

NOTICE OF PUBLIC MEETING  
CITY COUNCIL  
CITY OF BONITA SPRINGS  
OFFICIAL AGENDA  
WEDNESDAY, JULY 1, 2020  
5:30 P.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
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 30, 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. Public comment on agenda items
- V. 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 Budget Transfer Resolution to fund the "not to exceed" amounts due to Mosaic at Oak Creek Development, LLC under a Transportation Impact Fee Credit Agreement approved by City Council on April 15, 2020. (Greensheet No. 20-07-167)
  - B. Consider a request by Gulf Coast Garden Club to place a Blue Star Memorial Highway Marker on the Northwest corner of the Banyan tree property by Old 41 Road and Reynolds Street right of way. (Greensheet No. 20-07-168)
  - C. Notification to Mayor and City Council regarding the potential purchase of retrofit kits for conversion of the City's decorative street lights to LED. (Greensheet No. 20-07-175)
  - D. Approve budget Resolution to transfer budget between Capital Project Fund accounts to fund security equipment for the Riverside Park Bandshell. (Greensheet No. 20-07-171)
- Opportunity for City Council comments on Consent Agenda Items

VI. Proclamations and Presentations:

- A. Adopt stormwater utility fee adjustment and mitigation credit program and presentation. (Greensheet No. 20-07-173)
- B. Presentation by RG Architects and Wright Construction on the City Hall Renovations project including the Guaranteed Maximum Price (GMP). Accept proposal from Wright Construction Group for STA No. 3 to the Construction Manager at Risk Continuing Services Agreement in the amount not to exceed \$1,972,685 for City Hall Renovations. Approval of a budget transfer between Capital Project Fund accounts to fund City Hall major repairs. (Greensheet No. 20-07-172)

VII. Mayor and Council Member items:

- A. Approve Resolution appointing Jurgen (Jay) Welsch as Chairman of the Historic Preservation Board. (Carr; Greensheet No. 20-07-170)

VIII. City Attorney's items:

- A. Reject both bids received in response to RFB 20-01 – Digitizing Plans, Files and documents, and grant permission to reissue as a Request for Qualifications. (Greensheet No. 20-07-174)

IX. City Manager items:

- A. Budget Planning Discussion. (Greensheet No. 20-07-169)
- B. City's update regarding COVID-19

X. Mayor and Council Member reports:

XI. Approval of Minutes: 06/03/17 & 06/17/20

XII. Public Comment:

XIII. 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 TELEVIEWED 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: 07/15/20**

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                    | <b>GREEN SHEET:</b>                   | 20-07-167                                                                           |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |                                       |                                                                                     |
| <b>REQUESTED MOTION:</b> Approve Budget Transfer Resolution to fund the “not to exceed” amounts due to Mosaic at Oak Creek Development, LLC under a Transportation Impact Fee Credit Agreement approved by City Council on April 15, 2020.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |                                       |                                                                                     |
| <b>MEETING DATE:</b> July 1, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                                                                     |
| <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<br><br>Anne K. Wright, CPA, CGFO<br>Finance Director |
| <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> On April 15, 2020, City Council approved the attached Transportation Impact Fee Credit Agreement (Green Sheet 20-04-098) which requires reimbursement for a <b>not to exceed amount of \$814,904.68</b> to Mosaic at Oak Creek Development, LLC for impact fees previously paid in an amount not to exceed \$633,925.58 and to reimburse them for other costs that are not eligible for impact fee reimbursement through a payment not to exceed \$180,979.10 from the General Fund. This agreement requires the City to make reimbursements to Mosaic for costs paid by Mosaic for certain infrastructure improvements made by them in the Downtown area during their project construction. The attached budget resolution transfers the not to exceed funding for these new capital improvement projects in the Capital Projects Fund in order for the City to record the expenditures through the reimbursements to Mosaic for these infrastructure improvements. The actual amounts paid will be based on the supporting documentation provided to the City. This Budget Transfer Resolution establishes the budget at the “not to exceed” amounts, but actual payments may be less, depending upon the documentation provided. This budget transfer moves funding from current budgets for projects which do not need this funding in the current fiscal year. |                                    |                                       |                                                                                     |
| Mosaic at Oak Creek Development, LLC paid the City \$1,040,110.44 in Road Impact Fees, and \$169,826.00 in Park Impact Fees. The attached budget transfer reflects a maximum reimbursement to Mosaic of Road Impact Fees of \$532,332 and Park Impact Fees of \$101,594. Additionally, the City will pay a maximum of \$180,979.10 from the General Fund for improvements made by Mosaic which do not qualify to be a reimbursement of impact fees paid.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |                                       |                                                                                     |
| Upon approval of the attached Budget Transfer Resolution, payment will be processed upon receipt of appropriate supporting documentation. The actual amount to be paid could be less than the stated “not to exceed” amounts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                    |                                       |                                                                                     |
| <b>Attachments:</b> Budget Transfer Resolution, Green Sheet 20-04-098 approving a Transportation Impact Fee Credit Agreement with Mosaic at Oak Creek Development, LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                                                                     |
| <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> Approve the attached budget transfer 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="border-bottom: 1px solid black; width: 40%;"> </div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                                                                     |

**COUNCIL ACTION:**

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



**A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;  
APPROVING A BUDGET TRANSFER TO TRANSFER BUDGET FROM  
CAPITAL PROJECT FUND ACCOUNTS TO PROVIDE REIMBURSEMENT  
OF THE COST OF CAPITAL IMPROVEMENTS MADE ON THE CITY'S  
BEHALF BY MOSAIC AT OAK CREEK LLC; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

WHEREAS, on April 15, 2020 City Council approved, under Green Sheet 20-04-098, Impact Fee reimbursements and other reimbursements resulting from public infrastructure improvements made by Mosaic in the Downtown area; and

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

- |                                                                                                                               | Budget<br>Increase (Decrease) |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Design, construction, permitting and engineering of sidewalks along Dean Street and along Old 41                              | \$110,805                     |
| Design, construction, permitting and engineering Dean Street roadway, including additional milling and roadway reconstruction | 276,062                       |
| Appraisal costs and land associated with Dean Street right-of-way dedications                                                 | 145,465                       |
| Design, construction, permitting, and engineering for kayak launch facility                                                   | 101,594                       |
| Drainage Conveyances, Exfiltration, and Infrastructure within Dean St.                                                        | 180,979                       |
| Sun Trail (Road Impact Fee funding)                                                                                           | (532,332)                     |
| Multi-Use Pathways & Sidewalks (Park Impact Fee funding)                                                                      | (101,594)                     |
| Bonita Beach Road Vision Implementation (General Fund funding)                                                                | (180,979)                     |

- DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 1<sup>st</sup> day of July, 2020.

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

Date filed with City Clerk:



## AGENDA ITEM SUMMARY

REQUESTED MOTION: Mosaic at Oak Creek Impact Fee Reimbursement

MEETING DATE: 4/15/2020

| AGENDA:                             |                                    | REQUIREMENT/PURPOSE: (Specify)      |                 | REQUESTOR OF INFORMATION:     |
|-------------------------------------|------------------------------------|-------------------------------------|-----------------|-------------------------------|
| <input type="checkbox"/>            | PRESENTATIONS                      | <input type="checkbox"/>            | STATUTE         | Derek Rooney<br>City Attorney |
| <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 checked="" type="checkbox"/> | OTHER AGREEMENT |                               |
| <input type="checkbox"/>            | MAYOR AND COUNCIL MEMBER'S REPORTS |                                     |                 |                               |
| <input checked="" type="checkbox"/> | CITY ATTORNEY ITEMS                |                                     |                 |                               |
| <input type="checkbox"/>            | CITY MANAGER ITEMS                 |                                     |                 |                               |

## BACKGROUND:

Pursuant to the City's initial redevelopment plans for downtown the City worked with the Mosaic the developer of the Preserve at Oak Creek on several site, road, and infrastructure improvements in the Dean Street corridor which Mosaic agreed to construct. Because these the City sought to take advantage of cost efficiencies due to Mosaic's existing mobilization the scope of the improvements requested evolved throughout the development. This evolution also resulted in no single agreement encompassing the full scope of the improvements nor at what level, if any the City would provide compensation for the requested improvements.

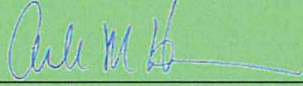
A number but not all of the improvements would qualify for impact fee credits under the land development code, however the Bonita code anticipates that impact fee credit determinations will be made prior to their payment. As noted above the circumstances surrounding the Preserve at Oak Creek evolved up in till just recently. Moreover, due to the lack of a coherent agreement on the scope of the City's requests earlier in the process there is some dispute between Mosaic and the City as to which requests were mandatory or optional. To resolve this issue and provide for reimbursement of impact fees paid by Mosaic which otherwise should have been credited the proposed Agreement and amounts have been negotiated by City staff. Note: it is anticipated that all reimbursement will come from the City's impact fee funds, however up to \$180,979.10 of additional improvements may not ultimately qualify and will need to be paid from other legally available funds.

**Attached: Agreement and Exhibit**IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO

IF YES, WHICH STRATEGIC OBJECTIVE? No. 8 – Downtown Redevelopment

STAFF RECOMMENDATIONS: Approve the Proposed Impact Fee Agreement

## REVIEWED BY:

City Manager:   
City Attorney: \_\_\_\_\_  
City Clerk: \_\_\_\_\_  
Department Director: \_\_\_\_\_

## COUNCIL ACTION:

- ☐ APPROVED  
☐ DENIED  
☐ DEFERRED  
☐ OTHER



Prepared by and return to:  
Derek Rooney, Esq.  
City of Bonita Springs  
9101 Bonita Beach Road  
Bonita Springs, FL 34135

## TRANSPORTATION IMPACT FEE CREDIT AGREEMENT

**THIS TRANSPORTATION IMPACT FEE CREDIT AGREEMENT** (this “Agreement”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **CITY OF BONITA SPRINGS**, a municipality organized and existing under the laws of the State of Florida (the “City”), with an address for purposes of this Agreement of c/o Public Works Department (“Public Works”), 9101 Bonita Beach Road Bonita Springs, Florida 34135, and **MOSAIC AT OAK CREEK DEVELOPMENT, LLC**, a Delaware limited liability limited company (“Developer”), with an address for purposes of this Agreement of 3414 Forum Blvd, Suite 3, Fort Myers, Florida 33905.

### WITNESSETH:

**WHEREAS**, Developer is the owner of that certain project located on 10500 Dean Street in the City of Bonita Springs, Florida (the “Project”); and

**WHEREAS**, Developer is obligated pursuant to the Zoning Ordinance 16-02, Development Order DOS15-25484-BOS approved on August 31, 2018 as subsequently amended (“Development Order”), and the Bonus Density Agreement between the Parties, attached hereto and incorporated herein as Exhibit A (collectively “Approvals”), to make certain road capacity improvements associated with its development plans in the City’s downtown redevelopment area to and for that certain roadway and right-of-way improvements (the “Road Improvements”); and

**WHEREAS**, in addition to the Road Improvements made by Developer, the City desired Developer to make additional on and off-site public improvements in conjunction with its Project. Such additional improvements reflected in the Approvals would include increased capacity as well as other aesthetic and functional enhancements to the downtown redevelopment area (such additional improvements being referred to herein as the “Additional Improvements”); and

**WHEREAS**, the City was desirous of taking advantage of such cost savings due to Developer’s mobilization in furtherance of the City’s redevelopment goals and vision for the downtown redevelopment area, and is now willing to reimburse Developer for the costs to design, permit and construct the Roadway Improvements and the Additional Improvements as provided herein; and

**WHEREAS**, the parties acknowledge that Developer has already mobilized and has either commenced or completed construction of the Road Improvements and the Additional Improvements without an agreement with the City with regards to any reimbursement; and

**WHEREAS**, the City has the legal authority to reimburse Developer for the Road Improvements including specifically through the issuance of impact fee credits for transportation capacity improvements (the “Credits”) as provided by the City’s land development code (the “LDC”); and

**WHEREAS**, the City Council of City of Bonita Springs also has the legal authority to reimburse Developer for such Additional Improvements through direct reimbursement of authorized costs as well as through the issuance of additional impact fee credits for transportation or park impact fee credits (the “Additional Credits”) as provided by the Bonita Springs Code.

**NOW, THEREFORE**, in consideration of the recitals set forth above and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both of the parties to this Agreement, the City and Developer agree as follows:

**Article I.**     *Recitals:* The foregoing recitals are true and correct and are incorporated herein by this reference.

**Article II.**     *Scope of Agreement:* This Agreement is made in conjunction with the construction of the Project including all Road Improvements and Additional Improvements to which Developer has or will dedicate real property to the City prior to or following the date of this Agreement and is making or has made approved roadway, right-of-way and multimodal improvements in order to increase capacity, including, but not limited to, traffic movements, pedestrian, or multimodal capacity in accordance with the City’s requested standards or such additional improvements as requested by City, as described more specifically in Article XI and Article XII herein.

**Article III.**     *Specific Terms:*

The Developer, at its sole cost and expense, shall construct and complete, in accordance with City’s technical standards, all improvements for the Project, as more particularly described in Article XI and Article XII. Until such time as the Road Improvements and Additional Improvements have been completed and accepted by the City, Developer shall be deemed the owner of such improvements; and all risk of loss and liability in connection with the improvements and the construction thereof shall be borne solely by Developer.

- (a). The City acknowledges and agrees that Developer will provide, at its expense, and the City will accept from Developer, any and all additional rights-of-way necessary for the Road Improvements, including those necessary for stormwater treatment and attenuation, subject to the conditions contained herein.

- (b). Prior to and as a condition to acceptance of the Road Improvements by the City, Developer, consistent with Section 2-202 of the LDC, shall provide the City with such evidence as the City may reasonably require to evidence that all fees, costs and expenses relating to the Road Improvements have been paid in full and no person or entity has any right to lien the Road Improvements or the real property on which the Road Improvements are located.
- (c). The City shall not be required to accept either the Road Improvements or Additional Improvements until such time as the City has inspected such improvements and determined that such improvements have been constructed substantially in accordance with the City's requested standards as well as all applicable laws, rules, regulations and governmental permits, including, without limitation, the City's technical standards and road maintenance acceptance policy as such may be amended from time to time. In the event that the City discovers any deficiencies in the construction of any of the aforementioned improvements, the City shall provide Developer with written notice of such deficiencies; and the City shall be under no obligation to accept such improvements until said deficiencies have been corrected to the reasonable satisfaction of the City.
- (d). Prior to and as a condition to acceptance of either the Road Improvements or Additional Improvements by the City, Developer shall provide the City with a warranty regarding the such improvements, together with any other security as may reasonably be required under the LDC in connection with the warranty of the Road Improvements. The warranty shall be in a form and content reasonably acceptable to the City and shall provide that: (i) Developer warrants the construction and operation of any improvements for a period of twelve (12) months; and (ii) Developer shall repair any defects in the improvements discovered by the City during the warranty period.
- (e). The amount of Credits for reimbursement to be assigned by the City to Developer in connection with the Road Improvements shall be equal to the cost of designing, constructing and installing the Road Improvements, and such costs shall be confirmed by the City based on construction contracts, invoices for payment, cancelled checks, affidavits regarding payment, lien waivers and such other information or documentation as may be reasonably required by the City to evidence the cost of constructing and installing the Road Improvements. In connection therewith, Developer hereby agrees to provide the City such documents or information as described above in order to establish the cost of constructing and installing the Road Improvements. In no event shall the Credits for reimbursement given for the Road Improvements exceed \$638,926.58.
- (f). In the event Developer fails to complete the Road Improvements set forth in herein, Developer shall forfeit any Credit reimbursement that is to be awarded.



#### **Article IV. Release**

Be it known that, for One Hundred and 00/100's Dollars [\$100.00] paid by Developer to the City and good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer, on behalf of itself, its directors, owners, and any predecessor, successor, and their respective heirs and assigns, jointly and severally, does hereby unconditionally and irrevocably release, discharge acquit, and forgive each other from all actions, causes of action, suits, debts, liabilities, contracts, obligations, controversies, judgments, executions, claims and demands, both in law and equity, which Developer has, may have, against the City, whether asserted or unasserted, known or unknown, by reason of any matter or act whatsoever from the beginning of time to the date hereof, relating or pertaining in any way to the Approvals, Road Improvements or Additional Improvements addressed by this Agreement.

#### **Article V. No Joint Venture or Agency Relationship**

The City and Developer agree that this Agreement is not intended by either party and shall not be deemed by either party as creating a joint venture or principal/agent relationship between the City and Developer. In addition, this Agreement shall not be deemed a contract for public works or a contract by the City for the construction of public works. The City and Developer acknowledge and agree that: (a) the construction of the Road Improvements by Developer are being undertaken by Developer because the Road Improvements are necessary and will benefit Developer's project while also providing additional transportation capacity; (b) Developer is solely responsible for the construction of the Road Improvements and Additional Improvements and assumes all risk in connection with the construction of the such improvements; and (c) until the City accepts title to the either the Road Improvements or Additional Improvements, the City has no right, title or interest in or to such improvements.

#### **Article VI. Modifications or Amendments to Agreement**

No modification or amendment to this Agreement shall be effective unless it is in writing and executed by both the City and Developer.

#### **Article VII. Notices**

All notices that are required or that may be given under this Agreement shall be in writing to the addresses set forth above and sent via United States Mail, hand delivery or expedited delivery service.

#### **Article VIII. Governing Law and Venue**

This Agreement shall be governed, interpreted, construed, and enforced under the laws of the State of Florida. The parties agree that the venue for any lawsuit brought by either party for breach of this Agreement or for specific performance of this Agreement or for rescission of this Agreement shall be in Lee County, Florida.

#### **Article IX. Fees and Costs**

In any action or lawsuit between the parties for breach of this Agreement, to enforce any of the terms of this Agreement, or for specific performance of this Agreement, each party shall bear its own costs and attorneys' fees regardless of who prevails.

#### **Article X. Successors and Assigns**

This Agreement shall be binding on the City, Developer and their respective successors and assigns.

#### **Article XI. Road Improvements**

The City and Developer hereby agree that the following improvements, more particularly detailed in the Development Order, constitute the Road Improvements contemplated by this Agreement and are eligible for the Credit reimbursement as provided herein:

1. Installation of an 8-foot sidewalk along southern right-of-way of Dean Street as well as 20-foot sidewalk along eastern right-of-way of Old 41 including additional sidewalk enhancements to adjacent retail building. Costs for design, construction, permitting, and engineering not-to-exceed \$110,804.63.
2. Dean Street roadway, including specifically additional milling and roadway reconstruction not initially contemplated in the approved plans. Costs design, construction, permitting, and engineering not-to-exceed \$276,061.95.
3. Appraisal costs and value of land associated with Dean Street right-of-way dedications not-to-exceed \$145,465.00.
4. Costs for design, construction, permitting, and engineering for the kayak launch facility not to exceed \$101,594.00.

#### **Article XII. Additional Improvements**

The City acknowledges that as part of the Project Developer has been asked on the City's behalf to install enhanced drainage conveyances, exfiltration, and infrastructure within the Dean Street right-of-way and through the Project site which does not provide additional transportation capacity but is nonetheless a substantial expenditure and improvement to the City's expanded stormwater drainage system. The City hereby agrees, in accordance with the warranty and acceptance standards contained in this Agreement, to reimburse Developer the actual costs of such improvements from legally available funds in an amount not-to-exceed \$180,979.10. Cost reimbursement shall be evidenced in the same manner as provided for impact fee credit reimbursement pursuant to the LDC and as provided otherwise herein.

#### **Article XIII. Reimbursement of Credits Paid**

The City acknowledges that subject to the terms of this Agreement that Developer is eligible for reimbursement of impact fees previously paid as Credits towards Developer's impact fee obligations resulting from the Project. Furthermore, to the extent consistent with the requirements of this Agreement, if Developer's Road Improvements exceed Developer's Project transportation impact fee obligations, Additional Credits may be provided or reimbursed against any park impact fee obligations Developer has incurred as provided by the LDC.

**Article XIV. Entire Agreement**

This Agreement constitutes the entire agreement and understanding of the parties.

[SIGNATURE PAGE FOLLOWS]



**IN WITNESS WHEREOF**, the City and Developer have executed this Agreement effective on the above stated date.

**CITY OF BONITA SPRINGS:**

**Date Signed:** \_\_\_\_\_

**ATTEST:**

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

\_\_\_\_\_  
**CITY CLERK**

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

**DEVELOPER:**

**WITNESSES:**

**MOSAIC AT OAK CREEK DEVELOPMENT,  
LLC**

By: Mosaic at Oak Creek DE, LLC,  
its Managing Member

\_\_\_\_\_  
NAME: \_\_\_\_\_  
[PRINT/TYPE]

By: \_\_\_\_\_  
Roxanne Amoroso  
Authorized Signatory

\_\_\_\_\_  
NAME: \_\_\_\_\_  
[PRINT/TYPE]

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| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    | <b>GREEN SHEET:</b>                   | 20-07-168                             |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    |                                       |                                       |
| <b>REQUESTED MOTION:</b> Consider a request by Gulf Coast Garden Club to place a Blue Star Memorial Highway Marker on the Northwest corner of the Banyan tree property by Old 41 Road and Reynolds Street right of way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                       |
| <b>MEETING DATE: 7/1/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                                       |                                       |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>      |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | PRESENTATIONS                      | <input type="checkbox"/>              | Matt Feeney<br>Assistant City Manager |
| <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> <p>The Blue Star Memorial program honors all men and women that have, do or will serve, in the United States Armed services. This program began with the planting of 8,000 dogwood trees by the Garden Club of New Jersey in 1944, as a living memorial to veterans of WWII. In 1945 the National Council of State Garden Clubs adopted this program and began a Blue Star Highway system that now covers all 50 states. As part of the program, local garden clubs have placed large metal Blue Star Memorial highway markers at appropriate locations along the designated highways across our country. The Gulf Coast Garden Club, in Bonita Springs, presented a program to City Council on 12/20/2017 offering this gift, and has been working with the City and FDOT to identify an appropriate location to place a marker. Old 41 is a designated Blue Star Highway, and the Garden Club is requesting permission to place a Blue Star Memorial Highway Marker on the Northwest corner of the Banyan tree property in Downtown at the intersection of Old 41 Road and Reynolds Street right of way. The Garden Club will procure the sign, and plant and maintain simple and appropriate landscaping around the marker, all at no cost to the City. They would like the City's assistance in the physical installation of the sign: two metal posts are provided with the sign along with complete instructions. The Marker would read</p> <p style="text-align: center;">Sponsored by<br/>           Gulf Coast Garden Club<br/>           In Cooperation with<br/>           The City of Bonita Springs</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 the Gulf Coast Garden Club's request to partner with the City on the Blue Star Memorial Marker program, and approve proposed location at the Northwest corner of the Banyan tree property at the Old 41 Road and Reynolds Street intersection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                       |                                       |
| <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;"> <br/>           _____         </div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |                                       |                                       |

**COUNCIL ACTION:**

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



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                    |                                       |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|----------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    | <b>GREEN SHEET:</b>                   | 20-07-175                              |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                        |
| <b>REQUESTED MOTION:</b> Notification to Mayor and City Council regarding the potential purchase of retrofit kits for conversion of the City's Decorative Street Lights to LED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                    |                                       |                                        |
| <b>MEETING DATE: 7/1/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    |                                       |                                        |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>       |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | PRESENTATIONS                      | <input type="checkbox"/>              | Matt Feeney,<br>Assistant City Manager |
| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |                                       |                                        |
| <p>The City has been evaluating a sole source LED conversion kit for the City's 480V HPS high pressure sodium decorative street lights. Jan Lighting Solutions has a fixture that does not require any alteration of the existing wiring. Jan Lighting Solutions is the sole source provider of this turnkey solution.</p> <p>The City has purchased \$29,205 of conversion kits to complete the conversion of East Terry Street from Old 41 Road to Imperial Parkway. This is following a successful testing period of two (2) years, that has demonstrated a high level of efficiency and no maintenance.</p> <p>Per City Purchasing Manual, if the purchase is over \$25,000, City Council must be notified.</p> <p>Attachments: Procurement Exception Form, Vendor Letter, Invoice</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>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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                    |                                       |                                        |
| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                       |                                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                    |                                       |                                        |

**PROCUREMENT EXCEPTION FORM**

Item/Service being procured: (JAN LIGHTING FDOT RETROFIT KIT)

Click on box that applies to the exception:

☐ **Cooperative Purchase** - see Sec 36-31 of Ord # 15-14

Attach a copy of the procured contract/pricing sheet showing vendor, government entity that procured the contract with the vendor, contract #, pricing, beginning & expiration date of contract.

☐ **Emergency Purchase** - see Sec 36-25 and 26-26 of Ord # 15-14

List the emergency: \_\_\_\_\_

\*\*\*Written explanation needs to be sent within 24 hours from City Manager to City Council. If it is over \$50,000, it must also be approved by City Council.

☒ **Sole Source/Proprietary Purchase (Choose reason & explain)** - see Sec 36-25 of Ord # 15-14

☐ One-of-a-kind (no competitive product alternatives available)

☒ Compatibility (must match existing brand of equipment compatibility)

☐ Replacement Part (part for existing equipment)

☐ Delivery (Only supplier to meet necessary delivery requirements-time delay)

☐ Other

Explain: \_\_\_\_\_

\*\*\*For Sole Source/Proprietary Purchase under \$25,000, staff must notify City Manager. If it is over \$25,000, City Manager must notify City Council

☐ **Less than 3 Quotes**

☐ Phone

☐ Written

Reason: \_\_\_\_\_

☐ **Incorrect Purchasing Process Used-Restarting Process will cause delay**

Explain: \_\_\_\_\_

☐ **Other**

Explain: \_\_\_\_\_

Department Staff Signature MaA Feeney Date 6/23/20

Staff Attorney \_\_\_\_\_ Date \_\_\_\_\_

 City Manager Signature Martin Date \_\_\_\_\_

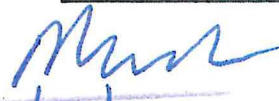
\*\*\*\*ATTACH A COPY OF COMPLETED FORM TO INVOICE AND FORWARD TO FINANCE DEPARTMENT\*\*\*\*

# INVOICE



## From

JAN Lighting Solutions  
9091 Strike Lane  
Bonita Springs, FL 34135  
Info@Janlightingsolutions.com  
239.961.5224

Approved:   
Date: 6/23/20  
Code: 30.250.541.6314

## Bill To

City of Bonita Springs  
9101 Bonita Beach Road  
Bonita Springs FL 34135

## Ship To

David Liccardi  
26268 Cutting Horse Lane,  
Bonita Springs FL 34135

## Invoice #

COBS-3

## Invoice Date

06/05/2020

## Due Date

07/03/2020

| Quantity     | Description                                                                                                                                                                            | Unit Price | Amount             |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------|
| 16           | (JAN Lighting FDOT Retrofit Kit)<br><br>LED-CRK-200-RK-480V-841-T3-JS-SP-BRZ-<br>LUMECF-FDOT4<br><br>Lumec LED Retrofit Kit: 202 Watt, 26,000<br>Lumens, 480V, 480V Surge, T3, 4000K.  | 495.00     | 7,920.00           |
| 43           | (JAN Lighting FDOT Retrofit Kit)<br><br>LED-CRK-200-RRK-480v-830-T3-JS-SP-BRZ-<br>LUMECF-FDOT4<br><br>Lumec LED Retrofit Kit: 202 Watt, 26,000<br>Lumens, 480V, 480V Surge, T3, 3000K. | 495.00     | 21,285.00          |
| <b>Total</b> |                                                                                                                                                                                        |            | <b>\$29,205.00</b> |

## Terms & Conditions

Check to be mailed to : JAN Lighting Solutions  
7699 NW 79th Ave Unit 204, Tamarac FL 33321  
Please Sign \_\_\_\_\_

Neptun Light Inc.  
13950 W. Business Center Dr.  
Lake Forest, IL 60045  
(847) 735-833

6/23/20

To Whom It May Concern,

Neptun Light, Inc. (NEPTUN) is the OEM (Original Equipment Manufacturer) of the LED-RRK Retrofit kits for legacy HID and Conventional luminaries and LED-77 Series for New LED Luminaries replacements of old HID/HPS systems.

Neptun parts and supplies are only available from Neptun and therefore we are the sole proprietor provider for Neptun parts and supplies.

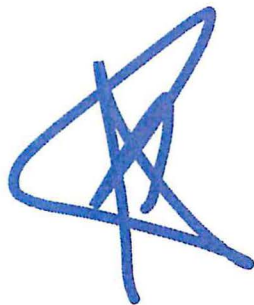
The entire state of FL is supported by Sole Supplier Distributor JAN Lighting Solutions, LLC of the below listed FDOT APL products.

LED-RRK (APL Product) by Jan Lighting Solutions, LLC. Active APL Certifications 715-009-001 (Approval Date: 3/11/2019) (Service Life Expectancy: ) Product Types LED Luminaire Retrofit Kits, (Conventional)

LED-77 (APL Product) by Neptun Light, Inc. Model: LED-77 Model Number: Includes LED-776, LED-777, LED-778 and LED-779. APL Certification, 715-005-020 (Approval Date: 5/28/2019)

Sincerely,

Andrew Bobel  
CEO  
Neptun Light, Inc.  
(847) 735-833

A handwritten signature in blue ink, appearing to be 'Andrew Bobel', written over a large, stylized blue 'X' or star-like shape.

NEPTUN LIGHT, INC

13950 W BUSINESS CENTER DR  
LAKE FOREST IL 60045-1150

# Packing Slip

| Date     | Invoice # |
|----------|-----------|
| 6/5/2020 | 65461     |

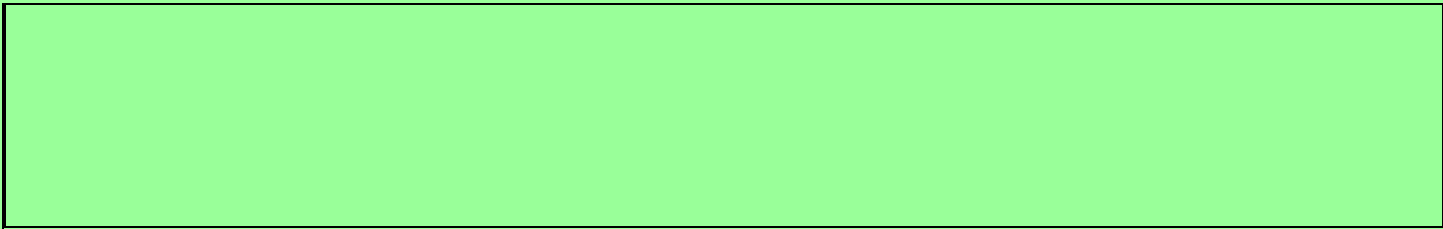
|                                                                  |
|------------------------------------------------------------------|
| Ship To                                                          |
| Lectra Living, Inc<br>2031 NW 22nd St<br>Pompano Beach, IL 33069 |

| P.O. No.    | Ship      | Via | FOB | Project |
|-------------|-----------|-----|-----|---------|
| COBS-2020-2 | 3/23/2020 |     |     |         |

| Quantity                              | Item Code                | Description                                                                                                            |
|---------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------|
| 16                                    | LED-CRK-200-RK-480-841.. | LED, CIRCLE RETROFIT KIT, 200W, 480VAC, 80+ CRI, 4100°K CCT, TYPE 3 LIGHT DISTRIBUTION, SURGE PROTECTOR, BRONZE FINISH |
| 43                                    | LED-CRK-200-RK-480-830.  | LED, CIRCLE RETROFIT KIT, 200W, 480VAC, 80+ CRI, 3000°K CCT, TYPE 3 LIGHT DISTRIBUTION, SURGE PROTECTOR, BRONZE FINISH |
| All Rec'd in<br>Good Condition.<br>DJ |                          |                                                                                                                        |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|-----------------------------------------------------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    | <b>GREEN SHEET:</b>                   | <b>20-07-173</b>                                                                        |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                                       |                                                                                         |
| <b>REQUESTED MOTION: Adopt stormwater utility fee adjustment and mitigation credit program and presentation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                                                                         |
| <b>MEETING DATE: 7/1/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                    |                                       |                                                                                         |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>                                                        |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PRESENTATIONS                      | <input type="checkbox"/>              | Matt Feeney<br>Assistant City Manager<br><br>Elly Soto McKuen<br>Senior Project 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 type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CITY MANAGER ITEMS                 |                                       |                                                                                         |
| <p><b>BACKGROUND:</b> The City established a stormwater utility fee by ordinance and resolution in September 2019. The ordinance authorizes the collection of fees for stormwater services and control measures provided by the City. As part of the development of the stormwater utility, the City decided to work towards establishing a mechanism for a credit program for the utility.</p> <p>The City recognizes some developments currently that are subject to stormwater assessment have constructed and operate permitted stormwater management facilities that reduce stormwater runoff impacts (water quality and water quantity). These improvements reduce the City's burden to maintain, operate and provide capital improvements to the City's stormwater management system.</p> <p>The credit program provides a 2-tier process: 1) 25% to 50% of operating costs for managing drainage infrastructures in a ready state or 2) 100% of operating costs for treating water quality to state and federal water quality standards prior to discharge.</p> <p>The operating expenditures of the stormwater program includes the ongoing maintenance system. Stormwater capital improvement and capital maintenance projects would not be eligible for the mitigation credit as proposed.</p> <p>Stantec Consulting, Inc. will provide more detail on the Stormwater Utility Fee Adjustment and Mitigation Credit Process during the presentation.</p> <p>Attachment: Stormwater Utility Fee Adjustment and Mitigation Credit Manual</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> 1) Improve Stormwater Management, 3) Strengthen City Finances, 4) Environmental Protection and 7) Government Transparency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                                                                         |
| <b>STAFF RECOMMENDATIONS: Adopt stormwater utility fee adjustment and mitigation credit program.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                                                                         |
| <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="border-bottom: 1px solid black; width: 250px;"> </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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                       |                                                                                         |





## **City of Bonita Springs**

### **Stormwater Utility**

### **Fee Adjustment and Mitigation Credit Manual**

June 11, 2020



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# 1. INTRODUCTION

The purpose of this manual is to describe the policies set forth by the City of Bonita Springs, Florida concerning Stormwater Fee Adjustments (Adjustments) and Stormwater Mitigation Credits (Credits). The City of Bonita Springs established a Stormwater Utility Fee by Ordinance and Resolution, collectively referred to below as the Stormwater Utility Ordinance. The City is authorized to establish and collect fees for the stormwater services and control measures provided by the City. This manual provides technical and administrative assistance in applying Adjustments and Credits to the Stormwater Utility fees.

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## 2. STORMWATER FEE ADJUSTMENTS

An Adjustment may be available to a customer through completion and submittal of the Stormwater Fee Adjustment Form. An Adjustment is made to a fee to correct for an overcharge or an undercharge of a parcel owner's stormwater fee. Petitioners must be subject to a fee for stormwater services provided by the City to be eligible for an Adjustment. There are specific limitations related to what a petitioner may petition related to their specific stormwater fee. The items that may be petitioned for an Adjustment are outlined below.

For the City of Bonita Springs, all impervious surface was delineated based on imagery provided by Lee County Property Appraiser and GIS technology. The imagery used for this project was 4-inch resolution true color and flown between January 4 – January 20, 2018.

Surfaces which were included as impervious area in analysis and development of the stormwater utility fees are as follows:

- asphalt shingles
- concrete
- tile
- metal roof structures
- mobile homes
- continuous asphalt
- concrete sidewalk
- swimming pools
- decks

All bare earth surfaces, stone, gravel, brick, lime rock, and other “pieced” hard sidewalk will not be considered impervious including those used for parking or driveways. Vehicles and other movable objects located on grass or bare earth will not be considered impervious.

### 2.1 INCORRECT IMPERVIOUS AREA MEASUREMENT

If a petitioner believes that their impervious area measurements are incorrect due to the location, existence or incorrect measurements, the petitioner may appeal the impervious area measurements by submitting a Stormwater Fee Adjustment Form found in the Appendix of this manual.

## **2.2 INCORRECT PARCEL CLASSIFICATION**

The City has adopted a stormwater fee structure that varies based on the parcel classification (single family residential and non-residential). The single-family residential classification is divided into two categories, small residential (1,800 square feet or less of impervious area) or residential parcels (greater than 1,800 square feet of impervious area). If a petitioner has reason to believe that their parcel has been incorrectly classified, they may appeal the parcel classification by submitting a Stormwater Fee Adjustment Form found in the Appendix of this manual.

## **2.3 AGRICULTURAL PROPERTY**

Based on Florida Statutes Section 163.3162 (3) (c), an agricultural parcel that maintains a permit or implement practices as outlined in the section must be given a 100% credit and shall be exempt from the Stormwater Fee if the property owner provides appropriate documentation to the City that it has an active NPDES permit, Environmental Resource Permit (ERP), or works-of-the-district permit or implements best management practices adopted as rules under Chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.

## **2.4 INCORRECT FEE DETERMINATION**

For non-residential parcels, the stormwater fee is based on the median impervious area of 4,500 square feet which serves as the base unit for stormwater billing or one (1) equivalent residential unit (ERU).

The City calculated the stormwater fee for each non-residential parcel owner based on the measured impervious area. The total measured impervious area for the non-residential parcel divided by the 4,500 square feet (or 1 ERU) calculates the number of ERUs for the non-residential parcel. The number of ERUs multiplied by the stormwater rate per ERU determines the total stormwater fee for the non-residential parcel.

If a petitioner has reason to believe that their stormwater fee has been incorrectly calculated, they may appeal the stormwater fee determination by submitting a Stormwater Fee Adjustment Form found in the Appendix of this manual.

## **2.5 PROCESS OF THE STORMWATER FEE ADJUSTMENT FORM**

Adjustments are obtained by participating in the process described above. Any property owner determining that their stormwater fee is not in proportion to the amount of impervious surface, that their fee has been incorrectly determined, or believe that they



have been incorrectly billed may file a Stormwater Fee Adjustment Form (provided in the Appendix) to the City Manager or his/her designee.

As part of the submission, the property owner must provide the City with evidence or justification in writing for the correction of the stormwater fee in question. In some cases, the property owner may also be required to submit, at his or her expense, a survey prepared by a registered land surveyor or other information to support the request for an adjustment. The City Manager or his/her designee will issue a written determination for each case.

## **2.6 ADJUSTMENTS FOR VALID APPEALS**

If the City determines that a petitioner has been incorrectly billed, the petitioner may be provided an Adjustment to their stormwater fee for the current billing period. The Adjustment to the stormwater fee will be applied to the next billing period. If during the appeals process it is determined that the City has been undercharging the property owner, the stormwater fee for the petitioner will be adjusted during the subsequent billing period.

The Stormwater Utility Fee is a non-ad valorem assessment collected with the annual property taxes. The billing period for the Stormwater Utility Fee is aligned with the annual property tax bill.

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### 3. STORMWATER MITIGATION CREDITS

The City recognizes that some developed properties subject to the stormwater fee have constructed and currently operate permitted stormwater management facilities that can reduce stormwater runoff impacts (for water quantity and / or water quality) from the subject property. These facilities reduce the burden on the City to maintain, operate, and provide capital improvements to the City's stormwater management system; to control runoff volume; and improve water quality as required by the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (FDEP) including requirements of the Total Maximum Daily Load (TMDL) Program.

The operating expenditures of the City's stormwater program include the ongoing maintenance of the system (catch basin cleaning, street sweeping, etc.), regulatory compliance activities associated with the City's National Pollutant Discharge Elimination System (NPDES) permit, and overall management of the stormwater system. The intent of the Mitigation Credit is to provide a credit to stormwater management systems that are maintained such that the City's operating expenditures for the stormwater program are reduced. Stormwater Capital Improvements and costs for Stormwater Capital Maintenance projects are not eligible for the Mitigation Credit.

The following sections of this manual provides technical and administrative assistance in applying for a Mitigation Credit.

#### 3.1 QUALIFYING PERMITTED STORMWATER FACILITY

The City Land Development Code mandates engineered stormwater controls to minimize the qualitative and quantitative impacts of stormwater runoff. Applicants with permitted stormwater facilities are eligible for Mitigation Credits. To qualify for a Mitigation Credit, the facility must demonstrate that it is meeting or exceeding its South Florida Water Management District Operational Permit requirements and will be required to submit water quality sampling to provide assurance of meeting the TMDL Program requirements for the receiving body of water.

By providing water quantity and water quality control, the stormwater facility effectively reduces the City's stormwater service responsibilities and costs. The stormwater facility must also meet all applicable laws of the State of Florida and the stormwater management system must be maintained such that the intent of original design is met.

#### 3.2 DIRECT DISCHARGE REQUIREMENTS

A Credit may be available to applicants who can demonstrate that all or a portion of their runoff from impervious area on their parcel flows into a private stormwater management system that discharges outside and downstream of the City's Stormwater Management

System. Direct Discharge systems will be required to demonstrate that the water quality of the discharge from the stormwater management system meets the requirements for the TMDL Program for the receiving water.

Applicants are required to submit site plans demonstrating the portion of the impervious areas discharging directly outside the City's stormwater management system and will provide water quality sampling to provide assurance of meeting the TMDL Program requirements for the receiving body of water. A Mitigation Credit will only be applied to the portion of the impervious area draining directly outside the City Stormwater Management System.

### **3.3 WATER QUALITY MANAGEMENT PROGRAM**

A Credit is available to applicants who can demonstrate that their stormwater system management includes a Water Quality Management Program for areas discharging to an impaired water body. If a community discharges to a water body listed as an impaired body by FDEP, the credit application must meet or exceed criterion concentration threshold for each pollutant. The testing results must be monitored by a DEP certified laboratory.

The Water Quality credit will apply to systems with a Water Quality Sampling Plan prepared by a professional environmental scientist or licensed engineer. The plan must include a sampling schedule, a map identifying the sampling sites and the location of the impaired receiving body of water.

Applicants are required to submit an annual water quality sampling report to provide assurance that the stormwater management system meets the TMDL program requirements for the impaired receiving body of water. A Mitigation Credit will only be applied to the portion of the impervious area within the impaired water body contributing watershed.

### **3.4 ELIGIBILITY FOR MITIGATION CREDIT**

For application eligibility for a Mitigation Credit, a property owner must receive a stormwater charge from the City. The credit may be given for each hydrologically contiguous parcel under common ownership which is served by the same stormwater facility.

The only exception is for single-family residential developed parcels with stormwater control measures that are wholly owned and operated by one entity (such as a homeowner association or other legally-recognized organization) and it can be demonstrated that the activity reduces the stormwater management burden attributed to each parcel owner. In such instances, each parcel demonstrated to contribute runoff to the qualifying stormwater control measure may be eligible for the Mitigation Credit applied

the eligible billing amount of the Stormwater Fee unless other arrangements for billing the Stormwater Fee to the Homeowner's Association or other legally-recognized organization was made pursuant to the Stormwater Utility Ordinance.

### 3.5 MAXIMUM CREDIT AMOUNTS

The maximum allowable credits are presented in Table 3.1 for each individual stormwater management activity.

**Table 3.1 - Stormwater Mitigation Credits**

| Credit Type                                          | Eligibility                                                                                                                       | Credit Amount<br>(Operating<br>Expenditures) | Water Quality<br>Credit<br>(Operating<br>Expenditures) |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------|
| <b>Stormwater Management System (Level I)</b>        | All parcels served by a qualifying and permitted stormwater management system <sup>1</sup>                                        | 25%                                          | 100%                                                   |
| <b>Stormwater Management System (Level II)</b>       | All parcels served by a qualifying and permitted stormwater management system that exceeds the permit requirements <sup>2</sup>   | 50%                                          | 100%                                                   |
| <b>Stormwater Management System Direct Discharge</b> | Any parcel that is served by a private stormwater management system that discharges directly outside the City's stormwater system | 50%                                          | 100%                                                   |

<sup>1</sup> SFWMD permitted pond that provides storage for a 25-year design storm.

<sup>2</sup> SFWMD permitted pond that provides storage for a storm event exceeding the 25-year design storm.

The maximum aggregate Mitigation Credit for any individual parcel is 100% of the eligible billing amount (Operating Expenditures) regardless of how many individual credits for which the parcel qualifies.

If a community discharges to a water body listed as an impaired body by FDEP, the credit application must meet or exceed criterion concentration threshold for each pollutant. The testing results must be monitored by a DEP certified laboratory. With a Water Quality Management Program that meets the requirements, the maximum aggregate Mitigation Credit for any individual parcel is 100% of the Operating Expenditures.

The assessment for the control activities and credits must include an evaluation of the portion of the impervious area on the property that drains to the control facility. A Mitigation Credit will only be applied to the portion of the impervious area within the impaired water body contributing watershed. The Mitigation Credit will not exceed the annual Stormwater Utility Fee.





## 4. ADMINISTRATION

The following guidelines are provided for the administration of the Mitigation Credit program.

### 4.1 STORMWATER MANAGEMENT SYSTEM MAINTENANCE AGREEMENT

The owner of a stormwater management system must agree in writing to maintain the credited stormwater management system to City Standards and all other applicable standards and state law in order to be eligible for a Mitigation Credit. Maintenance activities to be performed are detailed in Section 4.2. Failure to maintain the stormwater management facility in strict compliance to City Standards will result in the loss of the Credit. The owner of a credited Stormwater Control Measure is responsible for notifying the City if the Control Measure is compromised or damaged in any way or is no longer complying with State law or City Standards.

### 4.2 REQUIRED STORMWATER MANAGEMENT SYSTEM MAINTENANCE

The following stormwater facility maintenance activities are required for an applicant to be eligible for a Mitigation Credit. These activities are required to ensure that the facility performs as credited, complies with City Standards and State law, meets safety standards, and is not a public nuisance. Maintenance activities are required on all drainage structures related to the facility, including inlets, headwalls, velocity dissipaters, spillways, pipes, feeder channels, discharge channels, vegetation, etc. The party applying for or receiving a Mitigation Credit must demonstrate compliance with all applicable maintenance practices below that are relevant to the stormwater facility.

- **Debris and Litter Removal** – Debris and litter removal shall be performed on a regular basis (at least monthly) and after storm events totaling approximately two inches over a 24-hour period or as needed in order to prevent the structure from clogging and failing and to prevent a public nuisance.
- **Erosion and Structural Repair** – Side slopes, emergency spillways, and embankments shall be regraded, revegetated, compacted and/or installed or replenished with rip-rap to correct slumping or erosion problems that develop.
- **Mowing** – Side slopes, embankments, emergency spillways, and other grassed areas of stormwater facilities shall be periodically mowed to prohibit woody growth. Planting native grasses, which are water-tolerant, pest-tolerant, and slow growing, are recommended as a buffer to lakes and ponds adjacent to the water's edge. The recommended width of the buffer area is six feet.

- **No Blockages** – Removal of any blockage from pipes, channels, spillways, inlets, and outlets shall be performed as needed to keep the facility in proper working condition.
- **Outlet Control** – Maintain outlet control devised to ensure proper functioning in the control of stormwater velocities at the outlet of the stormwater facility. Revegetating and/or replenishing or reinstalling rip-rap may be required to correct erosion problems at the outlet of stormwater facility pipes.
- **Removal of Log Jams and Debris** – All streams and ditches within the private stormwater facility shall be inspected periodically for blockages. If identified, the blockages and debris shall be removed as quickly as practicable.
- **Sediment Removal** – Removal of sediment shall be performed as needed (or as required by the City) to ensure proper working order of the facility and its related stormwater facility features (channels, pipes, etc.) and to meet the water quality requirements of the Environmental Resource Permit (ERP).
- **Structural Repairs and Replacement** – Eventually, stormwater control structures will deteriorate and must be replaced. Structural damage to outlet structures (i.e. cracks, leaks, or failure) shall be repaired as soon as possible.

### 4.3 DOCUMENTATION SUBMITAL FOR MITIGATION CREDITS

Between January 1st and January 31st of each year documentation must be submitted to the City to continue receiving a credit. The required documentation consists of the following:

1. Copy of an applicable South Florida Water Management District Operational Permit.
2. Recently dated photographs showing the condition (including any known damage or disrepair) of a stormwater facility. For basins, these photos should include views where applicable of the outlet structure, all side slopes, vegetated shoreline zones, emergency spillway, overflow routes, and areas designed to catch sediment.
3. Records demonstrating that required maintenance activities and/or repairs have been completed including recently dated photographs showing repairs. Failure to submit the required documentation will result in the credit being forfeited. Reinstatement of a credit will require a full application submittal.
4. For a Water Quality Management Program Credit, a Water Quality Sampling Plan and an annual water quality sampling report will be required.

## **4.4 MITIGATION CREDIT RENEWAL**

Mitigation Credits are provided for up to a maximum period of five years, subject to the requirements previously identified in this Manual. In order to continue to receive the Mitigation Credit in future years, the applicant is required to submit a new Stormwater Mitigation Credit Form by January 31st of the fifth year.

It is the responsibility of the recipient to submit a new Stormwater Mitigation Credit Form along with the required documentation and application fee to the City and to do so in a manner that ensures that the Mitigation Credit remains continuous. If the new application is not submitted, the Mitigation Credit will cease on October 1st of the sixth year and not be reinstated until the new Stormwater Mitigation Credit Form, required documentation, and application fee is submitted and approved.

## **4.5 RIGHT-OF-ENTRY AND FACILITY INSPECTIONS**

As a condition of receiving a Mitigation Credit, the owner of the parcel that contains the stormwater facility must agree to allow the City unrestricted access to inspect the facility associated with the Mitigation Credit. The City reserves the right to inspect stormwater facilities receiving a Mitigation Credit at any time in order to verify:

1. The facility is being maintained in accordance with City Standards;
2. The condition of the stormwater facility is consistent with the documentation submitted by the Mitigation Credit recipient; and
3. The facility is operating as intended.

## **4.6 APPLICATION PROCEDURE FOR MITIGATION CREDIT**

An applicant will be required to submit documents outlined on the Stormwater Mitigation Credit Form, as may be amended from time to time, and any additional information deemed necessary by the City Manager or his/her designee. A \$300 non-refundable application fee must also be submitted with a Stormwater Mitigation Credit Form.

The City Manager or his/her designee will review the Stormwater Mitigation Credit Form and provided supporting documentation to approve or deny a Mitigation Credit. The City Manager or his/her designee will either grant or deny the requested Mitigation Credit, within forty-five (45) days of receipt of a completed Stormwater Mitigation Credit Form required documentation, and the application fee. If the Mitigation Credit is not approved, a letter explaining reasons for the denial will be provided to the applicant.

An approved Mitigation Credit will be applied to the applicant's next regularly generated bill after approval of the Mitigation Credit. For the initial year of the City of Bonita Springs

Stormwater Utility Fee (fiscal year 2020), an approved Mitigation Credit for fiscal year 2020 and 2021 will be applied to the fiscal year 2021 fee.

## **5. APPENDIX**

### **5.1 STORMWATER FEE ADJUSTMENT FORM**

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**9101 Bonita Beach Road  
Bonita Springs, FL 34135  
(239) 949-6262**

### **Stormwater Fee Petition Adjustment Form**

#### **Owner/Applicant Contact Information:**

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

#### **Property Location Information (as shown on your property tax bill bill):**

Property Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Parcel Identification Number (STRAP): \_\_\_\_\_

**Reason for Petition:** (Check all that apply. Please attach a copy of your property tax bill and other documents and descriptions as indicated)

☐ **Incorrect Impervious Area (IA) Calculation**

Owner shall provide supporting documents such as a copy of a current survey or site plan specifying area in square feet of all impervious surfaces on the parcel. All measurements are subject to verification by the City Stormwater Administrator.

Impervious surfaces for the purpose of the Stormwater Utility Fee include asphalt shingles, concrete, tile, metal roof structures, mobile homes, continuous asphalt, concrete sidewalk, swimming pools and decks.

All bare earth surfaces, stone, gravel, brick, lime rock, and other "pieced" hard sidewalk will not be considered impervious including those used for parking or driveways. Vehicles or other movable objects located on grass or bare earth will not be considered impervious.

☐ **Incorrect Fee Calculation**

Owner shall provide documentation outlining how the inconsistency in the stormwater fee calculations.





☐ **Incorrect Property Classification** (Check property classification you believe to be correct)

☐ Small Residential (Less than 1,800 SF IA)

☐ Residential (Greater than 1,800 SF IA)

☐ Non-Residential

☐ Agricultural Parcel

For an Agricultural Parcel as defined by Florida Statutes Section 163.3162 (3) (c), the Owner shall provide supporting documents such as current site survey or site plan that identifies the portions of the property that are agricultural and impervious area associated with the agricultural operations.

Documentation demonstrating active National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under Chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.

☐ **Other**

**Detailed Description:**

Please provide detailed description of the reason for your petition to assist the City Stormwater Administrator in processing this adjustment.

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**Certification:**

I certify that the above information contained in the application is, to the best of my knowledge, correct and represents a complete and accurate statement. By signing below, I agree to allow staff or inspector on site to review and verify the above information (if needed).

---

(Please Sign)

(Print Name)

(Date)

## **5.2 STORMWATER MITIGATION CREDIT FORM**





9101 Bonita Beach Road  
Bonita Springs, FL 34135  
(239) 949-6262

### Stormwater Mitigation Credit Form

#### Owner/Applicant Contact Information:

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email address: \_\_\_\_\_

#### Owner/Applicant Engineer:

Name: \_\_\_\_\_  
Florida PE License #: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email address: \_\_\_\_\_

#### Property Location Information (as shown on your property tax bill bill):

Property Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Parcel Identification Number: \_\_\_\_\_

#### Type of Mitigation Credit: (Check Mitigation Credit Type Applicable to the Property)

- ☐ Permitted Stormwater Facility
- ☐ Direct Discharge
- ☐ Water Quality Management Program

#### Application Requirements:

Completed applications must be submitted to the City Stormwater Administrator by April 1st of each tax year for consideration. The following information is required for the above credit applications. Additional documentation may be required at the discretion of the City Stormwater Administrator.

#### Requirements for Permitted Stormwater Facility Mitigation Credit

- ☐ Site survey or site plan with a statement by a licensed engineer asserting that the plan is reflective of current site conditions. The survey or site plan must depict



storage volume and characteristics of the stormwater management system and indicate the portion of impervious area draining to the facilities.

- ☐ Statement by licensed engineer indicating that the stormwater facility meets the City's design standards.
- ☐ Records demonstrating required maintenance activities have been completed.
- ☐ List of parcels applying for the mitigation credit including parcel identification numbers.

### **Requirements for Direct Discharge**

- ☐ Site survey or site plan that demonstrate the drainage patterns on the property and identification of the direct discharge outside the City's Stormwater Management System.

### **Requirements for Water Quality Management Program**

- ☐ Water Quality Sampling Plan prepared by an environmental scientist or a licensed engineer. Plan must include sampling schedule and location map identifying the sampling locations and area in relation to the receiving body of water.
- ☐ Annual water quality sampling report to provide assurance of meeting the TMDL Program Requirements for the receiving body of water.
- ☐ List of parcels applying for the mitigation credit including parcel identification numbers.

### **Owner Certification:**

I certify that the above information contained in the application is, to the best of my knowledge, correct and represents a complete and accurate statement. By signing below, I agree to allow staff or inspector on site to review and verify the above information (if needed).

---

(Please Sign)

(Print Name)

(Date)

### **Engineer Certification:**

I certify that the above information contained in the application is, to the best of my knowledge, correct and represents a complete and accurate statement.

---

(Please Sign)

(Print Name)

(PE Seal and Date)

### **5.3 STORMWATER MANAGEMENT SYSTEM MAINTENANCE AGREEMENT**





**9101 Bonita Beach Road  
Bonita Springs, FL 34135  
(239) 949-6262**

## **Stormwater Management System Maintenance Agreement**

### **Owner/Applicant Contact Information:**

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

### **Property Location Information (as shown on your property tax bill bill):**

Property Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Parcel Identification Number: \_\_\_\_\_

The owner of a stormwater management system must agree in writing to maintain the credited stormwater management system to City Standards and all other applicable standards and state law in order to be eligible for a Mitigation Credit. Failure to maintain the stormwater management facility in strict compliance to City Standards will result in the loss of the Mitigation Credit.

The owner of a credited Stormwater Control Measure is responsible for notifying the City if the Control Measure is compromised or damaged in any way or is no longer complying with State law or City Standards.

The following stormwater facility maintenance activities are required for an applicant to be eligible for a Mitigation Credit. These activities are required to ensure that the facility performs as credited, complies with City Standards and State law, meets safety standards, and is not a public nuisance.

Maintenance activities are required on all drainage structures related to the facility, including inlets, headwalls, velocity dissipaters, spillways, pipes, feeder channels, discharge channels, vegetation, etc. The party applying for or receiving a Mitigation Credit must demonstrate compliance with all applicable maintenance practices below that are relevant to the stormwater facility.

- **Debris and Litter Removal** – Debris and litter removal shall be performed on a regular basis (at least monthly) and after storm events totaling approximately two inches over a 24-hour period or as needed in order to prevent the structure from clogging and failing and to prevent a public nuisance.





- **Erosion and Structural Repair** – Side slopes, emergency spillways, and embankments shall be regraded, revegetated, compacted and/or installed or replenished with rip-rap to correct slumping or erosion problems that develop.
- **Mowing** – Side slopes, embankments, emergency spillways, and other grassed areas of stormwater facilities shall be periodically mowed to prohibit woody growth. Planting native grasses, which are water-tolerant, pest-tolerant, and slow growing, are recommended as a buffer to lakes and ponds adjacent to the water's edge. The recommended width of the buffer area is six feet.
- **No Blockages** – Removal of any blockage from pipes, channels, spillways, inlets, and outlets shall be performed as needed to keep the facility in proper working condition.
- **Outlet Control** – Maintain outlet control devised to ensure proper functioning in the control of stormwater velocities at the outlet of the stormwater facility. Revegetating and/or replenishing or reinstalling rip-rap may be required to correct erosion problems at the outlet of stormwater facility pipes.
- **Removal of Log Jams and Debris** – All streams and ditches within the private stormwater facility shall be inspected periodically for blockages. If identified, the blockages and debris shall be removed as quickly as practicable.
- **Sediment Removal** – Removal of sediment shall be performed as needed (or as required by the City) to ensure proper working order of the facility and its related stormwater facility features (channels, pipes, etc.) and to meet the water quality requirements of the Environmental Resource Permit (ERP).
- **Structural Repairs and Replacement** – Eventually, stormwater control structures will deteriorate and must be replaced. Structural damage to outlet structures (i.e. cracks, leaks, or failure) shall be repaired as soon as possible.

**Owner/Applicant Certification:**

I certify that the above information contained in the maintenance agreement is, to the best of my knowledge, correct and represents a complete and accurate statement and the stormwater management system complies with City Standards and State law, meets safety standards, and is not a public nuisance.

By signing below, I agree allow staff or inspector on site to review and verify the maintenance of the stormwater management system and above information (if needed).

---

(Please Sign)

(Print Name)

(Date)

## **5.4 SPRING CREEK COMPREHENSIVE VERIFIED LIST – 11/15/2019**



| Cycle | Group | OGC Case Number | Group Name            | Planning Unit | County (-ies) | WBID   | Water Segment Name            | Water-body Type | Water-body Class <sup>1</sup> | 1998 303(d) Parameters of Concern | Parameters Assessed Using the Impaired Waters Rule (IWR) | Dissolved Oxygen/Biology Pollutant of Concern | Concentration of Criterion or Threshold Not Met | Priority for TMDL Development <sup>3</sup> | Projected Year For TMDL Development <sup>3</sup> | Verified Period Assessment Data <sup>8</sup>                                                                                         | Comments <sup>7,8</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------|-------|-----------------|-----------------------|---------------|---------------|--------|-------------------------------|-----------------|-------------------------------|-----------------------------------|----------------------------------------------------------|-----------------------------------------------|-------------------------------------------------|--------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4     | 1     | 19-0475         | Everglades West Coast | Estero Bay    | Lee           | 3258H2 | Spring Creek (Marine Segment) | Estuary         | 3M                            |                                   | Copper                                                   |                                               | ≤ 3.7 µg/L                                      | Medium                                     |                                                  | 16/27                                                                                                                                | This waterbody is impaired for this parameter based on the number of exceedances for the sample size. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3     | 1     | 13-0255         | Everglades West Coast | Estero Bay    | Lee           | 3258H2 | Spring Creek (Marine Segment) | Estuary         | 3M                            | Dissolved Oxygen                  | Dissolved Oxygen                                         | Total Nitrogen, Total Phosphorus              | ≥ 4.0 mg/L                                      | Medium                                     |                                                  | 217/345                                                                                                                              | This parameter is impaired for this waterbody based on the number of exceedances for the sample size and is being placed in category 5 based on the previous assessment of retired WBID 3258H1. This WBID was created from retired WBID 3258H1 which was on the Verified List for this parameter. Total nitrogen, total phosphorous, and biochemical oxygen demand median values are not elevated relative to comparable waters for identification of a causative pollutant. Nutrients were identified as the causative pollutant in the previous assessment. The period of record assessment, which uses all available data regardless of age, indicated potential impairment. However, data older than the verified period were excluded from the final assessment based on the availability of more recent data, and the final assessment was based on the recent data. This parameter is being added to the 303(d) list. |
| 4     | 1     | 19-0476         | Everglades West Coast | Estero Bay    | Lee           | 3258H2 | Spring Creek (Marine Segment) | Estuary         | 3M                            |                                   | Enterococci                                              |                                               | ≤ 130 Counts / 100 mL                           | High                                       |                                                  | 108/253                                                                                                                              | This waterbody is impaired for this parameter based on the number of exceedances for the sample size. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3     | 1     | 13-0257         | Everglades West Coast | Estero Bay    | Lee           | 3258H2 | Spring Creek (Marine Segment) | Estuary         | 3M                            |                                   | Iron                                                     |                                               | ≤ 0.3 mg/L                                      | Medium                                     |                                                  | 22/64                                                                                                                                | This parameter is impaired for this waterbody based on the number of exceedances for the sample size and is being added to the 303(d) list.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4     | 1     | 19-0477         | Everglades West Coast | Estero Bay    | Lee           | 3258H2 | Spring Creek (Marine Segment) | Estuary         | 3M                            |                                   | Nutrients (Total Nitrogen)                               |                                               | ENRD10: AAM ≤ 0.63 mg/L                         | Medium                                     |                                                  | ENRD10 (AAM)<br>2011 (0.59 mg/L)<br>2012 (0.74 mg/L)<br>2013 (0.89 mg/L)<br>2014 (0.48 mg/L)<br>2015 (0.90 mg/L)<br>2016 (0.71 mg/L) | This waterbody is impaired for this parameter because the annual arithmetic means exceeded the criterion more than once in a three year period during the verified period. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

<sup>1</sup> Florida's waterbody classifications are defined as:

1 - Potable water supplies

2 - Shellfish propagation or harvesting

3F - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife in fresh water

3M - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife in marine water

4 - Agricultural water supplies

<sup>25</sup> 5 - Navigation, utility, and industrial use

<sup>25</sup> n is equal to the number of samples. When samples are collected at the same location less than 4 days apart, the median of those results represents a single sample for the purpose of determining n.

<sup>3</sup> Where a parameter was identified as impaired under the IWR, a priority of “medium” was assigned. Exceptions are waters where the impairment poses a threat to potable water or human health, which have been assigned a “high” priority, and fecal coliform impairments, which have been assigned a “low” priority.

All other listings are prioritized based on the following: it is our intent that listings with a "High" priority be addressed within the next 5 years,

listings with a "Medium" priority be addressed within 5-10 years as resources allow, and listings with a "Low" priority be addressed within the next 10 years.

<sup>7</sup> **PP** - Planning Period (10 year period; beginning and ending date vary by group/cycle combination); Where data are presented as x/y, x represents the number of exceedances

<sup>8</sup> **VP** - Verified Period (7.5 year period; beginning and ending date vary by group/cycle combination); Where data are presented as x/y, x represents the number of exceedances and y represents the total number of samples.

<sup>\*</sup> A statewide TMDL for mercury, that will address this waterbody, is scheduled to be completed in 2012.

N/A = Not Applicable, does not apply, or was not assessed in the previous cycle (i.e. it's a new WBID, waterbody type change, etc.).

^ Beach advisories are based on FL Dept of Health Enterococcus criterion of >103 CFU/100mL.



## **5.5 IMPERIAL RIVER COMPREHENSIVE VERIFIED LIST – 11/15/2019**



| Cycle | Group | OGC Case Number | Group Name            | Planning Unit | County (-ies) | WBID   | Water Segment Name              | Water-body Type | Water-body Class <sup>1</sup> | 1998 303(d) Parameters of Concern | Parameters Assessed Using the Impaired Waters Rule (IWR) | Dissolved Oxygen/Biology Pollutant of Concern | Concentration of Criterion or Threshold Not Met | Priority for TMDL Development <sup>3</sup> | Projected Year For TMDL Development <sup>3</sup> | Verified Period Assessment Data <sup>8</sup>                                                                                                             | Comments <sup>7,8</sup>                                                                                                                                                                                                                                                                       |
|-------|-------|-----------------|-----------------------|---------------|---------------|--------|---------------------------------|-----------------|-------------------------------|-----------------------------------|----------------------------------------------------------|-----------------------------------------------|-------------------------------------------------|--------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4     | 1     | 19-0470         | Everglades West Coast | Estero Bay    | Lee           | 3258EA | Imperial River                  | Stream          | 3F                            |                                   | Escherichia coli                                         |                                               | ≤ 410 Counts / 100 mL                           | High                                       |                                                  | 23/124                                                                                                                                                   | This waterbody is impaired for this parameter based on the number of exceedances for the sample size. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List.                                                                      |
| 4     | 1     | 19-0471         | Everglades West Coast | Estero Bay    | Lee           | 3258EB | Imperial River (Marine Segment) | Estuary         | 3M                            |                                   | Copper                                                   |                                               | ≤ 3.7 µg/L                                      | Medium                                     |                                                  | 10/12                                                                                                                                                    | This waterbody is impaired for this parameter based on the number of exceedances for the sample size. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List.                                                                      |
| 4     | 1     | 19-0472         | Everglades West Coast | Estero Bay    | Lee           | 3258EB | Imperial River (Marine Segment) | Estuary         | 3M                            |                                   | Dissolved Oxygen (Percent Saturation)                    | Nutrients                                     | ≥ 42 %                                          | Medium                                     |                                                  | 107/312                                                                                                                                                  | This waterbody is impaired for this parameter based on the number of exceedances for the sample size and nutrients have been identified as the causative pollutant. This parameter is being added to the Verified List.                                                                       |
| 4     | 1     | 19-0473         | Everglades West Coast | Estero Bay    | Lee           | 3258EB | Imperial River (Marine Segment) | Estuary         | 3M                            |                                   | Enterococci                                              |                                               | ≤ 130 Counts / 100 mL                           | High                                       |                                                  | 139/228                                                                                                                                                  | This waterbody is impaired for this parameter based on the number of exceedances for the sample size. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List.                                                                      |
| 3     | 1     | 13-0253         | Everglades West Coast | Estero Bay    | Lee           | 3258EB | Imperial River (Marine Segment) | Estuary         | 3M                            |                                   | Iron                                                     |                                               | ≤ 0.3 mg/L                                      | Medium                                     |                                                  | 11/45                                                                                                                                                    | This parameter is impaired for this waterbody based on the number of exceedances for the sample size and is being added to the 303(d) list.                                                                                                                                                   |
| 4     | 1     | 19-0474         | Everglades West Coast | Estero Bay    | Lee           | 3258EB | Imperial River (Marine Segment) | Estuary         | 3M                            |                                   | Nutrients (Total Nitrogen)                               |                                               | ENRD10: AAM ≤ 0.63 mg/L                         | Medium                                     |                                                  | ENRD10 (AAM)<br>2011 (1.02 mg/L)<br>2012 (0.84 mg/L)<br>2013 (0.97 mg/L)<br>2014 (0.77 mg/L)<br>2015 (0.87 mg/L)<br>2016 (0.72 mg/L)<br>2017 (0.90 mg/L) | This waterbody is impaired for this parameter because the annual arithmetic means exceeded the criterion more than once in a three year period during the verified period. This parameter is being added to the Verified List and the department is requesting EPA add it to the 303(d) List. |

<sup>1</sup> Florida's waterbody classifications are defined as:

1 - Potable water supplies

2 - Shellfish propagation or harvesting

3F - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife in fresh water

3M - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife in marine water

4 - Agricultural water supplies

5 - Navigation, utility, and industrial use

<sup>25</sup> n is equal to the number of samples. When samples are collected at the same location less than 4 days apart, the median of those results represents a single sample for the purpose of determining n.

<sup>3</sup> Where a parameter was identified as impaired under the IWR, a priority of “medium” was assigned. Exceptions are waters where the impairment poses a threat to potable water or human health, which have been assigned a “high” priority, and fecal coliform impairments, which have been assigned a “low” priority. All other listings are prioritized based on the following: it is our intent that listings with a "High" priority be addressed within the next 5 years, listings with a "Medium" priority be addressed within 5-10 years as resources allow, and listings with a "Low" priority be addressed within the next 10 years.

<sup>7</sup> **PP** - Planning Period (10 year period; beginning and ending date vary by group/cycle combination); Where data are presented as x/y, x represents the number of exceedances

<sup>8</sup> **VP** - Verified Period (7.5 year period; beginning and ending date vary by group/cycle combination); Where data are presented as x/y, x represents the number of exceedances and y represents the total number of samples.

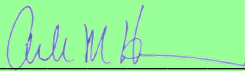
\* A statewide TMDL for mercury, that will address this waterbody, is scheduled to be completed in 2012.

N/A = Not Applicable, does not apply, or was not assessed in the previous cycle (i.e. it's a new WBID, waterbody type change, etc.).

^ Beach advisories are based on FL Dept of Health Enterococcus criterion of >103 CFU/100mL.





|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                  |                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|----------------------------------|--------------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    | <b>GREEN SHEET:</b>                   | 20-07-171                        |                                                  |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                       |                                  |                                                  |
| <b>REQUESTED MOTION:</b> Approve Budget Resolution to transfer budget between Capital Project Fund accounts to fund security equipment for the Riverside Park Bandshell.                                                                                                                                                                                                                                                                                                                                                        |                                    |                                       |                                  |                                                  |
| <b>MEETING DATE: 7/1/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                       |                                  |                                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |                                                  |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PRESENTATIONS                      | <input type="checkbox"/>              | STATUTE                          | Meg Weiss<br>Director of Administrative Services |
| <input checked="" 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                 |                                       |                                  |                                                  |
| <b>BACKGROUND:</b> <p>Section 46 of the City Charter allows the transfer of all or part of any unrestricted appropriation from one department to another.</p> <p>Attached is a Budget Transfer Resolution to transfer budget between Capital Projects Fund account to fund security equipment for Riverside Park Bandshell.</p> <p>The requested \$14,336 will include upgrading the current camera system and adding additional cameras to the bandshell and Riverside park.</p> <p>Attachment: Budget Transfer Resolution</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 Budget Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |                                       |                                  |                                                  |
| <b>REVIEWED BY:</b><br><b>City Manager:</b> <u></u><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>                                                                                                                                                                                                                                                                                                                               |                                    |                                       |                                  |                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |                                       |                                  |                                                  |

**CITY OF BONITA SPRINGS, FLORIDA**  
**RESOLUTION NO. 20 – \_\_\_\_**

**A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;  
APPROVING A BUDGET TRANSFER TO TRANSFER BUDGET BETWEEN  
CAPITAL PROJECT FUND ACCOUNTS TO FUND SECURITY EQUIPMENT  
FOR THE RIVERSIDE PARK BANDSHELL; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

WHEREAS, on September 19, 2019, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2020; and

WHEREAS, security equipment needs to be installed at the Riverside Park Bandshell; and

WHEREAS, unspent budget is available to be transferred from the Bandshell Sidewalk/brick paver and flag pole holder replacement project, which is funded by the General Fund.

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

- 1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.
- 2.The Bonita Springs' City Council authorizes the following budget transfer relating to projects within the Capital Projects Fund:

|                                                         | Budget<br>Increase (Decrease) |
|---------------------------------------------------------|-------------------------------|
| Riverside Park Bandshell Security project               | \$14,336                      |
| Capital Projects Fund Contingency (General Fund funded) | (12,144)                      |
| Recreation Center Expansion (General Fund funded)       | ( 2,192)                      |

- 3.This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 1<sup>st</sup> day of July, 2020.

AUTHENTICATION:

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

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

Vote:

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|--------------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    | <b>GREEN SHEET:</b>                   | <b>20-07-172</b>                                 |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                       |                                                  |
| <b>REQUESTED MOTION:</b> Presentation by RG Architects and Wright Construction on the City Hall Renovations project including the Guaranteed Maximum Price (GMP). Accept proposal from Wright Construction Group for STA No. 3 to the Construction Manager at Risk Continuing Services agreement in an amount not to exceed \$1,972,685 for City Hall Renovations. Approval of a Budget Transfer between Capital Project Fund accounts to fund City Hall major repairs.                                                                                                                                                                                                                                                                                                                                                          |                                    |                                       |                                                  |
| <b>MEETING DATE:</b> 7/1/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                       |                                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>                 |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PRESENTATIONS                      | <input type="checkbox"/> STATUTE      | Meg Weiss<br>Director of Administrative Services |
| <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                 |                                       |                                                  |
| <b>BACKGROUND:</b><br>On March 4, 2020, the City approved a contract with Matern Professional Engineering for City Hall Renovation and Architectural Services as well as Wright Construction for Preconstruction Services.<br>Presentation will include summary of the final project, timeline and guaranteed maximum price (GMP).<br>Attached is a proposal from Wright Construction for the GMP for the City Hall Renovation in the amount of \$1,972, 685. The work is outlined in the Fee Proposal attached.<br>If approved, attached is a Budget Transfer between Capital Project Fund accounts to fund City Hall major repairs for \$1,239,559. Upon approval by City Council, staff will prepare STA No. 3 for the Mayor's signature.<br>Attachments: Fee Proposal from Wright Construction<br>Budget Transfer Resolution |                                    |                                       |                                                  |
| <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> Accept Proposal and Approve Budget Transfer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                    |                                       |                                                  |
| <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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                    |                                       |                                                  |



June 18, 2020

City of Bonita Springs  
9101 Bonita Beach Rd. SE  
Bonita Springs, Florida 34135

Attention: Ms. Meg Weiss  
Director of Administrative Services  
Regarding: Bonita Springs City Hall Renovations

Dear Ms. Weiss:

Wright Construction Group would like to thank you for this opportunity to provide you with our GMP Proposal based on the Progress Set of drawings and Specifications dated 4/22/2020.

We propose to provide equipment, labor, materials, subcontractor participation, and supervision as required to perform the following Scope of Work:

- Provide all Project Requirements necessary to complete the project
- Provide all Safety, Staging, Traffic Control, Barricades, Dust Control, and Protection and Restoration of existing Finishes.
- Relocate or maintain Fire Alarm and other systems to remain operational during construction
- Price is based on a 22 Week Construction Schedule
- A 7% Owner's Contingency is included

- Summary of Work

- Div. 01 Environmental Testing:

- a. Provide standard testing and report for hazardous materials

- Div. 02 Demolition:

- a. Provide all demolition shown on the bid plans including finishes to be replaced.
    - b. Provide saw cutting for all underground utilities, slab removal & duct risers.
    - c. Provide GPR or X-Ray for slabs as necessary to verify if there are conflicts
    - d. Provide GPR or X-Ray at beams before drilling for channel fasteners
    - e. Remove all concrete and masonry as noted
    - f. Provide demolition as required for new Plumbing, Electrical and HVAC

- Div. 03 Concrete:

- a. Patch and repair slab for new underground sanitary piping in Women's Room 118.
    - b. Patch and repair slab for new underground sanitary pipe for Breakroom 117 sink.
    - c. Provide new elevated concrete slab and ADA ramp for reconfigured dais in Council Chambers 113.
    - d. Provide new ADA Ramp on the east elevation of the building.

- e. Provide a new ADA ramp on the west elevation of the building.
- f. Fill abandoned duct penetrations in existing second floor slab after HVAC demolition.
- g. Provide (2) interior concrete pads for new air handling units by others.
- h. Include patching of exterior concrete where lightning conductors from lightning control system.

Div. 04 Masonry:

- a. Sawcut, prepare and install new masonry opening in the existing exterior wall on the east elevation.
- b. Provide masonry stem walls at the west ramp.
- c. Grout new exterior door frame in existing opening where the swing is reversed for door opening 101B on the west elevation.

Div. 05 Metals:

- a. Provide and install (2) pre-finish aluminum wall mounted railings for ADA ramp at the new dais.
- b. Provide and install new pre-finished aluminum railings on the west elevation ADA ramp.
- c. Provide and install new pre-finished aluminum railings on the east elevation ADA ramp.
- d. Furnish and install new ships access ladder to new roof hatch opening.
- e. Furnish and install new 5"X5"X1/4" wall mounted angles for solid surface sills at rolling fore doors.
- f. Provide and install new fire riser screens in the rear stairwell.
- g. Provide and install new steel channels for new roof access opening.
- h. Provide new 8"X6"X3/8" lintel for the exterior door that is being installed on the east elevation.
- i. Furnish and install new slab support angles for new duct riser slab penetrations in the 2<sup>nd</sup> floor slab.
- j. Includes labor and materials to modify the existing railings in the rear stair so the rails meet ADA requirements.
- k. Includes infilling of 14 sf of q deck where the existing roof hatch is removed.
- l. Provide and install angle and decking to patch slabs where existing duct risers are removed.

Div. 06: Millwork:

- a. Provide new casework, countertops and wood paneling in the reception and lobby areas.
- b. Provide new casework and counters in office area behind the reception area.
- c. Provide and install (5) new solid surface windowsills at the overhead fire doors.
- d. Provide and install new council members dais in Council Chambers 113.
- e. Provide new hardwood wall cap at new low screen wall at the ADA ramp in Council Chambers 113.

- f. Provide new casework and counters at Break Room 117.

Div. 07 Thermal and Moisture Protection:

- a. Batt insulation installed in metal stud walls
- b. Sealants provided and installed by each trade
- c. Provide and install a new (2) ply modified torch applied modified bitumen roofing system with related flashings.

Div. 08 Doors and Windows

- a. Provide and install new hollow metal frames and doors and wood doors.
- b. Provide all required door hardware.
- c. Provide new transom window at reception area.
- d. Provide (5) new rolling overhead fire doors.
- e. Provide construction keying

Div. 09 Drywall and Stucco:

- a. Provide wall types A-E as specified on the drawings.
- b. All new drywall soffits and ceilings.
- c. Fire treated in wall blocking.
- d. Unloading distribution and installation of all hollow metal door frames.
- e. Patching of existing walls and exterior stucco.
- f. Knockdown finish on all new interior partitions.
- g. Level 4 finish on all drywall soffits and ceilings.
- h. Re-framing/repair of drywall sill and jambs where overhead fire doors are installed.

Div. 09 Acoustical Ceilings:

- a. Furnish and install acoustical ceiling grid and tile systems as specified
- b. Repair or replace any ceiling grid or tile in areas to remain that are impacted by construction.

Div. 09 Flooring:

- a. Furnish and install Carpet Tile Type C1.
- b. Furnish and install new 4" rubber base at all rooms.
- c. Include minor floor preparation.
- d. Include moisture testing and mitigation at new slab areas.
- e. Include patching of existing ceramic tile floors and walls disturbed during construction.

Div. 09    Painting:

- a. Paint all interior partitions new and existing.
- b. Paint all soffits and drywall ceilings.
- c. Paint all stair risers, stringers, and railings.
- d. Paint exterior walls where impacted due to new construction.
- e. Include touch-up of interior walls after construction is completed.
- f. Provide and install all caulking/sealants not specific to other trades.

Div. 10    Specialties:

- a. Furnish and install fire extinguishers and cabinets as indicated.
- b. Furnish and install new toilet accessories.

Div. 12    Furnishings:

- a. Provide new horizontal louver blinds by Hunter Douglas at (40) exterior windows.

Div. 21    Fire Protection:

- a. Furnish and install complete sprinkler system modifications as required for the renovation.
- b. All heads in Council Chamber 113 to be moved as needed for center of tile.
- c. Shop drawing and hydraulic calculations

Div. 22    Plumbing:

- a. All plumbing demolition.
- b. All new plumbing including new underground sanitary sewer, including tie-in to existing.
- c. Provide all specified plumbing fixtures.
- d. Include relocation of exiting bathroom lavatories to meet ADA requirements.
- e. Provide a cane detection skirt for the existing drinking fountain in the main lobby.
- f. Include new roof drains with primary and secondary storm drainage piping.
- g. Pipe insulation as specified.

Div. 23    HVAC Systems:

- a. Cut cap & drop all existing ductwork and equipment to the floor for removal by the demolition contractor.
- b. Provide and install air handling units 1 & 2 & (4) condensers.
- c. Provide (2) new redundant drives.
- d. Furnish and install new VAV boxes.
- e. Provide new in-line exhaust fans for toilet rooms.
- f. Provide all specified ductwork and diffusers.
- g. Provide all refrigerant piping valves & accessories.
- h. Provide new DDC controls package.
- i. Provide commissioning and balancing by independent contractors.
- j. Provide and install specified louvers.



- k. Include all duct and piping insulation.

Div. 26 Electrical:

- a. Cut cap and drop all lighting and equipment and devices to the floor for removal by others.
- b. Provide all new LED fixtures and lighting controls per the drawings.
- c. Provide temporary power and lighting per OSHA Standards.
- d. Furnish and install new lightning control systems.
- e. Furnish and install new fire alarm devices.
- f. Include all panels, feeders, and gear.
- g. Include back boxes raceways and strings for low voltage security and tele/data wiring installed by others.
- h. Include wiring of all new HVAC equipment provided by others.
- i. Provide new wiring devices per locations on the electrical drawings.

Div. 31 Earthwork

- a. Provide excavation grading & backfill associated with the new ramps on the east and west elevations of the building.
- b. Sawcut and remove pavement at designated parking spaces, regrade and re-install pavement to meet ADA requirements.
- c. Salvage and re-install existing wheel stops.
- d. Provide ADA signs for parking spaces.
- e. Include pavement markings.

Div. 33 Exterior Improvements

- a. \$10,000 allowance carried to repair existing landscaping disturbed by the installation of new ramps on the east and west elevations and the lightning control system

Our **Guaranteed Maximum Price [GMP]** to perform the scope of work identified in this proposal, including the deductive alternates noted above is: **\$1,972,685.00 one million nine hundred seventy-two thousand six hundred eight and eighty-five dollars.**

Please contact me with any questions or comments regarding this proposal.

Respectfully submitted,



Scott Loiacano  
Senior Project Manager

**CITY OF BONITA SPRINGS, FLORIDA**  
**RESOLUTION NO. 20 – \_\_\_\_**

**A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;  
APPROVING A BUDGET TRANSFER TO TRANSFER BUDGET BETWEEN  
CAPITAL PROJECT FUND ACCOUNTS TO FUND CITY HALL MAJOR  
REPAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on September 19, 2019, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2020; and

WHEREAS, the City Hall is in need of major repairs and renovations; and

WHEREAS, unspent budget is available to be transferred from other Capital Improvement Projects, which are funded by the General Fund.

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

1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.
2. The Bonita Springs' City Council authorizes the following budget transfer relating to projects within the Capital Projects Fund:

|                                         | Budget<br>Increase (Decrease) |
|-----------------------------------------|-------------------------------|
| City Facilities Major Repairs           | \$1,239,559                   |
| Multi-use Pathways & Sidewalks          | (443,233)                     |
| Bonita Beach Road Vision Implementation | (796,326)                     |

3. This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 1<sup>st</sup> day of July, 2020.

AUTHENTICATION:

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

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

Vote:

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|------------------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                    | <b>GREEN SHEET:</b>                   | <b>20-07-170</b>                         |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                       |                                          |
| <b>REQUESTED MOTION:</b> Approve Resolution appointing Jurgen (Jay) Welsh as Chairman of the Historic Preservation Board.                                                                                                                                                                                                                                                                                                        |                                    |                                       |                                          |
| <b>MEETING DATE:</b> 7/1/2020                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                       |                                          |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b>         |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                         | PRESENTATIONS                      | <input type="checkbox"/>              | Laura Carr<br>Council Member, 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>Rule 401(C) of Administrative Code AC-1-6 for Advisory Boards states that the Mayor shall appoint the chair annually from the members of each Board and Committee. The former Chairman Dallas Revord resigned from the Historic Preservation Board at the end of his term after ten years of service. The new Chairman's term shall commence upon approval of the Resolution and expire December 31, 2020. |                                    |                                       |                                          |
| <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> Adopt Resolution                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                       |                                          |
| <b>REVIEWED BY:</b><br><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>                                                                                                                                                                                                                                |                                    |                                       |                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                    |                                       |                                          |

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;  
APPOINTING A CHAIR TO THE HISTORIC PRESERVATION BOARD; AND  
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Rule 4.01(C), Organization of Advisory Committees, Boards,  
or Commissions, of Administrative Code AC-1-6, states that the Mayor shall  
appoint the Chair annually from the members of the Board each year; and

WHEREAS, Rule 4.01(D) states that a Vice Chair shall be elected by the  
other members of the Advisory Committee, Board or Commission; and

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

Section 1. Jurgen Welsch is hereby appointed as Chairman to the Historic  
Preservation Board.

Section 2. Said term shall commence upon adoption of this Resolution  
and expire December 31, 2020.

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 1<sup>th</sup> day of July, 2020.

AUTHENTICATION:

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

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

Vote:

Carr  
Corrie  
Forbes  
Gibson

Purdon  
Quaremba  
Simmons

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                                       |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------|----------------------------------|
| <b>BONITA SPRINGS CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      | <b>GREEN SHEET:</b>                   | 20-07-174                        |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                      |                                       |                                  |
| <b>REQUESTED MOTION:</b> Reject both bids received in response to RFB 20-01 – Digitizing Plans Files and Documents and grant permission to reissue as a Request for Qualifications.                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |                                       |                                  |
| <b>MEETING DATE: 7/1/2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                                       |                                  |
| <b>AGENDA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                      | <b>REQUIREMENT/PURPOSE: (Specify)</b> | <b>REQUESTOR OF INFORMATION:</b> |
| <input type="checkbox"/> PRESENTATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> STATUTE     | Derek Rooney<br>City Attorney         |                                  |
| <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 checked="" type="checkbox"/> CITY ATTORNEY ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |                                       |                                  |
| <input type="checkbox"/> CITY MANAGER ITEMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                      |                                       |                                  |
| <b>BACKGROUND:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |                                       |                                  |
| <p>On February 26, 2020, the City issued RFB 20-01 seeking document scanning businesses to convert paper documents to readable digitalized format. On April 13, 2020, the City closed the solicitation and received two submittals.</p> <p>Due to inconsistencies in the response format and difficulty in determining terms most advantageous to the City, staff recommends rejecting both bids without prejudice and issuing the solicitation as a Request for Qualifications, which staff believes is more appropriate for the type of work being sought and will result in better terms for the City.</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> #7 Government Transparency                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                                       |                                  |
| <b>STAFF RECOMMENDATIONS:</b> Reject both bids without prejudice and reissue as a Request for Qualifications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                                       |                                  |
| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |                                       |                                  |
| <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>                           | 20-07-169                        |
| <b>AGENDA ITEM SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                      |                                               |                                  |
| <b>REQUESTED MOTION:</b> Budget Planning Discussion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                                               |                                  |
| <b>MEETING DATE:</b> 7/1/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                               |                                  |
| <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> This discussion will be a continuation of previous discussions in preparation of the upcoming budget process. An update on General Fund FY 2020 expected revenues and expenditures will be discussed, as well as additional discussions relating to the capital projects.                                                                                                                                                                                                                                                              |                                      |                                               |                                  |
| <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> Discussion relating to the budget process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |                                               |                                  |
| <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="border-bottom: 1px solid black; width: 250px; margin-bottom: 5px;"> </div> <div style="border-bottom: 1px solid black; width: 250px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; width: 250px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; width: 250px;"></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>                                                                                                                                                                                                                                                                                                                                                     |                                      |                                               |                                  |

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, JUNE 3, 2020  
5:30 P.M.  
FIRST PRESBYTERIAN CHURCH  
9751 BONITA BEACH ROAD SE  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

**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.

---

I. Call to Order.

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

II. Invocation.

Pastor Brad Rogers, with the First Presbyterian Church, provided the invocation.

III. Pledge of Allegiance.

At the request of Mayor Simmons, Council Member Laura Carr led in the Pledge of Allegiance.

IV. Roll Call.

Mayor Simmons and all Council Members were in attendance, with Council Member Mike Gibson arriving at 5:34 P.M.

V. **ADDENDUM with Scope of Work:** 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)

Sanibel Mayor Kevin Ruane, Chauncey Goss with the South Florida Water Management District addressed the water steward program on Sanibel Island. In attendance from FGCU to present to Council were Dr. Mike Martin and Dr. Greg Tolley. Dr. Michael Parsons with FGCU provided a PowerPoint



presentation (copy in Clerk's file) on the Bonita Water Steward program, addressing their proposal, the Vester Field Station, funding and associated costs and program activities. Council discussion followed.

Mayor Simmons thanked all those who attended to present, including Mayor Ruane, Chairman Goss, Dr. Martin, Dr. Tolley, and Dr. Parsons.

Mayor Simmons motioned to accept as written with the partnership with FGCU. City Attorney Rooney explained that a final agreement to bring back. Council Member Quaremba suggested to clarify to ask Staff to go over scope and go over the internal needs of the City of Bonita Springs, and coordinate with Lee County and SFWMD and see where they have responsibilities here, as she doesn't want to take over any responsibilities from either of those entities, and bring back, and including what Council Member Forbes has indicated. She also feels they should discuss financing, and would like to hear from Staff on what this means from a fiscal point of view – can we pay for it, or is it a problem. Council Member Purdon asked with the contract we have FGCU doing water testing, the person we are creating here asked if they would be working in conjunction, which makes sense. Council Member Forbes suggested the Mayor add to his motion to write a letter for the Mayor's signature asking SFWMD to make sure they give us all the services they can that support this, and if it turns out the sources of pollution in Bonita is external that they would consider helping out with next year's funding of this. Mayor Simmons stated that was good with him. Council Member Carr feels Lee County should fund this. Council Member Gibson expressed his support for the program.

Mayor Simmons stated he made a motion and would be happy to write a letter to Chairman Chauncey Goss and get his thoughts. He further agreed to incorporating comments made by Council Member Quaremba, and the suggestion by Council Member Forbes for a letter to Chauncey Goss incorporating comments/suggestions made by Council Member Amy Quaremba; Council Member Jesse Purdon seconded; and the motion passed 6-1 (Council Member Laura Carr opposed)

## VI. Public Comment on Agenda Items

Louise Kotwich, a resident of Hickory Island, voiced her support for the water steward program. She encourages all to look at the Sanibel website, which has great information on it to prevent pollution. She thanked Council for taking this step to improve water quality. She questions how weekly status reports to City Council will be addressed, as reflected in the Scope.

Ed Schinowskus volunteers with Turtle Time, conducts water testing, thanked FGCU for bringing this proposal forward and urged Council to make this investment. He feels it's important to look at the data and the science.

Rick Steinmeyer addressed concerns he had regarding public comment for these meetings, Love Inc. available funding to help people pay bills.

Dwight Esmon addressed the proposed lobbying amendment which is not supposed to go into effect until 2022. He wants to see this on the ballot this November. He supports the motion addressing improvements to the Terry Street roundabout, which does not work the way it should and is not safe for pedestrians. He also supports the Greensheet by Council Member Carr for breaks in meetings.

Martha Simons referred to her handout relating to the proposed ballot amendment, which she addressed the history and intent. She would like this amendment and asked Council to support it.

Sandy Gibbons also supports the proposed amendment Ms. Simons addressed.

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)

Mayor Simmons read the title block of the Resolution, and read into the record the Greensheet. Council Member Quaremba suggested a policy to ensure that people could have free speech. Mayor Simmons agreed. He was hopeful this could be worked out and both members would stay. Discussion followed. Council Member Gibson stated that he hoped they would both stay, and addressed Chairman Kurlander. He motioned that Chairman Kurlander step down.

Council Member Carr motioned to approve the Resolution relating to the resignation of Ms. Koncikowski; Council Member Chris Corrie seconded; and the motion carried unanimously.

Council Member Gibson motioned to ask Mr. Kurlander to resign. Council Member Quaremba stated that she doesn't feel we should ask him to resign, as we don't have a process. She feels it could be addressed as an inappropriate action.

City Attorney Rooney addressed the rules relating to advisory committees and suggested it be addressed at a future meeting where Mr. Kurlander can be present to speak. Discussion followed.

Council Member Gibson clarified his motion which is to ask the chairman to resign from the Board, as it was inexcusable to ask Ms. Koncikowski for her resignation; Mayor Simmons seconded.

City Attorney Rooney explained that if this is a request and the Chairman tenders his resignation, that in the past they come back before Council. Is this a request or a mandate. If it's the final vote, then it should be opened up to public comment.

Rick Steinmeyer commented on both members.

The motion failed 3-4 (Council Members Carr, Corrie, Forbes and Quaremba opposed)

Mayor Simmons motioned for the next meeting to bring to the next meeting language to address this for code of behavior and first amendment rights. Council Member Quaremba to work with City Attorney Rooney on this. She also suggested clarifying authority within the resident committees. City Attorney Rooney suggested Council adopt the rules they have to adapt those rules to one that will fit the advisory boards.

City Manager Hunter stated that it would be an administrative code of conduct, which she further explained. Staff provided direction.

A short break was taken.

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)

Jeff Brown, CPA, with Ashley, Brown & Company, presented the Audited Financial Statements for FY year ended September 20, 2019.

Council Member Corrie motioned to accept the Audit Report; Council Member Gibson seconded; and the motion carried unanimously.

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

Nicole Perino, Parks and Recreation Director, furnished a PowerPoint presentation on park related CIP projects update. She provided updates on the skate park and pump track project, the Riverside Park Bandshell and Liles Hotel Plaza renovations and re-sod, the mayhood Park Exotic removal and clearing, the community pool Geothermal Heating System, and the Baseball complex Master Plan/Phase 1 renovations.

#### 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)

Council Member Corrie addressed this item and concerns with the roundabout. A lengthy Council discussion followed.

Council Member Corrie motioned to get a professional to look at the roundabout; Mayor Simmons seconded; and the motion carried unanimously.

- 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)

Council Member Corrie addressed this agenda item, and provided the background and proposal.

A motion was made to adopt the wording on the white sheet provided for the ballot; Council Member Forbes seconded; and the motion failed 2-5 (Mayor Simmons and Council Members Gibson, Quaremba, Purdon, Carr opposed)

- C. Discuss a policy providing a brief recess during City Council meetings. (Carr; Greensheet No. 20-06-136)

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

- 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)

Council Member Gibson motioned to move to second reading; Council Member Quaremba seconded; and the motion carried unanimously.

- 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)

Council Member Gibson motioned to move to second reading; Mayor Simmons seconded; and the motion carried unanimously.

XI. Public Comment.

XII. City Attorney's Items:

City Attorney Rooney provided an update on WCI and requested the scheduling of an Executive Session. He requested to be allowed to schedule an executive session on cases he announced, for attorney fees.

He further addressed Card Room rezoning which required a future interconnect, which he addressed. Race Track Road which belongs to the City, which should have been turned over to the City. Lee County is amenable to turning the road over, but before they can do that, he is requesting Council authority to address with Lee County.

Council Member Forbes motioned approval of allowing the City Attorney to address the road with Lee County; Council Member Quaremba seconded; and the motion carried unanimously.

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)

Mayor Simmons motioned to approve Council Member Corrie as Chairman, and Mayor Simmons and Council Member Quaremba as members of the Committee; Council Member Carr seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 20-36**

- B. CONTINUED FROM MAY 20, 2020: Appoint Mayor and Member of City Council to various Boards and Committees. (Greensheet No. 20-06-134)

Continued to June 17, 2020.

C. City's update regarding COVID-19

City Manager Hunter provided an update on COVID-19 in relation to City operations, etc., noting that Staff would be looking to cancel the City's Fourth of July Event, which she further addressed. She also addressed other such events that have been cancelled. Council Member Gibson feels that the City should not cancel our Fourth of July Event, which he addressed. Council discussion followed.

Council Member Gibson motioned to move forward with Fourth of July either downtown at Riverside park, or at another, better site with more parking; Council Member Carr seconded; and the motion carried 5-2 (Council Member Corrie and Quaremba dissenting).

City Manager Hunter informed Council that Staff is looking to holding the July 1, 2020 meeting at City Hall. The June 17, 2020 meeting will need to be held at the church. City Council photo was discussed and decided to be taken on July 1, 2020. Discussion was also held on the meeting to be held at City Hall and process. She further reminded Council that the annual disclosures must be mailed out to the Supervisor of Elections by July 1, 2020.

XIV. Mayor and Council Reports.

Council Member Carr informed Council that Naples has opened up their beaches.

Council Member Quaremba next read into the record a letter she had prepared in relation to the death of Mr. George Floyd. Council consensus to prepare for Council signature to send to Minneapolis Governor.

Mayor Simmons thanked Council for the water steward program.

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

Council Member Forbes motioned approval; Council Member Gibson seconded

XVI. Public Comment.

Rick Steinmeyer congratulated Council Member Purdon and Corrie for their service. He also thanked Pastor Pratt for allowing Council meeting at the church.

XVII. Adjournment.

There being no further items to discuss, Mayor Simmons adjourned the meeting at approximately 10:10 p.m.

Respectfully submitted,

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Debra Filipek, City Clerk

APPROVED:  
CITY COUNCIL

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

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

DRAFT

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, JUNE 17, 2020  
9:00 A.M.  
FIRST PRESBYTERIAN CHURCH  
9751 BONITA BEACH ROAD SE  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

**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 16, 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

Mayor Peter Simmons called the meeting to order 9:00 A.M.

II. Invocation

Pastor Doug Pratt furnished the invocation.

III. Pledge of Allegiance

At the request of Mayor Simmons, Council Member Amy Quaremba led in the Pledge of Allegiance.

IV. Roll Call

Mayor Simmons and all Council Members were in attendance.

V. Public Comment on Agenda Items

Pastor Doug Pratt informed everyone that Love Inc. has grants available for up to \$1,000 to people to help pay rent, utility and mortgage payments.

Rick Steinmeyer addressed Consent Agenda item relating to the Audit Committee.

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.)

Council Member Quaremba motioned approval of the Consent Agenda; Council Member Chris Corrie seconded; and the motion carried unanimously.

**ADDENDUM:** Approve Audit Committee's recommendation regarding the Request for Proposals to provide external audit services. (Greensheet No. 20-06-162)

- A. Approve Florida Department of Emergency Management Sub-Recipient Agreement for the Citrus Park Drainage Improvement Project #4337-410-R Phase 1. (Greensheet No. 20-06-141)
  - B. Approve Florida Department of Economic Opportunity Sub-Recipient Agreement for the Imperial Bonita Estates/Quinn/Downs/Dean west of Imperial Parkway Stormwater Improvement Project. (Greensheet No. 20-06-142)
  - C. Approve the Interlocal Agreement between Lee County and the City of Bonita Springs regarding beach renourishment. (Greensheet No. 20-06-147)
  - D. Adopt resolution approving the top-ranked recommendation from the Art in Public Places Board for tenancy of Artist Cottage #4 and authorize City Manager to execute a lease for the use of Artist Cottage #4 for a term of one year. (Greensheet No. 20-06-150)
- ADOPTED RESOLUTION NO. 20-40**

- E. Approve contract renewals for Crowder Gulf Services and Thompson Consulting Services to provide disaster and debris removal and monitoring services for an additional term of one year. (Greensheet No. 20-06-151)
- F. Approve Florida Department of Environmental Protection funding agreement for the Pine Lake Preserve Re-Hydration project. (Greensheet No. 20-06-152)
- G. Review of May 2020 Monthly Capital Improvements Report. (Greensheet No. 20-06-145)
- H. Review of May 2020 Monthly Financial Reports. (Greensheet No. 20-06-146)
- I. Approve Special Event Permit for a Firework Show on July 4, 2020 (Greensheet No. 20-06-157)

- Opportunity for City Council comments on Consent Agenda items:

Council Member Quaremba addressed item I. above, and expressed her support for holding the firework show. She is glad the City is moving forward with the fireworks.

VII. Proclamations and Presentations:

- A. **ADDENDUM with Updated Greensheet and Attachments:** Update on the FY 2020 Expected General Fund Revenues by the City's Finance Director and presentation on the current financing market conditions by the City's Financial Advisor (Greensheet No. 20-06-148)



Finance Director Anne Wright introduced this agenda item and provided an update on the FY 2020 expected general fund revenues.

Julie Santamaria, with RBC, the City's Financial Advisor, next provided a PowerPoint presentation (copy in Clerk's file) on current financing market conditions. She provided an economic overview, addressed interest rate movements, tax-exempt MMD Index and Historic Lows since 1981, municipal bond fund flows, the City's outstanding debt, and provided an example of restructuring of series 2011 note. She also provided an example of new money borrowings with and without an extension.

Council discussion was held, with Ms. Santamaria to do an analysis on the cost of utilizing FLC for a potential loan and report back to City Council. She also responded to Council by informing them of other cities looking at additional financing, including the City of Cape Coral, for fire trucks and stations. Also Miami Beach referendum that was approved in 2018 for \$380 million in projects.

**Brief recess, if needed.**

VIII. Mayor and Council Member items:

- A. Discussion regarding proposed City Council Retreat/Workshop (Quaremba; Greensheet No. 20-06-158)

Council Member Quaremba addressed item A., as reflected in the Greensheet to assist Council and staff with efficient meetings procedures and policies. She suggested items of discussion to include government lite, Charter defined roles for Council; policy vs. management, scheduling of agenda items, Roberts Rules, the City's strategic policies and planned project, Council interactions with each other and the media. Council consensus supports her suggestions to move forward.

- B. Discussion of health data regarding COVID-19 and update to the public (Quaremba; Greensheet No. 20-06-165)

Council Member Quaremba also addressed item B., relating to the tracking of health data (data attached to Greensheet) as it relates to recommended White House and government office openings. City Manager Hunter to update the City's website.

- C. Discussion on acceptance of grant funds from National Association of Realtors (NAR) in Bandshell Clean-Up (Purdon; Greensheet No. 20-06-161)

Council Member Jesse Purdon provided an overview, as reflected on his Greensheet.

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

**CONTINUED FROM 5/20/20 AND 06/03/20:** Appoint Mayor and Members of City Council to various boards and committees. (Greensheet No. 20-06-153)

Mayor Simmons suggested the Outreach Committee be re-named to “Diversity Outreach Advisory Committee. Council discussion was held, with Council Member Quaremba suggesting the need to then change the concept. Council discussed, and no action was taken.

Mayor and Council appointments were made.

IX. Public Hearing (public comment allowed):

- A. Public hearing regarding the grant application submittal for the Rebuild Florida Community Development Block Grant – Disaster Recovery Infrastructure Repair Program to allow for citizen participation, public comment and input to be collected to determine community interest in providing input on the grant application. (Greensheet No. 20-06-149)

Elly McKuen, Sr. Project Manager for the City, furnished an overview, noting that this was a public hearing regarding the grant applications submittal for the Rebuild Florida Infrastructure Repair Program for the Spring Creek Bonita Golf Course Area and the BG Mine Area. The BG Mine Area project has been renamed to the East Bonita Springs Stormwater Improvement Project as the proposed improvements serve a much larger area than previously outlined. She further explained the focus of the item was to collect public comments regarding the 2 projects for the grant application.

There was no one from the public that commented on the projects. However, City Manager Hunter informed Council of one public comment received via email during the meeting from Ben Hershenson. Mr. Hershenson expressed his support for the Spring Creek Bonita Golf Course project.

- B. **ADDENDUM with attachments:** Vacate a portion of a Public Utility Easement, and a portion of a Public Right-of-Way in the Bernwood Park of Commerce. (Greensheet No. 20-06-155)

Jay Sweet, Community Development provided an overview of both Items B and C.

Council Member Carr motioned to approve; Council Member Quaremba seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED RESOLUTION NO. 20-41**

- C. **ADDENDUM with attachments:** Vacate a portion of a Public Utility Easement, adjacent to the Pelican Nest Club House in Pelican Landing. (Greensheet No. 20-06-154)

Council Member Corrie motioned to approve; Council Member Carr seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED RESOLUTION NO. 20-42**

X. Public Comment: No public comments were made.

**Brief recess, if needed.**

XI. City Attorney's Items:

**ADDENDUM:** Approve the First Amendment to BG Mine Settlement Agreement. (Greensheet No. 20-06-166)

City Attorney Rooney provided an overview.

Council Member Fred Forbes motioned to approve; Council Member Quaremba seconded; and the motion carried unanimously.

- A. Approve Resolution for Order authorizing temporary outdoor seating (Greensheet No. 20-06-163)

City Attorney Rooney provided an overview.

Council Member Forbes motioned approval; Council Member Mike Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 20-41.**

City Attorney Rooney to meet with Staff prior to discuss prior to next extension.

- B. Approve Resolution for Executive order on quasi-judicial virtual meetings (Greensheet No. 20-06-164)

Council Member Corrie motioned to approve the extension; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION 20-42**

**ADDITIONAL ITEMS:**

City Attorney Rooney informed Council of an Executive Session he is in the process of scheduling to be held within the month. He will also be bringing the advisory committee procedures before Council at their next meeting.

XII. City Manager's Items:

- A. City's update regarding COVID-19

City Manager Hunter informed Council that the Lee County Commission extended the CARE funds. She further reported on CDBG COVID-19 funds of \$200,000 which is a specific allocation for Bonita Springs through Human Services for COVID-19 related items. Staff will be bringing back proposals.

XIII. Mayor and Council Reports:

Council Member Gibson addressing zoning meetings, and discussion was held on scheduling of cases. He suggested going back to Monday's to hold earlier than 1:00 p.m. City Attorney Rooney suggested placing on regular agendas.

Council Member Quaremba informed Council of a Metropolitan Oprah house stream she viewed on which Bonita Springs was shown.

Mayor Simmons read a letter into the record thanking everyone during his time as Mayor.

City Manager Hunter informed Council of one public comment received via email for Item IX. A. above from Ben Hershenson, who is in support of the grant for the Bonita Springs Golf and Country Club project.

XIV. Public Comment:

Rick Steinmeyer thanked Mayor Simmons for his service to the City.

XV. Adjournment.

There being no further items to discuss the meeting adjourned at 11:05 A.M.

Respectfully submitted,

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

APPROVED:  
CITY COUNCIL

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

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