

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, MARCH 7, 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 5:34 P.M.

II. INVOCATION:

Reverend Bob Douglas with St. Mary's Episcopal 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 in attendance, with Council Member Mike Gibson arriving at 5:40 p.m.

V. PUBLIC COMMENT ON AGENDA ITEMS

Kathy McGrath voiced her opposition to extending the moratorium Ordinance on medical marijuana.

Sharon Kennedy also voiced her opposition to extending the moratorium Ordinance.

Tom Shadle also spoke opposed to extending the moratorium Ordinance.

5:41:21 PM Juan Romero voiced his support for the Sister City agreement and program. It's a benefit for both cities.

5:43:58 PM Mike Henry, a resident of Imperial Bonita Estates (IBE), stated that he hopes IBE is on Council's list of priorities to help with flooding in his neighborhood.

5:44:41 PM Carol Trinity, also a resident of IBE, hopes the city keeps their neighborhood in mind as it relates to FEMA funds.

5:45:13 pm Ben Hershenson addressed item VII. C., regarding APTIM, informing City Council of residents he contacted in the Bonita Spring Golf and Country Club area on forming a group to address common problems. To date, there are 10 groups – Fairwinds HOA, Southlands HOA, Fairway Dunes, Cypress Plantation 1 and 2, Lakeside Condominiums, Bonita Springs Golf and Country Club Civic Association, etc. Referring to Jim Beaver's report, he addressed a section that addressed several opportunities mentioned therein that can help their area.

5:48:42 PM Jesse Purdon was in attendance for voice his support for the Sister City Agreement and to moving the March 21, 2018 City Council Meeting to the evening.

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.)

No items.

VII. PROCLAMATIONS AND PRESENTATIONS:

A. PROCLAMATION IN RECOGNITION OF INTELLECTUAL AND DEVELOPMENT DISABILITIES AWARENESS MONTH.

5:52:24 pm Mayor Simmons next presented a proclamation in recognition of intellectual and development disabilities awareness month. Several Members of LARC and individuals served by LARC were in attendance to accept the Proclamation and to thank Mayor Simmons and City Council.

B. PROCLAIMING MARCH 2018 AS BELIEVING IN GIRLS MONTH (PACE CENTER FOR GIRLS).

Mayor Simmons next read aloud a proclamation Proclaiming March 2018 as “Believing in Girls Month.”

C. PRESENTATION AND PRIORITIZATION OF PROJECTS BY APTIM. (NO GREENSHEET)

6:01:56 PM Assistant City Manager Arleen Hunter furnished a brief overview and introduced representatives from APTIM.

6:02:58 pm Shanti Copeland, with APTIM, furnished a PowerPoint presentation (copy in Clerk’s file) to address recommended LMS project list.

6:16:26 pm Ms. Hunter next furnished an overview of a meeting that took place with Phil Flood with the South Florida Water Management District, to go through each of the projects, which the District was in great support of. They also encourage the City to look at opportunities within the DRGR. They would be working with the City on modeling for Logan Boulevard, and suggested they would be the City’s partner in realizing any potential there is of discussions with other jurisdictions. They also were supportive of the golf course project with the culverts along Spring Creek. She further explained. Since Staff will be in discussions with the other jurisdictions, Staff is seeking direction from City Council on the top tier that Council would be looking for Staff to advocate most for, noting that there are many opportunities through different grant programs.

6:19:16 PM Ms. Copeland asked if Council was comfortable with this order of being how they present them to Lee County Mitigation Strategy team. Council Member Quaremba stated she felt they should prioritize things that didn’t have a good chance of going to an alternative funding mechanism. In response to Council Member DeWitt, Ms. Copeland explained that phasing is allowed so that they can go to Spring Creek and conduct a full engineering study on the size of culverts needed and how swales need to be designed across the golf course. Both representatives of APTIM further explained the process of phasing. Council Member O’Flinn stated he was happy they included Dean Street, west of Imperial, which he feels is very important, as is the east side of Imperial. He was also happy to see in the report where they talked about the possibility of the golf courses being a signature stormwater recreation park. Council Member Forbes stated he was happy with the recommendations. He stated that his hope is that each time they receive monies that they again have the one on one meetings. Mayor Simmons stated that since they met today, he spoke with Ben Hershenson who informed him that there is a great amount of support among the residents for this in the area of Bonita Golf and Country Club.

6:28:39 PM Mayor Simmons motioned to accept; Council Member Slachta seconded. Assistant City Manager Hunter clarified the motion is to accept this order as presented.

The motion carried unanimously.

Assistant City Manager Hunter requested confirmation that the acquisition discussed on Quinn, Downs and Dean Streets is only voluntary as well as the acquisition for any elevation projects. She explained that this was based on Jim Beaver's report which included discussion of individual property owners that he indicated has approached him of interested – it is completely voluntary; there would be no mandatory process.

D. PRESENTATION ON DOWNTOWN USES. (NO GREENSHEET – ITEMS TO FOLLOW)

6:29:52 PM John Dulmer, Community Development, referred to his handout and furnished a PowerPoint presentation on downtown uses. Council discussion was held. Council Members Forbes, O'Flinn, and Gibson feel simpler is better. Council Member O'Flinn also agrees with the form-based code. Council Member Quaremba agreed to simplification and verbiage. She also agreed with Council Member DeWitt on extending it outside the current limit. Council Member Forbes would like to see commercial uses on the first floor with residential uses above, and a requirement that anything that fronts on Old 41 must have commercial on the first floor.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. APPROVE SISTER CITY AGREEMENT. (MAYOR SIMMONS; GREENSHEET NO. 18-03-0060)

6:57:23 pm Mayor Simmons furnished an overview of this item relating to the Sister City Agreement as set out in the Greensheet. A brief discussion followed. He explained that there is nothing in the agreement that binds the city financially, as it provides a lot of flexibility on how active Council might want to be.

Council Member Slachta motioned approval of the Agreement; Council Member Forbes seconded; and the motion carried unanimously.

B. EVALUATION FORMS FOR CITY MANAGER AND CITY ATTORNEY. (QUAREMBA AND FORBES; GREENSHEET NO. 18-03-0058)

7:13:59 pm Council Member Quaremba furnished a brief overview. The intent is to simplify the process of evaluating both the City Manager and City Attorney. Her hope is to eventually evolve into a process that would be more objective than the previous process. She further explained. Council Member Forbes agreed that this would be a simpler process, as they would only be coming up with an evaluation for a section, where before there was a section with up to 9 criteria. Overall, it would be quicker. His proposal if accepted with any suggested changes that they would simply at this time write down the things we thought were good, those they felt were ok, and those things they feel need to be improved. That they would be no entering an evaluation of excellent, meets expectations, or needs improvement. He also agrees with Council Member Quaremba's point is good that they would get together two to three times a year to update the project list.

Council Member O'Flinn motioned to approve; Council Member Greg DeWitt seconded. Council Member DeWitt referred to the first paragraph on page 2 regarding to the word "shall" – It shall be out policy that each Council Member meets with the . . . He would suggest changing "shall" to "should."

City Attorney Vance suggested revising to take out “it shall be our policy,” and that it start with “each Council Member should meet with the City Attorney,” and then on the second line change “Manager” to “City Attorney.” Council agreed.

Council Member DeWitt motioned an amendment to change “shall” on both the City Manager and City Attorney; Council Member Quaremba seconded; and the motion carried unanimously.

VOTE ON ORIGINAL MOTION:

The motion carried unanimously.

C. DISCUSS CITY MANAGER AND CITY ATTORNEY CONTRACTS, PROCESS AND TIMING. (DEWITT; GREENSHEET NO. 18-03-0061)

7:27:36 pm Council Member DeWitt addressed this item as set out in the Greensheet. He feels they should afford the City Manager and City Attorney as much time as possible on contract negotiations. He also offered to assist in the negotiations. Overall, he feels it needs to start sooner than later. Council Member O’Flinn stated that he felt this needed to be a consensus of Council and direction for whoever is doing the negotiations. He feels it would be appropriate to conduct the evaluations, then hear from the City Manager what he thinks in terms of a contract. Mayor Simmons recommended Council Member O’Flinn if he would be willing to handle contract negotiations. Council Member O’Flinn accepted, noting that he would want to do it as part of the process where he gets clear direction from Council – a consensus from Council. Council Member DeWitt stated he would like to move forward with the Standing Committee format. Council Member Forbes suggested doing the evaluations and then at the appropriate time determine what length contract, then after that is agreed upon, then you can sign an agreement immediately then negotiate afterwards on the salaries in Chambers.

7:41:22 pm Council to be furnished with the evaluation forms as revised in their in their baskets at City Hall. Council Member DeWitt suggested getting the evaluations done by the next meeting. Discussion followed.

7:48:00 pm Per the request of Council Member Gibson, Council consensus was given for Council to decide at their next meeting on whether they will retain the City Manager and City Attorney, or look at other options, prior to the election for Council Member Slachta to participate. Evaluations to be submitted prior to the next meeting. Council Member O’Flinn suggested to get the evaluations in, in 2 weeks, and then have an opportunity to look, and then meet and go forward with negotiations.

7:58:28 pm Council Member Gibson motioned to hold the consensus meeting after the zoning meeting on March 19, 2018; Council Member Slachta seconded; and the motion passes 4-3 (Mayor Simmons and Council Members O’Flinn and Quaremba opposed). Evaluations to be revised and furnished to Council Members.

7:58:28 pm Council Member Forbes motioned to reconsider (to not have the consensus meeting on March 19, 2018); Council Member O’Flinn seconded; and the motion passed 4-3 (Council Member Gibson, DeWitt and Slachta opposed).

8:05:27 pm Council Member Quaremba requested Council pursue the performance evaluations with interaction with the employees so that they can provide guidance. Secondly, to provide information back to Council so that they together can decide whether they want to offer contracts, and address the length of those contracts. Then they would go to the next step of negotiations to determine salary improvements. No need to rush through this. She suggested setting a time for when the performance evaluations will be done, and a reasonable time after that hold the consensus meeting, then assign the consensus to the negotiator to address the contracts after that.

D. DISCUSS MOVING MARCH 21, 2018 CITY COUNCIL MEETING FROM 9:00 A.M. TO 5:30 P.M. (GIBSON; GREENSHEET NO. 18-03-0062)

8:08:59 PM Council Member Mike Gibson furnished the intent, which is to allow working people to attend to discuss medical marijuana. Normally this meeting would begin at 9:00 A.M. A brief discussion was held, with Council Member Quaremba informing Council she would not be able to attend. Council Member Gibson withdrew his request.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; EXTENDING BONITA SPRINGS ORDINANCE NO. 17-01; AS AMENDED BY BONITA SPRINGS ORDINANCE NO. 17-15; EXTENDING THE TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES; PROVIDING FOR GEOGRAPHIC AREA COVERED; PROVIDING FOR PENALTIES, CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS; PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 18-03-0059)

8:13:02 PM City Attorney Vance read the title block of the Ordinance into the record. If approved, the second reading and public hearing will be held on March 21, 2018.

No public comments were made.

8:13:58 pm Council Member Forbes motioned to move forward with a second reading and public hearing on March 21, 2018; Council Member Quaremba seconded. Council Member O'Flinn stated he would be voting no, as he reached out to people in the interim, and based on that he is of the view that we should not continue with the moratorium.

8:17:07 pm Council Member Forbes informed Council that he found out today that according to the State law, that these dispensaries cannot get a checking account, as it's all cash. City Attorney Vance responded per the request of Mayor Simmons. Council Member Forbes suggested Staff contact these facilities to see how they are doing this. Council discussion followed, and per the request, City Attorney Vance and John Dulmer, Community Development, addressed what would occur in zoning and bricks and mortar.

PUBLIC COMMENT:

8:34:05 pm Rick Steinmeyer stated that it sounds like there's a tobacco shop called Pipe Dreams that sells vaping tools, and he supposes they can sell marijuana oil.

8:34:46 pm Sharon Kennedy was present to voice her support for the use of medical marijuana and educating people on medical marijuana. She has been promoting and educating people on medical marijuana all over the County for the past year.

8:37:33 pm An unidentified gentleman read a paragraph out of an article on medical marijuana.

8:40:13 pm Ben Hershenson supports medical marijuana moratorium.

8:42:05 pm Debra Giambo stated that 70 percent of voters in Lee County voted in favor of medical marijuana dispensaries.

The motion failed 4-3 (Council Members DeWitt, Slachta, O’Flinn and Gibson opposed)

At the request of Mayor Simmons, City Attorney Vance and Assistant City Attorney Carly Sanseverino addressed Staff’s research on medical marijuana.

9:16:30 pm City Attorney Vance addressed the Zoning in Progress and requested Council direction. Council consensus to not go forward.

X. PUBLIC COMMENT:

9:17:22 PM Debra Giambo addressed Council on three issues, the first relating to golf balls. She furnished Council with golf balls that were collected on the south side of West Terry Street, across from Bonita Fairways, at the intersection of Bell Rio where they reside. Balls consistently fly over the trees and land in the middle of West Terry and across the street on the south side, hitting houses, and cars. They are also landing where children wait for the school bus and where they wait to cross the street to go to the middle school. She referred to a memorandum from the City Attorney’s Office. She next addressed a concern relating to pedestrian safety crossing West Terry, and the last issue relating to boat speed on Imperial River.

9:25:55 pm Mr. Giambo echoed comments made by his wife relating to safety on West Terry Street.

9:28:57 pm Kathy McGrath addressed upcoming events.

9:32:12 PM Jesse Purdon thanked Council for their vote on medical marijuana.

XI. CITY ATTORNEY’S REPORT:

9:33:29 pm City Attorney Vance informed Council of the BG Mine hearing, and the cancellation of Monday’s Zoning Workshop.

XII. CITY MANAGER’S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 18-03-0057)

Informational.

9:34:22 pm City Manager Schwing thanked City Staff and all the volunteers for the great cleanup event.

9:35:25 pm Assistant City Manager Hunger reported on Alta Workshops held, and recommendations that will be coming to City Council the second meeting in April. Additionally, DPZ Workshops are scheduled for April 9th, through the 12th, 2018, at City Hall.

XIII. MAYOR AND COUNCIL MEMBER REPORTS:

9:36:29 pm Council Member Quaremba proposed that once they reconvene with the new Council that they schedule a workshop to go over objectives and the processes for interaction with each other. Mayor Simmons suggested this be scheduled as an evening meeting. Council Member Quaremba referred to the recent public hearings that she would suggest Staff to get back to them on the three items that were brought up in regards to the golf balls, the cross walk and the speeding in the Imperial River. She would like a report as to what’s going on, and what can be done about it.

9:37:14 pm Council Member DeWitt thanked all who helped donate to the MDA collection, reporting they collected \$45,000, all of which will go towards helping those in need in the City of Bonita Springs.

9:38:01 pm Council Member O'Flinn reported on the trip he and City Manager took to a meeting in Bartow with FDOT District 1. It was a very good meeting.

9:38:29 pm Council Member Gibson reminded everyone of the Army Jazz Band event being put on by the Rotary Club. He also addressed the issue relating to the golf balls at Bonita Fairways, and talks with them who did change how that T box was structured. Apparently that didn't help, so they may have to look at different options on what can be done to help with that situation.

XIV. APPROVAL OF MINUTES: 02/21/18

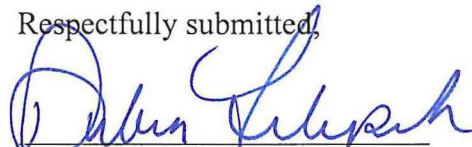
Council Member Slachta motioned approval of the Minutes; Council Member O'Flinn seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT: None

XVI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:40 P.M.

Respectfully submitted,




Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date:

AUTHENTICATED:



Peter Simmons, Mayor