



**CITY OF FORT MYERS
CITY COUNCIL REGULAR
MONDAY, OCTOBER 18, 2021
4:30 PM**

Oscar M. Corbin, Jr. City Hall
2200 Second Street
Fort Myers, Florida 33901
AGENDA

*Kevin B. Anderson
Mayor*

*Teresa Watkins
Brown
Ward 1*

*Johnny W. Streets,
Jr
Ward 2*

*Terolyn P. Watson
Ward 3*

*Liston D. Bochette
III
Ward 4*

*Fred Burson
Ward 5*

*Darla Bonk
Ward 6*

*Marty Lawing
City Manager*

*Grant W. Alley
City Attorney*

PLEDGE OF CIVILITY

*We will be respectful of one another even when we disagree.
We will direct all comments to the Issues.
We will avoid personal attacks.*

CALL TO ORDER

OPENING PRAYER/PLEDGE OF ALLEGIANCE

ROLL CALL

1. PROCLAMATIONS/SPECIAL PRESENTATIONS

- 1.1. Proclaim October 28, 2021, as Lights On Afterschool Day (Mayor Anderson)
- 1.2. Annual report of the Fort Myers - Lee County Garden Council, Inc., located at 2166 Virginia Avenue, Lessee, to comply with the Municipal Lease Agreement (Ward 4) (Steven Belden, Community Development)
- 1.3. Presentation by Uncommon Friends Foundation (Councilperson Bochette)
- 1.4. Presentation by the Mayor's Homelessness Task Force Committee (Mayor Anderson)
- 1.5. Presentation by the Mayor's Unity Task Force Committee (Mayor Anderson)
- 1.6. Economic Development Advisory Board Update and Recommendations (Gwen Carlisle, City Clerk)
- 1.7. Presentation on the visit to the Black History Museum & Cultural Center of Virginia in Richmond, Virginia

2. APPROVAL OF WALK-ON AGENDA ITEMS

PUBLIC INPUT – NON-PUBLIC HEARING ITEMS

Speakers that wish to speak must submit a Request to Speak Form to the City Clerk prior to the beginning of the meeting for items on the Agenda. Public Comments are limited to (3) minutes per person. Public input on non agenda items will appear at the end of the meeting. Comments for Public Hearing items will be heard during the Public Hearing agenda item.

3. CONSENT AGENDA

(Any Councilperson may remove an Item from the Consent Agenda and place it on the Regular agenda for discussion following the Consent Agenda)

- 3.1. Minutes of the regular City Council meeting held on September 20, 2021 and the special City Council meeting held on September 27, 2021 (Gwen Carlisle, City Clerk)
- 3.2. Termination Agreement of the Fort Myers Municipal Lease Agreement, between the City of Fort Myers and Fort Myers Transmissions Complete Auto Care, LLC, for the disposed property located at 2562 Lafayette Street (Ward 3) (Steven Belden, Community Development)
- 3.3. Continuance of maintenance, in the amount of \$99,890.00 at Billy Bowlegs Park, and \$48,518.00 at Lion's Park Sports Field, and \$49,945.00 at Prince Street Field, for a grand total of \$198,353.00 with JSM Services utilizing the Lee County contract RFP180313KLC Turf Maintenance and Reconstruction. Maintenance contract will be brought back in November to add the cost of maintaining City of Palms Stadium. (Wards 1, 3, & 4) (Richard Moulton, Public Works)
- 3.4. Amendment No. 1, in the amount of \$49,986.25, increasing the contract from \$178,905.00 to \$228,891.25, to Supplemental Task Authorization No. 4 for Utility Engineering Services, Request for Qualifications No. 06-23-11-PW, Prospect Avenue Neighborhood Potable Water, Sanitary Sewer and Drainage Improvements Project, with Cardno, Inc, (formerly David Douglas & Associates, Inc.) (Ward 1) (Richard Moulton, Public Works)
- 3.5. Amendment No. 1, in the amount of \$5,000.00, to Supplemental Task Authorization No. 3 increasing the contract from \$20,000.00 to \$25,000.00, RFQ No. 0010-29-14-PW, Civil Engineering Services Continuing Contract with Weston & Sampson, Inc. for the Preliminary Analysis for Intersection Improvements at Dora Street and Veronica Shoemaker Boulevard (Ward 2) (Richard Moulton, Public Works)
- 3.6. Task Order Forms Pursuant to Inter-local Agreement for Provision of Materials and Services by the City of Fort Myers, Florida to the Community Redevelopment Agency of the City of Fort Myers:
 - 1) #2022-01 Lease Purchase Agreement for Johnston C201 Sweeper (Ward 4)

- 2) #2022-02 Fixed Cost (Wards 2, 4, & 5)
- 3) #2022-03 Repairs and Maintenance (Wards 2, 4, & 5)
- 4) #2022-04 Contractual Services (Ward 2 & 4)

- 3.7. Change Order No. 2, in the amount of \$107,823.37 increasing contract amount from \$1,360,252.46 to \$1,468,075.83 for ITB No. 001-21 City of Fort Myers Aquatic Facility Renovation with Electro-Mechanic Industries Inc. d/b/a Vermana for additional items not in construction drawings.
(Ward 5) (Richard Moulton, Public Works)
- 3.8. Supplemental Task Authorization No. 1, in the amount of \$156,953.04, to Civil Engineering Services Continuing Contract RFQ NO. 0024-20 for Construction Engineering and Inspection Services for Billie, High, & Kunze Utility Improvements Project, with Cardno, Inc. (Ward 1)
(Richard Moulton, Public Works)
- 3.9. Grant, in the amount of \$56,000.00, from the Florida Department of Transportation (FDOT) to fund the Fort Myers Police Department Impaired Driving Enforcement and Educational Program and equipment, with no match required
AND
Budget amendment, in the amount of \$56,000.00, to establish a budget for Florida Department of Transportation funding and expenditures of like amount (Chief Derrick Diggs, Police Department)
- 3.10. Dedication of easement to Florida Power & Light at vacated portion of Prince Street right-of-way for the operation and maintenance of overhead electric utility facilities serving the S.T.A.R.S. Complex (Ward 3)
(Richard Moulton, Public Works)
- 3.11. Dedication of easement to TECO People Gas at vacated portion of Prince Street right-of-way for the operation and maintenance of underground 4" PE gas main (Ward 3) (Richard Moulton, Public Works)
- 3.12. Master Services Agreement No. 25008 and scope of work with MCCiLaserfiche for onetime professional services of \$34,665.50 and data migration of \$24,225.00, and an annual subscription cost of \$99,276.25 to replace the City's document management system with an online managed cloud hosted Laserfiche subscription, awarded under NCPA - National Cooperative Purchasing Alliance contract 11-26
(Richard Calkins - ITS Director)
- 3.13. Renewal Catapult Systems LLC. managed services agreement for Microsoft Office 365 Spyglass Basic Lite Subscription Agreement to monitor and update The City of Fort Myers computer networks for security and modernization, using GSA contract GS - 35F -0613W pricing for a term of one year at \$12,679.30 per month for a total cost of 152,151.60 (Richard Calkins - ITS Director)

- 3.14. Acceptance of a grant award, in the amount of \$102,908.00, with Lee County Natural Resources Division/WCIND Waterway Development Program, for the 2021-2022 WCIND Waterway Development Program for the Police Department Marine Unit, with and in-kind match of \$128,792.00, for a total project cost of \$231,700.00
AND
Budget amendment, in the amount of \$102,908.00 to establish a budget for WCIND funding and expenditures of like amount (Chief Derrick Diggs, Police Department)
- 3.15. Write offs in the amount of \$27,238.18: Solid Waste, \$3,160.24; and Utilities, \$24,077.94 for the last quarter of fiscal year 2021 for uncollectible accounts receivable (Holly Simone, Financial Services)
- 3.16. Change Order, in the amount of \$11,706.64 and not to exceed \$100,955.64 total, for Purchase Order for the Fiscal Year 2020/2021 Southwest Florida Criminal Justice Academy for the 163rd LE class (Chief Derrick Diggs, Police Department)
- 3.17. Acceptance of grant agreement between Lee County Board of County Commissioners, through the Tourist Development Tax Grant program, and the City of Fort Myers, for Legacy Island Stabilization and Beach Project, in the amount of \$279,180.00 with no match required
AND
Budget amendment increasing capital improvement project Legacy Island revenue and expenditures by \$279,180.00 (Richard Moulton, Public Works)
- 3.18. Tri County Commerce Center, a subdivision plat consisting of 3 future development lots, 5 future development tracts, a private roadway, 2 drainage tracts, 4 preserve tracts, and 1 common area tract lying in Sections 13 & 14, Township 44 South, Range 25 East, City of Fort Myers, Lee County Florida consisting of 153.9 acres, more or less (Ward 2) (Steve Belden, Community Development)
- 3.19. First one-year renewal option to the Service Provider Agreement for Public Art Consultant, effective June 1, 2021 through May 31, 2022, in the amount of \$30,000.00 (Richard Moulton, Public Works)
- 3.20. First Amendment to the Services Agreement between City of Fort Myers and Benevate Inc. SAAS to continue to provide grant management software for the U.S. Department of Treasury Emergency Rent Assistance Program (ERAP 2). (Steve Belden) (Community Development)

4. CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

- 4.1. Discuss additional funding for The Police Athletic League (PAL) for fiscal year October, 2021 through September, 2022 (Councilperson Burson)
- 4.2. Distribution of Mayor's discretionary funds in the amount of \$500.00 to the Fort Myers High School Band (Mayor Anderson)
- 4.3. Appoint Carly Schwartzel, as an alternate member, to the Historic Preservation Commission, term effective October 18, 2021, through October 17, 2024 (Mayor Anderson)
- 4.4. Status of Advisory Boards (Gwen Carlisle, City Clerk)

5. PUBLIC HEARINGS

(Will be heard about 5:15 p.m. or as soon thereafter as can be heard)

- 5.1. Ordinance No. 3921 for a Planned Unit Development (PUD) at 3601 Hanson Street (Ward 3) (Quasi-Judicial) (Steve Belden, Community Development)
- 5.2. Resolution No. 2021-30, vacating a portion of undeveloped Franklin Street right of way, approximately 0.09 acres, located adjacent to 3360 Veronica Shoemaker Boulevard (Ward 2) (Quasi-judicial) (Steven Belden, Community Development)
- 5.3. Second Amended Development Agreement between the City of Fort Myers and Towles Garden, LLC, for the development of a mixed income residential community (Ward 2) (Steven Belden, Community Development)

6. PERMISSION TO ADVERTISE

- 6.1. Permission to advertise Ordinance No. 3927 for a public hearing on November 1, 2021 increasing reclaimed water rates by 10% from \$1.07 per 1,000 gallons to \$1.18 per 1,000 gallons. (Richard Moulton, Public Works)

7. CITY MANAGER'S ITEMS

- 7.1. Revisions to the City of Fort Myers organizational chart which includes the establishment of a Public Utilities Department and a Parks and Recreation Department, which are currently divisions within the Public Works Department (Marty Lawing, City Manager)

- 7.2. Resolution No. 2021-37 creating a Public Utilities Department and Utilities Director position and a Parks and Recreation Department and a Parks and Recreation Director position.
- 7.3. Shortlist ranking for RFP 0013-21 for the City of Fort Myers Country Club Restaurant and authorize City staff to enter into negotiations with the top ranked proposer; if those negotiations are not successful to then enter into negotiations with the second ranked proposer (Christine Tenney, Financial Services)

8. CITY ATTORNEY'S ITEMS

- 8.1. Settlement Agreement and General Release, in the amount of \$21,000.00, in the matter of Ezronne Dwane Green v. City of Fort Myers, case number 20-CA-002220 (Grant W. Alley, City Attorney)
- 8.2. Settlement Agreement and General Release, in the amount of \$50,000.00, in the matter of Rickey Rogers, Jr. v. The City of Fort Myers; case number 19-CA-000177 (Grant W. Alley, City Attorney)

PUBLIC COMMENT – NON-AGENDA ITEMS

Speakers may speak on subject matters not listed on the agenda, provided the subject matter is within the jurisdiction of the City Council – Three (3) minute time limit per speaker.

ADJOURNMENT

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and 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 Clerks Office at (239) 321-7035 or for the hearing impaired, TDD telephone number (239) 332-2541