

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, OCTOBER 18, 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 9:04 A.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 City Council Members were present.

V. PUBLIC COMMENT ON AGENDA ITEMS

09:06:15 AM Lou Kober, resident of Bonita Springs, asked if the Bonita Springs residents were able to participate in a conference call with the Army Corps of Engineers and requested a report.

09:07:20 AM Jude Richvale, resident of Bonita Springs, discussed the Bonita Springs Utilities elections, sunshine laws and public records laws.

09:12:30 AM Rita Hite, resident of Bonita Springs, discussed the Bonita Wonder Gardens and asked whether Council had any ideas on what they would do with it.

09:14:03 AM Ed Fitzgerald, resident of Bonita Springs, addressed Bonita Springs Utilities franchise and the irrigation system.

09:18:52 AM Trish Leonard, President of Bonita Springs Wonder Gardens, invited City Council to the November 5th opening day of the Everglades Wonder Gardens.

09:20:15 AM John Paeno, Bonita Springs Downtown Alliance, addressed Hurricane Irma Volunteers and mentioned upcoming events in the City.

09:22:13 AM Martha Wunsch, resident of Bonita Springs, discussed the recreation department and news outlets that covered the Hurricane Irma aftermath.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF CERTIFICATION OF APPRECIATION TO THE FLORIDA LIONS EYE CLINIC.

Mayor Peter Simmons presented a Certificate of Appreciation to Tamika Seaton, Executive Director of Florida Lions Eye Clinic for outstanding eye service.

B. PRESENTATION AND UPDATE ON THE CITY OF BONITA SPRINGS 2017 MAYOR'S CHALLENGE APPLICATION BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL. (GREENSHEET NO. 17-10-0395)

ERRATA SHEET: ADDITIONAL INFORMATION ATTACHED FOR PRESENTATION AND UPDATE ON THE CITY OF BONITA SPRINGS 2017 MAYOR'S CHALLENGE APPLICATION BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (GREENSHEET NO. 17-10-0404)

09:27:45 AM Arleen Hunter, Assistant City Manager, introduced the representatives of the Southwest Florida Regional Planning Council. Tess MacMorris, Southwest Florida Regional Planning Council, provided an overview of the application submittal for the City of Bonita Springs. She discussed components within the application and the goals the City wished to achieve.

09:32:33 AM Council Member Amy Quaremba asked how the application was coordinated with other activities that the City was initiating. Jim Beever, Southwest Florida Regional Planning Council, stated that the proposal for the 2017 Mayor's Challenge fit into the larger initiative of flood reduction for the City and explained some of the reasons flooding occurred within the City.

09:38:33 AM Council Member Greg DeWitt asked if one of the solutions for reducing future flooding was to reclassify communities that were affected the most as wetlands and taking property away from residents. Mr. Beever stated that the funds were not for the purpose of taking resident's property away. Ms. MacMorris stated that the target impacts for the Mayor's Challenge were exclusive to the challenge.

09:46:15 AM Council Member Peter O'Flinn explained that the plan was not to remove residents from their homes but to find a solution to mitigate flooding within the City.

09:47:42 AM Mr. Beever discussed the foundation of the City and how the mapping of the Imperial River was initially conducted. Ms. Hunter stated that if the City were to win the award, it would be a long-term 3-year minimum commitment with the Bloomberg Association.

Mayor Peter Simmons entered a motion to move forward with the application; 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.)

A. APPROVE RESOLUTION TO AMEND FY 2017 BUDGET TO REFLECT THE ACQUISITION OF THE EVERGLADES WONDER GARDENS PROPERTY. (GREENSHEET NO. 17-10-0390) **ADOPTED RESOLUTION NO. 17-63**

B. APPROVAL OF THE 2017-2018 INTERLOCAL AGREEMENT FOR STRAY ANIMAL CONTROL SERVICES BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT OF THE 2017-2018 INTERLOCAL AGREEMENT FOR STRAY ANIMAL CONTROL SERVICES. (GREENSHEET NO. 17-10-0398)

- C. AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO ALLOW THE BONITA SPRINGS LIONS CLUB TO OPERATE AN ANNUAL FARMERS MARKET ON WEDNESDAYS FROM 8:00 A.M. – 1:00 P.M. AT DEPOT PARK COMMENCING OCTOBER 1, 2017 – SEPTEMBER 30, 2018, WITH UP TO FIVE (5) RENEWALS OF ONE YEAR EACH. (GREENSHEET NO. 17-10-0380)
- D. ERRATA SHEET: AUTHORIZE THE CITY ATTORNEY TO MAKE AN APPLICATION TO COMMUNITY DEVELOPMENT, ON BEHALF OF CITY COUNCIL, FOR TECHNICAL DEVIATION IN REGARDS TO THE LIBRARY. (GREENSHEET NO. 17-10-0403)

Council Members Forbes and Quaremba pulled Item C. and Errata Item D. to discuss. Mayor Simmons entered a motion to approve the remainder; Council Member Amy Quaremba seconded; and the motion carried unanimously.

09:55:15 AM Council Member Forbes pulled Item C. Lora Taylor, Communications Director, stated that there was a previous 5-year agreement with the Lion’s Club and that the application was reoccurring. Council Member Gibson asked about the location of the farmer’s market. City Attorney Vance stated that the agreement could be amended at any time to change the location.

Council Member Forbes entered a motion to approve Item C; Council Member Gibson seconded; and the motion carried unanimously.

09:57:00 AM Council Member Quaremba asked for the purpose of Errata Agenda Item D and why there was a building requirement for the pipe size.

09:58:10 AM John Dulmer, Community Development, address the pipe size and stated the standards in place for fire prevention purposes.

Council Member Quaremba entered a motion to approve Errata Item D; Council Member Slachta seconded the motion; and the motion carried unanimously.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSS HURRICANE IRMA AND PROVIDE STAFF DIRECTION. (GREENSHEET NO. 17-10-0400)

10:01:30 AM Council Member Quaremba asked whether the damage assessment was conducted to comply with FEMA requirements. Carl Schwing, City Manager, stated that the City was required to do an initial exterior assessment. Two assessments were completed, one for flooding purposes where water impacted structures and the second assessment was conducted to determine structural damage.

10:04:40 AM Council Member Quaremba suggested to investigate the secondary effects of the hurricane in order to identify the total damage to the City.

10:06:10 AM Council Member O’Flinn asked about the non-block damage within the map. City Manager Schwing stated that the structures indicated on the map were minor, major, or destroyed. Council Member O’Flinn asked about sections in yellow. Mr. Dulmer stated that the map represented FEMA definitions. Council Member O’Flinn wanted the survey conducted for Bonita Bay. Mr. Dulmer stated that the FEMA assessment was conducted based on exterior view. Council Member DeWitt explained levels of damage that the fire department based their criteria on.

11:30:40 AM City Manager Schwing stated that the assessment happened days after the storm and within a vehicle. The real data would be provided when contractors request permits to fix those issues.

10:16:50 AM Council Member suggested they enhance the map.

10:20:10 AM Mayor Simmons stated that there was a conference call with Governor Rick Scott and Commissioner Larry Kiker with City Manager Schwing. Council Member Quaremba expressed issues with having to relocate residents and stated that she was not convinced that all the residents in the affected area should be relocated.

10:25:01 AM Council Member Forbes suggested residents stay on their lots, but build their homes at a higher elevation.

10:27:59 AM Council Member DeWitt stated that relocation should be the last option on the list. He suggestion to look at maintenance of the sewers and the river to help mitigate the flooding issues within the City. He also suggested shunting water under Interstate 75. Ms. Taylor suggested to set up parameters as to what qualified as damage. Council Member O'Flinn stated that it was up to staff to do that.

10:33:10 AM Council Member Steve Slachta asked whether the cages of the pool were incorporated into the FEMA assessment. Mr. Dulmer stated that the principal structures were the point of focus and not accessory structures. Council Member Slachta stated that he believed Council had an obligation to get the information to staff.

10:34:30 AM Council Member Forbes suggested to have emails sent to community Home Owners Associations. Council Member Quaremba stated that she did not believe that it would be easy to send emails to everyone within the community. City Manager Schwing stated that the standards set by Council and staff were different from FEMA standards. He stated that maintaining an email list was difficult because there was no way of tracking who the email was forwarded to. He suggested to have hard copies of the letters mailed out instead.

10:37:30 AM Council Member O'Flinn stated that he felt that it should be up to staff as to what the process would be to compile the data.

10:39:49 AM Council Member Quaremba suggested to have information repeated on the radio in order to have a broader audience that could get the information if there were no internet services or telephone services. Council member DeWitt stated that he was looking into Council Member Quaremba's suggestion. She stated that it was important to have active points of contact within the City. She suggested to have a summary on the city website as opposed to the scrolling data that was currently on it. She referenced her neighbor having a separate website that had information in emergency situations. City Manager Schwing stated that 211 was provided for people who needed resources within the City. He further stated that when 211 was overwhelmed, staff turned to the Bonita Springs assistance program in order to provide further help.

10:48:39 AM Council Member O'Flinn asked how emergency response times could be improved. Council Member DeWitt stated that the area was evacuated and the City did not have the man power to get to every home.

10:56:55 AM Council Member Quaremba suggested a better communication method. Council Member DeWitt suggested to increase resident subscriptions for the Red Alert system that could relay more information to a broader area.

10:59:56 AM Council Member Forbes suggested to have CERT volunteers or volunteers in communities that would keep track of community residents that might have medical needs. The volunteers could also identify residents who have not evacuated.

11:03:28 AM Council Member Slachta addressed the Governor's warning to evacuate the area and stated that certain residents did not heed that warning even though they had medical issues.

11:03:50 AM Council Member Quaremba stated that she was unaware what lift stations were and the City should work with Bonita Spring Utilities to establish where the electrical connections were. She mentioned gas stations requiring generators and asked if electricity should be prioritized to gas stations in order to allow residents to get gas. She also discussed shelters.

11:09:34 AM Council Member Slachta stated that AMTRAK was available to residents who wanted to evacuate. Council Member Forbes stated that charitable organizations should improve in their involvement with residents who needed help. Council Member DeWitt stated that decisions should have been made prior to the day before emergencies occurred. He stated that as a community, and as the city, there needed to be better preparation.

11:12:58 AM Council Member O'Flinn stated that there was no budget for Volunteer Organization so it was based on volunteers. He suggested to reach out to the County for help because of their Social Services Division. Council Member Quaremba stated that she felt there were certain functions that needed to be provided ahead of time including watering stations, food station, comforting stations, and gas stations. She agreed with Council Member O'Flinn's statement that the County should help with some of the issues that affected the City.

11:17:23 AM Council Member Forbes stated that FEMA was involved with assisting Texas with their hurricane.

B. ERRATA SHEET: DISCUSS ADDITIONAL ENGINEERING COMPONENT OT SWFRPC STUDY (FORBES; GREENSHEET NO. 17-10-0405)

11:19:20 AM Council Member Forbes suggested to have Mr. Beever submit an application for a grant and summarized the purpose of it. Mayor Simmons asked how heavily the determination board would factor the severity of the impact of Hurricane Irma. Council Member Forbes stated that it would be better to provide more evidence of the damage that was done due to Hurricane Irma. Council Member Quaremba asked about the methodology of how the firm was chosen to represent the City.

11:30:06 AM Council Member DeWitt stated that he was not comfortable with the way the firm was selected and did not see what the rush was. Council Member Forbes addressed his concern regarding the urgency by stating that our outside counsel recommended an engineer be involved in the project.

11:34:55 AM Council Member Quaremba requested clarification on how the work Mr. Beever was doing was being integrated with the current proposal. Council Member Forbes elaborated that Mr. Beever and Atkins would provide goals that would then be presented to City Council to approve, deny or modify varying goals.

11:39:30 AM Council Member DeWitt stated that he felt it should have been mentioned at the previous meeting that there may needed to be an Engineering consultant.

11:42:33 AM Council Member O'Flinn stated that he felt Mr. Beever needed an Engineer to help identify the scope.

11:45:21 AM Council Member DeWitt stated that he felt the firms that were reviewed should have been discussed previously. He wanted there to be more transparency.

11:47:08 AM Council Member Quaremba agreed with Council Member DeWitt regarding having more communication. She asked about the areas which may need an engineer. She suggested to have input from Mr. Beever.

11:49:56 AM Council Member Forbes suggested to have a meeting with Mr. Beever to discuss any concerns Council may have had or questions.

11:56:04 AM Council Member Quaremba stated that she would like to have a definitive way for residents to communicate with Mr. Beever.

11:57:45 AM Council Member O'Flinn suggested to have next Wednesday's City Council meeting to discuss any questions City Council or concerns that residents may have.

Council Member Forbes entered a motion to award a contract to Atkins Engineering in an amount not to exceed \$35,000.00 or to have the flexibility to have a contract under the Regional Planning Council; Council Member O'Flinn seconded the motion.

11:58:55 AM Council Member DeWitt wanted clarification on whether the contract would be with Mr. Beever or Regional Planning Council. Council Member Forbes clarified that the contract would be with the Regional Planning Council. Council Member Quaremba asked whether Council could get a priority look at the different projects Mr. Beever was working on and also suggested a report as to prevent an open ended engineering contract.

The motion carried unanimously.

12:02:16 PM City Manager Schwing stated that the City has retained JR Evans Engineer firm as FEMA consultants and they have conveyed FEMA's expectations and as well as the City's funding requests.

12:04:20 PM Ms. Hunter stated that there were coordination efforts to identify opportunities the City could use and reimbursement through FEMA.

12:08:50 PM Council Member Forbes discussed surplus land in the South Florida Water Management District. He stated that it no longer fit within their project area any longer. He suggested to use the surplus property to store excess water.

Council Member Forbes entered a motion to request for the surplus land from South Florida Water Management District for water retention; Council Member O'Flinn seconded the motion.

12:11:50 PM Council Member DeWitt stated that he did not feel that the South Florida Water Management District was looking to sell the land. Council Member O'Flinn stated that he agreed with Council Member Forbes.

The motion carried unanimously.

12:13:12 PM Ms. Hunter referred to the Community Development Block Grants (CDBG) that the City of Bonita Springs had previously committed to the Bicycle Pedestrian Plan. Council Member Quaremba commented that she believed there may be surplus funds. Ms. Hunter referenced the State Housing Initiatives Partnership (SHIP) program and recommended to contact the contract coordinator with Lee County CDBG to discuss the SHIP funds.

12:15:07 PM Council Member O'Flinn discussed the water management district projects for water retention structures that existed throughout the district.

[12:16:38 PM](#) Council Member Gibson asked about mobile homes being replaced by single-family homes. Mr. Dulmer stated that single-family homes were allowed to replace mobile home parks under certain conditions without requiring the applicant to obtain a special exception.

[12:19:53 PM](#) Council Member Quaremba suggested having a consolidated information sheet that would allow residents to know whether the mobile homes can be replaced or not.

[12:22:33 PM](#) Council Member Forbes suggested to have City Council review the letter previously mentioned.

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

- A. AN ORDINANCE OF THE CITY COUNCIL OF BONITA SPRINGS, FLORIDA, ADOPTING THE 2017 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 17-10-0392)

[12:30:05 PM](#) City Attorney Vance read the title block of the Ordinance.

Council Member Slachta entered a motion to adopt the 2017 Five Year Capital Improvement Program; Council Member Quaremba seconded the motion; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 17-19**

- B. 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. 17-10-0401)

[12:31:50 PM](#) City Attorney Vance read the title block of the amendment.

Council Member Forbes entered a motion to continue the amendment to November 15th; Council Member Slachta seconded the motion; and the motion carried unanimously.

X. PUBLIC COMMENT:

[12:23:25 PM](#) Alan Glazier, resident of San Carlos Estates, addressed the need for a community shelter in Bonita Springs and debris pick up.

[12:26:11 PM](#) Kathy McGrath, resident of Bonita Springs, addressed upcoming events, thanked sponsors, and commented on hurricane damage.

XI. CITY ATTORNEY'S REPORT:

- A. REVIEW THE OCTOBER 6, 2017 LETTER FROM ATTORNEY THOMAS A. CLOUD, ASSISTING THE CITY OF BONITA SPRINGS WITH HIS EXPLANATION OF THE CITY OF BONITA SPRINGS RESPONSIBILITY WITH BONITA SPRINGS UTILITIES UNDER FLORIDA LAW, AS WELL AS ITS FRANCHISE, AND PROVIDE FURTHER DIRECTION AS CITY COUNCIL DEEMS NECESSARY. (GREENSHEET NO. 17-10-0402)

Council Member Slachta entered a motion to accept the letter from Attorney Thomas A. Cloud; Council Member DeWitt seconded the motion; and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 17-10-0379)
- B. REVIEW OF MONTHLY CAPITAL PROJECTS REPORT. (GREENSHEET NO. 17-10-0378)
- C. SKATE PARK UPDATE (NO GREENSHEET).
- D. REVIEW PROPOSED SCOPE OF WORK WITH ALTA PLANNING & DESIGN FOR THE MULTI-USE PATHWAYS DESIGN PROJECT RFQ 17-012, AND FOLLOWING COUNCIL'S DIRECTION ON THE TASKS, AUTHORIZE MAYOR AND STAFF TO PREPARE THE CITY'S PROFESSIONAL SERVICE AGREEMENT, AS MODIFIED BY THE CONSULTANT AND REVIEWED BY THE CITY ATTORNEY. (GREENSHEET NO. 17-10-0396)

12:36:08 PM Ms. Hunter provided a brief overview of the multi-use pathways project.

12:36:57 PM Matt Feeney, Public Works Director, stated that 4 scopes of work were received. The first was for an engineering analysis. The second scope incorporated the input from task 1 and then further created a design that proceeded to the construction oversight. The 3rd task was a stand-alone task, which developed the concept of a pocket-park/trail head for a right-of-way. Task 4 developed a design standards manual that would create a manual specific to the City of Bonita Springs that had components to those projects defined that could be replicated.

12:42:13 PM Council Member Quaremba suggested to have a city-wide branding of multi-modal transportation.

Council Member Gibson entered a motion to do all 4 tasks; Council Member DeWitt seconded the motion; and the motion carried unanimously.

12:45:24 PM Ms. Hunter stated that this would authorize the mayor to sign the negotiated contract with the scope, so the contract would not be presented for approval.

Council Member Quaremba left the meeting at 12:45 P.M.

XIII. MAYOR AND COUNCIL REPORTS:

12:46:11 PM Council Member O'Flinn suggested to have agenda items related to water be sent to Carl.

12:46:53 PM Council Member Gibson and Council Member Forbes discussed the upcoming events in the City.

12:48:12 PM Council Member Slachta referenced the guest speaker for the Veteran's Day event.

12:48:32 PM Council Member O'Flinn referenced the Imperial Bonita Estates meeting and addressed staff members that were attending.

12:49:21 PM Mayor Simmons referenced upcoming meetings and events that he was attending.

12:52:03 PM Council Member Slachta read a note that was received regarding the visually impaired residents. Mayor Simmons recognized individuals who help with hurricane efforts.

XIV. APPROVAL OF MINUTES: 10/04/17

XV. PUBLIC COMMENT:

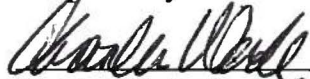
12:55:22 PM Ms. McGrath, resident of Bonita Springs, addressed the upcoming Riverfest Hurricane Irma Relief event.

12:56:30 PM Ed Fitzgerald, resident of Bonita Springs, addressed the state regulation and Bonita Springs Utilities.

XVI. ADJOURNMENT

With there being no further items to discuss, the meeting adjourned at 1:00 PM.

Respectfully submitted,



Charlen Wade, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 11/14/17

AUTHENTICATED:


Peter Simmons, Mayor


Debra Filipek, City Clerk