

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, February 5, 2007

COUNCIL CHAMBERS

5:30 PM

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Councilmember Hair
- 3 Pledge of Allegiance to the Flag of the United States of America Led by
BIANCA FERRARA, St. Andrew Catholic School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Day, Hair, LePera, Stevens, Bertolini
and Boyd
- 5 Adoption of Agenda – **APPROVED WITH ORDINANCE 176-06 CONTINUED TO
2/26/07**
- 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** **NO SPEAKERS**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) Regular Council Meeting, January 8, 2007 – **APPROVED WITH
AMENDMENT**
 - 2) Procurement Items:
 - a) Auction of City Surplus Vehicles and Equipment, Financial Services, Dollar
Value: N/A, GOVDEALS.COM - **APPROVED**
 - b) MWH Americas Work Authorization WW-10C Everest Outfall Pressure Main
& Temporary Yard Piping Close Out Change Order, Public Works, Dollar
Value: De-Obligate Unexpended Funds of \$686,335.82, MWH AMERICAS -
APPROVED
 - c) Purchase of One Hydraulic Earth Auger Truck Mounted, Public Works,
Dollar Value: \$23,581.78, FLANNEGAN WESTERN - **APPROVED**

- d) Increase Change Order for Degasification and Odor Control Improvements Project, Public Works, Dollar Value: \$14,653.65, WESTRA CONSTRUCTION - **APPROVED**
 - e) Award of Bid: 2007 Local Road Resurfacing, Public Works, \$1,686,415.75 Plus a 10% City Contingency in the Amount of \$168,641.58 for a Total Amount of \$1,855,057.33, BETTER ROADS, INC. - **APPROVED**
 - f) Irrigation Leak Detection Study, Public Works, Dollar Value: \$46,710.00, TETRA TECH HAI - **APPROVED**
 - g) Potable Water Meter Testing, Public Works, Dollar Value: \$47,950.00, TETRA TECH HAI - **APPROVED**
 - h) Construction Management Services for the Ceitus Boat Lock, Public Works, Dollar Value: \$598,749.00 for Tasks 1 through 7 and Not-to-Exceed \$184,565.00 for Task 8 for a Total of \$783,314.00, MWH AMERICAS - **APPROVED**
 - i) MWH Americas Work Authorization UEP-3 Southeast One Construction Close Out Change Order, Public Works, Dollar Value: De-Obligate Unexpended Funds in the Amount of \$5,915,291.63, MWH AMERICAS - **APPROVED**
- 3) Additional Consent Items
- a) Approval of the Filing of a Lawsuit Against Lee Ray Thaxton and Thaxton Enterprises, Inc., City Attorney, Dollar Value: N/A - **APPROVED**
 - b) Approval of Contract for Purchase, Lots 84 and 85, Block 3025, Unit 43, Cape Coral Subdivision, 1247 NW 27th Street, Cape Coral, Florida. (Park and Recreation – Festival Park), Dollar Value: \$29,000.00 - **APPROVED**
 - c) Approval of Conceptual Site Plans for Sirenia Vista and Neighborhood Park #1, Parks & Recreation, Dollar Value: N/A - **APPROVED**
 - d) Termination of Lease Agreement between Florida Gulf Coast University and the City of Cape Coral, Economic Development, Dollar Value: N/A - **APPROVED**
 - e) Code Enforcement Lien-Reduction Code Case #05-26525, David Wurster, 221 Cape Coral Parkway West, Unit 3, Block 162, Lot 24 & 25, Original Lien Amount of \$3,238.00 - Recommended Reduction: \$3,238.00 to a Zero Balance, Police Department - **APPROVED**
 - f) Legislative Representation for 2007 Legislative Session, Public Works, Dollar Value: \$50,000.00 – **APPROVED TO BE PAID OUT OF UTILITIES ENTERPRISE FUND**

g) Coral Walk Subdivision Plat, Department of Community Development,
Dollar Value: N/A - **APPROVED**

C. **PERSONNEL ACTIONS**

- 1) Reclassify Existing Accounting Assistant I to an Accounting Grants Coordinator - **APPROVED**

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

- 1) Requests Paying Betterment Fees, Not Assessments - Chuck Fletcher –
MAYOR AND STAFF TO MEET WITH MR. FLETCHER

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

- 1) Ord. 175-06 – **CONTINUED TO 2/26/07**
LU 06-01000028 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MULTI-FAMILY RESIDENTIAL (MF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 31-34, BLOCK 1697, CAPE CORAL SUBDIVISION, UNIT 64, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGES 82 THROUGH 95, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 921-927 CAPE CORAL PARKWAY WEST; - COUNCILMEMBER STEVENS

ACTION REQUESTED: 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.

- 2) *Ord. 176-06 – **CONTINUED TO 2/26/07**
ZA 06-00500017 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL OFFICIAL ZONING DISTRICT MAP OF ALL PROPERTY WITHIN THE LIMITS OF THE CITY OF CAPE CORAL BY REZONING PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM AGRICULTURAL (A) TO PEDESTRIAN COMMERCIAL (C-1) ZONE; PROPERTY IS LOCATED AT 3270-3500 SAND ROAD; - COUNCILMEMBER DAY

ACTION REQUESTED: 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.*

3) Ord. 178-06 - **ADOPTED**

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

ACTION REQUESTED: *Final Public Hearing*

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

4) *Ord. 180-06 - **ADOPTED**

PDP 05-00800025 AN ORDINANCE AMENDING ORDINANCE 52-99, AS AMENDED BY ORDINANCES 100-01, 32-04, AND 6-06, WHICH APPROVED AND AMENDED A PLANNED DEVELOPMENT PROJECT ENTITLED "EAGLE SUBDIVISION I" FOR PROPERTY DESCRIBED AS A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5 AND THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; EXPANDING THE PLANNED DEVELOPMENT PROJECT; RENAMING A PORTION OF THE PROJECT ON TRACT G AND THE EXPANDED AREA TO "PINE ISLAND ROAD MEDICAL OFFICE BUILDING", SAID PROJECT PROPERTY BEING A TRACT OR PARCEL OF LAND LYING IN PART OF TRACT G, EAGLE SUBDIVISION 1, RECORDED IN PLAT BOOK 16 AT PAGES 16-17, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND IN THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1742 NE PINE ISLAND ROAD; GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE

AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; - COUNCILMEMBER ROSADO

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

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

F. **PUBLIC HEARINGS - ORDINANCES**

1) Ord. 171-06 - **ADOPTED**

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: *Final Public Hearing*

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

- 2) Ord. 2-07 - **ADOPTED WITH EFFECTIVE DATE OF 2/12/07**
AN ORDINANCE OF THE CITY OF CAPE CORAL, AMENDING AND RESTATING THE CITY OF CAPE CORAL MUNICIPAL GENERAL EMPLOYEES' RETIREMENT PLAN, AS ADOPTED BY ORDINANCE NO. 111-06 ; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS, PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF

CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE; PROVIDING FOR PRIOR GOVERNMENT SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY OF PROVISIONS;
- COUNCILMEMBER BERTOLINI

ACTION REQUESTED: *Final Public Hearing*

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

- 3) Ord. 5-07 - **ADOPTED AS AMENDED**
AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "FEES," DIVISION 2, "UTILITY CAPITAL EXPANSION FEE;" BY DELETING SECTION 2-20, "DEFINITIONS;" AMENDING SECTION 2-22, "FEE IMPOSED; CREDIT; TIME OF PAYMENT," BY PROVIDING THAT NEW CONSTRUCTION IN AREAS WHERE UTILITY FACILITIES ARE PLANNED TO BE INSTALLED WITHIN FIVE YEARS WILL BE REQUIRED TO PAY UTILITY CAPITAL EXPANSION FEES; AMENDING SECTION 2-24.2, "DEFINITIONS," BY DELETING PARAGRAPH B RELATING TO DUPLEXES AND INCLUDING DUPLEXES WITH OTHER MULTI-UNIT STRUCTURES; AMENDING SECTION 2-24.3 BY INCREASING THE AMOUNT OF THE WATER SYSTEM UTILITY CAPITAL EXPANSION FEE, BY INCREASING THE AMOUNT OF THE WASTEWATER SYSTEM UTILITY CAPITAL EXPANSION FEE AND BY PROVIDING FOR A DISTRICT 1 WASTEWATER SYSTEM SERVICE AREA AND A DISTRICT 2 WASTEWATER SYSTEM SERVICE AREA WITH SEPARATE WASTEWATER SYSTEM UTILITY CAPITAL EXPANSION FEES FOR EACH DISTRICT, BY INCREASING THE AMOUNT OF THE IRRIGATION SYSTEM UTILITY CAPITAL EXPANSION FEE, BY PROVIDING THAT DELINQUENT CAPITAL EXPANSION FEES SHALL BEAR INTEREST AT THE MAXIMUM RATE ALLOWABLE BY LAW OF 18% PLUS A PENALTY OF 1.5% PER MONTH; AMENDING SECTION 2-24.4 BY PROVIDING FOR SEPARATE FUNDS FOR DISTRICT 1 AND DISTRICT 2 WASTEWATER SYSTEM UTILITY

CAPITAL EXPANSION FEES; ADDING SECTION 2-24.5, "UTILITY CAPITAL EXPANSION FEE CREDIT" WHICH PROVIDES CRITERIA FOR THE GRANTING OF UTILITY CAPITAL EXPANSION FEE CREDITS; ADDING SECTION 2-24.6, "REVIEW OF FEE STRUCTURE," WHICH PROVIDES FOR A THREE YEAR REVIEW CYCLE FOR UPDATING UTILITY CAPITAL EXPANSION FEES; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Final Public Hearing*

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

G. **PUBLIC INPUT - RESOLUTIONS**

1) Res. 2-07 - **DENIED**

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

ACTION REQUESTED: *Final Public Input*

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

2) Res. 5-07 - **APPROVED**

A RESOLUTION APPROVING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT AND AUTHORIZING AND REQUESTING THE MAYOR TO TAKE SUCH STEPS AS MAY BE NECESSARY TO SIGNIFY THAT THE CITY OF CAPE CORAL SUPPORTS THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT AND WISHES TO BECOME A SIGNATORY TO THE AGREEMENT - MAYOR FEICHTHALER

ACTION REQUESTED: *Final Public Input*

WHAT THE RESOLUTION ACCOMPLISHES: *Approves the U.S. Mayors Climate Protection Agreement and Authorizes the Mayor to Take the Necessary Steps to Signify that the City of Cape Coral Supports the U.S. Mayors Climate Protection Agreement.*

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

I. **ADMINISTRATIVE / DISCUSSION ITEMS:**

- 1) District #7 Vacancy - Mayor Feichthaler – **APPLICATIONS FROM RESIDENTS OF THAT DISTRICT WILL BE TAKEN UNTIL WEDNESDAY FEBRUARY 14TH AT 5:00 P.M. COUNCIL WILL HOLD A SPECIAL MEETING ON FEBRUARY 20TH TO INTERVIEW AND CHOSE A TEMPORARY REPLACEMENT FOR DISTRICT #7 APPLICATIONS ARE AVAILABLE IN THE COUNCIL OR CITY CLERK’S OFFICE**

J. **DRAFT PROPOSED ORDINANCES:**

- 1) None

K. **INTRODUCTION OF ORDINANCES:**

- 1) None

L. **INTRODUCTION OF RESOLUTIONS:**

- 1) None

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

BERTOLINI – REPORTED SHE ATTENDED THE POLICE PROMOTIONAL CEREMONY LAST WEEK; REPORTED SHE ATTENDED A MEETING OF THE BUSINESS OWNERS FROM SE 47TH TERRACE ALONG WITH RICHARD ORTH FROM THE CRA TO DISCUSS PROBLEMS IN THE AREA, ANOTHER MEETING IS GOING TO BE SCHEDULED WITH THE POLICE DEPARTMENT; REPORTED SHE ATTENDED THE LEE COUNTY BRIDGE TOLL MEETING; REMINDED EVERYONE OF THE OWL FESTIVAL THIS WEEKEND FROM 10 TO 4 AT ROTARY PARK; REMINDED EVERYONE OF THE RELAY FOR LIFE WHICH IS GOING TO BE HELD ON MARCH 30TH AND 31ST AT MARINER HIGH SCHOOL

BOYD – NO REPORT

DAY – ASKED PUBLIC WORKS DIRECTOR PAVLOS TO EXPLAIN HOW THEY ARE GOING TO DO SPOT PAVING ALONG NW 24TH TERRACE, MONEY TO COME OUT OF THIS YEAR’S SPOT PAVING PROGRAM

HAIR – NO REPORT

LEPERA – REPORTED SHE WILL BE AVAILABLE TO MEET WITH THOSE CITIZENS WHO WOULD LIKE TO APPLY FOR DISTRICT #7 THIS FRIDAY AFTERNOON, THEY CAN CALL THE COUNCIL OFFICE TO SET UP AN APPOINTMENT

STEVENS – NO REPORT

MAYOR FEICHTHALER – REPORTED HE ALSO ATTENDED THE POLICE PROMOTIONAL CEREMONY LAST WEEK; REPORTED HE IS WORKING WITH THE CITY MANAGER AND STAFF TO PLACE THE GARAGE SALE PERMITS ON-LINE, LIMIT THEM TO THREE A YEAR AND NOT CHARGE FOR THEM; REPORTED HIS TOWN HALL MEETING HELD LAST WEEK AT CULTURAL PARK THEATRE WAS VERY WELL ATTENDED; REPORTED HE ATTENDED THE TOURIST DEVELOPMENT MEETING LAST WEEK WHERE THEY DISCUSSED THE PROBLEM WITH RED TIDE ON SANIBEL

N. REPORTS:

- 1) City Attorney – **UPDATED COUNCIL ON THE JAMES VAIL VS. THE CITY OF CAPE CORAL LITIGATION MATTER; REPORTED THE ZEMEL HEARING WAS HELD YESTERDAY ON THE MOTION TO DISMISS AND THAT THE JUDGE HAS NOT YET REACHED A DECISION**

- 2) City Manager – **REPORTED HE ALSO ATTENDED THE POLICE PROMOTIONAL CEREMONY LAST WEEK; REPORTED HE AND TERI HALL MET WITH REPRESENTATIVE AUBUCHON LAST WEEK TO DISCUSS LEGISLATIVE PRIORITIES; REPORTED THE FIRE CHIEF AND HUMAN RESOURCE DEPARTMENT ARE WORKING ON A PROGRAM TO RECRUIT MINORITIES AND WOMEN INTO THE DEPARTMENT; REPORTED THAT HE CONTACTED THE NEWS PRESS CONCERNING A HEADLINE THAT READ “CAPE TOLL PLAN” ACTUALLY IT IS THE LEE COUNTY TOLL PLAN; REPORTED HE ATTENDED BIKE NIGHT LAST WEEKEND AND IT WAS A GREAT EVENT; REPORTED THE SECOND APPRAISAL FOR THE GOLF CULB WILL BE HERE ON FRIDAY**

7 Time and Place of Next Meeting - The Next Regular City Council Meeting is Scheduled for Monday, February 12, 2007 at 5:00 PM in Council Chambers

8 Motion to Adjourn **9:03 P.M.**