

Mayor

Marni L. Sawicki

Council Members

District 1: James D. Burch

District 2: John M. Carioscia Sr.

District 3: Leonard Nesta Jr.

District 4: Richard Leon

District 5: Rana M. Erbrick

District 6: Richard Williams

District 7: Derrick Donnell, Ed.D.



City Manager
John Szerlag
City Attorney
Dolores Menendez
City Auditor
Margaret Krym
City Clerk
Rebecca vanDeutekom

1015 Cultural Park Blvd.
Cape Coral, FL

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

August 31, 2015

4:30 PM

Council Chambers

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

1. MEETING CALLED TO ORDER

A. MAYOR SAWICKI

2. INVOCATION/MOMENT OF SILENCE

A. MAYOR SAWICKI

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

A. MAYOR SAWICKI, COUNCIL MEMBERS BURCH, CARIOSCIA,
DONNELL, ERBRICK, LEON, NESTA, WILLIAMS

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

A. Communicator Awards - Bike Safety Videos

7. APPROVAL OF MINUTES

A. Regular Council Meeting - August 17, 2015

8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 45 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual.

B. CONSENT AGENDA

- (1) Resolution 127-15 Award Invitation to Bid #ITB-PR15-64/SH Pelican Baseball Complex Irrigation Installation to R & R Sprinkler and Sod, Inc. of Fort Myers in the amount of \$67,200.00 with a 5% city controlled contingency in the amount of \$3,360 for a total amount of \$70,560 and authorize the City Manager to execute the contract. Department: Parks and Recreation Estimated Dollar Value: \$70,560 (General Fund)
- (2) Resolution 134-15 Approve the Single Source purchase to Tom Evans Environmental, Inc for the Purchase of one Vertical Turbine Pump, for the Utilities Department North Reverse Osmosis Plant at the estimated cost of \$65,139.59 not to exceed budgetary limits and authorize the City Manager or Designee to execute the purchase order. Department: Utilities Total Dollar Amount: \$65,139.59 (Water & Sewer Fund).
- (3) Resolution 149-15 Approval of the Subordination of City Utility Interests agreement between the City of Cape Coral and the State of Florida Department of Transportation (FDOT) over a portion of 2020 and 2030 NE Pine Island Road and 1394 Hibiscus Drive (aka a portion of Strap #s: 05-44-24-C3-00006.0070, 05-44-24-C3-00006.007A & 05-44-24-C3-0010A.0220). Department: Financial Services / Real Estate Division Dollar Value: N/A

C. CITIZENS INPUT TIME

A maximum of 45 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual.

D. PERSONNEL ACTIONS

- (1) NONE

E. PETITIONS TO COUNCIL

- (1) NONE

F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) NONE

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

- (1) Ordinance 33-15 Public Hearing
WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance amends Chapter 19, Water and Sewer Utilities, of the Code of Ordinances by amending sections concerning customer deposits, limitations on use, changes to customer's

installation, billing, liens, violations and penalties, unauthorized connections, meter tests, and fire protection.

(2) Ordinance 36-15 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, by eliminating the requirement that Artisan Breweries, Distilleries and Wineries serve only beer, spirits, and wine produced on the premises.

(3) Ordinance 37-15 LU15-0003 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Single Family Residential (SF) to Commercial/Professional (CP) land use for property located at 1532 SE 42nd Street.

(4) Ordinance 38-15 ZA15-0004*

Final 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 821 Cape Coral Parkway West from Professional Development (P-1) to Pedestrian Commercial (C-1).

(5) Ordinance 39-15 Public Hearing for Transmittal

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Conservation and Coastal Management Element, the Future Land Use Element, the Infrastructure Element, the Intergovernmental Coordination Element, and the Transportation Element.

(6) Ordinance 41-15 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance declaring a triangular shaped parcel of property being a part of Niagara Canal as unusable municipal surplus real property no longer needed by the City and authorizing and directing the Mayor and clerk to execute a deed conveying the surplus real property to LGI Homes, LLC, subject to the Grantee herein constructing a seawall on said property;. property is located at 2546 SW 4th Place.

(7) Ordinance 42-15 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance authorizes the issuance of \$1,500,000 Fire Protection Assessment Revenue Note, Series 2015 for the purchase of certain facilities, vehicles and other fire protection equipment.

- (8) Resolution 109-15 Public Input
WHAT THE RESOLUTION ACCOMPLISHES:
Resolution adopts the meter bench test deposit fee rates required pursuant to Section 19-24 of the Code of Ordinances.

B. Introductions

- (1) Ordinance 44-15 Set Public Hearing Date September 21, 2015
WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance changing the name of the Fire/Rescue and Emergency Management Services Department to Fire Department.
- (2) Ordinance 45-15 Set Public Hearing Date September 21, 2015
WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance declaring a parcel of real property described as Lots 12-13, Block 1944F, Unit 29, as unusable real surplus property no longer needed by the City; authorizing the conveyance of the surplus real property pursuant to Section 2-155 of the Code of Ordinances and authorizing the Mayor and City Clerk to execute a special warranty deed conveying the surplus real property.

10. UNFINISHED BUSINESS

- A. Canvassing Board - Selection of Member

11. NEW BUSINESS

- A. Budget Review Committee Presentation - Joe Coviello, Budget Review Committee Chair
- B. Council Rules and Procedures - Mayor Sawicki
- C. Discussion on Sands Boulevard Sidewalk and Trees in the Right-of-Way
- D. Resolution 147-15 Award Request for Proposal RFP-FIN15-48/SH for the Property; Boiler & Machinery; Data Processing Equipment; Crime; Public Official Liability; Excess Automobile Liability; Excess General Liability; Excess Workers Compensation insurance coverage to Florida Municipal Insurance Trust of Orlando FL administered by Florida League of Cities Inc. in the estimated amount of \$1,384,116 and an additional amount of \$549,041 for the separate Utilities requirement and authorize the City Manager to execute the contract and/or policy and any and all extensions or options. Department: Finance Estimated Dollar Value: \$1,933,157 (Insurance/Workers' Compensation Fund) (Internal Service Fund)
- E. Resolution 150-15 Award "Request for Proposal RFP-HR15-58/KS for the Employee Benefits for Medical, Medicare, Dental and Employee Assistance Program" to the following firms: In respect to Medical Coverage award to Blue Cross and Blue Shield of FL, Inc., as a self-insured plan rather than a fully insured plan for a total estimated cost of \$15,869,371 The Dental Plan award to Humana.

Authorize the City Manager to execute the application/agreement and any related documents in reference to this procurement
Department: HR Estimated Dollar Value: \$16,576,008.84 (Internal Service Fund)

- F. Approve the Cape Coral Community Garden installation in the amount of \$24,389. Property is located at the north end of City Hall between SE 10th Street and Cultural Park Boulevard. Department: Parks and Recreation Estimated Dollar Value: \$24,389 (Donation for 100% funding from Rotary Clubs of Cape Coral)

12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

14. TIME AND PLACE OF FUTURE MEETINGS

- A. A Committee of the Whole Meeting is Scheduled for Wednesday, September 2, 2015 at 4:30 p.m. in Council Chambers
- B. A Special Meeting of the Cape Coral City Council is Scheduled for Monday, September 10, 2015 at 5:05 p.m. in Council Chambers

15. MOTION TO ADJOURN

**GENERAL RULES AND PROCEDURES REGARDING
THE CAPE CORAL CITY COUNCIL AGENDA**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

Members of the audience who address the City Council shall step up to the speaker's lectern and give his or her full name, address, and whom he or she represents. Proper decorum shall be maintained at all times. Any audience member who is boisterous or disruptive in any manner to the conduct of this meeting shall be asked to leave or be escorted from the meeting room.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15

cents per page. Agendas and back-up documentation are also available online on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

***PUBLIC HEARINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT CASES**

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.
3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.
5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.