

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JUNE 6, 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:

Pastor Jeff Chitwood with Anchor Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Simmons, Council Member Amy Quaremba led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Simmons and all Council Members were in attendance.

Mayor Simmons began by presenting Curt Clawson, United States Representative for Florida 19th Congressional District, and family members in attendance with a Proclamation recognizing the extraordinary life of his beloved father, John G. "Jack" Clawson.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:39:11 pm John Paeno was in attendance to ask that Council approve the Comprehensive Amendment on the agenda for downtown.

5:41:58 pm Al Greenwood commended Interim City Manager Arleen Hunter and supports her being made City Manager. He also addressed downtown development and process through the years.

5:44:33 pm Debra Giambo thanked the Mayor and City Council for the crosswalks on West Terry Street. She also thanked Alta and Interim City Manager Hunter for their help. She was present to ask for Council's approval.

5:45:44 pm Kathy McGrath echoed comments made by Mr. Paeno and Mr. Greenwood. She supports approval of the amendment. She is against increasing impact fees.

5:48:00 pm Jesse Purdon addressed impact fees and the comprehensive plan amendment.

5:51:17 pm Glen Mikman was also in attendance to voice his support for the comprehensive plan amendment, which he hopes is approved.

5:52:08 pm Louis was in attendance to thank City Council for the crosswalks on West Terry Street. He also supports downtown development.

[5:54:16 pm](#) Patrick McGuire and his wife also voiced their support for downtown development as proposed.

[5:55:49 pm](#) Michele Reebel also spoke in support of the proposed plan for development of downtown.

[5:56:37 pm](#) Barbara Booker also supports downtown development.

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.)

[5:57:38 PM](#) Council Member Fred Forbes motioned approval of the Consent Agenda; Council Member Greg DeWitt seconded; and the motion carried unanimously.

ERRATA SHEET: APPROVE INVOICE FROM AJAX PAVING INDUSTRIES OF FLORIDA, LLC, TO CONSTRUCT THE EAST TERRY STREET RAILROAD CROSSING IMPROVEMENTS. (GREENSHEET NO. 18-06-0176)

A. APPROVE A RESOLUTION APPOINTING A NEW BOARD MEMBER TO THE CITY OF BONITA SPRINGS HISTORIC PRESERVATION BOARD. (GREENSHEET NO. 18-06-0159)
ADOPTED RESOLUTION NO. 18-30

B. **ERRATA SHEET 2:** APPROVE A CHANGE ORDER TO THE CONTRACT WITH DPZ CODESIGN FOR THE BONITA BEACH ROAD LAND USE STUDY. (GREENSHEET NO. 18-06-0168)

C. APPROVE BUDGET RESOLUTION FOR COSTS TO CONTRACT WITH DPZ TO ASSIST WITH POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT CODE REGULATIONS REGARDING THE OLD 41 ROAD REDEVELOPMENT AREA. (GREENSHEET NO. 18-06-0160) **ADOPTED RESOLUTION NO. 18-31**

D. APPROVE BUDGET RESOLUTION FOR DEVELOPER CONTRIBUTION TO FUND THE COSTS OF THE DIXIE MOON RELOCATION. (GREENSHEET NO. 18-06-0166) **ADOPTED RESOLUTION NO. 18-32**

E. APPROVE BUDGET RESOLUTION TO TRANSFER BUDGET TO PUBLIC WORKS FOR DRAINAGE EXPENDITURES. (GREENSHEET NO. 18-06-0171) **ADOPTED RESOLUTION NO. 18-33**

F. APPROVE BUDGET RESOLUTION TO TRANSFER FY 2018 GENERAL FUND BUDGET FROM THE VEHICLE REPLACEMENT ACCOUNT TO THE DEPARTMENTS REQUIRING A VEHICLE REPLACEMENT OR SIGNIFICANT REPAIRS. (GREENSHEET NO. 18-06-0170) **ADOPTED RESOLUTION NO. 18-34**

G. AUTHORIZE THE SUBMITTAL OF THE 2018 CITY CATALYST GRANTS APPLICATION SPONSORED BY FLORIDA LEAGUE OF MAYORS AND BUSINESS WATCH. (GREENSHEET NO. 18-06-0157)

H. APPROVE INTERIM SALARY ADJUSTMENT OR INTERIM CITY MANAGER ARLEEN HUNTER. (DEPUTY MAYOR O'FLINN; GREENSHEET NO. 18-06-0169)

- I. APPROVE TEMPORARY ROAD CLOSURES OF PORTIONS OF OLD 41 AND SPECIAL EVENT PERMIT FOR 4TH OF JULY PARTY IN THE PARK AND PARADE ON WEDNESDAY, JULY 4, 2018 AT RIVERSIDE PARK. (GREENSHEET NO. 18-06-0151)
- J. AUTHORIZE STAFF TO SUBMIT A LETTER TO THE LEE COUNTY DEPARTMENT OF HUMAN SERVICES IDENTIFYING THE PROPOSED PROJECTS FOR ALLOCATION OF CITY OF BONITA SPRINGS/COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FY 2018/2019 BUDGET FOR PUBLIC INFRASTRUCTURE WITHIN THE DEFINED ELIGIBLE AREAS. (GREENSHEET NO. 18-06-0148)
- K. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO ENGAGE ELEVEN (11) FIRMS FOR THE CITY'S MISCELLANEOUS TRAFFIC ENGINEERING SERVICES CN 17-08, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE FIRMS SELECTED. (GREENSHEET NO. 18-06-149) **ADOPTED RESOLUTION NO. 18-35**
- L. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO ENGAGE TEN (10) FIRMS FOR THE CITY'S MISCELLANEOUS ROADWAY AND BRIDGE SERVICES CN 17-05, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE FIRMS SELECTED. (GREENSHEET NO. 18-06-0147) **ADOPTED RESOLUTION NO. 18-36**
- M. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO ENGAGE EIGHT (8) FIRMS FOR THE CITY'S MISCELLANEOUS WATER QUALITY, ENVIRONMENTAL DESIGN & ENGINEERING SERVICES CN 17-07, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE FIRMS SELECTED. (GREENSHEET NO. 18-06-0150) **ADOPTED RESOLUTION NO. 18-37**
- N. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO ENGAGE ONE (1) FIRM FOR THE CITY'S NPDES ENGINEERING SERVICES CN 17-11, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED FIRM, JOHNSON ENGINEERING. (GREENSHEET NO. 18-06-0152) **ADOPTED RESOLUTION NO. 18-38**
- O. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO ENGAGE ONE (1) FIRM FOR THE CITY'S WATER QUALITY SAMPLING & FLOW MEASUREMENT SERVICES CN 17-06, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED FIRM, JOHNSON ENGINEERING. (GREENSHEET NO. 18-06-0153) **ADOPTED RESOLUTION NO. 18-39**
- P. APPROVE BY RESOLUTION OF A PRESENTATION MADE TO STAFF SELECTION COMMITTEE ON MAY 30, 2018 FOR THE WONDER GARDENS CAFÉ PROPERTY, LOI 18-01, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED PROPOSAL, CEREMONY BREWING LLC. (GREENSHEET NO. 18-06-0167) **ADOPTED RESOLUTION NO. 18-40**
- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

5:58:25 pm Council Member Peter O'Flinn addressed Consent Agenda item VI. H., regarding the stipend for the Interim City Manager and thanked Ms. Hunter for the great start she's off to! Her request for the Interim stipend was much too modest. He thanked her for everything she's been doing.

5:58:52 pm Mayor Simmons addressed Government Lite.

VII. PROCLAMATIONS AND PRESENTATIONS:

Mayor Simmons next presented Council Member Fred Forbes with a Certificate of Recognition on receiving the Florida League of Cities 2018 Home Town Hero Award!

- A. PRESENTATION OF THE PROPOSED CHANGES TO THE EXISTING FLOOD HAZARD REDUCTION ORDINANCE NO. 15-15 AND CHAPTER 10 BUILDING CODE. (GREENSHEET NO. 18-06-0163)

6:02:17 pm Interim City Manager Hunter next introduced Ayita Williams, Certified Floodplain Manager/Floodplain Coordinator/Building Inspector, who furnished a PowerPoint presentation (copy in Clerk's file) on the proposed changes to the existing flood hazard reduction Ordinance No. 15-05 and Chapter 10 of the Building Code.

ADDITIONAL ITEM:

6:24:31 PM Mayor Simmons next presented his family members with a Certificate of Recognition to honor his grandmother's 100 birthday.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSSION OF SCHOOL RESOURCE OFFICERS. (MAYOR SIMMONS)

6:27:15 PM Mayor Simmons addressed this item and Council discussion was held with the number one priority being the safety of the children. Discussion was held on a policy change that was made by Lee County for purposes of their budget, unincorporated areas of the county being covered with SROs, MSTU. Mayor Simmons informed Council of a meeting scheduled to take place at Lee County in 13 days, and suggested Council Members attend. Council Member O'Flinn referred to an email the Interim City Manager received and suggested she respond, informing them that Council disagrees with their policy change, and that Council believes it should be paid out of their General Fund.

IX. ERRATA SHEET WITH SUPPORTING MATERIALS: FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (SPECIAL LEGAL COUNSEL TO PARTICIPATE VIA TELEPHONE. SUPPORTING MATERIALS TO BE PROVIDED VIA ERRATA SHEET) (PUBLIC COMMENT ALLOWED):

- A. 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 OF THE OLD 41 TOWN CENTER MIXED-USE REDEVELOPMENT OVERLAY AREA TO CLARIFY AND INCORPORATE THE OLD U.S. 41 CORRIDOR REDEVELOPMENT MASTER PLAN OVERLAY MAP AND ALLOW DENSITIES, INTENSITIES, AND RANGE OF USES TO BE BLENDED WITHIN A DEFINED PLANNED DEVELOPMENT ZONING DISTRICT; PROVIDING FOR CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (GREENSHEET NO. 18-06-0175)

6:58:45 pm City Attorney Vance read the title block of the Ordinance into the record. John Dulmer, Community Development, furnished a PowerPoint presentation (copy in Clerk's file) to address the request, which included three options - . Special Counsel David Theriaque participated via telephone.

7:26:25 pm Council Member Mike Gibson motioned to go with Option A., (the 6.1 acres) and move to second reading; Council Member O'Flinn seconded.

7:27:11 pm Ryan Benkowski with Waldrop Engineering on behalf of the Applicant, thanked Staff, City Council, City Attorney Vance and Attorney David Theriaque. They are here to be allowed to proceed with a modified version of Staff's recommended language as well as the boundary. He further addressed request, stating they are still requesting the 80 dwelling units and the 29,000 square feet. They would like to proceed to the second hearing and further discuss the boundary and a minor text amendment to the language. Discussion was held.

PUBLIC COMMENT:

7:37:53 PM Doug Grant stated he sells real estate in Bonita Springs and supports this project. He feels it will help ensure the success of businesses in the residential downtown area.

7:38:41 pm John Paeno suggested that City Council consider including the community center and the Nappa auto store as part of this.

The motion carried unanimously.

X. CONTINUATION OF THE SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE: (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. 18-06-0145)

7:40:44 pm The title block of the Ordinance was read into the record.

7:46:30 pm Council Member Forbes motioned to adopt, with two exceptions – that hotels and multi-family are kept at the current level for the next three years; Council Member Gibson seconded, stating that he didn't believe that was appropriate legally. Discussion followed, with the City Attorney Vance addressing information from Clancy Mullin. Discussion followed, with Council Members O'Flinn and Laura Carr stating they would be happy to discount everything now. Council Member Forbes withdrew his motion. After further discussion Council Member O'Flinn motioned to approve with a 10% cut off the fees; Council Member Carr seconded. After further discussion, Council Member O'Flinn withdrew his motion. Council Member Carr motioned to leave as is; Council Member DeWitt seconded. Council Member O'Flinn requested Staff come back with the legal work as to whether or not Council is under a time table deadline or not. Council Member Carr, after further discussion, withdrew her motion. Mayor Simmons motioned to continue to Council's next meeting (June 20, 2018); Council Member O'Flinn seconded. Council Member DeWitt addressed the hotel/motel use, Assistant City Manager Hunter suggested staff come back with some options about what makes appropriate sense for the reductions in a limited timeframe with the sunset, and then what would be suggested be remaining.

The motion carried unanimously.

XI. PUBLIC COMMENT:

8:08:43 PM Kathy McGrath addressed the Comprehensive Plan Amendment, access on the Weeks Fish camp property, and the BSU meeting that was held the previous evening.

8:11:26 PM John Paeno, with the Downtown Alliance, thanked City Council for all they do.

XII. CITY ATTORNEY'S REPORT:

- A. CONFIRM CHANGES TO THE LAND DEVELOPMENT CODE THAT ARE TO BE PREPARED BY DAVID A. THERIAQUE, ESQUIRE, THERIAQUE & SPAIN, IN FURTHERANCE OF THE DISCUSSION AT THE APRIL 30, 2018 ZONING WORKSHOP. (GREENSHEET O. 18-06-0158)

8:17:54 pm Council Member DeWitt motioned to move forward and prepare changes; Mayor Simmons seconded; and the motion carried unanimously.

ADDITIONAL ITEM:

8:20:18 pm City Attorney Vance next informed Council of an Executive Session for Angler's Paradise. The session was scheduled for June 20, 2018, 8:00 A.M.

- B. PERMISSION TO ADVERTISE AN ORDINANCE CLARIFYING SECTION 2-571, THE COST RECOVERY PORTION OF THE COMMUNITY DEVELOPMENT PLANNING AND ZONING FEES. THE ORDINANCE WILL BE SCHEDULED ON JULY 18, 2018 FOR ITS FIRST READING AND AUGUST 1, 2018 FOR A SECOND READING AND PUBLIC HEARING. (GREENSHEET NO. 18-06-0144)

Council Member O'Flinn motioned to move forward with a first reading of the Ordinance on July 18, 2018; Council Member DeWitt seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

- A. REVIEW OF APRIL 2018 MONTHLY CAPITAL PROJECTS STATUS REPORT. (GREENSHEET NO. 18-06-0155)

Informational.

- B. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 18-06-0154)

Informational.

- C. AUTHORIZE THE MAYOR TO SIGN CHANGE ORDER TO AGREEMENT WITH ALTA PLANNING & DESIGN, INC. TO INCORPORATE THE DEVELOPMENT OF A (BUILD) "BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT" GRANT APPLICATION. (GREENSHEET NO. 18-06-0165)

8:25:17 pm Council Member O'Flinn motioned to approve; Council Member Quaremba seconded; and the motion carried unanimously.

D. APPROVAL OF FIVE (5) TEMPORARY CROSSWALKS ALONG WEST TERRY STREET, AS RELATED TO THE WEST TERRY STREET MULTI-USE PATHWAY & BUFFERED BIKE LANE PROJECT. (GREENSHEET NO. 18-06-0162)

Council Member Gibson motioned to approve; Council Member DeWitt seconded; and the motion carried unanimously.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

8:27:56 pm Council Member Quaremba reported on a Horizon Council meeting she attended. She also thanked everyone who participated in the Memorial Day service. She also addressed culverts and concerns from people regarding the culverts. Interim City Manager Hunter explained she and Council Member Carr have been discussing that and how to best approach that, is looking at the individual neighborhoods and bring back some proposals.

8:29:40 pm Council Member DeWitt also complimented all involved with the great Memorial Day Service, and thanked the Mayor for the honor in reading the proclamations.

Council Member Forbes addressed the MPO meeting he recently attended, and discussions about SROs.

8:31:01 pm Interim City Manager Hunter informed Council that the Historic Preservation Board voted at their last meeting provide \$25,000 additional to the Dixie Moon relocation. They also amended the Special Certificate of Appropriateness to allow for any issues that may occur during the move. She also informed Council that at Council's next Staff will be bringing back a proposal from Stantac on the stormwater utility project. Lastly she informed Council that Carl Schwing was recognized at the Florida City/County Manager's Association as the recipient of the Michael J. Robert Award for career development.

8:32:10 pm Council Member Gibson informed Council and thanked the Bicycle Pedestrian Committee who voted to have the majority of their budget for this year go to Public Works to help fund the five crosswalks.

XV. APPROVAL OF MINUTES: 05/16/18 & 05/22/18

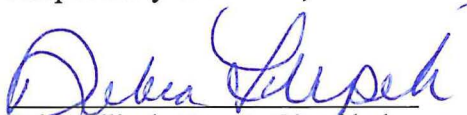
Council Member DeWitt motioned approval; Council Member Gibson seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT: None.

XVII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 8:33 P.M.

Respectfully submitted,


Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 6/24/18
AUTHENTICATED:

A handwritten signature in blue ink, appearing to read "Peter Simmons". The signature is fluid and cursive, with a large initial "P" and a long, sweeping tail on the "s".

Peter Simmons, Mayor