

RESOLUTION NUMBER 25-92

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING APPROVAL OF AMENDMENT #3 TO THE AGREEMENT WITH JACOBS PROJECT MANAGEMENT CO.; 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, the Town of Fort Myers Beach entered into an agreement with Jacobs Project Management Co. on October 27, 2023, to review and approve incoming permits and maintain timely building inspections after Hurricane Ian, and that agreement was subsequently ratified and amended by the Town Council on December 4, 2023 to comply with Florida law and revise some of the contractual terms; and

WHEREAS, the Town of Fort Myers Beach authorized a second amendment to the agreement with Jacobs Project Management Co. on April 9, 2024, to convert the scope of the services from a time and materials basis to a fixed fee basis, as well as to amend the scope of services and related compensation; and

WHEREAS, it is in the best interest of the Town of Fort Myers Beach to amend the scope of services and related compensation schedule of the agreement with Jacobs Project Management Co. to include assistance with maintenance of Estero Boulevard to keep it free of illegal signs for an additional annual cost of approximately \$53,000.00.

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

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. This Resolution memorializes and authorizes the Town Manager to approve the third amendment to the agreement with Jacobs Management Group Co. amending the scope of services to include assistance with maintenance of Estero Boulevard to keep it free of illegal signs for an additional annual cost of approximately \$53,000.00.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

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

ADOPTED this 17th day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers

Dan Allers (Mar 30, 2025 13:07 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker (Mar 28, 2025 15:40 EDT)

Amy Baker, Town Clerk

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

[Signature]

[Signature] (Mar 29, 2025 22:06 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 28th day March 2025.

AMENDMENT NO. 3
to the
AGREEMENT FOR PROFESSIONAL SERVICES AGREEMENT FOR MUNICIPAL
SERVICES
for the
TOWN OF FORT MYERS BEACH, FLORIDA

This Amendment No. 3 (the “Amendment”) to the Agreement for Professional Services (the “Agreement”) is made effective as of this 18th day of November, 2024 by and between the Town of Fort Myers Beach, Florida (hereinafter “Owner” or “Town”) and Jacobs Project Management Co., a Delaware corporation (hereinafter “Contractor”), collectively referred to herein as the “Parties”.

WHEREAS the Parties entered into a Professional Services Agreement for building permit inspections on October 27, 2023 (the “Agreement”).

NOW THEREFORE, Owner and Contractor agree to amend the Agreement as follows:

1. Appendix A– Scope of Services is hereby updated to add Item #10 as follows:

Services to be Provided

10. Contractor shall assist in the maintenance of Estero Boulevard to keep it free of illegal signs.

2. Section 1 of Appendix B – Compensation is hereby updated as follows:

The Fixed Fee for contract year two (December 1, 2024, through November 30, 2025) is One Million Four Hundred Sixty-One Thousand Seven Hundred Eighty-Five Dollars and Seventy-Seven cents (\$1,461,785.77);

This Amendment No. 3 together with the Agreement constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment No. 3 nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

**JACOBS PROJECT
MANAGEMENT CO.**

Jonathan A. Mantay

Jonathan A. Mantay (Mar 26, 2025 15:02 EDT)

Name: Jonathan A. Mantay

Title: Jonathan A. Mantay

Date: Mar 26, 2025

**TOWN OF FORT MYERS BEACH,
FLORIDA**

Andrew Hyatt

Andrew Hyatt (Mar 28, 2025 13:30 EDT)

Name: Andrew Hyatt

Title: Town Manager

Date: 28/03/2025

ATTEST:

Amy Baker

Amy Baker (Mar 28, 2025 15:40 EDT)

Amy Baker, Town Clerk

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

Nathan St. Clair

Nathan St. Clair (Mar 29, 2025 22:06 EDT)

Vose Law Firm, LLP, Town Attorney