

**MINUTES
CITY OF FORT MYERS
CITY COUNCIL REGULAR MEETING
APRIL 15, 2019**

CALL TO ORDER

The City Council of the City of Fort Myers, Florida, met in regular session at Oscar M. Corbin, Jr. City Hall, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Monday, April 15, 2019, at 4:34 p.m. Present were Mayor Randall P. Henderson, Jr., presiding, Council Members Teresa Watkins Brown, Johnny W. Streets, Jr., Terolyn P. Watson, Kevin Anderson, Fred Burson and Gaile H. Anthony. Also present were Saeed Kazemi, P.E., City Manager; Gwen Carlisle, MMC, City Clerk and Grant W. Alley, City Attorney. Absent: None.

OPENING PRAYER

The meeting was opened in prayer by Pastor James Bing, Friendship Missionary Baptist Church.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Henderson led the Pledge of Allegiance to the flag of the United States of America.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Presentation of the Tiara Brown Athletic Scholarship to one Fort Myers High School student athlete, who completed the 500-word essay, has a cumulative GPA of 3.0, and is enrolled in college for the fall 2019 semester (Councilperson Watson)

A video honoring Tiara Brown, Professional Boxer and Police Officer, Metropolitan Police Department, Washington D.C., was presented. Ms. Brown presented the Tiara Brown Athletic Scholarship in the amount of \$1,000.00 to Brechard Burton, Fort Myers High School, and emphasized the importance of education. Ms. Brown thanked the Mayor for recognizing that this scholarship offers an education to the recipient.

2. Proclaim May 5-11, 2019, as Municipal Clerk's Week

Mayor Henderson read and presented a proclamation to Municipal Clerk, Gwen Carlisle, proclaiming May 5, 2019 to May 11, 2019, as Municipal Clerk's Week. Mayor Henderson encouraged all citizens to recognize the importance and accomplishments of the Office of the Municipal Clerk and thanked Municipal Clerk Carlisle for her service to the City.

3. Proclaim April 21, 2019 as PowerTalk 21 Day

Mayor Henderson read and presented a proclamation to Lauren Harkins, Program Specialist, Mothers Against Drunk Driving (MADD), proclaiming April 21, 2019 as PowerTalk 21 Day. Ms. Harkins thanked the Mayor for the proclamation and for his support of the program.

PROCLAMATIONS AND SPECIAL PRESENTATIONS (CONTINUED):

4. Proclaim April 22-28, 2019, as Big Calusa Week

Mayor Henderson read and presented a proclamation to K.C. Schulberg, Executive Director, Calusa Waterkeeper, proclaiming April 22-28, 2019, as Big Calusa Week. Mayor Henderson thanked Mr. Schulberg for his efforts. Mr. Schulberg stated that Big Calusa is a week-long community festival that initiates Calusa clean-up and reconnects the community in a positive way with local waterways.

5. Proclaim April 22-26, 2019, as Afterschool Professionals Appreciation Week

Mayor Henderson read and presented a proclamation to Amber Smith, Senior Center Manager, proclaiming April 22-26, 2019, as Big Calusa Week. Ms. Smith thanked the Mayor for recognizing the staff and children in attendance. She noted that 21 part time and full-time professionals take care of the 178 students enrolled in the Afterschool Program at the Dr. Ann Murphy Knight STARS Complex.

ADDITIONAL ITEM

Mayor Henderson expressed his appreciation to Skip Mitchell, Edison Festival of Light, for the plaque commemorating the City for their participation in the Edison Festival.

APPROVAL OF WALK-ON AGENDA ITEMS (NONE)

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS (Three (3) minute time limit per speaker)

Rhonda Mouton, resident, spoke on Item No. 26. Ms. Mouton stated she had a video pertaining to the case of David Ruffin.

Ivorynia Bryant, resident, spoke on Item No. 26. Ms. Bryant stated she was a witness for the case of David Ruffin.

David Ruffin, resident, spoke on Item No. 26 and asked for expedition of the complaint that he filed in December 2018 with the Fort Myers Police Department.

Anthony Thomas, resident, spoke on Item No. 26, the case of David Ruffin and the Citizens Police Review Board.

Gina Sabiston and Art Hamel, residents, spoke on Item No. 32 and requested that any roundabout statement be removed in the plans to amend the City Walk Planned Unit Development (PUD), formerly known as the First Street Village PUD, located at northwest corner of the intersection of McGregor Boulevard and Altamont Avenue/Victoria Avenue, south of West First Street and east of Virginia Ave.

CONSENT AGENDA

Mayor Henderson asked if a Council Member would like to remove an item to the Regular Agenda; there being none, a motion was made.

6. Minutes of the regular City Council meeting held on April 1, 2019
7. Donation of three (3) expired patrol vehicles to the Southwest Florida Public Service Academy from the Police Department
8. Amendment No. 3, in the amount of \$95,195, to Professional Services Agreement for Central Advanced Wastewater Treatment Plant Trunk Sanitary Sewer Replacement, Request for Qualifications No. 06/18/13 PW, with TKW Consulting Engineers, Inc. for Central Advanced Wastewater Treatment Plant Trunk Sanitary Sewer Replacement – Phase II Services and increase the total contract price to \$1,169,869 (Wards 1 & 2)
9. Supplemental Agreement No. 3, increasing the contract amount by \$200,000, to \$5,557,978.82, to Professional Services Agreement RFQ No. 07-03-34 Hanson Street Extension, with Atkins North America, Inc. (Wards 2 & 3)
10. Closeout of Bid No. 0056-18 and release retainage, in the amount of \$28,863.84, with P & T Lawn & Tractor, for US 41 Median Landscape from Boy Scout Road to Colonial Boulevard (Ward 5)
11. Award and enter into a construction contract, in the total not-to-exceed amount of \$449,964.90, for ITB#0017-19 South Plaza Box Culvert Replacement to Honc Industries and authorize the Mayor and City Manager to execute the contract upon receipt from Honc Industries (Ward 5)
12. Ranking by the Competitive Negotiations Committee for Request for Qualifications No. 0014-19, City of Fort Myers Fire Station No. 7, and authorize staff to enter into negotiations with the number one ranked firm as follows (No. 3 tied for third place):
 1. BSSW Architects, Inc.
 2. GMA Architects & Planners
 3. Studio A.D. Architects
 3. GMA Synalovski Romanik Saye
13. Replat 10.78 acres, more or less, consisting of lots 1215 through 1261 in Tiverton Trace at Bridgetown at the Plantation to create 43 single-family lots to be known as Remington Chase at Bridgetown at the Plantation (Ward 6)
14. Castalina Phase 2 replat of 17.99, more or less acres, to create two (2) open space tracts and one (1) private right-of-way tract on the property located on the southeast corner of Veronica S. Shoemaker Boulevard and Winkler Avenue Extension (Ward 2)

CONSENT AGENDA (CONTINUED)

15. Memorandum of Understanding between U.S. Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the Fort Myers Police Department as “NIBIN Partner”
16. Shortlist of 9 firms by the Competitive Negotiations Committee for Request for Qualifications No. 0021-19, Architectural Design & Review Services - Continuing Contract, authorize staff to negotiate hourly rates and independent costs with the 9 firms for a contract period of 5 years, and authorize Mayor and City Manager execute the Professional Service Agreements upon receipt from each firm as follows:
 1. ADG Architectural, LLC
 2. Architecture Joyce Owen LLC/Studio AJO
 3. BSSW Architects, Inc.
 4. GMA Architects & Planners
 5. LOTUS Architecture Commercial, LLC
 6. Parker/Mudgett/Smith Architects, Inc.
 7. RG Architects, PA
 8. Studio AD Architect
 9. Studio Plus, LLC
17. Change Order No. 1, in the amount of \$5,625, to piggyback contract on Lee County #7810 with American Infrastructure Services for installation of conduit at Hanson Street Extension (Ward 2)
18. Underground Easement in the Hendry Street median with Florida Power and Light Company, as part of the Bay Street Overhead to Underground Electrical Conversion (Ward 4)
19. Underground Easement at Bay and Jackson Streets with Florida Power and Light Company, as part of the Bay Street Overhead to Underground Electrical Conversion (Ward 4)
20. Underground Easement at Centennial Park with Florida Power and Light Company, as part of the Bay Street Overhead to Underground Electrical Conversion (Ward 4)
21. Underground Easement at Harborside Event Center with Florida Power and Light Company, as part of the Bay Street Overhead to Underground Electrical Conversion (Ward 4)
22. Donation of a Ford Transit passenger van from Sam Galloway Ford for 8 weeks to transport 8 new firefighters to various training functions

MOTION: Councilperson Anthony moved to approve the Consent Agenda as presented; seconded by Councilperson Brown; motion carried unanimously.

CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION

23. Direct City Manager to meet with the Lee County School Board Superintendent to discuss the system increasing their monetary contribution to the School Resource Officers for 2019-2020 budget (Councilperson Anthony)

Councilperson Anthony stated that the purpose of this item is to request that the City Manager meet with the Lee County School Board Superintendent to review the cost for School Resource Officers. Mayor Henderson commended the City Council for its decisiveness in coming forward a year ago in this matter and that the City reacted in the most humane way that he felt that they could. He agreed with the request to direct the City Manager to meet with the Lee County School Superintendent to discuss their increasing their monetary contribution to the School Resource Officers as the long-range cost is \$1.2 million. Councilperson Anderson stated that under the current situation, the School Resource Officers are security, which is necessary, but that burden should fall upon the school district. Councilperson Watson stated that she does not agree that the school district should foot the entire bill as they supervise our city kids and the City should help as a City partner with the school district. Councilperson Brown stated that there was mention that the School District was considering using the penny tax to supply funding for School Resource Officers; and noted this can be discussed during the meeting to see if Lee County School Board would consider doing that.

Councilperson Streets stated that he met with the City Manager, the City Attorney, and Human Resources regarding these issues. He stated that it is the City's responsibility to protect and serve whether there is any money in the budget or not, at the end of the day it is the protection of our teachers, our students, and our workers. Councilperson Streets stated that when he was a police officer he did not worry about the funding, they did what they did for the Citizens of the City, the bottom line, let's protect the kids. Councilperson Brown stated that she agreed to not put a price tag on lives and students in the schools and referred to the unfunded mandate by the State; that affected the smaller cities that do not have police in their municipalities. Councilperson Anthony stated that while they were in Tallahassee they were informed that there was a lot of money left on the table for school security, and that there are other ways to fund School Resource Officers. Councilperson Brown stated that she is in favor of making sure that our kids are secure and safe in the school. Councilperson Anderson stated that he too is concerned about the safety of our students, our schools and is also concerned about the impact it has on our ability to provide services in general to the community. He stated that when he was a School Resource Officer in the 1980s, there were three School Resource Officers, today there are nineteen. He stated that the school district split that cost with the City. Having one officer at Fort Myers High School does not provide the security they need as it is a large campus. Councilperson Anderson stated that the City needs to find other funding sources other than putting the burden on the citizens of Fort Myers; this needs to be addressed as a school district issue and not just as a City issue.

MOTION: Councilperson Anthony moved to direct City Manager to meet with the Lee County School Board Superintendent to discuss the system increasing their monetary contribution to the School Resource Officers for 2019-2020 budget; seconded by Councilperson Brown; Motion carried 6-1. Councilperson Watson opposed.

24. Provide a quarterly update on the state of City facilities (Councilperson Anderson)

Councilperson Anderson stated that he visited Fire Station 6 and saw that the tiles in the showers and restrooms needed repair. City Manager Kazemi stated that they hired a contractor to repair Fire Station 6 and he will follow up. City Manager Kazemi had provided a status report on buildings funded for repair and will continue to update the Council quarterly. City Manager Kazemi stated that more funding is needed to repair the fire stations and noted that this year's budget will include the actual cost of building repair, as the costs are considerable and building repair needs to be prioritized. These items will be discussed in a two-day budget workshop. Councilperson Anderson stated it is necessary to provide a preventative maintenance plan on all City facilities.

25. Discuss funding for renovations to the Dr. Ella Piper Center for Social Services (Councilperson Streets)

Councilperson Streets discussed the status of the roof at the Dr. Ella Piper Center for Social Service and the need to prioritize the repair of facilities for health and safety purposes. City Manager Kazemi stated that he will take care of the safety issues. Richard Moulton, Public Works Director, stated that the cost to repair the roof at the Dr. Ella Piper Center for Social Services was provided to the City Manager and staff will address the safety issues. Councilperson Brown stated that it is critical that no issues prohibit the safety of the public and not to wait until October 2019 for budget approval. Councilperson Anderson stated to make sure the Dr. Ella Piper Center is safe as it serves the senior community. Councilperson Anthony stated that safety issues should always be addressed as a priority and asked for a quarterly report on the conditions of all facilities. Councilperson Watson stated that it would be essential to get the building fixed as soon as possible and utilize the available City reserves to do so.

26. Update on the Citizens Police Review Board provided to Mayor and City Council by Councilman Johnny Streets, Citizens Police Review Board Liaison (Councilperson Streets)

Councilperson Streets, Council liaison to the Citizens Police Review Board, stated that at the last meeting of the Citizens Police Review Board, he provided materials from the National Association for Civilian Oversight of Law Enforcement pertaining to Police Oversight for the board's review. He noted that if they had any concerns that may want to lead to some changes, they have the authority to speak to the Chief, the City Attorney and the Mayor. Mayor Henderson stated that he appreciated the service provided to the City by the Citizens Police Review Board and if the Board feels that they can benefit from training, we can investigate arranging that for them.

City Attorney Alley stated that the establishment of the Citizens Police Review Board as a civilian oversight of law enforcement included over twenty Public Hearings with a City appointed blue-ribbon panel of lawyers, clergy and citizens. The blue-ribbon panel heard public hearings and testimony from academia, local and national law enforcement; addressed qualifications for the appointees, reviewed the rules, and training that should be put into place. He stated that there was tremendous discussion at the time, whether the board can have subpoena powers; after a ton of debate and public input, including the recommendation from the City Attorney that the Board should not have subpoena powers. He stated that the blue-ribbon panel outlined the rules for the creation of the board and the Mayor and City Council followed that process and appointed a Citizens Police Review Board.

City Attorney Alley stated that the materials Councilperson Streets provided to the board included options for the Citizens Police Review Board; including other options from different types of boards across the country. He noted that the board meets regularly; they make decisions and make recommendations to the Chief of Police, whereupon the Chief of Police considers the recommendations.

Mayor Henderson stated that the Chair of the Board could meet with the City Manager and share that the Board believes they can benefit from more training.

Councilperson Anthony stated that the City Council asked the City Manager to have Advisory Board Chairs provide periodic updates to the City Council and asked that the City Manager provide a schedule that included the Chairs from all the Advisory Boards to provide a status report to the City Council on a regular basis. City Manager stated that it was done in 2017 and he is planning to have the boards report in 2019. Councilperson Brown recommended hearing quarterly reports from the Boards, so they can share how they can improve. Councilperson Brown requested that the Council continue to look for appointees to the Code Enforcement Board.

CENTENNIAL PARK MEMORIAL EVENT

Mayor Henderson stated that he and Councilperson Anderson attended a memorial event at Centennial Park on Sunday, April 14, 2019 to commemorate the conclusion of National Crime Victims' Rights Week. Families from all over the region came to share their story of the tragic loss of their loved ones. The ceremony culminated in a butterfly release. Mayor Henderson expressed his appreciation to Chevala Jones, Victim Advocate, Fort Myers Police Department and to Chief Diggs for the representation of the Fort Myers Police Force. He stated that Amira Fox, State Attorney for the 20th Judicial Circuit, led the charge and noted the compelling remarks of Assistant State Attorney Francine Donnorummo, Chief of the Special Victims Unit for the 20th Judicial Circuit's State Attorney Office.

27. Reappoint Minnie Jackson to the Special Events Advisory Board, term effective May 20, 2019, through May 19, 2023 (Councilperson Brown)

Councilperson Brown thanked Minnie Jackson, resident, for her dedicated service to the Special Events Advisory Board.

MOTION: Councilperson Brown moved to approve the reappointment of Minnie Jackson as a regular member to the Special Events Advisory Board, term effective May 20, 2019 through May 19, 2023; seconded by Councilperson Streets; motion carried unanimously.

28. Report on 40 advisory board vacancies

Mayor Henderson encouraged residents to come forward and participate in the City's Advisory Boards.

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

29. Development Agreement for Colonial Gateway Commerce Park located at 11250 SR 82 and additional properties as identified by STRAP Numbers 25-44-25-P4-00600.00B1 and 25-44-25-P4-00062.0000 (Quasi-Judicial) (Ward 6)

Exparte: There were no exparte communications by City Council.

City Clerk Carlisle administered the oath to people who would give testimony during the quasi-judicial hearing.

Joseph Madden, Madden Law Firm LLC, on behalf of the applicant, stated that no financial remuneration was received to support or deny the issue.

Mayor Henderson opened the Public Hearing and asked for Public Comment, seeing none, he closed the Public Hearing.

MOTION: Councilperson Anthony moved to approve the Development Agreement for Colonial Gateway Commerce Park located at 11250 SR 82 and additional properties as identified by STRAP Numbers 25-44-25-P4-00600.00B1 and 25-44-25-P4-00062.0000, seconded by Councilperson Brown, motion carried unanimously.

30. Ordinance No. 3867, amending the Land Development Code Chapter 130 Subdivisions

City Attorney Alley read the title of the Ordinance into the record.

Mayor Henderson opened the Public Hearing and asked for Public Comment, there being none, he asked if staff wanted to make a presentation.

Steven Belden, Director of Community Development, stated that Ordinance No. 3867, amending the Land Development Code Chapter 130 Subdivisions and Ordinance No. 3868, amending the Land Development Code Chapter 134 Traffic Circulation and Parking came before the Planning Board and recommended approval; a steering committee reviewed the proposed changes.

Alexis V. Crespo, AICP, LEED AP, Senior Vice President, Planning, Waldrop Engineering, provided an update on the proposed amendments to Chapter 130 and Chapter 134 of the Land Development Code. Chapter 130 Subdivision Plat Review Procedures included minor corrections to the Community Development Department and other references; clarification of the Planning Board review process required for types of vacations that impact consistency with the Comprehensive Plan. Chapter 134

modifications integrate Complete Streets and interconnectivity between developments; update sidewalk requirements; and provide for alternative sidewalk standards for single loaded streets. Data analysis was implemented to include parking space requirements and standards per the David Plummer and Associates parking study. Administrative Parking Reductions were defined, and site lighting standards were incorporated. Amendments to Chapter 130 and Chapter 134 were vetted by stakeholder meetings, the planning board and public input.

Mayor Henderson closed the Public Hearing.

MOTION: Councilperson Anthony moved to approve Ordinance No. 3867, amending the Land Development Code Chapter 130 Subdivisions, seconded by Councilperson Burson, motion carried unanimously.

31. Ordinance No. 3868, amending the Land Development Code Chapter 134 Traffic Circulation and Parking

City Attorney Alley read the title of the Ordinance into the record.

Mayor Henderson opened the Public Hearing and asked for Public Comment, seeing none, he closed the Public Hearing.

MOTION: Councilperson Anthony moved to approve Ordinance No. 3868, amending the Land Development Code Chapter 134 Traffic Circulation and Parking; seconded by Councilperson Brown, motion carried unanimously.

PERMISSION TO ADVERTISE

32. Direct Clerk to advertise Ordinance No. 3869 for a public hearing to amend the City Walk Planned Unit Development (PUD), formerly known as the First Street Village PUD, located at northwest corner of the intersection of McGregor Boulevard and Altamont Avenue/Victoria Avenue, south of West First Street and east of Virginia Ave, as requested by City Walk Fort Myers LLC, owners (Ward 4)

City Attorney Alley read the title of the Ordinance into the record.

City Manager Kazemi, stated that the right of way was part of the Planned Unit Development for intersection improvements and that it would come back to City Council at the next meeting. He stated the intersection needs to be improved, but the City Council did not approve a roundabout at that intersection, so there will be no roundabout.

Steven Belden, Director of Community Development, stated that there was a reference to a future roundabout on one page of the packet and it would be removed.

MOTION: Councilperson Burson moved to approve the permission to advertise Ordinance No. 3869 for a public hearing to amend the City Walk Planned Unit Development (PUD), formerly known as the First Street Village PUD, located at northwest corner of the intersection of McGregor Boulevard and Altamont Avenue/Victoria Avenue, south of West First Street and east of Virginia Ave, as requested by City Walk Fort Myers LLC, owners; seconded by Councilperson Anthony, motion carried unanimously.

33. Direct Clerk to advertise a public hearing to transmit a Map Amendment to the Future Land Use Map of the Comprehensive Plan to the Florida Department of Economic Opportunity (DEO) for 68.5 +/- acres of the 153.9 +/- acres of property located at 5990 Luckett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 (Ward 2)

MOTION: Councilperson Streets moved to approve the permission to advertise a public hearing to transmit a Map Amendment to the Future Land Use Map of the Comprehensive Plan to the Florida Department of Economic Opportunity (DEO) for 68.5 +/- acres of the 153.9 +/- acres of property located at 5990 Luckett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-2-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781; seconded by Councilperson Brown, motion carried unanimously.

CITY MANAGER'S ITEM

34. Agreement for Polling Place with Supervisor of Elections - Lee County for use of the Ballroom at Riverside Community Center, 3061 East Riverside Drive, as a polling location for Precinct #8, on Tuesday, March 17, 2020, Presidential Preference Primary Election, Tuesday, August 25, 2020, Primary Election and Tuesday, November 3, 2020, General Election

City Manager Kazemi stated that the Lee County Election office requested that the City has an agreement in place for the Polling Place.

MOTION: Councilperson Brown moved to approve the Agreement for Polling Place with Supervisor of Elections - Lee County for use of the Ballroom at Riverside Community Center, 3061 East Riverside Drive, as a polling location for Precinct #8, on Tuesday, March 17, 2020, Presidential Preference Primary Election, Tuesday, August 25, 2020, Primary Election and Tuesday, November 3, 2020, General Election; seconded by Councilperson Anthony; motion carried unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Jim Becker, resident, stated his intention to submit a proposal for the Hall of 50 States and inquired about the timeframe for the Request for Proposal. Mayor Henderson suggested that the City Manager make sure Mr. Becker is involved in any Request for Proposal for the site.

Anthony Thomas, resident, spoke on the Fort Myers Police Department, the Chief of Police and the City Manager.

OTHER ITEMS:

Councilperson Anderson stated that he toured the Lee County Association for Retarded Children (LARC) Center and encouraged Councilmembers to do so. Councilperson Streets expressed his appreciation to Shirley Felton, resident, for her generosity in providing an Easter Party for the children of Velasco Village. Mayor Henderson and Councilperson Streets thanked Councilperson Watson for her outreach to bring Emmitt Williams; Tiara Brown, and Football Star Deion Sanders back to the City.

There being no further business to come before the Council, it was moved by Councilperson Streets, seconded by Councilperson Brown to adjourn the meeting at 6:44 p.m.; motion carried unanimously.

ATTEST:

Gwen Carlisle, MMC

City Clerk