



**CITY OF FORT MYERS  
CITY COUNCIL REGULAR  
MONDAY, NOVEMBER 1, 2021  
4:30 PM**

**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 November 2021 as Family Court Awareness Month (Mayor Anderson)
- 1.2. Proclaim November 3, 2021 as Dr. Gerald Laboda Day (Mayor Anderson)
- 1.3. Presentation by the Fort Myers Falcons (Councilperson Streets)
- 1.4. Presentation by the Mayor's Unity Task Force Committee (Mayor Anderson)
- 1.5. Presentation of the City of Fort Myers Connectivity and Midtown Vision Plan by Diana Giraldo, President of Streets Alive of Southwest Florida (Councilperson Fred Burson)

**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. Acceptance and maintenance of potable water and sanitary sewer off-site utilities from Firestone Complete Auto Care located at 11290 SR 82 from Palmetto Ft Myers SR82, LLC (Ward 6) (Richard Moulton, Public Works)
- 3.2. Supplemental Task Authorization No. 12, in the amount of \$42,770.00 and 182 calendar days, for Professional Services Agreement – Continuing Contract for Engineer of Record for the Water Treatment Plant, Request for Qualifications No. 0007-20 with Black & Veatch Corporation, for design and construction oversight services for the WTP Production Well P-16 and P-19 Rehabilitation project (Ward 2) (Richard Moulton, Public Works)
- 3.3. Supplemental Task Authorization No. 19, in the amount of \$46,834.00 and 182 calendar days, for Professional Services Agreement – Continuing Contract for Engineer of Record for the Water Treatment Plant, Request for Qualifications No. 0007-20 with Black & Veatch Corporation, for design and construction oversight services for the WTP Production Well P-2 and P-13 Rehabilitation project (Ward 2) (Richard Moulton, Public Works)
- 3.4. Supplemental Task Authorization No. 15, in the amount of \$192,720.00 and 319 calendar days, for Professional Services Agreement – Continuing Contract for Engineer of Record for the Water Treatment Plant, Request for Qualifications No. 0007-20 with Black & Veatch Corporation, for design and construction oversight services for the WTP Production Well P-3S Development project (Ward 2) (Richard Moulton, Public Works)
- 3.5. Supplemental Task Authorization No. 16, in the amount of \$198,702.00 and 319 calendar days, for Professional Services Agreement – Continuing Contract for Engineer of Record for the Water Treatment Plant, Request for Qualifications No. 0007-20 with Black & Veatch Corporation, for design and construction oversight services for the WTP Production Well P-4S Development project (Ward 2) (Richard Moulton, Public Works)
- 3.6. Supplemental Task Authorization No. 17, in the amount of \$190,950.00 and 319 calendar days, for Professional Services Agreement – Continuing Contract for Engineer of Record for the Water Treatment Plant, Request for Qualifications No. 0007-20 with Black & Veatch Corporation, for design and construction oversight services for the WTP Production Well P-5S Development project (Ward 2) (Richard Moulton, Public Works)
- 3.7. Grant, in the amount of \$49,514.00, from Edward Byrne Memorial Justice Assistance Grant Program to fund purchase of bulletproof vests and license plate readers, with no match required

AND

Budget amendment, in the amount of \$49,514.00 to establish a budget for funding and expenditures of like amount (Chief Derrick Diggs, Police)

- 3.8. Grant funds from the U.S. Department of Justice; Bureau of Justice Assistance, in the amount of \$13,200.00 (50%), to fund Fiscal Year 2022 and Fiscal Year 2023 Bulletproof Vest Program for the Fort Myers Police Department; with a City cash match, in the amount of \$13,200.00 (50%), for the total project amount \$26,400.00

AND

Budget Amendment, in the amount of \$26,400.00, to establish a budget for Patrick Leahy Bulletproof Vest Program funding and expenditures of like amount (Chief Derrick Diggs, Police)

- 3.9. Fiscal year 2021 budget amendment recognizing revenue of \$743,080.45 from Fire Insurance Premiums Taxes and \$1,000,567.26 from Police Insurance Premiums Taxes and increase Fire and Police Retirement Expenditures, respectively by same amount (Christine Tenney, Financial Services)

- 3.10. Execution of a Temporary Construction Easement with Arborwood Community Development District for the installation of landscaping within a Conservation Easement adjacent to the East Storage Tank and Pump Station site at 12019 Treeline Avenue (Ward 6) (Richard Moulton, Public Works)

- 3.11. Authorize staff to enter into negotiations with Wharton-Smith, Inc., RFQ 0016-21, Program Management Services for Secondary Clarifier Rehabilitation at AWWTFs, and authorize the Mayor and City Manager to execute a Professional Services Agreement upon receipt (Richard Moulton-Public Works)

- 3.12. Right of Way Consent Agreement with Florida Power & Light, in the amount of \$10.00, for the Production Well P-22 Development project, to allow the City to place a permanent utility access road from Veronica Shoemaker Boulevard to the wellsite, some of which is within an existing FPL easement (Ward 2) (Richard Moulton, Public Works Director)

- 3.13. Professional Service Agreement, in the amount of \$9,500.00, with Jenkins Maag Associates, LLC for an assessment and study of the HVAC system at the City's Water Treatment Plant (Ward 2) (Richard Moulton, Public Works Director)

- 3.14. Supplemental Task Authorization No. 21, in the amount of \$50,000.00 and 365 calendar days, for Professional Services Agreement – Continuing Contract for Engineer of Record for the Water Treatment Plant, Request for Qualifications No. 0007-20 with Black & Veatch Corporation, for ongoing support services, consultation services, and other miscellaneous

tasks involving the public water system (Richard Moulton, Public Works Director)

- 3.15. Interlocal Agreement between Lee County and the City of Fort Myers associated with Lee County's Ortiz Avenue Widening project between S.R. 82 and Colonial Boulevard involving County/City design/construction of the following:
1. Lee County Jail Facility intersection relocation; City will pay for design and construction.
  2. Ortiz Avenue connection to future Edison Avenue Extension: County shall pay for design and construction.
  3. Easement Conveyances to Lee County: City will grant a slope and drainage easement on the Emergency Operations Center property as shown in Exhibit "D."
  4. City of Fort Myers – Utilities: City will design and pay for construction, and County shall construct all necessary adjustments and improvements to the City's utilities (Ward 2) (Richard Moulton, Public Works)

#### **4. CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION**

- 4.1. Discuss the amending of mandatory sidewalks in older, established neighborhoods where no sidewalks exist. (Councilperson Burson)
- 4.2. Distribution of Mayor's discretionary funds in the amount of \$500.00 to the Dunbar High School Band (Mayor Anderson)
- 4.3. Request update on the Affordable Housing Trust Fund (Councilperson Darla Bonk)
- 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. 3927 rescinding Ordinance No. 3922, amending the City Code, Chapter 90, Utilities, Article V. Reclaimed Water Use, Section 90-165, Reclaimed water use to provide for fees to be collected for reclaimed water use; providing for severability and an effective date (Richard Moulton, Public Works)

#### **6. PERMISSION TO ADVERTISE**

- 6.1. Permission to advertise for a public hearing on December 6, 2021, for the disposition of surplus, vacant real property located in the Dr. Martin Luther King, Jr. Community Redevelopment Area (CRA), to Ms. Shirley Johnson, adjacent owner, for property located at 2995 Dunbar Avenue for the assessed value of \$2,682.00, pursuant to Sec. 163.380, Fla. Stat. and

City Code Sec 2-39 (Steven Belden, Community Development Department) (Ward 3)

- 6.2. Permission to advertise an adoption public hearing November 15, 2021 for Ordinance No. 3914, Text Amendment 2021-TA-01, an amendment to the Future Land Use Element of the Comprehensive Plan. (Steve Belden, Community Development)
- 6.3. Permission to advertise the SECOND OF TWO PUBLIC HEARINGS November 15, 2021 for Ordinance No. 3915 amending the City Code, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 8. - Smart Code (Steven Belden, Community Development)
- 6.4. Permission to advertise the first public hearing to consider Ordinance No. 3918, amending Land Development Code, Chapter 118 Land Use Regulations. (Steve Belden, Community Development Department) (All wards)

## **7. CITY MANAGER'S ITEMS**

- 7.1. Details of the shortlist ranking procedures followed for RFQ 0004-21 for citywide towing and recovery services for the City of Fort Myers (Christine Tenney, Financial Services)
- 7.2. Resolution No. 2021-16, declaring the City of Fort Myers support of the establishment and alignment of US Bicycle Route 15, which traverse a City of Fort Myers maintained right-of-way within the City of Fort Myers Limits (Richard Moulton, Public Works Director)
- 7.3. Supplemental Task Authorization No. 5, in the amount of \$3,165,939.00 and 410 calendar days, to Construction Manager-at-Risk Continuing Contract, RFQ No. 0020-18, with Wharton-Smith, Inc. for construction management services related to the Water Treatment Plant Production Well P-1S and P-2S Development projects (Ward 6) (Richard Moulton, Public Works Director)
- 7.4. Budget transfers within the City's General Fund to provide funding for the Police Athletic League (PAL) for fiscal year October 2021 through September 2022 in the amount of \$500,000.00 (Marty Lawing, City Manager)
- 7.5. Presentation of The City of Fort Myers Redistricting Process and Data. (Richard Calkins - ITS Director)

## **8. CITY ATTORNEY'S ITEMS**

- 8.1. [Memo of Understanding between the City of Fort Myers and Naples Botanical Garden \(Grant Alley, City Attorney\)](#)

**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*