

PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, APRIL 18, 2018
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 AM.

II. INVOCATION

Pastor Jeff Chitwood, with Anchor Church, furnished the Invocation.

III. PLEDGE OF ALLEGIANCE

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

9:02:41 AM Richard Ferreira suggested a train/boke combination. He also spoke against outsourcing the legal department.

9:06:29 AM Debra Giambo addressed the need for additional safety measures on West Terry Street, including the need for crosswalks.

9:09:28 AM Ben Hershenson spoke against outsourcing.

9:12:47 AM Kathy McGrath spoke opposed to outsourcing and term limits.

9:14:18 AM David Timm, with the Bonita Bay Bike Club, thanked Council for the improvements to the railroad crossing.

9:16:37 AM Alex Grantt commented on items VII. B and VIII. E. – the railway, hurricane safety.

9:18:40 AM Jesse Purdon addressed Fiesta Bonita, term limits and H.B. 4770.

9:23:10 AM Janet Martin thanked Council for the Arbor Day Proclamation, and next expressed concerns she had relating to term limits.

9:24:07 AM John West spoke opposed to outsourcing.

9:26:35 AM Bonnie Wittimore also spoke against outsourcing.

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.)

9:27:48 AM Council Member Greg DeWitt motioned approval of the Consent agenda, Council Member Laura Carr seconded; and the motion carried unanimously.

- A. REQUEST MAYOR SIGN RESOLUTION TO APPROVE TWO PROPOSALS FROM SEMINOLE GULF RAILROAD (SGLR) 1) OLD US 41 RAILROAD CROSSING TEMPORARY REPAIRS AT \$200 PER RAILROAD TIE REPLACED, AND \$1,635 PER DAY OF ACTIVITY. 2) WEST TERRY STREET RAILROAD CROSSING REHABILITATION AT \$121,900. (GREENSHEET 18-04-0094) **RESOLUTION NO. 18-21**
- B. ADOPT A RESOLUTION OF THE CITY OF BONITA SPRINGS TO AUTHORIZE THE SUBMITTAL OF THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NSDA NRCS) GRANT APPLICATION FOR FUNDS FOR THE EMERGENCY WATERSHED PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 18-04-0095) **RESOLUTION NO. 18-22**
- C. APPROVE BY RESOLUTION RANKINGS OF PRESENTATIONS MADE TO STAFF SELECTION COMMITTEE ON APRIL 6, 2018 FOR THE STORMWATER UTILITY PROGRAM, RFP 17-030, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM, STANTEC CONSULTING SERVICES, INC. (GREENSHEET NO. 18-04-096) **RESOLUTION NO. 18-23**
- D. APPROVE THE AMENDED LEASE AGREEMENT WITH MATT KEARNEY FOR RENEWAL OF ARTIST COTTAGE #5 LEASE AGREEMENT FOR ANOTHER ONE-YEAR TERM. (GREENSHEET NO. 18-04-0097)
- E. TO AUTHORIZE THE MAYOR TO SEND A LETTER TO CONGRESSMAN ROONEY'S OFFICE IN SUPPORT OF THE CONGRESSMAN'S PROPOSAL IN H.R. 4770 TO PERMANENTLY EXTEND THE MORATORIUM ON LEASING IN THE EASTERN PART OF THE GULF OF MEXICO, HAVING THE EFFECT OF BANNING DRILLING IN THOSE AREAS. (MAYOR SIMMONS; GREENSHEET NO. 18-04-0104)
- F. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE GULF COAST SWIM TEAM (GREENSHEET NO. 18-04-0099)
- G. **ERRATA SHEET:** APPROVE THE MEDIATED SETTLEMENT AGREEMENT AS TO JPKFLK, INC., PARCEL 3 IN CASE NO. 17-CA-00007, FOR COMPENSATION FOR THE PROPERTY TAKEN FOR THE DOWNTOWN IMPROVEMENTS. (GREENSHEET NO. 18-04-0087)
- H. AUTHORIZE THE MAYOR AND STAFF TO EXECUTE THE QUIT DEED, CONVEYING CERTAIN LAND BACK TO BONITA SPRINGS UTILITIES, SUBJECT TO AN ACCESS EASEMENT TO CUTTING HORSE LANE, RELATED TO MARNI FIELDS, HOWEVER THE LAND IS LOCATED EAST OF I-75. (GREENSHEET 18-04-0105)

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. PROCLAMATION DECLARING SATURDAY, APRIL 28, 2018 AS ARBOR DAY

9:29:58 AM Mayor Simmons next presented a Proclamation to the Tree Advisory Board declaring April 28, 2018 as Arbor Day.

B. PRESENTATION BY ALTA ON THE WEST TERRY STREET PROJECT AND DESIGN WORKSHOPS (NO GREENSHEET)

9:32:57 AM Alta representatives were in attendance and a presentation was provided via Powerpoint.

Council Member Fred Forbes motioned to move forward; Council Member Amy Quaremba seconded; and the motion carried unanimously.

C. **ERRATA SHEET**: LOGAN BOULEVARD PRESENTATION (GREENSHEET AND BACK UP WILL BE AVAILABLE IN AN ERRATA)

9:57:02 AM John Dulmer, Community Development, furnished an overview and responded to Council questions on concept, design, etc. Representatives from G.L, Homes were present.

10:31:45 AM Council Member Forbes motioned to move forward; Council Member O'Flinn seconded; and the motion carried unanimously.

D. REVIEW THE ARCHITECTURAL DESIGN OF THE CHICKEE HUT/ACCESSORY STRUCTURE PRIOR TO APPROVAL OF THE LOCAL DEVELOPMENT ORDER, CONSISTENT WITH CONDITION 9 OF ZONING ORDINANCE NO. 16-06, FOR FIRE STATION 27, LOCATED AT HICKORY BOULEVARD. (GREENSHEET NO. 18-04-0090)

11:00:29 AM Council Member O'Flinn motioned to delay to allow Council Members to discuss with fire district board; Council Member Quaremba seconded and the motion carried unanimously (Council Member DeWitt abstained from the vote)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. DISCUSS A PROCESS TO CAREFULLY CONSIDER OUTSOURCING OPTIONS THAT WILL ACHIEVE "GOVERNMENT LITE" COST EFFICIENCIES, WHILE MAINTAINING EXCELLENT LEVELS OF SERVICE. (O'FLINN; GREENSHEET NO. 18-04-0101)

11:31:10 AM Council Member O'Flinn addressed this item, which he stated is a budgetary context, and further addressed. No action taken.

B. UPDATE COUNCIL ON INFORMATION CONCERNING POTENTIAL OUTSOURCING OF CITY LEGAL FUNCTIONS, AND AUTHORIZE PREPARATION OF REQUEST FOR QUALIFICATIONS FROM LAW FIRMS. (O'FLINN; GREENSHEET NO. 18-04-0102)

11:01:39 am Council Member O'Flinn furnished an overview, addressing potential benefits, the development of an RFP/RFQ, bids, a committee, then a decision by Council. It would also entail a selection committee.

Council Member O'Flinn motioned to approve; Council Member DeWitt seconded, addressing his concerns. Discussion followed. The motion carried unanimously.

- C. UPDATE ON CITY MANAGER AND CITY ATTORNEY PERFORMANCE EVALUATION AND CONTRACT DISCUSSIONS (O'FLINN; NO GREENSHEET)

No action.

- D. APPROVE ATTORNEY TO ADVISE THE CITY COUNCIL LIAISON CONCERNING CERTAIN CONTRACT MATTERS, IF NECESSARY. (O'FLINN; GREENSHEET 18-04-0103)

11:01:39 am Council Member O'Flinn explained this would not entail much money, addressing the Greensheet. The request is to have the availability of legal assistance.

- E. **ERRATA SHEET:** GENERAL DISCUSSION WITH UPDATE AS APPROPRIATE BY STAFF ON DISASTER PREPAREDNESS. (FORBES; GREENSHEET NO. 18-04-0098)

11:39:32 AM Council Member Forbes furnished a brief overview relative to concerns on the upcoming hurricane season. Council Member Quaremba informed Council that this was one of the items she included on her list as an objective. She envisions a review of the emergency procedures in a more global way with a meeting between the various emergency agencies that are responsible for a better understanding and together to form a solution. She would ask that this be deferred to a workshop. Discussion was held. Council Member Forbes addressed the need for a way the City can get out its information to the citizens. He further explained. Overall, he is looking for things the city could do with Council updates. Council Member DeWitt stated this should be deferred to the City Manager and Neighborhood Services on what went right and what went wrong, and what can we afford and what should be changed in the future, which should be reflected in the City's emergency plan. Council agreed. Neighborhood Services Manager Tony Backhurst explained that they amended the Emergency Action Plan to include the information provided. He further explained. Workshop to be between Council and Staff – no outside agencies. Mayor Simmons suggested an evening workshop. Council Member Forbes asked the City Manager to investigate getting those little mini towers in City Hall and any other buildings that they had to have towers for cell phones.

IX. PUBLIC HEARING (PUBLIC COMMENT ALLOWED):

- A. ADOPT A RESOLUTION ON PETITION NO. VAC2018-00007 TO VACATE A PORTION OF THAT ACCESS EASEMENT SHOWN ON TRACTS "A" AND "B" OF THE PLAT OF IMPERIAL BONITA PLAZA EAST, RECORDED AS INSTRUMENT #2014000240413 IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA. (GREENSHEET NO. 18-04-0086)

11:55:28 AM Council Member DeWitt motioned to approve; Council Member Quaremba seconded; and the motion carried unanimously.

X. SECOND READING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED)

- A. **ERRATA SHEET:** 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 AUGUST 28, 2018; TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS ARE IN FAVOR OF A CHARTER AMENDMENT RELATING TO TERM LIMITS; ESTABLISHING THE DATE OF THE ELECTION FOR THE CHARTER AMENDMENT TO BE HELD ON AUGUST 28, 2018; REQUESTING THAT THE LEE COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH THE LAWS AND REGULATIONS; PROVIDING BALLOT LANGUAGE; DIRECTING THAT THE NOTICE OF ELECTION BE PREPARED AND GIVEN; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-04-0093)

12:02:58 PM Mayor Simmons motioned to adopt; Council Member Carr seconded.

PUBLIC COMMENTS:

12:13:55 PM Alex Grantt agrees people should only run for 8 years.

John West feels it may be difficult to find people to run in some districts.

The motion carried unanimously. **ORDINANCE 18-04**

XI. PUBLIC COMMENT:

12:21:13 pm Kathy McGrath read a letter into the record from Debra Giambo relating to the need for crosswalks on West Terry Street.

12:37:05 PM Alex Grantt requested the City Attorney to provide Council with a copy of Resolution No. 06-119.

12:38:24 PM John West addressed an event on the city's website from 2017.

XII. CITY ATTORNEY'S REPORT:

- A. PERMISSION TO ADVERTISE AMENDMENTS TO LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT SERVICES) AND 9 (DEFINITIONS), RELATED TO IMPLEMENTING THE CITY'S "COMPLETE STREET" POLICY INTO ITS LAND DEVELOPMENT CODE.

THE ORDINANCE ARE TENTATIVELY SCHEDULED FOR A FIRST READING AND PUBLIC HEARING ON MAY 2, 2018 AND SECOND READING AND PUBLIC HEARING ON May 16, 2018, WITH THE LOCAL PLANNING AGENCY REVIEWING THE ORDINANCES AT THEIR APRIL 12, 2018 MEETING. (GREENSHEET NO. 18-04-0081)

12:22:35 PM Alexis Crespo, Waldrop Engineering, furnished a PowerPoint presentation to address the intent of the Ordinance.

Council Member Gibson motioned to move forward with a first reading on May 2, 2018; Council Member Quaremba seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

ERRATA SHEET: REVIEW PROPOSED IMPACT FEE STUDY, AND IF ACCEPTABLE, PROVIDE DIRECTION TO STAFF ON WHETHER TO DRAFT AN ORDINANCE TO IMPLEMENT THE NEW FEES. (GREENSHEET NO. 18-04-0107)

12:39:07 PM Direction to move forward with an Ordinance with the changes discussed today.

ADDITIONAL ITEMS:

12:43:23 pm City Manager Schwing announced a hurricane educational seminar for all residents on April 26, 2018 at 6:00 p.m. at the recreation center on Pine Avenue. Council Member Forbes requested it be video taped and placed on the website and E-blast.

12:46:33 pm Assistant City Manager Arleen Hunter referred to a letter she distributed to Council concerning the city's partnership with the CDGB program at Lee County who requested an administrative letter confirming the projected use of the 2018-2019 fiscal dollars in those categories that are eligible, for confirmation on the categories – road, drainage and infrastructure projects in eligible areas. This includes bicycle and pedestrian multi-use pathways. Estimated funding is \$322,000., with total funds of \$348,000. Looking into the next fiscal it would entail a total of \$671,000. She asked for Council confirmation on this, and staff would send an administrative letter. Council consensus yes.

XIV. MAYOR AND COUNCIL REPORTS:

12:49:11 pm Council Member O'Flinn commented on roads near beach, reporting that traffic is not backing up.

12:50:05 pm Council Member Carr agrees with H.R. 4770 which is the correct step in prohibiting offshore drilling.

12:50:05 pm Council Member DeWitt stated he will be bringing forth a Greensheet on May 2, 2018 on the search for a city manager.

12:51:42 pm Council Member Quaremba is interested in a Council discussion on what our procedures for taking over responsibility for road paving, erecting walls, etc. She feels this should be part of the workshop.

12:53:52 pm Mayor Simmons addressed an email from DHS and FEMA who is holding a listening session on April 23rd with organizations who represent those with disabilities, including the elderly, and people with functional needs who may have been affected by last year's hurricane. They would also like to hear from local government and community members. The goal is to hear about concerns, experiences and recommendations in the wake of Hurricane Irma. Getting this information will help in improving preparedness, response and recovery. He asked Staff to distribute. He also referred to 2 resolutions on short term vacation rentals in residential areas for staff to look into.

XV. APPROVAL OF MINUTES: 04/04/18


Approved.

XVI. PUBLIC COMMENT: None

XVII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 12:57 P.M.

Respectfully submitted,


Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 5/7/18

AUTHENTICATED:

Peter Simmons, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Dewitt Greg	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Bonita Springs City Council
MAILING ADDRESS 9101 Bonita Beach Rd	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Bonita Springs	COUNTY Lee
DATE ON WHICH VOTE OCCURRED April 18, 2018	NAME OF POLITICAL SUBDIVISION: City of Bonita Springs
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Greg Dewitt, hereby disclose that on April 18, 20 18 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of Bonita Springs Fire Control District, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

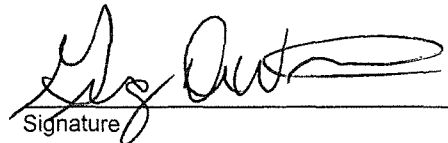
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Review the architectural design of the Chickee Hut / accessory structure prior to approval of the local development order, Consistent with condition 9 of Zoning Ordinance No. 16-06, for Fire Station 27, located at 26105 Hickory Boulevard.

I am the Deputy Fire Chief.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/18/18
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.