



Fort Myers Beach Town Council

**Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931**

Agenda

Monday, February 6, 2023

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
 - A. Anchorage Advisory Committee Appointments
Appoint Members to the FY2022-2023 Anchorage Advisory Committee (AAC)
 - B. Audit Committee Appointments
Appoint Members to the FY2022-2023 Audit Committee
 - C. Bay Oaks Recreational Campus Advisory Board Appointments
Appoint Members to the FY2022-2023 Bay Oaks Recreational Campus Advisory Board (BORCAB)
 - D. Cultural and Environmental Learning Center Advisory Board Appointments
Appoint Members to the FY2022-2023 Cultural and Environmental Learning Center Advisory Board (CELCAB)
 - E. Marine and Environmental Resources Task Force Appointments
Appoint Members to the FY2022-2023 Marine and Environmental Resources Task Force (MERTF)
 - F. Public Safety Committee Appointment
Appoint Members to the FY2022-2023 Public Safety Committee (PSC)

VIII. APPROVAL OF MINUTES

- A. Town Council January 9, 2023
- B. Management & Planning Session January 12, 2023
- C. Town Council January 23, 2023

IX. PRESENTATION

- A. Emergency Berm and Estero Island Nourishment Projects status
Coastal Engineering Consultants, Inc.

X. CONSENT AGENDA

- A. Estero Island Emergency Berm Construction Phase Services.
Authorize the Town Manager to execute Supplemental Task Authorization #2 for Contract RFQ-21-09-EN with Coastal Engineering Consultants, Inc. for Estero Island Emergency Berm Construction Phase Services.
- B. Estero Island Beach Nourishment Project.
Authorize the Town Manager to execute Supplemental Task Authorization #3 for with Coastal Engineering Consultants, Inc. for the Estero Island Beach Nourishment Project.
- C. Resolutions: 23-12, 23-13, 13-14 and 23-15
Approve Resolutions Extending the Town Declaration of State of Local Emergency for the period February 6 - February 12, 2023, February 13, 2023 - February 19, 2023, February 20, 2023 - February 26, 2023 and February 27, 2023 - March 5, 2023

XI. PUBLIC HEARINGS

- A. Ordinance 22-13; Fees by Resolution
Final reading and second public hearing on proposed ordinance 22-13 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ESTABLISHING A NEW SECTION 1-13 OF CHAPTER 1 OF THE CODE OF ORDINANCES, TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE ADOPTION, AMENDMENT AND IMPLEMENTATION OF FEES AND FEE SCHEDULES BY RESOLUTION UNLESS PROHIBITED BY STATE LAW OR THE TOWN CHARTER, PROVIDING FOR CODIFICATION, CONFLICT OF LAW, SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Ordinance 23-02; Corner Lot and Setback Regulations
First reading and Public Hearing of proposed Ordinance 23-02 entitled: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 3, SECTION 34-638 MINIMUM SETBACKS, SECTION 34-2 DEFINITIONS, AND TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.** Open first public hearing and schedule for second reading and final adoption Tuesday, February 21, 2023 at 9:00 a.m.
- C. Ordinance 23-03; Nonconforming Lots, Minimum Use Determinations and Administrative Variances
First reading and Public Hearing of proposed Ordinance 23-03 entitled: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE V., DIVISION 4, SECTIONS 34-3273 GENERAL REQUIREMENTS FOR RESIDENTIAL USES ON NONCONFORMING LOTS, SECTION 34-3274 MINIMUM USE DETERMINATIONS, AND CHAPTER 34, ARTICLE II., DIVISION 6, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.** Open first public hearing and schedule for second reading and final adoption Tuesday, February 21, 2023 at 9:00 a.m.

XII. ADMINISTRATIVE AGENDA

- A. Contract for Bay Oaks Recreation Center emergency dry out services
Authorize the Town Manager to execute a first amendment to the existing contract with Coastal Maintenance and Restoration to include the emergency dry out services for Bay Oaks Recreation Center.
- B. Mound House Historic Preservation Repairs
Accept the sole source proposal from Fine Art Conservation Studios Inc in the amount of \$119,223.55, for repairs to the historic structures at the Mound House damaged by Hurricane Ian and authorize the Town Manager (or designee) to negotiate the final price and contract terms for presentation and approval by the Town Council at a subsequent meeting.
- C. RFP-23-07-AD; Disaster Recovery and Mitigation Consulting Services
Motion to approve an Agreement between the Town of Fort Myers Beach and Tidal Basin Government Consulting, LLC, the top ranked respondent to RFP-23-07-AD - Disaster Recovery and Mitigation Consulting Services for Incidents and Events, and authorizing the Town Manager to execute and expend budgeted funds on behalf of the Town.

XIII. FINAL PUBLIC COMMENT**XIV. TOWN MANAGER'S ITEMS****XV. TOWN ATTORNEY'S ITEMS**

- A. Request for attorney-client "shade" meetings to discuss pending litigation:
Persaud Properties FL Investments, LLC, v. Town of Fort Myers Beach, Florida and Roger Hernstadt; Case No. Case No. 2:21-cv-384-JLB-NPM
pending before the United States District Court Middle District of Florida, Fort Myers Division.

Persaud Properties FL Investments, LLC vs. Town of Fort Myers Beach, Florida, Case No. 2017-CA-000219 pending before the Circuit Court of the 20th Judicial Circuit in and for Lee County

XVI. COUNCILMEMBERS ITEMS AND REPORTS**XVII. ADJOURNMENT**

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.