Councilmember Zalucki.

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](#).