

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, DECEMBER 16, 2015
9:00A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Deputy Mayor Steve McIntosh called the meeting to order at 9:00 A.M.

II. INVOCATION:

Pastor Kevin Bradley, with New Life Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Deputy Mayor McIntosh, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL:

Deputy Mayor McIntosh and all Council Members were in attendance, except for Mayor Nelson.

V. PUBLIC COMMENT ON AGENDA ITEMS:

9:03:16 AM Greg Dewitt spoke in support of Agenda Item VII. C., regarding the Wounded Warrior softball game.

9:04:20 AM Charlie Strader expressed his support regarding the Dixie Moon relocation.

9:06:11 AM Rick Steinmeyer addressed the need for public restroom facilities for a walking downtown.

9:06:35 AM Kathy McGrath expressed her excitement relating to the presentation about the Dixie Moon.

9:07:23 AM Ben Hershenson expressed his support for the Ordinance amending the landscape code.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. LISTEN TO PRESENTATION BY ARCHITECT SAM VINCENT ABOUT CONCEPTUAL DEVELOPMENT PLAN USING THE FORMER DIXIE MOON BUILDING, INCLUDING MOVING IT FROM ITS CURRENT LOCATION TO THE CITY-OWNED "LEVIN PROPERTY." DISCUSS AND PROVIDE STAFF DIRECTION. (GREENSHEET NO. 15-12-0386)

9:09:51 AM Sam Vincent next furnished a PowerPoint presentation (copy in City Clerk's file) to address a conceptual development plan for the Dixie Moon building for relocation on the Levin property. The estimated cost to the developer offering to move the building is approximately \$140,000. Discussion followed.

9:24:21 am City Manager Carl Schwing explained that what was being shown was conceptual only. If City Council was to authorize the move of the Dixie Moon to this specific location, with restroom facilities for the public, they would need to go out for Request for Proposals from developers, as the requirements would be that they would have to build around the Dixie Moon. Also, the restrooms facilities would be for the walking public. There would be code requirements for the developments within whatever gets built beyond that in order for them to have their own restroom facilities. Today they are asking for approval to move the Dixie Moon to the Levin site, with the restrooms, at a cost of approximately \$140,000. The developer who owns the property on which the building is now located has indicated that he would move it, place it on a slab, and put in the restrooms for \$140,000, if approved.

9:26:00 am Council Member Janet Martin expressed her support for the project. She feels that saving the building is the right thing to do. She supports moving forward 100%.

9:26:33 am Council Member Mike Gibson asked if this was shopped around to see if it's viable to build. Mr. Vincent responded that they haven't looked at developers yet, as they wanted to see if this was a viable site for development and use of it as a catalyst. He further explained. Council Member Gibson stated he would feel more comfortable if they were to show it to a couple different builders to get their opinion on whether it was viable or not. Mr. Vincent stated that the next step is for Council to indicate that they like the site and the building and how the building may be preserved and used, and allow Staff to move forward and investigate. Council Member Gibson stated he likes the idea, but wants to make sure that it's something that a builder can even afford to do. City Manager Schwing responded Staff will contact developers.

9:30:44 am Council Member Peter Simmons stated he was absolutely in favor of preserving the building. He asked from a historical standpoint, what they will have to do or redo during the move. Mr. Vincent explained that what will most likely occur is that some of the stucco will crack which will entail patchwork. He believes the structure itself will remain intact. He further explained. In further response to Council Member Simmons, City Manager Schwing stated that they anticipate a March timeframe for moving the structure. Also, in response to Council Member Simmons, two members of the Bonita Springs Historic Society nodded their support for the project.

9:38:18 am Council Member Bill Lonkart motioned to move forward with the project; Council Member Simmons seconded. City Manager Schwing, in response to Council Member Slachta's question regarding the motion, explained that today Staff was only asking approval for having the developer move the Dixie Moon to location indicated, and setting it down in a permanent location. That was all Staff was requesting today. Staff will check with other builders and get back to City Council. Request for Proposals for development on the site are yet to come, and will appear before Council multiple times before any decisions are made on the larger development concept.

The motion carried 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.)

9:43:13 am Council Member Slachta addressed a correction to Item C., regarding the Wounded Warriors Softball game, which he explained begins at 6:00P.M.; not 5:00P.M.

9:43:22 am Council Member Lonkart motioned approval of the Consent Agenda; Council Member Martin seconded; and the motion carried unanimously.

A. APPROVE A RESOLUTION REAPPOINTING MEMBERS TO THE ART IN PUBLIC PLACES BOARD, THE TECHNOLOGY ADVISORY BOARD, AND APPOINTING/REAPPOINTING

MEMBERS TO THE CITY OF BONITA SPRINGS TREE ADVISORY BOARD, WITH DIRECTION TO STAFF TO CONTINUE TO ADVERTISE THE VACANCIES. (GREENSHEET NO. 15-12-0381) ADOPTED RESOLUTION NO.15-66

- B. APPROVE THE EMPLOYEE BENEFITS SERVICES BETWEEN THE CITY OF BONITA SPRINGS AND PUBLIC RISK INSURANCE AGENCY (PRIA). (GREENSHEET NO. 15-12-0383)
- C. APPROVE SPECIAL EVENT PERMIT FOR THE WOUNDED WARRIOR SOFTBALL GAME JANUARY 15, 2016 AT COMMUNITY PARK. (GREENSHEET NO. 15-12-0384)
- D. APPROVE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND JEFF ELLIS AND ASSOCIATES, INC., FOR OUR BONITA SPRINGS COMMUNITY POOL SAFETY AUDIT AND RISK MANAGEMENT SERVICES. (GREENSHEET NO. 15-12-0385)

VIII. PUBLIC COMMENT:

9:43:56 AM Richard Ferreira expressed his excitement about moving forward with the Dixie Moon relocation.

IX. PUBLIC HEARING:

- A. REQUEST TO VACATE THE PUBLIC UTILITY EASEMENT, SITUATED ON LOTS 33, 34 AND A PORTION OF LOT 35 BLOCK "B" SPANISH WELLS UNIT ONE ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 32, PAGES 137-140, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (GREENSHEET NO. 15-12-0388)

9:45:26 AM Jay Sweet, Community Development, furnished a brief overview of the request.

Council Member Simmons motioned approval of the vacation; Council Member Gibson seconded; and the motion carried unanimously. ADOPTED RESOLUTION NO. 15-67

X. SECOND 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. 15-12-0378)

9:47:09 AM City Attorney Audrey Vance read the title block into the record.

No public comments were made.

Council Member Lonkart motioned adoption of the Ordinance; Council Member Martin seconded; and the motion carried unanimously. ADOPTED ORDINANCE NO. 15-28

- 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. 15-12-0379)

[9:48:41 am](#) Alex Boswell-Ebersole, Assistant City Attorney read the title block of the Ordinance into the record.

No public comments were made.

Council Member Slachta motioned adoption of the Ordinance; Council Member Simmons seconded; and the motion carried unanimously. ADOPTED ORDINANCE NO.15-29

XI. CITY ATTORNEY'S REPORT:

- A. REVIEW THE PETITION PURSUANT TO §190.005, FLORIDA STATUTES, TO ESTABLISH THE BONITA LANDING COMMUNITY DEVELOPMENT DISTRICT, AND MOVE TO SCHEDULE A FIRST READING OF THE ORDINANCE FOR JANUARY 6, 2016 AND A SECOND READING AND FINAL HEARING ON JANUARY 20,2016. AT THE TIME OF THE SECOND READING, THE COUNCIL WILL ALSO HOLD ITS HEARING TO DETERMINE WHETHER THE PETITION MEETS THE STATUTORY CRITERIA FOR ESTABLISHMENT OF A DISTRICT. (GREENSHEET NO. 15-12-0377)

[9:49:31 am](#) City Attorney Vance read the request into the record, explaining that Staff does have concerns which they will address at a subsequent Council meeting. The intent of today is to bring the petition before City Council.

[9:50:54 am](#) Council Member Lonkart motioned to move forward with public hearings; Council Member Simmons seconded; and the motion carried unanimously.

- B. PERMISSION TO ADVERTISE AN ORDINANCE THAT WILL ADD TO THE LAND DEVELOPMENT CODE ZONING SECTION PROVISIONS TO PROVIDE FOR REGULATIONS AND PROCESSES FOR BONUS DENSITIES AND PARKING REGULATIONS WITHIN THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT. IF COUNCIL AUTHORIZES TO GO FORWARD, THE ORDINANCE WILL BE SCHEDULED ON A FIRST READING AND PUBLIC HEARING ON JANUARY 6, 2016 AND A SECOND READING AND FINAL HEARING ON JANUARY 20, 2016, WITH LOCAL PLANNING AGENCY REVIEW ON JANUARY 14,2016. (GREENSHEETNO. 15-12-0380)

[9:51:27 am](#) City Attorney Vance addressed this item, which is for permission to advertise an Ordinance relating to bonus density.

[9:51:33 am](#) Alexis Crespo, representing Staff, explained that the intent is for implementing language for bonus densities in the downtown area.

[9:52:40 am](#) Council Member Simmons motioned to move forward with a first reading and public hearing of the Ordinance on January 6, 2016; Council Member Martin seconded; and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORT. (GREENSHEETNO. 15-12-0382)

9:53:16 am City Manager Schwing began by thanking Council for their dedication in 2015. He wished everyone a very happy Holiday and Happy New Year.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

9:53:55 AM All Council Members wished everyone a Happy Holiday.

9:54:21 am Council Member Lonkart complimented Finance Director Anne Wright on the great financial reports.

9:54:59 am Council Member Simmons thanked City Manager Schwing for his continued communications relative to the high school.

9:55:46 am Council Member Slachta thanked Staff for their help in resolving various issues over the year.

9:56:30 am Council Member McIntosh reported that he has a meeting with Superintendent Atkins regarding public education. He also reminded everyone to continue to support the downtown businesses.

XIV. APPROVAL OF MINUTES: 12/02/15

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

XV. PUBLIC COMMENT:

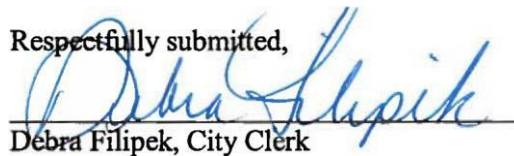
9:57:49 am Kathy McGrath commented on the wonderful boat parade. She also addressed the high school.

10:01:06 am Greg Dewitt wished everyone a happy and safe holiday season.

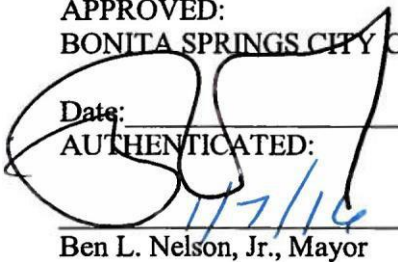
XVI. ADJOURNMENT.

There being no further items to at discussed and the meeting adjourned at 10:01 A.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL


Date: 11/7/14
AUTHENTICATED:
Ben L. Nelson, Jr., Mayor