

**CITY OF VERO BEACH, FLORIDA
MONDAY, FEBRUARY 6, 2023 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Terry Thompson of Gates of Praise Church of God.

PRESENT: John Cotugno, Mayor; Linda Moore, Vice Mayor; Tracey Zudans, Councilmember; John Carroll (via zoom); 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 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 – January 17, 2023

Vice Mayor Moore made a motion to approve the January 17, 2023 City Council minutes. Mrs. Zudans seconded the motion and it passed unanimously.

2. Special Call/Workshop Minutes – January 26, 2023

Mrs. Zudans made a motion to approve the January 26, 2023 Special Call/Workshop City Council minutes. Mr. Neville seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Monte Falls, City Manager, requested that item 3-G) “Grant of Easement” be pulled off of the consent agenda. He added item 9-D) “Award of Contract to Underwater Engineering Services, Inc. for Bahia Mar Dune Crossover Repair in the amount of (\$75,955)” on the agenda under City Manager Matters and under City Attorney Matters he added item 10-A) “Temporary Use Agreement for Parcel 7D between City of Vero Beach and Sun Aviation”.

Mr. John Turner, City Attorney, requested that they discuss the settlement with the Vero Beach Police Department versus Ryan Padgett.

Mr. Neville made a motion to approve the agenda as amended. Vice Mayor Moore seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

- 1) Announcement that the Dignity Food Truck, owned and operated by The Source in Vero Beach, is parking their truck at Seaside Grill to fill in the gap before the restaurant officially opens – Anthony Zorbaugh, Executive Director of the Source**

Mr. Marty Parris announced that the Source will be providing one (1) of their food trucks at the new Seaside Grill to fill in the gap until the restaurant is able to open. They are there seven (7) days a week from 10:00 a.m. to 4:00 p.m.

3. CONSENT AGENDA (include amount of expense)

- A) Municipal Elections Agreement**
- B) First Amendment to Lease between the City of Vero Beach and Aero Beach Club, LLC**
- C) Commercial Lease Agreement between City of Vero Beach and Avis Budget Car Rental, LLC and Memorandum of Lease**
- D) Acceptance of Florida Inland Navigation District Grant**
- E) Indian River Farms Control District (IRFWCD) Permits and Interlocal Agreements Relating to Water and Sewer Utilities VB-3, VB-4, VB-7, VB-8, and VB-9: \$3,738.07**
- F) Bay & River Drive Bridge Repairs Bid 330-22-JO Contractor Selection WO No. 2 to 150-2022 Cost: (\$239,240)**
- G) Grant of Easement #2021-EG-262 Portion of City Power Plant and Wastewater Treatment Plant**

This item was pulled off of the consent agenda.

- H) Grant of Utility (Gas) Easement to Nextera Energy, Inc. #2022-EG-275, City Parking Lot at 1333 20th Street**

Mr. Neville made a motion to approve the consent agenda with the exception of item 3-G) being pulled off of the consent agenda. Vice Mayor Moore seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

- A) ORDINANCES**

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$6,050.00, for a Septic Tank Effluent Pump (STEP) System to Serve the Real Property located at 1501 32nd Avenue, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 9:12 a.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mrs. Zudans seconded the motion and it passed 4-0 with Mr. Neville voting yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the Execution and Acceptance of a Federally Funded Subaward and Grant Agreement between the City of Vero Beach and the State of Florida Division of Emergency Management for Hurricane IAN (FEMA-4673-DR-FL); Delegating to the City Manager the authority to execute the Agreement and act as the City's Authorized Agent for Performance of the Agreement; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Ms. Cindy Lawson, Finance Director, explained by passage of this Resolution it would enable the City to apply for and receive public assistance funding from some of the impact that they received from Hurricane Ian. The agreement provides the terms and conditions for acceptance of the funding and authorizes staff to work with the State and Federal public assistance staff to document and support the expenditures. She recommended approval of the Resolution.

Mayor Cotugno opened and closed the public hearing at 9:13 a.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mr. Neville seconded the motion and it passed 4-0 with Mr. Neville voting 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

1) Discuss the Time of the City Council Meetings – Councilmember Tracey Zudans

Mrs. Zudans requested that Council consider moving one (1) of their Council meetings to a night meeting. She has talked to many of her constituents who cannot make their meetings because they are held during the day when they are working. She suggested holding one (1) of their meetings at 5:00 p.m.

Vice Mayor Moore said that she was on board with doing that.

Mr. Neville commented that looking out in the audience today there is one (1) person attending the meeting because of citizen interest. He said that people choose to come to their meetings when there is an item on the agenda that they are interested in. He said night meetings can be hard on staff when they have to be back at work bright and early the next morning. He was in agreement of holding a night meeting if they were discussing something that was controversial, but he was not in favor of holding one every month.

Mrs. Zudans explained that it was not about the topic being discussed, but that there are people that cannot make day meetings.

Vice Mayor Moore suggested holding their meeting at 4:00 p.m.

Mr. Cotugno commented that he has always been in favor of holding a night meeting. He agreed with holding the meeting at 5:00 p.m.

Vice Mayor Moore suggested that they try it on a trial basis for three (3) months and see if it is working or not.

Mr. Neville commented that the County holds their meetings in the day time. He knows that they have tried holding Council meetings in the evenings and they have seen no difference in attendance. He asked Mr. Falls what his experience was.

Mr. Falls expressed that staff was in agreement with whatever time that Council wants to hold their meetings. He has attended night meetings that went past 11:00 p.m. and Council had to approve to extend the time. His experience has been that there is not a big attendance unless it is an item that the public is interested in.

Mrs. Barbara Ruddy stated if it is a topic of interest regardless of the time of the meeting people will make it.

Vice Mayor Moore made a motion that starting in March the second City Council meeting of the month will be held at 4:00 p.m. for a term of three (3) months and then Council will revisit the issue. Mrs. Zudans seconded the motion and it passed 3-1 with Mr. Neville voting no, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

A) Fire Pension Board Election Results

Mrs. Tammy Bursick, City Clerk, explained that according to Chapter 175 of the Florida Statutes, the City Council must affirm the results of the election held by the Fire Pension Board to appoint two members to the Board. Both Mr. Terry Zokvic and Mr. Kent Middleton were reappointed to the Fire Pension Board. She asked Council to reaffirm that by way of a motion.

Vice Mayor Moore made a motion to reaffirm the results of the Fire Pension Board to reappoint Mr. Terry Zokvic and Mr. Kent Middleton for four (4) more years to the Fire Pension Board. Mr. Neville seconded the motion and it passed unanimously.

B) Marine Commission Appointment

Mrs. Bursick asked Council to accept Mr. Ben Trautman's resignation from the Marine Commission. She said that Mr. Bob Snyder sits on the Commission as an alternate member and would like to be moved up to a full member.

Mr. Neville made a motion to move Mr. Bob Snyder up to a full member on the Marine Commission. Vice Mayor Moore seconded the motion and it passed unanimously.

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

A) Veterans Memorial Island Bridge Replacement Bid 310-22/JO Contractor Selection WO No. 1 to 150-2022 (PW Project #2020-36) Cost: (\$1,684,490)

Mr. Falls reported that the Veterans Memorial Island Bridge has reached the end of its design life and has experienced substantial deterioration. The bridge is in need of a full replacement. Currently, the bridge is operating at a reduced capacity with signs posted that restrict the weight and vehicle type that can safely travel over the bridge. The City's structural engineering consultant, Kimley-Horn and Associates has provided design and permitting services for a new bridge. The lowest bidder was Shoreline Foundation for a lump sum total construction cost of \$1,498,830. In addition to the construction cost, construction engineering services will be necessary to facilitate inspection and material testing for the engineering services for the duration of the project which will cost \$185,660. The cost of construction for this project is \$1,498,830. Additional expenditures required

to complete this construction project also include \$12,510 for oyster relocation and \$185,660 for construction engineering services, bringing the total project to \$1,697,000. There is sufficient funding within the Capital and Infrastructure Reserve to support the additional \$246,000 required for the project and this amount would be incorporated into a subsequent budget amendment. The current unappropriated balance of the Capital and Infrastructure Reserve is \$18,000,000. Funding the proposed Veterans Memorial Island Bridge project from this reserve would reduce that balance to \$16,303,000. Staff recommended moving forward with approving this bid.

Mr. Neville asked where the oysters were located.

Mr. Falls said near the construction area. The project is scheduled to be completed by October 1, but they all know how construction sometimes goes and the projected timeframe is not met.

Mr. Tony Young commented that having the bridge in proper condition for Memorial Island is something that he has fought for. It was unfortunate that the County would not help in assisting the City with this. He appreciated all of Council and staff's time that has been spent on making this project happen. He said they are moving in the right direction.

Mr. Neville asked Mr. Young if he was correct that when the first bridge was built the shared expense was between the City and the County.

Mr. Young said that the County was there to help construct the bridge and it was a communitywide investment. He said when you walk the Island you will find a tribute for men from every part of the County. He said the community has supported them in going forward.

Mrs. Zudans understood that this was a timing issue and they needed to move forward quickly.

Vice Mayor Moore made a motion to approve the bid for the Veterans Memorial Island Bridge Replacement. Mrs. Zudans seconded the motion and it passed 4-0 with Mr. Neville voting yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

B) 2023/2024 Budget Goals

Mr. Falls wanted Council to start thinking about the upcoming budget for 2023/2024 and what they would like to see occur.

Mr. Neville commented that there is a lot of public property that needs to be "polished" in areas all over the City. He said that they have a lot of benches in the City, but people will not sit on them because they are covered in mold when they are wet. In downtown there have been numerous trees that have rubbed up against buildings and were removed, but were never replaced with a tree that would be more suitable for that area. He said some of

their efforts will be a public/private effort to get things done. They all love their downtown area and would like to see it sparkle. He said this is a tourist town and resort community and it needs to look like that. He invited the public to make contributions towards helping with some of the things that need to be done throughout the City.

Vice Mayor Moore brought up the pavers downtown and said that there are a lot of pavers that are loose or have been raised that need to be replaced.

Mayor Cotugno suggested that Council come up with a list of their goals and priorities that they would like to see done and give it to the City Manager.

Mr. Neville expressed that is what he is doing now.

Mr. Cotugno said it is everyone's personal preference in how they want to handle this.

Mrs. Zudans agreed it was a great time to get people to start thinking about budget items.

Mr. Neville brought this up now because it will need to be a new line item in the budget.

Mayor Cotugno said that they will give the City Manager guidance and communicate to him what their goals and objectives are and then in the near future they will hold a workshop to discuss this.

Mr. Neville asked what the status was for the docks at Riverside Park.

Mr. Falls did not have that information yet.

C) Twin Pairs Update

Mr. Falls reported that after speaking with the Florida Department of Transportation (FDOT) it was determined the cost of doing a mock-up study with cones that the price came in at roughly \$100,000 for 60 days of traffic markup. He said that they could appeal to the District Secretary to move that up, but he doesn't know if it would do any good. The price is much higher than they expected. The reason they were told that the price was so high is because they will need to constantly set up the barrels that have been moved. They would have to submit a plan to FDOT and get it approved to do this. He said this would be in addition to having a traffic study update for the lane reduction. He is putting this out for discussion to find out if Council wants to move forward or not.

Mr. Neville commented that when they consider where the highest amount of traffic is coming from, which is from west to east they could determine the most heavily traveled lanes in the morning. He said that they would still need to have a traffic study done even if they did this mock-up study.

Mr. Falls didn't know if they reduced setting up some of the barricades initially requested if it would reduce the cost or not. He said the permitting application might not change and it would still need to be submitted and approved by FDOT.

Mrs. Zudans expressed the importance of having this done in season if they were to do it. The true season left is March and April. She would like to see them work on the revitalization of downtown and there are things that can be done in the interim to slow traffic down. She suggested putting barricades out by Scott's Sporting Goods for more parking. Put up speed limits signs that flash when someone is speeding and put more motorcycle cops on patrol in the area to issue warnings.

Mr. Falls recalled the safety enhancements that FDOT had agreed to when they first started talking to them about the lane reduction. He said these things will be done with the implementation of the resurfacing project scheduled for 2026/2027. He explained if you unrealistically lower the speed limit the only way to control it is with enforcement. He said they can expect the speed limit to be lowered to 35 mph.

Mrs. Zudans was thinking of Okeechobee, which is a thoroughfare and they do enforce the speed limit in that two (2) mile stretch. She said by having the flashing speed limit sign there it might alert people to lower their speed.

Vice Mayor Moore was not in favor of spending money for eliminating the lanes and doing the cones and then having to spend an extra \$100,000 for the traffic study.

Mr. Neville agreed they may as well go ahead and do the traffic study. He thought doing the mock up study and having cones out there would be inexpensive.

Mayor Cotugno commented that it would have been inexpensive if FDOT was not involved. He briefly went over the safety features that FDOT had agreed to. They were going to add a crosswalk at Jetsons, reduce the speed limit and widen the bike lanes. There was a request to add parking, which we didn't hear back from them on that. He knows they all want to revitalize downtown and have people come there and walk downtown. The decision here is spending \$100,000, but it does not complete the project. Then they would have to spend another \$150,000 to complete the project and have a consultant do a master plan. The question becomes for City Council is do they want to invest \$100,000 and still go ahead and pursue parking.

Vice Mayor Moore said the question becomes do they want to spend money on cones.

Mrs. Zudans expressed that she did not want to spend \$100,000 to do the mock study with the cones.

Mr. Neville agreed and said ultimately it does not do anything. He said if they could do it cheaper it would be great, but he doesn't think that is possible.

Mrs. Zudans questioned since FDOT has agreed to revising the speed limit can we ask them to do that now and put up signage saying the speed limit will be strictly enforced and if you are going over 35 mph you will be ticketed.

Mr. Falls said they could possibly ask FDOT to do that. He said as he understands it from this discussion they are not moving forward on the mock-up study, but will continue to move forward on the lane reduction application.

D) Add on Item – Award Contract to Underwater Engineering Services, Inc. for Bahia Mar Dune Crossover Repair in the amount of (\$75,955)

Mr. Falls reported that this contract is for repairs to the beach dune crossover at Bahia Mar Road and the Seaquay Condominiums. The project scope of work includes replacing piles and repairing the stairs leading from the top of the dune crossover down to the beach, as well as installing pickets along the entire crossover. The work must be completed by February 28, 2023, to comply with sea turtle season requirements. The lowest responsive bidder was from Underwater Engineering Services. The contract bid is \$75,955. There is a good chance that a lot of these costs will be reimbursed by FEMA and they will continue to pursue that.

Vice Mayor Moore made a motion to approve the Award of Contract to Underwater Engineering Services, Inc. for Bahia Mar Dune Crossover Repair in the amount of \$75,955. Mr. Neville seconded the motion and it passed unanimously.

10. CITY ATTORNEY MATTERS

A) Add on Item - Temporary Use Agreement for Parcel 7D between City of Vero Beach and Sun Aviation, Inc.

Mr. Turner explained that the City of Vero Beach and Sun Aviation entered into a lease agreement dated May 15, 2007, for Parcel 7D, an apron located adjacent to the Terminal Building. The City and Sun Aviation have agreed to enter into a Temporary Use Agreement to utilize Parcel 7D to ensure public access to the terminal and allow for airline services. This agreement will terminate upon the City and Sun Aviation entering into a new lease agreement for their primary FBO business located on Parcels 6A and 7A and B. Further, the City and Sun Aviation agree to suspend Sun Aviation's lease rental obligations due under the terms of the lease for Parcel 7D during the term of this agreement except for all funds payable to the City resulting from fuel flowage and concession fees generated for the premises.

Mayor Cotugno opened up the meeting for public comments at 10:00 a.m., with no one wishing to be heard.

Mrs. Zudans made a motion to approve the Temporary Use Agreement for Parcel 7D between the City of Vero Beach and Sun Aviation. Mr. Neville seconded the motion and it passed unanimously.

Mr. Falls mentioned what a great job the Airport staff did in bringing Breeze Airways to Vero Beach. He said there was a great crowd that showed up on Thursday night and on Friday. He looks forward to a great partnership moving forward.

Mr. Todd Scher, Airport Director, pointed out the team effort made in pulling everything together for Breeze Airways to be here. He thanked everyone who has been involved in the process.

Mayor Cotugno mentioned that Breeze Airways presented the City with an airplane model that they will put it in their trophy case located in the City Hall lobby.

Mr. Turner brought up Case No. 31-2021-CA-000469, Vero Beach Police Department versus Ryan L. Padgett. He said they are in the process of settling a forfeiture case for \$28,000 and a 21-foot Cobia boat. He said both items are part of an on-going investigation matter determined being criminal actions and confiscated by the Police Department. There has been action filed. The boat has been in the yard at the Police Department on blocks for over a year and the condition of the boat has deteriorated. The claimant wants the boat back and will take care of transporting it. In return the City has agreed to the cash and equipment confiscated and other items involved. Both parties agree to this agreement subject to approval by Council. He was bringing this up at today's meeting so they could have the Judge sign off on it. This case has taken so long because the claimant was not available on a voluntary basis.

Mrs. Moore asked how much the boat was worth.

Mr. Turner said less than \$7,000 or \$8,000.

Mrs. Zudans asked if there were plans for the money that is remaining.

Mr. Turner said it is outlined in the Florida Statutes on what the money can be spent on.

Mayor Cotugno opened and closed public comments with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the document as outlined by the City Attorney. Mrs. Zudans seconded the motion and it passed 4-0 with Mr. Neville voting yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno commented that there are things that the Mayor does that are fun. He mentioned the Breeze Airways event that was held last week and also he was invited to present a certificate to one of their oldest residents in Vero Beach who was turning 104 years old. He will be leaving tomorrow to go to Tallahassee with the organization that he

is involved with who advocates for the Alzheimer's Association. He reminded everyone that on Friday it will be Coffee with the Mayor.

1) Mr. Stu Keiller, Executive Director of Youth Sailing Foundation, to speak on their plans to build the Vero Beach Community Sailing Center surrounded by the Vero Beach Marine Recreational Park

Mr. Stu Keiller, Executive Director of Youth Sailing Foundation, gave a Power Point presentation on their plans to build the Vero Beach Community Sailing Center (attached to the original minutes). He said there is a succession plan in place for Youth Sailing Foundation. He said that Mrs. Judith Linus will be taking over as the Executive Director at the end of the year and he will be focusing on the building project. They also have a new Sailing Director who is Mr. Ben Chafee and five (5) fulltime instructors.

Vice Mayor Moore wondered if getting the Water Plant taken down meets the timeline for the Vero Beach Community Sailing Center and all their plans.

Mr. Falls commented that Mr. Keiller has found a way to get this done and the City looks forward to working with both him and Mrs. Linus. They will be the anchor for the Three Corners project. He is pursuing hiring a Project Manager and making progress on that. They are looking at their finances for the project and he looks forward to getting the projects built and having them be successful.

B. Vice Mayor Moore's Matters

Vice Mayor Moore commented that she has been working on a project that Mr. Robbie Brackett started before he left the Council and that was refurbishing the Rotary fountain downtown back to its original beauty. She showed pictures of what the fountain could look like with the proper lighting. She said that the lights could change colors for every occasion. They will be LED lighting so they won't use much power. She didn't think that the project would cost much money because a lot of material and time is being donated.

Mrs. Zudans asked Vice Mayor Moore how could the Council help.

Vice Mayor Moore said that they will need to raise some funds in the community to cover the costs. She doesn't anticipate the lighting costing more than \$2,000, but will bring the proposal to Council once she receives it.

C. Councilmember Zudans's Matters

Mrs. Zudans enjoyed watching the airplane from Breeze Airways fly in last week. She also did the gallery stroll on Friday night even though it wasn't great weather.

D. Councilmember Carroll's Matters

Mr. Carroll was attending the meeting via GoToMeeting and felt that it was a bit challenging since he was in the middle of the sea on a cruise.

E. Councilmember Neville's Matters

13. ADJOURNMENT

Today's meeting adjourned at 10:40 a.m.

/tb