

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JUNE 15, 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 9:00 A.M.

II. INVOCATION

Pastor Ed Gonzalez, with the First Presbyterian Church, was present 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:

9:06:06 AM Bob Hilliard with the Bonita Springs Lions Club, addressed charity work the Lion's Club has provided over the years to the various entities. He was in attendance to ask that Council permit the Bonita Springs Lion's Club to have a Saturday market, and that any other charitable organization be allowed to provide a market on Saturday.

9:12:04 AM Suzy Turner, a former member of the Lion's Club and owner of a business called "Populicious," a popcorn business, was in attendance to voice her support for the Lion's Club, who helped her with her business.

9:16:11 AM Rick Steinmeyer stated that he is also a Lion and supports all the charity work they do. He hopes a compromise can be met. He also addressed item VIII. A., and stated that Little Hickory Island does not need any funds.

9:18:25 am Betsy Ventura, with Local Roots LLC, was in attendance to ask that City Council approve their request to have a farmer's market.

9:21:13 AM Jean Baer, also with Local Roots, was also in attendance to ask that City Council approve their request to have a farmer's market, inclusive of the two non-for-profits. She also addressed various entities that they have helped to support.

9:23:26 AM Sebastian Sada, a local chef that has worked with the Lion's Club and Local Roots, was in attendance to inform Council that residents in the area love the farmer's market at the Promenade and asked that they support the request.

9:24:46 am Lisa Graham, owner of Promenade at Bonita Bay, was in attendance to express her support for Local Roots, and having a true green farmer's market at the Promenade. She is her to ask that Council issue the permit to allow Local Roots to operate a farmer's market at Bonita Bay.

9:27:22 am Rita Berger with the BBIA, was in attendance to ask that City Council support the funding request for Hickory Boulevard. She addressed beautification and maintenance work done and work planned for Hickory Boulevard with the funds.

9:29:27 AM Linda Miller, with Shop Local Productions, informed City Council that she was approached by Rhodes Restaurant to open a farmer's market. She was here to ask that City Council approve their request to have a flea market on Sundays.

9:31:26 AM Pat McCourt, with the BBIA and the Bonita Beach Alliance Club, was in attendance to voice his support for Council Member Slachta's request for funding for Hickory Boulevard. The intent of the vegetation is to serve as a calming factor and to help prevent people from parking on the road.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF CERTIFICATE OF HEROISM TO CITY OF BONITA SPRINGS PUBLIC WORKS EMPLOYEE JOEL LANGANEY. ITEM PULLED.
- B. PRESENTATION OF CERTIFICATE OF RECOGNITION TO THE BONITA SPRINGS CHARTER SCHOOL FOR BEING RECOGNIZED AS A PREMIERE PROVIDER OF HIGH QUALITY CHARTER SCHOOL EDUCATIONAL CHOICES BY CHARTER SCHOOLS USA (CSUSA).

9:35:09 am Mayor Simmons next presented a Certificate of Recognition to the Bonita Springs Charter School for being recognized as a premiere provider of high quality Charter School education choices by Charter Schools USA. Principal Carissa Carroll, Assistant Principal Kimberly Benn, and several students were in attendance to accept the Certificate and to thank Mayor Simmons and City Council.

- C. PRESENTATION OF CERTIFICATION OF APPRECIATION TO CHRISTINE ROSS, BONITA SPRINGS/ESTERO ECONOMIC DEVELOPMENT COUNCIL.

9:38:34 AM Mayor Simmons next presented a Certificate of Appreciation to Christine Ross, with the Bonita Springs/Estero Economic Development Council. Ms. Ross was in attendance to thank Mayor Simmons and City Council.

ADDITIONAL ITEM:

9:40:28 am Council Member Greg DeWitt, on behalf of the FASD, next presented City Council Member Fred Forbes with a Certificate certifying him as a Certified District Official.

- D. PRESENTATION BY AXI INTERNATIONAL ON CLEAN FUEL AND SUSTAINABILITY. (MAYOR SIMMONS; GREENSHEET NO. 16-06-0173)

9:41:53 AM Jeff Poirier, with AXI International, was in attendance to furnish a PowerPoint presentation on clean fuel and sustainability (copy in Clerk's file).

- E. ROUTINE BRIEFING BY BONITA SPRINGS UTILITIES.

9:57:12 am Board President Jim Strecansky and Executive Director John Jenkins, with Bonita Springs Utilities, were in attendance to provide a PowerPoint presentation (copy in Clerk's file) to provide an informational report to City Council.

- F. PRESENTATION BY FLORIDA GULF COAST UNIVERSITY REGARDING THE PROPOSED AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND FLORIDA GULF COAST UNIVERSITY TO PROCESS THE STATE MANDATED CHANGES AS A FOLLOW-UP TO THE COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR). (GREENSHEET NO. 16-06-0187)

10:15:52 AM Assistant City Manager Arleen Hunter provided a brief overview.

10:17:56 AM Dr. Margaret Banyan, with Florida Gulf Coast University, was in attendance to furnish a PowerPoint presentation (copy in Clerk's file) on the Evaluation and Appraisal Report (EAR) process.

10:43:16 am Council Member O'Flinn motioned to approve the Amendment to the Research Services Agreement with FGCU for Phase 2 (State Mandated Changes), and that Staff bring back Phase 3, Bonita Beach Road Visioning and Phase 4 for Council to decide per a Change Order/Amendment; Council Member Forbes seconded; and the motion carried unanimously.

- G. PRESENTATION BY WALDROP ENGINEERING, P.A. ON THE STATUS OF PROPOSED LAND DEVELOPMENT CODE (LDC) AMENDMENTS AND DIRECTION TO STAFF. (GREENSHEET NO. 16-06-0186)

10:44:24 am Alexis Crespo, with Waldrop Engineering, P.A., next furnished a PowerPoint presentation (copy in Clerk's file) on the status of the proposed LDC Amendments.

- 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.)

10:52:27 AM Pulled Items B., C., E., F., and G.

Council Member Slachta motioned to approve items A. and D.; Council Member O'Flinn seconded; and the motion carried unanimously.

- A. APPROVE AMENDMENT NO. 1 TO THE RESEARCH SERVICE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES TO PROCESS THE STATE MANDATED CHANGES AS A FOLLOW-UP TO THE COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR). (GREENSHEET NO. 16-06-0158)
- B. APPROVE A PERMIT FOR THE LOCAL ROOTS, LLC TO OPERATE A FARMERS MARKET AND ALLOW FOR TWO NON-PROFITS TO PARTICIPATE IN THE MARKET AT 26795-27911 SOUTH BAY DRIVE, BONITA SPRINGS ON SATURDAYS OCTOBER 1, 2016- APRIL 29, 2017 WITH THE ZONING CONDITIONS LISTED BELOW. (GREENSHEET NO. 16-06-0185)

10:54:12 am Council Member Slachta requested this item be pulled, to address an agreement with the Lion's Club to give them donations based on the amount of money the Lion's lost. Ms. Baer responded. She explained they did not talk about giving the Lion's a direct donation, but they met with them on working cooperatively with them on maybe a different event, i.e., a farm to table event and some sort of a dinner. Discussion followed. Lora Taylor, Communications Director, explained that the difference today is that the Applicant decided to amend their application after Council's last discussion, to include a non-profit so they can have two non-profits

participate – from a flea market to a farmer’s market with two non-profits. A member of the Lion’s Club also addressed City Council.

[11:00:13 am](#) Council Member DeWitt motioned to approve for discussion; Council Member O’Flinn seconded. Discussion followed.

Council Member O’Flinn stated he would wish they would go back and figure out how to make two and two, six, as opposed to continue to argue, then everyone would be in a good position. It’s something he would like them to consider doing. Council Member Slachta stated that Ms. Taylor has exhausted every possible avenue, as she has worked diligently with both groups. Council Member DeWitt stated he doesn’t believe putting off vendors, Local Roots or either one of the two, anticipating the Lion’s coming with a plan or application, as right now the Lion’s Club does not have an application in. To deny this and to wait to see what the Lion’s Club is going to do is irresponsible. Council Member Quaremba stated that the former Council had asked them to work together. From what she has observed, she feels the Lion’s Club would like to be at the Promenade, however, it’s not within Council’s responsibility to direct a private business and how they run their business. The applicant has a contract with the Promenade, and she feels that Council would be in a bad situation to deny the permit at this point. We can continue to ask them to cooperate and maybe come to some solution, but she doesn’t think they can go in any other direction, but to forward with what’s been recommended by Staff.

[11:10:57 am](#) Council Member Gibson stated that he would like to see both ordinances (the flea market and the farmers market) rewritten for only Bonita non-profit could get the permits. He feels it would be a way to make them work together.

[11:12:22 am](#) Council Member Forbes suggested that in addition to that, if Council was to pass this, he will probably propose an amendment or an additional clause to the agreement in that the operator this market should not regulate the people that have booths, e.g., on the other days of the week when you can have some type of stand, if they go to another location and have a stand he would want them to lose their position at the Promenade or any other place. Mayor Simmons stated with all these questions, he does not see how they can pass this today. Discussion followed.

[11:17:31 am](#) Council Member O’Flinn requested the two groups to try to work together.

[11:21:43 am](#) The motion failed 3-4 (Mayor Simmons and Council Members O’Flinn, Gibson, Forbes opposed)

[11:22:32 am](#) Council Member Gibson entered a motion to amend the Ordinance and the LDC to require the permit to be obtained by a Bonita Springs non-profit.

City Attorney Vance clarified that the motion is to amend both Ordinances to only permit non-profit entities to the operators of those particular markets. The Ordinances would come back individually as two separate Ordinances. Council Member Gibson suggested “and/or maybe sponsor” so it could still be Local Roots.

Mayor Simmons seconded the motion. Further discussion was held, with Council Member Gibson amending his motion to apply for the next time around. He would like to see them work together now and maybe come up with the ground work for doing the sponsorship.

Council Member Forbes seconded Council Member Gibson’s amendment to the motion. City Attorney Vance stated she would need to conduct legal research on the Ordinance. Council Member Gibson clarified that it’s for direction to Staff to proceed if possible. Council Member Forbes stated that the motion is for 1) the City Attorney to research, and 2) if okay legally, for the City Attorney to prepare the new Ordinances to make it a requirement that any of these type of markets would be operated by or in the name of a non-profit, but that a

non-profit could sponsor a profit making entity to run it for them. City Attorney Vance added that it would not apply for this season, but for next season. Council Member O'Flinn added that it would not compromise current applications.

The motion passed 5-2 (Council Members DeWitt and Slachta opposed)

C. APPROVE A PERMIT FOR THE SHOP LOCAL PRODUCTIONS TO OPERATE A FLEA MARKET AT 3756 BONITA BEACH ROAD, BONITA SPRINGS ON SUNDAYS OCTOBER 2, 2016- APRIL 30, 2017. (GREENSHEET NO. 16-06-0179)

[11:30:11 am](#) Council Member Gibson stated that he felt it would only be fair that since they pulled B., to pull C. also. Council Member Gibson motioned to approve C.; Council Member O'Flinn seconded.

Council Member Forbes stated that when and if they get back to approve the Local Roots application, he is requesting the City Attorney to help develop a regulatory clause where they can't regulate them – any merchant that is in their place on other days of the week that want to operate legally within the City. He explained this is was because this has been a problem in the past, and that if it's not a problem there's not a need to include it. Council Member DeWitt stated that he felt that because they denied Local Roots, that they need to deny this request also, to which Council Member O'Flinn agreed.

[11:31:58 am](#) After a brief Council discussion, City Attorney Vance suggested that the motion would be to deny without prejudice (addressing Local Roots) to allow them to come back before City Council that it is recommended that they show a local sponsor of a non-profit entity to show that they are working diligently. Council Member O'Flinn stated that he didn't feel that recommendation needed to be in the form of a motion. Council Member Gibson stated that someone should have made a motion to bring it back in two weeks. Council Member O'Flinn explained that the goal is for Local Roots and any other to come back in two weeks, and otherwise Council has made a request, that they talk to the Lion's Club about working together. City Attorney Vance explained that the motion to approve was denied, but it was denied without prejudice, and City Council will consider their application in accordance with the procedures.

Council Member Gibson withdrew his motion, and revise his motion to have items B. and C. come back at the next meeting (July 6, 2016). Council Member Forbes also suggested encouraging the Applicant for the Bonita Beach Road site for the flea market that they should try to work with the Lion's also to work together.

[11:35:36](#) Council Member Gibson motioned to have items B. and C. come back to City Council's next meeting (July 6, 2016); Council Member Forbes seconded the motion and the motion carried unanimously.

D. APPROVAL OF AN ECONOMIC DEVELOPMENT INCENTIVE DOWNTOWN BONITA SPRINGS FAÇADE MATCHING GRANT FOR ROBERT MCCLAIN, JR., FOR COMMERCIAL PROPERTY LOCATED AT 10525 REYNOLDS STREET, BONITA SPRINGS, FL 34135. (GREENSHEET NO. 16-06-0176)

E. CONCEPTUAL APPROVAL OF A PROPOSED ECONOMIC DEVELOPMENT GRANT FOR COMMERCIAL PROPERTY LOCATED AT 27564 OLD 41 ROAD, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 16-06-0189)

[11:36:12 am](#) Council Member Gibson explained that he requested Item E. be pulled to commend the owner on this grant for the outdoor kitchen.

Council Member Gibson motioned to approve; Council Member DeWitt seconded; and the motion carried unanimously.

- F. APPROVE RESOLUTION TO COMBINE THE CITY'S TWO CAPITAL PROJECTS FUNDS INTO ONE CAPITAL PROJECTS FUND. (GREENSHEET NO. 16-06-0183)

11:37:22 am Council Member O'Flinn requested this item be pulled for a clarification, to which Finance Director Anne Wright responded.

Council Member O'Flinn motioned to approve; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-23**

- G. APPROVE BUDGET RESOLUTION TO FUND THE DOWNTOWN REDEVELOPMENT PROJECT IN FY 2016 IN THE SAME AMOUNT THAT IS PLANNED IN THE CAPITAL IMPROVEMENT PLAN TO BE BUDGETED IN FY 2017 BY TRANSFERRING BUDGETED AMOUNTS FROM PROJECTS THAT ARE CURRENTLY ON HOLD. (GREENSHEET NO. 16-06-0181)

11:38:21 AM Council Member O'Flinn pulled to allow Council to address the Greensheet from the 8:00 A.M. City Council Workshop. Council discussion followed.

Council Member O'Flinn motioned to approve the Resolution; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-24**

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. APPROVE BUDGET RESOLUTION TO FUND BEACH ACCESS BEAUTIFICATION ALONG HICKORY BOULEVARD. (SLACHTA; GREENSHEET NO. 16-06-0182)

11:52:10 AM Council Member Slachta provided a brief overview of his funding request and entered a motion to approve the Resolution; Council Member DeWitt seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-25**

- B. DISCUSS THE MERITS OF THE BONITA BEACH ROAD VISIONING STUDY. (FORBES; GREENSHEET NO. 16-06-0177)

11:53:28 am Council Member Forbes furnished a brief overview of his request.

11:57:39 am City Manager Schwing, in response to Council Member Gibson, addressed Lee and Collier County. Public Works Director Matt Feeney furnished an update on the Lee County TAC committee meeting held relating to this. He also informed them of a meeting scheduled for June 28, 2016 with McMahon Associates.

No action taken.

- C. REQUEST STAFF TO DEVELOP A SET OF CRITERIA TO CONSIDER FUTURE PURCHASES OF LAND IN THE DRGR PURSUANT TO THE CITIZENS WATER TASK FORCE RECOMMENDATIONS. (FORBES; GREENSHEET NO. 16-06-0184)

12:06:11 PM City Council to review/revise and Staff to bring back in one month.

IX. PUBLIC COMMENT:

12:13:32 pm Barbara Craig addressed the flea/farmers market issue and referred to Council's direction that there be a non-profit sponsor. She was confused by this.

12:14:20 pm Jean Baer again addressed the request by Local Roots.

12:17:14 PM Kathy McGrath reminded everyone of the 4th of July event, and the ice-cream contest to be held at Royal Scoop.

12:20:46 pm Jane Kuckel, former member of the Lee County School Board, was in attendance to greet the new City Council. She also informed them that the Lee County School Board will be going to a 7-member Board.

12:21:33 pm Carolyn Gallagher referred to Dr. Banyan and FGCU's work on the EAR and asked if members of the LPA can be allowed to contact FGCU also.

X. CITY ATTORNEY'S REPORT:

A. INTRODUCE AVE MARIA SCHOOL OF LAW STUDENT ARIEL DANIELS. (GREENSHEET NO. 16-06-0170)

B. REVISIT THE ISSUE WHETHER CITY COUNCIL WOULD WANT TO ADOPT AN ORDINANCE REQUIRING MORE THAN AN AFFIRMATIVE VOTE OF FOUR COUNCIL MEMBERS BEFORE APPROVING A ZONING OR COMPREHENSIVE PLAN AMENDMENT. (GREENSHEET NO. 16-06-0172)

12:25:02 pm City Attorney Vance furnished an overview and examples. Discussion was held.

12:37:41 pm City Attorney Vance clarified direction, with Council Member O'Flinn suggesting she continue to work with Council Member Quaremba and to confer with outside Counsel.

C. AMEND FALSE ALARM ORDINANCE TO CONFORM TO RECENT STATE STATUTE CHANGES. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON JULY 6, 2016 FOR A FIRST READING AND JULY 20, 2016 FOR THE FINAL COUNCIL PUBLIC HEARING. (GREENSHEET NO. 16-06-0185)

12:42:39 pm Legal Intern Mary Zizzo introduced this item, and furnished a brief overview.

12:47:57 pm Council Member Slachta motioned to move forward with a first reading on Wednesday, July 6, 2016; Council Member Gibson seconded; and the motion carried unanimously.

D. PROVIDE DIRECTION TO CITY ATTORNEY ON RETAINING 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. 16-06-0188)

12:49:56 pm Council Member O'Flinn motioned to retain Attorney David A. Theriaque; Council Member Slachta seconded; and the motion carried unanimously.

ADDITIONAL ITEM:

12:52:48 pm City Attorney Vance, as an addition item, requested approval of the following Zoning Resolution:

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;
REMANDING THE REQUEST BY PELICAN LANDING GOLF RESORT VENTURES, LP,

FOR FURTHER REVIEW BY THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS, ON LAND LOCATED WITHIN THE PELICAN LANDING GOLF RESORT (A/K/A RAPTOR BAY), BONITA SPRINGS, FL 34134, ON 20 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

Council Member Forbes motioned adoption of the Zoning Resolution; Council Member O'Flinn seconded; and the motion carried unanimously. **ADOPTED ZONING RESOLUTION NO. 16-03**

As a final item, City Attorney Vance informed Council that the City Clerk has contacted the property owner on Tigress Lane to get the utility easements signed.

XI. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 16-06-0180)

Informational.

B. AUTHORIZE MAYOR SIMMONS TO SIGN THE TENTH AMENDMENT TO THE AGREEMENT BETWEEN CITY OF BONITA SPRINGS AND CH2M HILL FOR PROVISION OF COMMUNITY DEVELOPMENT SERVICES. AMENDMENT WILL ADJUST THE CURRENT BASELINE COMPENSATION BY \$39,500 FOR THE BUILDING DEPARTMENT ONLY AND REVISE THE CONTRACT YEAR 009 BASELINE COMPENSATION FOR BOTH BUILDING AND PLANNING & ZONING. (GREENSHEET NO. 16-06-0175)

[12:57:00 pm](#) Council Member Slachta motioned to approve the amendment to the agreement; Council Member Forbes seconded (approving both increases); and the motion carried unanimously.

ADDITIONAL ITEM:

[12:59:51 pm](#) Assistant City Manager Arleen Hunter was happy to report that the town clock will be unveiled at the beginning of the 4th of July parade. She afforded special thanks for this project to both Rotary Clubs, as it was purchased by a 3-way cost share between the A.M. Rotary Club, the Rotary Noon Club and the City.

XII. MAYOR AND COUNCIL MEMBER REPORTS:

[1:00:46 pm](#) Council Member Quaremba began by expressing her sorrow for Orlando. She also furnished an update on outreach efforts in here district.

[1:04:50 pm](#) Council Member DeWitt reported that he will not be able to make the 4th of July event due to a previous commitment.

[1:05:05 pm](#) Council Member Slachta reported that the Flag Day event held yesterday was a wonderful and touching event. He also sadly reported that David Grossi's father passed. He was 93 and one of the remaining WWII veterans.

[1:06:00 pm](#) Council Member O'Flinn, as liaison for the Art in Public Places Board, informed Council of work with the Board, including the 911 mural requested by the Fire District, who has indicated they will pay for. He requested Council approval on his suggestion for the Art in Public Places Board to think and make recommendations on a sculpture to place on the bridge on U.S. 41 and the Imperial River. Council consensus was for approval of his request to take to the Art Board.

1:08:51 pm City Manager Schwing addressed the July 6, 2016 City Council workshop items. Finance Director Anne Wright will be presenting revenues. The budget workshop is scheduled for on July 13, 2016. The budget will be submitted to City Council the week of July 4, 2016.

1:10:30 pm Council Member O'Flinn addressed presentations made before City Council, and requested that evening meetings entail Staff presentations only.

1:12:08 pm Council Member Forbes suggested utilizing the Tree Committee more.

1:15:21 pm Mayor Simmons stated he will be sending a letter of support to Mayor Buddy Dyer of Orlando. He also thanked Council Members Slachta and O'Flinn for the touching Flag Day ceremony.

XIII. APPROVAL OF MINUTES: 06/01/16

Council Member Slachta motioned approval of the minutes as revised by Council Member Gibson; Council Member Gibson seconded; and the motion carried unanimously.

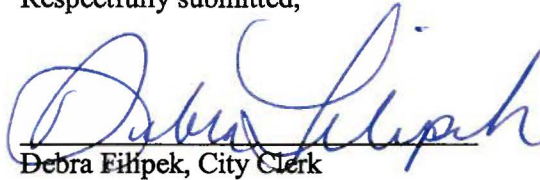
XIV. PUBLIC COMMENT

Rick Steinmeyer thanked Lee County for the landscaping work on Hickory Boulevard.

XV. ADJOURNMENT:

There being no further items to discuss the meeting adjourned at 1:22 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: JULY 7, 2016

AUTHENTICATED:


Peter Simmons, Mayor