

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, DECEMBER 2, 2015  
5:30 P.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 5:30 P.M.

II. INVOCATION:

Pastor Russ Winn, with the Springs 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, with Council Member Mike Gibson arriving at 5:39 P.M.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:32:06 PM Richard Ferreira voiced his support for the Employee Benefit Services item.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION OF CERTIFICATE OF APPRECIATION TO CENTURYLINK AND ALEX NUNEZ FOR THE MURAL "ALWAYS WILL BE BRIGHT" ON THE CENTURYLINK BUILDING ON OLD 41 ROAD. ALEX NUNEZ WILL BE HERE TO ACCEPT. ALSO, ON BEHALF OF CENTURYLINK, DANNY PATE AND SHELLY CHITWOOD WILL BE HERE TO ACCEPT.

Mayor Nelson next presented Alex Nunez, and Danny Pate with Certificates of Appreciation for the mural "Always will be Bright." Both Mr. Nunez and Mr. Pate were in attendance to accept their Certificates of Appreciation and to thank Mayor Nelson and City Council.

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.)

5:37:09 PM Council Member Slachta motioned approval of the Consent Agenda; Council Member Bill Lonkart seconded; and the motion carried unanimously. (Council Member Gibson absent)

- A. AUTHORIZE CITY STAFF TO ENTER INTO AN AGREEMENT WITH ARTIST DALE ROGERS FOR HIS TRAVELING WORK KNOWN AS "FLIGHT" TO BE PLACED IN THE CITY OF BONITA SPRINGS FOR FOUR WEEKS IN 2016 (TBD). (GREENSHEET 15-12-0371)
- B. CONCEPTUAL APPROVAL OF A PROPOSED ECONOMIC DEVELOPMENT GRANT FOR COMMERCIAL PROPERTY LOCATED AT 27420 OLD 41 ROAD, BONITA SPRINGS, FLORIDA 34135. (GREENSHEET NO. 15-12-0375)
- C. APPROVE THE RANKING OF FIRMS AND AUTHORIZE STAFF TO COMMENCE THE NEGOTIATION PROCESS WITH THE TOP RANKED FIRM FOR EMPLOYEE BENEFIT SERVICES TO THE CITY OF BONITA SPRINGS. (GREENSHEET NO. 15-12-0367)
- D. APPROVE A RESOLUTION SUPPORTING FLORIDA SENATE BILL 582 PERTAINING TO PUBLIC CORRUPTION. (GREENSHEET NO. 15-12-0376) **ADOPTED RESOLUTION NO. 15-64**
- E. APPROVE THE RECOMMENDATION OF THE ART IN PUBLIC PLACES ADVISORY BOARD (APPB) FOR THE LOCATION OF A TOWN CLOCK AND DIRECT STAFF TO EXECUTE THE FINAL CONTRACT FOR PURCHASE. (GREENSHEET NO. 15-12-0373)
- F. APPROVE RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL TASK AUTHORIZATION NO. 2 WITH JOHNSON ENGINEERING IN THE NTE AMOUNT OF \$64,000.00 FOR THE DESIGN OF KENTUCKY STREET SIDEWALK FROM FRONT STREET TO WISCONSIN STREET. (GREENSHEET NO. 15-12-0375) **ADOPTED RESOLUTION NO. 15-65**

VIII. PUBLIC COMMENT:

- [5:37:57 pm](#) A City resident thanked Council for the new town clock that will be placed downtown.
- [5:38:18 pm](#) Rick Steinmeyer thanked the Rotary Clubs for donating monies for the town clock.
- [5:38:25 pm](#) Fred Forbes thanked everyone for all the efforts made regarding the high school.
- [5:39:47 pm](#) Linda Schwartz also thanked Council for helping the School Board find the three sites on which to locate a high school.
- [5:40:36 pm](#) Willian Bell thanked City Council for all their hard work in making the City what it is today.
- [5:42:13 pm](#) Richard Decost (sp?), a resident of Hunter's Ridge, urged Council to support the School Board on selecting a site for the high school.
- [5:44:41 pm](#) Kathy McGrath also commented on the high school.
- [5:46:08 pm](#) Max Levine, with Cardome, LLC, was in attendance to address the FLUEDRA item on the agenda.

IX. PUBLIC HEARING:

FIRST READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED)

- A. AN ORDINANCE TO AMEND SECTIONS 3-415, 3-419 AND 3-423 OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE RELATED TO THE LANDSCAPE CODE, CREATING SECTION 3-428, ENFORCEMENT OF INSTALLATION AND CERTIFICATION; TO UPDATE THE CODE TO REQUIRE SMART IRRIGATION AND FLORIDA FRIENDLY DESIGN STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN THE CODE, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-12-0368)

5:48:11 PM City Attorney Audrey 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.

5:48:59 PM Jennifer Hagen, Community Development, furnished the intent, which, essentially is to conform to the Florida Green Building Program.

No public comments were made.

Council Member Steve McIntosh motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, December 16, 2015; Council Member Janet Martin seconded; and the motion carried unanimously.

- B. AN ORDINANCE RELATED TO THE TREE PROTECTION ORDINANCE; AMENDING SECTIONS 7-226, INTENT, PURPOSE AND SCOPE; 7-228, DEFINITIONS; AND 7-235, ISSUANCE OF PERMITS; CRITERIA, SITE PLANS, AND FEES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN THE CODE, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-12-0369)

5:50:51 pm City Attorney Vance read the title block of the Ordinance into the record, noting that she has reviewed the Affidavit of Publication which she found to be legally sufficient.

5:51:30 pm Jennifer Hagen, Community Development, furnished a brief overview. The intent of this Ordinance is also to conform to the Florida Green Building Program.

No public comments were made.

5:52:23 pm Council Member Martin motioned to move forward with a second reading and public hearing of the Ordinance on Wednesday, December 16, 2015; Council Member McIntosh seconded; and the motion carried unanimously.

XI. SECOND 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. 15-12-0370)

[5:52:53 pm](#) 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.

[5:53:40 pm](#) Alexis Crespo, representing Staff, stated she was available to respond to questions.

No public comments were made.

Council Member Martin motioned adoption of the Ordinance; Council Member McIntosh seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-27**

## XII. CITY ATTORNEY'S REPORT. (NO PUBLIC COMMENTS ALLOWED)

- A. DISCUSSION RELATIVE TO THE FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT ("FLUEDRA") PETITION FILED BY CARDOME, LLC, WHICH IS SCHEDULED BEFORE THE SPECIAL MASTER ON DECEMBER 4, 2015. (GREENSHEET NO. 15-12-0374)

[5:54:49 pm](#) City Attorney Vance addressed this item and furnished a brief overview of the process.

[6:07:52 pm](#) Council Member McIntosh motioned for Frank Cassidy to attend to bind the City to any settlement discussions during mediation; Council Member Slachta seconded; and the motion carried unanimously.

## XIII. CITY MANAGER'S REPORT:

[6:08:52 PM](#) City Manager Carl Schwing reported a wonderful Holiday in the Park Event last night, expressing his appreciation to all who attended. He further reported that he went downtown this morning and that there was only one half of the community hall wall remaining.

## XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

[6:10:01 PM](#) Council Member Lonkart also commended everyone involved with Holiday in the Park event, which turned out wonderful!

[6:10:38 pm](#) Council Member McIntosh reported work with Staff to integrate all the various environmental and natural resource polices to bring forward a readable workable piece that integrates all of the pieces into workable language for people, which he plans to bring before Council.

[6:11:18 pm](#) Council Member Gibson thanked Staff for a great Holiday in the Park.

[6:11:26 pm](#) Council Member Martin commended everyone involved with Holiday in the Park, which was a great event! She also informed everyone that the Bonita Assistance Office was in need of donations this holiday season.

6:12:23 pm Council Member Simmons also commended everyone involved with Holiday in the Park. He also reported that they were making progress with respect to the high school.

6:13:57 pm Council Member Slachta commended Staff and everyone who attended Holiday in the Park, which was wonderful!

6:14:19 pm Mayor Nelson commended City Staff on the great job to do each day!

XV. APPROVAL OF MINUTES: 11/16/15 (ZONING) & 11/18/15

Council Member McIntosh motioned approval of both sets of Minutes; Council Member Simmons seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT:

6:15:17 pm Richard Ferreira expressed his support for the sheriff's office having a permanent presence in the downtown redevelopment area.

6:17:00 PM Meg Jacobson expressed her excitement for a high school. All three sites look great!

6:17:54 PM Kathy McGrath also addressed the holiday in the park event and work by the Special Events Committee and Staff.

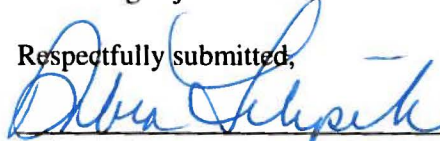
6:19:58 pm Greg Dewitt commended everyone involved with the Taste of Bonita event held a few weeks earlier. He also reported that the Bonita Assistance Office is in need of donations this holiday season, which the Fire District is going to donate. He also thanked Public Works Director Matt Feeney and City Staff for all their work with downtown. He also thanked Mr. Feeney for his help with the wall on East Terry Street.

6:22:13 pm Alex Grantt suggested property near the middle school be used for the high school.

XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 6:25 P.M.


Respectfully submitted,

  
Debra Filipek, City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 12/18/15

AUTHENTICATED:

  
Ben L. Nelson, Jr., Mayor