

**City of Bonita Springs
City Council Meeting
Wednesday, July 5, 2000
6:30 P.M.**

**Bonita Springs Utilities' Board Room
11860 East Terry Street
Bonita Springs, Florida 34133**

I. CALL TO ORDER.

The meeting was called to order at 6:30 P.M. by Mayor Pass. There were approximately 25 members of the public present.

II. INVOCATION.

The Reverend Kevin Reid of the First Presbyterian Church gave the invocation.

III. PLEDGE OF ALLEGIANCE.

The Mayor led in the pledge of allegiance.

IV. ROLL CALL.

All Council Members were present.

The Mayor stated that since he will be attending the South Florida Water Management District meeting on July 12, Vice-Mayor Arend will preside over the July 12 Council meeting.

V. PROCLAMATIONS AND EXPRESSIONS OF APPRECIATION.

- A. Presentation by Dave Motz, President of Rolling Thunder, Chapter 2, Florida, of a POW/MIA flag to the City of Bonita Springs.**

Dave Motz, President of Rolling Thunder, Chapter 2, Florida presented a POW/MIA flag to the City. Rolling Thunder is a not-for-profit organization, whose major function is to publicize prisoner of war and missing in action issues; they are committed to helping disabled veterans from all wars. The Mayor thanked Mr. Motz and will fly the flag in his office.

- B. Presentation by Nancy Keefer from the Chamber of Commerce regarding the Sister City Program. (Grunstadt, Germany).**

Don Thomson of Bonita Springs Chamber of Commerce stated that for the past 10 years the Chamber has been involved in the sister city program. Hans Jaeger, Deputy Bergermeister of Grunstadt was in attendance. Mr. Jaeger thanked the Mayor and Council for inviting him, and presented the City with a watercolor painting. Manuela Spiess, the Wine Queen from Grunstadt presented the Mayor with a bottle of wine. The Mayor thanked Mr. Jaeger and Ms. Spiess for the gifts.

The Mayor expressed his thanks to the Bonita Springs Fire Department and everyone else who was involved for their hard work at the July 4th parade.

VI. PUBLIC COMMENT ON CONSENT AND ADMINISTRATIVE AGENDA ITEMS.

There were no public comments.

Captain Kerry Griner and Lieutenant Les Partington of the Lee County Sheriff's Department were in attendance. Captain Griner stated that they would be available for City Council meetings, however if Council wants a deputy at each meeting, it would be a special detail, at \$20 per hour. Captain Griner offered his assistance to the Mayor and Council Members and told them to contact him if they have questions or need special assistance. The Mayor thanked the Sheriff's Department for keeping him apprised of items of special concern in the City.

VII. CONSENT AGENDA. (Note: Items on the Consent Agenda will be considered together unless an item is removed by any Council Member for separate discussion.)

VIII. ADMINISTRATIVE AGENDA.

A. Approval of Interlocal Agreement with Lee County for Collection of Impact Fees.

City Attorney Vance referred to the Interlocal Agreement in the Council's packet. She stated that the County will provide the services of collecting and administering the program for a fee of not to exceed 3%. The remainder of the revenue will be remitted to the City, with the exception of fire impact fees, which the County will remit directly to the Bonita Springs Fire District. Council Member Nelson asked the City Attorney to look into if interest will be paid to the City. It was Council consensus to approve the Agreement.

B. Discussion of County staff assistance to the Zoning Board and the LPA.

The City Manager advised that he talked with Mary Gibbs of Lee County and they are interested in providing staff assistance to the City's Zoning Board. The Zoning Board is the equivalent to Lee County's Hearing Examiner process. The County could have a conflict, however, if they are chosen pursuant to the City's request for proposals for comprehensive plan preparation. The City Manager will bring more detailed information back to Council at the July 12 meeting. The City Manager then introduced George Archibald, who was in the audience. Mr. Archibald has been retained by the City to assist in roads and streets impact fees, maintenance, the capital improvement program, etc. Mr. Archibald has made some inspections of streets and roads and their conditions, and has received the County's Five-Year budget to see what amounts they have budgeted for roads and streets. Mr. Archibald will meet with Scott Gilbertson to discuss issues.

The City Manager stated he had talked with Mary Gibbs concerning conducting the Bonita Beach Road Corridor study, however Ms. Gibbs needs more guidance from City Council. Council directed the City Manager to schedule a workshop with the County to discuss the matter.

City Manager Price distributed a document entitled "Lee County Department of Community Development, Development Services Division, Development Review Applications, 4/1/00 to 6/30/00". Walter McCarthy of Lee County addressed Council, and stated there is an enormous amount of development activity in Bonita. He suggested that the City might want to schedule monthly meetings with the County to review the list and in that way enable the City to keep up to date on projects. Mr. McCarthy said there are 34 pages of building permits in just one month's time, and they have difficulty trying to keep everyone up to date on all activities. The City Manager was directed to schedule monthly meetings with Mr. McCarthy and Council Member Arend, since he is the Council Member assigned to planning and land use matters.

Discussion ensued concerning the Jefferson Apartments project (behind old Winn Dixie). The project is zoned for 198 units. Mr. McCarthy said there were extensive open space requirements attached to the project, including a large conservation area along the Imperial River and a rare and unique upland species where the developer had to do a lot to preserve the area. Council Member Edsall asked that a workshop session be scheduled.

IX. APPEALS.

X. PUBLIC HEARINGS.

- A. 6:45 P.M. SECOND READING AND PUBLIC HEARING OF A TRANSITIONAL ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, READOPTING EMERGENCY ORDINANCE NO. 00-01 AS A REGULAR ORDINANCE PURSUANT TO SECTION 29 OF THE BONITA SPRINGS CHARTER, TO INCORPORATE LEE COUNTY ORDINANCES AS ORDINANCES OF THE CITY OF BONITA SPRINGS; ADOPTING AND INCORPORATING LEE COUNTY RESOLUTIONS AS RESOLUTIONS OF THE CITY OF BONITA SPRINGS; PROVIDING FOR REPEALER; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Vance read the title of the Ordinance. She referred to the Affidavit of Publication that was published in the Naples Daily News on June 24, 2000 and noted for the record that it was advertised in a timely manner. This ordinance tracks Lee County Ordinance 99-20, and adopts and incorporates those ordinances as ordinances of the City.

The Mayor asked for public comment. There was no public comment. Council Member Warfield made the motion to adopt the ordinance; Council Member Wagner seconded the motion, and **THE MOTION CARRIED UNANIMOUSLY. ORDINANCE 00-07 ADOPTED.**

- B. FIRST READING AND PERMISSION TO ADVERTISE: Direct to Public Hearing and authorize the advertisement of an ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF BONITA SPRINGS GRANTING FLORIDA POWER AND LIGHT COMPANY, ITS SUCCESSORS, AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE; IMPOSING CITY-WIDE PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF BONITA SPRINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney read the ordinance title and stated that the tentative date set to adopt this ordinance is July 19, 2000 at 7:00 P.M. The Mayor asked that the time for adoption be changed to 6:45, rather than 7:00 P.M. Grover Whidden of Florida Power & Light was in attendance. After discussion, the following modifications were made to the Agreement: The term was for a 25-year period with a 5-year renewal at FPL's option; the franchise fee will be set at 4% for an 18-month period to recapture the previously lost revenue; and after the 18-month period, the fee would be established at 3%, giving Council the ability to increase the franchise fee to a maximum of 5%, with a 1% cap per year. The City Attorney pointed out that in accordance with Section 15, FPL would be required to file its acceptance with the City's Clerk within 30 days of adoption of the ordinance. Council Member Warfield wanted to make it clear that people are not paying any more than they would have paid normally.

Council Member Edsall made the motion to set the franchise fee at 4% for an 18-month period, and gave direction to schedule this for public hearing and permission to advertise for the July 19, 2000 City Council meeting at 6:45 P.M.; Council Member Piper seconded the motion, and **THE MOTION CARRIED 6-1 (Council Member Nelson dissenting).**

XI. PRESENTATIONS.

XII. COUNCIL MEMBER ITEMS AND REPORTS.

Council Member Arend expressed his appreciation to Bonita Springs Utilities for their assistance with a citizen's problem with standing water. He will send a letter of appreciation to Bonita Springs Utilities. Council Member Arend directed the City Manager to check into the possible purchase of the vacant lot north of the community hall.

Council Member Wagner advised that he and the City Attorney are working on an ordinance limiting newspaper vending machines and this will take care of Mrs. Pritchard's concerns.

Council Member Warfield relayed a citizen's comment that there is a perception of Council members getting together before meetings to discuss upcoming business.

Council Member Piper commended the City Attorney for meeting with him concerning the development behind the old Winn Dixie. He also expressed his concern about lobbying efforts by special interest groups that want to meet individually with Council members concerning road network options. The best approach for the lobbyists is to come before Council.

Council Member Nelson reported on the South Florida Water Management District meeting and the possibility of obtaining money for clean-up of Oak Creek. There is some County money to do the project, but it is a matching deal.

The Mayor referred to an add-on item on the agenda, which is a request to send a letter to County Commissioner Albion requesting remittance of FP&L franchise fees collected by FP&L and remitted to Lee County from the date of incorporation to the City Council. It was Council consensus for the Mayor to send the letter.

XIII. APPROVAL OF MINUTES: June 28 and June 30, 2000

Council Member Wagner made the motion to approve the June 28 minutes; Council Member Warfield seconded, and **THE MOTION CARRIED UNANIMOUSLY**. Council Member Arend made the motion to approve the June 30 minutes; Council Member Nelson seconded, and **THE MOTION CARRIED UNANIMOUSLY**.

XIV. PUBLIC COMMENT.

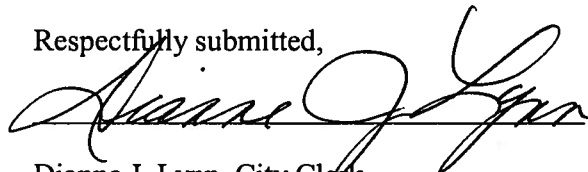
Richard Becker, president of the Bonita Springs Incorporation Committee expressed concern regarding the FP&L franchise fee calculations.

Judith Pritchard thanked City Council for their assistance regarding newspaper boxes.

XV. ADJOURNMENT.

There being no further business, the meeting adjourned at 8:05 P.M.

Respectfully submitted,



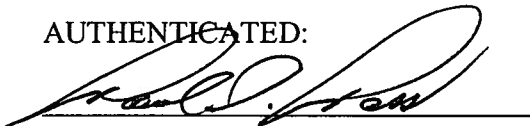
Dianne J. Lynn, City Clerk

APPROVED:

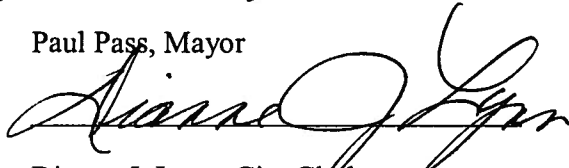
BONITA SPRINGS CITY COUNCIL

Date: 7-12-00

AUTHENTICATED:



Paul Pass, Mayor



Dianne J. Lynn, City Clerk

7-5-00 MINUTES MINSI