

**AGENDA
CITY COUNCIL MEETING**

January 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

Opening Prayer

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

Roll Call

PROCLAMATIONS AND SPECIAL PRESENTATIONS

- Recognition of City Council, City Manager, and the Housing and Real Estate Division, Community Development Department, for its continued support of Lee Building Industry Association Builders Care, Inc.

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

Public Hearings: Item Nos. 18-21 (Public input will be heard during the public hearings)

CONSENT AGENDA (Item Nos. 2-17)

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

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2. Minutes of the regular meeting held on December 3, 2012
3. Donation of a 2007 Dodge Charger salvaged vehicle, valued in the amount of \$390, to the Lee County Sheriff's Office to be used for the Don't Drink and Drive, Buckle Up, and Aggressive Driving campaigns
4. Accept Public Safety Grant funds, in the amount of \$500, from TARGET® for the Police Department project known as the Moving Target System Program to purchase 3 crime scene guard photography barriers, with no match required
5. Budget amendment, in the amount of \$50,000, appropriating funds from Utility Pay As You Go and establishing Fire Hydrant Maintenance and Painting Utility Capital Improvement Project by like amount for cleaning and painting 2,600, more or less, fire hydrants
6. Budget amendment, in the amount of \$85,000, appropriating funds from the Community Development Block Grant and establishing Harlem Lake Basketball Court Capital Improvement Project by like amount (Ward 2)
7. Budget amendment, in the amount of \$185,000, appropriating funds from City Hall Renovations Phase III Capital Improvement Project and establishing Imaginarium Chiller Replacement Capital Improvement Project by like amount for chiller replacement at the Imaginarium Science Center, 2000 Cranford Avenue (Ward 3)

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8. Engagement of PricewaterhouseCoopers LLP, in the amount of \$15,500 plus out-of-pocket expenses and travel, for property/casualty and workers compensation self-insurance funds actuarial services

9. Use & Occupancy Agreement, in the daily amount of \$18.33 or the monthly amount of \$550, with Lillie Mae Boston, for occupancy of the house located at 2147 Davis Court, effective until closing on the property (Ward 2)

10. General Release, in the amount of \$37,871.68, for release of bond funds from Bond Safeguard Insurance Company to the City for San Simeon, a residential development formerly known as Challenger 33
And
Issuance of a check, in the amount of \$37,871.68, to KC San Simeon LLC utilizing bond funds received from Bond Safeguard Insurance Company, to complete the remaining infrastructure improvements to San Simeon, a residential development formerly known as Challenger 33 (Ward 6)

11. Amendment No. 1 to the Bulk Water Sale Agreement with Florida Governmental Utility Authority increasing the amount of potable water provided per day to the Lehigh Acres Utility System, amending compensation to a wholesale rate, terminating the requirement for Florida Governmental Utility Authority to supply water to the City, and extending the effective date to April 17, 2026

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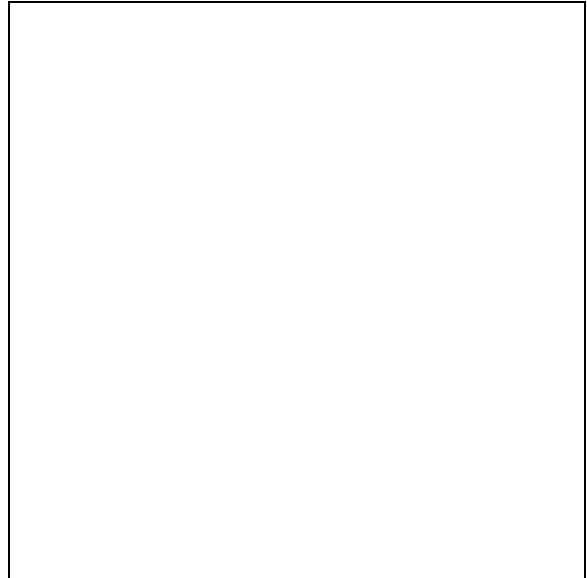
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12. Project Close Out and Change Order No. 1, in the amount of \$24,827.62, to Phase VII-A and Summerlin Utility Improvements, Contract No. 73-10-11, with Denco Construction, Inc. for reconciliation contract quantities, decreasing the contract amount from \$1,086,580.52 to \$1,061,752.90, increasing the contract time by 280 days to a completion date of July 30, 2012, and release retainage in the amount of \$20,515.55 (Ward 1, Ward 3, and Ward 5)
13. Quitclaim Deed to the State of Florida Department of Transportation for Parcel 101.1, Tract R-SA, Part of Tracts 5 and 6, Forum at Fort Myers Phase II, located at the southwest corner of State Road 82 and Forum Boulevard, for widening of State Road 82 (Ward 2 and Ward 6)
14. Grant of Perpetual Public Utility Easement to Lee County for a 20 foot wide, more or less, perpetual public utility easement for water service to the Emergency Operations Center, 2675 Ortiz Avenue (Ward 2)
15. Acceptance and maintenance of potable water and sanitary sewer utilities for Pelican Preserve Tract L- Phase 2 and 3, formerly known as Carena Circle and Azzurra Drive at Sun City Fort Myers, located east of Treeline Avenue and south of Colonial Boulevard in the Pelican Preserve Development of Regional Impact, from WCI Communities, LLC (Ward 6)
16. Downgrading an existing vacant full-time Copier/Video Technician position to 2 part-time 25 hours per week, 52 weeks per year positions in the Information Technology Services Department

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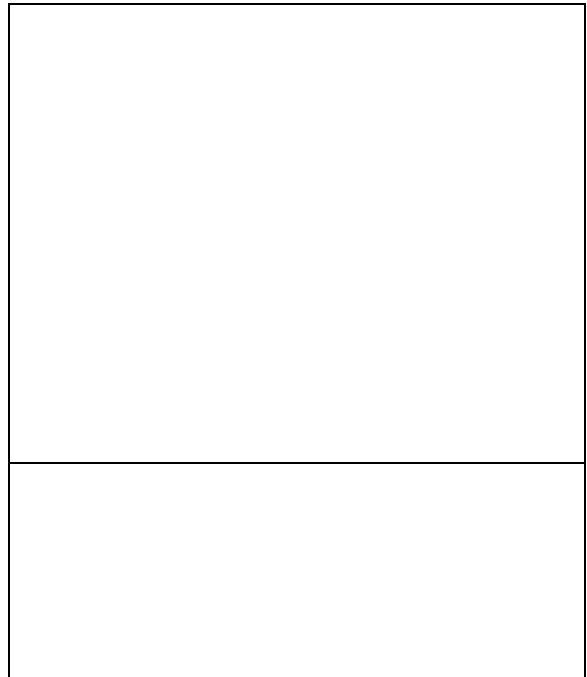
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17. Establishment of an Ad Hoc Complete Streets Guidelines Committee and membership for the development of a Multimodal Transportation Policy incorporating the principles of Complete Streets as follows:
- Dan Calvert
 - Ann Dalton, Esquire
 - Ann Pierce
 - Andy Getch
 - Syndi Bultman
 - James Love
 - Wayne Gaither
 - Paige Rausch
 - Colleen Depasquale



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

18. CONTINUED PUBLIC HEARING: Ordinance No. 3649 amending the Development Order for the Pelican Preserve Development of Regional Impact, located east of Interstate 75 on the south side of Colonial Boulevard, by implementing the statutory 8 month extension of all phase, buildout, and expiration dates and rescinding Ordinance No. 3614, as requested by WCI Communities LLC, owner (Quasi-Judicial) (Ward 6)
19. Ordinance No. 3650 amending the City Code, Sub-Part B Land Development Code, Chapter 98, Article 1, Section 98.1.5 Official Zoning Map by deleting the date of the map



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20. Preliminary plat for Marbella on Cypress, a residential subdivision located at 10051 Ben C. Pratt/Six Mile Cypress Parkway, platting the right-of-way and creating 2 additional tracts for future development as requested by Royal Public Fort Myers II, Inc., owners (Quasi-Judicial) (Ward 6)



21. Substantial Amendment No.2 to the Second Program Year Annual Action Plan for Fiscal Year 2011-2012 Community Development Block Grant Program providing funding sources and use of funds for the renovation and revitalization of McCollum Hall, 2701 Dr. Martin Luther King Jr. Boulevard

And

Comments on the Section 108 Loan Guarantee Application, in the amount of \$1,000,000, with funding provided by the Federal Department of Housing and Urban Development for the renovation and revitalization of McCollum Hall, 2701 Dr. Martin Luther King Jr. Boulevard

And

Permission to advertise the availability of the final Section 108 Loan Guarantee Application for public review (Ward 2)



CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

22. Resolution supporting police officer and firefighter pension plans and disability presumption reforms to make the plans sustainable, sound, and secure for current and future police officers and firefighters (Councilman Streets)



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23. Nomination of Andrew David Fitzgerald for reappointment to the Board of Adjustments, term effective January 19, 2013, through January 18, 2016 (Councilman Banks)	
24. Nomination of Thomas Vivianne Finley for appointment to the Bicycle and Pedestrian Advisory Board, term effective January 7, 2013, through September 6, 2016, replacing Jennifer Ann Dorning who resigned (Councilman Simms)	
25. Nomination of Beth Maliszewski for appointment to the Bicycle and Pedestrian Advisory Board, term effective January 7, 2013, through January 6, 2016, replacing Daniel C. Moser whose term expired (Councilman Flanders)	
26. Nomination of LeKeisha Wilson for appointment to the Fort Myers Teen Advisory Council, term effective January 7, 2013, through August 19, 2014, replacing Sara Jackson who resigned (Mayor Henderson)	
27. Nomination of Laura Brady Herrero for reappointment to the Planning Board, term effective December 7, 2012, through December 6, 2015 (Mayor Henderson)	
28. Advisory board vacancies	
29. Appointment of Mayor or Council Member to serve as a regular member on the Lee County Metropolitan Planning Organization, term effective January 20, 2013, through January 19, 2017	

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- 30. Historic United Service Organizations inspired Stars & Stripes Variety Show presented by the Southwest Florida Museum of History Foundation to be held on January 25, 2013, at the Port Authority Hanger, Page Field, 501 Danley Drive (Councilman Banks)
- 31. Summer and winter recess cancelling the first regular City Council meeting in July 2013 and the last regular meeting in December 2013

PERMISSION TO ADVERTISE

- 32. Ordinance amending the Development Order for the Arborwood Development of Regional Impact, located east of Interstate 75 and north of Daniels Parkway, by extending the dates for buildout, phasing, concurrency vesting, and expiration by 511 days and rescinding Ordinance No. 3630, as requested by Lee County Homes Associates II, LLLP, Lee County Homes Associates III, LLLP, and Centex Homes, owners (Quasi-Judicial) (Ward 6)
- 33. Ordinance amending Eastwood Village Planned Unit Development, containing 838 acres, more or less, of City owned property located west of Ortiz Avenue, north of Colonial Boulevard, and south of Dr. Martin Luther King Jr. Boulevard, by extending the timeframes to commence and complete construction by 511 days and rescinding Ordinance No. 3627, as requested by Bonita Bay Group, developer (Ward 6)

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| <p>34. Ordinance amending the City Code, Chapter 50, Miscellaneous Offenses and Crime Prevention Programs by creating Article VI. Child Safety Zone and prohibiting sexual offenders in certain locations</p> | |
| <p>35. Ordinance amending the City Code, Chapter 62, Pensions, Retirement and Other Employee Benefits, Article V, General Employees' Pension Plan by removing the 45 day option to select a tier and establishing new tier rates for the Rate B multiplier</p> | |
| <p>36. Resolution vacating street rights-of-way of C Street between Delaware Avenue and Veronica S. Shoemaker Boulevard, Starnes Avenue between Dale Street and C Street, and Maryland Avenue between Dale Street and C Street, Palmetto Court Apartments, 3501 Dale Street, Sunny Crest Subdivision, as requested by the Housing Authority of the City of Fort Myers, owner (Quasi-Judicial) (Ward 2)</p> | |
| <p>37. Preliminary plat for Carena Phase 2, a residential subdivision located in Pelican Preserve Development of Regional Impact, creating 14 tracts and 141 single family lots on San Michele Way, Vitale Way, and Carena Circle, as requested by WCI Communities, LLC, owners (Quasi-Judicial) (Ward 6)</p> | |

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CITY MANAGER'S ITEMS

- 38. Change Order No. 5, in the amount of \$1,161,005.76, to State Road 82 from East of Ortiz Avenue to South of Lee Boulevard, Contract No. 66-08-09, with Mitchell & Stark Construction Company, Inc., increasing the contract amount from \$24,209,483.22 to \$25,370,488.98 adding Florida Department of Transportation approved contingency funds for fuel, bituminous, and composite pay factor adjustments for asphalt paving (Ward 2 and Ward 6)

- 39. \$5,000 from Council Contingency for civic education campaign partnering with the City of Sanibel to educate the public on the connection between excessive fertilizer use in commercial and urban landscapes and the resulting impact on coastal water quality and the economy

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.

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.)

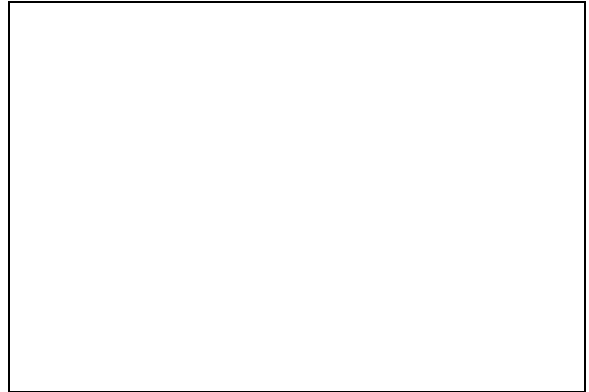
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PUBLIC COMMENT - NON-AGENDA ITEMS:

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.)



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.