

**CITY OF VERO BEACH, FLORIDA  
MARCH 1, 2022 5:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Mrs. Emma White of Central Assembly of God.

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Mrs. Minuse led the City Council and the audience in the Pledge of Allegiance to the flag.

**B. Roll Call**

Mayor Robbie Brackett, present; Vice Mayor Rey Neville, present; Councilmember Honey Minuse, present; Councilmember Bob McCabe, present; and Councilmember John Cotugno, present **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – February 15, 2022**

Mrs. Minuse commented that under her matters the Legislation that she was referring to with the Soil and Water Conservation District is throughout the State of Florida and not just Indian River County. She asked that be included in the minutes.

**Mrs. Minuse made a motion to approve the minutes with this correction made. Mr. Cotugno seconded the motion and it passed unanimously.**

**A. Agenda Additions, Deletions, and Adoption.**

The City Clerk requested that item 9-F) be added to the agenda under City Manager's Matters, which is an additional funding request for the Utility Work by Highway Contract Agreement (backup material provided to Council).

Mr. McCabe pulled item 3-B) and item 3-H) off of the consent agenda.

**Mrs. Minuse made a motion to adopt the agenda as amended. Mr. McCabe seconded the motion and it passed unanimously.**

**B. Proclamations and recognitions by Council.**

**1) 50<sup>th</sup> Anniversary of the Older Americans Act Nutrition Program**

Mr. Cotugno read and presented the Proclamation.

**3. CONSENT AGENDA (include amount of expense)**

**A) 2022 Municipal Elections Agreement**

**B) Vero Beach Police Department Body-Worn and In-Car Camera Program  
Task #1 (\$298,715.00)**

Mr. Monte Falls, City Manager, reported that this item 3-B) involves the Vero Beach Police Department Body-Worn and In-Car Camera Program. This was part of their budget discussion last year. They appropriated funds to cover this expense and he thanked Chief Currey and Captain Monaco for all of their hard work in finalizing this contract. He said this is a five (5) year contract, and the first year expenditure will be \$75,000 and it will be \$56,000 for the remaining years.

Mr. David Currey, Police Chief, added that this will cover the 50 body-worn cameras for the five (5) year service program and they will be budgeting each year after that for this service. It will cover the upgrade for the current 13 vehicles where they have the new watch guard in car system to be able to sync to the cloud and to the body cameras when they get them. Then the 10 cars that were approved for 2021-2022 will also have the new system. He said as they add new police cars to their fleet they will have to budget for the systems to be installed in those cars as well.

Mr. McCabe was impressed that they were using the cloud to upgrade the information directly from the squad cars.

**Mr. McCabe made a motion to approve the contract with Motorola Solutions for the Watchguard Body-worn camera and In-car Video-as-a-Service program in the amount of \$298,715.00. Mrs. Minuse seconded the motion and it passed unanimously.**

**C) Agreement for Consent to Sublease between Bridgeton Real Fund I, L.P. and Pro Pool Builders LLC**

**D) Agreement for Consent to Sublease between RMC Holdings Group LLC and Flat Dog LLC**

**E) Approve Three-Year Contract for Vac-Con Sewer Cleaners and New Way Refuse Vehicle Parts and Repair Services, Expenditures Not to Exceed \$225,000.00**

**F) Leisure Square Gymnastics Center (Centerstage) Addition (\$214,400.00)**

**G) Agreement Consenting to Assignment of Commercial Lease Agreement between the City of Vero Beach, Patterson-Vero, LLC, and Right Flat, LLC**

**H) Agreement for Temporary Use of Facilities and Equipment of Vero Beach Police Department Gun Range with Indian River Shores Public Safety Department**

Mr. Falls reported that item 3-H) is a housekeeping item. He said that they have a very nice police gun range since the improvements have been made to the range. He said they allow other agencies to use the range for training. What Council has in front of them is an agreement with Indian River Shores to use the range for their training as they have done in the past. They provide their own supplies and clean up after themselves. He wanted the community to know that they are good neighbors.

Mrs. Minuse asked if she was correct that there was not a charge to other agencies to use the range. Mr. Falls said that is correct.

Chief Currey explained that the Vero Beach Police Department always has one (1) of their instructors at the police range when other agencies are using it. He said their first fire arms safety course will occur this month and will be free to the public.

**Mrs. Minuse made a motion to approve the agreement for Temporary Use of Facilities and Equipment of Vero Beach Police Department Gun Range with Indian River Shores Public Safety Department. Mr. McCabe seconded the motion and it passed unanimously.**

**Mrs. Minuse made a motion to approve consent agenda items 3-A), 3-C), 3-D), 3-E), 3-F) and 3-G). Mr. McCabe seconded the motion and it passed unanimously.**

Chief Currey commented that the Police Department has been delivering “Meals on Wheels” once a week for many years.

#### **4. PUBLIC HEARINGS**

##### **A) ORDINANCES**

- 1) An Ordinance of the City of Vero Beach, Florida, amending the Land Development Regulations by Amending Chapter 62, Article III, Commercial Districts, Chapter 62, Article IV, Industrial District, and Chapter 62, Article VII, Airport Master Plan Land Use Zones, to add Commercial Food Services to the list of permitted uses in the C-1, Commercial District, ALI-A1 and ALI-1, Airport Light Industrial Zoning Districts, and M, Industrial District; Amending Chapter 60 (Appendix. Definitions) to add a definition of Commercial Food Service; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener’s Errors; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that this is the second and final public hearing of two (2) required public hearings to be held on this Ordinance. He

said that he made a staff presentation at their last meeting and would be happy to answer any questions that Council has.

Mayor Brackett opened and closed the public hearing at 5:22 p.m., with no one wishing to be heard.

**Mr. McCabe made a motion to approve the Ordinance. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

**2) An Ordinance Calling and Providing for the Holding of a Referendum in the City of Vero Beach, Florida, on November 8, 2022 at the General Election to Submit to the Electors a Proposed Amendment to the Charter of the City of Vero Beach. (Former City Power Plant Site). – Requested by City Council**

The City Clerk read the Ordinance by title only.

Mr. Falls recalled at the last Council meeting this Ordinance was discussed and Council made some changes to the wording of the referendum question. Those changes have been incorporated staying within the 75 words allowed and staff is here to answer any questions.

Mr. Leonard Markir commented that the recent City Council was proactive for growth in the City. What is happening now is that there are two (2) major projects underway, which are the Three Corners project and the Marina Master Plan. If the goal is to keep Vero/Vero then both of these projects would not be necessary and would be counterproductive. They (City Council) have to convince the people that this is a good thing to do and reach out to a developer to do this project. He asked Council to please hold off on the referendum approval, which does not need to be finalized until August. This would give them time to reach out to the voters and have some reasonable conversation.

Mrs. Fran Hankie (spelling may not be correct) said that she was a new resident to Vero Beach moving here from New Jersey. She moved here for the small town feel. She lived at the Jersey Shores her entire life and watched it change in ways that she fears may happen here. In the short time she has been here she is already seeing changes in the community. They are now living in a new world through government overreach and her understanding when looking at the Three Corners property is that the voters want to use it for open space rather than having a hotel there and having it look like Miami. Having a hotel on this property might bring people to this community that otherwise would have no reason to be here. She said they need to ask themselves who they are inviting into this community.

Mr. Gary Froonjian commented that he left New Jersey 18 years ago and moved to Vero Beach. He said it was a jewel at that time, but not so much anymore because of the development. He said some Councils' have tried to preserve this place for many years because they care about it. They all need to focus on what they have here is a treasure. He started talking about the Marina and was told by Mayor Brackett that this public hearing

was only to talk about the referendum question and Mr. Froomjian was welcome to talk about the Marina under public comments.

Mrs. Lamarre Notargiacomo started asking questions of the Council such as what was the appraised value of the Three Corners property and adjacent former water purification system.

Mayor Brackett explained that they could not answer that question because this is government property and it is not on the tax rolls.

Mrs. Notargiacomo said that it is public property and owned by the public. She then asked what would happen if the referendum does not pass.

Mr. John Turner, City Attorney, explained that if the referendum does not pass then the prior language in the Charter stands.

Mrs. Notargiacomo asked how do taxpayer's benefit if a hotel is built on this property.

Mr. Turner told Mrs. Notargiacomo that she is speaking under Public Comment and there will not be any back and forth discussion.

Mrs. Notargiacomo finished by saying that the City Charter was established to protect their quality of life. The public wants to keep Vero/Vero and they want to have property for recreational use.

Mr. Barbara Ruddy commented that after hearing some negativity she feels she must say something positive. She said unless someone is very lucky and owns property on the Lagoon or can afford to be a member of an exclusive club they cannot enjoy a dinner on the Lagoon or even having a glass of wine. She said this property looks the same as it did in 1980 and the County has grown a lot. She felt it was time to move forward, which she hopes that they will do and the citizens of Vero Beach will welcome this project.

Mr. Ken Daige read a prepared speech (attached to the original minutes).

Ms. Vicky Gould commented that she grew up in Vero Beach and has seen a lot of changes and feels strongly that this can be a place to be enjoyed by all ages. They don't want to see a place over run by development, but have good development because they see it coming. This is a concept and they are not sure how it will turn out, but when they began talking to the public two (2) years ago this is the plan that the community wanted to have happen on this piece of property. She said this is not new and most people have heard about it unless they recently moved here. She said what they want to take to a developer is what the community wants. There is a lot of green space being preserved with some development to occur on this property. She agrees that this is their jewel on the water for all of them to enjoy. She reiterated that she grew up in Vero Beach and is very passionate on what happens on this piece of property.

Mrs. Ann Whitofor (spelling may not be correct) commented that they may be calling this a concept, but when a developer gets in and signs a 99-year lease the developer may have their own concept. She said this is the citizen's property especially the people on the mainland. It is for all ages of people to come and enjoy. She commented on the traffic and that it will be hard to turn into this property. She said there are 7,500 new residents that have moved into Indian River County and these people have not been involved with this project. She said after coming out from COVID it changed everyone's life and world. She encouraged Council to have conversations with these new residents. She said this is not negative energy, it is positive energy for the citizens of Vero Beach.

Vice Mayor Neville wanted to make it clear that they are only talking about the north side of the property. The property located on the south stays in the Charter for all to come and enjoy and it will be cared for. He said that is the current plan.

Mrs. Minuse commented on what a long process this has to go through before a public/private partnership is formed. She said there will be zoning changes and changes to the Comprehensive Plan that will have to be approved by the State. Then everything will be taken to the Planning and Zoning Board and then to City Council for a vote. She told the public that they did not need to be afraid.

Dr. Melissa Dean commented that she has not heard a whole lot about this plan and she has been a resident for 33 years. She said that change is inevitable. However, in her opinion they can control change. She recalled how people were up in arms when Walmart was coming to town. She felt at this point the growth is uncontrolled and they need to be cautious of what growth they choose so they don't become another Miami.

Mayor Brackett closed the public hearing at 5:55 p.m., with no one else wishing to be heard.

Mrs. Minuse asked if the referendum met the 75 words or less requirement to be on the ballot. Mr. Turner told her that it does.

**Vice Mayor Neville made a motion to approve the Ordinance. Mrs. Minuse seconded the motion and it passed 4-1 with Mr. Cotugno voting yes, Mr. McCabe no, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

## **B) RESOLUTIONS**

### **5. PUBLIC COMMENT (3-minute time limit)**

Mr. Richard Oatheimer (spelling my not be correct) owns a condominium at Vero Towers. He said that he is not a full time resident, but has a long history here in Vero Beach. He loves Vero Beach and would not own a home anywhere else in Florida. He is concerned about the Marina expansion plans. He knows that the Marina is in the process of doing some repairs, which it needs, but he has some concerns with the expansion that is being planned. He tried to educate himself for this meeting and find out about the boat storage

building so he read everything that he could find that was on-line. It seems that the existing boat storage is 820 feet and the City wants to accommodate larger boats. He saw the report and the diagram of the building shows that it would double the size of the building. He said that a building of this size will be noticeable. He still does not know what the plan is even after going back and reading the minutes. He has heard that there is going to be a workshop set up to discuss this and wondered if that has been set up yet. He said that no one seems to know when the meeting will be. The community is entitled to be heard and there seems to be a need to hear input from the community.

Mr. Falls explained that as soon as the City receives the plans to show the community they will work with Council in setting up a workshop. He hopes to do that within the next month.

Vice Mayor Neville mentioned that the City Manager will be talking about the Marina at a meeting to be held at the Yacht Club this Friday. He said anyone wanting to attend that meeting could purchase a ticket.

Mr. Falls explained at the lunch meeting on Friday, he would be giving a brief update on where they are with the Marina.

Mr. Leonard Markir wondered if a presentation will be made with drawings that include perspectives or is it just a plan. He asked does the City have plans to have a 160-foot rack storage building.

Mr. Falls commented that he has gone on record as saying that the drawings/plans are not completed yet and are being drawn up by a local competent architect.

Mr. Markir asked will the drawings show the scale of the boat building and will the public understand what it really means.

Mr. Falls answered yes.

Mr. Markir brought up the conflicting information that he has read concerning how many boats will be housed in the boat storage building and how the loan for that money will come from the City to the Marina.

Mr. Ken Daige commented that Vero Beach is very special. He said that there have been changes, but the people before them have put in protection to keep their quaint City. He said the citizens of the community are becoming concerned with all the development that is going on. He was concerned with the County and the wrong people making decisions about development in the County. He said their neighbors throughout the City are special and unique. He said if a citizen does not like the decision that an elected official makes then they need to let them know.

## **6. CITY COUNCIL MATTERS**

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

**Public Hearing will be heard on March 15, 2022 at 9:00 a.m.**

- A) **An Ordinance of the City of Vero Beach, Florida, Adopting an Amendment to the City Charter which would Repeal and Replace that the Mayor receive a salary of \$1,300.00 per month and City Council receive a salary of \$1,075.00 per month and then receive an annual increase at the same rate as all non-union City Employees; the City Charter be reviewed at least every eight (8) years by a Charter Review Committee; the City Canvassing Board be composed of the City Clerk, City Manager, and City Attorney, and work with the Supervisor of Elections on Performing Election Duties imposed by General Law and include Edgewood Park in Section 5.05 of the City Charter.**

The City Clerk read the Ordinance by title only and announced that the public hearing on the Ordinance would be heard on March 15, 2022 at 9:00 a.m.

**Public Hearing will be heard on March 15, 2022 at 9:00 a.m.**

- B) **An Ordinance of the City of Vero Beach, Florida, Amending Article III, “Commissions and Boards,” of Chapter 2, Administration , of the Code of the City of Vero Beach; Revising Duties of the Tree and Beautification Commission; Providing for Codification; Providing for the Correction of Scrivener’s Errors; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Public Works Department**

The City Clerk read the Ordinance by title only and announced that the public hearing on the Ordinance would be heard on March 15, 2022 at 9:00 a.m.

8. CITY CLERK MATTERS

- A) **Appointments to the Tree and Beautification Commission and Marine Commission**

**Tree and Beautification Commission**

Mrs. Tammy Bursick, City Clerk, reported that the Tree and Beautification Commission was the last Commission to be restructured from a seven (7) member Commission to a five (5) member Commission. The following people are interested in serving on the Tree and Beautification Commission: Cindy Roberts, Fran Robinson, Rebecca Siplak, Opal Nelson and Katherine Booth.

**Mrs. Minuse made a motion to appoint Cindy Roberts, Fran Robinson, Rebecca Siplak, Opal Nelson and Katherine Booth to the Tree and Beautification Commission. Mr. Cotugno seconded the motion and it passed unanimously.**

### **Marine Commission**

The Marine Commission presently has an alternate position open on the Commission. There is one (1) application on file from Mr. John Millward who resides in the City and would like to serve on the Commission.

Council agreed to wait on making any appointments to the Marine Commission to see if they receive any more applications. They asked the Clerk to bring this item back to them in 30-days.

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

**A) Beach Basket Program (up to \$1,500 annually)**

Mr. Falls reported that Coastal Connections initiated a pilot beach basket program back in February 2020 and the pilot program ended December 31, 2021. The program included placement of beach basket stations at the City and County Beach Park facilities. City facilities included Jaycee/Conn Beach, Sexton Plaza, Humiston Beach Park, Flamevine Lane beach access, and South Beach Park. This program has reduced the trash at their beach Park facilities and engages the public on the importance of keeping their beaches clean. He said that Coastal Connections has continued the program on an interim basis and has submitted a proposal to continue the program through September 2022. The total contract cost is \$1,500 annually and would be funded by the Grounds Maintenance Division of Public Works. The City would evaluate this program on an annual basis and discuss whether to continue it at the annual budget meetings.

Vice Mayor Neville commented on what a great organization that Coastal Connections is and how much they do for this community, primarily keeping their turtles safe. He thanked them for all they do.

Mayor Brackett added that this group of people have a lot of energy and they are on the go all the time.

**Mrs. Minuse made a motion to approve the Beach Basket Program for City Beach Park facilities. Vice Mayor Neville seconded the motion and it passed unanimously.**

Ms. Kendra Cope, Founding Director and Project Manager of Coastal Connections, extended her gratitude to Council for approving this request. She said it is a pleasure to do this work in the City and provide this service.

**B) Beachside On-Street Parking Options (PW Project #2018-13)**

Mr. Falls reported that he just needed some direction from Council concerning the beachside on-street parking options that were discussed some years back. He said that Kimley-Horn was hired to complete a parking study of the Ocean Drive/Cardinal Drive area in an effort to assess current parking conditions and future parking demand. At the January 21, 2020, Council meeting Kimley-Horn presented the final report of the Beachside Parking Study. One of the short term solutions recommended in the study was to add 79 on-street parking spaces as shown in the report. The total cost to add 79 parking spaces would be \$520,250. Of the 79 parking spaces, 63 of the spaces are located adjacent to commercial and multifamily residential properties. Of the 79 parking spaces there are an estimated 29 specs adjacent to commercial properties. He just needed some direction from Council on how to proceed with this matter.

Vice Mayor Neville was not certain that diagonal or parallel parking would be very effective. He said people will not seek those parking spaces out in order to park in them. He was pretty confident that the employees at the hotels would not. He commented on the cut through traffic and people who drive to fast on these narrow streets without having additional parking spaces on them. He said even when someone finds a parking spot in most cases they have to pull in someone's driveway and back out in order to park in the space. He was not sure that this would work out in the end for what they are trying to accomplish. The beachside community is under stress all the time for commercial development and this will be changing the look and feel of that area. He is reluctant to do that. If they recall in the Kimley-Horn report they recommended using privately owned parking spaces. He went over some of the data that outlined how many parking spaces were privately owned, which would leave them 1481 spaces. All they need to do is work with some of these property owners who would benefit to having parking spaces for their customers to park in. He encouraged them to communicate with these landowners who have these parking spaces and work with them on a trial basis. He said it would not be that expensive. They could put some signs up and get some stickers. He feels that the biggest issue is the hotel employees who park in those spaces. He knows there has been some negativity in the past about doing this, but maybe it is time to try it again. He said that the beachside area is not the only place in need of parking. He said the downtown area also needs additional parking.

Mayor Brackett would like to see staff come back and give the Council more information on the second and third option and see how that works. He doesn't disagree with the Vice Mayor, but the City has tried to talk to the business owners for years about their parking spaces and they don't want the City to use those spaces. He said if they could find a business that would do a shared parking agreement he would love it, but he has not been able to find anyone willing to do it. He said that goes for the downtown area also.

Mr. Cotugno stated that he has had conversations with the Oceanside Business Association and they can't come to an agreement among themselves on how many parking spaces they need or do not need. He knows that there is a long term issue that needs to be solved, but for now they need to be looking at the short term and medium term solution. He wanted staff to have conversations with the Oceanside Business Association and solicit what their

comments are. He said trying to get business people to open up their parking spaces is the definition of insanity. They are just doing the same thing over and over and not getting any results. He said engaging with the Oceanside Business Association would be a good way to have some feedback. He looked at the plan from Kimley-Horn and it shows that there are 29 spaces available and if they were going to try to alleviate any present problems that would probably be the way to go and the investment on that was around \$200,000 to get those 29 spaces done and something to consider for the short term.

Mr. McCabe brought up the investment that the City made in allowing the Police Department to use automatic license plate readers for their traffic enforcement. He wanted to know what the success has been with having the new system in place. He brought up the people being accused of hogging the parking spaces on the beachside, such as the hotel employees and wondered with having this investment if there has been an impact on the number of people hogging the parking spaces. He said the Kimly-Horn study was done prior to the investment of the license plate readers. He knows it is a problem, but it is only two (2) months out of the year and the rest of the year when there are not so many people visiting it is not the biggest problem that they have to solve.

Mayor Brackett commented that it seems to be longer than two (2) months where they are seeing this problem. He said the season seems to be getting longer all the time. He thinks for the long term solution he doesn't want to rely on police enforcement to run one (1) customer off so another customer can park in that spot. He said they need to have more parking spaces. They need to continue looking at this and seeing if those 29 spaces could be done readily.

Mrs. Minuse recalled working with the Chamber of Commerce some years ago when they addressed this issue and they looked at having employees park at Riverside Park and bring them back and forth on a bus. She said all of this was addressed and they finally were looking at enforcement on the length of parking times. She said whatever decisions that Council makes has to be in the best interest of the business owners. She is a big fan of parking agreements between business owners where government is not involved, but she realizes they are limited on space in order to do that. The neighborhoods need to be protected from someone pulling in their driveway and turning around. These are all matters that have been discussed and are reasonable concerns. She has made a point of driving around the beach district during this tourist season and she notices a whole lot of happy faces. She doesn't see anyone unhappy because they had to park far away. She wants to see that continue because that is who they are in Vero Beach.

Mr. Falls said that he has the direction that he needs and will be bringing some things back to Council.

Vice Mayor Neville asked if they considered doing some type of construction would he bring back a concept plan. He knows that the funding part of it is an element.

Mr. Falls agreed and said that it would need to go through the budget process.

### **C) Proposed Request for Information (RFI) for Development of Three Corners Property**

Mr. Falls brought up the proposed Request for Information (RFI) for the development of the Three Corners project. He asked Council if there is anything that they would like to add to it. He said staff plans to get this out on March 10<sup>th</sup>.

Mr. Jeffries reported that the document is geared towards identifying any qualified developers interested in working with the City on the Three Corners project. It goes over the zoning of the property and what it could potentially be based on the master concept plan and how that was developed.

Vice Mayor Neville asked Mr. Jeffries when he expects getting responses back from the developers.

Mr. Jeffries said that they would give the developers 45-days to respond and will bring back a summary of those responses to Council in May or June.

Mr. Cotugno commented that they discussed briefly about requiring a fee for people responding.

Mr. Jeffries said that would be a part of the Request for Proposals (RFP) process after the referendum has passed.

Mr. Cotugno realizes the limited resources that are available to staff and going through all this information takes time, effort and knowledge. He said there are not that many people working in the Planning and Development Department. He said an RFI would not require an investment on the developers' part other than putting something together in response to the RFI. He said by asking for an investment on their part, the type of developer that they want should be able to pay a fee and have an opportunity to bid on this project. If they go to an RFP and additional people want to participate in the RFP process and not the RFI process he is sure that they can work out a clause in the contract that would allow the developers who submitted an RFI to get some type of credit so they don't have to double pay. He would like to see that considered before sending this RFI out.

Mayor Brackett asked the City Attorney if that requires an Ordinance to start charging fees on RFI's.

Mr. Turner said any time they have a rate issue an Ordinance would need to be passed. In this case what is needed is to request action from Council if they wanted to proceed in that direction. He doesn't know if the Planning and Development Director has even thought of an amount that the City would charge. He doesn't want to hold this up because he knows they are trying to get it out on March 10<sup>th</sup>.

Mr. Falls said if this is something that Council wants to do then they need to make that decision tonight so they can still have the RFI go out on March 10<sup>th</sup>.

Vice Mayor Neville asked Mr. Jeffries if he has had any experience in this kind of matter before and charged a fee for an RFI.

Mr. Jeffries reported that he has dealt with a lot of RFP's and fees were not charged. He understood that they would be looking at charging a fee when they went out for RFP's. He said at that point they probably will have an outside person helping them with evaluating those so there will be a cost to the City. He reiterated that the RFP is what will be very time consuming and a lot of time will be spent going through them.

Mr. McCabe commented that they want to encourage as many people as they can to respond to their RFI and putting a fee on that may limit who responds. He said the RFP is a whole different story. In that case they want whoever is responding to them to be very serious and interested and don't have a problem with paying to submit the RFP.

Mrs. Minuse commented that it seems to her that this is a business decision that the developer is making as to whether or not to give the City information. She said it is their decision whether they are interested or not.

Vice Mayor Neville asked if it was their intention to evaluate the RFI and then give opportunities for opening bids for RFP's from that list.

Mr. Jeffries explained they would be bringing back a summary of what the responses are from the RFI's submitted. The responses will not be very extensive. The summary will show the developers that are interested and just gives Council more information as they head towards the referendum.

Mr. Falls added that it gives the public some information. They can let them know that a feasibility study has been done and there are some developers interested in working with the City on this project if the referendum passes.

Mr. McCabe added that this is free information on what a developer considers viable for this property.

Mr. Turner commented that a question that has come up is whether a developer or organization was interested in the project if they would be prevented from submitting an RFP if they had not furnished information for the RFI. He said that needs to be cleared up now.

Mr. Falls stated that it would be staff's recommendation that they don't exclude someone from submitting an RFP even if they didn't receive an RFI from them.

Mrs. Minuse said that sounds like good business.

Mr. Cotugno questioned what an RFI process does. He said if it is not a weeding out process then what is it giving them. If they are going to allow people who don't respond

to the RFI to respond to the RFP why go through the RFI process. He questioned why don't they just move to going through the RFP process.

Mr. Falls explained that they have a conceptual plan that has to be approved by referendum. If they ask for RFP's for a piece of property that they don't know if they can do any development on they run the risk of eliminating someone who might give them a proposal if they had the referendum question answered.

Mr. Cotugno commented that the issue becomes that the people bidding on this project deal with local governments all the time. They know the process of bidding on a government project. They understand the scope of the project, the investment needed to make a quote and realize that there is a chance this will not pass when it goes to referendum. He said if they are just going to use the RFI process to gather ideas then let's just go to the RFP process. He said that would give them more time to go through all the paperwork and make sure that everyone has conformed with all the necessary qualifications that were requested.

Mayor Brackett said he didn't know if the developers that they will be talking to have ever dealt with a piece of property like this before. He questioned if they were familiar with having to deal with a piece of property that has to go to referendum and it might not pass and the voters may not approve it. He said that is why they do the RFP after the referendum.

Mrs. Minuse felt that the RFI was intended to help develop the RFP.

Mr. Jeffries said that is true. He said if they look at some of the information that they need to respond to there might be something that staff is not thinking about that may need to be included in the RFP. This process is designed to assist them in leading up to the referendum and knowing what some of the final steps will be that need to be done after the referendum has passed.

**Mr. McCabe made a motion to move forward with the RFI on March 10, 2022. Mrs. Minuse seconded the motion and it passed 4-1 with Mr. Cotugno voting no, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

**D) Engineering Services for the New Water Reclamation Facility Estimated Expenditure (\$3,856,228.00)**

Mr. Falls commented that they are at the point of entering into a contract for the engineering services for the new Water Reclamation Facility.

Mr. Rob Bolton, Water & Sewer Director, recognized Dr. Robert Reese, from CHA and Ms. Jill Grimaldi, the City's Consultant on the project. He said that this is the engineering agreement to move forward with and some other items are included like the administration building, etc. He said that he separated the items so that Council would have an idea of the separate cost for each of the items. He felt that this was a good number to do this project and it is was an excellent proposal and everyone is ready to get started. He said before coming to tonight's meeting he was looking at an old Power Point presentation that he did

covering the history of Vero Beach Water Plant and he saw where the Water Plant was built in 1925. So now 100 years later they are moving it off the Lagoon.

Mrs. Minuse agreed that it was a good report. She said the whole center is going have a new administration building, an environmental education center, solar panels and will definitely be state of the art.

Mr. Bolton said that this will probably be one of the first water campuses that they will see in the State of Florida. There will be potable drinking water, stormwater, wastewater, etc.

**Mayor Brackett made a motion to approve the Engineering Services for the new Water Reclamation Facility.**

Vice Mayor Neville asked how many dollars in grant money the City has that goes against this.

Mr. Bolton explained that will be coming forward. He said that Representative Grall put some money in this year's budget, which they don't know how that will come out. He actually has some funds available through the \$2 ½ million dollars that they received, which will go towards this project, they received \$1.2 million through Florida Department of Environmental Protection (FDEP) who have agreed to let them use that money for construction. He has applied for \$10 million from another grant. He said they are at the infant stage of getting the funds moving on this.

**Mr. McCabe seconded the motion.**

Mr. McCabe complimented Mr. Bolton in coming up with the pamphlet that he provided them with tonight (on file in the Clerk's office). One of the things that he would like to see the City do more of is bragging about some of their real successes and the projects that they are working on. He would be happy to display some of these pamphlets at the Vero Beach Chamber of Commerce and make them available to people coming into town.

Mr. Falls commended staff for putting this very technical project together. He said that it is a big undertaking for the City and something that they will all be proud of when it is finished.

**On a roll call vote the motion passed 5-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

**E) Florida Statutes Chapter 164 Process – City of Vero Beach (COVB) and Indian River County (IRC) (\$28,900.00)**

Mr. Falls reported that at the January 25, 2022, mediation meeting with the City of Vero Beach and Indian River County it was agreed that the City would come up with the terms to which Indian River County could serve the Town of Indian River Shores. He said that one (1) component of those terms would be a damages valuation report, which would

provide an opinion of the value of the City of Vero Beach's stranded assets. To help with this task he received a proposal from Hartman Consultants. The work would cost \$28,900.00 and if approved by Council the money would come out of the 2021-2022 Water & Sewer Utility budget. He sent the County Administrator an email yesterday and asked him before they recommend spending public funds if the County is prepared to move forward in furnishing utility services to the Town of Indian River Shores in light of the feasibility study that came out after their January 25, 2022, meeting. The study that came out put a price tag on making that connection between \$47 and \$68 million dollars exclusive of design fees and impact fees. He has not heard back from the County Administrator. He said if Council wishes they could table this item until the next Council meeting or they could approve it contingent on getting the County Administrator's response that the County wishes to move forward in providing the services.

Mr. McCabe felt that this needed to be done before the negotiation process starts.

Vice Mayor Neville stated that the City needs to know whether or not the County can serve the Town of Indian River Shores. He said if they cannot then there is no reason to spend this money. They need to have this definitely explained to them.

Mayor Brackett recommended tabling this item until their next City Council meeting. Council was in agreement with that.

**F) Add on Item – Additional Funding Request for UWHCA – Required valve and manhole adjustments due to FDOT's road improvements on A1A from South of Jasmine Lane to North of SR60/Beachland Blvd.**

Mr. Falls reported that the Florida Department of Transportation (FDOT) are planning to reconstruct a portion of A1A from south of Jasmine Lane to north of State Road 60 or Beachland Boulevard. The Utility Work by Highway Contractor Agreement (UWHCA), which was approved by the City on June 15, 2021, and executed by FDOT estimated a cost of \$43,512.00 to adjust vales and manholes. FDOT's project bids opened on February 23, 2022, and the bid price is \$30,130.24 higher than the estimated cost. He is asking Council to approve transferring additional funds in the amount of \$30,130,24 in the FDOT UWHCA escrow account.

**Vice Mayor Neville made a motion to approve the request. Mr. McCabe seconded the motion and it passed unanimously.**

**10. CITY ATTORNEY MATTERS**

Mrs. Minuse brought up the memorandum that Mr. Turner sent out concerning campaign advocacy of the City and Elected Officials.

Mr. Turner explained that he sent the memorandum out in preparing for the upcoming referendum on several Charter questions. He said under the Florida Statutes a municipality or person acting on its behalf may not expend or authorize the expenditure of public funds

for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to a vote of the electors. He said each individual City Councilmember is allowed to express their opinions from the dais.

Mrs. Minuse had some concerns with people running for office and coming to the podium wearing their campaign shirts. She didn't think that was allowed.

Mr. Turner said that he is researching that and will give her an opinion on it.

## **11. COUNCILMEMBER MATTERS**

### **A. Mayor Brackett's Matters**

Mayor Brackett commented that the Governor was in town yesterday and he had a chance to talk to him. He said the Governor first stopped at CJ Cannon's to give an award to the City of Fellsmere and then went to the Walking Tree Brewery to speak. He also stayed in town for dinner with a private group. He said it was good to see him in Vero Beach.

### **B. Vice Mayor Neville's Matters**

Vice Mayor Neville wanted to make it clear that if he receives an email on his private email or phone that has to do with City business because of the public records law he has to give a copy of the document to the City Clerk. He had a couple of pieces of correspondence that came to him and he gave them to the City Clerk and now is being asked to make a public apology when all he is doing is following policy.

### **C. Councilmember Minuse's Matters**

Mrs. Minuse thanked the City Clerk's office for doing two (2) articles that will appear in the Florida League of Cities Quality magazine. The first article was on the creation of the Cultural Arts Village and the other article was to let everyone know that the City of Vero Beach received the Florida-Friendly Landscaping Award.

Mrs. Minuse reported that she attended the symbolic ribbon cutting for the new Safespace living facility. She said that Gabby Petito's parents were there and gave Safespace a very generous contribution. She said there are flyers in the lobby about Safespace with their contact information for anyone needing them.

Mrs. Minuse stated that the Metropolitan Planning Organization (MPO) visioning meeting concluded at the County Planning and Zoning Board meeting last week. It was an overview on what has been done. They have developed consensus for what is important. It is the consensus to protect and preserve the Indian River Lagoon. They want to see more flexible uses in the agricultural areas and near major freeway interchanges. They are encouraging solar and alternative energy sources and having more economic development to attract more young people.

Mrs. Minuse commented that the Indian River County School District and MainStreet are working together to come up with a walking path at the Jimmy Graves Sports Complex and inquiring about funding from the MPO.

Mrs. Minuse thanked the City of Fellsmere and the Town of Orchid for their support in passing a Resolution for helping with the House and Senate Bills for the Airport. She said at the last Treasure Coast Regional Planning Council there was an update given on Brightline. She said one (1) of the things that came out of the update was that quiet zones were not the responsibility of Brightline. She was told if there is any funding the Florida Railroad Association (FRA) will be doing it through FDOT. She said there is a lot of optimism right now that there will be 100% funding behind the grant funding. They are looking at an expanded role for law enforcement at these crossings because the fatalities are basically suicides.

Mrs. Minuse reported on the FDOT meeting that took place here at City Hall concerning the 17<sup>th</sup> Street Alma Lee Loy Bridge and also discussion on the road from the eastern end of the bridge over to A1A. Hopefully, the people who are being impacted by had their questions answered.

Vice Mayor Neville added that the biggest things they were concerned about was moving the cones to get them out of the cross streets, which will be taken care of.

#### **D. Councilmember McCabe's Matters**

Mr. McCabe reported on the Rotary Brew and Wing Fest that recently took place and how successful it was.

#### **E. Councilmember Cotugno's Matters**

Mr. Cotugno appreciated Mrs. Minuse mentioning MPO and the Jimmy Graves complex. He said that the County now wants to participate along with the City who has also received an offer to participate. He feels development of this complex is beneficial for the City and for the entire County as well.

Mr. Cotugno commented that he will be volunteering to deliver Meals on Wheels on March 16<sup>th</sup> and he encouraged Council if they had time in their schedule to think about doing it also. His wife now sits on the Board of Senior Resources. He said this is a good cause and asked everyone on Council if they can to take time to do this it is very rewarding.

Mr. Cotugno brought up the time scheduled for their meetings. He said they have two (2) meetings coming up that he feels should be held at night. The first one (1) is the Marina workshop and the other is the Distribution of the American Rescue Plan (ARP) funds. He asked that those meetings be held in the evening where they will get a great cross section of people who have input to how they want to spend the ARP money and what is happening to the Marina.

Mr. Turner commented that if it was Council's desire to have these meetings in the evening then they can discuss it at the next meeting.

Mr. Cotugno felt that 5:00 p.m. or 6:00 p.m. was a great time to start their meetings. It is when people are getting off work.

Vice Mayor Neville asked if they would be taking public comments at these workshops.

Mr. Turner explained that generally at a workshop no action is taken so no public comments are taken. However, under the City procedures that Council has been following there has been public comment at the workshops. From his experience workshops are held for the body or agency to discuss items.

Mayor Brackett said for the Marina expansion they have been discussing it since 2019 so they don't need to discuss it among themselves anymore. So for this particular workshop there would be public input taken.

Mr. Cotugno agreed that for the Marina Expansion it has been going on since 2018 and discussions have been going back and forth. Now they are hearing that the public would like to express their comments.

Mr. Turner explained it will not be a Special Call meeting. It will just be a workshop to discuss the Marina and public comments will be allowed. He was not sure about the funding item.

Mayor Brackett wondered if they needed to have a workshop for the ARP funding.

Mr. Cotugno felt that before they decide how to spend the money that they have a discussion amongst themselves based upon input that they receive from the citizens.

Mayor Brackett asked if they could do that at a regular Council meeting. He said the last time that they received money from the CARES Act they didn't have anyone that wanted to be heard. So he didn't know if there would be a huge turnout for the ARP funding.

Mr. Cotugno stated that when people find out how much money there is and the fact that there is a discretion by City Council on how it gets spent he was sure there will be people that will want to voice their opinion. He had no problem having this heard at a Council meeting as long as it starts later.

Mayor Brackett commented that it looks like they are starting to have all of their meetings in the evening.

Vice Mayor Neville expressed that the public has multiple ways in communicating with the Council and they don't necessarily have to come to the dais in order to express themselves. He said the Marina Expansion is an emotional concept, which doesn't come through an email and he understands the public wanting to attend a meeting and speak. He

said for something like finances and the ARP funds, he would rather read an email because it gives him time to review it. He would prefer a daytime meeting for the financial part of it (ARP funding) and a night time meeting for the Marina.

Mr. Cotugno felt that when discussing money that was not part of the budget that is being afforded to them by the Rescue Plan that there are many projects within the City that have been delayed because of budget constraints. He believes some of the local organizations may have a request to spend some of that money versus giving it to something that staff recommends. That is why the meeting should be held in the evening for those people who may not feel comfortable sending an email because the email becomes public record.

Mrs. Minuse wanted to see staff's report before they make a decision on how they are going to handle this.

Mr. Falls explained that the City received \$2.6 million and \$500,000 of that the Council has already directed staff to spend towards the Stormwater Master Plan. So there is \$2.1 million left.

Mr. McCabe wanted to have as many meetings as they could during the day at 9:00 a.m. on Tuesdays and make an exception when they have to hold a meeting in the evening.

Mayor Brackett suggested that staff make a recommendation concerning the ARP funding for them to review. Then they could set up a meeting based on that. He would prefer that the item be discussed at a regular Council meeting, but they will consider having it in the evening if that is when it needs to be discussed. He knows that this year there still are some projects that still need to be done.

Mr. Falls suggested if they look at discretionary spending that they look at the unfunded projects that need to be done.

### **13. ADJOURNMENT**

Tonight's meeting adjourned at 7:25 p.m.

/tb