

MINUTES FOR THE REGULAR MEETING OF THE  
CAPE CORAL CITY COUNCIL

May 1, 2017

Council Chambers

4:30 p.m.

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

Moment of Silence – Councilmember Burch

Pledge of Allegiance – Constantine Belis – Oasis Elementary

Roll Call: Mayor Sawicki, Council Members Burch, Carioscia, Cosden, Erbrick, Leon, Stout and Williams were present.

Mayor Sawicki apologized for her conduct at the last meeting on 4/24/2017.

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Sawicki announced changes to agenda to include the addition of item 8F Youth Council appointments right before Citizen's Input, after the Consent Agenda and move 11A up after the Youth Council appointments.

***Councilmember Leon moved, seconded by Councilmember Williams to approve the agenda, as amended.***

Councilmember Erbrick requested the Introduction to Ordinance 19-17 be pulled considering what was going on in Tallahassee regarding House Bill 425 and Senate Bill 118 or 188 as the vacation rental topic may be a mute item in a couple of weeks.

Councilmember Burch advised against it and suggested we take care of our business and let the legislature take care of itself.

Councilmember Leon mentioned he would like it to remain on the agenda until we get to that item.

***Council polled as follows: Burch, Carioscia, Cosden, Leon, Sawicki, Stout, and Williams voted "aye." Erbrick voted "nay." Seven "ayes." One "nay." Motion carried 7-1.***

RECOGNITIONS/ACHIEVEMENTS

None.

APPROVAL OF MINUTES

Regular Meeting – April 3, 2017

***Councilmember Burch moved, seconded by Councilmember Cosden to approve the minutes for the April 3, 2017 regular meeting as presented. Voice Poll: All "ayes." Motion carried.***

BUSINESS

PUBLIC COMMENT - CONSENT AGENDA

John Sullivan appeared to question Consent Agenda Item B(1). He inquired as to the power distribution system having a design flaw versus a problem with construction and wanted to know if the modification was necessary.

CONSENT AGENDA

Councilmember Leon requested items 8(B)(1) and 8(B)(6) be pulled for discussion from the Consent Agenda.

- (1) Resolution 59-17 Award ITB-UT17-01/KR North RO WTP Busway Replacement to Cogburn Brothers, Inc. of Jacksonville, Florida, the lowest responsive responsible bidder, to provide complete construction services, for modifications to the power distribution system at the North RO Water Treatment Plant, in the amount of \$898,500 plus an additional 10% City controlled contingency of \$89,850 for a total value of \$988,350 and authorize the City Manager or designee to execute the contract. Department: Utilities Dollar Value: \$988,350 (Water and Sewer Fund)
- (2) Resolution 63-17 Beyond Tribute Initiative (Advanced by Mayor Sawicki)
- (3) Resolution 64-17 Approve Hold Harmless Agreement between the City of Cape Coral and Gulf Care, Inc., d/b/a Gulf Coast Village; Department: Utilities; Dollar Value: N/A; (Fund: N/A)
- (4) Resolution 65-17 Approval of Purchase Contract for the purchase of Lot 13, Block 6056, Unit 96, Cape Coral Subdivision, 2029 SW 32nd Street, to provide a site for a Motor Operated Valve (MOV) for remote operation of a sewer force main related to providing additional capacity for North 2 UEP and others, for the purchase price of \$28,000 plus proration costs not to exceed \$1,500 and the remaining balance of the utility assessments of approximately \$10,000; Department: Financial Services / Real Estate Division; Dollar Value: \$39,500; (Water and Sewer Fund); Note: Trade offer rejected by Seller.
- (5) Resolution 66-17 Acceptance of Warranty Deed and Permanent Utility and Drainage Easement from LGI Homes-Florida, LLC for a portion of Lot 49, Block 6025, Cape Coral Unit 95 (2001 SW 12th Terrace) for road right of way and completion of the 6.00-foot wide perimeter utility and drainage easement around the site; Department: Financial Services / Real Estate Division; Dollar Value: \$100; (General Fund)
- (6) Resolution 68-17 Ratify the agreement with B.P Limited Liability Company ("B.P") for emergency water supply deliveries from B.P's reservoir (Southwest Aggregates). The memorandum of agreement is for a non-refundable sum of \$140,000, payable to Southwest Aggregates, to complete the necessary up front work required to pump water to the City's fresh water canals. Department: Utilities Dollar value: \$140,000 (Water & Sewer Fund)
- (7) Resolution 71-17 Speed Limit Change Request- S.E. 17th Place to reduce the posted speed limit on S.E. 17th Place from Four Mile Cove Parkway to Veterans Memorial Parkway from 30 mph to 25 mph; Department: Public Works; Dollar Value: N/A; (Fund: N/A)
- (8) Waiver of Conflict of Interest for the Law Firm of Henderson Franklin; Department: City Attorney; Dollar Value: N/A; (Fund: N/A)

***Councilmember Leon moved, seconded by Councilmember Burch to approve items 8(B)(2), 8(B)(3), 8(B)4, 8(B)5, 8(B)7, and 8(B)8 as presented.***

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 59-17 Award ITB-UT17-01/KR North RO WTP Busway Replacement to Cogburn Brothers, Inc. of Jacksonville, Florida, the lowest responsive responsible bidder,

to provide complete construction services, for modifications to the power distribution system at the North RO Water Treatment Plant, in the amount of \$898,500 plus an additional 10% City controlled contingency of \$89,850 for a total value of \$988,350 and authorize the City Manager or designee to execute the contract. Department: Utilities Dollar Value: \$988,350 (Water and Sewer Fund)

Councilmember Leon requested an explanation as to the need for the contract.

Utilities Director Pearson explained that it was on an elevated busway area and got hot, being exposed to the elements. It is critical to get this completed to avoid experiencing a failure. The new plan is to not have the elevated busway exposed to the elements so that this does not occur again.

***Councilmember Leon moved, seconded by Councilmember Williams to approve item 8(B)(1), as presented.***

Councilmember Williams inquired if this was the same company that did the original work.

Director Pearson responded that it was not the same company.

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 68-17 Ratify the agreement with B.P Limited Liability Company ("B.P") for emergency water supply deliveries from B.P's reservoir (Southwest Aggregates). The memorandum of agreement is for a non-refundable sum of \$140,000, payable to Southwest Aggregates, to complete the necessary up front work required to pump water to the City's fresh water canals. Department: Utilities Dollar value: \$140,000 (Water & Sewer Fund)

Councilmember Leon requested a review of the health impact study of the water quality that they will be receiving from the reservoir and wondered if the water throughout the system is being tested to verify the quality.

Director Pearson responded in the affirmative. He stated the reservoir water is very good quality, having run lab samples. This water is cleaner than our storm water runoff during the rainy season.

***Councilmember Leon moved, seconded by Councilmember Erbrick to approve item 8(B)(6), as presented.***

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams, voted "aye." Eight "ayes." Motion carried 8-0.***

#### APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS

Councilmember Williams explained that Council will be appointing two categories based on the need to fill in two senior seats and seven junior seats.

Assistant City Clerk Bruns reviewed the two rising senior vacancies on the Youth Council due to member expirations. The term expires 5/1/18.

##### Youth Council – 2 Rising Senior Vacancies

###### Applicants:

Malik Reid – Mariner High School  
Helena Shawver – Ida Baker High School

***Councilmember Cosden moved, seconded by Councilmember Leon to appoint Malik Reid to the Youth Council as Mariner High School Rising Senior member and Helena Shawver as Ida Baker High School Rising Senior member.***

**Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.**

Assistant City Clerk Brunns reviewed the seven rising junior vacancies on the Youth Council due to member expirations. The term expires 5/1/18.

Youth Council – 7 Rising Juniors Vacancies

Applicants:

Carsyn Baxter – Cape Coral High School  
Sara Ellis – Cape Coral High School  
Samantha Blackwell – Island Coast High School  
Antonella Molfino – Island Coast High School  
Kourtnee Saunders – Mariner High School  
Hunter Zanni – Mariner High School  
Alicia Bernau – North Fort Myers High School  
Jessica Evesson – North Fort Myers High School  
Kelly Bevan – Oasis High School  
Cosette Susan Dunkle – At Large

Assistant City Clerk Brunns compiled a tally for applicants Carsyn Baxter and Sara Ellis of Cape Coral High School. The results were as follows:

**Burch – Baxter, Carioscia – Baxter, Cosden – Baxter, Erbrick – Ellis, Leon – Ellis, Sawicki – Baxter, Stout – Ellis and Williams - Baxter. Five tallies for Carson Baxter and Three tallies for Sara Ellis.**

**Councilmember Burch moved, seconded by Councilmember Williams to appoint Carsyn Baxter to the Youth Council as Cape Coral High School Rising Junior member.**

**Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.**

Assistant City Clerk Brunns compiled a tally for applicants Samantha Blackwell and Antonella Molfino of Island Coast High School. The results were as follows:

**Burch – Blackwell, Carioscia – Blackwell, Cosden – Molfino, Erbrick – Molfino, Leon – Molfino, Sawicki – Molfino, Stout – Blackwell, and Williams – Molfino. Three tallies for Samantha Blackwell and Five tallies for Antonella Molfino.**

**Councilmember Leon moved, seconded by Councilmember Cosden to appoint Antonella Molfino to the Youth Council as Island Coast High School Rising Junior member.**

**Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.**

Assistant City Clerk Brunns compiled a tally for applicants Kourtnee Saunders and Hunter Zanni of Mariner High School. The results were as follows:

**Burch – Saunders, Carioscia – Zanni, Cosden – Saunders, Erbrick – Saunders, Leon – Saunders, Sawicki – Saunders, Stout – Saunders, and Williams – Saunders. Seven tallies for Kourtnee Saunders and One tally for Hunter Zanni.**

**Councilmember Burch moved, seconded by Councilmember Leon to appoint Kourtnee Saunders to the Youth Council as Mariner High School Rising Junior member.**

**Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.**

Assistant City Clerk Bruns compiled a tally for applicants Alicia Bernau and Jessica Evesson of North Fort Myers High School. The results were as follows:

***Burch – Bernau, Carioscia – Evesson, Cosden – Bernau, Erbrick – Evesson, Leon – Evesson, Sawicki – Bernau, Stout – Bernau and Williams – Bernau . Five tallies for Alicia Bernau and Three tallies for Jessica Evesson.***

***Councilmember Leon moved, seconded by Councilmember Cosden to appoint Alicia Bernau to the Youth Council as North Fort Myers High School Rising Junior member.***

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted “aye.” Eight “ayes.” Motion carried 8-0.***

***Councilmember Leon moved, seconded by Councilmember Cosden to appoint Kelly Bevan to the Youth Council as Oasis High School rising Junior Member and to appoint Cosette Susan Dunkle to the Youth Council as the At Large Rising Junior member.***

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted “aye.” Eight “ayes.” Motion carried 8-0.***

Mayor Sawicki requested all the Youth Council applicants that were present, whether selected or not, to please stand. They were applauded by Council and audience members

#### **Presentation of the FY2016 Comprehensive Annual Finance Report (CAFR)**

Financial Services Deputy Director Vavra was accompanied by Marty Redovan of Clifton Larson Allen, the CPA firm that conducted the audit and gave the presentation for Fiscal Year 2016.

Deputy Director Vavra stated that the audit firm has issued a clean opinion that the City's financial statements are fairly presented in conformity with the Generally Acceptable Accounting Principles of the United States. There were no management letter findings or recommendations in this audit and regarding compliance with Federal and State grants, there were no findings or questionable costs. The full report is accessible on the City's website.

Deputy Director Vavra briefly displayed a power point presentation with the following slides:

- City of Cape Coral
- Financial Highlights
- Pension Plan Funding Status
- General Fund Statement of Revenues and Expenditures and Fund Balance
- General Fund Budget vs Actual
- Summary of Prior Findings and Management Letter Comments

Mr. Redovan thanked Financial Services for preparing the financial statements for audit. He noted there are a number of layers of auditing that go on.

Councilmember Burch requested an explanation on the numbers on the Pension Plan Funding Status slide.

Deputy Director Vavra responded that in the General Employees' Pension Plan, the total pension liability that is calculated on an actuarial basis is about \$303.8 million. The City has already funded and have assets of approximately \$224.5 million; the net pension liability is basically known as an unfunded pension. He stated we were well in the ballpark towards meeting the goal of being in the mid to upper 70's.

CITIZENS INPUT TIME

Jeff Bunch discussed the eminent domain case for his family's property. He expressed his feelings about what has transpired over the last year and was very unhappy with the process.

Ginny Bunch addressed her family's eminent domain case that has been going on for over one year, she expressed that there is deceit involved, and disagreed with the offers made to purchase at a comparable price.

Wendy Blake discussed the one year anniversary of her family's eminent domain case. She expressed the derogatory information and the struggles. She requested two audits, the first was from what happened with Bunch Family and the second was from the Fire Station property. She displayed an email between Dan Creighton and Dawn Andrews with the closing, "Love, Dan".

H.D. Walker discussed the future of the abandoned golf course. He was not in favor of building homes on this property and would like it to remain a green space and become park land. He requested the current land use designation remain Parks and Recreation.

Lynne Rosko questioned the Consent Agenda item regarding the North RO water treatment plant being built in 2010. The cost to repair and replace is \$1 Million. She reviewed the warranty. She brought up an implied warranty since it is an enormous amount of money for something that was installed in 2010. She wanted the implied warranty researched. She was also curious about the metal detectors, from a single councilmember's request as there was no vote or discussion at a meeting. She requested that the Mayor and Council also go through the metal detector for the public's protection prior to entering the meeting.

Gloria Tate discussed that Mr. Creighton always uses "Love, Dan" in any emails that he sends. She stated he uses it as the word Sincerely.

Barth Wolfe discussed the potential land swap with D.R. Horton, he heard a rumor that it was no longer on the table. He was in favor of the land swap as it benefits all parties. Voting for the future land use change guarantees that one or more parties are disappointed. He gathered signatures on a petition in opposition to the future land use change and received overwhelming support of efforts for the property to remain a green space.

Dan Sheppard reviewed using eminent domain to acquire residential spaces, why can we not use eminent domain to acquire the old golf course property? He discussed the irrigation issue. He has a five-lot site and can only water his lot for the same as a two-lot site. He has twelve zones on his property and can't water his property based on the fear of a \$100 fine. He pays more for the system and wanted to be allotted more watering time. Lastly, he discussed professionally run meetings.

Vanessa Metzger appeared to address the 4/24/2017 Committee of the Whole meeting; stated that the Charter Schools are a mess; she has children attending Oasis; the board for the charter schools needs to go; and she expressed support to the Mayor.

John Sullivan reviewed the adopted budget totals over the past years and the percentage increases.

Michael Hannon appeared to discuss the Water Quality Report on the agenda. He reviewed the purchase of emergency water, addressed the water quality and water quantity topic. He also asked to include the surrounding areas regarding the environmental problems. Mr. Hannon discussed *E. coli* in the City's water and the nitrogen levels in the estuaries. He believed there is a clear problem in violation of the Clean Water Act and would like Council to address the problem.

Jack Mattachione reviewed a fine that went to collections over road rage in reference to a member of Council.

Councilmember Carioscia called a Point of Order.

Jack Mattachione left the podium.

Resident discussed protestors outside and having order inside. He mentioned Facebook comments that are out of control. He requested all residents come aboard on the issue of the Charter Schools and recommended listening and presenting positions without attacking others in any mediums. We need truth and communication, no bullying including cyberbullying.

Jason Long discussed an occurrence of the water at SE 9<sup>th</sup> and Cultural Park which drops 3 feet every year. He wanted to know why they lower the canals so low.

Dr. Mario Alverti appeared to discuss the Old Golf Course property regarding development being built, that the plumbing would have to be redone from the golf course to the pumping station. He also mentioned that for the hearing impaired, the screens in Council Chambers should be closed captions for the hearing impaired.

Robert Renshaw discussed the Old Golf Course property and accommodating an additional 400 homes. The annual usage for water would be 34 million gallons, for sewage it would 35 million gallons, not including irrigation watering or fire hydrants. Regarding the budget increases topics, when you never raise taxes, quality of services goes down, ability to provide services goes down, equipment fails, and people are let go.

Linda Jo Prince thanked Council for her main water line break repairs. She received a permit from great staff. She expressed love for our City and was hopeful for its future.

Carl Veaux discussed the Arbor Day ceremony and the planting of trees. He recommended celebrating Arbor Day with the schools.

Jerry Owens discussed Social Media and the spreading of negative information.

Female audience member expressed pride for Rana Erbrick.

Citizen's Input closed.

Councilmember Burch addressed the reality that we have a Council that worked great for two years and now we see degradation. He cares about the city surviving and thriving. He appreciated all comments and concerns brought up today. He does not participate in Social Media as it is a cowardly and backhanded way to make comments. We have options still regarding the Bunch family eminent domain case. Regarding the Old Golf Course Property, he has seen the signs and shirts for Save Our Recreation; there are thousands and thousands in favor. He mentioned the Charter Schools topic working within the School District rules. He requested that residents have patience and let the City Manager work with the Charter School Governing Board. Many televisions have the closed caption service, he requested the City Manager look at the closed captions here in chambers. He acknowledged Arbor Day and the water shortage problem is due to a severe drought. It will happen again and again. We have to find more solutions besides buying more water.

Councilmember Leon stated that as soon as he finds out anything regarding the golf course he will make sure to pass the information on. He explained that water quality is specific to the Caloosahatchee, Council received a memo as back-up on Friday. The weirs are up all the way they can be and have been for quite a while. The spreader is freshwater. We are working to keep our water quality up.

Councilmember Williams reviewed that in Chambers there are devices that the hearing impaired can wear at our meetings, that may help. He discussed the freshwater flowing over the weirs into our estuary system. Water Quality tests are done frequently, DEP

tests it also. The nutrient loading may come from the farms on the island. If it is an issue, please bring information to our staff to be able to address in the form of data or tests.

Mayor Sawicki addressed the increase was rolling forward from our previous budget, money was not spent last year, we are not spending more, it just means we are actually not making any actual impact to the taxpayer. It means that we spent less than what we anticipated.

## PERSONNEL ACTIONS

None.

## PETITIONS TO COUNCIL

None.

## APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS – **Moved to immediately after Consent Agenda**

Council recessed at 6:04 p.m. and reconvened at 6:17 p.m.

## ORDINANCES/RESOLUTIONS

### PUBLIC HEARINGS

#### (1) Ordinance 12-17 (LU 16-0012) Public Hearing

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Future Land Use Map from Single Family and Multi-Family by PDP to Single Family Residential for properties located in Units 33, 34, 35, 36-1, 37, 38, 41, 48, 49, 50, 54, 58, and 59, Cape Coral Subdivision, for properties located in the Whispering Pines Subdivision, and for properties lying in Section 10, Township 44 South, Range 23 East, Lee County, Florida; from Single Family and Multi-Family by PDP to Multiple Family Residential for properties located in Units 33, 37 and 58, Cape Coral Subdivision, and lying in Sections 29 and 32, Township 43 South, Range 24 East, Lee County, Florida; from Commercial Activity Center to Single Family Residential for properties located in Unit 49, Cape Coral Subdivision; from Commercial Activity Center to Multiple Family Residential for properties located in Unit 49, Cape Coral Subdivision; and from Urban Services Reserve Area to Urban Services Transition Area for properties located in Units 59, 60, 76, and 81, Cape Coral Subdivision, and for properties located in the West Cape Estates Subdivision. This large scale future land use amendment is a follow-up to LU 15-0004 (Ordinance 59-15) which brought over 4,000 acres in northern Cape Coral from the Urban Services Reserve Area into the Urban Services Transition Area.

P & Z Recommendation: The Planning and Zoning Commission/Local Planning Agency voted (5-0) to recommend approval of Ordinance 12-17.

City Management Recommendation: Recommends approval of the requested future land use map amendment.

City Clerk van Deutekom read the title of the Ordinance.

Planning Team Coordinator Daltry explained what the Ordinance would accomplish. He discussed the power point presentation which included the following slides:

- Ordinance 12-17 Request
- Area Map
- North 2 West map
- North 2 Central map



- CAC Area map
- North 2 East Central Area map
- North 2 East Area map
- Background
- Background (continued)
- Background (continued)
- Background (continued)
- Considerations – Comprehensive Plan
- Recommendation
- P&Z Recommendation

Public Hearing opened.

Wendy Blake inquired if there is a list compiled of people that purchased property in the commercial park overlay or activity center that thought they were buying commercial property or potential commercial property which will now be stripped of that zoning? How many property owners will be affected in that way? People buy properties, and you strip them of their land rights. To spur commercial growth, put water and sewer on Pine Island Road and Burnt Store Road. Why has this not happened yet?

Public Input closed.

***Councilmember Burch moved, seconded by Councilmember Carioscia to approve Ordinance 12-17 for Transmittal to the State.***

Mayor Sawicki left the dais at 6:34 p.m.

Councilmember Burch inquired does this affect the price even though they are amongst this group.

Planning Team Coordinator Daltry responded that what we are changing is the land use, the utilities extension is a separate matter altogether.

Councilmember Burch agreed with public hearing comment about people expecting a land use to remain the same.

Director Cautionero stated that the hard part is when people buy land for speculation with the intention of changing the land use.

Mayor Sawicki returned to the dais at 6:38 p.m.

Councilmember Burch requested that all be mindful of the people who own the house next door.

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.***

(2) Ordinance 18-17 (ZA 16-0010\*) Public Hearing

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning Map by rezoning property located at 9 Del Prado Boulevard North from Professional Office (P-1) to Pedestrian Commercial (C-1) zone.

Hearing Examiner Recommendation: Recommends approval of the application for rezoning.

City Management Recommendation: Recommends approval of the application for rezoning.

City Clerk van Deutekom read the title of the Ordinance and administered the oath.

Planning Team Coordinator Daltrey explained what this Ordinance would accomplish. He discussed the power point presentation which included the following slides:

- ZA 16-0010
- Map with site
- Subject Parcel map
- Future Land Use Map
- Zoning Map
- Proposed Zoning Map
- Background
- Considerations – Comprehensive Plan
- Considerations – Section 8.7.3, LUDR
- Recommendation

He announced that staff recommends approval for the following reasons: The request is consistent with Comprehensive Plan and Land Use Regulations and the need for commercial not professional office land. At the March 21, 2017 meeting HEX Recommendation Order 4-2017 and recommended approval of this ordinance.

Public Hearing opened.

Wayne Arnold discussed the need to have consistent zoning for all the contiguous parcels, met all findings for rezoning and concurs with staff recommendation.

Public Hearing closed.

***Councilmember Burch moved, seconded by Councilmember Williams to adopt Ordinance 18-17.***

Councilmember Burch inquired is the applicant the owner and are there any agreements that may make potential changes?

Wayne Arnold responded that the subject property rezone is going to entitle it for all the permitted uses under the C1 designation which are consistent with the adjoining parcels. He was not aware of any prior agreements.

Councilmember Burch questioned will those uses be pertinent?

Mr. Arnold responded in the affirmative. Yes, they will utilize the C1 designation.

***Council polled as follows: Burch, Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, and Williams voted "aye." Eight "ayes." Motion carried 8-0.***

#### Introductions

#### Ordinance 14-17 Set First Public Hearing Date for May 15, 2017

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.5, Schedule of Land Use Classifications, by adding "Sports Academy" to the schedule of Land Use Classifications; amending Section 2.7, District Regulations, by providing that Private Parks shall be allowed as a permitted use in Single-Family Residential (R-1A and R-1B) and Multi-Family (R-3) districts; and providing that Cultural Facilities; Hotels/Motels-Resorts Only; Recreation, Commercial, Group II; and Schools, Commercial (Sports Academy Only) uses shall be allowed as special exception uses in the Single-Family Residential (R-1A and R-1B) and Multi-Family Residential (R-3) districts under certain identified conditions; amending Article

XI, Definitions, by revising the definition of "Resort" and adding a definition for "Sports Academy."

P&Z recommendation: At the March 1, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (7-0) to recommend approval of Ordinance 14-17.

City Management Recommendation: Recommends approval of the requested amendment.

City Clerk van Deutekom read the title of the Ordinance.

The first public hearing was scheduled for May 15, 2017 in Council Chambers.

Planning Team Coordinator Daltry stated that he was available if Council has any questions.

#### Ordinance 19-17 Set First Public Hearing Date for May 15, 2017

##### WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Article II of the Land Use and Development Regulations to include Vacation Rentals as a Permitted Use in certain zoning districts. It also amends Article III to create Section 3.30 which establishes regulations and procedures pertaining to vacation rentals. The ordinance also amends Chapter 11 of the Code of Ordinances to establish business tax requirements for vacation rentals.

City Clerk van Deutekom read the title of the Ordinance.

The first public hearing was scheduled for May 15, 2017 in Council Chambers.

Assistant City Manager Ilczyszyn discussed the goal of the ordinance was to currently allow 3,500 short term rentals that exist already in our city to exist legally.

#### Ordinance 20-17 Set Public Hearing Date for May 15, 2017

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 46-16, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2017, by increasing total Revenues and Expenditures by a total of \$58,387,603.

City Clerk van Deutekom read the title of the Ordinance.

Budget Administrator Phillips stated he was available for questions.

The public hearing was scheduled for May 15, 2017 in Council Chambers.

#### Ordinance 21-17 Set Public Hearing Date for May 15, 2017

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the School Bus Lease Agreement between the Cape Coral Charter School Authority and the City of Cape Coral.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for May 15, 2017 in Council Chambers.

Councilmember Burch inquired if this ordinance will impact the charter school recommendations.

City Manager Szerlag stated this was independent of the best practice recommendations.

City Attorney Menendez explained that this is the last step in the school bus lease with the Charter School.

## UNFINISHED BUSINESS

### Water Quality

City Manager Szerlag stated the reservoir is now being pumped, 17 million gallons a day, plus the FGUA agreement will help for the future.

Councilmember Williams questioned is someone monitoring the gator slough weir to make sure we are not dumping into our estuaries?

Utilities Director Pearson stated that we are closely monitoring the levels in the canals, weirs. We are monitoring the ground water levels.

Councilmember Leon inquired about the 17 million gallons per day beforehand, is that how much is coming out?

Utilities Director Pearson responded that under our permit with FDOT during the start up period, at 48 hours we could only pump 8.5 million gallons per day. We have received approval from FDOT to increase that to 17 million gallons a day, hopefully that it continues until the rainy season.

### Legislative Issues - Update

Councilmember Burch stated that he hopes they look at the CRA issues, and the whole plethora of many things and do the right thing.

CRA Coordinator Hall stated that as of today the CRA bills are killed which was a positive, they passed the homestead exemption, that was a negative.

## NEW BUSINESS

**Presentation of the FY2016 Comprehensive Annual Finance Report (CAFR) - Moved to directly before Citizen's Input**

## REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Burch – No report.

Councilmember Carioscia – Topic: Thanked Public Works and P&R for responding to a problem at the sports complex in a very timely manner.

Councilmember Cosden – No report.

Councilmember Erbrick – Topic: Tomorrow she will be holding a meeting of the Industrial Corridor Business Owners at the Annex, Green Room, from 5:30 to 7:00 and next Monday will be holding a Town Hall meeting here in Council Chambers between 4:30 to 6:30.

Councilmember Leon – No report.

Councilmember Stout – Topic: Attended MPOC Friday, Saturday and Sunday and on Thursday she attended the Mayor's Scholarship dinner.

Councilmember Williams – Topics: Discussed the turnover at the Youth Council based on the senior's term expirations; the Citizen's Academy Mock Council Meeting; conducted Youth Council Interviews; attended the Mayor's Scholarship awards gave which gave out 25 \$1,500 scholarships and the City's Arbor Day Celebration.

Mayor Sawicki – Topics: Thanked Councilmember Williams for attending Arbor Day and Mayor's Scholarship awards dinner. She stated she was out of town at a Central Michigan University event where she was the keynote speaker for her sorority and she welcomed Andrea Butola who is our new City Auditor.

#### REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Manager – Topic: One day watering schedule, call 311 for help with your timer adjustments needed.

City Attorney – Topic: No report.

#### TIME AND PLACE OF FUTURE MEETINGS

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, May 15, 2017 at 4:30 p.m. in Council Chambers.

#### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 7:01 p.m.

Submitted by,



Rebecca van Deutekom, MMC  
City Clerk

for