

AGENDA
CITY COUNCIL MEETING
 February 2, 2009
 4:30 o'clock p.m.



| FORT MYERS CITY COUNCIL | | | | | | |
|---------------------------------|--------------------------------------|--|---------------------------------|--------------------------------------|---|--|
| Mayor Jim Humphrey | Ward 1 Warren J. Wright | Ward 2 Johnny W. Streets, Jr. | Ward 3 Levon Simms | Ward 4 Michael Flanders | Ward 5 Randall P. Henderson, Jr. | 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

Opening Prayer

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

Roll Call

Announcement: The next regular City Council meeting will be held on Tuesday, February 17, 2009, due to President's Day

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PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Recognize the graduation of the first Community Emergency Response Team, consisting of citizens from Colonnade at the Forum (Ward 6)

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

Public Hearings: Item Nos. 15-18 (Public input will be heard during the public hearings)

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CONSENT AGENDA (ITEM NOS. 2-14)

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

2. Minutes of the regular meeting held on January 20, 2009
3. The Accreditation Program for Law Enforcement Accreditation Agreement, in the amount of \$13,075.00, with the Commission on Accreditation for Law Enforcement Agencies, Inc. for the accreditation process for the Police Department, effective for 3 years
4. Consulting Agreement, in the amount of \$50.00 per hour, with Richard J. Moore, Jr., for consulting and inspection services on Capital Improvement projects on an as need basis, effective January 20, 2009, through January 19, 2011
5. Amendment No. 2, in the not-to-exceed amount of \$11,250.00, to DEP Agreement No. LE349, with the State of Florida Department of Environmental Protection, extending the Clean Vessel Act Grant Program completion date to November 4, 2009, for reimbursed expenses for the maintenance and improvements to the customer sewage retrieval system at the Yacht Basin, with a 25 percent cash match in the not to exceed amount of \$3,750.00, for a total project cost in the not-to-exceed amount of \$15,000.00 (Ward 4)

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6. Modification No. 2 to Federally Funded Subgrant Agreement, Contract No. 08HM-F9-09-46-02-007, Project No. 1539-124-R, with the Florida Division of Emergency Management, for Manuels Branch Watershed Improvement Drainage Project, extending the completion date to March 31, 2009 (Ward 4)
7. Authorization No. 21, in the amount of \$15,835.00, to Professional Services Agreement Continuing Contract Utility Rate and Financial Analyses Services, Request for Qualification No. 502-04, with Burton & Associates, for Fiscal Year 2009 Development of Recycling Rates Study
8. Plat for Paseo, Phase II, a replat of Tract F1, Paseo, Phase 1, containing 108.68 acres, more or less, located at 8201 Penzance Boulevard, between Six Mile Cypress Parkway and Interstate 75, as requested by Stock Development, LLC, owner (Ward 6)
9. Warranty Deed from Amazing Grace Holdings, LLC for Parcel D, Section 32, more commonly known as 3990 Winkler Avenue, for the future extension of Challenger Boulevard (Ward 6)
10. Grant of Public Drainage Easement from Willy A. Bermello, Managing Member for BAP Newleaf, LLC, for a 5 foot wide perpetual and exclusive easement located in Lot 9, Block B, Dean's Subdivision, more commonly known as 2601 First Street, between Avalon Place and Evans Avenue, for drainage to mitigate flooding in the Dean Park neighborhood (Ward 2)

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11. Grant of Public Drainage Easement from Louis Furen, Jr., for a 7 foot wide perpetual and exclusive easement located in Block A, Dean's Subdivision, more commonly known as 1517 Palm Avenue, between Palm Beach Boulevard and Rhode Island Avenue, for drainage to mitigate flooding in the Dean Park neighborhood (Ward 2)
12. Grant of Public Drainage Easement from Paul Steinberg, for a 30 foot wide perpetual and exclusive easement located in Lot 6, Block B, Dean's Subdivision, more commonly known as 2681 First Street, between Evans Avenue and Cranford Avenue, for drainage to mitigate flooding in the Dean Park neighborhood (Ward 2)
13. Acceptance and maintenance of water utilities for A&D Scrap Materials, Inc., located on Cranford Avenue west of Meadow Lane, from A&D Scrap Materials, Inc. (Ward 3)
14. Participation in City of Daytona Beach Bid No. 1308-2260, Water and Wastewater Plant Chemicals for Liquid Sodium Hypochlorite, in the estimated annual amount of \$500,000.00, from Allied Universal Corporation for use in drinking water and wastewater operations

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

15. Ordinance No. 3496 approving rezoning of 10.24 acres, more or less, from Light Industrial and Heavy Industrial to Planned Unit Development and the Development Plan for Florida Auto Auction of Orlando, Inc., 2051, 2105, and 2135 Rockfill Road, located at the southeast corner of Dr. Martin Luther King Jr. Boulevard and Rockfill Road, for the storage of vehicles to be auctioned, as requested by Florida Auto Auction of Orlando, Inc., lessee, on behalf of RGT of Southwest Florida, Inc., property owner (Quasi-Judicial) (Ward 2)
16. Ordinance No. 3497 approving rezoning of 9.45 acres, more or less, from Light Industrial to Planned Unit Development and the Development Plan for Allied Recycling Inc. a/k/a Palmetto Corporate Park, 3820 Veronica S. Shoemaker Boulevard, located along the frontage road known as Palmetto Avenue, between Hanson Street and Winkler Avenue, for the construction of 21,000 and 14,000 square foot multi-use commercial/office/warehousing buildings including convenience store with fuel and outdoor storage, and a 60,000 square foot industrial flex space warehousing building with offices and loading docks, as requested by Allied Recycling, Inc. a/k/a Palmetto Corporate Park (Quasi-Judicial) (Ward 3)

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- 17. Ordinance No. 3498 approving rezoning of 0.65 acres, more or less, from Commercial Intensive and Residential Single Family to Planned Unit Development and the Development Plan for SDS One, Inc., 3010 Fowler Street, abutting Hanson Street, Fowler Street and Royal Palm Avenue, for expansion of the parking lot, as requested by SDS One, Inc. d/b/a S & S Auto Body, owner (Quasi-Judicial) (Ward 3)
- 18. Ordinance No. 3500 amending the Police Officers' Retirement System by creating an opt out option for the police chief

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CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

PERMISSION TO ADVERTISE

- 19. Ordinance amending Chapter 70 Solid Waste and creating mandatory recycling regulations
- 20. Ordinance clarifying the Development Order for Sun City Fort Myers, Ordinance No. 2984, by changing the name to Pelican Preserve Development of Regional Impact, recognizing satisfied conditions and obligations, completion date for right turn lane, completion date and details regarding a required golf cart path and connections, requirement for a second gate, addition of non-compliance language, and extending the buildout date by three years (Quasi-Judicial) (Ward 6)
- 21. Ordinance amending Land Development Code, Chapter 110, Flood Prevention and Protection, by revising definitions

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22. Invitation for Proposals for lease of Langford-Kingston Home, 2500 First Street, real property in a Community Redevelopment Area for restoration and occupation, while maintaining the structure and landscaping, pursuant to Florida Statute 163.380 (Ward 4)

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23. Submittal of Historical Landmark Nomination to designate McGregor Boulevard as a local historic street to the Historic Preservation Commission (Ward 4 and Ward 5)

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CITY MANAGER'S ITEMS

24. Resolution urging lending institutions to recognize the difficulty in the housing market and make mortgage money available as resources permit

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25. Road Impact Fee Credit, in the amount of \$15,887.20, for Amazing Grace Holdings, LLC, for the right-of-way dedication for the future extension of Challenger Boulevard (Ward 6)

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26. Fire Impact Fee Credit, in the amount of \$95,000.00, for WCI Communities, Inc., for the land donation of the Treeline Public Safety Station, 9700 Treeline Avenue, as part of the Sun City Fort Myers Development of Regional Impact, now known as Pelican Preserve (Ward 6)

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CITY ATTORNEY'S ITEMS

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.

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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.)

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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.)

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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.