

AGENDA
CITY COUNCIL MEETING
 March 16, 2009
 4:30 o'clock p.m.



FORT MYERS CITY COUNCIL						
Mayor	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6
Jim Humphrey	Warren J. Wright	Johnny W. Streets, Jr.	Levon Simms	Michael Flanders	Randall P. Henderson, Jr.	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) (4:49)

Public Hearings: Item Nos. 20-26 (Public input will be heard during the public hearings)

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CONSENT AGENDA (ITEM NOS. 1-19)

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 March 2, 2009

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2. Reappointment of Victor Medico to the Police Officers' Retirement System Board of Trustees, term effective March 1, 2009, through February 28, 2011
3. Reappointments of Dino Magus, firefighter, term effective March 15, 2009, through, March 14, 2011, and Matt Galewski, firefighter, term effective January 18, 2008, through January 17, 2010, to the Board of Trustees, City of Fort Myers Firefighters' Retirement System
4. Budget amendment, in the amount of \$15,000.00, appropriating funds from Law Enforcement Trust Fund and increasing Police Department Professional Services by \$5,000.00 for filing fees and newspaper notices of forfeiture, and increasing Other Current Charges by \$10,000.00 for Special Investigations Unit purchases
5. Budget amendment, in the amount of \$1,951,500.00, from Fund 106, Gas Tax Fund to Fund 402, Stormwater Fund for Fiscal Year 2008-2009 budgeted Stormwater Administration and Drainage revenues and expenses
6. Budget amendment, in the amount of \$200,000.00, decreasing the Eastwood Retention Lake capital project from \$1,200,000.00 to \$1,000,000.00, and revising the funding source from Utility Line of Credit to Utility System Revenue Bonds, Series 2006 (Ward 6)

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7. Budget amendment, in the amount of \$2,126,348.00, decreasing the Marion Street Force Main capital project from \$4,126,348.00 to \$2,000,000.00 and revising the funding source for \$4,021,706.00 from Utility Line of Credit and \$104,642.00 from Utility System Revenue Bonds, Series 2006 to Unpledged Sewer Impact Fees in the amount of \$1,800,000.00 and Unpledged Water Impact Fees in the amount of \$200,000.00 (Ward 1 and Ward 2)

8. Budget amendment, in the amount of \$1,533,520.00, decreasing various Fiscal Year 2008-2009 Utility Capital Improvement Projects funded with Utility System Revenue Bonds, Series 2006, as follows:
 - Fort Myers – Cape Coral Potable Water Interconnect Study - \$35,000.00
 - Reclaimed Water for Veronica S. Shoemaker Boulevard - \$469,000.00
 - Veronica S. Shoemaker Boulevard North Colonial-Michigan Avenue Utilities - \$288,585.00
 - Sewer Main Replacement Phase III-C Industrial- \$731,123.00
 - US 41 Water Main Replacement from Victoria Avenue to Winkler Avenue - \$9,812.00(Ward 2, Ward 3, Ward 4, and Ward 6)

9. Budget amendment, in the amount of \$404.69, closing the Harborside Parking Lot Improvements capital project and returning the unused funds to Harborside Renewal and Replacement Fund (Ward 4)

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10. Budget amendment, in the amount of \$1,347,391.14, closing the Colonial 24 Inch Force Main Construction capital project and returning the unused funds in the amount of \$1,321,580.65 to Unpledged Sewer Impact Fee and \$25,810.49 to Utility System Revenue Bonds, Series 2006 (Ward 2)
11. Lee County Multi Jurisdictional Mutual Aid Agreement between the Lee County Sheriff's Office, City of Fort Myers on behalf of its Police Department, Cape Coral Police Department, Sanibel Police Department, Florida Gulf Coast University Board of Trustees on behalf of its Police Department, and the Lee County Port Authority for the assistance of routine and emergency law enforcement situations, effective through January 21, 2013
12. Federally Funded Subgrant Agreement No. 09HM-12-09-46-02-012, in the amount of \$349,827.00 for Wind Retrofit plus \$10,329.00 for administration costs, with the State of Florida, Division of Emergency Management, providing grant funds for Federal Emergency Management Agency Project No. 1545-147-R, Edison & Ford Winter Estates, 2350 McGregor Boulevard, with a 25 percent cash match in the amount of \$116,609.00 from Fund 199, Insurance Proceeds from Hurricane Charley, for a total project cost in the amount of \$476,765.00, effective September 20, 2007, through September 20, 2010 (Ward 4)

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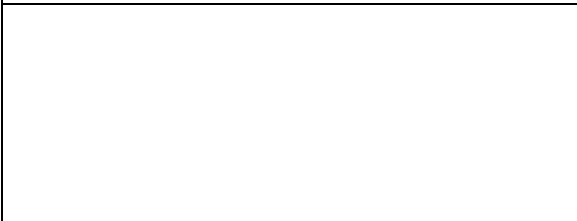
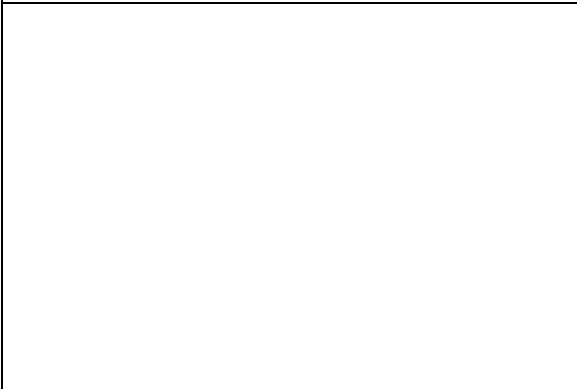
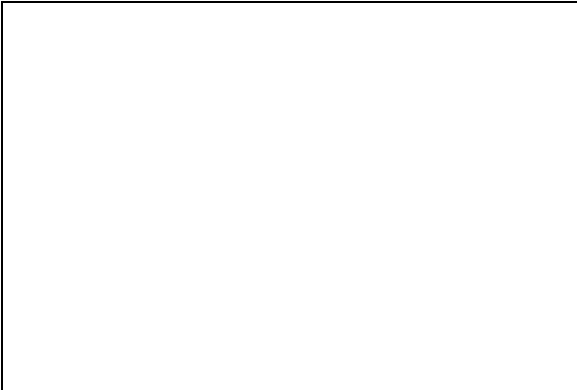
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13. Professional Services Agreement, in the amount of \$132,168.00, with Robinson, Stafford & Rude, Inc., for Value Engineering Services for Review of the East Water Reclamation Facilities, Request for Qualifications No. 07/09/08-RFQ-PW, effective for 6 months
14. Supplemental Task Authorization No. A2, in the not-to-exceed amount of \$34,371.00, to Professional Services Agreement – Continuing Contract for Miscellaneous Engineering Services, Request for Qualifications No. 05-10-05, with Johnson Engineering, Inc. for Fort Myers Golf Course Drainage, 3591 McGregor Boulevard (Ward 4)
15. Amendment No. 3, in the not-to-exceed amount of \$28,000.00, to Professional Services Agreement for Financial Auditing Services, Request for Qualifications No. 1008-05, with Cherry, Bekaert & Holland, L.L.P. to audit the Clean Water State Revolving Fund Loan No. WW66709L 01 for Phase III-C, Area 1 and Area 1A, and Central and South Advanced Wastewater Treatment Plant Chlorination/Dechlorination projects, and Loan No. WW667130 for Phase III-C Areas 6 and 7 Utility Improvement Project, effective April 1, 2009, through March 31, 2010
16. Project Close Out and Change Order No. 1, in the amount of \$9,412.86, to Contract No. 04/23/08-BID-PW, Bridge & Culvert Repairs with Wright Construction Group, Inc. decreasing the contract amount from \$193,266.23 to \$183,853.37, decreasing contract time by 148 days to a completion date of December 17, 2008, and release retainage in the amount of \$18,385.34

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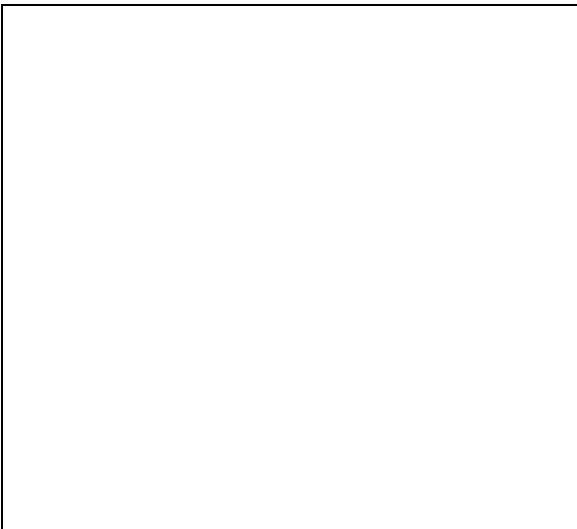
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- 17. Grant of 12 Foot Wide Temporary Construction Sidewalk Easement from The Housing Authority of the City of Fort Myers for a 12 foot by 975 foot, more or less, non-exclusive easement along the east side of Veronica S. Shoemaker Boulevard between Dr. Martin Luther King Jr. Boulevard and Michigan Avenue, for the installation of public sidewalks (Ward 3)
- 18. Grant of Public Drainage Easement from Robert Kohn, an Officer for Rivera Fort Myers Master Association, Inc., for a 30 foot wide perpetual and exclusive easement located in Lot 3, Block B, Dean's Subdivision, more commonly known as 2745 First Street, between Cranford Avenue and Palm Avenue, for drainage to mitigate flooding in the Dean Park neighborhood (Ward 2)
- 19. Sculpture, in the amount of \$100,000.00, created by David Black, artist, for placement in Edison Plaza, Centennial Park, 2000 West First Street, utilizing funds from the Public Art Fund (Ward 4)



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

- 20. Ordinance No. 3505 approving rezoning of 5.57 acres, more or less, from Mixed Use to Planned Unit Development and the Development Plan for Frank Helmerich for the Frank Helmerich II Trust, 10631-10681 Colonial Boulevard, located on the north side of Colonial Boulevard, east of Interstate 75, on the northeast corner of Colonial Boulevard and the future extension of Treeline Avenue, for 37,500 square feet of commercial uses in multiple buildings, as requested by Frank Helmerich for the Frank Helmerich II Trust (Quasi-Judicial) (Ward 6) (5:45)



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21. Ordinance No. 3506 amending City Code Chapter 90, Stormwater Management by providing regulations for stormwater management and a method of collecting a stormwater management fee	
22. Resolution establishing the stormwater fee in the amount of \$0.96 per Standard Impervious Unit which is equal to 500 square feet of impervious surface for each tax parcel	
23. Resolution approving Amendment No. 2 to the State Housing Initiative Partnership Local Housing Assistance Plan, as required by the Florida Housing Finance Corporation for Fiscal Years 2007-2008, 2008-2009, and 2009-2010	
24. Acquisition of 1350 Brookhill Drive, Brookhill Subdivision 2nd Addition, in the amount of \$28,000.00, plus attorney costs and closing fees, from Willie McDaniel and Betty McDaniel, for the installation of 2 stormwater treatment boxes to treat stormwater before entering Billy Creek (Ward 1)	
25. SECOND PUBLIC HEARING: First Amended Development Agreement with Keystone Creek, LLC, for an anticipated residential, retail/office commercial development, formerly known as Heritage Lakes, to modify the location of drainage parcels, reduce the amount of anticipated development vested for concurrency and impact fees, and reduce the proportionate share for the landowner for traffic mitigation on State Road 82 (Ward 6)	

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26. SECOND PUBLIC HEARING: First Amended Development Agreement with C-Hack, for an anticipated residential, retail/office commercial development, formerly known as Heritage Lakes, to modify the location of drainage parcels, reduce the amount of anticipated development vested for concurrency and impact fees, and reduce the proportionate share for the landowner for traffic mitigation on State Road 82 (Ward 6)

CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

27. Update on Home Ownership Resource Center and foreclosure information (Councilman Streets)

PERMISSION TO ADVERTISE

28. Resolution approving the East Fort Myers Water Reclamation Campus Wastewater Facilities Plan, dated January 20, 2009 (Ward 6)

CITY MANAGER'S ITEMS

29. Municipal Initiative Petition Verification of the number of petitions as submitted by Citizens For A Better Fort Myers Government Political Action Committee for a Charter amendment to create a Citizen Oversight Panel

CITY ATTORNEY'S ITEMS

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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.