**AGENDA**
**CITY COUNCIL MEETING**
October 7, 2013
4:30 o'clock p.m.

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

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| **Opening Prayer** | |
| **Pledge of Allegiance to the Flag of the United States of America** | |
| **Roll Call** | |

**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

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| 1. Proclamation declaring October 6, 2013, through October 12, 2013, as Fire Prevention Week | |
| 2. Proclamation declaring October 2013 as National Long Term Care Residents' Rights Month | |
| 3. Annual presentation by SalusCare, Inc., formerly known as Southwest Florida Addiction Services, Inc. on activities of the past year, pursuant to Lease Agreement (Ward 3) | |

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

**Public Hearings: Item Nos. 13-16** (Public input will be heard during the public hearings)

**CONSENT AGENDA (Item Nos. 4-12)**

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

4. Minutes of the special meetings held on September 11, 2013, and September 13, 2013, regular meeting held on September 16, 2013, and the special meeting held on September 18, 2013

5. Supplemental Task Authorization No. 5, in the amount of $53,000, to Professional Services Agreement – Continuing Contract for Utility Engineering Services, Request for Qualifications No. 06-23-11-PW, with Barraco and Associates, Inc. for City Project CADD Technician

6. Supplemental Task Authorization No. 11, in the amount of $53,000, to Professional Services Agreement – Continuing Contract for Utility Engineering Services, Request for Qualifications No. 06-23-11-PW, with Johnson Engineering, Inc. for City Project CADD Technician

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| 7. Project closeout and Change Order No. 1, in the amount of $15,040.76, to the contract for Eugenia Avenue Sidewalk Construction, Invitation to Bid #56-11-12, with Bonness, Inc., decreasing the contract amount from $175,714.13 to $160,673.37, increasing the contract time by 13 days to a completion date of August 4, 2013, and release final payment in the amount of $16,067.30 (Ward 2) | |
| 8. Project closeout and Change Order No. 1, in the amount of $12,857.70, to the contract for SR 80/Palm Beach Boulevard Left Turn Lanes at Freemont Street and Royalston Avenue, Contract No. B-11-33, with Oldcastle Southern Group, Inc. d/b/a APAC Southeast, Inc., increasing the contract amount from $194,452.00 to $207,309.70, and release final payment in the amount of $20,198.14 (Ward 2) | |
| 9. Acceptance and maintenance of potable water and sanitary sewer utilities and the platted roadway for RaceTrac at Ortiz Avenue, located at 5150 Dr. Martin Luther King Jr. Boulevard, from RaceTrac Petroleum, Inc. (Ward 2) | |
| 10. Project Close Out for Construction Manager at Risk for Downtown Riverfront Detention Basin, Request for Qualifications No. 06-27-11-PW, with Wright Construction Group, Inc. and release final payment in the amount of $203,629.47 (Ward 4) | |

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| 11. Shortlist of firms for Landscape Architectural Services - Continuing Contract, Request for Qualifications No. 06/20/13-PW and authorize negotiations with David M. Jones, Jr. and Associates, Inc., EnSite, Inc., Johnson Engineering, Inc., and Stantec Consulting Services, Inc. | |
| 12. Shortlist of firms for Surveying & Mapping Services - Continuing Contract, Request for Qualifications No. 06/17/13-PW and authorize negotiations with Barraco and Associates, Inc., BEI Engineering Group, Inc. dba Banks Engineering, Cooner & Associates, Inc. dba Cooner & Associates, Inc. Focal Geomatics, E. F. Gaines Surveying Services, Inc., Johnson Engineering, Inc., Metron Surveying & Mapping, LLC, and TKW Consulting Engineers, Inc. | |

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

13. Ordinance No. 3684 amending the Land Development Code, Chapter 98, Administration, Article 3 Procedures by clarifying administrative adjustments, deviations, and amendments to planned unit developments

14. Ordinance No. 3685 amending the Land Development Code, Chapter 118, Land Use Regulations, Article 3 Permitted Land Uses, Section 118.3.3.D for junkyards and recyclers and Article 8 Downtown Smart Code to update nonconforming uses

15. Ordinance No. 3686 amending the Land Development Code, Chapter 142, Definitions, Article 2 Defined Terms by amending the definitions for junkyards and recycling

16. Ordinance No. 3688 amending the City Code, Chapter 82 Taxation, Article IV Local Business Tax, Section 82-205 Local business tax receipt schedule established

**CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION**

17. Resolution requesting the Cities of Bonita Springs, Cape Coral, and Sanibel, and the Town of Fort Myers Beach to adopt resolutions urging the United States House of Representatives to approve the Water Resource Development Act of 2013 and fund construction of the reservoir, the Central Everglades Planning Project, the Comprehensive Everglades Restoration Plan, and the rehabilitation of the Herbert Hoover Dike (Councilman Leonardo)

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| 18. | Nomination of Margie Willis for reappointment to the Beautification Advisory Board, term effective October 1, 2013, through September 30, 2016 (Councilwoman Brown) | |
| 19. | Nomination of Vivianne Thomas for reappointment to the Bicycle and Pedestrian Advisory Board, term effective September 7, 2013, through September 6, 2016 (Councilman Simms) | |
| 20. | Nomination of Bettye L. Middlebrooks for reappointment to the Brownfields Advisory Board, term effective August 16, 2013, through August 15, 2016 (Councilwoman Brown) | |
| 21. | Nomination of Peter J. Cornet for appointment to the Code Enforcement Board, as alternate member, replacing John Kakatsch, term effective October 7, 2013, through October 6, 2016 (Mayor Henderson) | |
| 22. | Nomination of John L. Kakatsch for reappointment to the Code Enforcement Board, term effective October 1, 2013, through September 30, 2016 (Levon Simms) | |
| 23. | Nomination of Otto Parisho for reappointment to the Code Enforcement Board, term effective October 4, 2013, through October 3, 2016 (Councilwoman Brown) | |
| 24. | Nomination of Mattie Shoemaker Young and E. Bruce Strayhorn to the Housing Authority of the City of Fort Myers, terms effective October 19, 2013, through October 18, 2017 (Mayor Henderson) | |
| 25. | Advisory board vacancies | |

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**PERMISSION TO ADVERTISE**

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| 26. | Ordinance approving a Development Plan for Fire Station No. 1 to be constructed at 2050 Central Avenue (Ward 4) | |
| 27. | Ordinance amending the City of Fort Myers Firefighters' Retirement System to comply with changes required by the Internal Revenue Code | |
| 28. | Invitation for Proposals for the disposition of Lot 24, Block A, Dunbar Heights Subdivision, more commonly known as 1902 Pauldo Street, a 5,100 square foot, more or less, vacant residential parcel in the Dunbar-Michigan Community Redevelopment Area, pursuant to Florida Statute 163.380 (Ward 2) | |
| 29. | Invitation for Proposals for the lease of Lots 25, 26, and 27, Block A Subdivision, more commonly known as 1927 Victoria Avenue, a 15,000 square foot, more or less, urban center parcel in the Downtown Community Redevelopment Area, pursuant to Florida Statute 163.380 | |

**CITY MANAGER'S ITEMS**

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| 30. | Lindsford, Phase I, a replat of Lots 1 through 853, Tract A, Tracts CA-1 and CA-2, Tracts LK-1 through LK-13, Tracts O-1 through O-6, Tracts R-1 and R-2, Waterford Landing, located west of Eastwood Golf Course and north of Winkler Avenue Extension as requested by Waterford Landing Acquisitions, LLC d.b.a. Ronto Group of Dallas, Texas, owner (Ward 3) | |

31. Reflection Isles Replat, a subdivision lying in Sections 3 and 10, Township 45 South, Range 25 East, being a replat of Lot 84 through 91, 140 through 187, 404 through 612, Tract L-6 and a portion of Tract A, located at 11450 Reflection Isles Boulevard, as requested by Lennar Homes, LLC, owner (Ward 6)

32. Final plat for Watermark, a Subdivision being a portion of Sections 32 and 33, Township 44 South, Range 25 East with a preconstruction address of 4781 Winkler Avenue Extension, as requested by NC Naples 132, LLC d.b.a. Neal Communities of Southwest Florida, LLC, owner (Ward 6)

**CITY ATTORNEY'S ITEMS**

**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.