

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
OCTOBER 19, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
October 5, 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 Nolen Rollins from Legacy Church

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 with the addition of a briefing regarding hurricane Matthew from Fire Chief Scott Vanderbrook, Estero Fire Rescue.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Action: Approved the agenda as amended.

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

Fire Chief Scott Vanderbrook, Estero Fire Rescue, provided an update on hurricane Matthew and encouraged everyone to have plans ready and to watch news reports for updated information. Brief discussion followed related to contacting the Estero communities to remind them to clean out gutters.

3. CONSENT AGENDA:

- (a) Approval of September 21, 2016 Council Meeting Minutes

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Errington

Seconded by: Councilmember Wilson

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

4. **ORDINANCES:** None.

5. **ACTION ITEMS:**

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

Village Attorney Saunders provided an update on the agreement and stated that it was ready for approval. He spoke briefly about the estimated and actual election costs. He noted that the "Q & A" provided at the previous Council meeting would be added to the agreement as an addendum.

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

Discussion included early voting and vote by mail.

Public Comment:

Don Eslick, ECCL

Motion: Move to approve the agreement for elections services with Sharon Harrington, the Supervisor of Elections of Lee County, Florida.

Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

Action: Approved the agreement for elections services with Sharon Harrington, the Supervisor of Elections of Lee County, Florida.

Vote:

Aye: Unanimous (roll call vote; Councilmember Brown absent)

Nay:

Abstentions:

(b) Traffic Study Consultant Agreement

Note: This agenda item was discussed at the August 31, 2016 Council meeting; the Council requested several revisions, to add intersections and roadway segments, and to revise some standard contract provisions. These revisions have increased the cost by \$4,917.

Village Manager Sarkozy provided a brief introduction and Community Development Director Gibbs presented information regarding revisions to the contract previously addressed at the August 31, 2016 Council meeting.

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

Discussion included amending the agreement by substituting the left turn at Marsh Landing Blvd and US 41 to the left turn at Fountain Lakes Blvd and US 41; new state road concepts; and Coconut Road at US 41.

Public Comment: None.

Motion: Approve the agreement between the Village of Estero and Kimley-Horn for the Village Traffic Study, as amended.

Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

Action: Approved the agreement between the Village of Estero and Kimley-Horn for the Village Traffic Study, as amended.

Vote:

Aye: Unanimous (roll call vote; Councilmember Brown absent)

Nay:

Abstentions:

(c) Resolution No. 2016-30 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing the Waiving of Competitive Bidding Procedures and Authorizing the Village Manager to Execute a Contract for Public Works Services with JGucciardo Consulting LLC; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2016-30. Village Manager Sarkozy provided an explanation of the high level review by Mr. Gucciardo. He also spoke regarding the previous and current county maintenance agreements and noted the 60-day notice requirement to pull out of county services.

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

Discussion included an amendment to the agreement to set a maximum dollar amount to the rates charged. Section 5 - Setting of Rates Charged would be amended to include “not to exceed \$15,600 annually.”

Public Comment: None.

Motion: Move to adopt Resolution No. 2016-30 and amend Section 5 of the agreement to include “not to exceed \$15,600 annually.”

Motion by: Councilmember Errington

Seconded by: Councilmember Boesch

Action: Adopted Resolution No. 2016-30 and amended Section 5 of the agreement to include “not to exceed \$15,600 annually.”

Vote:

Aye: Unanimous (roll call vote; Councilmember Brown absent)

Nay:

Abstentions:

6. **UNFINISHED BUSINESS:** None.

7. **WORKSHOP ITEMS:**

(a) Southwest Florida Regional Planning Council Membership

Village Manager Sarkozy provided an explanation regarding the fee to participate.

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

Discussion included how the decision was made last year to opt out; participation with the Estero Bay Agency on Bay Management; it may be beneficial to join this year; if the Village did not participate, the county would make the payment and the Southwest Florida Regional Planning Council remained funded.

Public Comment:

Patty Whitehead

Community Development Director Gibbs offered assistance in obtaining further information to bring back to the next Council meeting.

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

Appearance by:

Carol Pikor, Breckenridge, street lights on US 41

Doug Saxton, The Reserve, design of streets in Village Center and including The Reserve in the Estero Fire District

Marian Rosencrans, Breckenridge, Estero Parkway lights

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Ribble requested that staff provide a monthly update on code enforcement activities.

Councilmember Errington reported regarding the Conservation 20/20 kickoff; spoke regarding an upcoming Bonita Springs ordinance related to marijuana; and addressed concern regarding storefronts in District 4.

Councilmember Boesch reported that Billy Hattaway was leaving Florida Department of Transportation to take a position in Orlando. He asked Mr. Hattaway to make arrangements for someone from his staff to make a presentation before the Village Council to explain Florida Department of Transportation’s approach to complete streets, as well as a representative involved with bicycle paths.

Councilmember Wilson requested that staff provide a report covering proposed development.

10. VILLAGE ATTORNEY’S REPORT:

Village Attorney Saunders reported that his firm had drafted two ordinances related to medical marijuana - one being a short moratorium on dispensaries and the other on licensing. He stated that he would provide copies of the ordinances to the Village Manager today. Mayor Batos inquired whether an ordinance would need to be in place prior to the upcoming election and Mr. Saunders responded “no.” Vice Mayor Levitan inquired regarding controlling public space when the Village did not own it.

11. VILLAGE MANAGER’S REPORT:

Village Manager Sarkozy spoke briefly regarding fiscal year end budget amendments that would be coming before Council at an upcoming meeting. He also reported that he met with the publisher of *Estero Lifestyle Magazine* (soon to be known as *Estero Life*) regarding the Village publishing information in the magazine.

A motion to adjourn was duly made and passed.

12. ADJOURNMENT: 10:40 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor