

NOTICE OF PUBLIC MEETING  
CITY COUNCIL  
CITY OF BONITA SPRINGS  
OFFICIAL AGENDA - REVISED  
WEDNESDAY, JUNE 3, 2020  
5:30 P.M.  
FIRST PRESBYTERIAN CHURCH  
9751 BONITA BEACH ROAD SE  
BONITA SPRINGS, FLORIDA 34135

**PUBLIC COMMENT AVAILABLE VIA EMAIL AND IN PERSON**

To submit a public comment via email, please email any comments to the City at [citymeetings@cityofbonitasprings.org](mailto:citymeetings@cityofbonitasprings.org) and include the meeting date in the subject line. All emails for public comment must be received by **10:00 a.m. on June 2, 2020.**

Interested parties may also attend the public hearing to provide comments in accordance with the City's code or as those provisions may be modified by the City Council. All CDC and FDOH guidelines pertaining to COVID-19 shall be observed at all times.

[click here](#) to watch the meeting online, or visit the city's website at [www.cityofbonitasprings.org](http://www.cityofbonitasprings.org) and click "how do i?" and then click "watch a meeting live" to access the live stream.

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- I. Call to Order.
- II. Invocation.
- III. Pledge of Allegiance.
- IV. Roll Call.
- V. Appearance by City of Sanibel Mayor Kevin Ruane and Chairman Chauncey Goss, with the South Florida Water Management District, to discuss benefits of a water team and scientists internally on Sanibel Island, and presentations by Florida Gulf Coast University's Dr. Mike Martin, Dr. Greg Tolley, and Dr. Michael Parsons regarding a Bonita Springs Water Steward. (Greensheet No. 20-06-138)
- VI. Public Comment on Agenda Items
- VII. Consent Agenda: (Note: items on the consent agenda will be considered as one unless a specific item is removed by a Council Member for separate discussion.)
  - A. Approve a Resolution accepting the resignation of one member of the Board for Land Use Hearings & Adjustments and Zoning Board of Appeals. (Greensheet No. 20-06-133)
- VIII. Proclamations and Presentations:
  - A. Presentation of audited financial statements for the fiscal year ending on September 20, 2019 by Jeff Brown, CPA, partner with the audit firm of Ashley, Brown & Company, CPAs. (Greensheet No. 20-06-130)

- B. Review of Park related projects for CIP. (Greensheet No. 20-06-131)

IX. Mayor and Council Member Items:

- A. Authorize staff to engage a traffic engineer to develop an additional pavement marking plan, to include reconfiguration of southbound Old 41 turn lanes for consistency. (Corrie; Greensheet No. 20-06-132)
- B. Discuss with City Council a proposed ballot amendment to Section 56 of the City Charter titled “Code of Ethics” to prohibit lobbying of City of Bonita Springs elected officials to be placed on the November 3, 2020 ballot. (Corrie; Greensheet No. 20-06-135)
- C. Discuss a policy providing a brief recess during City Council meetings. (Carr; Greensheet No. 20-06-136)
- D. Discussion regarding the City’s support of local businesses during recovery from the COVID-19 pandemic. (Carr; Greensheet No. 20-06-139)

X. First Reading and Public Hearing of the following Zoning Ordinances:

- A. A zoning ordinance of the City of Bonita Springs, Florida; rezoning 1342.60 +/- acres approximately  $\frac{3}{4}$  mile north of East Terry Street and east of Bonita Grande Drive from Industrial Planned Development (IDP) and Agricultural (AG-2) to Residential Planned Development (RPD); providing for the transition from existing mining uses to residential development; providing for an effective date. (Greensheet No. 20-06-140)
- B. A zoning ordinance of the City of Bonita Springs, Florida; approving a variance from sections 4-1893 and 4-1894 of the Land Development Code requiring a 25-foot setback from adjacent rights-of-way and a 25- foot setback from waterbodies to permit a single family dwelling unit at 27733 Hickory Boulevard Bonita Springs, Florida 34134; providing for an effective date. (Greensheet No. 20-06-137)

XI. Public Comment.

XII. City Attorney’s Items:

XIII. City Manager’s Items:

- A. Approve resolution appointing audit committee members to perform the solicitation and selection procedures for the external auditing firm. (Greensheet No. 20-06-129)
- B. CONTINUED FROM MAY 20, 2020: Appoint Mayor and Member of City Council to various Boards and Committees. (Greensheet No. 20-06-134)
- C. City’s update regarding COVID-19

XIV. Mayor and Council Reports.

XV. Approval of the minutes: 05/06/2020

XVI. Public Comment.

XVII. Adjournment.

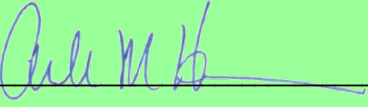
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ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT MEG WEISS, DIRECTOR OF ADMINISTRATIVE SERVICES, AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING. IF A PERSON DECIDES 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.

PRINTED COPIES OF THE AGENDA WILL BE PROVIDED AT THE MEETING. TO VIEW THE ENTIRE CITY COUNCIL MEETING PACKET PLEASE VISIT [WWW.CITYOFBONITASPRINGS.ORG](http://WWW.CITYOFBONITASPRINGS.ORG)

NOTE: THIS MEETING IS TELEVISED ON COMCAST, CHANNEL 98. AGENDAS ARE AVAILABLE FOR VIEW, AND THE MEETING CAN BE VIEWED AT [WWW.CITYOFBONITASPRINGS.ORG](http://WWW.CITYOFBONITASPRINGS.ORG)

**NEXT MEETING: 06/17/20**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                     |                                       |                                  |
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| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                     | <b>GREEN SHEET:</b>                   | <b>20-06-138</b>                 |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                     |                                       |                                  |
| <b>REQUESTED MOTION:</b> Appearance by City of Sanibel Mayor Kevin Ruane and Chairman Chauncey Goss, with the South Florida Water Management District, to discuss the benefits of a water team and scientists internally on Sanibel Island, and presentations by Florida Gulf Coast University (FGCU) Dr. Mike Martin, Dr. Greg Tolley, and Dr. Michael Parsons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                     |                                       |                                  |
| <b>MEETING DATE: 6/3/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                     |                                       |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                     | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | SPECIAL APPEARANCE                                                                  | <input type="checkbox"/>              | Mayor Peter Simmons              |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CONSENT                                                                             | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PUBLIC HEARING                                                                      | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MAYOR AND COUNCIL MEMBER ITEMS                                                      | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MAYOR AND COUNCIL MEMBER'S REPORTS                                                  |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CITY ATTORNEY ITEMS                                                                 |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CITY MANAGER ITEMS                                                                  |                                       |                                  |
| <b>BACKGROUND:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                     |                                       |                                  |
| <p>I have invited Mayor Ruane to speak before City Council on the benefits of a water team and scientists internally on Sanibel Island. Additionally, Chairman Chauncey Goss, with the South Florida Water Management District, will be attending to speak.</p> <p>I have also invited Dr. Mike Martin, Dr. Greg Tolley, and Dr. Michael Parsons to address my previous request regarding a partnership with Florida Gulf Coast University (FGCU) on a proposed Bonita Water Steward research technician.</p> <p>I have continued discussions with Dr. Michael Parson regarding the possibility of partnering with FGCU to have a dedicated water steward, provided through FGCU. The attached Scope of Work provides for a full-time research lab technician at the Vester Field Station in Bonita Springs to monitor for and respond to water quality concerns, including nitrogen, harmful algae, fish kills and additional water quality concerns in the Imperial River, Spring Creek, Estero Bay, and along Bonita Beach. Funds in the amount of \$83,780.00 are being requested to contract with FGCU for the position.</p> <p>Attached: Scope of Work reflecting tasks and costs – <b>TO BE PROVIDED VIA ADDENDUM</b></p> |                                                                                     |                                       |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b><br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b> 4 – Environmental Protection, and 5) Community Aesthetics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                     |                                       |                                  |
| <b>STAFF RECOMMENDATIONS:</b> Council's pleasure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                     |                                       |                                  |
| <b>REVIEWED BY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |                                       |                                  |
| <b>City Manager:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                       |                                  |
| <b>City Attorney:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____                                                                               |                                       |                                  |
| <b>City Clerk:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | _____                                                                               |                                       |                                  |
| <b>Department Director:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | _____                                                                               |                                       |                                  |

**COUNCIL ACTION:**

- ☐ **APPROVED**
- ☐ **DENIED**
- ☐ **DEFERRED**
- ☐ **OTHER**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    | <b>GREEN SHEET:</b>                   | <b>20-06-133</b>                 |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                                       |                                  |
| <b>REQUESTED MOTION:</b> Approve a Resolution accepting the resignation of one Member of the Board for Land Use Hearings & Adjustments and Zoning Board of Appeals.                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                  |
| <b>MEETING DATE: 6/3/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                    |                                       |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PRESENTATIONS                      | <input type="checkbox"/>              | Derek Rooney<br>City Attorney    |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CONSENT                            | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PUBLIC HEARING                     | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | MAYOR AND COUNCIL MEMBER'S REPORTS |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CITY ATTORNEY ITEMS                |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CITY MANAGER ITEMS                 |                                       |                                  |
| <b>BACKGROUND:</b><br><p style="margin-left: 40px;">Dawn Koncikowski, a member of the City's Board for Land Use Hearings and Adjustments and Zoning Board of Appeals, has submitted her resignation, effective February 18, 2020. Ordinance No. 00-06, Section 2, states "The Board shall be comprised of 7 members, who shall be legal residents of the City, appointed by the Mayor, with the advice and consent of City Council." Staff will advertise the vacancy.</p>                                                           |                                    |                                       |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b>                                                                                                                                                                                                                                                                                                                                                               |                                    |                                       |                                  |
| <b>STAFF RECOMMENDATIONS:</b> Approve Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                    |                                       |                                  |
| <b>REVIEWED BY:</b><br><div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;"> City Manager:<br/> City Attorney:<br/> City Clerk:<br/> Department Director: </div> <div> <br/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> </div> </div> |                                    |                                       |                                  |
| <b>COUNCIL ACTION:</b><br><input type="checkbox"/> APPROVED<br><input type="checkbox"/> DENIED<br><input type="checkbox"/> DEFERRED<br><input type="checkbox"/> OTHER                                                                                                                                                                                                                                                                                                                                                                |                                    |                                       |                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                  |

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 20 -

A RESOLUTION ACCEPTING THE RESIGNATION OF ONE MEMBER OF THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS WITH DIRECTION TO STAFF TO ADVERTISE THE VACANCY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Land Development Code Section 4-121 states that the Zoning Board shall be comprised of 7 members, who shall be legal residents of the City, appointed by the Mayor, with the advice and consent of the City Council. Each Councilmember is entitled to make a recommendation to the Council of at least one zoning board members; and

WHEREAS, Dawn Koncikowski, a member of the Board, has submitted her resignation, effective February 18, 2020.

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

Section 1. Dawn Koncikowski's resignation is hereby accepted, with regret; and

Section 2. Ms. Koncikowski was appointed to the Board via Resolution 19-104, with a term that was set to expire December 31, 2022.

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 3<sup>rd</sup> day of June, 2020.

AUTHENTICATION:

\_\_\_\_\_  
Mayor

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

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

Vote:

Quaremba  
Forbes  
Gibson  
Purdon

Corrie  
Simmons  
Carr

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                       |                                               |
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| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>GREEN SHEET:</b>                   | 20-06-130                                     |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                       |                                               |
| <b>REQUESTED MOTION:</b> Presentation of audited financial statements for the fiscal year ended September 30, 2019 by Jeff Brown, CPA, Partner with the audit firm of Ashley, Brown & Company, CPAs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                       |                                               |
| <b>MEETING DATE:</b> June 3, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |                                               |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>              |
| <input checked="" type="checkbox"/> PRESENTATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> STATUTE      | Anne K. Wright, CPA, CGFO<br>Finance Director |
| <input type="checkbox"/> CONSENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> ORDINANCE    |                                               |
| <input type="checkbox"/> PUBLIC HEARING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> ADMIN. CODE  |                                               |
| <input type="checkbox"/> MAYOR AND COUNCIL MEMBER ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> OTHER        |                                               |
| <input type="checkbox"/> MAYOR AND COUNCIL MEMBER'S REPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |                                               |
| <input type="checkbox"/> CITY ATTORNEY ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                       |                                               |
| <input type="checkbox"/> CITY MANAGER ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |                                               |
| <p><b>BACKGROUND:</b> Attached is a high level summary of the fiscal activity for the year ended September 30, 2019 for the City's governmental funds, which are reported on the modified accrual basis of accounting (budgetary basis). This basis of accounting focuses on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Also attached is the same presentation for FY 2018 for comparative purposes.</p> <p>The FY 2019 financial statements were greatly impacted by a one-time event – a \$6.3 million payment of economic damages in a legal settlement. This item is segregated in the financial statements as a Special Item and is fully explained on page 45 of the FY 2019 Comprehensive Annual Financial Report.</p> <p>In an effort to reduce copy cost, the audited financial statements, which are included within the Comprehensive Annual Financial Report (CAFR), are located on the City's website at <a href="http://cityofbonitasprings.org/">http://cityofbonitasprings.org/</a>, click on "Services and Departments", scroll down to Finance Department, then click on Financial Reports.</p> <p>A printed copy of the CAFR is on file in the City Clerk's office.</p> <p><b>ATTACHMENTS:</b> Attached is a summary of the change in fund balance for each fund for the year ending on September 30, 2019, as presented in the Comprehensive Annual Financial Report.</p> |                                       |                                               |
| <p><b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p> <p><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b> Financial Transparency</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                       |                                               |
| <p><b>STAFF RECOMMENDATIONS:</b> Receive presentation of the audited financial statements as included in the Comprehensive Annual Financial Report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                       |                                               |
| <p><b>REVIEWED BY:</b></p> <div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p><b>City Manager:</b> _____</p> <p><b>City Attorney:</b> _____</p> <p><b>City Clerk:</b> _____</p> <p><b>Department Director:</b> _____</p> </div> <div style="flex: 1; text-align: center;">  </div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                       |                                               |
| <p><b>COUNCIL ACTION:</b></p> <p><input type="checkbox"/> <b>APPROVED</b></p> <p><input type="checkbox"/> <b>DENIED</b></p> <p><input type="checkbox"/> <b>DEFERRED</b></p> <p><input type="checkbox"/> <b>OTHER</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                       |                                               |

## Fund Balance - September 30, 2019

| General Fund  | Special Revenue Funds |                      |                      |                   | Debt Service Funds |                   | Total Governmental Funds |
|---------------|-----------------------|----------------------|----------------------|-------------------|--------------------|-------------------|--------------------------|
|               | Gas Tax Fund          | Road Impact Fee Fund | Park Impact Fee Fund | Building Fee Fund | 2011 Debt Service  | 2014 Debt Service |                          |
| \$ 11,073,524 | \$ 4,355,866          | \$ 16,120,384        | \$ 2,940,459         | \$ 7,665,707      | \$ 2,005,600       | \$ 68,204         | \$ 44,229,744            |
| 26,202,918    | 2,030,484             | 7,134,238            | 808,306              | 3,610,400         | 3,552,153          | 1,079,359         | 44,417,858               |
| (19,323,563)  | (933,927)             | -                    | -                    | (2,726,287)       | (2,557,093)        | (1,076,824)       | (26,617,694)             |
| -             | -                     | -                    | -                    | (20,000)          | -                  | -                 | (20,000)                 |
| (49,490)      | (37,334)              | (2,173,529)          | -                    | -                 | -                  | -                 | (2,260,353)              |
| (15,838)      | -                     | -                    | -                    | -                 | -                  | -                 | (15,838)                 |
| (1,843,836)   | (1,031,159)           | (487,849)            | (263,268)            | -                 | -                  | -                 | (3,626,112)              |
| \$ 16,043,715 | \$ 4,383,930          | \$ 20,593,244        | \$ 3,485,497         | \$ 8,529,820      | \$ 3,000,660       | \$ 70,739         | \$ 56,107,605            |

### Allocation of Fund Balance by Category:

|                                         |               |              |               |              |              |              |           |               |
|-----------------------------------------|---------------|--------------|---------------|--------------|--------------|--------------|-----------|---------------|
| Nonspendable                            | \$ 425,117    | \$ -         | \$ -          | \$ -         | \$ -         | \$ -         | \$ -      | \$ 425,117    |
| Restricted                              | -             | 1,636,432    | 3,830,782     | 878,527      | 7,111,826    | -            | -         | 13,457,567    |
| Restricted- Capital projects carry-over | -             | 2,295,109    | 7,168,580     | 2,495,380    | 57,700       | -            | -         | 12,016,769    |
| Restricted - Capital outlay carry-over  | -             | -            | -             | -            | 9,383        | -            | -         | 9,383         |
| Restricted - Subsequent Year's Budget * | -             | 452,389      | 9,593,882     | 111,590      | 1,350,911    | -            | -         | 11,508,772    |
| Committed to:                           |               |              |               |              |              |              |           |               |
| Capital projects carry-over             | 5,248,069     | -            | -             | -            | -            | -            | -         | 5,248,069     |
| Capital outlay carry-over               | 33,383        | -            | -             | -            | -            | -            | -         | 33,383        |
| Assigned:                               |               |              |               |              |              |              |           |               |
| Disaster & Operating Reserves           | 5,100,000     | -            | -             | -            | -            | -            | -         | 5,100,000     |
| Subsequent Year's Budget*               | 603,652       | -            | -             | -            | -            | 2,550,225    | 70,739    | 3,224,616     |
| Debt Service                            | -             | -            | -             | -            | -            | 450,435      | -         | 450,435       |
| Other purposes                          | 112,700       | -            | -             | -            | -            | -            | -         | 112,700       |
| Unassigned                              | 4,520,794     | -            | -             | -            | -            | -            | -         | 4,520,794     |
| Total Fund Balance as of Sept 30, 2019  | \$ 16,043,715 | \$ 4,383,930 | \$ 20,593,244 | \$ 3,485,497 | \$ 8,529,820 | \$ 3,000,660 | \$ 70,739 | \$ 56,107,605 |

\* These amounts appear in the FY 2020 Budget Book on page 4 and reflect the amounts of which the FY2020 Budget anticipates the use of September 30, 2019 fund balance.

**Nonspendable fund balance** - amounts that are not in a spendable form (i.e.: prepaid expense, inventories) or are long-term receivables legally or contractually required to be maintained intact.

**Restricted fund balance** - amounts that can be spent only for the specific purposes stipulated by external resource providers (ie: grants), constitutionally, or through enabling legislation (i.e.: impact fees, building fees). These restrictions may be changed or lifted only with the consent of resource providers.

**Committed fund balance**- amounts that can be used only for the specific purpose determined by a formal action of City Council. Such commitments may be changed or lifted only by the City Council taking the same formal action that imposed the constraint originally (ie: carry-forward of unspent capital outlay budgets). Amounts classified as "committed" will be so designated by Council Resolution or Ordinance, and can only be changed by the same action that initially authorized them, unless that authorizing document states otherwise (ie: City Charter, Section 47 states "An appropriation for a capital expenditure shall continue in force until expended, revised, or repealed; the purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.)

**Assigned fund balance** - amounts intended to be used by the City for specific purposes. City Council delegates the authority to classify fund balance as "assigned" to the City Manager.

**Unassigned fund balance** - amounts of General Fund fund balance not contained in the other classifications. Unassigned amounts are available for any purpose. If a governmental fund, other than the General Fund, has a fund balance deficit, it will be reported as a negative amount in the unassigned classification as these funds can never have a positive amount classified as unassigned.

## Fund Balance - September 30, 2018

| General Fund               | Special Revenue Funds  |                      |                      |                          | Debt Service Funds       |                          | Total Governmental Funds   |
|----------------------------|------------------------|----------------------|----------------------|--------------------------|--------------------------|--------------------------|----------------------------|
|                            | Gas Tax Fund           | Road Impact Fee Fund | Park Impact Fee Fund | Building Fee Fund        | 2011 Debt Service        | 2014 Debt Service        |                            |
| \$ 14,431,838              | \$ 4,045,571           | \$ 10,154,012        | \$ 2,327,996         | \$ 5,870,193             | \$ 1,049,430             | \$ 50,812                | \$ 37,929,852              |
| 18,169,106<br>(19,665,715) | 1,991,735<br>(998,524) | 8,279,360<br>(385)   | 795,377<br>(149)     | 4,013,007<br>(2,201,463) | 3,515,021<br>(2,558,851) | 1,092,335<br>(1,074,943) | 37,855,941<br>(26,500,030) |
| -                          | -                      | -                    | -                    | (16,031)                 | -                        | -                        | (16,031)                   |
| (122,459)                  | (92,381)               | (2,175,024)          | -                    | -                        | -                        | -                        | (2,389,864)                |
| (26,440)                   | -                      | -                    | -                    | -                        | -                        | -                        | (26,440)                   |
| (1,712,805)                | (590,535)              | (137,579)            | (182,765)            | -                        | -                        | -                        | (2,623,684)                |
| \$ 11,073,525              | \$ 4,355,866           | \$ 16,120,384        | \$ 2,940,459         | \$ 7,665,706             | \$ 2,005,600             | \$ 68,204                | \$ 44,229,744              |

### Allocation of Fund Balance by Category:

|                                               |                      |                     |                      |                     |                     |                     |                  |                      |
|-----------------------------------------------|----------------------|---------------------|----------------------|---------------------|---------------------|---------------------|------------------|----------------------|
| Nonspendable                                  | \$ 400,000           | \$ -                | \$ -                 | \$ -                | \$ -                | \$ -                | \$ -             | \$ 400,000           |
| Restricted                                    | -                    | 2,751,040           | 12,033,273           | 1,281,661           | 6,957,469           | -                   | -                | 23,023,443           |
| Committed to:                                 |                      |                     |                      |                     |                     |                     |                  |                      |
| Capital projects carry-over                   | 4,805,299            | 1,604,826           | 4,087,111            | 1,658,798           | 57,700              | -                   | -                | 12,213,734           |
| Capital outlay carry-over                     | 92,185               | -                   | -                    | -                   | 650,537             | -                   | -                | 742,722              |
| Assigned:                                     |                      |                     |                      |                     |                     |                     |                  |                      |
| Disaster & Operating Reserves                 | 5,100,000            | -                   | -                    | -                   | -                   | -                   | -                | 5,100,000            |
| Debt Service                                  | -                    | -                   | -                    | -                   | -                   | 2,005,600           | 68,204           | 2,073,804            |
| Other purposes                                | 104,470              | -                   | -                    | -                   | -                   | -                   | -                | 104,470              |
| Unassigned                                    | 571,571              | -                   | -                    | -                   | -                   | -                   | -                | 571,571              |
| <b>Total Fund Balance as of Sept 30, 2018</b> | <b>\$ 11,073,525</b> | <b>\$ 4,355,866</b> | <b>\$ 16,120,384</b> | <b>\$ 2,940,459</b> | <b>\$ 7,665,706</b> | <b>\$ 2,005,600</b> | <b>\$ 68,204</b> | <b>\$ 44,229,744</b> |

**Nonspendable fund balance** - amounts that are not in a spendable form (i.e.: inventories) or are long-term receivables legally or contractually required to be maintained intact.

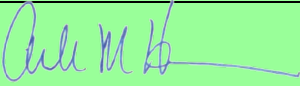
**Restricted fund balance** - amounts that can be spent only for the specific purposes stipulated by external resource providers (ie: grants), constitutionally, or through enabling legislation (i.e.: impact fees, building fees). These restrictions may be changed or lifted only with the consent of resource providers.

**Committed fund balance**- amounts that can be used only for the specific purpose determined by a formal action of City Council. Such commitments may be changed or lifted only by the City Council taking the same formal action that imposed the constraint originally (ie: carry-forward of unspent capital outlay budgets). Amounts classified as "committed" will be so designated by Council Resolution or Ordinance, and can only be changed by the same action that initially authorized them, unless that authorizing document states otherwise (ie: City Charter, Section 47 states "An appropriation for a capital expenditure shall continue in force until expended, revised, or repealed; the purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.)

**Assigned fund balance** - amounts intended to be used by the City for specific purposes. City Council delegates the authority to classify fund balance as "assigned" to the City Manager. In governmental funds other than the General Fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.

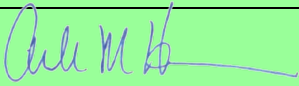
**Unassigned fund balance** - amounts of General Fund fund balance not contained in the other classifications. Unassigned amounts are available for any purpose. If a governmental fund, other than the General Fund, has a fund balance deficit, it will be reported as a negative amount in the unassigned classification as these funds can never have a positive amount classified as unassigned.

|                                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                       |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|------------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                |                                    | <b>GREEN SHEET:</b>                   | <b>20-06-131</b>                               |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                        |                                    |                                       |                                                |
| <b>REQUESTED MOTION: Review of Park related projects for CIP.</b>                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                                |
| <b>MEETING DATE: 6/3/2020</b>                                                                                                                                                                                                                                                                                                                                                                     |                                    |                                       |                                                |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                    |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>               |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                               | PRESENTATIONS                      | <input type="checkbox"/>              | Nicole Perino<br>Parks and Recreation Director |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                          | CONSENT                            | <input type="checkbox"/>              |                                                |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                          | PUBLIC HEARING                     | <input type="checkbox"/>              |                                                |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                          | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/>              |                                                |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                          | MAYOR AND COUNCIL MEMBER'S REPORTS |                                       |                                                |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                          | CITY ATTORNEY ITEMS                |                                       |                                                |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                          | CITY MANAGER ITEMS                 |                                       |                                                |
| <b>BACKGROUND:</b><br>As part of the Capital Improvement Plan (CIP) development process for FY 2021, staff has reviewed current and potential items for City Council's consideration and guidance for the City's #5 Strategic Priority of Community Aesthetics. This item is a continuation of that process with a review of current and potential items for the City's park system improvements. |                                    |                                       |                                                |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b><br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b> #5 – Community Aesthetics                                                                                                                                                                                    |                                    |                                       |                                                |
| <b>STAFF RECOMMENDATIONS:</b> Council's pleasure.                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                                |
| <b>REVIEWED BY:</b><br><div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;"> <b>City Manager:</b><br/> <b>City Attorney:</b><br/> <b>City Clerk:</b><br/> <b>Department Director:</b> </div> <div> <br/> _____<br/> _____<br/> _____<br/> _____ </div> </div>                                                                                                   |                                    |                                       |                                                |
| <b>COUNCIL ACTION:</b><br><input type="checkbox"/> <b>APPROVED</b><br><input type="checkbox"/> <b>DENIED</b><br><input type="checkbox"/> <b>DEFERRED</b><br><input type="checkbox"/> <b>OTHER</b>                                                                                                                                                                                                 |                                    |                                       |                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                       |                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    | <b>GREEN SHEET:</b>                   | <b>20-06-132</b>                 |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                       |                                  |
| <b>REQUESTED MOTION:</b> Authorize Staff to engage a traffic engineer to develop an additional pavement marking plan, to include reconfiguration of Southbound Old 41 turn lanes for consistency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                       |                                  |
| <b>MEETING DATE:</b> 6/3/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                       |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PRESENTATIONS                      | <input type="checkbox"/>              | STATUTE                          |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CONSENT                            | <input type="checkbox"/>              | ORDINANCE                        |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PUBLIC HEARING                     | <input type="checkbox"/>              | ADMIN. CODE                      |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/>              | OTHER                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MAYOR AND COUNCIL MEMBER'S REPORTS |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CITY ATTORNEY ITEMS                |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CITY MANAGER ITEMS                 |                                       |                                  |
| <div><b>Chris Corrie</b><br/><b>City Council District 4</b></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                       |                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                  |
| <b>BACKGROUND:</b> <p>The Old 41/Terry Street intersection serves a large volume of automobiles, bicycles, and pedestrians. In an effort to ensure the intersection is able to perform at a level of peak efficiency and safety for all users, I would like to retain a traffic engineering firm to develop a pavement marking &amp; signage plan that will provide additional advance warning signs/markings for drivers approaching the roundabout. In addition, if possible, I would like to have the firm evaluate the possibility of making all turning approaches the same by revising the southbound Old 41 turn schema to be consistent with the other 3 intersection approaches.</p> <p>Funding is available in the City's current CIP line item Roadway Restriping 30.250.541.6319</p> |                                    |                                       |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b><br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b> #2 – Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |                                       |                                  |
| <b>STAFF RECOMMENDATIONS:</b> <b>City Council's Pleasure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                    |                                       |                                  |
| <b>REVIEWED BY:</b> <div><div>City Manager:</div><div>City Attorney:</div><div>City Clerk:</div><div>Department Director:</div></div> <div></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |                                       |                                  |
| <b>COUNCIL ACTION:</b> <div><input type="checkbox"/> <b>APPROVED</b><br/><input type="checkbox"/> <b>DENIED</b><br/><input type="checkbox"/> <b>DEFERRED</b><br/><input type="checkbox"/> <b>OTHER</b></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                    |                                       |                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|--------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    | <b>GREEN SHEET:</b>                   | <b>20-06-135</b>                           |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                       |                                            |
| <b>REQUESTED MOTION:</b> Discuss with City Council a ballot amendment to Section 56 of the City Charter titled "Code of Ethics" to prohibit lobbying City of Bonita Springs elected officials to be placed on the November 3, 2020 Ballot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                       |                                            |
| <b>MEETING DATE: 6/3/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                       |                                            |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>           |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PRESENTATIONS                      | <input type="checkbox"/> STATUTE      | Chris Corrie<br>Council Member, District 4 |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CONSENT                            | <input type="checkbox"/> ORDINANCE    |                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PUBLIC HEARING                     | <input type="checkbox"/> ADMIN. CODE  |                                            |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/> OTHER        |                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MAYOR AND COUNCIL MEMBER'S REPORTS |                                       |                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CITY ATTORNEY ITEMS                |                                       |                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CITY MANAGER ITEMS                 |                                       |                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                            |
| <b>BACKGROUND:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |                                       |                                            |
| I would like to discuss with City Council a proposal for a ballot amendment to Section 56 of the City Charter titled "Code of Ethics." The ballot summary for the November 3, 2020 election would read:<br><br>"This amendment becomes effective December 31, 2020; Prohibits all lobbying the City of Bonita Springs for compensation by former Mayor and City Council-members for a period of 6 years; prohibits all lobbying of any public entity whether Federal, state or local for compensation by serving Mayor and City Council-members including lobbying for his or her employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she or any immediate family member owns an interest" |                                    |                                       |                                            |
| Adoption of this measure would authorize the City Attorney to draft final wording of the amendment to Section 56 of the Charter to be consistent with, and in conformity with the 2018 Amendment 12 to the State Constitution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                       |                                            |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>IF YES, WHICH STRATEGIC OBJECTIVE?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    |                                       |                                            |
| <b>STAFF RECOMMENDATIONS:</b> Council's pleasure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                       |                                            |
| <b>REVIEWED BY:</b><br><div></div> <div>City Manager: _____<br/>City Attorney: _____<br/>City Clerk: _____<br/>Department Director: _____</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                       |                                            |
| <b>COUNCIL ACTION:</b><br><input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                    |                                       |                                            |

|                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                              |                                    | <b>GREEN SHEET:</b>                   | <b>20-06-136</b>                 |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                  |
| <b>REQUESTED MOTION:</b> Discuss a policy of providing a brief recess during City Council meetings.                                                                                                                                                                                                                                             |                                    |                                       |                                  |
| <b>MEETING DATE:</b> 6/3/2020                                                                                                                                                                                                                                                                                                                   |                                    |                                       |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                  |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                        | PRESENTATIONS                      | <input type="checkbox"/>              | Laura Carr<br>District 3         |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                        | CONSENT                            | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                        | PUBLIC HEARING                     | <input type="checkbox"/>              |                                  |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                             | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/>              |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                        | MAYOR AND COUNCIL MEMBER'S REPORTS |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                        | CITY ATTORNEY ITEMS                |                                       |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                        | CITY MANAGER ITEMS                 |                                       |                                  |
| <b>BACKGROUND:</b><br>I would like to discuss with City Council the possible implementation of a brief recess during City Council meetings when the meeting has been in session for 2.5-3 hours to provide an opportunity for a short break of 10-15 minutes.                                                                                   |                                    |                                       |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b>                                                                                                                                                                          |                                    |                                       |                                  |
| <b>STAFF RECOMMENDATIONS:</b> Council's pleasure.                                                                                                                                                                                                                                                                                               |                                    |                                       |                                  |
| <b>REVIEWED BY:</b><br><div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;"> <b>City Manager:</b><br/> <b>City Attorney:</b><br/> <b>City Clerk:</b><br/> <b>Department Director:</b> </div> <div> <br/>           _____<br/>           _____<br/>           _____<br/>           _____         </div> </div> |                                    |                                       |                                  |
| <b>COUNCIL ACTION:</b><br><input type="checkbox"/> <b>APPROVED</b><br><input type="checkbox"/> <b>DENIED</b><br><input type="checkbox"/> <b>DEFERRED</b><br><input type="checkbox"/> <b>OTHER</b>                                                                                                                                               |                                    |                                       |                                  |
|                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                  |

|                                                                                                                                                                                                              |                                      |                                       |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                           |                                      | <b>GREEN SHEET:</b>                   | <b>20-06-139</b>                 |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                   |                                      |                                       |                                  |
| <b>REQUESTED MOTION: Discussion regarding the City's support of local businesses during recovery from the COVID-19 pandemic.</b>                                                                             |                                      |                                       |                                  |
| <b>MEETING DATE: 6/3/2020</b>                                                                                                                                                                                |                                      |                                       |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                               |                                      | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/> PRESENTATIONS                                                                                                                                                                       | <input type="checkbox"/> STATUTE     | Laura Carr<br>District 3              |                                  |
| <input type="checkbox"/> CONSENT                                                                                                                                                                             | <input type="checkbox"/> ORDINANCE   |                                       |                                  |
| <input type="checkbox"/> PUBLIC HEARING                                                                                                                                                                      | <input type="checkbox"/> ADMIN. CODE |                                       |                                  |
| <input checked="" type="checkbox"/> MAYOR AND COUNCIL MEMBER ITEMS                                                                                                                                           | <input type="checkbox"/> OTHER       |                                       |                                  |
| <input type="checkbox"/> MAYOR AND COUNCIL MEMBER'S REPORTS                                                                                                                                                  |                                      |                                       |                                  |
| <input type="checkbox"/> CITY ATTORNEY ITEMS                                                                                                                                                                 |                                      |                                       |                                  |
| <input type="checkbox"/> CITY MANAGER ITEMS                                                                                                                                                                  |                                      |                                       |                                  |
| <b>BACKGROUND:</b><br>As businesses continue to open, I would like to discuss with City Council potential ways in which we could support our local businesses as they recover from the COVID-19 pandemic.    |                                      |                                       |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b><br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b> #8 Economic Development |                                      |                                       |                                  |
| <b>STAFF RECOMMENDATIONS:</b> Council's pleasure                                                                                                                                                             |                                      |                                       |                                  |
| <b>REVIEWED BY:</b>                                                                                                        |                                      |                                       |                                  |
| <b>City Manager:</b> _____<br><b>City Attorney:</b> _____<br><b>City Clerk:</b> _____<br><b>Department Director:</b> _____                                                                                   |                                      |                                       |                                  |
| <b>COUNCIL ACTION:</b><br><input type="checkbox"/> <b>APPROVED</b><br><input type="checkbox"/> <b>DENIED</b><br><input type="checkbox"/> <b>DEFERRED</b><br><input type="checkbox"/> <b>OTHER</b>            |                                      |                                       |                                  |
|                                                                                                                                                                                                              |                                      |                                       |                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |                                       |                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          | <b>GREEN SHEET:</b>                   | <b>20-06-140</b>                                                                                                    |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          |                                       |                                                                                                                     |
| <b>REQUESTED MOTION:</b> First reading of the following Zoning Ordinance: A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REZONING 1342.60 +/- ACRES APPROXIMATELY ¾ MILE NORTH OF EAST TERRY STREET AND EAST OF BONITA GRANDE DRIVE FROM INDUSTRIAL PLANNED DEVELOPMENT (IPD) AND AGRICULTURAL (AG-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD); PROVIDING FOR THE TRANSITION FROM EXISTING MINING USES TO RESIDENTIAL DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE.                                                             |                          |                                       |                                                                                                                     |
| <b>MEETING DATE: 6/3/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                          |                                       |                                                                                                                     |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          | <b>REQUIREMENT/PURPOSE: (Specify)</b> |                                                                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/>              | John Dulmer, AICP,<br>Community Development Director<br><br>Jacqueline Genson, AICP,<br>Planning and Zoning Manager |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/>              |                                                                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/>              |                                                                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/>              |                                                                                                                     |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/> | <input type="checkbox"/>              |                                                                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/>              |                                                                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/>              |                                                                                                                     |
| <b>BACKGROUND:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |                                       |                                                                                                                     |
| This request is scheduled based on the timing established in the Settlement Agreement approved at the November 20, 2019 City Council meeting. The Zoning Board public hearing is scheduled for June 16, 2020 at 11AM using communications media technology.                                                                                                                                                                                                                                                                                 |                          |                                       |                                                                                                                     |
| The Settlement Agreement states that the final public hearing on the Bonita Grande Mine Residential Planned Development (RPD) amendment request shall be properly advertised and held prior to March 31, 2020. Due to COVID-19 this application was submitted and reviewed in an expedited manner in an attempt to meet the timeframes as previously established.                                                                                                                                                                           |                          |                                       |                                                                                                                     |
| This is the first reading of a Zoning Ordinance for the Bonita Grande Mine RPD request. The first reading of the Zoning Ordinance is procedural, where the title block is read into the record with no discussion on the Zoning Ordinance for the RPD request. The second reading (public hearing) is tentatively scheduled for the June 17, 2020 City Council Zoning public hearing date in order to remain consistent with the Settlement Agreement and to afford due process in accordance with the land development code and state law. |                          |                                       |                                                                                                                     |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |                                       |                                                                                                                     |
| <b>IF YES, WHICH STRATEGIC OBJECTIVE?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |                                       |                                                                                                                     |
| <b>STAFF RECOMMENDATIONS:</b> Advance to second Reading on June 17 <sup>th</sup> , 2020.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                          |                                       |                                                                                                                     |
| <b>REVIEWED BY:</b><br>City Manager: _____<br>City Attorney: _____<br>City Clerk: _____<br>Department Director: _____                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |                                       |                                                                                                                     |
| <b>COUNCIL ACTION:</b><br><input type="checkbox"/> APPROVED<br><input type="checkbox"/> DENIED<br><input type="checkbox"/> DEFERRED<br><input type="checkbox"/> OTHER                                                                                                                                                                                                                                                                                                                                                                       |                          |                                       |                                                                                                                     |

CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 20 -

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REZONING 1342.60 +/- ACRES APPROXIMATELY ¾ MILE NORTH OF EAST TERRY STREET AND EAST OF BONITA GRANDE DRIVE FROM INDUSTRIAL PLANNED DEVELOPMENT (IPD) AND AGRICULTURAL (AG-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD); PROVIDING FOR THE TRANSITION FROM EXISTING MINING USES TO RESIDENTIAL DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, BG Mine, LLC, has filed an application to request to rezone 1342.60 +/- acres from Industrial Planned Development (IPD) and Agriculture AG-2 to a Residential Planned Development (RPD) to allow for the existing mining operation to continue as an existing only use subject to City of Bonita Springs Zoning Ordinance No. 19-13, then once the mining operation ceases, the property may be redeveloped with a maximum of 700 dwelling units consisting of single family and multiple family units, with a maximum building height of 50 feet, up to 60,000 square feet of amenity uses, and a community park; and

**WHEREAS**, the subject property is generally located and is described more particularly as:

“See Exhibit A”

**WHEREAS**, a Public Hearing was advertised and heard on June 16, 2020, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case PD20-69074-BOS, which considered the evidence available and recommended \_\_\_\_ (x-x vote) after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City, and the testimony of all interested parties. The June 8, 2020 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing, as part of the City Council hearing record, are on file with the City Clerk.

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

**SECTION ONE: APPROVAL OF REQUEST**

City Council of Bonita Springs hereby approves the request to rezone 1342.60 +/- acres from Industrial Planned Development (IPD) and Agriculture AG-2 to a Residential Planned Development (RPD) to allow for the existing mining operation to continue as an existing only use subject to City of Bonita Springs Zoning Ordinance No. 19-13, then once the mining operation ceases, the property may be redeveloped with a maximum of 700 dwelling units consisting of single family and multiple family units, with a maximum building height of 50 feet, up to 60,000

square feet of amenity uses, and a community park, subject to the following uses, conditions and deviations:

Conditions:

1. The project should be generally consistent with the Master Concept Plan stamped received May 28, 2020 and titled "Bonita Grande Mine Residential Planned Development" prepared by Morris-Depew Associates, Inc., and attached hereto (Exhibit "B," Sheets 1-4), except as modified by the conditions below.
2. The following limits apply to the project and uses:
  - a. Schedule of Uses:

**Residential**

ACCESSORY USES AND STRUCTURES

AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES,

Existing Only

BOAT DOCKS

DWELLING UNITS:

SINGLE-FAMILY

TWO FAMILY ATTACHED

TOWNHOUSE

MULTI-FAMILY

ZERO-LOT LINE

ENTRANCE GATES AND GATEHOUSE

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES - GROUP I ONLY

EXCAVATION:

WATER RETENTION

\*\*MINING (EXISTING ONLY)

FENCES, WALLS

HOME OCCUPATION

MODELS:

MODEL DISPLAY CENTER/SALES CENTER

MODEL HOME

MODEL UNIT

MULTI-SLIP DOCKING FACILITY

PARK, GROUP I

PARKING LOT, ACCESSORY - TO A MODEL DISPLAY CENTER, MODEL HOME OR MODEL UNIT ONLY

REAL ESTATE SALES

RECREATIONAL FACILITIES, PERSONAL, COMMUNITY, PRIVATE

RESIDENTIAL ACCESSORY USES AND STRUCTURES

SIGNS IN ACCORDANCE WITH LAND DEVELOPMENT CODE

TEMPORARY USES, INCLUDING TEMPORARY SALES OFFICE,

TEMPORARY CONSTRUCTION OFFICE, TEMPORARY CONSTRUCTION-RELATED STORAGE, TEMPORARY AMENITY STRUCTURES

**Amenity Areas**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
BOAT RAMPS AND DOCKAGE, NOT MARINA  
BOAT RENTAL  
COMMUNICATION FACILITY, WIRELESS  
CONSUMPTION ON PREMISES  
CLUBS, CLUBHOUSE - PRIVATE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES - GROUP I ONLY  
EXCAVATION, WATER RETENTION  
FENCES, WALLS  
FISHING PIERS  
FOOD AND BEVERAGE SERVICES, LIMITED TO USE OF A CLUB  
HEALTH CLUB OR SPA, LIMITED TO USE OF A CLUB  
MARINA  
MODEL DISPLAY CENTER  
MULTI-SLIP DOCKING FACILITY  
PARKING LOT, ACCESSORY  
PERSONAL SERVICES - GROUPS I & II  
REAL ESTATE SALES  
RECREATIONAL FACILITIES, PRIVATE ON SITE, COMMUNITY  
RESTAURANTS, GROUPS I, II, & III  
SIGNS IN ACCORDANCE WITH LAND DEVELOPMENT CODE  
SPECIALTY RETAIL SHOPS, GROUPS I & II  
STORAGE, INDOORS  
TEMPORARY USES - TEMPORARY SALES, TEMPORARY  
CONSTRUCTION, TEMPORARY CONSTRUCTION OFFICE, TEMPORARY  
CONSTRUCTION-RELATED STORAGE

**Lake Park Area (Subject to Joint Use Agreement)**

ACCESSORY USES AND STRUCTURES  
ENTRANCE GATES AND GATEHOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES - GROUP I ONLY  
EXCAVATION, WATER RETENTION  
FENCES, WALLS  
PARKS:  
    GROUP I – LIMITED TO FISHING PIERS, NATURE/WILDLIFE  
    PRESERVES AND PASSIVE RECREATIONAL USES & EDUCATIONAL  
    ACTIVITIES LIMITED TO HIKING, NATURE TRAILS AND SIMILAR  
    ACTIVITIES REQUIRING FEW OR ON-SITE FACILITIES  
    GROUP II – LIMITED TO BOAT RAMPS (KAYAKS/CANOES ONLY)  
    AND NATURE CENTER  
PARKING LOT, ACCESSORY TO PARK USE  
RECREATIONAL FACILITIES, COMMERCIAL GROUP III – LIMITED TO  
PASSIVE RECREATIONAL USE & EDUCATIONAL ACTIVITIES LIMITED TO  
HIKING, NATURE TRAILS AND SIMILAR ACTIVITIES REQUIRING FEW  
OR ON-SITE FACILITIES  
SIGNS IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE

\*AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES, are permitted as an  
Existing Only use for those properties zoned AG-2 prior this planned development request.

\*\*Excavation, mining is an Existing Only use as approved pursuant to City of Bonita Springs Zoning Ordinance ZO-19-13.

b. The Development Regulations: See Exhibit B

3. Duration of rights for this planned development shall be in accordance with LDC Sec. 4-303. *City staff will coordinate with the Applicant on an appropriate phasing schedule.*
4. Lake Park. The Applicant shall complete restoration of the Lake Park Area as depicted on the Master Concept Plan.
5. Criminal Protection Through Environmental Design. At time of local development order review, the Applicant shall provide a Criminal Protection Through Environmental Design report for the Lee County Sheriff's Office for review and comment.
6. Master Utility Plan. At time of local development order review, the Applicant may submit a technical deviation in accordance with LDC Sec. 3-81 to the City of Bonita Springs and Bonita Springs Utilities (BSU) to deviate from LDC Sec. 3-392(c)(1) and (9).
7. Environmental
  - a. More conditions forthcoming
  - b. Slope for littorals
  - c. Water quality treatment
  - d. Marina and boat uses
  - e. Wellfield protection
8. Engineering
  - a. More conditions forthcoming
  - b. At time of local development order, the Applicant shall demonstrate appropriate erosion and water quality controls for all uses adjacent to all lakes. Erosion and water quality controls may include a greater slope ratio for littoral plantings and other unique shoreline stabilization (bulkheads and/or rip rap) adjacent to all lakes at time of local development order contingent on use.
  - c. Berms and lake stabilization
9. Transportation and Multimodal
  - a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order; and
  - b. The Applicant has obtained a Concurrency Certificate as a part of this request; and
  - c. At time of local development order, the Applicant shall coordinate with LeeTran on an easement dedication for a future LeeTran facility near the project's main entrance; and
  - d. LCDOT Conditions, if applicable

- e. At time of local development order, all required bicycle, pedestrian and multimodal facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, shall meet or exceed the design standards provided by LDC Chapter 3, the Bicycle Pedestrian Master Plan (PATH), and all applicable design standards except as modified herein and as required by the Bonita Springs Fire Control and Rescue District and National Fire Protection Area (NFPA).
10. This Plan is subject to conditions set forth herein and the rules, regulations laws and codes in place at the time of Development Order and Construction Plan approval. Approval of this Planned Development is not a guarantee of future approvals

Deviations:

1. Deviation 1 is DENIED/APPROVED, granting relief from LDC Sec. 3-331(d)(3)(a) which requires stormwater retention/detention lakes to have a maximum depth of 20' below control elevation to allow for a maximum depth of 90' for the existing mining lakes.
2. Deviation 2 is DENIED/APPROVED, granting relief from LDC Sec. 3-331(d)(4) which requires a 4:1 (H:V) maximum slope between the top of bank and 6 feet below average wet season water to allow for placement of riprap on in accordance with LDC Sec. 7-385(d) and MCP typical section, and / or installation of a seawall that can replace the 4:1 slope in accordance with LDC Sec. 7-385(a) and MCP typical section.
3. Deviation 3 is DENIED/APPROVED, granting relief from LDC Sec. 3-331(d)(1)a. which requires an excavation to have a setback of 50 feet from an existing street right of way or easement for a collector and/or private property line to allow 25 feet from a collector and/or private property line.
4. Deviation 4 is DENIED/APPROVED, granting relief from LDC Sec. 3-417(b)(6)(a) which requires a minimum 30-foot setback from all preserve areas for primary buildings and accessory structures to allow a 25-foot setback from a preserve and a structure.
5. Deviation 5 is DENIED/APPROVED, granting relief from LDC Sec. 3-392(c)(1) and (9) which requires design and construction of looped water mains at a maximum distance of 1,500 ft to allow for a maximum looped distance of 9,000 ft.
6. Deviation 6 is WITHDRAWN.
7. Deviation 7 is WITHDRAWN.
8. Deviation 8 is DENIED/APPROVED, granting relief from LDC Sec. 303(b)(i)(d) which requires a minimum bike lane width of seven feet and a minimum sidewalk width of 8 feet on both sides of the right of way to allow a single two-way multiuse path located on one side of Bonita Grande Drive as depicted in cross section N and O of the MCP.

9. Deviation 9 is DENIED/APPROVED, granting relief from LDC Sec. 3-303(b)(iii)(d) which requires dedicated on-street separate 5-foot wide bike lanes and 6' wide sidewalks on both sides of the street or a minimum 11-foot wide multi-use path to allow no bike lane and a 6 foot wide sidewalk on one side of road as depicted in cross sections C and D of the MCP.
10. Deviation 10 is DENIED/APPROVED, granting relief from LDC Sec. 3-302(g) which limits curb and gutter types to only those specified by FDOT to allow for a traversable, 2-foot wide, concrete valley gutter as depicted in typical sections C, D, M, N and O of the MCP.
11. Deviation 11 is DENIED, granting relief from Deviation from LDC Sec. 6-146(a)(1) which requires off-site, non-illuminating directional signs to be permitted along arterial and collector streets within 500 of the nearest intersection involving a turning movement to locate the development to allow an off-site sign at the intersection of Bonita Beach Road and Bonita Grande Drive; either in the right of way or Northwest quadrant of the intersection and an off-site sign at the intersection of E Terry Street and Bonita Grande Drive; either in the right of way or Northwest quadrant of the intersection.
12. Deviation 12 is APPROVED, granting relief from LDC Sec. 6-112(2)b. which permits one additional permanent wall or monument sign for identification purposes for a property boundary that exceeds 2,000 feet in length to allow additional permanent wall or monument signs as depicted on MCP.
13. Deviation 13 is APPROVED SUBJECT TO CONDITIONS, granting relief from LDC Sec. 3-438(b)(2) which requires the developer to provide a bus stop to allow no bus stop.
14. Deviation 14 is APPROVED/DENIED, granting relief from LDC Sec. 3-331(d)(4) which requires a 2:1 maximum slope from 6 feet below the average wet season water table to the excavation bottom to allow for a vertical maximum slope from 6 feet below the average wet season water table to the lake excavation bottom for Mining Lakes only.
15. Deviation 15 is APPROVED, granting relief from LDC Sec. 4-1892(7) which permits a 3.5 foot encroachment into a side yard setback when a 7.5 foot side yard setback is provided to permit more than a 3.5 foot encroachment with a 5 foot side yard setback.

## **SECTION TWO: FINDINGS AND CONCLUSIONS**

Based upon an analysis of the application and the standards for approval of a planned development rezone, the City Council makes the following findings and conclusions:

1. The Applicant has proven entitlement to the rezoning by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.

2. Approval of this request will not place an undue burden upon existing transportation or planned infrastructure facilities. The appropriate roadway links are currently over capacity, but the traffic generated by the proposed zoning will not have a significant impact on the volume.
3. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.
4. The requested planned development:
  - a. appropriately conditioned meets or exceeds all general performance and locational standards set forth for potential uses allowed by the request;
  - b. is consistent with the intensities and general uses set forth in the Bonita Springs Comprehensive Plan, while the request does not include residential density, outside of a caretaker's residence within the proposed building, and thus, the project is well below the permitted maximum density; and
  - c. is compatible with existing uses in the surrounding area.
5. Additionally, pursuant to section 4-299(a)(2) and (4) of the LDC;
  - a. The proposed use or mix of uses is appropriate at the subject location;
  - b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
  - c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
6. The deviations recommended for approval:
  - i. Enhance the achievement of the objectives of the planned development; and
  - ii. Preserves and promotes the general intent of LDC 4 to protect the public health, safety and welfare.

### **SECTION THREE: INCORPORATION OF RECORD**

City Council of Bonita Springs hereby adopts and incorporates into this ordinance the record hearing exhibits and attachments considered as part of the application as follows:

#### **EXHIBITS:**

- A. Legal Description and Sketch of the Subject Property stamped received May 22, 2020

B. Master Concept Plan (MCP) stamped received May 28, 2020

**SECTION FOUR: EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days from the date of adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Lee County, Florida, this **DATE** day of **MONTH**, 2020.

[SIGNATURE PAGE FOLLOWS]

AUTHENTICATION:

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

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

Vote:

Carr  
Purdon  
Forbes  
Gibson

Corrie  
Quaremba  
Simmons

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

**AGENDA ITEM SUMMARY****REQUESTED MOTION:** First reading and public hearing of the following Ordinance:

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A VARIANCE FROM SECTIONS 4-1893 AND 4-1894 OF THE LAND DEVELOPMENT CODE REQUIRING A 25-FOOT SETBACK FROM ADJACENT RIGHTS-OF-WAY AND A 25-SETBACK FROM WATERBODIES TO PERMIT A SINGLE FAMILY DWELLING UNIT AT 27733 HICKORY BLVD BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE.

**MEETING DATE: 6/3/2020****AGENDA:****REQUIREMENT/PURPOSE: (Specify)****REQUESTOR OF INFORMATION:**

- |                                     |                                    |                                     |             |
|-------------------------------------|------------------------------------|-------------------------------------|-------------|
| <input type="checkbox"/>            | PRESENTATIONS                      | <input type="checkbox"/>            | STATUTE     |
| <input type="checkbox"/>            | CONSENT                            | <input checked="" type="checkbox"/> | ORDINANCE   |
| <input checked="" type="checkbox"/> | PUBLIC HEARING                     | <input type="checkbox"/>            | ADMIN. CODE |
| <input type="checkbox"/>            | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/>            | OTHER       |
| <input type="checkbox"/>            | MAYOR AND COUNCIL MEMBER'S REPORTS |                                     |             |
| <input type="checkbox"/>            | CITY ATTORNEY ITEMS                |                                     |             |
| <input type="checkbox"/>            | CITY MANAGER ITEMS                 |                                     |             |

Jay Sweet PSM, AICP  
Community Development

**BACKGROUND:**

This is the first reading of a Zoning Ordinance requesting a variance from the required front yard and waterward setbacks. This request was heard by the Zoning Board at a public hearing on the 18<sup>th</sup> February 2020 and was scheduled to be heard by the City Council March. However, that schedule was interrupted by the Corona Virus. This petition has been re-advertised with City Council first reading on 3<sup>rd</sup> June 2020 and second reading (public hearing) on 17<sup>th</sup> June 2020.

The first reading of the Zoning Ordinance is procedural, where the title block is read into the record with no discussion on the Zoning Ordinance for the rezoning request. The item will be moved to the June 17, 2020 City Council meeting for the second reading (public hearing) to afford due process in accordance with the land development code and state law.

**IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?** ☐ YES ☒ NO**IF YES, WHICH STRATEGIC OBJECTIVE?****STAFF RECOMMENDATIONS:** Move to second reading on June 17<sup>th</sup>, 2020.**REVIEWED BY:****City Manager:** **City Attorney:** \_\_\_\_\_**City Clerk:** \_\_\_\_\_**Department Director:** \_\_\_\_\_**COUNCIL ACTION:**

- ☐ **APPROVED**  
☐ **DENIED**  
☐ **DEFERRED**  
☐ **OTHER**

**CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 20 - XX**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A VARIANCE FROM SECTIONS 4-1893 AND 4-1894 OF THE LAND DEVELOPMENT CODE REQUIRING A 25-FOOT SETBACK FROM ADJACENT RIGHTS-OF-WAY AND A 25-SETBACK FROM WATERBODIES TO PERMIT A SINGLE FAMILY DWELLING UNIT AT 27733 HICKORY BLVD BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Sections 4-1893 and 4-1894 of the City's land development code ("LDC") require twenty-five foot setbacks from streets and waterbodies, respectively; and

**WHEREAS**, the Applicant, Robert McHugh, is seeking a variance pursuant to the aforementioned setback to accommodate an existing single-family structure; and

**WHEREAS**, a Public Hearing was advertised and heard on February 18, 2020 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case VAR19-62089-BOS who recommended approval after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

**WHEREAS**, Section 4-225 of the LDC requires variances and special exceptions be processed as ordinances as opposed to resolutions; and

**WHEREAS**, City Council at their June 17, 2020 zoning meeting considered the record of the Zoning Board on Case VAR19-62089-BOS and gave full consideration of the Staff Recommendation, the evidence and testimony provided during the public hearing.

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

**SECTION ONE: APPROVAL OF REQUEST**

City Council of Bonita Springs hereby grants a variance from the setback requirements of Sections 4-1893 and 4-1894, with the following conditions:

Conditions:

1. The variance is limited to the lot in question, known as 27733 Hickory Blvd, STRAP No. 31-47-25-B4-002L0.0100, further described in the legal description, Exhibit A, attached hereto.
2. A variance is limited to a street setback reduction of 5', for a new western street setback requirement of 20' along the front from the property.
3. An additional variance is limited to a waterbody setback reduction of 10', for a new western setback requirement of 15' from the mean high water line in the rear of the property.
4. The variance is limited to the existing single-family residential structure only.
5. Any additional structures shall be constructed in accordance with LDC Sections 4-1893 and 1894.

Findings & Conclusions:

Based upon an analysis of the application and the standards for approval of a variance, Bonita Springs City Council makes the following findings and conclusions, as conditioned:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question;
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the code from which this chapter is derived will not be considered self-created);
3. The variances granted is the minimum variances to will relieve the applicant of an unreasonable burdens caused by the application of the regulations in question to the subject property;
4. The granting of the variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

**SECTION TWO: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Lee County, Florida, this 17th day of June, 2020.

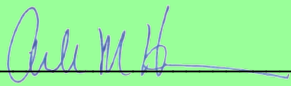
AUTHENTICATION:

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

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

Vote:  
Carr Corrie  
Purdon Quaremba  
Forbes Simmons  
Gibson

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                               |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                      | <b>GREEN SHEET:</b>                           | 20-06-129                        |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |                                               |                                  |
| <b>REQUESTED MOTION:</b> Approve Resolution appointing Audit Committee members to perform the solicitation and selection procedures for the external auditing firm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                      |                                               |                                  |
| <b>MEETING DATE:</b> June 3, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |                                               |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                      | <b>REQUIREMENT/PURPOSE: (Specify)</b>         | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/> PRESENTATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> STATUTE     | Anne K. Wright, CPA, CGFO<br>Finance Director |                                  |
| <input type="checkbox"/> CONSENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> ORDINANCE   |                                               |                                  |
| <input type="checkbox"/> PUBLIC HEARING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> ADMIN. CODE |                                               |                                  |
| <input type="checkbox"/> MAYOR AND COUNCIL MEMBER ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> OTHER       |                                               |                                  |
| <input type="checkbox"/> MAYOR AND COUNCIL MEMBER'S REPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                                               |                                  |
| <input type="checkbox"/> CITY ATTORNEY ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                      |                                               |                                  |
| <input checked="" type="checkbox"/> CITY MANAGER ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                                               |                                  |
| <b>BACKGROUND:</b> The final year of service on the City's current contract with our external auditing firm was FY 2019. It is now time to begin the solicitation process for external audit services for FY 2020.<br><br>Florida Statutes §218.391, Auditor Selection Guidelines, addresses auditor selection procedures, and requires the governing body to establish an audit committee to assist with this process. Florida Statute §218.391 states that the audit committee must be at least three members, and the Chairman of the Committee must be a member of City Council. The Government Finance Officers Association has published an Audit Committee Best Practice, which is attached. The Best Practice states: "All members of the audit committee should be members of the governing body". |                                      |                                               |                                  |
| <b>Attachments:</b> Florida Statutes §218.391; GFOA Audit Committee Best Practice, Resolution appointing Council Members to the Audit Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |                                               |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b><br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b> Financial Transparency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                                               |                                  |
| <b>STAFF RECOMMENDATIONS:</b> Appoint three members of City Council to serve as the Audit Committee, designate one member as Chairman, and approve the attached resolution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                                               |                                  |
| <b>REVIEWED BY:</b><br><br><div style="display: flex; justify-content: space-between;"> <div> <b>City Manager:</b> _____<br/> <b>City Attorney:</b> _____<br/> <b>City Clerk:</b> _____<br/> <b>Department Director:</b> _____         </div> <div style="text-align: center;">  </div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |                                               |                                  |
| <b>COUNCIL ACTION:</b><br><br><input type="checkbox"/> <b>APPROVED</b><br><input type="checkbox"/> <b>DENIED</b><br><input type="checkbox"/> <b>DEFERRED</b><br><input type="checkbox"/> <b>OTHER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |                                               |                                  |

The 2019 Florida Statutes

Title XIV

TAXATION AND FINANCE

Chapter 218

FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS

[View Entire Chapter](#)

218.391 Auditor selection procedures.—

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a county, municipality, special district, district school board, charter school, or charter technical career center shall establish an auditor selection committee.

(a) The auditor selection committee for a county must, at a minimum, consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution or their respective designees and one member of the board of county commissioners or its designee.

(b) The auditor selection committee for a municipality, special district, district school board, charter school, or charter technical career center must consist of at least three members. One member of the auditor selection committee must be a member of the governing body of an entity specified in this paragraph, who shall serve as the chair of the committee.

(c) An employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an auditor selection committee established under this subsection; however, an employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may serve in an advisory capacity.

(d) The primary purpose of the auditor selection committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the committee may serve other audit oversight purposes as determined by the entity's governing body. The public may not be excluded from the proceedings under this section.

(3) The auditor selection committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services,

and such other factors as may be determined by the committee to be applicable to its particular requirements.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph (a). If fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the auditor selection committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

(9) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity must again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years.

History.—s. 65, ch. 2001-266; s. 1, ch. 2005-32; s. 15, ch. 2019-15.

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# BEST PRACTICE

## Audit Committees

### BACKGROUND:

Three main groups are responsible for the quality of financial reporting: the governing body,<sup>1</sup> financial management, and the independent auditors. Of these three, the governing body must be seen as first among equals because of its unique position as the ultimate monitor of the financial reporting process.<sup>2</sup> An audit committee is a practical means for a governing body to provide much needed independent review and oversight of the government's financial reporting processes, internal controls, and independent auditors. An audit committee also provides a forum separate from management in which auditors and other interested parties can candidly discuss concerns. By effectively carrying out its functions and responsibilities, an audit committee helps to ensure that management properly develops and adheres to a sound system of internal controls, that procedures are in place to objectively assess management's practices, and that the independent auditors, through their own review, objectively assess the government's financial reporting practices.<sup>3</sup>

### RECOMMENDATION:

GFOA makes the following recommendations regarding the establishment of audit committees by state and local governments:

- The governing body<sup>4</sup> of every state and local government should establish an audit committee or its equivalent;
- The audit committee should be formally established by charter, enabling resolution, or other appropriate legal means and made directly responsible<sup>5</sup> for the appointment, compensation, retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review, or attest services.<sup>6</sup> Likewise, the audit committee should be established in such a manner that all accountants thus engaged report directly to the audit committee. The written documentation establishing the audit committee should prescribe the scope of the committee's responsibilities, as well as its structure, processes, and membership requirements. The audit committee should itself periodically review such documentation, no less than once every five years, to assess its continued adequacy;<sup>7</sup>
- Ideally, all members of the audit committee should possess or obtain a basic understanding of governmental financial reporting and auditing.<sup>8</sup> The audit committee also should have access to the services of at least one financial expert, either a committee member or an outside party engaged by the committee for this purpose. Such a financial expert should through both education and experience, and in a manner specifically relevant to the government sector, possess 1) an understanding of generally accepted accounting principles and financial

statements; 2) experience in preparing or auditing financial statements of comparable entities; 3) experience in applying such principles in connection with the accounting for estimates, accruals, and reserves; 4) experience with internal accounting controls; and 5) an understanding of audit committee functions;<sup>9</sup>

- All members of the audit committee should be members of the governing body. To ensure the committee's independence and effectiveness, no governing body member who exercises managerial responsibilities that fall within the scope of the audit should serve as a member of the audit committee;
- An audit committee should have sufficient members for meaningful discussion and deliberation, but not so many as to impede its efficient operation. As a general rule, the minimum membership of the committee should be no fewer than three;<sup>10</sup>
- Members of the audit committee should be educated regarding both the role of the audit committee and their personal responsibility as members, including their duty to exercise an appropriate degree of professional skepticism;
- It is the responsibility of the audit committee to provide independent review and oversight of a government's financial reporting processes, internal controls and independent auditors;<sup>11</sup>
- The audit committee should have access to the reports of internal auditors, as well as access to annual internal audit work plans;
- The audit committee should present annually to the full governing body a written report of how it has discharged its duties and met its responsibilities. It is further recommended that this report be made public and be accompanied by the audit committee's charter or other establishing documentation;
- The audit committee should establish procedures for the receipt, retention, and treatment of complaints regarding accounting, internal accounting controls, or auditing matters. Such procedures should specifically provide for the confidential, anonymous submission by employees of the government of concerns regarding questionable accounting or auditing matters.<sup>12</sup> The audit committee also should monitor controls performed directly by senior management, as well as controls designed to prevent or detect senior-management override of other controls<sup>13</sup>;
- The audit committee should be adequately funded and should be authorized to engage the services of financial experts, legal counsel, and other appropriate specialists, as necessary to fulfill its responsibilities<sup>14</sup>; and
- In its report to the governing body, the audit committee should specifically state that it has discussed the financial statements with management, with the independent auditors in private,<sup>15</sup> and privately among committee members,<sup>16</sup> and believes that they are fairly presented, to the extent such a determination can be made solely on the basis of such conversations.

## Notes:

<sup>1</sup> For the purposes of this recommended practice, the term "governing body" should be understood to include any elected officials (e.g., county auditor, city controller) with legal responsibility for overseeing financial reporting, internal control, and auditing, provided they do not exercise managerial responsibilities within the scope of the audit. The term "governing body" also is intended to encompass appointed bodies such as pension boards.

<sup>2</sup> *Report and Recommendations of the Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees*, Overview and Recommendations.

<sup>3</sup> Securities and Exchange Commission (SEC) Regulation 33-8220, Background and Overview of the New Rule and Amendments.

For the purposes of this recommended practice, the term governing body should be understood to include any other elected officials (e.g., county auditor, city controller) with legal responsibility for overseeing financial reporting, internal control, and auditing, provided they do *not* exercise managerial responsibilities within the scope of the audit. The term governing body also is intended to encompass appointed bodies such as pension boards.

<sup>5</sup> Nothing in this recommended practice should be interpreted so as to limit the full governing body from exercising ultimate authority.

<sup>6</sup> Sarbanes Oxley Act, Section 301.

<sup>7</sup> *Report and Recommendations of the Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees*, Recommendation 4.

<sup>8</sup> *Report and Recommendations of the Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees*, Recommendation 3. Continuity typically is a positive factor in achieving this goal, a fact that should be kept in mind when considering the appropriate length of service for audit committee members.

<sup>9</sup> Sarbanes-Oxley Act, Section 407.

<sup>10</sup> In certain limited instances, as noted later, the audit committee will need to meet privately to achieve its goals. If the audit committee constitutes a majority of the governing body, such private meetings may be hampered by sunshine laws and similar open meetings legislation.

<sup>11</sup> SEC Regulation 330-8220, Background and Overview.

<sup>12</sup> Sarbanes Oxley Act, Section 301.

<sup>13</sup> *Internal Control Integrated Framework: Guidance on Monitoring Internal Control Systems* (Discussion Document of the Committee of Sponsoring Organizations COSO, 2007), page 10.

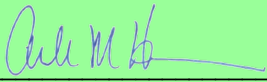
<sup>14</sup> Nothing in this recommended practice should be interpreted so as to limit the full governing body from exercising ultimate authority.

<sup>15</sup> It is important that the audit committee be able to meet privately with the independent auditors, as needed, to ensure a full and candid discussion. Governments are urged to amend sunshine laws and similar open meetings legislation to permit such encounters in these limited circumstances.

<sup>16</sup> It is important that audit committee members be able to meet privately among themselves, as needed, to ensure a full and candid discussion. Governments are urged to amend sunshine laws and similar open meetings legislation to permit such an encounter in these limited circumstances.

**A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;  
APPOINTING AN AUDIT COMMITTEE AND PROVIDING FOR AN  
EFFECTIVE DATE.**

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

|                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                                                                     |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                 |                                    | <b>GREEN SHEET:</b>                                                                 | 20-06-134                        |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                         |                                    |                                                                                     |                                  |
| <b>REQUESTED MOTION:</b> CONTINUED FROM MAY 20, 2020: Appoint Mayor and Members of City Council to various Boards and Committees.                                                                                                                                                                                                                                                  |                                    |                                                                                     |                                  |
| <b>MEETING DATE:</b> 6/3/2020                                                                                                                                                                                                                                                                                                                                                      |                                    |                                                                                     |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                     |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b>                                               | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                           | PRESENTATIONS                      | <input type="checkbox"/>                                                            | Arleen M. Hunter<br>City Manager |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                           | CONSENT                            | <input type="checkbox"/>                                                            |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                           | PUBLIC HEARING                     | <input type="checkbox"/>                                                            |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                           | MAYOR AND COUNCIL MEMBER ITEMS     | <input type="checkbox"/>                                                            |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                           | MAYOR AND COUNCIL MEMBER'S REPORTS |                                                                                     |                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                           | CITY ATTORNEY ITEMS                |                                                                                     |                                  |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                | CITY MANAGER ITEMS                 |                                                                                     |                                  |
| <b>BACKGROUND:</b>                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                                                                     |                                  |
| <p>After each City election, the Mayor and Council make appointments from its elected body as City liaisons and members of various boards and committees, both internal and external.</p> <p>Attachments: Council Member Requests for appointment<br/> Listing of City of Bonita Springs Committee/ Liaison Appointments<br/> Booklet of Committee List Descriptions, meetings</p> |                                    |                                                                                     |                                  |
| <b>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br><b>IF YES, WHICH STRATEGIC OBJECTIVE?</b>                                                                                                                                                                                                             |                                    |                                                                                     |                                  |
| <b>STAFF RECOMMENDATIONS:</b> City Council's pleasure.                                                                                                                                                                                                                                                                                                                             |                                    |                                                                                     |                                  |
| <b>REVIEWED BY:</b>                                                                                                                                                                                                                                                                                                                                                                |                                    |                                                                                     |                                  |
| <b>City Manager:</b>                                                                                                                                                                                                                                                                                                                                                               |                                    |  |                                  |
| <b>City Attorney:</b>                                                                                                                                                                                                                                                                                                                                                              |                                    | _____                                                                               |                                  |
| <b>City Clerk:</b>                                                                                                                                                                                                                                                                                                                                                                 |                                    | _____                                                                               |                                  |
| <b>Department Director:</b>                                                                                                                                                                                                                                                                                                                                                        |                                    | _____                                                                               |                                  |
| <b>COUNCIL ACTION:</b>                                                                                                                                                                                                                                                                                                                                                             |                                    |                                                                                     |                                  |
| <input type="checkbox"/> <b>APPROVED</b><br><input type="checkbox"/> <b>DENIED</b><br><input type="checkbox"/> <b>DEFERRED</b><br><input type="checkbox"/> <b>OTHER</b>                                                                                                                                                                                                            |                                    |                                                                                     |                                  |
|                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                                                                     |                                  |

The following requests regarding City Council appointments to various Boards and Committees were received from Council Member Amy Quaremba, Council Member Jesse Purdon, Council Member Laura Carr, and Council Member Chris Corrie.

Council Member Amy Quaremba: Would like to remain on Horizon Council and Art in Public Places Board. Would like to be appointed to Bonita Estero Economic Development Council. Will continue on the Veteran's Advisory Board unless there is interest from another Member. When District 4 Council Member seat became vacant she took on Blue Zones and Suntrail. Would like to continue with Suntrail. Also interested in Everglades Wonder Gardens.

Council Member Jesse Purdon: Would like to be appointed to Outreach Advisory Committee, Florida League of Cities, Lee County Sheriff's Office, Bonita Estero Economic Development Council, and Chamber of Commerce.

Council Member Laura Carr: Clarified not on Veteran's Advisory Board, volunteered to attend if coverage needed. Would like to remain on Historic Preservation Board. Also, an alternate on the MPO.

Council Member Chris Corrie: Would like to be appointed to: Technology Advisory Committee, Bay & River, Chamber of Commerce, ECCL, MPO, Lee County Sheriff's Office Liaison, and Wonder Gardens Board.

City of Bonita Springs Committee / Liaison Appointments  
City Council Committees 2018

| Committees | Simmons | Quaremba | DeWitt | Carr | O'Flinn | Gibson | Forbes |
|------------|---------|----------|--------|------|---------|--------|--------|
|------------|---------|----------|--------|------|---------|--------|--------|

**CITY COMMITTEES**

|                                           |   |   |   |   |  |   |   |
|-------------------------------------------|---|---|---|---|--|---|---|
| Art in Public Places Committee            |   | X |   |   |  |   |   |
| Bicycle / Pedestrian Facilities Committee |   |   |   |   |  | X |   |
| Historic Preservation Board               |   |   |   | X |  |   |   |
| Outreach Advisory Committee               | X |   |   |   |  |   |   |
| Special Events Committee                  |   |   | X |   |  |   |   |
| Street Light Committee                    |   |   | X |   |  |   |   |
| Technology Advisory Board                 |   |   |   |   |  | X |   |
| Tree Advisory Board                       |   |   |   |   |  |   | X |
| Veterans Advisory Committee               |   | X |   |   |  |   |   |

**EXTERNAL COMMITTEES**

|                                                             |   |   |   |   |   |   |   |
|-------------------------------------------------------------|---|---|---|---|---|---|---|
| Agency on Bay Management (ABM)                              |   |   |   |   |   |   | X |
| Bay & River (Estero Bay Agency on Bay Management)           |   |   |   |   |   |   | X |
| Blue Zone                                                   |   |   |   |   | X |   |   |
| Board of County Commissioners (BOCC)                        | X |   |   |   |   |   |   |
| Bonita Estero Economic Development Council                  |   |   |   |   |   |   | X |
| Bonita Springs Utilities (BSU)                              |   |   |   |   |   |   | X |
| Chamber of Commerce                                         |   |   |   |   |   |   | X |
| Charlotte Harbor National Estuary Program (CHNEP)           |   |   |   |   |   |   | X |
| Coastal Advisory Committee (Beaches & Shores)               |   |   | X |   |   |   |   |
| Collier County Liaison                                      | X |   |   |   |   |   |   |
| CREW Land and Water Trust Executive Board                   |   | X |   |   |   |   |   |
| Estero Liaison (Estero Community Committee Leaders - ECCL)  | + |   |   |   | X |   |   |
| Fire Control District Liaison                               |   |   |   | X |   |   |   |
| Florida League of Cities (FLC) Liaison                      | X |   |   |   |   | X |   |
| Fort Myers Beach Liaison                                    |   |   | X |   |   |   |   |
| Horizon Council                                             |   | X |   |   |   |   |   |
| Human Services Advisory Council                             |   |   |   | X |   |   |   |
| Lee County Sheriff's Office Liaison                         |   |   |   | X |   |   |   |
| Metropolitan Planning Organization (MPO) - 2 voting members | X |   |   |   | X |   |   |
| Metropolitan Planning Organization (MPO) - Alternate        |   |   |   | x |   |   | X |
| Regional Planning Council (RPC)                             |   |   | X |   |   |   |   |
| Southwest Florida League of Cities (SWFLC)                  | X |   |   |   |   |   |   |
| Southwest Florida League of Cities (SWFLC) - Alternate      |   |   |   |   |   |   | X |
| Tourist Development Council (TDC)                           |   |   |   |   |   | X |   |
| West Coast Inland Navigation District (WCIND)               |   |   |   | X |   |   |   |
| Wonder Gardens Board                                        |   |   |   |   | X |   |   |
| YMCA                                                        |   |   |   |   |   | X |   |

City of Bonita Springs Committee / Liaison Appointments  
City Council Committees 2018

| Committees | Simmons | Quaremba | Purdon | Carr | Corrie | Gibson | Forbes |
|------------|---------|----------|--------|------|--------|--------|--------|
|------------|---------|----------|--------|------|--------|--------|--------|

**CITY COMMITTEES**

|                                           |  |  |  |  |  |  |  |
|-------------------------------------------|--|--|--|--|--|--|--|
| Art in Public Places Committee            |  |  |  |  |  |  |  |
| Bicycle / Pedestrian Facilities Committee |  |  |  |  |  |  |  |
| Historic Preservation Board               |  |  |  |  |  |  |  |
| Outreach Advisory Committee               |  |  |  |  |  |  |  |
| Special Events Committee                  |  |  |  |  |  |  |  |
| Street Light Committee                    |  |  |  |  |  |  |  |
| Technology Advisory Board                 |  |  |  |  |  |  |  |
| Tree Advisory Board                       |  |  |  |  |  |  |  |
| Veterans Advisory Committee               |  |  |  |  |  |  |  |

**EXETERNAL COMMITTEES**

|                                                              |  |  |  |  |  |  |  |
|--------------------------------------------------------------|--|--|--|--|--|--|--|
| Agency on Bay Management (ABM)                               |  |  |  |  |  |  |  |
| Bay & River (Estero Bay Agency on Bay Management)            |  |  |  |  |  |  |  |
| Blue Zone                                                    |  |  |  |  |  |  |  |
| Board of County Commissioners (BOCC)                         |  |  |  |  |  |  |  |
| Bonita Estero Economic Development Council                   |  |  |  |  |  |  |  |
| Bonita Springs Utilities (BSU)                               |  |  |  |  |  |  |  |
| Chamber of Commerce                                          |  |  |  |  |  |  |  |
| Charlotte Harbor National Estuary Program (CHNEP)            |  |  |  |  |  |  |  |
| Coastal Advisory Committee (Beaches & Shores)                |  |  |  |  |  |  |  |
| Collier County Liaison                                       |  |  |  |  |  |  |  |
| CREW Land and Water Trust Executive Board                    |  |  |  |  |  |  |  |
| Estero Liaison (Estero Community Committee Leaders - ECCL)   |  |  |  |  |  |  |  |
| Fire Control District Liaison                                |  |  |  |  |  |  |  |
| Florida League of Cities (FLC) Liaison                       |  |  |  |  |  |  |  |
| Fort Myers Beach Liaison                                     |  |  |  |  |  |  |  |
| Horizon Council                                              |  |  |  |  |  |  |  |
| Human Services Advisory Council                              |  |  |  |  |  |  |  |
| Lee County Sheriff's Office Liaison                          |  |  |  |  |  |  |  |
| Metropolitan Plannning Organization (MPO) - 2 voting members |  |  |  |  |  |  |  |
| Metropolitan Plannning Organization (MPO) - Alternate        |  |  |  |  |  |  |  |
| Regional Planning Council (RPC)                              |  |  |  |  |  |  |  |
| Southwest Florida League of Cities (SWFLC)                   |  |  |  |  |  |  |  |
| Southwest Florida League of Cities (SWFLC) - Alternate       |  |  |  |  |  |  |  |
| Tourist Development Council (TDC)                            |  |  |  |  |  |  |  |
| West Coast Inland Navigation District (WCIND)                |  |  |  |  |  |  |  |
| Wonder Gardens Board                                         |  |  |  |  |  |  |  |
| YMCA                                                         |  |  |  |  |  |  |  |



# Advisory Boards



Art in Public Places



Historic Preservation Board



Special Events Committee



Zoning Board



Local Planning Agency



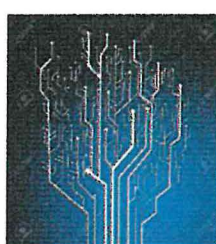
Street Light Advisory Board



Veteran's Advisory Committee



Tree Advisory Board



Technology Advisory Board



Bicycle Pedestrian Safety Advisory Committee



Outreach Advisory Committee

# **Volunteer Today**

*It make the whole community stronger*

The City of Bonita Springs is thankful for the volunteers that allow the City to practice government light. The city relies heavily on the input and time, volunteerism and expertise of the volunteers that make up these committees.

The City of Bonita Springs Official Citizen Advisory Committees are: Art in Public Places, Historic Preservation Board, Special Events Committee, Zoning Board, Local Planning Agency, Street Light Advisory Committee, Veteran's Advisory Committee, Tree Advisory Board, Technology Advisory Board, Bicycle Pedestrian Safety Advisory Committee and Outreach Advisory Committee. Each of these volunteer committees taps into the talent that is here in Southwest Florida. These individuals step up and volunteer their time in order to make the City better.

The City of Bonita Springs in always seeking volunteers to serve on various advisory boards and committees that have been established to assist the City Council on a number of civic issues when vacancies occur. The terms and conditions of these committees vary. Please visit [http://www.cityofbonitasprings.org/services\\_departments/city\\_clerk/boards\\_and\\_committees](http://www.cityofbonitasprings.org/services_departments/city_clerk/boards_and_committees) to download the Advisory Committee application and to see current openings.

If you are interested in serving on a committee, please submit your application to City Clerk, Debbie Filipek.

# Advisory Boards

## Art in Public Places Board

The Art in Public Places Board is devoted to developing a public art collection by selecting, locating, placing and maintaining art in public places, exposing the community to the arts, fostering education programs and advancing economic growth. The Board acquires art for the City utilizing private and public sponsorships. By bringing artwork outside traditional contexts, the Art in Public Places Board provides increased access to the art. One of the Art in Public Places projects is Art in the Sun. This project brings art donated by local and national artists along Old 41 so the public may enjoy them. A few of the pieces on display include: Setting the Pace by Jane DeDecker, the Secret Bench of Knowledge by Lea ViVot and Lobster Claw Heliconia by Dave Kellum.

## Historic Preservation Board

The purpose of the Historic Preservation Board is to identify, evaluate, preserve and protect historical and archaeological sites and districts within the City of Bonita Springs. The Board reviews historic sites, areas, structures and buildings for possible designation as historic resources and determines the historical significance of a designated historic resource. Prior to changes to an historic structure or property, the Board issues certificates of appropriateness to protect these resources. The board also encourages historic preservation by creating programs of technical assistance and financial incentives for preservation practices. They work to stabilize and improve property values through the revitalization of older residential and commercial neighborhoods. They also promote historic preservation activities and cultural and educational programs aimed at fostering a better understanding of the community's heritage.

## Special Events Committee

The Special Events Committee helps promote and support the city events. The three major events they assist with are Celebrate Bonita, 4th of July and Holiday in the Park. They also provide recommendations to City Council on any changes to the special events ordinance. The committee is also called upon from time to time to advise Council for events.

## Zoning Board

The purpose of the Zoning Board is to look at cases and make recommendations to Council based on evidence, experts, and sworn testimony. The Board reviews applications of property owners wishing to change the use/zoning of their property. After reviewing the application, the Board makes recommendations to City Council based on evidence, experts, and sworn testimony.

## Local Planning Agency

Under Sec. 163.3174, F.S., each local government is required to establish, by ordinance, a Local Planning Agency (LPA). The Local Planning Agency reviews rezoning and comprehensive plan amendments in Bonita Springs. The LPA consists of appointed members selected from the community. It has the responsibility for making recommendations to the City Council regarding development of, or changes to, the City's Comprehensive Plan and the Land Development Code as well as a variety of other items, to ensure that they are consistent with, and serve to implement, the City's Comprehensive Plan.

### Street Light Advisory Board

The Street Light Advisory Board reviews citizens' requests for new lighting by individually going out to the area and investigating things like where are the transformers, shrubbery that would interfere, private property or roads that would restrict the service and many other issues. They visit in the daytime as well as night to become aware of the situation. The board also studies the city lighting map to investigate areas that need additional lighting. The volunteers investigate and report back to the board. They also investigate streetlights that are out and obtain the number on the pole. The number on the pole is like a street address for the pole making it easier for FPL to repair at the exact location. The board members are a dedicated group that take action and get the job completed.

### Veteran's Advisory Committee

This committee has several duties. The committee assists the City in providing input regarding any and all veterans affairs, assists the American Legion Ladies Auxiliary in the administration of the Gold Star/Blue Star Mothers Program, acts as a resource agency for setting standards for the flying of our National Flag, and also assists the Bonita Springs Assistance Office through an out-reach program for homeless vets. They also network with the VA and the Lee County Veteran's Service Office regarding veteran's affairs. In addition, the committee acts as a liaison to the City for all three veteran's organizations in Bonita Springs; American Legion Posts #303 and #388, and Veterans of Foreign War Post #4254. The last several years, they've also co-sponsored (along with the three aforementioned veterans' organizations and the City) "Star Spangled Bonita" on July 4th, and both the Memorial Day and Veteran's Day ceremonies at River-side Park. The committee, by City Charter, is comprised of nine members comprised of one member from each of the following five veterans organizations: the VFW, the American Legion, the VFW Ladies Auxiliary, the American Legion Ladies Auxiliary, and the Purple Heart Association (combat wounded veterans); along with four veterans at large. Please e-mail Bobby Hunter at [bhunter024@yahoo.com](mailto:bhunter024@yahoo.com) for more information on the Veteran's Advisory Committee or for a concern or need for a Veteran in our community.

### Tree Advisory Board

The Tree Advisory Board was founded by Mayor Ben Nelson. The Tree Advisory Board realizes the importance of trees to our community, our world and our lives. The Board works to keep the City of Bonita Springs a Tree City USA. The Board also protects heritage trees such as live oak, banyan trees, and slash pines not only for history and longevity, but how they positively impact eco-systems. The Board reviews land development and zoning sites prior to redevelopment to ensure heritage trees are protected and preserved. They also work to inform the public about native plants that are healthy for our community and invasive exotics that should be avoided as well as good pruning practices. Also, the Board deals with non-native invasive plants.

### Technology Advisory Board

The purpose of the Technology Advisory Board is to research various topics that relate to new technologies and their impact on the City of Bonita Springs. The committee is made up volunteers with diverse and extensive real-world experience, a willingness to share ideas objectively and a long-term view of the functions of local government. The committee's initial assignments are to understand the integration needs and issues of the City's various existing technologies, to deal with any "green" issues as they relate to emerging technology, to review existing security practices and to explore social networking opportunities for the City. The committee will eventually formulate recommendations for Council to consider along these lines.

### Bicycle Pedestrian Safety Advisory Committee

The Bicycle Pedestrian Safety Advisory Committee strives for the enhancement of bicycle and pedestrian paths for the safety of residents and visitors of Bonita Springs. BPSAC objectives include improving the conditions for bicyclists and pedestrians, promoting bicycling and walking as a means of transportation, and enhancing safety for bicyclists and pedestrians. The Committee also reviews relevant ordinances, organizes public events and works with other bicycle and pedestrian organizations at state and national levels. A main component of this five-person committee is to coordinate with other groups so that Bonita Springs will interface and have connectivity with the other bicycle and walking organizations.

### Outreach Advisory Committee

The Outreach Advisory Committee provides input to the City Council with a view towards fostering broad and inclusive participation by members of the Bonita Springs community in civic affairs without regard to race, creed or gender. Input may include suggestions regarding city programs, events and advisory committee participation.

**Committee List Descriptions, Meetings**

### **Bay & Rivers (Estero Bay Agency on Bay Management)**

The ABM is a non-regulatory advisory committee to the Council. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed. Its members include Lee County legislative delegates and representatives of the Council, local chambers of commerce, citizen and civic associations, the Responsible Growth Management Coalition, Lee County, Collier County, Fort Myers, Fort Myers Beach, the SFWMD, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, Florida Gulf Coast University, Federal agencies involved in natural resource management, commercial and recreational fishing interests, environmental and conservation organizations, scientists, affected property owners, and the land development community.

Meetings: 2<sup>nd</sup> Monday of the Month at 9:30 a.m. Most meetings are held in the conference room of the Southwest Florida Regional Planning Council, but some are occasionally held at other sites within the Estero Bay watershed.

## **Blue Zone**

Blue Zones Project encourages changes to the community that lead to healthier options.

The steering committee provides general guidance to the Blue Zones Team and the sector leadership committees. The structure of the steering committee is such that the local mayors or their designee are invited to sit on that committee. There are 17 leaders from various sectors (chambers of commerce, schools, health, worksites, municipalities, etc.) that sit on this committee.

Being on the Policy Committee provides a means in which they can inform other leaders and the community about the initiatives, as well as ask for collaboration from key partners. In addition, Blue Zones Project can fund bringing in national policy (built environment, food and tobacco) to consult with city representatives if desired.

### **Board of County Commissioners (BOCC)**

The five-member Board of County Commissioners is the legislative and governing body of Lee County, Fla. Each County Commissioner is elected at large for a maximum of three, four-year terms of office. Each Commissioner represents and resides in one of the five Commission Districts. Each November, the Board elects a Chairman who serves as its presiding officer.

Meetings: 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the Month at 9:30 a.m in Fort Myers.

## **Bonita Estero Economic Development Council**

The Bonita Springs Estero Economic Development Council (BSEEDC) is committed to building a regionally prosperous, sustainable, and economically diverse community. Our role is to serve as brand ambassadors, facilitators and advocates. We exist to help local companies succeed and grow, to help relocating companies get their business up and running as quickly as possible, and to attract new businesses to our region for sustainable job growth.

This board also makes quarterly presentations to the Bonita Springs City Council.

Meetings: Second Wednesday of each month at 4:00 pm at the Chamber Office

### **Bonita Springs Utilities (BSU)**

Bonita Springs Utilities is a not-for-profit water and wastewater utility founded by local citizens in 1971. The member-owned utility provides service in the City of Bonita Springs, The Village of Estero and unincorporated South Lee County.

Meetings: The Board of Directors meets at 5 p.m. on the first and third Tuesday of each month at the BSU office located at 11900 East Terry Street (temporarily at 11500 Operations Way). There is also an annual conference held at 7:00 p.m. on the 3<sup>rd</sup> Tuesday in March.

### **Chamber of Commerce**

The Bonita Springs Area Chamber of Commerce is a membership organization whose mission is to serve our members, promote an environment where business can grow and prosper, and to enhance the quality of life of the Bonita Springs area.

Meetings: 2<sup>nd</sup> Thursday of the month is Board of Directors meeting and 3<sup>rd</sup> Thursday of every other month is Executive Board meeting (Executive Board meetings subject to change) at the Bonita Springs Chamber of Commerce office.

**Charlotte Harbor National Estuary Program (CHNEP)**

Partnership that protects the Charlotte Harbor estuaries from Venice to Estero Bay.

Meetings: Quarterly in Punta Gorda, at 9:30 A.M.

### **Coastal Advisory Committee**

The committee assists the Board of County Commissioners with its establishment of unified beach erosion control and inlet management programs within the unincorporated and incorporated areas of Collier County, and advises the Board of County Commissioners and the Tourist Development Council (TDC) of project priorities with respect to funding sources that are available to Collier County for restoration and protection of its shoreline. The committee is composed of three members from the unincorporated area of Collier County, three members from the City of Naples and three members from the City of Marco Island. Appointments of members from the City of Naples and the City of Marco Island shall be appointed from a list containing one or more qualified applicants submitted by the respective governing bodies of those cities. Selection for membership on this committee will be based upon the applicant's familiarity with coastal processes, inlet dynamics, coastal management programs, or demonstrated interest in such programs; relevant education and experience; leadership and involvement in community affairs; and willingness to attend meetings and to undertake and complete assignments.

Meetings: 2<sup>nd</sup> Thursday of the month at 1 p.m. in the Board of County Commissioners chambers, third floor, Collier County Government Center, 3299 Tamiami Trail East, Naples, Florida 34112

### **Collier County BOCC Liaison**

The Board of County Commissioners consists of five elected officials who, as the chief legislative body of the County, are responsible for providing services to protect the health, safety, welfare and quality of life of the citizens of Collier County. The Board is the chief policy-making body of Collier County, responsible for providing services to protect the health, safety, welfare and quality of life of the citizens of Collier County. Commissioners are responsible for approving County Government's annual operating budget and capital improvements program and for the appointment of a county administrator to carry out the Board's policies and manage the operations of County Government. Collier County contacts the Liaison on an as-needed basis and vice versa.

Meetings: Meetings are held the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 9:00 a.m. in the Board of County Commission chambers, third floor, Collier County Government Center, 3299 Tamiami Trail E. Naples, Florida

### **CREW Land and Water Trust Executive Board**

The CREW Land & Water Trust was established in 1989 as a nonprofit organization to coordinate the land acquisition, land management, and public use of the 60,000-acre Corkscrew Regional Ecosystem Watershed.

### **Estero Liaison (Estero Community Committee Leaders – ECCL)**

The ECCL is a group of elected residents from each of Estero's residential communities.

All ECCL delegates report back to their respective community boards and residents directly and through their community media systems ranging from email networks to newsletters to websites or television channels.

Given the incorporation of the Village of Estero, the ECCL is still active in the community and also makes recommendations to the Village Council.

Meetings: 2nd Friday of the month 10:00 a.m. – 12:00 p.m. in the Recreation Center at the Estero Community Park.

### **Fire Control District Liaison**

The Bonita Springs Fire and Rescue District contacts the Liaison on an as-needed basis and vice versa.

Meetings: 2<sup>nd</sup> Monday of the month at 5:00 p.m. in Bonita Springs Fire Station Four located at 27701 Bonita Grande Drive.

### **Florida League of Cities (FLC) Liaison**

The Florida League of Cities is the united voice for Florida's municipal governments. Its goals are to serve the needs of Florida's cities and promote local self-government.

Meetings: An annual conference is also held in even years at the Diplomat Hotel in Hollywood, Florida. In odd years, the annual conference is held at the Orlando World Center Marriott in Orlando, Florida.

### **Fort Myers Beach Liaison**

The Town of Fort Myers Beach contacts the Liaison on an as-needed basis and vice versa.

Meetings: There are no recurring meetings other than their elected board meetings that occur the 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month at 9:00 a.m., respectively in the Town Hall Council Chambers located at 2523 Estero Boulevard.

### **Horizon Council**

The Horizon Council is a public-private board established in 1991 to advise the Lee County Board of Commissioners on economic development issues. The Council has up to 80 members representing cities; chambers of commerce; economic development and trade organizations; community, business, and education organizations; along with various officers and at-large members.

As a public-private economic development advisory board to the Lee County Board of Commissioners, the Horizon Council is the voice of business in Lee County. The Council's mission is to improve Lee County's business environment, retain and encourage expansion of existing businesses, and attract new and diversified employers. It is the only public-private partnership of Lee County Government and business leaders.

Meetings: 2<sup>nd</sup> Friday of every month at 8:00 a.m. at the Lee County Economic Development Office 2201 Second Street, Conference Room 118, 1st Floor Fort Myers, FL 33901

### **Human Services Advisory Council**

The Lee County Department of Human Services serves as a collaborative hub for resources (Federal, State, Local, Private, and Non-Profit) designated to aid economically disadvantaged individuals and families in our community.

There are two advisory committees currently associated with Human Services, the Community Action Agency/Neighborhood District Committee and the Community Human Services Council. These committees provide opportunities for community members to participate in planning and discussions of human service needs within Lee County.

### **Community Action Agency/Neighborhood District Committee**

The Community Action Agency/Neighborhood District Committee serves as an advisory body to the Lee County Board of County Commissioners on the planning, performance evaluation and public comment regarding:

- Community Services Block Grant Action Plan
- HUD Consolidated Plan
- HUD Annual Action Plan
- HUD Annual Performance Plan
- Funding for projects within targeted neighborhood districts

The Committee's recommendations shall be submitted to the Board, which may adopt, modify or amend them.

## **Community Human Services Council**

As a result of the Smart Growth initiative and shrinking State and Federal resources, the Board of County Commissioners created the Community Human Services Council (CHSC). The CHSC, comprised of private and public community stakeholders, is charged with the task of effectively designing a community-based plan for current and future human service needs in Lee County.

As state and federal funding diminishes, services and associated costs shift to the local community. This means we will need to prioritize services; invest in measurable outcomes; and coordinate advances in technology, planning and service delivery to effectively meet service demands. The CHSC will assure there is a countywide strategic plan to assist in providing service coordination and resource planning. The strategic plan will promote strengthening of private and public partnerships, promote collaboration and integration of community services, and strive to eliminate fragmented service delivery systems.

**Meetings:** Meetings will be held monthly unless otherwise determined by the membership.

### **Lee County Sheriff's Office Liaison**

Lee County Sheriff's Office contacts the Liaison on an as-needed basis and vice versa.

Meetings: There are no recurring meetings.

### **Metropolitan Planning Organization (MPO)**

The MPO is the body of representatives charged with addressing the transportation needs of the region.

The MPO provides complete information, timely public notice, and full public access to decisions and documents. It supports early and continuing public involvement in the development and review of its plans and programs. It especially tries to seek out and consider the interests of people whose needs may not be well served by the existing transportation system, such as low income and minority households and persons with limited personal mobility.

Normally the MPO annually solicits proposals for transportation enhancement projects on local roads from the public. Applications may include installation of sidewalks, bike paths, and street enhancement improvements.

Meetings: Regular meetings occur on the 3<sup>rd</sup> Friday of the month at 9:00 a.m. in the City of Cape Coral Council Chambers 1015 Cultural Park Boulevard Cape Coral, Florida 33990 Executive Committee meetings occur the 2<sup>nd</sup> Wednesday of the month at 1:30 p.m. in Cape Coral Public Works Building Room 200 815 Nicolas Parkway, Cape Coral, FL 33915.

The City of Bonita Springs needs to appoint two (2) voting members and an alternate.

**Metropolitan Planning Organization – Alternate**

Please see previous page.

**Regional Planning Council (RPC)**

The agency is directed by a thirty-six member Council composed of local elected officials and gubernatorial appointees. Four individuals who represent State interests provide assistance as Ex-Officio members.

Meetings: 3<sup>rd</sup> Thursday of the month at 9:00 A.M.

### **Southwest Florida League of Cities (SWFLC)**

This regional league is an off-shoot of the Florida League of Cities but deals with more local, regional issues.

(Membership is based in the counties of DeSoto, Charlotte, Lee, Hendry and Collier)

*President:* Honorable Teresa Watkins-Brown, Councilwoman, Fort Myers

Meetings: Quarterly on the third Thursday of the month at Veranda Restaurant

2212 Second Street Fort Myers, Florida 33901

### **Tourist Development Council (TDC)**

The Tourist Development Council is a nine-member Council appointed as an advisory committee to the Lee County Board of County Commissioners (BOCC). TDC members oversee the entire tourist development tax fund, provide direction on programs and budget, and review the expenditures of the Lee County Visitor & Convention Bureau (VCB) quarterly.

Voting Membership for municipalities is rotated among the cities. Currently, Councilmember Gibson is a seated, voting member.

Meetings: 2<sup>nd</sup> Thursday of the month at 9:00 a.m. at the Lee County Admin East, Conference Room #118 on 2201 Second Street, Fort Myers, FL 33901

### **West Coast Inland Navigation District (WCIND)**

The West Coast Inland Navigation District (WCIND) is a multi-county special taxing body, covering Manatee, Sarasota, Charlotte, and Lee counties, encompassing an estimated 1.1 million people. The district plays a pivotal role in the waterway projects that promote safe navigation from the “Open Water” of the Gulf of Mexico or the Gulf Intracoastal Waterway (GIWW) to the systems of secondary waterways and supports boating, fishing, and beach-oriented projects.

Meetings: Meetings occur approximately 6 times per year and are held as called by the commissioner at the Venice City Hall Council Chambers located at 401 W. Venice Avenue, Venice FL

### **Everglades Wonder Gardens**

Members of the community established Bonita Wonder Gardens as a 501(c)(3) not-for-profit organization in September 2014 with the mission to purchase, operate, and enhance the Everglades Wonder Gardens, an historic attraction founded in 1936. The non-profit purchased the Everglades Wonder Gardens in April 2015.

The Everglades Wonder Gardens is dedicated to offering our community and its visitors an educational, recreational, environmental, and historical resource.

## **YMCA**

The YMCA is a nonprofit organization for youth development, healthy living and social responsibility. Based on the input of the YMCA staff and volunteers, the plan defines what the organization wants to achieve in their three areas of focus: youth development, healthy living and social responsibility

Meetings: 3<sup>rd</sup> Friday of the Month at 8:00 a.m. in Bonita Springs.

CITY COUNCIL  
CITY OF BONITA SPRINGS  
OFFICIAL AGENDA - REVISED  
WEDNESDAY, MAY 6, 2020  
5:30 P.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

**PUBLIC COMMENT AVAILABLE VIA EMAIL, PHONE AND IN PERSON IN  
ACCORDANCE WITH SOCIAL DISTANCING GUIDELINES**

DUE TO SOCIAL DISTANCING GUIDELINES, PLEASE EMAIL THE CITY AT  
[CITYMEETINGS@CITYOFBONITASPRINGS.ORG](mailto:CITYMEETINGS@CITYOFBONITASPRINGS.ORG) IN ORDER TO:

1. SUBMIT YOUR COMMENT IN WRITING PRIOR TO THE MEETING; OR
2. PROVIDE YOUR NAME AND TELEPHONE NUMBER TO PARTICIPATE BY PHONE DURING THE MEETING. A MEMBER OF STAFF WILL CONTACT YOU PRIOR TO THE MEETING WITH CALL-IN INSTRUCTIONS.

**PLEASE INCLUDE THE MEETING DATE IN THE SUBJECT LINE OF YOUR EMAIL.**

**ALL EMAILS FOR PUBLIC COMMENT MUST BE RECEIVED BY 4:00 P.M. ON MAY 5, 2020.**

[CLICK HERE](#) TO WATCH THE MEETING ONLINE, OR VISIT THE CITY'S WEBSITE AT  
[WWW.CITYOFBONITASPRINGS.ORG](http://WWW.CITYOFBONITASPRINGS.ORG) AND CLICK "HOW DO I?" AND THEN CLICK "WATCH A MEETING LIVE"  
TO ACCESS THE LIVE STREAM.

I. CALL TO ORDER

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

II. INVOCATION:

Reverend Susan Fannone, with the Springs of Bonita, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Chris Corrie led in the Pledge of Allegiance.

IV. ROLL CALL

Mayor Simmons and all Council Members were in attendance, with Council Member Jesse Purdon arriving at 5:45 P.M.

V. PUBLIC COMMENT:

Al Greenwood thanked the City's two newest Council Members for serving and coming on board. He also thanked the Mayor and City Council for allowing the Bonita Springs Lions Club to host a pancake breakfast on April 11, 2020. They gave away over 100 pancake breakfasts. The last three weeks they have also given away Harry Chapin food bundles. Lastly, he addressed mobile food vending carts, and asked

that when the vote comes up for them, to please postpone it until next May, so that restaurant owners have a chance to get some of their money back if they are still open.

Dwight Esmon, a resident of the Paradise Road area, addressed the bids that may have come in for the downtown development RFP that closes on May 14, 2020. He feels it doesn't make any sense to open any proposals now, during the worst financial crisis since the great depression. No development will pay what this land was worth, or what it may be worth in a few months. He further addressed.

Martha Simons furnished Council with a submittal (copy in Clerk's file), and echoes comments made regarding the terrific work the Lion's Club has done. She also expressed concerns with local restaurants and the need to support them. She also feels that now is not the time to sell or consider anything right now, as there are too many unknowns right now. She addressed an RFP that was done in New Port Richey, which didn't work out so well. Lastly, she addressed her submittal, which she would like Council to consider as a charter amendment for the November election. It's the same thing that the voters of Lee County adopted on November 6, 2018 which addresses ethics in government.

VI. 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.)

Mayor Simmons clarified that item A. has been pulled. Council Member Chris Corrie requested items B. and C. be pulled for a clarification as a new Council Member, and a discussion was held on City projects and funding. Council Member Corrie asked for Council to agree to have a financial advisor come in to talk to Council about the market and potential opportunities. Council Member Quaremba feels this will be more relevant when Council starts the budget process. Currently the emergency fund is fully funded and we are not below what we are supposed to be. In response to Mayor Simmons, City Manager Arleen Hunter explained that Staff will be bringing the budget workshop to Council for their next meeting, for scheduling.

Mayor Simmons motioned approval of Items B. and C.; Council Member Amy Quaremba seconded; and the motion carried unanimously.

- A. **PULLED BY STAFF:** APPROVE A LETTER TO SUPPORT THE DISTRIBUTION FOR THE FEDERAL FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS. (GREENSHEET NO. 20-05-106)
- B. REVIEW OF MARCH 2020 MONTHLY CAPITAL IMPROVEMENT PROJECTS REPORT. (GREENSHEET NO. 20-05-103)
- C. REVIEW OF MARCH 2020 MONTHLY FINANCIAL STATEMENTS. (GREENSHEET NO. 20-05-102)
- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. UPDATE FROM CBRE ON STATUS OF IMPERIAL CROSSING SOLICITATION. (GREENSHEET NO. 20-05-108)

City Manager Arleen Hunter introduced members of CBRE who participated via video to walk us through the process of where we've come and how we are, and to address next steps after May 14, 2020.

Lee Ann Korst, and Mike McShea and an additional member of CBRE participated via video, to provide a quick re-cap. In response to Council Member Corrie, a member of CBRE explained that retail

is changing, and referred to a project he was currently working on in Honolulu where malls are closing and some of the retail is not being supported, one style they are thinking of along the riverfront, in his view, is going to take off and do well, and that will support the other retail in and around the community. He's optimistic and it will be a really special development along the riverfront. They suggested that for statistics, Council Members can go on their website CBRE.com/COVID#19, which show all the different sectors – multi-family, retail, etc. Council Member Fred Forbes stated that it's going to get worse before it gets better. He hopes CBRE is correct. Mayor Simmons stated he strongly advocates that they move forward, see what we get, and then have CBRE come back to update. City Manager Hunter stated that the deadline is May 14, 2020 and CBRE will be assisting us, and they will be distributing to Dr. Banyan, DPZ and to Staff. Staff will be receiving feedback from their consultants, noting that the voting members that will be recommending to Council will be staff members, and it will be three to five staff members depending on the applications received. Then with CBRE, there will be a recommendation to Council. She further explained. Staff will give the information on how many are received, but not name them. Council Member Quaremba asked CBRE how many bids she would expect to come out of 87 downloads. Ms. Korst responded anywhere between 3 to 5 to 7. Council discussion was held. Mayor Simmons thanked CBRE for the information, and they look forward to the next steps.

#### VIII. MAYOR AND COUNCIL MEMBER ITEMS:

##### A. DISCUSSION AND IMPLEMENTATION OF A DISTINGUISHED PUBLIC SERVICE AWARD PROGRAM. (PURDON; GREENSHEET NO. 20-05-101)

Council Member Purdon addressed this agenda item which is a way can recognize people who do exceptional things in Bonita Springs and give them the recognition that they deserve. He explained that this would also entail those who may have someone in their community who did something awesome in Bonita Springs, or someone who knows someone in their district who might be doing something great. Council Member Quaremba stated she feels the process is important if they are going to go forward with this. She feels a monthly basis is too much. She wants to know how you find these people and what kind of screening is done. She feels they need to set up a process and suggested staff address – to do it so that it would be fair, and that they don't hurt anyone's feelings. She also suggested criteria of the kinds of services they want to recognize. Council Member Laura Carr stated she was not in support of this, which she further addressed. Mayor Simmons stated he felt there were a lot of people out there who could use some recognition, especially this past month and a half who are doing a lot for the community. He supports the idea. Council Member Gibson suggested doing this quarterly. He feels it's a great idea. Council Member Quaremba suggested something other than a plaque, and suggested perhaps a medal. She suggested come up with some ideas, as she agrees quarterly is good, and some mechanism by which someone could decide who gets it – develop a process first. Council Member Corrie suggested perhaps giving more than one award at a time, as he feels there are different categories. Council Member Purdon stated he would like it to be completely open to citizens of Bonita Springs, who are part of the Sheriff's Department, part of City Staff. He agreed to doing this quarterly. He suggested criteria, assign 3 or 4 staff members.

Mayor Simmons motioned to approve quarterly; Council Member Gibson seconded.

Council Member Quaremba requested some kind of input from the Staff about the process, as she doesn't understand how they are going to select these people and who's going to make that selection. Include a provision that we have some input from Staff and go forward. Direction for quarterly and how people are selected.

City Attorney Derek Rooney clarified Council Member Quaremba, that she would support the quarterly, but she would like that the motion makers add a component that staff come up with kind of process. Council Member Corrie suggested a recipient by August 31, 2020 and Council Member Purdon can work with Staff on the criteria – a selection by a given date and see if that happens, and see how the process evolves and then they can memorialize it later.

The motion passed 6-1 (Council Member Carr dissenting)

**B. DIRECT STAFF TO PROCEED WITH DEVELOPING AND ADVERTISING A REQUEST FOR QUALIFICATIONS (RFQ) FOR GRANT WRITING AND GRANT SUPPORT CONTINUING SERVICES. (MAYOR SIMMONS; GREENSHEET NO. 20-05-107)**

Mayor Simmons introduced this agenda item, informing Council of conversations he had with the City Manager, Assistant City Manager and the City Attorney. He explained that his intent is to find out what other money is out there. City Manager Hunter explained that they do have Elly working on the procurement, but as we move into the LMS process and into some of these grants, the implementation of those grants, bids and projects need to be overseen. She explained that the Mayor asked if we had the resources to push out on the grants and continue. This would entail direction from Council to draft an RFQ, noting that Staff would recommend that you cast a net of qualifications, have them prequalified and enter into negotiations, and then Staff would have the resources at that point that should a grant appeal to Council and Staff, that they can use that continuing contract to get the resources needed. She explained that we would recommend that they qualify under all the current federal guidelines for grant writing, grant procurement, and grant administration, which would be written into the RFP, and if selected they would already meet the criteria for reimbursement of the grants. She further explained.

Council Member Quaremba addressed the importance of follow-up administrative items related to grants and the use of the money already received. She supports this which involves a contract to do specific services. As an as needed basis we can continue to go forward and continue to apply for grants and to execute those that we have. She sees it as something that we need. City Manager Hunter explained that we have these larger grants that will need regular assistance on that staff was going to come back to Council on contracting employees for that only run with the existence of the grants. This would be another set of resources for staff. Council Member Corrie stated that it's always been his experience that the most important people are those who write grant requests. A great grant writer pays for themselves many times over. He supports the idea. Council Member Gibson also voiced his support for the request.

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

**C. DISCUSS DEVELOPER'S AGREEMENT FOR PROPERTY 91612 AND 9171 BONITA BEACH RD EAST OF CITY HALL. (DEPUTY MAYOR GIBSON; GREENSHEET NO. 20-05-109)**

Council Member Gibson addressed this agenda item, explaining this is from a developer asking if we would consider doing a developer's agreement, as there is some vegetation they would like to keep. The request entails two adjacent properties to us they would like to get an agreement with us ahead of time on how to combine the preserve area into one property. There are also options of access to be able to get to the light at Spanish Wells, etc. They have mentioned that for evening meetings there may be some overflow parking instead of going to the post office.

Council Member Purdon addressed a concern he had and spoke with them. John Dulmer, Community Development, explained that this is a unique assemblage of property, as it entails three parcels and within those parcels a part them is divided by a right-of-way and one of the parcels is already developed. There are some things the property owner would like to do that unifies business in one location, and is something that staff has looked for and actually have fished for in the past in other places, and there's also some unique characteristics to the property and not only in terms of vegetation, but also the fact that it's right next to City Hall, which would possibly provide additional access points entrance and exit to Spanish Wells Boulevard and the light there, depending on how things work out. There are some issues this developer's agreement will allow them to work out; there's some things the developer is looking for; there's some things the City's looking for, and this might be the vehicle that gets us there. If Council decides to move forward, Council will still get another look at this when whatever agreement is put together. This is authorization for Staff to start discussions and negotiations with the property owner.

Council Member Quaremba questioned what kinds of things that would be included in the agreement. Mr. Dulmer explained that what this agreement can hopefully do is provide clarification for both the City and the property owner, and answer a lot of questions – 1) they need a certain amount of space and square footage for them to build and locate all their employees, 2) the things that the City would be asking for would be design related, both in terms of how the buildings would be oriented, and where those buildings would be built and set up. He also addressed environmental concerns of staff, which Staff will be working with them on to provide some clarity. Council Member Quaremba stated that there's a certain process we use for these kinds of things, and the way John explained it to her on the phone was that there's a prohibition about combining the lots because you have to go up the middle. She asked whose rule was it to not just combine the lots. City Attorney Rooney explained that they are not contiguous because there is a road bisecting them, noting it could be done through a planned development. He gave the example that if Council Member Quaremba had her house and you bought the lot next to you if there was a road going through that, no property appraiser or anyone else is going to recognize that you own the other side of that road as one parcel. That's the issue. Council Member Quaremba stated she would be interested in having Staff write into that agreement would be the things that would come out in a planned development. She asked if we can put all of the things we would want in a planned development in the Developers Agreement. Mr. Dulmer responded "it's possible," but doesn't know if it's probable that you would want to put everything that's in there, mainly because a planned development is a brand new zoning district. In this case they have a zoning district, and not looking to change that district, so you wouldn't need to put every regulation down like you would as if you were creating a new district. What you would be looking for to address any of the issues that would be outside of that designation, or that would apply to these properties in particular that wouldn't necessarily apply to other properties in this zoning designation. Discussion followed on details for development.

In response to Council Member Purdon, Mr. Dulmer stated that one of the main concerns they have looked at on this property was some of the environmental concerns. Those are staff's concerns and entail things they would be looking for. The whole purpose of this is to address design ideas of the developer and see if everyone is copasetic and to see if we can come to a situation where everyone is getting what they want. If they don't there is nothing that obligates City Council to approve an agreement they are not comfortable with. This is basically whether Council wants to start negotiating with the property owner. Council Member Forbes stated he doesn't see a downside to doing this. Mr. Dulmer explained that the City has used developer's agreements in the past, but on a very rare occurrence, but this would not be the first one that we have entered into. Council Member Quaremba stated that when you get back the development she wants to see something that's more concrete.

Council Member Forbes motioned to follow the recommendations and approve the process; Council Member Carr seconded; and the motion carried unanimously.

Neale Montgomery, representing the property owner, stated that you have an existing business owner who wants to expand the business and bring jobs to the City. It's not the open space; it's the rare and unique habitat that you see when you look to the east. It's not what they would do in designing normally, as they are willing to accommodate them.

#### IX. PUBLIC COMMENT:

Martha Simons spoke in support of the distinguished public service award, which the City already has which is called "Home Town Hero." The VFW and the American Legion do awards for firefighters and police officers, paramedics, etc. She agrees that people should be recognized. She concluded by addressing her previous item, involving ethics amendment and the previous Imperial Landing project. She also suggested development downtown include a 50' buffer on either side of the river and keep the greenspace. She further addressed development downtown.

#### X. CITY ATTORNEY'S ITEMS:

**ADDENDUM:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA, DECLARING THAT THE CITY IS SUSPENDING PORTIONS OF ITS LAND DEVELOPMENT REGULATIONS AND ADOPTING INTERIM REGULATIONS TO PROVIDE TEMPORARY RELIEF IN RESPONSE TO COVID-19 (GREENSHEET NO. 20-05-110) **ADOPTED RESOLUTION NO. 20-27**

City Attorney Rooney addressed this item, explaining that last week executive order 20-112 was issued to allow restaurants up to 25% interior capacity. It did not give any details and there was no override of local zoning regulations. So a record communities throughout SW Florida have asked that, throughout various policies, executive orders, or resolutions, to allow outdoor seating at restaurants to proceed without permits. What he has proposed is based off of Lee County with a few tweaks. He next provided the details of the Resolution, which includes up to 2,000 square feet of outdoor space that can be utilized, they can occupy parking lots, but have to get any fire issues addressed. It is a no permit process. He developed this as a 45-day order, which would mean next month he would ask for any extension of it to accommodate whatever steps the health officials in the state provide. This exact model is being used in Cape Coral, Lee County, Charlotte County, with a couple more communities adopting similar items. Estero is allowing up to 3,000 square feet; Sanibel is at 1,800 square feet. We are matching Lee County.

Council Member Carr asked if we increased the days after the order, and people are renting, and rentals are usually 30 days. If something changes and we say you can do inside seating and your capacity is shut down, she suggested at least giving them the opportunity to not lose more money again – that they paid for 30 days, and we're telling them to cease and desist in 10 days. It's the tents and tables, etc. In response to Council Member Quaremba, Mr. Rooney explained this order basically suspends your outdoor permitting requirements. He further explained he made it 45 days so adjustments can be made, extend it, or make other changes as necessary. This is a temporary relief order.

Council Member Purdon feels the Resolution is fairly comprehensive and doesn't need a lot of interpretation. He feels it's a good way forward.

Mayor Simmons motioned to approve; Council Member Carr seconded; and the motion carried unanimously.

**ADDITIONAL ITEMS:**

City Attorney Rooney explained that he has been discussing with staff and with Larry Kurlander, Chairman of the Zoning Board, and he would like to move forward with scheduling virtual meetings, to allow quasi-judicial matters to still proceed in a formal manner. He will set up a process and will have an order at Council's next meeting that would allow quasi-judicial items to still proceed.

**XI. CITY MANAGER'S ITEMS:**

- A. REVIEW OF THE CITY COUNCIL 2018 COMMITTEE LIST FOR COUNCIL'S MAY 20, 2020 MEETING. (GREENSHEET NO. 20-05-104)

City Manager Hunter furnished an overview of this item for review for Council's next meeting for appointments. She noted that Council Member Carr is not the liaison to veteran's but that she's a substitute. Council Member Carr noted that she is on the MPO, but as an alternate member.

- B. REVIEW OF THE 2019/2020 STRATEGIC PRIORITIES. (GREENSHEET NO. 20-05-105)

For Council's review at today's meeting.

- C. UPDATE ON COVID-19.

## XII. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Quaremba addressed an email she received from Captains of Clean Water, addressing a concern they had regarding a bill to direct water out of Lake "O" that is being distorted. They want to revert back to what happened a few years ago before this agreement that we now have with the ACOE. Their concern is that this amendment is going to pass, and so they are asking for activism. She will forward to City Council, adding that we might have to send letters. The ACOE has sent water to us when we were dry and so the lake is lower and we didn't have the destructive time that we do now right before hurricane season. What they are trying to do now will make it impossible for them to make those adjustments that they have in the past. They are trying to adjust it to get more water to the agricultural areas and bring the water up. She will forward and address at their next meeting. She feels council should do something, noting that she is to be provided with suggestions on how we could help. They want to make sure this is not passed.

Mayor Simmons addressed the need to move the city forward in a safe and prudent manner for all citizens, whether it's on Old 41 or other items. We cannot be driven by fear; we need to be driven by reality and forward thinking.

## XIII. APPROVAL OF MINUTES: 04/15/20

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

## XIV. PUBLIC COMMENT:

## XV. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 8:15 P.M.

Respectfully submitted,

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

APPROVED:  
CITY COUNCIL

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

AUTHENTICATED:

\_\_\_\_\_  
Peter Simmons, Mayor