

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

Tuesday, October 9, 2018

Council Chambers

3:30 p.m.

Meeting called to order by Mayor Coviello at 3:30 p.m.

Invocation/Moment of Silence

Pledge of Allegiance

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout and Williams were present.

CHANGES TO AGENDA/ADOPTION OF AGENDA

Councilmember Nelson moved, seconded by Councilmember Gunter to adopt the agenda, as presented.

Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 8-0.

CITIZENS INPUT TIME

Michael Hannon, a Matlacha resident, appeared to discuss a future proposal to restore the canals and clean them up. The proposal involves the construction of three high speed boat lift barriers that would benefit the City by cleaning the water and enabling the City of Cape Coral to come in compliance with the Clean Water Act.

Councilmember Williams responded by explaining why he would not be in favor of the proposal. He listed the following:

1. We are not going to water our lawns with salt water, if you block off that area, that canal system is brackish and saltwater due to breaches and leaks through the preserve area;
2. There is a half mile of mud after you get to Charlotte Harbor, too costly to maintain and the State will not let you dig there;
3. Pollution from farm land
4. He suggested the resident read the reports available on the matter.

Mayor Coviello added that he was not sure how three high speed locks with 30 canal entrances in our City would solve the problem.

BUSINESS

Update on Administrative Rule Challenge – SFWMD (Matter: State of Florida Division of Administrative Hearings Case No. 18-5114RP/City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral, Petitioners, vs. South Florida Water Management District, Respondent.)

Mayor Coviello turned the floor over to City Attorney Menendez.

City Attorney Menendez explained the City is a party to Administrative Litigation Proceeding entitled City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral vs South Florida Water Management District, Division of Administrative Hearings, Case #18-5114RP. This matter is currently scheduled for a hearing on October 29th and October 30th. Accordingly, pursuant to Section 286.011(8) of the Florida Statutes, she requested that City Council convene in a closed Attorney-Client session to discuss

strategies concerning litigation expenditures. It could occur on Wednesday, October 10, 2018 @2:30 p.m. for the purpose of discussing strategies concerning litigation expenditures.

Councilmember Nelson inquired if all of the attorneys that are representing the other cities would be attending or just Cape Coral.

City Attorney Menendez responded the invitees would consist of herself, Assistant City Attorney Steve Griffin, an Attorney from the Water Environmental law firm the City uses for environmental water issues and City Manager John Szerlag. Besides those named, the ability to have others attend is very limited by Statute, the only other person attending would be a court reporter.

Councilmember Nelson supported the meeting request.

Councilmember Williams inquired about the Council's schedule already in place for Wednesday, October 10, 2018.

City Attorney Menendez explained originally the Council had scheduled a Shade Meeting for Union Negotiations. When speaking with the City Manager and Mayor, it was felt that 2:30 p.m. would be a better time to go ahead, if Council was so inclined, to schedule the Attorney-Client session that would take about an hour. At the conclusion of that Attorney-Client session, Council could decide to go into a Shade meeting regarding labor negotiations at approximately 3:30 p.m.

Councilmember Nelson moved, seconded by Councilmember Gunter to schedule an Attorney-Client meeting @2:30 p.m. on Wednesday, October 10, 2018 to discuss strategies for litigation expenditures. (RE: Matter: State of Florida Division of Administrative Hearings Case No. 18-5114RP/City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral, Petitioners, vs. South Florida Water Management District, Respondent.)

Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 8-0.

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Meeting of the Cape Coral City Council was scheduled for Wednesday, October 10, 2018 at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 3:42 p.m.

Submitted by,



for

Rebecca van Deutekom, MMC
City Clerk