

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, MARCH 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 9:30 A.M.

II. INVOCATION:

Pastor Jeff Chitwood, with Anchor Christian 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.

V. PUBLIC COMMENT ON AGENDA ITEMS

9:32:13 AM Wayne Arnold stated he was in attendance to ask that Council not adopt the Quadrant Plan today so that he can discuss with Staff concerns his client has.

9:33:01 am Beverly Grady was also present to comment on item VII. A., regarding the Quadrant Plan and to ask that Council not adopt the plan today. She asked that comments she made at the workshop be incorporated as part of the record as they relate to the NW quadrant.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF CERTIFICATE OF HONORABLE SERVICE TO CAPTAIN HARRY REARDON (RET.)

Mayor Simmons and Council Member Steve Slachta next presented Captain Harry Reardon with a Certificate of Honorable Service. Captain Reardon was in attendance to accept his award and to thank Mayor Simmons and City Council.

B. APPROVE STAFF RECOMMENDATION FOR RELOCATION OF THE DIXIE MOON.
(GREENSHEET NO. 17-03-0112)

9:42:30 AM City Manager Carl Schwing next furnished a PowerPoint presentation (copy in Clerk's file) to furnish the background and history. He also thanked members of the community who provided their input as to where the building should be relocated and what use it should have. The intent today is to see if Staff is heading in the right direction and to see if this is something Council would want Staff to continue to pursue.

9:50:05 AM Council Member Mike Gibson stated his issue is that the closest business to this is planned to be turned into a coffee shop that was to overlook the park, and placing the building in the way would hinder that. City Manager Schwing stated they are more than willing to work with the businesses there on the vision as well as preserve the building.

9:51:05 am Council Member O'Flinn referred to Mr. Vincent and asked him if he felt it was getting too crowded there. Mr. Vincent responded that they can create a park like atmosphere in front of the building. He feels that the café would be a good idea to marry the idea and would work very nicely. His recommendation for placement of the structure would be in the center of the property where the art work is now, and to pave the area behind the art work.

9:57:33 AM Council Member Forbes suggested the structure include sewer and water. He also suggested having Mr. Vincent and the owner of the café get together to see if there's a way he could use some of that land and building to make an income producing property out of it.

10:00:50 AM Council Member Forbes motioned to pursue talking to the owner of the café about placing the structure on the site, and to see if there is a way they would like to have it to where they would use it to produce revenue – he approves it being placed in that general location; Council Member O'Flinn 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.)

Mayor Simmons pulled items A. and B. Mayor Simmons motioned to approve the remainder of the Consent Agenda; Council Member Slachta seconded; and the motion carried unanimously.

A. ACCEPT AND ADOPT THE QUADRANT PLAN MAPS FROM MCMAHON & ASSOCIATES. (GREENSHEET NO. 17-03-0101)

10:02:57 am Council Member Quaremba addressed the need to discuss whether they should establish priorities first and then the map, as she is not sure whether adopting a map would cause issues that have been raised by the spokespersons in the workshop. City Attorney Vance responded.

10:04:19 am Council Member Greg DeWitt asked if they adopt a map, if that's set in stone. City Attorney Vance responded that a planning map is not set in stone, but rather to allow the feasibility in a given area. She further explained.

10:08:18 am In response to Council Member Quaremba, Public Works Director Matt Feeney explained that Exhibit "A" which shows all four quadrants is the map they are asking for consideration for approval.

10:12:30 am Assistant City Manager Arleen Hunter clarified that previously, through the adoption of the Bonita Beach Road Visioning EAR Comprehensive Plan Amendment, City Council adopted the concept of the Quadrant Plan. Therefore, that is fully covered and the public is aware that this is a top priority and Staff will be researching and providing alignments. They also identified the circle circumference maps within there - that alignments will happen in these. What Director Feeney is asking for today is to provide Staff with more clarification on those alignments and this would be the direction you would be asking Staff to pursue. As the City Attorney stated everything is still undergoing negotiation, with design team that would have to move forward, inclusive of public workshops, public outreach to the adjacent property owners, all of which would become part of the design. This would place the public on notice that these are the desirable alignments that they would move towards. They would continue with the

design process which brings all those parties in place. But to protect the actual concept of the Quadrant Plan, that has already been adopted through the Bonita Beach Road Visioning Study and has been forwarded to the Florida Department of Economic Opportunity and is currently being reviewed by the State agencies for comment.

[10:15:26 am](#) City Manager Schwing informed Council of meetings held with Anglers Paradise, explaining that Staff is always willing to continue discussions with property owners. He explained that the alignments shown are important in addressing sensitive environmental areas and for carrying traffic away from the intersection. These alignments have been provided by the consultant for specific reasons and address where will be most effective, costs, and how to limit impacts to owners and neighbors. Council discussion ensued.

[10:21:49 am](#) Council Member O'Flinn clarified that it's not set in stone, it's the preferred route, and Staff will continue to engage, as appropriate, with all property owners. The top priority is the northern two quadrants. Council Member O'Flinn next motioned on A., to accept the Quadrant Plan with the understanding as stated – that openness; Council Member Quaremba seconded.

[10:23:18 am](#) Director Feeney stated that there are multiple maps in Attachment "B" that show a work product and how Staff came to their recommendations. Attachment "A" reflects the alignments that McMahon has done and are recommending. There are other alignments shown through the 70 pages of attachment "B" that are not what they are asking be considered.

The motion carried unanimously.

B. ESTABLISH PRIORITIES WITH REGARD TO THE NORTH QUADRANT PLAN AS PRESENTED BY MCMAHON & ASSOCIATES. (GREENSHEET NO. 17-03-0102)

[10:23:58 am](#) Council Member O'Flinn motioned to establish the northern quadrant as the priority. Mayor Simmons questioned if the motion should be amended to state northwest and northeast as opposed to the north quadrant plan. City Attorney Vance stated the northeast and northwest combined. Mayor Simmons motioned to amend the wording that says north to read northwest and northeast; Council Member O'Flinn seconded.

[10:24:37 am](#) Council Member DeWitt questioned whether Staff needed a priority on northeast/northwest to work on one faster than the other, or done concurrently. Mayor Simmons clarified that northwest is the priority. Council Member DeWitt amended the motion for it to be northwest to be the number one priority; Council Member O'Flinn seconded.

[10:25:11 am](#) Director Feeney clarified that what Staff was asking for in the prioritization of key points was to northwest as the number one priority, but concurrently to proceed to design and right-of-way acquisition in the northwest, and concurrently proceed to right-of-way acquisition in the northeast for that split intersection configuration. The design can follow at a later point or concurrently at Council's pleasure, but what Staff was requesting, they were recognizing that if they pursue the northwest alignment that they are essentially looking at that split intersection, so to acquire that property almost has to happen part and parcel at the same time. Council Member Gibson agreed concurrently, but emphasis on the west side first. Director Feeney added with the pieces of the east side that are critical, which is right-of-way acquisition. Council Member O'Flinn amended his motion consistent with what Director Feeney has suggested.

Mayor Simmons stated that the first is to include both - northwest and northeast, and a roll call was taken, with the motion passing unanimously.

[10:26:51 am](#) Mayor Simmons clarified the second motion which is to give prioritization to northwest, yet work concurrently with northeast. City Attorney Vance stated that the recommendation on the Greensheet is spelled out in items 1 through 4. Council Member O'Flinn stated he hasn't heard anything on the 3-year monitoring. Director Feeney clarified that what has been discussed are items 1 and 2 in the Greensheet. Council Member DeWitt motioned for Staff to work on the right-of-way for the proposed quadrants concurrently. Mayor Simmons questioned whether they would need to withdraw the first motion. City Attorney Vance stated she felt the first motion was fine. They want to work on right-of-way, but before you can get the right-of-way you would need to do the design, permitting, and engineering. Council Member DeWitt motioned for the design and permitting and right-of-way on both quadrants. Council Member Forbes stated that he felt that Council Member DeWitt wants to withdraw his first motion, and that he would want to amend his motion. Council Member O'Flinn withdrew his motion, and motioned to approve items 1 and 2 on the Greensheet; Council Member Quaremba seconded; and the motion carried unanimously.

C. AUTHORIZE MAYOR TO APPROVE RESOLUTION AWARDING THE COMMUNITY PARK PLAYGROUND PROJECT RFB 16-016 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PLAYMORE WEST, INCORPORATED IN THE TOTAL BID AMOUNT OF \$176,000.00 UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 17-03-0110) **ADOPTED RESOLUTION NO. 17-15**

D. AMEND THE LEASE AGREEMENT WITH CREATIVE EXPRESSIONS STUDIO AND GALLERY, LLC FOR THE USE OF ARTIST COTTAGE #4 TO EXTEND THE USE FOR RENEWAL OF TWO (2) ONE (1) YEAR OPTIONS OF LEASE RENEWAL AND APPROVE THE RENEWAL OF ANOTHER ONE YEAR TERM. (GREENSHEET NO. 17-03-0109)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. ADOPT POLICY FOR OLD 41 BEING OPEN FOR ALL SPECIAL EVENTS WITH THE EXCEPTIONS OF CELEBRATE BONITA, JULY 4TH, HOLIDAY IN THE PARK AND PARADES. (GIBSON; GREENSHEET NO. 17-03-0106)

[10:29:35 am](#) Council Member Gibson addressed this item and furnished a brief overview. This was tabled at a previous meeting to see how it would go with having the road remain open during the Art Show, and all seemed to work just fine. He thanked everyone for helping with this. He is here to ask that the road only be closed for Celebrate Bonita, July 4th, Holiday in the Park and parades – adopt as a policy.

Council Member Gibson motioned for the road only be closed for Celebrate Bonita, July 4th, Holiday in the Park and parades; Council Member Slachta seconded.

[10:31:07 am](#) City Manager Schwing explained that there are times when fund raising runs are held in the City, which typically take place along Pennsylvania on the west side of Old 41. He questioned whether this can still occur for clarification. Council Member Gibson explained that Old 41 is a major thru road, and that Pennsylvania gets used a lot, but the main issue is to protect Old 41 from road closures.

The motion carried unanimously.

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

A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING §4-295 – APPLICATION, TO REVISE SUFFICIENCY TIMELINES AND PROCESS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY,

CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 17-03-0111)

[10:36:55 am](#) City Attorney Vance read the title block of the Ordinance into the record and provided a brief overview of the intent, which entail changes to make the Ordinance concurrent with State law.

PUBLIC COMMENT:

Rick Steinmeyer addressed density, and asked if density becomes too high, if there was any way to change that after the fact.

Council Member O'Flinn motioned to move forward with a second reading of the Ordinance on April 5, 2017; Council Member Quaremba seconded; and the motion carried unanimously.

X. PUBLIC COMMENT:

[10:38:45 am](#) Rick Steinmeyer stated he was concerned about closing Pennsylvania Avenue on Saturdays since that is when the Lion's Club hosts their pancake breakfast.

[10:39:39 am](#) Kathy McGrath informed Council that she attended the groundbreaking for the new high school. She also addressed upcoming events in the City.

[10:42:03 AM](#) Dawn Koncikowski read into the record a letter she wrote relating to map errors in zoning and in the Future Land Use Map. She thanked City Council for having special counsel address scriveners errors in the Future Land Use Map. She would like to meet with Council Members individually to discuss.

[10:45:36 am](#) Jim Quaremba addressed the BSU water tower on Estero Boulevard, which he stated is no longer needed. He would suggest Council work with BSU to have the tower removed.

XI. CITY ATTORNEY'S REPORT:

XII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY CAPITAL PROJECTS REPORT. (GREENSHEET NO. 17-03-0103)

Informational.

B. BRIEFING ON REVENUE COLLECTIONS IN THE DEBT SERVICE FUND. (GREENSHEET NO. 17-03-0104)

[10:50:37 am](#) Finance Director Anne Wright furnished a brief overview as outlined in the Greensheet. She will provide Council with information on revenue collected.

C. DISCUSSION AND DIRECTION TO STAFF REGARDING THE NEGOTIATION OF CITY MANAGER AND CITY ATTORNEY EMPLOYMENT CONTACTS. (GREENSHEET NO. 17-03-0105)

[10:52:38 am](#) Administrative Services Director Meg Weiss addressed this item, relating to both the City Attorney's and City Manager's employment contracts which are set to expire June 1, 2017. She addressed the past process for negotiation of their contracts. She is here seeking direction on how Council would like to proceed with the contract negotiation process for this year.

[10:53:11 am](#) Mayor Simmons suggested having Deputy Mayor O'Flinn be charged with this process. Deputy Mayor O'Flinn stated he would be amenable to do it.

[10:56:05 am](#) Council Member Quaremba addressed the form which she felt was inadequate. She did meet with both the City Manager and City Attorney to address the form. She encouraged Council Members to write down any issues they may have for Deputy Mayor O'Flinn to use when negotiating.

[10:57:32 am](#) Council Member DeWitt stated that he felt that Council can meet out of the Sunshine with Deputy Mayor O'Flinn for contract negotiations, as the Fire Board does. City Attorney Vance to research if that exemption only applies to the Fire District.

[10:59:26 am](#) Mayor Simmons motioned for the Deputy Mayor to handle; Council Member Forbes seconded.

The motion carried unanimously.

Council Member Forbes suggested Council think about Mr. Theriaque acting as an intermediary that Council to address with. Council Member Quaremba stated she felt there was a need to develop a mechanism for Council to transmit to our negotiator their thoughts on their own evaluations on the two Staff Members. She further addressed concerns she had with the evaluation form.

D. INFORMATIONAL FOR COUNCIL, REGARDING THE SOUTH LEE COUNTY WATERSHED INITIATIVES. (GREENSHEET NO. 17-03-0107)

[11:04:29 am](#) Public Works Director Feeney stated the intent of this item was to make Council aware of an initiative started by the South Florida Water Management District to assemble stakeholders within the South Lee County Watershed to discuss coordination of potential projects and grant applications within the basin. He informed Council of meetings held in January and February, and an upcoming meeting scheduled for the end of March. A primary discussion will relate to what projects regionally might be considered for a SFWMD grant program funding opportunity. One item that's been discussed was an update to either an existing or new model effort for integrated surface and groundwater within the entire region. He further explained, stating that Staff is looking to see if there is Council interest in having a liaison for that project.

[11:06:10 am](#) Council Member Slachta motioned for Council Member Forbes being appointed as the liaison; Council Member O'Flinn seconded; and the motion carried unanimously.

E. RECEIVE PRESENTATION AND PROVIDE FEEDBACK REGARDING LOGAN BOULEVARD / CONCEPTUAL APPROVAL ONLY. (GREENSHEET NO. 17-03-00-108)

[11:09:10 am](#) City Manager Schwing next referred to the aerial photograph attached to the Greensheet to address plans for Logan Boulevard as addressed in the Greensheet. The road is anticipated to be completed by the end of 2017. In discussions it was discovered that GL Homes owns a strip of property in the back 75 feet on the western side of the right-of-way that's reserved for the road. Currently it's anticipated that the developer will use just that portion to build the road. Staff has been concerned and had discussions with GL homes, which he addressed. Staff then started looking at the balance of the property that might be available which is currently owned by Village Walk which is to the east, who owns about 125' of property within the area, and Staff has been talking to them about donating that property to the City with the expectation that there will be more room to locate the road, and secondly, it would be more centered in the area and provide for perhaps a roundabout at Bonita Beach Road and Logan Boulevard. The Village Walk Board would have to vote on any proposals, and Staff wanted to bring it to City Council to make sure Staff had their direction and concurrence that they are heading in the right direction.

Based upon the anticipated advantages, the following points were discussed between the City and Village Walk towards a donation of the 125 feet (for a mile) right of way:

- All work associated with deed, legal description and preparation of the transfer agreement would be provided by the City at no cost to Village Walk.
- The City will, upon transfer of the property, be responsible to maintain the right of way of the Logan Blvd extension located within the City of Bonita Springs. For planning purposes, annual maintenance of all 200 feet for a mile (not including the actual road segment) might cost approximately \$50,000.
- Village Walk, or its CDD, contingent on SFWMD approving the extra well water allocation permit, will allow the City to extend well water for irrigation of the right of way for Logan Boulevard extension and, if approved by Lee DOT, the landscaping related to the roundabout. It is further understood by all parties that the City may need to excavate, as required, land within Village Walk as required to make a connection onto sufficiently large well water piping mains and related controls to control inside the Village Walk property to control flow to the areas outside of Village Walk. Such locations for excavation, connection to mains and installation of controls would be as approved by Village Walk or its CDD. The City will handle any permitting with the Water Management District required for this project.
- Approve and construct a two lane curb cut and median through cut aligned with the Latitude Drive, which runs east to west in front of the Village Walk Town Center.
- The City will assist Village Walk in discussions with the developer to get a connection road built to the Village Walk western wall. Village Walk would be responsible for the expense of this request to the extent agreed to between the developer and Village Walk.
- The City, utilizing the \$194,000 funds received from Pulte Group in escrow, will landscape the 5 ft. wide strip on the west side of the Village Walk existing privacy wall and irrigation.
- The City, as soon as the property is transferred to it, will include it in their general liability insurance policy.
- The City Attorney has assured Village Walk that the right of way reservation notes in no way prevents this transfer, especially since Logan Boulevard extension with the City will be a City Road.
- The City will require GL Homes to construct the Logan Boulevard extension within Bonita Springs corporation limit to align with the Collier portion of the road and be centered within the new right of way width. Further, the road will match what is being built in Collier County relative to median width, landscaping, curb and gutter, etc.
- The City will work with Village Walk and County DOT to see if County will accept the one (1) mile of Bonita Beach Road from “End of County Maintenance” sign, east one mile to the location of the new fire station.
- This all will of course be contingent upon approval of the Bonita Springs City Council.

Staff would recommend approval today, at least conceptually, until they have a chance to vote on it, and then Staff would bring it back for Council’s final approval.

Council Member Slachta motioned to approve; Mayor Simmons seconded.

11:17:49 am Council Member Forbes stated that moving the road would also benefit Palmira, which represents about half of the length of the mile. He further explained. He sees this as a good thing. Council Member Quaremba stated she also sees this as positive.

11:20:30 am Council Member O’Flinn stated he feels that the concept of truck traffic there is something he feels should be talked about. Logan Boulevard further down reads “residential” and is residential on both sides. He would like to explore how they can limit heavy truck traffic on that road.

XIII. MAYOR AND COUNCIL MEMBER REPORTS:

11:24:01 am Council Member Forbes complimented all who went up to Tallahassee to meet with elected officials. He also addressed proposed bills and meetings with elected officials. He feels all went very well.

11:25:59 AM Council Member O'Flinn stated he attended the high school groundbreaking that went great! He also addressed the Wonder Gardens loan.

11:26:42 AM Council Member DeWitt thanked the Chamber for facilitating the trip to Tallahassee. He feels they did great work there.

11:27:04 AM Council Member Quaremba also thanked the Chamber for arranging their trip to Tallahassee. She feels they were very effective. She also complimented Matt Feeney on the great job with the Spring Creek dredging project.

11:29:05 AM Mayor Simmons informed Council that he invited the School Board to come to a Council meeting to make a presentation on the overview, vision, budget, etc., of the high school. Council Member Quaremba would like to see a shortened video on the ceremony of the groundbreaking, as well and a collage of photos from Tallahassee. Mayor Simmons also informed Council that this Saturday he is hosting a reception in Bonita Bay to welcome the Municipal President Mexico Juan Carrillo Soberanis.

XIV. APPROVAL OF MINUTES: 03/01/17

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

XV. PUBLIC COMMENT:

11:34:54 AM Rick Steinmeyer addressed the BBIA meeting the previous evening.


11:21:14 AM Kathy McGrath addressed briefly comments made by Jim Quaremba relating to the water tower.

11:21:14 am Dawn Koncikowski thanked City Council.

XVI. ADJOURNMENT:

There being no further items to discuss, the meeting adjourned at 11:21 A.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 4/7/17

AUTHENTICATED:


Peter Simmons, Mayor