

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, AUGUST 20, 2014
9:00 A.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 9:00 A.M.

II. INVOCATION:

Pastor Riley Grandell, with Gulf Shore 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 Janet Martin.

CALL TO ORDER:

V. PUBLIC COMMENT ON AGENDA ITEMS:

[9:02:42 AM](#) Christine Ross, with the Bonita Springs Area Chamber of Commerce, asked that Council support and approve Item D., regarding the Economic Development Incentive Package. She also asked that Council support Item J., regarding approval of the Agreement with the Art Festival. Lastly, she asked that Council reconsider their vote regarding the PD&E Study, which the Chamber supports moving forward with.

[9:03:55 AM](#) Alex Grantt spoke opposed to over development of the Bamboo property.

[9:07:26 AM](#) Rex Sims was present to voice his support for the Art Festival at its current location, which he feels works well.

[9:09:06 AM](#) Susan Bridges, President for the Center for the Arts of Bonita Springs, requested Council support the Art Festival being held at its current location. She received over 900 E-mails in support of the festival. Businesses grew as a result of the festival as well.

[9:12:54 AM](#) Jeffrey Satfield addressed item VIII. A., regarding the Resolution to declare zoning in progress to modify the sign Ordinance, and stated he was representative for McDonalds. He was present to request that City Council defer the signage Ordinance to allow some issues to be worked out, to make sure that the Ordinance is strong and acceptable to both the City and business owners.

[9:14:16 AM](#) Al Engle stated he was present representing four businesses on Old 41, spoke opposed to the Art Festival because of the closing of the road, which resulted in his businesses losing money. He wants the road to remain open.

[9:15:47 AM](#) Jackie McCurdy, a Member of the Board for the Center for the Arts, was present to voice concerns she has regarding safety. There is no reason to change how it's being held.

[9:17:24 AM](#) Jessie Purdon stated he supports comments made by Mr. Engle regarding the Art Festival. While he supports the Art Festival, he feels that closing the road isn't fair to business owners in the area.

[9:20:23 AM](#) Lee Schein addressed item J. and voiced his support for the Art Festival.

[9:24:30 AM](#) Fred Forbes feels that an effort should be made to keep the street open and make the Art Festival workable.

[9:25:54 AM](#) Gary Price stated that he disagreed with comments made by Mr. Grantt, as the Bamboo site was purchased by the City for development. He's confident that Council will allow a development there that will not result in the canyon effect. He supports the RFP. The City can add extra requirements for development, and so there are extra protections. Also, the Art Festival which does bring people downtown, and while Mr. Engle may lose business that day, he believes that he along with others gain business throughout the year as a result.

[9:29:29 AM](#) Barry Witt stated that he is involved with the Art Festival and was here to address the issue of the street closure. The closure does not block Mr. Engle's place, as there is signage informing people of access to the various businesses.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION BY THE SMALL BUSINESS DEVELOPMENT CENTER OF FLORIDA GULF COAST UNIVERSITY OF THEIR QUARTERLY REPORT. (GREENSHEET NO. 14-08-0227)

[9:32:19 AM](#) Rudi Vrugtman, with the Small Business Development Center of Florida Gulf Coast University, furnished a PowerPoint presentation to present their quarterly report (copy in clerk's file). Their intent is to help business owners and create economic growth. He further addressed services they offer as well as training and certification sessions available.

B. CITY-WIDE LANDSCAPE INITIATIVE PRESENTATION AND UPDATE BY W. CHRISTIAN BUSK, LANDSCAPE ARCHITECT. (GREENSHEET NO. 14-08-0251)

[9:42:14 AM](#) Public works Director Matt Feeney furnished a brief overview, and introduced Chris Busk, who was present to provide and update to City Council on the landscaping project. He explained that they have been working on the largest contiguous stretch and most difficult piece of the landscape initiative because of coordination required with FDOT, which involves U.S. 41 and consists of 5.1 miles of roadway. The project includes plantings on both edges of the right-of-way and within the medians. They expect to go out to bid for this project as well as East Terry Street at the end of the month. Plantings are anticipated to be installed in the early fall. Staff will come back to modify the conceptual approach they discussed in December to address Bonita Beach Road, from U.S. 41 to I-75, and Old 41.

[9:44:42 AM](#) Mr. Busk next addressed he proposed design by referring to two illustrations depicting landscaping at different heights. To date they have addressed landscaping for 5 miles of roadway, with the main focal points being U.S. 41 and Bonita Beach Road. The U.S. 41 project runs from Collier County to the ship restaurant. He will be working with Public Works on maintenance after the project is completed and all plantings are installed.

9:50:43 am In response to Council Member Peter Simmons regarding a timeframe, Mr. Feeney expanded on the process, stating that he anticipates will take about three months. They intend to complete everything that was discussed at the workshop last year in this fiscal year.

9:52:31 AM In response to Mayor Nelson, Mr. Feeney stated that I-75 east is the area they anticipate looking at next.

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.)

9:59:59 am Council Member Peter Simmons requested items B. and C. be pulled, Council Member Mike Gibson requested item D. be pulled, and Council Member Slachta requested item J. be pulled.

Council Member Bill Lonkart motioned approval of the remainder of the Consent Agenda (Items A., E., F., G. H., and I.); Council Member Simmons seconded; and the motion carried unanimously.

- A. AUTHORIZE MAYOR TO EXECUTE RENEWAL OF AUDIT SERVICES WITH ASHLEY, BROWN & COMPANY. (GREENSHEET NO. 14-08-0229)
- B. EXERCISE THE OPTION TO EXTEND FOR ONE (1) YEAR THE CONTRACT FOR LOBBYING SERVICES BETWEEN CAPITOL STRATEGIES AND CITY OF BONITA SPRINGS. (GREENSHEET NO. 14-08-0228)

10:01:22 AM Council Member Simmons pulled item B., to say welcome Carol Greene who he noticed was in attendance. Ms. Green informed Council that sessions were scheduled to begin in November due to upcoming elections. She thanked Council and asked that they approve her contract extension for the one additional year.

10:02:45 AM Council Member Simmons motioned approval of the contract extension; Council Member Lonkart seconded; and the motion carried unanimously.

- C. ACKNOWLEDGE RECEIPT OF THE ADMINISTRATIVE REGULATIONS GUIDE, ATTACHED HERETO, THAT IS BEING ADOPTED BY THE CITY MANAGER TO COINCIDE WITH THE EFFECTIVE DATE OF THE ADMINISTRATIVE REGULATIONS GUIDE PORTIONS THAT WERE ADOPTED ON JULY 16, 2014. (GREENSHEET NO. 14-08-0240)

10:03:20 AM Council Member Simmons pulled item C. for a clarification on what this entailed. City Manager Carl Schwing explained that this entailed those types of regulations that the City Manager would be able to change based upon items that are trending with regards to going on internally with the City, and additional regulations that require typically simpler things. This year they are informing Council of the base document they are looking to be more administrative in nature with those changes to come before Council for informational purposes.

10:04:57 AM Council Member Simmons motioned acceptance of the Administrative Regulations Guide; Council Member Lonkart seconded; and the motion carried unanimously.

- D. CONCEPTUAL APPROVAL OF A PROPOSED ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR A TARGETED INDUSTRY. (GREENSHEET NO. 14-08-0253)

10:05:34 am Council Member Gibson stated he pulled this item to thank the EDC for everything they do in attracting businesses to the City. He looks forward to this industry coming into the City.

Council Member Slachta motioned approval of the Economic Development Incentive Package; Council Member Simmons seconded; and the motion carried unanimously.

- E. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE BONITA ACADEMY OF DANCE LLC FOR A DANCE RECITAL ON DECEMBER 20, 2014 AT RIVERSIDE PARK. (GREENSHEET NO. 14-08-0244)
- F. APPROVE AWARD TO ANTONIO CORREIA FOR CONSULTING SERVICES FOR GOVERNMENT ACCESS CABLE CHANNEL BTV98 PURSUANT TO RFP 14-011. (GREENSHEET NO. 14-08-0246)
- G. ADOPT A RESOLUTION REINSTATING AND EXTENDING THE ADMINISTRATIVE CODE SETTING FORTH THE POLICY WHERE ROAD IMPACT FEES SHOULD BE EXEMPTED IN THE OLD 41 REDEVELOPMENT AREA CONSISTENT WITH BONITA SPRINGS LAND DEVELOPMENT CODE 2-274. (GREENSHEET NO. 14-08-0243) **ADOPTED RESOLUTION NO. 14-35**
- H. ADOPT A RESOLUTION EXTENDING THE TIME PERIOD IN ORDINANCE NO. 10-06, AS EXTENDED PREVIOUSLY BY RESOLUTION 12-25, TO CONTINUE WITH THE IMPACT FEE PROGRAM FOR EXISTING COMMERCIAL REDEVELOPMENT CHANGES; EXTENDING UNTIL JANUARY 1, 2017. (GREENSHEET NO. 14-08-0239) **ADOPTED RESOLUTION NO. 14-36**
- I. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR A PATRIOT DAY CEREMONY AT THE LILES HOTEL PLAZA ON THURSDAY, SEPTEMBER 11, 2014. (GREENSHEET NO. 14-08-0250)
- J. AUTHORIZE STAFF TO CONTINUE WITH THE AGREEMENT WITH THE CENTER FOR THE ARTS BONITA SPRINGS TO HOST THE BONITA SPRINGS NATIONAL ART FESTIVALS IN DOWNTOWN BONITA SPRINGS (RIVERSIDE PARK) FOR FOUR (4) REMAINING YEARS OF THE AGREEMENT COMMENCING ON JANUARY 9, 2015 UNTIL MARCH, 2019 AND CONTINUE TO ALLOW ROAD CLOSURES. (GREENSHEET NO. 14-08-0249)

10:06:33 am At the request of Council Member Slachta, Lieutenant Brian Przespolewski responded to Council Member Slachta's question regarding the possibility of keeping the road open and everyone safe. He explained that they did look at it as a whole, and due to the volume of pedestrians and location of the event, it's a public safety issue. If you leave it open, during major events, it will result in pedestrians not knowing what's going on and walking straight across the road. He reiterated that their number one concern is public safety.

10:07:43 AM In response to Council Member Gibson, City Attorney Vance responded that he did not have a conflict in voting on this item, which she explained by addressing the Commission on Ethics.

Council Member Gibson next addressed a map he prepared (copy in Clerk's file) that depicted the downtown area detour route. He explained that the majority of the parking (the green sections) is still on the other side of the road, with most of the Sheriff's presence being up along Old 41, which means people are still having to cross sections of the traffic without the help of the Sheriff's Office. Traffic is diverted after the Bamboo property and so they still have to cross over the traffic to get to the Art Festival. He doesn't understand why it's okay for people to cross the traffic there and not on Old 41 where there are three lighted crosswalks. There is also a traffic signal at Pennsylvania that also has a crosswalk and signals. He feels it would be safer for pedestrians to cross on Old 41 at the designated crosswalks with the help of the Sheriff's deputies. Lieutenant Przespolewski responded that Old 41 is a busier corridor than Shriver and Felts, which is the issue. They

monitored the people last year who parked in the areas designated in green, and found that the people wandered through the neighborhood to get to the event and they crossed Old 41 at many different areas. They did not follow the crosswalks. Council Member Gibson stated he felt it was more of a concern with people going down residential streets and having the people cross without any assistance.

10:11:27 am Mayor Nelson stated that this is actually a problem that they've been trying to create – getting people to come downtown. There is that collateral benefit, in that while they may lose business on those days when the road is closed, the flip side is that they are probably benefiting way more than what they are losing, as people are walking in front of their store and finding out where they are. From looking at it and from listening to everyone, he feels the benefits still seem to outweigh what may be happening there.

10:14:58 AM Council Member Gibson motioned to pull this item to allow Staff to work with the Sheriff's Department to figure out a way to keep the road open and still hold the Art Festival; Council Member Simmons seconded.

10:15:21 AM Communications Manager Lora Taylor informed Council that Staff has reviewed this numerous times both last year and this year to try to bring forward the most up to date information and try to work through all the concerns regarding the road closures with the local businesses and the Center of the Arts. Staff has worked with all parties involved and come to the same conclusion. The Center for the Arts would like to stay on Old 41, adding that the Agreement is for the road to be closed. They also met with the Sheriff's Office regarding their recommendation for public safety, as stated in the Greensheet. Mayor Nelson next explained that the vision for a decade or more was to reroute traffic for safety purposes.

10:18:42 AM Council Member Slachta stated he trusted the recommendation of the Sheriff's Department.

10:19:02 AM City Manager Schwing explained that Staff has not been able to come up with a solution other than closing the road, based on the Sheriff's Department's input.

10:20:49 AM Council Member Lonkart stated he supports the Sheriff's Department recommendation regarding closing the road for safety reasons. There is still access to the businesses there.

10:22:43 AM Council Member McIntosh thanked the Art League and feels they need to leave it the way it is. If there's a long term answer he feels it's something the Sheriff's Department will have.

10:24:55 AM Mayor suggested having the Small Business Development Council work with the businesses on Old 41.

10:25:30 AM City Manager Schwing addressed Staff efforts, explaining that he authorized the placement of signage on event days. He also encourages businesses to display items out front.

10:26:48 AM Council Member Simmons stated that he feels there are still questions that need to be resolved regarding parking. He doesn't see a problem spending more time on this.

10:27:40 AM Lieutenant Przespolewski assured Council that this is the best possible route for safety.

The motion failed 2-4 (Mayor Nelson, and Council Members McIntosh, Slachta and Lonkart opposed)

10:32:14 AM Council Member McIntosh motioned approval of continuing with the Agreement with the Center for the Arts Bonita Springs to host the Bonita Springs National Arts Festivals; Council Member Slachta seconded; and the motion passed 4-2 (Council Members Gibson and Simmons opposed)

VIII. PUBLIC HEARING:

- A. ADOPT A RESOLUTION DECLARING CITY COUNCIL'S NOTICE OF INTENT TO DECLARE A ZONING IN PROGRESS TO MODIFY THE SIGN CODE FROM AN OUTDATED SUBURBAN TRADITIONAL MODEL CODE TO A SIGN CODE UTILIZING PLACE-MAKING SIGNS (DESTINATION ORIENTED). THE RESOLUTION WILL BE PUBLISHED IN THE NEXT AVAILABLE FORT MYERS NEWS PRESS. (GREENSHEET NO. 14-08-0241)

10:33:20 AM City Attorney Vance addressed this item, explaining that this is for a Notice of Intent to put people on notice.

10:34:20 AM Jay Sweet, Community Development, addressed revisions to be made, informing Council of a meeting held with the Chamber regarding the intent, which is to reduce the height of signs.

10:35:53 am Council Member Gibson stated he does not support the Notice of Zoning in Progress Resolution and feels they should follow the rules on the book until the new code is adopted.

10:36:14 am Mr. Sweet addressed the process.

10:43:10 am Council Member Lonkart stated that all business owners should have the opportunity to voice their opinions. He doesn't support a resolution to move forward.

10:44:01 am City Manager Schwing informed Council that the Chamber of Commerce is going to hold a forum with their members to discuss holding a forum for their members. Staff is willing to take the time necessary.

PUBLIC COMMENTS:

10:44:52 am Christine Ross, with the Chamber, informed Council that they have scheduled a forum for September 4, 2014 at 4:00 P.M. at the Chamber of Commerce, adding that Staff is scheduled to make a presentation regarding all of the details. They will be sending information to all their members, who will pass it along.

10:45:32 am Jeffrey Satfield, representing Mr. Adams for McDonald's, again asked for this to be deferred to allow further work.

10:47:08 am City Attorney Vance addressed the issue of legal notification and explained what would occur if Council doesn't approve the Resolution, but move forward with the Ordinance. Mr. Sweet stated that a proposal has come forward to limit the use of primary colors on monument signs only. The way this is drafted, it would allow one primary color. He further explained.

Council Member McIntosh asked the City Manager if this passes today, if it gives the public enough time to massage the Ordinance with Staff. City Manager Schwing stated that if they go forward today there is enough time, noting that there is something to be said about having somewhat of a deadline in that people will actually come in and allow everyone to engage as concisely as they can. Staff will be advertising first and second readings, allowing Council to defer voting on it for an indefinite amount of time. Staff is not looking to rush this.

10:55:07 am Council Member McIntosh motioned to move forward with adoption of the Ordinance; Mayor Nelson seconded; and the motion failed 4-2 (Council Members Slachta, Simmons, Gibson and Lonkart opposed).

10:54:52 am Council Member McIntosh motioned to proceed with the Ordinance without the Resolution; Mayor Nelson seconded; and the motion carried unanimously.

IX. PUBLIC COMMENT:

10:55:47 AM Mark Generales was in attendance to voice his support in moving forward with the PD&E Study.

10:59:07 AM Gary Price feels Council overlooked the unintended consequences with respect to the PD&E Study not moving forward, the first of which regards what will ultimately happen will be up to the County and State. The second unintended consequence is that the City will lose the possibility of having incremental improvements. He urged Council to reconsider their decision regarding the PD&E Study – to go forward with the study and look at those incremental improvements. To do nothing may lead to an overpass that nobody wants.

11:01:45 AM Bob Lombardo stated he is a business owner in the City who uses the roads in the City, Naples and Fort Myers. He has not seen a downside to going forward with the PD&E Study. Turning down a study that can enhance economic growth makes no sense. He asked that Council reconsider their decision and move forward with the Study.

11:04:23 AM Adam Botana, owner of Baywater, asked that Council reconsider their decision and move forward with the PD&E Study.

X. CITY ATTORNEY'S REPORT.

- A. APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL FOR THE SPRING CREEK RESTORATION PLAN, WAIVING IRREGULARITIES WITH THE PROCESS. (GREENSHEET NO. 14-08-0245)

11:04:59 AM City Attorney Vance addressed this item involving the Professional Services Agreement with Southwest Florida Regional Planning Council, and irregularities relating to the process as outlined in the Greensheet.

11:06:56 AM Council Member Slachta motioned approval of the Professional Services Agreement; Council Member Simmons seconded.

11:07:12 AM City Attorney Vance stated that by approval of the Agreement, Council is waiving the requirement of Florida Statutes Section 287.055 that requires governments to go through the competitive selection process for any planning study projects over \$35,000, and awarding the Agreement under the CNNA.

The motion carried unanimously.

XI. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS AND QUARTERLY FINANCIAL REVIEW. (GREENSHEET NO. 14-08-0242)

Informational.

- B. REVIEW THE DRAFT RFP FOR SOLICITATION OF THE BAMBOO PARCEL DOWNTOWN WATERFRONT REDEVELOPMENT PROJECT (A/K/A THE IMPERIAL

LANDING PROPERTY). IF RFP IS SATISFACTORY, STAFF WILL ISSUE THE RFP TO ENGAGE A QUALIFIED DEVELOPER TO PURCHASE, LEASE OR ACQUIRE THROUGH OTHER NEGOTIATED MEANS AND REDEVELOP THE CITY-OWNED 5.3-ACRE PROPERTY. (GREENSHEET NO. 14-08-0252)

11:11:30 AM City Manager Schwing furnished a brief overview. If approved, the RFP will go out to market with presentations before Council. City Attorney Vance addressed the process moving forward.

11:23:17 AM Council Member McIntosh motioned approval of the RFP; Council Member Slachta seconded; and the motion carried unanimously.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

- A. DISCUSS AND DIRECT STAFF ON A STRATEGY TO PROMOTE THE CITY OF BONITA SPRINGS AS THE LOCATION FOR ADDITIONAL HIGH SCHOOL SEATS IN SOUTH LEE COUNTY. (MAYOR NELSON) (GREENSHEET NO. 14-08-0247)

11:23:55 am Mayor Nelson addressed this item, which he brought forward as informational. He informed Council of discussions with members of the School Board and School District Staff who informed him that one of their priorities is for a High School in the City. They are looking at a 40-acre parcel located on Bonita Grande Drive on which to place it. He will continue talking and assisting them.

ADD-ON: HAVE MAYOR AND CITY COUNCIL INTERVIEW THE THREE SHORT-LISTED FIRMS FOR THE DESIGN/BUILT PORTION OF THE DOWNTOWN IMPROVEMENTS (WRIGHT CONSTRUCTION, OWEN-AMES-KIMBALL, AND MANHATTAN CONSTRUCTION) AND RANK THEM FOR NEGOTIATIONS. (SIMMONS; GREENSHEET NO. 14-08-0254)

11:29:10 AM Council Member Simmons addressed this item, and motioned that Council hear presentations from all three (3) firms at their September 3, 2014 meeting; Council Member Gibson seconded. Discussion ensued, with City Attorney Vance informing Council Member McIntosh that he can vote on this item.

11:45:32 AM City Attorney Vance asked Council to confirm that they have not been lobbied to change the process by any of the Applicants by any of the entities involved or any intermediary. All Council Members confirmed they have not been lobbied as stated.

The motion failed 2-4 (Mayor Nelson, and Council Members McIntosh, Slachta, and Lonkart opposed.) The number one recommended firm to make a presentation to City Council at their September 3, 2014 meeting.

11:47:20 AM Council Gibson reported that he recently attended the FLC seminar which he found to be very informative.

11:47:56 AM Council Member Simmons reminded everyone of the Lee County MPO meeting scheduled for this Friday at 9:00 A.M., to address the PD&E Study.

11:48:29 AM In response to Council Member Lonkart, Assistant City Manager John Gucciardo addressed recent power outages that occurred in his district. FPL did have a crew out yesterday working on what they believed was the problem. Public Works Director further responded to Council Member Lonkart's question regarding the mowing of grass east of I-75.

11:51:52 AM Council Member Slachta reported on a ribbon cutting he attended for the training center for the Fire Station on Bonita Grande Drive.

XIII. APPROVAL OF MINUTES: 8/6/14

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

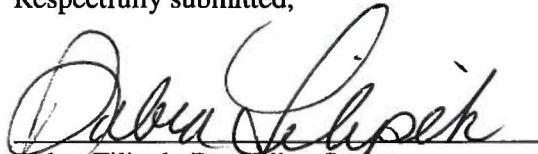
XIV. PUBLIC COMMENT:

11:52:47 AM Rex Sims asked if the Bamboo parcel would be subject to the overlay that was designed years earlier, to which Mayor Nelson responded yes.

XV. ADJOURNMENT

There being no further items to discuss the meeting adjourned at 11:53 A.M.

Respectfully submitted,

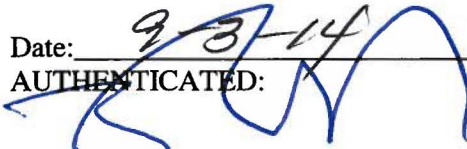

Debra Filipek, Recording Secretary

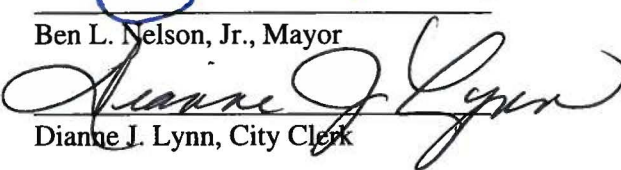
APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: 9-3-14

AUTHENTICATED:


Ben L. Nelson, Jr., Mayor


Dianne J. Lynn, City Clerk