

**AGENDA**  
**CITY COUNCIL MEETING**  
 May 2, 2016  
 4:30 o'clock p.m.



FORT MYERS CITY COUNCIL						
<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> Terolyn P. Watson	<b>Ward 4</b> Michael Flanders	<b>Ward 5</b> Forrest Banks	<b>Ward 6</b> Gaile H. Anthony

**CITY COUNCIL CHAMBERS, 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**

Opening Prayer

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

Roll Call


**PROCLAMATIONS \_\_\_\_\_ AND \_\_\_\_\_ SPECIAL PRESENTATIONS**

1. Proclamation proclaiming **May 2016** as Better Hearing and Speech Month
2. Proclamation proclaiming **May 14, 2016**, as Letter Carriers National Food Drive Day
3. Proclamation proclaiming **May 15, 2016**, through **May 21, 2016**, as National Public Works Week
4. Proclamation proclaiming **May 9, 2016**, through **May 14, 2016**, as National Salvation Army Week


**AGENDA**  
**CITY COUNCIL MEETING**  
May 2, 2016  
4:30 o'clock p.m.



**PROCLAMATIONS \_\_\_\_\_ AND \_\_\_\_\_ SPECIAL**  
**PRESENTATIONS** - Continued

- 5. Presentation by Susan Churuti, Esq. and Mike Davis, Esq., Bryant Miller Olive, regarding the Charter amendment to ban the expansion of junk yards and recycling centers

--

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

--

**Public Hearings:** (Item Nos. **18-19**) (Public input will be heard during the public hearing)

--

**CONSENT AGENDA** (Item Nos. 6-19)

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

- 6. Minutes of the regular meeting held on April 18, 2016
- 7. Amendment No. 1 to Agreement Between Owner and Construction Manager-At-Risk - Continuing Contract, Request for Qualifications No. 12-27-12-PW with AIM Construction Contracting, LLC exercising the first option to renew for 1 year, effective May 20, 2016, to May 19, 2017

--

--

**AGENDA  
CITY COUNCIL MEETING**

May 2, 2016  
4:30 o'clock p.m.



**CONSENT AGENDA - Continued**

8. Amendment **No. 1** to Agreement Between Owner and Construction **Manager-At-Risk - Continuing Contract**, Request for Qualifications **No. 12-27-12-PW** with Chris-Tel Company of Southwest Florida **DBA Chris-Tel Construction** exercising the first option to renew for **1 year**, effective **June 3, 2016**, to **June 2, 2017**
9. Amendment **No. 1** to Agreement Between Owner and Construction **Manager-At-Risk - Continuing Contract**, Request for Qualifications **No. 12-27-12-PW** with Gates Butz Institutional **Construction, LLC** exercising the first option to renew for **1 year**, effective **June 3, 2016**, to **June 2, 2017**
10. Amendment **No. 1** to Agreement Between Owner and Construction **Manager-At-Risk - Continuing Contract**, Request for Qualifications **No. 12-27-12-PW** with Stevens **Construction, Inc.** exercising the first option to renew for **1 year**, effective **June 3, 2016**, to **June 2, 2017**
11. Amendment **No. 1** to Agreement Between Owner and Construction **Manager-At-Risk - Continuing Contract**, Request for Qualifications **No. 12-27-12-PW** with **Taylor-Pansing, Inc.** exercising the first option to renew for **1 year**, effective **June 17, 2016**, to **June 16, 2017**


**AGENDA  
CITY COUNCIL MEETING**

May 2, 2016  
4:30 o'clock p.m.



**CONSENT AGENDA - Continued**

- 12. Amendment **No. 1** to Agreement Between Owner and Construction **Manager-At-Risk - Continuing Contract**, Request for Qualifications **No. 12-27-12-PW** with Westco Builders of **Florida, Inc.** exercising the first option to renew for **1 year**, effective **June 3, 2016, to June 2, 2017**
- 13. Amendment **No. 2** to Department of Environmental Protection Agreement **No. S0713**, extending the completion dates for **Task 2 to January 31, 2017**, and **Task 4 to July 31, 2017**; changing the completion dates from months to calendar dates for **Task 1 to January 28, 2015**, and **Task 3 to July 28, 2015**; and adding **Paragraph 28** providing for signing the Agreement in counterparts for the **Carrell Canal Water Quality Retrofit Project (Ward 4)**
- 14. Change Order **No. 1**, in the amount of **\$330,000**, for the Construction **Manager-At-Risk Contract**, Request for Qualifications **No. 05-13-14-PW**, with **AIM Construction Contracting, LLC** increasing the **Guaranteed Maximum Price** from **\$4,422,780 to \$4,752,780** for the **Barcelona/Alcazar Neighborhoods Aging Infrastructure Replacement** from the **Caloosahatchee River to Cortez Boulevard (Ward 4)**


**AGENDA  
CITY COUNCIL MEETING**

May 2, 2016  
4:30 o'clock p.m.



**CONSENT AGENDA - Continued**

- 15. Change Order **No. 1**, in the amount \$122,751.36, to Task Authorization **No. 2** to Agreement Between Owner and Construction Manager-At-Risk- Continuing Contract Request for Qualifications **No. 12-27-12-PW** with **Karr Group, Inc. DBA Casey Construction** for the Rehabilitation of Lift Station **Numbers 30, 41 & 44** and Rockfill Road Force Main Improvement Project, increasing the contract from **\$1,603,461.26 to \$1,726,212.62 (Ward 2)**
- 16. Memorandum of Understanding with the Florida Department of Law Enforcement for Participation Within the Florida Regional Law Enforcement Exchange System
- 17. Race Services Agreement with the Fort Myers Track **Club, Inc.** for the **9<sup>th</sup> Annual Cops and Joggers 5K Run** on **October 8, 2016**, at **Centennial Park, 2000 West First Street**
- 18. Work Experience Worksite Agreement with Southwest Florida Workforce Development **Board, Inc.** for **6 youth** for **6 weeks** during the summer at no cost to the City
- 19. City of Fort Myers Employee Policies and Procedures Manual dated May 2016


**AGENDA  
CITY COUNCIL MEETING**

May 2, 2016  
4:30 o'clock p.m.



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

20. **FIRST PUBLIC HEARING AND PERMISSION TO ADVERTISE FOR SECOND PUBLIC HEARING: Ordinance No. 3775 amending Chapter 118.8 Land Use Regulations, Article 8. Downtown Smart Code, Section 118.8.1 Generally, Subsection B. Terms and definitions; Section 118.8.5 Land Use District Regulations, Subsection A. Applicable to all land use districts, Paragraph 3. Uses permitted/adverse impact uses in general; Section 118.8.6 Standards and Tables, Subsection E. Required Parking Table to add a definition and development standards for assisted living facilities and amend parking regulations for residential development (Ward 2 and Ward 4)**

21. Substantial Amendment No. 1 to the One Year Action Plan for Fiscal Year 2015-2016, for the Community Development Block Grant Program, reallocating funds from Economic Development, Public Services and Down Payment Closing Cost of \$150,000 to the Southwest Florida Enterprise Center; \$47,626 to the Microenterprise Loan Fund and Public Service to I Will Mentor Foundation; \$22,500 for Community Garden; \$22,500 to the Dr. Piper Center for Senior Training, and \$22,500 to the Home Ownership Resource Center for Housing Counseling

**CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION**

22. Nomination of Corris McIntosh, Jr. for appointment to the S.T.A.R.S. Management Advisory Board, term effective May 2, 2016, through May 1, 2019, replacing Delores Howard Taylor who resigned December 16, 2015 (Councilwoman Brown)

**AGENDA  
CITY COUNCIL MEETING**

May 2, 2016  
4:30 o'clock p.m.



- 23. Nomination of Charles Wood for appointment to the Local Affordable Housing Advisory Committee, term effective **May 2, 2016**, through **May 1, 2019**, replacing Geraldine Ware, whose term expired on **February 5, 2015** (Councilwoman Anthony)


- 24. Report on board vacancies

**PERMISSION TO ADVERTISE**

- 25. Resolution amending the **2010 Cleveland Avenue Redevelopment Plan** by adopting the **2010 Cleveland Avenue Plan - 2014 Update**, as prepared by Johnson Engineering (**Ward 3, Ward 4, and Ward 5**)

--



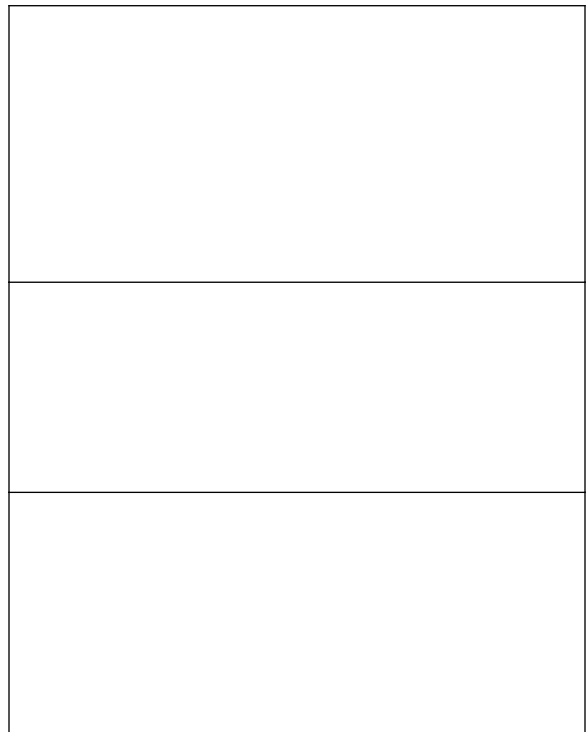
**PERMISSION TO ADVERTISE** - Continued

26. Proposal from Kimberly Richards, Manager, JRKR LLC for the lease of **1603 Fowler Street**, a parking lot containing **5,043 square** feet, more or less, zoned Urban Center in the Downtown Community Redevelopment Area, pursuant to Florida Statute 163.380  
And  
Permission to advertise Notice of Disposition of Leasehold Interest of Property for a public hearing for the lease of **1603 Fowler Street**, a parking lot containing **5,043 square** feet, more or less, to JRKR LLC pursuant to Florida Statute 163.380 (Ward 4)



**CITY MANAGER'S ITEMS**

27. Resolution authorizing the Mayor and City Manager to enter into a Joint Participation Agreement for Financial Management No. 431322-1-18-01, in the amount of \$150,000, with the Florida Department of Transportation for the Winkler Canal Shared Use Path Feasibility Study (Ward 5)
28. Marina Bay Plat Two, a replat of a portion of Tract "FD-3" Botanica Lakes - Plat One as requested by Bill Fenno, P.E., GLH Engineering, representing Lee County Homes Associates III, LLC, owner (Ward 6)
29. Replat for Marina Bay Recreation Tract, a replat of a portion of Tract "FD-3" Botanica Lakes - Plat One as requested by Bill Fenno, P.E., GLH Engineering, representing Lee County Homes Associates III, LLC, owner (Ward 6)



**CITY ATTORNEY'S ITEMS**



**AGENDA  
CITY COUNCIL MEETING**

May 2, 2016  
4:30 o'clock p.m.



**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.)

**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.)

**Adjourned:**

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.