

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, AUGUST 3, 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 5:35 P.M.

II. INVOCATION

Pastor Ron Douglas, with St. Mary's Episcopal Church, was in attendance to furnish 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

5:32:49 PM Rick Steinmeyer commented on lower taxes.

5:33:13 PM Ed Fitzgerald was in attendance to read a letter into the record opposed to the petition from BSU commented on the petition of BSU to modify their wastewater tariff.

5:36:50 PM Cathleen Morgan was in attendance to commend former Principal Linda Maere and all the wonderful things she has done for Bonita Springs Middle School and recognize her for her leadership and vision for all schools.

5:38:15 PM Kathy McGrath addressed the budget cuts from the Special Events budget. She also read comments into the record from Phyllis Ershowsky.

5:41:09 PM Pete Shaddock with the Bonita Springs YMCA thanked Council for their support. He addressed item H., regarding the extension of the afterschool contract and asked Council for their support.

5:42:06 PM Bill Crew, Vice President of Sports Club, also commented on item H. of the Consent Agenda and addressed the program. He is here to request Council's support.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. CERTIFICATE OF RECOGNITION TO LINDA MAERE FORMER PRINCIPAL OF THE BONITA SPRINGS MIDDLE SCHOOL.

5:44:31 PM Mayor Simmons next presented a Certificate of Recognition to former Principal Linda Maere for her dedication and service to the Bonita Springs Middle School and for enriching the lives of all students. Principal Maere was in attendance to accept the Certificate of Recognition and to thank Mayor Simmons and City Council.

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.)

5:47:54 pm Pulled, Items A., E., and H. Council Member Steve Slachta motioned to approve the remainder of the Consent Agenda; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- A. AUTHORIZE MAYOR SIMMONS TO SIGN A LETTER ON BEHALF OF CITY COUNCIL TO SUPPORT THE DISTRIBUTION OF THE FY 2016 EDWARD BYRNE MEMORIAL JAG PROGRAM FUNDS. (GREENSHEET NO. 16-08-0241)

Mayor Simmons pulled item A. to address the program and express his support.

Council Member Slachta motioned to authorize the Mayor to sign the letter on behalf of City Council; Mayor Simmons seconded and the motion carried unanimously.

- B. APPROVAL OF SPECIAL EVENT PERMIT AND CITY CO-SPONSORSHIP OF COASTAL CLEAN-UP EVENT SCHEDULED FOR SATURDAY, SEPTEMBER 17, 2016. (GREENSHEET NO. 16-08-0220)
- C. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR A PATRIOT DAY CEREMONY AT THE LILES HOTEL PLAZA ON SUNDAY, SEPTEMBER 11, 2016. (GREENSHEET NO. 16-08-0221)
- D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR A BACK TO SCHOOL BASH AND SAFETY DAY EVENT AT 26724 NOMAD DRIVE IN LEITNER CREEK PARK ON SATURDAY, AUGUST 6, 2016 FROM 11:00 A.M. TO 3:00 P.M. (GREENSHEET NO. 16-08-0240)
- E. AUTHORIZE MAYOR TO APPROVE RESOLUTION AWARDING THE RIVERSIDE PARK DOCK REPLACEMENT/RECONFIGURATION PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, NELSON MARINE CONSTRUCTION, INCORPORATED IN THE TOTAL BID AMOUNT OF \$56,301.00 UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 16-08-0239)

5:49:05 pm Council Member Fred Forbes suggested having Sam Vincent explore/come up with visual enhancements for the boat dock. Nicole Perino, Parks and Recreation Director, explained that they were not replacing the boardwalk at this time, which would entail the enhancements they would do at a later date; this only entails the deck itself and turning it into a canoe/kayak launch. This amount is for composite decking; not wood. The other items, i.e., electric are things they wanted to include when they re-do the actual boardwalk. This is under budget by about \$8,000.

5:51:10 pm Council Member Forbes clarified his suggestion was to include something, i.e., a handrail, etc., that would make it more than just a boat dock. Ms. Perino to address Council Member Forbes' suggestion.

Council Member Forbes motioned to approve; Council Member Amy Quaremba seconded.

5:52:43 pm The motion carried unanimously. **ADOPTED RESOLUTION NO.16-32**

- F. APPROVE BUDGET RESOLUTION TO FUND \$400,000 TOWARDS THE ABERNATHY FELTS STORM WATER PROJECT AND TO PROPERLY STATE THE GRANT BUDGET AMOUNT FOR THIS PROJECT. (GREENSHEET NO. 16-08-0243) **ADOPTED RESOLUTION NO. 16-33**
- G. AUTHORIZE CITY STAFF TO PURCHASE FROM ARTIST C.R. GRAY "STACKED SLICES OF HEAVEN." (GREENSHEET NO. 16-08-0245)
- H. APPROVE THE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND SPORTS CLUB, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION TO SERVE AS THE PROVIDER OF THE AFTER SCHOOL AND SUMMER CAMP PROGRAMS, ON BEHALF OF THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 16-08-0248)

5:53:59 pm Council Member Forbes suggested the City Manager and the Parks Director to explore with the YMCA about doing these types of services when it comes up to renew next year.

5:54:17 pm Council Member Forbes motioned to approve; Council Member Slachta seconded; and the motion carried unanimously.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. PROPOSAL FOR THE DRAFTING OF ENHANCED ARCHITECTURAL STANDARDS FOR CERTAIN USES IN THE CITY. (FORBES)

5:55:21 PM Council Member Forbes furnished an overview of this item. He explained that there are a number of locations zoned correctly, some of which one can come in with building permits and built storage facilities on Bonita Beach Road. He is aware of four locations east of I-75 and a similar amount west of I-75. All of these locations are situated where one would be able to see them from Bonita Beach Road and some are located up against residential areas. The intent is to have them go through existing architectural and landscaping standards - 1) develop more stringent conditions, and 2) there are certain accessory uses, i.e., moving vans/trucks in the associated parking area. Staff he spoke with is in agreement on the need to address this, and he would suggest having the City Attorney prepare a zoning in progress resolution for Council's next meeting.

5:58:13 PM Jackie Genson, Community Development, explained that Community Development has received pre-application requests for self-storage buildings. There are three that are zoned already. The concern now is that the vision as to what we want to see on the corridors is changing. The question is do we want to re-think some of these older existing entitlements and look at the existing design and buffering standards and have some more controls in place to get the aesthetics that Council wants to see on the corridors.

6:19:29 PM Direction for City Attorney to prepare Zoning in Progress Resolutions for Council's next meeting on storage facilities and high intensity uses.

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

6:22:24 pm City Attorney Vance read the title block of both Zoning Ordinances into the record.

6:23:41 pm Council Member Slachta motioned to move forward with a second reading of the Zoning Ordinances on Monday, August 15, 2016 at 9:00 A.M.; Council Member Quaremba seconded; and the motion carried unanimously.

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY GREGORY AND MARGO FARAGO FOR 5' REDUCTION FOR A STREET SETBACK AND A 13' REDUCTION TO THE WATER-BODY SETBACK FOR A SINGLE FAMILY HOME, PURSUANT TO 4-1893 AND 4-1894(b) OF THE LAND DEVELOPMENT CODE; LOCATED AT 27844 FORESTER DRIVE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY CYRUS BONITA, LLC, TO REZONE FROM THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO COMMERCIAL PLANNED DEVELOPMENT (CPD), PROVIDING FOR A TEMPORARY COMMERCIAL PARKING LOT, A 60-ROOM HOTEL/MOTEL WITH ACCESSORY USES; IN ADDITION TO THE OTHER PERMITTED CC USES; ON 0.65± ACRES; LOCATED AT 9790 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

X. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES (NO PUBLIC COMMENT):

A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, TO REPEAL IN ITS ENTIRETY BONITA SPRINGS ORDINANCE NO. 04-02, GRANTING A FRANCHISE WITH COMCAST CABLEVISION OF THE SOUTH, INC., PURSUANT TO THE CITY OF BONITA SPRINGS, FLORIDA CABLE TELEVISION ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0237)

6:24:47 pm City Attorney Vance read the title block of the Ordinance into the record.

6:25:38 pm Council Member DeWitt motioned to move forward with a second reading of the Ordinance on Wednesday, August 17, 2016, at 9:00 A.M.; Council Member Gibson seconded; and the motion carried unanimously.

B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, TO REPEAL IN ITS ENTIRETY BONITA SPRINGS ORDINANCE NO. 03-23, THE CITY OF BONITA SPRINGS CABLE TELEVISION FRANCHISE ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0236)

6:26:37 pm City Attorney Vance read the title block of the Ordinance into the record.

Council Member Gibson motioned to move forward with a second reading of the Ordinance on Wednesday, August 17, 2016, at 9:00 A.M.; Mayor Simmons seconded; and the motion carried unanimously.

C. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE BONITA SPRINGS RENTAL PERMIT ORDINANCE; AMENDING SECTIONS 12-107 THROUGH 12-111; REVISING ORDINANCE TO REFLECT CURRENT PRACTICES; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0242)

6:28:27 PM Assistant City Attorney Alex Boswell-Ebersole read the title block of the Ordinance into the record.

6:25:38 pm Mayor Simmons motioned to move forward with a second reading of the Ordinance on Wednesday, August 17, 2016, at 9:00 A.M.; Council Member Forbes seconded; and the motion carried unanimously.

- D. AN ORDINANCE OF THE CITY OF BONITA SPRINGS AMENDING ORDINANCE NO. 00-08; ADJUSTING THE RATE OF THE FLORIDA POWER AND LIGHT COMPANY NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE, PROVIDING FOR PAYMENTS TO THE CITY OF BONITA SPRINGS, AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0232)

6:29:07 PM City Attorney Vance read the title block of the Ordinance into the record.

6:29:55 pm Council Member Slachta motioned to move forward with a second reading of the Ordinance on Wednesday, August 17, 2016, at 9:00 A.M.; Council Member Quaremba seconded; and the motion carried unanimously.

- E. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA RELATING TO INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR INCREASED LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0233)

6:31:58 PM City Attorney Vance read the title block of the Ordinance into the record.

6:42:15 pm Council Member Forbes motioned to move forward with a second reading of the Ordinance on Wednesday, August 17, 2016, at 9:00 A.M.; Council Member Quaremba seconded; and the motion carried unanimously.

#### XI. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES:

- A. AN ORDINANCE AMENDING ORDINANCE NO. 14-13, THE OUTDOOR FLEA MARKET ORDINANCE; AMENDING LOCATION AND PERMITTING REQUIREMENTS AND REMOVING THE SUNSET PROVISION; AMENDING §12-322; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0238)

6:45:52 PM City Attorney Vance read the title block of the Ordinance into the record.

6:47:11 pm Council Member DeWitt motioned to adopt the Ordinance; Council Member Forbes seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 16-10**

- 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 AND SPRING LAKES SUBDIVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-08-0234)

6:49:27 pm City Attorney Vance introduced this item and revisions made to the Ordinance.

6:50:20 pm John Jenkins, with Bonita Springs Utilities, furnished an overview, and submitted into the record the petition and resolution of support passed by the Forest Mere Property Owners Association (copy in Clerk's file).

7:00:37 pm Discussion followed, and Mayor Simmons suggested an Attorney General's opinion to ask for a formal opinion as to whether the City of Bonita Springs franchise relationship with Bonita Springs Utility subjects Bonita Springs Utilities to the Florida Public Records Law and the Florida Government in the Sunshine Law.

7:02:05 pm Mr. Jenkins addressed comments made by Mr. Fitzgerald earlier.

No public comments were made.

7:05:18 pm Council Member Gibson motioned to adopt the Ordinance; Council Member Forbes seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 16-11**

## XII. PUBLIC COMMENT:

7:06:20 PM Alex Grantt suggested an emergency Resolution on Zika

7:09:24 PM Ed Fitzgerald commented on Bonita Springs Utilities.

7:13:45 PM Terri Lemaine, with the Special Events Committee, addressed cuts made to the City's special events budget, and asked Council to review all the budget cuts. Kathy McGrath also commented on the budget and Bonita Springs Utilities.

7:18:00 PM Steve Bracci addressed Bonita Exchange LLC regarding the hotel impact fee reduction.

7:21:19 pm Council Member Forbes addressed comments made by Council Member Grantt, and a brief discussion was held. Council Member Forbes motioned for a letter supporting the Zika virus bill; Mayor Simmons seconded and the motion carried unanimously.

## XIII. CITY ATTORNEY'S REPORT:

### A. ADDITIONAL DIRECTION TO STAFF ON THE HOTEL REDUCTION IN THE IMPACT FEE SCHEDULES. (GREENSHEET NO. 16-08-0235)

7:23:45 pm City Attorney Vance introduced this item involving a request for additional direction on the hotel reduction in the impact fee schedule.

7:42:57 pm City Attorney Vance clarified that direction is for the City Attorney to revise the draft Ordinance for Council's consideration. The revision of the Ordinance will change so that they are only modifying the road impact fees as a reduction for hotels, and to remove paragraph 4. in its entirety. They will also add a provision addressing the rate and a recommendation to go forward with the impact fee study.

Council Member Gibson motioned as set out by the City Attorney; Council Member Forbes seconded.

Per John Dulmer's suggestion, Staff to bring back estimates to allow Council to determine when they would like the road impact fee study to go forward. Council Member DeWitt suggested estimates on

both studies. Council Member Gibson also suggested they get an estimate from Lee County on what it would cost to do it in conjunction with Lee County in two years – to piggyback. Mr. Dulmer stated his understanding is that they will be doing roads, and an entire impact fee study, and the cost of them doing just the road impact fee studies with Lee County when they go forward with their study in two years.

The motion carried unanimously.

#### XIV. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS (UNAUDITED) (GREENSHEET NO. 16-08-0244).

Informational.

- B. PROVIDE DIRECTION TO STAFF RELATIVE TO THE RECOMMENDATION OF MODIFYING THE CURRENT BONITA SPRINGS SKATE PARK FEES BY LOWERING THE DAILY FEE TO ONE DOLLAR PER PERSON PER DAY AND NO LONGER HAVING THE ANNUAL MEMBERSHIP AS AN OPTION. (GREENSHEET NO. 16-08-0246)

7:46:50 pm Parks and Recreation Director Perino furnished a brief overview, after which a brief discussion was held. Council consensus for a pass or \$1 per day for now until the skate park closes.

- C. APPROVE RECOMMENDED CHANGES TO THE FY 2017 CITY MANAGER BUDGET REQUEST AS PRESENTED JULY 13, 2016. (GREENSHEET NO. 16-08-0247)

7:52:24 pm Finance Director Anne Wright furnished an overview, involving budget changes during the previous budget meetings. Discussion followed. Council to review revisions shown. No action taken.

- D. APPROVE BUDGET RESOLUTION TO TRANSFER CAPITAL PROJECTS FUND BUDGET FROM CERTAIN PROJECTS TO THE U.S. 41/BONITA BEACH ROAD QUADRANT PROJECT, THE BONITA BEACH ROAD VISIONING PROJECT AND THE MULTI-USE PATHWAYS AND SIDEWALKS PROJECT. (GREENSHEET NO. 16-08-0249)

8:16:52 pm Finance Director Anne Wright furnished an overview

Council Member Gibson motioned approval of the Resolution; Council Member Forbes seconded.

Council Member DeWitt suggested this item also be deferred to the next budget meeting. Council Member Gibson responded that this was a current project that is moving – to put in funds specifically for the quadrant study, the visioning study and the multi-use pathways and sidewalks. Council Member DeWitt stated he felt that some of these funds can be used for other projects.

Ms. Wright clarified that if the motion passes, the second number shown would be revised to \$9,128.

The motion failed 3-3 (Mayor Simmons and Council Member DeWitt and Slachta opposed)

Council Member DeWitt motioned to bring it back at Council's August 17, 2016 budget meeting; Mayor Simmons seconded; and the motion carried unanimously.

XV. MAYOR AND COUNCIL MEMBER REPORTS:

8:19:16 pm Council Member Quaremba reported on the Small Business of the Year Award luncheon she attended at Artichoke & Company, which was very nice. She also reported that the water tower project was moving along. She also commended Council Member Peter O'Flinn for his work with the Lee County Commission.

8:22:19 PM Council Member Forbes informed Council of a call he received from the Department of Energy who is willing to help the City and provide a small demo project on changing the street lights over to LED. There are available grants. Secondly he urged Council to allow him to contact the Regional Planning Council to prepare a presentation for City Council on Lake Okeechobee. Council consensus for Council Member Forbes to set up.

ERRATA SHEET: AUTHORIZATION FOR MAYOR TO SIGN A LETTER ADDRESSING WATER QUALITY LEGISLATION TO SEND TO CONGRESSMAN CURT CLAWSON.

8:26:08 PM Mayor Simmons referred to the Errata Sheet and read the letter into the record.

8:28:03 PM Council Member Forbes motioned approval; Council Member Gibson seconded; and the motion carried unanimously.

XVI. APPROVAL OF MINUTES: 07/20/16

Council Member Forbes motioned approval of the minutes; Council Member Gibson seconded; and the motion carried unanimously.

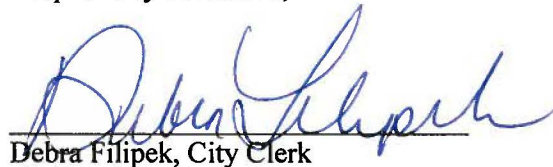
XVII. PUBLIC COMMENT:

8:30:24 PM Carolyn Gallagher expressed a concern regarding there being no hurricane shelters in the City of Bonita Springs. She referred to the infrastructure section of the Comprehensive Plan addressing the use of impact fees for hurricane shelters.

XVIII. ADJOURNMENT:

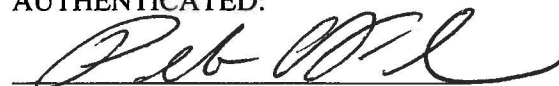
There being no further items to discuss the meeting adjourned at 8:35 P.M.

Respectfully submitted,

  
Debra Filipek, City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 8/18/16  
AUTHENTICATED:

  
Peter Simmons, Mayor