



Village of
ESTERO

VILLAGE OF ESTERO
SPECIAL EMERGENCY VILLAGE COUNCIL MEETING
PACKET
AUGUST 29, 2023, 01:30 PM



The Village Council Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity for members to participate virtually. The meeting will be broadcasted live via the Village of Estero website <https://estero-fl.gov/council/watch-meetings-online/>. Please see the [bottom of this agenda](#) for further information and instructions for public participation.

AGENDA
SPECIAL EMERGENCY VILLAGE COUNCIL MEETING
9401 Corkscrew Palms Circle, Estero, Florida
August 29, 2023, 01:30 pm

1. CALL TO ORDER

INVOCATION
PLEDGE OF ALLEGIANCE
ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. ACTION ITEMS

a. Resolution No. 2023-20

A Resolution of the Village Council of the Village of Estero, Florida, Finding a State of Local Emergency in the Village Due to Hurricane Idalia and its Potential Threat of Harm to the Residents and Property of the Village; and Providing for Effective and Termination Dates.

Recommended Action

Motion to approve Resolution No. 2023-20

Financial Impact

None

Attachment: [Summary.pdf](#)

Attachment: [Emergency Declaration Resolution _Idalia_ Estero.pdf](#)

5. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

6. VILLAGE ATTORNEY'S REPORT

7. VILLAGE MANAGER'S REPORT

8. ADJOURNMENT

General Attachments

[- Transcript.pdf](#)

SPECIAL EMERGENCY VILLAGE COUNCIL MEETING
TUESDAY, AUGUST 29, 2023, 1:30 P.M.

DISCLAIMER:

THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
CAPTIONING WHICH SHOULD NEITHER BE RELIED UPON FOR COMPLETE
ACCURACY NOR USED AS A VERBATIM TRANSCRIPT.
ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE
PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.

01:35:48 >>Mayor McLain: VILLAGE COUNCIL MEETING TO ORDER.
01:35:50 WE DON'T HAVE ANY GUESTS IN HERE, BUT I'LL REMIND COUNCIL TO
01:35:54 PLEASE TURN OFF YOUR CELL PHONES, IF YOU'VE NOT ALREADY DONE
01:35:57 THAT, AND ADJUST YOUR SPEAKERS SO PEOPLE CAN HEAR YOU.
01:36:00 LET'S START TODAY WITH AN INVOCATION.
01:36:06 COUNCILMEMBER FIESEL HAS AGREED TO DO THAT.
01:36:12 >>Larry Fiesel: PLEASE JOIN ME IN PRAYER, PLEASE.
01:36:14 HEAVENLY FATHER, LORD, WE PAUSE IN THE MIDDLE OF THIS DAY
01:36:18 THAT YOU'VE GIVEN TO US.
01:36:19 WE JUST WANT TO PRAISE AND THANK YOU FOR WHO YOU ARE AND
01:36:22 WHAT YOU MEAN TO US.
01:36:23 LORD, WE BRING OUR STATE BEFORE YOU, OUR LOCAL AREA, ALL OF
01:36:27 THE PEOPLE OF THIS STATE.
01:36:29 WE JUST ASK, LORD, THAT YOU WATCH OVER, PROTECT EVERY ONE OF
01:36:33 THEM FROM THE STORM THAT WILL BE HITTING OUR STATE.
01:36:36 WE ASK THAT YOU BE, ESPECIALLY WITH THOSE STILL RECOVERING
01:36:40 FROM THE PREVIOUS STORM.
01:36:42 LORD, WE DON'T SEEM TO BE MENTALLY AND PHYSICALLY READY TO

01:36:45 HAVE ANOTHER EVENT IN THIS COMMUNITY.
01:36:47 LORD, WE GIVE IT ALL TO YOU AND TRUST YOU AND KNOW THAT YOU
01:36:49 LOVE US AND YOU'LL WATCH OVER US AND TAKE CARE OF US.
01:36:52 FATHER, WE ASK THAT YOU BE WITH THIS MEETING AND GUIDE US IN
01:36:56 THE DECISIONS THAT WE MAKE AND THAT IT ALL BE DONE IN A WAY
01:36:59 THAT BRING HONOR AND GLORY TO YOUR NAME.
01:37:01 FATHER, IT'S IN YOUR NAME THAT WE PRAY, AMEN.
01:37:04 >>Mayor McLain: THANK YOU.
01:37:06 PLEASE JOIN ME IN THE PLEDGE OF ALLEGIANCE.
01:37:09 [PLEDGE OF ALLEGIANCE]
01:37:24 >>Mayor McLain: MADAM CLERK, WOULD YOU TAKE ROLL CALL,
01:37:27 PLEASE.
01:37:28 >>Vice-Mayor Ribble: HERE.
01:37:30 >>Larry Fiesel: HERE.
01:37:32 >>Mayor McLain: HERE.
01:37:33 >>Lori Fayhee: HERE.
01:37:35 >>Rafael Lopez: HERE.
01:37:37 >>Jim Ward: HERE.

01:37:40 >>George Zalucki: HERE VIA ZOOM.
 01:37:43 >>Mayor McLain: THANK YOU.
 01:37:43 NEXT ON THE AGENDA IS APPROVAL OF THE AGENDA.
 01:37:46 DOES ANYONE HAVE ANY ADDITIONS, DELETIONS TO THE AGENDA?
 01:37:51 PRETTY SHORT AGENDA.
 01:37:53 THE CHAIR WILL NOW ENTERTAIN A MOTION TO APPROVE THE AGENDA.
 01:37:59 VICE-MAYOR RIBBLE AND COUNCILMEMBER FIESEL.

 01:38:05 WOULD THE CLERK PLEASE CALL THE ROLL?
 01:38:09 >>Larry Fiesel: AYE.
 01:38:11 >>Lori Fayhee: AYE.
 01:38:12 >>Rafael Lopez: AYE.
 01:38:14 >>Jim Ward: AYE.
 01:38:18 >>George Zalucki: AYE.
 01:38:19 >>Vice-Mayor Ribble: AYE.
 01:38:20 >>Mayor McLain: AYE.
 01:38:21 NEXT ON THE AGENDA IS ITEM -- I THINK IT'S 3A, RESOLUTION
 01:38:27 NUMBER 2023-20.
 01:38:30 MADAM CLERK, WOULD YOU PLEASE READ THE RESOLUTION?
 01:38:33 >>Carol Sacco: RESOLUTION NUMBER 2023-20, A RESOLUTION OF
 01:38:37 THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,
 01:38:40 FINDING A STATE OF LOCAL EMERGENCY IN THE VILLAGE DUE TO
 01:38:45 HURRICANE IDALIA AND ITS POTENTIAL THREAT OF HARM TO THE
 01:38:49 RESIDENTS AND PROPERTY OF THE VILLAGE; AND PROVIDING AN
 01:38:54 EFFECTIVE AND TERMINATION DATES.
 01:38:56 >>Mayor McLain: WOULD THE VILLAGE MANAGER PLEASE UPDATE US
 01:39:01 ON THIS AND GIVE US COMMENTS?
 01:39:03 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
 01:39:05 WE SCRAMBLED THIS SPECIAL MEETING FOR THE SOLE PURPOSE OF
 01:39:09 PROVIDING AN UPDATE TO YOU AND THE RESIDENTS BUT ALSO TO
 01:39:11 TAKE FORMAL ACTION ON LOCAL STATE OF EMERGENCY, WHICH IS
 01:39:18 BEING DONE BY SEVERAL COMMUNITIES IN THIS AREA, BUT NOT ALL.
 01:39:22 I MIGHT NOTE THAT AS OF THIS MORNING, CAPE CORAL EVEN DID

 01:39:26 NOT HAVE THIS EXECUTIVE ORDER OR THIS PROCLAMATION RESULT.
 01:39:32 WE'RE REALLY UNSURE YET OF THE IMPACTS OF THIS HURRICANE,
 01:39:35 BUT JUST TO TAKE EVERY PRECAUTION AND STAY IN LINE FOR ANY
 01:39:41 POSSIBLE FUNDING OR STATE OR FEDERAL ASSISTANCE, WE THOUGHT
 01:39:44 THIS WAS THE BEST APPROACH TO PROTECT ALL INTERESTS.
 01:39:47 AT THIS POINT, THE STORM, AS YOU MAY KNOW, IS TRACKING WELL
 01:39:53 OFFSHORE.
 01:39:54 IT HAS NOT -- THE TRAJECTORY HAS NOT CHANGED SINCE THE
 01:39:57 5 A.M. WEATHER SERVICE TRACKING, AND THE EOC HAS BEEN FULLY
 01:40:07 ACTIVATED AS OF 6 A.M. THIS MORNING.
 01:40:11 AND WE'VE HAD THREE UPDATES FROM THE EOC ALREADY THIS
 01:40:16 MORNING.
 01:40:16 THERE IS ANOTHER ONE AT 3:30.
 01:40:21 I WILL BE IN ATTENDANCE, AS WELL AS THE ONE FROM 6:00 TO

01:40:25 7:00 TONIGHT.
 01:40:25 THAT LATER ONE IS WHERE WE'LL GET A MORE THOROUGH BRIEFING
 01:40:29 ON WHAT'S GOING TO HAPPEN OVER THE EVENING HOURS.
 01:40:33 THE IMPACTS ARE EXPECTED TO BE STRONGEST FROM 10 P.M. UNTIL
 01:40:39 ABOUT 8 A.M. IN THE MORNING WITH PARTICULAR PROBLEM WITH
 01:40:44 HIGH TIDE COMING AT ABOUT 1:15 A.M.
 01:40:47 SO WE'RE CONCERNED MOST ABOUT STORM SURGE.
 01:40:54 SO THE RESOLUTION IS BEFORE YOU.
 01:40:58 BEFORE ACTUALLY GETTING INTO IT, DAVID WILLEMS IS HERE TO
 01:41:01 DESCRIBE HOW WE'VE PREPARED FOR THE HURRICANE SEASON, NOT
 01:41:05 JUST THIS HURRICANE.

01:41:07 BUT, AS YOU MAY KNOW, WE'RE RESPONSIBLE FOR SOME OF THE --
 01:41:12 ALL OF THE MAINTENANCE ON SOME OF THE DITCHES THAT BEFORE WE
 01:41:16 WERE INCORPORATED WERE HARDLY MAINTAINED AT ALL.
 01:41:21 WE'VE INCREASED THAT LEVEL OF MAINTENANCE, AND RIGHT NOW
 01:41:24 WE'RE PROBABLY BETTER PREPARED, MORE PREPARED THAN AT ANY
 01:41:30 TIME IN THE HISTORY OF THE VILLAGE.
 01:41:32 DAVID?
 01:41:32 >>David Willems: SURE.
 01:41:33 SO THE VILLAGE DOESN'T GENERALLY RESPOND DIRECTLY TO THE
 01:41:38 STORMS.
 01:41:38 WHAT WE TRY TO DO IS THREE TO FOUR TIMES A YEAR WE CLEAN OUT
 01:41:42 ALL THE DITCHES JUST SO THEY ARE READY FOR ANY STORM
 01:41:45 WHENEVER THEY COME.
 01:41:46 JUST HAPPENS THAT ABOUT A MONTH AGO WE CLEANED OUT ALL OF
 01:41:50 THE DITCHES.
 01:41:51 WITH THE DITCH THAT'S ALONG THE RAILROAD SOUTH OF BROADWAY,
 01:41:55 SINCE WE JUST GOT APPROVAL FROM THE RAILROAD TO MAINTAIN
 01:41:58 THAT, THAT WAS ACTUALLY DONE WITHIN THE LAST WEEK OR TWO.
 01:42:01 SO THAT ONE IS ABOUT AS CLEAN AS IT COULD GET.
 01:42:05 AND FOR THE COUNCIL MEMBERS THAT AREN'T MAYBE NECESSARILY
 01:42:08 FAMILIAR WITH ALL OF THE MAINTENANCE THAT WE DO, I WAS JUST
 01:42:10 GOING TO TAKE A COUPLE OF MINUTES AND SHOW THE PLACES THAT
 01:42:14 THE VILLAGE MAINTAINS.
 01:42:16 A LOT OF THE FLOW WAYS ACTUALLY RUN THROUGH GATED
 01:42:18 COMMUNITIES.

01:42:19 AND AS PART OF THEIR ENVIRONMENTAL RESOURCE, AS PART OF
 01:42:22 THEIR STATE PERMIT, THEY ARE REQUIRED TO MAINTAIN THOSE.
 01:42:25 AND WHAT THE VILLAGE DOES IS WE ACTUALLY JUST BEFORE THE WET
 01:42:28 SEASON WE'LL GO OUT THERE AND JUST MAKE SURE THAT IT'S
 01:42:31 CLEAN.
 01:42:31 IF THERE'S A LOT OF DEBRIS OR DOWNED TREES, WE'LL COORDINATE
 01:42:36 WITH THOSE COMMUNITIES TO GET THEM TO REMOVE THAT DEBRIS SO
 01:42:39 THAT IT'S NOT A PROBLEM DURING THE WET SEASON.
 01:42:41 A COUPLE OF KIND OF MINOR FLOW WAYS, MINOR AS FAR AS THE
 01:42:46 SIZE, NOT ITS IMPORTANCE.

01:42:49 OUT ON BROADWAY, THERE IS A DITCH ALONG THE FPL EASEMENT
 01:42:54 HERE THAT WE GO IN AND MAINTAIN THREE TO FOUR TIMES A YEAR.
 01:42:58 THAT WAS DONE JUST RECENTLY.
 01:42:59 THAT ONE IS A LITTLE BIT DIFFICULT IN THEY ACTUALLY HAVE TO
 01:43:03 GO DOWN THE MIDDLE OF THE DITCH BECAUSE THERE ARE GOPHER
 01:43:07 TORTOISES ON THE SIDES.
 01:43:10 WE MAKE SURE WE PRESERVE AND DON'T IMPACT THE GOPHER
 01:43:14 TORTOISE THERE.
 01:43:15 ALSO, A PRETTY IMPORTANT DITCH ON BROADWAY GOING EAST-WEST.
 01:43:18 WE ACTUALLY MAINTAIN THAT EVERY OTHER WEEK WHEN WE DO THE
 01:43:21 GRASS.
 01:43:21 SO THAT'S MAINTAINED A LITTLE BIT MORE REGULARLY.
 01:43:24 RIGHT NEXT TO, THERE IS A DITCH NEXT TO THE BOAT LAUNCH FOR
 01:43:29 RIVERWOODS PLANTATION THAT WE MAINTAIN.
 01:43:32 AND THEN A LITTLE BIT FURTHER TO THE EAST, THERE IS A DITCH

 01:43:36 THAT GOES FROM 41 THROUGH TRAILSIDE AND THEN UNDERNEATH
 01:43:41 BROADWAY.
 01:43:42 WE MAINTAIN THAT ONE AS WELL.
 01:43:44 THAT ONE IS ONE THAT PROBABLY WAS MAYBE NEVER MAINTAINED
 01:43:47 BEFORE THE VILLAGE INCORPORATED.
 01:43:49 BUT IF YOU GO DOWN THERE NOW, IT'S CLEANED OUT.
 01:43:52 IT'S READY TO TAKE AS MUCH WATER AS CAN GO THERE.
 01:43:56 I THINK EVERYBODY IS PROBABLY FAMILIAR WITH THE RAILROAD
 01:43:59 DITCH THAT WE MAINTAIN THAT AS WELL.
 01:44:02 THAT'S AN IMPORTANT ONE AND THANKFULLY WE FINALLY GOT THE
 01:44:07 APPROVAL TO KEEP MAINTAINING THAT.
 01:44:08 IN RESPONSE TO IAN, WE ACTUALLY COORDINATED WITH THE COUNTY
 01:44:15 AND THE WATER MANAGEMENT DISTRICT TO GET THEM TO MAINTAIN
 01:44:18 THE ESTERO RIVER.
 01:44:20 JUST SHORTLY AFTER THE STORM, THE WATER MANAGEMENT DISTRICT
 01:44:23 CAME ALL THE WAY UP TO U.S. 41 AND CLEANED OUT A BUNCH OF
 01:44:28 THE DEBRIS FROM THE STORM.
 01:44:30 THEY STOPPED THERE AND THEN I GUESS ABOUT A MONTH OR TWO AGO
 01:44:34 THEY WENT UP AND CLEANED THE REST OF IT.
 01:44:37 SO THEY WENT ALL THE WAY FROM 41 BASICALLY UP INTO COUNTRY
 01:44:41 CREEK AND REMOVED ALL THE DEBRIS THERE.
 01:44:45 ANY OF THE DEBRIS THAT WAS THERE BECAUSE OF IAN IS GONE NOW.
 01:44:49 SO IT'S READY TO FLOW.
 01:44:54 >>Mayor McLain: THEY ACTUALLY WENT INTO COUNTRY CREEK THEN
 01:44:56 TO HELP --

 01:44:57 >>David Willems: JUST TO THE VERY DOWN STREAM END.
 01:45:00 THEY DIDN'T GO ALL THE WAY UP BECAUSE COUNTRY CREEK ACTUALLY
 01:45:03 DOES A VERY GOOD JOB OF MAINTAINING THEIR SYSTEM.
 01:45:06 THEY DIDN'T TRY TO, BUT IF THERE WAS SOMETHING CLOSE, THEY
 01:45:11 REMOVED THAT AS WELL.
 01:45:12 JUST FOR CONTEXT, A LOT OF PEOPLE WORRY ABOUT THE RAINFALL.

01:45:15 I'M SURE MOST HAVE HEARD ON THE NEWS HOW DRY IT'S BEEN HERE.
 01:45:20 NORMALLY AT THIS POINT IN THE YEAR WE WOULD HAVE HAD 40
 01:45:22 INCHES OF RAIN.
 01:45:23 THAT'S AN AVERAGE YEAR.
 01:45:25 WE'VE HAD 28.3 INCHES.
 01:45:27 WE'RE ALMOST 12 INCHES SHY.
 01:45:30 WHAT THAT RELATES TO IS THAT THE PONDS AND THE STREAMS ARE
 01:45:34 ALL MUCH LOWER THAN THEY NORMALLY ARE.
 01:45:36 THE USGS HAS A STAGE RECORDER IN THE ESTERO RIVER ON OUR
 01:45:41 PROPERTY ON RIVER OAKS PRESERVE.
 01:45:43 I JUST LOOKED AT THAT THIS MORNING.
 01:45:46 RIGHT NOW, THAT IS AT ELEVATION 7.
 01:45:50 FOR REFERENCE, AVERAGE ON THIS DAY FOR THE LAST 30 YEARS,
 01:45:53 THE AVERAGE ELEVATION ON THIS DAY IS 8.3.
 01:45:56 SO WE'RE OVER A FOOT LOWER THAN WHAT THE AVERAGE IS.
 01:46:01 LAST YEAR, WHICH WASN'T AN EXCEPTIONALLY WET YEAR, AT THIS
 01:46:05 TIME IT WAS 9.5.
 01:46:07 AND THEN JUST FOR REFERENCE, I MEAN, THIS HAS NOTHING TO DO
 01:46:11 WITH WHAT WE'RE DOING RIGHT NOW, BUT JUST BEFORE IRMA, NOT

01:46:15 WITH THE FLOODING, BUT JUST BEFORE IRMA HIT IT WAS AT 12.5.
 01:46:18 SO WE'RE WAY LOWER THAN ANY FLOOD STAGE RIGHT NOW.
 01:46:22 AND THEN THAT'S THE STREAM BUT HOW IS THE GROUNDWATER TABLE
 01:46:26 LOOKING RIGHT NOW?
 01:46:26 THE COUNTY HAS A GAUGE THAT IS AT CORKSCREW AND I-75 AND
 01:46:32 THEY HAVE BEEN MONITORING THAT FOR SEVERAL YEARS.
 01:46:34 RIGHT NOW, THAT IS AT 12.7.
 01:46:37 THIS TIME LAST YEAR, IT WAS AT 14.3.
 01:46:41 AND THEN THE AVERAGE FOR A WET SEASON, LIKE A HIGH, IS 14.7.
 01:46:45 SO WE'RE OVER -- EVEN THE GROUNDWATER IS OVER TWO FEET LOWER
 01:46:49 THAN IT NORMALLY WOULD.
 01:46:51 TWO TO FOUR INCHES, SIX INCHES, SEEMS LIKE OUR SYSTEM SHOULD
 01:46:56 BE ABLE TO HANDLE THAT.
 01:46:59 COULD BE ISOLATED BECAUSE OF THE INTENSITY OF THE STORM, BUT
 01:47:01 THAT SHOULD BE ABLE TO DRAIN INTO THE DITCHES AND THE PONDS.
 01:47:06 >>Mayor McLain: THANK YOU.
 01:47:08 >>Steven Sarkozy: WE'RE ALSO IN CLOSE CONTACT WITH THE
 01:47:12 POLICE -- THE SHERIFF'S DEPARTMENT AND ESTERO FIRE RESCUE.
 01:47:17 THE SHERIFF'S DEPARTMENT IS FULLY DEPLOYED.
 01:47:21 AGAIN, THEY ARE NOT EXPECTING ANYTHING.
 01:47:23 THEY WILL BE ON THE SCENE IF THERE'S AN ISSUE.
 01:47:27 THE FIRE DEPARTMENT HAS NOT STAFFED UP FOR THIS.
 01:47:33 THEY BELIEVE THEY CAN HANDLE EVERYTHING WITH THE EXISTING
 01:47:36 STAFF.
 01:47:38 SO THAT'S ANOTHER INDICATION THAT IT WILL BE A SIGNIFICANT

 01:47:43 STORM, BUT PROBABLY NOT CATASTROPHIC LIKE WE'VE SEEN IN THE
 01:47:46 PAST.

01:47:47 >>Mayor McLain: THAT'S GOOD.
 01:47:48 I THINK JUST MY OBSERVATION OVER THE YEARS HERE IN ESTERO, I
 01:47:55 THINK DAVID DID A GREAT JOB OVER THE YEARS GETTING US
 01:48:00 PREPARED FOR A MAJOR EVENT.
 01:48:01 WE'RE STARTING OFF WITH SUCH LOW WATER IN ALL OF OUR AREAS.
 01:48:05 EVEN COMING OVER HERE TODAY, PEOPLE GET HEIGHTENED AND
 01:48:08 EXCITED WHEN STORMS ARE COMING AND IT'S PRETTY NATURAL.
 01:48:12 I SENSED THAT PEOPLE DRIVING TO GET GAS, GET TO THE ATM, GET
 01:48:17 TO THE HARDWARE STORE FOR WHATEVER, THEY SEEM TO ACCELERATE
 01:48:21 THEIR SPEED JUST A LITTLE BIT.
 01:48:23 EVEN THOUGH WE ARE WELL PREPARED IN OUR DRAINAGE SYSTEM,
 01:48:27 THAT DOESN'T MEAN THAT WE COULDN'T HAVE SOME LOCAL STREET
 01:48:31 FLOODING.
 01:48:32 IF ANYBODY IS WATCHING OR LISTENING, WE ALL SHOULD BE
 01:48:36 CAREFUL WHEN WE DRIVE, ESPECIALLY RIGHT AFTER A RAIN EVENT.
 01:48:40 IF WE END UP GETTING AN INCH OR TWO INCHES, THERE WILL BE
 01:48:43 SOME LOCALIZED FLOODING CAUSED BY MAYBE SOME DEBRIS BLOCKING
 01:48:47 A DRAIN.
 01:48:49 AS SOON AS THAT GETS CLEARED WE'LL BE SIGN.
 01:48:52 FROM A WHOLE SYSTEM STANDPOINT, WE'RE GOOD.
 01:48:54 IT DOESN'T MEAN THAT WE SHOULDN'T BE VERY CAUTIOUS.
 01:48:57 PROBABLY THE BEST ADVICE IS IF WE GET HEAVIER WINDS TONIGHT
 01:49:02 AND EARLY TOMORROW GOING TO WORK, THAT WE WATCH HOW WE DRIVE

 01:49:09 AND BE VERY CAUTIOUS BECAUSE NOBODY WANTS TO WRECK A CAR AND
 01:49:13 GET IN THAT KIND OF SITUATION.
 01:49:15 I'M JUST GLAD THAT WE'RE PREPARED, AND THAT'S HAPPENED
 01:49:18 BECAUSE WE'VE BEEN FOCUSED ON OUR STORM DRAINS FOR SIX,
 01:49:24 SEVEN YEARS TO GET IT TO WHERE WE ARE TODAY.
 01:49:26 AS YOU SAID, STEVE, THIS IS CLEARLY THE BEST THAT WE'VE BEEN
 01:49:30 PREPARED BECAUSE, ONE, WE HAVE A DROUGHT, BUT, TWO, WE'VE
 01:49:33 DONE A LOT OF EXCESS WORK TO BE PREPARED FOR A MORE MAJOR
 01:49:38 EVENT.
 01:49:39 I HOPE WE GET SOME RAIN, BUT NO WIND WITH IT WOULD BE GOOD
 01:49:44 FOR THE GOLF COURSES, GOOD FOR THE VEGETATION AND THE LIKE.
 01:49:51 >>Steven Sarkozy: THE ROLE FOR THE COUNCIL IS THE VETERANS
 01:49:54 HAVE BEEN THROUGH IT, THERE'S NO DIRECT ROLE.
 01:50:00 WE NEED YOU AS THE EYES AND EARS OUT THERE.
 01:50:03 IF YOU HEAR THINGS, LET US KNOW.
 01:50:05 BUT WE REALLY HAVE TO ASSESS WHAT WE DO IN THE AFTERMATH
 01:50:09 EARLY TOMORROW MORNING.
 01:50:11 >>Mayor McLain: IF THINGS WERE TO GO SOUTH, I MEAN, WE HAVE
 01:50:13 THE EMERGENCY PEOPLE.
 01:50:15 THEY WAIT UNTIL THE STORM IS OVER AND THEN THEY DO IT.
 01:50:18 I THINK AT THAT POINT IF WE NEED TO, WE CAN GET TOGETHER AS
 01:50:21 A COUNCIL.
 01:50:22 BUT EMERGENCY WORKERS TO GO OUT AND DO THE WORK.
 01:50:25 IF WE GET PHONE CALLS, AND I'VE GOTTEN AND STEVE HAS GOTTEN

01:50:30 CALLS FROM OUR STATE SENATORS, FROM OUR LOCAL COMMISSIONERS

01:50:33 HAVE CALLED ME, AND I'VE GOT THEIR DIRECT PHONE NUMBER.

01:50:38 IF ANYBODY HAS A PARTICULAR NEED THAT WE NEED TO ENGAGE

01:50:42 THEM, YOU CAN EITHER CALL STEVE OR ME AND WE CAN HOOK UP TO

01:50:46 THE APPROPRIATE PEOPLE.

01:50:47 I'M HOPEFUL, AND WE'RE ALL HOPEFUL THAT WE DON'T SEE IT HERE

01:50:51 IN ESTERO AND WHERE WE DO SEE IT, LAND FALL, THAT THOSE

01:50:56 PEOPLE CAN HANDLE IT AND THAT THE STORM SURGE WILL NOT BE

01:50:59 SUCH THAT IT GETS CATASTROPHIC RESULTS.

01:51:02 IF WE HAVE NO OTHER COMMENTS FROM COUNCIL, ANYBODY LIKE TO

01:51:09 ADD ANY COMMENTS?

01:51:10 I DON'T SEE ANY.

01:51:13 WE DON'T HAVE ANYBODY IN COUNCIL CHAMBERS HERE.

01:51:16 I DON'T THINK -- HAVE WE HAD ANY E-COMMENTS AT ALL ON THIS?

01:51:19 >>Carol Sacco: NO, PLAYER.

01:51:20 >>Steven Sarkozy: YOU HAVE COUNCILMEMBER ZALUCKI.

01:51:24 >>George Zalucki: THANK YOU.

01:51:25 THANK YOU, MR. MAYOR.

01:51:26 IF I COULD ASK A QUICK QUESTION.

01:51:28 I KNOW THERE'S PROBABLY A CERTAIN LEVEL OF HIGH ANXIETY,

01:51:31 PARTICULARLY ON BROADWAY WEST AREA CONCERNING WHAT HAPPENED

01:51:35 WITH OUR LAST MAJOR STORM.

01:51:37 HAS THERE BEEN A LOT OF COMMUNICATION?

01:51:39 I KNOW MARILYN AND, OF COURSE, CAROL HAVE DONE A GREAT JOB

01:51:43 GETTING THE MESSAGING OUT AND UPDATING THE WEBSITE.

01:51:47 HAS THERE BEEN AN INFLUX OF INQUIRIES FROM FOLKS OVER IN

01:51:52 THAT SUSCEPTIBLE AREA, AND IS THERE ANY PARTICULAR GUIDANCE

01:51:55 THAT IS BEING PROVIDED FOR THOSE THAT MIGHT BE A LITTLE MORE

01:51:57 VULNERABLE BECAUSE OF THEIR LOCATION TO THE RIVER AND THE

01:51:59 ESTUARY?

01:52:01 >>Steven Sarkozy: THOSE PEOPLE HAVE BEEN THROUGH THIS

01:52:03 BEFORE.

01:52:03 WE'VE NOT GOTTEN CALLS OVER THERE.

01:52:07 THEY ARE, OF COURSE, MONITORING IT.

01:52:10 WE'VE MADE THE OFFER OF BLUE TARPS AND THAT TYPE OF THING.

01:52:14 WE'VE HAD NO TAKERS.

01:52:15 THEY ARE ON IT.

01:52:16 THEY UNDERSTAND.

01:52:18 AND A FOUR- TO SIX-FOOT STORM SURGE WOULD PROBABLY NOT BE

01:52:24 ENOUGH TO IMPACT THOSE PROPERTIES.

01:52:28 WE'RE WELL PROTECTED BY THE ESTERO BAY AND THE MANGROVES

01:52:32 THAT ARE OUT THERE.

01:52:32 WE LIKE MANGROVES.

01:52:35 >>George Zalucki: GOOD.

01:52:36 THANK YOU.

01:52:36 THANK YOU, STEVE.

01:52:38 >>Mayor McLain: I THINK, OBVIOUSLY, DEPENDING ON THE WIND,
 01:52:40 IF WE GET ANY SIGNIFICANT WIND OVER 40 MILES AN HOUR, I
 01:52:43 THINK WE MAY GET CALLS WHERE THEY NEED BLUE TARPS AND THE
 01:52:46 LIKE.
 01:52:46 WE'LL HAVE TO FIGURE OUT WHERE WE CAN GET THAT RELIEF IF

 01:52:50 NEED BE.
 01:52:51 THANKS.
 01:52:52 THAT'S GOOD COMMENTS, GEORGE.
 01:52:54 ANY OTHER COMMENTS?
 01:52:54 I DON'T SEE ANYONE.
 01:52:58 I'M LOOKING FOR A MOTION TO APPROVE THIS RESOLUTION.
 01:53:01 COUNCILMEMBER LOPEZ AND COUNCILMEMBER FAYHEE HAS SECONDED
 01:53:07 THAT.
 01:53:07 MADAM CLERK --
 01:53:16 ANYONE YOU WERE ON THERE, ROBERT.
 01:53:19 >>Robert Eschenfelder: BEFORE YOU VOTE, I JUST WANTED TO
 01:53:21 DRAW SOMETHING TO YOUR ALL'S ATTENTION BECAUSE YOU MAY WANT
 01:53:25 TO ADDRESS IT.
 01:53:26 IF YOU LOOK AT SECTION 5 OF THE RESOLUTION, ONE OF THE
 01:53:30 THINGS THAT'S UNIQUE TO YOUR CODE IS SECTION 10-27 THAT
 01:53:35 PROVIDES THAT WHEN YOU DECLARE A LOCAL STATE OF EMERGENCY,
 01:53:39 THREE THINGS AUTOMATICALLY KICK IN UNLESS COUNCIL WAIVES
 01:53:44 THEM OR MODIFIES THEM.
 01:53:46 AND SO NUMBER TWO ON THAT LIST IS IT SHALL BE UNLAWFUL FOR
 01:53:52 ANY PERSON TO BE OUT ON THE PUBLIC RIGHTS-OF-WAY OR OTHER
 01:53:56 PUBLIC AREAS OF THE VILLAGE BETWEEN DUSK AND DAWN EXCEPT FOR
 01:54:01 LAW ENFORCEMENT, FIRE SERVICES, COUNCIL MEMBERS, OR THE
 01:54:05 VILLAGE MANAGER.
 01:54:07 AND SO I JUST WANT TO DRAW IT TO YOUR ATTENTION BECAUSE I
 01:54:12 DON'T KNOW THAT THIS IS AN EVENT THAT WOULD RISE TO THE

 01:54:14 LEVEL OF A GENERAL DUSK-TO-DAWN --
 01:54:23 >>Mayor McLain: CURFEW.
 01:54:24 >>Robert Eschenfelder: IF YOU AGREE IT IS NOT, YOU PROBABLY
 01:54:26 SHOULD ADD TO THE MOTION THAT YOU ARE WAIVING NUMBER TWO.
 01:54:32 >>Mayor McLain: I'M NOT SURE WHERE NUMBER TWO IS.
 01:54:37 >>Robert Eschenfelder: SECTION 5, AND THEN --
 01:54:43 >>Mayor McLain: WELL, STEVE, I DON'T BELIEVE FORT MYERS,
 01:54:50 FORT MYERS BEACH, OR SANIBEL HAVE DECLARED A MORATORIUM OR A
 01:54:58 CURFEW OF ANY TYPE.
 01:55:00 IT SEEMS TO ME THAT MIGHT BE GOING JUST A LITTLE BIT TOO
 01:55:05 FAR.
 01:55:05 >>Steven Sarkozy: AGREED.
 01:55:09 >>Lori Fayhee: HOW WOULD WE WAIVE THAT, ROB?
 01:55:11 >>Robert Eschenfelder: THE MAKER OF THE MOTION AND A
 01:55:13 SECONDER WOULD JUST NEED TO AGREE TO REVISE THE MOTION TO
 01:55:16 ADOPT THE RESOLUTION BUT WITH WAIVING THE PROVISION OF

01:55:20 SECTION 5, NUMBER 2.
 01:55:22 >>Mayor McLain: OKAY.
 01:55:23 LET'S SEE IF WE HAVE A MOTION TO APPROVE THAT.
 01:55:29 HAVE YOU GOT THAT?
 01:55:30 >>Carol Sacco: YES, I DO.
 01:55:31 >>Mayor McLain: COUNCILMEMBER LOPEZ HAS MADE THE MOTION AND
 01:55:34 IT'S BEEN SECONDED BY COUNCIL PERSON FAYHEE.
 01:55:38 MADAM CLERK, WOULD YOU PLEASE CALL THE ROLL?
 01:55:42 >>George Zalucki: AYE.

 01:55:44 >>Jim Ward: AYE.
 01:55:45 >>Rafael Lopez: AYE.
 01:55:48 >>Lori Fayhee: AYE.
 01:55:50 >>Larry Fiesel: AYE.
 01:55:50 >>Vice-Mayor Ribble: AYE.
 01:55:52 >>Mayor McLain: AYE.
 01:55:52 NORMALLY AT THIS TIME WE WOULD HAVE COUNCIL COMMENTS, BUT
 01:56:02 SINCE WE'RE STILL ON OUR SUMMER BREAK, IF ANYBODY HAS ANY
 01:56:09 SIGNIFICANT COMMENTS, WE SURE WELCOME THOSE, BUT MAYBE WE
 01:56:13 COULD SEE BE A FREE-FOR-ALL WHEN WE GET BACK HERE ON
 01:56:18 SEPTEMBER 7.
 01:56:20 >>Carol Sacco: YES, MAYOR.
 01:56:25 >>Robert Eschenfelder: MAYOR, THIS WAS AN EMERGENCY MEETING.
 01:56:28 REALLY YOU'RE NOT ABLE TO TALK ABOUT ANYTHING ELSE OTHER
 01:56:30 THAN THE ADOPTION OF THE RESOLUTION.
 01:56:32 PROBABLY BEST TO NOT PROCEED WITH ANY COMMENTS.
 01:56:35 >>Mayor McLain: GOOD.
 01:56:36 SO IN THAT LIGHT, THEN I WILL LOOK FOR A MOTION TO ADJOURN
 01:56:40 OUR MEETING.
 01:56:41 >> SO MOVED.
 01:56:43 >> SECOND.
 01:56:43 >>Mayor McLain: COUNCILMEMBER FIESEL AND LOPEZ SECONDED.
 01:56:47 I NOW ADJOURN THE MEETING.
 01:56:49 [SOUNDING GAVEL]

DISCLAIMER:

THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
 CAPTIONING WHICH SHOULD NEITHER BE RELIED UPON FOR COMPLETE
 ACCURACY NOR USED AS A VERBATIM TRANSCRIPT.
 ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE
 PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
August 29, 2023

Agenda Item:

Resolution No. 2023-20

A Resolution of the Village Council of the Village of Estero, Florida, Finding a State of Local Emergency in the Village Due to Hurricane Idalia and its Potential Threat of Harm to the Residents and Property of the Village; and Providing for Effective and Termination Dates.

Motion to approve Resolution No. 2023-20

Background:

Description:

On August 26th 2023, the Governor of the State of Florida promulgated Executive Order 23-171 declaring a State of Emergency for an initial thirty three counties including Lee County as a result of the Storm; the Storm has the potential to cause extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, as well as commercial and residential buildings and areas.

Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida's Peninsula and portions of the Florida Big Bend, North Florida, and Northeast Florida.

Action Requested:

Motion to approve Resolution No. 2023-20

Process and Timeline:

Financial Impact:

None

Prepared by: Steve Sarkozy

Attachments:

1. Resolution No. 2023-20

RESOLUTION 2023-20

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, FINDING A STATE OF LOCAL EMERGENCY IN THE VILLAGE DUE TO HURRICANE IDALIA AND ITS POTENTIAL THREAT OF HARM TO THE RESIDENTS AND PROPERTY OF THE VILLAGE; AND PROVIDING FOR EFFECTIVE AND TERMINATION DATES.

WHEREAS, as of August 29th 2023, Hurricane Idalia (the Storm) posed a serious potential threat to the residents and property of the Village of Estero (the Village); and

WHEREAS, on August 26th 2023, the Governor of the State of Florida promulgated Executive Order 23-171 declaring a State of Emergency for an initial thirty three counties including Lee County as a result of the Storm; and

WHEREAS, the Storm has the potential to cause extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, as well as commercial and residential buildings and areas; and

WHEREAS, it is therefore necessary for the Village to take protective measures to ensure the safety of its residents; and

WHEREAS, Florida Statutes Chapter 252 and § 4(C) of the Executive Order provide authority for the Village to declare a State of Emergency allowing the Village to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety and welfare of the community.
2. Complying with local procurement and contracting policies;
3. Entering into contracts, however, with the caution against entering into time and materials contracts without a ceiling as defined by 2 C.F.R. § 200.318(j) or cost plus percentage of cost contracts prohibited by 2 C.F.R. § 200.324(d);
4. Incurring obligations;
5. Employment of permanent and temporary workers;
6. Utilization of volunteer workers;
7. Rental of equipment;
8. Acquisition and distribution, with or without compensation of supplies, materials and facilities;
9. Appropriation and expenditures of public funds.

WHEREAS, § 7(e) of the Council's procedures, adopted by Resolution 2017-12, authorizes the Mayor to call an emergency meeting, the notice of which shall specify the

subject of the emergency meeting; and

WHEREAS, the Mayor has called an emergency meeting at 1:30 p.m. on August 29th 2023 for the purposes of adopting this declaration of local emergency; and

WHEREAS, Resolution 2022-18 authorizes Council Members to attend a meeting by remote electronic means under unusual or special circumstances; and

WHEREAS, the Village Council finds that the proximity of a named hurricane to the Village constitutes an unusual and special circumstance justifying remote appearance of Council Members to gain a quorum and to prevent unnecessary traffic on area roads during storm preparation.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA THAT:

Section 1. The Council finds that, as of the effective date of this Resolution, a state of local emergency exists for all territory within the legal boundaries of the Village due to the likely significant impacts of the Storm on the Village.

Section 2. During this state of local emergency, the Village Manager shall exercise all such authority as provided to that official, and shall be permitted to authorize the waiver of any procedures and formalities as provided in Florida Statutes § 252.28(3) and the Executive Order, which waiver is necessary to prepare for or respond to the grave public danger or emergency. These authorities include:

1. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.
2. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.
3. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
4. To assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political

subdivision for employment within or outside the political limits of the subdivision.

5. To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:
 - a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
 - b. Entering into contracts.
 - c. Incurring obligations.
 - d. Employment of permanent and temporary workers.
 - e. Utilization of volunteer workers.
 - f. Rental of equipment.
 - g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
 - h. Appropriation and expenditure of public funds.

Section. 4. Pursuant to § 10-28 of the Village Code, the Manager shall also be empowered to:

1. To utilize emergency or reserve funds of the Village may be accessed by the Village Manager for any purpose.
2. To appropriate funds, incur debt and expend such other funds as necessary.
3. To incur obligations and enter into contracts consistent with Village's emergency procurement regulations.
4. To request federal, state, or local assistance or to invoke mutual aid agreements.
5. To obtain and distribute equipment, materials, and supplies for emergency purposes.
6. To coordinate and implement emergency management programs, including mutual aid programs, applicable to the emergency conditions.

7. To appoint, employ, remove, or provide such personnel, with or without compensation, as needed.

8. To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government, victim relief, or direction and control of emergency operations.

9. To suspend or limit the sale of alcohol.

10. To assign or make available for duty the resources and facilities of the Village, including employees, property, or equipment to other entities for emergency operation purposes within or outside the Village limits.

11. To make provisions for availability and use of temporary emergency housing or warehousing of relief supplies.

12. To utilize all available resources of the Village as reasonably necessary to cope with the emergency.

Section 5. Pursuant to § 10-27 of the Village Code, during this declared local state of emergency, the following prohibitions shall apply throughout the Village, unless and until one or more of such prohibitions have been waived or modified by action of the Village Council:

1. It shall be unlawful and an offense against the Village for any person, firm, or corporation to use a potable water supply for any purpose other than cooking, drinking or bathing.

2. It shall be unlawful for any person to be out on the public rights-of-way or other public areas of the Village between dusk and dawn, except for law enforcement officers, members of the Village Fire Rescue, San Carlos Park Fire Protection and Rescue Service District, Bonita Springs Fire Control and Rescue District, or other fire districts providing mutual aid, emergency medical personnel, Village Councilmembers, and other persons authorized by the Village Manager.

3. It shall be unlawful for a person or the person's agent or employee to rent or sell or offer to rent or sell at an unconscionable price within the Village, any essential commodity, including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency. The evidentiary standards and defenses contained in F.S. § 501.160 shall be used to determine whether a price is unconscionable.

Section 6. The state of local emergency presented by the Storm shall terminate at 12:01 a.m. on Friday, September 8th 2023, unless extended or earlier terminated by the City Council by simple motion.

Section 7. This Resolution shall become effective immediately upon its adoption.

Adopted by the Village Council of the Village of Estero, Florida, this 29th day of August, 2023.

ATTEST:

John McLain, Mayor

Carol Sacco, Village Clerk