

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, AUGUST 2, 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 Rob Sparrows, with Integrity 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

[5:38:19 PM](#) Rick Steinmeyer addressed concerns he had with the use of the pool facilities by the school district.

[5:39:57 PM](#) Paul Dickard, representing HercRentals, thanked Council for their consideration of their request for additional signage, which is on the agenda to be addressed this evening. He is here to respond to questions.

[5:40:19 PM](#) Martha Simons referred to the San Carlos Estates Water District Greensheet and spoke against the request to transfer the lots to the District. She also asked that Council move forward with the Spring Creek Restoration project. She also asked that Council approve the Hispanic Heritage Festival Event.

[5:43:47 PM](#) Linda Schwartz addressed Greensheet No. 17-08-0289 regarding the two lots Martha just addressed. She supports Martha's recommendation to not transfer the lots to the San Carlos Water Control District.

VI. PROCLAMATIONS AND PRESENTATIONS: No items.

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.)

[5:44:42 PM](#) Pulled items A., C., and E.

- A. ERRATA SHEET 2 - APPROVE THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF LEE COUNTY TO PROVIDE FOR RECIPROCITY OF THE PUBLIC RECREATIONAL FACILITIES. (GREENSHEET NO. 17-08-0280)

[5:46:50 pm](#) Council Member Greg DeWitt referred to Section 2, which limits it to the 2017-2018 school year. He questioned termination of the agreement, to which Staff responded.

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

- B. APPROVE SUPPLEMENTAL TASK AUTHORIZATION NO. 15 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MCMAHON ASSOCIATES, INCORPORATED FOR THE BONITA BEACH ROAD AND US 41 INTERSECTION QUADRANT PLAN AND APPROVAL OF A RESOLUTION TO THE NETWORK ENHANCEMENT ALIGNMENT STUDY IN THE NOT TO EXCEED AMOUNT OF \$25,000.00 (GREENSHEET NO. 17-08-0284) **ADOPTED RESOLUTION NO. 17-39**

- C. APPROVE TRANSFER OF TWO LOTS OWNED BY THE CITY OF BONITA SPRINGS TO THE SAN CARLOS WATER CONTROL DISTRICT FOR FUTURE WATER PROJECTS. (GREENSHEET 17-08-0289)

[5:49:24 pm](#) Council Member Gibson pulled item C., to address comments made by the public regarding the transfer of the 2 lots.

[5:49:40 pm](#) Assistant City Attorney Alex Boswell-Ebersole explained that the deed contains conditions that transfer the use of the property for water storage and water quality projects only.

PUBLIC COMMENTS:

Martha Simons suggested the City hold onto the property for now.

[5:55:54 pm](#) City Manager Schwing stated that if Council is moving toward voting no on this vote, he would recommend they not vote and defer this item to allow Staff to do some additional discussions, or be able to communicate to the District that the Council has chosen to keep the lots for now.

[5:56:16 pm](#) Public Works Director Matt Feeney explained that these lots are within the San Carlos Estates Water Control District boundaries and are wetlands. Exotic removal can cost a few thousand dollars. He stated that if there's a water quality project that can be done in that area that the City doesn't have to shoulder it would be beneficial to the City.

Council Member Slachta motioned to defer the discussion to allow Staff to come back with more information; Council Member Quaremba seconded; and the motion carried unanimously.

- D. APPROVE THE RESOLUTION TO AMEND AND RESTATE RESOLUTION 17-19, RELATED TO THE BONITA SPRINGS OUTREACH ADVISORY COMMITTEE FOR THE CITY OF BONITA SPRINGS, TO PERMIT UP TO TWO (2) ADDITIONAL APPOINTEES, ORLANDO PALLARES AND MICHAEL ROBINSON, TO SERVE AS EX OFFICIO (OR AS SANCTIONED) MEMBERS BY CITY COUNCIL TO ATTEND AND PARTICIPATE WITH MEMBERS OF THE OUTREACH COMMITTEE. (GREENSHEET NO. 17-08-0293)

- E. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE FERIA DE LA HERENCIA HISPANA / BONITA SPRINGS HISPANIC HERITAGE

FESTIVAL EVENT AT RIVERSIDE PARK ON SATURDAY, SEPTEMBER 16, 2017
FROM 2:00 P.M. TO 9:00 P.M. (GREENSHEET NO. 17-08-0291)

[5:58:03 pm](#) Mayor Simmons and Council Member Quaremba pulled this item to voice their support. Council Member Quaremba also expressed her support and addressed the need for a sponsorship policy. Communications Director Lora Taylor addressed City Council. She will bring back the processes used by other cities.

Council Member O'Flinn motioned approval of the requested Special Event Permit; Council Member Quaremba seconded; and the motion carried unanimously.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. CONSENSUS FOR CITY COUNCIL TO CONSIDER ADOPTING APPROPRIATE LOCAL RULES DEALING WITH ETHICS. (O'FLINN; GREENSHEET NO. 17-08-0292)

[6:03:15 pm](#) Council Member O'Flinn addressed this item and provided an overview of the intent, which is to see if Council wants to consider having their own ethics code. Discussion followed.

Council Member Forbes motioned to not go forward.

[6:08:37 pm](#) Council Member Slachta seconded; and the motion passed 4-3 (Mayor Simmons and Council Members Quaremba and O'Flinn opposed)

- B. REQUEST FOR CITY COUNCIL GUIDANCE ON THE APPROVAL PROCESS FOR TWO (2) ADDITIONAL BUILDING SIGNS AT HERC RENTALS HEADQUARTERS LOCATED AT 27500 RIVERVIEW CENTER BOULEVARD. (MAYOR SIMMONS; GREENSHEET NO. 17-08-0295)

[6:15:14 pm](#) Assistant City Manager Arleen Hunter provided an overview as reflected in the Greensheet. Herc is one of only three identified city-wide economic development projects receiving City Council approved economic development incentives. In the list of incentives provided to those approved city-wide projects, one of those is the expedited permitting process.

[6:16:22 pm](#) John Dulmer, Community Development, responded to the Mayor's question as to his recommendation as to how Council should handle this, he explained that his recommendation would be to have Staff handle this administratively. He further explained.

Council Member O'Flinn addressed and entered a motion to move forward and have Staff handle this administratively and expedite; Council Member Quaremba seconded – to move forward with an administrative deviation with the lighting suggestions as recommended by Staff.

Council Member O'Flinn amended his motion to reflect that HercRentals is one of three designated economic development projects; Council Member Quaremba seconded.

Mr. Dulmer explained that if this is administrative, it needs to be non-illuminated. Mr. Dickard stated they would certainly agree to the non-illuminated.

The motion carried unanimously.

- C. ERRATA SHEET - DISCUSS AND DEVELOP GUIDELINES FOR INDIVIDUAL COUNCIL MEMBERS MAKING CONTACT AND ASKING QUESTIONS TO GET A LEGAL INTERPRETATION OR REQUEST RESEARCH OR RECOMMENDATIONS FROM OUR SPECIAL COUNSELS. (FORBES; GREENSHEET NO. 17-08-0298)

[6:22:29 pm](#) Council Member Forbes next furnished an overview of this agenda item.

[7:06:47 pm](#) Council Member Forbes entered a motion that if City Council wants to call special counsel for a subject, they talk to the City Attorney who may already have had other calls on that, but somewhere there's a memo that says that Fred Forbes called special counsel and posed this question and here was the opinion and Staff can write that memo; Mayor Simmons seconded because Council Member Forbes stated that before they call special counsel they are going to check with the City Attorney first; and the motion passed 5-2 (Council Members Quaremba and O'Flinn opposed)

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; SETTING FORTH THE FEE SCHEDULE FOR PUBLIC WORKS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 17-08-0288)

City Attorney Vance read the title block of the Ordinance.

Council Member Gibson motioned to adopt the Ordinance; Council Member O'Flinn seconded; and the motion carried unanimously. (Council Member Quaremba not in attendance during the vote).
ADOPTED ORDINANCE NO. 17-16

[7:19:46 pm](#) Council Member O'Flinn referred to the zoning workshop, and suggested Council Member Forbes be designated to work with Community Development, Mr. Kurlander and City Attorney Vance on an appropriate presentation for best practices. Council consensus yes, with Council Member Forbes agreeing to be the designated Council Member.

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; ESTABLISHING A PROCESS AUTHORIZING ISSUANCE OF TRESPASS WARNINGS; CREATING AN APPEAL PROCESS FOR WHEN A PERSON IS TRESPASSED ON CITY PROPERTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT OF LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 17-08-0287)

[7:11:37 pm](#) City Attorney Vance read the title block of the Ordinance.

Council Member O'Flinn motioned to adopt the Ordinance; Council Member Slachta seconded.

PUBLIC COMMENT:

[7:13:34 pm](#) Rick Steinmeyer questioned the definition of "trespass warning," and who would decide who needs to be trespassed.

[7:14:58 pm](#) Martha Simons questioned the existence of language to address situations such as people demonstrating on a public sidewalk, to which City Attorney Vance responded there is language that addresses that.

[7:15:27 pm](#) Deputy Russ Green with the Sheriff's Office furnished a brief overview of the intent of the Ordinance.

The motion passed unanimously. **ADOPTED ORDINANCE NO. 17-17**

X. PUBLIC HEARING:

- A. ADOPT THE FOLLOWING RESOLUTION AMENDING THE BONITA SPRINGS ADMINISTRATIVE CODE ENTITLED RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS, TO SET FORTH RULES RELATED TO STANDING COMMITTEES, INCLUDING CREATION OF THE PLANNING AND FINANCE STANDING COMMITTEE. (GREENSHEET NO. 17-08-0294)

[7:20:38 pm](#) City Attorney Vance furnished a brief overview, which addresses direction provided at City Council's July 19, 2017 meeting.

[7:25:20 pm](#) Council Member O'Flinn briefly addressed and motioned to approve the Resolution; Mayor Simmons seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 17-38**

XI. PUBLIC COMMENT:

[7:27:00 pm](#) Rick Steinmeyer addressed the Trespass Ordinance.

[7:28:08 pm](#) Kathy McGrath addressed upcoming events in the City.

[7:29:45 pm](#) Martha Simons addressed the Planning and Finance committee.

[7:31:28 pm](#) Ben Hershenson suggested Council meetings be streamed live, to which Council informed him they are.

XII. CITY ATTORNEY'S REPORT:

[7:32:59 pm](#) City Attorney Vance addressed City Council on the lawsuit the City is party to entitled City of Bonita Springs vs. WCI Communities et. al. Per Florida Statutes, she is requesting the City Council convene in a closed attorney client session to be scheduled for Wednesday, August 16, 2017 at 8:00 A.M., prior to the regular City Council meeting on that date. The session will be recorded by a certified Court Reporter who will transcribe the session and provide that transcription to the City Clerk in a reasonable time. Council Member O'Flinn to participate via telephone.

XIII. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 17-08-0285)

Informational.

- B. REVIEW OF MONTHLY CAPITAL PROJECTS REPORT. (GREENSHEET NO. 17-08-0286)

Informational.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

[7:37:08 pm](#) Council Member Slachta reminded everyone of the Patriot Day event scheduled for September 11, 2017.

7:37:31 pm Council Member Gibson provided an update on the City's website project. There will be public workshops.

XV. APPROVAL OF MINUTES: 05/15/17 (ZONING) & 07/19/17

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

XVI. PUBLIC COMMENT: NONE

XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 7:40 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 8/21/17

AUTHENTICATED:


Peter Simmons, Mayor