

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, OCTOBER 17, 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 Doug Pratt, with the First Presbyterian 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, except for Council Member Greg DeWitt.

V. PUBLIC COMMENT ON AGENDA ITEMS

9:05:05 am Don Tomson, a parishioner at St. Leo's Catholic Church, addressed agenda item VI. H., of the Consent Agenda and thanked Council, Staff, and City Manager Arleen Hunter, in helping them get through the issue with the bald eagle. He feels this is something that's agreed to, which will help them complete their construction.

9:05:42 am James Unland, a bald eagle photographer and film maker, addressed his experience on nests he follows in this area. His comment relates to the St. Leo's situation, as he is proposing to lend some video cameras to the church and collaborate in terms of taping long form (5 hours plus) the eagle's nest. He would like to as an experiment, as a trial, for the City, and in helping the church, but supplement the human observations this time around, and if this works out and goes well, he will donate cameras to the City. He will continue to work with Laura Gibson (Community Development Environmental Specialist).

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.)

9:08:16 AM Council Member Amy Quaremba motioned approval of the Consent Agenda; Council Member Mike Gibson seconded; and the motion carried unanimously.

- ADDENDUM: AN EMERGENCY RESOLUTION OF THE CITY OF BONITA SPRINGS DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM LAKE OKEECHOBEE DISCHARGES/ALGAE BLOOMS; AND PROVIDING AN EFFECTIVE DATE. **ADOPTED RESOLUTION NO. 18-84**

- ADDENDUM: A RESOLUTION OF THE CITY OF BONITA SPRINGS DECLARING A STATE OF LOCAL EMERGENCY RELATING TO HARMFUL ALGAL BLOOMS AND DRIFT MACROALGAE. **ADOPTED RESOLUTION NO. 18-85**

- A. ADOPT A RESOLUTION AND APPROVE THE AWARD TO BONITA SPRINGS UTILITIES WATER AND SEWER IMPACT FEE CREDITS TO HABITAT FOR HUMANITY LEE AND HENDRY COUNTIES TO CONSTRUCT UP TO 16 AFFORDABLE HOMES FOR FY2018-2019 AND FY2019-2020 (UP TO 8 UNITS PER FISCAL YEAR) (GREENSHEET NO. 18-10-367)

- B. REVIEW OF CASH POSITION. (GREENSHEET NO. 18-10-0360)

- C. APPROVE BUDGET RESOLUTION TO TRANSFER FY 2018 BUDGETS AMONG GENERAL FUND ACCOUNTS AND TO INCREASE THE BUDGETS OF CERTAIN REVENUE ACCOUNTS. (GREENSHEET NO. 18-10-362) **ADOPTED RESOLUTION NO. 18-86**

- D. APPROVE BUDGET RESOLUTION TO TRANSFER FY 2018 GENERAL FUND BUDGET FROM THE HISTORIC PRESERVATION BUDGET TO ASSIST WITH FUNDING OF THE DIXIE MOON RELOCATION AND TO ESTABLISH A DIXIE MOON RELOCATION AND RESTORATION CAPITAL PROJECT. (GREENSHEET NO. 18-10-0364) **ADOPTED RESOLUTION NO. 18-87**

- E. AUTHORIZE THE CITY MANAGER TO SIGN A CHANGE ORDER TO AN AGREEMENT WITH APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. TO PREPARE A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE FLOOD MITIGATION ASSISTANCE GRANT PROGRAM AND/OR PRE-DISASTER MITIGATION GRANT PROGRAM AND ADOPT A BUDGET RESOLUTION TO TRANSFER BUDGET AMONG GENERAL FUND ACCOUNTS TO PROVIDE A FUNDING SOURCE FOR THE APTIM COSTS (GREENSHEET NO. 18-10-0361) **ADOPTED RESOLUTION NO. 18-88**

- F. APPROVE A SHORT-TERM AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE BONITA SPRINGS LITTLE LEAGUE. (GREENSHEET NO. 18-10-371)

- G. APPROVE A RESOLUTION APPOINTING ONE MEMBER OF THE CITY OF BONITA SPRINGS BICYCLE PEDESTRIAN SAFETY ADVISORY COMMITTEE. (GREENSHEET NO. 18-10-0369) **ADOPTED RESOLUTION NO. 18-89**

- H. ADDENDUM WITH BALD EAGLE MANAGEMENT PLAN: CONSIDER APPROVAL OF THE APPLICANT'S BALD EAGLE MANAGEMENT PLAN, WITH RECOMMENDED CHANGES BY STAFF, FOR THE EAGLE PAIR LOCATED AT LATITUDE 26.32521667 LONGITUDE -81.80916667, 28481 WINDSOR ROAD IN ACCORDANCE WITH LDC CHAPTER 7 ARTICLE III. – BALD EAGLES (GREENSHEET NO. 18-10-0368)

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

9:08:45 AM Council Member Quaremba referred to the emergency resolutions, which were being extended every seven days, and asked if there were any negatives in doing this. She also asked how much longer the City was going to continue extending them. City Manager Hunter explained that the intent is in being consistent with the opportunities that it might provide for the local businesses that have been impacted in these situations, and in them working with DEO, etc., for future funding. As long as they are seeing some sort of impact that's affecting them economically, that they are leaving them in place, adding that

they might be getting to a closer closing section now and will continue to monitor what's important as far as keeping them in place for benefits for our residents and businesses. A brief discussion was held, with Staff to provide Council with a list of cities, and Lee County still extending those resolutions.

VII. PROCLAMATIONS AND PRESENTATIONS:

A. TEN YEARS OF SERVICE AWARD TO CITY EMPLOYEE JESSE FELGER.

Mayor Simmons next presented a Ten Years of Service award to City employee Jesse Felger. Mr. Felger thanked Mayor Simmons and City Council.

B. CERTIFICATE OF RECOGNITION TO FLORIDA SOUTHWESTERN STATE COLLEGE.

Mayor Simmons next presented a Certificate of Recognition to Florida Southwestern State College. In attendance to accept the award and thank Mayor Simmons and City Council were Dr. Robert Jones and President Jeff Allbritten.

C. CERTIFICATE OF RECOGNITION TO BONITA BOARDING KENNEL AND PET CAMP IN CELEBRATION OF 10 YEARS IN BUSINESS – YAPPY ANNIVERSARY!

Mayor Simmons next presented a Certificate of Recognition to Bonita Boarding Kennel in celebration of their 10 years in business. Owners Debi and George Braendle were in attendance to accept the award and to thank Mayor Simmons and City Council.

D. PROCLAMATION DECLARING OCTOBER 22-28, 2018 AS FLORIDA CITY GOVERNMENT WEEK IN THE CITY OF BONITA SPRINGS.

Mayor Simmons next read into the record a Proclamation declaring October 22-28 as Florida City Government week in the City of Bonita Springs.

E. ADDENDUM: COUNCIL MEMBER FRED FORBES REQUESTING TO POSTPONE TO COUNCIL'S DECEMBER 5, 2018 MEETING: PRESENTATION BY THE ZONING BOARD ON RECOMMENDATIONS FORMULATED FROM THE JOINT CITY COUNCIL/ZONING BOARD WORKSHOP. (GREENSHEET NO. 18-10-0370)

9:20:03 AM Council Member Fred Forbes provided an overview of this item, in which he is requesting be postponed to City Council's December 5, 2018 meeting.

Council consensus to postpone to December 5, 2018.

F. PRESENTATION BY DPZ CODESIGN ON FORM-BASE CODE AND CITY-OWNED PROPERTIES ON OLD 41 ROAD. (GREENSHEET NO. 18-10-0365)

9:28:35 AM City Manager Hunter introduced this item, and furnished an overview as reflected on the Greensheet, in which DPZ will be presenting their concepts and findings as applied to the Bamboo and Levin properties, as well as their proposed next steps in this process.

9:29:36 am Galina Tachieva, with DPZ, next furnished a PowerPoint presentation on the form-based code, and recommendations on city owned property. Council discussion was held.

10:20:47 am City Manager Hunter explained that they have now completed the introduction and held the public workshops, and so the next phase would be determined whether Council would like to move forward with drafting a form-based code for downtown for the geographical area discussed. Simultaneously, they still

have the process going along for the city-owned properties. Should they do any specific map drawings or analysis of privately owned properties they want to ensure that those are for planning tools and purposes only - it would just be for demonstration and conceptual level.

[10:21:27 am](#) Council Member O’Flinn stated that time is of the essence, and as Ms. Tachieva outlined it, they wouldn’t go right to drafting, as they would go right to the basics of it. He sees this as a gating issue before they waste their time, as there have been situations where they went down a trail and then backed up, and it ended up being a waste of time. He stated that if they are going to go for it, they should go for it, based on having her come back and outline the essential parts of it, otherwise they will go too much down the road and just waste time and money. Secondly, he feels that would be the gating point at which you could hold this up against Mosaic and Terry Street Assembledge. He thinks time is of the essence. Council Member Quaremba stated that she is in favor of moving forward in whatever process is recommended so it can be done expeditiously. Council Member Carr concurred.

[10:22:57 am](#) City Manager Hunter will work with DPZ to bring back a proposal, and maybe have it phased where Council can have decision making thresholds first before they go into the drafting.

VIII. MAYOR AND COUNCIL MEMBER ITEMS: No items.

IX. PUBLIC COMMENT:

[10:23:37 am](#) Kathy McGrath thanked Council for always giving her consideration. She addressed flood insurance, and stated that Staff works very hard on adhering to the criteria required, and as a result she has received a 25% discount on her flood insurance. She also reminded everyone that October is breast- cancer awareness month.

[10:26:56 am](#) John Paeno, President of the Downtown Alliance and owner of CGT Kayaks, thanked Council for working through the codes to get them right. He also informed everyone of the downtown expo scheduled for November 3.

[10:28:19 am](#) Linda Schwartz thanked Council and staff for all their hard work and support on the Spring Creek dredging project. She also thanked Staff members Sean Gibbons and John Dulmer for the help they provided for Cedar Creek regarding landscaping guidelines.

X. CITY ATTORNEY’S ITEMS:

A. DIRECTION ON GOLF COURSE MORATORIUM.

[10:29:29 am](#) City Attorney Derek Rooney addressed this item, of which last year City Council passed a temporary moratorium on the conversion of golf courses. The concept was that new changes would be presumed to be forthcoming. He explained that we are coming upon the expiration of that one-year moratorium, and so he is looking for direction from Council on whether to extend it.

[10:30:34 am](#) John Dulmer, Community Development, addressed previous direction from Council relating to the general idea and scope for redevelopment. Staff was also instructed not to get too far ahead with drafting proposed regulations until a workshop was held and public input was received. Staff was instructed to hold those workshops and meetings during season to make sure that all affected residents would be able to attend.

[10:31:20 am](#) Council Member O’Flinn recommended the beginning of season. Mr. Dulmer suggested starting looking at dates to set up a workshop and invite the public to get some general ideas. He further explained, noting that a couple months should be appropriate.

[10:32:35 am](#) Council Member Quaremba motioned to extend the moratorium to be compatible with whatever schedule Community Development has suggested, and to move forward with developing a code for golf course

conversions. Discussion followed, with Mr. Dulmer stated they can start looking at dates for a workshop and invite the public to get some general ideas. The first workshop would generally be held as a discussion with some example points and discussion areas to see what the communities are looking for and what they desire. The second workshop would probably be held the beginning of the year and include a lot more detail based on what came out of that first discussion. When they are finished, he will provide an update and schedule so everyone understands what to expect and when.

Council Member Quaremba motioned to extend the moratorium to be compatible with the schedule Community Development has suggested, and move forward with developing a code for golf course conversions.

10:32:58 am City Attorney Rooney stated he will meet with Mr. Dulmer, and this will entail an ordinance, at the ordinance reading he is hopeful to have a timeline laid out. The Ordinance does include a relief mechanism so that someone who is affected by this, and has been waiting for this to come into adoption, can move forward and request relief. He will look at that to see if it needs to be adjusted based on the timeframes.

At the next meeting Staff to bring back a draft.

ADDITIONAL ITEMS:

City Attorney Rooney explained that he will work with the City Manager and create a joint memorandum to Staff on procedures. He also briefly addressed the legal budget and billing.

- B. ADDENDUM WITH AGREEMENT: APPROVE AN AGREEMENT WITH HABITAT FOR HUMANITY OF LEE COUNTY AND HENDRY COUNTIES, INC., APPROVE THE DEFERRAL OF IMPACT FEES. (GREENSHEET NO. 18-10-0371)

9:23:53 AM Kitty Green with Habitat for Humanity provided a brief overview.

Council Member O'Flinn motioned approval; Council Member Quaremba seconded; and the motion carried unanimously.

XI. CITY MANAGER'S ITEMS:

- A. ADDENDUM WITH DRAFT BALLOT: 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. 18-10-0366)

10:34:59 am City Manager Hunter furnished a brief overview.

10:35:38 am Council Member Laura Carr nominated Omer Dror to serve on the Committee.

Council Member O'Flinn motioned approval of the appointments as addressed by the City Clerk; Council Member Carr seconded; and the motion carried unanimously.

Mayor Simmons appointed Jacke McCurdy as Chair of the Charter Review Committee; Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 18-90**

ADDITIONAL ITEMS:

City Manager Hunter explained that at Council's next meeting Stantec will be here to provide and update on the stormwater utility project and the first phases of that project. They will also be providing and update on the time line. Additionally, Staff will have its first presentation on the methodology of how they are working forward with it. Staff initiated an inventory of all stormwater facilities, both public and private, and will address how they are doing that in-house, and provide Council with a timelines of that as well.

Assistant City Manager Matt Feeney stated he received word yesterday that the permits that had been 2 ½ years in permitting for Pine Lake from the ACOE, were issued, and thus, the project is fully permitted at this point. There are additional monitoring requirements that are part of those permits, and so Staff will be meeting with the design team as well as Lee County 2020 to discuss next steps. Council Member O'Flinn questioned the timing of the first round, and City Manager Hunter sated she will have to check with Aptim. She believes that they were expected to receive a contract sometime in December or January. Assistant City Manager Feeney stated that in looking at the permits, and because of the species, it appears that construction is limited to the dry season, and so, funding dependent, it may be that it's constructed the following dry season. Council Member Forbes asked if they will get the water quality, and Assistant City Manager Feeney explained that was not specific to the project, but is something Staff can look at through the normal water quality monitoring. Brief discussion was held.

XII. MAYOR AND COUNCIL REPORTS:

10:48:36 am Council Member Quaremba thanked Council Member Greg DeWitt for his help in Panama City area as a result of the hurricane. She also reminded everyone of the meeting London Bay Homes is holding for community outreach in regard to their proposed development at the Weeks Fish Camp on Thursday at Estero High School at 6:00 P.M.

10:50:39 am Council Member Carr echoes comments by Council Member Quaremba for safe wishes to Council Member DeWitt and all the firefighters and volunteers helping out.

10:51:01 am Council Member Forbes informed everyone of the great forum held last Tuesday evening with the Everglades Foundation of Florida and Big Sugar.

10:53:12 AM Mayor Simmons informed Council of a Lee County Commission meeting he attended the previous day with most of the Mayors in Lee County. They were hopeful to get the support of the Commission, but did not, and so they will continue and be attending the next Commission meeting. He also reminded everyone of the upcoming election on November 6, 2018. On October 29, 2018, the U.S. Conference of Mayors is hosting an event called "Play Ball." The event is at 6:00 P.M., at the recreation center fields on Pine Avenue.

XIII. APPROVAL OF MINUTES: 10/03/18

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

XIV. PUBLIC COMMENT:

10:57:22 am Kathy McGrath reminded everyone of the Old 51 Expo event on November 3, 2018, and the Film Gala.

10:59:39 am John Paeno reminded everyone that October 31, 2018, the Shangri-La is holding their Halloween celebration. He also addressed red tide.

XV. ADJOURNMENT.


There being no further items to discuss, the meeting adjourned at 11:01 A.M.

Respectfully submitted,


Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 11/9/18
AUTHENTICATED:


Peter Simmons, Mayor