

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

November 15, 2023

Council Chambers

4:30 p.m.

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

INVOCATION/MOMENT OF SILENCE – Councilmember Steinke

PLEDGE OF ALLEGIANCE – Councilmember Steinke

Roll Call: Mayor Gunter, Councilmembers Cosden, Hayden, Long, Sheppard, Steinke, and Welsh were present. Councilmember Cummings was absent at roll call. (Councilmember Cummings arrived at 4:33 p.m.)

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Gunter requested to move all New Business items 9.D.(1) through D.(5) to follow Introductions and to add a new item 9.D.(6). Discussions regarding the charges against Councilmember Cummings.

Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt the agenda, as amended.

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

Councilmember Cummings arrived at 4:33 p.m.

RECOGNITIONS/ACHIEVEMENTS

Community Recognition Award: Maddy Molina

City Manager Ilczyszyn recognized Madison Molina who was named one of the top 11 Women Divers Around the World Cultivating Hope in 2023.

APPROVAL OF MINUTES

Regular Meeting - November 1, 2023

Councilmember Hayden moved, seconded by Councilmember Cummings, to approve the minutes for the November 1, 2023, Regular Meeting, as presented. Voice Poll: All “ayes.” Motion carried.

CITIZENS INPUT TIME

Lou Navarra voiced concerns about the elimination of Advisory Boards; environmental issues; limited Citizens Input for Petitions to Council; presentations on LCEC and Waste Pro; in favor of outsourcing solid waste management; removal of the overhead projection usage by Citizens; change of zoning ordinance for new lock, boat, and seawall; violation of Civil Rights, Freedom of Speech, and the City Charter; intimidation; Ethics Commission. He expressed his opposition to recent Council decisions.

Lorie Morgan voiced support for Councilmember Cummings and noted the right for due process.

BUSINESS

CONSENT AGENDA

- 1) Resolution 302-23 Award Invitation to Bid #BPW23124MM, and corresponding contract, for Pipe Replacement-2500 Block Retunda Parkway to HONC Industries, Inc., in the amount of \$202,550 with a 10% City controlled contingency of \$20,255 for a project total of \$222,805; and authorize the City Manager or Designee to execute the contract and purchase orders; Department: Public Works; Dollar Amount: \$222,805; (Stormwater Fund)
- 2) Resolution 304-23 Approve Contract #PCP24005MM with Benchmark Metals, Inc., for an Aluminum Canopy Structure to be installed at the Oasis North Elementary Charter School utilizing the School District of Lee County Contract #N23744DB in the amount of \$162,058.25 with a City Controlled contingency of \$16,205.83 for a total amount of \$178,264.08; And authorize the City manager or designee to execute the contract, amendments, renewals, and purchase orders; Department: Public Works; Dollar Amount \$178,264.08; (Charter School Capital Maintenance Fund)
- 3) Resolution 306-23 Approve Contract #PPW24006MM with F.H. Paschen, S.N. Nielsen and Associates, LLC., for the services necessary to provide Facility Access Control to the Parks and Recreation Facilities utilizing Sourcewell Contract #FL-R9-GC03-111821-FHP in the amount of \$147,609 with a City Controlled contingency of \$12,391 for a total amount of \$160,000; and authorize the City manager or designee to execute the contract, purchase orders and change orders; Department: Public Works; Dollar Amount \$160,000; (General Fund)
- 4) Resolution 307-23 Approve Contract #PPW24007MM with Centennial Contractors Enterprises, Inc., for the services necessary to provide Replacement of Pavilion Shade Structures at Four Freedoms Park utilizing Sourcewell Contract #FL-R9-GC03-111821-CCE in the amount of \$110,461.34 with a City Controlled contingency of \$9,538.66 for a total amount of \$120,000; And authorize the City manager or designee to execute the contract, renewals, and purchase orders; Department: Public Works; Dollar Amount \$120,000; (General Fund)
- 5) Resolution 308-23 Approve Contract #PPW24008MM with Centennial Contractors Enterprises, Inc., for the services necessary for the completion of the Northwest Softball Complex Improvements project utilizing Sourcewell Contract #FL-R9-GC03-111821-CCE in the amount of \$586,360.16 with a City Controlled contingency of \$63,639.84 for a total amount of \$650,000; And authorize the City manager or designee to execute the contract, renewals, and purchase orders; Department: Public Works; Dollar Amount \$650,000; (General Fund)
- 6) Resolution 309-23 Approve Contract #PW24009MM with Pavement Technology, Inc., for the application of Reclamite to selected City local roads utilizing the City of Punta Gorda Contract #F2020107/SVC-ASPHREJ/2021 at a price of \$1.18 per square yard for a total annual estimated amount of \$300,000; And authorize the City manager or designee to execute the contract, renewals, and purchase orders; Department: Public Works; Dollar Amount \$300,000; (Transportation)
- 7) Resolution 314-23 Award Invitation to Bid #BPW23110AS, and corresponding contract, for Flood Prevention-Invasive Tree Removal and Swale Restoration to JRL Underground Utilities, Inc., in the amount of \$536,037.60 with a 10% City controlled contingency of \$53,603.76 for a project total of \$589,641.36; and authorize the City Manager or Designee to execute the contract and purchase orders; Department: Public Works; Dollar Amount: \$589,641.60; (Stormwater Capital Project Fund)

- 8) Resolution 316-23 Approve funding totaling \$373,719 for expenses related to traffic signal repairs completed by Lee County BOCC, as required by the Interlocal Agreement approved by Council via resolution 113-17, to allow the payment of invoices for Hurricane Ian repairs; authorize the use of reserves; and authorize the City Manager or designee to execute the contract, purchase orders and change orders. Department: Public Works; Dollar Value: \$373,319; (General Fund Reserve)
- 9) Resolution 317-23 Approve Contract #PPW24010MM with Centennial Contractors Enterprises, Inc., for the services necessary for the completion of the Electrical Dock Pedestal Replacements project at Rosen Park utilizing Sourcewell Contract #FL-R9-GC03-111821-CCE in the amount of \$110,369.08 with a City Controlled contingency of \$5,518.45 for a total amount of \$115,887.53; Authorize use of reserves; and authorize the City manager or designee to execute the contract, purchase orders and renewals; Department: Public Works; Dollar Amount \$115,887.53; (General Fund)
- 10) Resolution 325-23 Approve Addendum To Commercial Contract for the purchase of 2107–2119 Santa Barbara Boulevard, (Block 930, Lots 1-12 and Lots 100-110 together with that portion of the vacated alley contiguous to Lots 1-11 and Lots 100-110, and the west ½ of the vacated alley contiguous to Lot 12, Cape Coral Unit 26; Strap #25-44-23-C4-00930.0010) for future government office facilities and authorize the City Manager or designee to execute said Addendum. Department: Public Works / Property Management; Dollar Value: N/A (Fund: N/A)

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

Councilmember Hayden moved, seconded by Councilmember Steinke, 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), 9(A)(9), and 9(A)(10), as presented.

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

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

(9.D.(1) through 9.D.(5) moved after Introductions)

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

None

ORDINANCES/RESOLUTIONS

Public Hearings - Quasi-Judicial Hearings

Resolution 285-23 (VAC23-000007*) Public Hearing

*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 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.

Associate Planner Forde explained the following displayed slides:

- Resolution 285-23 Case #VA23-000007
- Applicant, Location, Request
- Site, 2023 Aerial Map
- Official Zoning Map
- Background
- Vacation Request (two slides)
- Criteria in LDC, Section 3.4.5
- Recommendation: Planning Staff and HEX recommended approval with conditions
- Correspondence: Prior to HEX, Staff did not receive any correspondence

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Long, to approve Resolution 285-23, as presented.

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

Resolution 286-23 (VAC23-000015*) Public Hearing

*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 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.

Planning Team Coordinator Struve explained the following displayed slides:

- Resolution 286-23/VAC23-000015
- Owner, Rep, Request, Location

- Site, 2023 Aerial Map
- Official Zoning Map
- Background
- VAC23-000015: Analysis (LDC 3.4.5.B)
- Recommendation: Staff and HEX recommended approval with conditions; no speakers at HEX hearing
- Correspondence: Three informational phone calls

Public Hearing opened.

Veronica Martin, TDM Consulting, agreed with Staff's presentation and recommendation.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cummings, to approve Resolution 286-23, as presented.

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

Ordinance 89-23 (RZN23-000009*) Public Hearing

*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 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.

Planning Team Coordinator Daltry explained the following displayed slides:

- Ordinance 89-23/RZN23-000009
- Background
- Site, Property Location
- Aerial and Current Future Land Use
- Current and Proposed Zoning
- History (two slides)
- Comprehensive Plan/LDC Analysis (four slides)
- Conclusion
- Recommendation: Staff and HEX recommended approval
- Correspondence: None

Public Hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, applicant's representative, agreed with Staff's recommendation and requested that City Council approve Ordinance 89-23.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt Ordinance 89-23, as presented.

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

Ordinance 90-23 (RZN23-000010*) Public Hearing

*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 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:

- RZN23-000010
- Owners, Reps, Location, Request
- 2023 Aerial Map
- Official Zoning Map, Proposed Zoning Map
- Background
- Analysis – LDC, Section 3.4.6
- Recommendation: Staff and HEX recommended approval
- Correspondence: None

Public Hearing opened.

Tom Slaughter, applicant's representative, explained when the City changed the Future Land Use to Pine Island Residential, it created only one zoning category. All these properties had the R1 zoning. Approval would provide a remedy. He represented 9 of the 14 property owners. He requested City Council approve Ordinance 90-23.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Steinke, to adopt Ordinance 90-23, as presented.

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

Ordinance 91-23 (RZN23-000006*) Public Hearing

*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 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.

Associate Planner Santora explained the following displayed slides:

- Ordinance 91-23/RZN23-000006
- Background Information (two slides)
- Official Site Aerial Map
- Current Zoning Map
- Proposed Zoning Map
- Analysis – Land Development Code (three slides)
- Analysis – Comprehensive Plan
- Analysis - City Impact: Fire and Police
- Recommendation: Staff and HEX recommended approval
- Correspondence: Prior to the scheduled meeting, Staff has spoken to the property owner of 3040 Freedom Acres, W. who did not have specific objection to RE district rezoning but stated that he and the other property owners would prefer the A zoning district. Staff received no other correspondence prior to the scheduled meeting.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cosden, to adopt Ordinance 91-23, as presented.

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

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 86-23 Public Hearing

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.

Financial Services Director Mason explained the following displayed slides:

- FY2023 City of Cape Coral Budget Amendment #4
- Purpose of Ordinance
- Summary and Overview (eight slides)

Public Hearing opened.

David Callus inquired about additional expenditures noting the Budget Review Committee was disbanded before the budget was approved and lastly, City Council's budget qualifications.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cummings, to adopt Ordinance 86-23, as presented.

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

Ordinance 92-23 Public Hearing

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.

Financial Services Director Mason explained the following displayed slide:

- City of Cape Coral Water and Sewer Refunding Revenue Bond, Series 2023 A

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt Ordinance 92-23, as presented.

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

Resolution 322-23 Public Input

WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution supplements Resolution No. 98-86, as previously amended and supplemented, which resolution, among other things, authorizes the issuance from time to time of City of Cape Coral, Florida Water and Sewer Revenue bonds; authorizes the issuance by the City of not exceeding \$4,600,000 principal amount of a City of Cape Coral, Florida Water and Sewer Refunding Revenue Bond, Series 2023b in order to refund the City's outstanding water and sewer revenue bond, series 2020; providing certain terms and details of such series 2023b bond, delegates certain authority to the Mayor and other City officials with respect to the series 2023b bond and provides certain other provisions with respect to the series 2023b bond.
(Brought forward by City Management)

City Clerk Bruns read the title of the Resolution.

Financial Services Director Mason explained the following displayed slides:

- City of Cape Coral Water and Sewer Refunding Revenue Bond, Series 2023 A (3 slides)

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Sheppard, to approve Resolution 322-23, as presented.

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

Ordinance 94-23 Public Hearing

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 Brunns read the title of the Ordinance.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Cummings moved, seconded by Councilmember Sheppard, to adopt Ordinance 94-23, as presented.

Councilmember Welsh was against dissolving the CRA Board and supported having Citizens as the Board Members although he did not oppose Council becoming the CRA Board.

Council polled as follows: Steinke, Cummings, Gunter, Long, and Sheppard voted "aye." Welsh, Cosden, and Hayden voted "nay." Five "ayes." Three "nays." Motion carried 5-3.

Introductions

Ordinance 88-23 Set Public Hearing for December 6, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the City Manager to enter into a Permissive Use License Agreement with Lee County Electric Cooperative, Inc. a Florida not for profit corporation, for a portion of property owned by the City of Cape Coral described as the North RO Plan at the North Cape Government Complex, Cape Coral Subdivision Units 42 and 42 Part 1, as described herein, property located at 1200 Kismet Parkway West. (Brought forward by City Management)

City Clerk Brunns read the title of the Ordinance.

The public hearing was scheduled for December 6, 2023, in Council Chambers.

Ordinance 93-23 (TXT23-000001) Set Public Hearing for Transmittal for December 6, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15.1. of the Future Land Use Element by amending the Pine Island Road District (PIRD) Future Land Use Map classification.

Applicant: City of Cape Coral

Planning & Zoning Recommendation: To be added at time of Public Hearing

City Planning Staff Recommendation: Transmittal

City Clerk Brunns read the title of the Ordinance.

The public hearing for transmittal was scheduled for December 6, 2023, in Council Chambers.

Ordinance 97-23 (RZN23-000011*) Set Public Hearing for December 6, 2023

*Quasi-Judicial, All Persons Providing Testimony 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

21-29, Block 1073, Cape Coral Unit 23, from Professional (P) to Residential Multi-Family Low (RML) zone; property is located at 706-718 SE 7th Street. The Future Land Use was amended per Ordinance 09-23 from Commercial/Professional CP to Multi-Family MF on February 22, 2023.

Address: 706-712-718 SE 7TH ST

Applicant: GASPARILLA INVESTMENTS LLC

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 6, 2023, in Council Chambers.

Ordinance 75-23 Set Public Hearing for December 13, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code Article 5, Development Standards, Chapter 5, Landscaping, by amending Section 5.5.13., Landscaping for All Development Other Than Single-Family Detached Dwellings and Duplexes, regarding reductions to the total tree planting requirement; and by creating Section 5.5.19., Tree Funds, regarding the establishment of tree funds. (Brought forward by City Management)

Planning & Zoning Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 13, 2023, in Council Chambers.

Appointment of Mayor Pro Tem

Mayor Gunter explained the role of the Mayor Pro Tem.

Councilmember Hayden nominated Councilmember Steinke for Mayor Pro Tem.

Councilmember Cummings nominated Councilmember Long for Mayor Pro Tem.

Councilmember Welsh nominated himself for Mayor Pro Tem.

Councilmember Sheppard nominated himself for Mayor Pro Tem.

Councilmember Long accepted the nomination for Mayor Pro Tem.

Councilmember Steinke respectfully removed himself as a nominee and spoke in favor of Councilmember Long.

Councilmember Sheppard removed his name from the list.

Majority compiled in favor of Councilmember Long.

Councilmember Welsh moved, seconded by Councilmember Cummings, to appoint Councilmember Long as Mayor Pro Tem.

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

Appointment of Office Manager

Councilmember Cosden recommended keeping the Mayor as the Office Manager.

Councilmembers Hayden and Steinke supported keeping the Mayor as the Office Manager.

Mayor Gunter accepted.

Councilmember Steinke moved, seconded by Councilmember Hayden, that Mayor (Gunter) continue as the Office Manager.

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

Council Memberships and Invoices

Mayor Gunter read into the record the list of the Council Memberships as follows:

- Florida League of Cities (Member – Board of Directors) – \$32,980.00
- Florida League of Mayors – \$1,350.00
- Metropolitan Planning Organization (invoiced in December) – \$18,329.09
- National League of Cities – \$13,178.00
- Southwest Florida League of Cities – \$3,000.00
- U.S. Conference of Mayors – 13,466.00

Councilmember Steinke supported the continuation of all memberships.

Mayor Gunter was in favor of continuing the memberships as stated.

Councilmember Cummings agreed.

Councilmember Hayden moved, seconded by Councilmember Sheppard, to continue with current memberships.

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

Council Liaison and Member Selections

Mayor Gunter explained the process of going through each item individually for any nominations or volunteers ending in a vote for appointment.

City Clerk Brunns explained that there were some positions that would not take place today as they are to be voted on in May 2024.

Mayor Gunter noted that the item would be brought back to City Council in May 2024 and there would be discussion and voting effective in May.

Councilmember Hayden mentioned Youth Council changes out each year in May and suggested keeping the Council Liaison until next May as well.

Affordable Housing Advisory Committee (AHAC)

Mayor Gunter noted currently Councilmember Cummings served on the AHAC.

Councilmember Steinke volunteered to serve as the Council Liaison for AHAC.

Councilmember Hayden moved, seconded by Councilmember Long, to appoint Councilmember Steinke to the Affordable Housing Advisory Committee (AHAC) as Member.

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

Audit Committee

Mayor Gunter noted currently Councilmember Hayden was on the Audit Committee.

Councilmember Hayden would like to continue serving on the Audit Committee.

Councilmember Steinke moved, seconded by Councilmember Cosden, to appoint Councilmember Hayden to the Audit Committee as Member.

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

Charter School Governing Board

Mayor Gunter noted currently Councilmember Long served on the Charter School Governing Board.

Councilmember Long volunteered to continue serving as a Member.

Councilmember Hayden moved, seconded by Councilmember Sheppard, to appoint Councilmember Long to the Charter School Governing Board, as Member.

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

Transportation Advisory Commission (TAC)

Mayor Gunter noted currently there were five members on TAC with one Alternate. The members are Councilmembers Welsh, Sheppard, Hayden, Long, as well as himself. Councilmember Cummings was the Alternate.

Councilmember Cosden was interested in joining the Commission and serving as a Commissioner or Alternate.

Mayor Gunter was interested in continuing as a Commissioner.

Councilmember Cummings was interested in continuing on TAC.

Councilmember Welsh was interested in continuing as a Commissioner or Alternate to allow Councilmember Cosden to take a seat as a Commissioner.

Councilmember Hayden was interested in continuing as a Commissioner.

Councilmember Long was interested in continuing as a Commissioner.

Councilmember Sheppard was interested in continuing as a Commissioner.

Majority compiled in favor of Gunter, Hayden, Long, Sheppard, and Welsh.

Councilmember Cosden moved, seconded by Councilmember Steinke, to appoint Mayor Gunter, Councilmembers Hayden, Long, Sheppard, and Welsh to CTAC as Commissioners.

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

Councilmember Cummings was interested in remaining as the Alternate.

Councilmember Cosden was interested in the Alternate position.

Majority compiled in favor of Cosden.

City Clerk Bruns announced the tally resulted in a majority for Cosden.

Councilmember Hayden moved, seconded by Councilmember Steinke, to appoint Councilmember Cosden to CTAC as the Alternate.

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

Community Development Block Grant (CDBG)

Mayor Gunter noted currently Councilmember Cummings served on the CDBG.

Councilmember Welsh nominated himself.

Councilmember Hayden moved, seconded by Councilmember Long, to appoint Councilmember Welsh to the CDBG as Council Liaison.

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

Planning and Zoning Commission

Mayor Gunter noted currently Councilmember Welsh was the Liaison and Councilmember Long was Alternate.

Councilmember Welsh nominated himself to continue serving as the Council Liaison. He explained that the Alternate position was not needed. Any of the Members of Council could fill in if he was not available.

Mayor Gunter inquired if Councilmember Welsh had missed any of the meetings and if there was an Alternate present.

Councilmember Welsh responded that he missed one meeting due to TAC conflict. The other time he was not present an Alternate was there.

Mayor Gunter explained the importance of having an Alternate Council Liaison on the Planning and Zoning Commission. He was open to discussion of opening the Alternate to all Members of Council.

Councilmember Welsh suggested opening it to all of Council as done with MPO.

Councilmember Steinke was in favor of keeping and designating the Alternate Council Liaison.

Councilmember Long was interested in serving as the Alternate. He agreed with Councilmember Steinke and explained that the Alternate would be the right of first refusal. The proposed method would occur anyways.

Councilmember Sheppard agreed with having the Alternate designee.

Councilmember Hayden moved, seconded by Councilmember Steinke, to appoint Councilmember Welsh to the Planning and Zoning Commission as Liaison and Councilmember Long as the Alternate.

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

**Youth Council
(to appear for vote in May of 2024)**

**Community Redevelopment Agency (CRA)
(Ordinance 94-23 approved)**

Coastal and Heartland National Estuary Partnership Policy Committee (CHNEP)

Mayor Gunter noted currently Councilmember Cosden served on CHNEP.

Councilmember Cosden was interested in remaining on CHNEP.

Councilmember Hayden moved, seconded by Councilmember Long, to appoint Councilmember Cosden to the Coastal and Heartland National Estuary Partnership (CHNEP) as Council Liaison.

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

**Florida League of Cities (voting delegate)
Florida League of Cities - Board of Directors
Florida League of Mayors
SW Florida League of Cities
(to appear for vote in May of 2024)**

Horizon Council

Mayor Gunter noted currently Councilmember Long served as Liaison with Councilmember Cummings as the Alternate.

Councilmember Long expressed that this Board was one that every Councilmember would benefit from participating on a rotation. Great opportunity for connecting with local delegations. He was in favor of another Councilmember to serve on the Horizon Council.

Councilmember Cummings nominated Councilmember Sheppard.

Councilmember Hayden nominated himself.

Mayor Gunter nominated himself.

Councilmember Sheppard declined the nomination.

Councilmember Long moved, seconded by Councilmember Hayden, to appoint Mayor Gunter to the Horizon Council as Member.

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

Councilmember Cosden nominated Councilmember Hayden to serve as an Alternate on the Horizon Council.

Councilmember Cosden moved, seconded by Councilmember Steinke, to appoint Councilmember Hayden to the Horizon Council as the Alternate.

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

**The Continuum of Care Program (CoC)
formerly Lee County Human Services Council**

Mayor Gunter noted currently Councilmember Cosden served on this Board.

Councilmember Cosden nominated herself.

Councilmember Welsh moved, seconded by Councilmember Hayden, to appoint Councilmember Cosden to the Continuum of Care Program (CoC), formerly Lee County Human Services Council.

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

Metropolitan Planning Organization (MPO)

Mayor Gunter noted currently there were five positions on MPO with three Alternates. The current members are Councilmembers Cummings, Sheppard, Hayden, Long, and Mayor Gunter. Alternates are Councilmembers Cosden, Welsh, and Steinke.

Councilmember Welsh was interested in serving as a Member. He explained that Members of CTAC were previously appointed as Members of MPO

The following members were interested in continuing to serve: Mayor Gunter, Councilmembers Hayden, Sheppard, Cummings, and Long.

Mayor Gunter nominated Councilmember Cosden as the Alternate on the MPO.

Councilmember Cosden accepted the nomination.

Majority compiled in favor of Gunter, Hayden, Sheppard, Long, and Welsh.

Councilmember Steinke moved, seconded by Councilmember Cosden, to appoint the five highest vote getters for the Metropolitan Planning Organization: Mayor Gunter, Councilmembers Hayden, Long, Sheppard, and Welsh as the Primary Members.

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

Councilmember Welsh moved, seconded by Councilmember Hayden, to appoint Councilmembers Cosden, Cummings, and Steinke as the Alternates.

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

National League of Cities

Mayor Gunter noted Councilmember Cosden was the Liaison with Councilmember Welsh as the Alternate.

Councilmember Cosden recommended swapping with Councilmember Welsh as the Member and herself as the Alternate.

Councilmember Welsh accepted the nomination.

Councilmember Welsh moved, seconded by Councilmember Hayden, to appoint Councilmember Welsh to the National League of Cities as Member and Councilmember Cosden to the National League of Cities as Alternate.

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

Tourist Development Council TDC Ex-Officio Non-Voting Seat

Mayor Gunter noted Councilmember Steinke currently served.

Councilmember Steinke expressed interest in continuing to serve on the Tourist Development Council.

Councilmember Hayden moved, seconded by Councilmember Sheppard, for Councilmember Steinke to serve on the Tourist Development Council as the TDC Ex-Officio Non-voting Seat.

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

Southwest Florida Regional Resiliency Compact

Mayor Gunter noted Councilmember Cosden currently served.

Councilmember Cosden expressed interest in continuing to serve.

Councilmember Long moved, seconded by Councilmember Hayden, for Councilmember Cosden to serve on the Southwest Florida Regional Resiliency Compact.

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

Transportation Disadvantaged Local Coordinating Board (LBC)

Mayor Gunter noted currently Councilmember Cosden served on this Board.

Councilmember Cosden explained that this position was appointed by the MPO and not City Council.

City Clerk Bruns agreed that this was not on the list before and welcomed any Council input.

Councilmember Long moved, seconded by Councilmember Cosden, for Councilmember Cosden to serve on the Transportation Disadvantaged Local Coordinating Board (LBC), if necessary.

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

Mayor Gunter inquired if Council missed any appointments.

City Clerk Bruns responded that she did not think any were missed; if so, then this would be addressed at the December meeting. She requested that the wording in the motions to nominate be reflected in the meeting minutes as motions to approve throughout.

Consensus agreed, with no objections.

Meeting Calendar

Mayor Gunter noted there were two options uploaded, Option A and Option B. He explained that the CRA meetings would be scheduled at 9:00 a.m. on the following dates and then followed by the Committee of the Whole:

- January 17
- March 13
- May 8
- July 17
- September 11
- November 13

He continued to explain that the other change between the two proposed calendars was the January 31st COW (Option A) that was removed under Option B as the majority of Council would be attending the FLC Conference in Orlando on January 29, 30, and 31.

Councilmember Steinke moved, seconded by Councilmember Long, to approve Option B, 2024 City Council meeting schedule, as presented.

Councilmember Hayden requested one change to July 17th, 24th, and 31st. He is scheduled to be out of the country on July 24th and 31st. He preferred to move those two regular meetings up to July 17th and July 24th and to move the COW to July 31st.

Mayor Gunter was concerned with having the last COW before hiatus on May 22nd and would be a two-month period. He preferred to keep the meetings in the order as presented.

Councilmember Welsh was not opposed to that and suggested moving the CRA meeting on July 17th to start at 2:00 p.m. If unable to make this change, then he preferred schedule as presented.

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

Recessed at 6:28 p.m. and reconvened at 6:39 p.m.

Councilmember Cummings did not return to the dais at 6:39 p.m.

Councilmember Cosden moved, seconded by Councilmember Hayden, to adjourn the meeting.

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

ADDENDUM: Charges against Councilmember Cummings

11. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

COUNCILMEMBER COSDEN—
COUNCILMEMBER CUMMINGS—
COUNCILMEMBER HAYDEN—
COUNCILMEMBER LONG—
COUNCILMEMBER SHEPPARD—
COUNCILMEMBER WELSH—
COUNCILMEMBER STEINKE—
MAYOR GUNTER—

12. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

CITY ATTORNEY—NONE
CITY MANAGER—NONE

13. TIME AND PLACE OF FUTURE MEETINGS

A. A Committee of the Whole is Scheduled for Wednesday, November 29, 2023, at 9:00 a.m. in Council Chambers

Meeting adjourned at 6:39 p.m.

Submitted by,



Kimberly Bruns, CMC
City Clerk

NOTE: ITEMS CONTAINING STRIKE-THROUGHS ARE REPRESENTED AS APPEARING ON THE AGENDA BUT WERE NOT PRESENTED/OPENED AT THE MEETING.