

Mayor

Joe Coviello

Council Members

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Lois Welsh

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Boulevard
Cape Coral, FL 33990

City Manager

John Szerlag

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**

January 13, 2020

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 COVIELLO

2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER COSDEN

3. PLEDGE OF ALLEGIANCE

A. HUNTER FIKE - GULF ELEMENTARY

4. ROLL CALL

MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, NELSON, STOUT, WELSH, WILLIAMS – **MAYOR COVIELLO, COUNCILMEMBERS CARIOSCIA, COSDEN, GUNTER, STOUT, WELSH, AND WILLIAMS WERE PRESENT. COUNCILMEMBER NELSON WAS EXCUSED.**

5. CHANGES TO AGENDA/ADOPTION OF AGENDA – ADOPTED AS PRESENTED**6. RECOGNITIONS/ACHIEVEMENTS**

A. NONE

7. APPROVAL OF MINUTES

A. NONE

8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual. **NO SPEAKERS**

B. CONSENT AGENDA

- (1) Resolution 7-20 Approve the Service and Maintenance Agreement addendum, for an increase, renewal and future renewals, with Guardian Fueling Technologies, LLC to provide pump and tank maintenance and repair services for the various fueling facilities and fuel tanks throughout the City, on as needed basis, at an estimated annual amount of \$20,000 not to exceed budgetary limit; And authorize the City Manager or his designee to execute the renewals, amendments, purchase orders and change orders. The effective date for the Service and Maintenance Agreement was 11/27/2013 with automatic renewals; Department: Public Works; Estimated Annual Dollar Value \$20,000; (Internal Service Fund). – **APPROVED**
- (2) Resolution 17-20 Designation of Code Enforcement Officers; Department: Community Development; Dollar Value: NA – **APPROVED**
- (3) Resolution 20-20 Single Family Impact Fee Deferral Agreements with Cape Coral Housing Development Corporation; Department: Community Development; Dollar Value deferred: \$17,006; (Fund: N/A) – **APPROVED**
- (4) Resolution 21-20 Approval of Amendment to Settlement Agreement for the inverse condemnation case of RND Enterprises, et.al. v. City of Cape Coral, (vacant eastern portions of Block 2035 and Block 2036 between N.E. 9th Street and N.E. 10th Street – **APPROVED**
- (5) Resolution 24-20 Approval of, and authorization for the City Manager to execute License Agreements with Meta at Cape Harbour Community Association, Inc., LDC Cape Harbour Holdings, LLC and SHM Cape Harbour, LLC for the temporary use of portions of their ownerships within Cape Harbour for event parking, participant registration and activities, spectators and vendors attending the Tour de Cape community event on January 17th through January 19th 2020; Department: Financial Services / Real Estate Division; Dollar Value: N/A; (Fund: N/A) – **APPROVED**

C. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual. **11 SPEAKERS; TOPICS: TROPICANA PARK PROPOSAL CHANGES; KAYAK LAUNCH NEEDED; NOISE ORDINANCE; NEED FOR IMPERVIOUS PARKING LOTS AT THE NEW PARKS; INQUIRED IF A WATER TRAFFIC STUDY/REPORT WAS COMPLETED FOR TROPICANA PARK; EXPRESSED CONCERN FOR BOATER'S SAFETY; ROWING PROGRAM FOR THE COMMUNITY AT LARGE; AND ANNOUNCEMENT CONCERNING UPCOMING BLOOD DRIVE VIA MOBILE BUSES AT THE AMERICAN LEGION POST #90 AND PUBLIC SHOPPING CENTER ON CAPE CORAL PARKWAY**

D. PERSONNEL ACTIONS

- (1) Resolution 19-20 City Auditor Office restructuring - **APPROVED**

E. PETITIONS TO COUNCIL

- (1) NONE

F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) South Cape Community Redevelopment Agency - 2 Vacancies - 2 Vacancies – RE-APPOINTED LINDA BIONDI AND JANIS KEIM; RE-APPOINTMENT EXPIRES: 1/22/2024
- (2) Municipal Fire Employees' Pension Trust Fund Board of Trustees - 1 Vacancy - 1 Vacancy – APPOINTED WILLIAM PATRICK LONG; APPOINTMENT EXPIRES: 10/31/2021

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

- (1) Resolution 10-20 Public Input Fire Protection Services Assessments/Supplementing Resolution 268-19

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution relates to the delivery and funding of fire protection services, facilities and programs within the City; supplements Resolution 268-19; approves the imposition of Fire Protection Assessments against certain real property and the addition of such real property to the assessment roll for Fiscal Year 2019-20. (Applicant: Brought forward by City Management.)

– **APPROVED**

- (2) Resolution 5-20 (VP 19-0012*) Public Hearing

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of the Cape Coral Spreader Waterway and Buddha Canal rights-of-way and all underlying easements located adjacent to Lot 1, Block 5961, Cape Coral Unit 93, and Tract 5961-B, Block 5961, Cape Coral Spreader Waterway; providing for the vacation of plat for public utility and drainage easements associated with Lot 1, Block 5961, Unit 93, Cape Coral Subdivision, and Tract 5961-B, Block 5961, Cape Coral Spreader Waterway; property located at 2712 SW 29th Court. (Applicants: George Steven Thomas and Lynne M. Edwards)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 16-2019.

City Management Recommendation: City Management recommends approval of all vacation requests with conditions.

– **APPROVED**

- (3) Resolution 6-20 (VP 19-0013*) Public Hearing

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for the platted public utility and drainage easements located between Lot 31, Block 5961, Unit 93, Cape Coral Subdivision and Tract 5961-A, Cape Coral South Spreader Waterway; property located at 2929 SW 27th Street. (Applicants: Manfred and Gisela Waldinger)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation 17-2019.

City Management Recommendation: City Management recommends approval with conditions. – **APPROVED**

B. Introductions

(1) Ordinance 1-20 **Public Hearing Date Set for February 3, 2020**

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the Charter, Article IV, "Government", Section 4.03, "Election and Terms", amending the date for the primary elections to be held on the Tuesday eleven weeks prior to the general election. (Applicant: Brought forward by City Management.)

(2) Ordinance 2-20 (LU 19-0004) **Public Hearing Date Set for February 3, 2020**

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Pine Island Road District (PIRD) to Single-Family Residential (SF) land use for property described as Lots 1-52, Block 3682 and Lots 1-55, Block 3685, all in Unit 50, Cape Coral Subdivision; property located on SW 19th Avenue and SW 18th Court, North of Pine Island Road and south of SW 4th Street. (Applicant: City of Cape Coral) (13.75 acres) Planning & Zoning Recommendation: At their 1/8/2020 meeting, the Planning and Zoning Commission voted 7-0 to recommend Transmittal of Ordinance 2-20.

City Management Recommendation: City Management recommends transmittal.

(3) Ordinance 3-20 **Public Hearing Date Set for February 3, 2020**

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 2, Article VI, Division 2, Firefighter Pension, to implement the conclusive cancer presumption established by Section 112.1816, Florida Statutes, and the rebuttable disease presumptions under Sections 112.18, 112.181 and 175.231, Florida Statutes; creates Section 2-122.7(d) of the City Code relating to in-line-of duty death benefits; and amends Section 2-122.8(b) of the City Code relating to in-line-of duty disability benefits. (Applicant: Brought forward by the Municipal Firefighters' Pension Board.)

(4) Ordinance 4-20 **Public Hearing Date Set for February 3, 2020**

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 2, Article VI, Division 2, Firefighter Pension, to increase the maximum pension; and amends Section 2-122.6(c) of the City Code relating to benefit amounts and eligibility. (Applicant: Brought forward by the Municipal Firefighters' Pension Board.)

(5) Ordinance 5-20 (ZA 19-0009*) **Public Hearing Date Set for February 10, 2020**

*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 by rezoning property described as Lots 1-60, Block 3786, Unit 52, Cape Coral Subdivision, from Commercial (C) to Single-Family Residential (R-1) zone; property located at 2200-2312 NW 8th Terrace and 2201-2313 Tropicana Parkway West. (Applicant: City of Cape Coral) (3.76 acres)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council GRANT the Rezoning application.

City Management Recommendation: City Management recommends approval.

(6) Resolution 25-20 (AP 19-0003*) **Public Hearing Date Set for February 3, 2020**

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution affirming, affirming with modifications, or reversing the decision of the Hearing Examiner rendered on September 12, 2019, in SE Hex Order 6-2019, that granted amendments to the Site and Landscaping Plans associated with Resolution 108-15, which granted a special exception for an Automotive Service Establishment use in order to operate a car wash in the South Cape Downtown (SC) zone on real property described as Lots 1-7 and 24-30, Block 363, Unit 7; property located at 1707 Cape Coral Parkway East. (Applicant: City of Cape Coral)

10. UNFINISHED BUSINESS

A. Water Quality – Update – **INFORMATIONAL ONLY**

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

C. Available Recruitment firms for upcoming City Manager position search - Brought forward by City Council. – **APPROVED HIRING COLIN BAENZIGER FIRM FOR THE CITY MANAGER POSITION SEARCH**

D. ADDENDUM: Update on UEP North 2 and North 1 - Brought forward by Mayor Coviello. – **INFORMATIONAL ONLY**

E. ADDENDUM: Update on Administrative Investigation regarding Services/Costs provided by Brown Law & Consulting - Brought forward by City Attorney Menendez – **APPROVED TRANSCRIPTION SERVICES AND COST**

11. NEW BUSINESS

A. Resolution 22-20 Approval of S.E. 47th Terrace Posted Speed Limit Reduction from 30 mph to 25 mph from Coronado Parkway to Del Prado Boulevard; Department: Public Works – **APPROVED**

B. Update of accelerated Construction of Fire Stations 12 and 13 Discussion- Brought forward by Councilmember Gunter – **INFORMATIONAL ONLY**

12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

COUNCILMEMBER COSDEN – **NO REPORT**

COUNCILMEMBER GUNTER – **INFORMATIONAL ONLY**

COUNCILMEMBER NELSON – **EXCUSED**

COUNCILMEMBER STOUT – **INFORMATIONAL ONLY**

COUNCILMEMBER WELSH – **REQUESTED AND RECEIVED NO OBJECTION TO ATTEND THE NATIONAL LEAGUE OF CITIES IN WASHINGTON DC**

COUNCILMEMBER WILLIAMS – **INFORMATIONAL ONLY**

COUNCILMEMBER CARIOSCIA – **NO REPORT**

MAYOR COVIELLO – **INFORMATIONAL ONLY**

13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

CITY ATTORNEY – ANNOUNCED AN ATTORNEY-CLIENT SESSION TO BE HELD ON MONDAY, JANUARY 27, 2020 AT 3:00 P.M. IN COUNCIL CHAMBERS REGARDING GARCIA VS. CITY OF CAPE CORAL, CASE NO. 2:18-cv-790-FtM-38NPM TO DISCUSS SETTLEMENT STRATEGIES

CITY MANAGER – NO REPORT

14. TIME AND PLACE OF FUTURE MEETINGS

A. A Special Meeting (Attorney Client Session) is Scheduled for Monday, January 27, 2020 at 3:00 p.m. in Council Chambers.

B. A Committee of the Whole Meeting is Scheduled for Monday, January 27, 2020 at 4:30 p.m. in Council Chambers.

15. MOTION TO ADJOURN – MEETING ADJOURNED AT 7:44 P.M.