

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, APRIL 1, 2015
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 the Gulf Shore 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:

5:34:29 PM Carolyn Gallagher was in attendance to urge City Council to endorse the Resolution to stop seismic air-gun blasting.

5:35:47 PM Deborah Maclean commented on Agenda Item XIII. C. regarding the sidewalk for Race Track Road.

5:37:20 PM Ray Judah, Coordinator with the Florida Coastal and Ocean Coalition, thanked Council for having the Resolution addressing seismic air gun blasting on the agenda. He informed Council that there are 15 other cities who also adopted a Resolution to prohibit seismic air-gun blasting.

VI. PROCLAMATIONS AND PRESENTATIONS: No items.

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.)

5:39:28 pm Council Member Steve McIntosh motioned approval of the Consent Agenda; Council Member Janet Martin seconded; and the motion carried unanimously.

A. RETAIN APPRAISAL SERVICES OF EQUABLE REAL ESTATE SOLUTIONS, LLC.
(GREENSHEET NO. 15-04-0110)

- B. APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND XEROX FOR THE LEASE OF ONE PHOTOCOPIER AT LILES HOTEL (CODE ENFORCEMENT) (GREENSHEET NO. 15-04-0117)
- C. REQUEST FOR APPROVAL OF A SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE BONITA SPRINGS CONCERT BAND ON APRIL 17, 2016 AT RIVERSIDE PARK. (GREENSHEET NO. 15-04-120)
- D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE LA MESA RV CENTERS SALES SHOW ON APRIL 16, 2015 THROUGH APRIL 19, 2015 FROM 9:00 A.M. TO DUSK AT THE NAPLES-FORT MYERS GREYHOUND TRACK, 10601 BONITA BEACH ROAD. (GREENSHEET NO. 15-04-121)
- E. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE KIWANIS CLUB'S BONITA BREW FEST AT RIVERSIDE PARK ON FEBRUARY 27, 2016 FROM 3:30 P.M. TO 7:30 P.M. (GREENSHEET NO. 15-04-122)

VIII. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE:

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTIONS 4-866, 4-868 AND 4-869 TO REVISE THE EXHIBITS AND THE USES PERMITTED IN THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; EXPANDING THE REDEVELOPMENT MASTER PLAN TO INCLUDE BOTH SIDES OF INDUSTRIAL STREET; ALLOWING A CONVERSION FACTOR FOR MIXED USE PROJECTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-04-0116)

5:40:12 PM City Attorney Audrey Vance read the title block of the Ordinance into the record.

5:42:37 PM Jackie Genson, Community Development, furnished a PowerPoint presentation (copy in Clerk's file) to address changes made to the Ordinance.

PUBLIC COMMENTS:

5:58:09 PM Fire Chief Joe Daigle questioned what effects this Ordinance would have on outdoor signage and displays. Ms. Genson explained that these changes did not pertain to the sign section of the code.

5:59:08 PM Council Member McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, April 15, 2015; Council Member Peter Simmons seconded; and the motion carried unanimously.

IX. FIRST READING OF THE FOLLOWING ORDINANCE (NO PUBLIC COMMENT)

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, REVISING SECTION 7.02, COMPENSATION PLAN OF THE ADMINISTRATIVE REGULATIONS GUIDE (ORDINANCE 14-21) PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-04-0114)

5:59:47 PM City Attorney Vance read the title block of the Ordinance into the record.

6:01:54 PM Council Member McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, April 15, 2015; Council Member Martin seconded; and the motion carried unanimously.

X. PUBLIC COMMENT:

6:02:35 PM Chris Mangus, with Bonita Storage, addressed issues relating to their facility regarding the bus shelter, and asked that the regulation that allows a bus shelter to be located in front of his property be removed.

6:07:31 PM Deborah Maclean afforded Happy Birthday wishes to Lydia Pastore.

6:07:57 pm Alberto Bailleres' addressed problems he had with the Lee County Sheriff's Office.

XI. CITY ATTORNEY'S REPORT.

- A. DIRECTION TO STAFF WHETHER CITY COUNCIL WANTS THE ELECTION TO CONTINUE HAVING THE ELECTIONS COINCIDE WITH THE PRESIDENTIAL PRIMARY. IN ACCORDANCE WITH HOUSE BILL 7035, AS APPROVED BY THE GOVERNOR, WAS CHANGED TO THE THIRD THURSDAY IN MARCH. (GREENSHEET NO. 15-04-0111)

6:12:19 PM City Attorney Vance furnished an overview of this item. The legislature has started doing their amendments and one of the session laws that has just come out is the one re-designating the presidential preference primary to be held on the third Thursday in March (March 15, 2016). She next addressed the Interlocal Agreement with the Supervisor of Elections and costs. Overall, if the City moves their election to the presidential preference primary, the City would not pay any additional costs other than statutory advertising. If not changed it would cost between \$3.00 and \$5.00 that would be paid to the Supervisor of Elections, which could range from \$90,000 to \$150,000. in additional costs. If changed, it would be done by Ordinance, and she would also recommend changing the qualifying period.

6:15:31 PM Council Member Martin motioned to approve; Council Member Simmons seconded; and the motion carried unanimously.

- B. PERMISSION TO ADVERTISE AN ORDINANCE TO REPLACE THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), WHICH RELATES TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS, TO THE 2015 EDITION. (GREENSHEET NO. 15-04-0115)

6:16:21 PM Assistant City Attorney Alex Boswell-Ebersole, furnished a brief overview of the intent, which is to update the 2009 Edition of the International Property Maintenance Code to the 2015 Edition.

6:16:33 PM Council Member McIntosh motioned to move forward with a first reading of the Ordinance on Wednesday, April 15, 2015; Council Member Simmons seconded; and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

- A. UPDATE ON U.S. 41/TERRY STREET LANDSCAPING PROJECTS.

6:17:17 PM Matt Feeney, Public Works director, furnished an update. Notices to Proceed have been issued for both projects - E. Terry and U.S. 41. Work is scheduled to begin April 6, 2015. He furnished photos of the plant material/trees which, if approved by the landscape architect, will be utilized.

**B. REVIEW PROPOSED BONITA BEACH ROAD VISIONING RFQ; PROVIDE FINAL APPROVAL.
(GREENSHEET NO. 15-04-0112)**

6:20:22 pm City Manager Carl Schwing addressed this item, explaining that this entailed all the required information and requirements. Additionally, the background information reflected shows 24 firms Staff has identified they believe meet at least the criteria that Council has asked for. The RFQ will be mailed to all of those 24 firms reflected, in addition to other outreach opportunities in terms of advertising, trade journals, etc.

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

C. DISCUSSION WITH AND DIRECTION FROM COUNCIL RELATIVE TO THE UNPAVED PRIVATE ROADS PAVING PROJECT, PHASE III. (GREENSHEET NO. 15-04-0108)

6:22:09 pm Assistant City Manager John Gucciardo addressed this agenda item, by updating Council on the project. This is the third and last year of a three year phased project to address all of the privately owned unpaved roads in the City. In the first two years they were able to address some of the roads in the more urbanized area and provided a very good product with good feedback from the property owners involved. For the third year, Staff direction from Council at the last budget cycle was to go out and try to address all of the remaining privately unpaved roads, which they did. It started with about 27 roads, and after the normal outreach was done, they was reduced to about 17 roads where the property owners have indicated an interest to move forward. This year the project is different in the sense that the roads are much more rural in nature and much less developed resulting in much less of a base to work with, which would, thus, be reflected in the price.

There has been \$200,000 budgeted with access to another \$250,000 in reserves. If all 17 of these roads were to come into agreement and all 17 sign the license agreements and pay their 20% share, the costs could be upwards of about \$1,000,000. This is something he does not anticipate occurring, as it is very unlikely that all 17 of these roads will come forward. At this point, all point people have the original license agreements that their neighbors will need to sign, and they all have an estimate of what their contribution number would be. Staff has told them to hold off for the most part in sending in their checks, and assuming approval tonight, they will be going out with an RFP on Monday for quotes on each of the individual roads that will allow Staff to go back to those property owners with an exact number which will allow them to decide whether they want to go forward.

Town Road, if it goes forward, could cost upwards of almost \$300,000. He explained that the way the current agreements work, is that anything over \$200,000. would normally require a Performance Bond. Staff would ask that Council waive that requirement for a couple of reasons, of which he explained. Also, they do not want to do anything to impede the ability for contractors to come forward and bid on this project.

6:26:38 PM City Attorney Vance suggested direction to indicate that the Performance Bond is intended to be waived – that Council will be waiving the Performance Bond at the appropriate time. She clarified that the motion should be that Council intends for the Performance Bond to be waived where possible.

6:28:17 PM City Attorney Vance stated that she felt that there are some roads that should be systematically taken off the list and not included in the RFP. She suggested Council remove Jefferson, Carpenter, Oakland, and Tower. She also has concerns about Red Dragon mostly because it entails the driveway for the people for Shangri-la Road.

6:30:12 PM Mayor Nelson stated that Council can always choose not to enter into a contract for various reasons, however, they are only asking for a number of what it would cost. Assistant City Manager Gucciardo agreed.

[6:30:56 PM](#) Council Member Lonkart motioned for Staff to move forward with an RFP and possibly do away with the Performance Bond; Council Member McIntosh seconded; and the motion passed 6-1 (Council Member Gibson dissenting).

D. APPOINT COUNCIL MEMBER TO BONITA WONDER GARDENS BOARD OF DIRECTORS.
(GREENSHEET NO. 15-04-0118)

Council Member Martin appointed.

ADDITIONAL ITEM:

[6:34:47 PM](#) City Manager Schwing next updated Council on legislation, reporting that the House Bill relating to the boundary adjustments based on the annexations that occurred last year is going forward. He also informed Council that the \$1.2 million request for water projects downtown is also looking good.

[6:35:42 pm](#) Assistant City Manager Gucciardo addressed the issue relating to Lee Tran, the bus shelter, and Mr. Mangus's property. Discussion followed.

[6:51:14 pm](#) Council Member Slachta motioned for Mr. Mangus to pay for the land, and for the City to pay for the surveying and engineering work needed, not to exceed \$7,000.; Council Member Simmons seconded; and the motion carried unanimously.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

A. A RESOLUTION OPPOSING SEISMIC AIR-GUN TESTING IN THE GULF OF MEXICO.
(MARTIN; GREENSHEET NO. 15-04-0113)

[6:52:32 pm](#) Council Member Martin addressed this Agenda item, voicing her support for the adoption of the Resolution opposing seismic air-gun testing in the Gulf of Mexico. She informed Council of excerpts in the Environmental Impact Study for the Gulf of Mexico which address the effects that can result to the 138,000 marine mammals, including whales and sea turtles in the Gulf of Mexico. She finds this unacceptable and asked for Council's support.

Council Member Martin motioned approval of the Resolution; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-30**

B. PROVIDE DIRECTION TO STAFF REGARDING INVESTIGATING THE FEASIBILITY OF A
SIDEWALK ON RACE TRACK ROAD. (SLACHTA; GREENSHEET NO. 15-04-0109)

[6:54:18 pm](#) Council Member Slachta addressed this agenda item, of which the intent is to obtain Council input. Discussion followed with direction to Staff to look to research and determine what would be appropriate.

[7:03:10 pm](#) Council Member Lonkart reported that he had lunch at the Shangri-La on Friday and the food was excellent.

[7:03:57 pm](#) Council Member McIntosh reported that the CREW concert was great. He also complimented Lora Taylor on her work with the Lion's Club in reaching a solution.

7:04:54 pm Council Member Martin reminded everyone of events scheduled for Celebrate Bonita. They are also looking for sponsorships and artists for Chalk Where You Walk. Also, next Saturday is Earth Day and Movies in the Park. Lastly, she reported that April 25 and 26th is Relay for Life at Riverside Park.

7:06:07 pm Council Member Slachta informed everyone that today the American Legion held a ceremony for the first ever National American Legion Commander who is from Nebraska. Mayor Nelson presented him with the Key to the City. The City's Public Works Director Matt Feeney's great grandfather was the National Commander as well as Assistant to the Secretary of the Navy. It was a great ceremony.

7:07:12 pm Mayor Nelson wished his daughter Megan a very happy birthday!

XIV. APPROVAL OF MINUTES: 03/18/15

7:08:38 pm Council Member Slachta motioned approval of the Minutes; Council Member Martin seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT:

7:08:57 pm Kathy McGrath informed everyone that Jay Frost will also be performing at Celebrate Bonita. She also furnished events scheduled for Earth Day.

7:09:54 pm Mr. Bailleres continued with comments he previously made regarding a commission on ethics task force.

XVI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 7:15 P.M.

Respectfully submitted,



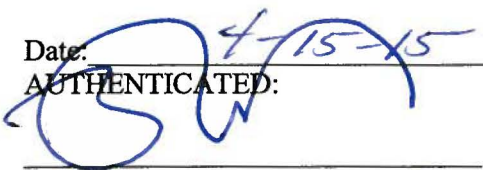
Debra Filipek, Recording Secretary

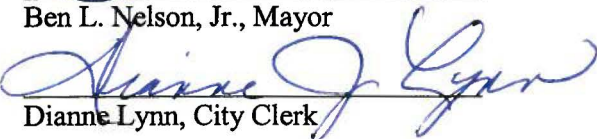
APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date:

AUTHENTICATED:


Ben L. Nelson, Jr., Mayor


Dianne Lynn, City Clerk