

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, SEPTEMBER 5, 2018
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135

I. CALL TO ORDER

5:47:19 PM Mayor Peter Simmons called the meeting to order at 5:47 P.M.

II. INVOCATION: MARTHA SIMONS

At the request of Mayor Simmons, former Council Member Martha Simons furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Greg DeWitt led in the Pledge of Allegiance.

IV. ROLL CALL

Mayor Simmons and all Council Members were in attendance, with Council Member Mike Gibson participating via phone.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:47:19 pm Barbara Craig addressed agenda item VIII. C., regarding the funding for the update of the State of the Bay report, and feels others should be supporting and funding this as well.

5:47:19 pm Martha Simons supports funding for the update of the Report.

5:47:19 pm John Paeno with CGT Kayaks supports the contract for Arleen. He asked that Council approve his requested agreement.

5:47:19 pm Jim Weeks supports the emergency resolutions relating to red tide. He also supports the contract for CGT Kayaks.

5:47:19 pm Alex Grantt addressed agenda item XIII. C., regarding the agreement with DPZ.

5:47:19 pm Tony Maccillilo voiced his support for approval of the contract for Arleen!

5:47:19 pm An unidentified woman questioned who removed the bridge on Imperial Creek. She owns property on the other side of the bridge. City Attorney Vance responded, and will provide the information to her.

5:47:19 pm Kathy McGrath voiced her support for agenda items VI. E., and XIII. Regarding CGT Kayaks.

5:47:19 pm Bonnie Wittimore VI. B., regarding the Wonder Gardens and feels they should move forward and get the word out. She also supports approval of the contract for CGT Kayaks.

Mayor Simmons motioned to allow Council Member Mike Gibson participate via telephone; Council Member Peter O’Flinn seconded; and the motion carried unanimously.

VI. 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.)

Pulled items B. and C. Council Member Fred Forbes motioned approval of the remainder of the Consent Agenda; Council Member Peter O’Flinn seconded; and the motion carried unanimously.

- A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 18-09-0286)
INFORMATIONAL.
- B. APPROVE THE DRAFT LETTER OF INTEREST FOR QUALIFICATIONS AND PROPOSALS FOR THE WONDER GARDENS CAFÉ PROPERTY AND ALLOW STAFF TO ADVERTISE. (GREENSHEET NO. 18-09-0294)

5:47:19 PM Council Member Gibson addressed concerns with the percentage, costs and parking and discussion followed, with staff addressing the concerns.

Council Member Gibson motioned to approve as discussed; Mayor Simmons seconded; and the motion carried unanimously.

- C. APPROVE CITY HALL PAINT SCHEME RECOMMENDED BY CITY ARCHITECT SAM VINCENT. (GREENSHEET NO. 18-09-0303)

5:47:19 pm Council Member Carr stated if not changing the colors of the sign, she suggested incorporating them into the building. She feels the colors are dated. City Architect Sam Vincent addressed his recommended colors, which he feels will work with the building, which match the tile roof on the building. He further explained, stating the he feels the colors will work well.

Council Member O’Flinn suggested approve this today subject to Council Member Carr meeting with Mr. Vincent over the next two weeks to address ideas and bring back.

Council Member Quaremba motioned to approve as suggested by Council Member O’Flinn – to approve subject to Council Member Carr meeting with Mr. Vincent over the next two weeks and bring back; Council Member Carr seconded; and the motion carried unanimously.

- D. APPROVE THE RIGHT OF ENTRY AGREEMENT WITH PELICAN LANDING COMMUNITY ASSOCIATION, INC., TO GRANT THE CITY OF BONITA SPRINGS DOCK SPACE FOR A CITY VESSEL DURING THE INSPECTION OF RFB 18-05 SPRING CREEK DREDGING PROJECT. (GREENSHEET NO. 18-09-0302)
- E. APPROVE EXTENSION OF TO THE EMERGENCY RESOLUTIONS OF THE CITY OF BONITA SPRINGS DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM RED TIDE (HARMFUL ALGAL BLOOMS AND DRIFT MACROALGAE) AND LAKE OKEECHOBEE DISCHARGE (ALGAE BLOOMS). (GREENSHEET NO. 18-09-0298)
ADOPTED RESOLUTION NOS. 18-63 AND 18-64

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VII. PROCLAMATIONS AND PRESENTATIONS:

A. CERTIFICATE OF RECOGNITION TO FRANCIS CUOMO, OWNER OF DEROMO'S GOURMET MARKET & RESTAURANT IN RECOGNITION OF EARNING A TOP SPOT ON OPENTABLE'S LIST OF 100 BEST AL FRESCO RESTAURANTS IN AMERICA FOR 2018. TO BE RESCHEDULED.

B. PRESENTATION BY THE CITY'S FINANCIAL ADVISOR.

ADDENDUM ITEMS:

- Greensheet No. 18-09-0307, Review of Updated Five Year Financial Plan; and
- Greensheet No. 18-09-0308, Review of Cash Position; and
- Greensheet No. 18-09-0309, Review of Fund Balance Position

7:34:19 PM Julie Santamaria with RBC Capital Markets addressed her submittal, as an informational item.

C. PRESENTATION BY JESSE PURDON, THE OUTREACH COMMITTEE CHAIR, ON THE OUTREACH COMMITTEE.

7:28:54 PM Jesse Purdon, Chairman of the City of Bonita Outreach Committee, was in attendance to furnish an update on the committee to City Council.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. APPROVE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND ARLEEN M. HUNTER FOR THE POSITION OF CITY MANAGER. (MAYOR SIMMONS; GREENSHEET NO. 18-09-0293)

6:41:32 pm Mayor Simmons introduced this item, and discussion was held, and revisions made.

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

B. DISCUSSION OF THE OUTREACH COMMITTEE'S TERM. (MAYOR SIMMONS; GREENSHEET NO. 18-09-300)

7:31:42 PM After a brief discussion was held, Staff to amend Section 5 and bring back a Resolution to make the Outreach Committee permanent.

Council Member O'Flinn motioned to approve, to revise Resolution and bring back; Council Member DeWitt seconded; and the motion carried unanimously (Mayor Simmons absent).

C. REQUEST FUNDING OF \$5,000 FOR UPDATE OF "STATE OF THE BAY" REPORT FOR ESTERO BAY AGENCY FOR BAY MANAGEMENT (EBABM). (FORBES; GREENSHEET NO. 18-09-0290)

7:49:24 pm Council Member O'Flinn motioned to approve; Council Member Quaremba seconded.

7:50:30 pm Council Member Quaremba stated she would like to better understand what entities are participating in this for next year, she wants to be certain that everybody along the bay are also participating. City Manager Hunter stated that Staff will get the proposal, information on other entities participating, the invoice, and the report.

The motion carried unanimously.

7:51:33 pm Council Member O’Flinn suggested addressing the \$1,000 at their next meeting to allow the City Manager to come back to inform Council who is paying what.

- D. DISCUSS PROCEDURES AND PROTOCOL FOR USE OF SPECIAL LAND USE COUNSEL. DIRECTION TO STAFF. (FORBES; GREENSHEET NO. 18-09-0301)

7:27:45 pm Council consensus for City Manager Hunter to handle.

IX. FIRST READING OF THE FOLLOWING ORDINANCE (NO PUBLIC COMMENT ALLOWED):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, AMENDING BONITA SPRINGS CODE §34-94, RELATED TO THE ART IN PUBLIC PLACES PROGRAM; PROVIDING FOR ADDITIONAL MEMBERS TO THE ART IN PUBLIC PLACES ADVISORY BOARD; ESTABLISHING QUORUM CRITERIA; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-09-0284)

7:51:53 pm City Attorney Vance read the title block of the Ordinance into the record, and Nicole Perino, Parks and Recreation Director, addressed the intent, which is to amend the Ordinance to allow additional members.

7:53:22 pm Council Member Quaremba motioned to move forward to a second reading on September 17, 2018; Council Member Forbes seconded; and the motion carried unanimously. (Mayor Simmons absent)

X. SECOND READINGS AND PUBLIC HEARINGS OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED)

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); CREATING §4-28, NEIGHBORHOOD MEETINGS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-09-0297)

6:50:08 PM City Attorney Vance read the title block of the Ordinance into the record.

6:51:52 PM Jackie Genson, addressed the LPA meeting and concerns raised by the Board Members. Staff is also seeking direction from Council and holding second meetings for applications currently under review. Also, a change was made to do 21 business days, which proposes a conflict for the second meeting. Staff’s recommendation is to refer to it as 21 “calendar” days.

7:04:32 PM Council Member O’Flinn motioned adoption of the Ordinance; Mayor Simmons seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 18-15**

- B. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); AMENDING §4-326, DEVIATIONS FROM GENERAL ZONING REGULATIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-09-0296)

7:06:21 PM Council Member O'Flinn motioned to adopt the Ordinance; Council Member Quaremba seconded.

7:06:27 PM Council Member DeWitt stated he will be voting against this because he feels it ties the City's hands. He feels if it doesn't meet the deviations it's limited to. Mr. Theriaque explained that it states "examples of public benefits include but are not limited to..." "The City's hands are not tied to that list. Council Member DeWitt further addressed his concerns.

7:15:30 PM Mayor Simmons left the meeting at 7:15 P.M.

7:15:40 PM Council Member O'Flinn suggested tabling this item to allow Council to speak with Attorney Theriaque. Discussion followed.

Council Member O'Flinn motioned to continue the Ordinance to October 3, 2018 to allow Council Members to contact Mr. Theriaque to address concerns they may have; Council Member Quaremba seconded.

No public comments were made.

The motion passed 5-1 (Council Member Gibson opposed)

- C. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); CREATING §4-371, ALLOCATION OF DENSITY AND INTENSITY FOR MIXED USE DEVELOPMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 18-089-0295)

Council Member O'Flinn motioned to continue to October 3, 2018; Council Member Quaremba seconded; and the motion passed 5-1 (Council Member Gibson opposed)

XI. PUBLIC COMMENT:

7:54:34 PM Kathy McGrath addressed the importance and location of donating blood.

XII. CITY ATTORNEY'S REPORT:

7:55:08 PM City Attorney Vance informed Council that Staff does not have the Gray Robinson contract yet. She requested permission to hire an independent attorney to review it when it is received so they can assist City Manager Hunter with the review. Staff plans to have the contract before Council on September 17, 2018.

XIII. CITY MANAGER'S REPORT:

City Manager Hunter informed Council that Matt Feeney has accepted the position of Assistant City Manager. She also reported that Lora Taylor will become the City's Economic Development Liaison with our outside agencies.

A. DISCUSSION OF THE CGT KAYAK'S CONCESSIONAIRE AGREEMENT FOR ARTIST COTTAGE #6 AT RIVERSIDE PARK. (GREENSHEET NO. 18-09-0292)

7:56:01 PM City Manager Hunter introduced this item, explaining that Staff is requesting City Council's direction. There is a request from the operators that it be extended for three years.

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

B. DISCUSS CITY CHARTER COMMITTEE FOR 2020 ELECTION CYCLE [INFORMATIONAL] (GREENSHEET NO. 18-09-305)

7:57:18 pm Interim Manager Hunter explained this is an information item to remind Council that the discussion regarding the Charter Review Committee to start the process. Staff would like to bring forward a Resolution to Council at their next meeting She would also ask that Council start to think about the process regarding how they would like to appoint members. Staff will distribute a list of former members for Council information. Council Member O'Flinn requested Staff bring forward information how it was done in the past.

C. AUTHORIZE STAFF TO PROVIDE A SUPPLEMENTAL TASK AUTHORIZATION (STA) WITH DPZ CO DESIGN FOR THE DEVELOPMENT OF THE BAMBOO PROPERTY AND THE LEVIN LOT LOCATED AT 27333 OLD 41 ROAD. (GREENSHEET NO. 18-09-299)

ADDENDUM 2: As indicated in the Greensheet, attached please find the proposal and cost estimate from DPZ Co Design for the Bamboo property and Levin lot to prepare site vision plans and development programs in the amount of \$45,000.

7:58:06 PM Interim Manager Hunter explained this would be a Change Order to the existing contract for \$45,000. She did ask them to facilitate public participation in the process as well as we move forward. She explained that they are trying to bring this as part of the process as the Old 41 form-based code process moves forward as well. The intent would be that the Council and the public would have a full understanding of exactly what the development would look like that Council will be requesting the developer to do in the next step.

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

ADDITIONAL ITEM:

7:59:18 PM Interim Manager Hunter announced that a public workshop has been scheduled for the introduction of the form-based code for Old 41 public workshop for September 25, 2018. Notice will be sent to the Downtown Alliance, placed on the website, and an e-blast as well. The workshop is with DPZ.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

8:00:18 pm Council Member Forbes informed Council that he had placed in the Mayor and all Council Members baskets a summary of all the state constitutional amendments that will be on the November ballot.

8:01:20 pm Council Member Quaremba referred to the single-family community in Belle Villa located in Citrus Park who asked her to initiate an amendment to Land Development Code to get some sort of single-family designation. Discussion was held on city-initiated rezoning, or have them go through a process privately. John Dulmer, Community Development, stated he would recommend allowing Community Development work with them with application to come from their community. He can come back with

more information to Council. Council Member O'Flinn addressed the need for a consensus from the neighborhood. Discussion was held with them getting a consensus from their neighborhood first.

8:09:18 pm Council Member Quaremba informed Council of emails she received relating to Marni Fields from people inquiring whether the fields are open or not. Parks and Recreation Director Nicole Perino provided an update. The biggest issues is updating the public on closures. They can do a hot line to provide updates. They can also place information on league times on the website, when the fields are open to the public, etc. She further explained.

8:14:22 pm Council Member O'Flinn informed Council of a couple emails he received from people who reside in a community in District 4 who want to put in generators, which relates to the issue of side setbacks. He suggested reaching out to the community association to get their view with respect to their community, to see if they have an interest in amending their planned development to create a new setback standard for mechanical equipment. Lastly, he also congratulated Matt Feeney on his promotion to Assistant City Manager.

XV. APPROVAL OF MINUTES: 08/15/18

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

XVI. PUBLIC COMMENT:

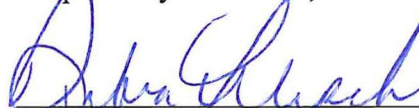
8:19:00 pm John Paeno stated it's been an honor and a privilege to work with this community. The City has a great team!

8:19:08 pm Kathy McGrath hopes everyone who is watching realizes all the work staff is doing.

XVII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 8:20 P.M.


Respectfully submitted,


Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 9/20/18

AUTHENTICATED:


Peter Simmons, Mayor