

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, SEPTEMBER 16, 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 Jeff Chitwood, with Anchor Christian 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 Mike Gibson.

V. PUBLIC COMMENT ON AGENDA ITEMS:

9:02:09 am Rick Steinmeyer addressed Agenda Item VII. H., regarding the Stardust Memories Big Band concert, and expressed a concern in that Tuesday nights are school nights.

9:02:33 am Lex Tsaggaris addressed their requested Special Event Permit for the Stardust Memories Big Band concert series and thanked City Council for their consideration.

9:03:00 am Rod Rodriguez was in attendance to ask Council for approval of their requested Special Event Permit for the "Blessing of the Bikes" event scheduled for Sunday, January 24, 2016.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF 10 YEARS OF SERVICE AWARD TO CITY EMPLOYEE ARLEEN HUNTER.

9:03:59 AM Mayor Nelson next presented City employee Arleen Hunter with a 10 Years of Service Award. Ms. Hunter was in attendance to accept here award and to thank Mayor Nelson and City Council.

B. PRESENTATION BY CAPTAIN KEITH DAY WITH THE LEE COUNTY SHERIFF'S OFFICE ON THE CITY OF BONITA SPRINGS CITY POLICING UNIT. (GREENSHEET NO. 15-09-0283)

9:05:55 AM Captain Keith Day next introduced to City Council and the public, members of the City of Bonita Springs City Policing Unit.

C. PRESENTATION BY BOB HILLIARD REGARDING THE BONITA SPRINGS LIONS' CLUB EYE CLINIC.

9:14:07 am Bob Hilliard, with the Bonita Springs Lion's Club, introduced their Executive Director, Char Lupke, who furnished a PowerPoint presentation (copy in Clerk's file) on the Lion's Club Eye Clinic program and services offered.

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.)

Council Member Steve McIntosh motioned approval of the Consent Agenda; Council Member Bill Lonkart seconded; and the motion carried unanimously.

- A. APPROVE THE SIXTH ADDENDUM TO THE SECOND AGREEMENT TO THE INTERLOCAL AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR ENHANCED LAW ENFORCEMENT SERVICES. (GREENSHEET NO. 15-09-0270)
- B. APPROVAL OF THE 2015-2016 INTERLOCAL AGREEMENT FOR STRAY ANIMAL CONTROL SERVICES BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT. (GREENSHEET NO. 15-09-0284)
- C. APPROVE RESOLUTION AWARDING THE STREET LIGHT MAINTENANCE PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PROFESSIONAL HIGHWAY MAINTENANCE, INCORPORATED, IN THE TOTAL BID AMOUNT OF \$93,480.00, AND AUTHORIZING MAYOR TO SIGN AGREEMENT, UPON APPROVAL OF CONTRACT DOCUMENTS AND INSURANCE BY THE CITY ATTORNEY. (GREENSHEET NO. 15-09-0267) **ADOPTED RESOLUTION NO. 15-52**
- D. APPROVAL OF SPECIAL EVENT PERMIT FOR THE LA MESA RV CENTERS SALES SHOW ON OCTOBER 8, 2015 THROUGH OCTOBER 11 2015 FROM 9:00AM TO DUSK AT THE NAPLES-FORT MYERS GREYHOUND TRACK, 10601 BONITA BEACH ROAD. (GREENSHEET NO. 15-09-0276)
- E. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE AMERICAN LEGION POST 303 "BLESSING OF THE BIKES" ON SUNDAY, JANUARY 24, 2016 FROM 1:00PM TO 4:00PM AT IMPERIAL SHORES BLVD, BONITA SPRINGS. (GREENSHEET NO. 15-09-0282)
- F. APPROVE AN AGREEMENT FOR THE BONITA LIONS CLUB TO OPERATE AN ANNUAL WEDNESDAY FARMER'S MARKET COMMENCING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016. (GREENSHEET NO. 15-09-0287)
- G. APPROVE EXTENSION OF AWARD TO ANTONIO CORREIA FOR CONSULTING SERVICES FOR GOVERNMENT ACCESS CABLE CHANNEL BTv98 FOR AN ADDITIONAL YEAR. (GREENSHEET NO. 15-09-0280)
- H. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE STARDUST MEMORIES BIG BAND, INC 2016 BAND JAZZ CONCERT SERIES. (GREENSHEET NO. 15-09-0286)

- I. APPROVE THE INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS REGARDING SERVICES PROVIDED BY LEE COUNTY DIVISION OF NATURAL RESOURCES SURFACE WATER AND NATURAL RESOURCES PROGRAMS. (GREENSHEET NO. 15-09-0271)
- J. APPROVE AN INTERLOCAL AGREEMENT TO REVISE THE LEE COUNTY METROPOLITAN PLANNING ORGANIZATION TO RE-APPORTION FOR ONE MEMBER FOR VILLAGE OF ESTERO AND ONE ADDITIONAL CITY OF CAPE CORAL MEMBER. (GREENSHEET NO. 15-09-0274)
- K. APPROVE A RESOLUTION TO AMEND RESOLUTION NO. 15-46 WHICH APPROVED A BUDGET AMENDMENT. (GREENSHEET NO. 15-09-0281) **ADOPTED RESOLUTION NO. 15-53**
- L. APPROVE OF SPECIAL EVENT PERMIT FOR RIVERFEST/AUTUMN CELEBRATION AT RIVERSIDE PARK ON SATURDAY, OCTOBER 24, 2015. (GREENSHEET NO. 15-09-0290)
- M. APPROVE PARTNERSHIP AND LETTERS OF SUPPORT FOR A FY 2016 NATIONAL ENDOWMENT OF THE ARTS "OUR TOWN" ARTS ENGAGEMENT, CULTURAL PLANNING DESIGN COMMUNITY AND PUBLIC PROGRAM MATCHING GRANT WITH THE CENTER FOR THE ARTS OF BONITA SPRINGS. (GREENSHEET NO. 15-09-0288)

VIII. PUBLIC COMMENT:

9:23:00 am Attorney Matthew Roepstorff, with the Pavese law firm, representing the Applicant in the car wash zoning case, was in attendance to comment on Agenda Item X. A., regarding the "Request for Relief" filed by petition filed Cardome, LLC.

9:26:13 am Rick Steinmeyer addressed Agenda Item IX. B., relating to the open burn Ordinance, which he feels emits awful smells.

IX. PUBLIC HEARING:

- A. FIRST READING OF THE FOLLOWING ORDINANCE: AN ORDINANCE CREATING THE CITY OF BONITA SPRINGS GREEN BUILDING PROGRAM; PROVIDING FOR INTENT AND PURPOSE; DEFINITIONS, DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION; PROGRAM; SCOPE; COVERAGE; STANDARDS; INCENTIVES; CERTIFICATION; TRAINING; PROGRAM REVIEW; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-09-0273)

9:26:49 AM City Attorney Audrey Vance read the title block of the Ordinance into the record. This is the first reading of the Ordinance, and if approved, a second reading will be scheduled for Wednesday, October 7, 2015 at 5:30 P.M.

Council Member Steve Slachta motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, October 7, 2015; Council Member Peter Simmons seconded; and the motion carried unanimously.

- B. FIRST READING OF THE FOLLOWING ORDINANCE: AN ORDINANCE RELATED TO FIRE PREVENTION AND PROTECTION; PROHIBITING OPEN BURNING; PROVIDING DEFINITIONS; EXCEPTING CERTAIN REASONABLE AND SAFE OPEN BURNING ACTIVITIES; AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-09-0279)

9:27:30 am Assistant City Attorney Alex Boswell-Ebersole, read the title block of the Ordinance into the record. If approved, a second reading will be scheduled for October 7, 2015 at 5:30 P.M. He also referred to the letter he received yesterday from the Florida Forest Service expressing concerns they had with the Ordinance, which he stated were concerns he felt they would effectively address. In response to the Mayor, he stated that they were working with the Fire Department and also with the Forest Service. In response to Mayor Nelson's question as to what generated this Ordinance, Jennifer Hagen, Community Development, explained that this draft Ordinance originated from the criteria they are pursuing for the Green Government Standards program, through the Florida Green Building Coalition. One of the credits that they can obtain is for enacting open burning regulations to improve air quality. She further explained.

Council Member McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, October 7, 2015 at 5:30 P.M.; Council Member Janet Martin seconded; and the motion carried unanimously.

X. CITY ATTORNEY'S REPORT:

- A. INFORM CITY COUNCIL THAT A PETITION TITLED AS A "REQUEST FOR RELIEF" HAS BEEN FILED UNDER THE FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT ("FLUEDRA") BY CARDOME, LLC. (GREENSHEET NO. 15-09-0275)

9:30:30 am City Attorney Vance furnished an overview of this item. A brief discussion was held.

- B. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LDC 4-1315, TO REQUIRE THAT ANY DEVELOPMENTS BUILT THROUGH THE AFFORDABLE HOUSING PROGRAM WILL MEET THE GREEN BUILDING STANDARDS. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON OCTOBER 7, 2015 AND OCTOBER 21, 2015 FOR ITS COUNCIL PUBLIC HEARINGS, WITH LOCAL PLANNING REVIEW ON OCTOBER 1, 2015. (GREENSHEET NO. 15-09-0272)

9:38:04 am City Attorney Vance read the title block of the Ordinance into the record. She explained that similar to the previous Ordinance, this is another Ordinance in which the City is trying to participate in the Florida Green Building Coalition Green Local Government Standards program, whereby the City would get points for having this Ordinance. Staff has worked with Habitat for Humanity on the development of the Ordinance.

9:38:35 am At the request of Council Member McIntosh, Ms. Hagen, Community Development, addressed Habitat for Humanity and the cost increases that could result. She explained that with respect to costs, she would have to defer to Habitat for Humanity; however, her understanding is that as of January 2015 Habitat for Humanity made a commitment to build all of their affordable housing to conform to the Florida Green Building Coalition standards. Additionally, if the City decided to pursue affordable housing in the future, they also would build affordable housing to the Florida Green Building Coalition designation for either multi-family or single-family home products. Also, if an Applicant comes to the

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City to request additional bonus density, only the housing that would be part of that bonus density addition would be required to be green per the Ordinance.

Council Member McIntosh stated that he wanted to make it clear that Habitat for Humanity had gone through the process and decided that it was the proper thing to do. It's something he feels the City should also do with respect to affordable housing.

Council Member Martin stated that there was another group who also built some homes in the community that also conformed to the Green Building standards, to which she was very impressed with when she toured those homes. They were much more energy efficient and had much lower utility bills. They were also much safer homes to live in.

Council Member Martin motioned to move forward with a first reading of the Ordinance on October 7, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

- C. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LDC §6-112(3), TO CHANGE PROVISIONS RELATED TO GROUND OR WALL MOUNTED IDENTIFICATION SIGNS ON PROPERTY CONTAINING MORE THAN 330 LINEAR FEET OF FRONTAGE. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON OCTOBER 7, 2015 AND OCTOBER 21, 2015 FOR ITS COUNCIL PUBLIC HEARINGS, WITH LOCAL PLANNING AGENCY REVIEW ON OCTOBER 1, 2015. (GREENSHEET NO. 15-09-0289)

[9:42:02 am](#) Assistant City Attorney Alex Boswell-Ebersole read the title block of the Ordinance into the record.

[9:42:47 am](#) Jay Sweet, Community Development, addressed revisions.

[9:45:38 am](#) Council Member Simmons motioned to move forward with a first reading of the Ordinance on October 7, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

- D. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LDC 4-868, 4-869 AND 4-872, TO AMEND THE DOWNTOWN DEVELOPMENT STANDARDS. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON OCTOBER 7, 2015 AND OCTOBER 21, 2015 FOR ITS COUNCIL PUBLIC HEARINGS, WITH LOCAL PLANNING AGENCY REVIEW ON OCTOBER 1, 2015. (GREENSHEET NO. 15-09-0277)

City Attorney Vance read the title block of the Ordinance into the record.

[9:46:44 am](#) Jay Sweet, Community Development, furnished an overview.

Council Member Martin motioned to move forward with a first reading of the Ordinance on October 7, 2015; Council Member Lonkart seconded; and the motion carried unanimously.

#### XI. CITY MANAGER'S REPORT:

[9:49:45 am](#) City Manager Carl Schwing reported that the Patriot's Day Service was wonderful and very moving. He thanked City Staff for all their help. He next reminded everyone that a public workshop has been scheduled for the Evaluation and Appraisal Report (EAR) process for tomorrow night, Thursday, September 17, 2015, from 5:30 P.M. to 7:00 P.M., at the Fire Station on Bonita Grande. A second workshop is scheduled for Tuesday, October 6, 2015, from 5:30 P.M. to 7:00 P.M., at the Bonita

Springs Library. A third workshop will be held in January, along with multiple public hearings in January, February and March. Everyone is invited to get involved in this process. Emails will also be collected. Mayor Nelson suggested the public focus their efforts on things they might want to change or things they don't want changed, and participate in the EAR process.

City Manager Schwing next reminded everyone that the final budget hearing is Monday, September 21, 2015 at 5:01 P.M., in City Council Chambers. He concluded by introducing new City Employee Charlen Wade, who will assist the HR/City Clerk offices.

9:59:13 AM Council Member Lonkart referred to the EAR process and questioned items that are to be addressed. City Attorney Vance referred to the Interlocal Agreement that outlines the items, which she can forward to Council. He believes that there are things in the Comprehensive Plan that should have been looked at long before today that have never been addressed. He requested a clarification. He also questioned the reason for the outside consultant and why the Local Planning Agency isn't involved. City Manager Schwing responded that the LPA will be reviewing it, as the normal process will be followed. Discussion followed.

## XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS:

10:07:16 am Council Member Martin reported that the Tree Advisory Board has purchased, and has had installed shade trees in the medium dog pen area at the Dog Park. She also reported that the Art in Public Places Board approved two new art pieces for the City – "Flight" located in River Park, and Big Dog and Little Dog Marley at the dog park, on Terry Street. She also urged residents and visitors to be aware of construction delays as a result of the downtown redevelopment project. All businesses are open in the downtown area for business.

10:09:16 am Council Member Slachta commended everyone involved with the great Patriot Day ceremony!

10:09:25 am Council Member Simmons also reported that it was a great Patriot's Day ceremony! He also reminded everyone of the coastal cleanup at Lover's Key this Saturday.

10:10:07 am Council Member Lonkart agreed that it was a great Patriot's Day service. He is looking forward to the cleanup on Saturday.

10:11:50 am Council Member Martin informed everyone that the Café of Life mural is scheduled to be dedicated to the community on Tuesday at 5:30 P.M.

10:12:15 am Mayor Nelson reminded everyone of the cleanup this Saturday! Also, tomorrow at Community Hall is the groundbreaking for the downtown project, which starts at 10:00 A.M. Everyone is invited!

## XIII. APPROVAL OF MINUTES: 09/02/15

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

## XIV. PUBLIC COMMENT:

10:13:52 am Mr. Roepstorff, with the Pavese law firm, addressed Agenda Item X. A., regarding the Request for Relief petition filed by Cardome, LLC.

10:17:34 am Max Levin, with Cardome, was in attendance to request mediation.

10:18:51 am Greg Dewitt thanked City Council and Parks and Recreation Staff for the great Patriot's Day service.

XV. ADJOURNMENT:

There being no further items to discuss the meeting adjourned at 10:20 A.M.

Respectfully submitted,

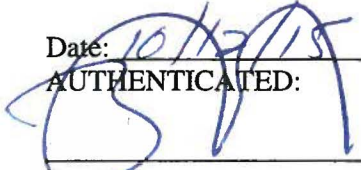


Debra Filipek, City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 10/17/15

AUTHENTICATED:



Ben L. Nelson, Jr., Mayor