

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JULY 6, 2016
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.

Reverend Michael Rowe, with St. Mary's Episcopal 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

5:34:09 PM Rick Steinmeyer addressed the permit for Local Roots and the Lions Club.

5:35:25 PM Mark Suwyn, Chairman of the Bonita Springs YMCA, addressed discussions with the City Manager and the Parks and Recreation Director on the lease agreement for use of the YMCA pool and Pickleball facilities.

5:36:48 PM Jean Baer, with Local Roots LLC, reported that they partnered with the Estero High School Culinary Program, and are excited to help them raise funds for their education. She also addressed others they have outreached to. She is here to ask that Council approve their requested permit.

5:38:46 PM Brad Cornell, with Audubon Florida and Audubon Everglades, was in attendance to request Council's support of Agenda Item VII. I., relating to the Conservation 20/20 Resolution.

5:40:26 PM Lex Tsaggaris, with the Stardust Big Band, was in attendance to ask that City Council approve their requested Special Event Permit for the 2017 concert series.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. CERTIFICATE OF APPRECIATION TO THE ROTARY CLUB OF BONITA SPRINGS, THE ROTARY CLUB OF BONITA SPRINGS NOON, STANTEC CONSULTING SERVICES, INC., AND WRIGHT CONSTRUCTION GROUP INC., FOR THE DEDICATION OF THE CITY CLOCK.

Mayor Simmons next presented Certificates of Appreciation to the Rotary Club of Bonita Springs Noon, the Rotary Club of Bonita Springs, Stantec Consulting Services and Wright Construction for their dedication of the town clock. Rick Perry with the Rotary Club of Bonita Springs Noon; Bob Lombardo with the Rotary Club of Bonita Springs; and Andy Powell with Wright Construction, were in attendance to accept their Certificates of Appreciation and to thank Mayor Simmons and City Council.

B. PROCLAMATION PROCLAIMING THE MONTH OF JULY AS NATIONAL PARKS AND RECREATION MONTH.

Mayor Simmons presented Parks and Recreation Director Nicole Perino with a Proclamation proclaiming the month of July as National Parks and Recreation month. Ms. Perino was present to accept the Proclamation and to thank Mayor Simmons and City Council.

C. PROCLAMATION PROCLAIMING THE WEEK OF AUGUST 22-26, 2016 AS INDUSTRY APPRECIATION WEEK. ITEM C. PULLED

D. PRESENTATION OF AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED SEPTEMBER 30, 2015 BY JEFF BROWN, CPA, PARTNER WITH THE AUDIT FIRM OF ASHLEY, BROWN & COMPANY, CPA'S. (GREENSHEET NO. 16-07-0203)

5:51:33 PM Jeff Brown, CPA, with Ashley, Brown & Company, next furnished the Comprehensive Annual Financial Report. (copy in Clerk's file)

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.)

6:01:49 PM Items pulled A., E, F, G, K. and L.

Council Member Slachta motioned approval of the remainder of the Consent Agenda (Items B., C., D., H., I., and J.); Council Member Greg DeWitt seconded; and the motion carried unanimously.

A. APPROVE A PERMIT FOR THE LOCAL ROOTS, LLC TO OPERATE A FARMERS MARKET AND ALLOW FOR TWO NON-PROFITS TO PARTICIPATE IN THE MARKET AT 26795-27911 SOUTH BAY DRIVE, BONITA SPRINGS ON SATURDAYS OCTOBER 1, 2016 – APRIL 29, 2017 WITH THE ZONING CONDITIONS LISTED BELOW. (GREENSHEET NO. 16-07-0199)

6:02:45 pm Mayor Simmons pulled item A. to ensure that only Bonita Springs based non-profit entities benefit from this.

6:05:39 pm Council Member Fred Forbes suggested adding the word "existing" in front of Bonita based non-profits.

6:07:08 pm Mayor Simmons motioned the condition that they are existing Bonita Springs based non-profits; Council Member Forbes seconded; and the motion passed 5-3 (Council Members Quaremba, DeWitt and O'Flinn opposed).

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

- B. APPROVE A PERMIT FOR THE SHOP LOCAL PRODUCTIONS TO OPERATE A FLEA MARKET AT 3756 BONITA BEACH ROAD, BONITA SPRINGS ON SUNDAYS OCTOBER 2, 2016-APRIL 30, 3017. (GREENSHEET NO. 16-07-0198)
- C. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE STARDUST MEMORIES BIG BAND, INC., 2017 CONCERT SERIES. (GREENSHEET NO. 16-07-0196)
- D. AMEND THE AGREEMENT WITH VICTOR PIROZ DARAI FOR RENEWAL OF ARTIST COTTAGE #3 LEASE AGREEMENT FOR ANOTHER ONE YEAR TERM. (GREENSHEET NO. 16-07-0190)
- E. APPROVE THE UNDERGROUND FACILITIES CONVERSION AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY (FPL), CONSISTENT WITH FPL'S ELECTRIC TARIFF, IN THE AMOUNT OF \$723,027 CONVERTING THE ELECTRIC POLES TO UNDERGROUND FACILITIES ON OLD 41 FROM TERRY STREET TO TENNESSEE STREET. (GREENSHEET NO. 16-07-0193)

Council Member O'Flinn pulled Items E., F., and G., for a brief overview to be furnished to the public, which Public Works Director Matt Feeney provided. The agreements are to convert the overhead electric telephone and cable transmission lines along Old 41, from Oak Creek north to Terry Street, to place them underground. This allows for the three utilities to do the labor and work to pull the wires and make those connections as well as for the materials to do so. The total cost is approximately \$1 million. City Manager Schwing added that is less than what was budgeted, with a portion of the savings to cover the bridge.

6:10:03 pm Council Member O'Flinn motioned to approve Items E., F., and G.; Council Member Gibson seconded; and the motion carried unanimously.

- F. APPROVE THE SPECIAL CONSTRUCTION PROPOSAL WITH CENTURYLINK FOR UNDERGROUNDING CENTURYLINK LINES ATTACHED TO FPL POLES ALONG OLD US 41 IN CONNECTION WITH THE CITY OF BONITA SPRINGS DOWNTOWN IMPROVEMENT PROJECT. (GREENSHEET NO. 16-07-0194)
- G. APPROVE THE RELOCATION AGREEMENT WITH COMCAST OF COLORADO/FLORIDA/MICHIGAN/NEW MEXICO/PENNSYLVANIA/WASHINGTON, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR UNDERGROUNDING THE COMCAST LINES ATTACHED TO FPL POLES ALONG OLD US 41 IN CONNECTION WITH THE CITY OF BONITA SPRINGS DOWNTOWN IMPROVEMENT PROJECT. (GREENSHEET NO. 16-07-0195)
- H. APPROVE AMENDMENT NO. 2 TO THE RESEARCH SERVICE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES TO PROCESS COMPREHENSIVE PLAN CHANGES RELATED TO THE BONITA BEACH ROAD VISIONING. (GREENSHEET NO. 16-07-0205)
- I. ERRATA SHEET ITEM. APPROVE AMENDMENT NO. 3 TO THE RESEARCH SERVICE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES TO PROCESS COMPREHENSIVE PLAN CHANGES RELATED TO THE OPTIONAL ELEMENTS RESULTING FROM THE EVALUATION AND APPRAISAL REPORT (EAR). (GREENSHEET NO. 16-07-0206)
- J. APPROVE THE PROPOSED FINANCIAL POLICY. (GREENSHEET NO. 16-07-207)

- K. AUTHORIZE CITY ATTORNEY TO SIGN LETTER OF ENGAGEMENT WITH DAVID A. THERIAQUE, ESQUIRE, OF THERIAQUE & SPAIN, TO SERVE AS SPECIALIZED LAND USE COUNSEL. APPROVE A BUDGET RESOLUTION OF \$25,000 FOR THE REMAINDER OF THIS FISCAL YEAR. (GREENSHEET NO. 16-07-0208)

6:11:11 PM Council Member Greg DeWitt pulled item K., to address the \$25,000 funds as they relate to charges/fees from Mr. Theriaque. A brief discussion was held. City Attorney Vance stated she will bring any large charges to City Council.

6:13:24 pm Council Member DeWitt motioned to approve; Council Member O'Flinn seconded; and the motion carried unanimously.

- L. APPROVE THE ATTACHED RESOLUTION RELATED TO CONSERVATION 20/20 (GREENSHEET NO. 16-07-0192; O'FLINN)

6:15:21 pm Council Member O'Flinn pulled Item L., to thank Brad Cornell with the Audubon Society, for all his hard work.

6:15:36 pm Council Member Slachta motioned to approve the Resolution; Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-26**

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSSION ABOUT CREATING A QUARTERLY INFORMATIONAL LIST FOR COUNCIL MEMBERS. (GREENSHEET NO. 16-07-0209; QUAREMBA)

6:16:24 pm Council Member Quaremba provided an overview of the intent. It would be similar to Staff's newsletter, and include items being worked on by Council. She further explained.

6:19:57 pm Communications Director Lora Taylor explained that the intent is to develop this as a pilot program to offer to each district if they would like.

- B. DISCUSSION REGARDING A CONSTRUCTIVE REVIEW OF SPECIAL EXCEPTIONS. (GREENSHEET NO. 16-07-0211; FORBES)

6:22:02 pm Council Member Forbes addressed this item and the intent as outline on the Greensheet, to address uses subject to review and approval as a special exception within the Bonita Beach Road Corridor, I-75 Interchange area, U.S. 41 Overlay District and Old U.S. 41 Redevelopment Overlay District. It would also address minimum separation distances between certain intensive uses. Council Member Quaremba supports this and is looking forward to Staff's presentation.

6:26:48 pm Assistant City Manager Arleen Hunter explained that the Greensheet is suggesting Council direct Staff. Council agreed to Assistant City Manager Hunter's suggestion for City Council to have a workshop first to take back City Council's feedback to the LPA. Council agreed.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE BONITA SPRINGS FALSE ALARM ORDINANCE; SECTIONS 18-20 THROUGH 18-29; REVISING TO CONFORM WITH STATUTORY CHANGES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENERS ERRORS AND AN EFFECTIVE DATE. (GREENSHEET 16-07-0199)

6:28:16 PM Council Member Slachta motioned to move forward with a second reading and public hearing on Wednesday, July 20, 2016; Council Member O'Flinn seconded; and the motion carried unanimously.

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS APPROVING THE PETITION OF BONITA SPRINGS UTILITIES, INC., MODIFYING ITS WASTEWATER TARIFF TO APPROVE A SPECIAL SERVICE CHARGE FOR THE FOREST MERE SUBDIVISION; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-07-0200)

City Attorney Vance stated she is postponing this item to allow her to include the Spring Lake Subdivision in the title block and schedule again for a first reading on Wednesday, July 20, 2016. No action taken.

- C. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR THE USE OF A PORTION OF LAND OWNED BY THE SKY FAMILY YMCA INC. FOR USE OF SHARED PICKLEBALL COURTS; AUTHORIZING THE MAYOR AND CITY OFFICIALS TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-07-0202)

6:30:06 pm City Attorney Vance read the title block of the Ordinance into the record.

6:31:01 pm Parks and Recreation Director Nicole Perino furnished a brief overview.

Council Member Slachta motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, July 20, 2016; Council Member Gibson seconded; and the motion carried unanimously.

X. PUBLIC HEARING:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, SO AS TO UPDATE CERTAIN ELEMENTS TO ENCOURAGE MULTIPLE USES OF THE RAILROAD CORRIDOR; ADDING OBJECTIVES AND POLICIES TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT AND RECREATION / OPEN SPACE ELEMENT, ADDING THE CSX / SEMINOLE GULF RAIL CORRIDOR MAP TO THE TRANSPORTATION ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (GREENSHEET NO. 16-07-0196)

6:37:53 PM City Attorney Vance read the title block of the Ordinance into the record. She also reviewed the Affidavit of Publication which she found to be legally sufficient, which is on file with the City Clerk.

6:39:29 PM Jackie Genson, Community Development, furnished an overview of the amendment. Assistant City Manager Hunter addressed suggested revised language relating to Policy 1.6.5. a. A brief discussion was held.

6:44:19 pm Council Member Quaremba motioned to revise Policy 1.6.5., as stated by Assistant Manager Hunter; Council Member Slachta seconded.

6:45:21 pm Mayor Simmons referred to the previous high school site on Old 41 that was being considered that backed up to the railroad tracks, and asked if this in any way was effecting any existing

businesses, educational institutions that may or may not come up and down the railroad tracks. Ms. Genson responded that was something she would have to look into further and bring back. Her understanding is that there wasn't a specific written policy by the district restricting use of a school within proximity to a railroad corridor. Staff to research and bring back.

The motion carried unanimously.

XI. PUBLIC COMMENT:

[6:48:13 PM](#) Dave Hanson, with Partnership in Housing, addressed the proposed addition planned for their current building. He also thanked Council for their past support.

[6:50:39 pm](#) Kathy McGrath also commented on the beautiful 4th of July Celebration, the high school and the 20/20 program.

[6:54:22 pm](#) Jim Quaremba also commended the City on the great 4th of July event! He also commended City Council on all their hard work!

XII. CITY ATTORNEY'S REPORT:

[6:55:55 PM](#) City Attorney Vance addressed her memorandum regarding the denial of permits in the Brooks at the Commons Club. She and furnished an update on the Carter Pritchett case.

XIII. CITY MANAGER'S REPORT:

- A. REQUEST APPROVAL OF THE 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR PARTIALLY FUNDING THE EXPANSION OF PUEBLO BONITO COMMUNITY CENTER, A FACILITY OWNED AND OPERATED BY PARTNERSHIP IN HOUSING, INC., A 501(C)(3) NONPROFIT ORGANIZATION. (GREENSHEET NO. 16-07-0191)

[6:57:45 pm](#) Assistant City Manager Hunter furnished an overview, as set out in the Greensheet.

[7:00:27 pm](#) Council Member Gibson motioned to approve; Council Member O'Flinn seconded; and the motion carried unanimously.

- B. AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT CREATING A PILOT PROGRAM WITH SKY FAMILY YMCA FOR NON-MEMBER UTILIZATION AND OPERATION OF ITS POOL FOR SUMMER 2016. (GREENSHEET NO. 16-07-0204)

[7:01:22 PM](#) Parks and Recreation Director Nicole Perino addressed this item, involving a pilot program with Sky Family YMCA for non-member utilization and operation of its pool for summer 2016, as outlined in the Greensheet. The agreement includes a requirement for reporting as to the number of Bonita Springs residents who use the facility.

[7:02:37 pm](#) In response to Council Member DeWitt, discussion was held on the days and hours of operation, the City's funding, etc. Ms. Perino explained that if the program is successful they can add additional days and times for the whole summer next year. Pete Shattuck with the YMCA explained that weekdays would be difficult because they have summer camp children who use the pool during that time.

[7:08:36 pm](#) Cynthia Patton, a resident of the City, stated that \$5 a person to go swimming is excessive. They currently utilize the community pool, and are confined to a certain section of the pool

when they want to free swim. She addressed the need for a resort style pool for the City, such as the one in Golden Gate has.

7:11:23 pm Council Member Forbes motioned to approve the Agreement; Council Member Quaremba seconded; and the motion carried unanimously.

ADDITIONAL ITEMS:

7:11:59 pm City Manager Schwing thanked Staff, City Council, and all the volunteers for all their hard work on the great July 4th Celebration!

7:14:16 pm Assistant City Manager Hunter reminded City Council of the July 14, 2016 City Council Workshop on the quadrant study. The workshop will be televised.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

- A. APPROVE A RESOLUTION APPOINTING A MEMBER TO THE CITY OF BONITA SPRINGS ART IN PUBLIC PLACES ADVISORY BOARD AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-07-0197; O'FLINN)

7:14:32 pm Council Member O'Flinn motioned approval of the Resolution appointing Jennifer Perry to the Art in Public Places Board; Mayor Simmons seconded; and the motion carried unanimously.

Council Member O'Flinn commended everyone involved in the great 4th of July Celebration! He also complimented Assistant City Manager Hunter, City Manager Schwing and Public Works Director Matt Feeney on all their hard work and the great job they did with the quadrant study and the Bonita Beach Road Visioning Study. He also informed Council of a discussion he had with Billy Hattaway with FDOT who is anxious to help with these projects. Secondly, he met with Commissioner Larry Kiker about moving forward with Bonita Beach Road, who suggested to him a Council liaison to work with Staff. Mayor Simmons stated he would like to recommend Council Member O'Flinn as the liaison. Council Member O'Flinn stated he felt it was important that Council Members also reach out to the County Commission as well. Council Member Quaremba suggested a mechanism by which the information that is supposed to be transmitted to Council to address and speak as one united voice. Council consensus that Council Member O'Flinn act as the City's liaison. Lastly, Council Member O'Flinn addressed the high school.

7:21:03 PM Council Member Gibson also commended everyone involved with the great 4th of July Celebration!

7:21:17 pm Council Member Forbes echoed comments made on the great 4th of July Celebration. He also suggested the Mayor or Council Member O'Flinn contact Don Scott with the MPO about having Jim Wurster appointed to the MPO's CAC Committee. City Manager Schwing stated he would address. Council Member Forbes next addressed American House and an agreement with Community Development that when their last project Certificate of Completion is issued, the barricades would be removed.

7:23:37 pm Council Member Quaremba reported on the wonderful time she had at the 4th of July Celebration and thanked all who were involved! She also expressed her excitement about the high school.

7:24:47 pm Council Member DeWitt reported this was the second 4th of July Celebration he missed in 27 years, as he was out of town. He also reported on the Lake "O" Learning Collaborative conference he

attended, and another meeting that is scheduled to be held in Fort Pierce the next quarter. They are continuing to address the issues. Lastly, he suggested that when the high school is built, that they include a band in the parade!

7:26:23 PM Council Member Slachta agreed that the 4th of July event was wonderful! He also reported on a deputy that was hit by a car, informing everyone that he is okay. He also reported on five calls he received regarding the quality of the water from Bonita Springs Utilities. Assistant City Manager responded that she spoke with the director of BSU who informed her there are no health concerns. Anyone with concerns should contact BSU.

7:29:48 PM Mayor Simmons reported on a meeting he, the City Manager and Assistant City Manager attended where they addressed impact fees per room for hotels that may want to come to the City. The City's fees are \$7460 as opposed to Lee County whose is \$4,722 per room. He suggested Staff address what would make sense in moving forward. Assistant City Manager Hunter responded. A reduction of the fees can be made without having to do a full study. They would also like to look at other jurisdictions. She further explained. It's something Staff can look at and move more quickly on a hotel use and bring some proposals back to City Council soon. She would request more time to allow Staff to investigate other impact fee uses and see where it would be appropriate to look at adjustments.

7:34:29 pm Mayor Simmons addressed Council Member Quaremba's idea about the quarterly newsletter, and suggested looking into a version to be sent out in Spanish. He also reported that Mayor Ruane of Sanibel was working on a whitepaper on Lake "O," which he is working on getting to bring to City Council to review and support. He also addressed the passing of Zoning Board Member Pete Pastor and expressed his condolences to his family.

XV. APPROVAL OF MINUTES: 06/01/16 AND 06/15/16

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

XVI. PUBLIC COMMENT:

7:38:51 PM Kathy McGrath thanked Lora Taylor and her team for the wonderful 4th of July Celebration. She also addressed Lake "O."

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: 10/20/16
AUTHENTICATED:


Peter Simmons, Mayor