

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 17, 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 WELSH

3. PLEDGE OF ALLEGIANCE

A. COUNCILMEMBER WELSH

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 Christian

7. APPROVAL OF MINUTES

A. Regular Meeting - April 3, 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 99-24 Award Sole Source to South Florida Emergency Vehicles, LLC for the repair of Sutphen Fire Equipment and authorize Contract #SSPW2488MR, at the unit price labor rates, between the City and South Florida Emergency Vehicles, LLC.in the estimated amount of \$299,000; and authorize the City Manager or designee to execute the contract and purchase orders. Department: Public Works; Estimated Dollar value: \$299,000 (Internal Service Fund-Fleet Operations)
- (2) Resolution 102-24 Award Contract #RCP2343JM for Professional Design Services for the Design of Oasis Sports Fields to Avalon Engineering, Inc. for the conceptual plans at a not-to-exceed amount of \$297,054.49; and authorize the City Manager or designee to execute the agreement(s), change order(s), contract amendment(s), renewal(s) and purchase orders; Office: Capital Improvements Projects Division (City Manager's Office); Dollar Value: \$297,054.49; (Parks and Recreation Capital Project Fund)
- (3) Resolution 112-24 Award Bid #BPW2403GL for the Purchase and Delivery of Gasoline and Diesel Fuel to Palmdale Oil Company, Inc. and authorize Contract #BPW2403GL, at the fixed markup price stated on the contract, between the City and Palmdale Oil Company, Inc. for an estimated amount of \$3,000,000 not to exceed budgetary limit; And authorize the City Manager or Designee to execute the contract and purchase orders; Department: Public Works; Estimated Annual Dollar Value: \$3,000,000; (Internal Service Fund)
- (4) Resolution 114-24 Authorize utilizing Lee County Contract #B220183CMR with Sam Galloway Ford, Inc. for the Service and Repair of Ford Vehicles and approve Contract #PPW2487MR between the City and Sam Galloway Ford, Inc., in the estimated amount of \$199,000; and authorize the City Manager or Designee to execute the contract and purchase orders; Department: Public Works; Estimated Dollar Amount: \$199,000; (Internal Services Fund - Fleet's Operations Account)
- (5) Resolution 122-24 Acceptance of Permanent Utility Easement in a portion of Lot 11, Block 3686, Cape Coral Unit 50, located at 2402 SW 4th Street (also being a portion of Strap #16-44-23-C1-03686.0090) to provide access to and maintenance of future City utility facilities installed at this location associated with the proposed Cape Coral Town Center/Cape Coral Grove Project (SCP22-000012); Department: Public Works / Real Estate; Dollar Value: N/A; (Fund: N/A)
- (6) Resolution 123-24 Approve Contract for the purchase of 1512

NE 24th Avenue (Lots 5 and 6, 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 \$75,000 plus closing costs not to exceed \$2,500; and authorize the City Manager or designee to execute the contract; Department: Public Works / Real Estate Division; Dollar Value: \$77,500; (Road Impact Fees)

- (7) Resolution 124-24 Approve Contract for the purchase of 1510 NW 23rd Terrace, (Lots 1 and 2, 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 \$25,000 plus closing costs not to exceed \$1,800; and authorize the City Manager or designee to execute the contract; Department: Public Works / Real Estate Division; Dollar Value: \$26,800; (General Fund)
- (8) Resolution 125-24 Approve Contract for the purchase of 1400 NW 23rd Terrace, (Lots 17 and 18, 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 \$24,350 plus closing costs not to exceed \$1,800; authorize the City Manager or designee to execute the contract; Department: Public Works / Real Estate Division; Dollar Value: \$26,150; (General Fund)

B. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) NONE

C. UNFINISHED BUSINESS

- (1) Follow Up Items for Council

D. NEW BUSINESS

- (1) NONE

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) Resolution 93-24 (VAC23-000003*) Public Hearing

***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

- 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 Second and Final Public Hearing**

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 Second and Final Public Hearing**

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 22-24 Public Hearing

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)

(4) Ordinance 23-24 Public Hearing

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)

(5) Ordinance 25-24 Public Hearing

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)

(6) Ordinance 26-24 Public Hearing

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)

(7) Ordinance 28-24 Public Hearing

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)

(8) Ordinance 29-24 Public Hearing

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)

C. Introductions

(1) Ordinance 20-24 Set First Public Hearing for May 1, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Table 4.1.6., Use Table, regarding social services; arcade; commercial recreation, indoor; commercial recreation, outdoor; commercial parking lot or garage; marine fuel pump; craft brewery, distillery, winery; restaurant, no drive-thru; restaurant, drive-thru; distribution center; automotive towing establishment; heliport; helistop; and live/workspace uses; by Amending Article 4, Zoning Districts, Chapter 2, Specific Regulations by District, regarding marine fuel pump; and craft brewery, distillery, winery uses; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P* uses in Table 4.4) regarding marine fuel pumps; and by amending Article 11, Definitions, Chapter 1, General Provisions, Section 11.2., Definitions, regarding amusement games or machines, arcades, automotive towing establishments, community centers, distribution centers, junkyards, live/workspaces, marine fuel pumps, professional services, social services, solid waste transfer stations, and yards. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

- Planning and Zoning Commission Recommendation: Approval
- (2) Ordinance 21-24 Set Public Hearing for May 1, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 6, Parking, Chapter 1, Parking, Loading, and Driveway Requirements, Section 6.1.8., Miscellaneous Parking Requirements, regarding supplemental parking requirements within the South Cape District. (Brought forward by City Management)
City Planning Staff Recommendation: Approval
Planning and Zoning Commission Recommendation: Approval
- (3) Ordinance 27-24 (TXT24-000001) Set Public Hearing for transmittal for May 1, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15. of the Future Land Use Element by creating the Mixed Use Ten (MUX) Future Land Use Map classification. (Brought forward by City Management)
City Planning Staff Recommendation: Approval
Planning and Zoning Commission Recommendation: Approval
- (4) Ordinance 31-24 Set Public Hearing for May 1, 2024
WHAT THE ORDINANCE ACCOMPLISHES:
An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Ordinance 56-07 of the City of Cape Coral, Florida, which was initially adopted pursuant to Ordinance 23-04 on February 24, 2004, which directly established and authorized the financial borrowing by the City of Cape Coral, Florida pursuant to its Commercial Paper Program; by decreasing the aggregate principal amount of commercial paper obligations that may be outstanding under the Commercial Paper Program, which shall be identified by a one-time reduction from \$250,000,000 to \$150,000,000. Providing an effective date. (Brought forward 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 is Scheduled for Wednesday, April 24, 2024, at 9:00 a.m. in Council Chambers

14. MOTION TO ADJOURN

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

For all quasi-judicial hearings for the Department of Development Services cases, the following procedures shall be used to afford all parties 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 the testimony they provide is the truth.
2. The order of presentation will begin with the city staff report, followed by the presentation by the applicant or their representative, followed by witnesses called by the applicant. City staff may also call witnesses and experts. The members of the public will be offered an opportunity to speak after all witnesses and experts. (Note: The Mayor may change the order of presentations)
3. The applicant or their representatives and the city staff may cross examine individuals offering testimony.
4. Members of the City Council may question any witness on relevant issues raised by the applicant or applicant's representatives, city staff, or by any member of the public.
5. The Mayor may impose reasonable time 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 believed that such witnesses and/or evidence are necessary for a thorough consideration of the subject.
6. After the introduction of all relevant testimony and evidence and conclusion of cross examination, the applicant shall have the opportunity to present a closing statement.
7. If any 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.