

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

April 2, 2018

Council Chambers

4:30 p.m.

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

Invocation/Moment of Silence – Councilmember Stout

Pledge of Allegiance – William Sherman – Trafalgar Elementary School

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams were present.

CHANGES TO AGENDA/ADOPTION OF AGENDA

Councilmember Stokes moved, seconded by Councilmember Williams to approve the agenda, as presented.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

RECOGNITIONS/ACHIEVEMENTS

None.

APPROVAL OF MINUTES

Regular Meeting – March 19, 2018

Councilmember Williams moved, seconded by Councilmember Cosden to approve the minutes for the March 19, 2018 regular meeting as presented. Voice Poll: All "ayes." Motion carried.

BUSINESS

PUBLIC COMMENT - CONSENT AGENDA

No speakers.

CONSENT AGENDA

- 1) Resolution 55-18 Approve Staff Cost Proposal (SCP) SCP Weston-1 with Weston & Sampson, Engineers, Inc. for Professional Engineering Services to design the Lift Station Rehabilitation for Wastewater Lift Stations - MS103, LS113, LS116, LS118 and LS119 for a not to exceed fee of \$169,600 and authorize the City Manager or designee to execute the agreement; Department: Utilities; Dollar Value: \$169,600; (Water & Sewer Fund)
- 2) Resolution 57-18 Approve Amendment No. 1 to Agreement CON-PW18-16/SH Fire Station #2 Design Services with Sweet Sparkman Architects, Inc. for modification of Professional Design Services, to include the change of site and addition of a third bay, at a cost of \$32,630 with a 10% City Controlled Contingency of \$3,263, as needed, for a total increase of \$35,893 and authorize the City Manager or designee to execute the Amendment. This project was approved on December 4, 2017 via Resolution 214-17 at a cost of \$173,156 with a 10% City controlled contingency of \$17,315 for a total cost of \$190,471. This amendment would increase the project cost to \$205,786 with a 10% City

Controlled Contingency of \$20,578 for a total project cost of \$226,364; Department: Public Works/Fire; Dollar Value: \$35,893; (Governmental Capital Project)

- 3) Resolution 61-18 Award Bid #UT18-31/MC to Polydyne Inc., as the lowest responsive, responsible bidder for the purchase of Liquid Polymer for Water Reclamation Facilities, at the unit price bid of \$0.98 per pound for an estimated \$155,000 annual amount, not to exceed budgetary limit, and authorize the City Manager or his designee to execute the contract, amendments, purchase orders and all required documents; Department: Utilities; Estimated Annual Dollar Value: \$155,000; (Water & Sewer Fund)
- 4) Resolution 63-18 Approve piggybacking Prince William County Public Schools contract #R-TC-17006 with Amazon Services, LLC for the purchase of goods via the Amazon Business online marketplace on an as-needed basis at an estimated annual cost of \$160,000. not to exceed budgetary limits, and authorize the City Manager or Designee to execute the purchase orders and any related documents; Department: Citywide; Dollar Value: \$160,000; (General Fund)
- 5) Resolution 65-18 HOPWA Redesignation Agreement FY 2018; Department: Community Development; Dollar Value:\$474,753; (Fund: N/A)
- 6) Resolution 66-18 Approve Off-Site Utility Agreement for Water Facilities with Crosspoint Church; Department: Public Works; Estimated Dollar Value: \$17,683; (Fund: Water and Sewer Fund)
- 7) Resolution 68-18 A Resolution requesting authorization to extend payment up to \$5,000 in reimbursable relocation expenses as allowed in section 2-37.3 of the City of Cape Coral Code of Ordinances to the selected candidate for the Assistant City Auditor position; Funding for the City Auditor's Office: Dollar Value: maximum of \$5,000; (General Fund)
- 8) Resolution 72-18 Award ITB-UT18-29/KR Everest WRF – Transfer Pump Pad Replacement to A.C. Schultes of Florida, Inc. of Gibsonton, FL, to provide refurbishment of the effluent transfer pump station located at the Everest Water Reclamation Facility, as the lowest responsive, responsible bidder, in the amount of \$232,850 with a 10% City controlled contingency of \$23,285 for a total project cost of \$256,135 and authorize the City Manager or designee to execute the contract; Department: Utilities; Dollar Value: \$256,135; (Water and Sewer Fund)
- 9) Resolution 73-18 Approval of Contract for Purchase of Lots 71 and 72, Block 3013, Unit 43, Cape Coral Subdivision, 1301 NW 25th Street, Cape Coral, for the Festival Park project for the purchase price of \$10,000 plus closing costs not to exceed \$1,200; Department: Financial Services / Real Estate Division; Dollar Value: \$11,200; (Parks Capital Project Fund); Note: Trade offer rejected by Seller.
- 10) Resolution 74-18 Approval of Contract for Purchase of Lots 51 and 52, Block 3021, Unit 43, Cape Coral Subdivision, 1241 NW 25th Terrace, Cape Coral, for the Festival Park project for the purchase price of \$10,500 plus closing costs not to exceed \$1,200; Department: Financial Services / Real Estate Division; Dollar Value: \$11,700; (Parks Capital Project Fund); Note: Trade offer rejected by Seller.
- 11) Resolution 75-18 Approval of Contract for Purchase of six (6) off-water properties for the Festival Park project for the purchase price of \$63,000 (\$10,500 per parcel) plus closing costs not to exceed \$2,300; properties are known as Lots 5 and 6, Block 3021, (1300 NW 26th Street), Lots 17 and 18, Block 3021, (1224 NW 26th Street), Lots 23 and 24, Block 3022, (1212 NW 26th Terrace); Lots 25 and 26, Block 3022, (1208 NW 26th Terrace); Lots 39 and 40, Block 3022, (1217 NW 26th Street); and Lots 47 and 48, Block 3022 (1233 NW 26th Street); all within Unit 43, Cape Coral Subdivision; Department: Financial Services / Real Estate

Division; Dollar Value: \$65,300; (Parks Capital Project Fund) Note: Trade offer rejected by Seller.

- 12) Approval to file suit against Electricom, Inc. and L&S Cable to recover damages and costs for repair of a City sewer main

Councilmember Stout moved, seconded by Councilmember Gunter to approve items 8(B)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12), as presented.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

CITIZENS INPUT TIME

Jerry Owens announced the next round of CERT (Community Emergency Response Team) courses beginning April 11, 2018. Anyone wishing to sign up can call the Fire Department Headquarters or EOC Headquarters.

Bob Greenway, resident and City of Cape Coral employee, appeared to discuss the Bussing and Special Pops Programs in Cape Coral. He drives all over Cape Coral Monday through Thursday each week. He expressed concerns with the communications with Waste Pro and the way their trucks operate. Each time they drive after putting trash in the front loader, trash is left behind. He also has witnessed residents throwing trash out of their windows. He requested the City investigate the contract and concerns he raised.

Lou Navarra appeared to discuss both the immediate need for a moratorium on vacation rentals and suggesting the sale of Coral Oaks Golf Course. He displayed some articles regarding Cape Coral tax dollars renovating the golf course. He requested an audit about the amount of tax dollars spent on Coral Oaks Golf Course and Sun Splash. Dumpsters in the City right-of-way should be illegal.

Ryan Roach appeared to discuss normalizing the eventuality that Cannabis will be legal in the entire United States. He suggested a Town Hall meeting with Council, Police Officers, and medical personnel available for questions for residents.

Frank Perry expressed support for the problems raised with vacation rentals. He was concerned with the weekly rentals and future of daily rentals.

Councilmember Williams commented on the CERT courses. He discussed those who volunteered during Hurricane Irma.

Councilmember Stokes offered to work with residents who speak under Citizen's Input.

Councilmember Gunter addressed comments with Waste Pro. He has seen the debris falling in the street. He suggested utilizing the 311 Call Center to document the issues. There is room for improvement with Waste Pro. The bulk debris process should be improved upon.

Councilmember Carioscia stated he has also witnessed the debris blowing from the trucks. He suggested a screen being added to prevent this from happening. If you have a truck number, Waste Pro can pull a video to address the problem. He requested staff follow up with the concept of a screen.

Public Works Director Clinghan addressed comments about Waste Pro. They have hired a new manager, Bill Jones, and additional help to look at the issues we have been having. He will investigate the screen idea with Waste Pro.

PERSONNEL ACTIONS

None.

PETITIONS TO COUNCIL

None.

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Charter School Governing Board - 2 Vacancies

Interviews

Matthew King (community at large)
Vanessa Metzger (community at large)
Robert Zivkovic – reappointment (community at large)
Angela Marie Ticich (education community)

City Clerk van Deutekom stated there were two vacancies on the board due to a term expiration for a member from the education community and a member from the community at large. The terms expire on 3/31/18. Four applications were received from Matthew King, Vanessa Metzger, Angela Marie Ticich, and Robert Zivkovic. The vacancies were advertised in the Breeze on 2/28/18, on the City's website and Facebook page.

Councilmember Gunter suggested giving the last applicant additional time for their interview.

Councilmember Carioscia agreed to allow more time for the applicants to arrive.

Councilmember Stout agreed for the delay and go on to the other two boards.

Councilmember Cosden suggested appointing Ms. Ticich to the education community position.

Councilmember Cosden moved, seconded by Councilmember Nelson to appoint Angela Marie Ticich for the education community.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Construction Regulation Board - 2 vacancies

Interviews

Byron Law (not present)
Brian Rist
Matthew Sinclair

City Clerk van Deutekom stated there were two vacancies on the board due to term expirations. The term expires 3/31/18. Three applications were received from Byron Law, Brian Rist, and Matthew Sinclair. The vacancies were advertised in the Breeze on 1/26/18 and 2/16/18, on the City Website, and on Facebook.

The following selections were tallied:

Councilmember Stout – Rist and Sinclair
Councilmember Williams – Rist and Sinclair
Councilmember Carioscia – Rist and Sinclair
Councilmember Cosden – Rist and Sinclair
Mayor Coviello – Rist and Sinclair
Councilmember Gunter – Rist and Sinclair
Councilmember Nelson – Rist and Sinclair
Councilmember Stokes – Rist and Sinclair

City Clerk van Deutekom stated the tallied votes were as follows: 8 for Rist and 8 for Sinclair.

Councilmember Nelson moved, seconded by Councilmember Gunter to reappoint Brian Rist and Matthew Sinclair to the Construction Regulation Board (term expires 4/2/2020).

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Municipal General Employees' Pension Trust Fund Board of Trustees - 1 Vacancy

Brian Fenske (present)

City Clerk van Deutekom stated there was one vacancy on the board due to a resignation. The term will expire 10/31/2019. One application was received from Brian Fenske. The vacancy was advertised in the Breeze on 1/26/18 and 2/9/18, on the City's website, and Facebook.

Councilmember Stout moved, seconded by Councilmember Stokes to appoint Brian Fenske to the Municipal General Employees' Pension Trust Fund Board of Trustees.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

ORDINANCES/RESOLUTIONS

PUBLIC HEARINGS

Resolution 52-18 (VP 17-0008*) 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 street right-of-way and the underlying public utility and drainage easement being a part of Mikado Court, located between Lots 29-31 and Lot 32, Block 31, Cape Coral Unit 1, Part 2; providing for the vacation of plat for a portion of the public utility and drainage easements associated with Lots 29-31 and Lot 32, Block 31, Cape Coral Unit 1, Part 2; property located at 5352 Mikado Court and 5346 Mikado Court. (Applicant: Life's a Vacation, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation Order 7-2017.

City Management Recommendation: City Management recommends approval.

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

Planner Heller reviewed the purpose of Resolution 52-18. He presented the following slides:

- Resolution 52-18 (VP 17-0018*)
- Request to vacate
- Background
- Zoning Map
- Aerial Map
- Site Plan excerpt
- Analysis – Section 8.11 LUDR
- Analysis (cont.)
- Recommendations

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Gunter moved, seconded by Councilmember Stout to approve Resolution 52-18, as presented.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 19-18 (LU 17-0009) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Mixed Use (MX) to Low Density Residential II (LDRII) land use for property located at 3321 & 3305 Old Burnt Store Road. (Applicants: Kevin, Gayle, Michael & Karen McGrath)

Planning & Zoning Recommendation: At their March 7, 2018 meeting the Planning and Zoning Commission voted (7-0) to recommend Ordinance 19-18 (LU17-0009)

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

Principal Planner Boyko reviewed the purpose of Ordinance 19-18. He presented the following slides:

- Ordinance 19-18 (LU 17-0009)
- Ordinance 19-18 (Mixed use to Low Density Residential II)
- Subject Parcel/Aerial map
- Current Future Land Use/Proposed Future Land Use Maps
- Findings of Fact
- Analysis
- Summary and Recommendations

Public Hearing opened.

Veronica Martin, TDM Consulting, Inc., authorized representative for applicant, stated she was available to answer any questions. She pointed out that this process was lengthy; it began in August of 2015.

Public Hearing closed.

Councilmember Williams moved, seconded by Councilmember Gunter to adopt Ordinance 19-18, as presented.

Discussion held in reference to challenges with the State.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

INTRODUCTIONS

Resolution 64-18 (VP 17-0014*) Set Public Hearing Date for April 16, 2018

*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 Eternity Canal right-of-way and the underlying public utility and drainage easements located adjacent to property located at 2730 SW 51st Street; providing for the vacation of plat for public utility and drainage easements associated with the property located at 2730 SW 51st Street. (Applicant: Roy and Marilyn Dirkmaat)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 4-2018.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Resolution.

The public hearing was scheduled for April 16, 2018 in Council Chambers.

Planning Team Coordinator Struve stated he was available for any questions.

Ordinance 24-18 (AX 17-0002) Set Public Hearing Date for April 16, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance providing for the annexation of a tract of land lying in Sections 17, 20 and 21, Township 43 South, Range 23 East, Lee County, Florida; providing for the redefinition of City boundaries. (Applicant: GA-Pinnacle Cape Coral, LLC)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for April 16, 2018 in Council Chambers.

Planning Team Coordinator Daltry stated he was available for any questions.

Ordinance 29-18 Set Public Hearing Date for April 16, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 54-17, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2018, by increasing total Revenues and Expenditures by a total of \$7,460,181. (Applicant: Brought forward by City Management.)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for April 16, 2018 in Council Chambers.

Management/Budget Administrator Phillips stated he was available for any questions.

Ordinance 31-18 (VP 17-0011*) Set Public Hearing Date for April 16, 2018

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance providing for the release of the Right-of-Way Easement within the Quitclaim Deed recorded in Official Record Book 2443, Pages 778-782 of the Public Records of Lee County; providing for the vacation of plat for a portion of Eternity Canal Right-of-Way and the underlying public utility and drainage easements located adjacent to the property located at 2802 SW 51st Street; providing for the vacation of plat for public utility and drainage easements associated with the property located at 2802 SW 51st Street. (Applicant: Steward Gibboney IV).

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 3-2018.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for April 16, 2018 in Council Chambers.

Planning Team Coordinator Struve stated he was available for any questions.

Ordinance 30-18 Set Public Hearing Date for May 7, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance authorizing the issuance of not to exceed \$8,100,000 in aggregate principal amount of Debt Obligations to finance the acquisition and construction of a Fire Station and various Streetscape Improvements; Providing for a covenant to budget and appropriate legally available non-ad valorem revenues to pay the principal, redemption premium, if any, and interest on the Debt Obligations; and providing for the rights of the holders of such debt obligations. (Applicant: Brought forward by City Management.)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for May 7, 2018 in Council Chambers.

City Manager Szerlag stated he was available for any questions and would have a full presentation at the public hearing.

UNFINISHED BUSINESS

Water Quality – Update

Public Works Director Clinghan reviewed the memo provided to Council and gave the most current update on Lake Okeechobee.

Charter School Governing Board appointments (continued)

Interview

Vanessa Metzger (community at large)

Councilmember Stout inquired if applicant Metzger would be able to make the meetings with her schedule.

Ms. Metzger responded that she would be available for the meetings.

Mayor Coviello added that was his question as well. He stated each Councilmember should give their choice for community at large vacancy.

City Clerk van Deutekom stated the three applicants were: Matthew King, Vanessa Metzger, and Robert Zivkovic.

***Councilmember Stout – Metzger
Councilmember Williams – Zivkovic
Councilmember Carioscia – Metzger
Councilmember Cosden – Zivkovic
Mayor Coviello – Metzger
Councilmember Gunter – Metzger
Councilmember Nelson – Metzger
Councilmember Stokes – Zivkovic***

City Clerk van Deutekom stated the tallied votes were as follows: 5 for Metzger and 3 for Zivkovic.

Councilmember Stout moved, seconded by Councilmember Carioscia to appoint Vanessa Metzger for the Community At Large for the Charter School Governing Board.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Follow Up Items Requested by Council:

Councilmember Gunter inquired as to the Bar Hours topic. He thought the Patron Scan discussed was decided upon with Council. Can this be revisited?

Mayor Coviello believed this was part of the Ordinance, too.

Discussion regarding the program being recommended but not necessary.

Chief of Police Newlan supplied feedback from businesses installing the Patron Scan. He has received interest, but not certain which businesses have added the system. At this time, he does not have a number, but recommends the program.

City Attorney Menendez explained the Ordinance that was approved did not involve mandatory usage of the Patron Scan. She explained that if Council wants to amend the Ordinance to add that, seek a concurrence to incorporate it into the already adopted Ordinance, and schedule it for Introduction and Public Hearing.

Councilmember Gunter made a motion that a Level 2 Patron Scan be a requirement to participate in the 3 a.m. closing.

Discussion held as to the process to incorporate the Patron Scan into the Ordinance.

Councilmember Gunter stated he would like this brought forward with implementation within 60 to 90 days upon approval. He was seeking concurrence.

Concurrence was received by Councilmember Carioscia.

City Attorney Menendez stated she will draft the amendment to the endorsement, and work with the Police Department to determine what the scanners are. If a business has already started the program, they would have a set amount of days to allow.

Chief of Police Newlan explained the cost is \$1,000 to purchase equipment plus the subscription service of \$250 a month per establishment.

Councilmember Williams was not in favor of the level of control that comes with requiring the program.

Mayor Coviello was interested in all establishments in the CRA be required to use the system.

Councilmember Williams wondered how we could control the use of the system.

Chief of Police Newlan stated they would have to go to the establishment to monitor and enforce.

Councilmember Williams inquired if the Chief of Police recommends the use of the system.

Chief of Police Newlan explained this would help with some of the problems and establish a banned patron list. It will help the bars identify the problems they could have and lessen calls to the Police Department to that area.

Councilmember Stout expressed concern in forcing establishments to use a particular system. Can we help them with the cost or partnering with businesses if we are forcing everyone to do it?

Discussion held in reference to the registration and permitting fees.

Councilmember Nelson requested the total number of bars that have applied for the permit.

City Manager Szerlag agreed to distribute the results by Friday.

Councilmember Nelson was not in favor of the idea.

Councilmember Stokes was not in favor of mandating clubs outside this district because of this Ordinance.

Councilmember Cosden was not in favor of the idea.

Councilmember Gunter withdrew his motion to allow the next two weeks to see the amount of participation. Councilmember Carioscia agreed.

Councilmember Cosden inquired about the late payments due to the Regional Planning Council (RPC). The amount due is \$24,976 from last year. The amount due is \$38,358 for this year.

Councilmember Cosden moved, seconded by Councilmember Williams to pay last year's amount due for \$24,976.

City Manager Szerlag requested an amendment, a contingency to the motion to allow staff to agree to investigate and confirm the bill from last year.

Councilmember Cosden amended the motion that if staff agrees, to pay the bill by April 16, 2018.

Councilmember Stokes stated Lee County found this Council not to be useful and has dropped out. He was not in favor of being a part of this board.

Councilmember Carioscia questioned what this board helped us with and how much money they saved us.

Councilmember Williams explained the RPC did bring forward the Sea Level Rise Mitigation Plan. He questioned if the City was ever billed for that.

City Manager Szerlag stated that was the reason for the contingency.

Councilmember Nelson questioned

- It would be helpful to see the value of our return on investment, the history of this organization, and what have they given us in the past.
- She wants to know why other commissions are not participating in this.
- If we agreed not to participate, whose responsibility was it to let them know that we are not going to participate?

City Manager Szerlag stated all of this would be researched.

Councilmember Cosden added she received the email late last week. This is a State-mandated organization. The County is taking a political action. Council appointed her to attend these meetings, so we are an active member. She was not in favor of following the County's stand.

Councilmember Stout was in agreement with paying the past bill. She requested a legal opinion as to whether or not we can opt out for the future.

Councilmembers Carioscia, Gunter, and Stokes agreed.

City Clerk van Deutekom restated the motion to pay the \$24,976 to include the contingency for staff review and pay by April 16, 2018.

The second agreed to the motion.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Discussion held in reference to the City Attorney's Office needing to research whether or not participation was mandatory.

Discussion held regarding how many cities and counties are not paying.

NEW BUSINESS

Charlotte Harbor National Estuary Presentation - Jennifer Hecker (Requested by Councilmember Cosden)

Jennifer Hecker, Executive Director, Charlotte Harbor National Estuary, presented the following slides:

- Supporting Cape Coral's Water Resource Protection Efforts
- Who We Are
- Where We Work
- What We Do
- Some of Our Many Partners
- The Power of Partnership
- How We Fit into Big Picture
- Where We Intersect
- Aligning with Your Goals & Objectives
- CHNEP's Support of Cape Coral to Date
- Pine Island Sound Basin Nutrient Issues
- Pine Island Sound Basin Bacteria Issues
- Including in Pine Island OFWS
- Tidal Caloosahatchee River Basin WQ Issues
- Including in Caloosahatchee OFWS
- Charlotte Harbor Proper Basin WQ Issues
- Restoring Hydrology
- Other Examples of How We Continue to Assist Cape Coral's Efforts
- Cape Coral is a Valued and Critical Partner to CHNEP
- Together, we are making a difference!
- Pine Island Sound Basin Surface Water Quality Status Report
- Nutrients
- Bacteria
- Outstanding Florida Waters
- Tidal Caloosahatchee Water Quality Status Report
- Nutrients
- Bacteria
- Outstanding Florida Waters

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Stout – Topics: Attended Tiger Bay Luncheon; Discussion about Schools protection; and Cultural Park Theater property rental usage as a Church.

Discussion held regarding space availability for other organizations.

Councilmember Cosden was in favor as long as we are fair with other organizations.

City Attorney Menendez explained there is a lease that allows leasing or subleasing when the City Manager deems it is in the best interest of the City. There is a specific prohibition against religious or political activities. To allow a deviation, Council would have to allow it as it is not a decision the City Manager can make. It would need to be implemented on a non-discriminatory basis.

Councilmember Williams expressed concerns with future legal issues.

City Attorney Menendez explained there are other facilities' usages such as the Yacht Club Ballroom with rental agreements for any purpose with no prohibitions. City Hall is not readily available to groups for rentals. The Cultural Park facility is different because it is already leased to a group. You have allowed them to use it for their purposes and

have opened the door to them subleasing it when the City Manager deems it to be in the City's best interests. The exception is religious or political. You could go through the process and work to change the lease.

Councilmember Stout moved, seconded by Councilmember Stokes to allow Cultural Park Theater the ability to rent their theater on Sunday mornings to this church group.

Discussion held in reference to the lease term.

Mayor Coviello suggested having an end term. He would like the motion re-phrased to state that it will be until the end of the lease.

Motion maker and second agreed.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Councilmember Williams – Topics: Attended the Strategic Planning Session; Post Legislative Luncheon; Do the Right Thing ceremony; Mayors Scholarship Fund meeting; upcoming Youth Council meeting.

Councilmember Carioscia – Topics: Memorandum from City Attorney, \$6,568.12 for the former Mayor legal fees to consider payment.

City Attorney Menendez explained former Mayor Sawicki requested reimbursement of her legal fees concerning both an ethics complaint which was found to be in her favor and also in regard to an FDLE investigation that was ultimately closed without any charges being filed. It is our understanding and the Police Chief has confirmed that the allegations in the FDLE investigation were substantially similar to the ethics complaint. The memo dated 3/19 indicates that public officials are entitled to a refund of their legal fees under certain circumstances. The governing body applies a two-prong test to that matter in which the Attorney's fees were incurred. She noted that if Council approves, the City Attorney's Office will work with Risk Management to make sure the appropriate reimbursement from the City's insurance company takes place and also to obtain a release from the Attorney and ensure that all parties are paid appropriately.

Discussion held in reference to insurance coverage picking up half of the fees.

Councilmember Williams moved, seconded by Councilmember Carioscia to approve reimbursement of former Mayor Sawicki's legal fees of \$6,568.12.

Councilmember Williams inquired if we can pursue the individuals that created the topic. He questioned when the Ethics Commission and FDLE made the ruling, did they include that the former Mayor could recover her Attorney's fees from the other people?

City Attorney Menendez responded that was beyond the purview of both of those entities. The Ethics Commission does not get involved in that, and the FDLE was basically an investigation. The State Attorney's Office declined to file charges based on the outcome of that investigation. We are looking into recourse for those matters.

Councilmember Carioscia questioned if we have an obligation to pursue an independent investigator to review the results of the Ethics Commission, as well as the FLDE, to determine if there was a frivolous allegation.

City Attorney Menendez responded that we will look as to legal recourse. Be aware that bringing someone in from the outside, there will be a fee incurred, too. She will prepare a memo about the possible availability to recoup these fees.

Councilmember Stokes would like to move forward and not continue with any investigations.

Council polled as follows: Stout, Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, and Stokes voted "aye." Eight "ayes." Motion carried 8-0.

Councilmember Cosden – Topics: Do the Right Thing Awards ceremony; Best Buddies Program; World Autism Acceptance Day/Month.

Councilmember Gunter – Topics: Attended Sounds of Jazz and Blues Festival; and tomorrow is a meeting at the Chester Resource Center for the Mooring Study in the Bimini Basin area.

Councilmember Stokes – Topics: Attended an event with Commissioner Brian Hamman.

Councilmember Nelson – Topics: Attended Horizon Council Planning Meeting.

Mayor Coviello – Topics: Guest speaker on March 20th at Saint Andrew's Men's Fellowship Breakfast; Strategic Planning Session; on March 21st attended the Chambers SWFL Post Session Delegates Luncheon; Do the Right Thing Awards; Grand Reopening of the Rosen Building at the Cape Coral Historical Museum; on Thursday, March 22nd guest speaker at Cape Harbour Homeowners Association annual meeting; Saturday, March 24th attended the Jazz and Blues Fest, requested Country Western in the future with barbeque; met with Senator Lizbeth Benacquisto, and Representatives Dane Eagle and Ray Rodriguez about goals of our City; CRA meeting on Tuesday about the Mooring Field in Bimini Basin; April 6th will be at the Sirenia Vista Butterfly Garden and Ribbon Cutting; on Saturday, April 7th Touch a Truck at 9:00 a.m., CCCIA Picnic at the Yacht Club; Charter Authority Fundraiser at the German American Club; Judge on Sunday, April 8th at Taste of the Cape at Four Freedoms Park with Symphony in the Park at 4:00 p.m.; on Friday, April 13th, Cape Coral Swearing in for New Police Officers at 3:00 p.m.; Saturday, April 14th Bike Night relocated to Lafayette Street.

Councilmember Carioscia inquired as to the water quality in Bimini Basin about the Cardboard Boat Regatta.

City Manager Szerlag stated samples have been taken, need 48 hours for final analysis. If levels are bad, he will notify Elmer Tabor to cancel the event which is scheduled for Sunday, April 30th. More samples will be taken prior to then.

Councilmember Carioscia inquired what the results were last week.

City Manager Szerlag stated he believed they were mixed which warranted further investigation.

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney – Topic: No Report

City Manager – Topic: No Report

TIME AND PLACE OF FUTURE MEETINGS

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, April 16, 2018 at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:41 p.m.

Submitted by,



Rebecca van Deutekom, MMC
City Clerk