

**MINUTES FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL**

October 4, 2023

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Gunter at 4:30 p.m.

INVOCATION/MOMENT OF SILENCE – Councilmember Hayden**PLEDGE OF ALLEGIANCE** – Councilmember Hayden**Roll Call:** Mayor Gunter, Councilmembers Cosden, Cummings, Hayden, Long, Sheppard, Steinke, and Welsh were present.**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Gunter pointed out that Resolution 279-23 will be heard on October 18, 2023, which could change the term of the boards that we have which includes the Board Appointment for the Affordable Housing Advisory Committee. If that Resolution is passed, the person appointed tonight would have to reapply. He asked if Council wanted to continue this until October 18th.

Councilmember Cosden agreed as it made sense to address both together.

Councilmember Steinke commented to allow the applicants provide input.

Councilmember Long agreed to allow applicants to speak.

Councilmember Cummings commented to allow applicants to speak.

Mayor Gunter agreed to leaving the item on the agenda and discuss continuance later. He asked if there were any changes. There were none.

Councilmember Hayden moved, seconded by Councilmember Steinke, to adopt the agenda, as presented.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

RECOGNITIONS/ACHIEVEMENTS

Presentation to City Employees for Years of Service By Mayor Gunter

Mayor Gunter recognized two employees for outstanding service and dedication to our City. He thanked the employees for being such a valuable member of our team with 30 years of experience each. He also recognized another employee for their 30 years of service.

Community Recognition Award: Luke Buzzelli

City Manager Ilczyszyn recognized Luke Buzzelli won the FHSAA Region 2A-4 traditional weightlifting championship in the 169-pound classification.

APPROVAL OF MINUTES

Regular Meeting - September 20, 2023

Councilmember Hayden moved, seconded by Councilmember Long, to approve the minutes for the September 20, 2023, Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.

Special Meeting - September 21, 2023 (2nd and Final Budget Hearing)

Councilmember Hayden moved, seconded by Councilmember Cosden, to approve the minutes for the September 21, 2023, Special Meeting (2nd and Final Budget Hearing), as presented. Voice Poll: All "ayes." Motion carried.

CITIZENS INPUT TIME

Gloria McKernan appeared on behalf of her son, Greg Kerns, as she has been trying to get him into Special Pops for over 20 years, he is still number eight on the list. There has been a change of hands in the program and has not been able to get him in. What does she need to do to get into the program?

John Pollack, Knights of Columbus Member Council 7131, voiced his communications with the new Special Pops administrator. He attempted to find out why Brother Jerry was not on the list. A new list has been created by the Administrator. He requested justification of why he is not being accepted in the program.

Kevin McGrail congratulated the City Council for the selection of the new City Manager Michael Ilczyszyn. He inquired why the Candidate Forum was removed. This was an opportunity for the candidates to get their views across in a public setting. He requested that this be brought back as it made Cape Coral unique and special. He voiced his support for the Special Pops applicant.

Robert Brown voiced concerns with the snail filters installed by the City as the PVC pipes being used deteriorates with the sun's UV rays. He attempted to install the filter directly, he picked up the filter from the City facility, but was told that he would need to supply all the other parts to install the filter.

Jim Niehaus, Eco Tour Guide and Instructor with Gulf Coast Kayak, mentioned the numerous partnerships and credentials related to the water quality safety and monitoring programs. He supported a special exception for continuation of commercial waterfront activities at Sirenia Vista Park for kayak tours and rentals. The park offers one of a kind best in class kayak nature experience along the trails and mazes. He invited Council to come out for a tour.

Marie Kavanaugh voiced opposition to the policy of not allowing the public use of the overhead projector during the Council meetings. She voiced opposition to the following: 1) the proposed Redfish Pointe development and 2) proposed changes to Jaycee Park; and voiced her concerns with parking shortages on 47th.

Diana, Gulf Coast Kayak owner, requested that Council continue their partnership with Parks and Recreation to provide kayak services at Sirenia Vista Park. The company has served over 40,000 domestic and international guests for the past 11 years.

BUSINESS

CONSENT AGENDA

- 1) Resolution 199-23 Approve Joint Use Interlocal Agreement by and between the Cape Coral Charter School Authority and the City of Cape Coral for the use of premises as described in agreement at Jim Jeffers Park located at 2817 SW 3rd Lane, which is immediately adjacent to Oasis Elementary Park; Department: Parks and Recreation; Dollar Value: N/A; (Fund: N/A)
- 2) Resolution 242-23 Acceptance of a Permanent Utility Easement and a Public Sidewalk Easement in a portion of Lots 1 and 2, Block 3615, Cape Coral Unit 49 located at 1512 SW 6th Terrace (also being Strap #15-44-23-C4-03615.0010), and a Public Utility and Drainage Easement and a Permanent Ingress and Egress Easement in a portion of Block 3614, Cape Coral Unit 49 located at 1513 SW Pine Island Road (also being Strap #15-44-23-C4-03614.0010) to provide access to and

maintenance of City utility and/or drainage facilities installed at this location associated with the ABC Fine Wine & Spirits project; Department: Public Works / Property Management; Dollar Value: N/A; (Fund: N/A)

- 3) Resolution 256-23 Approve Contract #PUT23140GL with Brenntag Mid-South, Inc. piggybacking the City of Tampa 's Invitation to Bid #102061322, for the purchase and delivery of Sodium Hydroxide at the unit price of \$804.25 per dry ton plus \$35.00 per delivery for a total unit price of \$839.25 per dry ton, for an annual estimated amount of \$125,000; and authorize the City Manager or designee to execute the contract, purchase orders, change orders and any renewals; Department: Utilities; Dollar Amount: \$125,000; (Water and Sewer Fund).
- 4) Resolution 263-23 Approve Contract for the purchase of 11300 Chandler Grove Drive, a 10-acre vacant site within Saddlewood Farms (Lots 15 and 16, Tract D – Strap #20-44-23-00-00001.2000) for future stormwater management improvements and water quality projects for the purchase price of \$1,131,000 plus closing costs not to exceed \$16,000 authorizing the use of Reserves; Department: Public Works/Property Management Division; Dollar Value: \$1,147,000; (Stormwater Fund)
- 5) Resolution 266-23 Approve FY 2024 purchases of Capital Equipment, Vehicles and the corresponding peripheral equipment (upfitting), and Hardware/Software within the City's General Fund, Special Revenue, Enterprise Funds and Internal Service Fund Groups including, but not limited to the Water and Sewer Fund, Stormwater Fund, Internal Services Facilities Fund, Internal Services Fleet Fund, Lot Mowing Fund, Sidewalk Capital Project Fund and to dispose of City-owned surplus tangible personal property that is no longer needed as a result of said purchases in accordance to the City of Cape Coral Procurement Ordinance and authorize the City Manager or his designee to approve the purchase orders for these purchases and any related documents; Department(s): City-Wide; Dollar value: \$27,771,212; (Citywide funds such as General Fund, Enterprise Fund, General Fund, Internal Services Fund, Special Revenue Fund)
- 6) Resolution 269-23 Approval to use Police Confiscation Federal Special Revenue Funds to purchase items to rebrand police officer Class B uniforms for the Cape Coral Police Department; authorize said purchases in accordance to the City of Cape Coral City Code of Ordinance Article VII: Purchase and Sale of Real and Personal Property (Procurement Ordinance); and authorize the City Manager or his Designee to approve the purchase orders for these purchases and any related documents; Department: Police; Estimated Dollar Value \$330,500.
- 7) Resolution 270-23 Approve direction given by City Council to City Staff for items presented at the Committee of the Whole held on September 13, 2023; Department: City Clerk; Dollar Value: N/A; (Fund: N/A)
- 8) Resolution 271-23 Approve contract for the purchase of 811 Vogiantzis Parkway (Lots 3 and 4, Block 5679, Cape Coral Unit 87), for future Production Well Site #345, associated with the North RO Production Well Expansion Project, for the purchase price of \$42,000 plus closing costs not to exceed \$1,800; Department: Public Works / Property Management; Dollar Value: \$43,800 (Water/Sewer Fund)
- 9) Resolution 274-23 Approve School Bus Lease Agreement between the City of Cape Coral Charter School Authority and the City of Cape Coral for the lease of school buses by the Charter School Authority
- 10) Resolution 275-23 Approve waiver of the procurement procedures and approval of Amendment #4 to Agreement CON-SCM2214MM, for Solid Waste Management Consulting Services with Raftelis Financial Consultants, Inc. for additional services and expanded scope in the amount of \$13,865 for a total contract cost of \$107,250; and authorize the City Manager or Designee to execute the agreement, renewals, amendments, change orders and Purchase Orders. The original contract, which was competitively quoted, for Raftelis Financial Consultants CON-SCM2214MM.

was initiated at a cost of \$45,130. The City has amended the contract to add additional scope, bringing the total contract costs to date to \$93,385 and amendment #4 of \$13,865 will increase the contract amount to \$107,250, which is over the City Manager approval threshold; Department: Public Works; Dollar Value: \$107,250; (Solid Waste Fund)

- 11) Resolution 277-23 Approve the creation of two new position classifications: "Digital Forensic Technician" in the Police Department and "Assistant Assessment and Billing Manager" in Financial Services; Dollar Value: \$0.00; (Fund: N/A)

Mayor Gunter asked if anyone had any items to pull.

Councilmember Welsh pulled item 9(A)(10) Resolution 275-23.

Councilmember Welsh moved, seconded by Councilmember Hayden, to approve 9(A)(1), 9(A)(2), 9(A)(3), 9(A)(4), 9(A)(5), 9(A)(6), 9(A)(7), 9(A)(8), 9(A)(9), and 9(A)(11), as presented.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Councilmember Welsh inquired why continue to pay for consultant services.

City Manager Ilcyszyn explained the different studies conducted by the consultant on the waste removal; splitting the different areas into various franchisees; North and South areas defining line; questions to look at if the City would do horticultural in-house; subject matter expert required to look at market and rates; over \$13K to analyze those scenarios. Will come back to Council with the output to close up that discussion.

Councilmember Hayden moved, seconded by Councilmember Cosden, to approve 9(A)(10), as presented.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Affordable Housing Advisory Committee - 1 Vacancy

City Clerk Bruns announced there was one vacancy and two applicants.

Applicants

Kathy Landis – qualifies for category current not vacant (i) Resident (Citizen at Large) – not present

Kevin McGrail - requires 2/3's vote due to current position on the Community Development Block Grant/Citizens Advisory Board - qualifies for categories not currently vacant (i) Resident (Citizen at Large) and (k) essential personnel – present

Councilmember Cosden moved, seconded by Councilmember Hayden, to continue this item to the October 18, 2023, Regular Council meeting.

Mayor Gunter stated Resolution 279-23 will be revisited on October 18th which could change the complexity of the boards. He noted it was in the best interest instead of appointing someone tonight to wait until Resolution 279-23 is heard on October 18th. If the Resolution is not passed on October 18th, Council could still appoint a candidate at that meeting.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

None

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

None

ORDINANCES/RESOLUTIONS

Public Hearings - Quasi-Judicial Hearings

Ordinance 77-23 (RZN23-000012*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral, by rezoning property lying in Section 21, Township 44 South, Range 23, Lee County, as more particularly described herein, from the Agricultural (A) to the Commercial Corridor (CC) zone. The property is located at 1150, 1160, and 1200 SW 20th Avenue.

Applicant: Christian Life Fellowship of Lee County, Inc.

Acreage: 20.31 acres

Hearing Examiner recommendation: Approval

City Planning Staff Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so. There were none.

City Clerk Bruns administered the oath.

Associate Planner Santora explained the following displayed slides:

- Ordinance 77-23/RZN23-000012
- Applicant, Property Owner, Address, Location, Size, Urban Service, Amendment Request
- Background Information
- 2023 Site Aerial Map
- Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Analysis – Land Development Code (3 slides)
- Analysis – Comprehensive Plan, Chapter 4, Policy 1.15
- Analysis – City Impact: Fire and Police
- Recommendation: Staff and HEX Recommended approval
- Correspondence: prior to the scheduled Council meeting, Staff received one call in opposition; one person spoke in opposition at the 8/22/23 Public Hearing.

Public Hearing opened.

Veronica Martin, Senior Planner, TDM Consulting, representative for the applicant, agreed with Staff presentation and recommendation for approval. The applicant's goal would be to expand their religious facilities campus. Zoning district of this property needs to be consistent with the future land use map classification, Pine Island Road District.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Sheppard, to adopt Ordinance 77-23, as presented.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Councilmember Cosden left the dais at 5:18 p.m.

Ordinance 78-23 (RZN23-000007*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral, by rezoning property described as Lots 1-48, Block 3633, Unit 49, Cape Coral Subdivision, from the Commercial (C) zone to the Residential Single Family (R-1) zone. The property is located at 125-231 Chiquita Boulevard South and 124-230 SW 15th Place.

Applicant: City of Cape Coral

Acreage: 5.50 acres

Hearing Examiner Recommendation: Approval

City Planning Staff Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so. There were none.

City Clerk Bruns administered the oath.

Associate Planner Santora explained the following displayed slides:

- Ordinance 78-23/RZN 23-000007
- Applicant, Property Owner, Address, Location, Size, Urban Services, Amendment Request
- Background Information
- Official Site Aerial Map
- Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map

Councilmember Cosden returned to dais at 5:21 p.m.

Planner Santora continued with the following displayed slides:

- Analysis – Land Development Code (3 slides)
- Analysis – Comprehensive Plan, Chapter 4, Policy 1.15
- Analysis – City Impact: Fire and Police
- Recommendation: Staff and Hearing Examiner recommended approval
- Correspondence: Prior to the scheduled hearing, Staff has not received any correspondence.

Public Hearing opened.

Dave Alves stated he is the owner of 124 SW 15th Place. This has been an ongoing project for the past two years. When he bought the property 13 years ago, he was told it was residential, but the City changed the zoning from residential to commercial. There are no commercial buildings on the properties. Banks are hesitant to provide a loan for residential property in a commercial district. Neighborhood is mainly retired elderly single

head of household. He thanked Council for their support for keeping the interests of the residents in mind.

Public Hearing closed.

Councilmember Sheppard moved, seconded by Councilmember Long, to adopt Ordinance 78-23, as presented.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Public Hearings - Legislative Hearings (Note: Input received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)

Ordinance 51-23 (FLUM22-000020) Public Hearing (Continued at the 8/30 Regular Meeting after a motion to reconsider was approved)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Mixed Use (MX) to Multi-Family Residential (MF) land use for property described as a tract or parcel of land situated in the State of Florida, County of Lee, City of Cape Coral, lying in the northeast quarter of Section 21, Township 43 South, Range 24 East, as more particularly described herein; property located at the northeast corner of the intersection of Del Prado Boulevard and De Navarra Parkway.

Applicant: Acorn Entrada, LLC

Acreage: 25 acres

Planning and Zoning Commission Recommendation: Approval

City Planning Staff Recommendation: Denial

City Clerk Bruns read the title of the Ordinance.

City Attorney Boksner explained that the reconsideration motion has now passed and was allowed to be reset for today. He explained that the motion could be amended, other action taken, passed, or defeated. He asked if there was interest by the motion maker and the second to proceed.

City Manager Ilczyszyn explained that Staff has reviewed new analysis on what was submitted. He requested that the motion be withdrawn, allow Staff to present the new analysis, and the applicant to present their proposal.

City Attorney Boksner reiterated the initial motion was made by Councilmember Hayden and seconded by Councilmember Cummings.

Councilmember Hayden verified that once Staff gives their presentation, Public Input would be opened.

City Attorney Boksner responded in the affirmative. Once the motion has been withdrawn, it will start from the beginning.

Councilmember Hayden withdrew his initial motion (the motion was to adopt Ordinance 51-23 with the revised site plan).

Principal Planner Boyko explained the following displayed slides:

- Revised Request Analysis
- Revised Map
- Proposed Plan – 7 Outparcels
- Existing Power Centers in Cape Coral – Characteristics
- The Shops at Surfside
- Coralwood Shopping Center

- Analysis
- Recommendation – Planning Staff recommended denial.

Councilmember Cummings withdrew her second to the initial motion.

Consensus agreed to increase time limit for the consultant to speak up to 10 minutes.

Richard Adkin, applicant's representative, presented the following slides:

- Original Request, Updated Request
- Staff Report
- Market Trends
- Limited Frontage on US 41 – 220 feet – Issues with the shape and size of the parcel for commercial development over entire parcel
- Uses Currently Allowed
- Economic Benefits
- Conclusion

Michael Price, Director, Land Brokerage Division, LQ Commercial, formerly LandQwest, has 12 years' experience in commercial real estate in SWFL and throughout the State. They have spent five years working on this site and emphasized there was zero interest for offers from any prospect until we started entertaining a multi-family project on this site.

Joe Mazurkiewicz, President, BJM Consulting, appeared on behalf of the applicant and spoke about the following:

- Multi-family provides more of a tax base than retail
- Access on two or three sides
- Constraints for this site
- Lack of access to US 41 will be there permanently, time will not impact that
- No curb cuts along Del Prado will be an issue in perpetuity
- Staff completely wrong
- Concept that time would fix site not consistent with configuration and layout
- Time and Market will not change

Public Hearing opened.

Gary Tasman, CEO and Principal Broker, Cushman and Wakefield Commercial Property of SWFL, represented the buyer of the multi-family site on this project. He has been a strong advocate for commercial in Cape Coral in the right places. If we don't get residential units in this subarea, they will continue to develop on the east side of US41 outside of Cape Coral which will create demand for commercial closer to the residential density that will be built. The commercial that the City wants or that Staff recommended to be in the Cape will never be in Cape Coral but end up in North Fort Myers. He requested that Council consider the opportunity to generate revenue today as a multi-family parcel with supported commercial.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cosden, to adopt Ordinance 51-23.

Councilmember Steinke commented with the number of rooftops in the area already, why it did not change the commercial investors sentiment.

Mr. Price explained that rooftops are one of the dynamics for commercial, but not totally. Anytime you add more rooftops to a condensed area it helps.

Councilmember Steinke appreciated the addition of the commercial along Del Prado when entering the City. He inquired if there was any contingency in contracts if approved then they will do the project, but if not approved, the project won't happen.

Mr. Price responded he was not aware of any contingencies tied to the multi-family which was an added bonus.

Councilmember Cummings commented about the 8% commercial in the City where it should be 30-40%. She wanted to hold on to this and have a better opportunity for something bigger to come along.

Councilmember Long mentioned this Council has not been shy about their desire to bring forward commercial. The City is still in our adolescence of buildout. The market may not have driven commercial in that particular area. He inquired about the easements.

Mr. Adkin explained the challenges and constraints with the easements.

Councilmember Long requested Council consider the factors that have pre-existed up to this meeting may not be the same as this site moves forward since there is a signalized intersection going in there.

Councilmember Welsh inquired about the area with the powerlines which may not be suitable for commercial but could be used for stormwater runoff.

Principal Planner Boyko responded that the easements would need to be looked at down the line and did not know if the easement language would be amended by FPL.

Mayor Gunter noted his position has not changed much from when it was first presented. The need for multi-family in our City now compared to five years ago is surely much different. This Council has recognized the need in the City is for commercial development. If we keep changing to multi-family, we will never get that commercial. He concurred with Staff and his vote would be for denial.

Councilmember Cosden inquired about no median cut on Del Prado. Is it possible that there could be or was it set as it is?

Interim Public Works Director Zambrano explained FDOT criteria was followed on the Del Prado extension. We adopted the median openings in our Engineering Design Standards. What is there is in the Code. If Council so desired, there could be an amendment to the EDS. At one point the City was looking for Lee County or FDOT taking care of the Del Prado extension, the reason behind the access management, eventually connecting to I-75.

City Manager Ilczyszyn explained under the current Design Standards for the roadway, we would have to measure distances. If we wanted to alter the site characteristics to attract site selectors, we would have to alter the access management plan for that segment of the roadway.

Discussion held regarding:

- Do we feel that roadway would support commercial
- Upcoming changes with signalized light
- Large scale commercial probabilities
- Lowe's and Home Depot are not calling for interest on this site
- Zero traction in the past five years

Councilmember Steinke noted due to shape and location this was not attractive to commercial developers. He questioned how long we would have to wait.

Councilmember Cummings inquired how they tried to promote commercial in five years.

Mr. Price explained how the property was marketed.

Councilmember Cummings asked if an Amazon distribution center would fit into this odd-shaped property.

Mr. Price stated it was not zoned for an industrial distribution center, and it was not what they were seeking. He noted parking and access were questionable.

Councilmember Hayden noted we have to look at our prime commercial areas and recognize what needs to be developed. This area is not a prime commercial area.

Councilmember Sheppard commented about being visionaries with the possibility of what could be built. Malls are a thing of the past. Big box stores might be disappearing. He agreed with saving commercial as much as possible. Light industrial might be more of a need in the future.

Councilmember Welsh inquired if there was a strip on Pine Island Road without curb cuts. He questioned if a front access road could be built.

City Manager Ilczyszyn commented there could be a right in/right out situation.

Linda Miller, Vice President, Avalon Engineering, explained that with this proposed commercial subdivision, there is an internal frontage access road; access off DeNavarra Parkway and a right in/right out off Del Prado. There are access roads to all of the outparcels, but it does not help with the left into the facility, the median cut. We would need a left in heading towards US 41 since a U-turn is needed to get back into the site.

Councilmember Welsh expressed concern about changing 200 feet needing an access road for an additional 50 feet. He questioned getting any commercial on this frontage due to the lack of access.

Mayor Gunter inquired about revisiting the access management plan once the signalized light is installed.

City Manager Ilczyszyn explained the original intent of trying to build Del Prado north of Pine Island Road to US41 and ultimately to I-75 as a limited access, an evacuation route corridor. We purposely designed it to not have a lot of curb cuts across the medians. If the nature of the road has changed, then the access management plan could be changed.

Mayor Gunter commented on the need for multi-family units, 9,000 units being built in the Pine Island Road District; the need for commercial is greater.

Councilmember Cummings commented on the booming of the City in the last two years; concerned with infrastructure, vehicles, lacking commercial properties; want to see opportunities in the near future.

Councilmember Steinke questioned where the access would be for commercial.

Ms. Miller explained the exhibit did not show that the road has to continue all the way to outparcel #5. There is a 25 ft. roadway that will be connecting to the existing roadway that will cover going to the north part of the commercial. It did not limit the depth of the commercial.

City Attorney Boksner clarified the motion to approve is based upon the future land use map amendment that has been modified from its original version. He asked for confirmation that this was the motion made and what was seconded, not the original one, but the modified one that was submitted after and reviewed by Staff.

Councilmember Hayden agreed because we withdrew.

Mayor Gunter noted that we were changing from mixed use to multi-family. He asked if everyone understood the motion.

Councilmember Cummings asked for the motion to be restated.

Mayor Gunter understood the motion was to approve the changes from mixed use to multi-family.

City Clerk Bruns added with the land use map that was modified.

City Attorney Boksner explained the future land map amendment based upon the modified version that ultimately was reviewed by Staff during the Staff presentation.

Council polled as follows: Hayden, Sheppard, Steinke, and Cosden voted "aye." Long, Welsh, Cummings, and Gunter voted "nay." Four "ayes." Four "nays." Motion failed 4-4.

Ordinance 82-23 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes the issuance not to exceed \$165,000,000 in aggregate principal amount of Utility Improvement Assessment Bonds, (North 1 West Area), Series 2023, of the City of Cape Coral, Florida, for the principal purpose of financing and refinancing the development, construction, and installation of certain potable water, wastewater, and irrigation water utility capital improvements within the North 1 West area of the City; pledges special assessment proceeds to secure payment of the principal of, redemption premium, if any, and interest on the bonds; allows for the use of net revenues of the City's water and sewer utility system to pay debt service on the bonds or make up deficiencies in the reserve account in the event such special assessment proceeds are insufficient for such purpose. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Councilmember Long left the dais at 6:33 p.m.

Financial Services Director Mason explained what this Ordinance would accomplish, and a presentation would be included with Resolution 272-23.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cummings, to adopt Ordinance 82-23, as presented.

Council polled as follows: Hayden, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Seven "ayes." Motion carried 7-0.

Resolution 272-23 Public Input (Bond Utility Assessment)

WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution authorizes the issuance by the City of Cape Coral, Florida of not exceeding \$165,000,000 in aggregate principal amount of utility improvement assessment bonds (North 1 West Area), Series 2023 in order to finance and refinance the development, construction and installation of certain potable water, wastewater and irrigation water utility capital improvements within the North 1 West Area of the City, pledging the proceeds received by the City from special assessments upon real property benefited by such improvements to secure payment of the principal of and interest on said bonds, provides for the use of net revenues of the City's water and sewer utility system to pay debt service on the bonds or to make up and deficiencies in the reserve account in the event the special assessments are insufficient for such purpose, provides for the rights of the holders of said bonds, making certain other covenants and agreements in connection with such bonds, authorizes a negotiated sale of said bonds, delegates certain authority to the City Manager and the Financial Services Director for authorization, execution, and delivery of a bond purchase agreement with respect thereto, and the approval of the terms and details of said bonds, appoints the paying agent and

registrar for said bonds, authorizes the distribution of a preliminary official statement and the execution and delivery of an official statement with respect to such bonds, authorizes the execution and delivery of a continuing disclosure certificate, delegates certain authority to the City Manager and the Financial Services Director to determine whether to utilize municipal bond insurance for the bonds, the reserve account requirement, if any, the reserve account insurance providers, if any, and certain other matters, and provides for an effective date for this resolution. (Brought forward by City Management)

City Clerk Bruns read the title of the Resolution.

Financial Services Director Mason explained the following displayed slides:

- City of Cape Coral Utility Improvement Assessment Bonds, Series 2023
- Financing for the North 1 West Area Construction
- Project Funds for the North 1 West Construction
- Preliminary Timing
- Recommend approval of Resolution 272-23

Councilmember Long returned to the dais at 6:38 p.m.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve Resolution 272-23, as presented.

Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, Cummings, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Introductions

Ordinance 67-23 Set Public Hearing for October 18, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance amends the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article VII, Purchase and Sale of Real and Personal Property, Sections 2-144, 2-151, 2-154 and 2-155, regarding the procurement process. (Brought forward by Councilmember Long)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 18, 2023, in Council Chambers.

Ordinance 83-23 Set Public Hearing for October 18, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes the issuance of not to exceed \$100,000,000 in aggregate principal amount of water and sewer revenue bonds, series 2023 of the City of Cape Coral, Florida to finance costs of the acquisition, construction and equipping of various capital improvements to the City's water and sewer utility system, pledging the herein described pledged funds to secure the payment of the principal of, redemption premium, if any, and interest on such bonds and provides for certain rights of the holders of such bonds. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 18, 2023, in Council Chambers.

Ordinance 84-23 Set Public Hearing for October 18, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Division 9, Audit Committee, Chapter 14, Citizens Advisory Board for the Community Development Block Grant Activities, Chapter 26, Cape Coral Charter School

Authority, and Chapter 27, Community Redevelopment, and the Land Development Code, Article 2, Decision Making, Chapter 1, Planning and Zoning Commission, to amend the terms of board members to two year terms for a maximum of two terms, with all terms having the same beginning and end of term in the respective years. (Brought forward by Mayor Gunter)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 18, 2023, in Council Chambers.

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Sheppard – Topics: Attended Honor Flight at the airport for Veterans; thanked the City Manager for the Community Recognitions.

Councilmember Steinke – Topics: Thanked the City Attorney for reviewing things and finding how things can be done better.

Councilmember Welsh – Topics: on 9/29 Attended the Hurricane Ian Resilience Rally put on by the City held at the German American Social Club; suggested doing one every year, changing the name, not necessarily on the anniversary of Ian and utilizing one of the new parks as they come online.

Councilmember Cosden – Topics: Attended the Lee County Continuum of Care Committee meeting; MPO meeting; visited site of the future Hector Cafferata K-8 School along with Councilmember Long; and Mayor's Scholarship Ball.

Councilmember Cummings – Topics: Attended the Honor Flight event commenting that we had no media there. She highly recommended those that did not attend to do so next year.

Councilmember Hayden – Topics: Attended the Mayor's Scholarship Ball and Cape Coral Police Department National Night Out last night. A few of the members of the Police Volunteer Unit mentioned they need volunteers.

Councilmember Long – Topics: No report

Mayor Gunter:

- 9/21- 9/23: Attended the FLC Executive Committee meeting and the FLC Board of Directors meeting in Fort Myers
- 9/26: Guest Speaker at the Fall Session of the Citizens Academy
- 9/26: Attended the SWFL League of Cities Meeting
- 9/28: Guest Speaker - Hurricane Ian Monument Unveiling
- 9/28: Attended Cape Coral Leadership/City Government Day in Council Chambers
- 9/29: Attended Cape Coral High School IB Extended Essay Celebration Breakfast
- 9/29: Attended the Recovery Task Force Meeting
- 9/29: Guest Speaker - Hurricane Together Resilience Rally at German American Club
- 9/30: Attended The Mayor's Scholarship Ball
- 10/3: Attended the National Night Out With The Cape Coral Police Department
- This morning: Pet Filming of the Month

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner: No report

City Manager Ilczyszyn: Upcoming Event/Announcements:

- 10/9 City Hall Closed for Columbus Day
- 10/14 Cape Coral Bike Night from 5-10 p.m. on SE 47th Terrace

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole was scheduled for Wednesday, October 11, 2023, at 9:00 a.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:53 p.m.

Submitted by,

Kimberly Bruns, CMC
City Clerk