

**Marty K. Lawing**  
*City Manager*

**Grant W. Alley**  
*City Attorney*

**Gwen Carlisle**  
*City Clerk*



**CITY OF FORT MYERS  
CITY COUNCIL REGULAR  
MONDAY, NOVEMBER 20, 2023  
4:30 PM**

**Kevin B. Anderson**  
*Mayor*  
**Teresa Watkins Brown**  
*Ward 1*  
**Johnny W. Streets**  
*Ward 2*  
**Terolyn P. Watson**  
*Ward 3*  
**Liston D. Bochette III**  
*Ward 4*  
**Fred Burson**  
*Ward 5*  
**Darla Bonk**  
*Ward 6*

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

**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 the week of November 22, 2023 - November 29, 2023 as Farm-City Week (Mayor Anderson)
- 1.2 Annual report on activities at SalusCare, Inc., located at 3763 Evans Avenue and 2450 Prince Street, presented by Stacey Cook, CEO, to comply with the Municipal Land Lease Agreements (Ward 3) (Steve Belden, Community Development)
- 1.3 Annual report on activities at the Lee County Black History Society, Inc., Lessee at 1936 Henderson Avenue, presented by Ms. Autumn Watkins Holloway, Executive Director, to comply with the City of Fort Myers Lease Agreement (Ward 1) (Steve Belden, Community Development)
- 1.4 Update on the Charter Review Advisory Board by Sawyer Smith, Vice Chair (Councilperson Bonk)

**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 City Council regular meetings held on October 2, 2023, and October 16, 2023 (Gwen Carlisle, City Clerk)
- 3.2 Corrective Quit-Claim Deed allowing for a two-year extension to the City reverter clause, expiring January 19, 2024, for 774 Marsh Avenue, an infill housing lot conveyed to Lee County Housing Development Corporation on January 19, 2021, for affordable housing development (Ward 1) (Steven Belden, Community Development)
- 3.3 CARES Act - Substantial Amendment No. 3 to United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG), One Year Action Plan 2019 -2020, for the CDBG program to reprogram grant funding, in the amount of \$180,000.00, in the Community Development Block Grant Coronavirus (CDBG-CV) funding and establish budget (Steve Belden, Community Development)
- 3.4 Coffee Rush Plat, a re-plat of tract LS-1, Forum at Fort Myers phase II, as recorded in Instrument number 2007000275502, lying in Section 22, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida consisting of 0.48 acres, more or less, as requested by Mark Haines of Johnson Engineering Inc., representing Champion Development Corp, property owner (Ward 2) (Steve Belden, Community Development)
- 3.5 Ranking of firms for Comprehensive Plan Update, Request for Proposals No. 0065-23, authorize negotiations with the top-ranked firm, Calvin, Giordano and Associates., Inc.; if negotiations are unsuccessful, negotiate with second-ranked firm, and authorize the Mayor and City Manager to execute an agreement (Steve Belden, Community Development)
- 3.6 Agreement, in the amount not-to-exceed \$75,000.00, for technical accounting and consulting services on complex accounting and financial reporting matters, as it relates to the closing of Fiscal Year 2023 due to staffing shortages, with Cherry Bekaert Advisory, LLC (Christine Tenney, Financial Services)
- 3.7 Memorandum of Understanding between the City of Fort Myers and Lee Memorial Health System for provision of mutually agreed upon Advanced Hazmat Life Support (AHLS) medications to the Fort Myers Fire Department to remain in effect indefinitely (Chief Tracy McMillion, Fire)
- 3.8 Selection of Yamaha Golf Car Company for RFP No. 0060-23, Municipal Leasing of New, Electric Golf Cars, for the City's two golf courses authorizing staff to enter into negotiations and the Mayor and City Manager to execute related Municipal Lease Agreements/Lease Schedules after negotiations (Wards 2 & 4) (Elgin Hicks, Parks & Recreation)
- 3.9 Supplemental Task Authorization No. 5, in the amount of \$43,500.00, to RFQ #0021-

- 19, for professional design services associated with updating the plans and specifications for the Billy Bowlegs Park Concession and Classroom Building to allow for submittal of building permits with GMA Architects & Planners, LLC, (Ward 1) (Peter Bieniek, Public Works)
- 3.10 Closeout documentation and release of final retainage and payment, in the amount of \$12,525.00, for the STARS Pool Repair & Resurface, with Electro-Mechanic Industries Inc. dba Vermana (Ward 3) (Peter Bieniek, Public Works)
- 3.11 Amendment No. 2 to Supplemental Task Authorization No. 3, in the deductive amount of \$749,339.85, reducing the contract amount from \$3,990,991.26 to \$3,241,651.41, and acceptance of closeout documentation, Construction Manager at Risk, Continuing Contract, RFQ #0020-18-PW, and release of final payment and retainage in the amount of \$160,470.79 for the McGregor Boulevard Rehabilitation project from Tobler/OAK Joint Venture, LLC (Ward 4) (Pete Bieniek, Public Works)
- 3.12 Purchase Order, in the amount of \$155,000.00, with the United States Postal Service, for postage for mailing of Utility and Solid Waste bills (Richard Moulton, Public Utilities)

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

- 4.1 Appoint a Chair and Vice-Chair for the Community Redevelopment Agency (CRA) Board of Commissioners (BOC), term effective November 20, 2023 through November 19, 2025 (Michele Hylton-Terry, CRA)
- 4.2 Continue the discussion authorizing Councilperson Streets to work with law enforcement, Lee County School District, and Community Specialists in the 'helping profession' with students regarding the 'School to Prison Pipeline' and assisting with what youth arrests look like in Lee County and not arresting our way out of the issue (Councilmember Streets)
- 4.3 Proposing an 875 yard anti-loitering ordinance near day care centers, all schools, and adult care facilities (Ward 4) (Councilmember Bochette)
- 4.4 Motion to release the funds being held by Henderson Franklin to the City because Towles Garden has failed to perform (Councilperson Burson)
- 4.5 City to provide high-level water update - wells, tank levels, and capacity to handle seasonal demands (Councilperson Bonk)
- 4.6 City to provide update on the Affordable Housing Trust Fund (AHTF) - total dollars in the fund, updates to impact housing assistance in the community, and plans for the program going forward (Councilperson Bonk)
- 4.7 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 First public hearing to consider Ordinance No. 4000 and permission to advertise a

second public hearing on December 4, 2023, amending Land Development Code Chapter 118 Land Use Regulations (Steve Belden, Community Development)

- 5.2 Ordinance No. 4001 establishing a Complete Streets Program in furtherance of the goals, policies, and objectives of the transportation element of the City's Comprehensive Plan (Grant W. Alley, City Attorney)
- 5.3 Ordinance 4002 Dissolving the Treeline Preserve Community Development District, as requested by Attorney Ginger E. Wald, Esq., representing the Treeline Preserve Community Development District (Ward 2) (Steven Belden, Community Development)

## **6. PERMISSION TO ADVERTISE**

- 6.1 Permission to advertise Ordinance No. 4003 for a public hearing on December 4, 2023, to adopt a Large Scale Future Land Use Map amendment to assign 64.29, more or less, acres of property located on the the northeast corner of Treeline Avenue and Daniels Parkway, from the Lee County Tradeport Future Land Use designation to the City's Industrial (IND) Future Land Use designation (Ward 6) (Steven Belden, Community Development)
- 6.2 Permission to advertise Ordinance No. 3987 for a public hearing on December 4, 2023, rezoning property located on the northeast corner of Treeline Avenue and Daniels Parkway from Lee County zoning categories to the City's Industrial Light (IL) zoning district, as directed by the City Council (Quasi-Judicial) (Ward 6) (Steven Belden, Community Development)
- 6.3 Permission to advertise Resolution No. 2023-74 for the City of Fort Myers Community Development Block Grant Neighborhood Stabilization Subrecipient Agreement between City of Fort Myers and Lee County Housing Authority, River North Properties, Inc., for a 7-unit multi-family property located at 2475 Central Avenue (Ward 3) (Steven Belden, Community Development)
- 6.4 Permission to advertise Resolution No. 2023-81 for a public hearing on January 2, 2024, for the Termination Agreement of Affordable Housing Owner-Builder Developer Agreement between the City and Dan Loggins, and the Release of Reversionary Interest, in exchange for the purchase price of \$8,500.00, for a vacant infill housing lot conveyed by City Council on July 20, 2020, located at 3003 Price Avenue, located in the Dr. Martin Luther King, Jr. Community Redevelopment Area (CRA) (Ward 3) (Steven Belden, Community Development)
- 6.5 Permission to advertise a public hearing on January 2, 2024, for the disposition of 2.842 acres from a larger, vacant 60.34-acre City-owned assemblage, identified as STRAP No. 20-44-25-P2-00101.0010, to Gulf Coast Humane Society, Inc., a Florida not-for-profit 501(c)(3) organization, for \$615,000.00, for the future construction of a veterinarian surgical center, located in the Dr. Martin Luther King, Jr. Community Redevelopment Area (CRA) (Ward 2) (Steve Belden, Community Development)
- 6.6 Permission to advertise a public hearing on December 4, 2023, for the City of Fort Myers Water System Improvements Facilities Plan relating to the Florida Department of Environmental Protection (FDEP) State Revolving Fund Loan Program, funding water system improvements, in the amount not-to-exceed \$153,000,000.00, for the expansion

of the water plant and construction of a deep injection well; and authorizing submission of the plans to FDEP (Christine Tenney, Financial Services)

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

- 7.1 Resolution No. 2023-31 authorizing Mayor and City Manager to enter into State of Florida Department of Environmental Protection Standard Grant Agreement HA013, in the amount of \$2,000,000.00, for the The City of Fort Myers Lift Station Recovery Project (Richard Moulton, Public Utilities)
- 7.2 Resolution 2023-75 approving a State of Florida Department of Transportation Memorandum of Agreement No. BEG47 to receive \$71,863.48 annually, paid quarterly, in the amount of \$17,965.87, to mow and maintain multiple state-owned rights-of-way within City boundaries, to the City from FDOT for a term of three years for total of \$215,590.44 (Elgin Hicks, Parks & Recreation)
- 7.3 Resolution 2023-77 establishing a Stabilization Fund titled, Emergency Contingency Fund and committing 2% to 4% of budgeted General Fund operating revenues (Christine Tenney, Financial Services)
- 7.4 Resolution No. 2023-78 amending the Fiscal Year 2023 Budget appropriating \$6,262,800.00 of General Fund reserves and transferring those funds to the Emergency Contingency Fund (Christine Tenney, Financial Services)
- 7.5 Resolution No. 2023-79 amending the Fund Balance Policy pursuant to Resolution No. 2022-4 to include the Emergency Contingency Fund to the definition of General Fund "Group of Funds" for consolidation purposes in the Annual Comprehensive Financial Report (Christine Tenney, Financial Services)
- 7.6 Resolution No. 2023-80 amending the Fiscal Year 2023 Budget reducing the Shady Oaks Renovation project, in the amount of \$2,400,000.00, due to Congressional grant not being awarded, increasing the Local Mitigation Strategy project, in the amount of \$39,644.00, for amounts expended related to Edgewood Drainage not eligible for reimbursement from the Hazard Mitigation grant program to be reallocated to Stormwater operations funding, reducing the Maravilla Septic Tank Abandonment project, in the amount of \$240,000.00, due to County not approving annexation; recognizing excess revenues received in the Public Works Warehouse Fund, in the amount of \$40,000.00, and increasing expenses by like amount; establishing a budget for the City's match towards the Police Re-entry grant program in the amount of \$322,430.00; and creating a budget for the American Rescue Plan Act (ARPA) funds transferred from the General Fund to the Water Plant Expansion Project in the amount of \$10,000,000.00 (Christine Tenney, Financial Services)
- 7.7 Resolution No. 2023-82, amending the fiscal year 2023 Budget by recognizing Program Income received from the Community Development Block Grant (CDBG), in the amount of \$2,800.00, Neighborhood Stabilization Program (NSP)1, in the amount of \$10,284.00, and SHIP, in the amount of \$1,083.45, and increasing the respective program expenditures by like amounts (Steve Belden, Community Development)
- 7.8 Resolution No. 2023-83 amending the Fiscal Year 2024 Budget appropriating Skatium Fund reserves, in the amount of \$172,000.00, for funding of the acquisition of 2122

Hoople Street for placement of a chiller; appropriating General Fund reserves, in the amount of \$2,500,000.00, to augment funds for the Street Overlay Project; and creating a project budget for the Lift Station Recovery Project funded by a grant, in the amount of \$2,000,000.00, from the Florida Department of Environmental Protection (FDEP) (Christine Tenney, Financial Services)

- 7.9 Permit the Edison Sailing Center to temporarily utilize a portable building (12' X 24') at 210 W. First Street for a period of no more than 1 year, utilizing Land Development Code Section 118.3.5.F.4.a."Temporary of Mobile Uses and Structures", authorizing the City Council to permit temporary structures for more than six months (Ward 4) (Steve Belden, Community Development)
- 7.10 Permission to publish a Micromobility Services Agreement Request for Proposals on PlanetBids (Steve Belden, Community Development)
- 7.11 Recognizing donations, in the amount of \$16,412.54, made to S.T.A.R.S from various donors including Little League Baseball \$1,000.00, Clearwater Little League \$7,500.00, Fort Myers Track Club \$5,912.54, Inge & Associates Inc. \$1,000.00, M Smallwood \$1,000.00, to provide program equipment, material, and assist in expanding opportunities to children (Ward 3) (Elgin Hicks, Parks & Recreation)
- 7.12 Interlocal Agreement Providing Transit Service with Lee County, the City of Fort Myers, and the Community Redevelopment Agency, in the total amount of \$612,203.00, for the downtown trolley to operate from November 16, 2023, through April 24, 2024, with the funding breakdown as follows: LeeTran -grant from FDOT; \$306,102.00; Developer Contributions, \$79,200.00; General Fund, \$20,765.00; and CRA, \$206,536.00 (Wards 1 & 4) (Peter Bieniek, Public Works)
- 7.13 Amendment No. 2, in the amount of \$263,715.00 and an additional 150 calendar days, to Professional Service Agreement, RFQ No. 0002-20, Reclaimed Water Facilities at the South Advanced Wastewater Treatment Facility & Reclaimed Water Transmission Main - Design & Permitting, with CDM Smith, Inc., for post design services including project management, construction phase engineering services, field observations, updating of existing Operation and Maintenance Manual for new facilities, and record drawings (Ward 5) (Richard Moulton, Public Utilities)
- 7.14 Supplemental Task Authorization No. 1, in the amount of \$33,451.10 and 180 calendar days, for Construction Manager-at-Risk Continuing Contract, RFQ No. 0027-23, for construction management services related to the Billy Creek Gravity Lining with AIM Construction Contracting, Inc. (Ward 1) (Richard Moulton, Public Utilities)
- 7.15 Amendment No. 2, in the amount of \$100,000.00 and 365 calendar days, for Professional Services Agreement - Utility Master Plans (Water, Sewer, Reuse) - Request for Qualifications No. 0025-20 for Hydraulic Modeling Services with AECOM Technical Services, Inc. (Richard Moulton, Public Utilities)
- 7.16 Purchase Order, in the amount of \$701,860.80, for single-source distributor, Xylem Water Solutions USA, Inc. for 26 FLYGT pumps, in the amount of \$551,860.80, plus \$150,000.00, for additional pump repairs that may be needed throughout the fiscal year (Richard Moulton, Public Utilities)

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

### **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.*