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**APPROVED BY COUNCIL
AUGUST 31, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
August 17, 2016 9:30 a.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

Call to Order: 9:30 a.m.

Pledge of Allegiance: Led by guest Nicky Snow.

Invocation: Offered by Pastor Bill Mobley from Calvary Chapel Gulf Coast

Roll Call: Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7. Absent: Councilmember Donald Brown - District 3 (excused absence).

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

- 2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:**

Motion: Move to approve the agenda, deleting agenda items 5 (c) and 5 (d).

Motion by: Councilmember Wilson

Seconded by: Councilmember Boesch

Action: Approved the agenda as revised.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. CONSENT AGENDA:

- (a) Minutes of June 1, 2016 Council Meeting
- (b) Minutes of June 8, 2016 Council Workshop
- (c) Minutes of June 22, 2016 Council Special Meeting
- (d) Minutes of July 6, 2016 Council Meeting
- (e) Minutes of July 13, 2016 Council Meeting

Vice Mayor Levitan noted a typo on page 9 of the July 13, 2016 meeting minutes:

New Condition 19: The Applicant shall provide in its condominium documents and construction design the ability to use the liner buildings along Via Coconut Road for professional offices if Via Coconut Road becomes a local road and onstreet parking is available.

Motion: Move to approve the Consent Agenda, revising the July 13, 2016 meeting minutes, correcting the word “building” to read “buildings.”

Motion by: Councilmember Errington

Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda, revising the July 13, 2016 meeting minutes, correcting the word “building” to read “buildings.”

Vote:

Aye: Unanimous

Nay:

Abstentions:

4. PRESENTATION:

James Evans, Natural Resources Director, City of Sanibel

- Revised Caloosahatchee Watershed Regional Water Management Issues White Paper, dated July 15, 2016

Mr. Evans provided an update regarding the white paper previously endorsed by the Village Council. He also afforded an explanation regarding Resolution No. 2016-24, removed from the agenda due to impending new language.

Questions or Comments by: Councilmembers Boesch, Ribble, Wilson, Errington, Vice Mayor Levitan, and Mayor Batos.

Discussion included the importance of informing the public; involvement with Florida Gulf Coast University; support for the EAA Storage & ASR/Decomp Ph2 project; nutrient problems; C43 Reservoir; mineral rights and mining.

5. ACTION ITEMS:

- (a) Request from City of Sanibel Mayor, Kevin Ruane, for Endorsement of the Revised Caloosahatchee Watershed Regional Water Management Issues White Paper, dated July 15, 2016

Motion: Move to endorse the revised Caloosahatchee Watershed Regional Water Management Issues White Paper, dated July 15, 2016, and authorize the Mayor to sign a letter indicating Council's endorsement.

Motion by: Councilmember Errington

Seconded by: Councilmember Ribble

Action: Endorsed the revised Caloosahatchee Watershed Regional Water Management Issues White Paper, dated July 15, 2016, and authorized the Mayor to sign a letter indicating Council's endorsement.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (b) Resolution 2016-23 A Resolution of the Village Council of the Village of Estero, Florida, Strongly Urging the State of Florida and the U.S. Army Corps of Engineers to Accelerate the Planning and Design Process for the "EAA Storage & ASR/Decomp Ph2" Project Identified in the Integrated Delivery Schedule (IDS), a Project that will Provide Additional Storage South of Lake Okeechobee and Reduce the Damaging High-Volume Freshwater Discharges to the Coastal Estuaries; and Providing an Effective Date

James Evans, Natural Resources Director, City of Sanibel, provided a brief explanation of the resolution.

Public Comment: None.

Brief discussion followed regarding the importance of informing the public.

The title of Resolution No. 2016-23 was read by Village Clerk Hall.

Motion: Move to adopt Resolution No. 2016-23.

Motion by: Councilmember Errington

Seconded by: Councilmember Ribble

Action: Adopted Resolution No. 2016-23.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (c) Resolution 2016-24 A Resolution of the Village Council of the Village of Estero, Florida, Supporting the Everglades for the Next Generation Act, the Everglades Land Acquisition Act of 2016 and the Federal Partnership for Clean Water Land Acquisition Act of 2016; and Providing an Effective Date

This item was removed from the agenda due to impending new language.

- (d) Letters to Congressman Curt Clawson and Senator Bill Nelson, Supporting Key Pieces of Legislation

This item was removed from the agenda due to impending new language required for Resolution No. 2016-24.

- (e) Lee County Sheriff's Office Request for Letter of Support for Edward Byrne Memorial Justice Assistance Grant (JAG)

Village Manager Sarkozy provided an explanation regarding the request, a requirement to demonstrate that Lee County has reached consensus regarding disbursement of the Edward Byrne Memorial Justice Assistance Grant (JAG) funds allocated to Lee County.

Public Comment: None.

Motion: Move to approve the request for the Mayor to sign a letter of support for the Edward Byrne Memorial Justice Assistance Grant (JAG)

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

Action: Approved the request for the Mayor to sign a letter of support for the Edward Byrne Memorial Justice Assistance Grant (JAG)

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (f) Comprehensive Plan Agreement between the Village of Estero and LaRue Planning & Management Services, Inc.

Community Development Director Gibbs provided an explanation of the agreement.

Discussion included December deadline; review by Village Attorney Saunders and Village Land Use Attorney Stroud; the consultant from LaRue Planning & Management will coordinate with the traffic study consultant; sub-consultant's involvement projecting population; public involvement; agreement funding; and explanation regarding "independent contractor."

Public Comment: None.

Motion: Move to approve the agreement between the Village of Estero and LaRue Planning & Management Services, Inc.

Motion by: Councilmember Levitan

Seconded by: Councilmember Boesch

Action: Approved the agreement between the Village of Estero and LaRue Planning & Management Services, Inc.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (g) Agreement for Election Services between the Village of Estero and Sharon Harrington, the Supervisor of Elections of Lee County, Florida

Village Attorney Saunders explained that the agreement was the Supervisor of Elections' standard agreement and noted that he believed the estimated amount in the agreement was incorrect.

Questions or Comments by: Vice Mayor Levitan, Councilmembers Ribble, Wilson, Boesch, and Mayor Batos.

Discussion ensued regarding the lack of standards in the agreement and the candidate qualifying process.

Public Comment: None.

Action: Continued to next Council meeting.

- (h) Agreement between the Village of Estero and Nancy Stroud of Lewis Stroud & Deutsch, PL

Village Manager Sarkozy provided a brief explanation of the agreement.

Vice Mayor Levitan noted that he had not found a better land use counsel than Ms. Stroud. Councilmember Ribble concurred.

Village Attorney Saunders noted the following amendment to page 3, Section 11 – Compensation and Invoicing, 11.1: “The hourly rate for Nancy Stroud is \$225 per hour, except that travel time will be billed at one half the hourly rate.”

Public Comment: None.

Motion: Move to approve the agreement as amended, between the Village of Estero and Nancy Stroud of Lewis Stroud & Deutsch, PL, for continuing legal services related to land use matters, including legal assistance with the Comprehensive Plan.

Motion by: Councilmember Ribble
Seconded by: Councilmember Boesch

Action: Approved the agreement as amended, between the Village of Estero and Nancy Stroud of Lewis Stroud & Deutsch, PL, for continuing legal services related to land use matters, including legal assistance with the Comprehensive Plan

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

The meeting went into recess at 10:43 and reconvened at 10:50 a.m.

6. PUBLIC HEARINGS:

- (a) Vacation of Existing Right-of-Way and Easement Located within the Genova Development, 9050 Corkscrew Road

Resolution No. 2016-22 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Vacation of an Easement and Right-of-Way for the Genova Project; and Providing an Effective Date

Community Development Director Gibbs provided an explanation of the easement and right-of-way vacation request and noted that this was not a quasi-judicial hearing. She also noted that the applicant was required to send letters to numerous entities to ask for objections; Village Attorney Derek Rooney reviewed all documents and advised that everything was proper. Ms. Gibbs stated that the Planning and Zoning Board recommended approval.

Questions or Comments by: Councilmembers Boesch, Ribble, and Vice Mayor Levitan.

Discussion included staff's review and recommendation; right-of-way vacations should not be approved without serious consideration; and the Planning and Zoning Board hearing.

Neale Montgomery, Pavese Law Firm, representing the applicant, spoke briefly regarding the vacation request.

Public Comment: None.

The title of Resolution No. 2016-22 was read by Village Clerk Hall.

Motion: Move to adopt Resolution No. 2016-22 approving the vacation of an easement and right-of-way for the Genova project.

Motion by: Councilmember Ribble
Seconded by: Councilmember Wilson

Action: Adopted Resolution No. 2016-22 approving the vacation of an easement and right-of-way for the Genova project.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

7. ORDINANCES:

(a) FIRST READING:

- (1)** Ordinance No. 2016-10 An Ordinance of the Village Council of the Village of Estero, Florida, Correcting a Development Order and Zoning Resolution Issued by Lee County for the Coconut Point Development of Regional Impact for Property Bounded by US 41 on the West, Pelican Colony Boulevard Extension on the South, Via Coconut Point on the East, and Coconut Road on the North, in the Village of Estero, Florida; Adopting Recitals; Adopting Findings; and Providing an Effective Date

Mayor Batos introduced the Ordinance. Village Clerk Hall read the title of Ordinance No. 2016-10.

Community Development Director Gibbs provided an explanation of the Ordinance.

Questions or Comments by: Vice Mayor Levitan and Mayor Batos.

Discussion included concern regarding lack of information related to the tracts that would benefit from the remaining 135 trips; an enhanced site plan; and anything created not becoming a precedent.

Public Comment: Not permitted until second reading/public hearing.

Motion: Move to pass first reading of Ordinance No. 2016-10.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Passed first reading of Ordinance No. 2016-10.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

8. UNFINISHED BUSINESS: None.

9. WORKSHOP ITEMS:

(a) Community Development Budget Review

Village Manager provided an introduction and Community Development Director Gibbs stated there was concern regarding a deficit.

Presentation by Calvin, Giordano and Associates, Inc. (CGA) representatives, Chris Giordano, Director of Management Services and Norm Bruhn, Building Code Department Director

Mr. Giordano addressed the lack of historical data due to the Building Department being in operation for 7 months. Their preliminary recommendations included revisions to the Building Permit Fee Schedule.

Questions or Comments by: Councilmembers Boesch, Ribble, Vice Mayor Levitan and Mayor Batos.

Discussion included the \$27,600 projected deficit; confusion with the written report provided by CGA; concern regarding increasing fees; problems with software and lack of reports required by the Lee County appraiser; the lack of supervision that was promised by CGA. Vice Mayor Levitan pointed out that time needed to be spent on how things could be improved rather than increasing fees. He added that Village staff was managing the contract; staff and CGA would need to come up with a solution for what Council perceived as problems.

(b) Update on County Negotiations

Councilmember Ribble provided an update regarding negotiations with Lee County, and indicated that there were not many details at this point; they were still working on details regarding the roads. Discussion ensued.

Village Manager Sarkozy provided further explanation and addressed interlocal agreements for solid waste, local option gas taxes, municipal services, and landscape maintenance.

Mayor Batos noted that all interlocal agreements would come back to Council for approval.

Public Comment: None.

10. PUBLIC COMMENT ON NON-AGENDA ITEMS:

None.

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Ribble reported on several phone calls he had received regarding standing water in the Village and asked that a staff distribution list be prepared.

Vice Mayor Levitan inquired whether the Village should hire a contractor in order for Council to be apprised of County issues rather than reading about them in the newspaper.

Councilmember Errington addressed concern regarding the public being made aware of the Village's emergency preparedness plan. She also noted that the property by Walmart that she looked at some time ago for a park is now for sale. Discussion followed regarding emergency management and working together with Estero Fire Rescue.

Councilmember Wilson provided a report regarding a recent Eastern Corkscrew Alliance meeting that he attended. He also addressed communication between the Village and the County.

12. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders provided an update regarding Estero mail related to the tax collector's office and the Supervisor of Elections office.

13. VILLAGE MANAGER'S REPORT:

None.

A motion to adjourn was duly made and passed.

14. ADJOURNMENT: 11:55 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor