

**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**

August 29, 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. MAYOR RETZER

**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: 5 Years - Cynthia Lee/Youth/P&R; 15 Years -  
Elizabeth Ellis/Utilities/City Manager; 25 Years - Carol Robb/GEO  
Processing/PW

**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) NONE

**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 155-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves the Fire Protection Services, Facilities and Programs Non-ad valorem assessment roll for FY 2016-2017, approves the assessment roll and provides for collection of the assessments, and establishes an administrative petition procedure regarding the number of Tier 2 Equivalent Benefit Units attributed to tax parcels.

(2) Resolution 156-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution establishes the amount of the Stormwater User Fee for Fiscal Year 2016-2017, imposes the user fees against properties in the Stormwater Program, authorizes the collection of delinquent stormwater charges, and approves the Stormwater User Fee Roll.

(3) Resolution 157-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution reimposes Solid Waste Service Assessments against assessed residential property in the City for Fiscal Year 2016-2017, sets forth and approves the rate of assessment, and approves the assessment roll.

(4) Resolution 158-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution establishes the maximum amount of the annual Lot Mowing assessment for equivalent lot units utilizing lot mowing services, imposes assessments against properties within four lot mowing districts, approves the assessment roll, and provides for the collection of the assessments.

(5) Resolution 159-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution establishes the collection rates for Commercial establishments and large scale multi-family dwellings for the mandatory refuse collection program.

(6) Resolution 160-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves assessment rolls for various assessment areas established pursuant to Chapter 17, Article III of the Code, describes the lien associated therewith, and directs that the assessment rolls be certified to the Lee County Tax Collector.

(7) Resolution 151-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution assesses delinquent project costs against properties in the Target Green Area Wastewater Improvement Project, confirms the preliminary non-ad valorem assessment resolution, imposes wastewater assessments, approves the wastewater improvement assessment roll, and provides for the collection of the assessments.

(8) Resolution 152-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution assesses delinquent project costs against assessed property in the Striped Green Wastewater Collection Program, confirms the preliminary non-ad valorem assessment resolution, imposes wastewater assessments, approves the wastewater improvement assessment roll, and provides for collection of the assessments.

(9) Resolution 153-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution assesses delinquent project costs against assessed property in the Orange Area Potable Water and Wastewater Collection Program, amends the preliminary non-ad valorem assessment resolution, confirms the preliminary non-ad valorem assessment resolution, as amended, imposes potable water and wastewater assessments, approves the potable water and wastewater improvement assessment roll, and provides for collection of the assessments.

(10) Resolution 154-16 Public Hearing

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution assesses delinquent project costs against assessed property in the Orange Area Irrigation Improvements Project, confirms the preliminary non-ad valorem assessment resolution, imposes irrigation assessments, approves the irrigation improvement assessment roll, and provides for collection of the assessments.

**B. Public Input**

**(1) Resolution 145-16 Public Input**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves an agreement between the City and the Lee County Tax Collector for use of the statutory uniform methodology of collection for the Target Green Wastewater Improvement Project non-ad valorem special assessments, and authorizes the City Manager to sign the agreement.

**(2) Resolution 146-16 Public Input**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves an agreement between the City and the Lee County Tax Collector for use of the statutory uniform methodology of collection for the Striped Green Wastewater Collection Program non-ad valorem special assessments, and authorizes the City Manager to sign the agreement.

**(3) Resolution 147-16 Public Input**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves an agreement between the City and the Lee County Tax Collector for use of the statutory uniform methodology of collection for the Orange Area Potable Water and Wastewater Collection Program non-ad valorem special assessments, and authorizes the City Manager to sign the agreement.

**(4) Resolution 148-16 Public Input**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves an agreement between the City and the Lee County Tax Collector for use of the statutory uniform methodology of collection for the Orange Area Irrigation Improvements Project non-ad valorem special assessments, and authorizes the City Manager to sign the agreement.

**C. Introductions**

**(1) NONE**

**10. UNFINISHED BUSINESS**

**A. Water Quality**

**11. NEW BUSINESS**

**A. Budget Review Committee Presentation - Joe Coviello, Budget**

**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. CANCELED - A Joint City Council and Budget Review Committee Budget Workshop is Scheduled for Wednesday, August 31, 2016 at 4:30 p.m. at the Nicholas Annex, Conf. Room A200, 815 Nicholas Parkway, Cape Coral, FL
- B. A Committee of the Whole Meeting is Scheduled for Wednesday, September 7, 2016 at 4:30 p.m. in the Nicholas Annex, A200 Green Room, 815 Nicholas Parkway, Cape Coral, FL
- C. A Special Meeting of the Cape Coral City Council (First Budget Hearing) is Scheduled for Thursday, September 8, 2016 at 5:05 p.m. in Council Chambers
- D. A Regular Meeting of the Cape Coral City Council is Scheduled for Monday, September 12, 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.