

**AGENDA  
CITY COUNCIL MEETING**

June 4, 2012  
4:30 o'clock p.m.



<b>FORT MYERS CITY COUNCIL</b>						
<b>Mayor</b> Randall P. Henderson, Jr.	<b>Ward 1</b> Teresa Watkins Brown	<b>Ward 2</b> Johnny W. Streets, Jr.	<b>Ward 3</b> Levon Simms	<b>Ward 4</b> Michael Flanders	<b>Ward 5</b> Forrest Banks	<b>Ward 6</b> 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**

**Opening Prayer**

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

**Roll Call**


**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

1. Presentation of Legislative Appreciation Award to Representative Matt Caldwell, District 73, by the Florida League of Cities


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

**Public Hearings: Item Nos. 20-27** (Public input will be heard during the public hearings)

**CONSENT AGENDA (Item Nos. 2-19)**

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

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2. Budget amendment, in the amount of \$12,293, appropriating funds received from the School District of Lee County and increasing Citywide Drainage Rehabilitation/Community Drainage Project by like amount for drainage improvements on Challenger Boulevard at Ray V. Pottorf Elementary School, 4600 Challenger Boulevard (Ward 6)
3. Distribution of funds, in the amount of \$187,990, for Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant Program to Lee County Human Services, Lee County Sheriff's Office, City of Cape Coral, City of Fort Myers, Lee County Port Authority, and City of Sanibel
4. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Architectural Building Services, Request for Qualifications No. 09/21/07-RFQ-PW, with BSSW Architects, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
5. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Architectural Building Services, Request for Qualifications No. 09/21/07-RFQ-PW, with Sheeley Architects, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
6. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Landscape Architectural Services, Request for Qualifications No. 09/20/07-RFQ-PW, with David M. Jones, Jr. and Associates, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013


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7. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Marine Engineering, Request for Qualifications No. 08/20/07-RFQ-PW, with Hans Wilson & Associates, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
8. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Surveying and Mapping, Request for Qualifications No. 09/07/07-RFQ-PW, with Bean, Whitaker, Lutz & Kareh, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
9. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Surveying and Mapping, Request for Qualifications No. 09/07/07-RFQ-PW, with Morris-Depew Associates, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
10. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Transportation Planning and Traffic Engineering Services, Request for Qualifications No. 10/18/07-RFQ-PW, with David Plummer & Associates exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013


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11. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Transportation Planning and Traffic Engineering Services, Request for Qualifications No. 10/18/07-RFQ-PW, with TR Transportation Consultants, Inc. exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
12. Amendment No. 2 to Professional Services Agreement – Continuing Contract for Transportation Planning and Traffic Engineering Services, Request for Qualifications No. 10/18/07-RFQ-PW, with T.Y. Lin International exercising the final option to renew for 1 year, effective June 16, 2012, through June 15, 2013
13. Amendment No. 6, in the amount of \$38,900, to Professional Services Agreement for Construction Engineering and Inspection Services for Phase IV Utility Improvements, Request for Qualifications No. 1010-05, with Hole Montes, Inc. for Hanson Street Sidewalk Design from Cortez Boulevard to US 41 (Ward 4)
14. Change Order No. 2, in the amount of \$8,842.70, to G Dock Renovations for Fort Myers Yacht Basin, Contract No. 86-10-11, with Marine Contracting Group, Inc. increasing the contract amount from \$868,368.50 to \$877,211.20 and increasing the contract time by 30 days to a completion date of June 20, 2012, to repair sinkhole, extend fire line, and materials for water line at the Fort Myers Yacht Basin, 1300 Lee Street (Ward 4)


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15. Grant of Public Drainage Easement from CarMax Auto Superstores, Inc. for a 10 foot wide perpetual and nonexclusive easement at 3000 Colonial Boulevard, located at the southeast corner of Colonial Boulevard and Metro Parkway, to provide potable water to future development along Metro Parkway (Ward 5)
16. Easement to Florida Power & Light Company, for a 10 foot wide, more or less, public utility easement for electrical service to the Emergency Operations Center, 2675 Ortiz Avenue (Ward 2)
17. Award Bid No. 51-11-12, Ford Street Preserve Exotic Removal, in the amount of \$238,865, to Honc Destruction for the first phase of the Ford Street Preserve at Shady Oaks Park also known as Ford Street Canal Drainage Improvements (Ward 1)
18. Shortlist for Environmental Engineering Services – Continuing Contract, Request for Qualifications No. 03-12-12-PW, and authorize negotiations with firms as follows:
  - American Management Resources Corporation
  - GFA International, Inc.
  - HSA Engineers & Scientists
  - Johnson Engineering, Inc.
  - Weston & Sampson Engineers, Inc.
19. Ranking of firms for Engineer of Record for Wastewater Treatment Facilities, Request for Qualifications No. 03-13-12-PW, and authorize negotiations with the number one ranked firm, as follows:
  1. CDM Smith Inc.
  2. TKW Consulting Engineers, Inc.
  3. Black & Veatch Corporation
  4. CPH Engineers, Inc.


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

- 20. Ordinance No. 3625 amending Ordinance No. 3414, Lee Boulevard Commerce Park Planned Unit Development, located on the southern 36.36 acre, more or less, portion of a 142 acre, more or less, City owned parcel at 5600 Lee Boulevard, by extending the timeframes to commence and complete construction by 2 years and rescinding Ordinance No. 3552, as requested by Johnston and Johnston, LLC, lessee (Quasi-Judicial) (Ward 6)
- 21. Ordinance No. 3630 amending the Development Order for the Arborwood Development of Regional Impact, located east of Interstate 75 and north of Daniels Parkway, by extending the dates for buildout, phasing, concurrency vesting and expiration by approximately 11 months, as requested by Lee County Homes Associates II, LLLP, Lee County Homes Associates III, LLLP, and Centex Homes, owners (Quasi-Judicial) (Ward 6)
- 22. Ordinance No. 3631 amending the City Code, Chapter 82, Taxation, Article IV, Local Business Tax by deleting in its entirety Section 82-135 Moratorium on new pain clinics or pain management clinics
- 23. Ordinance No. 3632 amending the Land Development Code, Chapter 98 Administration, Article III Procedures, Section 98.3.5A. Variances by adding sign variances


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- 24. Purchase and Sale Agreement, in the amount of \$25,000 plus closing costs and attorney fees, with John J. Hunt, owner, for the purchase of Lots 2, 3, 4, 5, and 6, Block 11, Sunnycrest Subdivision, more commonly known as 1764 Delaware Avenue, for the expansion of the Woodlawn Section in the Fort Myers Cemetery (Ward 2)
- 25. Purchase and Sale Agreement, in the amount of \$225,000 plus closing costs and attorney fees, with Gulf South Investments, L.L.C., owner, for the purchase of Lots 6, 7, and 8, Block 12, Travers and Hendry's Subdivision, more commonly known as 715/717 Tarpon Street, to be used as a neighborhood park (Ward 2)
- 26. Purchase and Sale Agreement, in the amount of \$33,300 plus closing costs and attorney fees, with Nicholas Belfiore, owner, for the purchase of Lots 12, 13, 14 and 15, Block 1, Kaune's Subdivision, more commonly known as 3578 Dr. Martin Luther King Jr. Boulevard, to be used as open space/green space for the expansion of park land (Ward 2)
- 27. Purchase and Sale Agreement, in the amount of \$125,000 plus closing costs and attorney fees, with Judith A. Lawlor, Sole Surviving Trustee of the Tarantino Family Trust, for the purchase of 3850 Seminole Avenue to be used for the expansion of park land in East Fort Myers (Ward 1)


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**CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION**

- 28. Nomination of Jeanne A. Blackman for reappointment to the Citizens Police Review Board as at large member, term effective July 20, 2012, through July 19, 2015
- 29. Nomination of Woodward Stanley Hanson by Councilman Banks, for appointment to the Historical Museum Advisory Board, term effective June 4, 2012, through June 3, 2015, replacing Jenna Dianne Persons whose term expired
- 30. Nomination of Jenna Dianne Persons by Councilman Flanders, for appointment to the Historical Museum Advisory Board, term effective June 4, 2012, through April 19, 2014, replacing William E. Taylor who resigned
- 31. Advisory board vacancies


**PERMISSION TO ADVERTISE**

- 32. Ordinance rezoning 2.70 acres, more or less, from Commercial General to Planned Unit Development and the Development Plan for 1870 Colonial Boulevard, to utilize 10 model homes and an office building as a rehabilitation facility for people that have undergone drug and/or alcohol treatment, as requested by Colonial Super Center LLC, owner (Quasi-Judicial) (Ward 5)

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- 33. Ordinance amending and restating the DeLeon Office Building Planned Unit Development located on. 0.9 acres, more or less, at 1741 Colonial Boulevard, 4460 and 4480 Meade Avenue, north of Colonial Boulevard and west of Cleveland Avenue, by extending the expired 2010 timeframes to commence and complete construction by 6 years and rescinding Ordinance No. 3390, as requested by K2T2 Property Holdings, LLC, owners (Quasi-Judicial) (Ward 5)
- 34. Ordinance amending the Land Development Code, Chapter 134 Traffic Circulation and Parking by reducing off-street parking space width
- 35. Ordinance amending the Land Development Code, Chapter 102 Building and Construction Regulations, Article II Administration, Division 3 Permits, Section 102-83 Permit status by requiring project close out documents in AutoCAD and Geographic Information System format
- 36. Ordinance amending the Land Development Code, Chapter 122 Public Facilities, Article III, Sanitary Sewer System, Division 3 Industrial Pretreatment Regulations
- 37. Thirty day comment period and public hearing regarding the Third Program Year Annual Action Plan for Fiscal Year 2012, in the funding amount of \$660,063, for the Community Development Block Grant Program and Citizen Participation Plan, as required by the United States Department of Housing and Urban Development


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**CITY MANAGER'S ITEMS**

- 38. Resolution relating to the State Revolving Fund Loan Program authorizing Amendment 2 to Loan Agreement WW66711P with the State of Florida Department of Environmental Protection, reducing the loan by \$664,839 from \$7,332,888 to \$6,668,049 for Reclaimed Water Facilities Expansion, for a total project amount of \$6,899,043.56 including accrued capitalized interest of \$78,897.83 and service fee charges of \$152,096.73
  
- 39. Designation of a voting delegate for the 86th Annual Conference of the Florida League of Cities to be held August 23, 2012, through August 25, 2012


**CITY ATTORNEY'S ITEMS**

**Time allocated for public comment on non-agenda items shall be limited to a total of thirty minutes, or such other period of time that may be approved by a majority of City Council.**

**PUBLIC COMMENT - NON-AGENDA ITEMS:** Speakers who have notified the City Clerk of the specific subject no later than five (5) calendar days prior to the Council meeting may speak on subject matters not on the agenda, provided that the subject matter is within the jurisdiction of the City Council. (Four (4) minute time limit per speaker; if speaker addressed City Council during Public Input on Agenda Items, the time limit shall be three (3) minutes.)

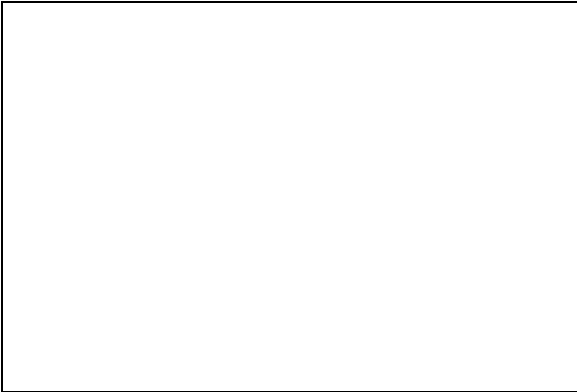
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**PUBLIC COMMENT - NON-AGENDA ITEMS:**

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.)



**Adjourn**

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.