

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JUNE 4, 2014
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER

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

II. INVOCATION

Pastor Russ Wynn, with the Springs Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Nelson led in the Pledge of Allegiance.

IV. ROLL CALL

Mayor Nelson and all Council Members were in attendance, except for Council Member Peter Simmons, with an excused absence.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:33:13 PM Former Council Member Richard Ferreira and resident of Spring Creek Village, was in attendance to express his support for the approval of Agenda Item IX. A., regarding the Ordinance to amend Chapter 4 of the LDC to permit mobile homes by right. He supports allowing single-family homes administratively without having to go through the public hearing process because of the time, costs involved for residents, etc.

5:35:17 PM David Williams, also a resident of Spring Creek Village, was also present to support the Ordinance to allow single family uses by right on property zoned MH-1 and MH-2.

5:37:05 PM Debi Chesebro, another resident of Spring Creek Village, was also in attendance to voice her support the Ordinance to allow the construction of single-family homes on MH-1 and MH-2 zoned property.

5:38:34 PM Debbie Kazmierczak, the owner of property on Downs Drive, thanked Council Member Bill Lonkart and Assistant City Manager John Gucciardo for their help with getting the property owners involved with the area, and becoming more aware of the importance of cleaning up their properties. There are mostly mobile homes in that area. She stated that people on her street have come together in signing the forms in hopes of getting approval today of having their street paved.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF A CERTIFICATE OF RECOGNITION TO THE BONITA SPRINGS CENTER FOR THE ARTS FOR RECEIVING THE CHRYSALIS AWARD AND RECOGNITION TO THE CITY OF BONITA SPRINGS ON BEING NOMINATED FOR THE CHRYSALIS AWARD.

5:39:49 PM Mayor Nelson next presented a Certificate of Recognition to Susan Bridges, with the Center for the Arts, on receiving the Chrysalis Award. Ms. Bridges was in attendance to accept the Certificate of Recognition and to thank Mayor Nelson and City Council.

5:41:05 pm Christine Davlin, with the Visitor Convention Bureau, next presented Mayor Nelson with a Certificate of Recognition to the City of Bonita Springs on being nominated to receive the Chrysalis Award.

- B. PRESENTATION ON 2014 LEGISLATION BY CAROLE GREEN AND ASHLEY STACELL, CAPITOL STRATEGIES, INC. (GREENSHEET 14-06-0178)

5:43:24 PM Carole Green, Capitol Strategies, furnished an update on 2014 Legislation, reporting that the Governor signed into law a \$250,000 appropriation the City of Bonita Springs with be receiving to help continue with various water projects. She further addressed issues relating to gaming, reporting that the Governor was currently in negotiations with the Seminoles. She also reported that the issue of fertilizer did not come up. Lastly, she reported on the incorporation efforts, stating that they will continue to support the efforts of the City of Bonita Springs.

5:48:31 PM Ashley Stacell, also with Capitol Strategies, reported that it was a slow session in that only 264 bills were passed in this session. Items that did get passed include a vacation rental bill that allow local governments to regulate vacation rentals. She also addressed the issue of flood insurance. Bills were also passed that include an ethics package, an outdoor advertising bill, a tax cut bill, and an energy package.

- C. PRESENTATION BY STAFF ON THE RENOVATIONS AND REMEDIATION OF THE OLD RECREATION CENTER BUILDING LOCATED AT BONITA SPRINGS COMMUNITY PARK AND APPROVE A BUDGET AMENDMENT RESOLUTION FOR \$55,060. (GREENSHEET 14-06-0176)

5:56:46 PM Nicole Perino, Parks and Recreation Director, furnished a PowerPoint presentation (Copy in Clerk's File) to address renovations made to the Old Recreation center building. She showed photographs of renovations that were made to the roof, the new floor, and the restroom remodel. Mold remediation and environmental testing were also conducted. Renovations also included miscellaneous paint, hardware, mirrors, and demolition. The total cost was \$109,560, with \$54,500 budgeted. The request is for approval of a Resolution to approve a budget amendment in the amount of \$55,060 to fund the total costs for the renovation and remediation project at the Old Recreation Center.

6:02:08 PM Council Member Janet Martin motioned approval of the Resolution; Council Member Steve Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 14-27**

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.)

6:02:46 PM Council Member Steve McIntosh motioned approval of the Consent Agenda (Items A. through F.), inclusive of the Resolution in the Errata Sheet approving the Contract for the Private Roads Project (awarding the Contract to Preferred materials Inc., at \$260,694.16); Council Member Janet Martin seconded; and the motion carried unanimously.

- A. AMEND THE AGREEMENT WITH JOHN PAENO'S CALUSA GHOST TOURS, INC. FOR CANOE AND KAYAK RENTAL AT RIVER PARK FOR A TIME EXTENSION TO JULY 1, 2015. (GREENSHEET NO. 14-06-0167)
- B. APPROVE THE AGREEMENT WITH VICTOR PIROZ DARAI FOR RENEWAL OF ARTIST COTTAGE #3 LEASE AGREEMENT FOR ANOTHER ONE-YEAR TERM. (GREENSHEET 14-06-0173)
- C. APPROVE RESOLUTION AWARDING PAVING OF UNPAVED ROADS WITHIN THE CITY OF BONITA SPRINGS, RFB-14-008, TO THE LOWEST RESPONSIBLE BIDDER, AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT UPON PASSAGE OF BID PROTEST PERIOD AND APPROVAL OF CONTRACT DOCUMENTS AND INSURANCE CERTIFICATE BY THE CITY ATTORNEY. (GREENSHEET 14-06-0162) **ADOPTED RESOLUTION NO. 14-28**
- D. APPROVE TEMPORARY ROAD CLOSURES AND SPECIAL EVENT PERMIT FOR 4TH OF JULY PARTY IN THE PARK AND PARADE ON FRIDAY, JULY 4, 2014 AT RIVERSIDE PARK. (GREENSHEET 14-06-0175)
- E. APPROVE RESOLUTION AWARDING THE PUBLIC RESTROOM RENOVATIONS AT DEPOT PARK TO STULTZ, INCORPORATED IN THE TOTAL BID AMOUNT OF \$131,154.00, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT, UPON APPROVAL OF CONTRACT DOCUMENTS AND INSURANCE CERTIFICATE BY THE CITY ATTORNEY. (GREENSHEET 14-06-0161) **ADOPTED RESOLUTION NO. 14-29**
- F. AUTHORIZE MAYOR TO SIGN STATE FINANCIAL ASSISTANCE AGREEMENT FOR OAK CREEK RESTORATION DEP AGREEMENT NO. 14LE2, OAK CREEK RESTORATION PHASE II WITH GRANT FUNDING IN THE AMOUNT OF \$250,000. (GREENSHEET 14-06-0171) **ADOPTED RESOLUTION NO. 14-30**

VIII. PUBLIC COMMENT.

6:04:00 pm Susan Steed, owner of Salon Dajay, referred to City of Bonita Springs Resolution 14-19 passed in March that addresses banners, which provided for two additional 15-day special occasion permits per year, granting a total of four permits available through March 30th. It also phased out the weekend banner program, which is the reason she is here today. She petitioned business owners in the area that use the weekend banner program, as she does. She stressed the importance of the weekend banner program to her business which brings in 25% of new customers. She was present to ask that Council reinstate the program. She referred to a petition signed by 35 business owners in the community that agree with her in that they really need this program.

6:05:26 pm John Pierce, owner of New Image Fitness Health Club in the Sunshine Plaza, stated that he was also present to ask that Council reinstate the weekend banner program, which has been extremely helpful to his business. Every time the banners and flags are outside of his business they result in new members. They are crucial to the success of his business. He hopes that Council will reinstate this permit to allow him to have banners and flags at this business.

6:09:14 PM Kathy McGrath informed Council the Special Events Committee was hard at work on the 4th of July event. She thanked Council for budgeting funds for the event. She also informed Council of an essay contest U.S.A. Weekend held called "Boom Town." Next year she will remind everyone of the essay contest.

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

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTION 4-735, USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS, TO PERMIT SINGLE FAMILIES BY RIGHT IN CERTAIN NEIGHBORHOODS ZONED MH-1 AND MH-2; PROHIBITING REPLACEMENT OF MOBILE HOMES IN THE INTERSTATE INTERCHANGE AREA; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 14-06-0169)

6:11:32 PM City Attorney Audrey Vance read the title block of the Ordinance into the record, addressing revisions made to the Ordinance.

No public comments were made.

6:13:41 PM Dave Williams reiterated his support for approval of the Ordinance. No one else in the State requires a Special Exception.

6:14:52 PM Council Member Stephen McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, June 18, 2014 at 9:00 A.M.; Council Member Slachta seconded; and the motion carried unanimously.

- 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 WITHIN THE WOODSAGE, HERON GLEN AND HERON COVE NEIGHBORHOODS OF PELICAN LANDING, LYING CONTIGUOUS TO AND BEING IN THE SAME COUNTY AS THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA; LOCATED IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST; ASSIGNMENT TO CITY COUNCIL DISTRICT 1; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 14-06-0170)

6:15:44 PM City Attorney Vance read the title block of the Ordinance into the record. She has reviewed the Affidavit of Publication, which she found to be legally sufficient.

No public comments were made.

6:16:07 pm Council Member Mike Gibson motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, June 18, 2014 at 9:00 A.M.; Council Member McIntosh seconded; and the motion carried unanimously.

X. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES:

- A. 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 WITHIN THE SANCTUARY LAKES AND PELICAN LANDING UNIT 22 SUBDIVISIONS THAT ARE CONTIGUOUS TO AND BEING IN THE SAME COUNTY AS THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA; LOCATED IN SECTIONS 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST; ASSIGNMENT TO CITY COUNCIL DISTRICT 1; AND PROVIDING EFFECTIVE DATE. (GREENSHEET NO. 14-06-0163)

6:16:44 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.

No public comments were made.

6:17:15 PM Council Member McIntosh motioned adoption of the Ordinance; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 14-11**

- B. **(TO BE CONTINUED TO JULY 2, 2014 AT 5:30 P.M.):** AMENDMENTS TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS), AND CHAPTER 4 (ZONING); ENHANCING THE DESIGN STANDARDS OF LARGE-SCALE RETAIL ESTABLISHMENTS; AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING SEC. 3-262, LIGHTING STANDARDS AND SEC. 3-263 BIKEWAYS AND PEDESTRIAN WAYS TO HAVE ADDITIONAL STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-426 LANDSCAPING STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-427 COMMUNITY SPACE STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-440 PUBLIC TRANSIT FACILITIES FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-497 BUILDING DESIGN STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SEC. 4-843, USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS; AMENDING SEC. 4-934, USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS; CREATING SEC. 4-1560 THROUGH SEC. 4-1563 SUPPLEMENTARY REGULATIONS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; SETTING FORTH PROVISIONS FOR PURPOSE, APPLICABILITY, DEFINITIONS, PROCEDURE FOR APPROVAL, DEVELOPMENT REGULATIONS, AND BUILDING PLACEMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 14-06-0165)

6:18:41 PM City Attorney Vance read the title block of the Ordinance into the record, addressing discussions by City Council at their May 21, 2014 meeting at which time City Council stated that they

would hold the second reading and public hearing on June 4, 2014 but continue the public hearing of the Ordinance to July 2, 2014 to allow Staff to revise the Ordinance as directed by Council.

No public comments were made.

6:19:36 PM Council Member Martin motioned to continue the Ordinance to Wednesday, July 2, 2014 at 5:30 P.M.; Council Member Gibson seconded, and the motion carried unanimously.

- C. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING THE ZONING ORDINANCE BY AMENDING TABLE 4-843. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS, TO REQUIRE THAT ANY PROPERTIES HAVING CERTAIN USES WITHIN 100 FEET FROM U.S. 41 (TAMIAMI TRAIL) BE PERMITTED ONLY BY PLANNED DEVELOPMENT OR SPECIAL EXCEPTION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 14-06-0164)

6:20:19 PM City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

6:20:44 PM Council Member Gibson questioned why this didn't apply to all businesses. John Dulmer, Community Development, responded that Staff relied on previous Council direction as it related to the Bonita Beach Road Corridor. Mayor Nelson further responded, explaining that it would afford property owners the ability to provide their input, and Council to condition any approval to "soften" the use.

No public comments were made.

6:28:29 PM Council Member Martin motioned adoption of the Ordinance; Council Member McIntosh seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 14-12**

- D. AN ORDINANCE CREATING OPERATIONAL REQUIREMENTS FOR OUTDOOR FLEA MARKETS SUPPLEMENTAL TO THE SPECIAL EVENT PERMIT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 14-06-0166)

6:29:29 PM City Attorney Vance read the title block of the Ordinance into the record. She has reviewed the Affidavit of Publication which she found to be legally sufficient.

6:29:43 PM Council Member Gibson stated he wanted to make sure that Staff has been working with the Lion's Club and that there aren't any issues with them. Lora Taylor, Community Relations/Special Events Coordinator, explained that Staff has been working with both the Lion's Club and have been in contact with the Local Roots Farmer's Market as well. The Local Roots Farmer's Market has an application pending to apply for a Farmer's Market. The Lion's Club will move to apply for the Outdoor Flea Market once the Ordinance is approved.

6:30:23 PM No public comments were made.

6:30:36 PM Council Member Martin motioned adoption of the Ordinance; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 14-13**

XI. CITY ATTORNEY'S REPORT. No items.

XII. CITY MANAGER'S REPORT:

6:31:15 PM Assistant City Manager John Gucciardo next furnished an update on the Beach Renourishment Project, informing Council of a pre-construction meeting that was held with Lee County and the contractor that has been tasked with the beach renourishment project. Construction will begin the last week in June and run until the first week in August, with construction to occur 24/7.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

6:32:34 pm Mayor Nelson next referred to Errata Sheet #2 to address this Add-On request involving authorization for him to send a letter to the Governor in support of the acquisition of the Gargiulo Land Trust property, which consists of two parcels of land totaling 619.93 acres adjacent to Immokalee Road in North Central Collier County. The property is very important to CREW in that restoration has the potential to improve water quality for the entire system.

6:33:58 pm Brad Cornell, with the Audubon Society, briefly commented, addressing the importance of the two parcels of which a good chunk can be restored. He further explained.

6:35:40 PM Council Member Bill Lonkart motioned approval of Mayor Nelson sending the letter to the Governor in support of the acquisition; Council Member Martin seconded; and the motion carried unanimously. Letter to be e-mailed as well.

6:36:12 PM Council Member Lonkart thanked Council Members McIntosh and Slachta for the great presentations they made at the Memorial Day Ceremony. He was also thankful for the opportunity to hear Mr. Romano from Bonita Bay speak about his family and history in the military.

6:36:55 PM Council Member McIntosh asked that the City Manager look into the concerns regarding flags and banners, to see if they have damaged small businesses in the City. He further reported on Florida Gulf Coast University.

6:37:58 PM Council Member Gibson echoed comments made by Council Member McIntosh concerning flags for businesses in the City.

6:38:30 PM Council Member Martin reported that Bonita Springs Utilities raised over \$10,000 for Relay for Life. She further addressed upcoming programs and events at the Bonita Springs Recreation Center, including the "Shoot for the Moon Fitness Challenge," and the "Heat Related Injuries" seminar scheduled to be held on June 26, 2014 at the Community Hall.

6:40:27 PM Council Member Slachta thanked City Staff for all of their help with the Memorial Day Ceremony. He further reported on an invitation he received from Hodges University to attend an event in recognition of "D Day."

6:41:19 PM Mayor Nelson requested Council approval of the following Resolution:

Greensheet No. 14-06-0184-ADD ON: Approve a Resolution supporting the United States Conference of Mayors in support of municipal home rule authority; and providing an effective date

Council Member Lonkart motioned adoption of the Resolution; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 14-31**

6:42:24 PM Council Member Martin reminded everyone that this is Tax Free Week, through Sunday, on the purchase of Hurricane Supplies.

XIV. APPROVAL OF MINUTES: 05/17/14

Council Member Slachta motioned approval of the minutes; Council Member Martin seconded; and the motion carried unanimously.

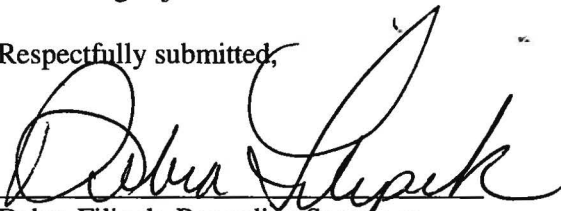
XV. PUBLIC COMMENT:

6:43:08 PM Kathy McGrath addressed savings for residents from the company Energy Star, as well as prescription savings available at Target's and Walmart.

XVI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

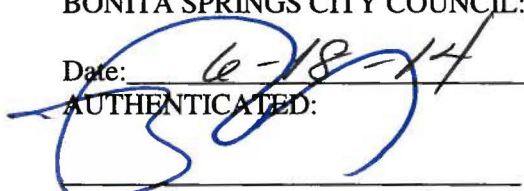


Debra Filipek, Recording Secretary

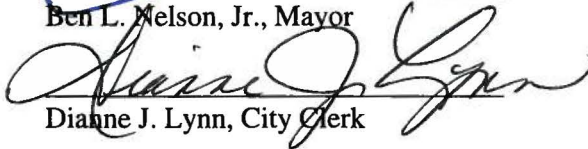
APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 6-18-14

AUTHENTICATED:



Ben L. Nelson, Jr., Mayor



Dianne J. Lynn, City Clerk