

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, FEBRUARY 18, 2015
9:00 A.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 9:00 A.M.

II. INVOCATION:

Pastor Russ Winn, with the Springs 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:

9:02:22 am Kathy McGrath addressed City Manager item A., regarding the recommendations by the Citizens Water Strategy Task Force, and suggested Council direct Staff to come back with an Action Plan.

9:03:05 am Jane Whitehead was in attendance to voice her support for the loan for the purchase of the Wonder Gardens property.

9:03:30 am Trish Leonard, President of the Bonita Wonder Gardens, was in attendance along with the Board of Directors and Advisory Committee to urge Council's approval of the funding request that would allow the Wonder Gardens, a not-for-profit group, to purchase the Everglades Wonder Gardens for purposes of preserving the 79 year old landmark. She also addressed upcoming events, including the 79th birthday of the Wonder Gardens, along with a "Kids Day" event.

9:06:39 am Susan Uhle, with the Bonita Bay Garden Club, thanked Council for their work in preserving the Wonder Gardens property.

9:07:14 am Jessie Purdon, a resident of District 2, addressed the Old 41 Redevelopment project, and requested that Council be cognizant of parking. He suggested utilizing the block on Felts for parking, stating that he especially supports slanted parking, which he feels would work much better for businesses and create more space. He also supports the request relating to the Wonder Gardens which he sees having wonderful potential. It's also located in the heart of downtown.

9:09:44 AM Mary Paynor stated that she also supports the concept as it relates to the Wonder Gardens, where she volunteers a lot of her time. She thanked Council for their help in preserving the Wonder Gardens.

9:11:16 AM Fred Forbes echoed comments made by Mr. Purdon relating to parking downtown. He also supports the loan for the Wonder Gardens.

9:12:02 AM Peter O'Flynn feels that the Old 41 Redevelopment Project is great. He also supports the request relating to the Wonder Gardens, and supports preserving it.

9:12:51 AM Rex Sims, owner of Heaven Scent Flowers and Royal Scoop, expressed concerns relating to the design of the proposed roundabout for the Old 41 Redevelopment area and problems entering and exiting his business. He needs to allow his customers to leave his property and turn left onto the main street. He doesn't want to route them away from downtown. Per the drawing his rear drive was also removed, which he was told could be put back in.

9:14:58 AM John Brady, Director at the Wonder Gardens, thanked Council and all present for their support.

9:15:49 AM Milda Vivada, President of Advisory Board for the Wonder Gardens, expressed her support as well as her grown children's support for preservation of the Wonder Gardens property for their children to enjoy.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF RESULTS OF DOWNTOWN IMPROVEMENT PROJECT'S 30% PLAN PUBLIC INPUT WORKSHOP BY WRIGHT CONSTRUCTION. DIRECT WRIGHT CONSTRUCTION TO CONTINUE FORWARD AND DEVELOP 60% PROJECT PLANS. (GREENSHEET 15-02-0070)

9:16:50 AM Matt Feeney here to present results of 30% plans workshop, of which he provided a brief overview. Staff supports the 30% plans which was endorsed by the neighborhood, and support moving forward with 60% plans.

9:18:25 AM Kevin Mangan, representing Wright Construction, furnished a PowerPoint presentation (copy in clerk's file) to address the 30% plans for the project, and public input taken on January 28, 2015, of which comments taken at that workshop were included in the plan. The goals include setting the framework for economic development, addressing area wide drainage improvements, undergrounding overhead utilities, opening the Imperial River and Oak Creek views, implementing pedestrian-friendly streetscape and complete streets, and providing additional downtown area parking. In summary they received endorsement from the public in terms of the plans and are prepared to move forward with the preparation of 60% plans, at which point they will come back to Council with costs.

9:43:05 am Council Member Steve Slachta addressed the roundabout and comments he received regarding difficulty with fire trucks being able to maneuver. Mr. Mangan explained that as designed, it will include an asphalt area that would allow for the turning movement of larger vehicles.

9:44:07 am Council Member Mike Gibson addressed the parking increase, and asked who the 432 was for, i.e., businesses or City parking. Mr. Mangan responded that it's fundamental city parking. He explained that there are a number of places where stalls start on a private property and end up on public property. He referred to an area on the map, explaining that it's an accounting inside that area, of which they have excluded any of the near parking areas. Council Member Gibson stated that in some areas it appears they are taking parking off of individual business property and adding it at the street, resulting in it being outside the purview of that business owner, thus allowing anyone to park there. Mr. Mangan further explained that it relates to setting up a pedestrian friendly environment. With the width of, and the number of vehicular crossings that are on the sidewalks today, they took out around 1,800 feet which reduces the conflict of the automobile. It keeps the automobile next to the street and

the pedestrian next to the businesses in the streetscape they are trying to set up, which is the goal. They've been careful and cognizant of each site, on a site to site basis. It's the relationship of the users that's important, and is a parallel relationship rather than a crossing relationship. He further explained.

9:51:22 AM Council Member Gibson asked if it was possible to get rid of the parallel parking on Old 41 and have the road wider for bicycle lanes, etc. He feels the main issue will be those who are trying to park that's going to slow down the traffic flow, which they need to maintain. Mr. Mangan explained that when you widen a road it increases speed, which takes the road away from the bike user and environment they are trying to create. Wider streets and longer crosswalks are challenges, and in moving forward to the next detailed design the intent is to get those things nailed down. They have typical cross sections as shown. The intent is to bring all those things together to put in place a pedestrian and bike friendly environment, as well as one that serves vehicular traffic.

9:53:28 AM Mike Wallick, also representing Wright Construction, explained that he has been designing complete streets for about 35 streets, and also did a lot of main street work in Florida for the Florida Main Street Association. One of the most important things that is needed in a project such as this where you want to create a main street, you have to have on-street parking in front of the businesses. Secondly, you can never have enough parking on street. The second most important place for on-street parking to serve a main street is on the side streets, and a lot of effort has been put into this project to provide that on-street parking on the side streets. Lastly, if you create a successful main street, you will have a parking problem. This means that parking will have to be looked at on Felts.

9:59:30 AM Council Member Janet Martin referred to Lauderdale by the sea whose parallel parking spaces are longer and wider making them easier to pull in and out of. She feels the proposed plan is right on track, as it offers a lot of different objectives for parking. In response to Council Member Martin's question relating to where the bike lanes will be located, Mr. Mangan explained that in the plan as it is today with a 25 mph posted speed limit, they are looking at the downtown area as being a bike share lane in the roadway; it would not entail a separate bike lane. He sees where they should be offering bike facilities, bike parking, bike walking in sidewalk areas, but overall it's a shared system. On the east side of Felts, they left a 10-foot-wide designated area for a multi-use system.

10:07:04 AM Council Member Steve McIntosh stated that his concern is the unintentional consequences on businesses today, as there has been one business owner talk about the issues of continuing business if we make these changes. He would like to make sure City Staff has spoken to the business owners who are currently there to make sure that Council understands what they may do to them. He asked that Staff make one more sweep through to see what we may have done unintentionally.

10:10:12 AM Matt Feeney, Public Works Director, stated that the focus was to get through the 30% process, as well to get approval to move forward with the 60%. He spoke with Wright Construction on the City's ideas of working on West Terry Street, west of the railroad track. In response to Council Member Simmons question, he explained that they haven't started on it, as the challenge is to define exactly what they want to do, as he know they want to improve bicycle and pedestrian safety through that corridor. There is also some property on the southwest corner by the railroad track that may allow for a little wider area. Overall, he has not sat down with them to talk about numbers and how that would work.

10:11:18 AM Council Member Gibson stressed that he would like as much parking as they can get. He also stated that if there's anything else they could recommend to Council that can be done to include more parking.

10:11:42 AM Mayor Nelson stated that this project is all for not if it doesn't create an incentive, or the ability for someone to actually build something down there. He suggested they do a "thought experiment," and say, ok I own this property and what can I do, what am I going to have to do, etc., because if they don't do that, they will find out too late in the process that they didn't do enough and created more of a problem than a solution. He feels it's

important to go through that process early on before they figure out what this is really going to do – is it going to help somebody to build. They also need to figure communal parking – that big parking lot someplace. He feels that in order for someone to be able to build down there, that the thought experiment will reveal that, they're going to need help, i.e., water retention someplace that they can pay to in order to be able to build, communal parking. It's something that needs to be done parallel. Mr. Mangan explained that stormwater management is part of this process and project. They have spoken with Community Development who has been a great help. Mayor Nelson stated he wants to make sure this works for the development community.

10:16:48 AM City Manager Carl Schwing stated that the underlying premise of what we are doing today is to provide incentives for the private sector to invest more downtown, which included a premise that when we are finished here we would not be in a situation where we are requiring as much stormwater retention on the site, or parking on the individual sites in order to allow them to be able to build side to side, front to back, whatever they would like, in order to get more return on investment downtown by being able to build bigger buildings.

10:17:30 AM Council Member Simmons stated he would second the motion for a “thought experiment.” Mayor Nelson stated that even if they were to get someone in the development community to do this.

Mayor Nelson stated there's a motion and a second to do a “thought experiment” to see what it's going to take and how this is going to affect that.

The motion carried unanimously.

10:18:50 AM Mayor Nelson stated he also agrees with the five important factors they listed - availability of alternative routes, costs, the environmental factors, long-range area planning, and safety.

10:19:14 AM Council Member Lonkart entered a motion for Wright Construction to move forward and develop 60% project plans; Council Member McIntosh seconded; and the motion carried unanimously.

- B. APPROVAL TO PROVIDE A SHORT TERM LOAN TO THE BONITA WONDER GARDENS, INC., A 501 (C) (3) NON-PROFIT CORPORATION, TO PURCHASE THE EVERGLADES WONDER GARDENS. APPROVE A RESOLUTION FOR THE CITY OF BONITA SPRINGS TO COMMIT FUNDS FOR PURCHASE OF THE EVERGLADES WONDER GARDENS THROUGH THE NON-PROFIT CORPORATION, AT BONITA WONDER GARDENS, CONTINGENT UPON A SATISFACTORY DUE DILIGENCE AS PROVIDED FOR IN THE POWER POINT PRESENTATION. (GREENSHEET NO. 15-02-0071)

10:20:18 AM City Manager Carl Schwing addressed this agenda item by furnishing a PowerPoint presentation (copy in Clerk's file), to address the intent, which is to save the Wonder Gardens. He began by furnishing the history. The property was leased to Mr. Brady who has run the facility since 2013, mostly at a loss to himself. The concern is that additional private sector pressure will be put on the facility for people who would like to do something that would not be in-keeping with the vision and the experience of the Wonder Gardens. We don't want to lose it, but could lose it forever if that occurs.

Bonita Wonder Gardens, Incorporated (BWG), a non-profit organization purchased the property, with a mission to purchase, revitalize, improve and preserve the Wonder Gardens facility building upon the legacy left by the Piper family. The non-profit has begun fundraising efforts, but are hampered by the issue that they do not own the property. Therefore, there is the possibility that the current owner could sell the property at any point in time, with the donations to the facility not being of a benefit to the facility.

He explained that discussions between the City and BWG began about two weeks ago on finding a creative solution, where the City can stay Government Lite and the non-profit could end up owning the facility. BWG will

enter into a purchase agreement with the Piper family to obtain the land, business, and artifacts. Since they have not raised the funds to purchase the property out-right, and the owner is reluctant to sell the property without having the funds in place up front to close the deal and walk away, the proposal is that the City would act as the bank and loan the BWG the funds needed to secure the sale and assets.

Generally, the City would agree to loan up to \$3.5 million to BWG for the purchase of the facility with the property and assets held as collateral. The proposed \$3.4 million the City would loan to BWG would come from an intra-fund transfer from the City's reserves in their impact fees, to the General Fund. The General Fund would then loan the money to BWG. The City would actually be loaning itself the funds, without having to borrow from a bank or other entity. He stated that no road projects would be adversely affected by this temporary transfer. Also, the funds being loaned would be used for road projects within the time required by State Statutes. The loan would be up to a period of three years, with a 2% simple interest, all to be paid in full by the end of that time. Once the property is secured, BWG would embark on a fundraising campaign to repay the City. Periodic principal and interest payments would be due to the City from BWG throughout the three years, and in the event of a default by BWG on the City's loan, the City would either extend the repayment period or take the property, deciding what to do with it.

He next addressed the benefits, which includes the fact that the Wonder Gardens is preserved. It also maintains an important landmark and asset in the downtown. It allows BWG to own and control the facility, preventing it from being lost forever. It also allows the City to assist in the preservation without becoming either an owner or operator. It also provides the City the opportunity to get in and get out of the deal in a short period of time, allowing the BWG to own and operate the facility. Lastly, there's no opportunity cost, as the City will actually be earning more interest off of this loan than it earns from the investment of its millions of dollars in the banking system. The risks are that if the sale does not go through the preservation is not obtained and monies are returned to the City. Also, if BWG defaults on the loan, the City ends up owning the property, and will need to determine what to do with it. The City would also have to determine a means to repay the Road Impact Fund from the General Fund.

10:28:13 am Today Staff is requesting 1) conceptual approval of the \$3.5 million loan to BWG with the understanding that the full agreement between BWG and the City will be presented to City Council on March 18, 2015 for final review and approval; 2) approval that in addition to the agreement the boundary building surveys, environmental reports, and the title searches are all satisfactory to the City; and 3) should any of these things come back unsatisfactory to the City, or in the event that Council fails to approve the agreement on March 18, 2015, the loan does not proceed and the deal is dead. Staff is also looking for approval to immediately loan the down payment to the seller, the BWG, in the amount of \$310,000.00 to be paid to the seller. In the event the loan does not proceed and the deal does not proceed, the \$310,000.00 comes back through the non-profit, to the City. The recommendation is to approve it with the conditions as stated – conceptual approval of the \$3.5 million loan contingent upon Council's final approval of the agreement on March 18, 2015; approval for the down payment of \$310,000.00; and acknowledgement by Council that this deal is contingent, not only in the agreement, but the boundary surveys, title searches and environmental reports. Staff's recommendation is to approve.

10:29:38 am Council Member Martin commended everyone involved. She supports this 100%.

10:31:02 am Council Member Simmons also expressed his support.

10:31:15 am Council Member Lonkart addressed financial questions he had. He has how much money has been raised so far. Trish Leonard stated that they cannot raise any money right now for the Wonder Gardens because it's still owned by the Pipers. They are doing some little things right now. Council Member Lonkart asked if they had a 3-year program on how they plan to pay the City back, to which Ms. Leonard replied yes. City Manager Schwing added that was part of the agreement that is coming back to Council on March 18, 2015, which includes a schedule of payments. Council Member Lonkart asked if a business plan that's been presented. City Manager Schwing stated that yes, he has seen a business plan. City Attorney Vance stated that they are trying to be careful so that the

501(c) (3) continues to be a 501 (c) (3) and not considered a public entity. They were very careful on how they structured the potential transaction as everything is still in draft form. There would be a rudimentary business plan requirement and some obligations would be to give us some parts of the business plan, but not all. Council Member Lonkart stated that if the City is going to act like a bank, he feels the City should follow some procedures that banks use. City Attorney Vance responded that they contemplate a Promissory Note and a mortgage. Council Member Lonkart stated he supports the request 100%.

10:35:05 am Council Member Gibson stated that he feels that the City is protected in the case of a default. He doesn't want to see a default and urged everyone to donate generously.

10:35:29 am Council Member McIntosh motioned approval of the Resolution and authorized Staff to assist the Bonita Wonder Gardens with the purchase, starting today with the down payment and bring back to Council a Funding Participation Agreement and Resolution to complete the transaction; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-17**

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.)

10:36:11 AM Council Member Simmons requested Items D., E., and G., be pulled. Council Member Steve Slachta motioned approval of the remainder of the Consent Agenda (Items A., B., C., F., H., I., J., K., and L.); Council Member; Council Member Lonkart seconded; and the motion carried unanimously.

- A. A RESOLUTION CONFIRMING THE APPOINTMENT OF A VICE CHAIR TO THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 15-02-0058) **ADOPTED RESOLUTION NO. 15-18**
- B. ADOPT RESOLUTION TO ACCEPT FROM PELICAN LANDING COMMUNITY ASSOCIATION, PELICAN'S NEST DRIVE, DROM U.S. 41 TO BURNT PINE DRIVE. (GREENSHEET NO. 15-02-0055) **ADOPTED RESOLUTION NO. 15-19**
- C. APPROVAL OF RESOLUTION APPOINTING TWO MEMBERS TO THE TECHNOLOGY ADVISORY BOARD. (GREENSHEET NO. 15-02-0059) **RESOLUTION NO. 15-20**
- D. AUTHORIZE MAYOR TO SIGN RESOLUTION ACCEPTING SUPERIOR LANDSCAPING & LAWN SERVICES, INC., AS THE LOWEST RESPONSIVE, AND RESPONSIBLE BIDDER FOR THE U.S. 41 LANDSCAPE INSTALLATION PROJECT, IN THE AMOUNT OF \$1,825,174.30, UPON APPROVAL OF DOCUMENTS BY THE CITY ATTORNEY. (GREENSHEET NO. 15-02-0060)

10:37:13 am Per the request of Council Member Simmons, Public Works Director Matt Feeney, explained that this request is to authorize the contract for the U.S. 41 landscaping project to the lowest responsive bidder, Superior Landscaping. This is within budget and Staff does feel that it is a valid bid. Superior Landscaping has done installation work for the City on Imperial about two years ago, as well as some maintenance work. Staff is familiar with the company. Staff did look at the bid items, and Staff felt it was a responsive bid that came in within the budgetary numbers.

Referring to Item E., below, Mr. Feeney explained that Item E., is for landscaping along East Terry Street, between Old 41 and Imperial. This is actually a little bit above the budgeted numbers. Staff also felt that this was also a responsive bid. There is a bond on these contracts.

Council Member Simmons motioned approval of both Items D. and E.; Council Member Martin seconded and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-21**

- E. AUTHORIZE THE MAYOR TO SIGN RESOLUTION ACCEPTING SUPERIOR LANDSCAPING & LAWN SERVICES, INC., AS THE LOWEST RESPONSIVE, AND RESPONSIBLE BIDDER FOR THE E. TERRY STREET LANDSCAPE INSTALLATION PROJECT IN THE AMOUNT OF \$561,608.12, UPON APPROVAL OF DOCUMENTS BY THE CITY ATTORNEY. (GREENSHEET NO. 15-02-0064) **ADOPTED RESOLUTION NO. 15-22**
- F. ADOPT A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE WEST COAST INLAND NAVIGATION DISTRICT (WCIND) GRANT APPLICATION FOR FUNDS TO PROMOTE SAFE NAVIGATION AND WATER BASED ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 15-02-0054) **ADOPTED RESOLUTION NO. 15-23**
- G. RETAIN SMOLKER, BARTLETT, SCHLOSSER, LOEB & HINDS, P.A. AS SPECIAL COUNSEL FOR LEGAL CONSULTATION. (GREENSHEET NO. 15-02-0050)

10:41:22 AM City Attorney Vance furnished a brief overview of this item, and explained that this entails the hiring of Special Council who has previously done work for the City.

- H. APPROVAL SPECIAL EVENT PERMIT APPLICATION FOR BONITA BAY END OF SEASON MEMBER PARTY EVENT ON THURSDAY, MARCH 26, 2015 AT BONITA BAY CLUB. (GREENSHEET NO. 15-02-0069)
- I. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR BONITA SPRINGS LITTLE LEAGUES FUNDRAISER EVENT ON SATURDAY, FEBRUARY 21, 2015 FROM 9:00 A.M. TO 4:00 P.M. AT 26742 PINE AVENUE, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 15-02-0068)
- J. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR LANSDOWNE STREET SAINT PATTY'S DAY CELEBRATION ON TUESDAY, MARCH 17, 2015 FROM 11:00 A.M. TO 9:00 P.M. AT 24851 SOUTH TAMIAMI TRAIL, #7, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 15-02-0072)
- K. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR LANSDOWNE STREET BONITA BLUES CHARITABLE FOUNDATION AFTER-EVENT PARTY ON SUNDAY, MARCH 8, 2015 FROM 12:00 P.M. TO 5:00 P.M. AT 24851 SOUTH TAMIAMI TRAIL, #7, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 15-02-0067)
- L. APPROVE THE CARETAKER'S AGREEMENT FOR THE BONITA NATURE PLACE BETWEEN JASON JACCARINO AND THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 15-02-0063)

VIII. PUBLIC COMMENT:

10:42:36 am Fred Forbes suggested the City get title insurance on the loan for the Wonder Gardens. He also agreed with comments made by Council Member Martin regarding parking.

10:45:05 am Pastor Oscar Rico, with Liberty Lighthouse Church, was in attendance to address the church.

10:50:32 am Ben Hershenson commended Council on the dialogue thus far, and expressed his support for the development of a high school in the City of Bonita Springs.

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

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTIONS 4-1215 THROUGH 4-1225 TO AMEND THE REGULATIONS REGARDING WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-02-0066)

10:51:34 AM City Attorney Vance introduced this Ordinance, explaining that she has reviewed the Affidavit of Public which she found to be legally sufficient.

10:52:19 AM Mike Fiigon, Community Development, informed Council of meetings held with the wireless industry, all of who provided some very good and interesting feedback, included changes made in the industry, and changes that might be made. One of the biggest changes regards the table in the Ordinance relating to tower height based on land use.

10:53:47 AM City Attorney Vance explained that they were waiting for three items - comments with proposed language changes, the FCC Order to do some rule making, and lastly, the National League of Cities work on a model ordinance which will be changing in the next month or so.

10:55:50 AM Council Member McIntosh entered a motion to continue the Ordinance to Wednesday, March 18, 2015; Council Member Simmons seconded; and the motion carried unanimously.

- B. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING SECTIONS 3-486 THROUGH 3-497 TO REVISE COMMERCIAL BUILDING DESIGN STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-02-0065)

10:56:34 AM City Attorney Vance introduced this Ordinance, explaining that she has reviewed the Affidavit of Public which she found to be legally sufficient.

10:56:58 AM Alexis Crespo, representing Staff, furnished a PowerPoint presentation (copy in Clerk's file) relating to commercial building design standards, of which the intent is to enhance the standards. She addressed the significant changes they are proposing.

No public comments were made.

11:15:31 AM Arleen Hunter, have vetted through Chamber of Commerce Government Affairs Committee, and direction at workshop from Council.

11:16:26 AM Council Member Slachta motioned adoption of the Ordinance, as amended; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-05**

X. CITY ATTORNEY'S REPORT.

- A. INTRODUCE AVE MARIA SCHOOL OF LAW STUDENT DANICA SUN. (GREENSHEET NO. 15-02-0053)

City Attorney Vance began by introducing Ave Maria School of Law Student Danica Sun.

- B. DISCUSS ISSUE OF RECEIVING TEXTS WHILE ON THE DAIS AND METHODS OF ADDRESSING THE ISSUE. (GREENSHEET NO. 15-02-0052)

11:17:57 AM City Attorney Vance addressed this item and suggested remedies. A brief discussion was held.

- C. AUTHORIZE CITY MANAGER TO NOT NEED TO GO TO COUNCIL IN THE PROCUREMENT PROCESS, PROVIDED THE PROCUREMENT IS BELOW \$50,000, UNTIL SUCH TIME A NEW PROCUREMENT CODE IS DEVELOPED CHANGING THIS LEVEL OF THE PROCESS. (GREENSHEET NO. 15-02-0056)

11:34:05 AM City Attorney Vance furnished a brief overview as outlined in the Greensheet. Assistant City Manager John Gucciardo stated that the City Manager's position is that this is more just for operational efficiencies as the idea would be to allow the City Manager make those decisions on an administrative basis on a short-term basis while the City Attorney works on a procurement Ordinance. Council would be provided with a report that shows how often, what types of issues this occurs with, etc., and then decide with more information if the Ordinance is something they would keep on a regular basis.

11:39:40 AM Council Member McIntosh entered a motion to authorize the City Manager to not need to go to Council in the procurement process, provided the procurement is below \$50,000, until such time a new procurement code is developed changing this level of the process; Council Member Simmons seconded; and the motion carried unanimously.

- D. PERMISSION TO ADVERTISE AN ORDINANCE CREATING THE CITY OF BONITA SPRINGS BACKYARD HEN ORDINANCE. THE ORDINANCE WILL BE SCHEDULED FOR A FIRST READING ON MARCH 4, 2015, AND A SECOND READING AND PUBLIC HEARING ON MARCH 18, 2015. (GREENSHEET NO. 15-02-0062)

11:41:25 AM City Attorney Vance read the request into the record, explaining that his was for permission to advertise the Ordinance.

Council Member Martin motioned to move forward with a first reading of the Ordinance on Wednesday, March 4, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

XI. CITY MANAGER'S REPORT:

- A. APPROVAL OF FINAL RECOMMENDATIONS BY THE CITIZENS WATER STRATEGY TASK FORCE. (GREENSHEET NO. 15-02-0057)

11:42:21 am Assistant City Manager John Gucciardo furnished a brief overview, explaining that the request is for City Council to formally adopt/approve the 29 recommendations. He has arranged a meeting with the various Staff members that will be involved in formalizing and moving the recommendations forward. The plan is to come back to Council in about a month to address how Staff intends to approach each recommendation, including timelines and cost estimates. He clarified that Council should look at these as directions and initiatives for the City to pursue.

11:45:12 am Council Member McIntosh entered a motion to allow Staff to move forward with the 29 recommendations; Council Member Martin seconded.

11:45:38 am Council Member Gibson feels they need to do #15 first to get the monitoring in place and then follow that with #19, water quantity to create the model so they can see how most of these other recommendations would fit in. Discussion followed.

11:51:29 am Council Member Simmons stated he feels they need to first focus on water quality and quantity. He has made notes regarding a couple of the recommendations he is not comfortable on moving forward with.

11:53:07 am Council Member Martin stated that her understanding of what they are here to do today, is to accept the recommendations they already chewed on, and with Staff to come back, which is where she feels they would address at that time. A brief discussion followed.

The motion passed 4-3 (Council Members Simmons, Gibson and Lonkart opposed)

**B. REVIEW OF MONTHLY FINANCIAL REPORTS AND QUARTERLY FINANCIAL REVIEW.
(GREENSHEET NO. 15-02-0061)**

Informational.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

Council Member Lonkart reported that he would not be attending Council's meeting of March 4, 2015.

11:58:17 am Council Member Gibson stressed the importance of really looking at parking for the downtown redevelopment area.

11:58:53 am Council Member Simmons urged everyone to visit the Wonder Gardens, which will be a very integral part of what they are trying to accomplish downtown.

12:00:15 pm Council Member McIntosh thanked Council for supporting all the government days held. He also congratulated all those involved with the creation of the dog park!

12:00:57 pm Council Member Martin thanked Council for their support of the E. Terry Landscaping project, as a lot of people are excited. She also is very happy that Jason Jaccarino Caretaker's Agreement was approved for the Bonita nature Place, as he's a great fit and care's for the property very much. She also thanked Council for approving the overflow parking for the dog park. She also reminded everyone that this Saturday is the City's Arbor Day event that will be in co-sponsorship with the Tropical Fruit Tree Club sale. She also thanked Harvest Community Church on East Terry Street for allowing overflow parking on their lot. Also, this Saturday is "Movies in the Park", and the following Saturday is the City-wide clean-up.

12:02:58 pm Council Member Slachta reported that FGCU's women's basketball team is ranked 27th.

12:03:11 pm Mayor Nelson reported that they so far they have raised \$15,000 for the fence for Bonita Springs Middle School.

ERRATA SHEET: WALK-ON

AUTHORIZE MAYOR NELSON TO ADVISE LEE COUNTY BOCC THAT BONITA SPRINGS CITY COUNCIL WOULD NOT OBJECT TO LEE COUNTY COLLECTING 100% OF THE SCHOOL IMPACT FEE RATE WITHIN THE CITY OF BONITA SPRINGS BOUNDARY, IF REQUESTED BY THE LEE COUNTY SCHOOL DISTRICT. (GREENSHEET NO. 15-02-0073)

12:04:32 pm Mayor Nelson addressed this agenda item, explaining that the request is to ask Lee County if they think it is possible, legal, or they are able to if they want, to allow the City to do 100% of that fee in Bonita Springs. Also, if the answer is yes, if they would predisposed to do so. He asked Council if they were willing to allow the City to ask that question.

12:06:36 pm Council Member Simmons stated he would support asking those questions. He asked if the City could get a break down of the numbers of what we are currently donating and where is it going. If we are a donor community, he would ask why we are a community.

12:07:37 pm Mayor Nelson again suggested asking the question and see if they are willing to do it, and then collect those numbers to see what it will do for us, and what kind of commitment can we get from the school district as to where it would be spent.

12:08:59 pm Mayor Nelson informed Council that he received a message from Commissioner Larry Kiker that they were very close on the library issue.

XIII. APPROVAL OF MINUTES: 02/04/15

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

XIV. PUBLIC COMMENT:

12:10:23 PM Kathy McGrath reminded everyone of the City-wide clean up scheduled for Saturday, February 28, 2015. She also briefly addressed the monofilament program that was implemented years earlier by former Council Member Richard Ferreira.

12:13:40 PM Fred Forbes suggested the Mayor remind everyone where they can send donations for the middle school fence. He also addressed the CWSTF recommendations and Greensheet.

12:15:16 PM Deborah Maclean also addressed the modeling and monitoring for the DRGR and grant. She is excited about Old 41 and the high school.

XV. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 12:17 P.M.

Respectfully submitted,

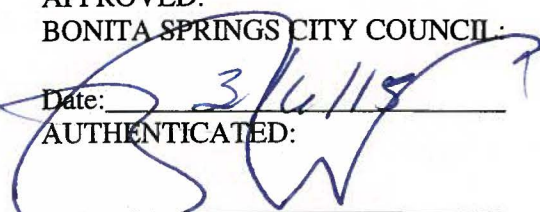

Debra Filipek, Recording Secretary

APPROVED:

BONITA SPRINGS CITY COUNCIL

Date: 3/6/15

AUTHENTICATED:


Ben L. Nelson, Jr., Mayor