

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, April 2, 2007

COUNCIL CHAMBERS

5:00 PM

- 1 Meeting called to order by Mayor Feichthaler
- 2 Invocation - Mayor Feichthaler
- 3 Pledge of Allegiance to the Flag of the United States of America
- 4 ROLL CALL: Mayor Feichthaler, Council Members Hair, LePera, Stevens, Berardi, Bertolini and Boyd
Council Member Day was excused.
- 5 Adoption of Agenda – **ADOPTED**
- 6 Presentations
 - A. **Recognition of Odyssey of the Mind Teams Going to the State Tournament**
- 7 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 – 1 SPEAKER**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) Regular Council Meeting, March 12, 2007 - **APPROVED**
 - 2) Procurement Items:
 - a) None
 - 3) Additional Consent Items
 - a) Approval of Crown Castle International’s request for consent to sublease space on the communication tower at Police & Fire Administration Building (former City Hall Complex), 815 Nicholas Parkway, Cape Coral, FL. (Public Works – Tower Lease), Dollar Value: N/A - **APPROVED**

b) Approval of Permissive Use License Agreement, granting The Haskell Company temporary use of Lots 18 through 23, Block 2969A, and Lots 7 through 9, Block 2969B, Unit 42, Cape Coral Subdivision, Cape Coral, Florida. (Public Works - Real Estate), Dollar Value: N/A - **APPROVED**

c) Assistant City Manager Relocation Expenses, Human Resources, Dollar Value: Not to Exceed \$5,000.00 - **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) None

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 – 16 SPEAKERS**

I. **ADMINISTRATIVE / DISCUSSION ITEMS:**

1) Re-Appointment to Boards/Committees/Commissions - Charter School Governing Board - City Clerk – **REAPPOINTED DOUGHERTY & SOBECK-BADOR**

2) Appointment to Boards/Committees/Commissions - Budget Review Committee - City Clerk – **APPOINTED MARS**

3) Public Comments Made by Planning and Zoning Commission Member Walter Fluegel - Councilmember Hair – **DISCUSSION WAS HELD – MAYOR REQUESTED CITY ATTORNEY TO PREPARE A MEMO CONCERNING DECORUM BY BOARD MEMBERS**

J. **DRAFT PROPOSED ORDINANCES:**

1) None

K. **INTRODUCTION OF ORDINANCES:**

- 1) Ord. 52-07 – **PUBLIC HEARING 4/16/07**
AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT TO THE LEE COUNTY ELECTRIC COOPERATIVE, INC., AN EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC DISTRIBUTION LINES ACROSS PROPERTY OWNED BY THE CITY THAT IS IN THE AREA OF JAYCEE PARK, AS MORE PARTICULARLY DESCRIBED HEREIN; A COPY OF THE EASEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; - COUNCILMEMBER HAIR

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Grants an Easement to the Lee County Electric Cooperative for the Placement of Overhead and Underground Electric Distribution Lines Located in the Area of Jaycee Park.*

- 2) Ord. 54-07 – **PUBLIC HEARING 4/16/07**
AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 19, WATER AND SEWER UTILITIES, ARTICLE VII, WATER MANAGEMENT, BY AMENDING SECTION 19-96.4, YEAR-ROUND LIMITATIONS ON IRRIGATION WATER USAGE, TO FURTHER RESTRICT THE DATES WHEN IRRIGATION OF CERTAIN PROPERTY IN THE CITY OF CAPE CORAL IS PERMITTED; - MAYOR FEICHTHALER

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Watering Regulations to Allow Non-Residential Properties to Water Only on Monday and Friday from December 1 to May 31 of the Following Year and on Monday, Wednesday and Friday from June 1 to November 30.*

L. **INTRODUCTION OF RESOLUTIONS:**

- 1) None

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

Council Member Berardi – no report.

Council Member Hair – commented on Administrative Discussion Item #3.

Council Member LePera – commented on Administrative Discussion Item #3; congratulated the Cape Coral Civic Association's 45th Anniversary and noted that the Mayor presented the

Association with a Proclamation, and the City Manager sang the National Anthem. She thanked the Association for having her introduce their honored guest, Lt. Governor Kottkamp. She encouraged residents to vote tomorrow.

Council Member Stevens – no report.

Council Member Bertolini – discussed respect as it pertains to each of the Council Members.

Council Member Boyd – remarked on comments made as it pertains to Administrative Discussion Item #3. He encouraged residents to vote tomorrow.

Mayor Feichthaler – reported he was in Tallahassee last week and met with the Governor, Lt. Governor and other State legislators; he encouraged residents to vote tomorrow.

N. **REPORTS:**

- 1) City Attorney Menendez – no report.
- 2) City Manager Stewart – complimented the Cape Coral Civic Association on their 45th Anniversary Dinner on Saturday night. He encouraged residents to vote tomorrow.

8 Time and Place of Next Meeting - The Next Committee of the Whole Meeting is Scheduled for Monday, April 9, 2007 at 3:00 P.M. in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, April 9, 2007 at 5:30 P.M. in Council Chambers

9 Motion to Adjourn – **6:51 P.M.**

This agenda should not be viewed as containing definitive information on matters of law with respect to ordinance and resolution summaries.

NOTE: For a final hearing on a quasi-judicial matter involving land use (an agenda item identified with an asterisk*), any person who wishes to intervene as a party must obtain a form for that purpose from the City Clerk, complete it, and file it with the Clerk before the start of the public hearing.

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

This printed agenda will be followed in the conduct of the City's business.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

Time is set aside for any citizen to address the City Council on matters within Council jurisdiction during CITIZENS' INPUT TIME. No prior scheduling is necessary, however, persons desiring to participate in CITIZENS' INPUT TIME are requested to complete and submit a speaker's form to the City Clerk. These forms may be obtained in the Council Chambers one hour prior to the meeting.

Members of the audience who address the City Council shall step up to the speaker's lectern and give his or her full name, address, and whom he or she represents. Proper decorum shall be maintained at all times. Any audience member who is boisterous or disruptive in any manner to the conduct of this meeting shall be asked to leave or be escorted from the meeting room.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15¢ per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

The meetings will be carried live on Cable Channel 14, Time Warner Cable of Cape Coral.

In accordance with the Americans With Disabilities Act persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

***PUBLIC HEARINGS**
DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

- 1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.**
- 2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.**
- 3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.**
- 4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.**
- 5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.**