

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

March 6, 2024

Council Chambers

4:30 p.m.

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

INVOCATION/MOMENT OF SILENCE – Councilmember Long

PLEDGE OF ALLEGIANCE – Councilmember Long

Roll Call: Mayor Gunter, Councilmembers Carr, Cosden, Hayden, Long, Sheppard, Steinke, and Welsh were present.

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Gunter asked if anyone had any changes to the Agenda. There were none.

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

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

RECOGNITIONS/ACHIEVEMENTS

Community Recognition Award: Mariner H.S. JROTC Marksmanship Team

City Manager Ilczyszyn recognized Mariner High School's JROTC Marksmanship Team who recently earned two National championship matches.

APPROVAL OF MINUTES

Regular Meeting - February 21, 2024

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve the minutes for the February 21, 2024, Regular Meeting, as presented. Voice Poll: All “ayes.” Motion carried.

CITIZENS INPUT TIME

Stephen Annsiewiez expressed concern about contractors staging equipment on vacant properties leaving destruction for property owners and drainage issues as a result of building permits.

Dave Kalish mentioned recent frustrations felt on topics discussed at Citizens Input such as Jaycee Park, stipend, and construction of large apartment buildings.

Sally Flash voiced concern about recent use at Jaycee Park, need for adequate parking with the proposed improvements, and requested citizen participation in the P3 agreement.

Smokin' Joe (Philips) commented about City's dry-cleaning bills; Code Enforcement operating in the early morning hours; and laws needing enforcement at the parade last weekend. He requested a resolution to have a Jesus Day parade.

Kathleen Lopez discussed the findings in the Urban Development Plan; wanted civic awareness to be celebrated in the City; and requested Jaycee Park be left alone.

Anthony Kerr expressed concern about voting citizens who wanted the termination of any redevelopment plans for Jaycee Park. He invited Council to meet with the Friends of Jaycee Park. He was not in favor of the process done for the stipend.

Tara Jenner discussed SB4 to ban restrictive campus free zones; parade this past weekend in the City; not in favor of a Christian parade if it is funded by the City.

Kevin Besserer, Public Policy Director, Royal Palm Realtors Association, voiced concern about impact fees' increase affecting the affordability of homeownership in Cape Coral.

Keith Quackenbush, CCCIA Vice President Board of Directors, opposed Ordinance 12-24 as it is a tax increase. He requested Council reconsider not approving it.

Laurie Lehmann followed up on a request to clean up sewers. She inquired if Resolutions 62-24 and 63-24 included cleaning out the current system. When it rains, everything floods; something needs to be done.

Tom Shadrach questioned Resolution 66-24 for Charter Schools additional funding. He also inquired about funds to be approved in future for the Oasis Sports Complex; Charter School teachers' salaries; and building maintenance at Charter Schools.

Eric Glocer, CCCIA President, opposed Ordinance 12-24 and requested a two-week delay so that the CCCIA could provide feedback and work collaboratively with the City.

Francine opposed the start time of the Council meetings; requested a 6:00 p.m. start time.

Phil Levoy agreed with the CCCIA's position to delay Ordinance 12-24 for two weeks.

Julia Ettari voiced concern about vote inquiry; financial disclosure filings; and future Town Hall dates replacing citizen input committees.

Don Cord commented about the priority of repairing the Yacht Club Pier; boat ramp; grassy area next to boat ramp; against pay for park; leave Jaycee Park as is; concerns about traffic based on development; Piney Point should be used by all citizens.

Councilmember Welsh inquired if any Cape Coral City Funds were used for the parade this past weekend.

City Manager Ilczyszyn responded that a Special Events permit is required. Depending on the size of the event, it goes through a review; the organization hosting the event pays.

Councilmember Welsh welcomed organizations to have an Easter Parade downtown.

Councilmember Cosden verified the first speaker's issue was being looked at by Staff. She inquired about the cleaning of the sewers.

City Manager Ilczyszyn explained that the Stormwater Department maintains all the storm sewers. Some newcomers to the City perceive that standing water in the swale is flooding; this is the way our stormwater system is designed.

Councilmember Cosden explained the deadline for Council to file the required financial form is July 1, 2024. She requested an update on the repairs at the Yacht Club.

City Manager Ilczyszyn reported the following:

- Structural inspection of the Yacht Club Pier was done, no visible problems
- Several years ago, the pilings were coated with a vinyl wrap which was then filled between the piling and the wrap with concrete
- We have a contractor under contract to perform destructive testing.
- Waiting to get that report back
- If that comes back clean, then we intend on seeking money for repair.

Councilmember Steinke commented on the boat ramp and the grassy area inquiry. He explained a staging area is required for all the machinery to do the deconstruction.

BUSINESS

CONSENT AGENDA

- 1) Resolution 36-24 Approve Agreement between the City of Cape Coral and the Lee County Supervisor of Elections to expand Election Services currently provided as outlined in agreement including but not limited to electronic reporting and the qualification role; Department: City Clerk; Dollar Value: Not to Exceed \$40,000 per qualification event each election year; (General Fund)
- 2) Resolution 62-24 Approve Emergency Purchase Orders to YG Construction, Inc. in the amount of \$215,000 for the removal and replacement of pipe, structures and surface treatments for the awarded areas for the total amount of \$215,000 with a 10% City-controlled contingency of \$21,500 for a project total of \$236,500; and authorize the City Manager or Designee to execute the purchase orders and change orders; Department: Public Works; Dollar Amount: \$236,500; (Stormwater Fund)
- 3) Resolution 63-24 Approve Emergency Purchase Orders to Southwest Utility Systems, Inc. for the removal and replacement of pipe, structures and surface treatments in the amount of \$557,799.78 with a 10% City-controlled contingency of \$55,779.98 for a project total of \$613,579.76; and authorize the City Manager or Designee to execute the purchase orders, contract, amendments, and change orders; Department: Public Works; Dollar Amount: \$613,579.76; (Stormwater Fund)
- 4) Resolution 66-24 Approve Contract #PPW2465MR with Interface Services, Inc. a subsidiary of Interface America's, Inc. for removal and replacement of carpeting at Oasis Elementary South and Oasis Elementary North buildings, utilizing Sourcewell Contract #080819-IFA in the amount of \$536,291.94; authorize the City Manager or designee to execute the contract and purchase orders; Department: Public Works; Dollar Amount: \$536,291.94; (CS Building Maint)
- 5) Resolution 68-24 Approve recap of direction given by the Mayor and City Council to City Staff for Items presented at the Budget Workshops on January 18, 2024 and January 19, 2024; Department: City Clerk; Dollar Value: N/A; (Fund: N/A)
- 6) Resolution 69-24 Approve recap of direction given by the Mayor and City Council to City Staff for Items presented at the Committee of the Whole on February 14, 2024; Department: City Clerk; Dollar Value: N/A; (Fund: N/A)
- 7) Resolution 70-24 Approve a Substantial Amendment to the 2023-2024 CDBG One Year Action Plan; Department: Development Services; Dollar Value: \$300,000; (Fund: Community Development Block Grant)
- 8) Resolution 72-24 Approve Amendment #2 to Agreement CON-RPW2230MM with Kisinger Campo & Associates, Corp. (KCA) to provide signalization design and roadway improvement for the U-turn lane at Del Prado Boulevard and Averill Boulevard for a not-to-exceed amount of \$65,245.77 and authorize the City Manager or Designee to execute Amendment #2 and purchase orders. The original contract with KCA was for the intersection at Del Prado Boulevard and Averill Boulevard design for a not-to-exceed amount of \$92,415. Amendment #1 added three intersections in the amount of \$396,437.51, which increased the contract amount to \$488,852.51. Amendment #2 adds the U-turn lane and traffic study at the Del Prado Boulevard and Averill Boulevard intersection in the amount of \$65,245.77 for a total contract amount of \$554,098.28; Department: Public Works; Dollar Value: \$65,245.77; (5 cent Gas Tax Fund)

Mayor Gunter pulled 9(A)(1) Resolution 36-24. There were no others to pull.

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

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

Tommy Doyle, Lee County Supervisor of Elections, along with Cheryl Futch, Qualifying Officer, provided the following:

- Overview of the agreement with the City to conduct elections
- At the beginning of the year, started updating contracts of all municipalities
- Not updated since he took Office 8 years ago
- Option for municipalities to allow our Office to handle candidate qualifying
- Beneficial to the City
- Campaign Financial Reports, make sure they are filed on time and accurate
- Candidate List updated every day on their website and will be pushed over to the City Clerk for City's website
- Candidate packages are available online
- Financial Management Filing System is an online filing system
- Self-auditing system being used
- Notary Services
- Petition processing for candidates
- Does not handle Political Action Committees for the City
- Supply candidates with the reporting calendar
- Text message alerts about their campaign financing reports that are due
- To date, Village of Estero and the Town of Fort Myers Beach have signed on
- Bonita getting close
- Sanibel is also in the realm

Councilmember Welsh inquired about the need for a candidate to travel to Fort Myers or could it be done online.

Mr. Doyle noted most of it could be done online.

Ms. Futch explained that recent legislation allowed us to accept what they call "dry paperwork" which means they are signed and scanned to us. It could also be mailed. She explained that if candidates were going to scan paperwork to them, she preferred the in-person visit so that a checklist could be reviewed; give them information and guidebooks; signs; checks; disclosure. If necessary, it can be done online except for the check.

Councilmember Welsh inquired if the weekly reports needed to be dropped off.

Ms. Futch explained that it could be handled electronically. It is a self-auditing system which will alert the candidate if something was wrong before it is accepted. She cautioned that the Qualifying Officer would need time to review documents to help identify any missing information. They do keep the candidates aware of what is allowed.

Mr. Doyle was not opposed to traveling to Cape Coral, if needed, to help the candidates.

Councilmember Hayden inquired if this included this year's election since some people have filed already.

Mr. Doyle responded that there is a signed contract pending Council's approval; needs to be recorded with the Clerk of Courts; will be effective immediately.

Councilmember Hayden moved, seconded by Councilmember Welsh, to approve 9(A)(1) Resolution 36-24, as presented.

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

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None

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

None

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 12-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance amends the City of Cape Coral, Florida Code of Ordinances, Chapter 2, Administration, Division 2, Utility Capital Expansion Fee, Section 2-24.3 Fee imposed and time of payment, which establishes the existing North 1 East Utility Expansion Area Fee (Legacy Rate) table; and updating the Utility Capital Expansion Fee tables for all other areas of the City that shall not be encapsulated within North 1 East Utility Expansion Fee Table; amending Section 2-24.6 Review of fee structure, which sets forth the statutory reference mandated within Section 163.31801 of the Florida Statutes. (Brought forward by City Management)

Assistant City Clerk Castillo read the title of the Ordinance.

Financial Services Director Mason explained that these are one-time charges for new construction only, and only impacts just that one time. It does not impact the residents.

Jeff Dykstra, Stantec, explained the displayed slides:

- City of Cape Coral: Water and Sewer Capital Expansion Fee Study
- Overview
- Major Growth-Related Capital Projects
- Historical Capital Cost Perspective
- Cost Burden on Existing Customers
- Implementation
- Recommended Capital Expansion Fees
- Typical New Single-Family Home: Phased Increases
- Water & Sewer Capital Facility Expansion Fees
- Conclusions
 - Current fees are below cost and may be increased
 - Fee increases provide needed funding for expansion related capital to minimize cost burden of growth on existing rate payers
 - Current and phased-in fees are comparable to neighboring communities

- City should perform regular updates to reflect current costs and data
- Questions & Discussion

Public Hearing opened.

Eric Gloer, CCCIA President, requested time for the CCCIA to review it and to provide feedback.

Public Hearing closed.

Councilmember Hayden mentioned that this topic was discussed publicly at the Winter Retreat in January and at a COW on February 14th, as well as with phone calls with the CCCIA in February. He asked the City Manager for his input.

City Manager Ilczyszyn explained:

- They meet quarterly with the CCCIA.
- If there are issues, they communicate by phone and email.
- In the quarterly meetings, CCCIA leads the topics.
- Last quarterly meeting was end of December or beginning of January.
- The next one is tomorrow.
- We had all these other public meetings on the topics.
- There would have been a regularly scheduled meeting.
- Spoke to Eric and Lynne last week; offered to make changes in future quarterly meetings.
- They asked for additional back up that he sent.
- Committed to working with the CCCIA

Councilmember Hayden inquired if they asked for more review time at the last meeting.

City Manager Ilczyszyn noted they asked for the two weeks being requested tonight. He explained to them that we have 90 days for implementation, enough time to educate their members. He acknowledged that they want to dive into the consultants work to review the numbers. He is committed to provide a level of assurance as to how the number was developed and what it will fund.

Councilmember Carr inquired about the 90-day delay prior to implementation. For the sake of transparency, is there any negative effect if we delay the vote for the next two weeks?

City Manager Ilczyszyn explained the financial cost of the delay will be two weeks' worth of permits that are pulled that need to pay an impact fee. If it is passed, the effect will be the value of the impact fees on every permit. If it fails, no impacts; same fee remains.

Councilmember Steinke explained hard costs need to be kept up with and haven't been. This money is used for the hard costs of infrastructure for the new homes coming into our area. Growth pays for growth.

Mayor Gunter explained the last increase was in 2009. Can we add language to the Ordinance that would state that at a maximum of every 5 years it be re-evaluated? He explained this topic has been discussed at approximately three public meetings.

City Attorney Boksner explained Florida Statute 162.318(1). He inquired if the Mayor was requesting an automatic trigger.

Mayor Gunter noted his request was for a mechanism in place for future Councils to have an automatic re-evaluation every five years.

City Attorney Boksner recommended a Resolution with policy direction could be drafted with a majority concurrence and added to an upcoming Committee of Whole after 3/13. Proposed language would be provided for Council at that time.

Consensus Agreed.

Councilmember Carr questioned if the 90-day implementation was policy.

City Attorney Boksner noted it was in the Statutory provision.

Councilmember Welsh requested the cost of a study be provided with any other information for that COW meeting.

Councilmember Hayden moved, seconded by Councilmember Cosden, to adopt Ordinance 12-24, as presented.

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

Introductions

None

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Cosden – Topics: No report

Councilmember Hayden – Topic: Commented about the participation at the Joint Workshop with the Youth Council; reiterated the suggestion of more than just once a year; announced the next Youth Council meeting is this Friday at 3:00 p.m.

Councilmember Long – Topics: No report

Councilmember Sheppard – Topics: Suggested residents watch last night's Joint Workshop with the Youth Council.

Councilmember Steinke – Topics: 2/22 attended the Beach Parkway Peninsula Picnic at Jaycee Park; 2/24 attended Burrowing Owl Festival in the morning; 2/24 in the evening attended with our local fire union the First Responder Night at the Everblades game at Hertz Arena; 2/27 attended the Affordable Housing Advisory Committee meeting; 2/28 and 2/29 represented the City at the Annual SW Florida Climate Summit; 3/5 attended the Joint City Council and Youth Council Workshop and encouraged all to watch; and announced the Youth Council's 2023 Florida League of Cities Youth Council Video Competition Award.

Councilmember Welsh – Topics: No report

Councilmember Carr – Topics: Read to third graders at Pelican Elementary School last week for Read Across America.

Mayor Gunter – Topics:

- 2/23: Attended the Lee County Recovery Task Force meeting – voted to move the plan forward, will be brought back to Council from City Management, adopted plan for recommendation to go the County Commissioners who will ultimately approve the plan. Headed in the right direction, identified Regional Needs; \$1.1 B
- 2/24: Guest Speaker at the 22nd Annual Burrowing Owl Festival along with Councilmembers Carr and Hayden
- 2/26: Attended the Fire Department's Accreditation Hearing in Orlando with the City Manager and Chief Lamb and his Team, received the accreditation
- 2/28: Participated in the Florida League of Mayors Veterans Affairs Committee Meeting, Communications is putting together an education video to be shared with other Mayors showing what we are doing for our Veterans.
- 3/6: Presented a Proclamation for the PACE Center for Girls in Lee County

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner: Regarding the Charter School, the Ordinance is very specific as to what may or may not be brought forward to the City Council.

City Manager Ilczyszyn explained that the recommendations come from the Governing Board to be placed in the proposed budget.

City Manager Ilczyszyn announced:

- 3/6 thru 3/8: Temporary Closure of Joe Coviello Park while we build fire breaks between the homes adjacent to the park
- 3/15: Hosting a Business and Industry Roundtable for Home Services hosted by his office and Economic Development at City Hall in 220. We are looking for input from landscapers, property management services, home cleaning, security, and home insurance. Anyone interested can sign up with the Economic Development Office.

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole was scheduled for Wednesday, March 13, 2024, at 10:30 a.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:08 p.m.

Submitted by,

Kimberly Bruns, CMC
City Clerk