

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

November 1, 2023

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Gunter at 4:30 p.m.

INVOCATION/MOMENT OF SILENCE – Councilmember Sheppard

PLEDGE OF ALLEGIANCE – Tribute to Our Veterans; National Anthem Performed by Bailey McArthur of Oasis High School

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

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Gunter asked if there were any changes. There were none.

Councilmember Hayden moved, seconded by Councilmember Cummings, to adopt the agenda, as presented.

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

RECOGNITIONS/ACHIEVEMENTS

Community Recognition Award: Mike Welter and George Basista

City Manager Ilczyszyn recognized Mike Welter and George Basista who won first place in the National Senior Games Association's Pickleball Championship, competing in the 70-74 men's doubles 3.5 skill level division.

APPROVAL OF MINUTES

Regular Meeting - October 18, 2023

Councilmember Hayden moved, seconded by Councilmember Cummings, to approve the minutes for the October 18, 2023, Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.

CITIZENS INPUT TIME

Marie Kavanaugh opposed the proposed termination of the Community Redevelopment Agency. She expressed concerns with the limitations of Citizens involvement by the elimination of the various advisory boards.

George Starner requested information about a traffic signal at the intersection of Pondella Road and Hancock Creek South Boulevard. He received communication from Lee County agreeing that there should be a traffic light at the intersection. He requested an update to install a traffic light.

David Jimenez, IUPAT President Local 2301, appeared in solidarity with the City employees who were present, and expressed frustration as new laborers were being brought in at a STEP 4 and due to employees getting raises on the 14th, instantly went to a STEP 5. There are 933 employees in the bargaining unit. Those laborers and STEPS now pass or are equal to 42% of our bargaining unit staff. Whenever those individuals are promoted, they will be equal to or above some employees who have been here for 5 or 6 years devaluing their job experience. The City is making moves for non-bargaining

who received an extra 3% range adjustment based off the market. Why isn't bargaining being looked at to make the same range adjustment? Insurance for dependents has gone up 3.2%. How do we fix bringing laborers in at such a high rate? Move everyone to their STEP based off years of service. If not, maybe a 3.25% range adjustment or wait until the next contract. The City is losing employees right now due to bringing in laborers in at a 7. UCD alone jumped seven individuals who were here a year or more. He requested that Council look at doing something to fix these ranges. If we wait for the next negotiation range adjustment, we will lose qualified individuals just to bring entry level in.

Sally Flash opposed the proposed Jaycee Park improvements. She reviewed what Council preferred: 3 do not want a bar, 2 do not want a permanent bandstand, 1 wants fewer food trucks, 2 want dawn to dusk hours, 5 want bigger pavilions, 1 does not want to commercialize the park, 1 wants no private businesses in public parks, and 1 voted against pursuing park changes at all. She requested that Council not change the park.

John Silver opposed the proposed Jaycee Park improvements. He expressed concerns with the traffic congestion on Beach Parkway. He opposed the bandshell and events involving liquor. He noted that welcomed improvements include more shelters and upgrading the bathroom and the walkways. Do not add any food service or boat slips and docks.

Kathleen Lopez opposed the proposed Jaycee Park improvements and requested to vote "no" on Resolution 313-23. She questioned if Council's intention was to have all the nearby residents move. She expressed concerns with the limited greenspace.

Steven Pasquale opposed the proposed Jaycee Park improvements. He questioned spending money on graphics and renderings. He suggested waiting ten years and take care of the other parks first. CCPD may need additional support for this week's music event. Neighbors only want a quiet and peaceful park. He opposed the removal of the Resident at a prior Council meeting.

Richard Leon, Cape Coral Chamber of Commerce Government Affairs Committee, expressed gratitude for continuous support from the City.

Ken Keehler, Lehigh Acres Resident and City of Cape Coral employee, found out today that on www.chase.com that he follows the 28% mortgage rule where no more than 28% of your gross income should be spent on a mortgage payment. The average home price in the City of Cape Coral is currently \$480,000. At a 30-year fixed rate of 7.75%, the current APR, equates to \$3,193 monthly. He would need to make approximately \$61.00 per hour to afford the median price home in the City of Cape Coral. There are employees since the early 2000's before the financial crisis who made sacrifices and gave a day of furlough, one unpaid day per week, 5% cut in pay, and went for years without an increase in their finances. Bringing in laborers at STEP 5 negates years of honorable service to our City which includes veterans. Freedom is not free neither is labor or Cape Coral. He asked that the City honor our veterans of our armed services who are employed with the City of Cape Coral and our veterans of Cape Coral and bring up the living wage of all so that we can afford to live in the City which we love and where we work.

Richard Jones, Business Manager/Secretary-Treasurer, IUPAT, Florida District Council 78, requested that Council vote "no" on Resolution 313-23 which includes the privatization of our golf course. Less than a year ago, many on Council committed to an investment in that park. He expressed concern about the laborers. 42% of the working people in the City are at STEP 5 or lower. For two years we have informed Council that the starting wages are not where they need to be; we are behind the curve. We appreciated the increase last year. The Study will be the fix all that will tell us where we need to pay our employees, where our wage ranges need to be. We do not need a Study; Management just told us we are 10% below the market. There are many business owners on a diet. How many of you start an employee's wages at more than the employees you have, and those people coming on board have less experience? As business owners, you would find a way to pay a wage that is competitive in the market. We watched you increase the non-bargaining without the Study. We are waiting on documentation through a formal

public records request that supported that increase and that wage adjustment. A good start would be to give us the range adjustment equal to the non-bargaining and then get us the rest of the way to the 10% that Management has already defined as a lot behind in the market.

Francine Grimaldi inquired why touch Jaycee Park and suggested giving the \$12M to the City employees.

Bob Metcalf noted that he has lived in the City of Cape Coral for about 49 years and is also working for the City, as well as being a veteran. He has a hard time living here. He opined that Council has not been listening to their employees. The morale is very low. He noted he would be retiring soon. A lot of the employees cannot afford to pay rent in the City because they do not get paid enough. Part-time Council with part-time money. Part-time employees work full-time. They got a raise and $\frac{3}{4}$ was taken to pay for insurance; inflation rate is too high. Most do not want to ask for help, but they need it. Some of the employees are in the food lines on Pine Island Road.

Councilmember Cummings agreed with the rate of inflation for services. She understood that they were looking for a 3.25% increase across the board. She also understood that we have lost some employees to Ft. Myers and others. She also recognized that we are short staffed and having a hard time filling these positions. She asked the Mayor if this could be a topic at the next COW meeting to have an open discussion.

Mayor Gunter responded that there is a topic regarding salary compensation on the COW agenda.

Councilmember Cosden inquired about the traffic light at Pondella and Hancock Creek South.

City Manager Ilczyszyn commented that he communicated with Lee County 18 months ago regarding what the City was looking at relating to crash data. The County did confirm that the intersection met signal warrants. Pondella is a County road, NE 25th on the south and Hancock Creek on the north are City roads. The County indicated that they would be willing to put up the signal as long as the City would be willing to pay 100% for the signal. At the time administration did not believe that the City should be paying for 100% of the signal. He has not been involved in any discussion since he took the position as City Manager 7-8 months ago. He would circle back with Public Works to check on the progress and provide a response to Council.

Councilmember Sheppard understood what the City employees were going through and would work diligently on what can be done.

Mayor Gunter thanked the employees for coming out today. There would be discussion on the compensation study at the next COW meeting. He was eager to see the results and as a collective body, Council will have input and provide direction. He requested Staff to get with Mr. Starner on the traffic signal and provide updated information. There is an Introduction tonight, Ordinance 94-23, regarding the CRA Board noting the opportunity to speak about it as well as at the COW meeting next week and the following Regular Meeting when Council will have a discussion and vote on the topic.

BUSINESS

CONSENT AGENDA

City Manager Ilczyszyn explained that Resolution 315-23 should reflect the exact amount of \$65,283.09.

City Attorney Boksner verified that this was the most recent Resolution presented to Council and included in the back up material.

- 1) Resolution 281-23 Approve an increase to Contract PPW2168AP with Genuine Parts Company d/b/a Napa Auto Parts from \$1,800,000 to \$2,500,000; Utilizing Sourcewell Cooperative Purchasing Solutions Contract #110520-GPC for Fleet and Facility Related Vendor Managed Inventory and Logistics Management Solutions for purchase of vehicle and equipment repair parts; and authorize the City Manager or designee to execute any purchase orders or future renewals; Department: Public Works/Fleet Division; Estimated Annual Dollar Amount: \$2,500,000 (increase of \$700,000 from \$1,800,000); Fleet Maintenance Fund – Internal Service Funds
- 2) Resolution 300-23 Approve Contract #PPD23144MR with Contract Furniture, a reseller for Trendway Corporation, utilizing the State of Florida Contract 56120000-19-ACS for the purchase of workstations for Cape Coral Police Department in the amount of \$288,356.46; and authorize the City Manager or Designee to execute the contract and purchase orders; Department: Police; Estimated Dollar Value \$288,356.46; (General Fund)
- 3) Resolution 301-23 Award bid #BUT23111GL, for purchase and delivery of reverse osmosis (RO) membranes for the North RO Water Treatment Plant to Koch Separation Solutions, Inc., for the unit price stated in the bid, for an estimated annual dollar value of \$878,296; and authorize the City Manager or designee to execute the purchase orders; Department: Utilities; Estimated annual Dollar Value: \$878,296; (Water & Sewer Fund).
- 4) Resolution 303-23 Approve Agreement #CON-RPW2305AP with Kisinger Campo & Associates Corp. to provide Professional Design Services for Sun Trail Phase 3, along Kismet Parkway from Del Prado Boulevard to NE 24th Avenue (approximately 1 mile), for a not-to-exceed amount of \$557,857.25; and authorize the City Manager or designee to execute the agreement and purchase orders; Department: Public Works; Dollar Value \$557,857.25; (Capital Project Fund-Transportation)
- 5) Resolution 310-23 Acceptance of West Coast Inland Navigation District (WCIND) Subgrant from Lee County Natural Resources to fund the marine unit personnel to conduct education and enforcement on the water; Department: Police; Award Value: \$280,000; No match required
- 6) Resolution 311-23 Approve Grant Agreement between the State of Florida Division of Emergency Management and the City of Cape Coral for the maximum reimbursement amount of \$9,000,000 for an addition to the City of Cape Coral's Emergency Operations Center (EOC); Department: Fire; Grant Value - Maximum Reimbursement: \$9,000,000; (General Fund)
- 7) Resolution 312-23 Approve the first extension to the Interlocal Agreement Between The City of Cape Coral and Lee County to provide services to the Burnt Store Area Fire Service Municipal Service Taxing Unit; Department: Fire; Estimated Dollar Value: \$1,195,267; (General Fund)
- 8) Resolution 313-23 Approve direction given by City Council to City Staff for items presented at the September 27, 2023 and October 11, 2023 Committee of the Whole; Department: City Clerk; Dollar Value: N/A; (Fund: N/A)
- 9) Resolution 315-23 Approve Locally Funded Agreement between the City of Cape Coral and Florida Department of Transportation for road construction on State Road 78 from Chiquita Boulevard to Santa Barbara Boulevard; authorize the payment in the amount of \$68,284 **\$65,283.09** to the FDOT; and authorizing the Mayor to execute the agreement and any related documents; Department: Public Works; Dollar Value: \$68,284 **\$65,283.09** (Site Plan Permit Fees)

Mayor Gunter asked if anyone had any items to pull. There were none.

Councilmember Welsh moved, seconded by Councilmember Hayden, to approve 9(A)(1), 9(A)(2), 9(A)(3), 9(A)(4), 9(A)(5), 9(A)(6), 9(A)(7), 9(A)(8), and 9(A)(9), as presented.

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

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Municipal General Employees' Pension Trust Board of Trustees –
1 Vacancy for Council Appointment

City Clerk Brunns announced there was one vacancy and one applicant.

Applicant

Brian M. Fenske (seeking reappointment) – present

Councilmember Hayden moved, seconded by Councilmember Steinke, to re-appoint Brian M. Fenske to the Municipal General Employees’ Pension Trust Board of Trustees (term expires 10/31/2027).

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

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

None

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

None

ORDINANCES/RESOLUTIONS

Public Hearings - Quasi-Judicial Hearings

Resolution 284-23 (VP 21-0016*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Will Be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of the SE 2nd Street right of way located adjacent to Lots 1 and 2, Block 1339, and Lot 32, Block 1338, Cape Coral Unit 18; providing for the vacation of plat for platted easements lying in Lots 1 and 2, Block 1339, Cape Coral Unit 18; providing for the vacation of plat for platted easements lying in Lot 32, Block 1338, Cape Coral Unit 18; property located at 1933 SE 2nd Street and 204 SE 20th Place.

Applicant: Nelson Pinney

Acreage: 10,874 square feet

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval

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

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so. There were none.

Senior Planner Heller explained the following displayed slides:

- VP21-0016
- Applicant, Owners, Location, Requests
- Background
- ROW to be vacated
- Aerial view
- Analysis: Section 3.4.5.B
- Recommendation: Staff and HEX recommended approval with conditions

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve Resolution 284-23, as presented.

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

Ordinance 85-23 (RZN23-000003*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Will Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as all of Block 2072, Unit 31, Cape Coral Subdivision, from Residential Multi-Family Low (RML) to Residential Multi-Family Medium (RMM) zone; property is located at 1322 NE 12th Avenue.

Applicant: DUPLEXES RESORT PARK LLC

Acreage: 24.67 acres

City Planning Staff Recommendation: Denial

Hearing Examiner Recommendation: Approval

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

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so. There were none.

Senior Planner White explained the following displayed slides:

- Ordinance 85-23 RZN23-000003
- Applicant, Property Owner, Address, Location, Size, Urban Services, Amendment Request
- Background Information
- Official Site Aerial Map, Future Land Use Map
- Current Zoning Map, Proposed Zoning Map
- Analysis – Land Development Code 3.4.6.B. (three slides)
- Analysis – City Impact: Fire and Police
- Recommendation: Staff recommended denial, HEX recommended approval
- Correspondence: Following HEX an additional two emails and one written mailing were sent in opposition to this case. During HEX, five speakers were opposed and a petition of opposition with 57 signatures was provided. Five emails and one call were made in opposition prior to HEX.

Public Hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, represented the applicant, Duplexes Resort Park LLC. These are Israeli investors working with a local contractor with the idea of building a park of duplexes on 24 acres under the existing RML. He explained the RMM zoning to them. Duplexes provide a viable option for affordable housing in the City, but it does not provide the density or the revenue stream to support a well-managed multi-family development. He provided history of the lot, an attractive piece of property of 24 acres. It is presently in a transitional area and should have service by the end of 2025. The request was to increase from 16 to 25 units/acre to increase the density and to provide the revenue stream for ongoing maintenance, for more amenities, and provide a better development in the area. He explained that Staff's initial recommendation for this site was RMM. He requested that the Ordinance be approved.

Jean Hayden Phillips explained why she opposed this Ordinance. She mentioned she lives on NE 13th Street across the street from the topic parcel. She explained the property was currently being used as a staging area for the Water and Sewer Project. She noted there were only a few burrowing owls left. She wanted to see some renderings. She understood the housing need; no need for duplexes; two-story townhouses were okay. NE 9th Street will be affected by traffic. No sidewalks, no streetlights, 32-minute walk to Linear Park, roads full of potholes. Will the City maintain roads with the added traffic? Most of the streets would be residential streets; lots of speeding. She did not want to be surrounded by three or more story buildings and walls; amenities were not a benefit to her and did not see how it would increase her property value.

Ingrid explained why she opposed this Ordinance. She also lives on NE 13th Street. She expressed concerns with the zig-zag traffic.

Jeff Hendley explained why he opposed this Ordinance. He lives on NE 12th Avenue across the street from the proposed development. He expressed concerns with traffic. This development would not fit in that plat in that neighborhood. This should not be acceptable in a residential neighborhood.

Public Hearing closed.

Councilmember Cosden moved, seconded by Councilmember Welsh, to deny Ordinance 85-23, as presented.

City Attorney Boksner clarified that the motion to deny was based upon the information contained in the Staff Report and as articulated by the individuals who have spoken today.

Councilmember Welsh inquired about the existing RML zoning and instead of duplexes, could the developer put two-story townhomes in that district.

Planner White responded in the affirmative. He added they could also build a multi-family project up to 16 units/acre.

Councilmember Welsh explained the City was lacking smart multi-family. This was an already assembled large parcel with one owner. He opined best use would be for a larger project like a townhome.

Councilmember Steinke inquired if the current RML zoning could be built up to 50 feet.

Planner White responded in the affirmative.

Discussion held regarding:

- 16 units/acre to 25 units/acre, only a certain amount could be buildings
- If denied, freeze percentage at 16 units/acre
- If approved, would be upgraded to 25 units/acre
- Must meet the Cape Coral Land Development Code
- Potential of what could be built currently a 50-foot structure but could be a 60-foot structure

- Staff did not have knowledge of the potential development

Councilmember Cosden explained that she agreed with Staff's recommendations. It did not fit in this area, did not make sense, it will not work traffic-wise. She supported multi-family but not in this location.

Mayor Gunter preferred multi-family there. His concern was the restrictive access.

Council polled as follows: Steinke, Welsh, Cosden, Cummings, Gunter, Hayden, and Long voted "aye." Sheppard voted "nay." Seven "ayes." One "nay." Motion to deny carried 7-1.

Councilmember Sheppard left the dais at 6:07 p.m. and returned at 6:10 p.m.

Public Hearings - Legislative Hearings (Note: Input received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)

Ordinance 79-23 (FLUM22-000030) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Future Land Use Map from Pine Island Road District (PIRD) to Single Family Residential (SF) land use for property described as Lots 46 & 47, Block 3623, Cape Coral Unit 49; property located at 1011 SW 4th Terrace.

Applicant: Synergy Homes, LLC

Acreage: 10,624 square feet

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Denial

City Clerk Bruns read the title of the Ordinance.

Principal Planner Boyko explained the following displayed slides:

- Ordinance 79-23/FLUM22-000030
- Applicants, Location, Size, Urban Service, Request
- 2023 Site Aerial
- Existing FLU, Proposed FLU
- Findings of Fact
- Analysis
- Recommendation: Staff recommended approval, P&Z recommended denial 6-1

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Steinke moved, seconded by Councilmember Hayden, to adopt Ordinance 79-23, as presented.

Councilmember Cosden inquired if this was spot zoning.

Planner Boyko explained that Staff did not find it met spot zoning criteria since there is existing single family residential classification abutting to this property.

Councilmember Cosden asked if the other parcels on the block be considered for consistency.

Planner Boyko explained if this were approved, Staff has heard from residents to the east and west of this property and would support a change to that as well. End cap properties are not viable commercially.

Councilmember Welsh inquired about potential zoning to multi-family as more transitional from commercial to single family.

Planner Boyko explained that this property would not allow for multi-family zoning with the single-family residential land use.

Mayor Gunter explained most of the neighborhood did not have much depth and would be difficult to get commercial. He believed that whole side of that particular street should be single-family. Complexity of Senate Bill 250 did not allow it.

Councilmember Welsh inquired about mixed use development in the Pine Island District.

Planner Boyko explained it was allowed.

Councilmember Welsh was interested in Planning Staff looking at what could be vertical in some of these transition areas to allow commercial on the bottom and some sort of mixed use on the top. He suggested further discussion at a future COW.

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

Ordinance 80-23 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 5, "Development Standards," Chapter 2, "Accessory Structures," by amending Section 5.2.1., "General Requirements," regarding marine improvements and boat canopies; and Article 5, "Development Standards," Chapter 4, "Marine Improvements," by amending Section 5.4.1., "Purpose and Intent," regarding the construction of marine improvements and boat canopies. (Brought forward by City Management)
City Planning Staff Recommendation: Approval
Planning and Zoning Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

Planning Team Coordinator Struve explained the following displayed slides:

- Ordinance 80-23: Proposed Changes to Marine Improvements
- Overview
- Summary of Proposed Changes
- Recommendations: Staff recommended approval, P&Z recommended approval
- Correspondence: None

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Cummings moved, seconded by Councilmember Hayden, to adopt Ordinance 80-23, as presented.

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

Ordinance 87-23 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes the issuance of not to exceed \$15,000,000 in principal amount of Stormwater Utility Revenue Bonds of the City of Cape Coral, Florida to finance costs of the acquisition, construction and equipping of various capital improvements to the City's Stormwater Utility System, pledges the herein described pledged funds to secure the payment of the debt service of the Bonds, and provides for certain rights of the holders of the Bonds. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Financial Services Director Mason explained the following displayed slides:

- Stormwater Revenue Bonds, Series 2023
- Ordinance 87-23 authorizes issuance of not to exceed \$15,000,000
- Recommend Council's approval of Ordinance 87-23

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Steinke moved, seconded by Councilmember Hayden, to adopt Ordinance 87-23, as presented.

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

Resolution 297-23 Public Input

WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution provides for the issuance of not exceeding \$15,000,000 in aggregate principal amount of the City of Cape Coral, Florida Stormwater Utility Revenue Bonds, Series 2023, to finance costs of the acquisition, construction and equipping of various capital improvements to the City's Stormwater Utility System, provides for the issuance of additional Stormwater Utility Revenue Bonds from time to time for the principal purposes of financing and refinancing costs of the acquisition, construction and equipping of various capital improvements to the City's Stormwater Utility System, provides for the rights of the holders of such bonds, provides for the payment thereof from the net revenues of the Stormwater Utility System and certain other moneys, makes certain other covenants and agreements in connection with bonds issued hereunder, authorizes a negotiated sale of the Series 2023 Bonds, delegated certain authority to the City Manager and the Financial Services Director for the authorization, execution and delivery of a Bond Purchase Agreement with respect thereto, and the approval of the terms and details of said Series 2023 Bonds, appoints the Registrar and paying agent for said Series 2023 Bonds and the execution and delivery of a paying agent and Registrar Agreement, authorizes the distribution of a preliminary official statement and the execution and delivery of an official statement with respect to the Series 2023 Bonds, establishes a book-entry system of registration for the Series 2023 Bonds, authorizes the execution and delivery of a continuing disclosure certificate, delegating certain authority to the City Manager and the Financial Services Director to determine whether to utilize municipal bond issuance for the bonds, the reserve account requirement, if any, and certain other matters. (Brought forward by City Management)

City Clerk Bruns read the title of the Resolution.

Councilmember Welsh left the dais at 6:26 p.m.

Financial Services Director Mason explained the following displayed slides:

- Stormwater Revenue Bonds, Series 2023
- Resolution 297-23
- Estimated Debt Amortization Schedule, Bond Debt Service
- Preliminary Timing
- Recommend Council's approval of Resolution 297-23

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Cummings moved, seconded by Councilmember Sheppard, to approve Resolution 297-23, as presented.

Council polled as follows: Sheppard, Steinke, Cosden, Cummings, Gunter, Hayden, and Long voted "aye." Seven "ayes." Motion carried 7-0.

Introductions

Resolution 285-23 (VAC23-000007*) Set Public Hearing for November 15, 2023

*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 the Barbizon Canal Right-of-Way and underlying easements located adjacent to Lots 12 and 13, Block 196, Cape Coral Unit 3; providing for the Vacation of Plat for platted easements associated with Lots 12 and 13, Block 196, Cape Coral Unit 3; property located at 118 SW 58th Street.

Applicant: Kurtis R. Krueger

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval with conditions

City Clerk Bruns read the title of the Resolution.

Councilmember Welsh returned to the dais at 6:29 p.m.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Resolution 286-23 (VAC23-000015*) Set Public Hearing for November 15, 2023

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the Vacation of Plat for platted easements lying in Lots 55 and 56, Block 1999, Cape Coral Unit 28; property located at 1420 Santa Barbara Boulevard.

Applicant: Hemaprasad Kasireddy, Manager, Praraz Builders LLC

City Planning Staff Recommendations: Approval with conditions

Hearing Examiner Recommendation: Approval with conditions

City Clerk Bruns read the title of the Resolution.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Ordinance 86-23 Set Public Hearing for November 15, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending City of Cape Coral, Florida, Ordinance 61-23, which amended Ordinance 32-23, which amended Ordinance 4-23, which amended Ordinance 81-22, which adopted the City of Cape Coral operating budget, revenues and expenditures, and capital budget for Fiscal Year 2023, by increasing the total revenues and expenditures by a total of \$48,013,612; providing for severability; and an effective date. (Brought forward by City Management.)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Ordinance 89-23 (RZN23-000009*) Set Public Hearing for November 15, 2023

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 12 through 16, Block 3100, Unit 62, Cape Coral Subdivision, from Commercial (C) to Residential Multi-Family Low (RML) zone; property is located at 1917 SW Santa Barbara Place.

Applicant: Cape Life LLC

Acreage: 0.57 acres

City Planning Staff Recommendation- Approval

Hearing Examiner Recommendation- Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Ordinance 90-23 (RZN23-000010*) Set Public Hearing for November 15, 2023

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 1 through 30, Block 2378, Cape Coral Unit 35, from Single Family Residential (R1) to Commercial Corridor (CC) zone; property is located at 550 through 716 NE 4th Terrace. Applicants: Big Marlin Properties LLC, Maritime Properties, Inc., Tanya Tarantino, and HJLK LLC

Acreage: 3.64 acres

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Ordinance 91-23 (RZN23-000006*) Set Public Hearing for November 15, 2023

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida Official Zoning District Map of all Property within the limits of the City of Cape Coral by rezoning property lying in Section 29, Township 43, Range 23 East, Lee County, Florida, from Single Family Residential (R1) to Residential Estate (RE) Zone; property is located AT 3130 Freedom Acres E and 3018 and 3040 Freedom Acres W.

Applicant: City of Cape Coral

Acreage: 12.37 acres

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Ordinance 92-23 Set Public Hearing for November 15, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes the issuance of not to exceed \$4,600,000 in principal amount of a Water and Sewer Refunding Revenue Bond of the City of Cape Coral, Florida to refund the City's outstanding Water and Sewer Revenue Bond, Series 2020. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

Ordinance 94-23 Set Public Hearing for November 15, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance amending Chapter 27, Community Redevelopment, Section 27-1, Community Redevelopment Agency, of the City of Cape Coral, Florida Code of Ordinances, to dissolve the appointed Board of Commissioners of the City of Cape Coral Community Redevelopment Agency, and provide the Mayor and City Council Members to act as the Board of Commissioners of the City of Cape Coral Community Redevelopment Agency. (Brought forward by City Council)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for November 15, 2023, in Council Chambers.

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Welsh – Topics: No report

Councilmember Cosden – Topics: No report

Councilmember Cummings – Topics: Attended the 2023 Trunk or Treat and inquired about the final number of total attendees. She thanked the City for accomplishing the parking spaces in honor of our Veterans.

Councilmember Hayden – Topics: Congratulated the Oasis Charter High School Girls Bowling Team who was competing in the State Tournament today and tomorrow. He suggested a potential for a Community Recognition.

Councilmember Long – Topics: No report

Councilmember Sheppard – Topics: Thanked City Staff, Charter School, and many organizations in the City who participated in the 2023 Trunk or Treat.

Councilmember Steinke – Topics: On 10/19 attended the Bimini Square Groundbreaking; 10/26-10/28 attended and graduated from the Florida League of Cities Institute for Elected Municipal Officials Part 2; 11/1 attended the dedication for our Veterans parking spaces; thanked Staff for all the work and efforts at these events and also for the sand renourishment at our Yacht Club Beach.

Mayor Gunter noted that Council passed an Ordinance to restructure our Boards and Committees. Language in the Ordinance included that on December 6th Council would be doing the appointments and re-appointments on those particular Boards. He asked Council if they preferred doing those appointments during a Regular Meeting or possibly have a Special Meeting at 2:00 p.m. on that date; the Regular Meeting would follow at 4:30 p.m.

Consensus agreed, without objection, to schedule a Special Meeting at 2:00 p.m. on December 6, 2023, for the appointments and reappointments on the particular boards.

City Attorney Boksner mentioned that based on the turnaround time that Council was considering December 13th.

City Clerk Brunns explained the Ordinance mentions the first meeting in December. She explained the advertising done with ads in the Breeze:

- Audit Committee
- Affordable Housing Advisory Committee
- CDBG
- Planning and Zoning Commission
- Charter School Governing Board placed their ad on the 25th as well in the Breeze as well as on their Charter School's website
- Vacancies are posted on the City's website and social media postings on Facebook, Twitter, and Instagram
- She would be emailing the vacancy link to a list of people who were not appointed the first time around but expressed an interest in volunteering in the future.
- They have also reached out to all of the existing seated positions with a plan if they intend to reapply.

Councilmember Hayden moved, seconded by Councilmember Steinke seconded, to have a Special Meeting on December 6, 2023, at 2:00 p.m. for the Board appointments.

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

Mayor Gunter formally thanked Vince Cautero for his 10 years of service; his last day is Friday. He also thanked City Staff for the 2023 Trunk of Treat event and everyone's efforts. He noted the ACE permit was received last week; thanked City Manager and Staff for their efforts; Yacht Club Beach should be reopening next week.

Mayor Gunter – Topics:

- 10/19: Attended the Groundbreaking Ceremony - Bimini Square Project
- 10/20: Attended the MPO Meeting
- 10/20: Guest Speaker and Presented a Proclamation for the 38th Annual Opening Ceremonies for Oktoberfest & Tapping of the First Keg of Beer
- 10/28: Threw Out the Ceremonial Pitch for the First Annual Guns and Hoses Softball Game, CCPD vs CCFD
- 10/30: Attended the Annual Lee County Legislative Delegation Meeting
- 11/1: Guest Speaker - Veterans Parking Spaces Dedication Ceremony

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner: No report

City Manager Ilczyszyn: Thanked City Staff with the current activities, Trunk or Treat, parking ceremonies, many hours of dedication. He announced upcoming events:

- 11/4/2023 – Bulk and Household Chemical Waste Collection at City Hall Parking Lot from 7:00 a.m. to 11:00 a.m.
- 11/4/2023 – Fire Department Open Houses from 9:00 a.m. to 12:00 p.m., numerous activities at each station
- 11/9/2023 – Media event, Reopening of Yacht Club Beach at 12:30 p.m.
- 11/11/2023 – Veterans Day Parade at 11:00 a.m., Cape Coral Parkway marching west from Cape Coral Street to Chester Street

Councilmember Long explained that in the last legislative session, the State passed House Bill 657 allowing for implementation of speeding cameras in school zones. This would be for safety for school children. He requested a second to work with Staff on this topic to bring to a future COW.

Councilmember Cummings provided the second.


TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole was scheduled for Wednesday, November 8, 2023, at 9:00 a.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:50 p.m.

Submitted by,



Kimberly Bruns, CMC
City Clerk