

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JUNE 1, 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 5:35 P.M.

II. INVOCATION

Pastor Walters, with New Life Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Greg DeWitt led in the Pledge of Allegiance.

IV. ROLL CALL

Mayor Simmons and all Council Members were in attendance, except for Council Member Steven Slachta.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:40:17 PM Rick Steinmeyer addressed agenda items VI A., VI. D., VII. A., VII. B., VII. G., X. B., XII. A., XII. B.

5:45:34 PM Charlie Strader, President of the Bonita Springs Historical Society, thanked Council Member Mike Gibson for bringing the discussion forward today on the demolition delay Ordinance. He also addressed the water tower, and stated that if it's going to be rebuilt, he suggested putting on a roof that will last.

5:47:28 PM Jesse Purdon thanked Council Members Fred Forbes, Mike Gibson and Greg DeWitt for saving the water tower.

5:48:31 PM Theresa Bubin was in attendance to ask that Council support the paving of their road – Tigress Lane.

5:50:44 PM Jean Bear with Local Roots, was in attendance to ask that Council support their request to have a market at the Promenade.

VI. PROCLAMATIONS AND PRESENTATIONS:

Mayor Simmons next presented City Manager Carl Schwing with a Five-Years of Service Award. City Manager Schwing thanked the Mayor and City Council. He is happy to be a part of this great community!

A. PRESENTATION OF FIRST ANNUAL LOAN PRINCIPAL AND INTEREST PAYMENT BY THE BONITA WONDER GARDENS.

5:54:03 PM Trish Leonard, Janet Martin, along with several Members of the Board of Directors for the Bonita Wonder Gardens were in attendance to present the City with their first annual loan principal and interest payment in the amount of \$578,246.58.

B. PRESENTATION BY LEE COUNTY EMERGENCY OPERATIONS CENTER ON HURRICANE PREPAREDNESS AND SHELTERS.

5:58:39 PM Robert Farmer, Director of Lee County Public Safety, was in attendance to furnish a PowerPoint presentation (copy in Clerk's file) on Hurricane Preparedness and Shelters.

6:15:53 pm In response to City Manager Schwing, Mr. Farmer explained that it's the County's decision as to when the YMCA opens. The County is also who arranges staffing.

C. PRESENTATION ON POTENTIAL FUNDING OPTIONS THROUGH DEBT RESTRUCTURING. (GREENSHEET NO. 16-06-0167)

Julie Santamaria, Director, RBC Capital Markets, was in attendance to provide a PowerPoint presentation (copy in Clerk's file) on potential funding options.

6:34:53 pm Direction was for Ms. Santamaria to look into options and come back during the budget process.

D. PRESENTATION OF BLUE ZONES PROJECT SOUTHWEST FLORIDA. (GREENSHEET NO. 16-06-0168)

Deb Millsap, with the Blue Zones Project, was in attendance to furnish a PowerPoint presentation (copy in Clerk's file) to address the Blue Zones Project. She addressed Healthcare costs & current trends, Blue Zones areas, influences on longevity, community involvement and changes made by grocery stores, restaurants, the work place, etc.

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.)

6:57:31 pm Pulled Items A., D. and E.

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

A. APPROVE THE INTERLOCAL AGREEMENT FOR DISTRIBUTION OF LOCAL OPTION GAS TAXES. (GREENSHEET NO. 16-06-0153)

6:58:49 pm Council Member Amy Quaremba pulled item A., for an update since their last meeting relating to this, to which Council Member O'Flinn responded.

7:00:03 pm Council Member Quaremba motioned approval; Council Member DeWitt seconded; and the motion carried unanimously.

- B. APPROVE SUPPLEMENTAL TASK AUTHORIZATION NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH TOOLE DESIGN GROUP, LLC (BSC-15-10-148) FOR ON-CALL OVERSIGHT SERVICES AS A FOLLOW-UP TO THE BONITA BEACH ROAD VISIONING STUDY. (GREENSHEET NO. 16-01-0150)
- C. APPROVE A JOINT RESOLUTION WITH LEE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE CITY OF BONITA SPRINGS PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, FEDERAL FISCAL YEARS 2017, 2018, 2019; PROVIDING FOR CERTAIN COMMITMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-06-0151)
- D. APPROVE TEMPORARY ROAD CLOSURES AND SPECIAL EVENT PERMIT FOR 4TH OF JULY PARTY IN THE PARK AND PARADE ON MONDAY, JULY 4, 2016 AT RIVERSIDE PARK. (GREENSHEET NO. 16-06-0152)

7:00:38 PM Council Member DeWitt addressed this item, reporting that this is the 58th Annual and the 24th event for the Fire Fighters.

7:00:48 PM Council Member DeWitt motioned approval; Council Member Forbes seconded; and the motion carried unanimously.

- E. APPROVE A PERMIT FOR THE LOCAL ROOTS, LLC TO OPERATE A FLEA MARKET AT 267-27911 SOUTH BAY DRIVE, BONITA SPRINGS ON SATURDAYS, OCTOBER 1, 2016 – APRIL 29, 2017 WITH THE ZONING CONDITIONS LISTED BELOW. (GREENSHEET NO. 16-06-0162)

7:01:43 pm Council Member Gibson pulled this item, stating this main concern regarded allowing an outside business, basically – to move in an put out our own non-profit business, the Lion’s Club.

7:02:32 pm Council Member Forbes motioned to delay this to the next meeting, and have someone review the tapes, as it is his understanding that there was a compromise and the Lion’s Club was to get one of these permits and the others get the other, and the one that the Lion’s Club was supposed to get is the one that’s being applied for by these people. Also, that they agreed that they would get with the Lion’s Club and help them do some events to offset their loss, and that this never worked out.

7:03:44 pm Communications Director Lora Taylor furnished the history.

7:07:39 pm Council Member O’Flinn agreed to wait to hear from the Lion’s Club. He seconded the motion.

Council Member Forbes clarified his motion, which is to delay action on this item until Council’s next meeting (June 15, 2016) to hear from the Lion’s Club.

The motion carried unanimously.

- F. APPROVE A SPECIAL EVENT PERMIT FOR MY PRODUCTIONS, INC. TO HOST A CRAFT & GIFT SHOW AT 9090 BONITA BEACH RD., BONITA SPRINGS ON FEBRUARY 18, 2017 AND FEBRUARY 19, 2017 FROM 10:00 A.M. – 5:00 P.M. (GREENSHEET NO. 16-06-0163)

- G. CONCEPTUAL APPROVAL OF A PROPOSED ECONOMIC DEVELOPMENT GRANT FOR COMMERCIAL PROPERTY LOCATED AT 26880 OLD 41 ROAD, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 16-06-0165)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. DISCUSSION OF UPGRADING PROPERTY MAINTENANCE CODE FOR THE BONITA BEACH ROAD CORRIDOR, RT. 41 CORRIDOR AND OTHER MAJOR INTERSECTIONS ALONG BONITA BEACH CORRIDOR AND THE INTERCHANGE ZONING AREA. (FORBES; GREENSHEET NO. 16-06-0154)

7:11:46 pm Council Member Forbes addressed this item, and the intent. Discussion followed.

7:14:12 pm Neighborhood Service Director Frank Cassidy stated that it was his belief in reviewing the request and speaking with Council Member Forbes, that there are other ordinances and provisions to address the concerns. With a better directive effort and idea he believes they can put together a program to address it more effectively. Council Member Forbes suggested at the least more enforcement, and if they have to revise some ordinances, and have Toole look as well. City Attorney Vance stated that things to beautify certain areas can be included into the code, adding that she wouldn't suggest doing it by enforcement alone. She also suggested looking at grants and beautification awards.

7:19:15 pm City Manager Schwing requested clarification with respect to Toole Design. Council Member Forbes stated his suggestion was for a conference call with them to get ideas, and then if they are needed, they can always amend their contract. City Attorney Vance stated she can look to see what she can find in other towns. She also feels that she, Neighborhood Services, Community Development can work together to find creative approaches that have been utilized in other communities. Council Member Amy Quaremba stated she felt there was a need to clarify what they are trying to accomplish here by doing a survey of some sort to figure out how to handle it. If it's just increasing the interaction Neighborhood Services has with specific landowners, then they wouldn't need too many Ordinance changes. Council Member DeWitt agreed with comments made by Council Member Quaremba. If Council Member Forbes gets with Mr. Cassidy to point out his concerns, and if there isn't an Ordinance to enforce those items, then he would suggest going to Toole Design Group.

7:21:32 pm Council Member Forbes suggested waiting until Council's next meeting, to allow him to get some pictures. Council consensus for Council Member Forbes, Director Cassidy and City Attorney Vance to view the area.

- B. DISCUSS DEMOLITION DELAY ORDINANCE FOR PROPERTIES NOT DESIGNATED AS HISTORIC, BUT MAY BE A "RECOGNIZED HISTORIC RESOURCE." (GIBSON; GREENSHEET NO. 16-06-0159)

7:23:53 PM Assistant City Attorney Alex Boswell-Ebersole furnished an overview. Council Member Gibson stated he would like to see this move forward and go before the Historic Preservation Board and have them bring forward the list and see what can be done to help protect them.

7:36:38 PM Mayor Simmons motioned to move forward, have the Historic Preservation Board review and bring back the list; Council Member Gibson seconded; and the motion carried unanimously.

ERRATA SHEET - ADD-ON (MAYOR SIMMONS):

LETTER FROM MAYOR SIMMONS TO THE LEE COUNTY TOURIST DEVELOPMENT COUNCIL REGARDING THE EVERGLADES WONDER GARDENS MARKETING GRANT REQUEST.

7:39:22 PM Mayor Simmons motioned to approve; Council Member Gibson seconded; and the motion carried unanimously.

ERRATA SHEET – ADD ON – (COUNCIL MEMBER FORBES):

PROPOSAL TO REQUEST CITY COUNCIL SUPPORT AN AMENDMENT TO EXPAND THE SCOPE OF A REGIONAL WATER COMPACT.

7:42:57 PM Council Member Forbes motioned to approve and have Mayor Simmons advocate; Council Member O’Flinn seconded; and the motion carried unanimously.

ADDITIONAL ITEM (Council Member O’Flinn) – Tigress Lane:

7:43:35 PM Council Member O’Flinn addressed an issue relating to the CIP and the unpaved roads project as it relates to Tigress Lane. He provided the background, informing Council that the owners had a signed contract from the contractor on November 15, 2016. Overall, if Council had known of this, Council would have gone forward with that contract, which was for \$22,000. He would suggest allowing it to move forward.

7:45:31 PM Council Member Forbes stated that although he was not opposed, he does have concerns, and suggested amending it to require the road to be 20’ wide, and to make sure there are utility easements. He would support this, with his suggestions. Public Works Director Matt Feeney addressed previous unpaved road projects that were done. Council Member Forbes suggested approving it subject to the residents being willing to grant the easements for utilities. City Manager Schwing explained that if you get the easements granted it will only be for the properties involved, which is only at one end of the street.

7:50:03 PM Kathy Pedit and Theresa Bubin both addressed City Council.

7:53:19 PM Council Member Forbes motioned approving it subject to the property owners granting an easement. Council Member O’Flinn suggested an amendment to go forward with the original plan at the 16 feet, and have the City Attorney look into it (the easements).

Council Member O’Flinn stated he made the motion. Mayor Simmons seconded the motion. Council to vote on the amendment first, which Council Member O’Flinn clarified is to go forward with what was originally intended, with the preference to have an easement, but for safety sake, to have the City Attorney check to see if it implicates anything.

7:56:52 PM City Attorney Vance clarified the motion which is to go forward with the project with the preference to also obtain easements for utilities only on the affected parcels at the 80%.

The motion passed 5-1 (Council Member Forbes opposed)

IX. SECOND 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. 16-06-0149)

8:00:58 pm City Attorney Vance read the title block into the record.

8:01:37 pm Council Member Gibson motioned adoption of the Ordinance; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 16-07**

X. PUBLIC COMMENT:

8:02:53 PM Richard Barber was in attendance to inform of a petition he gave to the City's Public Works Department to stop any sidewalks from being placed on Wisconsin Street.

8:07:06 PM Martha Simons commended Council on moving forward with the Demolition Delay Ordinance. She also thanked City Council for Arroyal Pond project.

8:09:30 PM Jean Bear, with Local Roots, addressed a meeting they had with the Lion's Club to discuss doing charity work with them.

8:16:00 PM Alan glazier thanked City Council for moving forward with the Demolition Delay Ordinance. He also commented on the water tower and feels should find the time capsule to make sure being maintained. He's glad they are moving forward with the water tower.

8:19:19 PM Kathy McGrath thanked City Manager Schwing for his five years of service to the City. Also excited about the Wonder Gardens. She also commented on the water tower and the high school.

XI. CITY ATTORNEY'S REPORT:

- A. RETAIN SPECIALIZED COUNSEL 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. 16-06-0157)

8:27:00 PM City Attorney Vance addressed this item. A brief discussion followed.

8:31:57 PM Council consensus for David A. Theriaque and Susan Trevarthen, and for Council Members to meet with them individually before the June 15, 2016 City Council, if they are available.

- B. DISCUSS WAIVER OF CONFLICT OF INTEREST ON BEHALF OF ROETZEL & ANDRESS, IN CONNECTION TO PERFORMANCE OF WORK NOT RELATED TO TWO PENDING APPEALS. (GREENSHEET NO. 16-06-0155)

8:34:55 PM Council Member Gibson motioned to approve; Council Member O'Flinn seconded; and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

- A. PRESENTATION OF OPTIONS RELATIVE TO THE WATER TOWER AT THE LILES HOTEL PLAZA. (GREENSHEET NO. 16-06-0164)

8:37:49 PM Nicole Perino furnished an overview, noting that Staff recommendation is for Option 2 – to replace the roof as well as strengthen the rotten bottoms of the walls; and leave the structure in place.

8:41:08 pm Council Member Forbes motioned for Option 2 (Replace the roof as well as strengthen the rotted bottoms of the walls; leave the structure in place), with a hatch in roof, and to allow the City Manager to approve minor reasonable additions to the original \$11,000. Discussion followed.

8:45:29 pm After further discussion, Council Member Forbes withdrew his original motion and motioned for Option 2, and to place a little cap hatch on the side to allow something to be inserted to inspect the inside, and authorize the City Manager if he needs to make a minor adjustment to the cost, that he doesn't have to bring it back to request permission from City Council; Council Member O'Flinn seconded; and the motion carried unanimously.

B. BRIEFING ON PROPOSED FINANCIAL POLICY. (GREENSHEET NO. 16-06-0160)

8:47:15 pm Finance Director Anne Wright addressed this item, which she furnished to Council for their review. She will bring it back on July 6, 2016. City Manager Schwing informed Council that Ms. Wright has been designated as a Florida Certified Government Finance Officer.

C. SELECTION OF UPCOMING WORKSHOP TOPICS. (GREENSHEET NO. 16-06-0169)

8:48:45 pm City Manager Schwing addressed this item, explaining that since they did not finish the workshop today he is recommending that Staff come back on June 15, 2016 to address the infrastructure/stormwater system and financials.

8:49:52 pm Council Member O'Flinn informed Council of a chat he had with a gentleman with Agnoli, Barber and Brundage, stating that he would request an estimation of the cost of the water retention system. He would also like Ms. Wright for their next meeting to present the cash flow requirements over the short term – the next 3 years related to the Old 41 project, including the debt service.

8:50:55 pm City Manager Schwing stated he would recommend that for June 15, 2016, and for July 6, 2016 they will present financial information at the workshop.

City Manager Schwing referred to the issue discussed earlier relating to the trees on Old 41, and asked Council if they have a change in direction on the trees for downtown. Council Member Gibson stated that he personally would rather see palm trees. He would like to hear a proposal to do palm trees instead, which would result in a lot less mess. Mayor Simmons stated that his understanding is that it would come back for Council to discuss further. Council Member Forbes suggested that between now and Council's June 15, 2016 meeting, to find out from three or four cities, i.e., Naples, Jupiter, Destin and Westin, what they have and what kind of problems they have experienced. Council Member DeWitt stated that he and Council Member Forbes will check to see what they have in Sarasota this coming weekend. Council Member Gibson asked if they can hold off on putting more trees in. Public Works Director Feeney explained that the fundamental point was shady lady tree was cost. It was a \$30,000 increase, and they have 90 of the oak trees already identified and the nursery is trying to release those trees. Those trees can be released and Council can look at other options, as it may have some cost implications depending on what size and species is decided upon. Mayor Simmons stated he sees it as an important decision. Staff to bring back.

ADDITIONAL ITEM:

8:55:32 pm City Manager Schwing was happy to inform Council that Assistant City Manager Arleen Hunter is currently out of town being installed as the President of the Florida Planning and Zoning Association. He next commended the Veteran's Committee, Communications Director Lora Taylor and her Staff for the amazing Memorial Day Service!

XIII. MAYOR AND COUNCIL MEMBER REPORTS:

8:56:24 PM Council Member Quaremba addressed the prayer breakfast and the dedication of the training tower, as both events meant a lot to her. She also informed Council of 26 emails she received

regarding the delay of the super majority discussion and study, explaining that there is an interest in pursuing it a lot sooner than within 6 months. She feels there is a need to think about and explore what this would mean in a defined and specified way. The message she received from residents of her district during her campaign was to stick to the plan, they love the vision, and that if she makes a commitment to that, they will be comfortable.

8:59:48 pm Council Member DeWitt thanked everyone for coming out to the tower dedication and Memorial Service, both great events!

9:00:06 pm Council Member O'Flinn addressed the special counsel item. He also addressed the issue relating to the super majority and suggested looking at it, and to have Council Member Quaremba work with the City Attorney on something she feels makes sense.

9:03:25 pm Council Member Gibson requested a copy of the CDBG map that shows where the funds can be used. Also suggested more beds in the 4th of July bed race.

9:05:00 pm Council Member Forbes also addressed the super majority vote and comments made by Council Members Quaremba and O'Flinn. If passed he feels it needs to be included on the ballot or Charter Amendment.

9:06:44 PM Mayor Simmons also commented the wonderful Memorial Day Ceremony. He also provided an update on the high school.

XIV. APPROVAL OF MINUTES: 05/18/16 (WORKSHOP) AND 05/18/16

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

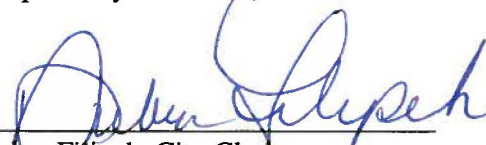
XV. PUBLIC COMMENT:

9:08:51 PM Alan Glazier thanked City Council for their decision relating to the water tower. He also addressed the discussion relating to the palm trees.

XVI. ADJOURNMENT.


There being no further items to discuss the meeting adjourned at 9:11 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: JUNE 16, 2016
AUTHENTICATED:


Peter Simmons, Mayor