

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, January 29, 2007

COUNCIL CHAMBERS

5:30 PM

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Mayor Feichthaler
- 3 Pledge of Allegiance to the Flag of the United States of America Led by LEO MARINO, St. Andrew Catholic School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Stevens, Bertolini, Boyd, Day, Hair, LePera and Rosado
- 5 Adoption of Agenda - **APPROVED**
- 6 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: None
 - 2) Procurement Items:
 - a) Award of Bid: Re-Painting of Sun Splash Family Water Park Pools, Parks & Recreation, Dollar Value: \$37,060.00, SERVICE PAINTING OF FLORIDA - **APPROVED**
 - b) Award of Contract: RFP HR 103006-05, Comprehensive Classification, Compensation and Benefits Report, Human Resources, Dollar Value: \$127,950.00, THE WATERS CONSULTING GROUP, INC. - **APPROVED**
 - c) Termination of Working Agreement between Lee Soil and Water Conservation District and The City of Cape Coral, Public Works, Dollar Value: N/A - **APPROVED**
 - d) Bid Award: Tee Replacement at Coral Oaks Golf Course, Parks & Recreation, Dollar Value: \$133,287.00 plus a 2% Contingency in the Amount of \$2,665.00 for a Total Dollar Value of \$135,952.00, BENSON CONSTRUCTION CO. INC. - **APPROVED**

- e) Purchase of Hurst Jaws of Life Equipment, Fire Department, Dollar Value: \$51,580.93, TEAM EQUIPMENT, INC. - **APPROVED**
 - f) Verizon Communications Wireless Service, Police Department, Dollar Value: Estimated Cost of \$126,000.00 through the End of FY2007 Utilizing State Contract Pricing, VERIZON COMMUNICATIONS - **APPROVED**
 - g) Purchase of Flygt Pumps, Public Works, Dollar Value: \$80,000.00 with the Option of Increasing the Purchase Order up to the FY 2007 Budgeted Amount of \$140,000.00 as Needed, ITT FLYGT CORPORATION - **APPROVED**
 - h) MWH Americas Work Authorization (WA) IRR-6 Aquifer Storage and Recovery (ASR) Well Systems, Public Works, Dollar Value: \$162,584.00 plus Program Management Fees of \$6,828.00 and a 5% City Contingency in the Amount of \$8,470.00 for a Total Amount of \$177,882.00, MWH AMERICAS - **APPROVED**
 - i) MWH Americas Work Authorization (WA) W-6C.2 North Cape R.O. Water Treatment Plant, Public Works, Dollar Value: Guaranteed Maximum Price of \$90,204,241.00 plus Program Management Fees of \$3,157,148.00 and a City Contingency Amount of \$2,600,000.00 for a Total Amount of \$95,961,389.00, MWH AMERICAS - **APPROVED**
- 3) Additional Consent Items
- a) Approval of a Proposed Mediated Settlement Agreement between the City and Cape Coral Investors, LLC, in the Eminent Domain Case of The City of Cape Coral v. Franzese, being Case Number 05-CA-000068 on the Docket of the Circuit in and for Lee County, Florida, City Attorney, Dollar Value: \$14,040,000.00 - **APPROVED**
 - b) Approval of new counter-offer Contract for Purchase of Lots 35 and 36, Block 2125, Unit 32, Cape Coral Subdivision, 2012 Del Prado Boulevard North, Cape Coral, Florida. (Public Works – North Del Prado Improvement Project), Dollar Value: \$75,000.00 - **APPROVED**
 - c) Authorization to retain appraisal companies for eminent domain proceedings in connection with the various City projects, Dollar Value: N/A at this Time - **APPROVED**
 - d) 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 - **APPROVED**
 - e) Ceitus Boat Lock - Modification of Consent Order 15, Public Works, Dollar Value: N/A - **APPROVED**

- f) Kismet Lakes Subdivision Site Plan Permit Extension, Department of Community Development, Dollar Value: N/A - **APPROVED**
- g) Lee County Tourist Development Council Beach and Shoreline FY 2007 Grant Application, Parks & Recreation, Dollar Value: Applications of \$18,000.00, \$30,000.00, \$28,000.00 and \$350,000.00 Grants - **APPROVED**
- h) Code Enforcement Lien-Reduction Code Case #05-34024, Gary Capristo and Suzanne Marques, 507 SE 5th Pl., Unit 23, Block 1138, Lot 18 & 19, Original Lien Amount of \$43,038.00 - Recommended Reduction: \$43,038.00 to a Zero Balance, Police Department - **APPROVED**
- i) Code Enforcement Lien-Reduction Code Case #04-16001, Gary Capristo and Suzanne Marques, 507 SE 5th Place, Unit 23, Block 1138, Lot 18 & 19, Original Lien Amount of \$17,921.50 - Recommended Reduction: \$17,921.50 to a Zero Balance - Recommended Reduction: \$17,921.50 to a Zero Balance, Police Department - **APPROVED**
- j) Code Enforcement Lien-Reduction Code Case #04-18259, Gary Capristo and Suzanne Marques, 118 NE 9th Place, Unit 46, Block 3592, Lot 69 & 70, Original Lien Amount of \$14,471.50 - Recommended Reduction: \$14,471.50 to a Zero Balance, Police Department - **APPROVED**
- k) Code Enforcement Lien-Reduction Code Case #05-27180, Gary Capristo and Suzanne Marques, 507 SE 5th Place, Unit 23, Block 1138, Lot 18 & 19, Original Lien Amount of \$17,929.50 - Recommended Reduction: \$17,929.50 to a Zero Balance - Police Department - **APPROVED**
- l) Code Enforcement Lien-Reduction Code Case #05-9983, Gary Capristo and Suzanne Marques, 507 SE 5th Place, Unit 23, Block 1138, Lot 18 & 19, Original Lien Amount of \$82,629.50 - Recommended Reduction: from \$82,629.50 to \$20,000.00, a Reduction of \$62,629.50, Police Department - **APPROVED**

C. **PERSONNEL ACTIONS**

- 1) None

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

- 1) None

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

- 1) Res. 75-06 - **APPROVED**
 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: *Final Public Input*

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.*

F. **PUBLIC HEARINGS - ORDINANCES**

1) None

G. **PUBLIC INPUT - RESOLUTIONS**

1) *Res. 74-06 – **APPROVED TO REVERSE DECISION OF PLANNING & ZONING COMMISSION**

AP 06-00700002 A RESOLUTION PURSUANT TO THE CITY OF CAPE CORAL CODE OF ORDINANCES, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VIII, ADMINISTRATION, SECTION 8.3, PUBLIC HEARINGS, SECTION 8.8, SPECIAL EXCEPTIONS, AND SECTION 8.9, APPEALS, AND THE CITY OF CAPE CORAL COMPREHENSIVE PLAN, APPROVING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT AND APPEALS THAT DENIED RESOLUTION SE-22-2006 WHICH CONCERNED A SPECIAL EXCEPTION TO CONTINUE TO OPERATE A MODEL HOME SITE USE IN A RESIDENTIAL DEVELOPMENT (RD) ZONE ON REAL PROPERTY DESCRIBED AS LOT 40, BLOCK 3352, UNIT 65, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 151 THROUGH 164, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 4305 CHIQUITA BOULEVARD SOUTH;

A RESOLUTION PURSUANT TO THE CITY OF CAPE CORAL CODE OF ORDINANCES, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VIII, ADMINISTRATION, SECTION 8.3, PUBLIC HEARINGS, SECTION 8.8, SPECIAL EXCEPTIONS, AND SECTION 8.9, APPEALS, AND THE CITY OF CAPE CORAL COMPREHENSIVE PLAN, REVERSING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT AND APPEALS THAT DENIED RESOLUTION SE-22-2006 AND GRANTING A SPECIAL EXCEPTION TO CONTINUE TO OPERATE A MODEL HOME SITE USE IN A RESIDENTIAL DEVELOPMENT (RD) ZONE ON REAL PROPERTY DESCRIBED AS LOT 40, BLOCK 3352, UNIT 65, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21,

PAGES 151 THROUGH 164, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 4305 CHIQUITA BOULEVARD SOUTH; - COUNCILMEMBER STEVENS

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

WHAT THE RESOLUTION ACCOMPLISHES: *Appeals Resolution SE 22-2006 in Which the Planning and Zoning Commission Denied a Special Exception to Allow an Existing Model Home to Continue to Operate at 4305 Chiquita Boulevard.*

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) Appointment to Boards/Committees/Commissions - Citizens Advisory Board for Community Development Block Grant - City Clerk – **REAPPOINTED LUGO, PALMER, SALOME, SMALL AND LEWIS**
- 2) Water/Sewer Line Extension Along Ceitus Parkway to Service Neighborhood Park #4 - Financial Services - **WITHDRAWN**
- 3) Declaratory Judgement on Club Square Lawsuit - Councilmember Hair – **MOTION TO WITHDRAW JUDGMENT WAS DENIED**

J. **DRAFT PROPOSED ORDINANCES:**

- 1) None

K. **INTRODUCTION OF ORDINANCES:**

- 1) Ord. 181-06 - **PUBLIC HEARING 2/12/07**
LU 06-01000020 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MULTI FAMILY RESIDENTIAL (MR) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 7-12, BLOCK 792, UNIT 22, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 1 THROUGH 16, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 1453 SE 10TH TERRACE; - COUNCILMEMBER LEPERA

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 1453 SE 10th Terrace.*

2) *Ord. 182-06 – **PUBLIC HEARING 2/12/07**

ZA 06-00500026 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 15 AND 16, BLOCK 2006, UNIT 31, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 149 THROUGH 165, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 730 ANDALUSIA BOULEVARD; - COUNCILMEMBER 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 Professional Office (P-1); Property is Located at 730 Andalusia Boulevard.*

3) Ord. 3-07 – **PUBLIC HEARING 2/12/07**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 9, HEALTH AND SANITATION, ARTICLE II, LITTER, DIVISION 1, GENERALLY, SECTION 9-15, LITTERING PROHIBITED GENERALLY; BY AMENDING SECTION 9-15 (12), PENALTIES, TO CHANGE THE PENALTY FOR A FIRST VIOLATION OF THE ORDINANCE FROM \$50.00 TO \$100.00; - MAYOR FEICHTHALER

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Increases Penalty for First Littering Violation from \$50.00 to \$100.00*

L. **INTRODUCTION OF RESOLUTIONS:**

1) Res. 2-07 - **PUBLIC INPUT 2/5/07**

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO RICHARD A. EISMAN, JR., d/b/a FLAMINGO TAXI, TO OPERATE A TOTAL OF TEN (10) LIMOUSINES OR TAXIS WITHIN THE CITY OF CAPE CORAL; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Set Public Input Date*

WHAT THE RESOLUTION ACCOMPLISHES: *Grants a Certificate of Public Convenience to Richard A. Eisman, Jr., d/b/a Flamingo Taxi, to Operate Ten Limousines or Taxicabs in Cape Coral*

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

BERTOLINI – REPORTED SHE ATTENDED THE CERT CLASS CEREMONY ON SATURDAY AND COMMENTED THAT IS A GREAT PROGRAM

COUNCIL APPROVED TO POSTPONE THE DEPOSITIONS AND FORFEITURE HEARING OF COUNCIL MEMBER MICKEY ROSADO PENDING THE DECISION OF THE GOVERNOR

BOYD – REPORTED THE ALLEY BETWEEN SE 15TH AND DEL PRADO, BEHIND THE GOODWILL STORE AND COSMOPOLITAN GRILL NEEDS SOME REPAIRS; CONGRATULATED HIS SON IN-LAW AND DAUGHTER ON MAKING HIM A GRANDFATHER AGAIN

DAY – NO REPORT

HAIR – NO REPORT

LEPERA – NO REPORT

STEVENS – NO REPORT

MAYOR FEICHTHALER – REPORTED HE ATTENDED THE CIVIC ASSOCIATIONS SWEARING IN CEREMONY LAST WEEK; HE ATTENDED THE RIBBON CUTTING AT THE NEW PROFESSIONAL CENTER NORTH OF CAPE CORAL HOSPITAL; HE SPOKE TO THE CHAMBER JUNIOR LEADERSHIP CLASS LAST WEEK; HE ATTENDED THE LOWES GRAND OPENING; HE ATTENDED THE OPENING OF A RIVERSIDE BANK IN CAPE CORAL HIGH SCHOOL; REPORTED THE MAYOR'S SCHOLARSHIP RAISED \$4500 AT THE NIGHT AT THE THEATRE AND THANKED EMBARQ AND MARTINI'S FOR PARTICIPATING IN THE EVENT; HE ATTENDED THE MPO MEETING WHERE THEY DISCUSSED COORDINATION OF ROAD PROJECTS; HE PARTICIPATED IN THE COIN TOSS AT THE CHARITY FOOTBALL GAME BETWEEN THE FIRE AND POLICE DEPARTMENTS; HE WAS A JUDGE AT THE GUMBO FESTIVAL HELD AT THE SHELL FACTORY LAST SUNDAY; HE ANNOUNCED HE WILL HAVE A TOWN HALL MEETING ON WEDNESDAY FROM 6:00 P.M. TO 9:00 P.M. AT CULTURAL PARK THEATRE

N. **REPORTS:**

- 1) City Attorney – **NO REPORT**
- 2) City Manager – **REPORTED HE ATTENDED THE CHARITY FOOTBALL GAME BETWEEN THE FIRE AND POLICE DEPARTMENTS; ANNOUNCED THE POLICE AND FIRE CHIEFS WILL BE HOLDING A LIVE CALL IN SHOW ON TUESDAY EVENING**

**FROM 7:00 P.M. TO 8:00 P.M. TO DISCUSS THE PUBLIC
SAFETY BUILDING REFERENDUM THE TELEPHONE
NUMBER IS 573-0734**

**COUNCIL APPROVED EXTENDING THE LEASE FOR ONE MONTH AT 902
DOLPHIN DRIVE.**

7 Time and Place of Next Meeting - The Next Committee of the Whole Meeting is
Tentatively Scheduled for Monday February 5, 2007 at 3:00 PM in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, February 5, 2007 at
5:30 PM in Council Chambers

8 Motion to Adjourn **7:35 P.M.**