

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, MARCH 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 Jeff Chitwood, with Anchor Christian 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

9:03:51 AM Bob Hilliard, with the Bonita Springs Lion's Club, was in attendance to ask that City Council reconsider the request by Local Roots, LLC, to allow them to have a market on Saturday, and to also allow them to have their market as well.

9:07:12 am Catherine Lau, President of Bonita Springs Lion's Club, addressed several possible solutions for their farmer's market that would allow them to continue to raise funds to help the community. She asked that this item be pulled to allow them to come up with a solution that will be a win-win for all.

9:09:44 AM Donna Stone was present to voice her opposition to allow financing for the Bonita Wonder Gardens.

9:11:59 AM Deborah Maclean also voiced her opposition to financing the Bonita Springs Wonder Gardens. She doesn't feel that Council should vote on this item today.

9:13:10 AM Juan Romero was in attendance to ask for Council's continued support for the approval of the Special Event Permit request to the Annual Mayor's Cup Soccer Tournament.

9:14:50 AM Dennis Church, a resident of District 2, stated that the Wonder Gardens is a "sense of place" that is worth preserving. He supports funding for the Wonder Gardens property.

9:16:24 AM Martha Simons stated she supports funding for the Wonder Gardens 110%. She also feels there is a solution to Lion's Club item. She also addressed the letter in the errata, stating that she hopes that Council will move forward with an RFP for monitoring to occur this fall.

9:18:29 AM Chloe Delvasco, representing Local Roots, LLC, thanked Council for giving them the opportunity and consideration in allowing them to come back to operate a farmer's market for next year. They fully support having two markets. They can't change the time or date because of the five other markets they operate in Lee County.

9:19:18 AM Rosemary Putnam, a vendor with the Lion's Club market for eight years, stated they were previously very successful until Local Roots.

9:21:50 AM Grant Lundberg addressed the Bonita Springs Golf and Country Club golf course.

9:23:40 AM Ben Hershenson supports the loan for the Wonder Gardens. He stated he was present to support the sidewalk project for Paradise Road, which he feels will increase safety. He also suggested that the City look at the possibility of a 3-way stop at the intersection of Shangri-La and Paradise, which would slow down traffic and increase safety in the area.

9:26:00 AM Adam Rogenberg, stated that he's an owner of a vending company out west and was present to comment on Consent Agenda Item D., relating to the Special Event Permit to hold the USA Exposition's German Cultural Festival. He informed Council of a large event he would like to hold next year at the Greyhound Track.

9:27:13 AM Susan Uhle, President of the Bonita Bay Garden Club, informed Council of an event they held this past weekend in which they raised \$5,000 for the Bonita Springs Wonder Gardens. There are a lot of people in this community who love the Wonder Gardens. They feel that City Council is doing a wonderful thing.

9:28:59 AM John Paeno was in attendance to also voice his support for the Wonder Gardens, which is a very important property in downtown. He commends City Council on this plan.

9:30:39 AM Dennis Gilkey, Vice President of Wonder Gardens, Inc., stated that they are a group who will pay the City back. The Gardens will consist of three major components - 1) the botanical gardens, 2) the zoological aspect of the Gardens, and 3) the museum with all its artifacts. It will be a great, world class facility. They very much appreciate the support of City Council, and thank Council for helping them save the Wonder Gardens.

9:32:48 AM Gary Price complimented Council for their ability to borrow road impact fees, to get a double use out of funds, for the support of the Wonder Gardens.

VI. PROCLAMATIONS AND PRESENTATIONS:

- PRESENTATION OF 10-YEARS OF SERVICE AWARD TO CITY EMPLOYEE CONNIE DIBRUNO.

9:34:12 AM Mayor Nelson next presented City Employee Connie DiBruno with a 10-Years of Service Award. Ms. DiBruno was in attendance to accept the award and to thank Mayor Nelson and City Council.

- ERRATA SHEET #2 - ACCEPT MAYOR'S CHALLENGE FOR SAFER PEOPLE, SAFER STREETS (COUNCIL MEMBER JANET MARTIN; GREENSHEET NO. 15-03-0107)

9:35:44 am Darla Letourneau, with Bike Walk Lee, was in attendance to voice her support for this challenge to the City to have safer streets for bikers and walkers. This entails a national initiative launched by the Secretary of Transportation, Anthony Foxx, to Mayors and public officials across the country for a year-long focus on improving bike and pedestrian safety.

9:38:35 am Jennifer Hagen, Community Development, explained that this challenge provides the City an opportunity to tailor the challenge activities to make the most impact and to capture some of the previous activities that have already been accomplished in the City through the Complete Streets policy.

9:39:08 am Carmen Monroy, with the Florida Department of Transportation, was also in attendance to voice her support. FDOT commends the city for taking on this challenge.

9:39:45 AM Council Member Martin motioned to accept the challenge; Council Member Peter Simmons seconded; and the motion carried unanimously.

- **BONITA WONDER GARDENS LOAN: PRESENTATION BY CITY MANAGER, CITY ATTORNEY AND BONITA WONDER GARDENS ON THE FUNDING PARTICIPATION AGREEMENT, MORTGAGE AND PROMISSORY NOTE EVIDENCING THE SHORT TERM LOAN TO BONITA WONDER GARDENS, INC., A 501 (C) (3) NON-PROFIT CORPORATION, TO PURCHASE THE EVERGLADES WONDER GARDENS, CONTINGENT UPON A SATISFACTORY DUE DILIGENCE. (GREENSHEET NO. 15-03-0088)**

9:41:30 am City Manager Carl Schwing explained that this entails two items for consideration by City Council – 1) an Agreement with the Bonita Wonder Gardens for the loan, and 2) a Resolution authorizing a loan from the Road Impact Fee Fund to the General Fund. There is an official sales contract signed by Mr. Piper with the Bonita Wonder Gardens, which is scheduled to close on April 13, 2015. He next addressed public comments made. The boundary surveys came back accurate and clean; the environmental testing also came back clean, and lastly, the title was clear to the property. Those three contingencies have been satisfied by the Bonita Wonder Gardens through their due diligence. He has also see a business plan, a proposed five year cash flow operating budget, and a capital campaign plan. From his professional experience, due diligence has been accomplished from the City’s perspective by the Bonita Wonder Gardens.

9:45:00 am Trish Leonard, President of the Bonita Springs Wonder Gardens, stated that their Board of Directors and Advisory Committees have been working for months to accommodate everything the City has requested of them. In addition to doing the due diligence, they have met with the Fire Department and are scheduled to meet with Code Enforcement. She next showed a conceptual illustration of what they anticipate the Wonder Gardens will look like, which will include educational opportunities, events, fundraisers, etc.

9:49:35 am Council Member Bill Lonkart informed Council that he met with Ms. Leonard and Mr, Gilkey and he was reassured that this is a go based on the numbers and facts he was presented with. They have satisfied all of the concerns he had.

9:50:39 am City Attorney Audrey Vance next provided a summary of the Funding Participation Agreement, addressing covenants, insurance requirements, the promissory note, etc.

9:58:58 AM In response to Council Member Peter Simmons, City Attorney Vance addressed the survey and the environmental findings. She explained that there were some minor encroachments involving the sign which does encroach slightly into the right-of-way. Also, the legal description did need to be corrected. With respect to the Environmental Audit, the property is located near a property that did have some environmental pollution. Overall, the Audit indicates that it’s within the norms of groundwater of what you would expect in that area.

10:00:59 AM In response to Council Member McIntosh, Ms. Leonard responded that they will have an operations manager. Mr. Gilkey added that the gate number is about 27,000 per year, which they expect to

increase to 60,000. It will entail memberships, sponsorships, grants, volunteers, etc. Overall, it will entail a series of revenue sources.

10:05:31 AM Council Member Slachta motioned to approve both items; Council Member Martin seconded; and the motion carried unanimously.

- APPROVE RESOLUTION TO LEND \$3,500,000 TO GENERAL FUND FROM ROAD IMPACT FEE FUND. (GREENSHEET NO. 15-03-0099) **ADOPTED RESOLUTION NO. 15-27**

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.)

10:08:38 AM Council Member Gibson requested items B. and L. be pulled.

Council Member Simmons motioned to approve the remainder of the Consent Agenda (Items A., C., D., E., F., G., H., I., J., K., and M.); Council Member Lonkart seconded; and the motion carried unanimously.

- A. APPROVAL OF CONSENT TO HIRE ANNE WRIGHT AS CITY OF BONITA SPRINGS FINANCE DIRECTOR, WITH A START DATE OF APRIL 13, 2015. (GREENSHEET NO. 15-03-103)
- B. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO AWARD THE PARADISE ROAD SIDEWALK PROJECT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, COASTAL CONCRETE PRODUCTS, LLC, IN THE BID AMOUNT OF \$178,741.40, UPON APPROVAL OF DOCUMENTS BY THE CITY ATTORNEY. (GREENSHEET NO. 15-03-0087)

10:09:31 am Council Member Gibson requested this item be pulled to discuss a comment made by Mr. Hershenson regarding the need for a 3-way stop sign at that intersection. He has had other constituents address this with him also. He asked if this was something Staff can look at to make that intersection safer.

10:09:49 am Matt Feeney, Public Works Director, explained that Staff met with some residents of Paradise Road. He was working in preparation for the overall traffic plan update for the City. He explained that part of the plan that was done in 2008 was to evaluate areas for stop signs. He believes it's something they can roll into that study and have them look at that intersection. They could accelerate the process at an extra expense. Non-expedited would entail approximately 6 months; expedited, he would anticipate a recommendation within one month.

10:13:51 am Council consensus was to go with the expedited process.

10:14:02 am Council Member Gibson motioned approval, with the expedited process; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED RESOLUTION 15-28**

- C. APPROVE THE RESOLUTION CONFIRMING THE APPOINTMENT OF A VICE-CHAIR TO THE CITY OF BONITA SPRINGS LOCAL PLANNING AGENCY. (GREENSHEET NO. 15-03-0104)
- D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR USA EXPOSITION'S GERMAN CULTURAL FESTIVAL (OR CAJUN MARDI GRAS NEW ORLEANS FESTIVAL) EVENT ON

FEBRUARY 13, 2016 THROUGH FEBRUARY 15, 2016 AT THE NAPLES-FORT MYERS GREYHOUND TRACK, 10601 BONITA BEACH ROAD. (GREENSHEET NO. 15-03-0093)

- E. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR CASA MEXICO FOR THE 9TH ANNUAL MAYOR'S CUP SOCCER TOURNAMENT ON MARCH 20, 2015 THROUGH MARCH 22, 2015 AT THE BONITA SPRINGS SOCCER COMPLEX AND MARNIE FIELDS (RAIN DATE MARCH 27, 2015 THROUGH MARCH 29, 2015) (GREENSHEET NO. 15-03-0091)
- F. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR BONITA BAY COMMUNITY EASTER EGG HUNT ON SATURDAY, APRIL 4, 2015 AT 26951 COUNTRY CLUB DRIVE (RIVERWALK PARK). (GREENSHEET NO. 15-03-0095)
- G. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR BONITA BAY COMMUNITY SOCIAL CELEBRATION EVENT ON SUNDAY, MARCH 29, 2015 AT THE BONITA BAY CLUB. (GREENSHEET NO 15-03-0096)
- H. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR FIRST BAPTIST CHURCH OF BONITA SPRINGS EASTER EGG HUNT ON APRIL 4, 2015 AT 3971 VIA DEL REY, BONITA SPRINGS, 34134. (GREENSHEET NO. 15-03-0090)
- I. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR SHANGRI-LA SPRINGS PLANET EARTH FESTIVAL TO BE HELD ON SATURDAY, MARCH 28, 2015 FROM 1:00 P.M. TO 8:00 P.M. AT 27750 OLD 41 ROAD, BONITA SPRINGS. (GREENSHEET NO. 15-03-0094)
- J. AMEND THE AGREEMENT WITH VICTOR PIROZ DARAI FOR RENEWAL OF ARTIST COTTAGE #3 LEASE AGREEMENT FOR ANOTHER ONE YEAR TERM. (GREENSHEET NO. 15-03-0100)
- K. 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. 13-03-0101)
- L. APPROVE A PERMIT FOR THE LOCAL ROOTS, LLC TO OPERATE A FARMER'S MARKET AT 26795-27911 SOUTH BAY DRIVE, BONITA SPRINGS ON SATURDAYS OCTOBER 3RD, 2015-APRIL 30TH, 2016. (GREENSHEET NO. 15-03-0105)

10:14:42 AM Council Member Gibson requested this item be pulled to see what can be done to reach a solution; Council Member Slachta seconded.

10:15:36 am Lora Taylor, Communications Manager, furnished the history and previous meetings held. Discussion followed.

The motion carried unanimously. Staff to assist.

- M. APPROVE STA #2 WITH HANS WILSON & ASSOCIATES, INC., TO CITY OF BONITA SPRINGS OAK CREEK RESTORATION PHASE II, IN THE AMOUNT OF \$7,300, INCREASING THIS PROJECT TO \$52,610. (GREENSHEET NO. 15-03-0106)

VIII. PUBLIC COMMENT:

10:29:44 am Grant Lundberg addressed Paradise Road, Shangri-La and Cockleshell Drive, stating that he is a maintenance manager one block from that intersection in an area with 124 units. There is no sidewalk going south to get to Shangri-La on either side. There are 14 children who stand on that corner waiting for the bus where the culverts are almost 4 feet down on both sides of the road. There is a problem with this intersection down Old 41 and Cockleshell. Something needs to be done.

10:33:10 am Kathy McGrath informed everyone that Christina Cepero, formerly with the News-Press, asked her to afford thanks to everyone, as she moved to Miami Dade County.

10:34:12 am Deborah Maclean further commented on her opposition against funding for the Wonder Gardens.

10:35:44 am Ben Hershenson complimented Council on the great meeting tonight, and the good decisions made.

IX. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES:

- A. THE CITY OF BONITA SPRINGS BACKYARD HEN ORDINANCE; CREATING AN ORDINANCE TO ALLOW A LIMITED NUMBER OF HENS ON RESIDENTIAL PROPERTY; PROVIDING A PERMIT PROCESS; REVOCATION, TRANSFER, AND ENFORCEMENT; PROVIDING FOR CONFLICT, INCLUSION IN CODE, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 15-03-0102)

10:36:23 am City Attorney Vance read the title block of the Ordinance into the record.

10:36:56 AM Jennifer Duffala-Hagen, Community Development, furnished the history and provided an update. Currently there are 13 active permits, 4 pending permits (waiting for hens), and 1 application withdrawn. Overall, there are 17 active, with 25 allowed City-wide.

10:38:11 am Council Member Martin motioned adoption of the Ordinance; Council Member Slachta seconded.

10:38:52 am Council Member Gibson questioned whether they can include language to ensure that people find appropriate homes for their hens if they choose not to continue with the program. He informed Council of a complaint he received of a loose hen on Pine Street. City Attorney Vance explained that there is an issue as mentioned and Code Enforcement is working with Lee County Animal Control in solving the rooster issue. Paragraph 6 of the Ordinance makes it unlawful for a person to just let their hens go rogue or roam at large. She explained that if violated, it can result in a citation through Code Enforcement or potentially law enforcement.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 15-06**

- B. 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. 15-03-0098)

10:42:50 am City Attorney Vance read the title block of the Ordinance into the record.

[10:43:37 am](#) Mike Fiigon, Community Development, began by furnishing the history of the Ordinance via a PowerPoint presentation (copy in Clerk's file).

[10:59:48 am](#) Council Member McIntosh motioned adoption of the Ordinance; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-07**

X. CITY ATTORNEY'S REPORT:

XI. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-03-0089)

Informational.

B. DISCUSSION WITH AND DIRECTION FROM COUNCIL RELATIVE TO THE UNPAVED PRIVATE ROADS PAVING PROJECT, PHASE III. (GREENSHEET NO. 15-03-0092)

Rescheduled to April 1, 2015.

ADDITIONAL ITEM:

[11:00:38 am](#) City Manager Schwing informed everyone that in connection with the downtown revitalization efforts, that the 60% plans will be presented at a public forum to be held on March 31, 2015 at the Community Hall, from 4:00 P.M. to 7:00 P.M. In response to Council Member McIntosh, Matt Feeney, Public Works Director, informed Council that he met again yesterday with local business owners in the area to address some concerns with the roundabout at Pennsylvania. They had a good discussion and have some homework to do in terms of verifying the width of the designed entrance for them.

C. APPROVE THE PLAN OF ACTION RELATIVE TO THE ADOPTED RECOMMENDATIONS OF THE CITIZENS WATER STRATEGY TASK FORCE. (GREENSHEET NO. 15-03-0097)

[11:06:41 am](#) Council consensus that the plan looks good. No motion made.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS:

[11:07:19 am](#) Council Member Bill Lonkart reported that his trip to Tallahassee went very well.

[11:10:27 am](#) Council Member McIntosh reported that he and Mayor Nelson had dinner at the Governor's mansion.

[11:10:45 am](#) Council Member Martin updated Council on the Historic Preservation Assistance Grant program, reporting that they have one designated property going forward with a grant, with three additional properties in the pipeline, and two non-designated that are considering becoming designated so they can apply for funds as well. She also urged everyone to go to the Liles Hotel to see the latest artwork titled "Slices of Heaven." She also reported that this Saturday night is the CREW concert at Riverside Park. Lastly, she informed Council of a trip she took to Sarasota where she sought out some of their roundabouts. They appeared to work well. She feels it will work well here also.

11:12:29 am Council Member Slachta reported that he will be meeting with the Veterans Committee next month to hopefully reach a recommendation to bring back to City Council regarding the naming of the softball field.

11:13:00 am Mayor Nelson addressed the need for bike paths on Racetrack Road to help those riding bike to and from work in that area.

XIII. APPROVAL OF MINUTES: 03/04/15

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

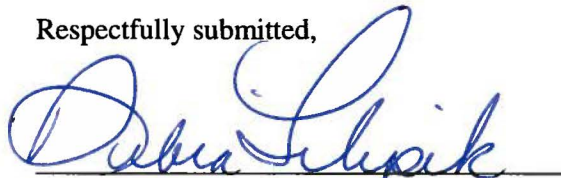
XIV. PUBLIC COMMENT:

11:16:15 AM Deborah Maclean commented on the Wonder Gardens, to which City Attorney Vance addressed.

XV. ADJOURNMENT.

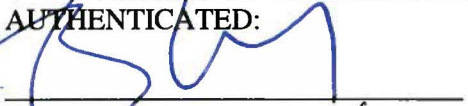
There being no further items to discuss the meeting adjourned at 11:20 A.M.

Respectfully submitted,

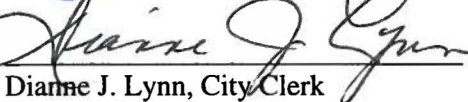

Debra Filipek, Recording Secretary

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 4-1-15

AUTHENTICATED:


Ben L. Nelson, Jr., Mayor


Dianne J. Lynn, City Clerk