

CITY OF VERO BEACH, FLORIDA
JANUARY 17, 2023 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation was given by Pastor Richard Demsick of Freedom Church.

PRESENT: John Cotugno, Mayor; Linda Moore, Vice Mayor; Tracey Zudans, Councilmember; John Carroll, Councilmember and Rey Neville, Councilmember **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

A. Pledge of Allegiance

Mayor Cotugno led the Council and audience in the Pledge of Allegiance.

B. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – January 3, 2023

Vice Mayor Moore made a motion to approve the January 3, 2023 minutes. Mr. Carroll seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Falls pulled item 9-D) off of the agenda on behalf of the applicant.

Mayor Cotugno asked Mr. Carroll if he would be willing to pull item 6A-1) off of the agenda today and discuss it at the January 26th workshop. He felt it would be part of the discussion that they are having that day.

Mr. Carroll explained that what he was asking for today was that they move forward in doing a full holistic analysis study for downtown.

Mrs. Zudans agreed that would be an item that should be discussed at the workshop.

Mr. Neville added that they would need to ask staff to come back with what it is going to cost for this study.

Mayor Cotugno continued by requesting that items 6A-2) and 6B-3) concerning the STEP System be combined and heard together and also be postponed and heard when the Water and Sewer Director could be present to answer any questions that they might have. He also would like these items to go before the Utilities Commission for their input.

Mr. Neville stated that the two (2) items are not the same. What he was asking for is staff to come back and let Council know how a Save Credit program could be implemented and if they think it is a good idea. He also wants to hear the pros and cons.

Mr. Carroll agreed that the two (2) items were not the same, but he would have no problem deferring his item until Mr. Bolton was present at the meeting.

Mrs. Zudans had some concerns about what Mr. Neville was proposing because of the people who have already paid full cost to have the STEP System installed without any incentives or receiving any credits.

Mr. Neville was just asking that staff examine the possibility of doing this and come back with a proposal.

Mayor Cotugno felt that the Utilities Commission could be helpful with both of these items.

Mrs. Zudans felt that the Water and Sewer Director needed to be present when these items were being discussed.

Mr. Neville explained when he says staff he is including Mr. Bolton in evaluating this proposal and saying yes or no to it. He will discuss this further when it comes up on the agenda.

Vice Mayor Moore made a motion to defer item 3B-2) and have it be heard when Mr. Bolton can be present for the meeting. Mr. Carroll seconded the motion and it passed 5-0.

B. Proclamations and recognitions by Council.

1) Rotary International Home Stay Week

Mr. Carroll read the Proclamation and presented it.

2) Retirement Proclamation to be presented to Master Police Officer Darrell Rivers

Mayor Cotugno read and presented the Proclamation.

3. CONSENT AGENDA (include amount of expense)

- A) **First Amendment to Lease between the City of Vero Beach and Capcan, Inc. d/b/a/ CJ Cannons Restaurant**
- B) **Memorial Island Boat Launch Dock Repair Engineering Services Work Order (\$54,760)**
- C) **License Agreement for “Quiet Birds” to use Riverside Park for their Club Activities**
- D) **First Amendment to Agreement to Provide Aircraft Rescue and Firefighting Services between the City of Vero Beach and Indian River County Emergency Services District**

Mr. Neville made a motion to approve the consent agenda. Mrs. Zudans seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 73, Flood Damage Prevention and Drainage, Article 1, Flood Damage Prevention, to Adopt New Flood Insurance Study (MAPS) for Indian River County, Update the Elevation of Manufactured Homes in Flood Hazard Areas, and Update Flood Damage Prevention for Accessory Storage Structures; Providing Codification; Providing for Correction of Scrivener’s Error; Providing for Conflict and Severability; Providing for an Effective Date.**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that this Ordinance proposes to amend Chapter 73, Article 1, Flood Damage Prevention to adopt new flood insurance study (flood insurance rate maps) for Indian River County, update the elevation of manufactured homes in flood hazard areas, and update flood damage prevention for accessory storage structures. This may give discounts on insurance for people living in a flood zone. He requested Council to adopt this text amendment.

Mayor Cotugno opened and closed the public hearing at 9:32 a.m., with no one wishing to be heard.

Mr. Neville asked if the maps have been recently revised.

Mr. Jeffries explained that the maps were revised in 2017, but there was a dispute in Sebastian so that had to be resolved before a County wide decision to approve the new maps could take place.

Mr. Neville made a motion to approve the Ordinance. Vice Mayor Moore seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Public Transportation Grant Agreement with the Florida Department of Transportation for a project entitled “Master Storm Water Drainage Plant” (FDOT #450929-1-94-01); Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Monte Falls, City Manager, reported that the last Stormwater Master Plan for the Vero Beach Regional Airport was completed in 2006. The plan needs to be updated. This grant serves as the 5% match to an FAA (Florida Aviation Administration) grant that the Airport anticipates being awarded. The scope of the project would allow for the Airport to begin working with their consultant to proceed with the planning process once they receive the FAA grant. The intent will be to update their current Stormwater Master Plan to coordinate with the development that has occurred over the years.

Mayor Cotugno opened and closed the public hearing at 9:35 p.m., with no one wishing to be heard.

Vice Moore made a motion to approve the Resolution. Mr. Carroll seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

5. PUBLIC COMMENT (3-minute time limit)

Mr. Michael Marsh commented that he was so glad to see that the Police Department now has body cameras. He said the City will miss Darrell Rivers and what he brings to the City. He complimented Chief Currey on his leadership.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

- 1) Holistic Analysis of Downtown Vero Beach – Address outstanding issues in the Downtown and to implement a plan of attack in conjunction with the Re-paving of the Twin Pairs. The issues include but are not limited to: Public Safety (traffic and homeless), Existing Overlay District (zoning and parking), Primary Uses (historical, commercial, and residential), and future assistance from Treasure Coast Regional Planning Council. – Requested by Councilmember John Carroll**

This item was pulled from the agenda and will be heard at the January 26, 2023 workshop.

- 2) **Consider the re-implementation of extending the STEP Up and Save Credit (SUSC) program as well as the Wastewater Utility Extension Charge (WESC) to all new homeowners in the City for one year following the property closing. Additionally, I also recommend we extend for some period of time the same consideration for property owners in the Atlantic Blvd. area. My motion would be to request authorization of staff to examine the proposal and bring back concrete recommendations. – Requested by Councilmember Rey Neville**

Mr. Neville stated that there have been some issues with trying to get people to implement the STEP System. There are two (2) things that he would like them to consider. The first one is a reset when a piece of property is sold and have it be mandated for the new homeowner to be able to implement the STEP System within six (6) months of them moving into their new home. This way they would save a considerable amount of money and they may see a surge of activity by doing that. The second thing would be that there are a lot of septic systems along Atlantic Boulevard and there are working families living there and there has not been a single STEP System turned on in that region yet. He said with no one having done that yet he would like to extend an incentive for a period of time. He said it is a lot of money to hook up and then pay the sewer fees thereafter. Based on those two (2) points of view, he was asking the Council to refer the question to staff on whether or not the proposition from their perspective makes good sense and if it does to bring back a proposal to Council.

Vice Mayor Moore agreed this was a good idea. They need to extend these credits wherever they can. She said the bottom line is to get people off their septic systems.

Mr. Carroll was in favor of studying this issue. He said if someone is purchasing a home it would be a good time for them to tie into the sewer system. This way the realtors selling these homes would be aware of this and force them to tie into the sewer system unless there are extenuating circumstances.

Vice Mayor Moore commented that there is a situation now with landlords who own smaller homes that are leasing to industry and restaurant people and as they know all the rents are going up and when the landlords have to hook up to the sewer system this is an additional cost that the landlords have to pass on to their tenants. She is in favor of anything that they can do to help people with this cost and get people off of these septic systems. She felt making it mandatory after a house is sold is an excellent idea.

Mrs. Zudans felt that it was a much bigger discussion. She said creating a situation where they are mandating that someone be required to get off their septic system and go on to the STEP System could make or break someone. She asked are they currently following through making sure that homeowners are maintaining their septic system. She said requiring someone to get off their septic system if they are maintaining it properly and then still mandating the property owner to spend the money with credits to hook up to the STEP

System is not necessarily the best idea. The other thing is there are people who have already hooked up to the STEP System and did not receive any credits to do it and now they would potentially be offering incentives to people to move forward on these STEP Systems where there is a group of people who paid for it at full cost. If they are going to ask staff to come back with a proposal that includes numbers this needs to be looked at. They need to know the number of people who paid the full price to hook up and did not receive any credits. It is unfair to give credits and incentives to just the group moving forward without considering the people who paid full price in the past.

Mr. Neville commented that there are two (2) ideas that they are discussing. He said one is voluntary and the other is mandatory.

Mrs. Zudans wanted to know how they were following up with current homeowners on making sure they were maintaining their septic tanks.

Vice Mayor Moore understood that currently inspections have to be made every five (5) years.

Mrs. Zudans was wondering if that was actually being done. She said it really should be at the age of a septic system. She said the older the septic tank gets the shorter the time that it should be inspected. She felt that five (5) years was too long. They should consider these things also and look at what is the potential time that a septic system could go bad and at that time shorten the window of time to do the maintenance and inspection.

Vice Mayor Moore suggested holding a workshop to discuss this matter making sure that the Water and Sewer Director and the Finance Director are present.

Mr. Carroll explained that the age of the septic tank is important because of the height above the water table where it was required to be installed. He said that septic tanks don't deteriorate overnight. He didn't really have a problem with having them inspected every five (5) years.

Mr. Neville explained they only examine the tanks and not the drainfield, which is the greater risk. They need to be able to have some mechanism to evaluate drainfields. If they did that he said that they probably would be failing a whole lot more systems. This had been the domain of the Health Department and that has been transferred to the Environmental Department.

Mrs. Zudans was not opposed to having a workshop to further discuss this.

Mr. Neville commented that every day homes are being sold primarily on the beach and every day that one of these homes are sold is a lost opportunity to give an incentive to someone to hook up to the STEP System. He reiterated that all he wanted to do was send this to staff for their recommendations.

Mr. Keith Drewett brought up Atlantic Avenue and reported that the Clean Water Coalition is pursuing grants to help low income people to convert to the STEP System. They are trying to do a pilot program and request that the Council to extend the incentive program. He agreed that it is time to look at the STEP System after eight (8) years to see how it is working and how do they move forward positively.

Mrs. Barbara Ruddy discouraged Council from doing anything retroactively. She said the people that are now hooking up to the STEP System might benefit from an incentive, but they shouldn't go back to the people who have already hooked up.

Ms. Lori Davis, Dale Sorenson Realty, felt it would be a great time to offer this when someone buys a new home. She said offering it at that time would enable the realtors to be able to market the idea to people purchasing a home. She said most people don't want to have an old septic tank anyway.

Mayor Cotugno closed the public hearing at 9:54 a.m., with no else wishing to be heard.

Mayor Cotugno felt that this was a multi-facet issue and he agreed that staff needs to look at it from the standpoint of what do they need to do to implement a STEP System program that will align themselves to what will probably be additional mandates coming from the State regarding septic system conversions. He felt that when they receive these comments back from staff that it needs to be as complete as possible covering all the different avenues regarding the STEP System along with the census of who is on the STEP System and when they converted. Then they can look at the numbers and see what the burden will be to the City and their citizens for a program like this.

Mr. John Turner, City Attorney, said that there needs to be a motion directing staff to consider multi-facet issues involving the STEP System. This would include costs, any credit for past purchases by previous owners and who is on the STEP System and who is not on it. He said that staff should look at this first and then they can report back to the Council and Utilities Commission if necessary.

Mr. Neville made a motion to initiate staff action to evaluate the two (2) proposals that he has offered and further elaboration on other STEP System opportunities. Vice Mayor Moore seconded the motion.

Mr. Falls said that staff is happy to do this. He said that the City has had a program for many years now that they have been actively pursuing. There are other communities within their County issuing septic tank permits on a regular basis. They are ahead of the game and are trying to make their process better.

The motion passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

B) OLD BUSINESS

1) Three Corners Project – Update on soliciting and retaining a “Project Manager” to act as the Lead City Representative in all things related to the Three Corners Development. - Requested by Councilmember John Carroll

Mr. Carroll asked the City Manager to give an update on where they are with hiring a Project Manager for the Three Corners project.

Mr. Falls explained that they are in the process of developing a job description for an in-house manager. They have not advertised the position yet, but hope to do that this week. He has interviewed a couple local people who are interested in the position, as well as four (4) different firms who are also interested. He has not decided yet how to proceed in this matter. He will be meeting with the finance group today to pin down the RFP process and will let Council know which way they have decided to go.

2) Parking on Banyan Road – Recap of the process that led to the removal of the parking signs and subsequent parking on the north swale. – Requested by Councilmember John Carroll

Mr. Carroll was happy to see that this issued has been resolved.

Vice Mayor Moore recalled an email that she received from someone suggesting that the two (2) hour signs be removed on the northern part of Ocean Drive to make it easier. She didn't see any downside in having that done.

Mrs. Zudans was happy to see that they solved the issue on Banyan. She said there is parking on South Beach and Humiston, which would just require the Vero Beach Hotel and Spa to have someone pickup and drop off their employees at their cars or they could walk. The local businesses want people to come and shop and don't want their parking spaces taken up by the hotels and their employees. She said having parking available a little further from the establishment could help.

Mr. Barry Shapiro commented that this issue has come up quite often. He recalled at one time there was a shuttle bus that looped around and they have also looked at having meter parking. It is a difficult situation for people that work there and have to park away from where they work. He said at night it is not safe to be walking a distance especially for females.

Mr. Falls said that they have not completed the task given by Council to find out about parking solutions. What he is hearing is that the solution would be to have paid parking.

Council agreed that parking remains to be a problem. They said as the soon as the City Manager has some information for them to look at they can call a workshop. They need to come up with a solution for parking on Ocean Drive.

3) STEP System – Discussion of researching possible grant money from the State of Florida and Federal jurisdictions to provide partial funding for

conversion of older (pre-2000) septic tank and drainfield systems to the STEP System due to the increased costs associated with the conversion. – Requested by Councilmember John Carroll

This item will be heard at a later date.

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

A) Appointments to Commission/Boards

CODE ENFORCEMENT BOARD

There is one (1) full member position and two (2) alternate positions open on the Code Enforcement Board. Ms. Eva Lauer has applied to serve on this Board.

Mr. Neville made a motion to appoint Ms. Lauer to the Code Enforcement Board. Mr. Carroll seconded the motion and it passed unanimously.

HISTORIC PRESERVATION COMMISSION

There are three (3) full time positions open on the Historic Preservation Commission.

Mr. Lee Olson and Ms. Dianne Cox have applied to serve on this Commission.

Vice Mayor Moore made a motion to appoint Mr. Olson and Ms. Cox to the Historic Preservation Commission. Mr. Neville seconded the motion and it passed unanimously.

PLANNING AND ZONING BOARD

There is one (1) alternate position open on the Planning and Zoning Board. Mr. Jake McCrae has applied to serve on the Planning and Zoning Board.

Vice Mayor Moore made a motion to appoint Mr. McCrae to the Planning and Zoning Board. Mr. Neville seconded the motion and it passed unanimously.

UTILITIES COMMISSION

There is currently two (2) alternate positions open on the Utilities Commission. Mr. Mark Mucher has applied to serve on the Utilities Commission.

Mr. Neville made a motion to appoint Mr. Mucher to the Utilities Commission as an alternate member. The motion was seconded and it passed unanimously.

B) Lien Reduction Request – 316 Greytwig Road

Mr. David Currey, Chief of Police, reported that the property owners are Sheri Anderson-Searle and Adam Searle and they have submitted an application for a lien reduction. The Searle's request is to reduce the current lien of \$15,000.00 to \$0.00 for the assessed property at 316 Greytwig Road. The request does not include the recording and attorney fees.

Chief Currey went through the order of events related to the code enforcement violations for this property. He said that on November 4, 2021, the Searle's were cited for a right of way encroachment for the fence installed on the City right of way. The case went to the Code Enforcement Board on December 8, 2021 and the civil penalty of \$50.00 had been paid, but the violation had not been corrected, nor was there an appeal by the violator. The case once again came before the Code Enforcement Board on October 12, 2022 and a notice of hearing was served and the violator did appear with a representative from Adron Fence Company. An order finding violation and correction, ceasing continuing penalties, and to pay accrued continuing civil penalties was issued. The property was found to be in compliance on September 14, 2022. Continuing penalties of \$15,000.00, together with all costs of recording the Board's order in the public records, and costs of satisfying and the release resulting on the lien payment were imposed. Mrs. Searle stated that she hired a licensed and insured contractor (Adron Fence) with the expectation that they would get the pertinent permits and install a fence according to the permits obtained by the City of Vero Beach and Indian River County. She (Mrs. Searle) feels like she took every step needed to move this process as quickly as possible. She signed the covenant of removal with the City and she was told they would not hold up the permit approval based on landscaping and that she would be able to plant a little bit at a time. She received an email from the Planning Director on May 11th, but did not read/see it until October. It appears the work to correct this violation was moving forward even after January 22, 2022 and up to May 10, 2022, when the fence was moved to become compliant. Chief Currey said that he would recommend to Council that the Searle's request for a lien reduction is granted and that they pay for the cost of recording the board order finding violation, the cost for the City Attorney to prepare a Release of Lien and the cost to record the Release of Lien, which amounts to \$112.00.

Mr. Carroll asked if the original permit showed the fence in the right of way. Chief Currey explained that the fencing company installed the fence in the wrong location. The fencing company was at fault and not the property owner. He said that Mrs. Searle appeared before the Council a couple of years ago and purchased the right of way from the City. He said that it does not seem like the fence company did their due diligence.

Mrs. Zudans agreed that the homeowner did everything that she needed to in order to comply.

Chief Currey commented that when this case went before the Code Enforcement Board if they had the power to give Mrs. Searle some relief they would have.

Mrs. Zudans commented that after Hurricane Ian the water from the Lagoon went half way up beyond the fence and destroyed Mrs. Searle's landscaping. She asked what kind of landscaping could have survived that. Mrs. Searle said she is doing some research on that now and will let them know what she finds out.

Mr. Neville added that there are books available that show what kind of plants can tolerate water. He said that sea grapes are a very salt tolerant plant.

Vice Mayor Moore added that on January 21st the Audubon Society will be giving a talk on native planting at the Emerson Center that might be helpful.

Mayor Cotugno mentioned that Mrs. Searle is a neighbor and what she has done to her property has added immensely to the neighborhood. He said they have done a wonderful job.

Mrs. Zudans made a motion to go with Chief Currey's recommendation in giving forgiveness of the lien and having the property owner pay for the recording and replanting of the landscaping. Vice Mayor Moore seconded the motion.

Mayor Cotugno opened and closed the public comments at 10:22 a.m., with no one wishing to be heard.

The motion passed unanimously.

**9. CITY MANAGER MATTERS (include amount of expense)
(Staff/Consultant special reports and information items)**

A) Update on Breeze Airways

Mr. Todd Scher, Airport Director, gave an update on Breeze Airways. He said as of January 10, 2023, Breeze Airways is working on two (2) items required according to Resolution 2020-16. What is needed is the insurance certificates and documentation, and the establishment of a drawing account. He expects those things shortly. He will draft a letter to Breeze Airways once those things have been completed. The Resolution requires a drawing account consisting of a cash deposit with the City in an amount equal to the City's estimate of three (3) months rentals, fees, and charges payable by the Airline and its Affiliates pursuant to the Resolution to guarantee the faithful performance by the Airline of its obligations and the payment of all rentals, fees, and charges due. He said that they will require an update in their security program just like what major air carriers are required to do. There will be inspectors on site beginning this afternoon until Friday. He said that this is not a light task. He also mentioned the agreement that Council approved earlier in the meeting to provide aircraft rescue and firefighting services between the City and Indian River County Emergency Services District was needed to support Breeze Airways in all take offs and landings. The grand opening for Breeze Airways will take place on Friday, February 3, 2023 and he will keep the Council updated on this event. This will be for their first flight.

Mr. Falls commented that there are some additional costs incurring that are being borne by Breeze Airways. There will be tents put up for boarding lounge space and outdoor baggage claim until the Airport's current facilities are workable for the near term. The City looks forward to having Breeze Airways here as a new partner.

Mr. Scher added that ticket sales have been more robust than they expected. Breeze Airlines are very happy with their initial ticket sales.

Mr. Neville questioned the costs being covered by Breeze Airways.

Mrs. Cindy Lawson, Finance Director, stated that they have the same arrangement made by the previous carrier and she would email the information to Council.

B) Water, Wastewater, and Reclaimed Water Franchise Agreement between Indian River County and the City of Vero Beach

Mr. Falls reported that the City has been working with the County to get a new franchise agreement implemented for some time now. He explained that the City has provided water and sewer service to portions of the unincorporated areas of Indian River County, including the South Beach area, since the 1950s. These services were provided under franchises granted by Indian River County in 1987 and expired in 2017, yet the City continued to serve based upon a 1989 agreement. This agreement is an exclusive agreement for the provision of water, wastewater and reclaimed water within the service areas. It has a term of 30 years with one 15-year renewal period. The agreement insures that rates charged to County customers shall not exceed rates charged to customers within the City limits for the same rate classifications served. The agreement acknowledges that the City will not add any surcharges for utility service as allowed by Florida Statutes. The agreement specifies that the City will collect a 6% Franchise Fee (water and wastewater services only) for the County and remit the fees collected on a monthly basis. The agreement provides for the same level of service to all customers in the service area and within the City limits. Finally, the agreement acknowledges the 1989 Service Territory Agreement. City staff and County staff have negotiated this Franchise Agreement in good faith and concur that with the approval of the City Council and County Commission, the Chapter 164 conflict resolution process is concluded. He asked Council to approve the Franchise Agreement subject to approval by the Indian River County Commission.

Mr. Neville congratulated staff on getting this done. He looks forward to a positive vote from the County on this. He knows that everyone's interest is to move forward on this.

Mayor Cotugno opened and closed public comments at 10:36 a.m., with no one wishing to be heard.

Mr. Neville made a motion to approve the Franchise Agreement with the County subject to the County Commission's approval. Vice Mayor Moore seconded the motion and it passed unanimously.

C) Update on Humiston Boardwalk

Mr. Falls commented on the damage that was sustained at the Humiston Boardwalk due to the last hurricane. He said there was also some erosion of the dune and the boardwalk collapsed and is not repairable. They have demolished the boardwalk and are now waiting for proposals for the construction of a new boardwalk. He hopes to have a contract back to Council soon for their action and consideration.

D) Annexation Request – 36th Street & US HWY 1

This item was pulled off of the agenda.

E) Award of Contract to Underwater Engineering Services, Inc. for Conn Beach Boardwalk Repairs, Phase II in the amount of (\$468,341.00)

Mr. Falls reported that the repairs at Conn Beach are not related to the hurricane damage. He explained in 2021, the City had a contractor complete a refurbishment project that included the removal and replacement of the primary boardwalk decking and stringers, handrails and western steps. The project, consisting of approximately 1,460 linear feet, began at the flagpole near the lifeguard stand at Jaycee Park and worked to the south terminus. The City recently advertised Phase II of that project, the replacement of nine (9) dune over walks from the boardwalk to the beach and on January 10, 2023 bids were opened and Underwater Engineering Services, Inc. of Fort Pierce provided the only bid for the project, with a base cost of \$468,341.00. The City's consultant, Coastal Tech/GEC reviewed the submittal, provided some options for the City to consider, and relayed a positive experience working with them in the past. There was a total of 41 companies, which downloaded the plans for this project, with only one (1) submittal. The total cost of the base bid award for this project is \$468,341. The project is budgeted in Fund 304 at a total cost of \$300,000, including the engineering and lighting for FY 22-23; the current unencumbered budget available for the construction of the boardwalk crossover replacements is \$272,966 including unspent funds available from FY 21-22. There is sufficient unappropriated FY 22-23 fund balance in Fund 304 to fund the additional \$195,375 needed to complete the entire project as bid.

Mr. Carroll asked if there was any possibility they could meet with the contractor and do some value engineering.

Mr. Falls commented that there is only one (1) vendor that bid on the project. He said it is not the best time to be doing a project like this one, but the work is needed and the pile driving activity of the project needs to be completed before turtle season, which starts on March 1st.

Mrs. Lawson explained when they first received the bid they were going to give Council two (2) options and one was to eliminate some of those crossovers. She said that the Engineering Department and Coastal Engineering has looked at the alternative and

recommendation they even discussed that some are fixed and some are not. She said if Council wanted to restructure this entirely so that the crossovers were eliminated she said then they would have to rebid the project because it would be a different design. The additional funds are available because of Council's decision last year to fund the Veterans Memorial Island bridge project with cash instead of borrowing money. The decision increased the one-cent sales tax funds available for projects by \$115,600 per year.

Mrs. Zudans asked if there was a requirement to have an amount of space in between each of the crossovers.

Mr. Matt Mitts, Director of Public Works, explained that there is no legislative requirement that he is aware of that requires them to have a crossover every so many feet. They could eliminate some of the crossovers, but that would change the scope of work and would delay the project.

Vice Mayor Moore asked if the current crossovers were unsafe to the public.

Mr. Falls explained if they rebuilt some of the crossovers those crossovers would meet all of the current standards and the others would not. He said they don't want to put themselves in that situation.

Mr. Carroll referred to Coastal Tech's recommendation. He said the cost per square foot is \$212.00 and the original estimated cost was going to be \$130.00 per square foot. He said maybe they want to hold off until things quiet down on the west coast.

Mr. Cotugno commented that they want to protect the public's safety and Conn Beach boardwalk is not only for the citizens of Vero Beach, but is also a tourist attraction. He said do they want to extend their liabilities out for something that may happen. He said when you are a single bidder it is always a great position to be in. They could try to negotiate with a single bidder, but he doesn't know how much success they would have. He questioned if it would make a difference if they wait and what will the liability be. He reiterated that they have heard from the Finance Director that the money is available.

Mrs. Zudans asked if they have the pilings in before March, what are the required time constraints to finish the project once the pilings are in.

Mr. Mitts explained that would not be the project that they bid out. He said the contract has an end date and if they don't finish in time there will be penalties enforced.

Mr. Neville asked what was the risk of implementing the pilings before March 1st.

Mr. Mitts said there is no technical risk to putting them in and that is what they want the contractor to do. He said once the pilings are driven they could continue some work. The contractor feels they can get the piling work done before turtle season. What's frustrating right now is procurement for supplies.

Mr. Falls added that the contractor is aware that the pilings have to be driven by March 1st and that there is a liquated clause in the contract. However, if the contract cannot get the material that would be a reason not to access liquated damages.

Mr. Carroll said it would also be a reason to renegotiate or rebid. He did not know how they could complete this project in six (6) weeks.

Ms. Lawson commented that the idea of rebidding and getting a lower price is not necessarily the case.

Mr. Neville wondered if part of this price is because they have multiple deadlines. There is a deadline to get the pilings done and then a deadline to get the entire project complete so there probably is a lot of overtime built into the price.

Mayor Cotugno commented that they need to decide if they want to accept this bid at \$468,000 and proceed with all the clauses in the contract or do they want to delay it in hopes of getting more people to bid on it.

Vice Mayor Moore said rebidding the project might be more expensive.

Mrs. Zudans also brought up that at a certain time they will be moving into hurricane season and that needs to be taken into consideration. She said to get their citizens and tourists on the beaches this is probably something that they need to move forward on.

Mr. Neville asked that they go over the alternate bid.

Mr. Mitts explained the alternate bid was for the ramp. There is no requirement to provide ADA access to the beach. But with their residents they want to make it as easy as possible. He said there is a ramp near the flagpole and the alternate bid was to repair that ramp.

Mr. Neville felt it was important to have that ramp. They have a situation where they are going to have renourishment soon on the beach, which means the ramp will be covered over again with sand. He wondered if they needed to redesign this.

Mr. Mitts explained when the County came in with their project they have a requirement to put the beach back at a set grade contingent to their funding. The City had some objections on where to place the sand. He does not know whether or not the City has the authority to alter that dune profile without risking the funding that the County receives from the State and Federal governments for funding to put the sand there. He could ask their consultant at Coastal Tech what could they do to have this ramp be useable at barring levels of sand, but they cannot prepare for every condition. He was not anticipating a nourishment project anytime soon and when the County comes through with a plan it will be sufficient notice for them to adapt so when they get funding for a renourishment project in Sector 5 that would allow them some time to look at the ramp.

Mr. Neville said so it would seem that they should repair the existing ramp, which would change the bid to \$501,167.

Mr. Falls asked if this ramp was the Jaycee ramp or the ramp that goes down to the parking area.

Mr. Mitt said it was the ramp down to the beach.

This item was postponed giving Mr. Mitts time to clarify the answer to this question.

Mr. Mitts returned to the meeting and stated the repair is for the center ramp on the parking lot side at Conn Beach. After seeing what it would cost, staff has decided to do that work in-house to repair the ramp.

Mr. Neville asked if the assessable ramp is still not available.

Mr. Matts said it is still not available and they are evaluating whether or not to repair that right now. It will not be included in this contract. He said this contract was in the works before the hurricane season.

Vice Mayor Moore asked if there is Federal Emergency Management Agency (FEMA) money available for this project.

Ms. Lawson said because this project has been in the works and in the budget it is not reimbursable. She is working with their FEMA representative as to whether there was damage truly caused by the hurricane.

Mr. Keith Drewett commented that State Representative Brackett's subcommittee is the Resiliency Committee, which might be able to help in funding some of these projects.

Mr. Carroll made a motion to approve the contract for the bid amount based on their consultant Coastal Tech making that recommendation. Vice Mayor Moore seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

10. CITY ATTORNEY MATTERS

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mr. Cotugno reported that he attended the Indian River County Legislative Delegation meeting and along with staff made some requests for things that they would like help with and hoped that progress would be made on some of those issues. He said that he also walked in the Martin Luther King Day Parade.

Mayor Cotugno requested a workshop be held to discuss the Stormwater Utility. He said that there are some things that need to be addressed. They need to know what the credits will be, what projects they would like to work on and what is going to happen after that. He would leave this up to staff if the Council was amendable to that.

Mr. Mitts reported that the Master Plan is due in June of this year and what they have received so far is the pollutant loading analysis with a very draft concept of the plan. In that list of projects they need to give some feedback to the consultant.

Ms. Lawson explained that right now their stormwater utility has a five-year capital improvement plan and all of those projects are maintenance projects and not any of the projects are in the Master Plan. There are some American Rescue Plan (ARP) funds remaining, but at some point they will need to either increase the Stormwater Utility or take out all the maintenance projects. She said the \$100,000 a year being generated is not that much so they will need to make a decision this summer as to whether to continue the assessment for next year or not. With the Master Plan it will require different funding to add those projects in the five-year plan.

B. Vice Mayor Moore's Matters

1) Mr. Barry Shapiro to talk about the 5th Annual Sock Drive

Mr. Barry Shapiro was at today's meeting to talk about the 5th annual sock drive. He said that they have lots and lots of socks. When he started this sock drive five (5) years ago his expectations were very low. The first year they collected 1,000 pairs of socks and gave them to charity. After the fourth year they collected and distributed over 20,000 pairs of socks because of the generosity of this community. He commented there are at least 1,200 people living in the woods and the problem is getting worse instead of better. By giving these people a pair of dry socks is just one act of kindness. They have a website on where people can donate their socks. He said they don't take cash, just socks. He noted that there was a box here in the City Hall lobby for people to donate socks and he hoped that it would get full. On Friday, February 17th they will be holding a Sock Hop at Walking Tree and he hoped everyone would attend. Also, February 9th is celebrate cops and socks day at the Vero Beach Police Department.

Mr. Bob Stanley expressed that they could not accomplish this without the support of the community. He went over where the different sock drop offs were located.

Ms. Teresa Baxton, Advocate for seniors at GYAC, thanked everyone for participating in this worthy cause. She said socks are very important to seniors. They are also looking for socks for teenage boys whose shoe size is 13. She said anyone wanting to know more about the sock drive can find it on their website.

Mr. Shapiro expressed that this seems like a small thing, but one small thing can make a big difference. He passed out a card to the Council that provided information about their website, which is www.VeroBeachSockDrive.com.

C. Councilmember Zudans's Matters

Mrs. Zudans reported that she attended the Martin Luther King Scholarship Banquet, which was amazing.

D. Councilmember Carroll's Matters

Mr. Carroll commented that he has been attending the Code Enforcement Board meetings and one thing that keeps reoccurring is people show up to the meeting and want to pay their fine and get frustrated that they could have paid it ahead of time and did not need to attend the meeting. He suggested coming up with a one page description of what the violator should follow in order to pay a fine and what they need to do. He directed staff to come up with this one page document.

Mr. Carroll reported that he attended the last Planning and Zoning Board meeting and was happy to hear Mr. Jeffries reporting on some positive progress that is being made throughout the City. There are some things being done where it will be easier for the layperson to understand the Code better.

E. Councilmember Neville's Matters

Mr. Neville commented on the problem of not being able to access internet in the Council Chambers.

Ms. Lawson said that the IT person was working on this problem, but she could not help with getting reception on someone's cell phone.

The Lincoln Center Chamber Orchestra will be performing tonight at the Community Center. Mr. Neville thought that there were still some seats available and invited everyone to come out and support this organization.

13. ADJOURNMENT

Today's meeting adjourned at 11:26 a.m.

/tb