

Mayor

John Gunter

Council Members

District 1: Bill Steinke

District 2: Laurie Lehmann

District 3: Derrick Donnell, Ed.D.

District 4: Jennifer I. Nelson-Lastra

District 5: Joe Kilraine

District 6: Keith E. Long

District 7: Rachel Kaduk



City Manager

Michael Ilcyszyn

City Attorney

Aleksandr Boksner

City Auditor

Andrea R. Russell

City Clerk

Kimberly Bruns

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

June 04, 2025 05:00 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 Kaduk

3. PLEDGE OF ALLEGIANCE

- a. Councilmember Kaduk

4. ROLL CALL

- a. Mayor Gunter, Council Members Donnell, Kaduk, Kilraine, Lastra, Lehmann, Long, Steinke

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

- a. Presentation to City Employees for Years of Service

7. APPROVAL OF MINUTES

- a. Regular Meeting – May 21, 2025

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 135-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Amendment No. 1 to Contract No. RCP2237AP(2) between the City of Cape Coral, Florida, and Pennoni Associates, Inc. for Construction Administration Services for the Jaycee Park Improvement project, in the amount of \$280,070, bringing the total project amount not to exceed \$853,635; authorizing the City Manager or their designee to execute the amendment and purchase order(s).

Department: Public Works

Dollar Value: \$280,070 (Commercial Paper until Long-term Debt is issued)

Duration: Extend 350 calendar days after the Notice to Proceed was issued

Procurement Type: Amendment to existing contract

2. Resolution 149-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Bid No. BPW2530KMR to V&H Construction, Inc. for the Hancock Bridge Parkway Storm Drain Improvement Project; approving Contract No. BPW2530KMR between the City of Cape Coral, Florida, and V&H Construction, Inc. for the Hancock Bridge Storm Drain Improvement Project, in the amount of \$5,088,256.50; providing for approval of a five percent City-controlled contingency amount of \$254,412.83; authorizing the City Manager or their designee to execute the Contract, purchase order(s), and certain change order(s).

Department: Public Works

Dollar value: \$5,342,669.33

Funding: Stormwater Reserves

Duration: 365 days upon issuance of Notice to Proceed

Procurement Methodology: Competitive Solicitation – Invitation to Bid

3. Resolution 151-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Bid No. BPW2579JA to Pavement Maintenance, LLC, for Fiscal Year 2025 Spot Paving Program, approving Contract No. BPW2579JA between the City of Cape Coral, Florida, and Pavement Maintenance, LLC, for Fiscal Year 2025 Spot Paving, in the amount of \$458,628.50, authorizing the City Manager or their designee to execute the Contract, purchase order(s) and certain change orders.

Department: Public Works

Dollar Value: \$458,628.50

Fund: 6 Cent Gas Tax Fund, Water and Sewer Fund

Duration: 120 calendar days after the Notice to Proceed is issued

Procurement Methodology: Competitive Solicitation-Invitation to Bid

4. Resolution 156-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the Grant Agreement between the State of Florida Department of Environmental Protection and the City of Cape Coral, Florida, to provide grant funding for the Cape Coral Historic Caloosahatchee Shoreline Preservation Project; accepting grant funding in the amount of \$2,000,000 from the Department of Environmental Protection for the Cape Coral Historic Caloosahatchee Shoreline preservation project, no matching funds required by the City; authorizing the City Manager or designee to execute the Grant Agreement and any and all related documents specific to this grant award.

Purpose: Design, permitting and construction of the Yacht Club seawall reconstruction project

Department: Public Works - CIP

Dollar Value: \$2,000,000 award

Duration: Expiration date is 4/30/2026

5. Resolution 157-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Bid No. BPW2584JA to Preferred Materials, Inc. for the Fiscal Year 2025 Local Roads Resurfacing project; approving Contract BPW2584JA between the City of Cape Coral, Florida, and Preferred Materials, Inc. for Local Road Resurfacing Fiscal Year 2025, in the amount of \$4,977,197.50; providing for approval of a five percent contingency amount of \$248,859.88; authorizing the City Manager or their designee to execute the Contract, purchase order(s) and change order(s).

Department: Public Works

Dollar Value: \$5,226,057.38

Fund: 5 Cent Gas Tax Fund, 6 Cent Gas Tax Fund, Water and Sewer Fund

Duration: 120 calendar days after the Notice to Proceed is issued

Procurement Methodology: Competitive solicitation - Invitation to Bid

6. Resolution 160-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Contract No. PDD25125KS with C.A.P. Government, Inc., in accordance with the City of Fort Lauderdale Contract No. 360-1, to provide plan review and inspection services for the Development Services Department, for an estimated annual amount of \$500,000, not to exceed budgetary limits, authorizing the City Manager or their designee to execute the contract, renewal and purchase order(s).

Department: Development Services

Dollar Value: Estimated \$500,000

Fund: Building Fund

Duration: April 16, 2025 through May 15, 2028, to include an optional two-year renewal period

Procurement Methodology: Piggyback

7. Resolution 161-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, authorizing an increase to the annual expenditure with Direct Impressions, Inc., for an additional \$34,000 for printing services, increasing the total purchase order for printing services to \$122,012.12, and an additional \$25,000 for postage, increasing the total purchase order for postage to \$111,322.49, not to exceed budgetary limits; authorizing the City Manager or their designee to execute the purchase orders, renewals, and any related documents.

Office: City Manager's Office

Estimated Annual Dollar Value: \$122,012.12 for printing and mailing services (the total postage cost will be \$111,322.49 which is a passthrough to USPS) (General Fund)

Duration: The term of the awarded quote is for a two-year period to include two optional one-year renewal at the same terms and conditions.

Procurement methodology: Quoted

8. Resolution 163-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Request for Proposal No. RUT24119LC to Hazen and Sawyer, P.C. for professional engineering design services to provide a Basis of Design Report and optional services; approving Professional Services Agreement No. BUT24119LC with Hazen and Sawyer, P.C., to provide a Basis of Design Report and optional services for the North Water Reclamation Facility, for an amount not to exceed \$2,880,336.64; authorizing the City Manager or their

designee to execute the agreement and purchase order(s).

Department: Utilities

Dollar Value: \$2,880,336.64

Fund: Water and Sewer Capital Project Fund

Duration: 308 calendar days for the Basis of Design Report after the Notice to proceed is issued.

Procurement Methodology: Competitive Solicitation: Request for Proposal
CCNA-Qualification based Solicitation

9. Resolution 166-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, accepting a Permanent Utility Easement from Cape Coral Real Estate, LLC, a Florida limited liability company, for a portion of property located in Lots 6 and 7, Block 1156, Cape Coral Subdivision, Unit 20, Part 1, to provide access to, and maintenance of, City utility facilities; approving the Reciprocal Drive Access Easement Agreement with Cape Coral Real Estate, LLC, a Florida limited liability company, for a portion of property located in Lot 7, Block 1156, Cape Coral Subdivision, Unit 20, Part 1, to provide common driveway access for properties located at 3111 Del Prado Boulevard South and 3201 Del Prado Boulevard South.

Department: Public Works / Real Estate (Fund: N/A)

Duration: N/A

10. Resolution 167-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the creation of the "Telecommunicator I," "Telecommunicator II," and "Telecommunicator III" classifications.

Department: Human Resources

Dollar Value: \$0; (Fund: N/A) Duration: N/A

11. Resolution 168-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving and ratifying a Memorandum of Understanding between the City of Cape Coral and the International Union of Painters and Allied Trades, AFL-CIO Local 2301 (representing the "White Collar" and "Supervisory" units) to amend the terms of Subsection (A) of Section 2 of Article 10 of the Collective Bargaining Agreement regarding compensation for Telecommunication employees of the union.

Department: Human Resources

Dollar Value: \$90,085.54; (General Fund) Duration: N/A

12. Resolution 169-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, authorizing the direction issued by the Mayor and City Council to the City Administration for those items that were presented at the Committee of the Whole meetings held on April 23, 2025 and May 14, 2025.

Department: City Clerk

Dollar Value: N/A (Fund: N/A) Duration: N/A

13. Resolution 170-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, authorizing the City Manager to enter into a Contract For Sale and Purchase of land between Add Value Development, LLC, a Florida limited liability company and the City of Cape Coral, a Florida municipal corporation, for the purchase of Lots 26 and 27, Block 2370, Unit 35, Cape Coral Subdivision, for the preservation of Burrowing Owl habitat, in the amount of \$55,000, plus closing costs of approximately \$3,000, and the City shall assume the North 2 UEP Assessment in the amount of \$9,385, for a total monetary amount of \$67,385. Property located at 457 Juanita Place.

Department: Public Works / Real Estate

Dollar Value: \$67,385.00 (FWC State Grant) Duration: N/A

14. Resolution 171-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving a Permissive Use Agreement for temporary construction access for Lake Shadroe Resort and Marina between the City of Cape Coral, a Florida municipal corporation and Curran Young Construction, LLC, a Florida limited liability company, to construct a temporary construction access driveway across a portion of City owned property located at 230 Burnt Store Road; authorizing the City Manager or their designee to execute the Permissive Use Agreement.

Department: Public Works / Real Estate

Dollar Value: N/A (Fund: N/A)

Duration: Through Agreement expiration of August 31, 2026, with one 30-day extension, if needed.

15. Resolution 174-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Contract No. PPR25110KMR with JSM Services, Inc., in accordance with Lee County Contract No. B230548WCD, for athletic turf maintenance and reconstruction services of the City's athletic fields, in the estimated annual amount of \$450,000, not to exceed budgetary limits; authorizing the City Manager or their designee to execute the contract, renewal and purchase

order(s).

Department: Parks and Recreation

Estimated Annual Dollar Value: \$450,000

Funding: General Fund

Duration: The Contract expires February 13, 2027, with a 2-year renewal option

Procurement Methodology: Piggyback

16. Resolution 176-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the Fleet Purchase Agreement for the Sutphen Fire Apparatus with the Sutphen Corporation, as a sole source provider, for the purchase and delivery of Sutphen Fire apparatus based upon a predetermined purchase scheduled specified within the Fleet Purchase Agreement; authorizing the disposition of equipment as a result of this purchase pursuant to the City of Cape Coral, Florida, Code of Ordinances Section 2-154; authorizing the City Manager or their designee to execute the Fleet Purchase Agreement, purchase order(s), and any necessary documents specific to these purchases.

Department: Fire Department

Dollar Value: N/A

Duration: Predetermined schedule

Procurement Methodology: Sole Source

17. Resolution 178-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the purchase of a Silver Ship AM700 Patrol Enforcement Vessel from Silver Ships, Inc., in accordance with GSA Contract No. 47QSWA18D009G, in the amount of \$284,599; authorizing the use of State Forfeiture Funds in the amount of \$84,599; authorizing the City Manager or their designee to execute the purchase order and any related documents.

Department: Police

Dollar Value: \$284,599

Fund: Cape Coral Police Department State Forfeiture Funds

Duration: 18 to 24 months after purchase order is issued.

Procurement Methodology: Piggyback

18. Amendment to the Council Agenda Rules of Procedure

b. Appointments to Boards / Committees / Commissions

1. Affordable Housing Advisory Committee – 1 Vacancy

c. Unfinished Business

1. Follow up items for Council
2. Follow Up Items from City Management

*1. ADDENDUM: North 1 East UEP Roadway Options, NE 24th Avenue and Diplomat Parkway

d. New Business

1. City Council Meeting Calendar

10. ORDINANCES/RESOLUTIONS

- a. Public Hearings - Quasi-Judicial Hearings - 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. Ordinance 25-25 Public Hearing

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 5, Development Standards, Chapter 1, General Requirements for all development, Section 5.1.6., Protection of Easements, and Article 5, Development Standards, Chapter 1, General Requirements for all development, Section 5.1.13., Single-Family Residential Standards, regarding Public Utility Easements and Fill Limitations. (Brought forward by Mayor Gunter)

2. WITHDRAWN AT THE REQUEST OF CITY COUNCIL - Ordinance 26-25 Public Hearing

3. WITHDRAWN AT THE REQUEST OF CITY COUNCIL - Ordinance 27-25 Public Hearing

4. Ordinance 28-25 Public Hearing

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commissions, Division 3, Code Enforcement, by creating Section 2-88.5, Procedure to request that a fine or lien

be reduced; conditions and criteria therefor, regarding the procedure to request fine or lien reductions by the Special Magistrate, providing for codification and resolution of conflicting laws, providing for severability and an effective date. (Brought forward by City Management/Attorney)

5. Resolution 172-25 Public Input

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, increasing the established administrative costs charged to a violator if the City prevails in prosecuting a case before the Special Magistrate(s), and establishing new administrative costs. (Brought forward by City Management)

6. Ordinance 31-25 Public Hearing

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 3, Development Review, Chapter 1, Development Review Procedures, Section 3.1.3., Development Approval Process; Table 3.1.3; Article 3, Development Review, Chapter 1, Development Review Procedures, Section 3.1.14. Review by Department Directors; Administrative Appeals; and Appeals; Article 5, Development Standards, Chapter 4, Marine Improvements, Section 5.4.8. Bulkheads; Seawalls, and Retaining Walls; Article 9, Floodplain Management, Chapter 6, Variances and Appeals, Section 9.6.2. Appeals; and Article 13, Reasonable Accommodation & Dispute Resolution, Section 13.1.1. Reasonable Accommodation, regarding the appeal process. (Brought forward by City Management)

7. Ordinance 32-25 Public Hearing

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 19 "Water and Sewer Utilities", Article VII, "Water Management", Section 19-94, "Penalties", regarding the penalties for water management violations; amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 21 "South Florida Water Management District Water Shortage Plan", Section 21-7, "Penalties", regarding the penalties for water management violations; providing for codification and resolution of conflicting laws. (Brought forward by City Management)

c. Introductions

1. Ordinance 23-25 (FLUM24-000017) Set Public Hearing for July 16, 2025

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the

Future Land Use Map from Multi-Family Residential (MF) to Commercial/Professional (CP) land use for property described as a portion of Block 1365, Cape Coral Unit 18, as more particularly described herein. Property located at 2307 Bolado Parkway.

Applicant: J&J Michael Investment

Acreage: 2 acres

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: Approval

2. Ordinance 33-25 (ANNX25-000001) Set Public Hearing for July 16, 2025

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that provides for the annexation of a parcel of land lying in Section 4, Township 44 South, Range 24 East, Lee County, Florida, as more particularly described herein; providing for redefinition of City of Cape Coral, Florida, boundaries; providing for the City of Cape Coral Fire Department, Police Department, and Utility Services; property located at 2800 NE Pine Island Road and 1481 Barrett Road, North Fort Myers, Florida.

Applicant: Floor and Decor

Address: 2800 Pine Island Rd

Acreage: 7.99 Acres

Note: This is a Voluntary Annexation

2nd Note: Due to the nature of this matter, all persons providing testimony must be sworn in

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. Cape Coral City Council Budget Workshops are Scheduled for Thursday, June 5, 2025, and Friday, June 6, 2025, beginning at 9:00 a.m. in Council Chambers
- b. A Regular Meeting of the Cape Coral City Council is Scheduled for Wednesday, July 16, 2025, beginning at TBD 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 (www.capecoral.gov) 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.

Note: This Agenda should not be viewed as containing definitive information on matters of law with respect to ordinance and resolution summaries.