

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, APRIL 6, 2016
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. SWEARING-IN CEREMONY OF RECENTLY-ELECTED MAYOR AND CITY COUNCIL MEMBERS FOR DISTRICTS 1, 2, 4 AND 6 PERFORMED BY THE HONORABLE JAY B. ROSMAN, 20TH JUDICIAL CIRCUIT CHIEF JUDGE.

II. CALL TO ORDER

Mayor Peter Simmons called the meeting to order at 5:37 P.M.

III. INVOCATION

Pastor John Anderson, with Bay Presbyterian Church, furnished the invocation.

IV. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Steve Slachta led in the Pledge of Allegiance.

V. ROLL CALL

Mayor Simmons and all Council Members were in attendance.

VI. PUBLIC COMMENT ON AGENDA ITEMS:

5:55:50 PM Rick Steinmeyer thanked all who voted. He also commented on XII. B., IX. C., relating to City Council committee assignments, and the Strategic Planning Facilitator agreement.

5:59:48 PM Martha Simons began by congratulating everyone on the election. She next addressed the Arroyal Road agenda item and urged Council to move it forward with the project.

6:01:47 PM Carolyn Gallagher also congratulated Council. She addressed item XII. B., relating to the Committee Assignment list. She feels BSU should remain on the list.

6:03:59 pm Congressman Curt Clawson was in attendance to congratulate Mayor Simmons and Council Members Quaremba, DeWitt, O'Flinn and Forbes.

6:06:52 pm Bonnie Whitman, representing the Bonita Springs Historical Society, informed Council of a 1910 census she found, which reflected a total of 8 families in Bonita Springs, all of whom were fruit farmers.

6:07:56 PM John West addressed the agenda item relating to City Council committee assignments, and urged Council to have BSU remain on the list.

6:11:02 PM Max Levine, with Cardome, LLC, addressed their lawsuit against the City.

VII. CONSISTENT WITH THE CITY CHARTER AND THE CODE OF CONDUCT FOR ITS ELECTED OFFICIALS, ELECT A DEPUTY MAYOR. (GREENSHEET NO. 16-04-067)

6:12:29 pm Council Member Greg DeWitt nominated Council Member Slachta as Deputy Mayor, to which Council Member Slachta gratefully declined. Council Member Fred Forbes nominated Council Member Peter O'Flinn as Deputy Mayor; Mayor Simmons seconded; and the motion passed unanimously.

VIII. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF AWARD BY THE FLORIDA GREEN BUILDING COALITION TO THE CITY OF BONITA SPRINGS FOR RECEIVING THE GOLD-LEVEL CERTIFICATION UNDER THE FLORIDA BUILDING COALITION'S FLORIDA GREEN LOCAL GOVERNMENT DESIGNATION PROGRAM.

6:15:59 pm Mayor Nelson next presented Jennifer Duffala Hagen, with Community Development, with a Certificate of Recognition for the great job she has done with the Sustainability project, resulting in the City of Bonita Springs being awarded the Gold-Level Certification.

6:16:40 pm Susan Cook, Executive Director of the Florida Green Building Coalition was in attendance to present the City with an award for obtaining the Gold-Level Certification.

B. PRESENTATION OF CERTIFICATE OF RECOGNITION TO SAM VINCENT FOR HIS EXTRAORDINARY EFFORTS IN BRINGING THE LIBRARY TO DOWNTOWN.

Mayor Simmons next presented Sam Vincent with a Certificate of Recognition for his extraordinary efforts in bringing the library to downtown.

C. PRESENTATION OF CERTIFICATES OF HEROISM TO CORPORAL BOBBY HUNTER, DEPUTY SARAH BRETON AND DEPUTY KRYSTEN RIDENOUR.

Mayor Simmons next presented Certificates of Heroism to Corporal Bobby Hunter, Deputy Sarah Breton and Deputy Krysten Ridenour, for their heroic actions involving an incident that occurred on March 21, 2016.

IX. 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.)

Council Member DeWitt requested item C. be pulled and Council Member O'Flinn requested item F. be pulled.

A. A RESOLUTION OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA CONFIRMING THE RESULTS OF THE LEE COUNTY CANVASSING BOARD IN

CONJUNCTION WITH THE MARCH 15, 2016 ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-04-0071)

B. APPROVE A RESOLUTION ACCEPTING THE RESIGNATION OF A MEMBER OF THE CITY OF BONITA SPRINGS LOCAL PLANNING AGENCY; AUTHORIZING THE CITY MANAGER TO ADVERTISE THE VACANCY; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-04-0073)

C. ADOPT A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA CONFIRMING THE CITY MANAGER'S SUBMITTAL OF THE WEST COAST INLAND NAVIGATION DISTRICT (WCIND) GRANT APPLICATION FOR FUNDS TO PROMOTE SAFE NAVIGATION AND WATER BASED ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-04-0075)

6:31:51 pm Arleen Hunter, Assistant City Manager, responded to Council Member DeWitt's question as to whether Staff felt \$40,000 would be enough for next year. She addressed the grant process, adding that supplementing the City's portion can be addressed during the budget process.

Council Member DeWitt motioned to approve; Council Member Mike Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-16**

D. ADOPT A RESOLUTION AUTHORIZING SIGNERS ON THE CITY'S BANK ACCOUNTS AND AUTHORIZING THE EXECUTION OF VARIOUS BANKUNITED FORMS SO AS TO PERMIT THE CITY MANAGER OR DESIGNEE, TO SIGN RELATED BANK ACCOUNT SET-UP DOCUMENTS AND FORMS, TO PERFORM TREASURY MANAGEMENT FUNCTIONS AND TO INITIATE ELECTRONIC FUNDS TRANSFERS (WIRES AND ACH) IN ACCORDANCE WITH BANKUNITED PROCEDURES. (GREENSHEET NO. 16-04-0078) **ADOPTED RESOLUTION NO. 16-17**

E. REQUEST FOR APPROVAL OF A SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE MUSIC MAKERS SHOW BAND FOR A 2017 CONCERT SERIES AT RIVERSIDE PARK. (GREENSHEET NO. 16-04-0080)

F. AUTHORIZE MAYOR TO APPROVE RESOLUTION AWARDED ARROYAL POND LANDSCAPE PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, HANNULA LANDSCAPING & IRRIGATION, INCORPORATED IN THE TOTAL BID AMOUNT OF \$176,716.00 PENDING APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 16-04-0070) **ADOPTED RESOLUTION NO. 16-18**

6:34:15 pm Council Member O'Flinn requested a rendering of what the project will look like when complete. He also informed Council of concerns expressed by residents of the adjacent neighborhood and that the City address them the best they can. Matt Feeney, Public Works Director, responded.

Council Member O'Flinn motioned to table this item for two weeks; Council Member Fred Forbes seconded. All of the trees in the plan were approved by FDOT Council and includes ornamental trees. Discussion followed.

6:41:19 pm Council Member Amy Quaremba suggested moving forward with the process with the ability for Council to subsequently review certain aspects of the plan. Mr. Feeney addressed timing,

explaining that they've received a 90-day extension which takes them to completion by September 28, 2016. The contract before Council provides for 60 days for substantial completion and 75 to final completion. In response to Council Member DeWitt, Mr. Feeney stated that he felt that Council could add to the landscape, or possibly work through some formal change order process to changing the type of tree to get more if Council feels there is not enough coverage.

[6:44:18 pm](#) Council Member Mike Gibson voiced his support for moving forward with the project and to move forward in getting a rendering. Council Member Forbes stated that if not going to lose the grant, he doesn't see a problem with waiting the two weeks. City Manager Carl Schwing stated he could not guarantee two weeks to be able to get a rendering.

The motion to delay two weeks failed 5-2 (Mayor Simmons, Gibson, Quaremba, DeWitt and Slachta opposed)

Council Member Gibson motioned to move forward with the project and obtain the rendering to see if adjustments need to be made; Council Member DeWitt seconded; and the motion carried unanimously.

G. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE GULF COAST SWIM TEAM. (GREENSHEET NO. 16-04-0081)

X. PUBLIC COMMENT:

[6:48:34 pm](#) Bob Hilliard, with the Lion's Club, asked for Council's support in requesting that the ladies be allowed to have a market at the Promenade any day but Saturday.

[6:49:25 pm](#) Bobbie Bird, a member of the Special Events Committee, invited the Mayor and all Council Members to Celebrate Bonita!

[6:50:28 PM](#) Kathy McGrath also a member of the Special Events Committee, informed Council that BSU won the water quality award. She also addressed the WCIND grant.

[6:53:34 PM](#) Ron Pure was in attendance to comment on the proposed high school.

[6:56:18 pm](#) Linda Schwartz echoed comments made earlier relating to BSU. She feels that Council Member Forbes would be a good appointment.

[6:57:54 pm](#) Pete Pastore congratulated all newly elected Council Members.

[6:58:24 PM](#) Grant Lundberg congratulated the Mayor and newly elected Council Members.

[6:59:07 pm](#) Martha Simons thanked Council for moving forward with the Arroyal Pond project. She also thanked Public Works Director Matt Feeney for the help with the street light on her street. She asked Council Member Forbes if he could find out the name of the person in Village Walk on the Public Service Commission. She would like to get the old utility poles removed.

[7:01:25 PM](#) Alan Glazier suggested the Banyan Tree property is not be used for parking, and suggested it be used as a park.

XI. CITY ATTORNEY'S REPORT.

- A. CONSISTENT WITH RESOLUTION NO. 10-057 CREATING THE ADMINISTRATIVE CODE WHICH ESTABLISHES THE CODE OF CONDUCT FOR ITS ELECTED OFFICIALS, CONFIRMATION OF RECEIPT OF CODE OF CONDUCT. (GREENSHEET NO. 16-04-0068)

Council Members to acknowledge receipt of the code.

- B. DIRECT THE CITY ATTORNEY TO RETAIN ATTORNEY CHRIS DONOVAN, ROETZEL AND ANDRESS, TO RESPOND TO THE PETITION FOR WRIT OF CERTIORARI FILED BY CARDOME, LLC, CASE NO. 16-CA-00863, AS A RESULT OF BONITA SPRINGS CITY COUNCIL DECISION TO DENY REZONING OF THE SUBJECT PARCEL TO PLANNED DEVELOPMENT TO ALLOW A CAR WASH. (GREENSHEET NO. 16-04-0072)

7:04:11 PM No action taken. City Attorney Vance to move forward.

ADDITIONAL ITEM:

As an additional item, the City Attorney informed City Council of a Special City Council Meeting scheduled for April 20, 2016, at 11:00 A.M., or immediately following City Council's regular meeting, to discuss litigation for the Carter-Pritchett v. The City of Bonita Springs.

- C. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING THE CITY'S LAND DEVELOPMENT CODE TO PROHIBIT CERTAIN ARCHITECTURAL LIGHTING FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON APRIL 20, 2016 FOR A FIRST READING AND MAY 4, 2016 FOR THE FINAL COUNCIL PUBLIC HEARING. THE LOCAL PLANNING AGENCY WILL REVIEW THE ORDINANCE AT ITS APRIL 14, 2016 MEETING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN. (GREENSHEET NO. 16-04-0066)

7:07:49 pm Assistant City Attorney Alex Boswell-Ebersole introduced this item, involving a draft Ordinance to prohibit certain architectural lighting for commercial buildings. He next addressed a PowerPoint presentation to address.

7:09:06 pm Council Member Gibson stated that he wants to ensure that it will not prohibit any lighting in window displays. Assistant City Attorney Boswell-Ebersole explained that the Ordinance does include exceptions for things such as holiday lighting, etc. Jay Sweet, Community Development, further addressed. Discussion followed.

7:12:21 pm Council Member Forbes addressed the process, and suggested that they stop advertising before it goes before the Local Planning Agency. Discussion followed.

7:18:17 pm Council Member Forbes motioned that any type of amendment to the Comprehensive Plan, the Land Development Code, or anything else to come to Council in a draft for Council to review

and comment, and then once approved, it would be scheduled before the Local Planning Agency to review. City Attorney Vance suggested that she prepare a chart with a timeline reflecting the process.

Council Member O'Flinn seconded (the motion relating to policy). The City Attorney clarified the motion relating to the policy. She explained that the second motion made by Council Member Forbes was to go forward with dates scheduled for this Ordinance.

7:23:02 pm The motion relating to the policy change passed 5-2 (Council Members DeWitt and Slachta opposed)

Council Member Forbes next entered a motion to move forward with the lighting ordinance as proposed; Council Member Quaremba seconded; and the motion passed unanimously.

XII. CITY MANAGER'S REPORT:

A. REVIEW OF THE PRELIMINARY FY 2016-2017 BUDGET CALENDAR. (GREENSHEET NO. 16-04-0081)

7:25:00 PM Informational.

B. CITY COUNCIL COMMITTEE ASSIGNMENTS. (GREENSHEET NO. 16-04-0084)

7:26:48 PM City Manager Schwing introduced this item, which is for Council's review to make appointments on April 20, 2016.

7:28:51 pm Council discussion was held, with BSU to be added back in. Council Forbes suggested "sustainability" be updated quarterly. City Manager Schwing clarified that the new list is approved with the exception of adding BSU under the external committees.

C. APPROVE STRATEGIC PLANNING FACILITATOR AGREEMENT, CHOOSE DATE(S) OF SESSION(S); DECIDE PUBLIC PARTICIPATION ASPECT. (GREENSHEET NO. 16-04-0082)

City Manager Schwing introduced this Agenda Item, suggesting they do one session half day with no facilitator, and then a second day with a facilitator to address the vision, mission values and objectives. Council consensus supportive of the City Manager's suggestion.

The following dates were agreed upon:

1st meeting April 18, 2016 at 11:00 A.M. for the first session.

2nd meeting Tuesday, May 3, 2016 at 9:00 A.M., with facilitator.

ADDITIONAL ITEM:

7:54:08 pm City Manager Schwing officially announced Arleen Hunter as the Assistant City Manager.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

- A. DIRECT STAFF TO PREPARE AND PRESENT AN UPDATE ON THE VARIOUS CAPITAL IMPROVEMENT PROJECTS (CIPS) IN THE BUDGET. (GREENSHEET NO. 16-04-0076; FORBES)

Council Member Forbes introduced this item, and the intent. Discussion followed.

[8:04:08 pm](#) Council Member Forbes motioned that the City not sign any contracts other than the Arroyal Pond project until Council reviews the CIP projects; Council Member O'Flinn seconded; and the motion passed 5-2 (Council Members DeWitt and Slachta opposed).

Council Member Gibson welcomed all of the newly elected Council Members and Mayor Simmons.

[8:07:35 pm](#) Council Member O'Flinn commended Staff on the fabulous training session. He also addressed an article in the January 31, 2016 News-Press relating to the zoning process, which stated that Lee County and the City of Bonita Springs are the only governments in the County that don't allow citizens who don't speak before the Hearing Examiner or Board, to speak before the County Commission or City Council when they are addressing zoning changes. He suggested that the City Attorney look at this to see if public participation can be taken.

[8:09:20 PM](#) Council Member Slachta invited everyone to attend Celebrate Bonita.

[8:09:36 PM](#) Council Member DeWitt thanked all who voted for him. He hope is to represent all of them and the City well.

[8:09:50 PM](#) Council Member Quaremba expressed her sincere appreciation to all who supported her during the campaign. She is honored to serve as District 1 representative. She also addressed items of importance she would like to address.

[8:14:29 pm](#) Mayor Simmons expressed his excitement about the upcoming budget and starting at zero.

XIV. APPROVAL OF MINUTES: 03/02/16

[8:15:33 PM](#) Council Member Forbes motioned approval of the Minutes; Council Member Gibson seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT:

[8:16:12 PM](#) Rick Steinmeyer commented on Sunshine laws, the budget, the bridge issue,

[8:19:28 PM](#) Carolyn Gallagher addressed the issue of hurricane evacuation.

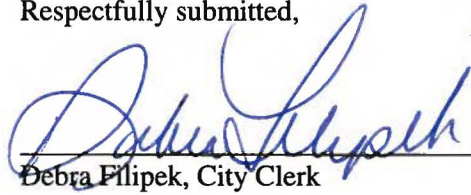
[8:20:23 PM](#) Alan Glazier suggested not rebuilding the water tower, and instead save the \$28,000.

[8:22:30 PM](#) Martha Simons likes idea of monthly workshop.

XVI. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 8:25 P.M.

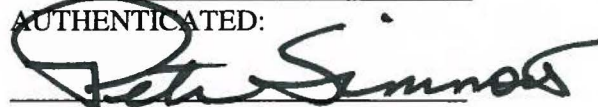
Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 4-26-16

AUTHENTICATED:

Peter Simmons, Mayor