

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JUNE 3, 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 Russ Winn, with 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, except for Council Member Peter Simmons.

V. PUBLIC COMMENT ON AGENDA ITEMS:

5:30:13 PM Rick Steinmeyer expressed his support for the Sheriff's Agreement. He also addressed the 4th of July City events, which he also supports.

5:32:21 PM Deborah Maclean spoke opposed to the Bonita Car Wash Zoning Ordinance, which she feels will result in a terrible traffic problem. She also addressed the Greensheet for Zoning Board appointments, stating she supports the appointment of James Wurster and Steven Kissinger.

5:33:38 PM Greg DeWitt also spoke in support of the July 4th Events.

5:34:18 PM Rosemary Putnam voiced her opposition to the proposed roundabouts for the Old 41 redevelopment project.

5:35:04 PM John Paeno, with CTG Kayaks, was in attendance to request Council's support for agenda items VII. C., and D., for the requests for the 4th of July and CTG Kayak.

5:36:03 PM Caitlin Weber, with the Conservancy of Southwest Florida, was in attendance to express the Conservancy's support for adoption of the Well Stimulation Ordinance, as written.

5:37:28 PM Ralph Brooks, a Local City and County lawyer, was present on behalf of the Conservancy to offer his support and services for the creation of the Well Stimulation Ordinance. He encourages the City to move forward with first and second readings of the Ordinance.

VI. PROCLAMATIONS AND PRESENTATIONS:

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.)

5:38:46 PM Council Member Steve Slachta motioned approval of the Consent Agenda (items A. through F.); Council Member Mike Gibson seconded; and the motion carried unanimously.

- A. APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS FOR LOBBYING SERVICES. (GREENSHEET NO. 15-06-0177)
- B. APPROVE CAPITAL EXPENDITURE CARRYOVER BUDGET AMENDMENT. (GREENSHEET NO. 15-06-079) **ADOPTED RESOLUTION NO. 15-35**
- C. APPROVE TEMPORARY ROAD CLOSURES AND SPECIAL EVENT PERMIT FOR 4TH OF JULY PARTY IN THE PARK AND PARADE ON SATURDAY, JULY 4, 2015 AT RIVERSIDE PARK. (GREENSHEET NO. 15-06-0180)
- D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR CGT KAYAKS RIVER DAYS EVENT AT THE BONITA SPRINGS RIVER PARK ON SATURDAY, JUNE 6, 2015, SATURDAY, JUNE 27, 2015, SATURDAY, JULY 25, 2015 AND SATURDAY, AUGUST 29, 2015. (GREENSHEET NO. 16-06-0174)
- E. APPROVE A SPECIAL EVENT PERMIT FOR MY PROMOTIONS, INC., TO HOST A CRAFT & GIFT SHOW AT 8951 BONITA BEACH ROAD, BONITA SPRINGS ON MARCH 19, 2016 & MARCH 20, 2016 FROM 10:00 A.M. – 5:00 P.M. (GREENSHEET NO. 15-06-0181)
- F. APPROVE THE FIFTH ADDENDUM TO THE SECOND AGREEMENT TO THE INTERLOCAL AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR ENHANCED LAW ENFORCEMENT SERVICES. (GREENSHEET NO. 15-06-0182)

VIII. FIRST READING OF THE FOLLOWING ORDINANCE (NO PUBLIC COMMENTS):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS RELATING TO THE CITY'S SEAL; PROHIBITING THE UNAUTHORIZED USE; PROVIDING FOR CONFLICT, INCLUSION IN CODE, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 16-06-0169)

5:39:35 pm City Attorney Audrey Vance read the title block of the Ordinance into the record. If approved the Ordinance will move forward with a second reading and public hearing on June 17, 2015.

5:39:43 pm Council Member Janet Martin motioned to move forward with a second reading and public hearing of the Ordinance on June 17, 2015; Council Member Slachta seconded; and the motion carried unanimously.

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

- A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY VICTOR AND VALERIE ZABAVSKY TO GRANT VARIANCES TO REDUCE STREET AND WATERBODY SETBACKS FOR A SINGLE-FAMILY HOME; ON LAND LOCATED AT 27795 HICKORY BLVD., BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

5:40:14 PM City Attorney Vance read the title block of the Zoning Ordinance into the record.

5:40:33 PM Council Member Slachta motioned to move forward with a second reading of the Zoning Ordinance to Monday, June 15, 2015; Council Member Mike Gibson seconded; and the motion carried unanimously.

- B. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE 1.07± ACRES OF LAND FROM COMMERCIAL (C-1A) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO ALLOW A CAR WASH FACILITY; ON LAND LOCATED AT 27731 S. TAMiami TRAIL., BONITA SPRINGS, FL 34134; PROVIDING FOR AN EFFECTIVE DATE.

5:41:16 PM City Attorney Vance read the title block of the Zoning Ordinance into the record.

Council Member Steve McIntosh motioned to move forward with a second reading of the Zoning Ordinance on Monday, June 15, 2015; Council Member Slachta seconded; and the motion carried unanimously.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF BONITA SPRINGS, FLORIDA, BY THE ANNEXATION OF UNINCORPORATED TRACTS OF LAND OWNED BY ESTERO BAY MARINE, LLC; DONAVAN, LLC; AND, SUGAR MOUNTAIN DEVELOPMENT, LLC, FOR PHASE 2 A/K/A WEEKS FISH CAMP; LYING CONTIGUOUS TO AND BEING IN THE SAME COUNTY AS THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA; LOCATED IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST (30.51 ± ACRES); ASSIGNMENT TO CITY COUNCIL DISTRICT 1; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 15-06-0170)

5:41:48 PM City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

5:42:28 PM Council Member Bill Lonkart motioned to move forward with a second reading and public hearing of the Ordinance on June 17, 2015; Council Member Martin seconded; and the motion carried unanimously.

XI. PUBLIC COMMENT:

5:43:19 PM Rosemary Putnam was in attendance to express concerns she has regarding the proposed roundabouts. Her concern relates to safety with respect to the nearby school crossings. She is also concerned with emergency vehicles. She doesn't feel they are safe for this area.

5:46:40 PM Ronda Lyles Lawhon stated she is very excited about the redevelopment of downtown, but has some concerns relating to the medians and their effect on the 4th of July parades, the Art League shows, and Holiday in the Park with the horse and buggies, etc. She would encourage further discussion to ensure a wonderful downtown.

5:48:54 PM David Gallagher was in attendance to address the recommendations made by the Citizen Water Strategy Task Force (letter in clerk's file). He supports moving forward with recommendations 15 and 19 quickly. Both are very important.

5:51:33 pm Deborah Maclean concurred with comments made by Mr. Gallagher. She suggests that monitoring and modeling be done as soon as possible.

5:52:10 pm Alex Grantt addressed an article that appeared in the New-Press on May 31, 2015 regarding the Fire District. He clarified for the public that the Fire District is not run by City Council, as they are separate and have their own Board, etc.

5:55:44 PM Fred Forbes stated that he agreed that the water monitoring and modeling are the two most important recommendations. He further explained how "modeling" is done and its intent.

5:58:16 PM Roxanne Neuman, a resident of Marabella, was also in attendance to address roads, roundabouts, traffic, and bike lanes. She is also concerned about the 4th of July parade and about response times for emergency vehicles. She also referred to an article in the "Spotlight" regarding the design of the building that is to go on the Bamboo property, which she stated does not fit in with the design of downtown. They moved here for the quaintness of the City.

6:01:27 PM Dennis Gilkey expressed his support the redevelopment project for Old 41, and responded to comments made. He would also support a workshop such as that done for the DRGR, or just with Staff. He feels there is a need to step back before construction starts.

6:03:09 PM Ben Hershenson feels the need for better definitions on "rotaries" and "roundabouts." He also commented on roundabouts. He supports the revitalization plan for downtown, including the roundabouts.

6:05:32 PM Terry Lawhon stated he also supports the business owners on U.S. 41, however, he also is concerned about the roundabouts and medians. He feels there is a need to think about it before there is a final decision.

6:06:19 pm Rex Sims also addressed the downtown redevelopment project. He also supports having one more workshop to make sure it is done right.

6:07:54 pm Kathy McGrath stated she is very much in favor of the redevelopment project. She is, however, also concerned about the medians. She thinks there may be some other way to define downtown and suggested paver blocks. She also feels that medians may be a problem for the parade.

6:09:57 pm James Adams, owner of Unity Salon on Old 41, stated they also are in favor of the redevelopment project but feels more time is needed to address the issues.

6:11:47 pm Anthony Mansalillo, with NAI Realty, stated he was in the process of acquiring land in the City of Bonita Springs and spoke with other business owners who are also against the proposed medians. He doesn't feel the plan is ready, and that more work is needed. He supports a workshop.

[6:16:06 pm](#) Sam Richardson, owner of Fidelity Florida Realty, addressed comments made regarding downtown. He also supports taking another look at the plan.

[6:17:35 pm](#) B.J. Fairkauff stated that she also supports a workshop for the downtown area. She feels it would be beneficial to get their questions answered.

[6:18:23 pm](#) John Paeno, owner of CGT Kayaks, stated he also feels that more time and another workshop is needed.

XII. CITY ATTORNEY'S REPORT.

- A. PERMISSION TO ADVERTISE AN ORDINANCE REVISING THE CITY'S PURCHASING ORDINANCE. THE ORDINANCE WILL BE SCHEDULED FOR A FIRST READING ON JUNE 17, 2015, AND A SECOND READING AND PUBLIC HEARING ON JULY 1, 2015. (GREENSHEET NO. 15-06-0171)

[6:19:54 pm](#) Anne Wight, the City's Finance Director, next furnished a PowerPoint presentation (in Clerk's file) to address revisions to the Ordinance.

[6:24:01 PM](#) Council Member Gibson motioned to move forward with a first reading of the Ordinance on June 17, 2015; Council Member Lonkart seconded; and the motion carried unanimously.

- B. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE SECTIONS 2-190 AND 2-191 RELATED TO THE DEFINITION OF CAPITAL IMPROVEMENT FOR ROAD IMPACT FEES. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED FOR JULY 1, 2015 AND JULY 15, 2015 FOR ITS COUNCIL PUBLIC HEARINGS, WITH THE LOCAL PLANNING AGENCY REVIEW ON JUNE 11, 2015. (GREENSHEET NO. 15-06-0173)

[6:24:41 pm](#) City Attorney Vance read the title block of the Ordinance into the record.

[6:25:55 pm](#) Council Member Gibson motioned to move forward with a first reading of the Ordinance on July 1, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

- C. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE SECTION 4-1380 TO PROHIBIT WELL STIMULATION, AS DEFINED, WITHIN THE CITY OF BONITA SPRINGS JURISDICTION. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON JULY 1, 2015 AND JULY 15, 2015 FOR ITS COUNCIL PUBLIC HEARINGS, WITH LOCAL PLANNING AGENCY REVIEW ON JUNE 11, 2015. (GREENSHEET NO. 15-06-0172)

[06:26:27 pm](#) City Attorney Vance read the title block of the Ordinance into the record. This entails recommendation #4 made by the Water Strategy Task Force.

[6:28:00 pm](#) Council Member Slachta motioned to move forward with a first reading of the Ordinance on July 1, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

City Attorney Vance briefly addressed a minor revision she would be making to the Ordinance, to remove the term "fracking."

ADDITIONAL ITEM:

6:28:53 pm City Attorney Vance addressed the election dates related to Resign to Run requirements. The last day to file would be Christmas Day. The Division of Elections has assured the Supervisor of Elections, and the Department of State has assured the local Supervisor of Elections that the City Clerk will not have to be at City Hall on Christmas Day and that the City does not have to change their dates. Council Member McIntosh also informed Council and the public that he talked with the City Attorney who informed him that people can run even though he has not yet resigned his City Council seat.

XIII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-06-0178)

Informational.

B. APPROVE A RESOLUTION ACCEPTING THE RESIGNATION OF TWO MEMBERS OF THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS & ADJUSTMENTS AND ZONING BOARD OF APPEALS; APPOINTING TWO NEW MEMBERS TO FILL THE UNEXPIRED TERMS. (GREENSHEET NO. 15-06-0176)

6:43:55 PM Council Member Martin motioned to approve the Resolution (appointing James Wurster to fill the unexpired term to December 31, 2018; and Steven Kissinger to fill the remainder of the term expiring December 31, 2016); Council Member McIntosh seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-34**

XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

6:47:32 pm Council Member Gibson addressed the downtown Redevelopment Project, and explained that it appears that the consensus of most of the concerns regard the medians. He feels there is a need to take another look at this, and to look at the individual pieces and their impact. He feels the medians will cause problems. He further explained. He supports a workshop.

6:48:14 pm Council Member Lonkart stated that as a common courtesy to the people, he supports a workshop, and suggested it be held at the Fire District.

6:49:28 pm Mayor Nelson suggested the City Manager provide the list to the Consultant for them to address and return to City Council, and if Council decides that it doesn't answer the questions at all, then hold a workshop. However, if they answer those questions in a manner that makes sense, they may want to carry on.

6:50:10 pm Council Member Martin supports the revitalization project. She stated that some of the concerns listed were concerns of hers also. She also needs the answers to the questions. She wants to ensure due diligence has been accomplished. She wants to get the answers and go from there.

6:51:29 pm Council Member Slachta stated that Staff has met numerous times with the owners in the area. He is not in favor of going backwards. He agrees with the Mayor about having the City Manager give the consultants the information and get back to Council on their responses.

In response to Council Member McIntosh, City Manager Schwing addressed the effect this would have to the bid process, etc. It would delay the development of the guaranteed maximum price. He stated that a lot of the items are relatively minor; however, if they are talking about redesigning the road, removing the medians, etc., that would be a major adjustment that would result in a delay in the guaranteed maximum price and a delay in construction. They could probably go ahead and allow the contractor to start on the bridge improvements while they work out the balance. There will not be a guaranteed maximum price until the contractor understands exactly what the project is going to be. Council Member McIntosh stated that there is a record of who spoke tonight and who had concerns, and he referred to the City Manager and asked that he address those concerns as well in his letter back to City Council, so that City Council will know at their next meeting whether or not they've been able to deal with those, and if they are the kinds of things that they can deal with practically to resolve.

Council Member Gibson clarified that they are not asking for the project to stop. They are just asking to take a step back and look at it, to see what would happen if they were to remove the median, or what can be done instead of a raised median, etc. City Manager Schwing, in response to Council, stated that his hope was to get the information to Council by Tuesday or Wednesday. Council Member Gibson stated that if a motion is made tonight to have a workshop, it gets the ball rolling so that they can have a workshop. If they wait to get the responses back, they would have to wait two weeks to make a motion to have a workshop, which would entail additional time.

6:57:40 pm Council Member Gibson motioned to have another workshop on the downtown project; Council Member Lonkart seconded; and the motion passed 4-2 (Mayor Nelson and Council Member Slachta opposed).

Assistant City Manager John Gucciardo requested a clarification on the motion. He asked Council Member Gibson if it was still open for change pending the response Staff gets back from Wright Construction. Council Member Gibson responded that the overall concern was regarding the medians, and unless Wright comes back and states that the median is not a good idea and drops it, he feels it would be a good idea to have a workshop. City Manager Schwing stated that the list is much more expansive than just the medians, as there are also concerns about left turns, no left turn lanes, the bus stop and where it's located, the narrow lanes, and concerns about the parade. He clarified that there's never been any discussion or concern that the parade would not go forward for years to come. Staff will contact Council on dates for the workshop.

7:00:49 pm Council Member McIntosh thanked Staff for the great Memorial Day Ceremony at Riverside.

Council Member Martin referred to the Errata Sheet and the items to "Appoint Member of Council to the Board of Directors of the Bonita Wonder Gardens (Greensheet No. 15-06-0184)." She explained that she was offered the position from the Board of the Bonita Wonder Gardens to be their Interim Executive Director, which she has accepted, thus, resulting in her vacating her position on the Board. She then motioned the appointment of Council Member Gibson; Council Member McIntosh seconded; and the motion carried unanimously.

Council Member Slachta also thanked City Staff on the great job they did with the Memorial Day Ceremony.

7:02:31 pm Council Member Lonkart also thanked everyone involved with the great Memorial Day Ceremony. It was very touching and all the speakers were wonderful.

7:03:03 pm Mayor Nelson informed everyone that Lee County Commissioner Larry Kiker has been handling the library issue, and that the County has the money to build the library. He informed Commissioner Kiker

that Council's desire was to have the library placed on the property behind the Bamboo property, where the church was located. He will keep everyone informed.

Mayor Nelson next informed everyone that the Lee County Commission voted to institute a new program they first described as a new revenue stream, which he explained actually entailed ad valorem taxes. He provided a brief description of the program, and requested that Staff contact Lee County to have someone come to make a presentation on that policy.

7:08:22 pm Council Member Gibson thanked Mayor Nelson for his work on the Middle School. It looks great!

XV. APPROVAL OF MINUTES: 05/20/15

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

XVI. PUBLIC COMMENT:

7:10:07 pm Rosemary Putnam referred to an article in the Institute of Transportation Engineers manual that addresses roundabouts.

7:13:21 pm Alex Grantt addressed rail service.

7:13:52 pm Kathy McGrath reported that Fred Partin was retiring from Bonita Springs Utilities, and that Mr. John Jenkins would be taking his place. She also addressed the importance of donating blood.

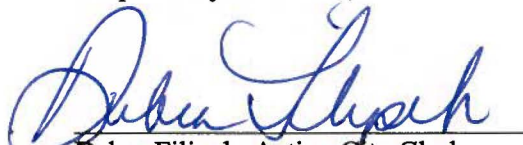
7:15:52 pm Ken Hershenson addressed the process for the workshop.

7:17:56 pm Deborah Maclean also commented on the Old 41 redevelopment project.

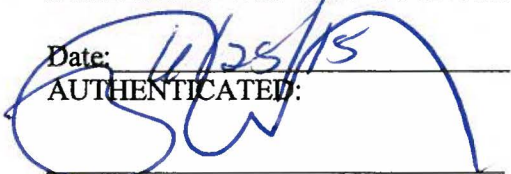
XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 7:20 P.M.

Respectfully submitted,


Debra Filipek, Acting City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 11/25/15
AUTHENTICATED:


Ben L. Nelson, Jr., Mayor