

(2) ORD. 61-06 AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$500,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE BONDS OF THE CITY OF CAPE CORAL, FLORIDA TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS WATER, WASTEWATER AND IRRIGATION WATER UTILITY CAPITAL IMPROVEMENTS WITHIN THE CITY AND REFINANCE CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE HEREIN DESCRIBED PLEDGED FUNDS TO SECURE THE PAYMENT OF THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON SUCH BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; - COUNCIL MEMBER BOYD

ACTION REQUESTED: Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES: Ordinance Authorizing Issuance of Water and Sewer Revenue Bonds Not to Exceed \$500,000,000.00

G. **PUBLIC INPUT – RESOLUTIONS:**

(1) RES. 08-06 A RESOLUTION OF THE CITY OF CAPE CORAL AMENDING RESOLUTION 57-05 TO INCREASE SEASON PASS FEES FOR CAPE RESIDENTS AND NON-CAPE CORAL RESIDENTS EFFECTIVE AUGUST 31, 2006; AUTHORIZING THE GOLF COURSE MANAGER TO INCREASE SEASON PASS FEES AS PROVIDED HEREIN; - MAYOR FEICHTHALER

ACTION REQUESTED: Final Public Input

WHAT THE RESOLUTION ACCOMPLISHES: Increases Season Pass Fees at Coral Oaks Golf Course.

(2) RES. 18-06 A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF IRRIGATION WATER DISTRIBUTION FACILITIES WITHIN THE PROPOSED SOUTHWEST 4 IRRIGATION WATER IMPROVEMENT AREA; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE IRRIGATION WATER DISTRIBUTION FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; - COUNCIL MEMBER BERTOLINI

ACTION REQUESTED: Final Public Input

WHAT THE RESOLUTION ACCOMPLISHES: Initial Resolution Establishing the SW4 Irrigation Water Assessment Area, Terms of Assessments, and Public Hearing

(3)RES.19-06 A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION FACILITIES WITHIN THE PROPOSED SOUTHWEST 4 WASTEWATER IMPROVEMENT AREA; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE WASTEWATER COLLECTION FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; - COUNCIL MEMBER BOYD

ACTION REQUESTED: Final Public Input

WHAT THE RESOLUTION ACCOMPLISHES: Initial Resolution Establishing the SW4 Wastewater Assessment Area, Terms of Assessments, and Public Hearing.

(4)RES.20-06 A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WATER DISTRIBUTION FACILITIES WITHIN THE PROPOSED SOUTHWEST 4 POTABLE WATER IMPROVEMENT AREA; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE WATER DISTRIBUTION FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SPECIAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; - COUNCIL MEMBER STEVENS

ACTION REQUESTED: Final Public Input

WHAT THE RESOLUTION ACCOMPLISHES: Initial Resolution Establishing the SW4 Potable Water Assessment Area, Terms of Assessments, and Public Hearing.

H. **CITIZENS INPUT TIME** – A maximum of 30 minutes is set for input of citizens on matters concerning City Government; 3 minutes per individual

(2) ORD. 47-06

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE, CHAPTER 2, ADMINISTRATION; ARTICLE 2, FEES, DIVISION 3, "FIRE, RESCUE AND EMERGENCY MANAGEMENT SERVICES IMPACT FEE;" CHANGING THE TITLE OF SAID DIVISION TO "PUBLIC SAFETY IMPACT FEES;" AMENDING ALL SECTIONS TO CHANGE THE NAME OF THE FEE FROM "FIRE, RESCUE AND EMERGENCY MANAGEMENT SERVICES IMPACT FEE" TO "PUBLIC SAFETY IMPACT FEES;" AMENDING SECTION 2-24.7, PURPOSE, TO PROVIDE THAT THE AMOUNT OF THE PUBLIC SAFETY IMPACT FEES HAS BEEN DETERMINED BASED ON A STUDY PERFORMED BY THE CITY'S IMPACT FEE CONSULTANT; AMENDING SECTION 2-24.9 BY DELETING THE FIRE, RESCUE AND EMERGENCY MANAGEMENT FEE AND CREATING SEPARATE IMPACT FEES UNDER THE GENERAL TITLE OF "PUBLIC SAFETY IMPACT FEES" FOR FIRE AND RESCUE, POLICE PROTECTION, AND ADVANCED LIFE SUPPORT AND BY INCORPORATING THE 2006 PUBLIC SAFETY IMPACT FEE STUDY; AMENDING SECTION 2-24.10 BY CHANGING "FIRE, RESCUE AND EMERGENCY MANAGEMENT SERVICES IMPACT FEES" TO "PUBLIC SAFETY" IMPACT FEES; AMENDING SECTION 2-24.11 BY DELETING REFERENCES TO THE "FIRE CAPITAL IMPROVEMENT TRUST FUND" AND CREATING THREE SEPARATE AND DISTINCT TRUST FUNDS FOR FIRE AND RESCUE IMPACT FEES, POLICE PROTECTION IMPACT FEES AND ADVANCED LIFE SUPPORT (ALS) IMPACT FEES; AMENDING SECTION 2-24.12 TO RESTRICT THE USE OF THE THREE SEPARATE TRUST FUNDS AND TO DELETE THE REQUIREMENT THAT ALL DISBURSEMENTS MUST BE APPROVED BY CITY COUNCIL; AMENDING SECTION 2-24.13 BY CHANGING THE "FIRE, RESCUE AND EMERGENCY MANAGEMENT SERVICES" IMPACT FEE TO "PUBLIC SAFETY" IMPACT FEE; - COUNCIL MEMBER LEPERA

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Provides for New Public Impact Safety Fees, Replacing Fire, Rescue and Emergency Management Services Impact Fees

(3) ORD. 62-06 AN ORDINANCE DECLARING A TRIANGULAR-SHAPED PARCEL OF PROPERTY BEING A PART OF HERMOSA CANAL AS SHOWN ON THE PLAT CONTAINING LOTS 1 AND 2, BLOCK 4224, CAPE CORAL SUBDIVISION, UNIT 60, ACCORDING TO PLAT BOOK 16, PAGES 154 THROUGH 169, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, LOCATED AT 919 OLD BURNT STORE ROAD, AS UNUSABLE MUNICIPAL SURPLUS REAL PROPERTY NO LONGER NEEDED BY THE CITY; AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO EXECUTE A DEED CONVEYING THE AFOREMENTIONED SURPLUS REAL PROPERTY TO CHARLES DAVID AUFDERHAAR, AFTER THE GRANTEE HEREIN HAS CONSTRUCTED A SEAWALL UPON SAID PROPERTY; A COPY OF THE PROPOSED DEED IS ATTACHED HERETO AS EXHIBIT "1"; RESERVING THE RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE CITY OF CAPE CORAL; - COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Declares Triangular-Shaped Parcel as Surplus and Conveys to Adjoining Property Owner.

(4) ORD. 63-06 AN ORDINANCE DECLARING A TRIANGULAR-SHAPED PARCEL OF PROPERTY BEING A PART OF SHAUGHNESSEY CANAL AS SHOWN ON THE PLAT CONTAINING LOTS 33 AND 34, BLOCK 4778, CAPE CORAL SUBDIVISION, UNIT 71, ACCORDING TO PLAT BOOK 22, PAGES 88 THROUGH 107, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, LOCATED AT 1601 SW 28TH TERRACE, AS UNUSABLE MUNICIPAL SURPLUS REAL PROPERTY NO LONGER NEEDED BY THE CITY; AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO EXECUTE A DEED CONVEYING THE AFOREMENTIONED SURPLUS REAL PROPERTY TO THE NICOLA PHILLIP FALCETTA AND JEAN ROSE FALCETTA TRUST, AFTER THE GRANTEES HEREIN HAVE CONSTRUCTED A SEAWALL UPON SAID PROPERTY; A COPY OF THE PROPOSED DEED IS ATTACHED HERETO AS EXHIBIT "1"; RESERVING THE RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE CITY OF CAPE CORAL; - COUNCIL MEMBER STEVENS

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Declares Triangular-Shaped Parcel as Surplus and Conveys to Adjoining Property Owner

(5) ORD. 71-06 AN ORDINANCE OF THE CITY OF CAPE CORAL, FLORIDA RELATING TO THE IMPOSITION OF SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF SEAWALLS ALONG CANALS LOCATED WITHIN THE CITY; DIRECTING THAT SUCH ASSESSMENTS BE IMPOSED PURSUANT TO ORDINANCE NO. 8-99 AND COLLECTED UTILIZING THE COLLECTION METHODS DESCRIBED THEREIN; PROVIDING THAT PRIOR ASSESSMENTS IMPOSED PURSUANT TO THE CAPE CORAL SEAWALL ASSESSMENT ACT SHALL CONTINUE TO BE IN FULL FORCE AND EFFECT; - COUNCIL MEMBER LEPERA

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Authorizes City to use the Capital Assessment Ordinance to Impose and Collect New Seawall Assessments.

L. **INTRODUCTION OF RESOLUTIONS:**

There are no Resolutions Scheduled for Introduction

M. **REPORTS OF MAYOR AND COUNCIL MEMBERS**

N. **REPORTS:**

- (1) City Attorney
- (2) City Manager

7. Time and Place of Next Meeting – The Next Committee of the Whole Meeting is Tentatively Scheduled for Monday, May 15, 2006 at 3:00 P.M. in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, May 15, 2006 at 5:30 P.M. in Council Chambers

8. Motion to Adjourn

This agenda should not be viewed as containing definitive information on matters of law with respect to ordinance and resolution summaries.

NOTE: For a final hearing on a quasi-judicial matter involving land use (an agenda item identified with an asterisk*), any person who wishes to intervene as a party must obtain a form for that purpose from the City Clerk, complete it, and file it with the Clerk before the start of the public hearing.

NOTE: City Manager Stewart and Council Member Jeffers are members of the Charter School Governing Board and matters concerning charter schools that are not specifically listed in this agenda may be discussed at this Council Meeting.

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CONSENT AGENDA

May 8, 2006

(1) APPROVAL OF MINUTES:

- (a) Regular Council Meeting, April 3, 2006
- (b) Regular Council Meeting, April 10, 2006

(2) Procurement Items:

- (a) District 4 and 6 Lot Mowing for 2006 Mowing Season, Public Works, Dollar Value: \$267,103.55 for District 4 and \$307,735.75 for District 6, MONTGOMERY MOWING SERVICE, INC. and CBI, INC.
- (b) Purchase of Agenda Plus Software from Sire Technologies, ITS, Dollar Value: \$77,463.00, SIRE TECHNOLOGIES
- (c) Architectural & Engineering, Permitting and Construction Services for Neighborhood Park #5, Parks & Recreation, Dollar Value: N/A at this Time, HASKELL or WRIGHT CONSTRUCTION, INC.
- (d) Annual Software Maintenance Renewal, ITS, Dollar Value: \$23,426.05, ENVIRONMENTAL SYSTEMS RESEARCH INC (ESRI)
- (e) Award of Bid: Purchase and Delivery of Single Family Home Inspections, Community Development, Dollar Value: To be Determined, PROFESSIONAL ENGINEERING AND INSPECTION COMPANY (PEICO) and CAPRI ENGINEERING. LLC
- (f) Purchase and Delivery of Sodium Hypochlorite, Parks & Recreation and Public Works, Dollar Value: Estimated Annual Expenditure of \$400,000.00, Piggybacking Lee County Quote #Q-040024, ODYSSEY MANUFACTURING
- (g) Upgrade of Security System at Reverse Osmosis Plant, Public Works, Dollar Value: 28,647.00, SITE SECURE
- (h) Purchase and Installation of Shade Structures, Parks & Recreation, Dollar Value: Total Cost of \$91,101.73 Piggybacking State of Florida Contract #650-001-04-1, SUNGUARD SHADE STRUCTURES and CHRISTENSEN SYSTEMS
- (i) Purchase and Installation of Bleachers, Parks & Recreation, Dollar Value: Total Cost of \$47,042.20 Utilizing State of Florida Contract #650-001-04-1
- (j) Auction of City Surplus Vehicles and Equipment, Financial Services, Dollar Value: N/A, GOVDEALS.COM
- (k) Preconstruction Services – Public Safety Facility, Public Works, Dollar Value: \$485,000.00, CENTEX CONSTRUCTION, LLC

- (3) Code Enforcement Lien – Reduction Requested: Code Case #02-28521, Zerkie, Block 720, Lots 15-16, \$19,711.00 Original Lien Amount – Recommendation: No Reduction, City Clerk
- (4) Filing of Lawsuit against Madussa, LLC, City Attorney, Dollar Value: N/A
- (5) Community Redevelopment Agency Annual Report Fiscal Year 2004-2005, Community Redevelopment Agency, Dollar Value: N/A
- (6) Community Redevelopment Agency By-Law Amendments, Community Redevelopment Agency, Dollar Value: N/A
- (7) Approval of Contract for Purchase, Lots 24 and 25, Block 2336, Unit 36, Cape Coral Subdivision, 3017 NE 7th Place, Cape Coral, Florida. (Public Works – Andalusia Boulevard Extension), Dollar Value: \$94,000.00
- (8) Approval for Underwriters for Special Obligation Bonds, Series 2006, Financial Services, Dollar Value: Expected to be \$262,500.00
- (9) Execution of Lease Agreement for 6,420 Square Feet of Space at the Central Cape Business Center, Financial Services, Dollar Value: Estimated at \$200,000.00
- (10) Donation of Four Ford Crown Victoria Police Vehicles to the Lee County School Board, Southwest Florida Criminal Justice Academy (SWFCJA), for Officer Training Purposes, Police Department, Dollar Value: N/A
- (11) Acceptance of Institute of Police Technology and Management’s (IPTM) 2006 Traffic Safety Campaign Award to the Police Department, Police Department, Dollar Value: Acceptance of \$5,284 Award
- (12) Approval of Contract for Purchase, Lots 13 and 14, Block 3022, Unit 43, Cape Coral Subdivision, 1232 NW 26th Terrace, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$70,500.00
- (13) Approval of American Tower’s consent letter requesting the addition of a generator within the existing leased tower premises at Fire Station #6 on Chiquita Boulevard. (Public Works – Tower Lease), Dollar Value: N/A
- (14) Request for Release of the Code Enforcement Liens on 206 SE 20th Court, Block 1340, Lots 26 & 27, Unit 18, Financial Services/City Clerk
- (15) Code Enforcement Lien – Reduction Requested: Code Case #04-15659, DiGiorgio & Adorno, Block 467, Lots 16-17, \$10,041.00 Original Lien Amount – Recommendation: No Reduction, City Clerk

- (16) Approval of Lee County Multi-Jurisdictional Mutual Aid Agreement, Police Department, Dollar Value: N/A
- (17) Acceptance of U.S. Department of Justice, Bureau of Justice Assistance (BJA), 2006 Justice Assistance Grant Program (JAG) Funding in the Amount of \$21,126.00, Police Department, Dollar Value: Acceptance of \$21,126.00

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

This printed agenda will be followed in the conduct of the City's business.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

Time is set aside for any citizen to address the City Council on matters within Council jurisdiction during CITIZENS' INPUT TIME. No prior scheduling is necessary, however, persons desiring to participate in CITIZENS' INPUT TIME are requested to complete and submit a speaker's form to the City Clerk. These forms may be obtained in the Council Chambers one hour prior to the meeting.

Members of the audience who address the City Council shall step up to the speaker's lectern and give his or her full name, address, and whom he or she represents. Proper decorum shall be maintained at all times. Any audience member who is boisterous or disruptive in any manner to the conduct of this meeting shall be asked to leave or be escorted from the meeting room.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15¢ per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

The meetings will be carried live on Cable Channel 14, Time Warner Cable of Cape Coral.

In accordance with the Americans With Disabilities Act persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

***PUBLIC HEARINGS**
DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

- 1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.**
- 2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.**
- 3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.**
- 4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.**
- 5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.**

03/05/2004

6 E (1)

**CITY OF CAPE CORAL
CITY CLERK'S OFFICE**

TO: Bonnie J. Vent, City Clerk
Mayor and Council Members

FROM: Planning and Zoning Commission *KG*

DATE: May 3, 2006

SUBJECT: Planning and Zoning Commission's recommendation

Below please find the Commission's recommendation for the Ordinance to be heard by City Council at the May 8, 2006, meeting.

Ordinance 41-06* (ZA 05-00500025*)

At the April 5, 2006, meeting, the Planning & Zoning Commission/Local Planning Agency voted unanimously to recommend approval of Ordinance 41-06. There were no speakers during public hearing and no correspondence had been received.

/kf

Copy Via Email:

Amy Yearsley, Acting Community Development Coordinator
Chris DeManche, Planner
Debbie Festa, Planner
Jim Lettiere, Planning Division Manager
Rick Sosnowski, Long Range Planning Coordinator
Norm Standerfer, Department of Community Development Director
Wyatt Daltry, Planner
Gene Wolfe, Chair for Planning and Zoning Commission

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