

# **AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL**

**Monday, February 26, 2007**

**COUNCIL CHAMBERS**

**5:30 PM**

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Councilmember Boyd
- 3 Pledge of Allegiance to the Flag of the United States of America Led by  
CHRISTOPHER OLSTYNSKI, Gulf Elementary School
- 4 ROLL CALL: Mayor Feichthaler, Council Members LePera, Stevens, Berardi, Bertolini,  
Boyd, Day and Hair
- 5 Adoption of Agenda – **APPROVED WITH ITEM 6 B(2)(b) AND ITEM 6(I)(2)  
WITHDRAWN**
- 6 BUSINESS:

**Motion to Reconsider Water/Sewer Line Extension Along Ceitus Parkway to  
Service Neighborhood Park #4 – APPROVED RECONSIDERATION OF MOTION AND  
APPROVED LETTERS TO GO OUT TO RESIDENTS FOR COUNCIL CONSIDERATION  
ON APRIL 9, 2007**

**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                      **SIX SPEAKERS****

**B. CONSENT AGENDA**

- 1) APPROVAL OF MINUTES:
  - a) Special Council Meeting, January 29, 2007 - **APPROVED**
  - b) Regular Council Meeting, January 29, 2007 - **APPROVED**
  - c) Regular Council Meeting, February 5, 2007 - **APPROVED**
  - d) Regular Council Meeting, February 12, 2007 - **APPROVED**

- 2) Procurement Items:
- a) Change Order to MWH Work Authorization UEP-6 Northeast Loop Betterment and Del Prado PS363 Relocation Construction, Public Works, Dollar Value: De-Obligation of Unexpended Funds in the Amount of \$175,525.01, MWH AMERICAS - **APPROVED**
  - b) MWH Americas Work Authorization (WA) UEP-10 Southwest 6/7 Area Utilities Extension Design, Public Works, Dollar Value: \$6,434,287.72 plus Program Management Fees of \$225,200.07 for a Total of \$6,659,487.79, MWH AMERICAS - **WITHDRAWN**
  - c) Consulting Services for New Weir at Gator Slough, Public Works, Dollar Value: Not-to-Exceed Fee of \$47,850.00, AIM ENGINEERING & SURVEYING, INC. - **APPROVED**
  - d) MWH Americas Work Authorization WW-3 Everest WRF Demolition & Office Relocation Change Order No. 2, Public Works, Dollar Value: Reimbursement of Cost for Program Management Fees \$18,823.77 and De-obligate Funds in the Amount of \$6,041.15, MWH AMERICAS - **APPROVED**
  - e) Construction Services for the Early Rehabilitation of the Existing Chiquita Boat Lock, Public Works, Dollar Value: \$399,156.66, PCL CIVIL CONSTRUCTORS, INC. - **APPROVED**
  - f) Purchase of Two Non-Hydraulic Lifting Systems, Public Works, Dollar Value: Total of \$68,634.00, Using General Services Administrative Contract #GS-07F-7172-B, AUTOMOTIVE RESOURCES, INC. - **APPROVED**
  - g) Purchase of Water Based Traffic Paint, Public Works, Dollar Value: Estimated Cost of \$50,000.00, PRIDE ENTERPRISES - **APPROVED**
  - h) Upgrade of Security System at Reverse Osmosis Plant and Waste Water Treatment Facility, Public Works, Dollar Value: \$35,655.18, SITESECURE, INC. - **APPROVED**
  - i) Change Order No. 2 to MWH Work Authorization G-5, Permitting Services, Public Works, Dollar Value: \$277,104.00, MWH AMERICAS - **APPROVED**
  - j) Contracts for Grounds Maintenance for Public Works Sites, Canal Pump Stations and Lift Stations, Public Works, Dollar Value: Annual Cost of \$68,865.00 for Bob's Lawn and Shrub Maintenance and \$64,922.32 for Gulf Coast Lawn and Pest Management for a Total Annual Expenditure of \$133,787.32, BOB'S LAWN AND SHRUB and GULF COAST LAWN AND PEST MANAGEMENT - **APPROVED**
  - k) MWH Americas Work Authorization (WA) UEP-10 Southwest 6/7 Area Utilities Extension Design Phase I, Public Works, Dollar Value: \$1,309,400.00 plus Program Management Fees of \$48,499.00 for a Total of

\$1,357,899.00, MWH AMERICAS - **APPROVED**

- j) MWH Americas Work Authorization (WA) UEP-11 Surfside Boulevard Utility Extension Design Change Order No. 1, Public Works, Dollar Value: \$89,876.00 plus Program Management Fees of \$3,146.00 for a Total Amount of \$93,022.00, MWH AMERICAS - **APPROVED**
  - m) MWH Americas Work Authorization WW-11, Biosolids Treatment Facility Design Change Order, Public Works, Dollar Value: N/A, MWH AMERICAS - **APPROVED**
  - n) Web Site Development and User Content Management Utilizing DotNetNuke Consultant Services, ITS, Dollar Value: Initial Fee of \$16,500.00, DOTNETNUKE CONSULTANT SERVICES - **APPROVED**
  - o) Installation of Police Emergency Equipment, Police Department, Dollar Value: \$40,045.00, DANA SAFETY SUPPLY - **APPROVED**
  - p) Purchase of a Law Enforcement Compatible In-Car Digital Video System, Police Department, Dollar Value: \$266,700.00, INTEGRIAN CORPORATION - **APPROVED**
- 3) Additional Consent Items
- a) Approval of additional funding for continued expert land planning services for eminent domain proceedings for the North Del Prado Boulevard Improvement Project. (Public Works - Real Estate), Dollar Value: \$100,000.00 - **APPROVED**
  - b) Approval of Permissive Use License Agreement, granting Centex Construction, LLC temporary use of Lots 42 and 43, Block 2232, Unit 33, Lots 11 through 13, Block 2092, Unit 31 Part 2 and Lots 10 through 12, Block 3542, Unit 47 Part 2, Cape Coral Subdivision, Cape Coral, Florida. (Public Works - Real Estate), Dollar Value: N/A - **APPROVED**
  - c) Approval of Permissive Use License Agreement, granting Pavement Technology temporary use of all of Block 2000, Unit 31 and Lots 23 and 24, Block 1964, Unit 28 Cape Coral Subdivision, Cape Coral, Florida. (Public Works - Real Estate), Dollar Value: N/A - **APPROVED**
  - d) Acceptance of a Warranty Deed from Mid Cape Associates, LLC for a 60 foot wide road right of way known as Mid Cape Terrace extending across the East ½ of the NE ¼ of Section 14, Township 44 South, Range 23 East, and further described in the attached Exhibit A, to be used as public right of way and authorization for the City Manager to execute a Drainage Maintenance Agreement and subsequent execution of Bill of Sale. (Public Works – Real Estate) Dollar Value: N/A - **APPROVED**
  - e) Approval of proposed settlement offer as to Parcel #11, (aka Lots 6 through 8, Block 2710A, Unit 49, Cape Coral Subdivision) in the matter of City of

Cape Coral v. Krasner, being Case Number 06-CA-001365, in the amount of \$110,000.00. (Public Works –North Well Sites), Dollar Value: \$10,000.00 - **APPROVED**

- f) Approval of proposed settlement offer as to Parcel #196, (aka Lots 17 through 19, Block 2204, Unit 33, Cape Coral Subdivision) in the matter of City of Cape Coral v. Mann, being Case Number 06-CA-003070, in the amount of \$105,000.00 (Public Works –North Del Prado Improvement Project), Dollar Value: \$10,000.00 - **APPROVED**
- g) Approval of a proposed settlement agreement by entry of Stipulated Final Judgment as to Parcel #28, North Cape Government Complex, aka Lots 60 and 61, Block 2974, Unit 42, Part 1 Cape Coral Subdivision. (Public Works – Real Estate), Dollar Value: N/A - **APPROVED**
- h) Approval of Agreement with Lee County Supervisor of Elections for Election Services, City Attorney, Dollar Value: N/A - **APPROVED**
- i) Donation Approval Request from The Haskell Company for the Purchase and Installation of a Piece of Art Work for Jim Jeffers Park, Parks & Recreation, Dollar Value: Approximately \$3,000.00 - **APPROVED**
- j) Storage Facility Lease for Fire, Rescue and Emergency Medical Supplies, Fire Department, Dollar Value: : \$29,693 for Year 1, \$30,583 for Year 2 and \$31,501 for Year 3 - **APPROVED**
- k) Code Enforcement Lien-Reduction Code Case #04-19719, McCoy, Daniel, 4818 Lucaya Drive, Unit 2, Block 89, Lot 24 through 26, Original Lien Amount of \$13,741.00 - Recommended Reduction: None, Police Department - **APPROVED**
- l) Code Enforcement Lien-Reduction Code Case #05-26957, Paxton, Paul and Heather, 911 NE 10th St., Unit 31, Block 2047, Lot 43 & 46, Original Lien Amount of \$25,329.50 - Recommended Reduction: None, Police Department - **APPROVED REDUCTION TO \$4,500 AND PROSECUTORIAL FEES**
- m) Road Impact Fee Credits Related to Entrada PDP #03-00800013, Public Works, Dollar Value: \$1,615,422.36 - **APPROVED**
- n) Del Prado Boulevard North Widening (SR-78 to Kismet Parkway) Design Services - Change Order No. 1 to Johnson Engineering, Public Works, Dollar Value: \$158,633.50 Design Change order, plus a Design Contingency of \$50,000.00 for a Total of \$208,633.50 - **APPROVED**
- o) Acceptance of De Navarra Parkway and Porto Vista Way for Public Use and Maintenance, Public Works, Dollar Value: N/A - **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) Ord. 155-06 - **CONTINUED TO 4/23/07**  
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 BERARDI

**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.*

- 2) Ord. 175-06 - **DENIED**  
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:** *Final Public Hearing*

**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.*

- 3) \*Ord. 176-06 - **DENIED**  
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:** *Final Public Hearing (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.*

**F. PUBLIC HEARINGS - ORDINANCES**

1) Ord. 21-07 - **ADOPTED**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VIII, SEXUAL OFFENDERS AND SEXUAL PREDATORS, BY AMENDING SECTION 12-87, FINDINGS AND INTENT, TO REPLACE "SECTION" WITH "ARTICLE"; AMENDING SECTION 12-88, DEFINITIONS, TO REPLACE "SECTION" WITH "ARTICLE", TO ADD THE DEFINITION OF CONVICTED, TO REVISE THE DEFINITIONS OF PERMANENT RESIDENCE, TEMPORARY RESIDENCE, AND PARK, AND TO ADD THE DEFINITION OF SCHOOL; AMENDING SECTION 12-89, SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS, TO INCLUDE THOSE CONVICTED OF AN ATTEMPTED VIOLATION AS SUBJECT TO THE PROHIBITION, TO REVISE THE CALCULATION FOR DETERMINING THE DISTANCE REQUIREMENT, AND TO DELETE SPECIFIC REFERENCE TO DAY CARE CENTER AND PLAYGROUND AS THEY ARE INCLUDED IN THE REVISED DEFINITIONS; AMENDING SECTION 12-90, PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS, PENALTIES, TO DELETE SPECIFIC REFERENCE TO DAY CARE CENTER AND PLAYGROUND AS THEY ARE INCLUDED IN THE REVISED DEFINITIONS; - COUNCILMEMBER DAY

**ACTION REQUESTED:** *Final Public Hearing*

**WHAT THE ORDINANCE ACCOMPLISHES:** *Amends Provisions for Sexual Offenders and Predators by Adding and/or Revising Definitions of the Terms "Convicted", "Permanent Residence", "Temporary Residence", "Park", and "School"; Provides that Individuals Convicted of Attempted Violations are also Subject to Residence Prohibitions; Revises the Distance Calculations for Determining Distance Requirements for Residence Prohibitions; Deletes Specific References to Day Care Centers and Playgrounds because those Terms are now Included in Revised Definitions.*

**G. PUBLIC INPUT - RESOLUTIONS**

1) Res. 4-07 - **APPROVED**

A RESOLUTION OF THE CITY OF CAPE CORAL ESTABLISHING THE AMOUNT OF THE "PAYMENT IN LIEU OF PARKING" FEE THAT SHALL BE CHARGED TO PROPERTIES IN THE DOWNTOWN CORE DISTRICT, THE DOWNTOWN GATEWAY DISTRICT, AND THE DOWNTOWN EDGE DISTRICT; COUNCILMEMBER HAIR

**ACTION REQUESTED:** *Final Public Input*

**WHAT THE RESOLUTION ACCOMPLISHES:** *Establishes the Amount Charged per Parking Space for the Payment in Lieu of Parking (PILOP) Program Set Forth in the Three Downtown CRA Zoning Districts. The Program is Designed to Encourage Properties in the Downtown CRA to Provide the Number of Parking Spaces Necessary to Meet their Minimum Parking Requirement On-Site, and in Order to Encourage On-Site Parking, a Per Space PILOP is Charged when Spaces are not Available On-Site. The Fee Increases in Cost as the Number of Required Spaces Increases.*

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

**I. ADMINISTRATIVE / DISCUSSION ITEMS:**

- 1) Appointments to Boards/Committees/Commissions - Planning & Zoning Commission - City Clerk – **REAPPOINT REED, RANFRANZ, CARLSON, GRILL AND MARTIN**
- 2) Public Safety Facility Presentation - Fire and Police Chiefs - **WITHDRAWN**
- 3) Legislative Representation for the 2007 Legislative Session – **APPOINT J. KEITH ARNOLD & ASSOCIATES**

**J. DRAFT PROPOSED ORDINANCES:**

- 1) None

**K. INTRODUCTION OF ORDINANCES:**

- 1) Ord. 174-06 – **PUBLIC HEARING 3/12/07**  
LU 06-01000026 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MULTI-FAMILY (MF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 20-

33 AND 58-70, BLOCK 1976, CAPE CORAL SUBDIVISION, UNIT 28, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE(S) 101 THROUGH 111, TOGETHER WITH THAT PORTION OF AN ALLEY VACATED BY CITY OF CAPE CORAL RESOLUTION 9-97 AS RECORDED IN OFFICIAL RECORDS BOOK 2833, PAGE 2232, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 1112-1124 SANTA BARBARA BOULEVARD AND 1125-1225 SANTA BARBARA PLACE; - COUNCILMEMBER LEPERA

**ACTION REQUESTED:** *Set Public Hearing Date*

**WHAT THE ORDINANCE ACCOMPLISHES:** *Amends Future Land Use Map from Multi-Family (MF) to Commercial/Professional (CP); Property is Located at 1112-1124 Santa Barbara Boulevard and 1125-1225 Santa Barbara Place*

- 2) \*Ord. 1-07 – **PUBLIC HEARING 3/12/07**  
PDP 06-00800006 AN ORDINANCE AMENDING ORDINANCE 14-01 AS AMENDED BY ORDINANCE 131-02, A PLANNED DEVELOPMENT PROJECT ENTITLED "TARPON POINT" FOR PARCELS IDENTIFIED AS "MARINA VILLAGE 1" AND "MARINA VILLAGE 2", BEING A PORTION OF PROPERTY DESCRIBED AS CAPE CORAL SUBDIVISION UNIT 77 TRACTS 1, 2, 3, 4, 5, 6, 8, 9, AND 10, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED BETWEEN ROSE GARDEN ROAD AND THE CALOOSAHATCHEE RIVER/GLOVER BIGHT; REPEALING THE MARINA USE IN MARINA VILLAGE 1 AND APPROVING A MARINA USE IN MARINA VILLAGE 2; APPROVING RELOCATION OF THE PREVIOUSLY APPROVED HOTEL FROM MARINA VILLAGE 2 TO MARINA VILLAGE 1; APPROVING AN INCREASE IN THE MAXIMUM RESORT HOTEL UNITS FROM 230 TO 268; APPROVING THE LOCATION OF TWO RESTAURANTS PREVIOUSLY APPROVED FOR MARINA VILLAGE 2 TO BE IN EITHER MARINA VILLAGE 1 OR MARINA VILLAGE 2; APPROVING AN INCREASE IN MAXIMUM NUMBER OF RESTAURANT SEATS FOR THE TWO RESTAURANTS FROM NOT MORE THAN 200 SEATS EACH TO A TOTAL OF 500 SEATS FOR BOTH RESTAURANTS, WITH ONE RESTAURANT HAVING AT LEAST 150 SEATS; APPROVING RETAIL AND OFFICE SPACE IN MARINA VILLAGE 1 AND OFFICE SPACE IN MARINA VILLAGE 2 WITH THE MAXIMUM 45,000 SQUARE FEET OF RETAIL SPACE PREVIOUSLY APPROVED IN MARINA VILLAGE 2 TO BE THE MAXIMUM ALLOWED AS RETAIL OR OFFICE SPACE IN BOTH MARINA VILLAGE 1 AND MARINA VILLAGE 2, WITH AT LEAST FIFTY PERCENT (50%) OF SUCH SPACE LOCATED IN MARINA VILLAGE 1; GRANTING AMENDMENT OF THE DEVELOPMENT

PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; - COUNCILMEMBER STEVENS

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

**WHAT THE ORDINANCE ACCOMPLISHES:** *Amends a Portion of the "Tarpon Point" Planned Development Project Development Plan for Parcels Identified as "Marina Village 1" and "Marina Village 2"; Amends Ordinance 14-01, as Amended by Ordinance 131-02, to Include Repeal of the Marina Use in Marina Village 1 and Approval of Marina Use in Marina Village 2; Relocation of the Previously Approved Hotel from Marina Village 2 to Marina Village 1; Increase Maximum Resort Hotel Units from 230 to 268; Approval of the Location of Two Restaurants Previously Approved for Marina Village 2 to be in Either Marina Village 1 or Marina Village 2; Increase Maximum Number of Restaurant Seats from not More than 200 Seats each to a Total of 500 Seats for Both Restaurants; Approval of Retail and Office Space in Marina Village 1 and Office Space in Marina Village 2 with the Maximum 45,000 Square Feet Previously Approved in Marina Village 2 to be the Maximum Allowed as Retail or Office Space in Both Marina Village 1 and Marina Village 2, with at Least 50% of Such Space Located in Marina Village 1.*

- 3) Ord. 6-07 – **PUBLIC HEARING 3/12/07**  
LU 06-01000042 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE FAMILY RESIDENTIAL (SF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 112-113, BLOCK 3054, CAPE CORAL SUBDIVISION, UNIT 62, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGES 21 THROUGH 38, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 2000 SANTA BARBARA BOULEVARD; - COUNCILMEMBER LEPERA

**ACTION REQUESTED:** *Set Public Hearing Date*

**WHAT THE ORDINANCE ACCOMPLISHES:***Amends Future Land Use Map from Single Family Residential (SF) to Commercial/ Professional (CP); Property is Located at 2000 Santa Barbara Boulevard.*

- 4) \*Ord. 7-07 – **PUBLIC HEARING 3/12/07**  
ZA 06-00500027 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 12-25, BLOCK 1484, UNIT 17, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGES 23 THROUGH 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF VACATED ALLEY TO THE EAST OF THE LOTS DESCRIBED HEREIN, VACATED BY RESOLUTION NO. 112-90 BY THE CITY OF CAPE CORAL AND RECORDED IN OFFICIAL RECORDS BOOK 2165, PAGE 3045, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND LOT 32 AND THE WEST 10 FEET OF CLOSED ALLEY ABUTTING THE EAST BOUNDARY LINE OF SAID LOT 32, BLOCK 1484, UNIT 17, CAPE CORAL SUBDIVISION, PLAT BOOK 14, PAGES 23 THROUGH 38, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PEDESTRIAN COMMERCIAL (C-1) ZONE; PROPERTY IS LOCATED AT 23-43 NE 15TH PLACE, 101-105 NE 15TH PLACE AND 119 NE 15TH PLACE; - COUNCILMEMBER BERARDI

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

**WHAT THE ORDINANCE ACCOMPLISHES:***Rezoned Property from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1); Property is Located at 23-43 NE 15th Place, 101-105 NE 15th Place and 119 NE 15th Place*

- 5) Ord. 32-07 – **PUBLIC HEARING 3/12/07**  
AN ORDINANCE OF THE CITY OF CAPE CORAL, AMENDING THE CITY OF CAPE CORAL POLICE OFFICERS' RETIREMENT PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 51-00, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; - COUNCILMEMBER DAY

**ACTION REQUESTED:** *Set Public Hearing Date*

**WHAT THE ORDINANCE ACCOMPLISHES:** *Amends the City of Cape Coral Municipal Police Officers' Retirement Plan by Prorating the Cost of Living Adjustment Benefit during the First Year of Retirement for all Plan Members.*

- 6) Ord. 33-07 - **PUBLIC HEARING 3/12/07**  
AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH THE CAPE CORAL CHAMBER OF COMMERCE FOUNDATION, INC., FOR THE LEASE OF PROPERTY OWNED BY THE STATE OF FLORIDA AND DEDICATED TO THE CITY OF CAPE CORAL; A COPY OF THE LEASE AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; - COUNCILMEMBER HAIR

**ACTION REQUESTED:** *Set Public Hearing Date*

**WHAT THE ORDINANCE ACCOMPLISHES:** *Authorizes Lease Agreement with Cape Coral Chamber of Commerce Foundation, Inc., for Property Located at 2051 East Cape Coral Parkway for Use as Cape Coral Welcome Center.*

**L. INTRODUCTION OF RESOLUTIONS:**

- 1) Res. 1-07 - **PUBLIC INPUT 3/5/07**  
VP 06-00600022 A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A STREET RIGHT-OF-WAY ON A PARCEL OF LAND SITUATED IN THE NE ¼ OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING THE ROADWAY EASEMENT KNOWN AS NE 21ST AVENUE LYING CONTIGUOUS TO LOT 46, BLOCK 3546 AND LOT 49, BLOCK 3549, CAPE CORAL UNIT 47, PART 2, ACCORDING TO PLAT BOOK 23, PAGE 116 OF PAGES 112 THROUGH 127 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED BETWEEN 2029 AND 2101 NE 10th TERRACE; - COUNCILMEMBER DAY

**ACTION REQUESTED:** *Set Public Input Date*

**WHAT THE RESOLUTION ACCOMPLISHES:** *Vacation of Plat for a Street Right-of-Way Located between 2029 and 2101 NE 10th Terrace.*

2) Res. 3-07 - **PUBLIC INPUT 3/5/07**

VP 06-00600006 A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY LOCATED BETWEEN LOTS 1 THROUGH 12 AND 13 THROUGH 24, BLOCK 4291, CAPE CORAL UNIT 61, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 15, OFFICIAL RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING FOR THE VACATION OF PLAT FOR PUBLIC UTILITY AND DRAINAGE EASEMENT ADJACENT TO AND CONTIGUOUS WITH THE ALLEY LOCATED BETWEEN LOTS 1 THROUGH 12 AND 13 THROUGH 24, BLOCK 4291, CAPE CORAL UNIT 61, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 15, OFFICIAL RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED BETWEEN 2011 NW 32ND PLACE AND 2010 BURNT STORE ROAD NORTH; - COUNCILMEMBER DAY

**ACTION REQUESTED:** *Set Public Input Date*

**WHAT THE RESOLUTION ACCOMPLISHES:** *Vacation of Plat for an Alley Located between 2011 NW 32nd Place and 2010 Burnt Store Road North*

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

**N. REPORTS:**

**BERARDI – THANKED STEVE POHLMAN AND THE CAPE CORAL COMMUNITY FOUNDATION FOR INVITING HIM TO SEE THE MOVIE THE ULTIMATE GIFT**

**BERTOLINI – REPORTED ON THE TRANSPORTATION AUTHORITY MEETING OF THE MPO THAT SHE ATTENDED LAST WEEK; REPORTED SHE ATTENDED THE MINI GRAND PRIX RACES LAST SATURDAY AT SUN SPLASH; COMPLIMENTED THE CITIZENS WHO ATTENDED THE TOWN HALL MEETING LAST WEEK ABOUT THE GOLF CLUB**

**BOYD – NO REPORT**

**DAY – REQUESTED A TOWN HALL MEETING IN APRIL AT MARINER HIGH SCHOOL CONCERNING THE CEITUS BOAT LIFT; COMMENTED ON THE GREELEY AND HANSEN CONTRACT CONCERNING SEPTIC SYSTEMS, COUNCIL AGREED TO HAVE THE CONTRACT INCLUDE ON-SITE SEPTIC SYSTEMS**

**HAIR – COMMENTED ON WHY HE ATTEDED MICKEY ROSADO’S TOWN HALL MEETING; REPORTED HE PARTICIPATED IN THE EDISON PARADE AND ENJOYED HIS RIDE ON THE FLOAT**

**LEPERA – COUNCIL APPROVED ATTACHING THE SAME NOTARIZED STATEMENT THAT LEE COUNTY USES ON THEIR CONTRACT CONCERNING HIRING ILLEGALS; THANKED STEVE POHLMAN AND THE CAPE CORAL COMMUNITY FOUNDATION FOR INVITING HER TO SEE THE ULTIMATE GIFT MOVIE; COMMENTED THAT SHE HAS BEEN RECEIVING NUMEROUS CALLS FROM GOLFERS WANTING ANOTHER GOLF COURSE AND ALSO FROM SOME CITIZENS REQUESTING A DRAG STRIP**

**STEVENS – REPORTED HE ATTENDED THE TAX REFORM HEARING AT FGCU LAST WEEK; REPORTED HE TOOK A TOUR OF THE CHARTER SCHOOL ON CEITUS PARKWAY LAST WEEK AND SUGGESTED EVERYONE VISIT THE SCHOOL; THANKED STEVE POHLMAN AND THE CAPE CORAL COMMUNITY FOUNDATION FOR INVITING HER TO SEE THE ULTIMATE GIFT MOVIE**

**MAYOR FEICHTHALER – REPORTED HE ATTENDED OPENING DAY FOR BASEBALL AT VERDOW FIELD; REPORTED HE ATTENDED THE OPEN HOUSE FOR CONGRESSMAN CONNIE MACK’S OFFICE ACROSS THE STREET FROM CITY HALL; REPORTED HE ALSO RODE ON THE FLOAT AT THE EDISON PARADE AND IT WAS A VERY SUCCESSFUL VENTURE; REPORTED HE AND THE POLICE CHIEF ATTENDED AN EVENT AT CALOOSA MIDDLE SCHOOL LAST WEEK AND HAD A CHANCE TO TALK WITH MEL MARTINEZ; REPORTED HE PARTICIPATED IN THE READ ACROSS AMERICA EVENT AT SKYLINE ELEMENTARY SCHOOL; REPORTED HE ATTENDED THE MINI GRAND PRIX EVENT LAST SATURDAY AT SUN SPLASH; REPORTED HE ATTENDED THE IRISH/AMERICAN FESTIVAL; REPORTED HE ATTENDED THE THIRD ANNIVERSARY OF THE DEL PRADO GROUP LAST WEEK; REPORTED HE PARTICIPATED ALONG WITH THE CAPE CORAL POLICE DEPARTMENT AT THE DUI CHECK POINT LAST WEEKEND AND WAS VERY IMPRESSED**

**COUNCIL APPROVED FOR THE ECONOMIC DEVELOPMENT DEPARTMENT TO CONTINUE TO PURSUE INTERESTED DEVELOPERS FOR THE GOLF CLUB**

- 1) City Attorney – **REPORTED THEY PARTICIPATED IN ORAL ARGUMENTS LAST WEEK ON THE WATCHDOG AND GREATER PINE ISLAND WATER CASES**
- 2) City Manager – **READ A THANK YOU CARD TO THE REAL ESTATE DIVISION FROM ONE OF THE KATRINA FAMILIES; STATED THAT THE ESTIMATE FOR THE REFERENDUM ELECTION WILL BE BETWEEN \$85,000 AND \$100,000; REPORTED HE ATTENDED MARKET WATCH LAST WEEK; REPORTED THE INVESTMENT COMMITTEE MET LAST WEEK AND THEY HAVE OUT PERFORMED THE BENCHMARKS HE THANKED FINANCE DIRECTOR MARK MASON; REPORTED HE ATTENDED THE IRISH FESTIVAL LAST WEEK AND SANG THE NATIONAL ANTHEM; REPORTED THE GOLF CLUB TOWN HALL MEETING HELD BY COUNCIL MEMBER BERTOLINI WAS AN EXCELLENT MEETING; REMINDED EVERYONE THERE IS A CHARITY BASKETBALL GAME ON THURSDAY EVENING AT 7:00 P.M. AT THE OASIS CHARTER MIDDLE SCHOOL WITH THE MAYOR, COUNCIL**

**AND CITY STAFF GOING AGAINST THE CHARTER SCHOOL  
STAFF**

- 7 Time and Place of Next Meeting - The Next Regular City Council Meeting is Scheduled for Monday, March 5, 2007 at 5:30 PM in Council Chambers
- 8 Motion to Adjourn **9:45 P.M.**