

Mayor

Marni L. Sawicki

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**

October 17, 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 SAWICKI

2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER COSDEN

3. PLEDGE OF ALLEGIANCE

A. Brigham Piacente - Skyline Elementary

4. ROLL CALL

A. MAYOR SAWICKI, COUNCIL MEMBERS BURCH, CARIOSCIA,
COSDEN, ERBRICK, LEON, STOUT, WILLIAMS

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

A. NONE

7. APPROVAL OF MINUTES

A. Regular Meeting - September 19, 2016

B. Special Meeting (2nd and Final Budget Hearing) - September 22,
2016

C. Regular Meeting - September 26, 2016

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 183-16 Approval of Agreement between the City of Cape Coral, the City of Fort Myers, Lee County and the Housing Authority of the City of Fort Myers to complete a Regional Assessment of Fair Housing; Department: Community Development; Dollar Value: N/A; (Fund: N/A)
- (2) Resolution 184-16 Accept West Coast Inland Navigation District (WCIND) Subgrant Funding; Department: Police (Marine Patrol); Dollar Value: \$153, 372 with no matching funds; (Fund: N/A)
- (3) Resolution 185-16 Approval of the renewal of the Memorandum Agreement comprising a community partnership between the Florida Department of Corrections (DOC) and the City of Cape Coral o/b/o the Cape Coral Police Department (CCPD), and authorizing the Chief of Police to execute all documents o/b/o the City of Cape Coral; Department: Police; Dollar Value: N/A; (Fund: N/A)
- (4) Resolution 186-16 Acceptance of Paul Coverdell Forensic Science Improvement Grant Funding; Department: Police; Dollar Value: \$93,796, with no matching funds; (Fund: N/A)
- (5) Resolution 187-16 Acceptance of Pedestrian and Bicycle Safety Enforcement Campaign Funding; Department: Police; Dollar Value \$21,600. No match required; (Fund: 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) Discussion with Health Facilities Authority/Board Attorney, Harvey Rollings
- (2) Health Facilities Authority - 1 Vacancy

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

(1) Ordinance 41-16 Second and Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .12, Village District (VILL), to add Veterinary and Animal Clinics as a Permitted Use in the Village (VILL) Zoning District.

P&Z recommendation:

At the September 7, 2016 meeting, the Planning and Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 41-16. There were no speakers during public hearing. Staff received no correspondence.

City Management Recommendation: Recommended approval.

(2) Ordinance 42-16 (LU 16-0005) Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Parks and Recreation (PK) to Public Facilities (PF) for property located in the area of Sun Splash Water Park, east of SW 2nd Avenue and its intersection with SW 3rd Terrace and SW 4th Street.

P&Z recommendation:

At the September 7, 2016 meeting, the Planning and Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 42-16. There were no speakers during public hearing. Staff received no correspondence.

City Management Recommendation:

The proposed amendment to Public Facilities is appropriate for an area that contains a concentration of government or public service facilities. The proposed amendment to Public Facilities is consistent with Policy 1.15.B of the Future Land Use Element. Therefore, Planning Division Staff recommends approval of the proposed small-scale future land use map amendment request.

(3) Ordinance 43-16 (LU 16-0009) Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Commercial/Professional (CP) to Single-Family Residential (SF) for property described as all of Blocks 4801 & 4802, Cape Coral Unit 71; property is located between Chiquita Boulevard to the east, SW 25th Terrace to the north, SW 17th Avenue to the west, and SW 26th Street to the south.

P&Z recommendation:

At the September 7, 2016 meeting, the Planning and Zoning Commission/Local Planning Agency voted (6-0) to recommend

approval of Ordinance 43-16. There were no speakers during public hearing. One letter of opposition was received.

City Management Recommendation:

Through the analysis of Policy 1.14 of the Future Land Use Element, the current classification of Commercial/Professional is not warranted. As the proposed amendment to Single-Family Residential is consistent with state policies and the City's Comprehensive Plan, Planning Division Staff recommends approval of the proposed small-scale Future Land Use Map amendment request.

(4) Ordinance 49-16 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Section 2-154, Sale of Surplus Tangible Personal Property, of the Code of Ordinances, to require City Council approval to donate surplus tangible personal property when the value is over \$10,000, and to allow donations without City Council approval when the value is \$10,000 or less.

B. Introductions

(1) Ordinance 30-16 (ZA 16-0004*) Set Public Hearing date for October 24, 2016

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Official Zoning District Map by rezoning property described as Lots 40 & 41, Block 1546, Cape Coral Unit 17, Part 1, from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) zone; property is located at 435 Del Prado Boulevard North.

Hearing Examiner Recommendation (HEX): The Hearing Examiner recommends approval of the application for rezoning.
City Management Recommendation: Recommends Approval.

(2) Ordinance 40-16 (ZA 16-0005*) Set Public Hearing date for October 24, 2016

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Official Zoning District Map by rezoning property described as the north 785 feet of Block 4428, Unit 63, Cape Coral Subdivision, from Marketplace Residential (MR) to Pedestrian Commercial (C-1) zone; property is located at 1906 Skyline Boulevard.

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.
City Management Recommendation: Recommends Approval.

(3) Ordinance 50-16 (LU 16-0011) Set Public Hearing for October 31, 2016

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from

Commercial/Professional (CP) to Multi-Family Residential (MF) Land Use for property located at 3817 Del Prado Boulevard South.

P&Z Recommendation: At the October 5, 2016 meeting, the Planning and Zoning commission/Local Planning Agency voted (7-0) to recommend approval of Ordinance 50-16. There were no speakers during public hearing. Staff received no correspondence.

City Management Recommendation: Recommends Approval.

(4) **Ordinance 51-16 Set Public Hearing Date for October 31, 2016**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Code of Ordinances, Chapter 5, Building, Section 5-4, Schedule of Fees to be Collected by Department of Community Development; Chapter 6, Contractors and Construction Regulation Board, Section 6-4.1, Registered Contractors, Section 6-4.2.1, Elimination of Registered Contractors and Grandfathering, and Section 6-8, Biennial Renewal Fees, pertaining to contractor licensure requirements and associated fees (approximately \$15,000 per yr).

10. UNFINISHED BUSINESS

- A. Water Quality

11. NEW BUSINESS

- A. Update from the Lee County Clerk of Courts - Ms. Linda Doggett, Clerk of Courts
- B. Presentation for State Lobbyist Services, RFP-CM16-53/CH, from the top two ranked firms, Becker & Poliakoff and Peebles & Smith, and selection of the firm by Council Department: City Manager's Office Dollar Value: N/A

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, October 24, 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.