

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JANUARY 21, 2015
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Mayor Ben Nelson called the meeting to order at 9:00 A.M.

II. INVOCATION:

Pastor Doug Pratt, with the First Presbyterian Church, furnished the invocation.

II. PLEDGE OF ALLEGIANCE:

Council Member Steve Slachta led in the Pledge of Allegiance.

III. ROLL CALL:

Mayor Nelson and all Council Members were in attendance, with Council Member Peter Simmons arriving at 9:04 A.M.

V. PUBLIC COMMENT ON AGENDA ITEMS:

[9:04:47 AM](#) Deborah Maclean read into the record a letter written by Linda Schwartz regarding development in the DRGR.

[9:07:23 AM](#) Kathy McGrath also commented on the DRGR. She supports a high school in the DRGR.

[9:10:51 AM](#) Carolyn Gallagher, a resident of Cedar Creek, also addressed the DRGR and asked that Council utilize the hydrology data and continue the moratorium for an additional two years. She also addressed the issue of wellfield protection.

[9:15:12 AM](#) Deborah Maclean prefers to deal with facts as it relates to the DRGR. She feels there is a need to concentrate on Old 41, Bonita Beach Road and U.S. 41 instead. She is against a high school in the DRGR.

[9:16:32 AM](#) Alex Grantt stated when he was a Council Member he always voted against development on Bonita Beach Road, east of the Worthington Country Club. The reason he objected relates to his knowledge of soils, as 50% of the DRGR area consists of hydric soils that are at least 10 feet deep.

[9:18:45 AM](#) Dennis Gilkey referred to his hand out to City Council (copy in Clerk's file) to also address the DRGR which reflect the steps he believes should be taken along with an outlined schedule.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. UPDATE BY BONITA SPRINGS FIRE CONTROL AND RESCUE DISTRICT CHIEF JOE DAIGLE. DEFERRED.

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.)

9:03:56 AM Council Member Bill Lonkart motioned approval of the Consent Agenda; Council Member Janet Martin seconded; and the motion carried unanimously.

- A. APPROVE RESOLUTION AWARDING THE LEITNER CREEK MANOR SIDEWALK PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, STRICKLER BROS., INCORPORATED IN THE AMOUNT OF \$247,924.00 UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 15-01-0015) **ADOPTED RESOLUTION NO. 15-05**
- B. APPROVE A RESOLUTION APPOINTING TWO MEMBERS TO THE CITY OF BONITA SPRINGS BICYCLE/PEDESTRIAN ADVISORY COMMITTEE. (GREENSHEET NO. 15-01-0021) **ADOPTED RESOLUTION NO. 15-06**
- C. APPOINTMENT OF CHAIR FOR THE TECHNOLOGY ADVISORY BOARD, THE HISTORIC PRESERVATION BOARD AND THE STREET LIGHT ADVISORY COMMITTEE, BY THE MAYOR. (GREENSHEET NO. 15-01-0020) **ADOPTED RESOLUTION NO. 15-07**
- D. APPROVAL OF RESOLUTION APPOINTING A CHAIRMAN TO THE CITY OF BONITA SPRINGS TREE ADVISORY BOARD. (GREENSHEET O. 15-01-0025) **ADOPTED RESOLUTION NO. 15-08**
- E. APPROVAL OF AN ECONOMIC DEVELOPMENT INCENTIVE BEAUTIFICATION AND LANDSCAPING GRANT FOR OLDE BONITA PROPERTIES, LLC, REGISTERED AGENT, PETER T. QUINN, FOR COMMERCIAL PROPERTY LOCATED AT 27790/796 OLD 41 ROAD, BONITA SPRINGS, FL 34135. (GREENSHEET NO. 15-01-0030)
- F. CONSENT FOR THE CITY MANAGER TO SERVE AS FINANCE DIRECTOR UNTIL CITY COUNCIL CONSENTS TO A NEW FINANCE DIRECTOR. (GREENSHEET NO. 15-01-0024)
- G. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR THE BONITA SPRINGS AREA CHAMBER OF COMMERCE TO HOST THEIR ANNUAL BUSINESS EXPO EVENT ON THURSDAY, MARCH 12, 2015 FROM 3:00 P.M. TO 7:00 P.M. AT THE PROMENADE CENTER IN BONITA SPRINGS. (15-01-0023)
- H. APPOINTMENT OF A CHAIR FOR THE VETERANS ADVISORY COMMITTEE AND THE SPECIAL EVENTS COMMITTEE, BY THE MAYOR. (GREENSHEET NO. 15-01-0029) **ADOPTED RESOLUTION NOS. 15-09 & 15-10**
- I. APPROVE A RESOLUTION REAPPOINTING TWO MEMBERS OF THE CITY OF BONITA SPRINGS ART IN PUBLIC PLACES ADVISORY BOARD AND APPOINTING THE CHAIR TO THE BOARD; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0028) **ADOPTED RESOLUTION NO. 15-11**

VIII. PUBLIC COMMENT: No comments made.

IX. FIRST READING OF THE FOLLOWING ORDINANCE:

- A. THE CITY OF BONITA SPRINGS PRIVATE STORMWATER CONVEYANCE MAINTENANCE ORDINANCE; CREATING AN ORDINANCE TO ADDRESS UNMANAGED GROWTH OF VEGETATION WITHIN STORMWATER CONVEYANCE SYSTEMS; PROVIDING FINDINGS, SHORT TITLE, APPLICABILITY, DEFINITIONS, DECLARATION OF PUBLIC NUISANCE, PROHIBITED CONDITIONS, AND ENFORCEMENT; PROVIDING FOR CONFLICT, INCLUSION IN CODE, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0016)

9:21:02 AM City Attorney Audrey Vance read the title block of the ordinance into the record.

9:21:49 am Matt Feeny, Public Works Director, addressed the background of the ordinance along with the intent, of which is to create a threshold for when property owners may be cited for failing to maintain ponds and other conveyances, so as to ensure that the existing stormwater ponds are maintained to a level that promotes successful water quantity and quality treatment within the City.

No public comments were made.

9:24:07 AM Council Member Janet Martin motioned to move forward with a second reading and public hearing on Wednesday, February 4, 2015; Council Member Steve McIntosh seconded; and the motion carried unanimously.

X. CITY ATTORNEY'S REPORT.

- A. DISCUSS FLAG PROTOCOL FOR CITY HALL. (GREENSHEET NO 15-01-0017)

9:25:37 AM City Attorney Vance furnished an overview.

No action taken.

- B. DISCUSS EXPIRATION OF THE DENSITY REDUCTION GROUNDWATER RESOURCE (DRGR) AREA MORATORIUM. (GREENSHEET NO. 15-01-0027)

9:26:53 AM City Attorney Vance furnished a brief overview.

No action taken.

- C. PROVIDE DIRECTION AS TO THE WELLFIELD PROTECTION ORDINANCE FOLLOWING RECEIPT OF THE DECEMBER 18, 2014 BONITA SPRINGS WELLFIELD PROTECTION ORDINANCE (WFPO) MODELING BY JOHNSON ENGINEERING. (GREENSHEET NO. 15-01-0026)

9:27:39 AM City Attorney Vance referred to the December 18, 2014 Wellfield Protection Modeling Study, noting that Staff is seeking direction to work with Kim Hoskins at Bonita Springs Utilities on a new updated Ordinance following the Lee County model with the water supply.

9:28:17 AM Council Member Martin stated that given the City's location "at the end of the food chain", that she would like the City's Ordinance be as strict as possible – set a higher standard. She also questioned fracking in other areas and its possible effect to the City's groundwater. She wants to ensure the City is protected in that realm also. City Attorney Vance stated that fracking was a whole different issue. Staff is open to looking into that to see what the legislature is doing. It may be doable.

Council Member Martin entered a motion to authorize Staff to work with Kim Hoskins and bring back an Ordinance to Council; Council Member Peter Simmons seconded; and the motion carried unanimously.

D. PROVIDE CLARIFICATION ON JANUARY 7, 2015 CITY COUNCIL DECISION ON THE SIGN CODE. (GREENSHEET NO. 15-01-0022)

9:29:59 AM City Attorney Vance addressed this item, in which she was seeking a clarification on Council's motion made on January 7, 2015. Council consensus was that the Ordinance was correct as presented.

XI. CITY MANAGER'S REPORT:

A. REVIEW OF FINANCIAL REPORT. (GREENSHEET NO. 15-01-0019)

9:30:59 AM Informational.

B. PROVIDE DIRECTION REGARDING WEST TERRY STREET'S PEDESTRIAN AND BICYCLE CONNECTIVITY STUDY. (GREENSHEET NO. 15-01-0018)

9:31:21 am City Manager Carl Schwing introduced Matt Feeny, the City's Public Works Director, to address this agenda item, requesting direction from City Council on West Terry Street improvements with regards to planning for better opportunities for biking and safe pedestrian passage.

9:31:31 am Mr. Feeny addressed this item, explaining that Staff is seeking direction on working with the right construction design build team. The footprint of the project runs from Terry Street south down to Oak Creek. In preparing for the workshop on January 28, 2015, the focus was on what to do with the Terry Street intersection in terms of improving safety and traffic flow that's conducive with the downtown redevelopment project. Out of those discussions, a lot has come to light about the intersection in terms of its history in being difficult area for both traffic and pedestrian collisions. One of the suggestions one will see in the downtown redevelopment project is for a roundabout for that location. Staff has been looking at Terry Street with the City for improvements both on West Terry and East Terry for bicycle and pedestrian connectivity. It seemed logical that if in the context of the downtown improvement they're going to be evaluating that intersection and possibly doing some radical improvements, that any further study of at least of West Terry Street, west to the school, should probably be contiguous with the downtown improvement project. That way the designers can look at that intersection as a whole for bicycle and pedestrian connectivity to the west. Previously the City has looked at that corridor, with 100% plans with Stanley Consultants, but then backed away from pursuing that project in full and instead choose to do it in pieces. Those plans are not 100% conducive to the multi-modal goals City Council has established. Staff is asking for some guidance, noting that there are a few ways this can be done – 1) hire one of the City's preselected engineering firms to evaluate the corridor, but really in the downtown improvement in its focus to that intersection. Staff is asking Council to consider approaching Wright Construction to see if they would be interested and capable of continuing on West Terry at least for pedestrian and bicycle improvements. Staff feels this ties into that intersection and the ability to look at that as a whole. For East Terry Street, Staff is recommending that they hire one of their pre-selected firms. Staff feels there are some simple solutions that can be done to improve sidewalk connectivity over to Marni Fields, thus, improving the corridor from Imperial to the foot of the I-75 overpass on East Terry Street.

9:35:05 am Council Member Martin stated that the Bicycle Safety Committee recommended to City Council their thought that this should all be looked at holistically. Therefore, she feels that taking it a step further and tying it into what's going to happen on Old 41 is a good idea and an idea she supports 100%. Also, she hopes that some of the recommendations made by the Bicycle Friendly Coalition will be factored into this. There are a lot of residents that are street riders that come out of Bonita Bay who use West Terry to get to

Imperial. The City needs to be cognizant that no matter what the City does, that they will not use a shared sidewalk. It's something she wants to make sure gets addressed.

9:36:10 am Mayor Nelson agrees that it would be correct to have Wright Construction do this, as it should be blended in like that. He asked how far down Terry Street Staff was referring, to the Middle School down West Terry? Mr. Feeney stated that was correct. Mr. Feeney explained that the idea is to approach Wright Construction and define the street rider needs, and to make the railroad track intersection more appealing and more functional in terms of getting pedestrian traffic separated through the pedestrian bridges on both sides of the railroad track. Overall, the idea would be to approach Wright Construction and define those needs and work with them on an estimate. Mayor Nelson stated that the main section that should be concentrated on is the section on the west side of Bonita Middle School all the way through the intersection, which is the problem area. Council Member Gibson stated he was told that they could use CDBG money. Mayor Nelson agreed, and suggested that the MPO and the State has money available for schools, and so the City needs to, as soon as possible, make application for that next grant period. He stated that Bonita Springs Elementary School just received a couple hundred thousand dollars for sidewalk improvements through the School Safety Walk to School Program / Safe After School Program, which the City needs to avail to that as soon as possible. Overall, a part of this needs to be a search for funding.

9:38:24 am City Manager Carl Schwing clarified that the talk of funding is appropriate here because this will not be part of the Old 41 funding the City has. This will be an add-on to Wright's contract, but the funding will have to come from somewhere else.

9:38:45 am Council Member Martin motioned to add this into the scope of work for Wright Construction, to look at the segment of West Terry Street, from Old 41 to Edgewood by the Middle School.

Mayor Nelson asked Council Member Martin if she would allow Staff to negotiate that as well as part of her motion. Council Member Martin responded "absolutely." Mr. Feeney stated he would bring back the agreement for City Council to approve.

Council Member Martin amended her motion to include having Staff negotiate with Wright Construction, and for the area east of Terry Street, that Staff use one of the five pre-selected engineering firms; Council Member Gibson seconded;

9:39:51 am Council Member Simmons agreed with what was being done, however, he stated that we didn't know if putting a roundabout in will be doable. He wants to make sure before they tell Wright Construction that we also have a sense about the roundabout. City Manager Schwing explained that Wright Construction is recommending a roundabout at Old 41 and Terry Street. There are property issues as property will have to be gained from some of the corner lots, which would not put anyone out of business. A roundabout is also proposed for Pennsylvania.

The motion carried unanimously.

ADDITIONAL ITEM:

9:41:30 am City Manager Schwing commended everyone involved with the Wounded Warrior events held this past weekend - the Rotary Club and the Veterans Advisory Committee and all the volunteers involved, and City Staff Lora, JoAnn and her team. It was a great success!

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

9:42:10 am Council Member Lonkart complimented City Staff on the financial report, as it's very clear and easy to understand.

9:42:35 am Council Member McIntosh also thanked Staff and the Veterans Committee for the Wounded Warriors events. He also reminded everyone that this Friday is the Charter School Government Day at City Hall.

9:42:59 am Council Member Gibson stated he hasn't heard of anyone against a high school. He has heard of one potential site on Imperial Parkway.

9:43:35 am Council Member Martin reminded everyone that the dog park is scheduled to open this Saturday. Also, February 21, 2015 is the Tropical Fruit Tree Sale and Arbor Day event at Riverside Park. She also informed Council that Mr. Clark, the bikeways specialist, has been all over the County making recommendations, and he suggested that the City can raise awareness that bikes are allowed on the roads. He suggested stenciling that can be placed on the roads that shows bicyclists. She asked for Council support on the idea of stenciling.

9:45:44 am Council Member Simmons thanked Public Works Director Matt Feeney for working with him on the sidewalks. He further informed Council that he went to see Wonder Gardens. He also asked that everyone keep the letters coming and expressing their opinions on a high school. He looks forward to tomorrow's Council workshop on the DRGR.

9:48:10 am Council Member Martin referred to next week's meeting at Community Hall, to which the Public Work's Director Matt Feeney explained it was a 30% plans public workshop for the downtown improvement project – the area from Oak Creek bridge to Tennessee Street. The meeting is from 4:00 P.M. to 7:00 P.M. at Community Hall.

9:51:18 am Council Member Slachta echoed comments made by the City Manager regarding the successful Wounded Warriors events held this past weekend. He also commended City Staff Lora Taylor and JoAnn Lawrence on the great job they did.

9:52:07 am Council Member Martin also informed Council that Staff, along with students from Bonita Springs Middle School, will be working on a mural for the Café of Life building.

9:52:30 am Council Member McIntosh questioned whether the City had a representative on the League of Cities. Mayor Nelson requested the City Manager work with Council to find someone that can go to the meetings.

9:53:48 am Mayor Nelson afforded special thanks to Governor Scott on the land acquisition, which is a great addition to the Corkscrew eco-shed and water system. He also thanked Staff for working with him on his Town Hall meetings he held, all of which entailed great conversations. All meetings are on the City's website. He, along with Council Member McIntosh also thanked Representative Rodriguez for all his hard work on legislation.

XIII. APPROVAL OF MINUTES: 01//07/15

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

XIV. PUBLIC COMMENT:

9:58:15 AM Fire Chief Daigle thanked everyone for this weekend even though the Sheriff's Office did beat the Fire District in their softball game. Also thanked City and Mr. Feeney as they were involved with Wright Construction regarding downtown.

10:00:09 AM Deborah Maclean addressed the high school, informing Council of her interview by the News-Press. A high school will cost too much to build. Identified Imperial Parkway as a potential site. There are actually three potential sites.

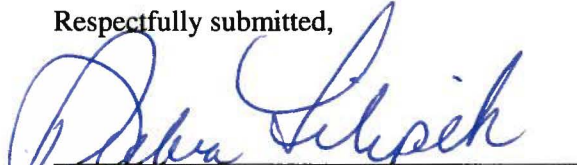
10:02:26 AM Alex Grantt next furnished a submittal and addressed costs of Fire Station #4 on Bonita Grande, for purposes of costs related to a high school.

10:04:45 am Kathy McGrath also commended everyone on the wonderful Wounded Warrior events held this past weekend.

XV. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 10:08 A.M.

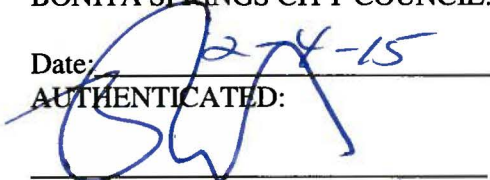
Respectfully submitted,



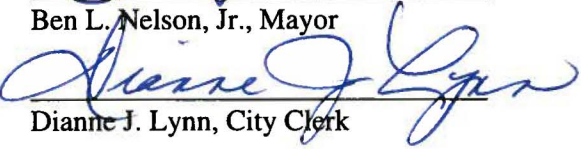
Debra Filipek, Recording Secretary

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 2-4-15
AUTHENTICATED:



Ben L. Nelson, Jr., Mayor



Dianne J. Lynn, City Clerk