

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



<b>FORT MYERS CITY COUNCIL</b>						
<b>Mayor</b> Jim Humphrey	<b>Ward 1</b> Warren J. Wright	<b>Ward 2</b> Johnny W. Streets, Jr.	<b>Ward 3</b> Levon Simms	<b>Ward 4</b> Michael Flanders	<b>Ward 5</b> Randall P. Henderson, Jr.	<b>Ward 6</b> 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**


**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

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

**Public Hearings: Item Nos. 13-17** (Public input will be heard during the public hearings)

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**CONSENT AGENDA (ITEM NOS. 1-12)**

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

- Minutes of the regular meeting held on February 17, 2009

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2. Nomination of Eric Michael Carrico by Councilman Simms, for appointment to the Brownfields Advisory Board, term effective March 2, 2009, through March 1, 2010
3. Grant application, in the amount of \$107,831.00, to Lee County Natural Resources Division/West Coast Inland Navigation District for the Waterway Development Program for the Police Department Marine Unit, with an in-kind match in the amount of \$63,979.00 representing 75 percent of a police officers salary and benefits, for a total project cost in the amount of \$171,810.00
4. Grant application, in the amount of \$275,000.00, to United States Environmental Protection Agency, for Community Action for a Renewed Environment Program to help reduce toxic pollution, with no match required
5. Technical Service Support Agreement, in the amount of \$6,034.00, with Physio-Control, Inc., for service support for the Fire Department LIFEPAK defibrillators, monitors, and batteries, effective April 29, 2009, through April 28, 2010
6. Agreement for Construction Management Services for Billy's Creek Filter Marsh Phase II & III Environmental Restoration Project, Request for Qualifications No. 10/06/08-RFQ-PW, in the amount of \$57,126.25, with Wright Construction Group, Inc., for preconstruction services including constructability, design review, development of specifications, and bid package (Ward 1)


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7. Project Close Out for Supplemental Task Authorization No. 10 to Professional Services Agreement Construction Management-At-Risk – Continuing Contract, Request for Qualifications No. 1001-04, with Taylor-Pansing, Inc. for Renovation of the Public Works Center Phase II, 4200 Dr. Martin Luther King Jr. Boulevard and release retainage in the amount of \$53,276.20 (Ward 2)
8. Authorization No. 22, in the amount of \$13,380.00, to Professional Services Agreement Continuing Contract for Utility Rate and Financial Analyses Services, Request for Qualification No. 502-04, with Burton & Associates, for Fiscal Year 2009 Water and Sewer Revenue Sufficiency Analysis
9. Supplemental Task Authorization No. A1, in the not-to-exceed amount of \$76,917.00, to Professional Services Agreement – Continuing Contract for Miscellaneous Engineering Services, Request for Qualifications No. 05-10-05, with Boyle Engineering Corporation for 10-Mile Canal Drainage Improvements (Ward 3)
10. Grant of Public Utility Easement from Centex Homes, for a 2 foot by 10 foot, more or less, perpetual and non-exclusive easement located at 10990 Plantation Garden Drive, Somerset at the Plantation Parcel Two, for installation and maintenance of utilities at the development maintenance facility (Ward 6)


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11. Award Bid No. 76-08-09, Eastwood Golf Course Irrigation Reuse Lake, in the amount of \$817,919.56, to EHC Inc., for construction of a lined reuse lake, pump stations and stormwater piping at Eastwood Golf Course, 4600 Bruce Herd Lane (Ward 6)
  
12. Ranking of firms for Request for Qualifications No. 11/18/08-RFQ-PW, Construction Engineering and Inspection Services for Brookhill Subdivision Utility and Roadway Improvements, and authorize negotiations with the number one ranked firm as follows:
  1. Consul-Tech Construction Management, Inc.
  2. Barraco and Associates, Inc.
  3. KCCS, Inc.(Ward 1)


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

13. CONTINUED PUBLIC HEARING: Ordinance No. 3501 approving rezoning of 0.76 acres, more or less, from Urban Center to Planned Unit Development and the Development Plan for Pavese Parking Lot, 1810 Lee Street, between Lee Street and Jackson Street, north of Dr. Martin Luther King Jr. Boulevard, for a surface parking lot with approximately 70 parking spaces, 45-50 to be leased by the City, as requested by the City of Fort Myers, lessee, on behalf of Pavese, Haverfield, Dalton, Harrison, and Jensen, LLP, owners (Quasi-Judicial) (Ward 4)
  
14. Ordinance No. 3502 amending City Code Chapter 70, Solid Waste and creating mandatory recycling regulations


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- 15. Ordinance No. 3503 incorporating clarifications to 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)
- 16. Ordinance No. 3504 amending Land Development Code, Chapter 110, Flood Prevention and Protection, by revising definitions
- 17. Submittal of Historical Landmark Nomination to designate McGregor Boulevard right-of-way, from U.S. 41 to the city limits at Royal Palm Boulevard, as a local historic scenic highway to the Historic Preservation Commission (Ward 4 and Ward 5)


**CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION**

**PERMISSION TO ADVERTISE**

- 18. Ordinance amending City Code Chapter 90, Stormwater Management by providing for a method of collection of stormwater management fees through Utility Billing

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- 19. Invitation for Proposals for Disposition of Real Property in a Community Redevelopment Area, of a 10 foot by 1,926.64 foot, more or less, public utility easement to provide electrical power to raw water production Well P-18, located on Ortiz Avenue, east of Arcadia Street, and north of Vince Smith Drive, pursuant to Florida Statute 163.380 (Ward 6)

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**CITY MANAGER'S ITEMS**

- 20. Resolution amending the rates at the Skatium, 2250 Broadway, and rescinding Resolution No. 2007-20 (Ward 3)
- 21. Final plat for Challenger Boulevard Extension, 4.39 acres, more or less, located at 9321-9377 Ben C. Pratt/Six Mile Cypress Parkway, including variances of combining the preliminary and final plat processes and eliminating the 10 foot utility easement along each side of the proposed right-of-way, as requested by Colonial Square Associates, LLC and Cypress Lakes Associates, LLC, owners (Ward 6)
- 22. Temporary Road Maintenance Easement from Colonial Square Associates, LLC and Cypress Lakes Associates, LLC, for a non-exclusive temporary easement for a portion of the cul-de-sac at the eastern terminus of Challenger Boulevard Extension (Ward 6)


**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.