

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JANUARY 3, 2018
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 5:32 P.M.

II. INVOCATION:

Pastor Doug Pratt with the First Presbyterian Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL

Mayor Simmons and all Council Members were present, with Council Member Peter O'Flinn arriving at 6:37 P.M.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:34:42 PM Rita Hite stated she is very happy about the proclamation on human trafficking. She also addressed the contract with the SFWMD which she supports.

5:36:22 PM Chip Greenwood with Buffalo Chips Restaurant was present to inform everyone of his "wing fest" and to support the special events ordinance. The changes are needed to the Ordinance to streamline the process. He doesn't believe access to the park should be limited.

5:39:52 PM Linda Schwartz, a resident of Cedar Creek, was in attendance to support item VIII. A., and to thank the SFWMD for the agreement and their work on Spring Creek.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. A PROCLAMATION PROCLAIMING THE MONTH OF JANUARY AS HUMAN TRAFFICKING AWARENESS AND PREVENTION MONTH.

5:40:48 PM Mayor Simmons read aloud the Proclamation proclaiming the month of January as Human Trafficking Awareness and Prevention Month in the City of Bonita Springs. Several members of Human Trafficking Awareness Partnerships, Inc., were in attendance to accept the proclamation and to thank Mayor Simmons and City Council.

B. PRESENTATION OF CERTIFICATES TO THE WINNERS OF THE LEE COUNTY SHERIFF'S OFFICE 2017 ESSAY CONTEST.

Lee County Sheriff's Deputy Brian Przespolewski, along with several other members of the Sheriff's Office, and Mayor Simmons presented the following students with Certificates of Recognition as winners of the Lee County Sheriff's Office 2017 Essay Contest:

Bonita Charter:

Elias Gonzalez
Julian King
Dominic Collado
Laylee VanNess
Ana Garcia
Jorge Marquino
Michelle Sneed

Bonita Springs Elementary

Valery Laigos
Madison Vu
Maria Pedro
Bianca Olguin
Yesmin Escobar
Juan Fernandez
Sophia Marquez

Spring Creek

Yamilette Nieto
Ashley Lopez
Amber Estrella
Aldrin Gonzalez
Bailey Walters
Johanan Estrella
Julie Stalte

VII. 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 to approve item A.; Council Member Amy Quaremba seconded; and the motion carried unanimously.

- A. ADOPT AN EXTENSION TO THE RESOLUTION REMANDING THE PELICAN LANDING CPD/RPD AMENDMENT; CASE NO. PD-15-23496-BOS, FOR A PERIOD OF SIX MONTHS AFTER THE CONCLUSION OF WCI COMMUNITIES, INC., V. CITY OF BONITA SPRINGS, CASE NO. 17-CA-3243, INCLUDING ANY TIME NECESSARY FOR APPEALS, UNLESS FURTHER CONTINUED BY THE BONITA SPRINGS CITY COUNCIL AND THE APPLICANT. (GREENSHEET NO. 18-01-0003) **ADOPTED RESOLUTION NO. 18-RO1**

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DIRECT STAFF TO PREPARE AN AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT RELATING TO MAINTENANCE OF STORM WATER CONVEYANCES IN THE CITY OF BONITA SPRINGS, INCLUDING THE IMPERIAL RIVER, OAK CREEK AND SPRING CREEK. (O'FLINN; GREENSHEET NO. 18-01-0008)

6:01:55 PM City Manager Carl Schwing provided an overview.

6:06:42 pm Council Member O'Flinn motioned for Staff to prepare Agreement; Council Member Quaremba seconded. Council Member Forbes clarified the motion for Staff to prepare a rough draft of the scope of work and meet with the SFWMD Staff to review the draft scope, which the Mayor expanded on. Council Member Forbes further suggested that the Mayor provide the proposed draft scope to the SFWMD Board. City Manager Schwing stated he would work with Staff on development of the draft scope.

The motion carried unanimously.

ERRATA SHEET: MAYOR – FACT SHEET FOR THE INFORMATION OF CITY COUNCIL CONCERNING THE QUADRANT PLAN TO HELP RELIEVE TRAFFIC BOTTLENECKS AT THE INTERSECTION OF US 41 AND BONITA BEACH ROAD. (COUNCILMAN PETER O'FLINN AND CITY MANAGER CARL SCHWING; GREENSHEET NO. 18-01-0010)

Addressed below by Council Member O'Flinn, under Agenda Item XV. Mayor and Council Member Reports.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS RELATING TO DISASTER DEBRIS REMOVAL FROM PRIVATE COMMUNITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND EFFECTIVE DATE. (GREENSHEET NO. 18-01-0001)

6:09:03 pm City Attorney Vance read the title block of the Ordinance into the record, which was prepared at the request of FEMA. The request is to move to second reading on January 17, 2018.

Council Member Mike Gibson motioned to move the Ordinance to second reading on January 17, 2018; Council Member Greg DeWitt seconded.

6:09:37 pm A brief discussion was held with the City Attorney to remove the provision relating to the front and back gates being opened because there is a separate provision for knox boxes, and there is a way to open the gates if there is a loss of electricity.

The motion carried unanimously.

X. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):

ERRATA SHEET: ADDITIONAL INFORMATION ON REVISIONS TO THE FOLLOWING ORDINANCE.

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, REGULATING THE PLACEMENT AND MAINTENANCE OF COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; AMENDING BONITA SPRINGS CODE §§34-40 – 34-43 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, DIVISION 2. - COMMERCIAL USES; CREATING BONITA SPRINGS CODE CHAPTER 38, RENAMED COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, REGISTRATION, SANCTIONS FOR UNREGISTERED PROVIDERS, NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING RULES, REGULATIONS, AND GENERAL CONDITIONS TO PLACEMENT OF COMMUNICATIONS SYSTEMS AND FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; REQUIRING DUTY TO NOTIFY CITY OF RESELLERS; CONDITIONAL USE OF PUBLIC RIGHTS-OF-WAY; PROVIDING FOR WIRELESS FACILITIES, REVOCATION OR SUSPENSION OF PERMITS AND INVOLUNTARY TERMINATION OF REGISTRATION; SETTING FORTH AN APPEALS PROCESS; REQUIRING FEES APPLICABLE TO THOSE NOT SUBJECT TO COMMUNICATIONS SERVICES TAX, EXISTING COMMUNICATIONS FACILITY, INSURANCE, INDEMNIFICATION, CONSTRUCTION BOND, PERFORMANCE BOND, SECURITY FUND AND ENFORCEMENT REMEDIES; ABANDONMENT OF A COMMUNICATIONS FACILITY; RESERVATION OF RIGHTS; AND, FORCE MAJEURE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-01-0004)

Council Member Gibson motioned adoption of the Ordinance; Council Member DeWitt seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 18-01**

- B. AN ORDINANCE AMENDING THE CITY OF BONITA SPRINGS SPECIAL EVENTS PERMIT CRITERIA IN BONITA SPRINGS CODE §§6-19 – 6-22; REGULATING OUTDOOR ENTERTAINMENT EVENTS; DEFINING SPECIAL EVENT ACTIVITIES; ESTABLISHING PERMIT REQUIREMENTS AND APPLICATION PROCEDURES FOR DIFFERENT TYPES OF CLASSES OF SPECIAL EVENT PERMITS; PROVIDING APPEAL AND REVOCATION HEARING PROCESS; PROVIDING FOR VIOLATIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 18-01-0005)

6:16:52 PM City Attorney Vance read the title block of the Ordinance into the record. Council discussion was held on revisions made.

Council Member Steve Slachta motioned adoption of the Ordinance; Council Member Gibson seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 18-02.**

XI. PUBLIC HEARING (PUBLIC COMMENT ALLOWED):

- A. FIRST READING AND PUBLIC HEARING TO COMMENCE THE TRANSMITTAL PROCESS TO AMEND THE OLD 41 TOWN CENTER MIXED-USE REDEVELOPMENT AREA OVERLAY FUTURE LAND USE CLASSIFICATION CATEGORY AS A COMPREHENSIVE PLAN MAP AMENDMENT TO THIS CATEGORY, AND IF APPROVED, TRANSMIT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) THROUGH THE EXPEDITED STATE REVIEW AMENDMENT PROCESS:

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, SO AS TO AMEND THE FUTURE LAND USE ELEMENT POLICY 1.1.11.A.5 OF THE OLD 41 TOWN CENTER MIXED-USE REDEVELOPMENT AREA OVERLAY TO ALLOW DENSITIES, INTENSITIES, AND RANGE OF USES TO BE BLENDED WITHIN A UNIFIED PLANNED DEVELOPMENT ZONING DISTRICT; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (GREENSHEET NO. 18-01-0002)

6:30:51 PM John Dulmer, Community Development, furnished a brief overview and requested this item be continued to February to allow the Applicant to work with the City through the process.

Council Member Gibson motioned to continue to a time and date certain. City Attorney Vance read the title block of the Ordinance into the record.

6:37:06 PM Council Member Peter O'Flinn arrived at the meeting.

Council Member Gibson motioned to continue to February 21, 2018; Council Member DeWitt seconded; and the motion carried unanimously.

ADDITIONAL MEETING:

6:39:53 PM City Attorney Vance next informed Council of an upcoming Executive Session that will be scheduled for Angler's Paradise. The date is yet to be determined.

XII. PUBLIC COMMENT:

6:40:56 PM John West addressed debris removal in four areas that have HOA's. He feels mobile home parks should join in the effort of debris removal as well.

6:43:46 PM Kathy McGrath reported on the BSU meeting she attended the previous night. She also informed City Council that the BSU Board voted to remove the water tank.

6:46:04 PM Trish Leonard on behalf of Everglades Wonder Gardens thanked City Council for all they have done for them. She will be President elect coming up soon.

XIII. CITY ATTORNEY'S REPORT: No items.

XIV. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 18-01-0007)

Informational.

B. REVIEW THE OPERATING AGREEMENT FOR THE EVERGLADES WONDER GARDENS, CONVERTING THE FUNDING PARTICIPATION AGREEMENT INTO AN OPERATING AGREEMENT, AND IF SATISFACTORY, APPROVE THE AGREEMENT. (GREENSHEET NO. 18-01-0006)

6:47:36 PM City Manager Schwing furnished an overview of this item and revisions made as reflected in the Greensheet.

6:48:21 pm Council Member Slachta motioned to approve; Council Member O'Flinn seconded. Council Member Gibson stated he can't support only \$1 per year. Discussion followed.

7:09:18 pm The motion passed 5-2 (Mayor Simmons and Council Member Gibson opposed)

XV. MAYOR AND COUNCIL MEMBER REPORTS:

7:10:04 pm Council Member Quaremba updated Council on her work and discussions with Tiffany Esposito with the Bonita Springs Chamber of Commerce on various projects she is working on.

7:12:06 pm Council Member DeWitt updated Council on work being performed by the SFWMD and DEP, informing them that the whole river is getting looked at and taken care of by these two entities.

7:13:11 pm Council Member O'Flinn addressed his Greensheet No. 18-01-0010 (reflected above under Agenda Item VIII., Mayor and Council Member Items.), which he addressed explaining it addressed the background. He further informed Council that he, along with Nick Batos, will be going to Tallahassee to appear before the trail board to address the Seminole Gulf Railroad. He will also be meeting with Lee County Commissioner Larry Kiker on issues he previously emailed to City Council

7:15:49 pm Council Member Forbes reported that the SFWMD has stated that it's their intention to pursue cleaning up Oak Creek and Spring Creek. He further informed Council that Mr. Beever will be furnishing his report to City Council soon.

7:17:47 PM Mayor Simmons referred to the Outreach Committee and Sister City Program and read a letter into the record regarding the program, which he briefly expanded on. The Sister City would be with Mexico. Council consensus to support the Sister City and for the Outreach Committee to move forward.

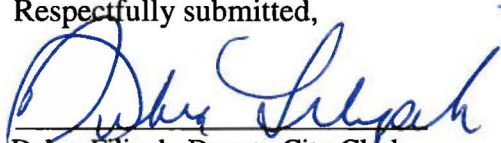
XVI. APPROVAL OF MINUTES: 12/20/17

7:21:32 PM Council Member O'Flinn motioned approval of the Minutes; Council Member Slachta seconded; and the motion carried unanimously.

XVII. PUBLIC COMMENT: None

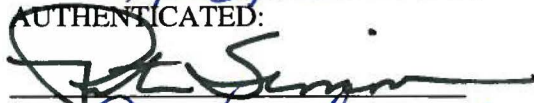
There being no further items to discuss, the meeting adjourned at 7:22 P.M.

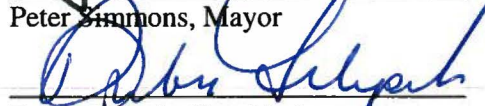
Respectfully submitted,


Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 1/23/18

AUTHENTICATED:

Peter Simmons, Mayor


Debra Filipek, City Clerk