

**Mayor**

Marni L. Sawicki

**Council Members**

District 1: James D. Burch

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Richard Leon

District 5: Vacant

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Blvd.  
Cape Coral, FL

**City Manager**

John Szerlag

**City Attorney**

Dolores Menendez

**City Auditor**

Andrea R. Butola

**City Clerk**

Rebecca van Deutekom

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

September 18, 2017

4:30 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 SAWICKI

**2. INVOCATION/MOMENT OF SILENCE**

A. COUNCILMEMBER LEON

**3. PLEDGE OF ALLEGIANCE**

A. COUNCILMEMBER LEON

**4. ROLL CALL**

A. OATH TO DISTRICT 5 TEMPORARY APPOINTEE

B. MAYOR SAWICKI, COUNCIL MEMBERS BURCH,  
CARIOSCIA, COSDEN, LEON, STOUT, WILLIAMS

**5. CHANGES TO AGENDA/ADOPTION OF AGENDA**

**6. RECOGNITIONS/ACHIEVEMENTS**

A. NONE

**7. APPROVAL OF MINUTES**

A. Regular Meeting - August 7, 2017

B. Regular Meeting - August 21, 2017

C. Special Meeting - August 28, 2017

## **8. BUSINESS**

### **A. PUBLIC COMMENT - CONSENT AGENDA**

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

### **B. CONSENT AGENDA**

- (1) Resolution 140-17 City of Cape Coral's State Legislative Initiatives; Department: City Manager; Dollar Value: N/A; (Fund N/A)
- (2) Resolution 150-17 Approval of Affordable Housing Agreement between Downtown Village Square, LLC and the City of Cape Coral; Department: Community Development; Dollar Value: N/A; (Fund: N/A)
- (3) Resolution 151-17 Faith Presbyterian Affordable Housing Inc; Department: Community Development; Dollar Value: N/A; (Fund: N/A)
- (4) Resolution 153-17 A resolution requesting authorization to extend payment up to \$5,000 in reimbursable relocation expenses as allowed in Section 2-37.3 of the City of Cape Coral Code of Ordinances to selected candidates for the following positions: Talent Acquisition Manager position within the Human Resources Department, Parks & Recreation Director, and the Building Official within the Community Development. Funding for the Human Resources Department; Dollar Value: maximum of \$5,000; (General Fund). Funding for the Parks & Recreation Department; Dollar Value: maximum of \$5,000; (General Fund). Funding for the Community Development Department; Dollar Value: maximum of \$5,000; (Enterprise Funds)
- (5) Resolution 162-17 Acceptance of Grant from the Florida Department of Economic Opportunity; Department: Community Development; Dollar Value: \$30,000; (Fund: N/A)
- (6) Resolution 163-17 Approve Final Plat for Sandoval Phase 3B, Part 4B; Department: DCD; Dollar Value: N/A; (Fund: N/A)
- (7) Resolution 164-17; Acceptance of Grant for a Hearing-Impaired Smoke Alarm Program; Department: Fire; Grant Amount: \$188,572, City to Match \$9,428 (General Fund in Fiscal Year 2018), Program Total \$198,000
- (8) Resolution 165-17 Approve CON-FIN14-30/KR Contract renewal to Southwest Direct, Inc. of Fort Myers, Florida for the processing, printing and mailings services of various utilities bills and notices (non ad-valorem, fire assessment, lot mowing, etc), and authorize the City Manager or Designee to execute this contract renewal(s) and/or future renewals and amendment Estimated annual Dollar value \$605,200 (various funds) {Est. Annual Dollar Value \$148,000 for processing and printing and



\$457,200 for mailing postage}

- (9) Resolution 168-17 Acceptance of Victims of Crime Act (VOCA) Grant Funding; Department Police; Dollar Value \$116,674; Cash match of \$29,168.71
- (10) ADDENDUM: Resolution 170-17 A resolution amending Resolution 132-17, which established proposed millage rates and public hearing dates for the 2017 Tax Year, by establishing new dates for the public hearing on the tentative budget and proposed millage rate and for the public hearing to finally adopt the budget and millage rate.
- (11) ADDENDUM: Resolution 171-17 A resolution amending Resolution 72-17, which established Early Voting dates and polling places for the City's 2017 Primary and General Elections and amending Resolution 123-17, which called for a Primary Election on September 12, 2017, by establishing new dates for Early Voting and the Primary Election.

**C. CITIZENS INPUT TIME**

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual.

**D. PERSONNEL ACTIONS**

- (1) Resolution 169-17 Request to extend the date for required leave use to October 31, 2017
- (2) Resolution 100-17 Approval of the Memorandum of Understanding between the City of Cape Coral and the International Union of Painters and Allied Trades, AFL-CIO, Local 2301, representing the White Collar Unit, to change the list of designated holidays by removing Columbus Day and adding Christmas Eve Day.

**E. PETITIONS TO COUNCIL**

- (1) NONE

**F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS**

- (1) Budget Review Committee - 5 Vacancies
- (2) Construction Regulation Board - 4 Vacancies

**9. ORDINANCES/RESOLUTIONS**

**A. Public Hearings**

- (1) Ordinance 25-17 Public Hearing (Continued from 7/24/2017 and 8/21/2017)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Code of Ordinances, Chapter 2, Administration, Article III, Personnel Rules and Regulations, Division 11, Attendance and Leave, to change the list of designated holidays by removing Columbus Day and adding Christmas Eve Day. (Applicant: City of Cape Coral)

(2) Ordinance 47-17 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance declaring a 1,150 square foot triangular-shaped parcel of property being a part of McDonough Canal right-of-way adjoining Lot 1, Block 6005, Cape Coral Unit 94, located at 1810 SW 23rd Court, as unusable municipal surplus real property no longer needed by the City; authorizing and directing the Mayor and Clerk to execute a deed conveying the aforementioned surplus real property to Martini Unlimited Inc., a Florida corporation; reserving right-of-way and utility easement for the City. (Applicant: Martini Unlimited, Inc.)

B. Introductions

(1) Resolution 161-17 (VP 17-0003\*) Set Public Hearing Date for October 16, 2017

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE RESOLUTIONS ACCOMPLISHES:

A resolution providing for the vacation of plat for a street right-of-way being a part of Willow Court located adjacent to Lots 33-34, Block 39, Cape Coral Unit 6 Part 2, and providing for the vacation of plat for six-foot wide public utility and drainage easements lying within Lots 33-34, Block 39, Cape Coral Unit 6 Part 2; property located at 5211 Willow Court. (Applicant: Shannon and Mark Davis)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 4-2017.

City Management Recommendation: City Management recommends approval.

(2) Ordinance 41-17 (LU 17-0004) Set Public Hearing Date for November 6, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Commercial Activity Center (CAC) to Single Family Residential (SF) land use for property located at 729 SW 9th Street. (Applicant: AARGAE, LLC)

Planning & Zoning Commission: At the September 6, 2017 meeting, Planning & Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 41-17.

City Management Recommendation: City Management recommends approval.

- (3) Ordinance 42-17 (ZA 17-0005\*) Set Public Hearing Date for November 6, 2017

\*Quasi-Judicial, All Persons Testifying Must be Sworn In  
WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Official Zoning District Map by rezoning property located at 729 SW 9th Street from Marketplace-Residential (MR) to Single-Family Residential (R1-B) zone. (Applicant: AARGAE LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: Staff recommends approval of the application for rezoning.

- (4) Ordinance 45-17 Set Public Hearing Date for November 6, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Land Use & Development Regulations by amending the requirements for Free-Standing Residential, Free-Standing Non-Residential, and Compound Use developments in the Marketplace-Residential zoning district; by amending the requirements for use of the PDP process for development projects in the Marketplace-Residential zoning district; and by adding special regulations for Detached Properties in the Marketplace-Residential zoning district. (Applicant: City of Cape Coral)

Planning & Zoning Recommendation: At the September 6, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 41-17.

City Management Recommendation: City Management recommends adoption.

- (5) Ordinance 48-17 (PDP16-0013\*) Set Public Hearing Date for October 2, 2017

\*Quasi-Judicial, All Persons Testifying Must be Sworn In  
WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving a Planned Development Project entitled "Cape Coral 6A + 6B Subdivision" for property located at 1011 SW Pine Island Road and 913 SW Pine Island Road, granting subdivision approval; granting a special exception to allow an Automotive Service Station, Limited with Convenience Store use; granting a special exception to allow an Automotive Repair and Service-Group 1 use. (Applicant: Cape Coral 6A & 6B, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation Order 7-2017.

City Management Recommendation: City Management recommends approval.

- (6) Ordinance 49-17 (AX 17-0001) Set Public Hearing Date for October 16, 2017

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance providing for the voluntary annexation of a 9.72-acre parcel of land located at 2915 SW Pine Island Road; providing for redefinition of City boundaries. (Applicant: Day One, LLC)

City Management Recommendation: City Management recommends approval.

**10. UNFINISHED BUSINESS**

- A. Water Quality - Update

**11. NEW BUSINESS**

- A. Fiscal Year 2017 Utilities Rate Sufficiency Analysis Update  
B. Discussion - Follow-up items requested by Council

**12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS**

**13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER**

**14. TIME AND PLACE OF FUTURE MEETINGS**

- A. A Special Meeting of the Cape Coral City Council is Scheduled for Monday, September 25, 2017 at 5:05 p.m. in Council Chambers

**15. MOTION TO ADJOURN**

**GENERAL RULES AND PROCEDURES REGARDING  
THE CAPE CORAL CITY COUNCIL AGENDA**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. 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 or the Consent Agenda may do so during the designated times 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.

<b>Item Number:</b>	<b>7.A.</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>APPROVAL OF MINUTES</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Regular Meeting - August 7, 2017

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

**Description**

**Type**

□ August 7, 2017 regular meeting minutes

Backup Material

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

**August 7, 2017**

**Council Chambers**

**4:30 p.m.**

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

Moment of Silence – Councilmember Cosden

Pledge of Allegiance – Councilmember Cosden

Roll Call: Mayor Sawicki, Council Members Burch, Carioscia, Cosden, Erbrick, Leon, Stout, and Williams were present.

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Sawicki requested a change to the agenda to move up the Lee County Elections Supervisor Introduction before 6A, Recognitions and Achievements (11A).

***Councilmember Leon moved, seconded by Councilmember Burch, to approve the agenda, as amended to move New Business Item 11A to directly before 6(A) Recognitions and Achievements.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

**NEW BUSINESS**

Lee County Elections Presentation - Supervisor of Elections Tommy Doyle

Supervisor of Elections Doyle discussed the upcoming election and introduced Lee Carr, Chief Deputy of Operations, from his staff.

Discussion held regarding upcoming election concerns.

**RECOGNITIONS/ACHIEVEMENTS**

Sponsor Recognition for Red, White, & Boom - Presented by Todd King

Special Events Coordinator King recognized Waste Pro, Storm Smart, Culvers, Achieva, and the Westin for sponsorship for Red, White & Boom.

**APPROVAL OF MINUTES**

**Regular Meeting – July 24, 2017**

***Councilmember Williams moved, seconded by Councilmember Cosden to approve the minutes for the July 24, 2017 regular meeting as presented. Voice Poll: All "ayes." Motion carried.***

**BUSINESS**

**PUBLIC COMMENT - CONSENT AGENDA**

Jerry Owens discussed Consent Item B3 concerning a repair based on bad construction. He requested an addition to the contracts for mechanical defects.



Gary Eldred expressed concern regarding Consent Items 3 and 4 for single source vetting.

#### CONSENT AGENDA

Councilmember Williams pulled items 8(B)(5) and 8(B)(8).

Councilmember Leon pulled item 8(B)(3).

Councilmember Burch pulled items 8(B)(3) and 8(B)(4).

- 1) Resolution 114-17 Approval of a Local Agency Program Agreement between the Florida Department of Transportation and the City of Cape Coral for the construction of a sidewalk on the south side of SE 8th Street from Santa Barbara Boulevard to Cultural Park Boulevard; Department: Public Works; Dollar Value: N/A (Fund: N/A - FDOT Grant: \$245,568)
- 2) Resolution 115-17 Approval of a Local Agency Program Agreement between the Florida Department of Transportation and the City of Cape Coral for the construction of a sidewalk on the east side of SW 20th Avenue from SW 30th Terrace to Veterans Memorial Parkway; Department: Public Works; Dollar Value: N/A; (Fund: N/A - FDOT Grant: \$122,712)
- 3) Resolution 125-17 Approve Amendment to Contract #CON-UT17-01/KR with Cogburn Brothers, Inc of Jacksonville, Florida, via a waiver of the procurement process, for an amount up to \$237,534 plus a 10% city controlled contingency of \$23,753 for a total project cost of \$261,287, for necessary repairs to power supply cables between the Generator Building and the High Service Pump Building located at the North RO WTP facility. The standard competitive solicitation process would take several months to complete and the optimal time for the repairs is to perform the services as soon as possible to avoid any potential safety concerns and/or delays. Cogburn Brothers, Inc is already mobilized on a related busway project under Resolution 59-17; And authorize the City Manager or Designee to execute the contract amendment; Department: Utilities; Dollar Value: up to \$261,287; (Water & Sewer Fund)
- 4) Resolution 134-17 Approve the contract with W. Dexter Bender & Associates, Inc., for the professional services for Academic Village (Concourse) Wetland Mitigation, Maintenance and Monitoring Plan for the City of Cape Coral as a Single Source vendor for an amount of \$68,005, plus a 10% City Controlled Contingency for additional professional services of \$6,801 for a total project cost of \$74,806 and authorize the City Manager or Designee to execute the contract and any amendments. The term of the contract will be through December 31, 2022 as the project requires five years of wetland monitoring; Department: Public Works; Dollar Value: \$74,806; (Government Services)
- 5) Resolution 144-17 Approval to renew the Memorandum of Understanding (MOU) between the U.S. Coast Guard Station Fort Myers Beach (USCG) and the City of Cape Coral (City); and authorizing the Chief of Police to execute all necessary documents o/b/o the City of Cape Coral; Department: Police Department; Dollar Value: N/A; (Fund: N/A)
- 6) Resolution 145-17 Approve Use of State Forfeiture Funds in compliance with F.S.S. 932.7055; Department: Police; Dollar Value: \$6,367; (Special Revenue Fund)
- 7) Resolution 146-17 An amendment to Resolution 209-15, Incentive Agreement for the Westin Conference Project. This Amendment will add the redevelopment of the hotel to increase capacity by an additional 30 rooms in support of the new Conference Center. Under this Amendment, \$42,209 out of the \$70,016 in

additional impact fees generated by this project would be added to the existing incentive agreement, taking the incentive to the maximum amount of \$200,000; Department: City Manager/Economic Development; Estimated dollar value \$42,209; (Incentive Reserve Fund)

- 8) Resolution 147-17 Approval of the 2016 State of Florida, Department of Environmental Protection, Florida Coastal Management Program Pursuant to the National Oceanic and Atmospheric Administration Cooperative Award of \$10,000
- 9) ADDENDUM: Approval of a Separation Agreement and Release between the City of Cape Coral and Jennifer Gernand in settlement of an employment lawsuit entitled City of Cape Coral vs. Jennifer Gernand, Department of Administrative Hearings Case No. 17-1225

***Councilmember Burch moved, seconded by Councilmember Leon to approve items 8(B)(1), 8(B)(2), 8(B)(6), 8(B)(7), and 8(B)(9), as presented.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 125-17 Approve Amendment to Contract #CON-UT17-01/KR with Cogburn Brothers, Inc of Jacksonville, Florida, via a waiver of the procurement process, for an amount up to \$237,534 plus a 10% city controlled contingency of \$23,753 for a total project cost of \$261,287, for necessary repairs to power supply cables between the Generator Building and the High Service Pump Building located at the North RO WTP facility. The standard competitive solicitation process would take several months to complete and the optimal time for the repairs is to perform the services as soon as possible to avoid any potential safety concerns and/or delays. Cogburn Brothers, Inc is already mobilized on a related busway project under Resolution 59-17; And authorize the City Manager or Designee to execute the contract amendment; Department: Utilities; Dollar Value: up to \$261,287; (Water & Sewer Fund)

Utilities Director Pearson explained the discovery of the problem and that it was to be taken seriously and fixed properly. The sole source was based on having the contractor out for another service, allows the fix to happen at the same time and shut down of the plant one time. This is a safety issue for our operators based on the crossing of wires and mislabeling between two buildings.

Discussion held in reference to the repairs needed.

City Manager Szerlag explained that he has instructed the Utilities Director to work with legal to see if there is any liability on behalf of the design company.

***Councilmember Burch moved, seconded by Councilmember Leon to approve item 8(B)(3), as presented.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 134-17 Approve the contract with W. Dexter Bender & Associates, Inc., for the professional services for Academic Village (Concourse) Wetland Mitigation, Maintenance and Monitoring Plan for the City of Cape Coral as a Single Source vendor for an amount of \$68,005, plus a 10% City Controlled Contingency for additional professional services of \$6,801 for a total project cost of \$74,806 and authorize the City Manager or Designee to execute the contract and any amendments. The term of the contract will be through December 31, 2022 as the project requires five years of wetland monitoring; Department: Public Works; Dollar Value: \$74,806; (Government Services)

Procurement Manager Roop discussed the differences between single source and sole source. A sole source is more straightforward because we require letters from

manufacturers; a single source needs more analysis to ensure that it is the best for the City.

Councilmember Burch expressed concerns because there was no bid. He wanted to know why W. Dexter Bender has been evaluated as the best vendor for the project.

Assistant City Manager Ilczyszyn discussed the history since 2004 with W. Dexter Bender working on this parcel and their qualifications. A new firm would have to charge for review to make sure they have the scope and understanding of the job.

***Councilmember Burch moved, seconded by Councilmember Leon to approve item 8(B)(4), as presented.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 144-17 Approval to renew the Memorandum of Understanding (MOU) between the U.S. Coast Guard Station Fort Myers Beach (USCG) and the City of Cape Coral (City); and authorizing the Chief of Police to execute all necessary documents o/b/o the City of Cape Coral; Department: Police Department; Dollar Value: N/A; (Fund: N/A)

Chief of Police Newlan explained the importance of this MOU.

***Councilmember Williams moved, seconded by Councilmember Burch to approve item 8(B)(5), as presented.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 147-17 Approval of the 2016 State of Florida, Department of Environmental Protection, Florida Coastal Management Program Pursuant to the National Oceanic and Atmospheric Administration Cooperative Award of \$10,000

Parks and Recreation Director Pohlman explained the purpose of the grant was for exotic species eradication.

***Councilmember Williams moved, seconded by Councilmember Burch to approve item 8(B)(8), as presented.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

#### CITIZENS INPUT TIME

Carl Veaux thanked the Cape Coral Youth Council vote to keep the golf course as park land. He would like a land swap on behalf of Save Our Recreation based on the endangered species; he discussed a potential lawsuit. He reviewed Breeze polls that were in favor of the property remaining a park. The Council could purchase with a Lee County 20/20 partnership with the City.

Frank Perry discussed the stakeholders group for Ordinance 19-17 and weekly rentals versus monthly rentals. He did not want a change in the current Ordinance the way it is to allow weekly rentals. He was in favor of monthly rentals. He commended City staff for covering every aspect of this topic.

Gary Eldred discussed the amount of revenue being generated by the bridges. He would like Council to discuss where that money goes.

Mayor Sawicki discussed that the bridge toll topic be brought to the next CTAC meeting.

Councilmember Williams reviewed the split of the excess revenue 60/40 with the County. This is used on money that affects both the City and the County. Whatever is not spent is put in an account for future projects. It is being banked, but not spent. A future project is the Cape Coral Bridge which will need another span in the future.

Councilmember Burch reviewed that the agreement expires in the next year or so. He would like to have the money benefit the City. He suggested a workshop in the future.

#### PERSONNEL ACTIONS

None.

#### PETITIONS TO COUNCIL

None.

#### APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS

##### Municipal Police Employees' Pension Trust Fund Board of Trustees - 1 Vacancy

City Clerk van Deutekom stated there was an unexpected vacancy on this Board. The term expires 10/31/2017. Two applications were received from Brian Fenske and Robert Keppler. Mr. Keppler was not present tonight due to a previous engagement. The vacancy was advertised in the Breeze on 5/26/17 and 6/14/17, on the City's website, and on the City's website Facebook page.

Brian Fenske – present  
Robert Keppler – not present

***Councilmember Carioscia moved, seconded by Councilmember Leon to appoint Brian Fenske to the Municipal Police Employees' Pension Trust Fund Board of Trustees.***

Mayor Sawicki stated that she would not be in favor of the appointment.

Councilmember Stout nominated Robert Keppler.

Mayor Sawicki explained that there was already a motion on the floor.

***Council polled as follows: Leon, Burch, and Carioscia voted "aye." Cosden, Erbrick, Sawicki, Stout, and Williams voted "nay." Three "ayes." Five "nays." Motion failed 3-5.***

***Councilmember Stout moved, seconded by Councilmember Cosden to appoint Robert Keppler to the Municipal Police Employees' Pension Trust Fund Board of Trustees.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

#### ORDINANCES/RESOLUTIONS

##### PUBLIC HEARINGS

Ordinance 3-17 Final Public Hearing for Adoption

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Element of the City of Cape Coral Comprehensive Plan to provide for greater development flexibility within the Commercial Activity Center (CAC) Future Land Use Classification.

P&Z recommendation: At the January 4, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (5-1 with 1 abstention) to recommend approval of Ordinance 3-17. There was one speaker during public hearing.  
City Management Recommendation: Recommends approval of the requested amendment.

City Clerk van Deutekom read the title of the Ordinance.

Planning Team Coordinator Daltry presented the following power point slides:

- Ordinance 3-17
- State Review
- Purpose
- Background
- Examples
- Proposed Change: Detached Properties
- Proposed Change: Removal of PDP
- Proposed Change: Development Parameters
- Table of CAC Development Parameters
- Conclusion

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Burch moved, seconded by Councilmember Stout to adopt Ordinance 3-17, as presented.***

Discussion held regarding the PDP requirement.

Planning Team Coordinator Daltry explained that applicants may have to do the PDP process based on factors whether or not you are developing a commercial site adjacent to residential land use and zoning.

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 28-17 (ZA 17-0001\*) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property located at 401 SW 7th Place from Residential Development (RD) to Pedestrian Commercial (C-1) zone.

Hearing Examiner Recommendation: Hearing Examiner recommended approval of the application for rezoning.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance and administered the oath.

Principal Planner Boyko presented the following power point titled ZA 17-001 with the following slides:

- ZA 17-0001
- Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Findings of Fact
- Comp Plan Analysis
- Comp Plan Analysis (continued)

- LUDR Analysis
- Recommendation

Mr. Boyko explained that two emails of opposition were received.

Public Hearing opened.

Bill Counts, Builders Realty, stated he was representing one of the properties located at 409 SW 7<sup>th</sup> Place. The owners are adamantly opposed based on the fact that the present zoning is residential. These properties are abutted by residential properties, and the continued traffic will bring even more problems. The zoning change for future land use was done in 2000 to CC or C-1. According to his map which was printed by the City in 2005, it was not on the Future Land Use Map as of that time. He has reviewed this change with neighbors who are opposed. As a residential development, you prohibit people from pulling a residential permit in this area. By marking these as C-1, this will set a precedent for the whole area.

Public Hearing closed.

***Councilmember Carioscia moved, seconded by Councilmember Cosden to adopt Ordinance 28-17, as presented.***

Councilmember Williams reviewed the current businesses in the neighborhood that include Foster's Burgers and the dance studio.

Councilmember Burch inquired clarification of the attached HEX Order item #6. What benefit of the community is derived?

Mr. Boyko responded that the benefit is the increased property value.

Discussion held as looking at this as a benefit to the City as a whole.

Councilmember Burch expressed concern about the Hearing Examiner decisions and the impact to the residents that live in the community.

Councilmember Leon reviewed that the Hearing Examiner looks at what is in our books and laws. Members of Council can expand upon that. He inquired about traffic concerns.

Mr. Boyko responded that you would see a small commercial development, 1,000 or 2,000 square foot building, that would not generate a high volume of traffic. There is existing commercial traffic already.

Councilmember Leon requested in the future to add more of an expanded reach, with satellite maps.

Discussion held regarding the corridor zoning on the current zoning map of the southwest corner at the intersection of SW 7<sup>th</sup> Place and SW 4<sup>th</sup> Street.

Discussion held regarding the amount of commercial structures in the surrounding areas, and whether or not there will be a PDP in the future.

Mr. Boyko explained that there are two options, either a PDP or an extensive landscape buffer requirement or both.

Councilmember Williams verified with staff that proper notice was sent with a mailing.

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 32-17 (LU 17-0001) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Public Facilities (PF) to Commercial/Professional (CP) for property located at 2935 Del Prado Boulevard South and 1627 Cornwallis Parkway.

Planning & Zoning Commission: At their July 5, 2017 meeting, the Planning and Zoning Commission voted (7-0) to recommend approval of Ordinance 32-17.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

Planning Team Coordinator Daltry presented a power point titled Ordinance 32-17 LU 17-0001 with the following slides:

- Ordinance 32-17
- Subject property map
- Site Aerial
- Current Future Land Use Map
- Proposed Future Land Use Map
- Background
- Considerations – Comprehensive Plan
- Considerations – Comprehensive Plan (continued)
- Recommendation

Mr. Daltry read into the record an opposition letter received from the Del Prado Park Townhouses. The residents expressed concerns of the proposed amendments that included no plan for buffering, access problem, potential increase in traffic, and drainage. They recommended installing buffering, improving drainage, and blocking their alley entrance. He explained the difference in process between the Land Use Amendment and our Planned Development Project. The land use process questions the appropriateness for this site. The questions in the opposition letter are not addressed until the LU is approved and when the PDP is presented. He noted at the P&Z meeting there were six speakers at the public hearing, and one letter of correspondence was received in opposition.

Public Hearing opened.

Charles Basinait, Attorney, Henderson, Franklin, Starnes and Holt, P.A. representing the applicant, stated that he was present to answer any questions.

Hank Wolke, Del Prado Park Townhouses, had a few issues with the church being converted into commercial property. He showed several pictures to demonstrate the addition of a commercial property would result in excessive traffic and speed. He expressed concern about road noise. There is also an intrusive issue; he reviewed the acreage issue. If the City proceeds, please block off the exit and entrance at 29<sup>th</sup> Terrace to stop traffic in the alleyway to his complex.

Lane Jones appeared in opposition of the land use change. She discussed the lack of green space, and that the area did not need additional commercial.

Kathy Osten appeared in opposition of another 24-hour business and wondered if consideration could be given for a regular 8-5 business. She expressed concern about noise and traffic.

Public Hearing closed.

***Councilmember Leon moved, seconded by Councilmember Williams to deny the adoption of Ordinance 32-17, as presented.***

Discussion held in reference to the 7-acre parcel and restrictions.

DCD Director Cautero discussed the triggers that could occur with the land use change. If this is approved, Planning can work with the property owners about the alley way.

Discussion held regarding compatible zoning with that land use.

Mr. Basinait reviewed the idea that the issues brought up tonight are zoning issues; the application is for a Land Use change. The questions being asked tonight would be answered at the time of zoning. He requested approval consistent with the recommendations from staff and the P&Z Commission.

Councilmember Burch expressed his opposition of the motion on the floor.

Councilmember Williams discussed the types of buildings on Del Prado. This location could facilitate a professional office with higher paying jobs. He was not in favor of C-1.

City Attorney Menendez questioned the land use as Public Facilities to be changed to Commercial Professional. When Council discusses wanting to see a professional building or research type business, the class that supports P-1 zoning is Commercial Professional Land Use. Public Facilities narrows the scope of what can be placed; it creates a narrower range of uses. She requested that the DCD Director address the issue of all these professional types of uses. Are those uses available to be located on this property if the Public Facilities Land Use is retained?

Director Cautero stated that these types of businesses would not be in that narrow band. If the application is denied, he thinks Council wants staff to look critically at what is appropriate. If you approve it, he hears that Council wants to see more variety for Commercial usages like professional offices, not the variety stores or pharmacies. P-1 and C-1 can be used on the current land use, but the uses are limited to the Public Facilities Land Use. Other properties in the City that are Public Facilities are: Government Offices, Police Stations, Churches, and Schools.

***Council polled as follows: Cosden and Leon voted "aye." Erbrick, Sawicki, Stout, Williams, Burch, and Carioscia voted "nay." Two "ayes." Six "nays." Motion to deny failed 2-6.***

***Councilmember Stout moved, seconded by Councilmember Leon to adopt Ordinance 32-17, as presented.***

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 33-17 (PDP 16-0014\*) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

An ordinance approving a Planned Development Project entitled "A-1 Shelters Self Storage, Chiquita Boulevard Site," granting rezoning from Professional Office (P-1) to Pedestrian Commercial (C-1) zone; granting a special exception for a Neighborhood Storage Facility use; granting deviations from the requirements of the Non-Residential Design Standards to allow specific building walls to be used to meet a buffer yard requirement along the western property line and to allow certain specific building walls to be exempt from the requirements of the Non-Residential Design Standards; property is located at 4414-4530 Chiquita Boulevard South and 4419-4431 SW 16th Place.

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project subject to the terms and conditions set forth in PDP HEX Recommendation 5-2017.

City Management Recommendation: City Management recommends approval,

City Clerk van Deutekom read the title of the Ordinance and administered the oath.



Planning Team Coordinator Struve reviewed the following presentation titled Ordinance 33-17 PDP 16-0014, A-1 Shelters Self Storage, Chiquita Boulevard Site with the following power point slides:

- Ordinance 33-17
- Aerial View Map
- Development Plan; PDP Requests
- Rezoning: P-1 to C-1; Future Land Use Map and Zoning Map
- Analysis (Section 2.7.7 and 8.7.3)
- Special Exception
- Analysis (Section 8.8.5)
- Deviation to Section 5.2.13.C.5
- Deviation to Section 5.6
- Recommendations; Correspondence

Mr. Struve explained that three residents spoke at the HEX public hearing, one in support of the project. Prior to that time, staff received three phone calls, one in support. All other commenters just wanted more information.

Public Hearing opened.

Linda Miller, Senior Planner with Avalon Engineering, appeared as a representative of the current property owners and the Kirby Family Limited Partnership #3. She presented the following slides:

- This PDP requests (Listed items 1-8)
- Zoning Map
- Special Regulations compliance and standards
- 5 Buildings Totaling 77,850 square feet; 32% open space
- The North side along SW 44<sup>th</sup> Street contains 175 linear foot Buffer Yard.
- The West side fronting SW 16<sup>th</sup> Place
- This development will require two deviations to the City's LUDRs.
- Deviation #2, requirements of a wall
- Building Rendition in Color
- Review

The City of Cape Coral Site Plan and South Florida Water Management District (SFWMD) Permit has been submitted and will be obtained for this development. They accepted the staff conditions as specified.

Jim Swaggart, Vice President, Southwest Neighborhood Association, mentioned that the Board unanimously supports this project.

Public Hearing closed.

***Councilmember Stout moved, seconded by Councilmember Leon to adopt Ordinance 33-17.***

Discussion held in reference to the architectural renditions; the additional landscaping; the wall dimensions at Florida Building Requirements; the market for storage units in Cape Coral.

Lynn Kirby reviewed that his family has four sites in Cape Coral and has been in business over 40 years with a family business. He stated the landscape investment is worth \$250,000, and their building will be there to stay. There are multiple owners of the property presently; the end result will be the Kirby family.

Councilmember Burch inquired about ingress and egress.

Fire Chief Cochran stated there is no problem with ingress and egress.

Councilmember Williams expressed his support for the project. He does not like the professional property going away.

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 111-17 (VP 17-0001\*) Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 21-33 and Lots 34-46, Block 4405, Cape Coral Unit 63; providing for the vacation of plat for all public utility and drainage easements lying within Lots 1-66, Block 4405 and Lots 1-7, Block 4404, Cape Coral Unit 63; property located near the intersection of Veterans Parkway and Chiquita Boulevard.

Hearing Examiner Recommendation: The Hearing Examiner recommended approval of the application for the three (3) vacations, subject to the three (3) conditions set forth in VP HEX Recommendation 1-2017.

City Management Recommendation: City Management recommends approval with conditions.

City Clerk van Deutekom read the title of the Resolution and administered the oath.

Planner Heller presented the following power point slides:

- Applicant/Owner: Robert & Fern Brereton
- Requests

Councilmember Williams left the dais at 7:06 p.m.

- Project Location with Aerial maps of subject property
- Analysis-Section 8.11 LUDR
- Analysis (Vacation of Easements) – Received letters of no objection from the utility providers
- Project Recommendations

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Burch moved, seconded by Councilmember Leon to approve Resolution 111-17, as presented.***

Hal Arkin stated the Brereton's have been assembling the property for 30 years. They have complied with what the City wanted by taking 10,000 square foot lots to get the depth. With the vacation of this alley, you will have one complete tract of land exclusive of the utility easement. They already deeded lot 8 in block 4404 to help the completion of SW 677. They have 1270 feet of frontage and 270 feet of depth with the vacation of this alley. They will comply with the Hearing Examiner's request for preparation of a deed.

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Burch, and Carioscia voted "aye." Seven "ayes." Motion carried 7-0.***

Councilmember Williams returned to the dais at 7:11 p.m.

Resolution 112-17 (VP 17-0002\*) Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 1-25, Block 4199 and Blocks 4199-A and 4199-B, Cape Coral Unit 60; providing for the vacation of plat for the 6-foot wide platted easements along the western property line of Blocks 4199-A and 4199-B, Cape Coral Unit 60; property located south of the intersection of Yucatan Parkway and Burnt Store Road.

Hearing Examiner Recommendation: The Hearing Examiner recommends the application for the indicated vacations, subject to the three (3) conditions as set forth in VP HEX Recommendation Order 2-2017.

City Management Recommendation: City Management recommends approval with conditions.

City Clerk van Deutekom read the title of the Resolution and administered the oath.

Planning Team Coordinator Struve presented the following power point slides:

- Resolution 112-17
- Aerial Map and Zoning Map
- Background
- Requests
- Analysis (LUDR, Section 8.11)
- Recommendations

Mr. Struve stated that six phone calls had been received by staff of an informational nature.

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Williams moved, seconded by Councilmember Erbrick to approve Resolution 112-17.***

Councilmember Burch discussed the alleyway as an issue and inquired if it diminishes the property values.

Mr. Struve responded that the City owns both properties; the fire station will have direct access to Burnt Store Road.

Fire Chief Cochran reviewed if there is no vacation of the plat, the fire trucks will need to drive through the neighborhood. By vacating the plat, the driveway is on the edge of the plat which gives them the setback and does not impact the neighborhood.

Discussion held regarding access for adjacent properties.

***Council polled as follows: Cosden, Erbrick, Leon, Sawicki, Stout, Williams, Burch, and Carioscia voted "aye." Eight "ayes." Motion carried 8-0.***

Councilmember Burch left the dais at 7:22 p.m.

#### Introductions

Resolution 141-17 (VP 17-0004\*) Set Public Hearing Date for August 21, 2017

WHAT THE RESOLUTION ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 1-2 and Lot 3, Block 553C, Cape Coral Unit 26; providing for the vacation of plat for a 25-foot wide walkway and the underlying public utility and drainage easements located between Lots 15-18, Block 553C and Lot

22, Block 553B, Cape Coral Unit 26; providing for the vacation of plat for all platted interior lot lines and public utility and drainage easements lying with Lots 1-2 and 3-18, Block 553C, Lots 5-22, Block 553B, and Block 553D, Cape Coral Unit 26; property located at the intersection of Veterans Memorial Parkway and Santa Barbara Boulevard.

Hearing Examiner Recommendation: The Hearing Examiner recommends approval subject to conditions contained in VP HEX recommendation 3-2017.

City Management Recommendation: City Management recommends conditional approval.

City Clerk van Deutekom read the title of the Resolution.

The public hearing was scheduled for August 21, 2017 in Council Chambers.

Senior Planner Eastley stated that she was available if Council had any questions.

Ordinance 26-17 (LU 16-0013) Set Public Hearing Date for August 21, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Parks and Recreation (PK) to Single-Family Residential (SF) for property described as a tract of land situated in the south half (S 1/2) of Section 1, Township 45 South, Range 23 East and the north half (N 1/2) of Section 12, Township 45 South, Range 23 East, being also situated in Tracts B-1 and B-2, which comprise all of Tract B of Cape Coral Unit 9 as recorded in Plat Book 13, Pages 7 through 18; Tracts C-1 and C-2, which comprise a portion of Tract C of said Cape Coral Unit 9; the remaining portion of said Tract C of said Cape Coral Unit 9; Lots 1A and 1B, Block 251 of said Cape Coral Unit 9; a portion of Tract A of Cape Coral Unit 15 as recorded in Plat Book 13, Pages 69 through 75, and Tract A of Cape Coral Unit 14 as recorded in Plat Book 13, Pages 61 through 68, all of the above being recorded in the Public Records of Lee County, Florida, as more particularly described herein; property located at 4003 Palm Tree Boulevard. (Florida Gulf Venture LLC)

P&Z Recommendation: The Planning & Zoning Commission voted on June 7, 2017 to recommend denial of Ordinance 26-17. (5-2)

City Management Recommendation: City Management recommends approval.

Councilmember Burch returned to the dais at 7:24 p.m.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for August 21, 2017 in Council Chambers.

Principal Planner Boyko stated that he was available if Council had any questions.

Ordinance 36-17 Set Public Hearing Date for August 21, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .15, South Cape Downtown District (SC), by extending the effective date for certain minimum parking requirements in the South Cape Downtown District from August 20, 2017, to August 20, 2025.

Planning & Zoning Commission Recommendation: At the 8/2 Planning & Zoning meeting, the commission voted (5-0) to recommend approval.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for September 11, 2017 in Council Chambers.

Planning Team Coordinator Struve stated that he was available if Council had any questions.

Ordinance 38-17 (PDP 17-0002\*) Set Public Hearing Date for August 21, 2017

**WHAT THE ORDINANCE ACCOMPLISHES:**

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

An ordinance amending Ordinance 15-15 that approved a Planned Development Project entitled "Stonewater" by removing two City-owned parcels from the PDP area and amending an off-site improvement requirement; property located at the southwest intersection of Tropicana Parkway West and Nelson Road.

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the aforementioned Planned Development Project Amendment, subject to the terms and conditions set forth in PDP HEX recommendation 6-2017.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for August 21, 2017 in Council Chambers.

Principal Planner Boyko stated that he was available if Council had any questions.

Ordinance 39-17 (LU 17-0006) Set Public Hearing Date for August 21, 2017

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the Future Land Use Map from Commercial Activity Center (CAC) to Public Facilities (PF) land use for property located at 830 Tropicana Parkway and 530 Nelson Road.

Planning & Zoning Commission recommendation: At the 8/2 Planning & Zoning meeting, the commission voted (5-0) to recommend approval.

City Management recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for August 21, 2017 in Council Chambers.

Principal Planner Boyko stated that he was available if Council had any questions.

Ordinance 40-17 (ZA 17-0006\*) Set Public Hearing Date for August 21, 2017

**WHAT THE ORDINANCE ACCOMPLISHES:**

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

An ordinance amending the City of Cape Coral Official District Zoning Map by rezoning property located at 830 Tropicana Parkway and 530 Nelson Road from Marketplace Residential (MR) to Institutional (INST) zone.

Hearing Examiner Recommendation: (Will be forthcoming)

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for August 21, 2017 in Council Chambers.

Senior Planner Eastley stated that she was available if Council had any questions.

**UNFINISHED BUSINESS**

**Water Quality – Update**

Environmental Resources Manager Jarvis stated she sent a memo to Council and was available for any questions.

**NEW BUSINESS (Moved directly before Recognitions and Achievements)**

Lee County Elections Presentation - Supervisor of Elections Tommy Doyle and  
Director of Administration Bernie Feliciano

## REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Cosden – No Report.

Councilmember Erbrick – Topics: In reference to Mid-Cape Industrial Corridor September 5<sup>th</sup> Meeting and need for staff presence, as she has been told it is not going to be allowed based on her candidate status.

Councilmember Williams expressed that he has a similar problem with Town Hall meeting on 8/14 in Council Chambers. This is not a political event; he requested one staff member for support.

Discussion held as to the purpose of the Mid-Cape Industrial Corridor meetings.

Councilmember Carioscia stated that this is a public meeting, anyone can attend, District 5 representatives may attend.

Councilmember Cosden reviewed the need for staff support when you are a candidate; she referenced both functions as City events, not campaign events.

Mayor Sawicki expressed support for Councilmember Erbrick's meeting. She mentioned that the Town Hall meetings should not use City staff because it is overtime and the location at Council Chambers was also not agreeable.

City Manager Szerlag reviewed his position on the approach he has taken for current councilmember/candidates utilizing City staff. He offered to answer questions after or before a meeting.

Discussion held regarding the last two Town Hall meetings excluded staff.

City Manager Szerlag questioned if Council wanted staff time allotted for candidates.

Director Cautero reviewed the outcome of the Mid-Cape Corridor. He stated everyone was given an overview. He attended the first meeting with Chief Newlan and Officer Anderson. They listened to their concerns and answered some questions. He did not attend the second meeting.

Chief of Police Newlan stated at the second meeting we set up a presentation to explain to the business owners the 3-tier basic plan. This identified the problems and how we would address them. We would communicate to them via email blast and Ping4 alert when we would be doing enforcement. Since that time, we have been putting out numbers to them and tracking our actions.

Councilmember Leon reviewed the need for staff members at events. He questioned the upcoming presence at Leadership Day.

Discussion held regarding staff attendance at various meetings, overtime costs, budget expense; and compiling questions.

***Councilmember Williams moved, seconded by Councilmember Leon to allow Staff to be present at this and future Town Hall meetings.***

Councilmember Leon clarified that for the Town Hall meetings, he did use staff member Connie Barron for the online chat. He reviewed that Town Hall meetings are not about campaign topics. We are elected officials and have a right to ask for and be provided staff support if we can show a need.

Mayor Sawicki supported having a Councilmember's staff assistant at a Town Hall meeting.

Councilmember Cosden reviewed that the Councilmember title comes before a candidate. She was in favor of having staff at the Mid Cape Corridor meeting.

Councilmember Carioscia reviewed the need to continue with what precedent has been set. He supported both requests from Councilmember Erbrick and Councilmember Williams for staff at their meetings.

Mayor Sawicki requested this should be discussed under a Council Rules of Procedures topic on an agenda. She expressed the desire to have her verbatim pulled when the topic of Town Hall meetings came up.

City Manager Szerlag stated he would send a staff member to the Mid-Cape Corridor meeting. Until a formal resolution is made, he can attend any Town Hall meeting that Council wishes to hold.

Councilmember Stout expressed that she was not in support of the motion and the need for the changes to appear in the Council rules.

Councilmember Williams withdrew his motion.

Councilmember Cosden offered to work on the rules to determine the changes necessary. She received a second from Councilmember Leon in support of her working on this.

Councilmember Erbrick expressed thanks to Council for supporting her in this topic.

Councilmember Leon – No Report.

Councilmember Stout – Topic: Attended several Budget Review Committee Meetings.

Councilmember Williams – Topic: Attended the swearing in ceremony for seven new police officers.

Councilmember Burch – Topic: Discussed the Opiate Addiction Crisis in Florida.

Mayor Sawicki mentioned the insurance trust is also looking into this topic.

Councilmember Carioscia – No Report

Mayor Sawicki – No Report

#### **REPORTS OF THE CITY ATTORNEY AND CITY MANAGER**

City Attorney – Topic: No Report.

City Manager – Topic: No Report.

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

A Joint City Council and Budget Review Committee Budget Workshop was scheduled for Tuesday, August 8, 2017 at 1:00 p.m. in Council Chambers.

A Joint City Council and Budget Review Committee Budget Workshop was scheduled for Thursday, August 10, 2017 at 1:00 p.m. in Council Chambers.

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, August 21, 2017 at 4:30 p.m. in Council Chambers.

**MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 8:22 p.m.

Submitted by,

Rebecca van Deutekom, MMC  
City Clerk



<b>Item Number:</b>	<b>7.B.</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>APPROVAL OF MINUTES</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Regular Meeting - August 21, 2017

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?

2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

August 21, 2017 Regular Meeting Minutes

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

**Description**

**Type**

□ August 21, 2017 - Regular meeting minutes

Backup Material

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

**August 21, 2017**

**Council Chambers**

**4:30 p.m.**

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

Moment of Silence – Councilmember Erbrick

Pledge of Allegiance – Councilmember Erbrick

Roll Call: Mayor Sawicki, Council Members Burch, Carioscia, Cosden, Erbrick, Leon, Stout, and Williams were present.

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Councilmember Leon mentioned that at Public Hearing of Ordinance 26-17, he will be requesting a continuance to a date certain.

***Councilmember Leon moved, seconded by Councilmember Williams to approve the agenda, as presented.***

***Council polled as follows: Erbrick, Leon, Sawicki, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Eight "ayes." Motion carried 8-0.***

**RECOGNITIONS/ACHIEVEMENTS**

**Joe Mazurkiewicz - Youth Council Acknowledgement**

Joe Mazurkiewicz was recognized for his contributions as advisor to the Youth Council.

**Distinguished Budget Presentation Award**

City Manager Szerlag recognized the achievements of the Budget Division and commended their continued efforts toward excellence.

**APPROVAL OF MINUTES**

Regular Meeting – July 31, 2017

***Councilmember Burch moved, seconded by Councilmember Leon to approve the minutes for the July 31, 2017 regular meeting as presented. Voice Poll: All "ayes." Motion carried.***

Special Meeting – August 2, 2017 – Attorney-Client Session

***Councilmember Burch moved, seconded by Councilmember Leon to approve the minutes for the August 2, 2017 special attorney-client session meeting as presented. Voice Poll: All "ayes." Motion carried.***

Special Meeting – August 2, 2017 (N2 UEP)

***Councilmember Williams moved, seconded by Councilmember Erbrick to approve the minutes for the August 2, 2017 special meeting as presented. Voice Poll: All "ayes." Motion carried.***

**BUSINESS**

**PUBLIC COMMENT - CONSENT AGENDA**

No speakers.

**CONSENT AGENDA**

Councilmember Burch pulled items 8(B)(1) and (2).

- 1) Resolution 113-17 Approve an updated Interlocal Agreement between Lee County and City of Cape Coral, previously renewed annually since 2008, for 38 traffic signals and 13 school zone/warning flashers repair and maintenance for a not to exceed fee of \$173,650 and authorize the City Manager or designee to execute the agreement; Department: Public Works; Dollar Value: \$173,650; (General Fund)
- 2) Resolution 139-17 Approve the Contract extension with the Gehring Group, LLC for Insurance Management Services of the Health, Vision and Dental plans from August 22, 2017 through December 31, 2017 until the new contract period begins on January 1, 2018 and authorize the City Manager or Designee to execute the contract extension. Department: Human Resources; Dollar Value: \$53,750; (Internal Service Fund)
- 3) Resolution 148-17 Approve Interlocal Agreement with Matlacha/Pine Island Fire Control District - resolving Chapter 164 proceeding
- 4) Resolution 152-17 Local Option Gas Tax-Interlocal Agreement Between Lee County Board of County Commissioners and the City of Cape Coral; Department: City Manager; Dollar Value: FY 2016 Actuals: 5-cent: \$3,736,205 6-cent: \$5,062,704; (Gas Tax Fund)

**Councilmember Leon moved, seconded by Councilmember Williams to approve items 8(B)(3) and 8(B)(4), as presented.**

**Council polled as follows: Erbrick, Leon, Sawicki, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Eight "ayes." Motion carried 8-0.**

- 1) Resolution 113-17 Approve an updated Interlocal Agreement between Lee County and City of Cape Coral, previously renewed annually since 2008, for 38 traffic signals and 13 school zone/warning flashers repair and maintenance for a not to exceed fee of \$173,650 and authorize the City Manager or designee to execute the agreement; Department: Public Works; Dollar Value: \$173,650; (General Fund)

Traffic Engineer Corbett explained the annual cost for renewal with incremental increases. The entire contract has been revamped and annual rates are in line with the state contracts. These are the costs necessary to maintain the state of the art system and includes maintenance, upgrades, etc.

Discussion held in reference to the 50% increase in the contract.

**Councilmember Burch moved, seconded by Councilmember Carioscia to approve item 8(B)(1) as presented.**

**Council polled as follows: Erbrick, Leon, Sawicki, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Eight "ayes." Motion carried 8-0.**

- 2) Resolution 139-17 Approve the Contract extension with the Gehring Group, LLC for Insurance Management Services of the Health, Vision and Dental plans from August 22, 2017 through December 31, 2017 until the new contract period begins on January 1, 2018 and authorize the City Manager or Designee to execute the contract extension. Department: Human Resources; Dollar Value: \$53,750; (Internal Service Fund)

Discussion held regarding Gehring Group contract extension request and the current bid process.

Procurement Manager Roop explained the competitive bid process that was underway currently. An assumption cannot be made that they will be awarded the bid. This Resolution extends the contract to the end of this year.

**Councilmember Burch moved, seconded by Councilmember Leon to approve item 8(B)(2) as presented.**

**Council polled as follows: Erbrick, Leon, Sawicki, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Eight "ayes." Motion carried 8-0.**

#### CITIZENS INPUT TIME

Larry Spears appeared to discuss a lot purchase that he made in the Old Burnt Store Road neighborhood. He reviewed being in an Eagle zone. He recited Bald Eagle monitoring guidelines from the United States Fish and Wildlife Service. He discussed the current Bald Eagle Ordinance and the boarders. He reviewed the eagle population in Cape Coral and the standard in our community at 660 feet. It was his belief that the ordinance is antiquated and will cost the taxpayers money.

Carl Veaux reviewed the current Bald Eagle Ordinance and was in full support of it remaining as is. He requested that Council keep the 1,100 feet.

Jeff Bunch appeared to receive an update to placement of the irrigation tanks for the UEP for the property that is in a lawsuit.

Richard Osman discussed the safety need in the parking lot with the sidewalk in City Hall missing bumpers. The bumper is hanging over the sidewalk. Nothing has changed from his complaint over two months ago.

Kevin McGrail appeared to appeal to Council to have someone champion keeping our City clean, especially Santa Barbara Boulevard and SW 8<sup>th</sup> Street. Council should work with holding landlords accountable for moving out trash.

Jim Fisher expressed concerns about the entry structures, and wondered if any beautification is planned around these structures.

Dan Sheppard discussed the median in Downtown Cape Coral, at the entrance to our City. The job completion demonstrated flaws and outlets six inches from the side of the road. The areas are now being redone, and outlets are being moved. He reviewed how to bring electrical to a median in a tower to keep from being a trip hazard. The trees planted under trees was also a concern. Was there a professional in charge to plan the project so it fits in with the downtown functions? He requested a briefing on the changes, alterations, and costs.

Julie Gearhart appeared due to her concerns about the entry structures.

City Manager Szerlag requested Public Works address the parking bumpers, trash, and median landscaping. The Species Management Stakeholders Group can review the bald eagle concern brought up this evening.

Public Works Director Clinghan reviewed the trash topic on Santa Barbara and stated Public Works will contact Waste Pro to address.

PW Design and Construction Manager Smith reviewed the median landscaping on Santa Barbara, as well as the Downtown Cape Coral project that is due for completion within the next month.

Mr. Clinghan reviewed the bumper topic will be reviewed for the additional areas; an installation was already completed for the Council parking spots.

Assistant City Manager Ilczyszyn displayed a final rendition of the entry structure. He reviewed that there will be beautification in the form of trees and bushes added.

Councilmember Burch requested that staff address the bumper issue in the parking lot.

City Manager Szerlag responded that staff will make that happen.

Discussion held in reference to the eminent domain proceedings in place for the property where irrigation tanks will be placed.

#### PERSONNEL ACTIONS

Resolution 154-17 Approval and ratification of the collective bargaining agreement re-opener articles for the International Association of Firefighters, Local 2424, representing the Rank & File and Battalion Chiefs.

City Manager Szerlag reviewed that ratification of this agreement will have no financial impact on the City's budget.

***Councilmember Leon moved, seconded by Councilmember Williams to approve Resolution 154-17, as presented.***

***Council polled as follows: Erbrick, Leon, Sawicki, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Eight "ayes." Motion carried 8-0.***

#### PETITIONS TO COUNCIL

None.

#### APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS

None.

#### ORDINANCES/RESOLUTIONS

##### PUBLIC HEARINGS

##### Ordinance 26-17 (LU 16-0013) Public Hearing for Transmittal

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Parks and Recreation (PK) to Single-Family Residential (SF) for property described as a tract of land situated in the south half (S 1/2) of Section 1, Township 45 South, Range 23 East and the north half (N 1/2) of Section 12, Township 45 South, Range 23 East, being also situated in Tracts B-1 and B-2, which comprise all of Tract B of Cape Coral Unit 9 as recorded in Plat Book 13, Pages 7 through 18; Tracts C-1 and C-2, which comprise a portion of Tract C of said Cape Coral Unit 9; the remaining portion of said Tract C of said Cape Coral Unit 9; Lots 1A and 1B, Block 251 of said Cape Coral Unit 9; a portion of Tract A of Cape Coral Unit 15 as recorded in Plat Book 13, Pages 69 through 75, and Tract A of Cape Coral Unit 14 as recorded in Plat Book 13, Pages 61 through 68, all of the above being recorded in the Public Records of Lee County, Florida, as more particularly described herein; property located at 4003 Palm Tree Boulevard. (Applicant: Florida Gulf Venture, LLC)

P&Z Recommendation: The Planning & Zoning Commission voted on June 7, 2017 to recommend denial of Ordinance 26-17. (5-2)

City Management Recommendation: City Management recommends approval.

City Clerk Van Deutekom read the title of the Ordinance.

Planning Manager Pederson discussed an update to this item. Communication had been received today that D.R. Horton has withdrawn the PDP application. D.R. Horton has announced that they are no longer part of this application. He presented the following power point slides:

- Ordinance 26-17/LU 16-0013
- Aerial Subject parcel map
- Current Future Land Use is Parks and Rec
- Current Zoning is Single Family Residential R-1B
- Proposed Future Land Use is Single Family Residential
- What this application is/What this application is not

Principal Planner Boyko continued the presentation with the following slides:

- Findings of Fact
- Timeline
- Findings of Fact – Environmental (3 protected species including Bald Eagle – adjacent to the site, Burrowing Owl and Gopher Tortoise)
- Map of the Bald Eagle nest (adjacent property)
- Comprehensive Plan Analysis – Current - Parks and Recreation and Future - Single-Family Residential
- Comprehensive Plan Analysis (continued)
- Comprehensive Plan Analysis – Chapter 2 (Conservation and Coastal Management Element)
- Comprehensive Plan Analysis – Chapter 4 (Future Land Use)
- Comprehensive Plan Analysis – Chapter 4 (Future Land Use Element) continued
- Comprehensive Plan Analysis – Chapter 7 (Recreation and Open Space Element)
- Comprehensive Plan Analysis – Chapter 8 (Transportation Element)

- LUDR Analysis Section 8.7.3.B
- LUDR Analysis Section 8.7.3.B (continued)
- LUDR Analysis Section 8.7.3.B (continued)
- LUDR Analysis Section 8.7.3.B (continued)
- LUDR Analysis Section 8.7.3.B (continued)
- Regional Plan Analysis
- Regional Plan Analysis (continued)
- Buildout Impact Assessment Summary
- Buildout Impact Assessment Summary (continued)
- Buildout Impact Assessment Summary (continued)
- Buildout Impact Assessment Summary (continued)
- Buildout Impact Assessment Summary (continued)
- Buildout Impact Assessment Summary (continued)
- Recommendation

Planning staff found that the proposed Future Land Use change to Single-Family Residential is consistent with several Comprehensive Plan policies and with the Land Use and Development Regulations. Planning staff recommends approval of Ordinance 26-17. At the May Local Planning Agency meeting, the LPA recommended denial of Ordinance 26-17 by a vote of 5-2. Planning staff has received 117 letters or email of correspondence that indicate opposition to Ordinance 26-17 and two letters or emails of correspondence that indicated support. At the May LPA hearing, 22 speakers spoke in opposition of Ordinance 26-17.

Public Hearing opened.

***Councilmember Leon moved, to continue Ordinance 26-17 to a date certain of 10/2/2017.***

Councilmember Burch remarked that he was in opposition of the continuance.

Councilmember Williams stated that he was in opposition of the continuance.

Councilmember Stout stated she was in support based on the actions and information received today.

Councilmember Carioscia stated he was not in support of a continuance.

Councilmember Leon reviewed that this gives the Council, community, and land owners to work together to determine opportunities about a land swap or a land buy. Over the next month, it could be discussed with Florida Gulf Ventures, LLC.

Mayor Sawicki questioned the appropriateness of a withdrawal.

Discussion held in reference to new developers; D.R. Horton; and voting on the amendment this evening.

Councilmember Cosden reviewed the application details. She was in support of a continuance.

Councilmember Stout reviewed a potential lawsuit from the vote this evening.

City Attorney Menendez questioned if there was a second.

***Councilmember Stout seconded the motion to continue Ordinance 26-17 to a date certain of 10/2/2017.***

Councilmember Erbrick questioned the applicant as to whether or not they were in favor of a continuance.

Richard Yovanovich, representing Florida Gulf Venture, LLC, responded that the applicant was interested in reaching a resolution that makes sense and would welcome a continuance. They are genuinely interested in coming up with a fair result.

Discussion held in reference to a future land swap.

Ralf Brookes, Attorney for Save Our Recreation, stated that he would not be available on 10/2/2017.

***The majority of the audience responded by raise of hands that they were interested in the vote this evening and not in favor of a continuance.***

Discussion held in reference to the request for a continuance by D.R. Horton and then the withdrawal of the continuance.

Mr. Yovanovich explained that the request for continuance was from D.R. Horton because they were withdrawing from the project. He spoke to the property owner who said there was no reason to continue the request for the land use change because it would be the same, regardless of what project may come forward with a PDP in the future.

Barth Wolf, President of Save our Recreation, requested a new date be considered since the Attorney for Save Our Recreation would not be available on 10/2/2017.

***Councilmember Leon amended his motion, to continue Ordinance 26-17 to a date certain of 9/18/2017. Councilmember Stout agreed.***

***Council polled as follows: Leon, Stout, and Cosden voted "aye." Sawicki, Williams, Burch, Carioscia, and Erbrick voted "nay." Three "ayes." Five "nays." Motion failed 3-5.***

Stacy Hewitt, Banks Engineering, presented the following slides:

- Applicant Representatives
- Transmittal hearing
- Tentative Schedule
- Process
- Planning
- FLUM & Zoning Designations
- Response to Opposition
- Response to Opposition (continued)
- Response to Opposition (continued)
- Conservation 20/20
- Excerpt from Meeting minutes 11/9/2016
- Environmental Consultant, Craig M. Smith

Craig M. Smith, Senior Environmental Ecologist, DexBender Environmental Consulting, presented the following:

- Vegetation Map
- Habitats On-site (Issues Raised and Actual Conditions)
- Protected Species Survey
- Survey Results (Bald Eagle, Burrowing Owl Burrow and Gopher Tortoise)
- Listed Species
- Listed Species (Issue Raised and Actual Conditions)
- Listed Species (Issue Raised and Actual Conditions)
- Listed Species (Issue Raised and Actual Conditions)

Mr. Smith reviewed the species issues on site and those would be adequately addressed with the PDP process.

Mr. Yovanovich reviewed the history of the property; the lack of any deed restrictions; details from the past denial of a mixed land use change (09-CA-004379); prior case law; actions; appraisal results from 2014; and the staff report; and lack of sustainability for a golf course property. He demonstrated the history with several handouts placed on the overhead.

Gary Eidson, Save Our Recreation, delivered a petition with 10,525 signatures filed in opposition of the approval of Ordinance 26-17. He presented a power point slide titled Save our Recreation, Inc. Comprehensive Plan Amendment LU 16-0013, The Case for Denial:

- Presenters – Gary Eidson for Save Our Recreation, Ralf Brookes, Esq.; Max Forgey, AICP, and Joseph M. Mazurkiewicz, Ph.D.
- Save Our Recreation Photo
- Save Our Recreation Leadership: Barth Wolf, President; Beverly Black, VP; and Mary Neilson, Treasurer
- Save Our Recreation Photo

- Save Our Recreation Supporters from all over Cape
- Issues
- Golf Course Area: A 40 Year History of Promoting Growth & Appeal
- Abutters Relied on Good Faith
- Support Comprehensive Plan Goals
- Cape growth dictates a need for open space and recreation

Mayor Sawicki exited the dais at 6:38 p.m.

- Most important land use decision in Cape Coral history
- Denial of this Amendment Shows Your Support for ...

Ralf Brookes, Attorney for Save Our Recreation, reviewed the following slides:

- A Comprehensive Plan Amendment is a Purely Legislative Action
- Applicant's past effort to amend FLUM designation on this site.
- Judge McHugh's ruling
- Reasonable investment-backed expectation
- Harris Act does NOT apply in this case
- Harris Act: No cause of action against City
- The Original Developer Bought and Paid for a Golf Course
- FLUM change would expose City to future damages
- Summary of Prior Legal Case (1)
- Summary of Prior Legal Case (2)

Mr. Brookes referenced a correspondence from 1,000 Friends of Florida.

Max Forgey, Save Our Recreation, American Institute of Certified Planners (AICP), Certified Planner, reviewed the following slides:

- Future Land Use Element Goal
- Goal's Applicability to this Case
- Original Developer's Actions
- Advertisement from Cape Coral's past
- Close-up on a sales map from Cape Coral's past
- "Relying on Sales Brochures"
- Actions by City Council
- FLUE Policy 1.1.5; Definition of PK Land Use
- Conflict between FLUM and Zoning Map designations
- FLUE Policies

Mayor Sawicki returned to the dais at 6:56 p.m.

- Conservation and Coastal Management Element; Objective 4.3 & Policy 4.3.3
- Future Land Use Element Policy 4.1
- Future Land Use Element Policy 4.1 Response to Staff Report
- FLUE Policy 13.1: Community Reinvestment Area (CRA)
- FLUE Policy 13.1 Response to Staff Report
- Transportation Element Policy 1.1.5
- Transportation Element Policy 1.1.5 Response to Staff Report
- Land Use Development Regulations (LUDR) Analysis (Diminution of value of other property in the area)
- LUDR Diminution of Value Response to Staff Report

Mr. Forgey reviewed that the golf course amenity did give the owner an expectation that they would see the golf course and not another person's back yard. He continued with the follow slides:

- LUDR Analysis – Relative gain to community
- Relative gain to the community Response to Staff Report
- LUDR Analysis: Health, safety and general welfare (LUDR 8.7.3B (8))
- LUDR Analysis: Comprehensive Plan consistency
- The "unfortunate" removal of 175 acres
- Why the Golf Course Matters



Joseph M. Mazurkiewicz, Jr., Ph.D., Member of Save Our Recreation, Former Mayor of the City of Cape Coral, provided the following slides:

- Historical Perspective of Golf Course
- Ralf and Max's Presentations
- FLUM is not a rezoning or developmental service
- Degradation of Service
- Does the City need additional Home Sites?
- Long-term Understanding with the City
- School Board "Agreement"
- Previous Owners – No investment-backed expectations
- Staff's Review of this Case
- Summary and Closing

Barth Wolf, President of Save Our Recreation, reviewed that what was just heard was the formal presentation. He expressed his deep commitment to green space in our community. He reviewed speaking with thousands of people in Cape Coral about this topic. He listed the groups that support the denial including the Planning & Zoning Commission, Youth Council, Save Our Recreation, News Press, Cape Coral Friends of Wildlife, 1,000 Friends of Florida, Florida Wildlife Federation, Sierra Club, and others. Mr. Wolf requested the Council to recognize the long-term decision in front of them. Once it is gone, it's gone.

Carolyn Conant, SW Cape resident, presented the following slides:

- Can't See the Forest for the Trees
- Build-out Analysis – City of Cape Coral 2011 (The southeastern quadrant has the highest percentage of Residential area.)
- Economic Value of a Park with Bike & Walking Trails
- Once Lost, Land is Lost forever... 175 acres
- Do we want to add up to 771 new homes in the SE quadrant which has the highest percentage residential?
- A Nature Habitat within the City's Downtown Area
- Land Acquisition/Redevelopment Funds
- Negotiate
- Cape Coral Tops Forbes List as Fast Growing in the U.S. (2017)

Councilmember Burch left the dais at 7:27 p.m.

- Can we afford not to do something similar over time?
- Think Long-Term Value Versus Short-Term Cost of Acquiring Land
- Keep the Forest – Keep the Old Golf Course intact.

Councilmember Burch returned to the dais at 7:29 p.m.

Carl Veaux appeared in opposition of Ordinance 26-17.

James Schneider, member of the Planning & Zoning Commission, reviewed the decision from the Commission to recommend denial of the Ordinance 26-17. He reviewed math calculations based on the acreage and available home sites.

Bob Burandt, local attorney, who was also local counsel for Avatar, appeared to review the lawsuit potential based on the decision made this evening. He reviewed the history of the property ownership and the previous plans with the County. He discussed the Banyan Trace condominiums. He suggested condemning the property and let a court put a value on the property. He encouraged Council to deny the approval of Ordinance 26-17.

***Council recessed at 7:45 p.m. and reconvened at 8:05 p.m.***

Maxwell Slafer, on behalf of the Cape Coral Youth Council, appeared to express the Youth Council's recommendation to deny Ordinance 26-17. He reviewed the historic value of the property; the 10,000+ petition's signed. He urged Council to vote no on changing Ordinance 26-17.

Kevin McGrail reviewed the editorial in the Breeze from Valarie Haring, "Transmit the land use change or be prepared to buy the property." He stated he was not in favor of the City purchasing the old golf course property and reviewed the Festival Park property acquisitions. Denying the

land use change will result in a setback to the City of Cape Coral's progress. He urged Council to approve Ordinance 26-17.

Carleen Brennan expressed her commitment to Save Our Recreation and greenspace. She reviewed the City of Sanibel's path to become two-thirds preserve. The City of Cape Coral needs a Central Park type property. This property would make that happen and could include hiking trails, nature trails, and recreation for children and grandchildren. She reviewed the concept of a mitigation park.

H.D. Walfour requested that Council vote to keep the land use as it currently stands and find a way to purchase the property.

Carsyn Baxter appeared in opposition of Ordinance 26-17.

Zachary Cashman appeared in opposition of Ordinance 26-17.

Dan Sheppard appeared in opposition of Ordinance 26-17. He suggested creating a botanical garden, a Lakes Park, or Community Center type property. He reviewed starting the anchor and creating a draw to Downtown Cape Coral.

Jerry Owens appeared in opposition of Ordinance 26-17. He reviewed possible relocation of the various buildings on Cultural Park such as the theatre and the museum; the water and sewer system logistics; and the blight of the property.

David Stokes discussed the arsenic found in the soil samples and the health and safety concerns for surrounding residents. Full testing needs to be completed prior to turning over the soil. Florida Gulf Ventures should pay for the cost to clean this problem up.

Linda Vaughn suggested the opportunity for the City of Cape Coral to own the Old Golf Course property and sell stock in it.

Joe Coviello reminded Council that the attorney for the applicant offered the consideration for a trade. He requested Council deny the request.

Discussion held in reference to the petitioner's opportunity for rebuttal.

Councilmember Burch called the question.

Mayor Sawicki denied the request.

Mr. Yovanovich reviewed that if the City wants to buy the property at a fair price, the applicant would listen. He addressed the comments made about the cost of the government that provides infrastructure and utilities; the applicant would pay impact fees. They would also do onsite improvements for the water and sewer system; it will not cost the taxpayers any money to allow for the development of the property. He noted there was criteria in the code for a Comp Plan amendment. The applicant has followed these criteria, and City staff has determined that these criteria have been met. They requested that Council transmit the request to the State.

Public Hearing closed.

Planning Manager Pederson reviewed the analysis on how to restrict property, on the face of a plat or through deed restrictions. None of the plat documents for the golf course property have any restriction for a golf course, they are simply labeled as Tracts. In reference to the Coral Oaks Golf Course, there is a phrase on the deeds that state the deeds remain a golf course property. He also showed maps of land use changes in this property area.

DCD Director Cautero discussed corrections to inconsistent statements. He noted the policy mentioned that dealt with encouraging assembly was an encouragement policy, not a mandate. He addressed the discussion about blight and why areas beyond the old golf course property were not addressed. These have been addressed through the CRA Development Plan and our consultant's work, RMA. He discussed the transportation analysis; the CRA level of service is constrained. He explained the comment about the property value issue rebuttal. The EDO Manager submitted a report that dealt with how much money would be generated if there was a residential development there. He discussed the zoning and how it came to be. DCD is not disputing this. Even though there was not a mechanism in the 70's and 80's for comparable zoning on Parks and Recreation, it was zoned residential. The maximum residential density is

771. This amount is unlikely, but it is the maximum to be analyzed for capacity. The zoning is there. The two issues are not separated.

***Councilmember Stout moved, seconded by Councilmember Leon to adopt Ordinance 26-17 for transmittal, as presented.***

Councilmember Stout expressed her appreciation to former Councilmember McGrail for speaking in favor of the Ordinance. She reviewed the following:

- Golf Courses are not economically sustainable.
- Council currently supplements income for Coral Oaks.
- The City of Cape Coral has 1,900 vacant acres.
- P&R has 700 acres that are vacant.
- We do not have funds to develop.
- Where do we get the funds to pay for a lawsuit and buy the property?
- D.R. Horton withdrawal
- Sunset Point
- TIF money
- County inverse condemnations
- Extended Bar Hours petitions
- Validity of Petition signatures
- Youth Council
- Inaccurate statements
- Threat of lawsuit from either side
- Burnt Store
- Three appraisals completed in 2009, 2013, and 2014 – highest and best use Single Family residential
- Support for Ordinance 26-17

Councilmember Burch expressed opposition to Ordinance 26-17. He reviewed the P&Z Commission vote to recommend denial, Youth Council vote to recommend denial, and the 1,000 Friends of Florida position on open space.

Councilmember Leon reviewed the P&Z and Youth Council decisions which are not based on a budget as Council must consider with every vote. He reviewed the existing parks in the South Cape, especially the potential at Rotary Park.

Councilmember Williams addressed the lawsuit issue. This would not be a factor in his decision; it will be what is the best for the City of Cape Coral.

Councilmember Erbrick reviewed that negotiations with Ryan Corporation could continue after the vote as indicated this evening.

Councilmember Cosden reviewed the testimony presented this evening.

Mayor Sawicki explained that her position has changed frequently on this topic. She expressed her surprise about the news on D.R. Horton withdrawing today.

***Council polled as follows: Erbrick, Leon, Stout, and Cosden voted "aye." Sawicki, Williams, Burch, and Carloscia voted "nay." Four "ayes." Four "nays." Motion failed 4-4.***

***Council recessed at 9:22 p.m. and reconvened at 9:41 p.m.***

***Mayor Sawicki did not return to the dais after the recess.***

Mayor Pro Tem Williams announced to Council that in an effort to save time, staff has agreed not to give their presentations this evening.

Resolution 141-17 (VP 17-0004\*) Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 1-2 and Lot 3, Block 553C, Cape Coral Unit 26; providing for the vacation of plat for a 25-foot wide walkway and the underlying public utility and drainage easements located between Lots 15-18, Block 553C and Lot 22, Block 553B, Cape

Coral Unit 26; providing for the vacation of plat for all platted interior lot lines and public utility and drainage easements lying with Lots 1-2 and 3-18, Block 553C, Lots 5-22, Block 553B, and Block 553D, Cape Coral Unit 26; property located at the intersection of Veterans Memorial Parkway and Santa Barbara Boulevard. (Applicant: SB-Vets-1, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval subject to conditions contained in VP HEX recommendation 3-2017.

City Management Recommendation: City Management recommends conditional approval.

City Clerk van Deutekom read the title of the Resolution.

City Attorney Menendez recommended an abbreviated staff presentation for the quasi-judicial ordinances and resolutions.

City Clerk van Deutekom administered the oath.

Senior Planner Eastley mentioned that she was available for questions, and a presentation was included in the packet.

Public Hearing opened.

Matthew Uhle, authorized representative for the applicant, stated he was in full agreement with the recommendations from staff and the Hearing Examiner.

Stacy Hewitt, Banks Engineering, reviewed that all required documents were included in the applications; there were no letters of objection from Century Link and Comcast.

Public Hearing closed.

***Councilmember Leon moved, seconded by Councilmember Erbrick to approve Resolution 141-17, as presented.***

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 25-17 Public Hearing (Continued from 7/24/2017)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Code of Ordinances, Chapter 2, Administration, Article III, Personnel Rules and Regulations, Division 11, Attendance and Leave, to change the list of designated holidays by removing Columbus Day and adding Christmas Eve Day. (Applicant: City of Cape Coral)

**City Management Recommendation: City Management recommends this item be continued to 9/18/2017.**

City Clerk Van Deutekom read the title of the Ordinance.

Public Hearing opened.

No speakers.

Public Hearing closed.

City Manager Szerlag reviewed that this is the Ordinance he has recommended for a continuance.

***Councilmember Burch moved, seconded by Councilmember Stout to continue Ordinance 25-17 to the September 18, 2017 meeting.***

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 29-17 (ZA 17-0002\*) Public Hearing

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property located at 3523 Del Prado Boulevard South from Professional Office (P-1) to Pedestrian Commercial (C-1) zone. (Applicant: International Support, Inc.)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval.

City Clerk Van Deutekom read the title of the Ordinance and administered the oath.

Principal Planner Boyko announced that he was available for questions and that a presentation was included in the packet.

Public Hearing opened.

Jonathan Spellman, attorney and authorized representative for the applicant, mentioned he was available for any questions.

Councilmember Burch inquired about the location of the parcel and the history of the land use.

Mr. Boyko explained the parcel was off of Del Prado Boulevard.

Public Hearing closed.

***Councilmember Leon moved, seconded by Councilmember Erbrick to adopt Ordinance 29-17, as presented.***

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 30-17 (ZA 17-0004\*) Public Hearing

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property located at 912 SW 39th Terrace from Residential Development (RD) to Multi-Family Residential (R-3) zone. (Applicant: Treu Properties)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval for the application for rezoning.

City Management Recommendation: City Management recommends approval.

City Clerk Van Deutekom read the title of the Ordinance and administered the oath.

Senior Planner Eastley mentioned that she was available for questions and a presentation was included in the packet. Ten letters of opposition were received from an adjacent condominium community.

Ms. Eastley presented the following slides:

- Treu Rezone Ordinance 30-17 (ZA 17-0004)
- Vicinity Map
- Aerial Photos
- Future Land Use Map and Zoning Map
- LUDR Analysis Section 8.7.3.B
- Recommendations

Public Hearing opened.

Jeff Schepp appeared as one of the principal owners of Treu properties. This property was never considered as section 8 housing. The association had indicated to residents that was the intention. They are interested in building something similar to townhouses. The Lee County Library and Walmart are in walking distance to the project. There is no owl's nest on the property.

Public Hearing closed.

***Councilmember Leon moved, seconded by Councilmember Burch to adopt Ordinance 30-17, as presented.***

Councilmember Leon reviewed the surrounding properties are multi-family, and it would be consistent to allow it to be multi-family.

Councilmember Burch agreed and offered his support.

Mayor Pro Tem Williams inquired about the letters of objection.

Senior Planner Eastley explained the letters were in reference to no section 8 housing and no multi-story housing in the area.

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 38-17 (PDP 17-0002\*) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

An ordinance amending Ordinance 15-15 that approved a Planned Development Project entitled "Stonewater" by removing two City-owned parcels from the PDP area and amending an off-site improvement requirement; property located at the southwest intersection of Tropicana Parkway West and Nelson Road. (Applicant: City of Cape Coral)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the aforementioned Planned Development Project Amendment, subject to the terms and conditions set forth in PDP HEX recommendation 6-2017.

City Management Recommendation: City Management recommends approval.

City Clerk Van Deutekom read the title of the Ordinance and administered the oath.

Planning Team Coordinator Struve reviewed the PDP is City initiated and involves Stonewater. The City requests to remove two small parcels to help facilitate the N2 UEP project and to amend a development order condition regarding an offsite improvement.

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Burch moved, seconded by Councilmember Erbrick to adopt Ordinance 38-17, as presented.***

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 39-17 (LU 17-0006) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Commercial Activity Center (CAC) to Public Facilities (PF) land use for property located at 830 Tropicana Parkway and 530 Nelson Road. (Applicant: City of Cape Coral)

Planning & Zoning Commission recommendation: At the 8/2 Planning & Zoning meeting, the commission voted (5-0) to recommend approval.

City Management recommendation: City Management recommends approval.

City Clerk Van Deutekom read the title of the Ordinance.

Principal Planner Boyko reviewed the purpose for this Ordinance.

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Erbrick moved, seconded by Councilmember Leon to adopt Ordinance 39-17, as presented.***

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Ordinance 40-17 (ZA 17-0006\*) Public Hearing

**WHAT THE ORDINANCE ACCOMPLISHES:**

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

An ordinance amending the City of Cape Coral Official District Zoning Map by rezoning property located at 830 Tropicana Parkway and 530 Nelson Road from Marketplace Residential (MR) to Institutional (INST) zone. (Applicant: City of Cape Coral)

Hearing Examiner Recommendation: The Hearing Examiner Recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval

City Clerk Van Deutekom read the title of the Ordinance and administered the oath.

Senior Planner Eastley announced she was available for questions and her presentation was included in the packet.

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Leon moved, seconded by Councilmember Erbrick to adopt Ordinance 40-17, as presented.***

***Council polled as follows: Erbrick, Leon, Stout, Williams, Burch, Carioscia, and Cosden voted "aye." Seven "ayes." Motion carried 7-0.***

Introductions

Ordinance 47-17 Set Public Hearing Date for September 18, 2017

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance declaring a 1,150 square foot triangular-shaped parcel of property being a part of McDonough Canal right-of-way adjoining Lot 1, Block 6005, Cape Coral Unit 94, located at 1810 SW 23rd Court, as unusable municipal surplus real property no longer needed by the City; authorizing and directing the Mayor and Clerk to execute a deed conveying the aforementioned surplus real property to Martini Unlimited Inc., a Florida corporation; reserving right-of-way and utility easement for the City. (Applicant: Martini Unlimited, Inc.)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for September 18, 2017 in Council Chambers.

Property Broker Andrews stated that she was available if Council had any questions.

**UNFINISHED BUSINESS**

Water Quality – Update

Public Works Director Clinghan reviewed a memo to Council and was available for any questions.

Discussion held in reference to the results provided.

**NEW BUSINESS**

None.

**REPORTS OF THE MAYOR AND COUNCIL MEMBERS.**

Councilmember Erbrick – Topics: Attended the Florida League of Cities Conference.

Councilmember Leon – Topic: Discussion of Old Golf Course property to be placed on a future meeting.

Councilmember Stout – Topics: Attended the Florida League of Cities Conference.

Councilmember Burch – Topics: Old Golf Course property solutions; attended the Florida League of Cities Conference.

Councilmember Leon mentioned to City Manager Szerlag that he received a second for the next steps with the Old Golf Course property.

Councilmember Carioscia – Topics: No report

Councilmember Cosden – Topics: Attended Florida League of Cities Conference.

Mayor Pro Tem Williams – Topics: Attended Florida League of Cities Conference, Youth Council Day at Florida League of Cities Conference; Youth Council meeting on 8/25 at 2:45 p.m.

Mayor Sawicki – Topics: Absent.

#### **REPORTS OF THE CITY ATTORNEY AND CITY MANAGER**

City Attorney – Topics: No report.

City Manager – Topics: No report.

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

A Joint City Council and Budget Review Committee Budget Workshop was scheduled for Tuesday, August 22, 2017 at 1:30 p.m. in Council Chambers.

A Special Meeting of the Cape Coral City Council was scheduled for Monday, August 28, 2017 at 4:30 p.m. in Council Chambers.

A Special Meeting of the Cape Coral City Council was scheduled for Thursday, September 7, 2017 at 5:05 p.m. in Council Chambers.

A Special Meeting of the Cape Coral City Council was scheduled for Monday, September 11, 2017 at 3:00 p.m. in Council Chambers.

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, September 11, 2017 at 4:30 p.m. in Council Chambers.

Councilmember Burch and Councilmember Leon mentioned that they both will be about one hour late for the 8/22 Budget Workshop.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 10:14 p.m.

Submitted by,

Rebecca van Deutekom, MMC  
City Clerk



<b>Item Number:</b>	<b>7.C.</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>APPROVAL OF MINUTES</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Special Meeting - August 28, 2017

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

Special Meeting Minutes - August 28, 2017

**PREPARED BY:**

Kimberly  
Bruns                      Division- Managerial                      Department- City Clerk's  
Department

**SOURCE OF ADDITIONAL INFORMATION:**

Kimberly Bruns  
Assistant City Clerk  
1-239-242-3243

**ATTACHMENTS:**

**Description**

▣ Special Meeting - August 28, 2017

**Type**

Backup Material

**MINUTES FOR THE SPECIAL MEETING OF THE  
CAPE CORAL CITY COUNCIL****August 28, 2017****Council Chambers****4:30 p.m.**

Meeting called to order by Mayor Pro Tem Williams at 4:31 p.m. Mayor Pro Tem Williams announced that Mayor Sawicki requested to participate via telephone. No objection was received.

Invocation/Moment of Silence

Pledge of Allegiance

Roll Call: Mayor Sawicki, Council Members Burch, Carioscia, Cosden, Erbrick, Leon, Stout, and Williams were present.

**CITIZENS INPUT TIME**

Frank Perry addressed the Vacation Rental item that will be heard at the September 11, 2017 Regular meeting. He mentioned the position of the P&Z Commission at their May 3, 2017 meeting where they found that short term rentals of residential properties negatively affect the character of the neighborhoods; he agrees with their position. The business community is in favor of the short-term rentals. He stated that Senate Bill 356 is a driver of this item being brought to Council.

Charlie Myers appeared to address manhole covers that are bleeding sewage into the streets. He discussed the flooding from the last rain storm. He is concerned about the septic systems being submerged without safety precautions for the public.

Councilmember Leon requested the City Manager discuss the Emergency Operations Center (EOC) activation. He commended the City for their reaction and stormwater infrastructure.

City Manager Szerlag acknowledged staff for their efforts and provided an overview of the events that occurred with the Cape Coral August Flood, that received approximately 20 inches of rain since Friday.

Mayor Pro Tem Williams commended staff for their efforts in aiding the public during the flooding event.

Councilmember Burch requested that the Stormwater Management plans continue to be reviewed and commended staff on their collective efforts. He thanked Lance Wissinger for providing the drone services that allowed a view of the flooding event that will aid in future planning. He addressed the input comments regarding the Short-Term Rentals. The end result and intention is to protect the neighbors and homeowners. The stakeholder input is valuable to accomplish this intention. The community was put together 30 years ago that drew residents based on the sense of community, family, and values.

Assistant City Manager Ilcyszyn mentioned that there will be a full presentation at the hearing. In Cape Coral, there was a law that states rentals are not allowed for less than one week. Do you want to allow rentals for less than one week? If Council wants to regulate all short-term rentals and pass it, the City would lose the grandfathering issue for less than one week.

Councilmember Stout reviewed the concern with the short-term rentals that are less than one week.

Discussion held in reference to grandfathering status in the term to not allow short term rentals for less than one week and revenues to the homeowners.

## BUSINESS

None.

### ORDINANCES/RESOLUTIONS – PUBLIC HEARING

#### **Resolution 155-17 Fire Protection Service Annual Assessment - Public Hearing**

##### **WHAT THE RESOLUTION ACCOMPLISHES:**

The Resolution approves the Fiscal Year 2017-18 non-ad valorem assessment roll for Fire Protection Services, facilities, and programs; approves the assessment roll and provides for collection of the assessments; and establishes an administrative petition procedure regarding the number of Tier 2 Equivalent Benefit Units attributed to tax parcels.

City Clerk Van Deutekom read the title of the Resolution.

City Manager Szerlag recommended that the Council adopt the 64% cost recovery rate and continue the Resolution to the September 25, 2017 special meeting when Council will also be deciding the final millage rate.

Financial Services Director Bateman reviewed the reason for the Resolution.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Burch requested clarification of the recommendation for a motion.

***Councilmember Burch moved, seconded by Councilmember Carioscia to approve Resolution 155-17, as presented – adopting the 64% Fire Service Assessment Recovery Fee.***

***Council polled as follows: Leon, Sawicki, Stout, Williams, Burch, Carioscia, Cosden, and Erbrick voted “aye.” Eight “ayes.” Motion carried 8-0.***

***Councilmember Burch moved, seconded by Councilmember Stout to schedule on the agenda for September 25, 2017, a resolution that would allow the Council to consider reducing the 64% Fire Service Assessment that was just adopted.***

Councilmember Leon stated he was not in favor of the motion since he agrees with the 64% and lowering the millage rate down to the rollback rate.

***Council polled as follows: Sawicki, Stout, Williams, Burch, Carioscia, and Cosden voted “aye.” Leon and Erbrick voted “nay.” Six “ayes.” Two “nays.” Motion carried 6-2.***

#### **Resolution 156-17 Imposition of Stormwater User Fees for FY 2017-18 - Public Hearing**

##### **WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution imposes the stormwater user fees for FY 2017-18 to fund the City's stormwater program, establishes the amount of the user fee, authorizes the collection of delinquent stormwater charges, and approves the stormwater user fee roll.

City Clerk Van Deutekom read the title of the Resolution.

Public Works Director Clinghan reviewed the following slides:

- Resolution 156-17; Stormwater Resolution
- Summary - 2018 fee \$111.00
- Recommendation to adopt the \$111.00 a year
- Questions?

Public Hearing opened.

Peter Nicholson reviewed complaints he has lodged SW 16<sup>th</sup> Terrace and 11<sup>th</sup> Avenue and Trafalgar for 21 years and the flooding problems encountered. He reviewed the track record for Public Works not fixing the problem.

Public Hearing closed.

Public Hearing opened for a second time to include an additional statement.

Charlie Myers addressed the continuing stormwater problem in the City. He discussed the lack of stormwater crews. He questioned where is the money going, and where is the oversight to resolve the stormwater issues.

Public Hearing closed.

***Councilmember Cosden moved, seconded by Councilmember Burch to approve Resolution 156-17, as presented.***

Director Clinghan requested the contact information for Mr. Nicholson to be able to review his reoccurring problem. Additional manpower is always needed for the swales.

Councilmember Stout expressed concerns over the jump in pricing.

Director Clinghan stated this was for the catch basins and piping in the North 2 and North 1 UEP and SW 6/7 UEPS.

Discussion held regarding the annual amount being taken in for the \$111.00; the definition of an ERU; the method of collection for the user fee and potential grants for weir upgrades as a result of the Cape Coral August Flood event.

Councilmember Burch provided the history of the stormwater rates.

Councilmember Leon requested staff look into the issue brought up by Mr. Nicholson and provide an update to City Council.

***Council polled as follows: Leon, Sawicki, Stout, Williams, Burch, Carioscia, Cosden, and Erbrich voted "aye." Eight "ayes." Motion carried 8-0.***

**Resolution 157-17 Reimposition of Solid Waste Service Assessments for FY 2017-18 - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution imposes Solid Waste Service Assessments against assessed residential property in the City for Fiscal Year 2017-2018, sets forth and approves the rate of assessment, and approves the assessment roll.

City Clerk Van Deutekom read the title of the Resolution.

Strategic Business Analyst Maine reviewed the reason for the Resolution and the following slides:

- Summary
- Rate Assessments (chart)
- Any Questions?

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Burch moved, seconded by Councilmember Carioscia to approve Resolution 157-17, as presented with 1.4% increase. (Option 2).***

Discussion held regarding the 1.4% increase option based on inflation of aspects.

Councilmember Erbrick inquired was the motion for the approval for option 1 or option 2.

Councilmember Burch responded that it was to approve the 1.4% increase.

Keith Banasiak, Waste Pro's Regional Vice President of Southwest Florida, discussed that a business providing Waste services has difficulties finding quality employees. The increase would help with the recruitment.

City Manager Szerlag reviewed that the contract reads that the City Council has the sole discretion to determine an increase. The contract is fashioned so that the vendor can approach City Council for the increase.

Discussion held regarding the increases.

City Attorney Menendez stated the resolution incorporates option 2. The motion on the floor brings the 1.4% increase.

***Council polled as follows: Leon, Sawicki, Stout, Williams, Burch, Carioscia, Cosden, and Erbrick voted "aye." Eight "ayes." Motion carried 8-0.***

**Resolution 158-17 Establish Solid Waste Collection Rates for Commercial Establishment and Large Scale Multi-Family Dwellings for FY 2017-18 - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution establishes the solid waste collection rates for commercial establishments and large scale multi-family dwellings for fiscal year 2017-2018 for the City's mandatory refuse collection.

City Clerk Van Deutekom read the title of the Resolution.

Strategic Business Analyst Maine reviewed the reason for the Resolution and presented the following slides:

- Resolution 158-17; Commercial Solid Waste Rates Summary
- Any Questions?

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Stout moved, seconded by Councilmember Leon to approve Resolution 158-17, as presented.***

Discussion held regarding billing the commercial rates.

***Council polled as follows: Leon, Sawicki, Stout, Williams, Burch, Carioscia, Cosden, and Erbrick voted "aye." Eight "ayes." Motion carried 8-0.***

**Resolution 159-17 Impose Lot Mowing Assessments for FY 2017-18 - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution establishes the maximum amount of the annual Lot Mowing assessment for equivalent lot units utilizing lot mowing services, imposes assessments against properties within four lot mowing districts, approves the assessment roll for FY 2017-18, and provides for the collection of the assessments.

City Clerk Van Deutekom read the title of the Resolution.

Strategic Business Analyst Maine reviewed the reason for the Resolution and provided the following slides:

- Summary
- Rate Assessment chart
- Any Questions?

Public Hearing opened.

Gary Eidson questioned the maintenance of the lots and the height of the weeds in his neighborhood. He requested clarification of the program.

Public Hearing closed.

Director Clinghan responded that the program is optional. The neighborhoods can be reviewed and placed back in the program.

Discussion held regarding the maintenance and process of the owl trimming areas.

Councilmember Leon requested that staff speak with the resident to confirm the neighborhood

***Councilmember Leon moved, seconded by Councilmember Burch to approve Resolution 159-17, as presented.***

***Council polled as follows: Leon, Sawicki, Stout, Williams, Burch, Carioscia, Cosden, and Erbrick voted "aye." Eight "ayes." Motion carried 8-0.***

**Resolution 160-17 Annual Assessment Rolls - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves assessment rolls for various assessment areas established pursuant to Chapter 17, Article III of the Code and Ordinance 29-05, describes the lien associated therewith, and directs that the assessment rolls be certified to the Lee County Tax Collector.

City Clerk Van Deutekom read the title of the Resolution.

Financial Services Director Bateman reviewed the reason for the Resolution and discussed the following slides:

- Annual Assessment Resolutions - various
- Timeline

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Cosden moved, seconded by Councilmember Leon to approve Resolution 160-17, as presented.***

Discussion held regarding the annual assessment program and their purposes.

Councilmember Burch requested a comparison in the future for assessments in other cities.

***Council polled as follows: Leon, Sawicki, Stout, Williams, Burch, Carioscia, Cosden, and Erbrick voted "aye." Eight "ayes." Motion carried 8-0.***

Councilmember Cosden requested to call in for the September 7, 2017 budget hearing.

Discussion held in reference to the South Cape Advisory Board meeting scheduled on Tuesday, August 29, 2017.

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

A special meeting of the Cape Coral City Council was scheduled for Thursday, September 7, 2017 at 5:05 p.m. in Council Chambers.

A special meeting of the Cape Coral City Council was scheduled for Monday, September 11, 2017 at 3:00 p.m. in Council Chambers.

A regular meeting of the Cape Coral City Council was scheduled for Monday, September 11, 2017 at 4:30 p.m. in Council Chambers.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 5:50 p.m.

Submitted by,

Rebecca van Deutekom, MMC  
City Clerk



<b>Item Number:</b>	<b>B.(1)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>CONSENT AGENDA</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 140-17 City of Cape Coral's State Legislative Initiatives; Department: City Manager;  
Dollar Value: N/A; (Fund N/A)

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. 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

**ELEMENT B:** ENHANCE FINANCIAL SUSTAINABILITY DURING ALL ECONOMIC TIMES

**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

**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

**ELEMENT F:** ENHANCE THE QUALITY OF LIFE THROUGH ARTS AND CULTURE TO CREATE AND PROMOTE A VIBRANT, CULTURALLY DIVERSE COMMUNITY.

**ELEMENT G:** WORK TOWARD EFFICIENT AND COST-EFFECTIVE SOLUTIONS TO PROTECT AND CONSERVE NATURAL RESOURCES, WHILE PROMOTING ENVIRONMENTAL AWARENESS AND SUSTAINABILITY IN THE COMMUNITY.

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

1. Approval of the City's State Legislative Initiatives will provides direction for City Council, staff

and other stakeholders when advocating for the City.

2. Session begins in January this year and Committee meetings will begin in September.

2. Staff is requesting Council's support for the initiatives presented in your packet. With the exception of the initiative for charter school funding and items related to rural electric cooperatives the document includes the same initiatives adopted by Council last year. The platform does include a stronger message addressing the protection of municipal Home Rule powers and the protection of CRA's.

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Terri Hall	Division- Administration	Department- City Manager's Office
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**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
▣ Resolution 140-17	Resolution

RESOLUTION 140 - 17

A RESOLUTION OF THE CITY OF CAPE CORAL ESTABLISHING THE 2018 STATE LEGISLATIVE PLATFORM FOR THE CITY OF CAPE CORAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cape Coral desires to establish a 2018 State Legislative Platform to communicate the City's position on various State legislative issues that may affect the City and or other municipalities; and

WHEREAS, the 2018 State Legislative Platform serves as a tool to communicate the City's legislative initiatives to the State Legislature and the citizens of Cape Coral; and

WHEREAS, the City Administration has prepared for Council's consideration the 2018 Legislative Initiatives as its State Legislative Platform.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. STATE LEGISLATIVE PLATFORM.

The City of Cape Coral, Florida, hereby adopts as its State Legislative Platform the 2018 Legislative Initiatives attached hereto as Exhibit 1.

Section 2. AMENDMENTS.

The aforementioned State Legislative Platform may be revised and amended from time to time by adoption of a Resolution.

Section 3. DISTRIBUTION.

The City Manager or his designee is hereby authorized to provide a copy of the State Legislative Platform to the City's elected State Representatives and other stakeholders.

Section 4. EFFECT OF ADOPTION OF RESOLUTION.

The adoption of this Resolution shall provide direction for City Representatives and stakeholders to interact throughout the legislative process to move forward the City's Legislative Initiatives for 2018 to ensure the City's fiscal, operational and quality of life interests are represented on behalf of the Citizens of Cape Coral. The identified initiatives represent the priority issues at the State level but are not meant to represent a complete list of issues upon which the City will take a specific stand. Often a piece of legislation, rule, issue or policy will require additional advocacy efforts.

Section 5. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

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MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Legislative Initiatives-State 2018

# City of Cape Coral

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## STATE LEGISLATIVE INITIATIVES



**ABOUT CAPE CORAL:** The City of Cape Coral is situated on the Gulf Coast of Southwest Florida. With a population of 170,000, it is the largest city between Tampa and Miami and the 10<sup>th</sup> largest city in Florida. Its area of more than 120 square miles makes Cape Coral the 3<sup>rd</sup> largest Florida city by land mass. Designed and developed as a “waterfront wonderland,” Cape Coral is home to more than 400 miles of waterways and 27 miles of shoreline.



**INTRODUCTION:** The City’s state legislative platform summarizes the City’s legislative priorities and is consistent with the City’s long-term strategic vision which focuses on our commitment to the residents we serve. The purpose of the platform is to set forth the City’s legislative objectives and provide direction for our advocates as they work to secure support and resources for our community. Advocacy efforts are made to ensure the City’s fiscal, operational, and quality of life interests are represented on behalf of the citizens of Cape Coral.

# **GUIDING PRINCIPLES**

## **Protect Local Control**

Support measures that protect the rights of Florida citizens to govern themselves under the municipal Home Rule powers conferred by the Florida Constitution, including measures that preserves the City's local authority as a charter city to enact policy pertaining to local affairs and opposition to measures that seek to preempt local control without concurrence of the City.

## **Preserve and Maintain Fiscal Responsibility**

Support measures that preserve and maintain the City's fiscal stability, predictability and financial independence. These measures include:

- Efforts that preserves the City's ability to provide core services and deliver programs that foster a safe community, and
- Efforts that allow investment in community infrastructure to enhance the city's ability to meet the needs of its current and future residents and businesses, and
- Efforts that promote efficient and cost-effective solutions to protect and conserve natural resources, and promotes environmental awareness and sustainability.

## **Support Funding Opportunities**

Support measures that allow the City to compete for its fair share of regional, state and federal funding. Support initiatives that promote dedicated funding streams to cities for critical service areas.

## **Collaborate with Regional Partners**

Support opportunities to work collaboratively with local and regional partners on areas of mutual interest. Maintain strong relationships with other municipalities, the county and local transportations agencies, specials districts, regional government agencies, local elected officials and school districts.

# LEGISLATIVE INITIATIVES

<p>Local Self-Government</p>	<p>In alliance with the Florida League of Cities and municipalities across the state, the City of Cape Coral supports legislative efforts to strengthen and protect the rights of Florida citizens to govern themselves under the municipal Home Rule powers conferred by the Florida Constitution.</p> <p><u>The Florida constitution empowers citizens with the right of local self-government, or Home Rule.</u> As the only form of voluntary government, Florida's municipalities are the embodiment of this right. A city is created by its citizens to provide additional functions and services for the benefit of the community. Local citizens develop a charter to specify the form, functions and power of their city government. The incorporation and city charter are approved by voters in a local referendum.</p> <p>Home Rule authorizes all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services. Home Rule is why no two cities are alike. City residents take pride in this diversity and responsibility. Strong Home Rule powers ensure that government stays close to the people it serves. Intrusion on Home Rule from the state or federal government undermines the constitutional right of citizens to govern themselves.</p>
<p>Growth Management, Urban Administration, Economic Affairs</p>	<p>The City of Cape Coral SUPPORTS legislation that designate resources solely for the unique problems facing pre-platted cities and provides property owners and local governments additional tools including funding with which to address challenges posed by antiquated subdivisions.</p> <p>The City of Cape Coral SUPPORTS legislation to improve municipalities' use of community redevelopment agencies to effectively carry out redevelopment and community revitalization including legislation that safeguards the intent and elements cited in Florida Statute Chapter 163.3 known as the Community Redevelopment Act of 1969.</p>
<p>Public Safety</p>	<p>The City SUPPORTS legislation that provides protection for the public's security and best interest by reducing the risks associated with the requirement for local governments to disclose internal IP addresses located behind security firewalls in response to public record requests.</p>



Environmental, Energy, Natural Resources	<p>The City of Cape Coral SUPPORTS legislation that addresses water quality and quantity issues that affect local community's efforts to revitalize and protect Florida's public water supply, aquifers, surface waters, estuaries, and springs.</p> <p>These protections should, at a minimum, should include:</p> <p>Site specific testing and analyses before permitting Class V injection wells located within an area that has the potential to negatively impact a public water supply; and</p> <p>Any State Agency permit adopted plan that relates to environmental water quality and/or quantity should be recognized by other State Agencies and vice-versa; and</p> <p>The Florida Department of Environmental Protection should require all future domestic wastewater discharge permittees during their next permit renewal to develop plans with measurable goals and milestone requirements to ultimately cease domestic wastewater discharges to impaired surface waters of the State of Florida.</p> <p>The City of Cape Coral SUPPORTS legislation that provides a recurring source of funding for local government programs and projects that protect water resources; improves water quality and quantity; mitigates pollution from onsite wastewater systems, expands the use of alternative water resources and Water Management District cost-share programs to incentivize reservoir construction and alternative water supply infrastructure.</p>
Finance, Taxation, Personnel	<p>The City of Cape Coral requests continued support for future Florida Department Environmental Protection (FDEP) State Revolving Fund (SRF) loans and other funding sources that provide local governments financial assistance for critical utility infrastructure that protects Florida's environment and economy.</p> <p>The City of Cape Coral SUPPORTS legislation that will allow for the collection of Florida Statute Chapter 175 monies in exchange for providing Fire protection to a Municipal Services Taxing Unit (MSTU).</p> <p>The City SUPPORTS legislation that authorizes a local option sales tax on alcoholic beverages in establishments licensed to sell alcoholic beverages or at special events held within the municipality for which 100% of the tax proceeds will be used to fund Public Safety expenditures in support of Economic Development, a commerce within the municipality.</p>

Local Funding Requests	<ul style="list-style-type: none"> <li>❖ Surface Water Reservoir Project (<u>Supports Regional Needs</u>)</li> <li>❖ Sirenia Vista Environmental Park Phase I - Utilities Extension (<u>Supports Regional Needs</u>)</li> <li>❖ Mobile Command Center Vehicle (Supports Regional Needs)</li> </ul>
Grants	The City requests SUPPORT for the funding of various needs, especially those related to water quality improvement, public safety, or other quality of life issues.

NOTE: Adoption of this document does not preclude consideration of additional Advocacy for other legislative matters that may arise in the future.

<b>Item Number:</b>	<b>B.(2)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>CONSENT AGENDA</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 150-17 Approval of Affordable Housing Agreement between Downtown Village Square, LLC and the City of Cape Coral; Department: Community Development; Dollar Value: N/A; (Fund: N/A)

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The Developer has an approved Planned Development Project (PDP) entitled "Downtown Village Square".

The Developer participated in the Redevelopment Incentive Program (RIP) to receive increased residential density and/or non-residential intensity (FAR) on the site by meeting or partially meeting six (6) categories of Redevelopment Incentive Program (RIP) development incentives, including affordable housing.

The Developer proposed five (5) onsite affordable housing units (the "Units") as part of the Redevelopment Incentive Program (RIP) and Planned Development Project (PDP) subject to the conditions contained within Ordinance 42-10, Resolution 10-10.

In accordance with Ordinance 42-10, the Developer must enter an Affordable Housing Agreement with the City of Cape Coral.

Approval of this agreement must occur prior to the issuance of building permits.

**LEGAL REVIEW:**

**EXHIBITS:**

Resolution 150-17

**PREPARED BY:**

Amy  
Yearsley      Division- Planning      Department- Community  
Development

**SOURCE OF ADDITIONAL INFORMATION:**

Amy Yearsley, AICP, Housing Coordinator x3182

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ Resolution 150-17	Resolution

RESOLUTION 150 – 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING THE REDEVELOPMENT INCENTIVE PROGRAM AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY OF CAPE CORAL AND DOWNTOWN VILLAGE SQUARE, LLC (DEVELOPER); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Developer has an approved Planned Development Project (PDP) entitled "Downtown Village Square"; and

WHEREAS, the Developer participated in the Redevelopment Incentive Program (RIP) to receive increased residential density and/or non-residential intensity (FAR) on the site by meeting or partially meeting six (6) categories of Redevelopment Incentive Program (RIP) development incentives, including affordable housing; and

WHEREAS, Resolution 10-10 approved increased residential density and/or non-residential intensity (FAR) for the "Downtown Village Square" Planned Development Project (PDP); and

WHEREAS, the Developer proposed five (5) onsite affordable housing units (the "Units") as part of the Redevelopment Incentive Program (RIP) and Planned Development Project (PDP) subject to the conditions contained within Ordinance 42-10, Resolution 10-10; and

WHEREAS, in accordance with Ordinance 42-10, the Developer must enter an Affordable Housing Agreement with the City of Cape Coral.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves the Redevelopment Incentive Program (RIP) Affordable Housing Agreement between the City of Cape Coral and Downtown Village Square, LLC, attached hereto as Exhibit A.

Section 2. The City Council hereby authorizes the Mayor to execute the Redevelopment Incentive Program (RIP) Affordable Housing Agreement.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL CITY COUNCIL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

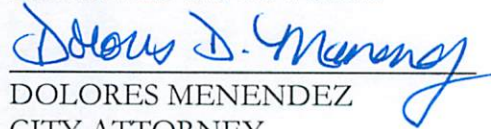
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES MENENDEZ  
CITY ATTORNEY

res\RIP Affordable Housing Agreement-Village Square

**REDEVELOPMENT INCENTIVE PROGRAM (RIP)**  
**AFFORDABLE HOUSING AGREEMENT**

THIS AGREEMENT is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Downtown Village Square, LLC (Developer) and the City of Cape Coral (City), a Municipal Corporation.

**RECITALS:**

WHEREAS, the Developer has an approved Planned Development Project (PDP) entitled "Downtown Village Square" for certain property described as Block 62A, Unit 6 Part 1, and Block 62A, Unit 8, Cape Coral Subdivision, as more particularly described in Exhibit "A". The property is bounded by SE 47<sup>th</sup> Terrace to the North, SE 9<sup>th</sup> Place to the East, Cape Coral Parkway to the South, and SE 8<sup>th</sup> Court to the West. The Planned Development Project (PDP) was approved by Ordinance 42-10. The proposed development will contain a minimum of 251,546 square feet of nonresidential uses and a maximum of 152 residential units. The proposed development will occur in five phases with a ten-year buildout; and

WHEREAS, the Developer participated in the Redevelopment Incentive Program (RIP) to receive increased residential density and/or non-residential intensity (FAR) on the site by meeting or partially meeting six (6) categories of Redevelopment Incentive Program (RIP) development incentives, including affordable housing. Resolution 10-10 approved increased residential density and/or non-residential intensity (FAR) for the "Downtown Village Square" Planned Development Project (PDP); and

WHEREAS, the Developer proposed five (5) onsite affordable housing units (the "Units") as part of the Redevelopment Incentive Program (RIP) and Planned Development Project (PDP) subject to the conditions contained within Ordinance 42-10, Resolution 10-10 and this agreement. As an alternative to the provision of five (5) units on the site, the Developer may provide a monetary equivalent to the City of Cape Coral subject to the conditions contained within Ordinance 42-10, Resolution 10-10 and this agreement.

NOW, THEREFORE, the Developer and the City hereby covenant and agree as follows:

1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.
2. Developer Agreements. The Developer hereby agrees that they shall either construct five (5) affordable housing units which shall be sold to income qualified families in accordance with the terms and conditions of this Agreement or in lieu of providing the five onsite affordable housing units, the Developer shall pay \$25,000 per affordable housing unit for each unit not located within the development. The developer shall pay the funds no later than the time of issuance of a certificate of occupancy for a maximum of 80 residential units located within the project.

Should the Developer elect to construct the five (5) affordable housing units onsite, the following provisions shall be applicable:

(1) Defined terms: In the event of a conflict between terms as defined in the Land Use and Development Regulations (LUDR) and this agreement, the Land Use and Development Regulations (LUDR) shall control.

(2) Area Median Income. For the purposes of this Agreement, the median income of the area as defined by the U.S. Department of Housing and Urban Development (HUD) shall be the current

median income for the Cape Coral – Fort Myers Metropolitan Statistical Area, established periodically by HUD and published by the Florida Housing Finance Corporation (FHFC), as adjusted for family size. If FHFC ceases to publish an established median income as aforesaid, the Developer hereto shall mutually agree to another reasonable and comparable method of computing adjustments in median income.

(3) Maximum Income of Purchaser. The income of persons purchasing the units shall not exceed 80% of the Area Median Income and that shall be considered low-income.

(4) Tenure. All units shall be sold and occupied by a low-income household. Units must be maintained as the primary residence of the owner as evidenced by homestead exemption.

(5) Eligibility and Qualification of Owner. No affordable housing unit in the development shall be sold to a prospective owner whose household income has not been verified and certified in accordance with this Agreement.

Household income eligibility shall be a three-step process:

- 1) Submittal of an application by a prospective owner;
- 2) Verification of income of prospective owner; and
- 3) Income Certification of eligible owner by the Department of Community Development.

The developer, owner, manager, or agent of the subject property shall be responsible for qualifying prospective owners by accepting applications, verifying income and obtaining income certification for all affordable units provided through this agreement. All applications, forms and other documentation required by this Agreement shall be provided to the Department of Community Development for official certification. With prior approval by the City of Cape Coral Department of Community Development, the developer, owner, manager, or agent may contract with an approved not-for-profit housing development agency familiar with the income qualification process to qualify prospective owners.

(a) Application. A prospective owner shall apply to the developer, owner, manager, or agent to income qualify for owning and occupying an affordable housing unit pursuant to the RIP. The Preliminary Application for Affordable Housing Unit shall be provided to the developer, owner, manager, or agent by the Department of Community Development.

(b) Income Verification. The developer, owner, manager, or agent shall verify income in accordance with HUD Income Certification requirements as set forth in Chapter 5 of the HUD Occupancy Handbook (4350.3 Rev-1). The verification shall be valid for up to one hundred eighty (180) days prior to occupancy. Upon expiration of the 180-day period, the information may be verbally updated from the original sources for an additional 30 days, provided it has been documented by the person preparing the original verification. After this time, a new verification form must be completed. All verification forms shall be provided by the Department of Community Development.

(c) Income Certification. Upon receipt of the Preliminary Application for Affordable Housing Unit and verification forms, the developer, owner, manager, or agent shall require that an income certification form be executed. Income certification shall assure that the potential

97 occupant has an appropriate household income which qualifies the potential occupant as an  
98 eligible family to occupy an affordable housing unit under the RIP program. The Income  
99 Certification form shall be executed by the developer, owner, manager, or agent and the City  
100 of Cape Coral Department of Community Development. The income certification form and  
101 required income verification documentation shall be presented to the City of Cape Coral a  
102 minimum of 30 days prior to the scheduled closing. Random inspection of files containing  
103 required documentation to verify occupancy in accordance with this Agreement, may be  
104 conducted by the Department of Community Development upon reasonable notice.  
105

106 (6) Long Term Affordability. It is the intent of this section to keep housing affordable; therefore,  
107 any person who buys one of the five (5) affordable housing units must agree to a lien instrument  
108 to be recorded with the Clerk of the Circuit Court of Lee County, Florida. Said lien instrument shall  
109 state that if the owner sells the property (including the land, the unit, or any combination  
110 thereof) within 15 years after his or her original purchase at a sales price more than 5% per year  
111 of his original purchase price that he or she will pay to the City of Cape Coral an amount equal  
112 to the sales price more than 5% increase per year. The lien instrument may be subordinated to  
113 a qualifying first mortgage at the option of the city. For example, a person originally buys a  
114 designated affordable housing unit for \$100,000 and sells it after five years for \$150,000. A 5%  
115 increase per year for five years will give a value of \$127,628. Deducting this amount from the  
116 sales price of \$150,000 gives a difference of \$22,372. The seller would then owe the City of Cape  
117 Coral \$22,372. Payment of this amount would release the first owner from the recorded lien  
118 against the property. Such payment shall be maintained in a segregated fund, established by  
119 the city solely for affordable housing purposes, and such money shall be used solely to  
120 encourage, provide for, or promote affordable housing in the City of Cape Coral;  
121

122 (7) Occupancy Restrictions. No affordable housing unit in any building or structure built in  
123 accordance with this Agreement shall be occupied by the Developer, any person related to or  
124 affiliated with the Developer, or by a resident manager.  
125

126 (8) Discrimination. The Developer agrees that neither they nor their agents shall discriminate  
127 against any owner or potential owner because of said owners race, color, religion, sex, national  
128 origin, familial status, or handicap. When the Developer advertises, sells or maintains the  
129 affordable housing unit, it must advertise sell, and maintain the same in a non-discriminatory  
130 manner and shall make available any relevant information to any person who is interested in  
131 purchasing such affordable housing unit.  
132

133 (9) Real Estate Commission/Fees. The Developer agrees to be responsible for payment of any real  
134 estate commissions and fees for which it is liable in the purchase and sale of affordable housing  
135 units.  
136

137 (10) Location, Construction and Design. The affordable housing units shall be intermixed with,  
138 and not segregated from, the market rate dwelling units in the development. The square footage,  
139 construction and design of the affordable housing units shall be the same as market rate dwelling  
140 units in the development in which the units are being provided. No more than two affordable  
141 housing units shall be located within a single building or single tower of Building "D". The  
142 affordable housing units shall be identified on all building plans submitted to the City. The City  
143 shall reserve the right to inspect the affordable housing units and market rate units prior to  
144 certificate of occupancy to ensure this provision is met.



(11) Disclosure. The Developer, agent, employee, etc. shall not disclose to persons, other than the potential buyer or lender of the affordable housing unit or units, which units in the development are designated as affordable housing units.

(12) A certificate of occupancy shall not be issued to any affordable housing unit until all affordable housing requirements applicable to that unit are satisfied. If, after issuance of the first certificate of occupancy, the City determines any requirement of this agreement has not been met, then the City may revoke the certificate of occupancy and would subject the applicant or owner to penalty imposed by law.

3. City of Cape Coral Agreement. During the term of this Agreement, the City of Cape Coral acting through the Department of Community Development or its successor(s) covenants agrees to prepare and make available to the Developer any general information that it possesses regarding income limitations and restrictions which are applicable to the affordable unit.

#### 4. Violations and Enforcement.

a. Violations. It shall be a violation of this Agreement to sell or occupy, or attempt to sell or occupy, an affordable housing unit provided under this Agreement except as specifically permitted by the terms of this Agreement; or to knowingly give false or misleading information with respect to any information required or requested by the Department of Community Development or by any other persons pursuant to the authority which is delegated to them by the City of Cape Coral. The City of Cape Coral or its designee shall have full power to enforce the terms of this Agreement. The method of enforcement for a breach or violation of this Agreement shall be at the option of the City of Cape Coral by criminal enforcement pursuant to the provisions of Sections 162.21 or 162.22, Florida Statutes, or by civil enforcement as allowed by law.

b. Notice of Violation. Whenever it is determined that there is a violation of this Agreement that should be enforced then a Notice of Violation shall be issued and sent by the appropriate department by certified return receipt requested U.S. Mail, or hand-delivery to the person or developer in violation.

c. Certificate of Occupancy. If the Developer fails to provide the affordable units in accordance with this Agreement, at the option of the City of Cape Coral, building permits or certificates of occupancy, as applicable, may be withheld for any future planned or otherwise approved unit located or to be located upon the Property until the entire project is in full compliance with this Agreement.

5. Assignment. The Developer shall not assign, delegate or otherwise transfer all or part of its duties, obligations, or promises under this Agreement to any successor in interest to the Property without the express written consent of the City of Cape Coral, which consent may be withheld for any reason whatsoever. Any attempt to assign the duties, obligations, or promises under this Agreement to any successor in interest to the Property without the express written consent of the City of Cape Coral as required by this Section shall be void.

6. Severability. If any section, phrase, sentence or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and all other provisions shall remain effective and binding on the Developer.

7. Notice. Any notices desired or required to be given under this Agreement shall be in writing and shall either be personally delivered or shall be sent by mail, postage prepaid, to the Developer at the following addresses:

CITY OF CAPE CORAL	DEVELOPER
City of Cape Coral	Downtown Village Square LLC
Department of Community Development	C/O Robbie Lee
PO Box 150027	3505 Veterans Memorial Highway, Suite D
Cape Coral, Florida 33915-0027	Ronkonkoma, NY 11779

Any Party may change the address to which notices are to be sent by notifying the other Party of such new address in the manner set forth above.

8. Authority to Monitor. The Developer hereto acknowledges that the City of Cape Coral or its designee, shall have the authority to monitor and enforce the Developer's obligations hereunder.

9. Indemnify. The Developer hereby agree to protect, defend, indemnify and hold City of Cape Coral and its officers, employees, and agents harmless from and against any and all claims, penalties, damages, losses and expenses, professional fees, including, without limitation, reasonable attorney's fees and all costs of litigation and judgments arising out of any claim, willful misconduct or negligent act, error or omission, or liability of any kind made by the Developer, their agents or employees, arising out of or incidental to the performance of this Agreement.

10. Recording. This Agreement shall be recorded at the developer's expense in the official records of Lee County, Florida.

11. Entire Agreement. The Developer hereto agree that this Agreement constitutes the entire Agreement and shall inure to and be binding upon their respective heirs, successors, and assigns.

12. Modification. This Agreement shall be modified or amended only by the written Agreement of both parties.

13. Completion of Units. The affordable housing units shall be provided prior to completion of the Planned Development Project and issuance of the Certificate of Occupancy.

14. Consistency. This Agreement and authorized development shall be consistent with the Comprehensive Plan and The Land Use Development Regulations of Cape Coral that are in effect at the time of development. Subsequently adopted laws and policies shall apply to this Agreement and to the development to the extent that they are not in conflict with the number and type of affordable housing units to be provided.

238 15. RIP Affordable Housing Agreement. This Agreement is a distinct and separate Agreement from  
239 "development agreements" as defined by Section 163.3220, Fla. Stat., as amended.  
240

241 16. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of  
242 the State of Florida. Venue shall be in Lee County, Florida.  
243

244 17. Further Assurances. The Developer hereto shall execute and deliver, in recordable form if necessary,  
245 all documents, certificates, instruments, and agreements which may be reasonably required to effectuate  
246 the intent of the Agreement. Such documents shall include but not be limited to any document requested  
247 by the City of Cape Coral to exhibit that this Agreement has terminated.  
248  
249

250 **IN WITNESS WHEREOF**, the Parties have executed this Agreement by their duly authorized  
251 officials, on the date above first written.  
252

253 **WITNESSES:**

254 \_\_\_\_\_  
255  
256 Print name: \_\_\_\_\_  
257  
258 \_\_\_\_\_  
259 Print name: \_\_\_\_\_  
260

**DOWNTOWN VILLAGE SQUARE, LLC**

By: \_\_\_\_\_  
Print name: \_\_\_\_\_  
Its: \_\_\_\_\_

**CITY OF CAPE CORAL, FLORIDA**

By: \_\_\_\_\_  
Marni L. Sawicki, Mayor

265 **ATTEST:**

266 \_\_\_\_\_  
267  
268 Rebecca van Deutekom, City Clerk  
269

**LEGAL REVIEW:**

270 \_\_\_\_\_  
271  
272  
273 City Attorney Office  
274

<b>Item Number:</b>	<b>B.(3)</b>
<b>Meeting</b>	<b>9/18/2017</b>
<b>Date:</b>	
<b>Item Type:</b>	<b>CONSENT AGENDA</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 151-17 Faith Presbyterian Affordable Housing Inc; Department: Community Development; Dollar Value: N/A; (Fund: N/A)

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

N/A

**SUMMARY EXPLANATION AND BACKGROUND:**

The City of Cape Coral engaged Reinhold P. Wolff Economic Research, Inc. to conduct an analysis of the need for multi-family rental housing in Cape Coral.

This study indicated a need of 3,284 units of housing for households earning less than 80% the area median income from 2016-2019.

Faith Presbyterian Affordable Housing, Inc. has indicated a desire to develop this type of housing.

The Florida Housing Finance Corporation has a Multifamily Rental Program that offers financing in the form of zero or low-interest loans to builders of affordable housing for new construction or substantial rehabilitation of multifamily rental units.

The Low-Income Housing Tax Credit Program, under the Florida Housing Finance Corporation Multifamily Rental Program, provides for-profit and nonprofit organizations with equity based on a dollar-for-dollar reduction in federal tax liability for investors, in exchange for the acquisition and rehabilitation or new construction of affordable rental housing units.

Faith Presbyterian Affordable Housing, Inc. desires to apply for a Low-Income Housing Tax Credit with the Florida Housing Corporation to develop senior citizen affordable rental housing.

**LEGAL REVIEW:**

**EXHIBITS:**

Resolution 151-17

**PREPARED BY:**

Amy  
Yearsley      Division- Planning      Department- Community  
Development

**SOURCE OF ADDITIONAL INFORMATION:**

Amy Yearsley, Housing Coordinator x3182

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Resolution 151-17	Resolution

RESOLUTION 151 - 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, IN SUPPORT OF FAITH PRESBYTERIAN AFFORDABLE HOUSING, INC.'S INTENT TO DEVELOP LOW INCOME SENIOR HOUSING WITH THE LOW-INCOME RENTAL HOUSING TAX CREDIT PROGRAM THROUGH THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral engaged Reinhold P. Wolff Economic Research, Inc. to conduct an analysis of the need for multi-family rental housing in Cape Coral; and

WHEREAS, this study indicated a need of 3,284 units of housing for households earning less than 80% of the area median income from 2016-2019; and

WHEREAS, the City of Cape Coral recognizes that there is a need for affordable senior housing in the City of Cape Coral; and

WHEREAS, Faith Presbyterian Affordable Housing, Inc., has indicated a desire to develop said housing; and

WHEREAS, Faith Presbyterian Affordable Housing, Inc., presented a conceptual project to the City Council; and

WHEREAS, the Florida Housing Finance Corporation has a Multifamily Rental Program that offers financing in the form of zero or low-interest loans to builders of affordable housing for new construction or substantial rehabilitation of multifamily rental units; and

WHEREAS, the Low-Income Housing Tax Credit Program, under the Florida Housing Finance Corporation Multifamily Rental Program, provides for-profit and nonprofit organizations with equity based on a dollar-for-dollar reduction in federal tax liability for investors, in exchange for the acquisition and rehabilitation or new construction of affordable rental housing units; and

WHEREAS, Faith Presbyterian Affordable Housing, Inc., desires to apply for a Low-Income Housing Tax Credit with the Florida Housing Corporation to develop senior citizen affordable rental housing; and

WHEREAS, the City Council desires to support Faith Presbyterian Affordable Housing, Inc.'s mission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA AS FOLLOWS:

SECTION 1. The City Council hereby supports Faith Presbyterian Affordable Housing, Inc.'s intent to develop affordable senior housing at a property yet to be determined.

SECTION 2. The City Council authorizes the City Manager to facilitate the project as reasonably practical.

SECTION 3. The City Council authorizes the City Manager to bring forth to the City Council a separate resolution specific to the Low Income Housing Tax Credit Application once development specifics and a project location have been identified.

SECTION 4. This Resolution shall take effect immediately upon approval.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

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MARNI L. SAWICKI, MAYOR

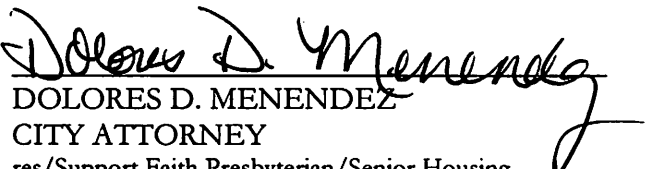
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Support Faith Presbyterian/Senior Housing

**Item Number: B.(4)**

**Meeting Date:** 9/18/2017

**Item Type: CONSENT AGENDA**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 153-17 A resolution requesting authorization to extend payment up to \$5,000 in reimbursable relocation expenses as allowed in Section 2-37.3 of the City of Cape Coral Code of Ordinances to selected candidates for the following positions: Talent Acquisition Manager position within the Human Resources Department, Parks & Recreation Director, and the Building Official within the Community Development. Funding for the Human Resources Department; Dollar Value: maximum of \$5,000; (General Fund). Funding for the Parks & Recreation Department; Dollar Value: maximum of \$5,000; (General Fund). Funding for the Community Development Department; Dollar Value: maximum of \$5,000; (Enterprise Funds)

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

A resolution requesting authorization to extend payment up to \$5,000.00 in reimbursable relocation expenses as allowed in Section 2-37.3 of the City of Cape Coral Code of Ordinances for the Talent Acquisition Manager position within the Human Resources Department. All final candidates are from out of state.

**LEGAL REVIEW:**

**EXHIBITS:**

Memo - Relocation Reimbursement Request



Resolution 153-17  
Section 2-37.3 City of Cape Coral Code of Ordinances

**PREPARED BY:**

Molly Liebegott                      Division- Administration                      Department- Human Resources

**SOURCE OF ADDITIONAL INFORMATION:**

Lisa Sonogo, Human Resources Director

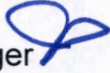
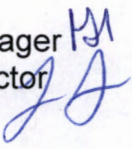
**ATTACHMENTS:**

Description	Type
▣ Memo - Relocation Reimbursement Request	Backup Material
▣ Resolution 153-17	Resolution
▣ Section 2-37.3 City of Cape Coral Code of Ordinances	Backup Material

**MEMORANDUM**

CITY OF CAPE CORAL  
CITY MANAGER'S OFFICE

TO: Mayor Sawicki and Council Members

FROM: John Szerlag, City Manager   
Michael Ilczyszyn, Assistant City Manager   
Lisa Sonogo, Human Resources Director

DATE: September 1, 2017

SUBJECT: Authorization to Extend Relocation Reimbursement

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We are requesting authorization to extend reimbursement of applicable relocation expenses up to \$5,000 as allowed in Section 2-37.3 of the City of Cape Coral Code of Ordinances to selected candidates for the positions of:

- Talent Acquisition Manager in the Human Resources Department
- Parks and Recreation Director
- Building Official in the Community Development Department

Two of these positions are currently vacant and there is an anticipated vacancy due to retirement for the third one.

JS/MI/LS:ml

C: Vince Cautero, Community Development Director

RESOLUTION 153 – 17

A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA AUTHORIZING PAYMENT OF UP TO \$5,000 IN ELIGIBLE RELOCATION EXPENSES WHEN FILLING THE POSITIONS OF TALENT ACQUISITION MANAGER IN THE HUMAN RESOURCES DEPARTMENT, PARKS AND RECREATION DIRECTOR, AND BUILDING OFFICIAL IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the positions of Talent Acquisition Manager in the Human Resources Department and Parks and Recreation Director are currently vacant, and it is anticipated that the position of the Building Official in the Department of Community Development will become vacant due to retirement; and

WHEREAS, the City Manager requests approval to provide payment of up to \$5,000 in reimbursable relocation expenses, in order to aid in recruiting and relocating exceptional candidates for the positions of Talent Acquisition Manager, Parks and Recreation Director, and Building Official as allowed in Section 2-37.3(c) of the City of Cape Coral Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council hereby authorizes payment of up to \$5,000 in reimbursable relocation expenses if the selected candidates for the positions of Talent Acquisition Manager, Parks and Recreation Director, and Building Official qualify for relocation expenses under Section 2-37.3(c) of the Code of Ordinances of the City of Cape Coral, Florida.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

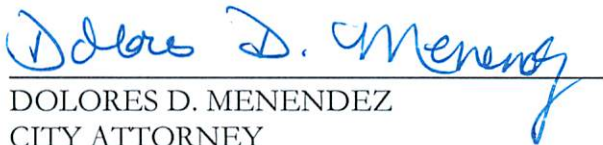
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODSEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Relocation Expenses-HR DCD P&R

§ 2-37.3 - Rate of pay upon hire and re-hire.

- (a) *General.* Except as may be otherwise provided in this article, the rate of pay for a newly-hired or re-hired person shall be the minimum of the pay grade to which his or her classification is assigned.
- (b) *Exceptions.*
- (1) Upon completing the initial probationary period, an employee hired or re-hired at the minimum of his or her pay grade may receive an increase in pay of not more than 10%, provided that such increase is requested in writing by the employee's department head and approved by the Director.
  - (2) A newly-hired or re-hired employee may be employed at a rate of pay which exceeds the minimum of the pay grade by not more than 10%, provided, however, that such rate of pay shall first be requested in writing by the department head and approved by the Director.
  - (3) A newly-hired or re-hired employee may be employed at a rate of pay which exceeds the minimum of the pay grade, but which does not exceed the mid-point of the pay grade; provided, however, that such rate of pay shall first be requested in writing by the department head and approved by the Director and the City Manager.
  - (4) A newly-hired or re-hired employee may be employed at a rate of pay which exceeds the mid-point of the pay grade but which does not exceed maximum of the pay grade; provided, however, that such rate of pay shall first be requested in writing by the department head and approved by the City Manager and the City Council.
- (c) *Relocation expenses.* To aid in recruiting and relocating exceptional candidates for critical city positions, a newly hired or re-hired employee may be afforded relocation expenses, as defined in § 2-25.4; provided, however, that payment of such expenses shall first be approved by the City Council, at the request of the City Manager.

**Item Number: B.(5)**

**Meeting**  
**Date:** 9/18/2017

**Item Type: CONSENT AGENDA**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 162-17 Acceptance of Grant from the Florida Department of Economic Opportunity;  
Department: Community Development; Dollar Value: \$30,000; (Fund: N/A)

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? Yes

2. Is this a Strategic Decision? No

If Yes, Priority Goals Supported are listed below.

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

**ELEMENT G: WORK TOWARD EFFICIENT AND COST-EFFECTIVE SOLUTIONS TO PROTECT AND CONSERVE NATURAL RESOURCES, WHILE PROMOTING ENVIRONMENTAL AWARENESS AND SUSTAINABILITY IN THE COMMUNITY.**

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

N/A

**SUMMARY EXPLANATION AND BACKGROUND:**

The City will use the funding provided under this grant to research the legal, regulatory, and permitting requirements to establish a Mooring Field Ordinance; specifically, within an area known as the Bimini Basin. The current practice of the unregulated mooring of boats in the Basin was identified as an issue during public meetings regarding Bimini Basin. The public is concerned about the lack of mooring regulations, the length of time that vessels are moored there, people living aboard the vessels without any sanitary pump out facilities being available, the dilapidated condition of some vessels, and the resulting water quality issues that have resulted.

Implementation of a Mooring Field Ordinance would address boating impacts associated with anchorages in Cape Coral by delineating clear boundaries for mooring areas and navigation. The mooring fields shall be managed to eliminate abandoned and derelict vessels, ensure compliance with the Clean Vessel Act, minimize benthic damage, establish terms and conditions for length of stay and allowable mooring tackle, improve water quality, provide for safe navigability, and provide a safe, secure harbor for transient and long-term recreational vessels.

**LEGAL REVIEW:**

**EXHIBITS:**

Resolution 162-17

**PREPARED BY:**

Amy Yearsley      Division- Planning      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Amy Yearsley, Housing Coordinator

Wyatt Daltry, Planning Coordinator

**ATTACHMENTS:**

Description	Type
▣ Resolution 162-17	Resolution



RESOLUTION 162 – 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL ACCEPTING STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT FUNDING IN THE AMOUNT OF \$30,000; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral applied for and has been awarded grant funding in the amount of \$30,000 for the development of a Mooring Field Ordinance through the 2017 Florida Department of Economic Opportunity Community Planning Technical Assistance Grant Program; and

WHEREAS, there are no cost sharing or matches required on the part of the City towards the work funded under the Agreement; and

WHEREAS, the City Council desires to accept the Community Planning Technical Assistance Grant from the Florida Department of Economic Opportunity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby accepts the Community Planning Technical Assistance Grant from the Florida Department of Economic Opportunity. A copy of award letter is attached hereto.

Section 2. The City Manager or his designee is authorized to execute any documents necessary to receive the grant award.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

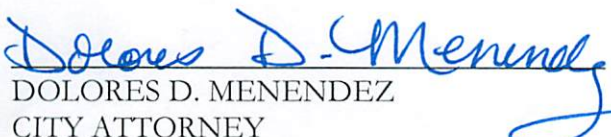
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODSEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res\Grant-Florida Department of Economic Opportunity

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

August 17, 2017

John Szerlag, City Manager  
City of Cape Coral  
Post Office Box 150027  
Cape Coral, Florida 33915

Re: FY 2017-2018 Community Planning Technical Assistance Grants

Dear Mr. Szerlag:

Thank you for your interest in the Florida Department of Economic Opportunity's Community Planning Technical Assistance grant program. The level of interest in the program has been extremely high, with the Department receiving 130 requests totaling nearly \$4.8 million.

I am pleased to inform you that the project described in your grant request letter was selected for funding in the amount of **\$30,000**. We look forward to working with you to finalize the scope of work and execute the grant agreement. Department program staff will be in contact in the near future to get the process underway.

If you have any questions, please do not hesitate to contact Brenda Winningham, Regional Planning Administrator, by telephone at 850-717-8516 or by email at [Brenda.Winningham@deo.myflorida.com](mailto:Brenda.Winningham@deo.myflorida.com).

Sincerely,

Julie A. Dennis, Director  
Division of Community Development

JAD/sr

cc: Stella Lewis, Agreement Manager, Florida Department of Economic Opportunity

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.



<b>Item Number:</b>	<b>B.(6)</b>
<b>Meeting</b>	<b>9/18/2017</b>
<b>Date:</b>	
<b>Item Type:</b>	<b>CONSENT AGENDA</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 163-17 Approve Final Plat for Sandoval Phase 3B, Part 4B; Department: DCD; Dollar Value: N/A; (Fund: N/A)

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

1. On January 12, 2015 City Council Approved the original plat for Sandoval-Phase 3B.
2. The plat for Sandoval Phase 3B, Part 4B is a replat of a portion of the original plat.
3. The re-plat retains the same lot configuration while increasing the minimum width of the lots in this area from 44' to 50', resulting in 3 fewer lots.
4. This portion of Sandoval was approved by Ordinance 12-12, PDP11-0008, adopted June 11, 2012.
5. A copy of the final plat is attached.

Account#: N/A Project#: N/A

**LEGAL REVIEW:**

Dolores D. Menendez, City Attorney

**EXHIBITS:**

Resolution 163-17

Exhibit A: Sandoval Phase 3B, Part 4B Plat

**PREPARED BY:**

David A. Hyyti, Development  
Services Manager (239)573-  
3184

Division- Site  
Development

Department of  
Department- Community  
Development

**SOURCE OF ADDITIONAL INFORMATION:**

David A. Hyyti, P.E.

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Resolution 163-17	Resolution

RESOLUTION 163 – 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING THE PLAT FOR SANDOVAL PHASE 3B, PART 4B; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 177, Florida Statutes, and Sections 4.2.5.H. and 4.2.5.I. of the Land Use and Development Regulations set forth the regulations and procedures for the subdivision of land and the final subdivision plat approval; and

WHEREAS, after the adoption of a planned development project, the City of Cape Coral requires the submission of a final subdivision plat for review by the Department of Community Development for compliance with all regulations; and

WHEREAS, before a plat is offered for recording, the Plat must be approved by the City Council; and

WHEREAS, upon approval of the subdivision plat by City Council, the Mayor shall indicate the approval by signing the certificate of approval for recording; and

WHEREAS, an approved subdivision plat shall be recorded at the expense of the applicant with the Lee County Clerk of Court; and

WHEREAS, the “Veterans Parkway West (aka Bonita Bay”) Planned Development Project was approved by Ordinance 31-04, as amended by Ordinance 143-06, Ordinance 77-10, and Ordinance 156-07, which renamed a portion of the PDP “Sandoval PDP Amendment for Phase III”; and

WHEREAS, the City of Cape Coral approved Ordinance 12-12 on June 11, 2012, amending the “Sandoval PDP Amendment for Phase III” Planned Development Project, which included a subdivision of the property; and

WHEREAS, the attached plat for Sandoval Phase 3B, Part 4B is a replat of the original plat for Sandoval, Phase 3B, which was approved by City Council on January 12, 2015; and

WHEREAS, the Director of Community Development has approved the plat attached hereto as Exhibit A as being in conformance with the approved development plan and all other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves the plat for Sandoval Phase 3B, Part 4B, as being substantially in accordance with the approved Preliminary Subdivision Plan as set forth in Ordinance 12-12 and all other applicable regulations. A copy of the proposed Sandoval Phase 3B, Part 4B plat is attached hereto as Exhibit A.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

---

MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Plat – Sandoval Phase 3B Part 4B

STOUTEN CRAMER, INC.  
324 NICHOLAS PARKWAY WEST, SUITE F  
CAPE CORAL, FLORIDA 33991  
PHONE 239-673-9541 FAX 239-424-8181  
FLORIDA AUTHORIZATION NO. LB7922

# SANDOVAL PHASE 3B, PART 4B

A REPLAT OF A PORTION OF BLOCK 9030 AND ALL OF TRACT "R-20B" OF SANDOVAL  
PHASE 3B AS RECORDED IN INSTRUMENT NUMBER 2015000012065 OF THE PUBLIC  
RECORDS OF LEE COUNTY FLORIDA, LYING IN SECTION 20, TOWNSHIP 44 SOUTH,  
RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

Parcel Description:

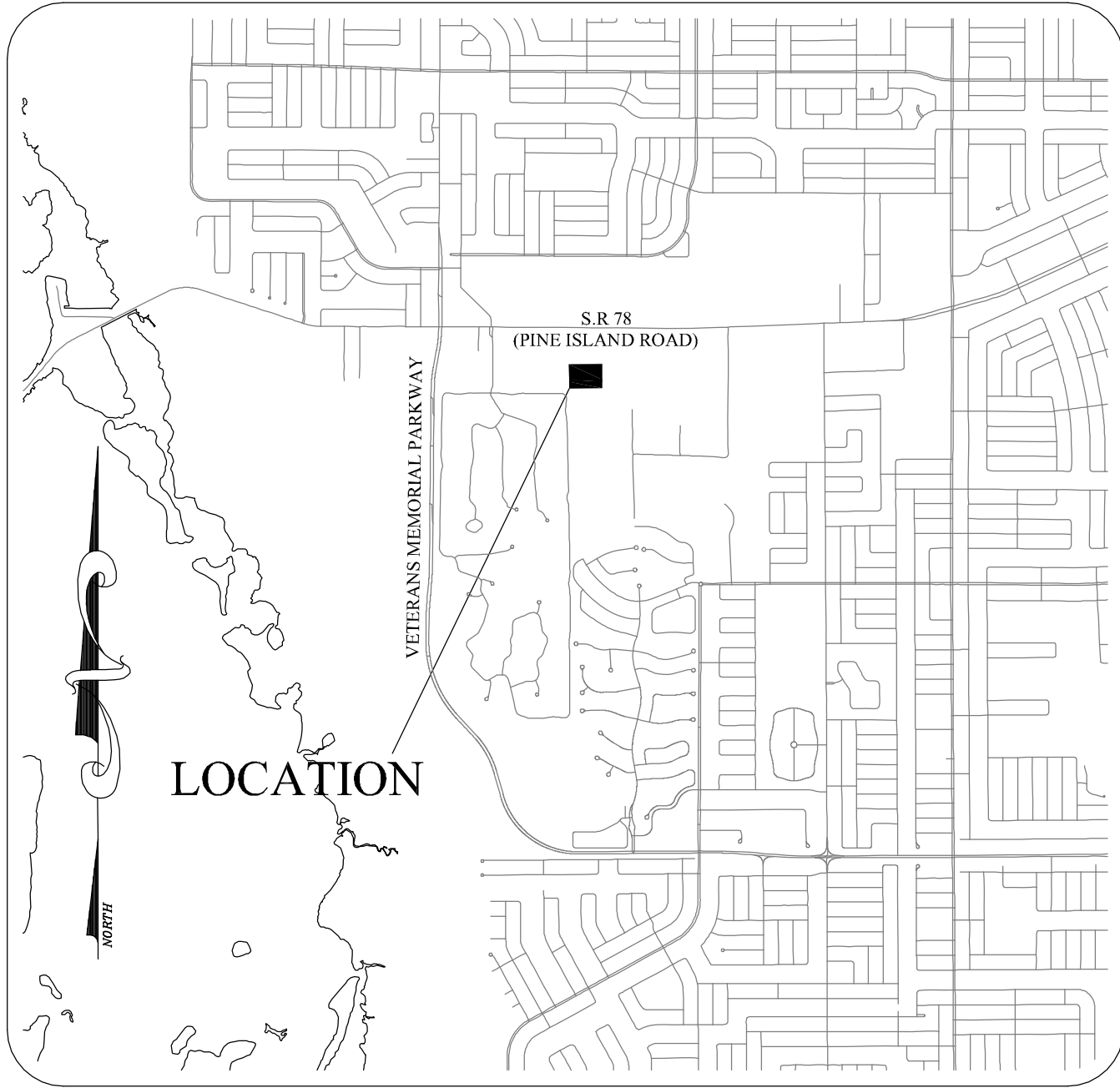
A tract or Parcel of land lying in Section 20, Township 44 South, Range 23 East being more particularly described as follows:

Commencing at the Northwest corner of the plat of SANDOVAL PHASE 3B as recorded in Instrument Number 2015000012065 of the Public Records of Lee County, Florida thence run N88°53'16"E, along the North line of said SANDOVAL PHASE 3B, a distance of 125.00 feet to the Northwest corner of Tract "LS-16" of said SANDOVAL PHASE 3B; thence run S01°06'44"E, along the West line of said Tract "LS-16" a distance of 35.00 feet to the POINT OF BEGINNING;

From said POINT OF BEGINNING thence run N88°53'16"E, along the South line of Said Tract "LS-16", a distance of 695.90 feet to an intersection with the East line of said SANDOVAL PHASE 3B; thence run S01°06'44"E, along said East line, a distance of 515.00 feet to an intersection with the North Line of Tract "LS-15" of said SANDOVAL PHASE 3B; thence run S88°53'16"W, along the North line of said Tract "LS-15" and an extension thereof, being the North line of Lake Tract "3-D" of said SANDOVAL PHASE 3B, a distance of 695.90 feet to an intersection with the East line of Tract "LP-20" of said SANDOVAL PHASE 3B; thence run N01°06'44"W, along said East line, a distance of 145.00 feet to an intersection with the South line of Cayes Circle as platted in Instrument Number 2015000012065 of the Public Records of Lee County, Florida; thence run S88°53'16"W, along said South line, a distance of 5.00 feet to an intersection with the Easterly right-of-way line of Sandoval Parkway as platted in Instrument Number 2015000012065 of the Public Records of Lee County, Florida; thence run N01°06'44"W, along said Easterly line, a distance of 45.00 feet to an intersection with the North right-of-way line of said Cayes Circle; thence run N88°53'16"E, along said North right-of-way line, a distance of 5.00 feet to the Southeast corner of Tract "LP-21" of said SANDOVAL PHASE 3B; thence run N01°06'44"W, along the East line of said Tract "LP-21", a distance of 325.00 feet to the Point of Beginning.

Bearings are based on the East line of Sandoval Parkway as being N 01°06'44" W.

Parcel contains 358,613 Sq. Feet, 8.2 Acres more or less.



LOCATION MAP  
NOT TO SCALE

NOTICE:  
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL  
DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL  
IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY  
OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE  
ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT  
THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTICE:  
LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE  
DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER  
FACILITIES BEING ACCEPTED FOR MAINTENANCE BY THE CITY OF  
CAPE CORAL OR LEE COUNTY. ANY PURCHASER OF A LOT IN THIS  
SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE  
SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR  
ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR  
IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

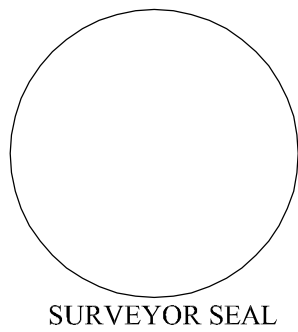
SURVEYOR'S NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SANDOVAL PARKWAY AS BEARING N 01°06'44"W.
- 2) ALL LOT LINES ARE RADIAL UNLESS OTHERWISE NOTED.
- 3) MONUMENTS WILL BE SET PER FLORIDA STATUTE CHAPTER 177.091.
- 4) EASEMENT RECORDED AS INSTRUMENT # 2005000128233, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IS BLANKET IN NATURE AND REFERENCE THE TECHNOLOGY UTILITY EASEMENTS (T.U.E.) CREATED AND DEDICATED BY THIS PLAT.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF SANDOVAL PHASE 3B, PART 4B, SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRMs) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

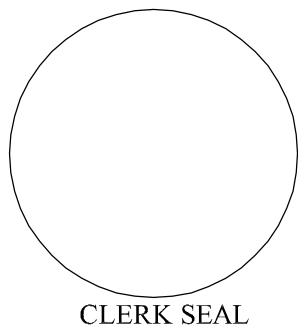
JEFFREY D. STOUTEN, PSM (FLORIDA CERTIFICATE NO. 6584)  
STOUTEN CRAMER, INC. (L.B. 7922)  
324 NICHOLAS PARKWAY WEST, SUITE F  
CAPE CORAL, FLORIDA 33991  
PHONE 239-673-9541 FAX 239-424-8181  
FLORIDA AUTHORIZATION NO. LB7922



CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF SANDOVAL PHASE 3B, PART 4B, A SUBDIVISION LOCATED IN SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT \_\_\_\_M. THIS \_\_\_\_DAY OF \_\_\_\_, 2017 AND DULY RECORDED AS INSTRUMENT # \_\_\_\_\_ IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LINDA DOGGETT  
CLERK OF THE CIRCUIT  
COURT IN AND FOR LEE  
COUNTY, FLORIDA



CITY OF CAPE CORAL APPROVALS

THIS PLAT OF SANDOVAL PHASE 3B, PART 4B WAS ACCEPTED AND APPROVED FOR RECORD THIS \_\_\_\_DAY OF \_\_\_\_, 2017 IN AN OPEN MEETING OF THE CITY COUNCIL OF CAPE CORAL, LEE COUNTY, FLORIDA.

ATTEST:

MARNI SAWICKI, MAYOR

DOLORES D. MENENDEZ  
CITY ATTORNEY

REBECCA VAN DEUTEKOM  
CITY CLERK

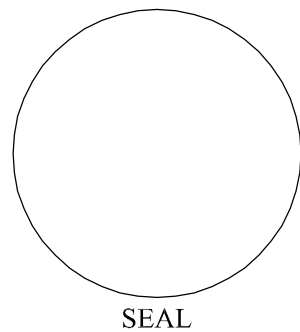
VINCENT A. CAUTERO, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT

CITY SURVEYORS CERTIFICATION

A REVIEW BY THE DESIGNATED CITY PSM DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF FLORIDA STATUTES CHAPTER 177, PART 1.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TOM CHERNESKY, PSM  
FLORIDA CERTIFICATION NO. 5426



INSTRUMENT # \_\_\_\_\_

Exhibit A

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT TAYLOR MORRISON OF FLORIDA, INC., A FLORIDA CORPORATION, THE OWNER OF HEREIN DESCRIBED LANDS HAS CAUSED THIS PLAT OF SANDOVAL- PHASE 3B, PART 4B, A SUBDIVISION IN SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST TO BE MADE AND HEREBY:

1. DEDICATES TO SANDOVAL COMMUNITY ASSOCIATION, INC.,  
A. ROADWAY SHOWN AS TRACT "R-20B" FOR UTILITY, DRAINAGE AND INGRESS AND EGRESS PURPOSES, WITH MAINTENANCE RESPONSIBILITIES.  
B. ALL DRAINAGE EASEMENTS (D.E.) AND ALL DRAINAGE EASEMENT AND LANDSCAPE EASEMENTS (D.E. & L.E.) FOR DRAINAGE, LANDSCAPE AND MAINTENANCE PURPOSES, WITH MAINTENANCE RESPONSIBILITIES.  
C. THE RIGHT OF INGRESS/EGRESS OVER TRACT "R-20B" AND ALL DRAINAGE EASEMENTS (D.E.) FOR ACCESS PURPOSES.  
D. ALL PRIMARY DRAINAGE EASEMENTS (P.D.E.) FOR PURPOSES OF MAINTENANCE, PUBLIC DRAINAGE (CONVEYANCE, STORAGE & TREATMENT FOR OFFSITE RUNOFF), WITH MAINTENANCE RESPONSIBILITIES, RESERVING, HOWEVER, TO TAYLOR MORRISON OF FLORIDA, INC., THE RIGHT TO USE PRIMARY DRAINAGE EASEMENTS FOR THE SAME PURPOSES.
2. RESERVES TO TAYLOR MORRISON OF FLORIDA, INC. ("DEVELOPER"):  
A. A PERPETUAL, NON-EXCLUSIVE TECHNOLOGY UTILITY EASEMENT, (T.U.E.) AS SHOWN HEREIN FOR THE PURPOSES OF CONSTRUCTING, INSTALLING, OPERATING, MAINTAINING, REPAIRING AND REPLACING UTILITY SYSTEMS, INCLUDING WITHOUT LIMITATION, GAS, TELEPHONE, TELECOMMUNICATIONS, CABLE TELEVISION, SECURITY AND SIMILAR SYSTEMS. SUCH EASEMENTS BEING RESERVED TO TAYLOR MORRISON OF FLORIDA, INC. ("DEVELOPER") MAY BE GRANTED OR CONVEYED TO THIRD PARTIES AND MAY, BUT NOT NECESSARILY BE PERPETUAL AND IRREVOCABLE. AT WHICH POINT SUCH TECHNOLOGY UTILITY EASEMENTS OR INTERESTS SHALL BE MORE PARTICULARLY DESCRIBED IN THE INSTRUMENT GRANTING OR CONVEYING SUCH EASEMENTS OR INTERESTS. ALL RIGHTS AND INTERESTS RESERVED OR LATER GRANTED PURSUANT TO THE TECHNOLOGY UTILITY EASEMENTS HEREIN SHALL BE INFERIOR AND SUBORDINATE TO ANY RIGHT OR INTEREST PURSUANT TO THE EASEMENTS DEDICATED UNDER PARAGRAPH 4 BELOW, ANY USE PURSUANT TO THE EASEMENTS DEDICATED UNDER PARAGRAPH 4 BELOW, ANY USE PURSUANT TO A TECHNOLOGY UTILITY EASEMENT MUST NOT INTERFERE WITH ANY USE PURSUANT TO THE EASEMENTS DEDICATED IN PARAGRAPH 4 BELOW. IF THERE IS A CONFLICT BETWEEN ANY EXISTING OR PROPOSED USE PURSUANT TO PARAGRAPH 4 BELOW AND ANY EXISTING OR PROPOSED USE PURSUANT TO A TECHNOLOGY UTILITY EASEMENT, THEN ANY FACILITIES, EQUIPMENT OR USE PURSUANT TO A TECHNOLOGY UTILITY EASEMENT WILL BE MOVED, CHANGED OR TERMINATED AT THE EXPENSE OF THE HOLDER OF THE TECHNOLOGY UTILITY EASEMENT IN ORDER TO REMOVE ANY SUCH CONFLICT, EXCEPT AS PERMITTED BY TAYLOR MORRISON OF FLORIDA, INC., ITS SUCCESSORS OR ASSIGNS, IN AN INSTRUMENT GRANTING OR CONVEYING A TECHNOLOGY UTILITY EASEMENT, ALL FACILITIES CONSTRUCTED OR INSTALLED, BY ANY OF THE GRANTEES OF THE TECHNOLOGY UTILITY EASEMENTS DESCRIBED ABOVE SHALL BE PLACED UNDERGROUND.
3. DEDICATE TO ALL PROPERTY OWNERS WHICH OWN PROPERTY IN SANDOVAL  
A. PERPETUAL USE AND RIGHT-OF-INGRESS AND EGRESS OVER AND ACROSS TRACT "R-20B".
4. DEDICATE TO FEDERAL, STATE AND LOCAL GOVERNMENTAL AGENCIES AND DEPARTMENTS AND TO ALL PUBLIC UTILITIES AS DEFINED BY FLORIDA LAW, AS MAY BE AMENDED FROM TIME TO TIME, WHETHER PRIVATELY OR GOVERNMENTALLY OWNED, FOR USE IN THE PERFORMING AND DISCHARGING OF THEIR RESPECTIVE OFFICIAL DUTIES AND OBLIGATIONS TO PROVIDE UTILITY AND OTHER GOVERNMENTAL SERVICES.  
A. A NON-EXCLUSIVE, PERPETUAL PUBLIC UTILITY EASEMENT (PUE/TUE) OVER, UNDER AND ACROSS TRACT "R-20B".  
B. ALL PUBLIC UTILITY EASEMENTS, TECHNOLOGY UTILITY EASEMENTS (P.U.E./T.U.E.) SHOWN HEREIN. THE PUBLIC UTILITY EASEMENTS DESCRIBED IN A AND B ABOVE MAY ALSO BE USED FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED HOWEVER, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION:  
(i) SHALL NOT INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITIES AND  
(ii) SHALL COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

ALL FACILITIES CONSTRUCTED OR INSTALLED BY ANY ONE OF THE GRANTEES OF THE PUBLIC UTILITY EASEMENTS DESCRIBED IN 4A AND 4B ABOVE, INCLUDING CABLE TELEVISION COMPANIES, MUST BE PLACED UNDERGROUND.

ACKNOWLEDGEMENT

IN WITNESS WHEREOF, \_\_\_\_\_, AS \_\_\_\_\_ OF TAYLOR MORRISON OF FLORIDA, INC., A FLORIDA CORPORATION, HAS EXECUTED AND CAUSED THIS DEDICATION TO BE MADE AND SIGNED THIS \_\_\_\_DAY OF \_\_\_\_, 2017.

\_\_\_\_\_  
WITNESS

PRINTED NAME: \_\_\_\_\_

AS \_\_\_\_\_ OF \_\_\_\_\_.

PRINTED NAME

WITNESS

PRINTED NAME

NOTARY ACKNOWLEDGEMENT

STATE OF FLORIDA )  
COUNTY OF LEE ) SS

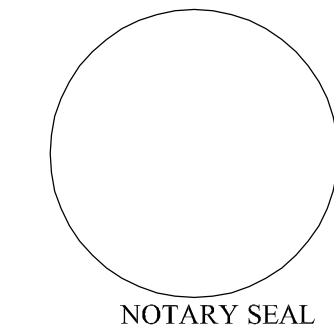
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_DAY OF \_\_\_\_, 2017 BY \_\_\_\_\_ AS \_\_\_\_\_ FOR TAYLOR MORRISON OF FLORIDA, INC., A FLORIDA CORPORATION, WHO IS PERSONALLY KNOWN TO ME OR HAS PROVIDED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY SIGNATURE

PRINT NAME OF NOTARY

COMMISSION NO. \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_





INSTRUMENT # \_\_\_\_\_






POINT OF  
COMMENCEMENT  
NORTHWEST  
CORNER OF  
SANDOVAL  
PHASE 3B AS  
RECORDED IN  
INSTRUMENT  
NUMBER  
2015000012065

TRACT "LS-16"  
SANDOVAL-PHASE 3B  
(INST.# 2015000012065)

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	50.00	78.54	90°00'00"	S43°53'16"W	70.71
C2	50.00	78.54	90°00'00"	N46°06'44"W	70.71
C3	25.00	39.27	90°00'00"	N43°53'16"E	35.36
C4	72.50	113.88	90°00'00"	S43°53'16"W	102.53
C5	72.50	113.88	90°00'00"	N46°06'44"W	102.53
C6	25.00	39.27	90°00'00"	S46°06'44"E	35.36
C7	27.50	43.20	90°00'00"	S43°53'16"W	38.89
C8	27.50	43.20	90°00'00"	N46°06'44"W	38.89
C9	25.00	39.27	90°00'00"	N43°53'16"E	35.36
C10	25.00	39.27	90°00'00"	N46°06'44"W	35.36
C11	72.50	20.78	16°25'30"	S07°06'01"W	20.71
C12	72.50	93.10	73°34'30"	S52°06'01"W	86.83
C13	72.50	91.00	71°55'12"	N55°09'08"W	85.15
C14	72.50	22.88	18°04'48"	N10°09'08"W	22.78

LINE TABLE		
LINE	BEARING	LENGTH
L1	N88°53'16"E	5.00'
L2	N01°06'44"W	45.00'
L3	S88°53'16"W	5.00'
L4	N43°53'16"E	28.28'

## LEGEND

- |   |   |
|---|---|
|  | FOUND NAIL AND TAB                            |
|  | SET NAIL AND TAB "P.C.P.<br>LB 7922"          |
|  | FOUND STEEL PIN                               |
|  | SET 5/8" IRON ROD AND CAP<br>"P.R.M. LB 7922" |
|  | CONC. MONUMENT                                |
| SQ. FT.   | SQUARE FEET                                   |
| CONC.   | CONCRETE                                      |
| MON.  | MONUMENT                                      |
| R/W   | RIGHT OF WAY                                  |
| E/P   | EDGE OF PAVEMENT                              |
| P.D.E.  | PRIMARY DRAINAGE EASEMENT                     |
| D.E.  | DRAINAGE EASEMENT                             |
| L.E.  | LANDSCAPE EASEMENT                            |
| P.U.E.  | PUBLIC UTILITY EASEMENT                       |
| T.U.E.  | TECHNOLOGY EASEMENT                           |
| A.E.  | ACCESS EASEMENT                               |
| O.R.  | OFFICIAL RECORDS BOOK                         |
| PG.   | PAGE  |
| C1  | CURVE NUMBER (TYPICAL)                        |
| L1  | LINE NUMBER (TYPICAL)                         |

<b>Item Number:</b>	<b>B.(7)</b>
<b>Meeting</b>	<b>9/18/2017</b>
<b>Date:</b>	
<b>Item Type:</b>	<b>CONSENT AGENDA</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 164-17; Acceptance of Grant for a Hearing-Impaired Smoke Alarm Program;  
Department: Fire; Grant Amount: \$188,572, City to Match \$9,428 (General Fund in Fiscal Year 2018), Program Total \$198,000

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. 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 E:** INCREASE QUALITY OF LIFE FOR OUR CITIZENS BY DELIVERING PROGRAMS AND SERVICES THAT FOSTER A SAFE COMMUNITY

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The Cape Coral Fire Department (CCFD) is requesting City Council's approval to accept of a grant for a Hearing-Impaired Smoke Alarm Program. The grant amount is \$188,572.00, the City will be required to match \$9,428.00 (General Fund in Fiscal Year 2018), for a program total of \$198,000.

A study conducted by the CCFD Bureau of Life Safety identified 6,472 hearing-impaired residents in the City, and that 5,372 (83%) of these residents do not have smoke alarms designed for those with impaired hearing.

The goal is to purchase and install hearing-impaired smoke alarms (\$198.00/alarm) in 1,000 Cape Coral residences by July 1, 2019. These will be installed by the CCFD Engine Companies. At the time installation is complete, the Bureau of Life Safety will develop goals and objectives for installation of stated smoke alarms in the remaining hearing-impaired residents.

**LEGAL REVIEW:****EXHIBITS:**

FEMA Grant Memo  
Letter from Senator Bill Nelson  
Resolution 164-17 and back up

**PREPARED BY:**

Linda A. Kurzmann      Division- Administration      Department- Fire

**SOURCE OF ADDITIONAL INFORMATION:**

Donald K. Cochran, Fire Chief/Emergency Management Director

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ FEMA Grant Memo	Backup Material
▣ Letter from Senator Bill Nelson	Backup Material
▣ Resolution 164-17 and back up	Backup Material





CAPE CORAL FIRE DEPARTMENT

OFFICE OF THE FIRE CHIEF/EMERGENCY MANAGEMENT DIRECTOR

TO: John Szerlag, City Manager *MSI for J.S.*  
THROUGH: Terri Hall, Grant Administrator *TH by PD*  
FROM: Donald K. Cochran, Fire Chief/Emergency Management Director *[Signature]*  
DATE: August 30, 2017  
SUBJECT: FEMA Grant No. EMW-2016-FP-00299 – Award for Assistance to Firefighters Grant Program – Fire Prevention and Safety

---

**REQUEST**

The purpose of this memorandum is to request approval to accept and execute the subject grant, awarding funding to the City of Cape Coral. The award is for the Assistance to Firefighters Grant Program – Fire Prevention and Safety, in the amount of \$198,000. There are two (2) award packages attached for your review; the grant acceptance will be submitted online (please refer to the last page of the award package).

The deadline to accept the FEMA grant is September 19, 2017 (30 days after receipt of the Award Notification which was received on August 18, 2017). To meet FEMA's deadline, staff is hoping to have the City Council approve acceptance of the grant on the September 11, 2017, City Council Meeting under Resolution 164-17.

**BACKGROUND**

The Cape Coral Fire Department (CCFD) is requesting City Council's approval to accept a grant for a Hearing-Impaired Smoke Alarm Program. The grant amount is \$188,572.00 and the City will be required to match \$9,428.00 (General Fund in Fiscal Year 2018), for a program total of \$198,000.00.

A study conducted by the CCFD Bureau of Life Safety identified 6,472 hearing-impaired residents in the City, and that 5,372 (83%) of these residents do not have smoke alarms designed for those with impaired hearing.

The goal is to purchase and install hearing-impaired smoke alarms (\$198.00/alarm) in 1,000 Cape Coral residences by July 1, 2019. These will be installed by the CCFD Engine

Companies. At the time installation is complete, the Bureau of Life Safety will develop goals and objectives for installation of stated smoke alarms in the remaining hearing-impaired residences.

The Grant shall be effective for Fiscal Years 2018 and 2019.

**SUMMARY**

The Fire Department has read and agrees to perform in accordance with the terms and conditions set forth in this grant.

Fire Marshal Charles Raborn provided the information supporting the grant application to In Rem Solutions, Inc., a grant writing and consulting firm. The consultant prepared the successful grant submittal.

We have included a copy of Resolution 164-17, the Award Notification, and the Award Package. If you require additional information or have any questions, please contact me at your earliest convenience.

DKC:lak  
Attachments



United States Senate

WASHINGTON, DC 20510-0905

RECEIVED

BILL NELSON  
FLORIDA

August 25, 2017

AUG 28 2017

Cape Coral Fire Rescue  
Office of the Fire Chief

Fire Chief Donald Cochran  
Cape Coral Fire Department  
P.O. Box 150027  
Cape Coral, Florida 33915

Dear Chief Cochran:

Congratulations on the \$188,572 grant award from the U.S. Department of Homeland Security's Assistance to Firefighters Grant Program. Your dedication to providing the people of Cape Coral with quality fire protection is appreciated and laudable.

Best wishes for continued success.

Sincerely,

Bill Nelson



RESOLUTION 164 – 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL ACCEPTING THE DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) GRANT PROGRAMS DIRECTORATE FY 2016 FIRE PREVENTION AND SAFETY (FP&S) GRANT PROGRAM AWARD IN THE AMOUNT OF \$188,572, WITH MATCHING FUNDS REQUIRED BY THE CITY; AUTHORIZING THE FIRE MARSHAL TO EXECUTE RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral applied for and has been awarded grant funding in the amount of \$188,572, with matching funds in the amount of \$9,428, for a Hearing-Impaired Smoke Alarm Program through the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate FY 2016 Fire Prevention and Safety (FP&S) Grant Program; and

WHEREAS, the City Council desires to accept the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate FY 2016 Fire Prevention and Safety (FP&S) Grant Program award.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby accepts the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate FY 2016 Fire Prevention and Safety (FP&S) Grant Program award in the amount of \$188,572. Matching funds in the amount of \$9,428 will be allocated in FY 2018. A copy of the award letter is attached hereto.

Section 2. The Fire Marshal, as the Agency Representative, is authorized to execute any documents necessary to receive the grant award.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODSEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res\Grant-FEMA Fire Protection & Safety

U.S. Department of Homeland Security  
Washington, D.C. 20472



# FEMA

Ms. Andrea Schuch  
Cape Coral Fire Department  
P.O. Box 150027  
Cape Coral, Florida 33915-0027

Re: Grant No.EMW-2016-FP-00299

Dear Ms. Schuch:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2016 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant has been approved in the amount of \$188,572.00. As a condition of this award, you are required to contribute a cost match in the amount of \$9,428.00 of non-Federal funds. The Federal share is \$188,572.00 of the approved total project cost of \$198,000.00.

**Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system.** By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2016 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant Notice of Funding Opportunity

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

**Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov).** As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

**Step 1:** Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

**Step 2:** If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in

the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 540-504-2883. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,



**Bridget Bean**  
Acting Assistant Administrator for Grant Programs

## Linda Kurzmann

---

**From:** Donald Cochran  
**Sent:** Tuesday, August 22, 2017 8:54 AM  
**To:** Linda Kurzmann  
**Subject:** FW: Award Notification (Application Number: EMW-2016-FP-00299)

-----Original Message-----

**From:** Andrea Schuch  
**Sent:** Monday, August 21, 2017 5:12 PM  
**To:** Charles Raborn <craborn@capecoral.net>  
**Cc:** Donald Cochran <dcochran@capecoral.net>; Robert Topoleski <rtopoles@capecoral.net>  
**Subject:** FW: Award Notification (Application Number: EMW-2016-FP-00299)

Congratulations, Fire Marshal!!!

-----Original Message-----

**From:** firegrants@dhs.gov [mailto:firegrants@dhs.gov]  
**Sent:** Friday, August 18, 2017 4:53 AM  
**To:** Andrea Schuch <aschuch@capecoral.net>  
**Subject:** Award Notification (Application Number: EMW-2016-FP-00299)

<font face="Times New Roman" size="3"> Congratulations!

Your grant application submitted under The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate FY 2016 Fire Prevention and Safety (FP&S) Grant Program has been approved for award. Please go to the Assistance to Firefighters eGrants system at </font> <a href="https://portal.fema.gov" > <font face="Times New Roman" size="3"> https://portal.fema.gov</font> </a> <font face="Times New Roman" size="3"> to accept or decline your award. Enter the same User Name and Password used to complete the online application as requested on the login screen.

Once you are in the system, the Status page will be the first screen you see with the list of all awards your organization or department has applied for in the past. On the right side of the Status screen, you will see a column entitled "Action". In this column, please select "View Award Package" from the drop down menu; click the "Go" button to view your Award Package.

After review of your award package, you will need to indicate either your acceptance or declination of award. NOTE: If you wish to accept the award, you should do so within 30 days of this notification. When you have finished, please print your award package for your records.

As a reminder, by accepting this award you are confirming that you have discussed this application with your local officials and/or governing body and your organization is committed to fulfilling the requirements of this grant immediately upon acceptance.

If you choose to decline the award, you waive all future rights to this award.

If you accept your award, you will then see a link on the left side of the screen that says <i>Update 1199A</i> in the "Action" column. Click this link as it will take you to the SF-1199A Direct Deposit Sign-up Form. If you have not done so already, please complete the SF-1199A on-line. If you have been awarded an AFG Grant in the past, the 1199A link will

be located under the "Action" column on the status screen of the first award your organization has received. When you have finished, you must submit the form electronically.

Then, using the "Print 1199A" button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199A Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed, you will receive an email indicating the form is approved. After which you will be able to request payments online.

If you have any questions regarding your SF-1199A, please call 1-866-274-0960. </font>



## Award Package

---

U.S. Department of Homeland Security  
Washington, D.C. 20472



FEMA

Ms. Andrea Schuch  
Cape Coral Fire Department  
P.O. Box 150027  
Cape Coral, Florida 33915-0027

Re: Grant No.EMW-2016-FP-00299

Dear Ms. Schuch:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2016 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant has been approved in the amount of \$188,572.00. As a condition of this award, you are required to contribute a cost match in the amount of \$9,428.00 of non-Federal funds. The Federal share is \$188,572.00 of the approved total project cost of \$198,000.00.

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- Summary Award Memo
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- Obligating Document (attached to this Award Letter)
- FY 2016 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant Notice of Funding Opportunity

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

**Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov).** As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

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Sincerely,



Bridget Bean  
Acting Assistant Administrator for Grant Programs

## Summary Award Memo

**SUMMARY OF ASSISTANCE ACTION**  
**ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - FIRE PREVENTION AND SAFETY GRANTS**  
**Application**

**INSTRUMENT:** GRANT  
**AGREEMENT NUMBER:** EMW-2016-FP-00299  
**GRANTEE:** Cape Coral Fire Department  
**DUNS NUMBER:** 152250833  
**AMOUNT:** \$198,000.00, Fire Prevention

**Project Description**

The purpose of the Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

**Period of Performance**

11-AUG-17 to 10-AUG-18

**Amount Awarded**

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00



Supplies	\$198,000.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$198,000.00

**NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)****FEMA Officials**

**Program Officer:** The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

**Grants Assistance Officer:** The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

**Grants Operations POC:** The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

**ADDITIONAL REQUIREMENTS (IF APPLICABLE)**

1. Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Chanee Williams at [chanee.williams@fema.dhs.gov](mailto:chanee.williams@fema.dhs.gov).

2. National Environmental Policy Act

All recipients must comply with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

3. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

## Agreement Articles



# FEMA

U.S. Department of Homeland Security  
Washington, D.C. 20472

## AGREEMENT ARTICLES

### Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants

**GRANTEE:** Cape Coral Fire Department

**PROGRAM:** Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants

**AGREEMENT NUMBER:** EMW-2016-FP-00299

**AMENDMENT NUMBER:**

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Article VIII	Civil Right Act of 1968
Article IX	Copyright
Article X	Debarment and Suspension
Article XI	Drug-Free Workplace Regulations
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Article XLI	Environmental Planning and Historic Preservation Screening

I. **Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form [424B Assurances - Non-Construction Programs](#). Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

[2 C.F.R. Part 200](#), *Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards*, as adopted by DHS at 2 C.F.R. Part 3002.

II. **Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.



III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([42 U.S.C. § 6101 et seq.](#)), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities ([42 U.S.C. §§ 12101-12213](#)).

VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([42 U.S.C. § 2000d et seq.](#)), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. **Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex ([42 U.S.C. § 3601 et seq.](#)), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. **Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government



(e.g., classified information or other information subject to national security or export control laws or regulations).

X. **Debarment and Suspension**

All recipients must comply with Executive Orders [12549](#) and [12689](#), which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

**a. Reporting of first-tier subawards.**

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For

example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

**b. Reporting Total Compensation of Recipient Executives.**

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received-

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

**c. Reporting of Total Compensation of Subrecipient Executives.**

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-

i. in the subrecipient's preceding fiscal year, the subrecipient received-

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

**d. Exemptions**

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

**e. Definitions. For purposes of this award term:**

1. *Entity* means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_\_ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical



reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of [31 U.S.C. §3729](#) which set forth that no recipient of federal payments shall submit a false claim for payment. See also [38 U.S.C. § 3801-3812](#) which details the administrative remedies for false claims and statements made.

XVI. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See [OMB Circular A-129](#) and form SF-424B, item number 17 for additional information and guidance.

XVII. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under [49 U.S.C. § 41102](#)) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* ([49 U.S.C. § 40118](#)) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, [amendment](#) to Comptroller General Decision B-138942.

XVIII. **Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. §2225a](#), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients

are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**XX. Lobbying Prohibitions**

All recipients must comply with [31 U.S.C. §1352](#), which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

**XXI. Non-supplanting Requirement**

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

**XXII. Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. § 200](#) et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in [37 C.F.R. Part 401](#) and the standard patent rights clause in 37 C.F.R. § 401.14.

**XXIII. Procurement of Recovered Materials**

All recipients must comply with section 6002 of the [Solid Waste Disposal Act](#), as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the



item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards**

**a. Contracts for more than the simplified acquisition threshold set at \$150,000.**

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by [41 U.S.C. §1908](#), must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

**b. Contracts in excess of \$10,000.**

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

**XXV. SAFECOM**

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the [SAFECOM](#) Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**XXVI. Terrorist Financing E.O. 13224**

All recipients must comply with [U.S. Executive Order 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

**XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity

receiving Federal financial assistance. Implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#)

**XXVIII. Trafficking Victims Protection Act of 2000**

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended ([22 U.S.C. § 7104](#)). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at [2 CFR § 175.15](#).

**XXIX. Rehabilitation Act of 1973**

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, [29 U.S.C. § 794](#), as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

**XXX. USA Patriot Act of 2001**

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends [18 U.S.C. §§ 175-175c](#). Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

**XXXI. Use of DHS Seal, Logo and Flags**

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**XXXII. Whistleblower Protection Act**

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at [10 U.S.C § 2409](#), [41 U.S.C. § 4712](#), and [10 U.S.C. § 2324](#), [41 U.S.C. §§ 4304](#) and [4310](#).

**XXXIII. DHS Specific Acknowledgements and Assurances**

All recipients must acknowledge and agree-and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree-to comply with applicable provisions



governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

#### **XXXIV. System of Award Management and Universal Identifier Requirements**

##### **A. Requirement for System of Award Management**

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

##### **B. Requirement for unique entity identifier**

If authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (*see* definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

#### **C. Definitions**

For purposes of this award term:

1. *System of Award Management (SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
  - a. A Governmental organization, which is a State, local government, or Indian Tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization; and
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
  - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award;  
and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

**XXXV. Animal Welfare Act of 1966**

All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

**XXXVI. Protection of Human Subjects**

All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

**XXXVII. Incorporation by Reference of Notice of Funding Opportunity**

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Notice of Funding Opportunity.

**XXXVIII. Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these

procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to [firegrants@dhs.gov](mailto:firegrants@dhs.gov).

**XXXIX. Prior Approval for Modification of Approved Budget**

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**XL. Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**XLI. Environmental Planning and Historic Preservation Screening**

FPS-funded activities that involve the installation of equipment (such as permanently mounted LED/electronic signs) not specifically excluded from a FEMA Environmental and Historic Preservation (EHP) Review per the Grant Programs Directorate (GPD) Programmatic Environmental Assessment (PEA); ground-disturbing activities; or modification/renovation of existing buildings or structures must undergo a FEMA EHP Review.

FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders.

To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to our Department of Homeland Security/Federal Emergency Management Agency-website at: <https://www.fema.gov/library/viewRecord.do?id=6906>

In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.



**FEDERAL EMERGENCY MANAGEMENT AGENCY  
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1a. AGREEMENT NO. EMW-2016-FP-00299	2. AMENDMENT NO. 0	3. RECIPIENT NO. 59-1312996	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX02695N2017T
6. RECIPIENT NAME AND ADDRESS Cape Coral Fire Department 1115 SE 9th Avenue Cape Coral Florida, 33990-2812	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Marie Rosalie Isabel Vega	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER Andrea Schuch	PHONE NO. 2392423303	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 11-AUG-17	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:11-AUG-17 To:10-AUG-18	

Budget Period  
From:02-MAY-17 To:30-SEP-17

**15. DESCRIPTION OF ACTION**

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
FP	97.044	2017-F6-C111-P4310000-4101-D	\$0.00	\$188,572.00	\$188,572.00	\$9,428.00
TOTALS			\$0.00	\$188,572.00	\$188,572.00	\$9,428.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.  
N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

*Assistance to Firefighters Grant - Fire Prevention and Safety Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.*

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)  
N/A


DATE  
N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title)  
Marie Rosalie Isabel Vega

DATE  
10-AUG-17

https://eservices.fema.gov/femaFireGrant/iregrant/asp/ger Assistance to Firefighters Gr... X

File Edit View Favorites Tools Help



FY 2016 Fire Prevention and Safety Grant  
Session Time out in 30 mins

Application Awards

[Direct Deposit Form 1159A](#)  
[Return to Status Page](#)  
[Log Off](#)

Congratulations! Your grant application has been selected for an award.

Please review your award package in the link below and then print the package. If you wish to accept the award, the Primary Point of Contact must click the Accept Award button, enter the password and check the certification box at the bottom of the screen and press the Accept/Reject Award button.

If you wish to decline your award, the Primary Point of Contact must enter details on the reason for the declination and then select the Decline Award button, enter the password and check the certification box at the bottom of the page and then press the Accept/Reject Award button.

Please note that you have thirty (30) days from the Award Notification Date above to either Accept Award or Reject Award. If no action is taken within thirty (30) days the system will retract this notification; if additional time is needed please contact the AFG Help Desk at 1-866-274-0960 for instructions.

If you have any additional questions, please contact the AFG Help Desk at 1-866-274-0960

[View Award Package](#) [Print Award Package](#)

Award Number: EMW-2016-FP-00299  
Award Amount: \$188,572  
Award Notification Date: 08/18/2017

\* Indicate your acceptance or rejection:

☐ Accept Award ☐ Reject Award

Comments (\* Required if rejected)


2000 characters left

\* Password:

☐ \* I, Charles D Raborn, am hereby providing my signature for this award as of 08/29/2017.

Accept/Reject Award

USFA Home | FEMA | Frequently Asked Questions | Glossary | Privacy | Help



1:37 PM  
8/29/2017

**Item Number: B.(8)**

**Meeting Date:** 9/18/2017

**Item Type: CONSENT AGENDA**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 165-17 Approve CON-FIN14-30/KR Contract renewal to Southwest Direct, Inc. of Fort Myers, Florida for the processing, printing and mailings services of various utilities bills and notices (non ad-valorem, fire assessment, lot mowing, etc), and authorize the City Manager or Designee to execute this contract renewal(s) and/or future renewals and amendment Estimated annual Dollar value \$605,200 (various funds) {Est. Annual Dollar Value \$148,000 for processing and printing and \$457,200 for mailing postage}

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

1. On July 23, 2014, the City issued a Request for Proposal #RFP-FIN14-30/KR for Customer Billing Processing, Printing, and Mailing Service for the printing and mailing services of notices such as water bills, utility notices, non ad-valorem notices, delinquent notices, lot mowing notices, fire assessment notices, code nuisance, and miscellaneous type notices which total approximately 1,200,000 bills and notices annually.
2. Four (4) firms responded to the Request for proposal. The four (4) firms in alphabetical order were Bill Trust, The Data Center, Southwest Direct, Inc., and SureBill (Envelopes & Forms) and the awarded firm was Southwest Direct, Inc.
3. On September 14, 2014 via Resolution 73-14, Council approved a contract with Southwest Direct, Inc. for a term of three (3) years with a two (2) additional two-year periods renewals.
4. Resolution 73-14 gave authorization for the City Manager and/or Designee to execute the contract but not the renewals. Staff is requesting authorization for the City Manager and/or

Designee to execute the renewals and/or any future renewals and/or amendments.

5. If approved the renewal is from October 1, 2017 to September 30, 2019 with an additional one two-year period at same unit price(s) per proposal.

6. The estimated total amount is for \$148,000 processing and printing and \$457,200 first class pre-sorted postage not exceeding budgetary limits.

7. Funding for the cost of mailing of various notices is included in the annual budget within the "Outside Services-634120" account within the various service areas

#### **LEGAL REVIEW:**

#### **EXHIBITS:**

Department Recommendation  
Resolution 165-17  
Resolution 73-14  
Original Contract

#### **PREPARED BY:**

Wanda                      Division- Procurement      Department- Finance  
Roop

#### **SOURCE OF ADDITIONAL INFORMATION:**

Victoria Bateman, Financial Services Director

#### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Department Memo	Backup Material
▣ Resolution 165-17	Resolution
▣ Resolution 73-14	Backup Material
▣ Original Contract - Southwest Direct, Inc.	Backup Material



CITY OF CAPE CORAL  
FINANCE DEPARTMENT

TO: John Szerlag, City Manager

FROM: Victoria Bateman, Financial Services Director *VB*  
Wanda Roop, Procurement Manager *WRoop*  
Holly Goyette, Assessment & Billing Manager *HG*  
Bill Boyd, Customer and Field Service Manager *Bill*

DATE: September 5, 2017

SUBJECT: Recommendation to Renew Contract for Printing, Processing & Mailing Services – Southwest Direct, Inc.

---

**Background**

On July 23, 2014, the City issued a Request for Proposal #RFP-FIN14-30/KR for Customer Bill Processing, Printing and Mailing Service for the printing and mailing services of notices such as water bills, utility notices, non ad-valorem notices, delinquent notices, lot mowing notices, fire assessment notices, code nuisance, and miscellaneous type notices which total approximately 1,200,000 bills and notices. Four (4) firms responded to the Request for proposal. The four (4) firms in alphabetical order were Bill Trust, The Data Center, Southwest Direct, Inc., and SureBill (Envelopes & Forms). The contract was awarded to Southwest Direct via Resolution 73-14 on September 14, 2014.

**Recommendation**

Southwest Direct, Inc. of Fort Myers, Florida, has provided printing, processing & mailing services for the Customer Billing Services Division since 2007 and have been responsible for the production of the City's monthly utility bills, annual consolidated notices, loan statements, delinquent notices, complex UEP assessment packages and several other miscellaneous billing statements. They have provided these services in a timely and professional manner. By the terms set forth in this contract, the City can renew the contract for two additional two-year periods upon mutual agreement between the City and the Contactor. The Customer Billing Services Division respectfully requests renewing this contract for another two years at the same rate of \$0.123 per piece for utility bill statements with a reply envelope, \$0.005 per piece for inserts, and \$0.138 per piece for annual consolidated notices.

**Fund Availability**

The total annual cost for printing, processing and mailing services is estimated at \$148,000 for printing and \$457,200 for first class postage. Funding for this contract is included in the annual budget within the "Outside Services-634120" account within the various service areas.

C: Kim Swartz, Senior Buyer

RESOLUTION 165 – 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL AUTHORIZING THE RENEWAL OF THE CONTRACT FOR CUSTOMER BILL PROCESSING, PRINTING AND MAILING SERVICES BETWEEN THE CITY OF CAPE CORAL AND SOUTHWEST DIRECT, INC., FOR A TWO-YEAR PERIOD; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT RENEWAL AND ANY FUTURE RENEWALS AND/OR AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 23, 2014, the City issued Request for Proposal #RFP-FIN14-30/KR for Customer Bill Processing, Printing and Mailing Services; and

WHEREAS, on September 14, 2014, City Council adopted Resolution 73-14, approving a contract with Southwest Direct, Inc., for a term of three years with the option of renewal for two additional two-year periods; and

WHEREAS, because Resolution 73-14 authorized the City Manager to execute the contract but not the renewals, Staff is requesting authorization for the City Manager or his designee to execute Contract Renewal #1, attached hereto as Exhibit A, and any future renewals and/or amendments; and

WHEREAS, the City Council desires to authorize the City Manager to approve Contract Renewal #1 with Southwest Direct, Inc., for an additional two-year period, with the terms of the original contract remaining in full force and effect, and to authorize the City Manager to approve any future contract renewals and/or amendments, should the City Manager deem it to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves Contract Renewal #1 of Contract #CON-FIN14-30/KR between the City of Cape Coral and Southwest Direct, Inc., for Customer Bill Processing, Printing and Mailing Services in the estimated annual amount of \$605,200, with the terms of the original contract remaining in full force and effect. A copy of Contract Renewal #1 is attached hereto as Exhibit A.

Section 2. The City Council hereby authorizes the City Manager or his designee to execute Contract Renewal #1 and authorizes the City Manager to execute any future contract renewals and/or amendments, should the City Manager deem it to be in the best interest of the City.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCLA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
Contract Renewal – Southwest Direct

CONTRACT #CON-FIN14-30/KR  
CONTRACT RENEWAL #1

Reference is made to the Contract entered into between the City of Cape Coral and Southwest Direct, Inc., for Bill Printing, Processing & Mailing Services.

By mutual agreement between the Contracting Parties, this Contract is hereby renewed for an additional two-year term effective on October 1, 2017.

All terms conditions and specifications of the aforementioned Contract and the Contractor's offer are incorporated herein by reference and remain in full force and effect.

SIGNATURES:

ATTEST:


\_\_\_\_\_  
NAME: Rebecca van Deutekom  
Title: City Clerk

CITY OF CAPE CORAL:

By: \_\_\_\_\_  
Name: A. John Szerlag  
Title: City Manager  
Date: \_\_\_\_\_

CONTRACTOR:

Southwest Direct, Inc.  
Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Legal Review:   
Fon 8/31/17  
Dolores Menendez  
City Attorney

RESOLUTION 73-14

A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, AWARDING THE CONTRACT FOR PROCESSING, PRINTING, AND MAILING SERVICES TO SOUTHWEST DIRECT, INC.; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT BY THE CITY MANAGER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 23, 2014, REQUEST FOR PROPOSALS (RFP) #FIN14-30/KR was issued to select a firm to perform processing, printing and mailing services of water bills, utility notices, non ad-valorem notices, delinquent notices, lot mowing notices, code nuisance, fire assessment notices and miscellaneous notices ; and

WHEREAS, the City received four (4) proposals on August 20, 2014; and

WHEREAS, the Evaluation Committee evaluated the proposals based on the criteria set forth in the City of Cape Coral Code of Ordinances, Section 2-144(i) and the RFP; and

WHEREAS, the Evaluation Committee ranked the firms and recommends awarding the contract to Southwest Direct, Inc.; and

WHEREAS, based on the recommendation of the Evaluation Committee, the City Manager recommends awarding the contract to Southwest Direct, Inc., in the amount of \$605,200.00 annually or not to exceed budgetary limits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the contract for “Bill and Notice Processing, Printing and Mailing Services” to Southwest Direct, Inc., in the amount of \$605,200.00 annually or not to exceed budgetary limits.

Section 2. The City Council hereby authorizes the City Manager to enter into a Contract between the City of Cape Coral and Southwest Direct, Inc., for bill and notice processing, printing and mailing services and authorizes the City Manager to execute the Contract. A copy of the Contract is attached hereto as Exhibit A.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS 29<sup>th</sup> DAY OF September, 2014.

Marni L. Sawicki  
MARNI L. SAWICKI, MAYOR

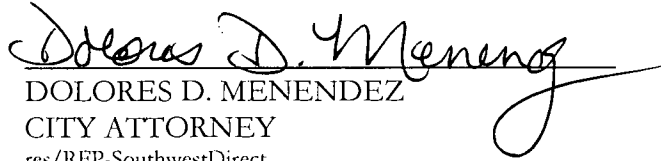
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	<u>aye</u>
BURCH	<u>aye</u>
CARIOSCIA	<u>aye</u>
NESTA	<u>excused</u>
LEON	<u>aye</u>
ERBRICK	<u>aye</u>
WILLIAMS	<u>aye</u>
DONNELL	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 1<sup>st</sup> DAY OF October,  
2014.

  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/RFP-SouthwestDirect

**CONTRACT CON-FIN14-30/KR**  
**Bill Printing, Processing & Mailing Services**

THIS CONTRACT is made this 14TH day of SEPTEMBER 2014 by and between the City of Cape Coral, Florida, hereinafter called "City", and Southwest Direct, Inc. doing business as a corporation, hereinafter called "Contractor".

WITNESSETH: For and in consideration of the payments and agreements mentioned hereinafter:

1. The Contractor will provide the City with the Bill Printing, Processing & Mailing Services as per the specifications identified within Request for Proposal #FIN14-30/KR.
2. The Contractor will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the completion of the services described. Time is of the essence in the performance of this Contract.
3. The Contractor agrees to provide these services as provided for in the CONTRACT DOCUMENTS at the contract prices outlined in the Proposal attached hereto and made a part hereof.
4. The Contractor agrees to perform all of the work described in the Contract Documents at the unit prices outlined in the Cost Proposal as shown as EXHIBIT A, attached hereto and made a part hereof.
5. The term of this contract to be awarded as a result of RFP-FIN14-30/KR - Exhibit B shall be for 3 years, starting on October 1, 2014 and ending on September 30, 2017 and may renew for 2 additional two-year periods upon mutual agreement of both parties.
6. This Contract may be terminated by the City for its convenience upon thirty (30) days prior written notice to the Contractor. In the event of termination, the Contractor shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this Contract. Such amount shall be paid by the City after inspection of the work to determine the extent of performance under this Contract, whether completed or in progress.
7. The Term "Contract Documents" shall include this Contract, Addenda, Contractor's Bid, except when it conflicts with any other contractual provision, the Notice to Proceed, Certificates and the Bid Package prepared and issued by the City. In the event of conflict between any provision of any other document referenced herein as part of the contract and this Contract, the terms of this Contract shall control.
8. Assignment: This Contract may not be assigned except with the written consent of the City, and if so assigned, shall extend and be binding upon the successors and assigns of the Contractor.
9. Disclosure: The Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, gift, or other compensation contingent upon or resulting from the award or making of the Contract.
10. Administration of Contract: The City of Cape Coral, Customer Billing Services Manager, or their representative, shall administer this Contract for the City.

 Initials

**CONTRACT CON-FIN14-30/KR**  
**Bill Printing, Processing & Mailing Services**

11. Governing Law: The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, the prevailing party shall be entitled to recover from the non-prevailing party reasonable costs and attorney's fees.
12. Amendments: No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by the parties.
13. Payments: The City shall make payment and Contractor shall be in receipt of all sums properly invoiced within thirty (30) days of the City's receipt of such invoice; unless, within a fifteen (15) day period, City notifies Contractor in writing of its objection to the amount of such invoice, with City's determination of the proper amount of such invoice. City shall pay any undisputed portion of such invoice within such thirty (30) day period.

If City shall give such notice to the Contractor within such fifteen (15) day period, such dispute over the proper amount of such invoice shall be resolved, and after final resolution of such dispute, City shall promptly pay the Contractor the amount so determined, less any amounts previously paid by City with respect to such invoice. In the event it is determined that the City has overpaid such invoice, the Contractor shall promptly refund to the City the amount of such overpayment.

Invoices shall include a purchase order number and with attention to specific location serviced and submitted to:

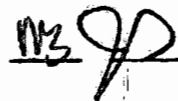
City of Cape Coral  
Attention: Bill Boyd  
P.O. Box 150027  
Cape Coral, FL 33915-0027

14. Contractor's Representations: In order to induce City to enter into the Contract, Contractor makes the following representations:

Contractor has been familiarized with the Contract Documents and the nature and extent of the work required to be performed, locality, local conditions, and Federal, State, and Local laws, ordinances, rules and regulations that in any manner may affect costs, progress or performance of the work.

Contractor has made or caused to be made examinations, investigations and tests and studies as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by Contractor for such purposes.

Contractor has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.

 Initials



**CONTRACT CON-FIN14-30/KR**  
**Bill Printing, Processing & Mailing Services**

Contractor has given City written notice of all conflicts, errors or discrepancies that have been discovered in the Contract Documents and the written resolution thereof by City is acceptable to Contractor.

15. Indemnity: To the extent permitted by law (F.S. 768.28), the Contractor shall indemnify and hold harmless the City its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor and any persons employed or utilized by Contractor in the performance of this Contract.
16. Invalid Provision: The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
17. Project Records: The Contractor shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City reserves the right to determine the record-keeping method in the event of non-conformity. These records shall be maintained for five (5) years after final payment has been made, and shall be readily available to City personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.
18. Insurance: Without limiting its liability under this contract, the Contractor shall procure and continually maintain, without interruption, at its own expense, the following minimum insurance (limits and specifications) during the life of this Contract, as well as any insurance coverage required by law:
  - a. Broad Form Commercial General Liability Insurance in an amount of no less than \$1,000,000 combined single limit per occurrence for Bodily Injury (including Death), and Property Damage.
  - b. Business Auto Liability Insurance with minimum Bodily Injury and Death Limit per accident of \$1,000,000 and a minimum Property Damage Limit per accident of \$1,000,000 combined single limit.
  - c. Workers' Compensation Insurance with limits that comply with statutory requirements and Employer's Liability Insurance with a lower limit of \$1,000,000 per occurrence,
  - d. The Contractor shall require its subcontractors to provide for such benefits and carry and maintain the foregoing types of insurance at no expense to City.
  - e. The City shall be named as an "Additional Insured" with respect to all insurance coverage except Worker's Compensation.

 initials



**CONTRACT CON-FIN14-30/KR**  
**Bill Printing, Processing & Mailing Services**

- f. Prior to commencing any Work under this Contract, Contractor shall submit to City a certificate or certificates of insurance evidencing that such benefits have been provided, and that such insurance is being carried and maintained. Such certificates shall stipulate that the insurance will not be cancelled or materially changed without thirty (30) days prior written notice by certified mail to City, and shall also specify the date such benefits and insurance expire. Contractor agrees that such benefits shall be provided and such insurance carried and maintained until the Work has been completed and accepted by City.
- g. Such benefits and such coverage as are required herein, or in any other document to be considered a part hereof, shall not be deemed to limit Contractor's liability under this Agreement.

The name and address of the City of Cape Coral as shown below must be the Certificate Holder and description noted that the City is named additional insured.

The Contractor may be in default of this Contract for failure to maintain the insurance as required. Any questions regarding these insurance requirements should be directed to the City's Risk Manager at 239-574-0529.

19. **Unauthorized Aliens:**

The employment of unauthorized aliens by any Contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of any contract resulting from this solicitation. This applies to any sub-contractors used by the Contractor as well.

20. **Entire Agreement:** This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

(This section intentionally left blank)

 Initials

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, by their duly authorized officials this Contract in two counterparts which shall be deemed an original on the date last signed as below written:

**WITNESS CITY:**

Signature: Rebecca van Deutekom

Typed Name: Rebecca van Deutekom

Title: City Clerk

**CITY:**

City of Cape Coral, Florida

Signature: A. John Szerlag

Typed Name: A. John Szerlag

Title: City Manager

Date: 10/1/2014

**CITY LEGAL REVIEW:**

William B. Foy for 02/08/14  
Dolores Menendez Date  
City Attorney

**WITNESS CONTRACTOR:**

Signature: Nina Nichols

Typed Name: Nina Nichols

Title: Project manager

**CONTRACTOR:**

Southwest Direct, Inc.

Signature: MARY B. FIEDOL

Typed Name: MARY B. FIEDOL

Title: PRESIDENT

Date: 9/19/14

**EXHIBIT A**

**RFP- Cost Proposal**

## COST PROPOSAL

### DESCRIPTION AND PRICING

Furnish all labor, materials, equipment, and facilities necessary to provide Printing, Processing and Distribution Services for the City of Cape Coral's Utility Bills for the prices as listed below.

#### Non-recurring fees

- a) Initial development, programming, layout, form and envelope design. \$ ZERO. NO CHARGE /lot (A)
- b) Additional programming or set-up charges (detail): \$ ZERO. NO CHARGE /lot (B)

#### Base Fee

- a) Printing, processing and mailing of Utility Bill statements: \*
- |                          |                 |         |
|--------------------------|-----------------|---------|
| With reply envelopes:    | <u>\$ 0.123</u> | /ea (C) |
| Without reply envelopes: | <u>\$ 0.118</u> | /ea (D) |
- b) Printing, processing and mailing of 1<sup>st</sup> class letters or documents, etc.
- |                          |                 |         |
|--------------------------|-----------------|---------|
| With reply envelopes:    | <u>\$ 0.123</u> | /ea (E) |
| Without reply envelopes: | <u>\$ 0.118</u> | /ea (F) |

#### Additional service charges:

- a) With one (1) insert \$ 0.005 /ea (G)
- b) Each additional insert \$ 0.005 /ea (H)
- c) Postage Costs:
- |           |       |   |          |
|-----------|-------|---|----------|
| Domestic: | 1 oz: | <u>\$ 0.381-0.406</u>                         | EST. (I) |
|           | 2 oz: | <u>\$ 0.381-0.406</u>                         | EST. (J) |
| Foreign:  | 1 oz: | <u>\$ 1.15</u>                                | (K)      |
|           | 2 oz: | <u>\$ 1.15 <sup>Can. Mex.</sup> 1.72-2.13</u> | (L)      |
- d) NCOA Link Address Forwarding Service \$ 0.003 /ea (M)  
(Please provide cost if you can offer this service)
- e) Prices for services and materials not shown above (detail)  
8-5 x 14 CONSOLIDATED NOTICES \$ 0.138 /ea (N)

\* COMMITMENT TO MAIL SAME DAY (8HRS) OF FILE RECEIPT.

<b>Item Number:</b>	<b>B.(9)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>CONSENT AGENDA</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 168-17 Acceptance of Victims of Crime Act (VOCA) Grant Funding; Department Police; Dollar Value \$116,674; Cash match of \$29,168.71

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. 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 E:** INCREASE QUALITY OF LIFE FOR OUR CITIZENS BY DELIVERING PROGRAMS AND SERVICES THAT FOSTER A SAFE COMMUNITY

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

1. Funding is provided by the Attorney General's Office.
2. Funding is available October 1, 2017 - September 30, 2018
3. Funds will be used to pay 75% of two (2) Victim Assistance Advocates base pay, with fringe benefits.
4. Funds will be used for Victim Assistance Advocates to attend training specific to victim services.
5. Victim Assistance Advocates perform specialized work in assisting victims of crime through coordinating the use of services on the victim and their family's behalf, as well as, provide emotional support on-scene, and appropriate follow-up assistance.
6. A cash match of \$29,168.71 is required.
7. The cash match is approximately 30% of the Victim Assistance Coordinator's base salary and benefits.
8. The Police Department is requesting approval for the City Manager to execute the award documents.
9. Award documents will be presented to the City Manager for signature at a later date.

## LEGAL REVIEW:

### EXHIBITS:

Resolution 168-17  
Final Decision Email  
Award Letter  
Contract

### PREPARED BY:

Shannon                      Division- Administration      Department- Police  
Northorp

### SOURCE OF ADDITIONAL INFORMATION:

#### ATTACHMENTS:

Description	Type
▣ Resolution 168-17	Resolution
▣ Final Decision Email	Backup Material
▣ Award Letter	Backup Material
▣ Contract	Backup Material

RESOLUTION 168 - 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING THE 2017-2018 AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL AND THE CITY OF CAPE CORAL OBO CAPE CORAL POLICE DEPARTMENT PROVIDING FOR GRANT FUNDING IN AN AMOUNT NOT TO EXCEED \$116,674 TO PROVIDE A VICTIM SERVICES PROGRAM; APPROVING A TWENTY PERCENT MATCH CONTRIBUTION BY THE CITY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AGREEMENT AND ANY RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Office of the Attorney General (hereafter OAG) acts as a pass-through agency for the Victims of Crime Act (VOCA), Catalog of Federal Domestic Assistance (CFDA); and

WHEREAS, the 2017-2018 Agreement between the State of Florida, Department of Legal Affairs, Office of the Attorney General and City of Cape Coral obo Cape Coral Police Department provides for grant funding in an amount not to exceed \$116,674 for two Victim Assistance Advocate positions; and

WHEREAS, the terms of the Agreement provide that the City is required to match the grant award in the amount of twenty percent (20%) of the total VOCA project cost; and

WHEREAS, the grant funding allows the City to provide a victim services program which offers services to victims of crime; and

WHEREAS, the City Council desires to enter into the 2017-2018 Agreement Between the State of Florida, Department of Legal Affairs, Office of the Attorney General and City of Cape Coral obo Cape Coral Police Department; and

WHEREAS, the City desires to provide the matching contribution of twenty percent (20%) of the total VOCA project cost; and

WHEREAS, the City Council desires to authorize the City Manager or his designee to execute the agreement and any other required documentation in order to implement the award of grant funds for the victim assistance advocate program in the police department.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves entering into the 2017-2018 Agreement between the State of Florida, Department of Legal Affairs, Office of the Attorney General and City of Cape Coral obo Cape Coral Police Department. The City will provide a matching contribution of twenty percent (20%) of the total VOCA project cost. By entering into the agreement, the City agrees to perform services in accordance with the Victims of Crime Act, Victim Assistance Grant Final Program Guidelines. The 2017-2018 Agreement between the State of Florida, Department of Legal Affairs, Office of the Attorney General and City of Cape Coral obo Cape Coral Police Department is attached hereto as Exhibit A.

Section 2. The City Council hereby authorizes the City Manager or his designee to execute any and all documents required to implement the agreement.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

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MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
Res\Grant – VOCA Agreement



FY 2017/2018

2017 - 2018

AGREEMENT BETWEEN THE STATE OF FLORIDA  
DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF THE ATTORNEY GENERAL  
AND

**City of Cape Coral OBO Cape Coral Police Department**

GRANT NO. VOCA-2017-Cape Coral Police Departm-00219

THIS AGREEMENT is entered into in the City of Tallahassee, Leon County, Florida by and between the State of Florida, Department of Legal Affairs, Office of the Attorney General (OAG), the pass-through agency for the Victims of Crime Act (VOCA), Catalog of Federal Domestic Assistance (CFDA) Number - 16.575, hereafter referred to as the OAG, an agency of the State of Florida, with headquarters located at PL-01, The Capitol, Tallahassee, Florida 32399-1050, and the ***City of Cape Coral OBO Cape Coral Police Department*** hereafter referred to as the Provider. The parties hereto mutually agree as follows:

ARTICLE 1. ENGAGEMENT OF THE PROVIDER

The OAG hereby agrees to engage the Provider and the Provider hereby agrees to perform services as set forth herein. The Provider understands and agrees all services are to be performed solely by the Provider and may not be subcontracted or assigned without prior written consent of the OAG. The consent of the OAG does not vest any rights in the subcontractor or create any obligation on behalf of the OAG to the subcontractor. All subcontract agreements will contain a disclosure to this effect.

The Provider agrees to provide the OAG with written notification of any change in its designated representative for this Agreement. This Agreement shall be performed in accordance with the rules implementing the provisions of Victims of Crime Act (VOCA), 42 U.S.C.A. § 10603, Victim Assistance Program, 28 C.F.R. §§ 94.101 through 94.122, the federal government-wide grant rules as set forth in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0, and the U.S. Department of Justice, (DOJ), Office of Justice Programs, DOJ Grants Financial Guide, (Financial Guide), incorporated herein by reference, and any other regulations or guidelines currently or subsequently required by the U.S. Department of Justice and State or Federal laws.

ARTICLE 2. SCOPE OF WORK

For the Grant Period, the Provider will maintain a victim services program that will be available to provide direct services to victims of crime who are identified by the Provider and/or are presented to the Provider, as outlined in the approved Grant Application of the Provider for the Grant Period as approved by the OAG and incorporated herein by reference.

ARTICLE 3. TIME OF PERFORMANCE

This Agreement shall become effective on October 1, 2017, or on the date when the Agreement has been signed by all parties, whichever is later, and shall continue through September 30, 2018. No costs incurred by the Provider prior to the effective date of said Agreement will be reimbursed and the Provider is solely responsible for any such expenses.

ARTICLE 4. GRANT FUNDS

The Provider agrees not to commingle grant funds with other personal or business accounts. The U.S. Department of Justice, DOJ Grants Financial Guide does not require physical segregation of cash deposits or the establishment of any eligibility requirements for funds which are provided to a Provider. However, the Provider's accounting systems must ensure OAG grant funds are not commingled with funds on either a program-by-program or a project-by-project basis. Grant funds specifically budgeted and/or received for one project may not be used to support another. Where the Provider's existing accounting system cannot comply with this requirement, the Provider shall establish an additional accounting system to

provide adequate grant fund accountability for each project.

In accordance with the provisions of Section 287.0582, Florida Statutes (2016), if the terms of this Agreement and reimbursement contemplated by this Agreement extend beyond the current fiscal year, the OAG's performance and obligation to reimburse under this Agreement are contingent upon an annual appropriation and spending authority by the Florida Legislature. In addition, the OAG's performance and obligation to reimburse under this Agreement is contingent upon the OAG's Victims of Crime Act award, as funded through the U.S. Department of Justice, Office for Victims of Crime formula grant program.

#### ARTICLE 5. FINANCIAL CONSEQUENCES

In accordance with Section 215.971, Florida Statutes (2016), provisions specifying the financial consequences that apply if the Provider fails to perform the minimum level of service required by this Agreement are set forth in this paragraph. The Provider will be held responsible for maintaining a victim services program that will be available to provide direct services to victims of crime who are identified by the Provider and/or are presented to the Provider, and meeting the deliverables and the performance standards as outlined in the current year VOCA

Grant Application and approved by the OAG, included within the OAG E-Grants Management System, and incorporated herein by reference in the approved application, unless otherwise modified as approved by the OAG in writing. If the Provider does not maintain a victim services program that will be available to provide direct services to victims of crime as outlined in the approved application without an approved justification, the OAG will impose a corrective action plan, reduction of the final payment for the grant period under this Agreement by 5% of the total award amount listed in Article 33, and/or terminate this Agreement.

#### ARTICLE 6. REGISTRATION REQUIREMENTS

Prior to execution of this Agreement, the Provider shall be registered electronically with the State of Florida at MyFloridaMarketPlace.com. If the parties agree that exigent circumstances exist that would prevent such registration from taking place prior to execution of this Agreement, then the Provider shall so register within twenty-one (21) days from execution. The online registration can be completed at:

<http://dms.myflorida.com/dms/purchasing/myfloridamarketplace>

The Provider agrees to comply with the applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by the Federal Office of Management and Budget and the DOJ's Office of Justice Programs), and to acquire and provide a Data Universal Numbering System (DUNS) number. The Provider also agrees to applicable restrictions on subcontractors that do not acquire and provide a DUNS number. The details of Provider obligations are posted on the Office of Justice Programs' website at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference. This special condition does not apply to the Provider who is an individual and received the grant award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

#### ARTICLE 7. W-9 REQUIREMENT

The State of Florida Department of Financial Services requires that vendors have a verified Substitute Form W-9 on file to avoid delays in payments. Information on how to register and complete your Substitute Form W-9 can be found at <http://flvendor.myfloridacfo.com/>. The Vendor Management Section can also be reached at (850) 413-5519.

#### ARTICLE 8. AUTHORIZED EXPENDITURES

Only expenditures which are detailed in the approved budget of the grant application, a revised budget, or an amended budget approved by the OAG are eligible for reimbursement with grant funds. Any requested modification to the budget must be submitted by the Provider in writing to the OAG and will require prior approval by the OAG. Budget modification approval is at the sole discretion of the OAG. The Provider acknowledges and agrees any grant funds reimbursed under this Agreement must be used in accordance with the rules implementing the provisions of Victims of Crime Act (VOCA), 42 U.S.C.A. § 10603, Victim Assistance Program, 28 C.F.R. §§ 94.101 through 94.122, the federal government-wide grant

rules as set forth in the Code of Federal Regulations, Part 200, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0, and the U.S. Department of Justice, (DOJ), Office of Justice Programs, DOJ Grants Financial Guide, (Financial Guide), incorporated herein by reference, and any other regulations or guidelines currently or subsequently required by the U.S. Department of Justice and State or Federal laws. Expenditures for the acquisition and maintenance of telephones and equipment shall be proportional to the percentage of VOCA grant funded staff who utilize the telephones and equipment, as contemplated by this Agreement.

The Provider and the OAG agree grant funds cannot be used as a revenue-generating source and crime victims cannot be charged either directly or indirectly for services reimbursed with grant funds. Third party payers such as insurance companies, Victim Compensation, Medicare or Medicaid may not be billed for services provided by grant-funded personnel to clients. Grant funds must be used to provide services to all crime victims, regardless of their financial resources or availability of insurance or third party reimbursements. The OAG and the Provider further agree that travel expenses will be reimbursed with grant funds only in accordance with Section 112.061, Florida Statutes (2016).

Expenditures of state financial assistance must be in compliance with all laws, rules and regulations applicable to expenditures of State funds, including, but not limited to, the Florida Reference Guide for State Expenditures.

Only allowable costs resulting from obligations incurred during the term of the Agreement are eligible for reimbursement, and any balances of unobligated cash that have been advanced or paid that are not authorized to be retained for direct program costs in a subsequent period must be refunded to the OAG. Any funds paid in excess of the amount to which the Provider is entitled under the terms of this Agreement must be refunded to the OAG.

The Provider shall reimburse the OAG for all unauthorized expenditures and the Provider shall not use grant funds for any expenditures made by the Provider prior to the execution of this Agreement or after the termination date of the Agreement. If the Provider is a unit of local or state government, the Provider must follow the written purchasing procedures of that governmental agency or unit. If the Provider is a non-profit organization, the Provider agrees to obtain a minimum of three (3) written quotes for all single item grant-related purchases equal to or in excess of two thousand five hundred dollars (\$2,500) unless it is documented that the vendor is a sole source supplier. The Provider will utilize the lowest quote for the purchase.

The Provider understands and agrees that it cannot use any federal funds (including grant funds), either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the U.S. Department of Justice, Office of Justice Programs.

The Provider must report suspected fraud, waste and abuse to the OAG's Office of the Inspector General at 850-414-3300.

#### ARTICLE 9. PROGRAM INCOME

The Provider shall provide services to crime victims, at no charge, through the VOCA grant funded project. Upon request, the Provider agrees to provide the OAG with financial records and internal documentation regarding the collection and disposition of program income, including, but not limited to, Victim Compensation, insurance, Medicare, Medicaid, restitution and direct client fees.

#### ARTICLE 10. METHOD OF PAYMENT

Payment for services performed under the Agreement shall be issued in accordance with the provisions of Section 215.422, Florida Statutes (2016). The OAG shall have twenty (20) days from the receipt of any invoice for the approval and inspection of goods or services.

All required performance reports must be completed by the Provider and received by the OAG in order to document the provision of the project deliverables. Processing of reimbursement of a monthly invoice is contingent upon timely OAG receipt of performance reports, approval by the OAG of the level of service provided during the report period, and approval by the OAG of all performance reports due. The Provider shall provide all performance reports on a quarterly and annual

basis unless otherwise requested by the OAG. The quarterly reports for December, March, and June must be submitted by the Provider to the OAG by the 15th day of the month immediately following the end of the quarter.

Except for the monthly invoices for December, March and June, each monthly invoice and all required supporting documentation, including a Certificate of Availability, must be submitted by the Provider to the OAG by the last day of the month immediately following the month for which reimbursement is requested, unless otherwise approved by the OAG in writing. The monthly invoices for December, March and June and all required supporting documentation, including a Certificate of Availability, must be submitted by the Provider to the OAG by the 15th day of the month immediately following the month for which reimbursement is requested, unless otherwise approved by the OAG in writing. The Provider shall maintain appropriate documentation of all costs represented on the invoice. The OAG may require any and all appropriate documentation of expenditures prior to approval of the invoice, and may withhold reimbursement if services are not satisfactorily completed or if the documentation is not satisfactory. The final invoice is due to the OAG no later than the last day of the month immediately following the cancellation, expiration, or termination of the Agreement. If complete and correct, documented invoices are not received within these time frames, all right to reimbursement may be forfeited, the OAG may not honor any subsequent requests for payment, and the OAG may terminate the Agreement.

Any reimbursement due or any approval necessary under the terms of the Agreement shall be withheld until all evaluation, financial and program reports due from the Provider, and necessary adjustments thereto, have been approved by the OAG. The Provider is required to inform the OAG if they are being investigated by any governmental agency for financial, programmatic, or other issues. If it comes to the attention of the OAG that the Provider is being investigated, all pending requests for reimbursement may not be processed until the matter is resolved to the satisfaction of the OAG.

The Provider agrees to maintain and timely submit such progress, fiscal, inventory, and other reports as the OAG may require pertaining to this grant.

The Provider is required to match the grant award as required in the VOCA Federal Rules referenced in ARTICLE 1 of this Agreement. Match contributions equal to 20% (cash or in-kind) of the total cost of each VOCA project (VOCA grant funds plus match contributions) must be reported monthly to the OAG. All funds designated as match contributions are restricted in the same manner and to be expended for the same uses as the VOCA victim assistance grant funds and must be expended within the grant period. Unless otherwise approved by the OAG, match contributions must be reported on a monthly basis in an amount consistent with the amount of funding requested for reimbursement.

#### ARTICLE 11. VENDOR OMBUDSMAN

Pursuant to Section 215.422(7), Florida Statutes (2016), the Florida Department of Financial Services has established a Vendor Ombudsman, whose duties and responsibilities are to act as an advocate for vendors who may have problems obtaining timely payments from state agencies. The Vendor Ombudsman may be reached at (850) 413-5516.

#### ARTICLE 12. LIABILITY AND ACCOUNTABILITY

The Provider, if a non-profit entity, agrees to provide continuous and adequate director, officer, and employee liability insurance coverage against any personal liability or accountability by reason of actions taken while acting within the scope of their authority during the existence of this Agreement and any renewal(s) and extension(s) thereof. Such coverage may be provided by a self-insurance program established and operating under the laws of the State of Florida.

#### ARTICLE 13. INDEPENDENT CONTRACTOR

The Provider agrees that it is an independent contractor and not an officer, employee, agent, servant, joint venture, or partner of the State of Florida, except where the Provider is a state Agency. Neither the Provider nor its agents, employees, subcontractors or assignees shall represent to others that the Provider has the authority to bind the OAG. This Agreement does not create any right to any state retirement, leave or other benefits applicable to State of Florida personnel as a result of the Provider performing its duties or obligations under this Agreement. The Provider agrees to take such actions as may be necessary to ensure that each subcontractor of the Provider will be deemed an independent contractor and will not be

considered or permitted to be an officer, employee, agent, servant, joint venturer, or partner of the State of Florida. The OAG will not furnish support services (e.g., office space, office supplies, telephone service, and administrative support) to the Provider, or its subcontractor or assignee, unless specifically agreed to in writing by the OAG.

All deductions for social security, withholding taxes, income taxes, contributions to unemployment compensation funds and all necessary insurance for the Provider, the Provider's officers, employees, agents, subcontractors, or assignees shall be the sole responsibility of the Provider.

#### ARTICLE 14. DOCUMENTATION AND RECORD RETENTION

The Provider shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all revenues and expenditures of grant funds.

The Provider shall maintain a file for inspection by the OAG or its designee, Chief Financial Officer, Auditor General, or U.S. Department of Justice that contains written invoices for all fees, or other compensation for services and expenses, in detail sufficient for a proper pre-audit and post-audit. This includes the nature of the services performed or expenses incurred, the identity of the person(s) who performed the services or incurred the expenses, the daily time and attendance records and the amount of time expended in performing the services (including the day on which the services were performed), and if expenses were incurred, a detailed itemization of such expenses. All documentation, including audit working papers, shall be maintained at the office of the Provider for a period of five years from the termination date of the Agreement, or until any audit has been completed and any findings have been resolved, whichever is later.

The Provider shall give authorized representatives of the OAG the right to access, receive and examine all records, books, papers, case files, documents, goods and services related to the grant funds. If the Provider fails to provide access to such materials, the OAG may terminate this Agreement. Sections 119.071, and 960.15, Florida Statutes (2016), provide that certain records received by the OAG are exempt from public record requests, and any otherwise confidential record or report shall retain that status and will not be subject to public disclosure. The Provider, by signing this Agreement specifically authorizes the OAG to receive and review any record reasonably related to the purpose of the grant as authorized in the original approved grant application and or the amendments thereto. Failure to provide documentation as requested by the OAG under the provisions of this Agreement shall result in either the termination of the agreement or suspension of further reimbursements to the Provider until all requested documentation has been received, reviewed, and the costs are approved for reimbursement by the OAG.

The Provider shall allow public access to all documents, papers, letters, or other materials made or received in conjunction with this Agreement, except for those records exempt from disclosure under one of the statutory provisions mentioned in the paragraph above, or are otherwise exempt from disclosure by operation of Section 119.071, Florida Statutes (2016) or Chapter 119, Florida Statutes. Failure by the Provider to allow the aforementioned public access constitutes grounds for unilateral cancellation by the OAG at any time, with no recourse available to the Provider. The Provider shall also keep and maintain all public records consistent with the State of Florida's record retention schedule. The Provider shall provide the OAG with a copy of all requested public records or allow the records to be inspected and copied within a reasonable time or as otherwise provided by law. The provider will ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement and following completion of the Agreement if the Provider does not transfer the records to the OAG at that time.

Upon completion of the Agreement, the Provider shall keep and maintain public records required by the OAG to perform the services to be provided in the scope of this Agreement or electronically transfer, at no cost, to the OAG all public records in possession of the Provider. If the Provider transfers all public records to the OAG upon completion of the Agreement, the Provider shall destroy all duplicate public records that are exempt or confidential and exempt from public

records disclosure requirements. If the Provider keeps and maintains public records upon completion of the Agreement, the Provider shall meet all applicable requirements for retaining public records. All public records stored electronically must be provided to the OAG, upon request of its Custodian of Public Records, in a format compatible with the information technology systems of the OAG.

**IF THE PROVIDER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROVIDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-414-3634, [publicrecordsrequest@myfloridalegal.com](mailto:publicrecordsrequest@myfloridalegal.com), OFFICE OF THE ATTORNEY GENERAL, PL-01, THE CAPITOL, TALLAHASSEE, FL 32399-1050.**

#### ARTICLE 15. VICTIM SERVICES PRACTITIONER DESIGNATION TRAINING

The Provider agrees to have all VOCA grant funded staff members complete training and achieve the Victim Services Practitioner Designation through the staff members' successful participation in the OAG's Victim Services Practitioner Designation Training Course provided through the Florida Crime Prevention Training Institute (FCPTI). All VOCA funded staff members must timely renew and maintain this designation certification by applying for renewal of the designation with the OAG within the time frame mandated by the OAG through its Victim Services Practitioner Designation Requirements.

#### ARTICLE 16. PROPERTY

The Provider agrees to be responsible for the proper care and custody of all property purchased with grant funds and agrees not to sell, transfer, encumber, or otherwise dispose of property acquired with grant funds without the written permission of the OAG. If the Provider is no longer a grant funds recipient, all property acquired by grant funds shall be subject to the provisions of the Financial Guide.

#### ARTICLE 17. AUDITS; COMPLIANCE WITH OAG'S INSPECTOR GENERAL

The Provider shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Agency's Office of the Inspector General (Section 20.055, Florida Statutes (2016)), or as authorized by law.

The administration of funds disbursed by the OAG to the Provider may be subject to audits and or monitoring by the OAG, as described in this section.

This part is applicable if the Provider is a Non-Federal Entity, meaning a State, local government, Indian tribe, institution of higher learning, or nonprofit organization that carries out a Federal award as a recipient or subrecipient, as defined in Title 2 C.F.R. Part 200, Subpart A.

1. In the event the Provider expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards, it must have a single or program-specific audit conducted for that year in accordance with the provisions of federal government-wide grant rules as set forth in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0. Article 33 to this Agreement indicates the amount of Federal funds disbursed through the OAG by this Agreement. In determining the Federal awards expended in its fiscal year, the Provider shall take into account all sources of Federal awards, including Federal resources received from the OAG. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by federal government-wide grant rules as set forth in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0. An audit of the Provider conducted by the Auditor General in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, will meet the requirements of this part.
2. In connection with the audit requirements addressed in this part, the Provider shall fulfill the requirements relative to auditee responsibilities as provided in 2 C.F.R. § 200.508.
3. If the Provider expends less than \$750,000 in Federal awards in its fiscal year, an audit conducted in accordance

with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, is not required. In the event the Provider expends less than \$750,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, the cost of the audit must be reimbursed from non-Federal funds (i.e., the cost of such an audit must be reimbursed from Provider resources obtained from other than Federal entities), as mandated in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart E, beginning at 2 C.F.R. § 200.400.

#### ARTICLE 18. AUDIT REPORT SUBMISSION

Audit reports must be submitted no later than 150 days following cancellation, termination or expiration of the Agreement.

1. Copies of audit reports for audits conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, and required by this Agreement shall be submitted, when required by 2 C.F.R. § 200.512, by or on behalf of the Provider directly to the following:

A. Office of the Attorney General

Bureau of Advocacy and Grants Management

PL-01, The Capitol

Tallahassee, Florida 32399-1050

2. Any reports, management letters, or other information required to be submitted to the OAG pursuant to this Agreement shall be submitted timely in accordance with federal government-wide grant rules as set forth in the Code of Federal Regulations, Part 200, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0, as applicable.
3. Providers should indicate the date the financial reporting package was delivered in correspondence accompanying the financial reporting package.

#### ARTICLE 19. MONITORING

In addition to reviews of audits conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, by entering into this Agreement, the Provider agrees to comply and cooperate with any monitoring procedures/processes and additional audits deemed appropriate by the OAG, including but not limited to on-site visits. The Provider further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the OAG, Chief Financial Officer, Auditor General or the U.S. Department of Justice.

The Provider may not accept duplicate funding for any cost, position, service or deliverable funded by the OAG. Duplicative funding is defined as more than 100% payment from all funding sources for any cost, position, service or deliverable. If there are multiple funding sources and a program is funded by the OAG, the OAG or its designee has the right to review all documents related to those funding sources to determine whether duplicative funding is an issue. If duplicate funding is found, the Agreement may be suspended, terminated or both while the extent of the overpayment is determined. Failure to comply with state law, or the Code of Federal Regulations, and the U.S. Department of Justice Programs, Financial Guide, may also result in the suspension, termination or both of the Agreement while the extent of the overpayment is determined. Absent fraud, in the event that there has been an overpayment to a Provider for any reason, if the amount of the overpayment cannot be determined to a reasonable degree of certainty, as determined in the sole discretion of the OAG, both parties agree that the Provider shall reimburse to the OAG one half of the monies previously paid to the Provider for that line item for the grant year in question.

#### ARTICLE 20. RETURN OF FUNDS

The Provider shall return to the OAG any overpayments made to the Provider for unearned income or disallowed items pursuant to the terms and conditions of this Agreement. In the event the Provider or any outside accountant or auditor determines that an overpayment has been made, the Provider shall immediately return to the OAG such overpayment without



prior notification from the OAG. In the event the OAG discovers that an overpayment has been made, the contract manager, on behalf of the OAG, will notify the Provider and the Provider shall forthwith return the funds to the OAG. Should the Provider fail to immediately reimburse the OAG for any overpayment, the Provider will be charged interest at the rate in effect on the date of the overpayment, as determined by the State of Florida, Chief Financial Officer, pursuant to Chapter 55, Florida Statutes, on the amount of the overpayment or outstanding balance thereof. Interest will accrue from the date of the Provider's initial receipt of funds up to the date of reimbursement of said overpayment funds to the OAG.

#### ARTICLE 21. PUBLIC ENTITY CRIME

Pursuant to Section 287.133, Florida Statutes (2016), the following restrictions are placed on persons convicted of public entity crimes to transact business with the OAG: When a person or affiliate has been placed on the convicted vendor list following a conviction for a public entity crime, he/she may not submit a bid, proposal or reply on a contract to provide any goods or services to a public entity, may not submit a bid, proposal or reply on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids, proposals or replies on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes (2016), for CATEGORY TWO for a period of thirty-six (36) months from the date of being placed on the convicted vendor list. The Provider certifies that neither it nor any affiliate has been placed on such convicted vendor list, and shall notify the OAG within five (5) days of its, or any of its affiliate's, placement thereon.

#### ARTICLE 22. GRATUITIES

The Provider agrees that it will not offer or give any gift or any form of compensation to any OAG employee. As part of the consideration for this Agreement, the parties intend that this provision will survive the Agreement for a period of two years. In addition to any other remedies available to the OAG, any violation of this provision will result in referral of the Provider's name and description of the violation of this term to the Department of Management Services for the potential inclusion of the Provider's name on the suspended vendors list for an appropriate period. The Provider will ensure that its subcontractors, if any, comply with these provisions.

#### ARTICLE 23. PATENTS, COPYRIGHTS, AND ROYALTIES

The Provider agrees that if any discovery or invention arises or is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected herewith, the discovery or invention shall be deemed transferred to and owned by the State of Florida. Any and all patent rights accruing under or in connection with the performance of this Agreement are hereby reserved to the State of Florida.

In the event that any books, manuals, films, or other copyrightable materials are produced, the Provider shall identify all such materials to the Agency. The Provider does hereby assign to the OAG and its assigns or successors, all rights accruing under or in connection with performance under this Agreement, including the United States Copyright, all other literary rights, all rights to sell, transfer or assign the copyright, and all rights to secure copyrights anywhere in the world.

The Provider shall indemnify and hold the OAG and its employees harmless from any claim or liability whatsoever, including costs and expenses, arising out of any copyrighted, patented, or unpatented invention, process, or article manufactured or used by the Provider in the performance of this Agreement. The Provider shall indemnify and hold the OAG and its employees harmless from any claim against the OAG for infringement of patent, trademark, copyright or trade secrets. The OAG will provide prompt written notification of any such claim. During the pendency of any claim of infringement, the Provider may, at its option and expense, procure for the OAG, the right to continue use of, or to replace or modify the article to render it non-infringing. If the Provider uses any design, device, or materials covered by letters patent, or copyright, it is mutually agreed and understood without exception the compensation paid pursuant to this Agreement includes all royalties or costs arising from the use of such design, device, or materials in any way involved in the work contemplated by this

Agreement.

Subcontracts must specify that all patent rights and copyrights are reserved to the State of Florida.

#### ARTICLE 24. INDEMNIFICATION AND ASSUMPTION OF LIABILITY

The Provider shall be liable for and indemnify, defend, and hold the OAG and all of its officers, agents, and employees harmless from all claims, suits, judgments, or damages, including attorney's fees and costs, arising out of any act or omission or neglect by the Provider and its agents, employees and subcontractors during the performance or operation of this Agreement or any subsequent modifications or extensions thereof.

The Provider's evaluation or inability to evaluate its liability shall not excuse the Provider's duty to defend and to indemnify the OAG within seven (7) days after notice by the OAG. After the highest appeal taken is exhausted, only an adjudication or judgment specifically finding the Provider not liable shall excuse performance of this provision. The Provider shall pay all costs and fees including attorney's fees related to these obligations and their enforcement by the OAG. The OAG's failure to notify the Provider of a claim shall not release the Provider from these duties. The Provider shall not be liable for any claims, suits, judgments, or damages arising solely from the negligent acts of the OAG.

This Agreement and the rights and obligations created by it are intended for the sole benefit of the OAG and the Provider. No third party to this Agreement, including the victims served by the Provider, have any rights under this Agreement. No third party may rely upon this Agreement or the rights and representations created by it for any purpose.

The Provider agrees to assume all liability associated with providing services under the terms and conditions of this Agreement. This includes, but is not limited to, premises liability and any travel taken by any employee of Provider or any recipient of Provider's services.

#### ARTICLE 25. REMEDIES; INCLUDING TERMINATION OF AGREEMENT

The Provider's failure to perform pursuant to the terms of this Agreement may result in non-payment, imposition of the financial consequences contained in this Agreement, delay of payment, and/or termination as provided under this Agreement. Such non-compliance can result in any or all of the additional following actions; temporary withholding of payments under ARTICLE 10, METHOD OF PAYMENT, above, pending correction of all deficiencies by the Provider; appropriate legal action being taken to enforce compliance by the Provider with the terms of this Agreement; and suspension of grant funds up to and including termination of the Agreement by the OAG.

This Agreement may be terminated by the OAG for any reason upon five (5) days written notice via certified U.S. mail, hand delivery, or email to the Provider to the physical or email address provided by the Provider in the application.

In the event this Agreement is terminated by the OAG, the Provider shall deliver documentation of ownership or title, if appropriate for all supplies, equipment and personal property purchased with grant funds to the OAG, within 30 days after termination of the Agreement. Any finished or unfinished documents, data, correspondence, reports and other products prepared by or for the Provider under this Agreement shall be made available to and for the exclusive use of the OAG.

Notwithstanding the above, the Provider shall not be relieved of liability to the OAG for damages sustained by the OAG by virtue of any termination by the OAG or breach of this Agreement by the Provider. In the event this Agreement is terminated by the OAG, the Provider shall be reimbursed for satisfactorily performed and documented services provided prior to the effective date of termination.

#### ARTICLE 26. AMENDMENTS

Modification of any provision of this Agreement must be mutually agreed upon by all parties, and requires a written and fully executed amendment to this Agreement, except as provided for budget modifications submitted by the Provider in writing which have been previously approved by the OAG pursuant to the terms of Article 8, Authorized Expenditures.

#### ARTICLE 27. NONDISCRIMINATION

Recipients of federal financial assistance must comply with applicable federal civil rights laws, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C.

§10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Exec. Order 13279 (67 Fed. Reg. 241).

Pursuant to applicable federal laws and Chapter 760, Florida Statutes (2016), the Provider agrees not to discriminate against any client or employee in the performance of this Agreement or against any applicant for employment because of age, race, religion, color, disability, national origin, marital status or sex. The Provider further assures that all contractors, subcontractors, sub-grantees, or others with whom it arranges to provide services or benefits to clients or employees in connection with any of its programs and activities are not discriminating against those clients or employees because of age, race, religion, color, disability, national origin, marital status or sex.

The Provider must have policies and procedures in place for responding to complaints of discrimination that employees and beneficiaries file directly with the Provider. Information provided by the U.S. Department of Justice, Office of Justice Programs, to assist with policy and procedure development is available at <http://ojp.gov/about/offices/ocr.htm>.

In the event a Federal or State court, or a Federal or State administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, marital status or sex against the Provider, the Provider will forward a copy of the findings to the Office of Justice Programs, Office for Civil Rights (OCR), and the OAG.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Safe Streets Act and Title VI of the Civil Rights Act of 1964, the Provider must take reasonable steps to ensure that LEP persons have meaningful access to its programs and activities. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The Provider is encouraged to consider the need for language services for LEP persons served or encountered both in developing its budgets and in conducting its programs and activities. Additional assistance and information regarding your LEP obligations can be found at <http://www.lep.gov>.

In accordance with federal civil rights laws, the Provider shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

All Providers must complete a review of the Office of Justice Programs, Office for Civil Rights training modules and confirm compliance with this requirement to the OAG through self-reporting by December 31, 2017. The training modules are available at <http://ojp.gov/about/ocr/assistance.htm>.

Pursuant to Section 287.134, Florida Statutes (2016), an entity or affiliate who has been placed on the Florida Department of Management Services' discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide goods or services to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

The OCR issued an advisory document for Federal grant recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://ojp.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs).

#### ARTICLE 28. NONDISCRIMINATION IN PROGRAMS INVOLVING STUDENTS

The Provider shall not use award funding to discriminate against students that are participating in (or benefiting from) programs that are funded by those same federal funds. As an example provided by the Office for Victims of Crime, Office of

Justice Programs, the Provider cannot use VOCA funding to treat a Catholic student differently than a non-Catholic student when both are applying for, or receiving benefits from, the VOCA program. This same protection also applies to the students' parents or legal guardians.

#### ARTICLE 29. ACKNOWLEDGMENTS

All publications, advertising or written descriptions of the sponsorship of the program shall state: "This project was supported by Award No. VOCA-2017-Cape Coral Police Departm-00219 awarded by the Office for Victims of Crime, Office of Justice Programs. Sponsored by Cape Coral Police Department and the State of Florida."

The Provider is required to display a civil rights statement prominently on all publications, websites, posters and informational materials mentioning USDOJ programs in bold print and no smaller than the general text of the document. The full civil rights statement must be used whenever possible. Single page documents that do not have space for the full civil rights statement may contain a condensed version in a print size no smaller than the text used throughout the document. If the civil rights statement is missing on a publication, the statement must be included the next time the publication is revised or reprinted and printed copies of the statement must be attached to the current supply of the publication until the next revision is reprinted.

Full Civil Rights Statement: In accordance with federal law and U.S. Department of Justice policy, this organization is prohibited from discriminating on the basis of race, color, national origin, religion, sex, age, or disability. To file a complaint of discrimination, write the Florida Department of Legal Affairs, Federal Discrimination Complaint Coordinator, PL-01 The Capitol, Tallahassee, Florida, 32399-1050, or call 850-414-3300, or write Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW, Washington, DC 20531 or call 202-307-0690 (Voice) or 202-307-2027 (TDD/TYY). Individuals who are hearing impaired or have speech disabilities may also contact OCR through the Federal Relay Service at 800-877-8339 (TTY), 877-877-8982 (Speech), or 800-845-6136 (Spanish).

Condensed Civil Rights Statement: The Cape Coral Police Department is an equal opportunity provider and employer.

The Provider is required to display the OAG's "Civil Rights Fact Sheet" at locations open to the public. The "Civil Rights Fact Sheet" will be made available to the Provider via the OAG E-Grants Management System.

#### ARTICLE 30. EMPLOYMENT

The employment of unauthorized aliens by the Provider is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Provider knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. Any services performed by any such unauthorized aliens shall not be paid.

The Provider shall utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all persons hired during the Agreement term.

#### ARTICLE 31. ADMINISTRATION OF AGREEMENT

All approvals referenced in this Agreement must be obtained from the parties' contract administrators or their designees. The OAG's contract administrator is Christina F. Harris, Chief, Bureau of Advocacy and Grants Management. All notices must be given to the parties' contract administrators respectively.

#### ARTICLE 32. CONTROLLING LAW AND VENUE

This Agreement shall be governed by the laws of the State of Florida. Any and all litigation arising under the Agreement shall be instituted in the appropriate court of general jurisdiction in Leon County, Florida.

#### ARTICLE 33. AMOUNT OF FUNDS

The OAG agrees to reimburse the Provider for contractual services and/or availability to provide services for the entire Time of Performance, as set forth in Article 3 of this Agreement, and completed in accordance with the terms and conditions of the Agreement. The total sum of monies available for reimbursement to the Provider for services provided shall

not exceed \$116,674.00.

“Availability to Provide Services” is defined as maintaining sufficient capacity to assist victims during the Provider’s core business hours throughout the Time of Performance, as set forth in Article 3 of this Agreement. Core business hours are assumed to be at least from 8:00 AM to 5:00 PM, Monday through Friday, unless otherwise approved as alternative core business hours by the OAG. Employee leave earned under this grant period is reimbursable; however, the Provider must continue to maintain sufficient capacity to assist victims.

“Contractual Services” are defined as those specified services established within the OAG approved budget for which the Provider is to be paid upon completion at the set rate also established within the OAG approved budget, as authorized expenditures eligible for payment, or reimbursement pursuant to Article 8 of this Agreement.

ARTICLE 34. AGREEMENT AS INCLUDING ENTIRE AGREEMENT

This instrument and the approved 2017-2018 grant application in the E-grants Management System, embody the entire Agreement of the parties. There are no provisions, terms, conditions, or obligations other than those contained herein. This Agreement supersedes all previous communications, representations or Agreements on this same subject, verbal or written, between the parties.

There are no representations or statements that are relied upon by the Provider that are not expressly set forth herein.

The Provider's signature below specifically acknowledges understanding of the fact that the privilege of obtaining a VOCA grant is not something this or any Provider is entitled to receive. This Agreement is for one-time funding only, covering one fiscal year. There is absolutely no expectation or guarantee, implied or otherwise, the Provider will receive VOCA funding in the future. The OAG strongly encourages the Provider to secure funding from other sources if the Provider anticipates the program will continue beyond the current grant year.

Each of the parties executing this Agreement have full authority to do so and have received all lawfully necessary approvals to enter into this Agreement.

IN WITNESS WHEREOF, the OFFICE OF THE ATTORNEY GENERAL and City of Cape Coral OBO Cape Coral Police Department, have executed this agreement.

\_\_\_\_\_  
Authorizing Official

John Szerlag, City Manager  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorizing Official\*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
OAG Authorizing Official

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
DATE

Authorizing Official\*

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Print Name

---

Date

---

591312996  
FEID# of Provider

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SAMAS Code

\* Provided for use if multiple signatures are required by your organization.

**From:** [egrants@myfloridalegal.com](mailto:egrants@myfloridalegal.com)  
**To:** [Shannon Northorp](#)  
**Subject:** A final decision has been made in regards to your Application VOCA-2017-Cape Coral Police Departm-00219  
**Date:** Thursday, September 07, 2017 12:03:21 PM

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Dear Applicant Agency,

The Office of the Attorney General (OAG), Bureau of Advocacy and Grants Management, is pleased to advise you an award letter regarding the Victims of Crime Act (VOCA) grant application submitted for the 2017-2018 funding cycle and a VOCA Agreement are available for review and signature. Please carefully review the approved budget and technical review comments in the EGrants system prior to executing the VOCA Agreement as changes may have been made to the agency budget request. The approved budget and technical review comments in the EGrants system are the final approved budget referenced in the VOCA Agreement.

To execute the VOCA Agreement, please complete the following:

1. Review the approved budget and the technical review comments that outline the agency budget.
2. Print two agreements from the EGrants system. Have the authorizing official sign and date each agreement on the last page.
3. Include the Federal Employee Identification number of your agency, and if you are a public agency, include your SAMAS (FLAIR) code, if applicable.
4. Return both signed original agreements to the Bureau of Advocacy and Grants Management, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida, 32399-1050. To ensure the agreement is signed by all parties prior to October 1, 2017, two signed agreements must be received by the OAG no later than September 25, 2017.

No grant expenses for the period of October 1, 2017 through September 30, 2018, may be incurred until the agreement has been signed by all parties. **Please do not make any alterations to the VOCA Agreement.** Any delay in execution will delay the availability of grant funds. Grant expenses will not be processed for reimbursement until the signed original agreement has been received in this office.

If you have any questions, please call the Bureau of Advocacy and Grants Management at (850)414-3380.



**OFFICE OF THE FLORIDA ATTORNEY GENERAL**  
**VOCA 2017-2018**  
**Organization: Cape Coral Police Department**  
**Grant No.: VOCA-2017-Cape Coral Police Departm-00219**  
**Award Letter**

September 13, 2017 10:59AM

Mr. David Newlan  
Chief of Police  
1100 Cultural Park Blvd.  
Cape Coral, Florida 33990-1270

Dear City of Cape Coral obo Cape Coral Police Department:

The Office of the Attorney General, Bureau of Advocacy and Grants Management, is pleased to inform you that City of Cape Coral obo Cape Coral Police Department will be awarded a Victims of Crime Act (VOCA) grant for the 2017-2018 funding cycle in the amount of \$116,674.00.

Our staff has worked diligently to determine how best to distribute the available VOCA grant funding while maintaining mandatory federal grant distribution guidelines and mission critical services. These considerations and your agency's commitment to providing services to crime victims in your community were the key factors used in making our decision.

A member of the Bureau of Advocacy and Grants Management will contact your agency to provide information and instructions for this grant. Thank you for your continuing efforts in providing assistance to victims of crime.

Sincerely,

Emery A. Gainey,  
Director

FY 2017/2018

2017 - 2018

AGREEMENT BETWEEN THE STATE OF FLORIDA  
DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF THE ATTORNEY GENERAL  
AND

*City of Cape Coral OBO Cape Coral Police Department*

GRANT NO. VOCA-2017-Cape Coral Police Departm-00219

THIS AGREEMENT is entered into in the City of Tallahassee, Leon County, Florida by and between the State of Florida, Department of Legal Affairs, Office of the Attorney General (OAG), the pass-through agency for the Victims of Crime Act (VOCA), Catalog of Federal Domestic Assistance (CFDA) Number - 16.575, hereafter referred to as the OAG, an agency of the State of Florida, with headquarters located at PL-01, The Capitol, Tallahassee, Florida 32399-1050, and the ***Cape Coral Police Department*** hereafter referred to as the Provider. The parties hereto mutually agree as follows:

ARTICLE 1. ENGAGEMENT OF THE PROVIDER

The OAG hereby agrees to engage the Provider and the Provider hereby agrees to perform services as set forth herein. The Provider understands and agrees all services are to be performed solely by the Provider and may not be subcontracted or assigned without prior written consent of the OAG. The consent of the OAG does not vest any rights in the subcontractor or create any obligation on behalf of the OAG to the subcontractor. All subcontract agreements will contain a disclosure to this effect.

The Provider agrees to provide the OAG with written notification of any change in its designated representative for this Agreement. This Agreement shall be performed in accordance with the rules implementing the provisions of Victims of Crime Act (VOCA), 42 U.S.C.A. § 10603, Victim Assistance Program, 28 C.F.R. §§ 94.101 through 94.122, the federal government-wide grant rules as set forth in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0, and the U.S. Department of Justice, (DOJ), Office of Justice Programs, DOJ Grants Financial Guide, (Financial Guide), incorporated herein by reference, and any other regulations or guidelines currently or subsequently required by the U.S. Department of Justice and State or Federal laws.

ARTICLE 2. SCOPE OF WORK

For the Grant Period, the Provider will maintain a victim services program that will be available to provide direct services to victims of crime who are identified by the Provider and/or are presented to the Provider, as outlined in the approved Grant Application of the Provider for the Grant Period as approved by the OAG and incorporated herein by reference.

ARTICLE 3. TIME OF PERFORMANCE

This Agreement shall become effective on October 1, 2017, or on the date when the Agreement has been signed by all parties, whichever is later, and shall continue through September 30, 2018. No costs incurred by the Provider prior to the effective date of said Agreement will be reimbursed and the Provider is solely responsible for any such expenses.

ARTICLE 4. GRANT FUNDS

The Provider agrees not to commingle grant funds with other personal or business accounts. The U.S. Department of Justice, DOJ Grants Financial Guide does not require physical segregation of cash deposits or the establishment of any eligibility requirements for funds which are provided to a Provider. However, the Provider's accounting systems must ensure OAG grant funds are not commingled with funds on either a program-by-program or a project-by-project basis. Grant funds specifically budgeted and/or received for one project may not be used to support another. Where the Provider's existing accounting system cannot comply with this requirement, the Provider shall establish an additional accounting system to

provide adequate grant fund accountability for each project.

In accordance with the provisions of Section 287.0582, Florida Statutes (2016), if the terms of this Agreement and reimbursement contemplated by this Agreement extend beyond the current fiscal year, the OAG's performance and obligation to reimburse under this Agreement are contingent upon an annual appropriation and spending authority by the Florida Legislature. In addition, the OAG's performance and obligation to reimburse under this Agreement is contingent upon the OAG's Victims of Crime Act award, as funded through the U.S. Department of Justice, Office for Victims of Crime formula grant program.

#### ARTICLE 5. FINANCIAL CONSEQUENCES

In accordance with Section 215.971, Florida Statutes (2016), provisions specifying the financial consequences that apply if the Provider fails to perform the minimum level of service required by this Agreement are set forth in this paragraph. The Provider will be held responsible for maintaining a victim services program that will be available to provide direct services to victims of crime who are identified by the Provider and/or are presented to the Provider, and meeting the deliverables and the performance standards as outlined in the current year VOCA

Grant Application and approved by the OAG, included within the OAG E-Grants Management System, and incorporated herein by reference in the approved application, unless otherwise modified as approved by the OAG in writing. If the Provider does not maintain a victim services program that will be available to provide direct services to victims of crime as outlined in the approved application without an approved justification, the OAG will impose a corrective action plan, reduction of the final payment for the grant period under this Agreement by 5% of the total award amount listed in Article 33, and/or terminate this Agreement.

#### ARTICLE 6. REGISTRATION REQUIREMENTS

Prior to execution of this Agreement, the Provider shall be registered electronically with the State of Florida at MyFloridaMarketPlace.com. If the parties agree that exigent circumstances exist that would prevent such registration from taking place prior to execution of this Agreement, then the Provider shall so register within twenty-one (21) days from execution. The online registration can be completed at:

<http://dms.myflorida.com/dms/purchasing/myfloridamarketplace>

The Provider agrees to comply with the applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by the Federal Office of Management and Budget and the DOJ's Office of Justice Programs), and to acquire and provide a Data Universal Numbering System (DUNS) number. The Provider also agrees to applicable restrictions on subcontractors that do not acquire and provide a DUNS number. The details of Provider obligations are posted on the Office of Justice Programs' website at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference. This special condition does not apply to the Provider who is an individual and received the grant award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

#### ARTICLE 7. W-9 REQUIREMENT

The State of Florida Department of Financial Services requires that vendors have a verified Substitute Form W-9 on file to avoid delays in payments. Information on how to register and complete your Substitute Form W-9 can be found at <http://flvendor.myfloridacfo.com/>. The Vendor Management Section can also be reached at (850) 413-5519.

#### ARTICLE 8. AUTHORIZED EXPENDITURES

Only expenditures which are detailed in the approved budget of the grant application, a revised budget, or an amended budget approved by the OAG are eligible for reimbursement with grant funds. Any requested modification to the budget must be submitted by the Provider in writing to the OAG and will require prior approval by the OAG. Budget modification approval is at the sole discretion of the OAG. The Provider acknowledges and agrees any grant funds reimbursed under this Agreement must be used in accordance with the rules implementing the provisions of Victims of Crime Act (VOCA), 42 U.S.C.A. § 10603, Victim Assistance Program, 28 C.F.R. §§ 94.101 through 94.122, the federal government-wide grant

rules as set forth in the Code of Federal Regulations, Part 200, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0, and the U.S. Department of Justice, (DOJ), Office of Justice Programs, DOJ Grants Financial Guide, (Financial Guide), incorporated herein by reference, and any other regulations or guidelines currently or subsequently required by the U.S. Department of Justice and State or Federal laws. Expenditures for the acquisition and maintenance of telephones and equipment shall be proportional to the percentage of VOCA grant funded staff who utilize the telephones and equipment, as contemplated by this Agreement.

The Provider and the OAG agree grant funds cannot be used as a revenue-generating source and crime victims cannot be charged either directly or indirectly for services reimbursed with grant funds. Third party payers such as insurance companies, Victim Compensation, Medicare or Medicaid may not be billed for services provided by grant-funded personnel to clients. Grant funds must be used to provide services to all crime victims, regardless of their financial resources or availability of insurance or third party reimbursements. The OAG and the Provider further agree that travel expenses will be reimbursed with grant funds only in accordance with Section 112.061, Florida Statutes (2016).

Expenditures of state financial assistance must be in compliance with all laws, rules and regulations applicable to expenditures of State funds, including, but not limited to, the Florida Reference Guide for State Expenditures.

Only allowable costs resulting from obligations incurred during the term of the Agreement are eligible for reimbursement, and any balances of unobligated cash that have been advanced or paid that are not authorized to be retained for direct program costs in a subsequent period must be refunded to the OAG. Any funds paid in excess of the amount to which the Provider is entitled under the terms of this Agreement must be refunded to the OAG.

The Provider shall reimburse the OAG for all unauthorized expenditures and the Provider shall not use grant funds for any expenditures made by the Provider prior to the execution of this Agreement or after the termination date of the Agreement. If the Provider is a unit of local or state government, the Provider must follow the written purchasing procedures of that governmental agency or unit. If the Provider is a non-profit organization, the Provider agrees to obtain a minimum of three (3) written quotes for all single item grant-related purchases equal to or in excess of two thousand five hundred dollars (\$2,500) unless it is documented that the vendor is a sole source supplier. The Provider will utilize the lowest quote for the purchase.

The Provider understands and agrees that it cannot use any federal funds (including grant funds), either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the U.S. Department of Justice, Office of Justice Programs.

The Provider must report suspected fraud, waste and abuse to the OAG's Office of the Inspector General at 850-414-3300.

#### ARTICLE 9. PROGRAM INCOME

The Provider shall provide services to crime victims, at no charge, through the VOCA grant funded project. Upon request, the Provider agrees to provide the OAG with financial records and internal documentation regarding the collection and disposition of program income, including, but not limited to, Victim Compensation, insurance, Medicare, Medicaid, restitution and direct client fees.

#### ARTICLE 10. METHOD OF PAYMENT

Payment for services performed under the Agreement shall be issued in accordance with the provisions of Section 215.422, Florida Statutes (2016). The OAG shall have twenty (20) days from the receipt of any invoice for the approval and inspection of goods or services.

All required performance reports must be completed by the Provider and received by the OAG in order to document the provision of the project deliverables. Processing of reimbursement of a monthly invoice is contingent upon timely OAG receipt of performance reports, approval by the OAG of the level of service provided during the report period, and approval by the OAG of all performance reports due. The Provider shall provide all performance reports on a quarterly and annual

basis unless otherwise requested by the OAG. The quarterly reports for December, March, and June must be submitted by the Provider to the OAG by the 15th day of the month immediately following the end of the quarter.

Except for the monthly invoices for December, March and June, each monthly invoice and all required supporting documentation, including a Certificate of Availability, must be submitted by the Provider to the OAG by the last day of the month immediately following the month for which reimbursement is requested, unless otherwise approved by the OAG in writing. The monthly invoices for December, March and June and all required supporting documentation, including a Certificate of Availability, must be submitted by the Provider to the OAG by the 15th day of the month immediately following the month for which reimbursement is requested, unless otherwise approved by the OAG in writing. The Provider shall maintain appropriate documentation of all costs represented on the invoice. The OAG may require any and all appropriate documentation of expenditures prior to approval of the invoice, and may withhold reimbursement if services are not satisfactorily completed or if the documentation is not satisfactory. The final invoice is due to the OAG no later than the last day of the month immediately following the cancellation, expiration, or termination of the Agreement. If complete and correct, documented invoices are not received within these time frames, all right to reimbursement may be forfeited, the OAG may not honor any subsequent requests for payment, and the OAG may terminate the Agreement.

Any reimbursement due or any approval necessary under the terms of the Agreement shall be withheld until all evaluation, financial and program reports due from the Provider, and necessary adjustments thereto, have been approved by the OAG. The Provider is required to inform the OAG if they are being investigated by any governmental agency for financial, programmatic, or other issues. If it comes to the attention of the OAG that the Provider is being investigated, all pending requests for reimbursement may not be processed until the matter is resolved to the satisfaction of the OAG.

The Provider agrees to maintain and timely submit such progress, fiscal, inventory, and other reports as the OAG may require pertaining to this grant.

The Provider is required to match the grant award as required in the VOCA Federal Rules referenced in ARTICLE 1 of this Agreement. Match contributions equal to 20% (cash or in-kind) of the total cost of each VOCA project (VOCA grant funds plus match contributions) must be reported monthly to the OAG. All funds designated as match contributions are restricted in the same manner and to be expended for the same uses as the VOCA victim assistance grant funds and must be expended within the grant period. Unless otherwise approved by the OAG, match contributions must be reported on a monthly basis in an amount consistent with the amount of funding requested for reimbursement.

#### ARTICLE 11. VENDOR OMBUDSMAN

Pursuant to Section 215.422(7), Florida Statutes (2016), the Florida Department of Financial Services has established a Vendor Ombudsman, whose duties and responsibilities are to act as an advocate for vendors who may have problems obtaining timely payments from state agencies. The Vendor Ombudsman may be reached at (850) 413-5516.

#### ARTICLE 12. LIABILITY AND ACCOUNTABILITY

The Provider, if a non-profit entity, agrees to provide continuous and adequate director, officer, and employee liability insurance coverage against any personal liability or accountability by reason of actions taken while acting within the scope of their authority during the existence of this Agreement and any renewal(s) and extension(s) thereof. Such coverage may be provided by a self-insurance program established and operating under the laws of the State of Florida.

#### ARTICLE 13. INDEPENDENT CONTRACTOR

The Provider agrees that it is an independent contractor and not an officer, employee, agent, servant, joint venture, or partner of the State of Florida, except where the Provider is a state Agency. Neither the Provider nor its agents, employees, subcontractors or assignees shall represent to others that the Provider has the authority to bind the OAG. This Agreement does not create any right to any state retirement, leave or other benefits applicable to State of Florida personnel as a result of the Provider performing its duties or obligations under this Agreement. The Provider agrees to take such actions as may be necessary to ensure that each subcontractor of the Provider will be deemed an independent contractor and will not be

considered or permitted to be an officer, employee, agent, servant, joint venturer, or partner of the State of Florida. The OAG will not furnish support services (e.g., office space, office supplies, telephone service, and administrative support) to the Provider, or its subcontractor or assignee, unless specifically agreed to in writing by the OAG.

All deductions for social security, withholding taxes, income taxes, contributions to unemployment compensation funds and all necessary insurance for the Provider, the Provider's officers, employees, agents, subcontractors, or assignees shall be the sole responsibility of the Provider.

#### ARTICLE 14. DOCUMENTATION AND RECORD RETENTION

The Provider shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all revenues and expenditures of grant funds.

The Provider shall maintain a file for inspection by the OAG or its designee, Chief Financial Officer, Auditor General, or U.S. Department of Justice that contains written invoices for all fees, or other compensation for services and expenses, in detail sufficient for a proper pre-audit and post-audit. This includes the nature of the services performed or expenses incurred, the identity of the person(s) who performed the services or incurred the expenses, the daily time and attendance records and the amount of time expended in performing the services (including the day on which the services were performed), and if expenses were incurred, a detailed itemization of such expenses. All documentation, including audit working papers, shall be maintained at the office of the Provider for a period of five years from the termination date of the Agreement, or until any audit has been completed and any findings have been resolved, whichever is later.

The Provider shall give authorized representatives of the OAG the right to access, receive and examine all records, books, papers, case files, documents, goods and services related to the grant funds. If the Provider fails to provide access to such materials, the OAG may terminate this Agreement. Sections 119.071, and 960.15, Florida Statutes (2016), provide that certain records received by the OAG are exempt from public record requests, and any otherwise confidential record or report shall retain that status and will not be subject to public disclosure. The Provider, by signing this Agreement specifically authorizes the OAG to receive and review any record reasonably related to the purpose of the grant as authorized in the original approved grant application and or the amendments thereto. Failure to provide documentation as requested by the OAG under the provisions of this Agreement shall result in either the termination of the agreement or suspension of further reimbursements to the Provider until all requested documentation has been received, reviewed, and the costs are approved for reimbursement by the OAG.

The Provider shall allow public access to all documents, papers, letters, or other materials made or received in conjunction with this Agreement, except for those records exempt from disclosure under one of the statutory provisions mentioned in the paragraph above, or are otherwise exempt from disclosure by operation of Section 119.071, Florida Statutes (2016) or Chapter 119, Florida Statutes. Failure by the Provider to allow the aforementioned public access constitutes grounds for unilateral cancellation by the OAG at any time, with no recourse available to the Provider. The Provider shall also keep and maintain all public records consistent with the State of Florida's record retention schedule. The Provider shall provide the OAG with a copy of all requested public records or allow the records to be inspected and copied within a reasonable time or as otherwise provided by law. The provider will ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement and following completion of the Agreement if the Provider does not transfer the records to the OAG at that time.

Upon completion of the Agreement, the Provider shall keep and maintain public records required by the OAG to perform the services to be provided in the scope of this Agreement or electronically transfer, at no cost, to the OAG all public records in possession of the Provider. If the Provider transfers all public records to the OAG upon completion of the Agreement, the Provider shall destroy all duplicate public records that are exempt or confidential and exempt from public

records disclosure requirements. If the Provider keeps and maintains public records upon completion of the Agreement, the Provider shall meet all applicable requirements for retaining public records. All public records stored electronically must be provided to the OAG, upon request of its Custodian of Public Records, in a format compatible with the information technology systems of the OAG.

**IF THE PROVIDER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROVIDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-414-3634, [publicrecordsrequest@myfloridalegal.com](mailto:publicrecordsrequest@myfloridalegal.com), OFFICE OF THE ATTORNEY GENERAL, PL-01, THE CAPITOL, TALLAHASSEE, FL 32399-1050.**

#### ARTICLE 15. VICTIM SERVICES PRACTITIONER DESIGNATION TRAINING

The Provider agrees to have all VOCA grant funded staff members complete training and achieve the Victim Services Practitioner Designation through the staff members' successful participation in the OAG's Victim Services Practitioner Designation Training Course provided through the Florida Crime Prevention Training Institute (FCPTI). All VOCA funded staff members must timely renew and maintain this designation certification by applying for renewal of the designation with the OAG within the time frame mandated by the OAG through its Victim Services Practitioner Designation Requirements.

#### ARTICLE 16. PROPERTY

The Provider agrees to be responsible for the proper care and custody of all property purchased with grant funds and agrees not to sell, transfer, encumber, or otherwise dispose of property acquired with grant funds without the written permission of the OAG. If the Provider is no longer a grant funds recipient, all property acquired by grant funds shall be subject to the provisions of the Financial Guide.

#### ARTICLE 17. AUDITS; COMPLIANCE WITH OAG'S INSPECTOR GENERAL

The Provider shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Agency's Office of the Inspector General (Section 20.055, Florida Statutes (2016)), or as authorized by law.

The administration of funds disbursed by the OAG to the Provider may be subject to audits and or monitoring by the OAG, as described in this section.

This part is applicable if the Provider is a Non-Federal Entity, meaning a State, local government, Indian tribe, institution of higher learning, or nonprofit organization that carries out a Federal award as a recipient or subrecipient, as defined in Title 2 C.F.R. Part 200, Subpart A.

1. In the event the Provider expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards, it must have a single or program-specific audit conducted for that year in accordance with the provisions of federal government-wide grant rules as set forth in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0. Article 33 to this Agreement indicates the amount of Federal funds disbursed through the OAG by this Agreement. In determining the Federal awards expended in its fiscal year, the Provider shall take into account all sources of Federal awards, including Federal resources received from the OAG. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by federal government-wide grant rules as set forth in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0. An audit of the Provider conducted by the Auditor General in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, will meet the requirements of this part.
2. In connection with the audit requirements addressed in this part, the Provider shall fulfill the requirements relative to auditee responsibilities as provided in 2 C.F.R. § 200.508.
3. If the Provider expends less than \$750,000 in Federal awards in its fiscal year, an audit conducted in accordance

with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, is not required. In the event the Provider expends less than \$750,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, the cost of the audit must be reimbursed from non-Federal funds (i.e., the cost of such an audit must be reimbursed from Provider resources obtained from other than Federal entities), as mandated in the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart E, beginning at 2 C.F.R. § 200.400.

#### ARTICLE 18. AUDIT REPORT SUBMISSION

Audit reports must be submitted no later than 150 days following cancellation, termination or expiration of the Agreement.

1. Copies of audit reports for audits conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, and required by this Agreement shall be submitted, when required by 2 C.F.R. § 200.512, by or on behalf of the Provider directly to the following:

A. Office of the Attorney General

Bureau of Advocacy and Grants Management

PL-01, The Capitol

Tallahassee, Florida 32399-1050

2. Any reports, management letters, or other information required to be submitted to the OAG pursuant to this Agreement shall be submitted timely in accordance with federal government-wide grant rules as set forth in the Code of Federal Regulations, Part 200, Subtitle A, Ch. II, Pt. 200, beginning at 2 C.F.R. § 200.0, as applicable.
3. Providers should indicate the date the financial reporting package was delivered in correspondence accompanying the financial reporting package.

#### ARTICLE 19. MONITORING

In addition to reviews of audits conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Pt. 200, Subpart F, beginning at 2 C.F.R. § 200.500, by entering into this Agreement, the Provider agrees to comply and cooperate with any monitoring procedures/processes and additional audits deemed appropriate by the OAG, including but not limited to on-site visits. The Provider further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the OAG, Chief Financial Officer, Auditor General or the U.S. Department of Justice.

The Provider may not accept duplicate funding for any cost, position, service or deliverable funded by the OAG. Duplicative funding is defined as more than 100% payment from all funding sources for any cost, position, service or deliverable. If there are multiple funding sources and a program is funded by the OAG, the OAG or its designee has the right to review all documents related to those funding sources to determine whether duplicative funding is an issue. If duplicate funding is found, the Agreement may be suspended, terminated or both while the extent of the overpayment is determined. Failure to comply with state law, or the Code of Federal Regulations, and the U.S. Department of Justice Programs, Financial Guide, may also result in the suspension, termination or both of the Agreement while the extent of the overpayment is determined. Absent fraud, in the event that there has been an overpayment to a Provider for any reason, if the amount of the overpayment cannot be determined to a reasonable degree of certainty, as determined in the sole discretion of the OAG, both parties agree that the Provider shall reimburse to the OAG one half of the monies previously paid to the Provider for that line item for the grant year in question.

#### ARTICLE 20. RETURN OF FUNDS

The Provider shall return to the OAG any overpayments made to the Provider for unearned income or disallowed items pursuant to the terms and conditions of this Agreement. In the event the Provider or any outside accountant or auditor determines that an overpayment has been made, the Provider shall immediately return to the OAG such overpayment without



prior notification from the OAG. In the event the OAG discovers that an overpayment has been made, the contract manager, on behalf of the OAG, will notify the Provider and the Provider shall forthwith return the funds to the OAG. Should the Provider fail to immediately reimburse the OAG for any overpayment, the Provider will be charged interest at the rate in effect on the date of the overpayment, as determined by the State of Florida, Chief Financial Officer, pursuant to Chapter 55, Florida Statutes, on the amount of the overpayment or outstanding balance thereof. Interest will accrue from the date of the Provider's initial receipt of funds up to the date of reimbursement of said overpayment funds to the OAG.

#### ARTICLE 21. PUBLIC ENTITY CRIME

Pursuant to Section 287.133, Florida Statutes (2016), the following restrictions are placed on persons convicted of public entity crimes to transact business with the OAG: When a person or affiliate has been placed on the convicted vendor list following a conviction for a public entity crime, he/she may not submit a bid, proposal or reply on a contract to provide any goods or services to a public entity, may not submit a bid, proposal or reply on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids, proposals or replies on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes (2016), for CATEGORY TWO for a period of thirty-six (36) months from the date of being placed on the convicted vendor list. The Provider certifies that neither it nor any affiliate has been placed on such convicted vendor list, and shall notify the OAG within five (5) days of its, or any of its affiliate's, placement thereon.

#### ARTICLE 22. GRATUITIES

The Provider agrees that it will not offer or give any gift or any form of compensation to any OAG employee. As part of the consideration for this Agreement, the parties intend that this provision will survive the Agreement for a period of two years. In addition to any other remedies available to the OAG, any violation of this provision will result in referral of the Provider's name and description of the violation of this term to the Department of Management Services for the potential inclusion of the Provider's name on the suspended vendors list for an appropriate period. The Provider will ensure that its subcontractors, if any, comply with these provisions.

#### ARTICLE 23. PATENTS, COPYRIGHTS, AND ROYALTIES

The Provider agrees that if any discovery or invention arises or is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected herewith, the discovery or invention shall be deemed transferred to and owned by the State of Florida. Any and all patent rights accruing under or in connection with the performance of this Agreement are hereby reserved to the State of Florida.

In the event that any books, manuals, films, or other copyrightable materials are produced, the Provider shall identify all such materials to the Agency. The Provider does hereby assign to the OAG and its assigns or successors, all rights accruing under or in connection with performance under this Agreement, including the United States Copyright, all other literary rights, all rights to sell, transfer or assign the copyright, and all rights to secure copyrights anywhere in the world.

The Provider shall indemnify and hold the OAG and its employees harmless from any claim or liability whatsoever, including costs and expenses, arising out of any copyrighted, patented, or unpatented invention, process, or article manufactured or used by the Provider in the performance of this Agreement. The Provider shall indemnify and hold the OAG and its employees harmless from any claim against the OAG for infringement of patent, trademark, copyright or trade secrets. The OAG will provide prompt written notification of any such claim. During the pendency of any claim of infringement, the Provider may, at its option and expense, procure for the OAG, the right to continue use of, or to replace or modify the article to render it non-infringing. If the Provider uses any design, device, or materials covered by letters patent, or copyright, it is mutually agreed and understood without exception the compensation paid pursuant to this Agreement includes all royalties or costs arising from the use of such design, device, or materials in any way involved in the work contemplated by this

Agreement.

Subcontracts must specify that all patent rights and copyrights are reserved to the State of Florida.

#### ARTICLE 24. INDEMNIFICATION AND ASSUMPTION OF LIABILITY

The Provider shall be liable for and indemnify, defend, and hold the OAG and all of its officers, agents, and employees harmless from all claims, suits, judgments, or damages, including attorney's fees and costs, arising out of any act or omission or neglect by the Provider and its agents, employees and subcontractors during the performance or operation of this Agreement or any subsequent modifications or extensions thereof.

The Provider's evaluation or inability to evaluate its liability shall not excuse the Provider's duty to defend and to indemnify the OAG within seven (7) days after notice by the OAG. After the highest appeal taken is exhausted, only an adjudication or judgment specifically finding the Provider not liable shall excuse performance of this provision. The Provider shall pay all costs and fees including attorney's fees related to these obligations and their enforcement by the OAG. The OAG's failure to notify the Provider of a claim shall not release the Provider from these duties. The Provider shall not be liable for any claims, suits, judgments, or damages arising solely from the negligent acts of the OAG.

This Agreement and the rights and obligations created by it are intended for the sole benefit of the OAG and the Provider. No third party to this Agreement, including the victims served by the Provider, have any rights under this Agreement. No third party may rely upon this Agreement or the rights and representations created by it for any purpose.

The Provider agrees to assume all liability associated with providing services under the terms and conditions of this Agreement. This includes, but is not limited to, premises liability and any travel taken by any employee of Provider or any recipient of Provider's services.

#### ARTICLE 25. REMEDIES; INCLUDING TERMINATION OF AGREEMENT

The Provider's failure to perform pursuant to the terms of this Agreement may result in non-payment, imposition of the financial consequences contained in this Agreement, delay of payment, and/or termination as provided under this Agreement. Such non-compliance can result in any or all of the additional following actions; temporary withholding of payments under ARTICLE 10, METHOD OF PAYMENT, above, pending correction of all deficiencies by the Provider; appropriate legal action being taken to enforce compliance by the Provider with the terms of this Agreement; and suspension of grant funds up to and including termination of the Agreement by the OAG.

This Agreement may be terminated by the OAG for any reason upon five (5) days written notice via certified U.S. mail, hand delivery, or email to the Provider to the physical or email address provided by the Provider in the application.

In the event this Agreement is terminated by the OAG, the Provider shall deliver documentation of ownership or title, if appropriate for all supplies, equipment and personal property purchased with grant funds to the OAG, within 30 days after termination of the Agreement. Any finished or unfinished documents, data, correspondence, reports and other products prepared by or for the Provider under this Agreement shall be made available to and for the exclusive use of the OAG.

Notwithstanding the above, the Provider shall not be relieved of liability to the OAG for damages sustained by the OAG by virtue of any termination by the OAG or breach of this Agreement by the Provider. In the event this Agreement is terminated by the OAG, the Provider shall be reimbursed for satisfactorily performed and documented services provided prior to the effective date of termination.

#### ARTICLE 26. AMENDMENTS

Modification of any provision of this Agreement must be mutually agreed upon by all parties, and requires a written and fully executed amendment to this Agreement, except as provided for budget modifications submitted by the Provider in writing which have been previously approved by the OAG pursuant to the terms of Article 8, Authorized Expenditures.

#### ARTICLE 27. NONDISCRIMINATION

Recipients of federal financial assistance must comply with applicable federal civil rights laws, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C.

§10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Exec. Order 13279 (67 Fed. Reg. 241).

Pursuant to applicable federal laws and Chapter 760, Florida Statutes (2016), the Provider agrees not to discriminate against any client or employee in the performance of this Agreement or against any applicant for employment because of age, race, religion, color, disability, national origin, marital status or sex. The Provider further assures that all contractors, subcontractors, sub-grantees, or others with whom it arranges to provide services or benefits to clients or employees in connection with any of its programs and activities are not discriminating against those clients or employees because of age, race, religion, color, disability, national origin, marital status or sex.

The Provider must have policies and procedures in place for responding to complaints of discrimination that employees and beneficiaries file directly with the Provider. Information provided by the U.S. Department of Justice, Office of Justice Programs, to assist with policy and procedure development is available at <http://ojp.gov/about/offices/ocr.htm>.

In the event a Federal or State court, or a Federal or State administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, marital status or sex against the Provider, the Provider will forward a copy of the findings to the Office of Justice Programs, Office for Civil Rights (OCR), and the OAG.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Safe Streets Act and Title VI of the Civil Rights Act of 1964, the Provider must take reasonable steps to ensure that LEP persons have meaningful access to its programs and activities. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The Provider is encouraged to consider the need for language services for LEP persons served or encountered both in developing its budgets and in conducting its programs and activities. Additional assistance and information regarding your LEP obligations can be found at <http://www.lep.gov>.

In accordance with federal civil rights laws, the Provider shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

All Providers must complete a review of the Office of Justice Programs, Office for Civil Rights training modules and confirm compliance with this requirement to the OAG through self-reporting by December 31, 2017. The training modules are available at <http://ojp.gov/about/ocr/assistance.htm>.

Pursuant to Section 287.134, Florida Statutes (2016), an entity or affiliate who has been placed on the Florida Department of Management Services' discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide goods or services to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

The OCR issued an advisory document for Federal grant recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://ojp.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs).

#### ARTICLE 28. NONDISCRIMINATION IN PROGRAMS INVOLVING STUDENTS

The Provider shall not use award funding to discriminate against students that are participating in (or benefiting from) programs that are funded by those same federal funds. As an example provided by the Office for Victims of Crime, Office of

Justice Programs, the Provider cannot use VOCA funding to treat a Catholic student differently than a non-Catholic student when both are applying for, or receiving benefits from, the VOCA program. This same protection also applies to the students' parents or legal guardians.

#### ARTICLE 29. ACKNOWLEDGMENTS

All publications, advertising or written descriptions of the sponsorship of the program shall state: "This project was supported by Award No. VOCA-2017-Cape Coral Police Departm-00219 awarded by the Office for Victims of Crime, Office of Justice Programs. Sponsored by Cape Coral Police Department and the State of Florida."

The Provider is required to display a civil rights statement prominently on all publications, websites, posters and informational materials mentioning USDOJ programs in bold print and no smaller than the general text of the document. The full civil rights statement must be used whenever possible. Single page documents that do not have space for the full civil rights statement may contain a condensed version in a print size no smaller than the text used throughout the document. If the civil rights statement is missing on a publication, the statement must be included the next time the publication is revised or reprinted and printed copies of the statement must be attached to the current supply of the publication until the next revision is reprinted.

Full Civil Rights Statement: In accordance with federal law and U.S. Department of Justice policy, this organization is prohibited from discriminating on the basis of race, color, national origin, religion, sex, age, or disability. To file a complaint of discrimination, write the Florida Department of Legal Affairs, Federal Discrimination Complaint Coordinator, PL-01 The Capitol, Tallahassee, Florida, 32399-1050, or call 850-414-3300, or write Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW, Washington, DC 20531 or call 202-307-0690 (Voice) or 202-307-2027 (TDD/TYY). Individuals who are hearing impaired or have speech disabilities may also contact OCR through the Federal Relay Service at 800-877-8339 (TTY), 877-877-8982 (Speech), or 800-845-6136 (Spanish).

Condensed Civil Rights Statement: The Cape Coral Police Department is an equal opportunity provider and employer.

The Provider is required to display the OAG's "Civil Rights Fact Sheet" at locations open to the public. The "Civil Rights Fact Sheet" will be made available to the Provider via the OAG E-Grants Management System.

#### ARTICLE 30. EMPLOYMENT

The employment of unauthorized aliens by the Provider is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Provider knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. Any services performed by any such unauthorized aliens shall not be paid.

The Provider shall utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all persons hired during the Agreement term.

#### ARTICLE 31. ADMINISTRATION OF AGREEMENT

All approvals referenced in this Agreement must be obtained from the parties' contract administrators or their designees. The OAG's contract administrator is Christina F. Harris, Chief, Bureau of Advocacy and Grants Management. All notices must be given to the parties' contract administrators respectively.

#### ARTICLE 32. CONTROLLING LAW AND VENUE

This Agreement shall be governed by the laws of the State of Florida. Any and all litigation arising under the Agreement shall be instituted in the appropriate court of general jurisdiction in Leon County, Florida.

#### ARTICLE 33. AMOUNT OF FUNDS

The OAG agrees to reimburse the Provider for contractual services and/or availability to provide services for the entire Time of Performance, as set forth in Article 3 of this Agreement, and completed in accordance with the terms and conditions of the Agreement. The total sum of monies available for reimbursement to the Provider for services provided shall

not exceed \$116,674.00.

“Availability to Provide Services” is defined as maintaining sufficient capacity to assist victims during the Provider’s core business hours throughout the Time of Performance, as set forth in Article 3 of this Agreement. Core business hours are assumed to be at least from 8:00 AM to 5:00 PM, Monday through Friday, unless otherwise approved as alternative core business hours by the OAG. Employee leave earned under this grant period is reimbursable; however, the Provider must continue to maintain sufficient capacity to assist victims.

“Contractual Services” are defined as those specified services established within the OAG approved budget for which the Provider is to be paid upon completion at the set rate also established within the OAG approved budget, as authorized expenditures eligible for payment, or reimbursement pursuant to Article 8 of this Agreement.

ARTICLE 34. AGREEMENT AS INCLUDING ENTIRE AGREEMENT

This instrument and the approved 2017-2018 grant application in the E-grants Management System, embody the entire Agreement of the parties. There are no provisions, terms, conditions, or obligations other than those contained herein. This Agreement supersedes all previous communications, representations or Agreements on this same subject, verbal or written, between the parties.

There are no representations or statements that are relied upon by the Provider that are not expressly set forth herein.

The Provider's signature below specifically acknowledges understanding of the fact that the privilege of obtaining a VOCA grant is not something this or any Provider is entitled to receive. This Agreement is for one-time funding only, covering one fiscal year. There is absolutely no expectation or guarantee, implied or otherwise, the Provider will receive VOCA funding in the future. The OAG strongly encourages the Provider to secure funding from other sources if the Provider anticipates the program will continue beyond the current grant year.

Each of the parties executing this Agreement have full authority to do so and have received all lawfully necessary approvals to enter into this Agreement.

IN WITNESS WHEREOF, the OFFICE OF THE ATTORNEY GENERAL and City of Cape Coral OBO Cape Coral Police Department, have executed this agreement.

\_\_\_\_\_  
Authorizing Official

John Szerlag, City Manager  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorizing Official\*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
OAG Authorizing Official

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
DATE

Authorizing Official\*

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Print Name

---

Date

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591312996  
FEID# of Provider

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SAMAS Code

\* Provided for use if multiple signatures are required by your organization.

**Item Number: B.(10)**

**Meeting**                **9/18/2017**

**Date:**

**Item Type:        CONSENT AGENDA**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

ADDENDUM: Resolution 170-17 A resolution amending Resolution 132-17, which established proposed millage rates and public hearing dates for the 2017 Tax Year, by establishing new dates for the public hearing on the tentative budget and proposed millage rate and for the public hearing to finally adopt the budget and millage rate.

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?

2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

A resolution amending Resolution 132-17, which established proposed millage rates and public hearing dates for the 2017 Tax Year, by:

1. Rescheduling the Public Hearing to consider the proposed millage rates and the proposed budget originally scheduled for September 7, 2017, for September 25, 2017, in the Council Chambers of City Hall at 5:05 p.m.

2. Rescheduling the Public Hearing to finally adopt the budget and millage rate originally scheduled for September 25, 2017, for October 12, 2017, in the Council Chambers of City Hall at 5:05 p.m.

**LEGAL REVIEW:**

Dolores D. Menendez, City Attorney

**EXHIBITS:**

Resolution 170-17

**PREPARED BY:**

Division- Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Victoria Bateman, Finance Director

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Resolution 170-17	Resolution



RESOLUTION 170 - 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING RESOLUTION 132-17, WHICH ESTABLISHED PROPOSED MILLAGE RATES AND PUBLIC HEARING DATES FOR THE 2017 TAX YEAR, BY ESTABLISHING NEW DATES FOR THE PUBLIC HEARING ON THE TENTATIVE BUDGET AND PROPOSED MILLAGE RATE AND FOR THE PUBLIC HEARING TO FINALLY ADOPT THE BUDGET AND MILLAGE RATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 10, 2017, the City Council adopted Resolution 132-17, establishing the City's rolled-back millage rate and proposed millage rate, and scheduling the public hearings to consider the proposed millage rates and the proposed budget for September 7, 2017, and September 25, 2017, at 5:05 p.m. in the Council Chambers of City Hall; and

WHEREAS, on September 4, 2017, Governor Rick Scott issued Executive Order 17-235, declaring a state of emergency due to the severe threat to the entire State of Florida posed by Hurricane Irma and including a provision waiving all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency for 30 days; and

WHEREAS, due to the anticipated impact of Hurricane Irma, the City cancelled the public hearing to consider the tentative budget and proposed millage rate originally scheduled for September 7, 2017; and

WHEREAS, the City Council desires to reschedule the public hearing to consider the tentative budget and proposed millage rate originally scheduled for September 7, 2017, for September 25, 2017, in the Council Chambers of City Hall located at 1015 Cultural Park Boulevard, Cape Coral, at 5:05 p.m.; and

WHEREAS, the City Council desire to reschedule the public hearing to finally adopt the budget and millage rate originally scheduled for September 25, 2017, for October 12, 2017, in the Council Chambers of City Hall located at 1015 Cultural Park Boulevard, Cape Coral, at 5:05 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The Public Hearing to consider the proposed millage rates and the proposed budget originally scheduled for September 7, 2017, is hereby rescheduled for September 25, 2017, in the Council Chambers of City Hall located at 1015 Cultural Park Boulevard, Cape Coral at 5:05 p.m.

SECTION 2. The Public Hearing to finally adopt the budget and millage rate originally scheduled for September 25, 2017, is hereby rescheduled for October 12, 2017, in the Council Chambers of City Hall located at 1015 Cultural Park Boulevard, Cape Coral at 5:05 p.m.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Reschedule Budget Hearing Dates

**Item Number: B.(11)**

**Meeting**                **9/18/2017**

**Date:**                **9/18/2017**

**Item Type:**        **CONSENT AGENDA**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

ADDENDUM: Resolution 171-17 A resolution amending Resolution 72-17, which established Early Voting dates and polling places for the City's 2017 Primary and General Elections and amending Resolution 123-17, which called for a Primary Election on September 12, 2017, by establishing new dates for Early Voting and the Primary Election.

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?

2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

A resolution amending Resolution 72-17, which established Early Voting dates and polling places for the City's 2017 Primary and General Elections and amending Resolution 123-17, which called for a Primary Election on September 12, 2017, for Mayor and Councilmember for Districts 1 and 4, by:

1. Rescheduling Early Voting for the Primary Election for September 28, 29, and 30, 2017, at the previously approved polling places for Early Voting.

2. Rescheduling the Primary Election for Mayor and Councilmember for Districts 1 and 4 for October 3, 2017, at the previously approved polling places for the Primary Election.

**LEGAL REVIEW:**

Dolores D. Menendez, City Attorney

**EXHIBITS:**

Resolution 171-17

**PREPARED BY:**

Division- Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Rebecca van Deutekom, City Clerk

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Resolution 171-17	Resolution

RESOLUTION 171 - 17

A RESOLUTION OF THE CITY OF CAPE CORAL AMENDING RESOLUTION 72-17, WHICH ESTABLISHED EARLY VOTING DATES AND POLLING PLACES FOR THE CITY'S 2017 PRIMARY AND GENERAL ELECTIONS AND AMENDING RESOLUTION 123-17, WHICH CALLED FOR A PRIMARY ELECTION ON SEPTEMBER 12, 2017, FOR MAYOR AND COUNCILMEMBER FOR DISTRICTS 1 AND 4, BY ESTABLISHING NEW DATES FOR EARLY VOTING AND THE PRIMARY ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 15, 2017, the City Council adopted Resolution 72-17, approving early voting for the 2017 Primary and General Elections, and setting the early voting dates for the Primary Election for September 5, 6, 7, 8, and 9; and

WHEREAS, on July 24, 2017, the City Council adopted Resolution 123-17, calling for a Primary Election on September 12, 2017, for Mayor and Councilmember for Districts 1 and 4; and

WHEREAS, due to the emergency circumstances associated with Hurricane Irma, the Lee County Supervisor of Elections suspended early voting for the Primary Election prior to the completion of the full one-week early voting period; and

WHEREAS, on September 6, 2017, Governor Rick Scott issued Executive Order 17-236, postponing the Cape Coral municipal election scheduled for September 12, 2017, and rescheduling it for Tuesday, September 26, 2017; and

WHEREAS, the City desires to offer early voting on September 28, 29, and 30, to complete the full week-long early voting period for the Primary Election as established in Resolution 72-17; and

WHEREAS, because the September 26, 2017 election date does not allow for the completion of the one-week early voting period, the City requested that Governor Scott reschedule the Primary Election for October 3, 2017, or any other date that would accommodate the City's desired early voting dates of September 28, 29, and 30, 2017; and

WHEREAS, on September 15, 2017, Governor Scott issued Executive Order 17-244, declaring that an election emergency exists in Lee County, and rescheduling the Cape Coral Primary Election for Tuesday, October 3, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. Early voting for the Primary Election shall be held on September 28, 29, and 30, 2017, at the previously approved polling places for early voting, and the Primary Election shall be held on October 3, 2017, at the previously approved polling places for the Primary Election.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Primary & Early Voting Dates

<b>Item Number:</b>	<b>D.(1)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>PERSONNEL ACTIONS</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 169-17 Request to extend the date for required leave use to October 31, 2017

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution 169-17	Resolution

RESOLUTION 169 - 17

A RESOLUTION OF THE CITY OF CAPE CORAL EXTENDING THE DATE FOR REQUIRED LEAVE USE DUE TO A DECLARED EMERGENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the anticipated impact of Hurricane Irma, the City Manager declared a State of Local Emergency effective September 5, 2017, at 4:00 p.m.; and

WHEREAS, many City employees were unable to utilize their required use leave time because of the declared State of Local Emergency; and

WHEREAS, Section 2-35.5(b)(3) of the Code of Ordinances provides that if the City Council finds that, due to a declared emergency during any fiscal year, it is impractical to enforce the required use provisions within that fiscal year, the City Council may extend the date for required leave use to a date that is not later than October 31 of the next fiscal year; and

WHEREAS, the City Council desires to extend the date for required leave use to October 31, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby extends the date for required leave use to October 31, 2017.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/Extend Time for Annual Leave Required Use



<b>Item Number:</b>	<b>D.(2)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>PERSONNEL ACTIONS</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Resolution 100-17 Approval of the Memorandum of Understanding between the City of Cape Coral and the International Union of Painters and Allied Trades, AFL-CIO, Local 2301, representing the White Collar Unit, to change the list of designated holidays by removing Columbus Day and adding Christmas Eve Day.

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

Approval of the Memorandum of Understanding between the City of Cape Coral and the International Union of Painters and Allied Trades, AFL-CIO, Local 2301, representing the White Collar Unit, to change the list of designated holidays by removing Columbus Day and adding Christmas Eve Day.

**LEGAL REVIEW:**

**EXHIBITS:**

Memo  
Resolution 100-17 with exhibits

**PREPARED BY:**

Molly  
Liebegott

Division- Administration

Department- Human  
Resources

**SOURCE OF ADDITIONAL INFORMATION:**

Lisa Sonogo, Human Resources Director


**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Memo	Backup Material
▢ Resolution 100-17	Resolution

**MEMORANDUM**

CITY OF CAPE CORAL  
HUMAN RESOURCES DEPARTMENT

TO: John Szerlag, City Manager

FROM: Michael Ilczyszyn, Assistant City Manager   
Lisa Sonego, Human Resources Director

DATE: August 30, 2017

SUBJECT: Proposed Holiday Swap

---

The Department Heads have completed their analysis of the proposed holiday swap of Christmas Eve Day for Columbus Day as a City recognized holiday. This swap would affect non-bargaining and White Collar Union personnel. See the below recap and attached memos regarding the financial and operational impact for each department.


Department	Financial Impact	Operational Impact
Police	N/A	N/A
Fire	N/A	N/A
Utilities	N/A	N/A
Public Works	Minimal	N/A
DCD	N/A	Refer to DCD memo for comments
Parks & Recreation	N/A	N/A
Finance	Minimal	Refer to Finance Memo for comments
ITS	N/A	N/A
HR	N/A	N/A
City Clerk	N/A	N/A



## CAPE CORAL POLICE DEPARTMENT

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Office of the Chief of Police

TO: John Szerlag, City Manager  
FROM: David Newlan, Chief of Police   
DATE: August 18, 2017  
SUBJECT: Holidays - Impact

---

**Financial Impact:**

There would not be a financial impact for the Cape Coral Police Department.

**Logistics and Operations:**

There would not be an impact on logistics or operations of the department nor an effect on services to the community.



CAPE CORAL FIRE DEPARTMENT

OFFICE OF THE FIRE CHIEF/EMERGENCY MANAGEMENT DIRECTOR

TO: John Szerlag, City Manager

FROM: Donald K. Cochran, Fire Chief/Emergency Management Director *DKC*

DATE: August 22, 2017

SUBJECT: Financial & Operational Impact to the Fire Department Due to Proposed Swap of Christmas Eve Day for Columbus Day

---

The City of Cape Coral's current proposal to swap Christmas Eve Day for Columbus Day includes the following elements:

- Substitute Christmas Eve Day for Columbus Day as a recognized City holiday for non-bargaining employees and employees covered by the White Collar CBA.
- Employees covered by the Blue Collar, Supervisory, and Professional CBAs would still recognize Columbus Day and not Christmas Eve Day as a City Holiday.
- City Hall would be closed on Christmas Eve Day and open on Columbus Day.


Based on a careful analysis of a scenario where the above-noted proposal was approved, I cannot foresee any financial or organizational/logistical impact to the Cape Coral Fire Department.

DKC

c: Scott Slusser

**MEMORANDUM**

**CITY OF CAPE CORAL  
UTILITIES DEPARTMENT**

TO: John Szerlag, City Manager  
FROM: Jeff Pearson, Utilities Director   
DATE: August 24, 2017  
SUBJECT: Proposed Holiday Swap Financial and Operational Impacts

---

The proposed holiday swap financial and operational impacts to the Utilities Department follows:

**Administration** – Everyone would work except the Utilities Director, Senior Administrative Specialist and the Customer Service Representative. This would result in minimal operational impact and no financial impact as it's a swap for another holiday.

**Water Reclamation Division** - No financial impact as every employee would still be getting one holiday. Operational impact would be felt more on Christmas Eve. Most staff would be present, however without the manager or administrative support staff present to prepare, review and approve purchase requisitions. No other administrative paperwork would be processed during the Christmas Eve holiday.

**Water Production Division** - No financial impact as every employee would still be getting one holiday. Operational impact would be felt more on Christmas Eve. Most staff would be present, however without the manager or administrative support staff present to prepare, review and approve purchase requisitions. No other administrative paperwork would be processed during the Christmas Eve holiday.

**Collection and Distribution Division** - No financial impact as every employee would still be getting one holiday. Operational impact would be felt more on Christmas Eve. Most staff would be present, however without the manager or administrative support staff present to prepare, review and approve purchase requisitions. No other administrative paperwork would be processed during the Christmas Eve holiday.

**MEMORANDUM**

CITY OF CAPE CORAL  
PUBLIC WORKS DEPARTMENT

TO: John Szerlag, City Manager  
FROM: Paul Clinghan, Public Works Director *PRC*  
DATE: August 25, 2017  
SUBJECT: Impact of Columbus Day and Christmas Eve Holiday Swap

---

**Financial impact of the proposed Holiday swap:**

Minimal financial impact

**Operational impact of the proposed Holiday swap:**


Public Works Management would prefer that management and staff have the same day off, but will adjust accordingly if there is a split holiday

PC:bw

**MEMORANDUM**

CITY OF CAPE CORAL  
COMMUNITY DEVELOPMENT

TO: John Szerlag, City Manager

FROM: Vincent Cautero, Community Development Director 

DATE: August 25, 2017

SUBJECT: Proposed Holiday Schedule Change

---

**Financial Impact of the Proposed Holiday Swap**

At this time, there would be little to no fiscal impact.

**Logistics and Operations of the Proposed Holiday Swap**

Building Division:

On Columbus Day, the entire permitting staff would report, while their Supervisor would not report. This would result in a significant inefficiency in that the Building Official would need to handle counter issues virtually all day. On Christmas Eve, the Building Inspectors would report, as well as the Chief Inspector. The Administrative support staff would not be present, which would create challenges for the inspection staff and the Chief Inspector.

Code Compliance Division:

The Code Compliance Division would not have any direct/front line supervision on Columbus Day since all the supervisors would not work that day. The Division Manager would be responsible for all supervisory needs alone on that day.

On Christmas Eve, there would only be four supervisors working, which could lead to inefficiencies if significant complaints are registered.

Development Services:

There are four staff members in this division. On Columbus Day, the Manager and Permit Coordinator would staff the office, which does not appear to create negative impacts. The negative impact would be experienced on Christmas Eve when the two inspectors would



report with no immediate supervisor who has the authority to make binding decisions on land regulations.

Planning:


Low impact.

VAC:ed

C: Paul B. Dickson, Building Official  
Richard Carr, Code Compliance Manager  
David Hyyti, Development Services Manager  
Robert Pederson, Planning Manager  
John McConnell, Chief Inspector/Chief Plans Examiner  
Alicia Pearce, Permitting Supervisor  
Michael vanDeutekom, Code Compliance Supervisor  
Martin Murray, Code Compliance Supervisor  
Eugene Seaman, Code Compliance Supervisor  
Carol Rall, Customer Service Supervisor  
Wyatt Daltry, Planning Team Coordinator  
Mike Struve, Planning Team Coordinator  
Amy Yearsley, Housing Coordinator

CITY OF CAPE CORAL  
PARKS & RECREATION DEPARTMENT

TO: John Szerlag, City Manager

FROM: Keith Locklin, Acting Parks and Recreation Director 

DATE: August 23, 2017

SUBJECT: Proposed Holiday Swap

---

Per your request, we have reviewed the financial, operational and logistical impacts regarding the proposed holiday swap where non-bargaining employees and employees covered by the White Collar CBA would substitute Christmas Eve Day for Columbus Day as the recognized City holiday. In addition, employees covered by the Blue Collar, Supervisory, and Professional CBAs would continue to recognize Columbus Day as the City holiday. The financial and operational impacts are as follows:

**Financial Impact of the proposed Holiday swap:**

No anticipated financial impact on the Parks & Recreation Department.

**Operational impact of the proposed Holiday swap:**

No anticipated operational/logistical impacts on the Parks & Recreation Department

KL/tl(HolidaySwap)

CITY OF CAPE CORAL  
FINANCIAL SERVICES DEPARTMENT

TO: John Szerlag, City Manager

FROM: Victoria L. Bateman, Financial Services Director, CPA, CGFM  
Monte Vavra, Deputy Financial Services Director

DATE: August 21, 2017

SUBJECT: Impacts of swapping Columbus Day Holiday for Christmas Eve Day for Financial Services employees.

---

**Financial impact of the proposed Holiday swap:**

The financial impact to the Financial Services Department should be minimal if at all.

**Operational impact of the proposed Holiday Swap:**

- Some Divisions such as Administration, Budget, Real Estate, Risk Management, and the accountants in the Accounting Division would all be out at the same time which ever Holiday Day is selected.
- Other Departments such as Purchasing, Accounts Payable, the Cashiers, Assessment Billing and Customer & Field Services Divisions would have the Division Manager out and would need to appoint their number 2 person to be acting Manager for the Christmas Eve Day Holiday.
- On Columbus Day, the Customer Service and non-bargaining staff would be on-duty (Customer Service Technicians, Administrative Secretary, Assessment and Billing Manager and Customer & Field Services Manager). CBS would be open to take telephone calls. No field service work orders will be completed on this day (Blue Collar staff scheduled off).
- On Christmas Eve, the Blue Collar and Supervisory staff on duty (Field Service Representatives, all Supervisors). Field service work would be completed on this day. No Customer Service support in person or by telephone, (White Collar Customer Service staff scheduled off).
- Recognizing we have flexibility of assigning the Contract Administrative Technician to be off, or on, on either of these holidays, we would most likely assign that individual to be off both holidays.

**Customer Service Issues:**

- CBS would be open to take telephone calls on Columbus Day. Customer Service staff will need to advise customers that no field service work orders will be completed on this day, (Field Service Representatives are Blue Collar Workers, scheduled to be off). Additionally, employees will need to understand that Utilities Collection/Distribution will primarily be off with "duty crew" staff available for emergencies.
- No inbound telephone calls to CBS on Christmas Eve day. Field Service staff completing existing work orders while not completing any work that requires dynamic interaction with Customer Service staff, (i.e. no delinquent turn-off, customer turn-off, etc.).

Some staff had recommended creating a floating holiday in lieu of swapping out the holiday.

VB/MV: Swapping Columbus Day Holiday for Christmas Eve Day for Financial Services

**MEMORANDUM**

CITY OF CAPE CORAL  
Information Technology

TO: John Szerlag, City Manager  
FROM: Michelle Hoffmann, IT Director  
DATE: August 18, 2017  
SUBJECT: Impact of Columbus Day and Christmas Eve Holiday Swap

---

**Financial impact of the proposed Holiday swap:**

There would be no financial impact for the Information Technology (IT) department.

**Operational impact of the proposed Holiday swap:**


There would be no operational impact for the IT department.

cc: Scott Slusser

**MEMORANDUM**

CITY OF CAPE CORAL  
HUMAN RESOURCES DEPARTMENT

TO: John Szerlag, City Manager

FROM: Lisa Sonego, Human Resources Director 

DATE: August 25, 2017

SUBJECT: Impact of Columbus Day and Christmas Eve Holiday Swap

---

**Financial impact of the proposed Holiday swap:**

There would be no financial impact for the Human Resources department.

**Operational impact of the proposed Holiday swap:**

There would be no operational impact for the Human Resources department.



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## CITY CLERK'S OFFICE MEMORANDUM

---

TO: John Szerlag, City Manager

FROM: Rebecca van Deutekom, City Clerk *RV*

DATE: August 25, 2017

SUBJECT: Impact of Columbus Day and Christmas Eve Holiday Swap

---

**Financial impact of the proposed Holiday swap:**

There would be no financial impact for the City Clerk's department.

**Operational impact of the proposed Holiday swap:**

There would be no operational impact for the City Clerk's department.

RV/kb

RESOLUTION 100 - 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING AND RATIFYING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CAPE CORAL AND INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO, LOCAL 2301, REPRESENTING THE "WHITE COLLAR" UNIT, MODIFYING THE LIST OF HOLIDAYS OBSERVED AS PAID HOLIDAYS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The Memorandum of Understanding between the City of Cape Coral and the International Union of Painters and Allied Trades, AFL-CIO, Local 2301, representing the "White Collar" Unit, a copy of which is attached hereto as Exhibit A, is hereby approved and ratified.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res\General Union White Collar MOU-Holiday

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF CAPE CORAL  
AND  
INTERNATIONAL UNION OF  
PAINTERS AND ALLIED TRADES, AFL-CIO, LOCAL 2301  
(Representing the "White Collar" Unit)

This Memorandum of Understanding (MOU) is made and entered into by Local Union 2301 of the International Union of Painters and Allied Trades, AFL-CIO, hereinafter referred to as "Union", and the City of Cape Coral, Florida, hereinafter referred to as "City".

The parties agree that, for members of the White Collar Unit of the Union, Columbus Day will no longer be observed as a paid holiday and that Christmas Eve Day will now be observed as a paid holiday. Therefore, the holidays that shall be observed as paid holidays by the City are as follows:

New Year's Day	Veterans' Day
Martin Luther King, Jr. Day	Thanksgiving Day
President's Day	Friday After Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	Other Days Approved by City Council

All regular and probationary employees are entitled to holiday pay. For employees who work a regular work week, holidays that fall on a Saturday shall be observed on the preceding Friday and holidays that fall on a Sunday shall be observed on the following Monday, with the following exception: when Christmas Eve falls on a Sunday, Christmas Eve shall be observed on the preceding Friday and when Christmas Day falls on a Saturday, Christmas Day shall be observed on the following Monday. For employees who work other than a regular work week, the holiday shall be observed on its traditional day.

This MOU constitutes a joint recommendation of the City Manager and the Union. It shall not be binding in whole or in part on the parties unless and until:

- A. The Union has notified the City Manager in writing that its membership has ratified this MOU in its entirety, and
- B. The City Council has approved this MOU in its entirety.

Agreed this \_\_\_\_ day of August, 2017.

---

John Szerlag  
City Manager

---

Richard Jones  
President, Local 2301



<b>Item Number:</b>	<b>F.(1)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS</b>

**AGENDA  
REQUEST  
FORM**  
CITY OF CAPE  
CORAL



**TITLE:**

Budget Review Committee - 5 Vacancies

**REQUESTED ACTION:**

Appoint

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

Vacancies: 5 vacancies (4 member and 1 alternate)

Expiration: 4 Members - 9/30/2020 / 1 Alternate - 9/30/2018

Applications: 5 applications received: Joe Coviello (re-appointment) James McQuality (re-appointment), Jennifer Nelson (re-appointment), William Osborne (new applicant), and George Starner (re-appointment).

Advertisement: The vacancies were advertised on May 26, 2017, June 14, 2017, July 21, 2017 and August 18, 2017 in the Breeze, and was posted on the City website and Facebook page.

**LEGAL REVIEW:**

**EXHIBITS:**

Application: Joe Coviello

Application: James McQuality

Application: Jennifer Nelson

Application: William Osborne

Application: George Starner

## Board Sheet

### PREPARED BY:

Kimberly  
Bruns

Division- Managerial

Department- City Clerk's  
Department

### SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns  
Assistant City Clerk  
1-239-242-3243

### ATTACHMENTS:

Description	Type
▣ Applicant: Joe Coviello	Backup Material
▣ Applicant: James McQuality	Backup Material
▣ Applicant: Jennifer Nelson	Backup Material
▣ Applicant: William Osborne	Backup Material
▣ Applicant: George Starner	Backup Material
▣ Board Sheet	Backup Material

RECEIVED

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

SEP - 2 2017

This Appointment Information Form, when completed, signed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.

YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. APPLICATIONS WILL BE RETAINED IN THE CLERK'S OFFICE IN ACCORDANCE WITH STATE RECORDS RETENTION LAWS.

Please Type, if possible (or print clearly)

Date: 8/16/17

Name: COVIELLO JOE  
(Last) (First) (Middle)

E-mail address: covielloconsulting@gmail.com

Address: (H) 602 El Dorado Pkwy W. Zip Code 33914  
(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) 239-540-5832 (O) 941-809-8408 (C) \_\_\_\_\_

Occupation: Business Consultant

Employer: \_\_\_\_\_ Position: \_\_\_\_\_ How Long: 17 yrs.

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>Franklin: Marshall College</u>	<u>1973-1977</u>	<u>BA Business Admin</u>

Have you ever held a professional or business license or certificate? Yes \_\_\_\_\_ No ☒

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority

Board(s)/Commission(s) for which you are applying:

Budget Review Committee

1. Are you a U.S. Citizen? Yes ☒ No \_\_\_\_\_

2. Are you a Cape Coral Resident? Yes ☒ No \_\_\_\_\_

3. Are you currently serving on a City Board(s)? Yes ☒ No \_\_\_\_\_

If yes, which Board(s) and since when?

BRL

4. Have you ever served on a City Board(s)? Yes ☒ No \_\_\_\_\_

If yes, which Board(s) and when?

BRL

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes \_\_\_\_\_ No ☒ If yes, what Board, etc. and since when?

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CITY OF CAPE CORAL  
JAN 10 2 1990

Work Experience:

PEMCO - 17 yrs.  
Macmillan Publishing - 11 yrs  
Golisc Inc. - 12 yrs.

Community Involvement:

CCCTA, Human Trafficking Coalition, Hope Hospice,  
Hospital for Humanity, USMMA Admissions Field Rep for  
Congressional office.

Interests/Activities:

Fishing, Boating, Politics, Family

Why do you desire to serve on this/these Board(s)?

Involvement with city, gain knowledge and  
support local government.

How did you learn about the vacancy? ☐ Cape Coral Website ☐ Newspaper ☐ Facebook ☒ Word of Mouth


A resume or separate sheet with additional information may be included.

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature 

Date 8/14/17

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Interviewed: Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: Date: \_\_\_\_\_



RECEIVED

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

JUL 25 2017

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Please Type, if possible (or print clearly)

Date: JULY 19, 2017

Name: MCQUALITY JAMES A.  
(Last) (First) (Middle)

E-mail address: MCQUALITY1@AOL.COM

Address: (H) 3220 SURFSIDE BLVD Zip Code 33914

(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (O) \_\_\_\_\_ (C) 727-608-8497

Occupation: RETIRED

Employer: \_\_\_\_\_ Position: \_\_\_\_\_ How Long: \_\_\_\_\_

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>HARVARD UNIVERSITY, CAMBRIDGE, MA</u>	<u>1986</u>	<u>Fellowship</u>
<u>WEBSTER UNIVERSITY, ST. LOUIS, MO</u>	<u>1984</u>	<u>MA, COMPUTER SYSTEM MGT</u>
<u>UNIVERSITY OF MISSOURI</u>	<u>1973</u>	<u>BS, ACCOUNTING</u>

Have you ever held a professional or business license or certificate? Yes \_\_\_\_\_ No ✓

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title \_\_\_\_\_ Issue Date \_\_\_\_\_ Issuing Authority \_\_\_\_\_

Board(s) /Commission(s) for which you are applying:

BUDGET REVIEW COMMITTEE

1. Are you a U.S. Citizen? Yes ✓ No \_\_\_\_\_

2. Are you a Cape Coral Resident? Yes ✓ No \_\_\_\_\_

3. Are you currently serving on a City Board(s)? Yes ✓ No \_\_\_\_\_

If yes, which Board(s) and since when?

BUDGET REVIEW COMMITTEE

4. Have you ever served on a City Board(s)? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which Board(s) and when?

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes \_\_\_\_\_ No ✓ If yes, what Board, etc. and since when?

Work Experience:

SEE ATTACHED

Community Involvement:

BUDGET REVIEW COMMITTEE, CAPE CORAL  
2016 - 2017

Interests/Activities:

BIKING, KAYAKING

Why do you desire to serve on this/these Board(s)?

COMMUNITY INVOLVEMENT CONTINUATION

How did you learn about the vacancy? ☒ Cape Coral Website ☐ Newspaper ☐ Facebook ☐ Word of Mouth

**A resume or separate sheet with additional information may be included.**

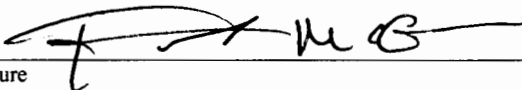
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The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature



Date

7-19-2017

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**City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027**

**FOR OFFICIAL USE ONLY**

Interviewed: \_\_\_\_\_ Date: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



**James McQuality**

3220 Surfside Blvd, Cape Coral, FL 33914, United States

---

mcquality1@aol.com • Cell 727.608.8497

## **Chief Financial Officer/Comptroller /Financial Manager**

### **Summary**

Senior Financial Executive offering over 32 years of successful financial experience in all aspects of the US Government's Foreign Military Sales (FMS) and Security Assistance programs. I progressed from a journeyman auditor to become the Chief Financial Officer and Director of Business Operations of the Defense Security Cooperation Agency (DSCA). During my Federal Government career, I have directed and supervised organizations with more than 250 subordinate employees. As the DSCA's Chief Financial Officer, I was responsible to the Secretary of Defense and the Congress for approving and managing the financial execution of more than \$12 billion in annual FMS sales agreements to more than eighty foreign countries and international organizations. Additionally, I was responsible for developing and executing the annual FMS operating budget of \$350 million and for overseeing all FMS financial systems within the Department of Defense.

### **Experience**

**Member, Budget Review Committee, City of Cape Coral, FL  
to Present**

**July 2016**

Recommend changes or approval to Cape Coral's \$620 million annual Operating Budget. Review Operating and Capital Budgets prepared by all City Departments. Ensure Department budget submissions support key City Strategic Plan objectives and adhere to GAAP as outlined in the City's charter. This position is a City Council appointment.

**Chief Financial Officer, SUNSHINE REALTY NOW**

**2003 to Present**

Created private equity firm to provide funding and investment advice. Focused on residential real estate development and general financial management practice.

- Developed successful real estate ventures in Texas and Colorado
- Applied Government budgeting experience to complete projects within projected timeframes and under budget.

**Chief Financial Officer and Director of Business Operations**

**1994 to 2003**

**Department of Defense Security Assistance Agency (DSCA), Washington DC**

Responsible for all financial aspects of the US Government's \$250 billion Foreign Military Sales (FMS) program which included the review and approval of the financial

terms for the sale of Major Defense Equipment (MDE) to customer countries; the development and allocation of a \$350 million annual FMS program operating budget; and the development and maintenance of the DOD's FMS financial management systems.

- Responsibilities included serving as the Project Manager for the development and implementation of the Defense Security Assistance Management System (DSAMS) which consolidated all FMS financial and logistical information from the respective systems maintained by the individual Military Departments and the Defense Integrated Financial System (DIFS) into a single management information tool.
- I worked directly with the Ministers of Finance for Saudi Arabia and Kuwait during the late 1990's (when their oil revenues took a sharp drop) to restructure the financial payment schedules to the US Treasury in order to avoid default and political fallout.
- Responsible for funding and developing curriculum for the Defense Institute for Security Assistance Management (DISAM). I frequently served as guest speaker and conducted courses in financial management.

***Director, Security Assistance Accounting Center (SAAC)***

**1985 to 1994**

**Department of Defense, Denver, CO**

Responsible for the central accounting and billing operations of the US Government's FMS program. Supervised a staff of 275 professional accountants and system analysts. Conducted periodic financial reviews with senior representatives from customer country governments. Provided testimony and periodic status briefings to Congressional staff and senior DOD members on politically sensitive FMS matters.

- As FMS systems Project Manager, developed and implemented the Defense Integrated Financial System (DIFS) which integrated FMS data from the disparate Military Service FMS systems into the first standardized FMS accounting and billing system. My efforts were recognized by both the DOD Comptroller as well as the American Society of Military Comptrollers.
- Responded to GAO and Congressional criticism over the historical lack of control and accuracy of FMS financial resources, I developed an accounting structure within DIFS to ensure accurate and timely FMS contract-level transactional reporting. This initiative continues to provide full transparency of financial status through the life of each FMS case.

***Accountant***

**1976 to 1985**

**Defense Security Assistance Agency, Denver, CO**

Served as an accountant and FMS financial manager. Performed FMS Trust Fund accounting and managed FMS cases for Pacific Rim countries. Supervised a staff of 15 professional accountants.

- Provided leadership and guidelines for the successful consolidation of the three Military Departments' FMS accounting systems into a single FMS accounting system in 1977.
- Senior member of the DSAA cadre which successfully created the Security Assistance Accounting Center (SAAC) in 1977 at the direction of the Deputy Secretary of Defense.

### ***Auditor***

#### **US Army Audit Agency, St. Louis, MO**

**1973 to 1976**

Performed financial and performance audits of Army R&D projects and installation activities. Served as Auditor in Charge and supervised teams of 2 to 7 professional auditors.

- Developed recommendations for the US Army Aviation Systems Command that would save the US taxpayer over \$270 million.
- Cited by Agency Director as Auditor Intern of the Year.

### **Education**

#### **Harvard University, Kennedy School of Government, Cambridge, MA**

**1986**

*Fellows, International Security*

Program for Fellows in National and International Security

#### **Webster University, St. Louis, MO**

**1984**

*M.A., Computer System Management*

#### **University of Missouri, St. Louis, MO**

**1973**

*B.S., Accounting*

### **Skills**

- **Held Top Secret - Sensitive Compartmented Intelligence (SCI) DOD clearance** from 1994-2005
- **Leadership** - Served for more than 10 years as the senior financial manager within the US Government for our country's \$250 billion Foreign Military Sales program.
- **Speech Writing & Public Address** - Guest lecturer at DISAM and chaired numerous FMS financial reviews with senior representatives of foreign countries.
- **Budget Administration** - Responsible for development and execution of DOD's \$350 million annual FMS operating budget.
- **Program Implementation and Evaluation**- Served as Project Manager for both DIFS and DSAMS system development and implementation.
- **Policy Development**- Developed financial policy for FMS program within the Department of Defense. Served on senior Inter-Agency Committees. Worked with

the DOD Comptroller (Sean O'Keefe) and senior OMB staff to develop Legislative initiatives to improve FMS financial management. Defended policy proposals before Congressional Committee staff.

**Software** – Proficient with Microsoft Office applications including Word, Excel, and Powerpoint.

### **Awards of Excellence**

**Meritorious Executive, President of the United States, Washington DC, 2002.**

Sustained superior accomplishment in the management of programs of the US Government. Signed by George W. Bush

**Meritorious Award, Secretary of Defense, Washington DC, 2002.** Awarded by Donald Rumsfeld for "noteworthy achievement of quality and efficiency in the public service."

**Accounting and Finance Individual Award for Outstanding Performance,**

**American Society of Military Comptrollers, Washington DC, 1979.** "applying unique techniques and methods for the purpose of improving financial management within the Department of the Air Force."

**Outstanding Auditor-Trainee Award, US Army Audit Agency, Washington DC,**

**1974.** Developed audit recommendations which potentially saved the US Army over \$270 million.

**Senior Executive Service (SES), Secretary of Defense, 1985.** Promoted to the highest civilian rank in the Federal Government.

**Lt. General Chen, Director General, Ministry of National Defense, Republic of China, 2003.** Letter of Commendation

**Director General, Spanish Ministry of Defense, 1999.** Letter of Commendation

**Ministry of Defense Mission to the US, Government of Israel, New York, NY, 1994.**

Letter of Commendation

**Honorable Discharge, US Navy, 1970**

### **REFERENCES**

**Saleh Al-Muhanna, Assistant Deputy of Finance, Ministry of Finance, Riyadh,**  
Saudi Arabia. Telephone: 966 1 4050000

**Stephen Kelly, Senior Managing Partner, McKinsey and Company, The Cira**  
Centre, 2929 Arch Street, Suite 1400, Philadelphia, PA. USA. Telephone: (215) 594-4500

**Mr. Jerry Fronabarger, Director, Security Cooperation Programs, ZENETEX LLC,**  
201 12<sup>th</sup> street, Suite 200, Arlington, VA, 703-775-0460

AUG 31 2017

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

CITY OF CAPE CORAL  
CITY CLERK'S OFFICE

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Please Type, if possible (or print clearly)

Date: 31 Aug 2017

Name: Nelson Jennifer Inez  
(Last) (First) (Middle)

E-mail address: jineznelson@gmail.com

Address: (H) 3010 SW 8th Ct. Zip Code 33914

(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (O) \_\_\_\_\_ (C) 239.826.0556

Occupation: Executive Director - nonprofit

Employer: Uncommon Friends Foundation Position: exec director How Long: 4.5 months

Education: Highest education level achieved and institutions attended:

Name & Location Dates Attended Degrees Earned

University of Texas - Austin 1988-1993 B.F.A.

Have you ever held a professional or business license or certificate?

Yes \_\_\_\_\_ No X

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title Issue Date Issuing Authority

Board(s) /Commission(s) for which you are applying:

Budget Review Board

1. Are you a U.S. Citizen? Yes X No \_\_\_\_\_

2. Are you a Cape Coral Resident? Yes X No \_\_\_\_\_

3. Are you currently serving on a City Board(s)? Yes X No \_\_\_\_\_

If yes, which Board(s) and since when?

Budget Review

4. Have you ever served on a City Board(s)? Yes X No \_\_\_\_\_

If yes, which Board(s) and when?

Budget Review

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes X No \_\_\_\_\_ If yes, what Board, etc. and since when?

Sustainability Advisory Committee / Lee County

Work Experience:

goodwill industries - 24 years  
Uncommon Friends Foundation - 4.5 months

Community Involvement:

PACE Center for girls - Lee County = BoD  
Keep Collier Beautiful - BoD  
Recycle Florida Today - BoD

Interests/Activities:

Sustainability, family, children

Why do you desire to serve on this/these Board(s)?

My experience and expertise will assist our <sup>city</sup> budget.

How did you learn about the vacancy? ☐ Cape Coral Website ☐ Newspaper ☐ Facebook ☒ Word of Mouth

**A resume or separate sheet with additional information may be included.**

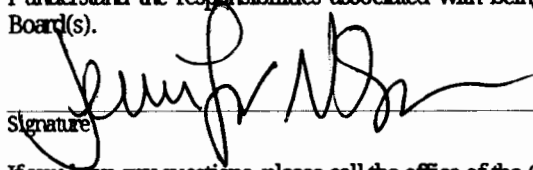
Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

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I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature



Date

31 Aug 2017

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Interviewed: \_\_\_\_\_ Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

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AUG 23 2017

# CITY OF CAPE CORAL APPOINTMENT INFORMATION FORM

CITY OF CAPE CORAL  
CITY CLERK'S OFFICE

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Please Type, if possible (or print clearly)

Date: 08/21/2017

Name: Osborn William D  
(Last) (First) (Middle)

E-mail address: bill\_osborn@hotmail.com

Address: (H) 1007 NW 7th Pl, Cape Coral, Fl Zip Code 33993

(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (O) \_\_\_\_\_ (C) 217-358-0737

Occupation: Retiree

Employer: Illinois Power Company Position: Various Managem How Long: 31 yrs

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
Eastern Illinois University	1965/1969	BS in Business Administration

Have you ever held a professional or business license or certificate?

Yes ☐ No ☒

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority

Board(s) /Commission(s) for which you are applying:  
Budget Review Committee

1. Are you a U.S. Citizen?

Yes ☒ No ☐

2. Are you a Cape Coral Resident?

Yes ☒ No ☐

3. Are you currently serving on a City Board(s)?

Yes ☐ No ☒

If yes, which Board(s) and since when?

4. Have you ever served on a City Board(s)?

Yes ☒ No ☐

If yes, which Board(s) and when?

Budget Review Committee 2015/2016

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes ☐ No ☒ If yes, what Board, etc. and since when?

Work Experience:

Customer Service Office Supervisor 20 years. District Manager 4 years over customer service, electric and gas crews, and meter readers. Interacted with 8 cities in the district and 2 electric coops. 6 years Central emergency dispatch for all areas. 24 years making and adhering to budgets.

Community Involvement:

On Butler Illinois village board for 6 years. As IP employee attended various city and village board meetings, helping to negotiate electric, gas, and street light franchises and to solve any municipal/power company issues.

Interests/Activities:

Member of Cape Coral Rotary Club.  
My hobbies are scuba, hunting, and fishing.

Why do you desire to serve on this/these Board(s)?

I will offer an informed citizen's perspective to the financial well being of the City of Cape Coral as my wife and I retired here and plan to live here for the rest of our lives. I know with my prior budgetary and business background and availability that I can provide positive input to the Budget Review Committee.

**A resume or separate sheet with additional information may be included.**

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

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I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

William D Ophorn  
Signature

8/23/17  
Date

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

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**FOR OFFICIAL USE ONLY**

Interviewed: \_\_\_\_\_ Date: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



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CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

JUL 11 2017

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Please Type, if possible (or print clearly)

Date: 07-10-2017

Name: Starner George W.  
(Last) (First) (Middle)

E-mail address: gwstarner@gmail.com

Address: (H) 4726 NW 38th Ave., Cape Coral, FL Zip Code 33993  
(O) NA Zip Code NA

Phone: (H) 239-282-0572 (O) NA (C) 239-989-7400

Occupation: Retired

Employer: NA Position: NA How Long: NA

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
Ohio State Univ.	1965-1966	NA
University of Cincinnati	1967	NA
Wright State University	1969-1970	NA

Have you ever held a professional or business license or certificate? Yes ☒ No ☐

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority
Investment Advisor	02-1979	New York Stock Exchange

Board(s) /Commission(s) for which you are applying:  
Budget Review Committee

1. Are you a U.S. Citizen? Yes ☒ No ☐

2. Are you a Cape Coral Resident? Yes ☒ No ☐

3. Are you currently serving on a City Board(s)? Yes ☒ No ☐

If yes, which Board(s) and since when?

Budget Review Committee since June, 2016

4. Have you ever served on a City Board(s)? Yes ☐ No ☒

If yes, which Board(s) and when?

None previous to my current appointment to the BRC

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes ☐ No ☒ If yes, what Board, etc. and since when?

Work Experience:

Investment Advisor - 31 years

Community Involvement:

Current member of Cape Coral Budget Review Committee

Served on several non-profit boards and finance committees

Interests/Activities:

Travel, reading, sports

Why do you desire to serve on this/these Board(s)?

To give back to my City and make use of my talents and common sense.

**A resume or separate sheet with additional information may be included.**

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I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature

*BW Hammer*

Date

*1/10/2017*

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

**City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027**

**FOR OFFICIAL USE ONLY**

Interviewed:

Date: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Council Action:

Date: \_\_\_\_\_

## BUDGET REVIEW COMMITTEE

BOARD INFO	MEMBERS	PHONE NUMBERS	INITIAL APPOINT	LAST REAPPOINT	TERM EXPIRES
<p>Established by Resolutions 05-12 Alternate established by Resolution 99-15 Seven Members, 3 year renewal</p> <p>Presiding Officers shall preside for 1 year. Meets: 2nd Mon./Month Conf. Rm 220 a @ 9:00 A.M.</p> <p>A majority of Committee shall constitute a quorum for the transaction of business. No official action shall be taken without the concurring vote of a majority of all Qualifications: All members shall be residents of Cape Coral and Citizens of the United States and possess an established financial background.</p> <p>Financial Disclosure Required: No.</p> <p>Board Secretary: Barbara Kerr 239 242-3241</p> <p>Council Liaison: Marilyn Stout</p> <p>Council voted to add 1 alternate on 7/20/2015</p>	<b>CHAIR</b> Joseph Coviello 602 El Dorado Pkwy W Cape Coral, FL 33914	540-5832 (h ) 941-809-8408 (c ) 542-3044 (w)	6/11/2012	9/29/2014	9/30/2017
	<b>ALTERNATE</b> Vacant				9/30/2017
	James McQuality 3220 Surfside Boulevard Cape Coral, FL 33914	727 608-8497 ( c )	7/18/2016		9/30/2017
	George Starnier 4726 NW 38th Avenue Cape Coral, FL 33993	282-0572 (h) 989-7400 ( c )	6/6/2016		9/30/2017
	Jeffrey Green 127 SE 15th Avenue Cape Coral, FL 33990	239 800-4109 (h) 646 647-2231 (o) 717 514-2441 ( c )	9/28/2015		9/30/2018
	Jerome Doviak EXEMPT		6/6/2016		9/30/2018
	<b>VICE CHAIR</b> Harvey Wolfson 120 NW 25th Pl Cape Coral, FL 33993	283-2572 (h ) 565-9273 (c )	6/11/2012	9/28/2015	9/30/2018
	Jennifer Nelson 3010 SW 8th Court Cape Coral, FL 33914	826-0556 ( c ) 822-8708 (o)	9/19/2016 (eff. 10/1/16)	3/20/17 (reg.)	9/30/2017

<b>Item Number:</b>	<b>F.(2)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS</b>

**AGENDA  
REQUEST  
FORM**  
CITY OF CAPE  
CORAL



**TITLE:**

Construction Regulation Board - 4 Vacancies

**REQUESTED ACTION:**

Appoint

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

Vacancies: 4 vacancies

Expiration: 4 members - 9/30/2019

Applications: 3 Applications received: Craig Miller (new applicant) Dolores Classon (re-appointment) and Paul Prince (new applicant).

Advertisement: The vacancies were advertised on August 11, 2017 in the Breeze, and was posted on the City website and Facebook page.

Vacancies include:

- d - Licensed Plumbing Contractor, whenever possible (1)
- e - Class A, Air-Conditioning Contractor, whenever possible (1)
- f - Licensed Pool Contractor (1)
- i - Two of Three Consumer Representatives who are not a member or practitioner of a profession regulated by the board or a member of any closely related profession. (2)

**LEGAL REVIEW:**

**EXHIBITS:**

Application: Dolores Classon  
Application: Craig Miller  
Application: Paul Prince  
Resignation: Samantha Raso  
Resignation: Sharlene Slosar  
Board Sheet

**PREPARED BY:**

Kimberly  
Bruns

Division- Managerial

Department- City Clerk's  
Department

**SOURCE OF ADDITIONAL INFORMATION:**

Kimberly Bruns  
Assistant City Clerk  
1-239-242-3243

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Application: Dolores Classon	Backup Material
▣ Application: Craig Miller	Backup Material
▣ Application: Paul Prince	Backup Material
▣ Resignation - Samantha Raso	Backup Material
▣ Resignation - Sharlene Slosar	Backup Material
▣ Board Sheet	Backup Material

RECEIVED

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

AUG 31 2017

This Appointment Information Form, when completed, signed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.

YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. APPLICATIONS WILL BE RETAINED IN THE CLERK'S OFFICE IN ACCORDANCE WITH STATE RECORDS RETENTION LAWS.

Please Type, if possible (or print clearly)

Date: August 31 2017

Name: Classon Dolores Miller  
(Last) (First) (Middle)

E-mail address: dmclasson@gmail.com

Address: (H) 426 SE 18th Street Cape Coral FL Zip Code 33990

(O) PO Box 151727 Cape Coral FL Zip Code 33915

Phone: (H) 239-772-2721 (O) 239-772-2721 (C) 239-910-8750

Occupation: Contractor

Employer: Classon Pools Inc Position: Owner/qualifier How Long: 22 yrs

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
USF Sarasota	2014	Bach in Management

Have you ever held a professional or business license or certificate? Yes ☒ No ☐

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority
Swimming pool license CPC 057314	9/2001	Florida
Specialty Structure SCC 131150193	11/2007	Florida

Board(s) /Commission(s) for which you are applying:

Construction Regulation Board City of Cape Coral

1. Are you a U.S. Citizen? Yes ☒ No ☐

2. Are you a Cape Coral Resident? Yes ☒ No ☐

3. Are you currently serving on a City Board(s)? Yes ☒ No ☐

If yes, which Board(s) and since when?

Construction regulation board city of cape coral

4. Have you ever served on a City Board(s)? Yes ☒ No ☐

If yes, which Board(s) and when?

construction regulation board city of cape coral 2005

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes ☒ No ☐ If yes, what Board, etc. and since when?

Lee County Contractors licensing board 2005

Work Experience:

Swimming Pool Contractor

Community Involvement:

volunteer on Lee County board

City Cape Coral

Veteran's park constructed Iraq monument

Interests/Activities:

outdoor : triathlon swim bike run

single engine private pilot recreational flights

Why do you desire to serve on this/these Board(s)?

to represent swimming pool industry

to represent screen enclosure industry

How did you learn about the vacancy? ☐ Cape Coral Website ☐ Newspaper ☐ Facebook ☐ Word of Mouth ☒ current member

A resume or separate sheet with additional information may be included.

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Dolores M. Classon

Signature

8/31/2017

Date

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Interviewed: Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: Date: \_\_\_\_\_

**CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM**

AUG 18 2017

**This Appointment Information Form, when completed, signed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.**

**CITY OF CAPE CORAL  
CITY CLERK'S OFFICE**

**YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. APPLICATIONS WILL BE RETAINED IN THE CLERK'S OFFICE IN ACCORDANCE WITH STATE RECORDS RETENTION LAWS.**

Please Type, if possible (or print clearly)

Date: 8/15/2017

Name: Miller Craig Alan  
(Last) (First) (Middle)

E-mail address: mtneboer@gmail.com

Address: (H) 422 SE 21st Street Cape Coral, Fl Zip Code 33990  
(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (O) \_\_\_\_\_ (C) 941-999-1579

Occupation: Technology Support Specialist

Employer: Lee County School District Position: Tech Support Specialist How Long: 10 months

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
University of Wilmington, Wilmington DE	Aug. 2005-2007	Master's in Educational Technology
Harrisburg Area Community College, PA	Aug. 1998-May 2000	Associate's in Computer Network Technology
Penn State University, PA	Aug. 1978-Aug 1983	B.A in Philosophy; B.S in Secondary Education, English

Have you ever held a professional or business license or certificate? Yes ☒ No \_\_\_\_\_

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority
Instructional Tech. Specialist Level 2	Sept. 2006	PA Educational Certification
English Grades 7-12 Level 1	May 1983	PA Educational Certification
Senior Network Specialist	August 1999	National Association of Communication Systems Engineers

Board(s) /Commission(s) for which you are applying:

Construction Regulation Board

1. Are you a U.S. Citizen? Yes ☒ No \_\_\_\_\_

2. Are you a Cape Coral Resident? Yes ☒ No \_\_\_\_\_

3. Are you currently serving on a City Board(s)? Yes \_\_\_\_\_ No ☒

If yes, which Board(s) and since when?

4. Have you ever served on a City Board(s)? Yes \_\_\_\_\_ No ☒

If yes, which Board(s) and when?

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes \_\_\_\_\_ No ☒ If yes, what Board, etc. and since when?



Work Experience:

Lee County School District, currently Tech Support Specialist for Fort Myers Middle School, Oct.2016- Present

Lee County School District, Substitute Teacher, January 2016- June 2016

Oxford Area School District, Director of Technology, March 2007- August 2015

Community Involvement:

Various Fundraisers for American Cancer Society

Habitat for Humanity of Lancaster, Pa Construction Assistant, Mentor, Member of Selection Committee

Volunteers for Youth in Probation and Parole, Lancaster, PA, Mentor to youth

Interests/Activities:

Outdoor sports such as bicycling, tennis and kayaking

Fishing

Art and Music

Why do you desire to serve on this/these Board(s)?

I would like to serve in local politics as well as support the Cape Coral community in anyway.

How did you learn about the vacancy? ☒ Cape Coral Website \_\_\_ Newspaper \_\_\_ Facebook \_\_\_ Word of Mouth

**A resume or separate sheet with additional information may be included.**

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No \_\_\_

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature Craig Miller

8/16/2017  
Date

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

**City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027**

FOR OFFICIAL USE ONLY

Interviewed: Date: \_\_\_\_\_

Yes \_\_\_ No \_\_\_

Council Action: Date: \_\_\_\_\_

**CRAIG A. MILLER**  
422 SE 21<sup>st</sup> St. Cape Coral, FL 33990  
(941) 999-1579

## **Education**

**Wilmington University, Wilmington, DE**

- **M.S., Applied Technology in Education:** Completed August 2007

**Penn State University, University Park, PA.**

- **Pennsylvania Instructional Technology Specialist Certification**
- **B. S. , Secondary Ed.** (PA English certification)
- **B. A. , Philosophy**

**Harrisburg Area Community College, Harrisburg, PA**

- **Computer Networking Technology (Associate Degree)**

### **Other Certifications**

- **Dell Certified Systems Expert (DCSE):** Completed in May 2016.
- **Network Engineering:** Certification from National Association of Communications Systems Engineers (NACSE).
- **A+ Certification:** Successfully achieved A+ certification from CompTIA.

## **Work Experience**

**LEE COUNTY PUBLIC SCHOOL DISTRICT, Lee County, FL October 2016- Present**

**Technology Support Specialist:** Sole technology support person at Ft. Myers Middle School supporting approximately 65 staff members and 550 students with their technology needs (primarily computers). Each student and staff member has a school district supplied computer, which is typically a laptop. My role is to help them use the technology to reach their educational goals. I also support the building local area network as well as any other technology in the building (i.e. LCD projectors, phones, scanners, printers, etc...).

**ADVENT GLOBAL SOLUTIONS/ LEE COUNTY SCHOOL DISTRICT, Ft. Myers, FL May-Oct. 2016**

**Outsourced Computer Repair Technician:** 12 month contract working with Lee County School District technology department in repair of computing systems. Primary focus has been on repairing laptops and student Chromebooks.

**LEE COUNTY SCHOOL DISTRICT, Lee County, FL January- June 2016**

**Substitute Teaching:** Performed substitute teaching duties grades PreK- post grade12, but primarily in district high schools in west zone.

**OXFORD AREA SCHOOL DISTRICT, OXFORD, PA March 2007- August 2015**

**Director of Technology:** Supervise technology staff. Maintained technology budget and procure necessary hardware and software for the district. Primary "customer support employee" for district computing and network services, databases as well as district instructional software. Developed disaster recovery procedures and implemented appropriate equipment. Maintain an accurate inventory of district hardware and software. Prepared district plan for technology and directed the implementation. Prepared reports for various technology-related grants. Serve on district committees and groups related to or planning for the use of technology.

AVON GROVE SCHOOL DISTRICT, WEST GROVE, PA August 2001 - March 2007 **Instructional**

**Technology Specialist:** My role at the district was twofold. My primary mission was to train teachers to use the technology available to enhance student learning. When not training and instructing the staff, I supported the district administrative software (primarily the databases), the district computer network and district computing systems at level two.

BERKS COUNTY INTERMEDIATE UNIT, READING, PA 2000 - 2001 **Computer Network Systems**

**Analyst:** Computer network professional supporting the school districts throughout Berks County. Primary responsibility was supporting the technology for Twin Valley school district. The projects involved the culmination of the high school remodeling project, library systems upgrade, middle school system upgrade and a project to transform two of the three elementary centers from Apple computers to networked Windows based systems. Additional responsibilities include troubleshooting individual computer systems and network problems.

OXFORD AREA SCHOOL DISTRICT, OXFORD, PA 1998 - 2000 **Computer Network**

**Administrator/Technician:** Prime responsibilities include maintaining and administering user accounts on district local area network (LAN) as well as help ensure network integrity through monitoring network traffic, Internet usage and server security. Developed and implemented Microsoft Access database programs to track school district computer hardware, software licensing and an interactive database for the creation and tracking of computer user work orders.

COMPUTER AID INC., LANCASTER, PA 1997-1998 **Computer Helpdesk Analyst:** One of 6 analysts supporting 1600 remote users of New Holland N. A. software and proprietary dealership LAN software. A typical day involved troubleshooting LAN hardware, telecommunication systems, and various interfaced software programs.

- Conducted software training for staff in Springfield, IL and Lancaster, PA.

TURKEY HILL DAIRY, CONESTOGA, PA 1987-1997 **Shipping/ Warehouse Manager:** Managed department of 60 people including group leaders, shift supervisors, and shipping/warehouse workers across a 24-hour 6-day schedule. Evaluated needs, making adjustments due to absences, mechanical problems and rush orders.

- Developed and managed departmental quality control program and corporate safety program.

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

Aug - 3 2017

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Please Type, if possible (or print clearly)

Date: 8/02/17

Name: Prince Paul Sherman  
(Last) (First) (Middle)

E-mail address: CapeCivic1962@gmail.com

Address: (H) 1318 SE 43rd Ter Cape Coral Zip Code 33904  
(O) Zip Code

Phone: (H) 239-233-2168 (O) (C) 239 443 8768

Occupation: Service Electrician

Employer: Young's Electrical Position: Service Tech How Long: 8 years  
contracting

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
Mariner High School	4	Diploma

Have you ever held a professional or business license or certificate?

Yes No X

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority

Board(s) /Commission(s) for which you are applying:

Construction Regulation Board

1. Are you a U.S. Citizen? Yes X No

2. Are you a Cape Coral Resident? Yes X No

3. Are you currently serving on a City Board(s)? Yes No X

If yes, which Board(s) and since when?

4. Have you ever served on a City Board(s)? Yes No X

If yes, which Board(s) and when?

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes No X If yes, what Board, etc. and since when?

Work Experience:

Been in the Constaction Industry for 20 yrs as an electrician  
Currently working for Youngs Electrical Contracting in which I  
have been employed with for 8 years

Community Involvement:

President Cape Coral Civic Association  
Active CERT Member

Interests/Activities:

Fishing, Kayaking, Community engagement to make the Cape  
a great place to live and raise kids.

Why do you desire to serve on this/these Board(s)?

Being in the Constaction Industry for 20 yrs as an electrician  
both Residential and Commercial I can bring a good insight on the future  
in the Constaction Industry as a member of the Community, not a business  
owner

How did you learn about the vacancy? ☐ Cape Coral Website ☐ Newspaper ☐ Facebook ☒ Word of Mouth

C Council meeting on 7/21/17

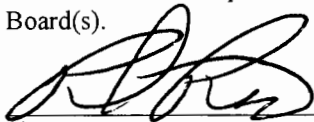
A resume or separate sheet with additional information may be included.

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).



Signature

8/02/17

Date

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Interviewed:

Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action:

Date: \_\_\_\_\_

**Barbara Kerr**

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**From:** Brand & Woods Barbershop <glodroid@gmail.com>  
**Sent:** Friday, August 18, 2017 7:00 PM  
**To:** Barbara Kerr  
**Subject:** RE: Construction Regulation Board term expiration

I Samantha Raso resign my appointment to the contractor regulation board as of today 08/18/ 2017 thank you  
Please let everyone know it was a great experience serving with all those involved including you Barbra.  
Sincerely, Samantha Raso

On Aug 18, 2017 12:45 PM, "Barbara Kerr" <[bkerr@capecoral.net](mailto:bkerr@capecoral.net)> wrote:

Hi Samantha,

Thank you for your email. I would like to confirm that you are leaving the City at the end of this month, August, and not intending to attend the September 27<sup>th</sup> meeting. Please reply with an official resignation date. Thank you.

*Barbara Kerr*

Recording Secretary

City of Cape Coral

City Clerk's Office

P. O. Box 150027

Cape Coral, FL 33915

Phone: 239 242-3241

Fax: 239 242-5344

**From:** Brand & Woods Barbershop [mailto:[glodroid@gmail.com](mailto:glodroid@gmail.com)]  
**Sent:** Friday, August 18, 2017 12:13 PM  
**To:** Barbara Kerr <[bkerr@capecoral.net](mailto:bkerr@capecoral.net)>  
**Subject:** Re: Construction Regulation Board term expiration

Hi Barbara, I will not be seeking reappointment. I am leaving Cape Coral at the end of the month. Thank you.

On Aug 18, 2017 10:11 AM, "Barbara Kerr" <[bkerr@capecoral.net](mailto:bkerr@capecoral.net)> wrote:

Good morning,

Your term on the Construction Regulation Board will expire on 9 30 17. If you wish to be considered for reappointment, please fill out the application and return the signed original to the City Clerk's Office by **noon on Thursday, August 31<sup>st</sup>**. If you do not wish reappointment, please let us know as well. It is tentatively scheduled to go before Council at their meeting on Monday, September 18, 2017, at 4:30 p.m. in Council Chambers.

Also attached is an exempt form. If this applies to you, please fill it out and return it to us ASAP. If your information is exempt, that part of the application will be redacted. All applications are backup to the agenda item for the Council meeting.

If you have any questions, please contact me.

*Barbara Kerr*

Recording Secretary

City of Cape Coral

City Clerk's Office

P. O. Box 150027

Cape Coral, FL 33915

Phone: 239 242-3241

Fax: 239 242-5344


**Barbara Kerr**

---

**From:** toofee Slosar <stoofee@gmail.com>  
**Sent:** Sunday, August 27, 2017 9:39 AM  
**To:** Barbara Kerr  
**Subject:** slosar resignation

Please accept this e-mail as my resignation from the cape coral construction board, effective immediately.

It has been a pleasure to serve.

Sharlene Slosar  




**CITY OF CAPE CORAL - BOARDS AND COMMISSIONS**

**CONSTRUCTION REGULATION BOARD**

<b>BOARD INFO</b>	<b>MEMBERS</b>	<b>PHONE NUMBER</b>	<b>QUAL</b>	<b>INITIAL APPOINT</b>	<b>LAST REAPPT</b>	<b>TERM EXPIRES</b>
<p>Established by Ordinances 19-87, 20-87, 39-87, 97-89, 2-92, 23-92, 50-98, 32-99, 33-00, 128-00, 37-01, 66-05, 70-13</p> <p>Resolution 88-87 established as Board of Adjustments &amp; Appeals Ordinance 70-13 changed name to Construction Regulation Board Citizen's Positions Established by Ordinance 50-98</p> <p>Twelve Members / Two Year Terms Seven Members for Quorum; Five to approve licenses. (Ord. 66-05) Presiding officers shall preside for 1 year. Meets: 4th Wed./Month in Council Chambers at 6 P.M.</p> <p>Review and approve or deny license applications along with hearing disciplinary actions and entering written decisions; also the Board serves as the Board of Adjustments &amp; Appeals.</p> <p>Qualifications: Resident of Cape Coral and Citizen of U.S. Membership shall consist, whenever possible, of the following: (a) Licensed Architect or Licensed Engineer (b) Licensed Contractor, B Certificate or higher (2) (c) Licensed Electrical Contractor (d) Licensed Plumbing Contractor (e) Class A Air-Conditioning Contractor (f) Licensed Pool Contractor (g) Roofing Contractor (h) One member of any of above categories (i) Three Consumer Representatives who are not a member or practitioner of a profession regulated by the board or a member of any closely related profession.</p> <p>Financial Disclosure Required: No</p>	Brian Rist 2812 SW 29th Ct Cape Coral, FL 33914	565-7737 ( c ) 938-1006 (w)	a*	3/21/2016		3/31/2018
	Wayne A. Moomjian 1007 SE 12th Ct Cape Coral, FL 33990	574-3213 (h) 573-4439 (w)	b	7/25/2005	11/30/2015	12/31/2017
	Isaac Burgos 1810 SW 25th Street Cape Coral, FL 33914	440-1179 (cell) 205-5976 (o)	b	1/9/2017		12/31/2017
	<b>Chairman</b> Gary Colley 4905 Nassau Court Cape Coral, FL 33904	945-0894 (fax) 945-2190 (W) 218-0081 ( c )	c	11/3/2003	11/30/2015	12/31/2017
	Mike Makedonski <b>EXEMPT</b>		d	7/31/2017		7/31/2019
	<b>VACANT</b>		e			
	Dolores Classon 426 SE 18th St Cape Coral, FL 33990	910-8750 ( c ) 458-1908 (h)	f	8/17/2009	9/28/2015	9/30/2017
	Donald Herzing 2829 SW 35th Street Cape Coral, FL 33914	220-3096 (cell) 939-4412 (o)	g	1/9/2017		1/9/2019

# **CITY OF CAPE CORAL - BOARDS AND COMMISSIONS**

## **CONSTRUCTION REGULATION BOARD**

<b>BOARD INFO</b>	<b>MEMBERS</b>	<b>PHONE NUMBER</b>	<b>QUAL</b>	<b>INITIAL APPOINT</b>	<b>LAST REAPPT</b>	<b>TERM EXPIRES</b>
<b>Board Secretary:</b> Barbara Kerr 239 242-3241	<b>Vice Chair</b> Matthew Sinclair 221 SE 21st Ln Cape Coral, FL 33990	229-2530	h	3/24/14	3/21/16	3/31/2018
	VACANT		i			9/30/2017
	Thomas Phillips 1917 SW 12th Terrace Cape Coral, FL 33991	248 396-9431 ( c ) 612 761-5570 (o)	i	11/28/2016		12/31/2017
	VACANT		i			9/30/2017

<b>Item Number:</b>	<b>A.(1)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Public Hearings</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Ordinance 25-17 Public Hearing (Continued from 7/24/2017 and 8/21/2017)

**REQUESTED ACTION:**

Introduction

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

An ordinance amending the Code of Ordinances, Chapter 2, Administration, Article III, Personnel Rules and Regulations, Division 11, Attendance and Leave, to change the list of designated holidays by removing Columbus Day and adding Christmas Eve Day.

**LEGAL REVIEW:**

Dolores D. Menendez, City Attorney

**EXHIBITS:**

MEMO - ORDINANCE 25-17 CITY OBSERVED HOLIDAYS  
ORDINANCE 25-17

**PREPARED BY:**

MOLLY  
LIEBEGOTT

Division- ADMINISTRATION

Department- HUMAN  
RESOURCES

**SOURCE OF ADDITIONAL INFORMATION:**  
LISA SONEGO, HUMAN RESOURCES DIRECTOR



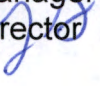
**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ MEMO - ORDINANCE 25-17 CITY OBSERVED HOLIDAYS	Backup Material
▣ Ordinance 25-17	Ordinance

**MEMORANDUM**

**CITY OF CAPE CORAL  
CITY MANAGER'S OFFICE**

TO: Mayor Sawicki and Council Members

FROM: John Szerlag, City Manager   
Michael Ilczyszyn, Assistant City Manager   
Lisa Sonogo, Human Resources Director 

DATE: June 5, 2017

SUBJECT: Ordinance 25-17 Amending City Observed Holidays

---

City management has an interest in amending the days that the City of Cape Coral observes and are paid holidays for non-bargaining, full-time regular city employees. Specifically, this interest is to remove Columbus Day as an observed holiday in the month of October and add Christmas Eve Day in the month of December.

This change will amend the City Code of Ordinances, Chapter 2, Administration, Article III, Personnel Rules and Regulation, Division 11, Attendance and Leave.

Upon approval, the city will observe the following paid holidays:

New Year's Day	Veterans' Day
Martin Luther King, Jr's Birthday	Thanksgiving Day
Presidents' Day	Friday after Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	Other Days Approved by City Council

Approval is requested.

JS/MI/LS:ac



ORDINANCE 25 - 17

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, PERSONNEL RULES AND REGULATIONS, DIVISION 11, ATTENDANCE AND LEAVE, TO CHANGE THE DESIGNATED HOLIDAYS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article III, Personnel Rules and Regulations, Division 11, Attendance and Leave, is hereby amended as follows:

**CHAPTER 2 ADMINISTRATION**

...

**ARTICLE III: PERSONNEL RULES AND REGULATIONS**

**DIVISION 11. ATTENDANCE AND LEAVE**

...

**§ 2-35.4 - Holidays.**

(a) The following holidays shall be observed as paid holidays by the city:

- (1) New Year's Day;
- (2) Martin Luther King Jr.'s Birthday;
- (3) Presidents' Day;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- ~~(7) Columbus Day;~~
- (8) Veteran's Day;
- (9) Thanksgiving Day;
- ~~(10) Friday after Thanksgiving; and~~
- ~~(11) Christmas Eve day; and~~
- (12) Christmas Day.

(b) The City Council may designate additional paid holidays.

(c) All regular and probationary employees are entitled to holiday pay. For employees who work a regular work week, holidays that fall on a Saturday shall be observed on the preceding Friday and holidays that fall on a Sunday shall be observed on the following Monday, with the following exception: when Christmas Eve falls on a Sunday, Christmas Eve shall be observed on the preceding Friday and when Christmas Day falls on a Saturday, Christmas Day shall be observed on the following Monday. For employees who work other than a regular work week, the holiday shall be observed on its traditional day.

~~All regular and probationary employees are entitled to holiday pay. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday by employees who work a regular work week. When a holiday falls on a Sunday, the holiday shall be observed on the following Monday by employees who work a regular work week. For employees who work other than a regular work week, the holiday shall be observed on its traditional day.~~

(d) Employees who regularly work less than 40 hours per week and who are entitled to holiday pay will receive compensation based upon a prorated calculation of the average hours worked per day over the preceding four weeks. This proration shall be calculated by dividing the total hours worked during the preceding four work weeks by 20.



...

SECTION 2. 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 3. 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

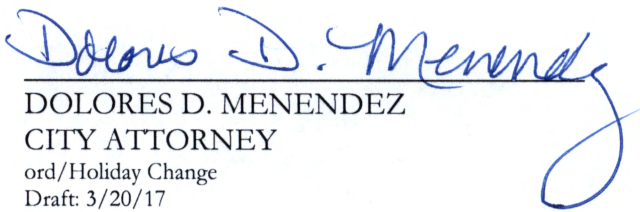
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODSEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
ord/Holiday Change  
Draft: 3/20/17





Dawn Andrews, Property Broker

ATTACHMENTS:

Description	Type
▣ Ordinance 47-17	Ordinance

ORDINANCE 47 - 17

AN ORDINANCE DECLARING A TRIANGULAR-SHAPED PARCEL OF PROPERTY BEING A PART OF MCDONOUGH CANAL RIGHT-OF-WAY ADJOINING LOT 1, BLOCK 6005, AS SHOWN ON THE PLAT OF CAPE CORAL UNIT 94, AS RECORDED IN PLAT BOOK 25 AT PAGES 35 THROUGH 39 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, LOCATED AT 1810 SW 23<sup>RD</sup> COURT, AS UNUSABLE MUNICIPAL SURPLUS REAL PROPERTY NO LONGER NEEDED BY THE CITY; AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO EXECUTE A DEED CONVEYING THE AFOREMENTIONED SURPLUS REAL PROPERTY TO MARTINI UNLIMITED INC., A FLORIDA CORPORATION, SUBJECT TO THE GRANTEE HEREIN CONSTRUCTING A SEAWALL UPON SAID PROPERTY; A COPY OF THE PROPOSED DEED IS ATTACHED HERETO AS EXHIBIT "1"; RESERVING RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE CITY OF CAPE CORAL; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral Public Works Department and the City Manager have recommended that a parcel of land being a portion of McDonough Canal Right of Way adjoining Lot 1, Block 6005, as shown on the plat of Cape Coral Unit 94, as recorded in Plat Book 25 at Pages 35-39 of the Public Records of Lee County, Florida, is of no value and use to the City of Cape Coral, and would be of greater value to the City of Cape Coral if deeded to the property owner because of increased tax revenues; and

WHEREAS, after examination of the canal and after considering the recommendations of the Engineering Division of the Public Works Department and City Staff, it is evident that it would be in the best interest of the City to deed said parcel subject to right-of-way and utility easements for City of Cape Coral and Lee County in the future.

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

Section 1. That the parcel of land being a portion of McDonough Canal Right of Way adjoining Lot 1, Block 6005 as shown on the plat of Cape Coral Unit 94, said parcel being near the intersection of SW 18<sup>th</sup> Terrace and the bridge spanning the McDonough Canal, as more particularly described as follows:

A parcel of land being a portion of McDonough Canal Right of Way adjoining Lot 1, Block 6005, as shown on the plat of Cape Coral Unit 94, recorded in Plat Book 25 at Pages 35 through 39 of the Public Records of Lee County, Florida; more particularly described as follows:

Begin at the Northwest corner of Lot 1, Block 6005, Unit 94 of Cape Coral Subdivision, as recorded in Plat Book 25, Pages 35 through 39, of the Public Records of Lee County Florida, Thence run S00°13'50"W, along the westerly line of said Block 6005, for a distance of 86.00 feet to the Northerly Right of Way line of S.W. 18<sup>th</sup> Terrace; Thence run S89°57'39"W, along said Northerly Right of Way line, for a distance of 27.23 feet to an intersection with the waterward face of a concrete seawall; Thence run N20°52'59"E along said waterward face for a distance of 8.57 feet; Thence leaving said waterward face run N17°26'58"E for a distance of 81.77 feet to the Point of Beginning.

Said Parcel contains 1,150 square feet, more or less.

Reserving therefrom, the Southerly 25.00 feet as a Public Utilities, Drainage, Roadway and Bridge Maintenance Easement; and reserving therefrom the Westerly 6.00 feet as a Public Utilities and Drainage Easement.

Bearings are based on the recorded plat of the Cape Coral Unit 94, as recorded in Plat Book 25, Pages 35 through 39, of the Public Records of Lee County, Florida.

Said parcel is hereby declared to be of no use to the City of Cape Coral because of its odd shape and location and as surplus property is no longer needed for municipal use or purposes that require retaining municipal ownership.

The above described property shall immediately revert to grantor herein should grantee, its successors or assigns, fail to apply for a seawall permit(s) within six (6) months of the date of the deed, and complete construction of the seawall upon the waterway portion of the above described property within twelve (12) months of the date of the deed.

Section 2. That upon the recommendations of the City staff, it is in the best interest of the City of Cape Coral to deed the above-described property to the owner of Lot 1, Block 6005, Cape Coral Subdivision, Unit 94, according to the plat thereof, as recorded in Plat Book 25, Pages 35-39, of the Public Records of Lee County, Florida, subject to any easements, restrictions and reservations of record because the City will receive additional tax revenues by this grant. Accordingly, the Mayor and the Clerk of the City of Cape Coral are hereby authorized to effectuate a quit claim deed granting the property described herein to Martini Unlimited Inc., a Florida Corporation, the owner of property located at 1810 SW 23<sup>rd</sup> Court, Cape Coral, Florida. Said grant shall be subject to the City retaining a right-of-way easement across the property as described herein granted for the purpose of, but not limited to, entering upon said property for the expansion of the canal system, including a right-of-way easement across said parcel for the maintenance, construction, and renovation of the canal or bridge system, and reserving an easement across said parcel for any utility lines including water, sewer, or electrical, and a drainage easement to enlarge the existing channel in the future; a copy of the quit claim deed is attached hereto as Exhibit "1."

Section 3. 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 4. Effective Date. This ordinance shall become effective immediately upon its adoption.

ADOPTED AT A REGULAR COUNCIL MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
ord/triprop-Martini

# QUIT-CLAIM DEED

Prepared by:  
Brian R. Bartos  
City of Cape Coral  
PO Box 150027  
Cape Coral, FL 33915-0027  
Strap #:28-44-23-C1-06005.0010  
City of Cape Coral Ordinance 47 -17

---

**THIS QUIT-CLAIM DEED**, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by first party:

**CITY OF CAPE CORAL, A FLORIDA MUNICIPAL CORPORATION**

whose post office address is: Post Office Box 150027, Cape Coral, Florida 33915-0027

to second party **Martini Unlimited Inc., A Florida Corporation**

whose post office address is: 4422 Del Prado Boulevard South  
Cape Coral, Florida 33904

**WITNESSETH**, that the said first party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida to wit:

A parcel of land being a portion of McDonough Canal Right of Way adjoining Lot 1, Block 6005, as shown on the plat of Cape Coral Unit 94, recorded in Plat Book 25 at Pages 35 through 39 of the Public Records of Lee County, Florida; more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Reserving therefrom, the Southerly 25.00 feet as a Public Utilities, Drainage, Roadway and Bridge Maintenance Easement (along S.W. 18<sup>th</sup> Terrace); and reserving therefrom the Westerly 6.00 feet as a Public Utilities and Drainage Easement (along McDonough Canal).

**THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING CONDITIONS:** Grantee, or his/her/their/its successors or assigns, shall apply for a seawall permit(s) within six (6) months of the date of this deed, and complete construction of the seawall upon the waterway portion of the above described property within twelve (12) months from the date of this deed. Grantee, or his/her/their/its successors or assigns, shall obtain the required permitting approval from all applicable Local, State, or Federal governmental agencies. The violation of the aforementioned conditional time frame to complete construction of said seawall shall result in the immediate reversion of title, of the above described property, to the Grantor or its successors and/or assigns.

**TO HAVE AND TO HOLD** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**IN WITNESS WHEREOF**, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

**City of Cape Coral, a Florida municipal corporation**

(Signature) \_\_\_\_\_  
(Print)

\_\_\_\_\_  
**Marni L. Sawicki, Mayor**

(Signature) \_\_\_\_\_  
(Print)

**STATE OF:** Florida §  
**COUNTY OF:** Lee §

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Marni L. Sawicki, Mayor of the City of Cape Coral, a Florida municipal corporation, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same. Witness my hand and official seal in the County and State aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(seal)

\_\_\_\_\_  
Notary Public (Signature)

Signed, sealed and delivered in presence of:

**City of Cape Coral, a Florida municipal corporation**

(Signature) \_\_\_\_\_  
(Print)

\_\_\_\_\_  
**Rebecca van Deutekom, City Clerk**

(Signature) \_\_\_\_\_  
(Print)

**STATE OF:** Florida §  
**COUNTY OF:** Lee §

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Rebecca van Deutekom, City Clerk of the City of Cape Coral, a Florida municipal corporation, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same. Witness my hand and official seal in the County and State aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(seal)

\_\_\_\_\_  
Notary Public (Signature)

## **Exhibit "A"**

A parcel of land being a portion of McDonough Canal Right of Way adjoining Lot 1, Block 6005, as shown on the plat of Cape Coral Unit 94, recorded in Plat Book 25 at Pages 35 through 39 of the Public Records of Lee County, Florida; more particularly described as follows:

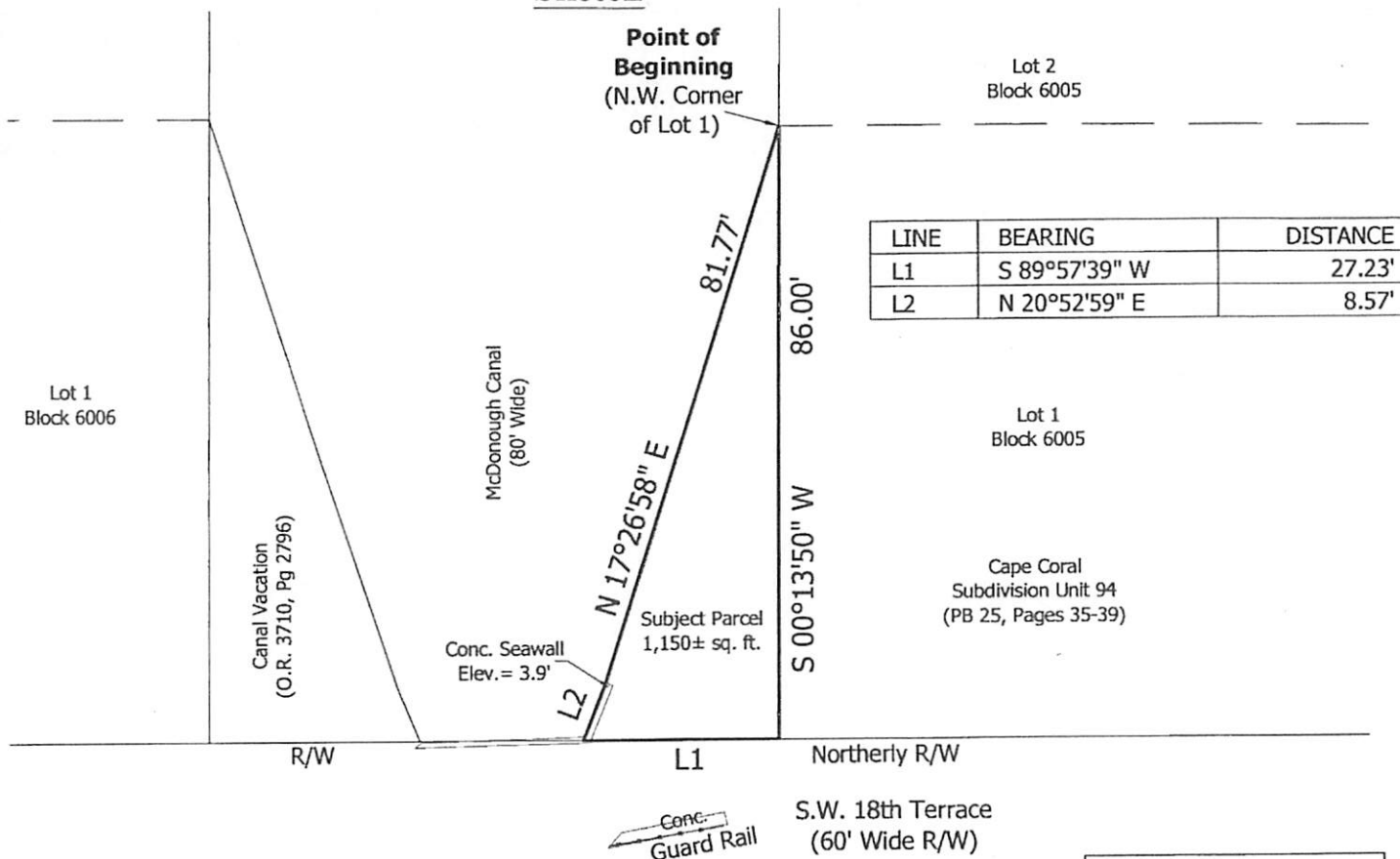
Begin at the Northwest corner of Lot 1, Block 6005, Unit 94 of Cape Coral Subdivision, as recorded in Plat Book 25, Pages 35 through 39, of the Public Records of Lee County Florida, Thence run S00°13'50"W, along the westerly line of said Block 6005, for a distance of 86.00 feet to the Northerly Right of Way line of S.W. 18<sup>th</sup> Terrace; Thence run S89°57'39"W, along said Northerly Right of Way line, for a distance of 27.23 feet to an intersection with the waterward face of a concrete seawall; Thence run N20°52'59"E along said waterward face for a distance of 8.57 feet; Thence leaving said waterward face run N17°26'58"E for a distance of 81.77 feet to the Point of Beginning.

Said Parcel contains 1,150 square feet, more or less.

Reserving therefrom, the Southerly 25.00 feet as a Public Utilities, Drainage, Roadway and Bridge Maintenance Easement; and reserving therefrom the Westerly 6.00 feet as a Public Utilities and Drainage Easement.

Bearings are based on the recorded plat of the Cape Coral Unit 94, as recorded in Plat Book 25, Pages 35 through 39, of the Public Records of Lee County, Florida,

# Sketch



## SURVEY NOTES:

1. BEARINGS ARE BASED ON WESTERLY LINE OF BLOCK 6005, BEING S00°13'50" W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2017, STOUTENCRAMER INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF STOUTENCRAMER, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.

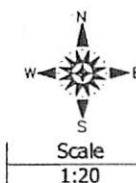
## Legend

R/W - Right of Way  
O.R. - Official Records Book  
Pg - Page

## Sketch to Accompany Description

### Subject Parcel

A Parcel of Land Lying in Unit 94, Cape Coral Subdivision, according to Plat Book 25, Pages 35 through 39, of the Public Records of Lee County, Florida.



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.scisurvey.com

JOB # 17-1901 PREPARED FOR: Darren & Susan Martini

SECTION 28, TOWNSHIP 44S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, was made under my direction on April 3rd, 2017 in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-52, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DAVID KEITH CRAMER FOR THE FIRM  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 12906  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 1 of 2





<b>Item Number:</b>	<b>B.(1)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Resolution 161-17 (VP 17-0003\*) Set Public Hearing Date for October 16, 2017

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**Hearing Examiner Recommendation:** The Hearing Examiner recommends that City council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 4-2017.

**Staff Recommendation:** City Management recommends approval.

**SUMMARY EXPLANATION AND BACKGROUND:**

A resolution providing for the vacation of plat for a street right-of-way being a part of Willow Court located adjacent to Lots 33-34, Block 39, Cape Coral Unit 6 Part 2, and providing for the vacation of plat for six-foot wide public utility and drainage easements lying within Lots 33-34, Block 39, Cape Coral Unit 6 Part 2; property located at 5211 Willow Court.

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Resolution 161-17  
 Back Up materials from the August 1, 2017 Hearing Examiner Hearing  
 Hearing Examiner Recommendation Order  
 Staff Presentation - Introduction

**PREPARED BY:**

Division-      Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Justin Heller, Planner

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Resolution 161-17 (VP 17-0003)	Resolution
▣ Back Up material from the August 1, 2017 Hearing Examiner Hearing	Backup Material
▣ Hearing Examiner Recommendation Order	Backup Material
▣ Staff Presentation - Introduction	Backup Material

RESOLUTION 161 - 17

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A STREET RIGHT OF WAY BEING A PART OF WILLOW COURT LOCATED ADJACENT TO LOTS 33-34, BLOCK 39, CAPE CORAL UNIT 6, PART 2; PROVIDING FOR THE VACATION OF PLAT FOR THE PLATTED SIX-FOOT WIDE INTERIOR PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 33-34, BLOCK 39, CAPE CORAL UNIT 6, PART 2, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 5211 WILLOW COURT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by SHANNON AND MARK DAVIS, for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described street right-of-way, as shown in Exhibit A, is hereby vacated by the City of Cape Coral, though all underlying public utility and drainage easements are to be retained and reserved by the City of Cape Coral, to wit:

That part of Willow Court roadway described as follows: Beginning at the Southwest corner of Lot 33, Block 39, Cape Coral Unit 6, Part Two, as recorded in Plat Book 11, at Page 61, records of the Clerk of Court, Lee County, Florida; thence due East, along the South line of Said Lot 33 of Block 39, a distance of 40.00 feet; thence due South along the West Line of Lot 34 of said Block 39, a distance of 25.00 feet; thence N57°59'41"W a distance of 47.17 feet to the Point of Beginning; containing 500 square feet in the City of Cape Coral, Lee County, Florida.

Section 2. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following described six-foot wide public utility and drainage easements, as shown in Exhibit B, are hereby vacated by the City of Cape Coral, to wit:

PARCEL ONE

The Public Utility Easements located along the North 6 feet of Lot 33 except the West 6 feet thereof and the North and East 6 feet of Lot 34, except the South 6 feet thereof, all in Block 39, Cape Coral Unit 6, Part Two as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida.

ALSO

PARCEL TWO

That part of the Public Utility Easement located along the South boundary of Lots 33 and 34, Block 39, Cape Coral, Unit 6, Part Two, as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida described as follows: Begin at the Southeast corner of said Lot 33, thence West 28.68 feet; thence N57°59'41"W, a distance of 6.27 feet; thence North 2.67 feet; thence East 40.00 feet; thence South 25.0 feet; thence West 4.28 feet; thence N57°59'41"W, a distance of 2.03 feet; thence North 17.92 feet to the Point of Beginning.

Section 3. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City a deed for a six-foot wide perpetual public utility and drainage easement, as shown in Exhibit C. The deed shall be approved by the City's Real Estate Property Broker prior to execution. The property to be deeded to the City is as follows:

Parcel "B"

A 6' Public Utility Easement over the North, East and South Lines of property described as follows: From the Northwest Corner of Lot 33, Block 39, Unit 6 Part Two, Cape Coral as recorded in Plat Book 11, Page 61 Lee County, Florida run North 49.3 feet to an existing concrete seawall; thence Easterly and Southerly along said seawall to a point due East of the Southeast Corner of Lot 34 of said Block 39; thence West 17.8 feet to said Southeast Corner of Lot 34; thence North 125.00 feet; thence 39.27 feet along the arc of a curve to the left (Radius 25 feet, Delta 90 Degrees); thence West 55.00 feet to the Point of Beginning.

Also

Parcel "C"

A 6' Public Utility Easement described as follows: Begin at the Southwest Corner of Lot 34, Block 39, Cape Coral Unit 6, Part Two, as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida; thence N57°59'41"W, a distance of 47.17 feet to the Southwest Corner of Lot 33 of said Block 39; thence East 11.32 feet; thence S57°59'41"E, a distance of 33.82 feet to the West line of said Lot 34; thence South 7.08 feet to the Point of Beginning.

Section 4. The Applicant shall meet the following terms and conditions:

1. The requested vacations shall be consistent with those shown in the sketches and accompanying legal descriptions dated April 19, 2017, and August 7, 2017, prepared by Stouten-Cramer, as depicted in Exhibits A and B, respectively.
2. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City an easement deed for a six-foot wide easement consistent with that shown in the sketch and accompanying legal description dated August 7, 2017, prepared by Charles DeGraff Land Surveyor, as depicted in Exhibit C. This deed shall be approved by the City Property Broker prior to execution.
3. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be recorded and therefore become effective until the applicant reimburses DCD for all recording fees associated with the resolution.

Section 5. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

APPROVED AS TO FORM:

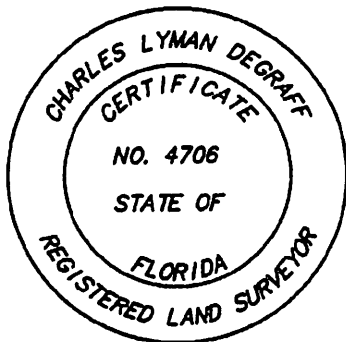
  
\_\_\_\_\_  
BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
res/vp17-0003

**SKETCH AND DESCRIPTION**

**NOT A SURVEY**

**LEGAL DESCRIPTION:  
A PORTION OF WILLOW COURT TO BE VACATED**

*That part of Willow Court roadway described as follows: Beginning at the Southwest corner of Lot 33, Block 39, Cape Coral Unit 6, Part Two, as recorded in Plat Book 11, at Page 61, records of the Clerk of Court, Lee County, Florida; thence due East, along the South line of Said Lot 33 of Block 39, a distance of 40.00 feet; thence due South along the West Line of Lot 34 of said Block 39, a distance of 25.00 feet; thence N57°59'41"W a distance of 47.17 feet to the Point of Beginning; containing 500 square feet in the City of Cape Coral, Lee County, Florida.*



Charles L  
DeGraff

Digitally signed by Charles L  
DeGraff  
DN: cn=US, st=Florida,  
i=DeBarry,  
email=charles.degraff@gmail.  
com, o=Charles DeGraff Land  
Surveyor, un=Charles L  
DeGraff  
Date: 2017.04.19 13:03:02  
+04'00'

(SIGNED)

CHARLES L. DEGRAFF PSM #4706

*The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on April 19, 2017.*

SEE PAGE 2 FOR SKETCH

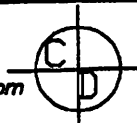
NOT VALID WITHOUT SHEET 2

SHEET 1 OF 2

**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
301 Hazeltine Drive, DeBarry, Florida 32713

Phone (239) 699-8572  
Email charles.degraff@gmail.com





## SKETCH AND DESCRIPTION

### LEGAL DESCRIPTION: 6' PUBLIC UTILITY EASEMENT TO BE VACATED

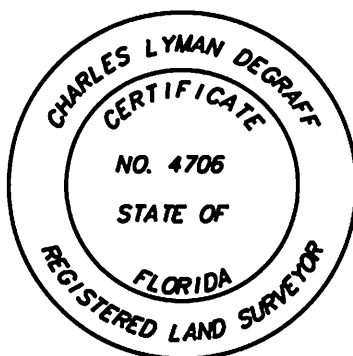
#### PARCEL ONE

The Public Utility Easements located along the North 6 feet of Lot 33 except the West 6 feet thereof and the North and East 6 feet of Lot 34, except the South 6 feet thereof, all in Block 39, Cape Coral Unit 6, Part Two as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida.

#### ALSO

#### PARCEL TWO

That part of the Public Utility Easement located along the South boundary of Lots 33 and 34, Block 39, Cape Coral, Unit 6, Part Two as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida described as follows: Begin at the Southeast corner of said Lot 33, thence West 28.68 feet; thence N57°59'41"W, a distance of 6.27 feet; thence North 2.67 feet; thence East 40.00 feet; thence South 25.00 feet; thence West 4.28 feet; thence N57°59'41"W, a distance of 2.03 feet; thence North 17.92 feet to the Point of Beginning.



Charles L  
DeGraff

Digitally signed by Charles L  
DeGraff  
DN: c=US, st=Florida,  
l=DeBary,  
email=charles.degraff@gmail.  
com, o=Charles DeGraff Land  
Surveyor, cn=Charles L  
DeGraff  
Date: 2017.08.07 15:45:39  
-04'00'

(SIGNED)

CHARLES L. DEGRAFF PSM #4706

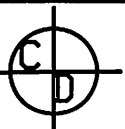
**NOT A SURVEY**  
SEE PAGE 2 FOR SKETCH

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 07, 2017.

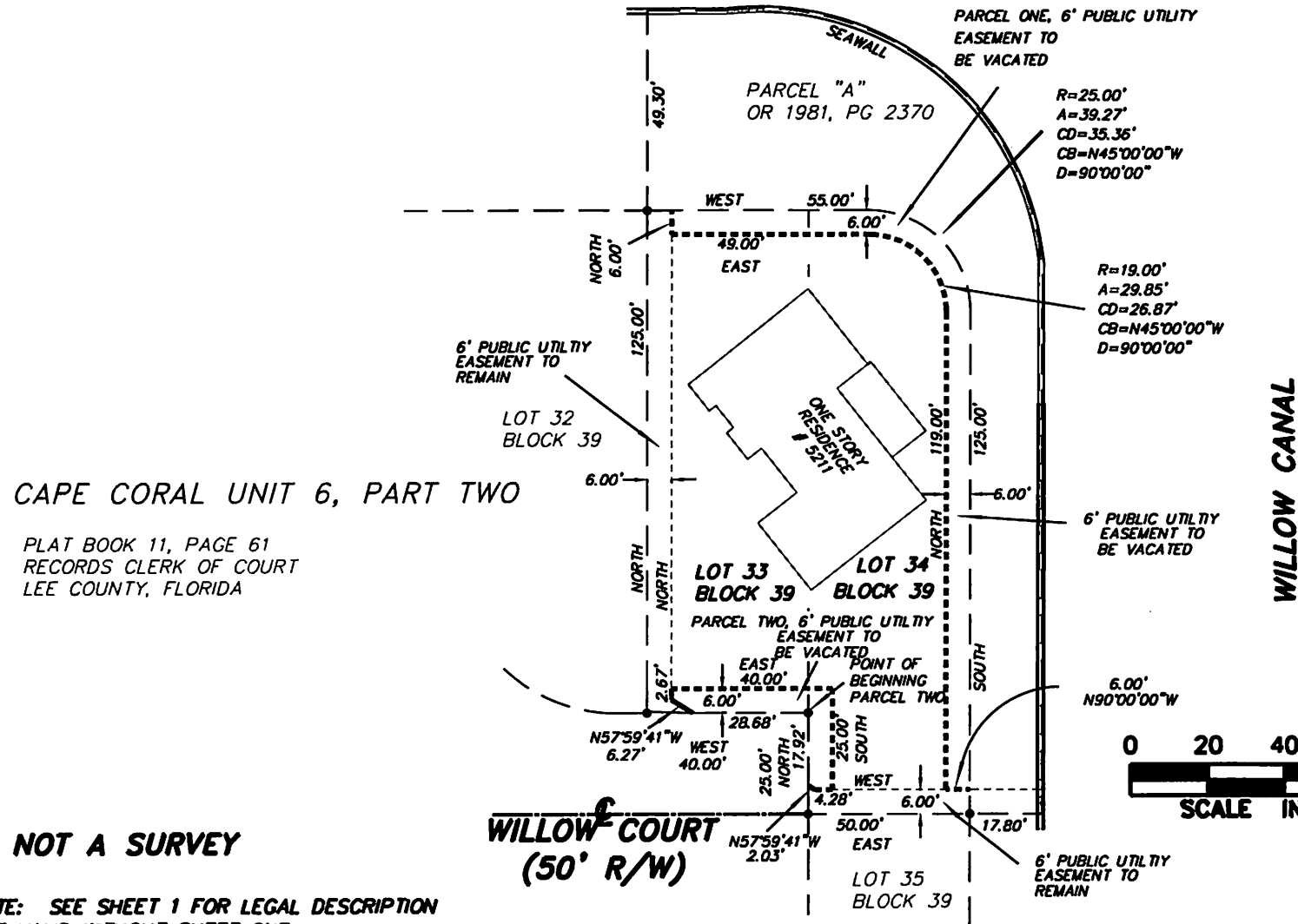
**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
301 Hazeltine Drive, DeBary, Florida 32713

Phone (239) 699-8572  
Email charles.degraff@gmail.com



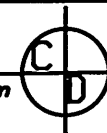
# BIMINI CANAL



**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
 301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
 Email charles.degraff@gmail.com



**SKETCH AND DESCRIPTION**  
**SKETCH**

SHEET 2 OF 2



## SKETCH AND DESCRIPTION

### LEGAL DESCRIPTION: 6' PUBLIC UTILITY EASEMENT TO BE DEDICATED

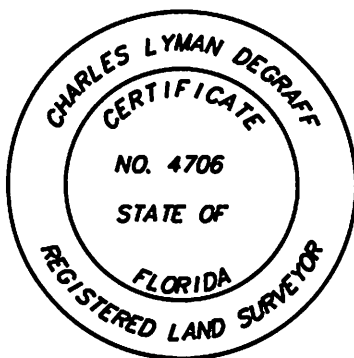
#### PARCEL "B"

A 6' Public Utility Easement over the North, East and South Lines of property described as follows: From the Northwest Corner of Lot 33, Block 39, Unit 6 Part Two, Cape Coral as recorded in Plat Book 11, Page 61 Lee County, Florida run North 49.3 feet to an existing Concrete Seawall; thence Easterly and Southerly along said Seawall to a point due East of the Southeast Corner of Lot 34 of Said Block 39; thence West 17.8 feet to said Southeast Corner of Lot 34; thence North 125.00 feet; thence 39.27 feet along the arc of a curve to the left (Radius 25 feet, Delta 90 Degrees); thence West 55.00 feet to the Point of Beginning.

Also

#### PARCEL "C"

A 6' Public Utility Easement described as follows: Begin at the Southwest Corner of Lot 34, Block 39, Cape Coral Unit 6, Part Two, as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida; thence N57°59'41"W, a distance of 47.17 feet to the Southwest Corner of Lot 33 of said Block 39; thence East 11.32 feet; thence S57°59'41"E, a distance of 33.82 feet to the West line of said Lot 34; thence South 7.08 feet to the Point of Beginning.



Charles  
L  
DeGraff

Digitally signed by  
Charles L. DeGraff  
DN: c=US, st=Florida,  
l=Debary,  
email=charles.degraff@  
mail.com, o=Charles  
DeGraff Land Surveyor,  
cn=Charles L. DeGraff  
Date: 2017.08.07 15:43:22  
-04'00'

(SIGNED)

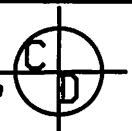
CHARLES L. DEGRAFF PSM #4706

**NOT A SURVEY**  
SEE PAGE 2 FOR SKETCH

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 07, 2017.

**CHARLES DEGRAFF LAND SURVEYOR**  
Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

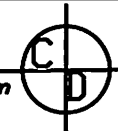
Phone (239) 699-8572  
Email charles.degraff@gmail.com





**NOTE: SEE SHEET 1 FOR LEGAL DESCRIPTION  
NOT VALID WITHOUT SHEET ONE**

**Phone (239) 699-8572**  
**Email [charles.degroff@gmail.com](mailto:charles.degroff@gmail.com)**



**SHEET 2 OF 2**



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0003

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

**FEE: \$843.00** – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Shannon and Mark Davis

Address: 5211 Willow Court

City: Cape Coral State: FL Zip 33904

Phone: \_\_\_\_\_

APPLICANT

mdavis\_art@msn.com

EMAIL

Address: 5211 Willow Court

City: Cape Coral State: FL Zip 33904

Phone: 913-940-3264

AUTHORIZED REPRESENTATIVE

Mark Davis

EMAIL mdavis\_art@msn.com

Address: 5211 Willow Court

City: Cape Coral State: FL Zip 33904

Phone: 913-940-3264

Unit 6, Part 2 Block 39 Lot(s) 33 and 34 Subdivision Cape Coral Florida

Address of Property 5211 Willow Court

Current Zoning R-1B Plat Book 11, Page 58 through 62

Strap Number 184524C1000390330



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

Mark Davis

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

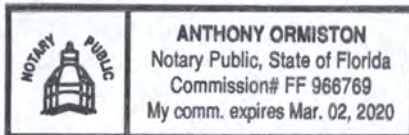
STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 8 day of MARCH, 2017, by  
MARK DAVIS who is personally known or produced FL PR LISC  
as identification.

Exp. Date: 03/02/2020 Commission Number: FF 966769

Signature of Notary Public:

Printed name of Notary Public:



Anthony Ormiston  
ANTHONY ORMISTON





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

NA

CORPORATION/COMPANY NAME

Mark Davis

PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

STATE OF FLORIDA, COUNTY OF LAL

Sworn to (or affirmed) and subscribed before me this 8 day of MARCH, 2017, by MARK DAVIS who is personally known or produced FL DR LIST as identification.



Exp. Date: 03-02-2020 Commission Number: FF 966769

Signature of Notary Public:

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Mark Davis

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

UNIT 6, Part 2 BLOCK 39 LOT(S) 33 & 34 SUBDIVISION Cape Coral FL

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Mark Davis

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

Shannon Davis

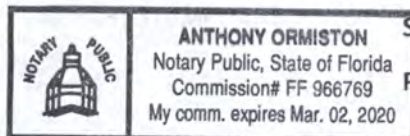
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

STATE OF FLORIDA, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 8 day of MARCH, 2017, by MARK DAVIS SHANNON DAVIS who is personally known or produced FLORIDA LISC. KADR LSC as identification.

Exp. Date: 03/02/2020 Commission Number: FF 966769



Signature of Notary Public:

Printed name of Notary Public:

Anthony Ormiston  
ANTHONY ORMISTON

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Mark Davis  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

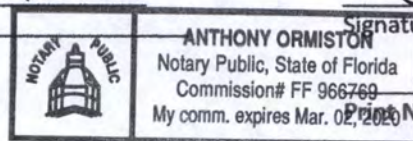
  
OWNER/APPLICANT SIGNATURE

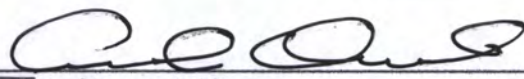
(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 8 day of MARCH,  
2017 by MARK DAVIS, who is personally known or who has produced FL DR LISC  
as identification.

Exp. Date 03/02/2020  
Commission # \_\_\_\_\_



  
Signature of Notary Public  
ANTHONY ORMISTON  
Print Name of Notary Public

## City of Cape Coral, Vacation of Plat, Letter of Intent

We, Mark Davis and Shannon Davis, are requesting a vacation of plat for our property located at 5211 Willow Court, Cape Coral FL 33904.

We recently purchased this property and intend to renovate the home to use as our primary address. In preparation of this, we completed a survey (not available from the seller), thereby discovering a significant PUE setback that encircles the entire property.

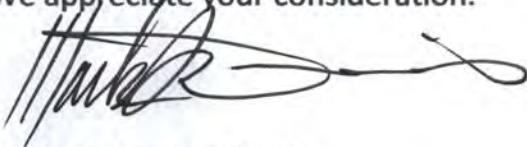
Each of the three required utility companies reviewed the PUE and agreed to vacate the portions on the West, North and East sides (keeping only the street level access).

It appears that several corner-lots, similarly situated in our area have been granted vacations of easements as the current structures on those properties extend far beyond the PUE boundaries for ours. A handful of examples include:

- 5201 WILLOW CT, Legal description: CAPE CORAL UNIT 6 PART 2 BLK 39 PB 11 PG 61 LOTS 28 + 29 + OR 3047 PG 3563
- 1402 Wellington CT, Legal description: CAPE CORAL UNIT 6 PT.3 BLK 35 PB 11 PG 73 PORT LOT 21 + 22 + OR 1897 PG 62.
- 1412 WELLINGTON CT, legal description CAPE CORAL UNIT 6 PT.3 BLK.35 PB 11 PG 73 LOTS 26+27+ OR2479/3436
- 5111 CALUSA CT, Legal description: CAPE CORAL UNIT 6 PART 2 BLK 41A PB 11 PG 60 LOTS 18 + 19 + OR 3326 PG 1812.
- 5101 RUTLAND CT, Legal description CAPE CORAL UNIT 6 PART 2 BLK 41B PB 11 PG 59 LOTS 19 + 20

Attached to this letter please also find our notarized application, proof of title, letters from our public utility providers (Lee County Electric Cooperative, Century Link and Comcast), a sketch of the area we are requesting to have vacated (including a full legal description) and a certified copy of the original topographic survey we had completed for the property on January 18<sup>th</sup>, 2017.

We appreciate your consideration.



Mark & Shannon Davis




**SKETCH AND DESCRIPTION**

**LEGAL DESCRIPTION:**  
**6' PUBLIC UTILITY EASEMENT TO BE VACATED**

*The Public Utility Easements located over the West and North 6 feet of Lot 33 except the South 6 feet thereof and the North and East 6 feet of Lot 34, except the South 6 feet thereof, all in Block 39, Cape Coral Unit 6, Part Two as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida*

(SIGNED)

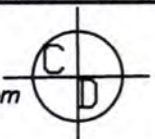
  
CHARLES L. DEGRAFF PSM #4706  
DATE SIGNED FEBRUARY 15, 2017.

**NOT A SURVEY**  
SEE PAGE 2 FOR SKETCH

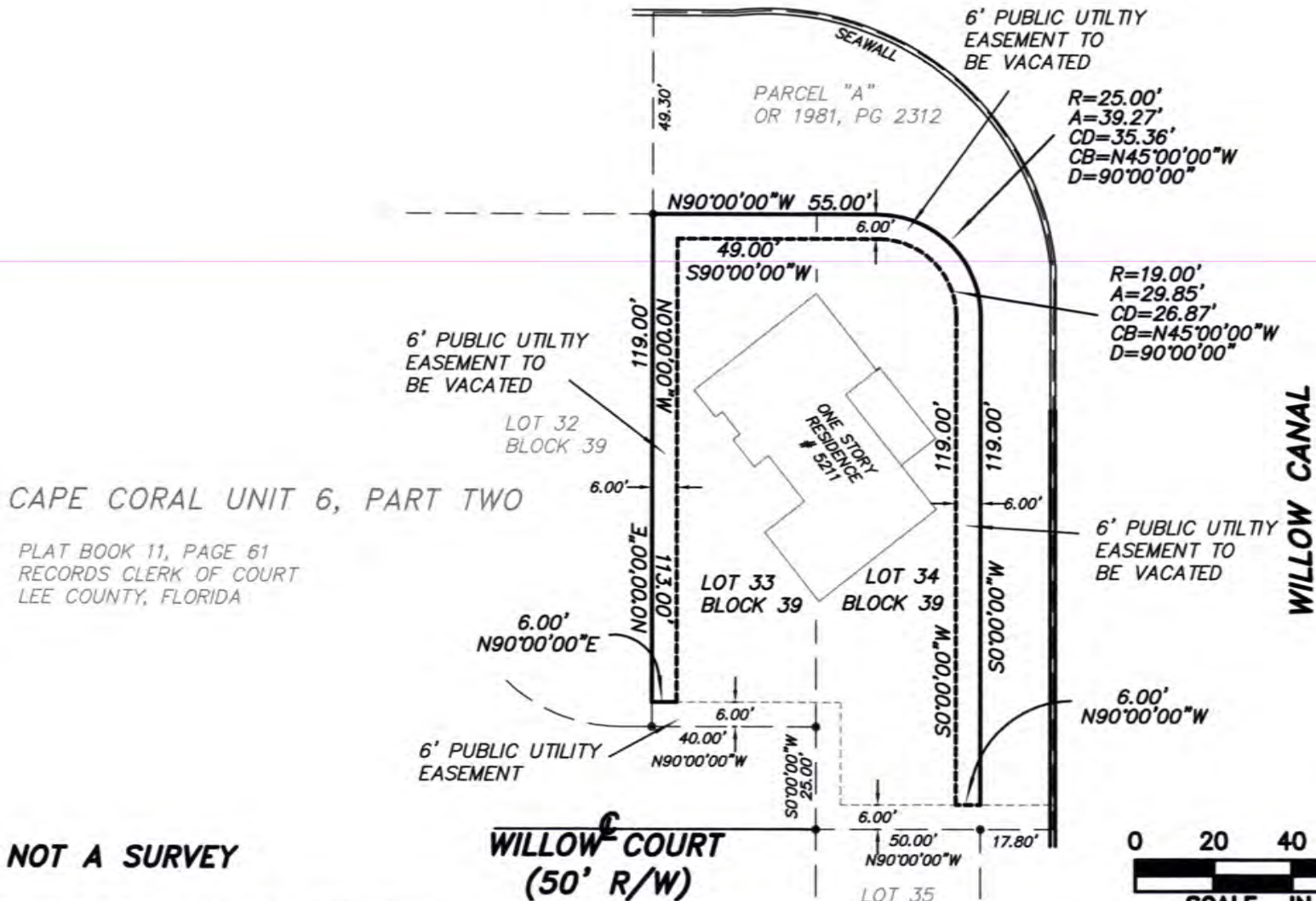
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
SHEET 1 OF 2

**CHARLES DEGRAFF LAND SURVEYOR**  
Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
Email charles.degraff@gmail.com



# BIMINI CANAL



NOT A SURVEY

NOTE: SEE SHEET 1 FOR LEGAL DESCRIPTION  
NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
Email charles.degraff@gmail.com



**SKETCH AND DESCRIPTION**  
**SKETCH**

SHEET 2 OF 2



## SKETCH AND DESCRIPTION

### LEGAL DESCRIPTION: 6' PUBLIC UTILITY EASEMENT TO BE VACATED

*The Public Utility Easements located over the West and North 6 feet of Lot 33 except the South 6 feet thereof and the North and East 6 feet of Lot 34, except the South 6 feet thereof, all in Block 39, Cape Coral Unit 6, Part Two as recorded in Plat Book 11, Page 61, records of the Clerk of Court, Lee County, Florida*



RDC\_permits

*Easement Vacation / Abandonment*

Please Be Advised

Comcast has *no objection / no conflict* with your requested easement vacation / abandonment.

leonard\_maxwell-newbold@cable.comcast.com



Charles L  
DeGraff

Digitally signed by Charles L  
DeGraff  
DN: c=US, st=Florida, l=Debary,  
email=charles.degraff@gmail.c  
om, o=Charles DeGraff Land  
Surveyor, cn=Charles L DeGraff  
Date: 2017.02.23 09:21:37  
-05'00'

(SIGNED)

CHARLES L. DEGRAFF PSM #4706

**NOT A SURVEY**  
SEE PAGE 2 FOR SKETCH

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on February 23, 2017.

**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
Email charles.degraff@gmail.com



SHEET 1 OF 2



RDC permits

Easement Vacation / Abandonment

Please Be Advised

Comcast has *no objection / no conflict* with your requested easement vacation / abandonment.

leonard\_maxwell-newbold@cable.comcast.com

**BIMINI CANAL**

6' PUBLIC UTILITY  
EASEMENT TO  
BE VACATED

$R=25.00'$   
 $A=39.27'$   
 $CD=35.36'$   
 $CB=N45^{\circ}00'00"W$   
 $D=90^{\circ}00'00"$

$R=19.00'$   
 $A=29.85'$   
 $CD=26.87'$   
 $CB=N45^{\circ}00'00"W$   
 $D=90^{\circ}00'00"$

**WILLOW CANAL**



CAPE CORAL UNIT 6, PART TWO

PLAT BOOK 11, PAGE 61  
RECORDS CLERK OF COURT  
LEE COUNTY, FLORIDA

6' PUBLIC UTILITY  
EASEMENT TO  
BE VACATED

LOT 32  
BLOCK 39

6.00'

6.00'  
 $N90^{\circ}00'00"E$

6' PUBLIC UTILITY  
EASEMENT

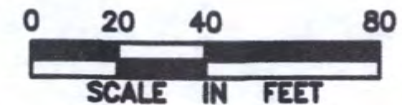
**WILLOW COURT**  
(50' R/W)

LOT 33  
BLOCK 39

LOT 34  
BLOCK 39

LOT 35  
BLOCK 39

6.00'  
 $N90^{\circ}00'00"W$



**NOT A SURVEY**

NOTE: SEE SHEET 1 FOR LEGAL DESCRIPTION  
NOT VALID WITHOUT SHEET ONE

**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers

301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572

Email charles.degraff@gmail.com



**SKETCH AND DESCRIPTION**  
**SKETCH**

SHEET 2 OF 2



# NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. ENCROACHMENTS ARE BASED ON PLAT OR DEED.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAS BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

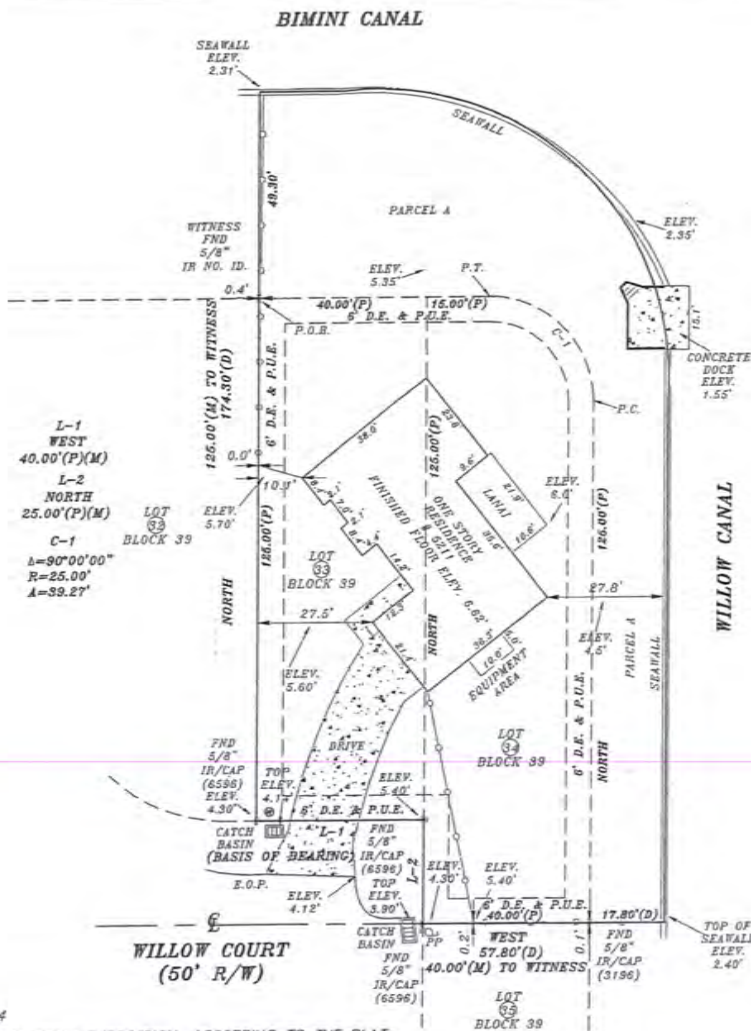
## LEGEND:

- (A) - ARC LENGTH
- A.C. - AIR CONDITIONER
- B.L. - BUILDING SETBACK LINE
- (C) - CALCULATED
- C.B. - CATCH BASIN
- CB - CHORD BEARING
- CH - CHORD DISTANCE
- C.M. - CONC. MONUMENT
- C.U.E. - COUNTY UTILITY EASEMENT
- (D) - DEED
- B.O.B. - BASIS OF BEARINGS
- D.E. - DRAINAGE EASEMENT
- D.U.E. - DRAINAGE UTILITY EASEMENT
- EL - ELEVATION
- E.O.P. - EDGE OF PAVEMENT
- F.H. - FIRE HYDRANT
- FND - FOUND
- GV - GATE VALVE
- I.R. - IRON ROD
- G.W. - GUY WIRE
- (M) - MEASURED
- N&T - NAIL & TAB
- N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. - NOT TO SCALE
- (NR) - NOT RADIAL
- O.R. - OFFICIAL RECORD
- (P) - PLAT
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.C.P. - PERMANENT CONTROL POINT
- P.I. - POINT OF INTERSECT
- P.G. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- PP - POWER POLE
- P.R.C. - POINT OF REVERSE CURVATURE
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.T. - POINT OF TANGENCY
- P.U.E. - PUBLIC UTILITY EASEMENT
- R - RADIUS
- (R) - RADIAL
- RNG - RANGE
- R/W - RIGHT OF WAY
- SEC. - SECTION
- SET I.R. - SET 1/2" IRON ROD LB1478 LB2239
- V.F. - VINYL FENCE
- (T) - TELEPHONE BOX
- T.U.E. - TECHNOLOGY UTILITY EASEMENT
- TWP - TOWNSHIP
- U.E. - UTILITY EASEMENT
- U.P. - UTILITY PEDESTAL
- W.M. - WATER METER
- Δ - DELTA ANGLE
- △ - FIRE HYDRANT
- △ - TEMPORARY BENCHMARK
- C - CENTERLINE
- 4" CLF - CHAIN LINK FENCE
- 6" W.F. - WOOD FENCE
- OVERHEAD WIRE
- CONCRETE PAD
- EXISTING ELEVATION
- (X) - LOT NUMBER

COMMUNITY / MAP NUMBER 125093 / 1207100413E DATE OF MAP: 08-26-08 FLOOD ZONE: AE ELEVATION: 7'

## LEGAL DESCRIPTION:

5211 WILLOW COURT, CAPE CORAL, FLORIDA 33904  
 LOTS 33 AND 34, BLOCK 39, UNIT 6, PART 2, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 58 TO 62 INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.  
 TOGETHER WITH ALL AND SINGULAR THE TENEMENTS, HEREDITAMENTS AND APPURTENANCES BELONGING TO OR IN ANYWISE APPERTAINING TO THAT REAL PROPERTY.  
 TRACT 2 PARCEL "A"  
 FROM THE N.W. CORNER OF LOT 33, BLOCK 39 UNIT 6 PART TWO CAPE CORAL AS RECORDED IN PLAT BOOK 11, PAGE 61 LEE COUNTY, FLORIDA, RUN NORTH 49.3' TO AN EXISTING CONCRETE SEAWALL; THENCE EAST' LY & SOUTH' LY ALONG SAID SEAWALL TO A POINT DUE EAST OF THE S.E. CORNER OF LOT 34 OF SAID BLOCK 39; THENCE WEST 17.8' TO SAID S.E. CORNER OF LOT 34; THENCE NORTH 125.00'; THENCE 39.27' ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS 25' DELTA 90 DEG.); THENCE WEST 55.00' TO THE POINT OF BEGINNING, CONTAINING 7351.56 SQUARE FEET.



CERTIFIED TO:  
 MARK + SHANNON DAVIS

BOUNDARY SURVEY REVISED:

FIELD SURVEY	12-31-16
CREW CHIEF	C. CORDISCO
DRAWN BY	SDS
SCALE	1" = 30'
LIS JOB NO	21677
SHEET: 1 OF 1	DATE: 01-02-17

**LIS Land Surveying, LLC**  
 d.b.a. S & H Land Survey Co.

21430 Palm Beach Blvd.  
 Alva, FL 33920  
 239-481-2366 239-481-2437 (fax)  
 LB1087

APPROVED  
  
 R.L. SCHUMANN, RLS  
 REGISTERED LAND SURVEYOR NO. 2239  
 STATE OF FLORIDA  
 VALID ONLY WITH EMBOSSED SEAL



Lee County Electric Cooperative, Inc.  
Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(239) 995-2121 • Fax (239) 995-7904  
[www.lcec.net](http://www.lcec.net)

February 28, 2017

Mr. and Mrs. Mark Davis  
5211 Willow Court  
Cape Coral, FL 33904

Re: Letter of No Objection to Partial Vacation of Utility Easement for 5211 Willow Court, Cape Coral, FL 33904; Owner: Davis, Mark and Shannon; Strap#: 18-45-24-C1-00039.0330.

Dear Mr. and Mrs. Davis:

You have opened up negotiations, on behalf of yourselves, concerning the partial vacation of a certain utility easements on Lots 33 and 34, Unit 6, Part 2, Cape Coral Subdivision, Plat Book 11, Pages 58 through 62, inclusive. You have provided a sketch and description, prepared by Charles Lyman DeGraff, PSM, #4706, dated 2/23/2017.

We have reviewed the sketch, the request submitted, and our internal records. LCEC has **no objection** to the vacation as submitted and reflected in the sketch.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at [russel.goodman@lcec.net](mailto:russel.goodman@lcec.net).

Very truly yours,

**Russel Goodman,**  
**SR/WA**

Digitally signed by Russel Goodman, SR/WA  
DN: cn=Russel Goodman, SR/WA, o=Lee  
County Electric Co-operative, ou=Design  
and Engineering,  
email=Russel.Goodman@lcec.net, c=US  
Date: 2017.02.28 11:05:28 -05'00'

Russel Goodman, SR/WA  
Design & Engineering Coordinator – Land Rights





February 3, 2017

Attention: Mark and Shannon Davis  
Per: Letter Of Vacation  
1-913-940-3264 (LCON)  
[mdavis\\_art@msn.com](mailto:mdavis_art@msn.com)

STRAP#: 18-45-24-C1-00039.0330 Folio ID: 10110334

Legal Description :

CAPE CORAL UNIT 6 PT 2

BLK 39 PB 11 PG 61

LOTS 33 + 34 + OR1981/2370

Site Address

5211 WILLOW CT

CAPE CORAL FL 33904

Lee County Property Appraiser Owner of Record ( 02/03/2017 ):

HACKMEISTER MICHAEL + MARY ANN

4716 FALL CREEK CT

WENTZVILLE MO 63385

Dear Mark & Shannon Davis,

A CenturyLink Engineer has reviewed record documents. Based on the review of record documents for the referenced information noted above, CenturyLink has no known facilities in the existing utility easement along the property referenced.

CenturyLink has **No Objection** to the requested vacation of recorded easement.

For any questions, or additional information, please contact CenturyLink Engineer Willis Gilson

Sincerely,

WILLIS J. GILSON

CenturyLink ENG II

East-South FL-Engineering

Cape Coral, FL



**Engineering – Design Department**  
**2601 SW 145<sup>th</sup> Ave Miramar, FL 33027**

Monday, February 27, 2017

**Mark and Sharon Davis**  
**5211 Willow Court,**  
**Cape Coral, FL 33904**

**Comcast No Objection / Easement Vacation**  
**5211 Willow Court,**  
**Cape Coral, FL 33904**  
**Cape Coral Unit 6 PT 2 / OR Book 1981 page 2370**  
**Plat Book 11 page 06 / Block 39 Lots 33 & 34**  
**[Comcast muid\\_7042\\_LC](#)**

**Dear Mr and Mrs. Davis**

Please be advised ...in reference to the proposed 6' Public Utility Easement to be vacated located at **5211 Willow Court, in Cape Coral, FL 33904**

Comcast has *no objection* to the proposed vacation as outlined in the above reference request.

Should you have any further question, please feel free to call me at 1-954-447-8405 e-fax 1-954-534-7008 or e-mail at [Leonard\\_Maxwell-Newbold@cable.comcast.com](mailto:Leonard_Maxwell-Newbold@cable.comcast.com)

Sincerely,

**Leonard Maxwell-Newbold**

**Leonard Maxwell-Newbold**  
**Regional Permit Administrator**  
**Comcast / Southern Division ( RDC )**  
10/2/2015 4:26:10 PM

Digitally signed by Leonard Maxwell-Newbold  
DN: cn=Leonard Maxwell-Newbold, o=Comcast ABB  
Management Group, ou=Comcast South Florida RDC,  
email=leonard\_maxwell-newbold@cable.comcast.com,  
c=US  
Date: 2017.02.27 12:12:07 -05'00'

Cc:  
File



Prepared by and Return to:  
Kay Leigh, an employee of  
First International Title, Inc.  
3046 Del Prado Blvd S, Suite 1B  
Cape Coral, FL 33904

File No.: 95027-96

## **WARRANTY DEED**

This indenture made on January 27, 2017, by

**Mary Ann Hackmeister and Michael Hackmeister, Husband and Wife**

whose address is: 4716 Fall Creek Ct, Wentzville, MO 63385

hereinafter called the "grantor",

to **Mark P. Davis and Shannon L. Davis, Husband and Wife**

whose address is: 5211 Willow Ct., Cape Coral, FL 33904

hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Lee County, Florida**, to-wit:

Lot 33 and 34, Block 39, Unit 6, Part 2, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 11, Page(s) 58 through 62, of the Public Records of Lee County, Florida.

AND

From the Northwest corner of Lot 33, Block 39, Unit 6, Part 2 Cape Coral as recorded in Plat Book 11, Page 61, Lee County, Florida, run North 49.3' feet to an existing Concrete Seawall; thence Easterly and Southerly along said Seawall to a point due East of the Southeast corner of Lot 34 of said Block 39; thence West 17.8 feet to said Southeast corner of Lot 34; thence North 125.00 feet; thence 339.27 feet along the arc of a curve to the left (radius 25' Delta 90°); thence West 55.0 feet to the Point of Beginning.

Parcel Identification Number: 18-45-24-C1-00039.0330


**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**To Have and to Hold**, the same in fee simple forever.

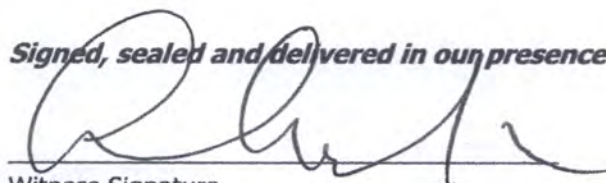
**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2016.

**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

  
Mary Ann Hackmeister

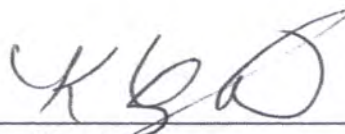
  
Michael Hackmeister

**Signed, sealed and delivered in our presence:**



Witness Signature

Print Name: alan K. Fensterbusch



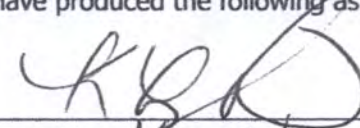
Witness Signature

Print Name: K. Leigh

State of FLORIDA

County of Lee

**The Foregoing Instrument Was Acknowledged** before me on the 24<sup>th</sup> day of Jan. 2017,  
by **Mary Ann Hackmeister and Michael Hackmeister** who is/are personally known to me or who  
has/have produced the following as identification: DLIC.

  
Notary Public

Printed Name: K. Leigh

My Commission expires: 11-08-17



## Planning Division Case Report

VP 17-0003

**Review Date:** July 5, 2017

**Owner/Applicant:** Shannon and Mark Davis

**Requests:** The applicants are requesting to vacate 500 sq. ft. of platted alley right-of-way on Willow Court and the platted, six-foot wide public utility and drainage easement associated with Lots 33 and 34.

**Location:** 5211 Willow Court  
Unit 6, Block 39, Lots 33 and 34 as further described in Exhibit "A."

**Prepared By:** Justin Heller, Planner

**Reviewed By:** Mike Struve, AICP, Planning Team Coordinator

**Approved By:** Robert Pederson, AICP, Planning Manager

**Recommendation:** **Approval**

**Urban Service** Infill

	<b><i>Surrounding Zoning</i></b>	<b><i>Surrounding Future Land Use</i></b>
<b><i>North:</i></b>	Multi-Family (R-3)	Multi-Family (MF)
<b><i>South:</i></b>	Single Family (R-1B)	Single-Family (SF)
<b><i>East:</i></b>	R-1B	SF
<b><i>West:</i></b>	R-1B	SF

### Property Description:

The 17,150 sq. ft. waterfront site is in SE Cape Coral at the end of Willow Court. The front of the property is on a hammerhead which gives the site an irregular shape. The property has a Single-Family Land Use Classification and R-1B Zoning.

### Project Description:

The applicants seek to vacate a 500 sq. ft. triangular area of platted street right-of-way between Lots 33-34, Block 39 (Exhibit B ). The intent of the vacation is to provide setback flexibility to renovate and expand the single-family home on the site.

**Analysis:**

Staff analyzed this request with the standards in LUDR, Section 8.11, *"Vacation of plats, rights-of-way and other property."*

The owners seek to vacate a small triangular section of right-of-way along Willow Court to provide greater setback flexibility to renovate and expand their single-family home. All underlying utility easements will be retained by the City. The letter of intent did not provide specific information how this site will be redeveloped. However, the land gained by the owners from this vacation, along with a more uniform site configuration, should provide greater flexibility in redeveloping this site. The vacation of the ROW will marginally increase the tax base by adding about 500 sq. ft. of residential property to the tax roll.

The City generally requires a continuous six-foot public utility easement (PUE) around the perimeter of properties. The existing PUE on this site is not along the perimeter of Lots 33 and 34. This easement will be vacated and a new six-foot wide easement will be provided by the owners to the City around the expanded parcel. Letters of no objection were provided by the three utility providers.

Staff finds that the requested right-of-way vacation will enlarge this parcel by about 500 sq. ft. The right-of-way to be vacated is not required to meet or fulfill any current or foreseeable public use. As such, the approval of this request will not be harmful to the community. This request is consistent with the public interest by providing greater flexibility in redeveloping this site and adding a small amount of property to the *ad valorem* tax rolls.

**Comprehensive Plan:**

This request is consistent with Policy 5.5 of the Future Land Use Element that states: *"The City of Cape Coral may consider vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project."*

**Recommendation:**

Based on the above analysis, staff recommends **approval** with the following conditions.

**Conditions of Approval**

1. The area to be vacated shall be consistent with the sketch and legal descriptions provided by Charles Degraff Land Surveyor (dated 4/19/2017), as shown in Exhibit "B."
2. Within 60 days from the date of adoption of this vacation, the applicants shall provide to the City an easement deed for a six-foot wide public utility and drainage easement

around the expanded perimeter of the property. This deed shall be approved by the City prior to execution.

3. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described above, and reimburses the Department of Community Development for all recording fees associated with this resolution.

**Exhibit A**

**Legal Description:**

Lot 33 and 34, Block 39, Unit 6, Part 2, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 11, Page(s) 58 through 62, of the Public Records of Lee County, Florida.

AND

From the Northwest corner of Lot 33, Block 39, Unit 6, Part 2 Cape Coral as recorded in Plat Book 11, Page 61, Lee County, Florida, run North 49.3' feet to an existing Concrete Seawall; thence Easterly and Southerly along said Seawall to a point due East of the Southeast corner of lot 34 of said Block 39; thence West 17.8 feet to said Southeast corner of lot 34; thence North 125.00 feet; thence 339.27 feet along the arc of a curve to the left (radius 25' Delta 90°); thence West 55.0 feet to the Point of Beginning.



**Exhibit B****SKETCH AND DESCRIPTION****NOT A SURVEY****LEGAL DESCRIPTION:  
A PORTION OF WILLOW COURT TO BE VACATED**

*That part of Willow Court roadway described as follows: Beginning at the Southwest corner of Lot 33, Block 39, Cape Coral Unit 6, Part Two, as recorded in Plat Book 11, at Page 61, records of the Clerk of Court, Lee County, Florida; thence due East, along the South line of Said Lot 33 of Block 39, a distance of 40.00 feet; thence due South along the West Line of Lot 34 of said Block 39, a distance of 25.00 feet; thence N57°59'41"W a distance of 47.17 feet to the Point of Beginning; containing 500 square feet in the City of Cape Coral, Lee County, Florida.*



Charles L  
DeGraff

Digitally signed by Charles L.  
DeGraff  
DN: cn=US, st=Florida,  
o=Debarry,  
email=charles.degraff@gmail.  
com, ou=Charles DeGraff Land  
Surveyor, cn=Charles L.  
DeGraff  
Date: 2017.04.19 13:03:02  
+04'00'

(SIGNED) CHARLES L. DEGRAFF PSM #4706

*The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on April 19, 2017.*

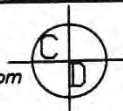
SEE PAGE 2 FOR SKETCH

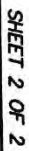
NOT VALID WITHOUT SHEET 2

SHEET 1 OF 2

**CHARLES DEGRAFF LAND SURVEYOR**  
Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
Email [charles.degraff@gmail.com](mailto:charles.degraff@gmail.com)









## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VP17-0003

**REQUEST:** The applicants are requesting to vacate 500 sq. ft. of platted alley right-of-way on Willow Court and the platted, six-foot wide public utility and drainage easement associated with Lots 33 and 34.

**LOCATION:** 5211 Willow Court

**CAPE CORAL STAFF CONTACT:** Justin Heller, Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**PROPERTY OWNER(S):** Shannon and Mark Davis

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 AM on Tuesday, August 1, 2017 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner 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.

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**Ad No.:** 0002291795

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/22/17

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** VP17-0003

**REQUEST:** The applicants are requesting to vacate 500 sq. ft. of platted alley right-of-way on Willow Court and the platted, six-foot wide public utility and drainage easement associated with Lots 33 and 34.

**LOCATION:** 5211 Willow Court

**CAPE CORAL STAFF CONTACT:** Justin Heller, Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**PROPERTY OWNER(S):** Shannon and Mark Davis

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by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # VP17-0003  
AD# 2291795 July 22, 2017






CITY OF CAPE CORAL

Department of  
Community Development

Case # VP17-0003

 Subject Parcel



Map Date: July 19, 2017  
Aerial Date: 2016

0 30 60  
Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.






# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## ZONING MAP 500 Proximity Boundary

Case No. VP17-0003

### Legend

-  Subject Parcel
-  500' Boundary
-  R-1B
-  R-3
-  Canals/Lakes

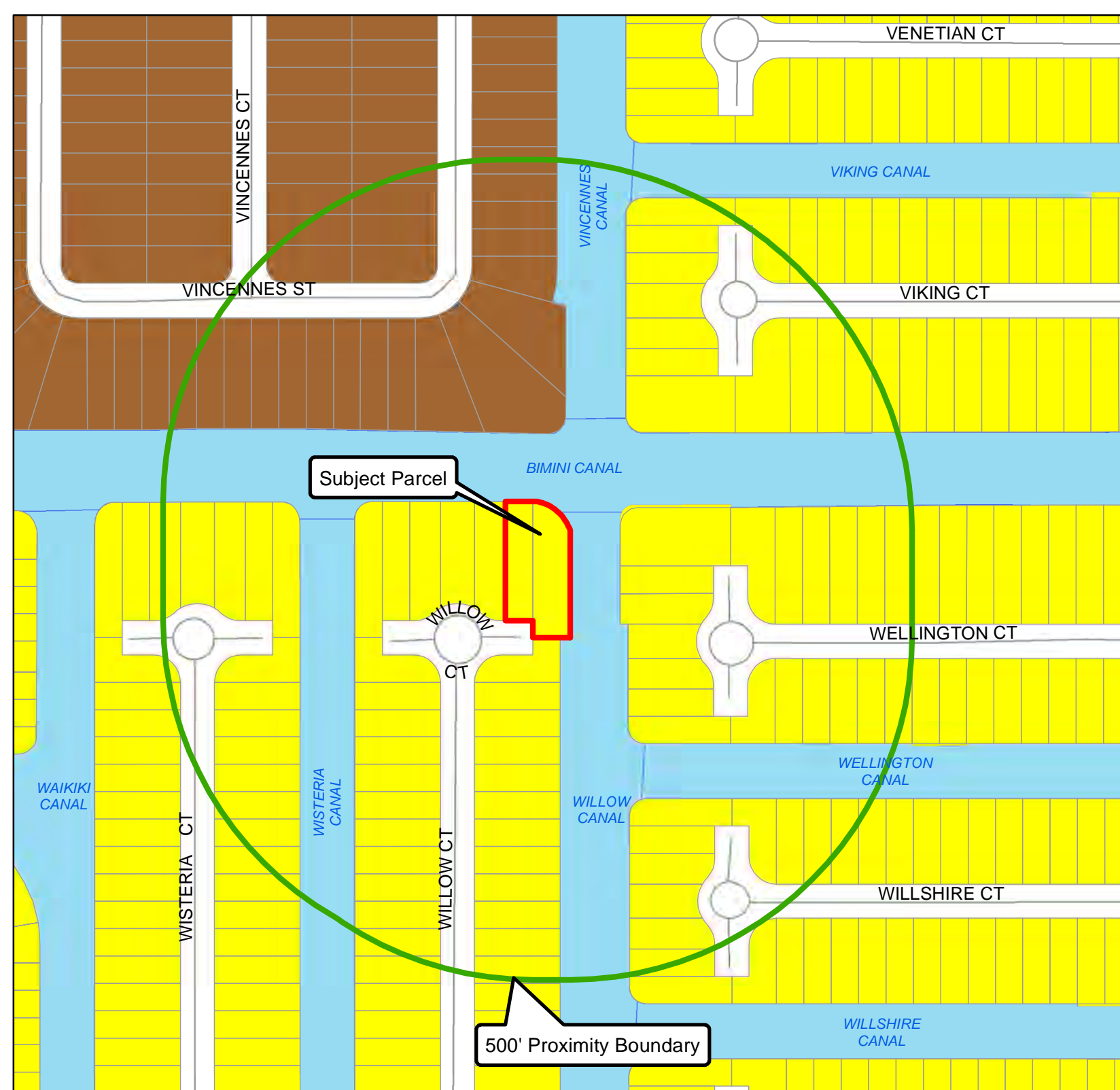


JULY 19, 2017

0 75 150 225 300 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA





OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL  
HEARING EXAMINER RECOMMENDATION  
VP HEX Recommendation 4-2017  
DCD CASE # VP 17-0003

Rendered August 3, 2017

APPLICATION FOR: Vacation of five hundred (500) square feet of platted alley right-of-way and platted six (6) foot wide public utility and drainage easements.

NAME OF APPLICANTS/OWNERS: Shannon and Mark Davis

APPLICANTS' AUTHORIZED REPRESENTATIVE: Shannon and Mark Davis

LOCATION OF PROPERTY: 5211 Willow Court, Cape Coral, FL  
Unit 6, Block 39, Lots 33 and 34,  
Further described in Exhibit "A."

ZONING DISTRICT: R-1 B

FUTURE LAND USE CLASSIFICATION: Single-Family

URBAN SERVICE AREA: Infill

HEARING DATE: August 1, 2017

**SUMMARY OF REQUEST:** The applicants are requesting to vacate 500 square feet of platted alley right-of-way on Willow Court and the platted, six-foot wide public utility and drainage easement associated with Lots 33 and 34.

I. **SUMMARY OF HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner recommends that City Council **approve** the application for the requested vacations, subject to the conditions set forth below.

II. **NOTICE OF HEARING**

Based on the testimony of City Staff Justin Heller at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article VIII, §8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

III. **PARTICIPANTS IN HEARING**

CITY STAFF: Justin Heller

CITY CLERK'S OFFICE: Patricia Sorrels

APPLICANT'S REPRESENTATIVE: Mark Davis (owner)

MEMBERS OF PUBLIC: None

IV. **EXHIBITS**

APPLICANT'S AND CITY STAFF'S EXHIBITS: previously submitted.

V. **REVIEW OF LUDR REQUIREMENTS**

Authority. The Hearing Examiner has the authority to recommend approval or denial of an application for a vacation of a plat and associated easements pursuant to LUDR §9.2.3 b.8.

Standard of Review of Evidence; Hearsay Evidence. The Hearing Examiner's recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court.

In rendering this recommendation, the Hearing Examiner must consider all competent substantial evidence in the record as defined by LUDR § 8.3.1.C.3.b.

LUDR Standards. The Hearing Examiner reviewed the application in accordance with the standards set forth in LUDR § 8.11, *Vacation of plats, rights-of-way and other property*, in addition to the general standards set forth in the LUDRs and the City Comprehensive Plan.

VI. **TESTIMONY AT HEARING**

Applicant's Incorporation of Staff Report and Staff Testimony

The Applicant's Representative incorporated the Staff Report and Staff Testimony ("Staff Input") into Applicant's presentation by reference. The Applicant's Representative requested the Hearing Examiner to recommend that City Council find the Staff Input as findings of fact, in addition to those separately presented by Applicant's Representative.

Hearing Examiner's Recommended Findings of Fact.

All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision regarding this Application.



VII. **DISCUSSION**

Site and Surrounding Area

Staff testified that the 17,150 square feet waterfront site is in SE Cape Coral at the end of Willow Court. The front of the property is on a hammerhead which gives the site an irregular shape. Staff testified that the applicants seek to vacate a 500 square foot triangular area of platted street right-of-way between Lots 33-34, Block 39 (set forth on Exhibit B ), with the intention of providing setback flexibility to renovate and expand the single-family home on the site.

The following Table from the Staff Report describes the Surrounding Zoning Districts and Future Land Use Designations:

	Surrounding Zoning	Surrounding Future Land Use
North:	Multi-Family (R-3)	Multi-Family (MF)
South:	Single Family (R-1B)	Single-Family (SF)
East:	R-1B	SF
West:	R-1B	SF

Recommendation that City Council Find That Applicant Has Complied with All Requirements for the Requested Vacation, as Set Forth in LUDR §8.11

1. Applicant **has** color of title (LUDR §8.11.3b.1)

Applicant testified that his wife and he own the subject property.

2. A copy of the plat **has** been provided, showing the portions for which vacation is sought (LUDR §8.11.3b.2)

The plat is attached as an Exhibit to this Recommendation.

3. A Letter of Approval **has been obtained** from LCEC (LUDR §8.11.3b.3)

Staff testified that LCEC has submitted a letter of approval.

4. Letters of No Objection **have** been obtained from Century Link and Comcast. (LUDR §8.11.3b.4 through 6)

Staff testified that these letters of no objection have been received by staff.

5. A copy of a recent boundary survey or survey sketch of the property prepared and executed by a registered surveyor, **has been provided**, showing the area requested to be vacated; providing complete metes and bounds legal descriptions of said areas, and showing all pavement and all utility and drainage facilities in said area, including water, sewer and cable lines, utility poles, swales, ditches, manholes and catch basins. Separate drawings and metes and bounds legal descriptions will be required for each proposed

*vacation area when the right-of-way and easement configurations differ.  
(LUDR §8.11.3b.7.B)*

All of the required documents are attached hereto as Exhibits.

6. *No Reasonably Foreseeable Public Use of Vacated Area. (LUDR, §8.11.3 d)*

Staff testified that the vacations requested by Applicant would add a small amount of land to the site, thereby providing additional flexibility in redeveloping this site.

Staff testified that the right-of-way and easements to be vacated would not be required to meet or fulfill any current or foreseeable public use and that, accordingly, Council's approval of this request would not be harmful to the community.

In summary, Staff testified that this request is consistent with the public interest by providing greater flexibility in developing this residential site, adding a small amount of property to the *ad valorem* tax rolls and eliminating future maintenance obligations of the City.

It is recommended that the City Council finds there **is no reasonably foreseeable public use** for the requested vacations.

7. *City's Retention of Easements for Utilities and/or Drainage in and Upon the Vacated Area. (LUDR, §8.11.3 d)*

It is recommended that the City Council retain a perimeter easement for utilities and/or drainage in and upon the vacated areas, as set forth in the conditions below.

Consistency with the Comprehensive Plan (LUDR §8.11)

It is recommended that City Council find that granting the requested vacations as conditioned below, **would be consistent** with the City Comprehensive Plan, Land Use Development Regulations, and all other applicable law.

VIII. **RECOMMENDED CONDITIONS OF APPROVAL**

City staff testified regarding recommendations for conditions of approval, set forth below. Applicants testified that they have no objection to these conditions.

The Hearing Examiner **recommends** that these conditions of approval be adopted as part of the City Council's approval of Applicant's request:

1. The area to be vacated shall be consistent with the sketch and legal description provided by Charles DeGraff, dated April 19, 2017, attached as Exhibit "A."



VP HEX RECOMMENDATION 4-2017

Rendered August 3, 2017

2. Within 60 days from the date of adoption of this vacation, the applicants shall provide to the City an easement deed for a six-foot wide public utility and drainage easement around the expanded perimeter of the property. This deed shall be approved by the City prior to execution.
3. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described above, and reimburses the Department of Community Development for all recording fees associated with this resolution.

VIII. EXHIBITS

The following Exhibits are attached to this Recommendation and are hereby incorporated by reference:

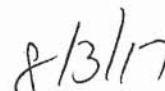
- o EXHIBIT "A": Sketch and Description, prepared by Charles DeGraff Land Surveyor, dated 4/19/2017
- o EXHIBIT "B": Survey by LIS Land Surveying, LLC, dated 1/2/17

The Hearing Examiner hereby **RECOMMENDS APPROVAL** of the request for the above-referenced Vacations filed by Applicant, **WITH THE CONDITIONS** set forth above.

This Recommendation takes effect on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA

  
ANNE DALTON, ESQUIRE

  
DATE

ATTEST:

  
CITY CLERK

Exhibit "A" - p1 of 2

**SKETCH AND DESCRIPTION**

**NOT A SURVEY**

**LEGAL DESCRIPTION:**

**A PORTION OF WILLOW COURT TO BE VACATED**

*That part of Willow Court roadway described as follows: Beginning at the Southwest corner of Lot 33, Block 39, Cape Coral Unit 6, Part Two, as recorded in Plat Book 11, at Page 61, records of the Clerk of Court, Lee County, Florida; thence due East, along the South line of Said Lot 33 of Block 39, a distance of 40.00 feet; thence due South along the West Line of Lot 34 of said Block 39, a distance of 25.00 feet; thence N57°59'41"W a distance of 47.17 feet to the Point of Beginning; containing 500 square feet in the City of Cape Coral, Lee County, Florida.*



Charles L  
DeGraff

Digitally signed by Charles L  
DeGraff  
DN: cn=US, st=Florida,  
l=DeBary,  
email=charles.degraff@gmail.  
com, o=Charles DeGraff Land  
Surveyor, cn=Charles L  
DeGraff  
Date: 2017.04.19 13:09:02  
-04'03'

(SIGNED)

CHARLES L. DEGRAFF PSM #4706

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on April 19, 2017.

SEE PAGE 2 FOR SKETCH

NOT VALID WITHOUT SHEET 2

SHEET 1 OF 2

**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
Email charles.degraff@gmail.com

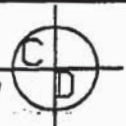
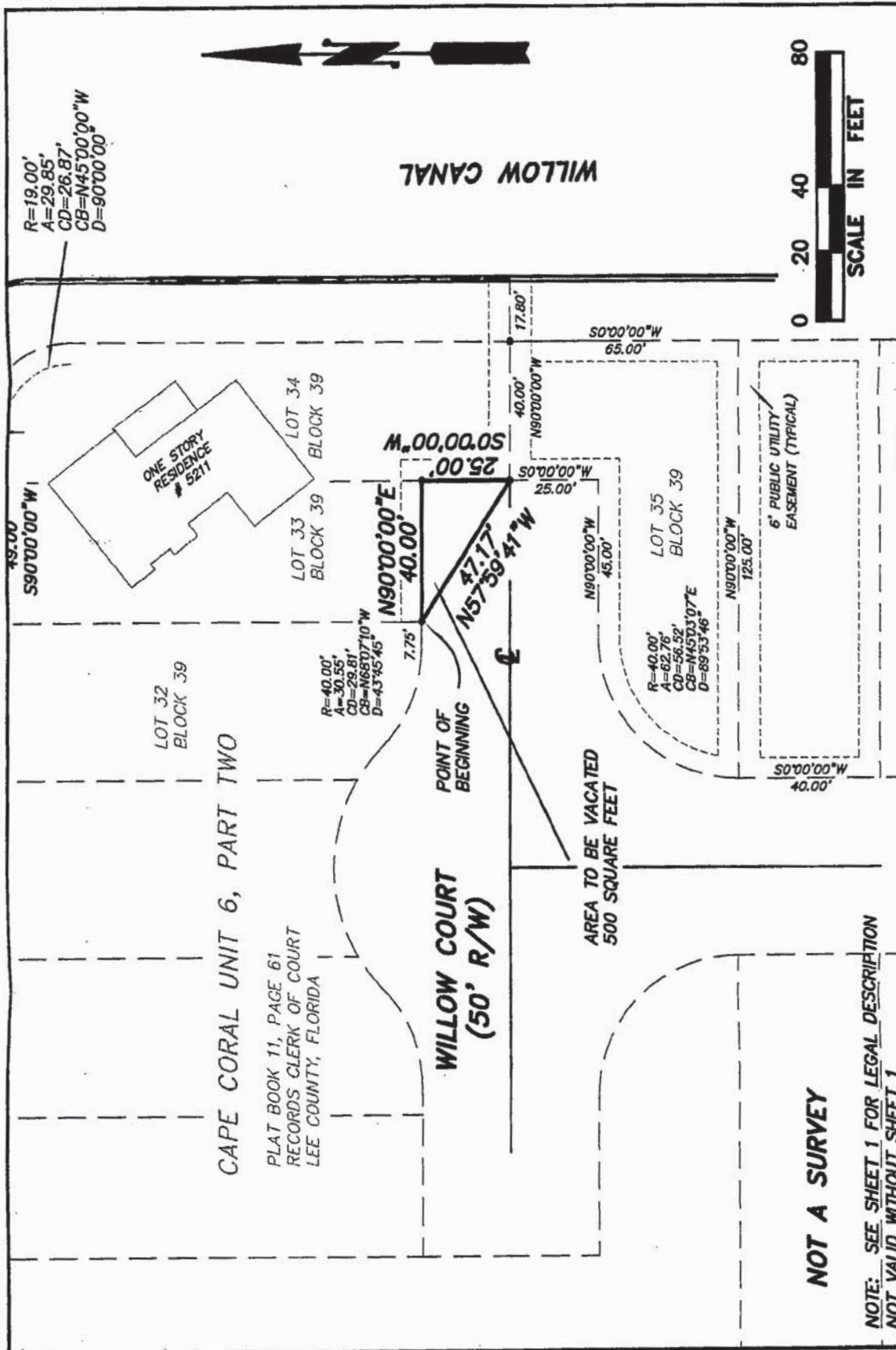


Exhibit A - page 2



**CHARLES DEGRAFF LAND SURVEYOR**  
Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

**SKETCH AND DESCRIPTION**  
**SKETCH** SHEET 2 OF 2

Phone (239) 699-8572  
Email charles.degraff@gmail.com

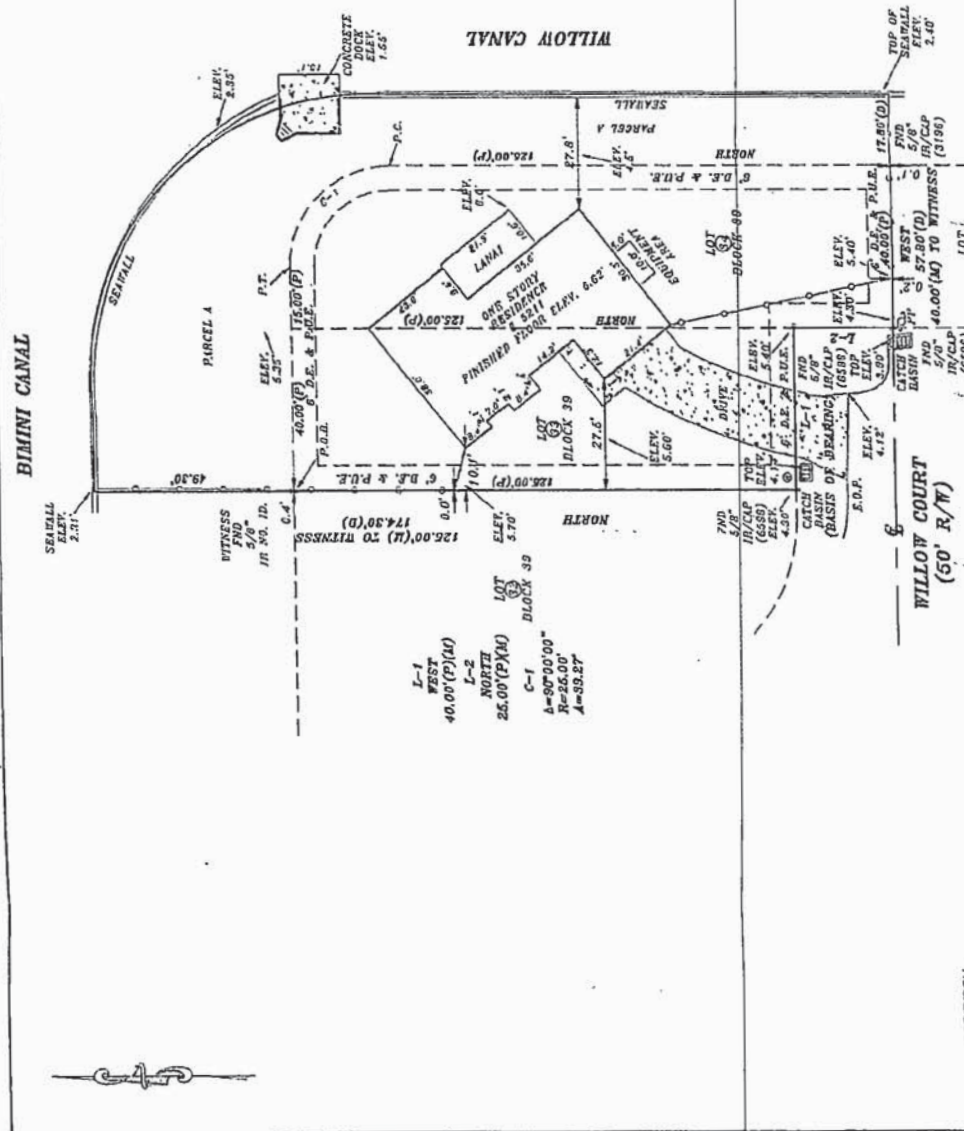


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14	ARE LENGTH	
15	ARE WIDTH	
16	ARE DEPTH	
17	BUILDING SETBACK LINE	
18	CABLE TV	
19	CABLE TID	
20	CALCULATED	
21	CANON	
22	CORR BEARING	
23	CORR DISTANCE	
24	CORR BEARING	
25	CORR DISTANCE	
26	COUNTY UTILITY EASEMENT	
27	DEED	
28	DEED OF RESERVATION	
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100	DEED OF RESERVATION	

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LEGAL DESCRIPTION:  
5271- WILLOW COURT,  
LOTS 33 AND 34, BLOCK  
THEREOF AS RECORDED  
LEE COUNTY, FLORIDA,  
TOGETHER WITH ALL  
TO OR IN ANYWISE AP-  
TRACT 2 PARCEL "A"  
FROM THE N.W. CORNER  
BOOK 11, PAGE 61 LEASE  
THENCE EAST 1/4 & S  
LOT 34 OF SAID BLOCK  
125.00'; THENCE 39.22'  
THENCE WEST 55.00'



CERTIFIED TO:  
MARK + SHANNON DAVIS

FIELD SURVEY	12-21-16	C. CORDISCO	SDS	SCALE	1" = 30'	LIS JOB NO	21677	SHEET: 1 OF 1	DATE: 01-02-17
--------------	----------	-------------	-----	-------	----------	------------	-------	---------------	----------------

LIS Land Surveying, LLC d.b.a. S & H Land Survey Co.	21430 Polaris Beach Blvd. Alva, FL 33920 339-481-2366 239-401-2437 (Fax) L.01057
	2572 West State Road 426, Suite 2064 Orlando, FL 32705 321-244-0402 321-244-9419 (Fax) L.01057

APPROVED

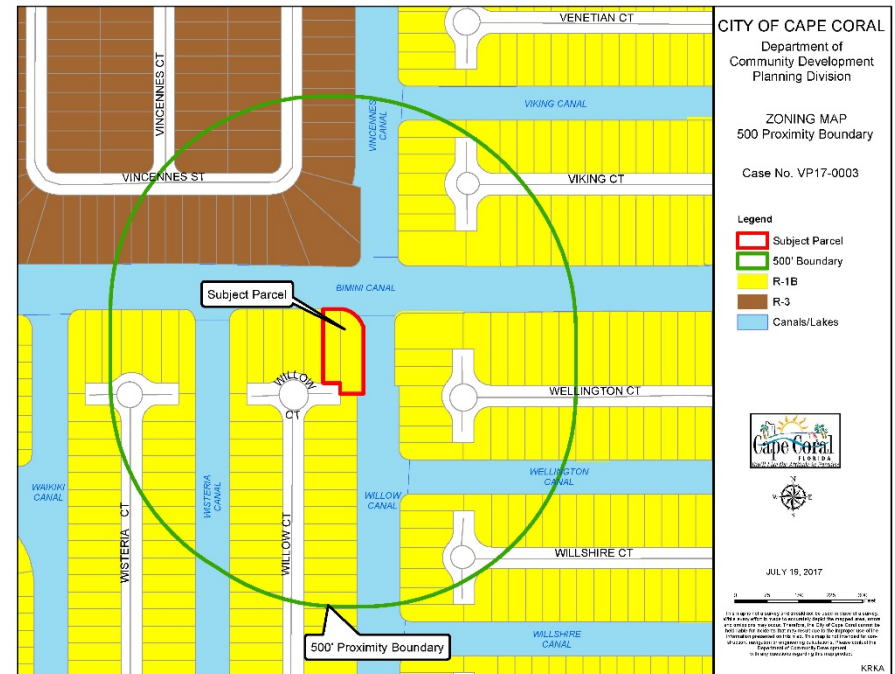
*R.L. Schumann*

R.L. SCHUMANN, RLS  
REGISTERED LAND SURVEYOR NO. 2239  
STATE OF FLORIDA  
VALID ONLY WITH EXHIBITED SEAL

# Davis Vacation VP17-0003

Location: 5211 Willow Court

Property has Single-Family (R-1B) Zoning





# **VP17-0003**

**Applicant: Shannon and Mark Davis**

## **Requests:**

- 1. Vacate 500 sq. ft. of platted right-of-way on Willow Court.**
- 2. Vacate six-foot wide public utility and drainage easement associated with Lots 33 and 34.**

# **Summary and Project Recommendations**

- **Alley vacation will provide a more uniform site and will enlarge this parcel by 500 sq. ft.**
- **The ROW is not required to meet or fulfill any current or foreseeable public use. As such, approval will not be harmful to the community.**
- **Will provide setback relief, greater flexibility in redeveloping this home site, eliminate future maintenance obligations of the City, and add a small amount of property to the tax rolls.**
- **Staff recommends approval of the project.**
- **The Hearing Examiner recommends approval the project. A hearing was held on August 1<sup>st</sup>.**
- **No correspondence received.**

<b>Item Number:</b>	<b>B.(2)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Ordinance 41-17 (LU 17-0004) Set Public Hearing Date for November 6, 2017

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**Planning & Zoning Commission recommendation:** At the September 6, 2017 meeting, Planning & Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 41-17.

**Staff Recommendation:** Staff recommends approval.

**SUMMARY EXPLANATION AND BACKGROUND:**

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the Future Land Use Map from Commercial Activity Center (CAC) to Single Family Residential (SF) land use for property located at 729 SW 9th Street.

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Ordinance 41-17 (LU 17-0004)  
Back up materials  
Staff Presentation - Introduction

**PREPARED BY:**

Division- Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltrey, Planning Team Coordinator

**ATTACHMENTS:**

Description	Type
▣ Ordinance 41-17 (LU 17-0004)	Ordinance
▣ Backup Material	Backup Material
▣ Staff Presentation - Introduction	Backup Material

ORDINANCE 41 - 17

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL ACTIVITY CENTER (CAC) TO SINGLE FAMILY RESIDENTIAL (SF) LAND USE FOR PROPERTY DESCRIBED AS ALL OF LOTS 68 & 69, BLOCK 4491, CAPE CORAL UNIT 63; PROPERTY LOCATED AT 729 SW 9<sup>TH</sup> STREET; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by AARGAE LLC regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM COMMERCIAL ACTIVITY CENTER (CAC) TO SINGLE FAMILY RESIDENTIAL (SF)

ALL OF LOTS 68 & 69, BLOCK 4491, AS SHOWN ON THE PLAT OF CAPE CORAL UNIT 63, RECORDED IN PLAT BOOK 21 AT PAGE 81 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD.

PROPERTY LOCATED AT: 729 SW 9<sup>TH</sup> STREET

SECTION 2. 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 3. Effective Date. The effective date of this small scale development amendment to the Comprehensive Plan shall be thirty-one (31) days after the adoption of this ordinance. Alternatively, if the small scale development amendment adopted by this ordinance is challenged by an "affected person" within thirty (30) days after adoption, then the effective date of this amendment shall be the date upon which either the state land planning agency or the Administration Commission issues a "final order" determining that this small scale development amendment is "in compliance" as provided in Section 163.3187(5), Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

---

MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

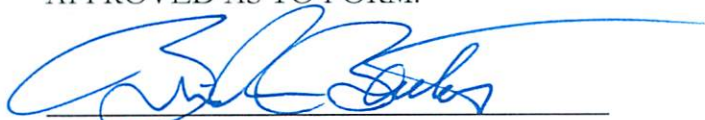
SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ord/lu17-0004



DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST TO PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY AND COUNCIL  
FOR A LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT

FEE \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

CASE # LU17-0004

OWNER OF PROPERTY

AARGAE LLC

Address: 15946 SW 112<sup>th</sup> Place

City: Miami State: FL Zip 33157

Email: arian.rodriguez@yahoo.com

Phone: 786 488 2610

AUTHORIZED REPRESENTATIVE

AMB Planning Consultants, Annette Barbaccia

Address: P.O. Box 3495

City: N. Fort Myers State: FL Zip 33918

Email: abarbaccia@ambpl.com

Phone: 239 850-8301

Unit 63 Block 4491 Lot(s) 68+69 Subdivision CAPE CORAL

Legal Description CAPE CORAL UNIT 63 BK 4491 PB 21 PG 81 LOT 68+69

Address of Property 729 SW 9<sup>th</sup> Street, Cape Coral, FL 33991

Plat 21 Page 81

Current Zoning MR Strap Number 22-44-23-C2-04491.0680

Current Land Use CAC Proposed Land Use SF

Parcel Size: Width 80 Depth 125 Sq. Ft. 10,000 Acreage 1/4

Soil Type: \_\_\_\_\_

Urban Services Area: (check one) ☒ Infill ☐ Transition ☐ Reserve

Natural Resources: (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):

Cleared grassed.

Animal Species: (list any endangered, threatened, or species of special concern on-site)

None

Estimated Development:

Estimate total lot coverage: \_\_\_\_\_ %

Estimate total building floor area \_\_\_\_\_ sq. ft.

Estimate type of future development and percentages (e.g. business offices, commercial retail, automotive repair, etc.)

Typical single family lot coverage.



Estimated peak hour trip ends:

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection. If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: Yes ☒ No ☐  
City Water: Yes ☒ No ☐

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

ARIAN RODRIGUEZ / ANA C. JUSTINIANO  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of APRIL, 2017, by  
ARIAN RODRIGUEZ / ANA C. JUSTINIANO who is personally known or produced  
as identification.

Exp. Date: 10-19-2019 Commission Number: FF928834

NOTARY STAMP HERE

Signature of Notary Public: [Signature]  
Printed name of Notary Public: ANETT DIAZ



Anett Diaz  
Commission # FF928834  
Expires: October 19, 2019  
Bonded thru Aaron Notary

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Annette M. Barbaccia

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING  
COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS  
AND/OR CITY COUNCIL FOR

Hearing Examiner Office Hearing or P&Z Hearing and City Council Public Hearing

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 63 BLOCK 4491 LOT(S) 68,69 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Arian Rodriguez

PROPERTY OWNER (Please Print)

Arian Manager

PROPERTY OWNER (Signature & Title)

ANA C. JUSTINIANO

PROPERTY OWNER (Please Print)

MANAGER

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 23 day of April, 2017, by  
ARIAN RODRIGUEZ / ANA C. JUSTINIANO who is personally known or produced  
as identification.

Exp. Date: 10/19/2019 Commission Number: FF928834

NOTARY STAMP HERE

Signature of Notary Public:

ANETT DIAZ

Printed name of Notary Public:

ANETT DIAZ

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



Anett Diaz  
Commission # FF928834  
Expires: October 19, 2019  
Bonded thru Aaron Notary



# ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 23 day of April, 2017

ARIAN RODRIGUEZ / ANAC JUSTINIANO  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 23 day of April, 2017, by ARIAN RODRIGUEZ / ANAC JUSTINIANO who is personally known or produced DRIVER LICENCE as identification.

NOTARY STAMP  
HERE

Exp. Date: 10-19-2019 Commission Number: FF928834

Signature of Notary Public: [Signature]

Printed name of Notary Public: ANETT DIAZ



Anett Diaz  
Commission # FF928834  
Expires: October 19, 2019  
Bonded thru Aaron Notary



## **AMB Planning Consultants Inc.**

May 11, 2017

Mr. Vincent A. Cautero, Director  
Department of Community Development  
1015 Cultural Pak Blvd  
City of Cape Coral, FL 33990

Re: Requested Land Use Amendment From CAC to SF and Zoning Amendment  
From MR to R-1B for 729 SW 9<sup>th</sup> Street, Cape Coral, FL 33991

Dear Mr. Cautero:

On behalf of my clients, AARGAE LLC. ,Arian Rodriguez and Ana Justiniano, I am requesting a future land use amendment for a 10,000 sf. vacant parcel at 729 SW 9<sup>th</sup> Street, Cape Coral, FL 33991 from Commercial Activity Center (CAC) to Single Family (SF). They are also seeking a rezoning from the Marketplace Residential (MR) district to the Single Family (R1-B). They would like the attached applications for these actions to be considered together and heard at the same hearings, back to back. The property lies between two single family homes and is across the street from single family homes.

### **Aerial of 729 SW 9<sup>th</sup> Street and Surrounding Area**





The property is an upland, cleared developable property with a width of approximately 80 ft. and a depth of 125 ft, consistent with the single-family home sites within the block. There are no endangered or threatened species on site and the property is served by City utilities.

**Subject Property Looking North**



**Adjacent Home to the West of the Subject Property**





**Adjacent Home to the East of the Subject Property**



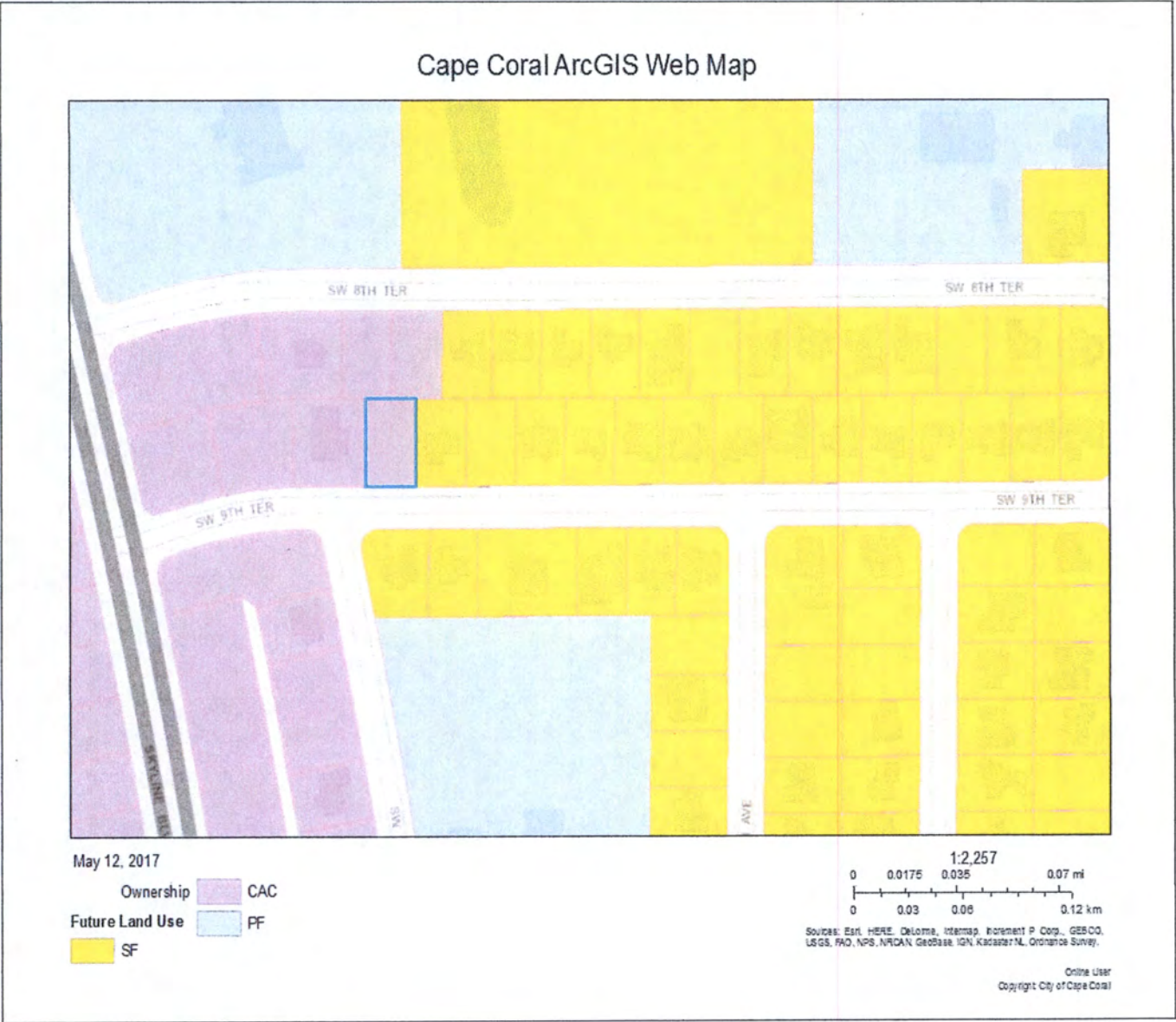
**Homes Across the Street from the Subject Property**



**Block Face Looking East**



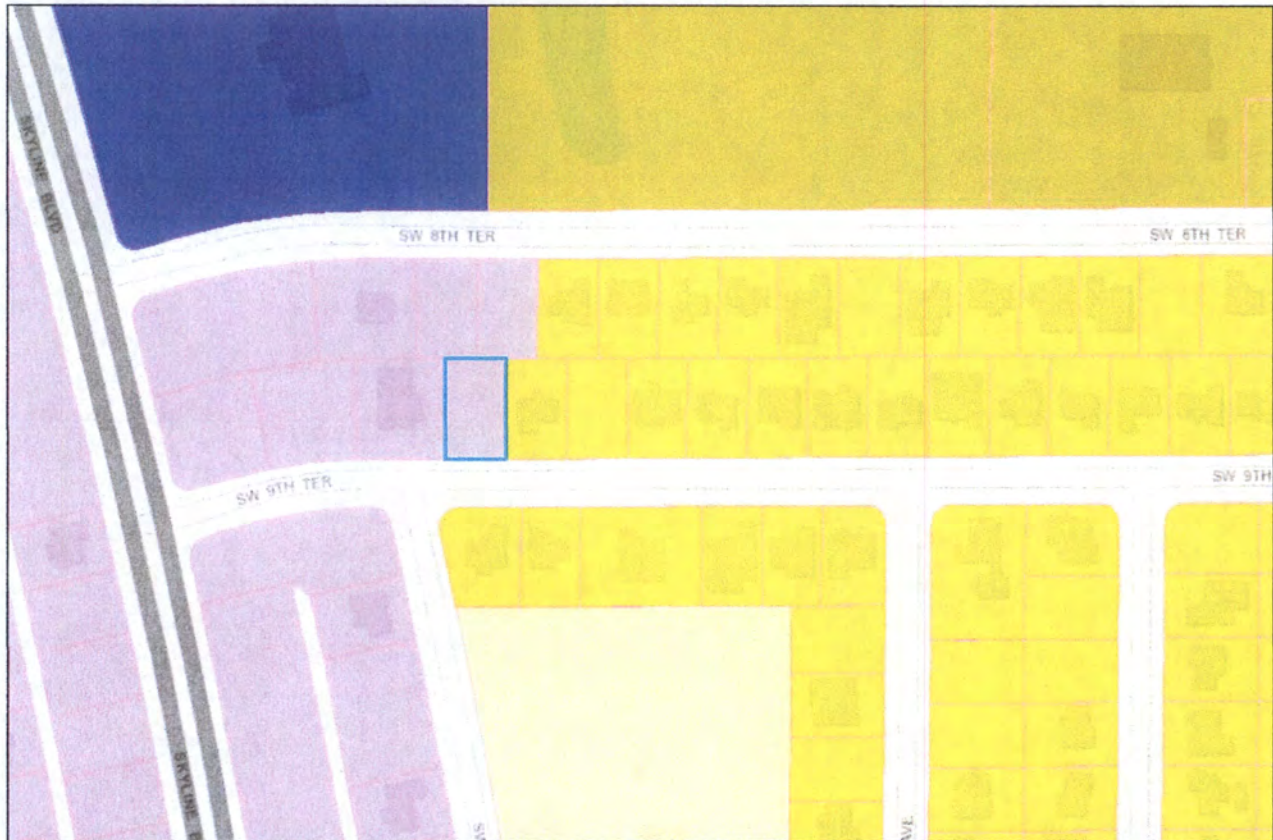
Future Land Use Subject Property and Surrounding Area





## Existing Zoning

Cape Coral ArcGIS Web Map



May 12, 2017

Ownership  R-1A  W  
 Zoning  R-1B  
 MR  RD

1:2,257  
 0 0.0175 0.035 0.07 mi  
 0 0.02 0.04 0.08 km

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

Web AppBuilder for ArcGIS  
 County of Lee, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USCA

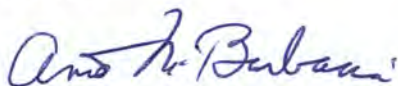
### Planning Rationale

The size and location of the property make it a poor fit for the existing Commercial Activity Center (CAC) future land use district and Market Place Residential (MR) zoning district. These districts are intended to facilitate development and/or assemblage of larger commercial/mixed use development adjacent to wide streets such as Skyline Boulevard. The property is sandwiched between two existing single family homes and is distant from Skyline Boulevard. The property lies along the SW 9<sup>th</sup> Street block face, east of SW 7<sup>th</sup> Court, which has existing single family homes (approximately 97% of the block) with a few vacant residential home sites. The property is adjacent to a Single-Family Land Use district and R1-B zoning district to the east, so that its inclusion would be consistent with the surrounding use and built form.

There is no commercial market for the property and its adjacency to the single-family districts to the east creates setback and development requirements that are infeasible. For all these reasons, we believe that the proposed amendments would increase land use and development conformity with the neighborhood and are consistent with the City's Comprehensive Plan. These changes would also provide a use of the property for my clients which is not achievable under the existing districts.

Please let me know if you have any questions or if I can provide additional information.

Sincerely,



Annette M. Barbaccia,

AMB Planning Consultants, Inc.  
P.O. Box 3495  
N. Fort Myers, FL 33918  
Tel. 239-850-9301  
Email: [abarbaccia@ambpl.com](mailto:abarbaccia@ambpl.com)

cc: Bob Peterson, Planning Director  
Mike Struve, Manager, Planning Team Coordinator  
Wyatt Daltry, Manager Long Range Planning  
Arian Rodriguez and Ana Justiniano

Enc.



PLANNING DIVISION STAFF REPORT  
LU17-0004

PROPERTY ADDRESS/LOCATION 729 SW 9 <sup>th</sup> Street	APPLICANT/PROPERTY OWNER Aargae, LLC
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<p><b>SUMMARY OF REQUEST</b></p> <p>Privately-initiated Future Land Use Map Amendment to amend one undeveloped property (0.22 acres) from Commercial Activity Center (CAC) to Single-Family Residential (SF). The existing zoning is Marketplace Residential (MR).</p>
--



MAP SOURCE

STAFF RECOMMENDATION:  
**APPROVAL**

Positive Aspects of Application:	Represents a logical extension of the adjacent Single-Family future land use
Negative Aspects of Application:	Slight loss of potential commercial or mixed use land
Mitigating Factors:	Small-site represents a <i>de minimis</i> impact on surrounding area and effect on the community Site located between two existing single-family residences

Additional Site Information

**Urban Service Area:** Transition

**City Water and Sewer:** The area is serviced by City water and sewer.

**Street Access:** The site is accessible from SW 9<sup>th</sup> Street (local roadway). The site is approximately 400 feet east of Skyline Boulevard, a major arterial roadway.

**STRAP Number:** 22-44-23-C2-04491.0680

**Block/Lot(s):** Block 4491, Lots 68-69

**Subdivision:** Cape Coral, Unit 63

Zoning and Land Use Information:

Subject Property:	Future Land Use	Zoning
Current:	CAC	Marketplace Residential (MR)
Proposed:	SF	N/A <sup>1</sup>

Surrounding Areas	Future Land Use	Zoning
North:	CAC and Public Facilities (PF)	MR and Worship (W)
South:	SF and PF	Single-Family Residential (R-1B) Residential Development (RD)
East:	SF	R-1B
West:	CAC	MR

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<sup>1</sup> Separate request to Marketplace Residential (MR) zoning is proposed.

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## Background

In 1989, the site was classified Single-Family/Multi-Family Residential by PDP (SM). In 2010, the site was amended to the CAC future land use map classification as part of a series of large-scale future land use map amendments. No building activity has occurred on the site.

In 2016, the applicant obtained ownership of the property and desires to construct a single-family detached residence. To effectuate this, the applicant has requested a FLUMA to the SF future land use. The applicant recognizes that a rezone will be required in the future to bring the site into conformity should the amendment be approved, and has also submitted a request to that effect. The applicant's letter of intent notes that the property is between two existing single-family residences and across the street from additional single-family residences.

## Additional Site Information

### Protected Species

No protected species have been identified in the vicinity. The City requires species surveys prior to issuance of City of Cape Coral permits or development approvals, in accordance with the Conservation and Coastal Management Element of the Comprehensive Plan.

Should additional protected species be identified on the property as part of the development review of the site, the City will abide by Policy 1.2.5 of the Conservation and Coastal Management Element, which states:

"Policy 1.2.5: The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested."

### Utilities

The site is in the Urban Services Transition area as designated by the City Comprehensive Plan. Utilities are available.

### Soils and Drainage

The site has one soil classification; Matlacha Gravelly Fine Sand-Urban Land Complex. This soil has limitations for development, which are typically overcome using various engineering solutions such as importing fill. The soil types should not present an obstacle to future land development although special feasibility studies may be required.

## Regional Plan Analysis

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):

**This amendment is consistent with the SRPP Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan:

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**The roadways near the site are not identified for improvements or widening in the MPO's 2040 Long Range Transportation Plan.**

### **Comprehensive Plan Analysis**

Staff analyzed the Comprehensive Plan to determine what policies support or undermine the proposed future land use map amendment. Most direction in the Comprehensive Plan for commercial development is based in the Future Land Use Element.

### **Future Land Use Element**

Policy 8.3: Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.

**The proposed amendment, if adopted, will avoid a commercial design that, due to the surrounding residential structures nearby, would be intrusive and likely provide inadequate buffering.**

An interesting facet of this case is that the land use change from CAC to SF could diminish the land value of the property, as this proposed land use classification would have fewer permitted and special exception uses than the existing CAC classification. However, this request originated from the property owner, and therefore, it is understood that the property owner is aware of this fact and still wishes to proceed.

### **Impact Assessment Summary**

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts at buildout. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc. present within the subject area.

The site is CAC, and the analysis assumes no residential density for the site. While the site is currently vacant, the analysis must consider the impacts of the CAC land use in the event of construction. It is prudent, for purposes of analysis, to assume a worst-case scenario for impact assessment of 2,500 square-feet of building floor area as the "existing" impacts of development.

The proposed land use classification for these parcels is SF. For purposes of the land use amendment and determining proposed impacts of development, the impact assessment summary will assume that the proposed impacts will consist of one single-family residence.

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### **Dwelling Units**

Existing:	0
Proposed:	1
Net Change:	+1

### **Population\***

Existing:	0
Proposed:	3
Net Change:	+3

\* 2.54 persons/household = avg. household size; 2010 Census

### **Water Use**

Existing:	<u>833 gal/day total</u> (2,500 square feet x 0.3 gal/sq ft/day)
Proposed:	<u>200 gal/day total</u> (1 dwelling unit x 200 gal/day)
Net Change:	-633 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

### **Sewage**

Existing:	<u>833 gal/day total</u> (2,500 square feet x 0.3 gal/sq ft/day)
Proposed:	<u>200 gal/day total</u> (1 dwelling unit x 200 gal/day)
Net Change:	-633 gal/day
Facility Capacity:	28.4 MGD
Avg. Daily Usage:	12.8 MGD

The wastewater generated by development permitted by future land use map amendments in the future would be evaluated as part of those later reviews and concurrency requirements would be required to be met at the time of those respective reviews.

### **Solid Waste**

Existing Generation:	<u>340 lbs. total/day</u> (2500 square feet x 0.136 gal/sq ft/day)
Proposed:	<u>14 lbs. total/day</u> (3 persons x 4.74 lbs/person/day)
Net Change:	-326 lbs./day
Facility Capacity:	1,836 tons/day
Existing Demand:	1,384 tons/day
Capacity Available:	Yes

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### **Traffic/Daily Trips**

Existing Generation: 3 AM peak trips/hour and 9 PM peak trips/hour  
Proposed: 1 AM peak trips/hour and 1 PM peak trips/hour  
Net Change: -2 AM peak hour trips and -8 PM peak hour trips  
Facility Capacity: SW 9<sup>th</sup> Street, a local roadway, currently accesses the site. SW 9<sup>th</sup> Street meets the minimum acceptable Level of Service Standard of "D."  
Capacity Available: Yes

The maximum allowed intensity for these properties would create a peak volume of 1 trip during the AM peak hour, and 1 trip during PM peak hour.

### **Development Impact Analysis**

#### **Hurricane Evacuation**

The subject area is in Evacuation Zone A. However, no residential dwelling units are anticipated to be constructed in this area, thus having no impact on hurricane evacuation times.

#### **Park Lands**

The levels of service standard (LOS) for parkland and facilities are based on permanent population. With one dwelling unit anticipated to be added based on the proposed amendment, there is a small increase on park demand.

#### **Protected Species**

The City requires an environmental survey prior to the issuance of any land clearing, site clearing, or development permits. Any future land alteration activities will be preceded by the completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results of the environmental survey, City, state, or federal protective or mitigation measures may be required by the developer to proceed.

#### **School Impacts**

There will be a single unit added due to the amendment request, but due to the *de minimis* nature of the amendment, this would result in no net generation of students.

Existing dwelling units:	0 dwelling unit
Existing students:	0
Proposed dwelling units:	1 dwelling unit
Proposed students:	0 (1 x .292 students per single-family dwelling unit)
Change:	+0 students

### **Recommendation:**

Planning Division staff recommends **approval** of the proposed small-scale future land use map amendment request.

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# NOTICE OF CHANGE OF LAND USE

The City of Cape Coral proposes to adopt ORDINANCE 41-17, AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL ACTIVITY CENTER (CAC) TO SINGLE FAMILY RESIDENTIAL (SF) LAND USE FOR PROPERTY DESCRIBED AS ALL OF LOTS 68 & 69, BLOCK 4491, CAPE CORAL UNIT 63; PROPERTY LOCATED AT 729 SW 9TH STREET; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

A public hearing on the ordinance will be held Wednesday, September 6, 2017 at 9:00 a.m. at the City of Cape Coral, City Hall Chambers, 1015 Cultural Park Blvd., Cape Coral, Florida 33990. At this public hearing, the Planning and Zoning Commission will consider the City's future land use map amendment request. Accordingly, members of the general public and real property owners in the community are invited to appear and speak at the public hearing. Written comments filed with the Director will also be entered into the record. A copy of the map and the proposed amendment under consideration will be available for inspection and will be provided to the public at cost at the City Clerk's office between 7:30 a.m. and 4:30 p.m., Monday through Friday excluding holidays. Any person who decides to appeal any decision made by the City Council at that meeting will need a record of proceedings, and that subject person 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 based. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk no later than 4:00 p.m. on the day prior to the meeting.

Rebecca Van Deutekom, CMC  
City Clerk



NP-0000944994

☐ PROOF O.K. BY: \_\_\_\_\_ ☐ O.K. WITH CORRECTIONS BY: \_\_\_\_\_

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

ADVERTISER: CITY OF CAPE CORAL\_DEPT  
SALES PERSON: Legal Display  
PUBLICATION: NP-CAPE SUN PRESS  
SIZE: 3 col X 9.25 in

PROOF CREATED AT: 8/21/2017 4:21 PM  
PROOF DUE: -  
NEXT RUN DATE: 08/27/17

NP-0000944994.INDD



## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** LU17-0004

**REQUEST:** Privately-initiated Future Land Use Map Amendment to amend one undeveloped property (0.22 acres) from Commercial Activity Center (CAC) to Single-Family Residential (SF). The existing zoning is Marketplace Residential (MR).

**LOCATION:** 729 SW 9<sup>th</sup> Street

**CAPE CORAL STAFF CONTACT:** Wyatt Daltry, AICP, Planning Team Coordinator, 239-573-3160, [wdaltry@capecoral.net](mailto:wdaltry@capecoral.net)

**PROPERTY OWNER(S):** Aargae, LLC

**AUTHORIZED REPRESENTATIVE:** AMB Planning Consultants

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the Local Planning Agency will hold a public hearing at 9:00 AM on Wednesday September 6, 2017 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Local Planning Agency will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Local Planning Agency has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Local Planning Agency 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.



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Aargae LLC

APPLICATION NO: LU17-0004

STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 28<sup>th</sup> day of August, 2017.



Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

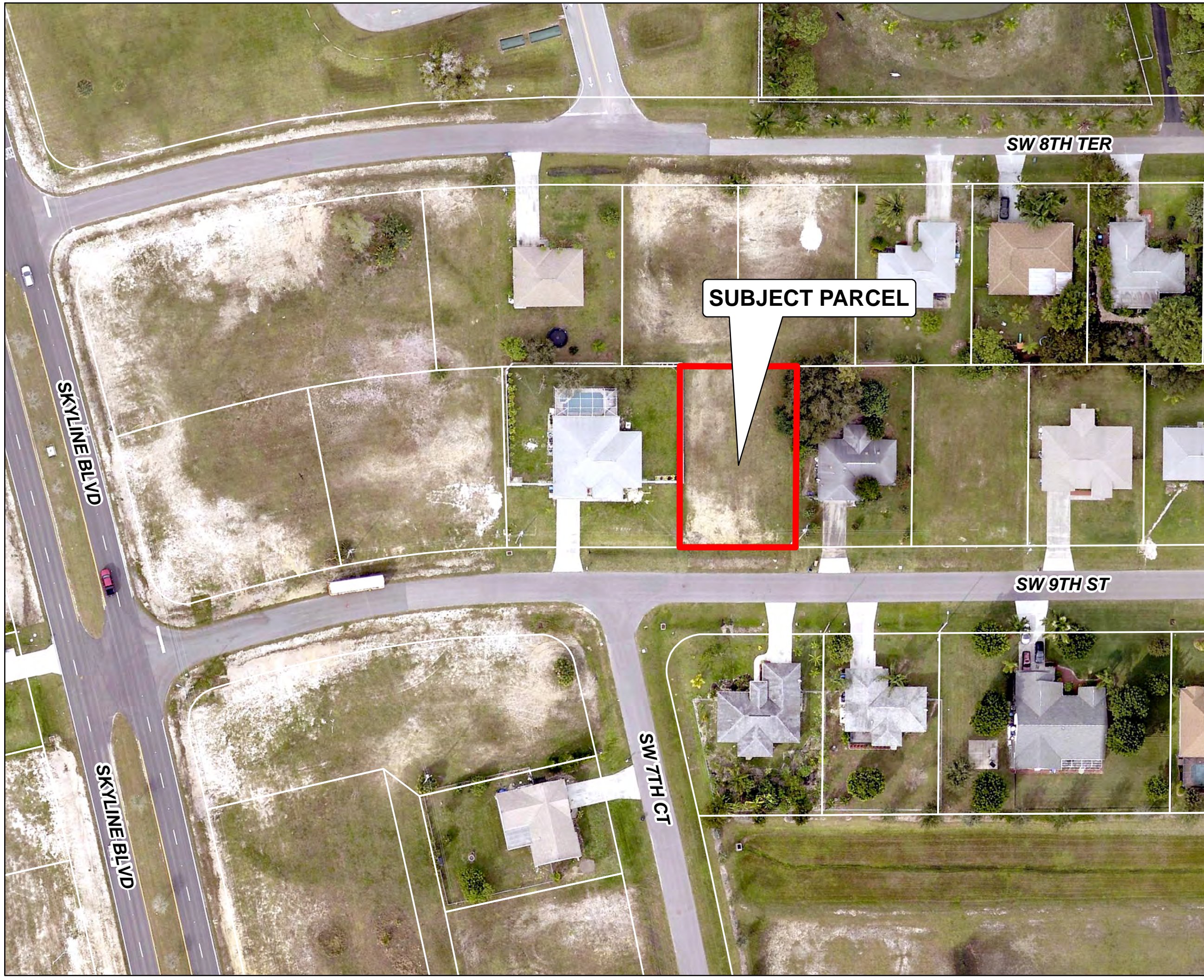
The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of August, 2017, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474

  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public





**SUBJECT PARCEL**

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. LU17-0004

 Subject Parcel

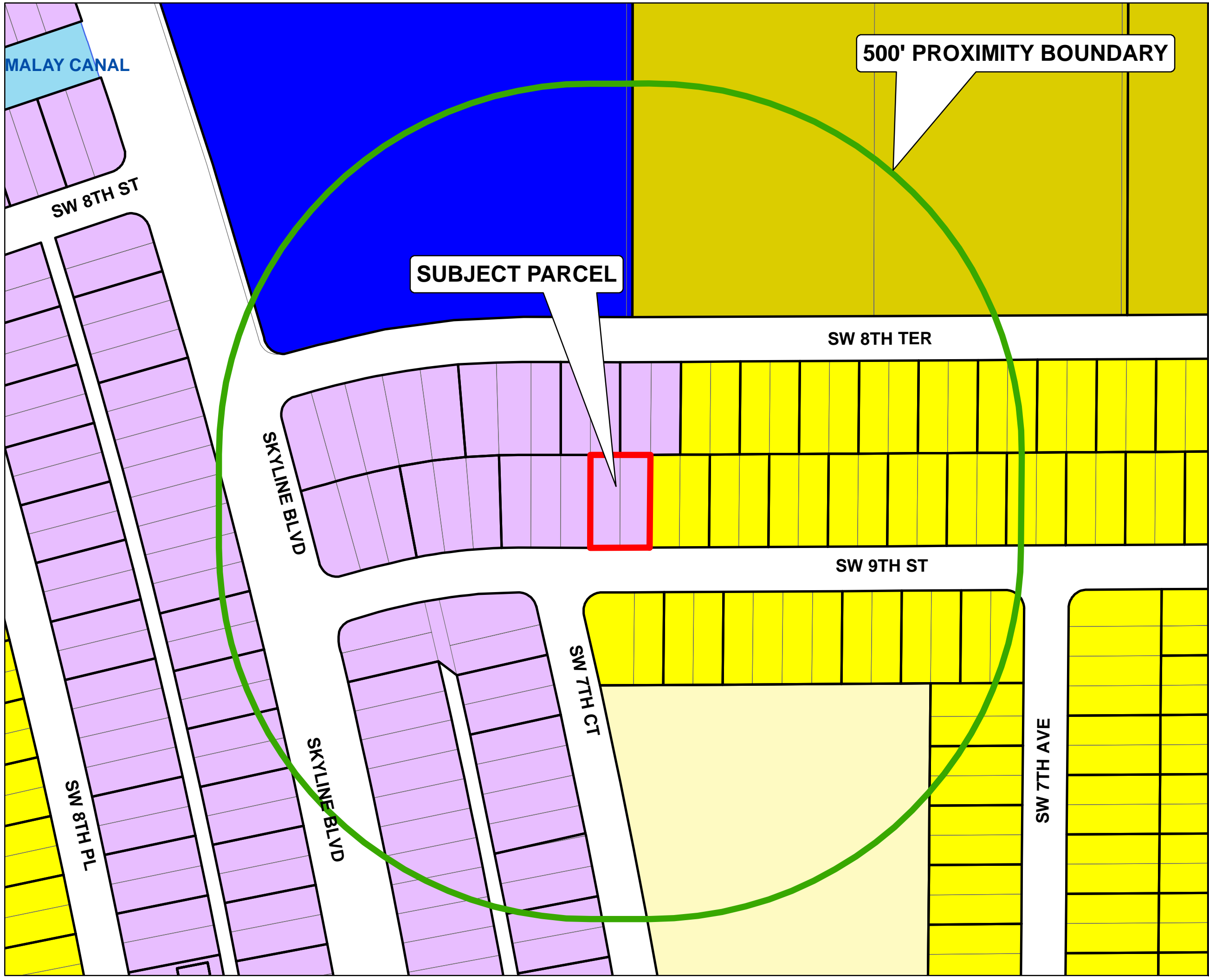


JULY 13TH, 2017

0 Feet 90 180

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.







CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division





CURRENT ZONING MAP  
500' Proximity Buffer

Case No. LU17-0004

#### LEGEND

-  Subject Parcel
-  500' Buffer

#### Zoning

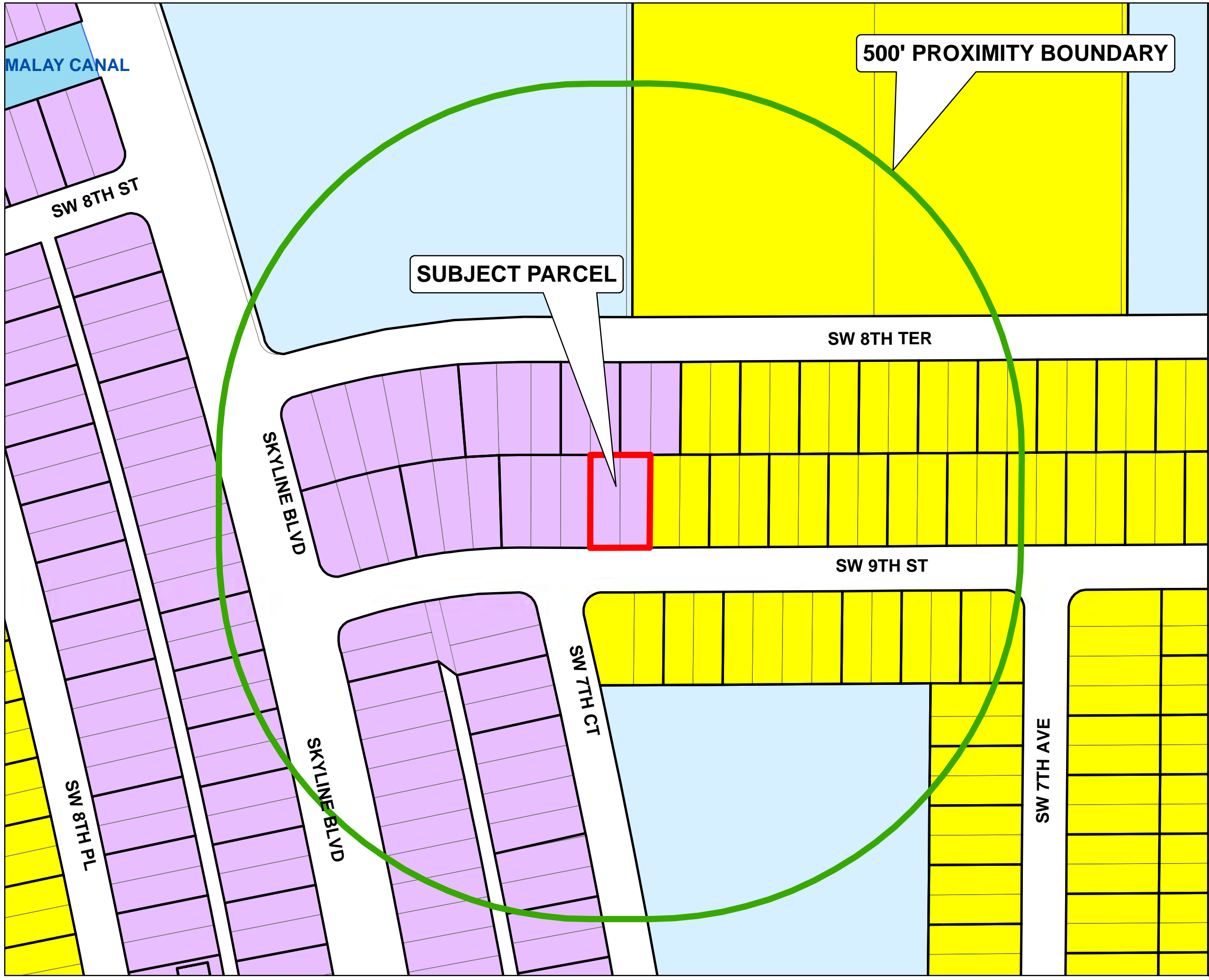
-  MR
-  R-1A
-  R-1B
-  RD
-  W



JULY 13TH, 2017

0 175 350  
Feet

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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT FUTURE  
LAND USE MAP  
500' Proximity Buffer

Case No. LU17-0004

**LEGEND**

Subject Parcel

500' Buffer

**Future Land Use**

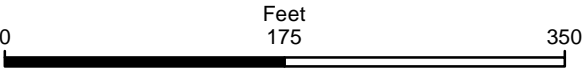
SF

CAC

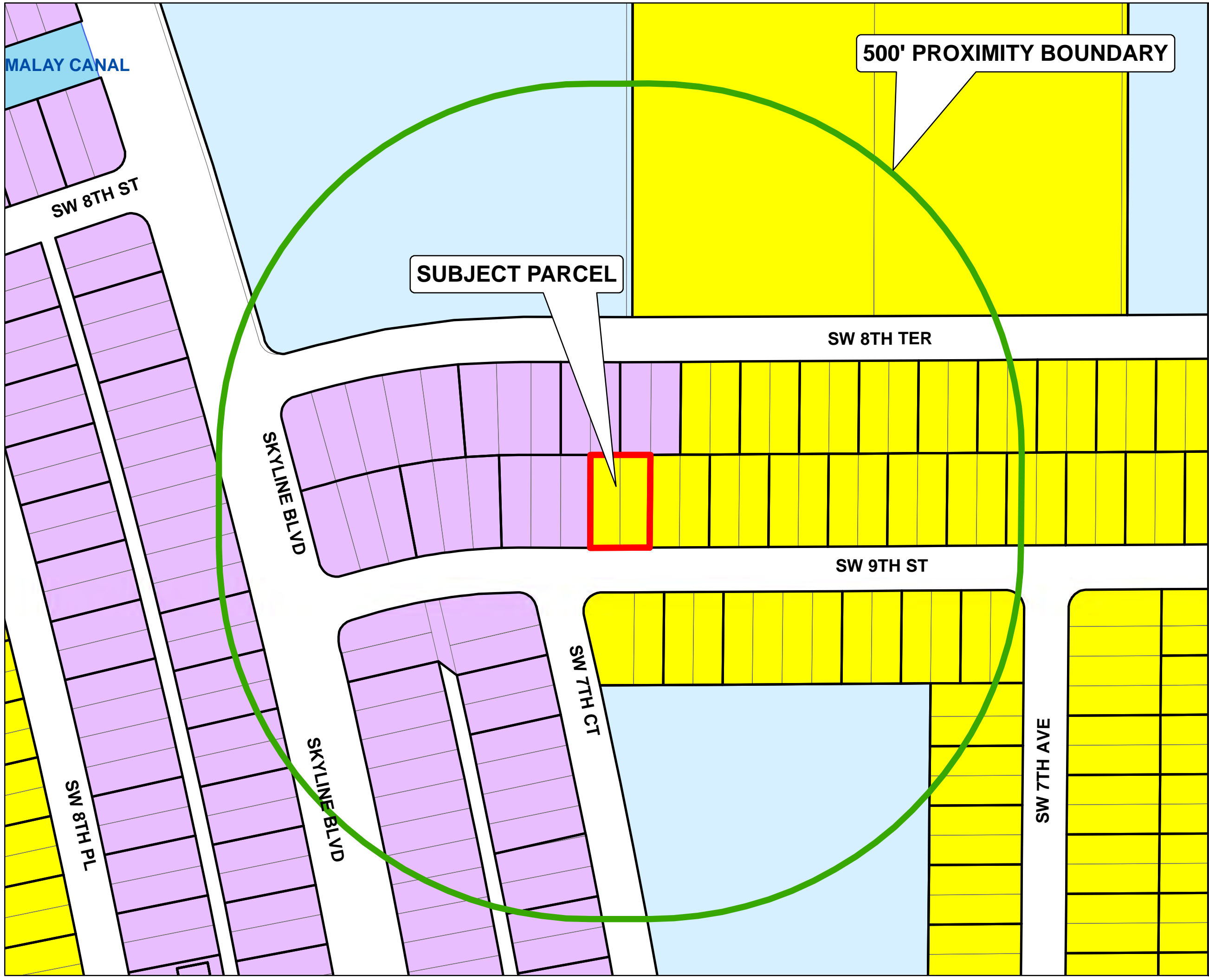
PF



JULY 13TH, 2017



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division




PROPOSED FUTURE  
LAND USE MAP  
500' Proximity Buffer

Case No. LU17-0004

**LEGEND**

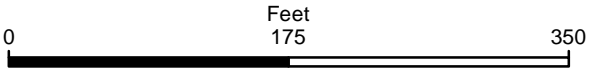
-  Subject Parcel
-  500' Buffer

**Future Land Use**

-  SF
-  CAC
-  PF



JULY 13TH, 2017



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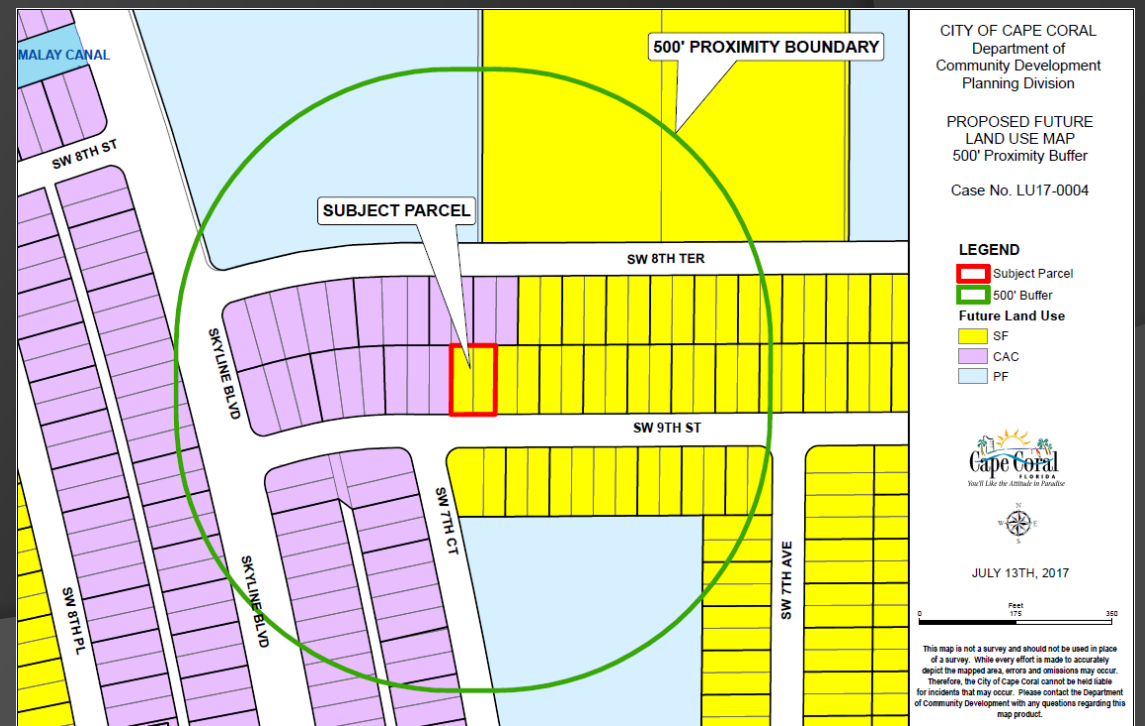
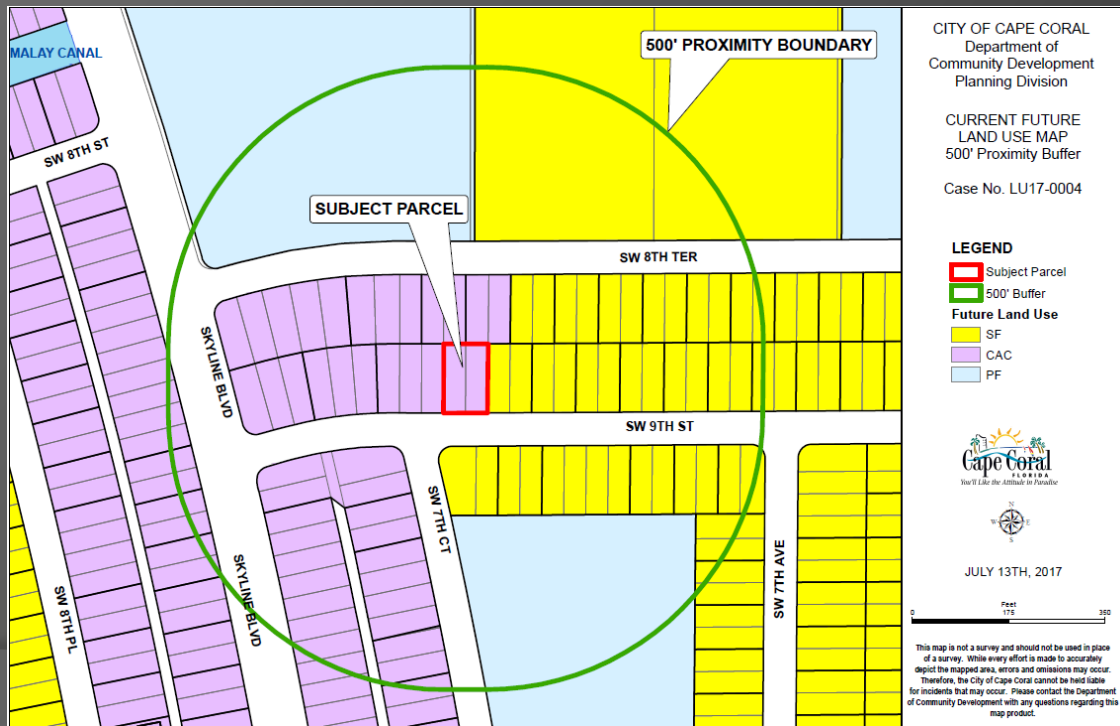
Owner_Name	Mailing_Ad	Mailing_Ci	Mailir	Mailing_Zi	Foreign_Ad
LAWRENCE SAVIO + LORAINÉ	47 PROCTOR BLVD	HAMILTON	ON	L8M 2M5	CANADA
THINCARE INC	96 SEWELL DR	OAKVILLE	ON	L6H 1C5	CANADA
AARGAE LLC	15946 SW 112TH PL	MIAMI	FL	33157	
AILERON RE OPPORTUNITIES FUND I LLC	3401 W CYPRESS ST STE 101	TAMPA	FL	33607	
ALANIS IGNACIO + OMERIS	712 SW 8TH TER	CAPE CORAL	FL	33991	
BRACERO ABRAHAM + ISABEL	700 W 176TH ST #3K	NEW YORK	NY	10033	
CAPE CORAL ASSEMBLY OF GOD	717 SKYLINE BLVD	CAPE CORAL	FL	33991	
CARUSO DENISE L	705 SW 9TH ST	CAPE CORAL	FL	33991	
COLLARD ARMAND JR & COLLARD ANN MARIE TR					
FOR GRANTORS REVOCABLE TRUST	708 SW 9TH ST	CAPE CORAL	FL	33991	
COLLARD ARMAND SR TR FOR COLLARD TRUST	912 SW 7TH AVE	CAPE CORAL	FL	33991	
CRETA IRMA G	725 SW 9TH ST	CAPE CORAL	FL	33991	
DAVIS ANITA LEE	505 CHESOEPIAN TRL	VIRGINIA BEACH	VA	23452	
DEL SOL GENERAL SERVICE INC	2336 CLEVELAND AVE	FORT MYERS	FL	33901	
FINLEY JEREMY M	720 SW 8TH TER	CAPE CORAL	FL	33991	
GONZALEZ LAZARO	1729 NW 17TH ST	CAPE CORAL	FL	33993	
HANKNER DARREN	3121 KNOLLWOOD LN	GLENVIEW	IL	60025	
HUFFMAN ROBERT L + CATHERINE M	718 S W 9TH ST	CAPE CORAL	FL	33991	
IH3 PROPERTY FLORIDA LP INVITATION HOMES -					
TAX DEPT	1717 MAIN ST SUITE 2000	DALLAS	TX	75201	
INGRAHM STEVEN	111 MEADOW GLEN DR	YOUNGSVILLE	LA	70592	
JOTCAR INC	2110 PONDELLA RD	CAPE CORAL	FL	33909	
KEKA INVESTMENTS CORP	10940 NW 73RD ST	MIAMI	FL	33178	
LIVING FAITH A CHURCH OF THE LUTHERAN					
BRETHREN INC	939 SW 7TH CT	CAPE CORAL	FL	33991	
LYNN FRANKLIN LLC	1550 CUMBERLAND CT	FORT MYERS	FL	33919	
MAHONEY MATTHEW B + WENDY + MAHONEY					
DONNA L J/T	724 SW 9TH ST	CAPE CORAL	FL	33991	
MEGILL CARL	717 SW 9TH ST	CAPE CORAL	FL	33991	
MEIER MARGOT	19 PONUS AV #2	STAMFORD	CT	06902	
MEMO INVESTMENTS CORP	10940 NW 73RD ST	MIAMI	FL	33178	
MULLIN HARRY + LISA	79 FOXCROFT ST	WEST HARTFORD	CT	06119	
NICOL ANNE MARIE	712 SW 9TH ST	CAPE CORAL	FL	33991	
NILSEN ROLF	717 SW 8TH TER	CAPE CORAL	FL	33991	
NORORI MARIO M + IVANIA S	724 SW 8TH TER	CAPE CORAL	FL	33991	
NUNNINK MICHELLE	716 SW 8TH TERR	CAPE CORAL	FL	33991	
PACHECO XENA T	708 SW 8TH TER	CAPE CORAL	FL	33991	
PAPA JOHN A + CONCETTA P CO-TR FOR JOHN A					
PAPA + CONCETTA P PAPA GRANTORS JOINT REV					
TRUST	704 SW 9TH ST	CAPE CORAL	FL	33991	
PITTS ERIN + DAMON	735 SW 9TH ST	CAPE CORAL	FL	33991	
ROBINSON RICHARD F	713 SW 9TH ST	CAPE CORAL	FL	33991	
ROMERO ABRAHAM	14017 KESTREL DR	ORLANDO	FL	32837	
SPARKMAN JAMES E + SANDRA K	709 SW 9TH ST	CAPE CORAL	FL	33991	
SPARKS DANIEL + JONI	235 W NAOMI DR APT #1	NAPLES	FL	34104	
SUN PROPERTY VENTURES LLC	1985 CEDAR BRIDGE AVE STE 1	LAKEWOOD	NJ	08701	
ZUNIGA PABLO A + ALMA Y TR FOR ZUNIGA TRUST PO BOX 101034		CAPE CORAL	FL	33910	

# Cape Coral City Council

## September 18, 2017

# ORDINANCE 41-17

# LU17-0004



# LU17-0004

- **Applicant: Aargae, LLC**
- **Location: 729 SW 9<sup>th</sup> Street; Unit 63, Block 4491, Lots 68-69, Cape Coral Subdivision**
- **Urban Services Area: Transition**
- **Request: A FLUMA from Commercial Activity Center (CAC) to Single Family Residential (SF) for a 10,000 square-ft. (0.22 acre) site.**



# Background

- One site – 10,000 square feet
- FLU has been CAC since 2010 while zoning has been MR since 2011
- Rezone to R-1B has been reviewed by Staff, presented to HEX on 8/15/17
- Vacant lot
- Property is located between two residential structures, which were present at time of FLUMA and rezoning

# Recommendation

**Planning Division staff recommends approval for the following reasons:**

- **The request is consistent with the Comprehensive Plan and Land Use and Development Regulations**

**Planning Division has received no correspondence**

**Presented to Planning and Zoning Commission on September 6, 2017**

<b>Item Number:</b>	<b>B.(3)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Ordinance 42-17 (ZA 17-0005\*) Set Public Hearing Date for November 6, 2017

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**Hearing Examiner Recommendation:** The Hearing Examiner recommends approval of the application for rezoning.

**Staff Recommendation:** Staff recommends approval of the application for rezoning.

**SUMMARY EXPLANATION AND BACKGROUND:**

An ordinance amending the Official Zoning District Map by rezoning property located at 729 SW 9th Street from Marketplace-Residential (MR) to Single-Family Residential (R1-B) zone.

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Ordinance 42-17 (ZA 17-0005\*)  
 Back Up materials from the August 15, 2017 Hearing Examiner Hearing  
 Hearing Examiner Recommendation Order  
 Staff Presentation - Introduction

**PREPARED BY:**

Division- Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltry, Planning Team Coordinator

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Ordinance 42-17 (ZA 17-0005)	Ordinance
▣ Back up materials from the August 15, 2017 Hearing Examiner Hearing	Backup Material
▣ Hearing Examiner Recommendation Order	Backup Material
▣ Staff Presentation - Introduction	Backup Material

ORDINANCE 42 - 17

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL OFFICIAL ZONING DISTRICT MAP OF ALL PROPERTY WITHIN THE LIMITS OF THE CITY OF CAPE CORAL BY REZONING PROPERTY DESCRIBED AS ALL OF LOTS 68 & 69, BLOCK 4491, CAPE CORAL UNIT 63, FROM MARKETPLACE-RESIDENTIAL (MR) TO SINGLE-FAMILY RESIDENTIAL (R1-B) ZONE; PROPERTY IS LOCATED AT 729 SW 9<sup>TH</sup> STREET; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral City Council has considered testimony, evidence, documentation and the application submitted by AARGAE LLC for rezoning the below-described property from MARKETPLACE-RESIDENTIAL (MR) TO SINGLE-FAMILY RESIDENTIAL (R1-B) ZONE, and considered the recommendations of the Hearing Examiner and City Staff, and has considered the City of Cape Coral Comprehensive Plan with this zoning request.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

Section 1. That the City of Cape Coral Official Zoning District Map of all of the property within the limits of the City of Cape Coral is hereby amended with respect to real property described as follows:

MARKETPLACE-RESIDENTIAL (MR) TO SINGLE-FAMILY RESIDENTIAL (R1-B) ZONE

ALL OF LOTS 68 & 69, BLOCK 4491, AS SHOWN ON THE PLAT OF CAPE CORAL UNIT 63, RECORDED IN PLAT BOOK 21 AT PAGE 81 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD.

PROPERTY LOCATED AT: 729 SW 9<sup>TH</sup> STREET

and the City administrative office shall amend the City of Cape Coral Official Zoning District Map to reflect this zoning change.

That the amendments to the City of Cape Coral Official Zoning District Map as prescribed herein are consistent with the City of Cape Coral Comprehensive Plan.

Section 2. 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 3. Effective Date. The effective date of this ordinance shall be 31 days after the adoption of this ordinance unless Ordinance 41-17, a small scale development amendment to the Comprehensive Plan, is timely challenged. If Ordinance 41-17 is timely challenged, this ordinance shall become effective on the date upon which either the state land planning agency or the Administration Commission issues a "final order" determining that Ordinance 41-17 is "in compliance" as provided in Section 163.3187(5), Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

---

MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI  
BURCH  
CARIOSCIA  
STOUT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LEON  
ERBRICK  
WILLIAMS  
COSDEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ord\ZA17-0005





DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # ZA17-0005

REQUEST FOR A REZONING

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY

AARGAE LLC

Address: 15946 SW 112<sup>th</sup> Place

City: Miami State: FL Zip: 33157

Phone: 786 488 2610

Email: asianrodriguez@yahoo.com

AUTHORIZED REPRESENTATIVE

AMB Planning Consultants, Annette Barbaccia

Address: P.O. Box 3495

City: N. Fort Myers State: FL Zip: 33918

Phone: \_\_\_\_\_

Email: abarbaccia@ambpl.com

Unit 63 Block 4491 Lot(s) 68+69 Subdivision Cape Coral

Address of Property 729 SW 9<sup>th</sup> Street, Cape Coral, FL 33991

Current Zoning Marketplace Residential (MR) Plat Book 21, Page 81

Proposed Zoning R1-B Single Family Strap Number 22-44-23-C2-04491.0680

**THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS**

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.



DEPARTMENT OF COMMUNITY DEVELOPMENT

REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

(SIGNATURE MUST BE NOTARIZED)

Arian Rodriguez / ANAC JUSTINIANO  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of APRIL, 2017, by  
ARIAN Rodriguez / ANAC who is personally known or produced DRIVER LICENCE  
as identification. JUSTINIANO

Exp. Date: 10/19/19 Commission Number: FF928834

NOTARY STAMP HERE

Signature of Notary Public: [Signature]

Printed name of Notary Public: ANETT DIAZ

(SIGNATURE MUST BE NOTARIZED)



Anett Diaz  
Commission # FF928834  
Expires: October 19, 2019  
Bonded thru Aaron Notary





DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT: Annette M. Barbaccia, AMB Planning Consultants Inc.  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT: 63      BLOCK: 4491      LOT(S) 68 + 69      SUBDIVISION: Cape Coral

OR LEGAL DESCRIPTION \_\_\_\_\_

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Arian Rodriguez

PROPERTY OWNER (Please Print)

*[Signature]*

PROPERTY OWNER (Signature & Title)

ANA C. JUSTINIANO

PROPERTY OWNER (Please Print)

*[Signature]* MANAGER

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF

Lee

Subscribed and sworn to (or affirmed) before me this

23 day of APRIL, 2017, by

ARIAN RODRIGUEZ/ANA C. JUSTINIANO who is personally known or produced  
as identification.

DRIVER LICENCE.

Exp. Date: 10-19-19 Commission Number:

FF928834

Signature of Notary Public:

*[Signature]*

Printed name of Notary Public:

ANETT DIAZ



Anett Diaz  
Commission # FF928834  
Expires: October 19, 2019  
Bonded thru Aaron Notary

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION  
Questions: 239-574-0776

Case # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the \_\_\_\_\_ day of \_\_\_\_\_, 20 17

Arian Rodriguez ANAC JUSTINIANO  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF \_\_\_\_\_

Lee

Subscribed and sworn to (or affirmed) before me this 23 day APRIL, 2017, by ARIAN RODRIGUEZ / ANAC JUSTINIANO who is personally known or DRIVER LICENCE as identification.

Exp. Date: 10-19-19 Commission Number: FF928834

Signature of Notary Public: [Signature]

Printed name of Notary Public: Anett DIAZ







DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Arian Rodriguez / ANAC. JUSTINIANO

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL \_\_\_\_\_ COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 23 day of APRIL, 2017  
by ARIAN RODRIGUEZ / ANAC. JUSTINIANO, who is personally known or who has produced DRIVER LICENSE as identification.

Exp. Date 10/19/2019  
Commission # FF928934

[Signature]  
Signature of Notary Public

ANETT DIAZ  
Print Name of Notary Public



Anett Diaz  
Commission # FF928934  
Expires: October 19, 2019  
Bonded thru Aaron Notary



**AMB Planning Consultants Inc.**

May 11, 2017

Mr. Vincent A. Cautero, Director  
Department of Community Development  
1015 Cultural Pak Blvd  
City of Cape Coral, FL 33990

Re: Requested Land Use Amendment From CAC to SF and Zoning Amendment  
From MR to R-1B for 729 SW 9<sup>th</sup> Street, Cape Coral, FL 33991

Dear Mr. Cautero:

On behalf of my clients, AARGAE LLC. ,Arian Rodriguez and Ana Justiniano, I am requesting a future land use amendment for a 10,000 sf. vacant parcel at 729 SW 9<sup>th</sup> Street, Cape Coral, FL 33991 from Commercial Activity Center (CAC) to Single Family (SF). They are also seeking a rezoning from the Marketplace Residential (MR) district to the Single Family (R1-B). They would like the attached applications for these actions to be considered together and heard at the same hearings, back to back. The property lies between two single family homes and is across the street from single family homes.

**Aerial of 729 SW 9<sup>th</sup> Street and Surrounding Area**





The property is an upland, cleared developable property with a width of approximately 80 ft. and a depth of 125 ft, consistent with the single-family home sites within the block. There are no endangered or threatened species on site and the property is served by City utilities.

**Subject Property Looking North**



**Adjacent Home to the West of the Subject Property**





**Adjacent Home to the East of the Subject Property**



**Homes Across the Street from the Subject Property**

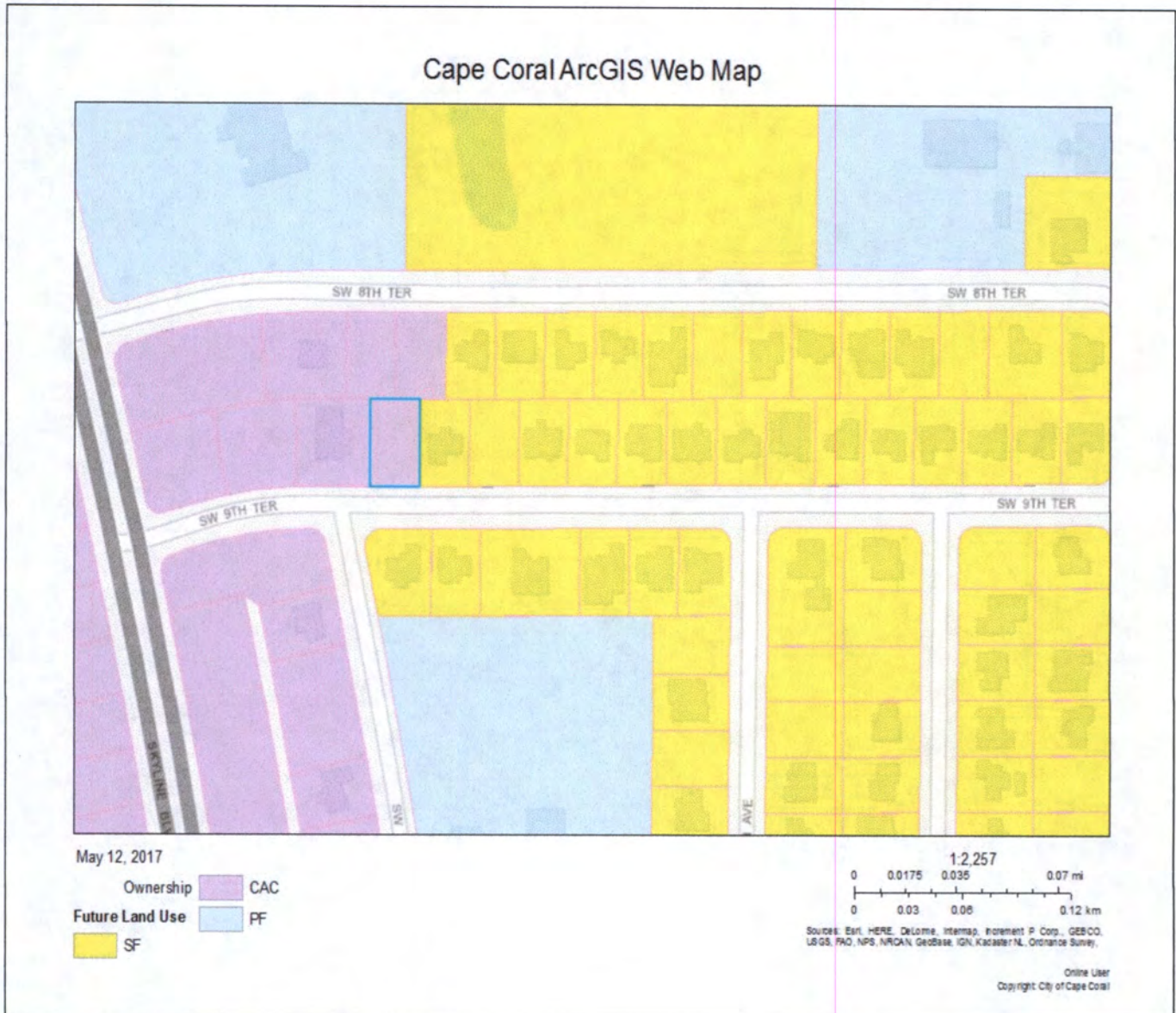


**Block Face Looking East**

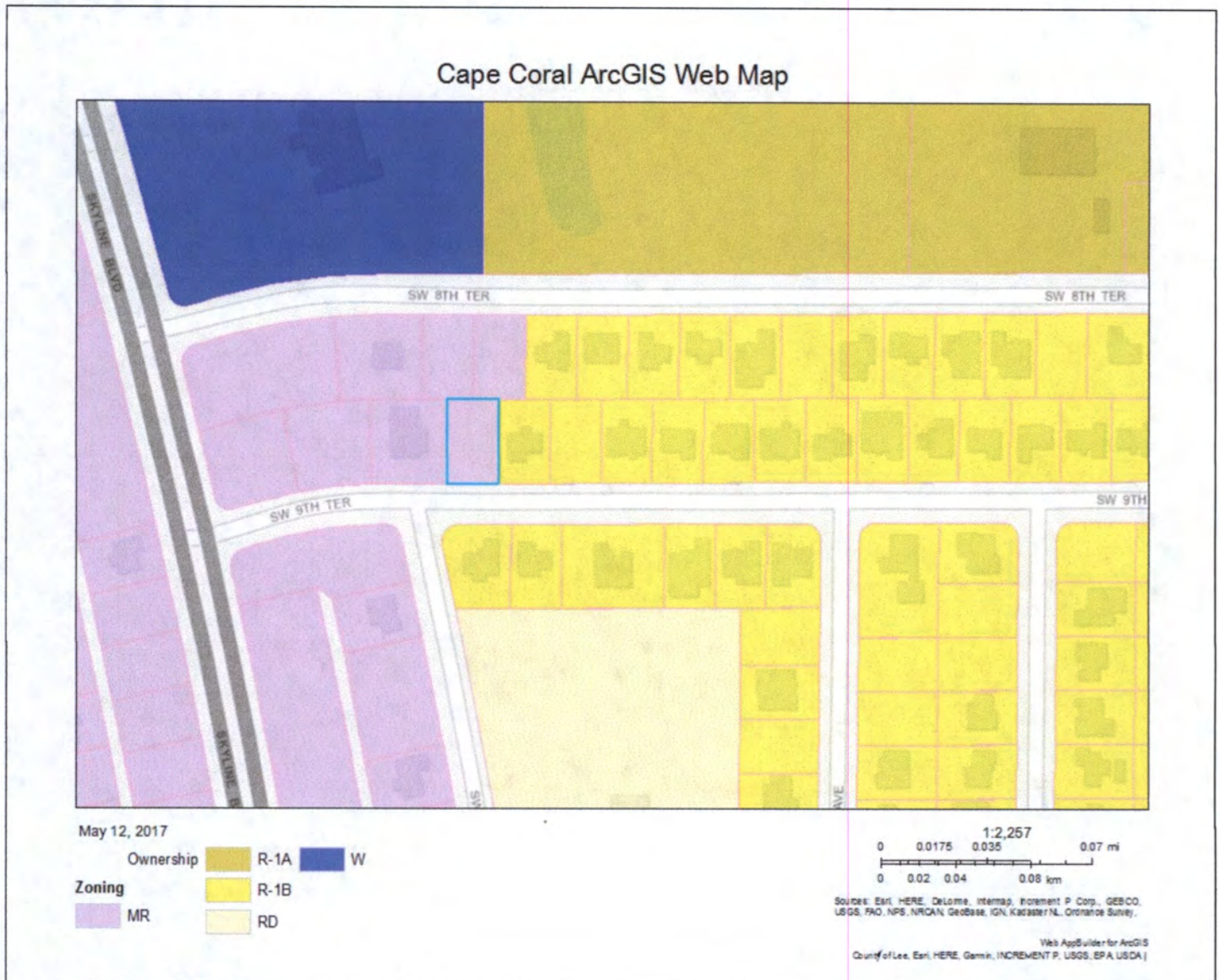




## Future Land Use Subject Property and Surrounding Area



## Existing Zoning





### Planning Rationale

The size and location of the property make it a poor fit for the existing Commercial Activity Center (CAC) future land use district and Market Place Residential (MR) zoning district. These districts are intended to facilitate development and/or assemblage of larger commercial/mixed use development adjacent to wide streets such as Skyline Boulevard. The property is sandwiched between two existing single family homes and is distant from Skyline Boulevard. The property lies along the SW 9<sup>th</sup> Street block face, east of SW 7<sup>th</sup> Court, which has existing single family homes (approximately 97% of the block) with a few vacant residential home sites. The property is adjacent to a Single-Family Land Use district and R1-B zoning district to the east, so that its inclusion would be consistent with the surrounding use and built form.

There is no commercial market for the property and its adjacency to the single-family districts to the east creates setback and development requirements that are infeasible. For all these reasons, we believe that the proposed amendments would increase land use and development conformity with the neighborhood and are consistent with the City's Comprehensive Plan. These changes would also provide a use of the property for my clients which is not achievable under the existing districts.

Please let me know if you have any questions or if I can provide additional information.

Sincerely,



Annette M. Barbaccia,

AMB Planning Consultants, Inc.  
P.O. Box 3495  
N. Fort Myers, FL 33918  
Tel. 239-850-9301  
Email: [abarbaccia@ambpl.com](mailto:abarbaccia@ambpl.com)

cc: Bob Peterson, Planning Director  
Mike Struve, Manager, Planning Team Coordinator  
Wyatt Daltry, Manager Long Range Planning  
Arian Rodriguez and Ana Justiniano

Enc.

**STAFF REPORT**

ZA17-0005

Aargae, LLC

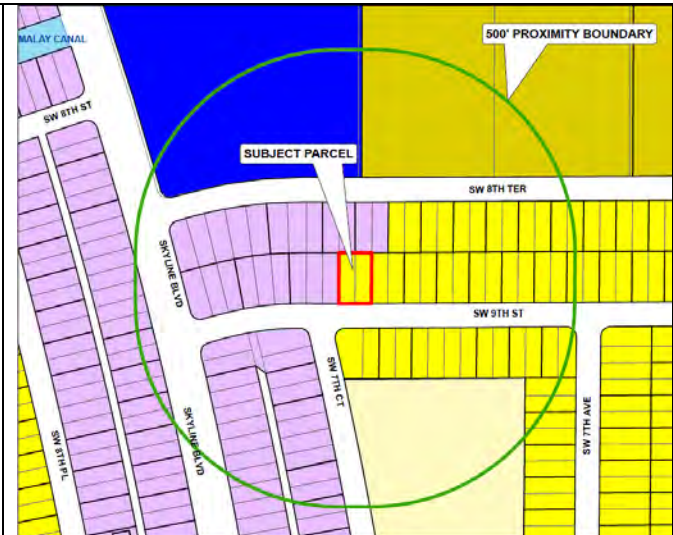
DOCKET/CASE/APPLICATION  
NUMBERWyatt Daltry, AICP, Planning Team  
Coordinator (239) 573-3160,  
wdaltry@capecoral.netAPPLICANT/PROPERTY OWNER  
729 SW 9<sup>th</sup> Street

STAFF PLANNER

PROPERTY ADDRESS/LOCATION

**BRIEF SUMMARY OF REQUEST**

**Privately-initiated request to rezone one property (0.22 acres) from Marketplace Residential (MR) to Single-Family Residential (R-1B).**



EXISTING ZONING	EXISTING LAND USE	PROPOSED ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
Marketplace Residential (MR)	CAC (SF proposed)	R-1B	Vacant	0.22 acres

**STAFF RECOMMENDATION****APPROVE****DENY**

<b>Compatibility with the Comprehensive Plan:</b>	<b>PROPERTY HISTORY</b> Vacant site located between two single-family residences. Property was rezoned to MR in 2011.
<b>Positive Aspects of Application:</b>	<ul style="list-style-type: none"> <li>Represents a logical extension of the adjacent Single-Family future land use</li> </ul>
<b>Negative Aspects of Application:</b>	<ul style="list-style-type: none"> <li>Slight loss of potential commercial or mixed use land</li> </ul>
<b>Mitigating Factors:</b>	<ul style="list-style-type: none"> <li>Small-site represents a <i>de minimis</i> impact on surrounding area and effect on the community</li> <li>Site located between two existing single-family residences</li> </ul>



**Review Date:** July 12, 2017

**Case Staff:** Wyatt Daltry, AICP, Planning Team Coordinator

**Review Approved**

**By:**

Robert Pederson, AICP, Planning Manager

**Request:**

**Location:** Southwest Cape Coral. Unit 63, Block 4491, Lots 68-69, Cape Coral Subdivision.

<b>STRAP Number</b>	<b>Block</b>	<b>Lot</b>	<b>Site Address</b>
22-44-23-C2-04491.0680	4491	68-69	729 SW 9 <sup>th</sup> Street

**Area:** ±0.22 acres

<b>Current FLU</b>	<b>Proposed</b>	<b>Acreage</b>
CAC	SF	0.22 (±10,000 ft <sup>2</sup> )

<b>Subject Property:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>Current:</i>	CAC	MR
<i>Proposed:</i>	N/A (SF Proposed)	R-1B
	<b>Surrounding Future Land Use</b>	<b>Surrounding Zoning</b>
<i>North:</i>	CAC and Public Facilities (PF)	
<i>South:</i>	SF and PF	R-1B and Residential Development (RD)
<i>East:</i>	SF	R-1B
<i>West:</i>	CAC	MR

**Urban Service Area:** Transition

**City Water and Sewer:** The area is serviced by City water and sewer.

**Type of Street Access:** The site is accessible from SW 9<sup>th</sup> Street (local roadway). The site is approximately 400 feet east of Skyline Boulevard, a major arterial roadway.

## Land Use Analysis:

### BACKGROUND

In 1989, the site was classified Single-Family/Multi-Family Residential by PDP (SM). In 2010, the site was amended to the CAC future land use map classification as part of a series of large-scale future land use map amendments. No building activity has occurred on the site.

In 2016, the applicant obtained ownership of the property and desires to construct a single-family detached residence. To effectuate this, the applicant had requested a FLUMA to the SF future land use. In addition, the applicant requests a rezone to R-1B to bring the site into conformity. The applicant's letter of intent notes that the property is between two existing single-family residential structures, and across the street from additional single-family residential structures. The applicant intends to move forward with the future land use map amendment and rezone simultaneously to the Council for adoption.

### Comprehensive Plan

R-1B zoning is consistent with the simultaneous request for the SF future land use map classification. The rezone is consistent with Policy 8.3 of the Future Land Use Element.

### Land Use and Development Regulations -- Section 8.7 Amendments:

Staff reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with Comprehensive Plan and General Standards, B. 1.-10. of the Land Use and Development Regulations and provides the following analysis. This section is used for future land use map amendments, comprehensive plan amendments, and for rezone requests.

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.

A rezone from MR to R-1B **could** diminish the land value because this proposed district decreases the number of permitted and special exception uses. However, this is a request originating with the property owner, and therefore, it is understood that the property owner is aware of this fact and still wishes to proceed.

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

The proposal is **not anticipated** to depreciate the value of other properties in the area.

3. The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.

The proposed zoning district will be consistent with the land use classification of SF Future Land Use Map Classification. Other properties with the R-1B zoning district are located to the east, and the proposal represents a logical extension of nearby R-1B properties. The site is well suited for the proposed zoning

due to its location between two extant single-family residences, and the size of the site, which is likely too small for most non-residential uses.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.

The surrounding area has a residential character, particularly to the east. While commercial and mixed use properties are located on Skyline Boulevard, the commercial properties have not yet begun to develop. The proposed rezone is **compatible** with the surrounding area.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

The effect of this rezoning is to permit one property, located between two existing homes, to develop as a single-family residence. The proposal would have a de minimis effect on the City's tax base given the small size of the property in relation to the rest of the community. As a result, this proposed rezone **does not create more hardship than gain** to the community.

6. The community need for the use proposed by the zoning or land use restriction.

While retaining commercial or mixed land can result in a benefit to the community, due to increased taxable value, in this instance the site is an isolated 10,000-square foot property located between two residences. Development of the site with a non-residential use would be problematic given the small site, and the need for buffering the eastern side of the property, which is adjacent to single-family designated properties.

Given the pre-platted and overwhelmingly residential nature of Cape Coral, it is difficult to state that there is a need for additional residences in the community. However, the site is not the most ideal location for a non-residential use, and that there is little community need for a commercial site to continue to remain vacant. Therefore, the proposed zoning has a neutral effect on the needs of the community.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.

The property has always been undeveloped. The property had last been rezoned in 2011, consistent with a 2010 land use change to CAC.

8. The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.

Approval of this rezone should have a **negligible effect** upon the health, general welfare, safety, or morals of the community due to the small size of the site. Providing a zoning designation that is consistent with the future land use map classification should have a **positive effect** on the general welfare for the community.

9. The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan.

Impacts on infrastructure for development on this site will be **negligible** due to the size of the site. Facility capacity exists for the transportation infrastructure network. Utilities are available at this location.

10. Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.

The proposed zoning designation is **consistent** with the requested SF future land use classification.

---

## **Public Notification**

This case will be publicly noticed as required by LUDR, Section 8.3.2.A as further described below.

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the rezoning request.

## **Recommendation:**

Planning staff has reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with the Comprehensive Plan and General Standards A., B. 1.-10 of the Land Use and Development Regulations and the City's Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

## **Staff Contact Information:**

Wyatt Daltry, AICP  
Planning Team Coordinator  
Department of Community Development  
Planning Division  
(239) 573-3160  
email: [wdaltry@capecoral.net](mailto:wdaltry@capecoral.net)

**Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.**

**TOLL-FREE**  
888-516-9220

**Local #**  
239-335-0258

**Email**  
FNPLegals@gannett.com

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0002320217

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 08/05/17

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** ZA17-0005

**REQUEST:** Privately-initiated request to rezone one property (0.22 acres) from Marketplace Residential (MR) to Single-Family Residential (R-1B).

**LOCATION:** 729 SW 9th Street

**CAPE CORAL STAFF CONTACT:** Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net

**PROPERTY OWNER(S):** Aargae, LLC

**AUTHORIZED REPRESENTATIVE:** Annette Barbaccia, AMB Planning Consultants

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 AM on Tuesday, August 15, 2017 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

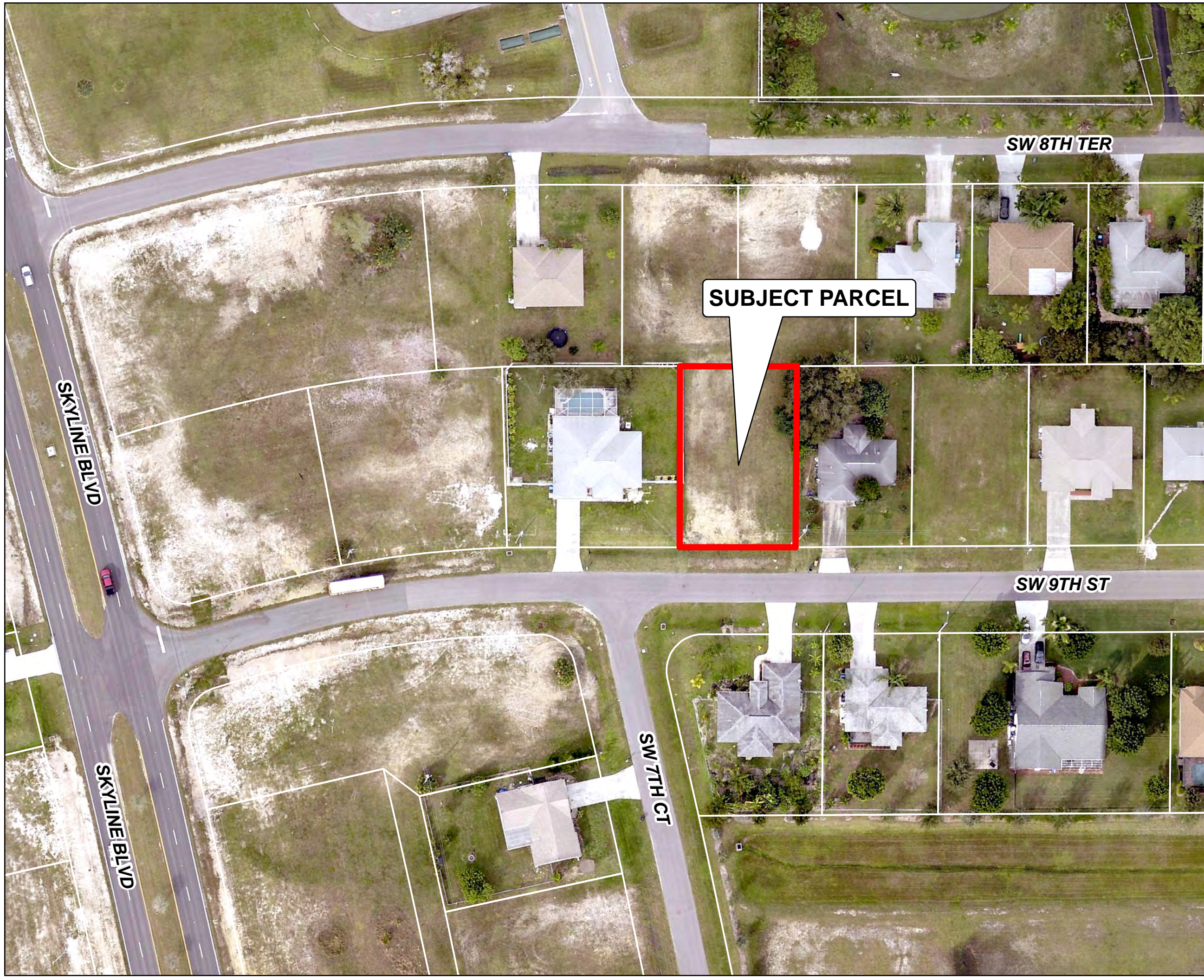
**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community

Development, Planning Division, P.O.  
Box 150027, Cape Coral, FL 33915-0027.  
The hearings may be continued from  
time to time as necessary.

**ADA PROVISIONS:** In accordance with  
the Americans With Disabilities Act,  
persons needing a special accommoda-  
tion to participate in this proceeding  
should contact the Human Resources  
Department whose office is located at  
Cape Coral City Hall, 1015 Cultural Park  
Boulevard, Cape Coral, Florida; tele-  
phone 1-239-574-0530 for assistance; if  
hearing impaired, telephone the Flori-  
da Relay Service Numbers, 1-800-955-  
8771 (TDD) or 1-800-955-8770 (v) for  
assistance.

by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # ZA17-0005  
Ad#2320217 Aug. 5, 2017





SUBJECT PARCEL

SW 8TH TER

SW 9TH ST


SW 7TH CT

SKYLINE BLVD

SKYLINE BLVD

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. ZA17-0005

 Subject Parcel

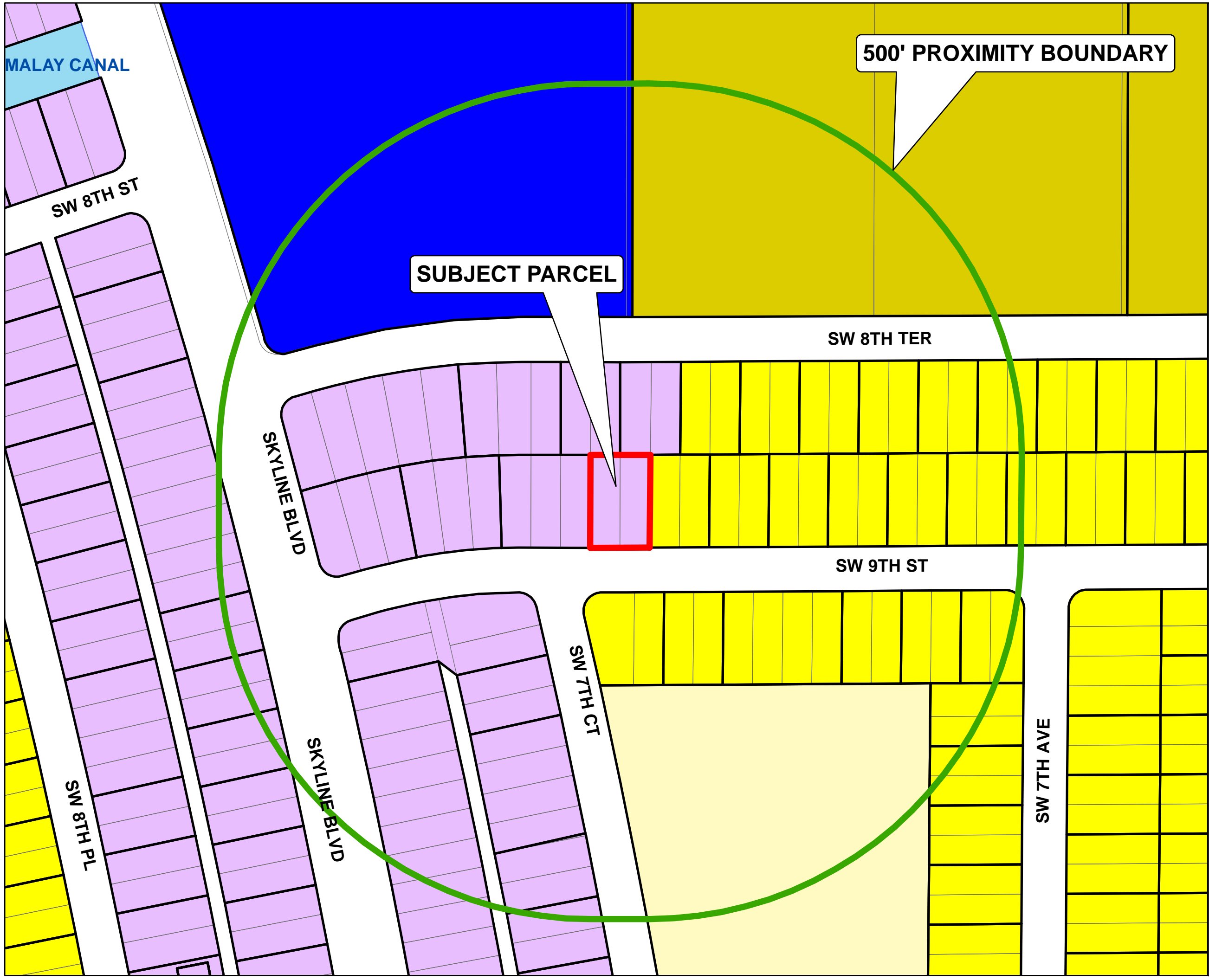


JULY 13TH, 2017

0 Feet 90 180

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.







CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Buffer

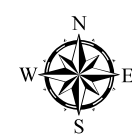
Case No. ZA17-0005

**LEGEND**

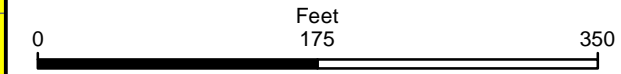
-  Subject Parcel
-  500' Buffer

**Zoning**

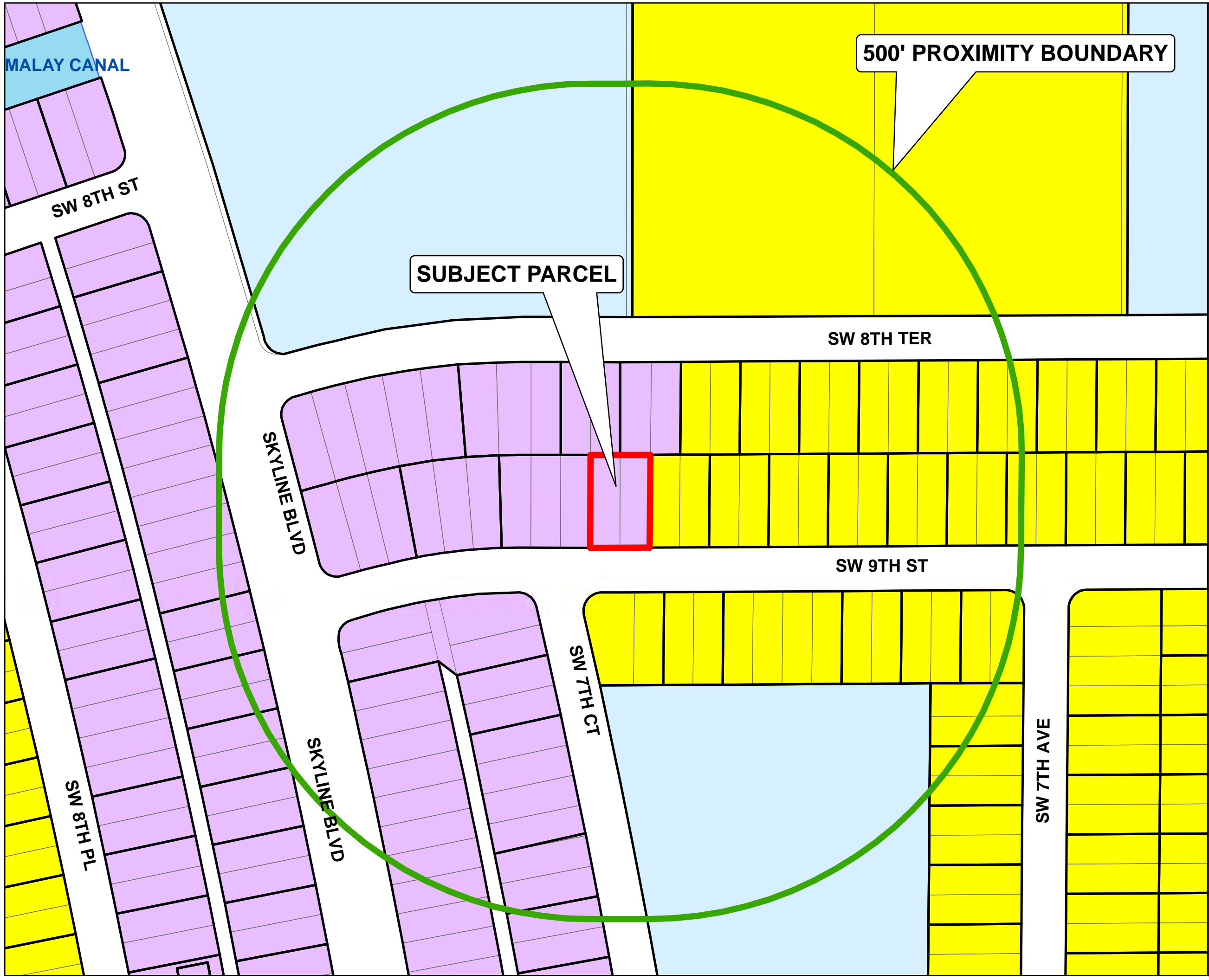
-  MR
-  R-1A
-  R-1B
-  RD
-  W



JULY 13TH, 2017



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CITY OF CAPE CORAL  
Department of  
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Planning Division

CURRENT FUTURE  
LAND USE MAP  
500' Proximity Buffer

Case No. ZA17-0005

### LEGEND

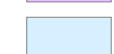
 Subject Parcel

 500' Buffer

### Future Land Use

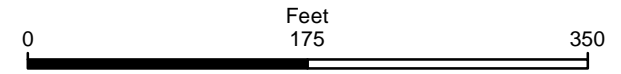
 SF

 CAC

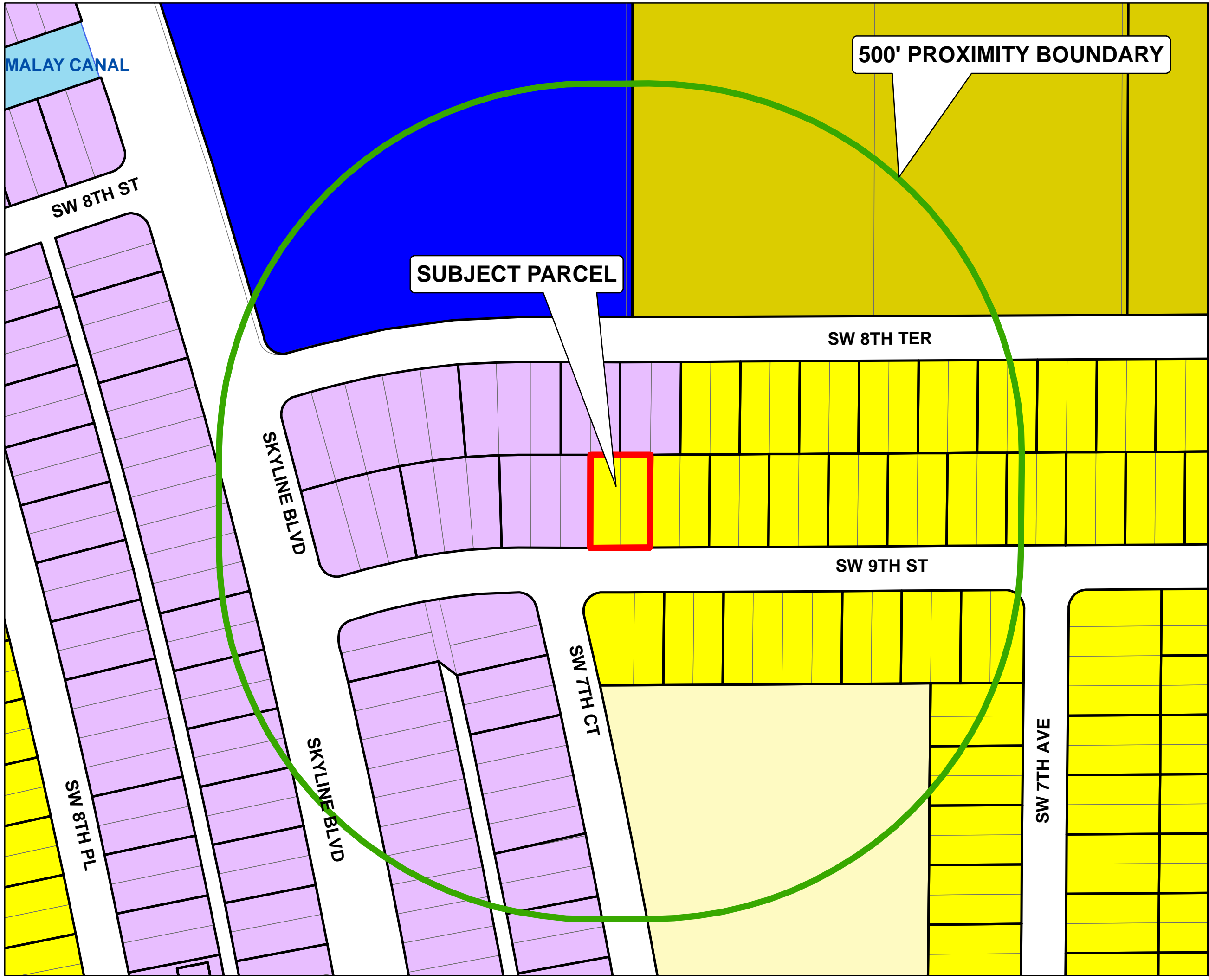
 PF



JULY 13TH, 2017



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division






PROPOSED ZONING MAP  
500' Proximity Buffer

Case No. ZA17-0005

**LEGEND**

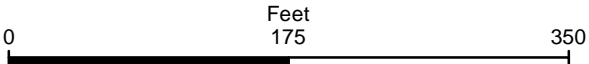
-  Subject Parcel
-  500' Buffer

**Zoning**

-  MR
-  R-1A
-  R-1B
-  RD
-  W



JULY 13TH, 2017



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OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL  
HEARING EXAMINER RECOMMENDATION

ZA HEX Recommendation 9-2017

Rendered August 16, 2017

**APPLICATION FOR:** Rezoning of a 0.22-acre parcel from Marketplace Residential (MR) Zoning to Single-Family Residential (R-1B) Zoning

**DCD CASE NUMBER:** ZA17-0005

**NAME OF APPLICANT/OWNER:** Aargae, LLC

**APPLICANT'S REPRESENTATIVE:** AMB Planning Consultants, Annette Barbaccia

**PROPERTY ADDRESSES, LEGAL DESCRIPTIONS AND STRAP NUMBERS:**

729 SW 9<sup>th</sup> Street, Cape Coral, FL  
Block 4491, Lot 68-69, Cape Coral subdivision  
STRAP Number: 22-44-23-C2-04491.0680

**RIGHT OF WAY ACCESS:** SW 9<sup>th</sup> Street (local roadway)

**CURRENT ZONING:** Marketplace Residential (MR)

**FUTURE LAND USE CATEGORY (CURRENT):** Commercial Activity Center (CAC)<sup>1</sup>

**URBAN SERVICE AREA:** Transition

**HEARING DATE:** August 15, 2017

**I. SUMMARY OF REQUEST**

The applicant requests a rezoning from Marketplace Residential (MR) to Single Family (R-1B) for a .22 acre (10,000 square foot) vacant parcel.

**II. SUMMARY OF HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner recommends **approval** of the application for rezoning.

**III. NOTICE OF HEARING**

Based on the testimony of City Staff Wyatt Daltry, AICP, at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article VIII, Section 8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

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<sup>1</sup> The Applicant has requested a change in the Future Land Use designation to Single Family (SF). If City Council is considering granting this rezoning, the Future Land Use designation would need to be reviewed and approved prior thereto.

IV. **PARTICIPANTS IN HEARING**

CITY STAFF: Wyatt Daltry, AICP<sup>2</sup>

CITY CLERK'S OFFICE: Patricia Sorrels

APPLICANT'S REPRESENTATIVE: Annette Barbaccia<sup>3</sup>

MEMBERS OF PUBLIC: None

CORRESPONDENCE FROM PUBLIC: one telephone call supporting the proposed rezoning.

APPLICANT'S AND CITY STAFF'S EXHIBITS: previously submitted

V. **REVIEW OF STATUTORY AND LUDR REQUIREMENTS**

Authority.

Section 163.3194, F.S. and LUDR §9.2.3b.9 require the Hearing Examiner to review and make a recommendation to City Council about consistency of a rezoning application to the City's adopted Comprehensive Plan and whether the requested rezoning should be granted.

Standard of Review of Evidence; Hearsay Evidence.

The Hearing Examiner's recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. In rendering this recommendation, the Hearing Examiner must consider all competent substantial evidence in the record, as defined in LUDR § 8.3.1.C.3.b.

Rezoning Standards.

In reviewing the rezoning application for consistency with the Comprehensive Plan of the City of Cape Coral, the Hearing Examiner must apply the general standards set forth in LUDR § 8.7.3.

VI. **TESTIMONY AT HEARING**

Applicant's Incorporation of Staff Report and Staff Testimony

The Applicant's Representative incorporated the Staff Report and Staff Testimony ("Staff Input") into her presentation and requested the Hearing

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<sup>2</sup> Mr. Daltry was admitted as an expert witness in land planning for this hearing, based upon his credentials on file with the City Clerk and his prior admission as an expert in Hearing Examiner hearings.

<sup>3</sup> Ms. Barbaccia was admitted as an expert witness in land planning for this hearing, based upon her recitation of qualifications at this Hearing.



Examiner to recommend that City Council find the Staff Input as findings of fact.

*Hearing Examiner's Recommended Findings of Fact*

All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision hereunder.

VII. **DISCUSSION**

**Site and Surrounding Area.**

The Letter of Intent dated May 11, 2017 submitted by the Applicant's Representative, as well as her testimony, indicated that the subject property is an upland, cleared and developable property, approximately 80 feet in width and 125 feet in depth, with no endangered or threatened species on-site. She further testified that the property is served by City utilities.

Staff concurred in this testimony and presented the table below to outline the future land use designation and zoning district information for the property and surrounding area:

<b><i>Subject Property:</i></b>	<b><i>Future Land Use</i></b>	<b><i>Zoning</i></b>
<b><i>Current:</i></b>	CAC	MR
<b><i>Proposed:</i></b>	N/A (SF Proposed)	R-1B
	<b><i>Surrounding Future Land Use</i></b>	<b><i>Surrounding Zoning</i></b>
<b><i>North:</i></b>	CAC and Public Facilities (PF)	MR and Worship (W)
<b><i>South:</i></b>	SF and PF	R-1B and Residential Development (RD)
<b><i>East:</i></b>	SF	R-1B
<b><i>West:</i></b>	CAC	MR

**Purpose of the Rezoning Request.**

The Applicant's Representative testified that both the location and size of the subject property make it a poor fit for the existing Marketplace Residential Zoning District, in that the intent of this District is to facilitate assemblage of larger commercial and mixed use developments adjacent to wide streets and avenues such as Skyline Boulevard.

The Applicant's Representative further testified that this property, being located between two existing single family homes as well as a significant distance from Skyline Boulevard, is more appropriate to development within the R-1B Zoning District. She further testified that approximately 97% of the developed block contain single family homes as well as several vacant residential home sites. As

illustrated above, the properties to the east have Zoning and Land Use categories which are compatible with Applicant's request herein.

**Consideration of General Standards Set Forth in LUDR Section 8.7.3**

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.

The Applicant's Representative testified that the value of the property would be increased, not diminished by the proposed rezoning, as there is no commercial use or demand for the property under the current zoning designation.

Although staff testified that the proposed rezoning could diminish the land value, due to fewer permitted uses and uses allowed by special exception under the rezoning, the Applicant is the owner of the property, so it would be accepting responsibility for any (hypothetical) diminution.

The Hearing Examiner recommends that City Council find that the value of the property **will not be diminished** by the rezoning.

2. The extent to which the removal of a proposed land use restriction or change in zoning depreciates the value of other property in the area.

The Applicant's Representative testified that, since the rezoning would create compatibility with the zoning of the single family homes along SW 9<sup>th</sup> Street and also give certainty to the surrounding neighborhoods, the change in zoning would increase the value of other property in the area.

Due to the character of the surrounding properties, the Hearing Examiner recommends a finding that the proposed rezoning **would not** depreciate the value of other properties in the area.

3. The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.

The Applicant's Representative testified that commercial uses permitted by right in the current zoning district would be an intrusion into this residential neighborhood. In addition, she testified that the property's location between two single family residences, and across the street from other single-family residential structures, would make the subject property unsuitable for the zoning purposes in the Marketplace Residential District.

Based on the above testimony, the Hearing Examiner recommends that City Council find that the property **is not suitable** for the current zoning district, but is **suited** for the proposed rezoning.



4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.

Staff testified that the surrounding properties have a residential character, particularly to the east and that the parcels under the MR zoning which are closer to Skyline Boulevard are not developed.

For these reasons and those set forth under standards 1, 2 and 3 immediately above, as well as elsewhere in this Recommendation, the Hearing Examiner recommends that City Council find the proposed rezoning **is compatible** with the character of the neighborhood, existing uses, and zoning of nearby and surrounding properties.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

The Applicant's Representative testified that, if the rezoning is granted, this one parcel which is located between two other residential properties would be developed with a residential use. Staff testified that the City's tax base would be minimally affected, due to the small size of the property.

For these reasons and those set forth under standards 1, 2, 3 and 4 immediately above, as well as elsewhere in this Recommendation, the Hearing Examiner recommends that City Council find the proposed rezoning would **create more gains than hardships** to the community.

6. Community need for the use proposed by the zoning or land use restriction.

Staff testified that, in general, retention of commercial or mixed use land can result in a benefit to the community, due to increased taxable value. However, staff further testified that development of the site with a non-residential use would be problematic, given its small size and the prospective need for buffering the eastern side of the property under a commercial development scenario, since it is adjacent to single-family designated properties.

Staff further testified that, given the pre-platted and overwhelmingly residential nature of Cape Coral, it is difficult to state that there is a need for additional residences in the community, but that the site is not the most ideal location for a non-residential use, and that there is little community need for a commercial site to continue to remain vacant.

Based on the foregoing testimony, the Hearing Examiner recommends that City Council find that the proposed rezoning has a **neutral effect** on the **community need**.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.

The Applicant's Representative testified that the property has never been developed.

Staff testified that the property has been zoned Marketplace Residential (MR) since 2011 and the future land use designation has been Commercial Activity Center (CAC) since 2010.

Staff further testified that the residential properties on either side of the subject property had been developed prior to 2010.

8. The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.

The Applicant's Representative testified that, by giving certainty to the adjacent and nearby residential uses that no commercial development would occur on the subject property, the general welfare of the community would be enhanced.

Staff testified that approval of this rezone should have a negligible effect upon the health, general welfare, safety, or morals of the community due to the small size of the site.

Based upon the foregoing testimony, the Hearing Examiner recommends that City Council find that this rezoning **will promote** the general welfare of the community.

9. The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan

Staff testified that the level of service standards for utilities, roads, and public services are anticipated to be unaffected by the proposed rezoning, as centralized water, sewer, and irrigation services are currently available to the site.

The Hearing Examiner recommends that City Council find the proposed rezoning will have **no negative impact** on level of service standards for public facilities hereunder.

10. Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.



Policy 1.15 of the Future Land Use Element of the Comprehensive Plan states, in part:

*Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the ....[the requisite] future land use classifications.*

For all of the above reasons, the Hearing Examiner recommends that the City Council find the proposed rezoning to be **compatible** with the future land use classification that is **proposed** for the subject property and the proposed rezoning to be **consistent** with goals and objectives of the Comprehensive Plan.

VIII. **RECOMMENDATIONS**

Based upon the testimony and documentary exhibits presented during the Hearing, the Hearing Examiner recommends that:

1. the City Council find the requested rezoning is **consistent** with the requirements of the proposed change in the Future Land Use Designation of the Comprehensive Plan of the City of Cape Coral, and
2. the City Council **approve** the requested rezoning.
3. If for any reason, the City Council does not approve the Applicant's request to modify the Future Land Use Designation for the subject property, the requested rezoning should be denied.

This Recommendation is effective on the date specified below.

**HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA**

  
ANNE DALTON, ESQUIRE

8/18/17  
DATE

ATTEST:

  
CITY CLERK

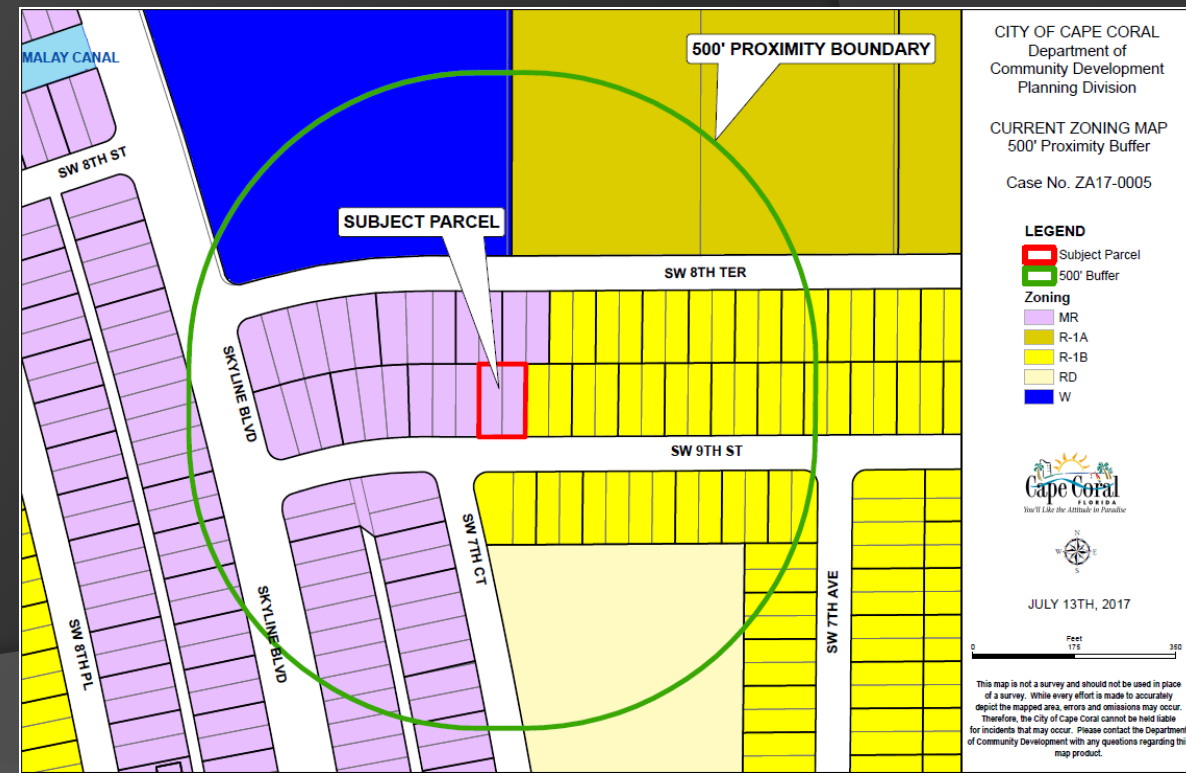
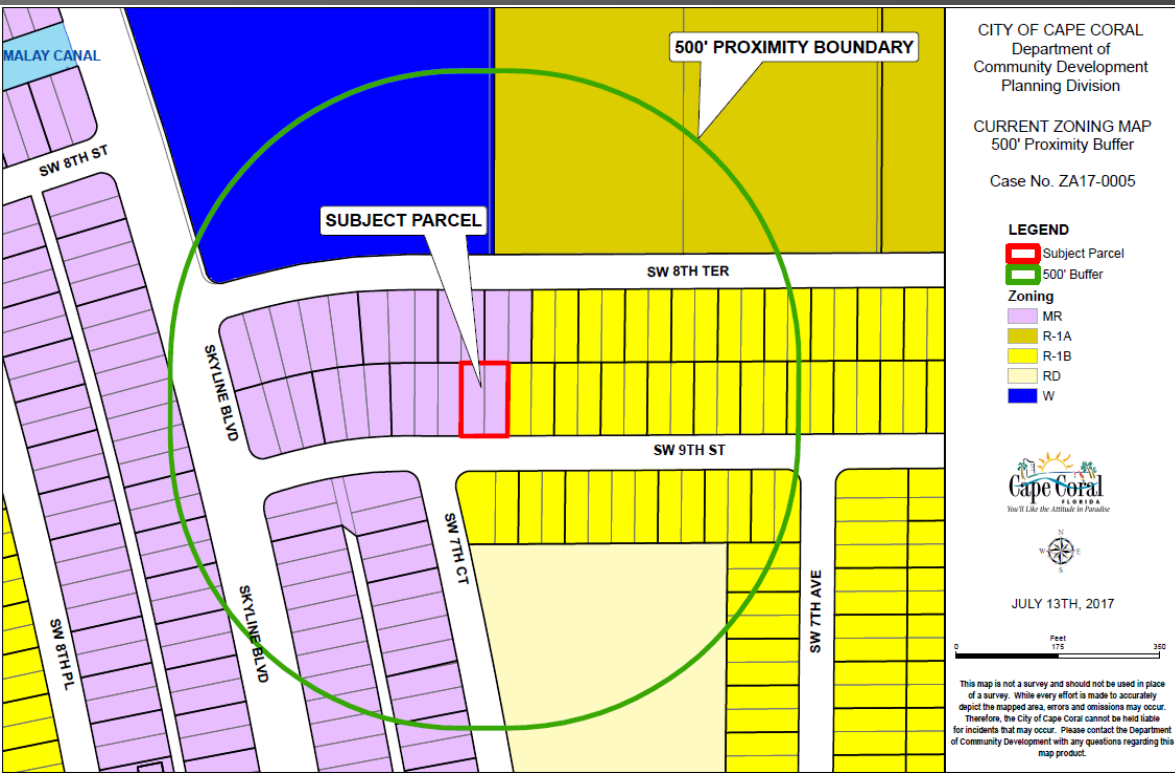


# Cape Coral City Council Summary

September 18, 2017

## ORDINANCE 42-17

### ZA17-0005



# ZA16-0010

- **Applicant: Aargae, LLC**
- **Location: 729 SW 9<sup>th</sup> Street; Unit 63, Block 4491, Lots 68-69, Cape Coral Subdivision**
- **Urban Services Area: Transition**
- **Request: A rezone from Marketplace Residential (MR) to Single Family Residential (R-1B) for a 10,000 square-ft. (0.25 acre) site.**

# Background

- One site – 10,000 square feet
- FLU has been CAC since 2010 while zoning has been MR since 2011
- FLU amendment to SF (ORD 41-17) has been reviewed by Staff
- Vacant lot
- Property is located between two residential structures, which were present at time of FLUMA and rezoning

# Recommendation

**Planning Division staff recommends approval for the following reasons:**

- The request is consistent with the Comprehensive Plan and Land Use and Development Regulations**

**Planning Division has received no correspondence**

**HEX recommended approval**

<b>Item Number:</b>	<b>B.(4)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Ordinance 45-17 Set Public Hearing Date for November 6, 2017

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**Planning & Zoning Commission recommendation:**

At the September 6, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 41-17.

**Staff recommendation:** Staff recommends adoption.

**SUMMARY EXPLANATION AND BACKGROUND:**

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the Land Use & Development Regulations by amending the requirements for Free-Standing Residential, Free-Standing Non-Residential, and Compound Use developments in the Marketplace-Residential zoning district; by amending the requirements for use of the PDP process for development projects in the Marketplace-Residential zoning district; and by adding special regulations for Detached Properties in the Marketplace-Residential zoning district.

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Ordinance 45-17



Staff presentation - Introduction

**PREPARED BY:**

Division- Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltry, Planning Team Coordinator

**ATTACHMENTS:**

Description	Type
▣ Ordinance 45-17	Ordinance
▣ Staff presentation - Introduction	Backup Material

ORDINANCE 45 - 17

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2.7, DISTRICT REGULATIONS, SUBSECTION .18, MARKETPLACE-RESIDENTIAL (MR), BY AMENDING THE REQUIREMENTS FOR FREE-STANDING RESIDENTIAL, FREE-STANDING NON-RESIDENTIAL, AND COMPOUND USE DEVELOPMENTS IN THE MARKETPLACE-RESIDENTIAL ZONING DISTRICT; BY AMENDING THE REQUIREMENTS FOR USE OF THE PDP PROCESS FOR DEVELOPMENT PROJECTS IN THE MARKETPLACE-RESIDENTIAL ZONING DISTRICT; BY ADDING SPECIAL REGULATIONS FOR DETACHED PROPERTIES IN THE MARKETPLACE-RESIDENTIAL ZONING DISTRICT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .18, Marketplace-Residential (MR), is hereby amended as follows:

.18 Marketplace-Residential (MR).

- A. *Purpose and intent.* The purpose of this zoning district is to provide a variety of pedestrian-oriented neighborhood retail, specialty retail, office, services, and residential uses within the Commercial Activity Center future land use classification. The intent of the district is to encourage multi-use development at key locations, within close proximity to major corridors throughout the City of Cape Coral. Additionally, the intent is to encourage land assembly, provide a range of uses compatible with surrounding development, and to serve as a receiving zone for transfers of development rights (TDRs).
- B. *Permitted uses.* (See § 2.7.18D.1., special regulations.)
1. Administrative offices;
  2. Assisted living facility;
  3. Automatic teller machine ATM;
  4. Automotive parking establishment;
  5. Banks and financial establishments - Groups I and II (see § 2.7.18D.4., special regulations for drive-thru facilities);
  6. Bed and breakfast establishment;
  7. Business office - Group I;
  8. Brewpub;
  9. Child care facility/preschool/kindergarten;
  10. Clothing store general;
  11. Clubs: commercial, country, fraternal, and membership organization;
  12. Conjoined residential structures (see § 2.7.18D.3., special regulations);
  13. Contractors and builders - Group I;
  14. Cultural facilities;
  15. Department stores (no greater than 50,000 square feet);
  16. Duplex dwellings (see § 2.7.18D.3., special regulations);
  17. Drugstore (see special regulations § 2.7.18D.4. for drive-thru facilities);
  18. Entrance gates;
  19. Essential service facilities - Group II - distribution electric substation only (see § 3.27);
  20. Essential services;
  21. Family day care home;
  22. Florist shop;
  23. Food stores - Group I;
  24. Government uses - Group I;
  25. Hardware store (no greater than 50,000 square feet);
  26. Health care facilities - Groups I, II, and III;
  27. Hobby, toy, and game shop;
  28. Home occupation;

29. Hotel/motels, convention, efficiency, resort, and transient;
30. Household/office furnishings - Group I and II;
31. Insurance companies;
32. Large family child care home;
33. Medical offices;
34. Mortgage broker;
35. Motion picture theater;
36. Multi-family dwellings (see § 2.7.18D.3., special regulations);
37. Nature and wildlife preserve;
38. Newsstand;
39. Package stores (only without drive-thru facilities);
40. Parks - Groups I, II, and IV;
41. Personal services - Groups I, II and III (see § 2.7.18D.4., special regulations);
42. Pet services;
43. Pet shops;
44. Pharmacies (see § 2.7.17D.4., special regulations);
45. Photo finishing laboratory (see § 2.7.18D.4., special regulations);
46. Places of worship;
47. Printing services establishment;
48. Private park;
49. Recreation-commercial - Groups I and III;
50. Religious facility;
51. Rental establishments - Group II (see § 2.7.18D.8., special regulations);
52. Research, development and testing laboratories - Groups II and III;
53. Restaurants - Groups I, II, III, IV (see § 2.7.18D.4., special regulations);
54. Restaurant, fast food (only without drive-thru facilities see special exception uses);
55. Schools, commercial;
56. Schools (non-profit, private, public) - Groups I and II;
57. Single family dwelling (see § 2.7.18D.2. and 3.h., special regulations)
58. Social Services - Group I;
59. Specialty retail shops - Groups I, II and III;
60. Studio;
61. Variety stores; and
62. Veterinary and Animal Clinics.

C. *Special exception uses.*

1. Essential service facilities - Group I (see special regulations for communication [wireless] towers);
2. Government uses - Group II;
3. Model homes (see § 2.7.18D.9, special regulations);
4. Personal services - Group IV;
5. Restaurant, fast food with drive-thru facilities (special exception required only if drive-thru facilities are developed).

D. *Special regulations.*

1. *Mix of uses.* The potential to establish any permitted use or special exception use on any individual property may be limited by the proportion of residential and non-residential uses allowed within the specific size of the development project, as described in § 2.7.18D.3.
2. Single family residential dwellings are allowed in the Marketplace-Residential zoning district only as either pre-existing single family residences if they meet the requirements stated herein, or as free-standing residential development if they meet the requirements stated in subsection 2.7.18D.3. below.
  - a. Pre-existing single family residences allowed. Single family residences may continue to be maintained, remodeled, expanded, or rebuilt, and the owners of such properties may continue to enjoy all the rights, privileges and responsibilities of home ownership, including the ability to sell or rent their homes to other parties, provided that they meet the following criteria:

- (1) Residences have been lawfully constructed, or had applied for or received a building permit at their current locations prior to the designation of the property as part of a CAC future land use classification; or
    - (2) Residences have been lawfully constructed, or had applied for or received a building permit at their current locations under a former CAC future land use classification.
  - b. If a pre-existing single family residence is used as a model home, it retains its status as a pre-existing single family residence as long as it meets one of the criteria stated in 2.7.18D.2.a. above.
  - c. If a pre-existing single family residence is used for any non-residential purposes other than a model home, its status as a pre-existing single family residence is terminated and the owners of such property shall no longer be able to maintain, remodel, expand, or rebuild, or sell or rent their homes to other parties as a single family residence.
  - d. In and of themselves, pre-existing single family residences do not necessarily constitute free-standing residential development, unless they otherwise meet the criteria for such development, as discussed under subsection 2.7.18D.3. below. If pre-existing single family residences, as defined in this section, are included as part of a larger approved development project, the pre-existing status of the residences is lost, and such residences become subject to the city Land Use and Development Regulations regarding non-conforming structures, unless the single family residence qualifies as free-standing residential development.
3. *Density, intensity and use area allocations.* The allowable densities, intensities, and use area allocations within the Marketplace-Residential District vary with the land area within the development project. The land area within a development project is determined by the land area encompassed by a single application for development project. A development project can consist of one or more properties that are the subject of a single application for development including, but not limited to, a planned development project or site plan. Amendment of an approved development project to expand or contract the land area does not alter its status as a single application for development project. If an application for development consists of properties that are not contiguous, the application must demonstrate that the properties function as a unified development. If the application for development is a planned development project that includes a request for vacation of right-of-way, then that portion of the vacated area of right-of-way, which would be owned or controlled by the project developer, can be included in the development project size calculation.
- a. *Density.* In development projects that qualify for residential uses (see below), the baseline residential density shall be 4.4 dwelling units per acre. The baseline density is the maximum density available to projects that are not eligible to receive density exceeding the baseline density, or to projects that are eligible but that do not participate in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.

In order to be eligible to receive density exceeding the baseline density through the Transfer of Development Rights (TDR) Program and/or the Development Incentive Program (DIP), or a combination of the two, a development project within the Marketplace-Residential District must consist of at least five acres of contiguous platted lots, or platted or unplatted tract(s), or any combination thereof.

To derive density exceeding the baseline density through the TDR Program or DIP, an applicant must complete the processes identified within the City of Cape Coral Land Use and Development Regulations.

If the applicant for density exceeding the baseline density opts to participate in the City of Cape Coral's Development Incentive Program (DIP), the applicant would be required to contribute to the City of Cape Coral's Public Improvement Fund (PIF) in an amount sufficient to qualify for 25% (or between 25% and 50% for projects that meet the criteria to provide up to 50% of the differential between the baseline and maximum permitted density and/or intensity in any DIP category) of the credit points necessary to attain the density exceeding the baseline density. Such contribution to the PIF category shall be counted as a creditable activity required to support the application for increased density. Administration, collection, and disbursement of monies within the fund are set forth in the Land Use and Development Regulations.

For Free-standing residential developments within the Marketplace Residential zoning district, the maximum density for residential development shall be 16 DU/acre. Free standing residential projects are not eligible for additional densities through the DIP and TDR programs.

- b. *Intensity.* The baseline intensity of non-residential uses shall be a floor area ratio (FAR) of 0.5, regardless of the size of the development. The baseline intensity is the maximum intensity available without participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. Increases above the baseline intensity may be permitted, up to the maximum floor area ratio (FAR) of 2.0, regardless of the size of development through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. If the project developer is only seeking an intensity increase (and not a density increase), said developer is not subject to the eligibility requirement, as referenced above under subsection 2.7.18D.3.a Density, above, and is neither required to participate or prohibited from participation in the Public Improvement Fund (PIF). Increases in intensity through the TDR and DIP are not permitted in compound use developments.
- c. *Limitations on density and intensity within the MR District.* In the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and non-residential uses are limited to uses that do not generate an estimated flow of more than 1,320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended.
- d. *Use area allocations.* All land areas within developments in the MR District shall be categorized as one of the three following use areas:
  - (1) Free-standing non-residential. Free-standing non-residential areas include the footprint and land areas associated with buildings that contain no residential units.
  - (2) Free-standing residential. Free-standing residential areas include the footprint and land areas associated with buildings that contain residential units and buildings that contain non-residential floor area usage that is less than 30% of the building's floor area. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded. Also, any pre-existing single family residences do not necessarily constitute free-standing residential development, unless such residences otherwise meet the criteria for such development.
  - (3) Compound use. Compound use areas include the footprint and land areas associated with compound use buildings that, for the



purposes of this subsection, shall mean buildings with at least 30% of their floor areas allocated to non-residential uses. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded.

The land area that may be allocated to any of the three use area allocations varies with the size of the development project, with generally increasing flexibility as a function of the total land area of the development. Densities and intensities associated with any of the three use area categories apply only to the land area of the project that is allocated to that specific use. In determining the land area within any of the three use area allocations, the area of any common areas, including, but not limited to, areas for surface water management, parking, landscaping, and circulation, shall be apportioned among the three use area allocations in the same proportion as the non-common areas relate to the area of the development, excluding common areas.

e. *Development projects less than five acres in area.*

- (1) Free-standing non-residential. Free-standing non-residential areas are not required but may constitute up to 100% of the development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum floor area ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) ~~and/or~~ Transfer of Development Rights (TDR) Program or both.
- (2) Compound use. Compound use areas are not required but may constitute up to 100% of the development project area. No increases above the baseline density of 4.4 units per acre may be permitted through the use of either the DIP or TDR Programs.
- (3) Free-standing residential. Free-standing residential areas are not allowed, unless identified as a detached property, as identified in s.2.7.18.D11, below.

f. *Development projects five acres or larger, but less than ten acres in area.*

- (1) Free-standing non-residential. Free-standing non-residential areas are not required but may constitute up to 100% of ~~the a~~ development project area. Increases above the baseline density of 0.5 may be permitted, up to the maximum floor area ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) ~~and/or~~ Transfer of Development Rights (TDR) Program or both. To be eligible for intensities above the baseline intensity, the development project must meet the requirements contained under subsection 2.7.18D3.b Intensity, above.
- (2) Compound use. Compound use areas are not required but may constitute up to 100% of the development project area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density allowed (ten units per acre), through participation in the Development Incentive Program (DIP) ~~and/or~~ Transfer of Development Rights (TDR) Program or both. To be eligible for densities above the baseline density, the development project must meet the requirements contained under subsection 2.7.18D3.a Density, above.
- (3) Free-standing residential. Free-standing residential areas are not ~~allowed~~ required but may constitute 100% of the

development project area. Only multi-family residential development shall be permitted as the residential component in this subsection, at a maximum density of 16 dwelling units per acre.

g. *Development projects ten acres or larger, but less than 20 acres in area.*

- (1) Free-standing non-residential. Free-standing non-residential areas are not required but may constitute up to 80% 100% of ~~the a~~ development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum floor area ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) ~~and/or~~ Transfer of Development Rights (TDR) Program or both. To be eligible for intensities above the baseline intensity, the development project must meet the requirements contained under subsection 2.7.18D3.b Intensity, above.
- (2) Compound use. Compound use areas are not required but may constitute up to 100% ~~shall constitute no less than 20% of the land area and may constitute 100% of the land a development project area~~. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of ~~12~~ 16 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under subsection 2.7.18D3.a Density, above.
- (3) Free-standing residential. Free-standing residential areas are not ~~allowed~~ required but may constitute 100% of the development project area. Only multi-family residential development shall be permitted as the residential component in this subsection, at a maximum density of 16 dwelling units per acre.

h. *Development projects 20 acres or larger in area.*

- (1) Free-standing non-residential. Free-standing non-residential areas are not required but may constitute up to 100% ~~shall constitute no less than 20% of the land area and may constitute a maximum of 80% of the land a development project area~~. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum floor area ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) ~~and/or~~ Transfer of Development Rights (TDR) Program or both. To be eligible for intensities above the baseline intensity, the development project must meet the requirements contained under subsection 2.7.18D3.b Intensity, above.
- (2) Compound use. Compound use areas are not required but may constitute up to 100% ~~shall constitute no less than 20% of the land area and may constitute 80% of the land a development project area~~. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of 20 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under subsection 2.7.18D3.a Density, above.
- (3) Free-standing residential. Free-standing residential areas are not required but may constitute a maximum of 20% 50% ~~of the land a development project area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of eight units per acre. To be eligible for densities above the baseline density, the development project~~

~~must meet the requirements contained under subsection 2.7.18D.3.a Density, above. Only multi-family residential development shall be permitted as the residential component in this subsection, at a maximum density of 16 dwelling units per acre.~~

...

7. Use of the PDP process. No development project whose non-residential or compound use component is established, constructed, enlarged, or expanded on a CAC property located adjacent to a property classified with the Single Family Residential future land use map classification can be permitted except by means of the PDP process as outlined in Article IV, Land Use and Development Regulations, §4.2, Planned Development Procedure, or the alternative procedure described below.

For purposes of this subsection, the property shall be determined adjacent to the Single-Family future land use map classification only when all or a part of a property line abuts the residential land use classification, or when the property is separated from such land use classification only by an alley, canal, basin, lake, or other waterway.

Properties that are entirely separated from a residential future land use classification by any public right-of-way (excluding alleys and canals, basins, lakes, or any other waterway) shall not be deemed adjacent to such residential land use classification.

As an alternative to the PDP required by this subsection, a non-residential or compound use component may be established, constructed, enlarged, or expanded on a CAC property located adjacent to a property classified with the Single Family Residential future land use map classification provided that the city approves a site plan for such development, including the separation from any Single-Family residential future land use map classification with a Buffer E as provided in §5.2.11.F. which is not interrupted for any driveway or other vehicular ingress or egress or both.

~~Every development project, regardless of size or use area allocations, is required to be approved through the PDP process. Pre-existing single family residences, as defined in § 2.7.18D.2, which are being maintained, remodeled, expanded, or rebuilt, are not required to be reviewed through the PDP process.~~

...

## 12. Detached Properties

Development of duplex and multi-family residential uses in the Marketplace-Residential is permitted for those properties that are detached from commercial opportunities and surrounded by developed residences, to promote compatibility and continuity of existing development. The following criteria shall determine whether a given property is deemed to be detached from commercial opportunities:

- a. The property has frontage on one or more local streets, as designated by the City's roadway classification system.
- b. The property is less than one acre in size.
- c. The property is located between developed residential structures or improved properties and a platted right-of-way. These residences need not be adjacent to the parcel, but must be no farther away than 200 feet to the closest property line of the detached property.
- d. The property is precluded from attaining 250 feet of depth due to the presence of platted waterways, roadways, or developed parcels owned by a separate property owner than the owner of a detached property.

No fewer than three of the criteria must be met for a property to be deemed a detached property by the Community Development Director or Director's designee. Development of duplex or multi-family uses within this subsection shall be permitted to obtain densities up to 16 units per acre.

E. Dimensional regulations.

TABLE MR	
Dimensional Regulations (MR District)	
<b><i>Development Other than Single Family Residential or Duplex</i></b>	
Minimum lot area	None
Minimum lot width (at building line)	25 feet
Minimum yards	
Front	7 feet
Side (not abutting a right-of way)	0 or 10 feet (a)
Side abutting a right-of-way	7 feet (b)
Rear	20 feet (a)
Maximum building height	65 feet (c)
Minimum height	20 feet (d)
Minimum living area	
Multi-family developments	
Efficiency	500 square feet per unit
One bedroom	650 square feet per unit
Each additional bedroom	150 square feet per unit
Conjoined residential structure	
Development with 3 or more units (each unit)	same as multi-family
<b><i>Single Family Residential or Duplex</i></b>	
Minimum lot area	10,000 square feet
Minimum lot width (at building line)	80 feet (e)
Minimum yards	
Front	15 feet (f)
Side (not abutting a right-of-way)	7.5 feet
Side abutting a right-of-way	7 feet
Rear	20 feet
Maximum building height	38 feet
Minimum living area	
Single family	1,100 square feet
Duplex (each unit)	1,000 square feet (plus additional 100 square feet for each bedroom over 2)
Conjoined residential structure with 2 units (each unit)	same as duplex

(a) For properties abutting any parcel with a residential future land use classification, a pre-existing single family residence meeting the criteria of § 2.7.18D.2., or a free-standing residential use not part of the same project, the minimum yard that abuts such parcel shall increase to 30 feet. No parking, vehicular accessways, or commercial trash receptacles are permitted within 30 feet of any property line abutting a parcel with a residential future land use classification, a pre-existing single family

residence meeting the criteria of § 2.7.18D.2., or free-standing residential use not part of the same project.

(b) In the event compliance with the visibility triangle requirement of § 3.7 requires a greater yard for all or a portion of a property, the yard requirement shall be increased accordingly.

(c) That portion of a building or structure within 65 feet of any parcel with a residential future land use classification shall be subject to a height limitation of one foot in height for every one foot in distance from the residential future land use classification, unless the application of this requirement would limit the building height to less than 38 feet.

(d) For buildings with frontage along any arterial or collector street, the facade along such arterial or collector street shall be a minimum of 35 feet in height.

(e) All lots shall front on a street for a minimum distance of 50 feet, except cul-de-sac lots shall be permitted to front on such cul-de-sac for a minimum distance of 25 feet.

(f) A 25-ft. front setback will be required for multi-family residences and duplexes constructed on a detached property.

F. *Deviations.*

1. Deviations from the site plan requirements and/or the architectural requirements of this section may be approved by the Hearing Examiner (or the City Council in PDPs that require the approval of the City Council and as further provided herein) provided that the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section and where either of the following applies:
  - a. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
  - b. Literal conformity with the regulations would inhibit innovation or creativity in design.
2. In determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the Hearing Examiner (or the City Council, when applicable) shall consider include, but are not limited to, the following: site constraints such as shape, topography, dimensions, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, the effect the requested deviation would have on the community appearance including, but not limited to, consideration of the mass, scale, and other characteristics of a proposed building relative to the characteristics of existing and approved surrounding buildings whether on the same or nearby sites, and the relative visibility and character of equipment and loading areas which are otherwise required to be screened along with constraints on alternative location of such equipment or loading areas. Additionally, the Hearing Examiner (or the City Council, when applicable) shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city.
3. In determining whether a particular deviation request should be approved because literal conformity with the regulations would inhibit innovation or creativity in design, the Hearing Examiner (or the City Council, when applicable) may approve the request for deviation(s) if the applicant demonstrates that the design of the building or development for which one or more deviations is sought is unique and innovative and, further, that the approval of the deviation(s) would enhance such unique and innovative design. Additionally, the Hearing Examiner (or the City Council, when applicable) shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city. For purposes of this section, indicia of unique and innovative design may include, but are not limited to, the following:



- a. Architectural details that are unique or that are exceptional in quality by virtue of artistic composition, quality of materials, dimensional attributes, or any combination thereof;
  - b. Building forms that evoke exceptional expression through use of angularity, curvature, or other means;
  - c. Design elements or other forms that achieve dynamic or symmetric aesthetic balance; or
  - d. Other details that preclude visual monotony and are pleasing in aesthetic character.
4. Requests for deviations and the reasons therefor shall be set forth by the applicant in the application for deviation and shall be accompanied by documentation including, but not limited to, sample detail drawings, schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed deviation(s) and illustrate how each deviation would operate to the benefit, or at least not to the detriment, of the public interest.
5. Subject to these standards and criteria, the Hearing Examiner (or the City Council, when applicable) shall approve only the minimum deviation from the provisions of this section necessary to avoid either the unnecessary or undue hardship or the inhibition of innovation or creativity in design. The Hearing Examiner (or the City Council, when applicable) may impose reasonable conditions of approval in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which a deviation is granted, shall be deemed a violation of this section and shall be enforceable not only by revocation of the deviation, but also by all other remedies available to the city, including, but not limited to, all code enforcement procedures.
6. Deviations shall be heard by either the Hearing Examiner (or the City Council, when applicable) under the following circumstances:
  - a. When a planned development project (PDP) Development Order is not required for development, is not in effect and no application for a PDP Development Order is pending with the city for a particular development or property, then the Hearing Examiner shall hear and determine the request for deviation(s).
  - b. In the event a PDP application is pending with the city, and a request for deviation(s) is submitted that would affect all or any part of the property that would be subject to the PDP Development Order, if it were to be approved, then the request for deviations shall be reviewed and heard by the body that would review and hear the PDP application pursuant to the regulations for PDP approval. In the event a request for deviation(s) is pending with the city, and an application for a PDP Development Order is filed with the city that would affect all or any part of the property for which deviation(s) to the requirements of this section are sought, then the request for deviation(s) shall be heard by the body that would review and hear the PDP pursuant to the regulations for PDP approval. The deviation(s), if approved, may or may not, in the discretion of the body approving them, be included in the PDP Development Order.
  - c. If all or any part of the property for which a deviation is requested is currently regulated by a PDP, an application may be submitted for a deviation without requiring an amendment to the PDP. If the PDP was adopted by the Planning and Zoning Commission or Hearing Examiner, then the deviation must be reviewed and considered for adoption by the Hearing Examiner. If the PDP was adopted by the City Council, then the deviation must be reviewed for

recommendation by the Hearing Examiner, then reviewed and considered for adoption by the City Council.

- d. If all or any part of the property for which an application for a PDP Development Order is filed has previously been approved for one or more deviation(s) to the requirements of this section, then the previously approved deviation(s) may be reconsidered by the body considering the PDP Development Order, subject to the conditions identified herein. The deviation(s) may be revoked, amended, or remain unchanged by the body hearing the PDP application provided, however, that a deviation shall not be revoked for any building on the site that has either been completed or so substantially constructed that revocation of the deviation at the time the PDP Development Order is considered would be impracticable and would be unduly burdensome on the property owner. The body hearing the application for the PDP Development Order may amend previously approved conditions and may impose additional conditions of approval in consideration of the deviation(s) previously approved, as a condition of the PDP Development Order or the continuation of any previously approved deviation(s).

7. Appeals by any person aggrieved by a decision concerning a requested deviation are governed by § 8.9 of the Land Use and Development Regulations.

SECTION 2. 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 3. 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ord\Marketplace Residential-Detached Properties

**Cape Coral City Council**

**September 18, 2017**

**ORDINANCE 45-17**

**TXT17-0003**

# Purpose

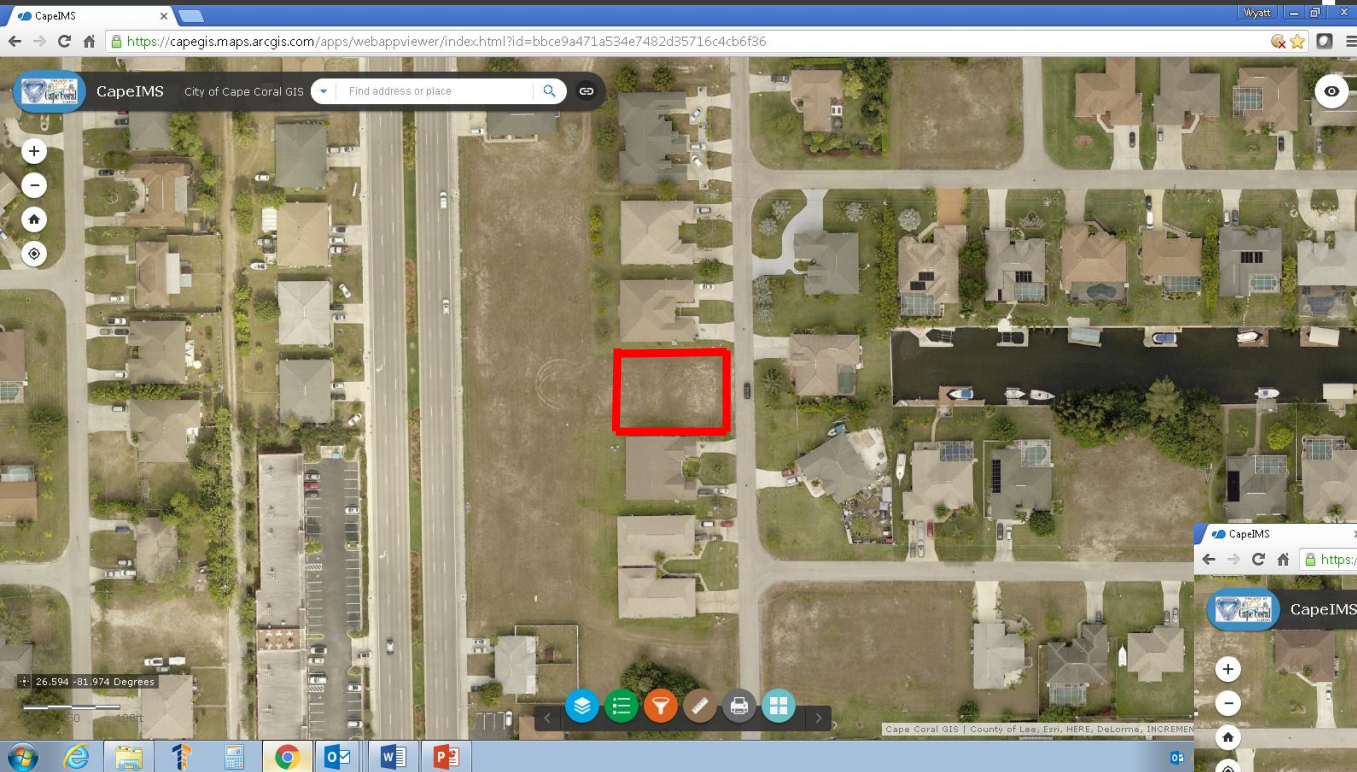
- **Provide flexibility in the Marketplace-Residential (MR) zoning for properties detached from commercial potential, while minimizing the potential loss of mixed use and commercial development.**
- **Remove the PDP requirement.**
- **Revise the development allocations for projects in the CAC (e.g. reducing required percentages).**
- **Other changes to remove extraneous language.**

# Background

- Many blocks designated MR between 2005-2012 have a large number of residences.
- MR does not allow new residences (<20 acres).
- Some undeveloped properties are located between existing duplexes and multi-family residences, limiting potential for commercial or mixed use projects.
- Provides consistency with recent changes to CAC, Ordinance 3-17.



# Examples



<b>Item Number:</b>	<b>B.(5)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Ordinance 48-17 (PDP16-0013\*) Set Public Hearing Date for October 2, 2017

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**Hearing Examiner Recommendation:** The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation Oder 7-2017.  
**City Management Recommendation:** City Management recommends approval.

**SUMMARY EXPLANATION AND BACKGROUND:**

An ordinance approving a Planned Development Project entitled "Cape Coral 6A + 6B Subdivision" for property located at 1011 SW Pine Island Road and 913 SW Pine Island Road, granting subdivision approval; granting a special exception to allow an Automotive Service Station, Limited with Convenience Store use; granting a special exception to allow an Automotive Repair and Service-Group 1 use.

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Ordinance 48-17 (PDP 16-0013)  
 Back Up Material - #1  
 Back Up Material - #2  
 Staff information  
 Staff Presentation - Introduction

HEX Order

**PREPARED BY:**

Division- Department- City  
Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Justin Heller, Planner

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Ordinance 48-17 (PDP 16-0013)	Ordinance
▣ Back Up material - #1	Backup Material
▣ Back Up material - #2	Backup Material
▣ Staff information	Backup Material
▣ Staff presentation - Introduction	Backup Material
▣ Hearing Examiner Recommendation Order	Backup Material

ORDINANCE 48 - 17

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "CAPE CORAL 6A + 6B SUBDIVISION" FOR CERTAIN PROPERTY LYING IN BLOCK 3611, UNIT 49, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGES 145 TO 154, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1011 SW PINE ISLAND ROAD AND 913 SW PINE ISLAND ROAD; GRANTING SUBDIVISION APPROVAL; GRANTING A SPECIAL EXCEPTION TO ALLOW AN AUTOMOTIVE SERVICE STATION, LIMITED WITH A CONVENIENCE STORE USE; GRANTING A SPECIAL EXCEPTION TO ALLOW AN AUTOMOTIVE REPAIR AND SERVICE-GROUP 1 USE; GRANTING SUBDIVISION PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, an application from Cape Coral 6A and 6B, LLC, has been received requesting approval of a Planned Development Project (PDP) for "Cape Coral 6A + 6B Subdivision"; requesting subdivision, and two special exceptions; and

WHEREAS, the request has been reviewed by the Cape Coral Hearing Examiner; and

WHEREAS, the City Council has considered the recommendations of the Hearing Examiner.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

**SECTION I. PDP APPROVAL, SUBDIVISION, SPECIAL EXCEPTIONS.**

Having reviewed the application requesting approval of a Planned Development Project for "Cape Coral 6A + 6B Subdivision" PDP, requesting subdivision, requesting a Special Exception for an Automobile Service Station, Limited with a Convenience Store use in the Corridor (CORR) zoning district, requesting a Special Exception for an Automotive Repair and Service-Group 1 use in the Corridor (CORR) zoning district; and having considered the recommendations of the Hearing Examiner, the City Council of the City of Cape Coral, Florida, does hereby grant the aforesaid PDP approval, and approve the development plan including subdivision plan, in accordance with plan set, Sheets C-01 to C-04, dated June 2017, prepared by Hagan Engineering, attached hereto as Composite Exhibit "A" for purposes of development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations from the date of adoption of this ordinance. Approval of the PDP shall be subject to the terms and conditions set forth below.

**SECTION II. FINDING OF FACT/CONCLUSION OF LAW**

- A. The "Cape Coral 6A + 6B Subdivision" development is a Planned Development Project (PDP). This development consists of 10.6 acres of land located at 1011 SW Pine Island Road and 913 SW Pine Island Rd. This subdivision includes seven lots ranging from 1.34 acres to 2.11 acres. The subdivision has one existing driveway on SW 10<sup>th</sup> Place. An unimproved alley runs along the north property line which provides access for each lot.
- B. The name of the legal and equitable owner is Cape Coral 6A & 6B, LLC.
- C. The legal description of the property is as follows:



A parcel of land lying in Block 3611, Cape Coral, Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida described as follows:

Beginning at the Northwest corner of Block 3611, Cape Coral Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida. Said Northwest corner lying on the East right-of-way of S.W. 10th Place (60' wide) run along the North line of said Block 3611, N65°10'01"E for 1363.39 feet to the Northeast corner of said Block 3611; thence run S00°04'03"W, along the East line of said Block 3611, for 398.47 feet to an intersection with the North right-of-way line of Pine Island Road (F.D.O.T. Parcel No. 1957562, Section 12060-000), being on a 22815.31 foot radius curve to the Southeast, said curve having a central angle of 00°06'16", a chord bearing S65°08'29"W 41.55 feet, thence run Southwesterly along the arc of said curve for 41.55 feet; thence continue S65°11'37"W along said North right-of-way line of Pine Island Road, for 1154.07 feet to an intersection with the East right-of-way line of S.W. 10th Place (60' wide); thence run along said East right-of-way line, N24°49'59"W for 360.91 feet to the Point of Beginning.

- D. The "Cape Coral 6A + 6B Subdivision" PDP subject parcel has 10.6 acres zoned Corridor (CORR) pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. The subject property has approximately 10.6 acres with a Future Land Use designation of Pine Island Road District (PIRD).
- E. All future structures and uses, population density, building intensity, and building height and any other dimensional regulations shall conform to the provisions of the respective zoning district of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.
- F. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- G. The proposed development, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.
- H. The term Developer for purposes of this development order shall mean and refer to Cape Coral 6A & 6B, LLC, its successors in interest, lessees, and/or assigns.

### **SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL**

NOW, THEREFORE, be it ordained by the City Council of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled, that the Planned Development Project application for Development Approval submitted by Cape Coral 6A & 6B, LLC, is hereby ordained approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

#### **A. DRAINAGE/WATER QUALITY**

1. Prior to the issuance of any site plan or building permits, a general permit and stormwater discharge certification shall be obtained from the South Florida Water Management District (SFWMD). No construction permit shall be issued until the City has received a copy of the approved South Florida Water Management District permit.
2. With each individual site development submitted, the Developer shall be required to provide on-site stormwater runoff provisions, with either a letter of compliance, modification, or exemption, as applicable, from South Florida Water Management District.
3. At completion of construction, as required by the conditions imposed by SFWMD and prior to the issuance of a Certificate of Occupancy, the Developer will be required to provide certification by the Engineer of Record that all stormwater infrastructure and facilities have been constructed in accordance with the design approved by



SFWMD and the City of Cape Coral, and should consist of the wording "Construction Compliance Certification".

B. ENERGY

The Developer shall incorporate at a minimum the following energy conservation measures into this development, through deed restrictions and/or covenants with successors in title. All applications for site plan approvals and building permits shall be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents shall be approved by the Cape Coral City Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the first alternative shall be utilized and the following features must be included:

1. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to service the project area.
2. Use of energy efficient features in window design (e.g., tinting and exterior shading).
3. Use of operable windows and ceiling fans.
4. Installation of energy-efficient appliances and equipment.
5. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, and solar water heating systems).
6. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the Cape Coral Department of Community Development.
7. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
8. Selection, installation, and maintenance of plants, trees, and other vegetation and landscape design features that have minimal requirements for water, fertilizer, maintenance, and other needs. A list of native plants best suited to the soil conditions of Cape Coral by section is available from the Department of Community Development.
9. Planting of shade trees to provide shade for all street and parking areas.
10. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
11. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
12. Provision for structural shading (e.g., trellises, awnings, and roof overhangs), wherever practical when natural shading cannot be used effectively.
13. Consideration by the project architectural review committee(s) if any exists, of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with the above conditions.
14. Provision of bicycle/pedestrian system connecting all land uses to be placed along arterial and collector roads within the project. The system is to be consistent with local government requirements.
15. Provision of bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.

C. WETLANDS, VEGETATION, AND WILDLIFE

1. Ongoing control and removal of nuisance exotic plants onsite is required, including but not limited to, *Casuarina* sp. (Australian Pine), *Melaleuca quinquenervia* (melaleuca), and *schinus terebinthifolius* (Brazilian Pepper), and all Category I invasive exotic plants listed by the Florida Exotic Pest Plant Council.
2. All landscaping and screening required in the subject development by either this Development Order or the City Code of Ordinances or the City Land Use and Development Regulations shall be maintained in good condition throughout the life of this development.
3. The Developer shall comply with the State of Florida regulations pertaining to the protection of gopher tortoise burrows located on the site and a protective barrier composed of stakes, silt fence, and rope or other suitable materials shall be placed around all existing gopher tortoise burrows, including any that are discovered during the life of the project. This requirement shall be waived if the Developer provides the City with evidence of a funded incidental take/mandatory relocation permit prior to the issuance of a City of Cape Coral permit for the excavation, grading, clearing, or any similar disturbance of the ground. Entombment of tortoises is strictly prohibited at all times, regardless of the type of permit procured by the applicant.

When gopher tortoise burrows are located on the site, the Developer shall seek a gopher tortoise relocation permit from the State of Florida for some or all of the gopher tortoises that must be relocated on-site or removed from the site, and provide a copy to the City prior to issuance of a permit. In the event gopher tortoise relocation is off-site, then the Developer shall provide the City of Cape Coral with a signed letter(s) of acceptance from the owner(s) of the property upon which the gopher tortoises will be relocated. The letter must state the number of gopher tortoises each property owner is willing to accept in accordance with the State of Florida regulations in effect at the time of relocation.

4. In the event all or a portion of the subject property is located within an Eagle Nest Management Zone, the developer shall comply with all City laws, regulations, and guidelines that are currently in effect or that may be hereafter adopted by the City concerning the protection and management of bald eagle nests including, but not limited to Chapter 23 of the City Code of Ordinances. No development shall occur on any portion of the subject property that is within an Eagle Nest Management Zone except in accordance with a Bald Eagle Management Plan that has been approved by the City. Once an Eagle Management Plan has been approved by the City for all or a portion of the property, the Developer's ability to develop in accordance with such Plan shall not be affected by any amendment to the City's regulations concerning eagle nests, so long as no additional or "new" eagle nest need to be accommodated. In the event, however, that one or more eagle nests are hereafter established or determined to be active in locations that result in all or a portion of the subject property being located in a new or expanded Eagle Nest Management Zone, then no development shall occur in such new zone except in accordance with an Eagle Management Plan that has been approved by the City for such zone.

#### D. FIRE PROTECTION

1. Fire impact fees shall be paid as specified by City Ordinance.
2. The Developer shall review site development plans with the Cape Coral Fire Department to incorporate fire protection design recommendations into the project.

#### E. WATER CONSERVATION

1. The Developer shall incorporate the use of water conserving devices as required by state law (Section 553.14, Florida Statutes).
2. For the purpose of non-potable water conservation, the development should require, through the use of deed restriction, the utilization of Florida Yards and Neighborhoods (FYN) and other xeriscape principals, where feasible, in the design

and installation of the project's landscaping. FYN materials and assistance are available through the Planning Division and the Environmental Resources Division.

3. Irrigation will be accomplished in accordance with City Ordinance(s) or South Florida Water Management District mandate as applicable.

#### F. SOLID WASTE

1. The Developer and tenants of the project should investigate methods of reducing solid waste volume at the project.
2. The Developer and tenants of the project shall identify to the City, the presence of and the proper on-site handling and temporary storage procedures for hazardous waste that may be generated on-site, in accordance with local, regional, and state hazardous waste programs.
3. The Developer will require that an EPA/DEP approved holding storage tank be provided on-site along with the proper monitoring devices if a prospective user has the potential for producing toxic or industrial waste. These wastes shall be disposed of off-site by a company licensed to dispose of such wastes.
4. The Developer shall inform the waste hauler and disposer of the nature of any hazardous waste on the site, to determine if, and the extent of, any special precautions that may be necessary.
5. No solid waste disposal facilities shall be located on site.
6. The Developer will participate in recycling programs.
7. Solid waste disposal shall be provided through Lee County, Florida pursuant to Special Act, Chapter 85-447. Current and planned facilities have sufficient capacity to meet the demands of this development.

#### G. WASTEWATER MANAGEMENT

1. Wastewater (sewer) service is available to the site.
2. The Developer shall design, construct and install all improvements required by the City to connect to the City's wastewater system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. Wastewater containing hazardous materials shall be segregated and handled in accordance with Florida Department of Environmental Protection (DEP) criteria. Wastewater entering the City system shall meet quality limitations as specified by City Ordinance(s).
4. Sewer impact fees, betterment fees, and/or all other applicable fees shall be paid as specified by City Ordinance(s).
5. The Developer shall connect to City wastewater facilities as specified by City Ordinance.
6. The Developer shall grant appropriate easements to City for utility service prior to issuance of a building permit. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the Wastewater system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

#### H. WATER SERVICE

1. Water service is available to the site.

2. The Developer shall design, construct and install all improvements required by the City to connect to the City's water system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. Water impact fees, betterment fees, and/or all other applicable fees shall be paid as specified by City Ordinances(s).
4. The Developer shall connect to City water facilities as specified by City Ordinance.
5. The Developer shall grant appropriate easements to City for utility service prior to issuance of a building permit. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the water system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

I. IRRIGATION SERVICE

1. Irrigation service is available to the site.
2. The Developer shall connect to the City's irrigation system as prescribed by City Ordinance. The Developer shall design, construct, and install all improvements required by the City to connect to the City's irrigation system in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. Irrigation betterment fees and/or all other applicable fees shall be paid as specified by City Ordinance(s).
4. The Developer shall grant appropriate easements to the City for utility service prior to issuance of a building permit. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the irrigation system that were constructed by Developer by Bill of Sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

J. AIR QUALITY

1. If any of the individual tract owners/developers create a complex source of pollution as defined by DEP rules, they shall apply directly to DEP for permitting.
2. Each individual tract development will be required to comply with all federal, state and local laws and codes governing air quality and emissions.

K. HISTORICAL/ARCHAEOLOGICAL

During the life of the project, if any historical or archaeological sites are uncovered, work in the vicinity shall cease until the proper authorities can be contacted and an evaluation of the site carried out.

L. TRANSPORTATION

1. The traffic impact assessment upon which this Development Order is based on a project build-out in the year 2027. The traffic impact assessment included the expected impacts of an 8-bay Tire Store, 5,500 square feet of Specialty Retail Center, 4,500 square feet of Bank with Drive-Thru, 6,100 square feet of Convenience Market with Gas Pumps and 3,500 square feet of Fast Food with Drive-Thru.
2. The traffic impacts of this development do not degrade roadway and overall intersection level of service (LOS) below LOS standards adopted in the City of Cape Coral Comprehensive Plan.

3. Based on existing and projected volumes and conditions, the Developer shall complete and dedicate to the public the following roadway and turn lane improvements prior to receiving a Certificate of Occupancy for the first building. All turn lanes shall meet the City's Engineering and Design Standards, FDOT requirements and the Lee County Turn Lane Policy as applicable.

Table 1

Location	Movement
SW 10 <sup>th</sup> Place at project entrance and alley	Northbound Right Turn Lane*

\*Turn lane is coincident with lane widening improvements

4. The Developer shall be responsible for up to but not to exceed 10% of the cost for intersection improvements and signalization of the intersection of SW 10<sup>th</sup> Place/Skyline Boulevard and Pine Island Road when warranted as determined by the City or FDOT.
5. The Developer shall make a monetary contribution toward the improvement listed in Table 2. Such monetary contribution shall be based on a cost estimate acceptable to the City. The cost estimate shall include design, permitting, installation, and roadway geometrics associated with the improvement. The cost estimate shall be provided by a professional engineer licensed in the State of Florida. The City shall receive such monetary contribution no later 90 days after the City notifies the Developer that signal warrants are met.

Table 2

Substantially Impacted Intersections	Improvements Required	Percentage of Improvements to be Contributed by Developer
Pine Island Road and SW 10 <sup>th</sup> Place/Skyline Boulevard	Signalization and intersection modifications	Up to but not to exceed 10%

6. The Developer shall provide the City of Cape Coral all appropriate Road Impact Fees at the time of application for each building permit.
7. The Developer shall convey to the City the component parts of the transportation infrastructure constructed by the Developer and being transferred to the City on a form acceptable to the City Attorney, together with such other evidence as may be required by the City that the transportation infrastructure is free of all liens and encumbrances.
8. The City of Cape Coral reserves the right to request signal warrant analyses and Annual Traffic Monitoring Report(s) before the development reaches build-out which may include a traffic signal warrant analysis at the intersection of SR 78 and SW 10<sup>th</sup> Place. The Developer shall pay the costs associated with the reports and signal warrant analyses. Preparation of the reports shall not begin until the Developer provides the City of Cape Coral with an acceptable methodology for preparing the reports. If this report shows impacts greater than those estimated at the time of original approval and/or determines that the LOS is degraded below adopted LOS standards, the Developer shall provide mitigation actions to assure that all roadways and intersections shall be improved so as to maintain the adopted peak hour LOS standard. The Developer shall be credited for mitigation already provided.
9. With each subsequent application for site plan approval or PDP modification the Developer, or its successors in title to the undeveloped portion of the subject property, including individual parcels, shall provide an updated summary describing the state of development. The summary shall also identify cumulative data for the peak hour trips generated by existing and proposed development on each individual parcel, as



compared to the overall peak hour trip generation approved for the entire subdivision project.

M. SUBDIVISION

1. The Developer shall meet all requirements of Section 4.2.11., Minimum Design Standards, City of Cape Coral Land Use and Development Regulations.
2. Prior to any final Subdivision Plat approval, either the Developer shall satisfactorily complete all of the required site improvements, or the Developer shall provide a surety bond or certified check in an amount of the estimated cost to complete all required site improvements, as determined by the City. Such surety bond or certified check shall be returned to the Developer after the Director has determined that all required improvements have been satisfactorily completed.
3. The Director shall submit the Subdivision Plat for the Mayor's signature after all required site improvements have been satisfactorily completed or the City has received a surety bond or certified check in an amount of the estimated cost to complete of all required site improvements. Such Plat shall then be recorded with the Lee County Clerk pursuant to Chapter 177, Florida Statutes. A duplicate recorded mylar copy of the Plat shall be submitted to the City.

N. GENERAL CONSIDERATIONS

1. Prior to issuance of a permit, the Developer shall enter into an agreement, in a form acceptable to the City Attorney, regarding obligations resulting from landscaping located in utility easements.
2. Future improvements on lots located within the "Cape Coral 6A + 6B Subdivision" PDP may proceed through the City site plan review process unless the project contains a request or condition that must be specifically approved by an amendment to the development order.
3. For the Automotive Service Station, Limited with a Convenience Store use, the Developer shall meet the following terms and conditions:
  - a. The Automotive Service Station, Limited with a Convenience Store use shall be limited to Lots 1 and 2.
  - b. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
  - c. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy.
  - d. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply to propane tanks or ice machines.
  - e. A continuous strip of properly maintained landscape area shall be provided along all property lines to screen the site from adjacent uses. Such continuous strip of properly maintained landscape area may, however, be allowed to have walkways and driveway entrances. This landscape strip shall include a minimum of 4 canopy trees per 100 linear ft. Shrubs shall be spaced no greater than three feet on center and planted at a minimum height of 24 inches, in at least seven gallon containers, and maintained at a minimum height of 42 inches.
4. For the Automotive Repair and Service-Group 1 use, the Developer shall meet the following terms and conditions:
  - a. A continuous strip of properly maintained landscape area shall be provided along all property lines to screen the site from adjacent uses. Such continuous

strip of properly maintained landscape area may, however, be allowed to have walkways and driveway entrances. This landscape strip shall include a minimum of 4 canopy trees per 100 linear ft. Shrubs shall be spaced no greater than three feet on center and planted at a minimum height of 24 inches, in at least seven gallon containers, and maintained at a minimum height of 42 inches.

- b. The outdoor storage of products and materials is prohibited.
- c. Tire repair and replacement shall be limited to inside the work bays.

O. CONCURRENCY

The "Cape Coral 6A + 6B Subdivision" PDP is concurrent for roads, sewer, water, drainage, solid waste, and parks based on the analysis of the proposed development and specific mitigation programs specified herein.

**SECTION IV. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS**

- A. This Development Order shall constitute an ordinance of the City of Cape Coral, adopted by this Council in response to the Planned Development Project application filed for the "Cape Coral 6A + 6B Subdivision" PDP.
- B. This Development Order shall be binding on the Developer. Those portions of this Development Order which clearly apply only to the project Developer shall not be construed to be binding upon future owners of the project lots. It shall be binding upon any builder/developer who acquires any tract of land within the PDP.
- C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.
- D. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.
- E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
- G. Subsequent requests for local development permits shall not require further review, unless it is found by the City Council, after due notice and hearing, that one or more substantial deviation(s), or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City have occurred. Substantial deviations include but are not limited to:
  - 1. Any change which requires a variance to code and above those specifically incorporated herein.
  - 2. An increase of more than five (5) percent in density, parking requirements, trip generation rates, water or sewer usage, or building square footage.
  - 3. An expiration of the period of effectiveness of this Development Order as herein provided.
  - 4. If development order conditions and applicant commitments incorporated within the Development Order to mitigate impacts are not carried out as indicated to the extent

or in accordance with the Development Order, then this shall be presumed to be a substantial deviation from the Development Order.

Upon a finding that any of the above is present, the City Council may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved and all local approvals have been obtained.

- H. All conditions imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City.
- I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.
- J. This Development Order shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. The Developer shall be responsible for reimbursing the City for all recording fees within 30 days of being notified by the City that the Development Order has been recorded.

**SECTION V. 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 VI. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon its adoption by the Cape Coral City Council. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI SAWICKI, MAYOR

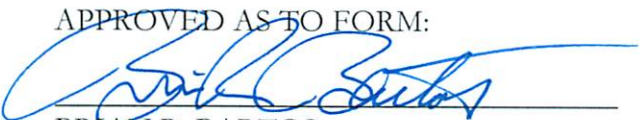
VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ORD/pdp 16-0013 Cape Coral 6A+6B



PLANNED DEVELOPMENT PROJECT - PDP16-0013  
FOR:  
**CAPE CORAL 6A + 6B SUBDIVISION**

SECTION 15, TOWNSHIP 44, RANGE 23 EAST  
CAPE CORAL, FLORIDA  
UNIT 49 - BLOCK 3611 - OR BOOK 3437 PAGE 278

INDEX OF PLANS

SHEET NO	DESCRIPTION
C-1	COVER SHEET & SITE DATA
C-2	EXISTING CONDITIONS MAP
C-3	SUBDIVISION PLAN
C-4	MASTER SITE PLAN
1 OF 2	BOUNDARY SURVEY
2 OF 2	BOUNDARY SURVEY



PROJECT LOCATION MAP  
NOT TO SCALE

OWNER

CAPE CORAL 6A & 6B LLC  
5150 TAMiami TRAIL N. SUITE 300  
NAPLES, FLORIDA 34103

SITE ADDRESS

1011 SW PINE ISLAND RD  
CAPE CORAL, FLORIDA 33991  
AND  
913 SW PINE ISLAND ROAD  
CAPE CORAL, FLORIDA 33991

SITE INFORMATION

STRAP: 15-44-23-C3-03611.0000 AND 15-44-23-C3-03611.0010  
CLASSIFICATION/DOR CODE: VACANT COMMERCIAL / 10  
SITE ACREAGE: 10.03 (PER LEE COUNTY PROP. APPRAISER)

LEGAL DESCRIPTION

CAPE CORAL UNIT 49  
BLOCK 3611 PLAT BOOK 17 PAGE 148  
LESS OR 3645/1330 SR 78 & POR DESCRIPTION IN  
INST # 2007000337973

FEMA DATA

FIRM PANEL: 12071C0265F  
LOCATED IN FLOOD ZONE: X

DATUM & BENCHMARK NOTE

ALL ELEVATIONS SHOWN REFERRED TO NATIONAL  
GEODETIC VERTICAL DATUM (NAVD) OF 1929.

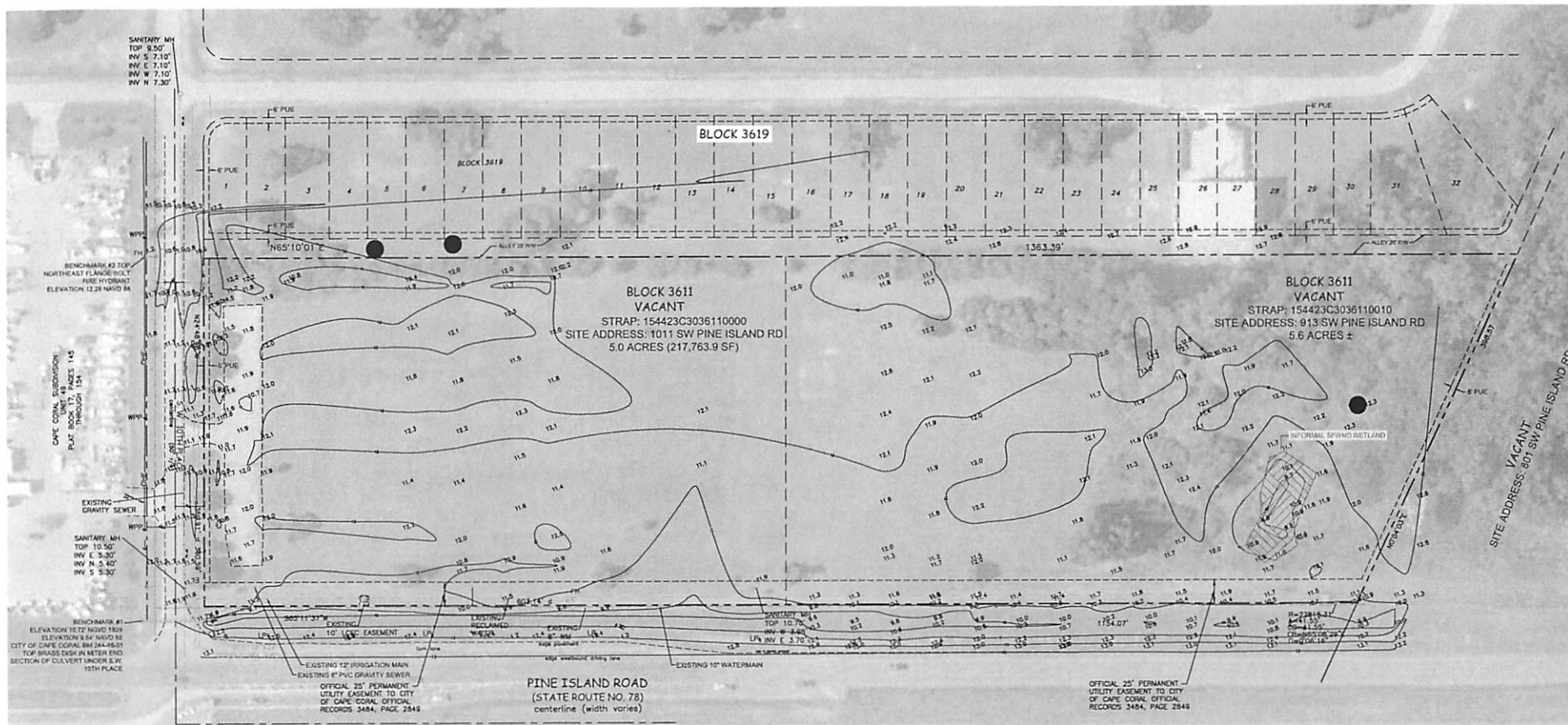
SITE BENCHMARK: CITY OF CAPE CORAL

BM 244-46-01 - TOP BRASS DISK IN MITER END  
SECTION OF CULVERT UNDER S.W. 10TH PLACE.  
ELEVATION 10.72' NGVD 1929  
ELEVATION 9.54' NAVD 1988

PDP MASTER PLAN SET (PDP, MAP, 20, 2017, 2:30pm)

REVISIONS		OWNER:	LOCATED IN:	HAGAN ENGINEERING 1250 TAMiami TRAIL, NORTH, STE. 203B Naples, Florida 34102 Phone (239) 851-8239	CAPE CORAL 6A + 6B SUBDIVISION PDP16-0013	COVER SHEET & SITE DATA			
		CAPE CORAL 6A & 6B, LLC 5150 TAMiami TRAIL N. #300 NAPLES, FLORIDA 34103	LEE COUNTY, FLORIDA PERMITTING AGENCY: CITY OF CAPE CORAL			DATE	PROJECT NO.	SCALE	SHEET
						JUNE 2017	2015.128	AS NOTED	C-1





**EXISTING CONDITIONS MAP WAERIAL OVERLAY**  
SCALE: 1" = 50'



0 50 100  
SCALE: 1" = 50'

NOTE:  
EXISTING TOPOGRAPHY & MAP DATA PROVIDED BY:  
CHARLES DEGRAFF LAND SURVEYOR  
LAND SURVEYORS AND MAPPERS  
301 HAZELTINE DRIVE, DEBARY, FLORIDA 32713  
  
DATE OF FIELDWORK: 8/10/2016  
  
REFER TO BOUNDARY & TOPOGRAPHIC SURVEY FOR  
ADDITIONAL INFORMATION & SURVEYORS NOTES.

**FEMA DATA**

FIRM PANEL: 12071C0265F  
LOCATED IN FLOOD ZONE: X

**DATUM CONVERSION**

USE 1.18' TO CONVERT NGVD TO NAVD.  
CONVERSION FORMULA:  
NAVD ELEVATION = 1.18' + NGVD ELEVATION. TYPICAL  
OF ALL SHOWN HEREIN.

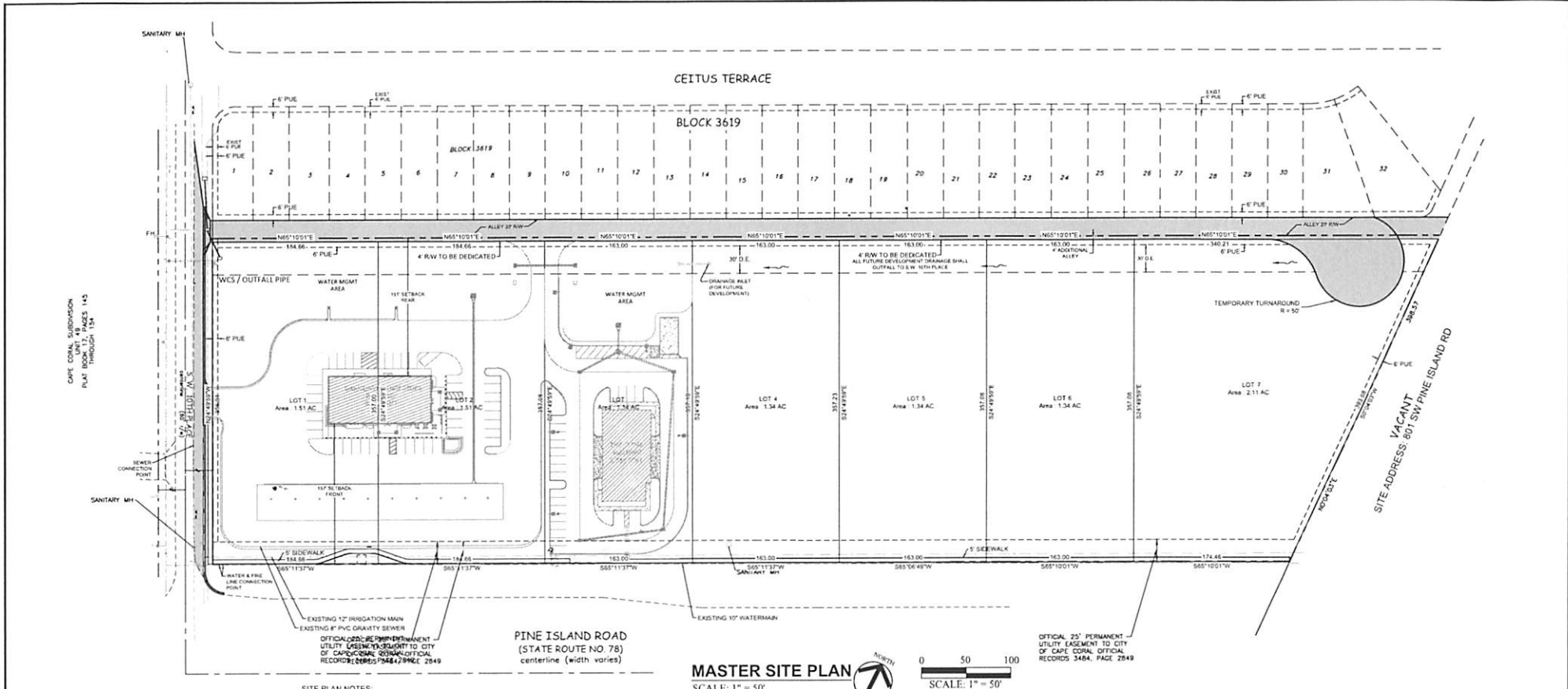
● GOPHER TORTOISE LOCATIONS

PDP MASTER PLAN 32 (Aug. 14, 2017, 2:58pm)

REVISIONS		OWNER:	LOCATED IN:	CAPE CORAL 6A + 6B SUBDIVISION PDP16-0013		EXISTING CONDITIONS MAP	
		CAPE CORAL 6A & 6B, LLC 5150 TAMiami TRAIL N. #300 NAPLES, FLORIDA 34103	LEE COUNTY, FLORIDA PERMITTING AGENCY: CITY OF CAPE CORAL	<b>HAGAN</b> ENGINEERING 1250 TAMiami TRAIL NORTH, STE. 203B NAPLES, FLORIDA 34102 Phone (239) 851-8239		DATE	PROJECT NO.
						JUNE 2017	2015.128
						SCALE	SHEET
						AS NOTED	<b>C-2</b>







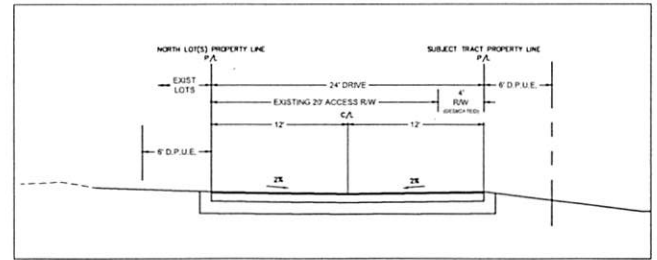
**SITE PLAN NOTES:**

1. PAVEMENT WIDTHS & RETURN RADII DESIGNED TO ACCOMMODATE DELIVERY TRUCK MOVEMENT(S) & ACCESS.
2. ALL BOLLARDS SHALL BE SPACED 4' ON CENTER.

**MASTER SITE PLAN**  
SCALE: 1" = 50'



OPTIONAL 25' PERMANENT UTILITY EASEMENT TO CITY OF CAPE CORAL. OFFICIAL RECORDS 3484, PAGE 2848



**TYPICAL ALLEY/ACCESS ROADWAY SECTION**  
SCALE: 1" = 5'

**GAS/CONVENIENCE STORE SITE DATA TABLE (LOT 1)**

EXISTING SITE DATA	AREA (SF)	AREA (AC)	PERCENTAGE
LAND USE			
OPEN SPACE	82,993	1.91	88%
ASPHALT	11,962	0.27	12%
<b>TOTAL AREA</b>	<b>94,955</b>	<b>2.17</b>	<b>100%</b>

PROPOSED SITE DATA	AREA (SF)	AREA (AC)	PERCENTAGE
LAND USE			
BUILDING	6,120	0.14	6%
PAVEMENT/SIDEWALKS	64,111	1.48	64%
WATER ADJUT AREA	11,464	0.26	12%
OPEN SPACE	12,660	0.29	12%
<b>TOTAL</b>	<b>94,355</b>	<b>2.17</b>	<b>100%</b>
PERVIOUS AREA	10,660	0.24	11%
IMPERVIOUS AREA	81,895	1.93	89%
<b>TOTAL</b>	<b>94,555</b>	<b>2.17</b>	<b>100%</b>

**PARKING CALCULATIONS**

GAS / CONVENIENCE STORE	REQUIRED - PROVIDED
ONE (1) SPACE 150 SQ FT - TOTAL SQ FT = 6100	
SQ FT / SQ FT = 130 SQ FT = 43 SPACES	
<b>TOTAL REQUIRED = 43 SPACES - PROVIDED = 43 SPACES (2 HANDICAP)</b>	

**BUILDING SETBACKS**

SETBACK DATA	REQUIRED	PROVIDED
FRONT YARD - S	25'	157'
REAR YARD - N	25'	151'
SIDE YARD - W & E	15'	75' W - N/A E
MIN WIDTH @ BUILDING	15'	30'
MIN DEPTH	N/A	N/A
MAX BUILDING HEIGHT	45'	45'

**ZONING, SUBJECT PROPERTY & SURROUNDINGS**

SUBJECT PROPERTY: Consider District (CDMS)	SURROUNDINGS
NORTH: Cape Coral Block 3619	
SOUTH: Right of Way - Pine Island Road (SR 78)	
EAST: Vacant Commercial	
WEST: Right of Way - S.W. 10th Place	

PDP MASTER PLAN SE 1000, 10/25/2017, 2:30pm

REVISIONS <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>							OWNER: CAPE CORAL 6A & 6B, LLC 5150 TAMiami TRAIL N. #300 NAPLES, FLORIDA 34103	LOCATED IN: LEE COUNTY, FLORIDA PERMITTING AGENCY: CITY OF CAPE CORAL	<b>HAGAN ENGINEERING</b> 1250 TAMiami TRAIL NORTH, STE. 203B Naples, Florida 34102 Phone (239) 851-8239	CAPE CORAL 6A + 6B SUBDIVISION PDP16-0013	<table border="1"> <tr> <th colspan="4">MASTER SITE PLAN (PDP &amp; SPECIAL EXCEPTION)</th> </tr> <tr> <td>DATE</td> <td>PROJECT NO.</td> <td>SCALE</td> <td>SHEET</td> </tr> <tr> <td>JUNE 2017</td> <td>2015.128</td> <td>AS NOTED</td> <td><b>C-4</b></td> </tr> </table>	MASTER SITE PLAN (PDP & SPECIAL EXCEPTION)				DATE	PROJECT NO.	SCALE	SHEET	JUNE 2017	2015.128	AS NOTED	<b>C-4</b>
MASTER SITE PLAN (PDP & SPECIAL EXCEPTION)																							
DATE	PROJECT NO.	SCALE	SHEET																				
JUNE 2017	2015.128	AS NOTED	<b>C-4</b>																				



## PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION

PROPERTY OWNER IS A CORPORATION, LIMITED LIABILITY COMPANY (LLC),  
LIMITED COMPANY (LC), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUST

Project Name: 1011 SW Pine Island Road

Project Number: \_\_\_\_\_

To help prepare this application, the applicant should obtain copies of the following:

- Land Use and Development Regulations (this document is linked)
  1. Land Development Regulations (Article 4)
  2. Parking Requirements (Article 5.1)
  3. Landscape Ordinance (Article 5.2)
  4. Sign Ordinance (Article 7)
- NFPA 1 Fire Prevention Code
- Engineering Design Standards

The advisory review is conceptual only and any staff comments are subject to change based on detailed information with an application to the City of Cape Coral. Formal review may result in additional changes not noted at this time. The final design or project must comply with the Land Use and Development Regulations, Engineering Design Standards, City Code of Ordinances, Comprehensive Plan and other applicable laws and regulations.

### ACKNOWLEDGEMENT

I, Chad Lund, as the owner of this property or the duly Authorized Representative, agree to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State and County laws, and certify that all information supplied is correct to the best of my knowledge.

In addition, I understand that prior to the issuance of the Certificate of Occupancy for this development, the engineer of record must supply the Department of Community Development with record drawings and a letter of substantial compliance for the project.

In addition, I authorize the staff of the City of Cape Coral to enter upon the property for purposes of investigating and evaluating the request made through this application.

**Please note: Advertising fees must be paid in full at least 10 days prior to public hearing or the item may be pulled from the agenda and continued to a future date once the fees have been paid.**

(Name of Entity)

\* Chad Lund, President of Cape Coral 6A and 6B, LLC.

By: NAME AND TITLE (PLEASE TYPE OR PRINT)

  
SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF

FL

, COUNTY OF

Collier

Sworn to (or affirmed) and subscribed before me this 3rd day of Nov, 2016, by  
Thomas Chad Lund who is personally known or produced  
as identification.

Exp. Date: 9-22-20 Commission Number: 004582

NOTARY STAMP HERE


Signature of Notary Public:

Printed name of Notary Public:

  
Lisa B. Harvey-Reber

\*Please include additional pages for multiple property owners.



 authorized representative  
or property owner's initials

**Authorization to Represent Property Owner(s) –  
Property Owner is a Corporation, Limited Liability Company (LLC),  
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

Please be advised that Chris Hagan of Hagan Engineering, LLC.  
(Name of Authorized Representative(s) and business entity, if any)

is authorized to submit an application and represent me in the hearing(s) to the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals and /or City Council for a Planned Development Project.

Unit 49 Block 3611 Lot \_\_\_\_\_ Subdivision PB: 17 PG: 148

Or Legal Description: ☐ (described as an exhibit A in Microsoft Word format and attached hereto)

\* Cape Coral 6A and 6B, LLC.

\*\* Name of Entity (Corporation, Partnership, LLC, etc)

Signature

President

Title of Signatory

Chad Lund

Name (Please print or type)

**(SIGNATURE MUST BE NOTARIZED)**

STATE OF FL, COUNTY OF Collier

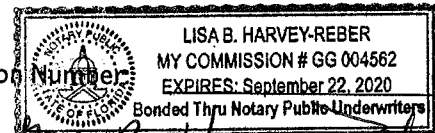
Sworn to (or affirmed) and subscribed before me this 3rd day of Nov, 2016 by  
Thomas Chad Lund who is personally known or produced  
as identification.

Exp. Date: 9.22.20 Commission

NOTARY STAMP HERE

Signature of Notary Public:

Printed name of Notary Public:



Lisa B. Harvey-Reber  
Lisa B. Harvey-Reber

\*Please include additional pages for multiple property owners.

**\*\*Notes:**

If the applicant is a corporation, then it is executed by the corp. pres. or v. pres, sec, tres, or a director, .

If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should be signed by the Company's "Managing Member."

If the applicant is a partnership, then a partner can sign on behalf of the partnership.

If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.

If the applicant is a trust, then they must include their title of "trustee."

In each instance, first determine the applicant's status, e.g., Individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

## PDP Applicant Checklist

Project Name: \_\_\_\_\_

Applicant must submit the completed application and the associated documentation listed below, collated into 17 separate packets (one (1) original and 16 copies). These are minimum requirements for all PDP applications. Based on the nature of your project, additional items may be required by staff.

### Incomplete submittals will not be accepted

- \_\_\_\_\_ All application pages must be initialed by the property owner or their authorized representative
- ☒ 24" x 36" engineered PDP Development Plans, including landscape buffer areas and building elevations – See pages 7 – 10 for further information
- ☒ Certified Boundary Surveys, in NGVD 1929, completed within the last six (6) months showing elevations – See page 7 for further information
- ☒ PDP application fees paid in full at time of application – See page 11 for further information
- ☒ Letter of Intent (LOI) – See page 6 for further instructions
- ☒ Environmental Survey/Report – See page 7 for further instructions
- ☒ Warranty or Quit Claim Deed – Applicant shall provide a copy of Warranty or Quit Claim Deed for one hundred (100) percent of the property comprising the Planned Development Project.
- ☒ Vacation of Plat requests must include letter of "No Objection" from the electric company, the telephone company, and the cable company – See page 9 for further instructions
- ☒ Page 1 must be signed and notarized by either all property owner(s) or the authorized agent
- ☒ The "Authorization to Represent Property Owners", page of the application, must be signed by all property owner(s) and notarized
- ☒ Properties owned by corporations, limited liability companies, limited partnerships, general partnerships, and trustees must provide legal documentation (For example, the Articles of Incorporation) listing persons authorized to sign for the entity and in these situations the property owner(s) must sign all applicable PDP forms in their corporate capacity.

### As an alternative to submitting everything in paper format, the applicant may opt to submit the following:

- \_\_\_\_\_ 11 sets of plans, in paper format, as described above
- \_\_\_\_\_ 11 signed and sealed Boundary Surveys, in paper format, as described above
- \_\_\_\_\_ One (1) copy of the application & all other documents you are submitting for review
- \_\_\_\_\_ 1 CD/DVD with PDFs of documents you are submitting:
  - Each document you are submitting needs to be a separate PDF, appropriately identified by name. For example, the application will be one PDF, titled "Application", the Letter of Intent will be another PDF, titled "Letter of Intent", plans, boundary surveys, etc.

## GENERAL INFORMATION

Project Name: 1011 SW Pine Island Road  
Applicant: Cape Coral 6A and 6B, LLC.  
Address: 5150 Tamiami Trail North, Suite 300 Naples, FL 34103  
Phone: 239-455-1954 Fax: \_\_\_\_\_ E-Mail: LReeber@CorePropertyCapital.com

\*Property Owner: Cape Coral 6A and 6B, LLC

Address 5150 Tamiami Trail North, Suite 300 Naples, FL 34103  
Phone 239-455-1954 Fax \_\_\_\_\_ E-Mail LReeber@CorePropertyCapital.com

Authorized Representative Chris Hagan, Hagan Engineering, LLC.

Address 1250 Tamiami Trail North, Suite 203-B Naples, FL 34102  
Phone 239-228-7742 Fax \_\_\_\_\_ E-Mail Chris@HaganEng.com

### Location

Unit 49 Block 3611 Lot(S) \_\_\_\_\_  
Subdivision PB: 17 PG: 148 Strap Number(s) 15-44-23-C3-03611.0000 & 15-44-23-C3-03611.0010

Legal Description ☒ (Described as Exhibit A in Microsoft Word Format and attached hereto)

Property Address: 1011 SW Pine Island Road & 913 SW Pine Island Road

Plat Book 17 Page 148 Current Zoning Pine Island Road District Corridor Future Land Use Pine Island Road District Corridor with Special Exceptions

### This application includes the following requests: (Please check all that apply)

<input checked="" type="checkbox"/> Subdivision	<input checked="" type="checkbox"/> Special Exception	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance
<input type="checkbox"/> Deviation to Landscaping	<input type="checkbox"/> Deviation to Non-residential Design Standards	<input type="checkbox"/> Deviation to Engineering Design Standards (EDS)	<input type="checkbox"/> All Other Deviation Requests
<input type="checkbox"/> Borrow Pit	<input type="checkbox"/> Vacation of Plat		

\*Please include additional pages for multiple property owners.

## PROPERTY and PROJECT DEVELOPMENT DATA

a.	Zoning District	<u>PIR Corridor</u>		
b.	Future Land Use Class	<u>Special Eception</u>		
c.	Area of Subject Property	<u>10.6</u>	acres	
d.	Type of Development	<u>Commercial</u>		
e.	Estimated Number of Employees	<u>30</u>		
	Number of Seats in Assembly	<u>N/A</u>		
f.	Parking Spaces Required	<u>50</u>		
g.	Parking Spaces Provided	<u>50</u>		
h.	Parking and Street Area	<u>5,000</u>	sq. ft.	<u>5</u> % of Site
i.	Ground Floor Building Area	<u>3,000</u>	sq. ft.	<u>3</u> % of Site
j.	Total Floor Area	<u>        </u>	sq. ft.	<u>        </u> % of Site
k.	Building Heights	<u>34</u>	feet	<u>1</u> stories
l.	Total Proposed Impervious Surface Area	<u>        </u>	sq. ft.	<u>        </u> % of Site
m.	Permanent Open Space	<u>        </u>	sq. ft.	<u>        </u> % of Site
	Landscaped Area	<u>        </u>	sq. ft.	<u>        </u> % of Site
n.	Recreation Area	<u>        </u>	sq. ft.	<u>        </u> % of Site

If the proposed project is a multifamily residential development, the following additional data shall be shown on the plans.

o.	Number of Dwelling Units (du)	<u>        </u>	
p.	Gross Density (du/acres)	<u>        </u>	
q.	Number, Type, and Floor Area of each Dwelling Unit:		
1.	Efficiency	<u>        </u>	Floor Area <u>        </u> sq. ft. <u>        </u>
2.	1 Bedroom	<u>        </u>	Floor Area <u>        </u> sq. ft. <u>        </u>
3.	2 Bedroom	<u>        </u>	Floor Area <u>        </u> sq. ft. <u>        </u>
4.	3 Bedroom	<u>        </u>	Floor Area <u>        </u> sq. ft. <u>        </u>
5.	4 Bedroom	<u>        </u>	Floor Area <u>        </u> sq. ft. <u>        </u>



### **LETTER OF INTENT**

Please include a Letter of intent (LOI), stipulating your request, addressed to the Community Development Director. This letter must specify all applicable requests. Such requests may include any and/or all of the following:

- a. General purpose and intent of the PDP
- b. Subdivision requests – See Article 4.1 and 4.2.5
- c. Rezoning requests specifying the actual request and explanation of need for the rezoning
- d. Special exception requests and explanation of need for the special exception
- e. Variance requests specifying the actual request and explanation of need. All variance requests must address the five (5) criteria for the granting the a variance, per Land Use and Development Regulations, section 8.10. Note: Variances run with the land.
- f. Vacation of Plat as outlined in section 8.11 and explanation of vacation request
- g. Borrow pit requests as outlined in section 3.23, 4.2.5, and 8.3.2

### **DEVIATION REQUEST LETTER(S)**

Applicant must complete a separate deviation request letter for each deviation type requested. Please ensure that proper justification for the requested deviation accompanies each request. Staff will not analyze any requested deviation that does not include justification for the deviation sought and this may result in a rejection of your application. Refer to the appropriate section of the LUDRs for guidance on the criteria for which a particular deviation may be sought. Note: Deviations do not run with the land.

- Landscaping Deviations shall be in accordance with Section 5.2.19
- Non-residential Design Standards Deviations shall be in accordance with Section 5.6.10 Deviation,
- Engineering Design Standards (EDS) Deviations in accordance with sheet 1, "Foreword" paragraph 5,
- All Other Deviation Requests, shall be in accordance with Section 4.2.4.K

### **TRAFFIC GENERATION ESTIMATE**

The following will determine the need of a Traffic Impact Statement. Trip Generation Estimate, based on the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual:

ITE Code      Gas Station/Tire Store      Is estimate based on locally collected data?      \_\_\_\_\_

Regression equation (if used)

Independent Variable

Daily Two Way Trip Estimate

Peak Hour (of generator) Entering

Peak Hour (of generator) Exiting

Total Peak Hour (of generator)

Peak Hour Entering and Exiting trips greater than 300 trips

TIS will be required. See SE Applications  
for individual calculations.

If the total peak hour traffic exceeds 300 trips, a Traffic Impact Statement (TIS) will be required. A methodology meeting with the City staff is required prior to submitting the TIS. The methodology meeting will be scheduled after the initial submittal of the PDP application.

## SUBDIVISION, PER FLORIDA STATUTES, CHAPTER 177 – IF APPLICABLE

Sheet # of  
submitted  
plans

The Subdivision Plan shall show the following information, as applicable to the type of project being proposed, including the proposed dimensions, size, location and arrangement of the following with accurate dimensions to the nearest one-hundredth of a foot. If flexibility is requested for property lines prior to Plat recording, this request must be requested in the Letter of Intent (LOI).

✓

1. Contours at an interval of not greater than one foot.

✓

2. Access roads and their relationship to existing and proposed streets, alleys and other public ways.

✓

3. Setback lines, permanent open space, recreation areas, separation strips, existing and proposed landscape areas and general land use activity areas.

✓

4. Location of areas and their acreages, if any, to be reserved or dedicated for public parks, playgrounds, schools, or other public uses, including bikeways or walks.

✓

5. Proposed lot numbers, lot lines, lot dimensions, lot areas, lot descriptions, lot locations, minimum yard requirements, and any other appropriate data and information for areas or parcels within the project property lines which have been designated for subdivision for any purpose or use.

✓

6. Utility locations on and adjacent to the project showing proposed dimensions and connections to existing utility systems.

✓

7. All dimensions, angles, bearings and similar data on the plan shall be tied to primary control points approved by the City Engineer. The location and description of said control points shall be given.

✓

8. Approximate location of proposed and existing surface water management system components including treatment, storage, conveyance, and discharge locations.

✓

9. Project boundary lines, right-of-way lines of streets, waterways, easements and other rights-of-way. Bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute shall be provided for the center line of all streets and easements. Block corner radii dimensions shall also be shown.

✓

10. Name of each street, waterway, easement or other right-of-way and the designation of all buildings, parking areas, access roads, permanent open spaces, recreation areas, separation strips, landscaped areas, dedication or reserved areas, and other land use activity areas by name, use, purpose or other appropriate method as well as by width, length, land area or floor area devoted to such use or purpose.

✓

11. Certification of title and dedication, on plat, showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use, if any.

✓

12. Certification by the City Engineer, on plat, that a surety bond, certified check or other guarantee has been posted with the City in sufficient amount to assure completion of all such required site improvements.

✓

13. Certificate of approval for recording, on plat, suitable to be signed by the Mayor as applicable, to indicate that the plan has been approved for recording.

✓

14. Any other appropriate certification required by the Governing Body or Necessary to comply with Florida Statutes, Chapter 177.

## Planned Development Project (PDP) Application Fees \*

	Administrative Review	Fees	Your Costs
<input type="checkbox"/>	PDP - without Subdivision	\$2,525.00	\$
<input type="checkbox"/>	** Additional charge for PDP's in excess of ten (10) acres: _____ acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of <b>\$3,625.00</b> for additional acres)	\$
<input checked="" type="checkbox"/>	PDP - with Subdivision	\$2,815.00	\$ 2,815.00
<input checked="" type="checkbox"/>	** Additional charge for PDP's in excess of ten (10) acres: <u>10.6</u> acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of <b>\$3,915.00</b> for additional acres)	\$ 33.00
	<b>Fire Review</b>		
<input checked="" type="checkbox"/>	Fire review (mandatory)	\$104.00	\$ 104.00
<b>Public Hearing</b>			
<input type="checkbox"/>	PDP - without Subdivision	\$665.00	\$
<input checked="" type="checkbox"/>	PDP - with Subdivision	\$1,415.00	\$ 1,415.00
<input type="checkbox"/>	Zoning Amendment within PDP	\$1,165.00	\$
<input type="checkbox"/>	Vacation of Plat within PDP	\$880.00	\$
<input type="checkbox"/>	Variance/Deviation within PDP	\$1,250.00	\$
<input checked="" type="checkbox"/>	Special Exception within PDP	\$1,365.00	\$ 1,365.00
<input type="checkbox"/>	Borrow Pit within PDP	\$1,725.00	\$
		Total	\$ 5,732.00

\* Advertising fees will be due at time of advertising.

\*\* PDP – Acres x \$55.00 for each acre or portion thereof in excess of 10 acres (i.e. A 20.2 acre of land is calculated as follows.

20.2 – 10.00 = 10.2, then the 10.2 acres is rounded up to 11 acres)



David Hytii  
Development Services Manager  
City of Cape Coral Community Development  
PO Box 150027  
Cape Coral, FL 33915

November 11, 2016

Re: 1011 SW Pine Island Road  
PDP Letter of Intent

Dear David,

This letter and is submitted to provide an outline of the Planned Development Project intent for the referenced site. The existing project is a 10.6 acre Pine Island Road Corridor parcel on the north side of Pine Island Road on the east side of SW 10<sup>th</sup> Place. The owner wishes to subdivide this into three lots to accommodate a gas station/convenience store, a tire store, and the remainder of the lot to remain vacant for future development. This three lot subdivision will accommodate the two uses noted and include an access alley and temporary water management facilities on the future development site so that the project can stand alone until future development plans and uses are determined. Special Exception applications will be submitted for both the tire store and the gas station/convenience store under another cover to run with this PDP application. The uses are accepted in the area and this is submitted for your processing. There are no existing easements onsite that we wish to have vacated and there are no borrow pit requests proposed. We will do some minor excavation for the stormwater management system, but no lake will be constructed in this phase.

I believe that this provides an outline of the intentions of the developer for the subject site. If you have any comments, questions, or require any additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hagan', with a long horizontal line extending to the right.

Chris Hagan

# **LISTED SPECIES SURVEY**

## **PINE ISLAND ROAD-CAPE CORAL**

**OCTOBER 2016**

Prepared by:



**TURRELL, HALL & ASSOCIATES, INC**  
**3584 EXCHANGE AVENUE**  
**NAPLES, FL 34104**

## TABLE OF CONTENTS

### CHAPTERS

	<u>PAGE</u>
1.0 INTRODUCTION	2
2.0 METHODOLOGY	3
4.0 RESULTS	4
5.0 CONCLUSIONS	6

### EXHIBITS

- 1- Location Map
- 2- FLUCCS Map
- 3- Species Map



## 1.0 INTRODUCTION & SITE DESCRIPTION

Turrell, Hall & Associates was retained to perform the Listed Species Survey for a previously developed site owned by the Cape Coral 6A+6B LLC. The parcel is actually comprised of two adjacent 5+/- acre sites; parcel 15-44-23-C3-03611.0010 (913 SW Pine Island Road) and parcel 15-44-23-C3-03611.0000 (1011 SW Pine Island Road). This 10.66-acre project was developed as a driving range in 1998 and was used for active agriculture prior to its conversion. Historical aerials show the site in 1970 being under agricultural use. Since the closure of the driving range, a majority of the site has been routinely mowed. Regularly maintained sites such as this typically provide limited wildlife habitat with the exception of burrowing owls and gopher tortoises.

This site is largely impacted from the previous operations; however the northeastern third of the property remains relatively undeveloped.

This project is located approximately 6.2 miles southwest of US highway 41 and approximately 2.5 miles north of Veterans Parkway on Pine Island Road. Florida Land Use Cover and Forms Classification System (FLUCFCS) codes for this property include the following: (see exhibit)

Table 1: FLUCFCS Table

FLUCFCS Code	FLUCFCS Description	Wetland Acreage	Upland Acreage
182	Golf Courses (Abandoned)		7.36
4221	Brazilian Pepper and Carrotwood		0.04
427E4	Live Oak (>75% Exotics)		0.20
428E2	Mixed Hardwoods (25-50% Exotics)		0.03
428E3	Mixed Hardwood (50-75% Exotics)		0.29
4221	Brazilian Pepper and Carrotwood		0.45
437	Australian Pine		0.49
422	Brazilian Pepper		0.37
310E4	Disturbed Herbaceous (>75% Exotics)		0.04
643E4	Disturbed Wet Prairie (>75% Exotics)	0.10	
437	Live Oak		0.12
422	Brazilian Pepper		0.07
329E2	Disturbed Scrubs and Brush (25-50% Exotics)		1.05
	<b>TOTAL ACRES</b>		10.67

## 2.0 METHODOLOGY

Prior to any wildlife survey, careful consideration is given to the habitat type/s in question and species which are known to utilize such areas. Thus, before any survey is carried out, a number of publications and references are consulted. These include but are not limited to: The Official Lists of Florida's Endangered Species, Threatened Species and Species of Special Concern, dated January 2013, Florida Fish and Wildlife Conservation Commission (FWC) Wildlife Methodology Guidelines, US Fish and Wildlife Service South Florida Listed Species Profiles, and the Florida Natural Areas Inventory (FNAI) for Collier County. Table 3 in Section 3.0 of the report has the listed species expected to be found by habitat-type for this particular parcel, their protection status and whether or not they were observed onsite.

The basic objective of any wildlife survey is to obtain evidence that listed species are using the subject site or were not present. The site may be comprised of primary or secondary feeding/foraging or nesting zones or merely be adjacent to those sites for a particular listed species. As many species of concern in Florida are cryptic/camouflaged and/or nocturnal/crepuscular, patience and sufficient time must be devoted to the survey.

Current and historical aerials and soils mapping were consulted prior to arriving onsite. A system of meandering transects is then followed throughout the subject area to make observations. A slow pace along the various transects was maintained, stopping every few minutes to look for nests/burrows/scat and listen for movement or calls of any animal.

A visual inspection of trees was also conducted to search for squirrel nests/day beds, potential RCW and/or bat cavities. Indirect evidence such as rooting, scrape marks, nests, cavities, burrows, tracks and scat were looked for and duly noted. Located cavity or nest trees are marked with a GPS for further investigation prior to clearing and the approximate sighting location of any listed species are also noted on the survey aerial (Exhibit 3). Special care was also taken to inspect for any protected plant species along transect lines.

Transects on the developed portion of this site were walked in a north/south direction with less than fifty feet between them. Cross transects were also walked in an east/west direction with less than fifty feet between them. Transects on the undeveloped portion of the site were walked in a similar fashion with less than ten feet between them due to plant densities.

### 3.0 RESULTS

The site was surveyed for listed wildlife and plant species on the following days:

Table 2: Survey times and conditions

DATE	SURVEYOR	TIME	CONDITIONS	TEMP
09/19/16	Reuben Sliva Biologist	8:00-10:30	Partly Cloudy, wind 0 kn	82°F
10/07/16	Marielle Kitchener Senior Biologist	10:00-11:52	Sunny, Wind 0 kn	83°F
10/21/16	Tim Hall Senior Ecologist	7:30-11:30	Sunny	81°F
11/02/16	Tim Hall/Reuben Sliva	7:30-9:40	Partly Cloudy, wind <10 kn	79°F

A list of all wildlife species observed on the site is provided below. Designations are per the Florida Fish & Wildlife Conservation Commission and the U.S. Fish & Wildlife Service's South Florida Listed Species Lists.

F = Federal  
S = State  
E = Endangered  
T = Threatened

C = Federal Candidate  
SSC = Florida Species of Special Concern  
M = FWS Species of Management Concern  
R = Rare

#### Common Name

#### Scientific Name

#### Status

##### Birds

Red-bellied woodpecker  
Cardinal  
Mockingbird  
Blue jay  
Catbird

*Melanerpes carolinus*  
*Cardinalis cardinalis*  
*Mimus polyglottos*  
*Cyanocitta cristata*  
*Dumetella carolinensis*

##### Mammals

Armadillo (burrows)

*Dasypus novemcinctus*

##### Reptiles

Five lined skink  
Gopher tortoise (burrows)

*Plestiodon inexpectatus*  
*Gopherus polyphemus*

T

Pine Island Road-Cape Coral  
Sections 15, Township 44 South, Range 23 East, Lee County.  
*Listed Species Survey*  
October 2016

Table 3: Expected Listed Species by habitat

FLUCCS Code	Description	Common Name	Scientific Name	Observed	FWS	FWC
414, 427, 428, 437	Pine Flatwood, Pine Mesic Oak, Live Oak, & Upland Scrub & Pine Hardwoods	Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	N		SSC
		Eastern Indigo snake	<i>Drymarchon corais couperi</i>	N	T	T
		Florida bonneted bat	<i>Eumops glaucinus floridanus</i>	N	E	E
		Florida black bear	<i>Ursus americanus floridanus</i>	N	T	SSC
		gopher tortoise	<i>Gopherus polyphemus</i>	Y	T	T
		gopher frog	<i>Rana areolata</i>	N		SSC
		red-cockaded woodpecker	<i>Picoides borealis</i>	N	E	SSC
		Florida scrub jay	<i>Apelocoma coerulescens</i>	N	T	
		beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	N	E	
310, 320	Dry Prairie, Shrub & Brushland	Florida grasshopper sparrow	<i>Ammodramus savannarum floridanus</i>	N	E	
		Florida black bear	<i>Ursus americanus floridanus</i>	N		DL
		Florida burrowing owl	<i>Athene cunicularia floridana</i>	N		SSC
		gopher tortoise	<i>Gopherus polyphemus</i>	Y	T	T
		gopher frog	<i>Rana areolata</i>	N		SSC
		Sherman's short-tailed shrew	<i>Blarina shermani</i>	N		SSC
		Florida panther	<i>Puma concolor coryi</i>	N	E	
		Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	N	T	
		sandhill crane	<i>Grus canadensis pratensis</i>	N		T
643	Wet Prairie	Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	Y		SSC
		limpkin	<i>Aramus guarauna</i>	N		SSC
		little blue heron	<i>Egretta caerulea</i>	N		SSC
		reddish egret	<i>Egretta rufescens</i>	N		SSC
		roseate spoonbill	<i>Platalea ajaja</i>	N		SSC
		snowy egret	<i>Egretta thula</i>	N		SSC
		tri-color heron	<i>Egretta tricolor</i>	N		SSC
		Woodstork	<i>Mycteria americana</i>	N	T	
		white ibis	<i>Eudicmus albus</i>	N		SSC
	Wet Prairie	sandhill crane	<i>Grus canadensis pratensis</i>	N		T

#### 4.0 CONCLUSIONS

Due to historical site usage it was not expected that the project area would have significant potential for listed species usage. We did however find one (1) gopher tortoise (*Gopherus polyphemus*) burrow onsite and two (2) within 10 feet of the north property line. All burrows were active at the time of the survey. In addition to the tortoise burrow, several armadillo burrows were located around the property, though they are not a listed animal species. No evidence of site usage by burrowing owls (*Athene cunicularia floridana*) was found to be occurring and no nests/daybeds of any kind were noted in the canopy or midstory of the forested areas.

In terms of listed plant species, the existing habitat types and exotic species infestation levels preclude this site from hosting those species; however their absence was verified during the surveys.

In terms of site development, if an area large enough to host the tortoise is not going to be available then a permit will be sought from the Florida Fish & Wildlife Conservation Commission for 10 Or Fewer Burrows and the tortoise will be relocated to an authorized mitigation bank.

**Exhibit 1**

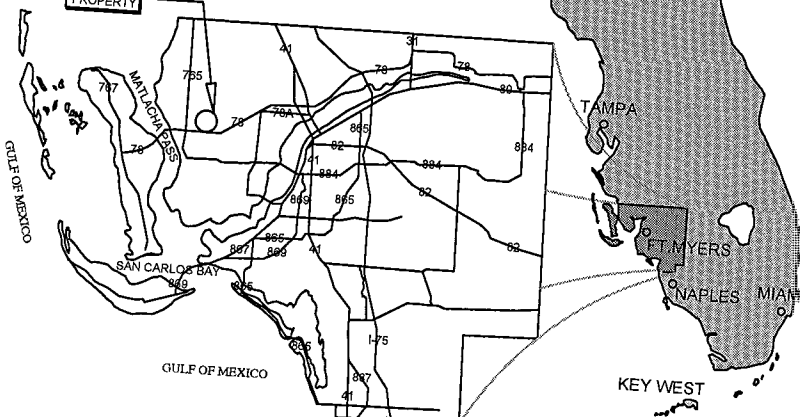
**LOCATION MAP**



# STATE OF FLORIDA



SUBJECT  
PROPERTY



## LEE COUNTY

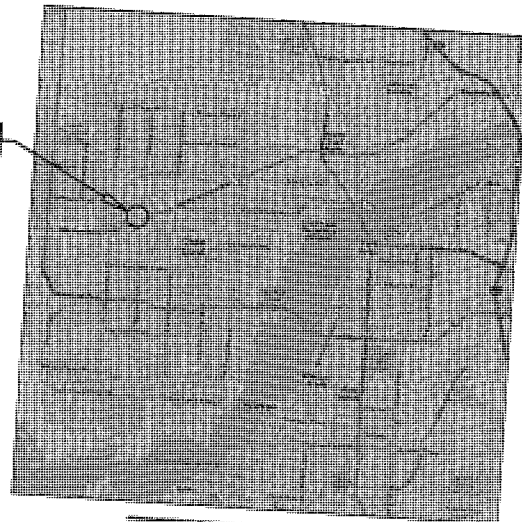
### SITE ADDRESS:

<> 1011 SW PINE ISLAND RD  
CAPE CORAL, FL 33991

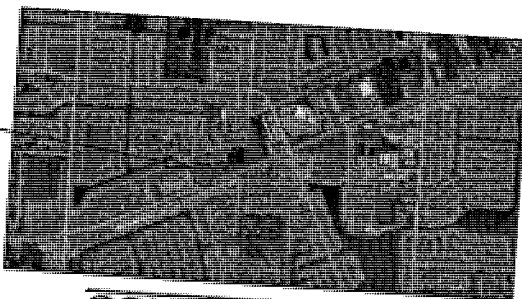
### NOTES:

<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY  
AND ARE NOT INTENDED FOR CONSTRUCTION USE.

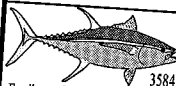
<> LATITUDE: N 26° 38' 40.447"  
<> LONGITUDE: W 81° 59' 36.779"



## VICINITY MAP



## COUNTY AERIAL



**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732  
Email: taha@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

## PINE ISLAND RD LOCATION MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED BY:	MK	1	2	3	4	5
DRAWN BY:	RMJ	2	3	4	5	6
CREATED:	11-22-16	3	4	5	6	7
JOB NO.:	1660	4	5	6	7	8
SHEET NO.:	01 OF 04	5	6	7	8	9

SECTION- 15 TOWNSHIP- 44 S RANGE- 23 E

**Exhibit 2**  
**FLUCCS MAP**



**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting  
3144 Exchange Ave. Suite B, Naples, FL 34104-3732  
Email: [turrell@turrell-hall.com](mailto:turrell@turrell-hall.com) Phone: (239) 643-0156 Fax: (239) 643-0033

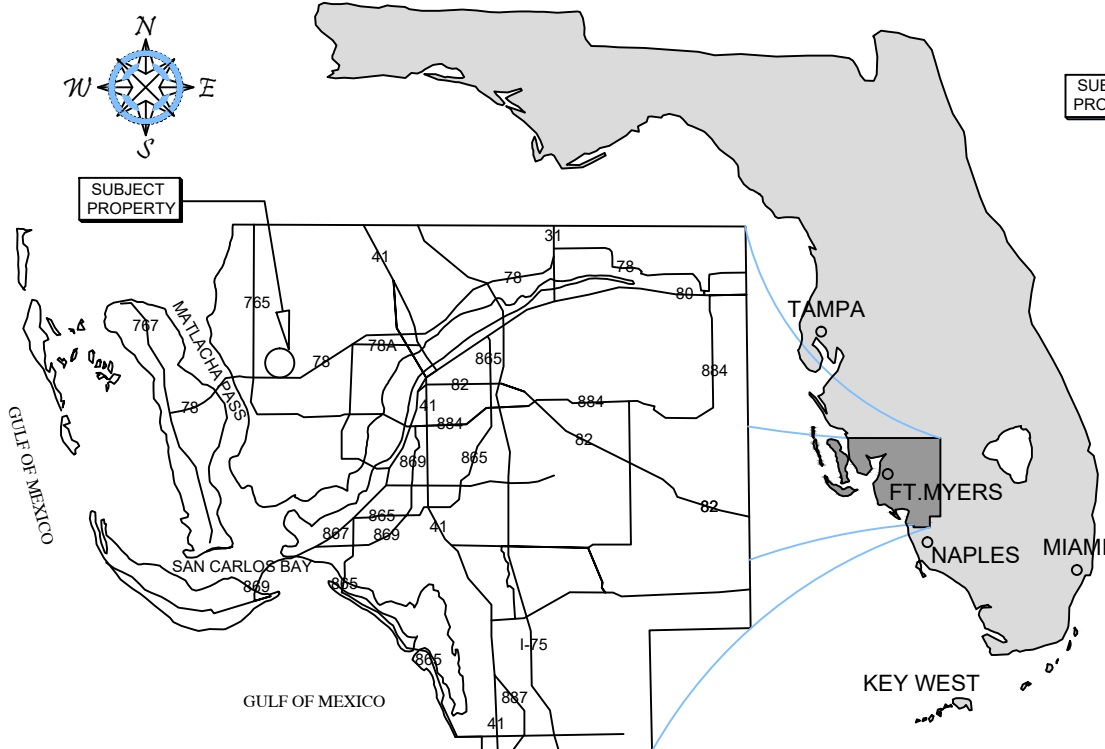
# **PINE ISLAND RD** **FLUCCS MAP**

DATE: 01/15/04	BY: J. HALL	FOR: PINE ISLAND RD
CREATED: 01/15/04	BY: J. HALL	FOR: PINE ISLAND RD
REVISED: 01/15/04	BY: J. HALL	FOR: PINE ISLAND RD
REVISION: 01/15/04	BY: J. HALL	FOR: PINE ISLAND RD
SECTION: 15	TOWNSHIP: 15	RANGE: 15
PLAT: 15	PLAT: 15	PLAT: 15

**Exhibit 3**

**LISTED SPECIES MAP**

# STATE OF FLORIDA



## LEE COUNTY

### SITE ADDRESS:

<> 1011 SW PINE ISLAND RD  
CAPE CORAL, FL 33991

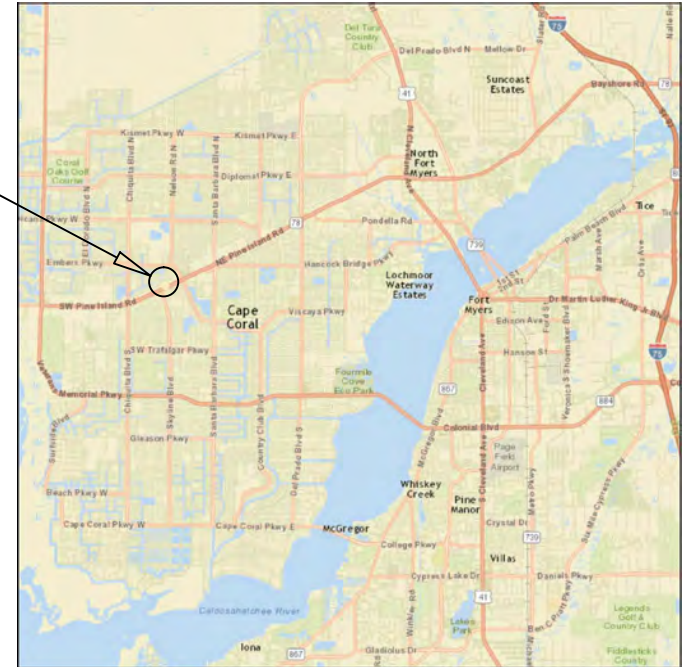
### NOTES:

<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY  
AND ARE NOT INTENDED FOR CONSTRUCTION USE.

<> LATITUDE: N 26° 38' 40.447"

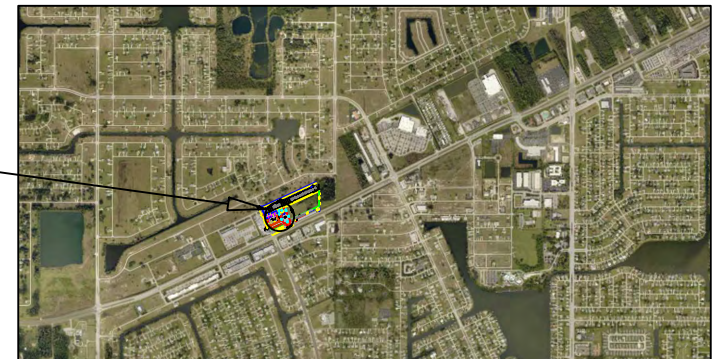
<> LONGITUDE: W 81° 59' 36.779"

SUBJECT  
PROPERTY



## VICINITY MAP

SUBJECT  
PROPERTY



## COUNTY AERIAL



**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting  
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

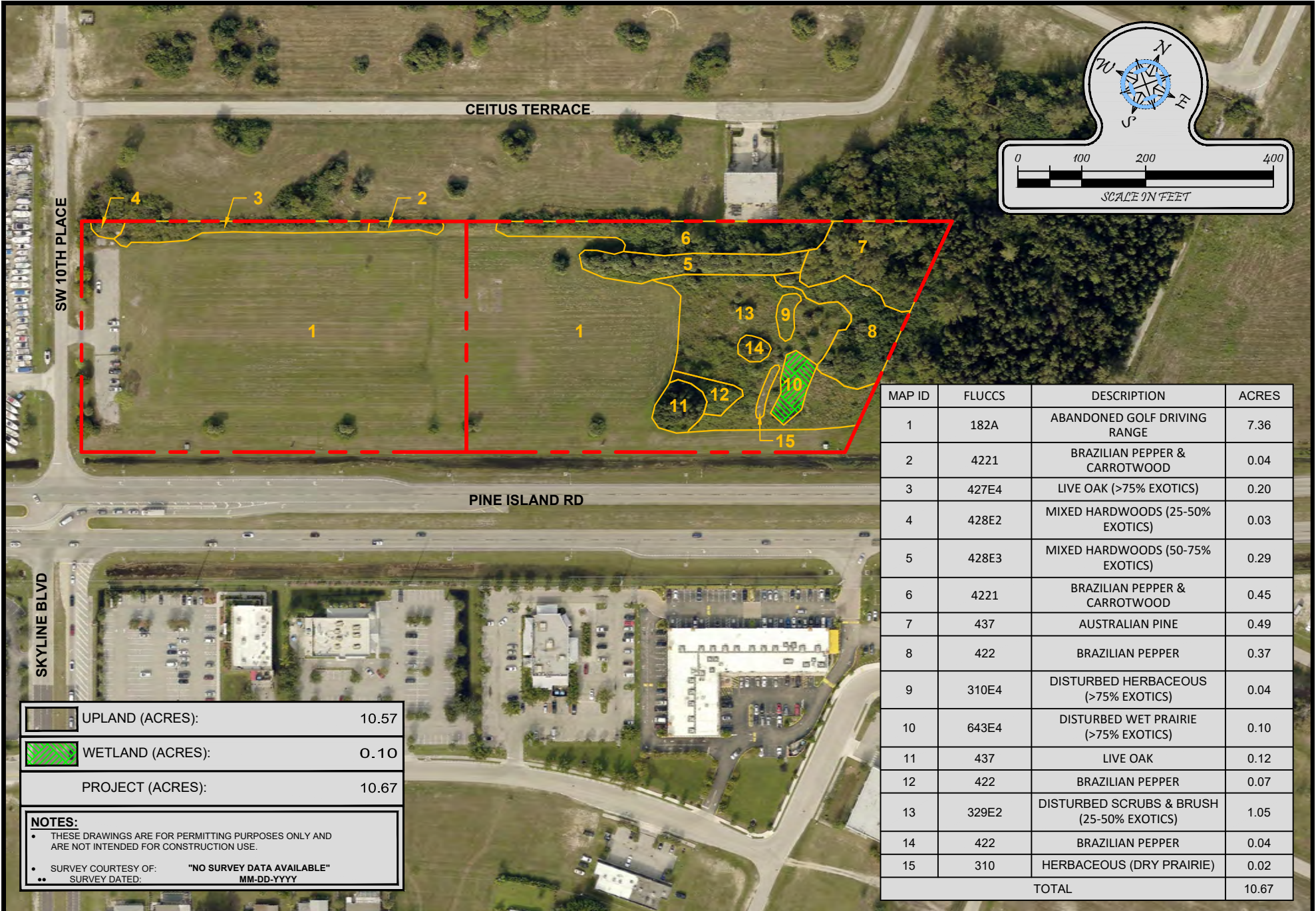
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

## PINE ISLAND RD LOCATION MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	MK	REV#	REVBY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	11-02-16	2.	-	-	-	-
JOB NO.:	1666	3.	-	-	-	-
SHEET NO.:	01 OF 05	4.	-	-	-	-
		5.	-	-	-	-
SECTION- 15		TOWNSHIP- 44 S		RANGE- 23 E		





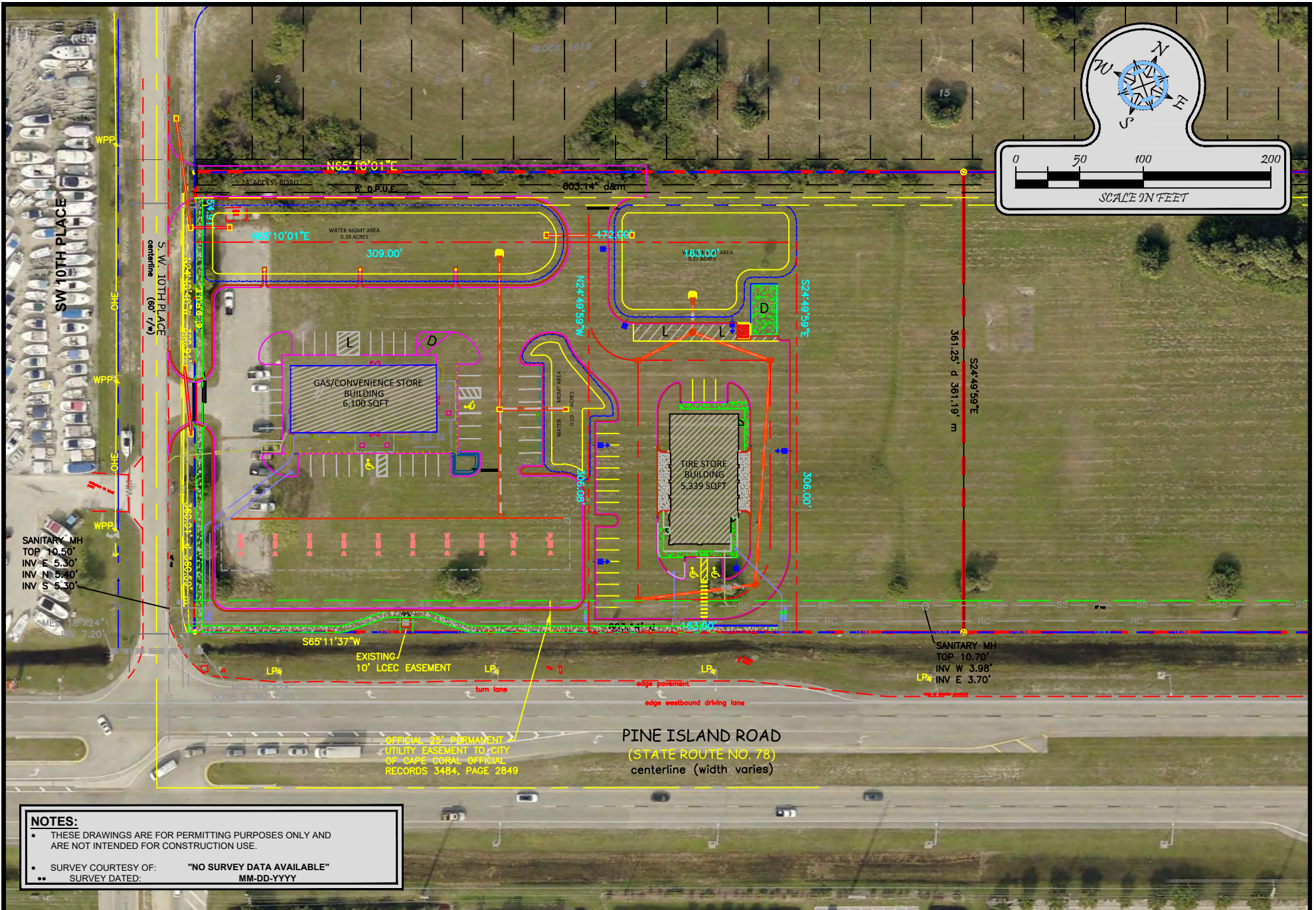

**Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Suite B. Naples, FL 34104-3732  
 Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

# PINE ISLAND RD FLUCCS MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	MK	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	11-02-16	2.	-	-	-	-
JOB NO.:	1666	3.	-	-	-	-
SHEET NO.:	02 OF 05	4.	-	-	-	-
		5.	-	-	-	-
SECTION- 15		TOWNSHIP- 44 S		RANGE- 23 E		





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Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

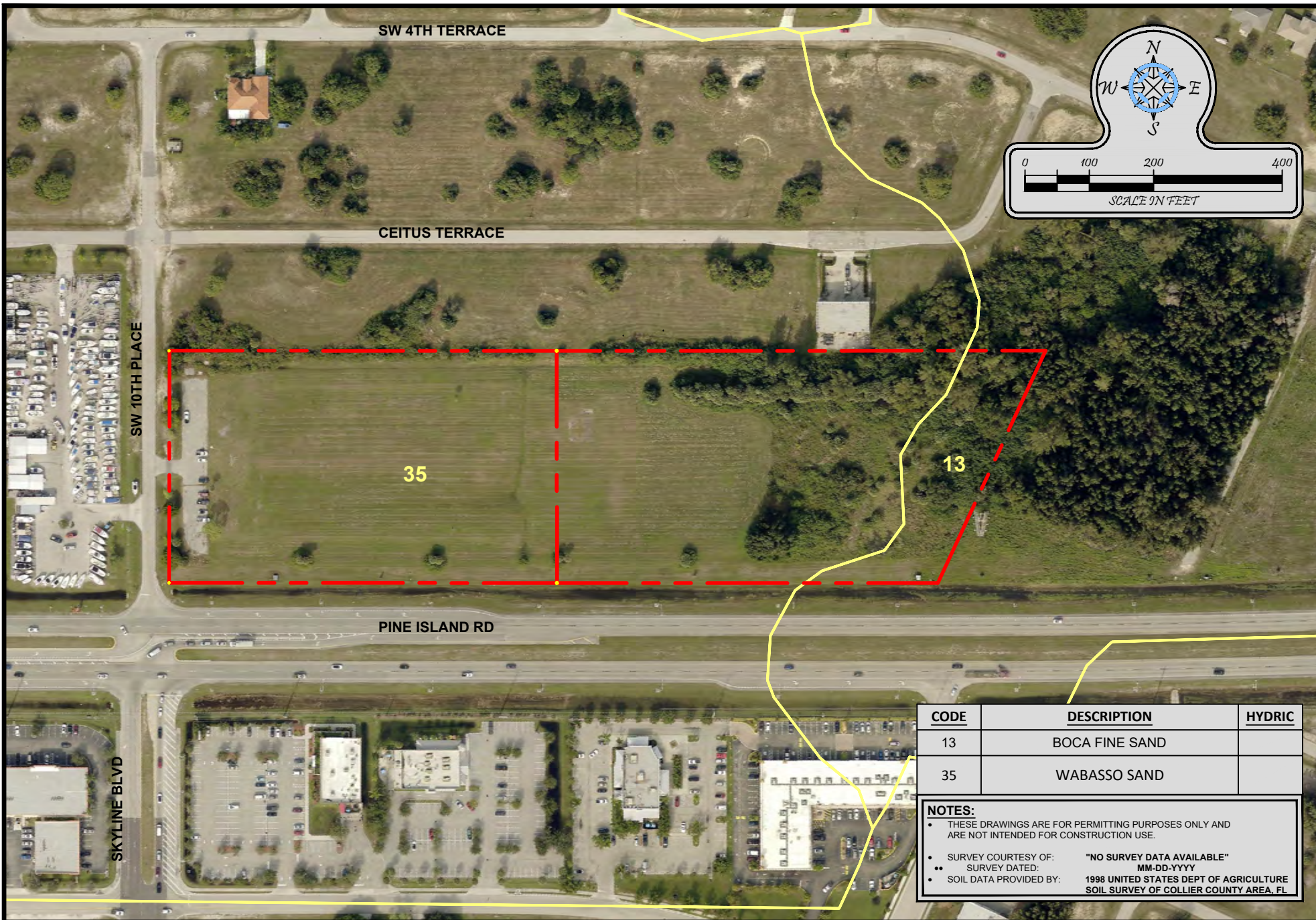
# **PINE ISLAND RD** **SITEPLAN**

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	MK	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	12-20-16	2.	-	-	-	-
JOB NO.:	1666	3.	-	-	-	-
SHEET NO.:	03 OF 05	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 15 TOWNSHIP- 44 S RANGE- 23 E





CODE	DESCRIPTION	HYDRIC
13	BOCA FINE SAND	
35	WABASSO SAND	

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY
- SOIL DATA PROVIDED BY: 1998 UNITED STATES DEPT OF AGRICULTURE SOIL SURVEY OF COLLIER COUNTY AREA, FL



**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

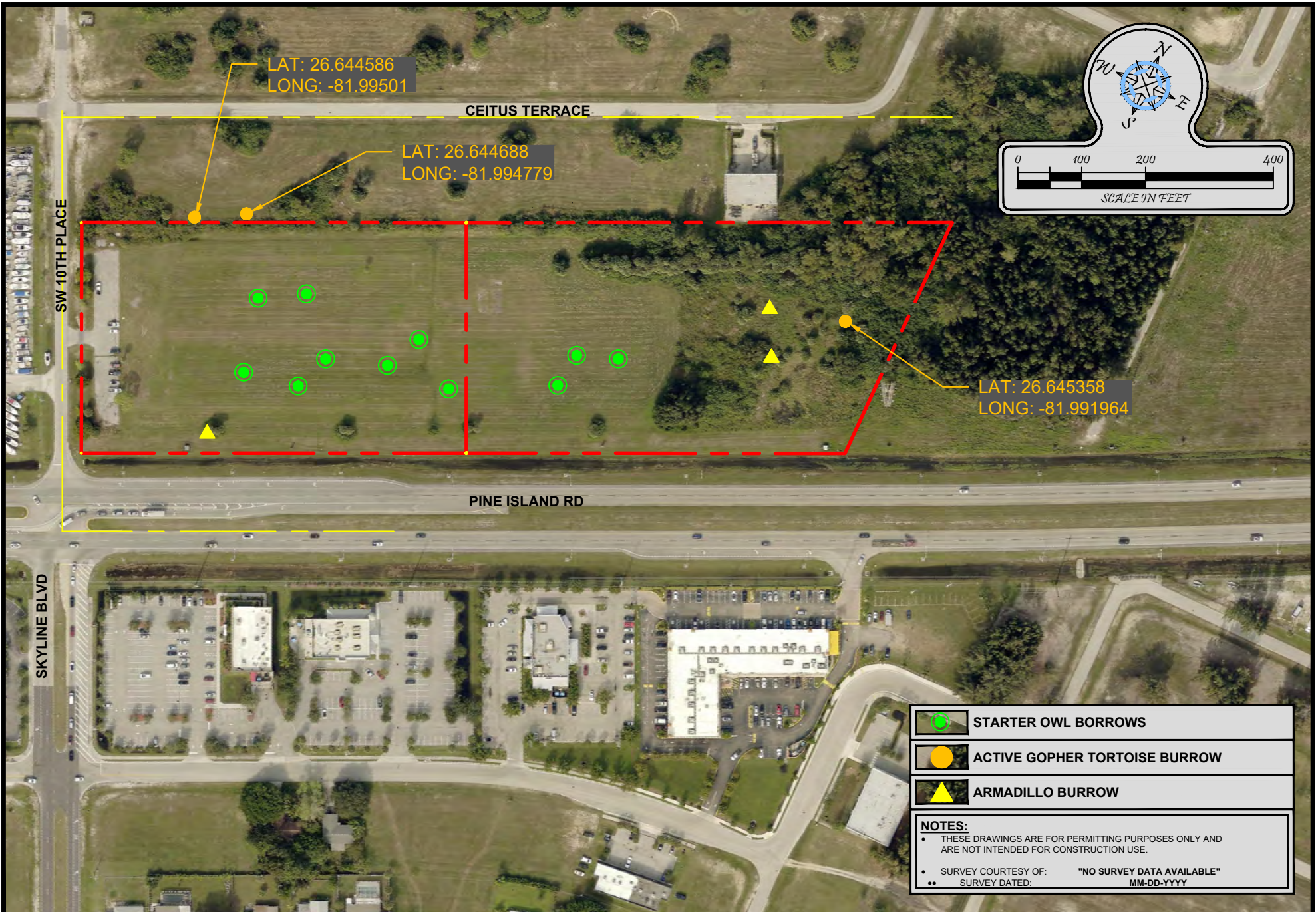
# **PINE ISLAND RD** **SOILS MAP**

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	MK	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	11-02-16	2.	-	-	-	-
JOB NO.:	1666	3.	-	-	-	-
SHEET NO.:	04 OF 05	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 15 TOWNSHIP- 44 S RANGE- 23 E





	<b>STARTER OWL BORROWS</b>
	<b>ACTIVE GOPHER TORTOISE BURROW</b>
	<b>ARMADILLO BURROW</b>
<b>NOTES:</b>	
<ul style="list-style-type: none"> <li>THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.</li> <li>SURVEY COURTESY OF: <b>"NO SURVEY DATA AVAILABLE"</b></li> <li>SURVEY DATED: <b>MM-DD-YYYY</b></li> </ul>	



**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting

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Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

**PINE ISLAND RD**

**LISTED SPECIES SURVEY MAP**

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	MK	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	11-09-16	2.	-	-	-	-
JOB NO.:	1666	3.	-	-	-	-
SHEET NO.:	05 OF 05	4.	-	-	-	-
		5.	-	-	-	-
SECTION- 15		TOWNSHIP- 44 S		RANGE- 23 E		

**Exhibit 4**  
**SOILS MAP**





**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting  
1584 Exchange Ave. Suite B. Naples, FL 34104-3712  
Email: [info@turrell-hall.com](mailto:info@turrell-hall.com) Phone: (239) 643-0166 Fax: (239) 643-6832

## PINE ISLAND RD LISTED SPECIES SURVEY MAP

**PROTECTED SPECIES MANAGEMENT PLAN**  
**CAPE CORAL 6A & 6B, LLC**  
**1011 SW PINE ISLAND ROAD**  
**PROJECT NO: PDP16-0013**  
**DECEMBER 2016**

Prepared by:



Turrell, Hall & Associates, Inc  
3584 Exchange Avenue  
Naples, FL 34104



## **1.0 PURPOSE**

This report will provide project management guidelines to maintain and protect habitat, foraging and nesting opportunities for gopher tortoises (*Gopherus polyphemus*) and burrowing owls (*Athene cunicularia*) on the proposed Cape Coral 6A & 6B project. Also included in the report is some background information on their ecological and biological characteristics and habitat requirements, a description of how planning and site development has been guided in consideration of these listed species and a management plan for their protection until they have been relocated under a state permit from the Florida Fish & Wildlife Conservation Commission.

## **2.0 PROJECT LOCATION & DESCRIPTION**

The proposed project will consist of commercial development and a gas station encompassing the western 1/3 of a 10.67 acre site on Pine Island Road, west of Nicholas Road and east of Skyline Boulevard. The site is situated in Section 15, Township 44 South, and Range 23 East, Lee County, Florida.

The area surrounding this site is a mixture of single and multifamily development, commercial development, and vacant land. The connecting property to the north of the project site is mostly vacant with a single structure on the eastern portion, while the property to the west of the project site is separated by SW 10 Place and consists of a commercial boat yard. Properties to the south are separated by Pine Island Road and consist of several retail parcels, accompanying parking lots and infrastructure.

### **Existing Conditions**

Historically the site was used for agriculture and then more recently as a driving range. Currently the western half of the site retains the mowed driving range tee bed and parking lot. The eastern half of the site was allowed to re-vegetate after the agricultural uses ceased. The vast majority of the eastern half of the site is comprised of mature exotic plant species.

The subject site consists mainly of upland habitat which comprises 10.57 of the 10.67 acres. The remaining portion of the site consists of a 0.10-acre low quality marsh area located in the southeast corner. Virtually all native trees are located on the western half of the site and were planted originally as part of the driving range project. Exotic plants species are not as prevalent on the western half due to ongoing maintenance efforts onsite.

The eastern site is dominated by large Australian pines and mature Brazilian pepper; however there are some open areas with grasses and upland groundcover (habitat #13- Disturbed Scrub and Brush on the attached FLUCCS Map). One of these open upland areas contains an active gopher tortoise burrow.

## 2.1 HABITAT CHARACTERISTICS FOR LISTED SPECIES

### Gopher Tortoises

Gopher tortoises typically utilize sandy upland scrub areas with vegetation that may include scrub oaks, saw palmetto, hog plum, gopher apple and other scrub ground cover. Certain portions of the site could be considered somewhat suitable gopher tortoise habitat, however, most of the site is too disturbed to support a tortoise population. Due to the fact that only one tortoise living on site and conditions are not very favorable for it, the Florida Fish & Wildlife Conservation Commission (FFWCC) would prefer the tortoise be relocated to a bank which supports a large breeding population. The other two burrows along the northern property line lie within the direct path of a future access road, so they must also be removed prior to construction.

### Burrowing Owls

Burrowing owls tend to frequent open dry areas with low vegetation, such as grasses. Typical areas where they might be found include agricultural lands, pastures, golf courses, airports, and empty residential/commercial mowed lots. They typically begin their breeding season in February with the courtship phase where they begin to dig burrows and dress the burrow openings. Most of the chicks have fledged by July; however breeding outside the normal season has been documented.

Recently noted were a series of burrowing owl starter burrows in habitat area #1 (Abandoned Golf Driving Range). They were first noted in February 2017 during a tree survey and were revisited March 30<sup>th</sup>, 2017 to verify if any owls had actually taken up residence on the site. As of the March 30<sup>th</sup> they still have not actually nested.

## 3.0 SURVEYS

Five (5) Listed Species surveys were conducted in between September 2016 and March 2017. Gopher tortoise surveying was done according to the guidelines of the (FFWCC).

DATE	SURVEYOR	TIME	CONDITIONS	TEMP
09/19/16	Reuben Sliva Biologist	8:00-10:30	Partly Cloudy, wind 0 kn	82°F
10/07/16	Marielle Kitchener Senior Biologist	10:00-11:52	Sunny, Wind 0 kn	83°F
10/21/16	Tim Hall Senior Ecologist	7:30-11:30	Sunny	81°F
11/02/16	Tim Hall/Reuben Sliva	7:30-9:40	Partly Cloudy, wind <10 kn	79°F
3/30/17	Tim Hall Senior Ecologist	6:45- 8:45	Partly Cloudy, wind <10 kn	72°F

## **Gopher Tortoises**

Gopher tortoises were found to be utilizing one small area on the eastern portion of the site and one small area close to the northern border of the western half of the site. The burrow observed on the eastern portion of the site was on the edge of a dense area of exotic species, while the burrows near the northwestern property line were observed within a narrow fringe of oaks and exotic vegetation. Meandering close transects were used throughout the property during the survey and all tracks and/or burrows associated with tortoise utilization were documented. All burrows were located with a hand-held GPS, and marked with blue surveyors tape. Burrows were then classified as Potentially Occupied (Active & Inactive) and Abandoned according to Wildlife Methodology Guidelines of the FWC.

### Burrow Activity

Potentially Occupied- Active – 3, Inactive - 0

Abandoned – 0 (including Collapsed – 0)

**Total – 3**

## **Burrowing Owls**

In January 2017 the burrowing owl was up-listed from Species of Special Concern to Threatened by the FFWCC. If burrowing owls nest on the site prior to construction commencement, then permits to flush them out of their burrows and provide some kind of compensatory mitigation will have to be obtained. Construction commencement will also be limited to months outside of the normal nesting season (February-July). Policy 1.2.4 requires the FFWCC Burrowing Owl Nest Protection Guidelines and Procedures for Urban Areas be followed once nesting is documented.

Since the owls have not yet nested and we are within the egg laying portion of nesting season already, the site will be monitored periodically to see if any nesting actually occurs. If nests are found over the next few months, then the FFWCC will be contacted to begin a permitting process and the above proper protection measures will be put into place. Studies have shown that owl nesting tends to be lower in open areas that are prone to wet season flooding, which can be the case on the old driving range due to surface soil compaction.

## **4.0 SITE DEVELOPMENT AND SPECIES MANAGEMENT PROTOCOL**

### **Gopher Tortoise Protection Prior to Relocation**

Until the final site development permits have been issued allowing for tortoise removal, the gopher tortoises utilizing this site will be protected in the following manner:

A twenty-five foot buffer zone will be staked around each burrow entrance, with pink flagging surrounding the entire zone. The buffer will alert any survey workers or mowers in the general

vicinity to avoid the burrows. Native grasses and lower growing vegetation will be kept in order to provide a continued food source for the tortoises.

The site will be periodically checked each month to verify that new burrows have not appeared and that the buffer zone is still clearly delineated.

### **Relocation of Tortoises Prior to Construction**

At least 90 days of construction commencement an updated tortoise survey will be conducted and a 10 or Fewer Gopher Tortoise Relocation Application will be sought from the Florida Fish & Wildlife Conservation Commission. Upon issuance of all development permits and the setting of a construction commencement date, biologists from Turrell, Hall & Associates will begin the excavation of all tortoise burrows associated with this project.

Relocation methods will involve either mechanical or hand digging the burrows.

All active and potentially active burrows will be treated as if a tortoise or commensal is present. If the burrow indicates a non-juvenile tortoise might be present then a small backhoe will be used to scrape up to a foot of soil at a time, while biologists use shovels and a PVC pipe to follow the burrow and ensure that the tortoise is not within reach. Once the tortoise has been found it will gently be removed by hand and transported to a shaded bin, where it will held until the remaining tortoises have also been placed into bins. Then the Senior Ecologist, Tim Hall, who is an Authorized Gopher Tortoise Agent, will drive them to meet the recipient site agent for final release into a licensed tortoise bank area.

### **Burrowing Owls**

The starter holes found onsite will be monitored over the next few months to determine if any owls actually begin nesting. If they do, then FFWCC protection guidelines require us to establish a 50 foot protection radius around the burrow, much like that of the tortoise buffer described above. Staking and roping will occur to establish the buffer and a T-perch will be installed near the mouth of the burrow with signage alerting people to avoid the buffer zone.

Within a few months of construction permit issuance, a permit will be sought with the FFWCC for the flushing of any burrows after all chicks have fledged the site. Since burrowing owls are now listed as Threatened, some kind of compensatory mitigation will be required of the applicant. Most likely it will be in the form of a donation for public education and tools for burrowing owl protection or a donation to CROW (Clinic for the Rehabilitation of Wildlife on Sanibel).



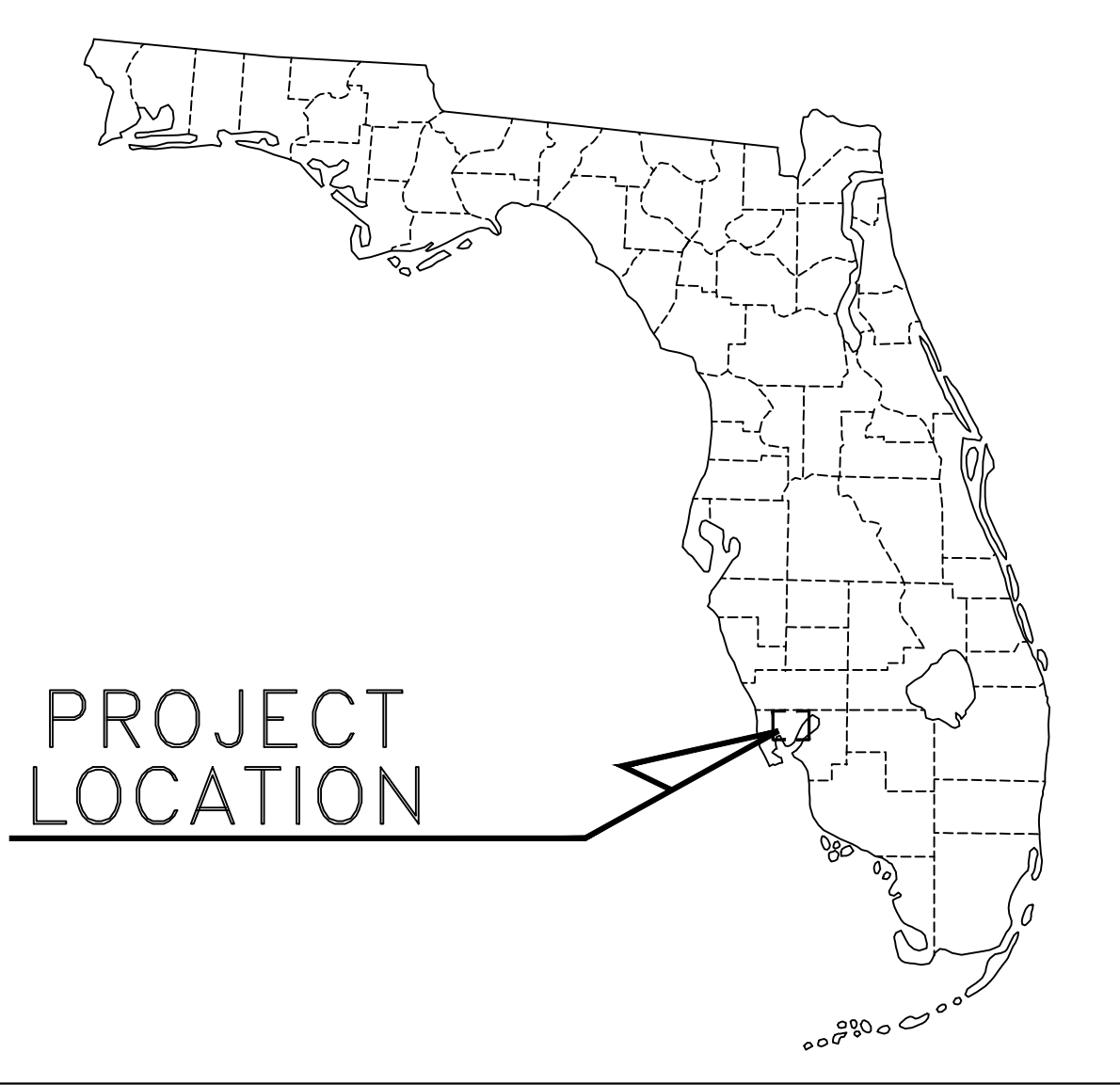
# PROJECT CONCEPTUAL RENDERING

NOT TO SCALE

Rendering To City,eng. Mar 28, 2017, 2:07pm

REVISIONS			PROJECT:  PHASE 6A & 6B 1011 S.W. PINE ISLAND ROAD CAPE CORAL, FL 33991	LOCATED IN:  LEE COUNTY, FLORIDA PERMITTING AGENCY:  CITY OF CAPE CORAL	<div><div><div></div></div><div>HAGAN</div><div>ENGINEERING</div></div> <div>1250 TAMAMI TRAIL NORTH, STE. 203B Naples, Florida 34102 Phone (239) 851-8239</div>	PLANNED DEVELOPMENT PROJECT (PDP) PERMIT DRAWINGS	<div>C. D. HAGAN, P.E. FL REG. #38649 EB #29474 DATE:</div>	6A - 6B PROJECT RENDERING			
								DATE	PROJECT NO.	SCALE	SHEET
								JANUARY 2017	2015.128	AS NOTED	





PLANNED DEVELOPMENT PROJECT - PDP16-0013  
FOR:  
**CAPE CORAL 6A + 6B SUBDIVISION**

SECTION 15, TOWNSHIP 44, RANGE 23 EAST  
CAPE CORAL, FLORIDA  
UNIT 49 - BLOCK 3611 - OR BOOK 3437 PAGE 278

INDEX OF PLANS

SHEET NO	DESCRIPTION
C-1	COVER SHEET & SITE DATA
C-2	EXISTING CONDITIONS MAP
C-3	SUBDIVISION PLAN
C-4	MASTER SITE PLAN
1 OF 2	BOUNDARY SURVEY
2 OF 2	BOUNDARY SURVEY

OWNER

CAPE CORAL 6A & 6B LLC  
5150 TAMiami TRAIL N. SUITE 300  
NAPLES, FLORIDA 34103

SITE ADDRESS

1011 SW PINE ISLAND RD  
CAPE CORAL, FLORIDA 33991  
AND  
913 SW PINE ISLAND ROAD  
CAPE CORAL, FLORIDA 33991

SITE INFORMATION

STRAP: 15-44-23-C3-03611.0000 AND 15-44-23-C3-03611.0010  
CLASSIFICATION/DOR CODE: VACANT COMMERCIAL / 10  
SITE ACREAGE: 10.03 (PER LEE COUNTY PROP. APPRAISER)

LEGAL DESCRIPTION

CAPE CORAL UNIT 49  
BLOCK 3611 PLAT BOOK 17 PAGE 148  
LESS OR 3645/1330 SR 78 & POR DESCRIPTION IN  
INST # 200700037973

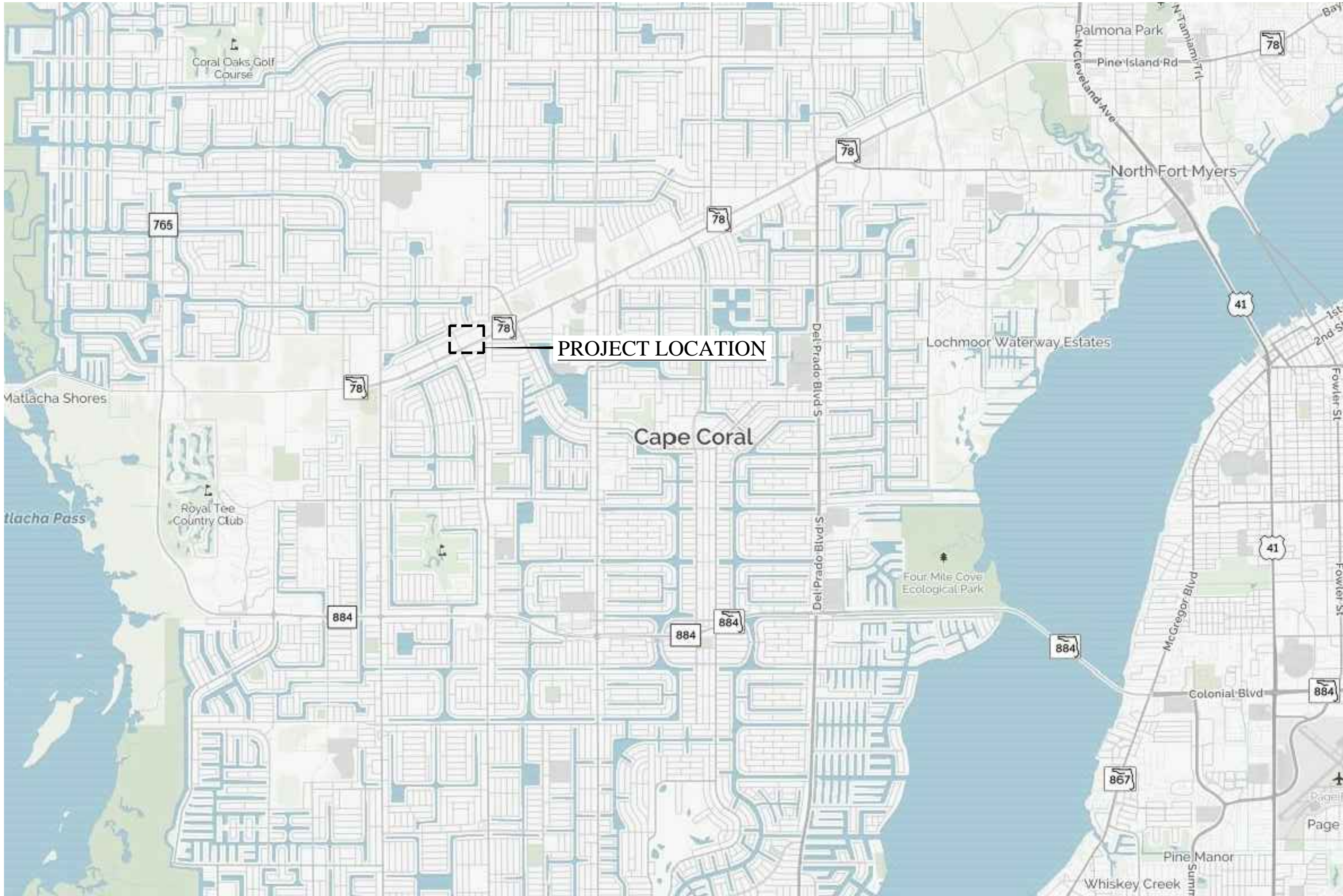
FEMA DATA

FIRM PANEL: 12071C0265F  
LOCATED IN FLOOD ZONE: X

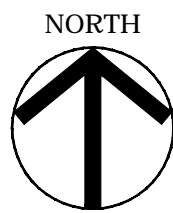
DATUM & BENCHMARK NOTE

ALL ELEVATIONS SHOWN REFERRED TO NATIONAL  
GEODETIC VERTICAL DATUM (NAVD) OF 1929.

SITE BENCHMARK: CITY OF CAPE CORAL  
BM 244-46-01 - TOP BRASS DISK IN MITER END  
SECTION OF CULVERT UNDER S.W. 10TH PLACE.  
ELEVATION 10.72' NGVD 1929  
ELEVATION 9.54' NAVD 1988



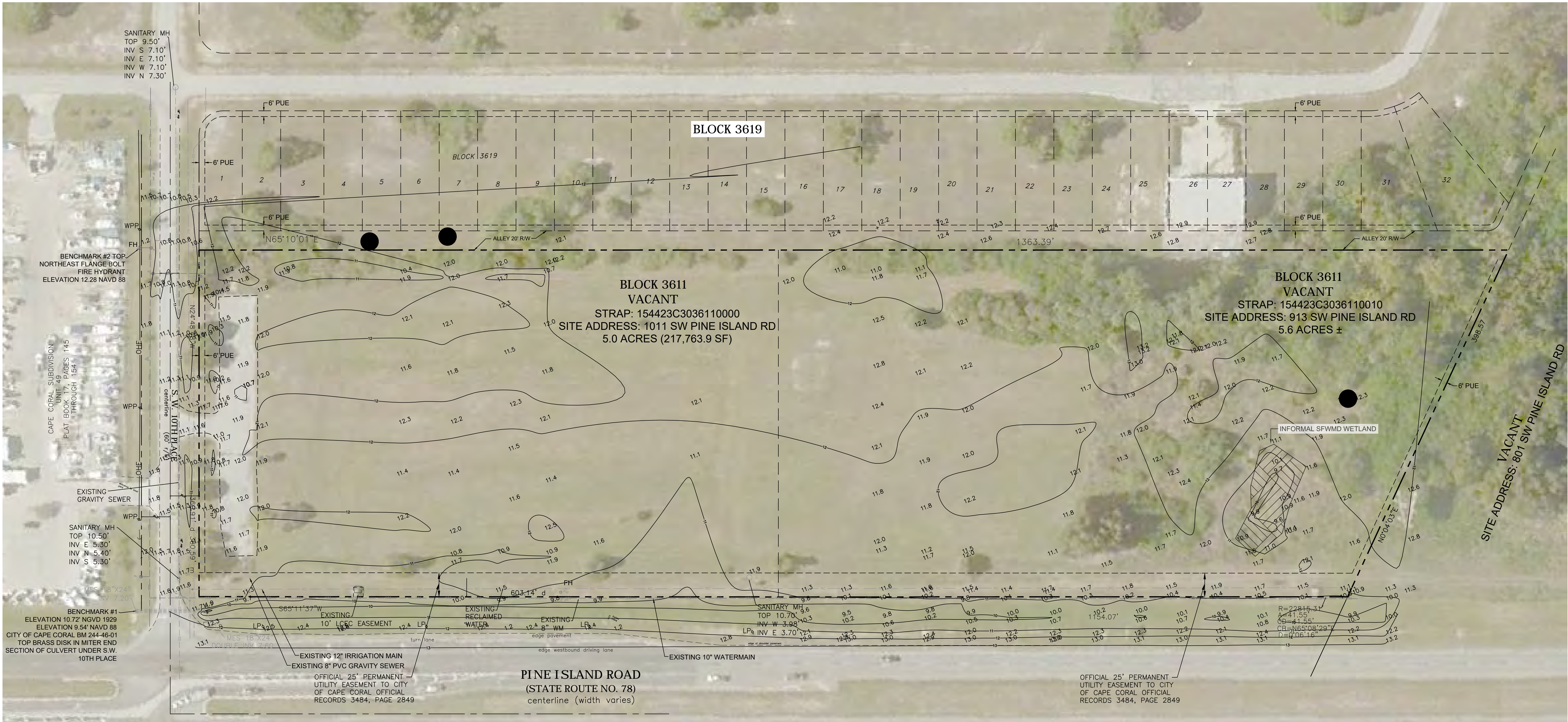
PROJECT LOCATION MAP  
NOT TO SCALE



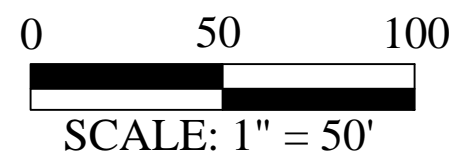
PDP MASTER PLAN SET.dwg, Jul 20, 2017, 2:59pm

REVISIONS			OWNER: CAPE CORAL 6A & 6B, LLC 5150 TAMiami TRAIL N. #300 NAPLES, FLORIDA 34103	LOCATED IN: LEE COUNTY, FLORIDA PERMITTING AGENCY: CITY OF CAPE CORAL	 HAGAN ENGINEERING 1250 TAMiami TRAIL NORTH, STE. 203B Naples, Florida 34102 Phone (239) 851-8239	CAPE CORAL 6A + 6B SUBDIVISION PDP16-0013	C. D. HAGAN, P.E. FL REG. #38649 EB #29474 DATE:	COVER SHEET & SITE DATA			
								DATE	PROJECT NO.	SCALE	SHEET
								JUNE 2017	2015.128	AS NOTED	C-1





**EXISTING CONDITIONS MAP WAERIAL OVERLAY**  
SCALE: 1" = 50'



NOTE:  
EXISTING TOPOGRAPHY & MAP DATA PROVIDED BY:  
CHARLES DEGRAFF LAND SURVEYOR  
LAND SURVEYORS AND MAPPERS  
301 HAZELTINE DRIVE, DEBARY, FLORIDA 32713

DATE OF FIELDWORK: 8/10/2016

REFER TO BOUNDARY & TOPOGRAPHIC SURVEY FOR  
ADDITIONAL INFORMATION & SURVEYORS NOTES.

**FEMA DATA**  
FIRM PANEL: 12071C0265F  
LOCATED IN FLOOD ZONE: X

**DATUM CONVERSION**  
USE 1.18' TO CONVERT NGVD TO NAVD.  
CONVERSION FORMULA:  
NAVD ELEVATION + 1.18' = NGVD ELEVATION. TYPICAL  
OF ALL SHOWN HEREIN.

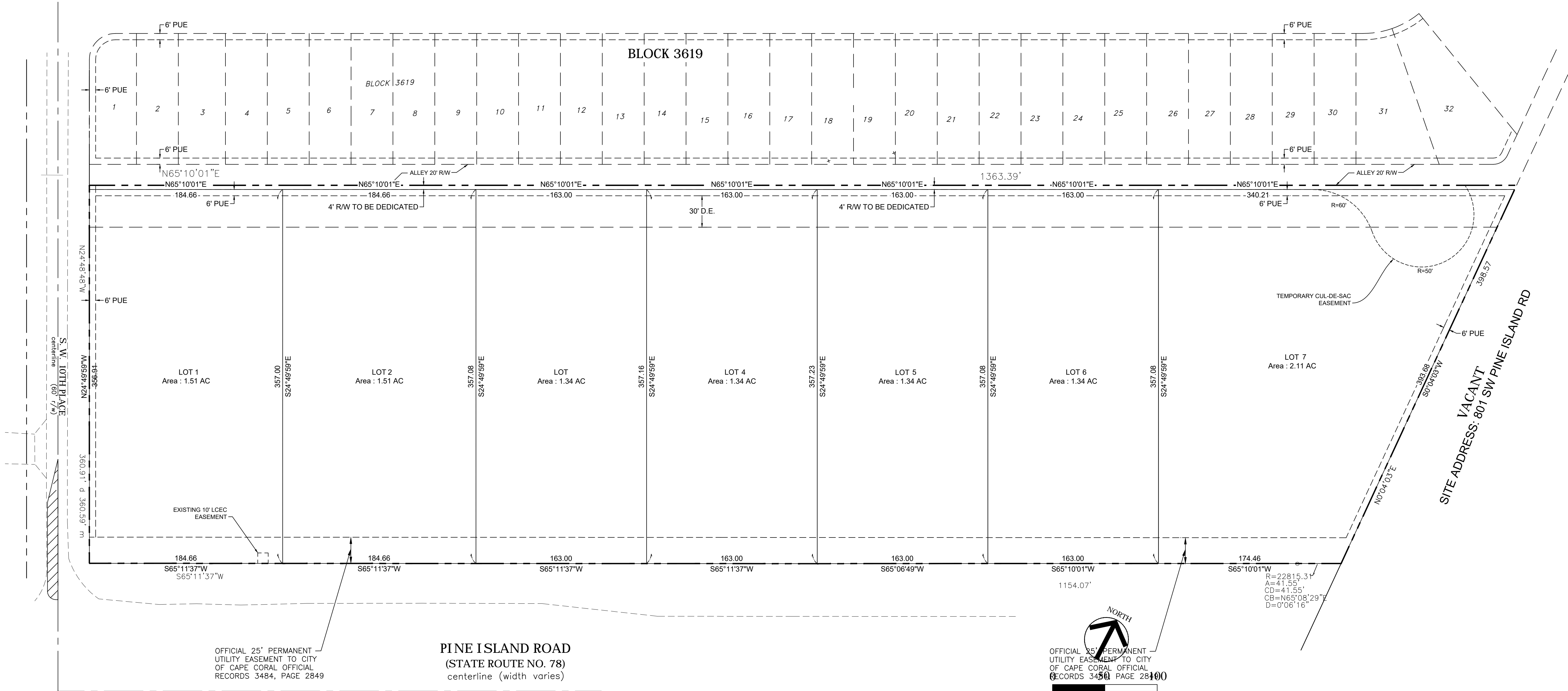
 GOPHER TORTOISE LOCATIONS

PDP MASTER PLAN SET.dwg, Jul 20, 2017, 2:59pm

REVISIONS			OWNER:  CAPE CORAL 6A & 6B, LLC 5150 TAMiami TRAIL N. #300 NAPLES, FLORIDA 34103	LOCATED IN:  LEE COUNTY, FLORIDA  PERMITTING AGENCY:  CITY OF CAPE CORAL	 <b>HAGAN</b> ENGINEERING 1250 TAMiami TRAIL NORTH, STE. 203B Naples, Florida 34102 Phone (239) 851-8239	CAPE CORAL 6A + 6B SUBDIVISION PDP16-0013	EXISTING CONDITIONS MAP			
							DATE	PROJECT NO.	SCALE	SHEET
							JUNE 2017	2015.128	AS NOTED	<b>C-2</b>
							C. D. HAGAN, P.E. FL REG. #38649 EB #29474 DATE:			

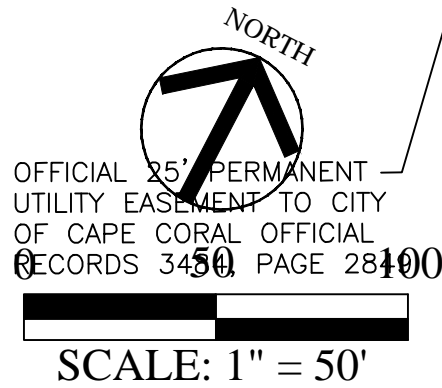


PDP MASTER PLAN SET.dwg, Jul 20, 2017, 2:59pm



**SUBDIVISION PLAN**

SCALE: 1" = 50'



Legal Description:  
A parcel of land lying in Block 3611, Cape Coral, Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida described as follows:

Beginning at the Northwest corner of Block 3611, Cape Coral Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida. Said Northwest corner lying on the East right-of-way of S.W. 10th Place (60' wide) run along the North line of said Block 3611, N65°10'01"E for 1363.39 feet to the Northeast corner of said Block 3611; thence run S00°04'03"W, along the East line of said Block 3611, for 398.47 feet to an intersection with the North right-of-way line of Pine Island Road (F.D.O.T. Parcel No. 1957562, Section 12060-000), being on a 22815.31 foot radius curve to the Southeast, said curve having a central angle of 00°06'16", a chord bearing S65°08'29"W 41.55 feet, thence run Southwesterly along the arc of said curve for 41.55 feet; thence continue S65°11'37"W along said North right-of-way line of Pine Island Road, for 1154.07 feet to an intersection with the East right-of-way line of S.W. 10th Place (60' wide); thence run along said East right-of-way line, N24°49'59"W for 360.91 feet to the Point of Beginning.

REVISIONS		
1	REVISED PER CITY OF CAPE CORAL COMMENTS	5/25/2017

OWNER:
CAPE CORAL 6A & 6B, LLC
5150 TAMiami TRAIL N. #300
NAPLES, FLORIDA 34103

LOCATED IN:
LEE COUNTY, FLORIDA
PERMITTING AGENCY:
CITY OF CAPE CORAL

**HAGAN**  
ENGINEERING

1250 TAMiami TRAIL NORTH, STE. 203B  
Naples, Florida 34102  
Phone (239) 851-8239

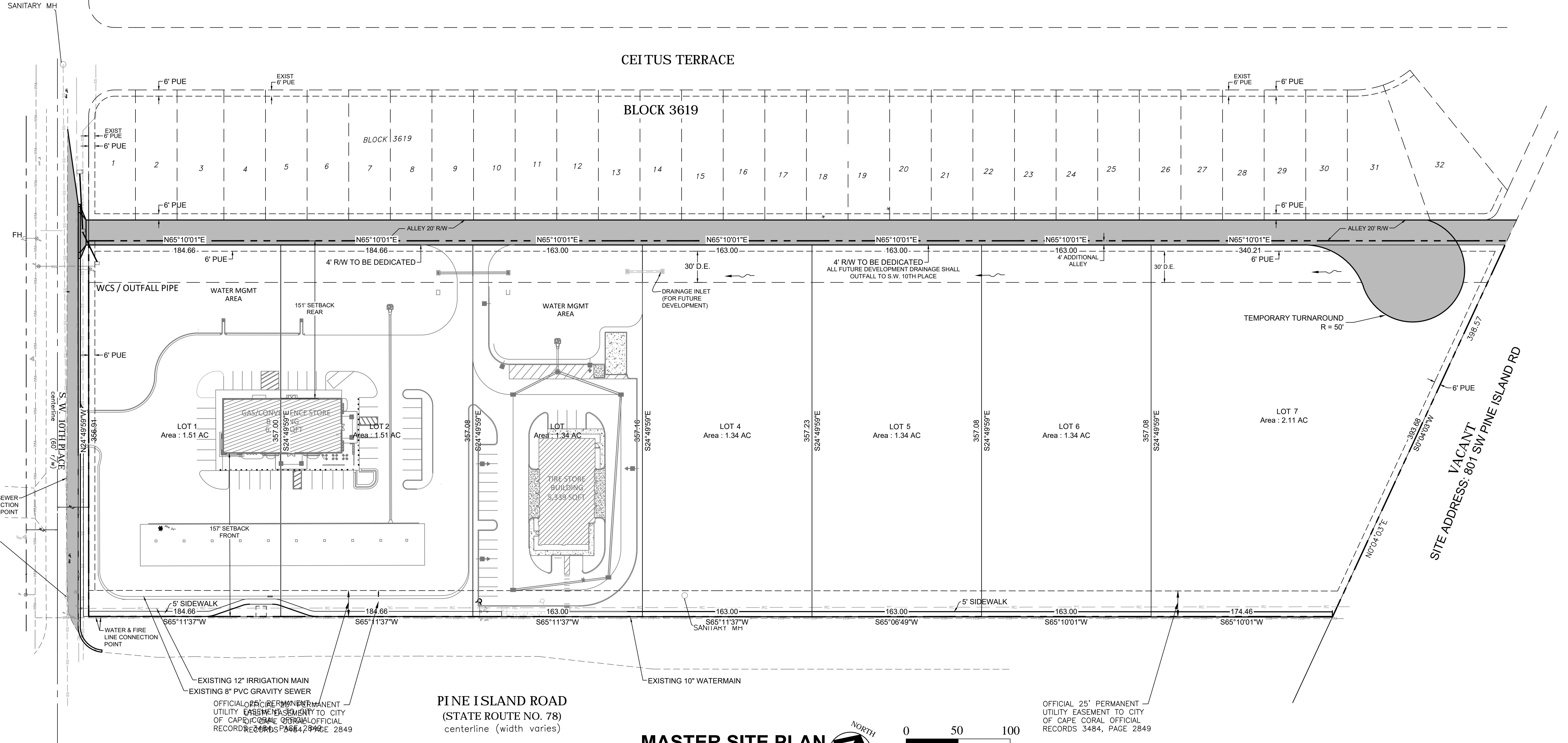
CAPE CORAL 6A + 6B  
SUBDIVISION  
PDP16-0013

C. D. HAGAN, P.E.  
FL REG. #38649  
EB #29474  
DATE:

SUBDIVISION PLAN			
DATE	PROJECT NO.	SCALE	SHEET
JUNE 2017	2015.128	AS NOTED	<b>C-3</b>

PDP MASTER PLAN SET.dwg, Jul 20, 2017, 2:59pm

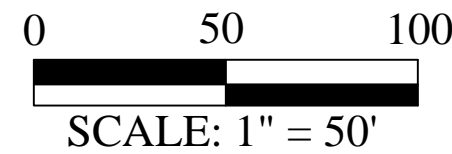
CAPE CORAL SUBDIVISION  
UNIT 4  
PLAT BOOK 17, PAGES 145  
THROUGH 154



SITE PLAN NOTES:

- PAVEMENT WIDTHS & RETURN RADII DESIGNED TO ACCOMMODATE DELIVERY TRUCK MOVEMENT(S) & ACCESS.
- ALL BOLLARDS SHALL BE SPACED 4' ON CENTER.

MASTER SITE PLAN  
SCALE: 1" = 50'



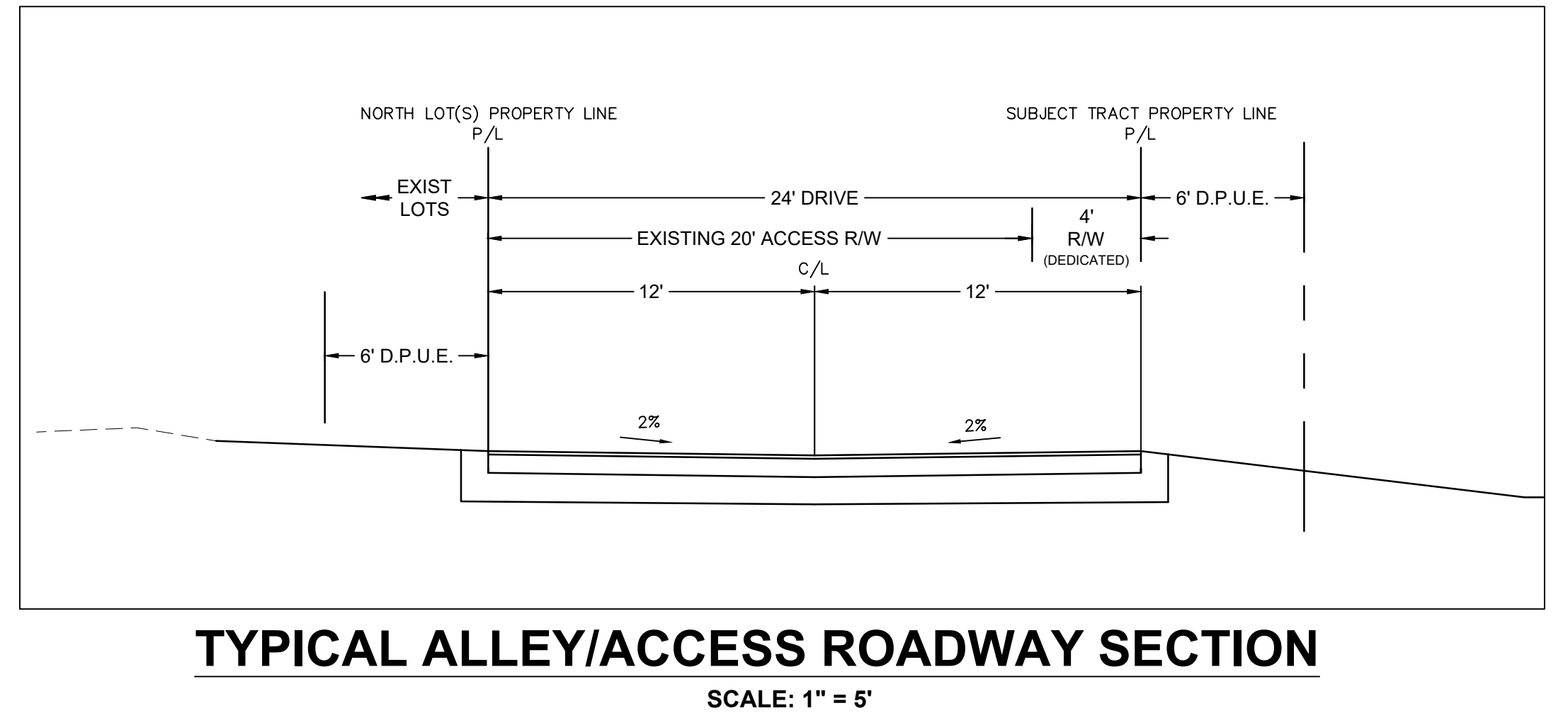
OFFICIAL 25' PERMANENT  
UTILITY EASEMENT TO CITY  
OF CAPE CORAL OFFICIAL  
RECORDS 3484, PAGE 2849

GAS/CONVENIENCE STORE SITE DATA TABLE (LOT 1)			
EXISTING SITE DATA			
LAND USE	AREA (SF)	AREA (AC)	PERCENTAGE
OPEN SPACE	82,993	1.91	88%
ASPHALT	11,562	0.27	12%
TOTAL AREA	94,555	2.17	100%
PROPOSED SITE DATA			
LAND USE	AREA (SF)	AREA (AC)	PERCENTAGE
BUILDING	6,100	0.14	6%
PAVEMENT/SIDEWALKS	64,331	1.48	68%
WATER MGMT AREA	13,464	0.31	14%
OPENSACE	10,660	0.24	11%
TOTAL =	94,555	2.17	100%
PERVIOUS AREA	10,660	0.24	11%
IMPERVIOUS AREA	83,895	1.93	89%
TOTAL =	94,555	2.17	100%

PARKING CALCULATIONS		
GAS / CONVENIENCE STORE		
REQUIRED - PROVIDED		
ONE (1) SPACE 150 SQFT - TOTAL SQFT = 6100		
6100 SQFT / 150 SQFT = 41 SPACES		
TOTAL REQUIRED = 41 SPACES - PROVIDED = 41 SPACES (2 HANDICAP)		

ZONING, SUBJECT PROPERTY & SURROUNDING	
SUBJECT PROPERTY: Corridor District (CORR)	
SURROUNDING:	
NORTH	Cape Coral Block 3619
SOUTH	Right of Way - Pine Island Road (SR 78)
EAST	Vacant Commercial
WEST	Right of Way - S.W. 10Th Place

BUILDING SETBACKS		
SITE DATA	REQUIRED	PROVIDED
FRONT YARD - S	25'	157'
REAR YARD - N	25'	151'
SIDE YARD - W & E	15'	75' W - N/A E
MIN WIDTH @ BUILD LINE	150'	309'
MIN DEPTH	N/A	N/A
MAX BUILDING HEIGHT	45'	45'



REVISIONS			

OWNER:  
CAPE CORAL 6A & 6B, LLC  
5150 TAMiami TRAIL N. #300  
NAPLES, FLORIDA 34103

LOCATED IN:  
LEE COUNTY, FLORIDA  
PERMITTING AGENCY:  
CITY OF CAPE CORAL

**HAGAN**  
ENGINEERING  
1250 TAMiami TRAIL NORTH, STE. 203B  
Naples, Florida 34102  
Phone (239) 851-8239

CAPE CORAL 6A + 6B  
SUBDIVISION  
PDP16-0013

C. D. HAGAN, P.E.  
FL REG. #38649  
EB #29474  
DATE:

MASTER SITE PLAN  
(PDP & SPECIAL EXCEPTION)

DATE	PROJECT NO.	SCALE	SHEET
JUNE 2017	2015.128	AS NOTED	<b>C-4</b>













DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0553

Case # \_\_\_\_\_

REQUEST TO BOARD OF ZONING ADJUSTMENT & APPEAL FOR A SPECIAL EXCEPTION

FEE: \$833.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising fees will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY  
CAPE CORAL GA + GB, LLC  
Address: 5150 TAMiami TRAIL N - SUITE 300  
City: CAPE CORAL State FL Zip 33991  
Email: CLUND@COREPROPERTYCAPITAL.COM Phone: 239-213-1600

APPLICANT (if different from Owner)  
AMPROP VENTURES, LLC  
Address: 4201 W CYRESS ST.  
City: TAMPA State FL Zip 33607  
Email: ERIC@AMPROP.COM Phone: 813-854-2211

AUTHORIZED REPRESENTATIVE  
NATIVE ENGINEERING, PLLC  
Address: P.O. BOX 2995  
City: LAND O' LAKES State FL Zip 34639  
Email: JOSH@NATIVEFLA.COM Phone: 813-412-3210

Unit 49 Block 3611 Lot(s) \_\_\_\_\_ Subdivision \_\_\_\_\_  
Address of Property 1011 SW PINE ISLAND RD  
Plat Book 17 Page 148  
Current Zoning CORRIDOR Strap Number 15-44-23-C3-03611-0000

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

ERIC SCHOESSLER  
NAME (PLEASE TYPE OR PRINT)

AMPROP VENTURES, LLC  
CORPORATION/COMPANY NAME  
[Signature]  
APPLICANT'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)



DEPARTMENT OF COMMUNITY DEVELOPMENT  
SPECIAL EXCEPTION APPLICATION

Case # \_\_\_\_\_

Questions: 239-574-0553

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

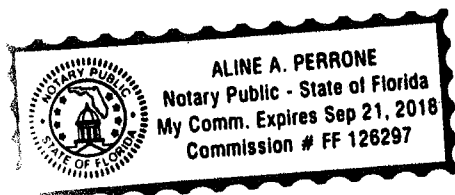
STATE OF FL, COUNTY OF Hillsborough

Sworn to (or affirmed) and subscribed before me this 29 day of Aug, 2016, by  
Eric Schreder who is personally known or produced  
as identification.

Exp. Date: 02-18 Commission Number: FF 126297

Signature of Notary Public:

Printed name of Notary Public:





DEPARTMENT OF COMMUNITY DEVELOPMENT  
SPECIAL EXCEPTION APPLICATION  
Questions: 239-574-0553

Case # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the

29th

day of

August

, 20

16

ERIC SCHOESSLER  
PRINT APPLICANT'S NAME

[Signature]  
APPLICANT'S SIGNATURE

STATE OF

FL

COUNTY OF

Hillsborough

Subscribed and sworn to (or affirmed) before me this

29th

day of

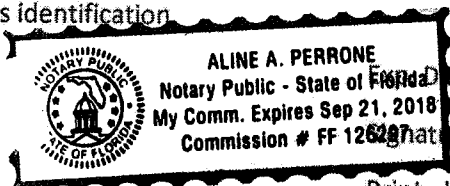
August

, 2016 by

Eric Schoessler

who is personally known or produced

as identification



Date:

9-21-2018

Commission Number:

FF 126297

Signature of Notary Public:

[Signature]

Printed name of Notary Public:

Aline A Perrone



April 3, 2017

David Hytii  
Development Services Manager  
City of Cape Coral Community Development  
1015 Cultural Park Blvd.  
Cape Coral, FL 33990

**RE: LETTER OF INTENT – SPECIAL EXCEPTION REQUEST  
1011 Pine Island Rd (Lot 2)**

It is the intent of the applicant/representative, Eric Schoessler with Amprop Ventures, LLC, to pursue approval for a Special Exception for a tire store use at the site referenced above. The site is currently making its way through the PDP and also has a Special Exception that will be submitted concurrently (by others) for a gas station next door.

The subject Lot 2 comprises  $\pm 1.15$  acres. The project will include the construction of one (1)  $\pm 5,400$  square foot tire store building. The bays within the building will be facing east and west – they are not proposed to face Pine Island Rd. Access to the site will be via a proposed rear alleyway that is connected to SW 10<sup>th</sup> Place. Parking is proposed along the south, north, and west sides of the building with the drainage pond (as part of the master drainage system for the overall PDP) proposed on the north side of the site. Water and sanitary sewer services are available along Pine Island Rd, and this site will propose to connect directly to these services.

The Special Exception request includes preliminary plans and renderings of the proposed building and site. Specifically, the following required standards are addressed:

1. The Tire Store will comply with all of the requirements of the zoning district, land use, development regulations, and all other applicable laws consistent with this use.
2. The proposed use is compatible with the adjacent properties and will support the local community.
3. Access will be provided by utilizing the proposed rear-frontage road so as to not have a negative impact on the traffic flow and existing adjacent uses.
4. The building is proposed to be near the center of the site providing setbacks in excess of the minimum requirements and proper buffering from the adjacent uses.
5. The site will maintain proper landscape buffers around the perimeter in line with the regional aesthetics. This site includes drive aisles, parking spaces, and pedestrian walkways that will be properly landscape to meet or exceed City code.



This project will be an asset to the community and is consistent with other commercial uses in the area. Please call me if you have any questions or need any further information.

Thank You,

***NATIVE ENGINEERING, PLLC***

Joshua S. Bradley, PE

cc. Amprop



CHARLES DEGRAFF LAND SURVEYOR

Phone 239-699-8572

Email Charles.degraff@gmail.com

Charles DeGraff  
301 Hazeltine Drive  
Debary, Florida 32713

Mr. Chris Hagan  
Hagan Engineering  
1250 Tamiami Trail North, Suite 203B  
Naples, FL 34102

11/1/2016

Hello Mr. Hagan,

Attached please find updated Topographic and Boundary Survey for the Cape Coral Project. Please note that were some areas that were not accessible without clearing with heavy equipment (Brazilian Peppers and Australian Pine).

On another note the legal description furnished from Old Republic National Title Insurance Company is in error. For some unknown reason the FDOT used bearings different from the plat bearings for Block 3611. The furnished legal mixed them together causing the error. Please provide the attached legal to the Title Company for their required Title Certification. If they have questions please have them call me.

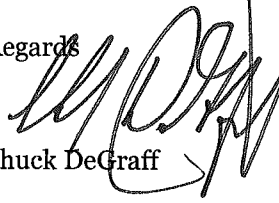
I need the name of the subdivision.

I need the ownership information for the Dedication or better yet fill out the sample on the Cape's web site with the required information and send it to me

I am assuming (bad thing) that there will only be one lot East of the Tire Lot and the other two lots won't change in configuration. Let me know.

Regards

Chuck DeGraff



Encl.



David Hytii  
Development Services Manager  
City of Cape Coral Community Development  
PO Box 150027  
Cape Coral, FL 33915

November 11, 2016

Re: 1011 SW Pine Island Road  
Gas Station/Convenience Store Special Exception  
Trip Generation and Distribution

Dear David,

This letter is submitted to outline the trip generation calculations and traffic distribution for the proposed gas station/convenience store at the referenced site. The site is currently vacant and is on the north side of Pine Island Road just east of its intersection with SW 10<sup>th</sup> Place. The site proposes to include 20 pumps and approximately 6,000 square feet of building. This is consistent with Pine Island Road Corridor zoning, but does require a Special Exception for this proposed use. The site improvements include landscaping, buildings, and parking to support the development of the gas station/convenience store. The 9<sup>th</sup> edition of the ITE Trip Generation sets the rates for this type of use at 1,141.59 for every 1,000 square feet of store and 233.7 for every fueling position. This yields a trip generation outlined below:

6,000 total square feet x 1,141.59 per 1,000 square feet generates 6,849.54 weekday trips.

233.7 per every fueling position x 20 fueling positions generates 4,674 weekday trips.

This gives the site a grand total of 11,523.54 weekday trips.

Peak PM trip hour is estimated at 85.6 per 1,000 square feet of convenience store for a total of 514 trips. The PM peak trip for the fueling positions is 17.09 per fueling position for a total of 342 trips. This gives the site a grand total of 856 PM peak hour trips.

Trip distribution for the sites either north or south on Pine Island Road in this location a majority of traffic will be to the west and we would expect it to be approximately a 60-40 split at this location. The peaks will be consistent generations noted. I believe this address the Trip Generation and Distribution for the proposed project. If you have any comments or questions regarding this please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Hagan', written over a light blue horizontal line.

Chris Hagan

J:\Jobs\Jobs2016\Cape Coral\Unit 49\1233\1233 Job Description:  
11:46:05 11/01/16

-----  
Block : 3611

From	PNT	Bearing	Distance	Northing	Easting	To Pnt
85		S65°08'29"W	41.55	5174.120	6236.855	19
		ARC=	41.55	RAD=22815.31	DELTA= 0.0616	+ Area RadNum=81
19		S65°11'37"W	1154.07	5156.655	6199.158	18
18		N24°49'59"W	360.91	4672.461	5151.573	1
1		N65°10'01"E	1363.39	5000.000	5000.000	2
2		S00°04'03"W	398.47	5572.591	6237.325	85
		Square Feet :	462161.6	Acres :	10.610	
		Square Metres:	42936.21	Hectares :	4.294	
		TOTAL Traverse Distance :		3318.39		
		TOTAL Traverse Perimeter:		3318.39		
		TOTAL Traverse Stations :		5		
		ERROR of Closure :		1:INFINITY		
		Frontage: 1195.616760.				

**Legal Description:**

A parcel of land lying in Block 3611, Cape Coral, Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida described as follows:

Beginning at the Northwest corner of Block 3611, Cape Coral Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida. Said Northwest corner lying on the East right-of-way of S.W. 10th Place (60' wide) run along the North line of said Block 3611, N65°10'01"E for 1363.39 feet to the Northeast corner of said Block 3611; thence run S00°04'03"W, along the East line of said Block 3611, for 398.47 feet to an intersection with the North right-of-way line of Pine Island Road (F.D.O.T. Parcel No. 1957562, Section 12060-000), being on a 22815.31 foot radius curve to the Southeast, said curve having a central angle of 00°06'16", a chord bearing S65°08'29"W 41.55 feet, thence run Southwesterly along the arc of said curve for 41.55 feet; thence continue S65°11'37"W along said North right-of-way line of Pine Island Road, for 1154.07 feet to an intersection with the East right-of-way line of S.W. 10th Place (60' wide); thence run along said East right-of-way line, N24°49'59"W for 360.91 feet to the Point of Beginning.



GRAPHIC SCALE 1"=20'

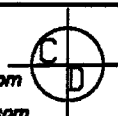
REFER TO SHEET 1 OF 2 FOR DESCRIPTION, LEGEND AND SURVEYOR'S NOTES.  
NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SHEET 2 OF 2

**CHARLES DEGRAFF LAND SURVEYOR**

Land Surveyors and Mappers  
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572  
Email [charles.degraff@gmail.com](mailto:charles.degraff@gmail.com)  
Web [www.surveycapecoral.com](http://www.surveycapecoral.com)





# Traffic Impact Statement

---

## 1011 SW Pine Island Road Planned Development Project (PDP)

Lee County, FL  
07/21/2017

Prepared for:

Hagan Engineering  
1250 Tamiami Trail North, Suite 203B  
Naples, FL 34102  
Phone: 239-851-8239

Prepared by:

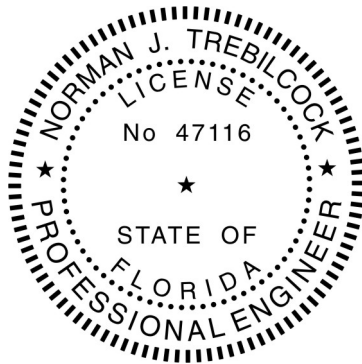
Trebilcock Consulting Solutions, PA  
1205 Piper Boulevard, Suite 202  
Naples, FL 34110  
Phone: 239-566-9551  
Email: [ntrebilcock@trebilcock.biz](mailto:ntrebilcock@trebilcock.biz)



## Statement of Certification

---

I certify that this Traffic Impact Statement has been prepared by me or under my immediate supervision and that I have experience and training in the field of Traffic and Transportation Engineering.



---

Norman J. Trebilcock, AICP, P.E.  
FL Registration No. 47116  
Trebilcock Consulting Solutions, PA  
1205 Piper Boulevard, Suite 202  
Naples, FL 34110  
Company Cert. of Auth. No. 27796

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## APPENDICES

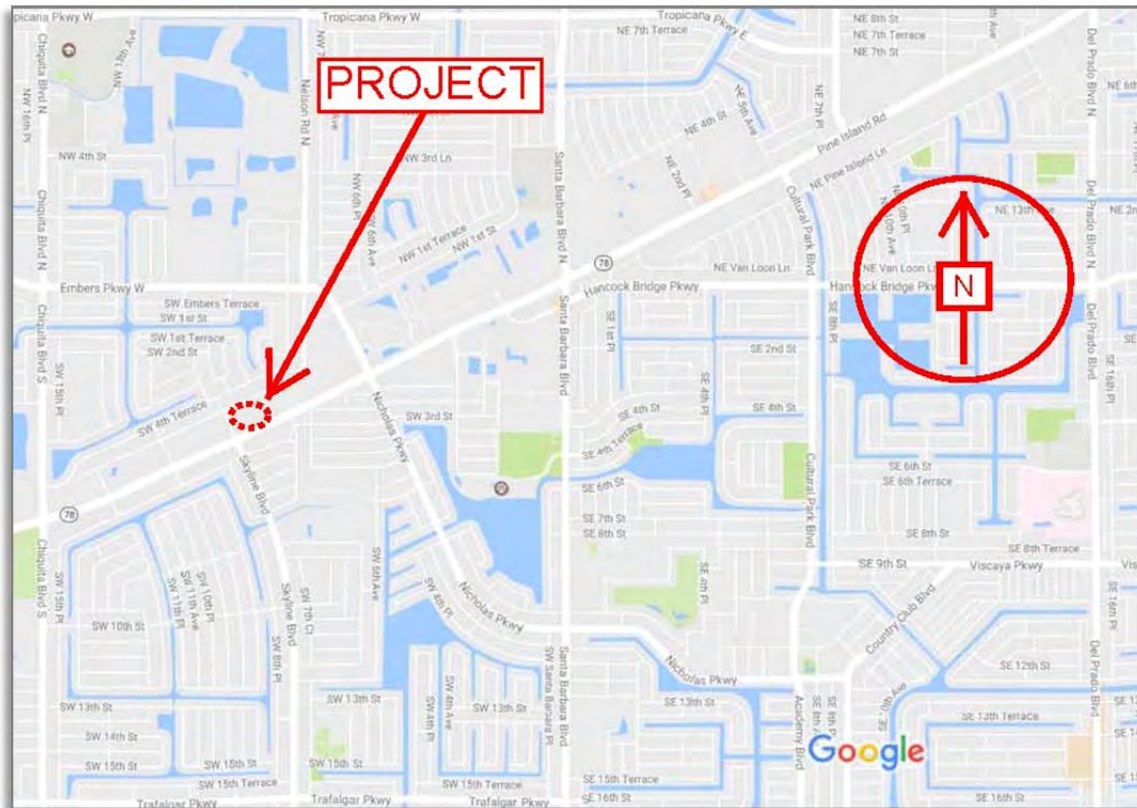
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## Project Description

The 1011 SW Pine Island Road project is located at 1011 SW Pine Island Road and 913 Pine Island Road, in Cape Coral. The project site is currently vacant and lies within Section 15, Township 44S, Range 23E, Lee County, Florida.

Refer to **Fig. 1 – Project Location Map**, which follows and **Appendix A: Project Master Site Plan**.

### Fig. 1 – Project Location Map



A methodology meeting was held with the City of Cape Coral Transportation Planning staff on January 27, 2017 (refer to **Appendix B: Initial Traffic Impact Study Checklist**).

This Planned Development Project (PDP) proposes to develop a 6,100 sf Gas Station/Convenience Store with 20 fueling pumps and a 5,339 sf Tire Store with 8 service bays.

The project Traffic Impact Statement (TIS) provides the highest impact scenario with respect to the project's trip generation. A trip generation comparison is provided for the Land Use Code (LUC) 853 based on the store gross floor area (GFA), and LUC 945 based on the number of

fueling positions. In addition, a trip generation comparison is provided for the Land Use Code (LUC) 848 – Tire Store between two variables: the store GFA and the number of service bays. This ensures that the most conservative approach is used for the purposes of this report.

In addition, vacant lots will accommodate a 4,500 sf bank with drive through, a 5,500 sf commercial retail center, a 5,000 sf sit-down restaurant and a 3,500 sf fast-food restaurant with drive through. These are conceptual estimates to be used for the purposes of this report.

In accordance with the adopted Initial Methodology Meeting guidelines, the future traffic conditions with project reflect 2027 Horizon Year.

The proposed development program is illustrated in **Table 1**, based on the Institute of Transportation Engineers, 9<sup>th</sup> Edition land use descriptions.

**Table 1**  
**Proposed Development Program**

Development	ITE Land Use	ITE Land Use Code	Total Size	Planning Future Year
<b>Tire Store</b>	Tire Store	848	8 service bays	2027
<b>Gas Station</b>	Convenience Market with Gasoline Pumps	853	6,100 sf*	2027
<b>Bank</b>	Drive-in Bank	912	4,500 sf*	2027
<b>Retail Center</b>	Specialty Retail Center	826	5,500 sf*	2027
<b>Sit-Down Restaurant</b>	High-Turnover (Sit-Down) Restaurant	932	5,000 sf*	2027
<b>Fast-Food Restaurant</b>	Fast-Food Restaurant with Drive-Through Window	934	3,500 sf*	2027

Note(s): \*sf = square feet.

Connections to the subject site are proposed to be provided as follows: existing full movement access on northbound SW 10<sup>th</sup> Place to remain and one proposed full movement access on eastbound Ceitus Terrace. Proposed vacant lot uses will have access to the rear alley (Ceitus Terrace) via connected driveways and provide interconnections thru parking areas.

## Trip Generation

The project's site trip generation is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. The software program OTISS (Online Traffic Impact Study Software), most current version, is used to create the trip generation for the project. The ITE rates and equations are used for the trip generation calculations, as applicable. The ITE – OTISS trip generation calculation worksheets are provided in **Appendix C: ITE Trip Generation Calculations**.

The project provides a highest and best use scenario with respect to the project's proposed trip generation. A trip generation comparison is provided for the Land Use Code (LUC) 853 based on the store gross floor area (GFA), and LUC 945 based on the number of fueling positions. The LUC 853 – 6,100 sf GFA is the conservative estimate of the two trip generations and it is used for the purposes of this report.

In addition, a trip generation comparison is provided for the Land Use Code (LUC) 848 – Tire Store between two variables: the store GFA and the number of service bays. The LUC 848 – 8 service bays is the conservative estimate of the two trip generations and it is used for the purposes of this report.

The **internal capture** accounts for a reduction in external traffic because of the interaction between the multiple land uses in a site. As the ITE handbook does not provide guidelines for some of the land uses in this site, this report recommends that a 10% overall traffic reduction be utilized as a reasonable internal capture rate. To minimize potential excessive traffic capture, the recommended ITE pass-by traffic rates will be conservatively reduced.

The **pass-by trips** account for traffic that is already on the external roadway network and stops at the project on the way to a primary trip destination. It should be noted that the driveway volumes are not reduced as a result of the pass-by reduction, only the traffic added to the surrounding streets and intersections. As such, pass-by trips are not deducted for operational turn lane analysis (all external traffic is accounted for).

Per ITE User's Guide and Handbook recommendations, PM peak period average pass-by trip percentages are 28 % for LUC 848 – Tire Store, and 66% for LUC 853 – Convenience Market with Gasoline Pumps. Consistent with a conservative approach, this analysis calculates pass-by trip percentages as follows: LUC 848 – Tire Store – AM/PM peak hour rates at 20%, and LUC 853 – Convenience Market with Gasoline Pumps – AM/PM peak hour rates at 50%. In addition, the daily capture rates are assumed 10% lower than the peak hour capture rates: 10% for LUC 848, and 40% for LUC 853.

In a similar manner, PM peak hour pass-by rates for vacant lot uses are considered as follows: LUC 912 – Drive-in Bank – ITE 47%, this report allows 40%; LUC 828 – Specialty Retail Center –



(similar to LUC 820 Shopping Center, ITE 34%), this report allows 25%; LUC 932 – High-Turnover (Sit-Down) Restaurant – ITE 43%, this report allows 40%; LUC 934 – Fast-Food Restaurant with Drive-Through Window – ITE 50%, this report allows 40%. AM peak hour pass-by rates are considered identical with PM peak hour rates, while daily capture rates are assumed 10% lower than AM/PM peak hour rates.

The trip generation associated with proposed PDP application is illustrated in **Table 2**.

**Table 2**  
**Trip Generation (Proposed Build-out Conditions) – Average Weekday\***

Proposed Development	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
<b>Traffic Unadjusted</b>	296	276	<b>572</b>	318	308	<b>626</b>
<b>Internal Capture</b>	29	27	56	32	30	<b>62</b>
<b>External Traffic</b>	267	249	<b>516</b>	286	278	<b>564</b>
<b>Pass-by Traffic</b>	113	109	<b>222</b>	125	122	<b>247</b>
<b>Net External Traffic</b>	154	140	<b>294</b>	161	156	<b>317</b>

Note(s): \*ITE does not provide daily traffic volumes for LUC 848.

The concurrency analysis (roadways link analysis) is based on the estimated PM peak hour net external peak hour for average weekday traffic.

The site access and intersection turn lanes analysis is evaluated based on AM and PM peak hour average weekday external traffic.

## Trip Distribution and Assignment

The traffic generated by the development is assigned to the adjacent road network based on the knowledge of the area, current and future traffic patterns, and proximity of supporting land uses, such as residential land use.

The site-generated trip distribution is shown in **Table 3, Project Traffic Distribution for PM Peak Hour** and it is graphically depicted in **Fig. 2 – Project Distribution by Percentage and By PM Peak Hour**.

**Table 3**  
**Project Traffic Distribution for PM Peak Hour**

Roadway Link	Roadway Link Location	Distribution of Project Traffic	PM Peak Hr Project Traffic Volume*	
			Enter	Exit
<b>SW 10<sup>th</sup> Place**</b>	North of Pine Island Rd	10%	SB – 16	NB – 15
<b>Skyline Blvd**</b>	South of Pine Island Rd	20%	NB – 32	SB – 31
<b>Pine Island Rd (SR 78)</b>	West of Skyline Blvd to Chiquita Blvd	30%	EB – 48	<b><u>WB – 47</u></b>
<b>Pine Island Rd (SR 78)</b>	West of Chiquita Blvd	5%	EB – 8	<b><u>WB – 8</u></b>
<b>Chiquita Blvd S**</b>	North of Pine Island Rd	10%	SB – 16	NB – 16
<b>Chiquita Blvd S**</b>	South of Pine Island Rd	15%	NB – 24	SB – 23
<b>Pine Island Rd (SR 78)</b>	East of Skyline Blvd to Nicholas Pkwy	40%	<b><u>WB – 65</u></b>	EB – 62
<b>Pine Island Rd (SR 78)</b>	East of Nicholas Pkwy to Santa Barbara Blvd	20%	<b><u>WB – 32</u></b>	EB – 31
<b>Nicholas Pkwy**</b>	North of Pine Island Rd	10%	SB – 16	NB – 15
<b>Nicholas Pkwy**</b>	South of Pine Island Rd	10%	NB – 17	SB – 16

Note(s): \* Estimated peak hour, peak direction traffic volumes are **underlined** and **bold** to be used in roadway network capacity analysis calculations.

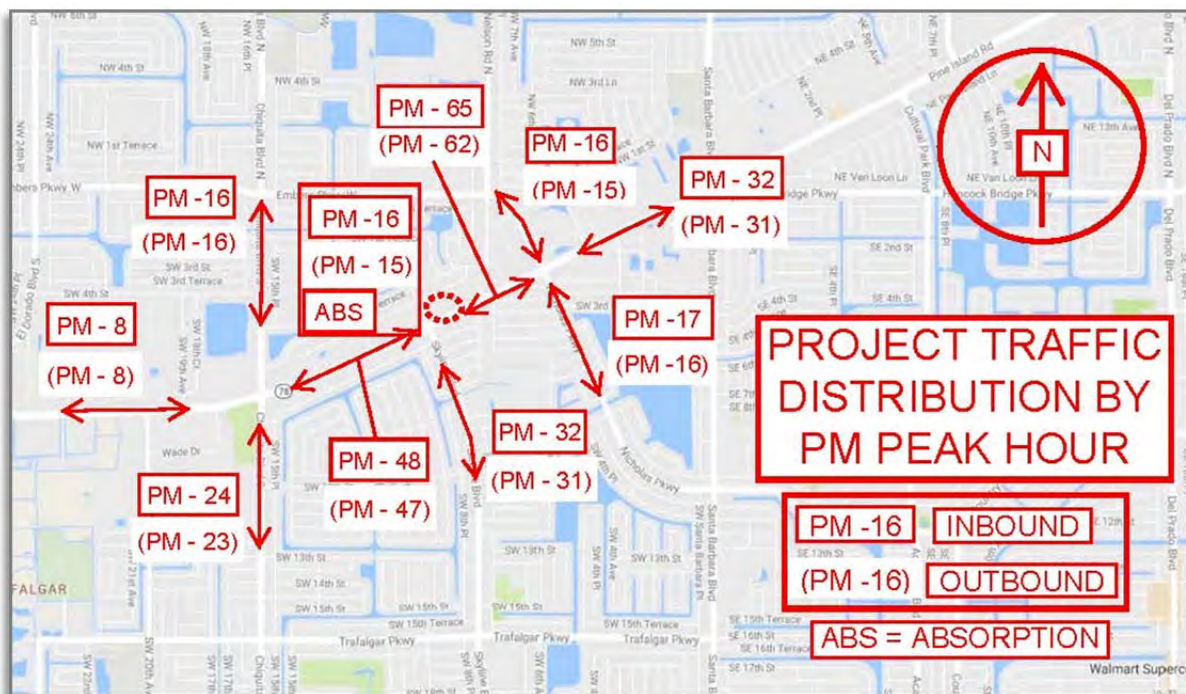
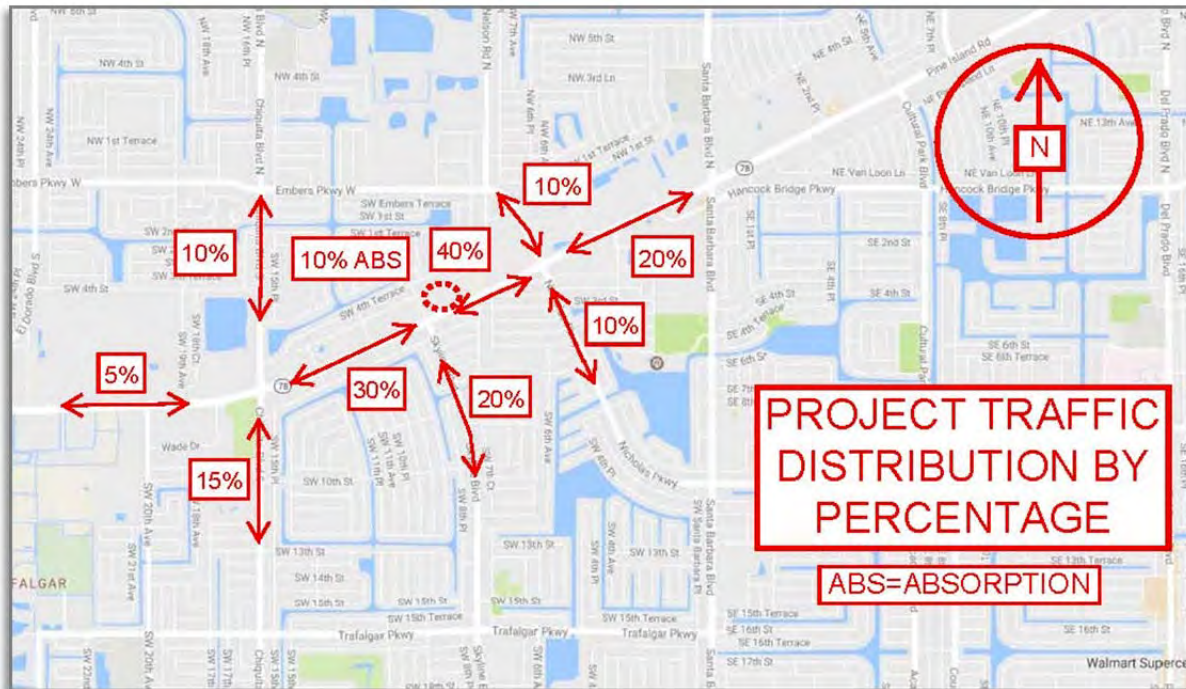
\*\* Not a Lee County monitored roadway.

Traffic information has been gathered for the segments of the roadway network in the study area from Lee County 2016 Concurrency Report. For more details refer to **Appendix D: Lee County 2016 Concurrency Report (Excerpts)**.

In order to determine the traffic conditions in the vicinity of the subject site, AM and PM peak hour turning movement counts were performed on March 09, 2017, for the following intersections along Pine Island Rd: Chiquita Blvd, Skyline Blvd/SW 10<sup>th</sup> Place, and Nicholas Pkwy. A summary of the intersection turning movement counts is provided in **Appendix E: Intersection Turning Movements Counts**. Traffic volumes were adjusted for peak season conditions using the appropriate peak season correction factor (as illustrated in **Appendix F: FDOT 2015 Peak Season Factor Category Report – Excerpt**). Conservatively, a PSCF = 1 is considered to better match the season characteristics of traffic.

Based on review of the traffic counts provided, the peak hour, peak direction is Westbound for Pine Island Rd for roadway segments under review.

**Fig. 2 – Project Distribution by Percentage and by PM Peak Hour**



## Background Traffic

For the purposes of this report, the surrounding roadway network is analyzed under 2027 traffic conditions, as established in the methodology meeting.

Historic growth rates are estimated for the segments of the roadway network in the study area using a general guidance of a minimum 2% growth rate, or calculated based on peak season, peak hour peak direction traffic volumes as shown in the Lee County Concurrency Report from 2008 to 2016.

**Table 4, Background Traffic without Project**, illustrates the projected background (without project) peak hour peak direction traffic volume for the planning horizon year of 2027.

The peak hour, peak season, peak direction 2015 100<sup>th</sup> Highest Hour traffic volume is used as illustrated in Lee County 2016 Concurrency Report. Refer to **Appendix D: Lee County 2016 Concurrency Report (Excerpts)**.

**Table 4**  
**Background Traffic without Project**

Roadway Link	Roadway Link Location	2015 100 <sup>th</sup> Highest Hour Volume* (trips/hr)	Projected Traffic Annual Growth Rate** (%/yr)	Growth Factor**	Future 2027 Background Pk Hr, Pk Dir Vol*** (trips/hr)
<b>Pine Island Rd (SR 78)</b>	West of Skyline Blvd to Chiquita Blvd	1,596	2.0%	1.2682	<b><u>2,024</u></b>
<b>Pine Island Rd (SR 78)</b>	West of Chiquita Blvd	825	2.0%	1.2682	<b><u>1,046</u></b>
<b>Pine Island Rd (SR 78)</b>	East of Skyline Blvd to Nicholas Pkwy	1,596	2.0%	1.2682	<b><u>2,024</u></b>
<b>Pine Island Rd (SR 78)</b>	East of Nicholas Pkwy to Santa Barbara Blvd	1,596	2.0%	1.2682	<b><u>2,024</u></b>

Note(s): The projected 2027 Peak Hour – Peak Direction Background Traffic is the calculated projected future volume based on data published in Lee County Concurrency Report, which is **underlined** and **bold**.

\*From Lee County 2016 Concurrency Report.

\*\*2% minimum or historical growth rate; Growth Factor =  $(1 + \text{Annual Growth Rate})^{12}$ .

\*\*\*2027 Projected Volume = 2015 100<sup>th</sup> Highest Hour Volume x Growth Factor.

## Existing and Future Roadway Network

The existing roadway conditions are extracted from the Lee County 2016 Concurrency Report. Roadway improvements that are currently under construction or are scheduled to be constructed within the first five years of the current Capital Improvement Program (CIP) are considered to be committed improvements for the purposes of this study. As no such improvements were identified in the Lee County 2016 Concurrency Report, the evaluated roadway links are anticipated to remain as such through project build out.

The existing and future roadway conditions are illustrated in **Table 5**.

Based on Lee County AC-11-1 – Functional Classification of Roadways data, Pine Island Road, from Burnt Store Rd to SR 31 is a state maintained arterial.

**Table 5**  
**Existing and Future Roadway Conditions**

Roadway Link	Roadway Link Location	Exist Roadway	Performance Standard LOS	Performance Standard Capacity Volume	Future Project Roadway
<b>Pine Island Rd (SR 78)</b>	West of Skyline Blvd to Chiquita Blvd	4LD	C	2,160	4LD
<b>Pine Island Rd (SR 78)</b>	West of Chiquita Blvd	4LD	C	2,160	4LD
<b>Pine Island Rd (SR 78)</b>	East of Skyline Blvd to Nicholas Pkwy	4LD	C	2,160	4LD
<b>Pine Island Rd (SR 78)</b>	East of Nicholas Pkwy to Santa Barbara Blvd	4LD	C	2,160	4LD

Note(s): 2LU = 2-lane undivided roadway; 2LN = 2-lane narrow roadway 2D, 4D, 6D =2-lane, 4-lane, 6-lane divided roadway, respectively; LOS = Level of Service. N/A = not applicable, not available.

## Project Impacts to Area Roadway Network – Roadway Link Analysis

Levels of Service (LOS) volumes for the area roadway network are evaluated to determine the project impacts for the horizon year 2027.

A significant traffic impact is defined as 10% or more of the service volume at LOS “C” for the analyzed links at build out conditions.

Future projected background traffic volumes are combined with estimated project trips, as illustrated in **Table 6**. Based on these calculations, all the roadway segments under study



operate at a LOS “C” or better under future 2027 conditions. The project traffic consumes less than 10% of the LOS “C” service volume on the roadway segments under study.

**Table 6**  
**Roadway Link Level of Service (LOS)**

Roadway Link	Lee County Roadway Link No./ Link Location	2027 Background Pk Dir Vol <sup>(1)</sup> (trips/hr)	Peak Hour, Peak Dir , Project Vol Added <sup>(2)</sup>	2027 Total Pk Hr, Pk Dir Roadway Link Vol w/Project <sup>(3)</sup>	2027 Total Pk Hr, Pk Dir LOS <sup>(4)</sup>	Directional Service Vol of LOS C <sup>(4)</sup>	Project Pk Hr, Pk Dir as % of LOS C Service Vol	Significance Impact at 10% of LOS C Yes/No
Pine Island Rd (SR 78)	Link# 21100 West of Skyline Blvd to Chiquita Blvd	<u>2,024</u>	<u>WB- 47</u>	<u>2,071</u>	<u>LOS – “C”</u>	2,160	2.18%	<u>No</u>
Pine Island Rd (SR 78)	Link# 21000 West of Chiquita Blvd	<u>1,046</u>	<u>WB- 8</u>	<u>1,054</u>	<u>LOS – “A”</u>	2,160	0.37%	<u>No</u>
Pine Island Rd (SR 78)	Link# 21100 East of Skyline Blvd to Nicholas Pkwy	<u>2,024</u>	<u>WB- 65</u>	<u>2,089</u>	<u>LOS – “C”</u>	2,160	3.01%	<u>No</u>
Pine Island Rd (SR 78)	Link# 21100 East of Nicholas Pkwy to Santa Barbara Blvd	<u>2,024</u>	<u>WB- 32</u>	<u>2,056</u>	<u>LOS – “C”</u>	2,160	1.48%	<u>No</u>

Note(s): (1) Refer to **Table 4** from this report; (2) Refer to **Table 3** from this report; (3) 2027 Projected Volume= 2027 background + Project Volume added; (4) based on Lee County Concurrency Report volumes.

Additionally, a roadway is considered significantly impacted if the proposed development is expected to increase the traffic volume on that roadway by 5% or more of adopted Level of Service threshold. A roadway link is considered to be adversely impacted if the total traffic – future 2027 peak hour, peak direction background conditions with project – exceeds the adopted peak hour level of service volume for that link. As the adopted LOS for the analyzed roadway segments is LOS “C”, the project traffic consumes less than 5% of the adopted LOS volume on the roadway segments under study.

Based on these criteria, this project does not create any significant or adverse impacts to the area roadway network. None of the analyzed links are projected to operate below the adopted LOS Performance Standard with or without the project at 2027 future conditions, and will maintain a satisfactory LOS.

## Site Access and Intersection Turn Lane Analyses

Connections to the subject site are proposed to be provided as follows: existing full movement access on northbound SW 10<sup>th</sup> Place to remain and proposed full movement accesses on eastbound Ceitus Terrace. For more details refer to **Appendix A: Project Master Site Plan**.

**Pine Island Rd (SR 78)** is a four-lane rural divided arterial under the Florida Department of Transportation (FDOT) jurisdiction and has a posted legal speed of 45 mph in the vicinity of project.

**SW 10<sup>th</sup> Place** and **Ceitus Terrace** roadways are two-lane local streets with a posted speed limit of 30 mph in the vicinity of the project.

### Project Access Analysis

Turn lane recommendations have been reviewed based on Lee County Turn Lane Policy AC-11-4 criteria. According to the Lee County Turn Lane Policy, left-turn and/or right-turn lanes are required when any two or more warrants are satisfied.

Project Access configuration as well as the projected turning movements are illustrated in **Appendix G: Site Turning Movements Exhibits**. Turn lane evaluation is summarized in – **Table 7** – and it is presented in **Appendix H: Turn Lane Warrant Calculations**.

**Table 7**  
**Development – Turn Lane Summary**

Intersection Project Entrances	Movement	Required per AC-11-4*	Recommended Storage (ft)*	Deceleration (ft)**	Recommended Turn Lane (ft)
SW 10 <sup>th</sup> Place	NB - RT	Yes	50	125	175
	SB - LT	No	N/A	125	N/A
Ceitus Terrace Western Access	EB - RT	No	N/A	125	N/A
Ceitus Terrace Western Access	EB - RT	No	N/A	125	N/A
Ceitus Terrace Western Access	EB - RT	No	N/A	125	N/A

NOTE(S): \*Refer to **Appendix G and H**; \*\* Based on Lee County Turn Lane Policy – 30 mph design.

The northbound right-turn lane on SW 10<sup>th</sup> Place should be 175 ft long (125 ft deceleration lane with taper and 50 ft of storage) to accommodate site projected traffic. No other turn lanes are warranted at project access locations.

### **Intersection Analysis**

The following intersections along Pine Island Rd are analyzed for AM and PM peak hour: Chiquita Blvd, Skyline Blvd/SW 10<sup>th</sup> Place, and Nicholas Pkwy.

The estimated traffic for 2027 future conditions is illustrated in **Appendix I: Intersection Turning Movement Exhibits**.

Intersection analysis is completed using the most recent version of Highway Capacity Software (HCS 2010) which emulates Highway Capacity Manual (HCM 2010). The results of the HCS analysis are included in **Appendix J: Intersection HCS Printouts**.

A more detailed evaluation of applicable access points and intersection connections will be performed at the time of site development permitting/platting when more specific development parameters will be made available, to determine operational requirements, as they are warranted, as applicable.

#### **Pine Island Rd & Chiquita Blvd Intersection**

Based on the results of this analysis, the study area intersection operates at LOS “D” under future 2027 background conditions and is anticipated to maintain LOS “D” with the additional project traffic at build out conditions.

#### **Pine Island Rd & Skyline Blvd/SW 10<sup>th</sup> Place Intersection**

Based on the results of this analysis, the study area intersection operates at an acceptable overall LOS under future 2027 background conditions and is anticipated to continue to operate at acceptable LOS with the additional traffic at build out conditions.

It is noted that the westbound left-turn directional movements are expected to operate at LOS F under estimated PM peak hour future background traffic conditions. The LOS will continue to deteriorate with the additional traffic generated by the proposed traffic.

In addition, the northbound approach is expected to operate at LOS E under AM peak hour future background traffic conditions and at LOS F with project future traffic added. Generally longer delays may be considered tolerable in this instance where there is need for progression along the major street.

#### **Pine Island Rd & Nicholas Pkwy Intersection**

Based on the results of this analysis, the study area intersection operates at an acceptable overall LOS under future 2027 background conditions and is anticipated to continue to operate at acceptable LOS with the additional traffic at build out conditions.

In addition, it is noted that the southbound approach is expected to operate at LOS E under PM peak hour future background traffic conditions and at LOS F with project future traffic added. An extensive intersection analysis is recommended to identify the needs at this location.

## **Improvement Analysis**

Based on the link analysis and trip distribution, the proposed project is not a significant or adverse traffic generator for the roadway network at this location. There is adequate and sufficient roadway capacity to accommodate the proposed development generated trips without adversely affecting adjacent roadway network level of service.

Based on the site access turn lane analysis results, a northbound right-turn lane is warranted at project access on SW 10<sup>th</sup> Place.

## **Mitigation of Impact**

The developer proposes to pay the appropriate Cape Coral/Lee County transportation impact fees as building permits are issued for the project, as applicable.

## **Appendix A: Project Master Site Plan**

(1 Sheet)





## **Appendix B: Initial Traffic Impact Study Checklist (Methodology Meeting)**

(4 Sheets)



**Initial Traffic Impact Study Checklist Form**

**I. BACKGROUND** *(To be completed by City staff prior to a possible methodology meeting)*

1. Name and Location of Project: PDP16-0013 Tire Choice Subdivision
2. Name of Applicant: Cape Coral 6A and 6B LLC ( Chris Hagan, Hagan Engineering, LLC  
Address and Phone Number of Applicant: \_\_\_\_\_
3. Meeting Date: 1/27/17 Location: City Hall Conf 130c
4. Attendees: David Hytti, Bill Corbett, Chris Hagan

**II. DETERMINATION** *(To be completed by appropriate City Staff)*

*(On the basis of this initial evaluation and per engineering common practice)*

\_\_\_\_ I find that the proposed project SHOULD NOT have a significant negative impact on traffic operations, and a LETTER OF NO SIGNIFICANT IMPACT will be prepared and distributed to affected government entities by the applicant.

\_\_\_\_ I find that a traffic study describing the potential change in traffic impacts due to the requested rezoning should be evaluated. The traffic study preparer should contrast the impacts of the uses permitted under current zoning with those permitted under the requested zoning district. The following uses from the zone list are to be evaluated:

\_\_\_\_ Current zone: \_\_\_\_\_ Proposed zone: \_\_\_\_\_

\_\_\_\_ A study Type Appropriate for this development is \_\_\_\_\_

☒ A Traffic Impact Study is required.

\_\_\_\_ I find the proposed project will have a significant impact on a multi jurisdictional roadway network (over two miles radius). A multi-jurisdictional Traffic Impact Study should be prepared. The applicant should coordinate the Jurisdictional Traffic Impact Study with the following staff/agencies:



**III. TRAFFIC STUDY INFORMATION** *(To be completed by the applicant prior to the meeting for discussion during the methodology meeting)*

If a traffic study is required, the following should be discussed and agreed upon to the extent possible:

1. Study Area: Intersections which should be included:

**The following intersections will be analyzed for AM and PM Peak Hour:**

**Chiquita Boulevard and Pine Island Road; SW 10<sup>th</sup> Place/Skyline Boulevard and Pine Island Road; and Nicholas Parkway and Pine Island Road.**

**The following intersections will be analyzed for PM Peak Hour only:**

2. Horizon Year: 2027

- Completion date of project. Year: TBD
- For each phase of project. Ph. 1 Yr. 1-2 Ph. 2 Yr. 4-5 Ph. 3 Yr. 5-7
- Special time period: N/A

3. Traffic and Land Use Background Data:

- a. Existing recent traffic counts and sources.  
**Reference FDOT counts**

- b. Will city require new traffic counts (24 hour and peak hour)? **Yes. New counts will be required for all City roadways. New counts may be required if current (<2 years) counts are not available for SR 78.**

- c. Are there any special data requirements or conditions (Saturday counts, detours, etc.)?  
**No**

- d. Are there any scheduled road improvements in the project area?  
**Yes, there will be improvements to SW 10<sup>th</sup> Place as required.**

- e. What other development projects are pending or approved in the vicinity that could significantly impact traffic operations, including type, size and schedule for construction?

**Applicant should use 2 % annual growth rate for this project.**



f. Are there other traffic studies available which evaluate the above? **No**

g. Is transit available at the site or within 0.25 mile? **No**

4. Trip Generation

☒ ITE Trip Generation manual latest edition to be used.

☐ Local data to be provided.

☐ If trip reduction factors are to be used they should be generally discussed.

5. Other Issues

a. Is there a need to provide traffic crash histories? If so, where can the information be obtained?

**No**

b. Are there any particular issues identified by the City Transportation Division such as corridor plan recommendations, future right of way, etc.? **This site is in the Pine Island Road Corridor. Coordination with FDOT should be conducted for ROW permit, access and drainage (if proposed).**

c. Describe any special local ordinance requirements such as access management standards. **Refer to PI Road corridor and FDOT requirements.**

d. Other issues.

6. Submittal date schedules and number of copies needed: TBD

7. The contents of a TRAFFIC IMPACT STUDY as per City Engineering Design Standards:

a. INTRODUCTION

- Land Use, Site and Study Area Boundaries (provide map).
- Existing and proposed site uses.
- Existing and proposed uses in vicinity of site (provide map).
- Existing and proposed roadways and intersections (provide map).

b. TRIP GENERATION AND DESIGN HOUR VOLUMES (provide table).





- c. TRIP DISTRIBUTION (provide figure).
- d. TRIP ASSIGNMENT (provide figure)
- e. EXISTING AND PROJECTED TRAFFIC VOLUMES (provide figure for each item).
  - ☒ A.M. Peak hour site traffic (including turning movements)
  - ☒ P.M. Peak hour site traffic (including turning movements)
  - ☒ A.M. Peak hour total traffic, including site generated traffic and projected traffic.
  - ☒ P.M. Peak hour total traffic including site generated traffic and projected traffic.
  - ☒ Any other Peak hour necessary for complete analysis.
  - ☒ Total daily existing traffic for street system in study area.
  - ☒ Total daily existing traffic for street system in study area and new site traffic.
  - ☐ Total daily existing traffic for street system in study area plus new traffic and projected traffic from build-out of study area land uses.
- f. CAPACITY ANALYSIS (provide Analysis Sheets in appendices)
- g. TRAFFIC SIGNALS (provide Analysis Sheets in appendices)
- h. TRAFFIC ACCIDENTS (OPTIONAL) (provide Collision Diagrams /Accident Rates)
- i. CONCLUSIONS
- j. RECOMMENDATIONS.
  - Proposed recommended improvements (provide sketches of improvements).
  - Volume/capacity analysis at critical points (provide analysis sheets in appendices).
  - Traffic volume proportions.

COMMENTS:

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Date: \_\_\_\_\_ Applicant signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Transportation Division's Staff signature: \_\_\_\_\_

## **Appendix C: ITE Trip Generation Calculations**

(5 Sheets)

## Trip Generation Comparison – LUC 853 vs LUC 945

Project Name:	Tire Choice - Gas Station	No:	
Date:	3/30/2017	City:	
State/Province:		Zip/Postal Code:	
Country:		Client Name:	
Analyst's Name:		Edition:	ITE-TGM 9th Edition

LAND USE	SIZE	WEEKDAY		AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit	Entry	Exit
945 - Gasoline/Service Station With Convenience Market	20 <sup>(0)</sup>	1628	1628	102	101	135	135
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		1628	1628	102	101	135	135
853 - Convenience Market with Gasoline Pumps	6.1 <sup>(0)</sup>	2579	2579	125	125	156	155
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		2579	2579	125	125	156	155

PROJECT NAME: TIRE CHOICE - GAS STATION								
ANALYSIS NAME: Weekday								
LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL	
945 - Gasoline/Service Station With Convenience Market	Vehicle Fueling Pos	20 <sup>(0)</sup>	Weekday	Average	1628	1628	3256	
				162.78				
853 - Convenience Market with Gasoline Pumps	1000 Sq. Feet Gros	6.1 <sup>(0)</sup>	Weekday	Average	2579	2579	5158	
				845.6				

(0) indicates size out of range.

PROJECT NAME: TIRE CHOICE - GAS STATION								
ANALYSIS NAME: AM Peak Hour								
LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL	
945 - Gasoline/Service Station With Convenience Market	Vehicle Fueling Pos	20	Weekday, Peak Hour	Average	102	101	203	
				10.16				
853 - Convenience Market with Gasoline Pumps	1000 Sq. Feet Gros	6.1	Weekday, Peak Hour	Average	125	125	250	
				40.92				

PROJECT NAME: TIRE CHOICE - GAS STATION								
ANALYSIS NAME: PM Peak Hour								
LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL	
945 - Gasoline/Service Station With Convenience Market	Vehicle Fueling Pos	20	Weekday, Peak Hour	Average	135	135	270	
				13.51				
853 - Convenience Market with Gasoline Pumps	1000 Sq. Feet Gros	6.1	Weekday, Peak Hour	Average	156	155	311	
				50.92				

## Trip Generation Comparison – LUC 848 – GFA vs Service Bays

Project Name:		Tire Choice - Tire Store		No:	
Date:		3/30/2017		City:	
State/Province:				Zip/Postal Code:	
Country:				Client Name:	
Analyst's Name:				Edition: ITE-TGM 9th Edition	
LAND USE	SIZE	AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit
848 - Tire Store - 1	5.34 <sup>(1)</sup>	9	6	9	13
Reduction		0	0	0	0
Internal		0	0	0	0
Pass-by		0	0	0	0
Non-pass-by		9	6	9	13
848 - Tire Store	8 <sup>(1)</sup>	11	6	12	16
Reduction		0	0	0	0
Internal		0	0	0	0
Pass-by		0	0	0	0
Non-pass-by		11	6	12	16

PROJECT NAME: TIRE CHOICE - TIRE STORE							
ANALYSIS NAME: AM Peak Hour							
LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL
848 - Tire Store - 1	1000 Sq. Feet Gros	5.34	Weekday, Peak Ho	Average 2.89	9	6	15
848 - Tire Store	Service Bays	8	Weekday, Peak Ho	Average 2.1	11	6	17

PROJECT NAME: TIRE CHOICE - TIRE STORE							
ANALYSIS NAME: PM Peak Hour							
LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL
848 - Tire Store - 1	1000 Sq. Feet Gros	5.34	Weekday, Peak Ho	Average 4.15	9	13	22
848 - Tire Store	Service Bays	8	Weekday, Peak Ho	Average 3.54	12	16	28

## Trip Generation – Proposed Development

<b>Project Name:</b> Pine Island Rd - POP <b>Date:</b> 5/18/2017 <b>State/Province:</b> <b>County:</b> <b>Analyst's Name:</b>		<b>No:</b> <b>City:</b> <b>Zip/Postal Code:</b> <b>Client Name:</b> <b>Edition:</b> ITE-TGM 9th Edition			
		LAND USE		SIZE	
		AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit
<b>848 - Tire Store</b>		11	6	12	16
Reduction		1	1	1	2
Internal		0	0	0	0
Pass-by		2	1	2	3
Non-pass-by		8	4	9	11
<b>850 - Convenience Market with Gasoline Pumps</b>		125	125	156	155
Reduction		12	12	16	15
Internal		0	0	0	0
Pass-by		56	57	70	70
Non-pass-by		57	56	70	70
<b>912 - Drive-in Bank</b>		31	23	55	54
Reduction		3	2	5	5
Internal		0	0	0	0
Pass-by		11	9	20	20
Non-pass-by		17	12	30	29
<b>926 - Specialty Retail Center</b>		18	20	7	8
Reduction		2	2	1	1
Internal		0	0	0	0
Pass-by		4	5	2	1
Non-pass-by		12	13	4	6
<b>932 - High-Turnover (Sit-Down) Restaurant</b>		30	24	29	20
Reduction		3	2	3	2
Internal		0	0	0	0
Pass-by		11	9	10	8
Non-pass-by		16	13	16	10
<b>934 - Fast-Food Restaurant with Drive-Through Window</b>		81	78	59	55
Reduction		8	8	6	5
Internal		0	0	0	0
Pass-by		29	28	21	20
Non-pass-by		44	42	32	30
<b>Total</b>		296	276	318	308
<b>Total Reduction</b>		29	27	32	30
<b>Total Internal</b>		0	0	0	0
<b>Total Pass-by</b>		113	109	125	122
<b>Total Non-pass-by</b>		154	140	161	156

(1) Service Area  
 (2) 1000 Sq. Feet Gross Floor Area  
 (3) 1000 Sq. Feet Gross Leasable Area



**PERIOD SETTING**
✔ DATA PROVIDED BY ITE

Specify the Independent Variable, Time Period, and Calculation Method to be used in the calculation of the number of Trips generated in the analysis. To record any notes, click Add Notes above.

PROJECT NAME: PINE ISLAND RD - PDF  
 ANALYSIS NAME: AM Peak Hour

LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL
848 - Tire Store	<span>Service Bays</span>	8	<span>Weekday, Peak Hour</span>	<span>Average</span> 2.1	11	6	17
853 - Convenience Market with Gasoline Pumps	<span>1000 Sq. Feet Gros</span>	6.1	<span>Weekday, Peak Hour</span>	<span>Average</span> 40.92	125	125	250
912 - Drive-in Bank	<span>1000 Sq. Feet Gros</span>	4.5	<span>Weekday, Peak Hour</span>	<span>Average</span> 12.08	31	23	54
826 - Specialty Retail Center	<span>1000 Sq. Feet Gros</span>	5.5 <sup>(0)</sup>	<span>Weekday, A.M. Peak</span>	<span>Average</span> 6.84	18 <sup>(1)</sup>	20 <sup>(1)</sup>	38 <sup>(1)</sup>
932 - High-Turnover (Sit-Down) Restaurant	<span>1000 Sq. Feet Gros</span>	5	<span>Weekday, Peak Hour</span>	<span>Average</span> 10.81	30	24	54
934 - Fast-Food Restaurant with Drive-Through Window	<span>1000 Sq. Feet Gros</span>	3.5	<span>Weekday, Peak Hour</span>	<span>Average</span> 45.42	81	78	159

<sup>(0)</sup> Indicates size out of range.  
<sup>(1)</sup> Indicates small sample size, use carefully.

! The time periods do not match.

**TRAFFIC REDUCTIONS**

Specify a percentage by which the Entry Trip and Exit Trip will be reduced for each Land Use. This reduction is applied to the Entry Trip and Exit Trip from the previous section. To record any notes, click Add Notes above.

LAND USE	ENTRY REDUCTION	ADJUSTED ENTRY	EXIT REDUCTION	ADJUSTED EXIT
848 - Tire Store	<span>10</span> %	10	<span>10</span> %	5
853 - Convenience Market with Gasoline Pumps	<span>10</span> %	113	<span>10</span> %	113
912 - Drive-in Bank	<span>10</span> %	28	<span>10</span> %	21
826 - Specialty Retail Center	<span>10</span> %	16	<span>10</span> %	18
932 - High-Turnover (Sit-Down) Restaurant	<span>10</span> %	27	<span>10</span> %	22
934 - Fast-Food Restaurant with Drive-Through Window	<span>10</span> %	73	<span>10</span> %	70

**INTERNAL TRIPS**

**EXTERNAL TRIPS**

Specify the percentage of Pass-by Trips for each Land Use. The percentage will be reduced from the total number of External Trips from the previous section. To record any notes, click Add Notes above.

The icon preceding the Pass-by% value indicates data provided by ITE. Clicking the icon changes a custom Pass-by% value to data provided by ITE.

LAND USE	EXTERNAL TRIPS	PASS-BY%	PASS-BY TRIPS	NON-PASS-BY TRIPS
848 - Tire Store	15	<span>20</span> %	3	12
853 - Convenience Market with Gasoline Pumps	226	<span>50</span> %	113	113
912 - Drive-in Bank	49	<span>40</span> %	20	29
826 - Specialty Retail Center	34	<span>25</span> %	9	25
932 - High-Turnover (Sit-Down) Restaurant	49	<span>40</span> %	20	29
934 - Fast-Food Restaurant with Drive-Through Window	143	<span>40</span> %	57	86

## PERIOD SETTING

☒ DATA PROVIDED BY ITE

Specify the Independent Variable, Time Period, and Calculation Method to be used in the calculation of the number of Trips generated in the analysis. To record any notes, click Add Notes above.

PROJECT NAME: PINE ISLAND RD -PDP

ANALYSIS NAME: PM Peak Hour

LAND USE	INDEPENDENT VARIABLE	SIZE	TIME PERIOD	METHOD	ENTRY	EXIT	TOTAL
848 - Tire Store	Service Bays	8	Weekday, Peak Hour	Average	12	16	28
853 - Convenience Market with Gasoline Pumps	1000 Sq. Feet Gros:	6.1	Weekday, Peak Hour	Average	156	155	311
912 - Drive-in Bank	1000 Sq. Feet Gros:	4.5	Weekday, Peak Hour	Average	55	54	109
826 - Specialty Retail Center	1000 Sq. Feet Gros:	5.5 <sup>(0)</sup>	Weekday, Peak Hour	Average	7 <sup>(1)</sup>	8 <sup>(1)</sup>	15 <sup>(1)</sup>
932 - High-Turnover (Sit-Down) Restaurant	1000 Sq. Feet Gros:	5	Weekday, Peak Hour	Average	29	20	49
934 - Fast-Food Restaurant with Drive-Through Window	1000 Sq. Feet Gros:	3.5	Weekday, Peak Hour	Average	59	55	114

(0) indicates size out of range.

(1) indicates small sample size, use carefully.

## TRAFFIC REDUCTIONS

Specify a percentage by which the Entry Trip and Exit Trip will be reduced for each Land Use. This reduction is applied to the Entry Trip and Exit Trip from the previous section. To record any notes, click Add Notes above.

LAND USE	ENTRY REDUCTION	ADJUSTED ENTRY	EXIT REDUCTION	ADJUSTED EXIT
848 - Tire Store	10 %	11	10 %	14
853 - Convenience Market with Gasoline Pumps	10 %	140	10 %	140
912 - Drive-in Bank	10 %	50	10 %	49
826 - Specialty Retail Center	10 %	6	10 %	7
932 - High-Turnover (Sit-Down) Restaurant	10 %	26	10 %	18
934 - Fast-Food Restaurant with Drive-Through Window	10 %	53	10 %	50

## INTERNAL TRIPS

## EXTERNAL TRIPS

Specify the percentage of Pass-by Trips for each Land Use. The percentage will be reduced from the total number of External Trips from the previous section. To record any notes, click Add Notes above.

The icon preceding the Pass-by% value indicates data provided by ITE. Clicking the icon changes a custom Pass-by% value to data provided by ITE.

LAND USE	EXTERNAL TRIPS	PASS-BY%	PASS-BY TRIPS	NON-PASS-BY TRIPS
848 - Tire Store	25	20 %	5	20
853 - Convenience Market with Gasoline Pumps	280	50 %	140	140
912 - Drive-in Bank	99	40 %	40	59
826 - Specialty Retail Center	13	25 %	3	10
932 - High-Turnover (Sit-Down) Restaurant	44	40 %	18	26
934 - Fast-Food Restaurant with Drive-Through Window	103	40 %	41	62

## **Appendix D: Lee County 2016 Concurrency Report (Excerpts)**

(1 Sheet)

LINK NO.	ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2015 100th HIGHEST HR		EST 2016 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES
					LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
20900	PINE ISLAND RD	STRINGFELLOW BL	BURNT STORE RD	2LN	E	950	E	605	E	607	E	698	constrained in part: v/c = 0.64
21000	PINE ISLAND RD (SR 78)	BURNT STORE RD	CHIQUITA BL	4LD	C	2,160	A	825	A	830	A	830	
21100	PINE ISLAND RD (SR 78)	CHIQUITA BL	SANTA BARBARA BL	4LD	C	2,160	A	1,596	A	1,596	A	1,596	
21200	PINE ISLAND RD (SR 78)	SANTA BARBARA BL	DEL PRADO BL	4LD	C	2,160	B	2,108	B	2,108	B	2,111	
21300	PINE ISLAND RD (SR 78)	DEL PRADO BL	BARRETT RD	4LD	D	2,160	A	1,288	A	1,288	A	1,288	
21400	PINE ISLAND RD (SR 78)	BARRETT RD	US 41	4LD	D	2,160	A	1,288	A	1,288	A	1,383	
21500	PINE ISLAND RD (SR 78)	US 41	BUSINESS 41	4LD	D	1,720	D	1,545	D	1,545	D	1,545	
21600	PINE RIDGE RD*	SAN CARLOS BL	SUMMERLIN RD	2LN	E	860	C	458	C	458	C	504	
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS BL	2LN	E	860	C	282	C	282	C	481	
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BL	2LN	E	860	C	277	C	277	C	277	
21900	PLANTATION RD*	SIX MILE CYPRESS PKWY	DANIELS PKWY	2LN	E	860	C	314	C	321	C	436	
22000	PLANTATION RD*	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	707	D	731	D	774	
22050	PLANTATION RD*	IDLEWILD ST	COLONIAL BL	4LD	E	1,790	C	473	C	473	C	476	
22100	PONDELLA RD	PINE ISLAND RD (SR 78)	ORANGE GROVE BL	4LD	E	1,900	B	597	B	697	B	697	
22200	PONDELLA RD	ORANGE GROVE BL	US 41	4LD	E	1,900	B	1,244	B	1,245	B	1,321	
22300	PONDELLA RD	US 41	BUSINESS 41	4LD	E	1,900	B	1,376	B	1,376	B	1,379	
22400	PRICHETT PKWY*	BAYSHORE RD	RICH RD	2LN	E	860	C	73	C	73	C	467	
22500	RANCHETTE RD*	PENZANCE BL	IDLEWILD ST	2LN	E	860	C	89	C	92	C	92	
22600	RICH RD*	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	56	C	57	
22700	RICHMOND AVE*	LEELAND HEIGHTS BL	E 12th ST	2LN	E	860	C	72	C	73	C	92	
22800	RICHMOND AVE*	E 12th ST	GREENBRIAR BL	2LN	E	860	C	59	C	62	C	62	
22900	RIVER RANCH RD*	WILLIAMS RD	CORKSCREW RD	2LN	E	860	C	92	C	94	C	140	
23000	SAN CARLOS BL (SR 865)	ESTERO BL	MAIN ST	2LB	D	1,100	B	1,050	B	1,060	B	1,085	constrained in part: v/c=0.96
23100	SAN CARLOS BL (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	1,780	B	1,060	B	1,062	C	1,172	FDOT PD&E study underway
23180	SAN CARLOS BL (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	1,000	B	846	B	846	B	883	
23200	SAN CARLOS BL (SR 865)	KELLY RD	GLADIOLUS RD	4LD	D	1,460	D	846	D	858	D	864	
23230	SAN CARLOS BL (SCPI)*	US 41	THREE OAKS PKWY	2LN	E	860	C	255	C	271	C	271	
23260	SANIBEL BL*	US 41	LEE BL	2LN	E	860	C	479	C	481	C	492	
23300	SANIBEL CAUSEWAY	SANIBEL CAUSEWAY	TOLL PLAZA	2LN	E	1,050	E	1,041	E	1,041	E	1,041	
23400	SHELL POINT BL*	MCGREGOR BL	PALM ACRES	2LN	E	860	C	260	C	282	C	286	
23500	SIX MILE CYPRESS PKWY (SR 739)	US 41	METRO PKWY	4LD	D	1,920	F	2,344	F	2,408	F	2,425	

## **Appendix E: Intersection Turning Movements Counts**

(6 Sheets)



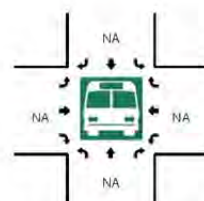
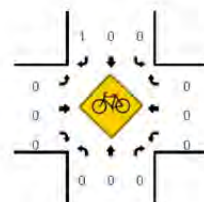
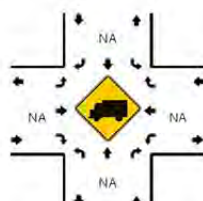
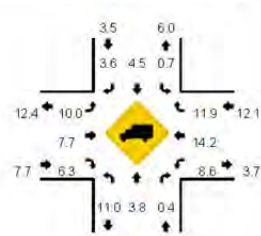
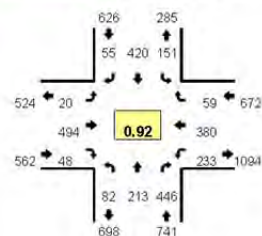
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Chiquita Blvd – Pine Island Rd  
 CITY/STATE: Cape Coral, FL

QC JOB #: 14247501  
 DATE: Thu, Mar 09 2017

Peak-Hour: 7:15 AM – 8:15 AM  
 Peak 15-Min: 7:30 AM – 7:45 AM



15-Min Count Period Beginning At	Chiquita Blvd (Northbound)					Chiquita Blvd (Southbound)					Pine Island Rd (Eastbound)					Pine Island Rd (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
7:00 AM	22	51	39	0	59	41	116	9	0	10	4	103	17	0	0	55	92	9	0	0	627	
7:15 AM	10	38	36	0	70	26	132	4	0	12	1	124	15	1	0	65	87	7	0	0	628	
7:30 AM	27	56	76	0	68	35	124	6	0	6	1	128	5	0	0	57	101	12	1	0	703	
7:45 AM	23	61	39	0	76	41	96	5	0	9	6	126	17	2	0	43	85	16	0	0	635	2593
8:00 AM	22	58	26	0	55	49	78	8	0	5	5	116	11	4	0	65	107	24	2	0	635	2601
8:15 AM	20	53	21	0	43	41	108	2	0	4	7	123	16	1	0	54	100	10	4	0	607	2580
8:30 AM	24	74	45	0	31	34	83	6	0	8	7	117	16	1	0	62	99	8	0	0	615	2492
8:45 AM	27	67	28	1	53	31	96	6	0	10	9	131	10	2	0	42	96	11	1	0	620	2477
Peak 15-Min Flowrates	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Total	
All Vehicles	108	224	304	0	272	140	496	24	0	24	4	512	20	0	0	228	404	48	4	0	2812	
Heavy Trucks	4	24	4			0	16	4			4	48	0			12	72	4			192	
Pedestrians	0	0	0			0	0	0			0	0	0			0	0	0			0	
Bicycles	0	0	0			0	0	0			0	0	0			0	0	0			0	
Railroad																						
Stopped Buses																						

Comments:

Report generated on 3/16/2017 12:56 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

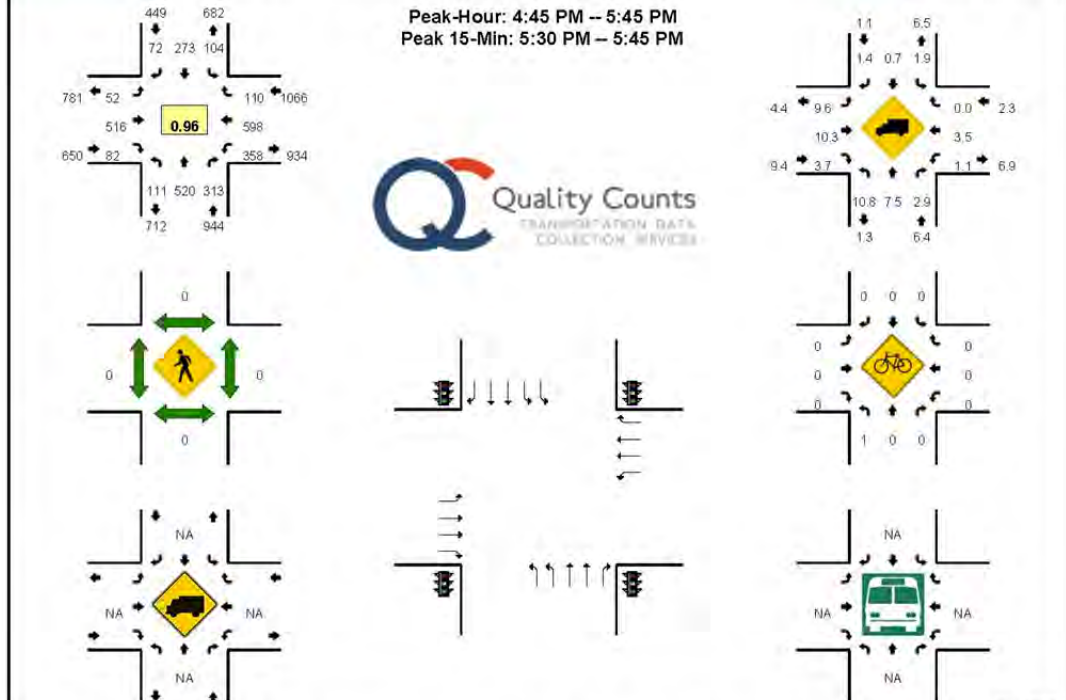
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

**LOCATION:** Chiquita Blvd – Pine Island Rd  
**CITY/STATE:** Cape Coral, FL

**QC JOB #:** 14247502  
**DATE:** Thu, Mar 09 2017

**Peak-Hour:** 4:45 PM – 5:45 PM  
**Peak 15-Min:** 5:30 PM – 5:45 PM



R* = RTOR																							
15-Min Count Period Beginning At	Chiquita Blvd (Northbound)					Chiquita Blvd (Southbound)					Pine Island Rd (Eastbound)					Pine Island Rd (Westbound)					Total	Hourly Totals	
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*			
4:00 PM	25	107	20	0	46	34	74	6	0	11	8	112	16	0	0	81	154	18	0	0	712		
4:15 PM	43	106	30	0	65	32	77	8	0	13	12	132	27	1	0	61	163	26	0	0	796		
4:30 PM	20	133	38	0	38	29	73	2	0	12	9	112	14	2	0	91	156	18	0	0	747		
4:45 PM	31	106	24	0	55	24	57	6	0	13	13	120	22	0	0	81	161	21	0	0	734	2989	
5:00 PM	23	149	40	0	42	20	65	5	0	12	19	101	18	0	0	99	148	25	1	0	767	3044	
5:15 PM	23	145	26	0	48	31	67	8	0	12	12	135	23	0	0	89	157	22	0	0	798	3046	
5:30 PM	34	120	29	0	49	29	84	6	0	10	8	160	19	0	0	88	132	42	0	0	810	3109	
5:45 PM	24	103	29	0	51	28	90	3	0	15	13	106	20	1	0	81	121	22	0	0	707	3082	
Peak 15-Min Flowrates	Northbound					Southbound					Eastbound					Westbound					Total		
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*			
All Vehicles	136	480	116	0	196	116	336	24	0	40	32	640	76	0	0	352	528	168	0	0	3240		
Heavy Trucks	16	24	12			0	0	0			8	32	0			12	28	0			132		
Pedestrians		0					0					0					0				0		
Bicycles		0	0				0	0	0			0	0	0			0	0	0		0		
Railroad																							
Stopped Buses																							

Comments:

Report generated on 3/16/2017 12:56 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

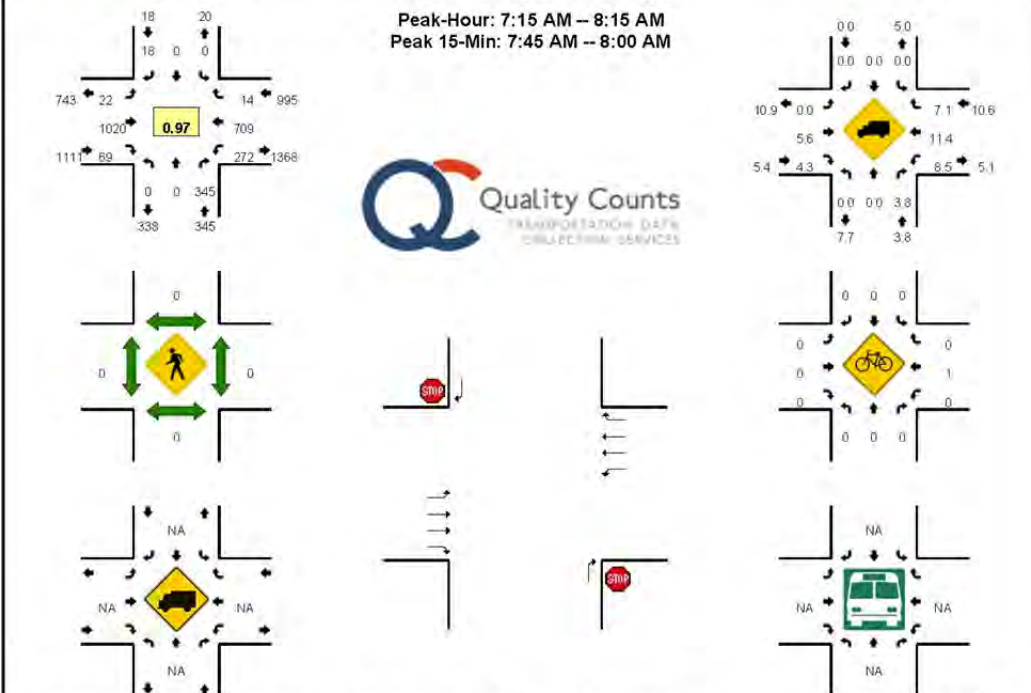
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: SW 10th Pl/Skyline Blvd -- Pine Island Rd  
 CITY/STATE: Cape Coral, FL

QC JOB #: 14247503  
 DATE: Thu, Mar 09 2017

Peak-Hour: 7:15 AM – 8:15 AM  
 Peak 15-Min: 7:45 AM – 8:00 AM



15-Min Count Period Beginning At	SW 10th Pl/Skyline Blvd (Northbound)					SW 10th Pl/Skyline Blvd (Southbound)					Pine Island Rd (Eastbound)					Pine Island Rd (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
7:00 AM	0	0	98	0	0	0	0	7	0	0	5	204	14	1	0	51	151	4	1	0	536	
7:15 AM	0	0	93	0	0	0	0	4	0	0	1	262	17	0	0	64	166	5	0	0	612	
7:30 AM	0	0	78	0	0	0	0	4	0	0	1	295	17	4	0	66	159	1	0	0	625	
7:45 AM	0	0	85	0	0	0	0	7	0	0	4	241	18	10	0	77	189	5	2	0	638	2411
8:00 AM	0	0	89	0	0	0	0	3	0	0	0	222	17	2	0	62	195	3	1	0	594	2469
8:15 AM	0	0	70	0	0	0	0	6	0	0	2	232	18	2	0	67	195	2	4	0	588	2455
8:30 AM	0	0	89	0	0	0	0	3	0	0	3	203	16	6	0	72	175	2	1	0	570	2400
8:45 AM	0	0	84	0	0	0	0	5	0	0	3	231	17	6	0	63	168	1	4	0	582	2344
R* = RTOR																						
Peak 15-Min Flowrates	Northbound					Southbound					Eastbound					Westbound					Total	
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
All Vehicles	0	0	340	0	0	0	0	28	0	0	16	964	72	40	0	308	756	20	8	0	2552	
Heavy Trucks	0	0	24			0	0	0			0	60	0			28	72	0			184	
Pedestrians	0	0	0			0	0	0			0	0	0			0	0	0			0	
Bicycles	0	0	0			0	0	0			0	0	0			0	0	0			0	
Railroad																						
Stopped Buses																						

Comments:

Report generated on 3/16/2017 12:56 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212



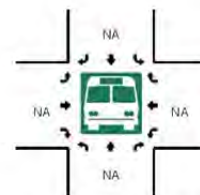
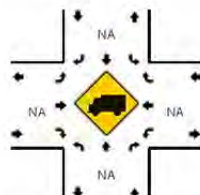
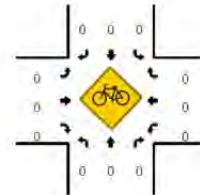
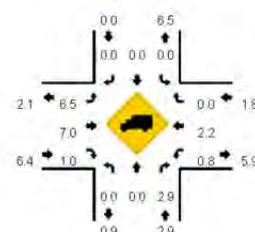
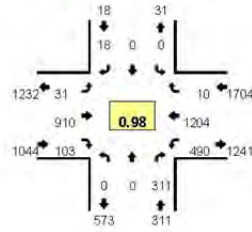
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: SW 10th Pl/Skyline Blvd -- Pine Island Rd  
 CITY/STATE: Cape Coral, FL

QC JOB #: 14247504  
 DATE: Thu, Mar 09 2017

Peak-Hour: 5:00 PM -- 6:00 PM  
 Peak 15-Min: 5:00 PM -- 5:15 PM



R\* = RTOR

15-Min Count Period	SW 10th Pl/Skyline Blvd (Northbound)					SW 10th Pl/Skyline Blvd (Southbound)					Pine Island Rd (Eastbound)					Pine Island Rd (Westbound)					Total	Hourly Totals
Beginning At	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
4:00 PM	0	0	77	0	0	0	0	4	0	0	3	220	13	1	0	104	277	6	3	0	708	
4:15 PM	0	0	85	0	0	0	0	8	0	0	1	229	24	3	0	116	291	6	3	0	766	
4:30 PM	0	0	79	0	0	0	0	5	0	0	10	210	17	3	0	104	322	5	5	0	760	
4:45 PM	0	0	72	0	0	0	0	8	0	0	4	198	12	4	0	121	294	5	4	0	722	2956
5:00 PM	0	0	81	0	0	0	0	5	0	0	1	213	17	3	0	116	335	4	8	0	783	3031
5:15 PM	0	0	72	0	0	0	0	4	0	0	5	223	26	4	0	129	316	1	3	0	783	3048
5:30 PM	0	0	85	0	0	0	0	6	0	0	6	253	28	1	0	113	280	3	3	0	778	3066
5:45 PM	0	0	73	0	0	0	0	3	0	0	9	221	32	2	0	112	273	2	6	0	733	3077
Peak 15-Min Flowrates	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Total	
All Vehicles	0	0	324	0	0	0	0	20	0	0	4	852	68	12	0	464	1340	16	32	0	3132	
Heavy Trucks	0	0	4			0	0	0			0	88	4			12	28	0			136	
Pedestrians	0					0					0					0					0	
Bicycles	0	0	0			0	0	0			0	0	0			0	0	0			0	
Railroad																						
Stopped Buses																						

Comments:

Report generated on 3/16/2017 12:56 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

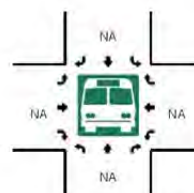
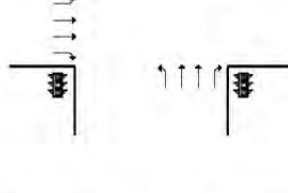
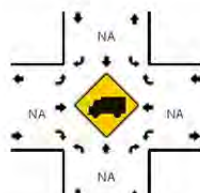
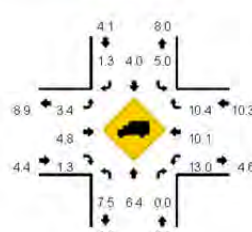
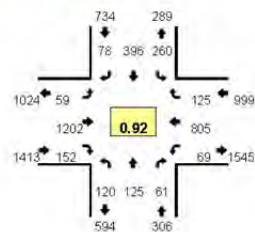
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

**LOCATION:** Nicholas Pkwy -- Pine Island Rd  
**CITY/STATE:** Cape Coral, FL

**QC JOB #:** 14247505  
**DATE:** Thu, Mar 09 2017

**Peak-Hour: 7:15 AM – 8:15 AM**  
**Peak 15-Min: 7:30 AM – 7:45 AM**



R\* = RTOR

15-Min Count Period Beginning At	Nicholas Pkwy (Northbound)					Nicholas Pkwy (Southbound)					Pine Island Rd (Eastbound)					Pine Island Rd (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
7:00 AM	24	31	4	0	15	73	111	7	0	8	12	248	11	1	10	7	162	18	4	0	746	
7:15 AM	17	19	4	0	14	55	75	8	0	14	5	336	24	2	11	6	190	20	8	1	809	
7:30 AM	35	26	7	0	14	75	138	7	1	13	12	319	26	7	16	8	189	24	7	13	937	
7:45 AM	28	43	3	0	10	77	107	3	0	14	9	261	28	4	11	22	213	34	1	6	874	3366
8:00 AM	40	37	1	0	8	52	76	10	0	9	12	286	24	8	12	10	213	25	7	2	832	3452
8:15 AM	25	34	11	0	17	70	81	8	0	13	7	230	21	6	11	8	207	13	6	4	772	3415
8:30 AM	29	24	2	0	6	76	62	3	0	14	15	243	23	8	11	8	203	23	5	2	757	3235
8:45 AM	29	38	3	0	9	63	78	9	0	9	25	258	21	6	13	13	192	32	5	0	803	3164

Comments:

Report generated on 3/16/2017 12:56 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212



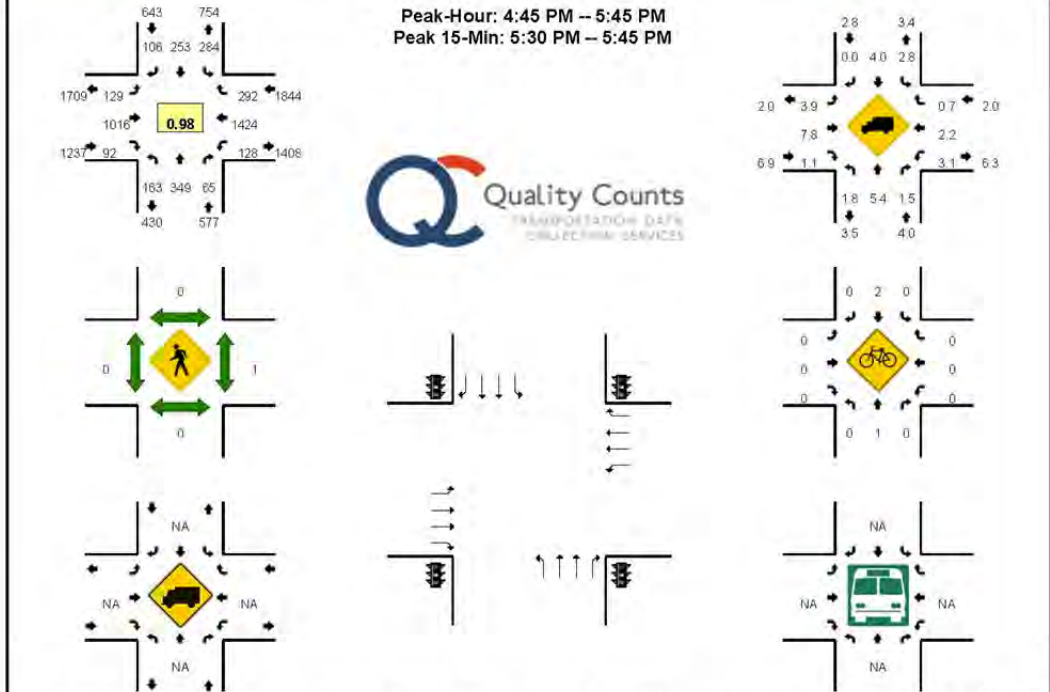
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

**LOCATION:** Nicholas Pkwy -- Pine Island Rd  
**CITY/STATE:** Cape Coral, FL

**QC JOB #:** 14247506  
**DATE:** Thu, Mar 09 2017

**Peak-Hour:** 4:45 PM -- 5:45 PM  
**Peak 15-Min:** 5:30 PM -- 5:45 PM



R\* = RTOR

15-Min Count Period	Nicholas Pkwy (Northbound)					Nicholas Pkwy (Southbound)					Pine Island Rd (Eastbound)					Pine Island Rd (Westbound)					Total	Hourly Totals
Beginning At	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
4:00 PM	51	56	3	0	14	63	55	12	0	13	23	258	12	3	10	19	336	54	5	17	1004	
4:15 PM	29	70	6	0	11	90	66	7	0	24	36	265	14	4	13	22	343	33	6	33	1072	
4:30 PM	56	83	6	0	8	62	60	15	1	21	35	208	11	4	18	17	319	32	11	31	998	
4:45 PM	25	87	1	0	13	67	67	15	0	10	19	258	11	3	9	21	379	47	5	24	1061	4135
5:00 PM	54	87	5	0	9	70	53	14	0	12	34	247	9	5	9	26	343	38	11	29	1055	4186
5:15 PM	39	91	3	0	21	81	76	11	0	21	23	221	15	4	12	19	362	53	10	28	1090	4204
5:30 PM	45	84	3	0	10	66	57	11	0	12	37	290	17	4	10	19	340	44	17	29	1095	4301
5:45 PM	29	89	3	0	15	64	55	13	1	17	24	232	13	4	8	24	284	56	5	21	957	4197
Peak 15-Min Flowrates	Northbound					Southbound					Eastbound					Westbound					Total	
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
All Vehicles	180	336	12	0	40	264	228	44	0	48	148	1160	68	16	40	76	1360	176	68	116	4390	
Heavy Trucks	0	16	0			8	12	0			8	64	4			4	36	4			156	
Pedestrians	0	0	0			0	0	0			0	0	0			0	0	0			0	
Bicycles	0	0	0			0	1	0			0	0	0			0	0	0			1	
Railroad																						
Stopped Buses																						

Comments:

Report generated on 3/16/2017 12:56 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

## **Appendix F: FDOT 2015 Peak Season Factor Category Report (Excerpt)**

(1 Sheet)

2015 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL  
 CATEGORY: 1242 CAPE CORAL

WEEK	DATES	SF	MOCF: 0.92 PSCF
1	01/01/2015 - 01/03/2015	0.99	1.08
2	01/04/2015 - 01/10/2015	0.98	1.07
* 3	01/11/2015 - 01/17/2015	0.96	1.04
* 4	01/18/2015 - 01/24/2015	0.94	1.02
* 5	01/25/2015 - 01/31/2015	0.93	1.01
* 6	02/01/2015 - 02/07/2015	0.92	1.00
* 7	02/08/2015 - 02/14/2015	0.90	0.98
* 8	02/15/2015 - 02/21/2015	0.90	0.98
* 9	02/22/2015 - 02/28/2015	0.90	0.98
*10	03/01/2015 - 03/07/2015	0.90	0.98
*11	03/08/2015 - 03/14/2015	0.90	0.98
*12	03/15/2015 - 03/21/2015	0.91	0.99
*13	03/22/2015 - 03/28/2015	0.93	1.01
*14	03/29/2015 - 04/04/2015	0.94	1.02
*15	04/05/2015 - 04/11/2015	0.95	1.03
16	04/12/2015 - 04/18/2015	0.97	1.05
17	04/19/2015 - 04/25/2015	0.98	1.07
18	04/26/2015 - 05/02/2015	0.99	1.08
19	05/03/2015 - 05/09/2015	1.00	1.09
20	05/10/2015 - 05/16/2015	1.02	1.11
21	05/17/2015 - 05/23/2015	1.03	1.12
22	05/24/2015 - 05/30/2015	1.05	1.14
23	05/31/2015 - 06/06/2015	1.06	1.15
24	06/07/2015 - 06/13/2015	1.08	1.17
25	06/14/2015 - 06/20/2015	1.09	1.18
26	06/21/2015 - 06/27/2015	1.10	1.20
27	06/28/2015 - 07/04/2015	1.11	1.21
28	07/05/2015 - 07/11/2015	1.12	1.22
29	07/12/2015 - 07/18/2015	1.11	1.21
30	07/19/2015 - 07/25/2015	1.09	1.18
31	07/26/2015 - 08/01/2015	1.08	1.17
32	08/02/2015 - 08/08/2015	1.07	1.16
33	08/09/2015 - 08/15/2015	1.06	1.15
34	08/16/2015 - 08/22/2015	1.06	1.15
35	08/23/2015 - 08/29/2015	1.06	1.15
36	08/30/2015 - 09/05/2015	1.06	1.15
37	09/06/2015 - 09/12/2015	1.06	1.15
38	09/13/2015 - 09/19/2015	1.05	1.14
39	09/20/2015 - 09/26/2015	1.04	1.13
40	09/27/2015 - 10/03/2015	1.03	1.12
41	10/04/2015 - 10/10/2015	1.02	1.11
42	10/11/2015 - 10/17/2015	1.01	1.10
43	10/18/2015 - 10/24/2015	1.01	1.10
44	10/25/2015 - 10/31/2015	1.01	1.10
45	11/01/2015 - 11/07/2015	1.01	1.10
46	11/08/2015 - 11/14/2015	1.01	1.10
47	11/15/2015 - 11/21/2015	1.01	1.10
48	11/22/2015 - 11/28/2015	1.00	1.09
49	11/29/2015 - 12/05/2015	1.00	1.09
50	12/06/2015 - 12/12/2015	0.99	1.08
51	12/13/2015 - 12/19/2015	0.98	1.07
52	12/20/2015 - 12/26/2015	0.97	1.05
53	12/27/2015 - 12/31/2015	0.96	1.04

\* PEAK SEASON

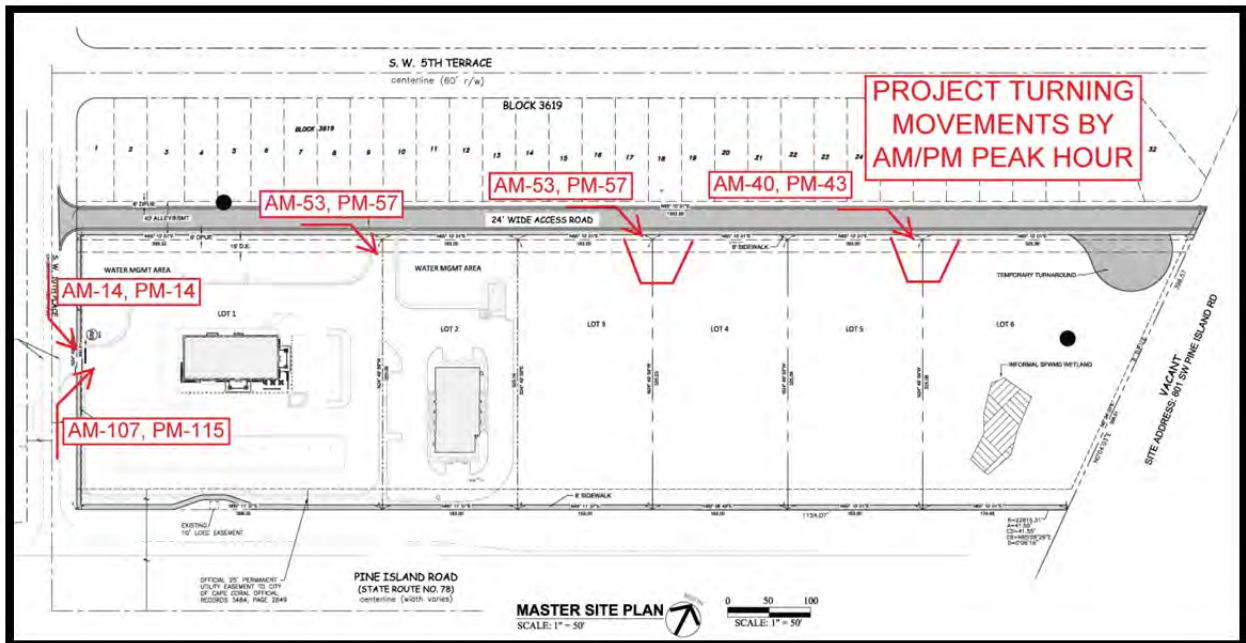
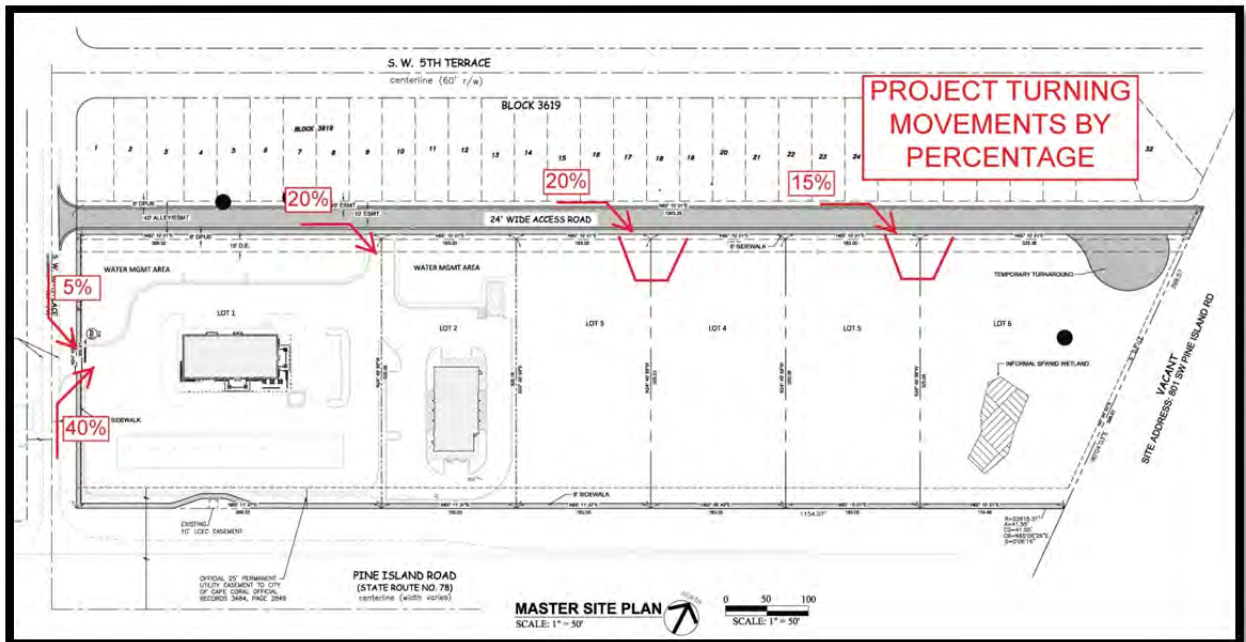
03-MAR-2016 11:18:06

830UPD

1\_1242\_PKSEASON.TXT

## **Appendix G: Site Turning Movement Exhibits**

(1 Sheet)





## **Appendix H: Turn Lane Warrant Analysis**

(1 Sheet)

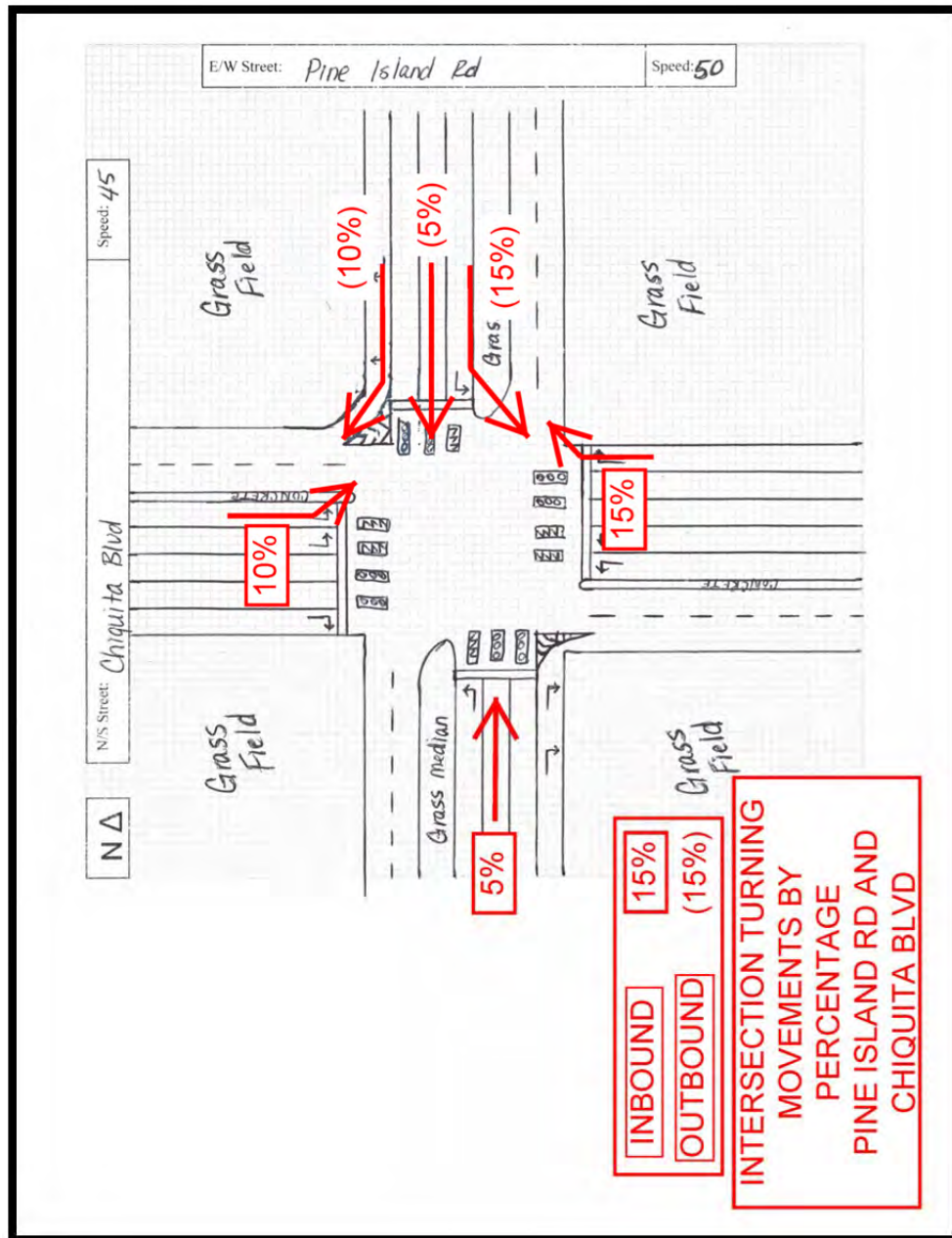
Intersection	Movement	AM Pk Hr Enter	PM Pk Hr Enter	Posted Speed (mph)	Turn Lane Warrant per AC-11-4				Turn Lane Design	
					Speed	Volume	Signal	2 Warrants Met?	Veh Storage	Recommended Storage (ft)
Project Accesses										
SW 10th Place	NB-RT	107	115	30	>/=30	>/=60	No	Yes	2	50
SW 10th Place	SB-LT	14	14	30	>/=30	>/=60	No	No	N/A	N/A
Ceitus Terrace - Western Access	EB-RT	53	57	30	>/=30	>/=60	No	No	N/A	N/A
Ceitus Terrace - Middle Access	EB-RT	53	57	30	>/=30	>/=60	No	No	N/A	N/A
Ceitus Terrace - Eastern Access	EB-RT	40	43	30	>/=30	>/=60	No	No	N/A	N/A

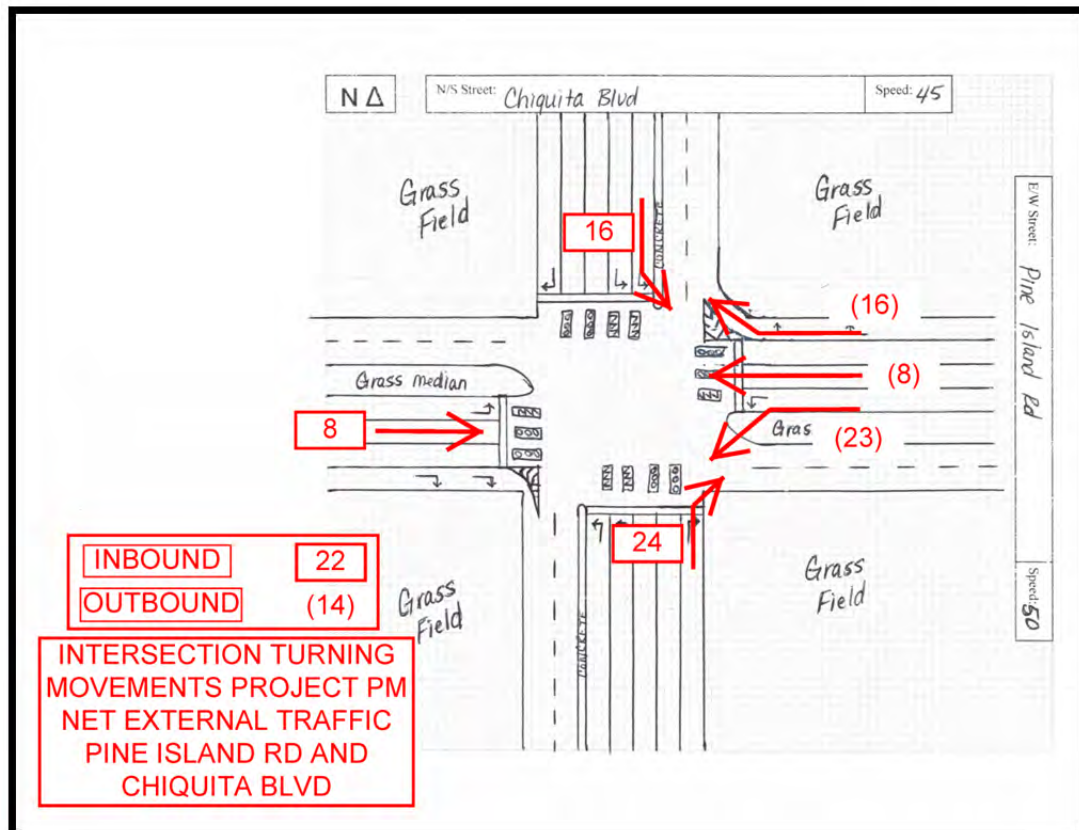
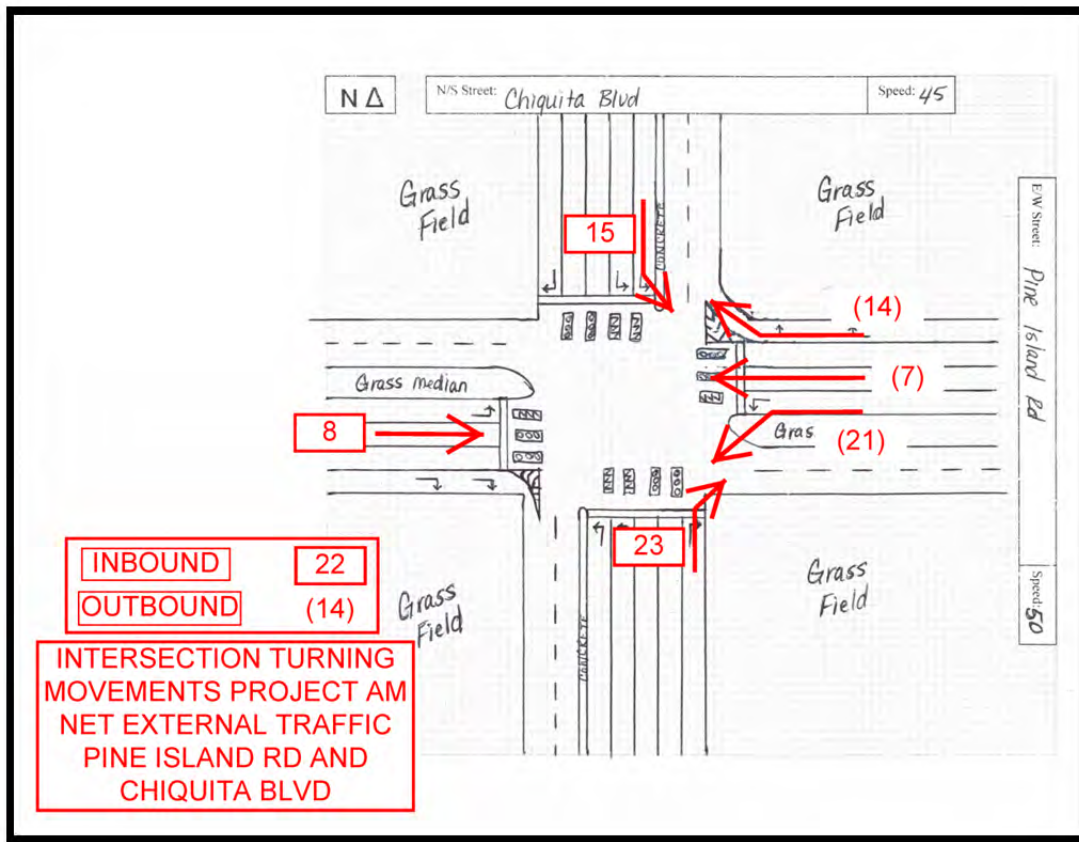
**Table Notes:** Storage is in 25 ft increments with queue/vehicle = 25 ft. 1 minute queue calculated for right turn movements; 2 minute queue calculated for left turn movement

## **Appendix I: Intersection Turning Movement Exhibits**

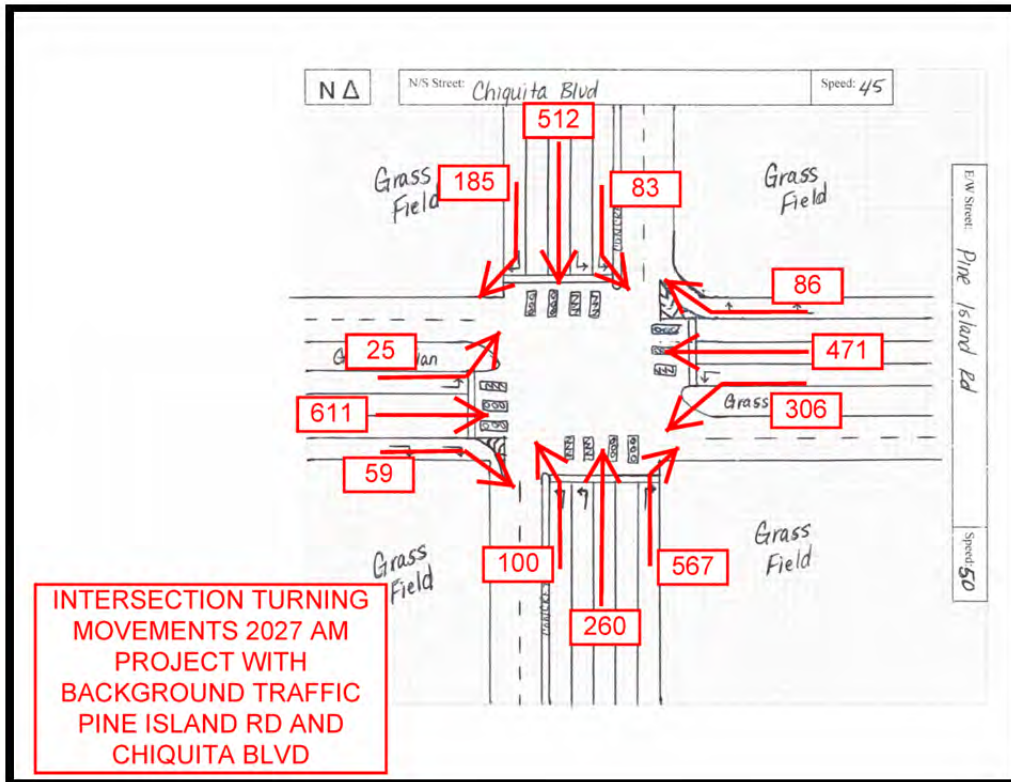
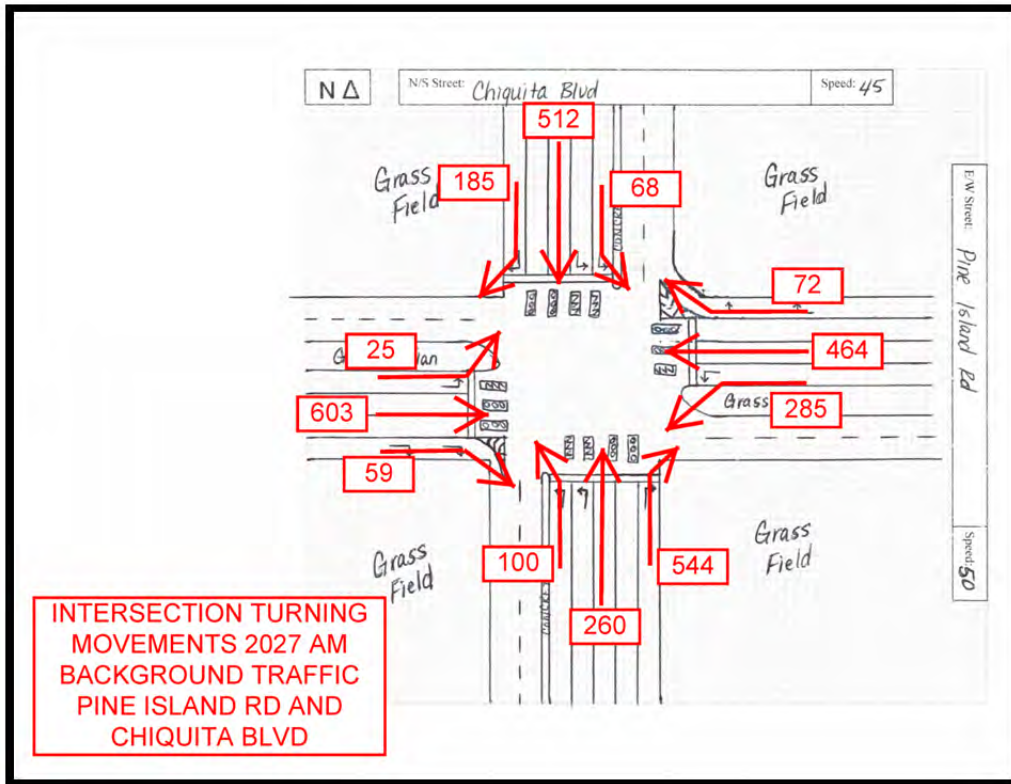
(17 Sheets)

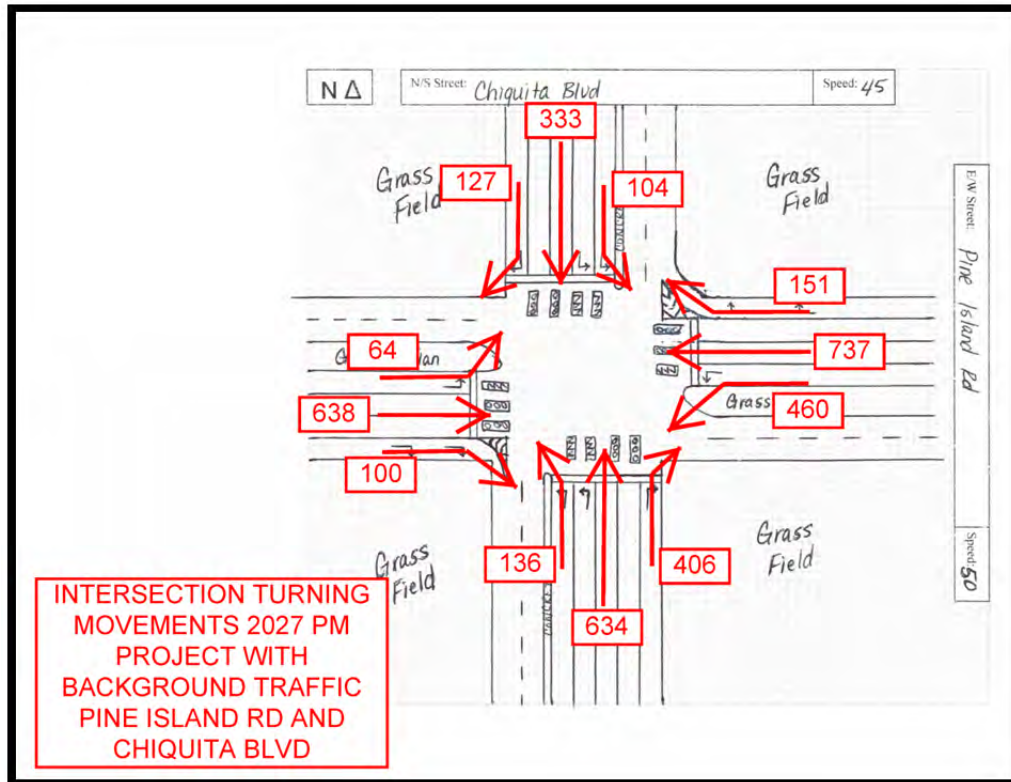
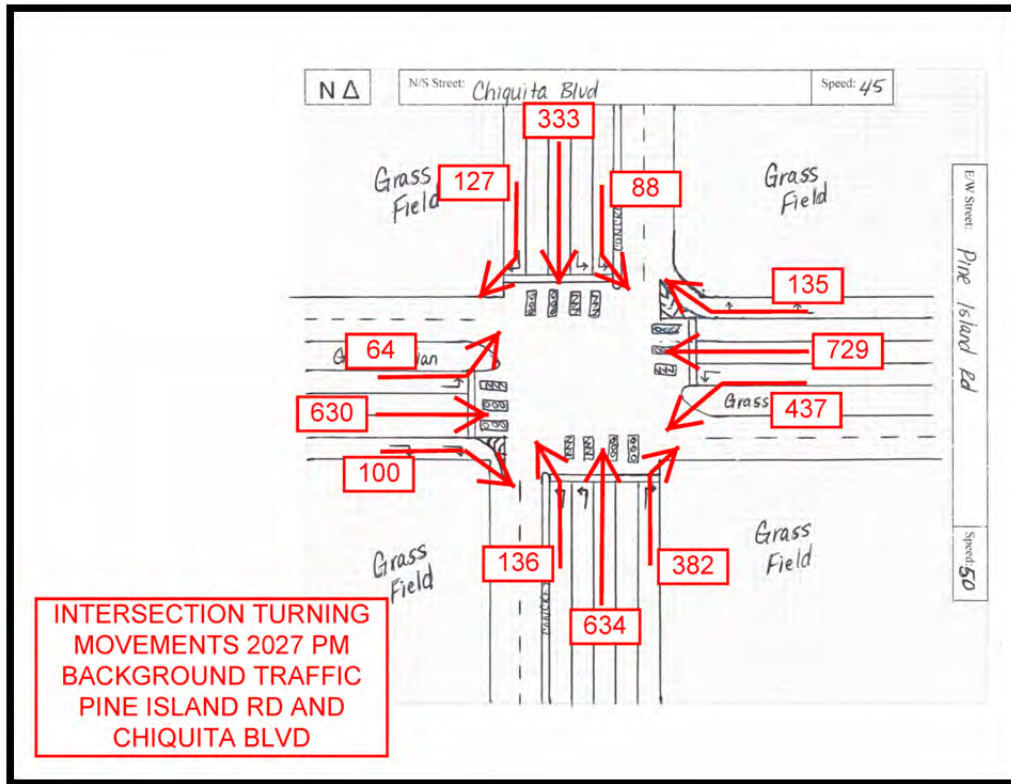
## Pine Island Rd and Chiquita Blvd Intersection











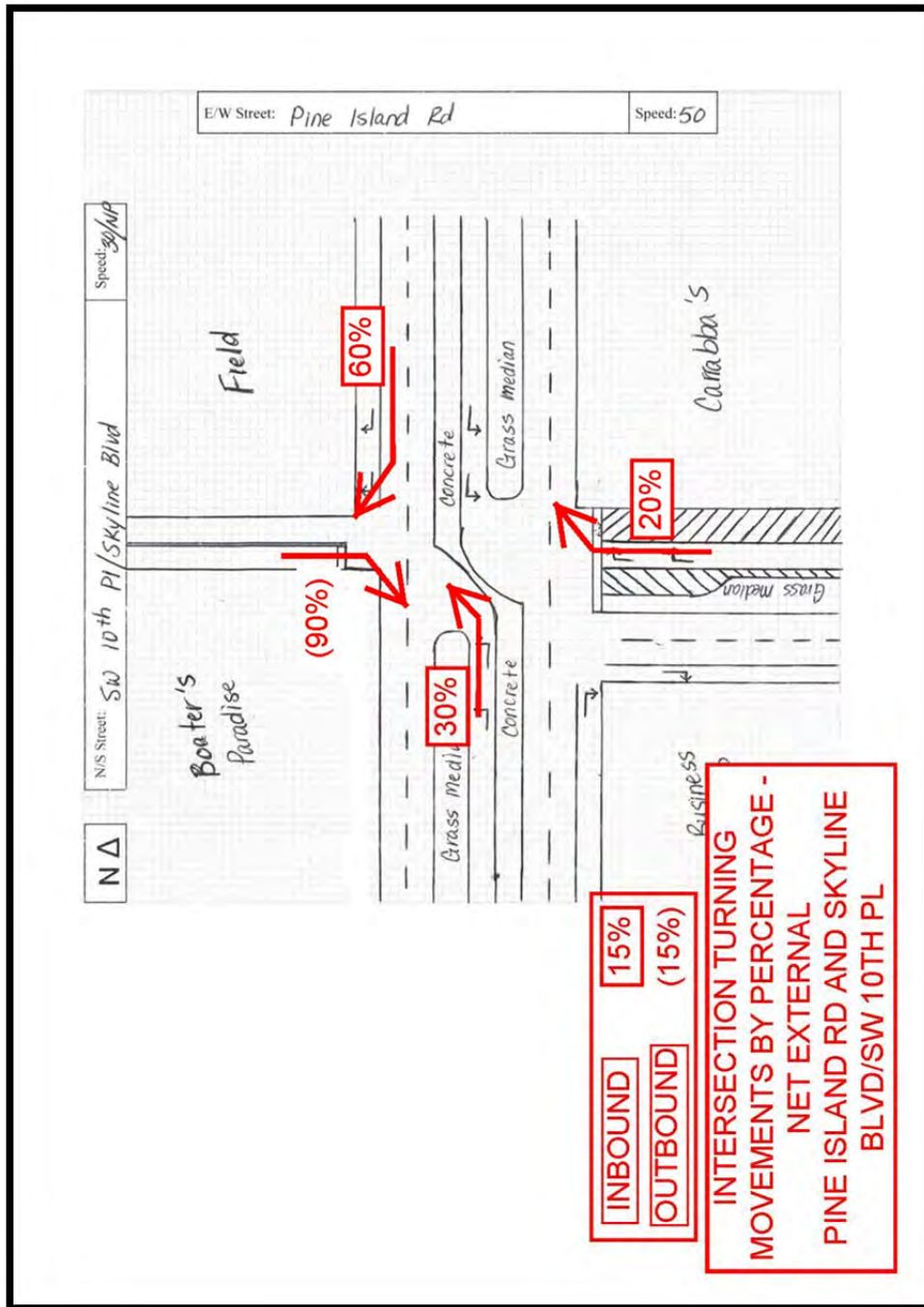
PROJECT - INTERSECTION TURNING MOVEMENT COUNTS  
INTERSECTION - PINE ISLAND RD AND CHIQUITA BLVD  
COUNT DATA - DATE - 03-09-2017  
COUNT DATA - TIME - 7.00 AM - 9.00 AM  
PEAK HOUR - 7.15 AM - 8.15 AM

AM PEAK HOUR FUTURE TRAFFIC																
	PINE ISLAND ROAD								CHIQUITA BOULEVARD							
	WESTBOUND				EASTBOUND				SOUTHBOUND				NORTHBOUND			
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL
TMCs	233	380	59	672	20	494	48	562	151	420	55	626	82	213	446	741
PSCF	1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00	
2017 BACKGROUND PEAK SEASON VOLUME	233	380	59	672	20	494	48	562	151	420	55	626	82	213	446	741
GROWTH RATE	2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%	
YEARS TO BUILD-OUT	10	10	10		10	10	10		10	10	10		10	10	10	
2027 BACKGROUND PEAK SEASON VOLUME	285	464	72	821	25	603	59	687	185	512	68	765	100	260	544	904
PROJECT NET EXTERNAL VOLUMES	21	7	14	42	0	8	0	8	0	0	15	15	0	0	23	23
PROJECT PASS-BY VOLUMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2027 BACKGROUND + PROJECT	306	471	86	863	25	611	59	695	185	512	83	780	100	260	567	927

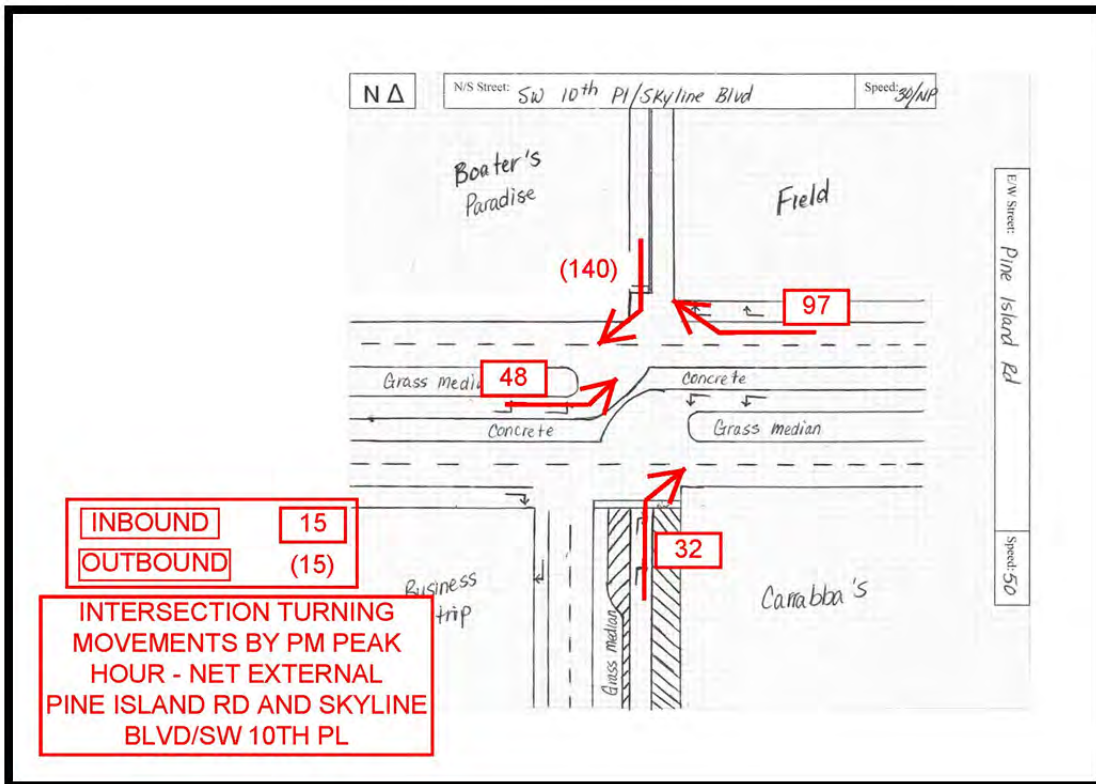
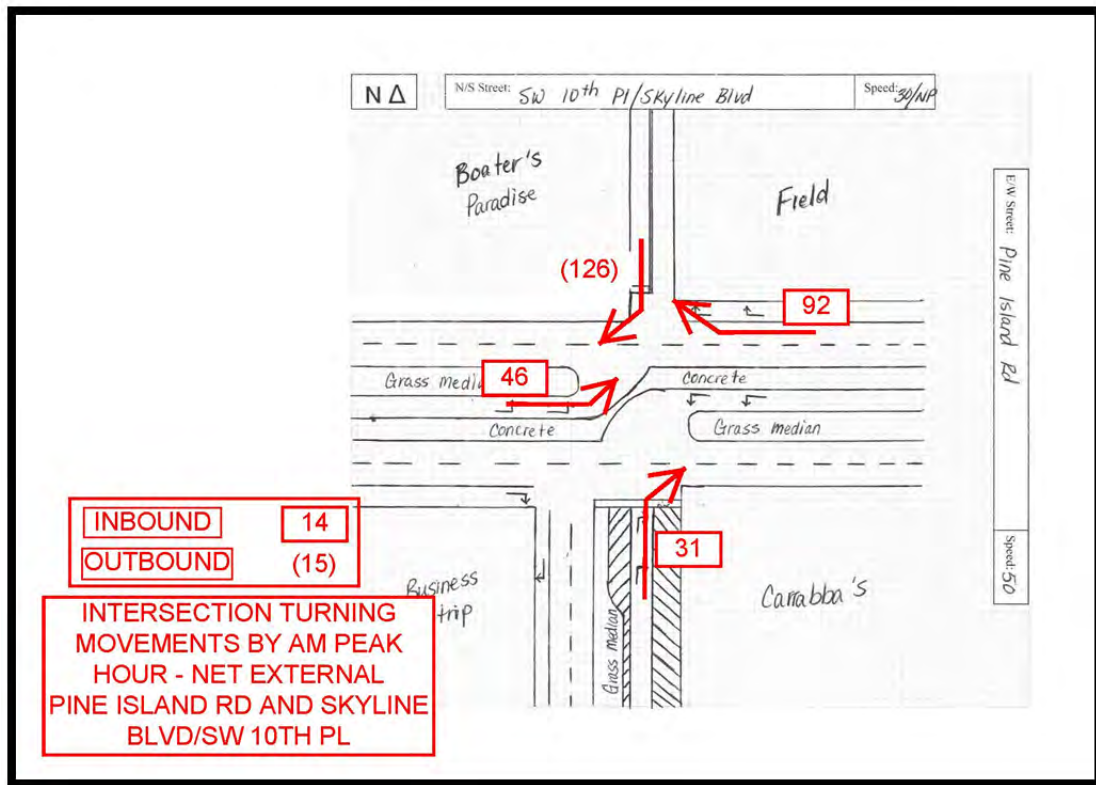
PROJECT - INTERSECTION TURNING MOVEMENT COUNTS  
INTERSECTION - PINE ISLAND RD AND CHIQUITA BLVD  
COUNT DATA - DATE - 03-09-2017  
COUNT DATA - TIME - 4.00 PM - 6.00 PM  
PEAK HOUR - 4.45 PM - 5.45 PM

PM PEAK HOUR FUTURE TRAFFIC																
	PINE ISLAND ROAD								CHIQUITA BOULEVARD							
	WESTBOUND				EASTBOUND				SOUTHBOUND				NORTHBOUND			
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL
TMCs	358	598	110	1,066	52	516	82	650	72	273	104	449	111	520	313	944
PSCF	1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00	
2017 BACKGROUND PEAK SEASON VOLUME	358	598	110	1,066	52	516	82	650	72	273	104	449	111	520	313	944
GROWTH RATE	2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%	
YEARS TO BUILD-OUT	10	10	10		10	10	10		10	10	10		10	10	10	
2027 BACKGROUND PEAK SEASON VOLUME	437	729	135	1,301	64	630	100	794	88	333	127	548	136	634	382	1,152
PROJECT NET EXTERNAL VOLUMES	23	8	16	47	0	8	0	8	16	0	0	16	0	0	24	24
PROJECT PASS-BY VOLUMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2027 BACKGROUND + PROJECT	460	737	151	1,348	64	638	100	802	104	333	127	564	136	634	406	1,176

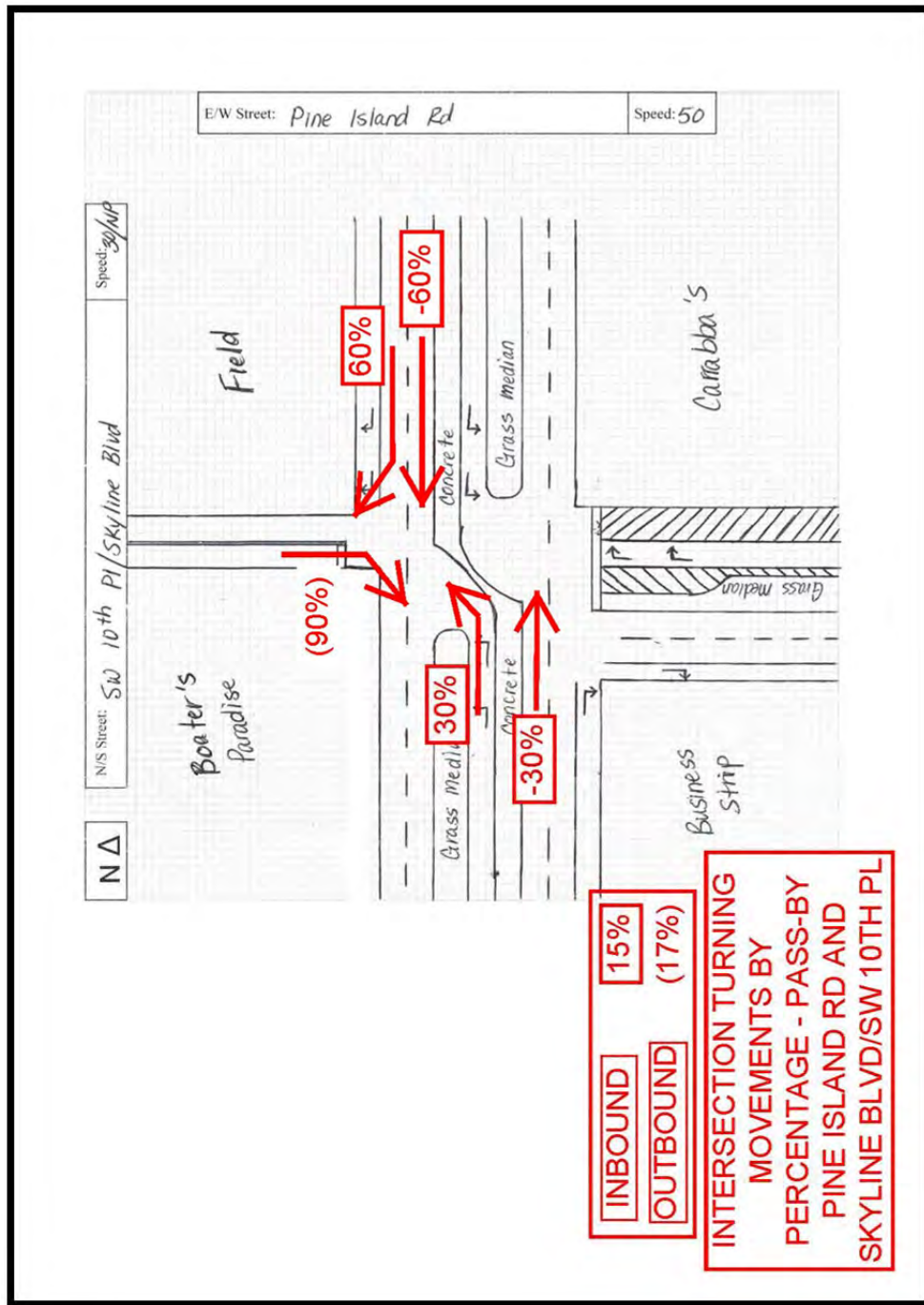
## Pine Island Rd and SW 10<sup>th</sup> Place/Skyline Blvd Intersection

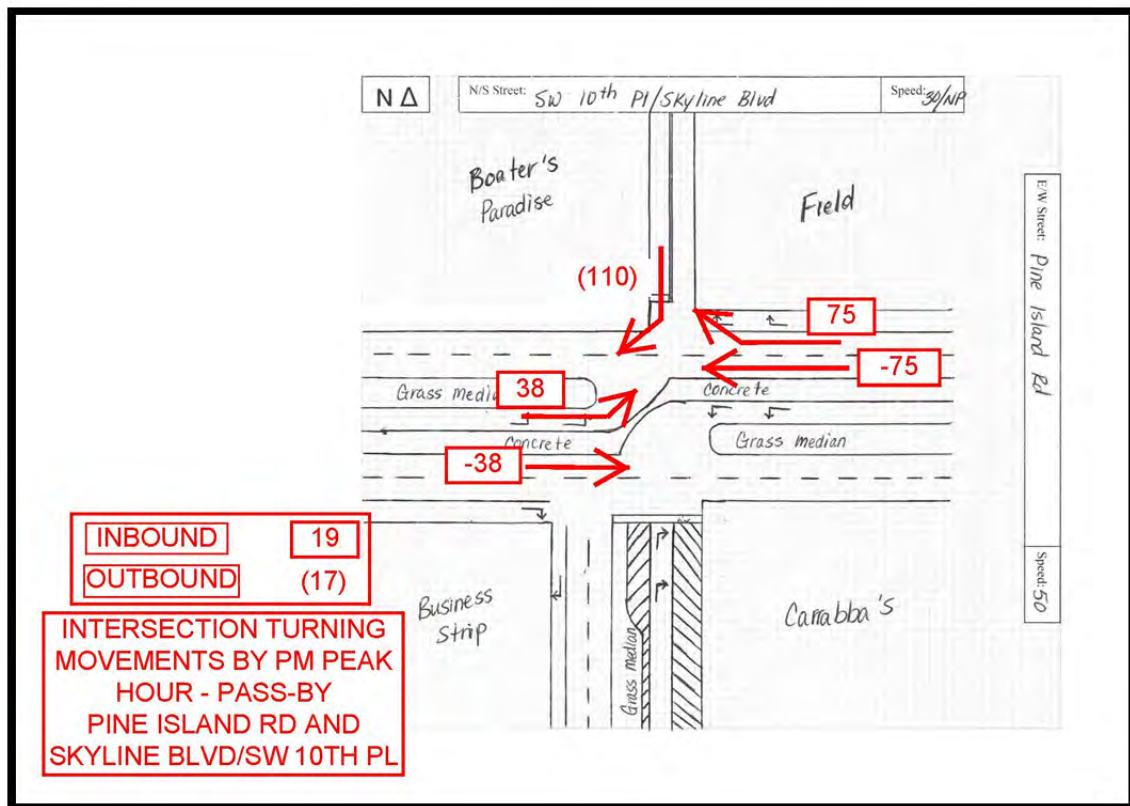
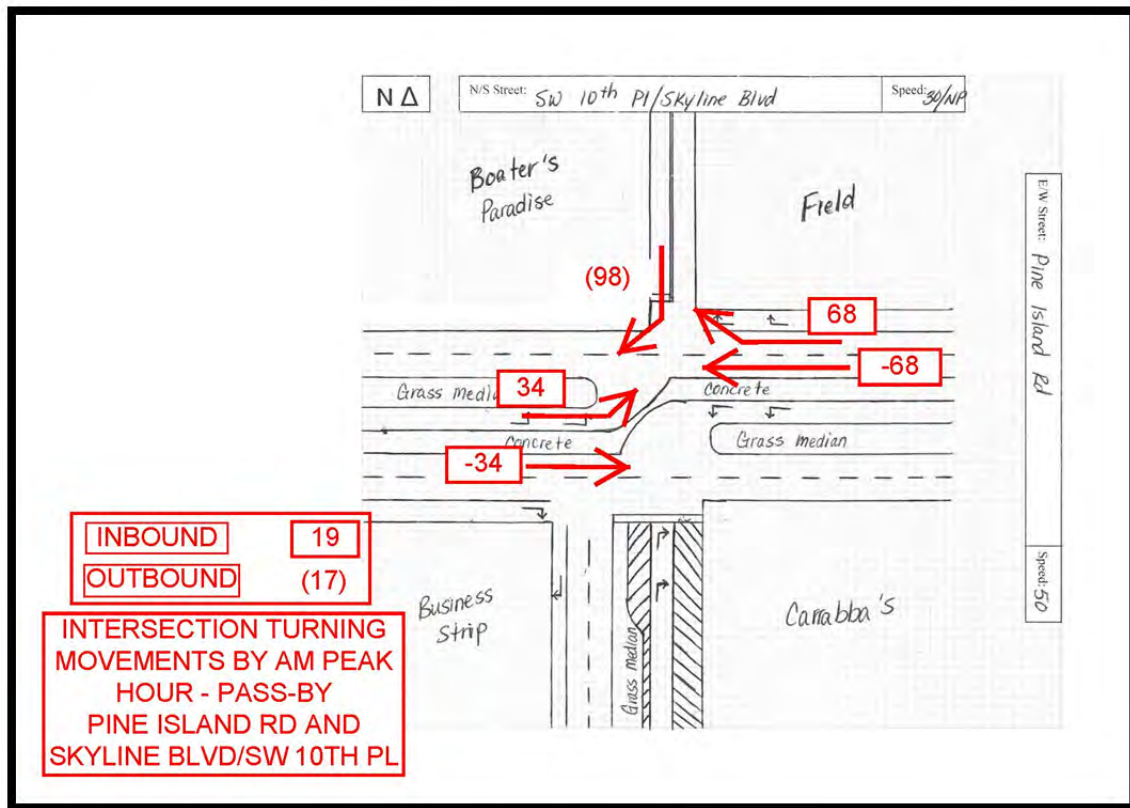


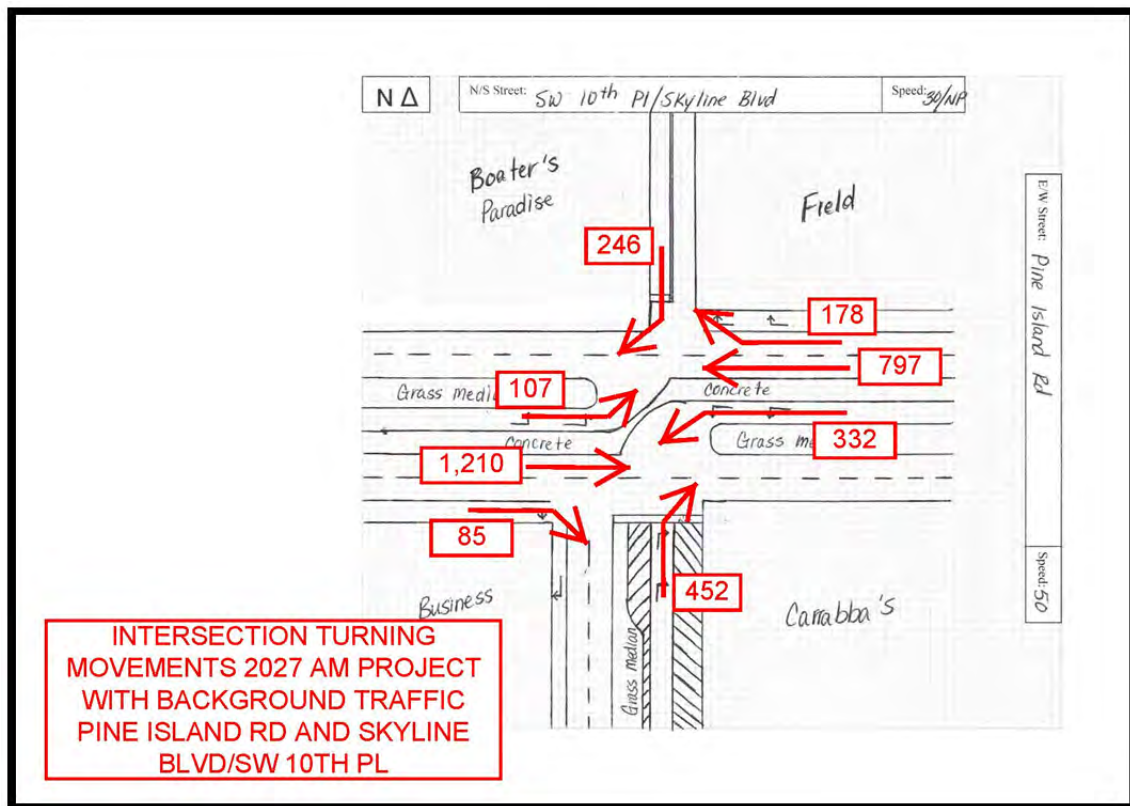
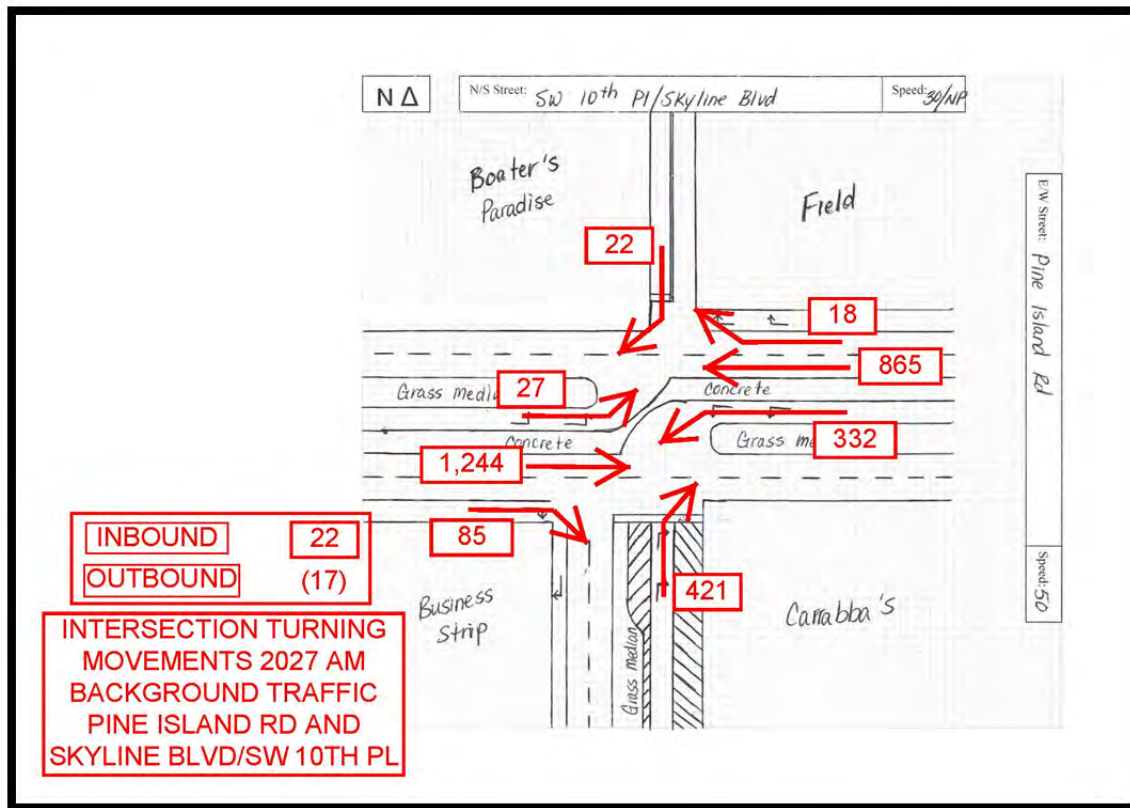




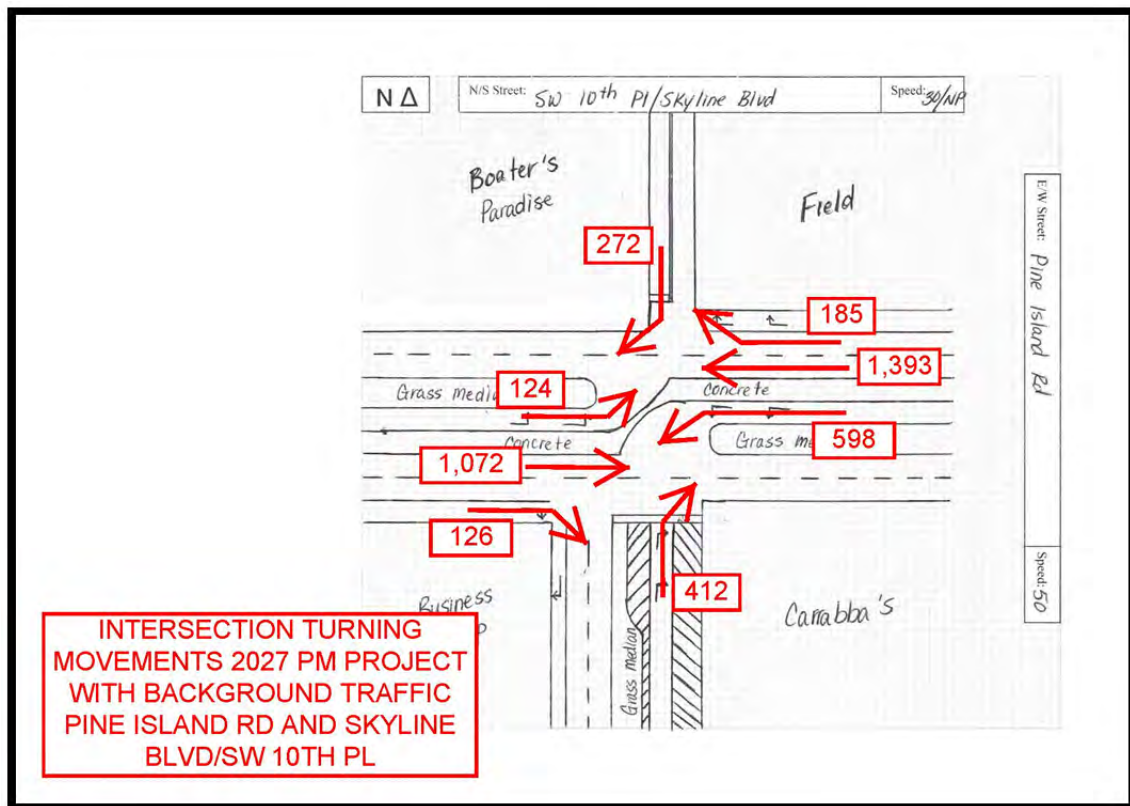
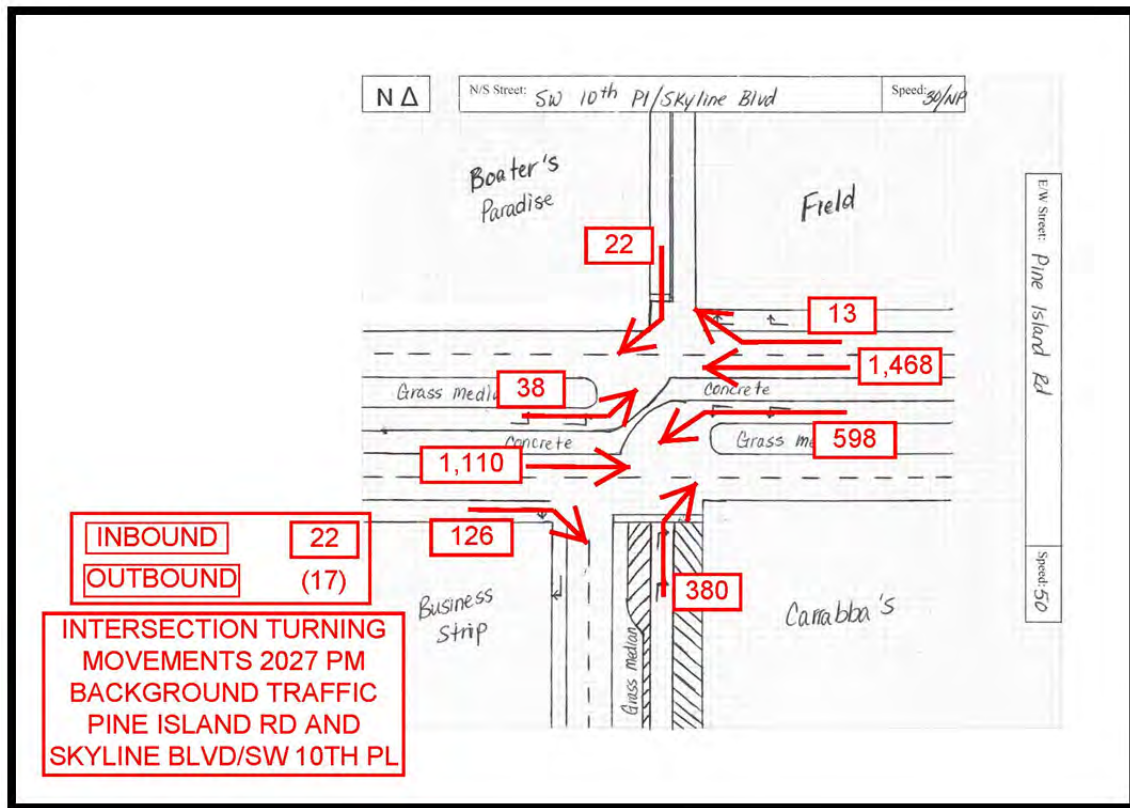










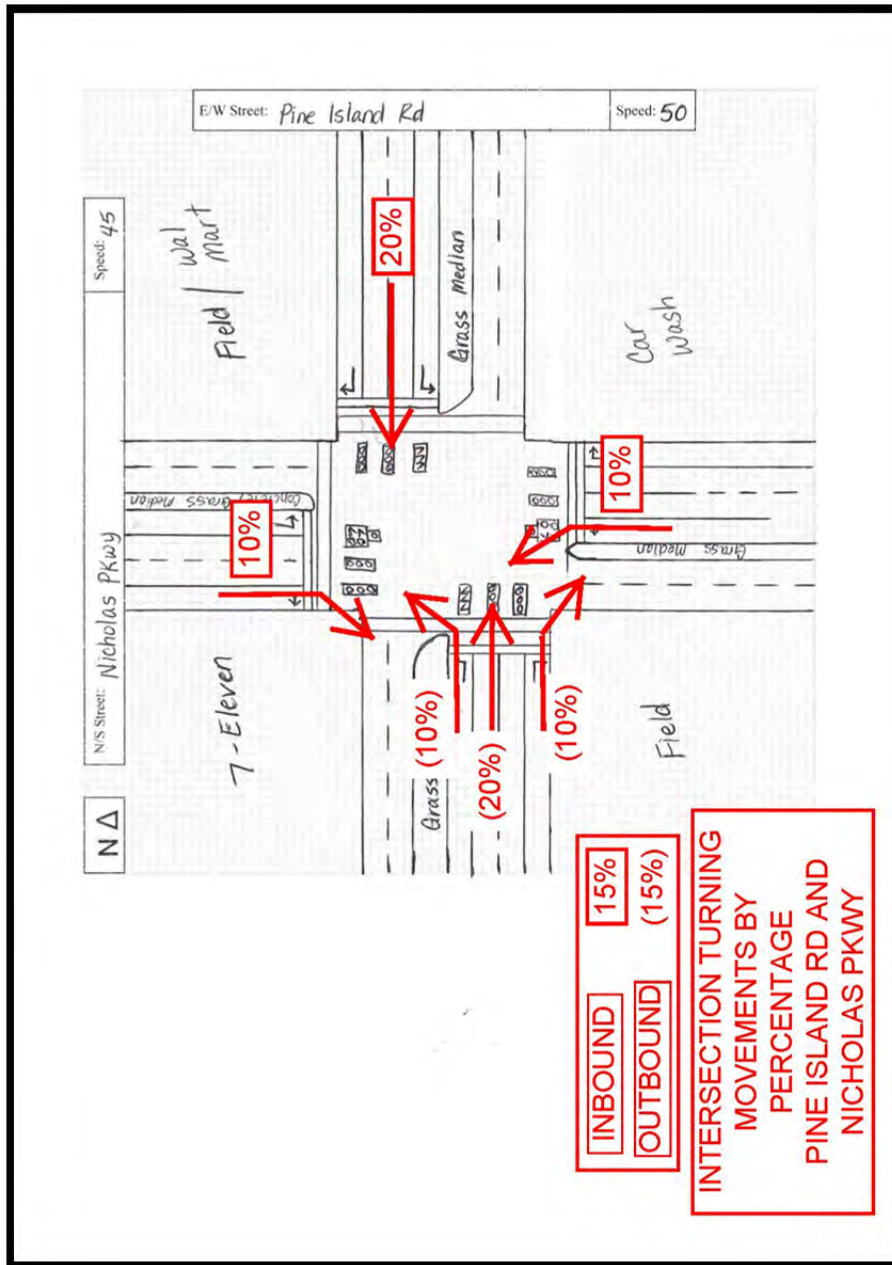


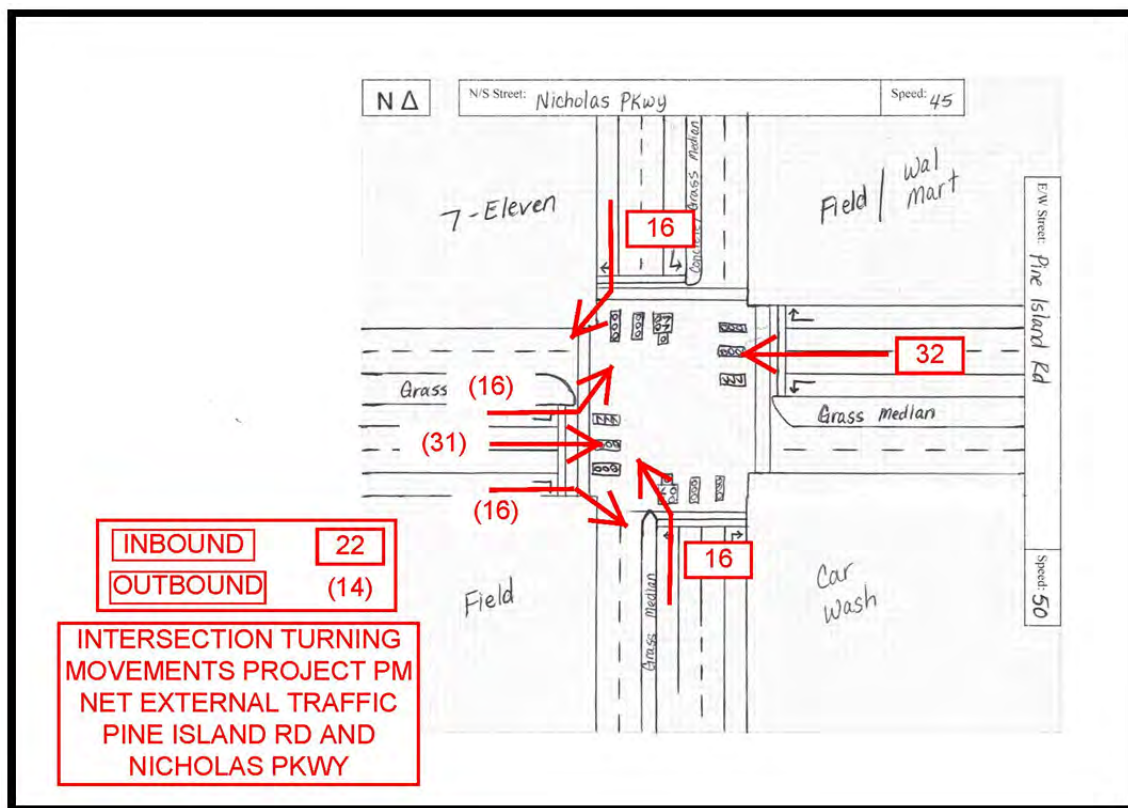
<b>PROJECT - INTERSECTION TURNING MOVEMENT COUNTS</b> <b>INTERSECTION - PINE ISLAND RD AND SKYLINE BLVD</b> <b>COUNT DATA - DATE - 03-09-2017</b> <b>COUNT DATA - TIME - 7.00 AM - 9.00 AM</b> <b>PEAK HOUR - 7.15 AM - 8.15 AM</b>																
<b>AM PEAK HOUR FUTURE TRAFFIC</b>																
	PINE ISLAND ROAD								SKYLINE BLVD/SW 10TH PL							
	WESTBOUND				EASTBOUND				SOUTHBOUND				NORTHBOUND			
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL
TMCs	272	709	14	995	22	1020	69	1111	0	0	18	18	0	0	345	345
PSCF	1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00	
2017 BACKGROUND PEAK SEASON VOLUME	272	709	14	995	22	1020	69	1111	0	0	18	18	0	0	345	345
GROWTH RATE	2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%	
YEARS TO BUILD-OUT	10	10	10		10	10	10		10	10	10		10	10	10	
2027 BACKGROUND PEAK SEASON VOLUME	332	865	18	1215	27	1244	85	1356	0	0	22	22	0	0	421	421
PROJECT NET EXTERNAL VOLUMES	0	0	92	92	46	0	0	46	0	0	126	126	0	0	31	31
PROJECT PASS-BY VOLUMES	0	-68	68	0	34	-34	0	0	0	0	98	98	0	0	0	0
2027 BACKGROUND + PROJECT	332	797	178	1307	107	1210	85	1402	0	0	246	246	0	0	452	452

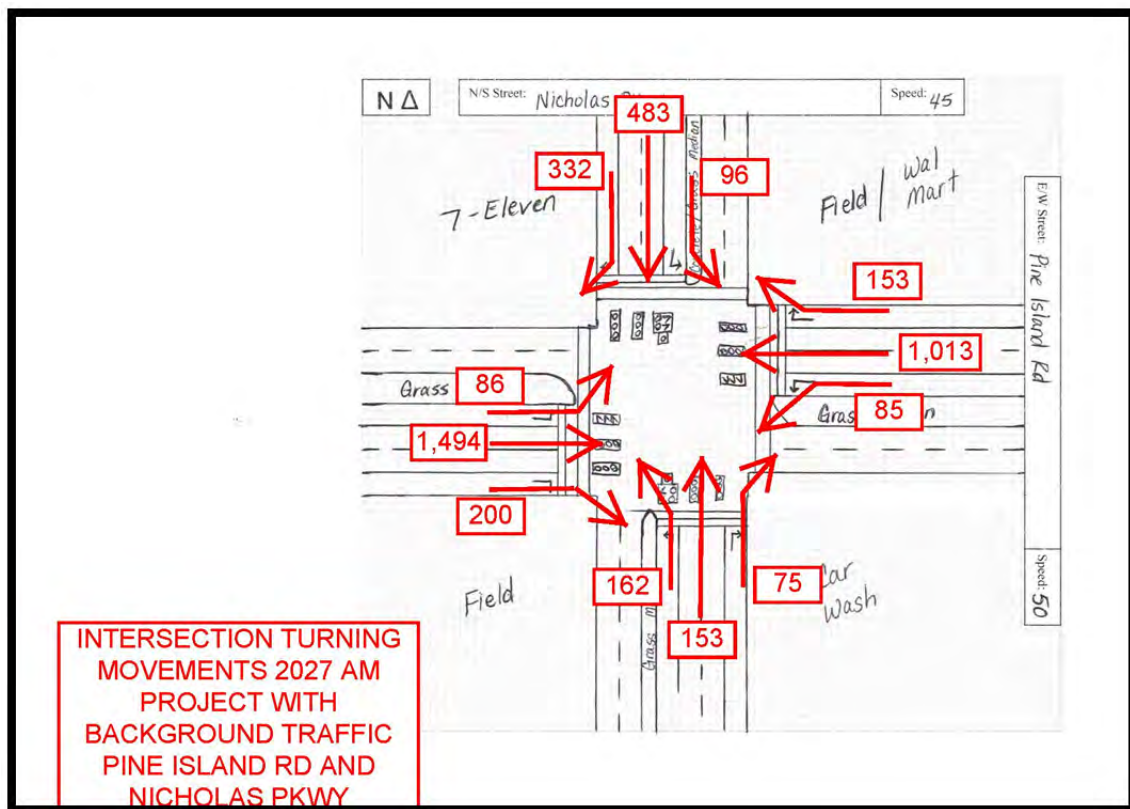
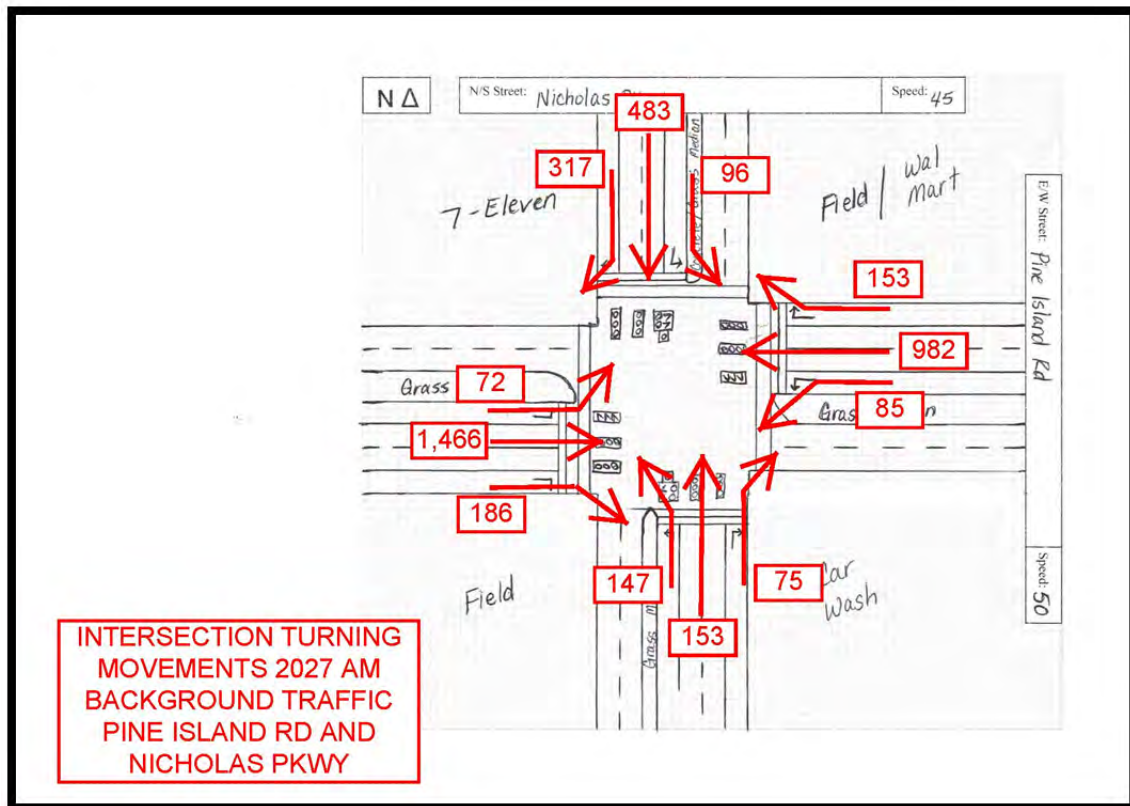
<b>PROJECT - INTERSECTION TURNING MOVEMENT COUNTS</b> <b>INTERSECTION - PINE ISLAND RD AND SKYLINE BLVD</b> <b>COUNT DATA - DATE - 03-09-2017</b> <b>COUNT DATA - TIME - 4.00 PM - 6.00 PM</b> <b>PEAK HOUR - 5.00 PM - 6.00 PM</b>																
<b>PM PEAK HOUR FUTURE TRAFFIC</b>																
	PINE ISLAND ROAD								SKYLINE BLVD/SW 10TH PL							
	WESTBOUND				EASTBOUND				SOUTHBOUND				NORTHBOUND			
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL
TMCs	490	1,204	10	1,704	31	910	103	1,044	0	0	18	18	0	0	311	311
PSCF	1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00	
2017 BACKGROUND PEAK SEASON VOLUME	490	1,204	10	1,704	31	910	103	1,044	0	0	18	18	0	0	311	311
GROWTH RATE	2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%	
YEARS TO BUILD-OUT	10	10	10		10	10	10		10	10	10		10	10	10	
2027 BACKGROUND PEAK SEASON VOLUME	598	1,468	13	2,079	38	1,110	126	1,274	0	0	22	22	0	0	380	380
PROJECT NET EXTERNAL VOLUMES	0	0	97	97	48	0	0	48	0	0	140	140	0	0	32	32
PROJECT PASS-BY VOLUMES	0	-75	75	0	38	-38	0	0	0	0	110	110	0	0	0	0
2027 BACKGROUND + PROJECT	598	1,393	185	2,176	124	1,072	126	1,322	0	0	272	272	0	0	412	412



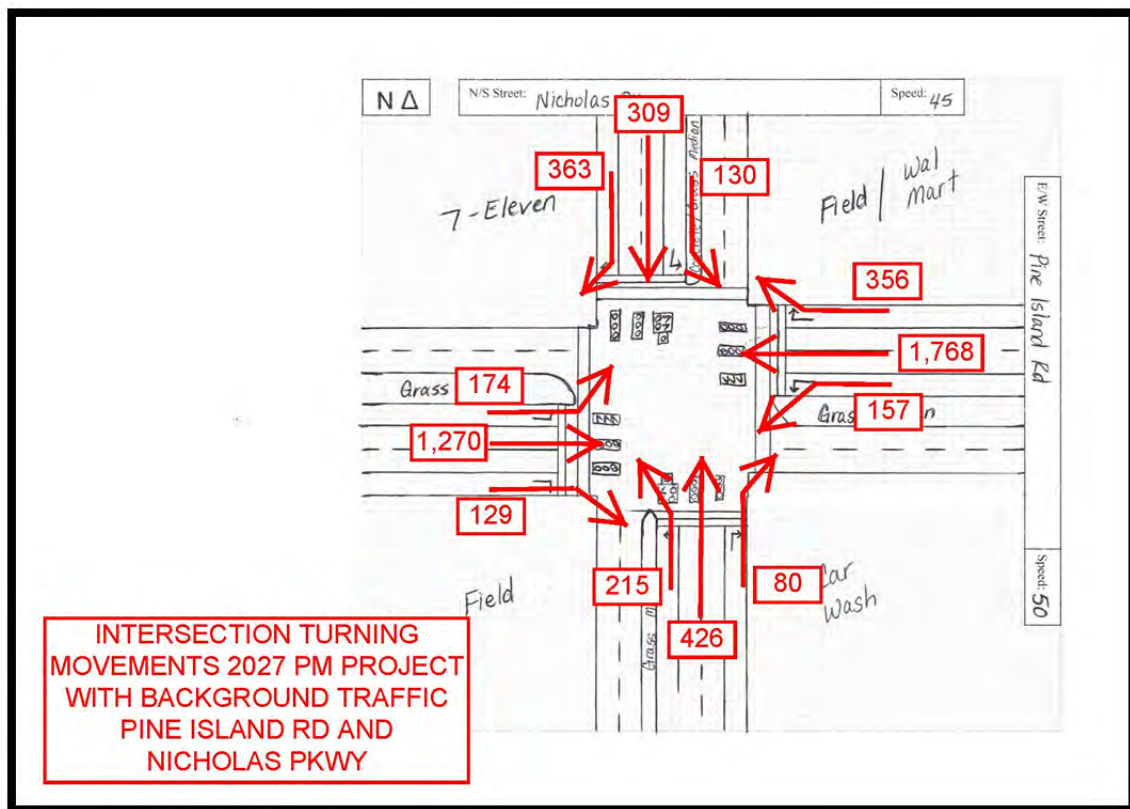
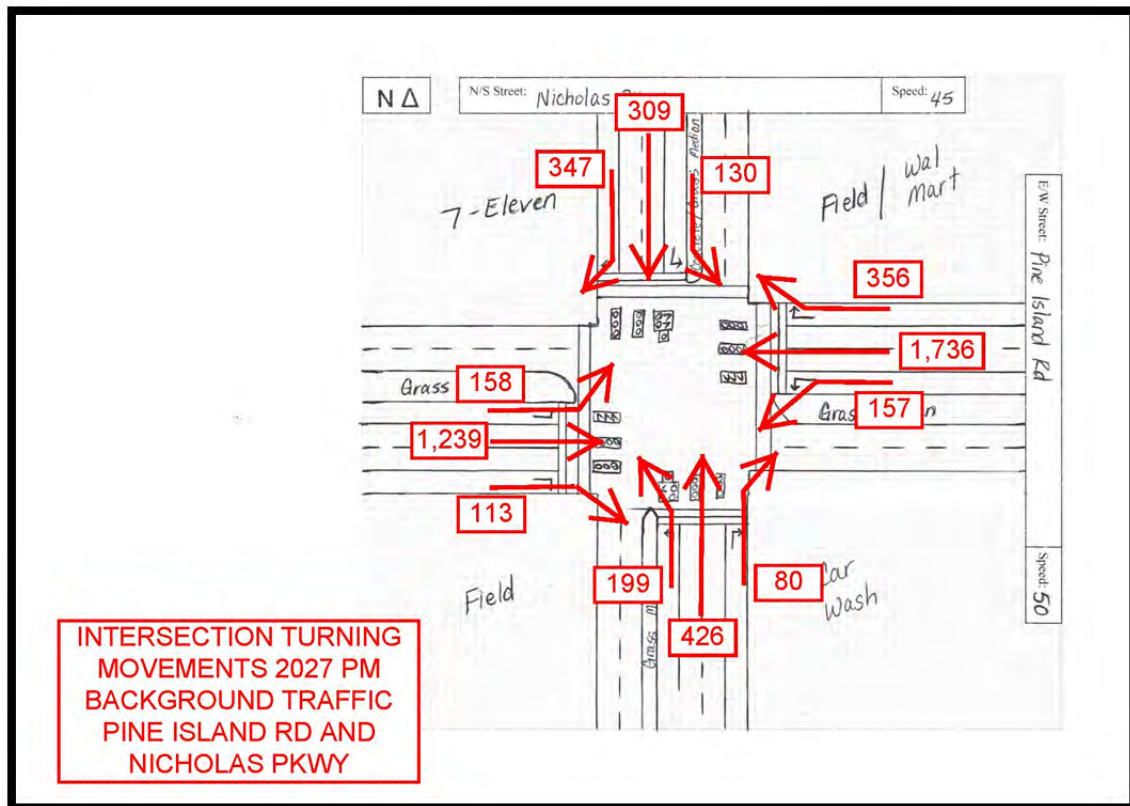
## Pine Island Rd and Nicholas Pkwy Intersection











PROJECT - INTERSECTION TURNING MOVEMENT COUNTS  
 INTERSECTION - PINE ISLAND RD AND NICHOLAS PKWY  
 COUNT DATA - DATE - 03-09-2017  
 COUNT DATA - TIME - 7.00 AM - 9.00 AM  
 PEAK HOUR - 7.15 AM - 8.15 AM

8

AM PEAK HOUR FUTURE TRAFFIC																
	PINE ISLAND ROAD								NICHOLAS PARKWAY							
	WESTBOUND				EASTBOUND				SOUTHBOUND				NORTHBOUND			
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL
TMCs	69	805	125	999	59	1202	152	1413	78	396	260	734	120	125	61	306
PSCF	1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00	
2017 BACKGROUND PEAK SEASON VOLUME	69	805	125	999	59	1202	152	1413	78	396	260	734	120	125	61	306
GROWTH RATE	2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%	
YEARS TO BUILD-OUT	10	10	10		10	10	10		10	10	10		10	10	10	
2027 BACKGROUND PEAK SEASON VOLUME	85	982	153	1220	72	1466	186	1724	96	483	317	896	147	153	75	375
PROJECT NET EXTERNAL VOLUMES	0	31	0	31	14	28	14	56	0	0	15	15	15	0	0	15
PROJECT PASS-BY VOLUMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2027 BACKGROUND + PROJECT	85	1013	153	1251	86	1494	200	1780	96	483	332	911	162	153	75	390

PROJECT - INTERSECTION TURNING MOVEMENT COUNTS  
 INTERSECTION - PINE ISLAND RD AND NICHOLAS PKWY  
 COUNT DATA - DATE - 03-09-2017  
 COUNT DATA - TIME - 4.00 PM - 6.00 PM  
 PEAK HOUR - 4.45 PM - 5.45 PM

PM PEAK HOUR FUTURE TRAFFIC																
	PINE ISLAND ROAD								NICHOLAS PARKWAY							
	WESTBOUND				EASTBOUND				SOUTHBOUND				NORTHBOUND			
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL
TMCs	128	1,424	292	1,844	129	1,016	92	1,237	106	253	284	643	163	349	65	577
PSCF	1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00		1.00	1.00	1.00	
2017 BACKGROUND PEAK SEASON VOLUME	128	1,424	292	1,844	129	1,016	92	1,237	106	253	284	643	163	349	65	577
GROWTH RATE	2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%		2.0%	2.0%	2.0%	
YEARS TO BUILD-OUT	10	10	10		10	10	10		10	10	10		10	10	10	
2027 BACKGROUND PEAK SEASON VOLUME	157	1,736	356	2,249	158	1,239	113	1,510	130	309	347	786	199	426	80	705
PROJECT NET EXTERNAL VOLUMES	0	32	0	32	16	31	16	63	0	0	16	16	16	0	0	16
PROJECT PASS-BY VOLUMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2027 BACKGROUND + PROJECT	157	1,768	356	2,281	174	1,270	129	1,573	130	309	363	802	215	426	80	721



## **Appendix J: Intersection HCS Printouts**

(12 Sheets)

## Pine Island Rd and Chiquita Blvd Intersection

HCS7 Signalized Intersection Results Summary																
General Information							Intersection Information									
Agency							Duration, h		0.25							
Analyst							Area Type		Other							
Jurisdiction							PHF		0.96							
Urban Street		Pine Island Rd		Analysis Year		Analysis Period		1> 4:00								
Intersection		Chiquita Blvd		File Name												
Project Description		2027 - AM Pk Hr Backgr														
Demand Information				EB			WB			NB			SB			
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R	
Demand (v), veh/h				25	603	59	285	464	72	100	260	544	68	512	185	
Signal Information																
Cycle, s	150.0	Reference Phase	2													
Offset, s	0	Reference Point	Begin	Green	26.7	40.4	4.0	5.7	13.5	35.8						
Uncoordinated	No	Simult. Gap E/W	Off	Yellow	4.0	4.0	0.0	4.0	4.0	0.0						
Force Mode	Fixed	Simult. Gap N/S	Off	Red	2.0	2.0	0.0	2.0	2.0	0.0						
Timer Results				EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT					
Assigned Phase				1	6	5	2	7	4	3	8					
Case Number				2.0	3.0	2.0	3.0	2.0	3.0	2.0	3.0					
Phase Duration, s				4.0	50.3	32.7	79.1	35.8	55.3	11.7	31.2					
Change Period, (Y+R), s				0.0	0.0	6.0	6.0	0.0	0.0	6.0	6.0					
Max Allow Headway (MAH), s				3.0	0.0	3.0	0.0	3.0	3.2	3.0	3.0					
Queue Clearance Time (g_s), s				4.1		26.2		5.5	53.4	5.0	23.6					
Green Extension Time (g_e), s				0.0	0.0	0.5	0.0	0.2	1.8	0.1	1.6					
Phase Call Probability				0.66		1.00		0.99	1.00	0.95	1.00					
Max Out Probability				0.00		0.00		0.00	0.01	0.00	0.00					
Movement Group Results				EB			WB			NB			SB			
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R	
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18	
Adjusted Flow Rate (v), veh/h				26	628	61	297	483	75	104	271	567	71	533	193	
Adjusted Saturation Flow Rate (s), veh/h/ln				1810	1809	1610	1810	1809	1610	1757	1809	1610	1757	1809	1610	
Queue Service Time (g_s), s				2.1	20.9	4.0	24.2	11.9	3.8	3.5	7.7	51.4	3.0	21.6	17.0	
Cycle Queue Clearance Time (g_c), s				2.1	20.9	4.0	24.2	11.9	3.8	3.5	7.7	51.4	3.0	21.6	17.0	
Green Ratio (g/C)				0.03	0.34	0.34	0.18	0.49	0.49	0.24	0.37	0.37	0.04	0.17	0.17	
Capacity (c), veh/h				48	1214	540	322	1762	784	839	1333	593	133	607	270	
Volume-to-Capacity Ratio (X)				0.543	0.517	0.114	0.921	0.274	0.096	0.124	0.203	0.955	0.532	0.879	0.714	
Back of Queue (Q), ft/ln (95 th percentile)				46.1	361.5	71.1	420.6	219	64.8	68.2	150.2	771.1	60.4	375.7	280.5	
Back of Queue (Q), veh/ln (95 th percentile)				1.8	14.5	2.8	16.8	8.8	2.6	2.7	6.0	30.8	2.4	15.0	11.2	
Queue Storage Ratio (RQ) (95 th percentile)				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Uniform Delay (d_1), s/veh				72.1	40.1	14.6	60.6	22.8	14.8	44.8	32.3	46.2	70.8	60.9	59.0	
Incremental Delay (d_2), s/veh				3.5	1.6	0.4	4.6	0.4	0.2	0.0	0.0	18.8	1.2	1.7	1.3	
Initial Queue Delay (d_3), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Control Delay (d), s/veh				75.6	41.6	15.1	65.3	23.2	15.0	44.8	32.4	64.9	72.1	62.6	60.3	
Level of Service (LOS)				E	D	B	E	C	B	D	C	E	E	E	E	
Approach Delay, s/veh / LOS				40.6		D	37.1		D	53.4		D	62.9		E	
Intersection Delay, s/veh / LOS				48.7						D						
Multimodal Results				EB			WB			NB			SB			
Pedestrian LOS Score / LOS				3.1		C	3.1		C	3.0		C	3.0		C	
Bicycle LOS Score / LOS				1.1		A	1.2		A	1.3		A	1.1		A	

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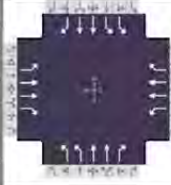
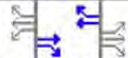
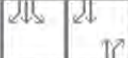
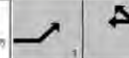
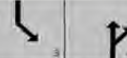
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## HCS7 Signalized Intersection Results Summary

General Information				Intersection Information															
Agency				Duration, h	0.25														
Analyst		Analysis Date	May 22, 2017	Area Type	Other														
Jurisdiction		Time Period		PHF	0.96														
Urban Street	Pine Island Rd	Analysis Year		Analysis Period	1> 4:00														
Intersection	Chiquita Blvd	File Name																	
Project Description	2027 - AM Pk Hr Backgr w PJ																		
Demand Information				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Demand ( v ), veh/h				25	611	59	306	471	86	100	260	567	83	512	185				
Signal Information																			
Cycle, s	150.0	Reference Phase	2	Green	28.5	36.2	4.0	5.8	13.3	38.1									
Offset, s	0	Reference Point	Begin	Yellow	4.0	4.0	0.0	4.0	4.0	0.0									
Uncoordinated	No	Simult. Gap E/W	Off	Red	2.0	2.0	0.0	2.0	2.0	0.0									
Force Mode	Fixed	Simult. Gap N/S	Off																
Timer Results				EBL		EBT		WBL		WBT		NBL		NBT		SBL		SBT	
Assigned Phase				1		6		5		2		7		4		3		8	
Case Number				2.0		3.0		2.0		3.0		2.0		3.0		2.0		3.0	
Phase Duration, s				4.0		46.2		34.5		76.7		38.1		57.4		11.8		31.2	
Change Period, ( Y+R c ), s				0.0		0.0		6.0		6.0		0.0		0.0		6.0		6.0	
Max Allow Headway ( MAH ), s				3.0		0.0		3.0		0.0		3.0		3.2		3.0		3.0	
Queue Clearance Time ( g s ), s				4.1				28.0				5.4		55.6		5.6		23.6	
Green Extension Time ( g e ), s				0.0		0.0		0.5		0.0		0.2		1.8		0.2		1.6	
Phase Call Probability				0.66				1.00				0.99		1.00		0.97		1.00	
Max Out Probability				0.00				0.00				0.00		0.02		0.00		0.00	
Movement Group Results				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18				
Adjusted Flow Rate ( v ), veh/h				26	636	61	319	491	90	104	271	591	86	533	193				
Adjusted Saturation Flow Rate ( s ), veh/h/ln				1810	1809	1610	1810	1809	1610	1757	1809	1610	1757	1809	1610				
Queue Service Time ( g s ), s				2.1	22.2	4.1	26.0	12.4	4.7	3.4	7.5	53.6	3.6	21.6	17.0				
Cycle Queue Clearance Time ( g c ), s				2.1	22.2	4.1	26.0	12.4	4.7	3.4	7.5	53.6	3.6	21.6	17.0				
Green Ratio ( g/C )				0.03	0.31	0.31	0.19	0.47	0.47	0.25	0.38	0.38	0.04	0.17	0.17				
Capacity ( c ), veh/h				48	1114	496	344	1706	759	893	1385	617	137	607	270				
Volume-to-Capacity Ratio ( X )				0.543	0.571	0.124	0.927	0.288	0.118	0.117	0.196	0.958	0.632	0.879	0.714				
Back of Queue ( Q ), ft/ln ( 95 th percentile)				46.1	382.2	74.5	451.3	228.3	80.7	66.6	146.1	803.9	74.3	375.7	280.5				
Back of Queue ( Q ), veh/ln ( 95 th percentile)				1.8	15.3	3.0	18.1	9.1	3.2	2.7	5.8	32.2	3.0	15.0	11.2				
Queue Storage Ratio ( RQ ) ( 95 th percentile)				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Uniform Delay ( d 1 ), s/veh				72.1	43.6	14.6	59.7	24.2	14.9	43.0	30.9	45.1	71.0	60.9	59.0				
Incremental Delay ( d 2 ), s/veh				3.5	2.1	0.5	6.5	0.4	0.3	0.0	0.0	20.1	1.8	1.7	1.3				
Initial Queue Delay ( d 3 ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0				
Control Delay ( d ), s/veh				75.6	45.7	15.2	66.2	24.6	15.2	43.0	30.9	65.2	72.8	62.6	60.3				
Level of Service (LOS)				E	D	B	E	C	B	D	C	E	E	E	E				
Approach Delay, s/veh / LOS				44.2		D	38.5		D	53.2		D	63.2		E				
Intersection Delay, s/veh / LOS				49.8						D									
Multimodal Results				EB			WB			NB			SB						
Pedestrian LOS Score / LOS				3.1		C	3.1		C	3.0		C	3.0		C				
Bicycle LOS Score / LOS				1.1		A	1.2		A	1.3		A	1.2		A				

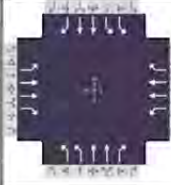

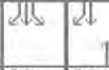


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## HCS7 Signalized Intersection Results Summary

General Information				Intersection Information															
Agency				Duration, h		0.25													
Analyst				Analysis Date		9/9/2016													
Jurisdiction				Time Period															
Urban Street		Pine Island Rd		Analysis Year															
Intersection		Chiquita Blvd		File Name															
Project Description		2027 - PM Pk Hr Backgr																	
Demand Information				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Demand ( v ), veh/h				64	630	100	437	729	135	136	634	382	88	333	127				
Signal Information																			
Cycle, s	150.0	Reference Phase	2																
Offset, s	0	Reference Point	Begin	Green	39.9	38.8	7.1	5.9	5.2	29.2									
Uncoordinated	No	Simult. Gap EW	Off	Yellow	4.0	4.0	0.0	4.0	4.0	0.0									
Force Mode	Fixed	Simult. Gap N/S	Off	Red	2.0	2.0	0.0	2.0	2.0	0.0									
Timer Results				EBL		EBT		WBL		WBT		NBL		NBT		SBL		SBT	
Assigned Phase				1		6		5		2		7		4		3		8	
Case Number				2.0		3.0		2.0		3.0		2.0		3.0		2.0		3.0	
Phase Duration, s				7.1		51.9		45.9		90.6		29.2		40.4		11.9		23.1	
Change Period, ( Y+R ), s				0.0		0.0		6.0		6.0		0.0		0.0		6.0		6.0	
Max Allow Headway ( MAH ), s				3.0		0.0		3.0		0.0		3.0		3.1		3.0		3.0	
Queue Clearance Time ( g s ), s				7.5				39.0				7.1		38.0		5.9		16.1	
Green Extension Time ( g e ), s				0.1		0.0		0.8		0.0		0.3		2.4		0.2		1.0	
Phase Call Probability				0.94				1.00				1.00		1.00		0.98		1.00	
Max Out Probability				0.00				0.00				0.00		0.00		0.00		0.00	
Movement Group Results				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18				
Adjusted Flow Rate ( v ), veh/h				67	656	104	455	759	141	142	660	398	92	347	132				
Adjusted Saturation Flow Rate ( s ), veh/h/ln				1810	1809	1610	1810	1809	1610	1757	1809	1610	1757	1809	1610				
Queue Service Time ( g s ), s				5.5	21.7	6.8	37.0	17.4	6.3	5.1	24.5	36.0	3.9	14.1	11.9				
Cycle Queue Clearance Time ( g c ), s				5.5	21.7	6.8	37.0	17.4	6.3	5.1	24.5	36.0	3.9	14.1	11.9				
Green Ratio ( g/C )				0.05	0.35	0.35	0.27	0.56	0.56	0.19	0.27	0.27	0.04	0.11	0.11				
Capacity ( c ), veh/h				85	1251	557	481	2041	909	684	974	434	138	412	183				
Volume-to-Capacity Ratio ( X )				0.782	0.525	0.187	0.947	0.372	0.155	0.207	0.678	0.918	0.664	0.841	0.721				
Back of Queue ( Q ), ft/ln ( 95 th percentile )				118.7	372.7	120.9	620.7	288.4	105	99.8	407.6	536.8	79	267.2	213.6				
Back of Queue ( Q ), veh/ln ( 95 th percentile )				4.7	14.9	4.8	24.8	11.5	4.2	4.0	16.3	21.5	3.2	10.7	8.5				
Queue Storage Ratio ( RQ ) ( 95 th percentile )				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Uniform Delay ( d i ), s/veh				70.7	39.2	15.1	54.0	18.0	15.4	50.7	49.0	53.2	71.1	65.1	64.2				
Incremental Delay ( d z ), s/veh				5.7	1.6	0.7	10.8	0.5	0.4	0.1	0.3	7.4	2.0	1.8	2.0				
Initial Queue Delay ( d s ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0				
Control Delay ( d ), s/veh				76.4	40.8	15.8	64.8	18.5	15.8	50.7	49.3	60.6	73.1	66.9	66.2				
Level of Service (LOS)				E	D	B	E	B	B	D	D	E	E	E	E				
Approach Delay, s/veh / LOS				40.5	D			33.8	C	53.2	D			67.7	E				
Intersection Delay, s/veh / LOS				46.0						D									
Multimodal Results				EB			WB			NB			SB						
Pedestrian LOS Score / LOS				3.1	C			3.1	C	3.0	C			3.0	C				
Bicycle LOS Score / LOS				1.2	A			1.6	B	1.5	A			1.0	A				

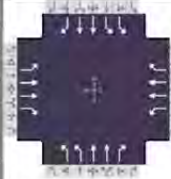
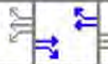
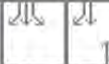


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## HCS7 Signalized Intersection Results Summary

General Information					Intersection Information														
Agency					Duration, h		0.25												
Analyst				Analysis Date		May 22, 2017		Area Type		Other									
Jurisdiction				Time Period				PHF		0.96									
Urban Street		Pine Island Rd		Analysis Year				Analysis Period		1> 4:00									
Intersection		Chiquita Blvd		File Name															
Project Description		2027 - PM Pk Hr Backgr w PJ																	
																			
Demand Information				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Demand ( v ), veh/h				64	638	100	460	737	151	136	634	406	104	333	127				
Signal Information																			
Cycle, s	150.0	Reference Phase	2																
Offset, s	0	Reference Point	Begin	Green	41.8	33.7	7.1	6.7	4.4	32.3									
Uncoordinated	No	Simult. Gap EW	Off	Yellow	4.0	4.0	0.0	4.0	4.0	0.0									
Force Mode	Fixed	Simult. Gap N/S	Off	Red	2.0	2.0	0.0	2.0	2.0	0.0									
Timer Results				EBL		EBT		WBL		WBT		NBL		NBT		SBL		SBT	
Assigned Phase				1		6		5		2		7		4		3		8	
Case Number				2.0		3.0		2.0		3.0		2.0		3.0		2.0		3.0	
Phase Duration, s				7.1		46.8		47.8		87.5		32.3		42.7		12.7		23.1	
Change Period, ( Y+R ), s				0.0		0.0		6.0		6.0		0.0		0.0		6.0		6.0	
Max Allow Headway ( MAH ), s				3.0		0.0		3.0		0.0		3.0		3.1		3.0		3.0	
Queue Clearance Time ( g s ), s				7.5				41.0				6.9		40.2		6.6		16.1	
Green Extension Time ( g e ), s				0.1		0.0		0.9		0.0		0.3		2.5		0.2		1.0	
Phase Call Probability				0.94				1.00				1.00		1.00		0.99		1.00	
Max Out Probability				0.00				0.00				0.00		0.00		0.00		0.00	
Movement Group Results				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18				
Adjusted Flow Rate ( v ), veh/h				67	665	104	479	768	157	142	660	423	108	347	132				
Adjusted Saturation Flow Rate ( s ), veh/h/ln				1810	1809	1610	1810	1809	1610	1757	1809	1610	1757	1809	1610				
Queue Service Time ( g s ), s				5.5	23.2	7.1	39.0	18.4	7.4	4.9	24.0	38.2	4.6	14.1	11.9				
Cycle Queue Clearance Time ( g c ), s				5.5	23.2	7.1	39.0	18.4	7.4	4.9	24.0	38.2	4.6	14.1	11.9				
Green Ratio ( g/C )				0.05	0.31	0.31	0.28	0.54	0.54	0.22	0.28	0.28	0.04	0.11	0.11				
Capacity ( c ), veh/h				85	1128	502	505	1967	875	757	1030	458	157	412	183				
Volume-to-Capacity Ratio ( X )				0.782	0.589	0.207	0.950	0.390	0.180	0.187	0.641	0.923	0.692	0.841	0.721				
Back of Queue ( Q ), ft/ln ( 95 th percentile )				118.7	397.9	128.3	661.8	305.9	125.3	97	399.4	573.2	93.2	267.2	213.6				
Back of Queue ( Q ), veh/ln ( 95 th percentile )				4.7	15.9	5.1	26.5	12.2	5.0	3.9	16.0	22.9	3.7	10.7	8.5				
Queue Storage Ratio ( RQ ) ( 95 th percentile )				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Uniform Delay ( d 1 ), s/veh				70.7	43.5	15.1	53.1	19.8	15.6	48.1	46.9	52.0	70.6	65.1	64.2				
Incremental Delay ( d 2 ), s/veh				5.7	2.3	0.9	14.3	0.6	0.4	0.0	0.3	9.9	2.0	1.8	2.0				
Initial Queue Delay ( d 3 ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0				
Control Delay ( d ), s/veh				76.4	45.8	16.0	67.4	20.4	16.1	48.2	47.2	61.9	72.7	66.9	66.2				
Level of Service (LOS)				E	D	B	E	C	B	D	D	E	E	E	E				
Approach Delay, s/veh / LOS				44.5		D		36.0		D		52.4		D		67.8		E	
Intersection Delay, s/veh / LOS				47.3						D									
Multimodal Results				EB			WB			NB			SB						
Pedestrian LOS Score / LOS				3.1 C			3.1 C			3.0 C			3.0 C						
Bicycle LOS Score / LOS				1.2 A			1.6 B			1.5 A			1.0 A						

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**Pine Island Rd and SW 10<sup>th</sup> Place/Skyline Blvd Intersection**

HCS+: Unsignalized Intersections Release 5.6

## TWO-WAY STOP CONTROL SUMMARY

Analyst:  
 Agency/Co.: TCS  
 Date Performed:  
 Analysis Time Period: AM Pk Hr  
 Intersection:  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2027 AM Backgr  
 Project ID: Pine Island Rd  
 East/West Street: Pine Island Rd  
 North/South Street: Skyline Blvd/SW 10th PL  
 Intersection Orientation: EW Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Eastbound			Westbound		
		1	2	3	4	5	6
		L	T	R	L	T	R
Volume		27	1244	85	332	865	18
Peak-Hour Factor, PHF		0.98	0.98	0.98	0.98	0.98	0.98
Hourly Flow Rate, HFR		27	1269	86	338	882	18
Percent Heavy Vehicles		2	--	--	2	--	--
Median Type/Storage		Undivided			/		
RT Channelized?		No			No		
Lanes		1	2	1	1	2	1
Configuration		L	T	R	L	T	R
Upstream Signal?		No			No		

Minor Street:	Approach Movement	Northbound			Southbound		
		7	8	9	10	11	12
		L	T	R	L	T	R
Volume				421			
Peak Hour Factor, PHF				0.98			0.98
Hourly Flow Rate, HFR				429			142
Percent Heavy Vehicles				0			2
Percent Grade (%)		0			0		
Flared Approach: Exists?/Storage		/			/		
Lanes			1			1	
Configuration			R			R	

## Delay, Queue Length, and Level of Service

Approach Movement	EB	WB	Northbound			Southbound		
	1	4	7	8	9	10	11	12
Lane Config	L	L			R			R
v (vph)	27	338			429			142
C(m) (vph)	751	504			483			614
v/c	0.04	0.67			0.89			0.23
95% queue length	0.11	4.93			9.75			0.89
Control Delay	10.0-	25.5			47.4			12.6
LOS	A	D			E			B
Approach Delay				47.4			12.6	
Approach LOS				E			B	

## HCS+: Unsignalized Intersections Release 5.6

## TWO-WAY STOP CONTROL SUMMARY

Analyst:  
 Agency/Co.: TCS  
 Date Performed:  
 Analysis Time Period: AM Pk Hr  
 Intersection:  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2027 AM Backgr w PJ  
 Project ID: Pine Island Rd  
 East/West Street: Pine Island Rd  
 North/South Street: Skyline Blvd/SW 10th PL  
 Intersection Orientation: EW Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Eastbound				Westbound		
		1	2	3	4	5	6	
		L	T	R	L	T	R	
Volume		107	1210	85		332	797	178
Peak-Hour Factor, PHF		0.98	0.98	0.98		0.98	0.98	0.98
Hourly Flow Rate, HFR		109	1234	86		338	813	181
Percent Heavy Vehicles		2	--	--		2	--	--
Median Type/Storage		Undivided			/			
RT Channelized?		No				No		
Lanes		1	2	1		1	2	1
Configuration		L	T	R		L	T	R
Upstream Signal?		No				No		
Minor Street:	Approach Movement	Northbound				Southbound		
		7	8	9	10	11	12	
		L	T	R	L	T	R	
Volume				452			246	
Peak Hour Factor, PHF				0.98			0.98	
Hourly Flow Rate, HFR				461			251	
Percent Heavy Vehicles				0			2	
Percent Grade (%)		0				0		
Flared Approach: Exists?/Storage					/			
Lanes			1				1	
Configuration			R				R	

## Delay, Queue Length, and Level of Service

Approach Movement	EB	WB	Northbound				Southbound		
	1	4	7	8	9	10	11	12	
Lane Config	L	L			R			R	
v (vph)	109	338			461			251	
C(m) (vph)	692	519			494			643	
v/c	0.16	0.65			0.93			0.39	
95% queue length	0.56	4.65			11.25			1.85	
Control Delay	11.2	24.0			54.6			14.1	
LOS	B	C			F			B	
Approach Delay				54.6			14.1		
Approach LOS				F			B		

## HCS+: Unsignalized Intersections Release 5.6

## TWO-WAY STOP CONTROL SUMMARY

Analyst:  
 Agency/Co.: TCS  
 Date Performed:  
 Analysis Time Period: PM Pk Hr  
 Intersection:  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2027 PM Backgr  
 Project ID: Pine Island Rd  
 East/West Street: Pine Island Rd  
 North/South Street: Skyline Blvd/SW 10th PL  
 Intersection Orientation: EW Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Eastbound				Westbound		
		1	2	3	4	5	6	
		L	T	R	L	T	R	
Volume		38	1110	126		598	1468	13
Peak-Hour Factor, PHF		0.98	0.98	0.98		0.98	0.98	0.98
Hourly Flow Rate, HFR		38	1132	128		610	1497	13
Percent Heavy Vehicles		2	--	--		2	--	--
Median Type/Storage		Undivided			/			
RT Channelized?		No				No		
Lanes		1	2	1		1	2	1
Configuration		L	T	R		L	T	R
Upstream Signal?		No				No		
Minor Street:	Approach Movement	Northbound				Southbound		
		7	8	9	10	11	12	
		L	T	R	L	T	R	
Volume				380				22
Peak Hour Factor, PHF				0.98				0.98
Hourly Flow Rate, HFR				387				22
Percent Heavy Vehicles				0				2
Percent Grade (%)		0				0		
Flared Approach: Exists?/Storage					/			
Lanes			1				1	
Configuration			R				R	

## Delay, Queue Length, and Level of Service

Approach Movement	EB	WB	Northbound				Southbound		
	1	4	7	8	9	10	11	12	
Lane Config	L	L			R			R	
v (vph)	38	610			387			22	
C(m) (vph)	439	548			528			410	
v/c	0.09	1.11			0.73			0.05	
95% queue length	0.28	19.49			6.11			0.17	
Control Delay	14.0	99.8			28.3			14.3	
LOS	B	F			D			B	
Approach Delay				28.3			14.3		
Approach LOS				D			B		

## HCS+: Unsignalized Intersections Release 5.6

## TWO-WAY STOP CONTROL SUMMARY

Analyst:  
 Agency/Co.: TCS  
 Date Performed:  
 Analysis Time Period: PM Pk Hr  
 Intersection:  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2027 Backgr w PJ  
 Project ID: Pine Island Rd  
 East/West Street: Pine Island Rd  
 North/South Street: Skyline Blvd/SW 10th PL  
 Intersection Orientation: EW Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Eastbound				Westbound		
		1	2	3	4	5	6	
		L	T	R	L	T	R	
Volume		124	1072	126		598	1393	185
Peak-Hour Factor, PHF		0.98	0.98	0.98		0.98	0.98	0.98
Hourly Flow Rate, HFR		126	1093	128		610	1421	188
Percent Heavy Vehicles		2	--	--		2	--	--
Median Type/Storage		Undivided			/			
RT Channelized?		No				No		
Lanes		1	2	1		1	2	1
Configuration		L	T	R		L	T	R
Upstream Signal?		No				No		
Minor Street:	Approach Movement	Northbound				Southbound		
		7	8	9	10	11	12	
		L	T	R	L	T	R	
Volume				412				185
Peak Hour Factor, PHF				0.98				0.98
Hourly Flow Rate, HFR				420				188
Percent Heavy Vehicles				0				2
Percent Grade (%)		0				0		
Flared Approach: Exists?/Storage					/			
Lanes				1				1
Configuration				R				R

## Delay, Queue Length, and Level of Service

Approach Movement	EB	WB	Northbound				Southbound		
	1	4	7	8	9	10	11	12	
Lane Config	L	L			R			R	
v (vph)	126	610			420			188	
C(m) (vph)	402	567			541			432	
v/c	0.31	1.08			0.78			0.44	
95% queue length	1.32	18.05			7.09			2.16	
Control Delay	18.0	86.4			31.0			19.6	
LOS	C	F			D			C	
Approach Delay				31.0			19.6		
Approach LOS				D			C		

## Pine Island Rd and Nicholas Pkwy Intersection

HCS7 Signalized Intersection Results Summary																
General Information							Intersection Information									
Agency							Duration, h		0.25							
Analyst							Area Type		Other							
Jurisdiction							PHF		0.98							
Urban Street		Pine Island Rd		Analysis Year		Analysis Period		1> 4:00								
Intersection		Nicholas Pkwy		File Name												
Project Description		2027 - AM Pk Hr Backgr														
Demand Information				EB			WB			NB			SB			
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R	
Demand (v), veh/h				72	1466	186	85	982	153	147	153	75	96	483	317	
Signal Information																
Cycle, s	170.0	Reference Phase	2													
Offset, s	0	Reference Point	Begin													
Uncoordinated	No	Simult. Gap E/W	Off	Green	10.0	80.1	8.7	11.1	19.9	16.1						
				Yellow	4.0	4.0	0.0	4.0	4.0	0.0						
Force Mode	Fixed	Simult. Gap N/S	Off	Red	2.0	2.0	0.0	2.0	2.0	0.0						
Timer Results				EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT					
Assigned Phase				1	6	5	2	7	4	3	8					
Case Number				2.0	3.0	2.0	3.0	2.0	3.0	2.0	3.0					
Phase Duration, s				8.7	94.8	16.0	102.1	16.1	42.1	17.1	43.1					
Change Period, (Y+R), s				0.0	0.0	6.0	6.0	0.0	0.0	6.0	6.0					
Max Allow Headway (MAH), s				3.0	0.0	3.0	0.0	3.0	3.0	3.0	3.1					
Queue Clearance Time (g <sub>s</sub> ), s				8.8		10.1		15.9	8.4	11.1	35.5					
Green Extension Time (g <sub>e</sub> ), s				0.1	0.0	0.1	0.0	0.3	0.5	0.2	1.8					
Phase Call Probability				0.97		0.98		1.00	1.00	0.99	1.00					
Max Out Probability				0.00		0.00		0.00	0.00	0.00	0.00					
Movement Group Results				EB			WB			NB			SB			
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R	
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18	
Adjusted Flow Rate (v), veh/h				73	1496	190	87	1002	156	150	156	77	98	493	323	
Adjusted Saturation Flow Rate (s), veh/h/ln				1810	1809	1610	1810	1809	1610	1810	1809	1610	1810	1809	1610	
Queue Service Time (g <sub>s</sub> ), s				6.8	52.9	10.0	8.1	28.2	7.9	13.9	5.8	6.4	9.1	21.0	33.5	
Cycle Queue Clearance Time (g <sub>c</sub> ), s				6.8	52.9	10.0	8.1	28.2	7.9	13.9	5.8	6.4	9.1	21.0	33.5	
Green Ratio (g/C)				0.05	0.56	0.56	0.06	0.57	0.57	0.09	0.25	0.25	0.07	0.22	0.22	
Capacity (c), veh/h				92	2021	899	107	2050	912	172	891	397	119	785	349	
Volume-to-Capacity Ratio (X)				0.796	0.740	0.211	0.813	0.489	0.171	0.873	0.175	0.193	0.826	0.628	0.926	
Back of Queue (Q), ft/ln (95 th percentile)				148.7	764.7	218.1	174.9	440.3	138.9	272.2	117.9	116.2	195.3	365.8	502.5	
Back of Queue (Q), veh/ln (95 th percentile)				5.9	30.6	8.7	7.0	17.6	5.6	10.9	4.7	4.6	7.8	14.6	20.1	
Queue Storage Ratio (RQ) (95 th percentile)				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Uniform Delay (d <sub>1</sub> ), s/veh				79.8	28.2	30.1	79.1	22.1	18.3	75.9	50.5	50.7	78.5	60.4	65.2	
Incremental Delay (d <sub>2</sub> ), s/veh				5.7	2.5	0.5	5.5	0.8	0.4	5.3	0.0	0.1	5.4	0.3	4.6	
Initial Queue Delay (d <sub>3</sub> ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Control Delay (d), s/veh				85.5	30.7	30.6	84.6	22.9	18.7	81.2	50.5	50.8	83.9	60.7	69.8	
Level of Service (LOS)				F	C	C	F	C	B	F	D	D	F	E	E	
Approach Delay, s/veh / LOS				33.0		C	26.7		C	62.6		E	66.4		E	
Intersection Delay, s/veh / LOS				40.9						D						
Multimodal Results				EB			WB			NB			SB			
Pedestrian LOS Score / LOS				2.9		C	3.0		C	3.0		C	3.0		C	
Bicycle LOS Score / LOS				1.9		B	1.5		B	0.8		A	1.2		A	

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HCS7 Signalized Intersection Results Summary															
General Information							Intersection Information								
Agency							Duration, h		0.25						
Analyst							Area Type		Other						
Jurisdiction							PHF		0.98						
Urban Street		Pine Island Rd		Analysis Date		May 22, 2017		Analysis Period		1> 4:00					
Intersection		Nicholas Pkwy		File Name											
Project Description		2027 - AM Pk Hr Backgr w PJ													
Demand Information				EB			WB			NB			SB		
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R
Demand ( v ), veh/h				86	1494	200	85	1013	153	162	153	75	96	483	332
Signal Information															
Cycle, s	170.0	Reference Phase	2												
Offset, s	0	Reference Point	Begin												
Uncoordinated	No	Simult. Gap E/W	Off	Green	10.0	75.7	10.1	11.1	21.4	17.6					
Force Mode	Fixed	Simult. Gap N/S	Off	Yellow	4.0	4.0	0.0	4.0	4.0	0.0					
				Red	2.0	2.0	0.0	2.0	2.0	0.0					
Timer Results				EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT				
Assigned Phase				1	6	5	2	7	4	3	8				
Case Number				2.0	3.0	2.0	3.0	2.0	3.0	2.0	3.0				
Phase Duration, s				10.1	91.8	16.0	97.7	17.6	45.0	17.1	44.6				
Change Period, ( Y+R c ), s				0.0	0.0	6.0	6.0	0.0	0.0	6.0	6.0				
Max Allow Headway ( MAH ), s				3.0	0.0	3.0	0.0	3.0	3.0	3.0	3.1				
Queue Clearance Time ( g s ), s				10.1		10.1		17.3	8.3	11.1	37.1				
Green Extension Time ( g e ), s				0.1	0.0	0.1	0.0	0.3	0.5	0.2	1.8				
Phase Call Probability				0.98		0.98		1.00	1.00	0.99	1.00				
Max Out Probability				0.00		0.00		0.00	0.00	0.00	0.00				
Movement Group Results				EB			WB			NB			SB		
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate ( v ), veh/h				88	1524	204	87	1034	156	165	156	77	98	493	339
Adjusted Saturation Flow Rate ( s ), veh/h/ln				1810	1809	1610	1810	1809	1610	1810	1809	1610	1810	1809	1610
Queue Service Time ( g s ), s				8.1	56.6	11.3	8.1	31.2	8.4	15.3	5.7	6.3	9.1	20.8	35.1
Cycle Queue Clearance Time ( g c ), s				8.1	56.6	11.3	8.1	31.2	8.4	15.3	5.7	6.3	9.1	20.8	35.1
Green Ratio ( g/C )				0.06	0.54	0.54	0.06	0.54	0.54	0.10	0.26	0.26	0.07	0.23	0.23
Capacity ( c ), veh/h				108	1963	874	107	1960	873	187	949	422	119	812	361
Volume-to-Capacity Ratio ( X )				0.814	0.777	0.234	0.813	0.527	0.179	0.883	0.165	0.181	0.826	0.607	0.938
Back of Queue ( Q ), ft/ln ( 95 th percentile)				176.8	818.4	233.2	174.9	483.7	139.2	294.2	115	113.5	195.3	362.5	524.6
Back of Queue ( Q ), veh/ln ( 95 th percentile)				7.1	32.7	9.3	7.0	19.3	5.6	11.8	4.6	4.5	7.8	14.5	21.0
Queue Storage Ratio ( RQ ) ( 95 th percentile)				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay ( d 1 ), s/veh				79.0	30.7	30.4	79.1	25.0	18.3	75.2	48.3	48.6	78.5	59.2	64.8
Incremental Delay ( d 2 ), s/veh				5.5	3.1	0.6	5.5	1.0	0.4	5.3	0.0	0.1	5.4	0.3	5.1
Initial Queue Delay ( d 3 ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Control Delay ( d ), s/veh				84.5	33.8	31.0	84.6	26.0	18.8	80.5	48.4	48.6	83.9	59.5	69.8
Level of Service ( LOS )				F	C	C	F	C	B	F	D	D	F	E	E
Approach Delay, s/veh / LOS				36.0		D	29.1		C	61.8		E	65.8		E
Intersection Delay, s/veh / LOS				42.6						D					
Multimodal Results				EB			WB			NB			SB		
Pedestrian LOS Score / LOS				2.9		C	3.0		C	3.0		C	3.0		C
Bicycle LOS Score / LOS				2.0		B	1.5		B	0.8		A	1.3		A

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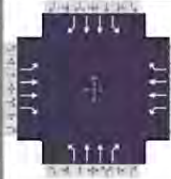
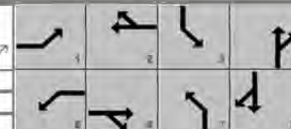
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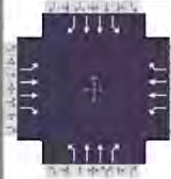










## HCS7 Signalized Intersection Results Summary

General Information						Intersection Information										
Agency						Duration, h		0.25								
Analyst						Analysis Date		9/9/2016								
Jurisdiction						Area Type		Other								
Urban Street		Pine Island Rd				PHF		0.98								
Intersection		Nicholas Pkwy				Analysis Period		1> 4:00								
Project Description		2027 - PM Pk Hr Backgr														
Demand Information				EB			WB			NB			SB			
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R	
Demand ( v ), veh/h				158	1239	113	157	1736	356	199	426	80	130	309	347	
Signal Information																
Cycle, s	170.0	Reference Phase	2													
Offset, s	0	Reference Point	Begin	Green	17.1	58.4	17.2	14.5	17.7	21.1						
Uncoordinated	No	Simult. Gap EW	Off	Yellow	4.0	4.0	0.0	4.0	4.0	0.0						
Force Mode	Fixed	Simult. Gap N/S	Off	Red	2.0	2.0	0.0	2.0	2.0	0.0						
Timer Results				EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT					
Assigned Phase				1	6	5	2	7	4	3	8					
Case Number				2.0	3.0	2.0	3.0	2.0	3.0	2.0	3.0					
Phase Duration, s				17.2	81.6	23.1	87.5	21.1	44.8	20.5	44.2					
Change Period, ( Y+R c ), s				0.0	0.0	6.0	6.0	0.0	0.0	6.0	6.0					
Max Allow Headway ( MAH ), s				3.0	0.0	3.0	0.0	3.0	3.0	3.0	3.1					
Queue Clearance Time ( g s ), s				16.9		16.9		20.8	19.3	14.3	38.4					
Green Extension Time ( g e ), s				0.3	0.0	0.3	0.0	0.3	1.1	0.2	1.5					
Phase Call Probability				1.00		1.00		1.00	1.00	1.00	1.00					
Max Out Probability				0.00		0.00		0.00	0.00	0.00	0.00					
Movement Group Results				EB			WB			NB			SB			
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R	
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18	
Adjusted Flow Rate ( v ), veh/h				161	1264	115	160	1771	363	203	435	82	133	315	354	
Adjusted Saturation Flow Rate ( s ), veh/h/ln				1810	1809	1610	1810	1809	1610	1810	1809	1610	1810	1809	1610	
Queue Service Time ( g s ), s				14.9	46.6	6.7	14.9	83.2	25.3	18.8	17.3	6.8	12.3	12.8	36.4	
Cycle Queue Clearance Time ( g c ), s				14.9	46.6	6.7	14.9	83.2	25.3	18.8	17.3	6.8	12.3	12.8	36.4	
Green Ratio ( g/C )				0.10	0.48	0.48	0.10	0.48	0.48	0.12	0.26	0.26	0.09	0.22	0.22	
Capacity ( c ), veh/h				183	1773	789	182	1771	788	225	917	408	154	775	345	
Volume-to-Capacity Ratio ( X )				0.880	0.713	0.146	0.880	1.000	0.461	0.903	0.474	0.200	0.860	0.407	1.026	
Back of Queue ( Q ), ft/ln ( 95 th percentile )				288.3	699.8	119.3	286.8	1285.4	332.9	347.4	310.9	123	247.1	243.8	594.9	
Back of Queue ( Q ), veh/ln ( 95 th percentile )				11.5	28.0	4.8	11.5	51.4	13.3	13.9	12.4	4.9	9.9	9.8	23.8	
Queue Storage Ratio ( RQ ) ( 95 th percentile )				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Uniform Delay ( d 1 ), s/veh				75.4	34.0	28.6	75.4	43.4	21.4	73.4	53.9	49.9	76.7	57.5	66.8	
Incremental Delay ( d 2 ), s/veh				5.3	2.5	0.4	5.3	21.4	1.9	5.3	0.1	0.1	5.3	0.1	20.9	
Initial Queue Delay ( d 3 ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Control Delay ( d ), s/veh				80.7	36.4	29.0	80.7	64.8	23.3	78.7	54.0	50.0	82.0	57.6	87.7	
Level of Service (LOS)				F	D	C	F	F	C	E	D	D	F	E	F	
Approach Delay, s/veh / LOS				40.5		D	59.4		E	60.5		E	74.9		E	
Intersection Delay, s/veh / LOS				56.4					E							
Multimodal Results				EB			WB			NB			SB			
Pedestrian LOS Score / LOS				2.9		C	3.0		C	3.0		C	3.0		C	
Bicycle LOS Score / LOS				1.8		B	2.4		B	1.1		A	1.1		A	



## HCS7 Signalized Intersection Results Summary

General Information						Intersection Information													
Agency						Duration, h		0.25											
Analyst				Analysis Date		May 22, 2017		Area Type		Other									
Jurisdiction						Time Period													
Urban Street		Pine Island Rd				Analysis Year													
Intersection		Nicholas Pkwy		File Name				Analysis Period		1> 4:00									
Project Description		2027 - PM Pk Hr Backgr w PJ																	
Demand Information				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Demand ( v ), veh/h				174	1270	129	157	1768	356	215	426	80	130	309	363				
Signal Information																			
Cycle, s		170.0	Reference Phase		2														
Offset, s		0	Reference Point		Begin														
Uncoordinated		No	Simult. Gap E/W		Off	Green	17.1	55.0	18.8	14.5	18.0	22.7							
						Yellow	4.0	4.0	0.0	4.0	4.0	0.0							
Force Mode		Fixed	Simult. Gap N/S		Off	Red	2.0	2.0	0.0	2.0	2.0	0.0							
Timer Results																			
				EBL		EBT		WBL		WBT		NBL		NBT		SBL		SBT	
Assigned Phase				1		6		5		2		7		4		3		8	
Case Number				2.0		3.0		2.0		3.0		2.0		3.0		2.0		3.0	
Phase Duration, s				18.8		79.8		23.1		84.1		22.7		46.6		20.5		44.5	
Change Period, ( Y+R <sub>c</sub> ), s				0.0		0.0		6.0		6.0		0.0		0.0		6.0		6.0	
Max Allow Headway ( MAH ), s				3.0		0.0		3.0		0.0		3.0		3.0		3.0		3.1	
Queue Clearance Time ( g <sub>s</sub> ), s				18.5				16.9				22.3		19.1		14.3		38.7	
Green Extension Time ( g <sub>e</sub> ), s				0.3		0.0		0.3		0.0		0.4		1.1		0.2		1.5	
Phase Call Probability				1.00				1.00				1.00		1.00		1.00		1.00	
Max Out Probability				0.00				0.00				0.00		0.00		0.00		0.00	
Movement Group Results				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Assigned Movement				1	6	16	5	2	12	7	4	14	3	8	18				
Adjusted Flow Rate ( v ), veh/h				178	1296	132	160	1804	363	219	435	82	133	315	370				
Adjusted Saturation Flow Rate ( s ), veh/h/ln				1810	1809	1610	1810	1809	1610	1810	1809	1610	1810	1809	1610				
Queue Service Time ( g <sub>s</sub> ), s				16.5	49.4	7.9	14.9	79.9	26.2	20.3	17.1	6.7	12.3	12.7	36.7				
Cycle Queue Clearance Time ( g <sub>c</sub> ), s				16.5	49.4	7.9	14.9	79.9	26.2	20.3	17.1	6.7	12.3	12.7	36.7				
Green Ratio ( g/C )				0.11	0.47	0.47	0.10	0.46	0.46	0.13	0.27	0.27	0.09	0.23	0.23				
Capacity ( c ), veh/h				200	1735	772	182	1700	757	241	954	425	154	781	348				
Volume-to-Capacity Ratio ( X )				0.890	0.747	0.170	0.880	1.061	0.480	0.911	0.456	0.192	0.860	0.404	1.065				
Back of Queue ( Q ), ft/ln ( 95 th percentile )				311.5	740	151.9	286.8	1434	334	369.9	306.9	121.1	247.1	243.4	653.5				
Back of Queue ( Q ), veh/ln ( 95 th percentile )				12.5	29.6	6.1	11.5	57.4	13.4	14.8	12.3	4.8	9.9	9.7	26.1				
Queue Storage Ratio ( RQ ) ( 95 th percentile )				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Uniform Delay ( d <sub>1</sub> ), s/veh				74.6	35.9	28.9	75.4	45.0	21.4	72.7	52.4	48.5	76.7	57.2	66.6				
Incremental Delay ( d <sub>2</sub> ), s/veh				5.3	3.0	0.5	5.3	40.0	2.2	5.4	0.1	0.1	5.3	0.1	35.0				
Initial Queue Delay ( d <sub>3</sub> ), s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0				
Control Delay ( d ), s/veh				79.9	38.8	29.4	80.7	85.1	23.5	78.1	52.5	48.6	82.0	57.4	101.7				
Level of Service ( LOS )				E	D	C	F	F	C	E	D	D	F	E	F				
Approach Delay, s/veh / LOS				42.6		D	75.2		E	59.7		E	81.4		F				
Intersection Delay, s/veh / LOS				64.5						E									
Multimodal Results				EB			WB			NB			SB						
Pedestrian LOS Score / LOS				3.0		C	3.0		C	3.0		C	3.0		C				
Bicycle LOS Score / LOS				1.8		B	2.4		B	1.1		A	1.2		A				

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**Cape Coral 6A + 6B Subdivision (PDP 16-0013)**  
**City of Cape Coral Planning Division**  
**Project Staff Report**

---

**APPLICATION SUMMARY**

**Applicant/Owner:** Cape Coral 6A and 6B, LLC.

**Authorized Representative:** Chris Hagan, Hagan Engineering, LLC.

**Requests:** PDP approval to replat 10.6-acres on SW Pine Island Rd into seven commercial lots. Two Special Exceptions are requested: (1) an automotive service station, limited with a convenience store; and (2) an automotive repair and service-Group 1 within the Corridor Zoning District.

**Location:** 1011 SW Pine Island Road and 913 SW Pine Island Road

**RECOMMENDATION**

Staff recommends **approval** of the PDP request with conditions.

**DESCRIPTION OF THE SITE**

The Cape Coral 6A + 6B Subdivision is a Planned Development Project (PDP) in southwest Cape Coral. This 10.6-acre site has frontage on SW Pine Island Road and SW 10<sup>th</sup> Place. An unimproved alley runs along the north property line (Exhibit A). The site, along with all surrounding properties except one, has a Pine Island Road District (PIRD) Future Land Use Classification and Corridor (CORR) Zoning. The adjacent property to the east is an enclave with Lee County Commercial (C-1) Zoning. There are no residential properties adjacent to the site.

**NEED FOR THE PDP**

The Land Use and Development Regulations (LUDR), Section 4.1.2.A.1 states:

*“The subdivision of land within the City of Cape Coral, except as provided in § 4.2 of this article, shall be permitted only within approved developments of regional impact (DRIs) or planned development projects (PDPs).”*

**PROJECT DESCRIPTION**

A PDP amendment is requested to subdivide the site into seven parcels ranging from 1.34 acres to 2.11 acres (Exhibit B). The site has one existing driveway on SW 10<sup>th</sup> Place to Lot 1. The rest of the lots will have access from the alley to the north or indirect access from an access easement within the subdivision. Two Special Exceptions are being sought in this PDP for an automotive repair and service-Group 1 and an automotive service station, limited with a convenience store in the Corridor Zoning District.

## ANALYSIS OF THE SUBDIVISION REQUEST

The Planning Division has reviewed this application based on the City Land Use and Development Regulations (LUDR), Section 2.7.13, the standards in Section 4.1 and 4.2, which covers subdivisions, and the Comprehensive Plan. Staff offers the following analysis for consideration:

All tracts meet or exceed the minimum dimensional standards for the Corridor District. All lots will be restricted to nonresidential uses, as a minimum of 20 acres in the Corridor District is required for residential uses.

Public utility easements will be provided to each lot. A Property Owners Association (POA) agreement will outline how common areas and utilities within private easements will be maintained within this subdivision.

One existing driveway provides access to the site. Each lot shall have direct access to a public street/alley or indirect access from an access easement within the subdivision. Corridor District regulations also require adjoining properties to provide cross-access with one another to improve connectivity and traffic circulation within the subdivision.

## GENERAL STANDARDS FOR SUBDIVISIONS

This project was evaluated for compliance with general standards for subdivisions found in LUDR, Section 4.2.5.I.6a-j, provided below:

- a. ***Environmental control standards.*** The western portion of the subdivision was previously cleared and used as a driving range. The remainder of the site contains a mix of upland and wetland habitats. An environmental survey was submitted to the City for review. A protected species management plan was also submitted to address protection and mitigation measures for the three gopher tortoises identified onsite, as well as burrowing owls, should they turn up in future surveys of the site. State permits will be obtained and tortoises relocated offsite to a mitigation bank prior to any construction commencing onsite.

The environmental survey also identified a small 0.1 acre wetland on Lot 7. There are no immediate construction plans for the area containing the wetland. When the site is developed in the future, an environmental resource permit from the South Florida Water Management District will need to be obtained prior to any land clearing or filling activities. As a result, the subdivision complies with this standard.

- b. ***Effect of the Subdivision on Existing or Future Development.*** The subdivision will facilitate future development opportunities and sales of commercial property. The lots will be connected by internal streets and parking. Therefore, this standard has been met.
- c. ***Effect of proposed streets and access points on surrounding streets.*** A 24-foot-wide alley will be improved along the northern boundary of the subdivision. It shall provide access to the proposed lots. A Traffic Impact Statement has been provided to address the increased traffic generated by the proposed uses. As a result, the subdivision complies with this standard.



- d. **Utility services are adequate for the population densities and land use.** Existing utilities are available to the subdivision and should be adequate for the land use. Therefore, this standard has been met.
- e. **Consistency with Comprehensive Plan.** This project is consistent with several policies and goals contained within the Comprehensive Plan which are discussed later in this report.
- f. **Public health, safety, and welfare.** The subdivision will not affect the health, safety, or welfare of the public. Therefore, this standard has been met.
- g. **Suitability of land for subdivision development.** The property is suitable for subdivision.
- h. **Arrangement of parcels for opening of future streets and logical resubdivision.** All parcels are over 10,000 sq. ft. and are arranged to fit the current configuration of streets and access points. Therefore, this standard has been met.
- i. **Access Points.** The subdivision will use an existing driveway off SW 10<sup>th</sup> Place and a new driveway off the alley along the north boundary. All proposed driveways shall be in accordance with the Engineering Design Standards. Therefore, this standard has been met.
- j. **Compliance with government subdivision and development regulations.** The subdivision and future development will comply with all City, County, and State regulations.

### **Subdivision Recommendation**

Approval. All proposed tracts meet or exceed minimum lot sizes in Corridor Zoning. The project complies with the general standards for subdivisions.

### **GENERAL STANDARDS FOR PDP'S**

This project was also evaluated for compliance with general standards and requirements found in LUDR, Section 4.2.4, provided below:

- A. **Environmental control standards:** As previously stated above, an environmental survey found three gopher tortoises on the site. A species management plan was submitted to address protection and mitigation measures for documented listed species. Additional environmental surveys will be required when each lot is developed in the future. All required State or Federal wildlife and wetland permits will be obtained prior to commencement of any construction activities. As a result, this project complies with this standard.
- B. **Maintenance of improvements:** Property Owners Association documents and declaration of covenants, conditions, restrictions and easements documents will be provided to cover maintenance of landscaping, common areas, and easements. As a result, the project complies with this standard.
- C. **Consistency with Comprehensive Plan:** This project is consistent with several policies and goals in the Comprehensive Plan which are identified later in this report.

- D. **Financial Responsibility:** Prior to any final Subdivision Plat approval, either the Developer shall satisfactorily complete all of the required site improvements, or the Developer shall provide a surety bond or certified check in an amount of the estimated cost to complete all required site improvements, as determined by the City. Such surety bond or certified check shall be returned to the Developer after the Director has determined that all required improvements have been satisfactorily completed.
- E. **Dimensional requirements:** The project meets or exceeds all dimensional requirements for the Corridor Zoning District. As a result, this project complies with this standard.
- F. **Maximum density:** This project does not propose any residential units. As a result, this standard is not applicable.
- G. **Minimum parcel size:** The project is in the Urban Service Transition Area. Therefore this standard is not applicable.
- H. **Time limitation:** Substantial construction shall commence within two years from the date of project approval or within one year of the last permit approval from all appropriate regulatory bodies, whichever is less. As a result, this project complies with this standard.
- I. **Ownership requirements:** The applicant owns the property. As a result, the project complies with this standard.
- J. **Special Exceptions:** Two Special Exceptions are sought within the PDP. The Special Exceptions are reviewed in greater detail elsewhere in this report. As a result, the project complies with this standard.
- K. **Deviations:** No Deviations are sought. As a result, this standard is not applicable.
- L. **Underground Utilities:** Utilities will be available to each lot and will be placed underground at time of development. As a result, the project complies with this standard.

## SPECIAL EXCEPTION #1

Request: The applicant seeks a Special Exception for an automotive service station, limited with convenience store.

## BACKGROUND

The applicant requests a Special Exception for an automobile service station, limited with a convenience store. The Corridor Zoning District allows this use as a special exception with a minimum lot area of 45,000 sq. ft., which all lots in this subdivision exceed. The City's LDRs define this use as *"an establishment primarily engaged in the retail sale of motor fuel and lubricants, but which may also include facilities for washing, waxing, detailing, polishing, greasing, tire repair (no recapping or vulcanizing) and other minor*

*incidental repairs.”* The project includes a 6,100 sq. ft. convenience store and a detached gas canopy housing ten gas pumps (Exhibit C). Each gas pump will contain two fueling stations that will allow two vehicles to refuel at the same time.

## **ANALYSIS**

Staff reviewed this application based on LUDR, 2.7.13, the Corridor Zoning District (CORR), and the five (5) standards in Section 8.8.5a-e for Special Exception uses, and offers the following analysis:

### **1. Generally**

The CORR Zoning of the parcel is consistent with the PIRD Future Land Use of this property. Automotive Service Station, Limited Use with convenience store are allowed as a Special Exception in the CORR District. This use is proposed on Lots 1 and 2 which each have an area of 1.51 acres, thereby meeting the 45,000 sq. ft. minimum lot area for this use.

### **2. Compatibility**

Pine Island Road is one of the major commercial corridors in Cape Coral. The proposed gas station with convenience store will be adjacent to SW Pine Island Road, a principal arterial, and is an appropriate location for a gas station. The use is proposed on the corner of the commercial subdivision (Lots 1 and 2) at the intersection of SW Pine Island Road and SW 10<sup>th</sup> Place. While the developer has requested flexibility to move this use to other lots within the subdivision, staff finds that due to the proposed access points and amount of traffic generated by this use, Lots 1 and 2 would be the most ideal location for a gas station and convenience store.

There is a boat store to the west of the site, vacant commercial parcels to the north and east, and a mix of commercial uses to the south across SW Pine Island Road. The proposed use should fit into the character of the surrounding area. All surrounding properties on the block are zoned CORR or allow commercial uses. While CORR zoning does allow residential uses, there is a 20-acre minimum area requirement. None of the surrounding parcels are over that size, therefore, it is unlikely that residential uses would come into the area in the future.

There is one single-family residence about 350 ft. from the proposed use. The property is separated from the site by vacant land and Ceitus Terrace. This parcel with the single-family home also has CORR zoning and PIRD Future Land Use.

Lighting on a commercial site can disrupt nearby residents. Although significant levels of background illumination are present in most urban settings, lighting should be shielded and directed away from property lines to minimize light trespass from the site.

Due to background noise related to vehicles traveling along SW Pine Island Road, noise attributed solely to this project is anticipated to be relatively low.

### **3. Minimum Lot Frontage; Access**

Lots 1 and 2, have ± 1,100 ft. of combined frontage on SW Pine Island Road, SW 10<sup>th</sup> Place, and a public alley. There is no direct access to SW Pine Island Road so the main access to the site will be from an existing driveway on SW 10<sup>th</sup> Place. There is an additional access driveway proposed to the alley on the north side of Lot 2.

### **4. Building Location; Setbacks**

The proposed building meets or exceeds the Corridor district setback requirements. The proposed location is on a corner lot, which is the most ideal location for this use.

### **5. Screening and Buffering**

The applicant has provided a landscape plan that shows a well landscaped site with a continuous hedge screening the perimeter of the site.

### **Recommendation:**

In summary, based on the design and location of this project, staff finds that this Special Exception use will be compatible with the surrounding area. Staff recommends approval of this Special Exception request with the following conditions:

1. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
2. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy.
3. A continuous strip of properly maintained landscape area shall be provided along all property lines to screen the site from adjacent uses. Such continuous strip of properly maintained landscape area may, however, be allowed to have walkways and driveway entrances.
4. The gas station and convenience store use shall be limited to Lots 1 and 2.
5. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply to propane tanks or ice machines.

### **SPECIAL EXCEPTION #2**

Request: The applicant seeks a Special Exception for an automotive repair and service-Group 1 use.

## **BACKGROUND**

The applicant requests a Special Exception for an automotive repair and service-Group 1 use to operate a tire store on Lot 3. The Corridor district allows this use as a Special Exception. One 5,339 sq. ft. tire store is proposed (Exhibit C). The bays in the building will face east and west. Access to the site will be via a rear alley connected to SW 10<sup>th</sup> Place. Parking is proposed along the south, north, and west sides of the building with a drainage pond on the north side of the site. Water and sanitary sewer services are available along SW Pine Island Rd. This site will connect directly to these services.

## **ANALYSIS**

Staff reviewed this application based on LUDR, 2.7.13, the Corridor Zoning District (CORR), and the five (5) standards in Section 8.8.5a-e for Special Exception uses, and offers the following analysis:

### **1. Generally**

The CORR zoning is consistent with the PIRD Future Land Use of this property. An automotive repair and service-Group 1 use is allowed as a Special Exception in the CORR District. This use is proposed on Lot 3 which is 1.34 acres. There is no minimum lot area requirement for this use.

### **2. Compatibility**

Pine Island Road is a major commercial corridor. The proposed tire store will be adjacent to SW Pine Island Road, a principal arterial, an appropriate location for this use. The use is proposed on Lot 3, but the developer has requested flexibility to move this use to other lots in the subdivision. Staff finds that this use would be compatible on any of the lots.

The proposed use should fit into the character of the surrounding area. The site and all surrounding properties on the block are all zoned CORR or allow commercial uses. While CORR zoning does allow residential uses, there is a 20-acre minimum area requirement. None of the surrounding parcels are over that size, therefore, it is unlikely that residential uses would come into the area in the future.

There is one single-family residence about 350 ft. from the proposed use. The property is separated from the site by vacant land and Ceitus Terrace. The parcel with the single-family home also has CORR zoning and PIRD Future Land Use.

Lighting on a commercial site can disrupt nearby residents. Although significant levels of background illumination are present in most urban settings, lighting should be shielded and directed away from property lines to minimize light trespass from the site.

Noise attributed to air tools such as impact wrenches is a common concern with this type of use. To help mitigate for this, all tire repairs and replacements should be limited to inside the work bays.



### 3. Minimum Lot Frontage; Access

Lot 3 has ± 326 ft. of combined frontage on SW Pine Island Road and a public alley. There is no direct access to SW Pine Island Road so access will be from the alley.

### 4. Building Location; Setbacks

The proposed building meets or exceeds the Corridor district setback requirements.

### 5. Screening and Buffering

The applicant has provided a landscape plan that shows a well landscaped site with a continuous hedge screening the north and south perimeter of the site. Staff recommends that a continuous strip of properly maintained landscape area be provided along all property lines to screen the site from adjacent uses.

#### **Recommendation:**

In summary, based on the design and location of this project, staff finds that this Special Exception use will be compatible with the surrounding area. Staff recommends approval of this Special Exception request with the following conditions:

1. A continuous strip of properly maintained landscape area shall be provided along all property lines to screen the site from adjacent uses. Such continuous strip of properly maintained landscape area may, however, be allowed to have walkways and driveway entrances.
2. The outdoor storage of products and materials is prohibited.

### **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

This project is consistent with the following policies contained within the City's Comprehensive Plan:

#### **Conservation and Coastal Management Element**

Policy 1.2.17: "The City shall require, as a condition of approval for Planned Development Projects and Site Plan Reviews, a protected species survey, which reflects the current conditions (at the time of the review) on the development site. If listed species are known to inhabit or use the site, the applicant shall prepare a projected species management plan."

#### **Future Land Use Element**

Policy 1.1: *"The subdivision of land within the City of Cape Coral shall be granted only within Developments of Regional Impact (DRIs) or in Planned Development Projects (PDPs)."*

Policy 1.8: *"The City will maintain regulations ensuring safe and convenient on-site traffic flow and vehicle parking needs for all developed lands."*

## **PROJECT RECOMMENDATION**

Planning staff recommends **approval** of all applicant requests with the conditions outlined in the draft development order.

## Exhibit A

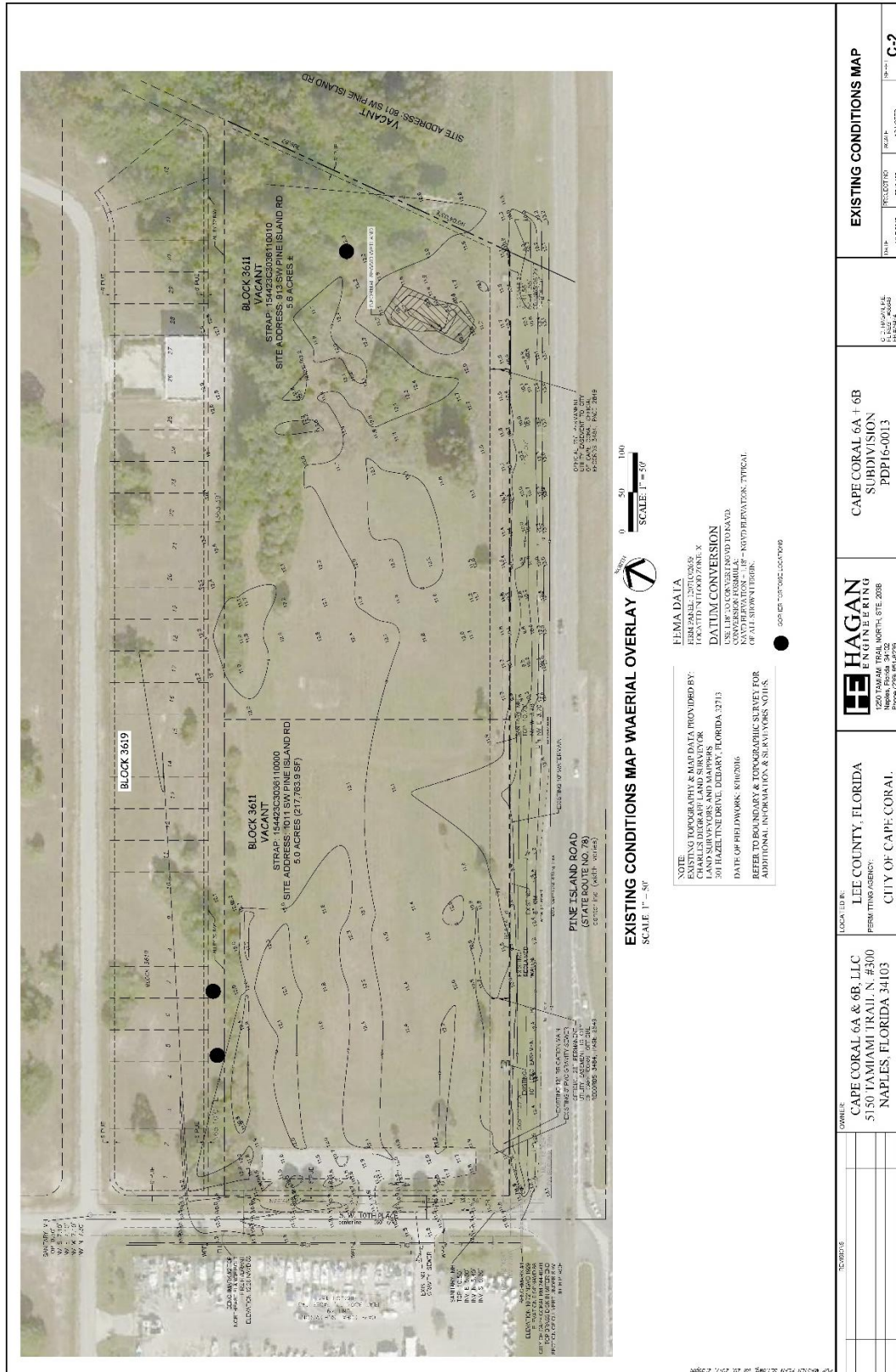


Exhibit B

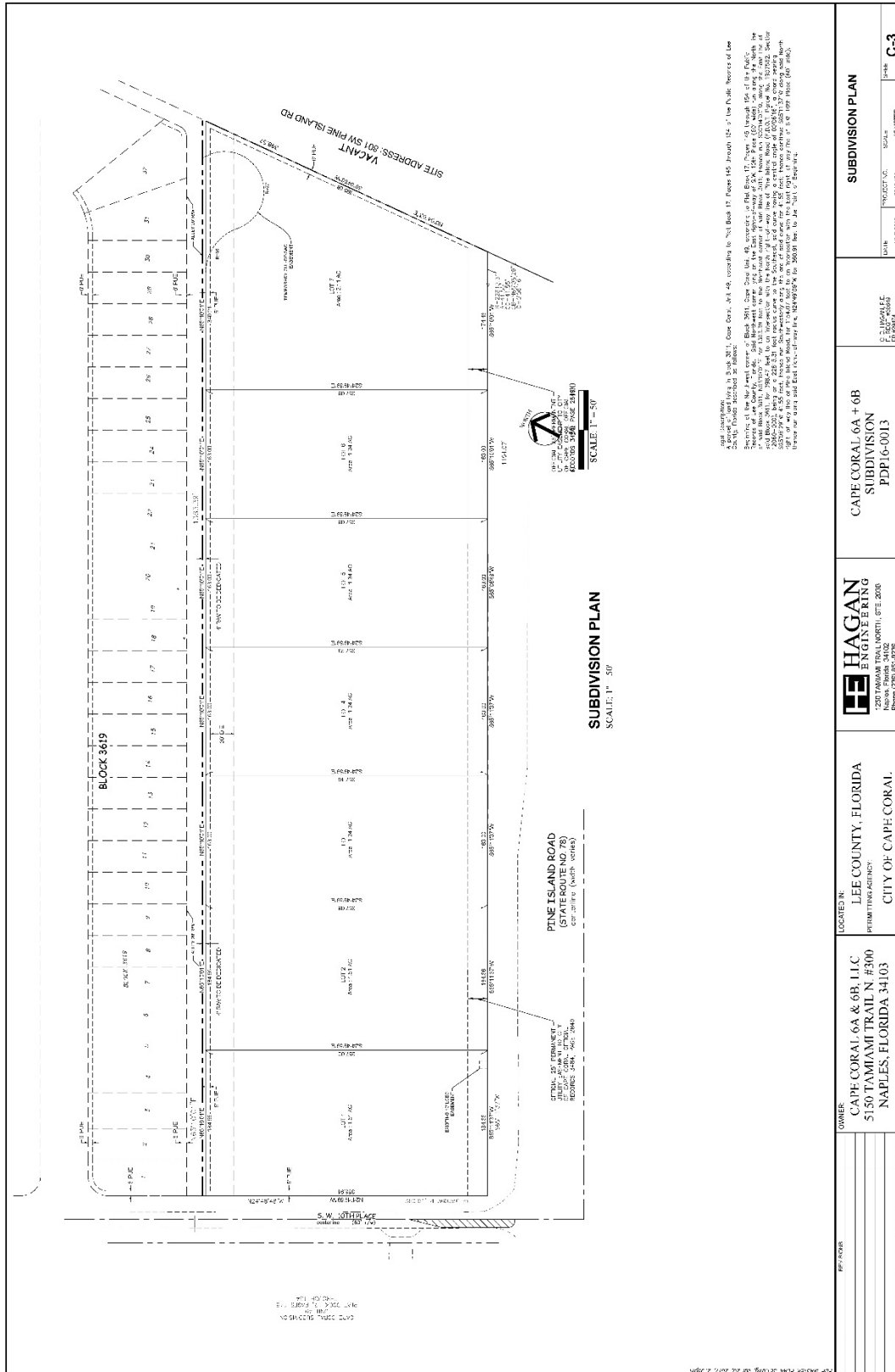
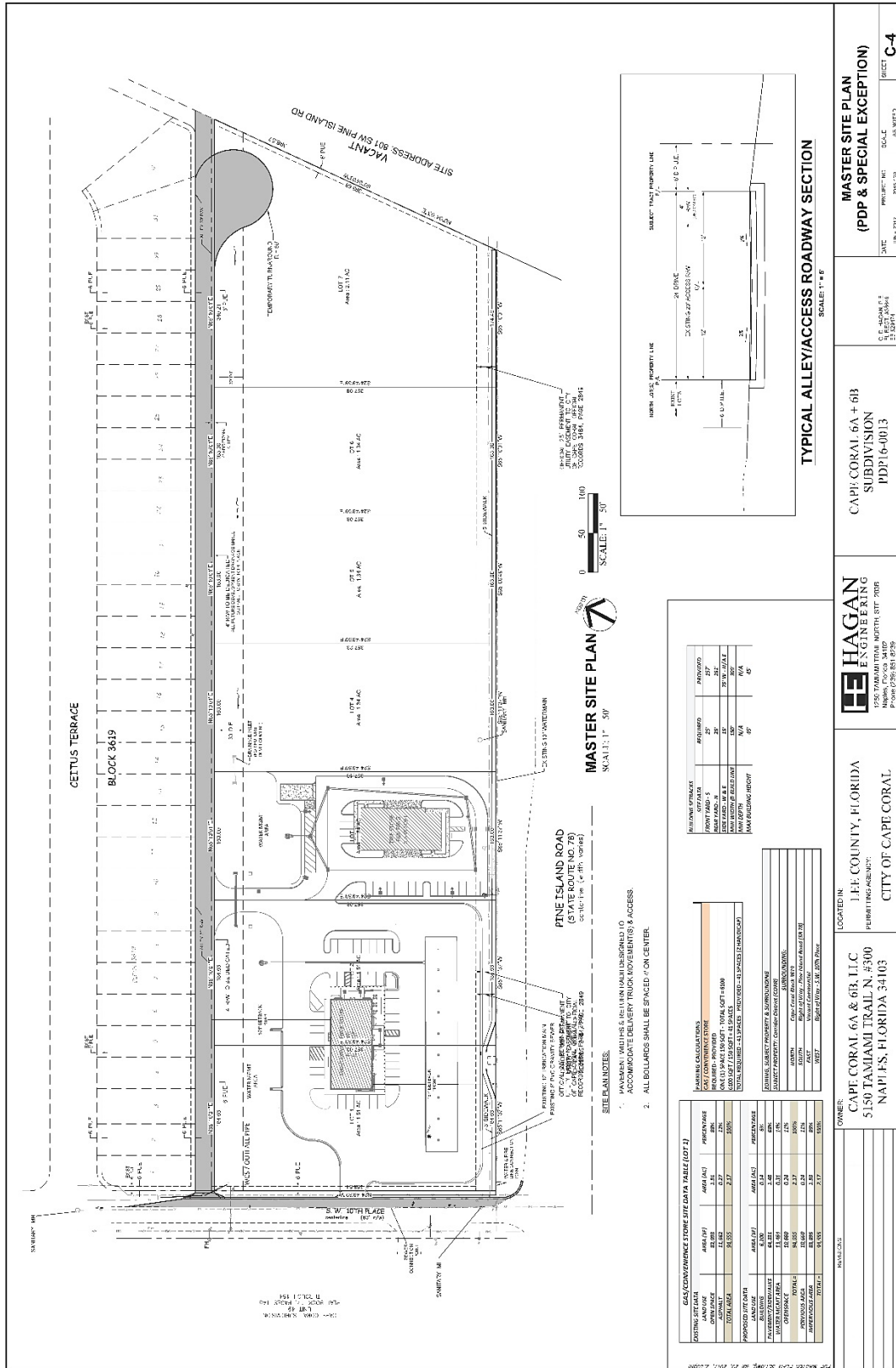


Exhibit C







## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** PDP16-0013

**REQUEST:** PDP approval to replat 10.6-acres on SW Pine Island Rd into seven commercial lots. Two Special Exceptions are requested:

- (1) an automotive service station, limited with a convenience store; and
- (2) an automotive repair and service-Group 1 within the Corridor Zoning District.

**LOCATION:** 1011 SW Pine Island Road and 913 SW Pine Island Road

**CAPE CORAL STAFF CONTACT:** Justin Heller, Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**PROPERTY OWNER(S):** Cape Coral 6A and 6B, LLC

**AUTHORIZED REPRESENTATIVE:** Chris Hagan, Hagan Engineering, LLC

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 AM on Tuesday, August 1, 2017 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner 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.



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**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/22/17

## Text of Ad:

### NOTICE OF PUBLIC HEARING

**CASE NUMBER:** PDP16-0013

**REQUEST:** PDP approval to replat 10.6-acres on SW Pine Island Rd into seven commercial lots. Two Special Exceptions are requested:

(1) an automotive service station, limited with a convenience store; and  
(2) an automotive repair and service-Group 1 within the Corridor Zoning District.

**LOCATION:** 1011 SW Pine Island Road and 913 SW Pine Island Road

**CAPE CORAL STAFF CONTACT:** Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

**PROPERTY OWNER(S):** Cape Coral 6A and 6B, LLC

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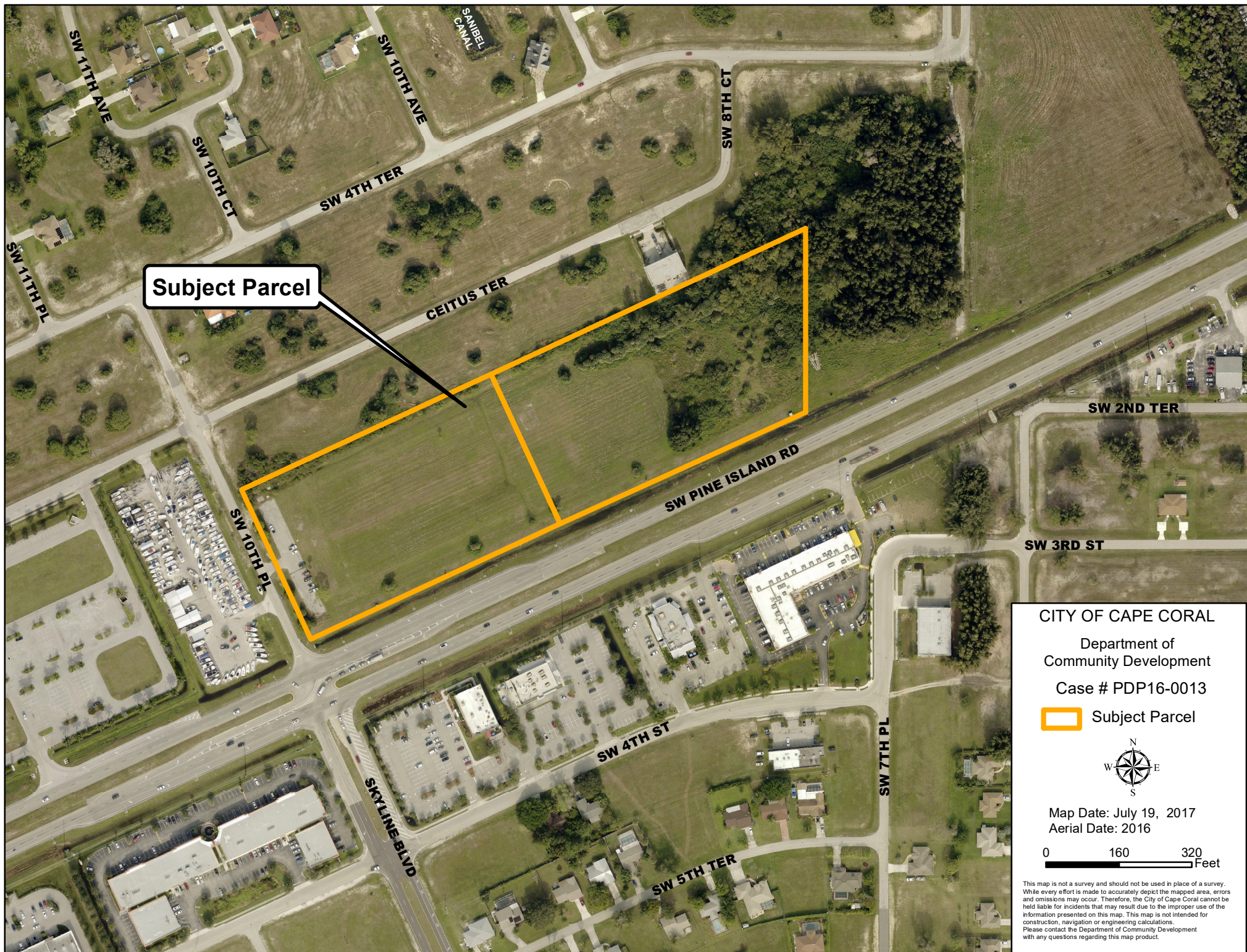
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by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # PDP16-0013  
AD# 2291952 July 22, 2017






CITY OF CAPE CORAL

Department of  
Community Development

Case # PDP16-0013

 Subject Parcel



Map Date: July 19, 2017  
Aerial Date: 2016

0 160 320  
Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.












# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## ZONING MAP 500 Proximity Boundary

Case No. PDP16-0013

### Legend

-  Subject Parcels
-  500' Boundary
-  C-1
-  CORR
-  MR
-  R-1A
-  R-1B
-  RD
-  Canals/Lakes

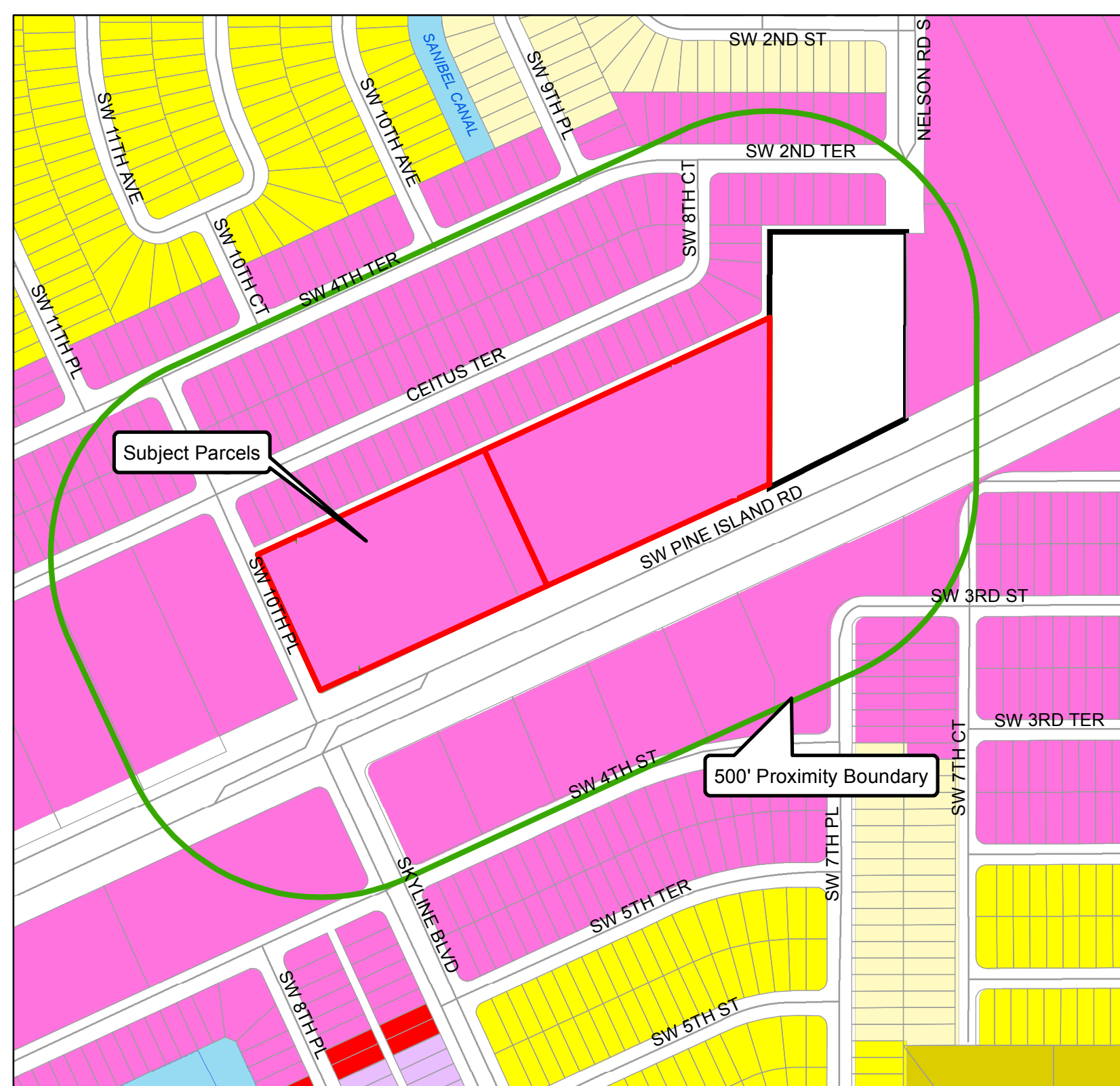


JULY 5, 2017

0 130 260 390 520 Feet

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KRKA





# **CAPE CORAL 6A + 6B SUBDIVISION ORDINANCE: 48-17**

**October 2<sup>nd</sup>, 2017  
Cape Coral City Council**



**Applicant: Cape Coral 6A and 6B, LLC.**

**Representative: Chris Hagan, Hagan Engineering**

**Location: 913 & 1011 SW Pine Island Road**

**Zoning: Corridor**

**Future Land Use: PIRD**



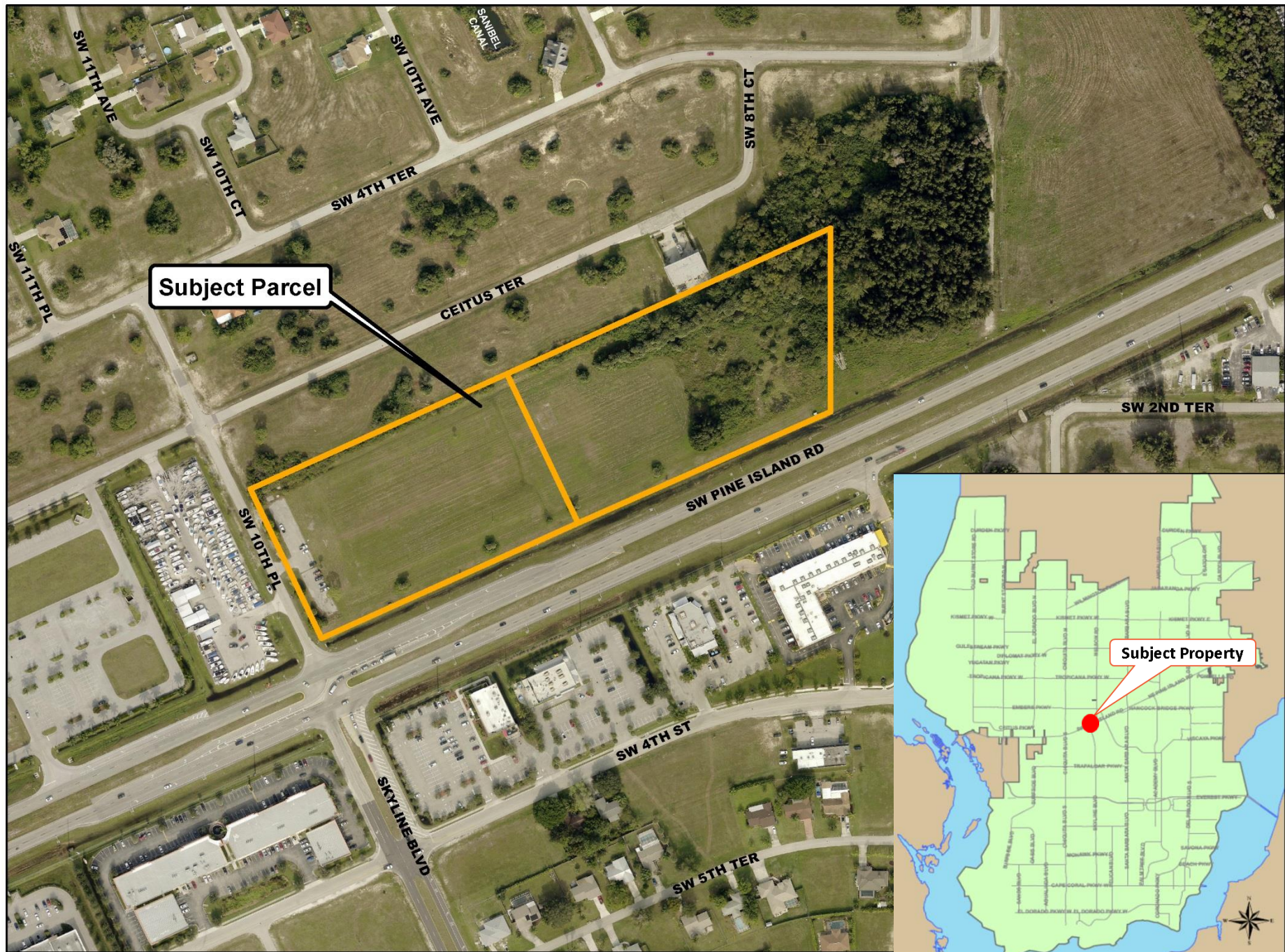
# REQUESTS

**PDP approval to replat 10.6-acres on SW Pine Island Rd into seven commercial lots.**

**Two Special Exceptions:**

- 1. An automotive service station, limited with a convenience store**
- 2. An automotive repair and service-Group 1 within the Corridor Zoning District.**
















# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## ZONING MAP 500 Proximity Boundary

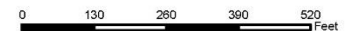
Case No. PDP16-0013

### Legend

-  Subject Parcels
-  500' Boundary
-  C-1
-  CORR
-  MR
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-  Canals/Lakes

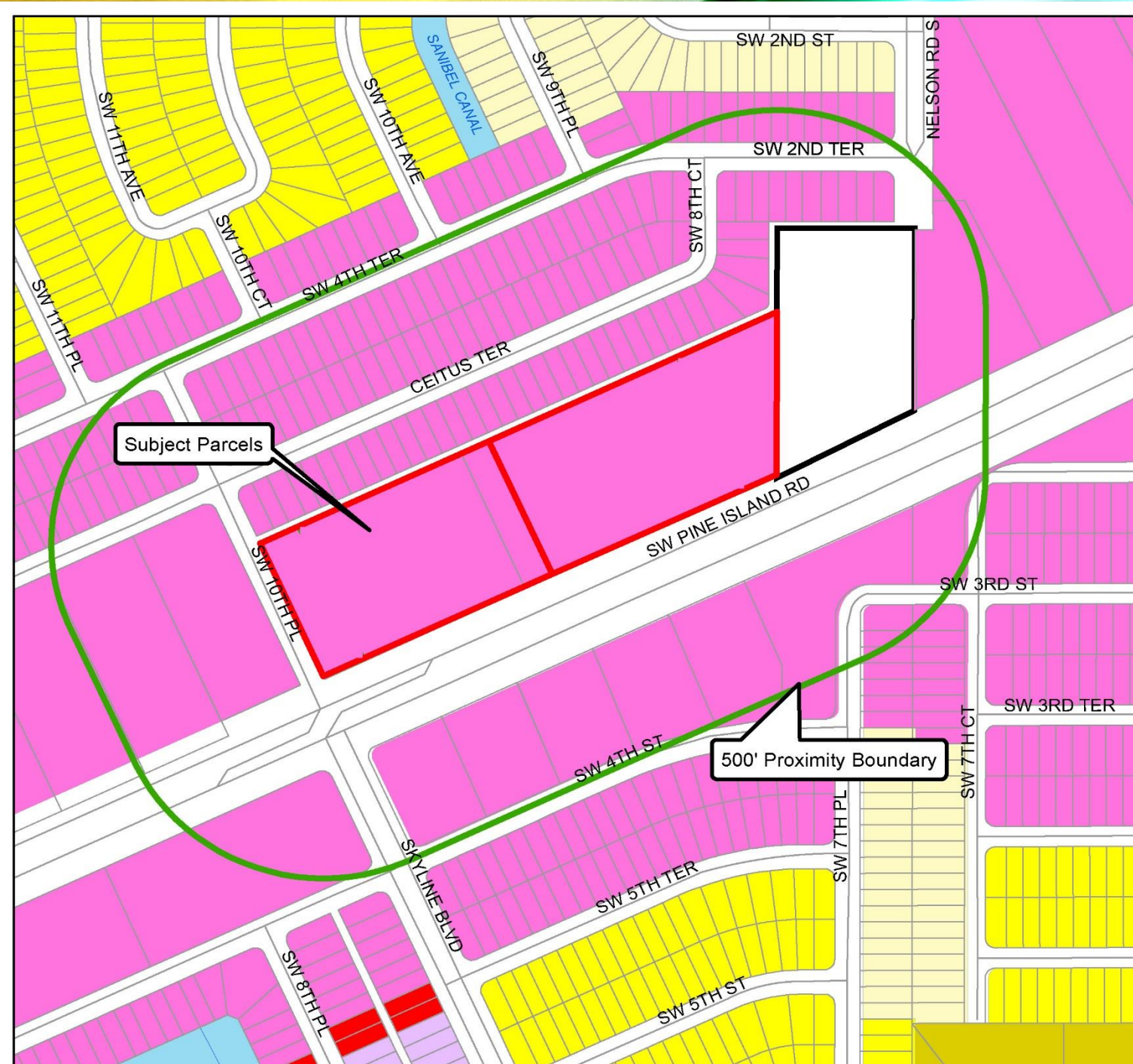


JULY 5, 2017

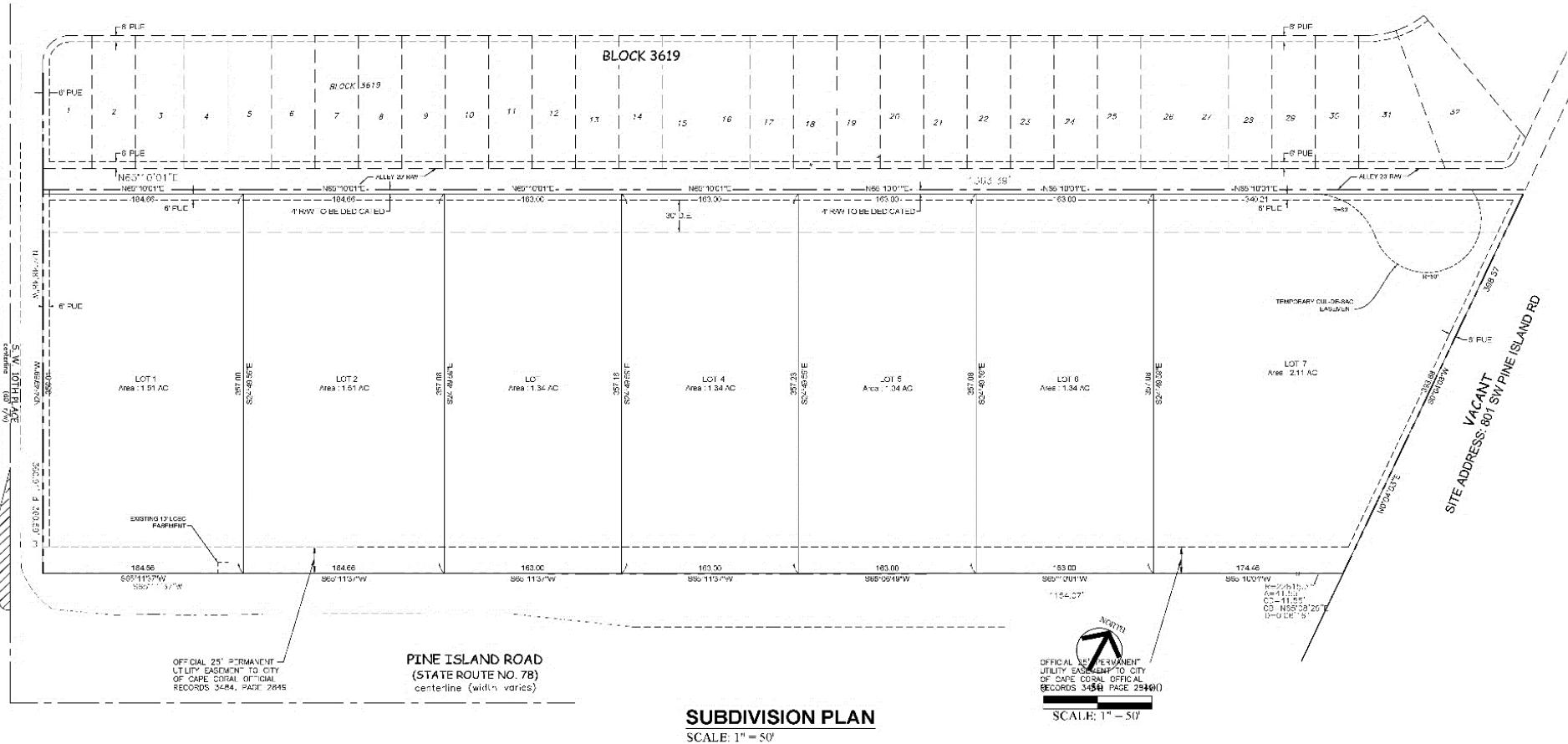


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KRKA



# SUBDIVISION PLAN



Subdivide 10.6 acre site into seven parcels ranging from 1.34 to 2.11 acres.

# ANALYSIS: SECTION 2.7.13

## Dimensional Standards

- All lots meet or exceed the minimum dimensional standards for the Corridor District.

## Access

- All lots will have access to a public street.

## Utilities

- Utilities are available to the subdivision
- Public utility easements will be provided on each lot.

# **SECTIONS: 4.2.H.6 A-J, 4.2.4 A-J**

## **General Standards for Subdivisions**

- **Complies with all applicable general standards for subdivisions.**

## **General Standards for PDP's**

- **Project complies with all applicable general standards for PDP'S.**
- **Recommendation**
- **Staff recommends approval of the subdivision request.**

# **SPECIAL EXCEPTIONS**

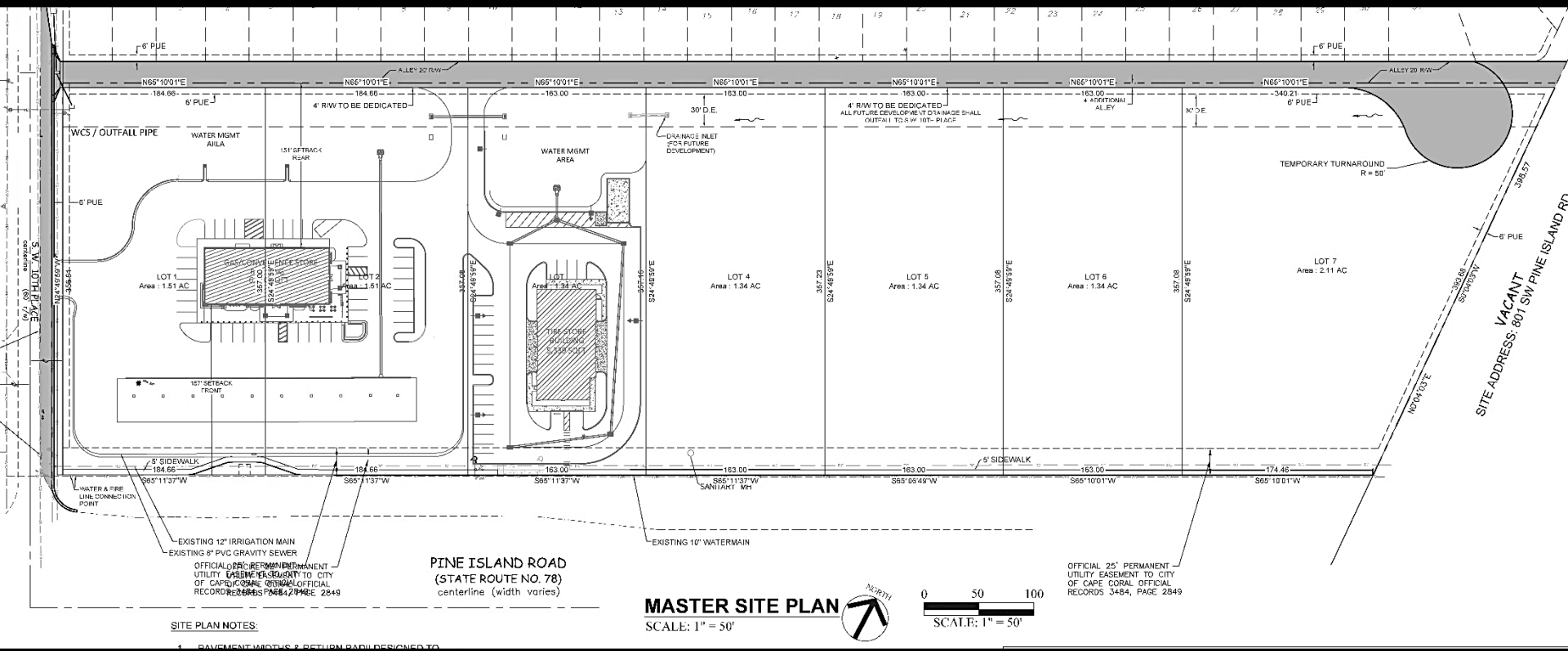
**Two Special Exceptions are sought:**

- 1. an automotive service station limited with a convenience store.**
- 2. an automotive repair and service-Group 1 (Tire Store).**





# SITE PLAN



# **ANALYSIS: SECTION 8.8.5A-E**

- **Both special exceptions, with staff conditions, meet the 5 standards found in Section 8.8.**
- **Staff recommends approval of Both Special exceptions with the conditions found in the Development Order.**



# **PROJECT RECOMMENDATION**

**Staff recommends approval of the project.**

**A public hearing was held on August 1st before the Hearing Examiner. The Hearing Examiner recommends approval the project.**

## **CORRESPONDENCE**

- **None Received**

CITY OF CAPE CORAL, FLORIDA  
OFFICE OF THE HEARING EXAMINER  
PDP HEX RECOMMENDATION 7-2017

Rendered August 9, 2017

CAPE CORAL 6A + 6B SUBDIVISION PDP  
DCD Case # PDP 16-0013

**SECTION I. RECOMMENDATION OF APPROVAL OF  
PLANNED DEVELOPMENT PROJECT ENTITLED  
"CAPE CORAL 6A + 6B SUBDIVISION PDP"**

PURSUANT TO CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS ("LUDRS") ARTICLE IV, §4.2, PLANNED DEVELOPMENT PROJECT PROCEDURE, THE APPLICANT HAS REQUESTED THE HEARING EXAMINER'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL REGARDING THE CAPE CORAL 6A + 6B SUBDIVISION PDP, INCLUDING APPROVAL FOR (A) A SUBDIVISION PLAN FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; (B) A SPECIAL EXCEPTION FOR AN AUTOMOBILE SERVICE STATION – LIMITED WITH CONVENIENCE STORE USE WITHIN THE CORRIDOR ZONING DISTRICT; (C) A SPECIAL EXCEPTION FOR AN AUTOMOTIVE REPAIR AND SERVICE – GROUP 1 USE WITHIN THE CORRIDOR ZONING DISTRICT; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

**The Hearing Examiner hereby recommends approval of the Project, subject to the terms and conditions set forth below.**

**SECTION II. REVIEW OF LUDR REQUIREMENTS FOR HEARING  
EXAMINER'S REVIEW AND RECOMMENDATIONS**

1. Authority. Pursuant to requirements of LUDR §4.2.5.F.2 and LUDR § 9.2.3.b.7, the Hearing Examiner has the authority (i) to recommend to the City Council the approval or denial of an application for those planned development projects which are set forth in LUDR §4.2.5.F and (ii) if the recommendation is for approval, to recommend reasonable special conditions to ensure there shall be no departure from the intent of the LUDRs.
2. Hearsay Evidence; Competent Substantial Evidence; Standard of Review; Site Visit. Hearsay evidence may be used to supplement or explain other evidence,



but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court.<sup>1</sup> In rendering her recommendation, the Hearing Examiner must consider all competent substantial evidence in the record as defined in LUDR § 8.3.1.C.3.b:

*Competent Substantial Evidence shall mean testimony, documentary, or other evidence based on personal observation and which will establish a substantial basis from which a fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issue to be decided. Competent Substantial Evidence is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion.*

The Hearing Examiner also conducted a site visit on July 30, 2017, and has the ability to consider any evidence so adduced in her deliberations.<sup>2</sup>

In rendering this Recommendation, the Hearing Examiner gave full and complete consideration to the request of the Applicant, the recommendations of staff, the documentary evidence presented at the hearing, and the testimony of all interested persons. The Hearing Examiner's recommendation is based on whether the Application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record.

3. Notice of Hearing, Participants and Submission of Documentary Evidence. Based on the testimony of City Staff Justin Heller at the Hearing on August 1, 2017, the Hearing Examiner finds that **proper notice of this hearing was provided**, in accordance with the requirements of LUDR §8.3.1A.

The Hearing participants were City Staff Justin Heller, City Clerk Representative Patricia Sorrels, and Applicant's Representatives Chris Hagan of Hagan Engineering, Inc.<sup>3</sup> and biologist Marielle Kitchener<sup>4</sup> of Turrell, Hall and Associates. No correspondence or emails on this property were received by staff.

All documentary evidence considered by the Hearing Examiner was submitted prior to the Hearing, in accordance with City requirements.

<sup>1</sup> LUDR § 8.3.1C.6.a and LUDR Section 8.3.1C.6.e

<sup>2</sup> LUDR § 8.3.C.6.a

<sup>3</sup> Mr. Hagan was accepted as an expert in engineering and land planning for purposes of this Hearing, based upon the resume he submitted prior to the Hearing.

<sup>4</sup> Ms. Kitchener was accepted as an expert in environmental monitoring, permit compliance and general biological matters, based upon the resume she submitted prior to the Hearing.



The Hearing Examiner notes that the Applicant's Representative Chris Hagan agreed with the recommended findings contained in the staff report and staff testimony. Accordingly, all references below to staff testimony should be construed as testimony presented by Applicant as well.

The Hearing Examiner recommends that City Council accept all documentary and oral testimony referenced below as findings of fact, except as specifically noted otherwise.

### **SECTION III. RECOMMENDED GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Description of Property Contained in the Proposed PDP. The Applicant's Representative testified that the 10.6-acre site proposed for inclusion in this PDP has frontage on SW Pine Island Road and SW 10th Place, with an unimproved alley running along the north property line (Composite Exhibit A).

According to the Protected Special Management Plan ("PSMP") prepared by Turrell, Hall and Associates, Inc. and submitted by Applicant in December, 2016, the project site had been historically used for agriculture and then, more recently, was cleared and used as a driving range.

2. Description of the Proposed Project. The Applicant's Representative testified that a PDP amendment is requested to allow the subdivision of the site into seven parcels ranging in size from 1.34 acres to 2.11 acres (Exhibit B).

Staff and the Applicant's Representative testified that all seven (7) tracts meet or exceed the minimum dimensional standards set forth in the Corridor District. Staff testified that each lot will be restricted to nonresidential uses, as a minimum of 20 acres in the Corridor District is required for residential uses.

The Applicant's Representative testified that each lot will have a public utility easement and that a Property Owners Association (POA) agreement will outline how common areas and utilities within private easements will be maintained within the subdivision.

The Applicant's Representative and Staff testified that one existing driveway on SW 10th Place would provide access to the site and that each lot is proposed to have direct access to a public street/alley or indirect access from an access easement within the subdivision.

Corridor District regulations also require adjoining properties to provide cross-access with one another to improve connectivity and traffic circulation within the subdivision, which Applicant has agreed to do.

In addition, Applicant is seeking two Special Exceptions within this PDP for an automotive repair and service-Group 1 and an automotive service station,

limited with a convenience store in the Corridor Zoning District.

3. Street Addresses of PDP, Legal Descriptions and STRAP NUMBERS. The street addresses of the subject property are 1011 SW Pine Island Road and 913 SW Pine Island Road, Cape Coral, FL, with the legal description being Unit 49, Block 3611, Subdivision PB: 17, PG: 148 (as provided by Applicant). The STRAP #s are 15-44-23-C3-03611.0000 and 15-44-23-C3-03611.0010
4. Legal and Equitable Owner of Subject Property. The applicant's representative testified that the legal and equitable owner of the subject property is Cape Coral 6A and 6 B, LLC.
5. Current Zoning District and Future Land Use Designation of Subject Site. The subject site has a Pine Island Road District (PIRD) Future Land Use Classification and Corridor (CORR) Zoning.
6. Urban Service Area: Staff testified that the subject property is within the Urban Service Transition Area.
7. Access to the Site. Staff testified that the site has one existing driveway on SW 10th Place to Lot 1. The Applicant's Representative testified that the remaining lots will have access from the alley to the north or indirect access from an access easement within the subdivision.
8. Character of Surrounding Development. The Applicant's Representative and staff both testified as to the following future land use classifications, zoning districts and uses surrounding the property:
  - a. West: PIRD Future Land Use Classification and the CORR zoning district (with existing commercial uses of boat sales and storage)
  - b. East: Enclave, with Lee County Commercial (C-1) zoning (vacant)
  - c. South: PIRD Future Land Use Classification and the CORR zoning district (existing commercial uses)
  - d. North: PIRD Future Land Use Classification and the CORR zoning district (vacant)

Staff testified that there are no residential properties adjacent to the site.



#### SECTION IV. RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW: APPLICATION FOR SUBDIVISION

In making the recommendations below regarding Applicant's request for subdivision approval through this PDP application, the Hearing Examiner has reviewed the requirements for the Corridor Zoning District as set forth in LUDR § 2.7.13, the subdivision regulations set forth in LUDR §4.1 and §4.2, and the requirements set forth in the Comprehensive Plan for the Pine Island Road District future land use designation, as follows:

##### Corridor Zoning District Requirements

Dimensional regulations for the Corridor Zoning District are set forth in LUDR § 2.7.13.E.

Staff testified that all tracts meet or exceed the minimum dimensional standards for the Corridor District and all lots will be restricted to nonresidential uses, as a minimum of 20 acres in the Corridor District is required for residential uses.

The Hearing Examiner recommends that City Council make a finding that the Application **meets** these requirements.

##### LUDR §4.1 Subdivision Regulations

*LUDR §4.1.2A.1 states that subdivision of land within the City of Cape Coral shall be permitted only within approved Developments of Regional Impact (DRIs) or PDPs, except as otherwise permitted in LUDR §4.2 .<sup>5</sup>*

Since the Applicant is requesting subdivision approval through the PDP process, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

##### LUDR §4.2 Subdivision Regulations

*LUDR §4.2.5.1.6a-j, sets forth that the general standards set forth below must be reviewed prior to approval of subdivision plat:*

- a. *Environmental control standards to ensure minimal adverse impact on the natural environment.*

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<sup>5</sup> LUDR Section 4.2.5.1.1 provides that all subdivision of land must be made as part of a PDP project, in accordance with the requirements of the City Comprehensive Plan.

The PSMP stated that the western half of the project site still has the mowed driving range "tee bed" and parking lot. Native trees are located on this portion of the site, planted as part of the driving range project.

The PSMP further stated that the eastern half of the site has re-vegetated after the cessation of the agricultural uses and that the vegetation over most of that section is comprised of mature exotic plant species, i.e., large Australian pines and mature Brazilian peppers. Staff testified that this portion of the site contains a mix of upland and wetland habitats. The PSMP stated that the upland habitat comprises 10.57 of the 10.67 acres, with the remainder of the site consisting of a 1.10-acre marsh area in the southeast corner.

The PSMP stated that there is an active gopher tortoise burrow on an upland area on the eastern site and two active burrows along the norther property line (which would be within the direct path of a future access road). The burrows were marked with blue surveyors tape.

In addition, biologist Marielle Kitchener testified that, as set forth in the PSMP, there appear to be some burrowing owl "scratchings" or "starter burrows" in the area of the golf driving range. Although Ms. Kitchener first saw them in February 2017, as of the date of this hearing, no actual burrowing owl nests were observed by her. She further testified that these scratchings would be revisited by the Applicant as appropriate throughout the course of development of the project and proper FFWCC guidelines and procedures would be followed as needed. Staff testified that State permits would be required and tortoises relocated offsite to a mitigation bank prior to any construction commencing onsite.

Staff testified that the Protected Species Management Plan as proposed by Applicant meets the City's requirements.

Staff further testified that the environmental survey also identified a small 0.1 acre wetland on Lot 7. Although there are no immediate construction plans for the area containing the wetland, an environmental resource permit from the South Florida Water Management District would be needed to be obtained prior to any land clearing or filling activities.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.



b. Effect of the Subdivision on Existing or Future Development.

Staff and the Applicant's Representative testified that the subdivision will facilitate future development opportunities and sales of commercial property. As set forth above, the subdivided lots will be connected by internal streets and parking.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

c. Effect of proposed streets and access points on surrounding streets.

Staff testified that a 24-foot-wide alley will be improved along the northern boundary of the subdivision to provide access to the proposed lots. A Traffic Impact Statement dated November 11, 2016, from Hagan Engineering was provided by Applicant to address the increased traffic generated by the proposed uses.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

d. Whether utility services are adequate for the population densities and land use.

Both the Applicant's Representative and staff testified that the existing utilities are available to the subdivided lots and should be adequate for the proposed uses.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

e. Consistency with Comprehensive Plan.

Applicant's Representative testified that the subdivision request is consistent with the following Elements of the City's Comprehensive Plan:

i. Conservation and Coastal Management Element:

Policy 1.2.17: *The City shall require as a condition of approval for Planned Development Projects... a protected species survey, which reflects the current conditions... on the development site. If listed species are known to inhabit or use the site, the applicant shall prepare a protected species management plan.*



ii. Future Land Use Element

Policy 1.8: *The City will maintain regulations ensuring safe and convenient on-site traffic flow and vehicle parking needs for all developed lands.*

The Hearing Examiner concurs regarding this consistency proffer and recommends that City Council make a finding that this standard **has been met**.

f. Public Health, Safety, and Welfare.

Both the staff and the Applicant's Representative testified that the subdivision would not affect the health, safety, or welfare of the public.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

g. Suitability of Land for Subdivision Development.

Both the staff and the Applicant's Representative testified that the property is suitable for subdivision.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

h. Arrangement of parcels for opening of future streets and logical resubdivision.

Staff testified that all parcels are over 10,000 square feet in area and are arranged to fit the current configuration of streets and access points.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

i. Access Points.

The Applicant's Representative and staff testified that the proposed subdivision would use an existing driveway off SW 10th Place as well as a new driveway off the alley along the north boundary. All proposed driveways shall be developed in accordance with the Engineering Design Standards.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

j. Compliance with Government Subdivision and Development Regulations.

The Applicant's Representative testified that the proposed subdivision and all on-site future development will comply with all City, County, and State regulations.

Accordingly, the Hearing Examiner recommends that City Council make a finding that this standard **has been met**.

Recommendation Regarding Approval of Application for Subdivision

For reasons set forth above, the Hearing Examiner recommends that the City Council approve the application for subdivision, subject to the terms and conditions set forth below.

**SECTION V. RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW: APPLICATION FOR THE FIRST SPECIAL EXCEPTION USE: AN AUTOMOTIVE SERVICE STATION – LIMITED, WITH CONVENIENCE STORE**

Special Exception Request and Definition of Use. The Applicant has requested a special exception use to allow an Automotive Service Station, Limited, with Convenience Store on the corner of the commercial subdivision (Lots 1 and 2) at the intersection of SW Pine Island Road and SW 10th Place, as set forth on Exhibit "C".

LUDR §11.1 defines the Automotive Service Station, Limited use as:

*An establishment primarily engaged in the retail sale of motor fuel and lubricants, but which may also include facilities for washing, waxing, detailing, polishing, greasing, tire repair (no recapping or vulcanizing) and other minor incidental repairs.*

The Applicant's Representative testified that this special exception project includes a 6,100 square foot convenience store and a detached gas canopy housing ten (10) gas pumps. Each gas pump would contain two fueling stations, allowing two vehicles to refuel at the same time.

Special Exception Standards and Regulations. The Hearing Examiner has considered this first Special Exception Application pursuant to the requirements of LUDR §2.7.13, the Corridor Zoning District requirements, and the five (5) standards set forth in LUDR §8.8.5a-e.



a. *Generally: Zoning District Requirements (LUDR §8.8.5 a)*

This use is proposed on Lots 1 and 2. With each having an area of 1.51 acres, the 45,000 square foot minimum lot area for this use is met.

Staff testified that the Corridor Zoning of the parcel is consistent with the PIRD Future Land Use of this property. An Automotive Service Station, Limited Use with convenience store is allowed as a Special Exception in this District.

It is recommended that City Council find that the requested Special Exception **does comply** with the requirements of the Zoning District in which the property is located.

b. *Compatibility (LUDR §8.8.5 b)*

Staff testified that Pine Island Road is one of the major commercial corridors in Cape Coral as well as being a principal arterial. With the proposed gas station with convenience store being adjacent to SW Pine Island Road, staff recommended a finding that this is an appropriate location for a gas station.

Although the Applicant has requested flexibility to move this use to other lots within the subdivision, the Hearing Examiner agrees with the staff recommendation to approve this use on Lots 1 and 2 specifically, due to the proposed access points and amount of traffic generated by this use.

The Applicant's Representative and staff testified that there is a boat store to the west of the site, vacant commercial parcels to the north and east, and a mix of commercial uses to the south across SW Pine Island Road. As a result, the Hearing Examiner agrees with both parties that the proposed use should fit into the character of the surrounding area. All surrounding properties on the block are zoned Corridor or allow commercial uses. While CORR zoning does allow residential uses, there is a 20-acre minimum area requirement. All parcels are less in size than this minimum so it is unlikely that residential uses would come into the area in the future.

Although the Hearing Examiner observed that there is a single-family residence about 350 feet from the proposed use, it is separated from the site by vacant land and Ceitus Terrace and also has the Corridor zoning district zoning and PIRD Future Land Use.

Due to background noise related to vehicles traveling at this time along SW Pine Island Road, noise attributed solely to this project is anticipated to be relatively low.

Staff testified that lighting on a commercial site can disrupt nearby residents and therefore should be shielded as set forth in the condition below.

Given the aforementioned recommended findings of fact set forth above and elsewhere in this Recommendation, the Hearing Examiner recommends that City Council find this use **is compatible** with the surrounding area, **with the conditions set forth below**.

c. *Minimum Lot Frontage and Access. (LUDR §8.8.5c)*

Staff testified that Lots 1 and 2, have ± 1,100 ft. of combined frontage on SW Pine Island Road, SW 10th Place, and a public alley.

There is no direct access to SW Pine Island Road so the main access to the site would be from an existing driveway on SW 10th Place, with an additional access driveway proposed to the alley on the north side of Lot 2.

Based on the foregoing recommended findings, the Hearing Examiner recommends that the City Council finds this application **complies** with this standard.

d. *Building Location and Setbacks. (LUDR §8.8.5d)*

Staff testified that the proposed building meets or exceeds the Corridor district setback requirements and that the proposed location is on a corner lot, which is the most ideal location for this use.

Based on the foregoing recommended findings, the Hearing Examiner recommends that the City Council finds this application **complies** with this standard.

e. *Screening and Buffering. (LUDR §8.8.5e)*

Staff testified that Applicant's proposed landscape plan shows a well landscaped site with a continuous hedge screening the perimeter of the site.

Based on the foregoing recommended findings, the Hearing Examiner recommends that the City Council finds this application, as conditioned, **complies** with this standard.

**Recommended Conditions for Approval of the First Special Exception.**

Staff recommended the following five (5) conditions for approval of the First Special Exception. The Applicant's Representative did not object to these



conditions. The Hearing Examiner recommends that City Council accept these conditions of approval and impose them upon this Application:

1. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
2. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy.
3. A continuous strip of properly maintained landscape area shall be provided along all property lines to screen the site from adjacent uses. Such continuous strip of properly maintained landscape area may, however, be allowed to have walkways and driveway entrances. This landscape strip shall include a minimum of 4 canopy trees per 100 linear ft. Shrubs shall be spaced no greater than three feet on center and planted at a minimum height of 24 inches, in at least seven gallon containers, and maintained at a minimum height of 42 inches.
4. The automotive service station, limited with convenience store use shall be limited to Lots 1 and 2.
5. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply to propane tanks or ice machines.

**Recommendation of Approval of First Special Exception**

For all of the above reasons, the Hearing Examiner recommends that the City Council **grant** the first special exception as conditioned.

**SECTION VI. RECOMMENDED FINDINGS OF FACT/CONCLUSIONS OF LAW:  
SECOND SPECIAL EXCEPTION REQUEST: APPLICATION FOR  
SPECIAL EXCEPTION USE FOR AN AUTOMOTIVE REPAIR  
AND SERVICE –GROUP 1 USE.**

Special Exception Request. The Applicant has requested a special exception use to allow an Automotive Repair and Service – Group 1 use.

According to the Letter of Intent dated April 3, 2017 from Joshua Bradley, PE of Native Engineering, PLLC, submitted as part of the Application Package for this project, it was Applicant's intent to open a tire store on Lot 2.



Since that time, Applicant has indicated that the requested site would be Lot 3 and this Recommendation addresses the Special Exception as being on Lot 3.

Applicant's states its proposed use would consist of one (1) +/- 5,339 square foot tire store building, with the bays facing east and west (i.e., not facing Pine Island Road). Applicant proposes that access to the site would be via a proposed rear alleyway connected to SW 10<sup>th</sup> Place, which is discussed elsewhere herein. Applicant proposes all parking to be along the south, north and west sides of the building with a drainage pond proposed for the north side of the site, as part of the master drainage system for the overall PDP. As set forth elsewhere in this Recommendation, water and sanitary sewer services are available along Pine Island Road. The site would connect directly with those services.

Special Exception Standards and Regulations. The Hearing Examiner has considered this Application pursuant to the requirements of LUDR §2.7.13, the Corridor Zoning District requirements, and the five (5) standards set forth in LUDR §8.8.5a-e.

a. *Generally: Zoning District Requirements (LUDR §8.8.5 a)*

An Automotive Repair and Service – Group 1 use is allowed as a special exception in the Corridor Zoning District. No minimum lot area requirement exists in the Corridor Zoning District for this proposed use. This use is proposed for Lot 3, which is 1.34 acres in size.

It is recommended that City Council find that the requested Special Exception **does comply** with the requirements of the Zoning District in which the property is located.

b. *Compatibility (LUDR §8.8.5 b)*

Staff testified that Pine Island Road is one of the major commercial corridors in Cape Coral as well as being a principal arterial. With the proposed gas station with convenience store being adjacent to SW Pine Island Road, staff recommended a finding that this is an appropriate location for a gas station.

Although the Applicant has requested flexibility to move this use to other lots within the subdivision, the Hearing Examiner agrees with the staff recommendation to approve this use on Lots 1 and 2 specifically, due to the proposed access points and amount of traffic generated by this use.

The Applicant's Representative and staff testified that there is a boat store to the west of the site, vacant commercial parcels to the north and east,

and a mix of commercial uses to the south across SW Pine Island Road. As a result, the Hearing Examiner agrees with both parties that the proposed use should fit into the character of the surrounding area. All surrounding properties on the block are zoned Corridor or allow commercial uses. While CORR zoning does allow residential uses, there is a 20-acre minimum area requirement. All parcels are less in size than this minimum so it is unlikely that residential uses would come into the area in the future.

Although the Hearing Examiner observed that there is a single-family residence about 350 feet from the proposed use, it is separated from the site by vacant land and Ceitus Terrace and also has the Corridor zoning district zoning and PIRD Future Land Use.

Due to background noise related to vehicles traveling at this time along SW Pine Island Road, noise attributed solely to this project is anticipated to be relatively low.

Staff testified that lighting on a commercial site can disrupt nearby residents and therefore should be shielded as set forth in the condition below.

Given the aforementioned recommended findings of fact set forth above and elsewhere in this Recommendation, the Hearing Examiner recommends that City Council find this use is compatible with the surrounding area, with the conditions set forth below.

Given the aforementioned recommended findings of fact set forth above and elsewhere in this Recommendation, the Hearing Examiner recommends that City Council find this use **is compatible** with the surrounding area, **with the conditions set forth below.**

c. *Minimum Lot Frontage and Access. (LUDR §8.8.5c)*

Staff testified that Lot 3 has ± 326 ft. of combined frontage on SW Pine Island Road and a public alley. The access will be from the alley, as there would be no direct access to SW Pine Island Road.

Based on the foregoing recommended findings, the Hearing Examiner recommends that the City Council finds this application **complies** with this standard.



d. *Building Location and Setbacks. (LUDR §8.8.5d)*

Staff testified that the proposed building meets or exceeds the Corridor district setback requirements.

Based on the foregoing recommended findings, the Hearing Examiner recommends that the City Council finds this application **complies** with this standard.

e. *Screening and Buffering. (LUDR §8.8.5e)*

Staff testified that Applicant's proposed landscape plan shows a well landscaped site with a continuous hedge screening the perimeter of the site. Staff recommended that a continuous strip of properly maintained landscape area be provided along all property lines to screen the site from adjacent uses.

Based on the foregoing recommended findings, the Hearing Examiner recommends that the City Council finds this application, as conditioned, **complies** with this standard.

**Recommended Conditions for Approval of the Second Special Exception.**

Staff recommended the following three (3) conditions for approval of the Second Special Exception. The Applicant's Representative did not object to these conditions.

The Hearing Examiner recommends that City Council accept these conditions of approval and impose them upon this Application:

1. A continuous strip of properly maintained landscape area shall be provided along all property lines to screen the site from adjacent uses. Such continuous strip of properly maintained landscape area may, however, be allowed to have walkways and driveway entrances. This landscape strip shall include a minimum of 4 canopy trees per 100 linear ft. Shrubs shall be spaced no greater than three feet on center and planted at a minimum height of 24 inches, in at least seven gallon containers, and maintained at a minimum height of 42 inches.
2. The outdoor storage of products and materials is prohibited.
3. Tire repair and replacement shall be limited to inside the work bays.

**Recommendation of Approval of Second Special Exception**

For all of the above reasons, the Hearing Examiner recommends that the City Council **grant** the special exception as conditioned.

**SECTION VII. RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW: GENERAL STANDARDS AND REQUIREMENTS FOR PDP'S AS SET FORTH IN LUDR §4.2.4.**

1. Compliance with General Standards and Requirements Set Forth in LUDR §4.2.4 All amendments to planned development projects must conform to the general standards and requirements set forth in LUDR § 4.2.4. For the reasons set forth in this Recommendation, the Hearing Examiner recommends that the City Council make the following findings of fact and conclusions of law and thereby determine that the Project **is in conformance** with all applicable standards and requirements, as follows:

*A. Environmental Control Standards (LUDR §4.2.4A)*

As set forth above, the Applicant's Representative presented an environmental survey with a suggested PSMP. Staff testified that additional environmental surveys will be required as each lot is developed in the future and all required State or Federal wildlife and wetland permits must be obtained prior to commencement of any construction activities.

Accordingly, it is recommended that City Council find that this Standard **has been met**.

*B. Maintenance of Improvements (LUDR §4.2.4B)*

The Applicant's Representative testified that the Property Owners' Association Declaration of Covenants, Bylaws, easements and associated documents will be recorded as required by Florida Statute and will address ongoing maintenance of landscaping, common areas, and easements.

Accordingly, it is recommended that City Council find this Standard **has been met**.

*C. Consistency with the Comprehensive Plan (LUDR §4.2.4C)*

The Hearing Examiner incorporates the Comprehensive Plan references contained elsewhere in this Recommendation into the specific Recommendation hereunder.



Accordingly, it is recommended that City Council find this Standard **has been met.**

*D. Financial Responsibility (LUDR §4.2.4D)*

Staff recommended that, as a condition of approval and, prior to any final Subdivision Plat approval, either the Applicant shall satisfactorily complete all of the required site improvements, or provide a surety bond or certified check in an amount of the estimated cost to complete all required site improvements, as determined by the City. Such surety bond or certified check shall be returned to the Applicant after the Director has determined that all required improvements have been satisfactorily completed.

Accordingly, it is recommended that City Council find this Standard has been **met.**

*E. Dimensional Requirements (LUDR §4.2.4E)*

As set forth above, the proposed Project meets or exceeds the dimensional requirements set forth in the Corridor Zoning District.

Accordingly, it is recommended that City Council find this Standard has been **met.**

*F. Maximum Density (LUDR §4.2.4 F)*

This project does not propose any residential units.

Accordingly, it is recommended that City Council find this Standard **does not apply.**

*G. Minimum Parcel Size (LUDR §4.2.4.G)*

This project is in the Urban Service Transition Area.

Accordingly, it is recommended that City Council find this Standard **does not apply.**

*H. Time Limitation(LUDR §4.2.4.H)*

The Applicant's Representative testified that substantial construction shall commence within two years from the date of project approval or within one year of the last permit approval from all appropriate regulatory bodies, whichever is less.



Accordingly, it is recommended that City Council find this Standard has been **met**.

I. *Ownership Requirements (LUDR §4.2.4.I)*

The Applicant's Representative testified that the Applicant holds title to 100% of the subject property.

Accordingly, it is recommended that City Council find this Standard **has been met**.

J. *Special Exceptions (LUDR §4.2.4.J)*

As conditioned, the Application **does** meet the requirements of all applicable provisions of the LUDRs for the requested two special exceptions to be granted.

Accordingly, it is recommended that City Council find this Standard **has been met**.

K. *Deviations (LUDR §4.2.4.K)*

Deviations **were not** requested by the Applicant.

L. *Underground Utilities (LUDR §4.2.4.L)*

The Applicant's Representative testified that all utilities would be placed underground when the property is developed.

Accordingly, it is recommended that City Council find this Standard **has been met**.

2. *Concurrency.*

Staff recommends a finding that the " Cape Coral 6A + 6B Subdivision " PDP is concurrent for roads, sewer, water, drainage, solid waste, and parks based on staff's analysis of the proposed development and specific mitigation programs specified herein.

The Hearing Examiner recommends that the City Council find that the proposed PDP **meets** all applicable concurrency standards.

3. Consistency with All Applicable Law, Ordinances and Regulations.

The Hearing Examiner recommends that the City Council find that the PDP request, as conditioned, **is consistent** with the requirements of the Zoning District in which the property is located, the Comprehensive Plan, the Land Use Development Regulations, City ordinances, and all other applicable local, state, and federal law.

**SECTION VIII. LEGAL EFFECT AND LIMITATIONS OF THIS RECOMMENDED DEVELOPMENT ORDER; ADMINISTRATIVE REQUIREMENTS**

1. This is a Recommendation by the Cape Coral Hearing Examiner to the City Council of Cape Coral, in response to the Planned Development Project Application filed for the CAPE CORAL 6A + 6B SUBDIVISION PDP .
2. If this Project is approved by City Council, it is recommended that Council's Development Order be binding on the Applicant and any subsequent builder/developer who acquires any tract of land within the PDP.
3. If this Project is approved by City Council, it is recommended that the Applicant be required to make a monetary contribution toward the signalization and intersection modifications required at Pine Island Road and SW 10<sup>th</sup> Place/Skyline Boulevard in an amount **up to but not to exceed ten (10) percent**. Such monetary contribution shall be based on a cost estimate acceptable to the City. The cost estimate shall include design, permitting, installation, and roadway geometrics associated with the improvement. The cost estimate shall be provided by a professional engineer licensed in the State of Florida. The City shall receive such monetary contribution no later 90 days after the City notifies the Developer that signal warrants are met.
4. If this Project is approved by City Council, it is recommended that the terms and conditions set out in the City Council's approved Development Order constitute a basis upon which the Applicant and City may rely in future actions necessary to implement fully the final development contemplated by such Order.
5. If this Project is approved by City Council, it is recommended that the City Council find that the proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
6. If this Project is approved by City Council, it is recommended that the City Council declare that all conditions, restrictions, stipulations, and safeguards contained in Council's approved Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.



7. If this Project is approved by City Council, it is recommended that any references by the City Council to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of Council's Development Order, if any.
8. If this Project is approved by City Council, it is recommended that approvals granted by City Council's Development Order are limited and that any such approval shall not be construed to obviate the Applicant's duty to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. It is further recommended that such approval, if any, shall also not obviate the duty of the Applicant to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
9. It is recommended that all conditions imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City and shall not be affected by any termination of the authorization for physical development.
10. If this Project is approved by City Council, it is recommended that the Director of the Cape Coral Department of Community Development or his/her designee ("Director"), shall be the local official responsible for assuring compliance with this Development Order and that, upon reasonable notice by the City and at all reasonable times, the Applicant shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.
11. Within thirty (30) days of the effective date of an Order, if any, entered by the City Council, it is recommended that Council require such Development Order to be recorded with the Office of the Lee County Clerk of the Circuit Court by the City of Cape Coral and the Applicant to be responsible for reimbursing the City for all recording fees within 30 days of being notified by the City thereof.

#### **SECTION IX. EFFECTIVE DATE**

1. This Recommendation takes effect on the date specified below.
2. Permits issued prior to the City Council consideration of this Application are obtained solely at the risk of the Applicant.

**SECTION X.            ATTACHMENT OF EXHIBITS**

The following Exhibits are attached hereto and hereby incorporated by reference:

Exhibit "A": Sheet C-4, dated June, 2017, prepared by Hagan Engineering

Exhibit "B": Sheet C-3, dated June, 2017, prepared by Hagan Engineering

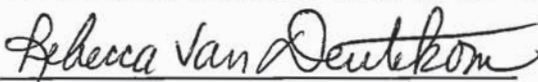
Exhibit "C": Applicant's Site Plan for Gas/Convenience Store Building, undated, no indication of preparer; presented on slide #4 of Applicant's PowerPoint.

**HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA**

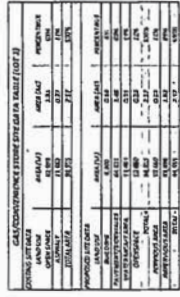
  
\_\_\_\_\_  
ANNE DALTON, ESQUIRE

8/9/17  
\_\_\_\_\_  
DATE

ATTESTED TO AND FILED IN MY OFFICE IN THIS 14<sup>th</sup> DAY OF August 2017:

  
\_\_\_\_\_  
CITY CLERK







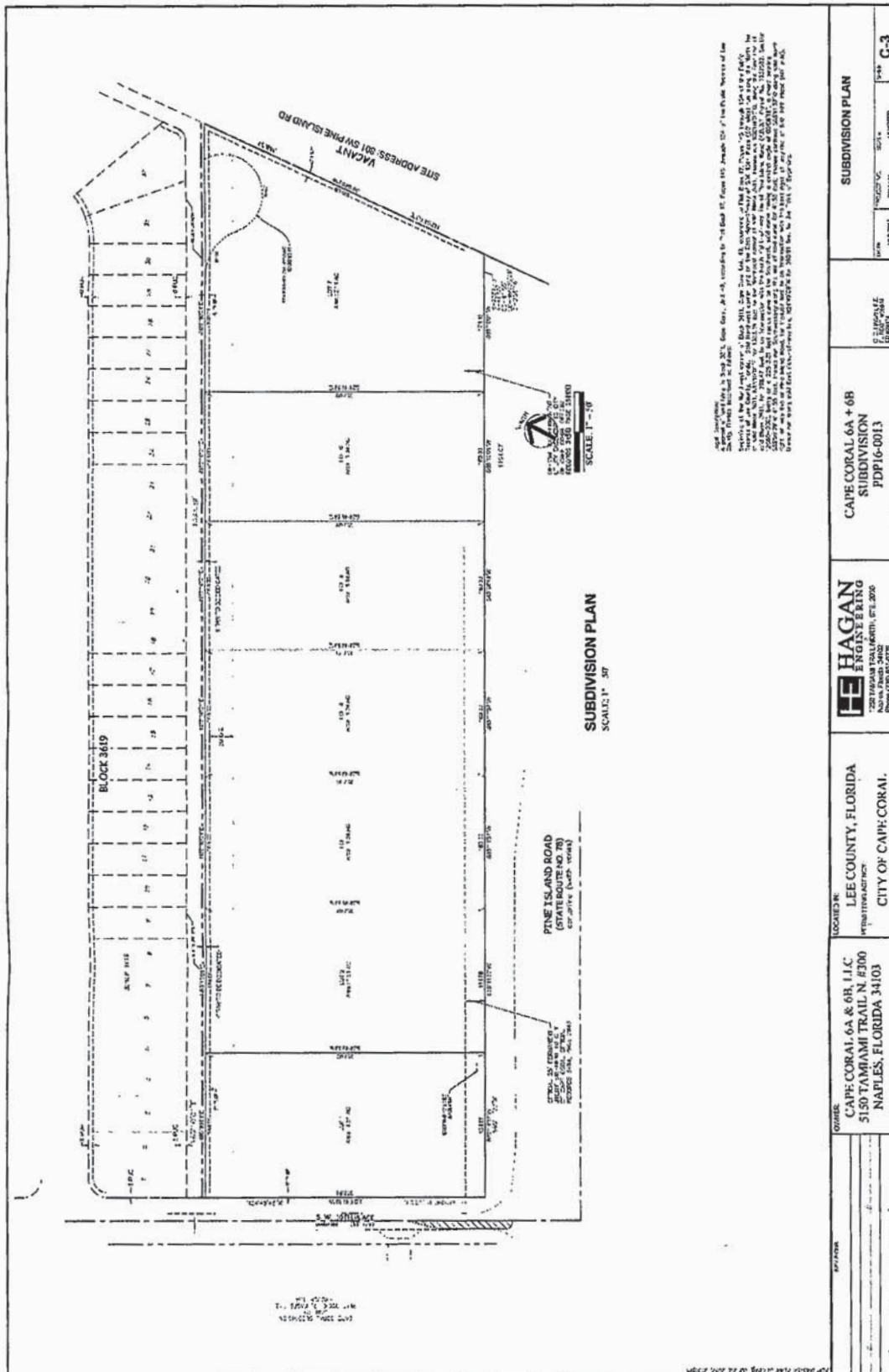
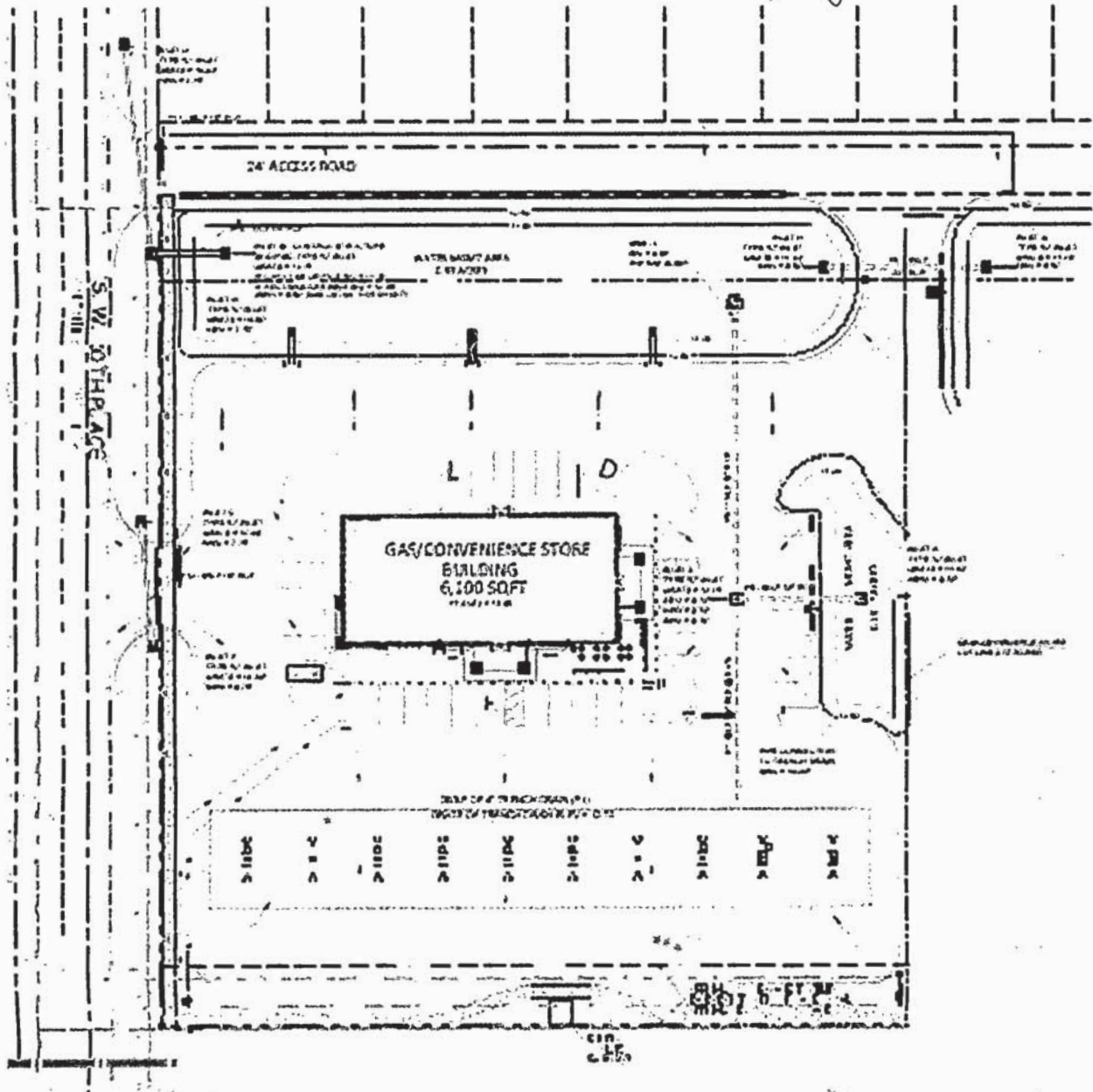
**Exhibit C**

Exhibit "C" - p1 of 1



<b>Item Number:</b>	<b>B.(6)</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**AGENDA  
REQUEST FORM  
CITY OF CAPE  
CORAL**



**TITLE:**

Ordinance 49-17 (AX 17-0001) Set Public Hearing Date for October 16, 2017

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

Staff Recommendation: Staff recommends approval.

**SUMMARY EXPLANATION AND BACKGROUND:**

An ordinance providing for the voluntary annexation of a 9.72-acre parcel of land located at 2915 SW Pine Island Road; providing for redefinition of City boundaries.

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Ordinance 49-17  
Staff presentation - Introduction  
Case Report  
Aerial  
FLU  
Zoning

**PREPARED BY:**

Division- Department- City

Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltry, Planning Team Coordinator

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Ordinance 49-17	Ordinance
▣ Staff presentation - Introduction	Backup Material
▣ Case Report	Backup Material
▣ Aerial Map	Backup Material
▣ FLU Map	Backup Material
▣ Zoning Map	Backup Material

ORDINANCE 49 - 17

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF A PARCEL OF LAND BEING LOTS 23 & 24 OF TRACT ONE OF AN UNRECORDED MAP LYING IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REDEFINITION OF CITY BOUNDARIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, DAY ONE, LLC, the owner of the real property subject to this Ordinance, has petitioned the Cape Coral City Council for the annexation of said real property to the City of Cape Coral; and

WHEREAS, the aforesaid petition bears the signature of L. Kent Densley, Managing Member of Day One, LLC, the owner of the property proposed to be annexed; and

WHEREAS, the City of Cape Coral desires to insure that the site is developed consistent with the development located within the City and which will be utilized in a manner that should prove beneficial to the City.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. After considering the application DAY ONE, LLC, the City Council has determined that the property proposed to be annexed to the City is contiguous to the City's boundaries, reasonably compact, and such annexation will not result in the creation of enclaves.

SECTION 2. The City of Cape Coral hereby annexes to the incorporated City limits the following described real property:

Lot 23 of Tract One of an unrecorded map being the East  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 17, Township 44 South, Range 23 East, Lee County, Florida.

AND

Lot 24 of Tract One of an unrecorded map being the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 17, Township 44 South, Range 23 East, Lee County, Florida.

A map depicting the area to be annexed is attached hereto as Exhibit A.

SECTION 3. The legal description of the boundaries of the City of Cape Coral is hereby amended to include the aforesaid property as a part of the municipality of the City of Cape Coral, Florida, and under the full jurisdiction of the municipality of Cape Coral.

SECTION 4. 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 5. 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI \_\_\_\_\_  
BURCH \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

LEON \_\_\_\_\_  
ERBRICK \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

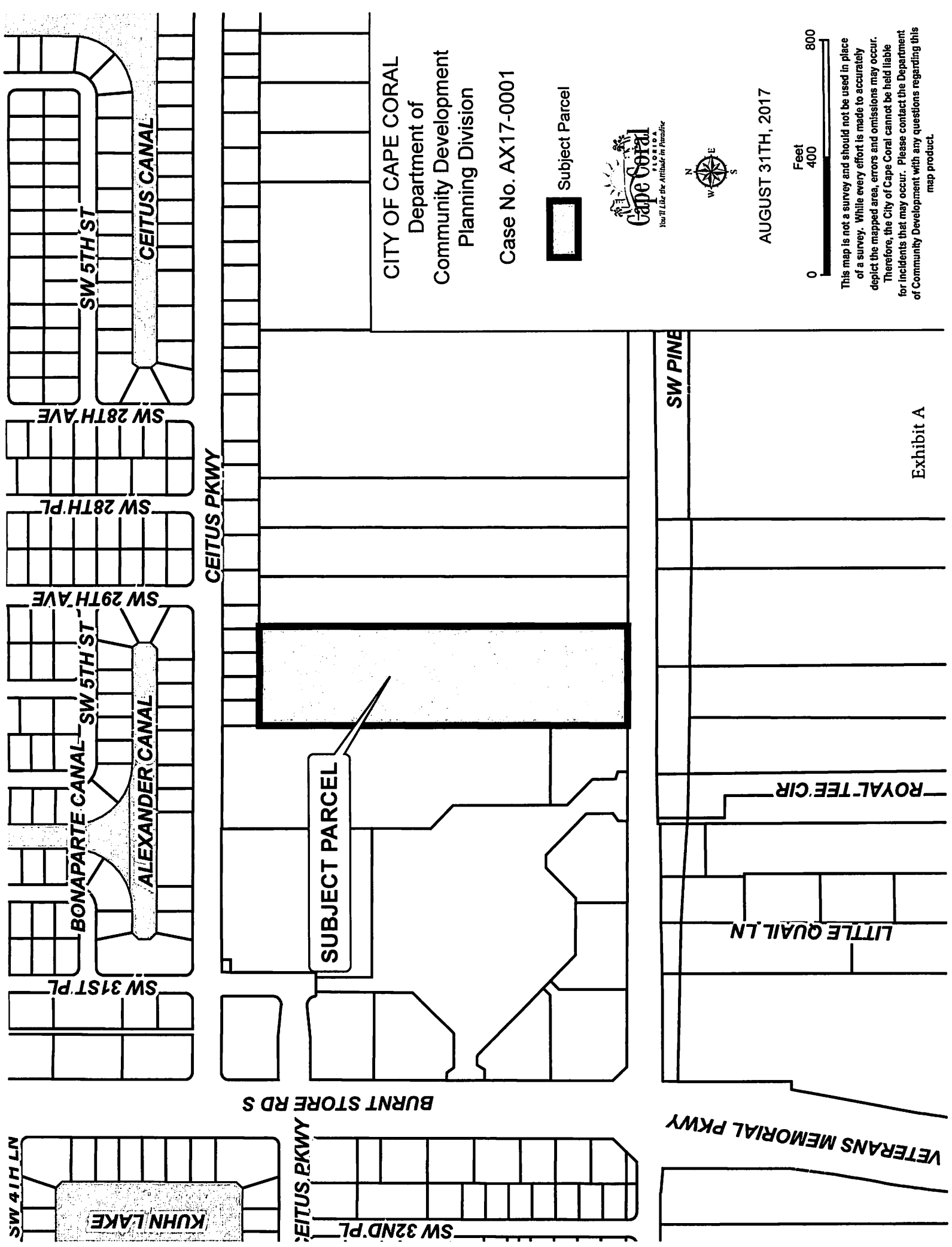
ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ax17-0001



CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. AX17-0001



Subject Parcel



AUGUST 31TH, 2017

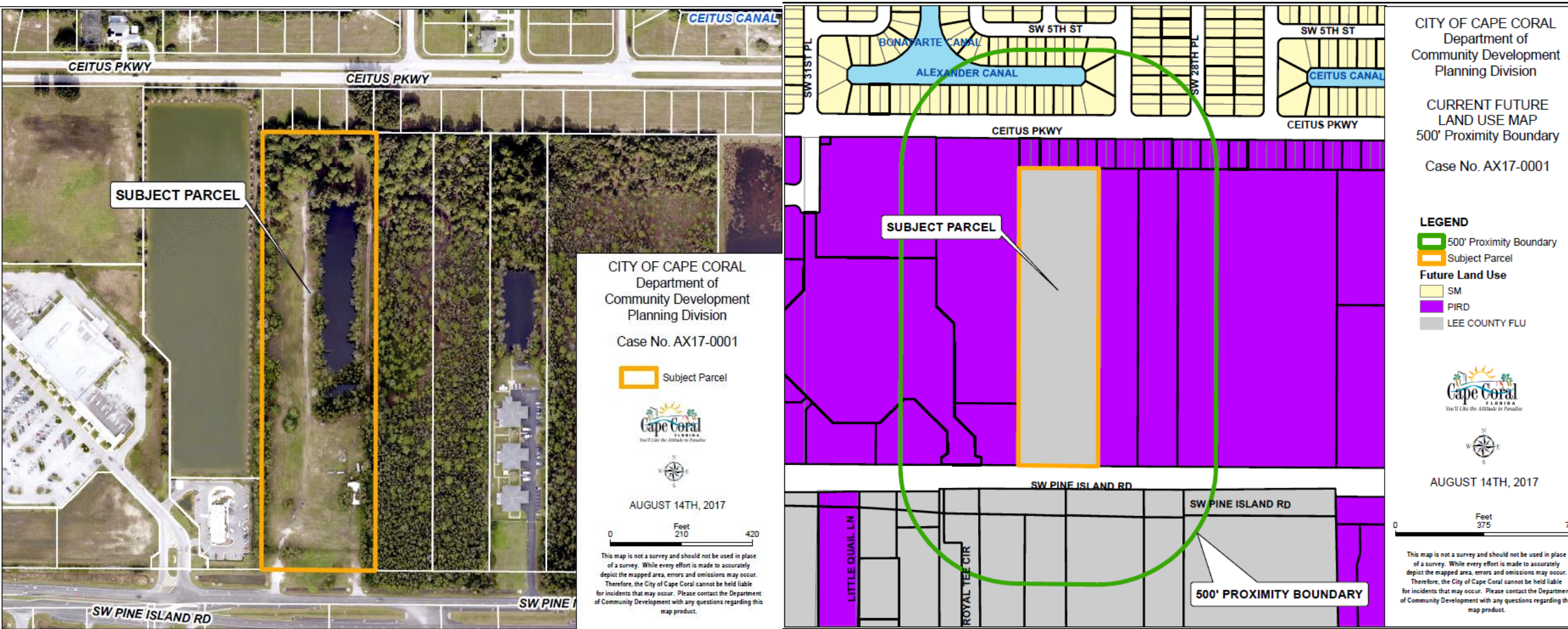


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Exhibit A

# Ordinance 49-17/AX17-00001

## Location: 3850-3926 Pine Island Road NW



# **Ordinance 49-17/AX17-00001**

- **Applicant: Day One, LLC**
- **Request: City to annex one parcel ( $\pm 9.72$  acres) into the City of Cape Coral**
- **Purpose: To eventually apply City regulations to the annexed properties**
- **Property consists of an enclave, that was created in 1971**

# **Ordinance 49-17**

## **Summary and Recommendations**

- **Will need to follow up with FLUM and rezoning; properties retain County land use and zoning after annexation**
- **Applicant has submitted FLUMA and zoning, anticipate public hearings in October and November**
- **Staff recommends Approval**



**STAFF REPORT**

AX17-0001

Day One, LLC

DOCKET/CASE/APPLICATION NUMBER

Wyatt Daltrey, AICP, Planning Team

Coordinator (239) 573-3160,

wdaltrey@capecoral.net

APPLICANT/PROPERTY OWNER

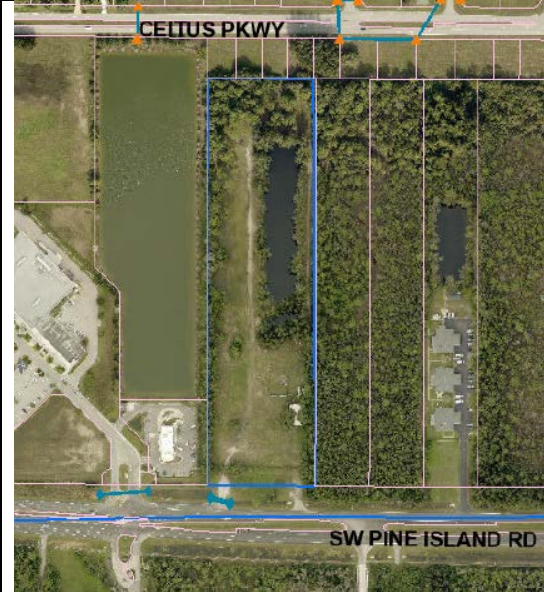
2915 SW Pine Island Road

STAFF PLANNER

PROPERTY ADDRESS/LOCATION

**BRIEF SUMMARY OF REQUEST**

**Privately-initiated annexation request to voluntarily annex one property (9.72 acres) from Lee County jurisdiction into the City of Cape Coral pursuant to Section 171.044, F.S.**



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	PROPOSED LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
Agriculture-2 (Lee County)	Rural (Lee County)	N/A	Vacant	9.72 acres

**STAFF RECOMMENDATION****APPROVE****DENY**

<b>Compatibility with the Comprehensive Plan:</b>	<b>PROPERTY HISTORY</b> Vacant site has been enclave (area surrounded by municipality) since incorporation of Cape Coral in 1970. Property initially included in incorporation, but was removed in 1971 per judicial order.
<b>Positive Aspects of Application:</b>	<ul style="list-style-type: none"> <li>Removes enclave</li> <li>Promotes consistent development regulations along major commercial corridor</li> <li>Site is larger than most commercial sites in Cape Coral</li> </ul>
<b>Negative Aspects of Application:</b>	<ul style="list-style-type: none"> <li>Wetlands may be located on site</li> </ul>
<b>Mitigating Factors:</b>	<ul style="list-style-type: none"> <li>Wetland determinations would be undertaken during development stage</li> </ul>

**Location:** Southwest Cape Coral. Unplatted Tract.  
See Attachment A for legal description.

<b>STRAP Number</b>	<b>Block</b>	<b>Lot</b>	<b>Site Address</b>
17-44-23-00-00020.0000			2915 SW Pine Island Road

**Area:** ±9.72 acres

<b>Subject Property:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>Current:</i>	Rural (Lee County)	AG-2 (Lee County)
<i>Proposed:</i>	Pine Island Road District (upcoming, separate case)	Corridor (upcoming, separate case)
	<b>Surrounding Future Land Use</b>	<b>Surrounding Zoning</b>
<i>North:</i>	Pine Island Road District (PIRD) and Single Family/Multi-Family by PDP (SM)	Commerce Park Overlay within the Corridor District (CPO) and Single-Family Residential (R-1B)
<i>South:</i>	Rural (Lee County)	AG-2 (Lee County)
<i>East:</i>	PIRD	CPO
<i>West:</i>	PIRD	Village (VILL)

**Urban Service Area:** Transition

**City Water and Sewer:** The area is adjacent to City water and sewer.

**Type of Street Access:** The site is accessible from Pine Island Road (SR 78, a principal arterial).

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## **Land Use Analysis:**

### **BACKGROUND**

In 1970, the property was initially incorporated into the City of Cape Coral. After incorporation, several property owners entered litigation challenging the incorporation, stating that their properties would receive no benefit from incorporation due to their location, the fact that they were not part of the Cape Coral Subdivision, and the distance from developed portions of Cape Coral (at that time). In 1971, a judgement was made whereupon some of the sites were incorporated into Cape Coral, while others, including the site in question, were removed from Cape Coral, to remain as enclaves under Lee County jurisdiction.

In the past forty years, this area of Cape Coral had begun to develop, as indicated by major infrastructure improvements in the area: the widening of Pine Island Road (SR 78) and Burnt Store Road to four lanes, and the imminent provision of utilities through the Utility Expansion Project North 2. Furthermore, the adjacent property to the west had developed as a shopping center, demonstrating that those findings which led to the site being retained as an enclave were no longer relevant.

The future use of this undeveloped site is yet to be determined. The 9.72-acres site is attractive to Cape Coral, as sites of that size are relatively rare for a pre-platted community. The future use of the site will be determined through future land use amendment and rezoning ordinances. These are separate processes, and in this case, the applicant wishes to forego the usual series of public hearings and proceed with the annexation, future land use map amendment, and rezoning simultaneously. This could greatly lessen the timeline to bring the property in to compliance with City processes and establish city land use and zoning controls for future development.

### **Additional Site Information**

#### **Protected Species**

No protected species have been identified in the vicinity. The City requires species surveys prior to issuance of City of Cape Coral permits or development approvals, in accordance with the Conservation and Coastal Management Element of the Comprehensive Plan.

Should additional protected species be identified on the property as part of the development review of the site, the City will abide by Policy 1.2.5 of the Conservation and Coastal Management Element, which states:

“Policy 1.2.5: The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested.”

#### **Utilities**

The undeveloped site is surrounded by property in the Urban Services Transition area as designated by the City Comprehensive Plan, and would be included in the Transition Area upon annexation. Utilities are located nearby.

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### Soils and Drainage

The site has one soil classification; Wabasso Fine Sand. This soil has limitations for development, which are typically overcome using various engineering solutions such as importing fill. The soil types should not present an obstacle to future land development although special feasibility studies may be required.

## **Impact Assessment Summary**

### **Impact Assessment Summary:**

The following calculations summarize approximate conditions for each municipal service analyzed. A more complete analysis of each service is included in the text that follows the calculations. To determine the impact assessment, we used the current County land use and zoning designations to determine the existing impacts. Using the maximum allowed density, the purpose of this section is to determine the impact of annexing this property, with consideration of the maximum County-allowed density (thus developing the worst-case scenario analysis of the impacts involved with this annexation). Therefore, the impacts discussed in this assessment do not necessarily reflect the actual amount of dwelling units, population, traffic, etc.

The existing land use classification for these parcels within unincorporated Lee County is "Rural." The zoning is Agriculture-2 (AG-2). The maximum density permitted under the Rural future land use classification is 1 dwelling units per acre. As discussed in the analysis section, it takes a separate City process to change the land use and zoning to City standards<sup>1</sup>. To summarize the Florida Statute, in the period between annexation and amending the land use and zoning designations for newly annexed property, the designations that previously applied before annexation would still apply.

#### Type: **Dwelling Units**

Under Existing  
Zoning: 9 (9.72 acres of Open Lands classification x 1 dwelling unit (DU)/acre)

#### Type: **Population\***

Under Existing  
Zoning: 22

\* 2.54 persons/household = avg. household size; 2010 Census

#### Type: **Water Use**

Existing Generation: 1,800 gal/day  
Facility Capacity: 30.1 MGD  
Permitted Usage: 16.9 MGD  
Avg. Daily Usage: 12.0 MGD

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<sup>1</sup> Florida Statute 171.062(2)

The City has been permitted water withdrawals not to exceed 16.93 million gallons per day. The potable water consumed by development permitted by future land use amendments would be evaluated as part of that review and concurrency requirements would be met. Currently, the subject property is not located in the City's water service area, potable being water provided by the Greater Pine Island Water Association.

Type: **Sewage**

Existing Generation: 1,800 gal/day  
Facility Capacity: 28.4 MGD  
Avg. Daily Usage: 12.0 MGD

The wastewater generated by development permitted by future land use amendments would be evaluated as part of that review and concurrency requirements would be met. Although nearby properties to the east will be connected on the City's centralized wastewater system within the next two years, currently, none of the subject properties are located in the City's wastewater service area and instead, utilize septic tanks.

Type: **Solid Waste**

Existing Generation: 104 lbs./day  
Facility Capacity: 1,836 tons/day  
Existing Demand: 1,384 tons/day  
Capacity Available: Yes.

Type: **Traffic/Daily Trips**

Existing Generation: 9 AM peak trips/hour and 9 PM peak trips/hour  
Facility Capacity: Pine Island Road, a principal arterial roadway, passes by the site to the south.  
Capacity Available: Yes.

The traffic generated by development permitted by future land use amendments would be evaluated as part of that review and concurrency requirements would be met.

Type: **Fire Response Capacity**

City fire resources can support this annexation.

Type: **Police Resource Capacity**

City police resources can support this annexation.

## **Development Impact Analysis**

### **Hurricane Evacuation**

The subject area is in Evacuation Zone B. However, no residential dwelling units are anticipated to be constructed in this area, thus having no impact on hurricane evacuation times.

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### Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. With no dwelling units present to be added based on the proposed annexation, there is no increase on park demand.

### Protected Species

The City requires an environmental survey prior to the issuance of any land clearing, site clearing, or development permits. Any future land alteration activities will be preceded by the completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results of the environmental survey, City, state, or federal protective or mitigation measures may be required by the developer to proceed.

### **Recommendation:**

The City has undertaken a number of initiatives over the past decade to provide additional opportunities for commercial and industrial development which include:

1. Creation of the Pine Island Road District and related zoning districts, Village and Corridor – to promote high quality commercial and mixed-use development;
2. New zoning districts for the downtown Community Redevelopment Area to foster an urban downtown – retail and office with compound buildings supporting mixed use;
3. Commercial Activity Center and Mixed Use Preserve land use districts which could provide new opportunities for high quality commercial and mixed use development, while discouraging residential at prime commercial locations;
4. Amendments to the existing Mixed Use land use classification - mandating a minimum percentage of commercial development and allowing non-residential mixed use developments;
5. New zoning districts within the City Hall area to foster office and retail space consistent with a “public government center;”
6. Commerce Park Overlay to increase light industrial opportunities at suitable locations within the Corridor District; and
7. Financial incentives provided through the City Economic Development Office to assist in assemblage of land for commercial and industrial development.

Clearly the City has been proactive in efforts to secure land appropriate for non-residential development. Selective annexations of properties, particularly enclaves, may serve as an eighth strategy by which additional opportunities for commercial development may be achieved. This was reflected in the economic study prepared by Paul Van Buskirk for the Economic Development office in 2012. Overall, the proposed annexation provides benefits which outweigh the costs of serving an additional 9.72 acres.

Due to the opportunities for non-residential development provided by this annexation and the City’s need for more commercial, professional, and mixed-use lands, Planning Division staff recommends **approval** of the proposed annexation.

**Case Staff:** Wyatt Daltry, AICP, Planning Team Coordinator

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CEITUS PKWY

CEITUS PKWY

SUBJECT PARCEL

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. AX17-0001



Subject Parcel



AUGUST 14TH, 2017

0 Feet 210 420

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SW PINE ISLAND RD

SW PINE I




CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT FUTURE  
LAND USE MAP  
500' Proximity Boundary


Case No. AX17-0001

**LEGEND**


 500' Proximity Boundary

 Subject Parcel

**Future Land Use**

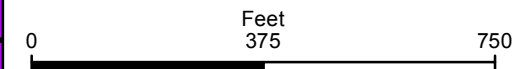
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 PIRD

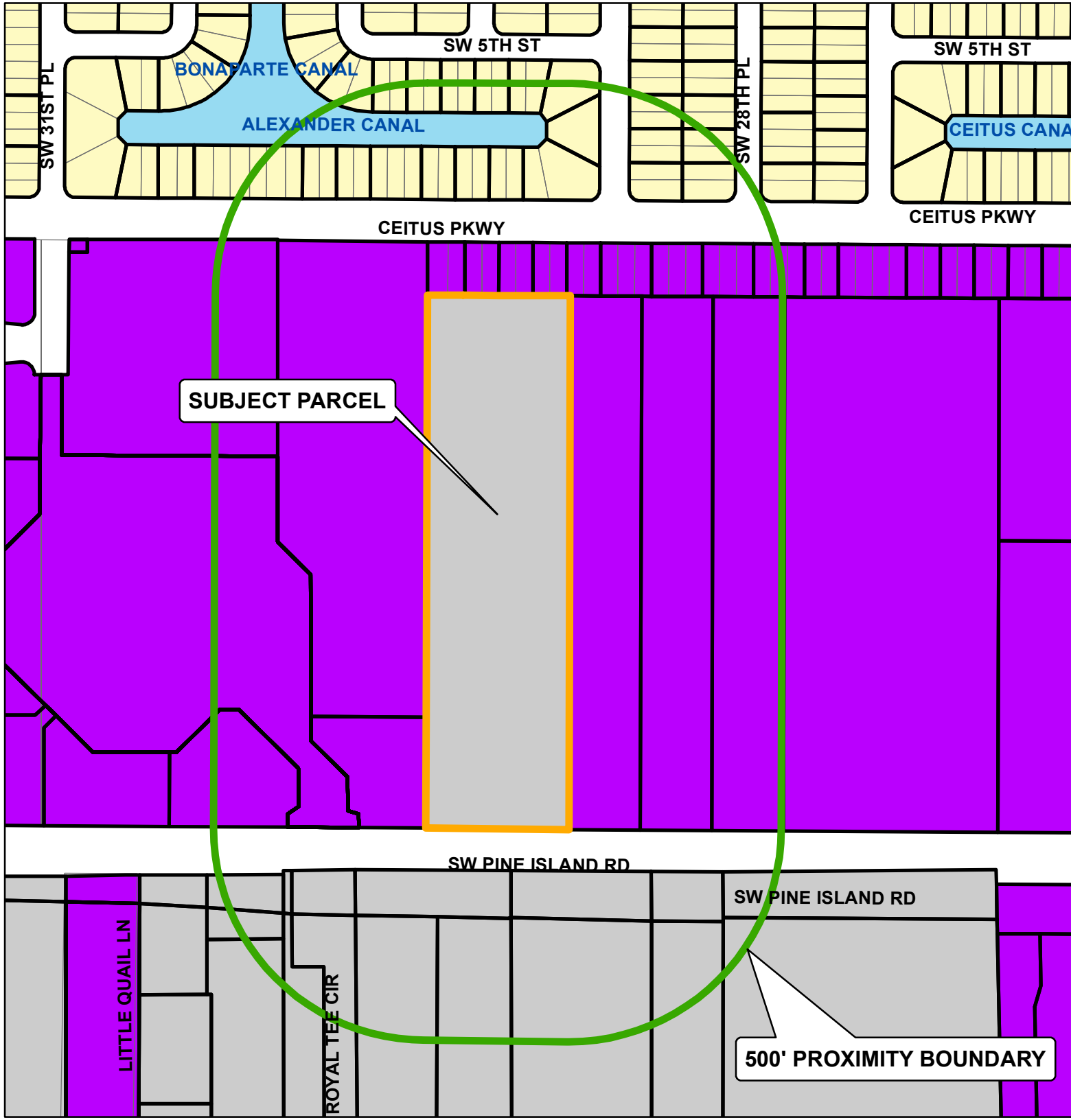
 LEE COUNTY FLU



AUGUST 14TH, 2017



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Buffer

Case No. AX17-0001

**LEGEND**

 500' Proximity Boundary


 Subject Parcel

**Zoning**

 CORR

 CPO

 R-1B

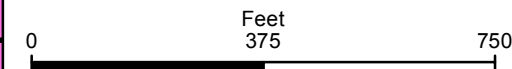
 RD

 VILL

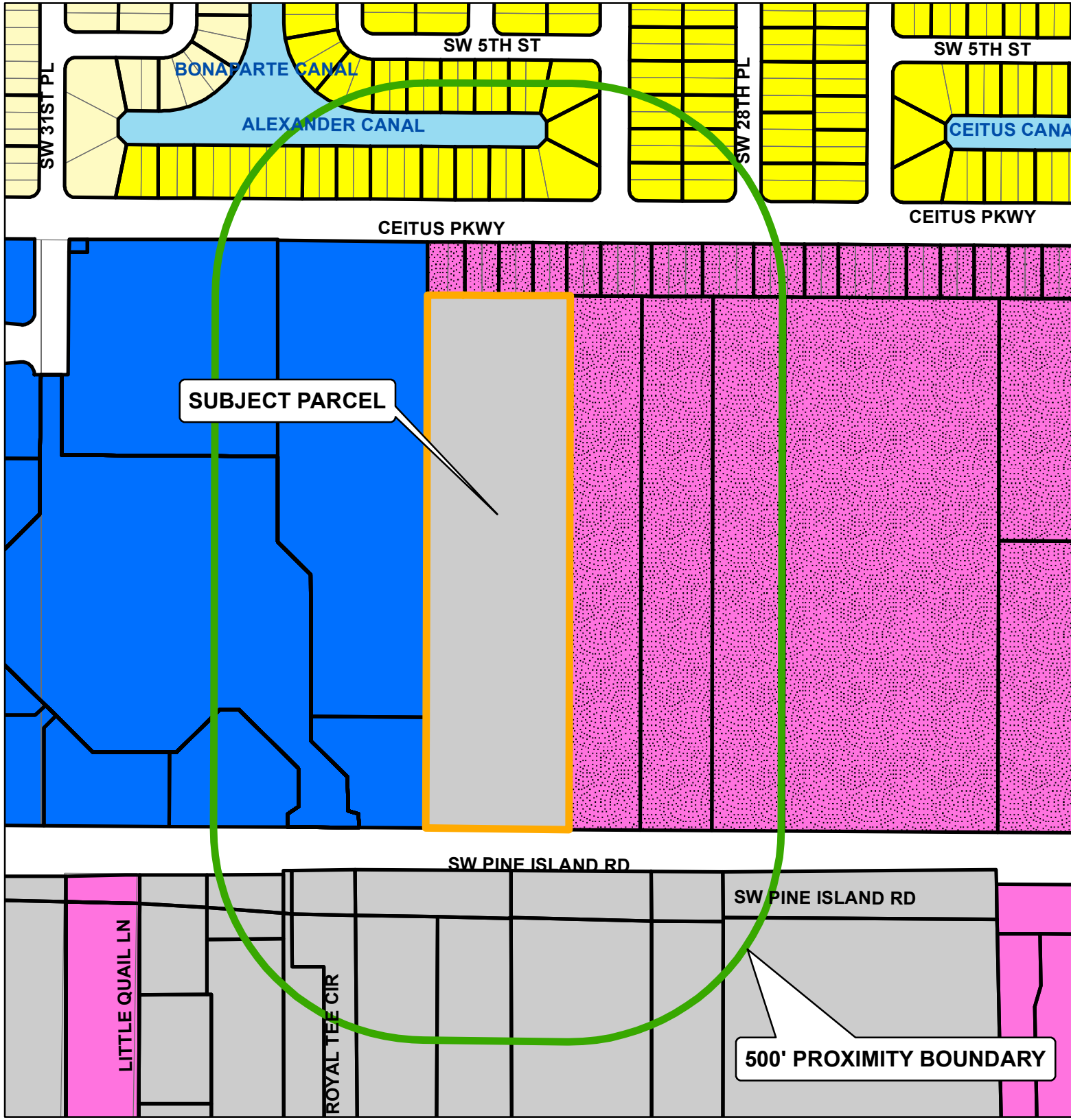
 LEE COUNTY ZONING



AUGUST 14TH, 2017



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<b>Item Number:</b>	<b>10.A.</b>
<b>Meeting Date:</b>	<b>9/18/2017</b>
<b>Item Type:</b>	<b>UNFINISHED BUSINESS</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Water Quality - Update

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. 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?

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division-    Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> Water Quality Memo	Backup Material



**MEMORANDUM**

CITY OF CAPE CORAL  
PUBLIC WORKS DEPARTMENT

TO: Mayor Sawicki and Council Members

FROM: Paul Clinghan, Public Works Director *PRC*  
Connie Jarvis, Environmental Resources Manager *(10)*

DATE: September 15, 2017

SUBJECT: Lake Okeechobee Level and Release Information 09/15/2017

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As of Thursday, September 14, 2017, the elevation of Lake Okeechobee was 15.03 feet. Inflows into the lake were 33,737 cfs, total outflows were not available. Current discharges at S-77 were 69 cfs, and 11,328 cfs at S-79.

The Corps will initiate flows from the Lake to the Caloosahatchee as soon as capacity exists downstream, as of the attached September 14, 2017 news release.

Salinities in the river near Fort Myers were 0.1 PSU. Salinities at Shell Point were 14.7PSU.

Red tide was not detected in Lee County as of last week.

Attached is a map showing the position of Caloosahatchee River Locks.

PC/CJ: ol (Weekly Lake Okeechobee Level and Release Information 09/15/2017)  
Attachment; Caloosahatchee River Locks map, USACE 9/14/2017 news release



# NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS | Jacksonville District

BUILDING STRONG.

Release No.: NR 17-047

For Release: September 14, 2017

Contact: John Campbell

Phone: (904) 232-1004

Email: [John.H.Campbell@usace.army.mil](mailto:John.H.Campbell@usace.army.mil)

FAX: (904) 232-2237

## FOR IMMEDIATE RELEASE

### Corps to resume flows from Lake Okeechobee

The U.S. Army Corps of Engineers Jacksonville District will resume flows from Lake Okeechobee in an effort to stem the rise in water level resulting from Hurricane Irma.

Starting Friday (Sept. 15), the Corps will release as much water as practical through the spillway at Port Mayaca Lock & Dam (S-308) located on the east side of the lake. Flows will vary based on downstream conditions in the St. Lucie Canal/Estuary.

The Corps will initiate flows from the Lake Okeechobee to the Caloosahatchee Estuary as soon as capacity exists downstream. High tidal cycles are slowing the amount of runoff that can pass through the spillway at W.P. Franklin Lock & Dam (S-79) near Fort Myers. Releasing water now could aggravate flooding of properties along the Caloosahatchee River.

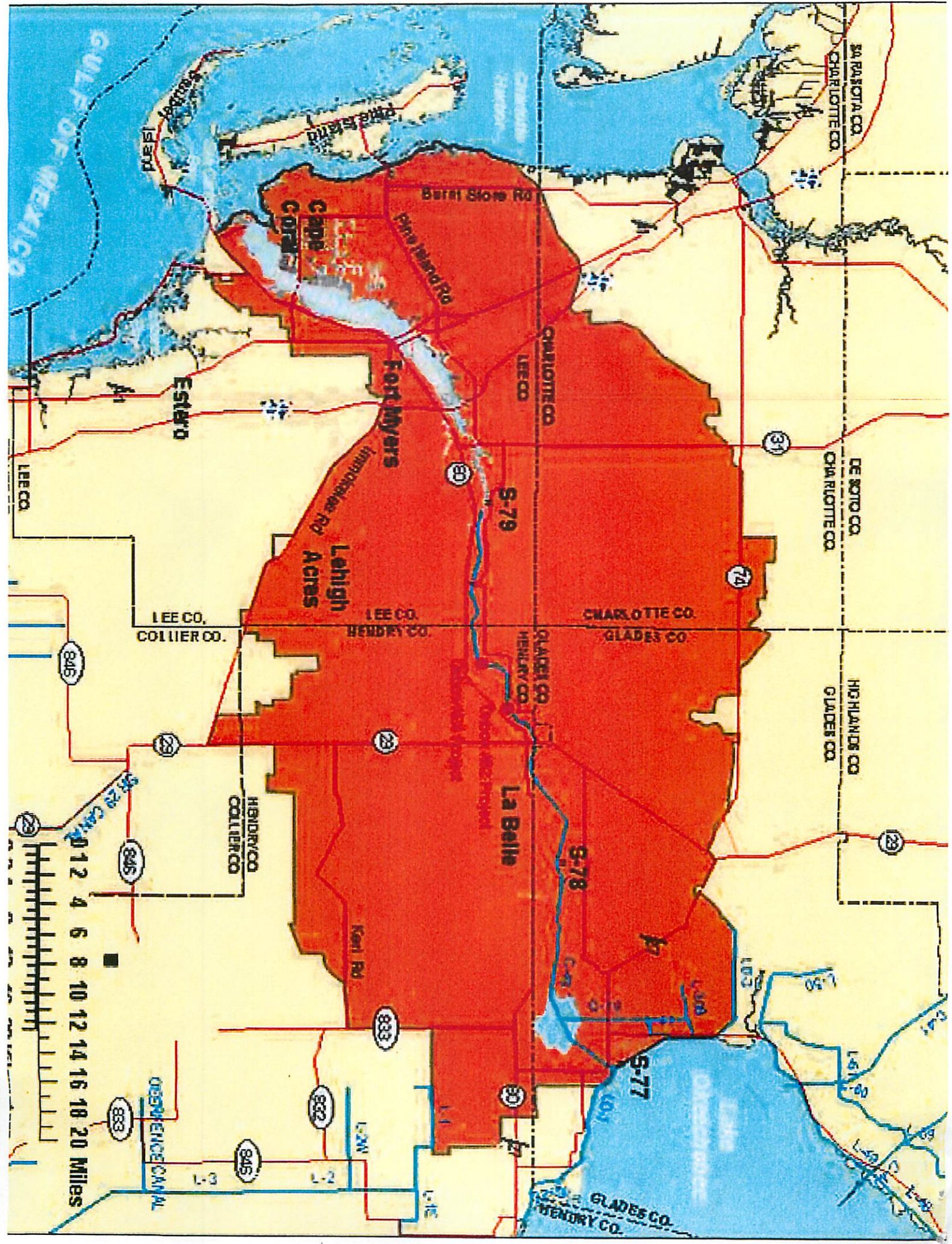
"The lake has risen rapidly over the past week," said Col. Jason Kirk, Jacksonville District Commander. "With projected inflows, Lake O will rise to around 17 feet. The outflows we will begin tomorrow morning will help stem that rise though it will not stop it. With so much of hurricane season remaining, we want to slow the rise to the extent possible so we retain storage for future events."

Today, the lake stage is 14.83 feet and rising. Depending on runoff and other factors, the Corps could achieve flows from the lake between 2,000 and 4,000 cubic feet per second (cfs). Water managers will continue to give priority for accumulated runoff and high tides to reduce potential for flooding of nearby property owners.

For more information on water level and flows data for Lake Okeechobee, visit the Corps' water management website at <http://www.saj.usace.army.mil/Missions/CivilWorks/WaterManagement.aspx>.

-30-







**Item Number: 11.A.**  
**Meeting Date: 9/18/2017**  
**Item Type: NEW BUSINESS**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Fiscal Year 2017 Utilities Rate Sufficiency Analysis Update

**REQUESTED ACTION:**

Informational

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**ELEMENT B:** ENHANCE FINANCIAL SUSTAINABILITY DURING ALL ECONOMIC TIMES

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

N/A

**SUMMARY EXPLANATION AND BACKGROUND:**

- 1) Historically, Stantec's FAMS Model updates the City's annual Rate Sufficiency Analysis for the City's Utility services that measures the sufficiency of its revenues to meet all current and projected financial requirements over a multi-year projection period.
- 2) The annual analysis assists the City in determining the appropriate level of rate revenue each year to provide sufficient revenues to fund all of the Utility's requirements, including operating expenses, capital costs, and debt service requirements.
- 3) Stantec will provide a power point presentation regarding the recent 2017 Annual Revenue Sufficiency Analysis and will discuss potential rate adjustments to water, sewer and irrigation fees.
- 4) Council Resolution 35-13 indicated that water, wastewater and irrigation rates will remain in effect until otherwise amended by Council.

**LEGAL REVIEW:**

N/A

**EXHIBITS:**

1. Memorandum - FY17 Utilities Rate Sufficiency Analysis Update
2. Presentation - Cape Coral FY 2017 RSA
3. FY 2017 Utility Revenue Sufficiency Analysis

**PREPARED BY:**

Amy Burdier, Senior Administrative  
Specialist

Division- Administration

Department- Utilities

**SOURCE OF ADDITIONAL INFORMATION:**

Mr. Jeff Pearson, Utilities Director

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Memorandum - FY17 Utilities Rate Sufficiency Analysis Update	Backup Material
▣ Presentation - Cape Coral FY 2017 RSA	Backup Material
▣ FY 2017 Utility Revenue Sufficiency Analysis - Final Report	Backup Material



**MEMORANDUM**

CITY OF CAPE CORAL  
UTILITIES DEPARTMENT

TO: John Szerlag, City Manager

FROM: Jeff Pearson, Utilities Director

DATE: August 31, 2017

SUBJECT: Fiscal Year 2017 Utilities Rate Sufficiency Analysis Update

Attached for your reference is the power point presentation from Stantec's FAMS© Model that is associated with the annual update of the Water & Sewer Revenue Sufficiency Study. At this time, no rate adjustments are projected for the FY 2018 water, wastewater and irrigation rates. The five (5) year forecast beginning FY 2018 in the rate model follows:

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
As Adopted Res 35-13 Sept. 2013	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Current FY 2017 Rate Sufficiency Analysis Forecast	N/A	0.00%	0.00%	0.00%	0.00%	0.00%

Please note, Resolution 35-13 indicated that water, wastewater and irrigation rates will remain in effect until otherwise amended. Current projections do not identify a need for rate adjustments over the five-year planning period (FY 2018 – FY 2022). Therefore, no formal City Council action is requested. Stantec, the City's rate consulting firm completed the rate structure analysis in 2017. The FY 2017 Utilities Rate Sufficiency Analysis presentation is tentatively scheduled for the September 18, 2017 City Council meeting.

**Attachments**

C: Victoria Bateman, Financial Services Director  
Monte Vavra, Assistant Financial Services Director  
Bill Boyd, Customer and Field Services Manager





# City of Cape Coral

## Utility Revenue Sufficiency Analysis

## City Council Meeting

September 18, 2017

# Executive Summary

## Updated RSA based on most current data

- Includes UEP transmission costs, ERU & CFEC projections as of June
- Current customer, demand, operating, and utility CIP
- Ensure compliance with the terms of existing and new debt

## Current cost comparisons are favorable for typical residential user with water, sewer, and irrigation

## Current projections do not identify need for increases over the planning period

- Projected reserves could be used to reduce debt/rates in the future



# Financial Plan: Key Parameters

## Maintain Sufficient Operating Reserves & Debt Coverage

- Target: 6 months of O&M Expenses (\$24 M in FY 18)
- Target: Net Revenues at least 1.5 times > annual debt service



Indicative of  
a financially  
healthy  
system per  
rating  
agency  
criteria

## Maintain a Manageable Level of Debt

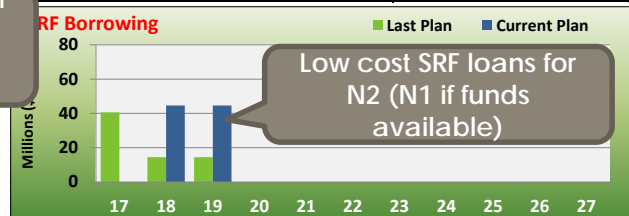
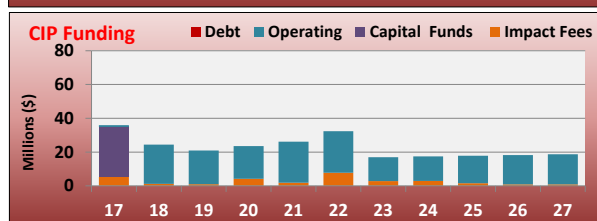
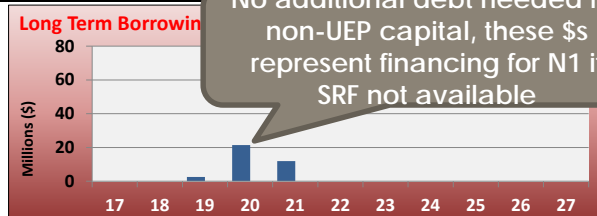
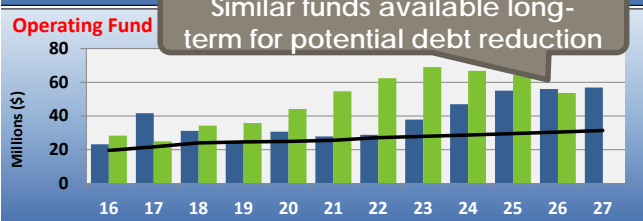
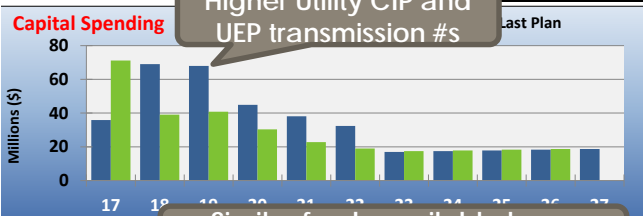
- City has a high-level of debt as measured by ratings agencies
- Goal: no additional long-term borrowing during next ten years (except for UEP)
- Potentially accelerate pay down of existing debt in the future:
  - 2011 & 2011A: additional principal may be redeemed on or after 10/1/22
  - 2015: additional principal may be redeemed on or after 10/1/25

# Financial Management Plan

Blue Bars: FY 2017 Revenue Sufficiency Analysis

Green Bars: FY 2016 Revenue Sufficiency Analysis

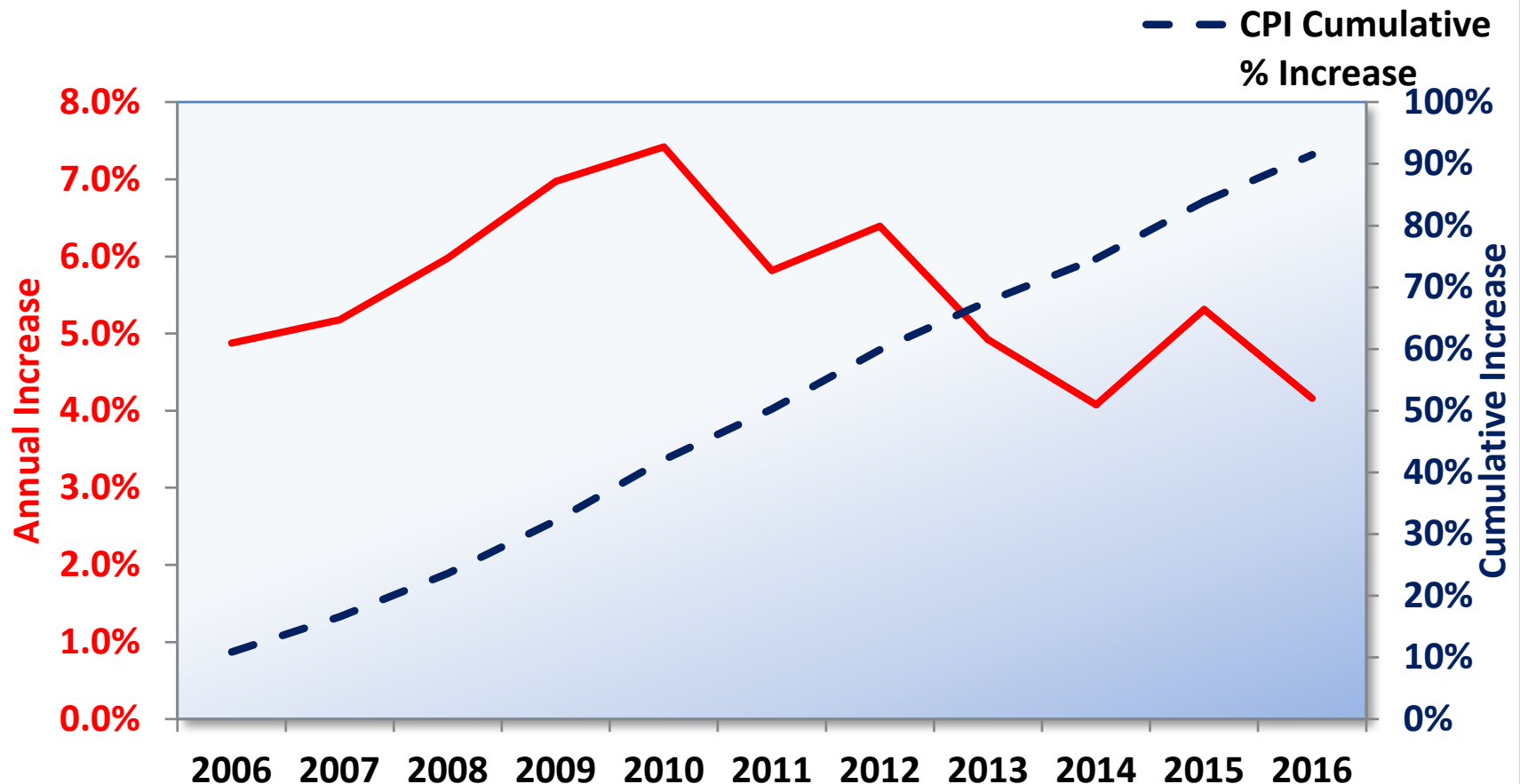
FINANCIAL ANALYSIS AND MANAGEMENT SYSTEM (FAMS) SUMMARY														
No projected rate increases		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Cumulative Change	
			0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	FY 2022	FY 2027
Water Rate Increases		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	Last Plan	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	Override		0.00%	0.00%	Debt coverage > 1.24x; moving towards 1.5X target				0.00%	0.00%	0.00%	0.00%		
Sewer Rate Increases		0.00%	0.00%	0.00%					0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	Last Plan	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Rate Covenant		1.37	1.24	1.25	1.37	1.42	1.34	1.37	1.39	1.40	1.41	1.41	PS FY18	94.0%
	Last Plan	1.26	1.30	1.36	1.42	1.44	1.43	1.43	1.43	1.42	1.41		OMV FY18	80.0%
SRF Coverage		7.03	4.37	2.54	1.53	1.62	1.60	1.77	1.81	2.00	2.05	2.09	OMF FY18	85.0%
	Last Plan	4.87	5.59	1.79	1.55	1.60	1.60	1.59	1.57	1.63	1.59		SW 6/7	Y
CIP \$ Redistribution		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	North 1	Y
CIP Execution % (NON UEP ONLY)		70%	80%	85%	90%	95%	100%	100%	100%	100%	100%	100%	North 2	Y
Net CIP Funding %		70%	80%	85%	90%	95%	100%	100%	100%	100%	100%	100%	North 3	N
Operating Reserve Mo		6	6	6	6	6	6	6	6	6	6	6	North 4	N
Water Irrigation Sewer	\$36.82	\$36.82	36.82	36.82	36.82	36.82	36.82	36.82	36.82	36.82	36.82	36.82	North 5	N
	\$9.50	\$9.50	9.50	9.50	9.50	9.50	9.50	9.50	9.50	9.50	9.50	9.50	North 6	N
	\$66.27	\$66.27	66.27	66.27	66.27	66.27	66.27	66.27	66.27	66.27	66.27	66.27	North 7	N
Average Bill (5,000 gals.)		\$112.59	112.59	112.59	112.59	112.59	112.59	112.59	112.59	112.59	112.59	112.59	North 8	N
Higher Utility CIP and			112.59	112.59	112.59	No additional debt needed for				112.59	112.59	0.00	Check	\$ -





# National Industry Trend

## US CPI - Water & Sewerage Maintenance Series



Measures the national average change in the cost of water and sewer service to households

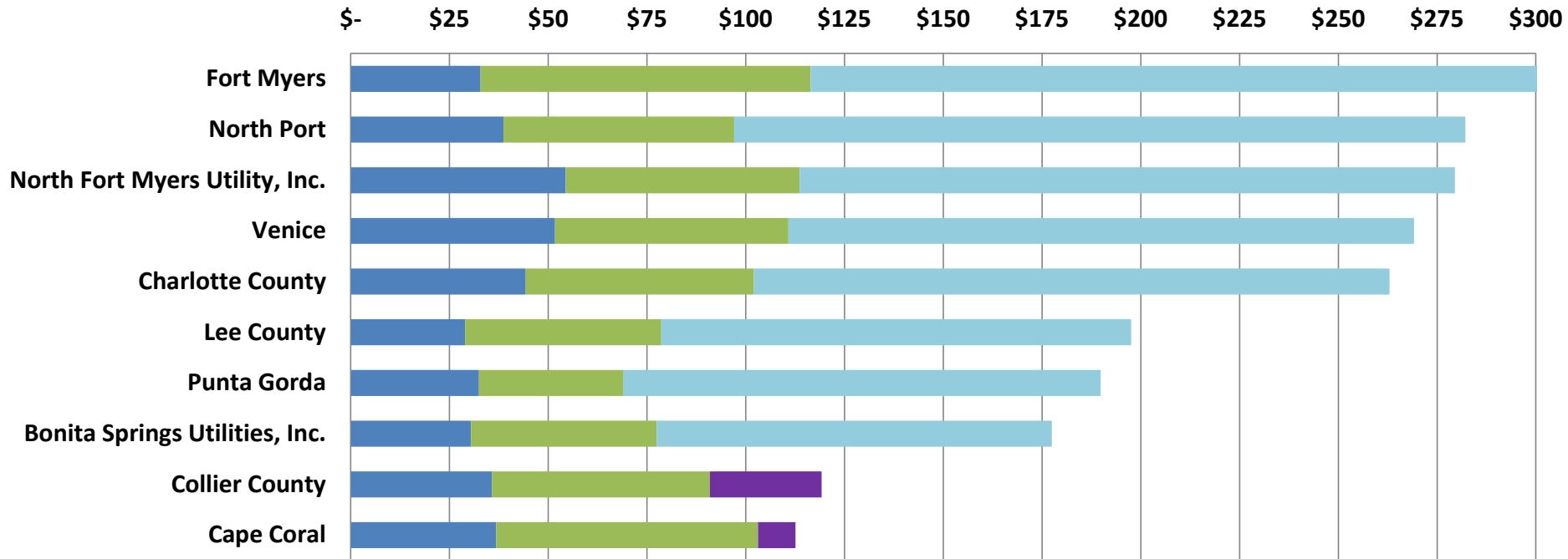
Much more specific and relevant to utilities than overall CPI

10-year average annual increase = 5.7%

# FY 2017 Residential Utility Bill

6

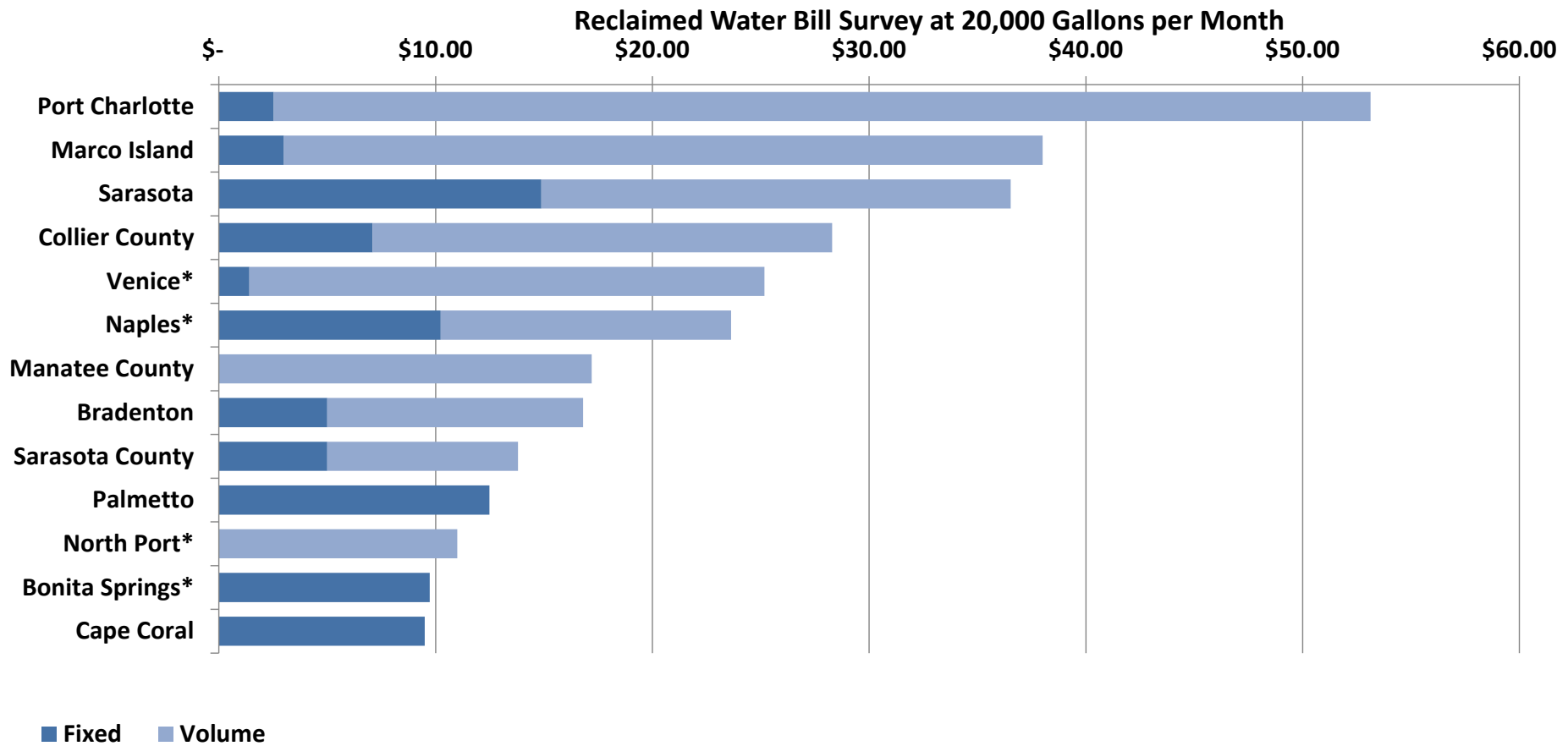
## Combined Water, Wastewater & Irrigation/Reclaimed Bill Survey Water & Wastewater @ 5,000 Gallons Per Month Irrigation or Reclaimed (where available) @ 20,000 Gallons Per Month



	Cape Coral	Collier County	Bonita Springs Utilities, Inc.	Punta Gorda	Lee County	Charlotte County	Venice	North Fort Myers Utility, Inc.	North Port	Fort Myers
Water Bill	\$36.82	\$35.74	\$30.47	\$32.46	\$28.94	\$44.33	\$51.73	\$54.40	\$38.69	\$32.84
Wastewater Bill	\$66.27	\$55.17	\$46.98	\$36.64	\$49.70	\$57.74	\$59.10	\$59.27	\$58.36	\$83.60
Irrigation Bill	\$-	\$-	\$100.03	\$120.76	\$118.91	\$160.88	\$158.35	\$165.85	\$185.08	\$219.50
Reclaimed Bill	\$9.50	\$28.29	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-

# FY 2017 Irrigation (Reclaimed) Rate Survey

7



# Questions and Discussion



City of Cape Coral, FL

FY 2017 Utility Revenue Sufficiency Analysis

Final Report

September 5, 2017







Mr. Jeffrey Pearson  
Utilities Director  
City of Cape Coral  
PO Box 150027  
Cape Coral, FL 33915-0027

Re: FY 2017 Utility Revenue Sufficiency Analysis – Final Report

Dear Mr. Pearson:

Stantec Consulting Services, Inc. is pleased to present this Final Report of the FY 2017 Utility Revenue Sufficiency Analysis that we have performed for the City's Water, Sewer, and Irrigation Utility Systems.

We appreciate the fine assistance provided by you and all of the members of City staff who participated in the analysis.

If you have any questions, please do not hesitate to call Jeff Dykstra (813) 204-3311.

Sincerely,

A blue ink signature of Andrew J. Burnham, written in a cursive style.

Andrew J. Burnham  
Vice President, Financial Services

A blue ink signature of Jeff Dykstra, written in a cursive style.

Jeff Dykstra  
Managing Consultant

Enclosure



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## SECTION 1. INTRODUCTION

The City of Cape Coral (the “City”) has retained Stantec Consulting Services, Inc., (Stantec<sup>1</sup>) to conduct a comprehensive Utility Revenue Sufficiency Analysis (RSA) for its Water, Sewer, and Irrigation Utility Systems (Utility). This report describes in detail the assumptions, procedures and results, as well as the conclusions and recommendations of the RSA.

### 1.1 BACKGROUND & OBJECTIVES

The Utility historically has had Stantec perform on an annual independent review of the sufficiency of the revenue provided by its current rates to meet all current and projected financial requirements over a multi-year projections period, including operating expenses, capital costs, and debt service requirements.

City staff has developed a three-year projection of its operating cost requirements as part of the FY 2018 budget development process, and developed an updated multi-year capital improvement program (CIP). Additionally, in 2016 the City updated its UEP Master Plan which modified the parameters of the Base UEP and in 2017 further updated projected costs and timing of construction, initial service dates for certain areas, and financing terms for the transmission infrastructure in North Areas 1 & 2. As such, the City has again engaged Stantec to perform an updated RSA based upon current data and assumptions in order to evaluate the adequacy of the revenue provided by its current rates to meet its current and projected cost requirements.

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<sup>1</sup> Stantec acquired Burton & Associates and Hawksley Consulting in 2016.

## SECTION 2. BASE DATA & ASSUMPTIONS

The RSA identified the level of annual water, sewer, and irrigation rate revenue (and, therefore, rate adjustments) required over a near-term planning period (FY 2018 – FY 2022) and long-term projection period (FY 2018 – FY 2027) to meet all of the Utility's updated financial requirements, including current data, assumptions, and parameters of the Base UEP (i.e. water, sewer, and irrigation services in the Southwest Areas 6/7 and North Areas 1 & 2). This section of the Report describes the base data and assumptions utilized during development of the RSA.

### 2.1 BASE DATA

The RSA was performed using both historical and projected information. Historical financial information for FY 2016 was provided by City staff in order to establish the beginning FY 2017 balances for each of the various funds for the Utility. It is important to note that funds reserved or encumbered for specific capital projects were included in the beginning fund balances and restricted for capital, while the associated capital project costs were included in the CIP.

The revenue utilized in the RSA consists of retail rate revenue, interest earnings, system development charges and betterment fee revenue, and other minor revenue from miscellaneous service charges. Future rate revenue is based upon forecasted FY 2017 results<sup>2</sup> adjusted annually to reflect additional revenue from assumed rate increases and customer growth. All other future projections of non-rate revenues were based upon the amounts identified in the FY 2017

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<sup>2</sup> Reflects straight line extrapolation from 6 months of unaudited actual results plus the addition of new UEP ERU's paying fixed charges and paying usage charges of approximately 4,000 gallons per month.

Approved Budget and FY 2018 thru FY 2020 Proposed Budgets, excluding water and sewer impact and betterment fee revenue<sup>3</sup> and interest earnings<sup>4</sup>.

The operating expenditure requirements (inclusive of all operating and maintenance (O&M) expenses, debt service requirements, inter-fund transfers, and minor capital outlay requirements) for FY 2018 thru FY 2020 reflects the information provided by City staff prepared as part of the FY 2018 budget development process. Each year thereafter, operating expenditure requirements equal prior year projections adjusted for assumed cost escalation factors. Annual debt service requirements are per the repayment amortization schedules of each outstanding debt issuance. The capital program utilized in the RSA was provided by City staff and is presented in project-level detail by year on Schedule 4 in the Appendix.

## 2.2 ASSUMPTIONS

Key assumptions and parameters utilized in the RSA are as follows:

### 2.2.1 ADJUSTMENTS TO REVENUES & EXPENDITURES

Two adjustments were made to the projections of future revenue and expenditures described in the preceding sub-section. All adjustments extend through the remainder of the projection period (unless otherwise noted) and are adjusted annually based upon assumed cost escalation factors. These adjustments include:

- A grant for the River Crossing Project: \$790,135 in FY 2017, and
- Incremental O&M for the purchase of 6 million gallons per day (MGD) of reclaimed water from the City of Fort Myers: \$1,900,000 starting in FY 2022

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<sup>3</sup> Calculated annually based upon the projected number of new connections and current fees.

<sup>4</sup> Calculated annually based upon projected average fund balances and assumed interest rates.



### 2.2.2 COST ESCALATION & SPENDING ASSUMPTIONS

Annual cost escalation factors for the various types of O&M expenses were discussed with City staff and applied in each year of the projection period beginning in FY 2021. These specific factors are presented on Schedule 2 included in the Appendix of this Report and are based upon City staff and management input, recent history, industry trends, and current known and measurable factors/circumstances.

Additionally, we analyzed historical O&M spending versus budget each year since FY 2010. Based upon this analysis, as well as discussions with City staff, the following spending execution rates were assumed in each year of the forecast:

- Personal Services: 91% of Budget/projections in FY 2017, 94% for the remainder of the forecast,
- Variable O&M: 75% of Budget/projections in FY 2017, 80% for the remainder of the forecast,
- Fixed O&M: 85% of Budget/projections throughout the forecast, and
- Minor Capital Outlay: 70% of Budget/projections in FY 2017, 90% for the remainder of the forecast

### 2.2.3 GROWTH

Forecasted new water, sewer, and irrigation connections were based upon a review of 8 years of historical data and discussions with City staff. This RSA reflects future annual growth rates in ERUs (excluding UEP ERUs) of about 1.50% annually from FY 2018 – FY 2027. The specific annual growth assumed in the RSA is presented on Schedule 1 of Appendix A of this Report. The annual growth in the irrigation system is assumed to equal 80% of the growth in the water system, while City staff provided separate growth schedules for the additional connections resulting from the UEP in the North 1 and North 2 areas which are included in this analysis.

#### 2.2.4 BASE UEP PARAMETERS

The parameters of the Base UEP, as well as potential future UEP areas, are reflected in the RSA as presented on Schedules 12 in the Appendix of this Report. The following summarizes the key assumptions:

- Water, sewer, and irrigation services began FY 2016 for the Southwest 6/7 areas.
- Water, sewer, and irrigation services will begin in FY 2020 for the North 2 area and in FY 2022 for the North 1 area.
- Capital Facility Expansion Charges (CFEC's) will be imposed on all properties for costs associated with the construction and expansion of the City's water and sewer facilities, as well as for the capacity reserved in such facilities.
- Property owners that pre-pay their CFEC will receive a 20% discount, and it is assumed that 15% of properties in the Base UEP will prepay their CFEC.
- For property owners that do not elect to pre-pay the CFEC, it will be collected over a term of 6 years at an annual interest rate of 3% (before 1% coverage factor).
- 5% non-collection is assumed for property owners who choose to finance their CFEC (based upon City staff review of the current utility special assessment collection rate in existing UEP areas)<sup>5</sup>.

#### 2.2.5 INTEREST INCOME

Annual interest income was calculated based upon average projected fund balances and assumed earning rates on invested funds of 0.75% in FY 2017 and

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<sup>5</sup> The non-collection assumption was applied equally to the improved and unimproved properties in each Base UEP area, as no distinction of improved versus unimproved non-collection was required for the RSA.

FY 2018, 1% in FY 2019 and FY 2020, 1.25% in FY 2021, and 1.50% in FY 2022 and each year thereafter.

#### **2.2.6 IMPACT FEES**

Impact fee revenues are calculated annually based upon the projection of equivalent residential units added to the water, sewer, and irrigation systems and the appropriate impact fee. It is assumed 100% of projected new connections provide cash impact fees and that 100% of the existing non-UEP SRF loan debt service can be paid for with sewer impact fee revenue.

#### **2.2.7 CAPITAL IMPROVEMENT PROGRAM**

The Utility's multi-year CIP was provided by City staff through FY 2022, in project-level detail. For the remaining years of the projection period, unspecified future capital improvement cost allowances were included, so as to provide a reasonable level of annual spending consistent with City staff's expectations for future capital requirements. City staff also confirmed the capital cost estimates associated with the North 1 & 2 UEP areas. All UEP data provided by City staff is presented on Schedules 12 through 14 in the Appendix of this Report.

#### **2.2.8 PENDING FINANCINGS**

This RSA includes a financing plan for the UEP that includes an interim financing bank loan for the transmission related expenses of the North 2 area of the UEP that will be paid off and refinanced with an SRF loan as such funds are available. Based upon the City's discussions with the Florida Department of Environmental Protection, the annual availability of future SRF loans in the magnitude requested by the City for the North 1 and 2 UEP areas may not be available. As such, the RSA also includes a long-term loan or bond to provide funding for the transmission related expenses of the North 1 area of the UEP. SRF loans are the City's preferred method of financing for the UEP and will be utilized to the extent that they are available.

The RSA reflects an estimated \$89.3 million in SRF loan proceeds anticipated to provide the funding for the transmission related expenses of the North 2 Area of the Base UEP. It is assumed that all SRF loans will reflect a 20-year repayment term

that begins upon completion of construction. As such, the RSA reflects estimated annual SRF debt service of approximately \$5.5 million for the North 2 Area starting in FY 2020.

It is estimated that the City will issue \$35.7 million in senior lien debt to fund the transmission related expenses in the North 1 Area of the Base UEP. It is assumed that the bond will be amortized over 30 years and includes issuance costs and one-year of debt service reserve. As such, the RSA reflects estimated annual debt service of approximately \$2.6 million.

### **2.2.9 FUTURE BORROWING ASSUMPTIONS**

Beyond what has been described herein for the financing of the North 1 and North 2 UEP areas, no additional future borrowing requirements are assumed during projection period to fund the remainder of the Utility's CIP.

### **2.2.10 DEBT SERVICE AND COVERAGE**

The debt service coverage tests required by the Utility's outstanding bond/loan covenants are:

- Rate Covenant – Net income must be at least 1.00 times annual debt service AND net income plus impact fees must be at least 1.20 times annual debt service.
- SRF Coverage – Net income less senior lien debt service including coverage must be at least 1.15 times annual SRF debt service.

These coverage requirements are minimum requirements. To the extent that a utility is unable to meet these requirements (as the City did in FY 2008), it could be found in technical default and would potentially have its credit rating downgraded, which would affect the interest rates and terms of future financing initiatives. As a policy decision, utilities often measure revenue sufficiency and set rates based upon a higher coverage level so as to ensure compliance with these covenants in the event future projections of revenue and expenses do not occur as predicted. As such, the RSA reflects a minimum target debt service coverage ratio of 1.25 with a long-term goal of 1.50.

### **2.2.11 MINIMUM OPERATING RESERVE**

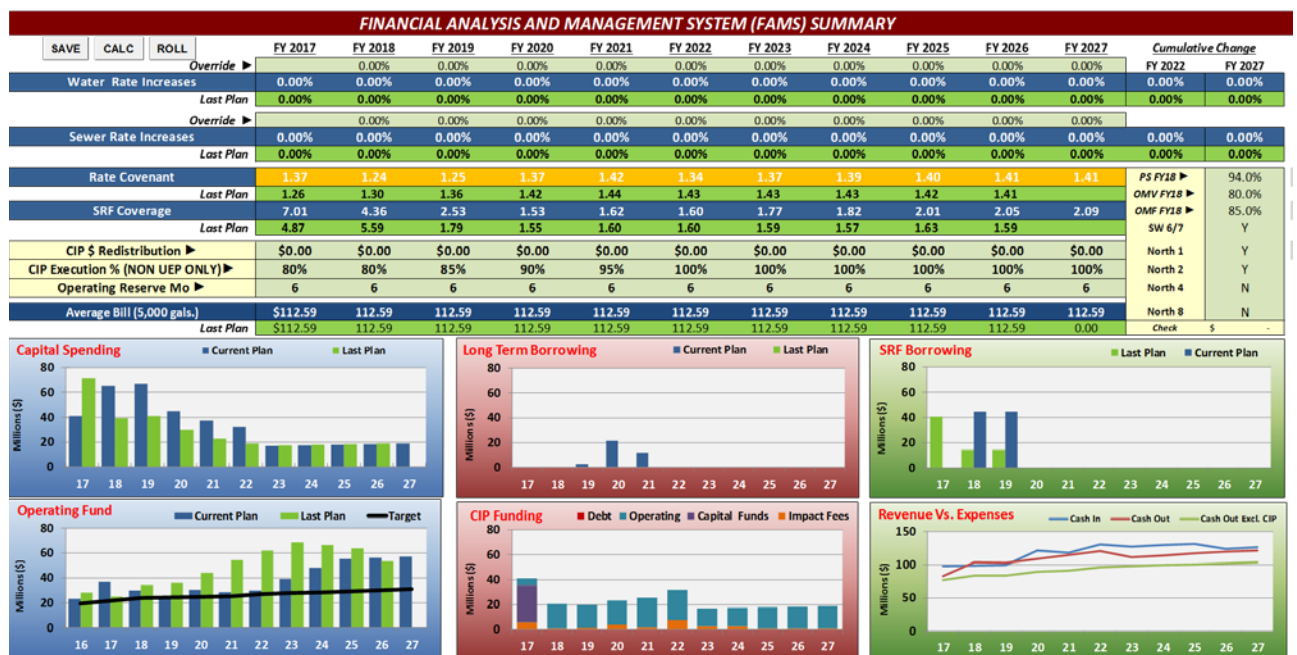
Utilities typically establish a target reserve balance for unrestricted reserves in order to provide the ability to withstand cash-flow fluctuations. There can be a significant length of time between when a system provides a service and when a customer may pay for that service. In addition to timing, cash flow for utilities can be substantially affected by weather and seasonal demand patterns.

The minimum target balance for unrestricted reserves is equal to 6 months of annual O&M expenses. Absent a detailed multi-year historical study of monthly cash flows and an analysis of the aging of accounts receivable, there are various industry guidelines and practices available to determine an appropriate target reserve. The 6 months target is consistent with our industry experience, in which water and sewer utilities generally target minimum reserves in the range of 2 to 6 months of O&M expenses, as well as published guidance from the municipal ratings agencies relative to reasonable reserves levels for municipal utility systems.



## SECTION 3. RESULTS

This RSA identified the level of annual water, sewer, and irrigation rate revenue (and rate adjustments) required to meet all of the Utility's updated financial requirements and parameters of the Base UEP as presented herein. The FAMS-XL © Control Panel below presents a summary of the financial management plan for this RSA with the Base UEP, including key assumptions, debt service coverage levels, operating reserves, capital spending, and borrowing requirements as compared to the 2016 RSA. The Utility is still able to avoid the issuance of new senior lien debt except for funding the UEP and produce reserves above minimum levels without any near-term rate adjustments.



Blue Bars = FY 2017 Study Results – With Base UEP

Green Bars = FY 2016 Study Results – With Base UEP

## SECTION 4. CONCLUSIONS & RECOMMENDATIONS

Our final conclusions and recommendations are as follows:

### 4.1 CONCLUSIONS

Based upon the analysis presented herein and the results presented in the prior subsection, we have reached the following conclusions:

- The Utility can satisfy its expenditure requirements and achieve targeted reserve and debt service coverage levels in FY 2018 without rate revenue adjustments.
- The Base UEP as presented herein results in no rate adjustments during the forecast period and provides funds that could be used to reduce debt in the future.
- The rate adjustment conclusions presented herein are predicated upon the Base UEP and would need to be recalibrated if the Base UEP was discontinued or its parameters were substantially different from those presented herein.

### 4.2 RECOMMENDATIONS

Based upon the analysis presented herein and the conclusions presented in the prior subsection, we recommend the following:

- The City should maintain its existing water, sewer, and irrigation rates for FY 2018.
- The Utility should continue to perform annual revenue sufficiency updates so that additional or revised information regarding the timing and cost of significant capital projects, customer growth, water demands, revenue, and O&M expenses may be incorporated into the determination of rate increases that would be necessary to allow the Utility to meet its financial requirements. Advanced planning will play a prominent role in avoiding significant future rate impacts to the Utility's customers resulting from these variables occurring differently than currently projected.

## APPENDIX: SUPPORTING SCHEDULES

Schedule 1	Assumptions
Schedule 2	Cost Escalation Factors
Schedule 3	Beginning Balances
Schedule 4	Capital Improvement Program
Schedule 5	Projected Cash Inflows FY 2017 – FY 2027
Schedule 6	Projected Cash Outflows FY 2017 – FY 2027
Schedule 7	FAMS-XL © Control Panel
Schedule 8	Pro Forma and Projected Operating Results
Schedule 9	Capital Projects Funding Summary
Schedule 10	Utility Long-Term Borrowing (Excluding UEP)
Schedule 11	Funding Summary by Fund
Schedule 12	UEP ERU Assumptions
Schedule 13	UEP Transmission Portion of Capital Costs
Schedule 14	UEP CFEC Revenue

City of Cape Coral, FL  
FY 2017 Utility Revenue Sufficiency Analysis

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	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
<b><u>Annual Growth:</u></b>											
<b><u>Water:</u></b>											
Equivalent Residential Units (ERUs)	67,499	68,603	69,727	73,021	75,005	78,189	80,280	81,809	83,391	85,032	86,738
Growth in ERUs	2,291	1,012	1,029	1,046	1,095	1,125	1,173	1,204	1,227	1,251	1,275
New ERUs from UEP	0	92	95	2,248	889	2,059	919	325	355	390	431
Percent Increase in ERUs	3.51%	1.64%	1.64%	4.72%	2.72%	4.24%	2.67%	1.90%	1.93%	1.97%	2.01%
Percent Increase in Water Use	3.51%	1.64%	1.64%	4.72%	2.72%	4.24%	2.67%	1.90%	1.93%	1.97%	2.01%
<b><u>Irrigation:</u></b>											
Equivalent Residential Units (ERUs)	48,731	49,633	50,551	53,935	55,800	59,006	60,945	62,233	63,570	64,961	66,412
Growth in ERUs (80% of Water ERU Growth)	1,960	810	823	837	876	900	938	963	982	1,001	1,020
New ERUs from UEP	0	92	95	2,547	989	2,306	1,001	325	355	390	431
Percent Increase in ERUs	4.19%	1.85%	1.85%	6.69%	3.46%	5.75%	3.29%	2.11%	2.15%	2.19%	2.23%
Percent Increase in Irrigation Use	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b><u>Sewer:</u></b>											
Equivalent Residential Units (ERUs)	66,672	67,776	68,900	72,454	74,524	77,945	80,115	81,644	83,226	84,867	86,573
Growth in ERUs (100% of Water ERU Growth)	2,643	1,012	1,029	1,046	1,095	1,125	1,173	1,204	1,227	1,251	1,275
New ERUs from UEP	0	92	95	2,508	976	2,296	998	325	355	390	431
Percent Increase in ERUs	4.13%	1.66%	1.66%	5.16%	2.86%	4.59%	2.78%	1.91%	1.94%	1.97%	2.01%
Percent Increase in Sewer Use	4.13%	1.66%	1.66%	5.16%	2.86%	4.59%	2.78%	1.91%	1.94%	1.97%	2.01%
<b><u>Capital Spending:</u></b>											
Annual Capital Budget (Future Year Dollars)	\$41,015,582	\$65,343,755	\$67,075,076	\$44,900,887	\$37,333,040	\$32,098,800	\$16,965,000	\$17,400,000	\$17,835,000	\$18,270,000	\$18,735,000
Annual Percent Executed	80%	80%	85%	90%	95%	100%	100%	100%	100%	100%	100%
<b><u>Impact Fees:</u></b>											
Water	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320	\$1,320
Sewer	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112	\$3,112
Irrigation Water	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318	\$2,318
<b><u>Average Annual Interest Earnings Rate:</u></b>											
On Fund Balances:	0.75%	0.75%	1.00%	1.00%	1.25%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
<b><u>Operating Budget Reserve:</u></b>											
Target (Number of Months of Reserve)	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
<b><u>Operating Budget Execution Percentage:</u></b>											
Personal Services	91%	94%	94%	94%	94%	94%	94%	94%	94%	94%	94%
Variable Operations and Maintenance	75%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Fixed Operations and Maintenance	85%	85%	85%	85%	85%	85%	85%	85%	85%	85%	85%
Minor Capital Outlay	70%	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%

Operating Expense Category	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Accounting & Auditing	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Advertising	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Appraisal & Title Search	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Annual Tax Billed Interest	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Asmt Refund (Finance Only)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Assmt, Betterment, Impact	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Auto Allowance	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Bank Fees	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Bank investment income	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Books Pubs Subscript & Membrshp	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Building Improvement	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Building Maintenance	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Building Rental/Leases	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Buildings	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Capital Facility Expan Charge	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Capital Outlay Asset Donation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Capital Outlay Contra Expense	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Chemicals	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Clearing Account	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Collection Costs	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Communication Service	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Computer Equip/Accessory	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Computer Software Intangible	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Computer Software/License	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Construct/Debris Clean-Up	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Contra Operating	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Contra Personnel	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Contract Employees Salary/Wage	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Copy & Fax Machine Rent/Lease	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Credit Card Fees	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Depreciation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Diesel Fuel	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Discounts Taken/Lost	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Dyed Diesel Fuel	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Electric	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Employee Health Clinic Charges	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Equip Repair/Maintenance	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Equipment	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Equipment Rental/Leases	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Facilities Charges	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Facilities Charges Overhead	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
FICA Taxes	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Fleet Charges	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Fleet Charges Overhead	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Food And Mileage (City)	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Foreclosure Costs	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
General Pension Exp - GASB 68	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Gain/Loss - Fixed Assets	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
General Retirement	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
ICMA (401A)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Improvements Other Than Bldgs	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
In-House Training	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Insur Damage Claims Misc Rev	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Insurance	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interfund Service Payment	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interfund Svc Pymt General Fd	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Interfund Svc Pymt Prop/Liab	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Interfund SvcPymt Water/Sewer	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Inventory Adjustment	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Janitorial Supplies	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Lab Services	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Land	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Leave Payout	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
Legal Services	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Life,Health,Disability Insur	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
Longevity Salary	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%
Lot Mow / Impact - City	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Lump Sum Award Spec Pay	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%





Stantec Grouping of Funds in Model	Revenue Fund	Water Betterment Fees	Sewer Betterment Fees	Irrigation Betterment Fees	Restricted Reserves	Water Impact	Sewer Impact	Irrigation Impact Fees	Capital Improvement Fund
<b>CURRENT UNRESTRICTED ASSETS</b>									
Cash and Cash Equivalents	\$ 17,979,560	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Investments	-	-	-	-	-	-	-	-	-
Interest Receivable	26,367	-	-	-	-	-	-	-	-
Accounts Receivable, net of allowance for uncollectibles	8,441,687	-	-	-	-	-	-	-	-
Due from other funds	-	-	-	-	-	-	-	-	-
Intergovernmental receivables	-	-	-	-	-	-	-	-	-
Inventories	1,732,161	-	-	-	-	-	-	-	-
Prepaid Items	1,816	-	-	-	-	-	-	-	-
Restricted Cash	-	-	-	-	-	-	-	-	-
Interest receivable	109,372	-	-	-	-	-	-	-	-
Intergovernmental receivable	123,796	-	-	-	-	-	-	-	-
Assessment Receivable, Net	-	-	-	-	-	-	-	-	-
Intercompany Restricted	2,467,449	3,895,703	13,720,583	1,923,493	13,726,805	6,636,820	12,773,286	2,022,826	31,024,604
Restricted for R&R, Gravity Sewer & Membrane Reserves	-	-	-	-	5,967,221	-	-	-	-
<b>TOTAL CURRENT ASSETS</b>	<b>\$ 30,882,209</b>	<b>\$ 3,895,703</b>	<b>\$ 13,720,583</b>	<b>\$ 1,923,493</b>	<b>\$ 19,694,026</b>	<b>\$ 6,636,820</b>	<b>\$ 12,773,286</b>	<b>\$ 2,022,826</b>	<b>\$ 31,024,604</b>
Less: Inventories at Cost	(1,732,161)	-	-	-	-	-	-	-	-
Less: Accounts Payable and other Accrued Liabilities	(2,219,372)	2,984	8,873	-	-	(133,365)	(69,676)	-	(780,366)
Less: Intergovernmental Payable	-	-	-	-	-	-	-	-	(581,760)
Less: Accrued Liabilities / retainage	-	-	-	-	-	-	-	-	-
Less: Overpayments, etc.	-	-	-	-	-	-	-	-	-
Less: Accrued Payroll	(298,880)	-	-	-	-	-	-	-	-
Less: Compensated Absences	(239,689)	-	-	-	-	-	-	-	-
Less: Interest Payable	(42,717)	-	-	-	-	-	-	-	-
Less: Loans From Other Funds	-	-	-	-	-	-	-	-	-
Less: Unearned Revenue	(120)	-	-	-	-	(1,471,034)	(3,080,607)	(940,986)	-
Less: Revenue Bonds	-	-	-	-	-	-	-	-	-
Less: Notes	(40,316)	-	-	-	(133,654)	-	-	-	-
Less: Special Assessment Debt	(356,780)	-	-	-	-	-	-	-	-
Less: Net Restricted Assets Available For CL	-	-	-	-	-	-	-	-	-
Less: R&R, Gravity & Membrane Reserve	-	-	-	-	-	-	-	-	-
Less: Customer Deposits	(2,673,001)	-	-	-	-	-	-	-	-
<b>NET UNRESTRICTED FUND BALANCE</b>	<b>\$ 23,279,172</b>	<b>\$ 3,898,687</b>	<b>\$ 13,729,456</b>	<b>\$ 1,923,493</b>	<b>\$ 19,560,372</b>	<b>\$ 5,032,421</b>	<b>\$ 9,623,003</b>	<b>\$ 1,081,840</b>	<b>\$ 29,662,478</b>
Plus/(Less): Cash Adjustment	-	-	-	-	-	-	-	-	-
Plus/(Less): Net Restricted Assets Available For Current Liabilities	-	-	-	-	-	-	-	-	-
<b>NET UNRESTRICTED FUND BALANCE</b>	<b>\$ 23,279,172</b>	<b>\$ 3,898,687</b>	<b>\$ 13,729,456</b>	<b>\$ 1,923,493</b>	<b>\$ 19,560,372</b>	<b>\$ 5,032,421</b>	<b>\$ 9,623,003</b>	<b>\$ 1,081,840</b>	<b>\$ 29,662,478</b>
<b>Fund Summary</b>									
Water Impact Fees	\$ 5,032,421								
Sewer Impact Fees	\$ 9,623,003								
Irrigation Impact Fees	\$ 1,081,840								
Water Betterment Fees	\$ 3,898,687								
Sewer Betterment Fees	\$ 13,729,456								
Irrigation Betterment Fees	\$ 1,923,493								
Capital Improvement Fund	\$ 29,662,478								
SRF Loan Proceeds	\$ -								
Revenue Fund	\$ 23,279,172								
Restricted Reserves	\$ 19,560,372								
<b>Total Consolidated Fund Balance</b>	<b>\$ 107,790,920</b>								

Project Description	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
UCD-1 Administration Building	\$ 714,823	\$ 500,000	\$ 4,000,000	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ADM-47 Forcemain I/C Veterans	100,000	-	100,000	-	-	-	-	-	-	-	-
IRR-15 Weir 29 Construction	1,052,679	-	-	-	-	-	-	-	-	-	-
ADM-38 Fire Sprinkler Conv FY14	316,530	-	-	-	-	-	-	-	-	-	-
IRR-16 Weir 16 & 17 Const	800,000	-	-	-	-	-	-	-	-	-	-
ADM-39 Potable Water Infr FY14	46,134	-	-	-	-	-	-	-	-	-	-
UCD-11 Meter Replacement Prog	-	500,000	500,000	500,000	500,000	500,000	-	-	-	-	-
WRSW-4 Operations Building	6,025,902	-	-	-	-	-	-	-	-	-	-
SRO-6 Control System Upgrade	1,513,001	-	-	-	-	-	-	-	-	-	-
SRO-7 Underground Well Feeds	193,492	-	-	-	-	-	-	-	-	-	-
UCD-12 Road Surfacing Adj	-	500,000	500,000	500,000	500,000	500,000	-	-	-	-	-
NRO-5 Deep Injection Well IW1	1,600,000	-	500,000	3,000,000	5,000,000	-	-	-	-	-	-
NRO-9 Distribtn Sys Automate	370,000	-	390,000	250,000	250,000	250,000	-	-	-	-	-
NRO-10 Rehab/Rpl Raw Wtr Well	100,000	800,000	800,000	1,600,000	1,600,000	1,600,000	-	-	-	-	-
WRC-13 Lift Station Rehab FY17	1,790,352	-	-	-	-	-	-	-	-	-	-
ADM-43 42" Forcemain Intercon	2,994,403	-	-	-	-	-	-	-	-	-	-
ADM-46 Palm Tree Phase III	370,000	-	-	-	-	1,000,000	-	-	-	-	-
NRO-1 North RO Bulk Diesel Mod	246,220	-	-	-	-	1,000,000	-	-	-	-	-
ADM-24 Land Purchases	3,244,134	975,000	865,000	715,000	615,000	590,000	-	-	-	-	-
WRSW-1 Chlorine Chamber Coatg	150,000	-	-	-	-	-	-	-	-	-	-
WRC-1 Lift Station Rehab FY18	-	2,000,000	-	-	-	-	-	-	-	-	-
IRR-2 NE 10MG Stor Tank & Pump	500,000	100,000	5,950,000	5,950,000	-	-	-	-	-	-	-
WRE/WRSW-1 Clar/Launder Trough	-	-	-	-	-	-	-	-	-	-	-
WRC-5 LS Odor Control Rehab	214,000	75,000	75,000	75,000	75,000	-	-	-	-	-	-
ADM-1 Smoke Testing I&I	150,000	50,000	50,000	50,000	50,000	50,000	-	-	-	-	-
WRC-6 Maint Bldg-Gen Storage	1,157,500	-	-	-	-	-	-	-	-	-	-
ADM-5 Galvanized Pipe Rpl 2A	1,685,460	-	-	-	-	-	-	-	-	-	-
ADM-6 Galvanized Pipe Rpl 2B	-	1,350,000	-	-	-	-	-	-	-	-	-
WRC-2 Lift Station Rehab FY19	-	-	2,000,000	-	-	-	-	-	-	-	-
WRC-3 Lift Station Rehab FY20	-	-	-	2,000,000	-	-	-	-	-	-	-
WRC-4 Lift Station Rehab FY21	-	-	-	-	2,000,000	-	-	-	-	-	-
ADM-7 Fire Sprnkler ConvFY15	500,000	-	-	-	-	-	-	-	-	-	-
ADM-8 Fire Sprnkler ConvFY16	500,000	-	-	-	-	-	-	-	-	-	-
ADM-10 Fire Sprnkler ConvFY18	-	500,000	-	-	-	-	-	-	-	-	-
ADM-11 Fire Sprnkler ConvFY19	-	-	500,000	-	-	-	-	-	-	-	-
ADM-14 Potable Wtr Infr FY17	300,000	-	-	-	-	-	-	-	-	-	-
ADM-15 Potable Wtr Infr FY18	-	1,000,000	-	-	-	-	-	-	-	-	-
ADM-16 Potable Wtr Infr FY19	-	-	1,000,000	-	-	-	-	-	-	-	-
ADM-17 Potable Wtr Infr FY20	-	-	-	1,000,000	-	-	-	-	-	-	-
ASR/IRR Supply FY15	89,510	-	-	-	-	-	-	-	-	-	-
UCD-3 Manhole Rehab FY17	500,000	-	-	-	-	-	-	-	-	-	-
UCD-4 Manhole Rehab FY18	-	500,000	-	-	-	-	-	-	-	-	-
UCD-5 Manhole Rehab FY19	-	-	500,000	-	-	-	-	-	-	-	-
UCD-6 Manhole Rehab FY20	-	-	-	500,000	-	-	-	-	-	-	-
ADM-20 Infiltrn & Inflow FY17	750,000	-	-	-	-	-	-	-	-	-	-
ADM-21 Infiltrn & Inflow FY18	-	750,000	-	-	-	-	-	-	-	-	-
ADM-22 Infiltrn & Inflow FY19	-	-	750,000	-	-	-	-	-	-	-	-
ADM-23 Infiltrn & Inflow FY20	-	-	-	750,000	-	-	-	-	-	-	-
SRO-2 Pit 2 Bldg Replacement	-	-	-	-	-	50,000	-	-	-	-	-
NRO-3 Reconst Van Loon PS Bldg	-	-	-	-	-	750,000	-	-	-	-	-
ADM-27 ASR/IRR Supply FY17	100,000	-	-	-	-	-	-	-	-	-	-
ADM-28 ASR/IRR Supply FY18	-	100,000	-	-	-	-	-	-	-	-	-
ADM-29 ASR/IRR Supply FY19	-	-	100,000	-	-	-	-	-	-	-	-
ADM-30 ASR/IRR Supply FY20	-	-	-	100,000	-	-	-	-	-	-	-
ADM-33 Irr to PW (F/H) FY18	-	-	-	-	-	-	-	-	-	-	-
ADM-34 Irr to PW (F/H) FY19	-	-	-	-	-	-	-	-	-	-	-
ADM-35 Irr to PW (F/H) FY20	-	-	-	-	-	-	-	-	-	-	-
IRR-9 Reuse Sys Improve FY16	369,838	-	-	-	-	-	-	-	-	-	-
IRR-9 Reuse Sys Improve FY17	350,000	-	-	-	-	-	-	-	-	-	-
IRR-10 Reuse Sys Improve FY18	-	1,000,000	-	-	-	-	-	-	-	-	-
IRR-11 Reuse Sys Improve FY19	-	-	1,000,000	-	-	-	-	-	-	-	-

ADM-50 Palm Tree Imprv PHII	\$	-	\$	-	\$	-	\$	-	\$	2,400,000	\$	-	\$	-	\$	-	\$	-
IRR-12 Reuse Sys Improve FY20		-		-		-	1,000,000		-		-		-		-		-	-
WRC-7 Rehab Master LS 200		1,096,031		-		-			-		-		-		-		-	-
ADM-51 Infiltrn & Inflow FY21		-		-		-			750,000		-		-		-		-	-
WRE/WRSW-2 Clarifier Ctng FY16		139,893		100,000		60,000		-			-		-		-		-	-
ADM-56 NE Reservoir		468,337		2,500,000		-		-			-		-		-		-	-
ADM-57 NC Reservoir		600,000		-		-		-			-		-		-		-	-
SRO-12 Containment Pits		300,000		-		-		-			-		-		-		-	-
SRO-13 PIt 2 MCC Replacement		783,619		750,000		-		-			-		-		-		-	-
WRE-7 Headworks & Structl Ctg		200,000		200,000		-		-			-		-		-		-	-
WRE-9 Bleach Containment Ctg		250,000		-		-		-			-		-		-		-	-
WRSW-6 Rpl Utility Mains MCC-1		-		-		150,000		-			-		-		-		-	-
ADM-58 Burnt St-Casings Ph II		600,000		-		-		-			-		-		-		-	-
ADM-63 WAS Line		500,000		1,000,000		500,000		-			-		-		-		-	-
ADM-65 FM/MOV/MPS Sys & Comm		1,000,000		500,000		1,000,000		1,000,000		1,000,000		-		-	-		-	-
IRR-21 Irrigation System Comm		500,000		-		-		-			-		-		-		-	-
WRE-10 MCC Blower Conduit Clar		50,000		350,000		-		-			-		-		-		-	-
ADM-64 F/Main Replace Pelican		-		-		-		-		750,000		-		-	-		-	-
ADM-59 Burnt St-Casings Ph III		-		750,000		-		-			-		-		-		-	-
WRSW-9 Reroute Clar Pipe-ABW		-		-		-		200,000		1,000,000		-		-	-		-	-
SRO-14 Ground Storage Tank Coating		-		500,000		-		-			-		-		-		-	-
UCD-9 Manhole Rehab FY21		-		-		-		-		500,000		-		-	-		-	-
ADM-66 Fire Sprnkler ConvFY20		-		-		-		500,000		-		-		-	-		-	-
NRO-11 GST Exterior Coating		-		150,000		-		-			-		-		-		-	-
SRO-15 Facility Refurbs		-		500,000		500,000		-			-		-		-		-	-
WRE-12 Recoat Aeration Ext		-		200,000		-		-			-		-		-		-	-
WRSW-11 New Turblex Blower		-		-		-		350,000		-		-		-	-		-	-
WRSW-12 Bleach Cntmnt Ctg		-		300,000		-		-			-		-		-		-	-
WRSW-13 Replace 36" Reuse Valve		-		200,000		-		-			-		-		-		-	-
WRSW-16 CROM Tank Repair		-		300,000		-		-			-		-		-		-	-
ADM-51 Infiltrn & Inflow FY21		-		-		-		-		750,000		-		-	-		-	-
ADM-60 Infiltrn & Inflow FY22		-		-		-		-		750,000		-		-	-		-	-
ADM-52 ASR/IRR Supply FY21		-		-		-		-		-		-		-	-		-	-
ADM-55 ASR/IRR Supply FY22		-		-		-		-		3,000,000		-		-	-		-	-
ADM-53 Irr to PW (F/H) FY21		-		-		-		-		-		-		-	-		-	-
ADM-61 Irr to PW (F/H) FY22		-		-		-		-		1,500,000		-		-	-		-	-
IRR-13 Reuse Sys Improve FY21		-		-		-		-		350,000		-		-	-		-	-
IRR-20 Reuse Sys Improve FY22		-		-		-		-		350,000		-		-	-		-	-
NSRO-3 Replace Membranes		-		-		-		-		1,500,000		-		-	-		-	-
WRE-8 Rehab Biosolids Bldg		-		-		-		-		1,100,000		-		-	-		-	-
WRC-14 Lift Station Rehab FY22		-		-		-		-		2,735,000		-		-	-		-	-
UCD-10 Manhole Rehabs FY22		-		-		-		-		500,000		-		-	-		-	-
ADM-67 Fire Sprnkler ConvFY21		-		-		-		-		500,000		-		-	-		-	-
ADM-68 Fire Sprnkler ConvFY22		-		-		-		-		500,000		-		-	-		-	-
ADM-69 Potable Wtr Infr FY21		-		-		-		-		300,000		-		-	-		-	-
ADM-70 Potable Wtr Infr FY22		-		-		-		-		300,000		-		-	-		-	-
WRSW-14 RAS Roof Mod		-		-		-		-		200,000		-		-	-		-	-
WRSW-15 Conc & Liner Repair		-		-		-		-		200,000		-		-	-		-	-
IRR-17 Reuse River Crossing		1,792,131		-		-		-		4,000,000		-		-	-		-	-
IRR-1 Weir Improvements		100,000		1,000,000		500,000		1,500,000		1,500,000		-		-	-		-	-
ADM-62 Fiber Optics		750,000		750,000		500,000		-		-		-		-	-		-	-
WRSW-8 Odor Control Rehab		60,000		-		150,000		-		-		-		-	-		-	-
WRSW-10 Refurb 3 Clarifiers		-		450,000		-		-		-		-		-	-		-	-
IRR-3 SW (2) 5MG Stor Tank & Pump		8,785,490		1,200,000		-		-		-		-		-	-		-	-
ADM-71 North 2 Canal PS (9)(West)		-		-		-		-		4,000,000		4,000,000		-	-		-	-
ADM-71 North 2 Canal PS (10)(East)		3,500,000		3,500,000		-		-		-		-		-	-		-	-
IRR-22 North 2 Non Assd Util		1,000,000		-		-		-		-		-		-	-		-	-
IRR-23 North 1 Non Assd Util		-		-		-		350,000		350,000		-		-	-		-	-
IRR-24 North 3 Non Assd Util		-		-		-		-		-		-		-	-		-	-
Fiber Optics - N-1		-		-		-		-		750,000		1,500,000		-	-		-	-

Unspecified Future Projects - Water	\$	-	\$	-	\$	-	\$	-	\$	-	\$	5,000,000	\$	5,000,000	\$	5,000,000	\$	5,000,000	\$	5,000,000
Unspecified Future Projects - Sewer		-		-		-		-		-		7,000,000		7,000,000		7,000,000		7,000,000		7,000,000
Unspecified Future Projects - Irrigation		-		-		-		-		-		3,000,000		3,000,000		3,000,000		3,000,000		3,000,000
UEP PROJECTS		-		-		-		-		-		-		-		-		-		-
FY 2016 UEP & Carryovers		-		-		-		-		-		-		-		-		-		-
Southwest 6 & 7 Potable Water Transm		-		-		-		-		-		-		-		-		-		-
North Area 1 Potable Water Transmissk		-		-		76,430		662,254		369,554		-		-		-		-		-
North Area 1 Wastewater Transmission		-		-		1,324,208		11,474,017		6,402,794		-		-		-		-		-
North Area 1 Irrigation Transmission		-		-		1,064,208		9,221,165		5,145,646		-		-		-		-		-
North Area 2 Potable Water Transmissk		-		6,956,459		6,956,459		-		-		-		-		-		-		-
North Area 2 Wastewater Transmission		-		21,352,998		21,352,998		-		-		-		-		-		-		-
North Area 2 Irrigation Transmission		-		16,314,298		16,314,298		-		-		-		-		-		-		-
<b>Total Capital Improvement Program</b>	<b>\$</b>	<b>51,269,478</b>	<b>\$</b>	<b>70,523,755</b>	<b>\$</b>	<b>70,028,601</b>	<b>\$</b>	<b>46,247,436</b>	<b>\$</b>	<b>36,757,994</b>	<b>\$</b>	<b>29,075,000</b>	<b>\$</b>	<b>15,000,000</b>	<b>\$</b>	<b>15,000,000</b>	<b>\$</b>	<b>15,000,000</b>	<b>\$</b>	<b>15,000,000</b>
Cumulative Projected Cost Escalation <sup>2</sup>		0.0%		0.0%		2.5%		5.1%		7.7%		10.4%		13.1%		16.0%		18.9%		21.8%
<b>Resulting CIP Funding Level</b>	<b>\$</b>	<b>51,269,478</b>	<b>\$</b>	<b>70,523,755</b>	<b>\$</b>	<b>70,602,101</b>	<b>\$</b>	<b>47,516,826</b>	<b>\$</b>	<b>38,670,674</b>	<b>\$</b>	<b>32,098,800</b>	<b>\$</b>	<b>16,965,000</b>	<b>\$</b>	<b>17,400,000</b>	<b>\$</b>	<b>17,835,000</b>	<b>\$</b>	<b>18,270,000</b>
Annual CIP Execution Percentage		80%		80%		85%		90%		95%		100%		100%		100%		100%		100%
<b>Final CIP Funding Level</b>	<b>\$</b>	<b>41,015,582</b>	<b>\$</b>	<b>65,343,755</b>	<b>\$</b>	<b>67,075,076</b>	<b>\$</b>	<b>44,900,887</b>	<b>\$</b>	<b>37,333,040</b>	<b>\$</b>	<b>32,098,800</b>	<b>\$</b>	<b>16,965,000</b>	<b>\$</b>	<b>17,400,000</b>	<b>\$</b>	<b>17,835,000</b>	<b>\$</b>	<b>18,270,000</b>

<sup>1</sup> Project costs provided in future year Dollars. No escalation factor applied.

<sup>2</sup> Based on Engineering News Record Construction Cost Index's 5 Year Average.

Note: FY 2017 CIP includes project balances as of 9/30/16 and FY 2017 amended budget.



	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
<b>Rate Revenue Growth Assumptions</b>											
Growth in Water ERUs	N/A	1.64%	1.64%	4.72%	2.72%	4.24%	2.67%	1.90%	1.93%	1.97%	2.01%
Growth in Water Usage	N/A	1.64%	1.64%	4.72%	2.72%	4.24%	2.67%	1.90%	1.93%	1.97%	2.01%
Growth in Irrigation ERUs	N/A	1.85%	1.85%	6.69%	3.46%	5.75%	3.29%	2.11%	2.15%	2.19%	2.23%
Growth in Irrigation Usage	N/A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Growth in Sewer ERUs	N/A	1.66%	1.66%	5.16%	2.86%	4.59%	2.78%	1.91%	1.94%	1.97%	2.01%
Growth in Sewer Usage	N/A	1.66%	1.66%	5.16%	2.86%	4.59%	2.78%	1.91%	1.94%	1.97%	2.01%
<b>Assumed Rate Revenue Increases</b>											
Assumed Water Rate Increase	N/A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Assumed Irrigation/Reclaimed Water Rate Increases	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Assumed Sewer Rate Increase	N/A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Water, Irrigation &amp; Sewer Rate Revenue <sup>1</sup></b>											
Water Rate Revenue											
Base Facility Charges	\$ 13,802,912	\$ 14,028,669	\$ 14,258,516	\$ 14,932,105	\$ 15,337,813	\$ 15,988,807	\$ 16,416,497	\$ 16,729,162	\$ 17,052,665	\$ 17,388,233	\$ 17,737,093
Usage Charges	15,512,753	15,766,476	16,024,795	16,781,826	17,237,791	17,969,426	18,450,097	18,801,494	19,165,071	19,542,207	19,934,282
Irrigation Rate Revenue											
Base Facility Charges	5,056,672	5,150,270	5,245,528	5,596,624	5,790,097	6,122,774	6,323,979	6,457,631	6,596,367	6,740,707	6,891,273
Usage Charges	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565
Sewer Rate Revenue											
Base Facility Charges	16,355,194	16,626,013	16,901,739	17,773,439	18,281,348	19,120,423	19,652,863	20,027,938	20,416,014	20,818,564	21,237,058
Usage Charges	28,760,625	29,236,861	29,721,725	31,254,611	32,147,769	33,623,282	34,559,579	35,219,149	35,901,582	36,609,465	37,345,389
<b>Total Water, Reclaimed Water/Irrigation &amp; Sewer Rate Revenue</b>	<b>\$ 80,300,721</b>	<b>\$ 81,620,854</b>	<b>\$ 82,964,867</b>	<b>\$ 87,151,169</b>	<b>\$ 89,607,384</b>	<b>\$ 93,637,277</b>	<b>\$ 96,215,579</b>	<b>\$ 98,047,937</b>	<b>\$ 99,944,263</b>	<b>\$ 101,911,741</b>	<b>\$ 103,957,659</b>
<b>Other Non-Operating Revenues <sup>2</sup></b>											
General Fund Internal Serv Fee	\$ 139,921	\$ 145,922	\$ 156,757	\$ 161,099	\$ 165,508	\$ 175,326	\$ 180,341	\$ 185,584	\$ 191,069	\$ 196,813	\$ 202,833
Zoning Cases Gen Gov Charges	107	111	114	118	121	126	130	132	135	137	140
Lot Mowing Internal Serv Fee	22,751	23,727	25,488	26,194	26,911	28,507	29,323	30,175	31,067	32,001	32,980
Seawall Ph 7A Intern Serv Fees	1,025	1,069	1,148	1,180	1,212	1,284	1,321	1,359	1,400	1,442	1,486
Seawall Ph 7B Internal Ser Fee	102	106	114	117	120	127	131	135	139	143	147
Green Water Internal Serv Fees	82	86	92	95	98	103	106	109	113	116	120
Green Wstwr Internal Serv Fee	47,800	49,850	53,551	55,034	56,540	59,894	61,607	63,398	65,272	67,234	69,291
Striped Green WW ISF	7,019	7,320	7,864	8,082	8,303	8,796	9,047	9,310	9,586	9,874	10,176
Orange Wstwr Intern Serv Fee	84,971	88,615	95,195	97,832	100,509	106,472	109,517	112,701	116,032	119,520	123,176
Orange Irr Internal Serv Fees	64,343	67,103	72,085	74,082	76,109	80,624	82,931	85,341	87,864	90,505	93,274
PI Util Ext Internal Serv Fees	9,468	9,874	10,607	10,901	11,199	11,864	12,203	12,558	12,929	13,318	13,725
SW 1 Util Ext Intern Serv Fees	19,681	20,525	22,049	22,660	23,280	24,661	25,367	26,104	26,876	27,683	28,530
SW 3 Util Ext Intern Serv Fees	23,149	24,142	25,934	26,652	27,381	29,006	29,835	30,703	31,610	32,560	33,556
SW 2 Util Ext Intern Serv Fees	22,168	23,119	24,835	25,523	26,221	27,777	28,572	29,402	30,271	31,181	32,135
SE 1 Util Ext Intern Serv Fees	9,044	9,432	10,132	10,413	10,698	11,333	11,657	11,996	12,350	12,721	13,111
SW 4 Util Ext Intern Serv Fees	30,437	31,742	34,099	35,043	36,002	38,138	39,229	40,369	41,562	42,812	44,121
NC Loop Util Ext Int Serv Fee	2,341	2,441	2,623	2,696	2,770	2,934	3,018	3,106	3,198	3,294	3,394
Surfside Util Ext Int Serv Fee	849	885	951	977	1,004	1,063	1,094	1,125	1,159	1,194	1,230
SW 5 Util Ext Intern Serv Fee	29,004	30,248	32,494	33,394	34,308	36,343	37,383	38,469	39,606	40,797	42,045
Stormwater Internal Serv Fees	95,596	95,596	95,596	95,596	95,596	95,596	95,596	95,596	95,596	95,596	95,596
Reinspection Gen Gov Chg	3,843	3,975	4,112	4,248	4,363	4,549	4,670	4,759	4,851	4,947	5,046
Misc Permits Gen Gov Charge	76	79	81	84	86	90	92	94	96	98	100
Meter Installation Fees	188,547	195,034	201,745	208,398	214,060	223,146	229,115	233,478	237,993	242,677	247,545
Reconnect Charges	13,339	13,798	14,273	14,744	15,145	15,787	16,210	16,518	16,838	17,169	17,514
Meter Rental Fee	22,070	22,829	23,615	24,394	25,057	26,120	26,819	27,330	27,858	28,406	28,976
Service Pickup Charge	295,829	306,007	316,536	326,975	335,859	350,114	359,479	366,326	373,410	380,758	388,397
Returned Check Fees	15,316	15,316	15,316	15,316	15,316	15,316	15,316	15,316	15,316	15,316	15,316

Penalties/Late Charges	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258	\$ 758,258
Disposition of Fixed Assets	164,644	164,644	164,644	164,644	164,644	164,644	164,644	164,644	164,644	164,644	164,644	164,644
Other Miscellaneous Revenue	160,008	165,513	171,208	176,854	181,659	189,369	194,435	198,138	201,970	205,944	210,076	210,076
Reimbursable Charges	26,732	26,732	26,732	26,732	26,732	26,732	26,732	26,732	26,732	26,732	26,732	26,732
Lien Fees Misc Rev	336	336	336	336	336	336	336	336	336	336	336	336
DelPrado Mall Pkg Int Serv Fee	89	89	89	89	89	89	89	89	89	89	89	89
Credit Card Fees	-	(265,225)	(265,225)	(273,972)	(281,416)	(293,360)	(301,207)	(306,944)	(312,880)	(319,037)	(325,437)	(325,437)
<b>Total Non-Operating Revenues</b>	<b>\$ 2,258,945</b>	<b>\$ 2,039,298</b>	<b>\$ 2,103,448</b>	<b>\$ 2,134,788</b>	<b>\$ 2,164,080</b>	<b>\$ 2,221,164</b>	<b>\$ 2,253,395</b>	<b>\$ 2,282,749</b>	<b>\$ 2,313,344</b>	<b>\$ 2,345,279</b>	<b>\$ 2,378,659</b>	<b>\$ 2,378,659</b>
<b>SRF Loan Proceeds <sup>3</sup></b>												
SRF Loan Proceeds - N1	\$ -	\$ -	\$ 2,464,846	\$ 21,357,436	\$ 11,917,994	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Revenue Bond Proceeds - N2	-	44,623,755	44,623,755	-	-	-	-	-	-	-	-	-
<b>Total SRF Loan Proceeds</b>	<b>\$ -</b>	<b>\$ 44,623,755</b>	<b>\$ 47,088,601</b>	<b>\$ 21,357,436</b>	<b>\$ 11,917,994</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Interest Earnings <sup>4</sup></b>												
Interest Earned on Unrestricted Funds	\$ 358,435	253,850	276,395	280,081	372,684	441,783	518,912	653,387	776,388	839,616	853,631	853,631
Interest Earned on Restricted Funds	146,703	146,703	195,604	195,604	244,505	293,406	293,406	293,406	293,406	293,406	293,406	293,406
<b>Total Interest Earnings</b>	<b>\$ 505,138</b>	<b>\$ 400,553</b>	<b>\$ 471,999</b>	<b>\$ 475,685</b>	<b>\$ 617,189</b>	<b>\$ 735,189</b>	<b>\$ 812,318</b>	<b>\$ 946,793</b>	<b>\$ 1,069,794</b>	<b>\$ 1,133,022</b>	<b>\$ 1,147,037</b>	<b>\$ 1,147,037</b>
<b>Transfers In</b>												
Grant River Crossing	\$ 790,135	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Interest Earnings</b>	<b>\$ 790,135</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Impact &amp; Betterment Fee Revenue <sup>5</sup></b>												
Water Impact Fees	\$ 2,720,638	\$ 2,720,638	\$ 2,743,078	\$ 5,642,689	\$ 4,424,170	\$ 5,517,163	\$ 4,493,107	\$ 4,534,027	\$ 4,564,387	\$ 3,002,094	\$ 3,033,774	\$ 3,033,774
Irrigation Impact Fees	2,569,979	2,569,979	2,600,113	8,028,080	5,712,119	9,686,269	7,717,916	7,775,866	7,819,908	4,874,798	4,918,840	4,918,840
Sewer Impact Fees	7,237,968	7,237,968	7,290,872	14,522,979	11,473,592	13,653,581	11,048,837	11,145,309	11,216,885	7,314,245	7,388,933	7,388,933
Water Betterment Fees	161,920	161,920	164,640	167,360	175,200	180,000	187,680	192,640	196,320	200,160	204,000	204,000
Irrigation Betterment Fees	97,200	97,200	98,760	100,440	105,120	108,000	112,560	115,560	117,840	120,120	122,400	122,400
Sewer Betterment Fees	328,900	328,900	334,425	339,950	355,875	365,625	381,225	391,300	398,775	406,575	414,375	414,375
<b>Total Impact &amp; Betterment Fee Revenue</b>	<b>\$ 13,116,604</b>	<b>\$ 13,116,604</b>	<b>\$ 13,231,887</b>	<b>\$ 28,801,497</b>	<b>\$ 22,246,077</b>	<b>\$ 29,510,639</b>	<b>\$ 23,941,326</b>	<b>\$ 24,154,703</b>	<b>\$ 24,314,116</b>	<b>\$ 15,917,992</b>	<b>\$ 16,082,322</b>	<b>\$ 16,082,322</b>
<b>Total Revenue</b>	<b>\$ 96,971,543</b>	<b>\$ 141,801,064</b>	<b>\$ 145,860,802</b>	<b>\$ 139,920,574</b>	<b>\$ 126,552,723</b>	<b>\$ 126,104,268</b>	<b>\$ 123,222,617</b>	<b>\$ 125,432,182</b>	<b>\$ 127,641,516</b>	<b>\$ 121,308,034</b>	<b>\$ 123,565,677</b>	<b>\$ 123,565,677</b>

<sup>1</sup> Future rate revenue is based upon FY 2017 estimated results, forecasted utilizing the 2018 growth and rate related increases.

<sup>2</sup> Future projections of non-rate revenues were based upon the amounts identified in the FY 2017 Approved Budget (including the projected amounts for FY 2018, FY 2019, and FY 2020 as identified in the FY 2018, FY 2019, and FY 2020 Proposed Budgets) and were escalated starting in FY 2021 by the weighted escalating costs of annual revenue requirements.

<sup>3</sup> SRF and Revenue Bond proceeds are based on the projects' costs associates with North Areas 1 and 2

<sup>4</sup> Interest earnings were calculated annually based upon projected average fund balances and assumed interest rates.

<sup>5</sup> Water and sewer impact (Capital Facility Expansion Charges) and betterment fee revenue were calculated annually based upon the projected number of new connections and current fees.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<b>Water &amp; Sewer Personnel</b>											
401009 612001 Regular Salary	\$ -	\$ 61,073	\$ 62,901	\$ 64,788	\$ 66,732	\$ 68,734	\$ 70,796	\$ 72,919	\$ 75,107	\$ 77,360	\$ 79,681
401009 621101 FICA Taxes	-	3,787	3,900	4,017	4,138	4,262	4,389	4,521	4,657	4,797	4,940
401009 621102 Medicare Taxes	-	886	912	939	967	996	1,026	1,057	1,089	1,121	1,155
401009 622101 General Retirement	-	5,296	5,454	5,618	5,787	5,960	6,139	6,323	6,513	6,708	6,909
401009 623101 Life, Health, Disability Insur	-	1,011	1,041	1,073	1,180	1,298	1,428	1,571	1,728	1,901	2,091
401009 623102 Self-Insured Health Plan	-	10,332	11,014	11,014	12,115	13,327	14,660	16,126	17,738	19,512	21,463
401009 624101 Workers Compensation	-	155	159	5,267	5,425	5,588	5,755	5,928	6,106	6,289	6,478
<b>TOTAL Water &amp; Sewer Budget</b>	<b>\$ -</b>	<b>\$ 82,540</b>	<b>\$ 85,381</b>	<b>\$ 92,716</b>	<b>\$ 96,344</b>	<b>\$ 100,165</b>	<b>\$ 104,193</b>	<b>\$ 108,445</b>	<b>\$ 112,937</b>	<b>\$ 117,688</b>	<b>\$ 122,718</b>
<b>Accounting Personnel</b>											
401010 612001 Regular Salary	218,942	318,965	328,538	338,394	348,546	359,002	369,772	380,865	392,291	404,060	416,182
401010 621101 FICA Taxes	13,574	19,777	20,370	20,982	21,611	22,260	22,928	23,615	24,324	25,054	25,805
401010 621102 Medicare Taxes	3,193	4,627	4,766	4,908	5,055	5,207	5,363	5,524	5,690	5,860	6,036
401010 622101 General Retirement	16,583	27,657	28,485	29,341	30,221	31,128	32,062	33,024	34,014	35,035	36,086
401010 623101 Life, Health, Disability Insur	4,232	5,284	5,438	5,603	6,163	6,780	7,458	8,203	9,024	9,926	10,919
401010 624101 Workers Compensation	555	807	831	3,959	4,078	4,200	4,326	4,456	4,590	4,727	4,869
401010 624103 Leave Payout											
401010 623102 Self-Insured Health Plan	35,294	55,706	59,385	59,385	65,324	71,856	79,041	86,946	95,640	105,204	115,725
<b>Accounting Operating</b>											
401001 649129 Credit Card Fees											
401010 631312 Accounting & Auditing	28,614	26,488	29,887	28,308	28,874	29,452	30,041	30,641	31,254	31,879	32,517
401010 640105 Travel Costs	2,700	2,098	2,057	2,117	2,159	2,203	2,247	2,292	2,337	2,384	2,432
401010 652101 Office Supplies	3,415	673	3,445	700	714	728	743	758	773	788	804
401010 652116 Small Equipment	656	200	205	300	306	312	318	325	331	338	345
401010 652121 Computer Equip/Accessory	375	2,095	384	4,340	4,427	4,515	4,606	4,698	4,792	4,888	4,985
401010 654101 Books Pubs Subscript & Membrshp	135	440	451	955	974	994	1,013	1,034	1,054	1,075	1,097
401010 655101 Training & Seminars	1,870	1,105	830	1,890	1,928	1,966	2,006	2,046	2,087	2,128	2,171
<b>TOTAL Accounting Department</b>	<b>\$ 330,138</b>	<b>\$ 465,922</b>	<b>\$ 485,072</b>	<b>\$ 501,182</b>	<b>\$ 520,381</b>	<b>\$ 540,602</b>	<b>\$ 561,923</b>	<b>\$ 584,426</b>	<b>\$ 608,201</b>	<b>\$ 633,347</b>	<b>\$ 659,972</b>
<b>Customer Billing Svcs Personnel</b>											
401011 612001 Regular Salary	471,472	540,089	556,289	572,979	590,168	607,873	626,110	644,893	664,240	684,167	704,692
401011 613102 Contract Employees Salary /Wage	20,930	21,060	21,060	21,060	21,692	22,343	23,013	23,703	24,414	25,147	25,901
401011 614101 Overtime	670	690	690	690	711	732	754	777	800	824	849
401011 615101 Special Pay/Add Pay											
401011 615103 Tuition Reimbursement Spec Pay	-	10,500	10,500	10,500	10,815	11,139	11,474	11,818	12,172	12,538	12,914
401011 621101 FICA Taxes	30,845	35,788	36,801	37,845	38,980	40,150	41,354	42,595	43,873	45,189	46,545
401011 621102 Medicare Taxes	7,215	8,371	8,607	8,852	9,118	9,391	9,673	9,963	10,262	10,570	10,887
401011 622101 General Retirement	35,076	48,008	49,424	50,882	52,408	53,981	55,600	57,268	58,986	60,756	62,578
401011 623101 Life, Health, Disability Insur	7,579	8,946	9,211	9,489	10,438	11,482	12,630	13,893	15,282	16,810	18,491
401011 624101 Workers Compensation	1,384	2,890	2,935	2,985	3,075	3,167	3,262	3,360	3,460	3,564	3,671
401011 624103 Leave Payout	4,426	4,875	5,022	5,172	5,353	5,540	5,734	5,935	6,143	6,358	6,580
401011 623102 Self-Insured Health Plan	102,473	118,596	126,428	126,428	139,071	152,978	168,276	185,103	203,614	223,975	246,372
<b>Customer Billing Svcs Operating</b>											
401011 631399 Other Professional Services											
401011 634120 Outside Services	53,404	53,074	54,136	55,219	57,428	59,725	62,114	64,598	67,182	69,870	72,664
401011 640105 Travel Costs	-	10	6	-	-	-	-	-	-	-	-
401011 641102 Telephone Service	8,137	8,340	8,507	8,677	8,851	9,028	9,208	9,392	9,580	9,772	9,967
401011 643202 Electric	14,828	15,124	15,427	15,736	16,208	16,694	17,195	17,711	18,242	18,790	19,353
401011 643203 Water & Sewer	1,514	1,514	1,514	1,575	1,575	1,575	1,575	1,575	1,575	1,575	1,575
401011 644103 Copy & Fax Machine Rent/Lease	1,707	1,750	1,785	1,821	1,857	1,895	1,932	1,971	2,011	2,051	2,092
401011 646102 Equip Repair/Maintenance	500	500	510	521	531	542	553	564	575	587	598
401011 641104 Postage & Shipping	565	579	591	603	615	627	640	653	666	679	693
401011 646109 OVERHEAD Facilities Charges Overhead	-	3,152	3,215	3,280	3,346	3,413	3,481	3,550	3,621	3,694	3,768
401011 646109 Facilities Charges	3,075	-	-	-	-	-	-	-	-	-	-
401011 647101 Printing	615	630	643	656	669	683	696	710	724	739	754
401011 649103 Various Fees	180	190	194	198	198	198	198	198	198	198	198
401011 652101 Office Supplies	5,125	4,500	4,590	4,680	4,774	4,869	4,966	5,066	5,167	5,270	5,376
401011 652113 Uniforms	77	79	81	83	85	86	88	90	92	93	95
401011 652121 Computer Equip/Accessory	4,613	4,728	4,823	4,920	5,018	5,119	5,221	5,326	5,432	5,541	5,652
401011 652122 Computer Software/License	4,922	36,197	-	-	-	-	-	-	-	-	-
401011 652199 Other Operating Mat & Supplies	763	783	799	815	831	848	865	882	900	918	936
401011 655101 Training & Seminars	513	526	537	548	559	570	582	593	605	617	629
<b>TOTAL Customer Billing Department</b>	<b>\$ 782,608</b>	<b>\$ 931,489</b>	<b>\$ 924,355</b>	<b>\$ 946,214</b>	<b>\$ 984,373</b>	<b>\$ 1,024,647</b>	<b>\$ 1,067,193</b>	<b>\$ 1,112,187</b>	<b>\$ 1,159,817</b>	<b>\$ 1,210,289</b>	<b>\$ 1,263,831</b>

**Utility Billing - Personnel**

401012 612001 Regular Salary	\$ 415,334	\$ 372,006	\$ 383,165	\$ 394,660	\$ 406,500	\$ 418,695	\$ 431,256	\$ 444,193	\$ 457,519	\$ 471,245	\$ 485,382
401012 613102 Contract Employees Salary/Wage											
401012 614101 Overtime	-	603	603	603	621	640	659	679	699	720	742
401012 615101 Special Pay/Add Pay											
401012 621101 FICA Taxes	26,195	23,171	23,867	24,581	25,318	26,078	26,860	27,666	28,496	29,351	30,232
401012 621102 Medicare Taxes	6,127	5,419	5,582	5,748	5,920	6,098	6,281	6,469	6,664	6,863	7,069
401012 622101 General Retirement	31,095	32,381	33,351	34,351	35,382	36,443	37,536	38,662	39,822	41,017	42,247
401012 623101 Life, Health, Disability Insur	6,708	6,162	6,348	6,537	7,191	7,910	8,701	9,571	10,528	11,581	12,739
401012 624101 Workers Compensation	1,200	994	1,023	1,054	1,086	1,118	1,152	1,186	1,222	1,259	1,296
401012 624103 Leave Payout	5,229	1,130	1,164	1,199	1,241	1,284	1,329	1,376	1,424	1,474	1,525
401012 623107 Opt Out Health Ins Subsidy	1,920	-	-	-	-	-	-	-	-	-	-
401012 623102 Self-Insured Health Plan	99,925	96,585	102,965	102,965	113,262	124,588	137,046	150,751	165,826	182,409	200,650

**Utility Billing - Operating**

401012 634120 Outside Services	740,945	770,583	785,995	-	-	-	-	-	-	-	-
401012 640105 Travel Costs	-	2,006	2,106	2,211	2,255	2,300	2,346	2,393	2,441	2,490	2,540
401012 641101 Communication Service	135	138	141	144	147	150	153	156	159	162	165
401012 641104 Postage & Shipping	2,373	2,432	2,481	2,531	2,582	2,633	2,686	2,740	2,794	2,850	2,907
401012 644102 Equipment Rental/Leases	780	1,582	1,614	1,646	1,679	1,712	1,747	1,782	1,817	1,854	1,891
401012 644103 Copy & Fax Machine Rent/Lease	2,877	2,949	3,008	3,068	3,129	3,192	3,256	3,321	3,387	3,455	3,524
401012 646102 Equip Repair/Maintenance	18,239	18,695	19,069	19,450	19,839	20,236	20,640	21,053	21,474	21,904	22,342
401012 646109 Facilities Charges	1,800	1,845	1,882	1,920	1,958	1,998	2,038	2,078	2,120	2,162	2,205
401012 647101 Printing	2,050	1,350	1,377	1,405	1,433	1,462	1,491	1,521	1,551	1,582	1,614
401012 649102 Bank Fees	131,265	134,547	137,238	139,983	142,783	145,638	148,551	151,522	154,553	157,644	160,796
401012 649103 Various Fees	1,538	1,576	1,608	1,640	1,640	1,640	1,640	1,640	1,640	1,640	1,640
401012 652101 Office Supplies	5,120	2,500	2,625	2,756	2,811	2,867	2,925	2,983	3,043	3,104	3,166
401012 652113 Uniforms	77	79	81	83	85	86	88	90	92	93	95
401012 652116 Small Equipment	1,046	283	289	295	301	307	313	319	326	332	339
401012 652121 Computer Equip/Accessory	8,520	2,470	2,594	2,724	2,778	2,834	2,891	2,949	3,008	3,068	3,129
401012 652122 Computer Software/License	893	3,250	3,413	3,584	3,656	3,729	3,803	3,879	3,957	4,036	4,117
401012 652199 Other Operating Mat & Supplies	759	774	790	-	-	-	-	-	-	-	-
401012 654101 Books Pubs Subscript & Membershp	282	288	294	-	-	-	-	-	-	-	-
401012 655101 Training & Seminars	1,400	585	614	645	658	671	684	698	712	726	741
<b>TOTAL Utility Billing Department</b>	<b>\$ 1,513,832</b>	<b>\$ 1,486,383</b>	<b>\$ 1,525,287</b>	<b>\$ 755,783</b>	<b>\$ 784,254</b>	<b>\$ 814,309</b>	<b>\$ 846,072</b>	<b>\$ 879,678</b>	<b>\$ 915,274</b>	<b>\$ 953,021</b>	<b>\$ 993,094</b>

**Assessment Billing**

401013 634120 Outside Services	80,000	80,000	81,600	83,232	86,561	90,024	93,625	97,370	101,264	105,315	109,528
401013 652122 Computer Software/License	30,392	31,912	33,508	49,659	50,652	51,665	52,699	53,752	54,828	55,924	57,043
<b>TOTAL Assessment Billing Department</b>	<b>\$ 110,392</b>	<b>\$ 111,912</b>	<b>\$ 115,108</b>	<b>\$ 132,891</b>	<b>\$ 137,213</b>	<b>\$ 141,689</b>	<b>\$ 146,323</b>	<b>\$ 151,122</b>	<b>\$ 156,092</b>	<b>\$ 161,239</b>	<b>\$ 166,570</b>

**Public Works Administration Personnel Services**

401014 622111 UAAL General Retirement	4,300,451	4,662,354	4,802,225	4,946,292	4,995,755	5,045,712	5,096,170	5,147,131	5,198,603	5,250,589	5,303,095
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**Public Works Administration Operating**

401014 634119 Employee Health Clinic Charges	3,312	3,395	3,480	3,567	3,638	3,711	3,785	3,861	3,938	4,017	4,097
401014 643204 Stormwater	125,228	125,228	125,228	125,228	127,733	130,287	132,893	135,551	138,262	141,027	143,848
401014 649110 Interfund Service Payment											
401014 649110 10000 Interfund Svc Pymt General Fd	2,811,408	3,559,808	3,666,602	3,776,600	3,776,600	3,776,600	3,776,600	3,776,600	3,776,600	3,776,600	3,776,600
401014 649110 50020 Interfund Svc Pymt Prop/Liab	2,349,711	2,288,100	2,333,862	2,380,539	2,380,539	2,380,539	2,380,539	2,380,539	2,380,539	2,380,539	2,380,539
<b>TOTAL Public Works Administration Department</b>	<b>\$ 9,590,110</b>	<b>\$ 10,638,885</b>	<b>\$ 10,931,397</b>	<b>\$ 11,232,226</b>	<b>\$ 11,284,265</b>	<b>\$ 11,336,850</b>	<b>\$ 11,389,987</b>	<b>\$ 11,443,682</b>	<b>\$ 11,497,942</b>	<b>\$ 11,552,772</b>	<b>\$ 11,608,178</b>

**Utilities Admin - Personnel**

401015 612001 Regular Salary	972,816	1,077,707	1,110,039	1,143,337	1,177,637	1,212,966	1,249,355	1,286,836	1,325,441	1,365,204	1,406,160
401015 613102 Contract Employees Salary/Wage	30,628	61,256	61,256	61,256	63,094	64,986	66,936	68,944	71,012	73,143	75,337
401015 614101 Overtime	30,000	140,000	140,000	140,000	144,200	148,526	152,982	157,571	162,298	167,167	172,182
401015 615101 Special Pay/Add Pay	5,720	6,790	6,790	6,790	6,994	7,204	7,420	7,642	7,871	8,108	8,351
401015 615103 Tuition Reimbursement Spec Pay	17,500	17,500	17,500	17,500	18,025	18,566	19,123	19,696	20,287	20,896	21,523
401015 615104 Standby Pay	16,807	11,276	11,614	11,963	12,322	12,692	13,072	13,464	13,868	14,284	14,713
401015 621101 FICA Taxes	65,973	82,606	84,698	86,853	89,459	92,142	94,907	97,754	100,686	103,707	106,818
401015 621102 Medicare Taxes	15,430	19,317	19,808	20,312	20,921	21,549	22,195	22,861	23,547	24,254	24,981
401015 622101 General Retirement	63,738	103,419	106,141	108,944	112,212	115,579	119,046	122,617	126,296	130,085	133,987
401015 622104 ICMA (401A)	15,522	-	-	-	-	-	-	-	-	-	-
401015 623101 Life, Health, Disability Insur	16,006	18,147	18,688	19,243	21,167	23,284	25,612	28,174	30,991	34,090	37,499
401015 624101 Workers Compensation	12,964	16,123	27,867	28,433	29,286	30,165	31,070	32,002	32,962	33,950	34,969
401015 624103 Leave Payout	24,972	35,334	36,394	37,486	38,798	40,156	41,561	43,016	44,522	46,080	47,693
401015 623102 Self-Insured Health Plan	137,767	157,230	167,614	167,614	184,375	202,813	223,094	245,404	269,944	296,938	326,632

**Utilities Admin - Operating**

401015 631304 Legal Services	\$ 35,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 103,000	\$ 106,090	\$ 109,273	\$ 112,551	\$ 115,927	\$ 119,405	\$ 122,987
401015 631307 Studies & Master Plans	175,000	300,000	200,000	150,000	153,000	156,060	159,181	162,365	165,612	168,924	172,303
401015 631312 Accounting & Auditing	5,000	20,000	20,000	20,000	20,400	20,808	21,224	21,649	22,082	22,523	22,974
401015 631399 Other Professional Services	200,000	250,000	200,000	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975
401015 634120 Outside Services	140,000	100	100	100	104	108	112	117	122	127	132
401015 640101 Food And Mileage (City)	300	300	300	300	306	312	318	325	331	338	345
401015 640105 Travel Costs	5,000	13,500	13,500	13,500	13,770	14,045	14,326	14,613	14,905	15,203	15,507
401015 641101 Communication Service	4,000	6,500	6,500	6,500	6,630	6,763	6,898	7,036	7,177	7,320	7,466
401015 641102 Telephone Service	1,000	1,000	1,000	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149
401015 641104 Postage & Shipping	4,000	6,000	6,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743
401015 643202 Electric	5,401	5,619	5,731	5,846	6,021	6,202	6,388	6,580	6,777	6,980	7,190
401015 643203 Water & Sewer	827	827	827	827	827	827	827	827	827	827	827
401015 644103 Copy & Fax Machine Rent/Lease	4,000	4,500	4,500	4,500	4,590	4,682	4,775	4,871	4,968	5,068	5,169
401015 646102 Equip Repair/Maintenance	4,200	4,200	4,200	4,200	4,284	4,370	4,457	4,546	4,637	4,730	4,824
401015 646106 Unleaded Fuel	5,100	5,500	5,500	5,500	5,665	5,835	6,010	6,190	6,376	6,567	6,764
401015 646109 Facilities Charges	4,000	4,500	4,500	4,500	4,590	4,682	4,775	4,871	4,968	5,068	5,169
401015 646109 OVERHEAD Facilities Charges Overhead	3,800	4,605	4,697	4,697	4,791	4,887	4,984	5,084	5,186	5,290	5,395
401015 646110 OVERHEAD Fleet Charges Overhead	1,240	1,240	1,240	1,240	1,265	1,290	1,316	1,342	1,369	1,396	1,424
401015 646110 Fleet Charges	4,000	6,500	6,500	6,500	6,630	6,763	6,898	7,036	7,177	7,320	7,466
401015 647101 Printing	500	500	500	500	510	520	531	541	552	563	574
401015 648102 Public Relations	4,000	5,000	5,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743
401015 649103 Various Fees	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000
401015 649114 Lot Mow / Impact - City	64,000	65,000	66,000	66,000	67,320	68,666	70,040	71,441	72,869	74,327	75,813
401015 652101 Office Supplies	11,000	11,000	11,000	11,000	11,220	11,444	11,673	11,907	12,145	12,388	12,636
401015 652113 Uniforms	4,000	5,000	5,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743
401015 652115 Tools	4,200	4,500	4,500	4,500	4,590	4,682	4,775	4,871	4,968	5,068	5,169
401015 652116 Small Equipment	15,500	15,500	10,000	10,000	10,200	10,404	10,612	10,824	11,041	11,262	11,487
401015 652121 Computer Equip/Accessory	5,000	15,400	4,000	3,000	3,060	3,121	3,184	3,247	3,312	3,378	3,446
401015 652122 Computer Software/License	9,000	37,000	37,000	37,000	37,740	38,495	39,265	40,050	40,851	41,668	42,501
401015 652124 Safety Equipment	4,000	4,000	4,000	4,000	4,080	4,162	4,245	4,330	4,416	4,505	4,595
401015 652199 Other Operating Mat & Supplies	6,000	6,000	6,000	6,000	6,120	6,242	6,367	6,495	6,624	6,757	6,892
401015 654101 Books Pubs Subscript & Membrshp	10,000	7,000	7,000	7,000	7,140	7,283	7,428	7,577	7,729	7,883	8,041
401015 655101 Training & Seminars	10,500	18,000	18,000	18,000	18,360	18,727	19,102	19,484	19,873	20,271	20,676
401015 655102 In-House Training	6,500	6,500	6,500	6,500	6,630	6,763	6,898	7,036	7,177	7,320	7,466
401015 664501 Computer Software Intangible	-	1,500,000	-	-	-	-	-	-	-	-	-

**Utilities Admin - Capital Outlay**

401015 664101 Equipment											
401015 664102 Vehicles											
401017 643203 Water & Sewer											
401019 643203 Water & Sewer											
<b>TOTAL Utilities Administration Department</b>	<b>\$ 2,188,911</b>	<b>\$ 4,188,996</b>	<b>\$ 2,585,004</b>	<b>\$ 2,574,441</b>	<b>\$ 2,660,653</b>	<b>\$ 2,750,686</b>	<b>\$ 2,844,782</b>	<b>\$ 2,943,207</b>	<b>\$ 3,046,246</b>	<b>\$ 3,154,212</b>	<b>\$ 3,267,441</b>

**Utilities Customer Service - Personnel**

401016 612001 Regular Salary	547,229	611,538	629,880	648,779	668,242	688,290	708,938	730,206	752,113	774,676	797,916
401016 613102 Contract Employees Salary/Wage	18,928	27,040	27,040	27,040	27,851	28,687	29,547	30,434	31,347	32,287	33,256
401016 614101 Overtime	585	603	603	603	621	640	659	679	699	720	742
401016 615101 Special Pay/Add Pay	1,170	1,170	1,170	1,170	1,205	1,241	1,278	1,317	1,356	1,397	1,439
401016 621101 FICA Taxes	35,330	39,955	41,102	42,280	43,548	44,855	46,200	47,587	49,014	50,485	51,999
401016 621102 Medicare Taxes	8,261	9,343	9,612	9,887	10,184	10,489	10,804	11,128	11,462	11,806	12,160
401016 622101 General Retirement	40,544	53,469	55,069	56,717	58,419	60,171	61,976	63,835	65,751	67,723	69,755
401016 623101 Life,Health,Disability Insur	8,848	10,149	10,455	10,764	11,840	13,024	14,327	15,760	17,336	19,069	20,976
401016 623107 Opt Out Health Ins Subsidy	1,920	-	-	-	-	-	-	-	-	-	-
401016 624101 Workers Compensation	1,441	3,032	3,079	3,134	3,228	3,325	3,425	3,527	3,633	3,742	3,854
401016 652101 Office Supplies	-	3,072	3,133	3,196	3,260	3,325	3,392	3,459	3,529	3,599	3,671
401016 652116 Small Equipment	-	360	367	375	383	390	398	406	414	422	431
401016 623102 Self-Insured Health Plan	126,714	140,163	149,425	149,425	164,368	180,804	198,885	218,773	240,650	264,716	291,187
401016 624103 Leave Payout	-	4,113	4,237	4,364	4,517	4,675	4,838	5,008	5,183	5,364	5,552
401016 640105 Travel Costs	-	92	94	96	98	100	102	104	106	108	110
401016 644103 Copy & Fax Machine Rent/Lease	-	1,773	1,808	1,845	1,882	1,920	1,958	1,997	2,037	2,078	2,119
401016 646109 Facilities Charges	-	1,107	1,129	1,152	1,175	1,199	1,223	1,247	1,272	1,297	1,323
401016 647101 Printing	-	1,261	1,286	1,312	1,338	1,365	1,392	1,420	1,449	1,478	1,507
401016 652113 Uniforms	-	46	47	48	49	50	51	52	53	54	55
401016 652121 Computer Equip/Accessory	-	2,950	3,009	3,069	3,130	3,193	3,257	3,322	3,388	3,456	3,525
401016 652199 Other Operating Mat & Supplies	-	123	125	128	131	133	136	139	141	144	147
401016 654101 Books Pubs Subscript & Membrshp	-	840	857	874	891	909	927	946	965	984	1,004
401016 655101 Training & Seminars	-	560	571	583	595	607	619	631	644	657	670
<b>TOTAL Utilities Customer Service Department</b>	<b>\$ 790,970</b>	<b>\$ 912,759</b>	<b>\$ 944,098</b>	<b>\$ 966,841</b>	<b>\$ 1,006,955</b>	<b>\$ 1,049,391</b>	<b>\$ 1,094,332</b>	<b>\$ 1,141,977</b>	<b>\$ 1,192,541</b>	<b>\$ 1,246,262</b>	<b>\$ 1,303,399</b>



**Water Production S Plant - Personnel**

401022 612001 Regular Salary	\$ 1,276,177	\$ 1,180,506	\$ 1,215,831	\$ 1,252,223	\$ 1,289,790	\$ 1,328,483	\$ 1,368,338	\$ 1,409,388	\$ 1,451,670	\$ 1,495,220	\$ 1,540,076
401022 612002 Longevity Salary	2,403	1,591	1,591	1,591	1,559	1,528	1,497	1,467	1,438	1,409	1,381
401022 614101 Overtime	157,500	162,225	167,091	172,104	177,267	182,585	188,063	193,705	199,516	205,501	211,666
401022 615101 Special Pay/Add Pay	10,495	10,160	10,160	11,468	11,812	12,166	12,531	12,907	13,295	13,693	14,104
401022 615104 Standby Pay	61,014	49,791	51,285	52,824	54,409	56,041	57,722	59,454	61,237	63,075	64,967
401022 615106 Shift Differential Pay	7,845	9,100	9,100	9,100	9,100	9,100	9,100	9,100	9,100	9,100	9,100
401022 621101 FICA Taxes	96,408	90,344	93,007	95,747	98,619	101,578	104,625	107,764	110,997	114,327	117,757
401022 621102 Medicare Taxes	22,544	21,131	21,753	22,392	23,064	23,756	24,468	25,202	25,958	26,737	27,539
401022 622101 General Retirement	99,751	109,892	113,128	116,461	119,955	123,553	127,260	131,078	135,010	139,061	143,232
401022 623101 Life, Health, Disability Insur	21,792	20,769	21,375	22,001	24,201	26,621	29,283	32,212	35,433	38,976	42,874
401022 624101 Workers Compensation	59,832	50,355	65,179	67,098	69,111	71,184	73,320	75,519	77,785	80,119	82,522
401022 624103 Leave Payout	42,127	40,894	42,121	43,384	44,902	46,474	48,101	49,784	51,527	53,330	55,197
401022 623102 Self-Insured Health Plan	188,165	194,519	207,367	207,367	228,104	250,914	276,005	303,606	333,967	367,363	404,100
401022 623107 Opt Out Health Ins Subsidy	1,920	2,880	2,880	2,880	2,966	3,055	3,147	3,241	3,339	3,439	3,542

**Water Production S Plant - Operating**

401022 631303 Lab Services	45,000	40,750	41,769	42,813	43,669	44,543	45,433	46,342	47,269	48,214	49,179
401022 631399 Other Professional Services	123,600	160,000	131,130	135,064	139,116	143,289	147,588	152,016	156,576	161,273	166,112
401022 634104 Security Services	41,000	165,000	165,000	165,000	168,300	171,666	175,099	178,601	182,173	185,817	189,533
401022 634120 Outside Services	37,856	49,700	51,761	53,831	55,984	58,224	60,553	62,975	65,494	68,113	70,838
401022 640101 Food And Mileage (City)	103	103	106	109	111	113	116	118	120	123	125
401022 640105 Travel Costs	18,202	17,363	17,797	18,242	18,607	18,979	19,359	19,746	20,141	20,543	20,954
401022 641101 Communication Service	1,331	1,372	1,415	1,450	1,479	1,509	1,539	1,570	1,601	1,633	1,666
401022 641102 Telephone Service	14,841	15,212	15,592	15,982	16,302	16,628	16,960	17,299	17,645	17,998	18,358
401022 641104 Postage & Shipping	1,538	1,000	1,025	1,051	1,072	1,093	1,115	1,138	1,160	1,184	1,207
401022 643202 Electric	1,265,786	1,022,000	1,083,320	1,148,319	1,182,769	1,218,252	1,254,799	1,292,443	1,331,216	1,371,153	1,412,288
401022 643205 Propane Fuel	205	210	215	220	224	229	233	238	243	248	253
401022 644102 Equipment Rental/Leases	4,100	4,203	4,310	4,418	4,506	4,596	4,688	4,782	4,878	4,975	5,075
401022 644103 Copy & Fax Machine Rent/Lease	4,116	4,116	4,116	4,219	4,303	4,389	4,477	4,567	4,658	4,751	4,846
401022 644104 Uniforms/Linen/Mats Rent/Lease	4,920	6,000	6,150	6,304	6,430	6,559	6,690	6,824	6,960	7,099	7,241
401022 646102 Equip Repair/Maintenance	256,250	262,656	269,222	275,953	281,472	287,102	292,844	298,700	304,674	310,768	316,983
401022 646103 Building Maintenance	43,076	84,000	135,257	46,388	47,316	48,262	49,227	50,212	51,216	52,240	53,285
401022 646104 Diesel Fuel	4,448	2,500	2,563	2,717	2,799	2,882	2,969	3,058	3,150	3,244	3,342
401022 646106 Unleaded Fuel	23,320	24,719	26,202	27,774	28,607	29,465	30,349	31,260	32,198	33,164	34,159
401022 646107 Oil & Grease	1,845	4,000	4,100	4,203	4,287	4,373	4,460	4,549	4,640	4,733	4,828
401022 646108 Other Repairs & Maint.	10,250	10,506	10,770	11,039	11,260	11,485	11,715	11,949	12,188	12,432	12,680
401022 646109 Facilities Charges	33,000	30,000	30,750	31,519	32,149	32,792	33,448	34,117	34,800	35,496	36,205
401022 646109 OVERHEAD Facilities Charges Overhead	31,350	-	-	-	-	-	-	-	-	-	-
401022 646110 OVERHEAD Fleet Charges Overhead	8,799	-	-	-	-	-	-	-	-	-	-
401022 646110 Fleet Charges	28,684	29,402	30,136	30,889	31,507	32,137	32,780	33,435	34,104	34,786	35,482
401022 646124 Dyed Diesel Fuel	23,820	25,249	26,765	28,371	29,222	30,099	31,002	31,932	32,890	33,876	34,893
401022 647101 Printing	103	1,000	500	513	523	534	544	555	566	578	589
401022 648102 Public Relations	1,576	1,615	1,655	1,696	1,730	1,765	1,800	1,836	1,873	1,910	1,948
401022 649103 Various Fees	11,275	11,557	12,846	13,167	13,167	13,167	13,167	13,167	13,167	13,167	13,167
401022 652101 Office Supplies	4,100	4,203	4,310	4,418	4,506	4,596	4,688	4,782	4,878	4,975	5,075
401022 652113 Uniforms	4,305	4,403	4,513	4,626	4,719	4,813	4,909	5,007	5,107	5,210	5,314
401022 652114 Chemicals	325,000	333,125	341,453	349,989	356,989	364,129	371,411	378,839	386,416	394,144	402,027
401022 652115 Tools	8,438	5,574	5,713	5,856	5,973	6,093	6,214	6,339	6,465	6,595	6,727
401022 652116 Small Equipment	148,030	151,731	155,524	159,412	162,600	165,852	169,169	172,553	176,004	179,524	183,114
401022 652117 Janitorial Supplies	3,697	3,789	3,885	3,982	4,062	4,143	4,226	4,310	4,396	4,484	4,574
401022 652121 Computer Equip/Accessory	10,403	10,715	10,983	11,258	11,883	12,521	13,171	13,835	14,511	15,202	15,906
401022 652122 Computer Software/License	17,470	17,994	18,445	18,906	19,284	19,670	20,063	20,464	20,874	21,291	21,717
401022 652124 Safety Equipment	8,200	10,000	10,250	10,506	10,716	10,930	11,149	11,372	11,599	11,831	12,068
401022 652199 Other Operating Mat & Supplies	82,000	40,000	41,000	88,305	90,071	91,873	93,710	95,584	97,496	99,446	101,435
401022 653105 Parking Lot Maintenance	5,000	100,000	-	-	-	-	-	-	-	-	-
401022 654101 Books Pubs Subscript & Membrshp	2,678	2,758	2,827	2,898	2,956	3,015	3,075	3,137	3,200	3,264	3,329
401022 655101 Training & Seminars	28,229	25,179	25,808	26,453	26,982	27,522	28,072	28,634	29,206	29,790	30,386
401022 655102 In-House Training	10,000	10,250	20,000	10,769	10,984	11,204	11,428	11,657	11,890	12,128	12,370
401022 634103 Trash Removal	-	5,000	5,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743
401022 663103 Sidewalks	-	-	-	-	-	-	-	-	-	-	-

**Water Production S Plant - Capital Outlay**

401022 662301 Building Improvement											
401022 664101 Equipment	125,728	528,478	362,098	434,504	434,504	434,504	434,504	434,504	434,504	434,504	434,504
401022 664102 Vehicles											

<b>TOTAL Water Production S Plant Department</b>	<b>\$ 4,871,645</b>	<b>\$ 5,171,589</b>	<b>\$ 5,108,149</b>	<b>\$ 5,304,773</b>	<b>\$ 5,453,101</b>	<b>\$ 5,607,238</b>	<b>\$ 5,767,514</b>	<b>\$ 5,934,286</b>	<b>\$ 6,107,939</b>	<b>\$ 6,288,888</b>	<b>\$ 6,477,583</b>
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<b>Water Production N Plant - Personnel</b>													
401023 612001 Regular Salary	\$ 1,134,093	\$ 1,167,537	\$ 1,202,560	\$ 1,238,638	\$ 1,275,797	\$ 1,314,071	\$ 1,353,493	\$ 1,394,098	\$ 1,435,921	\$ 1,478,999	\$ 1,523,369		
401023 612002 Longevity Salary	2,590	2,902	2,902	2,902	2,844	2,787	2,731	2,677	2,623	2,571	2,519		
401023 614101 Overtime	157,500	162,225	167,091	172,104	177,267	182,585	188,063	193,705	199,516	205,501	211,666		
401023 615101 Special Pay/A add Pay	11,070	12,110	12,110	12,473	12,847	13,233	13,630	14,038	14,460	14,893	15,340		
401023 615104 Standby Pay	61,575	54,942	56,592	58,288	60,037	61,838	63,693	65,604	67,572	69,599	71,687		
401023 615106 Shift Differential Pay	9,890	9,890	9,890	9,890	9,890	9,890	9,890	9,890	9,890	9,890	9,890		
401023 621101 FICA Taxes	86,717	90,026	92,679	95,414	98,276	101,225	104,261	107,389	110,611	113,929	117,347		
401023 621102 Medicare Taxes	20,282	21,057	21,676	22,314	22,983	23,673	24,383	25,115	25,868	26,644	27,443		
401023 622101 General Retirement	89,315	121,095	124,661	128,336	132,186	136,152	140,236	144,443	148,777	153,240	157,837		
401023 623101 Life, Health, Disability Insur	19,508	20,669	21,272	21,898	24,088	26,497	29,146	32,061	35,267	38,794	42,673		
401023 624101 Workers Compensation	53,699	48,484	63,313	65,179	67,134	69,148	71,223	73,360	75,560	77,827	80,162		
401023 624103 Leave Payout	27,650	41,786	43,040	44,331	45,883	47,488	49,151	50,871	52,651	54,494	56,401		
401023 623102 Self-Insured Health Plan	182,208	191,825	204,497	204,497	224,947	247,441	272,186	299,404	329,344	362,279	398,507		
401023 623107 Opt Out Health Ins Subsidy	-	960	960	960	989	1,018	1,049	1,080	1,113	1,146	1,181		
<b>Water Production N Plant - Operating</b>													
401023 631303 Lab Services	45,000	30,750	31,520	32,308	32,954	33,613	34,286	34,971	35,671	36,384	37,112		
401023 631399 Other Professional Services	123,600	127,308	131,127	135,061	139,113	143,286	147,585	152,012	156,573	161,270	166,108		
401023 634104 Security Services	68,675	165,000	165,000	165,000	168,300	171,666	175,099	178,601	182,173	185,817	189,533		
401023 634120 Outside Services	54,100	56,264	58,515	60,856	63,290	65,822	68,455	71,193	74,041	77,002	80,082		
401023 640101 Food And Mileage (City)	513	700	700	718	732	747	762	777	793	809	825		
401023 640105 Travel Costs	18,291	16,214	16,619	17,035	17,376	17,723	18,078	18,439	18,808	19,184	19,568		
401023 641101 Communication Service	1,051	1,500	1,550	1,589	1,621	1,653	1,686	1,720	1,754	1,789	1,825		
401023 641102 Telephone Service	21,347	21,562	21,782	22,327	22,774	23,229	23,694	24,167	24,651	25,144	25,647		
401023 641104 Postage & Shipping	718	736	755	774	789	805	821	838	855	872	889		
401023 643202 Electric	910,348	942,288	998,825	1,058,755	1,090,518	1,123,233	1,156,930	1,191,638	1,227,387	1,264,209	1,302,135		
401023 643205 Propane Fuel	205	210	215	220	224	229	233	238	243	248	253		
401023 644102 Equipment Rental/Leases	25,234	4,100	4,203	4,308	4,394	4,482	4,572	4,663	4,756	4,852	4,949		
401023 644103 Copy & Fax Machine Rent/Lease	4,116	4,116	4,116	4,219	4,303	4,389	4,477	4,567	4,658	4,751	4,846		
401023 644104 Uniforms/Linen/Mats Rent/Lease	5,638	5,778	5,922	6,070	6,191	6,315	6,442	6,570	6,702	6,836	6,973		
401023 646102 Equip Repair/Maintenance	239,248	300,000	307,500	315,188	321,492	327,922	334,480	341,170	347,993	354,953	362,052		
401023 646103 Building Maintenance	44,371	45,480	46,617	47,782	48,973	50,173	51,387	52,614	53,854	55,107	56,374		
401023 646106 Unleaded Fuel	12,000	12,720	13,483	14,292	14,721	15,161	15,617	16,086	16,568	17,065	17,577		
401023 646107 Oil & Grease	1,300	3,500	3,588	3,678	3,752	3,827	3,903	3,981	4,061	4,142	4,225		
401023 646108 Other Repairs & Maint.	8,615	4,000	4,100	4,203	4,287	4,373	4,460	4,549	4,640	4,733	4,828		
401023 646109 Facilities Charges	22,000	30,000	30,750	31,519	32,149	32,792	33,448	34,117	34,800	35,496	36,205		
401023 646109 OVERHEAD Facilities Charges Overhead	20,900	-	-	-	-	-	-	-	-	-	-		
401023 646110 OVERHEAD Fleet Charges Overhead	5,589	-	-	-	-	-	-	-	-	-	-		
401023 646110 Fleet Charges	18,301	12,000	12,300	12,608	12,860	13,117	13,380	13,647	13,920	14,199	14,483		
401023 646124 Dyed Diesel Fuel	26,500	28,090	29,775	31,562	32,509	33,484	34,489	35,523	36,589	37,687	38,817		
401023 647101 Printing	103	106	110	113	115	118	120	122	125	127	130		
401023 648102 Public Relations	1,576	1,615	1,655	1,696	1,730	1,765	1,800	1,836	1,873	1,910	1,948		
401023 649103 Various Fees	18,000	8,200	9,405	9,640	9,640	9,640	9,640	9,640	9,640	9,640	9,640		
401023 652101 Office Supplies	5,000	5,125	5,253	5,384	5,492	5,602	5,714	5,828	5,944	6,063	6,185		
401023 652113 Uniforms	4,025	4,126	4,230	4,336	4,423	4,511	4,601	4,693	4,787	4,883	4,981		
401023 652114 Chemicals	275,000	281,875	288,922	296,145	302,068	308,109	314,271	320,557	326,968	333,507	340,178		
401023 652115 Tools	4,350	4,459	4,570	4,684	4,778	4,873	4,971	5,070	5,172	5,275	5,380		
401023 652116 Small Equipment	75,000	102,875	105,447	108,083	110,245	112,450	114,699	116,993	119,332	121,719	124,153		
401023 652117 Janitorial Supplies	3,263	3,345	3,429	3,515	3,585	3,657	3,730	3,805	3,881	3,958	4,038		
401023 652121 Computer Equip/Accessory	10,403	10,715	10,983	11,258	11,532	11,813	12,099	12,390	12,686	12,987	13,292		
401023 652122 Computer Software/License	20,874	21,396	21,931	22,480	23,043	23,620	24,211	24,816	25,435	26,068	26,715		
401023 652124 Safety Equipment	8,200	8,405	8,615	8,830	9,007	9,187	9,370	9,558	9,749	9,944	10,143		
401023 652199 Other Operating Mat & Supplies	93,550	50,000	51,250	52,531	53,842	55,183	56,564	57,985	59,446	60,947	62,488		
401023 654101 Books Pubs Subscrpt & Membrshp	7,075	3,152	3,231	3,312	3,378	3,446	3,515	3,585	3,657	3,730	3,804		
401023 655101 Training & Seminars	28,366	22,323	29,966	30,715	31,329	31,956	32,595	33,247	33,912	34,590	35,282		
401023 655102 In-House Training	12,000	20,000	12,608	12,923	13,181	13,445	13,714	13,988	14,268	14,553	14,844		
401023 634103 Trash Removal	2,400	5,000	5,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743		
<b>Water Production N Plant - Capital Outlay</b>													
401023 662301 Building Improvement													
401023 664101 Equipment	968,000	355,951	237,662	318,603	318,603	318,603	318,603	318,603	318,603	318,603	318,603		
401023 662601 Improvements Other Than Bldgs	47,709	-	-	-	-	-	-	-	-	-	-		
<b>TOTAL Water Production N Plant Department</b>	<b>\$ 5,118,651</b>	<b>\$ 4,666,492</b>	<b>\$ 4,716,472</b>	<b>\$ 5,025,322</b>	<b>\$ 5,169,277</b>	<b>\$ 5,318,907</b>	<b>\$ 5,474,536</b>	<b>\$ 5,636,514</b>	<b>\$ 5,805,220</b>	<b>\$ 5,981,061</b>	<b>\$ 6,164,480</b>		

<b>Collection/Distribution - Personnel</b>												
401024 612001 Regular Salary	\$ 3,925,296	\$ 4,301,880	\$ 4,430,744	\$ 4,563,469	\$ 4,700,373	\$ 4,841,384	\$ 4,986,626	\$ 5,136,225	\$ 5,290,311	\$ 5,449,021	\$ 5,612,491	
401024 612002 Longevity Salary	1,747	1,747	1,747	1,747	1,712	1,678	1,644	1,611	1,579	1,548	1,517	
401024 614101 Overtime	380,000	430,000	430,000	430,000	442,900	456,187	469,873	483,969	498,488	513,442	528,846	
401024 615101 Special Pay/Add Pay	35,308	28,860	28,860	28,860	29,726	30,618	31,536	32,482	33,457	34,460	35,494	
401024 615104 Standby Pay	60,000	68,466	60,000	60,000	61,800	63,654	65,564	67,531	69,556	71,643	73,792	
401024 621101 FICA Taxes	276,678	303,994	312,230	320,709	330,330	340,240	350,447	360,961	371,790	382,943	394,432	
401024 621102 Medicare Taxes	64,713	71,096	73,016	75,010	77,260	79,578	81,965	84,424	86,957	89,566	92,253	
401024 622101 General Retirement	295,687	395,002	405,625	416,567	429,064	441,936	455,194	468,850	482,915	497,403	512,325	
401024 623101 Life,Health,Disability Insur	64,605	72,745	74,906	77,133	84,846	93,331	102,664	112,930	124,223	136,646	150,310	
401024 624101 Workers Compensation	329,862	396,800	441,275	453,569	467,176	481,191	495,627	510,496	525,811	541,585	557,833	
401024 624103 Leave Payout	64,944	80,125	82,529	85,005	87,980	91,059	94,247	97,545	100,959	104,493	108,150	
401024 623102 Self-Insured Health Plan	877,230	936,915	998,797	998,797	1,098,677	1,208,544	1,329,399	1,462,339	1,608,573	1,769,430	1,946,373	
401024 623107 Opt Out Health Ins Subsidy	9,600	7,680	7,680	7,680	7,910	8,148	8,392	8,644	8,903	9,170	9,445	
<b>Collection/Distribution - Operating</b>												
401024 631303 Lab Services	23,227	23,622	24,071	24,552	25,043	25,544	26,055	26,576	27,107	27,650	28,203	
401024 631399 Other Professional Services	21,150	21,573	21,983	22,423	23,096	23,789	24,502	25,237	25,994	26,774	27,577	
401024 634120 Outside Services	107,000	109,080	111,153	113,376	117,911	122,627	127,533	132,634	137,939	143,457	149,195	
401024 640101 Food And Mileage (City)	205	208	212	216	220	225	229	234	238	243	248	
401024 640105 Travel Costs	4,018	2,547	2,547	2,547	2,598	2,650	2,703	2,757	2,812	2,868	2,926	
401024 641101 Communication Service	22,199	22,199	22,199	22,199	22,643	23,096	23,558	24,029	24,509	25,000	25,500	
401024 641102 Telephone Service	876	876	876	876	894	911	930	948	967	987	1,006	
401024 641104 Postage & Shipping	205	209	213	217	221	226	230	235	240	244	249	
401024 643202 Electric	16,500	17,500	17,833	18,189	18,735	19,297	19,876	20,472	21,086	21,719	22,370	
401024 643205 Propane Fuel	1,000	1,000	1,000	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149	
401024 644102 Equipment Rental/Leases	28,000	30,000	32,000	32,000	32,640	33,293	33,959	34,638	35,331	36,037	36,758	
401024 644103 Copy & Fax Machine Rent/Lease	4,652	5,190	5,289	5,395	5,503	5,613	5,725	5,840	5,957	6,076	6,197	
401024 644104 Uniforms/Linen/Mats Rent/Lease	18,679	19,419	19,788	20,184	20,588	20,999	21,419	21,848	22,285	22,730	23,185	
401024 646102 Equip Repair/Maintenance	28,840	29,561	31,058	31,834	32,471	33,120	33,782	34,458	35,147	35,850	36,567	
401024 646103 Building Maintenance	5,000	4,255	4,336	4,423	4,511	4,602	4,694	4,788	4,883	4,981	5,081	
401024 646104 Diesel Fuel	77,416	78,732	80,228	81,833	84,288	86,817	89,421	92,104	94,867	97,713	100,644	
401024 646106 Unleaded Fuel	95,281	96,901	98,742	100,717	103,739	106,851	110,056	113,358	116,759	120,261	123,869	
401024 646109 Facilities Charges	12,956	15,284	15,590	15,902	16,220	16,544	16,875	17,213	17,557	17,908	18,266	
401024 646109 OVERHEAD Facilities Charges Overhead	12,308	14,791	15,087	15,389	15,697	16,011	16,331	16,658	16,991	17,331	17,677	
401024 646110 OVERHEAD Fleet Charges Overhead	46,398	64,125	73,775	81,153	82,776	84,432	86,120	87,843	89,599	91,391	93,219	
401024 646110 Fleet Charges	149,580	206,858	210,788	214,793	219,089	223,471	227,940	232,499	237,149	241,892	246,730	
401024 646124 Dyed Diesel Fuel												
401024 647101 Printing	4,000	4,000	4,000	4,000	4,080	4,162	4,245	4,330	4,416	4,505	4,595	
401024 649103 Various Fees	-	6,125	8,825	8,825	8,825	8,825	8,825	8,825	8,825	8,825	8,825	
401024 652101 Office Supplies	6,868	6,986	7,119	7,261	7,406	7,554	7,705	7,860	8,017	8,177	8,341	
401024 652113 Uniforms	16,736	16,923	17,131	18,296	18,662	19,035	19,416	19,804	20,200	20,604	21,016	
401024 652114 Chemicals	3,442	3,501	3,568	3,639	3,712	3,786	3,862	3,939	4,018	4,098	4,180	
401024 652115 Tools	40,500	41,188	41,971	42,810	43,666	44,540	45,430	46,339	47,266	48,211	49,175	
401024 652116 Small Equipment	40,417	33,714	34,355	35,042	35,743	36,458	37,187	37,931	38,689	39,463	40,252	
401024 652117 Janitorial Supplies	9,359	9,528	9,709	9,903	10,101	10,303	10,509	10,719	10,934	11,152	11,375	
401024 652121 Computer Equip/Accessory	20,950	5,565	5,675	5,789	5,905	6,023	6,143	6,266	6,392	6,519	6,650	
401024 652122 Computer Software/License	15,365	15,626	15,923	15,923	16,241	16,566	16,898	17,236	17,580	17,932	18,291	
401024 652124 Safety Equipment	16,024	16,344	16,655	16,988	17,328	17,674	18,028	18,388	18,756	19,131	19,514	
401024 652199 Other Operating Mat & Supplies	2,173,967	2,713,284	2,500,000	2,500,000	2,550,000	2,601,000	2,653,020	2,706,080	2,760,202	2,815,406	2,871,714	
401024 653107 Utility System Maintenance	1,191,602	1,211,859	1,234,884	1,259,582	1,284,774	1,310,469	1,336,678	1,363,412	1,390,680	1,418,494	1,446,864	
401024 654101 Books Pubs Subscpt & Membrshp	3,357	2,533	2,533	2,533	2,584	2,635	2,688	2,742	2,797	2,853	2,910	
401024 655101 Training & Seminars	6,225	4,100	4,100	4,100	4,182	4,266	4,351	4,438	4,527	4,617	4,710	
401024 655102 In-House Training	37,917	49,280	43,605	45,455	46,364	47,291	48,237	49,202	50,186	51,190	52,214	
<b>Collection/Distribution - Capital Outlay</b>												
401024 664101 Equipment	180,653	180,653	121,049	83,044	83,044	83,044	83,044	83,044	83,044	83,044	83,044	
401024 664102 Vehicles												
<b>TOTAL Collection/Distribution Department</b>	<b>\$ 10,828,542</b>	<b>\$ 12,180,449</b>	<b>\$ 12,207,279</b>	<b>\$ 12,390,954</b>	<b>\$ 12,792,273</b>	<b>\$ 13,212,336</b>	<b>\$ 13,652,444</b>	<b>\$ 14,114,010</b>	<b>\$ 14,598,573</b>	<b>\$ 15,107,810</b>	<b>\$ 15,643,546</b>	

<b>Water Reclamation Col Sys - Personnel</b>												
401025 612001 Regular Salary	\$ 886,849	\$ 991,628	\$ 1,021,374	\$ 1,052,016	\$ 1,083,576	\$ 1,116,084	\$ 1,149,566	\$ 1,184,053	\$ 1,219,575	\$ 1,256,162	\$ 1,293,847	
401025 612002 Longevity Salary	1,040	686	686	686	672	659	646	633	620	608	596	
401025 614101 Overtime	40,000	40,000	40,000	40,000	41,200	42,436	43,709	45,020	46,371	47,762	49,195	
401025 615101 Special Pay/Add Pay	10,920	12,870	13,520	13,520	13,926	14,343	14,774	15,217	15,673	16,144	16,628	
401025 615104 Standby Pay	46,135	50,015	51,766	53,577	55,184	56,840	58,545	60,301	62,110	63,974	65,893	
401025 615106 Shift Differential Pay	411	1,375	1,375	1,375	1,375	1,375	1,375	1,375	1,375	1,375	1,375	
401025 621101 FICA Taxes	61,235	68,989	70,956	72,983	75,172	77,428	79,750	82,143	84,607	87,146	89,760	
401025 621102 Medicare Taxes	14,321	16,135	16,594	17,071	17,583	18,111	18,654	19,214	19,790	20,384	20,995	
401025 622101 General Retirement	67,546	89,511	92,053	94,673	97,513	100,439	103,452	106,555	109,752	113,045	116,436	
401025 623101 Life,Health,Disability Insur	14,759	17,220	17,731	18,254	20,079	22,087	24,296	26,726	29,398	32,338	35,572	
401025 624101 Workers Compensation	44,454	64,368	70,968	72,992	75,182	77,437	79,760	82,153	84,618	87,156	89,771	
401025 624103 Leave Payout	29,880	32,735	33,717	34,729	35,945	37,203	38,505	39,852	41,247	42,691	44,185	
401025 623102 Self-Insured Health Plan	167,104	199,905	213,105	213,105	234,416	257,857	283,643	312,007	343,208	377,529	415,281	
401025 623107 Opt Out Health Ins Subsidy	1,920	1,920	1,920	1,920	1,978	2,037	2,098	2,161	2,226	2,293	2,361	
<b>Water Reclamation Col Sys - Operating</b>												
401025 631303 Lab Services	1,344	1,385	1,427	1,456	1,485	1,515	1,545	1,576	1,608	1,640	1,672	
401025 631399 Other Professional Services	5,250	5,567	5,567	5,567	5,734	5,906	6,083	6,266	6,454	6,647	6,847	
401025 634120 Outside Services	39,010	56,340	61,840	63,077	65,600	68,224	70,953	73,791	76,743	79,813	83,005	
401025 640105 Travel Costs	8,170	12,454	10,659	8,119	8,281	8,447	8,616	8,788	8,964	9,143	9,326	
401025 641101 Communication Service	3,806	3,920	4,038	4,038	4,119	4,201	4,285	4,371	4,458	4,547	4,638	
401025 641104 Postage & Shipping	2,060	1,000	1,020	1,020	1,040	1,061	1,082	1,104	1,126	1,149	1,172	
401025 643202 Electric	907,970	700,000	805,000	925,750	953,523	982,128	1,011,592	1,041,940	1,073,198	1,105,394	1,138,556	
401025 643203 Water & Sewer	106	109	112	114	114	114	114	114	114	114	114	
401025 644102 Equipment Rental/Leases	15,413	15,000	15,000	30,000	30,600	31,212	31,836	32,473	33,122	33,785	34,461	
401025 644103 Copy & Fax Machine Rent/Lease	1,631	1,680	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,949	1,988	
401025 644104 Uniforms/Linen/Mats Rent/Lease	4,839	4,984	5,133	5,236	5,341	5,448	5,556	5,668	5,781	5,897	6,015	
401025 646102 Equip Repair/Maintenance	507,130	500,000	540,000	554,000	565,080	576,382	587,909	599,667	611,661	623,894	636,372	
401025 646103 Building Maintenance	5,000	5,000	5,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743	
401025 646104 Diesel Fuel	27,039	27,850	28,685	29,259	30,137	31,041	31,972	32,931	33,919	34,937	35,985	
401025 646106 Unleaded Fuel	39,360	40,541	41,757	42,592	43,870	45,186	46,541	47,938	49,376	50,857	52,383	
401025 646107 Oil & Grease	489	504	519	519	529	540	551	562	573	584	596	
401025 646108 Other Repairs & Maint.	7,995	8,235	8,482	8,482	8,652	8,825	9,001	9,181	9,365	9,552	9,743	
401025 646109 Facilities Charges	4,537	4,650	4,766	4,861	4,958	5,057	5,159	5,262	5,367	5,474	5,584	
401025 646109 OVERHEAD Facilities Charges Overhead	4,310	4,417	4,527	4,618	4,710	4,805	4,901	4,999	5,099	5,201	5,305	
401025 646110 OVERHEAD Fleet Charges Overhead	18,052	18,594	19,058	19,439	19,828	20,224	20,629	21,041	21,462	21,891	22,329	
401025 646110 Fleet Charges	58,234	59,981	61,480	62,710	63,964	65,243	66,548	67,879	69,237	70,622	72,034	
401025 646124 Dyed Diesel Fuel	20,247	20,854	21,480	21,480	22,124	22,788	23,472	24,176	24,901	25,648	26,418	
401025 647101 Printing	1,025	1,826	1,800	1,800	1,836	1,873	1,910	1,948	1,987	2,027	2,068	
401025 649103 Various Fees	2,175	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	
401025 652101 Office Supplies	1,631	1,680	1,730	1,765	1,800	1,836	1,873	1,910	1,949	1,988	2,027	
401025 652113 Uniforms	3,000	3,150	3,300	3,300	3,366	3,433	3,502	3,572	3,643	3,716	3,791	
401025 652114 Chemicals	59,535	61,321	63,160	64,423	65,711	67,026	68,366	69,734	71,128	72,551	74,002	
401025 652115 Tools	7,406	8,122	8,366	8,533	8,704	8,878	9,055	9,236	9,421	9,610	9,802	
401025 652116 Small Equipment	30,197	27,000	27,810	28,366	28,933	29,512	30,102	30,704	31,318	31,945	32,584	
401025 652117 Janitorial Supplies	1,631	1,680	1,730	1,765	1,800	1,836	1,873	1,910	1,949	1,988	2,027	
401025 652121 Computer Equip/Accessory	2,175	7,040	7,251	7,396	7,544	7,695	7,849	8,006	8,166	8,329	8,496	
401025 652122 Computer Software/License	8,691	2,154	2,219	2,263	2,308	2,354	2,402	2,450	2,499	2,549	2,599	
401025 652124 Safety Equipment	6,200	4,700	6,200	6,200	6,324	6,450	6,579	6,711	6,845	6,982	7,122	
401025 652199 Other Operating Mat & Supplies	27,360	30,000	30,900	30,900	31,518	32,148	32,791	33,447	34,116	34,798	35,494	
401025 654101 Books Pubs Subscpt & Membrshp	966	597	597	1,200	1,224	1,248	1,273	1,299	1,325	1,351	1,378	
401025 655101 Training & Seminars	15,900	6,805	5,805	5,305	5,411	5,519	5,630	5,742	5,857	5,974	6,094	
401025 655102 In-House Training	11,625	12,375	12,375	12,375	12,623	12,875	13,132	13,395	13,663	13,936	14,215	
<b>Water Reclamation - Col Sys - Capital Outlay</b>												
401025 664101 Equipment	297,128	485,000	495,000	407,000	407,000	407,000	407,000	407,000	407,000	407,000	407,000	
401025 664102 Vehicles												
<b>TOTAL Reclamation - Col Sys Department</b>	<b>\$ 3,545,211</b>	<b>\$ 3,736,112</b>	<b>\$ 3,963,495</b>	<b>\$ 4,070,800</b>	<b>\$ 4,188,699</b>	<b>\$ 4,311,609</b>	<b>\$ 4,439,841</b>	<b>\$ 4,573,729</b>	<b>\$ 4,713,636</b>	<b>\$ 4,859,957</b>	<b>\$ 5,013,119</b>	

**Water Reclamation - Everest Plant - Personnel**

401026 612001 Regular Salary	\$ 1,230,422	\$ 1,289,439	\$ 1,328,124	\$ 1,367,968	\$ 1,409,007	\$ 1,451,277	\$ 1,494,816	\$ 1,539,660	\$ 1,585,850	\$ 1,633,425	\$ 1,682,428
401026 612002 Longevity Salary	1,124	1,685	1,685	1,685	1,651	1,618	1,586	1,554	1,523	1,493	1,463
401026 614101 Overtime	180,000	180,000	180,000	180,000	185,400	190,962	196,691	202,592	208,669	214,929	221,377
401026 615101 Special Pay/Add Pay	6,564	7,980	7,980	7,980	8,219	8,466	8,720	8,982	9,251	9,529	9,814
401026 615104 Standby Pay	46,954	49,301	41,467	42,918	44,206	45,532	46,898	48,305	49,754	51,246	52,784
401026 615106 Shift Differential Pay	3,529	11,323	11,323	11,323	11,323	11,323	11,323	11,323	11,323	11,323	11,323
401026 621101 FICA Taxes	92,272	97,220	99,759	102,377	105,448	108,612	111,870	115,226	118,683	122,243	125,911
401026 621102 Medicare Taxes	21,579	22,736	23,332	23,944	24,662	25,402	26,164	26,949	27,758	28,590	29,448
401026 622101 General Retirement	94,241	103,793	106,398	109,080	112,352	115,723	119,195	122,771	126,454	130,247	134,155
401026 623101 Life, Health, Disability Insur	20,593	22,286	22,944	23,623	25,985	28,584	31,442	34,586	38,045	41,850	46,035
401026 624101 Workers Compensation	51,467	46,712	62,348	63,850	65,766	67,738	69,771	71,864	74,020	76,240	78,527
401026 624103 Leave Payout	27,801	42,153	43,418	44,720	46,285	47,905	49,582	51,317	53,113	54,972	56,896
401026 622104 ICMA (401A)	-	12,718	13,096	13,485	13,485	13,485	13,485	13,485	13,485	13,485	13,485
401026 623102 Self-Insured Health Plan	216,860	229,110	244,246	244,246	268,671	295,538	325,091	357,601	393,361	432,697	475,966

**Water Reclamation - Everest Plant - Operating**

401026 631303 Lab Services	88,306	90,955	93,684	95,558	97,469	99,419	101,407	103,435	105,504	107,614	109,766
401026 631399 Other Professional Services	90,600	40,000	91,000	40,000	41,200	42,436	43,709	45,020	46,371	47,762	49,195
401026 634103 Trash Removal	1,500	1,600	1,648	1,648	1,681	1,715	1,749	1,784	1,820	1,856	1,893
401026 634120 Outside Services	53,932	65,000	66,950	68,289	71,021	73,861	76,816	79,888	83,084	86,407	89,864
401026 640105 Travel Costs	7,562	7,112	8,482	7,082	7,224	7,368	7,515	7,666	7,819	7,975	8,135
401026 641101 Communication Service	3,539	3,645	3,754	3,829	3,906	3,984	4,063	4,145	4,228	4,312	4,398
401026 641102 Telephone Service	3,921	4,039	4,160	4,243	4,328	4,414	4,503	4,593	4,685	4,778	4,874
401026 641104 Postage & Shipping	2,800	2,884	2,971	3,030	3,091	3,152	3,215	3,280	3,345	3,412	3,481
401026 643202 Electric	664,697	600,000	690,000	703,800	724,914	746,661	769,061	792,133	815,897	840,374	865,585
401026 644102 Equipment Rental/Leases	3,360	3,461	3,565	3,636	3,709	3,783	3,859	3,936	4,014	4,095	4,177
401026 644103 Copy & Fax Machine Rent/Lease	1,528	1,574	1,621	1,621	1,653	1,686	1,720	1,755	1,790	1,826	1,862
401026 644104 Uniforms/Linen/Mats Rent/Lease	8,331	8,581	8,838	9,015	9,195	9,379	9,567	9,758	9,953	10,152	10,355
401026 646102 Equip Repair/Maintenance	244,533	246,000	243,080	247,942	252,901	257,959	263,118	268,380	273,748	279,223	284,807
401026 646103 Building Maintenance	43,497	109,000	46,107	47,029	47,970	48,929	49,908	50,906	51,924	52,962	54,022
401026 646104 Diesel Fuel	3,668	3,000	3,060	3,121	3,215	3,311	3,410	3,513	3,618	3,727	3,838
401026 646106 Unleaded Fuel	12,055	12,500	12,875	13,133	13,527	13,933	14,351	14,781	15,225	15,681	16,152
401026 646107 Oil & Grease	5,155	4,000	4,080	4,162	4,245	4,330	4,417	4,505	4,595	4,687	4,781
401026 646108 Other Repairs & Maint.	8,001	8,000	8,240	8,240	8,405	8,573	8,744	8,919	9,098	9,280	9,465
401026 646109 Facilities Charges	104,480	88,240	90,005	91,805	93,641	95,514	97,424	99,373	101,360	103,387	105,455
401026 646109 OVERHEAD Facilities Charges Overhead	99,256	88,242	90,007	91,807	93,643	95,516	97,426	99,375	101,362	103,390	105,457
401026 646110 OVERHEAD Fleet Charges Overhead	7,229	7,409	7,595	7,747	7,902	8,060	8,221	8,386	8,553	8,724	8,899
401026 646110 Fleet Charges	23,320	23,903	24,500	24,990	25,490	26,000	26,520	27,050	27,591	28,143	28,706
401026 646124 Dyed Diesel Fuel	36,686	42,937	44,225	45,110	46,463	47,857	49,293	50,772	52,295	53,864	55,480
401026 647101 Printing	57	60	62	62	63	65	66	67	68	70	71
401026 649103 Various Fees	20,006	12,338	12,585	12,837	12,837	12,837	12,837	12,837	12,837	12,837	12,837
401026 652101 Office Supplies	5,000	5,000	5,191	5,295	5,401	5,509	5,619	5,731	5,846	5,963	6,082
401026 652113 Uniforms	3,558	3,632	3,741	3,816	3,892	3,970	4,050	4,131	4,213	4,297	4,383
401026 652114 Chemicals	289,573	298,260	307,208	313,352	319,619	326,011	332,532	339,182	345,966	352,885	359,943
401026 652115 Tools	9,480	10,000	5,665	10,000	10,200	10,404	10,612	10,824	11,041	11,262	11,487
401026 652116 Small Equipment	43,078	40,000	41,200	42,024	42,864	43,722	44,596	45,488	46,398	47,326	48,272
401026 652117 Janitorial Supplies	4,931	5,079	5,231	5,336	5,443	5,552	5,663	5,776	5,891	6,009	6,129
401026 652121 Computer Equip/Accessory	4,931	5,000	6,000	6,120	6,242	6,367	6,495	6,624	6,757	6,892	7,030
401026 652122 Computer Software/License	2,735	2,817	2,902	2,960	3,019	3,080	3,141	3,204	3,268	3,333	3,400
401026 652124 Safety Equipment	10,040	5,191	5,347	5,454	5,563	5,674	5,788	5,904	6,022	6,142	6,265
401026 652199 Other Operating Mat & Supplies	50,402	51,914	53,471	54,540	55,631	56,743	57,878	59,036	60,217	61,421	62,649
401026 654101 Books Pubs Subscrpt & Membrshp	2,500	3,000	3,060	3,121	3,183	3,247	3,312	3,378	3,446	3,515	3,585
401026 655101 Training & Seminars	2,420	5,025	6,025	4,525	4,616	4,708	4,802	4,898	4,996	5,096	5,198
401026 655102 In-House Training	7,419	7,238	7,238	7,238	7,383	7,530	7,681	7,835	7,991	8,151	8,314

**Water Reclamation - Everest Plant - Capital Outlay**

401026 664101 Equipment	606,000	538,000	301,500	418,000	418,000	418,000	418,000	418,000	418,000	418,000	418,000
401026 662601 Improvements Other Than Bldgs	-	550,000	-	-	-	-	-	-	-	-	-
<b>TOTAL Reclamation - Everest Plant Department</b>	<b>\$ 4,573,492</b>	<b>\$ 5,121,092</b>	<b>\$ 4,502,993</b>	<b>\$ 4,658,716</b>	<b>\$ 4,793,209</b>	<b>\$ 4,933,425</b>	<b>\$ 5,079,721</b>	<b>\$ 5,232,481</b>	<b>\$ 5,392,124</b>	<b>\$ 5,559,102</b>	<b>\$ 5,733,906</b>



<b>Water Reclamation - SW Plant - Personnel</b>												
401027 612001 Regular Salary	\$ 1,009,965	\$ 980,426	\$ 1,009,840	\$ 1,040,135	\$ 1,071,339	\$ 1,103,479	\$ 1,136,584	\$ 1,170,681	\$ 1,205,802	\$ 1,241,976	\$ 1,279,235	
401027 612002 Longevity Salary	2,599	2,309	2,309	2,309	2,263	2,218	2,173	2,130	2,087	2,045	2,005	
401027 614101 Overtime	150,000	150,000	150,000	150,000	154,500	159,135	163,909	168,826	173,891	179,108	184,481	
401027 615101 Special Pay/Add Pay	5,571	6,630	6,630	6,630	6,829	7,034	7,245	7,462	7,686	7,917	8,154	
401027 615104 Standby Pay	28,743	45,297	46,659	48,292	49,741	51,233	52,770	54,353	55,984	57,663	59,393	
401027 615106 Shift Differential Pay	4,307	9,051	9,051	9,051	9,051	9,051	9,051	9,051	9,051	9,051	9,051	
401027 621101 FICA Taxes	78,160	77,499	79,514	81,583	84,030	86,551	89,148	91,822	94,577	97,414	100,337	
401027 621102 Medicare Taxes	18,280	18,123	18,596	19,081	19,653	20,243	20,850	21,476	22,120	22,784	23,467	
401027 622101 General Retirement	78,104	81,967	84,001	86,096	88,679	91,339	94,079	96,902	99,809	102,803	105,887	
401027 623101 Life, Health, Disability Insur	17,066	17,284	17,793	18,320	20,152	22,167	24,384	26,822	29,505	32,455	35,700	
401027 624101 Workers Compensation	50,034	41,695	56,194	57,569	59,296	61,075	62,907	64,794	66,738	68,740	70,803	
401027 624103 Leave Payout	49,420	56,274	57,962	59,701	61,791	63,953	66,192	68,508	70,906	73,388	75,956	
401027 623102 Self-Insured Health Plan	160,533	171,159	182,467	182,467	200,714	220,785	242,864	267,150	293,865	323,251	355,577	
<b>Water Reclamation - SW Plant - Operating</b>												
401027 631303 Lab Services	81,557	93,845	96,660	98,593	100,565	102,576	104,628	106,720	108,855	111,032	113,252	
401027 631399 Other Professional Services	30,900	40,000	35,000	65,700	67,671	69,701	71,792	73,946	76,164	78,449	80,803	
401027 634103 Trash Removal	1,000	1,000	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149	1,172	
401027 634104 Security Services	25,584	26,352	27,143	27,686	28,240	28,805	29,381	29,968	30,568	31,179	31,803	
401027 634120 Outside Services	44,500	53,030	54,000	55,080	57,283	59,575	61,958	64,436	67,013	69,694	72,482	
401027 640105 Travel Costs	3,860	8,322	9,652	6,932	7,071	7,212	7,356	7,503	7,653	7,807	7,963	
401027 641101 Communication Service	2,829	2,881	2,967	3,026	3,087	3,148	3,211	3,275	3,341	3,408	3,476	
401027 641104 Postage & Shipping	2,718	2,800	2,884	2,942	3,001	3,061	3,122	3,185	3,248	3,313	3,379	
401027 643202 Electric	779,052	700,000	805,000	821,100	845,733	871,105	897,238	924,155	951,880	980,436	1,009,849	
401027 644102 Equipment Rental/Leases	2,718	2,800	2,884	2,942	3,001	3,061	3,122	3,185	3,248	3,313	3,379	
401027 644103 Copy & Fax Machine Rent/Lease	1,474	1,518	1,564	1,595	1,627	1,659	1,692	1,726	1,761	1,796	1,832	
401027 644104 Uniforms/Linen/Mats Rent/Lease	7,729	7,961	8,200	8,364	8,531	8,702	8,876	9,053	9,235	9,419	9,608	
401027 641102 Telephone Service	-	2,652	2,652	2,705	2,759	2,814	2,871	2,928	2,987	3,046	3,107	
401027 646102 Equip Repair/Maintenance	175,868	204,000	206,000	210,120	214,322	218,609	222,981	227,441	231,989	236,629	241,362	
401027 646103 Building Maintenance	25,625	126,394	30,000	30,600	31,212	31,836	32,473	33,122	33,785	34,461	35,150	
401027 646106 Unleaded Fuel	4,499	4,634	4,773	4,868	5,014	5,164	5,319	5,479	5,643	5,813	5,987	
401027 646107 Oil & Grease	10,113	10,416	10,728	10,943	11,162	11,385	11,613	11,845	12,082	12,324	12,570	
401027 646108 Other Repairs & Maint.	10,250	10,558	10,875	11,093	11,315	11,541	11,772	12,007	12,248	12,493	12,742	
401027 646109 Facilities Charges	11,868	6,027	6,148	6,271	6,396	6,524	6,655	6,788	6,924	7,062	7,203	
401027 646109 OVERHEAD Facilities Charges Overhead	8,277	6,026	6,147	6,270	6,395	6,523	6,654	6,787	6,923	7,061	7,202	
401027 646110 OVERHEAD Fleet Charges Overhead	2,438	1,389	1,425	1,454	1,483	1,513	1,543	1,574	1,605	1,637	1,670	
401027 646110 Fleet Charges	4,374	4,483	4,595	4,687	4,781	4,876	4,974	5,073	5,175	5,278	5,384	
401027 646124 Dyed Diesel Fuel	59,551	61,338	61,338	62,565	64,442	66,375	68,366	70,417	72,530	74,706	76,947	
401027 647101 Printing	103	106	106	108	110	112	115	117	119	122	124	
401027 649103 Various Fees	8,615	11,448	5,000	5,100	5,100	5,100	5,100	5,100	5,100	5,100	5,100	
401027 652101 Office Supplies	2,563	3,000	3,090	3,152	3,215	3,279	3,345	3,412	3,480	3,550	3,621	
401027 652113 Uniforms	2,700	2,850	2,850	2,907	2,965	3,024	3,085	3,147	3,210	3,274	3,339	
401027 652114 Chemicals	269,138	293,260	302,058	308,099	314,261	320,546	326,957	333,496	340,166	346,970	353,909	
401027 652115 Tools	4,100	4,223	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743	5,858	
401027 652116 Small Equipment	37,362	40,000	41,200	42,024	42,864	43,722	44,596	45,488	46,398	47,326	48,272	
401027 652117 Janitorial Supplies	3,697	3,882	4,000	4,080	4,162	4,245	4,330	4,416	4,505	4,595	4,687	
401027 652121 Computer Equip/Accessory	1,088	8,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743	5,858	
401027 652122 Computer Software/License	2,664	2,744	2,826	2,883	2,941	2,999	3,059	3,121	3,183	3,247	3,312	
401027 652124 Safety Equipment	4,350	4,481	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743	5,858	
401027 652199 Other Operating Mat & Supplies	57,186	58,902	60,669	61,882	63,120	64,382	65,670	66,983	68,323	69,689	71,083	
401027 654101 Books Pubs Subscpt & Membrshp	1,300	1,339	1,379	1,407	1,435	1,464	1,493	1,523	1,553	1,585	1,616	
401027 655101 Training & Seminars	1,320	5,629	6,629	4,579	4,671	4,764	4,859	4,956	5,056	5,157	5,260	
401027 655102 In-House Training	7,457	7,275	7,275	7,275	7,421	7,569	7,720	7,875	8,032	8,193	8,357	
<b>Water Reclamation - SW Plant - Capital Outlay</b>												
401027 662301 Building Improvement												
401027 664101 Equipment	331,000	92,500	419,500	463,500	463,500	463,500	463,500	463,500	463,500	463,500	463,500	
<b>TOTAL Reclamation - SW Plant Department</b>	<b>\$ 3,684,209</b>	<b>\$ 3,575,779</b>	<b>\$ 3,984,233</b>	<b>\$ 4,130,086</b>	<b>\$ 4,245,539</b>	<b>\$ 4,365,717</b>	<b>\$ 4,490,901</b>	<b>\$ 4,621,393</b>	<b>\$ 4,757,520</b>	<b>\$ 4,899,635</b>	<b>\$ 5,048,122</b>	

**Water Reclamation - Biosolids - Personnel**

401028 612001 Regular Salary	\$ 137,696	\$ 141,214	\$ 145,451	\$ 149,814	\$ 154,308	\$ 158,938	\$ 163,706	\$ 168,617	\$ 173,675	\$ 178,886	\$ 184,252
401028 614101 Overtime	13,000	13,000	13,000	13,000	13,390	13,792	14,205	14,632	15,071	15,523	15,988
401028 621101 FICA Taxes	9,514	9,808	10,075	10,352	10,663	10,982	11,312	11,651	12,001	12,361	12,732
401028 621102 Medicare Taxes	2,225	2,294	2,356	2,421	2,494	2,568	2,645	2,725	2,807	2,891	2,978
401028 622101 General Retirement	10,163	13,715	14,090	14,475	14,909	15,357	15,817	16,292	16,780	17,284	17,802
401028 623101 Life, Health, Disability Insur	2,219	2,359	2,428	2,500	2,750	3,025	3,328	3,660	4,026	4,429	4,872
401028 624101 Workers Compensation	6,010	5,869	7,056	7,242	7,459	7,683	7,914	8,151	8,395	8,647	8,907
401028 624103 Leave Payout	2,354	2,806	2,890	2,977	3,081	3,189	3,301	3,416	3,536	3,659	3,788
401028 615101 Special Pay/Add Pay	260	1,300	1,300	1,300	1,339	1,379	1,421	1,463	1,507	1,552	1,599
401028 623102 Self-Insured Health Plan	25,515	26,955	28,737	28,737	31,611	34,772	38,249	42,074	46,281	50,909	56,000

**Water Reclamation - Biosolids - Operating**

401028 631303 Lab Services	16,748	18,000	18,540	18,911	19,289	19,675	20,069	20,470	20,879	21,297	21,723
401028 631399 Other Professional Services	16,319	10,000	10,200	10,404	10,716	11,038	11,369	11,710	12,061	12,423	12,796
401028 634104 Security Services	9,135	9,409	9,691	9,885	10,083	10,284	10,490	10,700	10,914	11,132	11,355
401028 634120 Outside Services	381,152	396,398	408,290	416,456	433,114	450,439	468,456	487,195	506,682	526,950	548,028
401028 640105 Travel Costs	2,203	2,253	2,253	2,253	2,298	2,344	2,391	2,439	2,487	2,537	2,588
401028 641101 Communication Service	492	507	522	532	543	553	565	576	587	599	611
401028 641104 Postage & Shipping	543	1,000	1,000	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149
401028 643202 Electric	61,851	63,707	65,618	66,930	68,938	71,006	73,136	75,330	77,590	79,918	82,315
401028 644102 Equipment Rental/Leases	1,200	1,236	1,273	1,273	1,298	1,324	1,351	1,378	1,405	1,434	1,462
401028 644104 Uniforms/Linen/Mats Rent/Lease	805	805	829	846	863	880	898	916	934	953	972
401028 646102 Equip Repair/Maintenance	62,109	50,000	62,000	62,000	63,240	64,505	65,795	67,111	68,453	69,822	71,219
401028 646103 Building Maintenance	5,088	15,241	5,398	5,500	5,610	5,722	5,837	5,953	6,072	6,194	6,318
401028 646104 Diesel Fuel	2,382	1,882	1,938	1,938	1,996	2,056	2,118	2,181	2,247	2,314	2,383
401028 646106 Unleaded Fuel	2,749	2,816	2,900	2,958	3,047	3,138	3,232	3,329	3,429	3,532	3,638
401028 646107 Oil & Grease	1,088	1,121	1,155	1,178	1,202	1,226	1,250	1,275	1,301	1,327	1,353
401028 646108 Other Repairs & Maint.	543	500	500	500	510	520	531	541	552	563	574
401028 646110 Fleet Charges	6,312	6,470	6,632	6,765	6,900	7,038	7,179	7,323	7,469	7,618	7,771
401028 646110 OVERHEAD Fleet Charges Overhead	1,956	2,005	2,056	2,097	2,139	2,182	2,225	2,270	2,315	2,362	2,409
401028 647101 Printing	109	112	-	-	-	-	-	-	-	-	-
401028 652101 Office Supplies	435	450	464	473	482	492	502	512	522	533	543
401028 652113 Uniforms	500	500	750	750	765	780	796	812	828	845	862
401028 652114 Chemicals	138,250	93,540	95,000	96,900	98,838	100,815	102,831	104,888	106,985	109,125	111,308
401028 652115 Tools	1,088	1,200	1,200	1,200	1,224	1,248	1,273	1,299	1,325	1,351	1,378
401028 652116 Small Equipment	217	10,000	10,000	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743
401028 652117 Janitorial Supplies	217	300	300	300	306	312	318	325	331	338	345
401028 652124 Safety Equipment	543	559	600	600	612	624	637	649	662	676	689
401028 652199 Other Operating Mat & Supplies	1,088	1,121	1,155	1,178	1,202	1,226	1,250	1,275	1,301	1,327	1,353
401028 654101 Books Pubs Subscrpt & Membrshp	196	203	203	203	207	211	215	220	224	229	233
401028 655101 Training & Seminars	935	2,135	2,135	2,135	2,178	2,221	2,266	2,311	2,357	2,404	2,452
401028 655102 In-House Training	250	250	250	250	255	260	265	271	276	282	287

**Water Reclamation - Biosolids - Capital Outlay**

401028 662301 Building Improvement											
401028 664101 Equipment	25,000	10,000	25,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
<b>TOTAL Reclamation - Biosolids Department</b>	<b>\$ 950,459</b>	<b>\$ 923,040</b>	<b>\$ 965,235</b>	<b>\$ 1,028,233</b>	<b>\$ 1,060,979</b>	<b>\$ 1,095,048</b>	<b>\$ 1,130,509</b>	<b>\$ 1,167,433</b>	<b>\$ 1,205,896</b>	<b>\$ 1,245,981</b>	<b>\$ 1,287,775</b>

**Water Reclamation-Reuse - Personnel**

401029 612001 Regular Salary	328,702	338,584	348,742	359,205	369,981	381,081	392,513	404,288	416,417	428,910	441,777
401029 614101 Overtime	11,000	11,000	11,000	11,000	11,330	11,670	12,020	12,381	12,752	13,135	13,529
401029 615101 Special Pay/Add Pay	4,199	4,550	4,550	4,550	4,687	4,827	4,972	5,121	5,275	5,433	5,596
401029 615104 Standby Pay	17,295	15,750	16,223	16,710	17,211	17,728	18,259	18,807	19,371	19,953	20,551
401029 621101 FICA Taxes	22,774	23,910	24,596	25,302	26,061	26,843	27,648	28,478	29,332	30,212	31,118
401029 621102 Medicare Taxes	5,326	5,591	5,752	5,917	6,095	6,277	6,466	6,660	6,859	7,065	7,277
401029 622101 General Retirement	25,699	27,975	28,771	29,591	30,479	31,393	32,335	33,305	34,304	35,333	36,393
401029 623101 Life, Health, Disability Insur	5,613	5,971	6,147	6,329	6,962	7,658	8,424	9,266	10,193	11,212	12,333
401029 624101 Workers Compensation	15,396	17,002	19,128	19,674	20,264	20,872	21,498	22,143	22,808	23,492	24,197
401029 624103 Leave Payout	7,148	14,077	14,499	14,934	15,457	15,998	16,558	17,137	17,737	18,358	19,000
401029 623102 Self-Insured Health Plan	63,357	64,242	68,488	68,488	75,337	82,870	91,158	100,273	110,301	121,331	133,464

**Water Reclamation-Reuse - Operating**

401029 631303 Lab Services	\$ 7,153	\$ 10,000	\$ 20,000	\$ 20,000	\$ 20,400	\$ 20,808	\$ 21,224	\$ 21,649	\$ 22,082	\$ 22,523	\$ 22,974
401029 631399 Other Professional Services	20,600	20,000	20,000	20,000	20,600	21,218	21,855	22,510	23,185	23,881	24,597
401029 634120 Outside Services <sup>2</sup>	13,205	13,751	13,800	14,076	14,639	1,915,225	1,991,834	2,071,507	2,154,367	2,240,542	2,330,164
401029 634120 Outside Services	13,205	13,751	13,800	14,076	14,639	1,915,225	1,991,834	2,071,507	2,154,367	2,240,542	2,330,164
401029 640105 Travel Costs	2,695	8,576	5,236	7,246	7,391	7,539	7,690	7,843	8,000	8,160	8,323
401029 641101 Communication Service	3,480	3,840	3,955	4,034	4,115	4,197	4,281	4,367	4,454	4,543	4,634
401029 641104 Postage & Shipping	1,088	1,121	500	500	510	520	531	541	552	563	574
401029 643202 Electric	769,500	700,000	805,000	821,100	845,733	871,105	897,238	924,155	951,880	980,436	1,009,849
401029 644102 Equipment Rental/Leases	1,000	1,000	1,000	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149
401029 644104 Uniforms/Linen/Mats Rent/Lease	1,391	1,433	1,476	1,506	1,536	1,567	1,598	1,630	1,663	1,696	1,730
401029 646102 Equip Repair/Maintenance	81,768	105,000	110,000	112,200	114,444	116,733	119,068	121,449	123,878	126,355	128,883
401029 646103 Building Maintenance	26,486	40,000	19,694	20,000	20,400	20,808	21,224	21,649	22,082	22,523	22,974
401029 646106 Unleaded Fuel	10,744	11,216	11,552	11,552	11,899	12,256	12,623	13,002	13,392	13,794	14,208
401029 646124 Dyed Diesel Fuel	5,496	8,000	8,240	8,405	8,657	8,917	9,184	9,460	9,744	10,036	10,337
401029 646107 Oil & Grease	1,305	2,000	2,060	2,060	2,101	2,143	2,186	2,230	2,274	2,320	2,366
401029 646108 Other Repairs & Maint.	5,438	6,500	6,695	6,695	6,829	6,965	7,105	7,247	7,392	7,540	7,690
401029 646110 Fleet Charges	10,874	11,145	11,424	11,652	11,885	12,123	12,365	12,612	12,865	13,122	13,384
401029 646110 OVERHEAD Fleet Charges Overhead	3,370	3,456	3,541	3,612	3,684	3,758	3,833	3,910	3,988	4,068	4,149
401029 647101 Printing	109	112	-	-	-	-	-	-	-	-	-
401029 652101 Office Supplies	435	448	560	560	571	583	594	606	618	631	643
401029 652113 Uniforms	900	900	900	900	918	936	955	974	994	1,014	1,034
401029 652114 Chemicals	194,500	250,000	257,500	262,650	267,903	273,261	278,726	284,301	289,987	295,787	301,702
401029 652115 Tools	2,718	3,000	4,000	4,000	4,080	4,162	4,245	4,330	4,416	4,505	4,595
401029 652116 Small Equipment	26,111	26,894	27,701	28,255	28,820	29,397	29,984	30,584	31,196	31,820	32,456
401029 652117 Janitorial Supplies	762	1,000	1,030	1,050	1,071	1,092	1,114	1,137	1,159	1,182	1,206
401029 652121 Computer Equip/Accessory	3,543	3,000	3,090	3,152	3,215	3,279	3,345	3,412	3,480	3,550	3,621
401029 652122 Computer Software/License	4,350	4,481	4,500	4,500	4,590	4,682	4,775	4,871	4,968	5,068	5,169
401029 652124 Safety Equipment	2,500	2,800	2,884	2,942	3,001	3,061	3,122	3,185	3,248	3,313	3,379
401029 652199 Other Operating Mat & Supplies	7,612	9,000	9,000	9,180	9,364	9,551	9,742	9,937	10,135	10,338	10,545
401029 654101 Books Pubs Subscript & Membrshp	470	3,500	3,500	3,570	3,641	3,714	3,789	3,864	3,942	4,020	4,101
401029 655101 Training & Seminars	745	4,155	2,300	3,155	3,218	3,282	3,348	3,415	3,483	3,553	3,624
401029 655102 In-House Training	2,000	2,000	2,550	2,000	2,040	2,081	2,122	2,165	2,208	2,252	2,297

**Water Reclamation-Reuse - Capital Outlay**

401029 664101 Equipment	139,000	95,000	108,000	164,000	164,000	164,000	164,000	164,000	164,000	164,000	164,000
401029 664102 Vehicles											

<b>TOTAL Reclamation - Reuse Department</b>	<b>\$ 1,871,062</b>	<b>\$ 1,895,731</b>	<b>\$ 2,033,384</b>	<b>\$ 2,131,328</b>	<b>\$ 2,190,777</b>	<b>\$ 6,052,444</b>	<b>\$ 6,268,446</b>	<b>\$ 6,492,989</b>	<b>\$ 6,726,452</b>	<b>\$ 6,969,235</b>	<b>\$ 7,221,757</b>
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**Utility Field Services - Personnel**

401031 612001 Regular Salary	377,040	419,702	432,294	445,260	458,618	472,376	486,548	501,144	516,178	531,664	547,614
401031 614101 Overtime	615	633	633	633	652	672	692	712	734	756	779
401031 615101 Special Pay/Add Pay											
401031 621101 FICA Taxes	23,915	26,740	27,531	28,345	29,195	30,071	30,973	31,903	32,860	33,845	34,861
401031 621102 Medicare Taxes	5,594	6,252	6,441	6,631	6,830	7,035	7,246	7,463	7,687	7,918	8,155
401031 622101 General Retirement	28,389	37,288	38,395	39,535	40,721	41,943	43,201	44,497	45,832	47,207	48,623
401031 623101 Life,Health,Disability Insur	6,124	7,017	7,224	7,434	7,647	7,862	8,079	8,298	8,518	8,739	8,961
401031 624101 Workers Compensation	15,073	18,831	19,393	19,967	20,546	21,133	21,726	22,325	22,930	23,541	24,158
401031 624103 Leave Payout	4,208	7,062	7,274	7,493	7,715	7,941	8,171	8,405	8,644	8,887	9,134
401031 623107 Opt Out Health Ins Subsidy	3,840	3,840	3,840	3,840	3,955	4,074	4,196	4,322	4,452	4,585	4,723
401031 623102 Self-Insured Health Plan	74,410	77,268	82,372	82,372	90,609	99,670	109,637	120,601	132,661	145,927	160,520

**Utility Field Services - Operating**

401031 641101 Communication Service	2,800	5,355	5,462	5,571	5,682	5,796	5,912	6,030	6,151	6,274	6,399
401031 643202 Electric	529	540	-	562	579	596	614	633	652	671	691
401031 643203 Water & Sewer	79	79	-	83	83	83	83	83	83	83	83
401031 644104 Uniforms/Linen/Mats Rent/Lease	2,246	1,792	1,828	1,864	1,901	1,939	1,978	2,018	2,058	2,099	2,141
401031 646106 Unleaded Fuel	42,458	49,038	50,019	51,019	52,550	54,126	55,750	57,422	59,145	60,919	62,747
401031 646110 Fleet Charges	21,420	24,152	24,635	25,128	25,631	26,143	26,666	27,199	27,743	28,298	28,864
401031 646110 OVERHEAD Fleet Charges Overhead	11,938	-	-	-	-	-	-	-	-	-	-
401031 652113 Uniforms	1,149	1,289	1,315	1,341	1,368	1,395	1,423	1,452	1,481	1,510	1,540
401031 652115 Tools	3,180	3,212	3,277	3,343	3,410	3,478	3,548	3,619	3,691	3,765	3,840
401031 652116 Small Equipment	1,179	1,203	1,228	1,253	1,278	1,304	1,330	1,356	1,383	1,411	1,439
401031 652121 Computer Equip/Accessory	2,255	2,900	2,346	2,393	2,441	2,490	2,539	2,590	2,642	2,695	2,749

**Utility Field Services - Capital**

401031 664102 Vehicles	-	22,055	-	-	-	-	-	-	-	-	-
<b>TOTAL Utility Field Services Department</b>	<b>\$ 628,441</b>	<b>\$ 716,248</b>	<b>\$ 715,507</b>	<b>\$ 734,067</b>	<b>\$ 762,001</b>	<b>\$ 791,396</b>	<b>\$ 822,356</b>	<b>\$ 854,999</b>	<b>\$ 889,451</b>	<b>\$ 925,850</b>	<b>\$ 964,345</b>

UEP Administration - Personnel																							
401032 612001	Regular Salary	\$	663,790	\$	706,286	\$	727,476	\$	749,298	\$	771,777	\$	794,930	\$	818,778	\$	843,342	\$	868,642	\$	894,701	\$	921,542
401032 612002	Longevity Salary		1,643		1,643		1,643		1,643		1,610		1,578		1,546		1,515		1,485		1,455		1,426
401032 614101	Overtime		110,000		215,000		160,000		110,000		113,300		116,699		120,200		123,806		127,520		131,346		135,286
401032 615101	Special Pay/Add Pay		4,680		2,270		2,270		2,270		2,338		2,408		2,480		2,555		2,632		2,710		2,792
401032 615104	Standby Pay																						
401032 624104	Auto Allowance		5,000		-		-		-		-		-		-		-		-		-		
401032 622104	ICMA (401A)		14,919		-		-		-		-		-		-		-		-		-		
401032 621101	FICA Taxes		49,944		44,033		45,346		46,698		48,099		49,542		51,028		52,559		54,136		55,760		57,433
401032 621102	Medicare Taxes		11,679		10,297		10,604		10,921		11,249		11,586		11,934		12,292		12,660		13,040		13,431
401032 622101	General Retirement		50,109		54,993		56,636		58,328		60,078		61,880		63,737		65,649		67,618		69,647		71,736
401032 623101	Life,Health,Disability Insur		10,858		11,763		12,114		12,474		13,721		15,094		16,603		18,263		20,090		22,098		24,308
401032 624101	Workers Compensation		32,173		49,537		51,010		52,528		54,104		55,727		57,399		59,121		60,894		62,721		64,603
401032 624103	Leave Payout		20,443		26,619		27,418		28,240		29,228		30,251		31,310		32,406		33,540		34,714		35,929
401032 623102	Self-Insured Health Plan		82,915		91,641		97,691		97,691		107,460		118,206		130,027		143,029		157,332		173,066		190,372
UEP Administration - Operating																							
401032 631304	Legal Services		30,000		30,000		30,000		40,000		41,200		42,436		43,709		45,020		46,371		47,762		49,195
401032 631312	Accounting & Auditing		50,000		50,000		50,000		50,000		51,000		52,020		53,060		54,122		55,204		56,308		57,434
401032 631399	Other Professional Services		50,000		50,000		50,000		50,000		51,500		53,045		54,636		56,275		57,964		59,703		61,494
401032 634104	Security Services		25,000		25,000		25,000		25,000		25,500		26,010		26,530		27,061		27,602		28,154		28,717
401032 640101	Food And Mileage (City)		1,000		1,000		1,000		1,000		1,020		1,040		1,061		1,082		1,104		1,126		1,149
401032 640105	Travel Costs		2,000		2,000		2,000		2,000		2,040		2,081		2,122		2,165		2,208		2,252		2,297
401032 640104	Recruitment Travel		1,500		1,500		1,500		1,500		1,530		1,561		1,592		1,624		1,656		1,689		1,723
401032 641101	Communication Service		2,650		2,650		2,650		2,650		2,703		2,757		2,812		2,868		2,926		2,984		3,044
401032 641102	Telephone Service		1,000		1,000		1,000		1,000		1,020		1,040		1,061		1,082		1,104		1,126		1,149
401032 641104	Postage & Shipping		12,000		6,000		24,000		12,000		12,240		12,485		12,734		12,989		13,249		13,514		13,784
401032 643202	Electric		5,341		5,557		5,668		5,781		5,954		6,133		6,317		6,507		6,702		6,903		7,110
401032 643203	Water & Sewer		818		818		818		818		818		818		818		818		818		818		818
401032 644103	Copy & Fax Machine Rent/Lease		1,800		1,800		1,800		1,800		1,836		1,873		1,910		1,948		1,987		2,027		2,068
401032 646102	Equip Repair/Maintenance		500		500		500		500		510		520		531		541		552		563		574
401032 646106	Unleaded Fuel		25,000		25,000		25,000		25,000		25,750		26,523		27,318		28,138		28,982		29,851		30,747
401032 646109	Facilities Charges		4,500		1,700		1,734		1,786		1,822		1,858		1,895		1,933		1,972		2,011		2,052
401032 646109	OVERHEAD Facilities Charges Overhead		1,119		1,788		1,824		1,879		1,917		1,955		1,994		2,034		2,075		2,116		2,158
401032 646110	OVERHEAD Fleet Charges Overhead		1,677		2,078		2,597		2,597		2,649		2,702		2,756		2,811		2,867		2,925		2,983
401032 646110	Fleet Charges		6,600		7,000		5,280		7,000		7,140		7,283		7,428		7,577		7,729		7,883		8,041
401032 647101	Printing		12,000		6,000		24,000		12,000		12,240		12,485		12,734		12,989		13,249		13,514		13,784
401032 648101	Advertising		1,000		1,000		1,000		1,000		1,020		1,040		1,061		1,082		1,104		1,126		1,149
401032 652124	Safety Equipment		5,000		5,000		5,000		5,000		5,100		5,202		5,306		5,412		5,520		5,631		5,743
401032 649103	Various Fees		15,000		8,000		7,000		20,000		20,000		20,000		20,000		20,000		20,000		20,000		20,000
401032 652101	Office Supplies		6,000		6,000		6,000		6,000		6,120		6,242		6,367		6,495		6,624		6,757		6,892
401032 652113	Uniforms		4,350		4,350		4,350		4,350		4,437		4,526		4,616		4,709		4,803		4,899		4,997
401032 652115	Tools		6,000		3,000		3,000		3,000		3,060		3,121		3,184		3,247		3,312		3,378		3,446
401032 652116	Small Equipment		10,000		10,000		10,000		10,000		10,200		10,404		10,612		10,824		11,041		11,262		11,487
401032 652121	Computer Equip/Accessory		17,500		10,000		10,000		10,000		10,200		10,404		10,612		10,824		11,041		11,262		11,487
401032 652122	Computer Software/License		13,050		13,050		13,050		13,050		13,311		13,577		13,849		14,126		14,408		14,696		14,990
401032 652199	Other Operating Mat & Supplies		6,375		15,000		15,000		15,000		15,300		15,606		15,918		16,236		16,561		16,892		17,230
401032 654101	Books Pubs Subscrpt & Membrshp		2,000		2,000		2,000		2,000		2,040		2,081		2,122		2,165		2,208		2,252		2,297
401032 655101	Training & Seminars		5,000		5,000		5,000		5,000		5,100		5,202		5,306		5,412		5,520		5,631		5,743
401032 655102	In-House Training		2,000		2,000		2,000		2,000		2,040		2,081		2,122		2,165		2,208		2,252		2,297
UEP Administration - Capital Outlay																							
401032 664102 Vehicles																							
TOTAL UEP Administration Department		\$	1,385,933	\$	1,519,873	\$	1,531,979	\$	1,510,802	\$	1,561,281	\$	1,614,012	\$	1,669,140	\$	1,726,820	\$	1,787,221	\$	1,850,528	\$	1,916,939
WSCP Procurment - Personnel																							
401033 612001	Regular Salary		94,348		90,854		93,580		96,388		99,280		102,258		105,326		108,486		111,740		115,092		118,545
401033 621101	FICA Taxes		5,850		5,632		5,802		5,976		6,155		6,340		6,530		6,726		6,928		7,136		7,350
401033 621102	Medicare Taxes		1,368		1,318		1,356		1,398		1,440		1,483		1,528		1,573		1,621		1,669		1,719
401033 622101	General Retirement		6,944		7,878		8,114		8,357		8,608		8,866		9,132		9,406		9,688		9,979		10,278
401033 623101	Life,Health,Disability Insur		21,076		1,506		1,550		1,596		1,756		1,931		2,124		2,337		2,570		2,827		3,110
401033 623107	Opt Out Health Ins Subsidy																						
401033 624101	Workers Compensation		236		230		236		244		251		259		267		275		283		291		300
401033 623102	Self-Insured Health Plan		-		20,664		22,028		22,028		24,231		26,654		29,319		32,251		35,476		39,024		42,926
TOTAL UEP Administration Department		\$	129,822	\$	128,082	\$	132,666	\$	135,987	\$	141,720	\$	147,791	\$	154,226	\$	161,053	\$	168,306	\$	176,019	\$	184,229

401750 664101 Equipment

[illegible]

## 401828 631399 Other Professional Services

## Water and Sewer

Water and Sewer Revenue Bonds, Series 2011	10,186,788	10,179,988	10,184,238	10,187,488	10,182,738	10,182,488	10,186,238	10,183,488	10,187,088	10,187,462	10,186,462
Water and Sewer Revenue Bonds, Series 2011A	6,518,600	6,523,600	6,522,800	6,519,400	6,520,650	6,527,400	6,524,150	6,521,150	6,518,150	6,522,550	6,523,150
Water and Sewer Revenue Bonds, Series 2013	2,179,284	2,174,816	-	-	-	-	-	-	-	-	-
Water and Sewer Revenue Bonds, Series 2015	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900	3,393,900
Water and Sewer Revenue Bonds, Series 2015A	6,570,032	6,571,134	8,969,916	8,967,923	8,972,450	8,968,440	8,966,088	8,969,951	8,966,950	8,964,950	8,965,900
N2 - Interest Costs on Interim Financing (Line of Credit)	-	400,000	1,600,000	-	-	-	-	-	-	-	-
N1 - Interest Costs on Interim Financing (Line of Credit)	-	-	-	400,000	800,000	-	-	-	-	-	-
<b>SRF Debt</b>											
SRF C S120675100	-	-	-	-	-	-	-	-	-	-	-
SRF 67516P	170,410	170,410	170,410	170,410	170,410	170,411	170,410	170,409	-	-	-
SRF - 67516L-01	49,060	49,061	49,061	49,061	49,060	49,061	49,060	-	-	-	-
SRF 67516L-02	196,209	196,209	196,209	196,209	196,209	196,208	196,209	294,313	-	-	-
SW 67 SRF Loan Agreement - DW360103	28,466	21,607	21,607	21,607	21,607	21,607	21,607	21,607	21,607	21,607	21,607
SW 67 SRF Loan Agreement - VW360100	1,085,121	775,086	775,086	775,086	775,086	775,086	775,086	775,086	775,086	775,086	775,086
N2 SRF Loan	-	-	-	5,458,201	5,458,201	5,458,201	5,458,201	5,458,201	5,458,201	5,458,201	5,458,201
N1 Revenue Bonds	-	-	-	-	-	2,557,452	2,557,452	2,557,452	2,557,452	2,557,452	2,557,452
<b>TOTAL - Debt Service Outflows</b>	<b>\$ 30,377,869</b>	<b>\$ 30,455,811</b>	<b>\$ 31,883,227</b>	<b>\$ 36,139,285</b>	<b>\$ 36,540,311</b>	<b>\$ 38,300,254</b>	<b>\$ 38,298,401</b>	<b>\$ 38,345,557</b>	<b>\$ 37,878,434</b>	<b>\$ 37,881,208</b>	<b>\$ 37,881,758</b>

## Total Personnel Services Expense

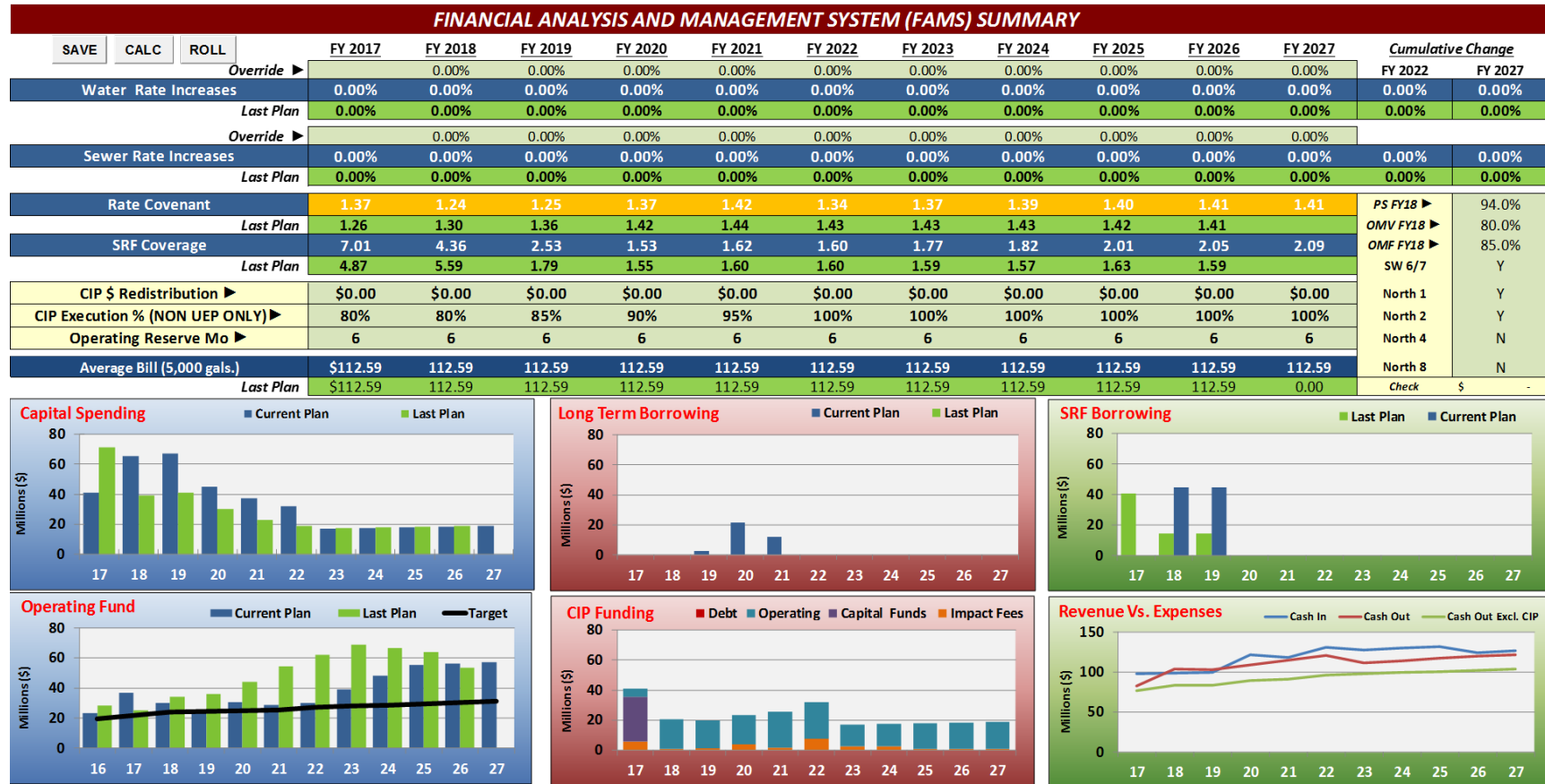
Execution Percentage	1	94%	94%	94%	94%	94%	94%	94%	94%	94%	94%	94%
Net Personnel Services Expense Forecast	\$ 23,524,037	\$ 26,511,282	\$ 27,382,578	\$ 28,033,372	\$ 28,993,750	\$ 30,003,348	\$ 31,065,760	\$ 32,184,903	\$ 33,365,043	\$ 34,610,833	\$ 35,927,347	
Total Variable O&M Expense Projection	\$ 6,956,241	\$ 6,387,217	\$ 6,956,291	\$ 7,287,065	\$ 7,488,725	\$ 7,696,096	\$ 7,909,342	\$ 8,128,632	\$ 8,354,142	\$ 8,586,050	\$ 8,824,541	
Execution Percentage	1	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Net Variable O&M Expense Forecast	\$ 5,217,181	\$ 5,109,774	\$ 5,565,033	\$ 5,829,652	\$ 5,990,980	\$ 6,156,877	\$ 6,327,473	\$ 6,502,906	\$ 6,683,314	\$ 6,868,840	\$ 7,059,633	
Total Fixed O&M Expense Projection	\$ 17,354,174	\$ 19,491,277	\$ 19,286,792	\$ 18,835,834	\$ 19,121,864	\$ 21,314,835	\$ 21,690,932	\$ 22,077,382	\$ 22,474,502	\$ 22,882,618	\$ 23,302,067	
Execution Percentage	1	85%	85%	85%	85%	85%	85%	85%	85%	85%	85%	85%
Net Fixed O&M Expense Forecast	\$ 14,751,048	\$ 16,567,585	\$ 16,393,773	\$ 16,010,459	\$ 16,253,584	\$ 18,117,610	\$ 18,437,292	\$ 18,765,775	\$ 19,103,327	\$ 19,450,225	\$ 19,806,757	
Total Minor Capital Outlay Expense Projection	\$ 4,207,244	\$ 5,611,137	\$ 2,896,809	\$ 3,831,251	\$ 3,831,251	\$ 3,831,251	\$ 3,831,251	\$ 3,831,251	\$ 3,831,251	\$ 3,831,251	\$ 3,831,251	
Execution Percentage	1	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%
Net Minor Capital Outlay Expense Forecast	\$ 2,945,071	\$ 5,050,023	\$ 2,607,128	\$ 3,448,126	\$ 3,448,126	\$ 3,448,126	\$ 3,448,126	\$ 3,448,126	\$ 3,448,126	\$ 3,448,126	\$ 3,448,126	
Annual Debt Service	\$ 30,377,869	\$ 30,455,811	\$ 31,883,227	\$ 36,139,285	\$ 36,540,311	\$ 38,300,254	\$ 38,298,401	\$ 38,345,557	\$ 37,878,434	\$ 37,881,208	\$ 37,881,758	

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<sup>1</sup> Future projections of cost requirements were based upon the amounts identified in the FY 2017 Approved Budget (including the projected amounts for FY 2018, FY 2019, and FY 2020 as identified in the respective Proposed Budgets) and were

<sup>2</sup> \$1,900,000 increase in FY 2022 represents incremental operating and maintenance costs for the purchase of reclaimed water from the City of Fort Myers





Blue bars reflect the results from FY 2017 Revenue Sufficiency Analysis (RSA) while green bars reflect results from FY 2016 RSA.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<b>Water Rate Revenue</b>											
<b>Revenue Generated From Admin/Customer Charges</b>											
Base Rate Revenue	\$ 13,802,912	\$ 13,802,912	\$ 14,028,669	\$ 14,258,516	\$ 14,932,105	\$ 15,337,813	\$ 15,988,807	\$ 16,416,497	\$ 16,729,162	\$ 17,052,665	\$ 17,388,233
Additional Rate Revenue From Partial PY Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Additional Rate Revenue From Growth	-	225,757	229,847	673,590	405,708	650,993	427,691	312,665	323,503	335,568	348,860
Subtotal: Base Revenue With Growth	13,802,912	14,028,669	14,258,516	14,932,105	15,337,813	15,988,807	16,416,497	16,729,162	17,052,665	17,388,233	17,737,093
Proposed Water Rate Increase	-	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Additional Rate Revenue From Rate Increase	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue Generated from Admin/Customer Charges</b>	<b>\$ 13,802,912</b>	<b>\$ 14,028,669</b>	<b>\$ 14,258,516</b>	<b>\$ 14,932,105</b>	<b>\$ 15,337,813</b>	<b>\$ 15,988,807</b>	<b>\$ 16,416,497</b>	<b>\$ 16,729,162</b>	<b>\$ 17,052,665</b>	<b>\$ 17,388,233</b>	<b>\$ 17,737,093</b>
<b>Revenue Generated From Usage Rates</b>											
Base Rate Revenue	15,512,753	15,512,753	15,766,476	16,024,795	16,781,826	17,237,791	17,969,426	18,450,097	18,801,494	19,165,071	19,542,207
Additional Rate Revenue From Partial PY Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Additional Rate Revenue From Growth	-	253,723	258,319	757,031	455,965	731,636	480,671	351,396	363,577	377,136	392,075
Weather Normalization And Other Adjustments	-	-	-	-	-	-	-	-	-	-	-
Subtotal: Base Revenue With Growth	15,512,753	15,766,476	16,024,795	16,781,826	17,237,791	17,969,426	18,450,097	18,801,494	19,165,071	19,542,207	19,934,282
Proposed Water Rate Increase	-	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Additional Rate Revenue From Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Price Elasticity Adjustment	-	-	-	-	-	-	-	-	-	-	-
<b>Total Water Usage Rate Revenue</b>	<b>\$ 15,512,753</b>	<b>\$ 15,766,476</b>	<b>\$ 16,024,795</b>	<b>\$ 16,781,826</b>	<b>\$ 17,237,791</b>	<b>\$ 17,969,426</b>	<b>\$ 18,450,097</b>	<b>\$ 18,801,494</b>	<b>\$ 19,165,071</b>	<b>\$ 19,542,207</b>	<b>\$ 19,934,282</b>
<b>Irrigation Rate Revenue</b>											
<b>Revenue Generated From Admin/Customer Charges</b>											
Base Rate Revenue	5,056,672	5,056,672	5,150,270	5,245,528	5,596,624	5,790,097	6,122,774	6,323,979	6,457,631	6,596,367	6,740,707
Additional Rate Revenue From Partial PY Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Additional Rate Revenue From Growth	-	93,598	95,258	351,096	193,474	332,677	201,204	133,652	138,737	144,340	150,566
Subtotal: Base Revenue With Growth	5,056,672	5,150,270	5,245,528	5,596,624	5,790,097	6,122,774	6,323,979	6,457,631	6,596,367	6,740,707	6,891,273
Proposed Irrigation Rate Increase	-	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Additional Rate Revenue From Rate Increase	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue Generated From Admin/Customer Charges</b>	<b>\$ 5,056,672</b>	<b>\$ 5,150,270</b>	<b>\$ 5,245,528</b>	<b>\$ 5,596,624</b>	<b>\$ 5,790,097</b>	<b>\$ 6,122,774</b>	<b>\$ 6,323,979</b>	<b>\$ 6,457,631</b>	<b>\$ 6,596,367</b>	<b>\$ 6,740,707</b>	<b>\$ 6,891,273</b>
<b>Revenue Generated From Usage Rates</b>											
Base Rate Revenue	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565
Additional Rate Revenue From Partial PY Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Additional Rate Revenue From Growth	-	-	-	-	-	-	-	-	-	-	-
Weather Normalization And Other Adjustments	-	-	-	-	-	-	-	-	-	-	-
Subtotal: Base Revenue With Growth	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565	812,565
Proposed Irrigation Rate Increase	-	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Additional Rate Revenue From Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Price Elasticity Adjustment	-	-	-	-	-	-	-	-	-	-	-
<b>Total Irrigation Usage Rate Revenue</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>	<b>\$ 812,565</b>
<b>Sewer Rate Revenue</b>											
<b>Revenue Generated From Admin/Customer Charges</b>											
Base Rate Revenue	16,355,194	16,355,194	16,626,013	16,901,739	17,773,439	18,281,348	19,120,423	19,652,863	20,027,938	20,416,014	20,818,564
Additional Rate Revenue From Partial PY Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Additional Rate Revenue From Growth	-	270,819	275,726	871,700	507,909	839,074	532,440	375,075	388,076	402,550	418,495
Other Revenue Adjustments	-	-	-	-	-	-	-	-	-	-	-
Subtotal: Base Revenue With Growth	16,355,194	16,626,013	16,901,739	17,773,439	18,281,348	19,120,423	19,652,863	20,027,938	20,416,014	20,818,564	21,237,058
Proposed Sewer Rate Increase	-	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Additional Rate Revenue From Rate Increase	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue Generated From Admin/Customer Charges</b>	<b>\$ 16,355,194</b>	<b>\$ 16,626,013</b>	<b>\$ 16,901,739</b>	<b>\$ 17,773,439</b>	<b>\$ 18,281,348</b>	<b>\$ 19,120,423</b>	<b>\$ 19,652,863</b>	<b>\$ 20,027,938</b>	<b>\$ 20,416,014</b>	<b>\$ 20,818,564</b>	<b>\$ 21,237,058</b>
<b>Revenue Generated From Usage Rates</b>											
Base Rate Revenue	28,760,625	28,760,625	29,236,861	29,721,725	31,254,611	32,147,769	33,623,282	34,559,579	35,219,149	35,901,582	36,609,465
Additional Rate Revenue From Partial PY Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Additional Rate Revenue From Growth	-	476,236	484,864	1,532,886	893,159	1,475,513	936,296	659,570	682,433	707,884	735,923
Weather Normalization And Other Adjustments	-	-	-	-	-	-	-	-	-	-	-
Subtotal: Base Revenue With Growth	28,760,625	29,236,861	29,721,725	31,254,611	32,147,769	33,623,282	34,559,579	35,219,149	35,901,582	36,609,465	37,345,389
Proposed Sewer Rate Increase	-	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Additional Rate Revenue From Rate Increase	-	-	-	-	-	-	-	-	-	-	-
Price Elasticity Adjustment	-	-	-	-	-	-	-	-	-	-	-
<b>Total Sewer Usage Rate Revenue</b>	<b>\$ 28,760,625</b>	<b>\$ 29,236,861</b>	<b>\$ 29,721,725</b>	<b>\$ 31,254,611</b>	<b>\$ 32,147,769</b>	<b>\$ 33,623,282</b>	<b>\$ 34,559,579</b>	<b>\$ 35,219,149</b>	<b>\$ 35,901,582</b>	<b>\$ 36,609,465</b>	<b>\$ 37,345,389</b>

Water, Irrigation & Sewer Rate Revenue																						
Base Rate Revenue	\$	80,300,721	\$	80,300,721	\$	81,620,854	\$	82,964,867	\$	87,151,169	\$	89,607,384	\$	93,637,277	\$	96,215,579	\$	98,047,937	\$	99,944,263	\$	101,911,741
Additional Rate Revenue From Partial PY Rate Increase		-		-		-		-		-		-		-		-		-		-		-
Additional Rate Revenue From Growth		-		1,320,133		1,344,013		4,186,302		2,456,215		4,029,893		2,578,302		1,832,359		1,896,326		1,967,478		2,045,918
Weather Normalization And Other Adjustments																						
Subtotal: Base Revenue With Growth		80,300,721		81,620,854		82,964,867		87,151,169		89,607,384		93,637,277		96,215,579		98,047,937		99,944,263		101,911,741		103,957,659
Weighted Average Rate Increase		-		0.00%		0.00%		0.00%		0.00%		0.00%		0.00%		0.00%		0.00%		0.00%		0.00%
Additional Rate Revenue From Rate Increase		-		-		-		-		-		-		-		-		-		-		-
Price Elasticity Adjustment																						
Total Rate Revenue	\$	80,300,721	\$	81,620,854	\$	82,964,867	\$	87,151,169	\$	89,607,384	\$	93,637,277	\$	96,215,579	\$	98,047,937	\$	99,944,263	\$	101,911,741	\$	103,957,659
Plus: Other Operating Revenue																						
Equals: Total Operating Revenue	\$	80,300,721	\$	81,620,854	\$	82,964,867	\$	87,151,169	\$	89,607,384	\$	93,637,277	\$	96,215,579	\$	98,047,937	\$	99,944,263	\$	101,911,741	\$	103,957,659
Less: Operating Expenses																						
Personnel Services	(23,524,037)	(26,511,282)	(27,382,578)	(28,033,372)	(28,993,750)	(30,003,348)	(31,065,760)	(32,184,903)	(33,365,043)	(34,610,833)	(35,927,347)											
Variable O&M	(5,217,181)	(5,109,774)	(5,565,033)	(5,829,652)	(5,990,980)	(6,156,877)	(6,327,473)	(6,502,906)	(6,683,314)	(6,868,840)	(7,059,633)											
Fixed O&M	(14,751,048)	(16,567,585)	(16,393,773)	(16,010,459)	(16,253,584)	(18,117,610)	(18,437,292)	(18,765,775)	(19,103,327)	(19,450,225)	(19,806,757)											
Equals: Net Operating Income	\$	36,808,455	\$	33,432,213	\$	33,623,483	\$	37,277,686	\$	38,369,069	\$	39,359,443	\$	40,385,053	\$	40,594,354	\$	40,792,580	\$	40,981,843	\$	41,163,923
Plus: Non-Operating Income/(Expense)																						
Non-Operating Revenue	2,258,945	2,039,298	2,103,448	2,134,788	2,164,080	2,221,164	2,253,395	2,282,749	2,313,344	2,345,279	2,378,659											
Interest	505,138	400,553	471,999	475,685	617,189	735,189	812,318	946,793	1,069,794	1,133,022	1,147,037											
Water Impact Fees	2,720,638	2,720,638	2,743,078	5,642,689	4,424,170	5,517,163	4,493,107	4,534,027	4,564,387	3,002,094	3,033,774											
Sewer Impact Fees	7,237,968	7,237,968	7,290,872	14,522,979	11,473,592	13,653,581	11,048,837	11,145,309	11,216,885	7,314,245	7,388,933											
Irrigation Impact Fees	2,569,979	2,569,979	2,600,113	8,028,080	5,712,119	9,686,269	7,717,916	7,775,866	7,819,908	4,874,798	4,918,840											
Water Betterment Fees	161,920	161,920	164,640	167,360	175,200	180,000	187,680	192,640	196,320	200,160	204,000											
Sewer Betterment Fees	328,900	328,900	334,425	339,950	355,875	365,625	381,225	391,300	398,775	406,575	414,375											
Irrigation Betterment Fees	97,200	97,200	98,760	100,440	105,120	108,000	112,560	115,560	117,840	120,120	122,400											
SRF Loan Proceeds	-	-	-	-	-	-	-	-	-	-	-											
Transfers In (Grant River Crossing)	790,135	-	-	-	-	-	-	-	-	-	-											
Equals: Net Income	\$	53,479,278	\$	48,988,669	\$	49,430,817	\$	68,689,656	\$	63,396,414	\$	71,826,434	\$	67,392,091	\$	67,978,598	\$	68,489,833	\$	60,378,136	\$	60,771,941
Less: Revenues Excluded From Coverage Test																						
System Development Fees	(12,528,584)	(12,528,584)	(12,634,062)	(28,193,747)	(21,609,882)	(28,857,014)	(23,259,861)	(23,455,203)	(23,601,181)	(15,191,137)	(15,341,547)											
Betterment Fees	(588,020)	(588,020)	(597,825)	(607,750)	(636,195)	(653,625)	(681,465)	(699,500)	(712,935)	(726,855)	(740,775)											
Transfers In (Grant River Crossing)	(790,135)	-	-	-	-	-	-	-	-	-	-											
Equals: Net Income Available For Debt Service	\$	39,572,538	\$	35,872,064	\$	36,198,930	\$	39,888,159	\$	41,150,337	\$	42,315,795	\$	43,450,766	\$	43,823,896	\$	44,175,717	\$	44,460,143	\$	44,689,618
Debt Service Coverage Test																						
Existing Debt Service	28,848,604	28,843,438	29,070,854	29,068,711	29,069,738	29,072,228	29,070,376	29,068,489	29,066,088	29,068,862	29,069,412											
Cumulative New Debt Service	-	0	0	0	0	2,557,452	2,557,452	2,557,452	2,557,452	2,557,452	2,557,452											
Total Conventional Debt Service	Target / Req	28,848,604	28,843,438	29,070,854	29,068,711	29,069,738	31,629,680	31,627,828	31,625,941	31,623,540	31,626,314	31,626,864										
Calculated Debt Service Coverage	1.5/1.25	1	1.24	1.25	1.37	1.42	1.34	1.37	1.39	1.40	1.41	1.41										
Calculated Debt Service Coverage (Test II - w/ Inr)	1.5/1.25	2	1.68	1.68	2.34	2.16	2.25	2.11	2.13	2.14	1.89	1.90										
Net Income Available For Debt Service		39,572,538	35,872,064	36,198,930	39,888,159	41,150,337	42,315,795	43,450,766	43,823,896	44,175,717	44,460,143	44,689,618										
Less: Total Senior Lien Debt Service & Req. Coverage		(28,848,604)	(28,843,438)	(29,070,854)	(29,068,711)	(29,069,738)	(31,629,680)	(31,627,828)	(31,625,941)	(31,623,540)	(31,626,314)	(31,626,864)										
Equals: Net Income Available For SRF Debt Service		10,723,934	7,028,626	7,128,076	10,819,448	12,080,599	10,686,115	11,822,938	12,197,955	12,552,178	12,833,830	13,062,754										
SRF Debt Service		1,529,265	1,612,373	2,812,373	7,070,574	7,470,573	6,670,574	6,670,573	6,719,616	6,254,894	6,254,894	6,254,894										
Calculated SRF Debt Coverage	1.5/1.15	7	4.36	2.53	1.53	1.62	1.60	1.77	1.82	2.01	2.05	2.09										
Cash Flow Test																						
Net Income Available For Debt Service		39,572,538	35,872,064	36,198,930	39,888,159	41,150,337	42,315,795	43,450,766	43,823,896	44,175,717	44,460,143	44,689,618										
Net Interfund Transfers (In - Out)		790,135	-	-	-	-	-	-	-	-	-	-										
Net Debt Service (Debt Service - Impact Fee Payment)		(17,993,537)	(18,178,352)	(19,758,439)	(11,461,813)	(16,131,087)	(13,243,405)	(16,870,319)	(16,780,674)	(16,333,467)	(22,690,071)	(22,540,211)										
Capital Outlay		(2,945,071)	(5,050,023)	(2,607,128)	(3,448,126)	(3,448,126)	(3,448,126)	(3,448,126)	(3,448,126)	(3,448,126)	(3,448,126)	(3,448,126)										
Net Cash Flow	\$	19,424,065	\$	12,643,689	\$	13,833,363	\$	24,978,220	\$	21,571,124	\$	25,624,264	\$	23,132,321	\$	23,595,096	\$	24,394,125	\$	18,321,947	\$	18,701,282
Unrestricted Working Capital Reserve Fund																						
Balance At Beginning Of Fiscal Year		23,279,172	37,125,716	30,084,587	25,194,396	30,821,759	28,807,733	30,096,722	39,091,543	48,026,734	55,491,634	56,457,186										
Cash Flow Surplus/(Deficit)		19,424,065	12,643,689	13,833,363	24,978,220	21,571,124	25,624,264	23,132,321	23,595,096	24,394,125	18,321,947	18,701,282										
Reserve Fund Balance Used For Cash Flow Deficit		-	-	-	-	-	-	-	-	-	-	-										
Projects Designated To Be Paid With Cash		-	-	-	-	-	-	-	-	-	-	-										
Projects Paid with Reserve Funds (Non Specified Funds)		(5,577,521)	(19,684,817)	(18,723,554)	(19,350,857)	(23,585,150)	(24,335,275)	(14,137,500)	(14,659,905)	(16,929,224)	(17,356,395)	(17,798,249)										
Balance At End Of Fiscal Year		37,125,716	30,084,587	25,194,396	30,821,759	28,807,733	30,096,722	39,091,543	48,026,734	55,491,634	56,457,186	57,360,219										
Minimum Working Capital Reserve Target	6 Mo. O&M	21,746,133	24,094,320	24,670,692	24,936,741	25,619,157	27,138,917	27,915,263	28,726,792	29,575,842	30,464,949	31,396,868										
Excess/(Deficiency) of Fund Balance, Net Of Cash Flow Defici	\$	15,379,583	\$	5,990,267	\$	523,704	\$	5,885,018	\$	3,188,576	\$	2,957,805	\$	11,176,280	\$	19,299,942	\$	25,915,793	\$	25,992,237	\$	25,963,351

FINAL CAPITAL PROJECTS FUNDING SOURCES	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Water Impact Fees	\$ 4,549,491	\$ 482,930	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sewer Impact Fees	-	297,070	753,631	676,319	629,237	3,963,360	1,979,250	1,870,095	14,026	105	1
Irrigation Impact Fees	1,226,093	255,183	509,290	3,516,275	1,200,659	3,800,165	848,250	870,000	891,750	913,500	936,750
Water Betterment Fees	-	-	-	-	-	-	-	-	-	-	-
Sewer Betterment Fees	-	-	-	-	-	-	-	-	-	-	-
Irrigation Betterment Fees	-	-	-	-	-	-	-	-	-	-	-
Capital Improvement Fund	29,662,478	-	-	-	-	-	-	-	-	-	-
SRF Loans and other UEP Debt Proceeds	-	44,623,755	47,088,601	21,357,436	11,917,994	-	-	-	-	-	-
Revenue Fund	5,577,521	19,684,817	18,723,554	19,350,857	23,585,150	24,335,275	14,137,500	14,659,905	16,929,224	17,356,395	17,798,249
Debt Proceeds	-	-	-	-	-	-	-	-	-	-	-
Projects Designated To Be Paid With Cash	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL PROJECTS PAID</b>	<b>\$ 41,015,582</b>	<b>\$ 65,343,755</b>	<b>\$ 67,075,076</b>	<b>\$ 44,900,887</b>	<b>\$ 37,333,040</b>	<b>\$ 32,098,800</b>	<b>\$ 16,965,000</b>	<b>\$ 17,400,000</b>	<b>\$ 17,835,000</b>	<b>\$ 18,270,000</b>	<b>\$ 18,735,000</b>
Total CIP Input	\$ 41,015,582	\$ 65,343,755	\$ 67,075,076	\$ 44,900,887	\$ 37,333,040	\$ 32,098,800	\$ 16,965,000	\$ 17,400,000	\$ 17,835,000	\$ 18,270,000	\$ 18,735,000

		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Term (Years)		30	30	30	30	30	30	30	30	30	30	30
Interest Rate		4.00%	4.25%	4.50%	4.75%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
<b>Sources of Funds</b>												
Par Amount		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Uses of Funds</b>												
Proceeds		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cost of Issuance	2.00% of Par	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Underwriter's Discount	\$0.00 per \$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bond Insurance	0 times total Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Capitalized Interest	0 Years Interest	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service Surety	0.00% of Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service Reserve	1 Year(s) of Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Costs												
Total Uses		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1 Year Interest		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Annual Debt Service		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cumulative New Annual Senior Lien Debt Service		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0



	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<b>WATER IMPACT FEES</b>											
Balance At Beginning of Fiscal Year	\$ 5,032,421	\$ 482,930	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Additional Annual Revenues	2,720,638	2,720,638	2,743,078	5,642,689	4,424,170	5,517,163	4,493,107	4,534,027	4,564,387	3,002,094	3,033,774
Less: Payment of Debt Service	(2,720,638)	(2,720,638)	(2,743,078)	(5,642,689)	(4,424,170)	(5,517,163)	(4,493,107)	(4,534,027)	(4,564,387)	(3,002,094)	(3,033,774)
Subtotal	5,032,421	482,930	-	-	-	-	-	-	-	-	-
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	5,032,421	482,930	-	-	-	-	-	-	-	-	-
Amount Paid for Projects	(4,549,491)	(482,930)	-	-	-	-	-	-	-	-	-
Subtotal	482,930	-	-	-	-	-	-	-	-	-	-
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	20,683	1,811	-	-	-	-	-	-	-	-	-
Less: Interest Allocated To Cash Flow	(20,683)	(1,811)	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ 482,930	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>SEWER IMPACT FEES</b>											
Balance At Beginning of Fiscal Year	9,623,003	9,695,175	9,469,705	8,807,002	8,215,372	7,684,895	3,807,083	1,870,095	14,026	105	1
Additional Annual Revenues	7,237,968	7,237,968	7,290,872	14,522,979	11,473,592	13,653,581	11,048,837	11,145,309	11,216,885	7,314,245	7,388,933
Less: Payment of Debt Service	(7,237,968)	(7,237,968)	(7,290,872)	(14,522,979)	(11,473,592)	(13,653,581)	(11,048,837)	(11,145,309)	(11,216,885)	(7,314,245)	(7,388,933)
Subtotal	9,623,003	9,695,175	9,469,705	8,807,002	8,215,372	7,684,895	3,807,083	1,870,095	14,026	105	1
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	9,623,003	9,695,175	9,469,705	8,807,002	8,215,372	7,684,895	3,807,083	1,870,095	14,026	105	1
Amount Paid for Projects	-	(297,070)	(753,631)	(676,319)	(629,237)	(3,963,360)	(1,979,250)	(1,870,095)	(14,026)	(105)	(1)
Subtotal	9,623,003	9,398,105	8,716,074	8,130,684	7,586,135	3,721,535	1,827,833	-	-	-	-
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	72,173	71,600	90,929	84,688	98,759	85,548	42,262	14,026	105	1	0
Less: Interest Allocated To Cash Flow	-	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ 9,695,176	\$ 9,469,705	\$ 8,807,003	\$ 8,215,372	\$ 7,684,894	\$ 3,807,083	\$ 1,870,095	\$ 14,026	\$ 105	\$ 1	\$ 0
<b>IRRIGATION IMPACT FEES</b>											
Balance At Beginning of Fiscal Year	1,081,840	4,057	15	0	-	-	-	990,905	2,033,741	3,237,444	2,365,654
Additional Annual Revenues	2,569,979	2,569,979	2,600,113	8,028,080	5,712,119	9,686,269	7,717,916	7,775,866	7,819,908	4,874,798	4,918,840
Less: Payment of Debt Service	(2,425,726)	(2,318,853)	(2,090,838)	(4,511,805)	(4,511,461)	(5,886,105)	(5,886,138)	(5,885,547)	(5,763,695)	(4,874,798)	(4,918,840)
Subtotal	1,226,093	255,183	509,290	3,516,275	1,200,659	3,800,165	1,831,779	2,881,225	4,089,954	3,237,444	2,365,654
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	1,226,093	255,183	509,290	3,516,275	1,200,659	3,800,165	1,831,779	2,881,225	4,089,954	3,237,444	2,365,654
Amount Paid for Projects	(1,226,093)	(255,183)	(509,290)	(3,516,275)	(1,200,659)	(3,800,165)	(848,250)	(870,000)	(891,750)	(913,500)	(936,750)
Subtotal	-	-	-	-	-	-	983,529	2,011,225	3,198,204	2,323,944	1,428,904
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	4,057	15	0	0	0	0	7,376	22,516	39,240	41,710	28,459
Less: Interest Allocated To Cash Flow	-	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ 4,057	\$ 15	\$ 0	\$ 0	\$ 0	\$ 0	\$ 990,905	\$ 2,033,741	\$ 3,237,444	\$ 2,365,654	\$ 1,457,363
<b>WATER BETTERMENT FEES</b>											
Balance At Beginning of Fiscal Year	3,898,687	4,090,454	4,283,659	4,491,959	4,705,076	4,940,184	5,195,637	5,462,659	5,738,684	6,022,556	6,314,556
Additional Annual Revenues	161,920	161,920	164,640	167,360	175,200	180,000	187,680	192,640	196,320	200,160	204,000
Less: Payment of Debt Service	-	-	-	-	-	-	-	-	-	-	-
Subtotal	4,060,607	4,252,374	4,448,299	4,659,319	4,880,276	5,120,184	5,383,317	5,655,299	5,935,004	6,222,716	6,518,556
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	4,060,607	4,252,374	4,448,299	4,659,319	4,880,276	5,120,184	5,383,317	5,655,299	5,935,004	6,222,716	6,518,556
Amount Paid for Projects	-	-	-	-	-	-	-	-	-	-	-
Subtotal	4,060,607	4,252,374	4,448,299	4,659,319	4,880,276	5,120,184	5,383,317	5,655,299	5,935,004	6,222,716	6,518,556
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	29,847	31,286	43,660	45,756	59,908	75,453	79,342	83,385	87,553	91,840	96,248
Less: Interest Allocated To Cash Flow	-	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ 4,090,454	\$ 4,283,659	\$ 4,491,959	\$ 4,705,076	\$ 4,940,184	\$ 5,195,637	\$ 5,462,659	\$ 5,738,684	\$ 6,022,556	\$ 6,314,556	\$ 6,614,804

**SEWER BETTERMENT FEES**

Balance At Beginning of Fiscal Year	\$ 13,729,456	\$ 14,162,560	\$ 14,598,912	\$ 15,080,999	\$ 15,573,458	\$ 16,126,226	\$ 16,736,486	\$ 17,371,618	\$ 18,026,427	\$ 18,698,589	\$ 19,388,692
Additional Annual Revenues	328,900	328,900	334,425	339,950	355,875	365,625	381,225	391,300	398,775	406,575	414,375
Less: Payment of Debt Service	-	-	-	-	-	-	-	-	-	-	-
Subtotal	14,058,356	14,491,460	14,933,337	15,420,949	15,929,333	16,491,851	17,117,711	17,762,918	18,425,202	19,105,164	19,803,067
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	14,058,356	14,491,460	14,933,337	15,420,949	15,929,333	16,491,851	17,117,711	17,762,918	18,425,202	19,105,164	19,803,067
Amount Paid for Projects	-	-	-	-	-	-	-	-	-	-	-
Subtotal	14,058,356	14,491,460	14,933,337	15,420,949	15,929,333	16,491,851	17,117,711	17,762,918	18,425,202	19,105,164	19,803,067
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	104,204	107,453	147,661	152,510	196,892	244,636	253,906	263,509	273,387	283,528	293,938
Less: Interest Allocated To Cash Flow	-	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ 14,162,560	\$ 14,598,912	\$ 15,080,999	\$ 15,573,458	\$ 16,126,226	\$ 16,736,486	\$ 17,371,618	\$ 18,026,427	\$ 18,698,589	\$ 19,388,692	\$ 20,097,006

**IRRIGATION BETTERMENT FEES**

Balance At Beginning of Fiscal Year	1,923,493	2,035,484	2,148,315	2,269,052	2,392,684	2,528,370	2,675,105	2,828,636	2,987,492	3,151,029	3,319,315
Additional Annual Revenues	97,200	97,200	98,760	100,440	105,120	108,000	112,560	115,560	117,840	120,120	122,400
Less: Payment of Debt Service	-	-	-	-	-	-	-	-	-	-	-
Subtotal	2,020,693	2,132,684	2,247,075	2,369,492	2,497,804	2,636,370	2,787,665	2,944,196	3,105,332	3,271,149	3,441,715
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	2,020,693	2,132,684	2,247,075	2,369,492	2,497,804	2,636,370	2,787,665	2,944,196	3,105,332	3,271,149	3,441,715
Amount Paid for Projects	-	-	-	-	-	-	-	-	-	-	-
Subtotal	2,020,693	2,132,684	2,247,075	2,369,492	2,497,804	2,636,370	2,787,665	2,944,196	3,105,332	3,271,149	3,441,715
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	14,791	15,631	21,977	23,193	30,566	38,736	40,971	43,296	45,696	48,166	50,708
Less: Interest Allocated To Cash Flow	-	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ 2,035,484	\$ 2,148,315	\$ 2,269,052	\$ 2,392,684	\$ 2,528,370	\$ 2,675,105	\$ 2,828,636	\$ 2,987,492	\$ 3,151,029	\$ 3,319,315	\$ 3,492,423

**CAPITAL IMPROVEMENT FUND**

Balance At Beginning of Fiscal Year	29,662,478	-	-	-	-	-	-	-	-	-	-
Additional Annual Revenues	-	-	-	-	-	-	-	-	-	-	-
Less: Payment of Debt Service	-	-	-	-	-	-	-	-	-	-	-
Subtotal	29,662,478	-	-	-	-	-	-	-	-	-	-
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	29,662,478	-	-	-	-	-	-	-	-	-	-
Amount Paid for Projects	(29,662,478)	-	-	-	-	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-	-	-	-	-	-
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	111,234	-	-	-	-	-	-	-	-	-	-
Less: Interest Allocated To Cash Flow	(111,234)	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**SRF and Other UEP Debt Proceeds**

Balance At Beginning of Fiscal Year	-	-	-	-	-	-	-	-	-	-	-
Additional Annual Revenues	-	44,623,755	47,088,601	21,357,436	11,917,994	-	-	-	-	-	-
Less: Payment of Debt Service	-	-	-	-	-	-	-	-	-	-	-
Subtotal	-	44,623,755	47,088,601	21,357,436	11,917,994	-	-	-	-	-	-
Less: Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Total Amount Available for Projects	-	44,623,755	47,088,601	21,357,436	11,917,994	-	-	-	-	-	-
Amount Paid for Projects	-	(44,623,755)	(47,088,601)	(21,357,436)	(11,917,994)	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-	-	-	-	-	-
Add Back Restricted Funds	-	-	-	-	-	-	-	-	-	-	-
Plus Interest Earnings	-	-	-	-	-	-	-	-	-	-	-
Less: Interest Allocated To Cash Flow	-	-	-	-	-	-	-	-	-	-	-
Balance At End of Fiscal Year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**REVENUE FUND**

Balance At Beginning of Fiscal Year	\$ 23,279,172	\$ 37,125,716	\$ 30,084,587	\$ 25,194,396	\$ 30,821,759	\$ 28,807,733	\$ 30,096,722	\$ 39,091,543	\$ 48,026,734	\$ 55,491,634	\$ 56,457,186
Additional Annual Revenues	19,424,065	12,643,689	13,833,363	24,978,220	21,571,124	25,624,264	23,132,321	23,595,096	24,394,125	18,321,947	18,701,282
Less: Cash-Funded Capital Projects	-	-	-	-	-	-	-	-	-	-	-
Less: Payment Of Debt Service	-	-	-	-	-	-	-	-	-	-	-
Subtotal	42,703,237	49,769,405	43,917,950	50,172,616	52,392,883	54,431,997	53,229,043	62,686,639	72,420,858	73,813,581	75,158,468
Less: Restricted Funds	(21,746,133)	(24,094,320)	(24,670,692)	(24,936,741)	(25,619,157)	(27,138,917)	(27,915,263)	(28,726,792)	(29,575,842)	(30,464,949)	(31,396,868)
Total Amount Available for Projects	20,957,104	25,675,084	19,247,258	25,235,875	26,773,726	27,293,080	25,313,780	33,959,847	42,845,017	43,348,632	43,761,600
Amount Paid for Projects	(5,577,521)	(19,684,817)	(18,723,554)	(19,350,857)	(23,585,150)	(24,335,275)	(14,137,500)	(14,659,905)	(16,929,224)	(17,356,395)	(17,798,249)
Subtotal	15,379,583	5,990,267	523,704	5,885,018	3,188,576	2,957,805	11,176,280	19,299,942	25,915,793	25,992,237	25,963,351
Add Back Restricted Funds	21,746,133	24,094,320	24,670,692	24,936,741	25,619,157	27,138,917	27,915,263	28,726,792	29,575,842	30,464,949	31,396,868
Plus Interest Earnings	226,518	252,039	276,395	280,081	372,684	441,783	518,912	653,387	776,388	839,616	853,631
Less: Interest Allocated To Cash Flow	(226,518)	(252,039)	(276,395)	(280,081)	(372,684)	(441,783)	(518,912)	(653,387)	(776,388)	(839,616)	(853,631)
Balance At End of Fiscal Year	\$ 37,125,716	\$ 30,084,587	\$ 25,194,396	\$ 30,821,759	\$ 28,807,733	\$ 30,096,722	\$ 39,091,543	\$ 48,026,734	\$ 55,491,634	\$ 56,457,186	\$ 57,360,219

**RESTRICTED RESERVES**

Balance At Beginning of Fiscal Year	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372
Additional Funds:	-	-	-	-	-	-	-	-	-	-	-
Debt Service Reserve on New Debt	-	0	0	-	0	0	-	-	-	-	-
Other Additional Funds	-	-	-	-	-	-	-	-	-	-	-
Subtotal	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372	19,560,372
Plus: Interest Earnings	146,703	146,703	195,604	195,604	244,505	293,406	293,406	293,406	293,406	293,406	293,406
Less: Interest Allocated to Cash Flow	(146,703)	(146,703)	(195,604)	(195,604)	(244,505)	(293,406)	(293,406)	(293,406)	(293,406)	(293,406)	(293,406)
Balance at End of Fiscal Year	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372	\$ 19,560,372

<u>Name of UEP Area</u>			<u>Base ERUs</u>	<u>Begin Construction</u>	<u>End Construction</u>	<u>1st Yr of Service</u>	<u>Water</u>	<u>Sewer</u>	<u>Irrigation</u>	<u>Include in Model</u>
SW Areas 6 & 7			3,064	2014	2015	FY 2016	Y	Y	Y	Y
North Area 1			8,044	2020	2021	FY 2022	Y	Y	Y	Y
North Area 2			9,336	2017	2019	FY 2020	Y	Y	Y	Y
	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
<b><u>SW Areas 6 &amp; 7</u></b>										
Initial Connection of Improved ERUs										
Water	-	-	-	-	-	-	-	-	-	-
Sewer	-	-	-	-	-	-	-	-	-	-
Irrigation	-	-	-	-	-	-	-	-	-	-
Infill ERUs										
Water	92	95	100	109	121	136	156	180	210	246
Sewer	92	95	100	109	121	136	156	180	210	246
Irrigation	92	95	100	109	121	136	156	180	210	246
Total	92	187	287	396	517	653	809	989	1,199	1,445
<b><u>North Area 1</u></b>										
Initial Connection of Improved ERUs										
Water	-	-	-	-	1,850	617	-	-	-	-
Sewer	-	-	-	-	2,087	696	-	-	-	-
Irrigation	-	-	-	-	2,097	699	-	-	-	-
Infill ERUs										
Water	-	-	-	-	-	76	76	79	81	83
Sewer	-	-	-	-	-	76	76	79	81	83
Irrigation	-	-	-	-	-	76	76	79	81	83
Total	-	-	-	-	1,850	2,542	2,618	2,697	2,778	2,861
<b><u>North Area 2</u></b>										
Initial Connection of Improved ERUs										
Water	-	-	2,148	716	-	-	-	-	-	-
Sewer	-	-	2,408	803	-	-	-	-	-	-
Irrigation	-	-	2,447	816	-	-	-	-	-	-
Infill ERUs										
Water	-	-	-	64	88	90	93	96	99	102
Sewer	-	-	-	64	88	90	93	96	99	102
Irrigation	-	-	-	64	88	90	93	96	99	102
Total	-	-	2,148	2,928	3,016	3,106	3,199	3,295	3,394	3,496
<b><u>Annual ERU Summary</u></b>										
Water	92	95	2,248	889	2,059	919	325	355	390	431
Sewer	92	95	2,508	976	2,296	998	325	355	390	431
Irrigation	92	95	2,547	989	2,306	1,001	325	355	390	431
Total	276	285	7,302	2,853	6,660	2,917	975	1,065	1,170	1,293
<b><u>Cumulative ERU Growth</u></b>										
Water	92	187	2,435	3,324	5,383	6,301	6,626	6,981	7,371	7,802
Sewer	92	187	2,695	3,670	5,966	6,963	7,288	7,643	8,033	8,464
Irrigation	92	187	2,734	3,722	6,028	7,029	7,354	7,709	8,099	8,530

<u>Name of UEP Area</u>	<u>ERUs</u>	<u>% Improved</u>	<u>Base ERUs</u>	<u>Begin Construction</u>	<u>End Construction</u>	<u>1st Yr of Service</u>	<u>Water</u>	<u>Sewer</u>	<u>Irrigation</u>	<u>Include in Model</u>	
SW Areas 6 & 7	6,128	50%	3,064	2014	2015	FY 2016	Y	Y	Y	Y	
North Area 1	7,211	35%	-	2020	2021	FY 2022	Y	Y	Y	Y	
North Area 2	9,522	37%	-	2017	2019	FY 2020	Y	Y	Y	Y	
	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>Total</u>
<b><u>SW Areas 6 &amp; 7</u></b>											
Potable Water Transmission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sewer Transmission	-	-	-	-	-	-	-	-	-	-	-
Irrigation Transmission	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-
<b><u>North Area 1</u></b>											
Potable Water Transmission	-	76,430	662,254	369,554	-	-	-	-	-	-	1,108,238
Sewer Transmission	-	1,324,208	11,474,017	6,402,794	-	-	-	-	-	-	19,201,019
Irrigation Transmission	-	1,064,208	9,221,165	5,145,646	-	-	-	-	-	-	15,431,019
Total	\$ -	\$ 2,464,846	\$ 21,357,436	\$ 11,917,994	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,740,276
<b><u>North Area 2</u></b>											
Potable Water Transmission	6,956,459	6,956,459	-	-	-	-	-	-	-	-	13,912,918
Sewer Transmission	21,352,998	21,352,998	-	-	-	-	-	-	-	-	42,705,996
Irrigation Transmission	16,314,298	16,314,298	-	-	-	-	-	-	-	-	32,628,595
Total	\$ 44,623,755	\$ 44,623,755	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 89,247,510



<u>Name of UEP Area</u>	<u>Water Capacity Charge</u>	<u>Sewer Capacity Charge</u>	<u>Irrigation Capacity Charge</u>	<u>Water Capacity Charge Assessment</u>	<u>Sewer Capacity Charge Assessment</u>	<u>Irrigation Capacity Charge Assessment</u>	<u>Pre Pay Assumption</u>	<u>Pre Pay Discount %</u>	<u>Non Collection %</u>	<u>Term of Payment</u>
SW Areas 6 & 7	\$ 1,516	\$ 4,476	\$ 758	\$ 280	\$ 826	\$ 140	15%	20%	5%	6
North Area 1	1,320	3,112	2,318	244	574	428	15%	20%	5%	6
North Area 2	1,320	3,112	2,318	244	574	428	15%	20%	5%	6
	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
<b><u>SW Areas 6 &amp; 7</u></b>										
Prepaid Capacity Charges										
Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sewer	-	-	-	-	-	-	-	-	-	-
Irrigation	-	-	-	-	-	-	-	-	-	-
Capacity Charges from Assessments										
Water	-	1,384,798	1,384,798	1,384,798	1,384,798	-	-	-	-	-
Sewer	-	4,088,624	4,088,624	4,088,624	4,088,624	-	-	-	-	-
Irrigation	-	692,399	692,399	692,399	692,399	-	-	-	-	-
Total	\$ -	\$ 6,165,820	\$ 6,165,820	\$ 6,165,820	\$ 6,165,820	\$ -	\$ -	\$ -	\$ -	\$ -
<b><u>North Area 1</u></b>										
Prepaid Capacity Charges										
Water	-	-	-	-	-	1,087,416	-	-	-	-
Sewer	-	-	-	-	-	2,754,120	-	-	-	-
Irrigation	-	-	-	-	-	2,056,437	-	-	-	-
Capacity Charges from Assessments										
Water	-	-	-	-	-	1,350,774	1,350,774	1,350,774	1,350,774	1,350,774
Sewer	-	-	-	-	-	3,421,133	3,421,133	3,421,133	3,421,133	3,421,133
Irrigation	-	-	-	-	-	2,554,480	2,554,480	2,554,480	2,554,480	2,554,480
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,224,360	\$ 7,326,387	\$ 7,326,387	\$ 7,326,387	\$ 7,326,387
<b><u>North Area 2</u></b>										
Prepaid Capacity Charges										
Water	-	-	-	1,283,198	-	-	-	-	-	-
Sewer	-	-	-	3,201,875	-	-	-	-	-	-
Irrigation	-	-	-	2,406,362	-	-	-	-	-	-
Capacity Charges from Assessments										
Water	-	-	-	1,593,973	1,593,973	1,593,973	1,593,973	1,593,973	1,593,973	-
Sewer	-	-	-	3,977,328	3,977,328	3,977,328	3,977,328	3,977,328	3,977,328	-
Irrigation	-	-	-	2,989,153	2,989,153	2,989,153	2,989,153	2,989,153	2,989,153	-
Total	\$ -	\$ -	\$ -	\$ 15,451,889	\$ 8,560,454	\$ 8,560,454	\$ 8,560,454	\$ 8,560,454	\$ 8,560,454	\$ -
<b><u>Revenue Summary</u></b>										
Water	-	1,384,798	1,384,798	4,261,969	2,978,770	4,032,163	2,944,747	2,944,747	2,944,747	1,350,774
Sewer	-	4,088,624	4,088,624	11,267,827	8,065,952	10,152,581	7,398,461	7,398,461	7,398,461	3,421,133
Irrigation	-	692,399	692,399	6,087,914	3,681,551	7,600,069	5,543,632	5,543,632	5,543,632	2,554,480
Total	\$ -	\$ 6,165,820	\$ 6,165,820	\$ 21,617,709	\$ 14,726,274	\$ 21,784,814	\$ 15,886,841	\$ 15,886,841	\$ 15,886,841	\$ 7,326,387

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**Item Number: 11.B.**  
**Meeting Date: 9/18/2017**  
**Item Type: NEW BUSINESS**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Discussion - Follow-up items requested by Council

**REQUESTED ACTION:**

Staff Direction

**STRATEGIC PLAN INFO:**

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

**PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

PT Division- Department- Council  
Offices

**SOURCE OF ADDITIONAL INFORMATION:**