

MINUTES FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL

October 30, 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, and Steinke were present. Councilmember Welsh was excused.

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Gunter requested to continue the Approval of Minutes from the meeting of October 16, 2024, to a later meeting at the request of City Management.

There were no other changes to the agenda.

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

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

RECOGNITIONS/ACHIEVEMENTS

Tribute to a Veteran; National Anthem to be Performed by Emily Feichthaler
(recognition and appreciation video displayed)

Mayor Gunter announced that the Veterans Day Parade will be held on Saturday, November 9, 2024, at 11:00 a.m. on Cape Coral Parkway.

Community Recognition Award: John And Carter Dapo

City Manager Ilczyszyn recognized John and Carter Dapo with a Community Recognition Award. Cape Coral firefighters responded to a garage fire in SE Cape Coral following Hurricane Milton. John and Carter Dapo were driving by just as the fire started. They immediately jumped into action and attempted to put out the fire with an extinguisher and then the residence's garden hose.

APPROVAL OF MINUTES

Regular Meeting - October 16, 2024
(to appear on an agenda in the future)

CITIZENS INPUT TIME

Gary Eldred gave kudos for the recent paving done in his area in the SW Cape and for the holiday decorative streetlights on Cape Coral Parkway, noting that only ten lights were out. He appreciated Code Enforcement's response and Waste Pro's cleanup from the hurricanes. He thanked the three outgoing Councilmembers for their efforts.

Lou Navarra voiced concern about the entrance change into Council Chambers, Waste Pro debris cleanup from Hurricane Milton, street signs down, 311 direct calling challenges, and Jaycee Park developments. In favor of the old golf course purchase.

Resident voiced support of the Veterans presentation. He pointed out there are different speed zones and limits on Cape Coral Parkway. He expressed concern about accommodation for festivals on the Parkway such as the Cape Coral Arts Festival.

Councilmember Steinke recognized Mr. Eldred for his positive feedback. He asked about the status of the signs.

City Manager Ilczyszyn explained why the City is working on hiring a contractor to help.

Councilmember Steinke inquired why the 311 connection was not working as it should.

ITS Director Hoffmann explained that she will be reaching out to Mr. Navarra's carrier as after a storm there may be some fixes needed.

Councilmember Long asked when the discussion would be held about Waste Pro debris cleanup.

City Manager Ilczyszyn noted it could be done now.

Solid Waste Manager Schweitzer provided the following update on debris collection:

- Waste Pro suspension of services due to Hurricane Helene (one day) and Milton (four days)
- Focus first week was on solid waste
- Backlog of recycling, horticultural, and bulk trash
- Compliance bundles
- Multi-faceted debris recovery plan using CERES, Waste Pro, and subcontractors
- Opened two additional debris collection sites for residents
- Reopened the permanent debris bulk site near North RO Plant Monday-Saturday
- CERES started collecting week of October 21st
- CRA Cleanup first weekend collected 256 cubic yards of vegetation
- To date, CERES and City crews collected just under 2,000 cubic yards of vegetation
- 75% of requests are for horticulture
- Waste Pro bringing in additional grappler trucks Saturday and Sunday coordinating with CERES for storm debris
- Back to normal by Thanksgiving

Councilmember Long inquired about the resources being tied down up North due to the damages sustained and potential concern that the City will not be able to pick up the debris during the 90-day window for the FEMA reimbursement.

Manager Schweitzer noted it was 90 days for 100% but did not foresee any concern.

Councilmember Long noted figures were provided for debris hauling from CERES and possibly Waste Pro as well. In the CERES chart in particular it shows that the cumulative percentage collected of vegetative of our estimate is 2.6 cubic yards to date. Project debris remaining after 60 days – 80.8%. He asked for confirmation.

Manager Schweitzer explained it was based on the total of what we were estimating for cumulative yardage. The chart did not include pickups by Waste Pro which skews the chart. If we convert the tonnage to what Waste Pro is picking up on top of their normal 50% horticultural increase, that will be the other storm debris that normally is set out for pick up. He will provide that number to Council.

Councilmember Sheppard recognized the positivity on the quality of service and projects.

Councilmember Steinke inquired about Citizen concern with street closures due to festivals on Cape Coral Parkway.

City Manager Ilcyszyn explained part of the analysis was to find a replacement location for the on-street parking for smaller festivals.

Mayor Gunter voiced concern with standing debris and pending pickups.

Manager Schweitzer explained his conversations with Waste Pro regarding the tags and debris pick up.

Mayor Gunter explained the separation of debris piles.

Councilmember Sheppard mentioned that the City is undergoing a traffic study looking at possible changes and looking at timing of traffic lights to move the traffic better.

BUSINESS

CONSENT AGENDA

- 1) Resolution 199-24 Award Request for Proposal #RPR2462KMR to Gulf Coast Water Sports LLC for Paddle Craft Rentals at Sirenia Vista Park and Four Mile Cove Ecological Preserve generating an estimated \$12,000 annually; authorize Concessionaire Agreement #RPR2462KMR between the City and Gulf Coast Water Sports, LLC; and authorize City Manager or Designee to execute the agreement and all related documents. The contract term is for five years with two additional three-year renewals available; Department: Parks and Recreation; Estimated Dollar Value: Estimated Revenue of \$12,000 annually.
- 2) Resolution 304-24 Award Request for Prequalification #RFN2143AP for Prequalification of Bond Underwriting Services to the following firms: Bank of America Securities, Inc, Estrada Hinojosa & Company, Inc., Hilltop Securities, J.P. Morgan Securities, LLC, Jefferies, LLC, Morgan Stanley & Co. LLC, PNC Capital Markets, LLC, Raymond James & Associates, Inc., RBC Capital Markets, LLC, Truist Securities, Inc., Wells Fargo Bank, N.A. which establishes a pool of prequalified underwriters for bond issuance; and authorize the City Manager or designee to execute any related documents; Department: Finance; Dollar Amount: N/A; (Fund: N/A)
- 3) Resolution 314-24 Approve FY25 Purchases of Capital Equipment, Vehicles and the corresponding peripheral equipment (upfitting), and Hardware/Software within the City's General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Fund Groups including, but not limited to the Water and Sewer Fund, Stormwater Fund, Internal Services Facilities Fund, Internal Services Fleet Fund, Lot Mowing Fund, Sidewalk Capital Project Fund and to dispose of City-owned surplus tangible personal property that is no longer needed as a result of said purchases in accordance to the City of Cape Coral Procurement Ordinance; authorization for the City Manager or designee to purchase equipment, vehicles and corresponding up-fitting equipment throughout Fiscal Year 2025 if additional personnel is approved by Council and the position requires equipment or vehicle; authorize the City Manager to approve the purchase orders for these purchases and any related documents; Department(s): City-Wide; Dollar value: \$29,693,249; (Citywide funds such as General Fund, Enterprise Fund, General Fund, Internal Services Fund, Special Revenue Funds)
- 4) Resolution 332-24 Authorize Increasing the Annual Approved Amount for Resolution 28-24 from \$250,000 to \$450,000 for Contract #BPW2368AS which provides Painting Services to Facilities throughout the City and Charter School awarded to; Five 12 Painting & Remolding, LLC, Florida Painters of Lee County, Inc., and Quick Painting Group Corp. for the remainder of the initial three year contract term and two additional one year renewal terms; the approved contract unit prices do not change; and authorize the City Manager or designee to execute any purchase orders; Department: Public Works; Estimated annual amount: \$450,000; (Building Maintenance Fund)

- 5) Resolution 333-24 Approve Assignment #1 and Renewal #1 Assigning Contract BPW22112SB for Maintenance, Repair and Installation Services of Generators, from LJ Powers, Inc. to GenServe, LLC., d/b/a LJ Power; approving Renewal #1 for an additional two-year term to 10/28/2026; and authorize the City Manager or designee to execute Contract Amendment No. 1 and Renewal No. 1 and Purchase Orders; Department: Public Works; Estimated Annual Dollar Amount: \$1,381,900; (Building Maintenance Fund)
- 6) Resolution 334-24 Approve Amendment to the City's Financial Management Policies; Department: Finance; Dollar Value: N/A; (Fund: N/A)
- 7) Resolution 335-24 Award Bid #BPW24116KMR to Bateman Contracting, LLP. for the Construction of Embers Parkway West Median Improvements; And authorize execution of Contract #BPW24116KMR between the City and Bateman Contracting, LLP. in the amount of \$768,374 with a 5% City controlled contingency in the amount of \$38,419 for a total project amount of \$806,793; and authorize the City Manager or designee to execute the agreement(s), change order(s), contract amendment(s) and purchase orders; Department: Public Works; Estimated Dollar Amount: \$806,793; (Transportation Capital Project Fund)
- 8) Resolution 336-24 Approve Amendment #1 to Agreement #RCP2240MM with Tony's Lawn and Landscaping, LLC. for Additional Services to District 1 Landscape Maintenance contract. The additional service is to add landscaping services to the new Police Training Facility; and authorize execution of Amendment #1 between the City and Tony's Lawn and Landscaping, LLC. in the amount of \$39,940.87 with a 10% City controlled contingency of \$3,994.10 for a total of \$43,934.96; The original contract amount approved was for \$136,560 with a 10% City controlled contingency of \$13,656 for a project total of \$150,216, including Amendment #1, the contract amount will be for \$176,500.87 with a 10% City Controlled contingency of \$17,650.09 for a new project cost of \$194,150.96; and authorize the City Manager or Designee to execute the contract amendment, certain change orders and purchase orders; Department: Public Works; Dollar Value: \$43,934.96; (General Fund)
- 9) Resolution 338-24 Approve Staff Cost Proposal (SCP) CE-01 with Caltran Engineering Group Inc. for Professional Engineering Services for a 6-Laning Design Study, alternate parking lot(s) study and retiming of traffic signals on Cape Coral Parkway between Del Prado Blvd. and Coronado Parkway for a not to exceed amount of \$149,767.74; authorize the use of Road Impact Fee fund reserves; and authorize the City Manager or Designee to execute the agreement, renewals, amendments, change orders and Purchase Orders; Department: Public Works; Dollar Value: \$149,767.74; (General Fund and Transportation Funds)
- 10) 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 approve and ratify 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 in the amount of \$3,024,684, and set forth in Section 3 of Article 12 of the Lieutenants Collective Bargaining Agreement in the amount of \$556,738; Department: Human Resources (Continued from 10/16 Regular Council Meeting)
- 11) Resolution 345-24 Award Bid #BPW24149KMR to Dekora, LLC. for the Construction of ADA Ramp and Mat Improvements; And authorize execution of Contract #BPW24149KMR between the City and Dekora, LLC. in the amount of \$192,000 with a 10% City controlled contingency in the amount of \$19,200 for a total project amount of \$211,200; and authorize the City Manager or designee to

execute the contract, purchase orders and certain change orders; Department: Public Works; Estimated Dollar Amount: \$211,200; (Gas Tax Fund)

- 12) Resolution 346-24 Approve Amendment #4 to Agreement #RPW2230MM with Kisinger Campo & Associates to add the design of median curbing and left turn lane extensions to the scope of traffic signals at Andalusia Boulevard & Diplomat Parkway and Chiquita Boulevard & Embers Parkway, as allowed by the contract; for construction of the traffic signal at Del Prado N Blvd at Averill Blvd Intersection; and authorize Amendment #4 between the City and Kisinger Campo & Associates for a not to exceed amount of \$49,486.73; amendment #4 will increase the contract amount to KCA to \$797,510.01; and authorize the City Manager or Designee to execute Amendment No. 4 and Purchase Orders; Department: Public Works; Dollar Value: \$49,486.73; (Transportation Fund)
- 13) Resolution 349-24 Approve Refurbishment Allowance to respective purchase order for the following Contract (s): #BFD22122MM, #BPW2178MM, #PW19-105MM, #PW18-132MM, #PW20-55MM, #BPW2171/MM and #BCP2240MM in the total amount of \$280,000 for the Median Landscape Maintenance project and Lawn & Landscape Services projects previously approved by Council; The project is to address the need for repair and replacement of irrigation infrastructure and plant material needed to maintain a healthy and aesthetically pleasing landscape; And authorize the City Manager or Designee to utilize the refurbishment allowance for issuance for the respective purchase orders or change orders to existing purchase orders, as needed. The vendors to the corresponding contracts are as follows: Brent's Lawn and Tree Service, Inc; Superior Landscape Lawn Services, Inc. and John Fideli Landscape, LLC.; Grow Care Outdoor Solutions, LLC; Tony's Lawn and Landscaping LLC; Department: Public Works; Dollar Amount \$280,000; (General Fund)
- 14) Resolution 350-24 Award Bid #BCP24174KMR to Burke Construction Group, Inc. for the Neighborhood Park Improvements for Tropicana Park; and authorize execution of Contract #BCP24174KMR between the City and Burke Construction Group, Inc. for the amount of \$4,740,001.50 with a 5% City controlled contingency in the amount of \$237,000.08 for a total project amount of \$4,977,001.58; and authorize the City Manager or designee to execute the contract, purchase orders and certain change orders; Department: Public Works; Estimated Dollar Amount: \$4,977,001.58; (GO Bond)
- 15) Resolution 351-24 Approval of License Agreement Between the City of Cape Coral and the Cultural Park Theatre Company for Operation and Use of the Cultural Park Theatre Building Located at Cultural Park; Annual Cost: \$45,000 (General Fund)
- 16) Resolution 353-24 Acceptance of Highway Traffic Safety Funds from the Florida Department of Transportation to fund Speed/Aggressive Driving enforcement operations on an overtime basis and speed trailers; Department: Police; Award Value: \$95,000; No match required
- 17) Resolution 354-24 Acceptance of Highway Traffic Safety Funds from the Florida Department of Transportation to fund Distracted Driving enforcement operations on an overtime basis and a message board; Department: Police; Award Value: \$93,000; No match required
- 18) Resolution 355-24 Acceptance of Highway Traffic Safety Funds from the Florida Department of Transportation to fund Impaired Driving enforcement operations on an overtime basis; Department: Police; Award Value: \$75,000; No match required
- 19) Resolution 356-24 Acceptance of Victims of Crime Act (VOCA) grant funding from the Office of Attorney General to fund 75% of two Victim Assistance Advocates base salary and fringe benefits and training; Department: Police; Award Value: \$132,782; No match required

- 20) Resolution 358-24 Nominate Emergency Management Division Manager Alvin Henderson to the Disaster Advisory Council; Department Emergency Management & Resilience; Dollar Value: N/A; (Fund: N/A)
- 21) Resolution 359-24 Approve Incentive Agreement with NT Manufacturing LLC; providing for a Business Infrastructure Grant in the amount of \$77,295.00 to NT Manufacturing. Funds are being provided to assist with the company's expanding operations and construction of a 30,000 square foot manufacturing facility; Office: City Manager; Division: Economic and Business Development; Dollar Value: \$77,295.00; (Economic Development Incentive Fund)
- 22) Resolution 360-24 Approve Land Use Restriction and Affordable Housing Rental Agreements (templates) for "Live Local" Projects; Department: Development Services; Dollar Value: N/A; (Fund: N/A)
- 23) Resolution 362-24 Approve Contract for the purchase of 4816 Triton Court (Lots 22 through 24, Block 84, Cape Coral Unit 5) located in the City's downtown Community Redevelopment Area's Bimini Basin District, for the purchase price of \$1,000,000 plus closing costs not to exceed \$15,000; Department: Public Works / Real Estate; Dollar Value: \$1,015,000; (Funding Source: Debt)
- 24) Resolution 363-24 Approve Contract for the purchase of 4824 Manor Court (Lots 30 through 32, Block 83, Cape Coral Unit 5) located in the City's downtown Community Redevelopment Area's Bimini Basin District, for the purchase price of \$643,800 plus closing costs not to exceed \$10,000; Department: Public Works / Real Estate; Dollar Value: \$653,800; (Funding Source: Debt)
- 25) Resolution 364-24 Acceptance of Warranty Deed for Tract RW-1 as shown on the Gator Villas – Phase 2 subdivision plat (a replat of Tract A1, Gator Villas – Phase 1 subdivision plat), from SI Homes RCL, LLC, a Florida limited liability company, for right of way and drainage and utility easement purposes; Department: Public Works / Real Estate Division; Dollar Value: N/A; (Fund: N/A)
- 26) Resolution 365-24 Approve the creation of one new classification of a Civilian Background Investigator in the Police Department; Department: Human Resources; Dollar Value: N/A; (Fund: N/A)
- 27) Resolution 366-24 Approve Reimbursement of Certain Costs Relating to the Acquisition of approximately 1,202 acres of land, which will be used for the City's water, wastewater and irrigation water utility system
- 28) Resolution 361-24 Authorize the City Manager or designee to approve a reimbursement in the amount of \$391,624.31 to Bimini Square LLC, for the replacement of 1,614 linear feet of 6-inch AC potable watermain near Palm Tree Dr., Tudor Drive and Sunset Ct. and authorize the City Manager or designee to approve the reimbursement; Department: Utilities; Dollar Value: 391,624.31; (Water and Sewer Fund)
- 29) Resolution 367-24 Approve work authorization form (WAF) #GP-01 with Gulfpoint Construction Company, Inc., utilizing Master agreement #RPW2371-G, for the purposes of utility upgrades and road reconstruction in support of the Bimini Square Mixed-Use Development for a Guaranteed Maximum Price (GMP) of \$2,108,959.57; and authorize the City Manager or Designee to execute the work authorization, change orders and purchase orders; Department: Public Works; Estimated Dollar Value: \$2,108,959.57; (Stormwater and Water & Sewer Funds)
- 30) Resolution 368-24 Approve Purchase Orders related to Hurricane Milton that exceed the City Manager's dollar threshold based on pre-positioned contracts or emergency purchases. The estimated amount is \$4,113,971; and authorize the City Manager to approve the Purchase Orders for these purchases and any related

documents: Department(s): Various; Estimated budgeted dollar value: \$4,113,971;
(Disaster Funds)

Mayor Gunter asked if anyone wanted to pull any items.

Councilmember Steinke pulled 9(A)(7) (Resolution 335-24).

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)(5), 9(A)(6), 9(A)(8), 9(A)(9), 9(A)(10), 9(A)(11), 9(A)(12), 9(A)(13), 9(A)(14), 9(A)(15), 9(A)(16), 9(A)(17), 9(A)(18), 9(A)(19), 9(A)(20), 9(A)(21), 9(A)(22), 9(A)(23), 9(A)(24), 9(A)(25), 9(A)(26), 9(A)(27), 9(A)(28), 9(A)(29), and 9(A)(30), as presented.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

Resolution 335-24 Award Bid #BPW24116KMR to Bateman Contracting, LLP. for the Construction of Embers Parkway West Median Improvements; And authorize execution of Contract #BPW24116KMR between the City and Bateman Contracting, LLP. in the amount of \$768,374 with a 5% City controlled contingency in the amount of \$38,419 for a total project amount of \$806,793; and authorize the City Manager or designee to execute the agreement(s), change order(s), contract amendment(s) and purchase orders; Department: Public Works; Estimated Dollar Amount: \$806,793; (Transportation Capital Project Fund)

Councilmember Steinke inquired about where the increase was coming from and are questions being asked about why material costs are different between the bids.

Interim Transportation Manager Vandewalker explained the costs were right in line that have been researched with other projects as well as FDOT projects.

Councilmember Steinke asked if this amount was already considered in the budget.

Interim Transportation Manager Vandewalker would need to look back into the budget to get an exact answer.

City Manager Ilcyszyn explained Access Management was allocated with the median improvements; any new landscaping in medians now has this added expense.

Discussion held regarding:

- Curbing expenses
- Application of median landscaping funding
- 2-3 years process
- Using City curbing machines on our own programming
- Need to revisit how we pick our medians
- Three bids received
- Difference between low bid and next bid was \$100,000, generally where market is
- Size of contract matters
- City crews can address smaller projects with curbing machine
- Funding was allocated in FY2023 budget
- Landscaping not included in the contract

Councilmember Steinke moved, seconded by Councilmember Sheppard, to approve 9(A)(7), Resolution 335-24, as presented.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

Municipal Firefighters Employees' Pension Trust Fund Board of Trustees - 1 Vacancy
for Council Appointment

Mayor Gunter announced there was one applicant for the one vacancy.

Applicant
Richard Chappelle – present

Councilmember Hayden moved, seconded by Councilmember Carr, to re-appoint Richard Chappelle to the Municipal Firefighters Employees' Pension Trust Fund Board of Trustees (term expires 10/31/28).

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

Municipal Police Employees' Pension Trust Fund Board of Trustees - 1 Vacancy for
Council Appointment

Mayor Gunter announced there were two applicants for the one vacancy.

Applicant
Wesley Cochrane – present
David Toumey – not present

Council polled and majority in favor of David Toumey.

Councilmember Hayden moved, seconded by Councilmember Sheppard, to re-appoint David Toumey to the Municipal Police Employees' Pension Trust Fund Board of Trustees (term expires 10/31/28).

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

None

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:

- Due date for FEMA – November 18th
- Draft documents, finishing text
- Met with FEMA several times to walk through them
- Plan to get them turned in early next week
- Yesterday met with Flood Plain Manager and traveled to Hernando County
- Presented them our lessons learned to protect their Flood Insurance Rating
- Joined by FEMA members and FDEM in that presentation
- Positive feedback from community, FEMA, and FDEM
- Will be looking to help other communities to prevent that risk
- Comfortable that we will be able to retain our discount and meet FEMA deadlines and requirements

Mayor Gunter mentioned possibly doing a webinar through the Florida League of Cities to benefit other communities to express lessons learned and best practices from Hurricane Ian.

Director Lamb explained that there has been outreach to several communities.

ORDINANCES/RESOLUTIONS

Public Hearings - Quasi-Judicial Hearings

Resolution 330-24 (VAC23-000018*) Public Hearing

*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 Condition

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Resolution.

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so for this Quasi-Judicial Hearing. There were none.

City Clerk Bruns administered the oath.

Planning Team Coordinator Struve presented the following displayed slides:

- Resolution 330-24 VAC23-000018
- Owners, Request, Location
- Site, 2023 Aerial Map
- Official Zoning Map
- Background
- ROW and easements to be vacated
- Replacement easements
- Summary of Analysis (LDC, 3.4.5.B)
- Recommendations – Staff recommended approval with conditions
- Correspondence – subsequent to the Hearing Examiner Hearing two individuals were seeking more information about the case

Councilmember Sheppard left the dais at 5:42 p.m.

Public Hearing opened.

No speakers

Public Hearing closed.

Councilmember Steinke moved, seconded by Councilmember Hayden, to approve Resolution 330-24, as presented.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, and Steinke voted "aye." Six "ayes." Motion carried 6-0.

Ordinance 73-24 (RZN24-000006*) Public Hearing

*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.

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so for this Quasi-Judicial Hearing. There were none.

City Clerk Bruns administered the oath.

Planning Team Coordinator Struve presented the following displayed slides:

- Ordinance 73-24 RZN24-000006
- Applicant, Owners, Request, Location
- Rezone area, Official Site Aerial Map
- Future Land Use Map
- Current Zoning
- Proposed Zoning
- Background
- Analysis (LDC, Section 3.4.6, and Article 4)
- Recommendations – Staff recommended approval
- Correspondence – one phone call in opposition

Public Hearing opened.

No speakers

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cosden, to adopt Ordinance 73-24, as presented.

Councilmember Long inquired about the one call in opposition.

Coordinator Struve explained the phone call was from a home builder who had bought a property in the rezoned area with the expectation that a single-family home could be built on that site.

Councilmember Long inquired if development could be used for low-income housing.

Coordinator Struve opined that it was highly unlikely that someone could develop a viable mixed-use project.

Councilmember Carr asked with the Future Land Use of Pine Island District, would he be able to build a single-family home?

Coordinator Struve responded in the negative.

Mayor Gunter added those three improved parcels were already non-conforming due to the Future Land Use.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, and Steinke voted "aye." Six "ayes." Motion carried 6-0.

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 24-24 Public Hearing

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.

Office of Capital Improvements Facility Projects Manager Hyyti explained what this Ordinance would accomplish.

Councilmember Cosden left the dais at 5:52 p.m.

Public Hearing opened.

No speakers

Public Hearing closed.

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

Council polled as follows: Carr, Gunter, Hayden, Long, and Steinke voted "aye." Five "ayes." Motion carried 5-0.

Ordinance 69-24 (FLUM24-000005) 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 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.

Councilmember Sheppard returned to the dais at 5:54 p.m.

Senior Planner Santora displayed the following slides:

- Ordinance 69-24/FLUM24-000005
- Applicant, Address, Location, Size, Urban Services, Amendment Request
- Background Information
- Official Site Aerial Map
- Future Land Use Map
- Proposed FLU Map
- Official Zoning Map
- Analysis – Land Development Code (3 slides)

Councilmember Cosden returned to the dais at 5:56 p.m.

- Analysis – Comprehensive Plan (4 slides)
- Analysis – City Impact
- Analysis – City Impact: Fire and Police
- Recommendation: Staff recommended approval
- Correspondence: One informative call prior to Council hearing

Public Hearing opened.

Linda Miller, Vice President, Avalon Engineering, representative of the applicant, expressed support of Ordinance 69 – 24 (Case#: FLUM24-000005).

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Steinke, to adopt Ordinance 69-24, as presented.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

Ordinance 75-24 Public Hearing

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.

City Manager Ilczyszyn explained what this Ordinance would accomplish. This would set the policy on how we move forward with debris on those parcels and roadways.

City Attorney Boksner explained this focused on private unimproved property.

Public Hearing opened.

No speakers

Public Hearing closed.

Councilmember Long inquired about debris removal from waterways; would this grant us the authority by right or would the City need to seek authority?

City Attorney Boksner explained that this would codify the authority to do so.

Councilmember Hayden moved, seconded by Councilmember Long, to adopt Ordinance 75-24, as presented.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

Ordinance 77-24 Public Hearing

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.

Interim Financial Services Director Feast explained the following displayed slides:

- FY2024 City of Cape Coral Budget Amendment #4
- Purpose of Ordinance
- Summary and Overview (seven slides)

Public Hearing opened.

No speakers

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Cosden, to adopt Ordinance 77-24, as presented.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

Introductions

Ordinance 56-24 Set Public Hearing for December 4, 2024 (Continued from the 9/18/2024 Regular Meeting) – Public Hearing reset for November 13, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Article 5, Development Standards, Chapter 4, Marine Improvements, Section 5.4.7., Boat Canopies and Sun Shelters, of the Land Development Code of the City of Cape Coral, Florida, regarding boat canopies. (Brought forward by Councilmember Steinke)

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 4, 2024, in Council Chambers.

Councilmember Steinke explained the purpose of the Ordinance. He noted there is a CRA meeting on November 13, 2024, at 9:00 a.m. He would rather not wait until December and suggested a Special Council Meeting on November 13, 2024, at 9:30 a.m. or immediately after the CRA meeting. He asked for Council support to allow this.

Councilmember Hayden responded in the affirmative.

Mayor Gunter explained he did not see the need for a Special Meeting. The City Manager will be addressing a COW for December 4th. This item was on the schedule for December 4th as well, and he planned on adding it to the COW for December 4th.

Councilmember Long agreed with not rushing the item.

Councilmember Hayden explained the issue of bringing any new Councilmembers up to speed; he agreed with dealing with it on November 13, 2024.

Councilmember Carr agreed to getting it done and did not oppose the Special Meeting.

Councilmember Cosden agreed with the Special Meeting on November 13, 2024.

Councilmember Hayden moved, seconded by Councilmember Sheppard, to schedule a Special Council Meeting on November 13, 2024, at 9:30 a.m. or immediately after the CRA Meeting in Council Chambers for a Public Hearing on Ordinance 56-24.

Mayor Gunter mentioned that you can ask for a reconsideration hearing if you are on the prevailing side.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

City Clerk Bruns announced resetting the Public Hearing on Ordinance 56-24 for November 13, 2024.

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Sheppard – Topics: 10/25 Attended Trunk or Treat

Councilmember Steinke – Topics: 10/18 attended the Business and Industry Roundtable; 10/28 participated in the Youth Council event; thanked Staff for assembling a flyer on the City's website under Government and City Manager outlining one year of accomplishments.

Councilmember Welsh – Excused

Councilmember Carr – Topics: No report

Councilmember Cosden – Topics: No report

Councilmember Hayden – Topics: No report

Councilmember Long – Topics: No report

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner announced:

- Jaycee Park false allegations – no bald eagle nests

Mayor Gunter – Topics:

- 10/17 Participated in Southwest Florida League of Cities Executive Committee Meeting
- 10/17 Attended the 39th Oktoberfest Welcome Party along with Councilmember Hayden
- 10/18 Attended the Opening Ceremonies for the 39th Oktoberfest where he presented a Proclamation and tapped the first keg of beer
- 10/30 Attended the Ribbon Cutting for the Thrive Academy

Mayor Gunter asked for a second to work on an Ordinance with the City Attorney's Office. The State Regulation on campaigning on any campaign site is 150 feet. He received several complaints regarding it. He had asked the City Attorney if we are allowed to expand that 150 feet as long as we are making the State Statute more restrictive. We couldn't reduce the 150 feet. Asked for a second on drafting that Ordinance and will bring it back to the new Council.

Councilmember Steinke provided the second.

City Manager Ilczyszyn requested to officially cancel the scheduled November 13, 2024, COW and replace it with a December 4, 2024, COW beginning at 9:00 a.m. in Council Chambers.

Councilmember Cosden moved, seconded by Councilmember Long, to cancel the November 13, 2024, Committee of the Whole and replace it with December 4, 2024, Committee of the Whole at 9:00 a.m. in Council Chambers.

Council polled as follows: Carr, Cosden, Gunter, Hayden, Long, Sheppard, and Steinke voted "aye." Seven "ayes." Motion carried 7-0.

City Manager Ilczyszyn announced:

- On the Move Lite, budget highlights, special events
- Hosting a Waste Collection Event, Saturday, November 2, 2024, from 7:00 a.m. to 11:00 a.m. at the City Hall Parking Lot, bulk and household chemical waste

collection event, residents encouraged to bring bulk items that can be donated for reuse, chemical waste – partnering with Lee County Solid Waste

- City Hall Closed for Veterans Day, Monday, November 11th
- Hosting a Water Conservation Town Hall for residents and homeowners, Tuesday, November 12th, from 6:00 p.m. to 7:00 p.m. in Council Chambers
- Meeting with South Florida Water Management District this afternoon along with the City Attorney and out Utilities Staff; aquifer updates from Director Pearson; aquifer has not recovered as it normally would during a rainy season; concern if we see a drop off in the dry season, we would need to take further measures; follow up meeting with them in two weeks; USGS checking wells; reading is accurate and recordings have been accurate; fast tracking the North Water Rec Facility; looking at flipping areas 4 and 5 with area 6; UEP map will be coming forth for updating; one-on-ones to be held followed by a COW

Councilmember Steinke announced the new Racquet Center has just completed its 60-day opening where we had 1,900 founding members available for special membership rates.

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole Meeting scheduled for Wednesday, November 13, 2024, was canceled.

A City Council Regular meeting was scheduled for Wednesday, November 20, 2024, at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:31 p.m.

Submitted by,

Kimberly Bruns, CMC
City Clerk