

Mayor

John Gunter

Council Members

District 1: Bill Steinke

District 2: Dan Sheppard

District 3: Tom Hayden

District 4: Richard Carr

District 5: Robert M. Welsh

District 6: Keith E. Long

District 7: Jessica Cosden



1015 Cultural Park Blvd.
Cape Coral, FL

City Manager

Michael Ilczyszyn

City Attorney

Aleksandr Boksner

City Auditor

Andrea R. Russell

City Clerk

Kimberly Bruns

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

April 3, 2024

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. COUNCILMEMBER STEINKE

3. PLEDGE OF ALLEGIANCE

A. COUNCILMEMBER STEINKE

4. ROLL CALL

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

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

A. Community Recognition Award: Cape Coral Soccer Association

7. APPROVAL OF MINUTES

A. Regular Meeting - March 20, 2024

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 73-24 Award Bid #BPW2437MM for Special Population Building: Remodeling of Restrooms to Newson Construction & Consulting, LLC, and authorize Contract #BPW2437MM between the City and Newson Construction & Consulting, LLC in the amount of \$115,400 with a 10% City-controlled contingency of \$11,540 for a project total of \$126,940; and authorize the City Manager or Designee to execute the contract, purchase orders and change orders; Department: Public Works; Dollar Value: \$126,940; (General Fund)
- (2) Resolution 86-24 Authorize the City Manager, or their designee, and the City Attorney, or their designee, to jointly authorize and approve indemnification and hold harmless agreements with property owners, or other individuals, entities, or associations, on behalf of the City and its governmental operations as may be legally required for the utilization of real or personal property to serve a public purpose; Department: Police and Office: City Manager; Dollar Value: N/A; (Fund: N/A)
- (3) Resolution 87-24 Approve Change Order to PO #24502118 by authorizing Work Order #3 with Hagerty Consulting Services, Inc Disaster Management and Administrative Services, to render Community Development Block Grant-Disaster Recovery (CDBG-DR) technical services, for a not to exceed amount of \$387,576 for a total project amount of \$487,259; and authorize the City Manager to execute the work order, change order, purchase orders for these purchases and any related documents; Department(s): Fire Department/Citywide; Estimated Dollar Value: \$387,576; (All Funds)
- (4) Resolution 88-24 Approve utilizing the Jacksonville Electric Authority (JEA) Contract #10298/194523 for cured-in-place pipe (CIPP) unit price construction with awarded vendor, Insituform Technologies, LLC.; and authorize the City of Cape Coral Contract #PBUT2475KR with Insituform Technologies, LLC for CIPP sanitary sewer pipe lining services, unit price contract by pipe size, which includes material, labor and installation, at the estimated annual dollar amount of \$1,200,000 for the contract term through December 12, 2024, with consideration of additional renewals for this contract; authorize the City Manager or his designee to execute the contract, purchase orders, change orders and any future renewals; Department Utilities; Estimated annual Dollar Value \$1,200,000; (Project Y364011000)
- (5) Resolution 89-24 Approve a Hold Harmless Agreement

between DSDH Florida, LLC, and the City of Cape Coral for the installation of certain improvements in the public utility and drainage easement on property located at 601 Cape Coral Parkway and 602 SW 47th Terrace and within a City alley located north of 601 Cape Coral Parkway; Department: Development Services; Dollar Value: N/A; (Fund: N/A)

- (6) Resolution 90-24 Approve Contract #QUT2481LC with Paints & Coatings, Inc. (P&C) for cleaning and coating clarifiers #1 and #2 at the Southwest Water Reclamation Facility (WRF) in the amount of \$187,795; authorize the City Manager or Designee to execute the contract and purchase orders; Department: Utilities; Dollar Amount \$187,795; (Water and Sewer)
- (7) Resolution 91-24 Award quote to NAF Water Filtration, LLC for the purchase of wastewater clarifier launder trough covers and hardware for the Utilities Southwest Water Reclamation Facility at the quoted price of \$82,500.00 for each clarifier (3) for an estimated dollar amount of \$247,500 and authorize the City Manager or designee to execute the purchase order(s); Department: Utilities; Estimated Dollar Value: \$247,500; (Water & Sewer Fund)
- (8) Resolution 92-24 Amending Resolution 266-23 to add additional vehicles, and the corresponding peripheral equipment (upfitting), and Equipment within the Fire Operations Fund and Water and Sewer Fund and to dispose of City-owned surplus tangible personal property that is no longer needed as a result of said purchases, in accordance to the City of Cape Coral Procurement Ordinance and authorize the City Manager or designee to approve the purchase orders for these purchases and any related documents; Department(s): Fire/Utilities; Estimated Dollar value: \$1,745,002; (Fire Operations Fund, Water and Sewer Fund)
- (9) Resolution 95-24 Approve Cape Coral Community Redevelopment Agency's contractual employees to participate in the City of Cape Coral Florida 401A deferred contribution plan; Department: Finance
- (10) Resolution 96-24 Approve Recap of direction given by the Mayor and City Council to City Staff for Items presented at the Committee of the Whole on February 28, 2024 and March 13, 2024; Department: City Clerk; Dollar Value: N/A; (Fund: N/A)
- (11) Resolution 97-24 Approve Utilizing the Collier County School District Contract #23-090 with awarded vendor Integrated Fire and Security Solutions, Inc. for Installation, Repair and Monitoring of Security Systems at Yellow Fever Creek in the amount of \$82,102.75; There are purchase orders totaling \$70,835.08 utilizing the Collier County Contract and adding this project in the amount of \$82,102.75, the total is \$152,937.83, which exceeds the City Manager threshold; And authorize the

City Manager or Designee to execute the purchase orders, change orders; Department: Citywide; Estimated Dollar Value: \$82,102.75; (General Fund)

- (12) Resolution 98-24 Authorize the Single Source with Metro Forecasting Models, LLC and Amend Contract #SSPW2383MR between the City and Metro Forecasting Models, LLC for Phase II of the Cape Coral Interactive Growth Model in the amount of \$65,000, which would entail the development of the Government Sub Models for Parks, Fire Stations and Impervious Areas, as well as Alternative Scenario Projections. Phase 1 was the development of the databases and initial models in the amount of \$95,000; adding Phase II in the amount of \$65,000 will total \$160,000 and exceed the City Manager threshold; Department: Public Works; Estimated Dollar Value: \$65,000; (General Fund, Stormwater Fund, Fire Operations)
- (13) Resolution 107-24 Approve Contract for the purchase of 1419 NW 23rd Street, (Lots 27, 28, 29 and 30, Block 2972, Unit 42, Cape Coral Subdivision) for the expansion of the North Cape Government Complex for additional Public Works facilities, for the purchase price of \$47,800 plus closing costs not to exceed \$1,800; Department: Public Works / Real Estate Division; Dollar Value: \$49,600; (General Fund)
- (14) Resolution 108-24 Approve Contract for the purchase of 1507 NW 23rd Street, (Lots 33 and 34, Block 2972, Unit 42, Cape Coral Subdivision) for the expansion of the North Cape Government Complex for additional Public Works facilities, for the purchase price of \$23,900 plus closing costs not to exceed \$1,800; Department: Public Works / Real Estate Division; Dollar Value: \$25,700; (General Fund)
- (15) Resolution 109-24 Approve Contract for the purchase of 1508 NE 24th Avenue, (Lots 7 and 8, Block 3510, Cape Coral Unit 47 Part 2) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$87,500 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$90,000; (Road Impact Fees)
- (16) Resolution 110-24 Approve Contract for the purchase of 1504 NE 24th Avenue, (Lots 9 and 10, Block 3510, Cape Coral Unit 47 Part 2) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$80,000 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$82,500; (Road Impact Fees)
- (17) Resolution 111-24 Approve Contract for the purchase of 3629 Andalusia Boulevard (Lot 1, Block 5545, Cape Coral Unit 84), to facilitate access for future maintenance and repairs of the City's Weir #19, for the purchase price of \$50,000 plus closing

costs not to exceed \$1,800; Department: Public Works / Real Estate; Dollar Value: \$51,800; (Stormwater Fund)

- (18) Resolution 115-24 Approve Resilient Lee Recovery and Resilience Plan; Department: Fire; Dollar Value: N/A; (Fund: N/A)

B. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) NONE

C. UNFINISHED BUSINESS

- (1) Follow Up Items for Council

D. NEW BUSINESS

- (1) Youth Council Quarterly Report

E. PERSONNEL ACTIONS

- (1) NONE

F. PETITIONS TO COUNCIL

- (1) NONE

G. FOLLOW UP ITEMS FROM CITY MANAGEMENT

- (1) NONE

10. ORDINANCES/RESOLUTIONS

A. Public Hearings - Quasi-Judicial Hearings

- (1) Ordinance 13-24 (RZN23-000013*) Public Hearing

*Quasi-Judicial, all Persons Testifying Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 2, 3, 4, 5, and 6, Block 733, Unit 22, Cape Coral Subdivision, from Professional Office (P) to Commercial (C) Zone; property is located at: 1005 and 1009 SE 10th Street.

Applicant: RJMJ Properties, Inc.

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

- (2) Ordinance 14-24 (RZN23-000014*) Public Hearing

*Quasi-Judicial, all Persons Testifying Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as two parcels of land lying in the West one half of the Northeast one quarter of

the Northwest one quarter of Section 21, Township 44 South, Range 23 East, as more particularly described herein, from Agricultural (AG-2, a Lee County Designation) to Commercial Corridor (CC) zone; property is located at 2120 and 2200 SW Pine Island Road; Rezoning property described as a parcel of land lying in the Southeast quarter of the Northwest quarter of Section 21, Township 44 South, Range 23 East, City of Cape Coral, Lee County, Florida as more particularly described herein, from Agricultural (A) to Commercial Corridor (CC) zone; property located at 1016 SW 20th Avenue.

Applicant: Walco Leasing, LLC

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

- B. Public Hearings - Legislative Hearings (Note: Input received 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 15-24 First Public Hearing (after 5:05 p.m.) Set Second and Final Public Hearing for April 17, 2024
- WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance of the City of Cape Coral, Florida, relating to a moratorium on the acceptance of applications for and the issuance of permits for development of self-storage facilities within all zoning districts in the City of Cape Coral; providing for exemptions; providing for the duration of the moratorium and method of processing applications and permits during, after, or prior to the effective date of the moratorium; providing a procedure to determine vested rights, appeals, and modification to vested development; providing for exhaustion of administrative remedies. (Brought forward by City Management)
- (2) Ordinance 16-24 First Public Hearing (after 5:05 p.m.) Set Second and Final Public Hearing for April 17, 2024
- WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance of the City of Cape Coral, Florida, relating to a moratorium on the acceptance of applications for and the issuance of permits for development of car wash facilities within all zoning districts in the City of Cape Coral; providing for exemptions; providing for the duration of the moratorium and method of processing applications and permits during, after, or prior to the effective date of the moratorium; providing a procedure to determine vested rights, appeals, and modification to vested development; providing for exhaustion of administrative remedies. (Brought forward by City Management)

(3) Ordinance 19-24 Public Hearing

WHAT THE ORDINANCES ACCOMPLISHES:

The ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 2, "Administration," Article V, "Boards and Commissions," Division 3, "Code Enforcement," Section 2-85, "Enforcement Procedure," pertaining to the service of notice and Chapter 9, "Health and Sanitation," Section 9-16, "Prohibited Conditions on Private Real Property," pertaining to penalties and enforcement for violations of Section 9-16, provides for penalties, provides for enforcement, provides for rights of violators, payment of civil fine, right to appear, failure to pay civil fine or to appeal, and appeals from decisions of the Special Magistrate. (Brought forward by City Management)

(4) Resolution 78-24 Public Input (Establish Special Magistrate Appeal Fee)

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution establishes an appeal fee for an Administrative Hearing when requesting a hearing before the Special Magistrate to appeal a notice of violation. (Brought forward by City Management)

C. Introductions

(1) Resolution 93-24 (VAC23-000003*) Set Public Hearing for April 17, 2024

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of the Cocoa Court right of way and all underlying easements located between Lot 23, Block 150, Cape Coral Unit 4, Part 2, and Lots 24, 25, and 26, Block 150, Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lots 24, 25, and 26, Block 150, Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lot 23, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for a portion of the Coral Canal right of way and underlying easements adjacent to Lots 27 and 28, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lots 27 and 28, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for a portion of the Cocoa Canal and underlying easements adjacent to Lots 21, 22, and 23, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lots 21, 22, and 23, Block 150, Cape Coral Unit 4, Part 2; property located at 5348, 5354, and 5358 Cocoa Court.

Applicant: Steven and Irene Parker

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval with conditions

- (2) Ordinance 22-24 Set Public Hearing for April 17, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending City of Cape Coral, Florida, Ordinance 1-24, which amended Ordinance 70-23, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2024, by increasing the total revenues and expenditures by a total of \$44,647,969. (Brought forward by City Management)
- (3) Ordinance 23-24 Set Public Hearing for April 17, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance approves and grants to Lee County Electric Cooperative, Inc., a perpetual easement for right of way to be used for the construction, operation and maintenance of one or more underground electric distribution lines across property owned by the City that is the area of the Yellow Fever Creek Preserve located at 3115 Del Prado Boulevard North, as more particularly described herein and authorizes and directs the Mayor to execute the Easement. (Brought forward by City Management)
- (4) Ordinance 25-24 Set Public Hearing for April 17, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance approves and grants to Lee County Electric Cooperative, Inc., a perpetual easement for a right of way to be used for the construction, operation and maintenance of one or more underground electric distribution lines across property owned by the City that is located at 1020 Kismet Parkway West, as more particularly described herein, and authorizes the Mayor to execute the easement. (Brought forward by City Management)
- (5) Ordinance 26-24 Set Public Hearing for April 17, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 9, "Health and Sanitation," Article III, "Disposition of Garbage," Section 9-73, "Refuse service to be provided by City refuse franchise hauler," pertaining to the time to begin collection of refuse, and Chapter 12, "Offenses and Miscellaneous provisions," Article II, "Offenses creating nuisances," Section 12-22, "Noise Control," pertaining to the exemption for City approved refuse and recyclable waste collection. (Brought forward by City Management)
- (6) Ordinance 28-24 Set Public Hearing for April 17, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
The ordinance repeals Ordinance 79-18, and approves the Interlocal Agreement between the City of Cape Coral, a Florida Municipal Corporation, and Lee County, a political subdivision

of the State of Florida, regarding rental areas within City Fire Stations to house emergency vehicles and personnel, and authorizes the Mayor to execute the Interlocal Agreement. (Brought forward by City Management)

(7) Ordinance 29-24 Set Public Hearing for April 17, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Ordinance 46-23 to accelerate and revise the effective date of Ordinance 46-23 from December 1, 2024, to June 1, 2024, regarding irrigation systems, and amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 19 "Water and Sewer Utilities," Article VII, "Water Management," by amending Section 19-90.6, "Completion of installation or substantial modification," Section 19-90.8, "Alternative Compliance," and Section 19-94, "Penalties," regarding irrigation systems and penalties for violations. (Brought forward by City Council)

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 is Scheduled for Wednesday, April 10, 2024, at 9:00 a.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. 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.

***Quasi-Judicial Hearings**

Department of Development Services Cases