

**City Council
City of Bonita Springs
May 18, 2005
9:00 A.M.
City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES**

I. CALL TO ORDER:

Mayor Jay Arend called the meeting to order at 9:00 A.M. There were approximately 30 members of the public in attendance.

II. INVOCATION:

Council Member Robert Wagner furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor Arend led in the pledge of allegiance.

IV. ROLL CALL

[9:04:28 AM](#) Mayor Arend and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS:

[9:05:06 am](#) Elizabeth Gordy, a volunteer for the Café of Life, read into the record a letter expanding on their program.

[9:09:04 am](#) Jack Haugen, commented on agenda items VIII. A., B., and C. He expressed concerns with water and what will happen to water north of the ditch. He further commented on plans to widen Bonita Beach Road.

[9:10:46 am](#) Rick Steinmeyer, a resident of the City and Honorary Mayor of Survey, commented on agenda items VI. A., regarding the Café of Life; agenda item VI. B., regarding the San Carlos Estates Drainage District, stating that he feels taxes will increase because of the assessment. He further addressed agenda item XIV. D., regarding park security services as well as art in public places.

[9:14:29 am](#) Kathy McGrath, a resident of the City, commented on agenda item XIV. C., expressing caution to City officials in dealing with the County on the Three Oaks Parkway project.

[9:16:03 am](#) Bob McGrath, also a resident of the City, referred to the Stormwater Committee, stating that he feels that the City needs to find another way to fund improvements other than a tax.

[9:16:59 am](#) Bill Lee, a resident and landlord within the City, commented on agenda item XIII. C., regarding over crowded housing. He is against government involvement.

[9:18:06 am](#) Attorney Beverly Grady, with the law firm of Roetzel and Andress, stated she was in attendance to respond to questions concerning agenda item VII. A., relating to Angler's Paradise.

[9:18:32 am](#) Dr. Richard Becker, a resident of the City, addressed agenda item VII. A. concerning Angler's Paradise, expressing concerns with building heights along the river.

[9:19:32 am](#) Fire Chief Dan Gourley addressed agenda item XIV. C., regarding Imperial Street. He requested the County and City work together to approve funding. The road is critical to fire and emergency services.

[9:22:39 am](#) Ray Faubian, Chairman of the Board of the Bonita Springs Area Chamber of Commerce, commented on agenda item XIV. C. He urged Council to resolve the issue of funding to allow the Imperial/Three Oaks project to move forward, prior to July 2007, when work is scheduled to begin on I-75.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. APPEARANCE BY MARIETTA BALA, CHAIRMAN OF THE BOARD OF DIRECTORS, SUBMITTING A REQUEST BY CAFÉ OF LIFE TO RENT COMMUNITY HALL FIVE DAYS PER WEEK.

[9:24:35 AM](#) Marietta Bala, Chairman of the Board of Directors for the Café of Life, read into the record a letter dated May 18, 2005 (copy in City Clerk's file), requesting use of the Community Hall on Tuesday, Thursday and Fridays from 10:30 to 12 noon, on days when not in use by other organizations. Their request would only be until such time they find an alternate location.

[9:30:49 AM](#) City Attorney Audrey Vance referred to errata sheet dated May 16, 2005, stating that the application and use form has not been filled out as required by Ordinance 01-10. Her recommendation to City Council is that City Council not render a decision, but rather remand it back to Staff for Staff to review after the application form has been completed. Mayor Arend asked Staff to meet with the Sheriff's Department to respond to the 6 items listed on the memorandum dated May 11, 2005, as attached to the Greensheet. City Manager Gary Price responded that Staff would meet with the Sheriff's Department and Parks and Recreation and furnish Council with a formal report.

[9:32:13 AM](#) Council Member Wayne Edsall expressed concerns with health issues associated with the service of food.

Council Member Robert Wagner motioned for Council to continue to search for a location for the Café of Life, and for Staff to investigate the issues discussed; Council Member Wayne Edsall seconded.

[9:34:32 am](#) Council Member David Piper stated the need to be cautious as it relates to the safety of the children in the park areas.

The motion carried unanimously.

B. DISCUSSION OF A REQUEST FROM THE SAN CARLOS ESTATES DRAINAGE DISTRICT TO REMOVE THE "PAYOFF AT SALE" REQUIREMENT FROM THE CITY'S CONDITIONS FOR BOND BACKUP.

[9:35:23 am](#) Attorney Angela Hill, representing the San Carlos Estates Drainage District, addressed the District's request for removal of the "Payoff at Sale" requirement from the City's conditions for the bond backup. They are requesting the clause be modified so it applies to public entities applying for land in the district rather than each individual sale.

[9:44:28 am](#) John White, the City's financial advisor with First Southwest Company, responded to questions of Council. Discussion ensued.

[9:53:29 am](#) Council Member Piper motioned to not remove the “payoff at sale” language; Council Member Alex Grantt seconded; and the motion failed 43 (Mayor Arend, Council Member Joyce, Wagner, and Edsall dissenting).

- C. APPEARANCE BY JUAN ROMERO TO DISCUSS INDOOR SOCCER FIELD ROOF COST AND POTENTIAL PARTNERING POSSIBILITIES. CITY COUNCIL DENIED PROJECT ON DECEMBER 15, 2004 DUE TO INCREASE COST OVER BUDGET.

[9:54:38 am](#) Juan Romero, Jr., a student of Estero High, addressed his submittal to Council Members (copy in Clerk’s file), requesting help from the City in establishing a program.

[10:02:17 am](#) Council Member Piper suggested language to ensure the City the ability to negate the deal if the users fail to keep the area clean. He also suggested signage to also be in Spanish to state no alcoholic beverages on premises.

[10:06:06 am](#) Council Member Wagner discussed participating funds.

Martha Romero addressed Council on the need for these types of facilities within the City of Bonita. She urged support on behalf of the City.

Direction was that Council wants to pursue, but with participating funds, to work with Staff and come back to Council.

- VI. 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.)

[10:19:29 AM](#) Council Member Edsall motioned approval of Consent Agenda items B., C., F., and G., Council Member John Joyce seconded; and the motion carried unanimously.

- A. AUTHORIZATION BY CITY COUNCIL TO HAVE THE CITY OF BONITA SPRINGS CO-SPONSOR APPLICATION FOR ANGLER’S PARADISE AND THE CITY’S IMPERIAL RIVER PARK IN CONNECTION WITH A DRAFT DEVELOPMENT AGREEMENT UNDER DISCUSSION.

[10:28:27 AM](#) Mayor Arend pulled item A. for a clarification on the Development Agreement.

Mayor Arend motioned approval of item A.; Council Member Wagner seconded; and the motion carried unanimously.

- B. APPROVE RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NEW AGREEMENT WITH MAX DAVIS MAINTENANCE FOR RIGHT-OF-WAY MAINTENANCE AT THREE (3) LOCATIONS WITHIN THE CITY OF BONITA SPRINGS AND AUTHORIZE RETROACTIVE PAYMENT FOR PERIOD FROM APRIL 18, 2005 TO MAY 18, 2005. **ADOPTED RESOLUTION NO. 05-62.**
- C. ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ACCEPT PLATS ON BEHALF OF THE ENTIRE CITY COUNCIL. **ADOPTED RESOLUTION NO. 05-63.**
- D. ADOPT A RESOLUTION AMENDING AND REPLACING BONITA SPRINGS ORDINANCE 01-48, PROVIDING FOR ADDITIONAL ADMINISTRATIVE REQUIREMENTS FOR LARGE SCALE EVENTS HELD AT CITY PARK FACILITIES.

[10:33:43 AM](#) Mayor Arend pulled item D. for a clarification on event requirements. Assistant City Manager Barbara Barnes-Buchanan responded.

[10:40:33 AM](#) Mayor Arend motioned approval of the Resolution; Council Member Edsall seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 05-64.**

- E. APPROVAL OF THE POSITION OF PARKS AND SPECIAL EVENTS COORDINATOR.

[10:40:55 AM](#) City Manager Gary Price pulled item E. to inform Council that a Resolution had not be included in their packet. He further addressed the need for approval of the position.

Council Member Piper motioned approval of a Resolution approving the position of Parks and Special Events Coordinator; Council Member Wagner seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 05-65.**

- F. APPROVE THE ANNEXATION AGREEMENT WITH THE BONITA SPRINGS FIRE CONTROL AND RESCUE DISTRICT STATION EAST OF BONITA GRANDE AND SCHEDULE ANNEXATION ORDINANCE FOR JUNE 1, 2005 AND JUNE 15, 2005.

- G. APPROVE EASEMENT AGREEMENT WITH FLORIDA POWER & LIGHT FOR YMCA SOCCER FIELDS.

VIII. PUBLIC HEARING:

- A. HOLD THE SECOND PUBLIC HEARING, AS REQUIRED UNDER THE FLORIDA LOCAL DEVELOPMENT ACT, TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT WITH BEACH ROAD DEVELOPMENT COMPANY, L.L.C., FOR EAST BONITA ACTIVE ADULT COMMUNITY.

[11:30:34 am](#) City Attorney Vance addressed items A., B., and C., simultaneously, stating that she has reviewed the Affidavit of Publication and has found it to be legally sufficient.

[11:32:06 am](#) Attorney Charles Basinait, representing the Applicant, furnished an overview of all three development agreements as well as revisions made to the agreements. He has furnished the City Attorney with the revised/signed agreements. Discussion followed.

PUBLIC COMMENTS:

[12:00:07 pm](#) Bill Lonkart, a resident of the Worthington Country Club, thanked Council Member Piper and agreed with his comments regarding timing in relation to transportation infrastructure.

[12:01:14 pm](#) Rick Steinmeyer, a resident of the City, addressed concerns he had regarding impacts to Imperial Street.

[12:01:48 pm](#) Dan Wagner, a resident of Worthington Country Club, expressed concerns he had regarding surface water/flooding in the area.

[12:02:54 pm](#) Jack Halden, also a resident of Worthington Country Club, requested a clarification on the Applicant's map. Brian Farrar, with Ronto, agreed to meet with Mr. Halden at a later time.

[12:04:30 pm](#) Council Member Wagner motioned approval of items A., B., and C.; Council Member Joyce seconded; and the motion carried 5-2 (Council Member David Piper and Alex Grantt dissenting).

- B. HOLD THE SECOND PUBLIC HEARING, AS REQUIRED UNDER THE FLORIDA LOCAL DEVELOPMENT ACT, TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT WITH BEACH ROAD DEVELOPMENT COMPANY, L.L.C., FOR BEACH ROAD ESTATES DEVELOPMENT AGREEMENT.
- C. HOLD THE SECOND PUBLIC HEARING, AS REQUIRED UNDER THE FLORIDA LOCAL DEVELOPMENT ACT, TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT WITH BEACH ROAD DEVELOPMENT COMPANY, L.L.C., FOR BONITA BEACH ROAD GOLF COMMUNITY.
- D. ADOPT THE FOLLOWING RESOLUTION: A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, TO APPROVE STREET NAME CHANGE AS INITIATED BY THE CITY OF BONITA SPRINGS BECAUSE OF THE REALIGNMENT OF PENNSYLVANIA AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

[12:05:37 pm](#) City Attorney Vance read the title block of the Resolution into the record, approving the street name change. She explained that a small portion of the realignment has affected two properties on Ragsdale, west of Old 41 Road, resulting in the request.

[12:06:08 pm](#) Daryl Walk, the City's Public Work's Manager, stated that he was not aware of any problem with the request. He did not think timing would be an issue.

Council Member Piper motioned approval of the Resolution; Council Member Edsall seconded.

No public comments were made.

The motion carried unanimously.

IX. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN INCLUDING AMENDMENTS TO THE FUTURE LAND USE MAP, TEXT CHANGES TO THE FUTURE LAND USE ELEMENT (ADDING THE ESTATE, SUBURBAN AND URBAN FRINGE LAND USE CATEGORIES AND MODIFYING THE LOW DENSITY RESIDENTIAL, MODERATE DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, AND HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORIES), TRANSPORTATION ELEMENT (UPDATING THE TRANSPORTATION MAP SERIES), HOUSING ELEMENT (MODIFYING THE MAXIMUM BONUS DENSITY TABLE), INFRASTRUCTURE ELEMENT, CONSERVATION/COASTAL MANAGEMENT ELEMENT (INCORPORATING GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM), AND CAPITAL IMPROVEMENTS ELEMENT (REVISING THE SCHEDULE OF CAPITAL IMPROVEMENTS) AND ADDING A CHAPTER FOR DEFINITIONS; TO REVISE AND UPDATE THE EXISTING OBJECTIVES, POLICIES, DATA AND ANALYSIS IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[10:45:21 AM](#) At the request of Council Member Piper, agenda items VIII. A., B., and C. were addressed subsequent to agenda item IX. A.

[10:48:06 AM](#) Jim LaRue, with LaRue Planning & Management Services, furnished an overview of the Comprehensive Plan amendments, which involves a new Future Land Use Map, inclusive of the Urban Fringe land use category. The adoption hearing is scheduled for Council's meeting of June 1, 2005. Discussion ensued.

[11:26:47 AM](#) Council Member Wagner motioned approval of moving forward with a second reading of the Ordinance on June 1, 2005; Council Member Edsall seconded; and the motion carried unanimously.

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

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, CREATING A TAX ON PARI-MUTUEL WAGERING FACILITIES; MAKING FINDINGS FOR A PARI-MUTUEL WAGERING TAX; IMPLEMENTING FLORIDA STATUTES §550.105; ACKNOWLEDGING PREEMPTION OF AN OCCUPATIONAL TAX ON PARI-MUTUEL WAGERING FACILITIES; PROVIDING AN INTERPRETATION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

[12:07:51 PM](#) City Attorney Vance read the title block of the Ordinance into the record. If approved, a second reading will be scheduled for June 1, 2005.

[12:08:49 pm](#) Council Member Nelson motioned approval of a second reading on June 1, 2005; Council Member Wagner seconded; and the motion carried unanimously.

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

- A. AN ORDINANCE OF THE BONITA SPRINGS CITY COUNCIL, LEE COUNTY, FLORIDA, AMENDING THE BONITA SPRINGS FALSE ALARM ORDINANCE; ORDINANCE NO. 03-06; REVISING THE DEFINITION FOR PERMIT YEAR; AMENDING ALARM PERMIT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENERS ERRORS AND AN EFFECTIVE DATE.

[12:08:59 PM](#) City Attorney Vance read the title block of the Ordinance into the record. She has reviewed the Affidavit of Publication and has found it to be legally sufficient.

Council Member Nelson motioned approval of the Ordinance; Council Member Piper seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 05-06.**

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA DESIGNATING A 400 FOOT LINEAR FOOT PORTION OF THE GULF SIDE BEACH AT BIG HICKORY ISLAND AS A VESSEL EXCLUSION ZONE/SWIM AREA ONLY; CONSISTENT WITH THE BONITA SPRINGS VESSEL CONTROL AND WATER SAFETY ORDINANCE NO. 96-22, AS AMENDED, PROVIDING FOR REGULATIONS AND CONDITIONS ON THE DESIGNATED AREA: PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

[12:09:55 PM](#) City Attorney Vance read the title block of the ordinance into the record.

[12:11:14 PM](#) Council Member Nelson informed Council of phone calls he received regarding people who anchor their boat and walk the beach. He questioned the policy on this. Attorney Tom Hart, representing the Pelican Landing Association, responded that the Pelican Landing Community

Association nor anyone else, has the authority to tell boaters that they cannot come up to the beach and walk along the beach portion – the portion below the mean high tide line. He referred to the subject area, which involved a 400 foot linear foot area as a swim zone only. The area they are requesting is totally within the idle speed only designated area. The Ordinance would not affect any boat going through the pass. The Association will pick up all expenses involved in enforcing the Ordinance.

[12:15:38 pm](#) Tom Mooring, Chairman of the Beach Committee for Pelican Landing, addressed signage. There are signs along the beach to inform people that the upland area is private and owned by the Pelican Landing Community Association, and that the property is for the benefit of the residents and guests of the Hyatt and the Coconut Plantation Vacation Club. They acknowledge that the beach to the high water mark is open and available to everyone.

Council Member Edsall motioned approval of the Ordinance; Council Member Nelson seconded.

[12:19:28 pm](#) Rick Steinmeyer, a resident of the City, questioned whose responsibility it was to clean the beach.

The motion carried unanimously.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS

[12:20:34 pm](#) Council Member Wagner reported that the Luke Street canal project was complete with dredging done to 12 feet. The residents along the finger canals were currently in the process of forming an MSBU (Multiple Service Benefit Unit) to address the finger canals, which were privately owned.

[12:21:26 pm](#) Council Member Grantt updated Council on Fire Stations #2 and #4. He reported that Fire Station #2 received its “CO.”

[12:21:59 pm](#) Council Member Edsall motioned to move forward with approving the Agreement with Palmira to hold the City’s Fourth of July fireworks at their site; Council Member Wagner seconded. City Attorney Vance stated she would have the signed agreement from Palmira scheduled for Council’s meeting of June 1, 2005. Council Member Edsall explained that his motion was based on approval from the various departments to address emergency situations; Council Member Wagner seconded; and the motion carried unanimously.

[12:23:53 pm](#) Council Member Piper requested that the Parks and Recreation Ordinance language be strengthened to deal with issues relating to security and people sleeping at City park facilities. City Attorney Vance stated she would review and bring back amended language.

[12:27:41 pm](#) Council Member Nelson informed Council of a lecture he attended at the University of Miami on red tide, in which Professor Brandt stated he felt Everglades Restoration was headed in the wrong direction. He also addressed concerns from residents in relation to TFC-2 zoned properties in the Old Bonita area.

XIII. CITY ATTORNEY’S REPORT:

A. REVIEW A DRAFT ORDINANCE TO PROVIDE DIRECTION ON HOW TO PROCEED IN ESTABLISHING AN ART IN PUBLIC PLACES PROGRAM.

[1:05:47 PM](#) Council Member Robert Wagner left the meeting.

[1:05:30 PM](#) City Attorney Vance referred to the draft Ordinance in which she was seeking Council direction on how to proceed with an Art in Public Places program. Discussion ensued.

[1:19:48 pm](#) City Attorney Vance to draft Ordinance, with Staff to arrange to have Dean Knox make a presentation before City Council.

- B. PERMISSION TO ADVERTISE THE FOLLOWING ORDINANCE: AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISION 1, AMENDING 2-266 RELATING TO ROAD IMPACT FEES; REVISING THE IMPACT FEES SCHEDULE IN TABLE 2.2 AND ESTABLISHING A NEW DATE FOR ANALYSIS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

[1:20:18 PM](#) City Attorney Vance read the title block of the Ordinance into the record. If approved, a first reading would be scheduled for June 1, 2005, and a second on June 15, 2005.

Council Member Nelson motioned approval of moving forward with a first reading of the Ordinance on June 1, 2005, and a second reading on June 15, 2005; Council Member Piper seconded; and the motion carried unanimously.

- C. REVIEW PROPERTY REGULATIONS IMPOSED BY OTHER CITIES DRAFTED IN RESPONSE TO CONCERNS ABOUT OVERCROWDED HOUSING AND PROVIDE DIRECTION TO STAFF TO PURSUE NEW OR AMENDED PROPERTY REGULATIONS.

[1:21:58 pm](#) Assistant City Attorney Kami Corbett addressed both the current and proposed property regulations dealing with issues concerning overcrowded housing. Existing regulations include the Noise Ordinance, the Standard Housing Code, and the Land Development Code (LDC). The two proposed codes deal with enforcement. She is requesting direction on how to proceed, suggesting starting with Vehicle Parking, the Standard Housing Code, and Rental Housing. Discussion ensued.

[1:40:23 PM](#) Council Member Nelson requested visual representations on typical driveways in the ordinance that addresses driveways.

[1:49:59 pm](#) City Attorney Vance suggested that Staff proceed with separate ordinances for Vehicle Parking, Rental Housing, and the Standard Housing Code. She further suggested language to be added as an amendment to the LDC.

Council Member Nelson motioned for Staff to proceed with separate ordinances for Vehicle Parking, Rental Housing, and the Standard Housing Code; Council Member Piper seconded; and the motion carried.

Council Member Piper reported that his district was to begin setting up Neighborhood Watch programs as an extension of code enforcement. He suggested other Council Members do this as well.

XIV. CITY MANAGER'S REPORT:

- A. DISCUSSION OF REPORT AND DIRECTION TO STAFF ON THE PRELIMINARY STORMWATER FUNDING PROGRAM REPORT PREPARED BY HARTMAN & ASSOCIATES, WITH RESPECT TO THE POTENTIAL IMPLEMENTATION OF A STORMWATER UTILITY.

[1:53:12 pm](#) City Manager Gary Price read the request into the record.

[1:54:53 pm](#) David Schmitt, Chairman of the Stormwater Utility Advisory Board, updated Council on the Boards actions to date along with their recommendations on funding. A PowerPoint presentation was furnished. Council discussion followed.

Staff direction was to remain as is.

B. REVIEW AND ACCEPTANCE OF REPORT BY STANSBURY RESOLUTIONS BY DESIGN INC. OF THE COUNCIL RETREAT ON STRATEGIC PLANNING HELD ON APRIL 20, 2005, AND DIRECTION TO STAFF.

[2:30:44 pm](#) City Manager Price addressed item B., requesting Council direction. If approved, he would work with Mr. Stansbury on a schedule.

Council Member Nelson motioned acceptance of the Report by Stansbury Resolutions by Design, Inc.; Council Member Piper seconded; and the motion carried unanimously.

C. DISCUSSION OF LEE COUNTY'S REQUEST FOR AN ADDITIONAL \$5.184 MILLION TO CONSTRUCT IMPERIAL ROAD FROM BONITA BEACH ROAD TO EAST TERRY, AND \$4.2 MILLION TO CONSTRUCT THREE OAKS FROM EAST TERRY TO NORTH OF THE CITY LIMITS.

[2:35:03 PM](#) Dave Loveland, with Lee County Department of Transportation, reported that there is a \$84.4 million cost increase in the County's 5-year CIP. There are 7 major road projects in which he is proposing to delay the funding for the construction phases one to two fiscal years. It's an issue the County is having to deal with in terms of balancing the projects costs against the available revenues throughout the County.

He stated that the total the County has previously requested from the City was \$9.4 million. He stated that if the City is willing to commit \$6.6 million, the County Staff will recommend that the County cover the remaining \$2.8 million. Discussion followed.

He next informed Council of Senate Bill 360, which involves the Transportation Regional Incentive Program (TRIP), which provides funds for "regional" roadways, which he believes the Three Oaks Project would qualify. There is an estimated \$50 million that would be available to District 1 via 50% matching funds. It involves an application process in which the County may received 50% construction costs from the State. Money would have to be provided for up front first. He stated that it's estimated that the projects will be ready to go to bid by October, with construction estimated to begin in January. He stated it was critical that funding be available for Fiscal Year 2005/06 to keep the projects on schedule so they can be completed before the 6-laning of I-75.

[2:46:43 PM](#) In response to the Mayor, Mr. Loveland stated that the total cost for the Imperial project is \$18.5 million. The total for the Three Oaks South project is about \$41 million. Discussion ensued.

[3:03:38 PM](#) Council Member Grantt motioned to approve \$6.6 (\$6.591) to complete the project; Council Member Nelson seconded.

[3:04:24 pm](#) City Attorney Vance clarified that the \$6.591 involves the two projects – Imperial and Three Oaks.

[3:04:41 PM](#) Council Member Piper stated that the money would only be allocated if the Lee County Board of Commissioners diverts the \$8 million, and that secondly, the City is provided with a time certain for completion of the project. He further suggested that no more funds be expended in the event the County can't meet the time certain.

[3:06:20 pm](#) City Attorney Vance stated that additionally, that Lee County will apply for the TRIP grant and the money will be returned to the City if they are successful. Council consensus was to sponsor the application.

[3:06:35 pm](#) Council Member Grantt amended his motion to include Council Member Piper's suggestions; Council Member Nelson seconded the motion. Council Member Nelson expressed a concern with Council Member Piper's request that there be a time certain.

[3:13:02 pm](#) Mayor Arend requested a new Interlocal Agreement reflecting the total amount of \$9.38 million.

[3:15:33 pm](#) City Attorney Vance clarified the motion which is to amend the two Joint Supplemental Agreements, with the possibility of rewriting them in their entirety; that by Fiscal Year 2005/06 the City will give an additional \$6.591 for both the Imperial and Three Oaks project; the County will be obligated to apply for TRIP funds because of the regional basis of the road, with the City acting as a co-sponsor, with the City to be repaid first out of any revenue received from the TRIP funds for these projects.

Discussion ensued on trip funds, with Mr. Loveland explaining that funds would be applied for each on individual CIP project segment. Council Member Nelson suggested funds be proportional.

[3:18:29 pm](#) City Attorney Vance clarified that TRIP funds would be proportional, with Lee County prioritizing the projects above and beyond other projects. No additional payments by City Council would be made as a result of any delays to the project. Also, Lee County will use its best efforts to complete the roads by June 2007.

Council Member Grantt amended his second to reflect City Attorney Vance's comments; Council Member Nelson amended his second; and the motion carried unanimously.

D. APPROVE OF SECURITY SERVICE FOR CITY PROPERTY.

[3:20:42 pm](#) City Manager Gary Price read the request and addressed his recommendations.

[3:28:41 pm](#) Council Member Nelson motioned to piggyback off the Wackenhut contract; Council Member Wagner seconded; and the motion carried unanimously.

E. REVIEW OF MONTHLY PROJECTS REPORT.

[3:31:52 PM](#) City Manager Gary Price furnished a brief update on revisions to the report.

XV. APPROVAL OF MINUTES: 04/06/05 & 05/4/05

Council Member Wagner motioned approval of both sets of minutes; Council Member Nelson seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENTS:

[3:33:07 pm](#) Rick Steinmeyer, resident of the City, commented on security for City property.

[3:36:07 pm](#) Craig Stephens, a resident of Patrick Street, addressed drainage issues on his street.

XVII. ADJOURNMENT:

[3:42:54 PM](#) There being no further items to discuss, the meeting adjourned at 3:42 P.M.

Respectfully submitted,

Debra Muchler, Recording Secretary

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: _____

AUTHENTICATED:

Jay Arend, Mayor

Dianne J. Lynn, City Clerk