



1015 Cultural Park Boulevard  
Cape Coral, FL 33990

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

December 11, 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. COUNCILMEMBER DONNELL

**3. PLEDGE OF ALLEGIANCE**

A. COUNCILMEMBER DONNELL

**4. ROLL CALL**

A. MAYOR GUNTER, COUNCIL MEMBERS DONNELL, KADUK, KILRAINE, LASTRA, LEHMANN, LONG, STEINKE – MAYOR GUNTER, COUNCILMEMBERS DONNELL, KADUK, KILRAINE, LASTRA, LEHMANN, AND STEINKE WERE PRESENT. COUNCILMEMBER LONG ARRIVED AT 4:39 P.M.

**5. CHANGES TO AGENDA/ADOPTION OF AGENDA – APPROVED, AS AMENDED (ADDED NEW BUSINESS ITEM 3. SELECTION MEMBER OF THE MPO EXECUTIVE BOARD AND ITEM 4. UPDATE ON STATUS OF NORTH AQUIFER; AND ITEM 5. UPDATE ON STATUS OF JAYCEE PARK)**

**6. RECOGNITIONS/ACHIEVEMENTS**

A. NAACP recognition – Police Department – INFORMATIONAL ONLY

B. Community Recognition Award: Future Forestry – INFORMATIONAL ONLY

**7. APPROVAL OF MINUTES**

A. NONE

**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. **23 SPEAKERS; TOPICS: SUPPORT FOR AND AGAINST THE CONTINUATION OF THE THREE FISHERMEN SANCTION'S SUIT; POOL DECK EXPANSION CODE VIOLATION REQUEST; (CHARTER) PETITION SIGNATURE PROCESS CHANGE; OPPOSITION TO CHANGES AT JAYCEE PARK; 90-DAY STOP WORK IN JAYCEE PARK CONTRACT; ENFORCEMENT OF BOAT WEIGHT**

CONTROLS AND FINE SUGGESTIONS; MEETING ETIQUETTE; CHIQUITA LOCK REMOVAL COST AND SCHEDULE; REQUEST FOR A JAYCEE PARK STAKEHOLDER MEETING TO SHARE PLAN; REQUEST TO REMOVE ITEM #13 FOR DEBATE REGARDING COUNCIL RULES OF AGENDA PROCEDURE TO ELIMINATE STIPEND SECTION; STATUS OF THE YACHT CLUB; STATUS OF THE BOAT HOUSE REBUILD; REQUEST FOR AN AUDIT REGARDING THE PROCESS FOLLOWED FOR JAYCEE PARK; ATTORNEY'S FEES; AND CITIZENS INPUT RESPONSE.

## 9. BUSINESS

### A. CONSENT AGENDA

- (1) Resolution 377-24 Award Quote to Advanced Seamless Gutters, Inc. for Replacement of all Exterior Building Gutters at the City's North RO Facility, due to age and condition of gutters and downspouts; and authorize Contract # AUT24190LC, between the City and Advanced Seamless Gutters, Inc. in the amount of \$123,250; and authorize the City Manager or designee to execute the Contract and Purchase Order(s); Department: Utilities; Estimated Amount: \$123,250; (Water & Sewer Fund) – APPROVED
- (2) Resolution 383-24 Approve Emergency Purchase with AWP Inc. for the Replacement of Stop Signs throughout the City, in the amount of \$699,932.20; The emergency purchase was executed to authorize the replacement of stop signs that were damaged during Hurricane Milton. The immediate replacement of stop signs mitigate any threat to public health, welfare, or safety, due to accidents that would lead to potential injuries or fatalities. The emergency purchase was made with the competition as is practicable under the circumstances and quotes were obtained; authorize the City Manager or Designee to execute the purchase orders; Department: Public Works; Dollar Amount: \$699,932.20; (Disaster Funds)– APPROVED
- (3) Resolution 384-24 Approve Staffing and Cost Proposal (SCP) AIM-02 with Aim Engineering & Surveying, Inc. for surveying services to conduct boundary surveys and preparing legal description of the 24 Southwest Aggregates Mine parcels in Charlotte County, Florida for a not to exceed amount of \$222,978.77; and authorize the City Manager or designee to execute the SCP; Department: Utilities; Dollar value: \$222,978.77; (Water & Sewer Fund) – APPROVED
- (4) Resolution 386-24 Approve Emergency Purchase with Integrated Fire and Security Solutions (IFSS) for the Replacement of the City Hall Fire Alarm System, utilizing Sourcewell Contract #FL-R6-E03-111821-IFS, in the amount of \$218,479.06 with a City Controlled Contingency of \$31,520.94 for a total project amount of \$250,000; The emergency purchase was executed to furnish and install the new fire alarm system for City Hall due to the considerable damage during the power outage caused by Hurricane Milton and the threat to public health, welfare or safety; and authorize the City Manager or Designee to execute the purchase orders and certain change orders; Department: Public Works; Dollar Amount: \$250,000; (Disaster Funds) – APPROVED
- (5) Resolution 389-24 Acceptance of Drug Recognition Expert (DRE) Call-Out funds from the Institute of Police Technology and Management to fund DRE call-out overtime; Department: Police; Award Value \$6,000; No match required – APPROVED



- (6) Resolution 398-24 Approve Single Source to Florida Level and Transit (FLT) for the Purchase of a Permanent GPS Base Receiver, Hydrographic Survey Gear, Digital Level and Robotic Total Station to perform surveying tasks in the amount of \$121,873.90; and authorize the City Manager or Designee to execute the purchase order, change order, and/any related documents; Department: Public Works; Estimated Dollar Amount: \$121,873.90; (General Fund & Stormwater Fund) – APPROVED
- (7) Resolution 400-24 Approve Economic Development Reimbursement Agreement with New York Towers Liberty House Corp. Office: City Manager's Office; Division of Economic and Business Development; Dollar Value: \$250,000; (Economic Development Office Incentive Fund) – APPROVED
- (8) Resolution 401-24 Approve the Reclassification of the Fire Marshal Position in the Fire Department; Department: Fire; Dollar Value: \$0; (Fire Operations Fund) – APPROVED
- (9) Resolution 402-24 Approve the Creation of a New Classification of Technician Supervisor Position in the Information Technology Services (ITS) Department; Department: ITS; Dollar Value: \$0; (General Fund) – APPROVED
- (10) Resolution 403-24 Approve Contract for the Purchase of 2016 NE 24th Avenue, (Lots 4 and 5, Block 2236, Cape Coral Unit 33) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$45,000 plus closing costs not to exceed \$2,300; Department: Public Works / Real Estate Division; Dollar Value: \$47,300; (Road Impact Fees) – APPROVED
- (11) Resolution 404-24 Approve Contract for the Purchase of 1607 NW 37th Avenue, (Lots 3, 4, and 5, Block 4281, Unit 61, Cape Coral Subdivision) for a lift station site for duplex Lift Station #907, 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; (North 3 Assessment Fund) – APPROVED
- (12) Resolution 405-24 Approve Contract for the Purchase of 4832 Triton Court East (Lots 31 and 32, Block 84, Cape Coral Unit 5), located in the City's downtown Community Redevelopment Area's Bimini Basin District, for the purchase price of \$504,000, plus closing costs not to exceed \$10,000 and moving assistance in the amount of \$10,000; Department: Public Works / Real Estate; Dollar Value: \$524,000; (Funding Source: Debt) – APPROVED
- (13) Approve the updated Council Agenda Rules of Procedure – APPROVED, AS AMENDED
- (14) ADDENDUM: Resolution 406-24 Formally requesting support from Lee County and Charlotte County regarding the I-75 Interchange at Slater Road by designating such interchange as a legislative priority for State and Federal funding; to expedite the programming of design and construction funding and to facilitate the development of enhanced regional connectivity to incentivize economic competitiveness and to ensure the health, safety and welfare of residents during emergency evacuations; Department: Public Works; Dollar Value: N/A; (Fund: N/A) – APPROVED

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

- (1) NONE

C. UNFINISHED BUSINESS

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

D. NEW BUSINESS

- (1) Selection of Presiding Officer – **APPOINTED COUNCILMEMBER LASTRA**
- (2) Residential Tree Fund Discussion – **APPROVED REFUND OF TREE FUND DONATION ON RESIDENTIAL PROPERTIES**
- (3) **ADDENDUM: MPO Executive Board Member Selection – APPOINTED COUNCILMEMBER KADUK**
- (4) **ADDENDUM: North Aquifer Status Update – INFORMATIONAL ONLY**
- (5) **ADDENDUM: Jaycee Park Status Update – INFORMATIONAL ONLY**

E. PERSONNEL ACTIONS

- (1) **NONE**

F. PETITIONS TO COUNCIL

- (1) **NONE**

G. FOLLOW UP ITEMS FROM CITY MANAGEMENT

- (1) **NONE**

**10. ORDINANCES/RESOLUTIONS**

A. Public Hearings - Quasi-Judicial Hearings

- (1) Resolution 378-24 (VAC24-000005\*) 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 a portion of the Monticello and Monterey Canal rights-of-way and underlying easements adjacent to Lots 30 and 31, Block 23, Cape Coral Unit 1, Part 2; providing for the vacation of plat for platted easements associated with Lots 30 and 31, Block 23, Cape Coral Unit 1, Part 2; property located at 849 Montclair Court.

Applicant: Freedom Boat Company

Square Footage: The total sq footage of ROW is 1436.11 sq ft and 1227.34 sq ft of platted easements.

City Planning Staff Recommendation: Approval with Conditions

Hearing Examiner Recommendation: Approval with Conditions – **APPROVED**



(2) Ordinance 80-24 (RZN24-000001\*) Public Hearing

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that amends the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral, Florida, by rezoning property described as Lots 9-18, Block 5614, Unit 84, Cape Coral Subdivision, from Single-Family Residential (R1) to Commercial (C) zone; property is located at 3303 and 3307 NE 16th Avenue and 3302 and 3306 Averill Boulevard.

Applicant: Joella Consolazio and Richard & Linda Ricciani

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval – **APPROVED**

(3) Ordinance 81-24 (RZN24-000004\*) Public Hearing

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

WHAT THE RESOLUTION ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that amends the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral, Florida, by rezoning property described as Lots 46 and 47, Block 3623, Unit 49, Cape Coral Subdivision, from Commercial Corridor (CC) to Single-Family Residential (R1) zone; property is located at 1011 SW 4th Terrace.

Applicant: Synergy Homes LLC

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval – **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) Resolution 370-24 Public Hearing (Notice of Intent to Use the Uniform Method of Collecting Non-Ad Valorem Special Assessments)

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the Mayor and City Council of the City of Cape Coral, Florida, electing to use the Uniform Method of collecting Non-Ad Valorem Special Assessments levied within the incorporated area of the City described herein; stating a need for such levy; providing for the mailing of this resolution and providing for an effective date. (Brought forward by City Management)

– **APPROVED**

(2) Ordinance 68-24 (TXT24-000001) Final Public Hearing

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: Approval – **APPROVED**

C. Introductions

(1) Ordinance 86-24 (RZN24-000003\*) **Public Hearing set for January 8, 2025**

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

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that amends the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral, Florida, by rezoning property described as Lots 1, 2, 14 and 15, Block 3, Pondella Heights, Unit 2; and Lots 20 and 21, Block 2, Pondella Heights, Unit 2, from Residential Single-Family (RS-1, a Lee County designation) to Commercial (C) zone; property located at 1205-1212 Pine Lake Drive and 1206-1212 Westwood Drive.

Applicant: Samuel V. Johnson

Acreage: 1.02 acres

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

(2) Ordinance 87-24 (PDP24-000002\*) **Public Hearing set for January 8, 2025**

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

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Ordinance 22-99, as amended by Ordinance 21-13, which approved a Planned Development Project in the City of Cape Coral, Florida entitled "Cape Christian Fellowship" for certain property described as Blocks 4809, 4810, and 4811, Cape Coral, Unit 71, as more particularly described herein; property located at 2110 Chiquita Boulevard South; granting a new buildout period for the project to allow construction activities to resume; providing for findings of fact and conclusions of law; providing for action on request and conditions of approval; providing for legal effect and limitations of this PDP development order and administrative requirements.

Applicant: Cape Christian Fellowship

City Planning Staff Recommendation: Approval w/conditions

Hearing Examiner Recommendation: Approval w/conditions

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

**COUNCILMEMBER KILRAINE – INFORMATIONAL ONLY – REQUESTED COW DISCUSSION REGARDING JAYCEE PARK STAKE HOLDER GROUP FOR ADDITIONS TO THE PARK PLAN**

**COUNCILMEMBER LASTRA – INFORMATIONAL ONLY**

**COUNCILMEMBER LEHMANN – INFORMATIONAL ONLY; ANNOUNCED A TOWN HALL FOR JANUARY 3, 2025 – January 4, 2025**

**COUNCILMEMBER LONG – NO REPORT**

**COUNCILMEMBER STEINKE – INFORMATIONAL ONLY**

**COUNCILMEMBER DONNELL – INFORMATIONAL ONLY**

**COUNCILMEMBER KADUK – INFORMATIONAL ONLY**

**MAYOR GUNTER – NONE SHARED**

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

**CITY ATTORNEY – INFORMATIONAL ONLY**

**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, January 8, 2025, beginning at 5:00 p.m. in Council Chambers.

**14. MOTION TO ADJOURN – MEETING ADJOURNED AT 8:35 P.M.**