



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, JULY 11, 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

APPROVAL OF MINUTES

1. Regular Council meeting minutes from June 13, 2023

REPORTS

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

UNFINISHED BUSINESS

N/A

NEW BUSINESS

3. **Short-term Rental Surveillance and Compliance Service**

Authorize the City Manager to sign the GovOS proposal using available contingency with the FY23 Budget to fund the first year's cost of \$30,839.44

4. Award of Contract – Alhambra Design

Award of contract not to exceed \$60,000 to Infrastructure Solution Services, LLC for Engineering Services to Design the Alhambra Street Stormwater Exfiltration Project (RFQ #2023-02)

5. Award of Contract – Atlantic Design

Award of contract not to exceed \$285,000.00 to Infrastructure Solution Services, LLC for Engineering Services to Design the Atlantic East and West Boulevard Stormwater Exfiltration Project (RFQ #2023-03)

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 MINUTES

JUNE 13, 2023

CALL TO ORDER

Mayor Scott Nickle called the meeting to order at 7:04 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 Jim Nolan – present

Council Member Frank Guertin – present

Council Member Bob Sharek – absent

Also in attendance was City Manager John W. Coffey.

EXCUSAL OF COUNCIL MEMBERS

N/A

ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA, IF ANY

Motion made by Council Member Sharek to accept the agenda as presented, seconded by Deputy Mayor Panicola – motion carried 5-0.

PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

N/A

APPROVAL OF MINUTES

Motion made by Deputy Mayor Panicola to approve the Regular Council meeting minutes from May 9, 2023 as presented, seconded by Council Member Sharek – motion carried 5-0.

REPORTS

City Manager's Report

ACTION ITEMS

Florida League of Cities, Inc. Voting Delegate Selection

Motion made by Council Member Nolan to select Mayor Nickle to be the FLC voting delegate for 2023 annual conference, seconded by Council Member Sharek – motion carried 5-0.

Brevard County Ocean Rescue Program

The consensus of Council was for City Manager Coffey to have a meeting with Brevard County Manager Abbate (tentatively scheduled for June 27, 2023) to discuss the City's possible participation in the Countywide lifeguard program.

INFORMATIONAL ITEMS

- Joint Training with the City of Satellite Beach
- Old Police Department Renovations Project Update
- Gleason Park Restroom Project Update
- Recreation Center and City Hall Security Upgrades Project Update
- Millennium Boardwalk Project Update
- Algonquin Sports Complex Scrub Jay Survey Update
- Pool Heater Replacement Update
- April Revenue and Expenditure Report
- 2023 Florida Legislative Session Update
- FY24 Budget Preparation Update
- Employee Recognition

City Attorney's Report – City Attorney Karl Bohne was excused from the meeting.

Council Comments

Mayor Nickle, Council Members Guertin and Sharek attended the June Space Coast League of Cities dinner. Council Member Sharek stated that Merritt Island is looking into becoming an incorporated city and the space center will try to schedule launch viewings for each municipality.

Council Member Nolan stated the South Beaches Coalition meeting was canceled.

Public Comments (Agenda Items Only)

There were no public comments.

UNFINISHED BUSINESS

N/A

NEW BUSINESS

Fiscal Year 2021-2022 Annual Financial Report

Motion made by Council Member Nolan to accept the Fiscal Year 2021/2022 Annual Financial Report as presented from Berman Hopkins CPA's and Associates LLP, seconded by Council Member Sharek – motion carried 5-0.

School Resource Officer Memorandum of Understanding

Motion made by Council Member Sharek to authorize the City Manager to execute the Memorandum of Understanding for reimbursement of up to \$68,500.00 for a School Resource Officer at Oceans Breeze Elementary School for School Year 2023-2024, seconded by Deputy Mayor Panicola – motion carried 5-0.

Department of Environmental Protection Grant Agreement for Stormwater Projects

Motion made by Council Member Sharek to authorize the City Manager to execute the grant agreement with the Florida Department of Environmental Protection for \$3,300,000 to fund four (4) stormwater projects, seconded by Council Member Nolan – motion carried 5-0.

City Manager Annual Evaluation

Motion made by Council Member Sharek to accept the summary results from City Manager John W. Coffey's one-year performance evaluation, seconded by Council Deputy Mayor Panicola – motion carried 5-0.

Motion made by Council Member Sharek to give City Manager Coffey a 5% wage increase, seconded by Deputy Mayor Panicola –

Council Member Sharek amended the motion to make the increase retroactive to the City Manager's anniversary date. Deputy Mayor Panicola agreed to the amended motion.

Motion to give the City Manager Coffey a 5% wage increase, retroactive to his anniversary date carried 5-0.

PUBLIC FORUM

Ms. Anastasia Doshna, Ashley Avenue, spoke.

ADJOURN

Motion made by Deputy Mayor Panicola to adjourn the meeting at 7:44 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: July 11, 2023

A. ACTION ITEMS

1. None

B. INFORMATIONAL ITEMS

2. Submittal of the FY24 Proposed Budget (prior to the meeting)

It is my professional honor and privilege to officially submit the FY24 Proposed Budget to the Mayor and City Council Members. I wish to express my sincere appreciation to all the Executive Leaders for their efforts in planning for our city's future. An electronic copy of the document will be on our city's website tomorrow and a paper copy is available for public inspection at City Hall.

The City Council will hold a public workshop to review the document next Tuesday in this room starting at 6 p.m.

3. Old Police Department Renovations Project Update

Due to a minor design issue, the closing date for the request for proposals was changed from July 5th to July 31st. There continues to be strong interest in the project with numerous sub-contractors requesting site-inspections.

4. Gleason Park Restroom project update

Due to a conflict in opinion between the design team and the building provider regarding the minimum size water line required for the facility, the issuance of an invitation to bid was postponed until pressure and flow sampling could be done at a newly installed similar unit in Wildwood (unit installed on July 5, 2023, but test results were not available by the agenda deadline)

5. 2023 Florida Legislative Session Update

The 125th Regular Session since Statehood in 1845 was declared Sine Die at 11:00 a.m. on Friday, May 5, 2023.

The final legislative tracker is attached. Paper copies are available upon request and will be provided at the meetings.

6. Ad Hoc Tree Ordinance Committee update

The committee anticipates having the initial draft ordinance completed within the next 45 days. Staff is trying to coordinate a joint workshop between the Planning

and Zoning Board and the Ad Hoc Tree Ordinance Committee prior to formally placing the draft ordinance on a Planning and Zoning Board agenda for consideration. The idea behind a joint workshop is to allow members of each group to streamline the feedback and revision loop by having an informal dialogue between themselves while abiding by the Florida Sunshine Law

7. Employee Recognition

- A resident sent staff an email with the following text regarding **Building Official David Wiles**.

Good afternoon Kim I just wanted to let you know that the gentleman came for the inspection and he was very professional in every way including getting along with my dog L O L. I just wanted to give you a review of his work thank you again.

- A resident sent staff an email with the following text regarding **Public Works staff**.

*Hi Todd,
I wanted to send a Thank You to you and your staff for responding to our inquiry so quickly.*

We also greatly appreciate your staff removing the dumped mattress outside of our residence. That was very kind of them, and helped us out a lot.

We appreciate you all

- A resident sent **Public Works Director Scaldo** an email thanking the City for repaving his street.

Thanks for getting our street paved. Happy Independence Day

- Staff received the following thank you email from a former resident regarding **Public Works Director Scaldo**.

Mr. Coffey:

I just wanted to pass along some praise and words of appreciation for Todd Scaldo and the wonderful service he provided our family regarding a plaque in Gleason Park for our late mother.

We lived in Brevard County for decades (my daughter and I lived in Indian Harbour Beach for more than a dozen years) before moving to Kentucky, and my mother was a longtime teacher at Ocean Breeze Elementary School.

In 2004, we had a tree planted at Gleason for our father, then recently deceased, and added a plaque for him and his dog. They used to walk in the park every day. You all have taken great care of the tree and it thrives, and so when Mom died earlier this year we wanted to add a plaque for her.

Like everyone else, I live in a world now where getting a person on the phone can sometimes feel impossible. Having a phone call returned can seem the same. Not so with Todd. From the very beginning, he was a great communicator with this stranger on the end of long distance calls and emails, responding professionally, courteously and in a timely way. He was consistently helpful when I asked questions about the plaque, and for information about dimensions and contacts. And when the plaque went into the ground last week, placed there by him, Todd sent me pictures.

My siblings and I will be there next month to see it and appreciate it in person, all because Todd is so great at doing his job and then some. He also was very compassionate about the loss of our beloved parents. We will never forget the role he played in placing these remembrances of our parents in a place they loved so much.

The city and its residents are fortunate, indeed, to have Todd as part of your team.

- A resident emailed the following thank you message to **Public Works Director Scaldo**.

Hey Todd,

I'm not sure when the bench was installed, but I went by the park yesterday and saw it. It looks perfect! Our families are very grateful and appreciative of you putting it there. Thank you again, so much, for letting us replace one of the older benches in the park with this one. It will be my new resting spot when I walk the park. Hope you had a wonderful and safe Fourth of July along with the rest of the week.

- A resident mailed a thank you card for **Police Officer Chris Malagon**. The resident thought so much of the encounter he sent a thank card, with \$20.00 in it. The funds were placed in the Police Department donated equipment account.

Thanks for all you do!

I couldn't do your job. I've been an ER Nurse for 20 years. You have Tasers. We have drugs to make idiots shut the hell up and we don't have to fill out paperwork!

*Take a break on me.
Stay Safe!*

C. Upcoming Events

8. City Council FY24 Proposed Budget Review Workshop
6:00 p.m., Tuesday, July 18th
9. City Council Meeting
7:00 p.m., Tuesday, July 25th
10. City Council Meeting
7:00 p.m., Tuesday, August 8th
11. Florida League of Cities, Inc. Annual Conference
August 10th – 12th
Orlando, FL
12. City Council Meeting
7:00 p.m., Tuesday, August 29th



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Short-term Rental Surveillance and Compliance Service

Meeting Date: July 11, 2023

Cost: \$30,839.44 (funding available in City Manager's Contingency)

Attachments: GovOS proposal and City Manager's Contingency Tracker

Staff Recommendation:

Authorize the City Manager to execute a short-term rental surveillance and compliance service agreement with GovOS in the amount of \$30,839.44.

Background Information:

In the attached 2018 memo from City Attorney Bohne, the impact of STRs is listed below:

- The massive growth of the "vacation rental" industry. Large-scale investors now dominate the home rental market with real-estate investment groups displacing true "away from home" vacation rentals.
- Over-commercialization of neighborhoods. Short-term rentals, especially those run by out-of-state real estate conglomerates, are causing problems by creating commercial activity in residential areas (mini-hotels in neighborhoods).
- Neighborhoods are suffering. Problems include noise, inadequate parking, infrastructure intended for residential use is now being used on a commercial scale, and decreased property values in neighborhoods taken over by highly-commercialized vacation rentals.

Later in 2018, the City contracted with Host Compliance for surveillance and compliance services related to STRs. Unfortunately, the initiative was not successful and the service not renewed the following year.

In August 2022, City Manager Coffey researched alternate STR surveillance and compliance companies and was told approximately 120 unique addresses were actively operating within the City limits at that time.

At the February 28, 2023, City Council FY24 Budget Workshop, staff was directed to research options for web-based services to aid in the identification of short-term rentals (STRs) and compliance in getting them registered. Reengagement of potential service providers in March identified the number of STRs actively operating in the City had grown to approximately 180 unique addresses being used as STRs. Currently, 65 STRs are registered with the City (the number of STRs has since grown to approximately 200 with 89 exempt from registration).

Host Compliance is now a part of the Granicus family and still provides an inexpensive basic no-frills surveillance and compliance service. Problematic for IHB, is the daily staff time required to use this service as the system requires a City employee to authorize compliance correspondences to be sent to property owners. Additionally, renewal notices would continue to be generated by City staff.

GovOS offers a much more automated surveillance and compliance system that will reduce staff time as compared to the current in-house system. Although significantly more expensive, the GovOS system should be revenue neutral once all the currently unregistered properties come into compliance. Assuming 90% of the currently STRs eligible for registration are registered in FY24, the City would realize approximately \$1,200 net new revenue with the use of GovOS. If more than 90% register and/or more homes are converted to STRs, the net revenue to the City will only increase.

Additionally, staff believes GOVOS offers the following benefits beyond simply increase registration rates:

- Residents and staff knowing where STRs actually are operating
- Daily documentation of STR advertising will aid in winning special magistrate hearings for properties that do not voluntarily register and/or do not abide by City Code requirements
- The 24/7 hotline will provide better service than residents calling Police Dispatch at night and on the weekends and being referred to the City's Code Enforcement Official the next business day

Due to multiple bills filed in Tallahassee dealing with STRs, staff held off on bringing this proposal to the City Council until the 2023 Legislative Session was completed.

City Clerk Sue Frank, MMC, will be the responsible manager of this new program and will answer any questions the City Council may have regarding the GovOS proposal before or at the City Council meeting.

Hence, the City Manager recommends the City Council authorize the City Manager to sign the GovOS proposal using available contingency with the FY23 Budget to fund the first year's cost of \$30,839.44.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Award of contract for Engineering Services to Design the Alhambra Street Stormwater Exfiltration Project (RFQ #2023-02)

Meeting Date: July 11, 2023

Cost: \$59,660.00 (state ARPA grant funding)

Attachments:

Draft contract (provided separately due to size)

Staff Recommendation:

Award of contract not to exceed \$60,000 to Infrastructure Solution Services, LLC for Engineering Services to Design the Alhambra Street Stormwater Exfiltration Project (RFQ #2023-02).

Background Information:

In accordance with Florida Statute 287.055, "Consultants' Competitive Negotiation Act", the City invited, under RFQ #2023-02, advertised on February 9, 2023, Florida licensed professional engineering firms to present their qualifications pertaining to professional Architectural/Engineering services to design the Alhambra Street stormwater exfiltration project as funded by a State ARPA grant (administered by the Florida Department of Environmental Protection [DEP]).

A committee comprised of John W. Coffey, ICMA-CM, City Manager; Todd Scaldo, Fire Chief/Public Works Director, and David Wiles, Building Official was formed to review and evaluate the submittals received by the City. On March 14, 2023, the City received three Statement of Qualifications. The evaluation committee met on March 15, 2023 and March 22, 2023, and ranked the firms as follows:

274 Bowman Consulting Group, Ltd.
290 Infrastructure Solution Services, LLC
270 Kimley-Horn
(Maximum of 300 points)

On March 28, 2023, the City Council affirmed the rankings. Subsequently, staff negotiated a cost proposal for \$59,660.00 for the requested services.

Of note, the vendor and DEP are aware if soil testing is not conducive to an exfiltration project that the design contract can be modified to allow for a design that accomplishes the water quality and flood protection goals of the project.

Therefore, staff recommends the City Council award a contract not to exceed \$60,000 to Infrastructure Solution Services, LLC for Engineering Services to Design the Alhambra Street Stormwater Exfiltration Project.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Award of contract for Engineering Services to Design the Atlantic East and West Boulevard Stormwater Exfiltration Projects (RFQ #2023-03)

Meeting Date: July 11, 2023

Cost: **\$284,300.00** (state ARPA grant funding)

Attachments:

Draft contract (provided separately due to size)

Staff Recommendation:

Award of contract not to exceed \$285,000.00 to Infrastructure Solution Services, LLC for Engineering Services to Design the Atlantic East and West Boulevard Stormwater Exfiltration Project (RFQ #2023-03).

Background Information:

In accordance with Florida Statute 287.055, "Consultants' Competitive Negotiation Act", the City invited, under RFQ #2023-03, advertised on February 9, 2023, Florida licensed professional engineering firms to present their qualifications pertaining to professional Architectural/Engineering services to design the Atlantic East and West Boulevard stormwater exfiltration project as funded by a State ARPA grant (administered by the Florida Department of Environmental Protection [DEP]).

A committee comprised of John W. Coffey, ICMA-CM, City Manager; Todd Scaldo, Fire Chief/Public Works Director, and David Wiles, Building Official was formed to review and evaluate the submittals received by the City. On March 14, 2023, the City received three Statement of Qualifications. The evaluation committee met on March 15, 2023 and March 22, 2023, and ranked the firms as follows:

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Of note, the vendor and DEP are aware if soil testing is not conducive to an exfiltration project that the design contract can be modified to allow for a design that accomplishes the water quality and flood protection goals of the project.

Therefore, staff recommends the City Council award a contract not to exceed \$285,000.00 to Infrastructure Solution Services, LLC for Engineering Services to Design the Atlantic East and West Boulevard Stormwater Exfiltration Project.