

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village "Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL  
SEPTEMBER 21, 2016**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
Village Council Meeting  
August 31, 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 Mayor Batos.

**Invocation:** Offered by Pastor Doug Warren from Gulf Coast Presbyterian Church

**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, 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 item 5 (b), moving agenda item 5 (c) to 7 (a)(6) and moving agenda item 7 (a)(2) to 5 (f).

**Motion by:** Councilmember Ribble  
**Seconded by:** Councilmember Boesch

**Action:** Approved the agenda as revised.

**Vote:**

**Aye:** Unanimous (roll call vote)

**Nay:**

**Abstentions:**

### 3. CONSENT AGENDA:

- (a) Minutes of August 17, 2016 Council Meeting

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

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

### 4. ORDINANCES:

#### (a) SECOND READING AND PUBLIC HEARING:

- (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

Village Clerk Hall read the title of Ordinance No. 2016-10. Mayor Batos provided information regarding the quasi-judicial hearing. Staff and audience members providing testimony were sworn in by Village Clerk Hall. Ex parte communications were declared by Vice Mayor Levitan. Community Development Director Gibbs provided an explanation regarding the purpose of the ordinance and addressed a proposed language amendment, a new Section 4, with existing Section 4 being renumbered to Section 5, to read: **Section 4. Limitation.** The amendments set forth herein shall not create an inference, or operate to establish a precedent, that any future zoning approval with respect to any other parcel or parcels other than Tracts 3A-1, 3A-2, and 3A-3\_1 are or will be granted.

Russell Schropp, Attorney, Henderson Franklin, gave a brief presentation.

**Questions or Comments by:** Vice Mayor Levitan.

Discussion included the two separate issues and the purpose for the proposed ordinance amendment, creating a new Section 4.

**Public Comment:** None.

**Motion:** Move to adopt Ordinance No. 2016-10 as amended.

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

**Action:** Adopted Ordinance No. 2016-10 as amended.

**Vote:**

Aye: Unanimous (roll call vote)

Nay:

Abstentions:

**5. ACTION ITEMS:**

- (a)** Resolution No. 2016-21 A Resolution of the Village Council of the Village of Estero, Florida, Establishing a Defined Contribution Plan and Deferred Compensation Plan; Approving Group Trust to Hold Assets; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date

The title of Resolution No. 2016-21 was read by Village Clerk Hall. Village Manager Sarkozy provided an explanation regarding the resolution. Village Attorney Saunders offered comments regarding the legal team's review of the resolution.

**Questions or Comments by:** Vice Mayor Levitan and Councilmembers Errington and Ribble.

Discussion included comments from the legal team; amendments to the documents; staff and legal team recommendation.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2016-21.

**Motion by:** Councilmember Errington  
**Seconded by:** Councilmember Ribble

**Action:** Adopted Resolution No. 2016-21.

**Vote:**

Aye: Unanimous (roll call vote)

Nay:

Abstentions:

- (b) Resolution No. 2016-25 A Resolution of the Village Council of the Village of Estero, Florida, Approving, for the Purposes of Section 147(F) of the Internal Revenue Code and for Purposes of Florida Inter-Governmental Cooperation, the Issuance by the Capital Trust Agency of its Senior Housing Revenue Bond Anticipation Notes (The Colonnade of Estero Project), Series 2016, in One or More Series, either Taxable or Tax-Exempt, or Both, Pursuant to a Plan of Finance, in an Aggregate Principal Amount not to Exceed \$20,000,000, Senior Housing Revenue Bonds (The Colonnade of Estero Project), Series 2016, in One or More Series, either Taxable or Tax-Exempt, or Both, Pursuant to a Plan of Finance, in an Aggregate Principal Amount not to Exceed \$150,000,000, for the Purpose of Financing the Costs of Such Facility, as more Fully Described Herein; Affirming the Purpose and Function of VOANS SW Florida Healthcare, Inc.; and Providing an Effective Date

Agenda item deleted from agenda.

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

**Action:** Moved to Workshops: agenda item 7 (a)(6)

- (d) Traffic Study Consultant Agreement

Community Development Director Gibbs provided an explanation of the study and noted the lengthy time frame due to the traffic counts being conducted during “season” beginning with March 2017.

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

Discussion included making certain that efforts were not duplicated with Lee County’s traffic study; concern regarding left turns out of gated communities; unease going forward with some of the language in the agreement and the need for the Village to prepare a boilerplate agreement; and addition of the Trailside Drive shortcut to the study.

**Public Comment:** None.

**Action:** Continued to September 21, 2016 Council meeting.

- (e) Miscellaneous Professional Services (CN 2016-01) Consultants for Engineering Services

Village Manager Sarkozy explained that the recommendation was to select all 14 consultants, which would provide flexibility.

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

Discussion included confirming that the Village did not have a conflict of interest with any of the consultants; consideration of placing a temporary hold on firm number 1; and dollar amount threshold for Village Manager contract approval.

**Public Comment:** None.

**Motion:** Move to (1) Concur with the recommendation of the staff committee to select all 14 consulting firms that submitted proposals, for a contract period of two years commencing on August 31, 2016. (2) Authorize the Village Manager to execute agreements for individual projects as needed under \$50,000 (contracts in excess of \$50,000 will require Village Council approval).

**Motion by:** Councilmember Wilson  
**Seconded by:** Councilmember Errington

**Action:** (1) Concurred with the recommendation of the staff committee to select all 14 consulting firms that submitted proposals, for a contract period of two years commencing on August 31, 2016. (2) Authorized the Village Manager to execute agreements for individual projects as needed under \$50,000 (contracts in excess of \$50,000 will require Village Council approval).

**Vote:**  
**Aye:** Unanimous (roll call vote)  
**Nay:**  
**Abstentions:**

**(f)** University Landscaping Operation and Maintenance Special Improvement Unit (University Landscaping MSBU)

Councilmember Ribble addressed Estero Parkway paving and spoke to the positive response during meetings with Lee County representatives.

The meeting went into recess at 10:45 a.m. and reconvened at 10:53 a.m.

**Questions or Comments by:** Councilmembers Wilson, Errington, and Vice Mayor Levitan.

Discussion included scheduling first and second reading of the ordinance to accompany the agreement and obtaining names of contractors from Lee County.

**Public Comment:** None.

**Motion:** Move to approve the Interlocal Agreement with Lee County for the continuation of the University Landscaping Operation and Maintenance Special Improvement Unit to provide an enhanced level of landscaping along certain portions of Corkscrew Road, Estero Parkway and Ben Hill Griffin Parkway within the Village limits and to schedule first reading of the ordinance for September 7, 2016 and second reading and public hearing for September 21, 2016.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Wilson

**Action:** Approved the Interlocal Agreement with Lee County for the continuation of the University Landscaping Operation and Maintenance Special Improvement Unit to provide an enhanced level of landscaping along certain portions of Corkscrew Road, Estero Parkway and Ben Hill Griffin Parkway within the Village limits and to schedule first reading of the ordinance for September 7, 2016 and second reading and public hearing for September 21, 2016.

**Vote:**

**Aye:** Unanimous (roll call vote)

**Nay:**

**Abstentions:**

6. **UNFINISHED BUSINESS:** None.

7. **WORKSHOP ITEMS:**

(a) Interlocal Agreements with Lee County:

(1) Solid Waste:

(a) Collection, Customer Services, Billing, and Disposal

(b) Disposal Facilities Assessment

Village Manager Sarkozy provided explanation regarding contract term; comparable contract term lengths; franchise fees for Fiscal Year 2016-2017; and included services.

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

Discussion included the ability to provide data to the county electronically; obtaining comparable information from other providers; whether Estero was getting a break due to “snow bird” population; and separating services in the future.

The solid waste interlocal agreements were scheduled for adoption at the September 7, 2016 Village Council meeting.

(2) University Landscaping Operation and Maintenance Special Improvement Unit (University Landscaping MSBU)

Moved to agenda item 5 (f).

(3) Distribution of Local Option Gas Taxes

Village Manager Sarkozy provided explanation regarding contract term; term expirations and distributions of the gas tax total for comparable cities; Estero's 2.54% distribution.

**Questions or Comments by:** Councilmembers Brown, Boesch, Wilson, Errington, and Vice Mayor Levitan.

Discussion followed related to Estero's 2.54% distribution.

The Local Option Gas Taxes interlocal agreement was scheduled for adoption at the September 7, 2016 Village Council meeting.

(4) Assumption of Road Maintenance Responsibilities (Municipal Services)

Discussion regarding assuming all roads from Lee County within Estero with the exception of Estero Parkway east of Three Oaks Parkway, Corkscrew Road, Three Oaks Parkway, and Ben Hill Griffin Parkway. Three options for transition related to natural resources, animal services, and road maintenance were also discussed.

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

(5) County Contribution for Estero Parkway Sidewalk and Repaving

Village Manager Sarkozy stated the amount requested was \$2.196M.

**Public Comment:**

Doug Saxton, The Reserve  
Bill Williams, Cascades at Estero

(6) Agreement for Election Services between the Village of Estero and Sharon Harrington, the Supervisor of Elections of Lee County, Florida (agenda item moved from 5 (c))

Village Attorney Saunders stated that, due to elections this week, the Supervisor of Elections did not have an opportunity to respond; however, he believed that the agreement would be available for the next Council meeting.

Discussion followed related to early voting.

**Questions or Comments by:** Mayor Batos, Vice Mayor Levitan, and Councilmember Ribble.

**(b) College of Life Property**

Village Attorney Saunders and Neale Montgomery, Pavese Law Firm, provided an explanation regarding an environmental easement held by the Nature Conservancy on the College of Life property; the conservancy as interested in working out an agreement to transfer to the Village of Estero or to the Lee County Conservation 2020 Program.

**Questions or Comments by:** Vice Mayor Levitan and Councilmembers Boesch and Errington.

Discussion ensued and Village Manager Sarkozy stated that further information would be gathered and the issue would be brought back to Council.

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

**Appearances by:**

Jeanne Jain, Cape Coral resident, Sean McCabe, Conservancy of Southwest Florida, and Kay Haering, Cape Coral resident, addressed Council regarding enactment of a wildlife protection and waste disposal ordinance

Robert King, ECCL, County transportation study

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

Councilmember Ribble commented regarding the Florida Gulf Coast University search for a new president.

Vice Mayor Levitan commented regarding a recent zoning hearing at the Planning and Zoning Board meeting that adjourned 11:00 p.m.; he would like staff to work with the Board to come up with an earlier start time for those types of hearings. He also spoke regarding revisions to the rules for both Boards.

Councilmember Brown addressed concern regarding a cellular provider's flag-type signs, which has been an ongoing issue.

Councilmember Errington inquired regarding public notice advertising sizes. She also suggested that representatives from Lee County Utilities be invited to make a presentation at an upcoming Council meeting.

Councilmember Wilson reminded Council that the next two meetings would begin at 5:30 p.m.

Mayor Batos noted that a resolution or proclamation would be prepared for the September 21, 2016 Council meeting recognizing Lee Memorial Health System 100 years of service. He also commented regarding Estero High School culinary students that would be holding a fund raiser in October 2016 and participating in a competition in March 2017.

**10. VILLAGE ATTORNEY'S REPORT:**

None.

**11. VILLAGE MANAGER'S REPORT:**

None.

A motion to adjourn was duly made and passed.

**12. ADJOURNMENT: 12:36 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: *Kathy Hall*  
Kathy Hall, MMC, Village Clerk

By: *Nicholas Batos*  
Nicholas Batos, Mayor