

**CITY COUNCIL MEETING
February 15, 2024 – 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 Dill, City Manager Mathes and Mayor Tyson

ABSENT:

ALSO, PRESENT: Chief Touchberry, Utility Director Kevin Burge, Public Works Director Andy Shelton, Grant Administrator Laura Hammer, City Planner Robert Loring, 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 February 1, 2024.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve the minutes for the City Council Meeting of February 1, 2024

ALL AYES:

MOTION CARRIED 5-0

6. **PROCLAMATION:** (a) **"March for Meals" Month-** Senior Resource Association

Mayor Tyson introduced the Proclamation and Attorney Dill read the proclamation in its entirety.

President and CEO of the Senior Resource Association, Karen Deigal thanked the City Council for the proclamation and for allowing her to speak to help raise awareness for the Meals on Wheels program.

7. **PUBLIC HEARINGS:**

(a) **RESOLUTION NO. 2024-03/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, PERTAINING TO THE GRANTING MAJOR RELIEF BY CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR ONE (1) MOBILE FOOD VENDING UNIT OWNED BY FRUTERIA NUNO, LLC LOCATED AT 32 NORTH BROADWAY IN THE NORTH BROADWAY OVERLAY DISTRICT; PROVIDING FOR RATIFICATION; CONSISTENCY WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE; APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN; CONDITIONS OF APPROVAL; REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. /Set continued 2nd Reading and Public Hearing for Resolution No. 2024-03 for February 15, 2024 at 7:00 P.M., City Council Chambers, 22 S. Orange St., Fellsmere, FL.**

Mayor Tyson introduced the Resolution and Attorney Dill, read Resolution No. 2024-03 by title only.

Planner Bob Loring stated that that the applicants have requested condition use approval to allow a permanent food truck to be permanently placed at the site. The project is consistent with the Comprehensive Plan and all concurrency requirements of the City. Site specific design relief was presented to the City Council.

Attorney Warren Dill stated that the Planning and Zoning board made a motion to approve Resolution NO. 2024-02 recommending the City Council adopt Resolution No. 2024-03 provided Section 4.6 is amended to require a landscape plan that provides for increased buffering between the project site and Marsh Landing.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Resolution 2024-03, hearing no comments he closed the public hearing.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to approve Resolution No. 2024-03 as amended.

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

(b) ORDINANCE NO. 2024-06/ AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE OFFICIAL ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FROM C-2 GENERAL COMMERCIAL TO POD-PLANNED DEVELOPMENT DISTRICT FOR LAND HAVING A COMPREHENSIVE FUTURE LAND USE MAP DESIGNATION OF GENERAL COMMERCIAL (GC) CONTAINING 5.20 ACRES, MORE OR LESS, LOCATED AT 12201 COUNTY ROAD 512, ON THE EAST SIDE OF OPERATION HOPE FOR A STORAGE AND MAINTENANCE BUILDING OWNED BY TEAGAN, LLC, A FLORIDA LIMITED LIABILITY COMPANY; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR ZONING; PROVIDING FOR ZONING MAP; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE. / **2nd Reading and Public Hearing for February 15, 2024 at 7:00 P.M, City Council Chambers, 22 S. Orange St., Fellsmere, FL.**

Mayor Tyson introduced the Ordinance and Attorney Dill, read Ordinance No. 2024-06 by title only.

Manager Mathes stated the next two items are related and Planner Robert Loring would do one presentation for both.

Planner Loring stated that the applicant, Mr. John Brown of Teagan LLC, was present. Mr. Teagan owns a property addressed as 12201 CR-512. The 5.37-acre site currently has a General Commercial future land use designation. The applicant is seeking to rezone the property from C-2, General Commercial, to PDD-Planned Development. The applicant is seeking to develop the property into a storage and maintenance facility for commercial vehicles. The project consists of a 3,750 square foot building with offices and associated parking and maintenance related activities. All maintenance activity is behind a fence or is contained within the building and not readily visible to the public. The site also will be utilizing both natural and new landscaping along to effectively shield the view into the rear work areas. The project is consistent with the Comprehensive Plan and all concurrency requirements of the city.

There was a brief discussion of the applicants request of site-specific design relief approved for in Section 4 of Resolution # 2024-16 for the Final Development Plan.

There was a brief discussion of the Conditions of Approval that will be required at the time of the final adoption of Resolution # 2024-16. Reference Section 3(9) through (23) of the Resolution.

Being no further discussion, Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Resolution 2024-06, hearing no comments he closed the public hearing.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to adopt Ordinance No. 2024-06.

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

RESOLUTION NO. 2024-16/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, APPROVING THE FINAL DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT CONSISTING OF 5.20 ACRES, MORE OR LESS OWNED BY TEAGAN, LLC FOR A STORAGE AND MAINTENANCE BUILDING LOCATED AT 12201 COUNTY ROAD 512 ON THE EAST SIDE OF OPERATION HOPE PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENT WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR FINAL DEVELOPMENT PLAN APPROVAL WITH CONDITIONS; AND FURTHER PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS AND AN EFFECTIVE DATE. / **2nd Reading and Public Hearing for February 15, 2024 at 7:00 P.M, City Council Chambers, 22 S. Orange St., Fellsmere, FL.**

Mayor Tyson introduced the Resolution and Attorney Dill, read Resolution No. 2024-16 by title only.

Manager Mathes stated he had nothing more to add.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Resolution 2024-16, hearing no comments he closed the public hearing.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve Resolution No. 2024-16.

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

- (c) **ORDINANCE NO. 2024-08/** AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY ADDING TO CHAPTER 2 ADMINISTRATION, ARTICLE III OFFICERS AND EMPLOYEES SECTION 2-92 BUDGET; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE. /*2nd Reading and Public Hearing for February 15, 2024 at 7:00 P.M, City Council Chambers, 22 S. Orange St., Fellsmere, FL.*

Mayor Tyson introduced the Ordinance and Attorney Dill, read Ordinance No. 2024-08 by title only.

Manager Mathes stated that the City Council had a number of workshops and public meetings with the Planning Commission over the past few years addressing various code issues. In 2019, staff obtained direction from City Council to process the many pending code changes that have been directed by Council over the past years. The order and contents of subsequent rounds may be adjusted as needed to address pressing matters. The proposed changes are adding the Budget Process to Chapter 2-92 in the Code of Ordinances.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Ordinance 2024-08, hearing no comments he closed the public hearing.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to adopt Ordinance No. 2024-08.

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

ORDINANCE NO. 2024-09/ AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE V BOARDS, COMMISSIONS AND DEPARTMENTS OF THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING SECTION 2-167 TERMS DEFINED AND CONSTRUED, SECTION 2-168 CODE ENFORCEMENT SPECIAL MASTER, SECTION 2-169 CODE ENFORCEMENT CLERK AND OTHER EMPLOYEES, SECTION 2-170 ACTIONS BY THE CITY ATTORNEY, SECTION 2-171 ENFORCEMENT PROCEDURE, SECTION 2-172 RIGHTS OF ALLEGED VIOLATORS; PAYMENT OF PENALTY; RIGHT OF HEARING; FAILURE TO PAY AND CORRECT, SECTION 2-173 HEARINGS AND PROCEDURES, SECTION 2-174 PENALTIES, SECTION 2-176 LIENS, AND SECTION 2-179 SCHEDULE OF CIVIL PENALTIES AND COSTS; PROVIDING FOR RATIFICATION, AMENDMENTS, SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE. / *2nd Reading and Public Hearing for February 15, 2024 at 7:00 P.M, City Council Chambers, 22 S. Orange St., Fellsmere, FL.*

Mayor Tyson introduced the Ordinance and Attorney Dill, read Ordinance No. 2024-09 by title only.

Manager Mathes gave a brief discussion on the proposed changes to the Code of Ordinances Code Enforcement Chapter 2. The following items were discussed, the terms defined and construed, code enforcement special master, code enforcement clerk and other employee appointments, actions by city attorney, enforcement procedures, rights of alleged violators, payment of penalty, right to hearing and failure to pay and correct, hearings and procedures, penalties and the schedule of civil penalties and costs.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Ordinance 2024-09, hearing no comments he closed the public hearing.

MOTION by Council Member Herrera **SECONDED** by Council Member Renick to adopt Ordinance No. 2024-09.

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

ORDINANCE NO. 2024-10/ AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VII PROCUREMENT SECTION 2-237 BIDDING PROCEEDURES AND SECTION 2-238 PROCEDURE IN LIEU OF BIDDING; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE. / *2nd Reading and Public Hearing for February 15, 2024 at 7:00 P.M., City Council Chambers, 22 S. Orange St., Fellsmere, FL.*

Mayor Tyson introduced the Ordinance and Attorney Dill, read Ordinance No. 2024-10 by title only.

Manager Mathes stated this Ordinance is to update the bidding procedures. He clarified the four type of projects that require competitive bids. The publication of notice was updated to reflect Florida Statutes. He added that bids or proposals should be received and opened at the location, date and time established in the bid or proposal advertisement. Payment and performance bonds were updated pursuant to Florida Statute 255.05. The procedures in lieu of bidding was updated to reflect \$15,000 City Manager threshold and emergency procedures as permitted by Florida Statutes.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Ordinance 2024-10, hearing no comments he closed the public hearing.

MOTION by Council Member Renick **SECONDED** by Council Member Salgado to adopt Ordinance No. 2024-10.

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 else from the public had a comment to state their name and address for the record.

Eric Boissat- 144 N. Cypress St., Fellsmere – Mr. Boissat expressed concern about the fluoride in the city's water. He shared educational material with the City Council.

Mayor Tyson asked if anyone else from the public had a comment to state their name and address for the record. hearing none he continued with the next agenda item.

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

- **97th Street Acquisitions-** Manger Mathes stated that the city has advised Mr. Moss of their interest in purchasing 45 feet of his front property in order to complete flood and drainage improvements. The City hired an independent appraiser to determine the value of his property. Mr. Moss advised to the City that he was not interested in selling a portion of his property and instead preferred to sell the entirety of the property to the City and is requesting a purchase price at 25% over the appraised value. Manager Mathes wanted to bring to Council's attention that if the owner were willing to only sell the 45 feet, which would give him a very short front yard and the road would be ten feet from his front door. Manager Mathes stated that the City is required to offer a temporary relocation allowance of up to \$25,000 to relocate from his home. Mr. Roger Moss was present and expressed his concern regarding the short front yard and also how hard it has been trying to find a new home, but he is willing to sell at 25% over the appraised value. Manager Mathes stated there is an agenda item that reflects his request and asked for the conversation to continue under that agenda item.

- **FWCD Audit-** Manager Mathes stated he did have a chance to look at the audit and it was conducted by a professional firm.
- **Employees-**Code Enforcement increase to 25 hours per week and end of probation raise. Manager Mathes also requested a temporary customer service rep to answer phone calls.
- **Community Development Workshop – March 2024 –** The City Council decided to schedule the workshop for March 21st, 2024 at 6pm.
- **FACT has requested for additional Release of Funds-** Manager Mathes stated that it is on tonight's agenda.

The following are announcements of future events:

- Sebastian Chamber Tour of Fellsmere- 02/23
- Closed 2/19 for President's Day
- Fellsmere Day scheduled for 04/06/24 – Entertainment, Food Trucks and Little Miss/ Mr. Fellsmere.
- Give a Ruck -04/06/24- at the Welcome Center.

10. MAYOR'S MATTERS:

- (a) Police Department Report- January 2024
- (b) Public Works Reports -January 2024
- (c) Status of Developments Report
- (d) Status of Grants Report

Mayor Tyson stated he hoped everyone had a chance to look at the department reports. He attended the Council of Local Government Meeting in Fort Pierce; the speaker was an Attorney that discussed Form 6. He asked the City Clerk to share the information with all the City Council.

11. COUNCIL MEMBER'S MATTERS:

Council Member Herrera- He stated he had no matters.

Council Member Salgado – She will not be present for the March 7th City Council Meeting.

Council Member Hernandez – She

Council Member Renick – He stated he attended the MPO meeting, and they discussed the widening of CR510 from 58th Avenue to CR512 and from US 1 to 58th Avenue. They also spoke about using Traffic Rumble Stripes for additional protection for the bike riders.

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

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to move item 13(i) before 13(a)

ALL AYES

MOTION CARRIED 5-0

13. NEW BUSINESS:

- (i) Select preferred vendor for Broadband Deployment.

Manager Mathes stated that over the past few years the City and Indian River County have been coordinating grant funding and a plan of deployment for broadband services in underserved areas of the City and adjoining unincorporated areas of Indian River County. The City has released a Request for Proposal (RFP) for internet providers to formalize a design-build public private partnership (PPP) resulting in an expanded broadband network. Due to the time constraints, this agenda item was drafted prior to bid opening and the responding firms were reported to Council at the meeting. A review committee comprised of County and City staff reviewed the proposals, and staff recommended Comcast as the vendor. Upon selection of a preferred vendor by Council, a contract will be drafted based on the final scope negotiated with the Vendor based on the timeline discussed. At this time, the plan envisions one conduit in each trench since with the small service area and customer base, the demand for services may not suffice for a large number of providers, especially smaller regional internet providers. A copy of the scoring was given to each City Council members. The selection criteria used in the evaluation were discussed. Due to the abbreviated timeframe requested for evaluation of the proposals received, there was not sufficient time to validate past performance via the references provided. Thus 0 points were awarded for this category to each bidder. Given the separation between firms, this criteria would not change the end ranking result. Reference will be checked as part of the contract negotiations with the selected firm.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Hernandez **SECONDED** by Council Member Renick to select Comcast as the preferred vendor for Broadband Deployment.

ALL AYES

MOTION CARRIED 5-0

- (a) **Approval** of sale of 208 South Mulberry Street to Catalina Rojas and Daniel A. Carrillo for \$2500.00 plus recording fees.

Manager Mathes stated that this item was on the last agenda as a CRA item for approval, but he needed to take it back to Council to approve the sale. The City only received one offer from the adjacent owner for \$2500.00.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to approve the sale of 208 South Mulberry Street to Catalina Rojas and Daniel A. Carrillo for \$2500.00 plus recording fees.

ALL AYES

MOTION CARRIED 5-0

- (b) **ORDINANCE NO. 2024-14/** AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN AMENDING CHAPTER 1. FUTURE LAND USE ELEMENT GOAL FLUE B. FUTURE LAND USE MAP, OBJECTIVE FLUE B-4 FELLSMERE 392 AND AMENDING THE COMPREHENSIVE FUTURE LAND USE MAPS TO CHANGE THE LAND USE CLASSIFICATION FROM REGIONAL EMPLOYMENT ACTIVITY CENTER (REAC) TO LOW DENSITY MIXED USE NEIGHBORHOOD (LDMXN) FOR 2.68 ACRES, MORE OR LESS; LOCATED IMMEDIATELY EAST OF INTERSTATE 95 AND NORTH OF COUNTY ROAD 512 WITHIN THE DEVELOPMENT KNOWN AS "FELLSMERE PRESERVE"; PROVIDING FOR RATIFICATION; AUTHORITY; COMPREHENSIVE PLAN TEXT AMENDMENT; MAP DESIGNATION; TRANSMITTAL PHASE; ADOPTION PHASE; TRANSMITTAL OF DRAFT PLAN AMENDMENT AND FINAL ADOPTION DOCUMENTS; COMPILATION; SEVERABILITY; CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE./ *1st Reading and Public Hearing for March 7, 2024 at 7:00 P.M, City Council Chambers, 22 S. Orange St., Fellsmere, FL.*

Mayor Tyson introduced the Ordinance and Attorney Dill read Ordinance No 2024-14, by title only.

Manager Mathes stated that the developers of the 392-acre parcel on the north side of CR512 east Interstate 95 (I95) are requesting a future land use and text amendment to the Comprehensive Plan. The future land use amendment is to adjust the line between REAC and LDMXN future land use designations on the property to align the proposed parcel lines of the commercial plat. The text amendment adjusts certain of their site-specific policies. The Applicant is also requesting an amendment to the Annexation Agreement for the same reasons. The Annexation Agreement amendment will be under a separate item after the Comprehensive Plan amendment is approved by the State. Pursuant to the City's land development code, the zoning will be Planned Development District given the size of the parcel. The Planned Development will be under a separate item after the Comprehensive Plan amendment is approved by the State. Planning & Zoning is scheduled to conduct their Public Hearing on March 6th. Staff will report the PZ action at the City Council meeting.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on Ordinance 2024-14, hearing no comments he closed the public hearing.

MOTION by Council Member Renic **SECONDED** by Council Member Herrera to adopt Ordinance No. 2024-14.

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

- (c) **RESOLUTION NO. 2024-25/** A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING AN AMOUNT OF \$25,000 AS CITY MATCHING FUNDS IN CONNECTION TO THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, HAZARD MITIGATION GRANT FOR DEVELOPMENT OF A COMPREHENSIVE STORMWATER MASTER PLAN AND PROVIDING AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution and Attorney Dill read Ordinance No 2024-25, by title only.

Manager Mathes stated this that staff seeks authorization for a \$25,000 match amount to the grant funds received from Florida Division of Emergency Management, Hazard Mitigation Grant Program for the development of a Watershed Master Plan for the purposes of moving up in the Community Rating System of the National Flood Insurance Program and to increase resiliency in Florida communities. The grant amount is \$75,000 with a required \$25,000 match, for a total of \$100,000.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to approve Resolution No. 2024-25.

ALL AYES

MOTION CARRIED 5-0

- (d) RESOLUTION NO. 2024-27/** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE US DEPARTMENT OF TRANSPORTATION REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY GRANT PROGRAM; FURTHER AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution and Attorney Dill read Ordinance No 2024-27, by title only.

Manager Mathes stated that staff seeks to authorize the submittal of a US Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application for the design and planning of the proposed Southern Bypass. Southern Bypass is currently a priority project for the City of Fellsmere and has been identified on the Indian River County Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP) as a Roadway Needs Project. The proposed two-lane facility, with a shared-use path, connects CR-512 to SR-60, creating an approximately 10-mile corridor parallel to I-95.

The estimated cost of construction for this project is in excess of Fifty-Five Million Dollars The cost for the design and planning of this project Four Million Dollars and is in line with industry standards of five to ten percent.

On February 1, 2024, Council previously approved retaining EXP Services to prepare and submit this grant application.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Renick to approve Resolution No. 2024-27.

ALL AYES

MOTION CARRIED 5-0

- (e) Approval of ARPA Amendment.**

Manager Mathes reminded the City Council that the City of Fellsmere has received an award of \$2,852,362 from the Federal government as part of the American Rescue Plan Act. With the Council election to treat all funds as "Lost Revenue" the City no longer has to track the use of funds by any one of the four original criteria. Funds can now be used for any reason except debt payments, pension payments, or reserves. With prior update, Council authorized Staff to also use ARPA for allowable general staff costs to ensure funds are obligated prior to 12/31/24. Staff will continue to reflect on the ARPA list for transparency. Funds spent on general staff costs are reflected in the spreadsheet. As time approaches the deadline to obligate funds (12/2024), the ARPA funding list must balance to available funds.

Changes in this update include:

- Update "spent to" numbers.
- Increase item to purchase additional lot on 97th outside of grant to allow resale.
- Delete Broadband as no local funds are required.
- Delete Police Compound Design to balance ARPA budget.
- Delete FIT Challenge Course to balance ARPA budget.
- Delete City Hall LS Generator to balance ARPA budget.
- Delete Community Center Updates since grant will fall outside of ARPA timeframe.
- Delete Old School Lights and work with Frog Leg Festival for funding.

- Reduce CR512 Left Turn to balance ARPA budget. Additional funds from Infrastructure if needed.
- Delete Pave the Grade since grant will fall outside of ARPA timeframe.

Roger Moss, owner of one of the properties on 97th Street was present and shared his concerns with the City Council. He stated that in searching for replacement housing that is comparable to his current property, Mr. Moss indicated that he was unable to find one at a price that would leave him in similar financial position as today. Consequently, he requested an increase in the purchase price from the Appraised Value + 10% to Appraised Value + 25%. Even then, he will have to have a longer-term mortgage and a higher monthly cost. The City Attorney expressed concern as to treating Mr. Moss differently than other property owners along the corridor and cautioned the Council to ensure that decisions were not arbitrary and capricious. After lengthy discussion, Mr. Mathes stated the record had been presented as to the reasons for the increase in offering price and the decision was not arbitrary or capricious and that all future purchases that may result in unique situations such as this would be treated in a similar manner. The goal of this project and current and future acquisitions is to ensure that all parties are as good or better off than before. It is not the intent or desire of the city to make residents worse off due to city acquisition policy.

Manager Mathes stated that he reviewed the purchase of Moss's property on 97th Street, the cost of \$543,750.00 and how this amount was determined including an increase in the premium being paid to 25%. There was a lengthy discussion by Attorney Dill and Attorney Rhodeback regarding an increase in the premium from 10% to 25%. Attorney Dill and Attorney Rhodeback were concerned with increasing the premium by 15% just because Mr. Moss said he needed more money to buy another property that would better fit his needs. The attorneys spoke about setting a precedent for a 25% purchase price increase rather than the customary 10%. The Attorneys were concerned with an equal protection/discrimination arbitrary and capricious deviation from its policy and potential if the City did not provide the 25% increase to the next person that requested more money. Since the City was shifting around ARPA Funds to make this purchase rather than using CDBG funds, Attorney Dill said there was no need to pay for relocation costs and requested time to look into this and the City's potential liability. Manager Mathes' opinion was that two people were negotiating a price and that they could arrive at any price for the property that they agreed with. Attorneys Rhodeback and Dill position was that they were not using their own money but using taxpayers' money. There was a fiduciary obligation to spend it wisely. Attorney Dill again requested that he be given till next Council Meeting to look into this. Mr. Moss said it needed to be decided now because he was negotiating with an owner. Manager Mathes felt it should be decided tonight and that rearranging some ARPA projects and cancelling others would be sufficient authorization to proceed with the purchase for the amount Manager Mathes requested. However, Manager Mathes agreed to return final purchase contracts for final action. Council agreed and amended the ARPA list.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Hernandez **SECONDED** by Council Member Renick to approve the ARPA Amendment.

ALL AYES

MOTION CARRIED 4-1

(f) Declare 2012 Toyota Prius as Surplus and Authorize Disposal

Public Works Director Andy Shelton stated that the cost to repair the batteries on the Prius exceeds the value of the vehicle. Repair costs are over \$5,000. The City will list the vehicle on the city website for 10 days before listing the auction on Gov Deals.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Renick to declare 2012 Toyota Prius as Surplus and Authorize Disposal.

ALL AYES

MOTION CARRIED 5-0

(g) Approval of Best Buy Technology Update Proposal through Omnia partners Public Sector cooperative purchasing.

Public Works Director Andy Shelton stated that city staff are requesting technology updates for City Hall. These updates will include audio and video updates to the Auditorium, Conference room, Community meeting room and Council Chambers. The update to the Auditorium will include a new projector screen, projector, and audio equipment. The Conference and Community Room will have a new 65" T.V. with rolling cart and rally bar for conferencing. The Council Chambers will receive a new wall mount 65" T.V. with audio upgrades. With the technology enhancements, Council Chambers will be connected to all other rooms to allow for overflow capacity of Council Chambers. Purchasing is through OMNIA Partners which is a National contract for Cities, Counties, schools, and religious organizations.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Hernandez to approve the Best Buy Technology Update Proposal through Omnia partners Public Sector cooperative purchasing.

ALL AYES

MOTION CARRIED 5-0

- (h) **Approval** of Work Authorization #2 with Haley Ward, Inc. to provide plan related services for the Recreated Train Village project.

Manager Mathes stated that Haley Ward, Inc. will be providing professional services relative to recertification of existing Civil Plans for the Recreated Train Village to meet current codes and standards, as well as integration of a new building into the plans, and provision of plan enhancements. This work will improve accessibility, safety, and overall functionality of the project area. This project is supported locally through the ARPA funding. With this contract and contracts with the civil and landscape designers, the project will be ready for bid if grant funding is awarded this summer through the Cultural Facilities grant application. If no grant is awarded, staff will seek permission to construct some of the buildings using local funds and ARPA funds.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to approve the Work Authorization #2 with Haley Ward, Inc.

ALL AYES

MOTION CARRIED 5-0

- (i) Was moved before 13(a)

- (j) **Approval** of second release of funds to FACT from ARPA Funds.

Manager Mathes stated that the City Council had amended the ARPA Funding list to include \$250,000 in support of the FACT Community Resource Center. The funds are earmarked for fundraising and other predevelopment costs. The grant is fashioned to require each release of funds to FACT by approved by Council. This request for a second release of funds in the amount of \$30,000 is for expenses related to marketing, direct mail campaign costs and such costs. There will be a future request for funds for preparation of conceptual and final plans. FACT is looking for professionals to perform civil, surveying, and architecture services at a discounted rate if possible.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Renick to approve the second release of funds to FACT from ARPA Funds in the amount of \$30,000.

ALL AYES

MOTION CARRIED 5-0

14. ADJOURNMENT:

There being no further business Mayor Tyson adjourned the meeting at 9:20p.m.

These minutes were approved by the City Council of the City of Fellsmere this 7th day of March 2024


Maria F. Suarez-Sanchez, CMC, City Clerk
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