

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 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

September 03, 2025

04:00 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 Donnell

3. PLEDGE OF ALLEGIANCE

- a. Councilmember Donnell

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 - None

7. APPROVAL OF MINUTES

- a. Regular Meeting – August 20, 2025

8. BUSINESS

- a. Consent Agenda

1. Resolution 222-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Staffing and Cost Proposal (SCP) AI-04 with AECOM Technical Services, Inc., to provide professional engineering services in connection with the City's Inflow and Infiltration Action Plan for the Everest and Southwest Water Reclamation Facilities, as required by the Florida Department of Environmental Protection, in accordance with Chapter 62-600.705(2)(A), Florida Administrative Code, in the amount of \$439,420; authorizing the City Manager or their designee to execute the Staffing and Cost Proposal and purchase order(s); providing for an effective date.

Department: Utilities

Dollar Value: \$439,420

Fund: Water and Sewer

Duration: 270 calendar days after the Notice to Proceed is issued

Procurement Methodology: Staffing Cost Proposal governed by Master Agreement #CON-RFQ2323KR-A

2. Resolution 255-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Contract No. PPR25159MR with Sign-On LLC, in accordance with Equalis Group, LLC Agreement No. COG-2103B, for the purchase and installation of an electronic message board to be located at Lake Kennedy Park, in the estimated amount of \$136,678.72; authorizing the City Manager or their designee to execute the contract, purchase order(s) and any related documents.

Department: Parks & Recreation

Dollar Value: \$136,678.72

Fund: General Fund

Duration: 180 calendar days after the Notice to Proceed is issued

Procurement Methodology: Piggyback

3. Resolution 257-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Bid No. BUT2590LC to Univar Solutions USA, LLC, for the supply and delivery of Sodium Hydroxide – Liquid Caustic Soda, at a delivered unit price of \$630.00 per dry ton; approving Contract No. BUT2590LC between the City of Cape Coral, Florida and Univar Solutions USA, LLC, for the supply and delivery of Sodium Hydroxide – Liquid Caustic Soda, in the estimated annual amount of \$119,700, not to exceed budgetary limits; authorizing the City Manager or their designee to execute the contract and purchase order(s); providing for an effective date.

Department: Utilities

Dollar Value: \$119,700

Fund: Water and Sewer

Duration: The contract term is for one year with four optional one-year renewals

Procurement Methodology: Competitive Solicitation - Invitation to Bid (ITB)

4. Resolution 258-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Work Authorization Form No. AB-04 with AREX Builders Corp., to provide Construction Manager at Risk Services to remodel the restrooms at William “Bill” Austen Youth Center, for a Guaranteed Maximum Price of \$265,744.46; authorizing the City Manager or their designee to execute the Work Authorization Form and purchase orders; providing for an effective date.

Department: Public Works

Dollar Value: \$265,744.46

Fund: General Fund

Duration: 180 days from Notice to Proceed

Procurement Methodology: Work Authorization – CMAR Master Agreement

5. Resolution 260-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Amendment No. 4 and Renewal No. 1 to Contract No. BPW2268MM-A with Kellyrock Partners, LLC d/b/a Brent’s Lawn and Tree to provide additional landscape maintenance services and renewal of Contract No. BPR2268MM-A for one-year period commencing October 1, 2025 through September 30, 2026; authorizing the City Manager or their designee to execute Amendment No. 4 and Renewal No. 1 and purchase order(s); providing for an effective date.

Department: Parks and Recreation

Dollar Value: \$120,600

Fund: General Fund

Duration: Contract renewed for new end date of September 30, 2026
Procurement Methodology: Amendment to Contract #BPR2268MM-A, as allowed per Section 15 of the contract

6. Resolution 261-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Contract Amendment No. 1 to Contract No. BPW2312JM between the City of Cape Coral, Florida and Pavement Maintenance, LLC, for emergency and standard response roadway patching, to amend the renewal terms of the contract; authorizing the City Manager or their designee to execute Contract Amendment No. 1 and any relevant documents; providing for an effective date.

Department: Utilities (managed by Public Works)

Dollar Value: \$800,000 estimated annually, not to exceed budgetary limits based on annual appropriation.

Fund: Water and Sewer

Duration: Initial 3-year contract effective until March 2, 2026, with the option to renew for one 3-year renewal ending March 2, 2029

Procurement Methodology: Amendment to contract pursuant to section 12 of Contract #BPW2312JM

7. Resolution 262-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Staffing and Cost Proposal (SCP) CPH-03 with CPH Consulting, LLC, to provide professional engineering services for median landscaping and irrigation design services for four signalization projects, for a not to exceed amount of \$172,785; authorizing the City Manager or their designee to execute the Staffing and Cost Proposal and purchase order(s); providing for an effective date.

Department: Public Works

Dollar Value: \$172,785

Fund: Public Works Capital Projects

Duration: # 105 calendar days after the Notice to Proceed is issued

Procurement Methodology: Staffing Cost Proposal governed by Master Agreement #CON-RFQ2323KR-L

8. Resolution 263-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Locally Funded Agreement No. 450723-1-52/62-03-01 between the State of Florida Department of Transportation and the City of Cape Coral, Florida, for safety improvements on Pine Island Road from west of Santa Barbara Boulevard to east of Del Prado Boulevard and intersection improvements at Pine Island Road and Andalusia Boulevard; approving the Three Party Escrow Agreement to establish an escrow account for the project; authorizing the payment in the amount of \$560,762 to the State of Florida Department of Transportation relating to the subject agreement; authorizing the use of Road Impact Fund Reserves; Authorizing the Mayor to execute the Agreements and any related documents; providing for an effective date.

Department: Public Works

Dollar Value: \$560,762.00

Fund: Road Impact Fund Reserves

Source: 110-30110-534120-30-55-581090-000-000-

Duration: Project per FDOT schedule.

Procurement methodology: All Procurement executed by FDOT

9. Resolution 265-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the emergency purchase order to Andrew Sitework, LLC, for the gravity sewer main repair located at the intersection of Del Prado Boulevard South and SE 40th Street, in the estimated amount of \$194,002.32; authorizing the City Manager or their designee to execute the purchase order(s) and any related documents specific to the emergency purchase; providing for an effective date.

Department: Utilities

Dollar Value: \$194,002.32

Fund: Water and Sewer Fund

Duration: 45 Calendar Days after Notice to Proceed (issued 8/27/2025)

Procurement Methodology: Emergency Purchase

10. City Attorney Second Amended Employment Agreement

b. Appointments to Boards / Committees / Commissions - None

c. Unfinished Business

1. Follow Up Items for Council

2. Follow Up Items from City Management

- d. New Business - None

9. ORDINANCES/RESOLUTIONS

- a. Public Hearings - Quasi-Judicial Hearings

- 1. Resolution 237-25 (VAC25-000002*) Public Hearing

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

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, providing for the vacation of plat for a portion of platted alley right-of-way and underlying easements between Lots 1 through 8 and Lots 65 through 72, Block 4127, Unit 59, Cape Coral Subdivision; providing for the vacation of interior platted public utility and drainage easements lying in Lots 1 through 8 and Lots 61 through 72, Block 4127, Unit 59, Cape Coral Subdivision; property located at 5 NW 32nd Place and 14 Burnt Store Road North; providing for an effective date.

Applicant: City of Cape Coral

Address: 5 NW 32nd Pl and 14 Burnt Store Rd N

Acreage: ±6,475 Sq. Ft.

City Planning Staff Recommendation: Approval with conditions

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 42-25 Public Hearing

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, by repealing in its entirety the City of Cape Coral, Florida, Code of Ordinances, Chapter 2, Administration, Article II, Fees, Division 5 Roads Impact Fee; and by creating Chapter 2, Administration, Article II, Fees, Division 5, Mobility Fees; providing for short title, authority and applicability; providing for intents and purposes; providing for plan, report and study; providing for definitions; providing for imposition of mobility fees; providing for exemption from mobility fees; providing for mobility fee schedule; providing for mobility determination; providing for agreements; providing for credits; providing for mobility fee benefit districts; providing for expenditures; providing for refunds; providing for effect on land use allowances; providing for administrative manual and administrative

charges; providing for annual report; providing for review and update; providing for appeals; providing for vested rights; providing for penalty; providing for codification and resolution of conflicting laws; providing for severability and an effective date. (Brought forward by City Management)

2. Ordinance 44-25 Public Hearing

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, repealing Sections 12-10, 12-23, 12-26 through 12-31, and 12-79 through 12-86, of the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Offenses and Miscellaneous Provisions; repealing Sections 18-2, 18-3, and 18-4, of the City of Cape Coral, Florida, Code of Ordinances, Chapter 18, Traffic; repealing Sections 6.2.1, 6.2.2, 6.2.4, 6.2.5, 6.2.6, 6.2.7, 6.2.8, 6.2.9 and 6.2.10 of the City of Cape Coral, Florida, Land Development Code; amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Miscellaneous Provisions, Article XII, Section 12-127; amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Offenses and Miscellaneous Provisions, by creating Article XII, Parking Restrictions, Sections 12-127.1, 12-127.2, 12-127.3, 12-127.4, 12-127.5, 12-127.6, 12-127.7, 12-127.8, 12-127.9, 12-127.10, 12-127.11, 12-127.12, 12-127.13, 12-127.14, 12-127.15, 12-127.16 and 12-127.17; providing for parking restrictions in the City; providing for enforcement, penalties, and towing and impoundment; providing for codification and resolution of conflicting laws; providing for severability and an effective date. (Brought forward by Mayor Gunter)

c. Last Call for Comment Cards

d. Introductions

1. Ordinance 39-25 (FLUM25-000004) Set Public Hearing for September 17, 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 Commercial and Conservation/Wetlands (a Lee County designation) to Pine Island Road District (PIRD) land use for property described as a parcel of land located in Section 4, Township 44 South, Range 24 East, Lee County, Florida, as more particularly described herein; property located at 2800 NE Pine Island Road, North Fort Myers, Florida and 1481 Barrett Road, North Fort Myers, Florida; providing for severability and an effective date.

Applicant: Natalia Domovessova (Floor and Decor)

Address: 2800 NE Pine Island Rd, North Fort Myers

Acreage: 7.99 Acres

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: Approval

2. Ordinance 40-25 (RZN25-000005*) Set Public Hearing for September 17, 2025

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that amends the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral, Florida, by rezoning property described as a parcel of land located in Section 4, Township 44 South, Range 24 East, Lee County, Florida, as more particularly described herein, from Lee County Commercial Planned Development (CPD) to Commercial Corridor (CC) zone; properties located at 2800 Pine Island Road and 1481 Barrett Road; providing for severability and an effective date.

Applicant: Natalia Domovessova (Floor and Decor)

Address: 2800 Pine Island Rd and 1481 Barrett Rd

Acreage: 7.99 Acres

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

3. Ordinance 46-25 (TXT25-000001) Set Public Hearing for Transmittal for September 17, 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 Policy 1.15 of the Future Land Use Element by amending the Seven Islands Sub-District; providing for severability and an effective date.

Applicant: City of Cape Coral

Address: 200 Old Burnt Store Rd N

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

4. Ordinance 52-25 Set Public Hearing for September 17, 2025

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, approving and granting to Lee County Electric Cooperative, Inc., an 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, known as Jaycee Park, as more particularly described herein; authorizing and directing the Mayor to execute the easement; a copy of the easement is attached hereto and incorporated herein by reference; providing severability and an effective date. (Brought forward by City Management)

5. **Ordinance 53-25 Set Public Hearing for September 17, 2025**

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 12, "Offenses and Miscellaneous Provisions", Article XIV, "Residential Rental Property", Section 12-129, "Residential Rental Property Registration", regarding the requirement to register residential rental property with the City; providing for codification and resolution of conflicting laws; providing for severability and an effective date. (Brought forward by Councilmember Lastra)

10. 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.

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 Community Redevelopment Agency Meeting is Scheduled for Wednesday, September 10, 2025, in Council Chambers beginning at 9:00 a.m.
- b. A Committee of the Whole is Scheduled for Wednesday, September 10, 2025, in Council Chambers beginning at 9:30 a.m.

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.