

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, March 19th, 2026 – 3:30 PM

Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, and Roll Call:** The Key Colony Beach City Commission Regular Meeting and Public Hearing was called to order by Mayor Freddie Foster at 3:30 PM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster, Vice-Mayor Doug Colonell, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Kirk Diehl. **Also present:** City Attorney Jimmie Hicks, City Attorney Scott Black, City Administrator John Bartus, Building Official Tony Loreno, Police Sgt. Jamie Buxton, Public Works Department Head Mike Guarino, Administrative Assistant Par Darnall, City Clerk Silvia Roussin, Recreation Committee Chair Cindy Catto.

Public Attendance: 14

2. **Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote*)

City Clerk Roussin read the proposed agenda additions into the record.

Under Item 7 for Discussion Action Items:

- Deletion of Item 7e. Discussion/Approval for the Engineering Service Agreement for KG011
- Under Item 7f: A revised proposal by Holland & Knight with a corrected scrivener's error on page 64.
- A new Item 7h: For the after-the-fact approval of emergency digester pump-out services by Nationwide Plumbing Service for \$17,472.00, along with approval for payment to Haack Environmental for the same services amounting to \$24,562.00. As a new Item 7k, based on the Utility Board's recommendation, two additional invoices from Nationwide were received, bringing the total to \$25,792.00.
- A new Item 7i: Discussion/Approval of a proposal by Reynolds Construction for WRF upgrades totaling \$25,206.16 (ARV & Air Separator Tank Replacement), per the recommendation of the Utility Board.
- A new Item 7j: Discussion/Review of the recommended options provided by CPH regarding the existing concrete slab and pin piles, and CPH proposal for slab engineering ****TBA****
- A new Item 7k – Discussion/Approval of Pedro Falcon Contractors, Inc's Request for Change Order 007 – Revise Specifications for Windows and Storefronts (\$13,043.65 and request for 39-day contract extension or 34-day extension if PCO 009 is approved for 34-day extension request.
- A New Item 7l - Discussion/Approval of Pedro Falcon Contractors, Inc's Request for Change Order 009 – 34-day contract extension request (\$0.00, no monetary change to contract amount).

Under Item 8 Ordinances & Resolutions

- Deletion of the Adoption of Resolution 2026-04 to allow additional Commissioner comment.

Under Item 11 Commissioner's Reports and Comments

- Under 11a. Commissioner Harding: The addendum to the Wastewater Report
- Under 11d. Commissioner DiFransico: Comments on the Watershed Plan

MOTION: Motion made by Commissioner DiFransico to approve the agenda with changes. Commissioner Diehl seconded the motion.

DISCUSSION: City Attorney Hicks advised on the urgency of the agenda additions under Item 7, the recentness of the items coming to the Commission's attention, and the need for the Architect's input at a follow-up meeting the next day. Mayor Foster disclosed that Items 7j through l will be heard the next day at 10:00 AM, that the agenda additions are urgent, and that they require addition to today's agenda.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. Special Requests

- a. Proclamation designating March 2026 as National Athletic Training Month: Mayor Foster read the Proclamation into the record and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve the Proclamation. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Proclamation was adopted.

- b. Fishing & Boating Club Donation: The Fishing & Boating Club presented the City Commission with a \$1,000.00 donation toward the Sailfish Statue.

4. Citizen Comments and Correspondence

The City Clerk's Office received the following correspondence:

February 20, 2026 – Sue Bartkus, KCB resident, wrote to the City Commission expressing objections to Wi-Fi and cameras in the park, a fishing pier at Sunset Park, license plate readers, the police boat, and general concerns regarding changes in the City over recent years.

February 23, 2026 – Patricia Evangelista, KCB resident, wrote to the City Commission in support of a public discussion regarding license plate readers and the agreement between the City and the U.S. Department of Immigration and Customs Enforcement (ICE).

March 10, 2026 – Laurie Swanson, KCB resident, wrote to the City Commission requesting support for resident Dick Harper in completing renovations following Hurricane Irma and for consideration of reasonable fines.

March 11, 2026 – Stan Kid wrote to the City Commission requesting consideration of fines for Dick Harper and support for allowing completion of outstanding work on his residence.

March 11, 2026 – Dick Harper, KCB resident, wrote to each City Commissioner, submitting a proposal for consideration of fines and requesting authorization to resume work on his residence.

March 16, 2026 – Sandy Bachman, KCB resident, wrote to the City Commission requesting clarification from the Police Department regarding the scope of the agreement.

City Clerk Roussin corrected an error in last month's report on citizen correspondence. She reported that she had incorrectly stated that Roy Virost had requested that the speed limit be lowered to 20 MPH. Mr. Virost's correspondence was, in fact, in opposition to lowering the speed limit. City Clerk Roussin apologized for this error and any confusion it may have caused.

Mayor Foster asked for citizen comments.

David Evangelista, 838 W. Ocean Drive, spoke about the bid received and the subsequent award for the basketball court project. He recommended holding a pre-construction conference with the selected contractor to ensure the contract requirements are clearly understood, potential issues are addressed in advance, and compliance is maintained. Mr. Evangelista offered his assistance to the Commission.

David Evangelista also reported recent damage to the bocce courts, allegedly caused by motorized activity over a short period, tire tracks on the golf course near the 9th green, and the use of bicycles on the tennis courts. Mr. Evangelista referenced a January letter addressing the need for a multi-use activity area and reiterated prior suggestions to expand the basketball court footprint if space allows.

Cindy Catto, 601 W. Ocean Drive, commented on her previous City Commission meeting comments, stating that citizens need to be involved in a direct discussion about the license plate reader on Sadowski Causeway and about Police involvement with ICE, and asked Commissioner Harding to provide additional information later in the meeting. Cindy Catto also commented on the agreement with ICE and questioned why it had not been discussed at a public meeting.

Sandy Bachman, 171 8th Street, agreed with the previous speaker and expressed surprise that the agreement with ICE was not mentioned in previous meetings, emphasizing the importance of discussing important matters during a City Commission meeting.

Fred Swanson, 620 9th Street, updated on a detained high school student currently in custody in California, with uncertainty about due process and concerns about cameras, data, and who receives it, and suggested holding a workshop to further discuss the matter.

Mayor Foster shared his perspective on the matter and agreed that the ICE agreement should have come before the Commission for discussion and approval. Mayor Foster noted that other departments and agencies of law are supported by the City and that ICE is an agency of law as well. Mayor Foster commented on expectations for Officers to do their job, be aware of Commissioner DiFransico's concerns, and have the matter on the agenda for next month for open discussion. Commissioner DiFransico suggested a public workshop to provide information on the License Plate Readers and the ICE agreement. Mayor Foster commented that Commissioner Harding's comments later in the meeting should clarify the question about the License Plate Readers.

There were no further comments.

5. Committee and Department Reports (*written reports provided; Staff and Board Chairs available for questions*)

- a. Marathon Fire/EMS – Marathon Fire Chief Muro. Mayor Foster commended Fire Chief Muro and Sgt. Buxton for their actions during an emergency involving a family member at his house. Fire Chief Muro thanked the Mayor for the recognition and requested that Sgt. Buxton be recognized for her previous lifesaving efforts at the April Marathon City Council meeting. Chief Muro continued with his March statistical report, covering service calls and providing details on monthly reports. Chief Muro reminded residents about ongoing CPR certification courses at no cost. Fire Chief Muro reported that all County helicopters are in service and provided further information on traffic concerns related to the injection well project in Marathon and on FDOT safety requirements.
- b. Police/Code Department – Sgt. Jamie Buxton
 - 1. Promotion of Officer Buckwalter to the rank of Sergeant: Sgt. Buxton requested that the official swearing-in of Sgt. Buckwalter be deferred to a future meeting so Chief DiGiovanni could attend. Mayor Foster had no objections. Commissioner Harding asked for an update on the damaged traffic speed sign on W. Ocean Drive. Mayor Foster noted that the matter is still under review by the insurance company regarding reimbursement of the deductible from the individual who caused the damage. Commissioner Harding asked about education for residents on refrigerator disposal, and Sgt. Buxton explained that information has been provided via social media.
- c. City Administrator – John Bartus
 - 1. Legislative Budget Update by Ron Book: City Administrator Bartus provided information on monitoring legislation related to finalizing the budget and Stewardship allocations. City Administrator Bartus reported that evaluations with Commissioners are underway. Discussion followed on possible property tax reform and legislative direction. City Administrator Bartus further reported that the boat ramp grant is on schedule.
- d. Public Works – Public Works Department Head Guarino
- e. Building Department – Building Official Loreno
- f. City Hall – City Clerk Roussin
- g. Beautification Committee – Chair Bachman
- h. Planning & Zoning Board – Chair Lancaster
- i. Recreation Committee – Chair Catto
- j. Utility Board – Chair Swanson

- 6. Consent Action Items** *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the Commission member, at the beginning of the open session, must ask that the action be moved to the discussion action item section.)*
- a. Approval of the following City Commission Meeting Minutes
 - 1. 02-19-2026 City Commission Regular Meeting Minutes
 - b. Approval of Warrant No. 0226 for \$689,664.67

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 7. Discussion Action Items**
- a. **Discussion/Award of ITB 2026-02: Pickleball Shade Structure Project**
 - 1. Recommendation by the Evaluation Committee

Mayor Foster spoke on the recommendation regarding the Pickleball Shade Project, with City Administrator Bartus confirming that all bidders were deemed non-responsive because not all bid requirements were included. Mayor Foster suggested waiving the requirement for all three bidders and recommending awarding the bid to Bliss, the lowest bidder, for either the three or six sail shades, depending on financial stability and the availability of funds. Commissioner Harding suggested approving the six shades for \$255,000.00.

MOTION: Motion made by Mayor Foster to approve the bid for \$255,000.00. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Harding reminded of the September 30th grant deadline.

- b. **Discussion/Award of ITB 2026-03: Basketball Half Court Project**
 - 1. Recommendation by the Recreation Committee

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: Commissioner Harding agreed with David Evangelista's earlier comments on a pre-construction meeting and suggested a pre-meeting with the contractor to ensure all requirements are met. He also commented on the possibility of widening the court. Mayor Foster noted residents' new e-bikes in the city and expressed concern that a wider court would not stop children from riding their bikes in places where it is not allowed. David Evangelista discussed different activity needs for the multi-use area, followed by a discussion of vandalism, possible expansion of the court, and plans for walking paths. Mayor Foster discussed the upcoming Pervious Paver Project and suggested paving the walkway at a later date. Commissioner DiFransico suggested a project manager for the basketball project, followed by a discussion of timelines for the basketball and Pervious Paver projects.

ON THE MOTION: Rollcall vote. Unanimous approval.

- c. **Discussion/Approval of a Recommendation by the Recreation Committee to appoint Sally Cherry as 1st Alternate and Lisa Joseph as 2nd Alternate to the Committee**
 - 1. Residency Waiver Requirement for Lisa Joseph required (Sec. 12-3 Code of Ordinances)

Mayor Foster introduced the agenda item and recommended approving both applicants and waving the residency requirements for Lisa Joseph.

MOTION: Motion made by Mayor Foster to approve both applications and waive residency requirements for Lisa Joseph. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval of a Recommendation by the Recreation Committee to establish a Fact-Finding Committee staffed with Community Members interested in golf to research the various ways the Golf Course might be managed after Daryl Rice's contract is completed.

Mayor Foster noted that the suggestion had been made early in the process and raised concerns about possible Sunshine Law violations within the Committee, noting that legal had advised against forming it. City Attorney Hicks advised that the Committee was more likely to be an advisory board than a fact-finding committee. Mayor Foster advised on the feasibility of holding a workshop and inviting citizen comments. Commissioner Harding suggested holding a workshop in November, when residents return for the season. Vice-Mayor Colonell supported the idea and suggested that Recreation Committee Chair Cindy Catto start researching the matter. Cindy Catto confirmed she could start researching and recalled receiving an unsolicited letter about possible Golf Course management, which had started the conversation. Cindy Catto expressed a desire for community involvement and to be ahead of the matter. Mayor Foster said the discussion would be held at a later date, but for now, the item would be pulled from the agenda.

MOTION: Motion made by Commissioner Harding to postpone the discussion. Commissioner Diehl seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

~~**e. Discussion/Approval of CPH's Fee Schedule for the Engineering Service Agreement for the Ocean Drive Water Quality Improvement Project for \$241,280.00 **deleted****~~

The agenda item was deleted, but a brief discussion followed on the proposed agreement and scope of the project.

f. Discussion/Approval of a proposal by Holland & Knight for Bond Counsel Representation not to exceed \$30,000.00.

Mayor Foster introduced the agenda item and asked Commissioner Harding to elaborate. Commissioner Harding provided background on the proposal and its relationship to the loan process for the City Hall project. Commissioner Harding recommended approval of the agreement, authorizing the bond council to support the City Attorney's office by executing the loan agreement correctly. There was no further discussion, and Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion/Approval for the Release of a Request for Proposals for 2026 Tax-Exempt Loan Financing

Mayor Foster introduced the agenda item and asked Commissioner Harding to elaborate. Commissioner Harding discussed the Request for Proposal from financial institutions, up to three million dollars, requesting fixed rates and fees. Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve the proposal for solicitation. Vice-Mayor Colonell seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- h. For the after-the-fact approval of emergency digester pump-out services by Nationwide Plumbing Service for \$17,472.00, along with approval for payment to Haack Environmental for the same services amounting to \$24,562.00. **Agenda Addition****

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Motion made by Commissioner Diehl to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: Commissioner Harding asked for clarification on the need for approval of the Haack invoices. City Clerk Roussin confirmed the motion to include the after-the-fact approval for Nationwide Plumbing, totaling \$25,792.00, and the Haack invoice for \$24,562.00. City Clerk Roussin also clarified that Nationwide Plumbing had been paid via credit card and that Haack had an outstanding invoice awaiting payment.

ON THE MOTION: Roll call vote. Unanimous approval.

- i. Discussion/Approval of a proposal by Reynolds Construction for WRF upgrades totaling \$25,206.16 (ARV & Air Separator Tank Replacement), per the recommendation of the Utility Board. **Agenda Addition****

Mayor Foster introduced the agenda addition and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster announced that Items 7j through l would be continued and heard at 10:00 AM the following day.

- ~~**j. Discussion/Review of the recommended options provided by CPH regarding the existing concrete slab and pin piles, and CPH proposal for slab engineering**~~

- ~~**k. Discussion/Approval of Pedro Falcon Contractors, Inc's Request for Change Order 007 - Revise Specifications for Windows and Storefronts (\$13,043.65 and request for 39 day contract extension or 34 day extension if PCO 009 is approved for 34 day extension request.**~~

- ~~**l. Discussion/Approval of Pedro Falcon Contractors, Inc's Request for Change Order 009 - 34 day contract extension request (\$0.00, no monetary change to contract amount).**~~

8. Ordinances & Resolutions:

- a. SECOND/FINAL READING OF ORDINANCE 2026-508:** An Ordinance Of The City Of Key Colony Beach, Florida; Amending Ordinance 2025-497 Future Land Use Policy 1.5.1 For A Scrivener's Error Regarding Plan Densities For Commercial, Resort, And Public Buildings The Intensity Shall Be At Least 20% Of The Lot; And Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date.

1. Ordinance 2026-508
2. Business Impact Statement
3. Proof of Publication

Mayor Foster provided the second and final reading of the ordinance and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Colonell to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The ordinance was adopted.

- b. SECOND/FINAL READING OF ORDINANCE 2026-509:** An Ordinance Of Key Colony Beach, Florida, Adding Section 6-45 Seawall Conditions; Compliance Requirements; Enforcement To Chapter 6 Buildings, Article II Dangerous Structures; Adding Section 9-13 Concerning Violations Of Section 6-45 For Business Tax Receipts

Purposes To Chapter 9 Business Taxes, Permits And Business Regulations, Article I In General; Amending Section 9-28 Concerning Violations Of Section 6-45 For Residential Rentals To Chapter 9 Business Taxes, Permits And Business Regulations, Article II Residential Rentals; Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date.

1. Ordinance 2026-509
2. Business Impact Statement
3. Proof of Publication

Mayor Foster provided the second and final reading of the proposed ordinance and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Colonell to approve. Commissioner Diehl seconded the motion.

DISCUSSION: The Commission discussed the timelines set in the ordinance.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Ordinance was adopted.

- c. **FIRST READING OF ORDINANCE 2026-510:** An Ordinance Of The City Of Key Colony Beach, Florida; Amending Chapter Fourteen Of The Code Of Ordinances, Entitled Sewers And Sewage Disposal, Section 14-6 Monthly Rates And Charges, And Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date.

Mayor Foster provided the first reading of the ordinance and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Colonell to approve. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- d. **RESOLUTION 2026-03:** A Resolution Of The City Of Key Colony Beach, Florida, Amending Chapter 1 – General Provisions, Section 1-10 – Organization Of Code Enforcement; Providing For An Updated Schedule Of Violations And Penalties; And Providing For An Effective Date.

Mayor Foster provided the reading of the resolution and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Resolution was adopted.

- ~~e. **RESOLUTION 2026-04:** A Resolution Of The City Of Key Colony Beach Board Of Commissioners, Florida, Adopting the 2026 County Watershed Management Plan; Providing For An Effective Date. ****Deleted****~~

- f. **RESOLUTION 2026-05:** A Resolution Expressing The Intent Of The City Of Key Colony Beach, Florida To Incur Costs Related To Various Capital Improvements; Expressing The Intent For Purposes Of Compliance With United States Treasury Regulation Section 1.150-2 To Reimburse With Proceeds Of Revenue Notes The Capital Expenditures Made With Respect To Such Capital Improvements In An Aggregate Principal Amount Not Exceeding \$3,000,000; And Providing An Effective Date.

Mayor Foster gave the reading of the resolution and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: Commissioner Harding confirmed that it is only necessary to have one reading because it is a resolution.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Secretary-Treasurer's Report

a. February 2026 Financial Summary

Commissioner Harding provided the February financial report, updated on revenue and ad valorem taxes, and shared state revenue and expenses. Commissioner Harding reported that the Building Fund year to date is in good shape, with revenue and expenses low. Commissioner Harding reported on Wastewater and Stormwater, including grant funding, expenditures, and grant reimbursement. Mayor Foster reminded of upcoming work to be expensed from the Stormwater fund. Commissioner Harding reminded of the upcoming annual Stormwater assessment review. Mayor Foster commented on the anticipated start of the pervious paver project.

10. City Attorney's Report: The Commission had no questions for City Attorney Hicks.

11. Commissioner's Reports & Comments

a. Commissioner Harding

1. Wastewater Sampling Weekly Report for March 16th, 2026: Commissioner Harding reported that COVID levels are down, no Flu has been detected, and minor levels of RSV virus and low levels of COVID are being detected in the State.
2. Drought Update for water levels: Commissioner Harding updated on drought levels and provided the update given by the South Florida Water Management District, and provided data on the current drought.
3. License Plate Readers: Commissioner Harding provided background on the license plate reader program and summarized the facts he gathered on data sharing with the Sheriff's Department, frequency of use, purpose, and benefits for identifying serious crimes. He explained that the system allows shared use with appropriate checks and balances at the supervisory level and provided examples of how it functions. Commissioner Harding stated that he was impressed with the technology, noting its accuracy and capabilities. He recommended reviewing county policies and procedures, establishing monitoring and oversight measures, holding quarterly meetings with the County, and ensuring that future contracts receive Commission review. Commissioner Harding concluded that the benefits of the technology outweigh the negatives, provided proper oversight is maintained.

b. Commissioner DiFransico expressed the expectation that the Police Department establish formal procedures for the license plate reader program and that the Commission be able to review those procedures to ensure residents understand the program's use and scope. Commissioner Harding responded that a policy and procedure have been established by Sheriff Ramsay and approved, with some additional provisions to be implemented by the City. Commissioner Harding further reported that, although the County has experienced limited instances of misuse, the overall results have been largely positive. He explained that officers monitor hot lists and that any detective requesting access must have an active case number associated with an ongoing investigation.

c. Commissioner Diehl

1. Update on Seawall Inspections & Recommendation for an Annual Inspection Schedule: Commissioner Diehl reported on the completion of the seawall inspections and provided an overview of the findings, including seawalls requiring routine maintenance, those needing immediate attention, dock repairs, and other visible deficiencies. Commissioner Diehl noted a heavily damaged seawall on 3rd Street that requires prompt attention and recommended establishing an annual seawall inspection schedule, suggesting that the same timeframe be maintained in future years to help ensure the safety of property owners and surrounding neighbors.
2. Fundraising Opportunity hosted by Baptist Health for Exercise Equipment for City Hall: Commissioner Diehl reported attending a Baptist Health reception, where he met Maria Lisa Gonzales, Corporate Director and Government Community Relations Specialist. Ms. Gonzales offered to assist with planning a fundraiser to support the purchase of exercise equipment for City Hall. Commissioner Diehl suggested holding the fundraiser in the fall and provided additional information on the potential to raise funds to offset the cost of the equipment.
3. Future St. Patrick's Day Celebration Ideas: Commissioner Diehl discussed the City's St. Patrick's Day event, noting it was a shorter event and suggesting consideration of an earlier start time or a change in the day of the

week for future celebrations. Mayor Foster recommended coordinating with Ted Fisher and Larry Smoot to explore a partnership with the Key Colony Beach Community Association.

- d. **Commissioner DiFransico** commented on the Watershed Management Plan and discussed the document's purpose of increasing the city's discount on flood insurance for residents. Commissioner DiFransico also outlined three substantial recommendations for the city, including elevating Sadowski Causeway, elevating critical facilities, and managing heavy rainwater.
- e. **Vice-Mayor Colonell**
 - 1. **City Hall Update:** Vice-Mayor Colonell gave an update on the City Hall progress and reported that the project is moving along. Vice-Mayor Colonell reported on completed and ongoing work, noting good headway and that the project is progressing.
- f. **Mayor Foster**
 - 1. **Wastewater Sludge Hauling:** Mayor Foster reported that the City's previous sludge hauling contractor can no longer provide services. Mayor Foster informed that staff will draft a short-term agreement with a substitute hauler and prepare a request for proposals for long-term services. Mayor Foster also provided updates on a recent spill at the wastewater plant, outstanding appropriations, and funds received. He noted that the plant had not been pumped for nearly a month and that a significant rain event contributed to the overflow. Discussion followed on operational experience, management practices, the role of U.S. Water, and equipment issues. Mayor Foster stated that representatives from three companies would meet to evaluate necessary equipment replacements and noted the City's good working relationship with Haack Environmental.

12. Citizen Comments

Diane Slusher, Pickleball Club Chair, thanked the City Commission for their work for the City, specifically thanking Commissioner Harding for his insight on expanding the pickleball courts.

Fred Swanson, 620 9th Street, thanked the Commission for its work and commented on Commissioner Harding's report on the license plate readers, noting additional questions on the matter and residents' concerns. Commissioner Harding commented on the benefits and experience of law enforcement personnel supporting the technology.

John Siegenthaler, 601 W. Ocean Drive, agreed with previous speakers and commented on the Commission's work. He asked for clarification on the scope of the City's agreement with Immigration and Customs Enforcement (ICE). Mayor Foster asked Sgt. Buxton to respond. Sgt. Buxton explained that the agreement does not alter the Police Department's normal scope of duties. She stated that officers continue their routine responsibilities, always assist other law-enforcement agencies as appropriate, and have no assigned ICE duties, quotas, or targets. Sgt. Buxton further explained that officers are not asked to seek out individuals on behalf of ICE.

Laurie Swanson, 620 9th Street, questioned the additional funds received and requested the name of the Police Officer involved. City Clerk Roussin explained that the officers' names are exempt from public records disclosure. Commissioner Harding provided additional clarification regarding the funds received and their permitted use. Ms. Swanson then asked further questions about the City's agreement with Immigration and Customs Enforcement (ICE) and the license plate reader program. Commissioner Harding explained that data may be shared with the Sheriff's Office, a limited number of state troopers, and certain federal agencies only upon request and under defined criteria. Commissioner Harding clarified that the City retains ownership of the data, access is limited and selective, and information is released only upon proper request or court order. Additional discussion followed regarding contract terms and data usage. Laurie Swanson asked for a response to a Commission request she had submitted in prior months.

Mayor Foster asked for a motion to recess the meeting to the following day.

MOTION: Motion made by Commissioner DiFransico to recess the meeting to the next day at 10:00 AM. Vice-Mayor Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

13. Recess: The meeting recessed at 5:34 PM.

The meeting readjourned at 10:00 AM, Friday, March 20th, 2026.

7. Discussion/Action Items

j. Discussion/Review of the recommended options provided by CPH regarding the existing concrete slab and pin piles, and the CPH proposal for slab engineering

Mayor Foster introduced the agenda item and noted that the CPH proposal had been approved under his discretionary spending authority. Vice-Mayor Colonell reported that he had authorized CPH to proceed with engineering plans for the concrete slab and offered additional thoughts on the timeline and cost estimates for slab removal and replacement. Kyle Bechtelheimer advised that the design could be completed in about one week, allowing Pedro Falcon Contractors to provide pricing. Vice-Mayor Colonell stated that staff would attempt to coordinate the slab work with other project work.

Discussion followed on the condition of the existing pin piles. Vice-Mayor Colonell noted that geotechnical testing could cost approximately \$40,000–\$50,000. Kyle Bechtelheimer explained that new piles would be tested and inspected, while the depth and condition of the existing piles are unknown. Commissioner Harding suggested conducting a limited audit of the existing piles. Kyle Bechtelheimer agreed to seek a proposal from CPH to audit a sample of approximately seven piles and to provide a cost estimate. The Commission continued the discussion on contractors' responsibilities for prior work and the best ways to move forward to preserve evidence for a possible claim.

City Attorney Black explained that approval of the design proposal enables the development of the corrective design. He stated that Pedro Falcon Contractors will provide formal pricing, after which a project change order will be reviewed and brought before the Commission for approval. Attorney Black advised that a formal notice will be issued to the prior contractor and noted that the inspection timeframe is limited. He stated that staff will make every effort to preserve the City's claims and to provide opportunities for inspection and documentation as work proceeds.

Vice-Mayor Colonell noted that no formal scope or pricing has been received and that the Commission will wait for completed drawings and a firm price from Pedro Falcon Contractors. Kyle Bechtelheimer explained that the existing slab will need to be demolished, with demolition drawings to be prepared, followed by construction drawings for the new slab. He estimated the design timeline at approximately one week.

Vice-Mayor Colonell gave additional comments on prior work and concerns about potential deviations from approved plans. City Attorney Black confirmed that evidence will be preserved during demolition and noted that statutory requirements allow for inspection during the process. The Commission continued its discussion of the matter, and Vice-Mayor Colonell provided a general estimate of timelines from completion of drawings through construction.

k. Discussion/Approval of Pedro Falcon Contractoris, Inc.'s Request for Change Order 007 – Revise Specifications for Windows and Storefronts (\$13,043.65 and request for a 39-day contract extension or 34-day contract extension request

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Colonell to approve \$13,043.65 for the revision of the storefront windows. Mayor Foster seconded the motion.

DISCUSSION: Vice-Mayor Colonell asked CPH Architect Brandan DeCaro to elaborate on the needed revision. Brandan DeCaro explained the background of the proposed change order and provided details on the material specifications for the type of glass used. Brandan DeCaro questioned the need for Commission review and suggested negotiating with the contractor and discussing the change order with Vice-Mayor Colonell. Vice-Mayor Colonell emphasized the need to move forward without causing delay. The Commission discussed the need for an updated schedule with the critical path and the contractor's request for a time extension due to delays. Vice-Mayor Colonell stated a preference to postpone the discussion on delays, approve the windows and storefronts, and wait for a recovery plan and updated schedule.

AMENDED MOTION: Vice-Mayor Colonell amended his motion to approve the \$11,230.00 for the window revisions. Mayor Foster seconded the amendment.

FURTHER DISCUSSIONS: The Commission further discussed the need for revisions and delays.

ON THE AMENDED MOTION: Rollcall vote. Unanimous approval.

I. Discussion/Approval of Pedro Falcon Contractors, Inc’s Request for Change Order 009 – 34-day contract extension request (\$0.00, no monetary change to contract amount).

Mayor Foster asked for a motion to postpone.

MOTION: Motion made by Vice-Mayor Colonell to postpone the time delay associated with Change Orders 7 and 9 until the next Commission meeting, to allow time for review. Mayor Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

OTHER BUSINESS: The Commission discussed construction staging, access, and safety considerations related to the approved staging plan, including the partial closure of the front entrance, use of the existing ramp, consideration of a temporary ramp, and ongoing construction. The contractor was commended for accommodating post office deliveries, with drivers using alternate access via 7th Street. Concerns were noted about potential future access issues if additional parking lot areas are required for staging, particularly for post office operations. Brandan DeCaro advised that the contractor has issued notice of a potential delay claim related to staging access and proposed granting the requested staging area to stop the argument. Further discussion followed. Kyle Bechtelheimer reported that a construction meeting is scheduled for the following week to discuss phased staging needs, timelines, and potential change orders, with Commissioners offering additional comments. City Attorney Black advised that any staging or schedule changes should be formally documented, with further discussion on staging, postal deliveries, and upcoming project deadlines. Mayor Foster asked for the Beautification Committee to be informed of upcoming changes. The Commission further discussed the ability to continue using Marble Hall and upcoming construction.

13. ADJOURNMENT: The meeting adjourned at 11:03 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

ADOPTED: May 21, 2026

Silvia Roussin

City Clerk