

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, January 22, 2007

COUNCIL CHAMBERS

5:30 PM

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Councilmember Rosado
- 3 Pledge of Allegiance to the Flag of the United States of America Led by VANESSA BURGOS, Cape Coral Christian School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Rosado, Stevens, Bertolini, Day, Hair and LePera. **Council Member Boyd was excused**

COUNCIL MEMBER STEVENS APPOINTED MAYOR PRO TEM FOR MEETING.

- 5 Adoption of Agenda – **APPROVED WITH ADDITION OF DISCUSSION ITEM #5 RECONSIDERATION OF RESOLUTION 76-06**
- 6 Employee Recognition
- 7 BUSINESS:
 - A. **PUBLIC COMMENT - CONSENT AGENDA - A maximum of 30 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual SEVEN SPEAKERS**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) Special Council Meeting, December 22, 2006 – **APPROVED WITH AMENDMENTS**
 - b) **SPECIAL** Council Meeting, January 8, 2007 - **APPROVED**
 - 2) Procurement Items:
 - a) Award of Contract for Codification Services, City Clerk, Dollar Value: Base Price of \$29,500.00, AMERICAN LEGAL PUBLISHING CORPORATION - **APPROVED**

- b) Purchase of Two Trailer Mounted Diesel Engine Pumps, Public Works, Dollar Value: Total Cost of \$41,360.00, HUDSON PUMP & EQUIPMENT ASSOCIATES - **APPROVED**
- c) Purchase of Aeration Blower, Public Works, Dollar Value: Unit Cost of \$40,190.00 plus Shipping of \$600.00 for a Total Cost of \$40,790.00, GARDNER DENVER INC. c/o TSC-JACOBS - **APPROVED**
- d) Renewal of Contract - Temporary Labor Services, Public Works and Parks & Recreation, Dollar Value: Estimated Dollar Value of \$90,000.00, TANDEM STAFFING SOLUTIONS, INC. - **APPROVED**
- e) Alternative Wastewater Collection Systems Study, Financial Services, Dollar Value: \$85,040.00 plus a City Controlled Contingency of \$5,000.00 for a Total of \$90,040.00, GREELEY AND HANSEN, LLC - **APPROVED**
- f) Purchase of Protective Fire Fighting Gear, Fire Department, Dollar Value: Estimated Amount of \$141,844.56, MUNICIPAL EQUIPMENT COMPANY - **APPROVED**
- g) Contract Renewal for Production and Mailing Services, City Manager, Dollar Value: Approximate Cost of \$73,000.00 per Year, THE BREEZE CORPORATION - **APPROVED**
- h) Award of Bid #PW110106-08 Miscellaneous Paving Repair Program, Public Works, Dollar Value: Up to \$400,000.00, COUGAR COUNTRACTING SPECIALTIES, INC., PAVEMENT MAINTENANCE, INC. and AJAX PAVING INDUSTRIES - **APPROVED**
- i) Purchase of Aluminum Sign Blanks, Public Works, Dollar Value: Estimated at \$75,000.00 Piggybacking Manatee County Contract #06-46210V 1, MUNICIPAL SUPPLY INC. - **APPROVED**
- j) Award of Bid: 2007 Four Lane Road Resurfacing, Public Works, Dollar Value: \$1,197,786.40 Plus a 10% City Contingency in the Amount of \$119,778.64 for a Total Amount of \$1,317,565.04, BETTER ROADS, INC. - **APPROVED**
- k) Information Technology (IT) Auditing Services, City Auditor, Dollar Value: Not to Exceed \$75,000.00 Piggybacking the State of Florida's Contract #973-561-06-1, TRANSCENDENT GROUP, INC. - **APPROVED**
- l) Award of Bid: Armored Car Services, Financial Services, Dollar Value: Total Approximate Cost of \$20,000.00, DUNBAR ARMORED, INC. - **APPROVED**
- m) Award of Bid: Lift Station (LS) 120 and 303 Refurbishment, Public Works, Dollar Value: \$284,010.00 plus a City Controlled Contingency of \$14,000.00 for a Total of \$298,010.00, CABANA CONSTRUCTION COMPANY, INC. - **APPROVED**

- n) Award of Contract: RFP HR092806-85, Human Resource Information System Integrated Payroll Solution (HRIS), Financial Services, ITS, and Human Resources, Dollar Value: \$440,830.70, KRONOS INC. - **APPROVED**
- 3) Additional Consent Items
- a) Waiver of Conflict of Interest for Henderson Franklin, City Attorney, Dollar Value: N/A - **APPROVED**
 - b) Acceptance of a Permanent Utility Easement and a Temporary Construction Easement on a portion of Lots 42 and 43, Block 777, Unit 22, Cape Coral Subdivision, for the relocation of Pump Station #352. (Public Works – Real Estate), Dollar Value: \$11,900.00 - **APPROVED**
 - c) Sidewalks on Mohawk Parkway - FDOT Grant, Public Works, Dollar Value: Reallocation of \$201,627.00 of Grant Funding - **APPROVED**
 - d) Request Approval to Sign Permit Issued by the Army Corp of Engineers for the Design and Construction of Chantry Canal, Parks & Recreation, Dollar Value: \$2,480,000.00 - **APPROVED**
 - e) Interlocal Agreement with Lee County - Right-or-Way Acquisition Del Prado Boulevard North (N.E. 7th St. to State Road 78), Public Works, Dollar Value: Reimbursement of up to \$4,000,000.00 - **APPROVED**
 - f) Code Enforcement Lien-Reduction Code Case #04-20218, Joyce & John Niblick, 1416 NW 13th Ave., Unit 14, Block 2878, Lots 42 & 43, Original Lien Amount of \$8,756.50 - Recommended Reduction: From \$8,756.50 to \$736.50, a Reduction of \$8,020.00, Police Department - **CONTINUED TO 1/29/07 COUNCIL MEETING**
 - g) Code Enforcement Lien - Reduction Code Case #05-13212, Egbert, John, 140 SE 31st St., Unit 26, Block 865, Lots 13 & 14, Original Lien Amount of \$27,929.50 - Recommended Reduction: None, Police Department - **APPROVED**
 - h) Code Enforcement Lien-Reduction Code Case #97-10411, Ed Jacobs, 711 NW 18th Place, Unit 51, Block 3771, Lots 21 & 22, Original Lien Amount of \$8,498.00 - Recommended Reduction: From \$8,498.00 to \$3,000.00, a Reduction of \$5,498.00 - **APPROVED**
 - i) Acceptance of a Permanent Easement for Public Utility, Drainage and Ingress/Egress Purposes in a Portion of Lots 39 through 48, Block 2015, Unit 31 Cape Coral Subdivision as Required as Part of the Andulusia Commercial Condo II Site Plan Review, (Public Works - Real Estate), Dollar Value: N/A - **APPROVED**
 - j) The Shoppes at North Cape Subdivision Plat, Department of Community Development, Dollar Value: N/A - **APPROVED**

C. **PERSONNEL ACTIONS**

- 1) Reclassify Existing Secretary to a Customer Service Representative II -
APPROVED
- 2) Reclassify Existing Senior Accountant to a Debt/Treasury Manager -
APPROVED
- 3) Reclassify Existing Clerk I to a Customer Service Representative I -
APPROVED

D. **PETITIONS TO COUNCIL - (10 minutes per request)**

- 1) Requests Change in Road Re-Surfacing Schedule - William Moore - **STAFF TO REVIEW SCHEDULE AND REPORT BACK TO COUNCIL**

E. **PUBLIC HEARINGS - DEPARTMENT OF COMMUNITY DEVELOPMENT CASES:**

- 1) *Ord. 146-06 – **ADOPTED (ORD. DATED 1/19/07)**
ZA 06-00500007 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 A PARCEL OF LAND LOCATED IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 24 EAST IN THE CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 2051 CAPE CORAL PARKWAY EAST; - COUNCILMEMBER HAIR

ACTION REQUESTED: *Final Public Hearing (Quasi-Judicial, All Persons Testifying Must be Sworn In)*

WHAT THE ORDINANCE ACCOMPLISHES: *Assigns a Zoning designation of Professional Office District (P-1) to Property Located at 2051 Cape Coral Parkway East.*

- 2) Res. 65-06 - **APPROVED**
VP 05-00600018 A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A STREET BEING A PORTION OF MANOR COURT LYING BETWEEN LOTS 21 THROUGH LOT 26, ALSO KNOWN AS THE EXTREME NORTHWESTERN PART OF MANOR COURT IN BLOCK 105, UNIT 5, OF CAPE CORAL, PLAT BOOK 11, PAGE 82. PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE VACATION OF PLAT OF A SIX (6) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT BEING PART OF LOTS 22 THROUGH 26, BLOCK 105, CAPE CORAL, UNIT 5, AS RECORDED IN PLAT BOOK 11, PAGES 80

THROUGH 90 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 5101-5108 MANOR COURT; - COUNCILMEMBER HAIR

ACTION REQUESTED: *Final Public Input*

WHAT THE RESOLUTION ACCOMPLISHES: *Vacation of City Right-of-Way, Street, and the Six (6) Foot Public Utility and Drainage Easement Located at 5101-5108 Manor Court.*

F. **PUBLIC HEARINGS - ORDINANCES**

1) Ord. 171-06 - **2nd PUBLIC HEARING 2/5/07**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2.7, DISTRICT REGULATIONS, SUBSECTIONS .15 DOWNTOWN CORE DISTRICT, .16 DOWNTOWN GATEWAY DISTRICT, AND .17 DOWNTOWN EDGE DISTRICT, TO ALLOW RESTAURANT, FAST FOOD AS A SPECIAL EXCEPTION USE AND TO DELETE REFERENCE TO THIS IN PERMITTED USES; TO ALLOW ESSENTIAL SERVICES FACILITIES - GROUPS I AND II AS SPECIAL EXCEPTION USES; TO ALLOW AUTOMOTIVE REPAIR AND/OR SERVICE - GROUP I AS A SPECIAL EXCEPTION USE; BY AMENDING SUBSECTIONS .16 B. AND .17 B. TO DELETE DRIVE THROUGH FACILITY AS A PERMITTED USE; AND BY AMENDING SUBSECTION .17 C.9. AND 17. TO CORRECT REFERENCE TO SPECIAL REGULATIONS D.16 AND D.17 IN THE DOWNTOWN EDGE DISTRICT; BY AMENDING SUBSECTIONS .15 D.10.c.(8), .16 D.10.c.(8), AND .17 D.10.c.(8), DOWNTOWN CRA REDEVELOPMENT INCENTIVE PROGRAM (RIP) TO AMEND THE DATE FOR LAND ASSEMBLAGE FROM MARCH, 2002 TO DECEMBER 1, 2005; BY AMENDING SUBSECTIONS .15 D.11, .16 D.11, AND .17 D.11, PARKING REQUIREMENTS, TO DELETE COLUMN C CALCULATIONS FROM THE PARKING AND PILOP TABLE; BY ESTABLISHING A NEW SUBSECTION 2.7.15 D.15. DRIVE-THROUGH FACILITIES, TO PROVIDE REGULATIONS FOR DRIVE-THROUGH WINDOWS IN THE CORE DISTRICT, AND RENUMBERING THEREAFTER; AND TO AMEND THE DRIVE-THROUGH FACILITIES REQUIREMENTS IN SUBSECTIONS 2.16 D.15 AND 2.17 D.15; BY AMENDING ARTICLE III, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 3.24, CITY-OWNED RIGHT-OF-WAY, SUBSECTION .6, TO CORRECT A REFERENCE TO NON-CONFORMING STRUCTURES FROM SECTION 2.6.5 TO 2.6.4; BY AMENDING ARTICLE V, SUPPLEMENTARY DEVELOPMENT REGULATION, SECTION 5.1, OFF-STREET PARKING FACILITIES,

SUBSECTION .2 OFF-STREET PARKING FACILITIES, TO PROVIDE THAT REDUCTION FOR PROVISION OF ADDITIONAL TREES BE AS REQUIRED FOR THE DEVELOPMENT, RATHER THAN AS STRICTLY REQUIRED BY SECTION 5.2 OF THE LAND USE AND DEVELOPMENT REGULATIONS, AND AMENDING SUBSECTION .8 B., MINIMUM NUMBER OF OFF-STREET PARKING SPACES, TO CLARIFY THE REGULATIONS FOR PARKING SPACES; - COUNCILMEMBER HAIR

ACTION REQUESTED: *Set Second Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends the City of Cape Coral Land Use and Development Regulations with Various Amendments to the CRA Ordinance Adopted on November 14, 2005. Amendments Include: Clarifying Uses for Fast Food Restaurants and Drive Through Facilities, Amends the Date for Required Land Assemblage, Removing PILOP Calculations from Table, Adding Special Regulation for Drive-Through Facilities, and Clarifies Section on Minimum Number of Off-Street Parking Spaces.*

2) Ord. 172-06 - **ADOPTED**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE III, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 3.3, SPECIFIC USE REGULATIONS, SUBSECTION .2, MULTI-FAMILY RESIDENTIAL, SUB-SUBSECTION B., COMMERCIAL-TYPE TRASH RECEPTACLES, TO REVISE THE REGULATIONS REGARDING COMMERCIAL-TYPE TRASH RECEPTACLES AND RECEPTACLE STORAGE AREAS; AMENDING SUBSECTION .3, TO AMEND FROM PROPERTY ZONED COMMERCIAL, PROFESSIONAL OR INDUSTRIAL, TO PROPERTY USED FOR NON-RESIDENTIAL AND/OR COMPOUND USE BUILDINGS LAWFULLY EXISTING IN ANY ZONING DISTRICT EXCEPT THE DOWNTOWN CRA ZONING DISTRICTS; AMENDING SUB-SUBSECTION C., COMMERCIAL TRASH RECEPTACLES, TO REVISE THE REGULATIONS REGARDING COMMERCIAL TRASH RECEPTACLES AND RECEPTACLE STORAGE AREAS; AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 9, HEALTH AND SANITATION, ARTICLE III. DISPOSITION OF GARBAGE, SECTION 9-65, DEFINITIONS, TO INCLUDE COMPOUND USE BUILDINGS IN THE DEFINITION OF COMMERCIAL OR COMMERCIAL ESTABLISHMENTS; AMENDING SECTION 9-68, CONTAINERIZED COMMERCIAL AND MULTIPLE-FAMILY DWELLING COLLECTION, TO PROVIDE THAT THE REQUIREMENTS CONFORM WITH THOSE SET FORTH IN SECTION 3.3 OF THE LAND USE AND DEVELOPMENT REGULATIONS; - COUNCILMEMBER BERTOLINI

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends the City of Cape Coral Land Use and Development Regulations Section 3.3 to Set Forth the Requirements Regarding Certain Receptacle and Receptacle Storage Areas in Multi-Family Residential and on Property that is Used for Non-Residential and/or Compound Use Buildings Lawfully Existing in any Zoning District. The Requirements Do Not Apply in the Downtown CRA Zoning Districts.*

3) Ord. 173-06 - **ADOPTED**

AN ORDINANCE AMENDING THE LAND USE AND DEVELOPMENT REGULATIONS OF THE CITY OF CAPE CORAL, FLORIDA, ARTICLE IX, "BOARDS, COMMISSIONS AND COMMITTEES," SECTION 9.1, "PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY," BY AMENDING THE PROVISIONS IN SUBSECTION 9.1.2. CONCERNING PARTICIPATION BY ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; - MAYOR FEICHTHALER

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends the City of Cape Coral Land Use and Development by Amending the Provisions in Subsection 9.1.2 Concerning Participation by Alternate Members.*

4) Ord. 183-06 - **ADOPTED**

AN ORDINANCE OF THE CITY OF CAPE CORAL, AMENDING CHAPTER 8, FIRE PREVENTION AND PROTECTION, ARTICLE III, FIREWORKS, OF THE CODE OF ORDINANCES; PROVIDING THAT THE PURCHASER OF FIREWORKS FOR FRIGHTENING BIRDS PRODUCE DOCUMENTATION SHOWING COMPLIANCE WITH THE REQUIREMENTS OF THE FLORIDA STATUTES AND FLORIDA ADMINISTRATIVE CODE; PROVIDING THAT THE PURCHASER OF BLANK CARTRIDGES SUBMIT A WRITTEN STATEMENT STATING THE SPECIFIC USE, LOCATION, AND DATE(S) OF USE; PROVIDING FOR SEVERABILITY; - MAYOR FEICHTHALER

ACTION REQUESTED: *Final Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Fireworks Regulations for Purchasers of Fireworks for Frightening Birds and Sets Forth Requirements for Purchasers of Blank Cartridges*

5) Ord. 184-06 - **ADOPTED WITH AMENDMENT**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY CLERK TO ENTER INTO A LEASE AGREEMENT

WITH ROBERT HANSON, FOR THE LEASE OF PROPERTY OWNED BY THE CITY OF CAPE CORAL; A COPY OF THE AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; - COUNCILMEMBER DAY

ACTION REQUESTED: *Final Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES:*Authorizes Lease Agreement for Lease of City-Owned Property Located at 2116 Del Prado Boulevard North to Hurricane Katrina Victim Robert Hanson. The Tenant has been in the Property Since November 2005, per Ordinance 159-05. Mr. Hanson has Requested the Lease be Extended until May 31, 2007.*

G. **PUBLIC INPUT - RESOLUTIONS**

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

I. **ADMINISTRATIVE / DISCUSSION ITEMS:**

- 1) Approval of Contract for a Term of One Year, Commencing Date of Council Approval, for David Giles as the Special Master for Stormwater Utility Issues, City Clerk, Dollar Value: \$115.00 Per Hour - **APPROVED**
- 2) Taskforce for Illegal Immigration and Federal Law Regulations - Councilmember Stevens - **NO ACTION TAKEN BY COUNCIL MEMBER**
- 3) Declaratory Judgement on Club Square Lawsuit - Councilmember Hair - **COUNCIL APPROVES ATTORNEY CLIENT SESSION FOR MONDAY, JANUARY 29, 2007 AT 4:00 P.M.**
- 4) Discussion of Public Records Request Policy - Mayor - **COUNCIL APPROVED FOR THEIR E-MAILS TO FOLLOW CITY ADMINISTRATIVE REGULATION #46**
- 5) Discussion on Resolution 76-06 - **MOTION APPROVED TO RECONSIDER RESOLUTION 76-06 (RESOLUTION NO LONGER IN EFFECT)**

J. **DRAFT PROPOSED ORDINANCES:**

- 1) None

K. **INTRODUCTION OF ORDINANCES:**

- 1) Ord. 175-06 - **PUBLIC HEARING 2/5/07**
LU 06-01000028 AN ORDINANCE AMENDING THE CITY OF

CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MULTI-FAMILY RESIDENTIAL (MF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 31-34, BLOCK 1697, CAPE CORAL SUBDIVISION, UNIT 64, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGES 82 THROUGH 95, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 921-927 CAPE CORAL PARKWAY WEST; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends the Future Land Use Map from Multi-Family Residential (MF) to Commercial Professional (CP); Property is Located at 921-927 Cape Coral Parkway West.*

2) *Ord. 176-06 – **PUBLIC HEARING 2/5/07**

ZA 06-00500017 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 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM AGRICULTURAL (A) TO PEDESTRIAN COMMERCIAL (C-1) ZONE; PROPERTY IS LOCATED AT 3270-3500 SAND ROAD; - COUNCILMEMBER DAY

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

WHAT THE ORDINANCE ACCOMPLISHES: *Rezones Property from Agricultural (A) to Pedestrian Commercial (C-1); Property is Located at 3270-3500 Sand Road.*

3) Ord. 178-06 – **PUBLIC HEARING 2/5/07**

LU 05-01000035 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MULTI-FAMILY (MF) TO PUBLIC FACILITIES (PF) LAND USE FOR LOTS 14-21, BLOCK 319, AND LOTS 10-11, 14-17, AND 20-25, BLOCK 321, CAPE CORAL SUBDIVISION, UNIT 9, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGES 7 THROUGH 18, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 704-718 SE 46TH STREET, 4540 SE 7TH AVENUE, 4525-4529, 4531-4535, AND 4543-4551 SE 6TH COURT; - COUNCILMEMBER HAIR

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES: Amends the Future Land Use Map from Multi-Family Residential (MF) to Public Facilities (PF); Property is Located at 704-718 SE 46th Street, 4540 SE 7th Avenue, 4543-4551 SE 6th Court, 4531-4535 SE 6th Court, and 4525-4529 SE 6th Court.

4) *Ord. 180-06 – **PUBLIC HEARING 2/5/07**

PDP 05-00800025 AN ORDINANCE AMENDING ORDINANCE 52-99, AS AMENDED BY ORDINANCES 100-01, 32-04, AND 6-06, WHICH APPROVED AND AMENDED A PLANNED DEVELOPMENT PROJECT ENTITLED "EAGLE SUBDIVISION I" FOR PROPERTY DESCRIBED AS A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5 AND THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; EXPANDING THE PLANNED DEVELOPMENT PROJECT; RENAMING A PORTION OF THE PROJECT ON TRACT G AND THE EXPANDED AREA TO "PINE ISLAND ROAD MEDICAL OFFICE BUILDING", SAID PROJECT PROPERTY BEING A TRACT OR PARCEL OF LAND LYING IN PART OF TRACT G, EAGLE SUBDIVISION 1, RECORDED IN PLAT BOOK 16 AT PAGES 16-17, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND IN THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1742 NE PINE ISLAND 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; - COUNCILMEMBER ROSADO

ACTION REQUESTED: Set Public Hearing Date (Quasi-Judicial, All Persons Testifying Must Be Sworn In)

WHAT THE ORDINANCE ACCOMPLISHES: Amends a Portion of the "Eagle Subdivision I" Planned Development Project Development Plan; Amends Ordinance 52-99, as Amended by Ordinances 100-01, 32-04, and 6-06, to Include Renaming a Portion of the Project "Pine Island Medical Office Building," and Site Plan Approval.

5) Ord. 2-07 - **PUBLIC HEARING 2/5/07**

AN ORDINANCE OF THE CITY OF CAPE CORAL, AMENDING

AND RESTATING THE CITY OF CAPE CORAL MUNICIPAL GENERAL EMPLOYEES' RETIREMENT PLAN, AS ADOPTED BY ORDINANCE NO.111-06 ; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; 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, PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE; PROVIDING FOR PRIOR GOVERNMENT SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY OF PROVISIONS;
- COUNCILMEMBER BERTOLINI

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends the City of Cape Coral Municipal General Employees' Retirement Plan by Decreasing the Member Contribution Rate from 8.9% to 7.9% of Salary; Providing for an Increase in the Benefit Accrual Rate from 2.5% to 2.6% for the First 20 Years of Credited Service; Amending the Separation from Employment for Military Service Provisions by Deleting the Provision Requiring the Member to Repay his Missed Contributions in Order to be Credited with Service Time Pursuant to USERRA.*

- 6) Ord. 5-07 - **PUBLIC HEARING 2/5/07**
AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "FEES," DIVISION 2, "UTILITY CAPITAL EXPANSION FEE;" BY DELETING SECTION 2-20,

“DEFINITIONS;” AMENDING SECTION 2-22, “FEE IMPOSED; CREDIT; TIME OF PAYMENT,” BY PROVIDING THAT NEW CONSTRUCTION IN AREAS WHERE UTILITY FACILITIES ARE PLANNED TO BE INSTALLED WITHIN FIVE YEARS WILL BE REQUIRED TO PAY UTILITY CAPITAL EXPANSION FEES; AMENDING SECTION 2-24.2, “DEFINITIONS,” BY DELETING PARAGRAPH B RELATING TO DUPLEXES AND INCLUDING DUPLEXES WITH OTHER MULTI-UNIT STRUCTURES; AMENDING SECTION 2-24.3 BY INCREASING THE AMOUNT OF THE WATER SYSTEM UTILITY CAPITAL EXPANSION FEE, BY INCREASING THE AMOUNT OF THE WASTEWATER SYSTEM UTILITY CAPITAL EXPANSION FEE AND BY PROVIDING FOR A DISTRICT 1 WASTEWATER SYSTEM SERVICE AREA AND A DISTRICT 2 WASTEWATER SYSTEM SERVICE AREA WITH SEPARATE WASTEWATER SYSTEM UTILITY CAPITAL EXPANSION FEES FOR EACH DISTRICT, BY INCREASING THE AMOUNT OF THE IRRIGATION SYSTEM UTILITY CAPITAL EXPANSION FEE, BY PROVIDING THAT DELINQUENT CAPITAL EXPANSION FEES SHALL BEAR INTEREST AT THE MAXIMUM RATE ALLOWABLE BY LAW OF 18% PLUS A PENALTY OF 1.5% PER MONTH; AMENDING SECTION 2-24.4 BY PROVIDING FOR SEPARATE FUNDS FOR DISTRICT 1 AND DISTRICT 2 WASTEWATER SYSTEM UTILITY CAPITAL EXPANSION FEES; ADDING SECTION 2-24.5, “UTILITY CAPITAL EXPANSION FEE CREDIT” WHICH PROVIDES CRITERIA FOR THE GRANTING OF UTILITY CAPITAL EXPANSION FEE CREDITS; ADDING SECTION 2-24.6, “REVIEW OF FEE STRUCTURE,” WHICH PROVIDES FOR A THREE YEAR REVIEW CYCLE FOR UPDATING UTILITY CAPITAL EXPANSION FEES; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Division 2, Utility Capital Expansion Fee to Revise Water, Wastewater and Irrigation Utility Capital Expansion Fees and Establishing Wastewater System Service Area Districts. Also Provides Timeframe in which Fees are due and payable and Interest Rate and Penalty Amount for Delinquent Fees. Establishes Regulations for Utility Capital Expansion Fee Credits and for Review of Fee Structure.*

L. **INTRODUCTION OF RESOLUTIONS:**

- 1) Res. 75-06 - **PUBLIC INPUT 1/29/07**
VP 06-00600019 A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY LOCATED BETWEEN A PORTION OF LOT 1 THROUGH LOT 4 AND LOT 38, BLOCK 354, CAPE CORAL UNIT 8, AS RECORDED IN PLAT BOOK 13, PAGES 1-6, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED

BETWEEN 4701 SE 8TH COURT AND 858 SE 47TH STREET; -
COUNCILMEMBER HAIR

ACTION REQUESTED: *Set Public Input Date*

WHAT THE RESOLUTION ACCOMPLISHES: *Vacation of Plat for an Alley and Public Utility and Drainage Easements Located between 4701 SE 8th Court and 858 SE 47th Street.*

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

BERTOLINI – REPORTED THE CITIZENS ADVISORY COMMITTEE/MINORITY ISSUES DID NOT MEET LAST WEEK DUE TO A LACK OF A QUORUM

DAY – REPORTED HE HAD ATTENDED THE SOUTHWEST FLORIDA LEAGUE OF CITIES MEETING LAST WEEK WHERE THE DISCUSSION WAS ON ENVIRONMENTAL ISSUES OF SANIBEL; REPORTED THE BURNT STORE RIGHT-OF-WAY COMMITTEE HELD THEIR MEETING TODAY AND THEY WILL BE MEETING AGAIN TO DISCUSS THE BERM AND TURNING LANE ISSUES; COUNCIL APPROVED FOR THE CLERK TO DO A VERBATIM FOR THE FIRST PART OF THE JANUARY 8TH, 2007 CITY COUNCIL SPECIAL MEETING

HAIR – THANKED PARKS AND RECREATION FOR A WONDERFUL DADDY/DAUGHTER NIGHT AT THE YACHT CLUB

LEPERA – NO REPORT

ROSADO – THANKED THE SOUTHWEST REGIONAL PLANNING COUNCIL FOR RECOGNIZING HIS LEADERSHIP AND ALSO STRESSED THE IMPORTANCE OF A CITY COUNCIL MEMBER TO BE IN ATTENDANCE AT THEIR MEETINGS; REPORTED DR. MERWIN FROM FGCU IS GOING TO BE MISSED

STEVENS – NO REPORT

MAYOR FEICHTHALER – REPORTED HE ATTENDED THE OPEN HOUSE AT CORAL VILLAGE; REPORTED HE SPOKE AT THE AARP LOCAL CHAPTER MEETING; REPORTED HE AND COUNCIL MEMBER BERTOLINI ATTENDED THE GROUND BREAKING FOR THE SATURN DEALERSHIP; REPORTED HE ALSO ATTENDED THE GROUNDBREAKING FOR THE NEW SURFSIDE SHOPS; REPORTED HE MET WITH THE HERON'S GLEN HOMEOWNERS ASSOCIATION TO DISCUSS THE EFFECTS OF THE ZEMEL ANNEXATION

N. **REPORTS:**

- 1) City Attorney – **NO REPORT**
- 2) City Manager – **REPORTED STAFF HAS ALMOST FINISHED THE INTERVIEWS FOR THE CODE ENFORCEMENT MANAGER AND HE THANKED CAPTAIN FURDERER FOR THE WORK HE DID WHILE WORKING AS THE ACTING CODE**

**MANAGER; REPORTED THE LETTERS TO THE
SOUTHWEST 5 ASSESSMENT AREA WENT OUT LAST
FRIDAY; REPORTED THE DADDY/DAUGHTER EVENT
HELD LAST WEEK AT THE YACHT CLUB WAS A VERY NICE
EVENT**

- 8 Time and Place of Next Meeting - The Next Regular City Council Meeting is Scheduled for Monday, January 29, 2007 at 5:30 PM in Council Chambers
- 9 Motion to Adjourn **9:36 P.M.**