

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

May 24, 2023

Council Chambers

12:00 p.m.

Meeting called to order by Mayor Gunter at 12:06 p.m.

PLEDGE OF ALLEGIANCE

Roll Call: Mayor Gunter, Councilmembers Cosden, Cummings, Hayden, Long, Sheppard, Steinke, and Welsh were present.

CITIZENS INPUT TIME

George Starner, current Budget Review Committee (BRC) Member, appeared in opposition to Resolution 133-23 and requested City Council reconsider their discussion to repeal the Budget Review Committee.

Jason Pim, current Waterway Advisory Board (WAB) Member, appeared in opposition to Ordinance 52-23 and did not agree with converting the Board into a stakeholder group.

Pascha Donaldson, current Parks and Recreation Advisory Board Member, appeared in opposition to Ordinance 52-23 and shared the positive benefits of the advisory boards.

Frank Mahoney appeared in favor of volunteering services and BRC as it is composed of subject matter experts and requested reconsideration as it is a valuable group.

Dana Kroger appeared in opposition of Resolution 133-23 and Ordinance 52-23 and requested reconsideration of the Boards especially the Budget Review Committee.

Tom Dawson appeared in opposition of removing the Boards.

Councilmember Sheppard expressed his intentions were to inform the community that Advisory Boards were key in the past but new technology was connecting more and more with the community. Using the tools of the future would include more of the public. We need to change with the times and consider taxpayer cost of using Staff time. City Staff spends valuable time with the Advisory Boards and that time could be spent with the individual Councilmembers.

Councilmember Steinke noted that there are many intelligent experienced members serving on the Boards. He has agreed to meeting with members regularly and looked forward to doing more in the future.

Councilmember Sheppard addressed the members of the Boards and stated that the new process allows them to meet with Councilmembers individually.

BUSINESS

CONSENT AGENDA

Mayor Gunter requested to pull Resolution 133-23 and 134-23 for discussion.

Resolution 133-23 Approve rescinding and repealing Resolution 5-12, as Amended, Which Created the Budget Review Committee; Advanced by City Council

Councilmember Steinke also asked to pull Resolution 133-23 for discussion. He explained how the discussion was introduced as a result of reviewing how the Boards could be improved including term of office, frequency of meetings, and purview content for discussion. He commented:

- Not in favor with removing the identified Boards, particularly the Budget Review Committee, as there is value in having their recommendations
- Change forum where BRC, public, Council, and Departments presented
- BRC included in Budget Review Workshops and discussions
- Purpose of BRC
- Recommend some type of hybrid structure
- Concentrated group to convene during budget session and provide to Council budget related recommendations
- Not in favor with keeping it the same and not in favor of total elimination

Mayor Gunter inquired if the intent is to have a Town Hall forum to give the public the ability to participate, whether in person or from home.

Councilmember Steinke suggested a forum type setting to get the greatest number of people to see all Staff presentations, but the BRC would also be in attendance. He suggested a change in the language in the Resolution regarding responsibilities, meeting requirements, attending the Budget Review Forum, providing comments and developing recommendations to Council, and then “sunset” the needs of that Committee until the next budget cycle.

Councilmember Cummings commented on the inaccurate numbers received in emails which then need to be cleared up by Finance. She agreed with the forum type setting to have Finance present the budget. The Town Hall meetings are needed.

Councilmember Welsh questioned if meetings could be attended by Members of Council. He tended to side with Councilmember Steinke and keeping the BRC just during the budget session and not year-round. He was in favor of repurposing the Board.

Councilmember Hayden commented one responsibility is Council's direct connection with the Committees. He was not in favor of a Town Hall meeting. The Committees, specifically BRC, serve a purpose. There is no better way to communicate than having a direct conversation in a meeting rather than email, social media, or other input. BRC invites Departments for discussion. He suggested moving this item to June 7th as well as the other Ordinance regarding the other Committees. Ordinance 52-33 included the Youth Council change, and he was not comfortable with having to vote with the other Boards included as he might be inclined to vote “no” to some but intended to vote “yes” to Youth Council.

Mayor Gunter commented that one of the most important Council decisions was on the budget. His goal was to get the information out to the public as a whole. All the effort put into the BRC should be put into the City Council as they were elected by the people to make the decisions. The intent is to increase the participation. He agreed with a forum type where 200,000 could provide feedback. He read into the record parts of the Ordinance where it refers to Resolution 5-12. He would be willing to give a second to any other Member of Council to come up with a different type of structure.

Councilmember Long moved, seconded by Councilmember Cummings, to approve Resolution 133-23, as presented.

Councilmember Long agreed with Mayor Gunter's recap if we are going to recreate a Board. He noted the purpose of the COW played its role.

Councilmember Steinke was not in favor of the motion as Resolution 133-23 did not include any language about future BRC creation.

Councilmember Hayden did not understand why this was put on the agenda for the Special Meeting and thought this item would be heard at the June 7th meeting.

Mayor Gunter explained why this item was on the agenda because there was a consensus at a COW meeting to move forward in this fashion.

Councilmember Cummings suggested that the committee could continue, and it could be composed of the Members of Council.

Councilmember Long called the question, seconded by Councilmember Sheppard.

Council polled as follows: Gunter, Hayden, Long, Sheppard, Steinke, Welsh, Cosden, and Cummings voted "aye." Eight "ayes." Motion carried 8-0.

Council polled as follows: Gunter, Long, Sheppard, and Cummings voted "aye." Hayden, Steinke, Welsh, and Cosden voted "nay." Four "ayes." Four "nays." Motion failed. 4-4

Resolution 134-23 A Resolution adopting the Cape Coral Community Development Block Grant Disaster Recovery (CDBG-DR) Projects and Programs Plan; authorizing and directing the City Manager to prepare and submit the Cape Coral CDBG-DR Projects and programs plan to Lee County; authorizing the City Manager or his designee to accept and execute the grant agreement for the CDBG Disaster Recovery program when received from Lee County; authorizing the City Manager or his designee to accept and execute grant agreements with subrecipients; authorizing the City Manager to amend the plan, as needed, and such amendment(s) shall comply with the rules and regulations of the CDBG-DR Program; (Applicant: Advanced by City Management)

Fire Chief Lamb explained what this Resolution would accomplish.

Sherlie Valentin, Hagerty Consultant, presented the following slides:

- Cape Coral Community Development Block Grant Disaster Recovery (CDBG-DR) Programs and Projects Plan
- Section 1: Key Concepts for Using CDBG-DR
- Activity Fundability
- National Objective
- Low and Moderate-Income (LMI) Map of Lee County
- Disaster Connection
- Section 2: Estimated Timeline
- Lee County CDBG-DR Action Plan to Implementation

Fire Chief Lamb presented the following slides:

- Section 3: Project Prioritization
- Ranking Criteria

Ms. Valentin continued with the following slides:

- Housing Programs
- Other Unmet Needs Housing Programs and Projects
- Infrastructure Public Facilities and Improvements
- Project Planning and Public Services
- Economic Development and Revitalization
- Mitigation
- Section 4: Total Unmet Need
- \$4,111,827,447.23
- Section 5: Next Steps
- Next Steps
 - Submit the Cape Coral Community Development Block Grant Disaster Recovery (CDBG-DR) Programs and Projects Plan to Lee County
 - Submit all projects to the Resilient Lee Recovery Task Force
 - For Lee County to have a larger understanding of the needs of the community so that they can be articulated to HUD
 - Projects will be evaluated to assess eligibility under other funding streams
 - Not all projects will be funded by CDBG-DR due to eligibility requirements and limitation of funding (as needs will exceed the funding available)

Fire Chief Lamb noted that not all projects we reviewed made the rank lists. He asked if Council was agreeable with the rankings.

Councilmember Hayden questioned who would be picking the programs to be funded.

Fire Chief Lamb explained it would go through Lee County, but different dollars were assigned to different pots of money. Ranking the lists would point out our priorities. Additional grant funding would continue to be sought.

Ms. Valentin explained:

- Depends on how the County implements or approach they take
- City may be able to manage the housing programs
- Infrastructure portion could be done through a competitive process
- County could establish a criterion that may impact the City's project prioritization

Councilmember Hayden questioned the City's ability of prioritization. Did ranking play a more important role?

Fire Chief Lamb noted whatever is #1 on this list would be the first project we would like to see completed.

Interim City Manager Ilczyszyn noted the estimated need is shown, but also the prioritization of how we would respond.

Councilmember Hayden inquired if the money would be received by January 2024.

Fire Chief Lamb and Ms. Valentin responded that this was a reimbursement grant.

Councilmember Steinke questioned the details of the reimbursement program, the City needs to invest the money first and then seek dollars granted to that section.

Ms. Valentin responded in the affirmative. The County is the only entity to advocate funding. HUD was not willing to reallocate any housing funding until it is confirmed that every unmet need was met.

Fire Chief Lamb noted the Resolution presented today allows the City Manager to be able to make some changes.

Planning Manager Yearsley explained that when the action plan is submitted, there is always an opportunity for substantial amendment.

Ms. Valentin added that this Program may last 5-10 years.

Mayor Gunter commented on the competition for dollars and recognized the collective effort.

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve Resolution 134-23, as presented.

Council polled as follows: Gunter, Hayden, Long, Sheppard, Steinke, Welsh, and Cosden, and Cummings voted "aye." Eight "ayes." Motion carried 8-0.

ORDINANCES/RESOLUTIONS - INTRODUCTIONS

Ordinance 52-23 Set Public Hearing for June 7, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the Code Of Ordinances, Chapter 2, "Administration," Article V, "Boards And Commissions," to Repeal And Delete Division 8, "Golf Course Advisory Board," Division 13, "Nuisance Abatement Board," Division 14, "Waterway Advisory Board," Division 15, "Parks And Recreation Advisory Board," And Division 16, "Cape

Competes Advisory Board”; amends Chapter 2, “Administration,” Article V, “Boards And Commissions,” Division I. “Generally,” Article IX, “Naming Of City Assets,” Chapter 19, “Water And Sewer Utilities,” Article VI, “Utility Franchises,” And Chapter 20, “Water Wells,” to delete references to boards that have been repealed; and amends Chapter 2, “Administration,” Article V, “Boards And Commissions,” Division 12, “Youth Council” to change the board from an advisory board to a fact-finding board. (Applicant: Advanced by City Council)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for June 7, 2023, in Council Chambers.

Deputy City Attorney Bartos requested to schedule a Special Meeting. As you know, the City is a party to a lawsuit entitled Waste Pro of Florida, Inc. vs City of Cape Coral, Case No. 23-CA-000034. Accordingly, pursuant to Section 286.011(8), Fla. Stat., he requested that the City Council convene in a closed attorney-client session to discuss settlement negotiations and litigation expenditures. The session will be scheduled for Wednesday, May 31, 2023, at 1:00 p.m., if Council so approves.

Councilmember Hayden moved, seconded by Councilmember Cummings, to approve (adding a Special Meeting dated May 31, 2023, at 1:00 p.m. Attorney Client Session in the case of Waste Pro of Florida, Inc. vs. City of Cape Coral, Case No. 23-CA-000034).

Council polled as follows: Gunter, Hayden, Long, Sheppard, Steinke, Welsh, Cosden, and Cummings voted “aye.” Eight “ayes.” Motion carried 8-0.

Mayor Gunter noted that the FLC Board of Directors has requested that a recommendation for an Alternate for the Board of Directors as he was a candidate running for the Second Vice President.

Councilmember Steinke volunteered for that position.

Councilmember Cummings expressed interest in that position as well.

Council polled as follows:

Cosden – Steinke, Steinke – Steinke, Sheppard – Cummings, Gunter – Steinke, Hayden – Steinke, Welsh – Steinke, Cummings – Cummings, Long – Steinke

Councilmember Welsh moved, seconded by Councilmember Cosden, to approve the recommendation of Councilmember Steinke as Alternate for the FLC Board of Directors Voting Member (in the event Mayor Gunter is placed as the 2nd Vice Chair).

Council polled as follows: Gunter, Hayden, Long, Sheppard, Steinke, Welsh, Cosden, and Cummings voted “aye.” Eight “ayes.” Motion carried 8-0.

Interim City Manager Ilczyszyn announced adding the Yacht Club item to the next COW on May 31, 2023. Staff from Development Services and Public Works, as well as a presentation from Hagerty, would be presented to set the record straight as what is being misinterpreted by some members of the community.

Mayor Gunter agreed to add it to the COW meeting.

TIME AND PLACE OF FUTURE MEETINGS

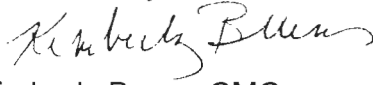
A Committee of the Whole Meeting was scheduled for Wednesday, May 31, 2023, at 9:00 a.m. in Council Chambers.

A Special Meeting of the Cape Coral City Council was scheduled for Wednesday, May 31, 2023, beginning at 1:00 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 1:45 p.m.

Submitted by,

A handwritten signature in cursive script, appearing to read "Kimberly Bruns".

Kimberly Bruns, CMC
City Clerk