

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, MAY 2, 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 5:30 P.M.

II. INVOCATION:

Reverend Travis Seidel, with the Springs 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 present.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:33:21 pm Charlie Strader addressed suggestions for the Dixie Moon, the over 65-foot height relating to the Comprehensive Plan Amendment for downtown, which he does not feel fits in with downtown.

5:36:39 pm Kathy McGrath also addressed the Dixie Moon.

5:37:09 pm John Paeno voiced his support for moving the Dixie Moon.

5:37:52 pm Jake Giambo addressed the need for a crosswalk on Terry Street.

5:39:38 pm Bonnie Wittimore also addressed the Dixie Moon.

5:41:19 pm Bob Wagner commended Council on all they have done, asking that they not change the Comprehensive Plan.

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.)

5:43:40 PM John Dulmer, Community Development, addressed item IX., relating to the Comprehensive Plan Amendment, and asked to defer this item to June.

5:44:59 pm Council Member Greg DeWitt motioned to defer to June; Council Member Peter O'Flinn seconded; and the motion passed 6-1 (Council Member Mike Gibson opposed)

- A. APPROVE A BUDGET RESOLUTION TO FUND THE FINAL LAND ACQUISITION COSTS INCURRED RELATING TO THE DOWNTOWN REDEVELOPMENT PROJECT FROM THE FUND BALANCE IN THE GENERAL FUND. (GREENSHEET NO. 18-05-0111) **ADOPTED RESOLUTION NO. 18-25**
- B. APPROVE GENERAL FUND BUDGET RESOLUTION TO INCREASE THE GENERAL FUND FY 2018 BUDGET FOR INSURANCE PROCEEDS RECEIVED DUE TO HURRICANE DAMAGE. (GREENSHEET NO. 18-05-0113) **ADOPTED RESOLUTION NO. 18-26**
- C. COUNCIL REVIEW AND APPROVAL OF THE FY 2018-2019 BUDGET CALENDAR. (GREENSHEET NO. 18-05-0115)
- D. REQUEST COUNCIL AUTHORIZE MAYOR TO APPROVE AN AMENDMENT TO THE CONTRACT WITH WRIGHT CONSTRUCTION GROUP, INC. FOR THE DOWNTOWN IMPROVEMENT PROJECT TO ALLOW REDUCTION ON RETAINAGE OF 10% OF REMAINING WORK VALUE ONCE 98% OF PROJECT IS COMPLETED. (GREENSHEET NO. 18-05-0117)
- E. AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SKY FAMILY YMCA FOR NON-MEMBER UTILIZATION AND OPERATION OF ITS POOL FOR SUMMER 2018. (GREENSHEET NO. 18-05-0118)

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. APPEARANCE BY PHIL FLOOD WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

6:49:56 PM Phil Flood, with the South Florida Water Management District, was in attendance to provide an update via A PowerPoint presentation (copy in Clerk's file).

- B. PRESENTATION OF THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2017 BY JEFF BROWN, CPA, PARTNER WITH THE AUDIT FIRM OF ASHLEY, BROWN, & COMPANY, CPA's (GREENSHEET NO. 18-05-0114)

5:59:58 PM Jeff Brown was present to furnish an overview of the independent auditors report. The City in total compliance.

- C. ERRATA SHEET: PROVIDE DIRECTION TO STAFF ON THE OPTIONS TO RELOCATE ALL OR A PORTION OF THE DIXIE MOON TO A CITY OWNED PROPERTY ADJACENT TO THE LILES HOTEL. (GREENSHEET NO. 18-05-0118)

6:04:06 PM John Dulmer, Community furnished an overview and background. Sam Vincent addressed his submittal and recommendation. Discussion followed. Direction to bring back next meeting.

6:28:08 PM Council Member Quaremba stated she wasn't sure they really saved that much money by doing the façade vs. the other one, as she would like to know what the alternatives are. Staff to report back next meeting. Council Member DeWitt suggested getting the structure to the site then figure out what they want to do with it.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSSION AND DIRECTION ON THE REPLACEMENT OF THE CITY MANAGER. (DEWITT)

6:31:35 pm Council Member DeWitt addressed this item, suggesting Council appoint an Interim City Manager. After a brief discussion. Council Member Gibson wants to make sure she is compensated for doing all the duties. Council Member O’Flinn motioned the appointment of Assistant City Manager Arleen Hunter as Interim City Manager; Council Member Gibson seconded; and the motion carried unanimously.

- B. APPOINT MAYOR AND MEMBERS OF COUNCIL TO VARIOUS BOARDS AND COMMITTEES. (SIMMONS; GREENSHEET NO. 18-05-0116))

7:39:00 PM Council discussion was held and appointments made.

- IX. PUBLIC HEARING TO ADOPT AMENDMENTS TO THE BONITA SPRINGS COMPREHENSIVE PLAN RELATED TO AMENDING THE OLD 41 TOWN CENTER MIXED-USE REDEVELOPMENT AREA OVERLAY FUTURE LAND USE CLASSIFICATION CATEGORY AS A COMPREHENSIVE PLAN TEXT AMENDMENT TO THIS CATEGORY:

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. 18-05-0125)

Addressed above under item VI., the Consent Agenda.

- X. PUBLIC HEARING (PUBLIC COMMENT ALLOWED):

- A. ADOPT A RESOLUTION ON PETITION NO. VAC18-47621-BOS TO VACATE AN EXISTING DRAINAGE EASEMENT SHOWN ON TRACT “A” OF THE PLAT OF THE CROSSINGS AT BONITA SPRINGS, RECORDED IN BOOK 3278 PAGE 722 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA. (GREENSHEET NO. 18-05-0124)

7:48:16 PM Council Member Forbes motioned approval; Council Member DeWitt seconded

No public comments were made.

The motion passed 5-2 (Council Members Carr and O’Flinn absent during the vote) **ADOPTED RESOLUTION NO. 18-27**

- XI. FIRST READING OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):

- A. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISION 2, ROADS IMPACT FEE; AMENDING §2-191, RULES OF CONSTRUCTION AND DEFINITIONS; §2-193, COMPUTATION OF AMOUNT; §2-198, REFUND OF FEES PAID; §2-201, EXEMPTIONS; AND, §2-202, CREDITS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-05-0120)

7:49:28 PM City Attorney Audrey Vance read the title block of the Ordinance into the record.

7:51:10 PM Council Member O'Flinn motioned to move forward with a second reading on May 16, 2018; Council Member DeWitt seconded.

No public comments were made.

Council Member Gibson questioned the fees relating to the increase in hotel/motel fees reflected. He ask questioned movie theater fees shown were double a shopping center. Staff responded it was based on trip generation, construction costs, miles traveled, etc. Discussion followed.

7:57:40 PM City Manager Schwing stated he will ask Clancy about the impact fees for gas stations and movie theaters.

The motioned carried unanimously.

- B. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISIONS 3 AND 4, COMBINING REGIONAL AND COMMUNITY PARKS INTO A UNIFIED PARKS IMPACT FEE; AMENDING §2-235, DEFINITIONS; §2-236, IMPOSITION; §2-237, COMPUTATION OF AMOUNT; §2-239, BENEFIT DISTRICT ESTABLISHED; §2-242, REFUND OF FEES PAID; §2-244, EXEMPTIONS; AND, §2-245, CREDITS; DELETING §§2-274 THROUGH 2-288, THE FORMER COMMUNITY PARKS IMPACT FEE PROVISIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-05-0121)

7:58:49 PM City Attorney Audrey Vance read the title block of the Ordinance into the record.

Council Member O'Flinn motioned to move forward with a second reading on May 16, 2018; Council Member DeWitt seconded.

No public comments were made.

The motion carried unanimously.

- C. AN ORDINANCE AMENDING CHAPTER 3 OF THE LAND DEVELOPMENT CODE, DEVELOPMENT STANDARDS, AMENDMENTS RELATED TO COMPLETE STREETS; AMENDING §3-5, GENERAL REQUIREMENTS, §3-6, SPECIFIC REQUIREMENTS, §3-81, DEVIATION AND VARIANCES, §3-136, ADDITIONAL REQUIRED SUBMITTALS, §3-158, GENERAL REQUIREMENTS FOR LIMITED REVIEW PROCESS, §3-259, GENERAL DESIGN STANDARDS, §3-263, BIKE FACILITIES AND PEDESTRIAN FACILITIES, §3-269, OUTDOOR LIGHTING; DELETING §3—288, OFFICIAL TRAFFICWAYS MAP; CREATING §3-288, LIABILITY INSURANCE REQUIREMENT; AMENDING §3-289, SPECIAL ACCESS PROVISIONS FOR BONITA BEACH ROAD, §3-291, CONNECTION SEPARATION, §3-292, TRAFFIC IMPACT STATEMENTS, §3-296, LOCAL STREETS, §3-297, ACCESS TO STREET REQUIRED, §3-298, PUBLIC STREETS TO CONNECT TO EXISTING PUBLIC STREET, §3-300, CONTINUATION OF EXISTING STREET PATTERN, §3-302, STREET CONSTRUCTION STANDARDS; CREATING §3-303, COMPLETE STREETS DESIGN; AMENDING DIVISION 3, SURFACE WATER MANAGEMENT, §3-324, GENERALLY AND §3-325, ROADSIDE SWALES; AMENDING DIVISION 7, PUBLIC TRANSIT, §3-438, REQUIRED FACILITIES AND §3-439, EXCEPTIONS; DELETING FROM ARTICLE V, ILLUSTRATIONS, TABLES AND DIAGRAMS, §3-528, FOUR- AND SIX-LANE ARTERIAL ROADWAYS, §3-529, COLLECTOR STREETS, §3-530, PUBLIC LOCAL STREETS, AND §3-531, PRIVATE LOCAL STREETS; PROVIDING FOR CONFLICTS

OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-05-0123)

8:02:16 PM City Attorney Audrey Vance read the title block of the Ordinance into the record. Assistant City Manager Arleen Hunter referred to the updated cross sections as requested by Councilman Gibson.

Council Member O'Flinn motioned to move forward with a second reading on May 16, 2018; Council Member DeWitt seconded.

No public comments were made.

The motion carried unanimously.

- D. AN ORDINANCE AMENDING CHAPTER 9 OF THE LAND DEVELOPMENT CODE, AMENDING ARTICLE TWO, DEFINITIONS, TO ADD COMPLETE STREET DEFINITIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-05-0122)

8:05:20 PM City Attorney Audrey Vance read the title block of the Ordinance into the record.

Council Member O'Flinn motioned to move forward with a second reading on May 16, 2018; Council Member DeWitt seconded.

No public comments were made.

The motion carried unanimously.

- E. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; EXTENDING ORDINANCE NO. 17-12, THE TEMPORARY MORATORIUM RELATED TO THE BONITA BEACH ROAD VISIONING STUDY AND QUADRANT STUDY IN THE COMPREHENSIVE PLAN AMENDMENT APPROVED MAY 3, 2017 AS ORDINANCE NO. 17-06; CONTINUING THE MORATORIUM ON THE PROCESSING OF ANY ZONING OR OTHER COMMUNITY DEVELOPMENT APPLICATIONS WITHIN THE BONITA BEACH ROAD QUADRANT MAP OR BONITA BEACH ROAD CORRIDOR AREA (NETWORK ZONE MAP); PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-05-0119)

8:07:28 PM City Attorney Audrey Vance read the title block of the Ordinance into the record.

Council Member O'Flinn motioned to move forward with a second reading on May 16, 2018; Council Member Quaremba seconded.

No public comments were made.

The motion carried unanimously.

XII. PUBLIC COMMENT:

8:09:10 pm Patrick Scheele and Scott Kroeger, both residents of Mango Drive were in attendance to ask City Council to allow a speed bump on Mango Drive for safety of the residents and children.

[8:11:32 pm](#) Ben Hershenson thanked City Council for the community stormwater system on paradise thanked Staff. He thanked all staff for the great job they did!

XIII. CITY ATTORNEY’S REPORT: NO ITEMS

XIV. CITY MANAGER’S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 18-05-0110)

Informational.

B. REVIEW OF MARCH 2018 MONTHLY CAPITAL PROJECTS STATUS REPORT (GREENSHEET NO. 18-05-0109)

Informational.

XV. MAYOR AND COUNCIL MEMBER REPORTS:

[8:14:10 pm](#) Council Member Forbes suggested speed tables instead of speed bumps. He also reported that he got two communities on east Bonita Springs together to talk about common stormwater issues – Quail West and Worthington.

[8:15:13 pm](#) Council Member Gibson referred to public comments made earlier in the meeting regarding crosswalks on Terry Street, and asked that we look at painting some crosswalks on until Alta does the permanent ones.

[8:15:45 pm](#) Council Member O’Flinn referred to the watershed study in 2009 and discussions with Gary Price. He suggested the City Manager call Mr. Price and address what the issues were. He feels they should find out Estero is doing. He feels the structure of how it’s organized is very important. Also, he informed Council of contact with Steve Lohan regarding the chickee hut cover at the fire station on Hickory and how they can value engineer and whether any value engineering could be done to bring that cost down.

[8:20:10 pm](#) Council Member DeWitt apologized for missing Monday’s zoning workshop.

[8:20:39 pm](#) Council Member Quaremba referred to an e-mail from she received from Eyes On Conservation 2020 and a meeting scheduled before the Lee County Commissioners on March 15, at 1:30 pm to discuss funding. Staff to prepare letter of support for the Mayor and Council to sign.

[8:28:30 pm](#) Mayor Simmons reminded everyone that Saturday is the second annual Fiesta. There will be great music and food. He next addressed an e-mail he received from Margaret Wurstle with the RPC to register for an affordable webinar, which he further addressed. He asked Assistant City Manager to forward to Council. Its dated today at 2:45 pm. It’s FHL Bank out of Atlanta.

XVI. APPROVAL OF MINUTES: 04/18/18

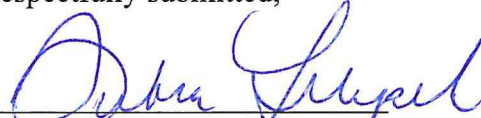
Approved.

XVII. PUBLIC COMMENT: None

XVIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 8:32 P.M.

Respectfully submitted,



Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 5/23/18 .

AUTHENTICATED:


Peter Simmons, Mayor