

Mayor

John Gunter

Council Members

District 1: vacant

District 2: Dan Sheppard

District 3: Tom Hayden

District 4: Jennifer I. Nelson

District 5: Robert M. Welsh

District 6: Richard Williams

District 7: Jessica Cosden



REVISED
3/1/2021

City Manager
Rob Hernandez
City Attorney
Dolores Menendez
City Auditor
Andrea R. Russell
City Clerk
Kimberly Bruns

1015 Cultural Park Boulevard
Cape Coral, FL 33990

**FINAL ACTION SUMMARY
AGENDA FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL**

February 17, 2021

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 WELSH

3. PLEDGE OF ALLEGIANCE

A. COUNCILMEMBER WELSH

4. ROLL CALL

A. MAYOR GUNTER, COUNCIL MEMBERS COSDEN, HAYDEN, NELSON, SHEPPARD, WELSH, WILLIAMS – MAYOR GUNTER, COUNCILMEMBERS COSDEN, HAYDEN, NELSON, SHEPPARD, WELSH, AND WILLIAMS WERE PRESENT.

5. CHANGES TO AGENDA/ADOPTION OF AGENDA – APPROVED, AS PRESENTED

6. RECOGNITIONS/ACHIEVEMENTS

A. NONE

7. APPROVAL OF MINUTES

A. Regular Meeting – February 3, 2021 – **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. **9 SPEAKERS; TOPICS: IMPORTANCE OF DISTRICT 1 APPOINTMENT; ENDORSEMENTS CONVEYED IN FAVOR OF THE SELECTION OF GLORIA TATE FOR THE DISTRICT 1 APPOINTMENT; CHIQUITA LOCK REMOVAL; INQUIRED ABOUT A CHARTER SCHOOL EMPLOYEE; THANKED DISTRICT 1 APPLICANTS; COMPLIMENTED CM'S BUSINESS**

**PLAN; DCD STAFFING; RECEIVED COMPLAINTS REGARDING COUNCILMEMBER IN DISTRICT 6;
AND INQUIRED ABOUT COUNCILMEMBER REQUIREMENTS.**

9. BUSINESS

A. CONSENT AGENDA

- (1) Resolution 6-21 Approval of Final Plat for Williamson Estates; This replat encompasses 5 contiguous Cape Coral lots that will become 2 new homesites each comprised of 2 ½ existing lots located on SW 3rd Ct. Appropriate Public Utility and Drainage are provided; Department: DCD; Dollar Value: N/A; (Fund: N/A) – APPROVED
- (2) Resolution 24-21 Award Bid # BUT2102KR for the Pine Island Irrigation Tanks and Pump Station Project to Wharton-Smith, Inc., as the lowest responsive responsible bidder, in the amount of \$11,427,000 with a City controlled contingency of 10%, in the amount of \$1,142,700, for a total amount of \$12,569,700, and authorize the City Manager or designee to execute the contract(s), purchase order(s), and any renewals; Department: Utilities; Dollar Value: \$12,569,700; (Water and Sewer Fund) – APPROVED
- (3) Resolution 26-21 Approve a Purchase Order to the School District of Lee County for Law Enforcement Academy tuition and state testing fees for prospective Police recruits for an annual estimated amount of \$113,225, not to exceed budgetary limit; And authorize the City Manager or designee to execute the Purchase Order(s); Department: Police; Estimated Annual Dollar Value \$113,225; (General Fund) – APPROVED
- (4) Resolution 27-21 Award ITB #BUT2092MC for repair and rehabilitation of sanitary sewer manholes and lift stations to Restoration & Protective Solutions LLC, as the lowest responsive responsible bidder, at the unit prices bid, not to exceed budgetary limit, and authorize the City Manager or designee to execute the agreements, change orders, renewal(s), and purchase orders; Department: Utilities; Estimated Annual Dollar Value: \$500,000; (Water & Sewer Fund) – APPROVED
- (5) Resolution 29-21 Rescinding Resolution 269-20 which approved a Mutual Aid Agreement between the City of Cape Coral and the Charlotte County Sheriff's Office; Approving a new Mutual Aid Agreement between the City of Cape Coral and the Charlotte County Sheriff's Office for the use of SWAT Team resources; authorizing the Mayor and Chief of Police to execute all documents related to the agreement; Department: Police; Dollar Value: N/A; (Fund: N/A) – APPROVED
- (6) Resolution 32-21 Approve the Memorandum of Agreement (MOA) between City of Cape Coral (City) and B.P. LLC for a three (3) year agreement for additional water supply during the dry season; Department: Utilities; Dollar Amount: \$900,000 estimated; (Water and Sewer Fund) – APPROVED
- (7) Resolution 33-21 Approve the Continuance of Waiver of Installation Fees South Cape Street Banner Program – APPROVED
- (8) Resolution 38-21 Approve an increase to the City Controlled Contingency for the Fire Station #5 remodel project, contract #CON-PW20-85/MM, in the amount of \$13,519; and authorizes the City Manager or Designee to execute a change order to the existing purchase order. The award to EnviroStruct, LLC, for Fire Station #5 remodel, was approved on November 18, 2019 under Resolution 307-19 and amended on May 11,

2020 under Resolution 107-20. The original approved contingency was \$50,849, if the increase of \$13,519 is approved, the new contingency will be \$64,368 and the total project cost, including contingency, will be \$502,249; Department: Public Works Department/Fire Department; Dollar Amount \$13,519; (General Fund) – APPROVED

- (9) Resolution 39-21 Approve Agreement RUT2108KR for professional engineering and design services for Infrastructure and utility improvements for the Master Pump Station 100 (MPS100) and Force Main Transmission Line (FMTL), in which AECOM Technical Services, Inc. was ranked #1 by the Selection Advisory Committee and the ranking approved by the City Manager, as allowed under Resolution 52-19, and entered into negotiation; Authorize the use of Water and Sewer Reserves; and authorize the City Manager or designee to execute this agreement for a not to exceed amount of \$1,616,407.22 with a 10% City Controlled Contingency for any additional services, if needed, for \$161,640.72 for a total cost of \$1,778,047.94 Department: Utilities Dollar Value: \$1,778,049 (Water and Sewer - Reserves) – APPROVED
- (10) Resolution 40-21 - Approve Agreement #RFP-PW20-25/APS for Construction Manager at Risk (CMAR) services, for the Yacht Club Community Park, in which the intended firm, Wright Construction, Inc. was ranked #1, by the Selection Advisory Committee and the ranking approved by the City Manager, as allowed under Resolution 52-19, and entered into negotiation; authorize the use of Yacht Basin Reserves; and authorize the City Manager or designee to execute this agreement for the Pre-construction services (Phase I) for Yacht Club Park Improvements Project for \$331,287. The construction services (Phase II) will be brought forward when the Guaranteed Maximum Price (GMP) is determined. Department: Public Works/Parks and Recreation Dollar Value: \$331,287 (Yacht Basin Reserves/Governmental Capital Project Fund-funded by GO Bond) – APPROVED

B. PERSONNEL ACTIONS

- (1) Resolution 41-21 Extend Filling Out-of-Classification for Risk Manager position; Department: Finance – APPROVED

C. PETITIONS TO COUNCIL

- (1) NONE

D. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) Community Redevelopment Agency Appointment of Chair and Vice Chair – APPOINTED LINDA BIONDI, AS CHAIR AND JANIS KEIM, AS VICE CHAIR.
- (2) Health Facilities Authority - 1 Vacancy – APPOINTED EDMUND THOMAS JACKSON; TERMS EXPIRES: 9/30/2024.
- (3) Planning and Zoning Commission - 4 Vacancies (2 Members and 2 Alternates) – RE-APPOINTED ANTHONY L. BENNIE, JR. AND JEFFREY B. SLAPPER, AS REGULAR MEMBERS – APPOINTMENT EXPIRES: 2/28/2024. RE-APPOINTED BARBARA SAFRANEK AND APPOINTED KEITH LONG, AS ALTERNATE MEMBERS – APPOINTMENT EXPIRES: 2/28/2022.

10. ORDINANCES/RESOLUTIONS

A. Public Hearings

NOTE: N/A

(1) Resolution 19-21 (VP 20-0012*) Public Hearing

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for an alley right-of-way located between Lots 1-29 and Lots 30-58, Block 4406, Cape Coral Unit 63; providing for the vacation of plat for the easements underlying the alley right-of-way located between Lots 1-6 and Lots 53-58, Block 4406, Cape Coral Unit 63; providing for the vacation of plat for public utility and drainage easements associated with Lots 1-6 and Lots 53-58, Block 4406, Cape Coral Unit 63; property located east of Chiquita Boulevard, south of SW 20th Street, west of SW 15th Place, and north of SW 22nd Street. (Applicant: City of Cape Coral)

Hearing Examiner Recommendation: Approval with conditions in VP HEX Recommendation 13-2020

Community Development Department Recommendation: Approval with conditions – **APPROVED**

(2) Ordinance 12-21 Public Hearing for Transmittal

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article VI, Pensions, Division 3, General Employees Pension, Section 2-123.1, Definitions, Section 2-123.2, Membership, Section 2-123.5, Contributions, Section 2-123.7, Death Benefits, Section 2-123.15, Miscellaneous Provisions, Section 2-123.23, Military Service Prior to Employment, Section 2-234.24, Deferred Retirement Option Plan, Section 2-123.25, Purchase of Nonqualified Service Credit, and Section 2-123.26, Prior Government Service. (Applicant: Brought forward by the General Pension Board) – **APPROVED**

(3) Ordinance 13-21 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Ordinance 74-20, which adopted the City of Cape Coral operating budget, revenues and expenditures, and capital budget for Fiscal Year 2021, by increasing the total revenues and expenditures by a total of \$2,806,877. (Applicant: Brought forward by City Management.) – **APPROVED**

B. Introductions

(1) Resolution 30-21 (VP 20-0013*) Public Hearing Set for March 3, 2021

*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 in Section 34, Township 44 South, Range 23 East, Lee County, Florida, as more particularly described herein; property located at 2526 Skyline Boulevard. (Applicant: S & L Properties Skyline, LLC)

Hearing Examiner Recommendation: Approval with conditions.

Community Development Department Recommendation: Approval

(2) **Ordinance 96-20 Public Hearing Set for March 3, 2021**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Article 5, Chapter 5, Section 5.5.9, "Prohibited Vegetation," and Article 5, Chapter 5, Section 5.5.13, "Landscaping for All Development other than Single-Family Homes and Duplexes," of the City of Cape Coral Land Development Code, regarding tree planting requirements and invasive exotic plants at public parks and recreational facilities. (Applicant: Brought forward by City Management.)

Planning & Zoning Recommendation: Approval

Community Development Department Recommendation: Approval

(3) **Ordinance 14-21 (LU 20-0002) Public Hearing Set for March 3, 2021**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Commercial/Professional (CP) to Multi-Family Residential (MF) land use for property described as Lots 1 through 7, Block 1146, Unit 22, Cape Coral; property is located at 816 SE 8th Place. (Applicant: Jomar Investments, LLC) (0.84 acres)

Planning and Zoning Commission Recommendation: Approval

Community Development Department Recommendation: Approval

(4) **Ordinance 15-21 (LU 20-0006) Public Hearing Set for March 3, 2021**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Multi-Family Residential (MF) to Public Facilities (PF) land use for property described as Lots 53 and 54, Block 4406, Unit 63, Cape Coral; property is located at 2122 SW 15th Place. (Applicant: City of Cape Coral) (10,000 square feet)

Planning and Zoning Commission Recommendation: Approval

Community Development Department Recommendation: Approval

(5) **Ordinance 16-21 (LU 20-0009) Public Hearing Set for March 3, 2021**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Commercial/Professional (CP) to Multi-Family Residential (MF) land use for property described as Lots 1 through 8, Block 4555, Unit 68, Cape Coral; property is located at 801-813 SW 8th Street. (Applicants: William Schepler, Romeo Valenton, Robert MacDonald, Big Marlin Properties, LLC, and Land Analytics, LLC) (1.01 acres)

Planning & Zoning Recommendation: Approval

Community Development Department Recommendation: Approval

(6) **Ordinance 17-21 Public Hearing Set for March 3, 2021**

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the Sale of Municipal Surplus real property described as Lots 21 and 22, Block 5162, Cape Coral Unit 83, 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 Terrell Patton Youngblood, Jr. property located at 2744 NW 46th Avenue. (Applicant: Brought forward by City Management) Note: The purchase price is \$160,000.00.

(7) Ordinance 18-21 Public Hearing Set for March 3, 2021

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the sale of municipal surplus real property described as Lots 23 and 24, Block 5449, Cape Coral Unit 90, 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 Timothy Campbell and Penny Campbell; property located at 4204 NW 36th Lane. (Applicant: Brought forward by City Management) Note: The purchase price is \$97,000.00.

11. UNFINISHED BUSINESS

A. Follow Up Items for Council – NONE

12. NEW BUSINESS

A. District 1 Interviews – INTERVIEWED CAROL RAE CULLITON; BARRY WINSTON ELSWICK; DAVID KALISH, IRIS LANDEFELD; STEVEN LARSEN; GRAHAM MADISON MORRIS; SEAN RUSS; THOMAS WAYNE SHADRACH; GLORIA J. (RASO) TATE; AND CHARLES GERY TREICHLER.

B. District 1 Appointment – COUNCIL APPOINTED GLORIA J. (RASO) TATE AS DISTRICT 1 COUNCILMEMBER

C. Oath of Office – OATH ADMINISTERED BY CITY CLERK TO GLORIA J. (RASO) TATE

D. Council Liaison and Member Selections to Boards, Committees, and Commissions –
COMMUNITY REDEVELOPMENT AGENCY (COUNCILMEMBER TATE)
CHARTER SCHOOL GOVERNING BOARD (COUNCILMEMBER TATE)
FLORIDA LEAGUE OF CITIES (voting delegate) (MAYOR GUNTER; COUNCILMEMBER HAYDEN)
FLORIDA LEAGUE OF CITIES – BOARD OF DIRECTORS (11TH DISTRICT DIRECTOR) (MAYOR GUNTER)
FLORIDA LEAGUE OF MAYORS (MAYOR GUNTER)
TRANSPORTATION ADVISORY COMMITTEE (COUNCILMEMBER NELSON)
METROPOLITAN PLANNING ORGANIZATION (COUNCILMEMBER NELSON)

13. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

COUNCILMEMBER WILLIAMS – NO REPORT
COUNCILMEMBER COSDEN – INFORMATIONAL ONLY; TIKTOK ACCOUNT RESEARCH;
COSDEN RECEIVED A SECOND BY SHEPPARD FOR BOARD APPOINTMENTS
COUNCILMEMBER HAYDEN – INFORMATIONAL ONLY
COUNCILMEMBER NELSON – NO REPORT
COUNCILMEMBER SHEPPARD – NO REPORT
COUNCILMEMBER WELSH – INFORMATIONAL ONLY
MAYOR GUNTER – DISCUSSED A FUTURE AGENDA ITEM ABOUT NAMING A PARK AFTER JOE COVIELLO (OASIS WOODS PARK)
COUNCILMEMBER TATE - INFORMATIONAL ONLY

14. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

CITY MANAGER – REQUESTED TO RESCHEDULE 3/31 COW TO 3/26 AT 9:00 A.M. BRING A REVISED SCHEDULE FOR THIS MATTER. DISCUSSED REDOING WORKSHOP MEETINGS SCHEDULE TO FRIDAYS AT 9:00 A.M. TO BE LOCATED AT THE GREEN ROOM; **CONSENSUS AGREED**

A. COVID-19 UPDATE – SPECIAL EVENTS TO BE APPROVED FOR NON CITY ENTITIES WITH AN APPROVED SAFETY PLAN SUBMISSION; NO CITY SPONSORED EVENTS UNTIL APPROXIMATELY JULY. DASHBOARD PROVIDED FOR COVID-19 CASES.

CITY ATTORNEY – NO REPORT

15. TIME AND PLACE OF FUTURE MEETINGS

A. A Committee of the Whole Meeting is Scheduled for Wednesday, February 24, 2021, at 3:00 p.m. in Conference A200, (Green Room) 815 Nicholas Parkway, Cape Coral, FL.

16. MOTION TO ADJOURN – MEETING ADJOURNED AT 8:40 P.M.