

**MINUTES FOR THE REGULAR MEETING OF THE  
CAPE CORAL CITY COUNCIL**

March 20, 2024

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Gunter at 4:30 p.m.

**INVOCATION/MOMENT OF SILENCE** – Councilmember Sheppard

**PLEDGE OF ALLEGIANCE** – Councilmember Sheppard

**Roll Call:** Mayor Gunter, Councilmembers Carr, Cosden, Hayden, Long, Sheppard, Steinke, and Welsh were present.

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Gunter asked if anyone had any changes to the Agenda. There were none.

***Councilmember Hayden moved, seconded by Councilmember Steinke, to adopt the agenda, as presented.***

***Council polled as follows: Cosden, Gunter, Hayden, Long, Sheppard, Steinke, Welsh, and Carr voted “aye.” Eight “ayes.” Motion carried 8-0.***

**RECOGNITIONS/ACHIEVEMENTS**

National Vietnam War Veterans Day Observance 2024

Mayor Gunter recognized the Vietnam War Veterans Recognition Act which designates March 29 of each year as National Vietnam War Veterans Day. The City of Cape Coral observed this holiday at the Council meeting preceding March 29. A video was displayed commemorating our nation’s Vietnam War Veterans.

Presentation to City Employees for Years of Service By Mayor Gunter

Mayor Gunter recognized an employee for outstanding service and dedication to our City. He thanked that individual for being such a valuable member of our team. The employee had 21 years of service.

Community Recognition Award: Cape Coral BMX Association

City Manager Ilczyszyn recognized the Cape Coral BMX Association who volunteered their time and donated \$10,000 to completely redo the Cape Coral BMX track. January's significant rain event washed away all of the work that was done before the final protective top layer was installed, and the volunteers pressed forward to completely re-do the work.

Pillar of the Community Award - Brought Forward by Mayor Gunter

Mayor Gunter recognized two individuals from our Cape Coral volunteers with earning the distinct title of volunteer with the most hours for 2023. Thomas Lapointe volunteered 1,429 hours in the Patrol and Marine Division, and Joseph Davis volunteered 157.75 hours in the Fire Department’s Community Services Program.

## APPROVAL OF MINUTES

### Regular Meeting - March 6, 2024

***Councilmember Hayden moved, seconded by Councilmember Long, to approve the minutes for the March 6, 2024, Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

## CITIZENS INPUT TIME

Sally Flash voiced her opposition to changes at Jaycee Park including the removal of trees that are not Australian Pines.

Laurie Lehmann followed up on a request for installation of fire barriers at Coviello Park. She inquired when the current sewer systems would be maintained due to local flooding and opposed changes to Jaycee Park.

Tara Jenner announced a guest speaker today at 6:30 p.m. at the Lee GOP Headquarters on US 41. The topic will be sex trafficking as a survivor. She encouraged City Council and anyone running for political office to complete the "We the People" employment application.

Richard Leon represented the Cape Coral Republican Club and explained that on January 30<sup>th</sup>, the Board passed a Resolution in opposition of the stipend approval.

Kenneth Gavin voiced concern about reoccurring traffic accidents in his neighborhood on El Dorado Boulevard South at the intersection with SW 4<sup>th</sup> Street. He requested a four-way stop, traffic signal, or any other traffic control.

Lou Navarra thanked Council for recognizing Veterans. He voiced concerns with observance of patriotic holidays; request to increase Citizens Input to five minutes; stipend; denying petitions to City Council; and inquired about overhead projector use.

Bob Lauson voiced opposition to the Yacht Club designs; followed up on questions for the cost of new designs; new building not inspired by the prior building; and architectural model and progress.

Resident inquired why the local news was not present anymore at meetings. He mentioned that people were struggling to survive and moving out of Cape Coral. He voiced opposition to City Council Rules of Procedures.

Albert Nunov voiced opposition to changes to Jaycee Park and letting the park be a place of serenity.

Jay Higgins requested copies of the studies completed by a speaker a few meetings ago on the water situation in the North Cape. He suggested a 12-month moratorium on well drilling and home building in the North Cape until the aquifer can support it. He supported self-storage and car washes with location monitoring. He had concerns about the Yacht Club cost. He opposed picking and choosing not for profits.

Kathleen Lopez voiced opposition to commercialization at Jaycee Park and all City parks.

Resident followed up on her request for voter inquiry. She questioned the legal definition of stipend. She requested background information on the City Attorney. She asked City Council why any of them should be reelected.

Wayne Zom, Southwest Waste Services, shared information regarding the overflowing dumpster in Northwest Cape and shared the remediation efforts.

Resident thanked Council for the Vietnam Veterans recognition. He voiced opposition to changes to Jaycee Park and the stipend.

Tom Cord voiced opposition to Jaycee Park changes as designs did not fit. He suggested Council take a vote about stopping development today.

Councilmember Steinke commented that Kimley-Horn was in the process of creating the architectural model of the Yacht Club building. He shared the ability of the media to watch meetings remotely.

Councilmember Welsh commented on the aquifer levels in the North Cape. City Council has been updated weekly by the Utilities Director who is monitoring the reports.

Councilmember Cosden commented about the fire prevention issue in Coviello Park.

City Manager Ilczyszyn responded the work was completed and that the speaker was not satisfied with results. Fire break has been installed and vegetation removed.

Councilmember Cosden commented about the traffic intersection concern at El Dorado.

City Manager Ilczyszyn responded Staff would get with the speaker and obtain the details.

Councilmember Cosden responded to the inquiry about the City Attorney's background, noting that information could be obtained from the Clerk's Office.

Mayor Gunter inquired if the fire break was installed by a State Agency.

Fire Chief Lamb responded that they worked with the Florida Forest Service; a grant was received for part of this. We established a protocol with the Parks Department to cut out the understory, the greatest fire risk in that area. The work has been done, and the area is fire safe. Not all vegetation was removed since it is part of an eco-park.

## **BUSINESS**

### **CONSENT AGENDA**

- 1) Resolution 51-24 Approve contract PUT2468GL with Graybar Electric Company, Inc. piggybacking the U.S. Communities Government Purchasing Alliance, now Omnia Partners, Contract EV2370 for the purchase and installation of the utility main circuit breakers at five of the City's six canal pump stations for an estimated cost of \$445,960.01; and authorize the City Manager or designee to execute the contract and purchase orders; Department: Utilities; Estimated dollar value: \$445,960.01; (Water and Sewer Fund).
- 2) Resolution 64-24 Award Request for Proposal #RPR2404JM, and corresponding contract, for Management Services for the Lake Kennedy Racquet Center, to Sports Facilities Companies, a wholly owned subsidiary of Sports Facilities Advisors to provide a full-service turnkey management of the Lake Kennedy Racquet Center for an annual amount of \$222,000; and authorize the City Manager to execute the contract, amendments, change orders and purchase order; Department: Parks & Recreation; Annual Dollar Value: \$222,000; (General Fund)
- 3) Resolution 67-24 Approve Contract QPW2474MR with Honc Industries, Inc. for the removal and replacement of pipe, structures and surface treatments at 4124 SE 10th Avenue in the amount of \$112,700 with a 10% City-controlled contingency of \$11,270 for a project total of \$123,970; and authorize the City Manager or Designee to execute the contract, purchase orders and change orders; Department: Public Works; Dollar Amount: \$123,970; (Stormwater Fund)
- 4) Resolution 71-24 Approve the Miscellaneous Professional Engineering Services Contracts No. CON-RFQ2323KR-A thru LL, with 36 Professional Engineering Firms, which will comprise the City's continuing contracts for the Professional Engineering Consultants Library and to be utilized on an as-needed basis, by

various City Departments where multiple projects, via a Staff Cost Proposal (SCP), may be awarded for a not to exceed \$500,000, to any one project, and authorize the City Manager or designee to execute the agreements. Any project which will require a Staff Cost Proposal over \$100,000 but less than the Florida Statute threshold (currently \$500,000) will be brought back to Council for approval. The contracts reflect the respective firms negotiated rates and term of the agreement only – no associated work is guaranteed; Department: Citywide; Dollar Value: N/A

- 5) Resolution 74-24 Approve Amendment 1 to Agreement HA016 between the Florida Department of Environmental Protection and City of Cape Coral for wastewater by-pass pumps that will be used during power outages; Department: Utilities; (Grant Funded)
- 6) Resolution 76-24 Approve the piggyback of Lee County contract B230570KLB for Fiber Optic Cable, Parts and Installation at the estimated dollar amount of \$2,423,430.85 for the contract term of three years, starting on February 20, 2024 with three additional one year renewals; and authorize the City Manager or his designee to execute the purchase orders, change orders and any future renewals; Department: ITS; Estimated annual Dollar Value \$2,423,430.85; (Computer System Fund)
- 7) Resolution 77-24 Approval of, and authorization for the City Manager, or his designee, to execute two License Agreements with property owners, Robert E. Brophy and Karen Evert, for the temporary use of their properties located at 1569 NW 28th Avenue and 1818 NW 27th Place, respectively, for spectator viewing and additional parking for the Sounds of Jazz & Blues Festival community event on March 23, 2024; Department: Public Works / Property Management Division; Dollar Value: N/A; (Fund: N/A)
- 8) Resolution 79-24 Award Request for Proposal (RFP) #RCA2419KS, and corresponding engagement letters, for Professional Auditing Services to Mauldin & Jenkins, LLC for the annual financial audit for Fiscal Years (FY): FY2024 thru FY2026 with two optional two fiscal year renewal; and authorize the City Manager or Designee to execute the contract, engagement Letters, renewals, and purchase orders; Department: City Auditor/Finance; Estimated Dollar Value: \$175,000 FY2024, \$179,750 for FY2025, and \$184,500 for FY2026, for a three-year total of \$539,250; (Cost allocated to various operating funds)
- 9) Resolution 80-24 Approve Contract #QPW2478KMR with Newson Construction and Consulting, LLC for reduction/removal of vegetative debris at Festival Park in the amount of \$165,000; authorize the City manager or designee to execute the contract, amendments, renewals, and purchase orders; Department: Public Works; Dollar Amount \$165,000; (PW General Fund/Stormwater)
- 10) Resolution 81-24 Approve Contract for the purchase of 2317 NE 17th Street (Lots 7 and 8, Block 2223, 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)
- 11) Resolution 82-24 Approve Contract for the purchase of 2313 NE 17th Street, (Lots 9 and 10, Block 2223, 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)
- 12) Resolution 83-24 Approve Contract for the purchase of 1902 NE 24th Avenue, (Lots 49 and 50, Block 2237, Cape Coral Unit 33) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$38,000 plus closing costs not to exceed \$1,800; Department: Public Works / Real Estate Division; Dollar Value: \$39,800; (Road Impact Fees)

13) Resolution 84-24 Approve Contract for the purchase of 1903 NE 23rd Place, (Lots 1 and 2, Block 2237, Cape Coral Unit 33) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$38,000 plus closing costs not to exceed \$1,800; Department: Public Works / Real Estate Division; Dollar Value: \$39,800; (Road Impact Fees)

Mayor Gunter asked if anyone had any items to pull. There were none.

**Councilmember Hayden moved, seconded by Councilmember Welsh, to approve 9(A)(1), 9(A)(2), 9(A)(3), 9(A)(4), 9(A)(5), 9(A)(6), 9(A)(7), 9(A)(8), 9(A)(9), 9(A)(10), 9(A)(11), 9(A)(12), and 9(A)(13), presented.**

**Council polled as follows: Cosden, Gunter, Hayden, Long, Sheppard, Steinke, Welsh, and Carr voted “aye.” Eight “ayes.” Motion carried 8-0.**

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

None

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

None

ORDINANCES/RESOLUTIONS

Public Hearings - Quasi-Judicial Hearings

None

*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.)*

Resolution 75-24 Public Input (GO Bond, Series 2024)

WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution authorizes the issuance by the City of not exceeding \$19,800,000 in aggregate principal amount of City of Cape Coral, Florida General Obligation Bonds, Series 2024, in order to finance the acquisition, construction and equipping of various capital improvements authorized pursuant to the November 2018 Bond Referendum Election, pledging the proceeds of ad valorem taxes levied without limit on all taxable property within the City to secure the payment of the principal of, redemption premium, if any, and interest on such bonds, provides for the rights of the holders of such bonds; makes certain other covenants and agreements in connection with such bonds, authorizes a negotiated sale of said bonds to the underwriter described herein, delegates certain authority to the City Manager and the Financial Services Director for the authorization, execution and delivery of a bond purchase agreement with respect thereto and the approval of the terms and details of such bonds, establishes a book-entry registration system for such bonds, appoints the paying agent and registrar for said

bonds, authorizes the distribution of a preliminary official statement and the execution and delivery of an official statement with respect to such bonds, authorizes the execution and delivery of a continuing disclosure certificate and appointing a dissemination agent in connection therewith. (Brought forward by City Management)

City Clerk Bruns read the title of the Resolution.

Financial Services Director Mason explained the following displayed slides:

- City of Cape Coral Resolution 75-24 General Obligation Bonds Series 2024
- November 6, 2018 - \$60M Parks GO Bond Referendum approved by voters
- March 22, 2019 - \$10.2M issued via bank loan to finance design, land acquisition, and various park capital improvements
- September 16, 2021 - \$24.8M in bonds issued to finance design, land acquisition and various park capital improvements
- Estimated Debt Amortization Schedule, Bond Debt Service
- Preliminary Series 2024 General Obligation Bonds
- Preliminary Timing
- Recommendation: Approve Resolution

Public Hearing opened.

Tom Shadrach expressed concern about the GO Bond process; advertisement to the public to get the bond approved; including \$11M for the enhancement at the Yacht Club. He requested the \$19.8M be reduced by \$11M for work not completed. Parks were supposed to be completed by 2021; reduce other costs to pay for that \$40M.

Jay Higgins noted he voted no for the GO Bond. He agreed that the \$11M for the Yacht Club was a selling point. He opined that the building would cost \$20M, if not more, and questioned its funding. There are new parks in the North Cape that will have an amphitheater and questioned why have one at Jaycee Park when the residents oppose.

Peter Nichol森 expressed if it is not broken, then do not fix it, relative to Jaycee Park; he inquired when will there be a full discussion on Jaycee Park.

Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Cosden, to approve Resolution 75-24, as presented.***

***Council polled as follows: Cosden, Gunter, Hayden, Long, Sheppard, Steinke, Welsh, and Carr voted "aye." Eight "ayes." Motion carried 8-0.***

#### Introductions

Ordinance 13-24 (RZN23-000013\*) Set Public Hearing for April 3, 2024

\*Quasi-Judicial, all Persons Testifying Must Be Sworn In

#### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 2, 3, 4, 5, and 6, Block 733, Unit 22, Cape Coral Subdivision, from Professional Office (P) to Commercial (C) Zone; property is located AT 1005 AND 1009 SE 10th Street. Applicant: RJMJ Properties, Inc.

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for April 3, 2024, in Council Chambers.

Ordinance 14-24 (RZN23-000014\*) Set Public Hearing for April 3, 2024

\*Quasi-Judicial, all Persons Testifying Must Be Sworn In

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the City of Cape Coral, Florida, Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as two parcels of land lying in the West one half of the Northeast one quarter of the Northwest one quarter of Section 21, Township 44 South, Range 23 East, as more particularly described herein, from Agricultural (AG-2, a Lee County Designation) to Commercial Corridor (CC) zone; property is located at 2120 and 2200 SW Pine Island Road; Rezoning property described as a parcel of land lying in the Southeast quarter of the Northwest quarter of Section 21, Township 44 South, Range 23 East, City of Cape Coral, Lee County, Florida as more particularly described herein, from Agricultural (A) to Commercial Corridor (CC) zone; property located at 1016 SW 20<sup>th</sup> AVENUE.

Applicant: Walco Leasing, LLC

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Brunns read the title of the Ordinance.

The public hearing was scheduled for April 3, 2024, in Council Chambers.

Ordinance 15-24 Set First Public Hearing for April 3, 2024**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)

City Clerk Brunns read the title of the Ordinance.

The first public hearing was scheduled for April 3, 2024, in Council Chambers.

Ordinance 16-24 Set First Public Hearing for April 3, 2024**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)

City Clerk Brunns read the title of the Ordinance.

The first public hearing was scheduled for April 3, 2024, in Council Chambers.

Ordinance 19-24 Set Public Hearing for April 3, 2024**WHAT THE ORDINANCES ACCOMPLISHES:**

The Ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 2, "Administration," Article V, "Boards and Commissions," Division 3, "Code Enforcement," Section 2-85, "Enforcement Procedure," pertaining to the service of notice and Chapter 9, "Health and Sanitation," Section 9-16, "Prohibited Conditions on Private Real Property," pertaining to penalties and enforcement for violations of Section 9-16, provides for penalties, provides for enforcement, provides for rights of violators, payment of civil fine, right to appear, failure to pay civil fine or to appeal, and appeals from decisions of the Special Magistrate. (Brought forward by City Management)

City Clerk Brunns read the title of the Ordinance.



The public hearing was scheduled for April 3, 2024, in Council Chambers.

## REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Hayden – Topics: No report

Councilmember Long – Topics: No report

Councilmember Sheppard – Topics: Recognized Cape Christian Fellowship for their continuous help with volunteers doing odd jobs in the City as well as other parts of Lee County.

Councilmember Steinke – Topics: 3/12 Attended the Annual Market Trends event held at the Luminary Hotel; 3/13 Chaired Community Redevelopment Agency meeting; 3/14 Attended CCCIA monthly dinner meeting with three City Staff as guest speakers; 3/16 Attended Cape Coral Music and Arts Fusion Walk; 3/18 Attended meeting with City Staff regarding the boat canopy regulations that he brought forward at the recent COW meeting, Staff seeking information on how other municipalities are dealing with structural engineering and best practices; 3/19 Attended Post Session Legislative Briefing with Senators Passidomo and Martin.

Councilmember Welsh – Topics: 3/18 Attended the 13<sup>th</sup> Annual Catch the Vision with several Councilmembers held at Cape Christian Fellowship on Chiquita, developers spoke with residents and realtors.

Councilmember Carr – Topics: Recognized the Police Department for their hard work this past week with difficult incidents.

Councilmember Cosden – Topics: No report shared.

Mayor Gunter – Topics:

- 3/8: Presented a Proclamation for National Procurement Month during their Annual Meeting at the Mercola Market
- 3/9: Attended Special Pops Guardian Angels 15th Annual Fashion Show and Auction
- 3/11: Participated in the SWFLC Executive Committee Meeting
- 3/12: Attended the Market Trends event
- 3/13: Attended the CRA Meeting
- 3/13: Attended the MPO Executive Committee Meeting
- 3/18: Guest Speaker at Catch the Vision at Cape Christian Fellowship

## REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner: Provided an update on the administrative hearing transcript.

City Manager Ilczyszyn commented that there were only a couple items scheduled for the March 27, 2024 COW, and he requested Staff move the items to the following COW.

***Councilmember Hayden moved, seconded by Councilmember Welsh, to remove the Committee of the Whole (COW) on March 27, 2024.***

***Council polled as follows: Cosden, Gunter, Hayden, Long, Sheppard, Steinke, Welsh, and Carr voted “aye.” Eight “ayes.” Motion carried 8-0.***

City Manager Ilczyszyn announced:

- Community Redevelopment Agency (CRA) will be holding a Workshop on Thursday, March 21<sup>st</sup> beginning at 9:00 a.m. and if needed on Friday, March 22<sup>nd</sup>, at 1:00 p.m. at the Chester Street Resource Center, 4816 Chester Street



- City will be holding a Jaycee Park 30 Percent Design Review on Tuesday, March 26<sup>th</sup> from 4:00 p.m. to 6:00 p.m. at the Public Works Operations Center, 815 Nicholas Parkway East
- City of Cape Coral was named the Statewide Leader in Urban Tree Canopy Growth, State Forestry Service released its inaugural tree canopy assesment naming Cape Coral the Statewide Leader in Increased Tree Cover; the Study shows that Cape Coral added 2,868 acres to its urban tree canopy. Cape Coral planted 72% of the total tree cover added to the Southwest Florida Region leading the entire State in tree canopy growth

City Manager Ilcyszyn thanked the Police and Fire Departments for their efforts with the critical incidents in the past few days.

#### **TIME AND PLACE OF FUTURE MEETINGS**

A Committee of the Whole scheduled for Wednesday, March 27, 2024, at 9:00 a.m. in Council Chambers has been canceled.

A Regular Council Meeting was scheduled for Wednesday, April 3, 2024, at 4:30 p.m. in Council Chambers.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 6:00 p.m.

Submitted by,



Kimberly Bruns, CMC  
City Clerk