

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, NOVEMBER 6, 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 Rob Sparrows, with Integrity 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.

5:32:26 PM Mayor Simmons entered a motion to move up item VIII. A., regarding the discussion on the Special Election; Council Member Greg DeWitt seconded.

PUBLIC COMMENTS:

Jim Wurster, a resident of District 4, was in attendance to encourage Council to fill the District 4 seat as rapidly as possible.

Deb Nesselhauf, also a resident of District 4, thanked Mayor Simmons for this Greensheet to discuss the Special Election. She explained that most of those in attendance in the blue shirts would love to have a Special Election sooner than later, and if impossible to have prior to March they understand, but hope that Council will be open to listening to them if anything comes up for a vote prior to March.

Dwight Esmon stated his hope was to have an election in January. He spoke with the Supervisor of Elections who told him that the City was allowed to do that. He was told that it was highly impractical, and so they have to accept that March 17 is as soon as they will have an election.

Bernard Long would like to see the special election held in January.

Julia Baxter, a resident of Eagle Pointe Condominiums, also with those in attendance with blue shirts, addressed the need to fill District 4 seat as soon as possible.

Ben Hershenson, with the community of Fairwinds, stated that the sooner the vacancy is filled can have full deliberations. Urge Council to look at the March date.

An unidentified gentleman also addressed the need for an election before March.

City Attorney Derek Rooney referred to the Resolution included with the meeting packet setting the date for the Special Election for March 17, 2019.

Mayor Simmons motioned to approve the Resolution; Council Member Laura Carr seconded. Mayor and Council Members further addressed.

The motion carried unanimously. **ADOPTED RESOLUTION NO. 19-91**

V. PUBLIC COMMENT ON AGENDA ITEMS: No public comments were made.

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 Mike Gibson requested C. be pulled. Council Member Laura Carr requested items D. and F. be pulled. Council Member DeWitt motioned approval of the remainder of the Consent Agenda; Mayor Simmons seconded; and the motion carried unanimously.

**ADDENDUM 1:** APPROVE CONTRACT AMENDMENT #1 WITH FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION RECREATIONAL TRAILS PROGRAM AMENDING THE SCOPE OF WORK AND EXTENDING THE CONTRACT EXPIRATION DATE FOR THE WEST TERRY STREET MULTI-USE PATH. (GREENSHEET NO. 19-11-351)

**ADDENDUM 1:** APPROVE BUDGET RESOLUTION TO TRANSFER FY 2019 GAS TAX FUND FUNDING TO THE CAPITAL PROJECTS FUND FOR THE SIDEWALK REPLACEMENT PROJECT. (GREENSHEET 19-11-350) **ADOPTED RESOLUTION NO. 19-85**

A. ADOPT RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO ENGAGE ELEVEN (11) FIRMS FOR THE CITY'S CONSTRUCTION MANAGER AT RISK CONTINUING SERVICES CONTRACTOR CN 19-12, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE ELEVEN (11) FIRMS SELECTED. (GREENSHEET NO. 19-11-330) **ADOPTED RESOLUTION NO. 19-88**

B. APPROVE BUDGET RESOLUTION TO ESTABLISH BUDGETS FOR HURRICANE IRMA FUNDING. (GREENSHEET NO. 19-11-329) **ADOPTED RESOLUTION NO. 19-86**

C. APPROVE CHANGE ORDER #2 FOR STANTEC CONSULTING SERVICES, INC., FOR STORMWATER UTILITY PROGRAM. (GREENSHEET NO. 19-11-336)

5:54:03 PM Council Member Gibson asked if this will also reduce the fees for the small houses. Assistant City Manager Matt Feeney explained that this is to develop the credit system specifically for the communities that treated their water – to develop that methodology and get it approved.

Council Member Gibson motioned to approve; Council Member DeWitt seconded; and the motion carried unanimously.

D. ADOPT RESOLUTION ACCEPTING THE ONLY BID RECEIVED FOR IMPERIAL PARKWAY LANDSCAPE & IRRIGATION MAINTENANCE PROJECT RFB 19-19 FROM P&T LAWN & TRACTOR SERVICE IN THE TOTAL BID AMOUNT OF \$29,696.45 UPON APPROVAL OF DOCUMENTATION. (GREENSHEET NO. 19-11-338)

5:31:32 PM Council Member Carr noted that items D. and F. entailed one company and suggested that before signing that we ask them to sharpen the pencil. Assistant City Manager Matt Feeney addressed, after which Council Member Carr motioned to approve items D. and F.; Council Member Amy Quaremba seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 19-89**

- E. BUDGET RESOLUTION TO TRANSFER FY 2019 BUDGETS AMONG ACCOUNTS AND TO INCREASE THE BUDGETS OF CERTAIN REVENUE AND EXPENDITURE ACCOUNTS. (GREENSHEET NO. 19-11-343) **ADOPTED RESOLUTION NO. 19-87**
- F. APPROVE A RESOLUTION ACCEPTING P & T LAWN & TRACTOR SERVICE AS THE LOWEST RESPONSIVE, RESPONSIBLE BID FOR THE LOGAN BOULEVARD LANDSCAPING PROJECT RFB 19-15 IN THE TOTAL BID AMOUNT OF \$959,642.91 UPON APPROVAL OF ALL DOCUMENTS. (GREENSHEET NO. 19-11-337) **ADOPTED RESOLUTION NO. 19-90**

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. CERTIFICATE OF CONGRATULATIONS TO HARLAN PARRISH ON BEING SELECTED AS 2019 BONITA SPRINGS CITIZEN OF THE YEAR.

Mayor Simmons next presented Harlan Parrish with a Certificate of Congratulations on being selected as 2019 Bonita Springs Citizen of the Year.

- B. PROVIDE DIRECTION TO STAFF FOR COMPREHENSIVE PLAN AMENDMENTS FOR THE TRANSPORTATION ELEMENT AND THE DOWNTOWN REDEVELOPMENT AREA. (GREENSHEET NO. 19-11-347)

06:07:00 PM Dr. Margaret Banyan furnished a PowerPoint presentation on the amendments.

Council Member DeWitt motioned to go with Option 2 for Downtown; Council Member Fred Forbes seconded; and the motion carried 5-1 (Mayor Simmons opposed)

6:28:25 PM Council Member Gibson motioned to go with Option 3 for Transportation; Council Member DeWitt seconded. Discussion was held.

The motion passed 4-2 (Mayor Simmons and Council Member Carr opposed)

- C. PRESENTATION BY CBRE ON THE DRAFT MARKETING BROCHURE AND PROVIDE DIRECTION TO STAFF ON THE RFP FOR THE BAMBOO PARCEL. (GREENSHEET NO. 19-11-339)

CBRE was in attendance to present, and Council discussion followed. Council Member Quaremba suggested keeping those that are contiguous and take another look at the isolated parcels. Mayor Simmons motioned include parcel 12; Council Member Gibson seconded; and the motion carried unanimously.

Mayor Simmons motioned that Parcel 16 be considered; Council Member DeWitt seconded; and the motion carried unanimously. Mayor Simmons motioned to include Parcel 18; Council Member Carr seconded; and the motion passed 4-2 (Council Members Gibson and Quaremba opposed)

Council Member Gibson suggested selling the house on Terry Street. He also suggested getting an appraisal on Parcel 22 to see what it should sell for.

Recap direction for parcel 12, 16, 18 to be included with CBRE. Staff also directed to come back to Council with information on parcel 4, 22 and the Terry Street parcel.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

**ADDENDUM 1:** UPDATE AND DISCUSSION REGARDING THE BIG CYPRESS BASIN. (MAYOR SIMMONS; GREENSHEET NO. 19-11-352)

- A. DISCUSSION ON SPECIAL ELECTION. (MAYOR SIMMONS; GREENSHEET NO. 19-11-341)

Addressed above.

- B. DISCUSSION REGARDING FOOD TRUCK REGULATIONS. (MAYOR SIMMONS; GREENSHEET NO. 19-11-334)

Staff to further research and bring back January/February.

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

- A. **ADDENDUM 1 WITH DRAFT ZONING ORDINANCE:** A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING APPLICATION PD19-60497-BOS REQUESTING TO AMEND ORDINANCE 01-12 AND THE MASTER CONCEPT PLAN FOR THE EXISTING BONITA SPRINGS YMCA COMMUNITY FACILITIES PLANNED DEVELOPMENT TO ALLOW DAY CARE CENTER LOCATED ON APPROXIMATELY +/- 20 ACRES ON AT 27200 KENT ROAD STRAP NO. 31-47-26-B1-00002.0030; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 19-11-344)

Council Member Gibson motioned to move forward with a second reading on November 20, 2019; Council Member DeWitt seconded; and the motion carried unanimously.

- B. B. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING APPLICATION PD18-50047-BOS REZONING APPROXIMATELY +/-1.85 ACRES FROM TWO-FAMILY CONSERVATION ZONING TO RESIDENTIAL PLANNED DEVELOPMENT AT 9800 CAROLINA STREET AND 27800 GREYHOUND ALLEY STRAP NOS. 34-47-25-B3-00252-002A AND 34-47-25-B3-00252-005D; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 19-11-342)

Council Member Gibson motioned to move forward with a second reading on November 20, 2019; Council Member DeWitt seconded; and the motion carried unanimously.

X. FIRST READING OF THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTERS 3 (DEVELOPMENT STANDARDS) AND 4 (ZONING); RELATING TO DEVELOPMENT AND CONSTRUCTION, SURFACE WATER MANAGEMENT, AND DRAINAGE; AMENDING SECTION 3-136. - ADDITIONAL REQUIRED SUBMITTALS; AMENDING SECTION 3-193. - FINAL INSPECTION AND CERTIFICATE OF COMPLIANCE; AMENDING SECTION 4-2224 CLEARING, GRADING, OR FILLING OR LAND; PROVIDE FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE. (GREENSHEET NO. 19-11-348)

Council Member Gibson motioned to move forward with a second reading and public hearing on November 20, 2019; Council Member DeWitt seconded.

No public comments were made.

The motion carried unanimously.

XI. CONTINUATION OF SECOND READING 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. (CONTINUED FROM 10/16/19; GREENSHEET NO. 19-11-346)

5:49:00 PM Mayor Simmons motioned to address XI. A. City Attorney Rooney explained that Staff is not prepared to move forward for adoption with this item, which he explained.

Council Member Fred Forbes motioned to continue to November 20, 2019 and re-advertise; Council Member Greg DeWitt seconded.

No public comments were made.

The motion carried unanimously.

XII. PUBLIC COMMENT: Kathy McGrath addressed upcoming events.

XIII. CITY ATTORNEY'S ITEMS:

XIV. CITY MANAGER'S ITEMS:

- A. ACCEPT DONATION OF PROPERTY LOCATED AT 9490 PENNSYLVANIA AVENUE, AND ADJOINING PARCEL TO THE SOUTH (APPROXIMATELY 4.14 +/- ACRES). (GREENSHEET NO. 19-11-333)

Staff provided an overview, and a lengthy discussion was held.

Council Member DeWitt motioned to accept, with no tax liability; Council Member Quaremba seconded; and the motion carried unanimously.

- B. DIRECTION ON CITY COUNCIL'S JANUARY 1, 2020 CITY COUNCIL MEETING. (GREENSHEET NO. 19-11-331)

Mayor Simmons motioned to cancel the January 1, 2020 City Council meeting; Council Member Carr seconded; and the motion carried 5-1 (Council Member DeWitt opposed)

XV. MAYOR AND COUNCIL MEMBER REPORTS:

7:56:41 PM Council Member Quaremba informed Council that she was contacted by Chris Patrika, and similar to what Council discussed, there is a ditch that runs under the Imperial River, between a retention pond and the high school, and they are asking the City to take over the maintenance. She discussed this with Assistant City Manager Matt Feeney, who will bring the details to Council at their next meeting. She also

addressed the film festival. Lastly, she will be attending the prayer service scheduled for Saturday, November 9, 2019 at Riverside Park. She also sent thanks to Estero Council and their staff on their hospitality for the ethics training. Lastly, she thanked Peter O'Flinn for his devoted service to the community.

Council Member DeWitt agreed Peter O'Flinn will be missed. He also reminded everyone of a ribbon cutting at the park this Sunday, and the Wounded Warriors Softball game, and lastly the Veteran's Day event.

Council Members Carr, Forbes and Gibson also thanked Peter O'Flinn for his contributions over the years and his service to the community.

Council Member Forbes addressed his trip to Washington D.C., stating that he would like to meet with Staff on homeland security. There are all sorts of grants to look into and getting more information.

Mayor Simmons stated that for Council's next meeting he would like to Greensheet for the MPO and the election of a Deputy Mayor. He also thanked Peter O'Flinn for his service and read a few words into the record regarding his resignation.

XVI. APPROVAL OF MINUTES: 10/16/19 (2 SETS), AND 10/23/19

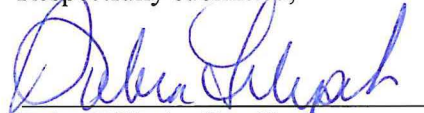
Council Member Gibson motioned approval of the Minutes; Council Member Forbes seconded; and the motion carried unanimously.

XVII. PUBLIC COMMENT:

XVIII. ADJOURNMENT.

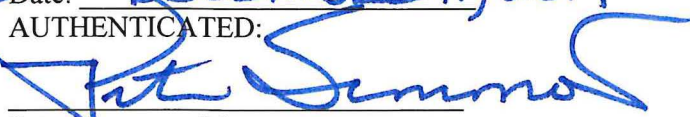
There being no further items to discuss, the meeting adjourned at 8:10 P.M.

Respectfully submitted,

  
Debra Filipek, City Clerk

APPROVED:  
CITY COUNCIL

Date: DECEMBER 11, 2019  
AUTHENTICATED:

  
Peter Simmons, Mayor