

RESOLUTION NUMBER 24-125

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AUTHORIZATION #13 OF CONTRACT RFQ-20-22-AD BETWEEN THE TOWN AND AXIS INFRASTRUCTURE FOR COMPLETION OF AN IMPACT FEE STUDY AT A COST OF \$85,065.00; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town of Fort Myers Beach recognizes the importance of adequate and efficient infrastructure and services for a well-functioning community; and

WHEREAS, the Town of Fort Myers Beach has a responsibility to residents and businesses to provide and maintain an acceptable level of service; and

WHEREAS, the Town of Fort Myers Beach must ensure that additional development and visitors to the island are accommodated for and do not negatively impact the ability of the Town to provide services and infrastructure; and

WHEREAS, the Town Council has determined it is in the best interest of the Town to approve the requested Supplemental Task Order #13 of Contract # RFQ-20-22-AD.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves Supplemental Task Order #13 of Contract # RFQ-20-22-AD between the Town and Axis Infrastructure for \$85,065.00. A copy of the Supplemental Task Order #13 of Contract # RFQ-20-22-AD is attached hereto as Attachment "A".

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Vice Mayor Atterholt, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 3rd day of June 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (Jun 5, 2024 16:04 EDT)

Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**


Becky Vose (Jun 5, 2024 14:36 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 5th day of June 2024.

**TOWN OF FORT MYERS BEACH SERVICE AGREEMENT
SUPPLEMENTAL TASK AUTHORIZATION**

X Supplemental Task Authorization

NO.: #13

CONTRACT/PROJECT NAME: Impact Fee Study

CONSULTANT: AXIS INFRASTRUCTURE

PROJECT NO.: _____

SOLICIT NO.: RFQ-20-22-AD

CONTRACT NO.: _____

REQUESTED BY: Frankie Kropacek, Op/Compliance Director DATE OF REQUEST: 05/08/2024

PURCHASE ORDER NUMBER: _____

Upon the completion and execution of this Supplemental Task Authorization by both parties, the Consultant/Provider is authorized to and shall proceed with the following:

- | | | |
|-------------|--|--------------------------|
| EXHIBIT "A" | SCOPE OF PROFESSIONAL SERVICE: | DATED: <u>06/03/2024</u> |
| EXHIBIT "B" | COMPENSATION & METHOD OF PAYMENT: | DATED: <u>06/03/2024</u> |
| EXHIBIT "C" | TIME AND SCHEDULE OF PERFORMANCE: | DATED: <u>06/03/2024</u> |
| EXHIBIT "D" | CONSULTANT'S/PROVIDER'S ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: | DATED: <u>06/03/2024</u> |
-

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:

By: _____ Date _____ By: _____ Date _____
Department Director Contracts Manager

By:  _____ Date _____
Joe Onzick (Jun 5, 2024 14:32 EDT)
Finance Department

ACCEPTED: AXIS INFRASTRUCTURE

By: _____ Date _____
Consultant/Provider

TOWN APPROVAL:

By:  _____ Date _____
Andrew Hyatt (Jun 5, 2024 14:29 EDT)
Town Manager

By:  _____ Date _____
Becky Vose (Jun 5, 2024 14:36 EDT)
Town Attorney

Date to Proceed: _____

NTE of STA: \$85,065.00

Completion Due Date: _____

EXHIBIT A

SCOPE OF PROFESSIONAL SERVICES
Impact Fee Study

Overview

STA NO. 13: Impact Fee Study

The following services will be provided by AXIS INFRASTRUCTURE:

CONSULTANT will complete the following tasks and provide work products via email with attached electronic files (PDFs for public distribution along with Word, Excel, and PowerPoint files for staff).

1. ***Collect Data and Initiate Study*** – The consultant will conduct a group kick-off meeting and then individual interviews. The initial group meeting, including Town administration, finance, planning/building, and infrastructure staff, will establish lines of communication, discuss study goals and political context, review/refine the proposed work schedule, and request additional information related to the project. The consultant will also schedule follow-up interviews with staff to obtain and review detailed supporting documentation for the impact fee study.
2. ***Document Current Demographics and Project Future Development*** – To facilitate consensus building, it is necessary to obtain past and current data on population, housing units, jobs, and square feet of nonresidential floor area in the Town of Fort Myers Beach. The consultant will provide growth projections of development from published sources, such as the Bureau of Economic & Business Research. The consultant will present demographic data and projections to staff, then refine/update the materials prior to public distribution. If desired, the consultant will conduct a remote internet meeting with stakeholders to build consensus on demographic assumptions and the projected increase in development over the next five to ten years.
3. ***Update Infrastructure Standards and Identify Capital Improvements Needed to Accommodate Growth*** - An essential part of the nexus analysis is documenting the need for additional facilities and the growth share of planned capital improvements eligible for impact fee funding. The consultant will review adopted plans, fixed asset inventories, and other studies to establish the relationship between development and capital needs. The consultant will present draft standards and the projected need for growth-related improvements to staff, then stakeholders (if desired), during remote internet meetings.

4. ***Project Revenues and Evaluate Credits*** – Impact fee studies require consideration of two types of “credits”. The first is a revenue credit due to possible double payment situations. This could occur when a property owner will make future tax contributions toward capital facilities funded by impact fees. The consultant will adjust costs as needed to reflect other funding sources such as grants, local taxes, and debt service to avoid potential double payment for the growth share of facilities. The second is a site-specific credit for a required dedication of land and/or improvements provided by a developer, which is also funded by impact fees. Both types of credits will be considered and addressed in the impact fee study and recommended implementation procedures. The consultant will present draft revenue projections and credits to staff during a remote internet meeting.
5. ***Calculate and Present Preliminary Impact Fee Materials*** – The consultant will present to staff a preliminary set of tables documenting impact fee calculations, including a draft impact fee schedule. Based on staff input, the presentation will be revised then discussed with stakeholders (if desired) via a remote internet meeting.
6. ***Prepare and Refine Draft Report*** – The consultant will prepare a draft impact fee report for review by staff. The report will document assumptions and methods, with a series of tables for each component and a narrative to explain the impact fee calculations. This will be a succinct work product providing a paper trail to document all inputs and formulas. We will conduct a remote internet meeting with staff to obtain input, then modify the draft report prior to meeting with stakeholders (if desired).
7. ***Conduct Work Session with Town Council*** – Presentation slides and the draft impact fee study will be distributed to elected officials prior to a work session. The scope includes an in-person presentation of draft findings and recommendations. The consultant will collaborate with elected officials and staff to build consensus on maximum supportable impact fees. The work session will be open to the public, with the recommendation that written comments and suggested changes should be submitted after the work session.
8. ***Prepare Final Report and Presentation*** – Based on Town Council input and public comments, the consultant will prepare a final impact fee report and presentation. Materials will be reviewed by staff during a remote internet meeting, revised if needed, then distributed to elected officials and made available to the public, consistent with standard procedures in The Town of Fort Myers Beach.
9. ***Participate in Public Hearing*** – The consultant will participate in a public hearing for Town Council action on proposed impact fees, including phase-in options as specified in the Florida Impact Fee Act.
10. ***Assist with Ordinance Changes and Implementation Procedures*** – The consultant will review an updated impact fee ordinance prepared by the Town’s attorney and staff. Also, the consultant will assist staff with administrative procedures and “best practices” regarding implementation issues.

Project Schedule and Deliverables

The consultant will complete the impact fee study within a four-to-twelve-month timeframe, according to milestones to be negotiated with staff. Deliverables include electronic PDF files for public distribution and the following files for use by staff:

- 1) Excel file with all impact fee calculations
- 2) PowerPoint slides
 - Demographics and projected development
 - Preliminary impact fee tables
 - Draft fee calculations for Town Council work session
 - Proposed final fees for action by Town Council
- 3) Word documents
 - Draft impact fee report for work session
 - Final impact report for action by Town Council

Tasks for the Town of Fort Myers Beach Impact Fee Study	Meetings	Total Fees & Expenses
1. Collect Data and Initiate Study	On site and Staff Interviews	\$8,975
2. Document Current Demographics and Project Future Development	Virtual Staff and Stakeholders	\$7,520
3. Update Infrastructure Standards and Identify Capital Improvements Needed to Accommodate Growth	Virtual Staff and Stakeholders	\$13,890
4. Project Revenues and Evaluate Credits	Virtual Staff	\$3,905
5. Calculate and Present Preliminary Impact Fee Materials	Virtual Staff and Stakeholders	\$10,445
6. Prepare and Refine Draft Report	Virtual Staff	\$9,895
7. Conduct Work Session with Town Council and Administration	On-site Public Meeting	\$6,060
8. Prepare Final Report and Presentation	Virtual Staff	\$5,475
9. Participation in Public Hearings	On-site Public Meeting	\$5,900
10. Assist with Ordinance Changes and Implementation Procedures	Virtual Staff	\$5,500
	Total Professional Fees	\$77,565
	Total Travel, Materials and Expenses(Est.)	\$7,500
	Total Fees and Expenses	\$85,065

EXHIBIT B

Date: 06/03/2024

COMPENSATION AND METHOD OF PAYMENT FOR
Impact Fee Study

Section 1. BASIC SERVICES/TASK(S)

The TOWN shall compensate the CONSULTANT for providing and performing the Task(s) set forth and enumerated in EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "A". In accordance with Agreement Article 5.02(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
#1	Impact Fee Study	\$85,065.00	N.T.E.	WIPP
TOTAL (Unless list is continued on next page)		\$85,065.00	N.T.E.	

Section 2. ADDITIONAL SERVICES

The TOWN shall compensate the CONSULTANT for such ADDITIONAL SERVICES as are requested and authorized in writing for such amounts or on such a basis as may be mutually agreed to in writing by both parties to this Agreement. The basis and/or amount of compensation to be paid the CONSULTANT for ADDITIONAL SERVICES requested and authorized in writing by the TOWN shall be as set forth in Article 4 of this Agreement.

Should it be mutually agreed to base compensation for ADDITIONAL SERVICES on an hourly rate charge basis for each involved professional and technical employee's wage rate classification, the applicable hourly rates to be charged are as set forth and contained in ATTACHMENT NO. 1 hereto dated 10/01/2020, entitled "CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE".

Section 3. REIMBURSABLE EXPENSES AND COSTS

When the CONSULTANT'S compensation and method of payment is based on an hourly rate for professional and/or technical personnel, the CONSULTANT shall, in addition to such hourly rates as are set forth in Attachment No. 1 hereto, be entitled to reimbursement of out-of-pocket, non-personnel expenses and costs as set forth in ATTACHMENT NO. 2 hereto 10/01/2020 entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

ATTACHMENT NO. 1 TO EXHIBIT B

Date: 06/03/2024

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE FOR Impact Fee Study

Consultant or Sub-consultant Name: AXIS INFRASTRUCTURE
(A separate Attachment No. 1 should be included for each Sub-Consultant)

(1) Project Position or Classification (Function to be Performed)	(2) Current Direct* Payroll Average Hourly Rate	(3) Multiplier**	(4) Hourly Rate To Be Charged (Column 2x3)
Standard Rate Schedule As Included with Proposal			

*NOTE: Direct Payroll hourly rate means the actual gross hourly wage paid.

**NOTE: Indicate applicable multiplier for indirect personnel costs, general administrative & overhead costs, and profit.

***NOTE: A separate personnel hourly rate schedule should also be attached for each Sub-Consultant listed in Exhibit "D".

EXHIBIT D

Date: 06/03/2024

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S) FOR
IMPACT FEE STUDY

CONSULTANT has identified the following Sub-Consultant(s) and/or Subcontractor(s) which may be engaged to assist the CONSULTANT in providing and performing services and work on this Project:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm				Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage	
					Yes	No
	DP Guthrie, LLC					
	Planning Analytics, LLC					

Signature: 
Frankie Kropacek (Jun 5, 2024 14:32 EDT)

Email: fkropacek@fmbgov.com