

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, OCTOBER 5, 2016
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER

Mayor Peter Simmons called the meeting to order at 5:30 P.M.

II. INVOCATION

Pastor Riley Grandell, with Gulf Shore Life Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Steven 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

[5:31:55 pm](#) Rick Steinmeyer informed Council that he received assurance that Lansdowne Street will keep all alcohol inside their property. He also feels the proposed Ordinance on marijuana is being addressed a bit too soon. He also addressed the Walden Drive Agenda item.

[5:33:50 PM](#) Alex Grantt addressed item VII. B., and expressed his support with moving forward for with the process of designating the water tower as historic.

[5:35:33 PM](#) Kate Hahn, with Momentum Brewhouse, was in attendance to request City Council's approval of the requested Special Event Permit to hold their anniversary party on November 19, 2016.

[5:35:53 PM](#) Aaron Schimmel, General Manager of Lansdowne Street, was in attendance to request approval of their requested Special Event Permit to hold their 5th Annual Octoberfest event. Funds raised will go to charity, with this year's charity being the Bonita Springs Wonder Glades.

[5:37:11 PM](#) Mike Maurer was in attendance to request Council approve the Special Event Permit for Lansdowne Street. There will be no live music at the event. He further explained.

[5:38:57 PM](#) John Spear was present to address Consent Agenda Item H., regarding the traffic light at Limetree Park Drive, and to ask Council's approval. He also addressed City Attorney Agenda Item D., and requested Council approve this agreement.

[5:41:59 PM](#) Daniel Dire, owner of "Right at Home" business and 2BLESSED LLC, was in attendance to request Council's approval of their requested Agenda Item. They now have 15 office staff they are looking to move to the historic district of Bonita Springs.

5:43:34 PM Attorney Kami Corbett was in attendance to address City Attorney's Item A., regarding the Toll Brothers impact fee request. She is here to respond to any questions Council may have. Also in attendance to respond to questions, was Richard Iback with Grady Minor Engineers.

5:45:15 PM Tom Tikeshen, with DeRoma's Restaurant was in attendance to request approval of the Special Event Permit for their Italian Fest.

5:46:04 PM Ed Fitzgerald was in attendance to voice his support for approval of the Special Event Permit for Lansdowne Street.

5:46:43 PM Kathy McGrath addressed the appointments to the Special Events Committee and request approval of the appointments.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF PROCLAMATION TO CITY OF BONITA SPRINGS RESIDENT DAN WAGNER.

Mayor Simmons next presented City of Bonita Springs resident Dan Wagner with a Proclamation of Gratitude for his contributions to the City of Bonita Springs. Mr. Wagner was in attendance to accept the Proclamation 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.)

5:56:10 PM Items C. and H. 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. AUTHORIZE MAYOR TO SIGN RESOLUTION TO AWARD THE RIVERSIDE PARK TURF AND LANDSCAPE MAINTENANCE TO JRC MAINTENANCE, INC., IN THE TOTAL AMOUNT OF \$59,137.50, UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 16-10-0316) **ADOPTED RESOLUTION NO. 16-49**

B. APPROVE RECOMMENDATION BY HISTORIC PRESERVATION BOARD TO DIRECT STAFF TO FILE A PETITION WITH THE BOARD TO BEGIN THE PROCESS FOR HISTORIC DESIGNATION OF THE WATER TOWER AT THE LILES HOTEL PLAZA. (GREENSHEET NO. 16-10-0312)

C. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR LANSDOWNE STREET, LLC AND THE EVERGLADES CRAFT BREWERS GUILD TO HOLD A BEER TASTING AND OCTOBERFEST FOODS EVENT ON SATURDAY, OCTOBER 22, 2016 FROM 12:00 PM TO 6:00PM AT 24851 S. TAMIAMI TRAIL #7, BONITA SPRINGS. (GREENSHEET NO. 16-10-0321)

5:57:26 PM Council Member Amy Quaremba requested this item be pulled to address several concerns regarding items reflected in the Greensheet, including the magistrate hearing to be held in November, violations of the existing COP, etc. Staff Members Lora Taylor, Frank Cassidy and John Dulmer responded to all concerns.

6:08:05 PM Council Member Mike Gibson motioned to approve the Special Event Permit; Council Member DeWitt seconded; and the motion carried unanimously.

- D. APPROVE A PERMIT FOR DEROMO'S GOURMET MARKET AND RESTAURANT TO HOST THEIR TWO YEAR ANNIVERSARY ITALIAN FEAST AT 26851 SOUTH BAY DRIVE, BONITA SPRINGS, ON SATURDAY, OCTOBER 15, 2016. (GREENSHEET NO. 16-10-0319)
- E. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR MOMENTUM BREWHOUSE ANNIVERSARY PARTY TO BE HELD ON SATURDAY, NOVEMBER 19, 2016 FROM 2:00 PM TO 9:00 PM AT 9786 BONITA BEACH ROAD, BONITA SPRINGS. (GREENSHEET NO. 16-10-0320)
- F. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR VETERANS DAY SERVICE AT RIVERSIDE PARK ON NOVEMBER 11, 2016. (GREENSHEET NO. 16-10-0322)
- G. APPROVE SPECIAL EVENT PERMIT FOR THE BONITA SPRINGS FIRST RESPONDERS WARRIORS CUP NOVEMBER 11, 2016 AT COMMUNITY PARK. (GREENSHEET NO. 16-10-0327)
- H. **ERRATA SHEET:** AUTHORIZE MAYOR TO SIGN RESOLUTION ACCEPTING THE LOWEST RESPONSIVE AND RESPONSIBLE BID FROM HIGHWAY SAFETY DEVICES IN THE TOTAL BID AMOUNT OF \$389,111 FOR THE SIGNALIZATION AT U.S. 41 AND NO. BAY DRIVE/LIMETREE PARK DRIVE, UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 16-10-0328)

[6:08:44 pm](#) Council Member Peter O'Flinn pulled item H. to thank City Manager Carl Schwing, Staff and all those involved, including John Spear, Roger Brunswick, etc., for all their hard work on this.

Council Member O'Flinn motioned to approve the Resolution; Mayor Simmons seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-50**

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSS WHETHER CITY SHOULD BE PROVIDING AN ECONOMIC INCENTIVE FOR PAINTING. (GIBSON; GREENSHEET NO. 16-10-0323)

[6:09:55 pm](#) Council Member Gibson addressed this agenda item and provided an overview as reflected in the Greensheet, which is to consider excluding solely painting of buildings unless part of a larger project. He further explained.

[6:11:05 pm](#) Council Member Gibson motioned to approve; Council Member Slachta seconded; and the motion carried unanimously.

[6:12:39 pm](#) City Attorney Audrey Vance to revise the Administrative Code and bring back to City Council.

- B. DISCUSS WHETHER CITY AMEND THE LAND DEVELOPMENT CODE TO REQUIRE SCHEMATIC DESIGNS, AMEND THE CALCULATION OF DENSITY/INTENSITY FOR MPD APPLICATIONS, AND REQUIRE PLANNED DEVELOPMENT ZONING FOR PROJECTS OF A CERTAIN SIZE. (FORBES; GREENSHEET NO. 16-10-0329)

[6:13:09 PM](#) Council Member Forbes furnished an overview of the intent as reflected in the Greensheet. John Dulmer, Community Development, also addressed this item, clarifying that this would involve a schematic design. Per Mr. Dulmer, Staff to come back with a general schedule on how to proceed.

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

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY GBR PROPERTIES, INC., TO AMEND THE IMPERIAL BONITA PLAZA COMMERCIAL PLANNED DEVELOPMENT (CPD); TO MODIFY A PORTION OF THE MASTER CONCEPT PLAN; LOCATED AT 28100 IMPERIAL PARKWAY AND 11601/611BONITA BEACH ROAD SW, BONITA SPRINGS, FLORIDA; ON 7.70 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

[6:27:10 PM](#) Council Member Slachta motioned to move forward with a second reading of the Zoning Ordinance on Monday, October 17, 2016; Council Member O’Flinn seconded; and the motion carried unanimously.

X. PUBLIC COMMENT:

[6:28:26 pm](#) Neale Montgomery addressed language in the Agreement in City Attorney’s Agenda Item C., regarding Walden Center Drive, and informed Council that the road in question was required to be built. It is in the Agreement with the City that states that the City will accept the road and pay the impact fee credits.

[6:29:24 pm](#) Kathy McGrath reminded everyone of Riverfest and the 3rd Annual Film Festival.

[6:31:21 PM](#) Kami Corbett addressed the Cordova Agenda Item and furnished a clarification on the number of units, as 128.

XI. CITY ATTORNEY’S REPORT:

- A. APPROVE ISSUANCE OF ROAD IMPACT FEE CREDITS IN THE AMOUNT OF \$61,483.58 TO TOLL FL VIII LIMITED PARTNERSHIP (“TOLL BROTHERS”) FOR THE CORDOVA AT SPANISH WELLS IMPROVEMENTS FOR OLD 41, TO FACILITATE WIDENING OF THE ROAD AND ACCEPTING STORMWATER INTO ITS SYSTEM, SUBJECT TO THE DEED BEING RECORDED CONVEYING TITLE TO CITY OF BONITA SPRINGS OF TRACTS J AND K, WHICH WILL BE THE TURN LANE AND STORMWATER LEADING TO THE LAKE. (GREENSHEET NO. 16-10-0314)

[6:31:37 pm](#) City Attorney Vance furnished an overview of the intent, which is to provide \$61, 483.58 in road impact fee credits to Toll Brothers for the Cordova at Spanish Wells for the dedication of property for the turn lane and stormwater improvements to facilitate the Old 41 widening.

[6:33:43 pm](#) Council Member DeWitt motioned to approve; Council Member O’Flinn seconded; and the motion carried unanimously.

- B. PERMISSION TO ADVERTISE AN ORDINANCE THAT WOULD PROHIBIT SMOKING OF MEDICAL MARIJUANA IN PUBLIC PLACES. IF APPROVED TO ADVERTISE, THE ORDINANCE WILL BE SCHEDULED ON NOVEMBER 2, 2016 FOR THE FIRST READING AND NOVEMBER 16, 2016 FOR THE SECOND READING AND PUBLIC HEARING (POST GENERAL ELECTION – TO BE ADOPTED ONLY IF PASSED). (GREENSHEET NO. 16-10-0317)

[6:45:46 pm](#) City Attorney Vance furnished an overview, explaining that adoption would not occur until after the November election on the referendum.

Council Member O’Flinn motioned to move forward with public hearings in November; Council Member Quaremba seconded; and the motion carried unanimously.

6:53:16 PM City Attorney Vance stated that if the referendum on November 16, 2016 does pass, she will bring back a Moratorium Ordinance to provide time to establish the regulations.

- C. ACCEPT WALDEN CENTER DRIVE AND BURNT PINE DRIVE, UP TO THE CITY BOUNDARIES, IN EXCHANGE FOR ROAD IMPACT FEES, SUBJECT TO WCI (OR ITS SUCCESSOR) RECORDING A DEED CONVEYING WCI'S INTEREST, TO BE RECORDED AFTER WCI COMPLETES THE LISTED PUNCH LIST ITEMS. (GREENSHEET NO. 16-10-0313)

6:37:17 pm City Attorney Vance furnished an overview.

6:38:10 pm Council Member Gibson motioned to approve; Council Member Slachta seconded; and the motion carried unanimously.

- D. CONCEPTUALLY APPROVE TERMS IN WHICH THE PARTIES WILL GRANT RECIPROCAL EASEMENTS WITH 2BLESSD LLC, CONTRACT PURCHASER OF 27657 OLD 41 ROAD (RICHARDSON BUILDING), TO ALLOW PARKING ON CITY RIGHT-OF-WAY IN EXCHANGE TO ALLOWING PUBLIC TO UTILIZE SIDEWALK CLOSER TO THE BUILDING, AS PART OF THE DOWNTOWN IMPROVEMENT PROJECT. (GREENSHEET NO. 16-10-0326)

Council Member Gibson motioned approval; Council Member Slachta seconded; and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS (UNAUDITED). (GREENSHEET NO. 16-10-0311)

Informational.

- B. APPROVE AGREEMENT WITH ALAGOLD CORPORATION, INC., GENERAL PARTNER OF ALAGOLD COMMUNITIES LTD., A FLORIDA LIMITED PARTNERSHIP TO ACCEPT PARCEL OF LAND FOR DEVELOPMENT OF A MULTI MODAL PATHWAY, CONTINGENT UPON TERMS FOR THE DONATION. (GREENSHEET NO. 16-10-0318)

6:55:29 PM Assistant City Manager Arleen Hunter addressed this item, and furnished an overview.

Council Member Forbes motioned approval; Council Member O'Flinn seconded; and the motion carried unanimously.

XIII. MAYOR AND COUNCIL MEMBER REPORTS:

- A. APPROVE A RESOLUTION OF THE CITY OF BONITA SPRINGS APPOINTING THREE NEW MEMBERS TO THE CITY OF BONITA SPRINGS TREE ADVISORY BOARD. (FORBES; GREENSHEET NO. 16-10-0324) BALLOT VOTE.

7:03:58 PM Mayor Simmons motioned approval of the Resolution appointing Jack Brown, Phil Buck and Janet Martin to the Tree Advisory Board; Council Member O'Flinn seconded; and the motion carried unanimously.

ADOPTED RESOLUTION NO. 16-51

- B. REQUEST APPROVAL OF A RESOLUTION OF THE CITY OF BONITA SPRINGS APPOINTING AND REAPPOINTING MEMBERS TO THE CITY OF BONITA SPRINGS SPECIAL EVENTS COMMITTEE. (DEWITT; GREENSHEET NO. 16-10-308)

6:58:35 pm Council Member DeWitt furnished a brief overview and motioned approval of the Resolution appointing/reappointing Members to the Special Events Committee; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-52**

C. DISCUSSION OF APPOINTMENT OF A BONITA SPRINGS RESIDENT TO THE CITIZENS ADVISORY COMMITTEE (CAC) OF THE METROPOLITAN PLANNING ORGANIZATION (MPO). (MAYOR SIMMONS; GREENSHEET NO. 16-10-0327)

7:03:48 PM No appointment made. Staff to outreach and Council Members to submit names for appointment.

7:04:58 pm Council Member Forbes reported on the Chamber's power networking event he attended.

7:05:42 pm Council Member Gibson addressed a letter that was sent to businesses on Old 41 addressing road closures. He feels there is a need for a discussion.

7:06:32 pm Council Member O'Flinn reported that he would no longer be participating in ex parte communications. Discussion followed, with City Attorney Vance to address and bring back a Greensheet to address the policy of ex partes to Council. Assistant City Manager Hunter stated there are other jurisdictions that don't permit ex parte communications. She would be happy to do some outreach to those communities for guidelines on how those Council Members interact in different instances.

7:07:45 pm Council Member DeWitt thanked all who attended the National Walk to School event. It was a great event!

7:08:06 pm Council Member Quaremba stated she also attended the National Walk to School event and it was a great experience to be with the children! She also attended the Transportation Summit Conference, which she found to be very informative. She also attended the Chamber's event where Trish Leonard was recognized as Citizen of the Year! Lastly, she stated that she also may not participate in any further ex parte communications.

7:22:52 pm Mayor Simmons congratulated Trish Leonard on being recognized as Citizen of the Year! He also attended the National Walk to School event and it was great! He also addressed an email the City's Communications Director gave to him which listed the City of Bonita Springs as the #2 healthiest small towns list in the United States. It was reported on WXE-TV, San Diego, Channel 6.

XIV. APPROVAL OF MINUTES: 09/21/16 AND 9/22/16 FINAL BUDGET HEARING

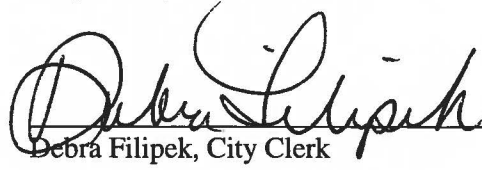
Council Member Slachta motioned approval of the Minutes; Council Member O'Flinn seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT: NONE

XVI. ADJOURNMENT:

There being no further items to discuss the meeting adjourned at 8:23 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 10/20/16

AUTHENTICATED:


Peter Simmons, Mayor