

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, APRIL 15, 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 Kevin Bradley, with the First Baptist 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

9:02:45 AM Martha Simons began by congratulating Public Works Director Matt Feeny for exploring this very progressive and very innovative idea for removing nitrogen from the City's water. Secondly, she feels that that the front desk staff is in need of a pay increase. Later in the meeting she will speak to the Ordinance regarding the Citizens Water Strategy Task Force and the 10% water standard. She concluded by congratulating Dianne Lynn for her years of service. She has been a star advocate for the City of Bonita Springs, and has done many great things for the City. She has been a great friend to many who have served the City as well as to the citizens. She wishes her all the health and happiness.

9:04:40 am Mary Meima, representing Relay for Life, introduced Chrissy Martin, who was in attendance to congratulate City Staff on their donations to Relay for Life. The main Relay for Life event is scheduled to take place on April 25 and April 26, 2015 at Riverside Park.

9:05:16 am Ronda Lawhon, representing the Bonita Springs Historical Society, was in attendance to ask for Council's support on their request for funding for façade renovations to be made to the McSwain House on Old 41.

9:06:10 AM Nicole Johnson, with the Conservancy of Southwest Florida, thanked Council for their agenda item supporting the acquisition of lands south of Lake Okeechobee for the purpose of water quality and restoration. She will also address the Ordinance in item XI. A., with respect to the 10% water retention/detention in the DRGR.

9:07:15 am Kathy McGrath also expressed her excitement regarding the purchase of lands south of Lake Okeechobee.

ADDITIONAL ITEM:

9:07:55 AM City Manager Carl Schwing next introduced the City's newly hired Finance Director Anne Wright, who addressed her experience and qualifications.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF APPRECIATION TO CITY OF BONITA SPRINGS EMPLOYEES FOR THEIR CONTRIBUTIONS TO UNITED WAY.

9:10:29 am Megan Fazing, with the United Way of Lee County, was in attendance to congratulate City staff and present them with an award for their contributions to the United Way campaign.

B. INTRODUCE COUNCIL AND THE COMMUNITY TO A NEW COMMUNITY INITIATIVE IN THE CODE ENFORCEMENT DEPARTMENT CALLED "BONITA BUILDING BLOCKS". (GREENSHEET NO. 15-04-0136)

9:12:11 AM Peggy Douglas, Program Coordinator, for the initiative, briefly addressed the "Bonita Building Blocks" program, which will entail such programs such as "Keep the Beautiful in Bonita," "Paint Your Heart Out," etc.

9:14:31 am Frank Cassidy, the City's Code Enforcement Director, further expanded on the program. The intent is to become a part of the neighborhoods and interact with the residents to find out what they can do and what they can aspire them to do to take pride in their neighborhoods to build a sense of pride. It's an outreach program with the people in the neighborhood. Council Member Simmons asked that Code Enforcement avoid stopping by local businesses and giving them a hard time. Council Member McIntosh suggested a form be placed on the website for those who may want to nominate someone to be recognized. Mr. Cassidy explained that they don't have a committee established yet, and explained plans.

C. PRESENTATION BY SOUTH FLORIDA ENGINEERING AND CONSULTING, (SFEC) LLC ON BIO-REACTORS AND APPROVAL OF ASSIGNMENT OF PROFESSIONAL SERVICES AGREEMENT. (GREENSHEET NO. 15-04-0119).

9:19:05 am Matt Feeney, Public Works Director, introduced Tom Conboy, with South Florida Engineering and Consulting, to make a presentation on Woodchip Bio Retention technology. Woodchip Bio Retention technology has been around and has been used up north for about 15 years and is a method of removing nitrogen from water runoff. It essentially utilizes wood as a feed stock for a naturally occurring bacteria and packing it into a pipe or a conveyance within an oxygen deprived environment that will allow that bacteria to live, which then becomes highly effective in removing nitrogen from the water. Staff sees this as an opportunity for the City since they are in a basin management action plan, with the primary pollutant in the Imperial River being nitrogen. This can be done below ground and still retain use of the above ground area for other uses, i.e., parking. The request today is to reassign the contract the City currently has with Sutron Corporation to South Florida Engineering and Consulting. The FDEP is very excited about this technology and they would like to partner with the City on the Felts Avenue project to which there is grant money available to carry this technology out. The end result Staff is hoping for is to prove those reduction numbers so they can then use this technology out on a larger scale throughout the City at a very low impact and low cost.

9:21:35 AM Mr. Conboy next furnished a PowerPoint presentation (copy in clerk's file) to expand on the woodchip bio retention technology.

9:30:41 AM In response to Council Member Mike Gibson regarding how often wood chips would need to be replaced, Mr. Conboy responded that there is one study that has been on-going for 15 years to which they have not yet had to replace the woodchips.

9:32:28 am Council Member Steve McIntosh questioned maintenance, to which Mr. Conboy explained that the water would be going downhill and so no pump would be needed. During the dry season they will have to ensure that there is water in the system.

9:35:25 am City Manager Schwing, in response to Council Member McIntosh's question regarding the \$250,000 grant, explained that the grant does not affect the City's \$16 million as none of the \$16 million will go towards this project. He further explained that there is an additional request in the State Legislature this year to the tune of about \$1.2 million to do additional water quality projects.

9:41:56 am Council Member McIntosh motioned to assign and transfer the Professional Services Agreement from Sutron Corporation to South Florida Engineering and Consulting; Council Member Simmons seconded, and requested it be pending upon structural review; and the motion carried unanimously.

D. PRESENTATION BY THE SMALL BUSINESS DEVELOPMENT CENTER OF FLORIDA GULF COAST UNIVERSITY OF THEIR QUARTERLY REPORT. (GREENSHEET NO. 15-04-0130)

9:42:46 am Rudi Vrugtman, with the Small Business Development Center of Florida Gulf Coast University, was in attendance to furnish to City Council their quarterly report (copy in Clerk's file), reporting it's been a very successful 2014. He also addressed upcoming seminars.

E. RECEIVE THE BONITA SPRINGS/ESTERO ECONOMIC DEVELOPMENT COUNCIL QUARTERLY REPORT. (GREENSHEET NO. 15-04-0133)

9:51:25 am Christine Ross, with the Bonita Springs Economic Development Council, furnished a presentation regarding activities of the EDC as outlined in the report furnished to City Council (also in Clerk's file). The total number of leads handled to date are 130 (9 leads this quarter); there are a total of 4 confidentiality agreements in effect; the total jobs created by major clients from 2001-2014 is 501; and the total economic impact from 2011 to 2014 is \$61,041,066 and growing.

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.)

9:57:56 AM Council Member Steve Slachta motioned approval of the Consent Agenda (Items A., B., and C.); Council Member Martin seconded; and the motion carried unanimously.

A. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE AMERICAN CANCER SOCIETY RELAY FOR LIFE ON SATURDAY, APRIL 25, 2015 AND SUNDAY, APRIL 26, 2015 AT RIVERSIDE PARK. (GREENSHEET NO. 15-04-0132)

B. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE BONITA SPRINGS FUTSAL LEAGUE. (GREENSHEET NO. 15-04-0131)

- C. APPROVE PARTIAL PAYMENT TO THE BONITA SPRINGS HISTORICAL SOCIETY FOR FAÇADE RENOVATIONS TO THE MCSWAIN HOUSE LOCATED AT 27451 OLD 41 ROAD. (GREENSHEET NO. 15-04-0134)

VIII. PUBLIC COMMENT:

9:58:34 am Nicole Johnson, with the Conservancy of SW Florida, expressed her support for the Ordinance to amend the Land Development Code as it relates to the Citizens Water Strategy Task Force recommendations. The Task Force had recommended language that said that the stormwater retention/detention would exceed by at least 10% the 1 ½ inches. The draft Ordinances states exceed by at least 10% of the requirements of the Bonita Plan. She isn't sure if it would be clearer if it referenced the 1.5% instead of the Bonita Plan, as the intent was that it would be 10% above the 1 ½ inches. She would also ask that water monitoring and modeling be implemented.

10:02:57 am Deborah Maclean addressed the 10%, and asked that the Ordinance can be pulled, as she feels 10% is not enough.

10:04:05 AM Kathy McGrath began by welcoming the City's new Finance Director. She also informed Council that Debbie Tower with the Florida Department of Transportation is retiring. She also thanked Matt Feeney for the presentation on nitrogen removal. She also addressed flood insurance and projects that have been done by the City that results in great saving on the purchase of flood insurance by residents. Also, Celebrate Bonita was wonderful, and she thanked Council for this event, as well as City Staff. Also, this Saturday is Movies in the Park and Earth Day.

10:07:25 AM Martha Simons reported that the City can get a free adaptation plan for sea level rise from the RPC for future growth management planning. Also, the State of the Bay Report for Estero Bay Agency on Bay Management has been completed, and she requested that Council Member Simmons invite Jim Beaver to make a presentation on the state of Estero Bay. Council Member Simmons agreed. Ms. Simons further reported that the Spring Creek Restoration Study outreach is going well. She went to the meeting at Spring Creek where there were about 100 people in attendance, many of them who would like to know what the City plans to do with septic tanks.

10:11:32 AM Fred Forbes urged Council to pass anything that would help the State, etc., purchase the land south of Lake Okeechobee. He also agrees that 10% is not enough, as it should be 2 ½ or 3 inches, and that it should apply to other areas of the City as well. He urged Council to turn this Ordinance down.

10:13:20 AM Peter O'Flynn addressed Agenda Item XI. A., regarding the Ordinance addressing the recommendations of the Citizens Water Strategy Task Force, and stated he also feels that Council should vote no on this Ordinance. He feels Council can impose additional standards in the future.

IX. FIRST READINGS OF THE FOLLOWING ORDINANCES (NO PUBLIC COMMENT ALLOWED):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; RELATING TO ELECTIONS, TO PROVIDE FOR GENERAL ELECTIONS OF MUNICIPAL OFFICERS TO BE HELD ON THE THIRD TUESDAY IN MARCH OF EVEN NUMBERED YEARS, TO COINCIDE WITH THE SPRING PRIMARY FOR STATE AND FEDERAL ELECTIONS, REVISING THE QUALIFICATION DATES TO COINCIDE WITH THE CHANGE IN DATES FOR THE ELECTION BY AMENDING CHARTER SECTION 13; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION OF THE CHARTER PROVISION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-04-0123)

10:16:26 AM City Attorney Audrey Vance read the title block of the Ordinance into the record, and referred to the Errata to address revisions made to the Ordinance per the suggestion of the Supervisor of Elections Office.

Council Member Simmons motioned to move forward with a second reading and public hearing of the Ordinance on May 6, 2015; Council Member Slachta seconded; and the motion carried unanimously.

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REPEALING IN ITS ENTIRETY BONITA SPRINGS ORDINANCE NO. 10-10, WHICH HAD ADOPTED THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS; PROVIDING FOR TITLE AND CITATION, PROVIDING ADOPTION AND REPEALER CLAUSES; PROVIDING SPECIFIC REVISIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-04-0126)

10:17:52 am Assistant City Attorney Alex Boswell-Ebersole Assistant City Attorney read the title block of the Ordinance into the record, explaining that the intent is to update the International Property Maintenance Code from the 2009 Edition to the 2015 Edition.

10:18:26 am Council Member Slachta motioned to move forward with a second reading and public hearing of the Ordinance on May 6, 2015; Council Member Martin seconded; and the motion carried unanimously.

X. SECOND READINGS AND PUBLIC HEARINGS OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):

- 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. 15-04-0124)

10:19:06 am City Attorney Vance read the title block of the Ordinance into the record, informing Council that she has reviewed the Affidavit of Publication which she found to be legally sufficient. She next referred to Errata Sheet #2 to address the letter from Attorney Burt Saunders dated April 14, 2015, representative for Shangri-La Springs, requesting that his client's property located on the west side of the centerline of Industrial Street not be included in the overlay district.

10:20:20 am Jackie Genson, Community Development, furnished the history to date, explaining that the Ordinance went before the Local Planning Agency twice, with the Board having concerns regarding the FAR, the impacts on FEMA, the impact on development, and consumption of alcohol, all of which she addressed.

10:24:32 am In response to Mayor Nelson, Ms. Genson addressed Shangri-La's reasoning for wanting to remove their property, explaining that they want to be more in the hospitality area. Mayor Nelson explained that the City has asked them for a plan that could be incorporated. Arleen Hunter, Development Services

Director, explained that Staff has had positive conversations with their consultants who indicated that they just wanted a little more time. She explained that they feel that the current zoning is not beneficial to them, and that they do want to remain partners with the City. In further response to Mayor Nelson, Ms. Hunter stated that Staff feels that Council should move forward with this Ordinance, remove their portion, and continue to partner with Shangri-La.

No public comments were made.

10:27:46 am Council Member Martin motioned adoption of the Ordinance; Council Member Slachta seconded.

10:28:01 am City Attorney Vance clarified revisions to be made to the Ordinance.

10:30:00 am Council Member Bill Lonkart stated he is against moving forward as he feels this is moving too fast. He also feels it is too confusing and that it is confusing to people in the audience as well. He also feels that Shangri-La is a wonderful place. Council Member Gibson stated the only concern he has is that there are other projects that are looking to move forward with the changes being made in this Ordinance. In response to Council Member Lonkart, Ms. Hunter addressed the other projects that waiting to go forward once this Ordinance is adopted. City Attorney Vance explained that those waiting for adoption are reflected in the Greensheet.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 15-08**

B. 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. 15-04-0125)

10:32:20 am City Attorney Vance read the title block of the Ordinance into the record.

10:32:23 am Council Member Martin motioned adoption of the Ordinance; Council Member Lonkart seconded.

PUBLIC COMMENTS:

10:32:47 am Martha Simons feels that the front desk staff is in need of a raise.

10:33:22 am The motion carried unanimously. **ADOPTED ORDINANCE NO. 15-09**

XI. CITY ATTORNEY'S REPORT.

A. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE SECTION 3-324 TO IMPLEMENT CITIZENS WATER STRATEGY TASK FORCE RECOMMENDATION WATER QUANTITY #1. THE ORDINANCE WILL BE SCHEDULED FOR A FIRST READING ON MAY 6, 2015, AND A SECOND READING AND PUBLIC HEARING ON MAY 20, 2015. (GREENSHEET NO. 15-04-0135)

10:33:51 AM City Attorney Vance addressed this request for permission to advertise an Ordinance that deals with water quantity. She next explained the history, explaining that this entailed an item that was on the list to be done relatively quickly. She also explained that the Bonita Plan has regulations that already exceeds the SFWMD regulations of 1 inch; the City is requiring 1.5 inches per the Comprehensive Plan. This

implementing regulation in the LDR would exceed above that in the DRGR area. She next addressed further revisions made.

10:35:55 AM Assistant City Manager John Gucciardo and liaison to the Citizens Water Strategy Task Force, stated that Ms. Johnson did a great job in summarizing what the Task Force saw as the benefits of this, who came up with this as one of the things that could be done on a relatively quick basis in terms of modifying the Land Development Code to better protect the City, and to better get the water right. He further responded to comments made today, one of which was that the City was moving too fast and that they were only supposed to bring Council a plan for moving forward, which has been done on March 18, 2015, which he expanded on. He further addressed comments made.

10:39:06 AM Council Member Martin asked Staff if they felt 10% was enough, and if the City was doing all they could by limiting it to 10% at this point. Assistant City Manager Gucciardo responded that the 10% was a recommendation that was made to the Task Force by numerous professionals they heard from via presentations.

10:40:04 AM Stuart Smith, Community Development Engineer, stated that the 10% increase is quite an improvement. Professionally he feels that 10% is adequate.

10:41:02 AM Council Member McIntosh motioned to move forward with a first reading of the Ordinance on May 6, 2015; Council Member Martin seconded. She next asked Mr. Stuart if he felt this should apply City-wide, to which he responded that the City's Policy of 1.5, which exceeds the SFWMD, is adequate.

10:41:42 AM The motion failed 3-4 (Council Members Slachta, Simmons, Gibson and Lonkart opposed).

XII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-04-0128)

Informational.

ADDITIONAL ITEM:

10:42:47 am City Manager Schwing thanked City Staff, including Parks and Recreation Staff for all their hard work with Celebrate Bonita. They did a great job. He next addressed his handout to City Council (copy in Clerk's file) to address the Bonita Beach Road Visioning time table. He also informed Council of a phone call he received this morning about the School District having some concerns about funding for a new high school. Per the request of Council Member McIntosh, City Manager Schwing to find out if this would stop any land swap with respect to a school site. Also in response to Council Member McIntosh, City Manager Schwing informed Council of legislation currently underway in the House with respect to Pelican Landing Residents who want to be within the City, which he expects a positive vote this week. He informed Council that it needs to go to the House and then to the Senate. He will inform Council of the vote.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

A. ADOPT A RESOLUTION OF THE CITY OF BONITA SPRINGS STRONGLY SUPPORTING THE PURCHASE OF LANDS SOUTH OF LAKE OKEECHOBEE FOR THE PURPOSE OF WATER STORAGE, TREATMENT AND CONVEYANCE SOUTH INTO THE EVERGLADES TO REDUCE DAMAGING FRESHWATER FLOWS TO THE CALOOSAHATCHEE AND ST. LUCIE ESTUARIES AND URGING THE STATE OF FLORIDA TO EXERCISE ITS LEGAL OPTION TO PURCHASE 46,800 ACRES OF LAND FROM THE U.S. SUGAR CORPORATION FOR CONSTRUCTION OF THE EAA RESERVOIR; AND PROVIDING AN EFFECTIVE DATE. (MAYOR NELSON) (GREENSHEET NO. 15-04-0137)

10:49:52 AM Council Member Martin motioned adoption of the Resolution; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-31**

B. APPROVE THE DESIGN AND INSTALLATION OF A MURAL BY THE CAFÉ OF LIFE AT THE LEITNER NEIGHBORHOOD PARK. (MARTIN) (GREENSHEET NO. 15-04-0129)

10:50:59 am Council Member Martin addressed this agenda item by showing an illustration of the mural. Council Member Martin motioned approval; Council Member McIntosh seconded; and the motion carried unanimously.

Council Member Martin next reminded everyone of Movies in the Park this Saturday, with the feature film "The Lorax."

Mayor Nelson next presented City Clerk Dianne Lynn with a bouquet of flowers thanking her for her service to the City to which she served as the City's first City Clerk for 15 years. She served as the City's finance department as well, and wore numerous hats. She will be greatly missed.

10:57:32 am Council Member McIntosh reported that they held their first "Hall of Fame" committee meeting a couple of weeks ago, with plans to meet again in the fall to address how final selections will be handled. He next referred to the Wonder Gardens property and a meetings he had with Dr. Bradshaw of Florida Gulf Coast University and several members of his Staff, all of whom were very impressed and feel there is great potential for a university presence.

11:00:19 am Council Member Lonkart congratulated City Staff on the great job they did with Celebrate Bonita.

11:01:56 am Council Member Simmons announced that he would not be seeking to run for a second term for District 4.

XIV. APPROVAL OF MINUTES: 04/01/15

Council Member Slachta motioned approval of the Minutes; Council Member Martin seconded; and the motion carried unanimously.

Mayor Nelson next expressed the very best to City Clerk Dianne Lynn on her retirement. She was a wonderful employee and was with the City for over 15 years.

XV. PUBLIC COMMENT:

11:08:50 am Kathy McGrath thanked the City's Community Policing unit for all they do. She also would prefer not to see a median in the downtown area.

11:11:52 AM Fred Forbes complimented Council Member Simmons for all his work.

11:14:20 am Jessie Purdon also commended Council Member Simmons for all of his years of service to the City.

11:16:55 am Deborah Maclean asked Council Member Simmons for a copy of his speech. She thanked him for his great service.

11:17:38 am Peter O'Flynn commended Council Member Simmons for his service.


11:18:42 am Martha Simons thanked Council Member Martin for the great mural. She also thanked Council for the visioning study, which she suggested include a land use component.

11:21:07 am Alberto Bailleres' addressed incidents he was involved with regarding law enforcement.

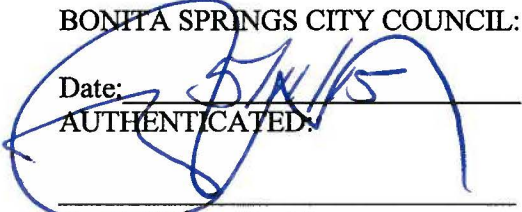
11:25:21 AM Bonnie Witamoore also commended Council Member Simmons for his service to the City.
VI. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 11:26 A.M.

Respectfully submitted,


Dora Filipek, Deputy City Clerk/ Recording Secretary
acting

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 5/15/15
AUTHENTICATED:


Ben L. Nelson, Jr., Mayor