

**Mayor**

John Gunter

**Council Members**

District 1: Gloria Raso Tate

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



1015 Cultural Park Boulevard  
Cape Coral, FL 33990

**City Manager**

Rob Hernandez

**City Attorney**

Dolores Menendez

**City Auditor**

Andrea R. Russell

**City Clerk**

Kimberly Bruns

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

March 3, 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 WILLIAMS

**3. PLEDGE OF ALLEGIANCE**

A. COUNCILMEMBER WILLIAMS

**4. ROLL CALL**

A. MAYOR GUNTER, COUNCIL MEMBERS COSDEN, HAYDEN, NELSON, SHEPPARD, TATE, WELSH, WILLIAMS – **MAYOR GUNTER, COUNCILMEMBERS HAYDEN, NELSON, SHEPPARD, TATE, WELSH, AND WILLIAMS WERE PHYSICALLY PRESENT. COUNCILMEMBER COSDEN WAS EXCUSED.**

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

**6. RECOGNITIONS/ACHIEVEMENTS**

A. NONE

**7. APPROVAL OF MINUTES**

A. Special Meeting (Attorney-Client Session) - February 8, 2021 – APPROVED

B. Regular Meeting – February 17, 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. **8 SPEAKERS; TOPICS: RENTAL REGISTRATION ORDINANCE; IN SUPPORT OF DCD REORGANIZATION ITEM; OPPOSITION TO ORDINANCE 54-20 AND 95-20; IN SUPPORT OF THE APPROVAL OF RESOLUTION 53-21; CONCERN ABOUT WATERWAY COMMITTEE MEETING WITH MATLACHA RESIDENT COMMENTS AND KUDOS GIVEN TO UTILITIES DEPARTMENT.**

## 9. BUSINESS

### A. CONSENT AGENDA

- (1) Resolution 25-21 Approve the assignment of contracts from David Douglas Associates, Inc. to Cardno, Inc. for Contract #CON-UT18-58/MC for Design of Nicholas Parkway Waterline Replacements and Paving and Drainage Improvements and Contract #CON-UT15-21/KR-K for Miscellaneous Professional Engineering Design Services at the same unit prices and hourly rates stated in the respective contracts; and authorize the City Manager or his designee to execute subsequent assignment, purchase orders, and change orders; Department: Utilities; Estimated Dollar Value: \$136,600; (Water and Sewer Fund) – **APPROVED**
- (2) Resolution 44-21 Allow the outside display of merchandise at a Joe V's Farm Market grocery store located at 1401 SW Pine Island Road; Department: DCD; Dollar Value: N/A; (Fund: N/A) – **APPROVED**
- (3) Resolution 51-21 Approval of Utilities Refunding Agreement for off-site watermain improvements between City of Cape Coral Utilities and Sinclair Rentals of Pine Island, LLC.; Dollar Value: Not to exceed \$86,458.33; Department: Utilities; (Water and Sewer Fund) – **APPROVED**
- (4) Resolution 53-21 Naming a public park south of Oasis High School as "Joe Coviello Park" - Brought forward by Mayor Gunter – **APPROVED**
- (5) Resolution 56-21 Approve COVID-19 Vaccine Administration Agreement Between the City of Cape Coral and Curative Medical Associates, Inc. to Provide COVID-19 Vaccinations; Department: Fire; Estimated Dollar Value: No Cost/Revenue – **APPROVED**

### B. PERSONNEL ACTIONS

- (1) Resolution 46-21 Extend Out-of-Classification Pay for Financial Services Director, Management/Budget Administrator and Assistant Management/Budget Administrator positions for an additional 3 months or until the positions are filled. Recruitment is currently in process; Department: Finance – **APPROVED**

### C. PETITIONS TO COUNCIL

- (1) NONE

#### D. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) Community Development Block Grant - 2 Vacancies – **APPOINTED SEAN HARTMAN AND CAROL REISS, TERM EXPIRES 12/31/2021**
- (2) Budget Review Committee - 1 Alternate Vacancy – **APPOINTED MELANIE WILLIAMSON; TERMS EXPIRES: 9/21/2021.**
- (3) Grievance Committee - Vacancies –**APPOINTED DONALD APKING; MARLISSA GERVASONI; AND JIM HOFFMANN; NO TERM EXPIRATION.**

#### 10. ORDINANCES/RESOLUTIONS

##### A. Public Hearings

**NOTE: N/A**

- (1) Resolution 30-21 (VP 20-0013\*) Public Hearing  
\*\*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 – **APPROVED**
- (2) Ordinance 96-20 Public Hearing  
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 – **APPROVED**
- (3) Ordinance 75-20 (LU 19-0006) Final Public Hearing  
WHAT THE ORDINANCE ACCOMPLISHES:  
An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Single-Family/Multi-Family (SM) to Commercial/Professional (CP) land use for property located in Section 7, Township 43 South, Range 23, East; property located at 4550 Burnt Store Road. (Applicant: Yovan Santiesteban) (12 1/2 acres)  
Planning & Zoning Recommendation: Approval (for transmittal)  
Community Development Department Recommendation: Approval – **APPROVED**

- (4) Ordinance 14-21 (LU 20-0002) Public Hearing  
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 – **APPROVED**
- (5) Ordinance 15-21 (LU 20-0006) Public Hearing  
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 – **APPROVED**
- (6) Ordinance 16-21 (LU 20-0009) Public Hearing  
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 – **APPROVED**
- (7) Ordinance 17-21 Public Hearing  
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. – **APPROVED**
- (8) Ordinance 18-21 Public Hearing  
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. – **APPROVED**

## B. Introductions

(1) Ordinance 77-20 (ZA 20-0008\*) Public Hearing Set for March 17, 2021

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 5-14 and Lots 18-34, Block 5336, Cape Coral Unit 58, from Single-Family Residential (R-1) to Commercial Corridor (CC) zone; property is located west of the intersection of SW Pine Island Road and Burnt Store Road. (Applicant: Alex Diaz, Trustee) (3.15 acres)

Hearing Examiner Recommendation: Denial

Community Development Recommendation: Approval

(2) Ordinance 22-21 (ZA 20-0011\*) Public Hearing Set for March 17, 2021

\*Quasi-Judicial, All Persons Testifying must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Block 4276, Lots 1-7 and 54-59, Cape Coral Subdivision, Unit 61, from Commercial (C) to Single-Family Residential (R-1) zone; property is located at 3227 Gulfstream Parkway and 3220-3240 NW 16th Terrace. (Applicant: City of Cape Coral) (1.53 acres)

Hearing Examiner Recommendation: Approval

Community Development Department Recommendation: Approval

(3) Ordinance 20-21 Public Hearing Set for March 17, 2021

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance removing certain parcels from the Surplus Real Property Inventory List previously identified and approved in Ordinance 73-18, retaining and utilizing said properties for municipal purposes. (Applicant: Brought forward by City Management.)

(4) Ordinance 21-21 Public Hearing Set for March 17, 2021

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the sale of municipal surplus real property described as Lots 60 and 61, Block 5427, 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 Walter Dombal and Christina D. Dombal; property located at 4635 NW 34th Terrace. (Applicant: Brought forward by City Management.) Purchase Price is \$126,500.00.

(5) Ordinance 24-21 Public Hearing Set for March 17, 2021

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances by creating Article XIV, "Residential Rental Property", Section 12-129, pertaining to the registration of residential rental property in the City; provides for purpose and intent, definitions, registration of residential rental property required, and enforcement and penalties. (Applicant: Brought forward by City Management.)

## 11. UNFINISHED BUSINESS

A. Follow Up Items for Council – **NONE**

## 12. NEW BUSINESS

- A. Resolution 42-21 A Resolution approving the Memorandum of Understanding to Participate in the Southwest Florida Regional Resiliency Compact; Department: Environmental Resources Division of Public Works; Dollar Value: N/A; (Fund: N/A) – **APPROVED**
- B. Southwest Florida Regional Resiliency Compact Appointment – **APPOINTED COUNCILMEMBER JENNIFER NELSON TO REPRESENT THE CITY OF CAPE CORAL**
- C. FY-2019 Utilities Department Annual Report Presentation; Department: Utilities – **INFORMATIONAL ONLY**
- D. Utilities Organizational Changes - Presented by Utilities Director Jeff Pearson – **APPROVED CHANGES**
- E. Community Development Organizational Changes - Presented by Community Development Director Vince Cautero – **APPROVED CHANGES**
- F. Public Works Organizational Changes - Presented by Public Works Director Paul Clinghan – **APPROVED CHANGES**
- G. Appointing a Charter Review Commission - Brought forward by Mayor Gunter – **APPROVED RESTART OF THE CHARTER REVIEW COMMISSION**
- H. Revised Council Meeting Schedule 2021 - Brought Forward By Mayor Gunter – **APPROVED SCHEDULE CONTAINED IN THE BACK UP**

## 13. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

COUNCILMEMBER WILLIAMS – **NO REPORT**  
COUNCILMEMBER COSDEN – **EXCUSED**  
COUNCILMEMBER HAYDEN – **NO REPORT**  
COUNCILMEMBER NELSON – **INFORMATIONAL ONLY**  
COUNCILMEMBER SHEPPARD – **INFORMATIONAL ONLY**  
COUNCILMEMBER TATE – **CONSENSUS AGREED TO PRODUCING A LETTER WITH CITY MANAGER TO GAIN A SEAT ON THE TOURIST DEVELOPMENT COUNCIL**  
COUNCILMEMBER WELSH – **NO REPORT**  
MAYOR GUNTER – **INFORMATIONAL ONLY**

## 14. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

CITY ATTORNEY – **NO REPORT**

CITY MANAGER –

- A. Water Quality - Update – **APPROVED TO SET A MEETING WITH CITY MANAGER HERNANDEZ, MAYOR GUNTER; LEE COUNTY COMMISISONER RUANE AND STAFF ABOUT THE LOSOM (LAKE OKEECHOBEE SYSTEM OPERATING MANUAL).**
- B. **COVID-19 Update – INFORMATIONAL ONLY (UPDATE GIVEN UNDER CONSENT AGENDA ITEM 9.A.(5) RESOLUTION 56-21)**

**15. TIME AND PLACE OF FUTURE MEETINGS**

- A. An Executive Session / Shade Meeting regarding Collective Bargaining Scheduled for Wednesday, March 10, 2021, at 9:00 a.m. at The Westin Cape Coral Resort at Marina Village, 5951 Silver King Boulevard, Tarpon Ballrooms 1, 2, and 3, Cape Coral, FL 33914.
- B. A Committee of the Whole Meeting is Scheduled for Wednesday, March 10, 2021, at 10:00 a.m. at The Westin Cape Coral Resort at Marina Village, 5951 Silver King Boulevard, Tarpon Ballrooms 1, 2, and 3, Cape Coral, FL 33914.

**16. MOTION TO ADJOURN – MEETING ADJOURNED AT 7:01 P.M.**