

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

October 2, 2024

Council Chambers

4:30 p.m.

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

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

**PLEDGE OF ALLEGIANCE** – Councilmember Hayden

**Roll Call:** Mayor Gunter, Councilmembers Carr, Cosden, Hayden, Long, Sheppard, Steinke, and Welsh were present.

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Gunter asked if there were any changes to the agenda.

City Manager Ilczyszyn requested to add an item under 9.G.2 Follow Up Items From City Management - Hurricane Helene Update.

There were no other changes.

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

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

**RECOGNITIONS/ACHIEVEMENTS**

None

**APPROVAL OF MINUTES**

Special Meeting - September 12, 2024

***Councilmember Hayden moved, seconded by Councilmember Long, to approve the minutes for the September 12, 2024, Special Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

Special Meeting - September 18, 2024

***Councilmember Hayden moved, seconded by Councilmember Steinke, to approve the minutes for the September 18, 2024, Special Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

Regular Meeting - September 18, 2024

***Councilmember Hayden moved, seconded by Councilmember Long, to approve the minutes for the September 18, 2024, Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

**CITIZENS INPUT TIME**

Julia Ettari voiced concern about the flooding conditions throughout the City and the drainage system.

Maria Love voiced concern about children attending Council meetings and the cost of living for senior citizens.

City Manager Ilczyszyn addressed the resident's complaint of street flooding:

- Storm surge was down by 5:30 a.m. on Friday morning
- Rain events, certain intensities, system may be overloaded
- Hurricane Ian inundated our entire City with 6 to 8 feet of water and by 7:00 a.m. the following day the entire City had drained
- Hurricane Helene, storm surge came in until 1:30, 5.7 feet of storm surge, by 5:30 the next day all the streets drained
- Streets are meant to drain when they are completely flooded from doorstep to doorstep at a certain rate
- If we have rain events that exceed the amount of drainage that the pipes can handle, you will get isolated flooding which will happen in any city in the nation.
- Storm systems are only designed to handle a certain amount of capacity passively
- We are designed to handle just about every storm that can come our way.

## BUSINESS

### CONSENT AGENDA

- 1) Resolution 273-24 Approve Renewal #1 to Agreement with Medical Risk Solutions, LLC dba My Health OnSite, all provisions of the initial agreement adopted on August 12, 2019 via Resolution 278-19, incorporating any changes made with the amendment approved on June 16, 2021 via Resolution 112-21, will remain in effect; and authorize the City Manager or designee, to execute the contract renewal and purchase orders; Department: Human Resources; Estimated Annual Amount \$661,296; (Self Insured Health Fund)
- 2) Resolution 291-24 Approve Sole Source purchase with Exempt software name in the estimated annual amount of \$108,015.94; and authorize the City Manager or designee, to execute purchase orders and all documents required for the sole source purchase; Department: Human Resources; Estimated Annual Amount \$108,015.94; (General Fund)
- 3) Resolution 307-24 Award RFP #RDD24134KMR for Substantial Damage Inspection Services to C.A.P. Government, Inc. and Joe Payne, Inc. (JPI), providing Substantial Damage Inspection Services to about 1,200 properties, at the firm's respective unit prices; and authorize Contract #RDD24134KMR-A between the City and C.A.P. Government, Inc.; authorize Contract #RDD24134-B between the City and Joe Payne, Inc. (JPI) for an estimated annual amount of \$210,000; and authorize the City Manager or designee to execute the Contract and Purchase Orders; Department: Development Services; Estimated Dollar Value: \$210,000; (Building Code Fund)
- 4) Resolution 308-24 Award Bid# BPD24108MR for the purchase of Police Uniforms and Duty Gear to the following vendors: Botach, Inc., Dana Safety Supply, Inc., Global Trading, Inc., Read's Uniforms, LLC., SSD International, Inc., for the respective awarded items at the unit price bid, in an estimated annual cost of \$110,000; and authorize the City Manager or Designee to execute the contracts, purchase orders and future renewals; Department: Police; Dollar Value: \$110,000; (General Fund)
- 5) Resolution 313-24 Approve Affiliation Agreement between Keiser University - Fort Myers Campus and the City of Cape Coral for courses of study. The Frieda B. Smith Special Populations Facility is one of the facilities where students training to become Occupational Therapists come to complete Internships; Department: Parks and Recreation; Dollar Value: N/A; (Fund: N/A)
- 6) Resolution 316-24 Amending Resolution 131-22 to increase the estimated annual amount of \$140,000 for the Maintenance, Repair, and Replacement of Overhead/Rolling Doors and Electric Operators Contract#BCW2202GL with C&D Industrial Maintenance, LLC to \$250,000 for the remainder of the contract term

and renewal periods; Inspections have uncovered additional repairs and replacement of failing overhead/rolling doors. Due to the age and condition of these overhead/rolling doors and electric operators, repairs and maintenance are higher than anticipated; and authorize the City Manager or designee to execute the purchase orders and future renewals; Department: Public Works; Estimated Annual Dollar Amount \$250,000; (Internal Services Fund, General Fund, Enterprise Fund)

- 7) Resolution 319-24 Award RFP #RPW24182KMR for the Mobility Plan and Fee System to NUE Urban Concepts, LLC; and authorize Contract #RPW24182KMR between the City and NUE Urban Concepts, LLC for a not to exceed amount of \$343,350; and authorize the City Manager or designee to execute the Contract and Purchase Orders; Department: Public Works; Estimated Dollar Value: \$343,350; (Road Impact Fee Fund)
- 8) Resolution 320-24 Approve the Assignment of Contract #RPW21120MM from Tekplan Solutions Florida, LLC, to Enviromatic Systems of Fort Worth, Inc., doing business as Tekplan Solutions Florida; the contract provides repairs, maintenance and possible upgrades to the City building automation systems; and increase the estimated annual amount from \$60,000 to \$100,000 for the remainder of the contract term and renewal periods; and authorize the City Manager or his designee to execute the assignment and any related documents. Department: Public Works. Annual Dollar Value: \$100,000 (Internal Services Fund)
- 9) Resolution 324-24 Approve Summary of Direction from Mayor and City Council at the September 11, 2024 Committee of the Whole; Department: City Clerk, Dollar Value: N/A; (Fund: N/A)
- 10) Resolution 325-24 Approve Grant Agreement between the State of Florida Division of Emergency Management and the City of Cape Coral for the maximum reimbursement of \$9,000,000 for the expansion of the City of Cape Coral's Emergency Operations Center (EOC); Department: Emergency Management & Resilience; Dollar Value: N/A; (Fund: N/A)
- 11) Resolution 326-24 Approve the Creation of a New Classification of Floodplain Manager Position in the Development Services Department; Department: Development Services; Dollar Value: \$9,263; (Building Fund)
- 12) Resolution 327-24 Approve Contract for the Purchase of 1207 NW 38th Place, (Lots 3, 4 and 5, Block 4240, Unit 60, Cape Coral Subdivision) for a lift station site for duplex Lift Station #904, associated with the North 3 Utility Extension Project, for the purchase price of \$67,500 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$70,000; (Water/Sewer Fund)
- 13) Resolution 328-24 Approve Contract for the Purchase of 215 NW 32nd Place, (Lots 35 and 36, Block 4127, Unit 59, Cape Coral Subdivision) for a lift station site for duplex Lift Station #903, associated with the North 3 Utility Extension Project, for the purchase price of \$65,000 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$67,500; (Water/Sewer Fund)
- 14) Resolution 329-24 Approve an Amendment to the Limited Purpose Party Membership Agreement between the Florida Resiliency and Energy District and the City of Cape Coral for the PACE program; Department: Development Services

Mayor Gunter asked if anyone wanted to pull any items. There were no items pulled.

***Councilmember Hayden moved, seconded by Councilmember Welsh, 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), 9(A)(12), 9(A)(13), and 9(A)(14), as presented.***

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

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None

UNFINISHED BUSINESS

Follow Up Items for Council

NEW BUSINESS

None

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

FEMA NFIP Update

Emergency Management Resilience Director Lamb provided the following update:

- Met with FEMA, presented them our plan, reviewed our plan in draft, no official results, no comments on the NFIP Corrective Action Plan
- Based on current workload with Hurricane Helene, confident that we will meet set benchmarks in that Corrective Action Plan, not planning to ask for any extensions
- In addition to our response on recovery from Hurricane Helene

Update on Hurricane Helene

City Manager Ilczyszyn explained the aftermaths of Hurricane Helene and experience throughout the response and preparation.

Emergency Management Resilience Director Lamb provided the following update:

- Hurricane Helene – September 26, 2024
- Readiness
  - Continuously watch the tropics
  - Balance
    - Preparedness
    - Track changes
    - Intensity modeling
    - Timing
    - Message fatigue
- FEMA
- Ian, Debby, Idalia, Helene tracks
- Forecast Track
- Preparations – Monday 9/23
  - Community Messaging: Be prepared, not panicked
  - Florida State of Emergency (Potential Tropical Cyclone Nine)
  - Cape Coral EOC Level III – Enhanced Monitoring
- Preparations – Tuesday 9/24
  - NWS, Florida DEM, Lee County briefings
  - Cape Coral all EOC briefing: Level III
    - Flash Report #1
    - Emergency preparatory actions
  - Tracking summary
- Preparations – Wednesday 9/25
  - NWS, Florida DEM, Lee County briefings

- Cape Coral all EOC briefing: Level III
  - Flash Report #2
  - Emergency preparations actions
- Tracking summary
- Preparations – Thursday 9/26
  - NWS, Florida DEM, Lee County briefings
  - Cape Coral all EOC briefing: Level II
    - EOC fully staffed – A shift only
    - Flash Report #3
- Impacts
- Jaycee Park and End of Old Burnt Store Road pictures
- Weir video and Cape Coral Yacht Club surge video
- Highwater Marks
- Surveyor's drone with aerial pictures
- Response
  - Public Works
  - Police
  - Fire
  - Utilities
- Recovery
  - Debris – Waste Pro
  - Storm Water infrastructure inspections
  - The City has applied for Public Assistance – Lee County has been approved for Cat A and B
- Impact Surveys (Friday 9/27 – Monday 9/30)
- Impact Surveys (pictures)
- Deployments
- Communications
- Projects/Grants

City Manager Ilczyszyn provided takeaways from Hurricane Helene. If expecting 6 feet or more of surge, regardless of the wind, the City should be enacting a Local State of Emergency due to the flood aspect. Our labor contracts do not address how we pay our employees who get deployed out of Public Safety and may have to be considered.

Councilmember Steinke inquired about the assessments of teams to evaluate the southern end. Was anything done at Rosen Park or Horton Park?

Director Lamb explained they went all the way up to the midpoint, east of Del Prado, and south of Cape Coral Parkway. Drive throughs were done through the Northwest and other parts of the City. Resources were focused based on scouting reports.

Lost power in Chambers around 5:00 p.m.

Discussion held regarding levels of surge were as high as they were in Ian, was not much room for water to come in based on washout experienced from Ian.

Councilmember Sheppard surveyed the City after the storm passed and received much positive feedback from citizens on the City's response and recovery efforts.

Councilmember Carr inquired about the estimated storm surge.

City Manager Ilczyszyn explained the expected storm surge was 3 to 5; wind was not over 50, one gust at 58. Decision was not to enact a Local State of Emergency. Now with having the actual high watermarks and the assessments on how close we were to having a totally different picture within a half-foot, if we have a 6 ft. or greater prediction, there would be a strong recommendation to get into a higher level of readiness.

Director Lamb explained the provisions under a Local State of Emergency that are enacted including no sale of alcoholic beverages and double time for employees. He

added that there were six City employees that were personally impacted with severe flooding on their properties; they live outside the area, and we were offering them as much assistance as we can.

## ORDINANCES/RESOLUTIONS

### Public Hearings - Quasi-Judicial Hearings

None

*Public Hearings - Legislative Hearings (Note: Input received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)*

#### Ordinance 63-24 Public Hearing

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida approving and granting to South Florida Water Management District an Amendment of Conservation Easement upon property owned by the City located in Section 4, Township 45 South, Range 23 East, Lee County, Florida, as more particularly described herein, and known as Joe Coviello Park; authorizing and directing the Mayor to execute the Amendment of Conservation Easement; a copy of the Amendment of Conservation Easement is attached hereto and incorporated herein by reference. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Property Broker Andrews explained what this Ordinance would accomplish.

- City Council adopted Ordinance 88-21 on October 20, 2021, which granted a perpetual conservation easement to the South Florida Water Management District (SFWMD) on property located at Joe Coviello Park.
- Amended Conservation Easement removes a portion of the original easement encumbering the area of sanitary sewer lines and adds another area of equal size.

Public Hearing opened.

No speakers

Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt Ordinance 63-24, as presented.***

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

#### Ordinance 66-24 First Public Hearing; Set Second and Final Public Hearing for October 16, 2024

##### WHAT THE ORDINANCE ACCOMPLISHES:

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

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: To be added at time of 2<sup>nd</sup> and Final Public Hearing.

City Clerk Bruns read the title of the Ordinance.

The second and final public hearing was scheduled for October 16, 2024, in Council Chambers.

Senior Planner Santora displayed the following slides:

- Ord 66-24, Car Wash Facilities
- Recap of Ord. 16-24: Moratorium of Car Wash Facilities
- Recap of COW: Car Wash Facilities
- Overview of Land Development Code Revisions
- LDC Section 11.2 Revisions
- LDC Table 4.1.6 (Use Table) Revisions
- LDC Section 5.11.17: Car Wash Facility (NEW)
- LDC Section 5.11.17.A: Applicability
- LDC Section 5.11.17.B: Locational Requirements
- LDC Section 5.11.17.C: Enclosure Required
- LDC Section 5.11.17.D: Residential Adjacency
- LDC Section 5.11.17.E: Landscape Screening
- LDC Section 5.11.17: Other Sections Recap
- Questions

First Public Hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, on behalf of numerous commercial property owners, voiced concerns with driving the market, frontage on major arterials, additional screening requiring annual inspections, conditional uses, and eliminate footage between properties.

First Public Hearing closed.

Councilmember Welsh announced that these two Ordinances came forward at the meeting of the Planning and Zoning Commission today, and they recommended denial.

Councilmember Carr inquired if the 500-foot minimum was at the property line or to the structure on that property.

Senior Planner Santora displayed the slide relating to it and explained it would be calculated to the property line as it reads in the proposed Ordinance.

Discussion held regarding:

- Minimum frontage along arterials or collectors
- Buffering, six-foot berm, plus landscaping
- Adjacent to canal frontage
- Subsection 5.11.17.D. where a canal or right-of-way separating two property lines
- Buffer is still necessary and must be provided.
- Obstructive views within the 20 feet of a waterway
- Type of canal frontage, end versus along the canal, marine improvements criteria

City Manager Ilczyszyn inquired about addressing language covering the buffer, whether it is abutting canal right of way in a residential area or real property that is residential.

Councilmember Carr responded in the affirmative.

City Manager Ilczyszyn noted they will make sure language is included to address that.

Councilmember Carr inquired if the moratorium ceases at the time Ordinance is passed.

City Attorney Boksner responded in the affirmative

Councilmember Steinke inquired about the transparency and the current Code for buffers at three feet.

Senior Planner Santora explained there is that requirement for fences. The wall and berm as required by our screening section in our Landscape Code are required to be set at the back of the buffer area. All vegetation and area must be in front of that when buffering in residential uses.

Councilmember Steinke suggested including illustrations at the second and final hearing.

Ordinance 67-24 First Public Hearing; Set Second and Final Public Hearing for October 16, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

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

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: To be added at time of 2<sup>nd</sup> and Final Public Hearing.

City Clerk Bruns read the title of the Ordinance.

The second and final public hearing was scheduled for October 16, 2024, in Council Chambers.

Councilmember Sheppard left the dais at 5:27 p.m.

Senior Planner Santora displayed the following slides:

- Ord 67-24, Self-Storage Facilities
- Recap of Ord. 15-24: Moratorium of Self-Storage Facilities
- Recap of COW: Self-Storage Facilities
- Overview of Land Development Code Revisions
- LDC Table 4.1.6 (Use Table) Revisions:
- LDC Section 5.10.16: Self-Service Storage Facility (REM)
- LDC Section 5.11.18: Self-Service Storage Facility (NEW)
- LDC Section 5.11.18.A: Limitations
- LDC Section 5.11.18.B: Locational Requirements
- LDC Section 5.11.17.C: Enclosure Required
- LDC Section 5.11.18.D: Mixed Use Inclusion
- LDC Section 5.11.18.E: Building and Site Aesthetics
- LDC Section 5.11.18.F: Perimeter Landscaping
- LDC Section 5.11.18: Other Sections Recap
- Questions

First Public Hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, on behalf of numerous property owners throughout the City, ditto his prior comment. He supported the conditional use. He was concerned about requiring 75% to be on the major roadways. He mentioned a comment from the P&Z meeting this morning that people are going as far as Sarasota for their storage needs.

First Public Hearing closed.

Councilmember Sheppard returned at 5:34 p.m.



Councilmember Welsh commented on exterior or interior storage that this covers, eliminate unsightliness. Rewrite language to allow interior storage for RVs and trailers. Possibly change the sale and rental to just maybe rental.

Councilmember Carr also had the same concern about outside storage due to parking restrictions on properties. He suggested a wall or enclosure to shield it. This type of facility is needed in our City. Some appropriate language is needed for permitting.

Councilmember Steinke suggested finding some way to provide storage opportunities for boat owners. Supply interior store but exterior storage should be visibly pleasing. Consider reevaluating compliance with Section C perimeter landscaping.

Mayor Gunter inquired about the storage facilities renting spaces for vehicles.

Senior Planner Santora explained the prohibitions.

Discussion held regarding the current Code which does not allow parking of boats, trailers, box trucks at storage facilities, only permissible in industrial districts, and only when the site is developed as part of a ring where they have a wall around the site.

Mayor Gunter suggested more information on what would or would not be permissible.

Councilmember Long inquired how the conditional use process works.

Senior Planner Santora explained the process for conditional use section; check buffering requirement, locational requirements, adjacent to residential, working out specific landscaping, part of the process of getting a permit and also for review.

Councilmember Long noted this was an opportunity to look at these on a case-by-case basis on site specific basis.

Senior Planner Santora responded in the affirmative.

Councilmember Welsh agreed with conditional use but avoid excess restrictions.

City Manager Ilcyszyn confirmed that we will develop some diagrams and illustrations and some examples of enclosed outdoor RV in both storages to show at one-on-ones.

Mayor Gunter asked if this could be discussed at a COW.

City Attorney Boksner pointed out that if the item goes back to a Committee of the Whole, it would be forced to start the process for the public hearings. The first reading could be October 30<sup>th</sup>, and the second reading would not be until after the new Council is appointed.

Councilmember Welsh inquired if the modification was based on the two changes, would it still be able to move forward at the second reading and not hold up the process?

City Attorney Boksner responded in the affirmative.

Mayor Gunter explained the reasons for bringing this back to a Committee of the Whole.

Councilmember Hayden thought the course of action was to protect major corridors and preserve the commercial premium parcels.

City Manager Ilcyszyn summarized:

- One Councilmember would like to allow a rental business out of a storage facility
- Two Councilmembers would like to allow outdoor storage inside a wrapped facility
- Two Councilmembers concerned about buffering at the end of a canal whether vegetative or fence

- If it is the will of Council to allow rentals out of storage units or to add a totally different type of related storage facility, it could be addressed as a whole section.
- We could still do this and then decide what to do with other type of storage, presumably RV and boat storage, not mini storage or just open
- Did not see Council as a whole had any issues
- If there are four Councilmembers that want to address all three of these things, the right thing to do would be to suspend this process now and go back to a COW
- He heard individual comments, not as a collective body
- Issues could be addressed with individual Councilmembers that brought those up

Councilmember Long inquired if all these could be allowed under the conditional use request.

Senior Planner Santora explained the process and needing to be spelled out in the conditional use.

Councilmember Steinke clarified he did not advocate for the units to be used for the purpose of running a rental business. The entire facility may want to have ability to rent a truck or trailer for the purpose of moving items. He would not be in favor of running a rental business out of a rental unit.

Councilmember Sheppard would like to learn more about this topic. He was under the impression that the storage facilities would allow commercial trailers, vehicles, and boats.

Councilmember Welsh was in favor of allowing commercial vehicles to park by storage units, trying to keep local businesses here instead of driving over the bridge. He agreed if the storage facility offers the rental truck, it would be acceptable, not have a business operate out of a rental unit.

Mayor Gunter summarized:

- Rental of trucks provided by facility, service by principal tenant similar to selling boxes or a lock, ancillary service.
- On site parking of vehicles, trailers, RVS in the interior of a structure
- Buffering by the building so it is not visible

City Manager Ilczyszyn clarified:

- Rental business service offered by the principal business being offered to tenant
- Within the Code, the principal business of the storage unit will have the ability to rent a vehicle for the purpose of transporting goods
- Others such as allowing Penske to use the parking as commercial or U-Haul to rent their commercial parking different

Mayor Gunter asked him if further direction was needed from Council collectively.

City Manager Ilczyszyn understood that it was an ancillary service of the principal business.

Mayor Gunter asked about the parking of vehicles, trailers, box trucks, etc. on the inner perimeter of a building that is not visible from the roadway.

Senior Planner Santora noted a subsection could be written that addresses it specifically to allow for that. Parameters would have to be worked out.

City Manager Ilczyszyn noted there was a good example of that recently built off Diplomat and one is on Pondella.

Mayor Gunter questioned the buffering on the canal side.

Senior Planner Santora explained it was for car washes and did not know if this condition would still apply.

Mayor Gunter asked for feedback from Council to address those two items.

Councilmember Steinke asked for clarification: buffering and the flat deck storage.

Mayor Gunter clarified it was the rental of trucks and the parking of vehicles.

Councilmember Steinke noted the need to see more illustrations.

Mayor Gunter summarized to have these items fine tuned and implement some of them in the Ordinance for the second hearing in two weeks.

City Attorney Boksner explained many of these are prohibited in the existing draft but may be conducted by way of the review of the conditional use. (There was no objection.) He explained if he removed the outright prohibition and make it as a part of the analysis to the conditional use approval for the site-specific application, it appears that this would address the majority of the concerns.

#### Introductions

#### Ordinance 65-24 (FLUM24-000001) Set Public Hearing for October 16, 2024

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the Future Land Use Map from Commercial/Professional (CP) to Single-Family Residential (SF) land use for property described as Lots 3 and 4, Block 3960, Unit 54, Cape Coral Subdivision; property located at 107 SW 24<sup>th</sup> Place.

Applicant: Jimmy Masarwa

Address: 107 SW 24th Place

City Planning Staff Recommendation: Denial

Planning & Zoning Commission Recommendation: Denial

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 16, 2024, in Council Chambers.

#### Ordinance 68-24 (Case#: TXT24-000001); Set Public Hearing for Transmittal for October 16, 2024

##### WHAT THE ORDINANCE ACCOMPLISHES:

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

(Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning & Zoning Commission Recommendation: To be added at time of Public Hearing for transmittal.

City Clerk Bruns read the title of the Ordinance.

The public hearing for transmittal was scheduled for October 16, 2024, in Council Chambers.

#### Ordinance 71-24 Set Public Hearing for October 16, 2024

##### WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, authorizing the issuance of commercial paper debt obligations pursuant to the City's Commercial Paper Program the outstanding aggregate principal amount of which commercial paper debt obligations authorized hereby may not exceed \$25,000,000 at any one time, in order to finance costs of various parks and other facilities within the City as described herein; providing for the use of a direct-pay letter of credit from Bank of America, N.A. to pay the principal and purchase price of, redemption premium, if any, and interest on the

commercial paper debt obligations; providing for a covenant to budget and appropriate legally available non-ad valorem revenues to pay the principal and purchase price of, redemption premium, if any, and interest on the commercial paper debt obligations and to satisfy the City's obligations under said letter of credit; providing for the rights of the holders of the commercial paper debt obligations; and providing an effective date. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 16, 2024, in Council Chambers.

Ordinance 72-24 Set Public Hearing for October 16, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

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

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 16, 2024, in Council Chambers.

Ordinance 74-24 Set Public Hearing for October 16, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the Second Amended Master Lease Agreement between the City of Cape Coral and The Cape Coral Charter School Authority for the lease of properties owned by the City of Cape Coral at 3519 Oasis Blvd.; 3519B Oasis Blvd.; 3507 Oasis Blvd.; 3415 Oasis Blvd.; and 2817 SW 3rd Lane; authorizing the Mayor to execute the Second Amended Master Lease Agreement. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 16, 2024, in Council Chambers.

Ordinance 76-24 Set Public Hearing for October 16, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

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

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for October 16, 2024, in Council Chambers.

**REPORTS OF THE MAYOR AND COUNCIL MEMBERS**

Councilmember Hayden – Topics: No report

Councilmember Long – Topics: No report

Councilmember Sheppard – Topics: Asked citizens if they have the ability to reach out to the non-profit organizations to help the communities totally wiped out from this hurricane.

Councilmember Steinke – Topics: 9/21/24 Attended the Mayor’s Scholarship Ball; 10/1/24 Cape Coral Police Department National Night Out; 10/2 Chamber of Commerce luncheon meeting

Councilmember Welsh – Topics: No report

Councilmember Carr – Topics: No report

Councilmember Cosden – Topics: No report

Mayor Gunter – Topics:

- 9/19-9/21 Attended the Board of Directors meeting for the Florida League of Cities, as well as the Florida Municipal Insurance Trust Board Meeting
- 9/21 Attended the Mayor’s Scholarship Ball

### REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney Boksner – Update on Chiquita Lock and continuing to pursue attorney’s fees. Commented on the Australian Pines legal in the State of Florida.

Councilmember Welsh left the dais at 6:21 p.m.

City Manager Ilczynski announced:

- The City of Cape Coral will be temporarily closing the Chiquita Lock to all boat traffic for required FEMA inspection beginning on October 20, 2024. The Lock will remain closed for approximately five days and is expected to reopen on October 25, 2024 barring any unforeseen circumstances with that inspection.
- The City of Cape Coral will be hosting a Water Conservation Town Hall on Monday, October 7, 5:30-6:30 p.m. in Council Chambers. Topics to be covered will be soil sensors, smart controllers, how to qualify for the \$500 rebate, irrigation schedules and variances for smart sensors, current irrigation schedule, water quality, and how to prepare your properties for the dry season. Effort to continue educating the public and businesses
- The City of Cape Coral launched a new utility customer portal which provides a range of convenient features allowing customers to access their utility account 24/7, view, print, and pay utility bills, set up auto pay options, and submit account information updates. It can be accessed through the City’s website.

### TIME AND PLACE OF FUTURE MEETINGS


A Special Meeting of the Cape Coral City Council was scheduled for Wednesday, October 2, 2024, at 5:05 p.m. in Council Chambers (Rescheduled 2<sup>nd</sup> and Final Budget Hearing).

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

### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:24 p.m.

Submitted by,

  
Kimberly Bruns, CMC  
City Clerk