

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, April 30, 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 JONATHAN GONZALEZ, Cape Elementary School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Berardi, Bertolini, Boyd, Day, Hair, LePera and Stevens
- 5 Adoption of Agenda - **APPROVED WITH ITEM 2(b) WITHDRAWN**
- 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** **TWO SPEAKERS**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) None
 - 2) Procurement Items:
 - a) Amendment of Contract with Triton Water Technologies, Financial Services, Dollar Value: Per Attached Schedule, TRITON WATER TECHNOLOGIES **APPROVED**
 - b) Consulting Services for Nautilus Drive Shoreline Rock Removal Project, Public Works, Dollar Value: Not to Exceed \$34,930.00, COASTAL ENGINEERING CONSULTANTS, INC. - **WITHDRAWN**
 - c) Contract for Consulting Services for Review of City Impact Fees, Financial Services, Dollar Value: Per Attached Schedule, DUNCAN ASSOCIATES - **DENIED**

3) Additional Consent Items

- a) Approval of the Mutual Aid Agreement between the City of Cape Coral Police Department and the Charlotte County Sheriff's Office for the Use of SWAT Team Resources, Police Department, Dollar Value: N/A - **APPROVED**
- b) Awards for Municipal Excellence Nomination Approval Request, Parks and Recreation Department, Dollar Value: N/A - **APPROVED**
- c) Approval of the 20th Judicial Circuit Court Multi-Jurisdictional Traffic Task Force Voluntary Cooperation Mutual Aid Agreement, Police Department, Dollar Value: N/A - **APPROVED**
- d) Acceptance of Permanent Easement for Public Utility, Drainage and Ingress/Egress Purposes in a Portion of Lots 1 through 4, Block 1944C, Unit 29 Cape Coral Subdivision as Required as Part of the Florida Gulf Coast Construction Office Warehouse Site Plan Review, (Public Works - Real Estate), Dollar Value: N/A - **APPROVED**
- e) Rejection of Seller's counter offer to Contract for Purchase of Lots 14 and 15, Block 908, Unit 25, Cape Coral Subdivision, 2518 Retunda Parkway, Cape Coral, Florida. (Public Works – ASR Well Site), Dollar Value: N/A - **APPROVED**
- f) Code Enforcement Lien-Reduction Requested: Code Case #05-22054, Godoi, Ivone, 4323 SW 2nd Ave., Unit 30, Block 1615, Lots 3 & 4, Original Lien Amount of \$19,829.50 - Recommendation: Reduction to \$0, Police Department - **APPROVED**
- g) Code Enforcement Lien-Reduction Requested: Code Case #05-28722, Caridad, Jose, 2609 NW 5th Place, Unit 40, Block 2822, Lots 33 & 34, Original Lien Amount of \$23,829.50 - Recommendation: No Reduction, Police Department - **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 34-07 **ADOPTED**

ZA 06-00500028 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 3 THROUGH 15, BLOCK 783, UNIT 22, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE(S) 1 THROUGH 16, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) AND PROFESSIONAL OFFICE (P-1) TO PEDESTRIAN COMMERCIAL (C-1) ZONE; PROPERTY IS LOCATED AT 1201-1207 AND 1113-1129 SE 15TH PLACE; - COUNCILMEMBER LEPERA

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

WHAT THE ORDINANCE ACCOMPLISHES:*Rezones Property from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) and from Professional Office (P-1) to Pedestrian Commercial (C-1); Property is Located at 1201-1207 and 1113 and 1129 SE 15th Place.*

2) Ord. 45-07 **ADOPTED**

LU 07-01000010 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL BY PDP (SM) TO PUBLIC FACILITY (PF) FOR PROPERTY DESCRIBED AS LOTS 19 THROUGH 21, BLOCK 5588, CAPE CORAL SUBDIVISION, UNIT 84, ACCORDING TO PLAT BOOK 24, PAGES 30 THROUGH 48, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 3623 WEST GATOR CIRCLE; - COUNCILMEMBER DAY

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES:*Amends Future Land Use Map from Single-Family and Multi-Family Residential by PDP (SM) to Public Facility (PF). Property is Located at 3623 West Gator Circle.*

F. **PUBLIC HEARINGS - ORDINANCES**

1) Ord. 41-07 **ADOPTED**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, CHAPTER 7, SIGNS; BY AMENDING SECTION 7.7, EXEMPT SIGNS, TO DELETE THE NECESSITY OF OBTAINING A NOTARIZED AFFIDAVIT FROM A PROPERTY OWNER, OR AUTHORIZED AGENT, TO POST A TEMPORARY POLITICAL SIGN IN ALL ZONING DISTRICTS; - MAYOR FEICHTHALER

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Deletes the Necessity of Obtaining a Notarized Affidavit from the Property Owner to Post a Temporary Political Sign in All Zoning Districts.*

2) Ord. 48-07 **2nd PUBLIC HEARING 5/14/07**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2.7, DISTRICT REGULATIONS, SUBSECTION .10, I-1 INDUSTRIAL DISTRICTS, BY DELETING AS PERMITTED USES AND ESTABLISHING AS SPECIAL EXCEPTION USES ASSISTED LIVING FACILITY, CHILDCARE FACILITY— PRESCHOOL/KINDERGARTEN, DAYCARE CENTERS, ADULT, HEALTH CARE FACILITIES—GROUPS I, II, III, AND IV, HOSPICE, AND MEDICAL OFFICE; AND BY ELIMINATING THE THREE (3) ACRE MINIMUM REQUIREMENT FOR THE ASSISTED LIVING FACILITY, BANK AND FINANCIAL ESTABLISHMENTS—GROUPS I AND II, CHILDCARE FACILITY—PRESCHOOL/KINDERGARTEN, DAY CARE CENTERS, ADULT, ENTRANCE GATES, GATEHOUSE, HEALTH CARE FACILITIES, HOSPICE, HOTEL/MOTEL AND RESORT, MEDICAL OFFICE, NON-STORE RETAILERS GROUPS I AND IV, PRINTING SERVICES, RADIO AND TELEVISION STATIONS, AND STUDIOS USES; - COUNCILMEMBER HAIR

ACTION REQUESTED: *Set Second Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Deletes Various Permitted Uses in the Industrial District (I-1) Zoning Category and Establishes them as Special Exception Uses; Eliminates the Three Acre Minimum Requirement for Various Special Exception Uses in the Industrial District Zoning Category.*

3) Ord. 55-07 **ADOPTED**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS AND COMMISSIONS, DIVISION 3, CODE ENFORCEMENT, SECTION 2-82, DEFINITIONS, TO REVISE DEFINITIONS FOR CONSISTENCY WITH CHAPTER 162, FLORIDA STATUTES; AMENDING SECTION 2-82.1, CODE ENFORCEMENT OFFICER, TO REMOVE ZONING INSPECTORS AND LICENSING INVESTIGATORS, TO ADD LANGUAGE REGARDING THE TRAINING AND QUALIFICATIONS OF THE CODE ENFORCEMENT OFFICER, AND TO REVISE THE POSITIONS DESIGNATED AS CODE ENFORCEMENT OFFICERS TO CONFORM WITH THE POSITION RECLASSIFICATIONS WITHIN THE CITY'S DEPARTMENT OF COMMUNITY DEVELOPMENT AND TO DESIGNATE ENGINEERING INSPECTORS AS CODE ENFORCEMENT OFFICERS FOR THE PURPOSE OF ENFORCING THE CITY OF CAPE CORAL'S CODE OF ORDINANCES, CERTIFYING THEM AND CONFERRING UPON THEM THE POWER TO ISSUE NOTICES OF VIOLATION AND CITATIONS IN CONNECTION WITH THE ENFORCEMENT OF THE CITY OF CAPE CORAL'S CODE OF ORDINANCES WITHIN THE CITY OF CAPE CORAL; AMENDING SECTION 2-85, ENFORCEMENT PROCEDURE, TO SPECIFY THAT THE CODE ENFORCEMENT OFFICER INITIATES THE ENFORCEMENT PROCEEDINGS, CLARIFY THE METHODS OF NOTICE TO BE CONSISTENT WITH CHAPTER 162, FLORIDA STATUTES, AND REVISE APPLICABLE SECTION LETTERS AND NUMBERS; AMENDING SECTION 2-86, CONDUCT OF HEARING, FOR CONSISTENCY WITH CHAPTER 162, FLORIDA STATUTES; AMENDING SECTION 2-90, FORECLOSURE, FOR CONSISTENCY WITH CHAPTER 162, FLORIDA STATUTES; AMENDING SECTION 2-92, APPEAL, TO CHANGE THE RECIPIENT OF THE NOTICE OF APPEAL FROM THE CITY CLERK TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT; AMENDING DIVISION 4, ENFORCEMENT PROCEDURES THROUGH THE COUNTY COURT SYSTEM, SECTION 2-94, ENFORCEMENT OF MUNICIPAL CODES OR ORDINANCES; PENALTIES, TO DELETE ZONING INSPECTOR AS CODE ENFORCEMENT OFFICER TO CONFORM WITH THE POSITION RECLASSIFICATION WITHIN THE CITY'S DEPARTMENT OF COMMUNITY DEVELOPMENT; - COUNCILMEMBER BERTOLINI

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Regulations Regarding Code Enforcement Officer Positions to Conform with Positions Reclassifications in DCD, and Regulations Regarding Enforcement Procedures, Hearings and Foreclosure Procedures for Consistency with Chapter 162, Florida Statutes.*

G. **PUBLIC INPUT - RESOLUTIONS**

1) Res. 16-07 **APPROVED**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEARS 2007-2008, 2008-2009, AND 2009-2010 FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; - COUNCILMEMBER LEPERA

ACTION REQUESTED: *Final Public Input*

WHAT THE RESOLUTION ACCOMPLISHES: *Adopts the Local Housing Assistance Plan (LHAP) Fiscal Years 2007-2008, 2008-2009 and 2009-2010*

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

I. **ADMINISTRATIVE / DISCUSSION ITEMS:**

1) None

J. **DRAFT PROPOSED ORDINANCES:**

1) None

K. **INTRODUCTION OF ORDINANCES:**

- 1) Ord. 60-07 **PUBLIC HEARING 5/14/07**
AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, BY REPEALING AND DELETING THEREFROM CHAPTER 2, "ADMINISTRATION", ARTICLE V. "BOARDS AND COMMISSIONS", DIVISION 9, "CITIZEN'S ADVISORY COMMITTEE ON MINORITY ISSUES", SECTIONS 2-120.30 THROUGH 2-120.32; - COUNCILMEMBER BERTOLINI

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Disbands the Citizen's Advisory Committee on Minority Issues*

- 2) Ord. 61-07 **PUBLIC HEARING 5/14/07**
AN ORDINANCE DECLARING A TRIANGULAR-SHAPED PARCEL OF PROPERTY BEING A PART OF CLOVER CANAL AS SHOWN ON THE PLAT CONTAINING LOTS 1 AND 2, BLOCK 1144, CAPE CORAL SUBDIVISION, UNIT 23, ACCORDING TO PLAT BOOK 14, PAGES 39 THROUGH 52, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, LOCATED AT 619 CULTURAL PARK BOULEVARD SOUTH, AS UNUSABLE MUNICIPAL SURPLUS REAL PROPERTY NO LONGER NEEDED BY THE CITY; AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO EXECUTE A DEED CONVEYING THE AFOREMENTIONED SURPLUS REAL PROPERTY TO TAL LEONARD AS TRUSTEE OF THE T. LEONARD INSURANCE AGENCY, INC. RETIREMENT TRUST DATED 1/1/1993 AND RESTATEMENT ON 1/1/2001, AFTER THE GRANTEE HEREIN HAS CONSTRUCTED A SEAWALL UPON SAID PROPERTY; A COPY OF THE PROPOSED DEED IS ATTACHED HERETO AS EXHIBIT "1"; RESERVING THE RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE CITY OF CAPE CORAL - COUNCILMEMBER DAY

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Declares Triangular-Shaped Parcel as Surplus and Conveys to Adjoining Property Owner*

L. **INTRODUCTION OF RESOLUTIONS:**

1) Res. 17-07 **PUBLIC INPUT 5/14/07**

A RESOLUTION OF THE CITY OF CAPE CORAL RECOGNIZING BERNICE BRADEN FOR HER DEDICATION TO THE CITY OF CAPE CORAL; NAMING THE PUBLIC PARK LOCATED AT THE EASTERN END OF CAPE CORAL PARKWAY BERNICE BRADEN PARK - COUNCIL MEMBER HAIR

ACTION REQUESTED: *Set Public Input Date*

WHAT THE RESOLUTION ACCOMPLISHES: *Names the Public Park Located at the Eastern End of Cape Coral Parkway "Bernice Braden Park"*

2) Res. 18-07 **PUBLIC INPUT 5/7/07**

A RESOLUTION OF THE CITY OF CAPE CORAL PROVIDING FOR THE LEVY OF LIENS FOR DELINQUENT UTILITY CAPITAL EXPANSION FEES; PROVIDING FOR THE PRIORITY OF SAID LIENS; PROVIDING FOR A THIRTY DAY PREPAYMENT PERIOD PRIOR TO RECORDING OF THIS RESOLUTION; PROVIDING A LIMITATION PERIOD FOR CONTESTING THE LIEN - COUNCIL MEMBER DAY

ACTION REQUESTED: *Set Public Input Date*

WHAT THE RESOLUTION ACCOMPLISHES: *Provides for Levying of Lien Against Priority Developers, Inc., for Delinquent Utility Expansion Fees in the Amount of \$3,384,329.94*

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

BERARDI – THANKED PARKS & RECREATION DIRECTOR STEVE POHLMAN FOR THEIR COST SAVING IDEA CONCERNING WATERING TRAILERS

BERTOLINI – THANKED CITY CLERK BONNIE POTTER AND THE MAYOR’S SCHOLARSHIP COMMITTEE FOR A NICE SCHOLARSHIP BANQUET

BOYD – NO REPORT

DAY – COMMENTED ON THE MAYOR’S PARTICIPATION IN THE AUCTION HELD AT THE OASIS CHARTER SCHOOL; REQUESTED COUNCIL DISCUSS AT NEXT WEEKS COUNCIL MEETING FORMING A PUBLIC SAFETY BUILDING COMMITTEE TO BE COMPOSED OF CITIZENS

HAIR – NO REPORT

LEPERA – NO REPORT

STEVENS – NO REPORT

MAYOR FEICHTHALER – REPORTED THE MAYOR’S SCHOLARSHIP FUND GAVE OUT 24 SCHOLARSHIPS LAST WEEK AND HE THANKED THE MAYOR’S SCHOLARSHIP COMMITTEE FOR A VERY NICE BANQUET; REPORTED HE TOOK A TOUR OF THE SPREADER WATERWAY LAST WEEK AND HE WILL BE PLACING ON THE NEXT COMMITTEE OF THE WHOLE A DISCUSSION CONCERNING THE BOAT LOCK; REPORTED ON THE COMPLAINTS THAT ARE BEING RECEIVED CONCERNING COMCAST HOWEVER, THE CITY HAS NO CONTROL OVER COMCAST CONCERNING THE INTERNET BUT IT DOES CONCERNING THE CABLE, HE WILL PLACE ON NEXT WEEKS AGENDA THE COMCAST ISSUE AND REQUEST THAT SOMEONE FROM COMCAST BE PRESENT AT THE MEETING

N. **REPORTS:**

- 1) City Attorney – **NO REPORT**
- 2) City Manager – **REPORTED THE BIDS FOR SW 5 ARE BEING OPENED PUBLICLY IN CONFERENCE ROOM 220A ON MAY 2ND AND 8TH AT 2:00 P.M. HE INVITED CITIZENS TO ATTEND; REPORTED THE QUESTIONS AND ANSWERS FROM THE WEEKLY CITIZENS INPUT SESSIONS ARE ON THE WEB SITE; REPORTED STAFF HAS BEEN IN CONTACT WITH COMCAST AND THEY FULLY SUPPORT COUNCIL BECOMING INVOLVED**

7 Time and Place of Next Meeting - The Next Committee of the Whole Meeting is Scheduled for Monday, May 7, 2007 at 3:00 P.M. in Council Chambers

The Next Regular City Council Meeting is Scheduled for Monday, May 7, 2007 at 5:30 P.M. in Council Chambers

8 Motion to Adjourn **7:14 P.M.**