

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, SEPTEMBER 21, 2016
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER

Deputy Mayor Peter O'Flinn called the meeting to order at 9:00 A.M.

II. INVOCATION

Pastor Doug Pratt, with the First Presbyterian Church, was in attendance to furnish the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Deputy Mayor O'Flinn, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL

PRESENT:

Deputy Mayor Peter O'Flinn
Amy Quaremba
Greg DeWitt
Steven Slachta
Fred Forbes

NOT IN ATTENDANCE:

Mayor Peter Simmons (participated via telephone for a portion of the meeting)
Mike Gibson (participated via telephone)

Determination that Mayor Simmons and Councilman Gibson can participate electronically. In accordance with the Administrative Code for meetings, Council Members can participate in the meeting when not physically at the meeting, subject to finding that Mayor Simmons and Councilman Gibson not being able to attend was an extraordinary circumstance. A quorum must still be maintained physically and Mayor Simmons and Councilman Gibson may participate and vote as long as they are able to hear the meeting and be heard.

[9:04:05 AM](#) Council Member Greg DeWitt entered a motion finding an extraordinary circumstance, allowing both Mayor Peter Simmons and Council Member Mike Gibson to participate via telephone; Council Member Amy Quaremba seconded; and the motion carried unanimously.

V. PUBLIC COMMENT ON AGENDA ITEMS

[9:04:05 AM](#) Rudi Vrugtman, with Florida Gulf Coast University's Small Business Development Center, was in attendance to ask that City Council support and approve their Lease Agreement as reflected in Consent Agenda item VII. D., for use of the 2nd floor conference room in the Liles Hotel.

[9:04:48 am](#) Ed Fitzgerald addressed the minutes of September 7, 2016 which he stated did not address what he stated in the prior meeting relating to the rights of 25,000 Bonita Springs residents to vote in the Bonita Springs Utilities elections.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF FIFTEEN YEARS OF SERVICE AWARD TO CITY EMPLOYEE PATRICK LIPPY.

Deputy Mayor O'Flinn next presented City Employee Patrick Lippy with a 15-Years of Service Award. Mr. Lippy was in attendance to accept his award and thank Deputy Mayor O'Flinn and Council Members.

B. PRESENTATION OF FIFTEEN YEARS OF SERVICE AWARD TO CITY EMPLOYEE KAREN DAVIS. DEFERRED

C. ERRATA SHEET: PRESENTATION BY DR. MARGARET BANYAN WITH FLORIDA GULF COAST UNIVERSITY AND HER TEAM REGARDING THE EVALUATION AND APPRAISAL REPORT (EAR) AMENDMENTS, STATE MANDATED AMENDMETNST AND CONCURRENCY OPTIONS (GREENSHEET 16-09-0307)

[9:07:57 am](#) Dr. Margaret Banyan was in attendance to address this agenda item, relating to the Evaluation and Appraisal Report (EAR). She utilized a PowerPoint presentation (in Clerk's file, attached to Errata Sheet) to address the process, state-mandated amendments, concurrency and concurrency options, and the recommendation by the City's Local Planning Agency, which was to maintain concurrency. She is requesting a recommendation from City Council on whether to maintain concurrency.

[9:13:30 am](#) Council Member Amy Quaremba suggested to also proceed down the other path and develop an alternative system for concurrency. Dr. Banyan stated that Council does have the right to develop an alternative program.

[9:14:48 am](#) Council Member Mike Gibson stated he would like to maintain the current system, and move towards mobility fees and multi-modal systems. Deputy Mayor O'Flinn stated that what he was hearing was to move forward as recommended by the Local Planning Agency considering the time constraints, which didn't mean that they couldn't explore and develop something like Council Member Quaremba and Gibson suggested – multi-modal fees.

Council Member Slachta motioned to approve, and maintain concurrency; Council Member Fred Forbes seconded; and the motion carried unanimously. (Mayor Simmons did not vote).

[9:16:44 am](#) Council Member Quaremba questioned whether direction needed to be given to Staff to pursue this alternative also, or provide them with information about procedures/process to develop the alternative system. Assistant City Manager Arleen Hunter stated that Staff will need to research further and provide options to City Council on how to proceed, and possibly provide a presentation.

[9:18:38 am](#) Dr. Banyan next addressed the Bonita Beach Road Amendments based on the Visioning, and provided Council with options, which is to accelerate the timeline of those amendments. The first part of the process would not be changed, as they would have a City Council workshop on November 2, 2016 about City Council's vision for those amendments. Overall, they can accelerate the timeline, work on the amendments and have them completed and through the State process more quickly. Additionally, when they get to the transmittal hearings, they can have one transmittal hearing and one adoption hearing if Council chooses. That is not a decision that Council needs to make right now.

In response to Council Member Quaremba regarding the advantages of accelerating the process, Assistant City Manager Hunter explained that once it is in the Comprehensive Plan, they will be able to use that as a tool to guide redevelopments that come in so that they recognize the plan. Additionally, the State agencies will recognize the Bonita Beach Road Visioning Plan once it's adopted into the Comprehensive Plan. They may also be opportunities for other funding partnerships. She further explained. Dr. Banyan added that with that timeline, they would still maintain the public hearing in season. Assistant City Manager Hunter further explained that they've been talking about concurrency and proportionate fair share, stating that this will implement the vision into the City's Capital Improvement Plan as well and the funds that are required through different development projects will be directly tied to the Capital Improvement Plan of the Comprehensive Plan. Council Member Forbes stated that if they work towards the workshop in November that they can revisit whether they go on the accelerated or the pace that was originally looked at. Dr. Banyan agreed they have some time to discuss that. Assistant City Manager Hunter stated that if Council would like to wait until the November City Council Workshop, Staff can bring this schedule back for Council to make a decision on which direction they would like to go. Discussion followed.

[9:21:28 am](#) Council Member Quaremba stated that she was leaning towards accelerated schedule. She does want to make sure that the public has a chance to interact. Council Member Gibson referred to the accelerated plan, and asked if there was any way to get the final adoption meetings in April when the seasonal residents are here. Dr. Banyan responded that is possible, explaining that would mean that possibly, if Council choose, they would not have the second transmittal hearing.

Council consensus to go forward with the accelerated process. Council Member DeWitt suggested having Council and LPA workshops in November, and then in December City Council will decide if they want to accelerate the process or slow it down. Deputy Mayor O'Flinn stated that Council is poised to accelerate.

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.)

[9:26:22 AM](#) Items B. and C. were pulled.

Council Member Slachta motioned approval of the remainder of the Consent Agenda; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- A. APPROVE RESOLUTION AWARDING THE MOWING & MAINTENANCE OF CITY OWNED VACANT PARCELS, MEDIANS & RIGHTS-OF-WAY TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, SUPERIOR LANDSCAPING & LAWN SERVICE, INCORPORATED IN THE TOTAL BID AMOUNT OF \$57,935.00 UPON APPROVAL OF DOCUMENTS BY THE CITY ATTORNEY. (GREENSHEET NO. 16-09-0291) **ADOPTED RESOLUTION NO. 16-48**

- B. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE ROTARY CLUB OF BONITA SPRINGS AND FRIENDS OF LOVERS KEY STATE PARK'S "LOVERS KEY NAUTICAL FLEA MARKET AND BOAT SHOW" EVENT ON FRIDAY, MARCH 31, 2017 TO SUNDAY, APRIL 2, 2017 FROM 9:00 A.M. TO 5:00 P.M. ACROSS FROM 8700 ESTERO BLVD. IN THE EVENT FIELD WHICH IS SITUATED BETWEEN THE PARK'S BOAT RAMP AND LITTLE CARLOS PASS. (GREENSHEET NO. 16-09-0283)

[9:27:43 am](#) Council Member Slachta pulled this item to commend and thank Mark Generales for putting this event together. Mr. Generales was present to thank City Council and address the event. Council Member Amy Quaremba requested Item C. be pulled to thank Mr. Correia for all the wonderful work he does.

Council Member Quaremba motioned to approve items B. and C.; Council Member DeWitt seconded; and the motion carried unanimously.

- C. APPROVE AWARD TO ANTONIO CORREIA, BONITA VIDEO LLC FOR CONSULTING SERVICES FOR GOVERNMENT ACCESS CABLE CHANNEL BTV98 PURSUANT TO RFP 16-012 (GREENSHEET 16-09-0303)
- D. AMEND THE LEASE AGREEMENT WITH THE FGCU SMALL BUSINESS DEVELOPMENT CENTER FOR THE USE OF THE 2ND FLOOR LILES CONFERENCE ROOM AND COTTAGE #1 AT THE LILES HOTEL HISTORIC PLAZA, TO EXTEND THE USE FROM OCTOBER 1, 2016 TO SEPTEMBER 30, 2018 (GREENSHEET 16-09-0306)
- E. REQUEST APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS FOR WEST COAST INLAND NAVIGATION DISTRICT GRANT FUNDING FOR MARINE LAW ENFORCEMENT (GREENSHEET 16-09-0292)

VIII. MAYOR AND COUNCIL MEMBER ITEMS: NONE

IX. APPEALS:

- A. APPEAL FILED BY ATTORNEY DOUGLAS A. LEWIS, ON BEHALF OF APPLICANT NEW PARKLAND GROUP, LLC (NEW PARKLAND), APPLICANT OF THE BONITA DEL SOL DEVELOPMENT ORDER, CASE NUMBER PDA 16-31717-BOS, AS A RESULT OF STAFF DENYING A DEVELOPMENT ORDER NOT PROCEEDING FORWARD WITH A ZONING APPLICATION, BASED ON LAND DEVELOPMENT CODE REQUIREMENTS THAT THE REDEVELOPMENT OF AN EXISTING ONLY GOLF COURSE WITH RESIDENTIAL BUILDINGS OR STRUCTURES REQUIRES PLANNING DEVELOPMENT REZONING (GREENSHEET 16-09-0302)

[9:33:13 AM](#) City Attorney Vance began by addressing the process after which she placed under oath and tendered expert witnesses. A court reporter was in attendance. She will prepare a Resolution for Council's next meeting.

[9:45:55 am](#) Attorney Douglas Lewis furnished an overview in this request involving an appeal of Staff's decision to require his client to go through the RPD zoning process. He explained that New Parkland's position is that the Comprehensive Plan and Land Development Code clearly establish that residential single-family is permitted and that RPD zoning is not required. He further addressed his binder submittal (copy in Clerk's file). Wayne Arnold, also representing the Applicant, addressed the zoning regulations. By right, it is a permitted use and there is no need to go through the RPD process. Also, the Development Order that was submitted did not request any deviations. Also in attendance on behalf of the Applicant to testify were Steven Thompson and Eldon Johnson.

[10:31:00 am](#) Expert witnesses representing City Staff included John Dulmer, Jay Sweet and Jackie Genson.

PUBLIC COMMENTS:

[11:47:03 AM](#) After placing under oath members of the public in attendance to speak, Robert DiGilarmo, a resident adjacent to the subject property, explained that he has easement between his property and the golf course. If the property is going to be developed, they would ask that it be done right. He would like to see space set aside for wildlife.

[11:50:42 AM](#) Rick Steinmeyer feels they need to figure out how to be fair to everyone. He hopes it will be made as nice as it could, and feels that can be done by going along with Community Development's recommendations.

[11:51:44 AM](#) Jim Stoke, an 18-year resident, addressed concerns he had relating to access, density and traffic during construction.

[11:52:23 AM](#) Bonnie Wittimore, a resident of the City since 2005, she feels that the people around the site need to know what's happening and be well informed.

[11:53:35 AM](#) Donna Benwa, a resident for 13 days, stated "I feel like crying."

[11:54:12 AM](#) Council discussion followed, after which rebuttal and closing remarks were furnished.

[12:56:04 PM](#) Council Member Gibson motioned to uphold Staff's decision – that rezoning to planned development is necessary for the parcel; Deputy Mayor O'Flinn seconded. Discussion followed. Council Member Quaremba suggested a follow-up motion to try to work out something in a mediation where they would get a recommendation from Staff and the Applicant and the attorney's and bring back to City Council. Mr. Dulmer recommended a decision on the motion, and if there is to be a modified process, allow Staff to bring that process back to Council.

The motion carried unanimously. (Mayor Simmons did not participate in the vote)

Council Member Quaremba requested input from community development Staff on the kind of guidance they would like to give to the applicant and the kinds of things the applicant would be receptive to, with the primary consideration being given to the existing residents in the development. Mr. Dulmer stated he felt everyone was on the same page, adding that if this is a process the Applicant is willing to consider it's something Staff would be willing to do. Council consensus for Staff to get this back to Council for final approval. **ADOPTED RESOLUTION NO. 16-R05**

[1:05:09 PM](#) Council took a break for lunch.

X. SECOND 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. 16-09-0305)

[1:37:06 PM](#) City Attorney Vance read the title block of the Ordinance into the record.

PUBLIC COMMENTS:

[1:39:02 PM](#) Mike Maurer was in attendance to address the ordinance.

[1:40:36 PM](#) Deputy Mayor O’Flinn stated he felt this was a mistake, as he didn’t feel the City’s fees were “out of whack” with Collier County’s. It would result in a \$2.4 million reduction in impact fees to the City. He asked that Council reconsider.

[1:53:25 pm](#) Council Member Quaremba addressed the need for a complete study which will allow them to come up with a fair fee schedule. She also addressed her reasons for voting against the Ordinance. She feels there needs to be a proper process. Council Member DeWitt addressed his reasons for supporting the Ordinance.

[2:03:46 pm](#) Council Member DeWitt motioned adoption of the Ordinance; Council Member Slachta seconded; and the motion carried 4-2 (Deputy Mayor O’Flinn and Council Member Quaremba opposed)
ADOPTED ORDINANCE NO. 16-17

XI. PUBLIC COMMENT:

[2:16:56 pm](#) Mark Seldon, a resident of the Pirates Cove subdivision on Arroyal Road, addressed concerns regarding the lack of enforcement from trespassers on his property, which he expanded on.

[2:22:47 pm](#) Jessica Reha, present on behalf of the Conservancy, addressed grants funds that are available to local communities in the amount of \$800,000 to support local communities with respect to problems with bears – funds to retrofit trash cans, outreach programs, etc. Grant applications are due October 14, 2016.

[2:25:01 pm](#) Jeanne Jain addressed Bear Wise Communities, which protect both people and bears. They do not represent any specific organization. They consist of a group of individuals who reside in both Lee and Collier Counties that feel obligated to do something about the 400% increase in bear calls to the FWC in the past 10 years. She informed Council of grant funds that are available to municipalities that pass a Bear Wise Ordinance. The application deadline is October 14, 2016. She further explained.

XII. CITY ATTORNEY’S REPORT:

- A. DIRECTION TO INITIATE THE PROCESS TO AMEND THE BONITA SPRINGS COMPREHENSIVE PLAN TO UPDATE CERTAIN ELEMENTS RELATED TO DENSITY REDUCTION/GROUNDWATER RESOURCES. IF CITY COUNCIL AGREES IN CONCEPT TO THE TEXT CHANGE, STAFF WILL INITIATE THE TRANSMITTAL PROCESS BY SCHEDULING THE HEARING BEFORE THE LOCAL PLANNING AGENCY AND CITY COUNCIL. (GREENSHEET NO. 16-09-0297)

[2:28:48 pm](#) City Attorney Vance furnished an overview of this agenda item in which Staff is seeking direction on whether to initiate the Comprehensive Plan Amendment process to amend the Comprehensive Plan to update certain elements related to the density reduction / groundwater resources Objective 1.7 / Policy 1.7.1. The first stage would be the transmittal process by scheduling the amendment before the Local Planning Agency.

[2:30:37 pm](#) Deputy Mayor O’Flinn referred to the first sentence of Policy 1.7.1 and suggested it be revised as follows: “In order to best protect ground water resources and assure appropriate density reduction.” Council consensus to revise as Deputy Mayor O’Flinn stated.

Direction for Staff to proceed.

ADDITIONAL ITEM:

[2:32:21 PM](#) City Attorney Vance addressed the Bonita Village ordinance and an email she received from Attorney Neale Montgomery on concerns she had relating to the conditions. She will have Mayor Simmons sign the Ordinance unless instructed otherwise.

- B. DISCUSS WAIVER OF CONFLICT OF INTEREST ON BEHALF OF ROETZEL & ANDRESS, IN CONNECTION TO PERFORMANCE OF WORK NOT RELATED TO PENDING APPEAL (GREENSHEET 16-09-0301)

[9:32:23 AM](#) Council Member DeWitt motioned approval; Council Member Quaremba seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

- A. APPOINT A REPRESENTATIVE TO THE ECONOMIC DEVELOPMENT COUNCIL'S BOARD OF DIRECTORS. (GREENSHEET NO. 16-09-0298)

[2:35:19 pm](#) Deputy Mayor O'Flinn motioned the appointment of Council Member Forbes to the Economic Development Council's Board of Directors; Council Member Slachta seconded; and the motion carried unanimously.

- B. REVIEW, MODIFY AS DESIRED, AND ADOPT LEGISLATIVE PRIORITIES FOR THE 2017 LEGISLATIVE SESSION. (GREENSHEET NO. 16-09-0299)

[2:04:50 pm](#) Carole Green, with Capitol Strategies, Inc., was in attendance to furnish a brief overview of the legislative process and the 2017 legislative session.

XIV. MAYOR AND COUNCIL MEMBER REPORTS:

[2:37:29 pm](#) Council Member DeWitt thanked all who attended the Patriot's Day ceremony!

[2:37:45 pm](#) Council Member Slachta informed Council of a neighbor of his who thanked the Bonita Fire and Rescue District for their help, addressing two incidents that occurred, one involving a good friend of his and a letter his wife wrote to the district thanking them for all their help.

[2:39:31 pm](#) Deputy Mayor O'Flinn thanked Staff for all their hard work today.

[2:39:58 pm](#) Council Member Forbes referred to comments made a few meetings ago from Alex Grantt relating to mosquitos. He also referred to comments made by Governor Scott stating that the biggest problem in Miami is commercial areas with ponding/standing water. He referred to ponding occurring in the City near Fifth Third Bank located near City Hall, which he feels is something they should be looking at.

- XV. APPROVAL OF MINUTES: 09/07/16 (CITY COUNCIL WORKSHOP, CITY COUNCIL MEETING & CITY COUNCIL PUBLIC HEARING ON TENTATIVE MILLAGE AND BUDGET)

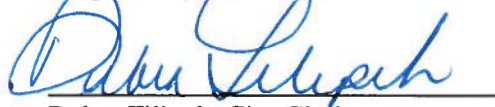
Council Member Forbes motioned approval of the Minutes; Council Member DeWitt seconded; and the motion carried unanimously.

- XVI. PUBLIC COMMENT: NONE

XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 2:45 P.M.

Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: 10/17/16

AUTHENTICATED:



Peter O'Flinn, Deputy Mayor