

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

Andrea R. Butola

City Clerk

Rebecca van Deutekom

AGENDA FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL

May 1, 2017 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 BURCH
3. PLEDGE OF ALLEGIANCE
 - A. CONSTANTINE BELIS - OASIS 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 - April 3, 2017
8. BUSINESS
 - A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual.

B. CONSENT AGENDA

(1) Resolution 59-17 Award ITB-UT17-01/KR North RO WTP Busway Replacement to Cogburn Brothers, Inc. of Jacksonville, Florida, the lowest responsive responsible bidder, to provide complete construction services, for modifications to the power distribution system at the North RO Water Treatment Plant, in the amount of \$898,500 plus an additional 10% City controlled contingency of \$89,850 for a total value of \$988,350 and authorize the City Manager or designee to execute the contract. Department: Utilities Dollar Value: \$988,350 (Water and Sewer Fund)

(2) Resolution 63-17 Beyond Tribute Initiative (Advanced by Mayor Sawicki)

(3) Resolution 64-17 Approve Hold Harmless Agreement between the City of Cape Coral and Gulf Care, Inc., d/b/a Gulf Coast Village; Department: Utilities; Dollar Value: N/A; (Fund: N/A)

- (4) Resolution 65-17 Approval of Purchase Contract for the purchase of Lot 13, Block 6056, Unit 96, Cape Coral Subdivision, 2029 SW 32nd Street, to provide a site for a Motor Operated Valve (MOV) for remote operation of a sewer force main related to providing additional capacity for North 2 UEP and others, for the purchase price of \$28,000 plus proration costs not to exceed \$1,500 and the remaining balance of the utility assessments of approximately \$10,000; Department: Financial Services / Real Estate Division; Dollar Value: \$39,500; (Water and Sewer Fund); Note: Trade offer rejected by Seller.
- (5) Resolution 66-17 Acceptance of Warranty Deed and Permanent Utility and Drainage Easement from LGI Homes-Florida, LLC for a portion of Lot 49, Block 6025, Cape Coral Unit 95 (2001 SW 12th Terrace) for road right of way and completion of the 6.00-foot wide perimeter utility and drainage easement around the site; Department: Financial Services / Real Estate Division; Dollar Value: \$100; (General Fund)
- (6) Resolution 68-17 Ratify the agreement with B.P Limited Liability Company (“B.P”) for emergency water supply deliveries from B.P’s reservoir (Southwest Aggregates). The memorandum of agreement is for a non-refundable sum of \$140,000, payable to Southwest Aggregates, to complete the necessary up front work required to pump water to the City's fresh water canals. Department: Utilities Dollar value: \$140,000 (Water & Sewer Fund)
- (7) Resolution 71-17 Speed Limit Change Request- S.E. 17th Place to reduce the posted speed limit on S.E. 17th Place from Four Mile Cove Parkway to Veterans Memorial Parkway from 30 mph to 25 mph; Department: Public Works; Dollar Value: N/A; (Fund: N/A)
- (8) Waiver of Conflict of Interest for the Law Firm of Henderson Franklin; Department: City Attorney; Dollar Value: N/A; (Fund: N/A)

C. CITIZENS INPUT TIME

A maximum of 60 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) Youth Council - 2 Rising Senior Vacancies
- (2) Youth Council - 7 Rising Junior Vacancies

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

- (1) Ordinance 12-17 (LU 16-0012) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Future Land Use Map from Single Family and Multi-Family by PDP to Single Family Residential for properties located in Units 33, 34, 35, 36-1, 37, 38, 41, 48, 49, 50, 54, 58, and 59, Cape Coral Subdivision, for properties located in the Whispering Pines Subdivision, and for properties lying in Section 10, Township 44 South, Range 23 East, Lee County, Florida; from Single Family and Multi-Family by PDP to Multiple Family Residential for properties located in Units 33, 37 and 58, Cape Coral Subdivision, and lying in Sections 29 and 32, Township 43 South, Range 24 East, Lee County, Florida; from Commercial Activity Center to Single Family Residential for properties located in Unit 49, Cape Coral Subdivision; from Commercial Activity Center to Multiple Family Residential for properties located in Unit 49, Cape Coral Subdivision; and from Urban Services Reserve Area to Urban Services Transition Area for properties located in Units 59, 60, 76, and 81, Cape Coral Subdivision, and for properties located in the West Cape Estates Subdivision. This large scale future land use amendment is a follow-up to LU 15-0004 (Ordinance 59-15) which brought over 4,000 acres in northern Cape Coral from the Urban Services Reserve Area into the Urban Services Transition Area.

P & Z Recommendation: the Planning and Zoning Commission/Local Planning Agency voted (5-0) to recommend approval of Ordinance 12-17.

City Management Recommendation: Recommends approval of the requested future land use map amendment.

(2) Ordinance 18-17 (ZA 16-0010*) 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 9 Del Prado Boulevard North from Professional Office (P-1) to Pedestrian Commercial (C-1) zone.

Hearing Examiner Recommendation: Recommends approval of the application for rezoning.

City Management Recommendation: Recommends approval of the application for rezoning.

B. Introductions

(1) Ordinance 14-17 Set First Public Hearing Date for May 15, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.5, Schedule of Land Use Classifications, by adding "Sports Academy" to the schedule of Land Use Classifications; amending Section 2.7, District Regulations, by providing that Private Parks shall be allowed as a permitted use in Single-Family Residential (R-1A and R-1B) and Multi-Family (R-3) districts; and providing that Cultural Facilities; Hotels/Motels-Resorts Only; Recreation, Commercial, Group II; and Schools, Commercial (Sports Academy Only) uses shall be allowed as special exception uses in the Single-Family Residential (R-1A and R-1B) and Multi-Family Residential (R-3)

districts under certain identified conditions; amending Article XI, Definitions, by revising the definition of "Resort" and adding a definition for "Sports Academy."

P&Z recommendation: At the March 1, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (7-0) to recommend approval of Ordinance 14-17.

City Management Recommendation: Recommends approval of the requested amendment.

(2) Ordinance 19-17 Set First Public Hearing Date for May 15, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Article II of the Land Use and Development Regulations to include Vacation Rentals as a Permitted Use in certain zoning districts. It also amends Article III to create Section 3.30 which establishes regulations and procedures pertaining to vacation rentals. The ordinance also amends Chapter 11 of the Code of Ordinances to establish business tax requirements for vacation rentals.

(3) Ordinance 20-17 Set Public Hearing Date for May 15, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 46-16, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2017, by increasing total Revenues and Expenditures by a total of \$58,387,603.

(4) Ordinance 21-17 Set Public Hearing Date for May 15, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the School Bus Lease Agreement between the Cape Coral Charter School Authority and the City of Cape Coral.

10. UNFINISHED BUSINESS

A. Water Quality - Update

B. Legislative Issues - Update

11. NEW BUSINESS

A. Presentation of the FY2016 Comprehensive Annual Financial Report (CAFR)

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, May 15, 2017 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.