

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, FEBRUARY 1, 2017
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 John Anderson, with Bay Presbyterian 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, except for Council Member Steve Slachta.

V. PUBLIC COMMENT ON AGENDA ITEMS:

[5:32:44 pm](#) Rick Steinmeyer commented on Agenda Item XIV. B., relating to the Declaratory Relief order.

[5:34:58 PM](#) Richard Ferreira was in attendance to address Agenda Item VIII. F., regarding the discussion on the vision for development of waterfront property and public access. He also addressed impact fees.

[5:37:14 PM](#) Deborah Maclean addressed the Wonder Gardens loan restructuring, which she supports.

[5:37:51 PM](#) Jennifer Hecker, Charlotte Harbor National Estuary Program, was in attendance to voice her support for the Edison Farms purchase.

[5:40:51 PM](#) Nicole Johnson, with the Conservancy of Southwest Florida, also expressed her support for the Edison Farms purchase. She suggested that in Council's letter to Lee County and the various agencies, that they specify that they need all 6 sections, all 4,000 acres, to be acquired and preserved for conservation in perpetuity.

[5:44:29 PM](#) Pete Cangialosi, retired Environmental Engineer with the ECCL, was also in attendance to urge Council's support of the Edison Farms purchase.

[5:45:07 PM](#) Don Eslick, Chairman of the ECCL, was also in attendance to voice his support for the purchase of the Edison Farms property.

5:47:31 PM Chris Patricca, with the Lee County School District, representing the Bonita Springs Community, was in attendance to introduce herself to Council Members and members of the public.

5:49:24 PM Alex Grantt addressed Agenda Items VIII. D. and E., and suggested combining a rail and trail system.

5:52:17 PM Linda Schwartz was present to support all of the items in Section VIII. She also supports the purchase of Edison Farms. She also supports the Bonita Beach Visioning Study and the Visioning of Weeks Fish Camp. She also agrees with Alex Grantt's idea of rails and trails. Regarding Item XIV., she voiced her support for the appointment of Carolyn Gallagher, Meg Jacobson and Larry Kurlander to the City's Local Planning Agency.

5:54:07 PM John Paeno was in attendance to comment on Agenda Item VIII., A., to voice his support for road closures during events.

5:55:08 PM Kathy McGrath echoed comments made relating to Edison Farms. She also addressed item VIII. F., regarding Weeks Fish Camp.

5:57:19 PM James Adams, owner of Sheer Unity Salon, expressed his support for keeping the roads open.

5:58:13 PM Matt Kearney, in Cottage 5, was also present to ask that Council keep the roads open, including during the art festivals.

6:00:14 PM Deborah Maclean addressed LPA and Zoning Board appointments she would like to see made.

6:00:43 PM Tony, the owner of several businesses in Bonita Springs, addressed the Agenda Item relating to road closures. He suggested other options other than closing the streets.

6:04:09 PM Keith Jennings addressed the Comprehensive Plan Bonita Beach Road Visioning, and a concern with the entire road being labeled as a constrained road.

6:05:42 PM Gary Price was in attendance to voice his support for the purchase of Edison Farms with a caveat.

VI. PROCLAMATIONS AND PRESENTATIONS:

ERRATA SHEET AD-ON: PRESENTATION BY MARK SELDEN ON ARROYAL ROAD.

6:19:53 pm Mark Selden next made a presentation to Mayor Simmons and City Council addressing concerns he had with Arroyal Road. Council discussion was held. Council Member Gibson suggested looking into the situation further, and to sit down and discuss with Mr. Shelden. Council Member Fred Forbes suggested having Jay Sweet review the information and come back and report to City Council. City Attorney Vance informed Council of a meeting she had with staff and a memo written reflecting Staff's position. She further explained, that due process would be via the court system.

Direction to Staff to meet with Mr. Selden to discuss.

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.)

Items C. and D. pulled.

Mayor Simmons motioned to approve the remainder of the Consent Agenda; Council Member Forbes seconded, and the motion carried unanimously.

- A. APPROVE OF PURCHASE AGREEMENT WITH CONSTANCE L. HARRIS AND JAMES W. HARRIS AS TRUSTEES OF THE JAMES W. HARRIS REVOCABLE TRUST, FOR PARCEL 2 OF THE DOWNTOWN IMPROVEMENT PROJECT IN THE AMOUNT OF \$70,000.00, CLOSING COST AND SPECIAL CONDITIONS. (GREENSHEET NO. 17-02-0048)
- B. APPROVE THE RESOLUTION APPOINTING, DELEGATING, AUTHORIZING AND DIRECTING EDWARD F. TRYKA, III, PE, AND MATTHEW EDWARD FEENEY, PUBLIC WORKS DIRECTOR, TO MAKE BINDING COMMITMENTS DURING THE EMINENT DOMAIN PROCEEDINGS IN WHICH THEY ACT AS THE CITY'S EXPERT WITNESS OR REPRESENTATIVE, REGARDING THE USE OF THE PROPERTY INTEREST (S) TO BE TAKEN, THE PERMITTED USES BY THE LANDOWNER(S) OF THE REMAINING PROPERTY, AND THE MANNER OF CONSTRUCTION OF THE DOWNTOWN IMPROVEMENTS PROJECT. (GREENSHEET NO. 17-02-0051) **ADOPTED RESOLUTION NO. 17-07**
- C. APPROVE THE SECOND AMENDMENT TO THE LEASE AGREEMENT FOR THE USE OF THE BONITA SPRINGS YMCA FACILITIES FOR PUBLIC EMERGENCY PURPOSES BY THE CITY OF BONITA SPRINGS AND LEE COUNTY. (GREENSHEET NO. 17-02-0054)

7:08:43 PM Council Member Peter O'Flinn stated that he was happy to inform Council that he was thrilled to see the note from the City Manager that 38 members of the recreation center were using the YMCA with 103 visits. He commended the City Manager and Nicole Perino, Director of Parks and Recreation, and the YMCA.

Council Member O'Flinn motioned to approve; Council Member Amy Quaremba seconded; and the motion carried unanimously.

- D. APPROVE MEMORANDUM OF UNDERSTANDING ("MOU") WITH BONITA SPRINGS UTILITIES, AND UPON APPROVAL, ADOPT A RESOLUTION TO ACCEPT FOR MAINTENANCE THE DEDICATION OF THE RIGHT-OF-WAY LOCATED IN THE NORTH TWENTY-FIVE FEET (25') OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS RECORDED IN MULTIPLE DEEDS EXCEPTING OUT THE PROPERTY AS RIGHT-OF-WAY FOR COUNTY ROAD RIGHT-OF-WAY. ACCEPTANCE IS FOR BONITA SPRINGS UTILITIES TO PLACE POTABLE WATER LINES WITHIN THE RIGHT-OF-WAY AND TO BANK THE PROPERTY FOR A FUTURE MULTI-MODAL PATHWAY. (GREENSHEET NO. 17-02-0058)

7:09:39 pm Council Member Quaremba stated she sees this as a very good proposal from Bonita Springs Utilities as it confirms their ability to "tap" some potential well sites. She informed Council of work she has been doing with a community along which this right-of-way is located that has some issues about screening. She spoke with the City Manager who addressed this with BSU, in that when they put in this line to be certain that any vegetation that is taken out along the right-of-way (Red Hibiscus) is replaced. She is also hoping for coordination with BSU along that road where either the City or private

entities could contribute to enhance the landscaping along the area because of issues raised by the community.

7:10:31 pm Council Member Quaremba motioned to approve; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- E. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR ROTARY INTERNATIONAL WALK FOR WATER EVENT ON SATURDAY, APRIL 8, 2017 FROM 8:30 A.M. TO 10:30 A.M. AT 27200 KENT ROAD, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 17-02-0053)
- F. **ERRATA SHEET**: APPROVE THIRD AMENDMENT OF THE INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS FOR THE DESIGN, CONSTRUCTION, FURNISHINGS AND OCCUPANCY OF A PUBLIC LIBRARY IN BONITA SPRINGS. (GREENSHEET NO. 17-02-0066)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. OLD 41 SPECIAL EVENT ROAD CLOSURES. (GIBSON; GREENSHEET NO. 17-02-0049)

7:11:18 pm Council Member Gibson addressed this item which he is requesting that road closures be limited to the 4th of July, Celebrate Bonita, City Parades and after further discussion he included Holiday in the Park. Discussion followed, with Lieutenant Przespolewski with the Lee County Sheriff's Office addressed safety as their number one priority, explaining that Holiday in the Park also needs to be included because of the children. After further discussion, per the suggestion of Council Member DeWitt Council continued to March 1, 2017 to address, after the scheduled events are held.

- B. REQUEST THE MAYOR TO SIGN A LETTER TO BE SENT TO THE LEE COUNTY LEGISLATIVE DELEGATION, LEE COUNTY COMMISSION, 20-20 PROGRAM REPRESENTATIVES AND CONGRESSMAN FRANCIS ROONEY REQUESTING THEM ALL TO SUPPORT THE VILLAGE OF ESTERO'S PROPOSAL FOR THE PURCHASE OF EDISON FARM FOR CONSERVATION, WATER QUALITY, QUALITY ENHANCEMENT AND FLOOD CONTROL. (FORBES; GREENSHEET NO. 17-02-0057)

Mayor Simmons left the meeting.

7:31:40 pm Deputy Mayor O'Flinn motioned to approve, but revised to include all six (6) sections in perpetuity; Council Member Forbes seconded. Council also suggested that each letter be tailored specific to that group. The motion carried unanimously.

- C. DIRECT STAFF TO PREPARE ON AN EXPEDITED BASIS A RFQ/RFP SO A LAND USE ASSESSMENT OF THE BONITA BEACH CORRIDOR FROM HICKORY BLVD. TO BONITA GRANDE CAN BE DEVELOPED CONSISTENT WITH CITY COUNCIL'S VISION OF BONITA BEACH ROAD TO PROVIDE ARTIST DESIGN CONCEPTS OF SEVERAL OF THE MOST PROMISING LAND DEVELOPMENT AREAS. (FORBES; GREENSHEET NO. 17-02-0059)

7:33:56 PM Council Member Forbes addressed this item by furnishing an overview as set out in the Greensheet. His proposal is that, because the focus thus far was only on the transportation portion, that they bring in an international firm to survey both sides of Bonita Beach Road, from Hickory Island to Bonita Grande, to look at the vacant tracts, those that are blighted that might be redeveloped, and come up with highest and best uses, inclusive of workshops with developers, public input, and develop three to four best designs, and maybe an artist concept or two. Lastly, he would suggest look at Bonita Beach

Road and come up with four to six places where they can place a “splash” to break up the monotonous median strip. It would also entail City Council involvement like it was in the original Visioning contract and participate in the final selection. Council discussion followed.

Council Member Quaremba stated that she felt that whomever they hire should help City Council on deciding what should be included. She agrees with this proposal and with the idea of Council choosing portions of Bonita Beach Road on which to focus – the area near the dog track and the interchange.

Council Member DeWitt stated he agrees with the concept conceptually, however, he has concerns with it not being in the budget. Secondly, he asked if this would dictate what is placed there. It’s something that is already being done now. Also, the uses on Bonita Beach Road are now already dictated by its zoning. Discussion followed.

Deputy Mayor O’Flinn motioned to approve; Council Member Forbes seconded; and the motion carried 4-1 (Council Member DeWitt opposed)

- D. UPDATE COUNCIL REGARDING EXPLORATION OF SUNTRAIL INITIATIVE, INCLUDING REPORT ON THE GULF COAST REGIONAL TRAIL SUMMIT. (O’FLINN; GREENSHEET NO. 17-02-0063)

7:48:14 PM Deputy Mayor O’Flinn next provided Council with an update as an informational item on the Sun Trail initiative and the report on the Gulf Coast Regional Trail Summit as reflected in the Greensheet.

- E. DIRECT STAFF, WITH THE ASSISTANCE OF JAMES A. WURSTER, WHO IS VOLUNTEERING HIS TIME TO PREPARE A GRANT APPLICATION UNDER THE RECREATIONAL TRAILS PROGRAM TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. (O’FLINN; GREENSHEET NO. 17-02-0064)

7:49:32 PM Deputy Mayor O’Flinn next furnished a brief over. The grant needs to be filed by the end of the month. Mr. James Wurster has offered to prepare the grant application.

- F. **ERRATA SHEET:** CITY COUNCIL DISCUSSION ON AN OVERALL VISION FOR THE DEVELOPMENT OF WATERFRONT PROPERTY AND PUBLIC ACCESS. (QUAREMBA; GREENSHEET NO. 17-02-0067)

7:50:53 pm Council Member Quaremba addressed this item. She feels there needs to either be a study or a workshop on the vision for this property (Weeks Fish Camp). Her proposal is to at least have Staff provide a presentation, that there be a workshop on it, and that Council come to a consensus of what they will ask a developer to do. She would like a report from Staff on what was discussed, and what, if any, direction was given to the developer during the one on one meetings.

7:55:35 pm City Manager Schwing informed Council that the current proposed developer is in due diligence time. There’s not been a closure on the property, as they are deciding whether they are going to close on the property. He further explained.

7:58:49 pm Deputy Mayor O’Flinn motioned to have a discussion about what they think public access is and what it would be, understanding the property owners have property rights; Council Member DeWitt seconded.

7:59:04 pm City Manager Schwing requested specific direction.

7:59:12 pm Deputy Mayor O'Flinn amended his motion to include having Mr. Theriaque answer the question as to what the right structure and way to go about the suggestion that Council Member Quaremba has made. Council Member DeWitt seconded the amendment.

8:00:23 pm Council Member Quaremba suggested that, in the meantime, Staff research to see what kind of alternatives there might be to public access.

8:03:58 pm Council Member Forbes suggested Community Development Staff have copies made on what they were shown today by the developer.

The motion carried unanimously.

IX. FIRST READING OF THE FOLLOWING ZONING ORDINANCES (NO PUBLIC COMMENT ALLOWED)

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY BONITA SOL, LLC TO REINSTATE THE MASTER CONCEPT PLAN OF THE DCVD COMMERCIAL PLANNED DEVELOPMENT (CPD), BONITA SPRINGS ZONING ORDINANCE NO. 09-08, AS LAST APPROVED IN ADD12-000921-BOS; FOR FIVE ADDITIONAL YEARS OR LESS; LOCATED AT 11380 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

8:08:12 PM City Attorney Vance read the title block of the Zoning Ordinance into the record.

Deputy Mayor O'Flinn motioned to move forward with a second reading of the Zoning Ordinance on February 13, 2017; Council Member DeWitt seconded.

8:08:58 PM Council Member Gibson addressed an issue relating to access on Bonita Beach Road. There is one option that LCDOT said no to, which he was hoping Staff would help pitch the idea, which is that, currently the Walgreen's access is closer to Imperial and far away from where the dentist office is going to be located. If that access can be moved closer to them, it would be further away from the intersection, and it would be helpful for when they do signage for their office. He further explained.

8:10:23 PM Deputy O'Flinn suggested the best way to handle it would be to go through the normal hearing process and have City Council consider it at the public hearing. Council Member Gibson addressed a concern with timing, as he feels it would be better to get a win-win situation ahead of time. City Attorney Vance explained that the Applicant's planning is to turn in 3 different potential MCPs at the February 13, 2017 hearing for Council to consider the different access arrangements.

The motion carried unanimously.

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY LANSDOWNE STREET, LLC, TO AMEND THE CONDITIONS IN CITY OF BONITA SPRINGS ZONING ORDINANCE NO. 09-03, GRANTING A SPECIAL EXCEPTION FOR CONSUMPTION ON PREMISES FOR A COP-SRX ALCOHOLIC BEVERAGE LICENSE IN CONJUNCTION WITH OUTDOOR SEATING FOR THE GROUP III RESTAURANT AREAS, TO CONSIDER CONDITIONING LIVE OUTDOOR ENTERTAINMENT AND MODIFICATION OF ANY CONDITIONING LIVE OUTDOOR ENTERTAINMENT AND MODIFICATION OF ANY CONDITIONS FOR THE OUTDOOR SEATING RELATED TO SOUND; LOCATED AT 24851 S. TAMIAMI TRAIL, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

8:12:16 PM City Attorney Vance read the title block of the Zoning Ordinance into the record.

8:13:39 PM Deputy Mayor O'Flinn motioned to move forward with a second reading of the Zoning Ordinance on February 13, 2017; Council Member Quaremba seconded; and the motion carried unanimously.

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY NICOLA'S KEG, LLC TO REZONE FROM THE AGRICULTURAL (AG-2) ZONING DISTRICT TO THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT; ON FIVE ACRES +/-; LOCATED AT 26250/252, 26224, 26240 OLD 41 ROAD AND 10171 N. BONITA LANE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Deputy Mayor O'Flinn motioned to move forward with a second reading of the Zoning Ordinance on February 13, 2017; Council Member DeWitt seconded; and the motion carried unanimously.

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

A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE RELATED TO STORAGE FACILITIES; AMENDMENTS TO CHAPTERS 3 (DEVELOPMENT STANDARDS) AND 4 (ZONING); AMENDING §3-489, BUILDING DESIGN STANDARDS AND 3-490, DESIGN STANDARDS FOR SPECIFIC BUILDING TYPES; REPEALING 3-498, ARCHITECTURAL LIGHTING; AMENDING §4-2072, OUTDOOR DISPLAY OF MERCHANDISE FOR SALE OR RENT AND §4-2074, SELF-STORAGE FACILITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO 17-02-0056)

Deputy Mayor O'Flinn motioned adoption of the Ordinance; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 17-02**

B. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION) AND 4 (ZONING); AMENDING §2-467 RELATED TO HURRICANE PREPAREDNESS PERTAINING TO HEALTH CARE FACILITIES; AMENDING §4-408 USE ACTIVITY GROUPS; AMENDING THE APPLICABLE DISTRICT REGULATIONS TO REFLECT USE ACTIVITY GROUP CHANGES IN THE ASSOCIATED ZONING DISTRICT TABLES (TABLES 4-436, 4-488, 4-520, 4-555, 4-613, 4-634, 4-661, 4-685, 4-718, AND 4-740); AMENDING §4-2014 MINIMUM REQUIRED SETBACKS RELATING TO USE ACTIVITY GROUP CHANGES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 17-02-0055)

Deputy Mayor O'Flinn motioned adoption of the Ordinance; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 17-03**

XI. PUBLIC HEARING TO COMMENCE THE TRANSMITTAL PROCESS TO AMEND THE BONITA SPRINGS COMPREHENSIVE PLAN TO ADDRESS POTENTIAL FUTURE USES RELATED TO THE BONITA BEACH ROAD VISIONING STUDY; THROUGH AMENDMENTS ADDING NEW GOALS, OBJECTIVES AND POLICIES, INCLUDING MAPS, TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND, INTERGOVERNMENTAL ELEMENT. IF APPROVED, TRANSMIT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) THROUGH THE EXPEDITED STATE REVIEW AMENDMENT PROCESS:

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, AMENDING CERTAIN ELEMENTS RELATED TO THE BONITA BEACH ROAD VISIONING STUDY; (1) FUTURE LAND USE ELEMENT: CREATING OBJECTIVE 1.16 RELATED TO THE BONITA BEACH ROAD CORRIDOR; (2) TRANSPORTATION ELEMENT: AMENDING GOAL 1 FOR INTEGRATION OF BICYCLES, PEDESTRIAN, TRANSIT AND VEHICULAR INFRASTRUCTURE; POLICY 1.1.6 TO ADD BONITA BEACH ROAD AS A CONSTRAINED ROAD; POLICY 1.1.12 FOR ADDITIONAL CRITERIA FOR ACCESS; OBJECTIVE 1.2 TO INCORPORATE BICYCLES, PEDESTRIAN, TRANSIT ALONG WITH VEHICULAR INFRASTRUCTURE; OBJECTIVES 1.3 AND 1.4 FOR COMPLETE STREETS AND PUBLIC VIEWSHEDS; POLICY 1.7.4 FOR THE BICYCLE AND PEDESTRIAN MASTER PLAN, AND THE BONITA BEACH ROAD VISIONING STUDY; CREATING GOAL 2 WITH OBJECTIVES AND POLICIES RELATED TO THE BONITA BEACH ROAD VISION STUDY; ADDING THE BONITA BEACH ROAD QUADRANT MAP AND CORRIDOR NETWORK ZONES MAP; (3) CAPITAL IMPROVEMENTS ELEMENT: AMENDING PRIORITIES TO IMPLEMENT VISION FOR A WALKABLE COMMUNITY; (4) INTERGOVERNMENTAL ELEMENT: AMENDING GOAL 4 TO SPECIFY COOPERATIVE PLANS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (GREENSHEET NO. 17-02-0046)

8:26:12 pm City Attorney Vance read the title block of the Ordinance into the record.

8:28:00 pm Dr. Margaret Banyan was present to furnish a PowerPoint presentation (copy in Clerk's file) on the amendment.

No public comments were made.

8:44:40 pm Council Member DeWitt motioned to commence the transmittal process for amending the Comprehensive Plan Amendments, and transmit it to DEO through the Expedited State Review Amendment Process in accordance with Florida Statutes; Deputy Mayor O'Flinn seconded; and the motion carried unanimously.

XII. CONTINUANCE OF A PUBLIC HEARING TO CONSIDER ADOPTION OF THE FOLLOWING ZONING ORDINANCE (CONTINUED FROM JANUARY 23, 2017 ZONING HEARING):

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY GBR PROPERTIES, INC., TO AMEND THE IMPERIAL BONITA PLAZA COMMERCIAL PLANNED DEVELOPMENT (CPD); TO MODIFY A PORTION OF THE MASTER CONCEPT PLAN; LOCATED AT 28100 IMPERIAL PARKWAY AND 11601/611BONITA BEACH ROAD SW, BONITA SPRINGS, FLORIDA; ON 7.70 +/- ACRES;

8:18:33 pm City Attorney Audrey Vance read the title block of the Zoning Ordinance and furnished a brief overview. Matt Feeney, Public Works Director, informed Council that he heard back from Lee County regarding the applicant's request, and they did reject the full median opening at Butler Drive in support of Tropic Acres, citing safety concerns. Discussion followed.

Council Member DeWitt motioned to approve the Zoning Ordinance, with the full cut at Tropic and the curb cut behind the plaza; Council Member Gibson seconded. A brief discussion followed.

Mike Concilla, the Applicant, responded to concerns raised by Council Member Forbes.

The motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 17-01**

XIII. PUBLIC COMMENT: None

XIV. CITY ATTORNEY'S REPORT:

- A. REVIEW DRAFT ORDINANCE TO LAND DEVELOPMENT CODE SECTION 4-295 (D), LIMITED TO SUFFICIENCY IN PLANNED DEVELOPMENTS. IF THE DRAFT ORDINANCE IS SATISFACTORY, THE AMENDMENT WILL BE SCHEDULED FOR REVIEW BY THE LOCAL PLANNING AGENCY ON FEBRUARY 9, 2017, PERMISSION TO ADVERTISE ON MARCH 1, 2017, AND THEN TENTATIVELY SCHEDULED FOR A FIRST READING AND PUBLIC HEARING ON MARCH 15, 2017 AND A SECOND READING AND PUBLIC HEARING ON APRIL 5, 2017. (GREENSHEET NO. 17-02-0052)

[8:45:53 pm](#) City Attorney Vance furnished an overview. The only amendment is on page 5 regarding Sufficiency. She addressed additional amendments she would like to make.

Deputy Mayor O'Flinn motioned to move forward; Council Member DeWitt seconded; and the motion carried unanimously.

- B. DIRECT THE CITY ATTORNEY TO FORWARD THIS CASE TO DAVID A. THERIAQUE, THERIAQUE & SPAIN, AS SPECIAL LEGAL COUNSEL TO DEFEND THE CITY OF BONITA SPRINGS FROM A PETITION FOR DECLARATORY RELIEF AND A MOTION FOR TEMPORARY INJUNCTION FILED BY OLGA E. LASATER, AS TRUSTEE OF THE OLGA E. LASATER REVOCABLE LIVING TRUST, CASE NO. 17-CA-000206. (GREENSHEET NO. 17-02-0055)

[8:45:53 pm](#) City Attorney Vance furnished an overview, informing Council of a letter she should be receiving tomorrow regarding having the encroachment relocated if the City would assist in some of the funding. The request is to authorize the City Manager to settle if it's a nominal amount.

Deputy Mayor O'Flinn motioned to approve having the City Manager settle if amount appears nominal, and if not available the City Attorney to forward to outside Counsel; Council Member Forbes seconded;

Council Member Quaremba suggested a discussion/follow-up on the process and how they went through this.

The motion carried unanimously.

XV. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL STATEMENTS. (GREENSHEET NO. 17-02-062)

Informational.

ADDITIONAL ITEMS:

[8:51:14 pm](#) City Manager Schwing reported on the local Legislation Delegation meeting he attending, reporting that Deputy Mayor O'Flinn did a great job!

- B. APPROVE RESTRUCTURING OF THE BONITA WONDER GARDENS MORTGAGE LOAN (GREENSHEET NO. 17-02-0047)

[6:33:23 pm](#) City Manager Schwing furnished an overview and history of the request as outlined in the Greensheet.

[6:36:08 pm](#) Trish Leonard provided a PowerPoint presentation (copy in Clerk's file) to also address the history and update City Council.

[6:43:39 pm](#) "Ike" Lichtenstein, a member of the City's Technology Advisory Committee, also addressed the restructuring.

[6:48:15 pm](#) Anne Wright, Finance Director, addressed the proposed restructure. Discussion followed, with Council Member Quaremba requesting this be postponed to City Council's next meeting to allow time to discuss with the Bonita Springs Wonder Gardena and Staff. Discussion followed.

[6:56:57 pm](#) Council Member Quaremba motioned to continue this item to Council next meeting and ask Staff and City Council to interact with this entity; Deputy Mayor O'Flinn seconded. City Council discussion followed.

[7:05:00 pm](#) Council Member Quaremba requested a procedure be put in place to afford Council regular feedback about the financial status – monitor. She would like to hear from the banks.

The motion carried unanimously.

XVI. MAYOR AND COUNCIL MEMBER REPORTS:

- A. A RESOLUTION APPOINTING/REAPPOINTING THREE MEMBERS TO THE LOCAL PLANNING AGENCY. (GREENSHEET NO. 17-02-0060)

[6:10:40 pm](#) At 6:10 P.M., Mayor Simmons motioned to move up both Agenda Items XVI. A. and B.; Council Member DeWitt seconded; and the motion carried unanimously (both items were addressed at 6:10 P.M.); and the motion carried unanimously.

Mayor Simmons motioned approval of the ballot vote, reappointing Carolyn Gallagher and Meg Jacobson, and appointing Jeff Maturo to the City of Bonita Springs Local Planning Agency; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 17-09**

- B. A RESOLUTION APPOINTING/REAPPOINTING TWO MEMBERS TO THE BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS. (GREENSHEET NO. 17-02-0061)

[6:11:42 PM](#) Council Member O'Flinn motioned approval of the ballot vote, appointing Larry Kurlander and reappointing Robert Incerpi; Council Member DeWitt seconded; and the motion carried unanimously. (Mayor Simmons in attendance for the vote) **ADOPTED RESOLUTION NO. 17-10**

[8:52:58 pm](#) Council Member Quaremba reported on both the Lee County Operations Center and Horizon Council meetings she attended. She also thanked the City's Public Works Director Matt Feeney for meeting with her the other day to discuss an issue. She also reported on work with Lora Taylor, Communications Director, on videotaping areas in her district and thanked the Vice President of the Citrus Park HOA for time he spent meeting with her. She also suggested scheduling a workshop with Community Development to address Community Development issues.

[8:55:32 pm](#) Council Member DeWitt also reported on the Lee County Operations Center meeting and Local Legislative Delegation luncheon he attended which he found to be very informative. They will be doing a lot of work for the City in Tallahassee.

8:56:46 pm Council Member Forbes also reported on the Lee County Operations meeting City Council attended. He also commended Dr. Banyan on the great job she did.

Council Member Gibson also commended Dr. Banyan on the great job she did. He also wished the Mayor's Daughter, Elizabeth, a great Sweet 16 birthday!

8:58:01 pm Deputy Mayor O'Flinn asked Council Member Forbes if he addressed the Old 41 bike path at the MPO. Council Member Forbes responded yes, as Don Scott told him that it was virtually an impossibility the way it was linked together. He did say that he would look into it and talk to Collier County. He also updated Deputy Mayor O'Flinn on Veteran's Memorial Parkway.

9:01:25 pm Council Member Gibson addressed the Lion's Club issue, where they would like to move back to the Lemontree Site and out of Depot Park for now.

Council Member Gibson motioned to allow the Lion's Club to move back to the Lemontree Site for now; Council Member DeWitt seconded; and the motion carried unanimously.

XVII. APPROVAL OF MINUTES: 01/18/17


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

XVIII. PUBLIC COMMENT: None.

XIX. ADJOURNMENT:

There being no further items to discuss, the meeting adjourned at 9:03 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 2/17/17

AUTHENTICATED:


Peter Simmons, Mayor