

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 17, 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. Mayor Gunter

3. PLEDGE OF ALLEGIANCE

a. Mayor Gunter

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. Prisoners of War, Missing In Action Recognition

- b. Presentation to City Employees for Years of Service

7. APPROVAL OF MINUTES

- a. Special Meeting – August 27, 2025
- b. Regular Meeting – August 27, 2025
- c. Regular Meeting - September 3, 2025

8. BUSINESS

- a. Consent Agenda

1. Resolution 250-25

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 between Korinne A. Zeiger, Ross Novak and Laura A. Novak, and the City of Cape Coral, a Florida municipal corporation, for the purchase of a portion of Lot 4, Block 4148, Unit 59, Cape Coral Subdivision, for the roundabout and associated roadway improvements, in the amount of \$287,000, plus reimbursement of seller's expenses in the amount of \$20,254.30, plus closing costs not to exceed \$6,200, for a total monetary amount of \$313,454.30; property located at 739 Old Burnt Store Road North; providing for an effective date.

Department: Public Works / Real Estate Division

Dollar Value: \$313,454.30

Fund: Transportation

2. Resolution 266-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the purchase of Hach laboratory equipment, instruments, including repair parts, for Fiscal Years 2026 through 2030, from Hach Company, as the sole source provider for equipment utilized within the Utilities Department water treatment facilities, in the annual amount of \$250,000, not to exceed budgetary limits; authorizing the City Manager or his designee to execute the purchase order(s) and any related documents; providing for an effective date.

Department: Utilities

Annual Dollar Value: \$250,000, contingent upon annual appropriation

Fund: Water and Sewer Fund

Duration: FY 2026 through FY 2030

Procurement Methodology: Sole Source

3. Resolution 269-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Bid No. BPW25124SH to Dekora, LLC, for the ADA Ramp and Mat Improvements Project; approving Contract No. BPW25124SH between the City of Cape Coral, Florida and Dekora, LLC, for the ADA Ramp and Mat Improvements Project, in the amount of \$160,800; authorizing the City Manager or their designee to execute the contract and purchase order(s); providing for an effective date.

Department: Public Works

Dollar Value: \$160,800

Fund: 5 Cent Gas Tax Fund

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

Procurement Methodology: Competitive Solicitation – Invitation to Bid

4. Resolution 270-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Work Authorization Form No. VS-01 with VisualScape, Inc. to provide median landscape and irrigation improvements within the medians of Country Club Boulevard, between Nicholas Parkway and SE 10th Street in the amount of \$154,246; providing for approval of a contingency amount in the amount of \$7,712.30, for a total project cost of \$161,958.30; authorizing the City Manager or their designee to execute the Work Authorization Form and purchase order(s); providing for an effective date.

Department: Public Works

Dollar Value: \$161,958.30

Fund: General Fund

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

Procurement Methodology: Work Authorization – CMAR Master Agreement

5. Resolution 271-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, awarding Request for Proposal No. RPW2552KMR to Kittelson & Associates, Inc. to develop the Cape Coral Parkway Corridor Planning Study; approving Contract No. RPW2552KMR with Kittelson & Associates, Inc. to develop the Cape Coral Parkway Corridor Planning Study, for a not to exceed amount of \$564,980.98; authorizing the City Manager or their designee to execute the contract and purchase order(s); providing for an effective date.

Department: Public Works

Dollar value: \$564,980.98 (CDBG-DR Grants) Duration: 550 calendar days upon issuance of Notice to Proceed Procurement Methodology: Procurement Methodology: Competitive Solicitation – Request for Proposal - CCNA

6. Resolution 272-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, authorizing the Subrecipient and Sponsor Agreements for 2022-2023 State Housing Initiatives Partnership Grant Program funds between the City of Cape Coral, Florida and Rebuilding Together Greater Florida, Inc., a Florida not for profit corporation, and between the City of Cape Coral, Florida and LARC, LLC, a Florida limited liability company; authorizing the City Manager or their designee to execute the agreements, providing for an effective date.

Department: Development Services

Dollar Value: \$293,270

Fund: Local Housing Trust Fund

Source: State Housing Initiatives Partnership Grant Program

7. Resolution 274-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving Work Authorization Form No. CC-01 with Centennial Contractors Enterprises, Inc., utilizing Master Agreement No. RPW2371MM-C, to provide Construction Manager at Risk services for the installation of sidewalk along the shoreline in the northwest quadrant of Sirenia Vista Park, and a wooden boardwalk overlook along the Spreader Waterway, for a guaranteed maximum price of \$293,653.22; authorizing the City Manager or their designee to execute the Work Authorization Form and purchase order(s); providing for an effective date.

Department: Public Works

Dollar Value: \$293,653.22

Fund: Parks and Recreation Capital Project Fund and TDC Grant Funds

Duration: 136 calendar days after the Notice to Proceed is issued

Procurement Methodology: Work Authorization – CMAR Master Agreement

8. Resolution 276-25

A Resolution of the Mayor and Council of the City of Cape Coral, Florida, approving the Second Amendment to the Project Assistance Agreement between the Community Redevelopment Agency the City of Cape Coral, Florida, and The Cape FC, LLC, an Indiana limited liability company, as successor in interest to F&C Development, Inc., in reference to the Cove at 47th Mixed-Use project, providing for an effective date.

Office: City Manager Office/Division: Economic Development

Dollar Value: N/A

Fund: N/A

Duration: N/A

9. Resolution 277-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the City Auditor's Office FY26 Strategic Plan and FY26-FY28 Annual Audit Pla; providing for an effective date.

Office: City Auditor's Office

Dollar Value: N/A;

Fund: N/A

10. Resolution 278-25

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 between Teresa M. Kleczkowski and the City of Cape Coral, a Florida municipal corporation, for the purchase of Lots 49 and 50, Block 4338, Unit 61, Cape Coral Subdivision, for the construction and operation of a stormwater pond associated with roadway improvements along Kismet Parkway, in the amount of \$40,000, plus closing costs not to exceed \$2,000, for a total monetary amount of \$42,000; property located at 2360 NW 38th Avenue; providing for an effective date.

Department: Public Works / Real Estate Division

Dollar Value: \$42,000.00

Fund: Stormwater

Duration: N/A

11. Resolution 280-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving and ratifying the Collective Bargaining Agreement between the City of Cape Coral and the Fraternal Order of Police Lodge #33, representing the Police Officers and Police Sergeants Bargaining Unit; providing for an effective date.

Department: Human Resources

Dollar Value Year 1 Agreement has a total of \$7,099,379 (16%)

Year 2 Agreement has a total of \$3,476,693 (4%)

Year 3 Agreement has a total of \$3,441,236 (4%)

Fund: General Fund

Duration: October 1, 2025 through September 30, 2028, three years

12. Resolution 281-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving and ratifying the Collective Bargaining Agreement between the City of Cape Coral and the Fraternal Order of the Police Lodge #33, representing the Lieutenants Bargaining Unit; providing for an effective date.

Department: Human Resources

Dollar Value Year 1 Agreement has a total of \$7,099,379 (16%)

Year 2 Agreement has a total of \$3,476,693 (4%)

Year 3 Agreement has a total of \$3,441,236 (4%)

Fund: General Fund

Duration: October 1, 2025 through September 30, 2028, three years

13. Resolution 285-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, adopting amended Financial Management Policies for the City of Cape Coral, Florida, relating to management of the city's operating budget, debt management, accounts management and financial planning, and economic resources management; providing for an effective date.

Department: Finance

Dollar Value: N/A

Fund: N/A

Duration: N/A

b. Appointments to Boards / Committees / Commissions - None

c. Unfinished Business

1. RECONSIDERATION OF ORDINANCE 42-25

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.

2. Follow Up Items for Council

3. Follow Up Items from City Management

d. New Business

1. Resolution 195-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, approving the Settlement Agreement and Release between the City of Cape Coral, Florida, and Boathouse Tiki Bar & Grill, LLC; approving the Concessionaire Agreement between the City of Cape Coral, Florida, and Yacht Club Development Group, LLC, d/b/a Boathouse Tiki Bar & Grill, for the construction, management and operation of a waterfront establishment and associated facilities; authorizing the City Manager or their designee to execute the Settlement Agreement and Release, and execute the Concessionaire Agreement for the property located at 5819 Driftwood Parkway; providing for an effective date.

9. ORDINANCES/RESOLUTIONS

a. 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 46-25 (TXT25-000001) Public Hearing for Transmittal

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

2. Ordinance 52-25 Public Hearing

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)

3. Ordinance 53-25 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 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)

1. Resolution 279-25

A Resolution of the Mayor and City Council of the City of Cape Coral, Florida, establishing annual registration and late fees for long term residential rental property and short term residential rental property within the jurisdictional boundaries of the City of Cape Coral, Florida; providing for an effective date.

4. Ordinance 39-25 (FLUM25-000004) Public Hearing

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

b. Public Hearings - Quasi-Judicial Hearings

1. Ordinance 40-25 (RZN25-000005*) Public Hearing

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

c. Last Call for Comment Cards

d. Introductions

1. Resolution 268-25 (VAC25-000004*) Set Public Hearing for October 8, 2025

*Quasi-Judicial, All Persons 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 SE 18th Place street right-of-way and underlying easements between Lots 24 through 26, Block 594, Unit 12, Cape Coral Subdivision; providing for the vacation of platted public utility and drainage easements lying in Lots 25 and 26, Block 594, Unit 12, Cape Coral Subdivision; properties located at 3311 SE 18th Place and 3315 SE 18th Place; providing for an effective date.

Applicant: John Stifter

Address: 3311 and 3315 SE 18th Pl

Acreage: 2,504.10 Sq Ft

Request: Vacate 2,000 sq. ft. of street right-of-way and Vacate 504.10 sq. ft. of platted easements

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approve

2. Resolution 275-25 (VAC24-000015*) Set Public Hearing for October 8, 2025

*Quasi-Judicial, All Persons 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 SE 18th Place street right-of-

way and underlying easements between Lots 29 through 32, Block 594, Unit 12, Cape Coral Subdivision; providing for the vacation of platted public utility and drainage easements lying in Lots 29 through 31, Block 594, Unit 12, Cape Coral Subdivision; providing for the vacation of platted public utility and drainage easements lying in Lot 32, Block 594, Unit 12, Cape Coral Subdivision; properties located at 3303 SE 18th Place and 3318 SE 18th Place; providing for an effective date.

Applicant: Scott J. Hertz, Esq.

Address: 3303 SE 18th PI and 3318 SE 18th PI

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval

3. Ordinance 24-25 Set Public Hearing for October 8, 2025

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 2, Decision Making, Chapter 1, Planning and Zoning Commission, Section 2.1.2. Membership; Vacancy; Compensation, regarding the composition of the Planning and Zoning Commission. (Brought forward by Councilmember Long)

Planning & Zoning Commission Recommendation: Recommended Denial

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 Committee of the Whole is Scheduled for Wednesday, September 24, 2025, beginning 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 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.