

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, NOVEMBER 4, 2015
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER CALL TO ORDER:

Mayor Ben L. Nelson, Jr. called the meeting to order at 5:30 P.M.

II. INVOCATION:

Pastor Ann Grandell, with Love Inc., 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

5:39:52 pm Rick Steinmeyer addressed concerns over the salary of the person running elections.

5:40:04 pm Karen Leskin, with Bonita Springs Prep and Fitness Academy asked for Council's support for Annual Holiday in the Park Concert. She also supports the proposed high school.

5:41:02 pm Dan Bargat expressed concerns over chumming that draws sharks into areas where people are fishing.

5:42:53 pm Don Thomson supports a referendum to consider raising the compensation for the Mayor and City Council members.

5:43:50 pm Jessie Purdon urged approval of the special event permit for the Elite Paddle Board event at Lover's Key and the special event permit for the Veterinary Specialists event. He also enjoyed Riverfest.

5:45:17 pm Ron Pure commented on consent agenda Item VII. C., and XII. A., regarding a referendum for council salaries.

5:48:55 PM Kathy McGrath supports items VII. D., regarding the signalization at Shangri-La and Imperial Parkway.

5:49:30 PM Greg DeWitt urged Council to approve Consent Agenda Item VII. B. He also supports VII. J., the Bourne to Dance event.

5:50:09 PM Charlie Strader, member of the Bonita Springs Historical Society, addressed the Downtown Redevelopment Project.

5:51:32 PM Alan Glazier commented on the Old Water Tower at the park and encourages City Council to preserve it. He would not encourage rebuilding the tower but rather maintain the existing structure.

V. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF PROCLAMATION PROCLAIMING NOVEMBER AS NATIONAL AMERICAN INDIAN HERITAGE MONTH.

5:53:09 PM Mayor Nelson next presented a Proclamation proclaiming November as National American Indian Heritage Month to Mary Robinson, the Chairperson of the American Indian Committee. Ms. Robinson was in attendance to accept the Proclamation and to thank Mayor Nelson and City Council.

B. LISTEN TO PRESENTATION FROM FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION RELATIVE TO SHARK RELATED CONCERNS AND CURRENT REGULATIONS. (GREENSHEET NO. 15-11-0348)

5:55:11 pm Nancy Sheridan and Brent Winner with the Florida Fish and Wildlife Commission were in attendance to provide a PowerPoint presentation (copy in Clerk's file) on shark and shark fishing. Statistics indicate that one bite occurs per every 4.3 million visitors.

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.)

6:14:59 pm Council Member Bill Lonkart requested Items A. and E. be pulled to respond for Staff to respond to concerns he had.

Council Member Peter Simmons motioned approval of the remainder of the Consent Agenda; Council Member Steve Slachta seconded; and the motion carried unanimously.

A. APPROVE AN INTERLOCAL AGREEMENT WITH BAYSIDE CDD TO ADDRESS THE PROCEDURES, RIGHTS, DUTIES AND OBLIGATIONS WHICH APPLY TO THE ONGOING MAINTENANCE OF PORTIONS OF WALDEN CENTER DRIVE, BURNT PINE, AND PELICAN LANDING BOULEVARD THAT WILL BE ACCEPTED BY THE CITY OF BONITA SPRINGS FROM WCI. (GREENSHEET NO. 15-11-0336)

6:15:53 PM City Attorney Audrey Vance responded to Council Member Lonkart's inquiry concerning the Annexation Agreement with WCI and the Agreement with C.R. Gray.

Council Member Lonkart made a motion to approve Item A.; Council Member Simmons seconded; and the motion carried unanimously

B. ACCEPT THE DONATION OF TWO PARCELS FROM THE BONITA SPRINGS FIRE CONTROL AND RESCUE DISTRICT FOR THE DOWNTOWN IMPROVEMENT PROJECT; AUTHORIZE PAYMENT OF NECESSARY COSTS TO CLOSE; AUTHORIZE THE CITY ATTORNEY TO HANDLE AND ACCEPT ALL DOCUMENTATION NECESSARY TO COMPLETE THIS TRANSACTION. (GREENSHEET NO. 15-11-0331)

- C. APPROVE FINAL BUDGET AMENDMENT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2015 CONSISTENT WITH PRIOR YEAR'S PROCEDURES. (GREENSHEET NO. 15-11-0335) **ADOPTED RESOLUTION NO. 15-60**
- D. APPROVE RESOLUTION AWARDING THE SIGNALIZATION AT SHANGRI-LA ROAD & IMPERIAL PARKWAY PROJECT TO HIGHWAY SAFETY DEVICES, INC., IN THE TOTAL BID AMOUNT OF \$239,470.00, AND AUTHORIZING THE MAYOR TO SIGN AGREEMENT, UPON APPROVAL OF CONTRACT DOCUMENTS AND INSURANCE CERTIFICATE BY THE CITY ATTORNEY. (GREENSHEET NO. 15-11-0338) **ADOPTED RESOLUTION NO. 15-58**
- E. APPROVE THE SECOND ADDENDUM TO THE AGREEMENT WITH C.R. GRAY, TO EXTEND THE LOAN TO THE CITY OF THE TWO SCULPTURES, "SLICES OF HEAVEN STACKED" AND "FISHSTICKS" FOR ONE ADDITIONAL YEAR AT A COST OF \$2,500. (GREENSHEET NO. 15-11-0334)

Council Member Lonkart made a motion to approve Item E.; Council Member Simmons seconded; and the motion carried unanimously

- F. REQUEST FOR APPROVAL OF A SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE BONITA SPRINGS CONCERT BAND FOR THE 2016-2017 CONCERT SERIES AT RIVERSIDE PARK. (GREENSHEET NO. 15-11-0340)
- G. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE BONITA SPRINGS PREP & FITNESS ACADEMY FOR A HOLIDAY CONCERT ON DECEMBER 10, 2015 AT RIVERSIDE PARK. (GREENSHEET NO. 15-11-0341)
- H. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT FOR THE BONITA ACADEMY OF DANCE, LLC FOR A DANCE RECITAL ON DECEMBER 18, 2015 AT RIVERSIDE PARK. (GREENSHEET NO. 15-11-0342)
- I. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE ELITE PADDLE BOARD RACE EVENT AT LOVERS KEY STATE PARK LOCATED AT 8700 ESTERO BOULEVARD, FORT MYERS BEACH, FL ON NOVEMBER 15, 2015. (GREENSHEET NO. 15-11-0344)
- J. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE BOURNE 2 DANCE FOR A CHRISTMAS DANCE RECITAL ON DECEMBER 12, 2015 AT RIVERSIDE PARK. (GREENSHEET NO. 15-11-0346)
- K. APPROVE SPECIAL EVENT PERMIT FOR SOUTHWEST FLORIDA VETERINARY SPECIALISTS FOR THE 6TH ANNUAL "BARK IN RIVERSIDE PARK" EVENT ON JANUARY 23, 2016 AT RIVERSIDE PARK (LILES HOTEL PLAZA) AND PERMIT DOGS AND CATS TO BE PRESENT AT THE EVENT. (GREENSHEET NO. 15-11-0347)
- L. APPROVE A RESOLUTION REAPPOINTING THREE MEMBERS OF THE CITY OF BONITA SPRINGS BICYCLE PEDESTRIAN SAFETY ADVISORY COMMITTEE AND PERMISSION TO ADVERTISE VACANCIES. (GREENSHEET NO. 15-11-0345) **ADOPTED RESOLUTION NO. 15-59**

M. APPROVE THE PARKS AND RECREATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE BONITA SPRINGS LITTLE LEAGUE. (GREENSHEET NO. 15-11-0343)

VIII. PUBLIC COMMENT:

6:19:01 PM Rick Steinmeyer commented on water tower at the Liles Hotel and its split roof.

6:20:06 PM Cheryl Janes, as a member of the Friends of the Library, informed Council of an email she received from a citizen, informing them of numerous holes in the road leading to the library.

6:21:08 PM Fred Forbes commented on the issue of the high school.

6:24:34 PM Jane Shaw, a resident of Hunter's Ridge, commented on the high school and impacts that would result.

6:28:12 PM Ron Pure commented on the Greensheet addressing the budget amendment.

6:31:55 PM Don Huprich, a resident of the Hunter's Ridge Community, commented on the high school. He was asking that Council not allow Hunter's Ridge Boulevard to be removed.

6:35:36 PM Jessie Purdon also commented on the possible location of a high school, and suggested it go before the voters to decide. He also commented on shark fishing as well as community hall and suggested input from the community on what they'd like to see there. Lastly, he commented on the water tower and addressed liability.

6:39:24 PM Richard Decoast, a resident of Hunter's Ridge, also spoke opposed to the high school near their community.

6:41:43 PM Kathy McGrath commented on the wonderful Riverfest Event. She also reminded everyone of the Film Fest Gala tomorrow night at the Prado. This year there were 33 total entries. The boat parade will be December 12, 2015. She also informed Council that Brenda Brookes, with C.R.E.W., is participating in the Iron City Triathlon.

6:44:35 PM Ben Hershenson expressed his support for a high school.

ADDITIONAL ITEM:

6:46:22 PM Per the request of Mayor Nelson, City Manager Carl Schwing addressed the Staff meeting held October 8, 2015 on the high school. He explained that no member of City Council has been involved in the process. Council discussion ensued.

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 BY BONITA GRANDE PROPERTIES, LP TO AMEND LEE COUNTY ZONING RESOLUTION NO. 98-071 AS SUBSEQUENTLY AMENDED, TO EXTEND THE TERMINATION DATE OF MINING FROM MAY 27, 2020 TO MAY 27, 2030; ON LAND LOCATED AT 25501 BONITA GRANDE DRIVE, BONITA SPRINGS, FL 34135, ON 1,268.0 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

7:03:06 pm City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record.

7:03:40 pm Council Member Janet Martin motioned to move forward with a second reading of the Zoning Ordinance on Monday, November 16, 2015; Council Member Slachta seconded; and the motion carried 4-3 (Council Members Lonkart, Simmons and Gibson opposed).

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING A PORTION OF THE ADMINISTRATIVE REGULATIONS GUIDE AND THE PERSONNEL POLICIES ORDINANCE; AMENDING SECTION 7.02 RELATING TO THE COMPENSATION/PAY PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0329)

7:06:00 PM Council Member Slachta motioned to move forward with a second reading of the Ordinance on November 18, 2015; Council Member Martin seconded; and the motion carried unanimously.

- B. AN ORDINANCE AUTHORIZING LEE COUNTY TO LEVY SPECIAL ASSESSMENTS WITHIN CITY BOUNDARIES FOR MUNICIPAL SOLID WASTE DISPOSAL PURSUANT TO §125.01(1)(Q), FLA. STAT.; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-10-332)

7:07:33 PM Council Member McIntosh motioned to move forward with a second reading of the Ordinance on November 18, 2015; Council Member Martin seconded; and the motion carried unanimously.

- C. AN ORDINANCE AMENDING BONITA SPRINGS CODE CHAPTER 42, ARTICLES III, WATER CONSERVATION, TO ADOPT APPENDIX C, GRAY WATER RECYCLING SYSTEMS, OF THE PLUMBING PORTION OF THE FLORIDA BUILDING CODE; TO REQUIRE NEW CAR WASHES TO IMPLEMENT BEST MANAGEMENT PRACTICES; TO ESTABLISH ORNAMENTAL WATER FOUNTAIN AND WATER FEATURE STANDARDS; AND TO ENCOURAGE ALTERNATIVE WATER REUSE TECHNOLOGIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-10-0333)

7:08:55 PM Jennifer Hagen, Community Development, furnished a brief overview.

Council Member McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on November 18, 2015; Council Member Martin seconded; and the motion carried unanimously.

XI. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED)

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); RELATED TO ADMINISTRATIVE SETBACK VARIANCES AND NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS; AMENDING SECTIONS 4-254 AND 4-2325; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0330)

7:10:03 pm City Attorney Vance read the title block of the Ordinance, stating that she has reviewed the Affidavit of Publication which she found to be legally sufficient. The intent is to benefit property owners in eminent domain proceedings.

No public comments were made.

7:11:01 pm Council Member McIntosh motioned to move forward with a second reading of the Ordinance on November 18, 2015; Council Member Martin seconded; and the motion carried unanimously.

ADDITIONAL ITEM:

City Attorney Vance informed Council that the Raptor Bay Comprehensive Plan Amendment will be on their November 18, 2015 agenda.

XII. CITY ATTORNEY'S REPORT.

- A. CONSIDER A POSSIBLE CHARTER AMENDMENT REFERENDUM ISSUE DURING THE CITY OF BONITA SPRINGS REGULAR ELECTION. (GREENSHEET NO. 15-11-0339)

7:12:14 pm City Attorney Vance addressed this agenda item, and furnished a brief overview. Discussion followed.

Council Member Slachta motioned to move forward with a referendum to increase the salaries in some manner for future Councils – to start the process; Mayor Nelson seconded; and the motion failed 3-4 (Council Members Simmons, Gibson, Lonkart and McIntosh opposed)

- B. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE CHAPTERS 3 AND 4 TO CREATE THE U.S. 41 OVERLAY DISTRICT. THE ORDINANCE WILL BE SCHEDULED ON NOVEMBER 18, 2015 FOR ITS FIRST READING AND PUBLIC HEARING AND DECEMBER 2, 2015, WITH LOCAL PLANNING AGENCY REVIEWING ON NOVEMBER 12, 2015. (GREENSHEET NO. 15-11-0337)

7:24:52 pm Alexis Crespo, with Waldrop Engineering, furnished a PowerPoint presentation (copy in Clerk's file) on the proposed revisions to the Ordinance.

Council Member Slachta motioned to move forward with a first reading of the Ordinance on November 18, 2015; Council Member Simmons seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

- A. DIRECTION TO STAFF RELATIVE TO PURSUING THE PROJECT OF RENOVATIONS TO THE WATER TOWER AT THE LILES HOTEL PLAZA. (GREENSHEET NO. 15-11-0349)

7:36:36 pm Nicole Perino, Director of Parks and Recreation, addressed this agenda item relating to the water tower at the Liles Hotel plaza. Staff is requesting direction on whether to proceed with renovations to the water tower at the Liles Hotel. Council discussion was held.

Direction to Staff to have Historic Preservation Board look at and bring back – to have them address the historical significance; where it came from; where it was purchased, and why it's important to spend \$30,000. Also, to ask the contractor to extend his contract.

B. DISCUSS AND PROVIDE GUIDANCE TO STAFF WITH REGARDS TO PLANNED USES ON THE NORTH HALF OF THE COMMUNITY HALL PROPERTY ON OLD 41. (GREENSHEET NO. 15-11-350)

7:48:39 pm City Manager Carl Schwing furnished an overview and referred to two photographs (copies in Clerk's file). Council discussion followed.

Mayor Nelson suggested having Sam Vincent, or someone, draw some ideas on how they can make it a nice public space to where it could be a multi-use purpose, so that during events people could put booths there, or vendors can be located along there. He feels there's a lot of possibilities in making it complimentary to the library.

City Manager Schwing asked if everyone was comfortable in that it would be a public space where temporary booths can be put up, and those kinds of things. He is not hearing the construction of any kind of structure there. Mayor Nelson agreed. City Manager Schwing stated that there was still time to think about the Dixie Moon. He will bring back the drawings of the library. They will talk more about the Dixie Moon and perhaps bring back additional information. There is still time with regard to the Dixie Moon, but not a lot, as he will have to let them know by early next year what needs to happen with that structure. Council agreed that they would like to save the Dixie Moon.

ADDITIONAL ITEMS:

8:07:57 pm Assistant City Manager John Gucciardo next furnished an update on the water monitoring proposals received. He reported that they received a total of 4, which will be scheduled for Council's next meeting in November or in December.

XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

8:09:13 pm Council Member Slachta reminded everyone of the City's Veteran's Day event scheduled for Riverside Park.

8:09:19 pm Council Member Simmons addressed Veteran's Day events and addressed the library. He urged everyone to work together. The Riverfest was fantastic!

8:12:17 pm Council Member Martin reminded everyone of the film festival scheduled for tomorrow night at the Prado. She also thanked Staff Member Jennifer Hagen for her presentation on the backyard hen program she made at the Bonita Wonder Gardens. She also furnished an update on the Historic Preservation Grant Funding program.

8:12:59 pm Council Member Gibson thanked Council for approving the special event permit for Bonita Prep and Fitness Holiday concert.

8:13:08 pm Council Member McIntosh reported on a very successful Halloween event! He also thanked John Paeno and Charlie Strader and the Historic Society for the first Pirates Ball.

8:15:52 pm Council Member Lonkart thanked Frank Cassidy for his help with property located at Citrus Park.

8:16:30 pm Mayor Nelson addressed the high school.

XV. APPROVAL OF MINUTES: 10/21/15

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

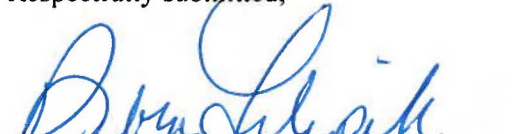
XVI. PUBLIC COMMENT:

8:18:40 pm Fred Forbes, Rick Steinmeyer, Paul Shore, Jesse Purdon, Jane Shaw and Ben Hershenson all commented on the high school.

XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 8:30 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 
AUTHENTICATED:

11/20/15
Ben L. Nelson, Jr., Mayor