

Mayor

John Gunter

Council Members

District 1: Bill Steinke

District 2: Dan Sheppard

District 3: Tom Hayden

District 4: Patty L. Cummings

District 5: Robert M. Welsh

District 6: Keith E. Long

District 7: Jessica Cosden



1015 Cultural Park Blvd.
Cape Coral, FL

Interim City Manager

Michael Ilczyszyn

City Attorney

Dolores Menendez

City Auditor

Andrea R. Russell

City Clerk

Kimberly Bruns

**AGENDA FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL**

May 17, 2023

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 GUNTER

2. INVOCATION/MOMENT OF SILENCE

A. MEMORIAL DAY TRIBUTE - MAYOR GUNTER

3. PLEDGE OF ALLEGIANCE

A. NATIONAL ANTHEM - EMILY MILLER FROM OASIS HIGH SCHOOL

4. ROLL CALL

A. MAYOR GUNTER, COUNCIL MEMBERS COSDEN, CUMMINGS, HAYDEN, LONG, SHEPPARD, STEINKE, WELSH

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

A. Presentation to City Employees for Years of Service By Mayor Gunter

B. Community Recognition Award: Andrea Samuels and Gabby

7. APPROVAL OF MINUTES

A. Regular Meeting - May 3, 2023

8. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda and City Government within Council jurisdiction to include Resolutions appearing in Sections other than Public Hearings and Public Input; 3 minutes per individual.

9. BUSINESS

A. CONSENT AGENDA

- (1) Resolution 61-23 Award Request for Proposal #RPW22137MM and corresponding contract(s) for Roofing Inspection, Maintenance and Repair Services to Advanced Roofing, Inc (Primary) and ORB Roofing Solutions (Secondary), to provide roofing inspections, maintenance, and repair services to City and Charter School facilities. The contract term is for three years with two optional one-year periods, in the estimated annual amount of \$115,000 for an estimated three-year contract term total of \$345,000; And authorize the City Manager or designee to execute the agreement, renewals, and purchase orders; Department: Public Works; Estimated annual amount \$115,000; Three-year contract term \$345,000; including renewals \$575,000; (Internal Services Fund)
- (2) Resolution 96-23 Award RFP#RIT22142JM, and corresponding contract, to Magellan Advisors, LLC., for the Design, Engineering and Permitting services for the buildout of the fiber optic network as depicted in the City Master Fiber Optic Plan, in the amount of \$972,080; And authorize the City Manager or designee to execute the agreement, change orders and purchase orders; Department: Information Technology; Dollar Value: \$972,080; (General Fund)
- (3) Resolution 101-23 Approve the Joint Use Interlocal Agreement by and between The School Board of Lee County, Florida and the City of Cape Coral for the use of premises as described in agreement; Department: Parks and Recreation; Dollar Value N/A; (Fund: N/A)
- (4) Resolution 102-23 Approve Change Order #1 for Contract #RFD219GL-B Work Assignment No. 2022-001 with Tetra Tech for Hazard Mitigation Grant Program Pre-award Support Services (task 4) for a not-to-exceed amount of \$298,029.20 for a total contract not-to-exceed amount of \$398,029.20; Authorize the use of reserves; and authorize the City Manager or his designee to approve the purchase orders and any related documents; Department(s): Citywide; Estimated budgeted dollar value increase: \$298,029.20; (FEMA Reimbursement)
- (5) Resolution 103-23 Award Contract #ACP2263MC for North 1 West Utilities Extension Project (UEP) Construction Engineering and Inspection (CEI) Services to Tetra Tech, Inc. for the CEI services for the not-to-exceed amount of \$11,988,520 with a 5% City-Controlled Contingency of

\$599,426 for a total project cost of \$12,587,946; And authorize the City Manager or designee to execute the agreement, certain change orders, and purchase orders; City Manager's Office/Capital Improvement Project; Dollar Value: \$12,587,946; (North 1 West Utilities Extension Fund)

- (6) Resolution 109-23 Award Bid #BUT2328KR, and corresponding contract, for construction of Master Pump Station 100 to TLC Diversified, Inc in the amount of \$11,896,000, with a 10% City-controlled contingency of \$1,189,600 for a project total of \$13,085,600; and authorize the City Manager or designee to execute the contract, purchase orders and certain change orders. Department: Utilities; Dollar Amount: \$13,085,600; (Water and Sewer Capital Project Fund through American Rescue Plan Funding (ARPA))
- (7) Resolution 112-23 Award Bid #BPW2341AS, and corresponding contract, to Pavement Maintenance, LLC. for Local Roads Resurfacing FY 2023 for resurfacing local roads totaling approximately 46.5 lane miles and including other related work such as milling, utility adjustments, limited structural repairs and restriping for an amount of \$3,248,540 with a 5% City-controlled contingency in the amount of \$162,427 for a total amount of \$3,410,967; And authorize the City Manager or designee to execute the agreement, certain change order and purchase orders; Department: Public Works; Estimated Dollar Amount: \$3,410,967; (Transportation Fund, General Fund and Water and Sewer Fund)
- (8) Resolution 114-23 Approve Contract #PPW2331GL with F.H. Paschen, S.N. Nielsen and Associates, LLC., for the repair of the City Hall Fountain utilizing Sourcewell Contract #FL-R9-GC03-111821-FHP in the amount of \$112,793 with a City Controlled contingency in the amount of \$7,207.00 for a total amount of \$120,000; And authorize the City manager or designee to execute the contract, certain change orders and purchase orders; Department: Public Works; Dollar Amount \$120,000; (Government Services – Outside Services)
- (9) Resolution 115-23 Approve Renewal #2 and Amendment #2 to Contract PUT2186MC, which utilized the City of Tarpon Springs Contract #200076-B-JL with Odyssey Manufacturing Co., for the purchase and delivery of Sodium Hypochlorite with an estimated annual cost of \$1,503,600; and authorize the City Manager or Designee to execute Contract Renewal #2 and Amendment #2; Department: Utilities; Estimated Dollar Value: \$1,503,600; (Water and Sewer Fund)
- (10) Resolution 120-23 Approve the 2023 State Farm Insurance Tree Distribution Award Agreement between the City of Cape Coral and the Arbor Day Foundation, together with State Farm Insurance, authorizing the receipt of grant funds in the amount of \$9,000 for the 2023 Tree Distribution Award; authorizing the

City Manager or his designee to execute the Agreement and any and all documents related to this grant award; Department: Public Works; Grant Dollar Value: \$9,000; (Fund: N/A))

- (11) Resolution 123-23 Acceptance of South Florida Water Management District and Florida Department of Environmental Protection Alternative Water Supply Grant for Project #LWC-302 - Reclaimed Water Expansion: Cape Coral and Fort Myers Interconnect Phase II: Subaqueous Crossing; Department: Utilities; Grant Funding: \$2,260,000
- (12) Resolution 110-23 Approve change of two classification titles for Telecommunicator Shift Supervisor and Telecommunicator Supervisor in Police; Department: Police; Dollar Value: Zero; (Fund: N/A)
- (13) Resolution 126-23 Approve the creation of one new classification of Records Coordinator in the City Clerk's Department; Department: City Clerk; Dollar Value: \$8,417.14; (General Fund)
- (14) Resolution 128-23 Approve contract for the purchase of 2105 NE 33rd Street (Lots 33 and 34, Block 5673, Cape Coral Unit 85), for future Production Well Site #331, associated with the North RO Production Well Expansion Project, for the purchase price of \$42,000 plus closing costs not-to-exceed \$1,800; Department: Public Works / Property Management; Dollar Value: \$43,800; (Water/Sewer Fund)
- (15) Resolution 129-23 Approve Contract for the purchase of 2325 NE 33rd Terrace (Lots 1 and 2, Block 5672, Cape Coral Unit 85), for future Well Site #332, associated with the North RO Production Well Expansion Project, for the purchase price of \$47,000 plus closing costs not to exceed \$2,000; Department: Public Works / Property Management; Dollar Value: \$49,000; (Water/Sewer Fund)
- (16) Waiver of Conflict of Interest for the Law Firm of Henderson, Franklin, Starnes & Holt, P.A., re Acorn Entrada, LLC
- (17) Resolution 130-23 Authorize the City Manager, or his designee to apply for a grant from the Florida Department of State, Division of Cultural Affairs, in the amount of \$100,000 for renovations to the Cape Coral Arts Studio located in Rubicond Park, with matching funds required by the City; and authorize the City Manager or his designee to execute related documents; Grant Value requested: \$100,000, City Matching Funds; \$250,000, City In-Kind Match; \$30,000; (General Fund)
- (18) Resolution 132-23 Approve Waiver of the Procurement Process to award to Caloosa Site Development, Inc. contract #ACP2387JM for the site and utility improvements for the two modular classrooms for the Oasis Elementary Charter School North project in the amount of \$264,301.56 with a 10% City Controlled Contingency in the amount of \$26,430.16 for a total

amount of \$290,731.72; And authorize the City Manager or designee to execute the contract, purchase orders and change orders; City Manager's Office/ CIP; Dollar Amount \$290,731.72; (Charter School Capital Maintenance Fund)

B. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) Voting Delegate for Florida League of Cities (FLC) Board of Directors - Brought forward by Mayor Gunter

C. UNFINISHED BUSINESS

- (1) Follow Up Items for Council - Discretionary Boards - Ordinances that are related discussion

D. NEW BUSINESS

- (1) NONE

E. PERSONNEL ACTIONS

- (1) NONE

F. PETITIONS TO COUNCIL

- (1) NONE

G. FOLLOW UP ITEMS FROM CITY MANAGEMENT

- (1) Hurricane Ian Recovery Update
- (2) Permitting Process Update
- (3) State Legislative Update

10. ORDINANCES/RESOLUTIONS

- A. Public Hearings - Quasi-Judicial Hearings (Note: There shall be no time restriction on any person wishing to speak.)

- (1) Ordinance 36-23 (PDP23-000003*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 69-06, as amended by Ordinance 1-11, which approved a Planned Development project in the City of Cape Coral, Florida entitled "South Santa Barbara Plaza" on property described as Lots 1 through 6 and Lots 87 through 96, Block 1842, Cape Coral Subdivision, Unit 45, Part 1, as more particularly described herein; property located at 3032-3108 Santa Barbara Boulevard and 3103-3113 SW Santa Barbara Place; approving the removal of property described as Lots 5-6, Block 1842, Cape Coral Subdivision, Unit 45, Part 1, as more particularly described herein, from the planned development project; providing for findings of fact and conclusions of law; providing for action on request and

conditions of approval.

Applicant: Reviving Homes LLC c/o Marc Dykes

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

(2) Ordinance 40-23 (RZN23-000001*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 1-6 and 9-10 and 15-20, Block 1006, Unit 24, Cape Coral Subdivision, from Commercial (C) to Residential Multi-Family Low (RML) zone; property is located at 1342-1348, 1402, 1414-1416 and 1502-1512 SE 1st Place.

Applicant: City of Cape Coral

Acreage: 1.70 acres;

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

(3) Ordinance 41-23 (RZN23-000002*) Public Hearing

*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 24, 25, 26, 27, 28 and 29, Block 1548, Cape Coral Unit 17, and Lot 15, Southwind Commercial Center, from Industrial (I) to Institutional (Inst); property is located at 2025 NE 6th Street and 671 Stonecrest Lane.

Applicant: City of Cape Coral

Acreage: 1.18 Acres.

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

- B. Public Hearings - Legislative Hearings (Note: Input is allowable as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)

(1) Ordinance 42-23 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the Mayor to enter into an Agreement for Lease and Management of the Cape Coral Historical Society, Inc., a Florida not for profit corporation, for the lease of a portion of property owned by the City of Cape Coral, property located within Block 1139, Unit 23, Cape Coral,

Florida, and terminating the existing lease agreement between the City of Cape Coral and the Cape Coral Historical Society, Inc. dated October 3, 1983. (Applicant: Advanced by City Management)

(2) Ordinance 43-23 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the City Manager to enter into a Permissive Use License Agreement with Lee County Electric Cooperative, Inc. a Florida not for profit corporation, for the lease of property owned by the City of Cape Coral being Block 2990B, Cape Coral Unit 43, Cape Coral Subdivision, as described herein. (Applicant: Advanced by City Management)

C. Introductions

(1) Ordinance 44-23 (RZN22-000025*) Set Public Hearing for June 7, 2023

*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 6, 7, and 8, Block 1039, Cape Coral, Unit 24, from Professional (P) to Residential Multi-Family Low (RML) Zone; property is located 1213 Academy Boulevard.

Applicant: Ascot Realty Acquisitions USA LLC

Acreage: 0.34 Acres

City Planning Staff Recommendation: Denial

Hearing Examiner Recommendation: Approval

(2) Ordinance 46-23 Set Public Hearing for June 7, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance amends the City of Cape Coral Code of Ordinances Chapter 19, Water and Sewer Utilities, Article VII, Water Management, provides for applicability, provides for intent and purpose, provides for definitions, establishes permits, establishes design drawings, established irrigation system inspection, establishes irrigation design standards, establishes chemical injection, establishes completion of installation or substantial modification, establishes maintenance of irrigation systems, establishes alternative compliance, establishes exemptions, provides for emergency water conservation plan, provides for variance and provides for penalties. (Applicant: Advanced by City Council)

(3) Ordinance 48-23 Set Public Hearing for June 7, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance provides for the release of a Permanent Ingress and Egress Easement of a portion of Block 1842, Lots 5 and 6, Unit 45, Part 1, Cape Coral Subdivision. as more

particularly described herein and authorizes the Mayor to execute a release of said easement. (Applicant: Brought forward by City Management.)

(4) Ordinance 49-23 Set Public Hearing for June 7, 2023

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the Mayor to enter into an Agreement for Lease and Management of the Cultural Park Theatre between the City of Cape Coral and the Cultural Park Theatre Company, Inc. a Florida not for profit corporation, for the lease of a portion of property owned by the City of Cape Coral, property located within Block 1139, Unit 23, Cape Coral Subdivision, and terminates the existing lease agreement between the City of Cape Coral and the Cultural Park Theatre Company, Inc. dated November 30, 1982. (Applicant: Advanced by City Management.)

11. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

12. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

13. TIME AND PLACE OF FUTURE MEETINGS

- A. A Committee of the Whole Meeting is Scheduled for Wednesday, May 24, 2023, at 9:00 a.m. in Council Chambers
- B. A Special Meeting of the Cape Coral City Council is Scheduled for Wednesday, May 24, 2023, beginning at 12:00 p.m. in Council Chambers

14. 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 may do so during the designated time 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