



Fort Myers Beach Town Council

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

Agenda

Monday, November 20, 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**
- VIII. REORGANIZATION OF COUNCIL**
 - A. Reorganization of Town Council
Selection of Mayor and Vice Mayor in accordance with the Town Charter.
- IX. APPROVAL OF MINUTES**
 - A. Town Council - November 6, 2023
 - B. Management & Planning Session - November 9, 2023
- X. CONSENT AGENDA**
 - A. Resolution 23-169; Town Manager Authority
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, GRANTING AUTHORITY TO THE TOWN MANAGER TO SIGN FEDERAL CONTRACTS ON BEHALF OF THE TOWN IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution 23-168; Old San Carlos Electrical Work
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN IN OCTOBER 2023 REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND APPROVAL OF THE PROPOSALS RECEIVED FOR ELECTRIC RESTORATION WORK FOR OLD SAN CARLOS BOULEVARD STREET LIGHTING IN AN AMOUNT NOT TO EXCEED \$56,500; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. Beach Access Easement to Satisfy Ordinance 18-04, TPI-FMB Rezoning, a Commercial Planned Development.
Accept a grant of easement of five (5) feet, as depicted in Exhibit A and provided for in the legal description, for an ADA-accessible beach access for public use and to satisfy conditions of approval in Ord 18-04, TPI-FMB Rezoning, a Commercial Planned Development.
- D. 5th Street public sidewalk easement for portions of private property along the south side of 5th Street and as required by the conditions of approval in Ordinance 18-04.
Accept a grant of easement of seven (7) feet, as depicted in Exhibit A and provided for in the legal description, for a sidewalk for public use and to satisfy conditions of approval in Ord 18-04, TPI-FMB Rezoning, a Commercial Planned Development.
- E. Public Use Agreement for Stairways, Bridge, Elevators, and Restrooms along the north and south side of Estero Boulevard.
Accept a Public Use Agreement, as depicted in Exhibit A and provided for in the legal description, to allow general public use of portions of private property such as stairways, bridge, elevators, and restrooms, as required by the condition of approval in Ordinance 18-04, TPI-FMB Rezoning, Commercial Planned Development.
- F. Special Event: Poinsettia Tree
Request to hold a holiday event around the Poinsettia Tree at Times Square on Friday, December 1, at 5:30 p.m. Might include a special surprise guest!
- G. Special Event: Christmas Services Rental of Bayside Park 12/23/2023 4pm - 5pm
Request to hold a Christmas Service at Bayside Park, December 23, 2023
- H. Special Event: New Years Eve 5K
Request to hold a New Years Eve 5K, December 31, 2023
- I. Surplus Items
Declare listed items as surplus and authorize staff to dispose of these items utilizing a municipal government auction service.

- J. Additional funds for remodel of Bay Oaks Recreation Center
Approve and allocate additional funds not to exceed \$4,812.60 for additional work on the Bay Oaks Recreation Center to put in an annunciator panel and replace restroom walls. This will be a change order for the Bay Oaks Recreation Center awarded to C.E. Gleeson Contractors.
- K. Change Order #3, Bay Oaks Recreation Center
Approve and allocate funds not to exceed \$39,995.00 for additional work on the Bay Oaks Recreation Center to replace tile, mold remediation and dry wall of the restrooms. This will be a change order for the Bay Oaks Recreation Center awarded to C.E. Gleeson Contractors.

XI. PUBLIC HEARINGS

- A. Ordinance 23-16; Small Scale Map Amendment for 21471 Widgeon Terrace
Second Reading and Public Hearing on Proposed Ordinance 23-16 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ADOPTED FUTURE LAND USE MAP DATED JANUARY 1, 1999, FOR A PORTION OF THE PROPERTY LOCATED AT 21471 WIDGEON TERRACE AND PART OF THE ADJACENT COMMON ELEMENT PROPERTY OF FLAMINGO HARBOR CONDOMINIUM, FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the second public hearing and adopt ordinance

XII. ADMINISTRATIVE AGENDA

- A. Proposed 2024 Town Council Meeting Schedule
Approve the monthly schedule for Town Council meetings for calendar year 2024
- B. Resolution 23-159; Budget Amendment #2 - Fiscal Year End Adjustment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, APPROVING BUDGET AMENDMENT #2 TO THE TOWN GENERAL FUND; AND OTHER TOWN FUNDS PROVIDING AUTHORITY; EFFECTIVE DATE.
- C. Resolution 23-138; Authorizing 6-Month Extension of Capital Improvement Loan Draw Down Period
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING CERTAIN AMENDMENTS TO LOAN DOCUMENTS RELATING TO A LOAN FROM FIRST FLORIDA INTEGRITY BANK, N/K/A FIRST FOUNDATION PUBLIC FINANCE, PREVIOUSLY MADE ON OR ABOUT NOVEMBER 18, 2020 FOR THE PURPOSE OF FINANCING THE REDEVELOPMENT OF CERTAIN TOWN-WIDE CAPITAL IMPROVEMENT PROJECTS, AS DESCRIBED THEREIN;

APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID AMENDMENTS AS DESCRIBED HEREIN; PROVIDING FOR THE RIGHTS AND SECURITIES OF THE OWNER OF THE NOTE; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Athletic Contractual Programs

AUTHORIZE THE TOWN MANAGER TO WAIVE THE 70/30 SPLIT FEES FOR ATHLETIC CONTRACTUAL PROGRAMS HELD AT BAY OAKS TEMPORARILY, UNTIL OCTOBER 31ST 2024

E. Resolution 23-158; ITB-23-18-UT; Tier 1 Water and Stormwater Improvements

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, PROVIDING FOR THE TENTATIVE AWARD OF A CONTRACT TO ANDREW SITEWORK LLC., FOR THE CONSTRUCTION OF THE TIER 1 SIDE STREETS WATER AND STORMWATER IMPROVEMENTS PROJECT – GROUPS A, B, C, AND D (BID NO. ITB-23-18-UT), PURSUANT TO THE FLORIDA STATE REVOLVING FUND LOAN PROGRAM, SUBJECT TO FDEP APPROVAL; AUTHORIZING EXECUTION OF THE CONTRACT DOCUMENTS BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

F. Resolution 23-157; ITB-20-08-UT; North Estero Phase 2, Parts 1 & 2 Water Main and Stormwater Improvements-Change Order 2

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO THE AGREEMENT ITB-20-08-UT BETWEEN THE TOWN OF FORT MYERS BEACH AND MITCHELL & STARK CONSTRUCTION CO.; DECREASING THE CONTRACT AMOUNT BY \$3,746,334.98; EXTENDING THE DATE FOR FINAL COMPLETION BY 727 DAYS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE

G. Resolution 23-156; RFQ-13-02-PW Estero Blvd Water Main Improvements

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO AMENDMENT 10 OF THE DESIGN-BUILD AGREEMENT RFQ-13-02-PW BETWEEN THE TOWN OF FORT MYERS BEACH AND MITCHELL & STARK CONSTRUCTION CO.; DECREASING THE CONTRACT AMOUNT BY \$2,954,436.07; EXTENDING THE DATE FOR FINAL COMPLETION BY 836 DAYS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE

- H. Resolution 23-161; STA #6, Beach Truck Haul Project
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #6 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR ADDITIONAL DESIGN CONSTRUCTION PHASE SERVICES FOR THE ESTERO ISLAND BEACH TRUCK HAUL PROJECT, FOR A COST NOT TO EXCEED \$135,540; AND PROVIDING FOR AN EFFECTIVE DATE.
- I. Resolution 23-163; STA #7 Beach Truck Haul Project
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #7 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR CONTINUING CONSTRUCTION PHASE SERVICES FOR THE ESTERO ISLAND BEACH TRUCK HAUL PROJECT, FOR A COST NOT TO EXCEED \$47,810, AND PROVIDING FOR AN EFFECTIVE DATE.
- J. Resolution 23-162; Beach Nourishment Project Bid Phase Services
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #8 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR BID PHASE AND PRE-CONSTRUCTION SERVICES FOR THE ESTERO ISLAND BEACH RENOURISHMENT PROJECT, FOR A COST NOT TO EXCEED \$30,880, AND PROVIDING FOR AN EFFECTIVE DATE.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON FACEBOOK AND 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 accommodation, 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.