

**Mayor**

Marni L. Sawicki

**Council Members**District 1: James D. BurchDistrict 2: John M. Carioscia Sr.District 3: Marilyn StoutDistrict 4: Richard LeonDistrict 5: Dan PuleioDistrict 6: Richard WilliamsDistrict 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**

October 16, 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 WILLIAMS

**3. PLEDGE OF ALLEGIANCE**

A. AVA WHITE - GULF 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. [Special Meeting - September 18, 2017](#)

B. [Regular Meeting - September 18, 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 143-17 Award ITB-UT17-30/KR to the following vendors as the lowest responsible, responsive bidder as follows: Hinterland Group, Inc., of Riviera Beach, FL as the primary; Insituform Technologies, LLC. of Chesterfield, MO as the secondary and Miller Pipeline, LLC of Avon, IN as the tertiary meeting all requirements and specifications to provide the Inflow and Infiltration Sanitary Sewer Lining, Remediation and Repair services, per the unit price stated, not to exceed budgetary limits, on a project and authorize the City Manager or designee to execute the contract and any renewals or amendments for an estimated annual dollar value of \\$750,000. Department: Utilities Annual Dollar Value: \\$750,000 \(Water and Sewer Fund\)](#)
- (2) [Resolution 172-17 Approve CON-UT16-18/KR Contract for Comprehensive Update to Utilities Water Supply, Storage and Disposal Plan with Water Science Associates, Inc. of Fort Myers, Florida, which was ranked #1 by the Selection Advisory Committee and the ranking approved by Council on July 18, 2016 via Resolution 108-16 allowing the City Manager to enter into negotiation; And authorize the City Manager or his designee to execute this agreement for a not to exceed amount of \\$1,673,125 as well as amendments or extensions as necessary. Department: Utilities Dollar value: \\$1,673,125 \(Water Sewer Fund\)](#)
- (3) [Resolution 173-17 Approve the Selection Advisory Committee \(SAC\) ranking of the Request for Proposal \(RFP\) RFP-PW17-62GM to engage a firm to provide professional design services for Florida Shared-Use Nonmotorized Sun-Trail which is a FDOT Grant Funded project and authorize the City Manager or Designee to enter into negotiation with the number one ranked firm, Vanasse Hangen Brustlin, Inc. \(VHB\) of Tampa, FL; Department: Public Works; Dollar Value: N/A; \(Fund: N/A\)](#)
- (4) [Resolution 178-17 Legislative Action in Support of Local Control of Transportation Planning](#)
- (5) [Resolution 179-17 Legislative Action in Support of Local Water Projects and Infrastructure](#)
- (6) [Resolution 180-17 Legislative Action in Support of Certification of Recovery Residences And Administrators](#)
- (7) [Resolution 181-17 Legislative Action in Support of](#)

Communications Services Tax Reform In A Manner That Is Revenue Neutral; Providing For Enhanced Stability And Reliability As An Important Revenue Source For Local Government

- (8) Resolution 182-17 Legislative Action Opposing Legislation that Restricts or Eliminates Community Redevelopment Agencies and the Agency's Ability to Carry Out Redevelopment of Slum or Blighted Areas
- (9) Resolution 183-17 Legislative Action Opposing Legislation that Impedes Municipal Home Rule Powers And The Constitutional Right Of Florida's Citizens
- (10) Resolution 185-17 Ratify the Emergency Purchase Orders for purchases made during Hurricane Irma over the \$50,000 dollar threshold for the Disaster Debris removal services and Approve Contract PB-PW17-85/SH which piggybacks Glades County Board of County Commissioners RFP#5-2015 awarded to TAG Grinding Services, Inc. for Debris Management Services at the unit price awarded, in the estimated amount of \$5 million and authorize the City Manager or designee to execute the purchase orders and contract Department: Public Works Dollar Amount: \$5,000,000 (General Fund)
- (11) Resolution 191-17 Approval of Contract for Purchase of Lots 13 and 14, Block 3013, Unit 43, Cape Coral Subdivision, 1234 NW 25th Terrace, Cape Coral, for the Festival Park project for the purchase price of \$8,500 plus closing costs not to exceed \$1,000; Department: Financial Services / Real Estate Division; Dollar Value: \$9,500; (Parks Capital Project Fund) Note: Trade offer rejected by Seller.
- (12) Resolution 192-17 Approval of Contract for Purchase of two waterfront sites for the Festival Park project (Lots 80 and 81, Block 3002 - 2501 NW 9th Place, and Lots 1 and 2, Block 3003 – 908 NW 25th Street both within Unit 43 Cape Coral Subdivision) for the purchase price of \$30,000 plus closing costs not to exceed \$2,000; Department: Financial Services / Real Estate Division; Dollar Value: \$32,000; (Parks Capital Project Fund) Note: Trade offer rejected by Seller.

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) NONE

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

(1) [Resolution 161-17 \(VP 17-0003\\*\) Public Hearing](#)

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

WHAT THE RESOLUTIONS ACCOMPLISHES:

A resolution providing for the vacation of plat for a street right-of-way being a part of Willow Court located adjacent to Lots 33-34, Block 39, Cape Coral Unit 6 Part 2, and providing for the vacation of plat for six-foot wide public utility and drainage easements lying within Lots 33-34, Block 39, Cape Coral Unit 6 Part 2; property located at 5211 Willow Court. (Applicant: Shannon and Mark Davis)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 4-2017.

City Management Recommendation: City Management recommends approval.

(2) [Ordinance 12-17 \(LU 16-0012\) Final Public Hearing for Adoption](#)

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. (Applicant: City of Cape Coral)  
Planning and Zoning Recommendation: At their April 5, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (5-0) to recommend approval of Ordinance 12-17.

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

(3) [Ordinance 34-17 Public Hearing](#)

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: Brought forward by staff.)

(4) [Ordinance 35-17 Public Hearing](#)

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: Brought forward by staff.)

(5) [Ordinance 49-17 \(AX 17-0001\) Public Hearing](#)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance providing for the voluntary annexation of a 9.72-acre parcel of land located at 2915 SW Pine Island Road; providing for redefinition of City boundaries. (Applicant: Day One, LLC)

City Management Recommendation: City Management recommends approval.

(6) [Ordinance 52-17 \(ZA 16-0008\\*\) 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 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

(7) [Ordinance 55-17 Public Hearing](#)

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)

- (8) [Ordinance 19-17 Second and Final Public Hearing \(Continued from 7/24/2017 2nd public hearing was set for 9/11 - meeting canceled due to Hurricane IRMA\) \(5:05 requirement\)](#)

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Article II of the Land Use and Development Regulations to define Vacation Rentals as any residential property or dwelling unit that is rented or leased to guests more than three times in a year for periods less than 30 days, and includes 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. (Applicant: City of Cape Coral)

Planning & Zoning Recommendation: The Planning & Zoning Commission recommended approval of Ordinance 19-17.

City Management Recommendation: City Management recommends approval.

- (9) [Resolution 60-17 Public Input Establishing Administrative Fees for Vacation Rentals \(Continued from 7/24/2017 2nd public hearing was set for 9/11 - meeting canceled due to Hurricane IRMA\)](#)

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution establishes administrative fees and charges for vacation rentals operating in the City of Cape Coral. (Applicant: City of Cape Coral)

City Management recommendation: City Management recommends approval.

- (10) [Resolution 193-17 Certify Primary Election Results](#)

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution certifies the results of the Primary Election held on October 3, 2017, and provides the Certificate of Results of the Canvassing Board. (Applicant: Brought forward by staff.)

- (11) [Resolution 194-17 Calling for General Election Public Input](#)

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution calls for a General Election by providing for a



General Election for Mayor and Councilmember in Districts 1, 4, 5, and 6; and provides for a Canvassing Board. (Applicant: Brought forward by staff.)

B. Introductions

(1) [Resolution 187-17 \(VP 17-0006\\*\) Set Public Hearing Date for October 23, 2017](#)

\*Quasi-Judicial, All Persons Testifying Must Be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 20-23 and Lot 24-27, Block 1904, Cape Coral Unit 45, Part 1, and providing for the vacation of plat for platted public utility and drainage easements lying along the eastern property line of Lots 20-23 and the western property line of Lots 24-27, Block 1904, Cape Coral Unit 45, Part 1; property located at 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place. (Applicant: LJH Investments, LLC)

Hearing Examiner Recommendation: Hearing Examiner recommends approval with staff conditions.

City Management Recommendation: City Management recommends approval.

(2) [Ordinance 36-17 Set Public Hearing Date for November 6, 2017](#)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .15, South Cape Downtown District (SC), by extending the effective date for certain minimum parking requirements in the South Cape Downtown District from August 20, 2017, to August 20, 2025. (Applicant: City of Cape Coral)

Planning & Zoning Commission Recommendation: At the 8/2 Planning & Zoning meeting, the commission voted (5-0) to recommend approval.

City Management Recommendation: City Management recommends approval.

(3) [Ordinance 37-17 Set Public Hearing Date for November 6, 2017](#)

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 2, Section 2-120.50 of the Code of Ordinances to create and establish a Nuisance Abatement Board, the composition of the board, procedures for the board and for hearings, liens fines and costs, and appeal procedures. The ordinance also amends Section 2-58, Forfeiture provisions, to provide for suspension or removal of office in accordance with Section 112.501, Florida Statutes.

(Applicant: Brought forward by staff.)

- (4) [Ordinance 50-17 \(LU 17-0007\) Set Public Hearing Date for November 6, 2017](#)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Rural (a Lee County designation) to Pine Island Road District (PIRD) land use for property described as Lots 23 & 24 of Tract One of an Unrecorded Map lying in Section 17, Township 44 South, Range 23 East, Lee County, Florida; property is located at 2915 SW Pine Island Road. (Applicant: Day One, LLC)  
Planning & Zoning Commission Recommendation: At the October 4, 2017 meeting, Planning & Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 50-17 (LU17-0007).

City Management Recommendation: City Management recommends approval.

- (5) [Ordinance 51-17 \(ZA 17-0007\\*\) Set Public Hearing Date for November 6, 2017](#)

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance rezoning property located at 2915 SW Pine Island Road from AG-2 (a Lee County designation) to Corridor (CORR) zone. (Applicant: Day One, LLC)

Hearing Examiner Recommendation: Hearing Examiner recommends approval of the application for rezoning contingent upon the prior annexation of this property by the City of Cape Coral and prior amendment of the Future Land Use Map to an appropriate classification for the CPO zoning designation.

City Management Recommendation: City Management recommends approval.

**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 23, 2017 at 4:30 p.m. in Council Chambers

**15. MOTION TO ADJOURN**

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## **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.