

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, SEPTEMBER 7, 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 6:05 P.M.

II. INVOCATION.

City Manager Carl Schwing 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, with Council Member Mike Gibson participating via phone.

V. PUBLIC COMMENT ON AGENDA ITEMS

[5:55:54 pm](#) Bob Hilliard was in attendance to thank Mayor Simmons and City Council for allowing the Lion's Club to hold their farmer's market at the Rhodes Restaurant, and their Wednesday market as well.

[5:55:54 pm](#) Kathy McGrath requested Council's support of Consent Agenda item F., for Riverfest.

[5:55:54 pm](#) Katherine "Kitty" Green, President/CEO of Habitat for Humanity of Lee and Hendry Counties, was in attendance to request Council's support of Consent Agenda Item G., for approval of additional banked impact fee sewer credits to be used for Habitat for Humanity projects within the City of Bonita Springs.

[5:55:54 pm](#) Jesse Purdon was also in attendance to speak in support of the request by Habitat for Humanity.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. RESOLUTION CONGRATULATING LEE MEMORIAL HEALTH SYSTEM ON ITS CENTENNIAL ANNIVERSARY. (GREENSHEET NO. 16-09-0281)

[5:55:54 pm](#) Mayor Simmons next presented Lee Memorial representative with a Resolution in celebration of Lee Memorial's Health System on its Centennial Anniversary. Several representatives of Lee Memorial were in attendance to accept the proclamation, including Director of Government Relations Michael Nacheff and Hospital Board Chair, Dr. Sanford Cohen.

5:55:54 pm Council Member Steve Slachta motioned adoption of the Resolution; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-40**

Per City Attorney Vance, Council Member Greg DeWitt entered a motion finding extraordinary circumstances and allowing Council Member Mike Gibson to participate via phone, 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.)

Consent Agenda Items pulled A., D., G, and H.

Council Member Slachta motioned approval of the remainder of the Consent Agenda; Council Member Peter O'Flinn seconded; and the motion carried unanimously.

- A. APPROVE RESOLUTION AWARDING THE EAST TERRY STREET/WEST TERRY STREET LANDSCAPE MAINTENANCE PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, P & T LAWN AND TRACTOR SERVICE, INCORPORATED IN THE TOTAL BID AMOUNT OF \$99,075.00 UPON APPROVAL OF DOCUMENTS BY THE CITY ATTORNEY. (GREENSHEET NO. 16-09-0272)

5:55:54 pm Council Member O'Flinn pulled item A., to address costs. Matt Feeney, Public Works Director, explained that they have consolidated all the projects in this.

5:55:54 pm Council Member O'Flinn motioned approval of the Resolution; Council Member Amy Quaremba seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-43**

- B. AUTHORIZE STAFF TO PURCHASE "BIPOLAR HYDRO", A SCULPTURE ON LOAN FROM THE POLK MUSEUM OF ART'S SIXTEENTH ANNUAL FLORIDA OUTDOOR SCULPTURE COMPETITION CURRENTLY ON DISPLAY AT RIVER PARK FROM MARCH 2016 TO JANUARY 2017. (GREENSHEET NO. 16-09-0271)
- C. REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE TASTE OF BONITA TO BE HELD ON NOVEMBER 18, 2016 THROUGH NOVEMBER 20, 2016 AT RIVERSIDE PARK. APPROVAL OF A TEMPORARY ROAD CLOSURE OF A SEGMENT OF OLD 41 FROM REYNOLDS TO WILSON STREET ON NOVEMBER 20, 2016 FROM 11:00 A.M. TO 5:00 P.M. FOR PEDESTRIAN SAFETY. (GREENSHEET NO. 16-09-0276)
- D. APPROVE A PERMIT FOR THE LION'S CLUB AND SHOP LOCAL PRODUCTIONS TO OPERATE A FLEA MARKET AT 3756 BONITA BEACH ROAD, BONITA SPRINGS ON SATURDAYS, OCTOBER 1, 2016 – APRIL 29, 2017. (GREENSHEET NO. 16-09-0286)

5:55:54 pm Council Member O'Flinn pulled item D., to thank the Lion's Club and Linda Miller. He next motioned approval of the requested permit; Council Member Quaremba seconded; and the motion carried unanimously.

- E. PERMIT BONITA SPRINGS LION'S CLUB TO OPERATE A FARMERS MARKET ON WEDNESDAYS OCTOBER 2016-MAY 2017 FROM 7:30AM-12:30PM AT THE DEPOT PARK LOCATED AT 10375 PENNSYLVANIA AVE. ALSO, PERMIT THE APPLICANT TO HAVE UP TO FIVE HANDMADE VENDORS PARTICIPATE IN THE MARKET. (GREENSHEET NO. 16-09-0285)

F. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR RIVERFEST/AUTUMN CELEBRATION AT LILES HOTEL PLAZA ON SATURDAY, OCTOBER 22, 2016. (GREENSHEET NO. 16-09-0288)

G. APPROVE A SECOND AMENDMENT TO THE ASSIGNMENT TO HABITAT FOR HUMANITY OF LEE COUNTY, INC., OF RESOLUTION NO. 07-108, TO GRANT ADDITIONAL BANKED IMPACT FEE SEWER CREDITS TO BE USED FOR HABITAT FOR HUMANITY PROJECTS WITHIN THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 16-09-0289)

[5:55:54 pm](#) Council Member DeWitt pulled item G., to commend Habitat Humanity on the great job they do for the community. Council Member DeWitt motioned approval of the second amendment; Council Member O'Flinn seconded; and the motion carried unanimously.

H. APPROVE SUPPLEMENTAL TASK AUTHORIZATION NO. 10 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MCMAHON ASSOCIATES, INCORPORATED FOR NETWORK ENHANCEMENT ALIGNMENT STUDY IN THE NOT TO EXCEED AMOUNT OF \$20,000. (GREENSHEET NO. 16-09-0284)

Mayor Simmons pulled item H. to have Staff provide a few clarifications.

[5:55:54 pm](#) Mayor Simmons motioned approval; Council Member O'Flinn seconded; and the motion carried unanimously.

VIII. MAYOR AND COUNCIL MEMBER ITEMS: NONE

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

ERRATA SHEET - A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY BONITA DEVELOPMENT COMPANY LLC TO AMEND BONITA SPRINGS ZONING ORDINANCE NO. 07-08 RELATED TO BONITA VILLAGE; INCREASING THE MAXIMUM NUMBER OF HOTEL UNITS FROM 40 TO 390 AT A HEIGHT NOT TO EXCEED 75 FEET AND REDUCING COMMERCIAL SPACE FROM 60,000 SF TO 23,000 SF; LOCATED AT 27690 AND 27694 IMPERIAL RIVER ROAD; 27901 BONITA VILLAGE BOULEVARD; 27934 MEADOWBROOK LANE; 3840, 3894, 3962, 3974, AND 3998 BONITA BEACH ROAD SW, BONITA SPRINGS, FLORIDA; ON 19 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

[5:55:54 pm](#) City Attorney Vance read the title block of the Zoning Ordinance into the record, addressing revisions made to the title block. A brief discussion followed.

[5:55:54 pm](#) Council Member O'Flinn motioned to move forward with a second reading of the Zoning Ordinance on Monday, September 19, 2016; Council Member DeWitt seconded; and the motion carried unanimously.

X. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE:

A. AN ORDINANCE PERTAINING TO IMPACT FEES IN BONITA SPRINGS, REDUCING THE RATE OF THE COLLECTION OF ROAD IMPACT FEES FOR HOTELS FOR THE DURATION OF TWO YEARS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY,

CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-09-0274)

City Attorney Vance read the title block of the Ordinance into the record. She has reviewed the Affidavit of Publication which she found to be legally sufficient.

Council Member Slachta motioned to move forward with the second reading of the Ordinance on Wednesday, September 21, 2016; Mayor Simmons seconded.

PUBLIC COMMENTS:

[6:37:04 pm](#) Attorney Neale Montgomery, present on behalf of Bernwood LLC, stated that her clients appreciate City Council moving forward with the Ordinance.

The motion carried 5-2 (Council Members O'Flinn and Quaremba opposed)

XI. PUBLIC COMMENT:

[6:38:33 pm](#) David Burroushs was in attendance to address the Logan Road extension, which will intersect with Bonita Beach Road – between San Remo and Village Walk. The road will be running very close to the properties in those two communities. His communications with Lee County, Mayor Simmons and Council Member Forbes, is that the road is going to get built. He also addressed the gravel pit located two miles from where that road is going to be on Bonita Grande Road and concerns with non-stop dump trucks coming from the gravel pit heading south.

[6:42:44 pm](#) Ed Fitzgerald commented on Bonita Springs Utilities.

[6:45:29 pm](#) Jude Reichenthal agreed with comments made by Mr. Fitzgerald relating to BSU.

[6:51:02 pm](#) Kathy McGrath reminded everyone of the Third Annual Film Festival, to which the theme is "Beaches of Bonita." She also reminded everyone of Coastal Cleanup scheduled for Saturday, September 17, 2016. She concluded by addressing FEMA as it relates to flood insurance for City residents.

XII. CITY ATTORNEY'S REPORT:

A. APPROVE THE RESOLUTIONS OF NECESSITY FOR THE ACQUISITION AND CONDEMNATION OF PARCELS REQUIRED FOR THE ROUNDABOUT DESIGNED FOR THE DOWNTOWN IMPROVEMENT PROJECT. (GREENSHEET NO. 16-09-0273)

[6:54:00 pm](#) City Attorney Vance provided an overview of this item and the four resolutions.

[6:55:09 pm](#) Attorney Jeff Hinds expanded on the process.

[7:00:14 pm](#) Council Member O'Flinn motioned adoption of all four Resolutions; Mayor Simmons seconded; and the motion carried unanimously. **ADOPTED RESOLUTIONS 16-44, 16-45, 16-46 AND 16-47.**

ADDITIONAL ITEM:

In response to Council Member O'Flinn's question as to whether Attorney David Theriaque is responding to questions relating to Bonita Village, City Attorney Vance responded that she spoke briefly with him today relating to Resolution Council received regarding the Coastal High Hazard Area.

XIII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORT. (GREENSHEET NO. 16-09-0290)

Informational.

B. APPOINT A VOTING MEMBER TO THE BONITA SPRINGS/ESTERO ECONOMIC DEVELOPMENT COUNCIL (EDC). (GREENSHEET NO. 16-09-0287)

[7:02:09 pm](#) City Manager Schwing furnished an overview, as reflected in the Greensheet.

[7:02:52 pm](#) Council Member O'Flinn stated that since Council Member Forbes is the liaison, he feels that he should serve. Mayor Simmons seconded. Council Member DeWitt suggested a Staff member be appointed, addressing his reasons and concerns as they relate to the Sunshine laws. Discussion followed. City Attorney Vance addressed EDC appointment case law and potential ramifications. City Attorney stated she would provide Council with the memorandum she wrote in November 2015 and discuss this at the next meeting.

ADDITIONAL ITEM:

[7:08:12 pm](#) City Manager Schwing next addressed the Finance Director's memorandum dated September 7, 2016 to him titled "Capital Projects Budget Transfer for Beach Renourishment costs" (from Lee County; copy in Clerk's file) as it relates to two invoices received from Lee County – 1) \$1,776 for marine turtle monitoring, and the second for \$866 for tilling services. He informed Council that he has authorized the transfer of funds to cover the invoices out of the soccer complex field re-sod project.

City Manager Schwing reminded everyone of the Patriot's Day Service to be held this Sunday at the Liles Hotel. Lastly, he addressed City Council workshops which are now down to 22 items, and suggested Council consider shifting the workshops to the afternoon meeting, and that Staff try to place some of these workshop items on Council agendas depending on how long they believe it will take. He is seeking direction. Mayor Simmons likes the idea of afternoon workshops at 4:00 p.m., and mix in with meetings. Council consensus yes. City Manager Schwing to provide the list of remaining presentations to City Council. Council consensus no morning workshops, and switch the remaining workshops to 4:00 P.M., until they get the list of remaining presentations.

C. STAFF UPDATE TO CITY COUNCIL REGARDING THE STATE MANDATED AMENDMENTS AND CONCURRENCY OPTIONS AS A FOLLOW-UP TO THE COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR) (GREENSHEET NO. 16-09-0282).

[7:15:06 PM](#) Assistant City Manager Arleen Hunter, addressed this informational item, involving an update to City Council on the state mandated amendments and concurrency options to the Comprehensive Plan Evaluation and Appraisal Report. It will be presented to the Local Planning Agency at their September 15, 2016 to begin the process. Also, City Council previously received a presentation by Waldrop Engineering on the use groups – a house cleaning type Ordinance, which will also be addressed at the September 15, 2016 LPA meeting and then brought back to City Council. The final recommendations from Dr. Banyan and the LPA will be presented to City Council on September 21, 2016.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

[7:16:23 pm](#) Council Member Quaremba reported that she attended the Horizon Council Industry Appreciation Luncheon that was held at the Hyatt Regency, where they celebrated 25 years of excellence in

Lee County Businesses. She thanked all businesses for making Bonita Springs the City it should be. She also informed work with Communications Director Lora Taylor on “What has Council been doing,” which will be distributed throughout the community. She also thanked Ms. Taylor for the very informative media training. Lastly, she reported that she attended the historic walk in downtown.

7:19:01 PM Council Member DeWitt reminded everyone of the Patriot Day Service at the Liles Hotel scheduled for September 11, 2016, the Coastal Clean-up event and Riverfest. He thanked the City Staff for encouraging him to attend his first FLC Conference, which he found to be very educational.

7:20:07 PM Council Member O’Flinn addressed comments made by Mr. Burroughs regarding the gravel trucks and hopes Staff will look into the situation. He also referred to the water towers in New York which are filled with water and provide water pressure to the buildings.

7:21:38 PM Council Member Forbes reported that he received a letter from the FLC who has placed him on the Energy, Environment and Natural Resource Committee. He next addressed information Council received from Lee County addressing traffic signals, which are being controlled by a person in a traffic control center on U.S. 41, as a result of fiber optic technology, which was also placed on Bonita Beach Road. He would support pushing Lee County to place that same system on Bonita Beach Road, which he feels would improve U.S. 41 and Bonita Beach Road. Lastly, he referred to a proposal of his to expedite a simple Comprehensive Plan Amendment pertaining to the DRGR, and which he turned over to John Dulmer to address. Mr. Dulmer, Community Development, addressed the intent which pertains to Policies 1.7.2 and 1.14.1 that address the DRGR. Discussion followed. City Attorney Vance added that the amendment would have to be adopted by Ordinance, but prior to an Ordinance, it would be reviewed by the LPA then transmitted to DEO after which it would come back to City Council for adoption of the Ordinance. For Council’s next meeting, she will work with Mr. Dulmer to prepare a draft text amendment, etc.

7:32:41 PM Mayor Simmons reported on a great meeting at the Florida League of Mayors and Florida League of Cities. He emphasized their opportunity to try to push forward at a state level any legislative priorities, and work with Carole Green. Lastly, he informed Council that Thursday, September 15, 2016 at 2:00 P.M., State Representative Heather Fitzenhagen will be at City Hall to look at this Now or Neverglades Declaration. He invited Council Members to attend.

XV. APPROVAL OF MINUTES: 08/17/16

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

XVI. PUBLIC COMMENT:

7:37:09 pm Alex Grantt addressed information he obtained regarding the cause of the Zika virus.

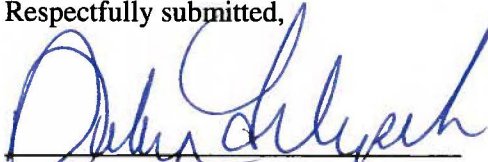
7:39:39 PM Mr. Reichenthal hopes Council will address his concerns regarding BSU.

7:41:11 PM Kathy McGrath congratulated Mayor Simmons on being appointed to the League of Mayors.

XVII. ADJOURNMENT:

There being no further items to discuss the meeting adjourned at 7:42 P.M.

Respectfully submitted,

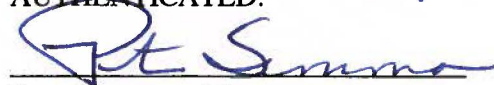


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: SEPTEMBER 22, 2016

AUTHENTICATED:



Peter Simmons, Mayor