



Fellsmere

CITY COUNCIL MEETING
22 S. Orange St., Fellsmere FL
November 2, 2023– 7:00 P.M.

AGENDA

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE OF ALLEGIANCE

4. INVOCATION:

5. APPROVAL OF MINUTES:

(a) City Council Meeting of October 19, 2023

6. PUBLIC COMMENTS:

7. MANAGER'S MATTERS:

8. MAYOR'S MATTERS:

9. COUNCIL MEMBER'S MATTERS:

10. CITY ATTORNEY'S MATTERS:

11. NEW BUSINESS:

(a) Declare Police Car as surplus and authorize to auction.

(b) Approval of Change Order #9 with Boromei Construction, Inc. for TAP New York Sidewalk project.

(c) Approval of Change Order #2 and #3 with Haley Ward for civil design services in support of CDBG New York Ditch Pipes project grant.

(d) RESOLUTION NO. 2023-32/A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE FLORIDA DEPARTMENT OF STATE DIVISION OF HISTORICAL RESOURCES, IN THE AMOUNT OF \$50,000 FOR AN HISTORIC DISTRICT WALKING TOUR.

(e) RESOLUTION NO. 2023-57/A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF RESILIENCE AND COASTAL PROTECTION PROGRAM REQUESTING \$850,000 FOR FELLSMERE ALLEYWAYS FLOOD MITIGATION; AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

(f) RESOLUTION NO. 2023-58/ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF RESILIENCE AND COASTAL PROTECTION PROGRAM REQUESTING \$1,500,000 FOR FELLSMERE FLOOD RESILIENCY LIFT STATION NO. 3; AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

(g) Discussion to provide direction on design of Kentucky Stormwater Greenway.

12. ADJOURNMENT:

Courtesy Access to Meeting

As a courtesy to the public, the city will attempt to provide coverage of the meeting by internet or telephonic means. Due to unforeseen technical or other difficulties access to the meeting may be interrupted or may not be possible at all via internet or by telephonic means, which will result in your inability to participate in the meeting. Should such technical difficulties occur, the meeting will continue without interruption and without your participation. To be assured of participation in the proceedings you must attend the meeting in person. For your information participation by internet or telephone does not constitute "presence" at the meeting under Florida law.

To join meeting from your computer, tablet, or smartphone: <https://meet.goto.com/435847405>

To join meeting using your phone call 1-408-650-3123 Access Code: 435-847-405

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26 Florida Statutes, any person who may need special accommodations or translators for this meeting must contact the City Clerk's Office at (772) 646-6301 or the TDD Line 772-783-6109 at least 48 hours in advance of the meeting.

Copies of the proposed Ordinance and Resolution are available for review in the Office of the City Clerk, 22 S. Orange Street, Fellsmere FL between the hours of 8:30 a.m. and 12 noon and 1:00 p.m. and 5:00 p.m., Monday through Friday. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance and Resolution. The City Clerk must receive written comments at least 3 days prior to the Council meetings.

De conformidad con la Sección 286.0105 de los Estatutos de la Florida, la Ciudad informa al público de que: Si una persona decide apelar una decisión tomada por la junta, agencia o comisión con respecto a cualquier asunto considerado en dicha reunión o audiencia, necesitará un registro de los procedimientos, y que, para tal fin, él o ella puede necesitar asegurarse de que se realice un registro literal de los procedimientos, registro que incluya el testimonio y la evidencia sobre la cual se basará la apelación.

De acuerdo con la Ley de Estadounidenses con Discapacidades y la Sección 286.26 de los Estatutos de la Florida, las personas con discapacidades que necesiten adaptaciones especiales para participar en esta reunión deben comunicarse con la secretaria municipal al (772) 646-6301 o comunicarse con la Línea TDD 772-783-6109, al menos 48 Horas antes de la reunión.

Copias de las propuestas Ordenanzas y / o Resoluciones están disponibles para su revisión en la Oficina de la secretaria municipal de la ciudad, 22 S. Orange Street, Fellsmere FL entre las 8:30 a.m. y 12 mediodía y 1:00 p.m. y 5:00 p.m. de lunes a viernes. Las personas interesadas pueden asistir a la reunión y ser escuchadas con respecto a las propuestas de las Ordenanzas y Resoluciones. La secretaria municipal debe recibir comentarios por escrito al menos tres (3) días antes de las reuniones del Consejo.

CO20231102AGENDA.DOC

**CITY COUNCIL MEETING
October 19, 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 Hernandez, Council Member Renick, Attorney Dill, City Manager Mathes and Mayor Tyson
ABSENT: Council Member Salgado-Excused
ALSO, PRESENT: Chief Touchberry, Finance Director Putnam Moreman, Utility Director Kevin Burge and Attorney Rhodeback
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 21, 2023
 - (b) Final Budget Public Hearing of September 21, 2023
 - (c) First Budget Public Hearing of September 14, 2023
 - (d) Grants Workshop of August 17, 2023

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve the minutes for the City Council Meeting of September 21, 2023, Final Budget Public Hearing of September 21, 2023, First Budget Public Hearing of September 14, 2023, and Grants Workshop of August 17, 2023.

ALL AYES: **MOTION CARRIED 4-0**
6. **PUBLIC COMMENTS:**
 Mayor Tyson asked if anyone from the public had a comment to state their name and address for the record, hearing none he continued with Manager's Matters.
7. **MANAGER'S MATTERS:** Manager Mathes continued with his matters.
 - **Joint City/Conty Agenda items** – He gave a draft agenda on items that staff is recommending they speak about and asked Council what agenda topics they might want to talk about. That meeting has not been scheduled yet so there's still time for them to refine what they would like to talk about.
 - **Advance Purchase of 97th Street Property** – This is the project the city is doing the flood mitigation on, and they are having to buy some portions of people's front yards to officially designate the road, pave the road, put in some drainage and there's one house that would not sell their front yard and made the city buy the whole property. He recommended they use ARPA money to go ahead and buy that property outside the grant, to avoid placing the grant burdens on that purchase, they will still need to buy it through the Uniform Relocation Act but that doesn't mean they are putting the grant burdens on them. And they city would sell a balance of the property back probably to the future apartment builder. Council agreed to move forward with that purchase. Manager Mathes stated he would make that formal.
 - **Hazard Pay Permanency for Lieutenant**- When working through the budget he did not realize how much Lieutenant often uses a line worker when there's people out on vacation or sick. He's actually on the road even as a lieutenant. He asked Council if they can go ahead and make his hazard pay permanent. They did not do that in the budget because they treated him as kind of like director level, and he is below that. He asked if they can retroactively give him that 3% hazard pay permanent in his salary starting from October first. Council Agreed.
 - **FWCD Joint Meeting Follow up**- The FWCD has started a conversation about them giving the City of Fellsmere \$23 for each account, that would be benefiting from these red lines from the attachment and then entering in an interlocal with the City of Fellsmere, where the city would maintain those. He is recommended to do only the ditches that touch the city. And he went a little bit outside the city just to cover the entire ditch. He asked Council if they are okay with him continuing conversation with FWCD. Council Agreed.
 - **Volunteer required for MPO Citizen involvement Committee**- Still looking for a volunteer.

- **Sonrise Villas request for Public hearing-** They currently have Code Violation, and he has not seen any improvements from them on the violation. The violation relates to their drainage system not operating along the northern property line. They can rely upon code enforcement, but he would also like to bring them before the Council. He would like to hopefully end up with a requirement that they hire an engineer to analyze that area and find out if there are any changes to the design that would further keep water from going on their neighbor's property. Council Agreed.
- **Proposed Cell Tower CR512/ 93rd (in IRC)-** Right now, what's proposed is on County Road 512, almost probably no more than a 50-foot setback. He does not know how far they need to be setback not to worry about the aesthetics of a cell tower. He stated that this would be across the street from the brand-new development. He asked the Council if they would like him to ask to get the tower pushed a little bit further off the road. Council Agreed.
- **NY Ditch Pipe RFP-** The City received one response to the RFP was for twice as much as their estimate. It turns out after taking a closer look at the plans and the estimate, it was a poor job of their engineer to put that estimate together. There were a lot of errors in it. The project was never the million dollars we thought it was, particularly the way he designed it; it was way overdesigned. There is a new engineer, and they will be bringing back a work authorization amendment for the November meeting, to authorize some money for him to devalue engineering on the project to reduce some of this over design, as well as to take a close look at their specifications just to make sure they're tight. They will probably have that back on the street in November, with bids coming middle December, and then under contract by January, they are still okay with the grant. The grant doesn't expire till August next year.
- **January 18, 2024, CC meeting-** This meeting will fall on a Frogleg Festival night and will have to be changed. It was decided to keep the one meeting on January 4th and if another meeting is needed, they will schedule a second meeting.
- **Existing Sign Standards-** He has an application from Treasure Coast Community Health to replace their sign, a photo was shown to the Council of what they would like but is currently not allowed by code. Manager Mathes stated that it would have to be a code change if it is allowed. The council agreed not to make the change.
- **SELF request for letter of support-** Manager Mathes has a request for a letter of support but wanted to get permission from the Council. The Council agreed not send a letter of support. Manager Mathes asked if they want to continue let them do business in Fellsmere. Council agreed to leave it a status quo.
- **RV as an accessory living unit –** He was asked if an RV can be used as an accessory living unit. Council agreed to keep the code as is and not allow it.
- **Toy for Tots drop box in City Hall**

8. MAYOR'S MATTERS:

- (a) Police Department Report- September 2023
- (b) Public Works Department Report- September 2023
- (c) Water System Monitoring Report
- (d) Grants Report
- (e) Status of Developments Report
- (f) Finance Department Reports

Mayor Tyson attended the Treasure Coast League of Cities with Mark and Maria at the City of Stuart, and the guest speaker Jackie Thurlow-Lippisch a friend of his and is a very strong advocate for cleaning up the rivers and water.

9. COUNCIL MEMBER'S MATTERS:

Council Member Herrera- He had no matters.

Council Member Hernandez – She attended the Beach and Shores Meeting and shared project updates.

They were actually very happy that they haven't had to relocate any of the nests but they're keeping a close eye in case they have to relocate them. They talked about some vessels that were removed from Sebastian and they're going to be seeking reimbursement.

They also had a joint meeting with Sebastian and the state is giving them up to 2030 to get on to sewer but they do not think that's reasonable time. Mayor Tyson commented that Fellsmere will have to do that too.

Council Member Renick – He stated he attended the Florida League of Cities Legislative committee, he is part of the utilities, natural resources, and public works. And their committee determined that the

stormwater rule is a statewide stormwater rule and other aspects of that were probably the most important issue in their committee recommended to move forward to hopefully pursue some legislation this coming year. And the secondary was PFAS, it's a new issue that is starting to gain a lot of attention these days as far as being a carcinogen and affecting our drinking water supply and natural resources.

10. CITY ATTORNEY'S MATTERS: Attorney Dill stated he had no matters.

Eric Boissant – 144 N. Cypress St. – He came to the podium and expressed several concerns with the Council. City Manager Mathes answered his questions.

11. NEW BUSINESS:

- (a)** Approval of Purchase of seven Radar Speed signs from All Traffic Solutions (ATS) in the amount of \$24,812.55.

Manager Mathes stated this was something the Council recently approved at their last ARPA update to fund this because one of the things that came out of the survey for our residents during the budget was speeding was a concern. There are multiple signs that they can put on a stop sign or speed limit sign or a signpost by itself that they can put around on the problem roads and it's one of those flashers. If you're going too fast, it's going to flag your speed. If you're on the right speed, it will give you a nice quiet green number.

Chief Touchberry added that they are solar powered to increase their lifespan. He sees them as a means to increase voluntary compliance with the speed laws. He thinks it is a good measure to show the community that they are concerned about speeding as much as they are, and that they can't be everywhere, and these will be like a force multiplier. They also have another grant that they have access to and once they get the approval to spend it will come back to council with probably some more signs if not maybe a trailer to tote some of those signs around so they can make sure we have enough throughout the city.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Hernandez **SECONDED** by Council Member Herrera to approve the purchase of seven (7) Radar Speed signs from All Traffic Solutions (ATS) in the amount of \$24,812.55.

ALL AYES:

MOTION CARRIED 4-0

- (b)** Authorizing to piggyback off of the Charlotte County Contract, Bid Number 2021000541 to purchase two (2) Police Vehicles from Bartow Ford in the amount of \$110,011.08.

Manager Mathes stated if this item is approved, it would need to be approved subject to the Council's approval of the Marine Bank loan that will be paying for these. He reminded Council that they used Marine Bank two years ago to purchase the first round when they started this replacement program every five to seven years. In the second year, they used the USDA grant. This third year they are going back to Marine Bank because they want to save the USDA grant for a large piece of equipment that Public Work's needs, and they can only have one open grant at a time.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Hernandez to approve the purchase of two (2) Police Vehicles from Bartow Ford in the amount of \$110,011.08 subject to the Marine Bank loan.

ALL AYES:

MOTION CARRIED 4-0

- (c)** Approval of Vertical Bridge VBTS, LLC lease agreement for Cell Tower and authorize Mayor to execute lease.

Manager Mathes stated Attorney Rhodeback was assigned to this agreement. Attorney Rhodeback stated that in regard to the exclusivity they eliminated that entire provision, so there is no exclusivity provision. The second big issue was that the city was not going to waive or subordinate their lien rights and they agreed with the city.

Susan Adams asked questions in regard to the location and revenue of the tower. She stated that it seems very inappropriate to have a cellphone tower in a historic cemetery. As a citizen of the city, she stated it seems disrespectful.

Manager Mathes stated that this lease does not result in a tower they still have to go through the county's process of getting a permit in and obviously during that process, they can certainly intervene and address the issues about graves that might be uncovered and things of that nature. This is just giving them more level of comfort to go forward that process and obviously binds the city to let them go through that process and if they are successful binds the city to let them be successful.

Attorney Rhodeback stated that the agreement does provide they have to get all necessary government approvals, most of which have nothing to do with the city. The role the city would serve as affected property owners during the approval process more so than jurisdictional or governing authority over what the site plan is going to look like, what the specs are going to be for the tower that's going to go to somebody else for those determinations, buffering requirements, etc.

Manager Mathes stated to the Council this is their last opportunity to say no if that is their pleasure. He asked Attorney Rhodeback if there are there any implications to Council at this point, if they decide this is not what we want to do.

Attorney Rhodeback responded absolutely not. The city has a letter of intent. The letter of intent is not a binding contract or binding aspects to it. But none of which was promised as you would enter into this particular lease agreement. So yes, if Council wants to back out, they absolutely can back out. And if they are going to back out the time to do so is probably now.

Council Member Renick suggested the subterranean investigation before we sign a lease just out of respect. Manager Mathes added that he would suggest that they make that burden on them since they want to lease the land.

Attorney Dill suggested that they table this tonight and give them an opportunity to prepare an additional paragraph to the lease requiring the ground penetrating radar be used and also talk to them about what the city's desires.

MOTION by Council Member Herrera **SECONDED** by Council Member Hernandez to table this item.
ALL AYES: **MOTION CARRIED 4-0**

(d) RESOLUTION NO. 2023-47/ A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AMENDING THE STANDARD OPERATING PROCEDURES FOR THE ADMINISTRATION OF THE CITY OF FELLSMERE; PART 4, POSITION PAY PLAN; PART 4, PAY BY POSITION; SECTION 6 – PROBATIONARY PERIOD; SECTION 10.6 TRANSFER TO OTHER EMPLOYEES; SECTION 11 - MISCELLANEOUS LEAVES; SECTION 14.08 INTERNET/EMAIL/SOCIAL MEDIA; SECTION 14.10 CITY CELL PHONES; SECTION 14.11 MANDATORY MEETINGS; PROVIDING FOR RATIFICATION, AMENDMENT, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2023-47 by title only.

Manager Mathes stated this is something they will be doing every year to readopt a at a minimum, the position Pay Plan and the pay by position, which are updated with each budget. There's just a few others and the organizational chart if they do any staff adjustments. He recommended going to a 12-month probationary period for department heads, because it is a critical position to hire, and six months is not enough time to see them in action. He also wanted to formalize allowing employees to donate their sick time. He also added the ability for the city manager to monitor an employee's computer usage. On the cell phones he made it simpler on the policies just a flat reimbursement or actual cost whichever is less. And he also created a mandatory all staff meeting policy where the city can compensate the employee for attending.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Renick to approve Resolution No. 2023-47.
ALL AYES: **MOTION CARRIED 4-0**

(e) RESOLUTION NO. 2023-46/ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DAUGHTERS OF THE AMERICAN REVOLUTION (DAR) HISTORIC PRESERVATION GRANT PROGRAM REQUESTING \$10,000.00 FOR GROUND PENETRATING RADAR (GPR) AND GLOBAL POSITIONING SYSTEMS (GPS) SERVICES TO CREATE A COMPREHENSIVE MAP OF THE BROOKSIDE CEMETERY AND FURTHER AUTHORIZING THE EXPENDITURE OF FUNDS UP TO \$10,000.00 FROM THE CEMETERY FUND TO FULFILL THE CITY'S LOCAL MATCH REQUIREMENT UNDER THE GRANT.

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2023-46 by title only.

Grant Administrator Laura Hammer stated that the DAR the Daughters of the American Revolution have let the city know that they would like to give the city the grant money and the maximum amount of \$10,000. They apparently annually have \$250,000 to give out. And they are very interested in the work that the city wishes to do at their cemetery, but the DAR grants are matching. If they give the maximum amount of 10,000, they are asking for the \$10,000 in matching funds. Public Works Director Andy Shelton has gotten a quote from a company, and they provide ground penetrating radar and mapping services. In addition to them finding out where bodies are located, they will also be able to provide a map which will be useful in the future as more people choose to be buried in the cemetery. The application is due by October 31st. She added that in regard to the conversation about the cell tower, DAR has announced that they plan to award the grant monies in May 2024.

Council Member Renick asked if they are able to do the ground penetrating and then get reimbursed later. Grant Administrator Hammer stated she does not know if DAR will do an advance or not. Manager Mathes suggested they reach out to the DAR regarding a pre-award authority. Grant Administrator Hammer will reach out to Holly Hamilton and can come back to Council at the next meeting.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve Resolution No. 2023-46.

ALL AYES:

MOTION CARRIED 4-0

Manager Mathes wanted direction from Council in regard to the cell tower negotiations. The is simply direction to the city attorney's office ask the cell tower company the questions that were asked and work out a solution. But there was no direction of the city attorney to ask for a monetary contribution towards something that either the city would do, or that they would upfront the cost of something that the city is going to be doing anyway in the future. He reminded Council that they are getting \$5000 up front that they can do anything they want with. He asked if Council would like to ask for more upfront, either related to this issue about ground penetrating radar or just in general increasing the \$5000 to a different number,

Council Member Renick stated to increase because they have other costs associated with their due diligence.

Manager Mathes asked Attorney Dill if there is any clause in this lease that requires them to pay for any and all costs related to the approval of this lease, which means reimbursing the city attorney for their time. He suggested as a blanket position he thinks it would only be fair that it be a city policy, anytime the city is doing something for somebody, there should always be a condition in there, they are going to pay the city for this cost, because they are only incurring this cost because of them, which is what the city does for development, what they do for pretty much everything else. He asked Council that to be added and that would cover the attorney's fees.

Manager Mathes asked Council if they wanted to add the three conditions. That they must know there's nobody buried in that site before they sign the lease. Second, they are going to increase the due diligence to \$10,000. And last, there's going to be a clause in there that they pay for all cost of approval. The council agreed.

Attorney Dill stated that the \$5000 is an option fee, and they have a second year for another \$5000. Manager Mathes added that is because it may take more than a year to get the approvals from the

permitting agencies. Manager Mathes also suggested to ask for \$10,000 for the first and \$5000 for the second. The council agreed. Attorney Warren Dill stated he will bring this back to the council.

(f) RESOLUTION NO. 2023-51/ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF), ADOPTION OF THE WASTEWATER FACILITY PLAN FOR THE IMPLEMENTATION OF THE COUNTY ROAD 512 FORCE MAIN EXTENSION IMPROVEMENTS, EFFECTIVE THIS DATE

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2023-51 by title only.

Manager Mathes stated this is related to the sewer extension to the farm. This is the first time they have worked with this funding source. They are kind of learning the grant application requirements as they go. The city hired a firm to help them, it wasn't the best relationship, but they are getting through it. And one of the things that they learned at the last minute that they need to do is to have a formal adoption of this facilities plan. He did not provide the attachments because they're like 200 pages. But most of the attachments are things that the Council have already seen and approved like prior resolutions or administered forms which he executes as the city manager. But they are available if they would like to see the attachments, they just provided the actual base facility plan. His hope is that they are funded, ranked high enough at the November priority list to be funded in early next year to actually be able to build that sewer pipe to the farm. He added that there will be a grant partnership agreement that they will enter between the city and the farm prior to grant execution, because there will be a loan component. If this pipe is for them, the city shouldn't have to pay that loan, that should be for the farm to pay. The farm has paid \$80,000 for the design and they are going to pay the loan. The city may come to an agreement, it is the city's choice to use some of the revenue for that. That's just a discussion they will have when they get to that point. And then they will also be going to be committed to supplement the flow of sewage. Because until they build out that commerce park, there may not be enough flow in the pipe for it to work properly. They may have to augment it with either ditch water or well water, so they have enough flow in there. They will come back with that agreement at the proper time to make sure that the city has the burdens where they belong if there are burdens on this grant.

Mayor Tyson asked if the only money they have so far for this is the \$750,000. He asked how much is the project going to take. Manager Mathes responded with about 3 million dollars. The grant is estimated to be an 80% grant and a 20% loan, it comes to about a \$600,000 loan at a 2% interest over 30 years. The farm and their tenants should be able to handle that.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Hernandez **SECONDED** by Council Member Renick to approve Resolution No. 2023-51.

ALL AYES:

MOTION CARRIED 4-0

12. ADJOURNMENT:

There being no further business Mayor Tyson adjourned the meeting at 8:26p.m.

These minutes were approved by the City Council of the City of Fellsmere this ____ day of November 2023

Maria F. Suarez-Sanchez, CMC, City Clerk
CO20231019MINUTES.DOC

City Council
Agenda Request Form

Meeting Date: NOVEMBER 2, 2023

Agenda Item No. 11(a)

- | | |
|---|--|
| <p><input type="checkbox"/> PUBLIC HEARING</p> <p><input type="checkbox"/> Ordinance on Second Reading</p> <p><input type="checkbox"/> Public Hearing</p> <p><input type="checkbox"/> ORDINANCE ON FIRST READING</p> <p><input type="checkbox"/> GENERAL APPROVAL OF ITEM</p> <p><input checked="" type="checkbox"/> Other:</p> | <p><input type="checkbox"/> RESOLUTION</p> <p><input type="checkbox"/> DISCUSSION</p> <p><input type="checkbox"/> BID/RFP AWARD</p> <p><input type="checkbox"/> CONSENT AGENDA</p> |
|---|--|

SUBJECT: Seeking approval to dispose of property

RECOMMENDED MOTION/ACTION: Dispose of property through auction process

Approved by City Manager Maura Mathis **Date:** 10.26.23

Originating Department: POLICE	Costs: N/A Funding Source: N/A Acct. #	Attachments: N/A
Department Review: <input type="checkbox"/> City Attorney _____ <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input checked="" type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ KMT _____ or Not applicable in this case _____: Please initial one.

Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Wednesday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Wednesday deadline.

Summary Explanation/Background: The vehicle listed below has reached the end of its service life and permission to auction is being sought.

One 2013 Chevy Caprice Police Patrol Vehicle, VIN#6G1MK5U30DL821645, with an estimated mileage of 176,000.

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: November 2, 2023

Agenda Item No. 11(b)

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |

SUBJECT: Change Order #9 with Boromei Construction, Inc. for reduction of costs associated with a final true up or unsettled overruns and underruns, plus a 20-day time extension request for the TAP New York Sidewalk project

RECOMMENDED MOTION/ACTION: Approve Change Order #9 for TAP New York Sidewalk project

Approved by City Manager M. J. [Signature] **Date:** 10-26-23

Originating Department: Grants	Costs: (\$11,546.00) Funding Source:	Attachments: Change Order #9
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

In February 2022, Council approved the grant agreement for the New York Sidewalk project and in July 2022, Council approved the contract between City of Fellsmere and Boromei Construction, Inc.

This agenda seeks approval of Change Order #9 to provide for a reduction of costs in the amount of \$11,546.00 associated with the final true up or unsettled overruns and underruns in the project, and an additional twenty (20) contract days due to rain/wet conditions and required curing period.

Supporting explanatory documentation is included as part of attached Change Order 9.

CHANGE ORDER

Project: TAP New York Sidewalk

Change Order Number: 9

Change Order Date: 9/7/2023

Contractor: Boromei Construction, Inc.

Contract Date: 7/29/2022

Contract for TAP 44314-1

The Contract is changed as follows: True up final or unsettled overruns and underruns; and provide a time extension of twenty days.

The original Contract Price was	<u>\$704,629.00</u>
The net change by previously authorized Change Orders	<u>\$32,141.35</u>
The Contract Price prior to this Change Order was	<u>\$731,995.95</u>
The Contract Price will be (increased)(<u>decreased</u>)(unchanged)	
by this Change Order in the amount of	<u>(\$11,546.00)</u>
The new Contract Price including this Change Order will be	<u>\$720,449.95</u>
The Contract Time will be (<u>increased</u>)(decreased)(unchanged)	
By 20 days	
The date all of the Work shall be completed for the entire Project and ready for final payment as a result of this Change Order is <u>June 25, 2023</u>	

Note: This Change Order does not include changes in the Contract Sum or Contract Time which have been authorized by Work Change Directive until the cost and time has been determined as per the Contract, in which case a Change Order is executed to supersede the Work Change Directive. Time is of the essence for this Change Order.

NOT VALID UNTIL SIGNED BY THE DESIGNER, CONTRACTOR, AND OWNER. The effective date of this Change Order will be the date when the last one of Engineer, City and Contractor has signed.

Culpepper & Terpening

Engineer (firm name)

Boromei Construction, Inc.

Contractor (firm name)

City of Fellsmere

Owner

2980 South 25th Street

Address

420-B NW 3rd Street

Address

22 S. Orange Street

Address

Fort Pierce, FL 34981

Okeechobee, FL 34972

Fellsmere, FL 32948



By (signature)



By (signature)



By (signature)

Stefan K. Matthes

(typed/printed name)

Danny Boromei

(typed/printed name)

Mark Mathes

(typed/printed name)

8/23/2023

(date)

8.16.2023

(date)

8/24/2023

(date)

August 14, 2023

Mr. Mark Mathes, P.E.
City Manager
City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

RE: Change Order #9 – Contract Time Extension and Final True Up

This Change Order will true up final or unsettled overruns and underruns as well as provide a time extension for reasons outside of the Contractor's control. The contractor requests three (3) calendar days due to the sod unable to be cut for job site restoration due to wet sod fields. The wet fields later led to an areawide shortage of bahia sod for which fourteen (14) calendar days are attributed. Three (3) calendar days are attributed to allow the new asphalt pavement to cure for the Contract required specified minimum number of days prior to application of the thermoplastic striping. The project was substantially complete aside from the thermoplastic markings for which the asphalt needed to additionally cure. The total number of days requested by this Change Order is twenty (20).

This Change Order is a true up intended to settle overruns and underruns which have not been captured in the prior change orders. The unsettled underruns amount to \$18,586.00 for work which did not need to be performed, or underrun, from the contract plan bid tab. The unit item overruns amount to \$7,040.00 for the addition of quantity not originally on the bid tab. The causes for the underruns and underruns vary and are documented below.

The change order is summarized as follows:

1. Pay Item 104-10-3: Sediment Barrier – This item was underrun by 1154 LF with the final quantity reflecting that necessary for control of stormwater on the project. **Decrease cost (\$4,616.00)**
2. Pay Item 104-11: Floating Turbidity Barrier – This item was not needed as the canal was dry during the time of reconstruction. **Decrease cost (\$2,400.00)**
3. Pay Item 104-18: Inlet Protection System – This item was underrun by 9 EA with the final quantity reflecting that which was installed on existing inlets. **Decrease cost (\$900.00)**
4. Pay Item 110-22B: Root Pruning and Barrier 24" – This item was underrun by 20 LF, the quantity of which was planned for a tree that needed removal. **Decrease cost (\$1,100.00)**
5. Pay Item 286-2: Turnout Construction-Asphalt/Driveway Base – This item was overrun by 88 SY. This qty was not captured in the bid tab but necessary to restore the existing driveway of FWCD. **Increase cost \$7040.00**
6. Pay Item 522-2: Concrete Driveway 6" – This item was underrun 32 SY which reflects the amount of required to complete the project per the plan. **Decrease cost (\$2,880.00)**
7. Pay Item 527-2: Detectible Warnings – This item was underrun 22 SF which reflects the amount of required to complete the project per the plan. **Decrease cost (\$990.00)**
8. Pay Item 700-1-11: Single Post Sign, Install – This item was underrun 2 EA which reflects the amount required to complete the project per the plan. **Decrease cost (\$700.00)**
9. Pay Item 1080-15A: Utility Fixture, Adjust/Modify (Water Valve and Pad) – This item was underrun 1 EA which reflects the amount required to complete the project. The items needing modification were able to be avoided by shifting sidewalk slightly from the plan alignment. **Decrease cost (\$500.00)**

10. Pay Item 1644-700: Fire Hydrant, Adjust & Modify – This item was underrun 3 EA which reflects the amount required to complete the project. The items needing modification were able to be avoided by shifting sidewalk slightly from the plan alignment. **Decrease cost (\$4,500.00)**

The item overruns were required to complete the project meeting the intent of the design and conforming with the plans and applicable specifications. Change Order nine if accepted as recommended and presented herein will **decrease the contract value by \$11,546.00**.

Should you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,



Philip Lyon, P.E.
Project Administrator
AE Engineering, Inc.

Attachments:

01: Boromei Construction Inc. Change Order 9 – True Up with Time

02: OR/UR Tracking Log



August 14, 2023

AE Engineering, Inc
Attn: Phillip Lyon
219 Newnan St. 4th Floor
Jacksonville, FL 32202

Re: LAP G2723 / New York Sidewalk /
Proposed Change Order 9 – Final Reconciliation

Mr. Lyon:

Please let this letter serve as our Proposed Change Order 9 in the amount of (\$11,546.00) for the final reconciliation for Contract LAP G2723 New York Avenue Sidewalk project.

In addition, we would like to request the addition of 20 days as outlined below:

1. Unable to cut sod due to wet sod fields on 6/7, 6/9 and 6/10 – 3 days
2. Waiting the prescribed asphalt cure time prior to installation for the pavement markings
6/13 - 6/15 3 days
3. Bahia sod areawide shortage 7/10 – 7/23 – 14 days

Upon review, if you have any questions or need anything additional to process, please advise.

Sincerely;

Melissa Stone,
Corporate Secretary

CGC1508299
420B NW 3rd St.
Okeechobee, FL 34972
(863) 623.4314

ESTIMATE SHEET

PROJECT: New York Avenue Sidewalks

DATE: 8.14.2023

OWNER: City of Fellsmere

LOCATION: Fellsmere, FL

[illegible]

CGC1508299
420B NW 3rd St.
Okeechobee, FL 34972
(863) 623.4314

ESTIMATE SHEET

PROJECT: New York Avenue Sidewalks

DATE: 8.14.2023

OWNER: City of Fellsmere

LOCATION: Fellsmere, FL

[illegible]

FPN(s): 44434-1-SX-01
 Contract: G2723
 Proj. Desc.: New York Avenue Sidewalk
 City: City of Fallsmere
 Contractor: Bonomet Construction

Last Update: 08/07/2023
 Today is: 08/14/2023

PA/PO: Philip Lyon
 E-mail: Plion@aeengineeringinc.com

Pay Item	Description	Quantity					Cost		Change Order No.	Comments
		Plan	Unit	Unit Price	Actual	Delta	Overrun	Underrun	CO-09	
104-10-3	Sediment Barrier	3075.00	LF	\$ 4.00	1921.00	1154.00		\$ (4,616.00)	\$ (4,616.00)	
104-11	Floating Turbidity Barrier	80.00	LF	\$ 30.00	0.00	80.00		\$ (2,400.00)	\$ (2,400.00)	
104-18	Inlet Protection System	20.00	EA	\$ 100.00	11.00	9.00		\$ (900.00)	\$ (900.00)	
110-22B	Root Pruning and Barrier 24"	313.00	LF	\$ 55.00	293.00	20.00		\$ (1,100.00)	\$ (1,100.00)	
286-2	Turnout Construction-Asphalt/Driveway Base	110.00	SY	\$ 80.00	198.0	88.00	\$ 7,040.00		\$ 7,040.00	FWCD Driveway
522-2	Concrete Driveway (6" Thick)	380.000	SY	\$ 90.00	348.000	32.00		\$ (2,880.00)	\$ (2,880.00)	
527-2	Detectable Warnings	306.000	SF	\$ 45.00	284.000	22.00		\$ (990.00)	\$ (990.00)	
700-1-11	Single Post Sign, Install	17.000	AS	\$ 350.00	15.000	2.00		\$ (700.00)	\$ (700.00)	
1080-15A	Utility Fixture, Adjust/Modify (Water Valve & Pad)	3.000	EA	\$ 500.00	2.000	1.00		\$ (500.00)	\$ (500.00)	
1644-700	Fire Hydrant, Adjust & Modify	4.000	EA	\$1,500.00	1.000	3.00		\$ (4,500.00)	\$ (4,500.00)	
							\$ 7,040.00	\$ (18,586.00)	\$ (11,546.00)	

From: [Cordoba, Wanda](#)
To: [Laura Hammer](#)
Cc: [Velazquez, Diego](#); [Lawrence, Chloann](#); [Mark Mathes](#)
Subject: 444314-1 New York Sidewalk Project - Proposed Change Order 9
Date: Wednesday, August 16, 2023 12:47:44 PM
Attachments: [image002.png](#)
[CO# 9 True Up.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Laura:

FDOT has reviewed the attached Change Order # 09 for the FM#444314-1 New York Sidewalk Project and concurs with the Final True-up amount resulting in an underrun in the amount of \$11,546.00 and with the additional twenty (20) days being added to the Contract due to the delays mentioned.

If you have any questions, please let me know.

Thanks

Wanda Cordoba, LAP Local Program Coordinator

Scalar Consultant Group Inc. - Consultant

Florida Department of Transportation

Program Management – District 4

Office: 954-777-4066

(Monday- Friday 8:00am-5:00pm)

Wanda.Cordoba@dot.state.fl.us



City of Fellsmere City Council
Agenda Request Form

Meeting Date: November 2, 2023

Agenda Item No. 11(c)

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Florida Department of State Division of Historical Resources Small Matching Grant program for Fellsmere Historic Walking Tour

RECOMMENDED MOTION/ACTION: Approve Resolution 2023-32 authorizing Mayor to sign agreement with Florida Department of State Division of Historical Resources; and to accept funding for Fellsmere Historical Walking Tour.

Approved by City Manager Macdonata Date: 10-26-23

Originating Department: Grants	Costs: \$50,000 Funding Source: Florida Dept. of State Division of Historical Resources	Attachments: Res. 2023-32
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

Staff seeks approval of Resolution 2023-32 which authorizes the Mayor to execute the grant agreement from the State of Florida Division of Historical Resources Small Matching Grant program in the amount of \$50,000 for the Historic Fellsmere Walking Tour and authorizes the City Manager or his duly appointed representative to execute grant amendment and other grant administrative documents.

Council previously approved the RFP associated with this grant on June 15, 2023.

This grant will further expand the improvements being made to the Broadway Corridor, as implementation of the walking tour will provide additional reasons for tourism in the City of Fellsmere.

RESOLUTION NO. 2023-32

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE FLORIDA DEPARTMENT OF STATE DIVISION OF HISTORICAL RESOURCES, IN THE AMOUNT OF \$50,000 FOR AN HISTORIC DISTRICT WALKING TOUR.

WHEREAS, The City of Fellsmere had the opportunity to apply for funding in the amount of \$50,000 from the Small Matching Grant Program, Division of Historical Resources of the Florida Department of State; and

WHEREAS, the required match is waived due to Fellsmere's status as a Rural Economic Development Initiative community; and

WHEREAS, funding in the amount of \$50,000 is important for the creation of an Historic District Walking Tour which will support and enhance economic vibrancy of our downtown; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida as follows:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, confirmed, and adopted as legislative findings of the City Council.

SECTION 2. AUTHORIZATION. The Mayor is authorized to execute the grant agreement with the Florida Department of State for its Small Matching Grant Program and the Mayor and/or City Manager are authorized to execute grant amendments and other grant administrative documents, if awarded.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS. All previous resolutions or parts thereof, which conflict with the provisions of this Resolution, to the extent of such conflict, are superseded and repealed.

SECTION 4. SEVERABILITY. If any section, part of a sentence, paragraph, phrase, or word of this Resolution is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid or inoperative part.

SECTION 5. EFFECTIVE DATE. This resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member _____.
The motion was seconded by Council Member _____ and, upon being put to a vote,
the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocensia Hernandez	_____
Council Member Gerald W. Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of _____ 2023.

CITY OF FELLSMERE, FLORIDA

ATTEST:

Joel Tyson, Mayor

Maria Sanchez-Suarez, City Clerk

City of Fellsmere City Council
Agenda Request Form

Meeting Date: November 2, 2023

Agenda Item No. 11(d)

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program FY23/24 Grant for Fellsmere Alleyways Flood Mitigation

RECOMMENDED MOTION/ACTION: Approve Resolution 2023-57 authorizing Mayor and/or City Manager to accept Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program FY23/24 funding for Fellsmere Alleyways Flood Mitigation.

Approved by City Manager Marcia N. [Signature] Date: 10-26-23

Originating Department: Grants	Costs: \$850,000 Funding Source: FDEP Grant	Attachments: Res. 2023-57
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

Staff seeks approval of Resolution 2023-57 which authorizes the Mayor to execute the grant agreement for the Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program and authorizes the City Manager or his duly appointed representative to execute grant amendment and other grant administrative documents. No match is required for this grant project.

Due to the tight application timeline for this grant the application was submitted in expectation of Council authorization (application has been filed and \$850,000 has been awarded). The attached Resolution provides such authorization.

RESOLUTION NO. 2023-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF RESILIENCE AND COASTAL PROTECTION PROGRAM REQUESTING \$850,000 FOR FELLSMERE ALLEYWAYS FLOOD MITIGATION; AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Fellsmere has the opportunity to apply for funding in the amount of \$850,000 from the Florida Office of Resilience and Coastal Protection Program for flood mitigation improvements to Fellsmere Alleyways;

WHEREAS, funding in the amount of \$850,000 is important for the flood mitigation improvements to the Fellsmere Alleyways.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida as follows:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted, and incorporated herein as legislative finds of the City Council.

SECTION 2. AUTHORIZATION. The Mayor and/or City Manager are authorized to file an application for a Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program FY23/24 funding cycle for Fellsmere Alleyways Flood Mitigation and to execute a grant agreement and grant administrative forms, if awarded.

SECTION 3. MAINTENANCE. The City Council hereby commits to the ongoing operation and maintenance of the proposed project.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS. All previous resolutions or parts thereof, which conflict with the provisions of this Resolution, to the extent of such conflict, are superseded and repealed.

SECTION 5. SEVERABILITY. If any section, part of a sentence, paragraph, phrase, or word of this Resolution is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid, or inoperative part.

SECTION 6. EFFECTIVE DATE. The resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocencia Hernandez	_____
Council Member Gerald Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of _____, 2023.

CITY OF FELLSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

(S E A L)

Maria Suarez-Sanchez, City Clerk

City of Fellsmere City Council
Agenda Request Form

Meeting Date: November 2, 2023

Agenda Item No. 11(e)

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program FY23/24 Grant for Fellsmere Flood Resiliency Lift Station No.3.

RECOMMENDED MOTION/ACTION: Approve Resolution 2023-58 authorizing Mayor and/or City Manager to accept Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program FY23/24 funding for Fellsmere Flood Resiliency Lift Station No. 3.

Approved by City Manager Marcus Mathis Date: 10-26-23

Originating Department: Grants	Costs: \$1,500,000 Funding Source: FDEP Grant	Attachments: Res. 2023-58
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

Staff seeks approval of Resolution 2023-58 which authorizes the Mayor to execute the grant agreement for the Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program and authorizes the City Manager or his duly appointed representative to execute grant amendment and other grant administrative documents. This project will mitigate the threat of waste water release into the wetlands and provides for a needed improved Lift Station No. 3.

No match is required for this grant project. The design is included in and paid for through this grant.

Due to the tight application timeline for this grant the application was submitted in expectation of Council authorization (application has been filed and \$1,500,000 has been awarded). The attached Resolution provides such application submission authorization.

RESOLUTION NO. 2023-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF RESILIENCE AND COASTAL PROTECTION PROGRAM REQUESTING \$1,500,000 FOR FELLSMERE FLOOD RESILIENCY LIFT STATION NO. 3; AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Fellsmere has the opportunity to apply for funding in the amount of \$1,500,000, with no local match required, from the Florida Office of Resilience and Coastal Protection Program for improvements to Fellsmere Flood Resiliency Lift Station No.3, such grant funding to include monies to pay for the lift station design;

WHEREAS, funding in the amount of \$1,500,000 is important for the design of and improvements to the Fellsmere Lift Station No. 3 which will be altered/improved to function as an above-ground booster station, improving the City Domestic Wastewater and Stormwater Infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida as follows:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted, and incorporated herein as legislative finds of the City Council.

SECTION 2. AUTHORIZATION. The Mayor and/or City Manager are authorized to file an application for a Florida Department of Environmental Protection Office of Resilience and Coastal Protection Program FY23/24 funding cycle for improvements to the Fellsmere Flood Resiliency Lift Station No. 3 and to execute a grant agreement and grant administrative forms, if awarded.

SECTION 3. MAINTENANCE. The City Council hereby commits to the ongoing operation and maintenance of the proposed project.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS. All previous resolutions or parts thereof, which conflict with the provisions of this Resolution, to the extent of such conflict, are superseded and repealed.

SECTION 5. SEVERABILITY. If any section, part of a sentence, paragraph, phrase, or word of this Resolution is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid, or inoperative part.

SECTION 6. EFFECTIVE DATE. The resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocencia Hernandez	_____
Council Member Gerald Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of _____, 2023.

CITY OF FELLSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

(S E A L)

Maria Suarez-Sanchez, City Clerk

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: November 2, 2023

Agenda Item No. 11(f)

☐ PUBLIC HEARING
☐ Ordinance on Second Reading
☐ Public Hearing

☐ RESOLUTION

☐ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☒ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Civil design services in support of the CDBG New York Ditch Pipes Project grant

RECOMMENDED MOTION/ACTION: Approve Change Orders #2 and #3 to Work Order #5 for Haley Ward (fka Milcor Group).

Approved by City Manager Maanatta Date: 10-26-23

Originating Department: Grants	Costs: \$36,000 Funding Source: Infrastructure	Attachments: 1. Work Order #5 2. Change Orders #1, 2 and 3
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

The City was awarded a grant in August 2020 from FloridaCommerce, under their Community Development Block Grant Program for flood and drainage improvements to the New York Street ditch pipes.

Council previously approved attached Work Order #5 in the amount of \$44,300.00 and Change Order #1 in the amount of \$14,000 to The Milcor Group (nka Haley Ward) for civil design and permitting services for this project.

This agenda item is to approve Change Order #2 in the amount of \$18,000 and Change Order #3 in the amount of \$22,000.

Change Order #2 is for work in connection with responding to information requests from St. Johns River Water Management District arising from the permitting work done under Change Order #1, as well as the right of way permit from Indian River County.

Change Order #3 is for work connected to value engineering work (conducting a comprehensive cost analysis of the existing design to identify areas where potential cost savings can be achieved without compromising project quality), make revisions to the New York Ditch improvements project, and to review our entire specification package for updates.

EXHIBIT "B"
EXAMPLE OF WORK ORDER
FOR
NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT

CITY OF FELLSMERE

WORK ORDER NO. 5

NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT

Professional The MilCor Group

Project Title: NY Ditch Improvements

Type of Work (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> General Consulting | <input type="checkbox"/> Preliminary Design (30%) |
| <input type="checkbox"/> Code Plan Review | <input checked="" type="checkbox"/> Design Development (60%) |
| <input type="checkbox"/> Ordinance/Rule Development | <input checked="" type="checkbox"/> Construction Documents (100%) |
| <input type="checkbox"/> Studies and Reports | <input checked="" type="checkbox"/> Bid Services |
| <input type="checkbox"/> Expert Witness | <input checked="" type="checkbox"/> Construction Engineering Inspection |
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Surveying |


Attachments:

- ☐ Scope of Work
☐ Costs
☐ Schedule

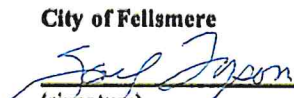
Acknowledgements

- ☐ Professional is in receipt of the project-related Program Statement
☐ Professional is in receipt of the project-related Total Project Budget

The Professional shall assist the City of Fellsmere with professional services for the Project. This Work Order authorizes the work described herein in accordance with the terms of the Non-Exclusive Professional Services Agreement. The work is outlined in the attached Scope of Work, schedule and costs and shall not exceed \$44,300 without prior written consent.

Professional

(signature)

Melissa G. Corbett
(print Name & Title) President

City of Fellsmere

(signature)

Joel Tyson, Mayor
(print name & Title)

Date: 06/17/2021

June 7, 2021

Via email: citymanager@cityoffellsmere.org

Mark D. Mathes
City Manager
City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

Subject: *New York Ditch
Scope of Services for Design / Cost Estimating*

Dear Mr. Mathes,

The MilCor Group, Inc. (MilCor) is honored to present this Scope of Services to the City of Fellsmere for evaluation of the New York Ditch, from Willow to Park Lateral Ditch, a distance of approximately 7000 linear feet. This scope includes:

Survey: Including size, location and condition of all pipes, cross sections of the ditch every 100-ft, location of any high spots / restrictions, and a grade line running along the bottom of the ditch to help with locating any high spots.

Design: Including typical canal section, revised canal profile grade line, specifications for pipe replacements as needed, and addressing drainage from NY Avenue since this is a curbed road with no inlets. Task also includes summary of quantities and cost estimate.

Permitting: Maintenance such as this project involves is exempt from Water Management District Permitting. The following other permits will be required, and this scope includes preparing, submitting and addressing two rounds of comments from each agency:

- Fellsmere Water Control District
- Indian River County Right of Way Use
- Army Corp of Engineers
- City of Fellsmere

Bidding: Including assistance with front end documents, and technical specifications as necessary including bid summary. MilCor shall provide approved plans and specifications to a minimum of five bidders to aid in assurance of a minimum of three bids received. The bids will be reviewed for accuracy / completeness and a recommendation provided to the City.

Construction Services: Estimated at 6 months with 1 month of shop drawing review / office prep, 4 months of active construction, and 1 month of wrap up including reviewing record drawings and preparing certifications. Services include schedule and attend the pre-con, weekly site inspections, review contractor pay apps, substantial completion walkthrough and punch list, final walk through, certification to the City, Fellsmere Water Control District, and ACOE.

NY Ditch
Scope

June 7, 2021

Page 2 of 2

<u>Task:</u>	<u>Schedule:</u>	<u>Fee:</u>
Survey:	4 months	\$8,000
Design:	3 months	\$12,800
Permitting:	6 months	\$12,500
Bidding:	4 months	\$3,500
Construction:	6 months	\$7,500
Total:	23 months	\$44,300

Should this Scope meet with your approval as currently written, please proceed with a Purchase Order per our current continuing services contract. If you have any questions, please do not hesitate to call me at (772) 223-8850.

Sincerely,
The MilCor Group, Inc.



Melissa G. Corbett, P.E.
President



**The
MilCor
Group
Inc.**

*Engineering
a Value-Driven
Sustainable
Environment*

November 30, 2022
Via email: citymanager@cityoffellsmere.org

Mark D. Mathes
City Manager
City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

Subject: *New York Ditch
Additional Services*

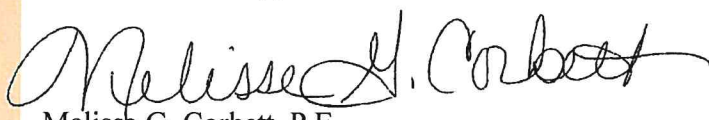
Dear Mr. Mathes,

The MilCor Group, Inc. (MilCor) is respectfully requests a Change Order for the City of Fellsmere New York Ditch modifications.

The original scope of services stated that maintenance such as this project involves is exempt from Water Management District Permitting. After several months of back and forth, SJRWMD determined that not only do we need a permit, but it must be a new, individual permit. Therefore, we respectfully request a change order in the amount of \$14,000, which is straight from our timesheets on the effort required to obtain this permit.

Should this request be acceptable to you, please proceed with a Change Order. If you have any questions, please do not hesitate to call me at (772) 223-8850.

Sincerely,
The MilCor Group, Inc.



Melissa G. Corbett, P.E.
President

10975
Southeast
Federal
Highway
Hobe Sound
Florida
33455

725
Southeast
Port St. Lucie
Boulevard
#104
Port St. Lucie
Florida
34984

Phone
772-223-8850
Fax
772-223-8851

Email
marketing@
themilcorgroup.
com

Web
www.
themilcorgroup.
com



The MilCor Group

A DIVISION OF HALEY WARD, INC.

4/6/2023

Sent via email: citymanager@cityoffellsmere.org

Mark D. Mathes
City Manager
City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

Subject: New York Ditch Additional Services – Request for Change Order #2

Dear Mr. Mathes,

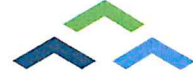
The MilCor Group, a Division of Haley Ward (HW) hereby requests Change Order #2 for the New York Ditch modifications (City Work Order #5). The original scope did not include permitting with (SJRWMD), as it was anticipated that an exemption would be allowed given that the nature of the work is primarily maintenance related.

During permitting it was determined that SJRWMD would require an Environmental Resource Permit (ERP) for the project. Change Order #1 from November 2022 added scope and fee to prepare and submit an Individual ERP application to the SJRWMD.

This Change Order #2 includes additional effort related to the Request for Additional Information (RAI) from the SJRWMD. We have responded to the RAI and subsequently received an approved ERP. The effort associated with response to the RAI included revisions to the plans, coordination with the SRWMD and preparation of a letter response. Additional effort not anticipated in the original scope was also required to address comments on the ROW permit for Indian River County. Primarily this effort included preparation of Maintenance of Traffic (MOT) and Dewatering Plans, as well as coordination with FPL on utility pole relocation.

In consideration of the above we are requesting the total fee be increased by \$18,000 to a total of \$76,300. Should this request be acceptable to you, please proceed with a Change Order. If you have any questions, please do not hesitate to call me at (978) 537-5296.





Sincerely,
The MilCor Group, a Division of Haley Ward

Brian F. Milisci, P.E.
Land Development Director



HALEY WARD®

ENGINEERING | ENVIRONMENTAL | SURVEYING

October 16, 2023

Mr. Mark D. Mathes
City Manager
City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

Re: New York Ditch Improvements
Value Engineering
Change Order #F0606-03

Dear Mr. Mathes:

Haley Ward is pleased to provide the City of Fellsmere (the "City") with this proposal to complete the value engineering and revisions to the New York Ditch Improvements project and to provide a complete bid set to the City by November 3, 2023.

The New York Ditch Improvements project aims to upgrade the culverts and roadway along New York Ditch, specifically focusing on replacing culverts and improving access points. Special attention shall be given to protecting the approximately forty (40) trees along the street.

The objective of the project is to maximize the size of the newly installed culverts and completely replace the culvert under North Broadway Street, extending from beyond the east alley to beyond the west alley. This will ensure that both alleys have access to the new culvert. Additionally, any connections to this culvert that could enhance the overall design of Broadway will contribute to cost savings for the project spanning from Willow to Park Lateral Ditch, covering approximately 7,000 linear feet.

The primary goal of this task order is to revise the bid documents for the New York Ditch Improvements project to ensure clarity, completeness, and alignment with project objectives. The revised bid documents shall provide the necessary information to potential bidders, that will allow them to submit accurate and competitive bids. This scope of work outlines the tasks and responsibilities of Haley Ward for the redesign of the bid documents to facilitate the project's successful execution.

M. Mathes | 10/05/2023 | 2011487.F0606 | Page 1



13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | HALEYWARD.COM



SCOPE OF SERVICES

Our approach to this work will be to complete the following tasks and provide a complete set of revised bid documents by November 3, 2023.

1. **Review of Existing Documents:**
 - Thoroughly review the existing bid documents, including plans, specifications, and any associated documentation related to the project.
2. **Value Engineer and Revise Bid Documents:**
 - Conduct a comprehensive cost analysis of the existing design to identify areas where potential cost savings can be achieved without compromising project quality.
 - Assess the impact of the project on the trees and local vegetation and explore opportunities to enhance sustainability through design changes.
 - Revise and update the bid documents, ensuring they are well-organized, easy to navigate, and consistent in format.
 - Include detailed project descriptions, scope of work, pay items, and technical specifications.
 - Provide clear instructions on the bid submission process, deadlines, and contact information for inquiries.
3. **Incorporate Legal and Regulatory Requirements:**
 - Ensure that bid documents comply with local, state, and federal laws, regulations, and standards applicable to the project.
4. **Mapping and Plans:**
 - Create or update project maps, schematics, and plans, including any changes resulting from design modifications.
5. **Bill of Quantities (BoQ):**
 - Prepare a detailed Bill of Quantities that lists all required materials, quantities, and estimated costs for construction.
6. **Technical Specifications:**
 - Develop or refine technical specifications that clearly define the quality standards, materials, and construction methods to be used in the project.
7. **Bid Evaluation Criteria:**
 - Specify the evaluation criteria that will be used to assess bids, including price, qualifications, and relevant experience.
8. **Bidder Qualifications:**
 - Outline the qualifications and requirements that potential bidders must meet to participate in the project.
9. **Contract Terms and Conditions:**
 - Review and update contract terms and conditions, including payment terms, warranties, and dispute resolution procedures.
10. **Public Notices:**
 - Prepare any required public notices and contractor notifications related to the bidding process.



Deliverables: Upon completion of the redesign, the following deliverables are expected:

1. Revised contract Bid Documents (electronic and hard copies).
2. Updated project plans and technical specifications.
3. Detailed Bill of Quantities and Engineer's Opinion of Probable Cost
4. Qualifications and requirements for potential bidders.
5. Updated contract terms and conditions.
6. Public notices and notifications.
7. Evaluation of Contractor's Bids and recommendation for award.

Schedule: It is understood that time is of the essence and that the revision of these documents for the New York Ditch Improvements project shall be completed within thirty (30) days, with regular progress updates provided to project stakeholders.

COMPENSATION

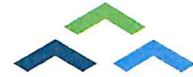
We recommend moving forward with the Scope of Service outlined above through the implementation of Change Order (#3) within the current contract. This Change Order will operate under a time and materials pricing structure, with projected costs not exceeding **\$22,000.00**. It's important to note that this Change Order will raise the overall contract value to **\$98,300.00**.

The estimated hours for this additional work are shown in the following table:

Subtask	Description	Est. Labor Hours
1	Review of Existing Documents	20
2	Value Engineer and Revise Bid Documents	16
3	Incorporate Legal and Regulatory Requirements	6
4	Mapping and Plans	88
5	Bill of Quantities	32
6	Technical Specifications	48
7	Bid Evaluation Criteria	12
8	Bidder Qualifications	8
9	Contract Terms and Conditions	4
10	Public Notices	4
TOTAL ESTIMATED LABOR HOURS		238

Haley Ward prepared the projected cost estimate based on our understanding of your project and similar projects. This fee covers labor, report preparation, and reimbursable expenses. Project costs will be billed monthly, reflecting the work completed during each billing period.

Note that this work shall be subject to the conditions of the most recently approved and signed Professional Services Agreement.



AUTHORIZATION

The revision of bid documents is crucial to the success of the New York Ditch Improvements project. This scope of work outlines the necessary steps and responsibilities to ensure that the bid documents are comprehensive, clear, and in compliance with all relevant regulations. Upon completion, the updated bid documents will enable a competitive and efficient bidding process for the project.

If this proposal is acceptable to you, please sign the approval block and return a signed copy for our files. Haley Ward is prepared to initiate work on this project upon receipt of a signed copy of this proposal. Out of scope services will not be performed without your prior written approval. Furthermore, your authorization will signify your acceptance of the attached Terms and Conditions.

If you have any questions concerning this proposal or if additional services are needed, please contact either of the undersigned at (239) 481-1331. We appreciate this opportunity to be of service to you.

Sincerely,

Haley Ward, Inc.

John O. Smith, P.E., BCEE
Regional Manager of Municipal Infrastructure

**Acceptance and Authorization to Proceed
on behalf of The City of Fellsmere:**

Signature: _____ **Billing Address:** _____

Printed Name: _____ **City/State/ZIP:** _____

Date: _____ **Email (Optional):** _____

Phone: _____ **Fax:** _____

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: November 2, 2023

Agenda Item No. 11(g)

☐ PUBLIC HEARING
☐ Ordinance on Second Reading
☐ Public Hearing

☐ RESOLUTION
☒ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Conceptual Design of Kentucky Stormwater Greenway

RECOMMENDED MOTION/ACTION: Provide direction on design of Kentucky Stormwater Greenway

Approved by City Manager M. Anderson **Date:** 10-26-23

Originating Department:	Costs: Funding Source: Acct. #	Attachments: Conceptual Design
Department Review: <input type="checkbox"/> City Attorney _____ <input type="checkbox"/> Comm. Dev. _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

The City of Fellsmere is in receipt of a grant from the State of Florida Department of Environmental Protection for stormwater improvements to treat stormwater and provide additional flood mitigation for an approximate 65-acre basin containing primarily residential single-family homes with no current treatment. Design is now 30% complete, the current plan is provided to Council for review and comment. Items of particular interest may be the following.

- Overall concept design – expand ditch to maximum size in available land for flood mitigation and series of weirs to hold back water for water quality treatment with adjacent walking path, seating area, buffer landscaping to adjacent homes and strategic locations.
- Width of future walking path – 5' is minimum allowed for sidewalks and 8' is generally the minimum used for multiuse trails. Wider paths will reduce stormwater initiative.
- Setback of future walking path to adjacent residential properties – 5' is minimum recommended to provide some buffering to side and back yards. Standard sidewalks along roads are setback only 1' from front property lines. Wider buffers reduce stormwater initiative.
- Continued coordination with State to obtain ownership of State owned lands – may require payment for land estimated to be \$100,000. May be able to use grant funds or may use ARPA. This land is critical to making an aesthetic plan and maximize stormwater initiative.
- Desire to purchase more land for further system expansion – no contact has been made with adjacent vacant land owners. Multiple parcels may be available to further expand stormwater initiative.
- Future path lighting – desired or not.
- Future path seating areas – desired or not.

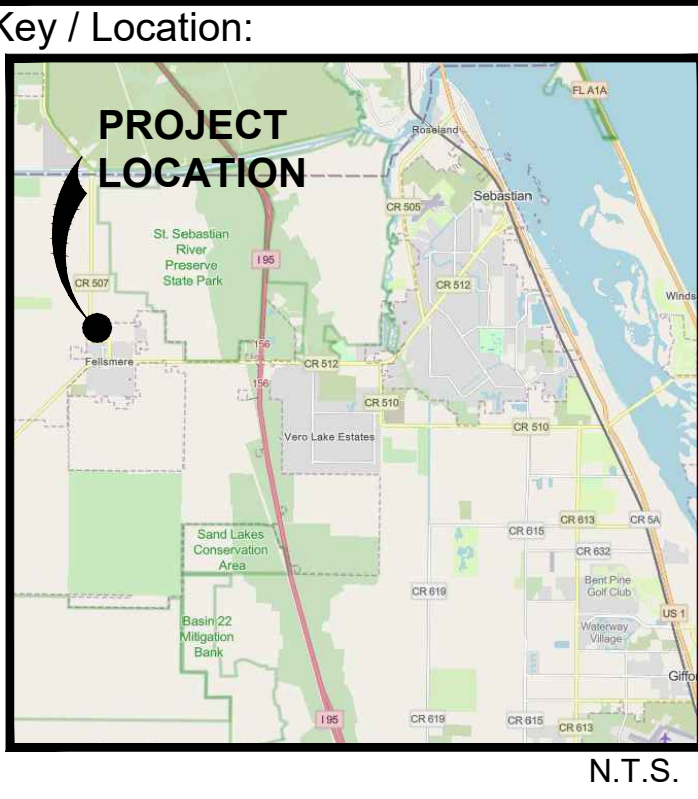
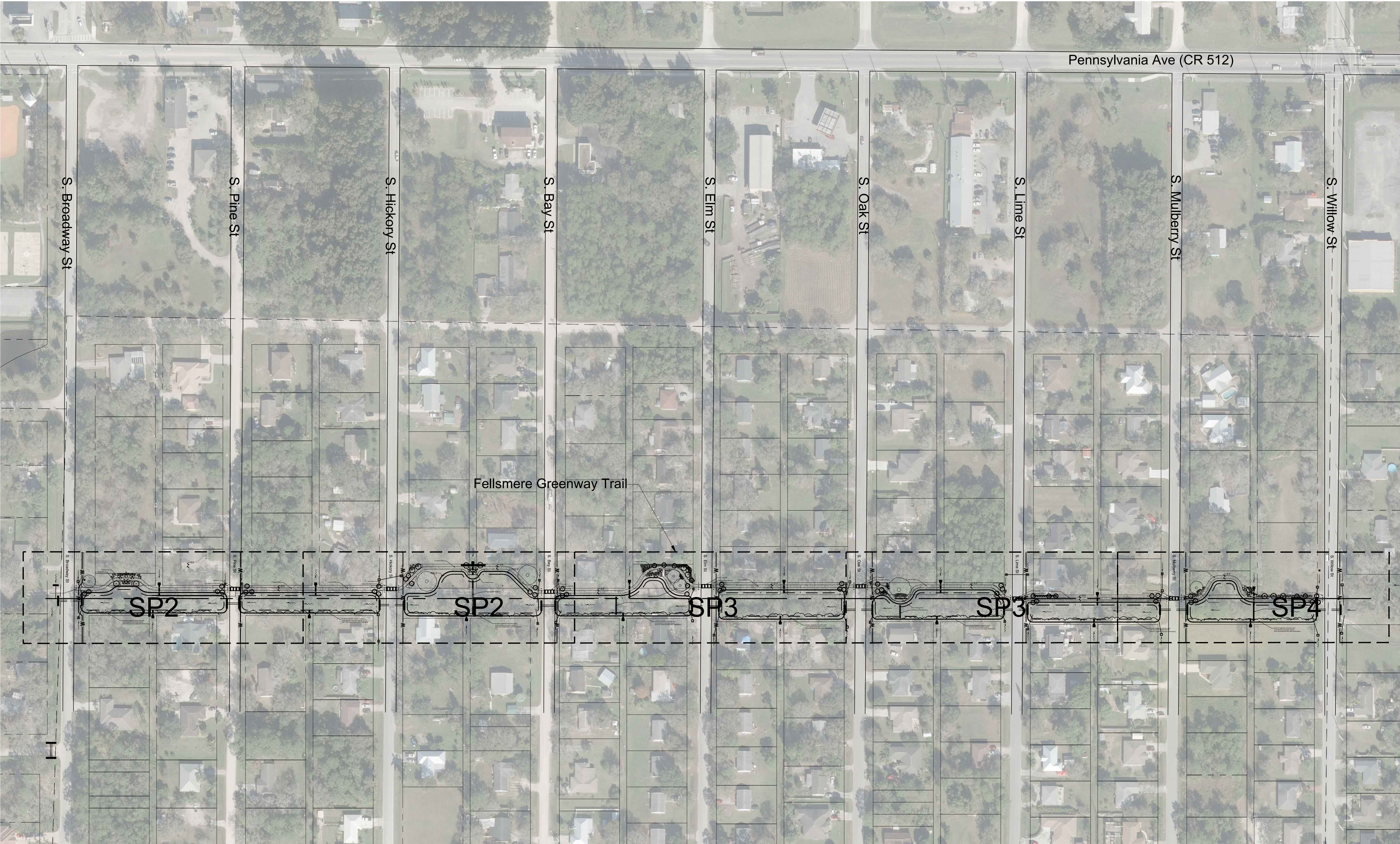
The project will also replace bad pipes and reprofile remaining portions of ditch west to Park Lateral and east to ditch block. The project schedule is provided below.

Meeting Date: November 2, 2023

Agenda Item No.

City of Fellsmere City Council
Agenda Request Form - continued
Discussion of Kentucky Stormwater Greenway

Task Line Item	Deliverables	Start	End	Notes
1	Project Design	August 1, 2023	January 31, 2024	Underway
2	FWCD Permitting	Nov. 31, 2023	February 29, 2024	Pending Design
3	Bid/Award Contract	March 1, 2024	May 31, 2024	Staff
4	Construction/Installation	June 1, 2024	December 31, 2024	Contractor
5	Grant Administration	Ongoing	January 31, 2025	Staff/Qrtly. Rpts.
6	Final Report	Nov. 30, 2024	January 31, 2025	Lab



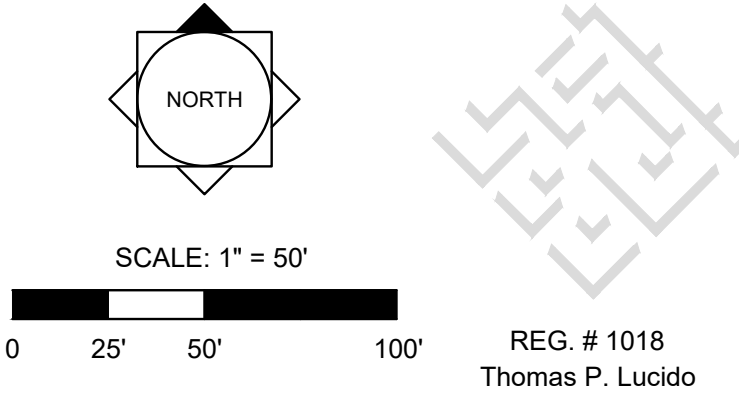
Project Team:
Client & Property Owner: City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948
Land Planner / Landscape Architect: Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34994

Greenway Trail

Fellsmere, FL

Overall Site Plan

Date	By	Description
10.05.2023	JE	CLIENT REVIEW SET

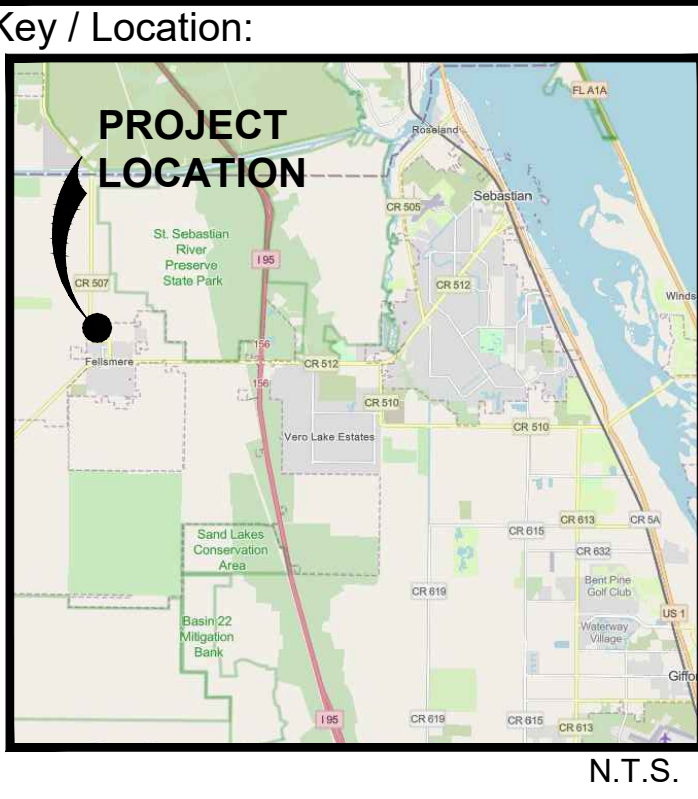
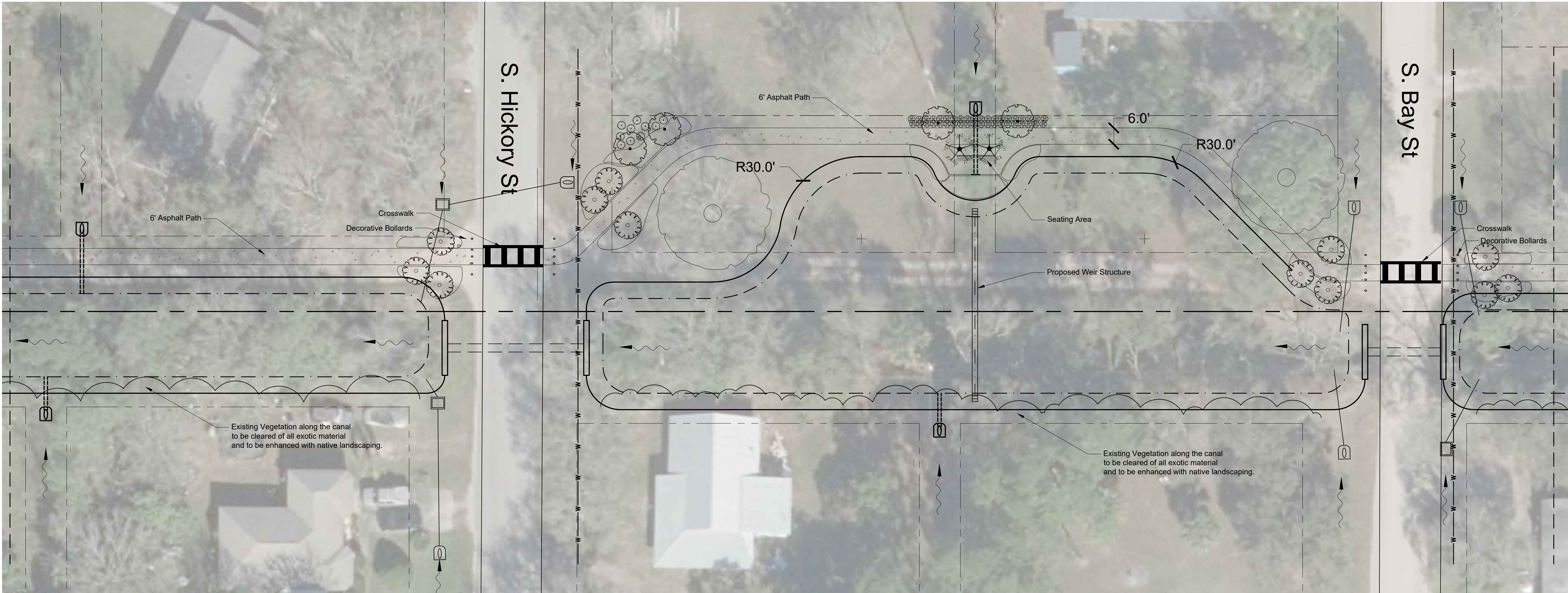
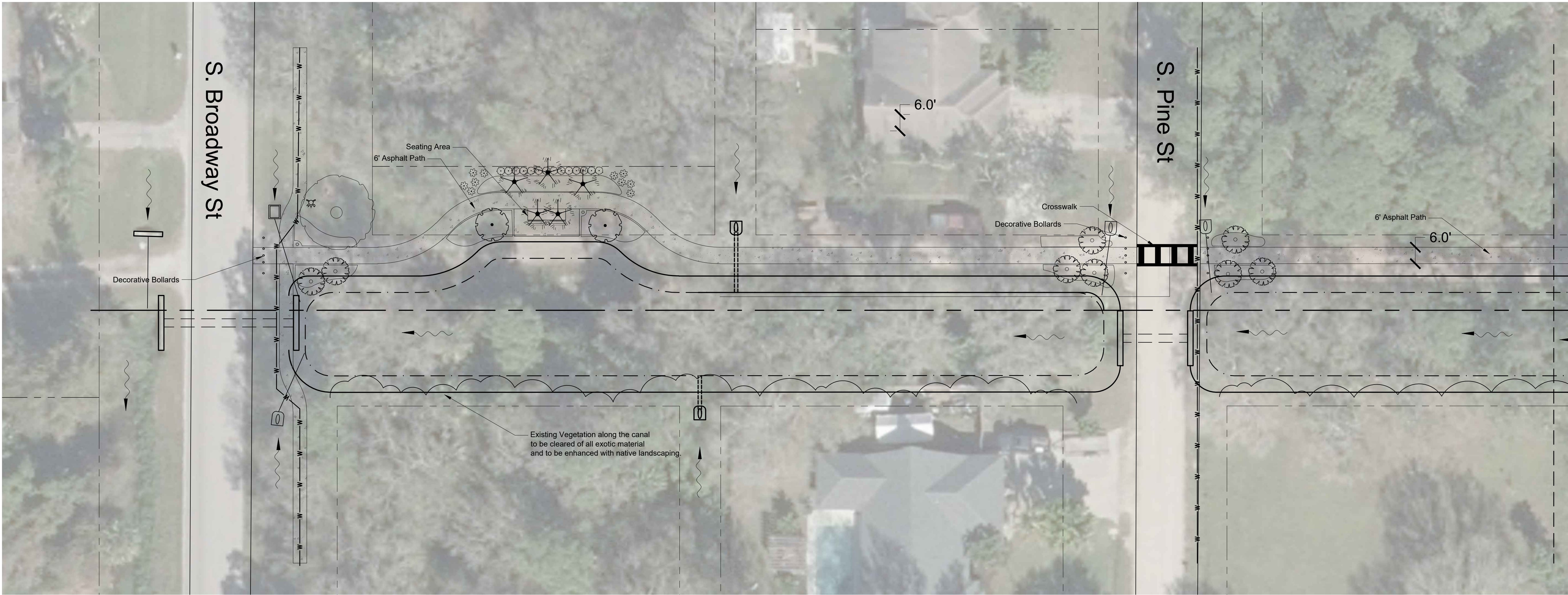


Sheet Index

Overall Site Plan	SP1
Site Plan	SP 2 - SP 4
Landscape Plans	LA 1 - LA 3
Landscape Details	LA 4
Landscape Specifications	LA 5

Designer	JE	Sheet
Manager	SW	
Project Number	23-180	
Municipal Number	---	
Computer File	Fellsmere Greenway.dwg	

SP1

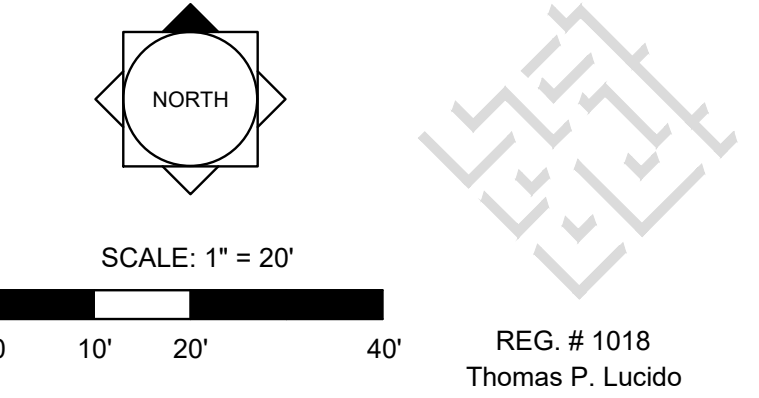


Project Team:
Client & Property Owner: City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948
Land Planner / Landscape Architect: Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34994

Greenway Trail

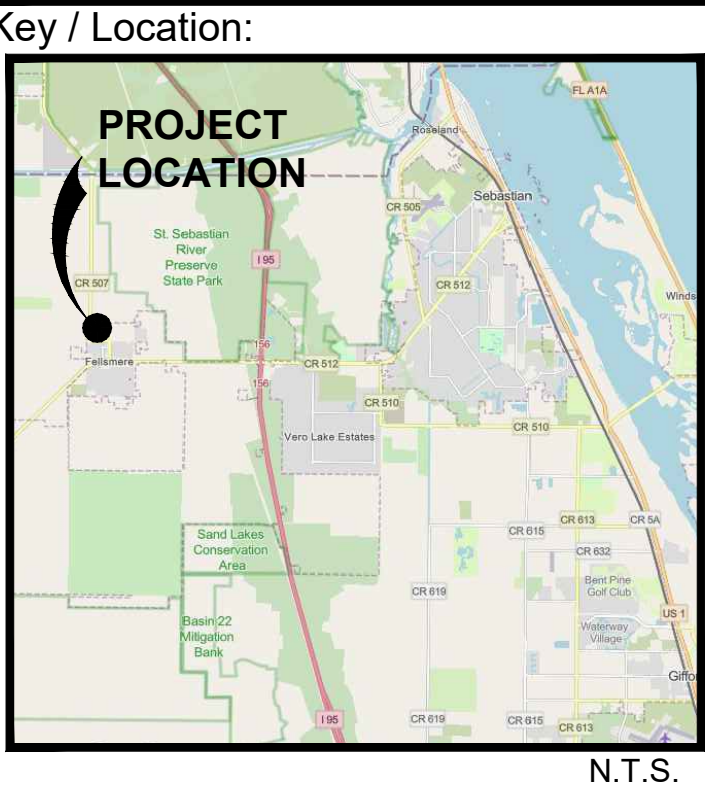
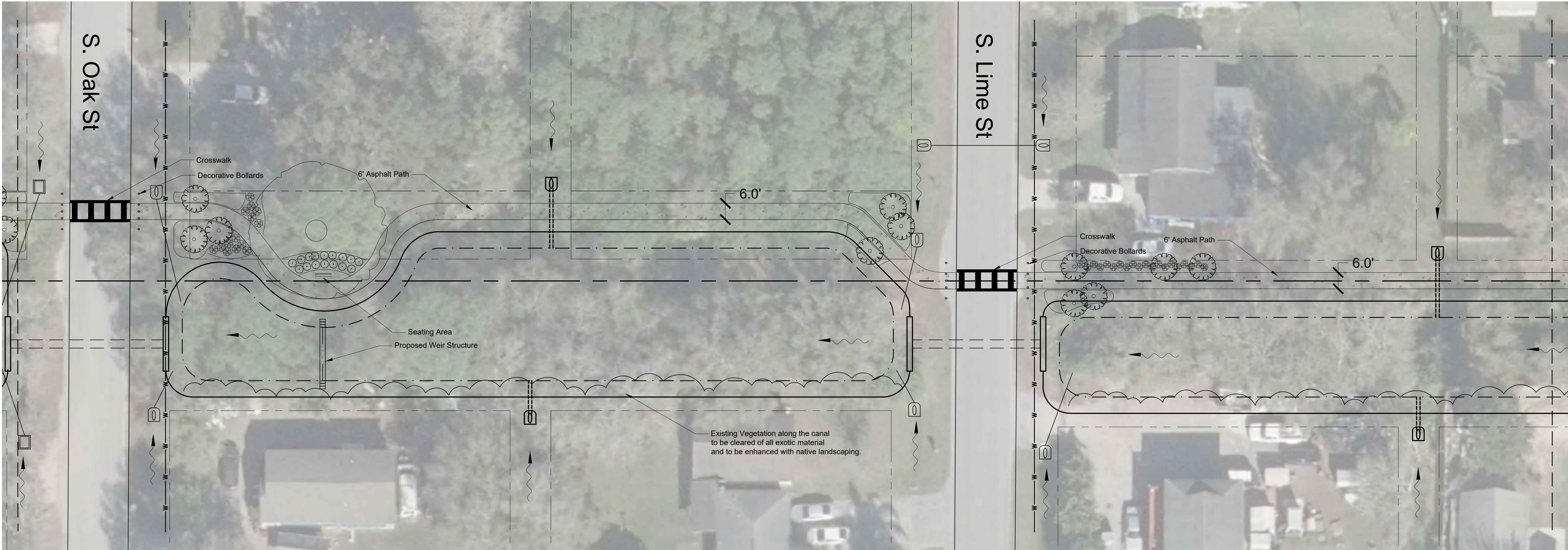
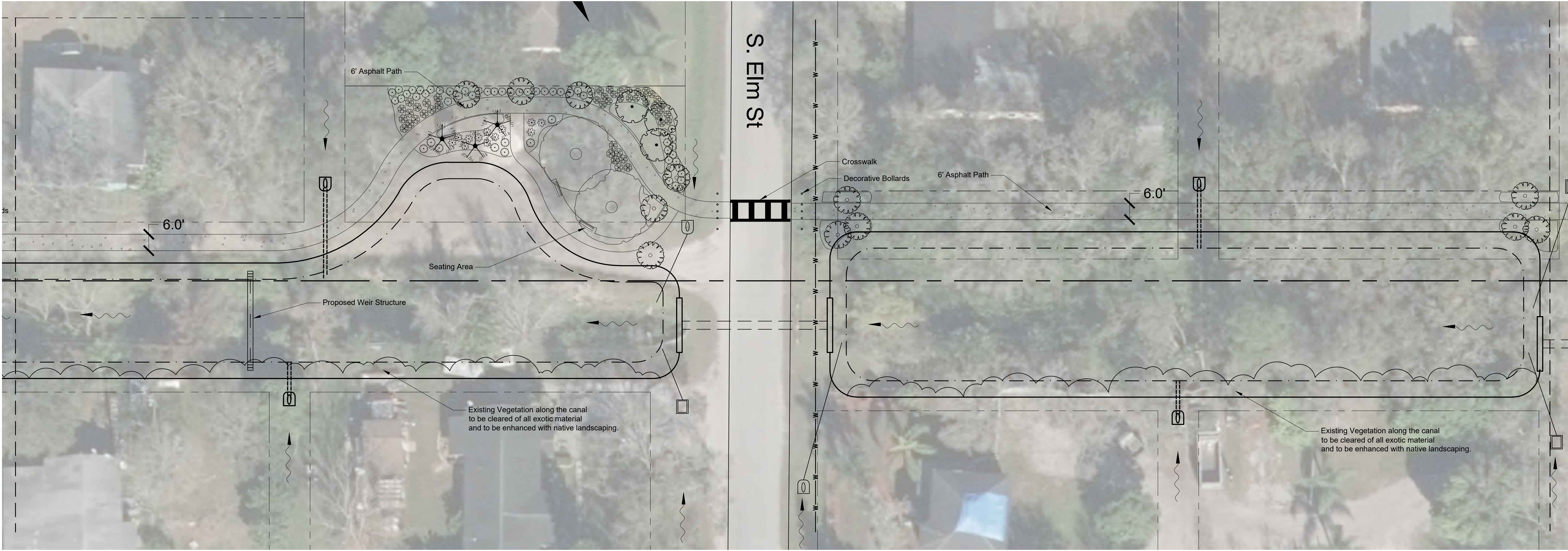
Fellsmere, FL
Site Plan

Date	By	Description
10.05.2023	JE	CLIENT REVIEW SET



Designer	SAW	Sheet
Manager	SG	
Project Number	23-180	
Municipal Number	---	
Computer File	Fellsmere Greenway.dwg	

SP2



Project Team:

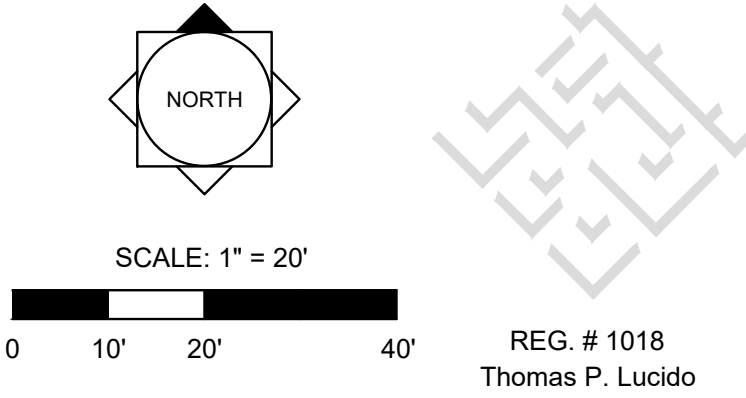
Client & Property Owner: City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

Land Planner / Landscape Architect: Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34994

Greenway Trail

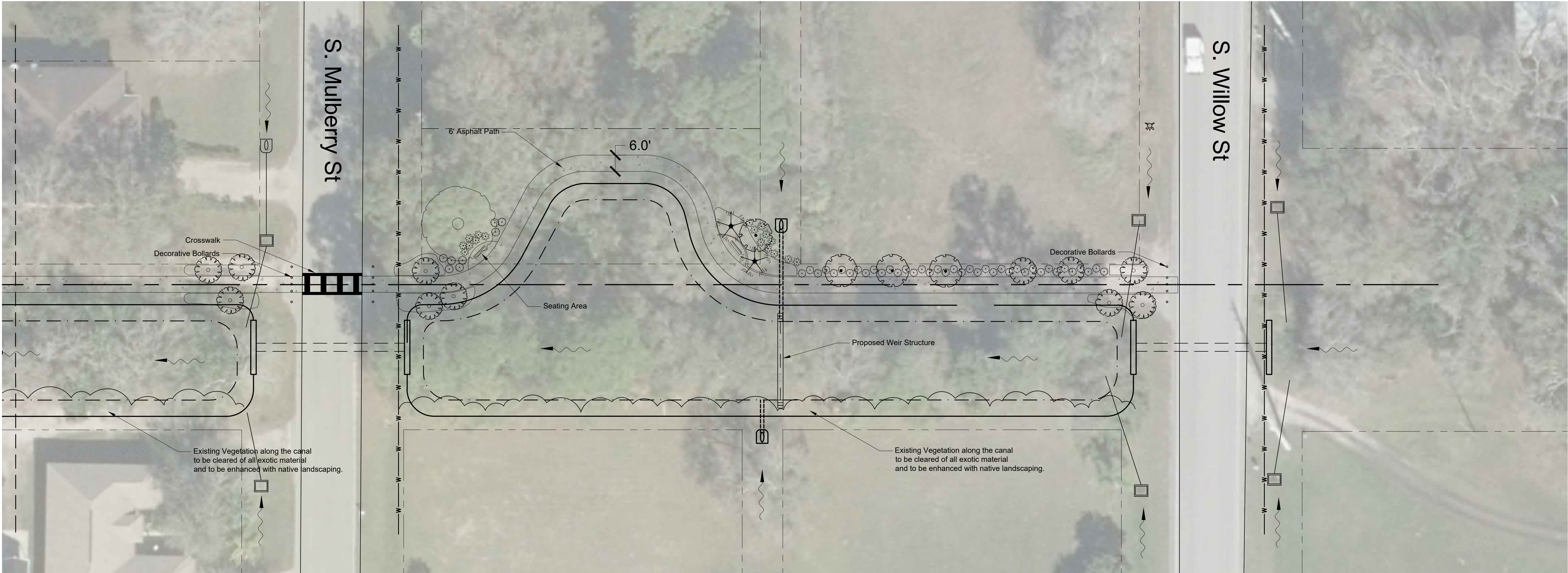
Fellsmere, FL
Site Plan

Date	By	Description
10.05.2023	JE	CLIENT REVIEW SET



Designer JE Sheet
Manager SW
Project Number 23-180
Municipal Number ---
Computer File Fellsmere Greenway.dwg

SP1



lucido & associates

701 SE Ocean Blvd., Stuart, Florida 34994

(772) 220-2100, Fax (772) 223-0220

Key / Location:



N.T.S.

Project Team:

Client &
Property Owner: City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948

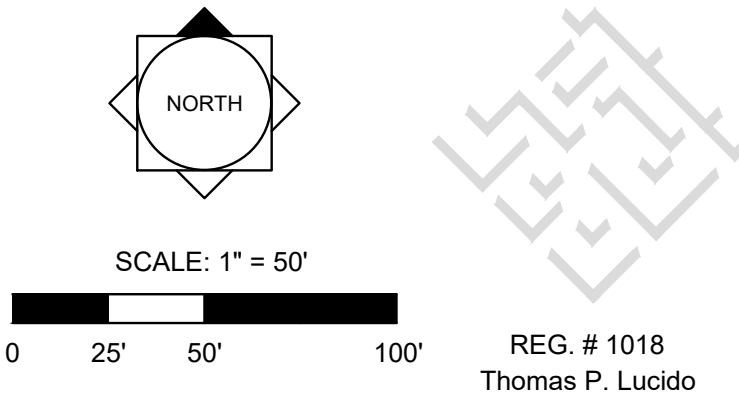
Land Planner /
Landscape Architect: Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34994

Greenway Trail

Fellsmere, FL

Site Plan

Date	By	Description
10.05.2023	JE	CLIENT REVIEW SET



Designer JE
Manager SW
Project Number 22-030
Municipal Number ---
Computer File Fellsmere Greenway.dwg

SP1

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