

Mayor

John Gunter

Council Members

District 1: Gloria Raso Tate

District 2: Dan Sheppard

District 3: Tom Hayden

District 4: Jennifer I. Nelson

District 5: Robert M. Welsh

District 6: Keith E. Long

District 7: Jessica Cosden



1015 Cultural Park Blvd.
Cape Coral, FL

City Manager

Rob Hernandez

City Attorney

Dolores Menendez

City Auditor

Andrea R. Russell

City Clerk

Kimberly Bruns

AGENDA
COMMITTEE OF THE WHOLE

October 13, 2021

3:00 PM

Council Chambers

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

1. MEETING CALLED TO ORDER

A. MAYOR GUNTER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A. MAYOR GUNTER, COUNCIL MEMBERS COSDEN, HAYDEN,
LONG, NELSON, SHEPPARD, TATE, WELSH

4. BUSINESS:

A. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government; 3 minutes per individual.

B. DISCUSSION

- (1) Overview of Transit Services in Cape Coral
- (2) Public Transportation Benches and Shelters
- (3) Enforcement of Unlicensed Contractors
- (4) Mobile Food Dispensing Vehicle Ordinance Presentation
- (5) North 1 UEP Update
- (6) Waste Pro Update

5. ROUND TABLE DISCUSSION

6. TIME AND PLACE OF FUTURE MEETINGS

- A. A Regular Meeting of the Cape Coral City Council is Scheduled for Wednesday, October 20, 2021 at 4:30 p.m. in Council Chambers

7. MOTION TO ADJOURN

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL COMMITTEE OF THE WHOLE AGENDA

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address Council under Citizens Input may do so during the designated time at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting. Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state or local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

*PUBLIC HEARINGS

DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.
3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.

5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	B.(1)
Meeting Date:	10/13/2021
Item Type:	DISCUSSION

TITLE:

Overview of Transit Services in Cape Coral

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

At the City Manager's request, Lee Tran to provide an overview of their services in Cape Coral.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

Recommendations:

Informational Only

SOURCE OF ADDITIONAL INFORMATION:

Persides Zambrano, Planning and Permitting Manager, 239-574-0733

Paul Clinghan, Public Works Director, 239-574-0464

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Persides Zambrano, Public Works
Planning and Permitting Manager

Division- Public Works
Planning and
Permitting

Department- Public
Works

ATTACHMENTS:

Description	Type
1. Lee Tran Presentation - Cape Coral Transit Services	Backup Material

EVOLVE

Rethink. Revitalize. Reinvent.



Cape Coral Transit Services
October 13, 2021

LEE COUNTY TRANSIT - LEETRAN



Who We Are

- Lee County Transit provides public transportation, ADA paratransit service, and Transportation Disadvantaged (TD) services

What We Do

- Transit provides approximately (2) two million individual trips per year on LeeTran's fixed-bus network and our customers travel over 16 million miles on LeeTran buses.

EVOLVE
Rethink. Revitalize. Reinvent.

The graphic illustrates the evolution of transportation through four stages: a single wheel, a horse-drawn carriage, a modern car, and a bus. The bus is a blue and white vehicle with a stylized 'e' logo on its side.

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CAPE CORAL SERVICES (ROUTES)



Cape Coral Ridership (4 Routes)	
Number of bus stops	351
Weekday Ridership	686
Annual Ridership	179,073

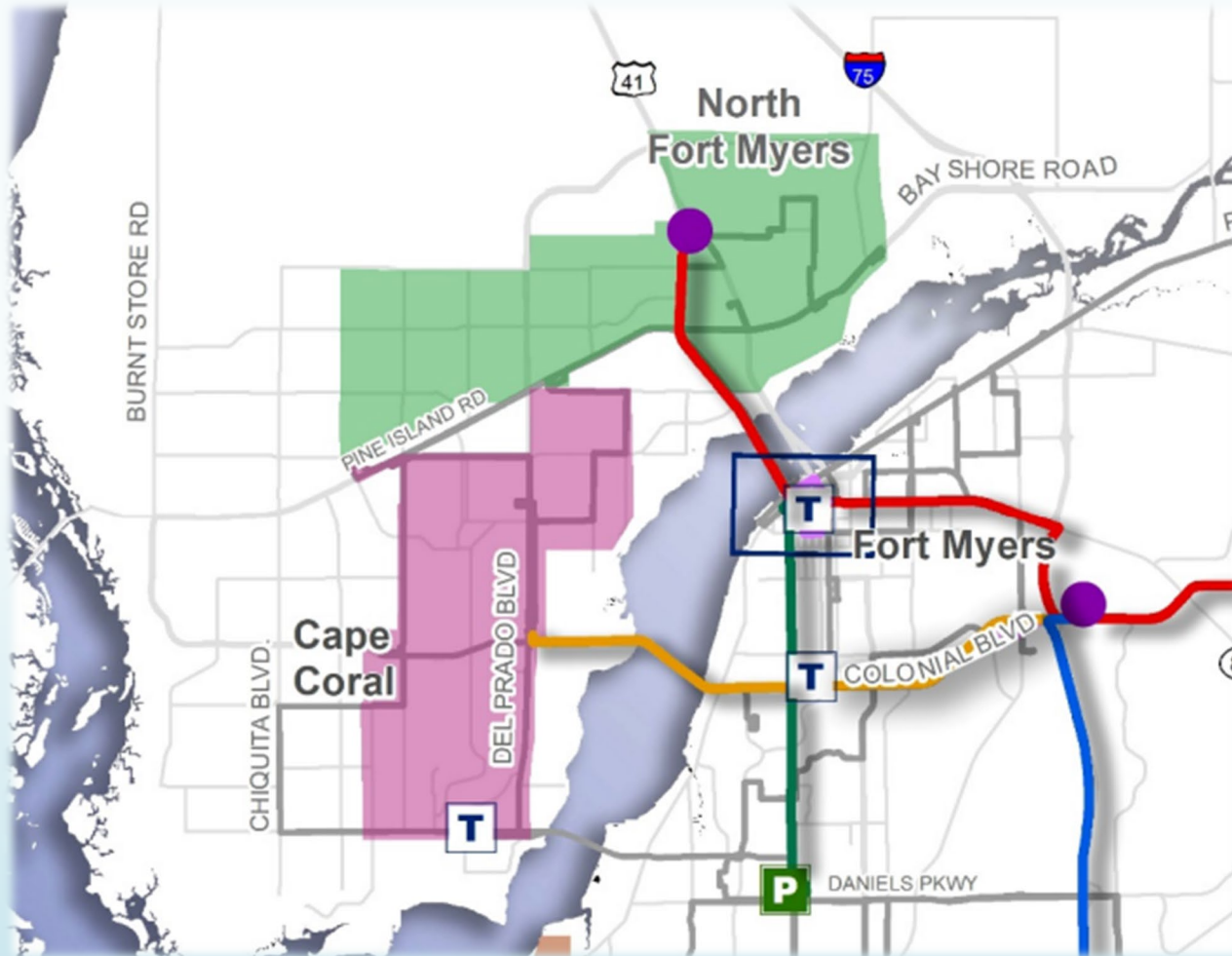
LEETRAN 2020 TRANSIT DEVELOPMENT PLAN (TDP)



LeeTran 2020 TDP

- The proposed improvements for the LeeTran 10-Year Major Update were developed to meet the diverse set of needs throughout Lee County.
 - Increasing frequency on routes with high ridership
 - Route realignments
 - Proposed new services: express routes, local circulator, and MoD services.
- Cost of improvements primarily rely on grant funding and is not a guarantee
- **(Unfunded) Cape Coral Express** – Is an east-west connection to link the populated areas of Cape Coral to US 41 corridor and operate every hour and stop only at the Edison Mall transfer location, making another quick transit connection
 - This links with the **North Fort Myers-Lehigh Acres Express** at the proposed transit super stop at the Forum to provide an express connection between Cape Coral and Lehigh Acres

LEETran 2020 TRANSIT DEVELOPMENT PLAN (TDP)



- Orange line represents the Cape Coral Express route to Fort Myers
- Blue line represents connection to the Lee-Collier Commuter Express including the airport
- Green and Purple areas represent proposed Cape Coral MoD service areas
- Red line represents the North Fort Myers Express route to Lehigh Acres

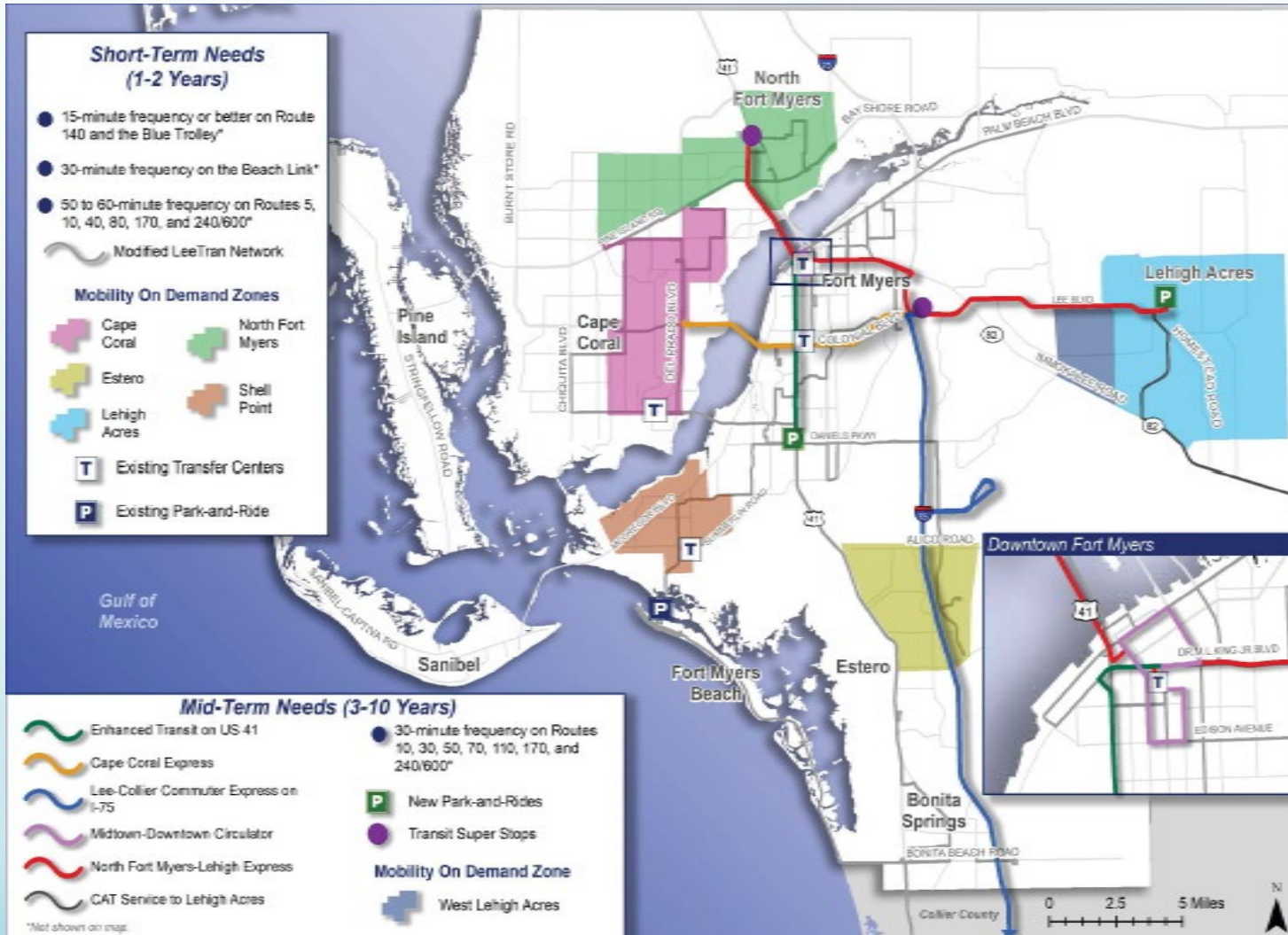
LEETRAN 2020 TRANSIT DEVELOPMENT PLAN (TDP)

LeeTran 2020 TDP cont.

- Mobility on Demand (MoD) zones are proposed in the mid-term of the TDP
- The Cape Coral MoD will provide on-demand coverage to neighborhoods centrally located in Cape Coral
- Some of these areas show higher propensity toward use of transit, but also have shown poor fixed-route bus ridership, so may be a better fit for on-demand service
- Additionally, there will be two MoD zones in Cape Coral
 - Cape Coral MoD
 - North Fort Myers/NW Cape Coral MoD
- This zone spans as far north as Pondella Road and as far south as Cape Coral Parkway
- To the east, the zone stretches past Del Prado Boulevard, and to the west, the zone stretches past Pelican Boulevard

10 YEAR TRANSPORTATION DEVELOPMENT PLAN

LEE COUNTY



HOW DO WE GROW FROM HERE?

Municipal Partnerships

- Maximize Cape Coral Policies
 - Policy 1.5.8: encourage through the site development plan process, the provisions of transit shelters and other amenities, along existing mass transit routes
 - Policy 1.5.9: Continue to promote the use and benefits of public transit
- City, County & CRA Partnerships
 - Funding (Partnership)
 - ❖ Partnerships will aid in increasing routes, availability and access
 - Grant opportunities (LeeTran)

LEE COUNTY TRANSIT - LEETRAN

EVOLVE
Rethink. Revitalize. Reinvent.



Questions???



LEETRAN RIDERSHIP & COVID IMPACTS

LEETRAN RIDERSHIP

FY2019, 2020 & 2021

Fixed-Route Passenger Trips	FY19	FY20	Pct. Change	FY21	Pct. Change
October	245,553	239,252	-2.57%	126,916	-46.95%
November	235,397	220,195	-6.46%	113,949	-48.25%
December	229,105	226,906	-0.96%	126,930	-44.06%
January	271,930	297,261	9.32%	150,734	-49.29%
February	303,180	331,427	9.32%	169,279	-48.92%
March	345,076	256,440	-25.69%	215,527	-15.95%
April	295,194	57,330	-80.58%	174,504	204.39%
May	219,614	73,292	-66.63%	235,372	221.14%
June	200,098	119,697	-40.18%	123,763	3.40%
July	206,114	134,828	-34.59%	119,560	-11.32%
August	216,115	144,053	-33.34%	119,603	-16.97%
September	204,365	115,600	-43.43%		
Fiscal Year Total	2,971,741	2,216,281	-25.42%		

RIDERSHIP NATIONAL, STATE & STATE AGENCIES

OCT. 2019 – SEPT. 2020

Bus Mode Only	FY 19 UPT	FY 20 UPT	% Diff
National	4,371,790,961	2,959,764,967	32%
Florida	176,252,988	128,008,811	27%
Miami-Dade	49,632,144	36,966,733	26%
HART	12,032,360	8,337,542	31%
JTA	9,982,230	6,936,013	31%
LeeTran	2,971,741	2,216,281	25%



AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	B.(2)
Meeting Date:	10/13/2021
Item Type:	DISCUSSION

TITLE:

Public Transportation Benches and Shelters

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

Please refer to the Timeline of Events attached.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

Recommendations:**SOURCE OF ADDITIONAL INFORMATION:**

Persides Zambrano, Planning & Permitting Manager, 239-574-0733

Wanda Roop, Procurement Manager, 239-574-0833

Paul Clinghan, Public Works Director, 239-574-0464

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Persides Zambrano, Public Works
Planning and Permitting Manager

Division- Planning and
Permitting

Department- Public
Works

ATTACHMENTS:

Description	Type
▣ 1. Bus Benches and Shelters Timeline	Backup Material
▣ 2. Staff Presentation - Bus Stop Shelters and Benches	Backup Material

Cape Coral Bus Benches and Shelters

Timeline of Events:

- **October 28, 1993:** City entered into an agreement with the Cape Coral Volunteer Firemen's Benevolent Association, Inc., and Metropolitan Systems ***to install benches at transit stops and other convenient locations within Cape Coral.***
- The agreement auto renewed every 10 years unless either party notified the other of non-renewal in writing at least 120 days prior to the end of the 10-year period.
- **June 10, 2013:** Council approved the non-renewal of the contract.

Reasons:

- outdated wording.
 - right of first refusal provision made it difficult for Lee Tran to provide shelters within the City.
- **February 24, 2014:** The contract with Metropolitan Systems and the Cape Coral Volunteer Firemen's Benevolent Association, Inc expired
- **2015-2016:** Negotiations for a new contract with Metropolitan were placed on hold pending the outcome of Council's decision on Entry Structures.
- **2017:** City Manager directed staff to explore issuing a RFP vs. keeping current vendor.
- **January 2018:** Staff was directed to start the RFP process.
- **May 2018:** RFP issued for:
 - a. 175 benches and 50 shelters citywide.
 - b. Vendor also to provide 35 non-advertising benches and 5 non-advertising shelters to be located within the CRA area.
 - c. City to enter into a 10-year contract.
 - d. Program to be financed with revenue from advertisement.
 - e. Vendor to share 10% of the advertisement revenue with the City.
 - f. All facilities must meet ADA.
 - g. Vendor to procure easements on private properties as needed.
 - h. Vendor (in coordination with Lee Tran) to provide a plan to the City.
- **June 2018:** three proposals received, opened, and evaluated by Procurement and evaluation team (PW, DCD, EDO, and CRA)

- **Premiere Design:**
 - Required \$2.37 million investment from the City.
- **Creative Outdoor Ad of America:**
 - Offered limited design options/Only benches (no shelters).
 - Most benches currently provided by this vendor are located outside of Florida and mostly in Canada.
- **Insite:**
 - Company based in Tampa.
 - Variety of colors and design for buses and benches.
 - Delivery in 180 days
 - The greater of 20% of the total revenue or the following minimum amount will be paid to the City:
 - Year 1: \$87,750
 - Year 2: \$87,750
 - Year 3: \$93,000
 - Year 4: \$93,000
 - Year 5: \$95,100
- **July 2018:** City staff started negotiations with **InSite** as new vendor for Bus Benches and Shelters.
- **December 2018:** Stop negotiations. Vendor unable to comply with RFP requirements (ADA/concrete pads and drainage)
- **January 2019:** Rescinded the intent and rejected all proposals. All required big investment from the City
- **August 2019:** Creative Outdoor Advertising of America, Inc (COA) reached out to City stating they bought Metropolitan. COA submitted an unsolicited offer to service the City with bus benches.
- **December 4, 2020:** The City Manager directed staff to approach Lee Tran to see if they will be interested in providing benches and shelters supporting transit within the City.
- **June 18, 2021:** Lee Tran expressed interest in servicing the City with benches and shelters.
- **Late June 2021:** Staff notified COA on status of communications with Lee Tran

- **September 9, 2021:** Legal counsel for COA sent letter stating the City cannot contract bus benches supporting transit with Lee Tran. The letter is dated July 30, 2021 and a similar letter was sent to Lee Tran.
- **August-September 2021:** COA is requesting a short-term agreement, a month-to-month contract or a letter authorizing them to service the bus benches until the City makes a final decision on how to proceed.

Annual Revenues

- Revenues associated with advertisement on benches have been:
 - FY 2010: \$4,139.00
 - FY 2011: \$2,992.00 (*)
 - FY 2012: \$1,950.75 (*)
 - FY 2013: \$1,445.50 (*)
 - FY 2014: \$4,845.00
 - FY 2015: \$7,687.50
 - FY 2016: \$7,983.38
 - FY 2017: \$8,031.23
 - FY 2018: \$8,188.00
 - FY 2019: \$5,423.78
 - FY 2020: \$4,784.18
 - FY 2021: \$3,600.23 as of 7/31/21

(*) In May 19, 2014, staff was notified by Metropolitan that as a result of an internal audit they detected a mistake in payments to the city for the past 3-year period. To remedy the error Metropolitan sent a check in the amount of \$12,474.

Legal Framework

- Florida Statutes 337.408 specifically states that a City does not have to bid out contracts for bench providers.
- Per Land Development Code 7.2.2.A.2 Council approval is required to allow benches and shelters with advertisement in the right-of-way.
- The City Attorney's Office opines that the City is in good standing to request COA to remove the benches and enter into an agreement with Lee Tran to service benches and shelters related to transit.
- October 6, 2021 City Attorney's Office sent a response letter to COA's legal counsel.

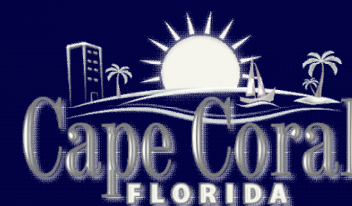
Discussion Items:

- Path forward:
 - Communicate to COA that they need to remove the benches.
 - Coordinate with Lee Tran on timing for them to provide benches and shelters to the City.
 - Facilitate smooth transition between both parties.
- **Potential issues:**
 - a. Gap of service between COA and Lee Tran.**
 - b. Potential legal challenge.**
 - c. Communications Strategy.**



Public Transportation Benches and Shelters

October 13, 2021 - Committee of the Whole



Timeline of Events

- **October 28, 1993:** Agreement with the Cape Coral Volunteer Firemen's Benevolent Association, Inc., and Metropolitan Systems ***to install benches at transit stops and other convenient locations within Cape Coral.***
- The agreement auto renewed every 10 years unless either party notified the other of non-renewal in writing at least 120 days prior to the end of the 10-year period.
- **June 10, 2013:** Council approved the non-renewal of the contract.
 - Reasons:
 - Outdated wording.
 - Right of first refusal provision made it difficult for Lee Tran to provide shelters within the City.

Timeline of Events (cont.)

- **February 24, 2014:** The contract with Metropolitan Systems and the Cape Coral Volunteer Firemen's Benevolent Association, Inc. expired.
- **2014-2015:** Staff and Metropolitan discussed a proposed draft agreement.
- **2015-2016:** Negotiations for a new contract with Metropolitan were placed on hold pending the outcome of Council's decision on Entry Structures.
- **2017:** Discussion ensued on best path forward.
- **January 2018:** Staff started the RFP process. Three proposals received.

Timeline of Events (cont.)

- **January 2019:** Rescinded the intent and rejected all proposals. Top ranked vendor unable to comply with RFP requirements (ADA/concrete pads and drainage).
- **August 2019:** Creative Outdoor Advertising of America, Inc. (COA) reached out to the City stating they bought Metropolitan. COA submitted an unsolicited offer to service the City with bus benches.
- **December 4, 2020:** The City Manager directed staff to approach Lee Tran to see if they will be interested in providing benches and shelters supporting transit within the City.

Timeline of Events (cont.)

- **June 18, 2021:** Lee Tran expressed interest in servicing the City with benches and shelters.
- **Late June 2021:** Staff notified COA on status of communications with Lee Tran
- **September 9, 2021:** Legal counsel for COA sent letter stating the City cannot contract bus benches supporting transit with Lee Tran. Similar letter sent to Lee Tran.
- **August-September 2021:** COA is requesting a short-term agreement, a month-to-month contract or a letter authorizing them to service the bus benches until the City makes a final decision on how to proceed.

Annual Revenues FY 2010 – FY 2021

- Revenues associated with advertisement on benches have been:

FY 2010: \$4,139.00

FY 2011: \$2,992.00 (*)

FY 2012: \$1,950.75 (*)

FY 2013: \$1,445.50 (*)

FY 2014: \$4,845.00

FY 2015: \$7,687.50

FY 2016: \$7,983.38

FY 2017: \$8,031.23

FY 2018: \$8,188.00

FY 2019: \$5,423.78

FY 2020: \$4,784.18

FY 2021: \$3,600.23 as of 7/31/21

() On May 19, 2014, as a result of an internal audit Metropolitan detected a mistake in payments to the city for the period from 2011 to 2013. To remedy the error Metropolitan sent a check in the amount of \$12,474.*

Other Facts

- F. S. 337.408 governs bus benches.
- Per Land Development Code 7.2.2.A.2, Council approval is required to allow benches and shelters with advertisement in the right-of-way.
- To this date, Metropolitan/COA benches placed within the City remain status quo.
- Per the City Attorney's Office, the City is in good standing to request COA to remove the benches and enter into an agreement with Lee Tran to service benches and shelters related to transit.

Discussion Items

- Path forward:
 - Communicate to COA the need to remove their benches.
 - Coordinate with Lee Tran timing for them to provide benches and shelters to the City.
 - Facilitate smooth transition between both entities.

Discussion Items

- Potential Issues:
 - Gap of service between COA and Lee Tran.
 - Potential legal challenge.
 - Communication strategy with users.

Existing Benches



Samples of Lee Tran Benches



Samples of Lee Tran Shelters



THANK YOU

Any Questions?





AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	B.(3)
Meeting Date:	10/13/2021
Item Type:	DISCUSSION

TITLE:

Enforcement of Unlicensed Contractors

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

Staff will present an overview of enforcement and education efforts regarding unlicensed contracting.

Indicators for this type of activity include, but are not limited to:

- Advertising
- Social Media – Facebook, NextDoor
- Work in nearby jurisdictions?
- Do they offer Workers' compensation?
- Do they apply for building permits or do they ask the homeowners apply?
- Are they offering to perform work outside the scope of their license?
- Door to door solicitation
- Is this a "side job?"

Code Compliance staff conducted approximately 3,200 investigations in 2020-21 based upon complaints received. This included checks on licenses, permits, and site visits. The State issues at least 18 different types of certificates of competency for construction contractors. These are shown in the PowerPoint presentation (attached).

Enforcement is performed under the criteria found in Chapter 489, FS. Specifically, we issue cease and desist letters; written warnings; conduct sweeps; conduct stings with other agencies; and work towards mediation with homeowners and workers.

Continued and future efforts include:

- Coordination with the Police Department for undercover stings
- Increase construction site checks
- Quarterly sweeps with state agency assistance
- Monthly call/meeting with CCCIA
- Public education to HOA's, civic groups, and professional associations
- Local licensing changes
- Assess staff needs. We currently have two full-time Officers funded by the Building Fund.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision? Yes

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

ELEMENT D: IMPROVE THE CITY'S IMAGE WITH THE PURPOSE OF BUILDING LASTING RELATIONSHIPS WITH OUR RESIDENTS AND VALUABLE PARTNERSHIPS WITH OTHER ORGANIZATIONS, AND CONTINUALLY PROVIDE A WELL-BALANCED AND POSITIVE WORKPLACE FOR OUR INTERNAL STAKEHOLDERS.

ELEMENT E: INCREASE QUALITY OF LIFE FOR OUR CITIZENS BY DELIVERING PROGRAMS AND SERVICES THAT FOSTER A SAFE COMMUNITY

Recommendations:

N/A

SOURCE OF ADDITIONAL INFORMATION:

Rich Carr, Code Compliance Manager
239-574-0684 or rcarr@capecoral.gov

Vince Cautero, DCD Director
239-574-0600 or vcautero@capecoral.gov

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Rich Carr Division- Code Compliance Department- Community Development

ATTACHMENTS:

Description	Type
1. Staff Presentation	Backup Material



Unlicensed Contractor Overview



Unlicensed / Licensed Activity

- Advertising
- Facebook / NextDoor
- Jurisdiction / Venue (Nexus to Cape Coral)
- Workman's Comp
- Permits (owner builder / none)
- Outside license scope (contracts)
- Door to Door soliciting work
- "Side Jobs"
- 3,200 investigations/complaints (FY20/21) (licenses, permits, site checks)

State Certificates of Competency for Construction Contractors

- General Contractor
- Building Contractor
- Residential Contractor
- Sheet Metal Contractor
- Roofing Contractor
- Class A, B and C Air-Conditioning Contractors
- Mechanical Contractor
- Commercial Pool/Spa Contractor
- Residential Pool/Spa Contractor
- Swimming Pool/Spa Servicing Contractor
- Plumbing Contractor
- Underground Utility and Excavation Contractor
- Solar Contractor
- Pollutant Storage System Contractor
- Specialty Contractor (defined by the Construction Industry Licensing Board)
- Alarm System Contractors I and II
- Electrical Contractor
- Septic Tank Contractor

Enforcement

- Florida Statute Chapter 489
- Cease and Desist Letter (1st advertising)
- Written Warnings
- County Citations (fines)
- Sweeps (DBPR, Work Comp, Code)
- Undercover Stings (LE needed)
- Coordinated and comprehensive effort
- Arrest Misdemeanor / Felony
- Mediation (recovery of funds)



Future and Continued Efforts

- Coordinate with PD for undercover STINGs
- Increase construction site check frequency to verify proper licensing
- Quarterly coordinated sweeps with State and Work Comp (based on state availability)
- Monthly call/meeting with CCCIA to ensure up to date information (new trends etc.)
- Public education (Homeowners and Professionals)
- Expedited response to complaints received from licensed professionals
- Local licensing changes (HB 735 pre-emption 7/1/2023, CRB)
- Current staffing (2 full time dedicated staff, building funded)

Questions?





AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	B.(4)
Meeting Date:	10/13/2021
Item Type:	DISCUSSION

TITLE:

Mobile Food Dispensing Vehicle Ordinance Presentation

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

The LDC does not address Mobile Food Dispensing Vehicles (commonly referred to as food trucks). Prior attempts to address this issue in both the Land Use and Development Regulations and Land Development Code were unsuccessful. Currently, MFDVs operating in the City do so under a Business Tax Receipt. These businesses are not issued a Certificate of Zoning Compliance.

On July 30, 2020 the Governor signed House Bill 1193. Amongst other changes, HB1193 included provisions that preempt most local regulation of MFDVs. Specifically, the approved Bill included regulations that:

- Define a Mobile Food Dispensing Vehicle as “any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal;”
- Declared that the “Regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is preempted to the state;”
- Declared that municipalities may not require a separate license, registration, permit, or permit fee other than the permit and fee required by the State under Sections 509.241 and 509.251, F.S. (which are permits and fees regulated by the State’s Department of Business and Professional Regulation); and
- Prohibited municipalities from imposing a blanket prohibition on Mobile Food Dispensing Vehicles within the entirety of their jurisdiction.

Draft regulations have been developed, which closely follow the state statute. These regulations allow MFDVs most non-residential zoning districts with special conditions. This ordinance was presented to the Planning and Zoning Commission on August 4, 2021 and received a unanimous recommendation of approval with a suggested amendment to increase the maximum days in Section 5.11.13(D)(3) from one day per calendar week to two days per calendar week. City Planning staff supports this change.

Staff recently received public comments regarding the manner in which mobile food truck parks or courts will be regulated. The comment received is found below.

“Food Parks, not discussed in this state law section, nor in the proposed City Ordinance operate somewhat differently. Mobile Food Dispensing Vehicles (MFDV’s) in Food Truck Parks are in a more permanent or semi-permanent status. Typically the MFDV’s are

located on pads within the Park serviced by connections to water and electric. These are incorporated into the site plan design and have to be in compliance with all health, fire, agricultural and building codes”.

This assessment is correct in that the draft ordinance only addressed MFDVs to implement the statutory changes. City Planning staff concurs that additional clarity is needed in the ordinance for food truck parks/courts and those mobile food operations that do not meet the definition of a MFDV. Amendments to the ordinance to address these issues will require a new public hearing and recommendation from the Planning and Zoning Commission.

Staff will provide a full overview of the proposed ordinance to gather Council feedback for moving forward.

STRATEGIC PLAN ALIGNMENT:

- | | |
|--|-----|
| 1. Is this a Strategic Decision? | Yes |
| If Yes, Priority Goals Supported are listed below. | |
| If No, will it harm the intent or success of the Strategic Plan? | No |

ELEMENT A: INCREASE ECONOMIC DEVELOPMENT AND REDEVELOPMENT IN THE CITY

Recommendations:

The Planning and Zoning Commission recommended approval of an amendment to Section 5.11.13(D)(3) of the Land Development Code (LDC) from maximum duration at the physical location not to exceed one day per each calendar week to maximum duration at the physical location not to exceed two days per each calendar week.

SOURCE OF ADDITIONAL INFORMATION:

Vincent A. Caetero, Community Development Director, 239-574-0600

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

- | | |
|---|----|
| 1. Will this action result in a Budget Amendment? | No |
|---|----|

PREPARED BY:

Elisabeth A. Helsel	Division- Administration	Department- Community Development
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ATTACHMENTS:

Description	Type
1. Staff Presentation	Backup Material



Mobile Food Dispensing Vehicles

Cape Coral City Council Committee of the Whole
October 13, 2021



Ord. 61-21 Mobile Food Dispensing Vehicles

- ☐ Ordinance 61-21 will amend the City Land Development Code to establish minimum standards for Mobile Food Dispensing Vehicles (a.k.a. food trucks and hot dog carts).
- ☐ This ordinance stems from changes to §509.102, F.S. adopted during the 2020 legislative session as part of HB1193.
- ☐ HB1193 includes a preemption of most local regulation of Mobile Food Dispensing Vehicles.
- ☐ Municipalities may not ban food trucks.

Definition

§509.102 defines Mobile Food Dispensing Vehicles as *“any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.”*

Food Trucks in Cape Coral - Background

- ❑ Food trucks and mobile food vendors were not specifically addressed in the former Land Use and Development Regulations – only hot dog carts.
- ❑ As the use was not specifically allowed by code, it was prohibited.
- ❑ This prohibition did not apply to food trucks at special events permitted by the Parks and Recreation Department.
- ❑ In 2013 and 2015 the City drafted zoning regulations for food trucks. Following public hearings, the ordinance was not adopted.
- ❑ At that time, it was acknowledged that over 18 food trucks were operating in the City.

Additional Background

- ❑ Since that time, the Community Development Department has ensured that mobile food vendors obtain a City Business Tax Receipt but did not issue a Certificate of Zoning Compliance. No food trucks have any form of “grandfather rights” with respect to zoning approval for their current locations.
- ❑ Initial drafting of the new LDC included regulations for food trucks. In 2018 it was agreed to remove these regulations and bring the issue back for consideration at a later date.

Ord. 61-21

- ❑ As drafted, the regulations closely follow the statute.
- ❑ Changes to the LDC include:
 1. The Use Table within Land Development Code (LDC) 4.1.6.
 2. Specific Regulations by Districts in LDC 4.2.
 3. Conditional Use in LDC 5.11.
 4. Definitions in LDC 11.2
- ❑ Mobile Food Dispensing Vehicles are proposed as Conditional Uses in all non-residential zoning districts except the Preservation District.

Ord. 61-21 Mobile Food Dispensing Vehicles

Permitted and Prohibited locations:

- ☐ MFDV's will be allowed in the P, C, I, INST, NC, CC, MXB, MX7 and SC zoning districts.
- ☐ MFDV's are prohibited in the R-1, RE, RML, RMM, PV, and A zoning districts.
- ☐ Exceptions: MFDV's may be allowed in the R-1 , RE, RML, RMM, PV, and A zoning districts IF located in public parts and recreational facilities, City parking lots, or government owned and leased facilities AND the MFDV complies with certain additional requirements.

Ord. 61-21 Mobile Food Dispensing Vehicles

General requirements. All MFDVs must meet the following conditions:

1. MFDVs must possess and display a current and valid Business Tax Receipt from the City of Cape Coral.
2. During hours of operation, the operator of a MFDV must possess and display the written and notarized permission from the owner of the property on which it is located.
3. MFDVs shall not block pedestrian or vehicular traffic entering, exiting, or maneuvering on a property.

Ord. 61-21 Mobile Food Dispensing Vehicles

4. MFDVs must be located on and over an approved impervious surface. No portion of an MFDV shall be located on, or project over, a pervious surface. This includes any customer queuing or temporary seating area. Seating areas (including picnic tables and chairs) that are not removed at the close of business each day are prohibited.
5. MFDVs are permitted to occupy required off-street parking spaces on the site as approved by the property owner.
6. MFDVs must be self-contained and are prohibited from connecting to an external source of electricity, gas, water, or waste-water for operation.
7. MFDVs must provide a trash receptacle and keep areas of consumption free of litter.
8. MFDVs must meet all fire safety requirements of the Florida Fire Prevention Code (7th Ed.) 2018, as amended.

Ord. 61-21 Mobile Food Dispensing Vehicles

Additional requirements for MFDVs at public parks and recreational facilities, City parking lots, or government owned or leased facilities.

1. The location and hours of operation must be approved in writing by the property owner.
2. MFDVs, whether serving customers or out of operation, are prohibited from being parked overnight at City parking lots, regardless of the underlying zoning, unless written permission has been provided by the City. For purposes of this section, parked overnight shall mean parked or stored for any period of time between the hours of 11:00 p.m. and 6:00 a.m. the following morning.
3. The maximum duration at the designated physical location shall not exceed one day per each calendar week.

Ord. 61-21 Mobile Food Dispensing Vehicles

Exemptions. The following MFDVs are exempt from compliance with the requirements of this section:

1. MFDV's operating as part of a permitted Special Event approved by the Parks and Recreation Department in accordance with LDC Section 3.3.10.
2. MFDVs operating on private property for private parties or a private event for a duration of less than one day and that is not open to the general public.
3. MFDVs operating during the period of a declared state of emergency in the City.

Impact of the Ordinance Changes

- ❑ All existing food trucks will need to obtain a Certificate of Zoning Compliance. Changes to their setup, location, or operating characteristics may be necessary.
- ❑ Food trucks that cannot meet the new definition may still be permitted – as a commercial food service establishment in compliance with all LDC requirements. This may prove difficult for some MFDVs.

Recommendations

- ☐ City Planning staff recommends approval.
- ☐ The Planning and Zoning Commission recommended approval with an amendment to Section 5.11.13(D)(3) from maximum duration at the physical location not to exceed one day per each calendar week to maximum duration at the physical location not to exceed two days per each calendar week. Staff concurs with this change.
- ☐ Changes to provide regulations for food truck courts/parks will require an additional P&Z public hearing and recommendation.

THANK YOU

Any questions?



ORDINANCE 61 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 4, "ZONING DISTRICTS," TABLE 4.1.6, "USE TABLE," REGARDING MOBILE FOOD DISPENSING VEHICLES AS A CONDITIONAL USE IN THE P, C, I, INST, NC, CC, MXB, MX7, AND SC ZONING DISTRICTS; AMENDING ARTICLE 4, "ZONING DISTRICTS," CHAPTER 2, "SPECIFIC REGULATIONS BY DISTRICT," SECTIONS 4.2.6., 4.2.7., 4.2.8., 4.2.9., 4.2.11., 4.2.12., 4.2.13., 4.2.14., AND 4.2.15., REGARDING MOBILE FOOD DISPENSING VEHICLES AND TO MAKE ZONING DISTRICT TEXT REGULATIONS CONSISTENT WITH THE ZONING USE TABLE; AMENDING ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 11, "CONDITIONAL USES," TO CREATE SECTION 5.11.13., "MOBILE FOOD DISPENSING VEHICLES" REGARDING THE ESTABLISHMENT OF ZONING REGULATIONS FOR MOBILE FOOD DISPENSING VEHICLES; AND BY AMENDING ARTICLE 11, "DEFINITIONS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 11.2., "DEFINITIONS," REGARDING MOBILE FOOD UNITS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Development Code, Article 4, "Zoning Districts," Table 4.1.6, "Use Table," is hereby amended as follows:

Table 4.1.6 Use Table

The following table of permitted uses, when read together with the definitions set forth in Article 11 shall be used to determine the zoning district in which a given use may be established.

Use Table																		
P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted																		
PUD zoning allows all uses consistent with the Future Land Use Classification																		
	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R 1	RML	RMM	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PRI	SEC	LOC
...																		
Food and Beverage	Mobile Food Vendor Dispensing Vehicle						CU	CU	CU	CU		CU	CU	CU	CU	CU	CU	CU
...																		

SECTION 2. The City of Cape Coral Land Development Code, Article 4, Chapter 2, Sections 4.2.6., 4.2.7., 4.2.8., 4.2.9., 4.2.11., 4.2.12., 4.2.13., 4.2.14., and 4.2.15. are hereby amended as follows:

Section 4.2.6. - Commercial (C).

A. Specific regulations for: ~~commercial accessory parking lots and parking garages as a stand-alone use~~; craft brewery, distillery, and wineries; building and construction with outdoor display or storage; ~~mobile food vendors~~; self-storage facilities; and wireless communication facilities are found in Article 5, Chapter 10.

B. Specific conditions for vehicle repair, minor; vehicle fueling stations; and self-storage facilities; mobile food dispensing vehicles are established in Article 5, Chapter 11.

Section 4.2.7. - Professional office (P).

A. Specific regulations for ~~mobile food vendors~~ accessory parking lots and wireless communication facilities are found in Article 5, Chapter 10.

B. Specific conditions for mobile food dispensing vehicles are established in Article 5, Chapter 11.

Section 4.2.8. - Industrial (I).

A. Specific regulations for ~~mobile food vendors~~ building and construction with outdoor display or storage; self-storage facilities; solar arrays; and wireless communication facilities are found in Article 5, Chapter 10.

B. Specific conditions for mobile food dispensing vehicles are established in Article 5, Chapter 11.

Section 4.2.9. - Institutional (INST).

A. Specific regulations for ~~mobile food vendors~~ solar arrays and wireless communication facilities are found in Article 5, Chapter 11.

B. Specific conditions for mobile food dispensing vehicles are established in Article 5, Chapter 11.

BC. Outdoor storage that is accessory to a principal use shall be screened from view from all rights-of-way by an opaque fence or wall.

...

Section 4.2.11. - Commercial corridor (CC).

...

A. Specific regulations for: light vehicle, sales; accessory parking lots; craft brewery, distilleries, and wineries; ~~mobile food vendors;~~ building and construction with outdoor display or storage; self-storage facilities; and wireless ~~antennas~~ communication facilities are found in Article 5, Chapter 10.

B. Specific conditions for multi-family residential;; single-family attached with 3 units or greater;; vehicle repair, minor; outdoor screened storage;; and mobile food dispensing vehicles and ~~self-storage facilities~~ are established in Article 5, Chapter 11.

Section 4.2.12. - Neighborhood commercial (NC).

A. Specific regulations or conditions for multi-family residences; single family attached 3 units or greater; ~~commercial parking lots and parking garages as a standalone use;~~ vehicle fueling stations; craft brewery, distilleries, and wineries; wireless ~~antennas~~ communication facilities; mobile food dispensing vehicles; laboratory – medical, research, testing, and development; and home occupations are found in Article 5, Chapters 10 and 11.

...

Section 4.2.13. - Mixed-use bimini (MXB).

...

F. Specific regulations or conditions for multi-family residences; single family attached 3 units or greater; ~~commercial parking lots and parking garages as a standalone use;~~ bars; brewpubs; craft brewery, distilleries, and wineries; ~~arenas and amphitheaters;~~ mobile food dispensing vehicles; and home occupations are found in Article 5, Chapters ~~42~~ 10 and ~~43~~ 11.

Section 4.2.14. - Mixed-use seven islands district (MX7).

...

J. Specific regulations or conditions for multi-family residences; single family attached 3 units or greater; ~~commercial parking lots and parking garages as a standalone use; movie theaters;~~ craft brewery, distilleries, and wineries; mobile food ~~trucks~~ dispensing vehicles; and home occupations are found in Article 5, Chapters ~~42~~ 10 and ~~43~~ 11.

Section 4.2.15. - South cape district.

The South Cape District special regulations are intended to act as a stimulus to development through provisions that permit a flexible approach to infill development within the City's Community Redevelopment Area.

~~Specific conditions for multi-family residential and vehicle fueling stations are in Article 5, Chapter 12.~~

A. Maximum Density and Height.

...

F. Specific regulations or conditions for: multi-family residences; ~~commercial parking lots and parking garages as a standalone use;~~ boat sales; vehicle fueling stations; craft brewery, distilleries, and wineries; wireless ~~antennas~~ communication facilities; mobile food dispensing vehicles; and home occupations are found in Article 5, Chapters 10 and 11.

G. The minimum dwelling unit size in the South Cape District may be 500 square feet provided all requirements of the Florida Building Code are met.

SECTION 3. The City of Cape Coral Land Development Code, Article 5, "Development Standards," Chapter 11, "Conditional Uses," Section 5.11.13., is hereby created to read as follows:

Section 5.11.13. – Mobile Food Dispensing Vehicles.

A. Purpose and Intent. The purpose of this section is to establish operational regulations for Mobile Food Dispensing Vehicles (MFDVs), as defined by F.S. § 509.102, as amended, including hot dog carts, in the City within select zoning districts and to provide for the safety of customers of these mobile food dispensing vehicles.

B. Permitted and Prohibited locations.

1. Subject to the requirements of this section, MFDVs are allowed in the P, C, I, INST, NC, CC, MXB, MX7, and SC zoning districts. Except as provided in Subsection B.2., MFDVs are prohibited in the R-1, RE, RML, RMM, PV, and A zoning districts.

2. MFDVs are prohibited in the R-1, RE, RML, RMM, PV, and A zoning districts, except if located in public parks and recreational facilities, City parking lots, or government owned or leased facilities, and the MFDV complies with the additional requirements in Subsection D. For purposes of this section, City parking lots shall mean those improved parking lots owned or controlled by the City of Cape Coral, including those dedicated or reserved as public parking areas on the plat of the Cape Coral Subdivision.

C. General requirements. All MFDVs must meet the following conditions:

1. MFDVs must possess and display a current and valid Business Tax Receipt from the City of Cape Coral;

2. During hours of operation, the operator of an MFDV must possess and display the written and notarized permission from the owner of the property on which it is located;

3. MFDVs shall not block pedestrian or vehicular traffic entering, exiting, or maneuvering on a property;

4. MFDVs must be located on and over an approved impervious surface. No portion of an MFDV shall be located on, or project over, a pervious surface. This includes any customer queuing or temporary seating area. Seating areas (including picnic tables and chairs) that are not removed at the close of business each day are prohibited;
5. MFDVs are permitted to occupy required off-street parking spaces on the site as approved by the property owner;
6. MFDVs must be self-contained and are prohibited from connecting to an external source of electricity, gas, water, or waste-water for operation;
7. MFDVs must provide a trash receptacle and keep areas of consumption free of litter; and
8. MFDVs must meet all fire safety requirements of the Florida Fire Prevention Code (7th Ed.) 2018, as amended.

D. Additional requirements for MFDVs at public parks and recreational facilities, City parking lots, or government owned or leased facilities.

1. The location and hours of operation must be approved in writing by the property owner.
2. MFDVs, whether serving customers or out of operation, are prohibited from being parked overnight at City parking lots, regardless of the underlying zoning, unless written permission has been provided by the City. For purposes of this section, parked overnight shall mean parked or stored for any period of time between the hours of 11:00 p.m. and 6:00 a.m. the following morning.
3. The maximum duration at the designated physical location shall not exceed one day per each calendar week.

E. Exemptions. The following MFDVs are exempt from compliance with the requirements of this section:

1. MFDV's operating as part of a permitted Special Event approved by the Parks and Recreation Department in accordance with LDC Section 3.3.10;
2. MFDVs operating on private property for private parties or a private event for a duration of less than one day and that is not open to the general public; and
3. MFDVs operating during the period of a declared state of emergency in the City.

SECTION 4. The City of Cape Coral Land Development Code, Article 11, "Definitions," Chapter 1, "General Provisions," Section 11.2., "Definitions," is hereby amended as follows:

Section 11.2. - Definitions.

...

Food Truck, see "Mobile Food Unit".

...

~~**Hot Dog Cart**, is a non-motorized food unit which serves hot dogs, sausages, or other similar type foods or beverage, or both, limited for immediate consumption and provides no seating.~~

Hot Dog Carts, are a non-motorized type of Mobile Food Dispensing Vehicle.

...

~~**Mobile Food Trailer**, is a food service unit that is delivered to an event or a location and then transported again after a specific length of time. Mobile food trailers are commonly used at events such as carnivals or fairs.~~

~~Mobile Food Unit~~, is any food service unit serving food or beverage, or both, intended for immediate consumption, which is self-propelled or otherwise moveable from place to place and contains utilities, such as propane, water, electricity, and liquid waste disposal. An open bed truck is not considered a mobile food unit. Also commonly known as a "food truck" or "mobile food trailer".

~~Mobile Food Vendor~~, is any person or business selling foods or beverage, or both, other than fresh fruits or vegetables not intended for immediate consumption, from a mobile food unit, including a self-sufficient mobile food unit or hot dog cart.

~~Mobile Food Trailer~~, is a food service unit that is delivered to an event or a location and then transported again after a specific length of time. Mobile food trailers are commonly used at events such as carnivals or fairs.

~~Mobile Food Unit~~, is any food service unit serving food or beverage, or both, intended for immediate consumption, which is self-propelled or otherwise moveable from place to place and contains utilities, such as propane, water, electricity, and liquid waste disposal. An open bed truck is not considered a mobile food unit. Also commonly known as a "food truck" or "mobile food trailer".

~~Mobile Food Vendor~~, is any person or business selling foods or beverage, or both, other than fresh fruits or vegetables not intended for immediate consumption, from a mobile food unit, including a self-sufficient mobile food unit or hot dog cart.

...

SECTION 5. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

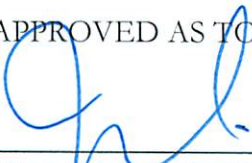
GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
Ord/FoodTrucks.FINAL



AGENDA REQUEST FORM
CITY OF CAPE CORAL

Item Number:	B.(5)
Meeting Date:	10/13/2021
Item Type:	DISCUSSION

TITLE:

North 1 UEP Update

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision? Yes
- If Yes, Priority Goals Supported are listed below.
- If No, will it harm the intent or success of the Strategic Plan? No

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

Recommendations:

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director, 239-574--0464

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Cheryl Mackowski, Sr.
Administrative Specialist

Division- Public Works
Administration

Department- Public
Works

ATTACHMENTS:

Description	Type
1. Staff Presentation - North 1 UEP Update	Backup Material



Utilities Extension Project North 1 UEP Update October 13, 2021



North 1 Utilities Extension Project (UEP)

- **UEP Service Area Plans**
- **Engineering Design**
- **Construction Contracts**
- **Proposed Phasing**
- **Proposed Schedule**

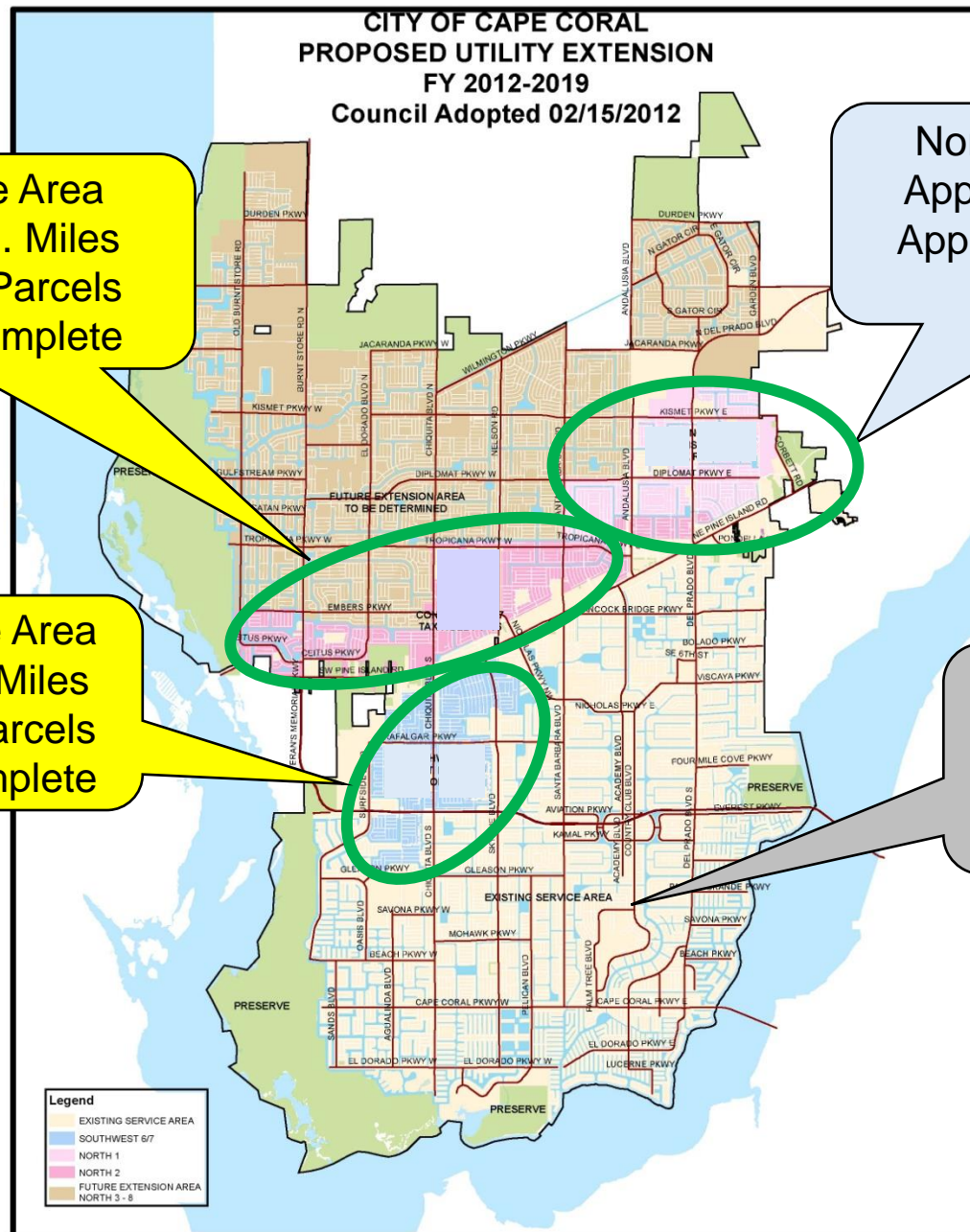
**CITY OF CAPE CORAL
PROPOSED UTILITY EXTENSION
FY 2012-2019
Council Adopted 02/15/2012**

North 2 Service Area
Approx. 5.0 Sq. Miles
Approx. 8,800 Parcels
Construction Complete

North 1 Service Area
Approx. 5.0 Sq. Miles
Approx. 7,750 Parcels

SW 6 & 7 Service Area
Approx. 3.4 Sq. Miles
Approx. 6,400 Parcels
Construction Complete

Existing Service Area
Approx. 70,000
Parcels



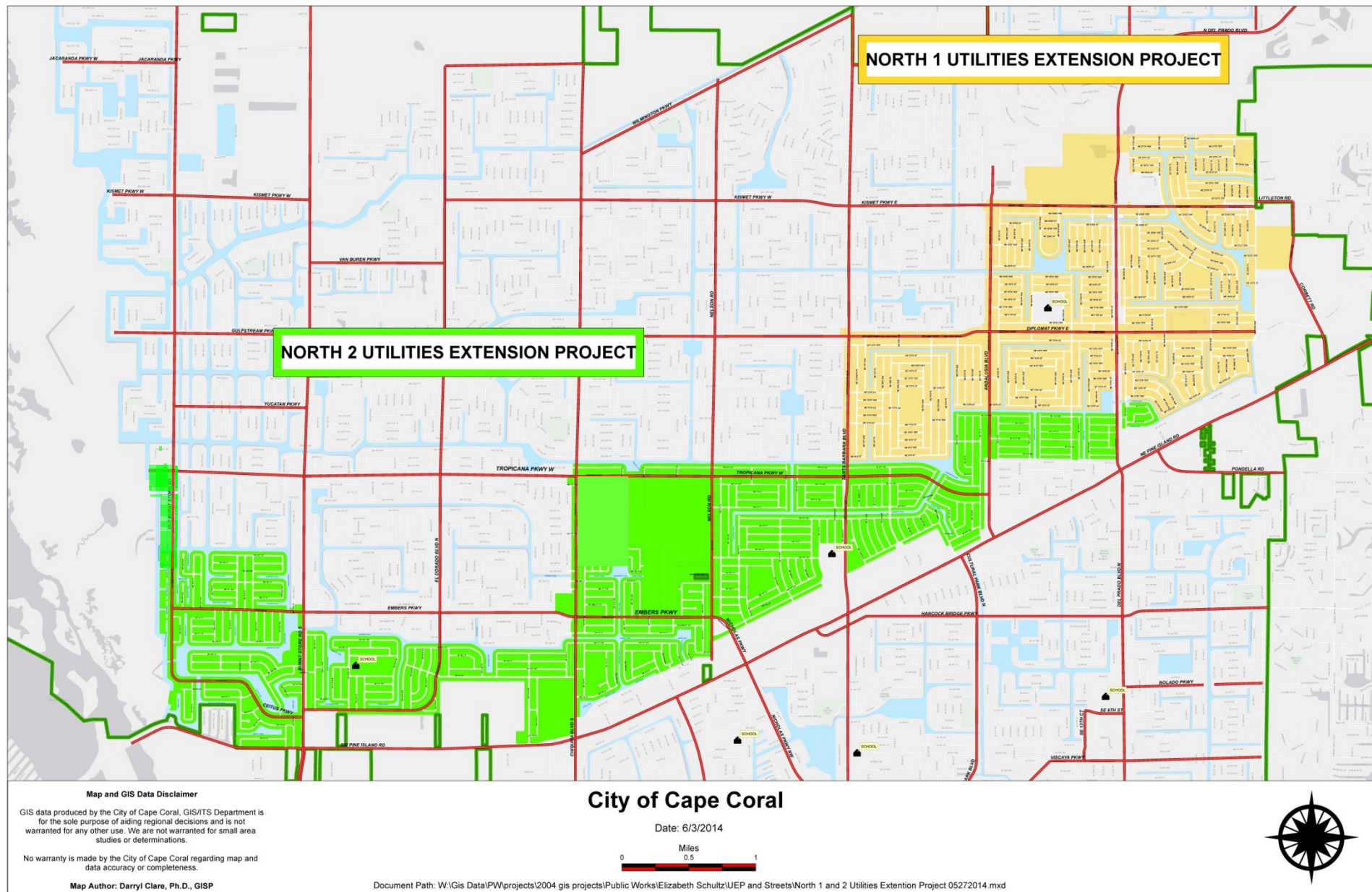
Legend
EXISTING SERVICE AREA
SOUTHWEST 6/7
NORTH 1
NORTH 2
FUTURE EXTENSION AREA
NORTH 3 - 8

Map and GIS Data Disclaimer
GIS data produced by the City of Cape Coral is for the sole purpose of aiding regional decisions and is not warranted for any other use. We are not warranted for small area studies or determinations. No warranty is made by the City of Cape Coral regarding map and data accuracy or completeness.

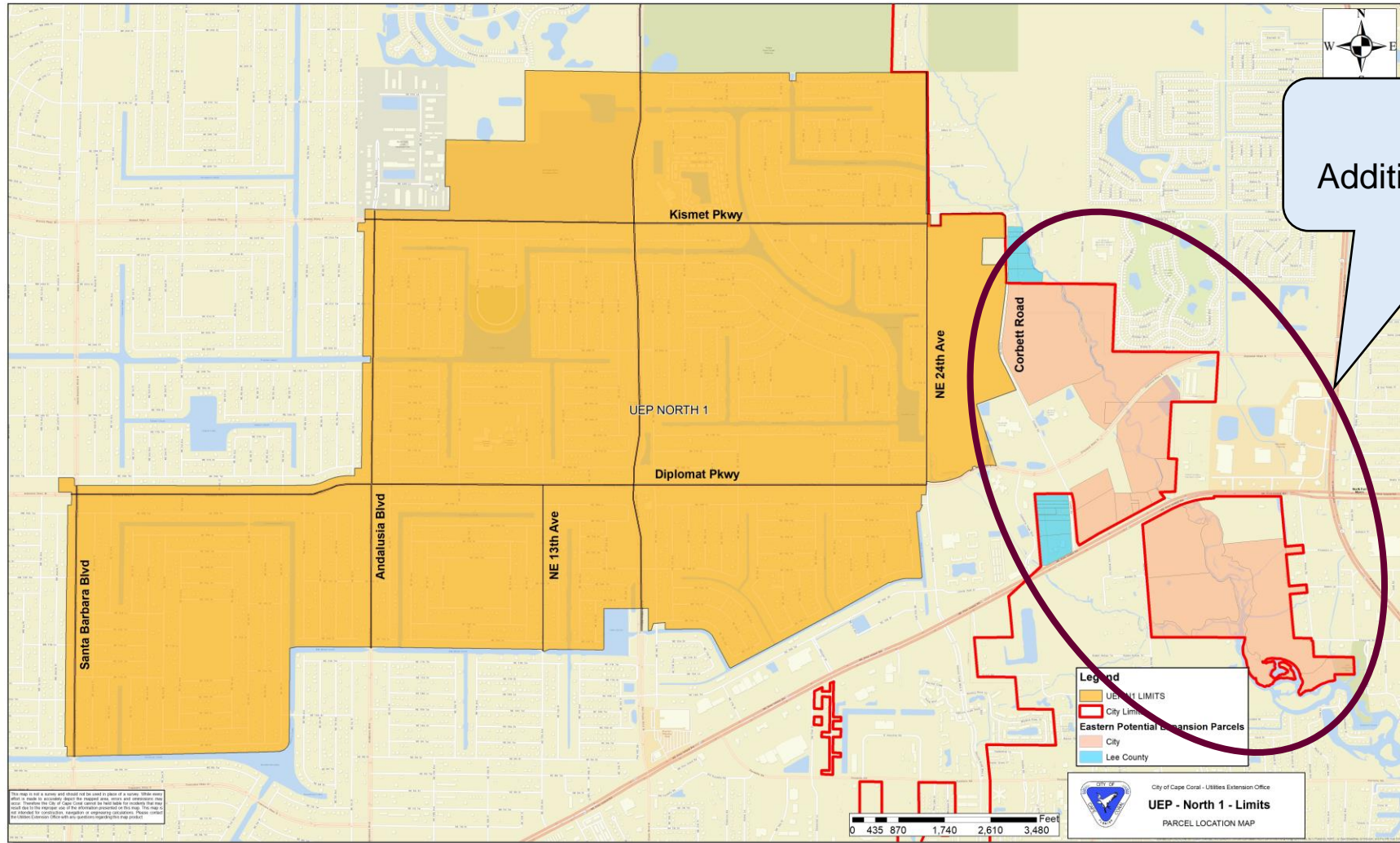
0 0.5 1 2 3 4 Miles



CBS 02/14/2012 (Map based on Water Layer)



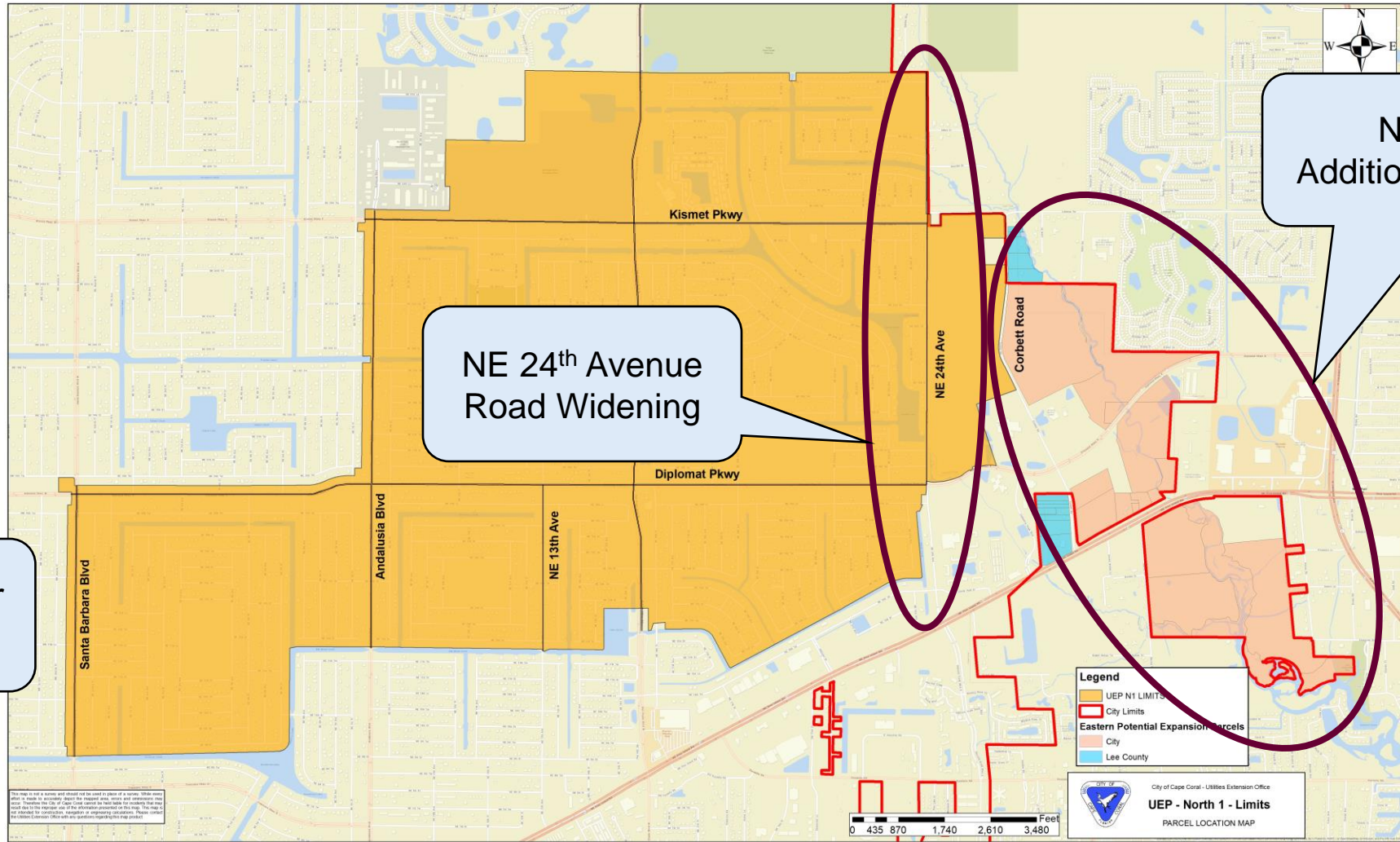
Original North 1 UEP Area



Engineering Design

- **City Council approved Tetra Tech Engineering Design Contract at a Not to Exceed Fee of \$10,495,525**
- **October 2021 – Design 70% complete for original area**
- **October 2021 – Design 30% complete for East area**
- **City discussing additional Engineering Design services with Tetra Tech**

Engineering Design



North 1 UEP
Additional Service Area

NE 24th Avenue
Road Widening

Additional Fiber
Optics Design

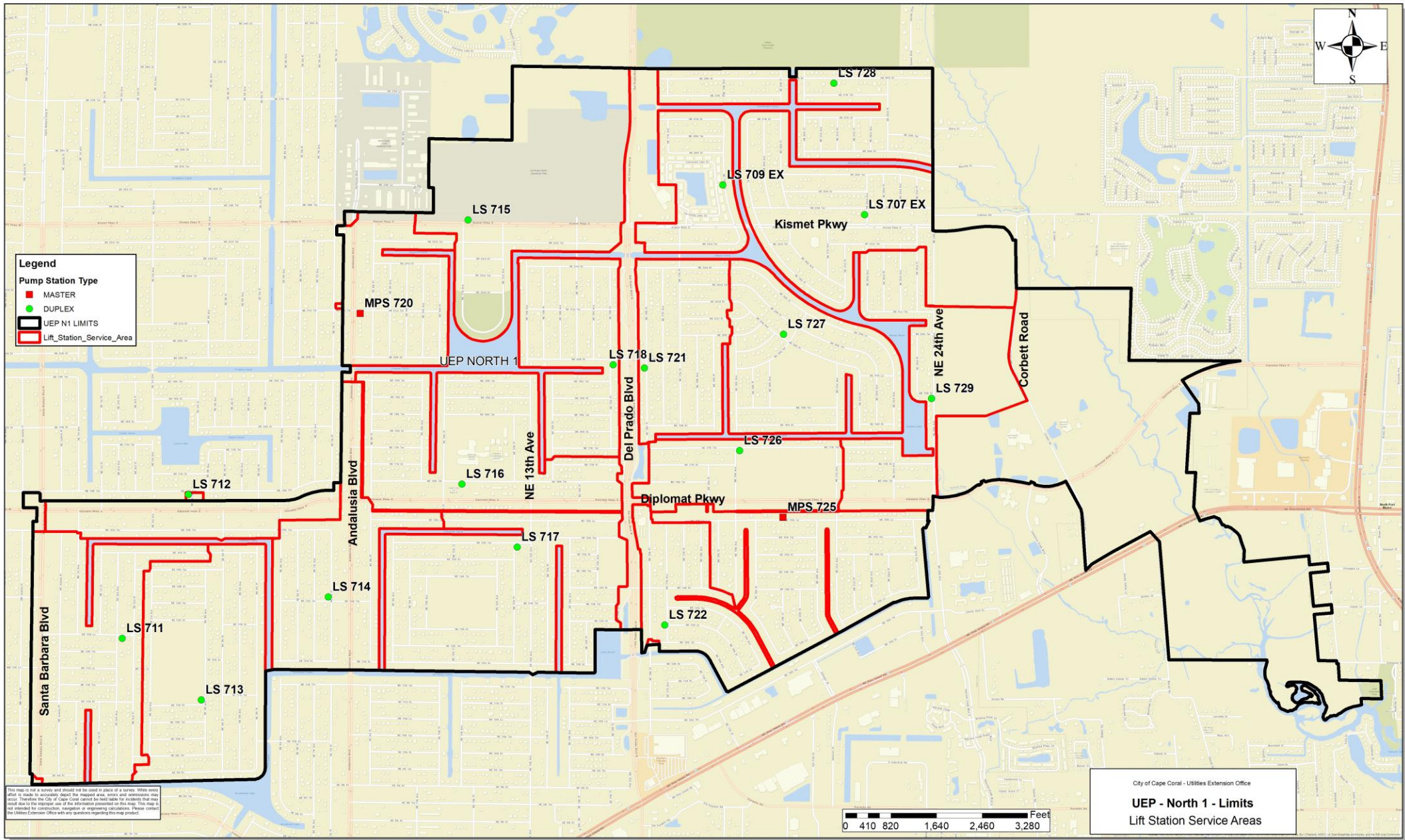
Legend

- UEP N1 LIMITS
- City Limits
- Eastern Potential Expansion Parcels
- City
- Lee County

City of Cape Coral - Utilities Extension Office
UEP - North 1 - Limits
PARCEL LOCATION MAP

Engineering Design - Wastewater

- **Eighteen (18) Gravity Sewer Collection Systems (Excludes East Area)**
- **Two (2) Existing Lift Stations**
- **Fourteen (14) new Lift Stations with 6” to 10” Force Mains**
- **Two (2) Master Pump Stations with 16” to 24” Force Mains**
- **Extending Fiber Optics to Lift Stations, Master Pump Stations and other City Facilities.**

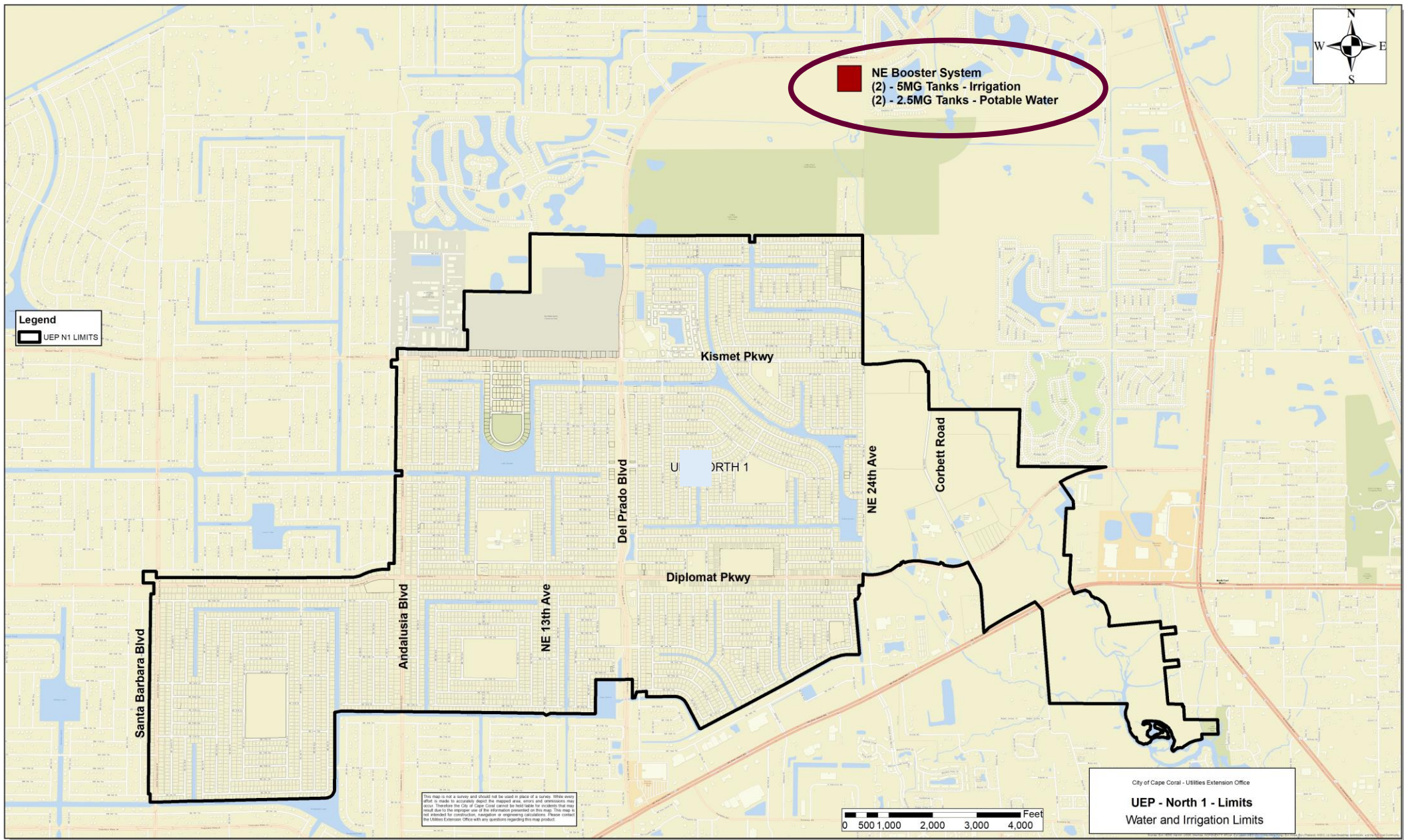


Engineering Design - Water

- **Distribution Mains - 6" and 8"**
- **Transmission Mains - 10" to 24"**
- **Two (2) - 2.5 MG Storage Tanks with
Booster Pump Station**
- **Extending Fiber Optics**

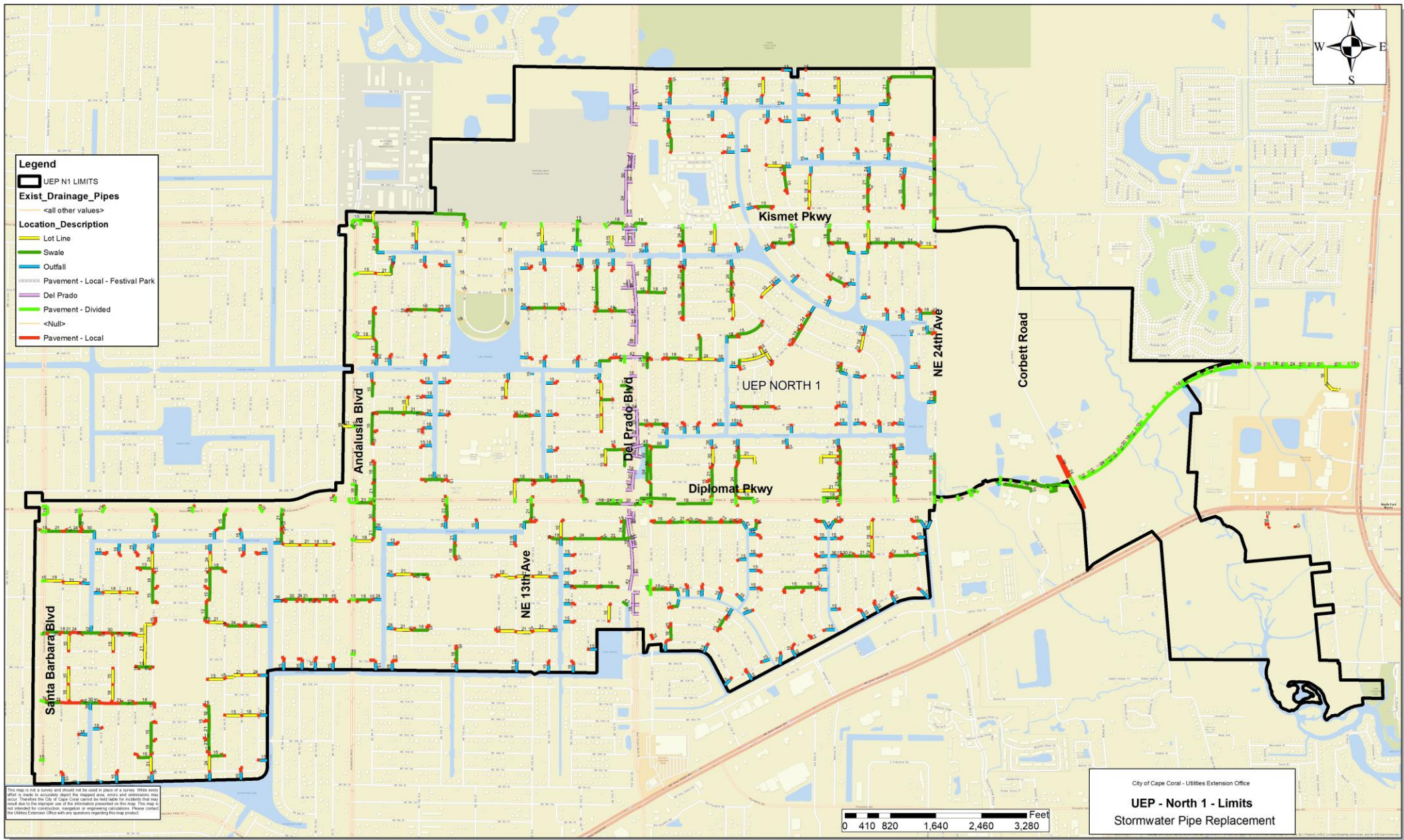
Engineering Design - Irrigation

- **Distribution Mains - 4", 6" and 8"**
- **Transmission Mains - 10" to 36"**
- **Two (2) - 5 MG Storage Tanks with
Booster Pump Station**
- **No Canal Pump Stations**
- **Extending Fiber Optics**



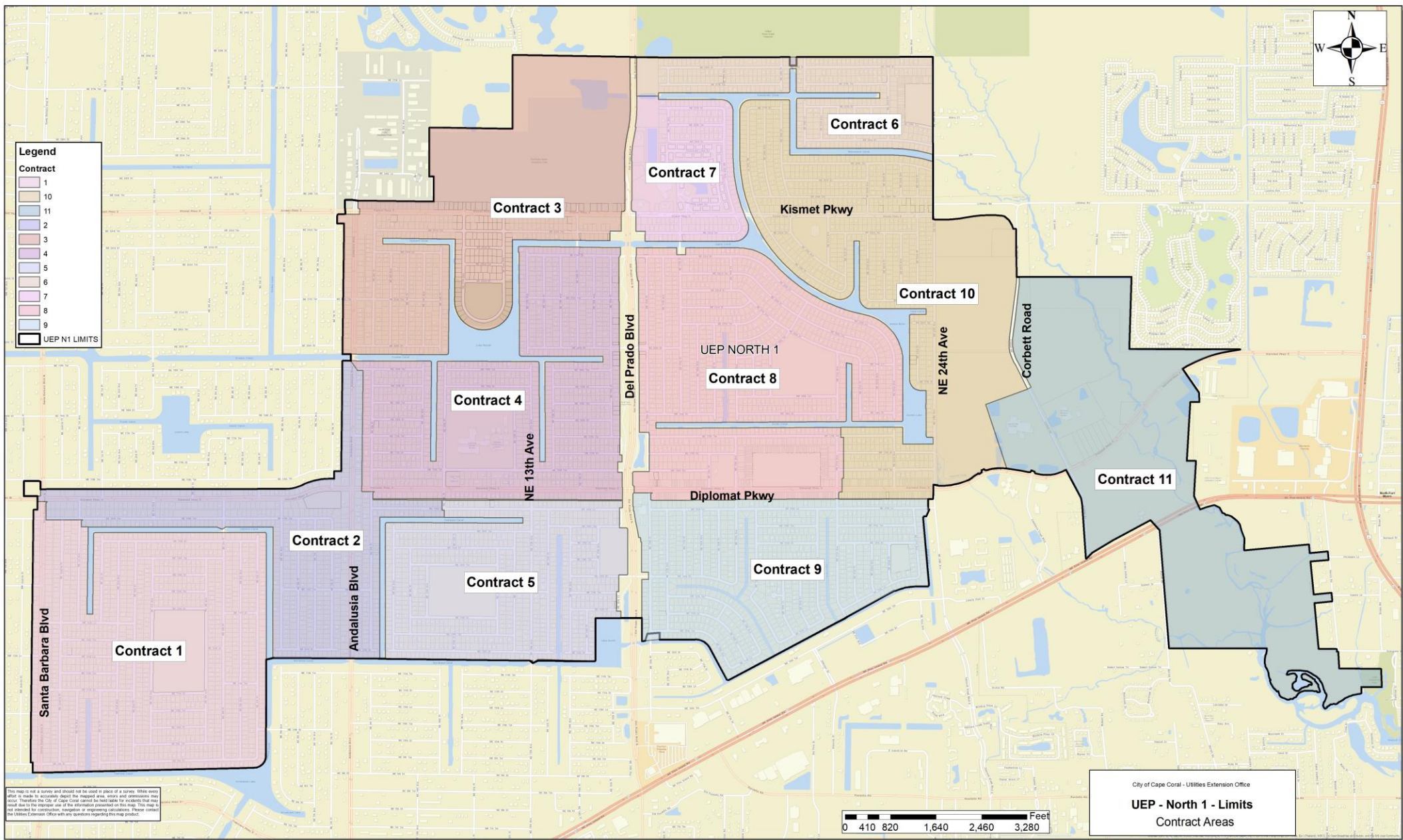
Engineering Design - Stormwater

- **Replace existing storm drain pipes**
- **Replace existing catch basins**
- **Replace cross country runs and outfalls as required**
- **Old Catch Basins may be donated to Lee County for an Artificial Reef Project**

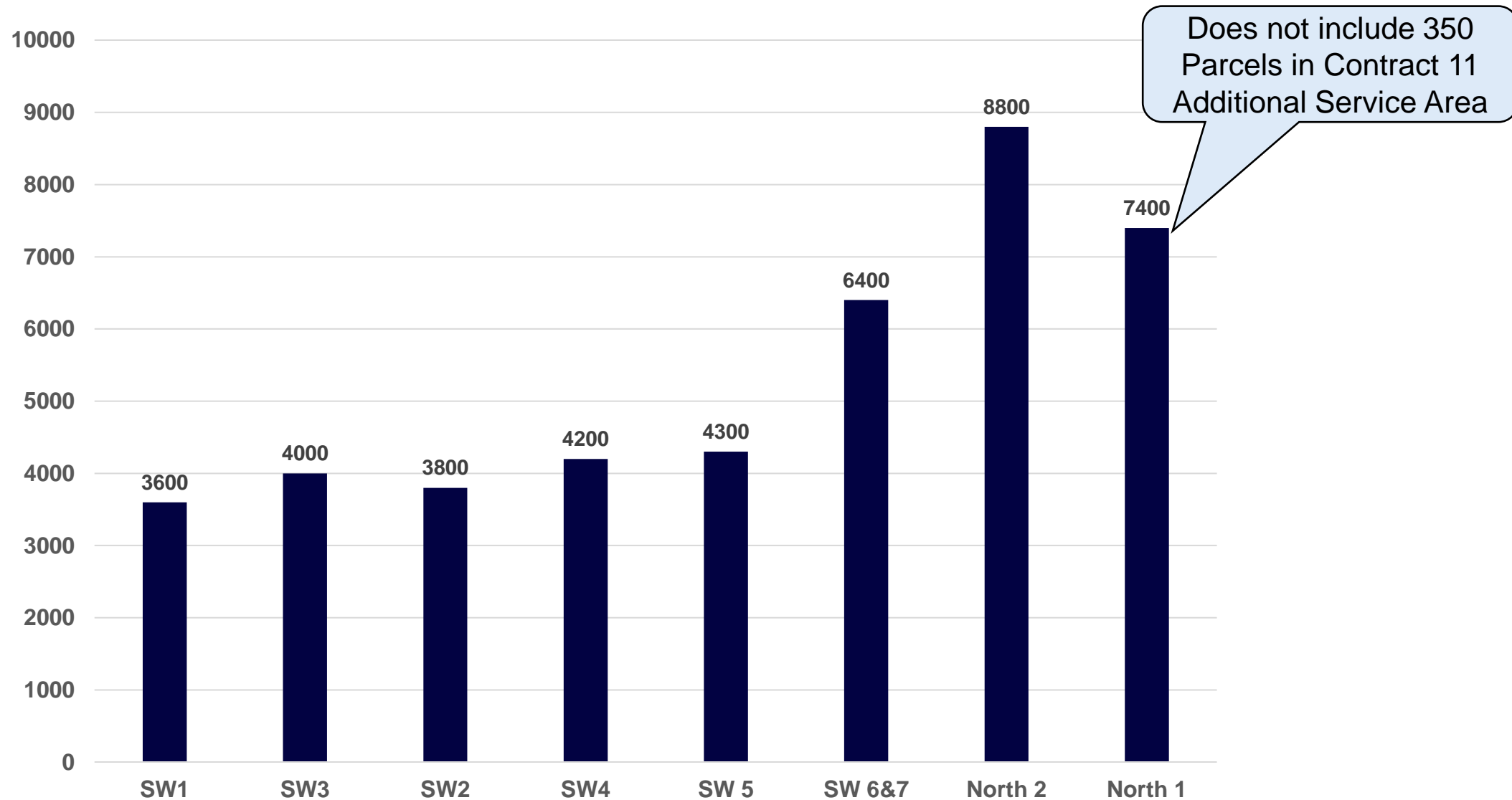


Construction Contracts

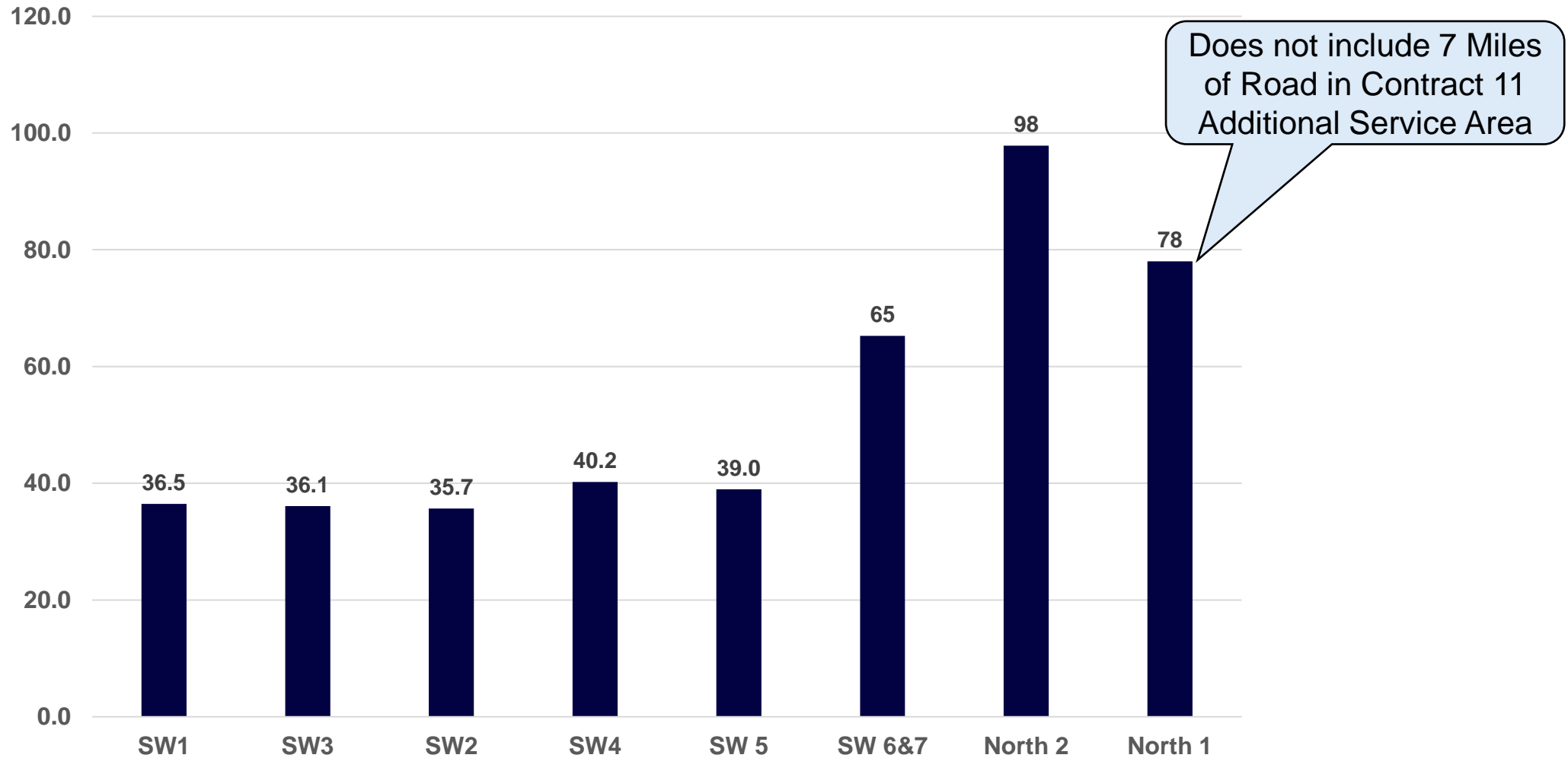
- **Eleven (11) Utilities Contracts (Design-Bid-Build)**
- **One (1) Contract for 2 Master Pump Stations (CMAR)**
- **One (1) Contract for two 2.5 MG Water Tanks /
Booster Pump Station and two 5 MG Irrigation Tanks
and Booster Pump Station (CMAR)**
- **Estimated Project Cost = \$250 to \$280 Million**



Proposed Phasing - Parcels

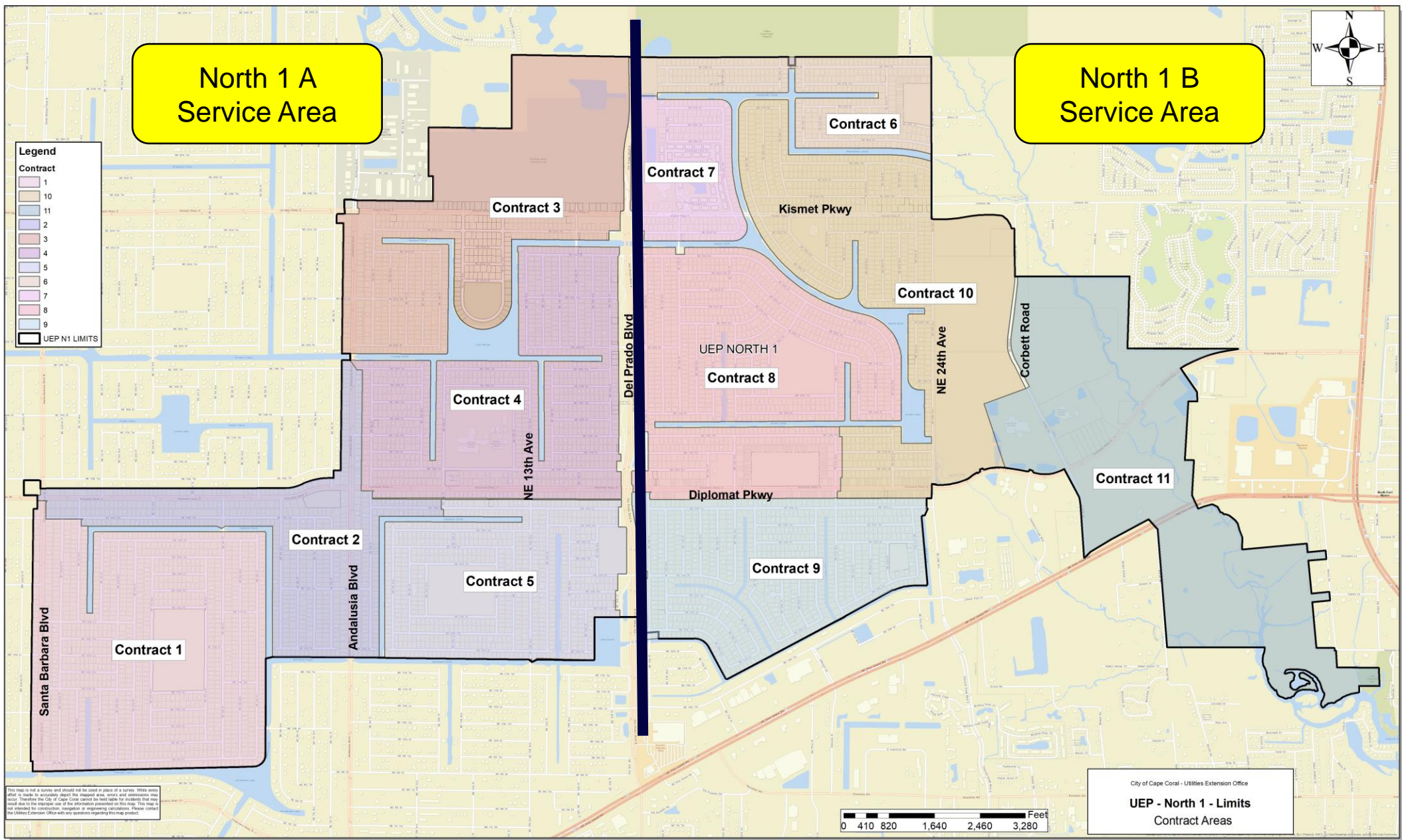


Proposed Phasing - Miles of Road



Proposed Phasing

- **Past Councils voiced their concern that North 2 was too large**
- **Based on the size, North 1 can be divided into two areas with two separate Assessments**
- **Area “A” is West of Del Prado with 5 Utilities Contracts**
- **Area “B” is East of Del Prado with 6 Utilities Contracts**
- **This may result in different Assessment rates for each area**



Proposed Schedule

- **Pre-Qualification of Contractors and Bidding - 2022**
- **Initial and Final Assessment Resolutions - 2022**
- **Start Construction - 2022**
- **Construction Contract Times - 18 months to 24 months**
- **North 1 Construction Completion - End of 2024**

THANK YOU

Any Questions?





AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	B.(6)
Meeting Date:	10/13/2021
Item Type:	DISCUSSION

TITLE:

Waste Pro Update

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

Recommendations:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-