



REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

February 7, 2024 4:30 PM

PLEDGE OF CIVILITY

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, [present](#) COUNCIL MEMBERS CARR [present digitally](#), COSDEN [excused](#), HAYDEN [present](#), LONG [present](#), SHEPPARD [present](#), STEINKE [present](#), WELSH [present](#)

5. CHANGES TO AGENDA/ADOPTION OF AGENDA - None

6. RECOGNITIONS/ACHIEVEMENTS

A. Community Recognition Award: Brittany Bowman -[Brittany Bowman of Sage on 47th recently won the Rivi Gin and Redwood Empire Whiskey Bartender competition, where she beat out the top mixologists from the region.](#)

7. APPROVAL OF MINUTES - [approved](#)

A. Regular Meeting - January 24, 2024

8. CITIZENS INPUT TIME

[21 Speakers on the following Topics:](#)

- [1. City Council not representing their constituents. Residents continue to feel unheard and poorly represented by council.](#)
- [2. Failure to implement the Parks GO Bond commitments and the repercussions upon the taxpayer for this failure.](#)
- [3. Mayor's Gunter character](#)



4. Jaycee Park opposition
5. Item 17 Amendments to the decorum and public comment opportunities section of the Council Agenda Rules of Procedure opposition
6. Youth council
7. Opposition to annual stipends for mayor and council members
8. Bid process and application fee.
9. Permitting-contractors who have expired permits should not be allowed to pull additional permits.
10. Infrastructure Item Ordinance 2-24
11. Travel Expenses and Auto Allowances
12. Density Increase
13. Patty Cummings
14. Budgeting process

9. BUSINESS

A. CONSENT AGENDA - All items approved

1. (1) Resolution 2-24 Approve Master Agreement #RPW2371MM to provide Construction Manager at Risk Services for City projects less than \$1 million, on as needed basis with the following firms: AIM Construction Contracting, LLC., of Fort Myers, FL (Firm A); Arex Builders Corp. of Cape Coral, FL. (Firm B); Centennial Contractors Enterprises, Inc. of Reston VA. (Firm C); Chris-Tel Construction of Fort Myers, FL. (Firm D); DEC Contracting Group, Inc. of Fort Myers, FL (Firm E); Logicon LLC d/b/a Go-Builder of Tampa FL. (Firm F); Gulfpoint Construction Company, Inc. of Fort Myers, FL. (Firm G); Halfacre Construction Company of Sarasota, FL. (Firm H) and Rycon Construction of Fort Myers, FL. (Firm I); authorize the City Manager or Designee to execute the agreement, work authorization, change orders and purchase orders; Department: Public Works; Estimated Dollar Value: \$4,195,000; (General Fund/Water and Sewer/Internal Services Fund -Citywide Funds as applicable)
2. (2) Resolution 19-24 Approve the Master Intergovernmental Cooperative Purchasing agreement for the purchase of Stryker Sales, LLC medical equipment utilizing RFP#RFB 2021-06 issued by Eagle County Health Service District d/b/a Eagle County Paramedic Services, Public Safety Association, Inc., and is made available through Savvik Buying Group's Cooperative purchasing programs, for the purchase of Automated External Defibrillators, Cardiac Monitors/Defibrillators, Automated CPR Devices, and other Medical Equipment for an estimated annual amount of \$220,000; And authorize the City Manager, or designee, to execute the Master Intergovernmental Cooperative Purchasing Agreement and renewals during the term of the contract; Department: Fire; Estimated dollar value: \$220,000; (Fire Operations Fund)
3. (3) Resolution 22-24 Award RFP #RUT2382JM and the corresponding contract for professional engineering and hydrogeological services for the North Reverse Osmosis (RO) Water Treatment Plant Class I underground injection control exploratory well project to RMA Geologic Consultants, Inc., for a not-to-exceed amount of \$1,383,795.41



and authorize the City Manager or designee to execute the agreement and purchase orders; Department: Utilities; Dollar Amount: \$1,383,795.41; (Water and Sewer Fund)

4. (4) Resolution 28-24 Award Bid #BPW2368AS, and corresponding contract(s), for Painting Services for Various City Facilities to the following firms: Five12 Painting & Remodeling, LLC.; Florida Painters of Lee County, Inc.; and Quick Painting Group Corp. to provide painting services to

facilities throughout the City for an estimated annual amount of \$250,000; And authorize the City Manager or designee to execute the agreement(s), renewal(s), and purchase orders; Department: Public Works; Estimated annual amount: \$250,000; (Facilities Management Fund)

5. (5) Resolution 31-24 Award RFP #23117MR, and corresponding contract, to 1Pro Media Inc., II, of Cape Coral, FL, for Cape TV Production Services in the amount of \$158,400; and authorize the City Manager or Designee to execute the contract, purchase orders and renewals; Office: City Manager's Office/Communication; Dollar Value: \$158,400; (General Fund)
6. (6) Resolution 37-24 Approve the Change Orders to existing purchase orders for the following Contracts: #BFD22122MM, #BPW2178MM, #PW19-105MM, #PW18-132MM, #PW20- 55MM, #BPW2171/MM and #BCP2240MM in the total amount of \$300,000 for the Median Landscape Maintenance project and Lawn & Landscape Services projects previously approved by Council; The project is to address the need for repair and replacement of irrigation infrastructure and plant material needed to maintain a healthy and aesthetically pleasing landscape; authorize the City Manager or Designee to utilize the refurbishment allocation for issuance of change orders to the existing purchase orders, as needed. The vendors for the corresponding contracts are as follows: Brent's Lawn and Tree Service, Inc; Superior Landscape Lawn Services, Inc. and John Fideli Landscape, LLC.; Grow Care Outdoor Solutions, LLC; Tony's Lawn and Landscaping LLC; Department: Public Works; Dollar Amount \$300,000; (General Fund)
7. (7) Resolution 38-24 Approve the Single Source, and corresponding agreement, with - Software Name exempt per 119.0725 of the Florida Statutes - for the - Software Name exempt per 119.0725 of the Florida Statutes - solution at the unit prices stated for an estimated processing cost of \$1,480,655; authorize the City Manager or Designee to execute the agreement, purchase order, change order and any related document; Department: Finance; Estimated annual dollar amount: \$1,480,655; Budgeted across all funds
8. (8) Resolution 40-24 Award Bid #BPW2415MM, and corresponding contract(s), for Lining of Drainage Pipes to the following firms: Flotech Environmental, LLC.; Inliner Solutions, LLC; Nu-Pipe, LLC; and Shenandoah General Construction, LLC., to provide pipe lining services to the aging stormwater infrastructure throughout the City for an estimated annual amount of \$1,600,000 (FY24 is estimated at \$400,000; the subsequent annual amount is estimated at \$1,600,000 based on annual appropriation); and authorize the City Manager or designee to execute the contracts, purchase orders and renewals; Department: Public Works; Estimated annual amount of \$1,600,000 (1st year amount of \$400,000; subsequent



years is estimated at \$1,600,000); (Stormwater Fund)

9. (9) Resolution 41-24 Award Bid #BPW23123MR, and corresponding contract(s), for Purchase and Delivery of Ready-Mix Concrete to QE Concrete, LLC. and Grippo Pavement Maintenance, Inc., for projects throughout the City at the unit price stated, respectively, in the estimated annual amount of \$550,000; and authorize the City Manager or Designee to execute the contract(s), agreement(s), renewal(s), extensions, amendment(s), purchase order(s) and change order(s); Department: Public Works; Estimated annual Dollar Amount \$550,000; (General Fund and Grant Funds)
10. (10) Resolution 42-24 Approve contract BUT2440MM to Tony's Lawn and Landscaping LLC of North Fort Myers, FL for Grounds Maintenance for Utilities Work Sites, Canal Pump Stations, Wells and Lift Stations for the mowing, landscaping, and irrigation maintenance of select City properties in the annual amount of \$238,200 with a 10% City controlled contingency of \$23,820 and a refurbishment allowance of \$10,000 for refurbishment, replacement and removal of landscaped or hardscape features within specified areas as needed for a project total of \$272,020; and authorize the City Manager or Designee to execute the contract, renewals, purchase orders and change orders; Department: Public Works / Utilities Dollar Amount: \$272,020; (Water and Sewer Fund)
11. (11) Resolution 43-24 Award Bid #BPW2416MM, and corresponding contract for the Rubican-Bimini Culvert Cleaning project to Earth View, LLC in the amount of \$126,997 with a City controlled contingency of \$12,700 for a project total of \$139,697; and authorize the City Manager or Designee to execute the contract, renewals, amendments, purchase orders and change orders; Department: Public Works; Dollar Amount: \$139,697; (Stormwater Fund)
12. (12) Resolution 45-24 Approve a change order to existing purchase order #23501048 in the amount of \$33,160.94 based on the final design to the All-Hazards truck, including increased functionality, safety, and corrosion control. This truck will replace the current Hazardous Materials truck and will respond to hazardous materials incidents, technical rescues, and other high-risk incidents. The original amount approved was for \$1,383,831.60 with the final design the new total is \$1,416,992.54; And authorize the City Manager or Designee to execute the change order; Department: Fire; Dollar Amount \$33,160.94; (All Hazards Fund)
13. (13) Resolution 46-24 Award Bid #BCP23104MM, and corresponding contract, for Construction of Crystal Lake Park to Pavement Maintenance, LLC for the base bid amount of \$7,427,042, and a combined bid additive amount of

\$1,229,433.20 for a total of \$8,656,475.20 with a 5% City controlled contingency of \$432,823.76 for a project total of \$9,089,298.96; And authorize the City Manager or Designee to execute the contract, and purchase orders; Office: City Manager's Office/Capital Improvement Project; Dollar Amount: \$9,089,298.96; (Governmental Capital Project Fund-funded by GO Bond)



14. (14) Resolution 47-24 Approve Final Replat for Lot 1 Skyline North. This is a replat which splits lot 1 of Skyline North into two development parcels. Lot 1 of Skyline North is located at the northeast corner of SW 12th Ave and Pine Island Rd. Refer to the attached location exhibit; Department: Development Services; Dollar Value: N/A; (Fund: N/A)
15. (15) Resolution 48-24 Approve Modification #5 to Subgrant Agreement between the Division of Emergency Management and the City of Cape Coral to Contract Number H0339 to reinstate and extend the terms and increase the Federal Funding by \$7,669.04; Department: Utilities; (Grant Funding)
16. (16) Resolution 52-24 Request that Lee County establish an Anchoring Limitation Area within the Bimini Basin, which is within the City's territorial jurisdiction, and enter into an Interlocal Agreement with the City of Cape Coral to provide the necessary permits, signage, buoys and enforcement of the Area; Department: City Manager's Office; Estimated Dollar Value: N/A
17. (17) Council Agenda Rules of Procedure

2. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

(1) NONE

3. UNFINISHED BUSINESS

(1) Follow Up Items for Council

4. NEW BUSINESS (1) NONE
5. PERSONNEL ACTIONS (1) NONE
6. PETITIONS TO COUNCIL (1) NONE
7. FOLLOW UP ITEMS FROM CITY MANAGEMENT (1) NONE

10. ORDINANCES/RESOLUTIONS

A. Public Hearings - Quasi-Judicial Hearings

(1) Resolution 10-24 (VAC23-000010*) Public Hearing **APPROVED**

*Quasi-Judicial, All Persons Testifying Shall Be Sworn In WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for 2,000 sq. ft. of the

SE 39th Street right of way and the underlying easements located adjacent to Lots 34-37, Block 544, Cape Coral Unit 11; providing for the vacation of plat for 504 sq. ft. of platted easements lying in Lots 34-35, Block 544, Cape Coral Unit 11; property located at



1729 and 1733 SE 39th Street.

Applicant: David Carlisle & Robert Carlisle and Rick Johanneck

City Planning Staff Recommendation: Approval with Conditions Hearing Examiner

Recommendation: Approval with Conditions

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. (1) Ordinance 5-24 (FLUM23-000006) Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Future Land Use Map from Intensive Development (a Lee County designation) to Pine Island Road District (PIRD) land use for property described as a parcel of land situated in the State of Florida, County of Lee, lying south of Pine Island Road in Section 4, Township 44 South, Range 24 East, Lee County, Florida, as more particularly described herein; property located at 2700 & 2750 NE Pine Island Road.

Applicant: DD Pine Island LLC

Acreage: 8.87 acres

Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

2. (2) Ordinance 6-24 (FLUM23-000009) Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Future Land Use Map

from Single-Family/Multi-Family (SM) to Commercial/Professional (CP) land use for property described as Lots 9-18, Block 5614, Unit 84, Cape Coral Subdivision;

property located at 3303-3307 NE 16th Avenue and 3302-3306 Averill Boulevard.

Applicants: Joella Consolazio and Richard & Linda Ricciani Acreage: 1.23 acres

Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

3. (3) Ordinance 7-24 (FLUM23-000010) Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by



amending the Future Land Use Map from Public Facilities (PF) to Single-Family Residential (SF) land use for property described as Lots 8-11 and 20-23, Block 689, Unit 21, Cape Coral Subdivision; property located at 916-

920 SE 22nd Terrace and 915-919 SE 23rd Street.

Applicant: City of Cape Coral

Acreage: .94 acres

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

4. (4) Ordinance 95-23 Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance naming the new Cape Coral Fire Department fireboat (Marine 7) in honor of Fire Engineer/Driver James Gunter. (Brought forward by City Management)

5. (5) Ordinance 96-23 Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance naming the new Cape Coral Fire Training Facility in honor of Fire Engineer/Driver Michael Camelo Jr. (Brought forward by City Management)

6. (6) Ordinance 9-24 Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance authorizing the City Manager to sell surplus real property described herein pursuant to Section 2-155 of the City of Cape Coral, Florida Code of Ordinance; authorizing and directing the Mayor and Clerk to execute a Special Warranty Deed conveying the aforementioned surplus real property to Skyline Property Holding, LLC. (Brought forward by City Management)

Note: Property address: 4306 Skyline Boulevard, Cape Coral, FL 33914

7. (7) Ordinance 2-24 Public Hearing **APPROVED**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 2, Administration, Article IV, Travel Expenses and Auto Allowances, to repeal and delete Sections 2-43 through 2-50, and to amend Section 2-51, Travel Policy, regarding the establishment of the city travel policy. (Brought forward by City Management.)

8. (8) Resolution 9-24 Public Input (Companion to Ord. 2-24)



WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the City of Cape Coral, Florida, establishing a

City travel policy and incorporating the travel policy into the City's Administrative Regulations.
(Brought forward by City Management)

C. Introductions

1. (1) Resolution 50-24 (VAC23-000002*) Set Public Hearing for February 21, 2024

*Quasi-Judicial, All Persons Testifying Shall Be Sworn In
WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the City of Cape Coral, Florida, providing for the vacation of plat for a portion of the Cobalt Canal right-of-way adjacent to Lots 1 and 2, Block 146, Cape Coral Unit 4, Part 2; property located at 5302 Cobalt Court.

Applicant: Robert Belza and Nella Belza

City Planning Staff Recommendation: Approval with conditions Hearing Examiner

Recommendation: Approval with conditions

2. (2) Ordinance 10-24 Set Public Hearing for February 21, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the City Manager or their designee to enter into a Permissive Use Agreement with the United States Army Reserve, 365th Engineer Company, for a portion of property owned by the City of Cape Coral, Florida, as described herein; property located at 2920 Burnt Store Road North, together with adjoining tracts of land to the south. (Brought forward by City Management)

3. (3) Ordinance 11-24 Set Public Hearing for February 21, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves an Agreement for the 2023/2024 Hurricane Legislative Appropriation Program between the City of Cape Coral, Florida and the State of Florida, Division of Emergency Management to provide funding for hurricane repairs and recovery due to Hurricane Ian and Hurricane Nicole and authorizes the City Manager or their designee to execute the Agreement and any related documents. (Brought forward by City Management)

11. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

1. [WELSH- ATTENDEND 2024 BREWFEST AT CULTURAL PARK](#)
2. [CARR- NO REPORT](#)
3. [HAYDEN- Cape Coral Youth Council as one of three winners of the 2023 Municipal Youth Council Video Competition. The annual competition aims to](#)



provide a way for Florida's youth councils to showcase their ideas, creativity and commitment to their communities.

4. STEINKE- THANK YOU FOR RESIDENT APPRECIATION
5. GUNTER- LEE COUNTY RECOVERY TASK FORCE AND REQUEST TO SIT ON BOARD OF FLORIDA INSURANCE POOLS

12. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER -NO REPORT

13. TIME AND PLACE OF FUTURE MEETINGS

A. A Committee of the Whole is Scheduled for Wednesday, February 14, 2024, at 9:00 a.m. in Council Chambers

14. MOTION TO ADJOURN