

**CITY OF VERO BEACH, FLORIDA
MARCH 21, 2023 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
INDIAN RIVER COUNTY COMMISSION CHAMBERS, BUILDING A,
1801 27TH STREET, VERO BEACH, FLORIDA**

Pastor Chris Kollman of the Lutheran Church of the Redeemer gave the invocation.

PRESENT: John Cotugno, Mayor; Linda Moore (arrived at 3:10 p.m.), 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 the audience in the Pledge of Allegiance to the flag.

B. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – March 7, 2023

Mrs. Zudans made a motion to approve the March 7, 2023 City Council minutes. Mr. Carroll seconded the motion and it passed unanimously.

2. Special Call/Workshop Meeting – March 2, 2023

Mr. Carroll made a motion to approve the March 2, 2023 Special Call minutes. Mr. Neville seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Monte Falls, City Manager, added item 9-A) on to the agenda under City Manager’s Matters an Update on the Twin Pairs Study; he added item 9-B) Upcoming Brightline Railroad Closures in Downtown and item 9-C) Update on the Riverside Park Boat Ramp.

Mr. John Turner, City Attorney, added item 9-A) under City Attorney’s Matters “Update on the Florida Commission on Ethics Complaint.”

Mr. Carroll made a motion to adopt the agenda as amended. Mrs. Zudans seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

3. CONSENT AGENDA (include amount of expense)

- A) Water Reclamation Facility (WRF) Major Equipment RFP Technical Assistance Work Order 6 (CHA Consulting, Inc.) Estimated Expenditure (\$53,790)**
- B) Renewal of Contract 1449-C, Utility Bill Printing and Mailing Services**
- C) Acceptance of JAGD Program Funds (\$2,662.00)**
- D) License Agreement with Vero Beach Little League for Use of Bob Summers Field**

Mr. Carroll made a motion to adopt the consent agenda. Mr. Neville seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, related to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2022 and ending September 30, 2023; Providing and Establishing Revisions to said Budget based on Revised Revenue and Expenditure Estimates; Providing for an Effective Date.**

The City Clerk read the Ordinance by title only.

Ms. Cindy Lawson, Finance Director, reported that the FY 22-23 budget was adopted prior to the referendum on the Three Corners project. As a result, it did not contain costs associated with this project pending the outcome of the referendum. The proposed budget provides for creation of a separate cost accounting center for this project in order to provide transparency. A total of \$511,041 is proposed to support the development project for the salary and associated personnel and operating costs for a project manager totaling \$71,041 (based on the assumed starting date of April 1, 2023); the RFP Marketing costs, which is \$50,000 and the Planning consultants (traffic analysis, environmental study, LDR amendments) budgeted at \$150,000. She said that the General Fund has been amended to support these additional expenditures. The one time expenditure for professional services contracts are eligible to be funded from the City's excess fund balance reserves. Per the City's adopted Fund Balance policy this excess fund balance is available for non-recurring items, defined as "an expenditure that has not occurred in the previous two (2) years and is not expected to occur in the following year." The available balance of this reserve as of November 30, 2022, is \$2.1 million. There is an additional non-departmental transfer out of \$1,697,000 to the

General Government Capital and Construction fund for the Veterans Memorial Island Bridge project, with a corresponding increase in the revenues appropriated from the General Fund “Capital and Infrastructure Reserve” as approved by City Council on February 6, 2023. In the Airport Operating Fund (Fund 441) the budget was adopted prior to the inception of Breeze Airline service at the Vero Beach Regional Airport. The proposed budget amendment includes both the increased revenues from airline fees and charges to Breeze and the expenses associated with providing this service.

Mr. Neville asked if these additional expenses for having Breeze Airline service here were being borne by the Airport.

Ms. Lawson explained not at this point. They are being charged their share of being an airline at 35% for each permitted carrier. She referred to the Resolution that covers this and said there is a section that allows them to capture 100% coverage. She said staff is looking at amending the Resolution that talks about 35%.

Mr. Neville wondered what the contribution from the Airport would be for having Breeze Airline here in Vero Beach.

Ms. Lawson explained there are certain things that Breeze Airline is paying 100% for and some parts where they are only paying 35% as she alluded to earlier.

Mr. Carroll asked how they were able to come up with \$71,041 for the salary for the new project manager for the Three Corners project.

Ms. Lawson explained that was not the actual salary. That was to cover six months beginning April 1, 2023.

Mr. Carroll questioned based on looking for a project manager for this project, is this an adequate amount that is being budgeted.

Mr. Falls said that he would know more once they start the interview process. He said that he has eight (8) interviews starting next week and they are mostly local people. Then once they get the Request for Proposals (RFP) out it will be noticed nationwide.

Ms. Lawson expressed to Council that this is the first budget amendment of the year and it will probably not be the last.

Mayor Cotugno opened up the public hearing for public comments at 3:14 p.m.

Mrs. Barbara Ruddy had some concerns about the project manager’s position and the salary being offered. She said they would want someone who has international experience hired for the job.

Mr. Mike Johansen had some concerns about the timing of the two projects. He questioned shouldn't the RFP be done after the project manager has been hired so that person is involved with the project.

Mr. Falls explained that they did not want to delay the RFP process by not putting it out while they were searching for a project manager. The RFP is to attract developers and once the project manager has been hired they will make sure that the process entailed in the RFP is followed.

Mayor Cotugno closed the public hearing at 3:17 p.m., with no one else wishing to be heard.

Mr. Carroll made a motion to approve the Ordinance. Mr. Neville 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.

2) An Ordinance of the City of Vero Beach, Florida, Providing for the Imposition of additional court costs on non-criminal traffic infractions or violations pursuant to Section 318.18(11)(d), Florida Statutes (2004); Providing for the allocation of funds received from additional court costs on non-criminal traffic infractions or violations pursuant to Section 318.18(11)(d), Florida Statutes (2004); Providing for approval of previously collected fines; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.

The City Clerk read the Ordinance by title only.

Mr. Falls reported that Florida Statute 938.15 authorizes municipalities to assess a \$2.00 surcharge on any person convicted of violating a state penalty statute, state criminal statute, or local ordinance. The surcharge may be used by a municipality's law enforcement agency for a variety of criminal justice education and training purposes. Indian River County enacted an Ordinance in 2004 assessing the \$2.00 fee on non-criminal traffic infractions. This Ordinance officially directs the Clerk of the Circuit Court for Indian River County to collect said funds from each case authorized by State Statute or general law and remit the same to the City. The Ordinance approves and ratifies the collection of said amounts for all future and previously collected court fines and assessments.

Mr. Neville asked where the \$2.00 surcharge number came from. He was told it was under Florida Statute 938.15 (derived from State law).

Mr. Carroll asked what the money will be used for in the City. He was told it would go towards a variety of criminal justice education and training purposes.

Mr. Turner brought up that there is nothing in the Code that prohibits a Councilmember from assuming their role on the Council if they arrive tardy to the meeting. He said

that the Code addresses Board members who are not allowed to participate if they arrive late for a meeting, but there is nothing in the Code that governs the City Council. He asked that a motion be made to allow the Vice Mayor to participate in today's meeting and acknowledge that she was tardy.

Mrs. Zudans made a motion to allow Vice Mayor Moore to participate in today's meeting after arriving late to the meeting. Mr. Cotugno seconded the motion and it passed unanimously.

Mayor Cotugno opened and closed the public hearing at 3:33 p.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to adopt the Ordinance. 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.

B) RESOLUTIONS

- 1) A Resolution of the City of Vero Beach, Florida, Authorizing the Purchase of City Fleet Vehicles; Authorizing the Execution and Delivery of additions to the Municipal Lease-Purchase Agreement with Baystone Financial Group (Kansas State Bank of Manhattan, N.K.A. KS Statebank) for the purchase of Fleet Vehicles in the amount of \$1,032,989.72; Authorizing the City Manager to take all steps necessary to finalize and implement the terms and conditions of the Lease-Purchase Financing Agreement; and Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Ms. Lawson reported in December 2012, the City issued an RFP for municipal lease-purchase financing. In response to the RFP, Baystone Financial Group offered the lowest interest rates and the most advantageous financing terms and conditions. In August 2013, the City Council approved a master lease purchase agreement with Baystone. Since 2013 this master agreement has been used to purchase fleet and police vehicles. The Resolution authorizes the lease-purchase financing of fleet vehicles programmed for replacement in FY22-23. Exhibit A to the Resolution lists the requested vehicle purchases by department and Exhibit B contains the additional schedules to the KS StateBank master lease-purchase agreement approving the financing. This request includes only three (3) of the eight (8) vehicles budgeted for the FY22-23 Police Department purchase. Four (4) of the remaining vehicles will be brought to City Council for approval at a later date after new vehicle pricing is made available. In addition, one (1) vehicle, an ATV, will be deferred to FY 23-24 due to availability issues. The Stormwater Utility and Streets Department vehicle purchase prices are higher than budgeted due to supply chain constraints. There is sufficient unappropriated fund balance in both Fund 302 Stormwater Utility Fund and Fund 304 General Fund Capital and Construction Fund to cover the additional cost required and these amounts would be incorporated into a subsequent budget amendment. She said by

bundling these vehicle purchases together they get a lower interest rate. She said it makes things a little over budget in some places, but nothing major. She recommended City Council approve the Resolution authorizing the municipal lease-purchase financing with KS StateBank for the vehicles.

Mr. Carroll asked what type of vehicles are they purchasing.

Ms. Lawson referred to their backup material and said it would be a street sweeper, yard wheel loader, flatbed truck, rear ladder and three (3) Tahoe's for the Police Department.

Vice Mayor Moore asked once the vehicles are ordered, how long will it take to receive them.

Mrs. Lawson said that is a good question. She said it has been a challenge because of supply chain constraints to get some of the vehicles even if they are under the State contract.

Mayor Cotugno opened and closed the public hearing at 3:30 p.m., with no one wishing to be heard.

Vice Mayor 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)

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

1) Contractor Issues within City Limits – Requested by Councilmember John Carroll

Mr. Carroll commented that in a follow-up to the meeting of February 21, 2023, New Business Item 2 – Contractor issues within City limits, from his research it appears in Section 74-34 that parking is prohibited in specified places that governs all vehicles within the street right-of-way. Specifically no person shall stop, stand or park a vehicle, except when necessary to avoid conflict within other traffic or in compliance with the directions of a Police Officer or traffic control device.

Mr. Carroll recalled at the February 21, 2023, City Council meeting he presented pictures of some of the issues that he was referring to. He said the most dangerous was the dumpsters and port-a-potties located in the right-of-way, which he believes is covered in the Ordinance. He said that they need to encourage the Police Department to start citing

people who are parked in the right-of-way and get the word out to contractors responsible for this issue.

Mr. Neville commented that he understands the situation with the dumpsters and port-a-potties being in the right-of-way. However, where he lives sometimes vehicles have to park in the street because of the trees that are in the right-o-way so they have no alternative. He agrees where there is a sidewalk there is space for the cars to park.

Mrs. Zudans stated for her this is a public safety issue. She said there should be some conversation with the general contractors to have them direct traffic for vehicles when they have to park on the street. She said in her neighborhood there are dog walkers, bicyclists, etc., trying to cross the street and it can be dangerous. She said if people are not following their Ordinance then they should consider fines being imposed.

Mr. Turner agreed that the City has an Ordinance in place covering these requirements. He said it is just a matter of enforcing it. He referred to Section 74-34 and said that the City could start enforcing that Section of the Code.

Mr. Falls commented that he has met with Chief Currey on this matter. He referred to the pictures that Mr. Carroll presented. He said the Police Department talked to the contractors concerning the dumpsters and they were happy to move them. The contractors are being made aware of the Ordinance regulating dumpsters and port-o-potties.

Mr. Neville asked if a Police Officers drives down the street and sees a single truck in the road are they going to get cited.

Mr. Carroll explained that the Ordinance allows for a 10 foot path on either side of the road.

Mr. Falls expressed the importance of educating people, especially lawn companies that they need to park on one side of the road leaving the other side of the road open so traffic can get by.

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

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

A) Add on Item - Update on the Twin Pairs

Mr. Falls reported that the Consultant who is doing the Twin Pairs Study agreed to start with Task 2 and Task 4, which will total approximately \$50,000 and then report back to Council in July.

B) Add on Item – Update on Brightline Closures

Mr. Falls reported that the railroad crossings at 26th Street, 14th Avenue, and 23rd Street, will all be closed from March 23rd to April 21st. He will make sure that this information is posted on the City’s website.

Mrs. Zudans asked if this will have any effect on getting the traffic study completed.

Mr. Falls said that he would make sure their Consultant is aware of the closures in conjunction with him doing his data collection.

C) Add on Item – Status of the Boat Ramp at Riverside Park

Mr. Falls gave a report on the boat ramp at Riverside Park. He said they are in the process of getting the design work done and then they will go out to bid. All the work should be completed by early 2024. He said there are other boat ramps that the public can use in the meantime. He named the boat ramp at MacWilliams Park, Round Island and the Wabasso Causeway. He said there are also two (2) boat ramps in Sebastian and some boat ramps in Ft. Pierce. He expressed they are dealing with very busy contractors. The City does remind the contractor how much the community uses this particular boat ramp and the importance of getting the project finished.

Mr. Neville asked if there has been a design concept decision made yet.

Mr. Falls was not aware of it being made yet. He knows the contractor is in the process of doing the design and permitting work.

10. CITY ATTORNEY MATTERS

Mr. Turner reported that the Florida Commission on Ethics dismissed the case involving some of their staff and board members on an ethics complaint that was made. He said their reasoning was because of the lack of legal sufficiency (copy of the complaint is attached to the original minutes).

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno’s Matters

Mayor Cotugno commented on how wonderful The Chamber Music Society of Lincoln Centers final performance was for this year. He said they do plan on coming back next year and taking up residency in Vero Beach.

Mayor Cotugno brought up Pocahontas Park and the importance of having a workshop to discuss the current issues regarding the Park. He said they need to have both the public and private partnerships involved, the community people, and all the stakeholders. They also need to schedule a workshop to discuss the Downtown Master Plan. He said they need

to talk about what they believe should be in the Master Plan so they can get this moving forward and start working to devise a plan.

Mayor Cotugno commented that himself and the Planning Director had a zoom call with the Florida Housing Coalition. He reported on two (2) Bills making their way through the State Legislature. He felt that they probably needed to have a workshop on this matter also. He said they are Senate Bill 102 and House Bill 127. He has heard that the Governor is going to sign the Bill. These Bills put affordable housing on a different playing field as it relates to municipalities. He felt that they needed a workshop to get some feedback from their City Attorney on this. The Florida Housing Coalition expressed their opinion on these two Bills and the piece of property across from the Cemetery “Old Nursery” and the viability of using that piece of property for affordable housing. He would like to have a workshop to get the communities feedback on this.

Mr. Carroll commented with the issue downtown it was brought up by a prior City Council and was supposed to be discussed, but nothing happened.

Vice Mayor Moore agreed with holding these workshops once the Council Chambers is available. She said when the homeless issue is discussed she would like people from the Source and other organizations there who deal with the homeless and can tell them how other cities address this.

Mrs. Zudans agreed with having separate workshops on these items so they can set aside enough time to discuss them. She agreed with waiting until they are able to get back in the Council Chambers.

B. Vice Mayor Moore’s Matters

Vice Mayor Moore commented on the new resale clothing shop located downtown. Also that Nicks Palm Tree, which used to be located across from the Courthouse bought Sammy’s restaurant across from City Hall and the restaurant is now open. She noted that today she had a situation at the restaurant that she owns where both the Sherriff’s Department and the City of Vero Beach Police Department were involved and she was so proud of the way both establishments handled the matter.

C. Councilmember Zudans’s Matters

Mrs. Zudans agreed with the Mayor that last night’s concert was very nice and well received in Vero Beach. She thanked the Mayor for bringing up the homeless situation because it was one of the things on her list to also bring up. She would encourage the people attending their workshop on this matter to do a little research so they can all work on how to handle the matter. She referred to the documentary “Seattle is Dying” that outlines the situation that is happening there and encouraged everyone to watch it if they haven’t already.

Mayor Cotugno knows that there is an interest from some of the non-profits in the area, as well as the religions and non-religions that want to be active in coming up with some solutions because of what they have encountered.

D. Councilmember Carroll's Matters

Mr. Carroll commented that he attended the Italian American Food Festival this year and it was a great event. He said that St. Patty's Day in Vero Beach was also great. He said there were some parking issues downtown on St. Patty's Day because of all the people that showed up. He expressed what a great organization that Youth Sailing is and he recently donated his boat to them.

E. Councilmember Neville's Matters

Mr. Neville agreed the concert held last night was exceptional. He also wanted to give a shout out to the Atlantic Classical Orchestra who comes to Vero Beach and plays four (4) times a year. He said their sound performance is equivalent to a full New York Symphony. He said they will have one (1) more concert this year in Vero Beach and it will be on April 13th. He encouraged the public to buy their ticket and attend the concert, which will be held at the Community Church. They can also purchase season tickets for next year.

13. ADJOURNMENT

Today's meeting adjourned at 4:02 p.m.

/tb