

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, SEPTEMBER 3, 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:

Council Member Steve McIntosh 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 Mike Gibson.

V. PUBLIC COMMENT ON AGENDA ITEMS:

[5:32:46 PM](#) Kathy McGrath addressed the main street contest held across the country.

[5:34:06 PM](#) Jim Magnus representing Beach Storage (Agenda Item X. B.) stated he was in attendance to answer any questions Council may have.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PROCLAMATION PROCLAIMING THE WEEK OF SEPTEMBER 15<sup>TH</sup> TO THE 19<sup>TH</sup>, 2014 AS INDUSTRY APPRECIATION WEEK.

[5:35:04 PM](#) Mayor Nelson next presented Pat O'Rourke, with the Horizon Council, with the Proclamation proclaiming the week of September 15<sup>th</sup> through the 19<sup>th</sup>, 2014, as Industry Appreciation Week. Mr. O'Rourke was in attendance to accept the Proclamation and thank Mayor Nelson and City Council.

B. PROCLAMATION PROCLAIMING SEPTEMBER 8, 2014 AT INTERNATIONAL LITERACY DAY.

[5:38:15 PM](#) Mayor Nelson next presented Mike Hanson and Susan Acuna with a Proclamation proclaiming September 8, 2014 as International Literacy Day. Ms. Acuna and Mr. Hanson were in attendance to accept the Proclamation and to thank Mayor Nelson and City Council.

C. PRESENTATION BY LARRY NEWELL ON HEALTH CARE IN SOUTH LEE COUNTY.  
(GREENSHEET NO. 14-09-0260)

5:43:07 PM Council Member Bill Lonkart introduced Larry Newell, a resident of the Fountain Lakes Community, who was in attendance to furnish a presentation (submittal in clerk's file) on health care in South Lee County. Mr. Newell furnished a brief presentation and asked that City Council adopt a Resolution to take the lead in the development of a hospital in South Lee County.

D. PRESENTATION BY WRIGHT CONSTRUCTION GROUP, AND APPROVAL BY RESOLUTION, THE RANKING OF CONSULTANTS BY THE SELECTION COMMITTEE FOR RFQ #14-001 FOR DOWNTOWN IMPROVEMENT PROJECT AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED FIRM, WRIGHT CONSTRUCTION GROUP, ON THE SCOPE OF SERVICES AND FEE SCHEDULE. (GREENSHEET NO. 14-09-0251)

5:50:51 PM Public Works Director Matt Feeney furnished a brief overview of the history of the project to date. Wright Construction was chosen by the City's Selection Committee as the number one ranked firm. Staff is requesting that City Council approve the Selection Committee's ranking and direct Staff to begin negotiations with the top-ranked firm, Wright Construction.

5:51:59 PM Andy Powell, representing Wright Construction, furnished a PowerPoint presentation (Copy in Clerk's file) on the project. Their design team includes Agnoli, Barber & Brundage; Stantec; HighSpans Engineering, Inc.; and CellaMolnar. He began by furnishing a brief history of Wright Construction, after which various members of the team addressed items including landscape design, bridge improvements, a proposed roundabout, the placement of utilities underground, public information and participation, parking, streetscape and street design, the implementation of BMPs, stormwater management, bridge design, pre-construction design, complete streets, etc.

6:19:14 pm Council Member Martin expressed her happiness with the complete street concept, and opening up of the bridge. She asked if the Scope of Work would have to be modified to reflect the roundabout at Dean Street.

Council Member Slachta thanked the Selection Team for the great work, and Wright Construction for the great presentation. He fully supports approval of Wright Construction.

6:21:54 pm Assistant City Manager John Gucciardo next read aloud questions Council Member Mike Gibson e-mailed to him regarding timing and process. He asked how long they believe it will take, when they will start, and if it will be done in sections or all at once. With respect to process, he would like to know what they can do to help minimize disturbances to the local businesses, which he feels has been addressed. Mr. Powell responded to concerns. He explained that the goal within the first 90 days is to get a GMP and a 60% design. They did include a schedule in the packet that takes it from this meeting to completion of construction. There are some aspects that can be started early, including utility relocations, which would be done in phases.

6:24:25 pm Council Member Martin stated she was very happy with their presentation regarding a clock tower as well.

6:24:38 PM Council Member McIntosh stated it was a great presentation. His concern regards how to protect it after it's complete. He wants to ensure residents feel safe and are protected, which he feels relates to the Sheriff's Office.

6:25:42 PM Council Member McIntosh motioned adoption of the Resolution; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 14-37**

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.)

6:26:26 PM Council Member McIntosh motioned approval of the Consent Agenda; Council Member Bill Lonkart seconded; and the motion carried unanimously.

- A. APPROVE THE FOURTH ADDENDUM TO THE SECOND AGREEMENT TO THE INTERLOCAL AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR ENHANCED LAW ENFORCEMENT SERVICES. (GREENSHEET NO. 14-09-0262)
- B. ACCEPT THE LETTER FROM LEE COUNTY GOVERNMENT TO CONTINUE THE LEASE FOR 10520 REYNOLDS STREET FOR THE LEE COUNTY SHERIFF'S OFFICE SUBSTATION. (GREENSHEET NO. 14-09-0266)
- C. APPROVE INTERLOCAL AGREEMENT WITH LEE COUNTY FOR FIXED ROUTE TRANSIT SERVICE WITHIN THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 14-09-0261)
- D. AUTHORIZE MAYOR TO EXECUTE CODE ENFORCEMENT HEARING EXAMINER AGREEMENT WITH THOMAS W. FRANCHINO FOR THE PERIOD COMMENCING FEBRUARY 1, 2015 AND ENDING JANUARY 31, 2018. (GREENSHEET NO. 14-09-0257)
- E. REQUEST FOR APPROVAL OF A SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE MUSIC MAKERS SHOW BAND FOR A 2014-2015 CONCERT SERIES AT RIVERSIDE PARK. (GREENSHEET NO. 14-09-0263)
- F. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR RENDA BROADCASTING FOR THE "HOT WHEELZ WEEKEND" EVENT ON SEPTEMBER 13, 2014 AND SEPTEMBER 14, 2014 AT THE NAPLES-FORT MYERS GREYHOUND TRACK, 10601 BONITA BEACH ROAD. (GREENSHEET NO. 14-09-0264)
- G. REQUEST APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS FOR WEST COAST INLAND NAVIGATION DISTRICT GRANT FUNDING FOR MARINE LAW ENFORCEMENT. (GREENSHEET NO. 14-09-0265)

VIII. PUBLIC HEARING (PUBLIC COMMENTS):

- A. HOLD THE FIRST PUBLIC HEARING, AS REQUIRED UNDER THE FLORIDA LOCAL DEVELOPMENT ACT, TO AMEND THE DEVELOPMENT AGREEMENT FOR EAST BONITA ACTIVE ADULT COMMUNITY, AND MOVE TO A SECOND PUBLIC HEARING ON SEPTEMBER 17, 2014 BEGINNING AT 9:00 A.M., IN CHAMBERS AT BONITA SPRINGS CITY HALL. (GREENSHEET NO. 14-09-0257)

No action taken. Withdrawn by the Applicant.

## IX. PUBLIC COMMENT:

6:27:17 PM Joseph Prete, a resident in the City, expressed his support for improvements to be made downtown, but feels there are also good things there now, i.e., Buffalo Chips. He would also like to know where the limits of the downtown area are. City Manager Carl Schwing responded, explaining that from Terry to Bonita Beach Road they have received funding from Lee County of \$16 million. The core of downtown is near Dean Street and the river. The capture area includes significant amount of residential property, new development on Old 41, and the area south down and past Racetrack. Technically downtown starts at Rosemary and runs down Bonita Beach Road. In terms of width, it entails two blocks east and west of Old 41. Mayor Nelson suggested a map be placed on the City's website for residents in the area. City Manager Schwing to create a map for the website.

6:30:46 PM Kathy McGrath referenced the August 17, 2014 edition of Parade magazine and further addressed an article regarding downtowns in various areas of the country, along with suggested improvements.

6:32:55 PM Jessie Purdon stated that he feels that one of the most problematic areas of downtown is figuring out how to make parking work without slowing everything down. He feels parking is very important to the success of moving forward.

## X. CITY ATTORNEY'S REPORT.

- A. CONSIDER A SETTLEMENT OFFER BY ESTELA HERNANDEZ, IN CASE NO. 13-CA-053716, TO PROVIDE THE CITY WITH A DEED IN LIEU OF FORECLOSURE FOR PREMISES LOCATED AT 26268 CUTTING HORSE LANE, BONITA SPRINGS, FLORIDA, AND AUTHORIZE THE MAYOR TO ACCEPT SAME, AND WAIVE CLAIMS FOR ANY FURTHER MONIES, IN FULL SETTLEMENT OF THE ACTION. (GREENSHEET NO. 14-09-0256)

6:34:53 PM Assistant City Attorney Joseph Faerber addressed this agenda item by furnishing the history to date of this Code Enforcement Case. The request involves a settlement offer by Estela Hernandez to accept a deed in lieu of foreclosure, and to waive any claims for any future monies. A brief discussion was held.

6:37:06 PM Council Member Lonkart motioned approval; Council Member Martin seconded; and the motion carried unanimously.

- B. AUTHORIZE MAYOR AND STAFF TO EXECUTE A DEED OF CONSERVATION EASEMENT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, WHICH PURSUANT TO A 2009 MITIGATION AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND BEACH STORAGE, LLC, BEACH STORAGE, LLC, WILL PERFORM ENVIRONMENTAL MITIGATION ON THE WINDSOR ROAD CFPD PARK, AS PART OF ITS ENVIRONMENTAL RESOURCE PERMIT FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. (GREENSHEET NO. 14-09-0253)

6:38:08 pm City Attorney Audrey Vance furnished a brief overview in this request, for the Mayor and Staff to execute a Deed of Conservation Easement to the South Florida Water Management District.

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

XI. CITY MANAGER'S REPORT:

A. DIRECTION TO STAFF RELATIVE TO THE TOURIST DEVELOPMENT COUNCIL REQUEST OF SIGNAGE ALONG U.S. 41 FOR RIVER PARK. (GREENSHEET NO. 14-09-0254)

6:39:33 PM Nicole Perino, Director of Parks and Recreation, informed Council of a request she received after a meeting she attended at the TDC for signage for River Park. Per the City's Sign Ordinance a regular park sign is not permitted in a sense that other businesses are not allowed to place signage on U.S. 41. Staff did look at various options to see what they could and couldn't do based on the Sign Ordinance, and came up with the possibility of a directional sign. She spoke with FDOT who informed her this would be allowed and that they would permit such a sign even though that is not exactly what the TDC requested as they want an actual park sign. If however, she went back and told them that they would add additional directional signage, she feels they would be happy with that. Her proposal is for a directional sign to be placed on U.S. 41 in the right-of-way, between the bridge and the light.

6:41:48 PM Council Member Slachta expressed his support.

6:42:00 PM Council Member Martin supports the TDC's request for additional directional signage.

6:42:51 PM Mayor Nelson expressed his support for signage that lists everything.

6:45:33 PM Council Member Slachta motioned approval; Council Member Martin seconded; and the motion carried unanimously.

B. APPROVE THE LISTING AND PRIORITIZATION OF 2014-2015 LEGISLATIVE ISSUES. (GREENSHEET NO. 14-09-0258)

6:46:05 PM City Manager Carl Schwing addressed this agenda item and referred to the list attached to the Greensheet setting out the proposed 2014-15 Legislative Priorities. He is asking that Council inform him of any additions they may have.

6:47:40 PM Mayor Nelson asked that flood insurance and Lake "O" releases be included.

6:50:15 PM Council Member McIntosh requested alternative energy sources be included. Carole Green, the City's Lobbyist, informed Council that the Commissioner of Agriculture has taken this issue on, which they will continue to monitor.

6:53:22 PM Council Member Lonkart suggested they continue to be pro-active on the issue of a hospital.

6:54:48 PM Council Member Simmons requested they remain on the issue of Lake "O" water releases, which negatively impact the City.

7:00:41 PM City Manager Schwing clarified Council's approval of the four items Staff proposed, along with a fifth item addressing flood insurance. He will also include comments regarding alternative sources of power in the General Paragraph at the bottom, and move Lake "O" up into a numbered item.

C. APPROVE THE PROPOSED PROCEDURE FOR COMMERCIAL LANDSCAPE COMPLIANCE. (GREENSHEET NO. 14-09-0259)

[7:02:11 pm](#) City Manager Schwing addressed this item agenda item involving the procedure for commercial landscape compliance as set out in the Greensheet. If Council is in agreement, Staff is seeking Council approval.

[7:03:05 pm](#) Council Member Martin motioned to approve the Commercial Landscape Compliance procedure as set out; Council Member Simmons seconded; and the motion carried unanimously.

UPDATES:

[7:05:21 pm](#) Assistant City Manager John Gucciardo next furnished an update on the Beach Renourishment project, which he reported would be complete in a couple of weeks. He further reported that Lee County's Library Consultant has delivered to the County the first draft of the library study. Lastly he reported that Lee County has implemented the use of trollies in the City and are looking to see what they can do about extended use of them in the City.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

[7:08:27 pm](#) Council Member McIntosh reported that Susan Caputo is the new Principal at Bonita Springs Elementary.

[7:09:07 pm](#) Council Member Martin reported that the City's art work has been featured on the cover of Bonita Estero Magazine. She thanked the Art in Public Places Board for the great job they are doing. She is also happy about the trollies. Lastly, she reported that work was underway on the mural on the B.E.A.R. building.

[7:10:00 pm](#) Council Member Slachta reminded everyone of the Patriot Day Services scheduled for 6:00 P.M., September 11, 2014 at the Liles Hotel.

[7:10:28 pm](#) Council Member Simmons expressed his desire to stay on the issue of cleaner water.

[7:11:28 pm](#) Council Member Lonkart thanked City Manager Schwing and Public Works Manager Matt Feeny for the great job they did in getting the grass mowed east of I-75 in his district. He also asked for an update on the 68 acre parcel of land located at Bonita Beach Road and Bonita Grande Drive. Staff to look into and report back.

[7:13:10 pm](#) Mayor Nelson reported that he wants to work with Staff on removing the fence at the Bonita Middle School and connecting it to the front of the building.

XIII. APPROVAL OF MINUTES: 08/20/14

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

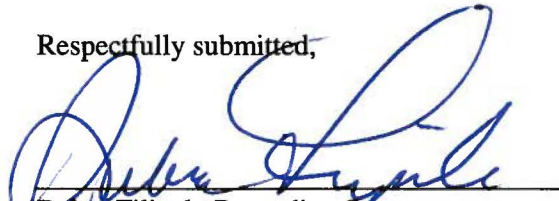
XIV. PUBLIC COMMENT:

[7:16:03 pm](#) Kathy McGrath commented on West Terry Street and the new dog park.

XV. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 7:20 P.M.

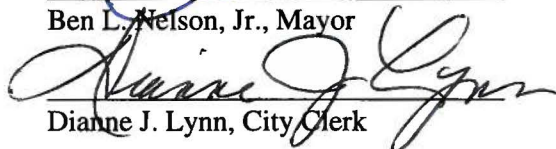
Respectfully submitted,

  
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Debra Filipek, Recording Secretary

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 9/18/14  
AUTHENTICATED: \_\_\_\_\_

  
\_\_\_\_\_  
Ben L. Nelson, Jr., Mayor

  
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Dianne J. Lynn, City Clerk