

NOTICE OF PUBLIC MEETING  
CITY COUNCIL  
CITY OF BONITA SPRINGS  
OFFICIAL AGENDA  
OCTOBER 6, 2021  
5:30 P.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FLORIDA 34135

To submit your public comment in writing, please email the City at [CITYMEETINGS@CITYOFBONITASPRINGS.ORG](mailto:CITYMEETINGS@CITYOFBONITASPRINGS.ORG)  
Any written public comment must be received by 2:00 P.M. on October 6, 2021

---

1. Call to order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Mayor's Welcome
7. Public Comment on Agenda Items
8. 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.)
  - A. Approve the Interlocal Agreement between Lee County and the City regarding the use of the Old Bonita Springs Library. (Greensheet No. 21-10-214)
  - B. Approve the 2021-2026 Interlocal Agreement for Stray Animal Control Services between Lee County and the City of Bonita Springs. (Greensheet No. 21-10-212)
  - C. Adopt Resolution confirming the selection committee's recommended ranking and authorize staff to negotiate with the top ranked consultant, American Structurepoint, Inc. for design services for the IBE/Quinn/Downs/Dean West of Imperial Parkway Drainage Improvement Project (RFQ #21-13) (Greensheet No. 21-09-209)
  - D. Adopt a Resolution to add Change Order No. 1 to the Logan Boulevard Regional Drainage Project, Phase 1 with Singhofen & Associates, Inc. for additional alternative designs in the amount of \$26,822 bringing the total amount to \$178,985. (Greensheet No. 21-10-210)
  - E. Adopt Resolution confirming the selection committee's recommended ranking and authorize staff to negotiate with the top-ranked vendor, Stantec Consulting Services, Inc. to provide a Wayfinding Signage and Gateway Feature Master Plan. (Greensheet No. 21-10-213)
  - F. Adopt Resolution for East Terry Street/West Terry Street Landscape Maintenance Project RFB 21-17 accepting P & T Lawn & Tractor, as the lowest qualified responsible, and responsive bid, in the annual bid amount of \$118,397.00 for Option A, upon approval of all documents submitted. (Greensheet No. 21-10-215)

- G. Adopt Resolution for US 41 Landscape & Irrigation Maintenance accepting P&T Lawn & Tractor as the qualified responsible and responsive bid in the annual bid amount of \$412,266 upon approval of all bid documents submitted. (Greensheet No. 21-10-216)
- H. Approve a request from Veteran Advisory Committee to adopt a Resolution to dedicate and name the bridge located in downtown Bonita Springs on Old 41 as “Veterans Memorial Bridge” in honor of all United States Veterans. (Greensheet No. 21-10-211)

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

- 9. Proclamations and Presentations:

- A. Proclamation proclaiming October 22, 2021 as “Industry Appreciation Day” in the City of Bonita Springs.

**Short recess, if needed.**

- 10. Mayor and Council Member Items:

- A. Request City Council recommit themselves to following the adopted Rules of Procedure and Rules of Conduct. (Carr; Greensheet No. 21-10-218)

- 11. Public Hearing:

- A. Public Hearing to adopt a Resolution of the City of Bonita Springs for a request to vacate, abandon, close and discontinue the public’s interest in a portion of a 15-foot-wide public right-of-way and utility easement, depicted on the map of Hietmans Bonita Springs Townsite, block 7, according to the plat thereof as recorded in plat book 6, page(s) 24, of the public records of Lee County, Florida, and providing an effective date. (Greensheet No. 21-10-217)

**Short recess, if needed**

- 12. City Attorney’s Items

- 13. City Manager’s Items

- A. Select a City Council liaison and voting member to the Southwest Florida Regional Resiliency Compact. (Greensheet No. 21-10-219)

- 14. Mayor and Council Member Reports

- 15. Approval of Minutes: 09/14/21

- 16. Public Comment

- 17. Adjournment

---

ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT LISA ROBERSON, DIRECTOR OF FINANCIAL AND ADMINISTRATIVE SERVICES, AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING. IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS TO BE MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

**REQUESTED MOTION:** Approve the Interlocal Agreement between Lee County and the City regarding the use of the Old Bonita Springs Library.

**REQUESTOR:** Arleen M. Hunter, City Manager

**AGENDA:** Consent

**STRATEGIC PRIORITY:** No

---

**BACKGROUND:**

On August 18, 2021, City Council approved accepting the donation of the Old Bonita Springs Library from the County to the City. The facility is currently being utilized by the State in partnership with the County as a monoclonal antibody treatment center for COVID-19 patients.

Attached is a draft Interlocal Agreement between the City and the County delineating the obligations of the parties until such time that the State vacates the facility. Under the terms of the agreement, the County will transfer the property to the City, and the County will continue to have use and operation of the facility, including paying for the electricity, water, and landscape maintenance, until the monoclonal antibody treatment center closes.

**STAFF RECOMMENDATION:** Approve the Interlocal Agreement.

**ATTACHMENTS:**

1. Draft Interlocal Agreement
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director:

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

**INTERLOCAL AGREEMENT  
BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS FOR THE  
TRANSFER, OPERATION AND MAINTENANCE OF THE OLD BONITA SPRINGS  
LIBRARY PROPERTY**

This Interlocal Agreement Between Lee County and the City of Bonita Springs for the Transfer, Operation and Maintenance of the Old Bonita Springs Library Property (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between **LEE COUNTY**, a political subdivision and charter County of the State of Florida (the "COUNTY"), through its Board of County Commissioners, and the **CITY OF BONITA SPRINGS**, a municipal corporation in the State of Florida (the "CITY"), through its City Council (collectively the "Parties").

**RECITALS:**

**WHEREAS**, both the COUNTY and CITY are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, to enter into Interlocal Agreements for the sharing of certain governmental powers and obligations; and

**WHEREAS**, the COUNTY owns and maintains the property located at 26876 Pine Avenue, Bonita Springs, Florida 34135, which served as a COUNTY library until it closed in 2017 ("Property"); and

**WHEREAS**, the CITY requested the COUNTY transfer ownership of the Property from the COUNTY to the CITY; and

**WHEREAS**, the COUNTY agrees to transfer ownership of the Property to the CITY; and

**WHEREAS**, the COUNTY and the CITY find that entering into this Interlocal Agreement serves a public purpose and is to the public's benefit.

**NOW THEREFORE**, in consideration of the above recitations and the mutual covenants herein set forth, the Parties hereto mutually agree as follows:

1. The purpose and intent of this Agreement is to define the terms and conditions by which the COUNTY will transfer to the CITY the Old Bonita Springs Library property located at 26876 Pine Avenue, Bonita Springs, Florida 34135, Strap No. 26-47-25-B4-00111.0000 and more particularly described on Exhibit "A" to this Agreement.
2. The COUNTY will transfer the Property by appropriate conveyance to the CITY.
3. Upon transfer of the Property to the CITY by COUNTY deed, the COUNTY's obligations and liabilities for the Property shall be extinguished, and the CITY will assume sole responsibility for the operation, maintenance, property taxes, insurance, liabilities and all other requirements relating to the Property.
4. The Parties agree that after the COUNTY has transferred the Property by appropriate conveyance to the CITY, the COUNTY will continue to have use and operation of the Property, including paying for the electricity, water, and landscape maintenance until the monoclonal antibody treatments for COVID-19 center closes.
5. This Agreement shall be effective on the date referenced above.
6. Any amendments to this Interlocal Agreement must be in writing signed by both Parties with the same formality as that contained herein.

IN WITNESS THEREOF, the COUNTY caused this Agreement to be executed by the Chairman of the Board of County Commissioners and the CITY has caused this Agreement to be executed by the Mayor of City of Bonita Spring, Florida. Said Agreement to become effective and operative with the fixing of the last signature hereto.

ATTEST:

CITY OF BONITA SPRINGS

BY: \_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_  
Mayor Rick Steinmeyer

APPROVED AS TO FORM:

\_\_\_\_\_  
Derek Rooney, City Attorney

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

LINDA DOGGETT, CLERK  
BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Kevin Ruane, Chair

APPROVED AS TO FORM FOR  
RELIANCE OF LEE COUNTY ONLY:

\_\_\_\_\_  
Lee County Attorney's Office

**REQUESTED MOTION:** Approve the 2021-2026 Interlocal Agreement for Stray Animal Control Services between Lee County and the City of Bonita Springs.

**REQUESTOR:** Tony Backhurst, Director of Neighborhood Service; Carly Sanseverino, Staff Attorney

**AGENDA:** Consent

**STRATEGIC PRIORITY:** 4) Environmental Protection

---

**BACKGROUND:**

Attached is the 2021-2026 Interlocal Agreement for Stray Animal Control Services between Lee County and the City of Bonita Springs. The Agreement provides for the same services for a term of five years (commencing October 1, 2021, through September 30, 2026) with an annual invoice. The amount of each year's invoice is based on an allocated percentage of the County's net expenses for the most recent year in which a full year's expenses are available.

This year's annual fee of \$165,506 is included in the adopted FY 2021-2022 budget.

**STAFF RECOMMENDATION:** Approve the interlocal agreement for Stray Animal Control Services.

**ATTACHMENTS:**

1. Agreement
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director: Tony Backhurst

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_



Lee County  
*Southwest Florida*

Board of County Commissioners

Kevin Ruane  
District One

Cecil L. Pendergrass  
District Two

Ray Sandell  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wasch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

September 17, 2021

Christopher Campbell  
Code Enforcement Supervisor  
Bonita Springs Neighborhood Services  
27300 Old 41 Road  
Bonita Springs, FL 34135

RE: City of Bonita Springs Interlocal Agreement

Dear Mr. Campbell,

Enclosed please find the proposed five (5) year Interlocal Agreement between Lee County and the City of Bonita Springs for Stray Animal Control Services beginning on October 1, 2021 through September 30, 2026. Please make three (3) copies, have all three signed by the appropriate individuals, and return them to me at the address below. Once we receive approval from the Board of County Commissioners, we will supply you with an original for your records.

As identified within Section Three of the attached agreement, a new annual fee will be assessed prior to the beginning of each fiscal year. The annual fee is based upon the County's actual net expense for each upcoming full fiscal year. This fee is determined by using the County's net expenses for the corresponding fiscal year, where a full year's actual expenses are available. During this five-year agreement, the City also agrees to compensate the County for Capital Improvement Projects based upon the percentage of corresponding fiscal year total number of stray animals allocated by jurisdiction. For each corresponding year, an invoice will be developed using the criteria above and will be provided to the representative listed in Section Seven.

The charges for animal control services to the City of Bonita Springs for fiscal year 21-22 will be \$165,506.00. An invoice for fiscal year 21-22 animal control services will be provided on July 1, 2022.

Should you have any questions regarding this document, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Pablo Adorno". The signature is fluid and cursive, with the first name "Pablo" being more prominent than the last name "Adorno".

Pablo Adorno  
Director  
Lee County Domestic Animal Services  
5600 Banner Drive  
Fort Myers, FL 33912  
(239) 533-9200  
Padorno@leegov.com

Enclosure:  
Executed Interlocal Agreement



**FIVE YEAR INTERLOCAL AGREEMENT FOR STRAY ANIMAL CONTROL SERVICES**

This Interlocal Agreement for Stray Animal Control Services ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between LEE COUNTY, Florida, a political subdivision of the State of Florida ("County") and the CITY OF BONITA SPRINGS, a municipal corporation of the State of Florida ("City").

WHEREAS, pursuant to Section 163.01, Florida Statutes, the County has the authority to enter into agreements for sharing of certain governmental powers and obligations; and

WHEREAS, the City wants to contract with the County to provide stray animal control services; and

WHEREAS, the County agrees to provide stray animal control services to the City utilizing the County's Domestic Animal Services in accordance with the terms of this Agreement;

NOW, THEREFORE, in consideration of the foregoing, and of the mutual covenants and conditions set forth herein, the City and the County, both intending to be legally bound, hereby agree to the following terms and conditions:

1. Initial Term of the Agreement: The initial term of this Agreement is from October 1, 2021 through September 30, 2026.
2. Extension/Renewal: This agreement may be extended/renewed for successive one five-year period. As a condition of the County's extension/renewal, the amount of Compensation to be paid to the County may be increased or decreased. The City has the right to accept or reject such an adjustment in the amount of Compensation.
3. Compensation to County: During the five-year agreement period, a new annual fee will be assessed prior to the beginning of each fiscal year. The annual fee is based on the County's actual net expense for each upcoming full fiscal year and is determined by using the County's net expenses for the corresponding fiscal year, where a full year's actual expenses are available. During this five-year agreement, The City also agrees to compensate the County for Capital Improvement Projects based upon the percentage of corresponding fiscal year total number of stray animals allocated by jurisdiction. For each corresponding fiscal year, an invoice will be developed using the criteria above and will be provided to the representative listed in section 7.
4. Regulations Utilized: The City agrees to utilize the County's Animal Control Ordinance, section numbering and external fee manual for citations of violations.
5. Yearly Invoicing: The County will invoice the City on a yearly basis for services provided, and the City will make payment in accordance with the following:

Year	Period Covered	Invoice Date	Payment Due Date
1 <sup>st</sup>	Ending September 2022	July 1, 2022	August 15, 2022

2 <sup>nd</sup>	Ending September 2023	July 1, 2023	August 15, 2023
3 <sup>rd</sup>	Ending September 2024	July 1, 2024	August 15, 2024
4 <sup>th</sup>	Ending September 2025	July 1, 2025	August 15, 2025
5 <sup>th</sup>	Ending September 2026	July 1, 2026	August 15, 2026

Late payments shall be subject to a one percent (1%) administrative fee.

6. Termination: Either party may terminate this Agreement by providing sixty (60) days written notice to the other party of their intention to terminate this Agreement by providing such notice to the address set out below.
7. Written Notice and Correspondence: Written notice of termination, extension, amendment or other correspondence must be provided via regular mail, postage prepaid, as follows:
 

To the City: Christopher Campbell Code Enforcement Supervisor of Neighborhood Services City of Bonita Springs 27300 Old 41 Rd. Bonita Springs, FL 34135	To the County: Pablo Adorno, Director Lee County Domestic Animal Services P.O. Box 398 Fort Myers, FL 33902
---	---
8. Effective Date: This Agreement will become effective on the date written above, and any subsequent amendments thereto shall be filed with the Clerk of the Circuit Court, City Clerk and Lee County.
9. Operational Policies and Rules: Management, policy and fiscal measures will be established and maintained by the County to implement stray animal control field and shelter services to enforce animal control laws, rules and regulations as they relate to domestic dogs, cats and ferrets.
10. Certain Types of Animals Excluded: Agricultural (domestic livestock and fowl), exotics and any other wildlife are specifically excluded from the jurisdiction of the County's Domestic Animal Services and are not covered under the terms of this Agreement. Inquiries or service calls for these types of animal should be referred to other proper authorities. Also excluded from this Agreement is the transport of deceased animals from City property or private residences. The County will accept deceased domestic animals for proper disposal at Animal Services from the City authorized employees during open business hours of Monday-Saturday, 8 a.m. – 4 p.m., excluding County-approved holidays.
11. Establishment of Fees: The County has established and will maintain a schedule for both fees and fines for all services that are charged to the public. The fee schedule is approved by the Lee County Board of County Commissioners and is included in the County's External Fees and Charges Manual. These fees will be charged directly to the citizens and are payable upon receipt of the service. The County reserves the right to adjust fees and fines as necessary.
12. Applicable Rules: Certified animal control officers will be utilized to provide stray animal control services in accordance with applicable State statutes and County ordinances.
13. Hours of Operation: Hours of operation are as follows:

A. Administrative Hours: Monday through Saturday, 8 a.m. - 4 p.m.

B. Field Operations Hours:

Full Field Service (7 days a week): 8 a.m. - 8 p.m.

Limited/Emergency Field Service (7 days a week)\*: 8 p.m. - 11:30 p.m.

Impoundment of confined injured animals,  
animals associated with an arrest/detainment  
of an owner, or a death investigation: 24 hours a day

\*Limited/Emergency Field Services only as defined in Section 16 during County-approved holidays

C. After-Hours Contracted Services:

An answering service will be available for receiving requests for service after 11:30 p.m. through 8:00 a.m. the following day. The answering service will have the ability to notify an on-call animal control officer of emergency calls for service.

14. Participation in County Programs: The City agrees to participate in the County's Pet Licensing Program. Due to the pet overpopulation problem in Lee County, the restricted pet licensing program will provide low-cost spay/neuter, microchip and vaccination services for Lee County pet owners who qualify for eligibility based on receipt of public assistance programs or at the discretion of Animal Services. The program(s) should be accessible to all areas served by the County's Domestic Animal Services and should be targeted to provide the most effective results for the lowest available costs. Outside contractors, discount certificates and other programs may be included in these programs along with any program provided directly by the County's Domestic Animal Services.

Notwithstanding the above, The City of Bonita Springs may continue to operate its Trap, Neuter and Release program for feral cats, at it's own expense.

15. Record Keeping: The County will maintain books, records and documents directly pertinent to the performance under this Contract in accordance with generally accepted accounting principles and consistently applied.
16. Calls for Service: Calls for service will be assessed and prioritized at the sole discretion and judgment of the County's Animal Control Officers.

Limited/Emergency Service Calls: The following calls for service (appearing in no specific order) are classified as "limited/emergency" in nature and will take precedence over non-emergency calls for service.

- a. Rescue of stray injured domestic cats, dogs and ferrets.
- b. Rescue of domestic cats, dogs and ferrets that are inhumanely trapped or unnaturally restrained.
- c. Rescue or take custody of living domestic cats, dogs and ferrets involved in motor vehicle accidents or which impede traffic.

- d. Assistance to citizens where a bite or attack has occurred by a stray domestic cat, dog or ferret, and the animal remains at scene and is a threat to citizens or their property.
- e. Assistance where any dangerous dog has escaped and is posing an immediate threat to citizens or property.
- f. Assistance to law enforcement for emergencies including the pick-up and transport of an injured domestic cat, dog or ferret at the scene related to a law enforcement incident.
- g. Patrol areas where a threatening or menacing animal has been reported and still at large in the area.

*Non-emergency Calls:* All other calls of a non-emergency nature, and not referenced above, will be responded to as quickly as possible dependent upon available manpower and emergency calls taking precedence. Non-emergency calls may include, but are not limited to, matters such as investigation of State Statute and County ordinance violations relating to animals.

- 17. Disposition of Unclaimed Stray and Surrendered Animals: The disposition of unclaimed stray and surrendered animals will be in accordance with State Statute and County Ordinance.
- 18. Notice of Ordinance/Regulation Changes: The County will provide the City with a minimum of thirty (30) days notification of any proposed ordinance or policy changes approved by the Lee County Board of County Commissioners.
- 19. Utility Service Fees: All utilities for County facilities will be paid by the County by Lee County Domestic Animal Services operating budget. Facility utilities include cost or fees for electricity, water, sewer, solid waste disposal and telephone service.
- 20. Statistical Report: Upon request, the County shall provide a yearly statistical report on calls for service and impoundments for the most recent fiscal year period, which are the basis for the determination of fees charged. The City may request custom reports, other than the report referenced above, and the County may assess a fee to cover County staff costs to produce such custom reports.
- 21. Dispatch Services: Trained County personnel will be utilized to serve as dispatchers. The dispatch personnel will dispatch calls over the County's two-way 800 MHZ radio system and/or dispatched electronically through the Chameleon Software System during normal business hours. Animal control officers will receive text pages from the answering service to respond to after-hour calls for emergencies. The City will be granted the same access to the County's two-way 800 MHZ radio system as afforded to the other municipalities and the Lee County Sheriff. During nights, weekends and holidays, animal control officers will be operating on the Lee County Sheriff's Office radio frequency for safety monitoring. The City may access services by contacting Lee County Sheriff's Office Dispatch at (239) 477-1202 or by calling Lee County Domestic Animal Services at (239) 533-7387 (Option #2).
- 22. Rabies: The County will follow State Statute and/or Health Department rules or regulations relating to the Rabies Administration Program, including ten-day quarantine for rabies observation and/or testing of stray animals that have bitten and/or scratched a human.
- 23. Adoption, Sterilization, Microchips and Vaccinations: An adoption program will be maintained as part of the administrative and kennel functions of Domestic Animal Services.
- 24. Sterilization and Microchipping Requirements: All cats and dogs adopted shall be required to be sterilized and permanently identified through an implanted microchip at the attending veterinarian's discretion.

25. Vaccination and Licensing: Appropriate vaccinations and licensing will be required based on species, age and other relevant factors.
26. County Facility-Provided Services: The following services will be provided for all animals brought into the County's facility:
- a. Proper identification and recording of stray animals using established policies and procedures.
  - b. Health evaluation for stray animals with injury, illness, behavior or other additional conditions.
  - c. Emergency and routine medical care of stray animals.
  - d. Appropriate housing of animals in accordance with current animal welfare and sheltering standards.
  - e. All animals brought into the facility will be fed and watered in a manner diet-appropriate for their breed, species and physical condition.
  - f. Facility will be cleaned and disinfected per animal sheltering guidelines
27. Additional Program Availability: The County will provide the following services as part of this Agreement for Lee County residents:
- a. Low-Cost Spay/Neuter Programs
  - b. Adoption Services
  - c. Owner Surrender Services (based on available capacity)
  - d. Investigation of State Statute and County Ordinance violations Relating to Animals including Cruelty Investigations
  - e. Necropsy of Deceased Animals for Law Enforcement Agency Investigations when requested for forensic purposes only. This will be done in house contingent on having a forensically trained veterinarian on site if unavailable the service may be outsourced at the requesting agencies cost.
  - f. Community Pet Pantry Program
  - g. Housing and Disposition of Stray Animals
  - h. Foster Program
  - i. Return to Owner and Lost & Found Services
  - j. Pet Placement Partnership Program
  - k. Animal Care Trust Fund as funding permits.
  - l. Humane Euthanasia of Stray Sick, Injured or Aggressive Animals
  - m. Rabies Quarantine of Stray Animals that have Bitten or Scratched a Human
  - n. Disclosure of Information Related to Applicable State Statutes and Local Ordinances

Please note that these programs may be adjusted and/or eliminated as needed at the discretion of the County.

28. Limitation on the County's Liability: The County will only be liable for money damages in tort for any injuries to or losses of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the County while acting within the scope or the official's or employee's office or employment under circumstances under which a private person would be held liable in accordance with the general laws of the State of Florida, subject to the limitations as set out in Section 768.28 Florida Statutes, as it may be amended or revised from time to time.
29. Entire Agreement: This Agreement sets forth all agreements, terms, conditions and understandings between the City and the County, and there are no other agreements, customs, usages, terms, conditions

or understandings, oral or written, express or implied, other than as set forth herein. Additionally, all negotiations or acts made prior to the execution hereof are deemed to be merged, integrated and superseded by this Agreement.

- 30. Amendment of this Agreement: Notwithstanding any of the provisions contained herein, this Agreement may be amended by mutual agreement of the City and the County, and any such amendment must be in writing to be effective.
- 31. Severability: Should any provision contained within this Agreement be determined by a court of competent jurisdiction to be unenforceable, such a determination will not affect the validity or enforceability of any other section or part herein.

IN WITNESS WHEREOF, the parties hereto have caused this presence to be executed by their duly authorized officers and their official seals hereto affixed, on the day and year as written below.

ATTEST:

CITY OF BONITA SPRINGS

By: \_\_\_\_\_  
CITY CLERK

By: \_\_\_\_\_  
CITY MANAGER

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
CITY ATTORNEY

Date: \_\_\_\_\_

ATTEST:

LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO LEGAL FORM FOR  
THE RELIANCE OF LEE COUNTY ONLY:

By: \_\_\_\_\_  
Lee County Attorney's Office

**REQUESTED MOTION:** Adopt Resolution confirming the selection committee’s recommended ranking and authorize staff to negotiate with the top ranked consultant, American Structurepoint, Inc. for design services for the IBE/Quinn/Downs/Dean West of Imperial Parkway Drainage Improvement Project (RFQ #21-13).

**REQUESTOR:** Matt Feeney, Assistant City Manager and Elly Soto McKuen, Senior Project Manager

**AGENDA:** Consent

**STRATEGIC PRIORITY:** 1) Stormwater Management, 3) Strengthen/Enhance City Finances, 4) Environmental Protection, 5) Community Aesthetics

---

**BACKGROUND:** Staff issued a Request for Qualifications (RFQ# 21-13) on July 1, 2021 for design and construction plans for the IBE/Quinn/Downs/Dean West of Imperial Parkway Drainage Improvement Project. The submittal deadline was August 17, 2021. The City received five (5) proposals.

The Selection Committee (Elly McKuen and Joel Langaney with City Public Works and Tony Backhurst with Neighborhood Services) met on September 8, 2021 to select firms for presentation. The Selection Committee met on September 21 and 22, 2021 heard presentations, evaluated submittals, and recommended the following recommended ranking: 1) American Structurepoint, Inc.; 2) Kisinger, Campo & Associates, 3) Kimley-Horn, Inc.

The attached resolution confirms the ranking and authorized staff to negotiate with the top ranked consultant, American Structurepoint, Inc. In the event that an agreement cannot be reached with the top-ranked consultant, staff would proceed with the next ranked consultant.

Funding: Quinn/Downs/Dean Imperial Parkway Stormwater Improvement Project, Acct# 30.250.538-6810.

**STAFF RECOMMENDATION:** Adopt Resolution

**ATTACHMENTS:**

1. Resolution

---

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director: Matt Feeney

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

# CITY OF BONITA SPRINGS, FLORIDA

## RESOLUTION NO. 21-

RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, AUTHORIZING STAFF TO NEGOTIATE A CONTRACT FEE WITH THE TOP RANKED FIRM, AMERICAN STRUCTUREPOINT, INC DESIGN SERVICES FOR THE IBE/QUINN/DOWNS/DEAN WEST OF IMPERIAL PARKWAY DRAINAGE IMPROVEMENT PROJECT, UPON APPROVAL OF THE DOCUMENTS BY THE CITY ATTORNEY.

WHEREAS, on July 1, 2021, the City advertised for Request for Qualifications (RFQ 21-13) for the IBE/Quinn/Downs/Dean West of Imperial Parkway Drainage Improvement Project, and

WHEREAS, on August 17, 2021, the City received five (5) proposals from the following:

Consultant	Consultant
1) American Structurepoint, Inc.	2) Kisinger Campo, Inc.
3) Kimley-Horn, Inc.	4) Atkins International, Inc.
5) J.R. Evans, Inc.	

WHEREAS the Selection Committee met on September 8, 2021 to evaluate proposals for presentations. The Selection Committee recommended to hear presentations from all five (5) consultants. Presentations were heard on September 21 and 22, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. That the Selection Committee, after careful consideration, unanimously recommended American Structurepoint, Inc. as the top ranked firm to complete design services for the IBE/Quinn/Downs/Dean West of Imperial Parkway Drainage Improvement Project.

Section 2. Effective date: This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of October 2021.

AUTHENTICATION:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney's office

Vote:

Forbes

Gibson

Quaremba

Corrie

Steinmeyer

Carr

Purdon

Date filed with City Clerk: \_\_\_\_\_

**REQUESTED MOTION:** Adopt a Resolution to add Change Order No. 1 to the Logan Boulevard Regional Drainage Project, Phase 1 with Singhofen & Associates, Inc. for additional alternative designs in the amount of \$26,822 bringing the total amount to \$178,985.

**REQUESTOR:** Matt Feeney, Assistant City Manager and Elly Soto McKuen, Senior Project Manager

**AGENDA:** Consent

**STRATEGIC PRIORITY:** 1) Stormwater Management

---

**BACKGROUND:** Staff issued a Request for Qualifications (RFQ 20-04) on March 11, 2020, for design, a Hydrologic and Hydraulic Study and construction plans for the Logan Boulevard Regional Drainage Project, Phase 1. Singhofen & Associates, Inc. was selected at the top ranked firm for the project. A design services agreement was approved by the City Council during their November 18, 2021 meeting.

Change Order No. 1 will allow for two (2) new conceptual design alternatives (scenarios 13 and 14) to be created. Included in the analysis will be the design for flood stages that will be evaluated and compared to the existing conditions results. The new conceptual design alternatives will be included in the FEMA Benefit Cost Analysis (Version 6.0) to analyze the most effective and effective cost of any new improvements. This Change Order is an eligible expense of the City's current FEMA grant for the project.

**STAFF RECOMMENDATION:** Adopt Resolution

**ATTACHMENTS:**

1. BSC 20-12-178 Singhofen & Associates, Inc. Change Order #1
  2. Resolution Change Order #1
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director: Matt Feeney

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 –

RESOLUTION APPROVING CHANGE ORDER NO.1 FOR THE LOGAN BOULEVARD REGIONAL DRAINAGE PROJECT, PHASE 1 WITH SINGHOFEN & ASSOCIATES, INC. FOR DESIGN AND STORMWATER ANALYSIS IN THE AMOUNT OF \$26,822, BRINGING THE TOTAL AMOUNT FOR THE LOGAN BOULEVARD REGIONAL DRAINAGE PROJECT TO \$178,985.

WHEREAS City staff has budgeted funds for design services for the Logan Boulevard Regional Drainage Project, Phase 1.

WHEREAS Change Order No. 1 will allow for two (2) new conceptual design alternatives (scenarios 13 and 14) to be created. Included in the analysis will be the design for flood stages that will be evaluated and compared to the existing conditions results. The new conceptual design alternatives will be included in the FEMA Benefit Cost Analysis (Version 6.0) to analyze the most effective and effective cost of any new improvements.

WHEREAS Singhofen & Associates, Inc. submitted a proposal in the amount of \$26,822 for additional services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. Accept Change Order #1 from Singhofen & Associates, Inc.

Section 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of October 2021.

AUTHENTICATION:

\_\_\_\_\_  
Mayor City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Vote:

Carr \_\_\_\_\_ Purdon \_\_\_\_\_  
Corrie \_\_\_\_\_ Quaremba \_\_\_\_\_  
Forbes \_\_\_\_\_ Steinmeyer \_\_\_\_\_  
Gibson \_\_\_\_\_

Date filed with City Clerk: \_\_\_\_\_

CITY OF BONITA SPRINGS PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT  
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

Change Order Number: #1

Supplemental Task Authorization Number:

(A Change Order or Supplemental Task Authorization Requires Approval by the City Manager for Expenditures under \$50,000 or Approval by the Bonita Springs City Council for Expenditures over \$50,000).

---

MISC. CONTRACT: Logan Boulevard Regional Floodway Drainage, Phase 1 / SOLICITATION NUMBER: RFQ #20-04

PROJECT NAME: Logan Boulevard Regional Floodway Drainage Phase 1 / CONTRACT NUMBER: BSC-20-12-178

CONSULTANT: Singhofen & Associates, Inc. / ACCOUNT NUMBER: 30.250.538.6807

REQUESTED BY: Elly Soto McKuen Public Works Department / DATE OF REQUEST: September 27, 2021

---

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant is authorized to and shall proceed with the following:

EXHIBIT A: SCOPE OF PROFESSIONAL SERVICE: DATED: September 27, 2021

EXHIBIT B: COMPENSATION & METHOD OF PAYMENT: DATED: September 27, 2021

EXHIBIT C: TIME AND SCHEDULE OF PERFORMANCE: DATED: N/A

EXHIBIT D: CONSULTANT'S ASSOCIATED  
SUB-CONSULTANT(S)/SUB-CONTRACTOR(S): DATED: N/A

EXHIBIT E: PROJECT GUIDELINES AND CRITERIA: DATED: N/A

---

Consultant certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to Florida Statute §287.135, the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement. As provided in Florida Statute 287.135(8), if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

If this Agreement is for more than one million dollars, the Consultant certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

This space intentionally left blank

It is understood and agreed that the acceptance of this modification by the Consultant constitutes an accord and satisfaction. All the remaining terms in the original Agreement, remain the same.

ACCEPTED:

ATTEST:

CITY APPROVAL:



\_\_\_\_\_  
Consultant Signature

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager (Under \$50,000)

Robert B. Gaylord, PE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Approved

11723 Orpington Street, Suite 100

\_\_\_\_\_  
Address

\_\_\_\_\_  
Approved By:

\_\_\_\_\_  
Approved By:

Orlando, FL 32817

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Mayor, City Council for Bonita Springs

09/27/2021

\_\_\_\_\_  
Date Accepted

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Date Approved

Corporate Seal

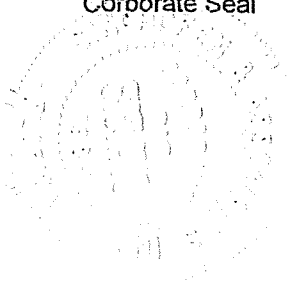


Exhibit A

Scope of Professional Services  
Logan Boulevard Regional Floodway Drainage Phase 1

Date: September 27, 2021

Change Order Number: #1

Supplemental Task Authorization Number:

Section 1 Changes to Professional Services

The Scope of Professional Services as set forth in Exhibit A of the Professional Services Agreement is hereby supplemented or changed, so that the Consultant shall provide and perform the following professional services, tasks or work as a supplement to or change to the Scope of Services previously agreed to and authorized.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or item(s) set forth in Compensation and Method of Payment.

Sub-Task 4: The development of two (2) new conceptual design alternatives (scenarios 13 and 14) at th request of the City. Design flood stages will be evaluated and compared to the existing conditions results. The FEMA BCA (toolkit 6) will be for the selected design alternative by the City.

Prior to continuing, the Consultant will coordinate an online web-based meeting with the City Project Manager and staff.

Sub-Task 5: Design alternative information will be added to the Design Summary Memorandum

Exhibit B

Compensation and Method of Payment  
Logan Boulevard Regional Floodway Drainage Phase 1

Date: September 27, 2021

Change Order Number: #1

Supplemental Task Authorization Number:

Section 1 Change(s) in Compensation

The compensation the Consultant shall be entitled to receive for providing and performing the supplemented or changed services, tasks or work as set forth and enumerated in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, attached hereto shall be as follows:

NOTE: A lump sum (LS) or not-to-exceed (NTE) amount of compensation to be paid the Consultant should be established and set forth below for each task or sub-task described and authorized in the Scope of Professional Services. Tasks to be paid on a work-in-progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
Sub-Task 4	Design Conditions Model Development and Analysis	\$24,722.00	NTE	
Sub-Task 5	Brief Technical Memorandum	\$2,100.00	NTE	
TOTAL		\$26,822.00		









EXHIBIT E

Project Guidelines and Criteria  
Logan Boulevard Regional Floodway Drainage Phase 1

Date: September 27, 2021

Change Order Number: #1

Supplemental Task Authorization Number:

As a supplement or change to the project guidelines and criteria set forth in the Professional Services Agreement, the City has established the following guidelines, criteria, goals, objectives, constraints, schedule, budget and/or requirements which shall serve as a guide to the Consultant in performing the services, tasks or work to be provided pursuant to the professional services set forth in this Change Order or Supplemental Task Authorization as follows:

(If none, enter the word "none" in the space below)

Item No. 1

None

EXHIBIT F

**Certification Regarding Debarment, Suspension,  
Ineligibility and Voluntary Exclusion**

**Vendor Covered Transactions**

- (1) The prospective vendor certifies, by submission of this Agreement, that neither it nor its principles are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the vendor is unable to certify to the above statement, the prospective vendor shall attach an explanation to this form.


**VENDOR:**

Singhofen & Associates, Inc.

\_\_\_\_\_  
Company Name

783377690

\_\_\_\_\_  
DUNS Number

  
\_\_\_\_\_  
Signature

09/27/2021

\_\_\_\_\_  
Date

Robert B. Gaylord, PE

\_\_\_\_\_  
Print Name

11723 Orpington Street, Suite 100

\_\_\_\_\_  
Street Address

Orlando

FL

32817

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

***For City of Bonita Springs use only***

To access the debarment search: <https://www.sam.gov/SAM/> > Search Records tab > Enter DUNS number > Click Search

Company:  is debarred  is not debarred

Verified by:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**REQUESTED MOTION:** Adopt Resolution confirming the selection committee’s recommended ranking and authorizing staff to negotiate with the top-ranked vendor, Stantec Consulting Services, Inc. to provide a Wayfinding Signage and Gateway Feature Master Plan.

**REQUESTOR:** Carly Sanseverino, Staff Attorney

**AGENDA:** Consent

**STRATEGIC PRIORITY:** 5) Community Aesthetics

---

**BACKGROUND:**

On August 3, 2021, the City issued RFP 21-15 seeking qualified firms to design a Wayfinding Signage and Gateway Feature Master Plan for the City. The solicitation closed on September 9, 2021, and the City received two proposals.

On September 20, 2021, the selection committee evaluated the proposals and made the following recommended ranking:

1. Stantec Consulting Services
2. Agnoli Barber & Brundage

The attached resolution confirms the ranking and authorizes staff to negotiate with the top ranked vendor, Stantec Consulting Services, Inc. In the event that an agreement cannot be reached with the top-ranked vendor, staff would proceed with the next ranked vendor.

**STAFF RECOMMENDATION:** Adopt Resolution

**ATTACHMENTS:**

1. Resolution
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director:

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21-

RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH THE TOP RANKED FIRM, STANTEC CONSULTING SERVICES INC., FOR THE PROVISION OF A WAYFINDING SIGNAGE AND GATEWAY FEATURE MASTER PLAN, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 3, 2021, the City advertised a Request for Proposals (RFP 21-15) for a Wayfinding Signage and Gateway Feature Master Plan, and

WHEREAS, on September 9, 2021, the City received two proposals for consideration, and

WHEREAS, on September 20, 2021, the Selection Committee met to evaluate the proposals and unanimously recommended the following ranking of the interested vendors:

- 1. Stantec Consulting Services, Inc.
- 2. Agnoli Barber and Brundage.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. The Selection Committee’s recommended ranking is hereby accepted and approved as written above.

Section 2. Staff is authorized to commence negotiations with the top-ranked firm, Stantec Consulting Services, Inc. In the event that the parties are unable to reach an agreement, staff may terminate negotiations and proceed with the next ranked firm.

Section 3. Effective date: This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of October, 2021.

AUTHENTICATION:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney’s office

Vote:

- |        |            |
|--------|------------|
| Carr   | Purdon     |
| Corrie | Quaremba   |
| Forbes | Steinmeyer |
| Gibson |            |

Date filed with City Clerk: \_\_\_\_\_

**REQUESTED MOTION:** Adopt Resolution for East Terry St/West Terry St Landscape Maintenance Project RFB 21-17 accepting P & T Lawn & Tractor, as the lowest qualified responsible, and responsive bid, in the annual bid amount of \$118,397.00 for Option A, upon approval of all documents submitted.

**REQUESTOR:** Matt Feeney, Assistant City Manager

**AGENDA:** Consent

**STRATEGIC PRIORITY:** #5 Community Aesthetics

---

**BACKGROUND:**

August 18, 2021 – Staff advertised for sealed bids for East Terry St/West Terry St Landscape Maintenance Project.

September 16, 2021 – City received two (2) sealed bids.

P & T Lawn & Tractor \$118,397.00	Superior Landscaping \$149,875.13
-----------------------------------	-----------------------------------

**STAFF RECOMMENDATION:** Staff recommends accepting the qualified responsible & responsive bid from P & T Lawn & Tractor in the annual bid amount of \$118,397.00 for Option A.

**ATTACHMENTS:**

1. Resolution
2. Bid Comparison

---

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director: Matt Feeney

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 –

ADOPT RESOLUTION ACCEPTING P & T LAWN & TRACTOR SERVICE, INCORPORATED AS THE LOWEST RESPONSIVE, RESPONSIBLE BID FOR THE EAST TERRY STREET/WEST TERRY STREET LANDSCAPE MAINTENANCE PROJECT RFB 21-17 IN THE ANNUAL BID AMOUNT OF \$118,397.00 FOR OPTION A UPON APPROVAL OF ALL DOCUMENTS.

WHEREAS, City staff received two (2) sealed bids for East Terry Street/West Terry Street Landscape Maintenance Project RFB 21-17:

P & T Lawn & Tractor Service, Inc.	Superior Landscaping
\$118,397.00	\$149,875.00

WHEREAS, the lowest responsive and responsible submittal was from P & T Lawn & Tractor Service in the Annual Bid Amount of \$118,397.00 for Option A;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. To enter into an agreement with the lowest responsive and responsible bidder, P & T Lawn & Tractor Service, Inc;

Section 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of October 2021.

AUTHENTICATION:

\_\_\_\_\_  
Mayor City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Vote:

Carr _____	Purdon _____
Corrie _____	Quaremba _____
Forbes _____	Steinmeyer _____
Gibson _____	

Date filed with City Clerk: \_\_\_\_\_

CITY OF BONITA SPRINGS - EAST TERRY/WEST TERRY LANDSCAPE MAINTENANCE PROJECT  
RFB 21-17

BID TABULATION SHEET  
Prepared by City of Bonita Springs

FIRM NAME/ADDRESS	FIRM NAME/ADDRESS
P & T Lawn & Tractor	Superior Landscaping

ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
<b>ROW &amp; Median Maintenance/Green &amp; Orange/12 Months</b>							
1	Weekly Litter & Debris Pickup & Removal	EA	52	\$211.00	\$10,972.00	\$73.71	\$3,832.92
2	Weeding & Weed Control	EA	52	\$411.00	\$21,372.00	\$170.95	\$8,889.40
3	Edging (Right-of-Way) Green	EA	21	\$75.00	\$1,575.00	\$337.57	\$7,088.97
4	Edging (Medians) Green	EA	21	\$75.00	\$1,575.00	\$397.15	\$8,340.15
5	Edging (Medians) Orange	EA	52	\$86.00	\$4,472.00	\$79.99	\$4,159.48
6	Soft Edging (Right-of-Way) Green	EA	2	\$0.00	\$0.00	\$191.29	\$382.58
7	String Trimming (Right-of-Way) Green	EA	21	\$100.00	\$2,100.00	\$200.00	\$4,200.00
8	String Trimming (Medians) Green	EA	21	\$100.00	\$2,100.00	\$200.00	\$4,200.00
9	String Trimming (Medians) Orange	EA	52	\$111.00	\$5,772.00	\$87.99	\$3,535.48
10	Mowing (Right-of-Way) Green	EA	21	\$200.00	\$4,200.00	\$1,048.80	\$22,020.60
11	Mowing (Medians) Green	EA	21	\$200.00	\$4,200.00	\$445.98	\$9,365.58
12	Mowing (Medians) Orange	EA	52	\$311.00	\$18,172.00	\$385.30	\$20,035.60
13	Soil Testing, Fertilizer, Fertilization Application	EA	3	\$1,000.00	\$3,000.00	\$3,850.01	\$10,950.03
14	Structural Pruning (Hardwood Trees)	EA	1	\$1,500.00	\$1,500.00	\$816.85	\$816.85
15	Pruning (Shrubs/Groundcovers)	LS	12	\$100.00	\$1,200.00	\$890.07	\$8,280.84
16	Pruning Palm Trees	EA	1	\$8,515.00	\$8,515.00	\$1,833.29	\$1,833.29
17	Disease & Insect Control	LS	12	\$25.00	\$300.00	\$238.59	\$2,863.08
18	Weekly Irrigation System Monitoring / Inspection/Testing/Repair	EA	52	\$361.00	\$18,772.00	\$349.89	\$18,194.28
19	Mulch and Mulching (Pine Bark)	CY	180		\$12,600.00	\$61.59	\$11,086.20
20	Hydroseeding (Minimum SY 2,800)	SY		\$200.00		\$2,800.00	
21	Overseeding (Minimum SY 2,800)	SY		\$150.00		\$2,800.00	
22	Misc. Landscape Work (4 Man Crew - 3hr min)	HRLY		\$540.00		\$480.00	
	Ø (1) Landscape Truck w/dump bed						
	Ø (1) 8'x16' enclosed trailer						
	Ø (2) 54"- 61" ZTR Mulching Mower						
	Ø (2) String Trimmer						
	Ø (2) Blower						
	(2) Hedge Trimmer						
23	Misc. Irrigation Work (2 Man Crew - 3hr min)	HRLY		\$270.00		\$390.00	
	Irrigation Van						
<b>TOTAL OPTION A</b>					<b>\$118,387.00</b>		<b>\$149,875.13</b>
<b>ROW &amp; Median Maintenance/Blue/12 Months</b>							
24	Weekly Litter & Debris Pickup & Removal	EA	52	\$640.00	\$33,280.00	\$73.71	\$3,832.92
25	Weeding & Weed Control	EA	52	\$320.00	\$16,640.00	\$85.48	\$4,444.96
26	Edging (Right-of-Way) Blue	EA	21	\$640.00	\$13,440.00	\$90.00	\$1,890.00
27	String Trimming (Right-of-Way) Blue	EA	21	\$640.00	\$13,440.00	\$90.00	\$1,890.00
28	Mowing (Right-of-Way) Blue	EA	21	\$640.00	\$13,440.00	\$353.28	\$7,418.88
29	Soil Testing, Fertilizer, Fertilization Application	EA	3	\$3,240.00	\$9,720.00	\$1,883.86	\$5,651.58
30	Structural Pruning (Hardwood Trees)	EA	1	\$300.00	\$300.00	\$653.32	\$653.32
31	Pruning (Shrubs/Groundcovers)	LS	12	\$1,440.00	\$17,280.00	\$552.06	\$8,624.72
32	Pruning Palm Trees	EA	1	\$0.00	\$0.00	\$653.32	\$653.32
33	Disease & Insect Control	LS	12	\$540.00	\$6,480.00	\$103.07	\$1,236.84
34	Weekly Irrigation System Monitoring / Inspection/Testing/Repair	EA	52	\$260.00	\$13,520.00	\$186.72	\$9,709.44
35	Mulch and Mulching (Pine Bark)	CY	90	\$213.34	\$19,200.60	\$62.72	\$5,644.80
<b>TOTAL OPTION B</b>					<b>\$158,740.60</b>		<b>\$49,650.78</b>

**TOTAL OPTION A & B**

**\$276,297.60**

**\$199,525.91**



**REQUESTED MOTION:** Adopt Resolution for US 41 Landscape & Irrigation Maintenance accepting P & T Lawn & Tractor as the qualified responsible & responsive bid in the annual bid amount of \$412,266 upon approval of all bid documents submitted.

**REQUESTOR:** Matt Feeney, Assistant City Manager

**AGENDA:** Consent

**STRATEGIC PRIORITY:** #5 Community Aesthetics

---

**BACKGROUND:** August 4, 2021 – Staff advertised for sealed bids for US 41 Landscape & Irrigation Maintenance Project.

September 2, 2021 – City received two (2) sealed bids.

P & T Lawn & Tractor \$412,266.00	Superior Landscaping \$484,201.00
-----------------------------------	-----------------------------------

**STAFF RECOMMENDATION:** Staff recommends accepting the qualified responsible & responsive bid from P & T Lawn & Tractor in the annual bid amount of \$412,266.

**ATTACHMENTS:**

1. Resolution
  2. Bid Comparison
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director: Matt Feeney

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 –

ADOPT RESOLUTION ACCEPTING P & T LAWN & TRACTOR SERVICE, INCORPORATED AS THE LOWEST RESPONSIVE, RESPONSIBLE BID FOR THE US 41 LANDSCAPE & IRRIGATION MAINTENANCE RFB 21-12 IN THE ANNUAL BID AMOUNT OF \$412,266 UPON APPROVAL OF ALL DOCUMENTS.

WHEREAS, City staff received two (2) sealed bids for US 41 Landscape & Irrigation Maintenance Project RFB 21-12

P & T Lawn & Tractor Service, Inc.	Superior Landscaping
\$412,266.00	\$484,201.00

WHEREAS, the lowest responsive and responsible submittal was from P & T Lawn & Tractor Service in the Annual Bid Amount of \$412,266;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. To enter into an agreement with the lowest responsive and responsible bidder, P & T Lawn & Tractor Service, Inc.;

Section 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of October 2021.

AUTHENTICATION:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Vote:

Carr _____	Purdon _____
Corie _____	Quaremba _____
Forbes _____	Steinmeyer _____
Gibson _____	

Date filed with City Clerk: \_\_\_\_\_



**REQUESTED MOTION:** Approve a request from Veteran’s Advisory Committee to adopt a Resolution to dedicate and name the bridge located in downtown Bonita Springs on Old 41 as “Veterans Memorial Bridge”, in honor of all United States Veterans.

**REQUESTOR:** Amy Quaremba, Councilmember District 1

**AGENDA:** Consent

**STRATEGIC PRIORITY:** #5 Community Aesthetics

---

**BACKGROUND:**

At the September 2021 Veteran’s Advisory Committee meeting, the Committee held a discussion regarding the dedication of one of the city’s bridges. The committee would like to dedicate the bridge located in downtown Bonita Springs on Old 41 Road as the “Veterans Memorial Bridge” with 2 road signs, placed at the north and south end of the bridge and 2 metal plaques affixed to the north and south end of the bridge for pedestrians.

If the City approves the process of procuring and installing the road signs, this can be completed before the November 11<sup>th</sup> Veterans Day event downtown, with the metal plaques to be completed and installed at a future date. Funds are available in the Bonita Springs Veteran’s Fund line-item number 00.883.2810000. This fund was established as a contribution fund to assist with Veteran Activities.

**STAFF RECOMMENDATION:** Adopt Resolution and direct Staff to procure and install road signs.

**ATTACHMENTS:**

1. Resolution
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director: Lora Taylor

Council Action: Approved \_\_ Denied \_\_ Deferred \_\_ Other \_\_\_\_\_

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 -

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; IN SUPPORT OF THE DEDICATION AND NAMING OF THE BRIDGE LOCATED IN DOWNTOWN BONITA SPRINGS ON OLD 41 ROAD AS "VETERAN'S MEMORIAL BRIDGE" IN HONOR OF ALL VETERANS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Veterans took risks, sacrificed all, and fought for our freedoms; and

WHEREAS, We pay tribute to all those who have proudly worn our nation's uniform; and

WHEREAS, Naming of the downtown bridge would support continuing to honor our Veteran's and recognize the importance of their services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Florida:

1. The members of the Veteran's Advisory Committee would respectfully request that City Council support the naming of the bridge located on Old 41 in Downtown Bonita Springs to honor all veterans; and

2. The Members of the Veteran's Advisory Committee would suggest the name of "Veteran's Memorial Bridge."

3. Effective date. This Resolution shall become effective immediately upon its adoption by City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of October, 2021.

AUTHENTICATION:

---

Mayor

---

City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Vote:

Quaremba  
Purdon  
Carr  
Corrie

Gibson  
Forbes  
Steinmeyer

Date filed with City Clerk: \_\_\_\_\_

**REQUESTED MOTION:** Request City Council recommit themselves to following the adopted Rules of Procedures and Rules of Conduct.

**REQUESTOR:** Councilwoman Laura Carr, District 3

**AGENDA:** Mayor and Councilmember Items

**STRATEGIC PRIORITY:** No

---

**BACKGROUND:**

Council meetings and deliberations have recently devolved in personal attacks on other Councilmembers and interruption of one another's opportunity to engage in civil debate. These actions are violations of our Rules of Conduct and Rules of Procedures and have resulted in a breakdown in effective communication and ability of the Council to conduct business. Therefore, I request each Council person re-read The Bonita Springs Codes of Conduct and Procedure, previously signed by each member, as well as revisit basic rules of parliamentary procedure.

Breaches of decorum and personal attacks have no place in our Council meetings and I respectfully request that the Council remember that we are all working for the benefit of the residents of Bonita and have more in common than in opposition.

**ATTACHMENTS:**

1. Adopted Rules of Procedure
  2. Adopted Rules of Conduct
  3. ABC's of Parliamentary Procedure
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek

Council Action: Approved \_\_\_ Denied \_\_\_ Deferred \_\_\_ Other \_\_\_\_\_

CITY OF BONITA SPRINGS, FLORIDA  
RESOLUTION NO. 13-51

**A RESOLUTION OF THE CITY OF BONITA SPRINGS,  
FLORIDA; AMENDING THE ADMINISTRATIVE CODE FOR  
RULES OF PROCEDURE FOR THE BONITA SPRINGS CITY  
COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Bonita Springs City Council, as the duly elected governing body for the City of Bonita Springs holds regular scheduled public meetings to discuss, review and act upon items of concern which affect the residents of the City; and

**WHEREAS**, Section 25 of the City Charter establishes that the Bonita Springs City Council shall determine its own rules and order of business; and

**WHEREAS**, the City has adopted an Administrative code for rules to establish a method of conduct to govern all meetings of the Bonita Springs City Council; and


**WHEREAS**, City Council desires to amend its Administrative Code as a result of Florida Statutes §286.0114 going into effect on October 1, 2013.

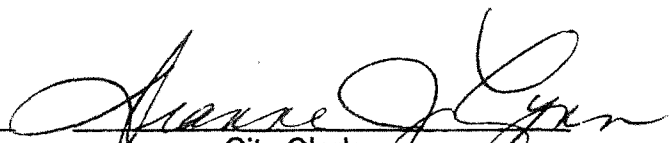
**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Bonita Springs, Lee County, Florida:

1. The City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by "Exhibit A", as amended, is applicable to all meetings by the Bonita Springs City Council.
2. This Resolution shall take effect immediately upon adoption.

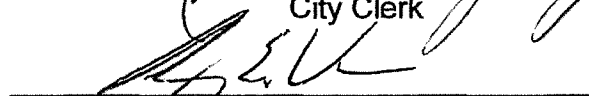
DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this 18<sup>th</sup> day of September, 2013.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date Filed With City Clerk: 9-19-13

**EXHIBIT "A"**

**ADMINISTRATIVE CODE  
RULES OF PROCEDURE FOR COUNCIL MEETINGS  
CITY OF BONITA SPRINGS**

**CODE NUMBER:** AC-1-2

**TITLE:** Rules of Procedure for City Council Meetings

**ADOPTED:** November 5, 2003 / Amended September 7, 2005; April 2, 2008; September 2, 2009; September 18, 2013

**ORIGINATING DEPARTMENT:** City Attorney

**PURPOSE/SCOPE:** Setting forth the Rules of Procedure for City Council.

**RULES OF PROCEDURE**

The following Rules of Procedure shall govern all meetings of the City Council, namely:

**RULE 1.01 – GOVERNING RULE**

Except as may be provided by these rules of law, questions of order, the methods or organization and the conduct of business of the Council shall be governed by Robert's Rules of Order in all cases to which they are applicable.

Rules basically are:

- Courtesy to all
- Justice to all
- The rule of the majority
- The rights of the minority
- Partiality to none

**RULE 1.02 – REGULAR MEETINGS**

The City Council will hold regular meetings on the first Wednesday of each month at 5:30 p.m. and the third Wednesday of each month at 9:00 a.m.; however, City Council may by vote, subject to the City Charter minimum meeting requirements, cancel a regular meeting and reschedule the meeting at a time fixed by the majority.

Every regular meeting will have a scheduled time frame for public discussion on pending items scheduled for that meeting. When the day fixed for any such regular meeting falls on a day designated by law or policy as a legal, national or religious holiday, such meeting may be held on the next succeeding day not a holiday or such meeting may be canceled, at the discretion of the City Council. Regular meetings may be otherwise postponed or canceled by a motion adopted at a regular meeting by a majority of the City Council members present. Notice of the postponement or cancellation of any regular meeting shall be posted at City Hall, and on the City's website and the government access channel (Bonita TV12). All regular meetings shall be held at a place as approved by resolution or motion by a majority of City Council members present, unless determined by the City Clerk that the meeting location must be moved due to scheduling conflicts or space needs, and shall be open to the public and all news media. [Amended April 2, 2008]

**RULE 1.03 – SPECIAL MEETINGS: EMERGENCY MEETINGS:**

A. A special meeting of the City Council may be called by the Mayor or by consent of the majority of the members of the City Council. Whenever a special meeting is called, the Manager will give notice to the Clerk. The City Clerk will give notice (verbal or written) to each member of the City Council stating the date, hour and place of the meeting and the purpose for which such meeting is called. At least twelve (12) hours must elapse between the time the Clerk sends notice in writing and the time the meeting is to be held, except, if a determination to hold a special meeting is reflected upon the record of any City Council meeting, no additional notice is necessary.

B. An emergency meeting of the City Council may be called by the Mayor or by consent of the majority of the members of the City Council whenever an emergency exists, which requires immediate action by the City Council. Whenever such emergency meeting is called, the Manager shall notify the Clerk and serve either verbal or written notice upon each member of the City Council, stating the date, hour and place of the meeting and the purpose for which it is called. Sufficient time shall elapse between the time the Clerk receives notice to properly notify the news media.

C. If after reasonable diligence, it was impossible to give notice to each Council Member, such failure shall not affect the legality of the meeting if a quorum were in attendance. Unless otherwise prohibited by law, all special or emergency meetings shall be open to the public and shall be held at a place as approved by resolution or motion by a majority of City Council members present, unless determined by the City Clerk that the meeting location must be moved due to scheduling conflicts or space needs. The Clerk shall keep minutes.

D. Notice of any special or emergency meeting of the City Council may be waived by not less than a majority of the entire membership of the Council. No

special or emergency meeting shall be held unless notice hereof shall be given in compliance with the provisions of this section or notice thereof is waived by a majority of the entire membership of the City Council. Notice in compliance with the "Sunshine Law" must be given and in no event may be waived.

#### **RULE 1.04 – AGENDAS**

There shall be an official agenda for every regular meeting of the City Council, which shall determine the order of business conducted at the meeting. The official Agenda shall consist in general, of the public discussions on scheduled Consent, City Attorney and City Manager items, scheduled Public Hearings, the Public Presentation of Matters by Citizens and others, as scheduled, Appeals, and any other item as directed by the Council. The Agenda is to be posted at City Hall, and on the City's website and the government access channel (Bonita TV12). The City Council shall not take action upon any matter, proposal, or item of business which is not listed in the official Agenda except as otherwise provided for in Rule 1.07 (c), unless the majority of the entire Council shall have first consented to the presentation thereof for consideration and action, except for emergency or other matters presented during the Public Presentation of Matters by Citizens. *[Amended April 2, 2008]*

All requests to be included on the scheduled Agendas, including the agenda scheduling document ("green sheet") and applicable back-up, should be submitted to the City Clerk no later than 5:00 P.M. on the Wednesday prior to the Council meeting at which the item will be considered. *[Amended September 2, 2009]*

The City Clerk, or designee, shall have the responsibility for delivering the Agenda kits to the City Council at City Hall no later than 12:00 P.M. on the Friday preceding the meeting date. *[Amended September 2, 2009]*

Notwithstanding any prior practice, tradition or informal City Council policy, Council members may not request or obtain, through any means, an automatic continuance of any agenda item or public hearing. All requests for continuance of an agenda item, specifically including matters previously advertised for a public hearing, require Council approval to become effective. As a result, no person is entitled to rely, for any reason, upon any assurances made by City Staff or a Council member that an agenda item or public hearing will not be continued.

#### **RULE 1.05 – MAYOR PRESIDING OFFICER DUTIES**

The Mayor shall preside at all meetings at which he is present. In the absence of the Mayor, the Deputy Mayor shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the City Council. The presiding officer may vote on all questions. The Clerk shall certify all ordinances and resolutions adopted by the City Council.

## **RULE 1.06 – AUTHORITY OF THE MAYOR**

- A. May call a member to order if his or her remarks are not relevant to the subject under discussion or are otherwise inappropriate.
- B. Is obligated to vote on each motion in which he or she has no personal interest. No abstentions.
- C. May discuss a motion as any other City Council member without relinquishing the Chair.
- D. May call for a reading of the motion after discussion, but before voting.
- E. In the event of a tie vote, shall rule the motion failed.
- F. Shall recognize City Council members in the order of their request to speak, except the maker of the motion may be the first speaker.
- G. May call a recess for a definite period if no objection is raised. If there is objection, he or she is obliged to call for a motion, which must be seconded to determine the result by a majority vote of the entire Council. This is not debatable, but is amendable as to time.
- H. May refer the subject to the next regular meeting, if no objection is raised. If there is objection he or she is obligated to call for a motion, which must be seconded to determine the result by a majority vote. This is debatable and amendable.
- I. If no motion is pending, may ask, "Is there any further business?" Hearing no response, the Mayor may then state, "Since there is no further business, the meeting is adjourned." If there is objection, he or she is obliged to call for a motion, which must be seconded to determine the result by a majority vote. This is neither debatable nor amendable.

## **RULE 1.07 – AUTHORITY OF THE CITY COUNCIL**

- A. Must vote on every motion in which he or she has no personal interest. No abstentions except when permitted by law.
- B. May, only after recognition by the Mayor, introduce motions, discuss subject and vote.
- C. May discuss any subject informally during the "Mayor and Council members items and reports", but unless a majority of City Council finds good cause, City Council should refrain from voting on any items brought up during

this informal discussion. Remaining items from informal discussion should be scheduled for the next meeting.

D. May appeal a decision of the Mayor without a second. This is debatable if the question was debatable, is not amendable and is decided by a majority vote.

E. May move to recess, stating a definite time. This takes a second and is decided by a majority vote of the entire Council. It is not debatable, but the time is amendable.

F. May move to refer the subject to the next regular meeting. This is seconded, decided by a majority vote of the entire Council, is debatable and amendable.

G. If no motion is pending, may move to adjourn. Upon the incompleteness of the Agenda, an adjourned meeting may be "moved" by specifying time and date before or on the date of the next regular meeting. These motions are seconded and decided by a majority vote. They are not debatable, but are amendable as to time.

H. All City Council members including the Mayor, may second motions.

#### **RULE 1.08 – PARLIAMENTARIAN**

The City Attorney or designee in the City Attorney's absence, shall act as Parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

#### **RULE 1.09 – CITY ATTORNEY**

The City Attorney or designee shall attend all meetings and be available to the City Council at all meetings. The City Attorney shall act in a manner consistent with the Bonita Springs Charter.

#### **RULE 1.10 – CITY MANAGER**

The City Manager or designee shall attend all meetings of the City Council. The City Manager shall participate in all discussions at the meeting, but shall not vote. The City Manager shall act in a manner consistent with the Bonita Springs Charter. The City Manager or designee shall behave in the same manner and decorum as City Council members.

#### **RULE 1.11 – CALL TO ORDER**

The Mayor shall take the chair at the hour appointed for the meeting, and shall call the City Council to order. In the absence of the Mayor and the Deputy Mayor, the Clerk shall determine whether a quorum is present and in that event shall call for the election of a pro tem Mayor.

Upon the arrival of the Mayor or the Deputy Mayor, the Mayor pro tem shall relinquish the chair upon the conclusion of the business immediately before the City Council.

#### **RULE 1.12 – QUORUM**

A majority of the whole number of members of the City Council shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the City Council without the affirmative vote of at least four (4) members present. Pursuant to AGO's 2002-82 and 2003-41, a City Council member may participate and vote on matters by electronic means, including by telephone (or through the Internet) amplified through the meeting room and able to be heard by the Recording Secretary, when there is a finding by City Council of extraordinary circumstances and if they are unable to attend a public meeting so long as a quorum of the members of the board is physically present at the meeting site.

Should no quorum attend within thirty minutes after the hour appointed for the meeting of the City Council:

1. For land use matters, the City Attorney will announce that the hearing is canceled for lack of a quorum and the hearing shall be rescheduled and readvertised following the procedures set forth in Florida Statutes §166.041 and Chapter 163, Florida Statutes;
2. For all other matters, the Clerk or designee may reschedule the meeting until the next day, unless by unanimous agreement of those members present select another hour or day. The Clerk shall record the names of the members present.
3. The room will be posted in the event a meeting is cancelled with the new date and time of the meeting.

#### **RULE 1.13 – ORDER OF BUSINESS**

All meetings of the City Council shall be open to the public. Promptly at the hour set for each meeting, the members of the City Council, the City Attorney, the City Manager, and the Clerk shall take their regular stations in the designated location and the business of the City Council shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

#### **RULE 1.14 – RULES OF DEBATE**

**A. QUESTION UNDER CONSIDERATION**

When a motion is presented and seconded, it will then be under discussion of City Council. The motion is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided.

**B. GETTING THE FLOOR, IMPROPER REFERENCES TO BE AVOIDED**

Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall confine himself or herself to the question under debate; avoiding all comments of a personal or indecorous nature.

**C. INTERRUPTION**

A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order or as herein otherwise provided. If a member while speaking is called to order, he or she shall cease speaking until the presiding officer determines the question of order, and if in order, he may be permitted to proceed. Any member may appeal to the City Council from the decision of the Mayor upon a question or order, when without debate, the Mayor shall submit to the Council the question, "Shall the decision of the chair be sustained?" and the Council shall decide by a majority vote.

**D. PRIVILEGE OF CLOSING DEBATE**

The Mayor shall have the privilege of closing the debate, after ample time for discussion.

**E. VOTING**

Upon any roll call required or by voice vote, there shall be no discussion by any member voting and he shall vote aye or nay or abstain. Any member, upon voting, may give a brief statement to explain his vote. A member shall have the privilege of filing with the Clerk a written explanation of his vote. A member of the City Council may abstain from voting on any matter in accordance with state law.

**F. RECONSIDERATION**

Action of the City Council may be reconsidered at a future meeting within a reasonable time frame by the City Council sitting in the same capacity or a like capacity when the principal action was taken, only upon motion by a

member who voted on the prevailing side of the question and with the concurrence of a majority of those present on the date that the reconsideration was requested; provided, however, that a motion for reconsideration may not be entertained at a subsequent meeting in the event of an affirmative vote, whose provisions have been partly carried out; an affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome; any vote which has caused something to be done that it is impossible to undo; an affirmative vote upon which reliance was had and either monies expended or a change of position was made; or when practically the same result as desired can be obtained by some other parliamentary motion. Adoption of a motion to reconsider shall rescind the action reconsidered.

A motion to reconsider, whenever made, shall not be considered unless at least the same number of members are present as participated in the vote under consideration or upon affirmative vote of the majority of the City Council.

#### **H. VOTE CHANGE**

Any City Council member may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first.

#### **RULE 1.15 – READING MINUTES**

Unless a reading of the minutes of a meeting is requested by a majority of the Council, such minutes, when approved by the City Council and signed by the Mayor and the Clerk, shall be considered approved without reading; provided, that the Clerk deliver a copy thereof to each member of the City Council and to the City Attorney at least two full working days preceding the meeting. The minutes of prior meetings may be approved by a majority of the members present, and upon such approval, shall become the official minutes.

The sound recordings and audiotapes of a meeting are public records pursuant to §119.011(1), Florida Statutes. The City Clerk will retain custody of any such recordings made by City staff and may dispose of them only in accordance with the State of Florida's policy for retention of disposal of records. However, the approved written minutes will be the official minutes of any action taken by City Council.

#### **RULE 1.16 – METHOD OF VOTING**

Upon every required roll call vote, the names of the City Council shall be called by districts, except that the Districts seats shall be rotated after each roll call vote, so that the Council members who voted first on a preceding roll call

shall vote last upon the next subsequent matter; provided, the Clerk shall call the roll, tabulate the votes, and announce the results.

## **RULE 1.17 – ADDRESSING THE CITY COUNCIL**

### **A. AGENDA ITEMS**

1. All proceedings and the order of business at all meetings of the City Council shall be conducted in accordance with the official Agenda.
2. Any departure from the order of business set forth in the official Agenda shall be made only upon a concurrence of the members of the City Council present at the meeting.
3. Public Comment:
  - a. Except when limited pursuant to Florida Statutes §286.0114(3), Citizens are entitled members of the public have the reasonable opportunity to be heard at Regular Meetings on the Agenda during (a) public comment on agenda, (b) public comment held after Mayor and Council Member Items and Reports, and (c) public comment prior to adjournment.
  - b. The speaker may discuss any matter within the scope of the jurisdiction of the City Council, i.e., agenda items during the first time allotment and any city subject during the second and third public comment period.
  - c. Speakers wishing to address the City Council during the times set aside for public comment shall fill out a speaker form and will keep the presentation to four (4) minutes or less. One form per meeting is sufficient for the Recording Secretary to have the information for taking minutes of the meeting. The form will be used to inform City Council of a desire to be heard; to indicate an individual's support, opposition, or neutrality on a proposition; and to indicate an individual's designation of a representative to speak on their behalf on a proposition if he or she so chooses.
4. Public Hearings: In addition to public comment, speakers are entitled to speak on matters scheduled on the official Agenda under the section entitled "Public Hearings," except for first readings of ordinances where no public comment is permitted.
5. Presentations: The purpose of a presentation is to provide City Council with information necessary to formulate City Council policy and conduct business. Generally, the presentation portion of the Agenda is to schedule presentations by other governmental agencies or from professional consultants working on city projects.

A primary reason for having the presentations early in the Agenda is to reduce the time for consultants and employees from other agencies to be delayed while City Council is discussing regular city business. When a presentation is requested by a person or group, other than other governmental agencies or from professional consultants working on city projects, one member of City Council (or the City Manager) must act as sponsor to that presenter, notifying the City Manager or City Clerk that they are granting permission for that presenter to be placed on that portion of the Agenda (with the Agenda specifying which Councilmember is the sponsor with an explanation from the Sponsor why the presentation is necessary for Bonita Springs public health, safety and welfare). Presentations to City Council are to be no longer than ten (10) minutes, unless additional time is requested by the presenter and granted additional time by the Mayor. The City Manager shall notify presenters of the time limitations so that they may schedule their presentation efficiently. Unless circumstances do not permit the additional two week time delay, whenever feasible, presentations should be placed on the morning meeting agenda.

6. Appeals and Bid Protests: Appeals and bid protests shall be placed on the City Council's Agenda only when the applicable ordinance permits such appeals or bid protest. Since time limits for appeals or bid processes may differ because of differences of process or due to the complexity, the City Attorney will provide a memorandum as to whom may speak on the record for that item (public other than the participants may address City Council during the Public Comment period), time allocations, and other procedural matters to assist City Council in conducting the appeal or bid protest.

[Amended September 7, 2005; September 2, 2009 and September 18, 2013]

**B. NON-AGENDA MATTERS**

No citizen, shall be permitted to address the City Council on any matter not appearing on the official Agenda, unless it is presented under, the section entitled "Public Comment Matters by Citizens Not on the Agenda" (item XIII), or unless the City Council shall first grant permission to be heard by a majority vote of the entire City Council; provided, however, that such permission may not be granted in the case of appeals where the privilege of addressing the City Council is controlled by ordinance or other administrative codes.

**C. PUBLIC DISCUSSION ON AGENDA ITEMS**

No citizen shall be entitled, as a matter or right, to address the City Council on any item listed on the official Agenda which is not scheduled for public hearing, discussion or debate, unless same is addressed during the public comment on the Agenda item schedule or the "Public Presentation of Matters by Citizens" time as scheduled.

Citizens shall not be permitted to speak on any matters listed on the official Agenda other than those appearing under the sections entitled "Public Hearings", "Public Presentation of Matters by Citizens", and the public discussion time for items specifically appearing on that meeting's Agenda, unless City Council shall first grant permission to be heard by a majority vote of the Council members present at the meeting; provided, however, that such permission may not be granted where the privilege of addressing City Council is controlled by ordinance or other administrative codes.

#### **RULE 1.18 – ADDRESSING CITY COUNCIL MANNER, TIME**

Each member of the public addressing the City Council shall complete the form explained in Rule 1.17 (A)(3)(c) and submit to the Recording Secretary at the beginning of the meeting (but no later than commencing speaking), step up to the podium, shall give his or her name and address in an audible tone of voice for the City Clerk, and shall limit his or her remarks to four (4) minutes, unless granted additional time by the Mayor. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor or the presiding officer. All questions shall be directed to the Mayor or the presiding officer. [Amended September 18, 2013]

d

#### **RULE 1.19 – DECORUM**

ORDER MUST BE PRESERVED. – No person shall by speech or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any person having the floor. No person shall refuse to obey the orders of the Mayor or the Council. Any person making irrelevant, impertinent or slanderous remarks or who becomes boisterous while addressing the Council shall not be considered orderly or decorous. Demonstrations such as clapping, booing, jeering, gesturing or cheering discourage other speakers thereby impeding the meeting process and will not be allowed. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Mayor and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall not be allowed to

continue speaking unless permission to continue or again address the City Council is granted by the majority vote of the Council members present.

Upon failure of the Mayor to maintain decorum, a call for "Point of Order" by a Council Member shall require business proceedings to cease until decorum is restored.

**RULE 1.20 – PERSONS AUTHORIZED BEYOND THE PODIUM**

No person, except City officers or their representatives shall be permitted beyond the podium in front of the City Council, and no person shall be permitted to disturb any Councilman while on the floor during any meeting without the express permission of the City Council.

Any handouts or materials to City Council shall be submitted to the City Clerk who will distribute the handouts or materials to the City Council, and applicable staff, retaining a copy for the record. Any handouts or materials will be retained by the City Clerk and incorporated into the meeting minutes, as a public record.

**RULE 1.21- BAILIFF**

The City Manager or Mayor will determine whether a bailiff is necessary to ensure the public health, safety and morals to be present at any meeting.

**CITY OF BONITA SPRINGS, FLORIDA  
RESOLUTION NO. 10-057**

**A RESOLUTION OF THE CITY OF BONITA SPRINGS,  
FLORIDA; CREATING THE ADMINISTRATIVE CODE FOR  
RULES OF CONDUCT FOR THE BONITA SPRINGS CITY  
COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Bonita Springs City Council, as the duly elected governing body for the City of Bonita Springs; and

**WHEREAS**, the City Charter establishes that the Bonita Springs City Council shall determine its own rules and order of business, with section 22 specifying that City Council may set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office.

**WHEREAS**, City Council desires to create an Administrative Code to establish a Code of Conduct for its elected officials.

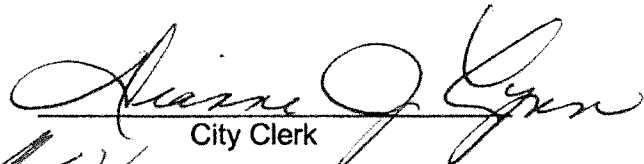
**NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:**

1. The City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by "Exhibit A", as amended, is applicable to Bonita Springs City Council.
2. This Resolution shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Florida this 15<sup>th</sup> day of September, 2010.

**AUTHENTICATION:**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
City Attorney

**Vote:**

Nelson	Aye	Spear	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date Filed With City Clerk: 9-16-10

## CITY OF BONITA SPRINGS CODE OF CONDUCT FOR ELECTED OFFICIALS

### The Three Rs of Bonita Springs Government Leadership: Roles, Responsibilities and Respect

The City Charter provides information on the roles and responsibilities of Councilmembers, the Deputy Mayor and the Mayor. The Florida Code of Ethics for Public Officers and Employees provides guidance on ethical issues to ensure that City Council conducts themselves independently and impartially, not using their office for private gain. There is also an Administrative Code for conducting meetings, but until now, what has not been clearly written down is a Code of Conduct for Bonita Springs City Councilmembers.

The Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others with whom they come into contact with while representing the City of Bonita Springs. It reflects the work of the City Council with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The City Council also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The contents of this Code of Conduct includes:	Page
A. Overview of Roles and Responsibilities	2
B. Policies and Protocol Related to Conduct	4
C. Council Conduct with One Another	5
D. Council Conduct with City Staff	6
E. Council Conduct with the Public	8
F. Council Conduct with Other Public Agencies	9
G. Council Conduct with Advisory Boards	10
H. Council Conduct with the Media	11
I. Sanctions	12

The constant and consistent themes through all of the conduct guidelines are dignity and respect. Councilmembers experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

### **A. Overview of Roles and Responsibilities**

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Bonita Springs City Charter, Ordinances and Administrative Code and in the Handbook for Municipal Elected Officials, published by the Florida League of Cities.

#### **MAYOR (City Charter §18)**

- Elected "at-large" for a four-year term
- Recognized as head of the City Government for all ceremonial purposes
- Preside over meetings of the City Council
- Has same speaking and voting rights as any other member
- Shall in no case have the power to veto
- Executes and authenticates legal instruments requiring signature
- Leads the Council into an effective, cohesive working team

#### **DEPUTY MAYOR (City Charter §18 And 21)**

- Elected by the City Council at the first meeting following a new election.
- Performs the duties of the Mayor if the Mayor is absent, unable to fulfill duties, ceases to be qualified or is removed from office.
- Relinquishes City Council seat when serving as Mayor, assuming the duties of Mayor, unless more than 180 days from next election (then a Special Election).

#### **ALL COUNCILMEMBERS (City Charter §12)**

All members of the City Council, including the Mayor and Deputy Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Councilmembers should:

- Fully participate in City Council meetings and other duly advertised public meetings while demonstrating dignity, respect, kindness, consideration, and courtesy to all.
- Prepare in advance of meetings and be familiar with issues on the agenda. Address clarifications prior to meeting with applicable staff.
- Be respectful of other people's time. Stay focused and act efficiently during Council meetings or other City related meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Bonita Spring's government.
- Provide contact information with the City Clerk in case of an emergency or an urgent situation arises while the Councilmember is otherwise not available.
- Demonstrate honesty and integrity in every action and statement.

- Follow Federal, State and Municipal Laws guiding public officials, including, but not limited to, Honest Services Act, State Ethics, Sunshine and Public Records Law, Administrative Code for City Council meetings, Communications Policy, etc.

## **B. Policies and Protocol Related to Conduct**

**1. Ceremonial Events** – City Charter §18 designates the Mayor to serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if the event organizers would like another representative from the Council.

**2. Correspondence Signatures** - Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings (exception: zoning ex parte contact). City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the appropriate City staff.

**3. Endorsements of Candidates** - Councilmembers have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.

**4. Intergovernmental Relations** – Generally, City Charter §18 designates the Mayor to represent the City in intergovernmental relationships (the exception are designated liaisons). The Council values intergovernmental relations with neighboring communities and other entities. As a result, Councilmembers should make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

**5. Legislative Process** - The City generally follows Roberts Rule of Order for meeting management. See the Administrative Code for City Council meetings.

**6. Public Meeting Hearing Protocol** - The Mayor will open the public meetings, following the Rules of Procedure for City Council meetings. The Mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. Councilmembers should withhold comment during the public hearing portion of the meeting until the conclusion of the public's portion of the hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

**7. Travel Expenses** (City Charter §19, Bonita Springs Ordinance No. 00-12) - May receive reimbursement of actual expenses while performing their official duties. Councilmembers who travel on official City Business either in-state or out-of-state. Such travel shall include attendance at conferences, seminars, and training sessions on behalf of the City. The City shall pay reasonable expenses for registration fees, lodging, meals, transportation, and allowable miscellaneous expenses for the Councilmember only. (City Council are responsible for spouse or others travelling with the Council member). All travel expenses will be handled in the same manner and consistent with the provisions of state law and ordinances.

### **C. Council Conduct with One Another**

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve, protect and enhance the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

#### **IN PUBLIC MEETINGS –**

**1. Practice civility, professionalism and decorum in discussions and debate** - Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Councilmembers should conduct themselves in a professional manner at all times, including physical appearance.

**2. Honor the role of the Mayor in maintaining order** - It is the responsibility of the Mayor to keep the comments of all persons, including but not limited to, the Councilmembers on track during public meetings. Councilmembers should honor efforts by the Mayor to focus discussions on current agenda items. If there is disagreement about the agenda or the Mayor's actions in refraining staff, public or Councilmembers from speaking, those objections should be voiced politely and with reason.

**3. Avoid personal comments that could offend other Councilmembers** - If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Mayor will maintain order of this discussion.

**4. Demonstrate effective problem-solving approaches -**

Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

**5. Be punctual and keep comments relative to topics discussed -**

Councilmembers have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Councilmembers be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues. If a Councilmember has an item requested to be on the agenda, it is important they set the example by providing timely written materials.

**IN PRIVATE ENCOUNTERS**

**1. Continue respectful behavior in private -** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

**2. Be aware of the insecurity of written notes, voice and text messages, and e-mail -** Technology allows words written or said without much forethought to be distributed wide and far. The Public Records Law mandates that any material made or received by an agency in connection with official business be used to perpetuate, communicate or formalize knowledge is a public record, and unless exempt, must be turned over to someone requesting to see that material. Before you create a document, ask yourself: Would you feel comfortable to have this note faxed or PDF'd to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, voicemail messages and email related to City business are public communication subject to disclosure.

**3. Even private conversations can have a public presence -** Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

**D. Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff members, who implement and administer the Council

policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

**1. Treat all staff as professionals** - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

**2. Limit contact to specific City staff** - Questions of City staff and/or requests for additional background information should be directed to the City Manager, City Attorney, or Department Heads. The City Manager should be copied on or informed of any request.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Manager for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

**3. Do not disrupt City staff from their jobs** – Staff wants to be accessible for City Council, but Councilmembers should avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.

**4. Never publicly criticize an individual employee** - Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager.

**5. Do not get involved in administrative functions** - Councilmembers must not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. The City Charter, Section 20 also contains information about the prohibition of Council interference in administrative functions.

**6. Check with City staff on correspondence before taking action** - Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

**7. Do not attend staff meetings (with or without public) unless requested by staff or City Council** - Even if the Councilmember does not say anything, the Councilmembers presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

**8. Limit requests for staff support** - Even in high priority or emergency situations, requests for additional staff support should be made to the City

Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government and following City Council direction.

**9. Do not solicit political support from staff** - Councilmembers should not solicit any type of political support (financial contributions, display of poster or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### **E. Council Conduct with the Public**

#### **1. IN PUBLIC MEETINGS**

Making the public feel welcome is an important part of the democratic process. No signs of partiality prejudice or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

**a. Be welcoming to speakers and treat them with care and gentleness** - Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

**b. Be fair and equitable in allocating public hearing time to individual speakers** - The Mayor, in accordance with the Administrative Code for City Council meetings, will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated four minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public comment unless the Council requests additional clarification. After the close of any public comment portion, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

**c. Give the appearance of active listening** - It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, gazing around the room or getting up from your seat gives the appearance of disinterest. Be aware of facial expressions and body language (e.g., head and

arm movements), especially those that could be interpreted as “smirking”, disbelief, anger or boredom.

**d. Ask for clarification, but avoid debate and argument with the public -** Only the Mayor – not individual Councilmembers – can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing. If speakers become flustered or defensive, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

**e. No personal attacks of any kind, under any circumstance!**

**f. Follow parliamentary procedure in conducting public meetings -** The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.

## **2. IN UNOFFICIAL SETTINGS**

**a. Make no promise on behalf of the Council -** Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

**b. Make no personal comments about other Councilmembers -** It is acceptable to disagree publicly about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.

**c. Remember that despite its impressive size, Bonita Springs is a small community at heart –** Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Bonita Springs. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

## **F. Council Conduct with Other Public Agencies**

**a. Be clear about representing the City or personal interests** - If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state:

- (i) if his or her statement reflects personal opinion or is the official stance of the City;
- (ii) whether this is the majority or minority opinion of the Council. Even if the Council member is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.
- (iii) If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
- (iv) If the Council member is representing another organization whose position is different from the City, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

**b. Correspondence also should be equally clear about representation** - City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Clerk to be filed as part of the permanent public record. To avoid confusion regarding City Council's position, it is best that City letterhead not be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from an official Council position.

### **G. Council Conduct with Advisory Boards**

The City has established several advisory boards as a means of gathering more community input. Citizens who serve on advisory boards become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

**a. If attending an advisory boards meeting, and you are not the liaison, be careful to only express personal opinions** - Councilmembers may attend any advisory board meeting, which are always open to any member of the public. However, if the advisory board is conducting a public hearing, the Council member shall refrain from attending. Councilmembers should be sensitive to the way their participation could be viewed as unfairly affecting the process. Any

public comments by a Council member at an advisory board meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Also be cognizant of the Sunshine Law, precluding discussion (outside of meeting advertised for City Council) by two or more members of City Council on any item that may take action upon. A council member's presence may affect the conduct of the advisory boards and limit their role and function.

**b. Limit contact with advisory boards members** - It is inappropriate, and at times illegal, for a Council member to contact an advisory board member to lobby on behalf of an individual, business, or developer. Councilmembers should contact staff in order to clarify a position taken by the advisory boards.

**c. Remember that advisory boards serve City Council, not individual Councilmembers** - City Council appoints individuals to serve on Advisory boards, and it is the responsibility of advisory boards to follow policy established by the Council. But advisory board members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten advisory board members with removal if they disagree about an issue. Appointment and re-appointment to an advisory boards should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. An advisory board's appointment should not be used as a political "reward".

**d. Be respectful of diverse opinions** - A primary role of advisory boards is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful of any citizens serving on advisory boards.

**e. Keep election issues away from public forums and advisory board meetings** – Section 14 of the City Charter calls for nonpartisan elections. While Councilmembers are free to participate in politics when not conducting official business, they should refrain from campaigning for office or providing political support or non-support for those who are running for any elected office (national, state or local) while conducting official duties or when attending advisory meetings.

**f. Inappropriate behavior can lead to removal** - Inappropriate behavior by an advisory board member should be brought to the attention of City Council, and with the assistance of the City Attorney in preparing the greensheet, the individual may be subject to removal from the advisory board or if the advisory board is not operating in accordance with City Council's direction, dissolution of the advisory board.

## **H. Council Conduct with the Media**

Councilmembers may be contacted by the media for background and quotes.

a. **The best advice for dealing with the media is to avoid going “off the record”** - Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

b. **Choose words carefully and cautiously** - Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

### **I. Sanctions**

**Councilmembers Behavior and Conduct (City Charter §22)** - City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of this Code of Conduct could lead to other sanctions as deemed appropriate by Council, including forfeiture of office. It is the responsibility of City Council to initiate action if a Council member's behavior may warrant sanction due to a breach of these written standards of conduct. Any action taken on the alleged violation(s) must be brought up with the City Council in a public meeting.

If the violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the complaining party should bring to the attention to City Council, with City Council voting whether the City Manager, the City Attorney and/or outside investigator should investigate the allegation and report the findings to City Council. If necessary, City Council can under §23 of the City Charter subpoena witnesses, administer oaths and require the production of evidence, in order to make their decisions in accordance with §22 of the City Charter.

**Upon adoption of this Code of Conduct, following election to office and once a year thereafter, each elected officer will confirm that they have received a copy of this Code of Conduct for their review and use.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**REQUESTED MOTION:** PUBLIC HEARING TO ADOPT A RESOLUTION OF THE CITY OF BONITA SPRINGS FOR A REQUEST TO VACATE, ABANDON, CLOSE AND DISCONTINUE THE PUBLIC'S INTEREST IN A PORTION OF A 15-FOOT-WIDE PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT, DEPICTED ON THE MAP OF HIETMANS BONITA SPRINGS TOWNSITE, BLOCK 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE(S) 24, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

**REQUESTOR:** Jay Sweet, PSM, AICP, Community Development Principal Planner and City Surveyor and Mary Zizzo, Esq., Planner II

**AGENDA:** Public Hearing

**STRATEGIC PRIORITY:** No

---

**BACKGROUND:**

Petition VAC21-83043-BOS was requested by John Manger of Superior Autohaus, LLC. The Petitioner is the owner of the parcels to the east and west of this portion of the ROW and utility easement, 10441 Packinghouse Lane and 27790/796 Old 41. Their application proposes to combine the parcels and convert this area into a paver lounge for the existing restaurant in the eastern parcel and the upcoming brewery on the western parcel. A preliminary site plan was provided as part of this application, which was not reviewed for LDC compliance as part of this process.

All required entities were notified of the project. City of Bonita Springs Public Works Department objects to the vacation. The letters of Objection and No Objection are included for your review.

**STAFF RECOMMENDATION:** Deny the vacation as requested.

**ATTACHMENTS:**

1. Draft Resolution
2. Petition for Vacation
3. Legal Description and Sketch of Proposed Vacation
4. Advertisement for Vacation
5. Proof of Taxes Paid
6. Letters from Utility Companies
7. Preliminary Site Plan

---

**REVIEWERS:**

City Attorney: Derek Rooney  
City Manager: Arleen Hunter  
City Clerk: Debbie Filipek  
Department Director: John Dulmer

CITY OF BONITA SPRINGS

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY OF BONITA SPRINGS VACATING, ABAONDONING, CLOSING AND DISCONTINUING ITS INTEREST IN A PORTION OF A 15-FOOT-WIDE PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT, DEPICTED ON THE MAP OF HEITMANS BONITA SPRINGS TOWNSITE, BLOCK 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE(S) 24, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the owner of the adjacent properties has requested the City vacate that portion of the dedicated right-of-way and utility easement described herein; and

**WHEREAS**, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit "A".

**WHEREAS**, Superior Autohaus, LLC, is the fee simple owner of the properties abutting the area sought to be vacated; and

**WHEREAS**, the City Council finds vacation of the said easement as described herein, will not affect the ownership or right of convenient access of persons owning other properties in the area; and

**WHEREAS**, the City Council has found that the easement and any associated right-of-way which is the subject of this petition no longer serves a public purpose and is a proper subject for vacation pursuant to Chapters 177 and 336, Florida Statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bonita Springs, Lee County, Florida:

**SECTION ONE.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION TWO.** The City Council of the City of Bonita Springs hereby vacates, abandons, discontinues and closes the 15-foot-wide right-of-way and utility easement described in the title above and as described and depicted in Exhibit "B" attached hereto and incorporated herein by reference.

**SECTION THREE.** This Resolution shall be effective upon adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Lee County, Florida, this 6th day of October 2021.

AUTHENTICATION:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM: \_\_\_\_\_

City Attorney

Vote:

Carr

Corrie

Purdon

Quaremba

Forbes

Steinmeyer

Gibson

Date filed with City Clerk: \_\_\_\_\_



July 21, 2021

City of Bonita Springs Community Development  
Attn: John Dulmer, Director of Community Development  
9220 Bonita Beach Rd., #111  
Bonita Springs, FL 34135

**Re: Packinghouse Lane Redevelopment – 15' Alley ROW  
Application for Vacation**

The purpose of this Application to Vacation is to vacate a 15' Alley Right-of-Way between two parcels owned by the same property owner. The two properties adjacent to this alley are located at 27790/796 Old 41 Road and 10441 Packinghouse Lane, both in Bonita Springs, Florida. Our client's intention is to convert the existing alley into an outdoor paver lounge area with landscaping and seating to be used by patrons of the existing restaurant and upcoming brewery. Both of these properties are owned by the same entity and will be combined in the near future.

It is understood that a letter of objection was obtained from the City of Bonita Springs Public Works department regarding vacating this alley. Based on coordination with Mr. Matt Feeney, it is standard for the City's public works department to not recommend vacating current ROW for most projects. RDA Consulting Engineers and the property owner have been in communication with members of the City of Bonita Springs Council regarding this application. There have been discussions regarding the benefits of vacating this ROW in order to allow the property owner to develop the property into the pedestrian friendly property that is envisioned. It is requested that this application for vacation be brought in front of the City of Bonita Springs Council to vote on this vacation.

Enclosed are the following items necessary to submit the City of Bonita Springs Application for Vacation for the above referenced project:

1. Cover Letter – 3 Copies
2. Application for Vacation – 3 Copies
3. Exhibit A – Legal Description of Alley – 3 Copies
4. Exhibit B – 15' Alley Legal Sketch and Description – 3 Copies
5. Warranty Deed – 3 Copies
6. Certified Mail Receipts – 3 Copies
7. Bonita Springs Utilities Letter of No Objection – 3 Copies
8. Bonita Springs Fire Letter of No Objection – 3 Copies
9. Bonita Springs Public Works Department Letter of Objection – 3 Copies
10. Location Map – 3 Copies

Please review the enclosed information for your approval. If you have any questions or need additional information, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronny De Aza".

Ronny De Aza, P.E.  
President



# APPLICATION FOR VACATION

**TYPE OF VACATION:**

- Of Right-of-Way, or of Plat with Right-of-Way (attach Petition Ch. 336)
- Of Plat with no Right-of-Way (attach Petition Ch. 177)
- Of Drainage Easement (attach Petition Ch. 177)
- Of Utility Easement (attach Petition Ch. 177)

NOTE: If more than one type of Vacation is requested at the same time, the charge would be the greater fee. Recording Fee to be paid at time of recording.

Project Name: Packinghouse Lane Redevelopment - Alley Vacation

Owner/Applicant: Superior Autohaus, LLC (John Manger, President)

Contact Person (if other than Owner/Applicant): Ronny De Aza, P.E.

Contact Mailing Address: 800 Harbour Drive, Suite 210

City: Naples State: FL Zip Code: 34103

Phone: (239) 649-1551 Fax: (239) 649-7112

STRAP Numbers (attach additional sheet if necessary):

3	5	-	4	7	-	2	5	-	B	4	-	0	0	2	0	7	.	0	0	1	0
3	5	-	4	7	-	2	5	-	B	4	-	0	0	2	0	7	.	0	0	5	0
		-			-			-			-						.				
		-			-			-			-						.				

\*\*\*\*\*

**STAFF USE ONLY**

Case Number: \_\_\_\_\_ Council District: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Fee Amount: \_\_\_\_\_

Land Use Classification: \_\_\_\_\_ Intake by: \_\_\_\_\_

\*\*\*\*\*

CITY OF BONITA SPRINGS  
COMMUNITY DEVELOPMENT  
9220 BONITA BEACH ROAD SUITE 109  
BONITA SPRINGS, FLORIDA 34135  
PHONE (239) 444-6150



### PETITION TO VACATE (FS Ch. 336)

Case Number: \_\_\_\_\_

Petitioner(s), John Manger, on behalf of Superior Autohaus, LLC requests the City Council of the City of Bonita Springs, Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) Mailing Address: 27880 Industrial St, Bonita Springs, FL 34135

2. In accordance with Florida Statute (F.S.) Chapter 336, Petitioner desires to vacate the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".

3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".

4. Petitioner did provide notice to all affected property owners concerning the intent of this Petition.

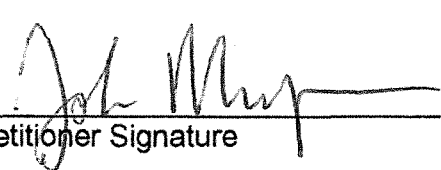
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

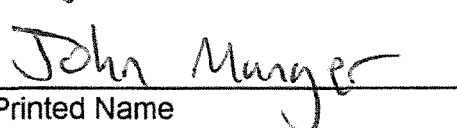
Wherefore, Petitioner respectfully requests that the City Council adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Petitioner Signature

  
\_\_\_\_\_  
Printed Name



**Prepared By:**

Premier Land Title, LLC

Attn: Cindy Hall

3350 Woods Edge Circle Suite #103

Bonita Springs, FL 34134

**Return To:**

Order No.: BS1248C

Property Appraiser's Parcel I.D. (folio) Number:

35-47-25-B4-00207.0010 and 35-47-25-B4-00207.0050

**CORRECTIVE WARRANTY DEED**

THIS WARRANTY DEED dated ~~June~~ <sup>5<sup>th</sup> AUGUST</sup> 13, 2020, by SCOTT M. LANEY, Individually and as Successor Trustee of the FRANK R. QUINN, JR. TRUST U/A/D 4/17/89, whose post office address is 2991 Edenvale Road, Johns Island, South Carolina 29455 (the "Grantor"), to SUPERIOR AUTOHAUS, LLC, a Florida limited liability company, whose post office address is 27880 Industrial Street, Bonita Springs, Florida, 34135 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of LEE, State of Florida, viz:

**PARCEL 1:**

Lots 1 through 4, Block 7, HEITMAN'S BONITA SPRINGS TOWNSITE, according to the Plat thereof, recorded in Plat Book 6, at Page 24, less Right-of-way in Deed Book 257, page 156, both of the Public Records of Lee County, Florida.

**PARCEL 2:**

Lots 5, 6, 7 and 8, Block 7, HEITMAN'S BONITA SPRINGS TOWNSITE, according to the Plat thereof, recorded in Plat Book 6, at page 24, of the public records of Lee County, Florida.

This property does not represent the homestead of grantor, whose homestead is located in South Carolina

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 12/31/2019.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

FRANK R. QUINN, JR. TRUST U/A/D 4/17/89  
BY: Scott M. Laney TTEE  
SCOTT M. LANEY, Individually and as  
Successor Trustee

Megan K. Laney  
Witness Signature

Megan K. Laney  
Printed Name of First Witness

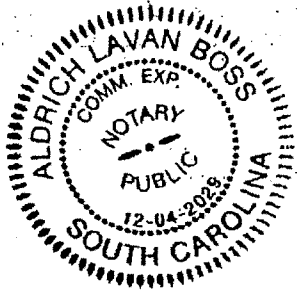
Aldrich Lavan Boss  
Witness Signature

Aldrich Lavan Boss  
Printed Name of Second Witness

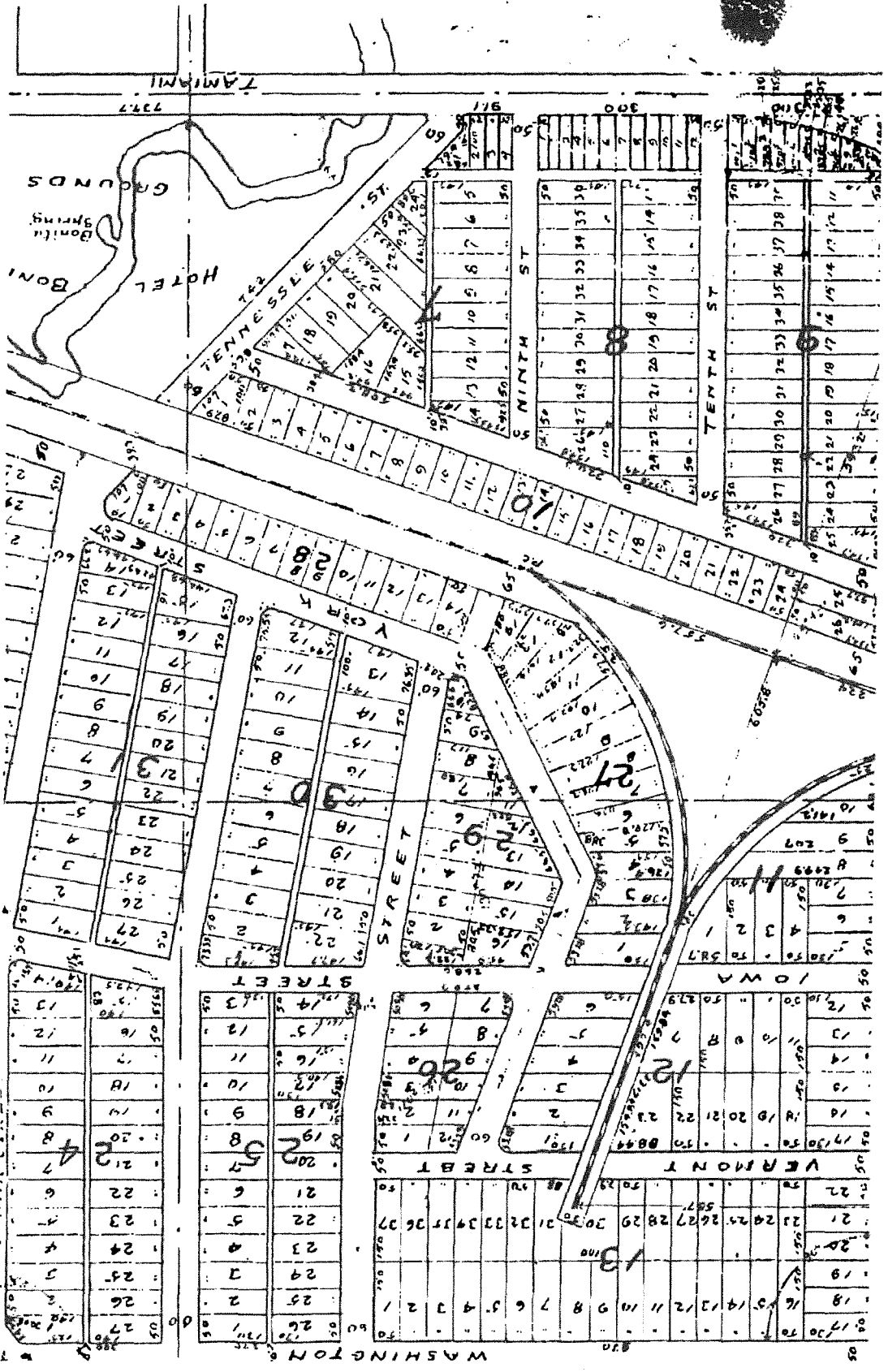
Grantor Address:  
2991 Edenvale Road  
Johns Island, SC 29455

State of South Carolina  
County of Charleston

The foregoing instrument was acknowledged before me by means of August  physical presence or  online notarization, this 13 day of June, 2020, by SCOTT M. LANEY, Individually and as Successor Trustee of the FRANK R. QUINN, JR. TRUST u/a/d 4/17/89, who is personally known to me or who produced South Carolina driver's license as identification.



Aldrich Lavan Boss  
Notary Public  
Printed Notary Name: Aldrich Lavan Boss  
My Commission Expires: 12/04/2029



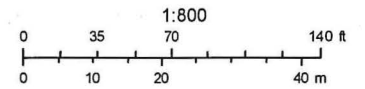
# GeoView Map



August 24, 2021

Air Photos: 2021 Hi-Res (4 inch)

- |               |                        |    |                         |
|---------------|------------------------|----|-------------------------|
| FIRM Panels   | <b>Flood Zones</b>     | A  | Countywide Zoning Jan 1 |
| FIRM Floodway | X                      | AE | Historic Districts      |
| Zone A BFEs   | 0.2% ANNUAL CHANCE (X) | VE | Hospital Locations      |



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

**EXHIBIT A – LEGAL DESCRIPTION OF ALLEY AND ADDRESSES ADJACENT TO ROW**

LEGAL DESCRIPTION OF ALLEY TO BE VACATED:

A PORTION OF A 15 FOOT ALLEY TO BE VACATED, THE SOUTH 143.16 FEET OF SAID 15 FOOT ALLEY, RUNNING NORTH AND SOUTH, LYING BETWEEN TENNESSEE STREET & PACKINGHOUSE LANE AND BEING ADJACENT TO LOTS 1 TO 5 OF BLOCK 7, HEITMAN'S BONITA SPRINGS TOWNSITE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE(S) 24, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ADDRESSES OF TWO (2) ADJACENT PROPERTIES:

#1: 27790/796 OLD 41 RD, BONITA SPRINGS, FL 34135

#2: 10441 PACKINGHOUSE LANE, BONITA SPRINGS, FL 34135



**BENCHMARK  
LAND SERVICES, INC.**

1807 J. & C. Boulevard  
Naples, Florida 34109  
L.B. # 7502  
Tel. 239-591-0778  
Fax. 239-591-1195  
www.benchmarklandservices.com

**SKETCH OF LEGAL DESCRIPTION** SURVEY #22637

Property Address:  
10441 Packinghouse Lane  
Bonita Springs, Fl. 34135

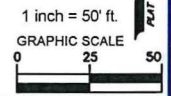
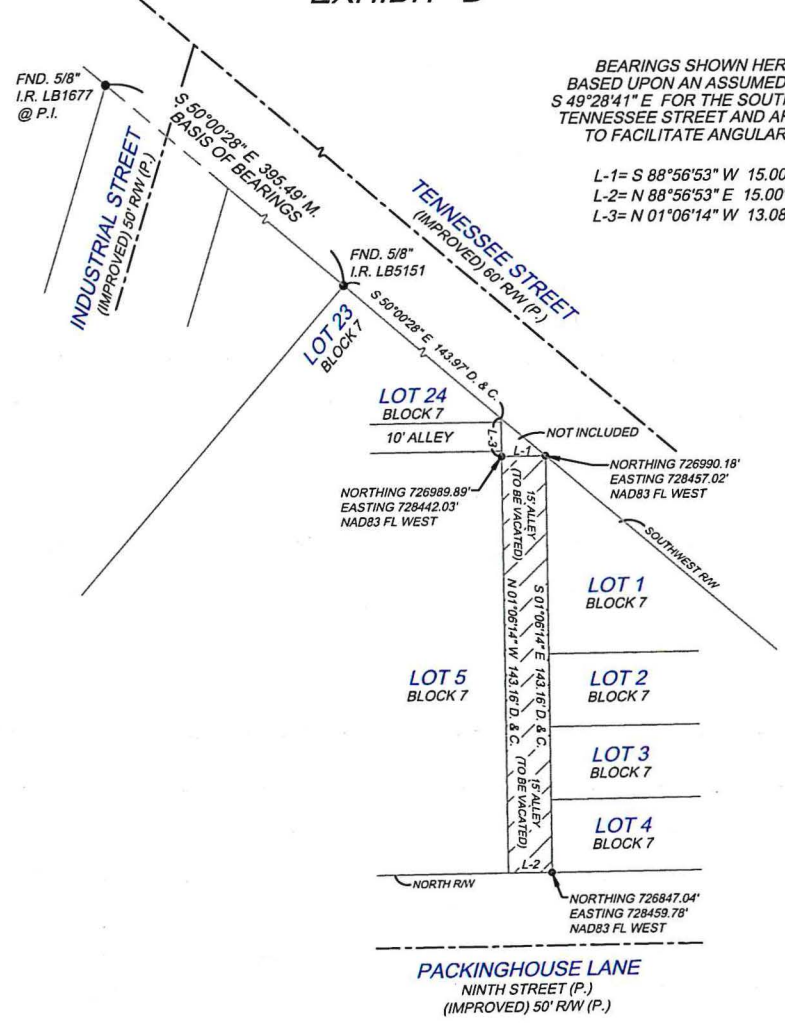
Certified To:  
Richard DuBois

Legal Description:  
A portion of a 15 foot alley to be vacated, The South 143.16 feet of said 15 foot alley, running North and South, lying between Tennessee Street & Packinghouse Lane and being adjacent to Lots 1 to 5 of Block 7, HEITMAN'S BONITA SPRINGS TOWNSITE, according to the plat thereof as recorded in Plat Book 6, Page (s) 24, of the Public Records of Lee County, Florida.

<u>DATE OF SURVEY</u>	<u>DRAWN BY</u>
06/11/2021	E.S.
<u>COMPLETION DATE:</u>	<u>CHECKED BY</u>
07/19/2021	K.S.

Flood Zone Information:  
Community Number: 120680  
Panel: 0659 Suffix: F Effective Date: 08/28/2008  
Flood Zone: X

**EXHIBIT "B"**



- LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON PLAT.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES, OWNERSHIP, OR RIGHTS-OF-WAY.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS NOT LOCATED. WALL TIES ARE TO FACE OF WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
- THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
- ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
- PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
- WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (2)(b)(4) OF THE FLORIDA ADMINISTRATIVE CODE.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION OR PLANNING.
- ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

**POINTS OF INTEREST:**

I hereby certify that A Survey of the hereon described property was made under my direction and meets the Standards of Practice as per Chapter 5J-17.053, F.A.C. & pursuant to section 472.027, Florida Statutes.



**KENNETH SARRIO**  
Professional Surveyor and Mapper  
PSM No. 6348 State of Florida

<b>B.R.</b> BEARING REFERENCE <b>C.</b> CALCULATED <b>CATV</b> CABLE TV RISER <b>C.U.E.</b> COUNTY UTILITY ESMT. <b>D.E.</b> DRAINAGE EASEMENT <b>D.H.</b> DRILL HOLE <b>D.</b> DEEDED <b>ELEC.</b> ELECTRIC BOX <b>E.O.W.</b> EDGE OF WATER <b>F.F.</b> FINISHED FLOOR <b>FND.</b> FOUND <b>I.D.</b> IDENTIFICATION <b>I.R.</b> IRON ROD	<b>I.P.</b> IRON PIPE <b>A.E.</b> ACCESS EASEMENT <b>L.B.</b> LAND SURVEYING BUSINESS <b>T.U.E.</b> TECHNOLOGY UTILITY EASEMENT <b>L.C.U.E.</b> LEE COUNTY UTILITY EASEMENT <b>M.</b> FIELD MEASURED <b>M.E.</b> LAKE MAINTENANCE EASEMENT <b>N.A.D.</b> NAIL & DISK <b>O.H.L.</b> OVERHEAD LINE <b>P.</b> PLAT <b>P.C.</b> POINT OF CURVATURE <b>P.C.P.</b> POINT OF COMPOUND CURVATURE <b>P.C.P.</b> PERMANENT CONTROL POINT <b>P.K.</b> PARKER-KALON NAIL	<b>P.I.</b> POINT OF INTERSECTION <b>P.L.S.</b> PROFESSIONAL LAND SURVEYOR <b>P.T.</b> POINT OF TANGENCY <b>P.O.B.</b> POINT OF BEGINNING <b>P.O.C.</b> POINT OF COMMENCEMENT <b>P.R.C.</b> POINT OF REVERSE CURVATURE <b>P.R.M.</b> PERMANENT REFERENCE MONUMENT <b>P.U.E.</b> PUBLIC UTILITY EASEMENT <b>R/W</b> RIGHT OF WAY <b>O.U.E.</b> ORANGE TREE UTIL. ESMT. UTIL. ESMT. <b>I.E.</b> IRRIGATION EASEMENT <b>T.B.M.</b> TEMPORARY BENCH MARK <b>TEL.</b> TELEPHONE FACILITIES <b>T.O.B.</b> TOP OF BANK	<b>U.E.</b> UTILITY EASEMENT <b>W.M.</b> WATER METER <b>FENCE</b> <b>EXISTING ELEVATION</b> <b>PROPOSED ELEVATION</b> <b>R.</b> RADIAL <b>N.R.</b> NON-RADIAL <b>C.V.G.</b> CONC VALLEY GUTTER <b>C.B.</b> CATCH BASIN <b>S.D.</b> STORM DRAIN <b>C.M.</b> CONCRETE MONUMENT <b>CO</b> CLEAN OUT	<b>WV</b> E.P. EDGE OF PAVEMENT <b>WATER VALVE</b> <b>POWER POLE</b> <b>WELL</b> <b>EXISTING FIRE HYDRANT</b> <b>I.R.</b> <b>CONCRETE MONUMENT</b> <b>CATCH BASIN</b>	<b>B.M.</b> BENCH MARK <b>LAMP POST</b> <b>CENTER LINE</b> <b>PLANT</b> PLANTER <b>NAIL</b> <b>CONC.</b> CONCRETE <b>C.M.</b> CONCRETE MONUMENT <b>N/A</b> NOT APPLICABLE
---	---	--	---	--	--

## EXHIBIT A

# The News-Press media group

news-press.com A GANNETT COMPANY

### Classified Ad Receipt (For Info Only - NOT A BILL)

**Customer:** CITY OF BONITA SPRINGS\_CDD

**Ad No.:** 0004916567

**Address:** 9101 BONITA BEACH RD SE  
BONITA SPRINGS FL 34135  
USA

**Net Amt:** \$487.52

**Run Times:** 2

**No. of Affidavits:** 1

**Run Dates:** 09/22/21, 09/29/21

#### Text of Ad:

NOTICE OF PUBLIC HEARING  
FOR PETITION TO VACATE  
Case Number: VAC21-83043-BOS

#### TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 6th of October, 2021, at 5:30pm, in the Bonita Springs City Hall, located at 9101 Bonita Beach Rd, Bonita Springs, FL 34135, the City Council of Bonita Springs, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in that portion of a right of way and utility easement, both lying within Heitmans Bonita Springs, Block 7, being more particularly described as follows:

A PORTION OF A 15 FOOT ALLEY TO BE VACATED, THE SOUTH 143.16 FEET OF SAID 15 FOOT ALLEY, RUNNING NORTH AND SOUTH, LYING BETWEEN TENNESSEE STREET & PACKINGHOUSE LANE AND BEING ADJACENT TO LOTS 1 TO 5 OF BLOCK 7, HEITMAN'S BONITA SPRINGS TOWNSITE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE(S) 24, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CONTAINING 2,020 SQUARE FEET OR 0.046 ACRES, MORE OR LESS

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Council with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the City Clerk of Bonita Springs, Florida, 9101 Bonita Beach Road, Bonita Springs, Florida 34135.

Any person requiring special accommodations at any of the meetings because of a disability or physical impairment should contact Lisa Roberson, Director of Financial and Administrative Services, at 239-949-6262, at least 48 hours prior to the meeting.

CITY OF BONITA SPRINGS  
BY: Rick Steinhilber, Mayor  
Dabbie Filipek, City Clerk  
44916567 9/22, 9/29/2021

[About Us](#) [Contact Us](#) [Questions?](#) [My Account](#) [Search Site](#) [PAY ONLINE](#)

[Taxes](#) [Businesses](#) [Driver Licenses](#) [Vehicles & Vessels](#) [Hunting & Fishing](#) [Other Services](#) [Printable Version](#)



Real Property Information

Account

[35-47-25-B4-00207 0010](#)

Original Account

35-47-25-B4-00207.0010

Owner

SUPERIOR AUTOHAUS LLC

Physical Address

27790/796 OLD 41 RD  
BONITA SPRINGS FL 34135

Tax Year Status

2020 [PAID](#)

Instrument No

2020000193009

Mailing Address

27880 INDUSTRIAL ST  
BONITA SPRINGS FL 34135  
USA

Legal Description

HEITMANS BONITA SPRINGS BLK 7 PB 6 PG 24 LOTS 1 - 4 LESS RAW DB 257 PG 156

Outstanding Balance as of 9/29/2021

\$0.00

Additional Options:

[eNotify](#)

[Tax Detail](#)

[Payments Made](#)

[All Unpaid Taxes](#)

[Tax History](#)

[Property Appraiser's Property Data](#)

[Property Appraiser's Tax Estimator](#)

Taxes

Real Estate Taxes  
Tangible Taxes  
Delinquent Taxes  
Tax Certificates

Businesses

Guide & Application  
Professionals  
Specialty Permits  
Fees & Exemptions

Driver License

Document Requirements  
First Time Drivers  
Commercial Drivers  
Fees

Vehicles & Vessels

Application for Title  
Florida Plates  
Florida Insurance  
Helpful Links

Hunting & Fishing

Residency Requirements  
Fishing Licenses  
Hunting Licenses  
Exemptions

Other Links

Career Opportunities  
Site Map  
Payment Policies  
Terms of Use

[Website Disclaimer & Privacy Policy](#)

CUSTODIAN OF PUBLIC RECORDS

Office of the Lee County Tax Collector

2480 Thompson Street

Fort Myers, Florida 33901

Phone: (239) 533-6000

In accordance with 2017-21, Laws of Florida / § 119, Florida Statutes



Sign up for

eNotify

Copyright 2021 Lee County Tax Collector, All Rights Reserved.

[About Us](#) [Contact Us](#) [Questions?](#) [My Account](#) [Search Site](#) [PAY ONLINE](#)

[Taxes](#) [Businesses](#) [Driver Licenses](#) [Vehicles & Vessels](#) [Hunting & Fishing](#) [Other Services](#)

[Printable Version](#)



**Real Property Information**

**Account**

[35-47-25-B4-00207.0050](#)

**Original Account**

35-47-25-B4-00207.0050

**Owner**

SUPERIOR AUTOHAUS LLC

**Physical Address**

10441 PACKINGHOUSE LN  
BONITA SPRINGS FL 34135

**Tax Year Status**

2020 **PAID**

**Instrument No**

2020000193009

**Mailing Address**

27880 INDUSTRIAL ST  
BONITA SPRINGS FL 34135  
USA

**Legal Description**

HEITMANS BONITA SPRINGS BLK 7 PB 6 PG 24 LOTS 5 - 8

Outstanding Balance as of 9/29/2021 \$0.00

**Additional Options:**

[eNotify](#)

[Tax Detail](#)

[Payments Made](#)

[All Unpaid Taxes](#)

[Tax History](#)

[Property Appraiser's Property Data](#)

[Property Appraiser's Tax Estimator](#)

**Taxes**

Real Estate Taxes  
Tangible Taxes  
Delinquent Taxes  
Tax Certificates

**Businesses**

Guide & Application  
Professionals  
Specialty Permits  
Fees & Exemptions

**Driver License**

Document Requirements  
First Time Drivers  
Commercial Drivers  
Fees

**Vehicles & Vessels**

Application for Title  
Florida Plates  
Florida Insurance  
Helpful Links

**Hunting & Fishing**

Residency Requirements  
Fishing Licenses  
Hunting Licenses  
Exemptions

**Other Links**

Career Opportunities  
Site Map  
Payment Policies  
Terms of Use

[Website Disclaimer & Privacy Policy](#)

CUSTODIAN OF PUBLIC RECORDS

Office of the Lee County Tax Collector

2480 Thompson Street

Fort Myers, Florida 33901

Phone: (239) 533-6000

In accordance with 2017-21, Laws of Florida / § 119, Florida Statutes



Sign up for [eNotify](#)

Copyright 2021 Lee County Tax Collector, All Rights Reserved.





Bonita Springs  
Utilities, Inc.™

July 20, 2021

Mr. Ronny De Aza, President  
RDA Consulting Engineering  
80 Harbour Dr. Suite 210  
Naples, FL 34103

Via Email: [ronnydeaza@rdafl.com](mailto:ronnydeaza@rdafl.com)

Re: No Objection to the 15 foot Alley Way

Dear Mr. De Aza,

Please be advised that Bonita Springs Utilities, Inc. does not object to the vacation of the 15 foot right-of-way as shown on the attached sketch.

If you have any questions, please do not hesitate to contact the Engineering Department of our office.

Respectfully,



Kim P. Hoskins, P.E.  
Director of Engineering  
Bonita Springs Utilities, Inc.



May 18, 2021

9101 Bonita Beach Road  
Bonita Springs, FL 34135  
Tel: (239) 949-6262  
Fax: (239) 949-6239  
www.cityofbonitasprings.org

**Rick Steilmeyer**  
Mayor

**Amy Quaremba**  
Council Member  
District One

**Jesse Purdon**  
Council Member  
District Two

**Laura Carr**  
Council Member  
District Three

**Chris Corrie**  
Council Member  
District Four

**Michael Gibson**  
Council Member  
District Five

**Fred Forbes, AIA**  
Council Member  
District Six

**Arleen M. Hunter**  
City Manager  
(239) 949-6267

**Derek P. Rooney**  
City Attorney  
(239) 949-6254

**City Clerk**  
(239) 949-6248

**Public Works**  
(239) 949-6246

**Neighborhood Services**  
(239) 949-6257

**Parks & Recreation**  
(239) 992-2556

**Community Development**  
(239) 444-6150

**Ronny De Aza**  
RDA Consulting Engineers  
800 Harbour Drive, Suite 210  
Naples, FL 34103

RE: *ROW Vacation 27790/796 Old 41 Road and  
10441 Packinghouse Lane, Bonita Springs*

Dear Mr. De Aza:

The City of Bonita Springs Public Works Department does not recommend vacation of the right-of-way location referenced above.

Sincerely,

**Matt Feeney**  
Assistant City Manager



# BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT

27701 BONITA GRANDE DRIVE, BONITA SPRINGS, FL 34135

*ADMINISTRATION*  
TEL: (239) 949-6200  
FAX: (239) 949-6207

*FIRE PREVENTION*  
TEL: (239) 949-6211  
FAX: (239) 949-6216

*STEVE LOHAN*  
CHAIRMAN

*LAWRENCE P. KOSILLA, JR.*  
VICE-CHAIRMAN

*JAMES P. MURPHY*  
SECRETARY/TREASURER

*JEFFREY MATURO*  
COMMISSIONER

*STEVEN SLACHTA*  
COMMISSIONER

*GREGORY L. DEWITT*  
FIRE CHIEF

[www.bonitafire.org](http://www.bonitafire.org)

May 3, 2021

Dear Mr. De Aza:

I am in receipt of your letter dated April 28, 2021 regarding vacating an alley near 27790/796 Old 41 Rd. and 10441 Packinghouse Lane, Bonita Springs, 34135.

I have received the survey plan. If you remove the alley there are two conditions that must be met for any existing or future construction.

- 1) The 7<sup>th</sup> edition Florida Fire Code requires access to a door leading into the interior of a building within 50' from a fire department access road, NFPA 1, 182.3.2.1.
- 2) Any portion of the facility from an exterior door not more than 150' from fire department access roads as measured by an approved route around the exterior of the building or facility, NFPA 1, 18.2.3.2.2. When buildings are protected by an automatic fire sprinkler system, the distance is permitted to be increased to 450'.

Please let me know if you have additional questions.

Janet A. Washburn, Fire Marshal, CFPS, MS, MIFireE



**REQUESTED MOTION:** Select a City Council liaison and voting member to the Southwest Florida Regional Resiliency Compact

**REQUESTOR:** Arleen Hunter, City Manager

**AGENDA:** City Manager

**STRATEGIC PRIORITY:** #4 Environmental Protection

---

**BACKGROUND:**

On March 24, 2021, City Council ratified the Southwest Florida Regional Resiliency Compact Memorandum of Understanding. Dr. Michael Savarese has requested that each participating jurisdiction select one voting member to attend meetings. Additionally, there will be a staff member attending to assist. The first meeting is scheduled for October 8, 2021 at Florida Gulf Coast University.

**STAFF RECOMMENDATION:** Council's Pleasure

**ATTACHMENTS:**

1. Meeting Press Release
  2. Southwest Florida Regional Resiliency Compact Organizational Meeting Agenda
- 

**REVIEWERS:**

City Manager: Arleen Hunter  
City Attorney: Derek Rooney  
City Clerk: Debra Filipek  
Department Director:

Council Action: Approved \_\_ Denied \_\_ Deferred \_\_ Other \_\_\_\_\_



# SOUTHWEST FLORIDA REGIONAL RESILIENCY COMPACT

## ORGANIZATIONAL MEETING 1

October 8, 2021

Florida Gulf Coast University

16301 Innovation Lane

Fort Myers, FL 33913

### Objectives:

- Review results of initial interviews – common themes and key questions
- Discuss and evaluate possible Governance and Operational Framework for the Compact, in preparation for possible adoption at Organizational Meeting 2
- Begin identification of focus areas and possible activities for 2021-2022

1:30 pm	<b>Welcome</b> – <i>Dr. Greg Tolley, Water School Executive Director and Professor of Marine Science</i>  <i>Noah Valenstein, J.D., Presidential Fellow in Water Policy</i>  <i>Dr. Michael Savarese, Distinguished Professor of Coastal Resilience and Climate Adaptation</i>  <b>Introductions and agenda review</b> – <i>Hal Beardall and Rafael Montalvo, FCRC Consensus Center</i>
2:00	<b>Review and discuss interview summary</b>  <b>Overview of key issues to be addressed in operationalizing the compact</b>  Compact objectives, Governance and operational framework (decision-making, organization and support), Initial focus areas and 2021-2022 workplan  <b>Possible guiding principles for the compact</b> – review and discussion  <b>Sunshine briefing</b>  <b>Review of SB 1954 requirements</b>
3:00	<b>Break</b>
3:15	<b>Discuss, refine and rate approach to</b>  Compact objectives  Governance and operational framework (decision-making, organization and support)

Initial focus areas and workplan

Review public comment

Next Steps

4:30 Reception and Tour of Emergent Technologies Institute and the Water School

*Thanks to the Wayne Smith Family Foundation, the College of Life Foundation, Howard Cohen, and the FGCU Foundation for providing financial support of the Compact's development. Thanks also to Sharlene Brodman for her administrative services.*

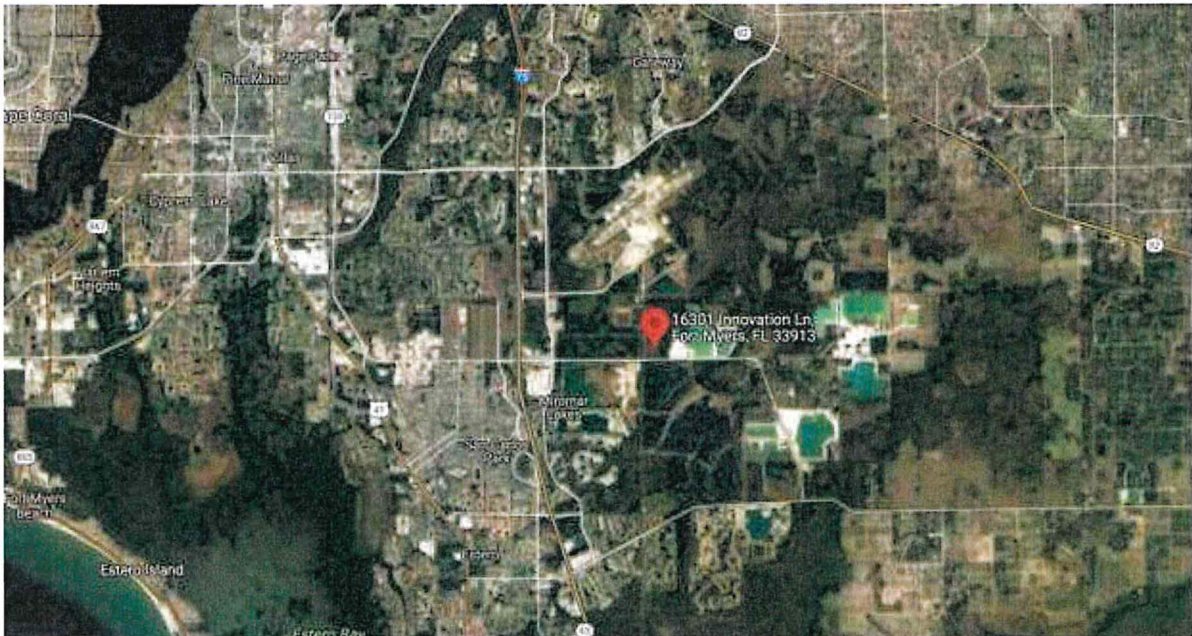
## DIRECTIONS

Florida Gulf Coast University

16301 Innovation Lane

Fort Myers, FL 33913

The meeting site is located on the north side of Alico Road, approximately 2.5 miles east of I-75 Exit 128



Those wishing to join the meeting virtually, should contact: [msavares@fgcu.edu](mailto:msavares@fgcu.edu).



## SOUTHWEST FLORIDA REGIONAL RESILIENCY COMPACT

### ORGANIZATIONAL MEETING 1

October 8, 2021

Florida Gulf Coast University  
16301 Innovation Lane  
Fort Myers, FL 33913

#### Objectives:

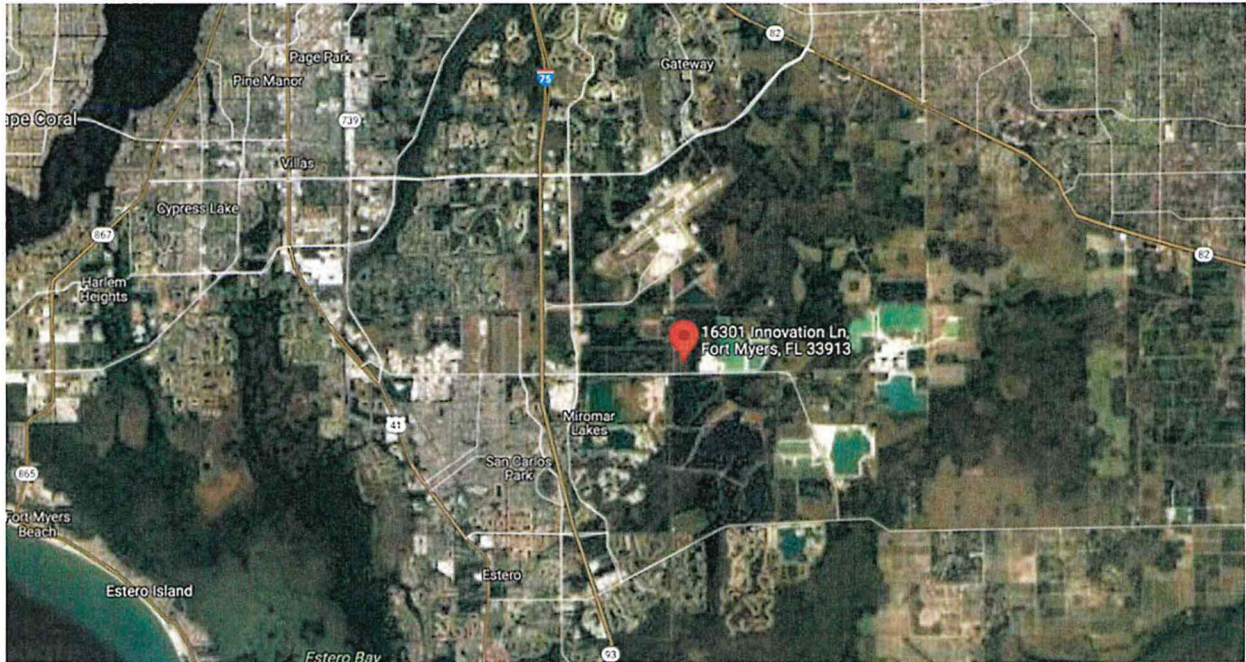
- Review results of initial interviews – common themes and key questions
- Discuss and evaluate possible Governance and Operational Framework for the Compact, in preparation for possible adoption at Organizational Meeting 2
- Begin identification of focus areas and possible activities for 2021-2022

1:30 pm	<b>Welcome</b> – <i>Dr. Greg Tolley, Water School Executive Director and Professor of Marine Science</i> <i>Noah Valenstein, J.D., Presidential Fellow in Water Policy</i> <i>Dr. Michael Savarese, Distinguished Professor of Coastal Resilience and Climate Adaptation</i> <b>Introductions and agenda review</b> – <i>Hal Beardall and Rafael Montalvo, FCRC Consensus Center</i>
2:00	<b>Review and discuss interview summary</b> <b>Overview of key issues to be addressed in operationalizing the compact</b> Compact objectives, Governance and operational framework (decision-making, organization and support), Initial focus areas and 2021-2022 workplan <b>Possible guiding principles for the compact</b> – review and discussion <b>Sunshine briefing</b> <b>Review of SB 1954 requirements</b>
3:00	<b>Break</b>
3:15	<b>Discuss, refine and rate approach to</b> Compact objectives Governance and operational framework (decision-making, organization and support) Initial focus areas and workplan <b>Review public comment</b> <b>Next Steps</b>
4:30	<b>Reception and Tour of Emergent Technologies Institute and the Water School</b> <i>Thanks to the Wayne Smith Family Foundation, the College of Life Foundation, Howard Cohen, and the FGCU Foundation for providing financial support of the Compact’s development. Thanks also to Sharlene Brodman for her administrative services.</i>

## DIRECTIONS

Florida Gulf Coast University  
16301 Innovation Lane  
Fort Myers, FL 33913

The meeting site is located on the north side of Alico Road, approximately 2.5 miles east of I-75 Exit 128



Those wishing to join the meeting virtually, should contact: [msavares@fgcu.edu](mailto:msavares@fgcu.edu).

## DISCUSSION GUIDELINES

- Expect and respect differing perspectives.
- Listen to understand.
- Speak to be understood (at least at first – persuasion comes later)
- Clarify your assumptions, for yourself and others.
- Ask questions.
- Offering an idea for discussion indicates a desire to explore the idea, not necessarily support for it.
- Speak one at a time.
- Focus on issues, not personalities.
- Share the air-time !!! (We don't have much of it.)

## WORKSHEET INSTRUCTIONS

This worksheet provides a framework for discussion of key issues Compact participants will need to discuss and address for the Compact to begin operations.

The Leadership Committee may make decisions on some of these issues at future meetings. For today, the purpose of the discussion is to help participants explore how the Compact might best address organizational issues and begin operation.

Some of the material in the worksheet is drawn from the Memorandum of Understanding establishing the Compact. This material is presented for review, clarification and discussion.

Other material in the worksheet is based on the initial facilitator interviews with representatives of member jurisdictions. Participants will be asked to discuss, refine and when appropriate rate this material using the following scale:

- Wholehearted support – this is something what I would do
- Support – this may not be what I would do, but it is good, and I can support it (or live with it)
- Minor reservations – I may be able to live with it or even support it, but I need clarification or refinement first
- Major reservations – I cannot support as currently drafted

Use of the scale is not a vote: rather it is a way to test the sense of the group on the issues it will discuss.

## Guiding Principles

The facilitators have drafted the following possible governance and process arrangements for the first year of the Compact, based on the initial interviews with potential participants.

**Potential Principle A:** Collaboratively discuss concerns and seek consensus on decisions

**Potential Principle B:** Member participation in Compact initiatives and projects is voluntary

**Potential Principle C:** Open and inclusive process

**Potential Principle D:** Focus on activities and projects that add value to, support or complement the efforts of member jurisdictions

**Potential Principle E:** Work to fairly address impacts and needs across all residents and communities within member jurisdictions

*Key questions for discussion:*

What would it mean for the Compact to operate under each of these principles?

What additional principals might be needed?

*Please indicate your reaction to the potential principles as a whole, and as modified during the discussion*

	<i>Wholehearted Support</i>	<i>Support</i>	<i>Minor Reservations</i>	<i>Major Reservations</i>
<i>No. of Members</i>				

## Compact Objectives

The following compact objectives are drawn from the Memorandum of Understanding (MOU) establishing the Compact.

Compact Members each join the Southwest Florida Regional Resiliency Compact as an expression of their intent and commitment to work together on a regional level to identify and address the effects of climate change. (MOU Section 8)

The Compact Members shall work together to maximize their efforts to adapt to and work to mitigate the effects of climate change by (from MOU Section 2):

- identifying vulnerabilities to the effects of climate change in their communities;
- identifying common vulnerability assessment methodologies;
- planning for adaptation and mitigation actions that will enhance the resiliency of their communities; learning from each other and their prior efforts and planning documents;

- leveraging their resources; and pursuing public-private partnerships.

The Compact Members shall develop a Regional Resiliency Action Plan which shall include strategies for coordinated regional preparation for and adaption to a rapidly changing global environment. (MOU Section 3)

The Compact Members shall develop a legislative strategy which recognizes the region-specific vulnerabilities of Southwest Florida to the impacts of climate change and includes recommendations for the allocation of state and federal resources. (MOU Section 5)

*Key questions for discussion:*

Do any of these objectives need clarification?

Which would you emphasize?

What else do you hope the compact will accomplish?

## **Governance and Operational Framework**

The facilitators have drafted the following possible governance and process arrangements for the first year of the Compact, based on the initial interviews with potential participants.

The purpose of the arrangements is to provide enough structure to support activity and decision-making, while allowing flexibility to respond to changing circumstances during the start-up phase of the Compact.

### **Decision-Making**

The Leadership Committee will seek consensus whenever possible on activities and projects of the Compact.

General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can support, accept, live with, or agree not to oppose.

The Leadership Committee will use the majority vote provision of the MOU as a fallback decision-making process.

### **Workgroups**

The Leadership Committee may establish Workgroups as it sees fit to further the work of the group.

Workgroups may include Leadership Committee members, participating jurisdiction staff, non-participating jurisdiction or organization representatives, and members of the public.

Workgroups may include members appointed by the Leadership Committee and at-large collaborators (self-selected volunteers who are not appointed by the Leadership Committee).

Any Workgroups established by the Leadership Committee will bring emerging products or recommendations to the Leadership Committee at least twice for review, refinement and approval by the Committee.

**Public and Non-Member Participation**

The Leadership Committee will ensure that interested organizations or jurisdictions and members of the public have opportunities to participate or offer input to the Leadership Committee or Workgroups, through opportunities for comment at regular meetings, through at-large participation on Workgroups, or at stand-alone workshops.

**Staffing and Support (Year 1)** [Michael and Ana, the statements in this section are placeholders for discussion]

The Water School at FGCU will provide initial staffing and support for the work of the Compact.

Additional support may be provided as grant or award funding becomes available.

*Key questions for discussion:*

Is this approach appropriate for the first year of the Compact? Is the level of formality appropriate?

Are refinements needed to any of the components of the framework as described here?

Are there other issues related to how the Compact will operate that should be addressed in the framework?

*Please indicate your reaction to the Governance and Operational Framework as a whole, and as modified during the discussion*

	<i>Wholehearted Support</i>	<i>Support</i>	<i>Minor Reservations</i>	<i>Major Reservations</i>
<i>No. of Members</i>				

**Issues and Workplan**

**Possible Initial Focus Areas**

The following three possible focus areas are from the Summary of Facilitator Interviews. They are presented here only as a starting point for discussion of what should be included in the Compact’s workplan during 2021-2022. They do not limit what the Leadership Committee may choose to undertake over the coming year.

*Water Quality* This was by far the most frequently mentioned issue, and mentioned by almost all participants. Respondents who mentioned water quality focused on different aspects of the issue and related it to resiliency in different ways. Some emphasized harmful algal blooms and their

effect on health, the environment and the economy. Others pointed to increasing saltwater intrusion and its effects on drinking water supplies. Still others pointed to the role of stormwater from heavier and more frequent storms on water quality in the region.

*Storm Surge and Flooding* These were the next most frequently mentioned issues. Most participants believed that residents increasingly have direct experience or knowledge of storm surge and flooding, and may be willing to consider measures to address them.

*Education and Communication* Many participants mentioned the need for greater understanding of resiliency issues in the region, and believed that the Compact might undertake education and communication about these issues. Some members drew a distinction between education and advocacy for particular measures.

**Possible First Year Schedule**

*2021* The Leadership Committee will meet twice in the fall of 2021 to agree on a governance framework, develop a workplan for 2022, and provide initial direction regarding the formation of Workgroups as appropriate

*2022* The Leadership Committee will meet quarterly during 2022 to provide direction to the Compact, oversee Workgroup activity, and begin development of the Regional Resiliency Plan.

The Leadership Committee may schedule additional meetings as it deems useful or appropriate.

*Key questions for discussion:*

What activities should the Compact consider for 2021-2022?

*Please indicate your reaction to the Issues and Workplan section as a whole, and as modified during the discussion*

	<i>Wholehearted Support</i>	<i>Support</i>	<i>Minor Reservations</i>	<i>Major Reservations</i>
<i>No. of Members</i>				

# Southwest Florida Regional Resiliency Compact

October 8, 2021

## Meeting Evaluation

*Please rate each of the following statements using a 1 to 5 scale, where 1 means strongly disagree and 5 means strongly agree.*

	Disagree				Agree
<b>1. Please assess the following aspects of the workshop.</b>					
The agenda packet was very useful.	1	2	3	4	5
The objectives for the workshop were made clear at the outset.	1	2	3	4	5
Overall, I am very satisfied with the workshop.	1	2	3	4	5
<b>2. Do you agree that each of the following meeting objectives was achieved?</b>					
Review results of initial interviews – common themes and key questions	1	2	3	4	5
Discuss and evaluate a possible Governance and Operational Framework for the Compact, in preparation for possible adoption at Organizational Meeting 2	1	2	3	4	5
Begin identification of focus areas and possible activities for 2021-2022	1	2	3	4	5
<b>3. Please tell us how well the facilitators helped the participants engage in the workshop.</b>					
The facilitators made sure all perspectives were heard and respected.	1	2	3	4	5
The facilitators helped us arrange our time well.	1	2	3	4	5
The facilitators helped participants clarify and refine ideas and and highlight or move toward consensus	1	2	3	4	5
<b>4. What did you like best about today's meeting?</b>					
<b>5. How could the meeting have been improved?</b>					
<b>6. Do you have any other comments that you would like to add (Please use back of form if needed)?</b>					

## THE FCRC CONSENSUS CENTER

The Florida Conflict Resolution Consortium (FCRC) Consensus Center assists public and private interests in designing and conducting inclusive and participatory consensus-building and dispute resolution services for public issues throughout Florida, across the nation, and internationally. The Center was created by the Florida Legislature more than 30 years ago. Since then, its successful projects have addressed a broad range of public issues including transportation planning, wildlife management, water resources, regulatory negotiations, land use and growth, and county, municipal, and community concerns. The Center is based at Florida State University and has a regional office at the University of Central Florida.

**Harald (Hal) M. Beardall** currently serves as the Director of the Consensus Center. He has 24 years of experience designing, facilitating and mediating numerous large- and small-scale processes to build consensus around complex, often controversial public policy issues, and training participants in public policy discussions or consensus building, in Florida and nationally.

Current and recent cases include facilitation of a multi-agency effort to develop the Florida Python Control Plan, facilitation of an inter-agency process convened by the Florida Legislature to transfer oversight of septic tank regulation in Florida from the Department of Health to the Department of Environmental Protection, engaging public and private stakeholders to collaboratively develop a Comprehensive Conservation and Management Plan for the St. Andrew and St. Joseph Bays Estuary Program, and development of the Strategic Policy Plan for Florida's Oceans and Coasts through facilitation of a steering committee comprised of federal, state and local governments, NGOs, academics, and ocean and coastal industry and businesses.

He holds a Juris Doctor from the University of Florida, a Master of Science in Planning from Florida State University and a Bachelor of Arts from Florida State University.

**Rafael A. Montalvo** is Associate Director with the Central Florida Office of the Consensus Center. He has more than 30 years of experience facilitating and mediating large and small-scale processes to build consensus around complex, often controversial public policy issues, and training individuals who participate in public policy discussions or consensus-building. He has worked in Florida, nationally, and in South America.

Current and recent cases include facilitation of a multi-agency effort to develop a python control plan for Florida, facilitation of a process convened by the Legislature to transfer oversight of septic tank regulation in Florida from the Department of Health to the Department of Environmental Protection, and a federal, state and local effort to renegotiate airspace allocation and use over the Florida Panhandle and Gulf of Mexico.

He has a Master of Science in Urban and Regional Planning from Florida State University, and a Bachelor of Arts from Rollins College.

CITY COUNCIL  
CITY OF BONITA SPRINGS  
BUDGET HEARING  
TUESDAY, SEPTEMBER 14, 2021  
5:30 P.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

1. Call to Order.

Mayor Rick Steinmeyer called the meeting to order at 5:30 p.m.

2. Invocation

Reverend Travis Seidel, with the Springs Outdoor Church, furnished the invocation.

3. Pledge of Allegiance.

Mayor Steinmeyer led in the Pledge of Allegiance.

4. Roll Call.

Mayor Steinmeyer and all Council Members were in attendance, with Council Member Chris Corrie participating via telephone, and with Council Member Jesse Purdon arriving at 5:38 p.m.

Mayor Steinmeyer entered a motion to permit Council Member Corrie participate via telephone; Council Member Amy Quaremba seconded; and the motion carried unanimously.

5. Public Comment. None

6. A Resolution of the City of Bonita Springs, Lee County, Florida, adopting the tentative levying of ad valorem taxes for the City of Bonita Springs, Lee County, Florida, for Fiscal Year 2021-2022; establishing the date, time and place for a final hearing to adopt the final ad valorem taxes for Fiscal Year 2021-2022; and providing an effective date. (Greensheet No. 21-09-199)

Council Member Fred Forbes stated he sees both sides of the issue in relation to the Resolution.

Council Member Gibson supports leaving it where it is until the final meeting.

Council Member Laura Carr stated she would like to leave it remain as is for now, noting that last evening the Bonita Springs Fire Department Commissioners voted for a decrease of 5% in their millage, which will help us stay the same and still have lower taxes.

Council Member Amy Quaremba stated she too, like Council Member Forbes sees both sides of the issues. There is data to indicate that we can make small changes in the mill rate downward, but it won't make a very significant effect on anyone's tax bill because our tax rate is starting out so low. In the same way, if for some reason, just to say Council are good guys that they want to lower the tax rate it's ok with her because it's not going to make that much of a difference with regard to revenue. Right now she is in favor of keeping it the way it is, and would ask Council to look at the data they were provided, noting that 80% of the people pay \$300 or less to the City of Bonita Springs. They are small amounts - \$1, \$2 to \$5.

Mayor Steinmeyer stated he is in favor of lowering the tax rate, and give the people a break to the roll back rate of .7880. He wants to give the people a free lunch – an extra \$6 in their pocket. He is in favor of the roll back rate. It will make a \$300,000 difference to the City.

Council Member Amy Quaremba motioned to keep millage rate the same (.8173); Council Member Laura Carr seconded.

Council Member Chris Corrie stated he is in favor of keeping the millage rate as there are a number of CIP projects they are looking to fund and to ensure services are maintained. He is not anxious to reduce the mill rate.

City Attorney Derek Rooney stated this would be a motion to adopt a Resolution of the City of Bonita for Fiscal Year 2021-2022 to adopt the tentative ad valorem operating millage rate of .8173 mills which is equal to the prior year's rate. This proposed millage rate is greater than the rolled back rate of .7880 mills by 3.72% mills and because this would be an increase from the rolled back rate as provided in the Resolution, the purpose of the increase is necessary fund various stormwater improvements, transportation improvements, environmental protection projects, community aesthetic projects and other capital projects, and to set the final millage public hearing for September 29, 2021 at 5:30 p.m., here at City Hall.

Council Member Jesse Purdon stated that this is not something that is going to save District 2 much money at all. He does like the idea of being able to cut taxes when we can and in the last 10 years there was a \$10 billion in the ballpark of ad valorem increase.

No public comments were made.

The motion passed 4-3 (Mayor, Gibson and Purdon) **ADOPTED RESOLUTION NO. 21-76**

7. A Resolution of the City of Bonita Springs, Lee County, Florida, adopting the tentative budget for Fiscal Year 2021-2022 and providing an effective date. (Greensheet No. 21-09-200)

Council Member Forbes motioned to approve; Council Member Mike Gibson seconded.

Mel Busceno a resident of Bonita Springs stated he was here to comment on the soccer complex in the area near the dog park. He feels this would be great for all the young sports players from elementary and middle school. Mayor Steinmeyer informed the item he was referring was addressed in the regular agenda. City Manager Arleen Hunter stated that this is in the CIP budget for this upcoming year for the planning of those facilities. Mr. Busceno is referring to the budget for the upcoming year. Council Member Purdon stated that Mr. Busceno will also be speaking in support of the soccer contract tonight. Mr. Busceno

concurred with City Manager Hunter in that he was speaking in support of the CIP to plan for facilities at that park.

The motion passed unanimously. **ADOPTED RESOLUTION NO. 21-77**

8. Public Comment. None comments were made.
9. Adjournment.

There being no further items to discuss, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

\_\_\_\_\_  
Debra Filipek, City Clerk

APPROVED:  
CITY COUNCIL

Date: \_\_\_\_\_

AUTHENTICATED:

\_\_\_\_\_  
Rick Steinmeyer, Mayor

DRAFT