AGENDA FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL

October 2, 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 STOUT

3. PLEDGE OF ALLEGIANCE
   A. Thomas Bitz - Trafalgar Elementary

4. ROLL CALL
   A. MAYOR SAWICKI, COUNCIL MEMBERS BURCH, CARIOSCIA, COSDEN, LEON, PULEIO, STOUT, WILLIAMS

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS
   A. NONE

7. APPROVAL OF MINUTES
   A. NONE
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 184-17 Approve Amendment #1 to Contract CON-PW16-64/GM-4 with Superior Landscaping & Lawn Service, Inc., to add Areas 11, 12, part of area 13 (Subsection B, C, & D), and Area 19 due to the cancellation of the contract by the primary vendor. The Greenscape Median Landscape Maintenance is an on-going maintenance of improved medians. The total bid amount of the added areas for Superior Landscaping & Lawn Service, Inc is $206,430. However, it results in an additional $71,239 from the previous contract. The request is to approve the amendment and authorize the City Manager or his designee to execute the amendment and any renewals; Department: Public Works; Dollar Value: $206,430; (General Fund)

(2) Resolution 188-17 JABT Corporation Impact Fee Deferral; Department: EDO; Dollar Value: $112,886; (Incentive Reserve Fund)

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) Audit - 1 Vacancy

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

(1) Ordinance 48-17 (PDP16-0013*) Public Hearing

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance approving a Planned Development Project
entitled "Cape Coral 6A + 6B Subdivision" for property located at 1011 SW Pine Island Road and 913 SW Pine Island Road, granting subdivision approval; granting a special exception to allow an Automotive Service Station, Limited with Convenience Store use; granting a special exception to allow an Automotive Repair and Service-Group 1 use. (Applicant: Cape Coral 6A & 6B, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation Oder 7-2017.

City Management Recommendation: City Management recommends approval.

(2) **Ordinance 53-17 Tax Year 2017 Millage Rate Second and Final Public Hearing**

WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance establishes and levies ad valorem taxes within the City of Cape Coral for the tax year 2017 in the amount of $6.750 mills ($6.750 per $1000) based on the assessed value on non-exempt real and personal property, and provides for the manner of assessment and collection.

(3) **Resolution 186-17 Fire Protection Services Assessment/Reduction of Rates Public Input**

WHAT THE RESOLUTION ACCOMPLISHES:
The resolution relates to the funding of Fire Protection Services for Fiscal Year 2017-18 by reducing the rates of the City’s fire protection assessment for such fiscal year.

(4) **Ordinance 54-17 FY2018 Operating Budget Second and Final Public Hearing**

WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance adopts the City of Cape Coral Operating Budget, revenues (sources) and expenditures (uses), and capital budget for the Fiscal Year 2018.

B. Introductions

(1) **Ordinance 34-17 Set Public Hearing Date for October 16, 2017**

WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the Code of Ordinances, Chapter 2, Administration, Article II, Fees, Section 2-24.9 - Fees imposed; time of payment; fees adjusted by City Council based upon evidence presented by applicant, and Chapter 19, Water and Sewer Utilities, Article V, Extension Policy, Section 19-66 - Refundable advances, to provide for Fire and Rescue Impact Fee credits and refundable advances. (Applicant: City of Cape Coral)

(2) **Ordinance 35-17 Set Public Hearing Date for October 16, 2017**

WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the Code of Ordinances, Chapter 8, Fire Prevention and Emergency Management, Article II, Fire Prevention Code, Section 8-10, City of Cape Coral Fire Prevention and Protection Code adopted; amendments to Fire Codes, to be consistent with the current edition of the National Fire Codes, and by creating subsections 18.3.1.1.1 and 18.3.1.1.2, installation standards for fire hydrants. (Applicant: City of Cape Coral)

(3) Ordinance 52-17 (ZA 16-0008*) Set Public Hearing Date for October 16, 2017

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property located at 3816 NW 32nd Place from Residential Development (RD) to Agricultural (A) zone. (Applicant: Quyen Truong)

Hearing Examiner Recommendation: Recommends Denial
City Management Recommendation: Recommends Denial

(4) Ordinance 55-17 Set Public Hearing Date for October 16, 2017

WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance declaring a 1,047-square-foot triangular-shaped parcel of property being a part of Cadman Canal right-of-way adjoining the property located at 101 SE 6th Street as unusable municipal surplus real property no longer needed by the City and authorizing the Mayor and the Clerk to effectuate a quit claim deed granting the above-referenced property to Maria Cristina Baca, the owner of the property located at 101 SE 6th Street, subject to the grantee constructing a seawall upon said property; reserving right-of-way and utility easements for the City. (Applicant: Maria Cristina Baca)

(5) Ordinance 57-17 Set Public Hearing for Monday, October 23, 2017

WHAT THE ORDINANCE ACCOMPLISHES:
The Ordinance amends Chapter 2, Administration, Article III, Personnel Rules and Regulations, Division 11, Attendance and Leave of the Code of Ordinances to provide for an additional extension of time for certain employees to take required leave when an emergency is declared.

10. UNFINISHED BUSINESS
A. Water Quality - Update

11. NEW BUSINESS
A. NONE

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 16, 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 of 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.