

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JUNE 17, 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:

Council Member Steve McIntosh 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

8:59:55 AM Carolyn Gallagher addressed Agenda Item VII. D., regarding the economic incentive package for a targeted industry. She hopes that Council knows who the company is. She also feels that the residents would like to know what the plans are.

9:01:19 AM Scott Keller, the Applicant for Agenda Item VII. C., was in attendance to address the Family Fun Fit Day Event to be hosted by Tropical Extremes, Inc. The event is for all ages and will include numerous activities, including laser battles, a rock wall, bubble soccer, and much more. He is here to request Council's support.

9:03:00 AM Deborah Maclean comment on City Manager's Report, Agenda Item A., regarding the Resolution regarding water quality and quantity and the initiatives recommended by the Citizens Water Strategy Task Force. She addressed the reports by Barraco Report, Johnson Engineering, and other agencies. She stated that any use of the participants used to gather the data violates the mission of the City, which is to protect, preserve and protect the lifestyle, and preserve the water and quality of life, and economics of the City.

9:04:13 AM Rick Steinmeyer voiced his support for the Fit Fun Challenge.

9:05:43 AM Nicole Johnson with the Conservancy of Southwest Florida, addressed the Citizens Water Strategy Task Force Resolution, which the Conservancy supports. She stressed the importance of a cooperative effort. They feel it's a good time to reach out to the various agencies that the City will need to partner with. They would recommend looking at doing the monitoring now, and budget for the modeling in the upcoming budget session, and approve this Resolution as a message to partnering agencies that the City wants to move forward with their help in getting the water right in the DRGR.

9:09:39 AM Fred Forbes also addressed the Resolution relating to the Citizens Water Strategy Task Force, and stated that he agrees with what Ms. Johnson has stated. He informed City Council that the ABM just unanimously passed a Resolution where they were offered an opportunity to support all the water task force recommendations, but ended up only supporting buying land from willing sellers, and water monitoring and modeling. The City's representative for the ABM was in attendance and abstained from voting because City Council hadn't formed a position on all these things. Also, in the comparison grid chart attached to the Greensheet, water quantity 1 is shown. On April 15 water quantity 1 went down by a vote of 4-3, and so he feels it should be removed from the chart.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF 10 YEARS OF SERVICE AWARD TO CITY EMPLOYEE SHANE HILLIS.

Mayor Nelson next presented City employee Shane Hillis with a 10 Years of Service Award. Mr. Hillis was in attendance to accept his award and to thank Mayor Nelson and City Council Members.

B. PRESENTATION OF 15 YEARS OF SERVICE AWARD TO CITY EMPLOYEE AUDREY VANCE.

Mayor Nelson next presented City employee Audrey Vance with a 15 Years of Service Award. Ms. Vance was in attendance to accept her award and to thank Mayor Nelson and City Council Members.

C. PRESENTATION OF CERTIFICATE OF RECOGNITION TO CITY OF BONITA SPRINGS RESIDENT GARY K. MART ON RECEIVING THE DISTINGUISHED ENTREPRENEUR 2015 AWARD.

Mayor Nelson next presented Mr. Gary K. Mart with a Certificate of Recognition on receiving the Distinguished Entrepreneur 2015 Award. Mr. Mart was in attendance to accept the Certificate and to thank Mayor Nelson and City Council Members. He also furnished a brief overview of his company, which is located within the City of Bonita Springs and employs 60 plus employees.

D. PRESENTATION OF PROCLAMATION TO DAN REGELSKI ON HIS RETIREMENT FROM FLORIDA GULF COAST UNIVERSITY.

Mayor Nelson next presented Dan Regelski with a Proclamation to celebrate his retirement from Florida Gulf Coast University. Mr. Regelski was in attendance to accept the Proclamation and to thank Mayor Nelson and City Council Members.

E. PRESENTATION OF PROCLAMATION TO FRED PARTIN ON HIS RETIREMENT FROM BONITA SPRINGS UTILITIES.

Mayor Nelson next presented Fred Partin with a Proclamation in celebration of his retirement from Bonita Springs Utilities. Mr. Partin was in attendance to thank Mayor Nelson and City Council.

F. PRESENTATION OF THE FLORIDA PLANNING & ZONING ASSOCIATION'S (FPZA) 2015 AWARD TO THE CITY OF BONITA SPRINGS AND WALDROP ENGINEERING (GREENSHEET NO. 15-06-0190)

Mayor Nelson next presented several members of City Staff, including Arleen Hunter and John Dulmer, along with Staff members from Waldrop Engineering, with the Florida Planning & Zoning Association's 2015 award. He thanked them for all they have done for the City.

- G. PRESENTATION REGARDING THE BONITA SPRINGS COMMUNITY POOL RECEIVING THE 2014 PLATINUM INTERNATIONAL AQUATIC SAFETY AWARD. (GREENSHEET NO. 15-06-0194)

9:26:10 am Nicole Perino, Parks and Recreation Director, along with Bill Wood, Pool Supervisor, next provided a brief presentation on the 2014 Platinum International Aquatic Safety Award the City's lifeguard Staff received from Ellis & Associates.

- 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.)

9:31:46 AM Council Member Steve Slachta motioned approval of the Consent Agenda (Items A. through D.); Council Member Janet Martin seconded; and the motion carried unanimously.

- A. APPROVE THE LICENSE AGREEMENT WITH EMBARQ FLORIDA, INC., D/B/A CENTURYLINK FOR THE PLACEMENT OF A MURAL AT 27548 OLD 41 ROAD, BONITA SPRINGS, FLORIDA. (GREENSHEET NO. 15-06-0191)
- B. APPROVE AGREEMENT FOR CITY TO RETAIN ALEJANDRO NUNEZ, WEST COAST ART AND DESIGN, FOR THE PLACEMENT OF A MURAL AT 27548 OLD 41 ROAD, AT EMBARQ FLORIDA, INC., D/B/A/CENTURYLINK. (GREENSHEET 15-06-0192)
- C. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR A FAMILY FUN FIT DAY EVENT AT THE NEW LIFE CHURCH ON SATURDAY, JULY 25, 2015 LOCATED AT 3971 VIA DEL REY, BONITA SPRINGS, FL (GREENSHEET NO. 15-06-0193)
- D. CONCEPTUAL APPROVAL OF A PROPOSED ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR A TARGETED INDUSTRY. (GREENSHEET NO. 15-06-0189)

- VIII. PUBLIC COMMENT:

9:32:30 AM Deborah Maclean addressed water monitoring, which she feels can be funded.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING CHAPTER 36, TAXATION AND FINANCE, ARTICLE II, PURCHASING AND AUTHORITY; AMENDING AUTHORITY, TITLE AND CITATION, DEFINITIONS, ADDING TYPES OF PURCHASING METHODS WITH RESPONSIBILITY FOR PURCHASE PLANNING/E-VERIFY VERIFICATION; PURCHASE TRANSACTIONS; AMENDING SECTIONS INCLUDING PURCHASES AND CONTRACTS EXEMPT FROM COMPETITIVE BIDDING; WAIVER OF COMPETITIVE BIDDING BY CITY COUNCIL; EMERGENCY PURCHASES; ENCUMBRANCE OF FUNDS; INSPECTION OF ALL MATERIALS AND SERVICES PURCHASED; SURPLUS PROPERTY TRANSFER, SALE OR EXCHANGE; COOPERATIVE PURCHASES BY CITY AND OTHER GOVERNMENTAL AGENCIES; LOCAL VENDOR PREFERENCE WITH RECIPROCITY; CREATING SEC. 36-33. - DISPUTE RESOLUTION AND PROTEST PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEAL; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 15-06-0188)

9:33:28 am City Attorney Audrey Vance read the title block of the ordinance into the record.

Council Member McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, July 1, 2015 at 5:30 P.M.

- B. AN ORDINANCE REPEALING AND REPLACING BONITA SPRINGS CODE SECTIONS 24-1 THROUGH 24-8, THE FLOOD ORDINANCE, TO ADOPT A FLOOD HAZARD REDUCTION ORDINANCE; SECTIONS 24-100 THROUGH 24-214; DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDE FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-06-0195)

9:36:22 am City Attorney Vance read the title block of the Ordinance into the record, explaining that the City participates in the National Flood Insurance Program (NFIP) which requires the City to keep their codes for the flood ordinances current. The ordinance coincides with the new building code changes. There is one issue as reflected in the Greensheet relating to the Board of Adjustment and Appeals. Staff is recommending that they take out the requirement for a Board Adjustment and Appeals, and have appeals go to the Florida Building Commission, and have variances handled administratively.

Council Member Gibson addressed comments made by the City Attorney relating to the Board of Adjustment & Appeals, and asked if there was a nearby community the City can contract with for those services. He feels it might be better to have someone more local. City Attorney Vance stated that the City has done that previously, however, that did not work out. She could research other municipalities.

9:40:10 am Council Member McIntosh motioned to move forward with a second reading of the Ordinance on Wednesday, July 1, 2015 at 5:30 P.M.; Council Member Bill Lonkart seconded.

9:40:33 am Council Member Peter Simmons stated he felt it would be a good idea to contact Lee and Collier Counties. Assistant City Manager Gucciardo to contact both Lee and Collier Counties.

9:42:16 AM City Manager Carl Schwing explained that his previous experience with this when he was a Community Development Director, was that a local group is subject to some political influence, which may or may not be good in that particular situation. When you send it to the State you get an authoritative answer from the State as to whether or not the Building Official has ruled appropriately in that particular case, on that particular question.

9:42:39 AM John Dulmer, Community Development, added that the process is used so rarely that it makes more sense to go with the State appeal process.

The motion carried unanimously.

- X. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):

- 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. 15-06-0186)

9:43:24 am City Attorney Vance read the title block of the Ordinance. She has reviewed the Affidavit of Publication and found it to be legally sufficient.

No public comments were made.

[9:44:21 am](#) Council Member McIntosh motioned adoption of the Ordinance; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-12**

- B. 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. 15-06-0187)

[9:45:03 am](#) City Attorney Vance read the title block of the Ordinance into the record, informing Council of a sales transaction that was occurring in the annexation areas, which resulted in the purchaser and seller requesting a two week continuance.

Council Member McIntosh motioned to continue the Ordinance to Wednesday, July 1, 2015; Council Member Gibson seconded; and the motion carried unanimously.

XI. CITY ATTORNEY'S REPORT.

- A. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE, SECTION 3-391 RELATED TO FIRE SAFETY. 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 JULY 9, 2015. (GREENSHEET NO. 15-06-0185)

[9:46:35 AM](#) City Attorney Vance addressed this item, explaining that City Council has allowed zero setback lines for the downtown improvement area, and the Fire Marshall wanted to make sure that regardless of what side of the building, they would be able to fight the fire if an entity decided to go to the zero lot line. This Ordinance is a minor amendment to allow that. This is only for new buildings. She further explained, noting that the only change in this draft is as follows:

After July 1, 2015, any building designed to be constructed with a zero lot line (to the sidewalk) in the Downtown Redevelopment District or Felts Overlay District will be required during the development order process to provide additional fire protection features, consistent with Florida FPC-NFPA-1.§18.2.3.1.4.

Mr. Dulmer responded to concerns expressed by Council Member Gibson regarding the need for these enhanced standards, explaining that there were a number of reasons why one would need to provide them, one of which relates to the 20-foot access. Other reasons include size, the area they have for assembly, etc. This really just puts people on notice that it will need to be done, and so they know that before they start designing the building. Council Member Gibson explained that his main concern is what's being added is "any building in the downtown redevelopment district is required." He stated that the medians are what's causing this to happen for a number of buildings depending on their design criteria. Mayor Nelson stated they were not changing the code, as the City was just including it in their code so that people will see what the Fire Department is going to have them do regardless of what happens with anything that the City does. City Attorney Vance explained that they are changing the timing of when they need to show us if it's necessary.

Council Member Gibson motioned to approve, as revised (to change the word “will” to “may” – “May be required.” Council Member Martin seconded; and the motion carried unanimously.

XII. CITY MANAGER’S REPORT:

- A. ADOPT A RESOLUTION OF THE CITY OF BONITA SPRINGS SUPPORTING VARIOUS PROJECTS AND POLICIES REGARDING WATER QUALITY AND WATER QUANTITY INITIATIVES AS RECOMMENDED BY THE CITIZENS WATER STRATEGY TASK FORCE, AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 15-06-0183)

9:52:38 am Assistant City Manager John Gucciardo furnished an overview, explaining that the Resolution reflects 7 out of the 29 recommendations that went to City Council from the Citizens Water Strategy Task Force. He is requesting approval of the Resolution to allow work to begin with our partners on the various initiatives. Discussion ensued.

Mayor Nelson asked if the list is reflective of the recommendations made by the Committee, to which Mr. Gucciardo responded yes. They were also approved by City Council, and act as a working tool for Staff. Mayor Nelson suggested adding something to the list to indicate “adopted/presented/declined” inclusive of the date on which the action was taken. Mr. Gucciardo suggested adding the dates also so they know that the original is reflected and the updates would be dated. Discussion ensued.

9:59:56 am Council Member Lonkart questioned the amount of funds left in the current budget year relating to water. City Manager Schwing to get back to Council with that answer. Council Member Lonkart feels it’s important to know how much is in the current budget, and maybe they can move forward and do the modeling and the monitoring first.

10:00:54 am Council Member Simmons agreed with Council Member Lonkart, adding that he feels they are voting prematurely. Mr. Gucciardo explained that the Resolution has very little to do with specific projects that the City would be funding independently. The intent was to allow either ongoing conversations or start conversations with the various agencies that are in the same business the City is in terms of trying to get the water right, and to make sure those relationships/partnerships are used to the best extent possible. They aren’t proposing a specific project, however, the one that comes the closest to that is the Pine Lake Preserve that has a grant application to fund that. Overall, they do not want to hold up in doing potentially good things as recognized by the Task Force and the experts. They are all recognized as qualitatively good projects for the City to move forward with, understanding that before they’re designed and before we know exactly what it’s going be, the best information available is going to be used to come up with that product. Before Staff does come back with a request for a specific expenditure, they will make sure that Council knows what the state of the budget is.

10:02:41 am Council Member Martin feels the need to move forward. The Greensheet does address the fact that some of these items are going to be coming before Council during the budget cycle, and so she’s comfortable moving forward. Council Member Martin motioned to approve; Council Member McIntosh seconded.

Council Member Slachta stated he agreed with comments made by Council Member Martin.

10:03:35 am Mayor Nelson addressed the need to better articulate why you are selecting the ones you are, as well as the reason that we don’t jump into modeling and monitoring right now. Mr. Gucciardo stated he would put something together. Mayor Nelson responded to Council Member Gibson, explained that this is not a blanket authorization, but rather to start working on them. It doesn’t allot any monies, any consultants, etc. They are things that we can start doing now.

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

ADDITIONAL ITEMS:

10:10:28 am City Manager Schwing reported that the Downtown Improvement public workshop held June 9th, 2015 was very well attended with lots of questions and answers provided. Plans are at 90%, and the contractor is prepared to bring a guaranteed maximum price to Council on either July 1 or July 15, 2015 unless there is a change in direction from Council. Lastly, he provided a legislative update, informing Council that a budget has been adopted by the State Legislature which includes a total \$500,000 reimbursement for beach renourishment, of which the City will get about \$200,000. The City will also receive an additional \$200,000 for the project on West Terry Street (between Old 41 and the school). There was also funding that the City requested that got shifted away because of Amendment 1.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

10:12:08 am Council Member McIntosh thanked all who worked on the Bonita Blues Festival event, and reported that the Bonita Blues Festival Foundation has granted a total of \$30,000 in checks that were presented to the Golisano Children's hospital, Music for Minors and the Bonita Springs Assistance Office. He also reported that there was a great turnout for John Paeno's river cleanup. People came from all over to participate. He also looks forward to work with the City's sister city, the Village of Estero. He also reported that the Governor signed the annexation Ordinance for those who voluntarily annexed in Pelican Landing into the City. He thanked Representative Ray Rodrigues for making that happen. He concluded by thanking Councilwoman Martin and the Wonder Gardens, and informed everyone that President Bradshaw's staff visited last week and comments were made commending the wonderful transformation, and that there will be a university presence in that facility.

10:15:02 am Council Member Lonkart reported that yesterday he attended Artichokes awards ceremony. It's a great quality restaurant located in the City of Bonita Springs.

10:16:05 am Council Member Martin thanked the City's Bicycle/Pedestrian Safety Committee for voting to ask that Staff place bike stencils on the City's portion of Imperial Parkway to raise awareness. She also thanked public works on the great job with the East Terry landscaping project. She concluded by addressing events scheduled for the City's 4th of July celebration.

10:17:38 am Council Member Gibson addressed the downtown redevelopment project and concerns he still had with the project. He made a motion to ask FDOT Secretary Billy Hattaway to review the Old 41 Redevelopment Plans with the Design Team, if they are available, a representative for the Old 41 Businesses stakeholders, Staff, and either Council as a whole or himself in attendance, preferably to be held on Tuesday, June 30, 2015 when Mr. Hattaway is available; Council Member Lonkart seconded.

Council Member McIntosh stated that his recollection is that Secretary Hattaway had looked at the plans through the MPO. City Manager Schwing stated that there is also an Email from Secretary Hattaway indicating that he had reviewed the plans, and that he feels they are fine for what the City is trying to accomplish downtown.

Council Member Gibson stated that he wanted to bring up some of the concerns the businesses are having to see if it's the best thing that can be done for the bicyclists as it relates to the roundabouts, the bus pull outs and emergency vehicles. Mayor Nelson stated that there were several workshops, and Staff and the consultants have worked hard to address every item of concern. He feels it's time to move on, and that the businesses need to get active and involved with the construction sequence and in working with the consultants. Council Member McIntosh addressed work with bicyclists and pedestrians, Bikewalk Lee, the MPO on the design, all of whom agree that this is a safer way to get a walkable and bike friendly downtown ready. Discussion followed.

10:22:10 am Council Member Simmons stated that he was contacted by the Naples Daily News to comment, and he stated that he was in full support of this project as long as all the safety concerns have been met, which he

feels they have. However, he would agree to this one last safety check in the form of a formal Email or presentation, or a document in writing from FDOT.

Council Member Gibson reiterated his motion, which is for a meeting with Secretary Hattaway to review the plans, with a representative of the shareholders, Dennis Gilkey and himself in attendance.

The motion failed 4-3 (Mayor Nelson and Council Members Martin, Slachta, McIntosh)

10:24:36 am Council Member Slachta thanked the Fire District for supporting Flag Day. He also thanked City Staff and Council Member McIntosh for attending as well.

10:24:50 am Council Member Simmons congratulated all the 8th graders of Bonita Springs, including Elizabeth Simmons, who will be attending Bishop Verot High School in the fall. He also thanked Staff, the consultants, and everyone who attended the downtown workshop.

10:26:44 am Mayor Nelson thanked Matt Feeney, Carl Schwing and the consultant for all their hard work on the downtown redevelopment project.

XIV. APPROVAL OF MINUTES: 06/03/15

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

XV. PUBLIC COMMENT:

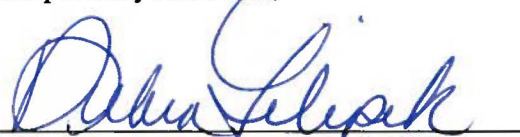
10:28:10 am Deborah Maclean expressed her excitement regarding the Village of Estero.

10:28:58 am Fred Forbes addressed water monitoring and modeling and stated that if it goes forward, that City Council needs to be involved in the selection process.

XVI. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 10:30 A.M.

Respectfully submitted,



Debra Filipek, Acting City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 7/7/15

AUTHENTICATED:



Ben L. Nelson, Jr., Mayor