

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, AUGUST 17, 2016
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 9:00 A.M.

II. INVOCATION

Pastor Doug Pratt, with First Presbyterian 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

9:05:05 AM Rick Steinmeyer commented on funding for the library.

9:06:27 AM Kathy McGrath also commented on the library, which she feels is going to be a wonderful addition to the downtown area.

9:06:58 AM Amanda Brock addressed item IX. A., regarding the Zoning in Progress Resolution, and referred to a letter dated August 16, 2016 to Mayor Simmons, requesting that the Channel 30 Drive CPD located at 9930 Channel 30 Drive, be exempt from the Zoning in Progress Resolution regulations.

9:07:47 AM Ed Fitzgerald commented on XII. A., regarding Bonita Springs Utilities being subject to the Sunshine Laws.

9:11:10 AM Mike Maurer, representing Bernwood, also requested that their property be exempt from the Zoning in Progress regulations.

9:13:39 AM Bob Bachman, a business owner in the City, was also in attendance to address IX. A. He just purchased property on Surveyor Creek Road, on which he would like to build a private storage facility for their own use. He was in attendance to ask that his property also be exempt from the proposed regulations.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION BY MCMAHON ASSOCIATES ON THE CITY WIDE BICYCLE PEDESTRIAN MASTER PLAN FOR MULTI-MODAL CONNECTIVITY THROUGHOUT THE CITY. (GREENSHEET NO. 16-08-0258)

9:15:44 AM City Manager Carl Schwing introduced Trent Ebersole with McMahon Associates, who was in attendance to present the Bicycle and Pedestrian Master Plan (copy in Clerk's file). He addressed the project background, the purpose of the master plan, the community profile, the benefits of walking, the vision and goals, the planning process, the needs assessment, existing transit facilities, the use and creation of amenities, public involvement, and lastly, funding for the project. In response to Council, he explained that in determining the first things that should be done, is to address importance and cost. He feels the focus should be on Terry Street – from Old 41 west. With respect to the beach, he explained that the master plans shows the need for something to be done, but it does not show specifics. His suggestion would be that where Hickory Boulevard becomes Bonita Beach Road, that the cross section at Bonita Beach Road be made smaller, which would free up room in the right-of-way to put in bike facilities. The main intent of the Master Plan was to remain in the existing right-of-way – to not purchase additional right-of-way. A lengthy discussion followed. In response to Mayor Simmons, Mr. Ebersole stated that he will work with Staff with respect to holding a workshop at City Hall.

9:48:21 AM Mayor Simmons motioned to accept the Master Plan; Council Member Peter O'Flinn 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.)

9:49:47 AM Council Member Slachta motioned approval of the Consent Agenda; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- A. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE CASA MEXICO ADULT SOCCER LEAGUE. (GREENSHEET NO. 16-08-0261)
- B. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE WILDCATS YOUTH SOCCER CLUB. (GREENSHEET NO. 16-08-0259)
- C. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE BONITA SPRINGS YOUTH SOCCER CLUB. (GREENSHEET NO. 16-08-0260)
- D. APPROVE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS FOR THE DESIGN, CONSTRUCTION, FURNISHINGS AND OCCUPANCY OF A PUBLIC LIBRARY IN BONITA SPRINGS. (GREENSHEET NO. 16-08-0266)
- E. APPROVE BUDGET RESOLUTION TO FUND THE COMMUNITY PARK BASEBALL FIELD LASER GRADING IN THE AMOUNT OF \$35,000. (GREENSHEET NO. 16-08-0262) **ADOPTED RESOLUTION NO. 16-35**

- F. APPROVE BUDGET RESOLUTION TO FUND THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PUEBLO BONITO BOYS AND GIRLS CLUB. (GREENSHEET NO. 16-08-0263) **ADOPTED RESOLUTION NO. 16-36**
- G. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE AMERICAN CANCER SOCIETY'S HISPANIC FESTIVAL ON SATURDAY, NOVEMBER 5, 2016 AT RIVERSIDE PARK. (GREENSHEET NO. 16-08-0267)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

9:50:53 AM Council Member Forbes, the City's liaison to the Charlotte Harbor National Estuary Program, reported he was unable to attend the upcoming meeting and asked Martha Simons to attend on his behalf. There were no objections from Council and thanked Ms. Simons for attending.

IX. PUBLIC HEARING:

- A. ADOPT A RESOLUTION DECLARING THE CITY COUNCIL'S NOTICE OF INTENT TO DECLARE A ZONING IN PROGRESS TO ESTABLISH ENHANCED REGULATIONS RELATED TO STORAGE FACILITY USES, CITYWIDE. THE RESOLUTION WILL BE PUBLISHED IN THE NEXT AVAILABLE FORT MYERS NEWS PRESS. (GREENSHEET NO. 16-08-0255)

9:51:55 am City Attorney Vance introduced this item and furnished an overview. She also addressed a letter she received for Super Towers development, in which Staff is looking for direction on whether to proceed. Jackie Genson, Community Development, showed a photo of a map depicting various locations in which these regulations would pertain (copy in Clerk's file), which include the Bernwood Park of Commerce, the St. James CPD, the Oakland CPD, also in blue are existing planned developments with expired Master Concept Plans, the Lowe's CPD, the Greyhound Square CPD Amendment, the Channel 30 site, and a site on Okeona Street and Bonita Beach Road. John Dulmer, Community Development, addressed the intent of the Ordinance.

10:01:22 am Council Member Forbes explained that his intent is to try to upgrade the appearance of Bonita Beach Road, U.S. 41, Old 41 Road, and the Interchange. He feels the property that Ms. Brock represents he has no problems with. He addressed upcoming cases that involve property that this would apply. Mr. Dulmer clarified that his interpretation of what Council Member Forbes is saying is that if you are visible from a public right-of-way or a residence, these regulations will apply. For those that are not visible, the current standards would apply. Discussion followed on the sites addressed as to whether the proposed regulations would apply. Council Member O'Flinn stated that the point of start is what the Florida Law is all about and what defines the rights. He requested that the City Attorney inform City Council of the law and one's rights – what the standards are as applied to the facts. City Attorney Vance addressed Florida Case Law. Discussion followed.

10:44:32 AM Council Member Forbes entered a motion to move forward with the following: exempt the Bachman Industrial Park and the other cases where someone has been in already for a pre-application meeting of some type, and that they have to be in within 45 days so City Council can look at it as to whether they are exempt or not.

10:45:27 AM Mayor Simmons clarified that this would entail those who have come in for a free initial consultation – those that have been in. Council Member Forbes stated that if they can be seen from some of these locations he would prefer they come before City Council. He is exempting Channel 30 and Bachman.

[10:46:23 AM](#) City Attorney Vance clarified the motion, explaining they have to follow the 180 days unless 1) it's located within the Production Circle/Greyhound Park Industrial Area, 2) not visible from the arterial road corridors out of the view shed of any residentially used property (Bachman Industrial Park), 3) have already been found sufficient and scheduled for public hearing (the Oakland Park CPD), 4) whether they have gone through the pre-application process and City Council can review the plan to determine whether it meets the intent and objectives of a potential design standards, and 5) if Council determines the principles of equitable estoppel should apply to a specific application.

[10:47:43 AM](#) Council Member O'Flinn motioned that it would specifically name the two and not generic – exempt out what they agreed to exempt. Also, it would be 180 days, but in the interest of fairness to the other locations on the map, if they come in and make a compelling presentation that they are similar to the other two in terms of equitable estoppel and Florida law that they would be exempt and come to City Council. Council Member Gibson clarified that Channel 30, Bachman and the industrial park. Council Member Forbes also clarified that they must have had the pre-application meeting prior to today (August 17, 2016), and the pre-application meeting had to apply to what they would be coming through to show City Council. Council Member Forbes withdrew his original motion, and urged Council Member O'Flinn to slightly modify his motion and instead of saying they can come in forever, that they can come in for 60 days. Council Member O'Flinn agreed.

[10:50:26 am](#) Mr. Dulmer clarified the motion to exempt the properties that they've discussed – Channel 30, Mr. Bachman, and the Oakland CPD. We have exempted the industrial park areas, and within 60 days if someone files an application it is then reviewed by City Council who will determine whether they go forward or not. Council Member Forbes stated they would have had to have had a pre-application meeting. Council Member O'Flinn clarified to be reviewed by Council with respect to those who have done something to have merit a dot on the map. City Attorney Vance added that they are adding in Greyhound Park and Production Circle. Council Member Forbes seconded the motion.

PUBLIC COMMENTS:

[10:52:48 AM](#) Ed Fitzgerald addressed property on Bonita Grande Road. He feels that to change the zoning for a fire station.

[10:55:17 AM](#) Mike Maurer questioned how the Bernwood industrial parks cannot be exempt. He further explained. City Attorney Vance responded and a lengthy discussion followed on the 180 days in Section 3.

[11:07:49 am](#) In response to Ms. Brock, City Attorney Vance explained that Channel 30 CPD and the Bachman Interchange Parcel and the Oakland CPD specifically mentioned as exempt. Discussion followed.

[11:12:06 am](#) Council Member O'Flinn amended his motion to reflect 180 days.

[11:13:16 am](#) City Attorney Vance clarified the motion, explaining that those they will be processing/approving include the Channel 30 CPD, Bachman Interchange parcel, Oakland CPD, and storage facilities located within the Production Circle Industrial Park and Greyhound Park Industrial area. Storage facilities that are not visible from the arterial road corridors or are out of the view shed of any residential used property. Applicants who have had a pre-application meeting where storage facilities were discussed, may make an application to City Council to determine if the principles of equitable estoppel should apply, or the Applicant can provide City Council with design plans to show the designs are consistent with the intent of the changes.

11:16:02 AM Alex Grantt, the owner of industrial property, asked if his property would be subject to these regulations, to which City Attorney Vance explained that it would if he wanted to rebuild or change the use.

The motion carried 4-3 (Mayor Simmons and Council Members DeWitt and Slachta opposed)
ADOPTED RESOLUTION NO. 16-37

- B. ADOPT A RESOLUTION DECLARING THE CITY COUNCIL'S NOTICE OF INTENT TO DECLARE A ZONING IN PROGRESS TO ESTABLISH SEPARATION DISTANCE REQUIREMENTS RELATED TO HIGH INTENSITY USES, CITYWIDE. THE RESOLUTION WILL BE PUBLISHED IN THE NEXT AVAILABLE FORT MYERS NEWS PRESS. (GREENSHEET NO. 16-08-0256)

11:20:09 am City Attorney Vance introduced this item and provided an overview as outlined in this request involving a Zoning in Progress Resolution for high intensity uses as reflected in the Greensheet. Discussion followed on what other jurisdictions have done, uses, etc. Council Member DeWitt spoke opposed. Council Member O'Flinn would like more background on the issues. There's a lot that needs to be looked at. Council Member Quaremba stated she agreed with comments made by Council Member DeWitt, and feels there are things in the Ordinance that need clarification. Council Member Gibson also agreed with comments made. Council Member Forbes supports moving forward as there are only so many intersections remaining, which are the prime areas for such uses.

PUBLIC COMMENTS:

11:34:30 AM Rick Steinmeyer addressed location of uses.

11:35:48 AM Mike Maurer, representing Bonita 75, agreed with comments made. New concepts entail having two users in one building for cost savings, etc. He feels that this type of Ordinance is wide open for a taking case.

11:37:21 AM Martha Simons addressed economic development.

11:38:05 AM Council Member DeWitt motioned to deny; Council Member O'Flinn seconded; and the motion carried unanimously.

X. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES:

- 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. 16-08-0250)

11:38:55 am City Attorney Vance read the title block of the Ordinance into the record.

11:39:30 am Council Member Gibson motioned adoption of the Ordinance; Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 16-12**

- 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. 16-08-0251)

[11:40:51 AM](#) City Attorney Vance read the title block of the Ordinance into the record, and furnished a brief overview.

Council Member Gibson motioned adoption of the Ordinance; Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 16-13**

- 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. 16-08-0252)

[11:41:36 am](#) Assistant City Attorney Alex Boswell-Ebersole read the title block of the Ordinance into the record, and furnished a brief overview of the intent.

Council Member Gibson motioned adoption of the Ordinance; Council Member O'Flinn seconded.

PUBLIC COMMENTS:

[11:42:22 am](#) Rick Steinmeyer commented on the use of Tourist Development Tax funds for rental units.

[11:44:03 am](#) Martha Simons expressed a concern with certain language in the Ordinance that addresses exemptions for apartment complexes and duplexes where the owner permanently resides in one of the units. She feels this language takes away the ability to inspect the other unit. Her concern is with tenants being afraid to report violations in their unit. She also addressed the need for more Code Enforcement Officers. The reason for the Ordinance is that it requires someone to automatically come and inspect the rental unit, which she sees as being important for the health and safety of people.

[11:46:46 am](#) Neighborhood Services Director Frank Cassidy responded to concerns raised. He explained that the reason for exempting the owner relates to governing systems with larger complexes that already have in place a mechanism through leases and/or on-site property management that are held to different standards. Therefore, it's a duplication of efforts in those cases. He further explained.

[11:53:12 am](#) Council Member Gibson motioned adoption of the Ordinance; Council Member O'Flinn seconded

PUBLIC COMMENTS:

[11:55:10 am](#) Martha Simons stated she feels that this is the right thing to do, reiterating the need for more code enforcement.

[11:56:38 am](#) Rick Steinmeyer also commented on rental units.

The motion passed unanimously. **ADOPTED ORDINANCE NO. 16-14**

- 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. 16-08-0253)

[11:59:50 am](#) City Attorney Vance read the title block of the Ordinance into the record.

[12:00:55 pm](#) Charlotte Miller, with FPL, was in attendance to respond to questions.

Council Member O'Flinn motioned adoption of the Ordinance; Council Member DeWitt seconded.

PUBLIC COMMENTS:

[12:03:04 pm](#) Martha Simons stated that there are a lot of old power poles around, which need to be removed, especially along Arroyal Road and Bonita Beach Road. Ms. Miller, with FPL, responded that was something they were currently working on.

[12:04:07 pm](#) Council Member O'Flinn stated that his view of this relates to the debt that exists and the need to pay down and deal with the debt service on that over time. Council Member Gibson questioned a sunset provision. A brief discussion followed, with the City Attorney referring to Section 5(b) which reflects an 18-month increase. Council Member O'Flinn suggested a sunset to 2022.

Council Member O'Flinn amended his motion to reflect a sunset at the end of 2022; Council Member Dewitt amended his second to the motion.

The motion carried 5-2 (Mayor Simmons and Council Member Gibson opposed) **ADOPTED ORDINANCE NO. 16-15**

- E. **ERRATA SHEET:** 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. 16-08-0254)

[12:10:13 pm](#) City Attorney Vance read the title block of the Ordinance into the record, addressing the two attachments to the errata sheet reflecting changes.

[12:12:45 pm](#) Council Member O'Flinn motioned adoption of the Ordinance with the same sunset provision; Council Member Slachta seconded.

[12:13:35 pm](#) The City Attorney clarified that the increase rate is to be effective January 1, 2017. She will also add the sunset provision for the tax to go back to the 1.70. After further discussion, per Council Member O'Flinn, City Attorney authorized to make a correction if needed.

[12:15:11 pm](#) City Attorney clarified the motion, that the Ordinance will go back to the current rate of 1.70 by December 31, 2022.

No public comments were made.

[12:15:27 pm](#) The motion passed 5-2 (Mayor Simmons and Council Member Gibson opposed)

XI. PUBLIC COMMENT:

[12:16:15 PM](#) Alex Grantt thanked Council for this letter supporting funding for Zika. He also addressed mosquito control.

12:19:13 PM Rick Steinmeyer also addressed mosquitos and mosquito control.

12:21:06 PM Martha Simons addressed the ordinance on super majority, which she doesn't feel will work. She also commented on the FLC conference and the City Manager's Budget for TNR which she feels needs to be increased. She also spoke in support, and addressed the qualifications of Barbara Barnes-Buchanan for being appointed to the City's Zoning Board.

12:24:09 PM John Jenkins, Executive Director of Bonita Springs Utilities, addressed Agenda Item XII. A., regarding the Sunshine Law as it relates to BSU. He also addressed comments made by Mr. Fitzgerald.

12:30:15 PM Ed Fitzgerald also addressed item XII. A.

12:34:45 pm Rich Donnelly, a member of the Zoning Board, referred to the downtown project and expressed concerns with the future roundabout at Terry Street. He feels this should be carefully reviewed and vetted, as there may be other options.

12:38:15 PM Kathy McGrath also commented on roundabouts and the difference between traffic circles and roundabouts. She feels a roundabout at Terry Street is the correct way to go. She also would support a roundabout at U.S. 41 and BB Road.

XII. CITY ATTORNEY'S REPORT:

A. AUTHORIZE THE CITY ATTORNEY TO REQUEST THE FLORIDA ATTORNEY GENERAL ON BEHALF OF CITY OF BONITA SPRINGS CITY COUNCIL, TO SEEK GUIDANCE WHETHER THE CITY OF BONITA SPRINGS FRANCHISE RELATIONSHIP WITH BONITA SPRINGS UTILITY SUBJECTS BONITA SPRINGS UTILITIES TO PUBLIC INVESTOR OWNED NONPROFIT UTILITY, TO THE FLORIDA PUBLIC RECORDS LAW AND THE FLORIDA GOVERNMENT IN THE SUNSHINE LAW, CONSISTENT WITH STATE LAW. (GREENSHEET NO. 16-08-0257)

12:40:06 pm City Attorney Vance furnished a brief overview. Per Council Member O'Flinn, the City Attorney to allow Mr. Jenkins to review the letter before she sends it. Council Member O'Flinn stated he will be voting opposed to this since it involves a separate organization in which individuals who have concerns are free to address.

Mayor Simmons entered a motion authorizing the City Attorney to send the letter and attachments to the Florida Attorney General; Council Member Forbes seconded; and the motion failed 3-4 (Council Members O'Flinn, Gibson, DeWitt and Slachta opposed)

B. PERMISSION TO ADVERTISE TWO LAND DEVELOPMENT CODE ORDINANCES. THE FIRST ORDINANCE IS THE REDUCTION IN ROAD IMPACT FEES FOR HOTELS. THE SECOND ORDINANCE REQUIRES FIVE OR MORE COUNCIL MEMBERS TO VOTE IN THE AFFIRMATIVE WHEN INCREASING HEIGHT AND / OR DENSITY. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCES WILL BE SCHEDULED FOR PUBLIC HEARINGS ON SEPTEMBER 7, 2016 AND SEPTEMBER 21, 2016. THE LOCAL PLANNING AGENCY REVIEWED BOTH ORDINANCES AT THEIR AUGUST 11, 2016 MEETING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN. (GREENSHEET NO. 16-08-0268)

12:53:37 pm City Attorney Vance furnished an overview of this agenda item involving permission to advertise two Land Development Code Ordinances – the first involving the Ordinance for super majority, and the second addressing hotel/motel impact fees.

SUPER MAJORITY:

[1:00:16 pm](#) Council Member Quaremba feels the Ordinance addressing super majority still needs a lot of work and is inadequate for her purpose.

[1:03:40 pm](#) Council Member O'Flinn addressed a concern he had relating to the City Charter and whether or not a super majority vote is a violation of the Charter. He suggested asking special counsel Theriaque for an independent opinion on the Charter provision as to whether the charter provision creates an issue with respect to super majority – whether this is legal per the City Charter provision. Council consensus yes. City Attorney Vance clarified direction, to revise and not reschedule.

IMPACT FEES – HOTELS:

[1:106:43 pm](#) Discussion was held. Council Member Quaremba addressed the independent studies and referred to the project near Imperial and stated she would like information on what kind of study was done and how much of a reduction they get, and what the process was. She stated that if the City's fees are out of line, then anyone that has a project can challenge it. Ms. Genson, Community Development, clarified that the property she was referring to was located in the Imperial Bonita Plaza, located near the old Albertson's. There was a developer who amended his zoning and wanted to develop a hotel. He submitted an independent fee calculation for roads. They used the most current data available from Lee County which was based on their road impact fee updates. Therefore, Community Development honored Lee County's rates at 100%. Council discussion followed.

[1:17:07 pm](#) Council Member Forbes suggested amending the Ordinance to reduce the fees for 18 months instead of 24. Council Member Gibson stated he supports 24 months.

[1:20:36 pm](#) Council Member Gibson motioned to move forward with a first reading of the Ordinance on September 7, 2016, revised to reflect 24 months; Council Member Forbes seconded; and the motion passed 5-2 (Council Members Quaremba and O'Flinn opposed).

XIII. CITY MANAGER'S REPORT: NO ITEMS

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

- A. A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS. (GREENSHEET NO. 16-08-0269)

[1:23:55 pm](#) Council Member Forbes left the meeting.

[1:23:41 pm](#) Ballots were furnished to Council Members, with Council Member Forbes submitting his ballot before he left.

[1:24:51 pm](#) Mayor Simmons motioned the appointment of Barbara Barnes-Buchanan to fill the unexpired term of former Board Member Pete Pastore; Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-38**

[1:25:52 pm](#) Council Member O'Flinn thanked Lee County Commissioner Larry Kiker for getting approval to have their Staff work with City Staff on the Bonita Beach Road Visioning Study and Quadrant Study. Council Member O'Flinn also informed everyone of the Blue Zones project meeting scheduled for tomorrow at City Hall.

[1:26:59 pm](#) Council Member Slachta reminded everyone of the Patriot Day Service scheduled for September 11, 2016 at the Liles Hotel.

XV. APPROVAL OF MINUTES: 07/13/16, 07/25/16 & 08/03/16

Council Member O'Flinn motioned approval of the Minutes; Council Member Gibson seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT:

[1:28:09 pm](#) Alex Grantt read into the record a memorandum on the Zika virus, and suggested that all of the certified pest control operators join him in the Zika plan he is proposing.

[1:29:10 pm](#) Ed Fitzgerald further commented on Bonita Springs Utilities.

XVII. ADJOURNMENT.

There being no further items to discuss on City Council's regular agenda, the meeting adjourned at 1:30 P.M.

CONVENE THE CITY COUNCIL BUDGET MEETING

A. APPROVE RECOMMENDED CHANGES TO THE FY 2017 CITY MANAGER BUDGET REQUEST AS PRESENTED JULY 13, 2016. (GREENSHEET NO. 16-08-0264)

[2:08:43 pm](#) Finance Director Anne Wright furnished an overview of recommended changes as reflected in the attachments to the above referenced Greensheet.

[2:15:54 pm](#) Council Member Quaremba suggested placing the skate park and the highway monument projects on hold. The skate park mainly because of the low usage of approximately 30 children and because they do not know where it will be placed as of yet. In regard to the highway monument, she feels they should work on getting Florida Department of Transportation to commit to doing special things around the interchange (I-75) and put in the monuments in at a later time.

Council Member Forbes returned to the meeting at 2:25 P.M.

[2:33:44 pm](#) Council Member Gibson referred to the West Terry Street improvements of \$150,000 and asked what those funds were for. Matt Feeney, Public Works Director, responded for design services. A brief discussion was followed. City Manager Schwing referred to the updated CIP, the multi-use pathways and sidewalks, the result of a lot of these changes have gone into creating a relatively large pot of money of \$2 million from which City Council can draw any number of projects relating to multi-use paths. For the U.S. 41/Bonita Beach Quadrant Plan there is a fund of \$5 million.

[2:35:51 pm](#) Council Member Quaremba addressed the skate park, explaining that Council never really discussed how they feel about providing a facility that is used by 30 children. Secondly, she is not comfortable with the suggested site for the new skate park in Depot Park.

Council Member O'Flinn stated that although it was only for about 30 children, he would like to preserve for them some ability to continue to skate. City Manager Schwing stated he would recommend not rebuilding the skate park, as they are about 3 to 4 months away of the current facility not being usable safely. He further explained. In terms of location, Depot Park was just a suggestion, as the City is very limited on where a new facility can be located. Council Member Gibson stated he would like to see the

money remain in this year. If something can be built that they would enjoy more, it's a win-win. He suggested having Staff look perhaps for a better location, even though he feels a central location such as that would be best. City Manager Schwing stated that another option would be to close the current facility when it's deemed unusable and place the new one in the current location. Council Members were in agreement to having Staff look at other locations for the skate park. Council Member Quaremba also suggested finding out how long it would take to build. City Manager Schwing reiterated direction that City Council is prepared to do this right and in the right location, and for Staff to bring back options for locations, but be prepared to close the facility when necessary for safety reasons.

2:44:13 pm Council Member Quaremba next addressed the \$60,000 for monuments, which she doesn't feel is timely. She feels they can wait another year. Council Member Gibson stated he felt it was something that will place the City of Bonita Springs on the map and look more attractive. If they do remove the funds have the Art in Public Places look into what can be done, and maybe put some money in. Council Member O'Flinn stated that there are funds available from FDOT for the "Bold Landscaping Initiative." He feels it should be a priority or it will not get done. Mr. Feeney stated that if they were to pursue this, he feels they would need someone to design what they would like to see at the Interchange. Council Member O'Flinn suggested speaking to someone from FDOT. Council Member Quaremba stated she was very much in favor of pursuing the enhanced landscaping at the Interchange. Mr. Feeney to address and look into. Council Member DeWitt agreed that funds should remain. He next expressed a concern with all the "cuts" being made to landscaping and City Hall maintenance. He would suggest putting the Quadrant Study off a year or two to take care of some "housekeeping issues." Discussion followed.

2:56:46 pm Council Member O'Flinn addressed special events and a discussion on special events ensued. Council Member Slachta stated he would support holding off the Quadrant Study for a year, and adding more funds back into special events. Council Member Quaremba stated she doesn't feel that they should delay the Quadrant Study, which she sees as being very important. Council Member Gibson stated that he agrees that they should be scaling back on events, and should maintain what we have now. He also stated he agrees with comments made by Council Member Quaremba on the Quadrant Study. His understanding is that they are done with the Study. They need to look at doing something, and look at which corner is going to work best and do something. Council Member Forbes stated he agrees to the need to restore funds to special events. He suggested figuring out a few places on Bonita Beach Road and put in something, and pursue extending the walking trail. If there was a design for the new skate park, how much down time would there be.

3:22:57 pm Mayor Simmons suggested increasing the \$60,000 to \$100,000 and get more sponsorships.

3:23:31 pm City Manager Schwing stated they could go out and try to find additional cash sponsors, which would take time. With respect to special events, he explained that the Communications Director has indicated that she would feel comfortable if the requested number of \$283,000 would be reduced by \$30,000 instead of \$70,000 which would allow the City to provide the same level of quality that was provided this year.

3:29:08 pm Finance Director Wright requested Council vote on the revisions and with the revision made to special events – for the reduction of \$30,000, and that City Council is okay with Staff moving forward with making the adjustments shown on the handouts, including leaving the money in FY 2017 for the skate park and highway monument, knowing that there is some planning that needs to occur. The other option is to shift that funding back to FY 2018.

3:30:08 PM Council Member Gibson referred to comments made by Martha Simons regarding the \$10,000 for the TNR program not being used, and suggested adding another vet to address the backlog. Neighborhood Services Director Frank Cassidy stated to date they spent \$10,500 on the TNR program to

the vet. There is no backlog or waiting lines. Everyone looked at the numbers and they are all comfortable with reducing it by the \$10,000. City Manager Schwing clarified that by taking these funds out of the budget they are not reducing the current level of service.

3:32:30 PM Council Member Gibson entered the motion as stated by Finance Director Wright; Council Member O'Flinn seconded the motion, which Finance Director Wright clarified is to approve the adjustments to the budget that were presented by the City Manager on July 13, 2016, as outlined in the schedule provided, with the exception of the \$70,000 reduction in special events which has been changed to a reduction of \$30,000.

The motion carried unanimously.

B. DISCUSS, MODIFY AND APPROVE THE CAPITAL IMPROVEMENT PLAN.
(GREENSHEET NO. 16-08-0265)

3:33:34 PM Council Member Slachta motioned to approve; Council Member O'Flinn seconded; and the motion carried unanimously.

C. 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. 16-08-0263)

3:34:21 PM Council Member O'Flinn motioned adoption of the Resolution; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-39**

APPROVE ADJUSTING THE REVENUE FOR THE EXPECTED REVENUE ON THE INCREASES THAT WERE APPROVED TODAY FOR THE COMMUNICATIONS SERVICE TAX AND THE ELECTRIC FRANCHISE FOR FY 2017 OF \$99,006.

3:36:41 PM Council member O'Flinn motioned approval; Council Member Forbes seconded; and the motion carried 6-1 (Mayor Simmons opposed)

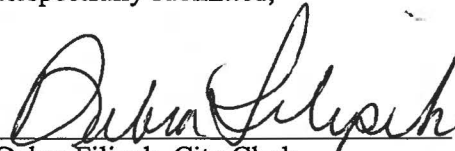
XVIII. PUBLIC COMMENT:

3:37:53 PM Rick Steinmeyer complimented City Council on the great job they are doing.

XIX. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 3:38 P.M.

Respectfully submitted,

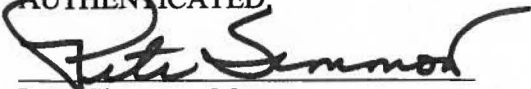


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 9/9/16 .

AUTHENTICATED:

A handwritten signature in black ink, appearing to read "Peter Simmons", written over a horizontal line.

Peter Simmons, Mayor