



1015 Cultural Park Blvd.  
Cape Coral, FL 33990

## **AGENDA**

### **Waterway Advisory Board**

**May 25, 2023**

**1:00 PM**

**Council Chambers**

**1. Call to Order**

A. Chair R. Jones

**2. Pledge of Allegiance**

**3. Roll Call:**

A. Austin, Cruz, Daubenberger, Humphrey, R. Jones, Lombardo, Pim,  
and Alternates Dawson and L. Jones

**4. Citizen Input Time**

A maximum of 30 minutes is set for input of citizens on matters concerning the Waterway Advisory Board; 3 minutes per individual.

**5. Approval of Minutes**

A. Meeting Minutes - March 23, 2023

**6. Business**

A. Update on the canal clean up - Brought forward by Member Austin

B. City Dredging Program Update - Brought forward by the Board

C. Legal and maintenance update on the Chiquita Lock Removal -  
Brought forward by Member Austin

D. Update on Lake Okeechobee System Operating Manual (LOSOM)  
- Brought forward by Member Austin

E. Status of bubble curtains - Brought forward by Member Austin

F. Replacement of markers in the City managed canals - Brought  
forward by Member Austin

G. Stormwater Operations - Brought forward by Member Pim

- H. Fertilizer Ordinance - Brought forward by Member Pim
- I. Resident Input received regarding effectiveness of the Board

**7. Staff Updates**

**8. Member Comments**

**9. Next Meeting Agenda Topics**

**10. Date and Time of Next Meeting**

- A. July 27, 2023 at 1:00 p.m. in Council Chambers

**11. Adjourn**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the Office of the City Clerk whose office is located at City Hall, 1015 Cultural Park Boulevard, Florida; telephone number is 1-239-574-0411, at least forty-eight (48) hours prior to the meeting for assistance. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**Item Number: 5.A.**  
**Meeting Date: 5/25/2023**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Meeting Minutes - March 23, 2023

**SUMMARY:**

Meeting minutes attached for review and approval.

**ADDITIONAL INFORMATION:**

Betty Castillo, Assistant City Clerk, 1-239-242-3243

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ 1. Meeting Minutes - March 23, 2023	Backup Material

**MINUTES OF THE WATERWAY ADVISORY BOARD MEETING  
FOR THE CITY OF CAPE CORAL**

**THURSDAY, MARCH 23, 2023**

**COUNCIL CHAMBERS**

**1:00 P.M.**

Vice Chair R. Jones called the meeting to order at 1:00 p.m.

**PLEDGE OF ALLEGIANCE**

ROLL CALL: Austin, Cruz, Daubenberger, Humphrey, R. Jones, and Alternate Members Dawson and L. Jones. Lombardo and Pim were excused.

ALSO PRESENT: Bill Steinke, Council Liaison  
Maureen Buice, Assistant to the City Manager  
Mark Mason, Financial Services Director  
Joe Petrella, Parks & Recreation Director  
Damon Grant, Interim Deputy Public Works Director  
Kaitlyn Mullen, Senior Public Information Specialist  
Terry Schweitzer, Solid Waste Manager  
Maya Robert, Public Works Environmental Resources Manager  
Richard Gainley, Harbor Master

**CITIZEN INPUT TIME**

Jim Collier appeared to discuss debris in canals, crumbled docks in canals, and Pier to Pier Boat Rentals.

Vice Chair R. Jones asked if Mr. Collier called 311.

Mr. Collier responded he usually picks it up himself. The larger pieces are taken to dock owners he knows.

**APPROVAL OF MINUTES  
Meeting Minutes – February 2, 2023**

***Member Cruz moved, seconded by Member Austin, to approve the February 2, 2023 meeting minutes, as presented. Voice Poll: All “ayes.” Motion Carried.***

**BUSINESS**

**Election of Chair and Vice Chair**

Vice Chair R. Jones opened the floor for nominations for Chair.

Member Daubenberger nominated R. Jones to serve as Chair.

There were no other nominations.

***Member Cruz moved, seconded by Member Daubenberger, to appoint R. Jones to serve as Chair. Voice Poll: All “ayes.” Motion Carried.***

Chair R. Jones opened the floor for nominations for Vice Chair.

Member Austin and Member Cruz nominated Member Humphrey to serve as Vice Chair.

There were no other nominations.

***Member Cruz moved, seconded by Member Daubenberger, to appoint Member Humphrey to serve as Vice Chair. Voice Poll: All “ayes.” Motion Carried.***

**Pier to Pier Boat Rentals Discussion**  
**– Brought forward by Alternate Member Dawson**

Chair R. Jones turned the floor over to Alternate Member Dawson for discussion on the Pier to Pier Boat Rentals.

Alternate Member Dawson explained the following:

- Control location
- Institute a permitting system
- House Bill 261 livery does not have to provide insurance to cover the renter

Alternate Member L. Jones discussed the insurance issue.

Alternate Member Dawson suggested that we ask our liaison to bring to Council the thought of a permitting process to use designated spaces.

Discussion held regarding:

- Permitting
- Briefing required by a Captain
- Show designated Captain at time of permitting

Member Cruz requested to hear from the Council Liaison.

Council Liaison Steinke commented on looking into enforcing the current conditions with existing permit holders. He noted that he was part of a group researching this issue with stakeholders. He questioned the Statute where it is required to have a licensed Captain to provide the safety briefing.

Alternate Member Dawson explained the language was if they retain a professional captain to command the vessel, the livery only confirms that they have been retained.

Alternate Member L. Jones commented on showing course completion certificate.

Council Liaison Steinke commented that the livery needs to have 24 hours to be presented with that information. He commented that he will discuss the insurance issue with the legislators and lobbyists in a few weeks in Tallahassee at the FLC meeting.

Chair R. Jones commented that Council was aware of HB 261 and would be tracking it.

Council Liaison Steinke commented that he will enter the whole Pier to Pier concern and the livery regulations into conversations regarding the watercraft businesses.

Chair R. Jones asked if the stakeholders' group included all businesses.

Council Liaison Steinke responded right now it is dealing with businesses that are doing business inside the parks system. The definition of business needs to be clarified. He provided history of the watercraft using launches and recovery locations.

Chair R. Jones asked if Alternate Member L. Jones could be involved in the stakeholders' meetings.

Council Liaison Steinke responded in the affirmative.

Alternate Member Dawson discussed:

- Commercial liveries
- Lowering age is good but eliminating insurance is not good

Vice Chair Humphrey discussed a nominal approved boater education course to prevent accidents.

Council Liaison Steinke discussed making recommendations is a good practice especially regarding further in-depth knowledge of local conditions. He doubted that it could be regulated but should be encouraged.

Chair R. Jones asked if there was a name for that stakeholders' group.

Assistant to the City Manager Buice stated there was no name for the group. She recommended someone be appointed from the WAB to serve on that group formed by Parks and Rec.

***Member Cruz moved, seconded by Vice Chair Humphrey, to appoint Leslie Jones as the Waterway Advisory Board representative for the stakeholders' group.***

***Board polled as follows: Austin, Cruz, Daubenberger, Humphrey, R. Jones, Dawson, and L. Jones voted “aye.” Seven “ayes.” Motion carried 7-0.***

### **Update on the future of the Yacht Basin redesign**

Chair R. Jones turned the floor over to Staff for discussion on the update on the future of the Yacht Basin redesign.

Parks and Recreation Director Petrella explained there were no updates at this time since the City was waiting for future designs.

Assistant to the City Manager Buice provided a history of the Yacht Basin. Hurricane Ian severely damaged the Yacht Club building beyond repair, and it must be built to current Codes. The Pier no longer exists. The City is forced to redesign the plan.

Chair R. Jones asked if there is anything the Board can do to assist.

Financial Services Director Mason responded there was nothing the Board could do to assist and discussed the following:

- Boathouse will reopen
- Parking for Boathouse will be available
- Beach will remain closed and needs to be renourished
- Boat ramp being used by the State and contractors pulling boats out of the river
- All buildings will be demolished
- Yacht Club area will be closed for 3-4 years

Discussion held regarding:

- Fuel Dock will reopen
- Underlying basics of the plan
- Expanding the Yacht Basin moorings
- Safety of the beach when the Boathouse restaurant reopens
- Public Input on the Yacht Club

Council Liaison Steinke noted that he would request information on past Public Input on the Yacht Club project as well as look forward to future input from the Public.

Chair R. Jones suggested that Ms. Buice keep the Board informed of the status on the Yacht Club and keep it on the agenda. The Board may want to request a formal presentation sometime in the future.

Member Austin stated the Public was not fully vetted during the early stages of a project. He requested that Staff engage the Public early on the Yacht Club project.

Director Mason noted the request.

Alternate Member L. Jones stated this was a perfect time to take into consideration the permitting process. Capture goodwill through Public Input and show the Public they are being heard. There needs to be an open hearing on the Yacht Club.

### **STAFF UPDATES**

Public Works Environmental Resources Manager Robert discussed the following:

- Lake Okeechobee System Operating Manual (LOSOM) delayed
- Red Tide
- Lake Okeechobee releases

Chair R. Jones asked if freshwater canals are low this year.

Manager Robert responded in the affirmative and stated irrigation canal pump stations had to be shut down as there is not enough water to pump.

Chair R. Jones asked about the water samplings done in the Matlacha area.

Manager Robert responded regular monitoring is being done in Matlacha Pass.

Member Daubenberger stated he met with FDOT on Friday of last week, we got the permit filed to allow us to pump water from the Punta Gorda mine to Gator Slough. The pipeline is at 90% from the mine all the way down 41 to the Slough. In the future all we will have to do is push a button.

Vice Chair Humphrey discussed the Chiquita Lock tide levels which have gone down. Salt water has come in, barnacles are growing, and the canal water is darker. Is that due to the tannin increasing from the releases from Lake Okeechobee?

Manager Robert responded in the affirmative.

Alternate Member L. Jones asked if the darker water will further inhibit seagrass growth.

Manager Robert responded in the affirmative.

### **MEMBER COMMENTS**

Alternate Member Dawson stated he had some follow up from the last meeting. The City has not reported any of the damage to missing aids from Hurricane Ian. He hoped that someone from the City would work on providing a list.

Discussion held regarding:

- Teams evaluating missing navigation aids for boaters
- Local Notice to Mariners



Harbor Master Gainley stated he would follow up.

Discussion continued:

- Shore erosion due to removal of vegetation from Hurricane Ian

Council Liaison Steinke commented:

- Recommendations made on silk fencing, renourishment, if needed
- How the banks were being dealt with foliage making its way into the canals
- Land based extraction

Discussion held regarding:

- Discussion about the City's plans for the removal of the Chiquita Lock

Assistant to the City Manager Buice provided an update on the Chiquita Lock removal. She noted that a legal team would be providing strategic advice.

Member Austin discussed his concern for the Yacht Club redevelopment and requested the Board draft an email or have the Council Liaison to get Public Input early in the process.

Assistant to the City Manager Buice discussed the following:

- Legal obligation to open the Boathouse and provide parking
- Yacht Club plan history
- Concepts discussed at the Retreat
- Board updated every couple of meetings on the Yacht Club

Vice Chair Humphrey discussed the January survey which had a discrepancy regarding missing atons. He strongly encouraged Cape Coral Power Squadron to verify.

Harbor Master Gainley commented that they would get all the information needed and will take care of this issue.

Vice Chair Humphrey mentioned 50% of the entrance buoys were missing.

Interim Deputy Public Works Director Grant discussed:

- Status of Chiquita Lock
- Some additional guides on the shoulders
- Camera system
- Message boards for signage delivered two days ago

Discussion held regarding:

- Removal of the Chiquita Lock
- Navigation through the Chiquita Lock
- Current flow

- Power at the Lock
- Two light poles east and west at the Lock

Interim Deputy Public Works Director Grant stated he would follow up on the request about lighting and bring back information to the next meeting.

Discussion held regarding:

- Solar lighting temporarily
- Slack tide information

Chair R. Jones commented on the following:

- Be respectful of everyone's time
- Use lights to speak
- Robert's Rules

### **NEXT MEETING AGENDA TOPICS**

Chair R. Jones opened for discussion the topics to be added to the next meeting agenda. He asked Council Liaison Steinke if he had any topics for the agenda.

Council Liaison Steinke discussed the following, not necessarily agenda items:

- Beautification from water as well as the street
- Safety of the canals and river
- Comments from this meeting are given to Council
- Respecting time and using the system for lights

Chair R. Jones asked Staff if there were any topics for the agenda.

Assistant to the City Manager Buice responded she had nothing for the agenda but appreciated the Board's comments. She reminded the Board to stick to the topic being discussed.

Alternate Member Dawson requested a date agenda item can be submitted via email.

Chair R. Jones asked Recording Secretary Rhine to provide the date.

Recording Secretary Rhine stated she would get back to the Board regarding this request.

Discussion held regarding:

- Getting an update on the future of the Dredging Program for the City

***Vice Chair Humphrey moved, seconded by Member Cruz, to add a Dredging Update to the next WAB meeting agenda. Voice Poll: All "ayes." Motion Carried.***

Discussion held regarding:

- Harbor Master Report regarding progress of identifying information already received and how we are inputting that into a system to replace the atons

***Vice Chair Humphrey moved, seconded by Member Cruz, to add a Harbor Master Update on the replacement of atons for which the City of Cape Coral is responsible to the next WAB meeting agenda. Voice Poll: All “ayes.” Motion Carried.***

#### **DATE AND TIME OF NEXT MEETING**

The next Waterway Advisory Board Meeting has been scheduled for Thursday, May 25, 2023, at 1:00 p.m. in Council Chambers.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 2:55 p.m.

Submitted by,

Sheri Rhine  
Recording Secretary

*Transcribed by Barbara Kerr 3/30/23*

<b>Item Number:</b>	<b>6.G.</b>
<b>Meeting Date:</b>	<b>5/25/2023</b>
<b>Item Type:</b>	<b>Business</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Stormwater Operations - Brought forward by Member Pim

**SUMMARY:**

Per Member Pim: In Nov 2021 WAB made a recommendation to review resources for stormwater inspections/enforcement/operations and in my view this topic overdue for a follow-up. I can again provide more details and suggestions if/when we pursue this on an agenda.

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ 1. Staff Presentation	Presentation



| PUBLIC WORKS DEPARTMENT  
STORMWATER DIVISION  
MAY 25, 2023



# Stormwater Division

## Stormwater Management Program



- This program utilizes Stormwater Inspectors who respond to citizen concerns involving drainage problems. After the initial inspection, a survey team will establish proper elevations. The team will create a profile and install elevation stakes at the site for our swale grading crews to correct the flooding problem.

## Swale Program



- This program performs swale restoration on developed and undeveloped properties to re-establish grades on an as-needed basis allowing the proper movement of stormwater to control flooding while also allowing infiltration to meet treatment requirements mandated by National Pollutant Discharge Elimination System (N.P.D.E.S.) permit.



## Catch Basin Program



- This program maintains 23,000 basins located throughout the City and are maintained on a yearly schedule to comply with the Federal Clean Water Act. We also respond to citizen's requests to replace damaged metal grates, basin lids, catch basin repairs due to accidents, install new inlets where necessary, and remove vegetation.

## Drainpipe Replacement Program



- This program performs the repair, replacement and modification of existing underground stormwater drainage systems throughout the City.
- The pipe crews will replace approximately 15,000 linear feet of decayed and unserviceable pipe per year.
- 18% of the City's pipe is 40+ year old corroded metal pipe and needs to be replaced.

## Canal Dredging Program



- This program is responsible for maintaining over 400 miles of fresh and saltwater canal systems within the City. Dredging is performed in order to maintain a navigable condition for the safe movement of boats and provide ecologically sound conditions.
- The dredge operates in the center of the canal and does not come within 20 feet of a seawall.

## Flotsam, Weirs, Excavators



- Weir maintenance is needed to maintain unimpeded flow in the canals. Removing debris keeps the canals healthy. This crew cleans up fish kills during cold snaps, maintains canal name signs on seawalls, and builds/maintains gravel boat ramps throughout the city.
- The long reach excavator is used to clean drainage ditches throughout the city and performs spot dredging as needed.
- Crews also empty blue barrels and monofilament collection stations that the public fills with debris, at select bridges

## Vacuum Truck



- These equipment maintains the underground stormwater drainage system after installation. Three vacuum trucks are deployed for removing sand, vegetation, tree roots and other debris from the drainage network. They also assist with excavation and dewatering needs.

## Street Sweeping



- These equipment is our first line of defense against pollution in our waterways. Sweepers pick up debris on curbed and guttered streets, bike lanes, parking lots, and alleys within the City. Street sweeping helps prevent silt from building up in the canals and enhances the overall curb appeal of the City. This task is performed by an outside contractor on the City's behalf.

Thank you



<b>Item Number:</b>	<b>6.H.</b>
<b>Meeting Date:</b>	<b>5/25/2023</b>
<b>Item Type:</b>	<b>Business</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Fertilizer Ordinance - Brought forward by Member Pim

**SUMMARY:**

Per Member Pim: Update board on impact of state legislature's attempt to override our local restrictions.

**ADDITIONAL INFORMATION:**



<b>Item Number:</b>	<b>6.I.</b>
<b>Meeting Date:</b>	<b>5/25/2023</b>
<b>Item Type:</b>	<b>Business</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resident Input received regarding effectiveness of the Board

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ 1. Resident Input	Backup Material

Kenneth Husby  
2607 El Dorado Parkway, West  
Cape Coral, FL 33914  
[kenhusby5@gmail.com](mailto:kenhusby5@gmail.com)

April 25, 2023

R. Jones, Chairperson  
Waterway Advisory Board  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990

Maureen Buice, Asst. To City Manager  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990

Re: Waterway Advisory Board, Agenda

Dear Chairperson Jones and Asst. Mgm. Buice:

After reviewing the minutes of the Waterway Advisory Board meeting of February 2, 2023, it became apparent that the effectiveness of the Board has been limited by several misconceptions. The following comments by Board members demonstrate that the Board needs to go back to basics:

1. "We lack direct input to the City."
2. "---- the Board needs a more direct method to make Board recommendations, than a feedback system ---- . (Words Omitted)"
3. "We are an advisory committee. Council comes up with an idea and brings it to us and we advise them on it. We can make recommendations to the Council Liaison and see if he wants to bring them forward."
4. "What's working now is great with Staff presentations."
5. "-----suggested only holding meetings when the City Council has something they want advice on." (Words Omitted)

### ROBERT'S RULES OF ORDER

While the enabling legislation for the WAB does not specifically mention that Robert's Rules Of Order should govern the method by which you conduct meetings, other board's legislation does. It is safe to assume that you should conduct your meetings pursuant to Robert's Rules Of Order.

R. Jone, Maureen Buice  
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Consequently, you can question staff, make suggestions to staff and “report to the Council” on your discussions regarding a particular topic, but until you have made a motion, had it seconded and passed, **you have not taken any action.**

The Board should become very familiar with Robert’s Rules Of Order, how to proceed to get items on the agenda and finally, if you consider an item important enough to advise or suggest to the City Council, make and pass a concise motion and submit it to the Council as set forth below.

### ENABLING LEGISLATION

Code of Ordinance Section 2-120.51 - Purposes and Creation: provides that “The Board **shall make** nonbinding policy recommendations-----.” (Emphasis Added, Words Omitted)

Code of Ordinance Section 2-120.52 - Powers and Duties: provides that -----“**Board shall provide the City Council with input and review, evaluation, recommendations, and reports on any matter it considers appropriate** including ----“ (Emphasis Added, Words Omitted)

Thus, you are required to and have the power to “provide” the City Council with recommendations, et al. on any matter re the waterways that you deem appropriate.

Finally, the enabling ordinance does not charge the City Council liaison with transmitting any action you take to City Council.

Therefore, it is respectfully recommended that, if you want to make a recommendation to, or advise, the City Council you put the item into a concise motion, pass it, with the motion further directing that the Chairman of Board forthwith, in writing, present the motion/item to the Mayor of the City and the City Manager requesting placement on the agenda at the first available City Council meeting.

If the item is complex and needs to be brought back to the Board for wording approval, hold a special meeting. Timeliness is important and meeting every two

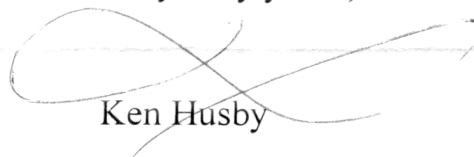
R. Jone, Maureen Buice  
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months makes timeliness problematic.

In conclusion, you do not need the permission or the cooperation of the liaison or staff to do the job you are mandated to do.

It is respectfully requested by the undersigned that you place the above matters on the agenda for the Board's May, 2023 meeting.

Very truly yours,



Ken Husby

kch:kc

cc: Board Member Austin  
Board Member Cruz  
Board Member Daubenberger  
Board Member Humphrey  
Board Member Lombardo  
Board Member Pim  
Alt. Board Member Dawson  
Alt. Board Member L. Jones