

LEE COUNTY, FLORIDA AND TRACT A, BLOCK 2100, IN UNIT 36 PART 1, CAPE CORAL, A SUBDIVISION, AS RECORDED IN PLAT BOOK 23, PAGES 87 THROUGH 94, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY LOCATED AT 1524-1544, 1546-1550 ANDALUSIA BOULEVARD AND 1517-1523 NE 7TH PLACE AND 601-713 NE 15TH TERRACE AND 600-616, 700 DIPLOMAT PARKWAY EAST;- COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Dates (Quasi Judicial – All Persons Testifying Must be Sworn In)

WHAT THE ORDINANCE ACCOMPLISHES: Rezones Property from Residential Development (RD) to Multi-Family Residential (R-3) and from Residential Development (RD) to Professional Office (P-1). Property is Located at 1328-1330, 1402-1506 and 1512-1522 Andalusia Boulevard and 1524-1544, 1546-1550 Andalusia Boulevard, 1517-1523 NE 7th Place, 601-713 NE 15th Terrace, 600-616 and 700 Diplomat Parkway East.

***(3) ORD. 66-06**

PDP 05-00800008 AN ORDINANCE APPROVING A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED “CAPE TUSCANY”, FOR PROPERTY DESCRIBED AS BLOCK 4848, CAPE CORAL SUBDIVISION, UNIT 71, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1738 SW 23RD STREET; REZONING THE PROPERTY FROM RESIDENTIAL DEVELOPMENT (RD) TO MULTI-FAMILY RESIDENTIAL (R-3); GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; - COUNCIL MEMBER LEPERA

ACTION REQUESTED: Set Public Hearing Date (Quasi Judicial – All Persons Testifying Must be Sworn In)

WHAT THE ORDINANCE ACCOMPLISHES: Approval of a Planned Development Project Entitled “Cape Tuscany” for Rezoning and Site Plan Approval.

***(4) ORD. 67-06**

ZA 06-00500001 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 1-54, BLOCK 2008, UNIT 31, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGES 149 THROUGH 165, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 801-925 NE 8TH STREET AND 802-926 NE 8TH TERRACE;- COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Date (Quasi Judicial – All Persons Testifying Must be Sworn In)

WHAT THE ORDINANCE ACCOMPLISHES: Rezones Property from Multi-Family Residential (R-3) to Professional Office (P-1). Property is Located at 801-925 NE 8th Street and 802-926 NE 8th Terrace.

***(5) ORD. 68-06**

ZA 06-00500004 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 1-17, AND 20-31, BLOCK 2173, UNIT 32, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 1 THROUGH 13, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO MULTI-FAMILY RESIDENTIAL (R3) ZONE; BY REZONING PROPERTY DESCRIBED AS LOTS 32-37, BLOCK 2173, UNIT 32, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 1 THROUGH 13, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND LOTS 38-41, BLOCK 2173, UNIT 36, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 112 THROUGH 130, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO PROFESSIONAL OFFICE (P1) ZONE; PROPERTY IS LOCATED AT 2116-2216, 2222-2322 AND 2324-2334 ANDALUSIA BOULEVARD AND 2323-2329 NE 7TH PLACE;- COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Date (Quasi Judicial – All Persons Testifying Must be Sworn In)

WHAT THE ORDINANCE ACCOMPLISHES: Rezones Property from Residential Development (RD) to Multi-Family Residential (R-3) and from Residential Development (RD) to Professional Office (P1). Property is Located at 2116-2216 and 2222-2322 Andalusia Boulevard and 2324-2334 Andalusia Boulevard and 2323-2329 NE 7th Place.

***(6) ORD. 78-06**

PDP 05-00800013 AN ORDINANCE AMENDING ORDINANCE 123-00, WHICH APPROVED A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "NORTH OAKS" FOR CERTAIN PROPERTY SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 2901 BURNT STORE ROAD NORTH; RENAMING THE PROJECT FROM "NORTH OAKS" TO "NORTH OAKS V"; APPROVING PHASE 5 OF THE PLANNED DEVELOPMENT PROJECT; APPROVING A SUBDIVISION OF THE PROPERTY; REZONING THE PROPERTY FROM AGRICULTURE (A) TO RESIDENTIAL DEVELOPMENT (RD); GRANTING A SPECIAL EXCEPTION TO ALLOW A CLUB-PRIVATE USE AND A SPECIAL EXCEPTION TO ALLOW A GATE HOUSE USE IN A RESIDENTIAL DEVELOPMENT (RD) ZONING DISTRICT; PROVIDING FOR SITE RESTORATION IN ACCORDANCE WITH THE PLANS SHOWN FOR PHASE 5 RATHER THAN AS APPROVED IN ORDINANCE 123-00, TO INCLUDE THE REMOVAL OF THE NORTHERN ACCESS ONTO BURNT STORE ROAD; GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS;- COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Date (Quasi Judicial – All Persons Testifying Must be Sworn In)

WHAT THE ORDINANCE ACCOMPLISHES: Approval of a Planned Development Project Amending Ordinance 123-00 Entitled "North Oaks" Renaming the Project to "North Oaks V", and Requesting Approval on Subdivision, Site Plan, Special Exception, and Rezoning.

(7) ORD. 86-06 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, CHAPTER 12, BUILDING CODES AND CITY OF CAPE CORAL ENGINEERING DESIGN STANDARDS, BY AMENDING SECTION 12.1 TO DELETE REFERENCE TO THE 2001 BUILDING CODE AND REPLACE WITH THE 2004 EDITION OF THE FLORIDA BUILDING CODE, AND REPEALING SECTION 12.2 IN ITS ENTIRETY; - COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Amends the City of Cape Coral Land Use and Development Regulations by Amending Section 12.1 to Delete Reference to 2001 Building Code and Replace with 2004 Edition of the Florida Building Code and Repeal Section 12.2. in its Entirety.

(8) ORD. 87-06 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE III, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 3.9, FENCES, SHRUBBERY, WALLS, BY PROVIDING FOR THE MAXIMUM HEIGHT FOR BACKSTOPS FOR SPORTS OTHER THAN DIAMOND SPORTS; - COUNCIL MEMBER DAY

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Amends the City of Cape Coral Land Use and Development Regulations by Providing for the Maximum Height for Backstops for Sports Other than Diamond Sports.

(9) ORD. 97-06 AN ORDINANCE OF THE CITY OF CAPE CORAL, AMENDING AND RESTATING THE CITY OF CAPE CORAL MUNICIPAL FIREFIGHTERS' RETIREMENT PLAN, AS ADOPTED BY ORDINANCE NO. 21-06; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR AND AMENDING BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL

OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; - COUNCIL MEMBER ROSADO

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Amends the City of Cape Coral Municipal Firefighters' Retirement Plan by Increasing the Benefit Accrual Rate from 3.0% to 3.25%.

(10) ORD. 99-06 AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$55,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER, WASTEWATER AND IRRIGATION WATER IMPROVEMENT ASSESSMENT BONDS (SOUTHEAST 1 AREA), SERIES 2006 OF THE CITY OF CAPE CORAL, FLORIDA AND \$86,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER, WASTEWATER AND IRRIGATION WATER IMPROVEMENT ASSESSMENT BONDS (SOUTHWEST 4 AREA), SERIES 2006 OF THE CITY OF CAPE CORAL, FLORIDA FOR THE PRINCIPAL PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN WATER, WASTEWATER AND IRRIGATION WATER UTILITY CAPITAL IMPROVEMENTS WITHIN THE SOUTHEAST 1 AND SOUTHWEST 4 IMPROVEMENT AREAS OF THE CITY, RESPECTIVELY; PLEDGING SPECIAL ASSESSMENT PROCEEDS TO SECURE PAYMENT OF THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE BONDS; ALLOWING FOR THE USE OF NET REVENUES OF THE CITY'S WATER AND SEWER UTILITY SYSTEM TO PAY THE BONDS OR MAKE UP DEFICIENCIES IN THE RESERVE ACCOUNT IN THE EVENT

SUCH SPECIAL ASSESSMENT PROCEEDS ARE INSUFFICIENT FOR SUCH PURPOSE; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,000,000 AND \$14,000,000 IN AGGREGATE PRINCIPAL AMOUNTS OF DEBT OBLIGATIONS TO FINANCE VARIOUS STORMWATER UTILITY IMPROVEMENTS AND OTHER UTILITY IMPROVEMENTS WITHIN THE SOUTHWEST 4 IMPROVEMENT AREA; PLEDGING NET REVENUES OF THE STORMWATER UTILITY SYSTEM AND THE WATER AND SEWER UTILITY SYSTEM TO SECURE THE PAYMENT OF SUCH DEBT; - COUNCIL MEMBER BERTOLINI

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Authorizes Issuance of SE1 Assessment Bonds and SW4 Assessment Bonds, Stormwater Obligations and General Utility Obligations.

(11)ORD. 100-06 AN ORDINANCE AMENDING ORDINANCE NO. 63-04 IN CERTAIN RESPECTS, WHICH ORDINANCE NO. 63-04 AUTHORIZED BORROWING UP TO \$20,000,000 THROUGH THE CITY'S COMMERCIAL PAPER PROGRAM TO FINANCE CERTAIN LAND ACQUISITIONS; - COUNCIL MEMBER LEPERA

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Amends Ordinance 63-04 by Amending Definition of "Land Acquisition Project".

(12)ORD. 102-06 AN ORDINANCE AMENDING CHAPTER 19, "WATER AND SEWER UTILITIES;" ARTICLE VII, "WATER MANAGEMENT;" BY AMENDING SECTION 19-96.4 TO REVISE THE DATES AND TIMES WHEN IRRIGATION OF PROPERTY IN THE CITY OF CAPE CORAL IS PERMITTED; - MAYOR FEICHTHALER

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Revises Days and Times when Water Use for Irrigation is Permitted.

L. **INTRODUCTION OF RESOLUTIONS:**

(1)RES. 21-06 **VP 06-00600001** A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR DRAINAGE AND PUBLIC UTILITY EASEMENTS LYING ADJACENT TO AND CONTIGUOUS WITH THE PROPERTY LINE BETWEEN LOTS 16 AND 17, BLOCK 760, AND ADJACENT TO AND CONTIGUOUS WITH THE SOUTHERLY BOUNDARY OF LOTS 14 THROUGH 19, BLOCK 760, UNIT 22, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 1 THROUGH 16 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1107-1113 SE 12th LANE; - COUNCIL MEMBER LEPERA

ACTION REQUESTED: Set Public Input Date

WHAT THE RESOLUTION ACCOMPLISHES: Vacation of Plat for Drainage and Public Utility Easements Located at 1107-1113 SE 12th Lane.

(2)RES. 37-06 A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY OF CAPE CORAL, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF CAPE CORAL, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; - COUNCIL MEMBER BERTOLINI

ACTION REQUESTED: Set Public Input Date

WHAT THE RESOLUTION ACCOMPLISHES: Preliminary Annual Solid Waste Assessment Resolution which Estimates Assessments in the Manner Described, and Provides for Notice and Public Hearing.

(3)RES. 38-06 A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MARC A. GIZZI, MANAGING MEMBER OF PARADISE LIMOUSINE SERVICE, LLC D/B/A AFFORDABLE LIMOUSINE, TO OPERATE A TOTAL OF FOUR (4) LIMOUSINES OR TAXIS WITHIN THE CITY OF CAPE CORAL; - COUNCIL MEMBER ROSADO

ACTION REQUESTED: Set Public Input Date

WHAT THE RESOLUTION ACCOMPLISHES: Grants a Certificate of Public Convenience to Operate Four Limousines or Taxicabs in Cape Coral.

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, July 24, 2006 at 3:00 P.M. in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, July 24, 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.

CONSENT AGENDA

July 17, 2006

(1) APPROVAL OF MINUTES:

- (a) Regular Council Meeting, May 22, 2006
- (b) Regular Council Meeting, May 30, 2006
- (c) Regular Council Meeting, June 5, 2006
- (d) Regular Council Meeting, June 12, 2006

(2) Procurement Items:

- (a) Design/Build – North Cape Government Complex, Public Works, Dollar Value: N/A at this Time, THE HASKELL COMPANY
 - (b) Professional Auditing Services, Financial Services, Dollar Value: N/A at this Time, PURVIS, GRAY & COMPANY
 - (c) Auction of City Surplus Vehicles and Equipment, Financial Services, Dollar Value: N/A at this Time, GOVDEALS.COM
 - (d) Bid Award: Moving Services, Public Works, Dollar Value: Annual Expenditures Estimated at \$20,000.00, FRANK & SONS MOVING & STORAGE, INC.
 - (e) Renewal of Contract PW031705-28 for In-House Turn-Key Parts Operation, Public Works, Dollar Value: Estimated Annual Dollar Amount of \$537,500.00, GENUINE PARTS COMPANY d/b/a NAPA AUTO PARTS
 - (f) Award of Bid #PW042506-45 Painting Services, Public Works, Dollar Value: Estimated Dollar Amount of less than \$34,000.00, NU-IMAGE CLAIMS, INC.
 - (g) Amendment of Contract with H.O. Pro Cut Lawn Care and Landscape Maintenance, Fire Department, Dollar Value: \$244.00 per Month, H.O. PRO CUT LAWN CARE AND LANDSCAPE MAINTENANCE
- (3) Florida League of Cities 80th Annual Conference, Mayor Feichthaler and Council Member Rosado, Dollar Value: Estimated at \$1,550.00 each. Dolores Bertolini, Estimated at \$248.50.
- (4) Code Enforcement Lien – Reduction Requested: Code Case #02-28065, Huey (Ketzler-Vogel), Block 522, Lots 20-21-21A, \$1,861.00 Original Lien Amount – Recommend No Reduction: \$1,861.00, City Clerk
- (5) Code Enforcement Lien – Reduction Requested: Code Case #05-22074, Huey (Ketzler-Vogel), Block 522, Lots 20-21-21A, \$2,094.00 Original Lien Amount – Recommend No Reduction: \$2,094.00, City Clerk

- (6) Code Enforcement Lien – Reduction Requested: Code Case #04-16203, Huey (Ketzler-Vogel), Block 522, Lots 20-21-21A, \$14,701.00 Original Lien Amount – Recommend No Reduction: \$14,701.00, City Clerk
- (7) Code Enforcement Lien – Reduction Requested: Code Case #00-20608, Vandeventer, Block 4827, Lots 9-10, \$3,937.50 Original Lien Amount – Recommendation: No Reduction
- (8) Acceptance of the 2007 School Year School Resource Officer (SRO/DARE) Program Interlocal Agreement, Police Department, Dollar Value: Receipt of \$324,810.00
- (9) Additional Funding for Continued Representation, by Policastro & LeRoux, P.A., in the Eminent Domain Proceedings for the Festival Park Project. (Public Works - Real Estate), Dollar Value: \$100,000.00
- (10) Authorization for the City Manager, or his designee, to make unconditional offers to purchase two properties, in an amount not to exceed the appraised values of such properties, prior to filing any future actions in eminent domain for the Jacaranda/N.E. 16th Avenue Intersection Project. (Public Works – Jacaranda/N.E. 16th Avenue Intersection), Dollar Value: \$95,000.00
- (11) Authorization for the City Manager, or his designee, to make an unconditional offer to purchase Lots 1 and 2, Block 1049, Cape Coral Subdivision Unit 24, in an amount not to exceed the appraised value of \$169,000.00, prior to filing any future actions in eminent domain for the Public Safety Building Project. (Public Works – Public Safety Building), Dollar Value: \$169,000.00
- (12) Authorization for the City Manager, or his designee, to make unconditional offers to purchase properties on the attached Acquisition Roll, in an amount not to exceed the appraised values of such properties, prior to filing any future actions in eminent domain for the North Del Prado Boulevard Improvement Project. (Public Works – North Del Prado), Dollar Value: \$997,357.00
- (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) Approval of Contract for Purchase of a two lot canal front parcel, Lots 61 and 62, Block 3003, Unit 43, Cape Coral Subdivision, 1238 NW 25th Street, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$68,000.00
- (15) Approval of Contract for Purchase of a Vacant Site, Lots 31 and 32, Block 3009, Unit 43, Cape Coral Subdivision, 1513 NW 27th Street, Cape Coral, Florida. (Parks & Recreation – Festival Park), Dollar Value: \$68,000.00
- (16) Approval of Contract for Purchase, Lots 5 and 6, Block 3013, Unit 43, Cape Coral Subdivision, 1300 NW 25th Terrace, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$65,000.00

- (17) Approval of original offer to Contract for Purchase, Lots 26 and 27, Block 3016, Unit 43, Cape Coral Subdivision, 1017 NW 25th Terrace, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$100,000.00
- (18) Approval of Contract for Purchase of a Vacant Site, Lots 39 and 40, Block 3019, Unit 43, Cape Coral Subdivision, 2514 NW 11th Place, Cape Coral, Florida. (Parks & Recreation – Festival Park), Dollar Value: \$67,900.00
- (19) Approval of Contract for Purchase of a Vacant Site, Lots 3 and 4, Block 3019, Unit 43, Cape Coral Subdivision, 2515 NW 11th Court, Cape Coral, Florida. (Parks & Recreation – Festival Park), Dollar Value: \$68,000.00
- (20) Approval of Contract for Purchase of a Vacant Site, Lots 8 and 9, Block 3020, Unit 43, Cape Coral Subdivision, 2601 NW 12th Avenue, Cape Coral, Florida. (Parks & Recreation – Festival Park), Dollar Value: \$67,000.00
- (21) Approval of Contract for Purchase, Lots 57 and 58, Block 3021, Unit 43, Cape Coral Subdivision, 1305 NW 25th Terrace, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$65,000.00
- (22) Approval of Contract for Purchase, Lots 33 and 34, Block 3022, Unit 43, Cape Coral Subdivision, 1205 NW 26th Street, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$62,500.00
- (23) Approval of Contract for Purchase, Lots 72 and 73, Block 3025, Unit 43, Cape Coral Subdivision, 1223 NW 27th Street, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$65,000.00
- (24) Approval of Contract for Purchase of a Vacant Waterfront Site, Lots 22, 23, and 24, Block 3028, Unit 43, Cape Coral Subdivision, 1401 Wilmington Parkway, Cape Coral, Florida. (Parks & Recreation – Festival Park), Dollar Value: \$100,000.00
- (25) Approval of City’s counter offer to Contract for Purchase, Lots 61 through 66, Block 1051, Unit 24, Cape Coral Subdivision, 537 - 601 SE 11th Street, Cape Coral, Florida. (Public Works – Public Safety Building), Dollar Value: \$445,000.00
- (26) Amendment #3 United States Department of Agriculture, Natural Resources Conservation Service Project Agreement Hurricane Wilma (Agreement No. 69-4209-6-1605) – Emergency Watershed Protection Project, Financial Services, Dollar Value: N/A
- (27) First Amendment to Commercial Paper Dealer Agreement with Bank of America Securities LLC, Financial Services, Dollar Value: Projected Savings of \$60,000.00 per Year
- (28) Parks and Recreation Department Staffing for Cape Coral Charter School North Elementary and Cape Coral Charter School Middle Before School and After School Programs, Parks & Recreation, Dollar Value: \$371,971.00 Total

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