

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

September 21, 2022

Council Chambers

4 30 P M

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

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

**PLEDGE OF ALLEGIANCE** – Councilmember Welsh

**Roll Call** Mayor Gunter, Councilmembers Cosden, Hayden, Long, Nelson, Sheppard, Tate, and Welsh were present

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Gunter requested to move Item 9 D Youth Council Quarterly Report immediately after Citizens Input Time

City Manager Hernandez requested to withdraw Public Hearing Item 10 A (5) Ordinance 52-22

***Councilmember Tate moved, seconded by Councilmember Nelson, to adopt the Agenda, as amended.***

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

**RECOGNITIONS/ACHIEVEMENTS**

None

**APPROVAL OF MINUTES**

Regular Meeting - August 31, 2022

***Councilmember Tate moved, seconded by Councilmember Nelson, to approve the minutes for the August 31, 2022, Regular Meeting, as presented. Voice Poll: All “ayes.” Motion carried.***

Regular Meeting - September 7, 2022

***Councilmember Tate moved, seconded by Councilmember Nelson, to approve the minutes for the September 7, 2022, Regular Meeting, as presented. Voice Poll: All “ayes.” Motion carried.***

Special Meeting - September 8, 2022

***Councilmember Tate moved, seconded by Councilmember Nelson, to approve the minutes for the September 8, 2022, Special Meeting, as presented. Voice Poll: All “ayes.” Motion carried.***

**CITIZENS INPUT TIME**

Kevin McGrail appeared to request that City Council vote to bring back the Cape Coral City Council televised Candidates Forum. He read a brief excerpt from Val Herring's Breeze editorial from August 26<sup>th</sup> and followed up with a Letter to the Editor on September 2<sup>nd</sup> urging Council action.

Lou Navarra appeared to give kudos to 311 and discussed his concerns about his LCEC electric bill

Tom Shadrach appeared to discuss his suggestion for a six-month deletion of the Public Service Tax and franchise fees on LCEC billing from April 2023 to September 2023

Mark Richards appeared to discuss the repaving issues in his area and thanked his Councilmember for personally explaining it

Paul Beattie, President of Beattie Development, appeared to continue to stress the concerns with the building permitting impacts to contractors and residents. Some of the largest contractors, DR Horton, Christopher Alan, Brooks and Freund, Synergy, and Lennar appeared in support who represent half a billion dollars in impact permit fees, assessments, sales volume, and taxes. He voiced his concerns with the upcoming system upgrade. They requested that the City provide free permits to the construction industry starting October 1<sup>st</sup> for at least six months or until the system is functional.

Mike Stone appeared to discuss a Florida Statute which says individual government bodies have up to 30 days to issue a residential building permit. He discussed issues with hiring and retaining permitting personnel.

Walter 'Wally' Ilczyszyn appeared in support of the Building Department Staff. He discussed a solution that could have corrected current concerns with a CSR reclassification.

Richard Jones, Local 2301 President, appeared to discuss the options of the 10% increase in accordance with the Ordinance and a reclassification. He read excerpts from the Collective Bargaining Agreement. He suggested that this Local should be considered a stakeholder in this EnerGov situation. He cautioned to follow the Collective Bargaining Agreement when issuing overtime and using volunteers.

Ray Kijak stated he is an owner of a duplex, the other side has been abandoned. He stated there was overgrown grass, rats, and other rodents, and the pool is green and not secured, which could become a liability.

Councilmember Sheppard discussed the City Council Candidates Forum, and he opined that this was a great resource as it could reach up to 200K people and inquired why it could not be continued. He requested that the City Manager investigate the property concerns of the abandoned duplex. He thanked the Citizen that reached out to him, and he met with them to explain how the paving program functions.

Councilmember Hayden stated that the Candidates Forum was a service to the community, and it was a point of information. This would be an event that the City Manager would decide, not Council. He opined that in the future this should be considered.

Councilmember Tate stated that it was not up to the current Council to decide on the Candidates Forum. There are different organizations hosting debates in the next few weeks. This may be a topic to discuss with the new Council. She addressed the duplex issue, the City must follow State Laws, civil litigation would be required to move forward. She stated that the permitting process has gotten better and suggested working harder and smarter. Her emails and phone calls have slowed down tremendously. CCCIA is involved and receiving updates.

Councilmember Welsh stated that the Fort Myers Building Official and other Staff are willing to help with our permitting software issues. He did have a concern about Collective Bargaining Agreements. There are solutions, and the City is doing their best to figure it out.

Mayor Gunter stated that he also communicated with the Executive Director of the BIA, and he mentioned that the Fort Myers Building Official was willing to help. The City Manager and Staff would have to address this.

City Manager Hernandez addressed the following:

- **Candidates Forum** - his position is consistent with the one he had when City Council appointed him with a different Mayor
- Approached at that time and was informed that the City typically hosted a forum and utilized City resources, expressed concerns with using City employees and resources to be used for political activities
- At that time there was a compromise with the former Mayor given the short time frame with the upcoming forum, where he agreed to allow the use of this room that year for the forum, however, there would be no City employees involved whatsoever in ensuring the success of that particular event
- He was told by many City employees that they were involved in reviewing and summarizing questions, etc
- This led him to decide that Council Chambers is not available for anything other than official City business
- Candidates Forums are typically a place to voice their free speech activities, political or otherwise, regardless of free speech or not
- There are other facilities available to the public for a fee such as the Yacht Club
- There is a Candidates Forum at the Yacht Club tomorrow
- Terms of broadcasting – numerous resources available for community to rent
- Other resources available, venues, and opportunities
- Language in State Law addressing use of municipality resources for political usage
- City Hall and Council Chambers should remain as a neutral ground
- **Permitting** Software does work, several months to get back to a normal process, not minimizing the concerns voiced today, requested everyone to have patience, has not heard from other City Managers or Building Officials, bringing in a contracted temporary service provider for a Building Official
- **Personnel Issues** broadsided by concerns, City Council serves as a legislative body, this is not the venue to discuss any issues with the Collective Bargaining contract, there is a formal grievance process. The Union leadership team has access to Management, and the specifics were not presented until late afternoon. Requested that the representatives contact him to discuss and resolve these issues
- **Abandoned property** at 1418 SE 8<sup>th</sup> Avenue, Everyone is entitled to due process, City does not have the authority to enter a property to board windows or cut grass. There are various processes that need to be followed and the law needs to be abided and nuisances addressed

Councilmember Hayden stated that from 2001 to 2019 he participated in the Candidates Forum as one of two people asking questions. At no time did City Staff review, censor, or look at our questions. Staff only turned on lights and operated cameras.

Councilmember Tate requested clarification on the Florida Statute that required the 30 days' timeline for issuing a permit.

Development Services Director Cautero stated the law states that when a single-family building permit is filed one of three things needs to happen within 30 days. It is not tied to an approval by itself. The Statute reads that it has to be approved, sent back for more information, or rejected. He has been doing spot checks with the Customer Service Manager over the past couple of weeks where there has been some improvement. He explained the timeline for the permits, some have 10 days, others have different timeframe. EnerGov was being updated to include the timelines. The goal is to get to 10 days and the 30 days clock is different.

Discussion held regarding

- Current statistics of permits not processed within 30 days
- Refunds to permits

- Timeframes are based on business days, varies depending on the permits

Councilmember Long inquired about situations of Statute obligations and violations faced by the City

City Attorney Menendez discussed the legal opinion on the Florida Statute

City Manager Hernandez explained the burdensome process of identifying the number of permits and Florida Statute violations. He discussed the attrition study, confirmed turnover in the Customer Service Representative ranks, they were not leaving the City but being promoted to other departments in the City, the number one department being promoted to was Development Services

Councilmember Nelson inquired if City Manager Hernandez was planning to meet with Union representatives

City Manager Hernandez stated he was meeting with him on Thursday

Councilmember Nelson clarified that the Forum at the Yacht Club was occurring on October 3<sup>rd</sup> hosted by the Cape Coral Chamber. She understood the reasons of not hosting further City Forums

Discussion held regarding the escalation of the roof, fence, and other permits which would be addressed in Mr. Grambow's update

#### YOUTH COUNCIL QUARTERLY REPORT (moved to directly after Citizens Input)

Vice Chair Little, Member Ancheta, Member Arevalo, and Member Bella presented the Cape Coral Youth Council Quarterly Report with the following slides

- Spring Gala
- FLC 2022 Youth Council Community Service Contest
- 2022 FLC Youth Council Annual Program
- Love Locks Project
- Senior Project
- Junior Project
- TikTok Account
- The Future
- Any Questions?

Councilmember Hayden stated that the Youth Council would be the pioneers of a Strategic Plan and workshop to discuss ideas with other local Youth Councils. He invited everyone to the Youth Council meeting on Friday, September 23<sup>rd</sup> at 3:00 p.m.

Mayor Gunter congratulated the Youth Council for receiving the FLC 2022 Youth Council Community Service Contest Award

### **BUSINESS**

#### CONSENT AGENDA

- 1) Resolution 159-22 Award Bid #BPW2274AP, and corresponding contract, for the Construction of Unimproved Alleys, to Ajax Paving Industries of Florida, LLC in the amount of \$2,827,665.36 with a 5% City controlled contingency of \$141,383.27 for a total of \$2,969,048.63, Authorize the use of Reserves, And authorize the City Manager or designee to execute the agreement, renewals, change orders and Purchase Orders, Department Public Works, Dollar Value \$2,969,048.63, (Transportation Capital Project Fund, Water and Sewer Fund, Stormwater Fund and use of Reserves)

- 2) Resolution 185-22 Award Bid #BPD22101SB, and corresponding contract, for the purchase of ammunition, to Lawmen's and Shooters' Supply, Inc, and G T Distributors, Inc, for the respective awarded items at the unit prices bid, and award Quote BPD22101SB for the purchase of ammunition, to Florida Bullet, Incorporated, for the respected quoted items at the unit prices quoted, at an estimated annual cost of \$151,000, and authorize the City Manager or designee to execute the agreement, renewals, amendments, and Purchase Orders, Department Police, Dollar Value \$151,000, (General Fund)
- 3) Resolution 193-22 Approve Amendment #1 for Contract #PPD2190SB with Waterfield Florida Staffing, LLC d/b/a Action Labor of Florida, utilizing the City of North Port agreement RFB #2020-56, for the School Crossing Guard Services increasing the hourly rate proposed in the contract, for an estimated annual amount of \$265,000 and authorize the City Manager, or designee, to execute the contract, renewals, purchase orders and change orders, Department Police Department, Estimated Annual Dollar Value \$265,000, (General Fund)
- 4) Resolution 199-22 Approve Contract #PPW22145MM with Centennial Contractors Enterprises Inc for the repair and refinishing of the interior and exterior walls of the building at Four Freedoms Park, utilizing Sourcewell Contract #FL-R9-GC08-111821-CCE in the amount of \$72,765 80 with a City Controlled contingency of \$11,234 20 for a total amount of \$84,000, And authorize the City manager or designee to execute the contract, renewals, and purchase orders There was a prior contract with this vendor in the amount of \$40,167 29 and including this request, the total spent will be \$112,933 09 which exceeds the City Manager threshold for approval, Department Public Works, Dollar Amount \$84,000, (General Fund)
- 5) Resolution 205-22 Award Invitation to Bid #BFD22122MM, and corresponding contract, for Fire Stations Lawn and Landscape Services to Grow Care Outdoor Solutions, LLC of North Fort Myers, FL, for the mowing, landscaping, and irrigation maintenance of the City's Fire Stations in the annual amount of \$62,220 The contract term of three years with the option to renew for two additional one-year periods, and authorize the City Manager or Designee to execute the contract, renewal, purchase order and change orders, Department Fire, Annual Dollar Amount \$62,220 (three-year total of \$186,660 contingent on annual appropriation), (General Fund)
- 6) Resolution 211-22 Approve the proposed distribution of funds for Federal Fiscal Year (FFY) 2021 Edward Byrne Justice Assistance Grant (JAG) Countywide-State allocation and authorize the Mayor to execute a letter of approval of the grant fund projects, Department Police
- 7) Resolution 212-22 Authorize the acceptance of awarded grant funds from the North American Wetlands Conservation Act (NAWCA) for the Fiscal Year 2022-2023 for the Yellow Fever Creek Wetland Enhancement Project, approves the North American Funding Agreement, and authorizes the City Manager or his designee to execute all related grant documents, Department Parks and Recreation, Grant Dollar Value \$50,000, Matching Funds \$50,000, (Fund General Fund)
- 8) Resolution 217-22 Approve and Ratify the Collective Bargaining Agreement between the City of Cape Coral and the Fraternal Order of Police Lodge #33, representing the Police Officers and Sergeants bargaining unit
- 9) Resolution 218-22 Approve and Ratify Collective Bargaining Agreement between the City of Cape Coral and the Fraternal Order of Police Lodge #33, representing the Lieutenants bargaining unit
- 10) Resolution 219-22 Approve Amendment #1 to Agreement #BPW2180AP for the Construction of Sands Park and Joe Coviello Park (formerly known as Oasis

Woods Park) with Wright Construction Group, Inc for exotic vegetation removal in the amount of \$251,790, And authorize the City Manager or Designee to execute the contract, amendments purchase orders and change orders The original contract with Wright Construction Group, Inc , was approved by Council via Resolution 180-21 on 9/1/21 in the amount of \$5,185,732, with a 5% City controlled contingency of \$259,287 for a project total of \$5,445,019 The amendment will increase the project amount, including the original contingency, to \$5,696,809, Department CIP, Dollar Amount \$251,790, (Governmental Capital Project Fund-funded by GO Bond)

- 11) Resolution 214-22 Accept Public Utility and Drainage Easement in a portion of Lot 16, Block 4841, Unit 71 Cape Coral (1724 SW 20th Terrace, Strap #28-44-23-C3-04841 0160), to provide a utility and drainage easement for access to and maintenance of future utility and/or drainage facilities to be installed at this location, Department Public Works / Property Management Division, Dollar Value N/A, (Fund N/A)
- 12) Resolution 215-22 Accept Permanent Utility Easement in a portion of 1921 SW Pine Island Road (Strap #16-44-23-C3-00007 0020), to provide access to and maintenance of future City utility facilities to be installed at this location in connection with site plan SP21-0003 – Decks & Docks of Cape Coral, Department Public Works / Property Management Division, Dollar Value N/A, (Fund N/A)

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

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

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

#### APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

##### Budget Review Committee - 1 Alternate Vacancy

City Clerk Brunns stated there was one alternate vacancy There were originally three applications, but one person withdrew

##### Applicants

Lisa W Barnes (Exempt) – present  
Michael J Lipari (Exempt) WITHDRAWN  
Michael Stone – present

***Council polled as follows: Welsh – Barnes, Cosden – Barnes, Gunter – Barnes, Hayden – Barnes, Long – Barnes, Nelson – Barnes, Sheppard – Barnes, Tate – Barnes***

City Clerk Brunns announced the tally

***Councilmember Tate moved, seconded by Councilmember Cosden, to appoint Lisa Barnes as alternate member on the Budget Review Committee (term expiring 9/30/2023).***

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

##### Parks and Recreation Advisory Board - 3 Member Vacancies and 1 Alternate Vacancy

City Clerk Brunns stated there were three member vacancies and one alternate vacancy Four applications were received

Applicants

Pascha Simonson Donaldson – present  
Susan Ilczyszyn – present  
John Kuss – present  
Jack Schwartz – present

**Council polled as follows for three members: Welsh – Ilczyszyn, Donaldson, Kuss, Cosden – Donaldson, Ilczyszyn, Kuss; Gunter – Donaldson, Ilczyszyn, Kuss, Hayden – Donaldson, Ilczyszyn, Kuss; Long – Donaldson, Ilczyszyn, Kuss; Nelson – Donaldson, Ilczyszyn, Kuss; Sheppard – Donaldson, Ilczyszyn, Kuss; Tate – Donaldson, Ilczyszyn, Kuss**

City Clerk Bruns announced the tally

**Councilmember Tate moved, seconded by Councilmember Hayden, to reappoint Pasha Simonson Donaldson, Susan Ilczyszyn, and John Kuss as members (term expiring 9/22/2025) on the Parks and Recreation Advisory Board.**

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

**Councilmember Nelson moved, seconded by Councilmember Tate, to appoint Jack Schwartz as the alternate member (term expiring 9/22/2023).**

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

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

YOUTH COUNCIL QUARTERLY REPORT  
(moved directly after Citizens Input Time)

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

Water Quality Update

Environmental Resources Manager Robert discussed the following

- Current Lake Okeechobee-related Water Quality Conditions
- Cape Coral Blue Green Algae Conditions
- Map showing drainage basins of Lake Okeechobee
- Daily flows and Levels throughout the Lake Okeechobee Basin, as managed by the US Army Corps of Engineers
- Map showing the locations of recent blue green algae toxins results

Public Works Director Ilczyszyn discussed the following

- Bubble Curtains Update
- Site locations, identification numbers and installation schedule

## Permitting Process Update

Special Projects Coordinator Grambow provided an update on the permitting process

- EnerGov / Permitting Update 9/21/2022
- Today's Update
- 60-Day Action Plan Progress
- EnerGov Version 2021 Testing
- DSD/Permitting Staffing Update
- Post 2021 Go-Live Tasks
- Questions

Mayor Gunter thanked Staff for keeping Council apprised of progress and developments

## ORDINANCES/RESOLUTIONS

### Public Hearings

#### Ordinance 79-22 (RZN22-000011\*) Public Hearing

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

#### WHAT THE RESOLUTION ACCOMPLISHES

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 Unit 66, Block 3230, Lots 15-23, Cape Coral Subdivision, from Professional (P) to Residential Multi-Family Low (RML) zone, property is located at 1425 Gleason Parkway

Applicant Jason Tabar

Address 1425 Gleason Parkway

City Planning Staff Recommendation Approval

Hearing Examiner Recommendation Approval

City Clerk Bruns read the title of the Ordinance and administered the oath

Planning Team Coordinator Daltry explained the following displayed slides

- Ordinance 79-22 (RZN22-000011\*)
- Background
- Site, 2021 Aerial Map
- Official Zoning Map, Proposed Zoning Map
- Background/History
- Comprehensive Plan/LDC Analysis (four slides)
- Conclusion
- Recommendation Staff and HEX recommended approval

Public Hearing opened

Tom Slaughter appeared to enter into the record the application, client report, video drone report, Staff report, and HEX report There have been delays through the process due to COVID and new software, he thanked Staff for pushing it forward

Public Hearing closed

***Councilmember Tate moved, seconded by Councilmember Welsh, to adopt Ordinance 79-22, as presented.***

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

#### Ordinance 82-22 (RZN22-000018\*) Public Hearing

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

#### WHAT THE RESOLUTION ACCOMPLISHES

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 Lots 29, 30,

31, and 32, Block 1699, Unit 44, Part 1, Cape Coral Subdivision, and Lots 43 and 44, Block 1699, Unit 44, Cape Coral Subdivision, from Professional Office (P) to Commercial (C) zone, property is located at 601 Cape Coral Parkway West and 602 SW 47<sup>th</sup> Terrace  
Applicant 601 CC Parkway LLC  
Address 601 Cape Coral Parkway W & 602 SW 47th Terrace  
Acreage 0 069  
City Planning Staff Recommendation Approval  
Hearing Examiner Recommendation Approval

City Clerk Bruns read the title of the Ordinance and administered the oath

Planning Team Coordinator Struve explained the following displayed slides

- Ordinance 82-22 (RZN22-000018\*)
- Owner, Rep, Request, Location
- Rezone sites, 2021 Aerial Map
- Background
- Future Land Use Map
- Official Zoning Map
- Proposed Zoning Map
- Analysis (LDC Section 3 4 6 and Article 4)
- Recommendations Staff and HEX recommended approval, No speakers at HEX Public Hearing
- Correspondence three emails in opposition

Public Hearing opened

Joe Mazurkiewicz, BJM Consulting, appeared on behalf of the applicant and requested that the request be considered, and for the Staff report and presentation be added to the record

Public Hearing closed

***Councilmember Tate moved, seconded by Councilmember Cosden, to adopt Ordinance 82-22, as presented.***

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

Resolution 194-22 (VAC22-000024\*) Public Hearing

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

WHAT THE RESOLUTION ACCOMPLISHES

A resolution providing for the vacation of plat for a portion of the Barcelona Canal right-of-way located adjacent to Lots 34 and 35, Block 196, Cape Coral Unit 3, providing for the vacation of plat for public utility and drainage easements associated with Lots 34 and 35, Block 196, Cape Coral Unit 3, property located at 137 SW 58<sup>th</sup> Street

Applicant Anthony & Linh Roncaioli

Address 137 SW 58th Street

City Staff Recommendation Approval with conditions

Hearing Examiner Recommendation Approval with conditions

City Clerk Bruns read the title of the Resolution and administered the oath

Planning Team Coordinator Struve explained the following displayed slides

- Resolution 194-44 (VAC22-000024\*)
- Owner, Rep, Request, Location
- Site, 2021 Aerial Map
- Official Zoning Map
- Background
- Canal ROW and underlying easements requested to be vacated
- Area of platted easements proposed to be vacated

- Analysis (LDC Section 3 4 5B)
- Recommendations Staff recommended approval, HEX recommended approval with Staff conditions
- Correspondence one phone call – informational

Public Hearing opened

No speakers

Public Hearing closed

***Councilmember Tate moved, seconded by Councilmember Cosden, to approve Resolution 194-22, as presented.***

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

Resolution 201-22 (VAC22-000026\*) Public Hearing

\*Quasi-Judicial, All Persons Providing Testimony to Be Sworn In  
WHAT THE RESOLUTION ACCOMPLISHES

A resolution providing for the vacation of plat for a portion of the Malibu Canal right-of-way and all underlying easements located adjacent to Lots 7 and 8, Block 30, Cape Coral Unit 1, providing for the vacation of plat for public utility and drainage easements associated with Lots 7 and 8, Block 30, Cape Coral Unit 1, property located at 1224 El Dorado Parkway East

Address 1224 El Dorado Parkway East,

Applicant Turn Key Homes #5, LLC, c/o Kaylee A Tusk, Esq  
City Planning Staff Recommendation Approval with Conditions  
Hearing Examiner Recommendation Approval with Conditions

City Clerk Bruns read the title of the Resolution and administered the oath

Development Services Director Caetero introduced Candise Forde who is one of our newest Planners coming on board several months ago

Associate Planner Forde explained the following displayed slides

- Resolution 201-22 (VAC22-000026\*)
- Applicant, Location, Request
- Site, 2021 Aerial Map
- Official Zoning Map
- Background
- Vacation Requests
- Criteria in LDC, 3 4 5B
- Recommendation Staff and HEX recommended approval (with conditions)
- Correspondence Prior to HEX, Staff had not received any correspondence, Prior to Council, Staff had received several inquiries, but no objections or support for the case

Public Hearing opened

No speakers

Public Hearing closed

***Councilmember Tate moved, seconded by Councilmember Sheppard, to approve Resolution 201-22, as presented.***

Councilmember Tate inquired if the conditions were also included

Associate Planner Forde responded in the affirmative

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

**WITHDRAWN BY CITY MANAGEMENT**

Ordinance 52-22 (LU22-0001) Public Hearing

**WHAT THE ORDINANCE ACCOMPLISHES**

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from the Commercial/Professional (CP) classification to the Multi-Family (MF) classification for property described as Lots 12-16, Block 3100, Unit 62, Cape Coral Subdivision, property located at 1917 SW Santa Barbara Place

Applicant Cape Life, LLC

Acreage 0.57 acres

City Planning Staff Recommendation Denial

Planning and Zoning Commission Approval

Mayor Gunter mentioned Ordinance 52-22 would come back at a later date

Introductions

Resolution 202-22 (VAC22-000028\*) Set Public Hearing for October 12, 2022

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

**WHAT THE RESOLUTION ACCOMPLISHES**

A resolution providing for the vacation of plat for public utility and drainage easements lying in Lots 4 through 7, Block 1546, Cape Coral, Unit 17, Part 1, property located at 329 Del Prado Boulevard North

Address 329 Del Prado Boulevard North

Applicant Del Prado N 329, LLC

City Planning Staff Recommendation Approval with Conditions

Hearing Examiner Recommendation Approval with Conditions

City Clerk Bruns read the title of the Resolution

The public hearing was scheduled for October 12, 2022, in Council Chambers

Resolution 203-22 (VAC22-000030\*) Set Public Hearing for October 12, 2022

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

**WHAT THE RESOLUTION ACCOMPLISHES**

A resolution providing for the vacation of plat for a portion of the Lucerne Canal right-of-way located adjacent to Lots 15 and 16, Block 5, Cape Coral Unit 1, Part 2, providing for the vacation of plat for public utility and drainage easements associated with Lots 15 and 16, Block 5, Cape Coral Unit 1, Part 2, property located at 5646 Riverside Drive

Address 5646 Riverside Dr, Applicant Brian & Kristin Haag

City Planning Staff Recommendation Approval

Hearing Examiner Recommendation Approval

City Clerk Bruns read the title of the Resolution

The public hearing was scheduled for October 12, 2022, in Council Chambers

Resolution 207-22 (VAC22-000025\*) Set Public Hearing for October 12, 2022

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

**WHAT THE RESOLUTION ACCOMPLISHES**

A resolution providing for the vacation of plat for easements underlying a previously vacated alley and public utility and drainage easements lying between Lots 63 through 68 and 69 through 75, Block 3367, Cape Coral Unit 65, as more particularly described herein, property located at 808 SW 42<sup>nd</sup> Terrace

Address 808 SW 42<sup>nd</sup> Terrace, Applicant Storage CAP CC Land LP

City Planning Staff Recommendation Approval with conditions

Hearing Examiner Recommendation Approval with conditions

City Clerk Bruns read the title of the Resolution

The public hearing was scheduled for October 12, 2022, in Council Chambers

Ordinance 83-22 (FLUM22-000018) Set Public Hearing for October 12, 2022

**WHAT THE ORDINANCE ACCOMPLISHES**

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Public Facilities (PF) to Multi-Family Residential (MF) land use for property described as all of Block 2088, Unit 31, Cape Coral Subdivision, property located at 1429 NE 15<sup>th</sup> Avenue

Applicants The School Board of Lee County & Birdsong Housing Partners

Address 1429 NE 15th Avenue

Acreage 9.78 acres

City Planning Staff Recommendation Approval

Planning and Zoning Commission Recommendation Approval

City Clerk Bruns read the title of the Ordinance

The public hearing was scheduled for October 12, 2022, in Council Chambers

Ordinance 84-22 Set Public Hearing for October 12, 2022

**WHAT THE ORDINANCE ACCOMPLISHES**

The ordinance provides for the release of the Perpetual Stormwater Drainage Easement as recorded on June 12, 1997, in the Public Records of Lee County, Florida as described in the ordinance. The property is located off of Diplomat Parkway East

City Clerk Bruns read the title of the Ordinance

The public hearing was scheduled for October 12, 2022, in Council Chambers

Ordinance 88-22 Set Public Hearing for October 12, 2022

**WHAT THE ORDINANCE ACCOMPLISHES**

The Ordinance approves the sale of municipal surplus real property described as all of Lots 12 through 17, Block 6400, all of Tract "G" and all of Lots 1 through 5 Block 6401, all of Tract "F" and all of Lots 1 through 7, Block 6402, all of Tract "E" and all of Lots 1 through 4, Block 6403, all of Tract "D" and all of Lots 1 through 3, Block 6404, all of Tract "C" and all of Lots 1 and 2, Block 6405, all of Tract "B" and all of Lots 1 through 7, Block 6406, and all of Tract "A" and all of Lots 1 through 8, Block 6407, all as shown on the Plat of Cape Coral, Unit 76, The Islands, recorded in Plat Book 35 at Pages 121 through 129 of the Public Records of Lee County, Florida, containing approximately 47 acres, pursuant to Section 2-155 of the City of Cape Coral Code Of Ordinances and authorizes and directs the Mayor and Clerk to execute a Deed conveying the aforementioned surplus real property to Gulf Gateway Resort And Marina, LLC, property located at 106 Old Burnt Store Road North and 606 Old Burnt Store Road North

City Clerk Bruns read the title of the Ordinance

The public hearing was scheduled for October 12, 2022, in Council Chambers

Ordinance 89-22 Set First Public Hearing for October 12, 2022

**WHAT THE ORDINANCE ACCOMPLISHES**

An ordinance amending the City of Cape Coral Land Development Code, by amending Article 4, "Zoning Districts," Table 4.1.6, "Use Table," regarding mobile food dispensing vehicles, mobile food vendors, and mobile food courts as conditional uses in the P, C, I, INST, NC, CC, MXB, MX7, and SC zoning districts, amending Article 4, "Zoning Districts," Chapter 2, "Specific Regulations by District," Sections 4.2.6, 4.2.7, 4.2.8, 4.2.9, 4.2.11, 4.2.12, 4.2.13, 4.2.14, and 4.2.15, regarding mobile food dispensing vehicles, mobile food vendors, and mobile food courts and to make zoning district text regulations consistent with the zoning use table, amending Article 5, "Development Standards," Chapter 11, "Conditional Uses," to create Section 5.11.13, "Mobile Food Dispensing Vehicles," regarding the establishment of zoning regulations for mobile food dispensing vehicles, creating Section 5.11.14, "Mobile Food Vendors," regarding the establishment of

zoning regulations for mobile food vendors, creating Section 5 11 15 , "Mobile Food Courts," regarding the establishment of zoning regulations for mobile food courts, and by amending Article 11, "Definitions," Chapter 1, "General Provisions," Section 11 2 , "Definitions," regarding mobile food units

City Clerk Bruns read the title of the Ordinance

The public hearing was scheduled for October 12, 2022, in Council Chambers

Councilmember Tate inquired about including the daily fines into the Ordinance

Interim Planning Manager Yearsley stated that the City Attorney's Office made the necessary changes to include the daily fines

### REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Welsh – Topics Attended the LCEC Board of Directors meeting and discovered that there was limited seating He encouraged residents interested in attending to call ahead to reserve a spot There was nothing on the agenda that dealt with Cape Coral service or rates, but he did speak to the Board about the residents' concerns He reported a forecast of natural gas lowering in February and will keep an eye on the agendas

Councilmember Cosden – Topics Attended the 9/9 Youth Council meeting, 9/11 Remembrance Ceremony, MPO meeting last week, went to Mom Prom put on by Parks and Rec Special Events

Councilmember Hayden – Topics Requested permission for Youth Council to move forward with Love Locks Project at Cultural Park and for the Spring Gala on March 11, 2023

Councilmember Welsh requested clarification on the location of the Love Locks Project He suggested that a member of the Youth Council come to the next Parks and Recreation Advisory Board meeting to inform them of the project and provide an update

Discussion held regarding the estimated budget/cost of approximately \$10,000 for the Love Locks Project and Spring Gala

***Councilmember Hayden moved, seconded by Councilmember Cosden, to allow the Youth Council to move forward with the Love Locks Project and Spring Gala, and any fundraising efforts that might be involved in each of those projects.***

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

Councilmember Long – Topics No report

Councilmember Nelson – Topics Attended the 9/11 Memorial service, attended the MPO meeting as the alternate, thanked all First Responders and City Staff for the beautiful job for the 9/11 event

Councilmember Sheppard – Topics Shout out to non-profit Friends of Cape Coral Environmental who have been working on the medians, more donations were received \$10K grant from LCEC to work on Agualinda and \$20K from Kiwanis to work on completing two other projects He thanked the two organizations for beautifying the City He discussed the Utilities Department laborer workers' working conditions with no air conditioners in the vehicles and a place to take a shower He requested follow up information

Discussion held regarding

- Facilities available for change of clothes and showers after shift

- Operational issue
- Cost of air conditioners estimated at \$8K per unit
- Area in trucks under air conditioners
- Air conditioning is a tool that is needed
- Actions taken by City Management to address concerns and conditions
- Box trucks
- Not cost feasible to repair air conditioners in trucks coming up for replacement
- Number of workers transporting in the trucks
- 5-6 workers in the vehicles, 1-2 men in front seats and others in the back of the box truck with no air conditioners creating poor working conditions
- City Manager first time of hearing about 5 workers in the back of box trucks

Mayor Gunter requested update on this topic at the next meeting and how many vehicles do not have working air conditioners

City Manager Hernandez stated that Risk Management Staff works very closely with employees on working in the field, heat injures, and other safety

Councilmember Cosden stated that this was not the appropriate venue to discuss this issue as it was not legislative related She discussed that it takes time to address issues

Councilmember Nelson stated that the question has been asked by the Mayor to request information How many trucks in questions, how long before the trucks get replaced?

Mayor Gunter stated he needs the facts and data before making a comment City Manager could bring it back at the one-on-one meeting with each Councilmember How many trucks in questions and how many employees in each truck?

City Manager Hernandez stated that he would provide the information requested He stated that routine operational matters are best discussed at one-on-one meetings or at a COW meeting

Councilmember Sheppard stated he agreed with the process, however, he learned that this was still an issue this morning and he was concerned He brought attention to the issue and hopes that it gets resolved

City Manager Hernandez stated the installation of the fans in the trucks might not be acceptable to the workers and the ultimate focus is on the safety of the workers

Councilmember Tate – Topics Attended the State Road 78 meeting held by the State, had interactive maps, available online, State recognizes that we need bike paths and walkable friendly paths on Pine Island Road, Attended the Charter School Governing Board meeting, all teaching positions filled, schools are full, expressed confidence in the City Manager

Mayor Gunter stated he attended the CTAC meeting today and received an update on State Road 78 interactive webpage, requested Communications to push out notification

City Manager Hernandez stated that this has already been done

Mayor Gunter – Topics

- 9/9 Guest Speaker at the Council for Progress talking about budget process
- 9/9 Attended Ribbon Cutting along with other Councilmembers at Giuffrida Park
- 9/9 Attended Swearing-in Ceremony of six new Police Officers at the CCPD
- 9/10 Attended the Calusa Sportsman Foundation Awards Dinner
- 9/11 Guest Speaker at 9/11 Remembrance Ceremony with other Councilmembers
- 9/12 Attended Budget Review Committee for Councilmember Hayden
- 9/15 Hosted the Southwest Florida League of Cities Meeting in Cape Coral
- 9/15 Attended a Chamber of Commerce After Hours Event at Achieva Bank

- 9/16 Attended the FLC Legislative Policy Committee Meeting on the Land Use and Economic Development Policy Committee in Orlando, next meeting in early October
- 9/19 Guest Speaker – Cub Scouts meeting at Skyline Elementary
- 9/20 Attended the Ribbon Cutting at the Longhorn Steakhouse

Mayor Gunter stated there was a Special meeting on Staff Evaluations next week. Two individuals report directly to Council – the City Attorney and the City Auditor evaluations are coming up, requested that the City Clerk add those topics of discussions on to the Special Meeting next week. ***There were no objections.*** He noted that he would be participating in the September 22<sup>nd</sup> Special Meeting remotely since he would be in Clearwater at a FLC Board Meeting, and that Mayor Pro Tem Tate would be handling the meeting.

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

City Attorney: No report.

City Manager: He requested to delay his evaluation to sometime in November.

#### TIME AND PLACE OF FUTURE MEETINGS

A Special Meeting of the Cape Coral City Council was scheduled for Thursday, September 22, 2022, beginning at 5:05 p.m. in Council Chambers (2nd Budget Hearing).

A Committee of the Whole Meeting was scheduled for Wednesday, September 28, 2022, beginning at 9:00 a.m. in Council Chambers.

A Special Meeting of the Cape Coral City Council was scheduled for Wednesday, September 28, 2022, beginning at 1:00 p.m. in Conference Room 220A.

#### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 7:36 p.m.

Submitted by,



Kimberly Bruns, CMC  
City Clerk