

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, March 5, 2007

COUNCIL CHAMBERS

5:30 PM

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Councilmember Bertolini
- 3 Pledge of Allegiance to the Flag of the United States of America Led by
CHLOE ERMMARINO, Gulf Elementary School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Stevens, Berardi, Bertolini, Boyd,
Day, Hair and LePera
- 5 Adoption of Agenda - **APPROVED**
- 6 BUSINESS:
 - A. **PUBLIC COMMENT - CONSENT AGENDA - A maximum of 30 minutes is set
for input of citizens on matters concerning the Consent Agenda; 3 minutes
per individual** **FOUR SPEAKERS**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) None
 - 2) Procurement Items:
 - a) Bid Award: Purchase and Delivery of Recycle Bins, Financial Services, Dollar
Value: Estimated Annual Amount of \$87,000.00, SCL A-1 PLASTICS LTD. -
APPROVED
 - b) Amendment #1 to the Master Contract with PCL Civil Constructors, Inc. for
the Planned Expansion of the Chiquita Boat Lock, Public Works, Dollar
Value: N/A, PCL CIVIL CONSTRUCTORS, INC. - **APPROVED**
 - c) Water and Sewer Annual Report Report for FY 2007, Public Works, Dollar
Value: \$26,200.00, TETRA TECH HAI - **APPROVED**

- d) Updated Water and Wastewater Capacity Analysis Reports, Public Works, Dollar Value: \$21, 690.00, TETRA TECH HAI - **APPROVED**
 - e) Bid Award for the Purchase of Two Trencher Backhoes, Financial Services, Dollar Value: \$39,250.00 each for a Total Cost of \$78,500.00, MASTERS EQUIPMENT, INC. - **APPROVED**
- 3) Additional Consent Items
- a) Community Development Block Grant (CDBG) Subrecipient Agreements for Cape Coral Housing Development Corporation and Cape Coral Housing Rehabilitation and Development Corporation, Department of Community Development, Dollar Value: N/A - **APPROVED**
 - b) The Shops at Surfside Subdivision, Department of Community Development, Dollar Value: N/A - **APPROVED**
 - c) Approval to Submit an Application to the 2007 Victim of Crimes Act (VOCA) Program to Renew Victim Services Funding, Police Department, Dollar Value: Grant Application of \$38,511.00 - **APPROVED**
 - d) Approval for Underwriters for Special Assessment Bonds (Southwest 4 Area), Series 2007, Financial Services, Dollar Value: Anticipated to be \$272,300.00 for a Par Issue of \$70,000,000.00 - **APPROVED**

C. **PERSONNEL ACTIONS**

- 1) None

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

- 1) None

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

- 1) Res. 1-07 **CONTINUED TO 5/14/07**
 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: *Final Public Input*

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 **CONTINUED TO 4/9/07**
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: *Final Public Input*

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

F. **PUBLIC HEARINGS - ORDINANCES**

- 1) None

G. **PUBLIC INPUT - RESOLUTIONS**

- 1) None

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

I. **ADMINISTRATIVE / DISCUSSION ITEMS:**

- 1) Community Redevelopment Agency, Chairman and Vice Chairman Approval for 2007 – CRA – **APPOINT JOHN JACOBSON AS CHAIRMAN AND JASON TRAMONTE AS VICE CHAIRMAN**
- 2) Southwest Florida Addiction Services (SWFAS) Lease - Public Works – **NO ACTION TAKEN**

- 3) Attorney General Opinion on Construction Manager at Risk -
Councilmember Day – **NO ACTION TAKEN**
- 4) Appointment to Lee County Human Services Council - Mayor Feichthaler –
APPOINT COUNCIL MEMBER CHRIS BERARDI

J. **DRAFT PROPOSED ORDINANCES:**

- 1) None

K. **INTRODUCTION OF ORDINANCES:**

- 1) *Ord. 8-07 **PUBLIC HEARING 3/19/07**
ZA 06-00500021 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, 13, 14 AND 15, BLOCK 1027, UNIT 24, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGES 63 TO 77, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM SINGLE-FAMILY RESIDENTIAL (R-1B) TO PEDESTRIAN COMMERCIAL (C-1) ZONE; PROPERTY IS LOCATED AT 124-130 NICHOLAS PARKWAY; - COUNCILMEMBER LEPERA

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

WHAT THE ORDINANCE ACCOMPLISHES:*Rezones Property from Single-Family Residential (R-1B) to Pedestrian Commercial (C-1); Property is Located at 124-130 Nicholas Parkway.*

- 2) *Ord. 9-07 **PUBLIC HEARING 3/19/07**
ZA 06-00500020 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 53 AND 54, BLOCK 1296, UNIT 18, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGE(S) 96 THROUGH 120, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 814 SE 16TH PLACE; - COUNCILMEMBER BERARDI

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

WHAT THE ORDINANCE ACCOMPLISHES:Rezones Property from Multi-Family Residential (R-3) to Professional Office (P-1)/ Property is Located at 814 SE 16th Place.

3) Ord. 10-07 **PUBLIC HEARING 3/19/07**

LU 06-01000035 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 36 AND 37, BLOCK 1091, UNIT 23, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE 39 THRU 52, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 112 SE 1ST PLACE; - COUNCILMEMBER DAY

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 112 SE 1st Place.

4) *Ord. 11-07 **PUBLIC HEARING 3/19/07**

ZA 06-00500024 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 1 AND 2, BLOCK 1251, CAPE CORAL UNIT 18, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 96 THROUGH 120, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LOTS 1 AND 2, BLOCK 1, CORAL POINT, AN UNRECORDED SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 150, PAGE 315, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM SINGLE-FAMILY RESIDENTIAL (R-1B) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 1629 CORAL POINT DRIVE; - COUNCILMEMBER BERARDI

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

WHAT THE ORDINANCE ACCOMPLISHES:Rezones Property from Single-Family Residential (R-1B) to Professional Office (P-1); Property is Located at 1629 Coral Point Drive.

5) *Ord. 15-07 **PUBLIC HEARING 3/19/07**

ZA 06-00500025 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 23 AND 24, BLOCK 1052, UNIT 24, CAPE CORAL, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE(S) 63 THROUGH 77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 726 SE 10TH STREET; - COUNCILMEMBER LEPERA

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

WHAT THE ORDINANCE ACCOMPLISHES: *Rezones Property from Multi-Family Residential (R-3) to Professional Office (P-1); Property is Located at 726 SE 10th Street.*

6) Ord. 26-07 **PUBLIC HEARING 3/19/07**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$85,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF UTILITY IMPROVEMENT ASSESSMENT BONDS (SOUTHWEST 4 AREA), SERIES 2007 OF THE CITY OF CAPE CORAL, FLORIDA FOR THE PRINCIPAL PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION AND CONSTRUCTION OF CERTAIN WATER, WASTEWATER AND IRRIGATION WATER UTILITY CAPITAL IMPROVEMENTS WITHIN THE SOUTHWEST 4 AREA OF THE CITY; PLEDGING SPECIAL ASSESSMENT PROCEEDS TO SECURE PAYMENT OF THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE BONDS; ALLOWING FOR THE USE OF NET REVENUES OF THE CITY'S WATER AND SEWER UTILITY SYSTEM TO PAY DEBT SERVICE ON THE BONDS OR MAKE UP DEFICIENCIES IN THE RESERVE ACCOUNT IN THE EVENT SUCH SPECIAL ASSESSMENT PROCEEDS ARE INSUFFICIENT FOR SUCH PURPOSE; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Authorizes Issuance of Southwest 4 Utility Improvement Assessment Bonds in an Amount Not to Exceed \$85,000,000.00*

L. **INTRODUCTION OF RESOLUTIONS:**

1) None

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

BERARDI – THANKED CITY STAFF FOR MEETING WITH HIM LAST WEEK AND BRINGING HIM UP TO SPEED ON MANY PROJECTS; REPORTED HE ATTENDED THE VOLUNTEER APPRECIATION BREAKFAST LAST WEEK AND THANKED ALL OF THE CITIZENS WHO VOLUNTEER ON THE MANY CITY BOARDS

BERTOLINI – REPORTED SHE ENJOYED THE PARADE LAST WEEK AS WELL AS THE CHARITY BASKETBALL GAME; COUNCIL AGREED TO TURN THE ROOM BEHIND COUNCIL BACK IN TO THEIR CONFERENCE ROOM

BOYD – DISCUSSED THE STATE STATUTE CONCERNING THE ATTORNEY GENERAL OPINION; REPORTED HE ALSO ATTENDED THE PARADE AND BLOCK PARTY LAST WEEKEND AND IT WAS A GREAT EVENT

COUNCIL APPROVED TO AMEND THEIR LEGISLATIVE PLATFORM TO DELETE THE FIRST ITEM AND PLACE AN ITEM CONCERNING AMENDING THE STATE STATUTE CONCERNING THE ATTORNEY GENERAL OPINION AND ASSESSMENTS AND TO ALSO NOTIFY LEE COUNTY OF THIS CHANGE

DAY – COMMENTED ON THE ATTORNEY GENERAL OPINION AND REMINDED COUNCIL THAT THIS AFFECTS HOMEOWNERS IN CAPE CORAL; QUESTIONED ABOUT THE DREDGING BY THE CEITUS BOAT LIFT, PUBLIC WORKS DIRECTOR PAVLOS STATED THAT THEY ARE DREDGING THERE BUT THE SILT IS COMING IN AS FAST AS THEY ARE DREDGING. THE DREDGING WILL BE EXTENDED ANOTHER FOUR WEEKS AND HE WILL CONTACT THE ARMY CORP OF ENGINEERS TO COME AND LOOK AT THE PROJECT; QUESTIONED CITY MANAGER IF THEY FOUND A DATE FOR HIS TOWN HALL MEETING, CITY MANAGER STATED THEY HAVE CONTACTED MARINER HIGH SCHOOL AND ARE WAITING TO HEAR FROM THE SCHOOL CONCERNING A FEE FOR THE CUSTODIAL STAFF

HAIR – REPORTED THAT HE ENJOYED PLAYING IN THE CHARITY BASKETBALL GAME LAST WEEK

LEPERA – THANKED EVERYONE FOR A FANTASTIC PARADE; REPORTED SHE ATTENDED THE CHARITY BASKETBALL GAME LAST WEEK AND THE CITY TEAM ONLY LOST BY TWO POINTS; REPORTED THE VIETNAM WALL WILL BE IN CAPE CORAL AT THE HISTORICAL SOCIETY ON CULTURAL PARK BLVD. THEY WILL HAVE A CEREMONY ON THURSDAY, MARCH 8TH AT 10:00 A.M.

STEVENS – REPORTED HE ALSO ATTENDED THE PARADE; REPORTED THE OASIS CHARTER ELEMENTARY SCHOOL HAS 600 PLUS REGISTERED FOR NEXT YEAR, OASIS CHARTER MIDDLE SCHOOL HAS 503 REGISTERED AND THE CHRISTA MCAULIFFE ELEMENTARY SCHOOL HAS 550 REGISTERED

MAYOR FEICHTHALER – REPORTED HE ALSO PLAYED IN THE CHARITY BASKETBALL GAME LAST WEEK AND HE LOOKED FORWARD TO HAVING MORE GAMES TO RAISE MONEY FOR CHARITY; REPORTED HE ATTENDED THE VOLUNTEER APPRECIATION BREAKFAST LAST WEEK AND THANK YOU TO ALL THE BOARD VOLUNTEERS; ATTENDED THE CELEBRATE CAPE CORAL PARADE AND GOT TO WATCH THE LUNAR ECLIPSE WHILE RIDING IN THE PARADE; VERY RELIEVED AND PROUD TO SEE THE CHARTER SCHOOLS DOING SO WELL

N. **REPORTS:**

- 1) City Attorney – **NO REPORT**
- 2) City Manager – **REPORTED THAT THE VIETNAM WALL WILL ARRIVE TOMORROW AND WILL BE AT THE HISTORICAL SOCIETY FROM THURSDAY UNTIL SUNDAY; THANKED REPRESENTATIVE AUBUCHON FOR MEETING WITH HIM AND HIS STAFF AND GOING OVER THE CITY ISSUES; REPORTED THE CHIQUITA BOAT LOCK PERMIT IS JUST WAITING FOR SIGNATURES; REPORTED HE ATTENDED THE VOLUNTEER APPRECIATION BREAKFAST LAST WEEK AND ENCOURAGED MORE BOARD MEMBERS TO ATTEND NEXT YEAR; REPORTED HE ALSO PLAYED IN THE CHARITY BASKETBALL GAME LAST WEEK; REPORTED ON THE ODYSSEY OF THE MIND GROUPS FROM CAPE CORAL SCHOOLS THAT WILL BE GOING TO THE STATE COMPETITION**

7 Time and Place of Next Meeting - The Next Committee of the Whole Meeting is Scheduled for Monday, March 12, 2007 at 3:00 PM in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, March 12, 2007 at 5:30 PM in Council Chambers

8 Motion to Adjourn **8:14 P.M.**

