



Fort Myers Beach Town Council

Diamondhead Beach Resort
2000 Estero Boulevard

Fort Myers Beach, FL 33931

Agenda

Monday, August 4, 2025

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. APPROVAL OF MINUTES
 - A. Town Council - June 16, 2025
 - B. Joint Town Council Session with Local Planning Agency - June 26, 2025
 - C. Management and Planning Session - June 5, 2025
- IX. CONSENT AGENDA
 - A. Resolutions 25-222 through 25-226; Extension 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 25-227 through 25-231; Extension of Local Emergency - Tropical Storm Debby
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM DEBBY 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. Resolutions 25-212 through 25-216; Extension of Local Emergency - Hurricane Helene

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 HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE) 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.

- D. Resolutions 25-217 through 25-221; Extension of Local Emergency - Hurricane Milton

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 MILTON, 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.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

- A. Ordinance 25-14; CPD20250008, 7225, 7291 & 7295 Estero Blvd (Fish Tail Marina)

This quasi-judicial agenda item is a First Reading and Public Hearing on proposed Ordinance 25-14 (Fish Tale Marina). If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for September 11, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING AN AMENDMENT AND RESTATEMENT OF LEE COUNTY RESOLUTION Z-94-013 THAT REZONED PROPERTY TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR A REVISION TO THE MASTER CONCEPT PLAN AND ONE (1) ADDITIONAL DEVIATION FOR SETBACKS FOR THE REDEVELOPMENT OF A COMMERCIAL MARINA

FOR PROPERTY LOCATED AT 7225, 7291 AND 7295 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBERS 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 AND 03-47-24-W1-00011.003B IN FORT MYERS BEACH; RESTATING PREVIOUSLY APPROVED CONDITIONS AND DEVIATIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution 25-239; SEZ20250046, 6425 Estero Blvd (Former Beach Theater)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20250046 TO ALLOW 1) CONSUMPTION ON PREMISES (COP) OUTDOORS WITHIN 500 FEET OF DWELLING UNITS; 2) NEW OUTDOOR ENTERTAINMENT IN THE COMMERCIAL BOULEVARD (CB) ZONING DISTRICT; 3) NEW LIVE ENTERTAINMENT IN THE CB ZONING DISTRICT; AND 4) NEW OUTDOOR SEATING THAT IS OPEN AFTER SUNSET IN THE CB ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6425 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Resolution 25-240; VAR20250047, 6425 Estero Blvd (Former Beach Theater)

A RESOLUTION OF THE FORT MYERS BEACH TOWN COUNCIL APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE APPLICATION VAR20250047 FOR THE PROPERTY AT 6425 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000 IN FORT MYERS BEACH FOR A VARIANCE TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 115 TO 33 PARKING SPACES AND A BICYCLE RACK FOR A RESTAURANT, COCKTAIL BAR AND ENTERTAINMENT AREA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

- D. Ordinance 25-08; Noticing

This legislative agenda item is a SECOND Reading and Public Hearing on proposed Ordinance 25-08.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES FOR REZONINGS, DEVELOPMENT AGREEMENTS, DEVELOPMENTS OF REGIONAL IMPACT, SPECIAL EXCEPTIONS, ADMINISTRATIVE APPEALS, AND VARIANCES, INCLUSIVE OF VARIANCES OF SINGLE-FAMILY OR TWO FAMILY HOME VARIANCES TO REQUIRE THE APPLICANT TO PROVIDE PROOF OF MAILED AND POSTED PUBLIC

NOTICING PRIOR TO LOCAL PLANNING AGENCY AND TOWN COUNCIL HEARINGS; AMENDING THE MANNER OF OBTAINING INFORMATION BY CONTACTING TOWN STAFF AND THE USE OF LAYMAN'S LANGUAGE IN REQUIRED NOTICES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

A. Resolution 25-210, FY2026 Tentative Millage Rate

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF 1.25500 MILLS FOR FISCAL YEAR 2026 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2026; AND PROVIDING AN EFFECTIVE DATE.

B. Res. 25-234; Approval of amendment to Goldman Wolfe, LLC Financial Consulting Service Contract

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE EXISTING AGREEMENT BETWEEN THE TOWN AND GOLDMAN WOLFE, LLC FOR FINANCIAL CONSULTING SERVICES: 1) TO INCREASE THE NOT TO EXCEED AMOUNT FROM \$50,000 TO THE BUDGETED AMOUNT OF \$197,600; AND 2) TO ADD A \$5,000 STATUTORY CONTRACTUAL PENALTY IN THE EVENT OF BREACH OF THE AGREEMENT DURING AN EMERGENCY RECOVERY PERIOD TO THE TERMS OF SERVICE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Resolution 25-232; Administrative Authority - SB 784

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, DESIGNATING AN ADMINISTRATIVE AUTHORITY TO RECEIVE, REVIEW, AND PROCESS PLAT AND REPLAT SUBMITTALS AND AN ADMINISTRATIVE OFFICIAL RESPONSIBLE FOR APPROVING, APPROVING WITH CONDITIONS, OR DENYING PROPOSED PLATS AND REPLATS, AS SPECIFIED IN SECTION 177.071, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Resolution 25-519, Acceptance of Drainage Easement Agreement for Lot 15, Block D, Island Shores, Unit No. 4 (Lee County PB 9, PG 37)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING AN EASEMENT RELATED TO THE PROVISION OF PUBLIC STORM DRAINAGE PIPES AND APPURTENANT DRAINAGE FACILITIES IN, OVER, UNDER, THROUGH, UPON, AND ACROSS A PORTION OF REAL PROPERTY LOCATED IN THE TOWN OF FORT MYERS BEACH, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. Resolution 25-236; Fire Hydrant Replacement

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN ON APRIL 22, 2025 AND APPROVING A CONTRACT WITH ANDREW SITEWORK FOR THE EMERGENCY PURCHASE AND REPLACEMENT OF 36 NON-OPERABLE FIRE HYDRANTS LOCATED THROUGHOUT THE TOWN IN THE AMOUNT OF NOT-TO-EXCEED \$290,512; APPROVING AN ADDENDUM TO THE RATIFIED CONTRACT TO INCLUDE ADDITIONAL TERMS AND CONDITIONS REQUIRED BY FLORIDA LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Resolution 25-238; BCI Controls

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF EQUIPMENT AND PROGRAMMING SERVICES FROM BCI TECHNOLOGIES AS A SOLE SOURCE PROVIDER IN ACCORDANCE WITH SECTION 2-480(C) OF THE TOWN'S CODE OF ORDINANCES IN THE AMOUNT OF \$63,502.37 TO ALLOW MONITORING OF THE WATER PRESSURE IN THE TOWN'S UTILITY SYSTEM AT THE SOUTH BOOSTER STATION; AUTHORIZING THE TOWN MANAGER TO SIGN THE PURCHASE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Resolution 25-237; RFP-22-25-AD STA #9, Tetra Tech GIS

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AUTHORIZATION (STA) #9 WITH TETRA TECH, INC. IN AN AMOUNT NOT TO EXCEED \$74,500 FOR A CUMULATIVE TOTAL OF PAYMENT FOR SERVICES UNDER RFQ 22-25-AD IN THE AMOUNT OF \$727,348, FOR THE CONTINUATION OF MAPPING SERVICES IN THE TOWN'S GEOGRAPHIC INFORMATION SYSTEM (GIS) TO COMPLY WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RULES REQUIRING A LOCAL GOVERNMENT TO KEEP MAPPING OF ITS UTILITY DISTRIBUTION SYSTEM UPDATED; AUTHORIZING THE TOWN MANAGER TO SIGN STA #9 AND PROVIDING FOR AN EFFECTIVE DATE.

- H. Resolution 25-235; ITB-25-05-PW, Water Meter Replacement
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER TO AWARD THE WATER METER REPLACEMENT PROJECT BID TO THE NATIONAL METERING SERVICE FOR A PRICE OF \$1,619,790. THIS ACTION ALLOWS FOR THE REPLACEMENT OF ALL 5/8- AND 1-INCH METERS IN THE TOWNS WATER DISTRIBUTION SYSTEM, WITH AN EFFECTIVE DATE.
- I. Six-month review of SEZ20230126
A six-month review of approved Resolution 23-87 for Special Exception SEZ20230126 that allows for temporary outdoor consumption on premises with retail use at 163 Old San Carlos Boulevard.
- J. Edward Byrne JAG Grant
Support the distribution plan for the \$167,473 Edward Byrne Memorial Justice Assistance Grant Program Funds (JAG).

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 [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.