

CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, DECEMBER 18, 2019
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER

Mayor Simmons called the meeting to order at 9:00 A.M.

II. INVOCATION:

Reverend Susan Fannon, with Springs Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Fred Forbes led in the Pledge of Allegiance.

IV. ROLL CALL ALL PRESENT

Mayor Simmons and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

9:03:39 am Kathy McGrath looks forward to having a restaurant at the Wonder Gardens.

9:03:50 am Thomas Hecker, with the Everglades Wonder Gardens, was in attendance to request Council's support for the Everglades Wonder Gardens to use the former café on the property as part of their facility going forward.

9:06:26 AM Jacke McCurdy, Deborah Brandle and Beth Hagan, all members of the Wonder Gardens Board, were in attendance to support the use of the subject site as an environmental learning center.

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 Laura Carr motioned approval of the Consent Agenda.

Mayor Simmons pulled items E. and J. Council Member Mike Gibson seconded; and the motion carried unanimously.

- A. AUTHORIZE MAYOR TO EXECUTE A SATISFACTION OF MORTGAGE OF A MORTGAGE FROM THE BONITA SPRINGS HISTORICAL SOCIETY AGAINST THE CASNER HOUSE, WHICH SECURED AN INDEBTEDNESS IN THE AMOUNT OF \$1,500. (GREENSHEET NO. 19-12-396)

- B. APPROVE STAFF TO SUBMIT A LETTER TO THE LEE COUNTY DEPARTMENT OF HUMAN AND VETERAN SERVICES IDENTIFYING THE PROPOSED PROJECTS AND BUDGET FOR ALLOCATION OF THE CITY OF BONITA SPRINGS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE FY2019-2020 ENTITLEMENT BUDGET FOR PUBLIC INFRASTRUCTURE WITHIN THE DEFINED ELIGIBLE AREAS. (GREENSHEET NO. 19-12-395)
- C. APPROVE AN EXTENSION OF THE CODE ENFORCEMENT HEARING EXAMINER AGREEMENT WITH MR. THOMAS FRANCHINO FOR A PERIOD OF ONE YEAR. (GREENSHEET NO. 19-12-394)
- D. ADOPT A RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO THE CITY OF BONITA SPRINGS HISTORIC PRESERVATION BOARD, THE ART IN PUBLIC PLACES BOARD, THE TREE ADVISORY BOARD, THE BICYCLE PEDESTRIAN SAFETY ADVISORY COMMITTEE, THE TECHNOLOGY ADVISORY BOARD, THE LOCAL PLANNING AGENCY, AND THE BOARD FOR LAND USE HEARINGS & ADJUSTMENTS AND ZONING BOARD OF APPEALS. (GREENSHEET NO. 19-12-397)

9:15:26 AM Council Member Quaremba expressed a concern in that for every committee they are appointing people to, there are openings. She suggested outreach to individual neighborhoods within the City. Mayor Simmons suggested putting this out to our Email list and BTV. City Manager Arleen Hunter stated that Staff can do an E-Blast. Council Member Quaremba stated that we were supposed to get a contact within each contained neighborhood within the entire City, which they were approaching from an emergency point of view. She feels that if we do have that list, that they go and ask each neighborhood to go out to their residents and inform them that the City is looking for applicants. City Manager Hunter explained that the City has previously done press releases with quotes from individuals who are volunteer liaisons to talk about the committees to try to get as well, and that's something they can do as well.

ADOPTED RESOLUTION NO. 19-98

- E. REJECT THE SOLE BID IN RFB-19-21 BONITA SPRINGS COMMUNITY PARK, BASEBALL COMPLEX PHASE 1A PROJECT AND RE-ADVERTISE IN COMBINATION WITH PHASE 1B OF THIS PROJECT. (GREENSHEET NO. 19-12-400)

9:11:55 AM In response to the Mayor Simmons' request regarding item E., Parks and Recreation Director Nicole Perino explained that in combination with the holiday's they felt it would be better suited to place this in combination with Phase 1B, as they are trying to do the least amount possible to interrupt Little League season. Phase 1B is set to begin the end of May, when Little League season is over. It would also allow everything to be done at one time. The sole bid received reflected numbers that were too high.

Mayor Simmons motioned to approve E.; Council Member Amy Quaremba seconded; and the motion carried unanimously.

- F. EXTEND THE LEASE AGREEMENT WITH CREATIVE EXPRESSIONS STUDIO AND GALLERY, LLC FOR THE USE OF ARTIST COTTAGE #4 FOR AN ADDITIONAL TWO MONTHS. (GREENSHEET NO. 19-12-402)
- G. ADOPT A RESOLUTION FOR A MEMORANDUM OF UNDERSTANDING WITH COCCOLOBA CHAPTER OF THE FLORIDA NATIVE PLANT SOCIETY TO CONDUCT EDUCATION AND OUTREACH PROGRAMS IN OUR CITY OWNED FACILITY ON CUTTING HORSE LANE. (GREENSHEET NO. 19-12-403)

9:17:51 am Council Member Quaremba stated she feels this is a wonderful thing the city has done -to open up some lands to this organization where they have demonstration gardens. Having them do outreach

and educate the various gated communities and neighborhoods is very good. She thanked Staff.
ADOPTED RESOLUTION NO. 19-99

- H. APPROVE RESOLUTION AUTHORIZING THE USE OF THE CONTINGENCY ACCOUNT FUNDS AND ENTERING INTO A LEASE AGREEMENT WITH CENTURY LINK FOR PHONES AT ALL CITY FACILITIES. (GREENSHEET NO. 19-12-404)
ADOPTED RESOLUTION NO. 19-100
- I. APPROVE RESOLUTION AUTHORIZING THE USE OF THE CONTINGENCY ACCOUNT FUNDS AND PURCHASE OF UPDATED "FOR THE RECORD" SOFTWARE. (GREENSHEET NO. 19-12-405) **ADOPTED RESOLUTION NO. 19-101**
- J. APPROVE BUDGET RESOLUTION TO ESTABLISH BUDGETS FOR HURRICANE IRMA FUNDING. (GREENSHEET NO. 19-12-392) **ADOPTED RESOLUTION NO. 19-102**

9:13:23 AM In response to Mayor Simmons, Finance Director Anne Wright explained that the City is still receiving funding from the original submission for hurricane damages. This entails the largest remaining portion that came in, in early December. The City should still be receiving approximately \$100,000 more. Based on the expenditure to date, finance is expecting to receive a total cash receipts from FEMA and the State of \$7.8 million. To date they have received \$7.7 million.

9:14:13 AM Mayor Simmons motioned to approve; Council Member Quaremba seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 19-102**

- K. APPROVE RESOLUTION TO CARRYOVER FY 2019 UNSPENT CAPITAL BUDGET AMOUNTS INTO FY 2020. (GREENSHEET NO. 19-12-383) **ADOPTED RESOLUTION NO. 19-103**
- L. APPROVE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND AND WATER CONSERVATION FUND SUB-RECIPIENT AGREEMENT FOR COCHRAN STREET MULTI-USE PATH. (GREENSHEET NO. 19-12-390)

9:18:50 am Council Member Quaremba complimented Staff who continues to work on getting grants to connect our network of sidewalks and multi-use paths.

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION BY DR. MICHAEL PARSONS, WITH FLORIDA GULF COAST UNIVERSITY, ON THE PROPOSED BONITA WATER STEWARD. (GREENSHEET NO. 19-12-410)

9:20:00 am Dr. Mike Parsons with FGCU provided an overview on the proposed Bonita Water Steward program.

9:25:48 am Council Member Carr would like to see this tabled as she has a lot of questions, and to look at other ways of funding this. Assistant City Manager Matt Feeney addressed, explaining the he is not aware of anyone else providing this level of service.

9:27:41 am Council Member Quaremba echoed comments made by Council Member Carr. She feels there is a need to take a higher level look at this and see what we can do with these funds. She suggested

Staff contact Lee County to see if they can do something similar. She stated that there is a different government entity that is responsible for this - the Department of Environmental Protection and the Department of Health. She agrees to tabling this to further explore.

9:29:43 am Council Member Forbes feels this is something we should do, and suggested approaching our County Commissioner who can get some money to this to make it better or supplement what we have. We can also use funds from the assessment the City adopted. He stated that fecal testing is something he feels is urgent. He supports this.

9:30:38 am Mayor Simmons stated he strongly supports this. In response to Mayor Simmons, Assistant City Manager Matt Feeney explained that the \$600,000 that Council Member Quaremba mentioned is a contract that is more specific to septic tank conversion and is not here in Bonita Springs. Mayor Simmons stated that he strongly supports this. Council Member Forbes suggested talking with Chauncy Goss, as this falls under the umbrella that they have some interest in this also. If they gave us \$20,000 that would be helpful. Council Member Carr asked if this can be tabled for Staff to explore doing that. City Manager Hunter explained that if Council was to move forward with the proposal they would need to bring back a contract for services between FGCU and the City in January. In the interim, Staff could reach out to the Water Management District and County Staff. Mayor Simmons stated he would be happy to be the Council liaison to do outreach to the elected and appointed members of those boards for the request. Council Member Quaremba would like to ask other people whose responsibility it is to do this. City Attorney Rooney stated that the option may be to step back, look at this holistically, and see if there are other ways to combine this with partnership or other funding efforts.

9:37:55 am Mayor Simmons stated he would be happy to talk with some people and do some outreach. City Manager Hunter stated she felt it would be helpful for staff to work with a Council liaison for outreach to the elected Board of Lee County as well as the appointed Board of the Water Management District. She stated they can reach out in January, and if difficult with people's schedules, can bring back the first meeting in February. Mayor Simmons stated he would be happy to be the advocate to do the outreach and have those conversations.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSSION REGARDING REQUEST FROM BONITA GRANDE LLC FOR THE CITY TO PROVIDE A REVISED LETTER ACKNOWLEDGING FEMA'S LETTER OF MAP REVISION. (MAYOR SIMMONS; GREENSHEET NO. 19-12-409)

9:39:59 am City Manager Hunter provided an overview, and City Attorney Rooney further addressed. Council discussion followed.

9:42:21 am Elizabeth Fountain with J.R. Engineering explained what the map correction entailed. Francisco Passidomo also addressed the request.

10:00:33 am Council Member Forbes motioned approval, as he discussed (using both hydraulic and hydrologic); Council Member Gibson seconded and the motion carried unanimously.

IX. SECOND READINGS OF THE FOLLOWING ORDINANCES:

- A. AN ORDINANCE OF THE CITY COUNCIL OF BONITA SPRINGS, FLORIDA, ADOPTING THE 2019 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 19-12-407)

10:04:43 am City Attorney Rooney read the title block of the Ordinance into the record.

No public comments were made.

Council Member Quaremba motioned adoption of the Ordinance; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 19-13**

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING SECTION 4-130 OF THE LAND DEVELOPMENT CODE TO ADJUST TERM LIMITS ON THE ZONING BOARD CHAIR; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 19-12-408)

10:14:38 am City Attorney Rooney read the title block of the Ordinance into the record.

Mayor Simmons motioned to adopt the Ordinance, as revised; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 19-14**

X. PUBLIC COMMENT:

10:15:08 AM Kathy McGrath reported on the boat parade.

10:15:35 am Ben Hershenson questioned why there were term limits for committee members.

XI. CITY ATTORNEY'S ITEMS:

- A. AUTHORIZE PAYMENT OF AGREED UPON AGREEMENT ON ATTORNEY'S FEES AND COSTS TO WCI/LENNAR AND AUTHORIZE PAYMENTS OF AMOUNTS DETERMINED AS WELL AS BUDGET TRANSFER RESOLUTION REGARDING SAME. (GREENSHEET NO. 19-12-399)

10:16:12 am City Attorney Rooney furnished an overview of this item, which is for authorization to have the Mayor sign a budget transfer Resolution in an amount not to exceed \$800,000, and also for authorization for the Mayor to sign a release. He further explained, reiterating that today he is asking for authorization to negotiate the final amounts not to exceed the amounts in the Greensheet and to have a release signed so that we're not dealing with attorney's fee issues.

Council Member Quaremba motioned for approval; Council Member Carr seconded; and the motion carried 4-1 (Mayor Simmons opposed) **ADOPTED RESOLUTION NO 19-104**

- B. ADOPT A RESOLUTION TO REDUCE RESIDENTIAL, COMMERCIAL AND TRADE PERMIT BUILDING PERMIT FEES FOR UP TO ONE YEAR STARTING JANUARY 1, 2020. ALSO ADOPT THE 2018 INTERNATIONAL CODE COUNCIL BUILDING VALUATION TABLE USED TO VALUE BASED PERMIT FEES. (GREENSHEET NO. 19-12-406)

10:21:46 am John Dulmer, Community Development, provided an overview, and Council discussion followed.

10:33:10 am City Attorney Rooney suggested that the projects that have open development orders that are half way through their project, that they would have an opportunity to apply for what they are half way through to get the reduction. That would make it easier and put the onus on the applicant to request that. Mr. Dulmer asked that Council allow them to come back with a reduction if that's the direction Council wishes to go, as there are regulations on how this needs to be handled – the refund. Council's consensus to

defer to Council's next meeting to allow time for Staff to come back with their recommendations on specifically how to do this.

[10:38:32 am](#) Council Member Quaremba requested a future presentation on the building fund. Staff to bring back.

XII. CITY MANAGER'S ITEMS:

A. REVIEW PROPOSALS FOR WONDER GARDENS CAFÉ POTENTIAL LEASE AND DIRECT STAFF FOR NEXT STEPS. (GREENSHEET NO. 19-12-401)

[10:44:24 am](#) City Manager Hunter introduced this item and furnished a brief overview.

[10:45:31 am](#) Council Member Forbes suggested that whatever is done, that they should make sure that something is done with the front parking lot, as it's difficult with respect to traffic.

[10:46:03 am](#) Council Member Quaremba stated she felt that Council needs to decide what direction they want to go, as traffic is an issue. Also, from a financial point of view, whatever contract we make with whatever entity goes in there, she asked if there was a difference in what we would ask for from the Everglades Wonder Gardens as opposed to a restaurant. City Manager Hunter explained that in the LOI there was a requirement to layout a business plan, as there was only one-page application that did not have the business plan. Staff did include requirements in this LOI that showed the financial commitment to be able to make the restaurant move forward, having an idea of what the lease could look like. She further explained and discussion followed. Council Member Quaremba stated she is in favor of the Everglades proposal, but wants it to be on the same financial base that we could get somewhere else. She's a big supporter and they've done a great job, and she feels that would be a good use of the property, but feels the City needs to get some kind of reasonable financial arrangement.

[10:50:56 am](#) Council Member Carr echoed comments made by Council Member Quaremba and motioned that Staff re-advertise, and make a note to the Concierge Management Group informing them that their application was incomplete. She would like to meet with the Wonder Gardens Board Members to work out some of the logistics of the business structure between Wonder Gardens and the City. Her motion is with no prejudice to the Wonder Gardens.

Council Member Forbes seconded the motion, provided that the wording be included about without prejudice. He suggested that before they go back out and advertise to find out from the people that were interested in this why they didn't turn a proposal in. City Manager Hunter asked that Council let Staff do that outreach before they open the LOI.

[10:53:13 am](#) Mayor Simmons supports what Council Members Carr and Forbes have said, but he feels the Wonder Gardens have put in their application and played by the rules. He requested he be included into the meetings, and to the committee. City Attorney Rooney explained that Council can't be on the selection committee. Council Member Gibson stated he is fine with it not being a restaurant, as he wanted it to be open to anybody who wanted to do anything there. Discussion followed on the lease amount and use. City Manager Hunter suggested Staff talk to local real estate agencies to find out what the current square footage and market rate is and compare it to restaurant as well as an educational center use in that location in downtown and bring back current market rates. They can also work with CBRE to provide local market rates as well.

[11:12:27 am](#) Deborah Braendle with the Wonder Gardens asked that Council make a motion to negotiate a rate with them as they would be happy to pay fair market value. An additional member of the Wonder Garden Board addressed their proposed program, which includes camp and kit educational programs.

The motion failed 1-4 (Mayor Simmons and Council Members Gibson, Forbes and Quaremba opposed).

[11:19:08 am](#) Council Member Gibson entered a motion to accept the Wonder Gardens and to enter into negotiations based on market rates. Council Member Quaremba would like to have an update on the financials that would show that they would be able to pay it over a longer term. Council Member Forbes seconded.

Council Member Gibson clarified his motion which is to select the Wonder Gardens updated financials. Council Member Forbes seconded; and the motion carried unanimously.

XIII. MAYOR AND COUNCIL REPORTS:

[11:21:35 am](#) Council Member Quaremba informed Council of a meeting she had with Citrus Park. She also reported on the Horizon Council meeting she attended.

[11:22:13 am](#) Council Member Forbes informed Council of this trip to Tallahassee and three bills that are currently in the process relating to affordable housing and accessory housing, a bill that would let people construct accessory rental units on their property, and lastly a bill to help municipalities with cyber issues. He also addressed Council's last meeting (December 4, 2019) and the item addressing the Comprehensive Plan and the form-based code relating to studios and the table that was addressed.

[11:26:18 am](#) Mayor Simmons commended Assistant City Manager Matt Feeney and his staff. He will be scheduling meetings with state leaders, and hopefully good news in new year. applaud Council.

XIV. PUBLIC COMMENT:

[11:28:25 am](#) Dwight Esmon complimented City Council and Staff.

[11:28:53 am](#) Kathy McGrath stated she withdraws her support for a restaurant at the Wonder Gardens.

BUDGET AGENDA ITEMS:

I. REVIEW OF CITY'S FINANCES:

[12:11:48 PM](#) Anne Wright, Finance Director, furnished a PowerPoint presentation (copy in clerk's file) to address items A, B, and C, below.

A. REVIEW OF PRELIMINARY SEPTEMBER FINANCIAL REPORTS. (GREENSHEET NO. 19-12-393)

B. REVIEW OF OCTOBER 2019 MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 19-12-398)

C. REVIEW OF CITY'S DEBT POSITION. (GREENSHEET NO. 19-12-385)

II. OVERVIEW OF LEGAL OBLIGATIONS

[12:34:49 PM](#) City Attorney Rooney addressed two items relating to II. above, one addressing legal fees, and contingencies relating to the IPD zoning application for BG Mine.

III. REVIEW 2018-2019 STRATEGIC PRIORITIES AND DISCUSSION OF FY 2020 CAPITAL IMPROVEMENT PLAN.

12:38:37 pm City Manager Hunter introduced this item, which, if there are no changes, will be brought back on the Consent Agenda for approval.

IV. DISCUSSION OF STRATEGIC PRIORITY #1: IMPROVE STORMWATER MANAGEMENT

12:39:43 PM City Manager Arleen Hunter introduced this item, informing Council that Assistant City Manager Matt Feeney will provide a PowerPoint presentation on Items, A, B., C and D.

12:41:17 pm Assistant City Manager Feeney next provided a PowerPoint presentation (copy in Clerk's file).

PUBLIC COMMENTS:

1:01:22 pm Ben Hershenson commended Assistant City Manager Feeney and Elly McKuen on the fantastic job they do! He addressed the golf course area and supports whatever needs to be done to make this project happen.

Council Member Quaremba motioned approval of items A., and B., Council Member Forbes seconded; and the motion carried unanimously.

- A. APPROVE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT SUB-RECIPIENT AGREEMENT FOR THE SPRING CREEK/BONITA SPRINGS GOLF COURSE FLOOD IMPROVEMENT PROJECT #4337-271-R. (GREENSHEET NO. 19-12-374)
- B. APPROVE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT SUB-RECIPIENT AGREEMENT FOR THE LOGAN BOULEVARD REGIONAL FLOODWAY DRAINAGE IMPROVEMENT PROJECT #4337-265-R. (GREENSHEET NO. 19-12-389)
- C. DISCUSSION OF LMS FUNDING FOR PINE LAKE PRESERVE
- D. DISCUSSION OF LMS FUNDING FOR VOLUNTARY LAND ACQUISITION FOR STORM WATER PURPOSES


V. OPPORTUNITY FOR CITY COUNCIL COMMENTS ON BUDGET ITEMS

VI. PUBLIC COMMENT: No comments were made.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 1:05 P.M.

Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL

Date: JANUARY 24, 2020

AUTHENTICATED:



Peter Simmons, Mayor