

**MINUTES FOR THE COMMITTEE OF THE WHOLE
OF THE CAPE CORAL CITY COUNCIL**

Wednesday, April 28, 2021

Meeting called to order by Mayor Gunter at 3:00 p.m.

Pledge of Allegiance

Roll Call: Mayor Gunter, Councilmembers Cosden, Hayden, Nelson, Tate, and Welsh were physically present. Councilmember Sheppard participated remotely. Councilmember Williams arrived at 3:06 p.m.

Council agreed by consensus to allow remote participation by Councilmember Sheppard.

BUSINESS

CITIZENS INPUT TIME

John Bashaw appeared to discuss "Clean the Cape" between the NWNA, City of Cape Coral Code Compliance, Keep Lee County Beautiful, and Waste Pro event that took place this past weekend. He offered two ideas to assist: #1. Clean the Cape Events in districts, twice a year. Make it a fun and exciting idea that people would like to participate. #2. Adopt a spot – residents, builders, and community groups adopt a spot they want to keep clean.

Don Apking, SW Cape Coral Action Committee, appeared in support of the two concepts brought up by Mr. Bashaw. He explained that anything we can do to keep the City clean and make it more beautiful to help and make things positive.

Sean Hartman, Cape Coral Business Chamber, appeared to discuss the Cape Coral Council Watch. He sent an email to all of Council to complete a report with all of the things each Councilmember is working on within their districts. It is a satirical publication but would like to include details of what each member is working on in the community.

Councilmember Williams arrived at 3:06 p.m.

Councilmember Tate expressed support for the ideas brought forward by John Bashaw.

DISCUSSION

4.B.(1) 2021 State Legislative Update

City Manager Hernandez explained that the following issue was on the agenda to provide Council an update on legislative matters at the State level.

Nick Matthews, Senior Government Relations Consultant, Becker and Poliakoff, participated via Microsoft Teams and provided the 2021 State Legislative update as follows:

- In General Appropriations Act, we secured \$1M for the Caloosahatchee Reclaimed Water Transmission Line
- Vacation Rental Legislation is dead for this year
- Home Based Business Bill passed, with minimal impacts
- Home Rule discussion
- Occupational License preemption – tried for an amendment about Water Quality but it did not survive. We will regroup with staff after session about fertilizer ordinances and marine contractors and such. The Governor has not signed it yet, but we are anticipating this to occur.
- Mentioned Code Enforcement and Waste Management Bills
- Mentioned funding of the Water Quality and Resiliency projects for \$500M grant program, other states will model
- Will return to meeting on May 12th with more details
- Thanked City Staff for their availability to aid in answers and questions
- Thanked Councilmember Hayden for his Tallahassee trip, very successful, believed the visit was a contributing factor to obtaining the \$1M

Mayor Gunter expressed appreciation to Mr. Matthews and his firm for their accomplishments.

Councilmember Tate asked about the \$300K Stem Program Grant that Congressman Giallombardo was trying to put through for the Charter Schools. She asked for that to be checked on to see if we had any luck on that.

Mr. Matthews replied that he would provide that as soon as he signed off the meeting.

Councilmember Nelson expressed delight for the passing of the Senate Bill 1954 on Resiliency and Flooding. She mentioned that she went to Tallahassee and met with Senator Rodrigues relating to the terms of the funds and how they will be awarded to municipalities. As part of the Southwest Florida Resiliency Cohort, funds could possibly be awarded similarly to MPO groups. How would the City of Cape Coral be able to apply for those funds?

Mr. Matthews replied that the DEP would need to go into rulemaking to formalize it. There is still some subjectivity, but he would double check. He questioned if the Regional Planning Council (RPC) would possibly play a role of MPO where they could gather projects from the cities and the counties, score and rank them, sending them up to the state for DEP's ultimate signoff. That may be a process either in the bill or considered a potential for rulemaking. His firm also represents the American Flood Coalition who is the driving third party non-profit group behind that initiative. He stated he would get with his colleagues who work on that and provide a more thorough answer.

Mr. Matthews added that he saw \$350K in the budget for the Charter School inquiry.

4.B.(2) Cape Coral Charter School Achievements – Brought forward by Councilmember Tate – Presented by Superintendent Collins

Superintendent Collins discussed the following slides on the Cape Coral Charter School Achievements:

- Oasis Charter Schools, City of Cape Coral, "State of our Charter Schools"
- State of our Charter Schools
- Managing COVID-19
- OCS COVID-19 Dashboard August 2020-April 2021
- Learning Platforms: Face to Face, Virtual and Hybrid Models, total student population: 3,135
- Academic Achievement – Oasis Elementary South
- Academic Achievement – Oasis Elementary North
- Academic Achievement – Oasis Middle School
- Academic Achievement – Oasis High School
- Oasis STEM Makerspace Initiative
- STEM Progression Pathways
- STEM Initiative
- Strategic Plan Objectives
- High School Recognitions
- Elementary Recognitions
- Thank you!

Councilmember Nelson expressed appreciation for the update and all that has been done to elevate the schools. She will connect the Superintendent with Denise Spence from Dunbar High School to benefit pulling in the local business community. She mentioned that Ms. Spence will restart her roundtables in the fall.

Councilmember Tate described the successes with the Charter Schools.

Councilmember Welsh reviewed the accomplishments and the search for community sponsorships. He wondered if there were other updates besides the golf event and asked about other efforts in place.

Superintendent Collins explained there is a meeting on May 7th to brainstorm needs for financial support. We are now on the right path, knowing our needs, so we can go out to ask the community. They are hopeful for connections and relationship building breakthroughs.

Mayor Gunter expressed appreciation to Superintendent Collins for all of the hard work being done for the Charter School successes.

**4.B.(3) Engineering Design Standards Update – Presented by Public Works
Director Clinghan and Utilities Director Pearson**

Public Works Director Clinghan discussed the following slides:

- Public Works Department Engineering Design Standards (EDS)
- Alleys, Curbing, Drainage Structures, Driveway Access, Parking Lots, Pavement Restoration, Roadway, Seawalls, Signs and Mail Boxes, Traffic, Storm Drainage, Erosion Control
- Public Works EDS Update
 - 1. Last update in 2002 with minor revisions in 2009
 - 2. Staff working with Stakeholders Group to update the Seawall EDS
 - 3. Staff working with Stakeholders Group to establish ROW Permit for Major Construction in the ROW to address any damage to City property.
 - 4. Staff working with Stakeholders Group to establish ROW Permit for Single Family and Duplex Construction, Seawall Construction, Building Demolition, and New or Replacement Driveways to address any damage to City property
 - 5. Staff updating entire EDS due to changes in industry standards and technology
 - 6. Staff updating all sections of the current EDS to reflect changes in the details, reference to FDOT standards, and other current construction practices
 - 7. Review of the draft EDS changes by community Engineers and Contractors, Staff will schedule workshops as required
 - 8. Public Hearings
 - 9. Council to approve amendments to the EDS by Ordinance
- Public Works EDS Update Schedule
 - 1. Seawall EDS update for Council approval June/July 2021
 - 2. ROW Permit for Major Construction for Council approval in 2021
 - 3. ROW Permit for Single Family Construction, etc. for Council approval in 2021
 - 4. Entire EDS update for Council approval in 2022

Utilities Director Pearson discussed the following slides:

- Engineering Design Standards
- History of Utilities Eng. Design Standards
 - City has been developing the standards and details over several years
 - Changes in technology, industry standards, and new criteria have required the standards be continually updated
 - To provide uniformity in City infrastructure, the standards need to be adopted by City Council
- Utilities Eng. Design Standards Updates
- Recent updates:
 - Engineering Design Details: November 2020
 - Design Procedure Manual: March 2020
 - Utility Standards Technical Specifications: September 2019
- Steps toward Adoption
- Critical items below will need to be completed before Council approval

- City and Consultant meet to review current standards and provide updates
- City internal review once updates are completed
- Community workshops with developers and engineers
- Final meeting between City and consultant to update engineering standards from community feedback
- Upcoming Draft Schedule
 - Initial meeting with consultant – 5/3/2021
 - First Internal review – 7/3/2021
 - Community workshops – 8/3/2021
 - Final meeting with consultant – 11/3/2021
 - Council approval – 12/15/2021

Mayor Gunter agreed with having a stakeholder group. He recommended that we approach this either to make sure that the educational aspect is out there for everyone or if we have some type of a lag time such as 120 days or so before those industry design standards go into effect. That would give the market in our community time to understand what those new standards will be. The educational aspect needs to be done up front or have some type of timeframe before it actually goes into effect.

Director Pearson responded that it would be provided in August. He estimated it would be about four months before it comes in front of Council so that the community would have ample time for review and feedback which would be incorporated into the Engineering Design Standards.

4.B.(4) Burnt Store Road Corridor Plan – Presented by DCD Director Cautero

Planning Manager Pederson explained the following slides:

- Burnt Store Road Corridor Master Plan
- Burnt Store Road – 8.25 miles in length
- Runs north from Pine Island Road to Charlotte County
- Maintained by Lee County DOT
- Restricted access
- Currently undergoing widening from 2 lanes to 4 lanes
- Variety of Future Land Use and Zoning designations
- Total acreage – 2,311 acres
- 1,525 acres with non-residential future land use
- 786 acres with residential/preservation land use
- 1,682 acres with non-residential zoning
- 629 acres with residential zoning
- Existing development along corridor is mostly single-family homes
- Several large undeveloped parcels – mostly north of Van Buren Parkway
- Proposed Hudson Creek is seeking approval of 3,500 homes / university / 575,000 sq. ft. commercial / 500 room hotel
- Myriad RV Park is under construction – currently on hold

- Several parcels have been changed from residential to commercial future land use in the last 2-3 years
- Utilities are currently in place from Pine Island Road to Tropicana Parkway
- Remainder of corridor lacks water/sewer
- Myriad RV Park paid for utility lines from Charlotte County – 100,000 gpd of water/sewer
- Hudson Creek is seeking utility expansion agreement to construct lines for future development
- Future Code Changes
- Prohibiting Storage Uses in Agricultural Zoning - Scheduled for hearing
- Requiring a setback for self-storage uses and multi-family development – expected hearing in May or June
- Future Recommendations
- Establish Burnt Store Road Corridor Future Land Use District
- Establish Burnt Store Road Corridor zoning district or overlay
- Establish landscaping standards for Burnt Store Road Corridor
- Eliminate Agricultural Zoning District along corridor
- Accommodate expansion of water and sewer system along corridor

Mayor Gunter inquired about the slide showing the number of parcels for zoning and land use; it appeared to have some inconsistencies. He asked if there were inconsistencies in that area where the land use and zoning do not match.

Planning Manager Pederson stated there are other parts of the City where we have more conflicts with land use and zoning that are a hindrance to development, but there are not a lot of those on the Burnt Store Corridor. He offered to go over the map with the Mayor. There is a mixed pattern of commercial / professional at some of the intersections along Burnt Store Road. There is a lot of residential in the southern half. There are some CAC's (Commercial Activity Centers), some low density residential, a mix as you move up to the north.

Mayor Gunter stated as we develop this Corridor District, we should be attentive to the land use and zoning to make sure each one matches in that area.

Planning Manager Pederson stated part of it could have that unique land use district for that corridor or specific zoning, as desired by Council.

Mayor Gunter stated when development started along Pine Island Road, we did not have a basic plan in place. Midstream the Pine Island Corridor was created. At that time, we identified what we wanted in that particular area. He would support doing the same thing for this upcoming commercial development area. He opined it would be advantageous to start early on for what we want in the area.

Planning Manager Pederson explained what happened some years ago when a village plan was developed for certain intersections.

Councilmember Welsh explained relative to slide #7, he was:

1. In favor of establishing a Burnt Store Road Corridor Future Land Use District, preparing now for the future
2. In favor of establishing the Burnt Store Road Corridor Zoning District or overlay
3. Not in favor of establishing the landscaping standards along Burnt Store Road
4. In favor of eliminating the Agricultural Zoning District along the Corridor
5. In favor of the expansion of the Water and Sewer System along the Corridor

Councilmember Hayden questioned the proposed Hudson Creek development with 3,500 homes and the 500-room hotel. What is the timeline to widen Burnt Store Road to handle the load and traffic?

PW Planning Manager Zambrano responded the segment of Burnt Store Road, north of Van Buren, to the County Line is currently on their preliminary environmental assessment. It takes another year to go through that process. Then comes the design which is two more years. Then right-of-way acquisition will take two years. Construction will take another two years. Even if the funding is already there, it will take about six to seven years to have that segment widened. She pointed out that design was not funded yet. We are working through the MPO process to get the project lined up. As part of the permitting process, this particular development will need a permit through Lee County because they will tie into a Lee County maintained roadway. As part of that process, we will see what temporary improvements will be needed on Burnt Store Road.

Councilmember Hayden inquired about the Hudson Creek timeline.

Planning Manager Pederson explained there is no current timeline, it depends on the utility infrastructure agreement with cost sharing allocation decisions.

Councilmember Hayden noted he was in favor of the Master Plan.

4.B.(5) Budget Amendment #2 Review – Presented by Interim Finance Director Phillips

Interim Finance Director Phillips explained the following slides:

- FY 2021 City of Cape Coral Budget Amendment #2
- Ordinance 46-21 Intro: May 5, 2021, Public Hearing: May 19, 2021
- Purpose: Amend FY 2021 Operating Budget as amended on February 17, 2021 Ordinance 13-21
- Second Budget Amendment for FY 2021
- Amended Budget has no impact on taxpayers
- BA#2 recognizes any City Council action items occurring after the budget was the first quarter, encumbrance carry forward from FY 2020 and balance forward adjustment
- Summary: Amendment of \$98,170,254, or a 9.79% change from BA#1
- FY 2021 Summary by Fund Type

- FY 2021 Budget Amendment #2 Highlights
- General Fund

City Manager Hernandez stated they would use the balance of next year's allocation to cover the estimated construction costs which are approximately \$19M to \$20M which frees up the monies that the CRA would be paying us. Then, the CRA could focus on other CRA type projects being contemplated in the CRA. The amount of money left over, about \$6M-\$7M, could be allocated towards a fiber optic expansion program that ITS has been working on to connect all City facilities to broadband. It would also provide some capacity for the private sector to piggyback on the investment to expand broadband in needed areas of the City, specifically in the northern parts of the City where services are currently lacking. He explained there are restrictions on the use of those funds.

Interim Finance Director Phillips continued with the presentation:

- Special Revenue Fund

City Manager Hernandez noted that we are generating more money in Impact Fees. The next workshop meeting will provide the Quarterly Economic Development Status Report. Development activity is extremely strong, much stronger than the last quarter.

Interim Finance Director Phillips continued with the presentation:

- Capital Projects Fund
- Enterprise Fund
- Summary of FY 2021 Budget Amendment #2 All Funds
- Summary of FY 2021 Budget Amendment #2 General Fund

Councilmember Hayden inquired if the impact fund money is broken down for Parks.

Interim Director Phillips responded with the following:

Road Impact - \$1,042,000

Park Impact - \$1,039,000

Police - \$1,005,000

ALS - \$51,000

Fire Impact - \$899,000

Councilmember Hayden inquired if the Park Impact Fee money could be used for the increases experienced at the new parks.

Interim Director Phillips responded it could be used for increased capacity.

Councilmember Welsh agreed with the City Manager to hold onto the money and use in the CRA as suggested. There will be a shortfall in GO Bond parks.

Mayor Gunter agreed with the City Manager to hold onto the funds, too. He was also in favor of taking the \$1.39M in impact fees out of the Parks and put it towards that initiative as well. We should wait until all of the bids are in before identifying any other projects.

ROUNDTABLE DISCUSSION

Councilmember Tate stated that she believed that Waste Pro was improving with trash pickups. She questioned what could be done to improve bulk pickups. Should it be a call in? Or cease for now? It is out of hand between bulk and moveouts. Horticulture is picking up well. She noted the letter she received from Staff and Waste Pro. She questioned what the term "in place" meant for the alternative bulk vendor. Where are they going to be picking up? What certain areas are the City Public Works crew assisting? Are they following the Waste Pro schedule?

City Manager Hernandez responded that three Public Works crews are helping in an assigned area by Waste Pro to focus on the collection of horticultural waste. There are also community service workers provided by the LCSO to help out with the horticulture and bulk items. PW is working in the southwest part of the City dealing with yard waste, and Waste Pro is focusing on the southeast, all working towards the center. He questioned declaring a cease fire with residents asking them to hold off for a specific period of time in order to catch up with bulk items and horticultural trash. He stated the memo states from Waste Pro: "City Public Works crews are assisting (as subcontractors)"; in actuality, we are not participating as subcontractors. We are supplementing their efforts, tracking our costs in personnel and equipment. As of 4/26, we are imposing a \$500 charge for each missed pick-up.

Councilmember Tate requested a clarification on how we are being reimbursed or how we are charging them for our services for our Public Works crews.

City Manager Hernandez stated we are tracking the costs, subtracting them from the charge from the next cycle. Each pick-up is considered as one incident. A detailed log is being kept of each property. Detailed records are being kept.

Assistant Public Works Director Ilczyszyn explained the contract allows for us to reduce services with a reduction in cost. City Staff is supplementing Waste Pro's work force for horticultural and bulk pick-ups. We are working with Waste Pro to determine the most behind area which has been identified as the Monday zone which is Cape Coral Parkway south from the river all the way to the west. That is the densest area, most of the old growth area, there are a lot of issues there. He explained the tracking details.

PW Director Clinghan stated tracking was being done by addresses, time, and materials. Reimbursement by Waste Pro is to be determined, either by address or actual cost.

City Manager Hernandez explained that we would be charging them our direct cost for our labor and equipment, then we will be assessing the administrative charge per residence or location, identified on their work sheets.

Assistant Public Works Director Ilczyszyn explained the verification process for work done.

Discussion held regarding payment for costs and administration fees.

Councilmember Nelson inquired about a cost per mile estimate for fuel, and wear and tear.

City Manager Hernandez explained we are using a standard FEMA rate.

Councilmember Nelson stated it would be interesting to see the direct cost that we incur and track it against each residence.

City Manager Hernandez explained entering into a reconciliation process with Waste Pro to review all of these costs.

Councilmember Nelson inquired again about the reimbursement of services to the residents.

City Manager Hernandez explained the services are being provided, it is just late.

Councilmember Nelson stated the issue was still the quality of services and service needs not being met.

Councilmember Welsh expressed his appreciation for all of the efforts being done by City Staff.

Public Works Director Clinghan explained the use of a burn box used for horticulture.

Discussion held regarding the sections of the City most affected by accumulation of yard waste and bulk.

Mayor Gunter commented on the letter from Waste Pro that indicates the City is a subcontractor. That needs to be addressed to make sure Waste Pro understands the position of the City. He explained he would be interested in a bulk pick up service review. He was in favor of a change in policy so that bulk trash is still picked up weekly. Come up with something with identifying bulk trash. He mentioned that during the rainy season there are subcontractors monitoring irrigation fines. He questioned if those people could be utilized to identify the bulk trash locations throughout the City.

City Manager Hernandez will check on that and speak to Director Clinghan if we may be able to utilize existing staffing that are out and about on a daily basis. He will put some thought into it for review of that option.

Mayor Gunter stated the expectation in the community are weekly pickups on a designated day. There are still problems with bulk trash pickups.

Discussion held about satellite sites at Cultural Park and City Hall Parking Lot with a potential for setting up our own Pilot Program. A site in each quadrant could assist with the problem. Staffing issue would need to be addressed to keep control.

Councilmember Welsh questioned if the hurricane debris spot staged on Skyline could collect horticulture there.

Assistant Public Works Director Ilczyszyn stated he would check the agreement with the State to see what type of material could be collected.

Mayor Gunter asked for the map to be displayed and inquired about identifying sites for bulk that has been sitting for a period of time.

Councilmember Tate announced that she would be attending a Property Managers Meeting on Thursday night at the Realtor Building where there will be discussion about huge concerns with the moveouts. She requested a plan for bulk pickups.

City Manager Hernandez spoke about a software program that the City of Orlando uses to aid in the receipt of requests for bulk pickups. He questioned if Council desired to pursue it. He explained that this phone app managed cell phone calls and had the ability to go online and request a bulk pickup. The cost is \$8K.

Councilmember Sheppard commended the pickup efforts in his district. He described their efforts as phenomenal and expressed his appreciation.

Councilmember Nelson inquired about implementing the tracking software.

City Manager Hernandez responded realistically it would take 30 days.

Councilmember Nelson was interested in putting the app as a new system in place. Do we have the Staff and equipment and capability to schedule bulk pickups now?

Director Clinghan responded we only have one grapple truck being used for horticulture.

Councilmember Nelson recommended purchasing this app.

Councilmember Welsh supported the purchase of this app.

Councilmember Hayden expressed concern about how to spread the word.

Mayor Gunter agreed to support the initiative of looking at that app.

City Manager Hernandez stated they will work with the Police and Fire PIO's along with Maureen Buice to put together an Emergency Communications Plan to start informing the public of this change in bulk pickup.

Consensus reached to investigate the \$8K app with a campaign to let Residents know – to be brought back at the next Council meeting.

TIME AND PLACE OF FUTURE MEETINGS

Mayor Gunter mentioned that at the last meeting on April 21st, he announced that Congressman Byron Donalds requested a Town Hall meeting in Council Chambers and wanted participation from Council during that meeting which is scheduled for May 5, 2021. He noted that the City Clerk has informed him that it would be appropriate to call this a Special Meeting. All of Council is invited to attend and participate. ***He asked if Council had an objection to reclassifying that Meeting. No objection received.***

Councilmember Welsh asked anyone who has questions to email him and would forward them to the Congressman. Residents should reach out to all of Council as well as the City Clerk with their questions.

Mayor Gunter stated the public is allowed to attend but would not be able to participate in Citizens Input.

A Special Meeting of the Cape Coral City Council will be held on Wednesday, May 5, 2021 from 3:00 p.m. to 4:00 p.m. in Council Chambers. The purpose of the meeting is to have the opportunity for U.S. Congressman Donalds to appear in front of City Council to present to Council as well as enter into dialogue with City Council members. The event is open to the public. Due to time constraints, there will be no Citizens Input at this Special Meeting. Residents wishing to speak are invited to do so at the May 5th Regular Meeting which is scheduled for 4:30 p.m. in Council Chambers.

A Regular Meeting of the Cape Coral City Council was scheduled for Wednesday, May 5, 2021, at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 5:37 p.m.

Submitted by,



Kimberly Bruns, CMC
City Clerk