

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, January 8, 2007

COUNCIL CHAMBERS

5:30 PM

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Councilmember Day
- 3 Pledge of Allegiance to the Flag of the United States of America Led by
AUSTIN KOLAR, Pelican Elementary School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Hair, LePera, Rosado, Stevens,
Bertolini, Boyd and Day
- 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 - ONE SPEAKER**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) Regular Council Meeting, November 27, 2006 - **APPROVED**
 - b) Strategic Planning Session, December 1, 2006 - **APPROVED**
 - c) Regular Council Meeting, December 4, 2006 - **APPROVED**
 - d) Regular Council Meeting, December 11, 2006 - **APPROVED**
 - 2) Procurement Items:
 - a) Auction of City Surplus Vehicles and Equipment, Financial Services, Dollar
Value: N/A, GOVDEALS.COM - **APPROVED**
 - b) Amendment #2 to Contract for Water Meter Reading Services, Financial
Services, Dollar Value: Approximately \$724.00 per Month, ACCURATE
CONTRACT SERVICES, INC. - **APPROVED**

- c) Purchase of Peerless High Service Distribution Pumps, Public Works, Dollar Value: \$155,296.30, TOM EVANS ENVIRONMENTAL, INC. - **APPROVED**
 - d) Lift Station 109 Refurbishment, Public Works, Dollar Value: \$24,345.00, TETRA TECH HAI - **APPROVED**
 - e) Award of Contract: Meter Replacement & Installation Services, Public Works, Dollar Value: Estimated Annual Expenditures \$250,000.00, TRITON WATER TECHNOLOGIES - **APPROVED**
 - f) Contract Renewal for the Purchase of Liquid Polymer for Water Reclamation, Public Works, Dollar Value: Estimated Annual Expenditures \$90,000.00, POLYDYNE, INC. - **APPROVED**
 - g) Bid Award: Purchase and Delivery of PVC Pipe, Public Works, Dollar Value: Annual Estimated Amount of \$108,300.00, MAINLINE SUPPLY COMPANY OF FLORIDA LLC - **APPROVED**
 - h) Purchase of Laboratory Supplies, Chemicals and Reagents, Public Works, Dollar Value: Estimated Annual Cost of \$27,500.00, FISHER SCIENTIFIC COMPANY, LLC - **APPROVED**
 - i) Bid Award #PW 120406-22, Variable Frequency Drives, Public Works, Dollar Value: Estimated Annual Expenditure of Approximately \$40,000.00, HOWARD WOODROW & ASSOCIATES, INC. - **APPROVED**
 - j) Award of Bid: Daily Retrieving, Processing and Mailing of City Documents, City Clerk, Dollar Value: To Be Determined, MAIL BARCODING SERVICES OF SWFL - **APPROVED**
 - k) Purchase Order Change Order (PO/CO) for Tetra Tech-Hartman & Associates, Inc. Staffing & Cost Proposal #18, Installation of Groundwater Monitoring Wells, Public Works, Dollar Value: Total Increased Amount of \$4,950.00, TETRA TECH-HARTMAN & ASSOCIATES, INC. - **APPROVED**
 - l) Sub-Area Travel Demand Model Development, Public Works, Dollar Value: Not-to-Exceed \$49,724.80, AIM ENGINEERING & SURVEYING, INC. - **APPROVED**
- 3) Additional Consent Items
- a) Approval of Waiver of Conflict of Interest for Henderson, Franklin, Starnes & Holt, P.A. in Code Enforcement Cases 06-22909 & 04-23886, City Attorney, Dollar Value: N/A - **APPROVED**
 - b) Approval of the Filing of a Quiet Title Action Involving 206 SE 20th Court and More Fully Described as Lots 26 and 27, Cape Coral Unit 18, Block 1340, Plat Book 13, Pages 96-120 Inclusive, City Attorney, Dollar Value: N/A - **APPROVED**

- c) Waiver of Conflict of Interest for Henderson Franklin, City Attorney, Dollar Value: N/A - **APPROVED**
- d) Amended Settlement Agreement in the Matter of Sam J. & Betty L. Bradford v. City of Cape Coral, City Attorney, Dollar Value: N/A - **APPROVED**
- e) Approval of Contract for Purchase of a three lot, waterfront site, Lots 1, 2 and 3, Block 4371, Unit 63, Cape Coral Subdivision, 833 SW 15th Terrace, Cape Coral, Florida. (Public Works – Canal Pump Station), Dollar Value: \$100,000.00 - **APPROVED**
- f) Rejection of seller’s counter-offer to Contract for Purchase, Lots 38 and 39, Block 2397, Unit 35, Cape Coral Subdivision, 549 NE 4th Terrace, Cape Coral, Florida. (Public Works – Aquifer Storage and Recovery Well), Dollar Value: N/A - **APPROVED**
- g) Approval of the Police Department's Application to the 2007 Project Safe Neighborhoods, Anti-Gang Initiative, in an Amount up to \$150,000.00, Police Department, Dollar Value: Grant Applications up to \$150,000.00 - **APPROVED**
- h) Approval of the Police Department's Application to the State of Florida Emergency Management Grant Program in the Amount of \$50,000.00, Police Department, Dollar Value: Grant Application of \$50,000.00 - **APPROVED**
- i) Approval of the Police Department's Application to the Bureau of Justice Assistance (BJA) 2007 Gang Resistance Education and Training (GREAT) Grant Program in the Amount of \$125,000.00, Police Department, Dollar Value: Grant Application of \$125,000.00 - **APPROVED**
- j) Approval of a Local Agency Program Grant Agreement with the FDOT, and Authorizing the Mayor to Execute Said Agreement - Pelican Boulevard Sidewalks, FPN 412567-1, Public Works, Dollar Value: N/A - **APPROVED**
- k) Approval for the Cape Coral Police Department to Extend the Law Enforcement Against Child Harm (LEACH) Task Force Memorandum of Understanding (MOU) through the Grant Period of December 1, 2007, Police Department, Dollar Value: N/A - **APPROVED**
- l) South Florida Water Management District Alternative Water Supply Grant Agreements - Six Totaling \$4,602,000.00 of Grant Funding Provided, Public Works, Dollar Value: Total Grant Funding of \$4,602,000.00 - **APPROVED**
- m) Approval of a Donation from the Police Department's Law Enforcement Trust Funds (LETF) to the Youth Crime Intervention Program for Police Programs at the Youth Center, Police Department, Dollar Value: Donation of \$5,000.00 - **APPROVED**

C. **PERSONNEL ACTIONS**

- 1) Programmer Analyst I Relocation Expenses – **APPROVED NOT TO EXCEED \$2,000**

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

- 1) None

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

- 1) Ord. 164-06 **ADOPTED**
LU 06-01000034 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE FAMILY/MULTI FAMILY BY PDP (SM) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 23-31, BLOCK 1903, UNIT 45, PART I, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 135 THROUGH 150, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 2717-2801 SKYLINE BOULEVARD; - COUNCILMEMBER BOYD

ACTION REQUESTED: Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:Amends the Future Land Use Map from Single Family/ Multi Family by PDP to Commercial/ Professional for Property Located at 2717-2801 Skyline Boulevard.

- 2) Ord. 155-06 **CONTINUED TO 2/26/07 MEETING**
AX 06-01100002 AN ORDINANCE PROVIDING FOR THE ANNEXATION OF PARCELS OF LAND LYING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT PINE ISLAND ROAD AND ORCHID ROAD; PROVIDING FOR TRANSFER OF FIRE SERVICE RESPONSIBILITY; PROVIDING FOR REDEFINITION OF CITY BOUNDARIES; - COUNCILMEMBER ROSADO

ACTION REQUESTED: Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:Approves Annexation of Parcels of Land Lying in Section 4, Township 44 South, Range 24 East providing for Transfer of Fire Service Responsibility and Redefinition of City Boundaries.

F. **PUBLIC HEARINGS - ORDINANCES**

1) Ord. 177-06 **ADOPTED**

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF CAPE CORAL, ARTICLE 4, GOVERNMENT, SECTION 4.03, ELECTION AND TERMS, TO CHANGE THE DATE OF PRIMARY ELECTIONS TO THE SECOND TUESDAY AFTER THE FIRST MONDAY IN THE MONTH OF SEPTEMBER; -
COUNCILMEMBER BERTOLINI

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Changes the Primary Election Date to the Second Tuesday after the First Monday in September.*

2) Ord. 179-06 **ADOPTED**

AN ORDINANCE AMENDING SECTION 19-38 OF THE CITY OF CAPE CORAL CODE, "CONTRIBUTIONS IN AID OF CONSTRUCTION (CIAC); AMENDING SECTION 19-38(B) BY INCREASING THE WATER DISTRIBUTION CHARGE FROM \$0.1406 PER SQUARE FOOT TO \$0.32 PER SQUARE FOOT; BY INCREASING THE WASTEWATER COLLECTION CHARGE FROM \$0.4811 PER SQUARE FOOT TO \$1.05 PER SQUARE FOOT; BY INCREASING THE IRRIGATION WATER DISTRIBUTION CHARGE FROM \$0.1893 PER SQUARE FOOT TO \$0.33 PER SQUARE FOOT; BY DELETING PROVISIONS RELATING TO WATER AND SEWER CHARGES FOR CONNECTIONS TO LINES WHERE CONSTRUCTION WAS COMPLETED PRIOR TO 1988; AND BY DELETING PROVISIONS RELATING TO CALCULATION OF THE CIAC FEE FOR PROPERTIES TWO ACRES IN SIZE OR GREATER; -
COUNCILMEMBER LEPERA

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Charges for Contribution in Aid of Construction for Water Distribution, Wastewater Collection, and Irrigation Water Distribution.*

G. **PUBLIC INPUT - RESOLUTIONS**

1) Res. 76-06 **APPROVED WITH AMENDMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL REQUIRING THAT ALL BUSINESSES AND OWNER/BUILDERS, AS DEFINED IN FLORIDA STATUTE SECTION 489.103(7), IN THE CITY RECEIVE A COPY OF FLORIDA STATUTE SECTION 448.09 (2006) AND A COPY OF TITLE 8 UNITED STATES CODE SECTION 1324a(a)(1), (a)(2), (e)(9), (f)(1) (2006), AS AMENDED FROM YEAR TO YEAR, AT THE TIME ANY BUSINESS OR OWNER/BUILDER APPLIES FOR A LOCAL BUSINESS TAX RECEIPT OR BUILDING PERMIT; ALL BUSINESSES OR OWNER/BUILDERS SHALL SIGN AND ACKNOWLEDGE THAT THEY ARE IN RECEIPT OF THE STATUTES WHEN APPLYING FOR A LOCAL BUSINESS TAX RECEIPT OR BUILDING PERMIT; THE CITY CLERK AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT SHALL EACH MAINTAIN A LOG SHOWING THAT A COPY OF THESE STATUTES HAVE BEEN PROVIDED AND SHALL LIST THE NAMES OF THE BUSINESSES OR OWNER/BUILDERS, THE NAME OF THE CITY EMPLOYEE THAT PROVIDED A COPY OF THE STATUTES, AND WHETHER THE BUSINESS OR OWNER/BUILDER ACCEPTED A COPY OF THE STATUTES; - COUNCILMEMBER DAY

ACTION REQUESTED: *Final Public Input*

WHAT THE RESOLUTION ACCOMPLISHES: *Provides that New and Existing Business Owners and Owner/Builders Shall Receive a Copy of State and Federal Statutes that Deal with the Hiring of Illegal Aliens when Applying for a Local Business Tax Receipt or Building Permit*

2) Res. 77-06 **APPROVED**

A RESOLUTION OF CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF CAPE CORAL, FLORIDA SPECIAL OBLIGATION REVENUE BONDS, SERIES 2007, TO REFINANCE CERTAIN OUTSTANDING INDEBTEDNESS OF THE CITY PREVIOUSLY INCURRED TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS TO THE CITY'S CHARTER SCHOOLS; COVENANTING TO BUDGET AND APPROPRIATE CERTAIN LEGALLY AVAILABLE NON-AD VALOREM REVENUES TO PAY DEBT SERVICE ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF BONDS ISSUED HEREUNDER; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH BONDS ISSUED HEREUNDER; AUTHORIZING THE

AWARDING OF SAID BONDS PURSUANT TO A PUBLIC BID; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER FOR THE AWARD OF THE BONDS AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID BONDS; APPOINTING THE PAYING AGENT AND REGISTRAR FOR SAID BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SUCH BONDS; AUTHORIZING THE USE OF AN OFFICIAL NOTICE OF SALE AND THE PUBLICATION THEREOF OR A SUMMARY THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE DISSEMINATION AGENT AGREEMENT WITH RESPECT TO THE BONDS; AUTHORIZING MUNICIPAL BOND INSURANCE FOR THE BONDS; AUTHORIZING A DEBT SERVICE RESERVE SURETY BOND WITH RESPECT TO THE BONDS; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Final Public Input*

WHAT THE RESOLUTION ACCOMPLISHES: *Authorizes Issuance of Special Obligation Revenue Bonds in an Amount Not to Exceed \$40,000,000.00 to Refinance Debt Previously Incurred for the Acquisition, Construction and Equipping of Capital Improvements to the Charter Schools.*

H. **CITIZENS INPUT TIME - A maximum of 30 minutes is set for input of citizens on matters concerning City Government; 3 minutes per individual TEN SPEAKERS**
COUNCIL TO DISCUSS DECLARATORY JUDGEMENT ON CLUB SQUARE AT THEIR 1/22/07 COUNCIL MEETING AS A DISCUSSION ITEM

I. **ADMINISTRATIVE / DISCUSSION ITEMS:**

1) Strategic Plan 2006 - 2008 - Assistant City Manager – **APPROVED WITH AMENDMENT TO MOVE IMPROVEMENTS TO SKATE PARK UNDER YOUTH CENTER IMPROVEMENTS**

J. **DRAFT PROPOSED ORDINANCES:**

1) None

K. **INTRODUCTION OF ORDINANCES:**

1) *Ord. 146-06 **PUBLIC HEARING 1/22/07**
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: *Set Public Hearing Date (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) Ord. 171-06 **1ST PUBLIC HEARING 1/22/07; 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 Public Hearing Dates*

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, Removes PILOP Calculations from Table, Adding Special Regulation for Drive-Through Facilities, and Clarifies Section on Minimum Number of Off-Street Parking Spaces.*

3) Ord. 172-06 **PUBLIC HEARING 1/22/07**

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: *Set Public Hearing Date*

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.*

4) Ord. 173-06 **PUBLIC HEARING 1/22/07**

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: *Set Public Hearing Date*

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

5) Ord. 183-06 **PUBLIC HEARING 1/22/07**

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: *Set 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*

6) Ord. 184-06 **PUBLIC HEARING 1/22/07**

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: *Set 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 that he be Allowed to Stay in the Property until May 31, 2007.*

L. **INTRODUCTION OF RESOLUTIONS:**

1) Res. 65-06 **PUBLIC INPUT 1/22/07**

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: *Set Public Input Date*

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.*

2) *Res. 74-06 **PUBLIC INPUT 1/29/07**

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: *Set Public Input Date (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.*

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

BERTOLINI – THANKED THE CITY MANAGER AND PARKS AND RECREATION DIRECTOR FOR GETTING PERMISSION FOR HER GRANDSON WHO IS A CHAMPIONSHIP SWIMMER TO USE THE POOL AT CAPE CORAL HIGH SCHOOL; REPORTED THAT TRUCKS ARE PULLING UP TO THE FENCE AT THE PELICAN SOCCER FIELDS AND PUTTING THEIR LIGHTS ON SO THEIR CHILDREN CAN PLAY ON THE FIELD IN THE EVENING

BOYD – NO REPORT

DAY – REPORTED THAT HE IS GOING TO CALL FOR A SPECIAL MEETING OF THE BURNT STORE ROAD COMMITTEE TO DISCUSS THE ROADWAY CUTS AND BERMS PROPOSED BY LEE COUNTY; QUESTIONED WHEN THE SW 5 NOTIFICATION LETTERS WERE GOING OUT TO THE RESIDENTS, CITY MANAGER REPORTED HE WILL HAVE A DRAFT TO COUNCIL TOMORROW; QUESTIONED WHEN STAFF WILL HAVE A REPORT ON THE ARTIFICIAL GRASS THAT HE HAD SUGGESTED A FEW WEEKS AGO

HAIR – REPORTED HE IS GOING TO BE WORKING WITH THE CITY ATTORNEY ON A NUISANCE ABATEMENT ORDINANCE FOR THE AREA BY THE BAMBOO CLUB

LEPERA - REPORTED THERE IS A GROUND BREAKING FOR THE SHOPS AT SURFSIDE ON WEDNESDAY, JANUARY 10TH AT 10:00 A.M.; REPORTED THAT THE ART FESTIVAL WILL BE HELD DOWNTOWN CAPE CORAL THIS WEEKEND; QUESTIONED THE CITY ATTORNEY ABOUT THE INDEMNIFICATION AGREEMENT THAT IS NEEDED FOR THE EDISON PARADE

ROSADO - THANKED HIS WIFE FOR ALWAYS BEING THERE FOR HIM AND CELEBRATING THEIR 20TH ANNIVERSARY; REPORTED HE IS NOT RESIGNING FROM OFFICE AND IS CONFIDENT THAT HE WILL GET HIS NAME CLEARED; SUGGESTED THAT THE CITY PLACE A GO BOND FOR PARKS ON THE NOVEMBER BALLOT; QUESTIONED WHERE THE CITY WAS AT CONCERNING THE GOLF CLUB; COUNCIL MEMBER BERTOLINI REPORTED THEY ARE WAITING ON THE 2ND APPRAISAL; HE FEELS THE GOLF CLUB SHOULD BE A CITY PARK; REPORTED HE HAS RECEIVED COMPLAINTS ABOUT THE WATER PRESSURE AND IF AN EMPLOYEE IS ANSWERING THE TELEPHONE OR IS IT AN ANSWERING MACHINE; CITY MANAGER REPORTED THAT HE HAS NOT HAD ANY COMPLAINTS ABOUT THE WATER PRESSURE IN THE PAST FEW WEEKS

STEVENS - NO REPORT

MAYOR FEICHTHALER - REPORTED THAT HE SPOKE AT THE CAPE CORAL WOMEN'S REPUBLICAN CLUB MEETING LAST WEEK; REPORTED HE ATTENDED THE TOURIST DEVELOPMENT COUNCIL MEETING LAST WEEK AND THERE ARE BETTER TOURISM NUMBERS HE THANKED STAFF FOR DOING A GOOD JOB GETTING TOURISM MONEY

N. **REPORTS:**

- 1) City Attorney - **NO REPORT**
- 2) City Manager - **REPORTED HE HAD STAFF SPEAK TO MRS. HENDERSON-MARTIN ABOUT HER WATER BILL**

7 Time and Place of Next Meeting - The Next Committee of the Whole Meeting is Scheduled for Monday, January 22, 2007 at 3:00 PM in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, January 22, 2007 at 5:30 PM in Council Chambers

8 Motion to Adjourn **8:40 P.M.**