



# MINUTES

**Monday, May 5, 2014**

**FORT MYERS BEACH TOWN COUNCIL  
WORK SESSION & EXECUTIVE SESSION  
TOWN HALL – COUNCIL CHAMBERS  
2523 ESTERO BOULEVARD  
FORT MYERS BEACH, FLORIDA 33931**

## **I. CALL TO ORDER**

Mayor Cereceda called to order the May 5, 2014 Work Session of the Town Council at 1:00 p.m. Present along with Mayor Cereceda were: Vice Mayor Andre, Council Members Hosafros, Mandel, and Stockton. Also Present: Town Manager Stilwell, Town Attorney Rooney, Public Works Director Lewis, Parks & Recreation Director Norton, Planning Coordinator Overmyer, and Town Clerk Mayher.

## **II. PLEDGE OF ALLEGIANCE**

Mayor Cereceda explained the Closed Attorney-Client Meeting was being held so that the Special Counsel could receive advice concerning pending litigation. The subject matter of the meeting would be confined to settlement negotiations and a strategy related to litigation expenditures in the cases styled: *Orlandini vs. the Town of Fort Myers Beach*, Lee County Circuit Court Case Nos. 2014-CA-000148 and 2014-CA-000319. She noted that present at this meeting were Attorneys Mark Ebelini, Aaron Haak, and James Humphrey; and the Town in this case was represented by Donald Stilwell, Town Manager; Derek Rooney, Town Attorney; Anita Cereceda, Mayor; Dan Andre, Vice Mayor; Council Members Alan Mandel, Rexann Hosafros, and Summer Stockton.

**Executive Session convened at 1:00 p.m.**

**EXECUTIVE SESSION  
CLOSED TO THE PUBLIC**

Lee County Circuit Court Case Nos. 2014-CA-000148 and 2014-CA-000319  
Orlandini vs. the Town of Fort Myers Beach

**ANNOUNCEMENT OF TERMINATION OF EXECUTIVE SESSION**

Mayor Cereceda closed the Executive Session at 2:28 p.m. and noted a verbatim transcript of the Closed Attorney-Client Session would be transcribed and filed with the Town Clerk and would become public record upon conclusion of the litigation.

Work Session reconvened at 2:45 p.m.

**III. PRESENTATION – Lee County Department of Transportation on Estero Boulevard Improvements**

Mayor Cereceda announced the presentation by the Lee County Department of Transportation on Estero Boulevard; and thanked County Commissioner Kiker and County Manager Desjarlais for the presentation.

David Loveland, Director of Lee County Department of Transportation (LDOT), introduced County staff (Doug Meurer, Sarah Clark, and Rob Phelan) and offered an outline of the presentation entitled “Estero Boulevard Improvement Project”:

- Project recap – used a timeline format for Estero Boulevard (i.e. Analysis and Design Phase 1 in 2008, ROW Survey in 2010, Preliminary Plan, etc.).
- Estero Boulevard Streetscape Master Plan – Plan’s objective is to implement vision by Town residents and as outlined in the Town’s Comprehensive Plan; improvements within existing rights-of-way.
- Streetscape Master Plan divided the project into six segments (North End, Core Area, Civic Complex, Quiet Center, High Rise Resort and South End); cross-sections tailored to each segment (approved by Town Council in 2000).
- Estero Boulevard Analysis & Design, Phase I
  - 2007 Joint BOCC/Council Meeting Fort Myers Beach (FMB) requested improvements to Estero Boulevard at a rate of 1 to 1.5 miles per year; Lee County and FMB jointly funded Estero Boulevard Project, \$1.6 million dollars; re-evaluated cross-sections and recommended first section to begin design of one mile pilot project for reconstruction.
  - Cross-sections were re-evaluated; presented to public for comment in 2008; Town Council reaffirmed cross-sections established in Streetscape Master Plan and approved first section (Andre Mar Drive to Lani Kai) pending ROW mapping.
  - October 2008 Analysis & Design suspended and remaining funds (\$750,000) used for ROW survey of entire Estero Boulevard; survey completed in 2010; Town requested interim improvements (Newton Park Trolley stop, sidewalk Lani Kai to School Street, and sidewalk Driftwood to Lennel).

- Estero Boulevard Improvement Project, Preliminary Design
  - Develop preliminary (30%) design plans (from Crescent Street to Big Carlos Pass); picked up from 2008 effort that was halted in order to complete the ROW survey; identify design issues to be addressed in final design; and assist Lee County and the Town of FMB in prioritizing segments for construction.
- Estero Boulevard Preliminary Design
  - 30% Design Plans based on cross-sections in Town’s Streetscape Master Plan; public workshop held on Beach in February 2013; based on comments, presented options and limitation to Town Council in August 2013 – Core Area, 2-lane, 3-lane; High Rise – raised median, center turn lane.
- Town Council Direction
  - Town Council provided direction on Plans in August 30, 2013 letter: sidewalks both sides entire length; dedicated bike lanes where right-of-way allowed; use shared bicycle lanes “sharrows” and wider sidewalks where separate bike lane cannot be provided; center lane 3-lane section entire length; and minimize interruption during tourist season.

He described how the County addressed Council’s requests:

- Sidewalks – both sides entire length (included widths vary from 9’ to 6’)
- Dedicated Bike Lanes - where right-of-way allows (included in all segments except for the 1.4 miles of the Core/Civic Section)
- Shared Bicycle Lanes “Sharrows” with wider sidewalks where bike lanes cannot be provided (included sharrows in Core/Civic Section; 9’ sidewalks typically)
- Center-Lane/3-Lane Section entire length – (included except for locations where chicanes used for trolley stops; quiet center 50’ right-of-way section, Avenida Pescadore to Lazy Way – 1/3 mile approximately)
- Minimize interruption during tourist season – will be the goal, but construction will carry into season

LDOT Director Loveland explained the Estero Boulevard Preliminary Design had:

- 30% Design Plans completed incorporating the Council’s requests
- Plans are on the LDOT web page for Estero Boulevard – <http://leegov.com/gov/dept/dot/projects/Pages/EsteroBoulevard.aspx>

He discussed and displayed slides depicting drawings of the following:

- Core Area/Civic Complex Typical Section
- Quiet Center Typical Section
- Quiet Center (50’ ROW) Typical Section
- High-Rise Resort Area Typical Section
- South End Typical Section
- Bus stop chicanes (visual representation displayed)

LDOT Director Loveland reviewed the design issues to be resolved:

- Drainage
- Trolley stops
- Crosswalk locations
- Street lighting
- Landscaping
- Overhead utilities

- Right-of-way encroachments
- Outstanding Design Issues – issues can be resolved in subsequent design phases; assistance from Construction Manager at Risk; and will require significant coordinator with the Town, possible amendments of Interlocal Agreement.

He reviewed the County's project approach which was:

- Sequential design and construction for each segment, starting at north and working south
- Funding every other year
- Intend to hire a Construction Manager at Risk to oversee efforts and ensure coordination

He noted the next steps included:

- Preparation of the Final Design Plans for Segment 1
- Segment 1 selection consistent with Town Council 2008 recommendation
- Work with property owners on right-of-way encroachments and conflicts
- Funding for Segment 1 Design and Construction Phases in current fiscal year
- Contract with TYLin allows for issuing STA to proceed with Final Design of first segment
- Design scope drafted, being finalized
- STA requires BOCC approval – funds remaining in Preliminary Design allows TYLin to get started while awaiting STA approval
- Proceed with advertising for and hiring Construction Manager at Risk
- Want CMaR to participate in the Segment 1 Design Process
- Scope for RFQ drafted and being refined

Council Member Hosafros noted she had been a member of the Public Safety Committee prior to the election and continued to serve the Committee in the capacity of Council Liaison; and she noted that lighting on Estero Boulevard was a very important issue to the Committee. She asked if the County wanted the Public Safety Committee to offer the County recommendations regarding crosswalk locations.

LDOT Director Loveland reported the County had received input from the Committee regarding crosswalk locations; however, if there were further recommendations for the first segment of the project, they could forward them to him.

County Commissioner Kiker noted recommendations should address the first segment at this time; and reviewed the various safety issues associated with Estero Boulevard that County staff was addressing.

LDOT Director Loveland reported the funding for Segment 1 was available in the current fiscal year and anticipated construction starting in early 2015.

County Commissioner Kiker reported the County would also work with the Town on the 50' wide portions to see if they could make those portions better.

Mayor Cereceda asked if the undergrounding of electrical lines was part of the project.

County Commissioner Kiker responded in the negative.

Discussion was held concerning right-of-way encroachment conflicts and use of the middle lane; the importance of the middle lane for use by emergency vehicles and vehicles turning off the side streets onto Estero Boulevard; the surveys done to define the public right-of-way and property lines; and the 50' wide sections in the first segment of the project.

Mayor Cereceda questioned the "Construction Manager-at-Risk".

LDOT Director Loveland described how the "Construction Manager-at-Risk" was held to the Guaranteed Maximum Price negotiated and other features of the position.

Discussion was held regarding the timeline and anticipated construction costs for the Estero Boulevard Improvement Project; and coordination of the Estero Boulevard improvements and the Town's water/utility projects.

Mayor Cereceda questioned the differentiation of the center lane for the drainage issue.

Rob Phelan, Lee County Department of Transportation – Estero Boulevard Project Manager, explained how the center turn lane gave an opportunity to use it for something other than just traffic and how they would utilize a product called "pave drain" that would handle stormwater and help increase the width of the sidewalks

Discussion was held concerning the "pave drain"; dedicated bicycle lanes; sidewalk widths; costs associated with undergrounding electrical lines; and FP&L's intention to relocate power poles to the right-of-way.

LDOT Director Loveland discussed the existing street lighting and the County's core service level.

Commissioner Kiker noted that incremental street lighting was the Town's responsibility.

Council Member Hosafros reported that the Public Safety Committee had received very little cooperation from FP&L regarding existing street lighting and that there was a volunteer system where residents checked light poles for outages. She added that FP&L was not offering the Town any alternatives for street lighting during turtle season.

Vice Mayor Andre suggested crosswalks at all beach accesses.

Council Member Stockton noted her experience with the trolley stop at Newton Park and suggested the trolley stop somehow be identified that it was not a turning lane into the park.

Rob Phelan, Lee County Department of Transportation – Estero Boulevard Project Manager, reviewed how there would be a visual difference between the actual travel lane and the trolley stop. He discussed the unique situation of Newton Park.

Discussion ensued regarding trolley stops; the Construction Manager-at-Risk; and the importance of the Estero Boulevard Improvement Project to the Town and the County.

Council Member Mandel thanked County Manager Desjarlais for getting the dredging started at Big Carlos Pass; and hoped that he would work to get the permit for the north end.

Discussion ensued regarding the Big Carlos Pass dredging; obtaining dredging permits from the Army Corps of Engineers; determining the quality of the dredged sand; possibly amending the Army Corps of Engineers permit for a 15-year permit; and dredging Matanzas Pass.

Commissioner Kiker noted the County would be holding their first budget workshop on May 29<sup>th</sup> and explained how they would be doing a “continuation budget”. He encouraged the Council to keep the County informed as to what they would be seeking in the County’s budget for next fiscal year.

Recessed at approximately 3:50 p.m. – Reconvened at approximately 4:00 p.m.

Council Member Stockton questioned Commissioner Kiker on conveyance of the Seafarer’s property to the Town.

Commissioner Kiker offered the historical background of the subject property as it pertained to the TDC and the County. He discussed how the County was working with FDOT; the traffic pattern in the area of the subject property; the Matanzas Pass Bridge; the anticipated work to the road from the bridge to Summerlin; and the County’s recent property purchase for a bus station. He explained the uncertainty of use for the subject property at this time and noted the subject property was no longer encumbered.

Council Member Mandel noted that FDOT was doing a study from Summerlin all the way to Crescent.

Discussion ensued regarding the Seafarer’s property and potential developers interested in the site.

#### **IV. WGPU – Media Credits Schedule**

Terry Brennen, WGPU, reported the Pink Shell informed him today that they were willing to give WGPU their big room in order to host a community screening of “Pink Gold Rush” on May 27<sup>th</sup>. He announced that the National Working Waterfronts Organization was going to use the film at a national conference to be held in Tampa; and WGPU would be offering the show to PBS stations around the country. He added the show would be aired again around May 27<sup>th</sup>. He explained the Town had the opportunity to go on WGPU radio or television or both in the amount of \$6,000 worth of media credits at the non-profit rate. He reviewed the type of opportunities available and said WGPU would assist the Town with production of a spot at no cost.

Discussion ensued regarding potential topics for a media spot on WGPU (i.e. hurricane preparedness, turtle season, Mound House grand opening, 4<sup>th</sup> of July and fireworks, etc.); and a potential timeline for use of the media credits.

Terry Brennen, WGPU, stated he would extend the media credits to fit the Town’s schedule for the anticipated grand opening of the Mound House to the beginning of 2015.

Discussion continued regarding potential topics for a media spot on WGCU; production costs; and promotion of the Mound House as “ecotourism”.

Terry Brennen, WGCU, reviewed production of a media spot and noted the \$6,000 media credit was for time and not production.

Discussion continued regarding potential topics for a media spot on WGCU; and promotion of the Mound House.

Terry Brennen, WGCU, reported the \$6,000 media credit would cover approximately 100 prime time television spots.

Mayor Cereceda asked Mr. Brennen to come back to the Council with a proposal to utilize the media credits for the grand opening of the Mound House and to produce a media spot/video on the Mound House.

Terry Brennen, WGCU, invited the Council to attend the screening at the Pink Shell on May 27<sup>th</sup>.

Town Clerk Mayher asked Mr. Brennen if he was retiring in June as it pertained to the subject media credits and production proposal for the Mound House grand opening.

Terry Brennen, WGCU, responded that he would be retiring in June; however, he would insure the project was carried through to production.

## **V. PRESENTATION – FAA FLIGHT TRACKING UPDATE**

Discussion was held.

Item withdrawn – Mayor and Town Clerk to work on scheduling the item for an upcoming Work Session agenda.

## **VI. COUNCIL MEMBERS ITEMS**

Council Member Mandel – reported Mr. Merrill contacted him concerning the FAA Report findings and how the Town should continue to pursue any improvements through a voluntary effort working through the Port Authority and the County Commissioners. He added Mr. Merrill requested he bring up the idea of an instrument landing system (ILS) for Runway 24.

Council Member Hosafros – requested that the Council schedule another Executive Session regarding other litigation which she had not been briefed on previously.

Consensus requested the Interim Town Manager to proceed with the request for another Executive Session from Council Member Hosafros.

Town Clerk Mayher expressed her belief that the Town Attorney needed to request the Executive Session in a public meeting.

Council Member Stockton – questioned if the minutes for the various Town committees could be placed on-line until the IQM2 system was operational.

Discussion was held regarding the request for placing the minutes for the various Town committees on the website; and consensus was for staff to begin adding the minutes to the website (minutes commencing now – not to include historical).

Council Member Stockton – requested a description for Public Comment on the Agenda (i.e. Public Comment – Agenda Items Only or Non-Agenda Items).

Consensus was to place the description for Public Comment on the Agenda.

Council Member Stockton – questioned the ownership of a particular bicycle rack; and requested staff to determine the owner. She noted her interest in conducting a workshop for a beach access at Hyde Park. She mentioned she met with a couple about the subject beach access.

Council Member Hosafros stated she met with a couple about the subject beach access and had received input on the topic; however, she suggested the matter go to CRAB before a workshop with Council. She stated she intended to give her information to CRAB Chair Greer.

Council Member Mandel offered some historic background on the issue and noted that it was addressed by a prior Council and Town Attorneys on what was the beach access. He suggested the Council obtain the information about the prior decision concerning the beach access before sending the matter to CRAB.

Planning Coordinator Overmyer explained there was a resolution in 1998 that established the subject property was a Town beach access and directed the Town Manager at the time to establish it as such. He added it was not done and pointed out Newton Park was physically adjacent to that beach access; and the access runs down towards the Hyde Park access onto the Newton property and onto the beach.

Council Member Mandel reported there had been a review by both LPA and Town Council and the access was moved along with the Newton Project at that time.

Council Member Hosafros indicated her belief there might be some small concessions that could be made by the Town regarding the subject property.

Mayor Cereceda reported she also met with the subject couple and agreed with Council Member Hosafros that there might be some small concessions made by the Town regarding the subject property. She also agreed that Council Member Hosafros could bring her information to CRAB.

Council Member Hosafros requested that she be allowed to speak to Chair Greer and CRAB about her findings on the beach access.

Consensus was for Council Member Hosafros to speak to Chair Greer and CRAB about her findings on the subject beach access.

Council Member Stockton – suggested lowering the spending limit/ability of the Town Manager position and to discuss it at a workshop.

Mayor Cereceda agreed to bring the matter to a workshop.

Council Member Stockton – explained that it had been reported residents of the Connecticut Street area were concerned about the car washes held at the church off Connecticut Street. She questioned if the Town could require the site to obtain a special event permit for car washes.

Discussion was held concerning the car washes.

Vice Mayor Andre – no items.

Mayor Cereceda – discussed her views on the lack of space at Town Hall for residents/visitors and staff; and the potential for expanding into the remainder of the existing building.

Discussion ensued concerning obtaining the use of the remainder of the Town Hall building; and whether to seek a long-term lease or purchase of the Town Hall Building.

Consensus directed Interim Town Manager Stilwell to investigate the matter and return to Council with broad options and possibilities on the matter.

Public Comment opened.

Mr. Lupo reported he had some chairs at the Beach Theater that he was willing to donate to the Town.

Public Comment closed.

## **VII. ADJOURNMENT**

Meeting adjourned at 4:48 p.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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Michelle D. Mayher, Town Clerk

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