

**ACTION AGENDA
CITY COUNCIL MEETING**

March 15, 2010
4:30 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.

CALL TO ORDER (4:31)

Opening Prayer: Richard Powell, Senior Pastor, McGregor Baptist Church (4:32)

The meeting was opened with prayer by Richard Powell, Senior Pastor, McGregor Baptist Church.

Pledge of Allegiance to the Flag of the United States of America (4:35)

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

PROCLAMATIONS AND SPECIAL PRESENTATIONS

A. Proclamation declaring March 15, 2010, as Fort Myers High School Green Wave Basketball 2010 State Championship Day (4:36)

Mayor Henderson read and presented the proclamation to Scott Guttery, Head Coach, Boys Basketball, Fort Myers High School; David LaRosa, Principal, Fort Myers High School; and James W. Browder, Ed.D, Superintendent of Schools, The School District of Lee County.

Roll Call (4:50)

Absent: None.

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**PROCLAMATIONS AND SPECIAL
PRESENTATIONS - continued**

- B. Proclamation declaring March 21, 2010, through March 27, 2010, as Boys & Girls Club Week (4:50)

Mayor Henderson read and presented the proclamation to Marcia Davis, Board Member, Boys & Girls Clubs of Lee County

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

There was no one present to be heard.

Public Hearings: Item No. 19-25 (Public input will be heard during the public hearing)

CONSENT AGENDA (Item Nos. 1-18a) (4:57)

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 regular meeting held on March 1, 2010 (4:57)

Approved.

- 1a. Nomination of Fred G. Drovdlc, by Councilwoman Brown, for appointment to Board of Adjustments, term effective March 15, 2010, through March 14, 2012 (4:57)

Approved.

- 1b. Submittal of Subgrant Application for Highway Safety Funds, in the amount of \$20,000.00, to the State of Florida Department of Transportation, to fund overtime for the Fort Myers Safety Belt Enforcement Program, Project No. K4PT-10-21-33, for the Police Department, with no match required (4:57)

Approved.

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<p>1c. Submittal of grant application, in the amount of \$169,316.00, to Lee County Natural Resources Division/West Coast Inland Navigation District Waterway Development Program for the Police Department Marine Patrol Enforcement Unit and Education Project, with an in-kind match in the amount of \$72,927.00, representing 75 percent of a police officers salary and benefits, for a total project cost in the amount of \$242,243.00 (4:57)</p>	<p>Approved.</p>
<p>2. Amendment to the Capital Improvement Project description for the Citywide Street Overlay Program to include needed rehabilitation of railroad crossings <i>And</i> Proposal, in the amount of \$48,500.00, from Seminole Gulf Railway, L.P. for improvements to Prospect Avenue Railroad Crossing (Ward 3) (4:57)</p>	<p>Approved.</p>
<p>3. Agreement for the Wholesale of Potable Water and Collection and Transmission of Wastewater by Lee County to provide water and wastewater systems to service Southland Lakes Subdivision, 5990 Lockett Road, located at the southeast corner of Lockett Road and Interstate 75 owned by Southland Investment Opportunities, L.L.C., effective for 10 calendar years with automatic successive renewal periods of 5 calendar years (Ward 6) (4:57)</p>	<p>Approved.</p>
<p>4. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Agnoli, Barber & Brundage, Inc., effective for 3 years with an option to extend for 2 additional one year periods</p>	<p>Removed from agenda by William P. Mitchell, City Manager, on March 15, 2010.</p>

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5. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Barraco and Associates, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.
6. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Community Engineering Services, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.
7. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with David Douglas Associates, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.
8. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Johnson Engineering, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.
9. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Pitman-Hartenstein & Associates, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.

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10. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with TKW Consulting Engineers, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.
11. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with T.Y. Lin International, effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.
12. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with WilsonMiller, Inc., effective for 3 years with an option to extend for 2 additional one year periods	Removed from Consent Agenda by Councilman Flanders.

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<p>13. Amendment No. 1 to Professional Services Agreement Continuing Contract - Miscellaneous Engineering Services, Request for Qualifications No. 05-10-05, with AECOM USA, Inc., formerly known as Boyle Engineering Corporation, assigning the provisions of the agreement to AECOM USA, Inc. and extending the agreement for 2 one year terms, effective February 15, 2009, through February 14, 2010, and February 15, 2010, through February 14, 2011 <i>And</i> Amendment Agreement No. 1, in the amount of \$22,084.00, to Supplemental Task Authorization No. A1 to Professional Services Agreement Continuing Contract - Miscellaneous Engineering Services, Request for Qualifications No. 05-10-05, with AECOM USA, Inc., formerly known as Boyle Engineering Corporation, for Additional Engineering Services for 10-Mile Canal Drainage Improvements (Ward 3)</p>	<p>Removed from Consent Agenda by Councilman Banks.</p>
<p>14. Amendment No. 2 to Subrecipient Agreement for the 2008-2010 Community Development Block Grant Program with Home Ownership Resource Center of Lee County, Inc. by including 5 post-purchase counseling sessions at \$100.00 per session per low-moderate income City resident receiving counseling (4:57)</p>	<p>Approved.</p>
<p>15. Authorization No. 23, in the amount of \$25,891.00, to Professional Services Agreement – Continuing Contract for Utility Rate and Financial Analyses Services, Request for Qualifications No. 502-04, with Burton & Associates, Inc., for Fiscal Year 2010 Water and Sewer Revenue Sufficiency Analysis (4:57)</p>	<p>Approved.</p>

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<p>16. Project Close Out and Change Order No. 1, in the amount of \$73,727.38, to Construction Contract No. PWENG 00181, Plantation Road Extension Utilities with Mitchell & Stark Construction Company, Inc., replacing a 30 inch potable water main directional drill with 16 inch, completing final quantity adjustments, decreasing the contract amount from \$775,066.58 to \$701,339.20, increasing the contract time by 176 days to a completion date of December 13, 2009, and release retainage in the amount of \$70,133.92 (Ward 6) (4:57)</p>	<p>Approved.</p>
<p>17. Project Close Out and Change Order No. 2, in the amount of \$20,529.13, to Supplemental Task Authorization No. 1 to the Agreement for Construction Manager-at-Risk – Continuing Contract, Request for Qualifications No. 08/17/07-RFQ-PW, with Karr Group, Inc. d/b/a Casey Construction for replacement of two underground fuel storage tanks at the Police Department, 2210 Widman Way and replacement of the above ground storage tank at Lift Station No. 4, decreasing the contract amount from \$312,012.62 to \$291,483.49 due to unused contingency and construction cost savings, and release retainage in the amount of \$29,148.35 (Ward 2 and Ward 4) (4:57)</p>	<p>Approved.</p>
<p>18. Award Request for Proposals No. 7002-10, Fleet Auto Body Repair Services, in the estimated annual amount of \$50,000.00, to Auto Pride Collision, Inc. and Fujis Automotive, Inc. (4:57)</p>	<p>Approved.</p>

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18a. Task Authorization No. 1, in the Guaranteed Maximum Price of \$39,645.93, to Construction Manager at Risk - Continuing Contract, Request for Qualifications No. 08/17/07-RFQ-PW, with Kraft Construction Company, Inc. for the Southwest Florida Enterprise Center Perimeter Fence Installation at 3903 Dr. Martin Luther King Jr. Boulevard (Ward 2) (4:57)

Approved.

ITEMS REMOVED FROM CONSENT AGENDA

5. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Barraco and Associates, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)

Approved.

6. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Community Engineering Services, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)

Approved.

7. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with David Douglas Associates, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)

Approved.

8. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Johnson Engineering, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)

Approved.

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9. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with Pitman-Hartenstein & Associates, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)	Approved.
10. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with TKW Consulting Engineers, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)	Approved.
11. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with T.Y. Lin International, effective for 3 years with an option to extend for 2 additional one year periods (5:00)	Approved.
12. Professional Services Agreement – Continuing Contract for Civil Engineering Services, Request for Qualifications No. 04/24/09-RFQ-PW, with WilsonMiller, Inc., effective for 3 years with an option to extend for 2 additional one year periods (5:00)	Approved.

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And
Amendment Agreement No. 1, in the amount of \$22,084.00, to Supplemental Task Authorization No. A1 to Professional Services Agreement Continuing Contract - Miscellaneous Engineering Services, Request for Qualifications No. 05-10-05, with AECOM USA, Inc., formerly known as Boyle Engineering Corporation, for Additional Engineering Services for 10-Mile Canal Drainage Improvements (Ward 3) (5:01)

Approved.

CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

- 25a. Proposed Colonial Boulevard expressway and toll roads (Councilman Banks) (5:03)

No action taken.

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

25. Purchase and Sale Agreement, in the amount of \$5,000.00, for the disposition of Lots 23 and 24, Block 9, Lincoln Park, more commonly known as 2927 Price Street, to St. John First Missionary Baptist Church, Inc. (Ward 3) (5:31)

Approved.

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<p>19. Ordinance No. 3546 approving rezoning of 9.75 acres, more or less, from Mixed Use to Planned Unit Development and the Development Plan for Asaad Metro Planned Unit Development, 10540 Metro Parkway, located east and adjacent to Page Field, for a 2 phased, mixed use commercial and industrial flex project consisting of 7 buildings totaling 107,800 square feet, more or less, as requested by Mike Asaad, president, Miles & Tiffany, Inc., owner (Quasi-Judicial) (Ward 6) (5:40)</p>	<p>Ordinance No. 3546 adopted with revisions as follows:</p> <ul style="list-style-type: none"> • Section 6(a) and (b): Deviation: Minimum setback revised from 15 feet to 10 feet. • Section 7(s): The developer shall contribute thirty-seven thousand five hundred dollars (\$37,500.00) prior to the issuance of the certificate of occupancy for the final building in Phase I and the final building in Phase II for a total contribution of seventy-five thousand dollars (\$75,000.00) to the City's Public Art Fund.
<p>20. Ordinance No. 3547 amending Land Development Code, Chapter 126, Signs by providing an additional identification sign for large parcel developments and removing the restriction on the use of logos on commercial center identification signs (6:36)</p>	<p>Ordinance No. 3547 adopted.</p>
<p>21. Ordinance No. 3548 amending Land Development Code, Chapter 114, Historic Preservation by providing an administrative approval process authorizing the Planning Division, Community Development Department, to approve or deny certain certificate of review applications (6:41)</p>	<p>Public hearing continued to April 5, 2010, on or about 5:15 o'clock p.m., or as soon thereafter as can be heard in Oscar M. Corbin, Jr. City Hall, Council Chambers.</p>
<p>22. Resolution vacating one-half of the 40 foot wide unnamed roadway right-of-way easement located at the southern most property line of 5150 Dr. Martin Luther King Jr. Boulevard, Pine Crest Subdivision, as requested by Fort Myers Gateway Commercial Real Estate Development, LLC, owner (Quasi-Judicial) (Ward 6) (7:02)</p>	<p>Public hearing continued to April 19, 2010, on or about 5:15 o'clock p.m., or as soon thereafter as can be heard in Oscar M. Corbin, Jr. City Hall, Council Chambers.</p>

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<p>23. Resolution amending the boundaries of the Fort Myers/Lee County Enterprise Zone (8:02)</p>	<p>Public hearing continued to April 5, 2010, on or about 5:15 o'clock p.m., or as soon thereafter as can be heard in Oscar M. Corbin, Jr. City Hall, Council Chambers.</p>
<p>24. TRANSMITTAL PUBLIC HEARING: Transmittal of Text Amendment 09-TA-01 to the Future Land Use Element of the Comprehensive Plan to Florida Department of Community Affairs and other required agencies for review and subsequent Objections, Recommendations, and Comments Report, allowing existing Light Industrial uses, formerly Light Industrial I-1, to remain on the property located at 1828 Evans Avenue and adjacent properties as requested by Cheap Rent, LLC, applicant (Ward 4) (8:04)</p>	<p>Approved with revision that automotive uses and services shall be permitted but must be wholly contained within a building with limited outdoor storage permitted with appropriate screening.</p>

PERMISSION TO ADVERTISE

<p>26. Resolution adopting the 2010 Downtown Plan, as prepared by Acquest Realty Advisors, Inc. (Ward 2 and Ward 4) (8:40)</p>	<p>Permission to advertise for a public hearing.</p>
<p>27. Thirty day comment period and public hearing regarding State Housing Initiative Partnership Local Housing Assistance Plan for State Fiscal Years 2010-2011, 2011-2012, and 2012-2013, as required by the Florida Housing Finance Corporation (8:43)</p>	<p>Permission to advertise for a 30 day comment period and public hearing.</p>
<p>27a. Fifteen day comment period and public hearing regarding Substantial Amendment No. 4 to One Year Action Plan for Fiscal Year 2008-2009, for the Community Development Block Grant Program, reallocating Neighborhood Stabilization Programing funding and budget, in the amount of \$500,000.00, to Eligible Use E, Redevelopment of Demolished or Vacant Properties (8:44)</p>	<p>Permission to advertise for a 15 day comment period and public hearing.</p>

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CITY MANAGER'S ITEMS

- 28. Televising comments made under Public Input on Non-Agenda items (8:44)
- 29. Passing of Bob Janes, District 1 Commissioner, Lee County Board of County Commissioners ngs (9:01)

No action taken.
No action taken.

CITY ATTORNEY'S ITEMS

Adjourn: 9:04 o'clock p.m.