

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JULY 5, 2006
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER.

Mayor Jay Arend called the meeting to order at 5:30 P.M. There were approximately 150 members of the public in attendance.

II. INVOCATION.

Pastor Frederick Rowe, with St. Mary's Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE.

Mayor Arend led in the pledge of allegiance.

IV. ROLL CALL.

Mayor Arend and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS (EXCEPT FOR FIRST READING OF ZONING ORDINANCES).

[5:36:51 pm](#) Joe Gormley spoke in support of the Imperial River Landing project, which he sees as a good start in improving the downtown area.

[5:39:47 pm](#) Alan Codi stated he supports the Imperial River Landing project, but feels that the density and elevation are too high. He also feels the setbacks need to be adjusted.

[5:45:24 pm](#) Ken Feeley stated he felt there were other alternatives for the redevelopment of Old 41.

[5:46:01 pm](#) Ken Gilley also spoke in support of Imperial River Landing project. He explained that he was stunned at Council's previous decision to deny it because of the time, effort and years Staff has put into the project.

[5:49:30 PM](#) Wes Broderson stated he represented over 1,400 people affiliated with the Bonita Springs Association of Realtors. He agreed with a previous statement that Realtors have a vested interest in Old Bonita, as they have had property in Old Bonita for over 30 years. They trusted the vision of the future to make the area better. He is also the owner of a business near the beach. He would like the City to meet with the developer to see what could be worked out.

[5:53:18 pm](#) Robert Baker thanked those Council Members who voted no for the Imperial River Landing Project. He feels there are issues that need to be worked out, i.e., traffic, density and the river itself.

[5:55:08 pm](#) Robert Lang, a full time resident of the City, expressed the need for something to happen in the downtown area. Currently when they have visitors they take them to Naples because they are ashamed of the Old 41 area.

[5:56:16 pm](#) Gladys Verplanke, a resident of Bonita Springs, informed Council of a successful redevelopment project that helped revitalize Mt. Clemens Michigan.

[5:59:50 pm](#) Rebecca Pomerson requested that Council reconsider their vote on the Imperial River Landing project and vote in favor of the project since that is what the majority of the people want.

[6:01:21 pm](#) Tim Spires asked that Council reconsider their decision on the Imperial River Landing Project.

[6:03:25 pm](#) Rick Steinmeyer commented on the Pueblo Bonita Fourth Mortgage, which he sees as a good use for the affordable housing trust money. He also, however, considers the money to be given as a gift, with terms. He further commented on the Imperial River Landing Project, requesting that Council reconsider their previous decision.

[6:05:21 pm](#) Susan Holmer, a 16-year resident of the City, stated she sees the Imperial River Landing Project as a win-win situation. She asked that Council reconsider their vote.

[6:07:02 pm](#) Marcy Babcox asked that Council reconsider their vote on the Imperial River Landing Project.

[6:08:10 pm](#) Mike Hoyt, Chairman of the Bonita Springs Area Chamber of Commerce, informed Council of calls and E-mails the Chamber received regarding Council's decision on Imperial Landing and how it be changed. They support the project.

[6:10:37 pm](#) Attorney John Spear spoke in support of the Imperial River Landing Project. He referred to his 700-signature petition in support of the project and to another petition submitted against the project which he stated reflected only 93 names against the project. He is here to ask Council to represent the will of the majority of the people who are in favor of the project who feel the project is important for the community. He was present to ask Council to reconsider their vote.

[6:14:01 pm](#) Janet Finely supports the Imperial Landing Project. She polled 20 neighbors and found only 1 to be against the project. She asked that Council reconsider their vote.

[6:15:13 pm](#) Attorney Don Thomson stated he sees the Imperial River Project as an integral part of redevelopment of the Old 41 area. He supports the vision that Council had over the past 3 to 4 years. He urged Council to reconsider their vote.

[6:17:19 pm](#) Todd Michaels stated he supports the Imperial Landing Project.

[6:19:39 pm](#) Ray Shuman, a resident of Bonita Country Club, expressed his disappointment in Council's previous vote on the Imperial River Landing Project and urged their reconsideration. He feels the project will revitalize the downtown area.

[6:22:43 pm](#) Charlie Strader commended Council on the July 4th festivities. He feels the Imperial River Landing Project conflicts with the Comprehensive Plan.

[6:27:19 pm](#) Kathy McGrath stated she was speaking for herself and her husband Bob. She stated that they were both shocked by Council's decision to deny the project. They support the project.

[6:31:23 pm](#) Chris Swenson stated he was very much in favor of some sort of project being developed on the Bamboo site.

[6:32:47 PM](#) Scott Abrahamson informed Council of people in the parks that are drinking, using drugs, etc. He sees the project as being vital to the community. He supports the project.

[6:37:33 pm](#) Maryann Kilgannon expressed a concern with the proposed setbacks of the Imperial River Project.

[6:39:32 PM](#) Bill LaPlante President of WFL Properties, Inc., asked that the City return their bid bond in conjunction with the City's Recreation Center weight room project.

[6:41:03 pm](#) Dick Campbell stated that the downtown area is blighted and rough, and reminded him of where he grew up. He informed Council of an incident that occurred on the bridge on Old 41 whereby a man got out of a car and pulled out a gun. He supports the Imperial River Landing Project which he feels will clean the area up.

[6:43:58 pm](#) Deborah McClean suggested negotiating with Antaramian for increased setbacks and density.

[6:45:12 pm](#) Lori Nelson a resident of East Terry Street with the Downtown Bonita Springs Redevelopment Alliance, clarified that they are not a special interest group, nor are they financed by anyone individually. They consist of individuals who put up their own money to pay for the ads in the paper. They ran a petition in which 133 people responded. The group started because they heard that Council thought that the people didn't want the project to happen. The goal was for public awareness. Overall, the people want the project to happen as seen by the 700 signatures on a petition and 150 letters in support of the development. She also reminded them of the two Council meetings that were full of people in support of the project.

[6:48:12 pm](#) Hung Lei, with Engle's Bicycles on Old 41, informed Council of crime in the area. He agrees the area is blighted and asked Council to reconsider their vote.

[6:50:02 pm](#) Tom Martin spoke in support of the project.

[6:54:05 pm](#) William Hopmann referred to redevelopment in San Antonio. He supports the project.

[6:57:53 pm](#) Tracy Abrahamson also asked Council to reconsider their vote.

[6:58:18 pm](#) James Vincent asked what he can do to make Council change their mind about the project.

[7:01:09 pm](#) John Daley expressed a concern with the number of condominium units proposed. He feels more thought needs to go into what is built on the Bamboo site.

[7:02:21 pm](#) Don Skelton asked Council to reconsider their decision if they want the City to thrive.

[7:03:01 pm](#) Barbara Owen, a resident of the City for 6 months, spoke in support of the project. She asked that Council reconsider their decision.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PROCLAMATION OF APPRECIATION TO WALTER SHIKANY FOR HIS OUTSTANDING SERVICE TO THE LOCAL PLANNING AGENCY.

[5:34:33 PM](#) Mayor Arend read the proclamation of appreciation aloud, thanking Walter Shikany for his outstanding service on the City's Local Planning Agency. Mr. Shikany was in attendance to accept the proclamation and thank City Council and Staff.

B. PRESENTATION BY STANLEY CONSULTANTS REGARDING WEST TERRY STREET PRELIMINARY DESIGN AND DISCUSSION OF OPTIONS FOR FINAL DESIGN, WITH DIRECTION TO STAFF ON HOW TO PROCEED.

[7:13:58 pm](#) Public Works Manager Daryl Walk furnished a brief overview. He explained that it entails a 3 phase project, with Segment 1 involving U.S. 41 to Edenbridge Court, Segment 2 Edenbridge Court to Pine Avenue, and Segment 3 from Pine Avenue to Old 41 Road. Costs exclude rights-of-way.

[7:16:29 pm](#) Marlene Messem furnished a PowerPoint presentation. She informed Council that their recommendation would be for Option II – Signal with 3-lane widening.

[7:41:00 pm](#) Council Member Martha Simons suggested a modification to extend it to go to the western entrance of the school. She also suggested a sidewalk be constructed on the south side of the bridge.

[7:43:23 pm](#) In response to a question by the Mayor, Ms. Messem agreed that property would be taken from the north side of the road. The elimination of the bike lanes would prevent them from having to utilize the rights-of-way on the north side of the road.

[7:47:11 pm](#) Council Member Nelson motioned approval of Option 2, eliminating the on street bike lanes, and widening the sidewalks; Council Member Martha Simons seconded; and the motion carried unanimously.

C. PRESENTATION BY THE CONSERVANCY OF SOUTHWEST FLORIDA ON THE SOUTHWEST FLORIDA BASIN RULE.

[7:48:02 pm](#) Jennifer Hecker with the Conservancy of Southwest Florida, furnished a PowerPoint presentation (copy in Clerk's file) on the basin rule. She explained it's a draft rule with the intent of addressing water quality. It would apply to projects over 40 acres. She requested the City let the Governing Board of the South Florida Water Management District know where they stand with the rule.

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.)

[8:15:36 pm](#) Council Members Richard Ferreira and Martha Simons requested item E. be pulled.

[8:16:01 pm](#) Council Member Nelson motioned approval of items A., B., C., and D., F., G., H., and I., with D. as revised by the City Attorney; Council Member John Joyce seconded; and the motion carried unanimously.

- A. APPROVE THE INSTALLATION OF A STOP SIGN FOR WEST-BOUND TRAFFIC ON KINGS KEW AT FORESTER DRIVE.
- B. ADOPT RESOLUTION AUTHORIZING MAYOR TO EXECUTE STA. NO. 2 WITH JOHNSON ENGINEERING, INC. FOR DESIGN, BIDDING AND CONSTRUCTION ENGINEERING SERVICES FOR THE WINDSOR PARK SITE. **ADOPTED RESOLUTION NO. 06-96**
- C. AUTHORIZE STAFF TO MODIFY EXISTING SHUTTERS AT LILES HOTEL AND INSTALL IN A FIXED POSITION AT A TWENTY DEGREE ANGLE.
- D. EXECUTE A FOURTH MORTGAGE IN FAVOR OF PARTNERSHIP IN HOUSING, INC., FOR PUEBLO BONITA PHASE II, FOR A RENTAL PROJECT USING 2005/2006 AFFORDABLE HOUSING TRUST FUND, IN THE AMOUNT OF \$400,000.
- E. AUTHORIZE MAYOR AREND TO SEND LETTER TO ANTARAMIAN DEVELOPMENT, LLC. TO TERMINATE PROPOSAL UNDER RFP 05-003, IMPERIAL LANDING DEVELOPMENT PROJECT (A/K/A BAMBOO MOBILE VILLAGE) AND RELEASE \$50,000 LETTER OF CREDIT.

[8:17:28 pm](#) Council Member Ferreira motioned to rescind the vote taken on June 28, 2006, and to authorize discussions with Antaramian Development LLC; Council Member Nelson seconded; and the motion carried 5-2 (Council Members Pat McCourt and Alex Grantt dissenting).

- F. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION LEVYING A SPECIAL ASSESSMENT LIEN PURSUANT TO THE BONITA SPRINGS LOT MOWING ORDINANCE NO. 03-08, FOR \$240.00 AGAINST PROPERTY OF DONALD LEE AND PAMELA PITISCI, LOCATED AT

27001 CENTER AVENUE, BONITA SPRINGS, FLORIDA 34135. **ADOPTED RESOLUTION NO. 06-97**

- G. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION LEVYING A SPECIAL ASSESSMENT LIEN PURSUANT TO THE BONITA SPRINGS LOT MOWING ORDINANCE NO. 03-08, FOR \$240.00 AGAINST PROPERTY OF TSALACH INVESTMENTS, LLC., LOCATED AT 11313 RED BUD LANE, BONITA SPRINGS, FLORIDA 34135. **ADOPTED RESOLUTION NO. 06-98**
- H. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION LEVYING A SPECIAL ASSESSMENT LIEN PURSUANT TO THE BONITA SPRINGS LOT MOWING ORDINANCE NO. 03-08, FOR \$240.00 AGAINST PROPERTY OF WILLIAM T. MCLEAN, TR, LOCATED AT 9051 PENNSYLVANIA AVENUE, BONITA SPRINGS, FLORIDA 34135. **ADOPTED RESOLUTION NO. 06-99**
- I. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION LEVYING A SPECIAL ASSESSMENT LIEN PURSUANT TO THE BONITA SPRINGS LOT MOWING ORDINANCE NO. 03-08, FOR \$240.00 AGAINST PROPERTY OF CUSTOM BUILT GROUP, LLC., LOCATED AT 27313 ARROYAL ROAD, BONITA SPRINGS, FLORIDA 34135. **ADOPTED RESOLUTION NO. 06-100**

VIII. PUBLIC HEARING:

- A. A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING BONITA SPRINGS ADMINISTRATIVE CODE NO. AC-06-06-02 ESTABLISHING PLAT PROCEDURES; AMENDING RULE 8.01 TITLE CERTIFICATION AND BOUNDARY SURVEY; AMENDING RULE 17.01 EXECUTION; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN ADMINISTRATIVE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

[9:00:47 pm](#) Council Member Nelson motioned approval of the Resolution; Council Member Joyce seconded.

No public comments were made.

The motion carried, with Council Members Simons and Ferreira not in attendance. **ADOPTED RESOLUTION NO. 06-101**

IX. FIRST READING OF THE FOLLOWING ZONING ORDINANCE:

- A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY ELIAS BROTHERS COMMUNITIES, INC IN REFERENCE TO IMPERIAL BONITA PLAZA TO AMEND THE EXISTING COMMERCIAL PLANNED DEVELOPMENT (CPD) ON LAND LOCATED IN THE (SOUTHEAST CORNER OF IMPERIAL STREET AND BONITA BEACH ROAD), IN BONITA SPRINGS, FLORIDA, (STRAP NOS. 01-48-25-B2-00400.0050, 01-48-25-B2-00400.005A, 01-48-25-B2-00400.0020, 01-48-25-B2-00400.0030, 01-48-25-B2-00400.003A, 01-48-25-B2-00400.0010, 01-48-25-B2-00400.0040, 01-48-25-B2-00400.0060, 01-48-25-B2-00400.0070, 01-48-25-B2-00400.0080, 01-48-25-B2-00400.0090, 01-48-25-B2-00400.0100, AND 01-48-25-B2-00006.0000), ON 32.93 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

[9:02:45 pm](#) Council Member Nelson motioned approval of moving forward with a second reading of the Zoning Ordinance at 9:00 A.M., Monday, July 24, 2006; Council Member Joyce seconded; and the motion carried unanimously, with Council Member Ferreira not in attendance during the vote.

X. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS

- A. DISCUSSION OF A PROGRAM TO PLANT TREES IN THE CITY'S RIGHTS-OF-WAY, RETENTION AREAS AND OTHER GREEN SPACES AS DONATIONS, OR MITIGATION FOR ZONING AND VARIANCES. (COUNCIL MEMBER NELSON)

[9:03:03 pm](#) Council Member Nelson informed Council of a program Sarasota had, addressing the need for the City to get proactive with respect to planting trees to aid with water quality, air quality, etc. He explained that the first step would be to come back with a Resolution/Ordinance that would allow for the donation of trees, etc. He would also like plantings to be done in those retention areas that are now barren.

[9:05:13 pm](#) Council Member Nelson motioned to work with Staff and Rick Joyce of Lee County Environmental Sciences, etc., to come up with something, and to research what Sarasota and other communities are and have done; Council Member Simons seconded; and the motion carried unanimously.

- B. DISCUSSION OF GENERAL ISSUES REGARDING THE LAYOUT OF BONITA ELEMENTARY AND OPPORTUNITIES TO JOINTLY UTILIZE THE PULLEN STREET RIGHT-OF-WAY AND VACANT PROPERTY OF FIRST UNITED METHODIST CHURCH DIRECTLY TO THE EAST OF THE SCHOOL. (COUNCIL MEMBER NELSON)

[9:06:45 pm](#) Council Member Nelson informed Council of opportunities to expand the site in a more organized way. The intent is to enter into an agreement at some point with the United Methodist Church, the School Board and the City to where the City would vacate some easements, and with them agreeing to purchase some property. The intent is to double the size of the school site with little or no money. He explained that the City would, however, have to build a parking lot for the church, with the church using it on Sundays and the school the rest of the week.

Council Member Nelson motioned for Staff to work with him to set up a meeting with the School Board on a tentative agreement to bring back to Council; Council Member McCourt seconded; and the motion carried unanimously.

City Manager Gary Price thanked the Methodist Church for their community spirit on working for this joint use of the property.

[9:09:16 pm](#) Council Member Joyce reported a meeting he scheduled the following week with the City Manager, himself and Don Eslick for purposes of a potential workshop within the next 60 to 90 days.

[9:13:49 pm](#) Council Member Ferreira addressed concerns he had regarding water quality issues and the protection of the waterways.

[9:19:44 pm](#) Mayor Arend afforded a special thanks to Special Events and Park Coordinator Arleen Houston, and Trish Leonard for the great job they did on the City's Fourth of July Celebration.

XI. PUBLIC COMMENT:

[9:20:16 pm](#) Rick Steinmeyer referred to the Imperial Landing Project and suggested that instead of having 100 units at \$450,000, to have 75 units at \$600,000, reducing parking by 40 spaces.

[9:25:05 pm](#) Debra McClean suggested that the website improvement project be bid out.

[9:26:51 pm](#) John Daley asked that Council ensure that the Imperial River Landing Development is done right.

XII. CITY ATTORNEY'S REPORT:

XIII. CITY MANAGER'S REPORT:

- A. APPROVE RESOLUTION RESCINDING THE AWARD OF THE CONSTRUCTION CONTRACT TO NORSTAR CONSTRUCTION, INC. FOR THE RECREATION CENTER WEIGHT ROOM ADDITION IN THE AMOUNT OF \$319,500.00 AND AWARD TO WFL PROPERTIES, INC. IN THE AMOUNT OF \$329,327.00, COLLECTING THE DIFFERENCE OF \$9,827 FROM THE BID BOND PROVIDED BY NORSTAR CONSTRUCTION, INC., AND

AUTHORIZE MAYOR TO SIGN THE AGREEMENT WITH WFL PROPERTIES, INC., UPON APPROVAL OF THE DOCUMENT BY THE CITY ATTORNEY.

[9:21:34 pm](#) Mack Fularski, President of Norstar Construction, briefly addressed the bid award to his company for the Recreation Center Weight Room project. City Manager Price explained that Mr. Fularski's comments are in response to comments made earlier by Bill LaPlante. He explained that this item has been pulled and that Norstar has been awarded the bid.

[9:24:10 pm](#) Council Member Nelson motioned to pull item XIII. A. from the agenda, awarding the bid to Norstar; Council Member Ferreira seconded; and the motion carried unanimously.

- B. APPROVE RESOLUTION TO AUTHORIZE MAYOR TO EXECUTE SUPPLEMENTAL TASK AUTHORIZATION # 6 WITH HOLE MONTES, INC., (HMI) IN THE AMOUNT OF \$38,220 FOR CONDUCTING A STUDY TO EXAMINE THE FEASIBILITY OF EXTENDING LONGFELLOW LANE FROM MATHESON AVENUE TO IMPERIAL STREET, UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. **ADOPTED RESOLUTION NO. 06-102**

[9:27:14 pm](#) City Manager Gary Price read the request into the record, explaining that the \$38,000 did not include design or permitting work.

[9:29:47 pm](#) Council Member Nelson motioned approval of the Resolution; Council Member Joyce seconded; and the motion carried unanimously.

- C. APPROVE RESOLUTION TO AUTHORIZE MAYOR TO EXECUTE SUPPLEMENTAL TASK AUTHORIZATION #5 WITH PITMAN HARTENSTEIN & ASSOCIATES, (PHA) IN THE AMOUNT OF \$52,108.20 FOR CONDUCTING A STUDY TO EXAMINE THE FEASIBILITY OF EXTENDING MATHESON AVENUE TO BEACH ROAD, UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY.

[9:36:06 pm](#) Council Member Simons motioned that this be included as part of the City-Wide road study; Council Member Nelson seconded; and the motion carried unanimously.

- D. DISCUSSION REGARDING SCHEDULING A PRESENTATION BY HANS WILSON REGARDING THE PROPOSED FISHING PIER.

[9:36:59 pm](#) Council Member McCourt motioned to discontinue the fishing pier proposal; Council Member Simons seconded.

Council Member Ferreira expressed a concern with the cost of maintenance.

[9:39:04 pm](#) Council Member Nelson spoke in support of the project and the need for the pier for residents to enjoy and fish from. He discussed the possibility of a Tourist Development Grant to help. A brief discussion followed.

[9:44:30 pm](#) Council Member Simons withdrew her second to the motion, and the motion died for a lack of a second.

Presentation by Hans Wilson scheduled for Council's meeting of July 19, 2006.

- E. AUTHORIZATION BY COUNCIL FOR THE UPGRADING OF CITY OF BONITA SPRINGS WEB SITE.

[9:48:56 pm](#) Council Member Nelson motioned approval, Council Member Simons seconded; and the motion carried unanimously.

ADDITIONAL ITEM:

CRA workshop scheduled before City Council on Thursday, July 13, 2006 at 1:30 P.M.

XIV. APPROVAL OF MINUTES: 06/07/06 AND 06/21/06

[9:56:31 pm](#) Council Member Nelson motioned approval of the minutes, with the revision to the minutes of June 7, 2006; Council Member Joyce seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT: No public comments were made.

XVI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:56 P.M.

Respectfully submitted,

Debra Muchler, Recording Secretary

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: _____

AUTHENTICATED:

Jay Arend, Mayor

Dianne J. Lynn, City Clerk