



1015 Cultural Park Boulevard
Cape Coral, FL 33990

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

December 4, 2024

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 GUNTER

2. INVOCATION/MOMENT OF SILENCE

A. MAYOR GUNTER

3. PLEDGE OF ALLEGIANCE

A. MAYOR GUNTER

4. ROLL CALL

A. MAYOR GUNTER, COUNCIL MEMBERS DONNELL, KADUK, KILRAINE, LASTRA, LEHMANN, LONG, STEINKE – MAYOR GUNTER, COUNCILMEMBERS DONNELL, KADUK, KILRAINE, LASTRA, LEHMANN, LONG, AND STEINKE WERE PRESENT.

5. CHANGES TO AGENDA/ADOPTION OF AGENDA – APPROVED, AS AMENDED (MOVED LEGISLATIVE PUBLIC HEARING ITEM 4 TO ITEM 1 (ORDINANCE 83-24))

6. RECOGNITIONS/ACHIEVEMENTS

A. Presentation to City Employees for Years of Service by Mayor Gunter – **INFORMATIONAL ONLY**

7. APPROVAL OF MINUTES

A. Special Meeting – November 13, 2024 – **APPROVED**

B. Regular Meeting – November 20, 2024 – **APPROVED**

8. **CITIZENS INPUT TIME** – A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda and City Government within Council jurisdiction to include Resolutions appearing in Sections other than Public Hearings and Public Input; 3 minutes per individual. **21 SPEAKERS; TOPICS: SUPPORT FOR THE DECISION TO REPEAL THE STIPEND; REQUEST FOR STATUS OF YACHT CLUB; OPPOSITION TO THE CHIQUITA LOCK SANCTION'S SUIT; SUPPORT FOR ANTHONY DIMICHELE FOR THE GENERAL PENSION BOARD OF TRUSTEES; CODE ENFORCEMENT CONCERNS; REQUEST FOR A RESOLUTION TO REQUIRE THE COUNCIL MEMBERS WHO RECEIVED THE STIPEND TO PAY BACK THE MONEY; REQUEST TO REINSTATE ALL OF THE ADVISORY BOARDS; REQUEST TO DEFUND VARIOUS SERVICES; GENERAL UNION PAY CONCERNS; REQUEST TO REACH THE CURRENT 75TH PERCENTILE AND STEP SUGGESTION; JAYCEE PARK REDEVELOPMENT PROPOSAL; COMPREHENSIVE PLAN CONCERN REGARDING PRESERVE LANDS; RECONSIDERATION OF VACATING PROCESS FEES; 1ST AMENDMENT RIGHT; CONCERNS ABOUT THE HOMELESS ENCAMPMENT ON 47TH TERRACE BY THE BUS STOP; THE NEED FOR A BOAT LAUNCH IN THE SOUTH; AND CURRENT RESIDENT NEEDS SUCH AS ENFORCING THE CODES.**

9. **BUSINESS**

A. **CONSENT AGENDA**

- (1) Resolution 371-24 Award RFP #RPW24110KMR Emergency Debris Removal Monitoring Services to Tetra Tech, Inc. as Primary and Thompson Consulting Services as Secondary, on an as needed basis for emergency debris removal monitoring services, at the fee schedule quoted; authorize Contract #RPW24110KMR-A between the City and Tetra Tech, Inc. and authorize Contract #RPW24110KMR-B between the City and Thompson Consulting Services; and authorize the City Manager or designee to execute the Contracts, Purchase Order(s) and future Renewal(s); Department: Public Works; Estimated Dollar Value: N/A - Amounts based on the severity of the disaster and reimbursement; (Disaster Reserve Fund) – APPROVED
- (2) Resolution 372-24 Award Bid #BPW24178KMR to Bateman Contracting, LLP for the FY24 Alley Resurfacing; and authorize execution of Contract #BPW24178KMR between the City and Bateman Contracting, LLP. in the amount of \$260,100 with a 10% City controlled contingency in the amount of \$26,010 for a total project amount of \$286,110; and authorize the City Manager or designee to execute the Contract, Purchase Order(s) and certain Change Order(s); Department: Public Works; Estimated Dollar Amount: \$286,110; (6 Cent Local Gas Tax Fund {\$282,110}/Water and Sewer {4,000}) – APPROVED
- (3) Resolution 373-24 Award Bid #BCP24210KMR to Honc Destruction, Inc. for Bimini Basin East Demolition; authorize execution of Contract #BCP24210KMR between the City and Honc Destruction, Inc. in the amount of \$1,617,853 with a 10% City controlled contingency in the amount of \$161,785.30 for a total project amount of \$1,779,638.30; and authorize the City Manager or designee to execute the Contract, Purchase Order(s) and certain Change Order(s); Department: Public Works; Estimated Dollar Amount: \$1,779,638.30; (Government Services Capital Project Fund) – APPROVED

- (4) Resolution 374-24 Approve Amendment #3 to Agreement #BPR2268MM-A with KellyRock Partners, LLC d/b/a Brent's Lawn and Tree to add additional landscape services such as weed eating, spraying for weeds, edging and mulching once a year for Joe Coviello Park, Camelot Park, Sands Park and Lake Kennedy Racquet Center, as allowed by the contract; and authorize Amendment #3 between the City and KellyRock Partners, LLC d/b/a Brent's Lawn and Tree for \$39,600; The total annual contract with the additional services in the amount of \$39,600 will be \$348,180 with a 10% City Controlled Contingency for annual project amount of \$382,998; and authorize the City Manager or Designee to execute the Amendment and Purchase Order(s); Department: Parks and Recreation; Dollar Value: \$39,600; (General Fund) – APPROVED
- (5) Resolution 375-24 Approve Amendment #2 to Agreement #BPR2268MM-B with John Fideli Landscapes, LLC to add additional landscape services to Sirenia Vista Park and Joe Stonis Park due to a recent tree planting project and add the BMX track area to the scope of work for the Strausser Sports Complex, as allowed by the contract; and authorize Amendment #2 between the City and John Fideli Landscapes, LLC for a annual amount of \$8,220. The total annual contract with the additional services in the amount of \$8,220 will be \$367,920 with a 10% City Controlled Contingency for an annual project amount of \$404,712; and authorize the City Manager or Designee to execute the amendment and purchase order(s); Department: Parks and Recreation; Dollar Value: \$8,220; (General Fund) – APPROVED
- (6) Resolution 379-24 Approve Single Source Purchase with Trinova, Inc., for the purchase and service of ultrasonic transmitter & sensor set, parts, preventative maintenance, troubleshooting, repairs, chemical pumps, system parts, level indicators or flow meters, and remote terminal units (RTU) from Endress + Hauser, Inc., and Prominent Fluid Controls, Inc. for Fiscal Year 2025 through Fiscal Year 2027, at the annual cost of \$510,000 (FY2025), \$475,000 (FY2026), and \$480,000 (FY2027) for a total three year cost of \$1,465,000; and authorize the City Manager or designee to execute the purchase orders, single source document or any other related document. Trinova, Inc. is the only authorized representative for Endress+Hauser, Inc. and ProMinent Fluid Control, Inc. is the only authorized service repair and warranty organization in the State of Florida; Department: Utilities; Total Dollar Amount: \$1,465,000 (\$510,000 (FY25), \$475,000 (FY26), and \$480,000 (FY27) for a total three years, contingent on annual appropriations); (Water & Sewer Fund) – APPROVED
- (7) Resolution 381-24 Approve Emergency Purchase with YG Construction for the Southeast 47th Terrace Pipe Replacement in the amount of \$730,073.74; The emergency purchase was to replace paver sidewalks that were sinking around light structures and remove and replace an existing 24" concrete pipe which represented an imminent threat to life and safety for pedestrian and vehicular traffic; authorize the use of reserves; and authorize the City Manager or Designee to execute the purchase orders and change orders; Department: Public Works; Dollar Amount: \$730,073.74; (Stormwater Reserves) – APPROVED
- (8) Resolution 388-24 Acceptance of West Coast Inland Navigation District (WCIND) Subgrant from Lee County Natural Resources to fund the marine unit personnel to conduct education and enforcement on the water; Department: Police; Award Value: \$325,000; No match required. – APPROVED

- (9) Resolution 390-24 Approve Contract for the Purchase of 310 NE 15th Terrace, (Lots 25 and 26, Block 2461, Unit 34, Cape Coral Subdivision) for a potential future boat ramp site to perform canal maintenance and water quality sampling within the City's Freshwater Canal Basin 4, for the purchase price of \$48,000 plus closing costs not to exceed \$2,300 and the assumption of the North 1 West Utility Assessments; Department: Public Works / Real Estate Division; Dollar Value: \$50,300; (Stormwater Fund) – APPROVED
- (10) Resolution 391-24 Approve Contract for the Purchase of 300 NE 15th Terrace, (Lots 30 and 31, Block 2461, Unit 34, Cape Coral Subdivision) for a potential future boat ramp site to perform canal maintenance and water quality sampling within the City's Freshwater Canal Basin 4, for the purchase price of \$48,000 plus closing costs not to exceed \$2,300 and the assumption of the North 1 West Utility Assessments; Department: Public Works / Real Estate Division; Dollar Value: \$50,300; (Stormwater Fund) – APPROVED
- (11) Resolution 392-24 Approve Contract for the Purchase of 4823 Triton Court East (Lots 7, 8 and 9, Block 83, Cape Coral Unit 5) located in the City's downtown Community Redevelopment Area's Bimini Basin District, for the purchase price of \$940,000 and closing costs not to exceed \$17,000; Department: Public Works / Real Estate; Dollar Value: \$957,000; (Funding Source: Debt) – APPROVED
- (12) Resolution 393-24 Approve Contract for the Purchase of 2417 NW 15th Place (Lots 93, 94 and 95, Block 3003, Cape Coral Unit 43) for additional parking for a future boat ramp site within the City's Freshwater Canal Basin #4, for the purchase price of \$52,000, plus closing costs not to exceed \$2,300; Department: Public Works / Real Estate Dollar Value: \$54,300; (Parks Impact Fees) – APPROVED
- (13) Resolution 394-24 Approve Contract for the Purchase of 800 NW 38th Avenue, (Lots 43 and 44, Block 4206, Unit 60, Cape Coral Subdivision) for a lift station site for duplex Lift Station #902, associated with the North 3 Utility Extension Project, for the purchase price of \$74,000 plus closing costs not to exceed \$2,500; Department: Public Works / Real Estate Division; Dollar Value: \$76,500; (Water/Sewer Fund) – APPROVED

B. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) Affordable Housing Advisory Committee - 3 Vacancies – RE-APPOINTED KEVIN MCGRAIL FOR (k), APPOINTED THOMAS SENATORE (g) AND JOSEMYRE TANIS (i) TO SERVE AS MEMBERS; TERM EXPIRES 11/30/2026
- (2) Audit Committee - 1 Vacancy – RE-APPOINTED WESLEY COCHRANE TO SERVE AS A MEMBER; TERM EXPIRES 11/30/2026
- (3) Community Development Block Grant / Citizens Advisory - 2 Vacancies – APPOINTED JESSICA PROULX TO SERVE AS A MEMBER; TERM EXPIRES 11/30/2026
- (4) Charter School Authority Governing Board - 2 Vacancies – RE-APPOINTED KAREN MICHAELS AND APPOINTED JOSE SANTOS TO SERVE AS A COMMUNITY MEMBERS; TERM EXPIRES 11/30/2026

- (5) Municipal General Employees Pension Trust Fund Board of Trustees - 1 Vacancy Appointed by Council – **APPOINTED ANTHONY DIMICHELE TO SERVE AS A MEMBER ON THE BOARD OF TRUSTEES; TERM EXPIRES 10/31/2028**

- (6) Planning and Zoning Commission - 5 Vacancies (3 Regular and 2 Alternates) – **APPOINTED PHILIP BOTANA; JOHN (JACK) MARTIN AND THOMAS SENATORE TO SERVE AS REGULAR COMMISSIONERS; TERMS EXPIRE: 11/30/2026 AND APPOINTED JACK SCHWARTZ TO SERVE AS ALTERNATE COMMISSIONER; TERM EXPIRES 11/30/2025**

COUNCILMEMBER LONG RECEIVED A SECOND FROM MAYOR GUNTER TO REVIEW THE PLANNING AND ZONING COMMISSION MEMBERSHIP FOR POTENTIAL CHANGE RELATING TO CONSIDERING EMPLOYMENT CATEGORIES FOR APPOINTMENTS

C. UNFINISHED BUSINESS

- (1) Follow Up Items for Council – **NONE**

D. NEW BUSINESS

- (1) Resolution 387-24 Approve 2024 Local Housing Incentive Plan for Participation in the State Housing Initiative Partnership Program; Department: Development Services; Dollar Value: N/A; (Fund: N/A) – **APPROVED**

E. PERSONNEL ACTIONS

- (1) NONE

F. PETITIONS TO COUNCIL

- (1) NONE

G. FOLLOW UP ITEMS FROM CITY MANAGEMENT

- (1) NFIP Update – **INFORMATIONAL ONLY**

10. ORDINANCES/RESOLUTIONS

A. Public Hearings - Quasi-Judicial Hearings

- (1) Resolution 369-24 (VAC24-000003*) Public Hearing
*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In
WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the Mayor and City Council of the City of Cape Coral, Florida, providing for the vacation of plat for the street right-of-way and all underlying easements associated with portions of SW 3rd Avenue, SW 3rd Place, SW 4th Avenue, SW 4th Place, and SW 25th Street; providing for the vacation of plat for all platted easements lying within the subject property; providing for the vacation of plat for all easements underlying the previously vacated portions of the Defender and Malabar canals; property located north of Veterans Parkway, West of SW 2nd Court, and south of the Defender Canal.

Acreage: 2.34 acres (102,007 sq ft)
Address: 2504 SW 4th Place
Applicant: Lee Memorial Health System
City Planning Staff Recommendation: Approval with conditions
Hearing Examiner Recommendation: Approval with conditions – **APPROVED**

B. 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.)

(1) Ordinance 70-24 Public Hearing

WHAT THE ORDINANCES ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 6, Parking, Chapter 2, Truck and Vehicle Parking, Section 6.2.1, Parking Regulations for Residential Zoning Districts, regarding parking on property with a principal residential building. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning & Zoning Recommendation: Approval

NOTE: Regulates parking of vehicles based on principal use of the structure.

– **APPROVED, AS AMENDED**

(2) Ordinance 79-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 3, Development Review, Chapter 4, Specific Review Procedures—Quasi-Judicial Permits and Approvals, Section 3.4.5., Vacations of Plats, Easements, and Rights-of-Way, regarding additional requirements for surveys, sketches, and legal descriptions, and additional required procedures. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Approval – **CONTINUED TO JANUARY 22, 2025, BEGINNING AT 5:00 P.M. IN CHAMBERS**

(3) Ordinance 82-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the City Manager or their designee to enter into a Ground Lease with Lee County, a political subdivision of the State of Florida, for the lease of property owned by the City of Cape Coral located at 101 NW Douglas Parkway to provide emergency medical services, and authorizes the City Manager or their designee to execute the Ground Lease and any related documents. (Brought forward by City Management) – **APPROVED**

(4) Ordinance 83-24 Public Hearing – Moved to 1st under Legislative Hearings

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the First Amendment to the Animal Shelter Ground Lease and Purchase Agreement between the City of Cape Coral, a Florida municipal corporation, and the Cape Coral Animal Shelter Corporation, a Florida not-for-profit corporation, for the Lease of property owned by the City at 325 SW 2nd Avenue, known as Cape Coral

Animal Shelter and authorizes the City Manager or their designee to execute the First Amendment. (Brought forward by City Management) – **APPROVED**

C. Introductions

(1) NONE

11. **REPORTS OF THE MAYOR AND COUNCIL MEMBERS**
COUNCILMEMBER KADUK – INFORMATIONAL ONLY
COUNCILMEMBER KILRAINE – INFORMATIONAL ONLY
COUNCILMEMBER LASTRA – INFORMATIONAL ONLY
COUNCILMEMBER LEHMANN – INFORMATIONAL ONLY
COUNCILMEMBER LONG – NO REPORT
COUNCILMEMBER STEINKE – INFORMATIONAL ONLY
COUNCILMEMBER DONNELL – INFORMATIONAL ONLY
ANNOUNCED THE CHOIR PERFORMANCE ON 12/11/2024 IN COUNCIL CHAMBERS AT 4:00 P.M. (JUST PRIOR TO THE START OF THE REGULAR MEETING)
MAYOR GUNTER – NONE SHARED
12. **REPORTS OF THE CITY ATTORNEY AND CITY MANAGER**
CITY ATTORNEY – NO REPORT
CITY MANAGER – INFORMATIONAL ONLY
13. **TIME AND PLACE OF FUTURE MEETINGS**
 - A. A Regular Meeting of the Cape Coral City Council is Scheduled for Wednesday, December 11, 2024, beginning at 4:30 p.m. in Council Chambers.
14. **MOTION TO ADJOURN – MEETING ADJOURNED AT 8:21 P.M.**