

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JULY 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 Fred Walters, with New Life 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 Janet Martin, with an excused absence.

V. PUBLIC COMMENT ON AGENDA ITEMS:

5:29:47 PM Jessie Purdon addressed on Agenda Item XV B., regarding the buffer wall on E. Terry Street. He supports natural buffers as opposed to physical walls.

5:32:17 PM Rick Steinmeyer addressed Agenda Item VII. C., and expressed his support for approval of the reorganization. He also commented on the purchasing Ordinance and the Ordinance relating to well stimulation.

5:34:15 PM Ron Weaver from Tampa Florida, was in attendance to address Agenda Item VIII. C., relating to the well stimulation Ordinance. He represents Collier Resource Company who owns thousands of acres. They are opposed to the adoption of this Ordinance.

5:37:41 PM Ralf Brooks, representing the Conservancy of Southwest Florida, also addressed the well stimulation ordinance. This ordinance does not prohibit conventional oil drilling; it does stop extreme drilling.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION ON 2015 LEGISLATION BY CAROLE GREEN AND ASHLEY STACELL, CAPITOL STRATEGIES, INC.

5:40:17 PM Carole Green and Ashley Stacell were in attendance to furnish an overview of legislation. Ms. Stacell reported that only 1,700 bills were filed this year, out of which 231 passed. Bills that passed relate to legislation relating to Pelican Landing lots, local preference, Growth Management, skateboarding, the tax cut bill, administrative fee for gun clubs, etc.

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.)

5:58:25 pm Council Member Steve McIntosh requested Item C. be pulled. Council Member Steve Slachta motioned approval of Consent Agenda items A, B., D., and E.; Council Member Peter Simmons seconded; and the motion carried unanimously.

- A. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR SOUTHWEST FLORIDA BIG BAND AND BONITA SPRINGS LIONS CHARITIES, INC., FOR A 2016 CONCERT SERIES. (GREENSHEET NO. 15-07-0207)
- B. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE CREW LAND & WATER TRUST TO HOLD THE 9TH ANNUAL BENEFIT CONCERT AT RIVERSIDE PARK ON SATURDAY, FEBRUARY 13, 2016 FROM 6:00 P.M. TO 9:00 P.M. (GREENSHEET NO. 15-07-0206)
- C. APPROVE REORGANIZATION PROPOSAL AS PRESENTED. (GREENSHEET 15-07-0205)

Council Member Steve McIntosh requested this item be pulled to thank City Manager Carl Schwing for the great job he's done in providing internal development. He also thanked Meg Weiss in creating a salary structure that fits the approach. Council Member Slachta also commended Staff, noting that the proposal also saves the City money.

Council Member McIntosh motioned approval of item C.; Council Member Bill Lonkart seconded; and the motion carried unanimously.

- D. APPROVE THE RECOMMENDATION FOR A TOWN CLOCK BY THE ART IN PUBLIC PLACES ADVISORY BOARD (APPB) AND A FUNDING PARTNERSHIP WITH THE TWO BONITA SPRINGS ROTARY CLUBS. (GREENSHEET NO. 15-07-0209)
- E. UPDATE TO COUNCIL ON THE RESIDUAL DISTRIBUTION IN THE AMOUNT OF \$7,508.24 FROM THE LOCAL GOVERNMENT SURPLUS FUNDS TRUST FUND, FOR WHICH A CERTIFICATION FORM WAS DUE TO THE STATE BOARD OF ADMINISTRATION ON JUNE 15, 2015. (GREENSHEET NO. 15-07-0201)

VIII. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):

- A. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISION 2, AMENDING 2-190 AND 2-191 RELATING TO ROAD IMPACT FEES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-07-0198)

6:01:02 PM City Attorney Vance read the title block of the Ordinance into the record, addressing revisions made. If approved a second reading will be scheduled for July 15, 2015.

No public comments were made.

Council Member Steve Slachta motioned to move forward with a second reading and public hearing on July 15, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

- B. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 3, AMENDING 3-391 RELATED TO FIRE SAFETY; TO REQUIRE ADDITIONAL FIRE PROTECTION FEATURES FOR ZERO LOT LINE CONSTRUCTION; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-07-0199)

6:02:55 PM City Attorney Vance read the title block of the Ordinance into the record, stating that she has reviewed the Affidavit of Publication, which she found to be legally sufficient. A brief discussion followed. Per the request of Council Member Steve McIntosh, Fire Marshall Tim Fernandez concurred that existing buildings would not have to make any changes.

No public comments were made.

6:09:28 PM Council Member McIntosh motioned to move forward with a second reading and public hearing on July 15, 2015; Council Member Bill Lonkart seconded; and the motion carried unanimously.

- C. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4, AMENDING 4-1380 RELATING TO REQUIRED APPROVALS FOR EXCAVATION ACTIVITIES TO PROHIBIT WELL STIMULATION; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-07-0200)

6:10:10 PM City Attorney Vance read the title block of the Ordinance into the record. If approved, a second reading will be scheduled for Wednesday, July 15, 2015.

PUBLIC COMMENTS:

6:15:03 PM Jennifer Hecker, with the Conservancy of Southwest Florida, asked that this be passed to a second reading to give them time to reach out to additional stakeholders.

6:19:16 pm Ralf Brookes, representing the Conservancy, addressed case law. He concurs to prohibiting and banning this process. He would request moving forward and allow them to work with the City Attorney on creating a stricter Ordinance. They support adoption of the Ordinance.

6:23:41 pm Ron Weaver, representing Collier Resources, addressed his letter (in Clerk's file). They are willing to meet, listen and discuss the issues in a workshop. They also do not believe that the legislature would ignore the key issues, as they meet again in September.

6:29:49 pm Council Member McIntosh motioned to move forward with a second reading of the Ordinance on Wednesday, July 15, 2015; Mayor Nelson seconded; and the motion carried unanimously.

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

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO AMEND A PORTION OF THE BURKHARDT COMMERCIAL PLANNED DEVELOPMENT (CPD) AS ESTABLISHED IN LEE COUNTY ZONING RESOLUTION NO. 96-042; AMENDING PARCELS E AND F TO ALLOW A SENIOR HOUSING FACILITY; ON LAND LOCATED AT 24080 S. TAMiami TRAIL AND 3440 & 3333 RENAISSANCE BLVD, BONITA SPRINGS, FL 34134; ON 17.41 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

[6:32:13 pm](#) City Attorney Vance read the title block of the Zoning Ordinance into the record. If approved, a second reading would be held on Wednesday, July 15, 2015.

Council Member McIntosh motioned to move forward with a second reading on Wednesday, July 15, 2015; Council Member Slachta seconded; and the motion carried unanimously.

X. CONTINUATION OF THE JUNE 15, 2015 PUBLIC HEARING TO CONSIDER ADOPTION OF THE FOLLOWING ZONING ORDINANCE (COMMENTS BY PARTICIPANTS ONLY):

- A. 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. (GREENSHEET NO. 15-07-0203)

[6:33:25 pm](#) City Attorney Vance read the title block of the Zoning Ordinance into the record. Attorney Neale Montgomery furnished an introduction and overview. Representatives of the Applicant were in attendance to address noise, drainage, water quality, permitting, etc.

[6:48:36 PM](#) Jackie Genson, Community Development Code, furnished rebuttal and Staff's recommendations. It's a policy recommendation that Staff is looking for guidance on.

PUBLIC COMMENTS:

[7:13:08 pm](#) Wayne Arnold stated he represents John German, the property owner that shares the access with the subject property. He worked with the Applicant for several months and negotiated the access point, which does not achieve the 100 feet that Staff is recommending, however, FDOT supports it. He also believes that it functions for both sites. They feels that, as proposed, it functions safely.

[7:15:57 pm](#) Mayor Nelson stated that if Council and Staff feels strongly that a particular use shouldn't be allowed in a corridor or a particular area, that there should be a threshold that makes it either impossible, or discourages anyone from even considering it.

Mayor Nelson next entered a motion to approve the request with the cross access that the Applicant proposed; Council Member McIntosh seconded; and the motion failed 2-4 (Council Members Slachta, Peter Simmons, Mike Gibson, and Lonkart opposed)

Council Member Slachta motioned to uphold Staff's recommendation of denial; Council Member Lonkart seconded; and the motion passed 4-2 (Mayor Nelson and Council Member McIntosh opposed) **ADOPTED ZONING RESOLUTION NO. 15-01**

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

- A. CONTINUATION OF THE JUNE 17, 2015 SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE: 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. 15-07-0204)

7:20:22 pm City Attorney Vance read the title block, explaining that this Ordinance, which has been continued from the Jun 17, 2015 City Council public hearing, at which time it was a second reading. She has received the deeds of the closed parcels, and Council can now go forward.

No public comments were made.

Council Member McIntosh motioned adoption of the Ordinance; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-13**

- B. 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. 15-07-0197)

7:21:28 PM City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

Council Member McIntosh motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-14**

- C. 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. 15-07-0196)

7:22:58 PM City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

Council Member McIntosh motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-15**

XII. PUBLIC HEARING:

A. HOLD THE FIRST OF TWO PUBLIC HEARINGS TO DISCUSS THE CITY OF BONITA SPRINGS COMMUNITY DEVELOPMENT BLOCK GRANT FY 2015-2016 PROGRAM AND THE 2015 ANNUAL ACTION PLAN. (GREENSHEET NO. 15-07-0202)

7:23:58 pm Assistant City Manager John Gucciardo provided an overview of this Agenda Item, as set out in the Greensheet. He also addressed a request from Pueblo Bonita who has asked that the City help them on a project they are working on to expand their facility.

PUBLIC COMMENTS:

7:26:24 pm Dave Hanson, with Partnership in Housing, informed Council that they haven't done very much in Pueblo Bonita since 2009 and would like to expand the existing community building. They have a boys and girls club that serves 80 to 90 children a day; however, their occupancy is about 65. The plan is for a facility to serve 135 children, which they anticipate will cost about \$125,000, plus construction costs. They are requesting a CDBG grant of \$125,000.

7:28:24 pm Council Member McIntosh suggested Council Members stop by their facility to see what they do. He does not feel that their facility is adequate for all they do in teaching children skills and valuable lessons.

7:29:32 pm Council Member McIntosh motioned to move forward with a second public hearing on Wednesday, July 15, 2015; Council Member Lonkart seconded; and the motion carried unanimously.

XIII. PUBLIC COMMENT:

7:30:39 pm Kathy McGrath reminded everyone of the events scheduled for the 4th of July. She also reported that the film festival will be coming up soon.

7:33:00 pm Cheryl Janes, a resident of Bonita Bay, thanked Council for their vote on the car wash.

7:33:47 pm Ben Hershenson commented on the proposed car wash zoning request heard earlier.

XIV. CITY ATTORNEY'S REPORT.

XV. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-07-0211)

Informational.

B. PROCEED WITH INSTALLATION OF BUFFER WALL ON E. TERRY STREET IN ARROYAL PINES SUBDIVISION. (GREENSHEET 15-07-0208)

7:35:33 pm Assistant City Manager Gucciardo addressed this Agenda Item, informing Council of a petition received from residents in the area, and protocol for the placement of buffer or vegetative walls along roadways. He addressed the process and criteria, of which it was determined that the request did meet the minimum threshold. The request tonight is for Council to ratify that they did meet the threshold, and for Staff to move forward. He next addressed the question raised regarding whether a vegetative wall rather than a buffer wall would be appropriate there, however, that was not what was requested from the residents. If that is something that Council wants to pursue, Staff would go back to the residents to see if that would be acceptable to them.

Council Member Slachta asked if the residents were asked about a vegetative wall, to which Mr. Gucciardo explained that per the protocol, it's something they could have requested as oppose to a wall. He hasn't talked to the residents about a vegetative wall, so he does not know if that would be acceptable to them. The area is east of

Imperial on the 2 lane unimproved section of East Terry Street. Mr. Gucciardo suggested that, if acceptable to Council, he will meet with the City's Public Works Director, to see if a vegetative option as opposed to a wall would even fit in that location, and if it could, he can get back to the residents to see if that would be acceptable to them. If it is found that it will not fit or if it is not acceptable, Staff will proceed with the normal process for a wall. Mayor Nelson requested an aerial showing the property line and where the easement is located for future reference. Council consensus for Staff to proceed as indicated by the Assistant City Manager.

ADDITIONAL ITEM:

[7:46:21 pm](#) Assistant City Manager Gucciardo informed Council that Staff has started the paperwork to get reimbursed for the beach renourishment project. \$500,000 will be split between the City and Lee County.

[7:47:54 pm](#) City Manager Schwing commended the City's Public Works Director Matt Feeney for getting the Oak Creek dredging project completed. He also thanked one of the adjacent property owners to Oak Creek, Jim Halvorson, who allowed storage on his property as part of the project. He also commended the City's Parks and Recreation Director, Nicole Perino, for beautifying the artists' cottages at Riverside Park. He has received a lot of positive comments on the project.

XVI. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

- A. A RESOLUTION OF THE CITY OF BONITA SPRINGS APPOINTING A MEMBER TO THE CITY OF BONITA SPRINGS VETERANS ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. (SLACHTA; GREENSHEET NO. 15-07-0210)

[7:49:12 pm](#) Council Member Slachta motioned adoption of the Resolution; Mayor Nelson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-37**

[7:50:00 pm](#) Council Member Lonkart requested to be allowed to be part of the team working on the library negotiations. A brief discussion followed. Council Member Lonkart motioned to appoint himself as liaison; Council Member Gibson seconded; and the motion failed 3-3 (Council Members McIntosh, Slachta and Mayor Nelson opposed)

[8:07:46 pm](#) Council Member McIntosh thanked the Rotary Club for the time they spent raking up leaves at the Wonder Gardens. He next reported that Florida Gulf Coast University did get their south entrance through legislation and into the budget, which will result in a much safer way for one to get into FGCU. Lastly he reported that there are 3 new Habitat for Humanity Homes on Red Hibiscus, all of which do have mortgages.

[8:09:13 pm](#) Mayor Nelson addressed the need to make the process relating to the Zoning case heard earlier, a little more clear.

XVII. APPROVAL OF MINUTES: 06/09/15 AND 06/17/15

Council Member Slachta motioned approval of both sets of Minutes; Council Member Simmons seconded and the motion carried unanimously.

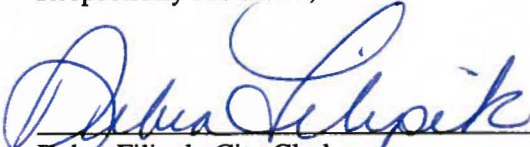
XVIII. PUBLIC COMMENT:

No public comments were made.

XIX. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 8:12 P.M.

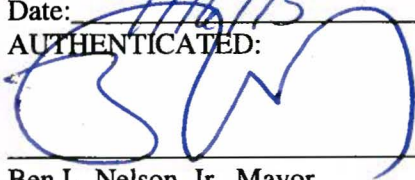
Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 7/16/15
AUTHENTICATED: _____



Ben L. Nelson, Jr., Mayor