

MINUTES FOR THE REGULAR MEETING OF THE  
CAPE CORAL CITY COUNCIL

May 6, 2019

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:33 p.m.

Invocation/Moment of Silence – Councilmember Carioscia

Pledge of Allegiance – Kaylie Berge - Oasis Elementary School

Mayor Coviello congratulated Kimberly Bruns on her promotion to City Clerk.

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

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Coviello requested to postpone item 8(F)(1), Appointment for the Florida League of Cities Board of Directors Nominee.

***Councilmember Carioscia moved, seconded by Councilmember Nelson, to adopt the agenda, as amended to remove agenda item 8(F)(1).***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

RECOGNITIONS/ACHIEVEMENTS

FDEP Environmental Stewardship Award - Presented to Brooke Bascomb by Jon Iglehart, FDEP South District Director

FDEP South District Director Jon Iglehart presented the FDEP Environmental Stewardship Award to Brooke Bascomb for her work in cleaning up a canal in Cape Coral. The program recognizes those who are working with DEP to "Protect Florida Together" by safeguarding the State's natural resources and enhances its ecosystems.

Fleet Department Recognition - Ranked No. 15 by the 100 Best Fleets in North America program - Presented by City Manager Szerlag

City Manager Szerlag congratulated the Fleet Department for ranking No. 15 by the 100 Best Fleets in the North America Program. Fleet Manager Rawlings recognized the following Fleet employees: John Aubele, Bob Olson, Keith Laris, Pete Milana, Vickie Alan, Bob Taylor, Tracy Robertson, and Gary Manning. City Manager Szerlag noted how Cape Coral was economically unsustainable when he arrived as City Manager in 2012 which showed most definitely in the condition of our Fleet Department. Police and Fire vehicles broke down en route to calls. It became our objective of having a fleet that would be in the Top 100 Fleets in the USA. On April 17, 2019, Cape Coral Fleet accomplished the goal of ranking No. 15. He presented a plaque to Fleet Manager Rawlings.

Donation presentation in the amount of \$8,200 from Cape Coral Community Foundation to the City of Cape Coral for the purchase of Bike Racks in the South Cape. Resolution 92-19 A Resolution to accept a donation from the Cape Coral Community Foundation for the purpose of purchasing Bicycle Racks to be placed in the newly renovated Downtown Cape Coral area; Department: Public Works; Donation Value: \$8,200

Mayor Coviello asked a few members of this organization to come forward. The Cape Coral Community Foundation presented the City with a check in the amount of \$8,200. The funds will be used to purchase additional bike racks for SE 47<sup>th</sup> Terrace, complementing the street furniture being installed as part of the Streetscape Project.

City Clerk Bruns read the title of the Resolution.

***Councilmember Stout moved, seconded by Councilmember Nelson, to approve Resolution 92-19, as presented.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

## APPROVAL OF MINUTES

Regular Meeting – April 15, 2019

***Councilmember Stokes moved, seconded by Councilmember Nelson, to approve the minutes for the April 15, 2019 regular meeting as presented. Voice Poll: All "ayes." Motion carried.***

## BUSINESS

### PUBLIC COMMENT - CONSENT AGENDA

No speakers.

### CONSENT AGENDA

- 1) Resolution 67-19 Approve the Purchase of a 2019 F550 Crane Truck to Alan Jay Fleet Sales by piggybacking Sourcewell, formerly NJPA (National Joint Powers Alliance), cooperative Contract No.120716-NAF at a delivered price of \$132,474; Authorize the use of Unassigned Water & Sewer Reserves; And Authorize the City Manager or designee to execute the contract, renewals, purchase orders, and corresponding documents; Department: Public Works; Estimated Dollar Value: \$132,474; (Unassigned Water & Sewer Reserves)
- 2) Resolution 68-19 Award ITB-PW19-27/AP Coronado Parkway Resurfacing FY2019 to Pavement Maintenance, LLC., for the asphalt resurfacing of Coronado Parkway, as the lowest responsive, responsible bidder, in the amount of \$490,000 with a 10% City Controlled contingency of \$49,000 for a total of \$539,000 and authorize the City Manager or Designee to execute the agreement, renewals, amendments and Purchase Orders; Department: Public Works; Dollar Value: \$539,000; (General Fund \$530,695 / Water & Sewer \$8,305).
- 3) Resolution 70-19 Award ITB-PW19-39/MM Purchase of sod to GCE Services Inc. and H.P. Sod Inc., for the purchase of sod to restore job sites to their original condition, as the lowest responsive responsible bidder, at the square foot prices indicated in the bid, for each respective areas, for an estimated annual amount of \$250,000 not to exceed budgetary limits and authorize the City Manager to execute the contract and renewals; Approximate usage by Departments: Stormwater \$125,000, General Fund (Parks and Rec) \$75,000, UCD \$37,500, and Sidewalk Grants \$12,500.
- 4) Resolution 84-19 Approval of Contract for Purchase of Lots 7 through 9, Block 2161, Unit 32, Cape Coral Subdivision, 902 Kismet Parkway East, Cape Coral, for a future drinking water well site, for the purchase price of \$22,500 plus closing costs not to exceed \$1,800; Department: Financial Services / Real Estate Division; Dollar Value: \$24,300; (Water/Sewer Fund) Note: Trade offer rejected by Seller.

- 5) Resolution 85-19 Rejection of Contract for Purchase of Lots 3 and 4, Block 2161, Unit 32, Cape Coral Subdivision, 822 Kismet Parkway East, Cape Coral, for a future drinking water well site as the location does not meet Florida Department of Environmental Protection set back distance requirements for drinking water supply wells serving public water systems; Department: Financial Services / Real Estate Division; Dollar Value: N/A; (Fund: N/A)
- 6) Resolution 86-19 Acceptance of Drainage Easement in a portion of 1526 Chiquita Boulevard South (Strap #21-44-23-C3-04819.A010), to provide access to and maintenance of City drainage facilities at this location, as conditioned in site plan review SP18-0002 – 7-Eleven Project at Trafalgar Parkway & Chiquita Boulevard South; Department: Financial Services / Real Estate Division; Dollar Value: N/A; (Fund: N/A)
- 7) Approve Settlement Agreement and General Release in the matter of City of Cape Coral v. ElectriCom, LLC and L & S Cable, LLC, Case No. 2018-CA-2066, and authorize the Mayor to execute the Settlement Agreement and General Release.

***Councilmember Cosden moved, seconded by Councilmember Stokes, to approve items 8(B)(1), 8(B)(2), 8(B)(3), 8(B)(4), 8(B)(5), 8(B)(6), and 8(B)(7), as presented.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

#### **CITIZENS INPUT TIME**

Louis Navarra appeared to discuss bus stop benches being located in unsafe places.

Gwynne Hickman appeared to discuss ABATE (American Bikers Aiming Towards Education) of Florida Southwest Chapter. She thanked Mayor Coviello for the Motorcycle Safety and Awareness Month Proclamation. She also thanked the Councilmembers who were present at the time of this presentation in the Council Office. She reminded people to keep an eye out for motorcycles.

Wally Ilczyszyn appeared to discuss the declaration of the impasse between the City and the Union Organization that he represents.

Richard Jones, President, IUPAT Local 2301, which represents the General Employees Union, appeared to discuss his frustration with the current collective bargaining agreement negotiations. Impasse was declared on April 25<sup>th</sup>.

Joyce Easton appeared to discuss Resolution 96-19 which would authorize the trip to China. She noted that it was stated at the April 15<sup>th</sup> meeting that this had not been approved by Council yet. She asked why be a Sister City to a city with four million people. She questioned why we were promoting manufacturers in Cape Coral; let them go on their own expense. She also wondered why the Chinese delegation left Cape Coral after two days, when they were supposed to be here three.

Bill Johnson Jr., Executive Director, CCCIA, appeared to discuss support for Resolution 83-19.

Bob Renshaw appeared to discuss the appearance of tables, chairs, and umbrellas in the paved area on SE 47<sup>th</sup> Terrace. He opined it did not make the street look good aesthetically. The ambience when this was first done has been lost; the luster is no longer there.

Dolores Bertolini appeared to discuss the trip to China and questioned why it was even being considered.

Maryanne Sweeney appeared to discuss roadblocks for new businesses. She noted she kept hearing from business owners the delay in obtaining permits.

Dan Sheppard appeared to discuss the travel to China and opined that the money should be used for residents. He noted it was National Nurses Day and how they should be recognized for their work. He mentioned that our hospital was overwhelmed during season, and it may be time to ask Lee Health or a competitor to build another hospital in Cape Coral.

Bruce Marvin stated former Councilmember Burch introduced an Ordinance aimed at making the streets in Cape Coral safer by lowering the speed limit from 30 mph to 25 mph in residential areas. The Ordinance failed to pass in 2015. He provided a letter to Council and the City Manager outlining how Fort Myers moved to make their City safer by changing the speed limit. He requested that Council address this issue. He had no objection to restoring Dixie Roadhouse's extended hours provided that Chief Newlan and staff approve the action.

Ed Bolter appeared to discuss the bus stop benches. He noted that he contracted the transit bus shelters. He stated what Rotary was offering was the City's best bet.

Nancy Hepburn questioned the status of the project on the corner of Santa Barbara and Veterans which has been going on for a long time.

Peter Wall appeared to discuss bus stop safety. He noted they would like to present a light to Council which he opined would be beneficial to all the bus stops. He stated they had a prototype but was not sure where to present it.

Councilmember Stokes discussed his confidence that the City and the union employees will reach an agreement. He mentioned he was sponsoring the first bench for the school bus stops and was proud that so many in the community were stepping up to help. He requested that staff address the question on Lucky's development.

City Manager Szerlag confirmed that Lucky's was coming in to that site questioned. He deferred this question to Planning Manager Pederson or the new Building Official, Stephen Poposki.

Mayor Coviello requested that the new Building Official stand to be recognized.

Planning Manager Pederson stated he was not directly involved in that project since the time it was rezoned during the PDP approval. He stated Mr. Poposki may have more of an update.

Mayor Coviello stated it was his understanding from emails he received from the developer that a part of the project was being held up because the developer is not building Lucky's, it is Lucky's building it.

Mr. Pederson responded in the affirmative.

Mayor Coviello questioned if the City has provided permits on a timely basis.

Mr. Pederson stated he would obtain the contact information and email her first thing in the morning.

City Manager Szerlag requested that Mr. Pederson and Mr. Poposki send this information to all of Council.

Mayor Coviello stated he met with Lee Health officials and was told that they have room to build two more floors on to Cape Coral Hospital. He stated when he questioned them about building another hospital he was told by those officials that they really did not feel

it was necessary. He requested that Economic Development Manager Noguera explain the China trip.

Economic Development Manager Noguera explained his experience of travelling to China twice in the past few years with a prior employer. He stated two trips resulted in over \$300 million to the City he represented. He noted five people were scheduled to go to China: Mayor, DCD Director, himself, Pearl Taylor, as well as Joanne Killion. He stated this was not only for a Sister City opportunity, but also to create economic development benefits. He mentioned the opportunity to travel to Chengdu. He stated this trip would establish a cultural bond but at the same time create opportunities for the various manufacturers in Cape Coral and draw new investment to the City. Spending \$17,000 on this trip could result in a few hundred million.

City Manager Szerlag addressed comments made by Mr. Ilczyszyn and Mr. Jones. He stated the City has not declared an impasse in this matter. The City has not delivered its final offer.

### PERSONNEL ACTIONS

Resolution 83-19 Requesting approval to add one regular full-time Permitting Customer Service Supervisor position in the Department of Community Development. Department: Human Resources; Remainder of FY2019 Dollar Value: \$38,221; (Building Fund/Special Revenue Fund)

City Clerk Bruns read the title of the Resolution.

HR Director Sonogo explained that by adding this position, it would enhance customer service and support the building industry and citizens they serve for their permitting needs.

***Councilmember Stout moved, seconded by Councilmember Cosden, to approve Resolution 83-19, as presented.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

### PETITIONS TO COUNCIL

None.

### APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Select City Recommendation for FLC Board of Directors Nominee  
**Postponed until Councilmember Williams is present.**

Appoint Youth Council Members - Eight Vacancies (7 Junior and 1 Senior) -  
Councilmember Williams

City Clerk Bruns stated that Council will be appointing seats for seven juniors and one senior. She noted that interviews have been conducted. The current term expired 5/1/19. Ten applications were received from students in Cape Coral High School, Ida S. Baker High School, Island Coast High School, Mariner High School, North Fort Myers High School, and Oasis High School. There were no applications received from At Large.

#### Youth Council – Vacancies

##### Applicants:

Jaden Bradish – Cape Coral High School  
Adyssa Roh – Ida S. Baker High School  
Ryan Logan (senior) – Island Coast High School  
Anthony Perez (senior) – Island Coast High School  
Danays Lemoine (junior) – Island Coast High School

Morgan Russell – Mariner High School  
Alisha Smaller – Mariner High School  
Devon Cranford – North Fort Myers High School  
Miranda Figueroa – Oasis High School  
Michael Rusinko – Oasis High School

City Clerk Bruns asked the Council to give their preferences by school.

City Clerk Bruns compiled a tally for the senior applicants Ryan Logan and Anthony Perez of Island Coast High School.

**Island Coast High School – Rising Senior**

***Carioscia – Logan; Cosden – Logan; Coviello – Logan; Gunter – Logan; Nelson – Logan; Stokes – Logan; Stout – Logan***

The results were as follows: 7 for Logan.

***Councilmember Stout moved, seconded by Councilmember Gunter, to appoint Ryan Logan to the Youth Council as Island Coast High School Rising Senior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted “aye.” Seven “ayes.” Motion carried 7-0.***

City Clerk Bruns stated there was one applicant from Cape Coral High School, Jaden Bradish.

***Councilmember Stout moved, seconded by Councilmember Cosden, to appoint Jaden Bradish to the Youth Council as Cape Coral High School Rising Junior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted “aye.” Seven “ayes.” Motion carried 7-0.***

City Clerk Bruns stated there was one applicant, Adyssa Roh, from Ida S. Baker High School.

***Councilmember Nelson moved, seconded by Councilmember Stout, to appoint Adyssa Roh to the Youth Council as Ida S. Baker High School Rising Junior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted “aye.” Seven “ayes.” Motion carried 7-0.***

City Clerk Bruns stated there was one applicant, Devon Cranford, from North Fort Myers High School.

***Councilmember Stout moved, seconded by Councilmember Stokes, to appoint Devon Cranford to the Youth Council as North Fort Myers High School Rising Junior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted “aye.” Seven “ayes.” Motion carried 7-0.***

City Clerk Bruns compiled a tally for applicants Morgan Russell and Alisha Smaller of Mariner High School.

**Mariner High School**

***Carioscia – Russell; Cosden – Russell; Coviello – Russell; Gunter – Russell; Nelson – Russell; Stokes – Smaller; Stout – Smaller***

The results were as follows: 5 for Russell and 2 for Smaller.

***Councilmember Cosden moved, seconded by Councilmember Gunter, to appoint Morgan Russell to the Youth Council as Mariner High School Rising Junior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

City Clerk Bruns compiled a tally for applicants Miranda Figueroa and Michael Rusinko of Oasis High School.

**Oasis High School**

***Carioscia – Figueroa; Cosden – Rusinko; Coviello – Figueroa; Gunter – Figueroa; Nelson – Figueroa; Stokes – Figueroa; Stout – Figueroa***

The results were as follows: 6 for Figueroa and 1 for Rusinko.

***Councilmember Nelson moved, seconded by Councilmember Cosden, to appoint Miranda Figueroa to the Youth Council as Oasis High School Rising Junior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout voted "aye." Seven "ayes." Motion carried 7-0.***

City Clerk Bruns stated there was one applicant, Danays Lemoine, for the junior vacancy at Island Coast High School.

***Councilmember Stout moved, seconded by Councilmember Nelson, to appoint Danays Lemoine to the Youth Council as Island Coast High School Rising Junior Member.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout voted "aye." Seven "ayes." Motion carried 7-0.***

City Clerk Bruns stated that Council may choose to keep the At Large vacancy open and await additional applications to come in. Council also has the option to appoint the At Large vacancy from the remaining junior applicants. She noted that last year we encountered a similar situation, and Council determined to reopen for additional applications, and if none were received, they were going to select from the pool.

Mayor Coviello agreed to do the same. ***Consensus agreed.***

Joe Mazurkiewicz, Youth Council Advisor, thanked Council for allowing him to interview all the candidates; every applicant was exceptional. He looked forward to working with the new group in the next year.

Councilmember Gunter stated he wanted to make sure that the two applicants still on the list will be notified so that they could be considered for the At Large position.

City Clerk Bruns responded in the affirmative.

## **ORDINANCES/RESOLUTIONS**

### **PUBLIC HEARINGS**

**Resolution 75-19 (VP 19-0001\*) 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 5-24 and Lots 25-44, Block 4383, Cape Coral Unit 63; providing for the vacation of plat for the platted public utility and drainage easements along the east property line of Lots 5-24 and the west property line of lots 25-44, Block 4383, Cape Coral Unit 63; property is located northwest of the intersection of Veterans Memorial Parkway and Skyline Boulevard. (Applicant: Acorn Skyline, LLC) Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions contained in VP HEX Recommendation Order 4-2019.

City Management Recommendation: City Management recommends approval of all vacations requested by the applicant with conditions.

City Clerk Brunns read the title of the Resolution and administered the oath.

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

- Resolution 75-19, VP 19-0001
- VP 19-001, applicant, requests, location
- Aerial Map of Site
- Current Zoning Map
- Background
- Analysis (LUDR, Section 8.11), Request to Vacate the Alley ROW
- Analysis (LUDR, Section 8.11), Request to Vacate Underlying Easements
- Analysis (LUDR, Section 8.11), Request to Vacate Easements Adjoining the Alley
- Recommendations
- Correspondence – two informational phone calls

Public Hearing opened.

Linda Miller, Senior Planner, Avalon Engineering, authorized representative for Acorn Skyline, LLC, thanked Mr. Struve for his thorough presentation. She noted they accepted the Planning Division's case report and conditions of approval as recommended by staff and the Hearing Examiner.

Public Hearing closed.

***Councilmember Carioscia moved, seconded by Councilmember Stokes, to approve Resolution 75-19, as presented.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

#### Ordinance 18-19 Second and Final Public Hearing

##### **WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.1, Establishment of Zoning Districts, and Section 2.7, District Regulations, to establish the Seven Islands (MX7) zoning district. (Applicant: City of Cape Coral)

Planning & Zoning Commission Recommendation: At their April 3, 2019 Regular meeting, the Planning & Zoning Commission voted unanimously to recommend approval of Ordinance 18-19.

City Management Recommendation: City Management recommends adoption.

City Clerk Brunns read the title of the Ordinance.

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

- Ordinance 18-19
- Purpose
- Dimensional Regulations



- Analysis
- Analysis (continued)
- Conclusion
- Correspondence – two letters in opposition

Public Hearing opened.

John Jacobs, NWNA President, discussed the Seven Islands zoning change to MX7. The NWNA members and other Northwest residents are against the City's intended zoning of the D1 concept plan voted on by the previous City Council. He sent letters to Council outlining their major concerns regarding the zoning for this development. The building height should be no more than four stories. 995 residents can still be achieved with four stories by changing the configuration. They were also concerned with the cutting away of the Islands and the filling in of the canals that are contained within the D1 concept plan. They requested that this Ordinance be tabled until further discussion could be held with the NWNA and the neighborhood residents to determine what type of development could be built there that would enhance the neighborhood without disturbing the estuary. They were not against development of the Islands, but it needs to be done in a manner that blends well with the roads, neighborhoods, and the waterways. Another reason to table this Ordinance is that Councilmember Williams, who represents our district, is not present to render an opinion on the environmental uncertainties that the D1 concept plan could present.

Public Hearing closed.

***Councilmember Carioscia moved, seconded by Councilmember Gunter, to adopt Ordinance 18-19, as presented.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 19-19 (ZA 19-0001\*) Second and Final Public Hearing

\*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 located in Unit 76, Cape Coral Subdivision, as more particularly described herein, from Single-Family Residential (R-1A), Single-Family Residential (R-1B), and Residential Development (RD) to Seven Islands (MX7) zone; property is located at 106 Old Burnt Store Road, 606 Old Burnt Store Road, and 4100 Tropicana Parkway West. (50.72 acres) (Applicant: City of Cape Coral)

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

City Management Recommendation: City Management recommends adoption.

City Clerk Bruns read the title of the Ordinance and administered the oath.

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

- Ordinance 19-19, ZA 19-0001
- Background
- Site Map
- Aerial and Future Land Use Map
- Proposed Zoning Map
- Analysis
- Analysis (continued)
- Comprehensive Plan/LUDR
- Conclusion

Public Hearing opened.

John Jacobs, Nwana President, stated the Nwana disagreed with this zoning due to it being greater than four stories high, as well as the changing of the coastline on the Seven Islands and the damage it would do to the estuary.

Public Hearing closed.

***Councilmember Carioscia moved, seconded by Councilmember Gunter, to adopt Ordinance 19-19, as presented.***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

## INTRODUCTIONS

### Resolution 80-19 (VP 19-0004\*) Set Public Hearing Date for May 13, 2019

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

#### WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of Lafayette Canal and Malibu Basin rights-of-way and the underlying public utility and drainage easements located adjacent to Lots 23-25, Block 29, Unit 1, Part 2, Cape Coral Subdivision; providing for the vacation of plat for public utility and drainage easements associated with Lots 23-25, Block 29, Unit 1, Part 2, Cape Coral Subdivision; property is located at 5362 Malibu Court. (Applicant: Michael and Carolyn Mitch)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions as set forth in Recommendation 5-2019.

City Management Recommendation: City Management recommends approval subject to the conditions that appear in Resolution 80-19.

City Clerk Bruns read the title of the Resolution.

The public hearing was scheduled for May 13, 2019 in Council Chambers.

Planning Team Coordinator Struve stated he was available if Council had any questions.

### Ordinance 6-19 Set Public Hearing Date for June 3, 2019

#### WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 2, Administration, of the Code of Ordinances to establish Article VIII entitled "General Union Health Benefits Trust" and provides for the creation of a Health Benefits Trust and the appointment of a Health Benefits board. (Applicant: Brought forward by City Management.)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for June 3, 2019 in Council Chambers.

Human Resources Director Sonogo stated she was available if Council had any questions.

### Ordinance 8-19 Set Public Hearing Date for June 3, 2019

#### WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article IV, Travel Expenses and Auto Allowances, to update provisions for reimbursement for travel when on City business, to provide for establishing a travel policy as an administrative regulation rather than by resolution, and repealing resolution 22-05 which set forth the travel policy previously. (Applicant: Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for June 3, 2019 in Council Chambers.

Ordinance 22-19 Set First Public Hearing Date for May 13, 2019

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .15, South Cape Downtown District (SC), by eliminating the South Cape Redevelopment Incentive Program (SCRIP), amending the maximum floor area ratio, maximum residential density, and maximum building height in the South Cape Downtown District, establishing regulations to allow certain architectural elements in City easements and rights-of-way in the South Cape Downtown District, and establishing regulations to allow outdoor dining on public rights-of-way and City-owned parking lots in the South Cape Downtown District.

NOTE: Ordinance 22-19 is a City-initiated change to Section 2.7.15, Land Use and Development Regulations (South Cape Downtown Zoning District). The changes will increase the maximum density to 75 units per acre, increase the maximum Floor Area Ratio to 4.0, and increase the maximum height to 160'. This will allow more design flexibility in downtown Cape Coral to encourage economic development. With these changes the South Cape Redevelopment Incentive Program (SCRIP) regulations are no longer needed. This change also permits architectural improvements such as colonnades and balconies to project into public easements and rights-of-way. Regulations for outdoor dining are also included. (Applicant: Brought forward by City Management.)

P&Z Recommendation: At their May 1, 2019 Regular Meeting, the Planning and Zoning Commission/Local Planning Agency voted unanimously to recommend approval of Ordinance 22-19.

City Management Recommendation: City Management recommends approval.

City Clerk Bruns read the title of the Ordinance.

The first public hearing was scheduled for May 13, 2019 in Council Chambers.

Planning Team Coordinator Daltry stated he was available if Council had any questions.

Ordinance 23-19 Set Public Hearing Date for Transmittal for May 13, 2019

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending Policy 1.15 of the Future Land Use Element.

NOTE: Ordinance 23-19 changes Policy 1.15 of the Future Land Use (Comprehensive Plan) by removing affordable housing density doubling language, increasing residential densities from 25 to 50 units per acre in the Pine Island Road District (PIRD) future land use and from 75 to 125 units per acre in the Downtown Mixed (DM) future land use. This change also reduces the maximum residential density from 25 to 16 units per acre in the Commercial Activity Center (CAC) future land use category. (Applicant: Brought forward by City Management.)

P&Z Recommendation: At their May 1, 2019 Regular Meeting, the Planning and Zoning Commission/Local Planning Agency voted unanimously to recommend approval of Ordinance 23-19.

City Management Recommendation: City Management recommends approval.

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for May 13, 2019 in Council Chambers.

Planning Team Coordinator Daltry stated he was available if Council had any questions.

Ordinance 24-19 Set Public Hearing Date for June 3, 2019

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .13, Corridor

District (CORR), to remove the maximum building height regulations of 45 feet for non-residential buildings in the Corridor District. Building heights will be regulated by floor area ratio rather than a fixed height. This change will also greater flexibility in project design and architectural features for non-residential projects, particularly for hotel development. (Applicant: Brought forward by City Management.)

P&Z Recommendation: At their May 1, 2019 Regular Meeting, the Planning and Zoning Commission/Local Planning Agency voted unanimously to recommend approval of Ordinance 24-19.

City Management Recommendation: City Management recommends approval.

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for June 3, 2019 in Council Chambers.

Planning Team Coordinator Daltry stated he was available if Council had any questions.

***Council recessed at 6:04 p.m. and reconvened at 6:24 p.m.***

### **UNFINISHED BUSINESS**

#### **WATER QUALITY – UPDATE**

Public Works Director Clinghan provided the latest information on the Lake Okeechobee Level and Release Information. He noted detailed information was included online. Blue Green Algae was still present in Lake Okeechobee and along the Caloosahatchee. No Red Tide was observed in Lee County.

Mayor Coviello noted he would be attending a roundtable discussion tomorrow, along with City Manager Szerlag. He stated the topic of water quality was being spearheaded by Congressman Rooney. He commented on the level of the lake being around 11 feet and letting more water out during the dry season has made a difference.

#### **FOLLOW UP ITEMS REQUESTED BY COUNCIL**

None.

Dixie Roadhouse Extended Hours Proposal - Brought forward by Mayor Coviello (Continued from the April 15, 2019 Regular Meeting) Resolution 91-19 A Resolution lifting the suspension of the Colosseum LLC d/b/a Dixie Roadhouse Extended Hours Permit subject to the conditions specified herein; Department: Police

City Clerk Bruns read the title of the Resolution.

Chief of Police Newlan stated that Sawyer Smith, Attorney for Dixie Roadhouse, was present. He noted that with direction from Council after the last Council meeting, we worked with Dixie Roadhouse on an agreement. He announced that an agreement was reached which was supplied in the meeting packet.

Mayor Coviello stated he was happy to see that it had the public's safety and best interest at heart.

***Councilmember Stout moved, seconded by Councilmember Carioscia, to approve Resolution 91-19, as presented.***

Mayor Coviello commented that Dixie has been a good community partner in our City doing a lot of fundraisers for worthy events, as well as being a sponsor and making donations.

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

Discussion of Traffic Safety Features at the Oasis School Complex - Brought forward  
by Mayor Coviello - Continued from 4/15/2019

Traffic Engineer Corbett explained the following displayed slides:

- Oasis Schools Campus, School Zone Enhancement Alternatives
- Existing Conditions
- Existing Conditions (continued)
- Existing Conditions (continued)
- School Zone Enhancements
- School Zone Enhancements - Alt. 1 \$6,500
- School Zone Enhancements – Alt. 2 \$8,000
- School Zone Enhancements – Alt. 2 \$8,000 (continued)
- School Zone Enhancements – Alt. 3 \$25,000
- School Zone Enhancements – Alt. 3 \$25,000 (continued)
- School Zone Enhancements – Alt. 3 Flasher
- Questions

Councilmember Cosden asked if there was any feedback from staff at the Oasis campuses regarding the crosswalk shifting.

Engineer Corbett stated they have not discussed this with them most recently about the location. They had discussed it in the past related to the relocation of the gate, and they were open to that relocation. They recognized that it served both buildings equally, and crossing was safer.

Councilmember Cosden stated last time there were concerns about the pedestrian-actuated light.

Engineer Corbett stated the concerns were actually related to the marked crosswalk on the roadway. Without a pedestrian-actuated flasher, and even if there was one, it is not guaranteed that a pedestrian would actually hit it before stepping on to the roadway. It provides a false sense of security for the pedestrian. He noted there were virtually no pedestrians at this location during non-school hours.

Councilmember Cosden stated she would support Alternative 1 or Alternative 2 since students should not be walking through the mud or landscaping.

Councilmember Gunter inquired if it was decided to go with either Alternative 1 or Alternative 2 and if we find that there is an additional need for safety there in the future, could we go to Alternative 3? Could the roadway also be marked as well?

Engineer Corbett stated if there were any safety concerns in the future, the addition of a marked crosswalk could be evaluated, as well as a pedestrian-actuated flasher. They fit in the location with Alternative 2.

Councilmember Gunter stated he preferred Alternative 2 rather than Alternative 1 due to room for future enhancements if the need arises.

Mayor Coviello stated the concrete for the walkway in Alternative 2 was not very close to the street.

Engineer Corbett explained why it was shifted north to provide a buffer for the pedestrians.

Councilmember Stokes noted he liked Alternative 3 with the proposed pedestrian-actuated flashers and providing the most safety for our children.

Councilmember Nelson asked for confirmation that with Alternative 2 the movement of the actual crosswalk was much more efficient for the schools and years ago the school agreed.

Engineer Corbett responded in the affirmative.

Councilmember Nelson stated Alternative 2 would be the most logical choice since we can add on to it. She questioned if a crossing guard would still be provided with Alternative 2.

Engineer Corbett recommended a crossing guard remain in all three scenarios.

Councilmember Nelson supported Alternative 2.

***Councilmember Gunter moved, seconded by Councilmember Nelson, to approve Alternative #2 (in presentation titled Oasis Schools Campus School Zone Enhancement Alternatives given during meeting).***

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

Establish Budget and Funding Source for Upcoming China Trip - Brought forward by Mayor Coviello

City Clerk Bruns read the title of Resolution 96-19.

Economic Development Manager Noguera discussed the trip to China where staff was requesting not to exceed \$17,000 to travel to Baise, China, as well as Chengdu. The itinerary has been prepared for arrival in Chengdu on June 2<sup>nd</sup>. Meetings have already been scheduled with governmental officials. The flight to Baise will be on Monday evening, June 3<sup>rd</sup>. The return flight to Cape Coral is on Friday, June 7<sup>th</sup>. He stated that five individuals will be travelling: Mayor Coviello, Pearl Taylor, Vince Cautero, Joanne Killion, and myself. This trip will establish a cultural relationship and relations with both business and development representatives. He stated he will be bringing the video that was made when the China delegation was here, as well as a power point presentation that the Mayor will share highlighting various manufacturers here in Cape Coral and development opportunities in our City.

***Councilmember Carioscia moved, seconded by Councilmember Cosden, to approve Resolution 96-19, as presented.***

Councilmember Cosden questioned if one month was going to be enough time to do travel arrangements and visas.

Mr. Noguera stated quite a bit was in the works already; the visas have been pursued.

Councilmember Cosden stated originally when this was discussed, Council approved a certain number of people. She asked Mr. Noguera if he recalled what that number was.

Mayor Coviello stated it was seven or eight.

Councilmember Cosden stated that now it was down to five; however, we've added one that we did not approve originally. We did not approve Pearl to that and wanted to make sure that we were adding her here.

Mayor Coviello responded in the affirmative.

Councilmember Cosden stated she assumed that Pearl would be in a support role.

Mayor Coviello stated Pearl would be the support for all the department heads as well as himself.

Councilmember Cosden inquired if the funding source that was going to cover the airfare is no longer in place.

Mayor Coviello confirmed that it was no longer available.

Councilmember Gunter asked Mr. Noguera to elaborate on the delegation that came to Cape Coral. Who were those individuals?

Mr. Noguera stated there were three individuals.

Mayor Coviello noted there was one Chairman and two Directors.

Councilmember Gunter noted that Baise had a population 20 times larger than Cape Coral. His concern was the delegation that came to Cape Coral did not have support staff with them.

Mayor Coviello noted they did, but we hired them here. They had two translators. We would bring our translator with us.

Councilmember Gunter stated people were chosen to go on this trip at the January 7, 2019 Council meeting. Another discussion was held a few meetings later about adding the Mayor's Assistant who also supports three Councilmembers. His concern was that the Council Office was currently down by one assistant and did not see the need for sending any support staff. He was also concerned with adding another City to this trip. He stated he would not support the current Resolution.

City Manager Szerlag responded why another City was added. The intent was to modify the trip from a cultural Sister City exchange to one of an economic development opportunity. He explained the reason for having support staff go on this trip. It was not only to assist the Mayor, but staff as well.

Mr. Noguera confirmed that Chengdu was added for economic development reasons since Baise had more cultural activities. He noted the contacts he had in China and explained how the government has to bless investors before business can be conducted.

Councilmember Nelson concurred with the comments that have already been made by Councilmembers. She would have preferred to have more information alerting Council to this additional city. She was not comfortable with the current Resolution. She stated it was previously understood that the Mayor's Assistant's expenses would have been covered by a private source.

Councilmember Stokes also agreed with the comments already made by Councilmembers. He stated he would not support this Resolution.

Mayor Coviello stated originally there were seven or eight that were approved to go and that decreased to five. There were some dollars that we're committed to when Council approved that many people to go. Also, we always talk about wanting to increase our commercial tax base and now we have an opportunity which may cost very little money. He would prefer not to go to China, but it was his job as Mayor to try to build economic development in the City. If we don't go, we might lose out on a multi-million-dollar deal for the Seven Islands, Bimini Basin, or Village Square. Our Economic Development Manager has solid contacts there that he's worked with in the past that yielded some results. This may be a good solid economic development opportunity that we'll be passing on.

Councilmember Cosden inquired how much we spent so far.

Mayor Coviello stated approximately \$7,800 was spent on the China delegation when they were here.

Councilmember Cosden stated she did not see a problem with sending our people to China.

Mayor Coviello noted that the idea of us going there would be to consider signing a Memorandum of Understanding to make them a Sister City. We're not even setting that up at this point. The purpose of the visit is to get an understanding if we like what we see.

Councilmember Cosden stated the last time this was discussed the only expense would be airfare. She would support this Resolution excluding the trip to Chengdu, noting that this second city was not what was approved by Council previously.

Councilmember Stout stated she understood from Mr. Noguera that visiting Chengdu was the biggest part of the trip. It was important to her if it could bring commercial development to our city rather than any social aspects.

Mayor Coviello explained why Chengdu was added rather quickly to the agenda because he noticed there were not enough economic development meetings. The idea was to find ways to improve our chances of developing some gain for the City from a commercial and economic standpoint. He had discussed suggestions with Mr. Noguera about having more business meetings that were equivalent to our Chamber of Commerce. There were five businesses in our City that were interested in us speaking to government officials. He explained how you don't go directly to the businesses in China; it has to be done through the governing bodies. It was a slow process, but he was on board if Council did not want to move forward. Instead of doing cultural things, the emphasis would be on economic development, and Chengdu has huge developers. It has increased the cost maybe just a few thousand dollars, but in the long run, we would get a bigger bang for our buck.

Mr. Noguera stated from a humanitarian aspect it would be positive to visit hospitals, schools, and social service organizations, besides meeting with the government officials. He explained why the agenda was expanded to include Chengdu to try and attract more investors to sites such as Seven Islands, Bimini Basin, and Academic Village.

Councilmember Gunter explained why he looked at what the Return on Investment would be. He discussed the advantage of considering Baise which is the third largest producer of hydropower. He stated going to the second City was more enticing than the first which would be more of a Sister City relationship. He was not in favor of supporting the existing Resolution. He would support downsizing to three individuals.

Councilmember Nelson suggested amending the motion to state that we can save the additional cost by sending three people as opposed to the five that we have on the list. She agreed it was important to pursue economic development. It would have been good to have had this information before this meeting.

City Attorney Menendez noted the present Resolution identifies the people that would be going on this trip. She stated Council could amend that and alter the identification of the people who are going. It would be appropriate to have a motion to approve this with an amendment that would take out two of the people identified in the Resolution if the desire is to have three individuals. The Resolution emphasizes Baise, but it does indicate in the whereas that there is a possible trip to Chengdu.

Mayor Coviello stated there was a motion on the floor and a second. He suggested postponing it and coming back with something in the future on how to do this. He noted the three people right now that would go are Joanne Killion, Ricardo Noguera, and Vince Caution. He stated he would not go. He inquired of the City Attorney if the motion needed to be withdrawn. Should we vote on it or come back with something later?



City Attorney Menendez asked the motion maker if he wished to withdraw the motion.

***Councilmember Carioscia withdrew the motion.***

***Councilmember Cosden withdrew her second.***

Mayor Coviello confirmed that this would be brought back at a later time.

## **NEW BUSINESS**

Resolution 93-19 A Resolution of the City of Cape Coral approving the terms of the Rotary Club - School Bus Stop Bench Pilot Program; Department: Public Works

City Manager Szerlag asked the following to join him at the podium: Elmer Tabor, Rotarian, and Joe Mazurkiewicz. He mentioned that at the last Council meeting he was authorized to work with the Rotary Club and bring back an agreement with the Rotary Club. He thanked Dr. Greg Adkins for his support on this project. Cape Coral will be working with the Rotary Club and the Lee County School District to determine the best locations. The Rotary Club will find the funding for the benches which will be installed before the first day of school this coming August. If they need help, our Public Works Department offered their assistance. He thanked the Rotary Club, as well as the Kiwanis and staffs from the City, County, and the School District.

Elmer Tabor discussed how the Rotary stepped up to the plate to help out when this tragedy occurred. He noted Kiwanis was partnering with them. He mentioned how many others were all helping within the community.

City Manager Szerlag stated Chief of Police Newlan did an analysis on accidents in Cape Coral relative to school buses and going to/from school. He stated this discussion would be held at the COW meeting.

Chief of Police Newlan stated they were looking at statistics regarding school bus accidents for children walking to and from the bus stops, as well as to and from the schools. They went back the last ten years. From 2009 to 2012, there were no bus stop related accidents. Outside of the recent one, there have been seven bus stop related accidents which involved children walking to and from the bus stop. There was one bus stop fatality which happened recently. The others had no major injuries, most were kids clipped by mirrors crossing the street walking to the bus stop. There were two additional accidents in the last ten years of kids riding their bicycles to school. In 2014 there was an incident of a child being hit and killed on his bicycle on a major roadway on his way to school. In the ten-year period, there have been a total of 11 incidents with a student-related accident walking to/from bus stops or to/from school. There are over 1,600 bus stops in Cape Coral with 9,000 drop offs and pick ups per day.

Mayor Coviello thanked the Rotary Club, Kiwanis, and Lee County School District on this Pilot Program, as well as City staff and others involved. He appreciated the way this was being handled and how multiple levels of safety needed to be addressed with the bus stops and the benches.

Councilmember Stokes stated he was proud to sponsor the first bench. He challenged businesses in the community to step up and have residents help out.

***Councilmember Stokes moved, seconded by Councilmember Nelson, to approve Resolution 93-19, as presented.***

Councilmember Gunter also thanked the Rotary Club and Kiwanis and how the community came together on this joint effort.

***Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." Seven "ayes." Motion carried 7-0.***

## REPORTS OF THE MAYOR AND COUNCIL MEMBERS.

Councilmember Carioscia – Topics: No Report.

Councilmember Cosden – Topics: Attended the Arbor Day celebration last week at the Community Garden; Lighthouse Awards for the Charter School System; Chaired the Quarterly Local Coordinating Board Meeting for the MPO last week.

Councilmember Gunter – Topics: Attended the Chamber of Commerce After Hours Business Event; Biz Chat meeting; Annual Candlelight Ceremony at the Cape Coral Police Department; Volunteer Appreciation Luncheon; Planning and Zoning Commission meeting; Memorial Service for Commissioner Larry Kiker; Law Week Awards Luncheon sponsored by the Lee County Bar Association; Lighthouse Awards Dinner by the Charter School Foundation.

Councilmember Nelson – Topics: Attended the General Horizon Council meeting; Florida Trend Magazine Luncheon with the Lee County Economic Development Office; this past Friday Horizon Council Board meeting.

Councilmember Stokes – Topics: Attended Arbor Day Celebration; Volunteer Appreciation Luncheon.

Councilmember Stout – Topics: Attended Volunteer Appreciation Luncheon; Community Prayer Breakfast in Ft. Myers; Charter School Lighthouse Awards.

Councilmember Williams – Topics: Excused.

Mayor Coviello – Topics: Attended the Cardboard Boat Regatta at Seahawk Air Park; Nor-Tech Hi-Performance Company's Grand Opening; Mayors Scholarship Fund Award Banquet, thanked Councilmember Williams for coordinating this event, 26 scholarships of \$1,500 were awarded; Volunteer Appreciation Luncheon; Arbor Day Event; Lee County Commissioner's Special Meeting regarding improving water quality; Memorial Service for Lee County Commissioner Kiker; Law Week Awards Luncheon, Congratulations to Officer Duffy chosen as the Cape Coral Officer of the Year; Lighthouse Awards Dinner in support of the local Charter Schools and teachers; Will be attending the following: Guest Speaker at the New Resident Club and Roundtable Meeting with Congressman Rooney at FGCU concerning water quality.

## REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney: Topics: No Report.

City Manager: Topics: No Report

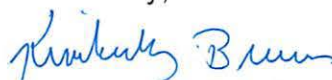
## TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole Meeting was scheduled for Monday, May 13, 2019 at 4:30 p.m. in Council Chambers.

## MOTION TO ADJOURN

There being no further business, the meeting adjourned at 7:22 p.m.

Submitted by,



Kimberly Bruns, CMC  
City Clerk