

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, MARCH 2, 2016
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Mayor Ben L. Nelson, Jr. called the meeting to order at 5:30 P.M.

II. INVOCATION:

Pastor Riley Grandell, with Gulf Shore Life Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Nelson, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Nelson and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:34:38 pm Attorney John Spear was in attendance to address and support Agenda Item XI. A., of the City Attorney's Report, regarding the traffic signal at North Bay Drive / Limetree Park Drive and U.S. 41.

5:35:48 PM Bobbi Bird addressed Celebrate Bonita and thanked Mayor Nelson and City Council Members for their support. She was also in attendance to voice her support for the International Walk for Water event.

5:36:51 PM Kathy McGrath also thanked Mayor Nelson and City Council for their support for Celebrate Bonita.

5:37:04 PM Sally Smith, with the Rotary Club of Estero, thanked Mayor and Council for their support for the Rotary International Walk for Water event.

5:37:53 PM Mary Meima, with Bonita Springs Utilities, addressed item XII. B., stating that BSU supports the City with respect to this item involving the Memorandum of Understanding between the City of Bonita Springs, Bonita Springs Utilities and the Bonita Springs Fire and Rescue District. She also thanked those who have served on Council.

5:38:41 PM Roger Brunswick addressed item XI., of the City Attorney's Report, regarding the traffic light which he supports. The residents look forward to having a safe intersection.

5:40:30 PM Martha Simons also expressed her supports for the traffic light in Agenda Item XI. A., relating to item . She also spoke opposed to the car wash.

5:42:11 PM Linda Miller, a 12-year resident of the City, addressed the proposal relating to Agenda Item VII. H., regarding the farmer's market. The idea is to help bolster the activity at Rhodes.

5:43:02 PM Kathy McGrath addressed Consent Agenda Item A., stating that the President of the Conservancy asked her to come and say a few words of support.

5:44:38 PM Nicole Johnson, with the Conservancy of Southwest Florida, was in attendance to express her support for Consent Agenda Item A., regarding the Interlocal Agreement for Pine Lake Preserve.

5:45:44 PM Arron Schmmel of Lansdown Street, was in attendance to thank City Council for their support.

5:46:17 PM John Comard was in attendance to express his support for the car wash. He supports business.

5:47:38 PM Christine Ross, with the Bonita Springs Area of Commerce, stated that she was happy that the MOU is before City Council today. She also thanked those on Council who served the community.

5:48:37 PM Greg Dewitt echoed comments made by Ms. Ross, and expressed his support for one stop shopping. The Fire Department is happy about the partnership.

5:49:11 PM Rick Steinmeyer thanked Mayor Nelson for his service to the City.

5:49:46 PM Ron Pure addressed the library agreement. He feels the City is spending too much on the building of the new library. He feels the location on which the library is planned for would be a great location for a City Hall.

VI. PROCLAMATIONS AND PRESENTATIONS:

5:53:31 pm Mayors Kevin Ruane with the City of Sanibel; Mayor Marni Sawicki with the City of Cape Coral; Mayor Randy Henderson with the City of Fort Myers; Mayor Anita Cereceda with the Town of Fort Myers Beach; and Mayor Nick Batos with the Village of Estero, were in attendance to present Mayor Nelson with a Resolution expressing their sincere gratitude for his many years of outstanding public service, and wishing him great success and happiness in the future.

6:17:02 pm Council Member Steve McIntosh next introduced two students that attendance the City's Government Day.

6:22:48 PM Mayor Nelson next presented City Employee John Gucciardo with a 10-Years of Service Award.

- A. PRESENTATION OF PROCLAMATION TO THE PACE CENTER FOR GIRLS OF LEE COUNTY PROCLAIMING MARCH 2016 AS "BELIEVING IN GIRLS MONTH." PRESENT TO ACCEPT THE PROCLAMATION WILL BE: ALLYSON ROSS, JACKE MCCURDY, KATHY TOLL, AND SHELLEY STARNER.

6:18:54 PM Mayor Nelson next read aloud a Proclamation proclaiming March 2016 as "Believing in Girls Month." In attendance to accept the Proclamation from Pace Center for Girls were Allyson Ross, Jacki McCurdy, Kathy Toll, and Shelley Starnier.

B. PRESENTATION OF HOMETOWN HEROES' AWARDS.

6:24:41 PM Council Member McIntosh next presented Hometown Heros' Awards to City residents Rex Sims, Ronda Lawhon, Gary Price, Teri Lamaine, and Adam Prentki.

C. UPDATE BY PHIL FLOOD, WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, ON THE SOUTHERN CREW HYDROLOGIC RESTORATION PROJECT.

6:32:25 PM Phil Flood next furnished a PowerPoint presentation (copy in Clerk's file) on the Southern CREW hydrologic restoration project. When completed the land will be part of the CREW Trust. Mayor Nelson thanked Mr. Flood purpose to restore hydrology and environment. It will provide access to residents to hike, bike, camp, etc.

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.)

6:42:57 pm Staff pulled Consent Agenda Item C., regarding Celebrate Bonita, to furnish an update.

6:44:18 PM Council Member McIntosh motioned approval of the Consent Agenda; Council Member Steve Slachta seconded; and the motion carried unanimously.

- A. APPROVE AN INTERLOCAL AGREEMENT WITH LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CONSTRUCT AND OPERATE WATER QUANTITY AND QUALITY PROJECTS ON PINE LAKE PRESERVE, A LEE COUNTY CONSERVATION 20/20 PROJECT. (GREENSHEET NO. 16-03-0046)
- B. APPROVE STAFF TO PROCEED WITH THE PROCESS OF EITHER RENEWING THE ATTACHED INTERLOCAL AGREEMENT WITH LEE COUNTY FOR DISTRIBUTION OF LOCAL OPTION GAS TAXES, OR PRESENTING TO CITY COUNCIL A NEW INTERLOCAL AGREEMENT FOR THE DISTRIBUTION OF LOCAL OPTION GAS TAXES BASED ON THE OPTION THAT IS DEEMED MOST ADVANTAGEOUS TO THE CITY. (GREENSHEET NO. 16-03-0062)
- C. APPROVE SPECIAL EVENT PERMIT FOR THE ANNUAL CELEBRATE BONITA FESTIVAL AND THE CLOSURE OF OLD U.S. 41 ROAD FROM WILSON STREET TO CHILDERS STREET ON SATURDAY, APRIL 9, 2016. (GREENSHEET NO. 16-03-0054)
- D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE ANNUAL FITZGERALD'S SAINT PATRICK'S EVENT ON MARCH 16, 2016 THROUGH MARCH 17, 2016 FROM 11:00 A.M. TO 9:00 P.M. AT 9070 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 16-03-0053)
- E. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR ROTARY INTERNATIONAL WALK FOR WATER EVENT ON SATURDAY, APRIL 23, 2016 FROM 8:30 A.M. TO 10:30 A.M. AT 27200 KENT ROAD, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 16-03-0056)

- F. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR LANSDOWNE STREET ST. PATRICK'S DAY CELEBRATION ON THURSDAY, MARCH 17, 2016 FROM 11:00 A.M. TO 9:00 P.M. AT 24851 SOUTH TAMiami TRAIL, #7, BONITA SPRINGS, FLORIDA. (GREENSHEET NO. 16-03-0051)
- G. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR BONITA BAY ANNIVERSARY PARTY EVENT ON SUNDAY, MARCH 22, 2016 AT THE BONITA BAY CLUB. (GREENSHEET NO. 16-03-0050)
- H. APPROVE A PERMIT FOR THE SHOP LOCAL PRODUCTIONS TO OPERATE A FARMER'S MARKET AT 3756 BONITA BEACH ROAD, BONITA SPRINGS ON SUNDAYS MARCH 20, 2016- DECEMBER 18, 2016. (GREENSHEET NO. 16-03-0059)
- I. APPROVE AN AMENDMENT TO THE AGREEMENT WITH SPANISH WELLS COMMUNITY ASSOCIATION, INC., AND LEE COUNTY SHERIFF'S OFFICE APPROVING AND PROVIDING TRAFFIC CONTROL JURISDICTION OVER CERTAIN ROADS IN THE SPANISH WELLS COMMUNITY. THE AMENDMENT REVISES THE LIST OF STREETS. (GREENSHEET NO. 16-03-0052)
- J. AMEND THE AGREEMENT WITH CREATIVE EXPRESSIONS STUDIO AND GALLERY, LLC, FOR RENEWAL OF ARTIST COTTAGE #4 LEASE AGREEMENT FOR ANOTHER ONE YEAR TERM. (GREENSHEET NO. 16-03-0057)

VIII. PUBLIC COMMENT:

[6:44:53 PM](#) Kathy McGrath thanked the Imperial River Conservancy for the great City-wide clean up.

[6:46:03 pm](#) Alex Grantt addressed an election violation relating to signage.

[6:47:54 pm](#) Ron Pure commented on the proposed high school.

IX. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED)

[6:52:05 PM](#) City Attorney Audrey Vance read the title block of both Ordinances into the record. The first reading was held February 17, 2016. She has reviewed the Affidavit of Publications for both Ordinances and found them to be legally sufficient.

[6:54:23 PM](#) Attorney Charles Mann, representing the Applicants, presented a PowerPoint presentation (copy in Clerk's file) to address both Ordinances and their related requests.

No public comments were made.

[6:59:30 PM](#) Council Member McIntosh motioned adoption of both Ordinances; Council Member Bill Lonkart seconded; and the motion carried unanimously.

- A. HEARING TO REVIEW THE PETITION TO CONTRACT THE BOUNDARIES OF THE EAST BONITA BEACH ROAD CDD AND IF PETITION MEETS THE STATUTORY CRITERIA FOR CONTRACTION OF THE BOUNDARIES, SECOND READING AND PUBLIC HEARING OF THE ORDINANCE ENTITLED AS FOLLOWS: AN ORDINANCE AMENDING ORDINANCE

NO. 08-02, ENACTED BY THE CITY OF BONITA SPRINGS, FLORIDA ON FEBRUARY 20, 2008 ESTABLISHING THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT, AMONG OTHER MATTERS, TO CONTRACT THE EXTERNAL BOUNDARIES OF THE DISTRICT AND DESCRIBE THE REVISED EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-03-0044) **ADOPTED ORDINANCE NO. 16-02**

- B. HEARING TO REVIEW THE PETITION PURSUANT TO §190.005 TO DETERMINE WHETHER THE PETITION MEETS THE STATUTORY CRITERIA FOR ESTABLISHMENT OF A DISTRICT, AND IF SO, SECOND READING AND PUBLIC HEARING OF THE ORDINANCE ENTITLED AS FOLLOWS: AN ORDINANCE ESTABLISHING BONITA LANDING COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-03-0045) **ADOPTED ORDINANCE NO. 16-03**

X. PUBLIC HEARING:

- A. ACCEPT, REJECT, OR MODIFY THE SPECIAL MAGISTRATES' ORDER AND RECOMMENDATIONS IN REGARD TO CARDOME, LLC V. CITY OF BONITA SPRINGS, WITH ADOPTION OF AN APPLICABLE RESOLUTION. (GREENSHEET NO. 16-03-0048)

7:05:31 pm City Attorney Vance furnished a brief overview of the process and request.

7:05:37 pm Neale Montgomery furnished a PowerPoint presentation (copy in Clerk's file) to address the request.

PUBLIC COMMENTS:

7:11:07 PM Rick Steinmeyer voiced his support for approval.

7:11:36 PM Martha Simons stated that the residents on the other side of the pond are concerned that this would not be compatible with their neighborhood. Their concerns include the noise, opening up to U.S. 41, and light. She also doesn't know how drainage would be addressed.

7:14:32 PM Fred Forbes feels a lot of allegations have been made by the Applicant on their website, and that there may be a need for independent Council to look at this, to review the entire file, and come back. He also feels the need to fix those things to ensure this does not happen again.

7:16:21 PM Ms. Montgomery responded to comments made relating to noise, lighting and drainage which, she stated, have been addressed by the South Florida Water Management District. A survey was also done that was provided to neighbors. Max Levine, the owner and applicant next addressed the survey, stating that out of the approximate 100 people he spoke with, 95% were in favor, or had no problems with the request.

7:25:02 PM John Dulmer addressed Staff's position, explaining that Staff evaluated this application and felt it was not compatible with the neighborhood.

7:26:39 pm In response to Council Member Slachta, City Attorney Vance stated that the Zoning Board's vote was a unanimous approval. Council discussion followed.

7:42:57 PM In response to Council Member McIntosh, Zoning Board Chairman Roger Brunswick stated that he liked the project then and likes it now. He would not have voted differently.

7:49:37 PM Council Member Simmons spoke in favor of rejecting the magistrate's recommendation and instead, hire special council.

7:49:55 PM Mayor Nelson clarified the motion, which is to reject and have special counsel review and provide other options. Discussion followed.

7:52:12 PM After further discussion, Council Member Simmons motioned to reject the recommendation submitted by the Special Magistrate; Council Member Slachta seconded; and the motion passed 4-3 (Mayor Nelson and Council Members Martin and Gibson opposed) **ADOPTED RESOLUTION NO. 16-13**

XI. CITY ATTORNEY'S REPORT.

- A. APPROVE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND STAKEHOLDERS FOR A TRAFFIC SIGNAL AT NORTH BAY DRIVE / LIMETREE PARK DRIVE AND U.S. 41, AND AUTHORIZE THE CITY MANAGER TO COMMENCE COLLECTION OF FUNDING ALLOCATED BY EACH STAKEHOLDER, TO INSTALL A TRAFFIC SIGNAL UPON RECEIPT OF A JOINT PARTICIPATION AGREEMENT WITH FDOT, USING THE FUNDS RECEIVED BY ALL STAKEHOLDERS IN ACCORDANCE WITH THE COMPLETED AGREEMENT ONCE IT IS FULLY EXECUTED. (GREENSHEET NO. 16-03-0047)

7:54:54 PM City Attorney Vance read the request into the record into the record.

7:55:30 pm Council Member Simmons motioned approval; Council Member Martin seconded and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 16-03-0055)

Informational.

- B. APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BONITA SPRINGS, BONITA SPRINGS UTILITIES AND THE BONITA SPRINGS FIRE AND RESCUE DISTRICT FOR PLANS AND PERMIT REVIEW WITHIN THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 16-03-0060)

7:56:22 PM City Manager Schwing addressed this agenda item, stating that this proposal is for a Memorandum of Understanding, as was addressed by City Council originally a little over five years ago. It is

between the City of Bonita Springs, the Fire District, and Bonita Springs Utilities. The big change that Staff is recommending is the inclusion of performance standards for all three entities to adhere to.

7:57:04 PM Arleen Hunter, Director of Development Services, furnished a brief overview. She began by thanking Bonita Spring Utilities and Bonita Springs Fire Rescue District. This entails the opportunity to renew our five year agreement with the proposed amendment, which includes an Exhibit "A" which reviews the permits times that we would be looking at to meet our goals each time. The one stop process department was recognized by the Florida Department of Economic Opportunity as a result of the partnership that was built.

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

C. APPROVE LIBRARY AGREEMENT WITH LEE COUNTY. (GREENSHEET NO. 16-03-0061)

6:06:11 PM City Manager Schwing furnished an overview of the Agreement.

6:09:15 pm In attendance to address City Council were Lee County Commissioner Larry Kiker, County Manager Roger Desjarlais, and Assistant County Manager Christine Brady.

6:15:53 pm Council Member McIntosh motioned approval of the Agreement; Council Member Simmons seconded; and the motion carried unanimously.

ADDITIONAL ITEMS:

7:58:40 PM City Manager Schwing reported that the City was currently undergoing a Master Plan for bicycle/pedestrian connectivity throughout the City. The consultant for that study will be hosting a workshop for that Master Plan from 4:00 P.M. to 7:00 P.M., Thursday, March 10, 2106 at the Bonita Springs Recreation Center. He further reported that the Toole Design Group, who is in the process of conducting the Bonita Beach Road Visioning project, has completed their public input process, with a conclusion meeting held last Thursday night. The meeting was well attended, as there were over 70 people in attendance. Toole will be coming back to City Council in the next few months to present their final report and recommendation.

D. PROPOSAL TO CANCEL THE MARCH 16, 2016 CITY COUNCIL MEETING.

Council Member McIntosh motioned to cancel the March 16, 2016 City Council meeting; Council Member Simmons seconded; and the motion carried unanimously.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

8:07:00 pm Council Members McIntosh, Martin, Lonkart and Simmons and Mayor Nelson thanked and expressed their appreciation to each other.

8:18:32 pm Mayor Nelson addressed legislation relating to fracking and slots. He also thanked City Staff for the great job they have done and the professionalism they portray. He also thanked the Lee County Sheriff's Office.

XIV. APPROVAL OF MINUTES: 02/17/16

Council Member McIntosh motioned approval of the Minutes; Council Member Simmons seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT:

8:22:45 pm Greg Dewitt thanked all of Council for their service.

8:23:17 pm Sara Jane, a member of Friends of the Library, thanked City Council for taking care of the issue with respect to turning into the library.

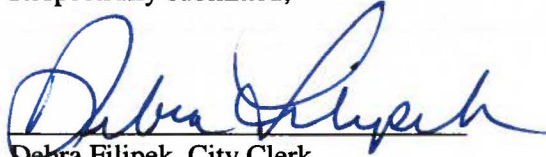
8:24:18 pm Martha Simons thanked Mayor Nelson and Council Members for all the great work they have done. She also thanked them for paving the unpaved roads, the library, and all the great things they did.

8:26:18 pm Rick Steinmeyer, Ben Hershenson, and Kathy thanked Mayor Nelson and City Council.

XVI. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 8:35 P.M.

Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: 6/16/16

~~AUTHENTICATED:~~



Ben L. Nelson, Jr., Mayor