

RESOLUTION NUMBER 25-53

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN DECEMBER 3, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY TO ENTER INTO AN AGREEMENT WITH CONIDARIS BUILDERS & GENERAL CONTRACTORS INC TO PERFORM EMERGENCY REPAIRS TO THE ROAD, CURBING, SIDEWALK AND DRAIN FIELD RESULTING FROM A WATER MAIN BREAK NEAR 3780 ESTERO BLVD; AUTHORIZING PAYMENT OF INVOICE #2985 IN THE AMOUNT OF \$147,094.45; 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 ("Town") 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, on December 3, 2024, a water main break occurred in the vicinity of 3780 Estero Blvd, causing flooding, and uplifting of the road, curbing, sidewalks and drain field pavers; and

WHEREAS, the Town of Fort Myers Beach Code Sec. 2-480 (d) provides the basis for emergency purchase for the Town Manager to make, or authorize others to make, emergency purchases of supplies, services or construction items when there exists a threat to public health, welfare or safety; provided that such emergency purchases are made with such competition as is practicable under the circumstances; and

WHEREAS, on December 3, 2024 the Town entered into an agreement with Conidaris Builders & General Contractors INC for a duration of 10 days (from 3rd Day of December 2024 to the 12th day of December 2024) to perform emergency repairs to the road, curbing, sidewalks and drain field pavers resulting from a water main break to protect the safety of the citizens and visitors of the Town of Fort Myers Beach; and

WHEREAS, the cost of the emergency procurement totaled \$147,094.45, which exceeds the \$75,000.00 threshold, and therefore requires ratification by the Town Council; and

WHEREAS, the Conidaris Builders & General Contractors LLC invoice #2985 in the amount of \$147,084.45 requires approval for payment by the Town Council.

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 ratifies the actions of the Town to enter into an agreement with CONIDARIS BUILDERS & GENERAL CONTRACTORS INC on December 3, 2024 for the purpose of providing emergency repairs in the vicinity of 3780 Estero Blvd to the road, curbing, sidewalks and drain field pavers resulting from a water main beak for a total cost of \$147,094.45, and approves the Town Manager’s emergency procurement.

Section 3. This Resolution authorizes payment of invoices #2985 in the amount of \$147,094.45 to CONIDARIS BUILDERS & CONTRACTORS INC for services rendered between December 3, 2024, and December 12, 2024.

Section 4. 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 Mayor Allers and seconded by Council Member Woodson, and upon being put to a roll call 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 February 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers

Dan Allers (Jul 16, 2025 17:36 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker (Jul 17, 2025 11:09 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 Sturich

Nathan Sturich (Jul 17, 2025 22:45 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 17th of July 2025.

REQUEST/JUSTIFICATION FOR EMERGENCY PURCHASE
(ATTACH ADDITIONAL PAGES IF NECESSARY)

REQUESTER NAME: Mark Ashton DATE: 1-15-25
DEPT/INSTITUTION: Utilities PHONE: 239-765-0202
AGENCY/OFFICE: Town of Fort Myers Beach REQUISITION #: PO-FY25-0781 (Conidaris)

NATURE, CAUSE OF THE EMERGENCY. Explain what the emergency is and/or what caused the emergency situation to exist.

Contractor Drilled hole in our 16" water main that Feeds the Entire Island

FINANCIAL/OPERATIONAL DAMAGE TO THE TOWN. Explain the financial or operational damage that will occur if this purchase is not made immediately.

The Island would be out of water.

REASON NEED WAS NOT ANTICIPATED. State the reason(s) why the need for the purchase was not, or could not be anticipated, so the items could have been procured through normal procedures.

Can not anticipate contractor Accidents

Mark R Ashton 1-15-25
Signature of Head of Dept. Date

Joe Orsico 1-15-25
Signature of Administrative Services/Finance Director Date

[Signature] 1/15/25
Signature of Town Manager Date

Any emergency purchase in excess of ~~\$25,000~~ 75,000 must be approved by the Town Council as soon as practicable after the purchase.

Agenda Date _____ Attach Copy for Audit _____