

**CITY COUNCIL MEETING
September 21, 2023 – 7:00 P.M.
MINUTES**

1. **CALL TO ORDER:** Mayor Tyson called the meeting to order at 7:00 p.m.

2. **ROLL CALL:**

PRESENT: Council Member Herrera, Council Member Salgado, Council Member Hernandez, Council Member Renick, Attorney Rhodeback, City Manager Mathes and Mayor Tyson

ABSENT: Attorney Warren Dill

ALSO, PRESENT: Chief Touchberry, Public Works Director Andy Shelton, Finance Director Putnam Moreman, Utility Director Kevin Burge

3. **PLEDGE OF ALLEGIANCE:** The Pledge was recited.

4. **INVOCATION:** Mayor Tyson gave the Invocation.

5. **APPROVAL OF MINUTES:**

(a) City Council Meeting of September 7, 2023

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve the minutes for the City Council Meeting of September 7, 2023.

ALL AYES:

MOTION CARRIED 5-0

6. **PROCLAMATION:**

(a) **Constitution Week** – Treasure Coast Children of the American Revolution

(b) **Constitution Week** - Daughters of the American Revolution

Mayor Tyson introduced the Proclamations and Attorney Rhodeback read it in its entirety.

Mayor Tyson stated both Proclamations will be mailed to the organizations since no one was present to receive them.

7. **PUBLIC HEARING:**

(a) **ORDINANCE No. 2023-23/** AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY DELETING SECTION 18-122 RENTAL PROPERTIES AND DIRECTING THE CITY OF FELLSMERE DIRECTOR OF FINANCE TO REFUND THE REGISTRATION FEE TO THOSE OWNERS THAT PAID SUCH FEE; PROVIDING FOR RATIFICATION AND AN EFFECTIVE DATE. / **2nd reading and final public hearing for September 21, 2023 at 7:00pm.**

Mayor Tyson introduced the Ordinance and Attorney Rhodeback read Ordinance No 2023-23, by title only.

Manager Mathes stated the rental registration ordinance was adopted some years back to a rash of internal code enforcement issues that came aware by complaints by tenants of bad landlords. And the goal was to ensure proper safe, healthy living conditions for those who are renters by having a rental registration program. They had a lot of people step up and do right, but those who were worried about the registration sold their properties and left the city. It seemed like the worst of the worst were no longer in the city. And I think at this point, code enforcement can address those that may remain. This is one of the few times they can actually get rid of a regulation instead of adding one.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Ordinance 2023-23 to come to the podium and state their name and address for the record, hearing no more comments he closed the public hearing.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to adopt Ordinance No.

2023-23.

ALL AYES:

MOTION CARRIED 5-0

ROLL CALL: AYES: Council Member Herrera, Council Member Salgado, Council Member Hernandez
Council Member Renick and Mayor Tyson NAYS: None

ALL AYES

MOTION CARRIED 5-0

8. PUBLIC COMMENTS:

Mayor Tyson asked if anyone from the public had a comment to state their name and address for the record.

Butch Barnes – 13675 103rd St., Fellsmere- He attended the meeting at the Willow Street Drainage Control last week. He asked Manager Mathes if he had heard from them about setting up a time to clean out some of the ditches.

Manager Mathes responded that at that meeting he told them that the community would like a solution and that if he had not heard from them in a couple of weeks that he would contact them. He is giving them an opportunity to review their budget, their resources and figure out what a solution can be. And they said something about using some of their reserves to help kickstart a solution. He will be meeting with them probably in mid-October to follow back up and try to set a date.

Mr. Barnes stated that he wants an estimate starting date. He wanted to make sure the City Council was aware of who is stalling here. He is not blaming the city, but he wants the city to be aware that those three guys are not doing anything for the Fellsmere Drainage District. He does appreciate the help the City of Fellsmere is giving them and that they need the help too. He thanked the Council for their time.

Denise NicholSEN – 124 S. Magnolia St./ 14560 97th St., Fellsmere- She asked who do their roads west of park lateral belong too?

Manager Mathes responded that those roads that are being graded by the county after they've been graded by the county for seven years, they become the county's road. State law says that by maintenance reservation, they become owner of the land. It is basically a taking of your front yard where that road is at because the county maintains it. The property owner will lose that as part of their land becomes part of county ownership. And then it's a county road. Fellsmere Water Control District right of way for the purpose of maintaining the ditches kind of allow the public to use it access the property. But as was said at the meeting, which wasn't well received, state law does not allow the district to maintain roads, they only need to maintain them enough to get their machinery in there to maintain the ditches.

Eric Boissant – 144 N. Cypress St. – He stated that at that meeting there was a comment about maybe they need to raise taxes and his comment to that was that they should not have to pay more in taxes if everyone has already been paying taxes for that to be done. He is talking about the county roads that are flooding and they want to raise taxes. Manager Mathes responded that the meeting was not county it was the Fellsmere Water Control District, and they were talking about ditch maintenance not road maintenance.

He encouraged them to stay active and involved as they have future meetings.

Tan Wilson – 13470 99th St. Fellsmere - He stated the drainage were built back in the 40's and asked why can they not get a historical grant? He also asked why the city pav pave a road in Brevard County that is 2.5 million dollars that can go to something in the county.

Manager Mathes responded that a lot of folks don't quite understand nuances of grants. The grants can only be used for specific purposes. And this was a grant that was only available for recreation facilities, it wasn't available for stormwater. And the city applied for a grant with St. Johns River Water Management District, St. Johns River Water Management District is the one who wants to pave the road, they City of Fellsmere support that because of the economic development that could happen with the Fellsmere Headwaters Lake and all the folks that use it. The City of Fellsmere is not putting any local dollars into that.

Manager Mathes stated he had never thought of that idea, he thinks that would be a high push in the State of Florida but worth the effort. He will ask on behalf of everyone, he will ask the State Department Historic Preservation if that grant program can be used for this and he will keep an eye out for other programs. He did add that the city is doing a lot for the ditches in the city on grants they are receiving.

Mr. Willson asked if any of their taxes are going to come out of that.

Manager Mathes responded that they pay taxes that are funding the St. Johns River Water Management District, but none of their local taxes are being used for that project. That grant was not awarded to the city so that project is not moving forward, the city is going to probably reapply for the grant. But at this point, it's an unfunded project, and it's not going anywhere. But that grant will not allow us to use those funds for purposes that they are talking here today. The county is not stepping up and doing grants for the county ditches and neither is Fellsmere Water Control. He has offered Fellsmere Water Control to help them with grant applications as well. So that is something that we'll look at as well. And as far as the reserves are concerned every government has a reserves pot, just something for emergencies. He actually will give them credit for willing to take some of those reserves to use them for this problem.

Jim Pegerleg – 14220 95th St., Fellsmere - He asked if west of Park Lateral is Fellsmere Farms. Manager Mathes responded that he does not think it's all entirely but most of it is.

Living on 95th Street what are his options as far as his ditch? Manager Mathes stated that he is in the gravity basin so that is not the pump basin, so that should be if he is not mistaken, that should be part of the land that's covered by the \$29 per acre. If he is paying \$29 instead of \$9, then he is in the gravity basin, and he should be expecting the same service as everybody else. That the district should be cleaning his ditches.

Mayor Tyson asked if anyone else from the public had a comment, hearing none he continued with Manager's Matters.

9. MANAGER'S MATTERS: Manager Mathes continued with his matters.

- I think letter on New Building – He asked Council if they like the way it is worded. Council Agreed.
- Safir Kickball Family Event 9/29 - request to waive electric charge of \$70- They got their application very early, and asked permission to waive this special event process which Council approved under a Manager's Matters request. But they forgot to ask for a waiver of electric charge because it does run past dusk time at this time of year. They will be wanting some electricity. It's normally a \$75 charge. Council Agreed to waive the fee.
- Joint City/County Meeting - items to discuss- He wanted to let Council know a date has not been set yet, but he would like them to start thinking about items they would like to discuss at the joint agenda. He will bring this back under manager's matters, and he will also have a separate staff list that they can choose from as well.
- Volunteer required for MPO Citizen Involvement Committee- If the city cannot get a permanent member can they at least get a temporary member so MPO can at least get a quorum for their October 24 meeting. He asked Council to reach out to any constituents they may have and give a name to Maria.
- Building Services RFP- The city has had some difficulty with SafeBuilt, he doesn't think it's entirely on them because it's difficult for today's age hiring people, and building officials are a hot commodity. The city did bring in the permit clerk in house. He thinks that to prepare themselves and they are really disappointed with SafeBuilt maybe they should just do an RFP; they have had them as a service provider for more than 15 years. He did get 2 firms that contacted him with interest and one of them seems viable. They even said that they have a piggyback contract that the city could use if they wanted to, to avoid the RFP. He asked Council if they would like to go out for competition. Council Agreed. He asked if they would like to do it as an RFP or have him start negotiations with the firm that has the piggyback? The council agreed to go ahead and negotiate with the firm with the piggyback. Council Member Salgado asked to keep them in the loop. Manager Mathes stated he would give them a summary of the conversation.
- Corrigan Ranch sale issues (REAC (Regional Employment Activity Center/Industrial Location - The Corrigan family guessed wrong on where the industrial and their REAC should be. They put the industrial on the southern tip of their land. The problem is you're now driving through an industrial park to get to residential areas and that's not a good way to sell residential lots. They want to move the industrial on the REAC, probably along the freeway. They know that the Council cannot commit tonight, but they wanted to know if they are okay with hearing their request to move the Industrial and REAC. Council Agreed.
- 6 S. Cypress Grass- They had Council Member Herrera take a look at that site and the site next to 12 N Elm Street and then also showed him a site behind Guiseppes. On 6 S. Cypress, as Fernando will tell you, there's a lot of stumps in there but leaving stumps is a violation of the city's tree removal ordinance. They are supposed to not leave stumps for that very reason that they're a hazard. And so again, letting 6 S. Cypress off because they left stump it's almost like giving a

break for two reasons. One, they didn't grind the stumps and two, they didn't mow the grass how they were supposed to. He asked for the Council's direction, he would just need to provide some clarifying language either by policy or in the code so that they don't have to come back and revisit this in the future.

Council Member Herrera stated that this owner made a mistake, most of it is now woods, in order for him to clean up it needs to be all clean. He suggested they leave it as is. And the other one on Bay Street can be mowed easily.

Manager Mathes asked about the one on CR512 that they drove by that is clearly grubbed to the ground, Council Member Herrera stated he did not take a look at that one.

Manager Mathe stated that following his advice, he would have to come back with a proposed code change that would qualify the level of clearing you would need to do before you have to mow and maybe they can do it by the amount of trees leftover a tree density, if they grabbed it, but they still have a tree density that is pretty high, then they don't need to move because the trees are an impediment. Maybe that's a threshold, there's just so many trees there so many it is hard to mow. Council Agreed to go forward with the code changes.

- **Special Meeting Dates for Holiday Season-**

Mayor Tyson stated he would like them to wait because sometimes it fills up and sometimes it does not. It depends how much activity is going on. Manager Mathes stated then they can make that call a week or two before. Council Agreed.

The following are events and future meetings he shared with the Council.

- National Night Out - Oct. 17th from 5p-7p
 - Legislative Delegation - Oct 2nd 9a-12p County Commission Chambers
- Manager Mathes added that there is a bill that was passed the legislature is now determining what we can and cannot use utility funds for in terms of transfers to other departments. The city may be losing the opportunity to transfer utility funds to support utility work done by other departments. That's a bill that apparently has been talked about being submitted this year.
- Coffee with a Cop - Oct. 4th at 8a Marsh Landing – Mayor Tyson added that Susan puts on a nice buffet breakfast.
 - Request for Data on Public Support for Mandatory Trash Pickup- It was split right down the middle.

10. MAYOR'S MATTERS:

- a. Finance Department Reports -August 2023
- b. Code Enforcement Report
- c. Grants Report
- d. Status of Developments Report
- e. Police Report
- f. Water System Monitoring Report

Mayor Tyson attended the Treasure Coast Regional League of Cities at the college. And the guest speaker was City Manager Mark Mathes and he spoke about all the stuff that is going on in Fellsmere and he thinks everybody was impressed.

11. COUNCIL MEMBER'S MATTERS:

Council Member Herrera- He had no matters.

Council Member Salgado- She asked if there have been any updates on the water. Manager Mathes responded that there is a water system report in Council's packet. The city has basically gone from ammonia, chlorine to hydrogen peroxide and chlorine. And by getting rid of the ammonia, that's what's been causing the interaction with chlorine and making the yellow and the smells. Without the ammonia that's going to be minimized to some degree, you can still end up with issues if you have stale water in your pipes for odor. But again, that's what the city is working on with the bleeders that he's installed around town and continuing to flush hydrants when needed. That's going full bore, they have changed the filters with new charcoal.

Utility Director Kevin Burge stated that contracted with the engineering firm to apply for a permit modification because in the permit, they have to do ammonia and chlorine, they are allowed to do chlorine burns twice a year or three times. That's what the city has been doing. And they saw that with the chlorine burns without the ammonia the water was perfect, except for some. He has done research on sacrificial rods that go inside water heaters. If you have a zinc or some other type of rod, in the hot water heater they are going to smell, it's recommended by the professionals to change that to aluminum. He is estimating the most two months before the city hears back from DEP that

allow them to do a pilot study with the hydroperoxide in the city wells. Manager Mathes added that while they are working on the short-term solution, the city is working feverishly on the long-term solution which is converting the entire system to nanofiltration. Kevin and Andy are creating a conceptual plan for the layout of the Public Works yard at the water plant that would accommodate the equipment needed for nanofiltration. And then once they get that done, they are going to go right into design and look for grant funds but still, that's a two-to-five-year process.

Council Member Hernandez – She had no matters.

Council Member Renick – He stated he attended three meetings. The first meeting was with the Florida League of Cities he volunteered to be on one of their committees. Each committee is basically tasked to come up with a priority legislative project, and a policy position. The main objective is to have this priority, legislate this priority for the legislature to present to legislators. They will have three meetings and will vote on it at the last meeting. Some of the main topics were water resources, planning and comprehensive watershed management. The City of Stuart actually has found a filtration system that the city bought and installed them for like \$25,000 a piece on their production wells and it reduced the PFS level to almost nonexistent, non-detrimental levels. Another topic was recycling.

He also attended the Indian River County MPO they approve the transit development plan for fiscal year 24 for the five-year plan and the City of Fellsmere is part of that long range, the I95, to Willow. The project manager from FDOT gave a presentation. It is slowly gaining traction and moving forward, he wouldn't suspect they are going to see any construction in the next couple of years. There was also a presentation on the go-line on the successes. They did a survey for the public and they tabulated all the surveys. The top three would be to extend the current service daily, from 7am to 9pm, expand service on Saturday as well and then potentially down the road, add a Sunday service. Another big issue is the study for the aviation boulevard US 1 in Vero Beach.

He also attended the Treasure Coast Regional Planning Council meeting joint workshop with South Florida and Treasure Coast later this later in October, and they have a single subject for conversation and this year's is recycling.

He asked stated that the messaging board at the Little League Field has not been changed since before the Water Quality Workshop.

Manager Mathes responded that they are in the process of replacing that sign with an electronic message board. It has just become so much of a burden for an understaffed public works to be changing that.

Council Member Renick stated that there is a tree on Broadway where they put the sidewalk in, and he assumes it's on private property. It's a big old Laurel oak that is a hazard tree and he doesn't know if the city has the authority to remove it. He suggested the city notify the property owner. Manager Mathes stated that they will take a look at it.

Council Member Renick asked if the County hires a contractor to do the mowing and maintenance on CR512? He stated that most of the sidewalks west of Oak are not that bad, but the ones in town are really messy, there's sand all over the place. It looks like whoever's doing the mowing and maintenance, they blow the grass on the sidewalks. He understands it's been wet and rainy, and the grasses really tall, but they should have something going behind with a with a blower. There's grass and weeds growing, nobody edges it. He would like that pointed out to them.

Manager Mathes stated that would be an item for the joint meeting. The city is stuck having to maintain the county's right of ways to get the level of quality the city is looking for, which puts more burden on the understaffed Public Works Department. Public Works Director Andy Shelton will reach out to the county.

12. CITY ATTORNEY'S MATTERS: Attorney Rhodeback stated that they reached the point of the negotiations where they're making certain demands that he cannot say yes to without the Council's direction on the Cemetery Cell Tower. The provisions ultimately come down to a question of control. Specifically speaking, they are constructing the tower and in constructing the tower, they want to put particular lessees or licensees on this tower, and they don't want the city to have any say on who goes up on that tower and where.

The first point is that in a particular provision in the lease they have the right to lease or grant licenses without the city's consent or approval. He needs direction from the Council about whether that is something they are comfortable with, because that is something that they would typically try to negotiate in any type of lease agreement that they enter into. The rub is, is this a little bit unique, because this isn't the city's tower, this is going to be their tower, they're the ones that are constructing but that said, that tower would be on property that does belong to the city.

Manager Mathes stated this would be the same arrangement as the pine tree towers and he does not have an issue with that request.

Attorney Rhodeback asked Council if they want the ability to control who they can put up on that tower.

Council Member Renick stated that as long as they know the lease arrangement and how much they are paying the city, and the conditions of the lease as far as the length and term, he did not have an issue with that.

Attorney Rhodeback stated that next would be the placement of antennas shall be on a location approved by them and any interference they can take it down. Manager Mathes stated that he does not think that is a big thing, he does not think it's appropriate for the city to get in their business decisions and he does not see a need. It's hard for him to look 30 years into the future, if it was in town maybe it would be a different story. This will be placed 10 miles from town.

Council Member Salgado did not agree, and she did not like how the company is wording it in the contract. Manager Mathes reminded the Council that this company is under the thumb. They're losing a tower site at the elementary school; they have tenants on that tower site, and they need a place to put these tenants. Attorney Rhodeback added they've been very professional and cordial throughout the whole process but like anybody else, they have certain demands, and these are deal breaker items to them.

Attorney Rhodeback stated that they are demanding that there be one tower on the whole property site and that is not the issue, the problem is that Manager Mathes had some ideas about 5G mini towers that could possibly be installed on the property and they crafted a provision that basically says there will be no other competing facilities or any other towers or anything that goes on that property that competes with them. Manager Mathes explained to the Council what micro towers would be used for. The problem he has with exclusivity is it also comes with them being able to say no. And my concern is that they could say no to a competitor, and they can have the ability to throttle competitors. He does not know if technically that's possible because he is not in that industry, but he could see that potentially coming and he does not want them to create a hole in the county's meta communication.

Attorney Rhodeback stated that the last point in connection with these type of leases. Sometimes, they will ask you to subordinate your lien rights in order for them to refinance or do something along those lines in order to get access to funding, which the city probably wouldn't have any problem doing. The problem that they did is they went further, and they say no subordinate waive the lien rights. He tried to put in a provision that if their default is the reason for the lien rights, the city does not have to waive them and they crossed it out, meaning they did not accept that change. And he does not know why because that's very fair, as far as I'm concerned.

Manager Mathes stated that he would concede with all of them except the last two.

Attorney Rhodeback asked Council each question separately. The first question he asked the Council is: Does the city have the right to say, or to approve their ability to put a licensee or lessee on the tower?

Manager Mathes suggested that would be okay to let go.

Council Member Salgado agreed the city should have the right to say or approve their ability to put a licensee or lessee on the tower.

Council Member Renick, Mayor Tyson, Council Member Hernandez and Council Member Herrera agreed to let it go.

Attorney Rhodeback stated that the next issue is that they get to control the location and placement of the antennas. He added that this also controls if the city wants to put something up there too.

Manager Mathes suggested this is part of the same thing and should let it go.

Council Member Renick, Mayor Tyson, Council Member Herrera agreed to let it go.

Council Member Salgado did not agree to let it go.

Attorney Rhodeback asked the Council if something does go up there and, in their opinion, whether it's a reasonable opinion or not, it's interfering with other facilities or communication stuff they have up there and they can take it down without the city's permission. Interference is their discretion, their sole determination, interference could be aesthetic, for all they know.

Manager Mathes suggested trying to push some clarification if that is technical interference not aesthetic. Three Council Members agreed with Manager Mathes.

Attorney Rhodeback stated that with the exclusivity that nothing else goes on the property. No communication facilities anywhere else on the property.

Manager Mathes suggested staying firm with the last two, they are leasing only the 80 by 80 spot and if they want to lease the entire 11 acres then they should have to pay the city for that.

Council Member Renick asked what is there reasoning for not wanting that. Manager Mathes responded it's competition.

All Council Members agreed with Manager Mathes.

Attorney Rhodeback asked about the liens. Manager Mathes suggested that he is willing to carve out the liens for anything but failure to perform meaning payment. He asked Attorney Rhodeback if he is able to carve out a lien for just the 80 by 80, and not the entire 11 acres, Attorney Rhodeback responded he can probably do something like that.

Manager Mathes stated that would only be reflected to nonperformance when it's not performance he does not want to waive anything. But if it's unrelated to nonperformance, and there's a way the city can carve out to protect them on the 80 by 80 financing, but still have the flexibility on the balance to be able to do what the city needs to do. And if they reject the comprise then the answer is no.

Three Council members agreed with Manager Mathes.

Attorney Rhodeback thanked Council for their time.

13. NEW BUSINESS:

- (a) Approval of Consultant list to perform General Service Planning, Design and Administrative services for the City of Fellsmere.

Manager Mathes stated the city has not done this since 2016.

The list of firms that the staff is recommending and also the evaluation sheets and scores were provided to the Council. For the engineers they do have some old ones and also some new ones.

They chose EXP although they didn't rank in the top six, he wanted to take six engineers added them at the last minute because they ranked in the architect category. And he figures if they are going to hire them as architects might as well hire him for everything, so that's why they have 7 engineers. And then the architects only had two that applied. And the surveyors only four that applied, and the third, only three landscapes applied.

He stated that Carter and Associates made the surveyors they didn't make the engineers. They have the option to add Carter and Associates as engineers as well if they want. They do have some special expertise, some historical background that might have some value for certain projects. This agenda requests permission to approve the firm's and he would like to also include in the motion if they could also authorize the mayor to execute the contracts when they come back from each of these firms. These are the standard contracts from the city attorney that were in the bid packet.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to approve the consultants list and also add Carter and Associates to the engineering and authorize the mayor execute the contracts.

ALL AYES:

MOTION CARRIED 5-0

Manager Mathes added that he also got a call from ISS infrastructure solutions. They are currently an existing consultant for the city, and they misread the RFP, they thought that existing firms did not have to apply, so they didn't. He would like to put on the record that there is a firm that's asking if their contract continues, even with this action, because technically, there's nothing in their current contract that says it expires. He had not asked the city attorney, but he just wants to let the Council know he may come back once the city attorney looks at the RFP to see if that's an opportunity for this firm to stay in. He is not advocating for them, and he is fine with the list the city has. But they did ask for that and he will work with the city attorney to see if there are any exclusions from doing that.

- (b) Approval of Declaration of Surplus land (203 S. Mulberry Street) and Authorize staff to proceed with sale of property.

Manager Mathes asked this item to be pulled. Attorney Rhodeback stated that a public hearing is necessary.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to remove # 13(d) item from the agenda.

ALL AYES:

MOTION CARRIED 5-0

(c) Approval of ARPA Amendment.

Manager Mathes stated this is the American rescue plan, it's the \$2.8 million that the city has, and this is the quarterly update that is done every quarter.

He sent out an email to staff saying it's their last chance to add and subtract A summary of the changes are listed.

On the list is \$3.02 million dollars and the city only has \$2.852. So, between now and December of next year, which really means between now and summer, the city has about nine more months before they have to make this list match \$2.852 million dollars. They have to cut sometime between now and July \$200,000 off this list. And he thinks they have some large placeholders where that's easy to do, they still have \$400,000 as a placeholder for water quality issues. And again, the city is going to be using grant money and utility money and he doubts they are probably going to need that. He just wanted to remind Council that as this is closer to July of 24 these numbers have to match. The big thing we did here is we kind of created slush categories for police and public works. It says PW equipment supplies instead of doing toolboxes and radios, let's just make a lump sum let Andy figure out how he wants to do that, or the Police Department let him figure out what he wants to do that. And then we did a similar thing with finance. He thinks we had a laptop docking station and CSR enhancements, I'd like to retitle that for finance equipment and supplies.

Mayor Tyson asked if any of the money has been spent. Manager Mathes stated that they have spent \$419,000. They have obligated 2.7 million.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Hernandez **SECONDED** by Council Member Renick to approve the ARPA amendment with the revision of the finance line item.

ALL AYES:

MOTION CARRIED 5-0

(d) Award additional mowing to Southern Class Lawn Maintenance LLC contract.

Public Works Director Andy Shelton stated this is for extending the contract with Southern Class mowing. They currently mow the North Regional Lake, South Regional Lake, the Welcome Center, Cemetery and Senior Field and they would like to add city hall. The city hall takes them a day and a half to two days to get everything mowed, trimmed, and edged. With an extra \$12,600 a year that's really cheap to mow this whole area.

Mayor Tyson asked what would that leave the city to mow. Andy responded all the right of ways, city lots, library, tennis courts.

Council Member Renick asked if anyone has done a cost analysis to see what the difference would be between subbing all the work to a firm versus adding more people. Andy responded that it would be cheaper, but he does not know how that is going to work with they are mowing right of ways that are not theirs, like the counties.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to Award additional mowing to Southern Class Lawn Maintenance LLC contract.

ALL AYES:

MOTION CARRIED 5-0

(e) Approval of purchase for a new Public Works vehicle for fiscal year 2023/2024.

Public Works Director Andy Shelton this is for an extra truck. Of course, they are adding a superintendent this year, which is going to require an extra vehicle that they hadn't planned for that soon. This vehicles in stock spoke with a dealership and one of the very few that's in stock right now. And it's looking like they're not going to be getting any more vehicles for a long time. This is a gas vehicle, a Dodge Ram 1500 4-wheel drive truck.

Manager Mathes added this would be purchased through the Marine Bank loan. If that is not possible, they would like to squeeze it out of infrastructure funds. Trying to do vehicle purchases through the loan

just spread out the cost over time. So that they are not just absorbing all that new infrastructure funding and reducing it available for capital projects. But one vehicle and the need and the fact that the supply won't be there long and the fact the employee is starting in a little bit. If they have to go direct purchase, then he would be okay with that as well. And so, if that is the case, if there needs to be a clarification on the funding source, he will want to be clear that it's either going to be the Marine Bank loan or straight infrastructure.

Council Member Renick asked what the interest rate is. Manager Mathes responded it is 4%.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Salgado to Approve of purchase for a new Public Works vehicle for fiscal year 2023/2024 with either funding source and authorization for the mayor to sign any loan documents.

ALL AYES:

MOTION CARRIED 5-0

MOTION by Council Member Salgado **SECONDED** by Council Member Herrera to add item 13(f) to the agenda.

ALL AYES:

MOTION CARRIED 5-0

(f) Approval of Charlotte County Purchase Agreement as piggyback for Police Vehicles.

Manager Mathes stated Laura the city's grant administrator has been trying to reach this Bartow Ford for three months, trying to get the documentation to prove that they were on the Florida Sheriff's contract. Well, after she finally gave up and said I need help and chief was able to get the information, they found that it wasn't the Florida Sheriff's contract, it was a Charlotte County purchasing contract. And the grants proposing to close on Monday and obviously the city wants their paperwork to be in order and since the original approval was referencing Florida Sheriff's contract, they just wanted to come back to Council with the formal process of approving the piggyback for the Charlotte contract. They've authorized it to be piggyback. Attorney Rhodeback has prepared a cover contract that absorbs their contract and to uphold the needs of Charlotte County to piggyback. The city's purchasing standards allow them to do piggyback and this has been a competitively selected process. Charlotte went through all the competition for the city and the grantor has also agreed to accept that as moving forward. This was for the vehicles that the Chief ordered over a year ago and just arrived a few days ago and he is about to order another set.

Chief Touchberry stated that he is and will probably be going through this same vendor. It's just so tough right now with the police vehicle market.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Herrera to approve Charlotte County Purchase Agreement as piggyback for Police Vehicles

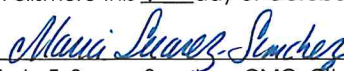
ALL AYES:

MOTION CARRIED 5-0

14. ADJOURNMENT:

There being no further business Mayor Tyson adjourned the meeting at 9:03p.m.

These minutes were approved by the City Council of the City of Fellsmere this 19th day of October 2023


Maria F. Suarez-Sanchez, CMC, City Clerk
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