

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

October 16, 2024

Council Chambers

4:30 p.m.

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

INVOCATION/MOMENT OF SILENCE – Councilmember Long

PLEDGE OF ALLEGIANCE – Councilmember Long

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 there were any changes to the agenda.

City Manager Ilczyszyn requested that Resolution 340-24 (Consent Agenda Item 12) be continued to October 30, 2024.

Discussion held regarding a request to present material for the hearing on Ordinance 65-24 outside of Council Rules compliance.

Councilmember Welsh moved, seconded by Councilmember Steinke, to allow three minutes (during Public Input time) to the representative on record a visual presentation of Ordinance 65-24 (deviating from Council Rules).

Council polled as follows: Sheppard, Welsh, Carr, Hayden, and Long voted "aye." Steinke, Cosden, and Gunter voted "nay." Five "ayes." Three "nays." Motion carried 5-3.

There were no other changes to the agenda.

Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt the agenda, as amended (removed Consent Agenda Item 9.A.12, Resolution 340-24).

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

RECOGNITIONS/ACHIEVEMENTS

Community Heroism Award - Brought Forward by Mayor Gunter

Mayor Gunter recognized Michael Gordon with a Community Heroism Award for his courageous and lifesaving actions which occurred on September 9, 2024, which resulted in the preservation of human life.

APPROVAL OF MINUTES

Special Meeting - October 2, 2024

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve the minutes for the October 2, 2024, Special Meeting (3:00 p.m.), as presented. Voice Poll: All "ayes." Motion carried.

Regular Meeting - October 2, 2024

Councilmember Hayden moved, seconded by Councilmember Welsh, to approve the minutes for the October 2, 2024, Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.

Special Meeting - October 2, 2024 (2nd and Final Budget Hearing)

Councilmember Hayden moved, seconded by Councilmember Welsh, to approve the minutes for the October 2, 2024, (2nd and Final Budget Hearing) Special Meeting, as presented. Voice Poll: All “ayes.” Motion carried.

CITIZENS INPUT TIME

Laurie Lehmann inquired about the mobile stage in Resolution 337-24. She inquired about the circumstances with the item being replaced.

Ian Milliken inquired about Land Development Code, Article 5, Chapter 2, Section 7, Fences and Walls, subsection 13-J. He requested Council's consideration to allow the installation of fence slats in the existing chain link fences as an alternative to privacy screening. This option would help residents address privacy concerns while maintaining an aesthetically pleasing environment.

Resident voiced concern with North UEP assessments, and the number of homes being built in the Northwest area resulting in having to dig wells deeper.

Councilmember Welsh inquired if the item on fence slats could be workshopped.

Mayor Gunter noted it could be added to a future COW meeting.

Councilmember Welsh questioned the stage item in Resolution 337-24.

Parks and Recreation Director Petrella explained the stage was 20 years old; their useful lifespan is about 15.

Councilmember Long addressed the UEP concerns of the speaker and will have someone reach out to her and arrange a meeting.

BUSINESS

CONSENT AGENDA

- 1) Resolution 290-24 Approve Staffing and Cost Proposal (SCP) TT-02 with Tetra Tech Inc. for Professional Engineering Services for Wastewater Lift Station Stand-By Pumps Design for a not to exceed amount of \$259,800; and authorize the City Manager or designee to execute the Staffing and Cost Proposal; Department: Utilities; Dollar value: \$259,800; (FDEP Grant Project Account #GCHA016)
- 2) Resolution 305-24 Approve Staffing and Cost Proposal (SCP) ST-03 with Stantec Consulting Services Inc. for Professional Design Services for Median Access Management Analysis, Curbing and Landscape Design along Embers Parkway between SW 15th Place and Pine Island Road (approximately 1.38 miles) to comply with the Florida Department of Transportation (FDOT) Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways also known as the Florida Greenbook for a not to exceed \$210,064; and authorize the City Manager or Designee to execute the Staffing and Cost Proposal; Department: Public Works; Dollar Value: \$210,064; (Capital Project-Embers Parkway C303010055)
- 3) Resolution 317-24 Approve Staffing and Cost Proposal (SCP) AIM-01 with Aim Engineering & Surveying Inc. for Professional Design Services for the Design of Drainage Improvements for Two Alleyways within the CRA area: Block 67, south of Cape Coral Parkway between Vincennes Street and Cape Coral Street, and Block 360, just north of Cape Coral Parkway between Vincennes Street and SE 15th Avenue, for a not to exceed amount of \$318,326.12; and authorize the City Manager or Designee to execute the Staffing and Cost Proposal; Department:

Public Works; Dollar amount: \$318,326.12; (Capital Project-Alley Resurfacing C303010005)

- 4) Resolution 322-24 Approve Staffing and Cost Proposal (SCP) AE-03 with Avalon Engineering, Inc. for Professional Engineering Services for the Community Redevelopment Area (CRA) Master Stormwater permit as required by the Florida Department of Environmental Protection, which includes permitting assistance and site planning, in the amount of \$451,035; and authorize the City Manager or Designee to execute the Staffing and Cost Proposal; Department: Public Works; Dollar Value: \$451,035; (Stormwater Fund)
- 5) Resolution 323-24 Award RFP #RPR24146KMR for the Parks Master Plan Update and Development of a Financial Sustainability Strategy to Leon Younger PROS Consulting, Inc dba PROS Consulting, Inc.; and authorize Contract #RPR24146KMR between the City and Leon Younger PROS Consulting, INC dba PROS Consulting, Inc for a not to exceed amount of \$218,580; And authorize the City Manager or designee to execute the Contract and Purchase Orders; Department: Parks and Recreation; Estimated Dollar Value: \$218,580.00; (General Fund)
- 6) Resolution 331-24 Approve Emergency Purchase, with United Safety & Alarms, Inc., for the Replacement of the FM200 Fire Suppression tank at the North RO Plant.; and authorize Contract #QPW24209MR between the City of Cape Coral and United Safety & Alarms, Inc. in the amount of \$129,943.77; The emergency purchase was executed to authorize the purchase of the tank and its chemical clean agent, due to the tank leaking and needing replacement and the associated lead time of 6 to 8 weeks for delivery; and authorize the City Manager or Designee to execute the contract and purchase orders; Department: Utilities; Dollar Amount: \$129,943.77; (Water & Sewer Fund)
- 7) Resolution 337-24 Approve Single Source to Stageline Mobile Stage Inc. for the Purchase of a SL260 Mobile Stage, to be utilized for community events, in the amount of \$335,295; and authorize the City Manager or Designee to execute the purchase order and/any related documents; Department: Parks and Recreation; Estimated Dollar Amount: \$335,295; (General Fund)
- 8) Resolution 339-24 Approve Amendment to the City's Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership Program (SHIP); Department: Development Services
- 9) Resolution 341-24 Acceptance of Highway Traffic Safety Funds from the Florida Department of Transportation to fund the purchase of equipment and educational programming specific to teen driving, on an overtime basis; Department: Police; Grant Award Value: \$42,000; No match required
- 10) Resolution 343-24 Approve Contract for the Purchase of 2377 NW 38th Place, (Lots 39 and 40, Block 4338, Unit 61, Cape Coral Subdivision) for a lift station site for duplex Lift Station #911, associated with the North 3 Utility Extension Project, for the purchase price of \$51,000 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$53,500; (Water/Sewer Fund)
- 11) Resolution 342-24 Approve Contract for the Purchase of 3420 NW 21st Street, (Lots 26 and 27, Block 4295, Unit 61, Cape Coral Subdivision) for a lift station site for duplex Lift Station #908, associated with the North 3 Utility Extension Project, for the purchase price of \$55,000 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$57,500; (Water/Sewer Fund)
- 12) Resolution 340-24 Approve and Ratify a Memorandum of Understanding between the City of Cape Coral and the Fraternal Order of Police (representing the Police

Officers and Sergeants of Cape Coral Lodge #33), and approving and ratifying a Memorandum of Understanding between the City of Cape Coral, Florida and the Fraternal Order of Police (representing the Lieutenants of Cape Coral Lodge #33) to provide for a one-time ten percent increase to those wages set forth in Section 3 of Article 13 of the Police Officers and Sergeants Collective Bargaining Agreement and set forth in Section 3 of Article 12 of the Lieutenants Collective Bargaining Agreement; Department: Human Resources – CONTINUED TO OCTOBER 30, 2024

Mayor Gunter asked if anyone wanted to pull any items.

Councilmember Carr pulled 9(A)(5) and 9(A)(8).

There were no other items pulled.

Councilmember Hayden moved, seconded by Councilmember Long, to approve 9(A)(1), 9(A)(2), 9(A)(3), 9(A)(4), 9(A)(6), 9(A)(7), 9(A)(9), 9(A)(10), and 9(A)(11), as presented.

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

Resolution 323-24 Award RFP #RPR24146KMR for the Parks Master Plan Update and Development of a Financial Sustainability Strategy to Leon Younger PROS Consulting, Inc dba PROS Consulting, Inc.; and authorize Contract #RPR24146KMR between the City and Leon Younger PROS Consulting, INC dba PROS Consulting, Inc for a not to exceed amount of \$218,580; And authorize the City Manager or designee to execute the Contract and Purchase Orders; Department: Parks and Recreation; Estimated Dollar Value: \$218,580.00; (General Fund)

Councilmember Carr inquired when the last study was done.

Parks and Recreation Director Petrella explained the last study was done in 2016. National standards are for them to be done every 10 years.

Councilmember Carr asked about the duration for completion.

Director Petrella noted they were slated for about 12 months, October 2025. There will be meetings in different areas of the community.

Councilmember Carr moved, seconded by Councilmember Welsh, to approve Resolution 323-24 [9(A)(5)], as presented.

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

Item 9(A)(8) appears after Appointments to Boards/Committees/Commissions.

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Charter School Governing Board - 1 Vacancy

Mayor Gunter announced there was one applicant for the one vacancy with Education Community (EC).

Applicant
Sara Katine – present

Councilmember Steinke moved, seconded by Councilmember Cosden, to appoint Sara Katine to the Charter School Governing Board for the Education Community (EC) designation (term expires 11/30/2025).

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

Item 9(A)(8) Resolution 339-24 Approve Amendment to the City's Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership Program (SHIP); Department: Development Services

Councilmember Carr inquired if the purchase assistance was still being offered in this program even with the new rental assistance.

City Planning Manager Yearsley explained they will still maintain their purchase assistance programs throughout the City.

Councilmember Carr asked if there were any issues with modifications to the grant.

Manager Yearsley responded in the negative.

Councilmember Carr asked if there was a maximum amount per person for the rental side of this program.

Manager Yearsley explained the maximum price always depends on the strategy within the Local Housing Assistance Plan. Rental assistance – maximum per household - \$15,000.

Councilmember Carr asked if there was any protection associated with the security deposit.

Manager Yearsley noted at this point there was not. Once approved by the State, it allows us to develop our program and its regulations.

Councilmember Carr moved, seconded by Councilmember Steinke, to approve Resolution 339-24, [9(A)(8)] as presented.

Councilmember Welsh clarified that the City is not renewing the leases instead of terminating the leases.

Councilmember Carr noted they were evictions to a certain extent. It was built into the program in the prior ownership. He questioned the reason for the change in the SHIP Plan.

Manager Yearsley explained it had been something that was being contemplated prior to that.

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

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

Resolution 344-24 Approve Land Purchase Contract between B.P. Limited Liability Company and Neslund Family Limited Partnership and the City of Cape Coral for 1,202 MOL acres of land and improvements located north of the Lee County line, south of Zemel Rd., east of U.S. 41 and west of I-75 in Charlotte County and approve the City Manager or designee to execute the contract for the purchase price of \$38,000,000 for the development of a water supply reservoir for the City's irrigation water system; Department: Utilities; (Water and Sewer Fund)

Utilities Director Pearson explained what this Resolution would accomplish. He explained the reasons Staff recommended the purchase of this property.

Councilmember Welsh moved, seconded by Councilmember Cosden, to approve Resolution 344-24, as presented.

Councilmember Carr inquired if Council was making a decision tonight about the mechanism for the utility increase.

Director Pearson responded that was not being brought forward for approval at this meeting.

Councilmember Carr inquired if there was a maximum amount that could be charged for the irrigation fee.

Director Pearson understood that originally it was advertised free, then \$5.00, then \$9.50 which is the current rate and has been for the last 20 years.

Councilmember Long asked about potential opportunities to engage in other activities on the site outside our jurisdictional boundaries.

City Attorney Boksner explained it would depend on the final use. Different concepts were floated during our discussions. It may be a Public Private Partnership in conjunction with an Interlocal Agreement with Charlotte County since it is in an unincorporated area. There is a viable option dependent on the final end user and facility.

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

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

FEMA NFIP Update

Emergency Management and Resilience Director Lamb provided the following update:

- Actively working on the Corrective Action Plan
- Meeting expectations and plan responses to requirements
- November 18th Substantial Damage Action Plan due
- Helping Lee County and other communities after the impact from recent storms
- Sharing lessons learned

Hurricane Milton Update

Emergency Management and Resilience Director Lamb presented the following slides:

- Hurricane Milton - October 9 2024
- Preparations - Saturday 10/5
- Preparations - Sunday 10/6 - Lee County issued Local State of Emergency
- Preparations - Monday 10/7 - Hurricane Milton - EOC Level II
- Evacuations - Zones A and B
- Preparations - Tuesday 10/8 - EOC Level I, Local State of Emergency 1900 hrs
- City Hall Closed 10/8- 10/10, eventually included 10/11, based on power outages
- Preparations - Wednesday 10/9 - Lock In, Stopped Emergency Responses
- Forecast Impacts
- Storm Surge Forecast
- Flooding Rain Threat
- Wind Threat

- Tornado Threat
- Impacts

Chief of Police Sizemore provided the following update:

- Police – Post Storm Welfare Checks
- First Push
- First Light shift change and doubling of staffing close to 100 personnel
- Traffic enforcement and monitoring

Acting Fire Chief Russell provided the following update:

- Ceasing Emergency Operations due to danger to public and responders
- 20 calls in holding during that time period
- Residential structure fire
- Motorcycle accident
- Pediatric medical emergency handled through Tele-medicine linked to doctor
- 12 structure fires attributed to storm-related activities
- Back to normal on Saturday

Public Works Director Williams provided the following update:

- Public Works – All Traffic Lights are Operational
- 48 Signals operational within 36 hours
- 25 damaged and Lee County working on restoring
- Public Works CRA Cleanup with grapple trucks and street sweeper
- 184 Signs repaired or replaced, focused on Stop Signs and School Zone signs
- Inspectors looked at 3,000 inlets and catch basins
- Obstructions with underground system and maintenance
- 29 weirs inspected for surface and impacts by Hurricane
- More in-depth inspections forthcoming
- 252 yards of debris picked up
- Highwater marks data to be processed
- Two Citizen Debris Drop-off sites now open
- 1821 SW 42nd Street (entrance off SW 19th Avenue)
- 1119 NW 31st Avenue (entrance off NW 28th Place)

Utilities Director Pearson provided the following update:

- Only 77 of the wastewater lift stations remained without power
- Plants went on generator power
- Did not lose pressure and no City-wide boil notice
- Down to one wastewater lift station, needs power feed replacement
- Everything else off generators and back on LCEC line power

Parks and Recreation Director Petrella provided the following update:

- Parks held up well during the storm
- Lot of tree damage, crews cleaning up
- Yacht Club beach severe damage, beach reopened last weekend
- Four Mile Cove Eco Park opened up; boardwalk safe for use
- Lake Kennedy Racquet Center, open for play on Friday
- Golf Course couple of trees fell, should be open and ready today
- Crystal Lake had some storm surge
- Other parks, playground structures, shades back up

Deputy Development Services Director Grambow provided the following update:

- Survey Initiatives, damage assessments
- 104,535 inspections completed
- Damage less than anticipated
- Categories: not affected, affected, minor, major, destroyed
- 1,466 affected properties
- 4 minor affected properties

- 10 major affected properties
- 2 destroyed properties, one due to a fire after storm, one under construction with structural failure due to wind
- Sunday, Monday, and Tuesday - Staff continuing to clean up the data for the impact survey initiative

Communications Manager Mickey provided the following update:

- Joined forces locally and across county – Joint Information Center - JIC
- Daily press releases - 17 issued related to Hurricane Milton
- Dedicated webpage www.capecoral.gov/milton
- Strong social media presence
- 63 posts on Facebook – 10/5/24 to 10/16/24
- Gained 4,000 followers on Facebook, almost 700 on Instagram, and 600 on X
- Four video updates released from the Mayor
- Highlighting City initiatives and recovery efforts

Interim Assistant City Manager Mason provided the following update:

- Internal services
- Twice a day notification to employees
- Timekeepers within departments – 214's – reimbursement from State and FEMA
- Debris sites identified; less than 100,000 cubic yards of debris estimated
- Resources in Solid Waste Fund
- Apply for Reimbursement
- 75% with FEDS, 12.5% State, and City 12.5%
- 100% FED reimbursement within first 90 days

Emergency Management and Resilience Director Lamb presented the following slides:

- Lee County, State of Florida, and FEMA continued conversations
- Resilience
- AquaFence and other storm surge protection barriers
- 800 Employees locked down during activation
- Photos of City response

Mayor Gunter thanked the City Manager and his team for everyone's efforts during the activation.

Several Councilmembers chimed in to thank the City employees for their public service, non-profit organizations for their support, and the linemen for restoring power.

City Manager Ilczyszyn thanked Council for their support and recognized his team for all their efforts and lessons learned.

Councilmember Long inquired about the status of repairing street signs and traffic signals; lessons learned from Hurricane Ian.

City Manager Ilczyszyn noted there was about \$7M worth of damage to all the street signs and traffic signals. Going through with the County, it was about 10% to 15% of actual reimbursement, waited almost a year and a half for FHWA. Lessons learned from Ian was if we do not sustain at least \$10M of damage or more, we will just fix it. A purchase order is being initiated for all way stop signs to get a contractor in asap.

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.)

Ordinance 65-24 (FLUM24-000001) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

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/Professional (CP) to Single-Family Residential (SF) land use for property described as Lots 3 and 4, Block 3960, Unit 54, Cape Coral Subdivision; property located at 107 SW 24th Place.

Applicant: Jimmy Masarwa

Address: 107 SW 24th Place

City Planning Staff Recommendation: Denial

Planning & Zoning Commission Recommendation: Denial

City Clerk Bruns read the title of the Ordinance.

Principal Planner Boyko explained the following displayed slides:

- Ordinance 65-24/FLUM24-00001
- Applicant, Location, Size, Urban Service, Request
- 2024 Aerial Map
- Existing FLU, Proposed FLU
- Findings of Fact
- Analysis – Comp Plan- Future Land Use Element (3 slides)
- Analysis
- Recommendation: Staff recommended denial, Planning and Zoning Commission recommended denial by a vote of 3-4
- Correspondence: one phone call

Public Hearing opened.

Richard Krent, Applicant Representative, presented his case for approval of Resolution 65-24. He displayed slides on the Future Land Use Map Amendment, letter of intent, location, 2024 aerial map, Planning Division Staff Report, existing neighborhood context, and existing zoning context.

Jimmy Masarwa, Applicant, voiced his support for Ordinance 65-24.

Public Hearing closed.

Councilmember Welsh moved, seconded by Councilmember Long, to deny Ordinance 65-24, as presented.

City Attorney Boksner explained the illegal spot zoning, a violation of Florida Law. He wanted to make sure that was the basis for the denial.

Motion maker and second agreed.

Discussion held regarding:

- Land Use change was made in 2019, and the property was purchased in 2023
- Determining if the application met all requirements
- City Planning Review process
- Failed the permit application, and the applicant was informed
- Intake team does the application completeness check within the first several days of submission
- Future Land Use and Current Zoning
- Suggestion to make the property's Future Land Use more obvious.

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

Recessed at 6:38 p.m. and reconvened at 6:55 p.m.

Ordinance 66-24 Second and Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Section 4.1.6., Uses by Zoning District – Use Hierarchy, Table 4.1.6, Use Table, regarding the car-wash use; amending Article 5, Development Standards, Chapter 11, Conditional Uses, by creating Section 5.11.17., Car Wash Facilities, establishing conditions for car-wash facilities; amending Article 11, Definitions, Section 11.2., Definitions, regarding car-wash facilities. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: Denial

City Clerk Bruns read the title of the Ordinance.

Senior Planner Santora incorporated the presentation from the First Public Hearing and presented the following update:

- Handout diagram of a 75% barrier required
- Car – Wash Revised Language New Subsection K

Public Hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, noted he was present on behalf of numerous property owners within the City. He supported the use change.

Public Hearing closed.

Councilmember Welsh moved, seconded by Councilmember Cosden, to adopt Ordinance 66-24, as presented.

City Attorney Boksner clarified the proposed subsection of K. New Subsection would be added at 5.11.17.

Motion maker and second agreed on the new subsection K as presented by Staff (regarding View Corridor Protection).

Council polled as follows: Steinke, Welsh, Carr, Cosden, Gunter, Hayden, and Long voted “aye.” Sheppard voted “nay.” Seven “ayes.” One “nay.” Motion carried 7-1.

Ordinance 67-24 Second and Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council amending the City of Cape Coral, Florida Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Section 4.1.6., Uses by Zoning District – Use Hierarchy, Table 4.1.6, Use Table, regarding the self-storage facilities use; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P* uses in Table 4.4), by eliminating Section 5.10.16. – Self-Service Storage Facility, in its entirety; amending Article 5, Development Standards, Chapter 11, Conditional uses, by creating Section 5.11.18., Self-Service Storage Facility, establishing conditions for self-service storage facilities. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: Denial

City Clerk Bruns read the title of the Ordinance.

Senior Planner Santora incorporated the presentation from the First Public Hearing and presented the following update:

- Conditional Use Process
- Remove Subsection 1 & 2 from Subsection I – Prohibitions
- Approach vehicle/trailer permanent storage on site at a later date separately
- Approval with the removal of Subsection I and adding New Subsection J

Public Hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, appeared on behalf of numerous property owners throughout the City. He supported the conditional use.

Public Hearing closed.

Councilmember Welsh moved, seconded by Councilmember Long, to adopt Ordinance 67-24, as presented with the revised language.

City Attorney Boksner clarified that Subsections 1 & 2 within Subsection I will be eliminated thereby 3 & 4 will become 1 & 2 and a new Subsection J would be created and included.

Motion maker and second agreed with the language changes.

Councilmember Carr inquired about the access to vehicle storage. He would not support this Ordinance.

Councilmember Steinke understood the purpose of the Ordinance and the whole storage necessity based on need and aesthetics. He inquired about flat deck storage.

City Manager Ilczyszyn explained that Staff is looking into flat deck open storage, buffering, and shielding. Starting a whole new set of COWs to address that type of storage in order to obtain direction from Council.

City Planning Manager Yearsley explained the difference between self-storage and open storage for vehicles and boats.

Councilmember Steinke understood the need for mixed used storage.

Manager Yearsley explained the factors for consideration including area size, aesthetics, and others to review in the forthcoming discussions.

Mayor Gunter explained he would not be interested in a gravel parking lot and chain link fence facility; he suggested Staff review alternatives for a facility to be reviewed during the COW discussions.

Council polled as follows: Sheppard, Steinke, Welsh, Cosden, Gunter, Hayden, and Long voted "aye." Carr voted "nay." Seven "ayes." One "nay." Motion carried 7-1.

Ordinance 68-24 (TXT24-000001) Public Hearing for Transmittal

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15. of the Future Land Use Element by creating the Mixed Use Ten (MUX) Future Land Use Map classification.

(Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

Planning Team Coordinator Daltry displayed the following slides:

- Ordinance 68-24 TXT24-000001
- Mixed Use Ten Future Land Use Classification
- Background
- Proposed Development Parameters within MUX (2 slides)
- Conclusion
- Recommendation: Staff recommended transmittal of the proposed amendment

Public Hearing opened.

No speakers
Public Hearing closed.

Councilmember Welsh moved, seconded by Councilmember Cosden, to approve transmittal of Ordinance 68-24, as presented.

Councilmember Carr asked if the 50% residential restriction was in the developable area or the entire parcel.

Planning Team Coordinator Daltry responded it was the developable area.

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

Ordinance 71-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, authorizing the issuance of commercial paper debt obligations pursuant to the City's Commercial Paper Program the outstanding aggregate principal amount of which commercial paper debt obligations authorized hereby may not exceed \$25,000,000 at any one time, in order to finance costs of various parks and other facilities within the City as described herein; providing for the use of a direct-pay letter of credit from Bank of America, N.A. to pay the principal and purchase price of, redemption premium, if any, and interest on the commercial paper debt obligations; providing for a covenant to budget and appropriate legally available non-ad valorem revenues to pay the principal and purchase price of, redemption premium, if any, and interest on the commercial paper debt obligations and to satisfy the City's obligations under said letter of credit; providing for the rights of the holders of the commercial paper debt obligations; and providing an effective date. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Interim Assistant City Manager Mason explained the following displayed slides:

- Ordinance 71-24 \$25 Million Commercial Paper Draw
- Commercial Paper Program
- Acquisition, Construction, and Equipping Various Parks and Facilities
- Commercial Paper Program Max Available and Net to draw

Public Hearing opened.
No speakers
Public Hearing closed.

Councilmember Steinke moved, seconded by Councilmember Welsh, to adopt Ordinance 71-24, as presented.

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

Ordinance 72-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Ordinance No. 65-23, which established the Victory Park Community Development District, by modifying the external boundaries of the District through expansion resulting in an expansion of the District by 121.97± acres from 137.39± acres to 259.36± acres. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

City Planning Manager Yearsley explained what this Ordinance would accomplish. A Community Development District is an independent special purpose unit of local government often established at the request of a developer or landowner with

governmental approval. CDD's are created pursuant to Chapter 190 F.S. and the CDD's main powers are to plan, finance, construct, operate, and maintain community-wide infrastructure and services, specifically for the benefit of its residents.

Public Hearing opened.

Joe Mazurkiewicz appeared in his role as Chair of the Victory Park Community Development District. His Staff and legal counsel were available to answer any questions. He requested Council's support of this Ordinance.

Public Hearing closed.

Councilmember Welsh moved, seconded by Councilmember Hayden, to adopt Ordinance 72-24, as presented.

Councilmember Steinke inquired about the size being doubled.

Mr. Mazurkiewicz explained the adjacent property became available on the market, and it was acquired into the project.

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

Ordinance 74-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the Mayor to enter into a Second Amended Master Lease Agreement for all Charter Schools and Facilities with the Cape Coral Charter School Authority for the lease of property owned by the City at 3519 Oasis Blvd., 3519B Oasis Blvd., 3507 Oasis Blvd., 3415 Oasis Blvd. and 2817 SW 3rd Lane. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Interim Assistant City Manager Mason explained the following displayed slides:

- Second Amendment to the Master Lease with Cape Coral Charter School Authority
- Background
- Master Lease Agreement, Second Amendment
- Forecast Revenues and Expenses

Public Hearing opened.

No speakers

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt Ordinance 74-24, as presented.

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

Ordinance 76-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Offenses and Miscellaneous Provisions, Article X "Towing and Immobilization of Vehicles or Vessels Parked on Private Property," relating to the modification of certain definitions and the maximum rate schedule, implementing a fuel surcharge schedule and amends Article XI "Law Enforcement Requested Towing of Vehicles or Vessels," relating to the modification of certain definitions and the maximum rate schedule, implementing a fuel surcharge schedule, providing for codification and resolution of conflicting laws. (Brought forward by City Council (Councilmember Carr)/City Attorney)

City Clerk Bruns read the title of the Ordinance.

City Attorney Boksner explained what this Ordinance would accomplish.

Public Hearing opened.
No speakers
Public Hearing closed.

Councilmember Carr moved, seconded by Councilmember Hayden, to adopt Ordinance 76-24, as presented.

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

Introductions

Resolution 330-24 (VAC23-000018*) Set Public Hearing for October 30, 2024

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

WHAT THE RESOLUTION ACCOMPLISHES:

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 the Dolphin Canal right-of-way and underlying easements adjacent to Lots 21 and 22, Block 14, Cape Coral, Unit 1, Part 2; providing for the vacation of plat for platted easements associated with Lots 21 and 22, Block 14, Cape Coral Unit 1, Part 2; property located at 921 Dolphin Drive.

Square Footage: 2802.11

Applicant: Pedro A. and Angela Marcucci

City Planning Staff Recommendation: Approval with Conditions

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Resolution.

The public hearing was scheduled for October 30, 2024, in Council Chambers.

Ordinance 24-24 Set Public Hearing for October 30, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves and grants to Lee County Electric Cooperative, Inc, a perpetual easement for a right-of-way to be used for the construction, operation and maintenance of one or more underground electric distribution lines across property owned by the City that is located at 2500 Gleason Parkway, as more particularly described herein, and authorizes and directs the Mayor to execute the easement. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 30, 2024, in Council Chambers.

Ordinance 69-24 (FLUM24-000005) Set Public Hearing for October 30, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

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 Lots 49, 50, 51, & 52, Block 3661, Cape Coral Unit 49; property located at 1466 and 1470 SW 5th Street.

Applicant: Hungry Catfish Farms, LLC

Acreage: 0.47 acres

City Planning Staff Recommendation: Approval

Planning & Zoning Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 30, 2024, in Council Chambers.

Ordinance 73-24 (RZN24-000006*) Set Public Hearing for October 30, 2024

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, that amends 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 51-78, Block 2005, Unit 35, Cape Coral Subdivision, from Single Family Residential (R1) to Commercial Corridor (CC) Zone; property is located at 503-659 NE 7th Place.

Applicant: City of Cape Coral

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 30, 2024, in Council Chambers.

Ordinance 75-24 Set Public Hearing for October 30, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 8, Fire Prevention and Emergency Management, Article IV, Emergency Management, Section 8-31, Removal of Debris, by creating an Emergency and Disaster-generated Debris Removal Program and authorizes the City to enter private unimproved property to remove such debris. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 30, 2024, in Council Chambers.

Ordinance 77-24 Set Public Hearing for October 30, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Ordinance 54-24, which amended Ordinance 22-24, which amended Ordinance 1-24, which amended Ordinance 70-23, which adopted the City of Cape Coral, Florida Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2024, by increasing the total Revenues and Expenditures by a total of \$104,202,211. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 30, 2024, in Council Chambers.

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Long – Topics: No report

Councilmember Sheppard – Topics: No report

Councilmember Steinke – Topics: 10/3 Attended the Affordable Housing Advisory Committee Workshop; 10/4 participated in the Florida League of Cities Legislative Policy Committee Workshop, first of three; 10/8-10/11 participated in the daily Hurricane Milton Staff briefings; planning on attending the 10/17 Wave Pool Groundbreaking Event.

Councilmember Welsh – Topics: Planning on attending the 10/17 Wave Pool Groundbreaking Event. Tomorrow is the kickoff for the yearly Oktoberfest.

Councilmember Carr – Topics: No report

Councilmember Cosden – No report

Councilmember Hayden – Topics: No report

Mayor Gunter – Topics: No report shared

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner – No report

City Manager Ilczyszyn announced:

- City will be announcing a temporary closure of the Chiquita Lock beginning October 20th – October 25th for an inspection by FEMA
- October 19th and October 20th – Coral Oaks Golf Course – registration is being taken for the 2024 Cape Coral City Championship Golf Tournament

City Manager Ilczyszyn explained the following:

- Effective January 1, 2025, any FHA insured or HUD-assisted multi-family properties that will be built using FHA insurance or HUD money will need to be at two feet above Base Flood Elevation on the 100-year Flood Plain.
- It is anticipated that this will impact about 25% of the mortgages through Fannie and Freddie, but also any of the FEMA HUD money or HUD money coming through our CDBG-DR will need to be BFE+2.
- In addition, there were some final rule changes that included expanded notification to owners, buyers, and developers.
- Based on sales, disclosure is required for the approximate elevation of the Flood Plain, the proximity of the site to the nearest flood-related infrastructure including dams and levees (weirs).
- Ingress/egress evacuation routes disclosure is needed.
- Disclosure information required on any flood insurance claims filed on the property or other information available from Emergency Management resources.
- Rental properties – new and renewal leases will be required to include acknowledgement signed by the residents indicating that they have been advised if the property is in a Flood Plain and if flood insurance is available for their personal property
- There is a new 8-step rule that is being laid out for LOMOS and LOMARS.
- Substantial changes to how our community is impacted by building in Flood Plain
- Currently it only impacts HUD funded projects or FHA insured back mortgages
- Other things related to rentals to anyone getting HUD money or HUD assistance
- Changes internally to our processes through all of our Federal funding
- Will see some changes in the market
- State of Florida passed a law that said if a property was flooded, notification is needed on the disclosure outside of it being an FHA backed mortgage

Councilmember Hayden inquired about the City Golf Championship postponement until April due to ramifications from the storm.

City Manager Ilczyszyn would check on the event's date.

Mayor Gunter inquired about the City's rating for BFE+2 across the board.

City Manager Ilczyszyn announced that this topic would be discussed with options at the November 2024 COW. Included is the BFE+2 for all new construction. Been working with contractors and developers to get an understanding of what that additional cost would be versus the amount of points you would get if we went to a CRS Rating 4.

City Manager Ilczyszyn introduced our new Development Services Director, Brett Limbaugh. His first day on the job was in an EOC activation preparing for the Hurricane.

Development Services Director Limbaugh addressed Council with some comments of his first week on the job and choosing to move to Cape Coral from Colorado. He provided his background.

City Manager Ilczyszyn announced construction at Jaycee Park will begin next week.

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole was scheduled for Wednesday, October 23, 2024, at 9:00 a.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 8:01 p.m.

Submitted by,

Kimberly Bruns, CMC
City Clerk