

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JULY 16, 2014
9:00 A.M.
CITY HALL
BONITA SPRINGS, FLORIDA 34135
9101 BONITA BEACH ROAD
MINUTES

I. CALL TO ORDER

Mayor Ben 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

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

9:03:07 AM Fred Forbes was present to voice his support for Linda Schwartz being appointed to the CAC (Citizens Advisory Committee) of the MPO.

9:04:06 AM John Calabria was also present to voice his support for the appointment of Linda Schwartz to the CAC.

9:04:47 AM Jessie Purdon, a resident of District 2, stated that he was in attendance as representative for Congressman Curt Clawson's Office. He informed Council of Congressman Clawson's Committee Assignments which include Foreign Affairs and Homeland Security. Congressman Clawson can be reached at his office in Naples at 252-6225 or at his Cape Coral office at 573-5837. He can also be reached on-line at www.Clawson.house.gov

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF PROCLAMATION TO ZONTA CLUB OF BONITA SPRINGS ON CELEBRATING THEIR 20TH ANNIVERSARY IN BONITA SPRINGS.

9:06:42 AM Mayor Nelson read aloud a Proclamation to celebrate the Zonta Club of Bonita Springs 20th Anniversary in the City of Bonita Springs. Several members of the Zonta Club were in attendance to accept the Proclamation and to thank Mayor Nelson and City Council.

B. PRESENTATION OF “THANK YOU AWARD” TO THE CITY OF BONITA SPRINGS FROM THE UNITED WAY.

9:10:36 AM Megan Fasig, with the United Way, was in attendance to present a “Thank You Award” to the Mayor, City Council and City Staff for all their help and support. She reported that they exceeded their goal of \$3.8 million. Meg Weiss, Human Resources Director, was in attendance to accept the Award on behalf of the City of Bonita Springs.

C. APPEARANCE BY FIRE CHIEF JOSEPH DAIGLE TO THANK THE CITY FOR COOPERATIVE EFFORTS.

9:13:00 AM Fire Chief Joseph Daigle was present to thank Mayor Nelson and City Council for all their support and dedication to the community and fire district. He reported that they are now a Florida State Certified Training Facility.

D. PRESENTATION BY TERRY SCHMIDT, CHAIRMAN OF THE BONITA SPRINGS HISTORIC PRESERVATION BOARD. (GREENSHEET NO. 14-07-0211)

9:15:48 AM Terry Schmidt, Chairman of the Historic Preservation Board, addressed his handout (copy in Clerk’s file) to Council Members to address the economic and cultural benefits of the Historic Preservation Society. The intent is to motivate the public in order to preserve the historic structures in the City, and to improve their own structures. He was here to ask that the City Council, during their budget process, revitalize the grant program that previously existed in the City. The Board is working on simplifying the grant program to get people to work on their homes to preserve, protect and improve their properties.

E. PRESENTATION BY MUNICIPAL CODE CORPORATION ON SEARCH FUNCTION OF THE RECENTLY ADOPTED CODE OF ORDINANCES AND LAND DEVELOPMENT CODE ON THE MUNICODE WEBSITE. (GREENSHEET NO. 14-07-0210)

9:22:03 AM Steffanie Rasmussen with Municipal Code Corporation began by congratulating the City of Bonita Springs on completing their Code of Ordinances and Land Development. She was in attendance to furnish a brief demonstration on the search function of the recently adopted Code of Ordinances and Land Development Code on the Municipal Code Corporation’s website. She reported that all residents will be able to access this information from any mobile device or computer.

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.)

9:36:34 am Council Member Steve Slachta motioned approval of the Consent Agenda; Council Member Bill Lonkart seconded.

9:36:36 am City Attorney Audrey Vance made a correction to Consent Agenda Item A., explaining that the reference made in item A. to Imperial River should be Spring Creek.

The motion carried unanimously.

- A. APPROVE THE RIGHT OF ENTRY AGREEMENTS WITH BONITA BAY CLUB, INC., AND BAY CREEK CDD TO GRANT THE CITY OF BONITA SPRINGS ACCESS TO THEIR RESPECTIVE PROPERTIES TO TRIM MANGROVES IN SPRING CREEK, CONTINGENT UPON CITY OBTAINING FDEP PERMIT. (GREENSHEET NO. 14-07-0208)
- B. RESOLUTION BY THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE ADOPTION OF THE LEE COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP) PREPARED BY LEE COUNTY, TO SERVE AS THE OPERATIONAL DOCUMENT IN PREPARING FOR, RESPONDING TO, AND RECOVERING FROM NATURAL AND HUMAN CAUSED HAZARDS, AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 14-07-0210)
ADOPTED RESOLUTION NO. 14-33
- C. APPROVAL OF AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR COMMERCIAL PROPERTY LOCATED AT 27180 OLD 41 ROAD, BONITA SPRINGS, FL 34135. (GREENSHEET NO. 14-07-0215)
- D. APPROVAL OF AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR COMMERCIAL PROPERTY LOCATED AT 24381 OLD 41 ROAD, BONITA SPRINGS, FL 34135. (GREENSHEET NO. 14-07-0218)
- E. CONCEPTUAL APPROVAL OF PROPOSED ECONOMIC DEVELOPMENT GRANT FOR COMMERCIAL PROPERTY LOCATED AT 26891 OLD 41 ROAD, BONITA SPRINGS, FL 34135. (GREENSHEET NO. 14-07-0217)

VIII. PUBLIC COMMENT:

[9:37:32 am](#) Kathy McGrath addressed a comment she made at a previous Council meeting regarding the PD&E Study, and stated that she supports the PD&E study moving forward. She also plans to contact every member of the MPO to urge them to continue with the Study.

[9:41:02 am](#) John Calabria referred to the July 2, 2014 City Council meeting and the discussion regarding the PD&E Study, and stated that he supports replacing the current MPO members with new members.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS CONSIDERING THE PETITION OF BONITA SPRINGS UTILITIES, INC., TO REVISE THE WATER TARIFF AND WASTEWATER TARIFF CONSISTENT WITH THE FRANCHISE IN BONITA SPRINGS ORDINANCE NO. 02-14; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 14-07-0201)

[9:42:37 am](#) City Attorney Audrey 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.

Council Member Janet Martin motioned to move forward with a second reading and public hearing of the Ordinance on August 6, 2014; Council Member Bill Lonkart seconded.

9:43:43 am Council Member Mike Gibson referred to page 16 of the Service Availability Policy and questioned why the statement “upon approval of the City Council” has been stricken. A brief discussion followed. Attorney Don Thomson, representing BSU, explained that it was not the intent to make any changes to the rates or charges. After further discussion, at the request of Mayor Nelson, Council Members to provide the City Attorney with their questions to address and bring back at their August 6, 2014 meeting.

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

- 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 HERON COVE NEIGHBORHOOD 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. 14-07-0209)

9:47:45 AM 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.

Council Member Steve McIntosh motioned adoption of the Ordinance; Council Member Peter Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 14-19**

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, CREATING THE PERSONNEL POLICY ORDINANCE OF THE CITY OF BONITA SPRINGS; PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, INCLUSION IN CODE, CODIFICATION AND SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 14-07-0207)

9:49:10 am City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

9:49:18 am Council Member Steve Slachta motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 14-20**

- C. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, ADOPTING PORTIONS OF THE ADMINISTRATIVE REGULATIONS GUIDE; ADOPTING SECTION 3.04 RELATING TO HARASSMENT, SECTION 6 RELATING TO EMPLOYMENT; SECTION 7.01 RELATING TO THE CLASSIFICATION PLAN, SECTION 7.02 RELATING TO THE COMPENSATION/PAY PLAN, AND, SECTION 8.02 RELATING TO FORCE REDUCTION AND RECALLS; AMENDING SECTION 10.02 PREVIOUSLY ADOPTED BY ORDINANCE NO. 13-19 RELATED TO PAID TIME OFF, SECTION 11.02 RELATED TO EDUCATIONAL ASSISTANCE, AND, SECTION 12 RELATED TO CORRECTIVE ACTIONS/DISCIPLINARY PROCEDURES;

PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, SCRIVENER'S ERRORS,
AND AN EFFECTIVE DATE. (GREENSHEET NO. 14-07-0206)

9:49:57 AM City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

9:50:44 AM Council Member Martin motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 14-21**

ADDITIONAL ITEM:

9:51:19 AM City Attorney Vance informed Council that she has contacted the MPO's Attorney and will be bringing back information to Council at their August 6, 2014 meeting.

XI. CITY ATTORNEY'S REPORT. No items.

XII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORT. (GREENSHEET NO. 14-07-0212)

Informational.

ADDITIONAL ITEMS:

9:52:12 am Assistant City Manager John Gucciardo next furnished updates on the Beach Renourishment and Library projects. The beach renourishment project is on-going 24/7 and is anticipated to be completed the first week of August. Staff has not received any complaints from residents in the area. With respect to the library, Staff is expecting an update from the County's consultant towards the end of the summer. The Technology Advisory Board did discuss this project at their last meeting and are in the process of articulating some specific questions they want to make sure the consultant is addressing. He will be meeting with the Board's liaison, Council Member McIntosh, to go through the list of concerns, and then communicate with Lee County Staff to address them, if possible, as part of the process.

He further reminded Council of the City's Emergency Management Plan and to contact him with any questions they may have. He next thanked all City Staff members involved with the Municode project. The City's Communication Manager will be working to ensure it functions properly on-line with residents. He next addressed the unpaved private roads project, informing Council of a delay in the start date of the project to August 1, 2014 from June due to coordination between the subcontractors. He concluded by reminding Council of their budget meeting of July 28, 2014.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

A. DISCUSSION OF APPOINTMENT OF A BONITA SPRINGS RESIDENT TO THE CITIZENS ADVISORY COMMITTEE (CAC) OF THE METROPOLITAN PLANNING ORGANIZATION (MPO). (SIMMONS; GREENSHEET NO. 14-07-0213)

9:58:24 AM Council Member Simmons addressed this agenda item, which he explained he requested be placed on the agenda at the request of Linda Schwartz, who informed him that she wanted someone

who was a resident of the City to serve on the committee. He supports the appointment of Ms. Schwartz to the CAC of the MPO, as he supports a resident of the City serving on the committee.

10:01:32 AM Council Member McIntosh stated that Ted Tryka, the current CAC member, has done a good job. The decisions that are made don't just affect the City, as they are regional decisions. His concern is about taking a step that sets us back from the professional expertise that the City's had. It's not about Mr. Tryka or Ms. Schwartz; it's about a continuing effort to support City processes. He feels it is inappropriate and unnecessary and unprofessional. It's also disrespectful to people who have stepped up and have done a good job for the City. He doesn't feel it's the right way to handle this.

10:02:54 AM Mayor Nelson explained that the CAC is an advisory committee to the MPO, whose members are not appointed by the Cities or City Councils, but rather are appointed and serve at the pleasure of the MPO members. It's not mandatory for a member to be a resident of the City, as if the City can't find someone who meets the criteria they are looking for, and they are allowed to appoint someone outside the City. He further explained, and suggested addressing this when Mr. Tryka's term is complete.

10:02:54 AM Council Member Bill Lonkart stated he feels this entailed a genuine request from a resident of the City who wants to be on the committee. He does feel that her name should be placed on the list, and asked when Mr. Tryka's term is up. Mayor Nelson stated that was something that needed to be looked into.

Council Member Slachta stated that he supports placing Ms. Schwartz on the list of applicants.

10:15:22 AM Council Member Martin stated she would like to see who else from the community might be interested in serving. She would like to see a list.

10:17:33 AM Council Member Simmons entered a motion to remove Mr. Tryka from his position on the CAC and to request that the MPO appoint Linda Schwartz; Council Member Lonkart seconded.

10:19:00 AM Mayor Nelson explained that he did speak to Mr. Tryka regarding this request. Council Member McIntosh explained he also spoke with Mr. Tryka. He (Council Member McIntosh) also does not support moving forward with this.

10:19:45 AM Council Member Gibson stated that he would also like to see a resident of the City be on the CAC; however, he supports following the correct procedures. He suggested sending Mr. Tryka a letter informing him that there is someone else that would like to serve and to leave it up to him. Council Member Gibson suggested that this be postponed until Council is informed as to when Mr. Tryka's term is up. After further discussion, Council Member Simmons withdrew his motion.

Staff to come back with information regarding when Mr. Tryka's term on the CAC is up, and bring this back to Council at their next meeting. Council Member Simmons suggested sending a letter to let them know that there's someone from the City of Bonita Springs interested in serving on the CAC.

10:23:56 AM Mayor Nelson clarified direction which is to obtain information on Mr. Tryka's term, and to hear from the MPO's attorney to make sure City Council follows the correct procedure. City Attorney Vance clarified direction which is in lieu of asking for removal, to send a letter that the City has a resident interested in the position, and to see if Mr. Tryka is willing to allow the resident the opportunity to serve. Also to see if there are term limits as to the CAC. Mayor Nelson stated that there hasn't been a motion yet to send a letter. No motion was made to send a letter. Direction is to do the research and find out

when Mr. Tryka's term ends, and to contact the MPO and find out what the exact procedure is and how it might be in conflict or in tune with what Council is trying to accomplish.

B. APPOINTMENT OF CITY COUNCIL MEMBERS TO THE FLORIDA LEAGUE OF CITIES 2014-2015 LEGISLATIVE COMMITTEES. (GREENSHEET NO. 14-07-0215)

10:25:50 am City Clerk Dianne Lynn addressed this Agenda item, requesting that Council Members contact her as to which Committee(s) they would be interested in serving on. The dead line to register is August 16, 2014.

C. APPOINT A CITY COUNCIL MEMBER AS THE VOTING DELEGATE FOR THE CITY OF BONITA SPRINGS, FOR THE FLORIDA LEAGUE OF CITIES CONFERENCE SCHEDULED FOR AUGUST 14-16, 2014 AT THE WESTIN DIPLOMAT, HOLLYWOOD, FLORIDA. (GREENSHEET NO. 14-07-0216)

10:27:43 am Mayor Nelson motioned the appointment of Council Member Gibson as the City's voting delegate at the FLC Conference; Council Member Simmons seconded; and the motion carried unanimously.

10:28:45 am Council Member McIntosh stated that he doesn't support a flyover, but supports the PD&E Study moving forward.

10:29:22 AM Council Member Lonkart commended City Staff on the great job with the landscaping and mowing in east Bonita, as East Bonita is looking very nice.

10:30:11 AM Council Member Martin reported that the APPB is working on two videos for "Chalk Where You Walk Event" - 1) for Sponsors, and 2) aimed towards students. She also reported that the Bonita Springs Center for the Arts has applied for a Grant for a pilot program to get students and artists together for a project involving a mural for the downtown area.

10:31:27 AM Council Members Gibson, Slachta and Simmons thanked everyone who helped with the Fourth of July event.

10:32:08 AM Council Member Simmons also requested an update on the trees and beautification of the landscaping in the City at their budget meeting.

10:32:36 AM Mayor Nelson reported that he met with the hospital consultant that Lee Memorial hired to figure out what kind of concept will work – something short of a hospital with beds. They are going to be meeting with a lot of the shareholders in Bonita Springs and North Naples. They also plan to include Council, the Board of Realtors, Chamber of Commerce, and numerous clubs to find out what's needed in the community.

XIV. APPROVAL OF MINUTES: 07/02/14

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

XV. PUBLIC COMMENT:

10:34:26 am Deborah Maclean informed Council of a phone call she received from Bernice Romano who lives near the Café of Life, and issues that have recently occurred.

10:35:27 am John Calabria stated that at Council's July 2, 2014 meeting there was a discussion about the removal of the current MPO members, which was to be discussed today. City Attorney Vance clarified that it is to be addressed at Council's meeting of August 6, 2014.

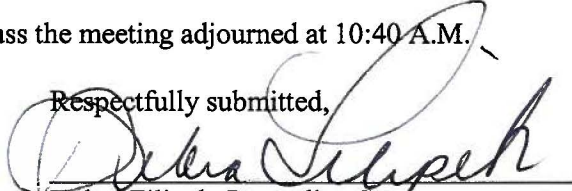
10:36:12 AM Joseph Prete, a resident of Leitner Creek, thanked Council Member Martin for calling him back regarding concerns he had with dilapidated homes in his neighborhood.

10:36:50 AM Kathy McGrath began by referring to the February 2008 issue of Reader's Digest where the City made the "That's outrageous" column. She also informed Council of rumors she heard about this being referred to as the "flyover study." She hopes the MPO would refer to it as the U.S. 41/Bonita Beach Road Intersection Study instead. She concluded by informing Council on the great comments she received regarding the City's Fourth of July event and how wonderful it was. She also referred to "Coastal Life" portion of the News-Press and an article regarding the Bonita Nature Place. She concluded by reminding everyone of the BNP's film festival.

XVI. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 10:40 A.M.

Respectfully submitted,



Debra Filipek, Recording Secretary

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date:

AUTHENTICATED:

Ben L. Nelson, Jr., Mayor

Diarme J. Lynn, City Clerk