

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

II. INVOCATION:

Pastor Travis Seidel, with The Springs Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Greg DeWitt led in the Pledge of Allegiance.

IV. ROLL CALL

Mayor Simmons and all Council Members were present.

V. PUBLIC COMMENT ON AGENDA ITEMS

[5:33:20 pm](#) Rick Steinmeyer commended Ronda Lawhon for her years of dedicated service to the City.

[5:34:46 pm](#) John Paeno spoke in support of item IX. A., regarding the letter ratifying the letter the Mayor signed for the water study.

[5:35:38 pm](#) Kathy McGrath echoed comments made by Mr. Paeno.

[5:36:23 pm](#) Bill Simons thanked Mayor Simmons for the Proclamation in celebration of the Navy's birthday! Dan Tompson, past Commander for post 254 attended to thank City Council.

[5:38:55 pm](#) Dan Leadbetter informed Council and the public of a neighborhood meeting scheduled for the Weeks fish camp zoning case scheduled, which has been scheduled for October 18, 2018 at the Estero High School at 6:00 P.M.

[5:41:03 pm](#) Tony Mancillo echoed comments made by Mr. Leadbetter.

[5:41:33 pm](#) Alex Grantt addressed agenda Item XIII. D., regarding DPZ and posed several suggestions to City Council relating to flooding.

VI. APPEARANCE BY MAYOR KEVIN RUANE OF THE CITY OF SANIBEL ON THE PETITION FILED RELATING TO THE MFL RULE.

[5:45:16 pm](#) Mayor Kevin Ruane of the City of Sanibel was in attendance to address City Council on item VI., relating to the revision to the MFL Rule by the SFWMD.

- **ADDENDUM:** DISCUSSION BY CITY COUNCIL ON IF THE CITY OF BONITA SPRINGS WANTS TO BE INCLUDED AS A PARTY TO THE PETITION FILED BY THE CITY OF SANIBEL, THE TOWN OF FORT MYERS BEACH AND THE CITY OF CAPE CORAL, IN CHALLENGING THE SFWMD'S PROPOSED CHANGES TO RULE 40E-8.221(2). (GREENSHEET NO. 18-10-0355)

6:02:06 PM Council Member Fred Forbes entered a motion for the City to be a party to the petition; Council Member Greg DeWitt seconded; and the motion carried unanimously.

Council Member O'Flinn motioned to approve the request in Agenda Item IX. A., below; Council Member Fred Forbes seconded; and the motion carried unanimously.

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 Laura Carr motioned approval of the Consent Agenda; Council Member Amy Quaremba seconded; and the motion carried unanimously.

- **ADDENDUM:** APPROVE EMERGENCY RESOLUTIONS OF THE CITY OF BONITA SPRINGS DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM RED TIDE (HARMFUL ALGAL BLOOMS AND DRIFT MACROALGAE) AND LAKE OKEECHOBEE DISCHARGE (ALGAE BLOOMS). (GREENSHEET NO. 18-10-0357) **ADOPTED RESOLUTION NOS. 18-77 AND 18-78**
 - **ADDENDUM:** ACCEPT AND APPROVE REVISED PROPOSAL FROM SEMINOLE GULF RAILROAD FOR THE BERNWOOD PARKWAY RAILROAD CROSSING IMPROVEMENTS IN THE AMOUNT OF \$25,286.70. (GREENSHEET NO. 18-10-0356)
 - **ADDENDUM:** REVIEW AND APPROVE AN UPDATED INTERLOCAL AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND LEE COUNTY FOR THE CONSTRUCTION OF PORTIONS OF LOGAN BOULEVARD ROUND-A-ABOUT THAT LIE WITHIN LEE COUNTY/BONITA BEACH ROAD ROW. (GREENSHEET NO. 18-10-358)
- A. APPROVE RESOLUTION AWARDING THE STREET LIGHT MAINTENANCE PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PROFESSIONAL HIGHWAY MAINTENANCE, INC., IN THE TOTAL BID AMOUNT OF \$103,730.00 AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT, UPON APPROVAL OF CONTRACT DOCUMENTS AND INSURANCE. (GREENSHEET NO. 18-10-346) **ADOPTED RESOLUTION NO. 18-79**
 - B. REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE TASTE OF BONITA TO BE HELD ON NOVEMBER 17, 2018 AT RIVERSIDE PARK. (GREENSHEET NO. 18-10-0342)
 - C. AUTHORIZE MAYOR SIMMONS TO SIGN A LETTER ON BEHALF OF CITY COUNCIL TO SUPPORT THE DISTRIBUTION FOR THE 2017 EDWARD BYRNE MEMORIAL JAG PROGRAM FUNDS. (GREENSHEET NO. 18-10-0348)
 - D. REJECT THE SOLE BID IN RFB 18-07, LILES HOTEL FOUNTAIN EQUIPMENT RECONFIGURATION AND REPLACEMENT PROJECT IN THE AMOUNT OF \$51,750. (GREENSHEET NO. 18-10-0352)

- E. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 18-10-0344)
- F. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR THE APLANTBASEDDIET.ORG'S "SWFL VEG FEST" AT RIVERSIDE PARK AND DEPOT PARK ON SUNDAY, FEBRUARY 24, 2019. (GREENSHEET NO. 18-10-0343)
- G. APPROVE BUDGET RESOLUTION TO TRANSFER FY 2018 BUDGETS AMONG GENERAL FUND ACCOUNTS AND TO INCREASE THE BUDGETS OF CERTAIN REVENUE ACCOUNTS. (GREENSHEET NO. 18-10-0347) **ADOPTED RESOLUTION NO. 18-80**

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VIII. PROCLAMATIONS AND PRESENTATIONS:

ADDENDUM: CERTIFICATE OF RECOGNITION TO FRANCIS CUOMO, OWNER OF DEROMO'S GOURMET MARKET & RESTAURANT, IN RECOGNITION OF EARNING A TOP SPOT ON OPENTABLE'S LIST OF 100 BEST AL FRESCO RESTAURANTS IN AMERICA FOR 2018.

Mayor Simmons next presented a Certificate of Recognition to Francis Cuomo, owner of DeRomo's Gourmet Market & Restaurant, in recognition of earning a top spot on OpenTable's list of 100 best Al Fresco Restaurants in America for 2018. Mr. Cuomo was in attendance to accept the award and thank Mayor Simmons and City Council.

- A. CERTIFICATE OF APPRECIATION TO RONDA LAWHON IN RECOGNITION OF NINE YEARS OF DEDICATED SERVICE TO THE CITY OF BONITA SPRINGS HISTORIC PRESERVATION BOARD.

Mayor Simmons next presented a Certificate of Appreciation to Ronda Lawhon in recognition of her nine years of dedicated service to the City of Bonita Springs Historic Preservation Board. Ms. Lawhon was in attendance to accept the award and thank Mayor Simmons and City Council.

- B. PROCLAMATION DECLARING OCTOBER 13, 2018 UNITED STATES NAVY BIRTHDAY IN THE CITY OF BONITA SPRINGS.

Mayor Simmons next read aloud a Proclamation declaring October 13, 2018 as the United States Navy birthday in the City of Bonita Springs. Bill Simons was in attendance to accept the Proclamation and to thank Mayor Simmons and City Council.

- C. PROCLAMATION IN CELEBRATION OF NATIONAL RED RIBBON WEEK, OCTOBER 23-31, 2018.

Debbie Comella with the Lee County Coalition for a Drug-Free SW Florida was in attendance to accept the Proclamation and to thank Mayor Simmons and City Council.

- D. PRESENTATION BY MARGARET WUERSTLE, EXECUTIVE DIRECTOR, SOUTH WEST FLORIDA REGIONAL PLANNING COUNCIL, ON AFFORDABLE HOUSING. (GREENSHEET NO. 18-10-0354)

ADDENDUM: BONITA SPRINGS AFFORDABLE HOUSING REPORT PREPARED BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL. (ADDENDUM TO GREENSHEET NO. 18-10-0354)

6:17:41 PM Margaret Wuerstle provided a PowerPoint presentation (copy in Clerk's file). A brief discussion was held, with City Manager Arleen Hunter explaining that the intent today was to present the report, and address at the budget retreat.

IX. MAYOR AND COUNCIL MEMBER ITEMS:

- A. RATIFY MAYOR SIMMONS SIGNING OF THE SEPTEMBER 24, 2018 LETTER TO THE SFWMD TO INCLUDE THE CITY OF BONITA SPRINGS URGING THE DISTRICT TO IMMEDIATELY REVERSE THEIR DECISION TO MOVE FORWARD WITH UPDATING THE CALOOSAHATCHEE MFL RULE AND BEGIN A PILOT STUDY TO ASSESS THE FLOW AND SALINITY RELATIONSHIP TO COME UP WITH A MINIMUM FLOW THAT WILL BE PROTECTIVE OF THE REMAINING TAPE GRASS HABITAT IN THE UPPER ESTUARY. (MAYOR SIMMONS; GREENSHEET NO. 18-10-0353)

Approved above in conjunction with Agenda Item VI.

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

- C. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); AMENDING §4-326, DEVIATIONS FROM GENERAL ZONING REGULATIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-10-0350; CONTINUED FROM SEPTEMBER 5, 2018) (SPECIAL COUNCIL ATTORNEY DAVID THERIAQUE TO PARTICIPATE VIA PHONE)

6:39:20 pm City Attorney Derek Rooney read the title block of the Ordinance into the record, after which John Dulmer, Community Development, furnished an overview.

6:41:39 pm Council Member Greg DeWitt addressed several concerns he had with the Ordinance, and Council discussion was held.

Mr. Dulmer addressed a revision that needed to be made to the Ordinance, if adopted, to add Chapter 3 back in Section One (b).

Council Member Peter O'Flinn motioned adoption of the Ordinance. The motion failed for the lack of a second.

Council Member DeWitt motioned to deny; Council Member Laura Carr seconded.

No public comments were made.

The motion passed 5-2 (Council Member Amy Quaremba and O'Flinn opposed)

- D. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); CREATING §4-371, ALLOCATION OF DENSITY AND INTENSITY FOR MIXED USE DEVELOPMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-10-0349; CONTINUED FROM SEPTEMBER 5, 2018) (SPECIAL COUNCIL ATTORNEY DAVID THERIAQUE TO PARTICIPATE VIA PHONE)

6:59:06 pm City Attorney Derek Rooney read title block of the Ordinance into the record.

6:59:27 pm John Dulmer, Community Development, furnished an overview, explaining that this item stemmed from the zoning workshop and addresses how Staff calculates density and intensity of mixed use

developments, and whether they allow the gross area of a project to be counted both for residential and non-residential uses, or do they need to have a specific portion of each site that's designated for each use. The LPA made a few changes, the first to exclude area 6A and 6B and the Old 41 Overlay district. Their intent was to focus density and intensity downtown and to remove restrictions there to allow that. The second change was to exclude the first floor non-residential in downtown, which is already in the Comprehensive Plan – carry forward the existing policy.

7:01:16 pm Council Member Mike Gibson stated that he felt there was double-dipping for a reason, because you're trying to get commercial in addition to the residential. If you don't have that, it may just make sense for a developer to put nothing but housing in, which does not afford the benefit of commercial. Some people have talked about wanting to have a bustling businesses in the community. They don't want to be strictly residential where everyone has to drive somewhere else to conduct business. To him double-dipping makes it sound bad, when in reality he feels there's a benefit to having this.

7:02:44 pm Council Member Forbes stated that before he became on Council, he spent a day with Council Member O'Flinn in a meeting on the future of downtown and they provided all kinds of presentations, including the economics and advantage of having commercial on the first floor in downtown, followed by offices, or residential all the way up. He feels they should not do this at this time, until they get farther down the road with DPZ and see where that's going. He doesn't think they should permit double-dipping where you have commercial where you have single-family homes in a development. As long as its multi-level he thinks it a good thing, and he doesn't see a problem, and would allow them to max out ad valorem.

7:03:40 pm Council Member O'Flinn stated that the City's code does have the ability to have commercial downstairs and residential density upstairs. The only question here is do you double count the property for purposes of density. A lengthy discussion followed.

7:17:27 pm Council Member Quaremba motioned to adopt the Ordinance; Council Member O'Flinn seconded, as amended.

PUBLIC COMMENT:

7:18:08 pm Tony Mancillo stated that with his project they did double-dip in order to come up with the numbers, which is the reason they had to have 4 floors –the first floor is commercial, and the next 3 floors give the 75%.

7:20:08 pm Jeff Sivinski, a 37-year resident of the City, stated he wants to make sure that this not inhibit public access to the water. He is with the Save our Weeks Fish Camp movement.

7:21:20 pm John Paeno stated he would like to see the ability for these changes to be made left in Council's hands and put into something that's not flexible that Council would not have the ability to change. Having said that he would ask that Council not pass this at this time.

The motion failed 3-4 (Council Members Gibson, Forbes, DeWitt and Carr opposed)

XI. PUBLIC COMMENT:

7:23:30 PM Jim Weeks furnished a submittal portraying his vision for the Weeks fish camp property.

7:28:18 PM John Paeno also addressed the importance of access for the public for Weeks fish camp.

7:30:06 PM Jessica cold also addressed the need for public access for the weeks fish camp property.

[7:32:07 PM](#) Kathy McGrath addressed need for public access and parking.

XII. CITY ATTORNEY'S REPORT:

- **ADDENDUM:** AGREEMENT WITH MOSAIC AT OAK CREEK DEVELOPMENT, LLC PROVIDING FOR THE CALCULATION OF IMPACT FEES. (GREENSHEET NO. 18-10-359)

[7:34:19 PM](#) Derek Rooney furnished an overview of this request.

[7:36:43 PM](#) Council Member DeWitt motioned to approve; Council Member O'Flinn seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

- A. A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPOINTING MEMBERS TO THE CITY OF BONITA SPRINGS CHARTER REVIEW COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 18-10-0349)

[7:36:56 pm](#) City Manager Hunter provided an overview, explaining that Council adopted Resolution No. 18-75 at their last meeting, creating the City of Bonita Springs Charter Review Committee. This entails a draft proposal to begin the process nominating people to sit on the committee. The committee is to consist of 7 appointed members and 2 alternates. Council Members provided the following names for appointment:

Amy Quaremba – Barbara Craig
Greg DeWitt - John Jenkins
Mayor Simmons – Jacke McCurdy and Dennis Berens
Peter O'Flinn - Chris Cory
Mike Gibson - Jesse Purdon, and as a possible alternate Nigel Fullick

[7:41:05 pm](#) To bring back October 17, 2018 for Council Members Carr and Forbes choices.

- B. ACCEPT PROPOSALS FROM GRADY MINOR AND AMERICAN STRUCTUREPOINT TO MODEL AND DEVELOP DRAINAGE IMPROVEMENT PROJECTS FOR THE IBE, DOWNS, QUINN AND DEAN STREET. (GREENSHEET NO. 18-10-0347); AND **ADDENDUM:** A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A FISCAL YEAR 2018 BUDGET TRANSFER TO PROVIDE A PROJECT BUDGET FOR STORM WATER DRAINAGE CONCEPTS; PROVIDING FOR AN EFFECTIVE DATE. (ADDENDUM TO GREENSHEET NO. 18-10-0347) **ADOPTED RESOLUTION NO .18-81**

[7:41:42 PM](#) City Manager Hunter furnished an overview, explaining that through the LMS process one of the top priorities were the IBE, Dean, Downs, Quinn and Dean Street areas. They are part of the LMS but were also identified as potential Community Development Block Grant Disaster Recovery program opportunities, and so what needs to be done is some scoping of potential projects that would help move forward with those grants. Also, the next cycle FEMA grants, not directly related to IRMA, are going to beginning soon as well. This proposal also includes some modeling that can be utilized for future decision making for maps and flood maps. Staff is looking to see what portion of this might be utilized out of the building fund as it directly relates to building permits.

[7:44:29 pm](#) Assistant City Manager Matt Feeney next addressed the two firms and the scope.

City Manager Hunter explained that this item includes an addendum item, which is a budget resolution that would provide \$125,000. There is a smaller remaining amount that Staff feels confident that they'd be able to cover out of the building fund, but they are going to continue to work through the process with the City Attorney to see if more of that could be utilized out of the building fund. Additionally, at the

first Council meeting in November, Staff will be asking the City's legislative representatives, Carol Green and Ashley to be here. One proposal Staff will bring forward is allowing them to look at a phased legislative budget request, with phase 1 possibly for the design and construction and a dollar amount to be brought forward, but maybe looking at the entire legislative ask as a multi-year project. They would have the match then with some of the items currently being done. She further explained.

Council Member O'Flinn motioned approval of both items in item B. (to accept the proposals and adopt the Resolution); Council Member DeWitt seconded; and the motion carried unanimously.
ADOPTED RESOLUTION NO. 18-

- C. DIRECT STAFF TO PREPARE A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR THE FY2019-2020 RECREATIONAL TRAILS PROGRAM. (GREENSHEET NO. 18-10-0351)

7:48:00 PM Council Member O'Flinn motioned approval; Council Member Gibson seconded; and the motion carried unanimously.

- D. UPDATE ON DPZ WORKSHOP AND FORM-BASED CODE AND CITY OWNED PROPERTY, BAMBOO PROPERTY AND LEVIN LOT.

7:49:34 PM City Manager Hunter next provided an overview of the DPZ workshop held in September at City Hall. Staff will be requesting DPZ be here on October 17, 2018 to continue with the recommendations, including addressing next steps and some potential ideas for city-owned properties, and the Levin and Bamboo properties as well. The PowerPoint presentation and draft materials have been placed on the City's website.

- E. UPDATE ON DIXIE MOON.

7:50:09 pm City Manager Hunter next provided an update on the Dixie Moon. At Council's next meeting Staff will be providing a budget proposal, as the Historic Preservation Board has offered for the consideration of Council to recommend that any remaining funds that they did not spend out of their grant fund, to carry forward to add to the Dixie Moon project. Staff is also looking at cost savings acquired during the move, and Staff will be bringing some potential short-term proposals, and during the Budget Retreat Staff will be bringing forward some long range plans as uses are decided for the building and "next steps" to be taken in further fiscal years.

- F. SAVE THE DATE FOR COASTAL CLEAN-UP, OCTOBER 13, 2018, 9:00 A.M. TO 12:00 P.M., AT LOVER'S KEY EVENT FIELD.

Informational.

7:52:56 PM City Manager Hunter next happy announced that former Lieutenant Brian Przespolewski is now Captain Brian Przespolewski. The City will be bringing forward proper recognition for Captain Przespolewski.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

7:54:42 pm Council Member O'Flinn next reported good news on the Quadrant Plan, as preliminary concepts will be coming forward early next year.

7:55:41 pm Council Member Gibson congratulated Captain Przespolewski.

7:56:09 pm Council Member Forbes complimented City Manager Hunter and Assistant City Manager Feeney on the way they are using funds to do things that otherwise couldn't be done. He next addressed the

red tide situation and asked if there was a mechanism for business owners that are adversely affected, can apply for a loan, etc. City Manager Hunter explained that the City is providing links to the processes that are being worked through, through the state and Lee County. If calls come into City Hall they should ask to speak to Lora Taylor who will direct them. Mayor Simmons suggested sending out as a public service announcement through the email list. City Manager Hunter stated that the City can provide communication on how to access the correct information to the correct agency. Lora Taylor, Communications Director, explained that we have shared on our social media, and they had put together a public service announcement. There are also links on the City's website. Mayor Simmons requested sending out an E-Blast as well.

7:57:00 pm Mayor Simmons addressed last Friday's event at the Golisano's Children Hospital. In response to Mayor Simmons, City Manager Hunter addressed BSU and the septic tank conversion process underway. She is requesting Carol and Ashley to come to the first meeting in November with an update on how things are moving. Mayor Simmons also acknowledged Lee County Sheriff Mike Scott for all his years of service. It was a very moving ceremony.

XV. APPROVAL OF MINUTES: 09/17/18

Council Member Forbes motioned approval of the Minutes; Council Member Quaremba seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT:

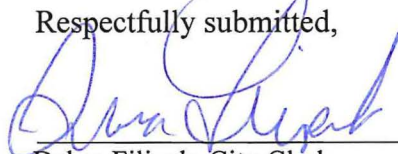
8:10:24 PM Kathy McGrath informed Council that Red Tide was also in Panama City.

8:11:37 pm Jim Weeks thanked Mayor Simmons for rescuing the Dixie Moon.

XVII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 8:15 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 10/22/18

AUTHENTICATED:


Peter Simmons, Mayor