



As per City adopted Council Chamber guidelines, the Chamber is a campaign free zone. For more information, please see the placard on the back wall and/or contact the City Clerk.

Indian Harbour Beach City Hall
2055 South Patrick Drive
Indian Harbour Beach, FL 32937
(321) 773-3181 (Phone)
(321) 773-5080 (Fax)

CITY COUNCIL REGULAR MEETING AGENDA

TUESDAY, JANUARY 24, 2023

LTC NORMAN C. HAYES AND MARILYN C. HAYES
COUNCIL CHAMBER – 7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

ROLL CALL

EXCUSAL OF COUNCIL MEMBERS

ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA, IF ANY

PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Swearing-in of new Police Officer, Christopher Malagon

APPROVAL OF MINUTES

1. Regular Council meeting minutes from December 13, 2022

REPORTS

2. City Manager's Report
City Attorney's Report
Council Comments
Public Comments (Agenda Items Only)

UNFINISHED BUSINESS

3. **Big Muddy Seawall Repairs Award of Contract**

Remove from the table and award a contract to Shoreline Marine Contractors in an amount not to exceed \$178,000 for the FY23 Big Muddy Canal Seawall Replacement project and using \$8,000 from the Stormwater Utility Fund Balance to cover the overage.

4. **First Reading of Ordinance No. 2023-01: Amending Beach Regulations**

Remove from the table and approve on first reading Ordinance No. 2023-01, amending beach and beach park regulations

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 12 RELATING TO PARKS AND RECREATION; AMENDING ARTICLE I, CHAPTER 12 OF THE CODE OF ORDINANCES REMOVING DEFINITION OF “GUN” AND ADDING A DEFINITION OF FISHING, AMENDING ARTICLE II, CHAPTER 12 OF THE CODE OF ORDINANCES; AMENDING THE APPLICABILITY OF A CITATION FOR VIOLATIONS, REPEALING THE BAN ON SURFING EAST OF CITY BEACH PARKS, PROHIBITING FISHING NEAR BEACH PARKS, PROHIBITING CLEANING OF FISH EAST AND NEAR BEACH PARKS; PROVIDING SEVERABILITY, REPEAL, CODIFICATION AND AN EFFECTIVE DATE

NEW BUSINESS

5. **Millennium Beach Park boardwalk and pavilions replacement**

Award a contract to Heard Construction, Inc. to replace the Millennium Beach Park Boardwalk and Pavilions for a Guaranteed Maximum Price of \$444,703.03 using \$12,704.00 in City Manager’s Contingency to fund the overage

6. **Award of Contract for the Replacement of Doors at City Hall and the Recreation Center as part of Security Upgrades using ARPA Funds**

Award a contract not to exceed \$56,000.00 to Superior Hardware Products for the replacement of doors at City Hall and the Recreation Center using ARPA funding

PUBLIC FORUM

ADJOURN

ALL PERSONS WISHING TO BE HEARD SHOULD APPEAR IN PERSON AT THESE HEARINGS OR SEND WRITTEN COMMENTS TO THE CITY CLERK. ALL PERSONS AND PARTIES ARE HEREBY ADVISED THAT IF THEY SHOULD DECIDE TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND 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. FSS 286.0105. IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA), ANYONE WHO NEEDS A SPECIAL ACCOMMODATION FOR THIS MEETING SHOULD CONTACT THE CITY CLERK AT 321-773-3181 AT LEAST 48 HOURS IN ADVANCE OF THIS MEETING.



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CITY COUNCIL REGULAR MEETING

JANUARY 10, 2023

CALL TO ORDER

Mayor Scott Nickle called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

Mayor Nickle led the Pledge of Allegiance followed by a moment of silent meditation.

ROLL CALL

City Clerk Sue Frank called roll call:

Mayor Scott Nickle – present

Deputy Mayor David Panicola – present

Council Member Frank Guertin – present

Council Member Jim Nolan – present

Council Member Bob Sharek – present

Other attendees included City Manager John W. Coffey (in person), and City Attorney Karl Bohne, Jr. (by telephone).

EXCUSAL OF COUNCIL MEMBERS

N/A

ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA, IF ANY

Motion to approve the agenda as presented made by Council Member Nolan, seconded by Council Member Sharek – motion carried 5-0.

PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

None

APPROVAL OF MINUTES

Motion made by Deputy Mayor Panicola to approve the Regular Council meeting minutes from December 13, 2022 as presented, seconded by Council Member Guertin – motion carried 5-0.

REPORTS

City Manager's Report

ACTION ITEMS

February 14, 2023 City Council Meeting

The consensus of Council was to cancel the February 14, 2023 Regular Council Meeting.

INFORMATIONAL ITEMS

- Feasibility and cost of installing shield on street lights to reduce light spillage update
- New pool heater installation update
- FPL rate increase notice
- 2023 Florida Legislative Session update
- Farm to Table event February 23, 2023
- Brevard Zoo Water Front Buffer at Oars and Paddles Park update
- Employee Recognition
- Upcoming Events
 1. Rev. Dr. Martin Luther King, Jr. Day Holiday - Offices will be closed on Monday January 16th. Flags to be placed in Gleason Park.
 2. City Council Meeting - 7:00 p.m., Tuesday, January 24th
 3. City Council Meeting - 7:00 p.m., Tuesday, February 28th

City Attorney's Report

City Attorney Bohne had no report.

Council Comments

Council Member Nolan stated that there was not a South Beaches Coalition meeting this month and there would not be one in February.

Council Member Sharek stated he attended the Space Coast League of Cities Dinner where they held the installation of officers. The Space Coast League of Cities implemented their new security plan.

Public Comments (Agenda Items Only)

There were no comments from the public.

UNFINISHED BUSINESS

Big Muddy Seawall Repairs Award of Contract

Motion made by Council Member Nolan to table the award of contract for the FY23 Big Muddy Canal Seawall Replacement project until the January 24, 2023 Regular Council meeting, seconded by Council Member Sharek – motion carried 5-0.

NEW BUSINESS

FY24 Budget Preparation Calendar and Selection of Workshop Dates and Times

The consensus of Council was to hold the budget kickoff workshop on February 28th at 6:00 p.m. prior to the Regular Council meeting, and the FY 24-28 CIP workshop on April 11th at 6:00 p.m. prior to the Regular Council meeting.

Request by Heart and Soul Dragon Boat Club to Install a Pre-Fabricated Hurricane Rated Storage Building at the South End of Oars & Paddles Park

The following people spoke:

Mr. Phillip Conner, Eleuthera Lane, Indian Harbour Beach.

Ms. Beth Gitlin, Cinnamon Court, Satellite Beach.

Ms. Laurie Giniewski, Banyan Way, Melbourne Beach.

Mr. Jerry Hrenko, Eleuthera Lane, Indian Harbour Beach.

Motion made by Council Member Nolan to approve the request by the Heart and Soul Dragon Boat Club to emplace a 10 feet by 14 feet pre-fabricated hurricane rated storage building at an agreed upon location at Oars & Paddles Park, and authorize the City Manager to proceed with an agreement, seconded by Council Member Sharek – motion carried 5-0.

Award of contract for Architectural/Engineering Services to Design the Renovations of the Former Police Department Area of City Hall (RFQ #2022-03)

Motion made by Deputy Mayor Panicola to award a contract to CPZ Architects, Inc. not to exceed \$131,000 for Phase 2 Design and Construction Management Services for the Renovations of the Former Police Department Area of City Hall using ARPA funding, seconded by Council Member Nolan – motion carried 5-0.

First Reading of Ordinance No. 2023-01: Amending Beach Regulations

Motion made by Council Member Nolan to table the discussion to approve on first reading Ordinance No. 2023-01, amending beach and beach park regulations, seconded by Deputy Mayor Panicola – motion carried 5-0.

Enterprise Resource Planning System

Motion made by Deputy Mayor Panicola to award a contract not to exceed \$94,000.00 to Edmunds GovTech for an Enterprise Resource Planning (ERP) System to replace the current accounting and Building Department systems plus add a human resources module and authorize staff to transfer \$24,628.00 in personnel savings from Public Works and use \$19,372.00 in Contingency to fund the overage, seconded by Council Member Sharek – motion carried 5-0.

PUBLIC FORUM

There were no speakers.

ADJOURN

Motion made by Deputy Mayor Panicola to adjourn the meeting at 8:06 p.m., seconded by Council Member Sharek – motion carried 5-0.

X

Scott Nickle
Mayor

ATTEST:

X

Sue Frank, MMC
City Clerk

CITY MANAGER'S REPORT: January 24, 2023

A. ACTION ITEMS

1. Oars & Paddles Park Hours

Due to the discussion regarding the placement of a hurricane rated pre-manufactured storage building at the January 10, 2023 City Council Meeting, a review of posted hours at all City parks (see attached pictures) brought to light two signs at Oars & Paddles Park with conflicting hours. One sign indicates the park is open from dawn to dusk while the second sign indicates the park is open 7am to 10pm.

Dawn to dusk ranges from Dec. 21st 7:14 am - 5:33 pm to June 21st 6:28 am – 8:26 pm.

Additionally, Space Coast Crew has proffered the latest they desire to use the park is 7:15 pm (Monday –Friday) during the school year and 7:45 pm (Monday-Friday) during the summertime. Requiring the club to cease use at dusk would require them to eliminate their after school program during the majority of the school year.

Due to the unique nature of the park (i.e. neighbors across the canal without any vegetative buffer), unless otherwise directed by the City Council, the 7 am – 10 pm sign will be removed and Space Coast Crew will be given a permit to operate from dusk to no later than 8 pm year round.

B. INFORMATIONAL ITEMS

2. Muck Removal Project update

Last week, Todd, I, and, staff from Satellite Beach met with County officials and learned the following:

- ACE permitting should be completed slightly sooner than planned (May to August 2023 instead of the end of 2023)
- The County is going to squeeze in another muck removal project between to completion of the current one north of Satellite Beach and start of the IHB/SB projects.
- The amount of muck being removed in the current project is approximately 25% more than estimated so we can expect a longer than expected project.
- Hence, instead of a commencement date of mid 2024 we are now looking at a commencement date of 2026-2028 or 2028-2030 depending upon whether the IHB project is done before or after the SB project.
- In the next 60-90 days, the City will need to execute an extension of the grant agreement with Save Our Indian River Lagoon for the \$9.5 Million funding as the current agreement expires on June 30, 2023.

3. State Appropriations Request update

In consultation with our lobbyist Mike Haridopolos, I decided not to pursue additional funding for the muck removal project at this time due to the longer than expected wait for the project's commencement. Yesterday I submitted two stormwater projects for funding and listing our stormwater utility revenue as a local match:

- 2nd Generation Baffle Box at Cheyenne Court Project
\$400,000 appropriations request
\$100,000 Stormwater Utility Fund revenue as local match
- Gleason Park Lake Stabilization Project
\$175,000 appropriations request
\$50,000 Stormwater Utility Fund revenue as local match

4. December Revenue and Expenditures Report

In accordance with Article VI, Section 4 (H) of the Charter of the City of Indian Harbour Beach, a copy of the General Fund Revenue and Expenditure Report for the period ending December 31, 2022, is attached.

This report reflects fiscal year-to-date (25% of the year) revenue receipts of \$5,822,341.47 or 57.80% of budget, expenditures/encumbrances of \$2,319,912.36 or 23.03% of budget, and a fiscal year to date surplus of \$3,502,429.11.

5. FY23 1st Quarter Capital Asset Disposal Report and

The report covering October-December 2022 is attached.

6. FY23 1st Quarter Fund Balance Report

The report covering October-December 2022 is attached.

7. 2023 Florida Legislative Session update

The follow dates are the key milestone dates for next year's session:

Dec. 12, 2022 Interim Committee Meetings

- Monday, January 23 – Friday, January 27, 2023
- Monday, February 6 – Friday, February 10, 2023
- Monday, February 13 – Friday February 17, 2023
- Monday, February 20 – Friday, February 24, 2023

March 7, 2023 Regular Session convenes (Article III, section 3(b), State Constitution)

April 22, 2023 Deadline for motions to reconsider being made and considered the same day. All bills are immediately certified.

April 25, 2023 50th day – last day for regularly scheduled committee meetings
May 5, 2023 60th day – last day of Regular Session (Article III, section 3(d),
State Constitution)

The monitoring of bills possibly impacting IHB is attached and will be updated for all future Council meetings through the end of June 2023. Paper copies are available upon request and will be provided at the meetings.

C. Upcoming Events

- Ad Hoc Tree Ordinance Committee Meeting
7:00 p.m. Wednesday, February 8th
Council Chamber
- President's Day
Monday, February 20th
Gleason Park American Flag Display
Placement at 7:30 a.m. and retrieval at 5:00 p.m.
Volunteers to help staff will be appreciated
- City Council FY24 Budget Kick-off Workshop
6:00 p.m., Tuesday, February 28th
- City Council Meeting
7:00 p.m., Tuesday, February 28th
- City Council Meeting
7:00 p.m., Tuesday, March 14th
- City Council Meeting
7:00 p.m., Tuesday, March 28th
- City Council FYs24-28 Capital Improvement Plan Review Workshop
6:00 p.m., Tuesday, April 11th
- City Council Meeting
7:00 p.m., Tuesday, April 11th
- City Council Meeting
7:00 p.m., Tuesday, April 25th
- Inaugural IHB Arbor Day Celebration
Friday, April 28th
Location and Time to be determined



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Big Muddy Seawall Repairs Award of Contract

Meeting Date: January 24, 2023

Cost: Not to exceed \$174,383 (FY23 Stormwater Fund Budget of \$170,000)

Attachments:

Bid

Staff Recommendation:

Award of contract to the lowest responsible bidder for the FY23 Big Muddy Canal Seawall Replacement project using Stormwater Utility Fund Balance to cover the \$8,000 overage.

Background Information:

The City has been replacing the seawall along the Big Muddy Canal for the past 15 plus years and has approximately eight parcels left to complete. The FY23 Stormwater Utility Fund Budget contains \$170,000 for continuation of the project. Staff recommends replacing the seawall behind 277 and 279 Marion this year. This project was advertised in accordance with City Charter requirements. Bids solicited include:

\$174,383	Shoreline Marine Contractors
TBD	TBD

Sufficient fund balance is available in the Stormwater Utility Fund to cover the overage.

Staff has tried for the past 45 days to obtain a second bid and hopefully will receive one prior to the Council meeting. If said bid is received a revised agenda memo will be provided to the City Council members prior to the meeting. If the second bid is not received, staff recommends the following course of action:

Due to rising costs (fear of further delays will result in the vendor increasing his bid amount) and the need to execute the project in a timely manner, staff recommends the City Council award of contract not to exceed \$178,000 to Shoreline Marine Contractors for the FY23 Big Muddy Canal Seawall Replacement project.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

First Reading of Ordinance No. 2023-01: Amending Beach Regulations

Meeting Date: January 14, 2023

Attachments:

Ordinance No. 2023-01

Staff Recommendation:

Approve Ordinance No. 2023-01 on first reading.

Background Information:

This agenda item was originally considered on January 10, 2023 but was tabled due to a procedural error on the agenda.

Historically fishing and surfing have been prohibited by City Code east of the two beach parks. However, enforcement is problematic as currently the only two recourses for Police Officers are arresting the person for a Code violation which is a misdemeanor and/or trespassing the person.

Recently an individual was witnessed shark fishing, landing an approximately five feet long shark onto the beach, blundering it to death and then tossing the carcass back into the surf. The incident was reported to the Florida Fish and Wildlife Conservation Commission and the State Attorney's Office. Both agencies declined to take action (State Attorney told staff that he would need an eyewitness and the carcass of the dead shark to proceed with a misdemeanor prosecution). To give the Police Department a better enforcement tool and to decrease the likelihood of a repeat incident, Ordinance No. 2023-01 was drafted. Said ordinance includes the following amended elements:

- Definition for fishing
- Expansion of the no fishing area 150 feet north and south of the beach area directly east of Bicentennial Park and 150 feet north of Millennium Park
- Prohibition of cleaning fish or other marine life
 - Removal of definition of gun (there is not any other reference to guns Chapter 12 plus the regulation of firearms and ammunition is preempted by the state and City has no authority to regulate guns)
- Citation process
- Revocation of surfing ban

Hence, staff recommends the City Council approve on first reading Ordinance No. 2023-01, amending beach and beach park regulations.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Award of Contract to Heard Construction, Inc. to replace the Millennium Beach Park Boardwalk and Pavilions for a Guaranteed Maximum Price of \$444,703.03.

Meeting Date: January 24, 2023

Cost: \$444,703.03 (FY23 Budget of \$432,000.00)

Attachments:

Draft Contract with Exhibits and miscellaneous old agenda material documenting RFQ design-build selection and use of Heard Construction, Inc.

Staff Recommendation:

Due to Heard Construction, Inc. having been previously competitively selected via a request for qualifications process as a design-build vendor for the Bicentennial and Millennium Beach Park projects, award of contract to replace the Millennium Beach Park Boardwalk and Pavilions for a Guaranteed Maximum Price of \$444,703.03, using \$12,704.00 in City Manager's Contingency to fund the overage.

Background Information:

In 2021 the City issued a request for qualifications for a design-build vendor to design and ultimately rebuild the boardwalks and pavilions at the two beach parks. Heard Construction, Inc. was the successful respondent. Last year, the Bicentennial Beach Park boardwalk and pavilions were rebuilt by Heard Construction, Inc. based on their previously designed construction plans.

The replacement of the Millennium Beach Park Boardwalk and Pavilions was originally budgeted in FY22 but was not executed, therefore project was re-budgeted in FY23 (per the custom of IHB). The guaranteed maximum price includes \$12,500.00 in contingency so it is possible some if not the majority of City Manager's Contingency needed to fund the project will not be spent.

Due to this project being part of a design-build project, a second bid and the Charter mandated advertising are not required. Hence, staff recommends the City Council award a contract to Heard Construction, Inc. to replace the Millennium Beach Park Boardwalk and Pavilions for a Guaranteed Maximum Price of \$444,703.03 using \$12,704.00 in City Manager's Contingency to fund the overage.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Award of Contract for the Replacement of Doors at City Hall and the Recreation Center as part of Security Upgrades using ARPA Funds

Meeting Date: January 24, 2023

Attachments:

Bids and excerpt from December 13, 2022 City Council Meeting Minutes

Staff Recommendation:

Award of contract not to exceed \$56,000.00 to Superior Hardware Products for the replacement of doors at City Hall and the Recreation Center using ARPA funding.

Background Information:

On December 13, 2022, the City Council authorized staff to proceed with the City Hall and Recreation Center security improvement project using ARPA funding. A component of the project is the replacement of doors to enable the new security features. Staff advertised the project in accordance with the City Charter, and solicited the following bids:

\$45,000.00 Atlantic Glass
\$53,237.00 Brooks Glass Company
\$53,430.59 Superior Hardware Products

The following analysis is provided by IT Director Hamilton who is the manager of this project:

- Atlantic Glass' bid is lower due to their use of lower grade products on the door hardware. Because of the nature of the project (the system needing to work with access control features), this bid is not recommended.
- While the bids from Brook's Glass and Superior Hardware Products are similar in cost, Superior Hardware Products' inclusion of a center mullion (locking mechanism in between recreation center doors) at the Recreation Center main entrance provides better security at the same cost.
- Brook's Glass is a long standing business located in Melbourne and has provided exemplary service to prior clients. The vendor specializes in glass and uses a sub-contractor for the hardware.

- Superior Hardware Products is based in Longwood, FL and has performed work for FIT, and Blue Origin regularly. The vendor specializes in hardware and uses a sub-contractor for glass.

Due to the additional security measure at the Recreation Center and specialization in the hardware, staff recommends the City Council award a contract not to exceed \$56,000.00 to Superior Hardware Products for the replacement of doors at City Hall and the Recreation Center using ARPA funding.