

**MINUTES FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL**

Monday, January 8, 2007

COUNCIL CHAMBERS

5:30 P.M.

Meeting called to order by Mayor Feichthaler at 5:42 p.m.

Invocation - Councilmember Day

Pledge of Allegiance to the Flag of the United States of America Led by Austin Kolar,
Pelican Elementary School

ROLL CALL: Mayor Feichthaler, Council Members Bertolini, Boyd, Day Hair,
LePera, Rosado, and Stevens were present.

ADOPTION OF AGENDA

Council Member Boyd moved, seconded by Council Member Bertolini to adopt the agenda.

Voice poll: All "ayes". Motion carried.

BUSINESS

PUBLIC COMMENT - CONSENT AGENDA

Tim Trimble, resident, questioned Item 2(c), Purchase of Peerless High Service Distribution Pumps. He asked how many pumps were included in the cost of \$155,000. He noted that by approving the Consent Agenda Council would be spending six or seven million dollars. He inquired as to what the taxpayers would receive from the federal and state grant monies. He asked for an explanation of "waiver of conflict of interest". He questioned Item 3(l), South Florida Water Management District Alternative Water Supply Grant Agreements for a total funding of \$4,602,000.00, specifically what would the money be used for and how would it help the residents.

Council Member Bertolini pulled Consent Agenda Item 3(l).

CONSENT AGENDA

(1) APPROVAL OF MINUTES:

- a) Regular Council Meeting, November 27, 2006
- b) Strategic Planning Session, December 1, 2006
- c) Regular Council Meeting, December 4, 2006
- d) Regular Council Meeting, December 11, 2006

(2) Procurement Items:

- a) Auction of City Surplus Vehicles and Equipment, Financial Services, Dollar Value: N/A, GOVDEALS.COM
- b) Amendment #2 to Contract for Water Meter Reading Services, Financial Services, Dollar Value: Approximately \$724.00 per Month, ACCURATE CONTRACT SERVICES, INC.

- c) Purchase of Peerless High Service Distribution Pumps, Public Works, Dollar Value: \$155,296.30, TOM EVANS ENVIRONMENTAL, INC.
- d) Lift Station 109 Refurbishment, Public Works, Dollar Value: \$24,345.00, TETRA TECH HAI
- e) Award of Contract: Meter Replacement & Installation Services, Public Works, Dollar Value: Estimated Annual Expenditures \$250,000.00, TRITON WATER TECHNOLOGIES
- f) Contract Renewal for the Purchase of Liquid Polymer for Water Reclamation, Public Works, Dollar Value: Estimated Annual Expenditures \$90,000.00, POLYDYNE, INC.
- 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
- h) Purchase of Laboratory Supplies, Chemicals and Reagents, Public Works, Dollar Value: Estimated Annual Cost of \$27,500.00, FISHER SCIENTIFIC COMPANY, LLC
- 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.
- j) Award of Bid: Daily Retrieving, Processing and Mailing of City Documents, City Clerk, Dollar Value: To Be Determined, MAIL BARCODING SERVICES OF SWFL
- 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.
- l) Sub-Area Travel Demand Model Development, Public Works, Dollar Value: Not-to-Exceed \$49,724.80, AIM ENGINEERING & SURVEYING, INC.

(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
- 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
- c) Waiver of Conflict of Interest for Henderson Franklin, City Attorney, Dollar Value: N/A
- d) Amended Settlement Agreement in the Matter of Sam J. & Betty L. Bradford v. City of Cape Coral, City Attorney, Dollar Value: N/A
- 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
- 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

- 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
- 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
- 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
- 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
- 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
- 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
- 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

Council Member LePera moved, seconded by Council Member Boyd to approve the Consent Agenda with the exception of Item 3(l).

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

Utilities Manager Reilly explained Consent Agenda Item 3(l), the six alternative water supply grants from the South Florida Water Management District totaling \$4,602,000.

Council Member Bertolini moved, seconded by Council Member Boyd to approve Consent Agenda Item 3(l).

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

City Manager Stewart addressed Mr. Trimble's comments regarding additional information on the Consent Agenda items. He noted that, while the short list on the agenda did not include details, any member of the public could come to the City or go to their website to get that information.

PERSONNEL ACTIONS

Programmer Analyst I Relocation Expenses

Human Resources Director Howard explained the request for relocation expenses for the Programmer Analyst I position.

Council Member Stevens moved, seconded by Council Member Day to approve the relocation expenses for the Programmer Analyst I position not to exceed \$2,000.00.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

PETITIONS TO COUNCIL

None.

PUBLIC HEARINGS - DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

Ordinance 164-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Clerk Vent read the title of the Ordinance.

Planner Daltry stated that the applicant's request was for a Small-Scale Future Land Use Map Amendment from Single Family and Multi-Family Residential by PDP (SM) to Commercial/Professional (CP) Land Use. He described the subject property and the surrounding area on the proximity map. He noted that the area was going through a Large Scale Land Use amendment and was pending approval from the DCA. He reviewed the pending land use changes. He reviewed staff's analysis and stated that it met one of the criteria and partially met two of the criteria. He stated that staff recommended approval of the request. He stated at the November 15, 2006 meeting, the Planning & Zoning Commission/Local Planning Agency voted six "ayes" and one "nay" to recommend transmittal of Ordinance 164-06. There were no speakers during public hearing.

Public Hearing opened.

Ed Anulli, Applicant, stated that their proposal was to construct a building with commercial on the bottom and professional above. He explained why the building would be an asset to the residents in the area and noted that the location was suited for commercial/professional use.

Tim Trimble, resident, questioned the platted right-of-way. He stated that he took issue with the fact that the City spends hundreds of thousands of dollars in time and material to change area zoning. He suggested consolidated some of the land use issues so that the City was not doing piecemeal land use changes.

Public Hearing closed.

Council Member Boyd moved, seconded by Council Member Day to adopt Ordinance 164-06.

Council Member Stevens explained why he was struggling with Ordinance 164-06.

Planner Daltry responded that this was not a perfect situation. He explained that when they view how close a proposed commercial property is to a major node they do not look at adjacency to that intersection. He stated that they generally look at what is within a quarter of a mile of a major intersection, in this case Veteran's Parkway and

Skyline Boulevard. He commented that the Planning & Growth Management Division would not look at any further southward expansion of commercial property on this block.

Council Member Stevens inquired as to the one "nay" vote from the Planning and Zoning/Local Planning Agency.

Planner Daltry explained the one "nay" vote and stated that he felt this project passed their requirements.

Mayor Feichthaler questioned whether the intent was to merge the western and eastern parcels into a 250 foot deep parcel for commercial development.

Planner Daltry responded that eventually Council would be looking at a combination of the properties, probably a vacation of the alley so that you would have 270 feet depth on the northern most part of the block.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

Ordinance 155-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Clerk Vent read the title of the Ordinance.

Planner Daltry stated that the Applicant had requested a further continuance of this case to the February 26, 2007 City Council meeting.

Public Hearing opened.

No speakers.

Public Hearing closed.

Council Member Boyd moved, seconded by Council Member Bertolini to continue Ordinance 155-06 to the February 26, 2007 Council meeting.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

PUBLIC HEARINGS - ORDINANCES

Ordinance 177-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Clerk Vent read the title of the Ordinance.

Public Hearing opened.

No speakers.

Public Hearing closed.

Council Member Bertolini moved, seconded by Council Member LePera to adopt Ordinance 177-06.

Mayor Feichthaler explained why he would be supporting Ordinance 177-06.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

Ordinance 179-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. _____

City Clerk Vent read the title of the Ordinance.

Financial Services Director Mason gave a brief overview of Ordinance 179-06 and recommended approval.

City Manager Stewart explained that there were a number of parcels in various areas of the City where someone had extended a utility line, and those residents along the line that have improved properties were required to hook up. The residents on unimproved properties have the option of having the hookups and laterals run and paying for it at that time or waiting until they improve the property. He noted that some residents are arguing that they should be allowed to do the betterment rather than the assessment and do it based upon those fees that were in existence at the time the betterment came into place. He stated as we change this ordinance and raise those rates, which the Auditor General indicated that we should do, there are those who are challenging being included in the assessment areas because they believe they should be entitled to the contribution in aid of construction.

Public Hearing opened.

Tim Trimble, resident, asked if the proposed ordinance would affect the bottom line for other residents on the system.

City Manager Stewart responded in the negative and explained the process involved in connecting to improved properties.

Public Hearing closed.

Council Member LePera moved, seconded by Council Member Bertolini to adopt Ordinance 179-06.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Feichthaler

and Hair voted "aye". Day voted "nay". Seven "ayes" and one "nay". Motion carried.

PUBLIC INPUT - RESOLUTIONS

Resolution 76-06 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; PROVIDING AN EFFECTIVE DATE.

City Clerk Vent read the title of the Resolution.

Public Input opened.

Mary Ann Redman, Americans Standing Tall, stated that the resolution before Council was for a handout to be given to those who contract with the City and who apply for licenses and permits. She noted that the handout would contain excerpts from Federal and State law regarding hiring or harboring illegal aliens and the penalties involved. She explained that American Standing Tall had also asked that language be inserted in the resolution stating that the person signing the handout was in compliance with the laws. She noted there was no legal reason why the compliance language could not be included. She urged Council to amend the resolution as it presently stands to include said language.

Anthony Maida, Americans Standing Tall, addressed Council regarding the resolution and urged them to include the compliance language. He stated that if the resolution passed without the compliance language it would be worthless legislation. He commented that the resolution as it stands would protect the companies that hire illegal aliens and would be an injustice to the citizens of Cape Coral.

Neil Smith, resident, agreed with Ms. Redman's comments regarding adding the compliance language to the resolution.

Jim Harvey, resident, explained that he felt the resolution as stated would not do anything to require people to uphold the law.

Tim Trimble, resident, stated when the Council Members took their Oath of Office they swore to uphold the laws of the State and the United States of America.

Jim Holtschulte, Americans Standing Tall, asked that Council do something for the legal citizens of the City. He noted that without the compliance language the resolution was meaningless.

Public Input closed.

Council Member Day moved, seconded by Council Member Boyd to approve Resolution 76-06.

Council Member Day commented regarding adding the compliance language to the resolution.

Council Member Stevens suggested adding the following to the last sentence of the resolution: "I hereby certify that I am in receipt of and am in compliance with Florida Statutes."

Mayor Feichthaler suggested also adding "and will continue to be in compliance".

City Attorney Menendez explained that the City would not refuse to issue local business tax receipts and building permits in the event the person did not sign the certification.

Discussion was held regarding the language of the resolution.

City Attorney Menendez explained that the City could not legally require someone to sign that they were in compliance or in receipt of any document regarding the issuance of a local business tax receipt. She reviewed the Building Department's permitting process.

Council Member Day noted there would be a public record if the builder refused to sign the compliance document.

Council Member Bertolini inquired as to the City's liability if the resolution passed.

City Attorney Menendez responded that she did not see any liability on the City's part in the event that a person was prosecuted for violating any of the Statutes, or for issuing the local business tax receipt or building permit to someone who signed the document and then failed to comply with the document.

Mayor Feichthaler suggested that the document in question be notarized.

City Attorney Menendez explained that she understood the City was trying to reduce the number of documents that were required to be notarized.

City Manager Stewart stated that there had been significant discussion on Council's part regarding finding ways to streamline the permitting process in the City's Building Department. He noted that there would be additional costs to the taxpayers as a result of the proposed compliance document.

City Attorney Menendez discussed adding the notarization clause to the resolution.

Council Member Day moved to add to the resolution "and in compliance and will continue to be in compliance" and the notarization clause.

Second agreed.

Mayor Feichthaler suggested adding "and in compliance and will continue to be in compliance" to the form along with an oath above the signature line and a requirement that the form be signed before a notary. He also suggested changing the proposed language in the resolution to state "All businesses or owner/builders shall be responsible for knowing and understanding the contents of these Statutes and shall sign and acknowledge that they

are in receipt of a copy of these Statute sections under oath, in which they acknowledge that they are in compliance and will remain in compliance with those Statutes and Code sections.” Also, on the form there would be an oath section where the person would sign and beneath that the Notary’s signature.”

Council Member Day moved to add to the resolution the above recommendations by Mayor Feichthaler.

Second agreed.

Council Member LePera inquired as to what the resolution would do to solve the illegal immigration problem. She noted that the resolution did not require any enforcement. She asked why the City would be giving the people a copy of the law when they are supposed to know the law.

Further discussion was held.

Mayor Feichthaler explained that if it was discovered that someone was hiring an illegal person anyone could call the State Attorney’s Office and let them be responsible for prosecuting a State crime. He noted that a builder would only have to sign the form one time.

City Attorney Menendez suggested regarding building permits including the language: “that the signed document would be good for one year and would apply to all permits issued during that time”.

Council Member Stevens commented that the notarization requirement bothered him. He suggested establishing a Task Force Committee to advise Council regarding the illegal alien issues.

City Clerk Vent read the motion: ***The amendment to Resolution 76-06 is to add the language “and in compliance and will continue to be in compliance”; in section one add the statement “under oath”; and to include under building permits language that they would have to have the form on file each year and it would be good for one year”.***

Council Member Day amended his motion as stated above.

Second agreed.

Council polled as follows: LePera, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted “aye”. Rosado voted “nay”. Seven “ayes” and one “nay”. Motion carried.

Resolution 77-06 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 AWARDED 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; PROVIDING AN EFFECTIVE DATE.

Council Member Boyd moved, seconded by Mayor Feichthaler to waive Introduction.

Voice poll: All "ayes". Motion carried.

City Clerk Vent read the title of the Resolution.

Financial Services Director Mason gave a brief overview of the proposed resolution. He noted the bonds were for the debt service associated with the three Charter School buildings.

Public Input opened.

Tim Trimble stated he attended the meetings when the Charter Schools were originally being proposed. He noted that Mayor Kempe was concerned at that time about tax dollars funding the schools. He stated that the citizens were told that the funds would come from the tuition or taxes being paid to Lee County; it now appears that the City is funding the schools for 40 million dollars with this bond.

Mayor Feichthaler explained that the 40 million dollar bond issue was to transfer the short term debt for building the schools into long term debt. The Schools, through tuition, makes those payments. He noted that Council did loan the Charter Schools \$500,000.00 last month; they are required to pay that amount back to the City.

Public Input opened.

Council Member Stevens moved, seconded by Council Member Day to approve Resolution 77-06.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

Council recessed at 6:58 p.m. and reconvened at 7:15 p.m.

CITIZENS INPUT TIME

Paul Clarcq, Executive Officer of the Cape Coral Power Squadron, stated he was representing the concerned property owners of the Club Square area. He asked that Council drop their declaratory judgment asking for relief with reference to the dedication of the area delineated as "parking area" to the "perpetual use of the public for proper purposes" for the area commonly known as Club Square. He noted that they had collected nearly 1,500 signatures on a petition expressing opposition to the lawsuit. He recognized all of the property owners present in Chambers. He gave a brief overview of the deed restrictions and noted that one of the restrictions was that no parking meters could be installed without the written consent of all abutting property owners. He stated that Club Square represents a community area in which various organizations such as the Elks, the Power Squadron, the Eagles and the VHW would establish their club houses largely dependent upon the availability of dedicated free parking. He noted that making changes to the parking would drive the organizations out and would not be in the best interest of the community. He requested that the City withdraw from the lawsuit.

Mario D. Kyriakidis, Americans Standing Tall, thanked Council Member Stevens for his comments about illegal immigrants. He noted that it was up to the Federal Government to enforce the laws against the illegal immigrants; however, they are not doing so. He discussed the efforts of the Minute Men.

Pete Brandt, resident, addressed Council regarding the Club Square parking lawsuit and urged Council to dismiss the suit.

Paul Bozwell, resident, addressed Council regarding utility costs, real estate taxes and insurance costs in the City. He discussed utility costs in other areas and noted that the costs in those areas were affordable and the residents were very happy. He stated that it was time for City Council to stop the runaway utility programs.

Pastor Dane Blankenship, resident, stated that he was present on behalf of First Baptist Church as well as other pastors and citizens of Cape Coral. He explained that he was at the meeting to give the City a nativity scene to be placed on Cape Coral Parkway.

John Sullivan, resident, stated in connection with the ongoing utility expansion the Mayor was recently quoted in the News Press as saying "If I thought we could bring it in-house and do the project successfully we would." He noted there is only one community that uses Manager at Risk for installing utility lines. He stated that it did not make sense to use a Manager at Risk for installing the lines. He suggested recruiting City employees who could handle the utility job; if not shut down the project immediately.

Larry Barton, resident, questioned the status of the study regarding alternate utility technologies. He asked when the full text of Ordinances 71-06, 72-06 and 73-06 would be available. He inquired as to whether or not the presentation to Council regarding on-site technologies that was cut from the tape was re-scheduled and shown to the public.

Ed Morris, resident, stated the Montgomery Watson Harza was gauging the citizens of Cape Coral. He noted that the Manager at Risk contract method was not working and was costing the City millions of dollars in management fees. He referred to a newspaper article that stated Montgomery Watson Harza paid out sixteen million dollars last September. He stated the Charter Schools were not working as proposed even though changes were made with top management and programs. He noted that Bonita Springs uses the Lee County Electric Cooperative Board to manage the water, sewer and irrigation. The Board is made up of civil engineers

and business executives. He stated that he was glad to see that Cape Coral would be receiving grants from the Southwest Management Water District and suggested that the City also try to obtain federal grants.

Anne Marie Henderson Martin, resident, addressed Council regarding a water bill she received for 77,000 gallons of water at her vacant home. She stated that her maintenance man checked the meter on a regular basis. She noted that there had to be an error in the reading; she received a bill for over \$900.00. She asked who would be funding Consent Agenda Items 2(g) through 2(k).

Joe Lentini, resident, asked if the Charter Schools were going to switch their hours like the Lee County Schools intend to do.

City Manager Stewart responded that the Charter Schools are required to follow the County calendar.

Joe Lentini commented that Burton field, where the girls play softball, was not being properly maintained. He discussed the permitting process. He noted that Mr. Rosado may have broken some rules; as soon as something was thought to be wrong the matter should have been immediately brought before Council to be addressed.

Council Member Hair thanked Mr. Clarcq and Mr. Brandt for their comments concerning Club Square. He explained the history of the declaratory judgment filed regarding Club Square.

Council Member Hair moved, seconded by Council Member Rosado to withdraw the declaratory judgment regarding Club Square.

Mayor Feichthaler stated he felt the intent of the declaratory judgment was good, clarifying the rights and obligations of all parties involved. He noted that he was concerned about the communication between the CRA, Council, and the members of the Clubs in that area. He stated that his intent was not to remove restrictions on the property; the residents do have a right to use the area for free parking. He stated that he would prefer to continue the motion.

Council Member Stevens questioned why the lawsuit should be withdrawn. He stated that he would rather have the motion withdrawn until Council had more information.

Council Member Day suggested adding this item to a later Council meeting for discussion.

Council Member Boyd suggested bringing the item back to Council in two weeks.

Council Member Hair stated that he would be willing to withdraw his motion if it could be revisited in two weeks.

Council Member Bertolini noted that the declaratory judgment was initiated by the CRA Board and not the City.

Council Member Hair withdrew his motion.

Council Member Day informed Mr. Barton that the Council meeting regarding alternate utility system presentations had been replayed for the public sixteen times in its entirety.

City Manager Stewart addressed Mr. Lentini's comments regarding the girls' softball field. He stated that the City Attorney would respond to Mr. Barton's question about the submittal to the Attorney General's Office regarding the audits. He noted that the approval of the independent engineering firm that had been selected would be on the next scheduled Council meeting agenda. He stated in response to Mr. Morris' comments regarding the newspaper article on Montgomery Watson Harza, that the City had provided a rebuttal article responding to Mr. Cull's claims showing that his numbers regarding profit were incorrect.

Mayor Feichthaler addressed the problems associated with the management of past utility projects. He stated that the City needed to do much better, especially with getting grants for low income residents. He thanked Pastor Blankenship for his offer of the nativity scene to be placed on Cape Coral Parkway.

City Manager Stewart noted that Council must approve the acceptance of donated items.

Council Member Stevens moved, seconded by Council Member Boyd to accept the donation.

Council Member LePera asked for a memorandum from the City Attorney's Office before voting on the acceptance by Council of a religious donation.

City Attorney Menendez stated in reference to Mr. Barton's comments regarding the Attorney General's Opinion request, that was sent out while Mr. Crist was still the Attorney General; the City has not yet received a reply. She urged caution with respect to Council accepting items the donation from First Baptist Church for the purpose of display on public property. She noted that additional groups may come forward with items that they would also like displayed.

Council polled as follows: Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". LePera voted "nay". Seven "ayes" and one "nay". Motion carried.

Council Member Day addressed the SW5 utility project. He noted that the SW5 area was being designed and engineered without placing the pipes on the same side of the street which would lower the cost.

ADMINISTRATIVE / DISCUSSION ITEMS

Strategic Plan 2006 - 2008 - Assistant City Manager

Assistant City Manager Schwing stated on December 1, 2006 Council met to discuss their strategic priorities for FY2007-2008. He presented to Council their indication of the only change for the Mission, Vision and Core Values: in the Vision Statement delete the word "young". He noted that Council also reduced the number of strategic priorities from 21 to 11 and asked that they be grouped by tiers; tier one being the most important priorities and also equaling the core services of the City, and a second group of tier two. He stated that tier one consists of Parks & Recreation, Economic Development, Water, Sewer and Irrigation, Land Use and Planning, Transportation and Public Safety. He noted that there was also a list of

items that Council would like to see discussed further in future Committee of the Whole meetings. He stated that, if Council was comfortable with the work product presented, staff was recommending that it be formally adopted by Council and made affective immediately.

Mayor Feichthaler passed the gavel to Mayor Pro Tem Boyd.

Mayor Feichthaler moved, seconded by Council Member Boyd to adopt the Strategic Plan and make it affective immediately.

Council Member LePera noted item two under Parks & Recreation, "improve the Skate Park Facility" was not listed in the minutes of the Strategic Planning Session of December 1, 2006 that were approved by Council earlier in the meeting.

Council Member LePera moved to amend the motion to eliminate "improve the Skate Park Facility" as a separate item.

Motion maker agreed.

Council Member Boyd stated that he would like to leave the Skate Park Facility item on the list. He noted that the Skate Park had become part of the Youth Center that was a gift from the non-profit group to the City, and both the Skate Park and the Youth Center had expansion needs.

Mayor Feichthaler noted that the Skate Park would be included in the last bullet listed under Parks & Recreation.

Council Member Day stated that he felt "improve the Skate Park Facility" should be left on the list.

Council Member Stevens stated that he did not recall this item being on the list. He agreed with Mayor Feichthaler that it was included under the last bullet.

Mayor Feichthaler withdrew his motion.

Mayor Feichthaler moved, seconded by Council Member Boyd to adopt the entire strategic plan with the only change being to eliminate bullet two under section 6, and change the last bullet under section 6 to state "City becomes more involved in the Youth Center Complex operations, use, and improvements.

Council Member LePera agreed with the amendment.

Council polled as follows: LePera, Rosado, Stevens, Bertolini, Boyd, Day, Feichthaler and Hair voted "aye". All "ayes". Motion carried.

DRAFT PROPOSED ORDINANCES

None.

INTRODUCTION OF ORDINANCES

***Ordinance 146-06** 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Clerk Vent read the title of the Ordinance.

Public Hearing date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

Ordinance 171-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Clerk Vent read the title of the Ordinance.

First Public Hearing date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

Second Public Hearing date was scheduled for Monday, February 5, 2007, at 5:30 p.m. in Council Chambers.

Ordinance 172-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Council Member Boyd moved, seconded by Mayor Feichthaler to waive DPO.

City Clerk Vent read the title of the Ordinance.

Public Hearing date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

Ordinance 173-06 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 AND AN EFFECTIVE DATE.

Council Member Boyd moved, seconded by Mayor Feichthaler to waive DPO.

City Clerk Vent read the title of the Ordinance.

Public Hearing date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

Ordinance 183-06 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 AND AN EFFECTIVE DATE.

Council Member Boyd moved, seconded by Mayor Feichthaler to waive DPO.

City Clerk Vent read the title of the Ordinance.

Public Hearing date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

Ordinance 184-06 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; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Council Member Boyd moved, seconded by Mayor Feichthaler to waive DPO.

City Clerk Vent read the title of the Ordinance.

Public Hearing date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

INTRODUCTION OF RESOLUTIONS

Resolution 65-06 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; PROVIDING AN EFFECTIVE DATE.

City Clerk Vent read the title of the Resolution.

Public Input date was scheduled for Monday, January 22, 2007, at 5:30 p.m. in Council Chambers.

***Resolution 74-06** 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; PROVIDING AN EFFECTIVE DATE.

City Clerk Vent read the title of the Resolution.

Public Input date was scheduled for Monday, January 29, 2007, at 5:30 p.m. in Council Chambers.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Council Member Rosado – stated it was good to be back; noted that he celebrated his 20th wedding anniversary several days ago; stated he would not be resigning and was confident that he would be cleared of all allegations; questioned the status of the Golf Course appraisals and noted he felt the Golf Course should be considered a park; asked about the phone service for citizens complaining about their irrigation water.

Council Member Stevens – no report.

Council Member Bertolini – stated she had been working with the City Manager and they were still awaiting the second appraisal on the Golf Course; asked Council to work together and be supportive regarding the Golf Course; stated she spoke with Parks & Recreation Director Pohlman regarding illegal parking at the soccer fields; thanked the City Manager and Mr. Pohlman for letting her grandson use the swimming facilities behind the Cape Coral High School.

Council Member Boyd – no report.

Council Member Day –stated he wanted to call a Special Meeting of the Burnt Store Right – of-Way Committee regarding roadway cuts and the berm; asked for Council's approval to call the Special Meeting for January 22nd at 10:00 a.m. and noted he would invite Commission Hall and a representative from the Lee County Department of Transportation to the meeting; asked about notification to the residents in the SW5 utility expansion area; asked if there was any information regarding the use of artificial grass.

Brief discussion was held regarding the use of artificial grass.

Council Member Hair – noted he would like the Club Square item revisited by Council in two weeks; noted there was a shooting at the Bamboo Club and the person who was wounded turned out to be a double murder suspect; asked the City Attorney to look into the

possibility of Council adopting a nuisance abatement ordinance similar to Lee County's to protect the citizens in that area.

Council Member LePera – announced that there was a groundbreaking for the shops at Surfside this Wednesday; noted that the Arts Festival would be held this weekend; asked if the City Attorney could check on the waiver for the indemnification for the Edison Parade.

Mayor Feichthaler – announced that he spoke at the Womens' Republican Club; he attended the Tourist Development Council meeting last Friday, and the tourist numbers are up.

REPORTS

City Attorney Menendez – no report.

City Manager Stewart – stated that a copy of the draft notification to residents in the SW5 utility expansion area would be available to City Council tomorrow; stated he would check on the information regarding the artificial grass; noted he had staff speak with Ms. Martin regarding her water bill and she would be provided with additional answers and assistance.

TIME AND PLACE OF NEXT MEETING

The next Committee of the Whole Meeting was scheduled for Monday, January 22, 2007 at 3:00 p.m. in Council Chambers.

The next Regular City Council Meeting was scheduled for Monday, January 22, 2007 at 5:30 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Bonnie J. Vent, MMC
City Clerk