

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, FEBRUARY 17, 2016
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Mayor Ben L. Nelson, Jr. called the meeting to order at 9:00 A.M.

II. INVOCATION:

Pastor Jeff Chitwood, with New Life 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.

V. PUBLIC COMMENT ON AGENDA ITEMS:

9:02:57 am Jerry Masters was in attendance to voice his opposition to the request involving the Bonita Grande Mine. He also voiced his support for Agenda Item X., regarding the E.A.R.

9:04:39 AM Diane Ketchum addressed the E.A.R. and asked that no changes be made to building height and density. She also suggested that they update the CHHA (Coastal High Hazard Area) map.

9:06:35 AM Charlie Strader read a letter into the record on behalf of the Goodbread Grocery store, after which he voiced his support regarding the Lion's Club request to move the Dixie Moon building to the Lemon Tree site.

9:10:53 AM Ronda Lawhon echoed comments made by Mr. Strader regarding the Dixie Moon building.

9:11:18 AM Donna Stone was in attendance to address the E.A.R. She stated that the study is slanted towards development and growth and that the report is in opposition to the Comprehensive Plan. She also finds the documents in opposition to all the studies, meetings and comments on the work done by the LPA, Zoning Board, City Council, Water Task Force and other City Committees in the last 10 years. She is here to urge City Council to reject the report.

9:13:27 AM Bonnie Wittimore, a resident of Fairway Dunes echoed comments made relating to the E.A.R. She was here to applaud City Council and the City Manager, and people who care about Bonita Springs for all their work on the E.A.R.

9:13:48 AM Beverly Greenstein, a resident of Worthington Country Club, was also in attendance to comment on the E.A.R. Any plan that works as well as the plan that we currently have that maintains our

small town charm, should not have policies deleted, or zoning changes made to the existing Comprehensive Plan. She was present to ask that City Council only make those State amendments that are required.

9:14:48 AM Dawn Koncikowski also commented on the E.A.R. She stated that via email, she will forward her comments to the City Clerk to include in the file. The Comprehensive Plan was created by the community and is a plan that everyone agreed upon and was adopted by City Council. It includes protections and not traps for the community. She further commented, stating that it's the community's plan.

9:16:46 AM Fred Forbes also addressed the E.A.R., stating that the LPA unanimously recommended to transmit the part of the recommendations made by FGCU to the State. He also supports comments made by previous speakers regarding the Dixie Moon.

9:19:11 AM Rick Steinmeyer commented on the budget amendment and the Dixie Moon of which he supports the proposal by the Lion's Club.

9:21:05 AM Amy Quaremba commended the LPA with respect to the work they did on the E.A.R. She supports the idea that only the State mandated amendment should go forward and that Council should take the time to go through each amendment. She also supports having workshops.

9:22:34 AM Amanda Brock with Henderson Franklin law firm, addressed agenda item XI. A., regarding Oak Creek. She is here to respond to questions and concerns.

9:23:21 AM Martha Simons thanked Council Member Janet Martin for her work with the Historic Preservation Board, the Wonder Gardens, etc. She addressed the need for nodes of commercial to create that vibrant city that everyone wants. The Lion's Club is here to partner with the city in any way they can, as they have over the years.

9:25:54 AM Ron Pure began by addressing the previous City Council meeting process.

9:27:33 AM Kathy McGrath voiced her support for the Consent Agenda items relating to Cullum's Trail and the Bonita Nature Place.

9:28:20 AM John West commented on item XI. A., regarding the bonus density agreement for Oak Creek.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION ON PROPOSAL BY THE BONITA SPRINGS LIONS CLUB REGARDING THE HISTORIC DIXIE MOON CAFÉ/GOODBREAD GROCERY BUILDING. (GREENSHEET NO. 16-02-0043)

9:30:28 AM Terry Lawhon furnished a brief overview, informing Council of their Board meeting and vote to move forward with this request.

9:32:51 AM Richard Donnelly, a designer, utilized a PowerPoint presentation (copy in Clerk's file) to address their proposed request and plans for the Dixie Moon building to be moved to the Lemon Tree property.

9:42:47 AM Mr. Lawhon, in response to Council, explained that they plan to meet with City Staff to address the use of the building by the Lion's Club. They would like to keep the building intact.

9:44:24 AM A brief Council discussion was held, with Mayor Nelson and Council Member Martin expressing their support for the proposal. Council Member Martin also supports the Lion's Club talking with the City on their retail business plan and what they would be doing there. She stressed that it would have to fit in 100% with the downtown revitalization plans. She fully supports a green market at that location.

9:45:44 am Council Member Peter Simmons motioned approval; Council Member Bill Lonkart seconded. Council Member Simmons clarified that he supports the angled orientation.

9:47:06 am Martha Simons requested some flexibility on the orientation depending on where the utilities are located.

9:47:48 am City Attorney Vance addressed the need for an Ordinance for the leasing of the property per the City's Charter. She will work with Staff on the Ordinance, and she will also work on staff on existing zoning of the Lemon Tree parcel is to ensure the uses are consistent. Mayor Nelson stressed that they do not want to do any harm by doing this so far as the park plan and plans to expand the park.

The motion passed unanimously.

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.)

9:49:51 AM Council Member Martin pulled item C. to commend Jason Jaccarino, the caretaker of the Bonita Nature Place on the great job he does at the Bonita Nature Place. She supports approval of the Caretaker's Agreement.

Council Member Steve Slachta motioned approval of the remainder of the Consent Agenda (Items A., B., D., E., and F.); Council Member Simmons seconded; and the motion carried unanimously.

A. AUTHORIZE MAYOR TO APPROVE RESOLUTION AWARDDING THE CITY WIDE SIDEWALK REPAIR PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, STAGE DOOR II, INCORPORATED IN THE TOTAL BID AMOUNT OF \$58,800, UPON APPROVAL OF DOCUMENTS BY CITY ATTORNEY. (GREENSHEET NO. 16-02-0031) **ADOPTED RESOLUTION NO. 16-08**

B. APPROVE THE SUPPLEMENTAL TASK AUTHORIZATION WITH COASTAL ENGINEERING CONSULTANTS INC. FOR THE CULLUM'S TRAIL BRIDGE DESIGN AND PERMITTING, IN THE AMOUNT OF \$30,020; AND IF APPROVED, ADOPT THE ATTACHED RESOLUTION AMENDING THE FY 2015-2016 BUDGET TO TRANSFER THE NEEDED APPROPRIATION. (GREENSHEET NO. 16-02-0033) **ADOPTED RESOLUTION NO. 16-09**

C. APPROVE THE CARETAKER'S AGREEMENT FOR THE BONITA NATURE PLACE BETWEEN JASON JACCARINO AND THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 16-02-0030)

9:50:17 AM Council Member Martin motioned approval of Item C.; Council Member Slachta seconded; and the motion carried unanimously.

D. APPROVE CAPITAL EXPENDITURE CARRYOVER BUDGET AMENDMENT. (GREENSHEET NO. 16-02-0035) **ADOPTED RESOLUTION NO. 16-10**

E. APPROVE AN AGREEMENT WITH THE POLK MUSEUM OF ART TO HAVE ON LOAN FIVE PIECES OF ART FROM THEIR SIXTEENTH ANNUAL FLORIDA OUTDOOR SCULPTURE COMPETITION FROM MARCH 2016 TO JANUARY 2017. (GREENSHEET NO. 16-02-0039)

F. APPROVE THE RESOLUTION TO AMEND THE BUDGET TO FUND THE CITY-WIDE BICYCLE AND PEDESTRIAN MASTER PLAN PROFESSIONAL SERVICES CONTRACT. (GREENSHEET NO. 16-02-0036) **ADOPTED RESOLUTION NO. 16-11**

VIII. SECOND READING OF THE FOLLOWING ZONING ORDINANCE (PUBLIC COMMENTS ARE LIMITED TO PARTICIPANTS OF THE ZONING BOARD MEETING)

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY BONITA GRANDE PROPERTIES, LP TO AMEND LEE COUNTY ZONING RESOLUTION NO. 98-071 AS SUBSEQUENTLY AMENDED, TO EXTEND THE TERMINATION DATE OF MINING FROM MAY 27, 2020 TO MAY 27, 2030; ON LAND LOCATED AT 25501 BONITA GRANDE DRIVE, BONITA SPRINGS, FL 34135, ON 1,268.0 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

[9:51:14 AM](#) City Attorney Vance read the title block of the Zoning Ordinance into the record, after which she addressed the memorandum she prepared the previous day to City Council. The recommendation is to remand the case to the Zoning Board to allow them to reapply under the Lee County plan.

PARTICIPANTS:

[9:55:02 am](#) Peter O’Flinn stated that the record shows that the applicant filed under the Bonita Plan, and that the Zoning Board decided to reject that application. As a courtesy, and for complete due process, he supports allowing the applicant to amend their application under the Lee Plan.

[9:57:38 am](#) John Konwinski stated he’s opposed to allowing the mine to continue. He also informed Council of damage to nearby residences as a result of the blasting operation – noise, dust, cracks, truck traffic, etc. He is here to ask City Council to deny this request.

[10:08:19 am](#) Ron Pure suggested adopting a user fee and implementing impact fees for this company. He hopes City Council will deny their request for an extension.

[10:13:16 am](#) Fred Forbes feels the Applicant has the right to resubmit their request under the Lee Plan. He suggests looking into a lesser extension, and in exchange for that, that when completed that they restore the property, and allow 132 homes on the site. Additionally, that some portion of the property be dedicated to the city.

[10:16:18 am](#) Donna Stone stated that Worthington is aware of this situation. She feels there are many reasons not to extend the mine’s lease, which she addressed. She is here to ask City Council to deny their request.

[10:20:09 am](#) Scott Duval addressed legal reasons as to why the request should not be approved. There is a legal obligation to deny this, and to allow them to reapply under the Lee Plan.

[10:27:02 am](#) Council Member Simmons stated he would agree to extend this as a courtesy to allow them to amend their application under the Lee Plan – to remand the case. City Attorney Vance clarified that it would be Staff that would be reviewing the application based on Lee County’s regulations. Lee

County would not be involved in the review process, other than where they do their normal review for items that they have jurisdiction, i.e., Bonita Grande Drive. Mayor Nelson clarified that the motion, if made, would be to give the consideration to the Applicant to have this remanded so that it can be reviewed under the Lee Plan. City Attorney Vance explained that the Applicant brought this to her attention yesterday afternoon. Attorney Russell Schropp stated that they would respectfully suggest that the City Attorney's memorandum that went out yesterday afternoon does recommend the correct course of action at this point – to remand in the process because the review did not occur under the correct criteria. If reviewed under that criteria, he stated he believes it would be incorrect and reversible error. It would be City Staff reviewing the application applying Lee County's regulations in effect at the time of the annexation.

10:31:00 am Council Member Mike Gibson motioned to provide the courtesy to allow the Applicant to refile (under the Lee Plan) and to remand the case back to the City's Zoning Board; Council Member Simmons seconded; and the motion carried unanimously.

IX. PUBLIC COMMENTS:

10:43:07 AM Fred Forbes commented on the Bonita Grande zoning request and stated that they did not make an agreement; that it was under the Lee Plan. He would pursue Council getting outside independent Counsel to look at this.

10:45:08 AM Rick Steinmeyer commented on the DRGR. Feels if we want to save that area that we need to buy it.

10:46:26 AM Amy Quaremba asked that City Council and the City Manager get with the Sheriff's Office to create a plan to accommodate parking at City Hall.

10:48:01 AM Dawn Koncikowski to forward the emails she sent to City Council the previous day to the City Clerk to include into the record relating to the E.A.R.

10:48:52 AM Allen Hergenbahn addressed an editorial in the paper regarding WCI which he stated was very misleading.

10:52:52 AM Richard Ferreira commented on the Weeks property and concerns the residents of District 1 have regarding Coconut Road.

10:55:46 AM Lana Groover, a resident of Citrus Park, addressed the mining case. In 2003 they were told that the mining would end. She also addressed damage to her home. She is against any extension.

10:57:54 AM Martha Simons commended the City Manager on his work on the Bonus Density contract for Oak Creek. Also, for getting the kayak launch in.

10:58:50 AM John West supported comments made by Ms. Quaremba relating to parking.

10:59:14 AM Kathy McGrath commended Council Member McIntosh on the fundraiser event he held at the Wonder Gardens. She also reminded everyone that Saturday night is movies in the park. The featured movie is Cinderella. Also the Bonita Blues Fest is coming up and Celebrate Bonita has been scheduled for April 9, 2016.

11:02:38 AM Ron Pure thanked Mayor Nelson for adding the second public comment section to today's agenda.

11:03:22 am Council Member Gibson referred to the previous motion made, to which Mayor Nelson clarified that it was to allow the Applicant to apply under the Lee County Comprehensive Plan.

X. FIRST READING AND PUBLIC HEARING ON THE FOLLOWING ORDINANCES:

- A. AN ORDINANCE ESTABLISHING BONITA LANDING COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-02-0041)

11:04:20 AM City Attorney Vance read the title block into the record. If approved, the second reading will be held March 2, 2016. Attorney Greg Urbancic, representing the Applicant is here to address questions and concerns.

Council Member McIntosh motioned to move forward with a second reading and public hearing on March 2, 2016; Council Member Lonkart seconded; and the motion carried unanimously.

- B. AN ORDINANCE AMENDING ORDINANCE NO. 08-02, ENACTED BY THE CITY OF BONITA SPRINGS, FLORIDA ON FEBRUARY 20, 2008 ESTABLISHING THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT, AMONG OTHER MATTERS, TO CONTRACT THE EXTERNAL BOUNDARIES OF THE DISTRICT AND DESCRIBE THE REVISED EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-02-0042)

11:09:13 AM City Attorney Vance read the title block of the Ordinance into the record. This Ordinance has not been advertised as it entails the contraction of land for purposes of creating the Bonita Landing CDD. Public comments are not taken on this Ordinance.

11:09:50 AM Council Member McIntosh motioned to move forward with a second reading of the Ordinance on March 2, 2016; Council Member Simmons seconded; and the motion carried unanimously.

XI. PUBLIC HEARING:

- A. REVIEW THE BONITA SPRINGS DRAFT EVALUATION AND APPRAISAL REPORT (E.A.R.) AS REQUIRED BY F.S. §163.3191. AFTER REVIEW OF THE REPORT, MAKE DETERMINATION THAT COMPREHENSIVE PLAN AMENDMENTS MAY BE NECESSARY AND SEND LETTER TO DEO INFORMING THEM THAT THE CITY OF BONITA SPRINGS WILL MAKE CHANGES, AT A MINIMUM, TO REFLECT STATE LAW. (GREENSHEET NO. 16-02-0038)

[11:10:34 am](#) Arleen Hunter, Director of Development Services furnished a brief overview. Dr. Margaret Banyan, with Florida Gulf Coast University; Alexis Crespo, with Waldrop Engineering; and Shelly Johnson, with onsite, were in attendance to furnish a PowerPoint presentation (copy in Clerk's file) on recommended changes to the Evaluation and Appraisal Report (E.A.R.).

[11:12:04 am](#) Dr. Banyan stressed that no changes are being made to the Comprehensive Plan, as this is simply a review of the Comprehensive Plan. She continued by addressing the E.A.R. process; population; industry; income and employment; housing; vacant land; etc.

[11:18:46 am](#) Ms. Crespo addressed projected growth, previous annexations and their locations; the Future Land Use Map; State consistency review; public participation, etc.

[11:32:31 AM](#) Shelly Johnson addressed the state mandated and annexation related amendments as they relate to the Future Land Use Element; the Transportation Element; the Housing Element; the Infrastructure Element; the Conservation/Coastal Element; the Recreation and Open Space Element; the Intergovernmental Coordination Element; the Capital Improvements Element.

[11:49:47 AM](#) Dr. Banyan concluded by informing Council that the Local Planning Agency has also reviewed the E.A.R. on February 11, 2016. The vote would be to transmit the letter.

PUBLIC COMMENTS:

[11:51:21 AM](#) Vicki Olson present on behalf of the Coconut Road Coalition, stated she was happy to hear that they were only voting to transmit the letter to the State. The Coalition endorses Fred Forbes' recommendation to City Council, not to recommend any optional changes to the Comprehensive Plan until series of workshops are held. She further addressed.

[11:52:52 AM](#) Rick Steinmeyer stated that there is an entire year before they make any changes.

[11:53:10 AM](#) Martha Simons suggested they keep it simple. She suggested starting the process earlier.

[11:54:17 AM](#) Walter McCarthy, a resident of the Bay Cedar community in Pelican Landing, stated that on February 10, the Village Council instructed Staff to monitor oversight on the Pelican Landing/Raptor Bay process.

[11:56:04 AM](#) Diane Frazine, a resident of Hickory Boulevard, suggested that City Council send the letter to the State. She asked that any public workshops be held November through April.

[11:57:03 AM](#) Ann Cramer, a resident of the Pelican Landing community, requested Council maintain the maximum heights. She stated that there are concerns with the land use designations and maps, particularly pertaining to the CHHA map. She looks forward to the process as they move forward.

[11:59:20 AM](#) Nicole Johnson, with the Conservancy of Southwest Florida, thanked FGCU for the very thorough review. She also commended the LPA for their vote. She also suggested moving forward with workshops. The Conservancy would recommend creating policies for urban green space in the City.

[12:02:19 PM](#) Dawn Koncikowski commented on recommended changes. She supports sending the letter to the State.

[12:06:50 PM](#) John West addressed the LPA meeting of February 11, 2016.

12:09:05 PM Council Member McIntosh motioned to transmit the letter to the State; Council Member Simmons seconded; and the motion carried unanimously.

XII. CITY ATTORNEY'S REPORT:

- A. CONSIDER THE PRESERVE AT OAK CREEK BONUS DENSITY CONTRACT. (GREENSHEET NO. 16-02-0037)

12:10:15 pm City Attorney Vance referred to the errata sheet to which the Agreement was attached. Jay Sweet, Community Development, provided a brief overview of the intent

12:15:01 pm Council Member McIntosh motioned to approve the Bonus Density contract; Council Member Slachta seconded; and the motion carried unanimously.

- B. CONCEPTUALLY APPROVE AN AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND STAKEHOLDERS FOR A TRAFFIC SIGNAL AT NORTH BAY DRIVE / LIMETREE PARK DRIVE AND US 41, AND AUTHORIZE THE CITY MANAGER TO COMMENCE COLLECTION OF FUNDING ALLOCATED BY EACH STAKEHOLDER, TO INSTALL A TRAFFIC SIGNAL UPON RECEIPT OF A JOINT PARTICIPATION AGREEMENT WITH FDOT, USING THE FUNDS RECEIVED BY ALL STAKEHOLDERS IN ACCORDANCE WITH THE COMPLETED AGREEMENT ONCE IT IS FULLY EXECUTED. (GREENSHEET NO. 16-02-0040)

12:15:32 pm Council Member McIntosh motioned to continue this item to Wednesday, March 2, 2016; Council Member Slachta seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

- A. REVIEW OF FINANCIAL REPORT. (GREENSHEET NO. 16-02-0034)

Informational.

ADDITIONAL ITEMS:

12:16:27 pm City Manager Carl Schwing reminded everyone of the upcoming Toole Design Group public workshop and informal office hours scheduled for February 23 and 25, 2016. He also was happy to report that the City received the "gold" level certification from the Florida Green Building Coalition's Florida Green Local Government designation program.

XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS:

- A. APPROVE A RESOLUTION APPOINTING A MEMBER TO THE CITY OF BONITA SPRINGS ART IN PUBLIC PLACES ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-02-0040)

12:19:06 pm Council Member Martin motioned the appointment of Joseph Hemrick to the City of Bonita Springs Art in Public Places Board; Council Member McIntosh seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-12**

12:20:01 pm Council Member Gibson reported that trees were currently being placed in the median on Old 41, and that it should be complete soon.

12:20:27 pm Council Member Simmons commended all involved with the bridge project at Cullum's Trail. He also commended Council Member McIntosh and his wife on wonderful fundraising event at wonder gardens.

12:21:14 pm Council Member Martin reminded everyone that the City-wide Clean Up event is Saturday from 9:00 A.M. to noon.

12:21:33 pm Council Member McIntosh thanked everyone who attended the Wonder Gardens fundraising event, and those who made contributions!

XV. APPROVAL OF MINUTES: 02/03/16

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

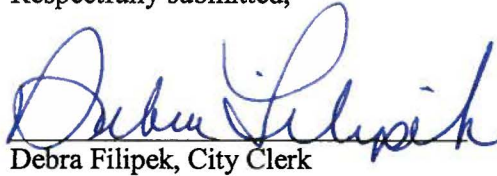
XVI. PUBLIC COMMENT:

12:22:41 pm Rick Steinmeyer addressed density in the Resource Protection area.

XVII. ADJOURNMENT:

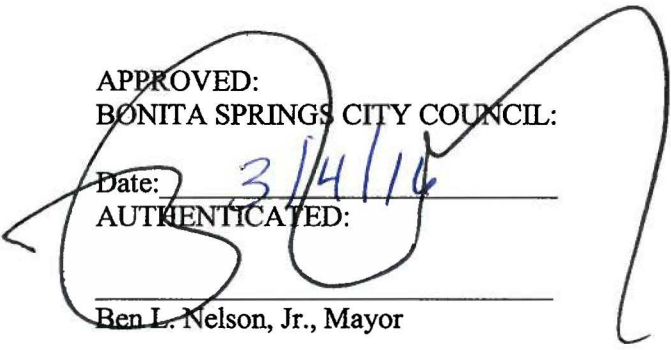
There being no further items to discuss the meeting adjourned at 12:24 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 3/4/16
AUTENTICATED:


Ben L. Nelson, Jr., Mayor