

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, APRIL 5, 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 Wayne Neller, with Community Congregational 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

5:32:18 PM Rick Steinmeyer commented on Item VI. F., stating that he feels they should not spend the money on optional ear based amendments. He also commented on Item IX. A., regarding the demolition delay ordinance which he is opposed to.

5:34:58 PM Kathy McGrath voiced her support for the approval of Item F., regarding the Caretaker's Agreement for the Bonita Nature Place.

5:35:48 PM Dawn Koncikowski commented on Consent Agenda Item F., regarding the additional EAR based optional amendments. She asked City Council to keep the backup and protections in place and fix the confirmed errors on the future land use map.

5:37:52 PM Martha Simons addressed the errata sheet item relating to the Lion's Club request and asked that Council approve their request. She also supports approval of the demolition delay ordinance.

MOTION ON ITEM XI. A., PUBLIC HEARING:

5:39:24 PM Mayor Simmons motioned to take no action on item XI. A., below; Council Member Peter O'Flinn seconded; and the motion carried unanimously.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT TO UNDERSHERIFF CARMINE MARCENO UPON HIS SUCCESSFUL COMPLETION OF THE PRESTIGIOUS FBI NATIONAL ACADEMY.

Mayor Simmons next presented Undersheriff Carmine Marceno with a Certificate of Achievement for his successful completion of the FBI National Academy. Undersheriff Marceno was in attendance to accept his Certificate and thank Mayor Simmons and City Council. Also in attendance were several members of the Lee County Sheriff's Office.

**B. PROCLAMATION DECLARING APRIL 28, 2017 AS ZONTA DAY IN BONITA SPRINGS.**

Mayor Simmons next read aloud a Proclamation declaring April 28, 2017 as Zonta Day in the City of Bonita Springs. Several members of the Zonta Club were in attendance to accept the Proclamation and to thank Mayor Simmons and City Council.

**C. PROCLAMATION PROCLAIMING APRIL 10<sup>TH</sup> AS GOPHER TORTOISE DAY IN THE CITY OF BONITA SPRINGS.**

Mayor Simmons next read aloud a Proclamation proclaiming April 10<sup>th</sup> as Gopher Tortoise Day in the City of Bonita Springs. Several Members of the Lion's Club West Community were in attendance to accept the Proclamation and to thank Mayor Simmons and City Council.

**D. PRESENTATION OF AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2016 BY JEFF BROWN, CPA, PARTNER WITH THE AUDIT FIRM OF ASHLEY, BROWN & COMPANY, CPA'S. (GREENSHEET NO. 17-04-0124)**

5:55:58 PM Jeff Brown furnished a brief overview of the report.

**E. PRESENTATION BY LEE COUNTY SCHOOL BOARD ON NEW HIGH SCHOOL COSTS, VIDEO OF GROUNDBREAKING AND CONSTRUCTION TIMING CHALLENGES.**

6:09:28 PM Mike Mora, Operational Planning & Project Management; Bill Law, District Chief Operations Officer; and Jeff Estes, Principal of Bonita Springs High were in attendance to address City Council utilizing a PowerPoint presentation (copy in Clerk's file). They reported that the project was on schedule. They also addressed site modifications, the budget, design changes, and academics that will be offered.

**F. A PRESENTATION TO CITY COUNCIL BY DR. MARGRET BANYAN WITH FLORIDA GULF COAST UNIVERSITY AND HER TEAM REGARDING THE OPTIONAL EVALUATION AND APPRAISAL REVIEW (EAR) BASED AMENDMENTS. (GREENSHEET NO. 17-04-0130)**

6:28:36 pm Dr. Margaret Banyan with FGCU, introduced members of her team, including Dr. Green, Shelly Johnson with EnSite and Alexis Crespo with Waldrop Engineering. She next furnished a PowerPoint presentation (copy in Clerk's file) to address the optional amendments. Council discussion followed.

6:46:41 pm Council Member O'Flinn motioned to prioritize transportation, Old 41, and as appropriate, move to other areas, along with the map revision; Council Member Amy Quaremba 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.)**

6:47:44 pm Council Member Mike Gibson requested Items B. and H. be pulled.

6:47:50 pm Council Member Slachta motioned to approve the remainder of the Consent Agenda; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- A. RETAIN EXISTING FIRM OF SMOLKER, BARTLETT, LOEB, HINDS & SHEPPARD, P.A. AS SPECIAL COUNSEL FOR LEGAL CONSULTATION. (GREENSHEET NO. 17-04-0117)
- B. APPROVE THE AMENDED LEASE AGREEMENT WITH MATT KEARNEY FOR RENEWAL OF ARTIST COTTAGE #5 LEASE AGREEMENT FOR ANOTHER ONE YEAR TERM. (GREENSHEET NO. 17-04-0128)

6:48:38 PM Council Member Gibson pulled this item to remind and welcome everyone to visit the artist cottages. There are sculptures, paintings, Christmas items, etc.

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

- C. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE GULF COAST SWIM TEAM. (GREENSHEET NO. 17-04-0127)
- D. APPROVE OF PURCHASE AGREEMENT WITH SPEEDWAY, LLC, FOR PARCELS 4/5 OF THE DOWNTOWN IMPROVEMENT PROJECT IN THE AMOUNT OF \$26,000.00, CLOSING COST AND SPECIAL CONDITIONS. (GREENSHEET NO. 17-04-0123)
- E. APPROVE A RESOLUTION FOR THE ASSIGNMENT OF BONITA SPRINGS UTILITIES (BSU) AID TO NEW CONSTRUCTION (ANC) FEE ECONOMIC DEVELOPMENT CREDITS TO BE USED IN THE DOWNTOWN BONITA SPRINGS REDEVELOPMENT PROJECT. (GREENSHEET NO. 17-04-0131) **ADOPTED RESOLUTION NO. 17-16**
- F. APPROVAL OF CARETAKER'S AGREEMENT FOR THE BONITA NATURE PLACE. (GREENSHEET NO. 17-04-0122)
- G. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR ROYAL SCOOP FOR THE 23<sup>RD</sup> ANNUAL EASTER EGG HUNT ON APRIL 15, 2017 AT 3971 VIA DEL REY, BONITA SPRINGS, FL 34134. (GREENSHEET NO. 17-04-0125)
- H. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR BONITA BAY COMMUNITY EASTER EGG HUNT ON SATURDAY, APRIL 15, 2017 AT 3451 BONITA BAY BLVD., BONITA SPRINGS, FL 34135. (GREENSHEET NO. 17-04-0126)

6:49:15 PM Council Member Gibson pulled item H., to question why this was a City matter since the event was being held within their own community. Lora Taylor, Communications Director, responded that it falls under the requirement for a Special Event Permit per the Ordinance. She further explained. Council Member Gibson suggested amending the Ordinance to allow closed communities to not have to come to the city.

6:52:23 pm Council Member O'Flinn motioned to approve; Council Member Gibson seconded; and the motion carried unanimously.

#### VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING §3-489. – BUILDING DESIGN STANDARDS – TO REVISE ARCHITECTURAL STANDARDS FOR NON-RESIDENTIAL BUILDINGS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (FORBES; GREENSHEET NO. 17-04-0132)

6:53:07 pm Council Member Fred Forbes addressed this item and furnished a brief overview of the intent, as reflected in the Greensheet.

6:56:16 pm Sam Vincent, architect for the City, further explained. The request is to allow Staff to move forward and draft an Ordinance to bring back.

7:02:49 pm Council Member O’Flinn motioned for Staff to move forward with an Ordinance; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- B. A RESOLUTION APPROVING THE PARTICIPATION BY THE CITY OF BONITA SPRINGS IN THE LAKE OKEECHOBEE REGIONAL COMPACT. (MAYOR SIMMONS; GREENSHEET NO. 17-04-0116)

7:03:30 pm Mayor Simmons addressed this item, and furnished an overview of the history and intent as outlined in the Greensheet.

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

7:06:29 pm Council Member Quaremba stated she is in favor, but feels it would be helpful if they can review the steps Council has taken as to where they are and how it all fits in. Mayor Simmons stated they can invite legislators to come and provide City Council with a formal update. Council Member Quaremba stated even to have a review of the list of things Council signed on to so they can see them all together and how they integrate.

Council Member DeWitt thanked Mayor Simmons for all his work on this, which he sees as very important.

The motion carried unanimously.

7:08:16 pm Mayor Simmons asked that the City Manager email him to forward to the Mayors of Lee County, or maybe to the 19-County regional of Mayors.

7:08:48 pm Council Member O’Flinn referred to the consideration of a roundabout at the north high school entrance. The discussion on a traffic signal vs. a roundabout intertwines Lee County and the School District. He would like to discuss with Matt Feeney if there’s a way they can be protagonist with respect to looking at this, not that they were definitely saying that they want to have a roundabout, but to look at it and see if it’s something they can progress. Council consensus yes. Council Member O’Flinn next informed Council of an email he received from a resident on the beach regarding traffic to and from Lover’s Key. He referred to a Lee Tran initiative and a depot for residents to park their cars and take Lee Tran buses to the beach. He suggested an initiative to talk to Lee County about having better, low impact bus access, to take some of the pressure off Little Hickory Island and up to Big Hickory Island. A brief discussion followed, with Council Member O’Flinn to prepare a Greensheet for a future meeting. Lastly, Council Member O’Flinn addressed downtown, and stated that the development stage is just beginning, and he feels they need to make sure they are applying serious resources.

7:16:00 pm Council Member Forbes referred to comments made by Council Member O'Flinn, he stated he spoke with Mr. Feeney and asked him if he would be able to give a report down the road to City Council (on downtown). He stated one thing they were going to look at, which was the accessories and the need to know what the accessories are and make sure there are enough of them.

7:16:12 pm Council Member Gibson referred to the bike path that Collier County was doing along Vanderbilt Drive. In front of Vanderbilt Lakes and also where Woods Edge comes out, it doesn't look like there is going to be access. Cyclists will be using this area, and he asked if there was any way to talk to them to see if they can provide access. Next he referred to Terry Street, in front of Bonita Fairways, the sprinkler system comes on during the day, afternoon and early evening, and shoots across the sidewalk. He asked if the City can approach them to see if they can do it at a time when there would not be people on the road.

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

- A. AN ORDINANCE RESTATING AND AMENDING BONITA SPRINGS ORDINANCE NO. 13-20, AMENDING CHAPTER FIVE OF THE LAND DEVELOPMENT CODE, RELATING TO THE HISTORIC PRESERVATION BOARD, BY AMENDING SECTION 5-3, DEFINITIONS, TO ADD AND AMEND CERTAIN TERMS; AMENDING SECTION 5-50, MEMBERSHIP, COMPENSATION OF MEMBERS, TO REINSTITUTE FINANCIAL DISCLOSURE FILING REQUIREMENTS WITH THE STATE FOR HISTORIC PRESERVATION BOARD MEMBERS; AMENDING SECTION 5-52, POWERS AND DUTIES, TO ADD POWERS AND DUTIES RELATED TO MAINTAINING A LISTING OF RECOGNIZED HISTORIC RESOURCES; ADDING SECTION 5-88 TO ESTABLISH A WAITING PERIOD FOR DEMOLITION OF RECOGNIZED HISTORIC RESOURCES; PROVIDING CERTAIN MINOR UPDATES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 17-04-0114)

7:17:43 pm Assistant City Attorney Alex Boswell-Ebersole, read the title block of the Ordinance into the record. He reviewed the Affidavit of Publication and found it to be legally sufficient.

7:19:02 pm Council Member O'Flinn motioned to move forward with as second reading and public hearing of Ordinance; Council Member DeWitt seconded.

**PUBLIC COMMENT:**

7:19:21 pm Rick Steinmeyer spoke opposed to the Ordinance.

The motion carried unanimously.

**X. SECOND 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. 17-04-0120)

[7:22:23 pm](#) City Attorney Vance read the title block of the Ordinance into the record. She also reviewed the Affidavit of Publication and found it to be legally sufficient. She next briefly addressed revisions.

[7:24:21 pm](#) Council Member DeWitt motioned to approve, as revised, to have both reviews reflect 45 days; Council Member O'Flinn seconded.

No public comments were made.

The motion carried unanimously.

#### XI. PUBLIC HEARING:

- A. CONSIDER PETITION FILED BY ATTORNEY NEALE MONTGOMERY, ESQUIRE, PAVESE LAW FIRM, ON BEHALF OF APPLICATION BG MINE LLC, FOR CONTRACTION OF REAL PROPERTY FROM THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 17-04-0119)

[5:39:24 PM](#) Mayor Simmons motioned to take no action on item XI. A., below; Council Member Peter O'Flinn seconded; and the motion carried unanimously.

#### XII. PUBLIC COMMENT:

[7:25:20 PM](#) Rick Steinmeyer spoke opposed to the Demolition Delay Ordinance.

[7:27:06 pm](#) Kathy McGrath thanked City Council for budgeting to allow Celebrate Bonita and all the other family events.

[7:27:59 pm](#) Dawn Koncikowski thanked Mayor Simmons and City Council for having Dr. Banyan go forward with the map corrections during the EAR process.

#### XIII. CITY ATTORNEY'S REPORT:

- A. DIRECTION WHETHER TO CONSIDER AN AMENDMENT TO LAND DEVELOPMENT CODE §4-53 TO REQUIRE FIVE OR MORE COUNCIL MEMBERS TO VOTE IN THE AFFIRMATIVE WHEN INCREASING HEIGHT OVER 75' FEET. (GREENSHEET NO. 17-04-0115)

[7:28:52 pm](#) City Attorney Vance read the title block into the record, stating that this was continued from Council December 7, 2016 meeting, to address with Attorney David Theriaque.

[7:31:41 pm](#) Council Member O'Flinn motioned to move forward with the Ordinance; Council Member Quaremba seconded; and the motion passed 6-1 (Council Member Slachta opposed)

- B. REVIEW AND IF SATISFACTORY, APPROVE THE RESOLUTION TO ESTABLISH THE BONITA SPRINGS OUTREACH ADVISORY COMMITTEE FOR THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 17-04-0121)

[7:34:41 pm](#) City Attorney Vance addressed this item, and furnished a brief overview. The Committee will be for one year, to start the date of their first meeting. Discussion followed. City Attorney to work with Council Member O'Flinn on wording and bring back to City Council at their next meeting. Council Member Slachta motioned to revise from 3 to 4 members for a quorum.

XIV. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 17-04-0113)

Informational.

B. REVIEW THE RECOMMENDATIONS OF THE ART IN PUBLIC PLACES BOARD REGARDING A WELCOME MONUMENT ADJACENT TO INTERSTATE 75, THE BONITA SPRINGS UTILITIES WATER TOWERS, AND COMMUNICATION STRUCTURE FLAG POLE. (GREENSHEET NO. 17-04-0129)

7:53:25 PM Assistant City Manager Arleen Hunter furnished a PowerPoint presentation (copy in Clerk's file) to address the recommendations made by the Art in Public Places Board regarding the three potential welcome features.

Welcome feature on I-75

8:02:14 PM Council consensus yes to a welcome feature on I-75.

Water Tower

8:12:42 PM Council consensus yes. Assistant City Manager to work with BSU on an agreement.

Flagpole

8:13:33 PM Council consensus yes, inclusive of a City Flag under the larger flag.

BSU Water Tower on Hickory Island

8:14:41 PM Council consensus is no interest, but negotiate to see what can be done. Assistant City Manager Hunter stated she will be bring a Scope of Services for City Council to review with an RFP that would include both the I-75 feature and any feature for Hickory Island.

C. APPROVE DONATION OF LAND FROM VILLAGEWALK CDD FOR BELLA LOGAN BOULEVARD, SUBJECT TO CERTAIN TERMS AND CONDITIONS OUTLINED IN AGREEMENT. (GREENSHEET NO. 17-04-0118)

8:21:02 PM City Manager Schwing furnished a brief overview.

Council Member O'Flinn motioned to approve the donation agreement, and authorize Staff to work on the conveyance; Council Member Quaremba seconded; and the motion carried unanimously.

D. UPDATE AND PHOTOS FROM CITY COUNCIL LEGISLATIVE TRIP TO TALLAHASSEE.

A PowerPoint presentation was furnished (copy in Clerk's file).

ADDITIONAL ITEMS:

8:26:07 pm Assistant City Manager Hunter announced that the City received the WCIND Grant of \$40,000 for marine patrol.

8:27:37 pm City Manager Schwing reported that the Community Rating Service Audit went from a class 6 to a class 5, which will result in lower premiums for insurance payers. He also thanked all who helped with Celebrate Bonita.

- E. **ERRATA SHEET:** REQUEST FROM THE BONITA SPRINGS WEST COMMUNITY LIONS CLUB TO PROMOTE THEIR GOPHER TORTOISE DAY EVENT ON THE SCROLLING SECTION OF THE CITY'S WEBSITE AND ON BONITA TELEVISION BULLETIN BOARD. (GREENSHEET NO. 17-04-0134)

8:29:54 pm Communications Director Lora Taylor furnished a brief overview.

Council Member Slachta motioned to approve; Council Member Quaremba seconded; and the motion carried unanimously.

#### XV. MAYOR AND COUNCIL MEMBER REPORTS:

8:31:28 pm Council Member Forbes reported on a 3-day water summit he attended, which he found to be very productive. He met a lot of people he feels may be able to help with City issues.

8:32:53 pm Council Member O'Flinn reported on a meeting regarding the new 41 bridge.

8:33:35 pm Council Member Slachta reminded everyone that Governor Scott will be at the Bonita Bay Club this coming Monday. He welcomed all veterans who would like to attend to please do so.

8:34:06 pm Council Member DeWitt thanked Staff for the great job with Celebrate Bonita.

8:34:29 pm Mayor Simmons informed Council that at their next meeting they will be considering approval of the first Cinco de Mayo event. He asked for special consideration to help promote the event. Lastly, he addressed the high school and fundraising towards the high school and naming rights, and a placeholder for discussion.

#### XVI. APPROVAL OF MINUTES: 03/15/17 WORKSHOP & 03/15/17

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

#### XVII. PUBLIC COMMENT:

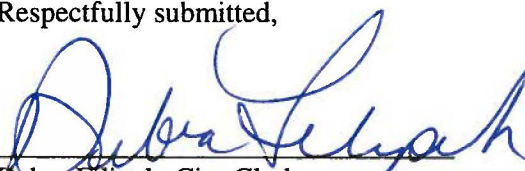
8:40:20 pm Kathy McGrath briefly addressed the WCIND process.

8:41:26 pm Jim Weeks thanked Mayor Simmons and City Council for all they do.

#### XVIII. ADJOURNMENT:

There being no further items to discuss the meeting adjourned at 8:45 P.M.

Respectfully submitted,

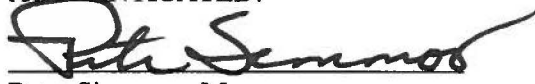
  
Debra Filipek, City Clerk



APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 4/7/17

AUTHENTICATED:

A handwritten signature in black ink, appearing to read "Peter Simmons", written over a horizontal line.

Peter Simmons, Mayor