

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

Monday, April 10, 2017

Conference Room 220A

3:00 p.m.

Meeting called to order by Council Office Manager Williams at 3:00 p.m.

Roll Call: Mayor Sawicki, Council Members Burch, Erbrick, and Williams were present. Councilmember Cosden and Leon was excused. Councilmember Stout and Councilmember Carioscia arrived at 3:02 p.m. Councilmember Cosden joined the meeting via telephone at 3:02.

Also present were Council Office Staff Members Gianna Pack, Rebecca Perry, and Pearl Taylor. City Manager Szerlag, Assistant City Manager Ilcyszyn Finance Director Bateman, Business Manager Fernandez, City Attorney Menendez.

Legislative Executive Assistant Taylor inquired if Councilmember Cosden could be included in the Council Office meeting today via phone since it is a non-voting meeting.

Council received a consensus to allow the phone participation. Councilmember Cosden joined the meeting via phone.

Councilmembers Stout and Carioscia arrived at 3:02 p.m.

Council Office Manager Williams announced the addition of Public Input prior to item 4 based on a request from the public.

Councilmember Carioscia requested a copy of the agenda and meeting attachments. Assistant City Clerk Bruns provided the copies.

BUSINESS

Budget YTD Actual Comparison; Office Expenditures

Council Office Manager Williams stated that the first order of business was the budget and requested a year to date comparison to last year's budget at the same point and time.

Director Bateman stated that they are halfway through the year, everybody's benchmark is 50% for the City. The 6 month actual is at 44%, personnel is at 41% and the operating is over at 58%. This is okay because it includes encumbrances, there are things that you are obligated to pre-pay in their entirety at the beginning of the year such as supplies, utilities, and electricity.

Councilmember Burch requested a listing of obligations pre- paid for at the beginning of the year.

Director Bateman discussed reports in packet as to what has been encumber so far for the year. Without encumbrances, (information included in your monthly report), you are at 43% and the benchmark is 50%. Discussed obligated encumbrances for the year, most of it will be for utilities, \$6,300 already obligated for the year for electric, \$465 for already obligated for the year for computer software license and \$1,155 for communication services. They already have the 12 months encumbered. She reviewed last year's numbers to include the Council budget being over last year, there was a budget amendment, the overage was mostly due to increase in salaries and the office renovations. She mentioned that they are on target this year.

Discussion held regarding the overage based on salary increases and renovations.

Discussion held regarding the remodel and its placement in Council's budget.

Director Bateman explained that historically Council has been below budget except for subscriptions and travel in recent years.

Legislative Executive Assistant Taylor distributed a proposal of the FY18 budget documentation and reviewed the budget timeline.

Council Office Manager Williams inquired about line item department requests.

Director Bateman responded that we use that for comparison from requests of last year. FY18 and FY19 contain what you originally requested.

Council Office Manager Williams inquired as to who does the requesting.

Legislative Executive Assistant Taylor replied that she does, she puts it together, shares it with the Mayor, and sends it upstairs to Finance per Council Rules.

Director Bateman discussed the leave buyout was the only issue.

Legislative Executive Assistant Taylor explained that this was never budgeted before, and so they encountered a substantial buyout when Gwynne Hickman retired. She discussed with finance that they had two employees currently in the department that could be eligible, this is the reason for the increase.

Councilmember Stout inquired about books, publications and memberships, why were they so high at \$95K?

Legislative Executive Assistant Taylor explained these are the annual memberships such as Florida League of Cities, Regional Planning Council, and US Conference of Mayors.

Councilmember Carioscia inquired when was the last time we reviewed the publications to determine if we need these?

Legislative Executive Assistant Taylor responded that this was reviewed last November at a Council meeting.

Councilmember Carioscia requested for a copy of the publications.

Councilmember Leon arrived at 3:16p.m

Legislative Executive Assistant Taylor responded that the items are books, publications and memberships. She further explained that the Council recently transferred to a new company for our Code of Ordinance books, and we did purchase new ones that came out of that account string. We do not subscribe to any magazines, but it does include the News Press subscription. She listed the following membership fees: Regional Planning Council, Florida League of Cities, Florida League of Mayors, Metropolitan Planning organization, Horizon Council, US Conference of Mayors, and Chamber of Commerce.

Discussion held regarding the Chamber memberships.

At 3:17, Councilmember Cosden disconnected the speaker phone connection.

Council Rules

Council Office Manager Williams stated the next item that was on the agenda was Council Rules; he was interested in discussing a return to sponsorships of Ordinances.

Discussion held in reference sponsorships of resolutions and ordinances.

City Attorney Menendez explained that prior Council Members had issues with ordinances that were zoning and land use changes that were occurring on private property. These items must come forward to Council in accordance to the Council rules, so that was an area that was problematic in the past. Ordinances brought by staff could be exempted, if Council wishes to return to sponsorships.

Mayor Sawicki was in favor of it remaining how it currently is since a Council Member could have information before the others.

Discussion held regarding the sponsorship of Ordinances appearing on the agenda, the need for items brought forward needing a second, and emails received specific to the sponsor.

Councilmember Carioscia reviewed a case about the Gas Station at Skyline and Cape Coral Pkwy. He was not in favor of the gas station, but it gave the appearance that he was in favor. He was in favor of attaching a name if the member wanted it.

City Manager Szerlag provided a handed out and discussed the past with the dress rehearsal meetings. We no longer do that with non-voting meetings. He reviewed the transparency of all 8 members being at a meeting to discuss an item as a whole. He reviewed a matrix that he passed out.

City Manager Szerlag stated that we've never stopped sponsorships when an item was requested of Council. He gave examples of Ordinances and Resolutions about Extended Bar hours, Youth Council, City Employment topic of Gender. If you want to advance something, please do so.

Councilmember Carioscia questioned the location that these are recognized.

City Manager Szerlag responded if you want it formalized in the body of the ordinance or resolution it can say advanced by or sponsored by.

City Attorney Menendez discussed that when there were sponsors, it was notated. When the Council moved away from sponsorships, no more names were being assigned. If we go back to when one Councilmember brings an item forward, then another Councilmember has to agree, if you want the name to be identified at the top of the ordinance. Everything is now done by resolutions, and you have a choice. The council can do nothing or as a council you may want your rules to reflect, if brought forward by a member, that you would want them identified at the top of the resolution. She told council that they decide how they want to do it. She suggested to move away from being assigned anything based on our district. That has been an issue in the past.

City Manager Szerlag mentioned that about 6 months ago he requested the wording be added to the agenda reference.

City Attorney Menendez stated that could be indicated at the top of the resolution and/or ordinance.

Council Office Manager Williams explained if a Councilmember initiates an ordinance, they should get sponsorship. 90% are staff initiated. If a name was automatically attached based on district, the member may not be in agreement. He discussed two examples Youth Council and Extended Bar hours.

City Manager Szerlag stated that an ordinance/resolution shows as advanced by a Councilmember. There could be an addition at the top of the ordinances and resolutions.

City Attorney Menendez offered to amend the rules however the Council would like. There are items that have to be brought forward and are applicant initiative. These would not need sponsorship. It is not about one member receiving information and others not. The same bulk information is received by all, but a member may pursue getting more information on a particular topic. If Council wants a change, we need to be clear, amend your rules, to reflect what you desire.

Councilmember Stout stated that she did not feel it was necessary to make the change.

Council Office Manager Williams stated to leave it the way it is.

Legislative Executive Assistant Taylor requested looking at meetings held in reference to Council Office Rules for Council Office Meetings; she suggested the inclusion of wording as non-voting meetings, to have determined when and how they can be held.

Discussion was held in reference to the Council Office Rules specific to the addition of Council Office Meeting type.

Council Office Manager Williams mentioned that Council Office Meetings are for housekeeping of rules and processes to gather consensus.

City Attorney Menendez reviewed the process to revise the rules. A resolution will need to be brought forward to amend the Council Agenda Rules to further elaborate on the Council Office Meetings. If you receive a concurrence, we can work with Councilmember Williams to identify the changes and issues. It will be clarified that they are not voting meetings.

Legislative Executive Assistant Taylor referenced Item D, the three suggestions; invocations, inspirational message or moment of silence. She thought no one was using them and to consider removing.

Discussion was held in reference to the Council Office Rules specific to the Invocations, Inspirational Message or Moment of Silence.

Consensus was to leave as is.

Councilmember Burch inquired as to the back-up materials section. He referenced receiving four agendas for this meeting.

Discussion was held in reference to the Council Office Rules specific to the back-up materials deadlines.

Councilmember Erbrick mentioned moving up the timelines in an effort to offer the information to Council and the public in a more timely manner. She requested that a deadline of Monday, one week prior to the meeting be reviewed to allow more time review the materials.

Councilmember Leon left the meeting 3:59 p.m.

Discussion held within reference to the having the Mayor work with the City Clerk, the City Manager, and the City Attorney regarding a new timeline to be implemented after the summer hiatus.

City Attorney Menendez stated Council is not driven by the agenda. If they needed more time to consider and deliberate on the materials presented, an item can be continued to a future meeting.

Discussion continued regarding deadlines and distribution of late back-up.

Discussion was held in regards to creating a strike through when a revision is made, and/or a document changed has a revision date and an explanation. It can be highlighted, be consistent and memorialize the change.

City Attorney Menendez reviewed that Councilmember Williams will bring forward a Resolution to revise the rules regarding the Council Office Meetings, and Mayor Sawicki will work with the City Clerk, City Manager and City Attorney to bring forward a Resolution revising the Council Office Rules specific to changes with the agenda and back-up documentation requirements.

City Manager Szerlag stated he will need to get with staff to review the ramifications. In departments, you can control your calendar, you can have objectives, timeline, when you go to line departments, something can come up that is beyond our control, he would not want to move something two weeks out. Discussed labor contracts. He will let them know the nuances of the advancing of the organization. Many issues are on the agenda that requires an outside party which is out of our control. He will collect intervening variables.

Council discussed the need for additional time to receive the items with a preference for receiving things on the Monday prior to the meeting.

City Attorney Menendez inquired about participation via telephone; this question comes up frequently, and there is a need to know the process.

Councilmember Burch requested to consider to make it easier in the future and requested that topic be taken up after the election.

Food for Back-to-Back Council Meetings/Council Snacks

Legislative Executive Assistant Taylor discussed the snacks for Council. She suggested that Council bring their own fresh fruit if they prefer it to the pre-packaged items are available. She explained the cost comes out of the City Clerk's budget. She inquired if Council would like food when they have back to back meetings and if Council would you like to set up a procedure.

Council agreed to review this on a case by case scenario.

CITIZEN'S INPUT

John Karcher requested Citizen's Input for this meeting. He discussed interpersonal relations; moving the meetings to 6:00 p.m.; and mentioned he was not in favor of the cutback of meetings. Mr. Karcher requested a reduction in the number of items on the agenda and requested meetings more often, with fewer items.

Councilmember Burch requested a list of Mr. Karcher's recommendations, Mr. Karcher responded that he would email that to the Councilmember.

Wendy Blake requested clarification of Council Office Meetings whether or not there will be Citizen's Input.

Council Office Manager Williams stated that at work sessions, like this, they normally don't have citizen's input, but we could at some point.

Mr. Karcher inquired about public meeting requirements as to whether or not that included notice, requires publication, sunshine, and public input.

Discussion held in reference to public input.

City Attorney Menendez suggested that when Council considers the addition of the Council Office Meeting type in their rules, they could consider adding citizen's input with a brief timeframe for public input.

TIME AND PLACE OF NEXT MEETING

A regular meeting of the Cape Coral City Council was scheduled for Monday, April 17, 2017 at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 4:36 p.m.

Submitted by,

A handwritten signature in black ink, appearing to read "Kimberly Bruns".

Kimberly Bruns
Assistant City Clerk