

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

November 19, 2018

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:34 p.m.

Invocation/Moment of Silence – Mayor Coviello

Pledge of Allegiance – Cyanni Pazo - Diplomat Elementary

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

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Coviello requested that item 11.(E) be moved just prior to 9.(B).

Councilmember Gunter moved, seconded by Councilmember Carioscia to adopt the agenda, as amended to move item 11.(E) just prior to 9.(B).

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

RECOGNITIONS/ACHIEVEMENTS

2018 Digital Cities Award

The City's ITS Department was recognized for the 2018 Digital Cities Award.

APPROVAL OF MINUTES

Regular Meeting – November 5, 2018

Councilmember Stokes moved, seconded by Councilmember Williams to approve the minutes for the November 5, 2018 regular meeting as presented. Voice Poll: All "ayes." Motion carried.

BUSINESS

PUBLIC COMMENT - CONSENT AGENDA

Bill Johnson, Jr., CCCIA Executive Director, appeared to discuss Item 8(B)(11) Resolution 261-18. He noted the CCCIA was not opposed to this additional funding but wanted to make sure that they were part of the process when the funds are allocated.

Jeff Lockhart, resident, discussed his support of Item 8(B)(6) Resolution 247-18. He encouraged Council to consider voting in favor of this item.

Joe Mazurkiewicz, President, BJM Consulting, Inc., appeared in his role as the Government Affairs Director for the Southwest Florida Marine Industries Association. He echoed the remarks made by the CCCIA Executive Director. He recommended that Council adopt the proposal.

CONSENT AGENDA

- 1) Resolution 196-18 Award Bid #UT18-93/MC to Coast Pump & Supply Co., Inc. dba Coast Pump Water Technologies for the purchase of Submersible Motors and Electrical Motor Leads as the lowest responsive responsible bidder at the

unit prices stated in the bid documents for an estimated annual cost of \$236,541, not to exceed budgetary limits, and authorize the City Manager or his designee to execute the contract, amendments, renewals, purchase orders and all required documents. Department: Utilities; Estimated Annual Dollar Value: \$236,541; (Water & Sewer Fund)

- 2) Resolution 236-18 Approve Contract PB-CW19-3/AP piggybacking the Lee County Bid #B180029KLC awarded to Ajax Paving Industries of Florida, LLC, and Preferred Materials, Inc. for the purchase of asphaltic concrete and asphalt emulsion at the unit prices awarded, not to exceed budgetary limits, and authorize the City Manager or designee to execute the agreement, renewals, amendments and Purchase Orders. The Lee County Bid was competitively solicited and awarded to the lowest responsive responsible bidder respectively, in June 2018; Department: Public Works/Utilities; Estimated Annual Dollar Value \$95,000; (General Fund \$40,000 / Stormwater Fund - \$30,000 / W&S Fund - \$25,000)
- 3) Resolution 237-18 Approve Amendment No. 1 to Agreement #CON-PW16-02/GL to Ric-Man Construction Florida, Inc for the lining of Stormwater Drainage Pipe to include additional pipe sizes at the unit price specified in the quote, at an estimated amount of \$160,000 which will be included within the original contract estimated amount of \$700,000 approved on February 1, 2016 via Resolution 8-16; And authorize the City Manager or designee to execute the amendment, renewals, and purchase orders; Department: Public Works; Estimated Annual Dollar Value: \$700,000 annually for all sizes including this amendment; (Stormwater Fund)
- 4) Resolution 240-18 Adopts Financial Management Policies; Department: Finance; Dollar Value: (N/A); (Fund: N/A)
- 5) Resolution 243-18 Approve Contract renewal with Lisa Zuk as a tennis instructor and authorize the City Manager or Designee to execute this contract renewal(s) and/or future renewals. The original contract was approved by Council on January 25, 2016, via Resolution 14-16; Department: Parks & Recreation; Estimated Annual Dollar value \$67,000; (Special Revenue Fund)
- 6) Resolution 247-18 Approve Purchase Order to Southwest Florida Public Service Academy for law enforcement academy tuition and state testing fees in the amount of \$80,000, not to exceed budgetary limit, for prospective Police recruits due to the School Resource Officer (SRO) initiative; And authorize the City Manager or designee to execute the Purchase Orders. This procurement is governed by the City of Cape Coral Code of Ordinance Chapter 2, Article VII, Division 1, Section 2-141(b) "Exclusions" of the procurement ordinance. The hiring of recruits were due to the backfill positions that were shifted to support the School Resource Officer (SRO) initiative approved by Council on May 14, 2018 via Resolution 115-18. This service is budgeted and approved within the FY2019 budget; however, due to the SRO initiative hiring, the service is over the procurement ordinance threshold requiring Council approval; Department: Police; Estimated Annual Dollar Value \$80,000; (General Fund)
- 7) Resolution 249-18 Approve the waiver of the procurement process to retain the services of GeoSyntec Consultant Inc. to assist in evaluating the extent of the assessment performed and remedial actions recommended for the purchase of the Old Golf Course property and Approve the use of Unassigned Reserves for a not to exceed cost of \$50,000; And authorize the City Manager or designee to execute the agreement, contracts and/or purchase orders for this service; Department: CM/Public Works/Utilities; Dollar Value: \$50,000; (unassigned reserves)
- 8) Resolution 253-18 Revision of the Lee County Mutual Aid Agreement; Department: Fire; Dollar Value: N/A

- 9) Resolution 254-18 Approve 2018-2019 Interlocal Agreement for Stray Animal Control Services between Lee County and the City of Cape Coral; Department: Finance; Dollar Value: \$664,121; (General Fund/Governmental Services)
- 10) Resolution 255-18 LP36014 FDEP Grant Agreement - 2018 Southwest Aggregates Reservoir - Cape Coral Reservoir Project; Department: Utilities; Dollar Value: \$1,115,000
- 11) Resolution 261-18 Approve Staff Cost Proposal (SCP) SCP BLOT-10 with Blot Engineering, Inc. for Professional Engineering Services for additional services to amend the City Engineering Design standards for seawalls at a cost of \$27,983 and authorize the City Manager or designee to execute the agreement. An initial SCP (BLOT-6) was awarded in February 2018 and PO issued in March 2018 to amend the City Engineering design standards for pre-cast concrete seawalls and develop two new standards at a cost of \$34,944. Since then, the draft has been reviewed by the seawall construction contractors and SCP BLOT-10 is to review, analyze and address the concern within the proposed engineering design standards. The total cost of the project is \$62,927 which exceed the City Manager's approval dollar threshold of \$50,000 and the request is to approve the SCP for \$27,983 and authorize the City Manager or designee to execute the agreement; Department: Public Works; Dollar Value: \$27,983; (Stormwater Fund)
- 12) Approval of Stipulated Final Judgment in the eminent domain case of City of Cape Coral v. Florida Properties III, LLC, et al, Case No. 2017-CA-002626 in the amount of \$532,000 plus attorney fees in the amount of \$52,932 and expert costs in the amount of \$24,000 payable to Florida Properties III, LLC.
- 13) Resolution 265-18 Reduce Speed Limit on SE 8th Place from 35 to 30 mph (Brought forward by Councilmember Stokes.)

Councilmember Williams pulled 8(B)(13).

Councilmember Cosden pulled 8(B)(4).

Councilmember Gunter pulled 8(B)(9).

City Attorney Menendez clarified the check payee in item 8(B)(12).

Councilmember Gunter questioned that the CCCIA would be part of the process going forward with the design of the seawalls (Resolution 261-18).

City Manager Szerlag responded in the affirmative. He noted he would consider a stakeholders' group and attend the first couple of meetings, if needed.

Councilmember Gunter moved, seconded by Councilmember Williams to approve items 8(B)(1), 8(B)(2), 8(B)(3), 8(B)(5), 8(B)(6), 8(B)(7), 8(B)(8), 8(B)(10), 8(B)(11), and 8(B)(12), as presented.

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

Councilmember Cosden questioned Resolution 240-18 about changing from Enterprise Fund to Special Revenue Fund for Coral Oaks.

Financial Services Director Bateman explained how seven years ago the Council at that time, based on recommendations from the Financial Advisory Committee, had made the golf course a Revenue Fund, which means it needs to cover all of its costs or make a profit. That has not happened. It has to be moved to Special Revenue Fund in compliance with accounting standards.

Councilmember Cosden inquired if that held true for Sun Splash as well.

Director Bateman stated Sun Splash was never moved from Special Revenue to Enterprise. She provided an example of an Enterprise Fund: Water and Sewer covers their own costs.

Councilmember Cosden moved, seconded by Councilmember Nelson to approve item 8(B)(4), as presented.

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

Councilmember Gunter supported Resolution 254-18. Over the next year, he would like to look at this and see if there would be a cost savings if we provided this service ourselves for the City.

City Manager Szerlag responded in the affirmative in conjunction with the Animal Shelter Board of Directors.

Councilmember Gunter moved, seconded by Councilmember Nelson to approve item 8(B)(9), as presented.

Councilmember Stout mentioned that she spoke with JoAnn Elardo about the possibility of the City participating in a portion of what they do at the Shelter. She was told she did not think so.

City Manager Szerlag stated he would still try to find some common ground with the Shelter to be more cost-efficient for the City.

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

Councilmember Williams explained why this item should not be on the Consent Agenda and requested that it be taken off since the public has not had any input on this item.

Councilmember Stokes explained how a group of citizens from SE 8th Place came to his office and met with the Traffic Engineer. He noted the problem area is south of Hancock Bridge Parkway to the Industrial Area which has become a cut-off street with drivers travelling at a high rate of speed. That group came in with a list of 80 signatures to support this reduction in speed.

Councilmember Stout stated she found out that Public Works was not against doing this. She noted that there was a speed reduction on SE 17th Place to prevent speeding there.

Traffic Engineer Corbett stated they conducted a speed study which showed that the speed limit should remain at 35 mph and could be raised to 40 mph. The final report recommends leaving it at 35 mph.

Councilmember Gunter requested comment from the City Attorney regarding the request from Councilmember Williams.

City Attorney Menendez stated a Resolution does not require a Public Input. However, if Council thinks this issue merits more discussion, it could be scheduled for that Public Input.

Councilmember Williams stated he was not against the validity of the request; he was more concerned about the process.

Mayor Coviello asked the City Attorney if we lowered the speed limit there now or in the future, does it open up the City to liability for other 35 mph areas that we do not lower?

City Attorney Menendez explained that she did not see this as a liability issue if you do not lower others.

Traffic Engineer Corbett stated this is the only road that has a functional classification of local road which is set above the statutory 30 mph. This was originally 30 mph and was raised in 2006 through a study conducted by the City Traffic Engineer at that time.

Mayor Coviello questioned if solar radar signs such as the ones used on Country Club Boulevard would be a better solution.

Traffic Engineer Corbett stated typically the prevailing speed is a function of the roadway itself, the density, the number of driveway connections, etc. He explained how we take a progressive approach when you try to reduce the prevailing speed such as education, enforcement, and engineering.

Councilmember Stokes noted that north of Hancock Bridge Parkway is currently 30 mph. He explained why he wants to do something for the residents in that area and bring it down to 30 mph.

Councilmember Gunter requested to hear from the Chief of Police about any historical data as far as enforcement on this particular roadway.

Chief of Police Newlan stated enforcement has been out periodically on SE 8th Place. A few things were taken into consideration: construction on Cultural, SE 8th Place has always been known as a cut-through, and speed signs to track volume of traffic to get average speeds. The average speed counter on the volume during different times of the day was approximately 36 mph. Traffic enforcement was sporadic. Data does not show a lot of speed on that road.

Councilmember Gunter stated it is a narrow road and 100% residential. He opined that all residential streets within the City should be 30 mph.

Councilmember Nelson noted she knows three families who live on that street and it was strange that there is a 35-mph speed limit especially since the majority of the residential streets in our City are 30 mph. Things need to be fair and consistent throughout the City.

Councilmember Cosden supported this change but had an issue with how it can move forward. She agreed it did not belong on the Consent Agenda. There should be a Public Hearing. The Consent Agenda should be reserved for administrative items. She asked the City Attorney on how items are defined on the Consent Agenda in our rules and procedures. She questioned if Public Works supported this.

Mayor Coviello noted that our Traffic Engineer stated that they supported 35 mph.

Traffic Engineer Corbett stated the conclusions of the report yielded that the posted speed limit should be at 35 mph and could go to 40 mph.

Councilmember Cosden noted that the previous Council discussed reducing speed limits in the City down to 25 mph in residential areas. Evidence and data show that the behavior of people does not change just because the sign is posted.

City Attorney Menendez explained that the Council rules refer to matters of a non-controversial nature being placed on the Consent Agenda. Council's other opportunity to place this could be an item for Public Input, if Council so desired. It does not require to be done by Ordinance, so there is no required Public Hearing. This is not a mandatory Resolution that requires Public Input. It could be under New Business where input would be given during Citizens Input as opposed to the Consent Agenda.

Mayor Coviello questioned why table it when most people present think it should be reduced to 30 mph. He wanted to see other avenues in addition to that. He opined that just lowering to 30 mph will not solve this issue. The other alternative may be speed bumps. He questioned if purchasing solar powered radar could be done on SE 8th Place.

City Manager Szerlag stated a radar sign can be erected that will inform drivers to slow down.

Traffic Engineer Corbett stated the cost was \$2,000 each.

City Manager Szerlag noted he discussed this issue with staff. When residents request lowering the speed limit on their street, the Traffic Engineer is bound to whatever the data shows, even if it means raising the speed limit. He stated he would like to have a blanket Ordinance where residential streets warrant lowering the speed limit. If Council is agreeable, that can happen.

Traffic Engineer Corbett discussed local, collector, and arterial roadways. The request referred to as the blanket Ordinance would be limited to local roadways.

Mayor Coviello questioned if there would be problems reducing it to 30 mph based on the Traffic Engineer's study.

Traffic Engineer Corbett stated he was not familiar with any studies that say if you reduce the speed limit that it reduces safety.

Councilmember Gunter pointed out that this may be a topic for the Transportation Advisory Commission.

Councilmember Cosden stated as Chair of the Transportation Advisory Commission, she will make sure that it will be an agenda topic for the next meeting.

Councilmember Stokes moved, seconded by Councilmember Stout to approve item 8(B)(13), as presented.

Council polled as follows: Coviello, Gunter, Nelson, Stokes, Stout, Carioscia, and Cosden voted "aye". Williams voted "nay." Seven "ayes." One "nay." Motion carried 7-1.

CITIZENS' INPUT TIME

Yolando Olsen appeared to discuss how blue green cyanobacteria can be toxic to humans, pets, and sea life. If the Chiquita Lock functions as a toxic algae barrier, it would be prudent to investigate it prior to removing the lock.

Frank Muto, General Manager of Cape Harbour Marina at the Chiquita Boat Lock in Cape Coral, appeared to discuss the Chiquita Lock. He discussed reasons for removing the lock such as the speed of travel from the canal to the river and the cost of maintenance of the aging lock. He mentioned reasons why it should be left in place.

Jason Pim appreciated the support of Council for acting as a petitioner against the SFWMD recently. He wanted his children to have the same opportunity to enjoy the waterways as he did. He explained why he believed the Chiquita Lock should remain and be modernized.

Jessica Blanks appeared to discuss her concern where the residents and stakeholders, as well as the Florida Department of Environmental Protection, have not been provided with the full impacts of removing the Chiquita Lock. She displayed a salinity chart from 1992 to 2016. There was no net increase or decrease in salinities. She requested that Council consider keeping the Chiquita Lock.

Scott Wilkinson, Bokeelia resident and Vice President of the Greater Pine Island Civic Association, appeared to discuss the Chiquita Lock. He suggested Council consider replacing it with a modern faster lock.

Magnus Thiersmann discussed some concerns about the potential removal of the Chiquita Lock. He stated the lock moves traffic in and out safely and has protected the Caloosahatchee estuary from any further discharges. He asked Council to consider looking at other options before removing the lock.

Terry Nelson has lived on the water for 24 years and is a Caloosahatchee Water Keeper Ranger. His concern was that the release of this water will continue the degradation of the Caloosahatchee estuary and affect the habitat of endangered species. This could create a Clean Water Act case against the City of Cape Coral. He urged Council to find an alternative solution to removing the Chiquita Lock.

Michael Hannon, Matlacha resident, discussed the problem that we will face if Council removes the Chiquita Lock. He discussed the Ceitus Boat Lock removal in 2008.

Carl Doggert, President of the Matlacha Civic Association, discussed the waters that are common to both. He hoped to have a dialogue for a timely solution regarding the Chiquita Lock. He asked Council to look at alternatives of improving the existing lock.

Don Lees stated he was a registered professional structural engineer with 40 years of experience. He echoed the concerns about the integrity of sea walls. He noted when you drop the water level on the canal side of a sea wall, you significantly increase the pressure on the back side of the wall. He mentioned this should be investigated for the removal of the lock.

Julie Overland, Matlacha resident, spoke of the times when there was sea grass right outside her back door along her sea wall and sea horses before the removal of the Ceitus Boat Lock. She asked Council to reconsider filing for this permit to remove the Chiquita Lock and look at other alternatives.

Linette Brown stated she has lived in Cape Coral for almost 40 years and was an avid kayaker. She discussed the removal of the Ceitus Lock and how sea life disintegrated.

Mark Greenburg stated he supported the removal of the Chiquita Lock until two months ago. He noted how there was no algae north of the lock but there was algae in the basin near Rumrunners. He was in favor of keeping the Chiquita Lock because it keeps the water fresh and clean.

Jeff Walker appeared to give kudos to the Police Department on their Citizen's Police Academy on Thursday nights.

Tom Meakin discussed the speed reduction on SE 8th Place. He was not sure that Council had the complete information on what the issues really are. He believed that SE 8th Place should have the same safety as SE 17th Place with 25 mph speed limit. He stated he would like to have a meeting with the City Manager and Councilmember Stokes.

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Community Redevelopment Agency Appointment of Chair and Vice Chair

Mayor Coviello stated this was for the CRA's approval of Chair and Vice Chair.

Councilmember Cosden moved, seconded by Councilmember Carioscia to accept and affirm the appointment of Stacy Lomonaco as Chair and Linda Biondi as Vice-Chair as a ministerial duty of the City Council for the Community Redevelopment Agency.

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

Audit Committee - 1 Vacancy

Pam Austin – present

Interim City Clerk Bruns stated there was one vacancy on the board due to a term expiration of 12/1/2018. The new term expiration occurs on 12/1/2022. One application was received from Pam Austin for reappointment. The vacancy was advertised in the Breeze on 9/28/18 and 10/26/18 and posted on the City's website and Facebook page.

Councilmember Stout moved, seconded by Councilmember Nelson to re-appoint Pam Austin to the Audit Committee.

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

Affordable Housing Advisory Committee – 3 vacancies

Courtney Charles Neuhausel – not present
Richard Warren Peppe – present
Karen L. Solgard – not present

Interim City Clerk Bruns announced there were three vacancies. The first item was for vacancy A, residential home building industry position. Courtney Neuhausel submitted his application for re-appointment and was unable to attend this evening.

Councilmember Nelson moved, seconded by Councilmember Gunter to appoint Courtney Neuhausel to category A position on the Affordable Housing Advisory Committee. (Term expiration of 11/30/2021.)

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

Interim City Clerk Bruns stated another item was for vacancy B, banking or mortgage banking industry. Two applications were received. The first was from Richard Peppe for re-appointment; the second application was from Karen Solgard for appointment.

Council polled as follows: Coviello – Peppe, Gunter – Peppe, Nelson – Peppe, Stokes – Peppe, Stout – Peppe, Williams – Solgard, Carioscia – Solgard, and Cosden – Peppe.

Interim City Clerk Bruns stated there were six for Peppe and two for Solgard.

Councilmember Stokes moved, seconded by Councilmember Stout to appoint Richard Peppe to category B position on the Affordable Housing Advisory Committee. (Term expiration of 10/31/2021.)

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

Interim City Clerk Bruns stated there were no applicants for the third position, (K) Essential Personnel, and it will remain vacant. Advertising will continue.

ORDINANCES/RESOLUTIONS

PUBLIC HEARINGS

Resolution 244-18 (VP 18-0003*) Public Hearing

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 1-3, Block 4819 and Block 4819-A, between Lots 10-13, Block 4819 and Block 4819-A, and between Lots 17-22, Block 4819 and Block 4819-A, all in Cape Coral Unit 71; providing for the vacation of plat for all public utility and drainage easements lying within Lots 1-3, 12-15, and 17-18, Block 4819, and within Block 4819-A, all in Cape Coral Unit 71; providing for the vacation of plat for all platted lot lines associated with Lots 1-3, 12-15, and 17-18, Block 4819, Cape Coral Unit 71; property located at the northwest corner of the intersection of Chiquita Boulevard and Trafalgar Parkway. (Applicant: 38335 Chiquita Trafalgar, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends that the City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 9-2018.

City Management Recommendation: City Management recommends approval of all vacation requests.

Interim City Clerk Bruns read the title of the Resolution and administered the oath.

Planning Team Coordinator Struve explained the purpose of the Resolution and displayed the following slides:

- Resolution 244-18 VP 18-0003
- Resolution 244-18: Owner, Rep, Requests
- Site Map
- Current Zoning Map
- Background
- ROW Vacation Analysis (LUDR, Section 8.11)
- Vacated Alley
- Easement Vacation Analysis (LUDR, Section 8.11)
- Perimeter easement around the expanded site.
- Lot Line Vacation Analysis (LUDR, Section 8.11)
- Recommendations

Public Hearing opened.

Will Anderson, Creighton Development, stated Creighton owns the property and agreed with staff's presentation, as well as the recommendations from the Hearing Examiner and staff for approval with the conditions.

Public Hearing closed.

Councilmember Cosden moved, seconded by Councilmember Gunter to approve Resolution 244-18, as presented.

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

Resolution 262-18 Public Input Certify the results of the General Election

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution certifies the results of the General Election of the City of Cape Coral, held on November 6, 2018. (Applicant: Brought forward by City Management)

Interim City Clerk Bruns read the title of the Resolution.

Interim City Clerk Bruns stated the final results of the 2018 election were received this afternoon and were attached to the Resolution.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Gunter moved, seconded by Councilmember Nelson to approve Resolution 262-18, as presented.

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

Ordinance 50-18 (LU 18-0004) 2nd and Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Mixed Use Preserve, Class IV, Type D (MUP IV-D) to Mixed Use (MX) Land Use Designation for property located in Section 5, Township 43 South, Range 24 East, Lee County, Florida, and located in Section 6, Township 43 South, Range 24 East, Lee County, Florida; from Mixed Use Preserve, Conservation (CONS) to Natural Resources/Preservation (PRES) Land Use Designation for property located in Section 5, Township 43 South, Range 24 East, Lee County, Florida, and located in Section 7, Township 43 South, Range 24 East, Lee County, Florida, and located in Section 20, Township 43 South, Range 23 East, Lee County, Florida; from Highway Commercial to Commercial Professional Land Use Designation for Lots 1, 2 AND 5, ALABAR VISTA, an unrecorded subdivision; from Low Density Residential I (LDR I) TO Low Density Residential (LDR) for property located in Section 30, Township 43 South, Range 23 East, Lee County, Florida; from Mixed Use Preserve, Class III, Type C (MUP III-C) to Mixed Use (MX) Land Use Designation for property located in Section 30, Township 43 South, Range 23 East, Lee County, Florida; from Mixed Use Preserve, Class III, Type C (MUP III-C) to Single Family Residential (SF) Land Use Designation for property located in Westchester Estates, an unrecorded subdivision; from Mixed Use Preserve Class III, TYPE D (MUP III-D) to Mixed Use (MX) Land Use Designation for property located in Section 20, Township 43 South, Range 23 East, Lee County, Florida, located in Section 29, Township 44 South, Range 23 East, Lee County, Florida, and located in Section 7, Township 43 South, Range 24 East, Lee County Florida, all as more particularly described herein; providing severability and an effective date. (1,581.03 acres) (Applicant: Brought forward by City Management.)

Planning & Zoning Recommendation: At their 8/15/2018 Special Meeting, the P&Z Commission voted unanimously to recommend approval of Ordinance 50-18.
City Management Recommendation: City Management recommends approval.

Interim City Clerk Bruns read the title of the Ordinance.

Planning Team Coordinator Daltry explained the purpose of the Ordinance and displayed the following slides:

- Ordinance 50-18, LU18-0004
- LU18-0004/Ord. 50-18, Applicant, Location, Request
- LU18-0004 - Land Uses
- Proposed Future Land Use Map
- Proposed Future Land Use Map (continued)
- Proposed Future Land Use Map (continued)
- Proposed Future Land Use Map (continued)
- Proposed Future Land Use Map (continued)
- FLUMA and Zoning Amendments
- Background

- Background (continued)
- Considerations – Comprehensive Plan
- Considerations – Regional Plans
- Recommendation
- P&Z Recommendation
- Subject Parcels (5 slides)

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Williams moved, seconded by Councilmember Stout to adopt Ordinance 50-18, as presented.

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

Ordinance 74-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending City of Cape Coral Ordinance 54-17, as amended by Ordinance 29-18, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2018, by increasing the total Revenues and Expenditures by a total of \$19,106,531. (Applicant: Brought forward by City Management.)

Interim City Clerk Bruns read the title of the Ordinance.

Financial Services Director Bateman explained the purpose of the Ordinance and displayed the following slides:

- Ordinance 74-18, FY 2018 Budget Amendment
- Distribution of Amendment by Fund Type
- Summary by Fund Type
- FY2018 Budget Amendment #2 Highlights
- Summary of FY2018 Budget Amendment #2 – All Funds
- General Fund
- City of Cape Coral Summary of FY 2018 Budget Amendment #2 Changes as per Ordinance 74-18 (7 slides)

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Stout moved, seconded by Councilmember Williams to adopt Ordinance 74-18; as presented.

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

Ordinance 75-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 2, Administration, Article VI, Pensions, Division 2, Firefighter Pension, of the Code of Ordinances to amend Section 2-122.26, Military Service Prior to Employment, and Section 2-122.28, Prior Fire Service, to allow the purchase of prior service at any time prior to retirement. (Applicant: Brought forward by City Management)

Interim City Clerk Bruns read the title of the Ordinance.

Human Resources Director Sonego stated she was available for any questions.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Stokes moved, seconded by Councilmember Carioscia to adopt Ordinance 75-18, as presented.

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

Recessed at 6:27 p.m. and reconvened at 6:42 p.m.

2019 Meeting Calendar

Interim City Clerk Bruns stated she sent a memo through the City Manager to Council regarding the proposed 2019 meeting schedule. She pointed out some highlights that include some additional meetings in August (12th and 26th) requested by Mayor Coviello.

Councilmember Williams moved, seconded by Councilmember Nelson to accept the 2019 meeting calendar as presented.

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

INTRODUCTIONS

Ordinance 76-18 (ZA 18-0009*) Set Public Hearing Date for December 3, 2018

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property described as Lots 31-16, Block 807, Unit 22, Cape Coral, from Professional Office (P-1) to Pedestrian Commercial (C-1); property is located at 915-923 SE 10th Street. (0.69 acres) (Applicant: HBLB Properties III, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval of the rezone.

Interim City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 3, 2018 in Council Chambers.

Ordinance 77-18 (PDP 18-0001*) Set Public Hearing Date for December 3, 2018

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 6-98, as amended by Ordinance 17-17, approving a Planned Development Project in the City of Cape Coral entitled "A-1 Shelters Self Storage, Hancock Creek Site," providing for Planned Development Project approval for certain property described as a parcel of land located in the Southwest Quarter of Section 33, Township 43 South, Range 24 East and in the Northwest Quarter of Section 4, Township 44 South, Range 24 East, Lee County, Florida; properties located at 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24th Avenue; expanding the project area by 3.7 acres to include a parcel of land northwest of the existing site; granting a deviation from the requirement that building

walls used for meeting the screening requirement within a CPO buffer be composed of stucco, brick, stone, textured concrete masonry units, or other concrete surfaces to allow the walls of buildings within the new 3.7 acre project area to be composed of metal; granting a deviation from the Non-Residential Design Standards to allow all buildings within the new 3.7 acre project area to be exempt from the Non-Residential Design Standards; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations. (Applicant: Kirby Family Limited Partnership #3)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation 5-2018.

City Management Recommendation: City Management recommends approval.

Interim City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 3, 2018 in Council Chambers.

Ordinance 78-18 Set Public Hearing Date for December 3, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances to create Section 12-128, Article XIII, "Retail Sale of Dogs and Cats Prohibited" prohibiting the retail sale of dogs and cats in the City; provides for definitions, prohibition, disclosures, amortization, enforcement and penalties. (Applicant: Brought forward by Councilmember Williams)

Interim City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 3, 2018 in Council Chambers.

Ordinance 79-18 Set Public Hearing Date for December 3, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the Interlocal Agreement between the City of Cape Coral and Lee County for the rental of space within City Fire Stations to house emergency vehicles and personnel; authorizing the Mayor to execute the Interlocal Agreement. (Applicant: Brought forward by City Management.)

Interim City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 3, 2018 in Council Chambers.

Ordinance 80-18 (ZA 18-0007*) Set Public Hearing Date for December 10, 2018

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property described as Lots 1-28 and 55-82, Block 3170, Cape Coral Unit 66, from Pedestrian Commercial (C-1) to Single-Family Residential (R-1B) zone; property located north of SW 28th Street, south of SW 26th Street, east of SW 9th Avenue, and west of SW 8th Court. (6.42 acres) (Applicant: Sullico II, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval.

Interim City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 10, 2018 in Council Chambers.

Ordinance 81-18 Set Public Hearing Date for December 3, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the Cape Coral Charter, Article IV, Government, Section 4.03, Election and Terms, amending the dates for the primary and general elections, to

provide for a General Election to be held on the first Tuesday after the first Monday in November in even numbered years beginning in November, 2020 for Districts 2, 3, 5, and 7, and beginning in November, 2022 for Districts 1, 4, and 6, and the Mayor; provides for a one-time extension of terms of the current Councilmembers and Mayor in order to accommodate the change in the election date from November in odd numbered years to November in even number years. (Applicant: Brought forward by Councilmember Stokes.)

Interim City Clerk Bruns read the title of the Ordinance.

The public hearing was re-scheduled for January 14, 2019 in Council Chambers.

UNFINISHED BUSINESS

Water Quality – Update

Public Works Director Clinghan reviewed the memo provided to Council and provided the most current update on Lake Okeechobee.

City Manager Szerlag asked Council if they would like to see a five-minute video on the bubble curtain. **Consensus agreed.**

Utilities Director Pearson displayed the following slides regarding the bubble curtain pilot test. (The video did not play due to unavailability of the program quick time.) He stated he would get the video to the Councilmembers. The slides included:

- Goals and Objectives
- Efforts Being Performed
- Dye Test
- Sawdust Test
- Conclusions

Councilmember Gunter inquired about a report he heard of algae north of the City in the Caloosahatchee.

Director Pearson stated the only report he heard through the media is that there is algae near Franklin Lock although it is unconfirmed and did not know if it was a threat to the City.

Councilmember Gunter inquired if enough testing was done with the bubble curtain to make a recommendation.

Director Pearson stated not to buy it, but he could make the recommendation that we remove it at this time. The true test would be when we actually have algae coming down the river.

Councilmember Gunter was interested if there were other manufacturers that may have a similar product that we could use in the future when we do have this issue.

Mayor Coviello inquired if there were enough bubble curtain supplies available to handle 21 canals that could benefit from it in a relatively quick period of time.

Director Pearson stated there was some lead time to get the necessary equipment to do the Mandolin Canal. He was not sure if that equipment was immediately available on hand. They would have to run their calculations depending on the width of the canal.

Councilmember Gunter stated he would like to know what we needed to do if we had to go down that road and what the cost would be.

Follow Up Items Requested by Council

None

NEW BUSINESS

Four Mile Cove Management Plan Advisory Group - Selection of Elected Official

Mayor Coviello stated we would need to have an elected official on that group.

Councilmember Gunter stated he would be willing to serve on that board.

Councilmember Stokes moved, seconded by Councilmember Cosden to appoint Councilmember Gunter as the Elected Official Member to the Four Mile Cove Management Plan Advisory Group.

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

Appointment of Mayor Pro Tem

Mayor Coviello noted that Councilmember Williams has served as Mayor Pro Tem for the last three years. He asked if anyone was interested in that position.

Councilmember Williams nominated Councilmember Cosden.

Councilmember Gunter nominated Councilmember Carioscia.

Councilmember Nelson questioned if the role also acts as the Office Manager.

City Attorney Menendez stated it was not automatic. It was combined recently when Councilmember Williams served as the Mayor Pro Tem. The Mayor Pro Tem is a Charter position and serves in the Mayor's place when the Mayor is not available. The Council Ordinance provides that if Council so desired they could appoint one or more Councilmembers to serve in an administrative function in the Council Office.

Councilmember Williams noted that the Office Manager and the Mayor Pro Tem positions had been combined for the last nine years but not by Ordinance.

Mayor Coviello questioned if there could be two motions, one for each position.

City Attorney Menendez responded in the affirmative.

Mayor Coviello stated there was a nomination for Mayor Pro Tem; he requested that we nominate Councilmember Gunter to be the Office Manager.

Councilmember Gunter accepted, if that was the desire of the Council.

City Attorney Menendez stated Council would need to decide if they want to continue to have the Mayor Pro Tem serve as the Office Manager or to separate those roles.

Councilmember Stout stated she would be open to one of the liaison positions and did not act on the Mayor Pro Tem position. She would support Councilmember Carioscia since he is the longest serving member on this Council.

Mayor Coviello stated he would support that as well.

Councilmember Stout stated both Councilmembers were well qualified to serve.

Councilmember Cosden stated she noted that she has been working with the City Attorney on the revision of Council Rules and Procedures. She noted it included a description of the Pro Tem and the Office Manager. Her proposal was to combine the two. What we do tonight will probably determine what goes into the proposed revision.

Council polled as follows: Coviello – Carioscia, Gunter – Carioscia, Nelson – Cosden, Stokes – Carioscia, Stout – Carioscia, Williams – Cosden, Carioscia – Carioscia, and Cosden – Cosden.

Interim City Clerk Bruns stated there were five for Carioscia and three for Cosden.

Councilmember Cosden moved, seconded by Councilmember Gunter to appoint Councilmember Carioscia as Mayor Pro Tem.

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

Office Manager

Mayor Coviello stated the second item was to divide the Mayor Pro Tem and the Office Manager position. He noted he nominated Councilmember Gunter to take over the Office Manager’s position. He asked if there was a second.

City Attorney Menendez stated nominations do not need to have a second.

Councilmember Stout moved, second by Councilmember Nelson, to appoint Councilmember Gunter as Office Manager.

Councilmember Cosden nominated herself. Councilmember Stokes provided the second.

Mayor Coviello asked Councilmember Gunter if he had the time for this position.

Councilmember Gunter stated he was okay either way.

Councilmember Stout withdrew her motion. Second agreed.

Council polled as follows: Coviello – Cosden, Gunter – Cosden, Nelson – Cosden, Stokes – Cosden, Stout – Cosden, Williams – Cosden, Carioscia – Cosden, and Cosden – Cosden.

Interim City Clerk Bruns stated there were eight for Cosden.

Councilmember Williams moved, second by Councilmember Nelson, to appoint Councilmember Cosden as Office Manager.

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

Appoint Members of Council to City of Cape Coral and other Boards, Commissions and Committees

Mayor Coviello inquired if anyone was interested in relinquishing one of their committee seats.

Councilmember Williams noted that the Burnt Store Road Right-of-Way Committee had been sunsetted.

Mayor Coviello stated the most important ones were the following:

- Audit Committee
- Budget Review Committee
- Charter School Governing Board
- Selection Advisory Committee
- Youth Council

- Transportation Advisory Commission

Councilmember Gunter realized that Councilmember Stout was not present last year. He was willing to give up the Budget Review Committee if she had an interest.

Councilmember Stout agreed.

CITY BOARDS/COMMISSIONS/COMMITTEES

MEMBER AND/OR LIAISON

Audit Committee

Councilmember Nelson

Councilmember Gunter moved, seconded by Councilmember Carioscia to appoint Councilmember Nelson as a member on the Audit Committee.

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

Budget Review Committee

Councilmember Stout

Councilmember Nelson moved, seconded by Councilmember Stokes to appoint Councilmember Stout as Liaison to the Budget Review Committee.

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

Interim City Clerk Bruns stated she understood that Council wishes to have the remainder of the liaisons to boards remain the same. She noted that in the past there had been a motion for the remainder.

City Attorney Menendez stated Council may vote in a mass motion if they so desired.

Mayor Coviello requested a motion to approve the remainder of the committees.

Councilmember Cosden moved, seconded by Councilmember Carioscia to approve the remainder of liaisons as referenced in the backup provided.

Mayor Coviello noted that the only change was on the Budget Review Committee.

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

Approve Organizational Membership Dues

Mayor Coviello stated the only question he had was there was a small amount of money for the Cape Coral Chamber of Commerce which is paid out of the Council's budget. He opined that this was more of an EDO function and should be paid out of the Economic Development Office budget.

Councilmember Stokes moved, seconded by Councilmember Gunter to approve the listing of Organizational Dues with the exception of the Chamber of Commerce membership to be paid out of the EDO budget.

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

2019 Meeting Calendar – moved to before Introductions

Discussion of City Manager's Contract

Mayor Coviello discussed leaving it as is since the City Manager is doing a great job.

City Attorney Menendez stated the contract will automatically renew until May 2020 unless there is action by him or the Council.

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Gunter– Topics: Attended the regular CRA meeting; Grand Opening of the Fire Station; Improvement Stakeholders Group; CCCIA Dinner Meeting; Coconut Festival; Veterans Day Parade; Catch the Vision Event; Cornwallis HOA Meeting as guest speaker; Florida League of Cities Legislative Policy Committee Meeting in Orlando; FLC Economic Development Committee; CRA special meeting; 16th year for the Chamber of Commerce event hosted by FOS Furniture, Office of the Year Award for Police and Fire, Deputy of the Year from the LCSO.

Councilmember Nelson – Topics: Attended the Arts for ACT Gala the same night as Coconut Festival; Catch the Vision event; Charter School Governing Board meeting; Will be attending the Lee County Homeless Coalition Benefit.

Councilmember Stokes – Topics: Attended the opening of Fire Station 11; Veterans Lunch at the Southwest Military Museum; Walked in the Veterans Day Parade; Military Officers Ball; Thanked staff for the banners on Cape Coral Parkway.

Councilmember Stout – Topics: Attended the opening of Fire Station 11; Coconut Festival; Cape Coral Community Foundation Event at Palmetto Pine; Two days in Tampa for the Florida Commission on the Status of Women; Military Ball; Economic Development Board –City Attorney's Office has prepared a document which matches our other boards, need to stagger terms, back in the legal office for a minor change and will come back to Council.

Councilmember Williams – Topics: Attended the Florida League of Cities Legislative Conference and Board of Directors; Dedication of Fire Station 11; Youth Council meeting last Friday. He noted a spreadsheet was distributed concerning salaries of the Council Office staff. Their annual pay increases are due. He worked with Human Resources to come up with the right numbers to keep it within the budget and make it as equitable as possible. He noted the following increases: Cheryl Mackowski 4.5%, Pearl Taylor 4.5%, City Auditor Andrea Butola 3.0%, and Connie Griglin 5% (promotional after probation). He asked for an authorization to go ahead and process it.

Councilmember Stokes, seconded by Councilmember Stout, to approve the salary increases as mentioned: Cheryl Mackowski 4.5%, Pearl Taylor 4.5%, City Auditor Andrea Butola 3.0%, and Connie Griglin 5% (promotional after probation).

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

Councilmember Carioscia – Topics: Kudos to Parks and Recreation on the Coconut Festival.

Councilmember Cosden – Topics: No report

Mayor Coviello: Topics: Attended Military Officers of America Military Ball; Catch the Vision Event; Veterans Day Parade; Coconut Festival; Fire Station 11 Grand Opening and Hose Coupling; CRA Special Meeting.

Mayor Coviello noted the start time of the COW meeting needed to be changed from 4:30 p.m. to 1:30 p.m. ***Consensus agreed.***

Councilmember Cosden – Topics: Thanked the voters for passing the GO Bond. Attended quite a few of the events already mentioned by other councilmembers. Wished everyone a Happy Thanksgiving.

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney – Topic: N/A

City Manager – Topic: N/A

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole Meeting scheduled for Monday, November 26, 2018 at 4:30 p.m. in Council Chambers was rescheduled to start at 1:30 p.m.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 7:41 p.m.

Submitted by,



Kimberly Bruns, CMC
Interim City Clerk