

**ACTION AGENDA
CITY COUNCIL MEETING**

August 21, 2017



FORT MYERS CITY COUNCIL						
Mayor Randall P. Henderson, Jr.	Ward 1 Teresa Watkins Brown	Ward 2 Johnny W. Streets, Jr.	Ward 3 Terolyn P. Watson	Ward 4 Michael Flanders	Ward 5 Forrest Banks	Ward 6 Gaile H. Anthony

**OSCAR M. CORBIN, JR. CITY HALL, 2200 SECOND STREET
FORT MYERS, FLORIDA**

For full agenda Packet [Click Here](#). Larger files may take longer to download.

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 (4:33 p.m.)

Opening Prayer

The meeting was opened with prayer by Mayor Henderson.

(See video @ 4:33 p.m.)

Pledge of Allegiance to the Flag of the United States of America

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

(See video @ 4:33 p.m.)

WALK ON: Comments regarding shooting of police officers in Jacksonville, Florida and Fayette County Pennsylvania. Condolences for the police officers killed in Kissimmee, Florida and appreciation for sacrifices made by men in uniform.

A motion was not made.

(See video @ 4:33 p.m.)

Roll Call

Absent: Michael Flanders, Council Member.

(See video @ 4:33 p.m.)

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PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Presentation of Years of Service awards

A motion was not made.

(See video @ 4:34 p.m.)

2. Presentation by Lydia Black, Executive Director, Alliance for the Arts, providing an update on the arts and its contribution to economic development.

A motion was not made.

(See video @ 4:36 p.m.)

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

Rose Young, Cape Coral resident, spoke on Item No. 2.

(See video @ 4:58 p.m.)

Tom Hall, Public Art Consultant, spoke on Item No. 2.

(See video @ 5:01 p.m.)

Anthony Thomas, Jr., spoke on Item No. 2.

(See video @ 5:06 p.m.)

Public Hearings: (Item Nos. 22-24) (Public input will be heard during the public hearing)

CONSENT AGENDA (Item Nos. 3-21)

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

3. Minutes of the regular meeting held on June 19, 2017.

Approved.

(See video @ 5:11 p.m.)

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CONSENT AGENDA – Continued

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| <p>4. License Agreement with Renaissance Preserve II, LLLP for property located at 4211 Romeo Lane, Unit 105, for use as a police substation (Ward 1)</p> | <p>Removed by Saeed Kazemi, City Manager, on August 18, 2017, at 4:40 p.m.</p> |
| <p>5. Memorandum of Agreement No. A4292 with the Florida Department of Corrections, to provide for the administration of criminal justice and re-entry services, effective September 6, 2017, through September 5, 2022</p> | <p>Approved.

(See video @ 5:11 p.m.)</p> |
| <p>6. Program - Funded State and Local Task Force Agreement, in the not-to-exceed reimbursed amount of \$18,042, with the United States Department of Justice, Drug Enforcement Administration, for one police officer to work overtime on the Drug Enforcement Administration Task Force, effective October 1, 2017, through September 30, 2018</p> | <p>Approved.

(See video @ 5:11 p.m.)</p> |
| <p>7. Amendment No. 1 to Supplemental Task Authorization No. 2, in the amount of \$34,700, to Professional Services Agreement - Civil Engineering Services - Continuing Contract, Request for Qualifications No. 10-29-14-PW, for Lift Station Design for the Palm City Garden Utility Improvement with Hole Montes, Inc. (Ward 2)</p> | <p>Approved.

(See video @ 5:11 p.m.)</p> |
| <p>8. Amendment No. 2 to Transportation Planning and Traffic Engineering Services, Request for Qualifications No. 03-05-13-PW, exercising the final one year option to renew with HighSpans Engineering, Inc., effective July 15, 2017, through July 14, 2018</p> | <p>Approved.

(See video @ 5:11 p.m.)</p> |

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CONSENT AGENDA – Continued

9. Amendment No. 2 to Agreement Between Owner and Construction Manager-At-Risk - Continuing Contract, Request for Qualifications No. 12-27-12-PW, exercising the second 1 year option to renew with AIM Construction Contracting, LLC, effective May 20, 2017, through May 19, 2018

Approved.
(See video @ 5:11 p.m.)

9a. Amendment No. 3, in the Guaranteed Maximum Price of \$11,434,337, to Construction Manager At Risk Contract for Wastewater Interconnect from South to Central Advanced Wastewater Treatment Plants, Request for Qualifications No. 09-03-15-PW, with Wright Construction Group, Inc., for Phase II, Part 2 42 Inch Trunk Sewer - Palm Avenue at Lime Street to Ten Mile Canal at Canal Street (Wards 1, 2, 3, & 5)

Approved.
(See video @ 5:11 p.m.)

10. Supplemental Task Authorization No. 7, in the amount of \$186,794, to Professional Services Agreement, Environmental Engineering Services for the City of Fort Myers Continuing Contract Request for Qualifications No. 03-12-12-PW, for the Fort Myers Wellfield Sustainability Evaluation project with GHD Services, Inc.

Approved.
(See video @ 5:11 p.m.)

11. Acceptance and maintenance of potable water and sanitary sewer utilities for Bridgetown at the Plantation Phase 3-2 B & C (Parcel B-13) at 11403 Treeline Avenue from Centex Homes, developer (Ward 6)

Approved.
(See video @ 5:11 p.m.)

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CONSENT AGENDA – Continued

- 12. Acceptance and maintenance of potable water and sanitary sewer utilities and road for Walmart Plaza Drive at Cypress Woods Plaza at 9310-9370 Ben C. Pratt/Six Mile Cypress Parkway, from Benderson Development Co. LLC, developer (Ward 6)

- 13. Project closeout for the City of Palms and Main Street Parking Garage Elevator Refurbishment Project with General Elevator Solutions, LLC, and release final payment in the amount of \$30,762.79 (Ward 4)

- 14. Change Order No. 1, in the amount of \$92,545.86, and final closeout for Task Authorization No. 3 to Agreement Between Owner and Construction Manager at Risk - Continuing Contract, Request for Qualifications No. 12-27-12-PW, for the Skatium Repairs with Taylor-Pansing, Inc., decreasing the contract by \$92,545.86 and releasing retainage, in the amount of \$20,318.19 (Ward 1)

- 15. Purchase Order - Change Order No. 5, in the amount of \$100,000, to Purchase Order No. 1215-000120, with GFA International, for additional Building Permit Inspection and Plan Review Services, increasing the purchase order from \$200,000 to \$300,000

- 16. Budget amendment, in the total amount of \$9,458,000, reallocating funding of utility capital improvement projects from debt financing to funds available to postpone issuance of utility debt

	<p>Approved. (See video @ 5:11 p.m.)</p>
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CONSENT AGENDA – Continued

<p>17. Participation in Florida Sheriff's Association & Florida Association of Counties Cooperative Bid Program No. FSA16-VEH 14.0, in the amount of \$702,424, for the purchase of 2 compressed natural gas front loader half/pack refuse trucks from Palm Peterbilt</p>	<p>Approved. (See video @ 5:11 p.m.)</p>
<p>18. Participation in Florida Sheriff's Association & Florida Association of Counties Cooperative Bid Program No. FSA16-VEH 14.0, in the amount of \$299,997, for the purchase of 1 large and 2 mini dump trucks from Palm Peterbilt</p>	<p>Approved. (See video @ 5:11 p.m.)</p>
<p>18a. Waive bidding procedures and approve Agreement, in the not-to-exceed amount of \$300,000, during a 2 year period, with Freeh Group International Solutions, LLC for Phase 2 of an independent review of the Police Department; <i>And</i> Budget amendment, in the amount of \$300,000, appropriating funds from General Fund Reserves and increasing Police Professional Services, by like amount</p>	<p>Removed from Consent Agenda for discussion by Councilman Streets. (See video @ 5:11 p.m.)</p>
<p>19. Waive solicitation procedures and award purchase of 22 vehicles, in the amount of \$676,939, to Sam Galloway Ford; 5 vehicles, in the amount of \$133,109, to Lake City G Automotive Management, LLC, d/b/a Rountree-Moore Chevrolet, and 1 vehicle, in the amount of \$25,222, to Duval Ford, for a total awarded amount of \$835,270</p>	<p>Approved. (See video @ 5:11 p.m.)</p>

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CONSENT AGENDA – Continued

20. Ranking for John Yarbrough Linear Park Phase IV Feasibility Study, Request for Qualifications No. 05-31-17-PW, and authorize negotiations with the number one ranked firm.

1. Jacobs Engineering Group Inc.

(Wards 3 & 5)

21. Ranking for Winkler Canal Shared Use Path Feasibility Study, Request for Qualifications No. 05-25-17-PW, and authorize negotiations with the number one ranked firm.

1. Jacobs Engineering Group Inc.

(Ward 5)

Approved.

(See video @ 5:11 p.m.)

Removed from Consent Agenda for discussion by Councilman Banks.

(See video @ 5:11 p.m.)

ITEMS REMOVED FROM CONSENT AGENDA

- 18a. Waive bidding procedures and approve Agreement, in the not-to-exceed amount of \$300,000, during a 2 year period, with Freeh Group International Solutions, LLC for Phase 2 of an independent review of the Police Department;

And

Budget amendment, in the amount of \$300,000, appropriating funds from General Fund Reserves and increasing Police Professional Services, by like amount

Motion amending agreement to provide \$160,000, for the term of one year and then reevaluate failed.

(See video @ 5:12 p.m.)

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ITEMS REMOVED FROM CONSENT AGENDA - Continued

21. Ranking for Winkler Canal Shared Use Path Feasibility Study, Request for Qualifications No. 05-25-17-PW, and authorize negotiations with the number one ranked firm.

1. Jacobs Engineering Group Inc.

(Ward 5)

Approved.

(See video @ 5:46 p.m.)

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

22. Resolution relating to the funding and provision of fire rescue services and facilities in the City; establishing the estimated fire rescue assessed cost and assessment rates for the fiscal year beginning October 1, 2017; approving the assessment roll and confirming assessment Resolution No. 2017-10 adopted July 17, 2017

Resolution No. 2017-15 adopted.

(See video @ 5:48 p.m.)

23. Resolution relating to the collection and disposal of solid waste in the City of Fort Myers, Florida; establishing the rate of assessment; imposing solid waste service assessments against assessed property located within Fort Myers, Florida, approving the assessment roll; confirming the initial assessment resolution and confirming assessment Resolution No. 2017-11 adopted July 17, 2017

Resolution No. 2017-16 adopted.

(See video @ 6:02 p.m.)

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PUBLIC HEARINGS -Continued

- 24. Resolution relating to assessment for the Stormwater Management Program, increasing the annual assessment rate, describing the method of assessing Stormwater management services and facilities costs against assessed property, determining the initial stormwater assessments, directing the preparation of an assessment roll and confirming assessment Resolution No. 2017-12 adopted July 17, 2017

Resolution No. 2017-17 adopted.
(See video @ 6:03 p.m.)

CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

- 24a. Discuss the Police Department and the Commission on Accreditation for Law Enforcement Agencies (CALEA) (Councilman Streets)

A motion was not made.
(See video @ 6:08 p.m.)

- 25. Report on 21 advisory board vacancies

A motion was not made.
(See video @ 6:26 p.m.)

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PERMISSION TO ADVERTISE

26. Permission to advertise Notice of Disposition of real property for a public hearing on the disposition of 3217 Lincoln Boulevard, 2302 Davis Street, 2110 French Street, 4795 Nottingham Drive, 4261 Woodside Avenue, 4141 Woodside Avenue, 4036 Woodside Avenue, 2219 Dupree Street, and 2029 Dupree Street, located in the East Fort Myers and Dunbar-Michigan Community Redevelopment Areas, and outside a Community Redevelopment Area, to the Lee County Housing Development Corporation, pursuant to Florida Statute, Section 163.380 (Ward 1 & 2)

Permission to advertise Notice of Disposition for public hearing.

(See video @ 6:26 p.m.)

CITY MANAGER'S ITEMS

27. Resolution amending rates at the Fort Myers Country Club, 3591 McGregor Boulevard, and Eastwood Golf Course, 4600 Bruce Herd Lane, and rescinding Resolution No. 2015-43 (Wards 2 & 4)

Resolution No. 2017-18 adopted.

(See video @ 6:27 p.m.)

CITY ATTORNEY'S ITEMS

27a. Authorize the City Attorney's Office to retain outside counsel, Coleman, Hazzard, Taylor & Diaz, P.A., for an investigation of complaints made against the City Attorney

Approved.

(See video @ 6:33 p.m.)

27b. Authorize the City Attorney's Office to retain outside counsel, Roetzel & Andress, for legal services

Approved.

(See video @ 6:34 p.m.)

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PUBLIC COMMENT - NON-AGENDA ITEMS:

Speakers who failed to notify the City Clerk no later than five (5) calendar days prior to the Council meeting may speak on subject matters not listed on the agenda, provided the subject matter is within the jurisdiction of the City Council. Each speaker must complete and submit a Request to Speak form to the City Clerk prior to the beginning of the meeting. (Three (3) minute time limit per speaker.)

Boni Raitt, resident, spoke on statues and paintings in public places.

(See video @ 6:40 p.m.)

Shellie Weber, resident, spoke on statues and paintings in public places.

(See video @ 6:41 p.m.)

Henry Jackson, resident, spoke on police officers on administrative leave as a result of the Police Department Needs Assessment prepared by Freeh Group International Solutions, LLC.

(See video @ 6:45 p.m.)

Anthony Thomas, Jr., resident, spoke on statues and paintings in public places.

(See video @ 6:50 p.m.)

Crystal Johnson, resident, spoke on the Police Department Needs Assessment prepared by Freeh Group International Solutions, LLC.

(See video @ 6:52 p.m.)

Adjourn 6:54 o'clock p.m.

If a person decides to appeal any decision made by 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.

Special Requirements: If you require special aid or services as addressed in the Americans with Disabilities Act, please contact the City Clerk's Office at (239) 321-7035 or for the hearing impaired, TDD telephone number (239) 332-2541.