

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, AUGUST 5, 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 Steve Gill, with Turing Point 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

5:30:23 PM Rick Steinmeyer requested the presentation on solid waste include information for the public on pick up days, location for receptacles, etc.

5:31:48 PM Kathy McGrath addressed item H. of the Consent Agenda and reminded everyone of the Bonita Springs Film Festival.

5:32:30 PM Fred Forbes commented on the Audit Selection firms and suggested Council select one that received high ratings from their peer groups.

5:33:27 PM Cheryl Johns, a resident of Bonita Bay, thanked City Council on the last time they voted against the car wash. She is here to ask that they deny the request to rehear the case.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION BY LEE COUNTY COMMISSIONER LARRY KIKER ON GROWTH INCREMENT FUNDING.

5:34:23 PM Lee County Commissioner Larry Kiker and County Manager Roger Desjarlais were in attendance to address this item. Commissioner Kiker began by furnishing a brief update on the library. It's already been prioritized and funding is in place. They are now working with the City on a location. He also furnished an overview of the County's budget process for the upcoming fiscal year.

5:44:19 PM Lee County Manager Desjarlais next addressed the Growth Increment Funding program, its intent, and proposed use of funds. Basically it entails the same amount of taxes they would collect without the

program, but placement of funds would be put in a dedicated, different fund that would be used for infrastructure projects. He further explained.

B. PRESENTATION BY LINDSEY SAMPSON, DIRECTOR OF THE LEE COUNTY DIVISION OF SOLID WASTE.

Rescheduled to Wednesday, August 19, 2015.

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.)

6:06:37 pm Council Member Mike Gibson requested Item F. be pulled to have Staff furnish a brief overview of the selection process.

Council Member Janet Martin motioned approval of the remainder of the Consent Agenda (Items A., B., C., D., E., G., H., I., and J.); Council Member Peter Simmons seconded; and the motion carried unanimously.

6:10:26 pm Council Member Steve McIntosh motioned approval of Item F.; Council Member Slachta seconded; and the motion carried unanimously.

- A. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR A PATRIOT DAY CEREMONY AT THE LILES HOTEL PLAZA ON FRIDAY, SEPTEMBER 11, 2015. (GREENSHEET NO. 15-08-0229)
- B. APPROVE BY RESOLUTION RANKINGS OF PRESENTATIONS MADE TO CITY COUNCIL ON JULY 14, 2015 FOR BONITA BEACH ROAD VISIONING STUDY, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM, TOOLE DESIGN GROUP, INC. (GREENSHEET NO. 15-08-0226) **ADOPTED RESOLUTION NO. 15-38**
- C. APPROVE A RESOLUTION DETERMINING THAT THE FOLLOWING PROPERTY IS SURPLUS AND SHOULD BE REMOVED FROM THE CITY'S INVENTORY, AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF THE SURPLUS PROPERTY BY DONATING SAME TO THE LORENZO WALKER INSTITUTE OF TECHNOLOGY, A NON-PROFIT TECHNICAL COLLEGE LOCATED IN NAPLES, FLORIDA. (GREENSHEET NO. 15-08-0239) **ADOPTED RESOLUTION NO. 15-39**
- D. APPROVE THE INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS REGARDING SERVICES PROVIDED BY LEE COUNTY DIVISION OF NATURAL RESOURCES UNDER THE WELL CODE ORDINANCE. (GREENSHEET NO. 15-08-0232)
- E. ACCEPT THE LETTER FROM LEE COUNTY GOVERNMENT TO CONTINUE THE LEASE FOR 10520 REYNOLDS STREET FOR THE LEE COUNTY SHERIFF'S OFFICE SUBSTATION. (GREENSHEET NO. 15-08-0237)
- F. AUTHORIZE MAYOR TO SIGN THE RESOLUTION TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION OF SPORTS CLUB, INC., FOR THE BONITA SPRINGS RECREATION CENTER AFTERSCHOOL AND SUMMER CAMP PROGRAMS RFP #15-008 (GREENSHEET NO. 15-08-0238) **ADOPTED RESOLUTION NO. 15-40**

- G. APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BONITA SPRINGS AND LENNAR HOMES REGARDING BONITA BEACH ROAD MAINTENANCE OF THE EXTENSION AREA AND THE VOLUNTARY IMPACT FEES. (GREENSHEET NO. 15-08-0230)
- H. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR THE CITY TO CO-SPONSOR THE BONITA SPRINGS FILM FESTIVAL GALA TO BE HELD AT THE PRADO STADIUM 12 THEATER, 25241 CHAMBER OF COMMERCE DRIVE, BONITA SPRINGS, FLORIDA, ON SATURDAY, NOVEMBER 5, 2015. (GREENSHEET NO. 15-08-0228)
- I. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR A BACK TO SCHOOL BLOCK PARTY AND SAFETY FAIR EVENT AT 26724 NOMAD DRIVE, IN LEITNER CREEK PARK ON SATURDAY, AUGUST 15, 2015. (GREENSHEET NO. 15-08-0241)
- J. APPROVAL OF SPECIAL EVENT PERMIT AND CITY CO-SPONSORSHIP OF COASTAL CLEAN-UP SCHEDULED FOR SATURDAY, SEPTEMBER 19, 2015. (GREENSHEET NO. 15-08-0236)

VIII. PUBLIC COMMENT:

6:11:16 PM Kathy McGrath expressed her support for a playground at the dog park. A lot of people would like to have a playground there.

6:12:58 PM James Wurster addressed the Council's July 23, 2015 budget hearing relating to the traffic light at Riverview, to which he informed Council he was involved with. He stated that he has received confirmation that the cost of design and construction would not be FDOT's responsibility, but rather the property owners on both sides of the road – over \$400,000.

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

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY HYATT EQUITIES LLC TO AMEND THE PELICAN LANDING DEVELOPMENT OF REGIONAL IMPACT (DRI) TO INCORPORATE THE FOLLOWING CHANGES: (1) TO REZONE FROM AGRICULTURE (AG-2) TO CPD AND ADD TO THE PELICAN LANDING DRI LAND DEVELOPMENT AREA B / HOTEL; (2) TO CONSIDER DEVIATIONS IN THE LAND DEVELOPMENT AREA B / HOTEL ON LAND LOCATED AT 5274, 5272 AND 5260 COCONUT ROAD, BONITA SPRINGS, FL 34134, ON 1.1 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

6:16:48 PM City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record.

6:18:28 PM Council Member McIntosh motioned to move forward with a second reading of the Zoning Ordinance on Monday, August 17, 2015; Council Member Martin seconded; and the motion carried unanimously.

X. CITY ATTORNEY'S REPORT.

- A. PERMISSION TO PREPARE AND ADVERTISE ORDINANCES TO INCREASE THE LEVEL OBTAINED BY THE CITY OF BONITA SPRINGS PARTICIPATION IN THE FLORIDA GREEN BUILDING COALITION'S "GREEN LOCAL GOVERNMENT STANDARDS" PROGRAM. THE ORDINANCES WILL BE INDIVIDUALLY SCHEDULED, BUT MUST BE

ADOPTED NO LATER THAN THE END OF NOVEMBER 2015. (GREENSHEET NO. 15-08-0222)

6:19:06 pm Assistant City Attorney Alex Boswell-Ebersole addressed this item and furnished a brief overview of the intent, which is for authorization for Staff to work on the Ordinances.

6:20:49 pm Jennifer Hagan, City's Planner, furnished the background, explaining that in 2014 City Council directed staff to prepare an application for the City's participation in the Florida Green Building Coalition's "Green Local Government Standards" program. Staff has been able to document many of the program requirements without the need for additional direction from Council through internal changes in city operations. Through this audit process, several green initiatives that staff has already been practicing were identified but are not necessarily documented by ordinance. In order to maximize the total credits achievable to meet the standards outlined in the program, staff is asking for authorization to prepare certain ordinances which need to be in place by the end of this year to qualify for the program.

6:21:53 pm Council Member McIntosh motioned approval, authorizing Staff to begin work on Ordinances to bring back for public hearings once prepared; Council Member Martin seconded; and the motion carried unanimously.

- B. CONSIDER A REQUEST BY ATTORNEY NEALE MONTGOMERY TO EXTEND THE BONITA BAY DRI DEVELOPMENT ORDER FROM APRIL 15, 2019 TO APRIL 13, 2024, CONSISTENT WITH LDC 4-131 AND FLORIDA STATUTES §380.19(E)(2). (GREENSHEET NO. 15-08-0223)

6:24:49 PM City Attorney Vance introduced this agenda item, and furnished a brief overview.

Council Member Peter Simmons motioned approval; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-41**

- C. CONSIDER A REQUEST BY NEALE MONTGOMERY, ESQUIRE, PAVESE LAW FIRM, ON BEHALF OF CARDOME, LLC, TO RECONSIDER THE JULY 1, 2015 DECISION OF CITY COUNCIL DENYING THE BONITA SPRINGS CAR WASH CPD REQUEST. (GREENSHEET NO. 15-08-0225)

6:25:46 PM City Attorney Vance read the request into the record, explaining that the request is for Council to reconsider their decision of July 1, 2015 to deny the request. She also addressed the process.

6:30:48 PM Council Member Slachta motioned to deny the request to rehear the cases; Council Member McIntosh seconded; and the motion carried 6-1 (Mayor Nelson dissenting).

XI. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-08-0235)

Informational.

- B. APPROVE APPOINTMENT OF AUDIT COMMITTEE. (GREENSHEET NO. 15-08-0233)

6:34:06 PM Anne Wright furnished an overview.

Council Member Gibson motioned the appointment of Council Member McIntosh, Simmons and Lonkart; Mayor Nelson seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-42**

C. DISCUSS SELECTION OF LOBBYING SERVICES FIRM, AND DEPENDING ON COUNCIL DIRECTION, ANY ADDITIONAL ACTION. (GREENSHEET NO. 15-08-0234)

6:38:39 PM Finance Director Wright addressed this item and the various processes for selection of a firm via a one step process.

6:41:20 pm Ballots were furnished to Council Members who ranked the firms.

6:43:30 pm Council Member Martin motioned the top ranked firm of Capitol Strategies Consulting, Inc.; Council Member Slachta seconded; and the motion carried unanimously.

D. REVIEW OF LEGISLATIVE PRIORITIES. (GREENSHEET NO. 15-08-0240)

6:44:32 pm City Manager Carl Schwing addressed this item, noting that the issues reflected within the Greensheet will come up in this upcoming session. He requested that Council Member provide him with their priorities to schedule for a vote on August 19, 2015.

6:45:06 pm Assistant City Manager John Gucciardo next furnished Council with an update on the unpaved roads project. Staff does have full participation from the residents in terms of the license agreements and funding. A Notice to Proceed has also be furnished to one of the low bidders for one of the streets. The process and budgeting has been approved by City Council. Staff will be going forward with a second contractor who is a low bidder for a different street. Staff will be bringing back the contract to City Council for ratification since it's over \$50,000.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

A. AUTHORIZE MAYOR BEN NELSON TO SEND A LETTER TO THE FISH AND WILDLIFE COMMISSION TO PETITION THEM TO FURTHER REGULATE CHUMMING BECAUSE IT CREATES A NUISANCE ON LITTLE HICKORY ISLAND WHERE THERE IS PREDOMINANTLY HUMAN ACTIVITY. (GREENSHEET NO. 15-08-0224)

6:46:20 pm Mayor Nelson addressed this item, explaining that this is about the shark fishing that occurs, and work on trying to find out something the City could legally do to provide some relief to people and bring some fairness to the situation also.

Council Member Slachta motioned to authorize the Mayor to send the letter to the Fish and Wildlife Commission; Council Member Lonkart seconded. Discussion followed.

6:50:58 pm Carole Green, with Capitol Strategies, stated there is a legislative affairs director that they can contact at the Florida Fish and Wildlife Commission. Mayor Nelson stated he would like to hear how they would deal with this, or if they have a different way they can deal with this. He asked Ms. Green to let Staff know what they hear about this from the Florida Fish and Wildlife Commission. City Attorney Vance to work with Mayor Nelson on modifying the letter as discussed.

The motion carried unanimously.

6:54:55 pm Council Member McIntosh congratulated the new Board Members for the Speakers Assembly of Southwest Florida.

6:55:32 pm Council Member Gibson informed Council of comments he received from people that the flagpoles in front of the Bandshell are very close to the palm trees, and concerns that the flags will get torn up. Mayor Nelson suggested planting shorter trees in that area.

6:56:35 pm Council Member Simmons addressed the City tree planting project, informing Council that he has requested that the contractors come to City Council and make a presentation. Assistant City Manager Gucciardo stated that Staff was checking the availability of the landscape designer, Chris Busk, to schedule for Council's August 19, 2015 meeting. Council Member Simmons explained that the questions relate to trees being planted too close to other trees and the delay with the medians. Discussion followed. Council Member Simmons also addressed the need for more activities for children. City Manager Schwing addressed plans to address options for use of the skate park space. Council has already approved and Staff is moving forward with plans for a children's aquatic center to be located next to the pool. He invited Council to provide him with any ideas they may have to address at the September 10, 2015 budget hearing. Council Member Simmons questioned the possibility of utilizing the library facility space once the library moves. City Manager Schwing responded that he didn't know if that would remain a County facility.

XIII. APPROVAL OF MINUTES: 07/14/15 & 07/15/2015

7:03:33 PM Council Member Slachta motioned approval of both sets of minutes; Council Member McIntosh seconded; and the motion carried unanimously.

XIV. PUBLIC COMMENT:

7:04:29 pm Carole Green thanked City Council for choosing Capitol Strategies.

7:04:56 pm Alex Grantt addressed passenger rail service.

7:08:36 pm Melvia McCann and Constance George, both residents of Bonita Beach, stated they were in attendance to address chumming. They are concerned because they see the families and the children swimming. It doesn't have to do with the fishing, but rather with the safety of the people who are swimming in the water.

7:12:11 pm Kathy McGrath commented on the beautiful fireworks the City of Bonita Springs has every year.

XV. ADJOURNMENT.

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

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 
AUTHENTICATED:

Ben L. Nelson, Jr., Mayor