

Mayor

Marni L. Retzer

Council Members

District 1: James D. Burch

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Richard Leon

District 5: Rana M. Erbrick

District 6: Richard Williams

District 7: Jessica Cosden

1015 Cultural Park Blvd.

Cape Coral, FL

City Manager

John Szerlag

City Attorney

Dolores Menendez

City Auditor

Margaret Krym

City Clerk

Rebecca van Deutekom

AGENDA FOR THE REGULAR MEETING OF THE

CAPE CORAL CITY COUNCIL

July 25, 2016 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 RETZER
2. INVOCATION/MOMENT OF SILENCE
 - A. COUNCILMEMBER CARIOSCIA
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
 - A. MAYOR RETZER, COUNCIL MEMBERS BURCH, CARIOSCIA, COSDEN, ERBRICK, LEON, STOUT, WILLIAMS
5. CHANGES TO AGENDA/ADOPTION OF AGENDA
6. RECOGNITIONS/ACHIEVEMENTS
 - A. Service Awards: 10 Years - Wayne Dodd/Fire
7. APPROVAL OF MINUTES
 - A. NONE
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 131-16 Approve funding of \$231,869.70 and the Sole Source to Hall-Mark RTC (formerly Hall-Mark Fire Apparatus, LLC) of Ocala for the refurbishment of a 2006 E-ONE 75-foot Aerial Apparatus for the Fire Department and authorize the City Manager or Designee to execute the purchase order and/or any corresponding documents; Department: Fire Department; Dollar Value: est. \$231,869.70; (General Fund)

(2) Resolution 132-16 Approve purchases of Vehicles, Equipment and Operating Supplies, in accordance with the City of Cape Coral Procurement Ordinances, Chapter 2, Article VII, Division1 Purchasing of Goods and Services, for eight (8) Building Inspector positions approved by Council on June 6, 2016 in Resolution 99-16 and authorize the City Manager, or designee, to approve the purchase orders for these purchases; Department: Department of Community Development; Dollar Value: \$204,500; (Building Special Revenue Fund)

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) Resolution 56-16 VP15-0004 Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a street right-of-way and the underlying utility and drainage easement being Pine Tree Court, located between Lots 11-18, Block 87, and Tract A, Unit 5, Cape Coral Subdivision; providing for the vacation of platted interior easements within Lots 1-18, Block 87, and Tract A, all within Unit 5, Cape Coral Subdivision; providing for the vacation of platted interior easements within Lots 86-93, Block 93, Unit 5, Cape Coral Subdivision; property is located in the area of Cape Coral Parkway East and its intersection with Palm Tree Boulevard, Pine Tree Court, and Sunset Court.

Planning & Zoning Recommendation:

At the May 4, 2016 meeting, the Planning and Zoning Commission/Local Planning Agency voted (7-0) to recommend approval of Resolution 56-16 with staff conditions including the following: the resolution should not be recorded in Lee County Clerk of Court and shall not be effective until the applicant posts the financial security with the City for relocating the facilities/utilities described in Condition 4, the receipt of the City of the easements in Conditions 2 and 3 and the developer refunds the Department of Community Development for all recording fees associated with the resolution. Section 7, this resolution shall take effect upon its recording within the public records with leave of the Court. There were no speakers during public hearing. Staff received no letters of correspondence.

City Management Recommendation: Recommended denial.

(2) Resolution 112-16 Second Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES:

A Resolution adopting the 2016-2017 One Year Action Plan for the Community Development Block Grant (CDBG) Entitlement Program, authorizing and directing the City Manager to prepare and submit the One Year Action Plan for the 2016-2017 Fiscal Year, to the United States Department of Housing and Urban Development (HUD); Authorizing the City Manager or his Designee to accept and execute the Grant Agreement for the 2016-2017 CDBG Program when received from HUD; authorizing the City Manager or his Designee to accept and execute Grant Agreements with Subrecipients; Providing an effective date.

(3) Resolution 118-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution establishes a proposed millage rate for tax year 2016, establishes public hearing dates, and provides for notice to the Lee County Property Appraiser.

(4) Resolution 119-16 - PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The Initial Resolution establishes a public hearing date of August 29, 2016 to consider the imposition of the lot mowing special assessments; determines that certain real property will be specially benefited by the lot mowing services, establishes the terms and conditions of the assessment to fund the lot mowing services, and the method of their collection.

(5) Resolution 120-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution establishes the estimated Fire Protection assessed cost and assessment rates for Fiscal Year 2017, directs the preparation of an assessment roll, and authorizes a public hearing to consider the adoption of the Annual Assessment resolution.

(6) Resolution 121-16 - PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution establishes the estimated Assessment Rate for Solid Waste Service Assessments against assessed property in the City of Cape Coral for Fiscal year 2017. The resolution directs the preparation of an assessment roll and authorizes a public hearing.

(7) Resolution 122-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution approves a Stormwater User Fee for FY2016-2017 that exceeds the maximum amount established for the previous year, and authorizes a public hearing for the proposed adoption of the annual stormwater resolution pursuant to Sec. 22-4 of the Code, and directs providing notice of the public hearing.

(8) Resolution 127-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution describes the Target Green Area wastewater improvement project method of assessing delinquent project costs against assessed property, determines that the properties derived a special benefit from the project, confirms the terms and conditions of special assessments funding the wastewater improvement project costs, determines the estimated remaining delinquent costs, directs the City Manager to prepare a preliminary assessment roll, and establishes and public hearing and notice provisions.

(9) Resolution 128-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution describes the Orange Area potable water and wastewater improvement project method of assessing delinquent project costs against assessed property, determines that the properties derived a special benefit from the project, confirms the terms and conditions of special assessments funding the potable water and wastewater improvement project costs, determines the estimated remaining delinquent costs, directs the City Manager to prepare a preliminary assessment roll, and establishes public hearing and notice provisions.

(10) Resolution 129-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution describes the Orange Area Irrigation improvement project method of assessing delinquent project costs against assessed property, determines that the properties derived a special benefit from the project, confirms the terms and conditions of special assessments funding the irrigation improvement project costs, determines the estimated remaining delinquent costs, directs the City Manager to prepare a preliminary assessment roll, and establishes public hearing and notice provisions.

(11) Resolution 130-16 PUBLIC INPUT

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution describes the Striped Green Area improvement project method of assessing delinquent project costs against assessed property, determines that the properties derived a special benefit from the project, confirms the terms and conditions of special assessments funding the wastewater improvement project costs, determines the estimated remaining delinquent costs, directs the City Manager to prepare a preliminary assessment roll, and establishes public hearing and notice provisions.

B. Introductions

(1) Ordinance 34-16 Set Public Hearing Date for August 8, 2016

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Code of Ordinances, Chapter 19, Water and Sewer Utilities, by amending the policy for mandatory connection to include reclaimed water system upon availability, providing for withholding service for indebtedness resulting in a lien, providing an appeal process for unauthorized connection penalties, fees or costs.

(2) Ordinance 35-16 Set Public Hearing Date for August 8, 2016

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Division 2, Utility Capital Expansion Fee, by updating Utility Capital Expansion Fees, and by amending the process for updating Utility Capital Expansion Fees.

10. UNFINISHED BUSINESS

- A. Water Quality
- B. Council Capital Priorities and Project

11. NEW BUSINESS

- A. Resolution 135-16 Approve Golf Course Advisory Board Funding request; Department: Parks and Recreation; Dollar Value: \$50,000
- B. Resolution 134-16 Approval of FY2017-FY2019 Strategic Plan and Measures

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 Regular Meeting of the Cape Coral City Council is Scheduled for Monday, August 1, 2016 at 4:30 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.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state or local law.

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 on-line 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.