

CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, FEBRUARY 15, 2017
9:00 A.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 9:00 A.M.

II. INVOCATION:

Pastor Doug Pratt, with the First Presbyterian Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Simmons, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Simmons and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

[9:03:29 am](#) Rick Steinmeyer reminded everyone of the Lion's Club fish fry. He also commented on the Wonder Gardens loan.

[9:04:11 am](#) Kathy McGrath reminded everyone that Celebrate Bonita will be March 25, 2017.

[9:05:32 AM](#) Bonnie Wittimore, President of the Bonita Springs Historical Society, addressed City Attorney's Item XII. A., regarding the demolition delay ordinance.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF CERTIFICATE OF APPRECIATION TO LIEUTENANT JAMES BOGLIOLE.

Mayor Simmons next presented a Certificate of Appreciation to Lieutenant James Bogirole for going above and beyond the call of duty in assisting a business establishment in the City. Lieutenant Bogliole was in attendance to accept the Certificate of Appreciation and to thank Mayor Simmons and City Council.

B. PRESENTATION OF CERTIFICATE OF APPRECIATION TO KAT LUCHENE.

Mayor Simmons next presented a Certificate of Appreciation to Kat Luchene, and in memory of Alan Goldman, for their generous donation of land to the City for the development of a future park to be known

as Alakat. Ms. Luchene was in attendance to accept her Certificate and to thank Mayor Simmons and City Council.

C. PRESENTATION OF CERTIFICATE OF APPRECIATION TO BOB THINNES FOR HIS SERVICE ON THE CITY'S LOCAL PLANNING AGENCY AND TREE ADVISORY BOARD.

Mayor Simmons next presented a Certificate of Appreciation to Bob Thinnes for his service on the City's Local Planning Agency and the Tree Advisory Board. Mr. Thinnes was in attendance to accept his Certificate of Appreciation and to thank Mayor Simmons and City Council.

D. PROVIDE DIRECTION TO STAFF REGARDING AMENDING LDC §2-571, THE COMMUNITY DEVELOPMENT FEE SCHEDULE. (GREENSHEET NO. 17-02-0083)

9:16:37 am City Manager Carl Schwing furnished a brief overview, explaining that today the intent is to begin discussions and get general direction from City Council on where they would like to see this go.

9:17:34 AM John Dulmer, Community Development, furnished a presentation on the fee schedule attached to the Greensheet. He addressed current and proposed fees, the fees for various other municipalities, etc. Discussion followed.

9:37:53 AM Mr. Dulmer to provide City Council with the background on the philosophies of how fees have been charged.

9:38:08 am Mayor Simmons asked Mr. Dulmer what he would recommend to keep fees fair and bridge the gap. Mr. Dulmer suggested two options – 1) the Collier County model with more individualized fees that you identify whose going to be involved and is something associated with it, or 2) a hybrid cost recovery model that would be covered by the application fee to a certain point in time of the review, and anything above and beyond that would then require a per hour cost, with the focus on public hearing applications and development order applications. Then looking at the remainder of the fees, as a separate but necessary discussion.

9:39:30 AM Council Member O'Flinn voiced his support for option 2. His whole intent is to address where the cost is being generated and appropriately direct revenue toward that cost without over doing it. Council direction as stated by Council Member O'Flinn – to go with option 2.

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.)

9:41:26 am Items G., I., and J., pulled per the request of Council Member O'Flinn.

A. APPROVE THE FIRST AMENDMENT TO THE PUBLIC PRIVATE PARTNERSHIP LEASE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE SKY FAMILY YMCA FOR USE OF THE CITY'S DUMPSTER. (GREENSHEET NO. 17-02-0072)

B. AMEND RESOLUTION NO. 07-97, ESTABLISHING THE BONITA SPRINGS WATERWAYS CONSERVATION FUND TO ALLOW ADDITIONAL USES FOR THE FUNDS AT BONITA NATURE PLACE. (GREENSHEET NO. 17-02-0068) **ADOPTED RESOLUTION NO. 17-11**

C. ADOPT A RESOLUTION REMANDING THE PELICAN LANDING CPD/RPD AMENDMENTS; CASE NO. PD-15-23496-BOS. (GREENSHEET NO. 17-02-0078) **ADOPTED RESOLUTION NO. 17-12**

- D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE ANNUAL FITZGERALD'S SAINT PATRICK'S DAY EVENT ON MARCH 16, 2017 AND MARCH 17, 2017 FROM 11:00 A.M. TO 9:00 P.M. AT 9070 BONITA BEACH ROAD, BONITA SPRINGS, FL 34135. (GREENSHEET NO. 17-02-0072)
- E. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR LANSDOWNE STREET SAINT PATTY'S DAY CELEBRATION ON FRIDAY, MARCH 17, 2017 FROM 11:00 A.M. TO 9:00 P.M. AT 24851 SOUTH TAMiami TRAIL, #7, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 17-02-0074)
- F. APPROVE SPECIAL EVENT PERMIT FOR THE ANNUAL CELEBRATE BONITA FESTIVAL AND THE CLOSURE OF OLD US 41 ROAD FROM WILSON STREET TO CHILDERS STREET ON SATURDAY, MARCH 25, 2017. (GREENSHEET NO. 17-02-0080)
- G. ADOPT A RESOLUTION TO ACCEPT THE BICYCLE AND PEDESTRIAN MASTER PLAN PREPARED BY MCMAHON TRANSPORTATION ENGINEERS AND PLANNERS FOR THE CITY OF BONITA SPRINGS, DATED FEBRUARY 2017. (GREENSHEET NO. 17-02-0082)

[9:41:45 am](#) Council Member O'Flinn addressed items G. and J., by referring to a Greensheet he had on the agenda about two meetings ago regarding a possible grant application for a multi-use paths of up to \$200,000 where Jim Wurster has volunteered his time to work with the Public Works Director. The grant is required to be filed by the end of February. The application has certain requirements for points, which he briefly addressed. Mr. Feeney has put this forward in a manner to make sure we get the points, which is the reason this is here. Item J. is related to this.

[9:42:48 am](#) Council Member O'Flinn motioned to approve items G. and J.; Council Member Greg DeWitt seconded; and the motion carried unanimously. **ADOPTED RESOLUTION 17-13**

- H. REVIEW ATTACHED SCOPE OF WORK FOR LAND USE PLANNING ON BONITA BEACH ROAD, PROVIDE STAFF DIRECTION AND AUTHORIZATION TO PROCEED TO ADVERTISE. (GREENSHEET NO. 17-02-0084)
- I. REVIEW PROPOSED DESIGN GUIDELINES TO MULTI-USE PATHWAYS RFQ 17-012 AND AUTHORIZE STAFF TO BEGIN THE ADVERTISING PROCESS. (GREENSHEET NO. 17-02-0085)

[9:43:18 am](#) Council Member O'Flinn pulled this item to thank Assistant City Manager Arleen Hunter for her great work on this involving the enhanced design work the City can get with respect to building a first class multi-modal path, starting on Terry Street.

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

- J. CONFIRM CITY COUNCIL'S SELECTION OF WEST TERRY STREET, AS THE #1 MULTI-USE PATH PROJECT PRIORITY WITH FUNDING PROVIDED FROM THE 2016/2017 BUDGETARY ITEM 30.250.541.6320/MULTI-USE PATHWAYS AND SIDEWALKS IN THE CITY CIP, FOR THE RECREATIONAL TRAILS PROGRAM GRANT APPLICATION. (GREENSHEET NO. 17-02-0079)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. WONDER GARDENS UPDATE. (O'FLINN AND SCHWING; NO GREENSHEET)

[9:44:13 am](#) Council Member O'Flinn furnished an update, and a lengthy Council discussion followed.

[9:58:33 am](#) Dennis Gilkey, on the Board for the Wonder Gardens, stated that he would like an acknowledgement from the Board that the \$1 million payment due on June 1, 2017 is not going to happen, as it's not feasible for where they are at. He further explained. Council Member Quaremba stated she supports the Wonder Gardens flourishing, but needs more time as there are still a lot of questions.

[10:14:02 am](#) Council Member O'Flinn stated that the premise of the entire conversation here is that everyone on Council is committed to making the Wonder Gardens fully flourish. Council agreed. Council Member O'Flinn next motioned that this Council is committed to seeing Wonder Gardens fully flourish and that toward that end, among the matters that will be considered is the possibility of a loan extension. His feeling is that this would put the public and the Wonder Gardens on clear notice that City Council is committed to that.

[10:31:12 am](#) Mayor Simmons suggested scheduling a special meeting/workshop with all Council Members to discuss this and take public input.

[10:32:28 am](#) Council Member O'Flinn motioned that this City Council is fully supportive of the Wonder Gardens and appreciates the hard work that their Board has done, and wants to evolve a structure that has this great organization fully flourishing; Council Member Slachta seconded; and the motion carried unanimously.

ADDITIONAL ITEM:

[10:33:36 am](#) Lee County Commissioner Larry Kiker was in attendance to address the history and update City Council on Edison Farms property purchase as it relates to the 2020 Program. He also updated Council on 951 and informed Council that there have been no conversations relating to this property.

[10:46:24 AM](#) Council Member O'Flinn addressed the Sunshine Laws. Discussion followed, with the City Attorney suggesting they amend the Administrative Code. Council Member O'Flinn requested the City Attorney to provide City Council with a memorandum on legal requirements.

IX. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE: (PUBLIC COMMENT ALLOWED)

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING §3-292, TRAFFIC IMPACT STATEMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 17-02-0076)

[10:54:07 AM](#) City Attorney Vance addressed both items IX. A. and B., and read the title block of the Ordinance into the record. This is the second reading which was continued from December 7, 2016, and January 4, 2017. Today Staff is requesting a continuance. John Dulmer, Community Development, suggested a continuance to August 16, 2017, 9:00 A.M.

[10:56:19 AM](#) Mayor Simmons motioned to continue both items A. and B., to Wednesday, August 16, 2017; Council Member Slachta seconded.

No public comments were made.

The motion carried unanimously.

- B. ADOPT THE FOLLOWING RESOLUTION CREATING THE BONITA SPRINGS ADMINISTRATIVE CODE FOR TRAFFIC IMPACT STATEMENT GUIDELINES FOR REZONINGS, SPECIAL EXCEPTIONS AND LOCAL DEVELOPMENT ORDER APPLICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 17-02-0077)

Addressed in Item A. above – Continued to August 16, 2017.

X. PUBLIC HEARING TO ADOPT AN ORDINANCE TO AMEND THE BONITA SPRINGS COMPREHENSIVE PLAN FOR THE CSX/SEMINOLE GULF RAIL CORRIDOR:

- 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 UPDATE CERTAIN ELEMENTS TO ENCOURAGE MULTIPLE USES OF THE RAILROAD CORRIDOR; ADDING OBJECTIVES AND POLICIES TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT AND RECREATION / OPEN SPACE ELEMENT, ADDING THE CSX / SEMINOLE GULF RAIL CORRIDOR MAP TO THE TRANSPORTATION ELEMENT; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (GREENSHEET NO. 17-02-0081)

[10:57:58 am](#) City Attorney Vance read the title block of the Ordinance into the record, stated that she has reviewed the Affidavit of Publication which she found to be legally sufficient.

[10:59:12 am](#) John Dulmer, Community Development, furnished an overview and history of the railroad corridor amendment, informing City Council that the Amendment has been transmitted to the State, and that they have received comments from the Department of Transportation who had several concerns (reflected on the Greensheet). Under consideration right now is a joint meeting with the Village of Estero of which this could be a topic of discussion. City Council can direct Staff to proceed, or continue this to see what transpires out of the discussion with the Village of Estero.

Council Member Slachta motioned to continue; Council Member O’Flinn seconded.

Council Member O’Flinn further addressed, explaining that they have to June to address this.

Council Member O’Flinn amended the motion to continue the Ordinance to May 17, 2017; and the motion carried unanimously.

XI. PUBLIC COMMENT:

[11:03:10 am](#) Rick Steinmeyer addressed Sunshine Laws and the Wonder Gardens loan.

[11:04:09 am](#) Deborah Maclean addressed the Old 41 redevelopment project.

[11:05:54 am](#) Susan Bridges, President of the Center for the Performing Arts, read into the record her letter addressing festivals held as it relates to traffic (copy in Clerk’s file).

[11:09:02 AM](#) Barry Witt addressed televised City Council meetings.

[11:12:11 am](#) Trish Leonard, President of the Everglades Wonder Gardens, was happy to report that tomorrow's event has been sold out! She thanked City Manager Carl Schwing for all his help!

[11:13:16 am](#) Kathy McGrath addressed upcoming events, including the CREW concert, the City-wide Community Cleanup, and the Blues Festival.

XII. CITY ATTORNEY'S REPORT:

- A. PROVIDE DIRECTION REGARDING A DRAFT ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 5 OF THE LAND DEVELOPMENT CODE (HISTORIC PRESERVATION) TO ESTABLISH A DEMOLITION DELAY PERIOD FOR PROPERTIES/RESOURCES DEEMED "RECOGNIZED HISTORIC RESOURCES" BUT NOT OFFICIALLY DESIGNATED AS HISTORIC RESOURCES. (GREENSHEET NO. 17-02-0075)

[11:16:53 am](#) Alex Boswell-Ebersole furnished a brief overview and history. Staff is seeking direction on whether to proceed. A brief discussion was held.

[11:21:11 am](#) Council Member Slachta motioned to move forward; Council Member Quaremba seconded; and the motion carried unanimously.

- B. PROVIDE DIRECTION ON WHETHER THE CITY SHOULD BEGIN ESTABLISHMENT OF A CHARTER REVIEW COMMITTEE FOR THE 2018 CITY ELECTIONS. (GREENSHEET NO. 17-02-0073)

City Attorney Vance furnished a brief overview, referring to Florida Statutes Chapter 166 which requires that a Charter Review Committee be formed to meet at least every ten years, after the dissolution of the previous committee. Discussion followed on potential referendum items. City Attorney Vance requested Council inform her of any items they would like her to look at. Council direction to not establish a Charter Review Committee, and to look at the issues discussed and City Council can determine if they want to add them to a ballot currently, or look at it for 2020 – look at the research first before they figure that out.

XIII. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY CAPITAL PROJECTS REPORT. (GREENSHEET NO. 17-02-0081)

Informational.

[11:36:37 am](#) City Manager Schwing reported that the art festival held this past weekend went very well with Old 41 Road open. He thanked Lora and her team for her hard work on that as well as Council Member Gibson and the Sheriff's Office for their work in making the event happen safely with Old 41 Road open. He next furnished an update on downtown and the one way bridge over the Imperial River, reporting that work on the bridge was on schedule for being completed in two weeks. Lastly, he addressed an incident that occurred at Bernwood and Old 41 involving an accident that occurred at the signal.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

- A. APPROVE A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPOINTING A CHAIR TO THE FOLLOWING BOARDS AND COMMITTEES: ART IN PUBLIC PLACES BOARD, BICYCLE PEDESTRIAN SAFETY ADVISORY COMMITTEE, HISTORIC PRESERVATION BOARD, STREET LIGHT ADVISORY COMMITTEE, TECHNOLOGY ADVISORY BOARD, TREE ADVISORY BOARD, VETERANS

COMMITTEE, LOCAL PLANNING AGENCY, BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS, AND THE SPECIAL EVENTS COMMITTEE. (SIMMONS; GREENSHEET NO. 17-02-0086)

11:43:01 am Mayor Simmons motioned approval of the Resolution; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 17-14**

11:44:00 am Council Member Quaremba informed Council that she also attended the art show and that it seemed to work well. She was able to cross, park and get around. She thinks the new procedure worked very well.

11:44:10 am Council Member Slachta informed Council of a neighbor of his who can't wait for the pickleball courts to be done. He asked Parks and Recreation Director Nicole Perino when they were scheduled to open. Ms. Perino reported that the YMCA hasn't provided a timeline on construction, but they are moving currently moving dirt. The hope is by March, but she doesn't have an exact deadline.

11:44:46 am Council Member O'Flinn thanked Council Member Forbes, as he (Council Member O'Flinn) attended the ECCL meeting as Council Member Forbes spoke about Edison Farms and expressed the view of City Council very clearly and thoughts relating the importance of it being "in perpetuity" and the importance of including all six sections. He also furnished an update on City Council's Joint Meeting with the Village of Estero which has been scheduled for February 28, 2017.

11:50:22 am Council Member Gibson thanked the Art League and Staff for their work in keeping the road open, which did seem to work out very well, with the only hindrance still being the bridge with it being one lane, which should be worked out in a couple weeks. He also apologized to the Art League if he misstated at Council's last meeting that they were asked to leave, as his main point was that they're not there anymore. He also did not believe it addressed any specific event on Fifth Avenue, as for future events they did ask that the Council place limits on road closures for Fifth Avenue. Lastly, he questioned the status of the light at Bonita Bay and Limetree, which City Manager Schwing responded they were on track for April. The long wait time is a result of the posts and equipment have to be manufactured custom for each individual intersection. Currently, they are still in the manufacturing stage, adding that once they get the equipment it won't take that long to get it up.

11:52:47 am Mayor Simmons requested an update on the intersection located south of that area, where Starbucks is located. City Manager Schwing explained that the City is not involved in that intersection, as it's being handled by the private sector, and therefore, he does not have an update on that intersection. Mayor Simmons requested that Staff put together a letter to send the tenants with an update on the status.

11:53:29 AM Council Member Forbes reported that he will be putting together a presentation for City Council about crosswalks. He next furnished an update on the procedure for the Business Mix and Mingle event.

11:56:50 am Mayor Simmons reported that the evening of Valentine's Day, he and his wife spent a portion of the evening near I-75 near Terry Street watching them paint the Terry Street bridge. He thanked FDOT for their work! Regarding the Wonder Gardens, yes they are going to find and answer and make it happen!

11:59:31 AM Council Member Forbes next requested having Lora Taylor, Communications Director, present a PSA on the Wonder Gardens today.

XV. APPROVAL OF MINUTES: 02/01/17

Council Member Slachta motioned approval of the Minutes; Council Member O'Flinn seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT:

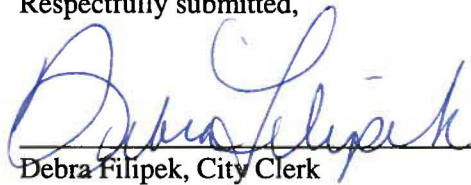
12:01:04 PM Rick Steinmeyer informed everyone that the Lion's Club on Pennsylvania Avenue does not charge their customers sales tax. He also reminded everyone of the Lion's Club fish fry.

12:03:10 PM Deborah Maclean commented on the Wonder Gardens and the Charter Review Committee. She suggested vetting potential candidates.

XVII. ADJOURNMENT:

There being no further items to discuss the meeting adjourned at 12:06 P.M.

Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 3/10/17

AUTHENTICATED:



Peter Simmons, Mayor