

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

Monday, April 9, 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
ZACH STEVENS, Gulf Elementary School
- 4 ROLL CALL: Mayor Feichthaler, Council Members Hair, LePera, Stevens, Berardi,
Bertolini, Boyd and Day
- 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 - 3 SPEAKERS**
 - B. **CONSENT AGENDA**
 - 1) APPROVAL OF MINUTES:
 - a) Regular Council Meeting, March 19, 2007 - **APPROVED**
 - 2) Procurement Items:
 - a) Auction of City Surplus Vehicles and Equipment, Financial Services, Dollar
Value: N/A, GOVDEALS.COM - **APPROVED**
 - b) Chiquita Boulevard Widening Project, Public Works, Dollar Value: N/A at
this Time, KIMLEY-HORN & ASSOCIATES, AIM ENGINEERING &
SURVEYING or QUATTRONE & ASSOCIATES - **APPROVED**

- c) Centex Construction, LLC Name Change, Public Works, Dollar Value: N/A, CENTEX CONSTRUCTION, LLC to BALFOUR BEATTY CONSTRUCTION, LLC - **APPROVED**

- d) Resurfacing of Coral Point Drive/SE 16th Place, Public Works, Dollar Value: \$87,706.00, and \$2,500.00 Provision for Night Work plus Contingency in the Amount of \$8,771.00 for a Total of \$98,977.00, COUGAR CONTRACTING SPECIALTIES, INC. - **APPROVED**

- e) Pump Repair, Public Works, Dollar Value: Estimated Annual Expenditure of \$58,000.00 Piggybacking Pinellas County, Florida Bid #034-57-B (DM), REGIONAL ENGINEERING & SERVICE, INC. - **APPROVED**

- f) Award of Contract: Uniforms for Parks & Recreation, Parks & Recreation, Dollar Value: Estimated Annual Expenditures of \$25,000.00, MATTEO INTERNATIONAL, INC. - **APPROVED**

- g) Purchase of Two Vertical Turbine Reuse Pumps, Public Works, Dollar Value: \$207,173.00, BARNEY'S PUMPS, INC. - **APPROVED**

- h) Contract Amendment #1 to Contract No. CON-PW0519606-56-02, Demolition Services, Dollar Value: \$22,043.00 plus a City Contingency in the Amount of \$2,204.30 for a Total Amount of \$24,247.30, ACCURATE CONCRETE CUTTING, LLC - **APPROVED**

- i) Award of Bid: SE 24th Avenue Median Landscaping between Viscaya Parkway & Hancock Bridge Parkway, Public Works, Dollar Value: \$91,470.00 plus a 10% City Contingency in the Amount of \$9,147.00 for a Total Amount of \$100,617.00, COASTWISE INC. - **APPROVED**

- j) Award of Eight (8) Contracts: RFP DCD021407-46, Professional Consulting Services for Land Regulation Review and Revision, Department of Community Development, Dollar Value: Not to Exceed \$50,000.00 for each Staffing and Cost Proposal, CALVIN, GIORDANO AND ASSOCIATES, DRMP, DUNCAN ASSOCIATES, JOHNSON ENGINEERING, IPG ILER PLANNING GROUP, LA RUE PLANNING AND MANAGEMENT SERVICES, INC., MICHELE MELLGREN AND ASSOCIATES, and TINDALE OLIVER AND ASSOCIATES - **APPROVED**

- k) MWH Americas Work Authorization (WA) W-6C.1, North Cape RO Plant Civil & Site Work Packages Change Order, Public Works, Dollar Value: Potential

Savings of Approximately \$360,000.00, MWH AMERICAS - **APPROVED**

3) Additional Consent Items

- a) Code Enforcement Lien-Reduction Code Case #05-33528, Murphy, Jacqueline, 604 SE 31st St., Unit 25, Block 887, Lot 1-3, Original Lien Amount of \$938.00 - Recommended Reduction: None, Police Department - **APPROVED**
- b) Code Enforcement Lien-Reduction Code Case #06-2843, Fletcher, Robert and Joyce, 1110 NE 11th St., Unit 31, Block 2040, Lot 5 & 6, Original Lien Amount of \$785.50 - Recommended Reduction: None, Police Department - **APPROVED**
- c) Satisfaction of Mortgage Documents for Cape Hotel Suites, LLC, Department of Community Development, Dollar Value: N/A - **APPROVED**
- d) Approval of Contract for Purchase of a Vacant Commercial Site, Lots 26, 27, and 28, Block 2005, Unit 31, Part 1, Cape Coral Subdivision, 520 Andalusia Boulevard, Cape Coral, Florida. (Public Works – Cultural Park/Andalusia Boulevard Realignment), Dollar Value: \$125,000.00 - **DENIED**
- e) Approval of Contract for Purchase of a Vacant Commercial Site, Lots 21 and 22, Block 2005, Unit 31, Part 1, Cape Coral Subdivision, 508 Andalusia Boulevard, Cape Coral, Florida. (Public Works – Cultural Park/Andalusia Boulevard Realignment), Dollar Value: \$84,500.00 - **DENIED**
- f) Approval of Contract for Purchase of Lots 22 and 23 and the North 3.0 feet of Lot 24, Block 319, Unit 9, Cape Coral Subdivision, 722-724 SE 46th Street, Cape Coral, Florida. (Fire Department – Fire Station #1 Relocation site), Dollar Value: \$346,581.00 - **APPROVED**
- g) Approval of Contract for Purchase of a Vacant Commercial Site, Lots 31 and 32, Block 2005, Unit 31, Part 1, Cape Coral Subdivision, 600 Andalusia Boulevard, Cape Coral, Florida. (Public Works – Cultural Park/Andalusia Boulevard Realignment), Dollar Value: \$84,500.00 - **DENIED**
- h) Approval of new offer to purchase, Lots 11 and 12, Block 3015, Unit 43, Cape Coral Subdivision, 2521 NW 10th Avenue, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$37,000.00 - **APPROVED**
- i) Approval of new offer to purchase, Lots 64 and 65, Block 3002, Unit 43, Cape Coral Subdivision, 2533 NW 9th Place, Cape Coral, Florida. (Parks and Recreation – Festival Park), Dollar Value: \$50,000.00 - **APPROVED**
- j) DCD Reconfiguration - Final Phase, Department of Community Development, Dollar Value: Not to Exceed \$213,819.00 - **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) *Ord. 18-07 – **SECOND PUBLIC HEARING 04/23/07**
ZA 06-00500003 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 ALL PROPERTIES WITHIN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA FROM PEDESTRIAN COMMERCIAL (C-1) AND MULTI-FAMILY RESIDENTIAL (R-3) ZONING TO DOWNTOWN CORE (DC) ZONING; REZONING FROM PEDESTRIAN COMMERCIAL (C-1), PROFESSIONAL OFFICE (P-1), SINGLE FAMILY RESIDENTIAL (R-1B), AND MULTI-FAMILY RESIDENTIAL (R-3) ZONING TO DOWNTOWN GATEWAY (DG) ZONING; AND REZONING FROM PEDESTRIAN COMMERCIAL (C-1), PROFESSIONAL OFFICE (P-1), AND MULTI-FAMILY RESIDENTIAL (R-3) ZONING TO DOWNTOWN EDGE (DE) ZONING; THE PROPERTIES CONSIST OF ALL PARCELS IN THE DOWNTOWN CRA AS MORE PARTICULARLY DESCRIBED HEREIN; - COUNCILMEMBER HAIR

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

WHAT THE ORDINANCE ACCOMPLISHES:Rezones all Properties within the Downtown Community Redevelopment Area from Pedestrian Commercial (C-1) and Multi-Family Residential (R-3) Zoning to Downtown Core (DC) Zoning; Rezoning from Pedestrian Commercial (C-1), Professional Office (P-1), Single Family Residential (R-1B), and Multi-Family Residential (R-3) Zoning to Downtown Gateway (DG) Zoning; and Rezoning from Pedestrian Commercial (C-1), Professional Office (P-1), and Multi-Family Residential (R-3) Zoning to Downtown Edge (DE) Zoning.

2) *Ord. 19-07 - **ADOPTED**

ZA 06-00500022 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 109, 110, 111 AND 112, BLOCK 1027, UNIT 24, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 64 THROUGH 77, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FROM SINGLE-FAMILY RESIDENTIAL (R-1B) TO PROFESSIONAL OFFICE (P-1) ZONE; PROPERTY IS LOCATED AT 604-614 NICHOLAS PARKWAY EAST; - COUNCILMEMBER LEPERA

ACTION REQUESTED: *Final Public Hearing (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 604-614 Nicholas Parkway East.*

3) Ord. 20-07 - **ADOPTED**

LU 06-01000032 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 1-8, 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 1117-1127 CAPE CORAL PARKWAY WEST; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Multi-Family Residential (MF) to Commercial/Professional (CP); Property is Located at 1117-1127 Cape Coral Parkway West.*

4) Ord. 22-07 - **ADOPTED**

LU 06-01000037 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 33 AND 34, BLOCK 229, UNIT 2 PART 1, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGES 129 TO 131, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 337 CAPE CORAL PARKWAY EAST; - COUNCILMEMBER HAIR

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Multi-Family Residential (MF) to Commercial/Professional (CP); Property is Located at 337 Cape Coral Parkway East.*

5) Ord. 23-07 - **ADOPTED**

LU 06-01000031 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 21-27, BLOCK 1089, UNIT 23, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGES 39 THROUGH 52, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 102-114 HANCOCK BRIDGE PARKWAY; AND BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE FAMILY RESIDENTIAL (SF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR LOTS 37-39, BLOCK 1089, UNIT 23, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGES 39 THROUGH 52, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 126-130 SE SANTA BARBARA PLACE; - COUNCILMEMBER DAY

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Multi-Family Residential (MF) to Commercial/Professional (CP); Property is Located at 126-130 SE Santa Barbara Place.*

- 6) Res. 3-07 – **APPROVED W/CONDITIONS**
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*

- 7) Res. 8-07 - **APPROVED**
VP 06-00600021 A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY ADJOINING THE NORTH LINE OF BLOCK 3376, LYING IN UNIT 64 CAPE CORAL SUBDIVISION AS RECORDED IN PLAT BOOK 21 AT PAGES 82-95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED HEREIN, LYING BETWEEN LOTS 1 THROUGH 13 AND 14 THROUGH 25, BLOCK 3376; PROPERTY LOCATED BETWEEN 1134-1158 SW 47TH TERRACE AND 1217 CAPE CORAL PARKWAY WEST; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Final Public Input*

WHAT THE RESOLUTION ACCOMPLISHES: *Vacation of Plat for an Alley Located between 1134-1158 SW 47th Terrace and 1217 Cape Coral Parkway West.*

F. **PUBLIC HEARINGS - ORDINANCES**

1) Ord. 16-07 – **SECOND PUBLIC HEARING 04/23/07**

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, BY AMENDING SECTION 2.1 ESTABLISHMENT OF ZONING DISTRICTS, SUBSECTION .8 INSTITUTIONAL DISTRICT, TO REDEFINE THE PURPOSE OF THE DISTRICT; BY AMENDING SECTION 2.7 DISTRICT REGULATIONS, SUBSECTION .14 INSTITUTIONAL DISTRICT (INST), TO REDEFINE THE PURPOSE AND INTENT, ESTABLISH ADDITIONAL PERMITTED USES AND SPECIAL EXCEPTION USES, AND AMEND THE DIMENSIONAL REGULATIONS TO INCREASE MAXIMUM STRUCTURE COVERAGE, DECREASE MINIMUM FRONT, SIDE AND REAR YARDS, AND INCREASE MAXIMUM HEIGHT ALLOWANCE; AMENDING ARTICLE III SUPPLEMENTARY DISTRICT REGULATIONS, BY AMENDING SECTION 3.2 TEMPORARY USES, SUBSECTION .1 TEMPORARY SALES OFFICES, TO PROVIDE SIGN REGULATIONS FOR SIGNS AT TEMPORARY SALES OFFICES IN THE INSTITUTIONAL DISTRICT, AND SUBSECTION .2 CONSTRUCTION TRAILERS, TO PROVIDE THAT CONSTRUCTION TRAILERS ON PROPERTY ZONED INSTITUTIONAL BE SUBJECT TO THE REQUIREMENTS IN SUB-SUBSECTION C; BY AMENDING SECTION 3.4 OUTDOOR DISPLAY OF MERCHANDISE; TEMPORARY OFF-SITE VEHICLE SALES: SEASONAL FUNDRAISING EVENTS, SUBSECTION .1 TO PROVIDE REGULATIONS FOR OUTDOOR DISPLAY OF MERCHANDISE IN INSTITUTIONAL DISTRICTS, AND SUBSECTION .3 TO PROVIDE REGULATIONS FOR SEASONAL FUNDRAISING EVENTS IN INSTITUTIONAL DISTRICTS; BY AMENDING SECTION 3.14 PROTECTION OF EASEMENTS, SUBSECTION .3 TO INCLUDE INSTITUTIONAL DISTRICTS WHERE CERTAIN PARKING AREAS, DRIVEWAYS AND SIDEWALKS MAY BE LOCATED IN AN EASEMENT; BY AMENDING SECTION 3.24 CITY-OWNED RIGHT-OF-WAY, SUBSECTION .3 TO PROVIDE THAT PERMIT REQUIREMENTS FOR CURB, GUTTER, SIDEWALK, SOD AND PAVING IN ALLEYS APPLY IN INSTITUTIONAL DISTRICTS; BY AMENDING ARTICLE IV LAND DEVELOPMENT REGULATION, SECTION 4.1 IN GENERAL, TO PROVIDE FOR REGULATIONS IN THE INSTITUTIONAL DISTRICT THROUGH THE PLANNED DEVELOPMENT PROJECT PROCEDURE; BY AMENDING SECTION 4.2 PLANNED DEVELOPMENT PROJECT PROCEDURE, SUBSECTION .4.G. TO APPLY THE REGULATIONS FOR MINIMUM PARCEL SIZE TO THE INSTITUTIONAL DISTRICT; BY AMENDING 4.4 SITE PLAN REVIEW PROCEDURE, SUBSECTION .2 APPLICABILITY, TO APPLY THE REGULATIONS CONCERNING SITE PLAN

APPROVAL IN INSTITUTIONAL DISTRICTS; AMENDING ARTICLE V SUPPLEMENTARY DEVELOPMENT REGULATION, SECTION 5.2 LANDSCAPING, SUBSECTION .9 LANDSCAPING REQUIREMENTS, TO DECREASE THE LANDSCAPE BUFFER YARD REQUIREMENT IN THE INSTITUTIONAL ZONING DISTRICT FROM 40 TO 15 FEET; AMENDING ARTICLE VI, FLOOD DAMAGE PREVENTION, SECTION 6.5 PROVISIONS FOR FLOOD HAZARD REDUCTION, SUBSECTION B SPECIFIC STANDARDS, TO APPLY THE NON-RESIDENTIAL CONSTRUCTION REGULATIONS TO INSTITUTIONAL DISTRICTS; AMENDING ARTICLE VII, SIGNS, SECTION 7.7, EXEMPT SIGNS, SUBSECTION .2, TO INCLUDE THE INSTITUTIONAL ZONING DISTRICT WHERE CERTAIN SIGNS ARE ALLOWED WITHOUT A PERMIT, AND TO PROVIDE THAT TEMPORARY POLITICAL SIGNS ARE ALLOWED IN THE INSTITUTIONAL ZONING DISTRICT PURSUANT TO ANY APPLICABLE REQUIREMENTS; BY AMENDING SECTION 7.13 MISCELLANEOUS SIGNS, TO APPLY CERTAIN REGULATIONS FOR FLAGPOLES AND FLAG STANDARDS TO THE INSTITUTIONAL DISTRICTS; - MAYOR FEICHTHALER

ACTION REQUESTED: *Set Second Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Purpose and Intent, Permitted Uses and Special Exception Uses, and Regulations for the Institutional Zoning District.*

2) Ord. 46-07 - **ADOPTED**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMMERCIAL PAPER DEBT OBLIGATIONS PURSUANT TO THE CITY'S COMMERCIAL PAPER PROGRAM THE OUTSTANDING AGGREGATE PRINCIPAL AMOUNT OF WHICH COMMERCIAL PAPER DEBT OBLIGATIONS AUTHORIZED HEREBY MAY NOT EXCEED \$50,000,000 AT ANY ONE TIME, IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS TRANSPORTATION RELATED CAPITAL IMPROVEMENTS WITHIN THE CITY; PROVIDING FOR THE USE OF A DIRECT-PAY LETTER OF CREDIT FROM BANK OF AMERICA, N.A. TO PAY THE PRINCIPAL AND PURCHASE PRICE OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE COMMERCIAL PAPER DEBT OBLIGATIONS; PROVIDING FOR A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM FUNDS TO PAY THE PRINCIPAL AND PURCHASE PRICE OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE COMMERCIAL PAPER DEBT OBLIGATIONS AND TO SATISFY THE CITY'S OBLIGATIONS UNDER SAID LETTER OF CREDIT; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE

COMMERCIAL PAPER DEBT OBLIGATIONS; -
COUNCILMEMBER BERARDI

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Authorizes Issuance of Commercial Paper Debt Obligations in an Amount Not to Exceed \$50,000,000.00 to Finance the Acquisition and Construction of Various Transportation-Related Capital Improvements.*

3) Ord. 47-07 - **ADOPTED**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMMERCIAL PAPER DEBT OBLIGATIONS PURSUANT TO THE CITY'S COMMERCIAL PAPER PROGRAM THE OUTSTANDING AGGREGATE PRINCIPAL AMOUNT OF WHICH COMMERCIAL PAPER DEBT OBLIGATIONS AUTHORIZED HEREBY MAY NOT EXCEED \$30,000,000 AT ANY ONE TIME, IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS FIRE AND RESCUE RELATED CAPITAL IMPROVEMENTS WITHIN THE CITY; PROVIDING FOR THE USE OF A DIRECT-PAY LETTER OF CREDIT FROM BANK OF AMERICA, N.A. TO PAY THE PRINCIPAL AND PURCHASE PRICE OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE COMMERCIAL PAPER DEBT OBLIGATIONS; PROVIDING FOR A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM FUNDS TO PAY THE PRINCIPAL AND PURCHASE PRICE OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE COMMERCIAL PAPER DEBT OBLIGATIONS AND TO SATISFY THE CITY'S OBLIGATIONS UNDER SAID LETTER OF CREDIT; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE COMMERCIAL PAPER DEBT OBLIGATIONS; -
COUNCILMEMBER BERARDI

ACTION REQUESTED: *Final Public Hearing*

WHAT THE ORDINANCE ACCOMPLISHES: *Authorizes Issuance of Commercial Paper Debt Obligations in an Amount Not to Exceed \$30,000,000.00 to Finance the Acquisition and Construction of Various Fire and Rescue Related Capital Improvements.*

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 - 10 SPEAKERS – MOTION APPROVED GIVING THE CITY MANAGER GENERAL**

DIRECTIONS TO LOOK AT ALL OPTIONS FOR A PUBLIC SAFETY BUILDING, INCLUDING EXISTING AND NEW BUILDINGS; COUNCIL SHALL DISCUSS THE PUBLIC SAFETY BUILDING AT THE APRIL 23, 2007 COMMITTEE OF THE WHOLE MEETING AND WILL ALLOW PUBLIC INPUT AT THAT MEETING; AND TWO WEEKS LATER TO HAVE ANOTHER PRESENTATION ON THE PUBLIC SAFETY BUILDING AT THE COMMITTEE OF THE WHOLE MEETING.

I. ADMINISTRATIVE / DISCUSSION ITEMS:

- 1) Citizens' Advisory Committee for Minority Issues - Councilmember Bertolini
- **CONSENSUS WAS TO DISBAND THE COMMITTEE & THE CITY ATTORNEY WOULD PREPARE THE APPROPRIATE ORDINANCE**
- 2) Citizens' Input Time - Councilmember Bertolini - **MOTION APPROVED TO CREATE A "Q&A" ON THE CITY WEBSITE AS SUGGESTED IN COUNCILMEMBER BERTOLINI'S MEMO**
- 3) Water/Sewer Line Extension Along Ceitus Parkway to Service Neighborhood Park #4 - Financial Services - **MOTION APPROVED TO AUTHORIZE THE WATER AND SEWER LINE EXTENSION PROJECT SERVING NEIGHBORHOOD PARK #4**

J. DRAFT PROPOSED ORDINANCES:

- 1) None

K. INTRODUCTION OF ORDINANCES:

- 1) Ord. 149-06 - **PUBLIC HEARING TUESDAY 4/24/07**
LU 06-01000019 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY RESIDENTIAL (SF) TO MULTI-FAMILY RESIDENTIAL (MF) FOR PROPERTY DESCRIBED AS LOTS 13-25, BLOCK 4631, UNIT 69, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 31 TO 51, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 5103-5127 SW 16TH PLACE;
COUNCILMEMBER STEVENS

ACTION REQUESTED: Set Public Hearing Date

WHAT THE ORDINANCE ACCOMPLISHES:Amends Future Land Use Map from Single-Family Residential (SF) to Multi-Family Residential (MF); Property is Located at 5103-5127 SW 16th Place.

- 2) Ord. 31-07 - **PUBLIC HEARING MONDAY 4/23/07**
LU 06-01000027 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 20 AND 21, BLOCK 163, UNIT 3, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE(S) 71 TO 80, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 124 CAPE CORAL PARKWAY WEST; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Multi-Family Residential (MF) to Commercial/Professional (CP); Property is Located at 124 Cape Coral Parkway West.*

- 3) Ord. 35-07 – **PUBLIC HEARING TUESDAY 4/24/07**
LU 06-01000015 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM INTENSIVE DEVELOPMENT, A COUNTY DESIGNATION TO PINE ISLAND ROAD DISTRICT (PIRD) FOR PROPERTY DESCRIBED AS LOTS 2, 6, 15, 16, AND 18, BLOCK A, AND LOTS 2-4, 11-13, 21, 26-27, AND 37-41, BLOCK B, DEL PINE MANOR (UNRECORDED), AS DESCRIBED IN EXHIBIT "A"; PROPERTIES ARE LOCATED ON HIBISCUS DRIVE AND DEL PINE DRIVE; - COUNCILMEMBER BERARDI

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Intensive Development, a County Designation, to Pine Island Road District (PIRD); Property is Located at 1229-1231 Hibiscus Drive; 1233 Hibiscus Drive; 1239 Hibiscus Drive; 1240 Hibiscus Drive; 1256 Hibiscus Drive; 1271 Hibiscus Drive; 1329 Hibiscus Drive; 1340 Hibiscus Drive; 1352 Hibiscus Drive; 1370 Hibiscus Drive; 1200 Del Pine Drive; 1230 Del Pine Drive; 1330 Del Pine Drive; and 1342-1344 Del Pine Drive.*

- 4) Ord. 37-07 – **PUBLIC HEARING TUESDAY 4/24/07**
LU 07-01000007 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MIXED USE (MX) TO LOW DENSITY RESIDENTIAL II (LDR-II) LAND USE FOR PARCELS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, ALL AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTIES ARE LOCATED ON JANIS ROAD, SAND

ROAD, AND OLD BURNT STORE ROAD N.; -
COUNCILMEMBER DAY

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Mixed Use (MX) to Low Density Residential II (LDR-II); Property is Located at 3521, 3522, 3550, 3553, 3591, 3600, 3601, 3648, 3651, 3686, 3687, 3700, 3751, 3800 Janis Road; 3161, 3237, 3245, 3333, 3419 Old Burnt Store Road N.; and 3521, 3522, 3551, 3651, 3661, 3681, 3750, 3751, 3801 Sand Road.*

5) Ord. 38-07 – **PUBLIC HEARING TUESDAY 4/24/07**

TXT 07-01300001 Through TXT 07-01300009 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BASED UPON RECOMMENDED CHANGES IN THE EVALUATION AND APPRAISAL REPORT; BY AMENDING THE CAPITAL IMPROVEMENT ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, CONCURRENCY MANAGEMENT SYSTEM AND MONITORING AND EVALUATION SECTIONS, TO AMEND PLACEMENT OF FACILITIES IN COASTAL HIGH HAZARD ZONES, TO AMEND FINANCIAL MANAGEMENT POLICIES, TO DELETE LEVEL OF SERVICE STANDARDS THAT ARE CONTAINED IN OTHER ELEMENTS, TO AMEND CONCURRENCY REQUIREMENTS AND CONDITIONS TO DETERMINE DE MINIMIS IMPACT, TO DELETE ALL OTHER SECTIONS OF THE CAPITAL IMPROVEMENT ELEMENT, AND TO DELETE TABLES 1 THROUGH 11 AND APPENDIX A; BY AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, TO PROVIDE ADDITIONAL REGULATIONS FOR PROTECTION OF VARIOUS PROTECTED SPECIES, TO AMEND PUBLIC MARINA LOCATIONS AND PROVIDE DEFINITION, TO FURTHER COMMIT TO PRESERVATION OF GROUND WATER RESOURCES AND MANATEE AWARENESS, TO REVISE POLICIES CONCERNING EVACUATION, SHELTER AND POST DISASTER REDEVELOPMENT, TO DELETE ALL OTHER SECTIONS OF THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, AND TO DELETE TABLES 1 THROUGH 19 AND FIGURES 1 THROUGH 37; BY DELETING THE EXISTING LAND USE ELEMENT IN ITS ENTIRETY; BY AMENDING THE FUTURE LAND USE ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, TO AMEND SUBDIVISION PROCEDURES FOR SMALL SCALE SUBDIVISIONS, TO AMEND DENSITY/INTENSITY FOR MIXED USE LAND USE CATEGORIES, TO AMEND LOCATION POLICY FOR COMMERCIAL ACTIVITY CENTERS AND URBAN SERVICES TRANSITION AREA AND EXTENSIONS IN URBAN SERVICES TRANSITION, INFILL, AND RESERVE AREAS, TO DELETE ALL

OTHER SECTIONS OF THE FUTURE LAND USE ELEMENT, AND TO DELETE TABLES 1 THROUGH 13; BY AMENDING THE HOUSING ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, TO UPDATE FIGURES, TO INCLUDE DIFFERENT TYPES OF HOUSING IN THE ELEMENT, TO PROVIDE FOR EVALUATIONS OF AFFORDABLE HOUSING PROGRAMS AND INVENTORY, TO DELETE ALL OTHER SECTIONS OF THE HOUSING ELEMENT, AND TO DELETE TABLES 1 THROUGH 16; BY AMENDING THE INFRASTRUCTURE ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICIES FOR ON-SITE WASTEWATER TREATMENT SYSTEMS, AND FOR PROVISION OF SANITARY SEWER, DRAINAGE, POTABLE WATER, AND SOLID WASTE SERVICES, TO DELETE ALL OTHER SECTIONS OF THE INFRASTRUCTURE ELEMENT, AND TO DELETE TABLES 1 THROUGH 24, AND FIGURES 1 THROUGH 29; BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICIES RELATED TO ANNEXATION, TO PROVIDE FOR COORDINATION WITH THE LEE COUNTY SCHOOL BOARD, TO AMEND POLICIES FOR MEDIATION, TO DELETE ALL OTHER SECTIONS OF THE INTERGOVERNMENTAL COORDINATION ELEMENT, AND TO DELETE TABLES 1 THROUGH 8; BY DELETING THE POPULATION AND DEMOGRAPHICS ELEMENT IN ITS ENTIRETY; BY AMENDING THE RECREATION AND OPEN SPACE ELEMENT, TO AMEND THE GOALS, OBJECTIVES AND POLICIES, TO REVISE LEVEL OF SERVICE STANDARDS FOR CERTAIN FACILITIES, TO PROVIDE FUNDING SOURCES, TO PROVIDE CRITERIA FOR CONCURRENCY, FOR DETERMINING DE MINIMIS IMPACT FOR USE IN ISSUING BUILDING PERMITS, TO UPDATE TIME FRAMES, TO DELETE ALL OTHER SECTIONS OF THE RECREATION AND OPEN SPACE ELEMENT, AND TO DELETE TABLES 1-3 AND FIGURES 1-2; BY AMENDING THE TRANSPORTATION ELEMENT, TO AMEND THE GOALS, OBJECTIVES, AND POLICIES, TO AMEND ROADWAY CAPACITY AND SAFETY STANDARDS, AND ACCESS MANAGEMENT PLANS, TO ADDRESS GROUND TRANSPORTATION TIMES AND MASS TRANSPORTATION, TO ADDRESS NON-MOTORIZED TRANSPORTATION POLICIES, TO AMEND ROADWAY SAFETY ENHANCEMENT POLICIES, TO REVISE POLICIES RELATED TO SEAPORT AND AIRPORT FACILITIES, TO PROVIDE FOR COORDINATION WITH COUNTY AND STATE PROGRAMS, TO DELETE ALL OTHER SECTIONS OF THE TRANSPORTATION ELEMENT, AND TO DELETE TABLES 1, 4-9, AND 11-12, AND TO DELETE FIGURES 1-5, 9-15, 17-18, AND 22-27, AND TO ADOPT A NEW FIGURE 12, 2007-2011 RESURFACING PLAN, AND RENUMBER EXISTING FIGURES 16 TO 18, 19 TO 21, AND 21 TO 22; BY ESTABLISHING AN ECONOMIC

DEVELOPMENT ELEMENT, GOALS, OBJECTIVES, AND POLICIES, TO ESTABLISH THE GOAL OF ACHIEVING AN ECONOMICALLY BALANCED COMMUNITY WITH A SUPERIOR QUALITY OF LIFE; - COUNCILMEMBER STEVENS

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends City of Cape Coral Comprehensive Plan by Amending Capital Improvement Element, Conservation and Coastal Management Element, Future Land Use Element, Housing Element, Infrastructure Element, Intergovernmental Coordination Element, Recreation and Open Space Element, Transportation Element; Deleting Existing Land Use Element and Population and Demographics Element; and Establishing Economic Development Element.*

6) Ord. 43-07 – **PUBLIC HEARING TUESDAY 4/24/07**

LU 07-01000002 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 MULTI-FAMILY RESIDENTIAL (MF) AND FROM THE URBAN SERVICES RESERVE AREA TO THE URBAN SERVICES TRANSITION AREA FOR PROPERTY DESCRIBED AS ALL OF BLOCK 4829, CAPE CORAL SUBDIVISION, UNIT 71, ACCORDING TO PLAT BOOK 22 AT PAGES 88 THROUGH 107, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY IS LOCATED AT 1414 SW 17TH PLACE; - COUNCILMEMBER LEPERA

ACTION REQUESTED: *Set Public Hearing Date*

WHAT THE ORDINANCE ACCOMPLISHES: *Amends Future Land Use Map from Single-Family and Multi-Family Residential by PDP (SM) to Multi-Family Residential (MF) and from the Urban Services Reserve Area to the Urban Services Transition Area; Property is Located at 1417 SW 17th Place.*

L. **INTRODUCTION OF RESOLUTIONS:**

1) None

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

Council Member Berardi – announced that he would be withdrawing Ordinance 51-07.

Council Member Hair – no report.

Council Member LePera – no report.

Council Member Stevens – thanked the City Manager and Financial Services Director for the information received about the utility expansion project costs in Bonita Springs.

Council Member Bertolini – no report.

Council Member Boyd – requested that the Assistant City Manager contact him tomorrow concerning complaints he has received about the condition of the trees at the Home Depot; he mentioned the upcoming Fishing Tournament this weekend and noted that the Youth Center had additional information regarding the event.

Council Member Day – thanked the State Attorney’s Office and the Cape Coral Police Department for clearing up in a timely manner the issue he had as it pertained to an incident at a Council meeting.

Mayor Feichthaler – discussed the low water levels in the southwest behind the Chiquita lock and asked staff to investigate the issue. He mentioned the information received from the City Manager concerning the number of unfilled positions in the City, and suggested that Council discuss this matter in the next week or two, as well as, discussing the possibility of a “hiring freeze”. He reported that he was a participant of the City’s Canvassing Board for last week’s election. He announced that he attended and spoke at the New Residents’ Club last week.

N. **REPORTS:**

- 1) **City Attorney Menendez – no report.**
- 2) **Acting City Manager Schwing –reported that the last Hurricane Katrina family has moved out of their house in Cape Coral and has expressed gratitude to the City for helping them put their life back in order.**

8 Time and Place of Next Meeting - The Next Regular City Council Meeting is Scheduled for Monday, April 16, 2007 at 5:30 P.M. in Council Chambers

9 Motion to Adjourn – **9:56 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.**