

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, OCTOBER 2, 2019
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Mayor Peter Simmons called the meeting to order at 5:30 P.M.

II. INVOCATION:

Pastor Riley Grandell, with Gulf Shore Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Simmons, Council Member Laura Carr led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Simmons and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:32:50 PM Martha Simons stated that she was in attendance for the celebration of the Navy's birthday. She also addressed Mayor Simmons' agenda item relating to Round up, which she would suggest making a legislative agenda item. She is against Glyphosate.

5:34:20 PM Kathy McGrath welcomed County Commissioner Ray Sandelli.

VI. CONSENT AGENDA: (NOTE: ITEMS ON THE CONSENT AGENDA WILL BE CONSIDERED AS ONE UNLESS A SPECIFIC ITEM IS REMOVED BY A COUNCIL MEMBER FOR SEPARATE DISCUSSION.)

Council Member Fred Forbes motioned approval of the Consent Agenda; Council Member Amy Quaremba seconded; and the motion carried unanimously.

- A. APPROVE RESOLUTION AWARDDING VEGETATION MANAGEMENT & DEBRIS REMOVAL IN LEITNER & ROSEMARY CANAL SEGMENTS RFB 19-13 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, DEANGELO BROTHERS D/B/A AQUAGENIX IN THE TOTAL BID AMOUNT OF \$186,552.00 PENDING APPROVAL OF ALL DOCUMENTATION. (GREENSHEET NO. 19-10-300) **ADOPTED RESOLUTION NO. 19-80**
- B. REVIEW OF AUGUST 2019 MONTHLY FINANCIAL REPORTS. (GREENSHEET NO, 19-10-299)
- C. AUTHORIZE THE SECOND EXTENSION OF THE AGREEMENT ALLOWING THE BONITA SPRINGS LIONS CLUB TO OPERATE A FARMERS MARKET ON WEDNESDAYS FROM

8:00 A.M. – 1:00 P.M. AT THE LEMON TREE LOT COMMENCING OCTOBER 9, 2019 – MAY 21, 2020. (GREENSHEET NO. 19-10-301)

D. APPROVE SECOND ADDENDUM EXTENDING THE TIME PERIOD OF THE AGREEMENT WITH THE BONITA SPRINGS-ESTERO ASSOCIATION OF REALTORS (BEAR) FOR THE PLACEMENT OF A MURAL AT THE PROPERTY OWNED BY BEAR AT 27313 OLD 41 ROAD UNTIL SEPTEMBER 30, 2021. (GREENSHEET NO. 19-10-305)

E. APPROVE BUDGET RESOLUTION TO TRANSFER BUDGET AMONG CAPITAL PROJECT FUND ACCOUNTS. (GREENSHEET NO. 19-10-311) **ADOPTED RESOLUTION NO. 19-81**

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VII. PROCLAMATIONS AND PRESENTATIONS:

A. PROCLAMATION DECLARING OCTOBER 13, 2019 UNITED STATES NAVY BIRTHDAY IN THE CITY OF BONITA SPRINGS.

Mayor Simmons next read aloud a Proclamation proclaiming October 13, 2019 as the United States Navy Birthday in the City of Bonita Springs. Lee County Commissioner Sandelli, Assistant City Manager Matt Feeney, and Bill Simons were in attendance.

B. APPEARANCE BY LEE COUNTY COMMISSIONER RAY SANDELLI.

5:40:31 PM Lee County Commissioner Ray Sandelli introduced himself and provided a brief overview.

C. PROCLAMATION PROCLAIMING OCTOBER AS NATIONAL ARTS AND HUMANITIES MONTH IN THE CITY OF BONITA SPRINGS.

5:45:59 PM Mayor Simmons next read aloud a Proclamation proclaiming October as National Arts and Humanities month in the City of Bonita Springs. Susan Bridges was in attendance to accept and to thank Mayor Simmons and City Council.

Council Member Peter O’Flinn commended the Art in Public Places Board for all their work!

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. DISCUSSION RELATING TO CONCERNS RELATING TO GLYPHOSATE “ROUND UP.” (MAYOR SIMMONS; GREENSHEET NO. 19-10-303)

5:48:46 pm Mayor Simmons introduced this item and provided a brief overview. City Attorney Derek Rooney explained that the State preempted local governments from looking at anything that would be in the realm of pesticides, noting that a lot of jurisdictions would look at this as a herbicide and not a pesticide, but the Florida Department of Agriculture has effectively sent out cease and desist orders to various municipalities. Now this is really a question of should this be something to consider in your legislative priorities. Administratively, we can move forward with bans on city properties with city contractors dealing with weed growth, but as far as regulating glyphosate itself we are prevented by the State.

5:50:42 pm Mayor Simmons stated that he looks to work closer with Commissioner Sandelli, but everyone knows what we’re doing with clean water and blue green algae. If there’s another step, or something we can make better. He questioned what would be the next steps, if the Council deems that they want to take next steps.

[5:52:37 pm](#) Council Member Greg DeWitt motioned to do locally, in parks and with own contractors not to use this; Mayor Simmons seconded. Council discussion followed.

[5:59:26 pm](#) Council Member O'Flinn stated there is a lot of stuff that could be similar, he would assume to step back and punt a little bit and ask staff to look into it and maybe come back, and maybe go with what Council Member DeWitt has stated. For now he would say no because he would rather step back and learn more about it.

[5:59:42 pm](#) Council Member Mike Gibson stated that he doesn't know a lot of the science behind it, but he has heard that the people that are spraying it a lot tend to have the issues, and so he is thinking protective equipment, i.e., masks, etc. If we want to put something in for employee use only and find out more about the science and what's going on, and what the cause is, and using the other herbicides might even have adverse effects. It's something we should look into and once they get more information, then move forward.

Council Member DeWitt withdrew his motion.

[6:00:44 pm](#) Council Member Forbes suggested at least have them wear the masks on city property and improve upon signage.

Mayor Simmons stated they will table for now, gather more information, and then look at it. He stated he will save this for Council Member Items, as he would like to look at our fertilizer ordinance to make sure we're doing everything we can do.

B. TREE ADVISORY BOARD TREE PLANTING AT BONITA SPRINGS HIGH SCHOOL.
(FORBES; GREENSHEET NO. 19-10-302)

[6:01:58 PM](#) Council Member Forbes furnished an overview, explaining that the Tree Advisory Board wants to spend the balance of their budget for this fiscal year in putting in trees at the high school.

Council Member O'Flinn motioned to approve; Council Member Carr seconded.

[6:04:11 pm](#) Council Member DeWitt stated he wants to vote this and feels it's great. He would like to push the school board when if they build anymore schools to at least abide the local jurisdictions policies and procedures, as he know that the fire station had to put hundreds of trees on there, which makes it looks nice. He doesn't mind doing this, but he would like to see the school board step up. Council agreed.

The motion carried unanimously.

IX. FIRST READING OF THE FOLLOWING ORDINANCE:

- A. **ADDENDUM WITH DRAFT ORDINANCE:** AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, CALLING FOR AND ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF BONITA SPRINGS ON MARCH 17, 2020; TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS VOTING IN SUCH REFERENDUM ARE IN FAVOR OF CERTAIN PROPOSED CHARTER AMENDMENTS; ESTABLISHING THE DATE OF THE REFERENDUM FOR THE CHARTER AMENDMENT TO BE HELD ON MARCH 17, 2020; REQUESTING THAT THE LEE COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS; PROVIDING BALLOT LANGUAGE; DIRECTING THAT THE NOTICE OF ELECTION BE PREPARED AND PUBLISHED; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 19-10-310)

6:05:37 PM City Attorney Rooney read the title block of the Ordinance into the record. The only change is that since this was approved for language yesterday by the Charter Review Committee, he has a question regarding changes to Section 47 and she asked if we could pare those back, and so he will send a follow up to Council by email to let you know if we recommend doing that before second reading.

6:06:31 PM Council Member O'Flinn motioned to approve; Council Member DeWitt seconded; and the motion carried unanimously.

X. FIRST READING OF THE FOLLOWING ZONING ORDINANCE(S) (NO PUBLIC COMMENT ALLOWED)

- A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING APPLICATION PD18-44977-BOS REQUESTING TO AMEND THE MASTER CONCEPT PLAN, SCHEDULE OF USES, AND DEVELOPMENT REGULATIONS FOR THE APPROVED NEW MOON COURT RESIDENTIAL PLANNED DEVELOPMENT LOCATED ON APPROXIMATELY +/-1.8 ACRES ON MOONRISE CT. STRAP NO. 25-47-25-B4-00107.0950; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 19-10-308)

6:07:50 PM City Attorney Rooney read the title block of the Zoning Ordinance into the record.

Council Member Carr motioned to move to second reading to October 16, 2019; Council Member O'Flinn seconded; and the motion carried unanimously.

- B. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING APPLICATION PD18-55577-BOS REQUESTING TO AMEND THE MASTER CONCEPT PLAN AND DEVELOPMENT REGULATIONS FOR THE APPROVED RENAISSANCE AT ROSEMARY PARK RESIDENTIAL PLANNED DEVELOPMENT LOCATED ON APPROXIMATELY +/-2.6 ACRES ON AT THE NORTHEAST CORNER OF STREETSBORO LANE AND BONITA DRIVE STRAP NO. 25-47-25-B4-00107.0950; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 19-10-309)

City Attorney Rooney read the title block of the Zoning Ordinance into the record.

Council Member Quaremba motioned to move to second reading to October 16, 2019; Council Member DeWitt seconded; and the motion carried unanimously.

XI. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED):

- A. AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); CREATING A NEW SECTION UNDER ARTICLE V, DIVISION 2, THE BONITA BEACH ROAD DESIGN STANDARDS; CHAPTER 4 (ZONING) ARTICLE V DIVISION 11, CREATING A NEW SUBDIVISION ESTABLISHING THE BONITA BEACH ROAD CORRIDOR OVERLAY; AMENDING CHAPTER 4 (ZONING) ARTICLE V DIVISIONS 5, 6, 7 AND 8, USE TABLES; AMENDING CHAPTER 4 (ZONING) ARTICLE III DIVISION 1 PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 19-10-313)

6:10:36 pm Community Development Staff Jackie Genson and Jay Sweet furnished a PowerPoint presentation (copy in Clerk's file) to address the additions to the LDC. Discussion was held.

6:54:03 pm Council Member DeWitt motioned to move to second reading; Council Member O'Flinn seconded; and the motion carried unanimously.

XII. PUBLIC COMMENT:

XIII. CITY ATTORNEY'S ITEMS:

- A. AUTHORIZE STAFF TO COMMENCE FORECLOSURE PROCEEDINGS AGAINST THREE PROPERTIES WITH SIGNIFICANT CODE ENFORCEMENT LIENS AGAINST THEM LOCATED AT 26930 OLD 41 ROAD, 10530 ROSEMARY DRIVE, AND 10830 ST. LUCIA COURT. (GREENSHEET NO. 19-10-304)

6:54:53 pm Staff Attorney Carley Sanseverino addressed this item and furnished an overview as outlined in the Greensheet.

6:55:37 pm Council Member Quaremba motioned to approve moving forward with the foreclosure process; Council Member Carr seconded; and the motion carried unanimously.

ADDITIONAL ITEM:

6:59:44 PM City Attorney Derek Rooney next asked Council for approval to schedule an Executive Session for the WCI case, which has been set for a 2-day trial beginning on Halloween. He is formally requesting Executive Session to ask Council's advice on settlement proposals and litigation costs. He next addressed the case names/numbers.

XIV. CITY MANAGER'S ITEMS:

- A. APPROVE CONTRACT WITH CBRE FOR REAL ESTATE TRANSACTION AND DEVELOPMENT ADVISORY SERVICES. (GREENSHEET NO. 19-10-306)

7:00:57 pm City Manager Hunter introduced this item, and furnished an overview. The language in Exhibit "A" has been left vague so Council can decide whether they want to add additional properties. CBRE has stated that the cost would remain the same, per the monthly retainer of \$7,500 which is reimbursable to the city should the city enter into a development agreement. Also attached to the Greensheet is a map that depicts all the downtown properties that are currently owned by the City of Bonita Springs. City Manager Hunter and Assistant City Manager Matt Feeny next addressed the properties reflected on the map.

7:10:40 pm Council Member O'Flinn suggested that Staff come back with a recommendation as to what to do on this. Maybe consult with CBRE and come back and make a recommendation.

7:11:02 pm City Manager Hunter explained that at Council's last meeting staff brought Council the proposal. At this meeting is the actual contract, which is based on the state contract that they have. She further addressed. Council Member O'Flinn referred to the bio-reactor property and stated he would like CBRE's professional opinion on would that make sense as a parking garage.

Council Member O'Flinn motioned approval of the contract; Council Member Forbes seconded, and stated he would like to support what Council Member O'Flinn said with one exception. He stated that when they come back Council should be provided with two options. The first option is which ones do we want to get rid of, and second option involves two schools of thought – 1) anything they want to get rid of let's get rid of it now, and the second is to separate those we want to get rid of now, but those that we want to wait to get rid of and advertise after we know what's going on with Bamboo Village. That way Council will have two options to look at.

The motion carried unanimously.

ADDITIONAL ITEM:

7:13:26 PM City Manager Hunter next informed Council that she would like to have a budget retreat in November like they had last year to present Council with the strategic priorities and have a complete review of the CIP and where we are now, so that the CIP Ordinance can be adopted prior to the end of the calendar year. If Council wants staff to come back with some dates at the next meeting and have the City Clerk reach out to Council Members. Staff would like to do this as a separate meeting.

7:14:00 PM City Manager Hunter next addressed Council, explaining that in accordance with Section 33 of the City Charter, it would be appropriate for a written evaluation of herself. She would like to provide Council at the November meeting with an update and report of what has been done to date with the projects that have been assigned to Staff. She is open to any process or suggestions Council may have. Council Member Quaremba stated her hope is to have an objective evaluation that's concrete, to review the objectives that they set forth and to have an update of what we've accomplished in the year since you've been leading us – the more objective and more concrete would be better. She feels they don't really need a form for that unless other Council Members would like that, She suggested evaluating the actual work that has been done, and the contribution made to Council's vision. Council Member O'Flinn stated that as a related issue, it's time for review – salary of the City Manager, as it's been over a year. City Attorney Rooney, in response to Council Member O'Flinn stated his renewal would be on Council's next agenda.

XV. MAYOR AND COUNCIL MEMBER REPORTS:

7:16:26 pm Council Member Quaremba reported that she just got back from Kenya, addressing briefly their concerns with the environment, i.e., the lack of water, and also with Limerock mining.

7:17:33 pm Council Member DeWitt commended LCOS for the great job they are doing on enforcing the speed limit on Pennsylvania.

7:17:50 pm Council Member Carr informed Council of a new speed sign near Wiggins Pass that shows you your speed right underneath it. She also addressed two Greensheets she asked Staff to initiate, both related to zoning – one to implement changes to the setback requirements in developments that were reflective of the zoning, and the other to address cell tower heights to make them more appropriate for cell reception. She also really likes the new sculpture in front of City Hall. She concluded by informing everyone of the Phoenix ceremony to be held at the fire station on Monday at 5:00 P.M.

7:20:25 pm Council Member Forbes informed Council of a task force on the MPO that will address planning another interstate further up north.

7:23:33 pm Mayor Simmons reminded everyone of the varsity football game at Estero High School Friday night – Jaws vs. Claws. He also reported on his trip to Washington D.C., last week. He heard positive news, as \$200 million is what they heard for Florida Everglades funding from both the House and Senate sides.

7:24:16 pm Council Member O'Flinn informed Council that he will be leaving Council on the earlier of December 4th, or until a successor is elected. He explained that his reason is a personal one, as he respects the differences on Council, but he is not comfortable serving during the period that was added on for which he wasn't elected. He feels that it's important that his successor have adequate time because of the way the schedule has moved to come up to speed with respect to the City budget and be prepared ahead of time. It's the reason he will be stepping aside 60 days hence, which is the end of the meeting of their December 4th meeting. He would encourage Council to try to have the election as soon as practical.

XVI. APPROVAL OF MINUTES: 09/18/19 (THREE SETS), 09/19/19 BUDGET
ADDENDUM WITH 09/09/19 BUDGET MINUTES

7:26:12 PM Council Member Forbes motioned approval of the Minutes; Council Member Gibson seconded; and the motion carried unanimously.

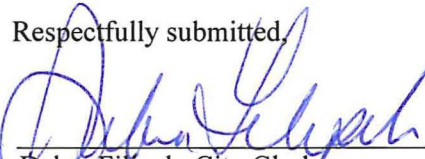
XVII. PUBLIC COMMENT:

7:26:50 PM Dwight Esmon stated he was saddened by Council Member O'Flinn's announcement. He next addressed city property and suggested City Hall be located downtown.

7:30:20 pm Kathy McGrath commented on the film fest, the new library, Holiday in the Park, and access on the Weeks property.

XVIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 7:35 P.M.

Respectfully submitted,

Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL BOARD

Date: OCTOBER 18, 2019

AUTHENTICATED:


Peter Simmons, Mayor