

**ACTION AGENDA
CITY COUNCIL MEETING**

November 16, 2009
4:00 o'clock p.m.



FORT MYERS CITY COUNCIL						
Mayor Randall P. Henderson, Jr.	Ward 1 Teresa Watkins Brown	Ward 2 Johnny W. Streets, Jr.	Ward 3 Levon Simms	Ward 4 Michael Flanders	Ward 5 Forrest Banks	Ward 6 Thomas C. Leonardo

CITY COUNCIL CHAMBERS, 2200 SECOND STREET, FORT MYERS, FLORIDA

Please complete a "Request to Speak" form if you plan to address the City Council and submit to the City Clerk prior to the start of the meeting.

Opening Prayer (4:01)

The meeting was opened with prayer by Reverend James Mitchell, First United Methodist Church

Pledge of Allegiance to the Flag of the United States of America (4:06)

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Henderson.

Oath of Office (4:08)

Marie Adams, MMC, City Clerk, administered the Oath of Office to Teresa Watkins Brown, Council Member, Ward 1.

Judge Archie B. Hayward, Jr. administered the Oath of Office to Levon Simms, Council Member, Ward 3.

Marie Adams, MMC, City Clerk, administered the Oath of Office to Forrest Banks, Council Member, Ward 5.

Marie Adams, MMC, City Clerk, administered the Oath of Office to Randall P. Henderson, Jr., Mayor.

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CALL TO ORDER (4:18)

Roll Call (4:19)

Absent: None.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

**PUBLIC INPUT – NON-PUBLIC HEARING
AGENDA ITEMS:** (Four (4) minute time limit per speaker)

There was no one present to be heard.

Public Hearings: (None).

CONSENT AGENDA (ITEM NOS. 1-11) (4:20)

Any Council Member may have an item removed from the consent agenda and placed on the regular agenda for discussion following the consent agenda.

1. Minutes of the special meetings held on October 15, 2009, and November 6, 2009, and the regular meeting held on November 2, 2009 (4:20)

Approved.

1a. Nomination of William T. Keene, by Councilman Banks, for reappointment to the Planning Board, term effective October 6, 2009, through October 5, 2012

Removed from Consent Agenda by Councilman Banks.

1b. Nomination of Patricia Idlette, by Councilman Streets, for reappointment to the Public Art Committee, term effective October 6, 2009, through October 5, 2012 (4:20)

Approved.

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1c. Submittal of grant application, valued in the amount of \$89,980.00, to the Environmental Systems Research Institute and Trimble 2009 Mobile Government Grant Series for Geographic Information System and Global Positioning System technology for the Police Department Tracking the Bike Unit via GPS Pilot Project, with no match required (4:20)

Approved.

1d. Submittal of Healthy Homes Demonstration Program grant application, in the not-to-exceed amount of \$875,000.00, to the United States Department of Housing and Urban Development, to develop, demonstrate, and promote cost effective, preventative measures for identifying and correcting residential health and safety hazards, with no match required (4:20)

Approved.

2. Establish a budget, in the amount of \$116,640.00, and accepting grant funds from the Florida Department of Transportation to fund overtime, trailer, patrol vehicle and equipment for the DUI Checkpoint Program, Project No. K8-10-06-14, for the Police Department, effective October 28, 2009, through September 30, 2010 (4:20)

Approved.

3. Budget transfer, in the amount of \$85,000.00, from Expense Reserves to Risk Management Insurance for payment of flood insurance premiums (4:20)

Approved.

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4. Fiscal Year 2008-2009 budget amendments, in the total amount of \$2,244,359.00, as follows:
- Recognize revenue of \$981,349.00 from Fire Insurance Premiums Tax and increase Fire Retirement Expenditures
 - Recognize revenue of \$694,222.00 from Police Insurance Premiums Tax and increase Police Retirement Expenditures
 - Recognize revenue of \$180,788.00 and increase expenditures by like amount in the Police Off-Duty Pay Fund
 - Transfer \$28,000.00 from General Fund S.T.A.R.S. to the Skatium Fund
 - Transfer \$110,000.00 from Eastwood Golf Course Fund to Fort Myers Country Club Fund
 - Transfer \$250,000.00 from various General Fund division expenditure accounts to the Fire Department

Removed from Consent Agenda by Councilman Streets.

5. Engagement of PricewaterhouseCoopers LLP, in the not-to-exceed amount of \$15,000.00, for property/casualty and workers compensation self-insurance funds actuarial services (4:20)

Approved.

6. Reclaimed Water Purchase Agreement, in the amount of \$.73 per 1,000 gallons and a City contribution in the not-to-exceed amount of \$60,000.00, with Colonial Country Club of Lee County Master Association, Inc. for the purchase of reclaimed water and installation of meters and other equipment, respectively (Ward 6) (4:20)

Approved.

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<p>7. Amendment No. 1 to Standard Construction Documents No. 64-08-09-BID-PW, Manuels Branch Bridge Culvert Replacement at Fort Myers High School, with Guymann Construction of Florida, Inc. amending language in Section E to reflect Florida Highway Administration Policy on Warranty Provisions (Ward 4) (4:20)</p>	<p>Approved.</p>
<p>8. Amendment No. 1 to Standard Construction Documents No. 65-08-09-BID-PW, Carrell Road Bridge Box Culvert Replacement at Glenn Drive, with Stevens & Layton, Inc. amending language in Section E to reflect Florida Highway Administration Policy on Warranty Provisions (Ward 4) (4:20)</p>	<p>Approved.</p>
<p>9. Task Authorization No. 2, in the Guaranteed Maximum Price of \$110,869.40, to Construction Manager at Risk – Continuing Contract, Request for Qualifications No. 08/17/07-RFQ-PW, with Westco Builders of Florida, Inc. for the Manuels Branch Watershed Improvements Project (Ward 6)</p>	<p>Removed from Consent Agenda by Councilman Flanders.</p>
<p>10. Grant of Public Utility Easement from Colonial Country Club of Lee County Master Association, Inc. for a 1,063 square foot perpetual and nonexclusive easement located in Tract B, Colonial Country Club, Unit One, for installation and maintenance of a reclaimed water meter and associated piping (Ward 6) (4:20)</p>	<p>Approved.</p>
<p>11. Grant of Access & Utility Easement from Six Mile Preserve, LLC for a 34 foot wide non-exclusive easement located at Shops at Village Walk, 9601 Ben C. Pratt/Six Mile Cypress Parkway, for vehicular and pedestrian ingress and egress (Ward 6) (4:20)</p>	<p>Approved.</p>

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ITEMS REMOVED FROM CONSENT AGENDA

1a. Nomination of William T. Keene, by Councilman Banks, for reappointment to the Planning Board, term effective October 6, 2009, through October 5, 2012 (4:21)

Approved.

4. Fiscal Year 2008-2009 budget amendments, in the total amount of \$2,244,359.00, as follows:

- Recognize revenue of \$981,349.00 from Fire Insurance Premiums Tax and increase Fire Retirement Expenditures
- Recognize revenue of \$694,222.00 from Police Insurance Premiums Tax and increase Police Retirement Expenditures
- Recognize revenue of \$180,788.00 and increase expenditures by like amount in the Police Off-Duty Pay Fund
- Transfer \$28,000.00 from General Fund S.T.A.R.S. to the Skatium Fund
- Transfer \$110,000.00 from Eastwood Golf Course Fund to Fort Myers Country Club Fund
- Transfer \$250,000.00 from various General Fund division expenditure accounts to the Fire Department (4:22)

Approved.

9. Task Authorization No. 2, in the Guaranteed Maximum Price of \$110,869.40, to Construction Manager at Risk – Continuing Contract, Request for Qualifications No. 08/17/07-RFQ-PW, with Westco Builders of Florida, Inc. for the Manuels Branch Watershed Improvements Project (Ward 6) (4:23)

Approved.

PUBLIC HEARINGS (on or about 5:15 o'clock p.m. or as soon thereafter as can be heard)

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**CITY COUNCIL COMMENTS AND ITEMS FOR
CONSIDERATION**

PERMISSION TO ADVERTISE

CITY MANAGER'S ITEMS

12. Resolution authorizing the Mayor and City Manager to enter into Supplemental Agreement No.002, in the amount of \$94,960.00, to Local Agency Program Agreement No. 426793-1-58-01, with the Florida Department of Transportation, decreasing the funding amount of \$300,000.00 by \$205,040.00 to match the construction bid for Concrete Box Culvert Replacement on Carrell Road at Glenn Drive
And
Budget amendment, in the amount of \$205,040.00, for Box Culvert Replacement on Carrell Road at Glenn Drive reducing funding received from the Florida Department of Transportation (Ward 6) (4:27)

Resolution No. 2009-47 adopted and budget amendment approved.

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13. Resolution authorizing the Mayor and City Manager to enter into Supplemental Agreement No. 002, in the amount of \$247,843.00, to Local Agency Program Agreement No. 426747-1-58-01, with the Florida Department of Transportation, decreasing the funding amount of \$500,000.00 by \$252,157.00 to match the construction bid for Concrete Box Culvert Replacement at Manuels Branch Bridge Culvert at Fort Myers High School, 2635 Cortez Boulevard, approximately 1,100 linear feet southeast of Cortez Boulevard
And
Budget amendment, in the amount of \$252,157.00, for Concrete Box Culvert Replacement at Manuel's Branch Bridge Culvert at Fort Myers High School, 2635 Cortez Boulevard, approximately 1,100 linear feet southeast of Cortez Boulevard, decreasing funding received from the Florida Department of Transportation (Ward 4) (4:31)

Resolution No. 2009-48 adopted and budget amendment approved.

14. Appoint one Council Member to serve on the Metropolitan Planning Organization, term effective November 16, 2009, through November 15, 2013 (4:33)

Councilman Leonardo appointed as regular member and Councilman Banks appointed as alternate member, terms effective November 16, 2009, through November 15, 2013.

15. Appoint Mayor or Council Member to serve on the Southwest Florida Regional Planning Council, term effective November 16, 2009, through November 15, 2012 (4:35)

Councilman Banks appointed.

CITY ATTORNEY'S ITEMS

Adjourn: 4:44 o'clock p.m.