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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
21500 Three Oaks Parkway  
Estero, FL 33928  
Village Council Regular Meeting  
February 10, 2016 10:00 a.m.**

**1. CALL TO ORDER:** 10:00 a.m.

**2. PLEDGE OF ALLEGIANCE:** Led by Mayor Batos.

**3. INVOCATION:** Offered by Pastor Tim Carson from Estero United Methodist Church.

**4. ROLL CALL:** Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Attorney Derek Rooney attending for Village Attorney Burt Saunders, Village Community Development Director Mary Gibbs, Village Finance Director Lisa Pace, and Village Clerk Kathy Hall.

### **5. APPROVAL OF AGENDA:**

**Motion:** Move to approve the agenda.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Brown

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

## **6. CONSENT AGENDA:**

### (A) Approval of Minutes

- (1) January 13, 2016 Zoning Hearing
- (2) January 13, 2016 Special Meeting
- (3) January 20, 2016 Zoning Hearing - Continuation of Deliberations
- (4) January 20, 2016 Regular Meeting
- (5) January 20, 2016 Workshop

Councilmember Ribble requested that the Village Clerk verify that all names of speakers on page 2 of the January 13, 2016 meeting be verified to ensure that all names matched the list provided by Ms. Vicki Olson. Councilmember Errington clarified her statement made at the January 20, 2016 meeting (page 4, agenda item 9) by stating that she believed that it should go to the Planning and Zoning Board, that it would help Council tremendously if they did the work that Council had to do, however, she did not agree with Planning and Zoning Board Members making comments during the Council zoning hearing presentation.

**Motion:** Move to approve the Consent Agenda, revising minutes as necessary.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Wilson

**Action:** Approved the Consent Agenda, revising minutes as necessary.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

## **7. COUNCIL BUSINESS:**

### (A) RFQ 2016-01 Village Comprehensive Plan

Village Manager Sarkozy provided an explanation and stated that when RFQ responses were received, they would come back to Council. RFQ response deadline: March 9, 2016.

**Questions or Comments by:** Councilmember Brown.

Community Development Director Gibbs noted a correction on page 1 under Deliverables, "Land Development regulations" was removed from the first sentence.

**Public Comment:** None.

**Motion:** Move to authorize staff to distribute RFQ 2016-01.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Boesch

**Action:** Authorized staff to distribute RFQ 2016-01.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(B) RFP 2016-01 Village Traffic Study

Village Manager Sarkozy provided an explanation. RFP response deadline: March 9, 2016.

**Questions or Comments by:** Councilmembers Boesch, Ribble, Wilson, Vice Mayor Levitan, and Mayor Batos. Discussion included the Coconut Road study, future developments, and taking over County roads.

**Public Comment:** None.

**Motion:** Move to authorize staff to distribute RFP 2016-01.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Ribble

**Action:** Authorized staff to distribute RFP 2016-01.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(C) RFP 2016-02 Council Chambers Audio, Video and Sound System

Village Manager Sarkozy provided an explanation. RFP response deadline: March 9, 2016.

**Questions or Comments by:** Councilmembers Ribble, Boesch, Errington, Vice Mayor Levitan, and Mayor Batos. Discussion included whether the Village Clerk should be responsible to operate the cameras or consideration be given to enlist volunteers or hire part-time; capability of wiring an additional monitor; and how security was being addressed.

**Public Comment:** None.

**Motion:** Move to authorize staff to distribute RFP 2016-02.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Boesch

**Action:** Authorized staff to distribute RFP 2016-02.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(D) Appoint Robert King as Village CAC Representative to MPO

**Questions or Comments by:** Mayor Batos, Vice Mayor Levitan, and Councilmembers Boesch and Wilson. Discussion included information regarding Mr. King's background.

**Public Comment:** None.

**Motion:** Move to appoint Robert King as Village CAC Representative to MPO.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Brown

**Action:** Appointed Robert King as Village CAC Representative to MPO.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(E) Planning and Zoning Board Vacancy

Village Manager Sarkozy provided an explanation regarding the letter of resignation submitted by Jeffrey Maas, creating the vacancy on the Planning and Zoning Board.

**Questions or Comments by:** Vice Mayor Levitan, Councilmembers Ribble, Errington, and Mayor Batos. Discussion included the possibility of conducting a workshop with Planning and Zoning Board and Design Review Board; making certain that the membership of the Planning and Zoning Board is balanced; commitment of members to be available for all meetings; Board Members making site visits prior to hearings; and wide advertising of the vacancy.

**Public Comment:** None.

**Motion:** Move to accept the letter of resignation from Jeffrey Maas dated January 12, 2016 and direct the Village Clerk to advertise the vacancy and solicit applications.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Brown

**Action:** Accepted the letter of resignation from Jeffrey Mass dated January 12, 2016 and directed the Village Clerk to advertise the vacancy and solicit applications.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

Note: Agenda Item (F) was addressed after Agenda Item (G).

(F) Coconut Road / Raptor Bay

Village Manager Sarkozy explained that staff was asked to research a resolution for Council consideration that would allow the Village of Estero to make comments at zoning hearings before the Bonita Springs Council regarding the Pelican Landing development proposal. A resolution was prepared by Village Land Use Counsel Nancy Stroud.

**Questions or Comments by:** Councilmembers Ribble, Boesch, Vice Mayor Levitan, and Mayor Batos. Discussion included the Bonita Springs Council meeting regarding Raptor Bay/Weeks Fish Camp; Dan Trescott's high hazard area study; multi-jurisdictional DRIs; the Village Charter "glitch" bill; and commitment to work with the Bonita Springs Council in resolving the issue.

Vice Mayor Levitan suggested revisions to the resolution: (1) The fifth "Whereas" to read "**WHEREAS**, the Village Council is concerned, among other things, that hurricane evacuation times and shelter capacity are currently inadequate and that increased density at the Raptor Bay location will further exacerbate evacuation problems." (2) Section 1 to read "The Village Council authorizes the Village Manager to coordinate the provision of expert testimony from Village staff and consultants as appropriate and necessary to the City of Bonita Springs zoning hearings related to the Pelican Landing/Raptor Bay development proposals and to continue to explore the merits of jurisdictional and procedural legal challenges to these matters as authorized by Village Council prior resolution on the matter at Council meeting of January 13, 2016. The expert testimony shall be provided to the hearings held before the City Zoning Board for Land Use Hearings and before the City Council."

Attorney Derek Rooney offered additional revisions to the resolution: (1) The sixth "Whereas" to read "**WHEREAS**, the Village's current staff and consultants, including but not limited to Community Development Director Mary Gibbs and Land Use Counsel

Nancy Stroud, have expertise that can be provided as testimony in the City’s zoning hearings, including but not limited to traffic and transportation, coastal high hazard area protection, hurricane evacuation, comprehensive planning, and zoning.” (2) Last sentence of the fifth “Whereas” to read: “The expert testimony shall be provided to the hearings held before the City Zoning Board for Land Use Hearings, before the City Council, and Local Planning Agency.”

**Public Comment:**

Vicki Olson, Coconut Road West Neighborhood Coalition  
Christopher Olney, El Dorado Acres resident  
Gene Cuomo, Meadowbrook resident

Village Clerk Hall read the resolution title: Resolution 2016-05 A Resolution of the Village of Estero, Florida, Authorizing the Village Manager to Coordinate Provision of Expert Testimony to the City of Bonita Springs in Zoning Hearings Related to Pelican Landing Development Proposals; and Providing an Effective Date.

**Motion:** Move to adopt Resolution 2016-05 as amended.

**Motion by:** Councilmember Ribble  
**Seconded by:** Councilmember Brown

**Action:** Adopted Resolution 2016-05 as amended.

**Vote:**

Aye: Unanimous (roll call)  
Nay:  
Abstentions:

- (G) Letter from Kevin Ruane, Mayor, City of Sanibel and Request for Support Regarding Water Storage Options

Mayor Batos provided an explanation regarding the letter from Mayor Kevin Ruane requesting support of a letter regarding water storage options. He noted that he had attended a Mayor’s meeting earlier today related to releases from Lake Okeechobee.

**Questions or Comments by:** Councilmembers Ribble, Boesch, Errington, Vice Mayor Levitan, and Mayor Batos. Discussion included the C-43 Reservoir; sludge at local beaches; speaking to local, state and federal representatives; rising sea level; and water quality baseline for Estero.

**Public Comment:**

Gene Cuomo, Meadowbrook resident

**Motion:** Move to authorize the Mayor to sign the letter as well as approve and endorse the white paper entitled “Caloosahatchee Watershed Regional Water Management Issues.”

**Motion by:** Vice Mayor Levitan  
**Seconded by:** Councilmember Brown

**Action:** Authorized the Mayor to sign the letter and approved and endorsed the white paper entitled “Caloosahatchee Watershed Regional Water Management Issues.”

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

- (H) Resolution No. 2016-04 Authorizing the Waiving of Competitive Bidding Procedures; Authorizing the Village Manager to Execute a Contract for Security Equipment and Operations with Securitas Electronic Security, Inc.; and Providing an Effective Date

Village Manager Sarkozy and Village Finance Director Lisa Pace provided explanations of the resolution authorizing waiver of competitive bidding procedures and authorizing a contract for security equipment and operations for the new Village Hall, which needed to be installed during the construction process. Staff determined that a waiver of the competitive bidding procedures was the only way to get the service installed in the time allowed, due to the very limited time remaining until construction was completed.

There were no questions or comments by Councilmembers and no public comment.

**Motion:** Move to adopt Resolution No. 2016-04

**Motion by:** Councilmember Brown  
**Seconded by:** Councilmember Ribble

**Action:** Adopted Resolution No. 2016-04.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**8. PUBLIC INPUT ON NON-AGENDA ITEMS:**

None.

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

Councilmember Ribble provided an update on the new Village Hall construction.

Vice Mayor Levitan provided an update on the planning initiative.

Councilmember Brown conveyed appreciation to Code Enforcement Officer Stan Knight.

Councilmember Errington provided updates related to meetings she recently attended, including the Estero Bay Agency on Bay Management Committee and the Estero River Task Force. She

also recommended that Council show appreciation for the FGCU students that clean the river bank.

Councilmember Boesch provided a report related to residents' concern regarding the entrance to the Villa Palmeras community.

**10. VILLAGE ATTORNEY COMMENTS:**

None.

**11. VILLAGE MANAGER COMMENTS:**

Village Manager Sarkozy spoke regarding a December 2015 and January 2016 traffic report update from Lee County Sheriff's Office and the Lee County Animal Control billing. Brief discussion followed.

A motion to adjourn was duly made and passed.

**12. ADJOURN:** 11:25 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_  
Kathy Hall, MMC  
Village Clerk

By: \_\_\_\_\_  
Nicholas Batos  
Mayor