

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, NOVEMBER 18, 2015  
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 Jared Novak, with New Life Church, 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 Steven Slachta.

V. PUBLIC COMMENT ON AGENDA ITEMS:

[9:04:47 AM](#) Richard Ferreira addressed the Comprehensive Plan Amendment for Raptor Bay and concerns of residents relating to increased traffic on Coconut Road. They are also concerned about the 55 acres being located near Estero Bay. He concluded by commending Council and Staff for explaining the U.S. 41 Overlay as to what is and isn't allowed.

[9:07:37 AM](#) Greg Dewitt addressed items E. and F., and stated that it was a pleasure working with the City Attorney on the Interlocal Agreements between the City and the Fire District.

[9:08:08 AM](#) Rick Steinmeyer commented on water quality.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION BY THE SMALL BUSINESS DEVELOPMENT CENTER OF FLORIDA GULF COAST UNIVERSITY OF THEIR QUARTERLY REPORT. (GREENSHEET NO. 15-11-0365)

[9:09:04 AM](#) Rudi Vrugtman, with the Small Business Development Center of Florida Gulf Coast University, was in attendance to present their quarterly report (Brochure with Report in Clerk's file).

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.)

[9:17:50 am](#) Council Member Mike Gibson requested Items B. and G. be pulled for Staff to respond to concerns he had.

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

- A. APPROVE THE SCHEDULING SHEET FOR ZONING FOR 2016. (GREENSHEET NO. 15-11-0351)
- B. AUTHORIZE MAYOR TO SIGN RESOLUTION AUTHORIZING SUPPLEMENTAL TASK AUTHORIZATION NO. 2 WITH JOHNSON ENGINEERING SERVICES, FOR WATER QUALITY SAMPLING & FLOW MEASUREMENT SERVICES CN 13-025 IN THE LUMP SUM AMOUNT OF \$68,079.00. (GREENSHEET NO. 15-11-0352)

9:18:51 AM After a brief discussion, Council Member Gibson motioned approval of item B.; Council Member Janet Martin seconded; and the motion passed 5-1 (Council Member Simmons opposed)  
**ADOPTED RESOLUTION NO. 15-61**

- C. APPROVE RESOLUTION TO AUTHORIZE CAPITAL CARRYOVER BUDGET FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND TDC GRANT FUNDS, AND A SUPPLEMENTAL APPROPRIATION FOR LOCAL BUSINESS TAX REVENUE AND RELATED EXPENDITURES. (GREENSHEET NO. 15-11-0364) **ADOPTED RESOLUTION NO. 15-62**
- D. APPROVE A RESOLUTION FOR VOLUNTARY PARTICIPATION IN A MULTI JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION RELATIVE TO A MORE BROAD UNDERSTANDING OF FLOOD HAZARDS, MAPPING, PLANNING AND INSURANCE REQUIREMENTS IN ACCORDANCE WITH THE NFIP. (GREENSHEET NO. 15-11-0362) **ADOPTED RESOLUTION NO. 15-63**
- E. APPROVE THE INTERLOCAL AGREEMENT WITH BONITA SPRINGS FIRE CONTROL RESCUE DISTRICT FOR FIRE CONTROL AND PREVENTION. (GREENSHEET NO. 15-11-0354)
- F. APPROVE THE INTERLOCAL AGREEMENT WITH BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT RELATING TO THE COLLECTION AND DISBURSEMENT OF FIRE IMPACT FEES WITHIN THE JURISDICTION OF BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT. (GREENSHEET NO. 15-11-0353)
- G. APPROVE A RESOLUTION SUPPORTING THE MISUSE OF PUBLIC OFFICE ACT. (GREENSHEET NO. 15-11-0366)

9:23:49 am Council Member Gibson motioned for Staff to revise and bring back; Council Member Lonkart seconded; and the motion carried unanimously.

#### VIII. PUBLIC COMMENT:

9:24:18 AM Rick Steinmeyer complimented the Mayor on his 15 years of service to the City of Bonita Springs. He also commented on compensation.

9:25:30 am Joe Airola addressed the location and need for a high school. He suggested the development of a master plan and that due diligence be done.

9:28:03 AM Nicole Johnson, with the Conservancy of Southwest Florida, addressed the high school and the site at Pine Lake Preserve, which is a conservation 2020 property, which the Conservancy is opposed to.

[9:32:20 AM](#) Peter O'Flinn also commented on the Pine Lake Preserve site, which is not near the Kehl Canal or Imperial River. He is aware of talks of a swap of property, resulting in no net loss of 2020 property. He feels Council should look at this site as a possibility.

[9:34:22 AM](#) Fred Forbes addressed comments made relating to the high school.

[9:37:28 AM](#) Vinney Platio (sp?), stated he was the owner of a local restaurant and was in attendance to voice his support for a high school. The businesses in this area are experiencing a shortage of skilled workers to ensure them that they have the support they need to be successful. By having a high school will improve the labor force for the City. Currently students experience long commutes to get to school.

[9:40:31 AM](#) Kathy McGrath also addressed the need for a high school in the City, but feels the Pine Lake Preserve site is unacceptable. She feels the site near Hunter's Ridge is the correct site for the high school.

#### DISCUSSION ON HIGH SCHOOL:

[9:45:37 am](#) Council Member McIntosh asked if anyone on Council has been having conversations with the County Commission regarding this site, to which Council Member Simmons explained that he has but did not speak on behalf of the City. Council Member McIntosh suggested looking at the original property before 2020 lands, to ensure they understand what can be done out there and why they could consider it.

[9:47:24 am](#) Council Member Gibson stated he was very interested in this new site, as it appears to be a great location as far as students being able to walk to school with it being right on Terry Street. There could be a nice sidewalk system, and it's also near the YMCA. Also, the top section of the property they are talking about is the dry portion of the land, and swapping it for the Tower Road site makes sense. He feels they should take time to make sure it's done right.

[9:48:30 am](#) Council Member Simmons stated that they need to get the location right. He is in favor of looking at this site, the pros and cons, and have discussions. He stated he did speak with those he knows at the County Commission and the School Board because he wants to get a location. He did not speak on behalf of the City.

[9:50:55 AM](#) Council Member Martin stated that the whole block of land from the Pine Lake Preserve site and how it fits in with the pieces of the Nature Place, and acquiring that other acreage from the SFWMD so they could finish Cullum's Trail is extremely important. She does want a school. As Council Members they are very strong about not building in the DRGR so the Tower Hill site went out and was not to be considered. When she hears about the safety of children and walking, it will be for older children. The sidewalks on East Terry Street have to be addressed, and crossing over I-75 is not a safe situation. Overall, more and more has to be considered about every site they look at. At this point it goes back if they are going to look at the Pine Lake Preserve site, which is truly a viable piece of property that matters so much to water retention and purification that is needed to keep the Imperial River safe. If Council is going to change their mind about building in the DRGR, she feels they need to look back at the Tower Road site, which is removed from that whole direction of where the sheetflow occurs, and the way that the hydrology works within the community. She also doesn't believe they should be discounting other sites either, as it all needs to be vetted. She is not convinced that the Pine Lake Preserve site is the one to locate it on.

[9:54:32 AM](#) Council Member Lonkart stated that it's the responsibility of the School Board to come up with a site and to give the City and the residents the information approximately at the same time. It's not an urgent thing that has to be done today. The point is that the School Board has the responsibility to bring all the people together and share their concerns. The School Board has the responsibility to look at all possible locations, which they have. However, they've never communicated, in his opinion, in a proper way to the

citizens why, when, where, and how. He feels the School Board should work closely with the City and citizens and bring everybody together and continue to work forward. They have to work together with the School Board and the County Commissioners to solve the problem.

9:57:06 AM Mayor Nelson informed Council that he was called by Larry Kiker and Reggie Snell who asked him what he thought, and he told them that he wouldn't do anything until they get the blessing of City Council or not. The 2020 part of this does concern him, as he feels there are other ways to do this; however, he doesn't feel they should preclude anything. They need to ask "is this the best site in the DRGR." He suggests sending them a broader message, to go ahead and consider sites in the DRGR that may be more appropriate. He further addressed. He asked Council for their thoughts.

Council Member Martin motioned for them to start looking at other DRGR sites that could be more appropriate; Council Member McIntosh seconded. Council Member Martin added, and not for 2020 lands. Council Member Gibson stated that he felt it should be treated like annexation – that it should be contiguous/touching development that's already there. He feels it makes sense to be on the edge of the DRGR, like the property they looked at before Hunter's Ridge that was on the north side of Bonita Beach Road, of which the only problem there was that one of the property owner was in bankruptcy. He feels a lot of sites got discounted for too small of reasons. Mayor Nelson agreed, and suggested that maybe there was property across the street, which would allow them to restore the flowway, allow the 2020 to remain, and the City would get a high school that's away from Hunter's Ridge. If Council wants to say that it's okay to consider DRGR properties that are contiguous to other existing development, or some other language that makes sense.

10:06:32 AM City Attorney Vance stated that pursuant to the City's Administrative City Council needs to address this via a two vote process – 1) to address whether there is good cause to have discussion on this, and to vote, and secondly she explained that when the YMCA entered into a settlement with the Sierra Club, is when they created the Community Facilities Comprehensive Plan Designation. So any school site that's the ultimate final site would most likely be re-designated to the Community Facilities designation.

Council Member McIntosh motioned that this issue is important.

10:07:23 AM Council Member Martin withdrew her original motion and Council Member McIntosh withdrew his second to the motion.

10:07:34 AM Council Member McIntosh motioned that this item is time sensitive and important enough to the City of Bonita Springs that it be placed on today's agenda; Council Member Simmons seconded; and the motion carried unanimously.

10:08:10 AM Council Member Martin motioned to offer up that the City would welcome any investigation into contiguous DRGR lands for the purpose of a high school; Council Member McIntosh seconded. Mayor Nelson explained that is the message they will send to the County Commission and the School Board.

10:08:35 AM City Manager Schwing stated that under the original motion not on the floor right now, there was discussion about avoiding 2020 land. He asked if that was a part of this. Council Member Martin responded yes. Mayor Nelson clarified that the motion is to avoid 2020. He asked if by avoiding that, she wanted to make it to where it's not considered, or its okay to investigate. Council Member Martin stated that she was saying avoiding; it was not saying no specifically, but it's saying that is not the priority to use 2020 land. She explained that there is other 2020 land out there that might not be as important to the water. She stated that in her original motion she did say Pine Lake Preserve. Mayor Nelson stated that as long as she makes clear that it's okay to "investigate" those. A DRGR site that meets the criteria that's non 2020 would be easier for everyone.

10:09:57 AM Council Member Gibson stated that he felt they should look at everything holistically, including that property as a possibility. Mayor Nelson asked if he would mind keeping the language to where that it was possible to investigate it. That 1) developing a high school in the DRGR at the appropriate site Council has no objection to, and that they also have no objection to the investigation of 2020 properties. Also, contiguous to other development. He would say “preferably contiguous to other development.”

10:11:12 AM Council Member Simmons stated that the Old 41 site, south of the Charter School was discounted because of the railroad track. He would like to have the Old 41 site back in for review despite the railroad tracks, and across the street. He wants to send the right signal, however that’s best worded. Mayor Nelson stated what was brought before them is the consideration of the 2020 property, so they are asked to do that, and they were kind of trying to include some things into it, but they never said don’t look at any of those sites. City Manager Schwing stated that they could add to this request, that they revisit sites that they’ve already looked at before. Mayor Nelson included and all other appropriate sites. Council Member Simmons stated that if there was some kind of a land swap that could be worked out on a cash strapped School District, people should realize that if there’s a land swap that can be worked, it would be a savings of \$10 to \$14 million. Mayor Nelson addressed the BOCC and their Ordinance.

10:14:42 AM Council Member Lonkart stated that if the motion passes, he would suggest a joint meeting with the School Board land City Council Members and have an open discussion about what they’ve come up with after they’ve made a decision into a particular site, so everyone is on the same page.

10:15:13 AM Mayor Nelson clarified that we are telling them that we’re not going to toss anything out, as we want them to open up the DRGR sites that are contiguous to development that make sense according to their parameters, to look at the 2020 site, and to take another look at the sites that have been under consideration. Assistant City Manager John Gucciardo asked if the wording “preferably contiguous to development.” Mayor Nelson stated he felt that was fair to say. Council Member Simmons referred to the wording “preferably contiguous to,” which he felt was open ended. Mayor Nelson stated that if you don’t put “preferably,” if it’s not contiguous and it’s separated by a lot, and it’s the preferable site, then you can’t consider it.

The motion passed unanimously.

10:17:51 AM Council Member Lonkart addressed his discussion to have a meeting and stated that they may bring them (Council) multiple sites, and he feels that they should have that meeting before that decision is made on one they’ve picked out, because they need to have the input of all the Council Members in that discussion. Council consensus to the meeting. City Manager Schwing, for clarification purposes, stated that Council anticipates this meeting to occur when they think they have settled on a site, or during the discussion down to multiple sites, before the final decision. Council Member Lonkart stated that was correct, not just one site (when narrowed down, before the final decision).

**IX. FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED).**

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTERS 3 (DEVELOPMENT STANDARDS) AND 4 (ZONING); AMENDING SECTION 3-491 RELATED TO SITE DESIGN STANDARDS; AMENDING SECTIONS 4-408, 4-661, 4-718, 4-740, 4-1098, 4-1122, 4-1465, 4-1467, 4-1472, 4-1473 AND 4-2072; CREATING SECTIONS 4-888 THROUGH 4-895, THE U.S. 41 OVERLAY DISTRICT; PROVIDING FOR PURPOSE AND INTENT, APPLICABILITY, DEFINITIONS, PERMITTED USES, SPECIFIC SITE DESIGN STANDARDS FOR THE U.S. 41 OVERLAY DISTRICT, PARKING AND CIRCULATION, INTERSECTION DESIGN AND CORNER LOTS; PROVIDING FOR CONFLICTS OF LAW,**

SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0359)

10:19:11 AM City Attorney Vance read the title block of the Ordinance into the record. She has reviewed the Affidavit of Publication which she found to be legally sufficient.

10:20:31 AM Alexis Crespo, representing Staff, furnished a PowerPoint presentation (copy in Clerk's file) to address revisions made to the Ordinance. She also furnished Council Members with Zoning District Maps (copy in Clerk's file) to address the individual parcels.

10:36:33 AM Mayor Nelson suggested the inclusion of the word "expansion" to clarify improvements and to revise "fish house" to "fish processing."

10:37:23 AM Arleen Hunter, Director of Development Services, explained Staff received direction from City Council about a year ago regarding these revisions. They have worked with the Governmental Affairs Committee and the Economic Development Council for stronger design standards, as they looked at uses that were provided in PUDs that were a little more intense that would not be allowed per this overlay. She also furnished a clarification on a question that was asked by Council Member McIntosh.

10:51:47 AM Mayor Nelson referred to the map, and explained that a while ago they carved out a potential right-of-way/path for the Sandy Lane extension. He wasn't sure if it was appropriate to include that on these maps, however, the reason they did that was to let people know as they were developing and as time went by, that if and when the road gets built, that's where it was going to go.

No public comments were made.

Council Member McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, December 2, 2015; Council Member Martin seconded; and the motion carried unanimously.

X. PUBLIC HEARING TO COMMENCE THE TRANSMITTAL PROCESS FOR THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE MODERATE DENSITY MIXED-USE/PLANNED DEVELOPMENT FUTURE LAND USE CLASSIFICATION OF THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, FURTHER AMENDING THE FUTURE LAND USE MAP FOR THAT EXPEDITED STATE REVIEW COMPREHENSIVE PLAN AMENDMENT KNOWN AS RAPTOR BAY / PELICAN LANDING RPD/CPD, WHICH IS LOCATED IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, TO RE-DESIGNATE APPROXIMATELY 55.16 ± ACRES OF LAND FROM LEE COUNTY OUTLYING SUBURBAN AND WETLANDS TO MODERATE DENSITY MIXED-USE/PLANNED DEVELOPMENT (55.16± ACRES), AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0365)

11:23:13 AM Jackie Genson, Community Development, furnished a PowerPoint presentation (copy in Clerk's file) to address the Amendment. The intent is to accommodate the annexation agreement.

11:31:08 AM Attorney Neale Montgomery stated that she concurred with Staff's presentation. There will be a total of 614 acres of wetlands preserved. Nothing in the Plan Amendment changes the restrictions in the DRI, which still control. They are not asking for an increase in the number of units, noting that the total amount of density has decreased.

[11:32:53 AM](#) Council Member McIntosh addressed three items addressed by the Local Planning Agency he feels are important for Council to consider, which include the wetlands, which he feels has been addressed; the second is that it appears that there will be an increased number of people living there, which is not the case; and the third pertains to the Village of Estero, in that the people who live in Spring Creek Village, at the end of Spring Creek Road, will have to make an effort to get out onto Coconut Road because of traffic from the Hyatt. All of the residents are concerned about increased traffic. It's an issue of safety. He feels there is a need to talk to the Village of Estero about some sort of traffic slowing mechanism on that road, i.e., a stop light which he sees as the most logical thing to do. Ms. Montgomery explained that as future development orders come out and as the project builds out, they will have to submit additional traffic analysis. Council Member McIntosh again stated the need to address this as it is a very dangerous intersection. Mayor Nelson agreed and stated he, along with Commissioner Kiker and Mayor Batos have discussed and understand the importance of that area. He suggested negotiating a 3-way Agreement between the Village of Estero, Lee County, and the City, and to do traffic counts, etc., and when the time comes to do something, see that it gets done and funded in a proper way where there's buy-in from the development community, etc. Improvements will have to be done to the intersection and to the infrastructure.

**PUBLIC COMMENTS:**

[11:36:56 AM](#) Rick Steinmeyer asked if this development and Spring Creek were under the Estero Fire District.

[11:37:23 AM](#) Richard Ferreira stated he was happy to see that density hasn't changed. He asked if there was an acquisition in the works for the Weeks property.

Council Member McIntosh motioned to transmit the Amendment to the DEO through the Expedited State Review Amendment process; Council Member Martin seconded; and the motion carried unanimously.

**XI. SECOND READINGS AND PUBLIC HEARINGS OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):**

A. AN ORDINANCE AMENDING BONITA SPRINGS CODE CHAPTER 42, ARTICLES III, WATER CONSERVATION, TO ADOPT APPENDIX C, GRAY WATER RECYCLING SYSTEMS, OF THE PLUMBING PORTION OF THE FLORIDA BUILDING CODE; TO REQUIRE NEW CAR WASHES TO IMPLEMENT BEST MANAGEMENT PRACTICES; TO ESTABLISH ORNAMENTAL WATER FOUNTAIN AND WATER FEATURE STANDARDS; AND TO ENCOURAGE ALTERNATIVE WATER REUSE TECHNOLOGIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0357)

[10:53:50 am](#) City Attorney Audrey Vance read the title block of the Ordinance into the record.

[10:54:31 am](#) Jennifer Hagen, Community Development, furnished a brief overview.

**PUBLIC COMMENTS:**

[10:55:09 am](#) Rick Steinmeyer stated he was concerned with mosquitoes.

[10:55:20 am](#) Council Member Martin motioned adoption of the Ordinance; Council Member Gibson seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-23**

B. AN ORDINANCE AUTHORIZING LEE COUNTY TO LEVY SPECIAL ASSESSMENTS WITHIN CITY BOUNDARIES FOR MUNICIPAL SOLID WASTE DISPOSAL PURSUANT TO §125.01(1)(Q), FLA. STAT.; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0356)

[10:55:58 AM](#) City Attorney Vance read the title block of the Ordinance into the record. She has reviewed the Affidavit of Publication which she found to be legally sufficient.

No public comments were made.

Council Member Gibson motioned adoption of the Ordinance; Council Member Martin seconded; and the motion failed 2-3 (Council Members Simmons and Lonkart opposed; and Council Member McIntosh absent during the vote)

Council Member Simmons stated that he had a concern with respect to special assessment, to which the City Attorney responded. She explained that currently there is a special assessment for 15 years for Bonita Springs for trash. This is a "housekeeping" Ordinance in that Lee County never went through the Ordinance requirement, which, per State law in the County section, that if you are going to set up a special assessment in the City, the City needs to adopt an Ordinance. City Manager Carl Schwing clarified that right now the City is paying for solid waste through a collection from Lee County on the tax bill. This simply allows that to continue. There are no changes or additional monies involved.

Council Member Simmons motioned adoption of the Ordinance; Council Member Lonkart seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-24**

C. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); RELATED TO ADMINISTRATIVE SETBACK VARIANCES AND NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS; AMENDING SECTIONS 4-254 AND 4-2325; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0358)

[10:59:33 AM](#) City Attorney Audrey Vance read the title block of the Ordinance into the record.

No public comments were made.

Council Member McIntosh motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-25**

D. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING A PORTION OF THE ADMINISTRATIVE REGULATIONS GUIDE AND THE PERSONNEL POLICIES ORDINANCE; AMENDING SECTION 7.02 RELATING TO THE COMPENSATION/PAY PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0355)

[11:01:04 AM](#) City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

[11:01:54 AM](#) City Manager Schwing furnished a clarification in response to Council Member Lonkart, explaining that compensation and comp time would still remain a choice for overtime.



Council Member McIntosh motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-26**

E. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (FROM OCTOBER 21, 2016):

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6 (SIGNS); AMENDING SECTION 6-112 TO AMEND THE REGULATIONS REGARDING PERMANENT ON-SITE SIGNS FOR SCHOOLS, CHURCHES, DAY CARE CENTERS, PARKS, RECREATIONAL FACILITIES, LIBRARIES AND OTHER SIMILAR USES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-11-0365)

11:05:49 AM Assistant City Attorney Alex read title block, explaining that Staff is recommending to not move forward with the Ordinance.

Mike Fiigon, Community Development, explained that after addressing recommendations from previous meetings and looking further at the Ordinance as it was writing, to make the changes that were requested could not be done per the Ordinance, as drafted. Staff's recommendation is to not move forward and give Staff direction to go through and re-examine the sign code in compliance with the recent court decisions.

No public comments were made.

Council Member Gibson motioned to not move forward with the Ordinance, and for Staff to further research; Council Member Simmons seconded; and the motion carried unanimously.

XII. CITY ATTORNEY'S REPORT:

- A. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING THE CITY'S TREE PROTECTION ORDINANCE, LDC 7, TO RECONCILE DIFFERENCES WITHIN THE TREE PROTECTION ORDINANCE AND LANDSCAPE CODE. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON DECEMBER 2, 2015 FOR A FIRST READING AND DECEMBER 16, 2015 FOR THE FINAL COUNCIL PUBLIC HEARING. THE LOCAL PLANNING AGENCY WILL REVIEW THE ORDINANCE AT ITS DECEMBER 10, 2015 MEETING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN. (GREENSHEET NO. 15-11-0361)

11:08:38 AM Jennifer Hagen, Community Development, furnished an overview addressing the intent, which is to redefine and clarify the existing code.

11:09:36 AM Council Member Martin motioned to move forward with a first reading of the Ordinance on Wednesday, December 2, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

- B. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING THE CITY'S LANDSCAPE CODE, TO ADOPT APPENDIX F, IRRIGATION STANDARDS OF THE PLUMBING PORTION OF THE FLORIDA BUILDING CODE; TO REQUIRE SMART IRRIGATION AND LANDSCAPE PRACTICES; UPDATING THE CODE TO REQUIRE SMART IRRIGATION AND FLORIDA FRIENDLY DESIGN STANDARDS. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON DECEMBER 2, 2015 FOR A FIRST READING AND DECEMBER 16, 2015 FOR THE FINAL COUNCIL PUBLIC HEARING. THE LOCAL PLANNING AGENCY WILL REVIEW THE ORDINANCE AT ITS

DECEMBER 10, 2015 MEETING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN.  
(GREENSHEET NO. 15-11-0360)

11:10:52 AM Ms. Hagen, Community Development, furnished a brief overview.

Council Member Martin motioned to move forward with a first reading of the Ordinance on Wednesday, December 2, 2015; Council Member Simmons seconded; and the motion carried unanimously.

XIII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-11-0363)

XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS:

11:39:49 am Council Member McIntosh reminded everyone that the Center for Performing Arts has a open house this Sunday. He also reminded everyone of Taste of Bonita Rotary Club Noon this Sunday from noon to 5:00 P.M.

11:40:46 AM Council Member Martin reminded everyone of Holiday in the Park December 1, 2015.

11:41:24 am Council Member Simmons stated that they are all committed to making the high school happen in the City. He also stated the Veteran's Day ceremony was great! His son's team and some other teams in the area will be playing in Orlando for the State championship Thanksgiving weekend.

11:42:20 am Council Member Gibson asked if the upcoming Taste of Bonita and Holiday in the Park will not block Front Street. He reminded everyone that all businesses on Old 41 are open for business.

11:43:29 am Mayor Nelson thanked Royal Scoop, as they had fundraiser and raised over \$500 for their charity to help find homes for dogs. He also urged everyone to visit the Brooks Legacy downtown, and to shop downtown.

XV. APPROVAL OF MINUTES: 11/04/15

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

XVI. PUBLIC COMMENT:

11:45:10 AM Ben Hershenson commended Council on the DRGR as it relates to the high school. He wants a high school here. He also commented on a concern he has with underrepresentation as it relates to redistricting.

11:48:15 AM Kathy McGrath and Rick Steinmeyer addressed the high school.

ADJOURNMENT:

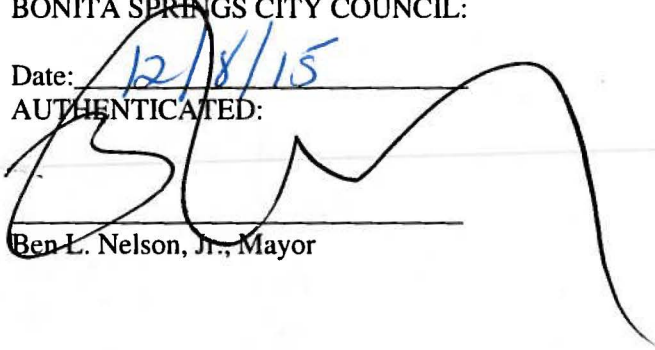
There being no further items to discuss the meeting adjourned at 11:52 A.M.

Respectfully submitted,

  
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Debra Filipek, City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 12/8/15

AUTHENTICATED:  
  
\_\_\_\_\_

Ben L. Nelson, Jr., Mayor