

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**

May 1, 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 CARR

3. PLEDGE OF ALLEGIANCE

A. COUNCILMEMBER CARR

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: Guardian Angels For Special Populations
- B. Award Presentation to City of Cape Coral Utilities Department for winning the David W. York Reclaimed Water System of the Year over 15 MGD Award and the Reclaimed Water Project of the Year Award for the Caloosahatchee Connect Project
- C. FEMA update - Provided by City Manager Ilczyszyn

7. APPROVAL OF MINUTES

A. Regular Meeting - April 17, 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 100-24 Award RFP #RCP2333JM for Professional Design Services of Andalusia Boulevard Roadway Extension to CW3 Engineering, Inc. and authorize Contract #CON-RCP2333JM between the City and CW3 Engineering, Inc. for a not-to-exceed amount of \$2,274,594.77; And authorize the City Manager or designee to execute the agreement and purchase orders; Office: City Manager/Division: Capital Improvements Projects; Dollar Value: \$2,274,594.77; (Transportation Capital Project Fund)
- (2) Resolution 101-24 Award RFP #RUT22113JM for Professional Engineering and Design Services for the Pine Island Corridor West to Weston & Sampson Engineers, Inc. and authorize Contract #CON-RUT22113JM between City and Weston & Sampson Engineers, Inc. for a not-to-exceed amount of \$2,397,400; and authorize the City Manager or designee to execute the agreement and purchase orders; Department: Utilities; Dollar Value: \$2,397,400; (Water & Sewer Capital Projects)
- (3) Resolution 116-24 Award RFP #RCP23100MM for the Professional Engineering and Design Services for the Youth Center Skate Park Building project to Burt Hill / Pollock Krieg Architects, Inc. and authorize Contract #CON-RCP23100MM between the City and Burt Hill / Pollock Krieg Architects, Inc., for a not-to-exceed amount of \$188,525.68; and authorize the City Manager or Designee to execute the agreement and Purchase Orders; Office: City Manager/Division: Capital Improvements Projects; Dollar Value: \$188,525.68; (Parks and Recreation Capital Project Fund)
- (4) Resolution 117-24 Approve Amendment #1 to Contract #RPW2212MM with Weston & Sampson Engineers, Inc for additional Professional Design Services for the City's Fleet Maintenance and Property Management buildings in the amount of \$3,487,500; And authorize the City Manager or Designee to execute Contract Amendment #1 and purchase orders. The original contract was for a not-to-exceed amount of \$331,200. This request increases the contract amount to \$3,818,700; Office: City Manager/Division: Capital Improvement Projects; Dollar amount: \$3,487,500; (Fleet & Property Management Capital Project Fund)

- (5) Resolution 118-24 Award Quote #QUT23137JM for Fire Station 7 Pump Station and Utility Connections to Boyd Irrigation, Inc. to provide installation and connection services for Fire Station 7 and authorize contract #QUT23137JM between the City and Boyd Irrigation, Inc. for \$202,163 with a 10% City-controlled contingency amount of \$20,216.30 for a total amount of \$222,379.30; and authorize the City Manager or designee to execute the agreement(s), change order(s), contract amendment(s), renewal(s) and purchase orders; Department(s): Utilities/Fire; Dollar Value: \$222,379.30; (Fire Operations)
- (6) Resolution 119-24 Award quote to Skyworks LLC, for the purchase of a Wacker Generator model number G150, at the quoted price of \$113,105; and authorize the City Manager or designee to execute the contracts, agreement, renewals, amendments, and purchase orders; Department: Utilities; Estimated Dollar Value: \$113,105; (Water & Sewer Fund)
- (7) Resolution 120-24 Award Bid #BPW2422JM for Spot Paving FY2023 project, to Pavement Maintenance, LLC, which includes the milling, resurfacing, and select structural repairs or full-depth pavement construction of local and major roads and authorize Contract #CON-BPW2422JM between the City and Pavement Maintenance, LLC in the amount of \$988,576.50 with a 10% City-controlled contingency of \$98,857.65 for a total project cost of \$1,087,434.15; And authorize the City Manager or designee to execute the agreement, purchase orders and change order(s); Department: Public Works; Dollar Value: \$1,087,434.15; (6-cent Gas Tax/Water and Sewer Fund)
- (8) Resolution 135-24 Approve Recap of Direction given by the Mayor and City Council to City Staff for Items presented at the Committee of the Whole on April 10, 2024; Department: City Clerk; Dollar Value: N/A; (Fund: N/A)
- (9) Resolution 136-24 Approve Applications for Community Development Block Grant - Disaster Recovery (CDBG-DR) through the Lee County Recovery and Resiliency Public Facilities and Critical Infrastructure Program, Including Identifying the City's Point of Contacts; Department: Fire; Dollar Value: N/A; (Fund: N/A)
- (10) Resolution 137-24 Approve the Acceptance of Funds from Firehouse Subs Public Safety Foundation, Inc. in the amount of \$44,201.47 for the purchase 53 Seek FirePro 200 thermal imaging cameras and 53 aluminum carabineer mounts: Authorizing the City Manager or their designee to execute the grant award and associated documents. The procurement of the items will be done by Direct Purchase made by the Firehouse Subs Foundation. Therefore there is no impact on the City's Budget; Department: Fire; Dollar Value: \$44,201.47; (Fund: N/A)

- (11) Resolution 138-24 Acceptance of the Fishing Equipment Program from Fish Florida to obtain rods and reels for a youth community fishing event; Department: Police; Award Value: \$1,020; No match required; (Fund: N/A)
- (12) Resolution 139-24 Approve a Locally Funded Agreement (LFA) between the City of Cape Coral and Florida Department of Transportation for the City to provide a lump sum deposit to FDOT in the amount of \$25,636.28 representing the City's required 20% Cost Share of a Project to provide permanent repairs to Bridge #125724 (located on Surfside Boulevard over the Maxine Canal) from damages associated with Hurricane Ian; Design Services to be completed by Kisinger Campo & Associates; Office: City Manager/ Division: Capital Improvement Projects; Total Project Cost: \$128,181.37; City's Dollar Amount \$25,636.28 (20% - Bridge Maintenance Fund)
- (13) Resolution 140-24 Approve a Locally Funded Agreement (LFA) between the City of Cape Coral and Florida Department of Transportation for a 20% lump sum deposit from the City to FDOT in the amount of \$22,011.27, representing the City's required cost share for Design Services for Permanent Repairs of Bridges #125717 and #125718 (located on Sands Boulevard over the Eternity Canal) from damages associated with Hurricane Ian; Design Services provided by Kisinger Campo & Associates; Office: City Manager/Division: Capital Improvement Projects; Total Project Cost: \$110,056.35; City's Dollar Amount: \$22,011.27 (20% - Bridge Maintenance Fund)
- (14) Resolution 141-24 Approve a Local Agency Program Agreement (LAP) between the City of Cape Coral and the Florida Department of Transportation for the construction and construction engineering inspection for improvements consisting of a 5-foot sidewalk on the west side of Skyline Boulevard from Cape Coral Parkway to Eldorado Parkway. The project is eligible for up to \$628,188 in federal aid funds provided by FDOT. The City agrees to complete the project by December 31, 2029; Department: Public Works; Dollar Value: \$628,188 (FDOT Funding).
- (15) Resolution 142-24 Approve a Local Agency Program Agreement between the City of Cape Coral and the Florida Department of Transportation for the construction and construction engineering inspection for improvements consisting of a 5-foot sidewalk on both sides of Andalusia Boulevard from SR 78 to NE 11th Terrace. The project is eligible for up to \$1,045,764 in federal aid funds. The City will let the project in June 2024 and has agreed to complete the project by December 31, 2029; Department: Public Works; Dollar Value: \$1,045,764 (FDOT Funding)
- (16) Resolution 143-24 Approval of Memorandum of Agreement between the Florida Fish and Wildlife Conservation

Commission and the Fish & Wildlife Foundation of Florida, Inc., and the City of Cape Coral and the Cape Coral Friends of Wildlife for Burrowing Owl Habitat Protection; authorize the City Manager to execute said Agreement; Department: Development Services; Dollar Value: N/A (Fund: N/A)

- (17) Resolution 144-24 Approve Contract for the Purchase of 2020 NE 24th Avenue, (Lots 2 and 3, Block 2236, Cape Coral Unit 33) and 2024 NE 24th Avenue (Lot 1, Block 2236 and Lot 62, Block 2235, Cape Coral Unit 33) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$90,000 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$92,500; (Road Impact Fees)
- (18) Resolution 145-24 Establish a Policy which will require a Utility Capital Expansion Fee Study that will be commenced, at a minimum, every four (4) years in order to consider any potential adjustments to the City's Utility Capital Expansion Fees pursuant to those established criteria set forth within Section 163.31801 of the Florida Statutes, as may be amended; Department: Utilities and City Attorney's Office
- (19) Council Agenda Rules of Procedure

B. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) Audit Committee - 2 Vacancies (1 Regular and 1 Alternate)
- (2) Community Development Block Grant/Citizens Advisory Board - 1 Vacancy
- (3) Planning and Zoning Commission - 1 Vacancy for Alternate Member
- (4) Youth Council - 7 Junior Vacancies & 1 Senior Vacancy
- (5) Youth Council Liaison & Alternate Liaison Member Selection

C. UNFINISHED BUSINESS

- (1) Follow Up Items for Council

D. NEW BUSINESS

- (1) Revised Meeting Calendar - Brought Forward By Councilmember Cosden

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) NONE

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) REMOVED DUE TO AMENDMENT REQUEST TO REMOVE ARCADE LANGUAGE AND TO BE INTRODUCED AT THIS MEETING - Ordinance 20-24

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 Public Hearing

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) Public Hearing for Transmittal

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 Public Hearing

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)

C. Introductions

- (1) Resolution 130-24 (VAC23-000020*) Set Public Hearing for May 15, 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 SW 1st Court right of way and all underlying easements located adjacent to Lot 1, Block 203, Cape Coral Unit 3, Part 1, and Lots 34 and 35, Block 205, Cape Coral Unit 3, Part 1; providing for the vacation of plat for platted easements lying in Lots 34-35, Block 205, Cape Coral Unit 3, Part 1; property located at 5982 SW 1st Court and 5973 SW 1st Court. Applicant: Costamore, LLC

Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval with conditions

- (2) Ordinance 20-24 Set First Public Hearing for May 15, 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; 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 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

- (3) Ordinance 30-24 Set Public Hearing for May 15, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 7, "Signs," Chapter 3, "Temporary Signs," Section 7.3.1., "Temporary Signs," regarding temporary signs on real property.

(Brought forward by Councilmember Long)

- (4) Ordinance 36-24 Set Public Hearing for May 15, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves and grants to Lee County Cooperative, Inc., a perpetual easement for a right of way to be used for the construction, operation and maintenance of one or more overhead and underground electric distribution lines across property owned by the City that is the intersection of Averill Boulevard and North Del Prado Boulevard, as more particularly described herein and authorizes and directs the Mayor to execute the easement, a copy of easement is attached hereto and incorporated herein by reference. (Brought forward by City Management)

- (5) Ordinance 37-24 (PDP23-000004*) Set Public Hearing for May 15, 2024

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 15-15, as amended by Ordinance 38-17, that approved a Planned Development Project in the City of Cape Coral, Florida, entitled "Stonewater," for certain property described as parcels of land located in

Section 10, Township 44, Range 23 East, Cape Coral, Lee County, Florida as more particularly described herein; property located at the southwest intersection of Tropicana Parkway West and Nelson Road; approving the modification of a condition requiring that a portion of the site be developed with nonresidential or compound uses; providing for findings of fact and conclusions of law; providing for action on request and conditions of approval; providing for legal effect and limitations of this PDP development order and administrative requirements.

Address: 1020 Tropicana Pkwy W

Applicant: Stonewater II LLC

Planning Staff Recommendation: Approval with conditions.

Hearing Examiner Recommendation: Approval

- (6) Ordinance 38-24 Set Public Hearing for May 15, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 27, Community Redevelopment, Section 27-1, Community Redevelopment Agency, regarding voting requirements. (Brought forward by the CRA)

- (7) Ordinance 35-24 (TXT24-000002) Set Public Hearing for Transmittal for May 8, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Infrastructure Element to provide consistency with the Cape Coral Water Supply Facilities Work Plan; adopting the 2023 Cape Coral Water Supply Facilities Work plan as Appendix "A" to the Comprehensive Plan. (Brought forward by City Management)

11. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

12. REPORTS OF THE MAYOR, COUNCIL MEMBERS, CITY ATTORNEY, AND CITY MANAGER

13. TIME AND PLACE OF FUTURE MEETINGS

- A. TENTATIVE: A Regular Meeting of the Cape Coral City Council to be Scheduled for Wednesday, May 8, 2024, beginning at 10:30 a.m. in Council Chambers NOTE: This meeting is in lieu of the previously approved Committee of the Whole that was Scheduled for Wednesday, May 8, 2024, at 10:30 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 at (239) 574-0411. 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. 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