

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, MAY 18, 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 9:05 A.M.

II. INVOCATION.

Pastor Kevin Bradley, with New Life 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:

[9:10:23 am](#) Rick Steinmeyer commented on the Healthy Lee presentation and the \$10 million bike path grant to which he hopes the City gets some of the funds. He also addressed the paddle board at Lover's Key and the sole bid received for the Recreation Center fitness room expansion project.

[9:11:52 am](#) Kathy McGrath invited everyone to participate in this year's Bonita Springs Film Festival. This year's theme is beaches in Bonita Springs. The gala for the event is scheduled for November 3, 2016 at the Prada of Bonita Springs.

[9:12:35 am](#) Rachael Stewart addressed agenda item XIV. B., regarding the Capital Improvement Plan. She submitted a petition signed by residents on her street in favor of a sidewalk from Kentucky Street at the railroad tracks to Wisconsin Street. She also suggested a sidewalk on Wisconsin Street to connect all the walkways, as it is a very dangerous street.

[9:13:10 am](#) Brad Cornell, with the Audubon Society, was in attendance to voice his support for the Florida Forever Program project and for the Council to approve the letter for the Mayor to send to CREW in support of the proposed project. The project will be voted on June 17, 2016 and involves 2,800 acres.

[9:14:50 am](#) Kevin Barry and Robert Morrison, with the Bonita Blues Festival, were in attendance to ask that Council support their request and approve their requested Special Event Permit to hold the Bonita Blues Festival in March 2017.

[9:15:57 AM](#) Theresa Bubin submitted a 'Proposal and Contract' for paving of their road. She informed Council that the residents have their money. She asked if this was something Council will look at.

## VI. PROCLAMATIONS AND PRESENTATIONS:

### A. PROCLAMATION PROCLAIMING THE WEEK OF MAY 15-21 AS NATIONAL PUBLIC WORKS WEEK.

Mayor Simmons read aloud the Proclamation proclaiming the week of May 15-21, 2016 as National Public Works Week. Public Works Director Matt Feeney was in attendance to accept the Proclamation and to thank Mayor Simmons and City Council.

### B. PROCLAMATION PROCLAIMING THE WEEK OF MAY 15-21 AS NATIONAL POLICE WEEK.

Mayor Simmons read aloud the Proclamation proclaiming the week of May 15-21, 2016 as National Police Week. Several officers with the Lee County Sheriff's Office were in attendance to accept the Proclamation and thank Mayor Simmons and City Council.

### C. LISTEN TO A PRESENTATION BY REPRESENTATIVE FROM LEE MEMORIAL ABOUT "HEALTHY LEE" PROGRAM. (GREENSHEET NO 16-05-0135)

9:25:03 am Robbie Roepstorff, Health Lee Chairman, and Sally Jackson, the System Director with Lee Memorial, furnished a PowerPoint (copy in Clerk's file) presentation on the Healthy Lee program.

### D. PRESENTATION BY TOOLE DESIGN GROUP ON THE BONITA BEACH ROAD VISIONING STUDY.

9:52:48 AM Ian Lockwood, along with several members of Toole Design Group, were in attendance to furnish a PowerPoint presentation (copy in Clerk's file) on the Bonita Beach Road Visioning Study. Items addressed included access to restaurants and the beach, a better identity for the City, transforming Bonita Springs to be place that people want to be and not move through quickly. They also addressed landscaping, parking, pedestrian circulation, bicycle lanes, funding, pedestrian, setbacks, commercial development, height, etc.

10:43:39 AM Assistant City Manager Arleen Hunter informed Council that on June 1, 2016 Staff will be bringing forward a contract extension to continue work with Tool Design Group to ensure the City is in-keeping with the vision.

10:44:48 AM Council Member O'Flinn stated that the 2000 Comprehensive Plan included a vision that stated that Bonita Beach Road should be a beautiful commercial parkway. This is a huge step towards that. He thanked Ian for including examples of other areas in his presentation. He referred to Sarasota which has far more traffic than Bonita Beach Road, and they have been putting in a series of roundabouts to keep traffic moving at a regular pace. He thanked Mayor Simmons as this was his idea.

10:46:16 AM Council Member Quaremba stated to preserve the network in all the areas mentioned, she asked Staff can start work on that immediately. City Attorney Vance addressed the Florida Statute where you may record municipal maps of reservation for transportation, and is something Staff can work on. Council Member Quaremba stated she would like to have some of the other things mentioned in networking because some of the longer term networking issues need to be addressed now and preserved. City Manager Schwing stated that many of the places that were shown today were actually across private property, as Staff would have to be working with the private property owners as well.

10:50:54 AM Council Member O'Flinn addressed the need to outreach to Lee County as Bonita Beach is a County Road. Also, when the flyover study was shut down FDOT is waiting for the City to get back to them

with respect to this for their input. District 1 now has a Corridor Study Team, and so making the link to Mr. Hattaway and his team is of high importance. City Manager Schwing introduced District 1 representative from FDOT, Derek Burr.

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.)

10:53:50 AM Council Member O'Flinn requested items G. and H. be pulled. Council Member Greg DeWitt requested item E. be pulled.

Council Member Steve Slachta motioned approval of the remainder of the Consent Agenda; Council Member Fred Forbes seconded; and the motion carried unanimously.

- A. ADOPT THE 2016 STRATEGIC PLAN FOR THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 16-05-0146)
- B. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE 10<sup>TH</sup> ANNUAL BONITA BLUES FESTIVAL AT RIVERSIDE PARK ON FRIDAY, MARCH 10, 2017 THROUGH SATURDAY, MARCH 11, 2017. (GREENSHEET NO. 16-05-0134)
- C. REQUEST APPROVAL FOR THE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE ELITE PADDLE BOARD RACE EVENT AT LOVERS KEY STATE PARK LOCATED AT 8700 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA ON AUGUST 14, 2016. (GREENSHEET NO. 16-05-0135)
- D. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR THE CITY TO CO-SPONSOR THE BONITA SPRINGS FILM FESTIVAL GALA TO BE HELD AT THE PRADO STADIUM 12 THEATER, 25251 CHAMBER OF COMMERCE DRIVE, BONITA SPRINGS, FLORIDA ON WEDNESDAY, NOVEMBER 3, 2016. (GREENSHEET NO. 16-05-0136)
- E. REJECT THE SOLE BID IN RFB 16-002, RECREATION CENTER FITNESS ROOM EXPANSION PROJECT. (GREENSHEET NO. 16-05-0141)

Council Member DeWitt requested item E. be pulled for Staff to address the bid process.

10:56:08 am Council Member DeWitt motioned approval of the request to reject the sole bid received; Council Member O'Flinn seconded; and the motion carried unanimously.

- F. AUTHORIZE MAYOR PETER SIMMONS TO EXECUTE THE APPLICABLE DOCUMENTS NECESSARY TO PROVIDE A UTILITY EASEMENT (WATER) LOCATED ON PROPERTY IN THE PALOMA PHASE II SUBDIVISION. (GREENSHEET NO. 16-05-0137)
- G. AUTHORIZE MAYOR TO SIGN LETTER OF SUPPORT FOR CREW HEADWATERS FLORIDA FOREVER PROJECT. (GREENSHEET NO. 16-05-0148)

10:56:53 am Council Member O'Flinn reported that he met with Brad Cornell with the Audubon Society regarding the project. He also submitted language suggested to be included in the letter, which he furnished to the City Manager.

Council Member O'Flinn motioned to approve, with the additional language; Council Member Forbes seconded; and the motion carried unanimously.

H. APPROVE THE ATTACHED INTERLOCAL AGREEMENT FOR DISTRIBUTION OF LOCAL OPTION GAS TAXES. (GREENSHEET NO. 16-05-0138)

10:58:57 am Council Member O'Flinn addressed concerns he had regarding the allocation of funds. He feels the City is way behind on the percentage. According to the Lee County Revenue Manual, Cape Coral's expires in 2017. He would suggested extending the City's Agreement concurrent with Cape Coral. This would place the City in a position when Lee County is negotiating with Cape Coral that they would negotiate with the City as well as opposed to agreeing to go to 2019. He would suggest talk to Mr. Winton with Lee County to see if that would be possible, and if it doesn't for some reason, come back to the next meeting and go back to the 2019.

Anne Wright, Finance Director, explained that the percentage that the City is getting is in line with the City's population and centerline miles. The adjustment for any variances were because of these other arrangement, jurisdictions are getting higher than that formula, is a reduction to unincorporated Lee County. Council Member O'Flinn added that if Lee County is thinking of bringing everyone down to where the City is, he would be ok with that.

Direction to Staff to go to 2017 and bring back on June 1, 2016.

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. DISCUSSION ON ROAD CLOSURES FOR EVENTS. (GREENSHEET NO. 16-05-0147; MAYOR SIMMONS)

11:03:55 am Communications Director Lora Taylor furnished an overview of this item as addressed in the Greensheet. There are 6 events out of 64 that require road closures.

11:12:43 am Council Member Gibson stated he felt the merchants were fine with closing the road for Fourth of July and Celebrate Bonita, as it's the other events, especially during season. Ms. Taylor explained that the events they do close the roads for include Celebrate Bonita, 4<sup>th</sup> of July, Holiday in the Park, Taste of Bonita, and the Art Festival.

11:14:45 am City Manager Schwing explained that Staff is working to be resistant to additional requests for closures, and not have any added road closures. He feels the conditions are going to change dramatically when the construction is over, at which time it would be a great opportunity to take another look at this. Council Member Forbes supports helping the merchants out. Council Member Gibson feels there is a need to look at the parking situation, as they are going to lose the event parking lots. Also, if no one is parking on the other side then there's no reason to close the road, with the exception of the 4<sup>th</sup> of July and Celebrate Bonita. City Manager Schwing stated that there are plans for additional parking lots on the east side in anticipation of future development of "overflow" lots, and also looking at more opportunities for parking on the west side. Council Member Gibson stated that in looking at where the stormwater project is going to go off Abernathy, it would help with the flow of the walking traffic. Council Member Slachta stated he is concerned with the merchants and also safety. There is a need for a balance. Council Member DeWitt agreed and clarified that it's the spillover from the event that is going into the road; and not the crossing of people from across the street. Moving the parking from the east side to the west side will help with the crossing, but the actual size of the event is where the safety issue comes from.

11:20:06 am City Manager Schwing stated that if there's not an objection to closing the roads for Celebrate Bonita, 4<sup>th</sup> of July, - truly community events, and Staff can look at Movies in the Park again. Overall, they are really talking about the Art Festival, and are in the fourth year of a five year contract, and even closer to construction being completed downtown. Council Member Quaremba stated that she felt the focus needs to be on the one event (Art Festival) and that the logistics is something that could be addressed either in controlling the excess people that are spilling over, controlling the parking and how people are getting to the event.

IX. HOLD THE PUBLIC HEARING TO CONSIDER ADOPTION OF THE FOLLOWING ZONING RESOLUTION (COMMENT IS LIMITED TO PARTICIPANTS AT THE ZONING BOARD HEARING ON APRIL 19, 2016):

- A. A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: CONSIDERING A REQUEST BY D. R. HORTON, INC., FOR A SPECIAL EXCEPTION TO PERMIT A MODEL HOME IN THE AGRICULTURAL (AG-2) ZONING DISTRICT ON LAND LOCATED AT 26760 SAVILLE AVENUE, BONITA SPRINGS, FLORIDA ON A LOT APPROXIMATELY 9363.25± SQ. FT.; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-05-0140)

11:21:57 AM City Attorney Vance furnished an overview, addressing her legal opinion on the definition of “sewer” as well as the Applicant’s representative. Stacey Huett, representing the Applicant, addressed the Applicant’s position. Council discussion followed, which resulted in the inclusion of Condition 10. as follows:

10. The Developer will place 11” by 17” or larger signs, clearly visible to potential purchasers, inside the model home. The sign will explain that this D.R. Horton project is located in Sun Village Estates, and as built the property will have a septic tank. The City of Bonita Springs has a mandatory sewer connection ordinance, and if and when sewer is available by Bonita Springs Utilities, the homeowners will be required to discontinue the septic system and connect to the sewer system.

11:35:25 AM Council Member O’Flinn motioned to approve, with the added condition; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED ZONING RESOLUTION NO. 16-R02**

X. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING THE CONSTRUCTION CONTRACTOR ORDINANCE; §12-33 TO DELETE FEE REQUIREMENTS PER FLORIDA STATUTES §553.80; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-05-0132)

11:37:45 AM Council Member O’Flinn motioned to move forward with a second reading and public hearing of the Ordinance on June 1, 2016 at 5:30 P.M.; Council Member Quaremba seconded; and the motion carried unanimously.

XI. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, ELECTING INTO THE APPLICABILITY PROVISION OF LEE COUNTY ORDINANCE NO. 16-04, PERTAINING TO HUMAN TRAFFICKING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-05-0131)

City Attorney Vance read the title block of the Ordinance into the record.

11:38:29 AM Council Member Slachta motioned adoption of the Ordinance; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 16-05**

- B. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4, AMENDING §4-227, PUBLIC PARTICIPATION, ALLOWING PUBLIC PARTICIPATION AT

COUNCIL ZONING HEARINGS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-05-0130)

[11:39:34 AM](#) City Attorney Vance read the title block of the Ordinance into the record.

Council Member Slachta motioned to adopt the Ordinance; Council Member Quaremba seconded.

**PUBLIC COMMENT:**

[11:40:39 am](#) Rick Steinmeyer stated he wanted to change the constitution from "we the people" to "us the people."

The motion carried unanimously. **ADOPTED ORDINANCE NO. 16-06**

**XII. PUBLIC COMMENT:**

[11:41:21 am](#) Rick Steinmeyer addressed parking downtown.

[11:42:21 am](#) Donna Stone addressed a problem on Bonita Grande with trucks not stopping at Bonita Grande and Bonita Beach Road. After 8:00 P.M. trucks are still loading and unloading. She also encourages City Council to urge the School Board to stay with the Imperial Parkway site. The problem can be easily fixed.

[11:45:24 AM](#) Kathy McGrath happy to see demolition of water tower postponed. She hopes something can be worked out. She also commented on funds received per WCIND and fire rescue.

**XIII. CITY ATTORNEY'S REPORT:**

A. INTRODUCE AVE MARIA SCHOOL OF LAW STUDENT MARY ZIZZO. (GREENSHEET NO. 16-05-0129)

B. DISCUSS THAT CITY COUNCIL CAN REQUIRE MORE THAN AN AFFIRMATIVE VOTE OF FOUR COUNCIL MEMBERS BEFORE APPROVING A ZONING OR COMPREHENSIVE PLAN AMENDMENT. AFTER REVIEW OF OTHER GOVERNMENTS HAVING SUCH A REQUIREMENT, PROVIDE DIRECTION. (GREENSHEET NO. 16-05-0127)

[11:51:53 am](#) City Attorney Vance introduced this item and furnished a brief overview. Council discussion followed.

Council Member O'Flinn motioned to revisit in 6 months; Council Member DeWitt seconded; and the motion carried 6-1 (Council Member Quaremba opposed)

C. DISCUSS THE SCOPE OF RETAINING OUTSIDE LEGAL SERVICES TO REVIEW CERTAIN PENDING COMPLEX LAND USE MATTERS CONCURRENT WITH THE STAFF REVIEW BASED ON LEE COUNTY'S COMPREHENSIVE PLAN AND THE COUNTY'S ZONING OR SUBDIVISION REGULATIONS. (GREENSHEET NO. 16-05-0144)

[12:15:14 pm](#) Authorization to City Attorney.

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

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 16-05-0116)

Informational.

- B. PROVIDE DIRECTION TO STAFF BY IDENTIFYING PROJECTS WITHIN THE CAPITAL IMPROVEMENT PLAN THAT ARE TO BE PLACED ON HOLD AT THIS TIME UNTIL FURTHER GUIDANCE IS PROVIDED BY CITY COUNCIL. (GREENSHEET NO. 16-05-0143)

12:15:41 pm City Manager Schwing furnished a revised list as a result of the 8:00 A.M. workshop (copy in Clerk's file).

Council Member Forbes motioned to adopt the revised list; Council Member Slachta seconded; and the motion carried unanimously.

- C. APPROVE BUDGET RESOLUTION TO FUND THE RIVERSIDE PARK DOCK REPLACEMENT PROJECT IN THE AMOUNT OF \$82,275. (GREENSHEET NO. 16-05-0133)

12:17:03 PM Council Member DeWitt motioned approval of the Resolution; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-21**

XV. MAYOR AND COUNCIL MEMBER REPORTS:

- A. A RESOLUTION APPOINTING A MEMBER TO THE CITY OF BONITA SPRINGS LOCAL PLANNING AGENCY. (GREENSHEET NO. 16-05-0142)

12:23:17 PM Council Member Forbes motioned the appointment of Meg Jacobson (via ballot vote); Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-22**

12:27:02 pm Council Member Quaremba reported on the EDC meeting she attended, complimenting Assistant City Manager Arleen Hunter on the great presentation she furnished. She also reported on communication to residents of District 1 and work with Communications Director Lora Taylor on different mechanisms for them to outreach to her. Lastly, she reported concerns of residents in her district regarding annexation agreements, the Noise Ordinance, and jurisdictional concerns along Coconut Road.

12:30:32 pm Council Member Forbes addressed a comment from the public regarding Bonita Grande Road and the community there, and reported that he and City Manager Schwing met with the President of the Club and the Chair of the External Affairs Committee and discussions about Bonita Grande Road and traffic problems. The Sheriff's Department was also in attendance and are going to look into it. He also informed everyone that City Council does want high school, and as quickly as possible.

12:32:24 PM Council Member DeWitt reminded everyone that on May 25, 2016, they will be dedicating their new training tower to Captain Paul Phillips.

12:32:40 PM In response to Council Member Slachta, Assistant City Manager Hunter explained that she will continue the City's relationship with the EDC and the Chamber. Council Member Slachta next reminded everyone of the May 30, 2016 Memorial Day Service at Riverside Park.

12:33:58 pm Council Member O'Flinn also addressed the high school and other sites in the City they have talked to the School Board about. He also addressed the School Board meeting the previous night and comments made by Dr. Atkins in that the DEP was supportive of the findings as there not being an asbestos problem. He also stated that the site is not off the table. He next reported that he met with the Blue Zone group last week and it's a really great initiative in that it entails an encouragement of voluntary actions.

12:36:00 PM Mayor Simmons read an article Superintendent Atkins with the Lee County School Board wrote.

XVI. APPROVAL OF MINUTES: 05/03/16 AND 05/04/16

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

XVII. PUBLIC COMMENT

12:38:04 pm Rick Steinmeyer commented City Council.

12:38:40 PM Kathy McGrath commented on the water tower and commended Parks and Recreation Director Nicole Perino. She also commented on the MPO and funds for a traffic study for Bonita Beach which she stated turned into "the flyover study."

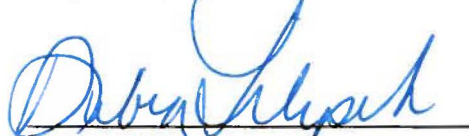
12:40:56 PM Alan Glazier addressed maintenance, and the question as to what needs to be done now. We have a chance to preserve a historic structure.

12:44:03 PM Mayor Simmons introduced State Representative Matt Hudson who was in attendance.

XVIII. ADJOURNMENT

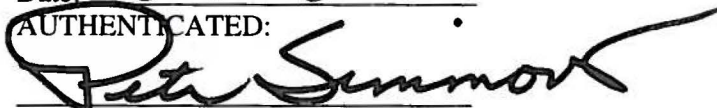
There being no further items to discuss the meeting adjourned at 12:45 P.M.

Respectfully submitted,

  
Debra Filipek, City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 6-3-16  
AUTHENTICATED:

  
Peter Simmons, Mayor