



Fort Myers Beach Town Council

Bay Oaks Recreation Center
2731 Oak Street
Fort Myers Beach, FL 33931

AMENDED Agenda

Monday, February 5, 2024

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

NEW A. Proclamation

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Public Safety Committee

Marine & Environmental Resources Task Force

VIII. APPROVAL OF MINUTES

- A. Town Council - January 22, 2024

IX. CONSENT AGENDA

- A. Resolutions 24-23 through 24-26; Extending State of Local Emergency Hurricane Ian

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolutions 24-27 through 24-30; Extending State of Local Emergency Hurricane Idalia

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE

OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

- C. Resolution 24-21; Amendment #2 to Permissive Use License Agreement

A RESOLUTION AMENDING THE PERMISSIVE USE LICENSE AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND THE FORT MYERS BEACH FIRE CONTROL DISTRICT FOR USE OF DISTRICT PROPERTY AS A TOWN HALL UNTIL MARCH 31, 2024; AND PROVIDING AN EFFECTIVE DATE.

- D. Resolution 24-22: 2024 Sheriff Traffic Detail

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO RATIFY AND APPROVE A CONTRACT AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR EXTRA-DUTY TRAFFIC DETAIL SERVICES IN THE AMOUNT OF \$68,800; AND PROVIDING FOR AN EFFECTIVE DATE.

- NEW** E. Resolution 24-32, Special Magistrate Services

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ADMINISTRATIVE HEARINGS AND MONICA SCHMUCKER FOR SPECIAL MAGISTRATE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Resolution 24-31; Stewart Materials

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND STEWART MINE MATERIALS FOR THE PURCHASE OF 170,000 TONS OF BEACH COMPATIBLE SAND FOR \$2,014,500.00 AS A SOLE SOURCE PROVIDER; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Special Event - Shrimp Festival Parade

Approve the special event permit for the 2024 Shrimp Festival 5K run and parade, contingent on approval of FDOT, FMB Fire District, Lee County Sheriffs Office regarding the event and closure of the Matanzas Pass Bridge.

- H. Persaud Properties FL Investments LLC

Authorize the Town Manager to execute approval of the Letter of Credit received from Persaud Properties, LLC as required by paragraph 3 of the Settlement Agreement between Persaud Properties, LLC and the Town of Fort Myers Beach, dated December 27,2023.

NEW I. Settlement Agreement

Approve and Authorize the Mayor to Execute a Settlement Agreement with Florida Audubon Society, Squeeze Me Inn, LLC and Texas Hold'Em, LLC related to Case No. 23-CA-5506, Filed in the Twentieth Judicial Circuit, In and For Lee County, Florida.

X. PUBLIC HEARINGS

- A. Ordinance 24-01; Amendment to revise previously approved conditions of approval contained in ord. 18-04 and 23-09

Second Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NEW B. Ordinance 24-02; DCI Rezoning 20230160, 1301 Estero Blvd

Second Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 1301 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-0060B.0160 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

XI. ADMINISTRATIVE AGENDA

- A. Resolution 24-34; Boxx Modular

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION BY THE TOWN REGARDING LEASING OF FURNITURE FOR USE IN TOWN HALL; APPROVING THE LEASE WITH BOXX MODULAR FOR 48 MONTHS AT A MONTHLY RENTAL RATE OF \$2,586.00 AND A ONE TIME INSTALLATION AND DELIVERY FEE OF \$11,050.00; AND PROVIDING AN EFFECTIVE DATE.

- B. Resolution 24-33; Ratify Renewal of Annual Granicus Software Subscription
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH RATIFYING THE APPROVAL AND PAYMENT OF AN ANNUAL GRANICUS SOFTWARE SUBSCRIPTION FOR USE WITH THE TOWN'S SHORT-TERM RENTAL PROGRAM PURSUANT TO THE TERMS AND CONDITIONS OF THE EXISTING UNEXPIRED HOST AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. Resolution 24-35; Angie Brewer & Associates Inc.
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A FIRST AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND ANGIE BREWER & ASSOCIATES, INC. TO EXTEND THE TERM OF THE CONSULTANT AGREEMENT FOR FUNDING MANAGEMENT SERVICES FOR SRF OR OTHER GRANTS AND OR LOANS AVAILABLE TO THE TOWN, TO JUNE 9, 2024 BY THE EXERCISE OF ONE OF TWO RENEWAL OPTIONS; APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 4 FOR THE UNINTERRUPTED CONTINUATION OF THESE SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND SUPPLEMENTAL TASK AUTHORIZATION AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

XII. FINAL PUBLIC COMMENT

XIII. TOWN MANAGER'S ITEMS

XIV. TOWN ATTORNEY'S ITEMS

XV. COUNCILMEMBERS ITEMS AND REPORTS

- A. Filling of Vacancy

XVI. 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.