

Sebastian Inlet District

Regular Commission Meeting
Wednesday, 4 PM, April 9, 2025
Sebastian Inlet District Office
114 Sixth Avenue
Indialantic, FL 32903

Minutes

Present at the meeting were: Chairman David Barney, Commissioner Lisa Frazier (Vice Chair), Commissioner Michael Rowland (Secretary/Treasurer), Commissioner John Campbell and Commissioner TJ Marshall. Also, in attendance were: Executive Director James Gray, SID Public Outreach Associate Ed Garland, SID Legal Counsel Shawn Demers, Ken Torres (SISP), Douglas "Alex" Kinder (SISP) Christine Noll-Rhan (CRI), Steve Trbovich (AtkinsRéalís), Marie Yarbrough (AtkinsRéalís), Katie Crocker (AtkinsRéalís), Jennifer Miller (SISP), Joshua Beck (FWC), Zach Hodges (ATL), William Hodges (ATL), and Clinton Hodges (ATL).

Under Agenda Item I

Call to Order – Chairman Barney called the meeting to order at 4 p.m.

Under Agenda Item II

The Commission discussed the minutes of the regular Commission meeting of March 12, 2025 and approved them without changes or corrections.

Under Agenda Item III

Additions and Deletions

There were no additions or deletions to the agenda.

Under Agenda Item IV

Presentations

- A. Presentation of independent Auditor's Report for Sebastian Inlet District FY 2024 Financial Statements – Christine Noll-Rhan, Carr, Riggs & Ingram, LLC
Ms. Noll-Rhan reported on the District's Financial Statements for the 2024 fiscal year, which was a clean audit as in previous years. District revenues increased approximately \$890,000 over the previous fiscal year. Property taxes revenues also increased by \$1.5 million, but intergovernmental revenues decreased by \$840,000. Interest increased \$220,000 over the previous year. The fund balance increased by \$3 million over the previous year. The entire FY 2024 report is available on the District's website. The Commission had no questions for Ms. Knoll-Rhan.
- B. 2024 Seagrass Monitoring Update – Steven Trbovich, AtkinsRéalís
Mr. Trbovich gave a slideshow presentation focusing on key points in the 2024 seagrass monitoring report. He shared the history of the District's seagrass monitoring program, which dates back to 2007 and described the 2011 harmful algal bloom, subsequent seagrass die-off, and the return to stable growth in the years that have followed. He shared results from the 2024 monitoring program, which includes aerial mapping, GIS mapping and ground-truthing of the 145 acres of mapped flood shoals. Some seagrass was lost in the shallow areas and deeper edges of the seagrass beds. The 2023 seagrass monitoring season was an anomaly because monitoring was conducted late in the season, so Mr. Trbovich compared the 2024 season to the 2022 season. There was a slight decrease in seagrasses of 1.64 acres across the six marked flood tide shoals

between 2022 and 2024. The four predominant species are shoal, manatee, Johnson's and paddle grass. The contractor also mapped seagrasses along the inlet channel prior to the commencement of the current inlet dredging project and will monitor the transects post-dredging. Mr. Trbovich responded to several questions from Commissioners about seagrass species and growth rates. The 2024 Sebastian Inlet Seagrass Monitoring Report will be made available on the District's website.

Under Agenda Item V

Information and Discussion Agenda

A. Executive Director's Reports

1. Update on the 2024/2025 North Jetty Revetment Improvements Project – Phase 1
Mr. Gray gave a slideshow presentation highlighting the progress of the first phase of the North Jetty Revetment Improvement Project. Most of the sidewalk has been poured and marine mattresses have been deployed. Armor stone will continue to be delivered and will be installed throughout April and May. The webcam will be located to a safer location on the north side of the jetty. Substantial completion of site restoration will likely be completed in May, with the project possibly completed in June. Responding to Commissioner Marshall, Mr. Gray said the handrail should be reinstalled by early May.
2. FDEP Grant 22IR2 Reimbursement Billing No. 5
Mr. Gray said the District submitted a \$38,591.97 bill to FDEP in January 2025 for the partial reimbursement of the permit-required post-construction monitoring of the 2020-2021 DMMA Truck Haul and Beach Placement Project. The District received payment on March 20, 2025. This funding will be included in budget discussions in June 2025.
3. Update on District Staffing – Senior Contracts/Accounting Manager Position
Mr. Gray said the District readvertised the Senior Contracts/Accounting Manager position after a chosen candidate accepted and then declined the District's job offer. The latest candidate pool is strong and has been scaled down to seven potential new hires. The new employee, once selected, will join the District in May 2025. Commissioner Campbell asked whether the original candidate who received a job offer gave a reason for changing her mind. Mr. Gray said the candidate had a timing issue regarding another job offer. Commissioner Frazier asked whether Mr. Kershaw, District's former Senior Contracts Manager, was assisting the District in the interim. Mr. Kershaw is not assisting the District due to concerns about possibly jeopardizing his retirement benefits, but an accounting contractor continues to assist the District in the interim.

Under Agenda Item VI

Consent Agenda

A. Authorized Work for Commission Review

No items.

B. Recommended for Approval

1. Work Order No. 2425-014-ATKR, AtkinsRéalis, 2025 Flood Tidal Shoal Seagrass Monitoring and Hardbottom Biological Monitoring
Mr. Gray said the proposed work order provides the continuation of annual seagrass monitoring, as well as required post-construction monitoring of seagrasses along the inlet navigation channel and required post-construction hardbottom monitoring offshore of the 2024/2025 Sand trap Dredging and Beach Placement Project. The work order amount is \$176,083.76 and will be invoiced on a not-to-exceed annual basis. The fees are similar or less than the previous services provided by previous consultants. The expenditure is eligible for up to a 50 percent grant reimbursement under 24IR1 grant amendment. Commissioner Frazier

asked whether seagrass monitoring is required and whether the District could monitor seagrasses on alternate years to save costs. Mr. Gray explained that hardbottom monitoring, as well as pre- and post-dredging monitoring is required by permit and eligible for FDEP grant reimbursements. Shoal monitoring is not required. Commissioner Frazier asked the Commission to reconsider annual monitoring when budget planning in future years, especially if FDEP ever reduces or eliminates grant funding for permit-required monitoring. Mr. Gray said the shoal seagrass data, particularly for Shoal A, is used in several technical applications.

Recommended Action:

The recommendation of staff is for the Commission to approve Work Order No. 2425-014 -- ATKR to the contract with AtkinsRéalis and authorize the Executive Director to sign on behalf of the District.

2. Change Order No. 2 (Contract Time Extension) – Work Order No. 2425-006-ATL, ATL Diversified, In. 2024/2025 Sand Trap Dredging and Beach Placement Project
Mr. Gray said the first phase of the dredging and beach placement project is complete, with the contractor placing approximately 92,000 cubic yards of sand on the Sector 2 beaches. He said the purpose of the discussion was to discuss delays in the second phase of the project, which calls for dredging approximately 175,000 cubic yards from the inlet sand trap and channel to Sector 1. The contractor, ATL Diversified, is contracted to complete dredging by April 30, but had only pumped about 11,500 cubic yards by April 9. Mr. Gray gave a slideshow presentation showing components of the dredging project, explaining that project challenges and delays — such as equipment failures and boat strikes and temporary project shutdown required by the U.S. Coast Guard — that have put ATL behind schedule. Mr. Gray said the challenges prompted ATL to request a project extension. Mr. Gray proposed four options for the Commission to consider. Option 1 would enforce the agreement between the District and ATL, requiring ATL to be substantially complete with the project by April 30, 2025. If the work is not substantially completed by April 30, 2025, the agreement has a Liquidated Damage fixed fee of \$5,000 per day for each working day following this date. Concern about this option are the potential for litigation, additional costs to the District to complete the project at a later date, and the project will not be completed as bid.

The second option would provide ATL with a change order that would allow the contractor to remobilize equipment at their own expense, completing the project between November 1, 2025 and April 30, 2026. This option could also lead to potential litigation, additional costs to the District, additional coordination with project partners and the project not being completed as bid. Commissioner Campbell asked whether this option would prevent the District from meeting its required annual average for sand placement. Mr. Gray said the District met its annual average volume requirement with the placement of the 92,000 cubic yards placed by trucks in phase one of the project. Commissioner Frazier asked whether postponing dredging could impact the District permit requirements. Mr. Gray said the District's dredging permit is valid until 2028.

Option 3, which Mr. Gray said is a preferred option, extends the agreement until May 30, 2025. Although all beach placement related construction will still need to be completed by April 30, 2025, extending the contract to May 30, 2025 would provide ATL the opportunity to continue dredging the sand trap and channel and place a portion of these materials into the District DMMA. There is a concern about putting beach quality sand in the DMMA, which can hold between 30,000 and 40,000 cubic yards of sand. This option has less impact and is more acceptable to Sebastian Inlet State Park officials. Chairman Barney said he was concerned about placing beach-compatible sand and non-beach compatible sand in the

DMMA. He stressed that the sand trap must be dredged. Commissioner Campbell echoed his sentiments. Mr. Gray said the contractor is aware of the necessity to dredge the channel and the sand trap. He said that it is difficult to speculate on expected dredging volumes until ATL has dredged enough days to refine its estimate. The DMMA design capacity is 28,000 cubic yards, but it has held as much as 50,000 cubic yards. The DMMA is currently empty and ready for deposition. He said the District would have to coordinate with FDEP and FDOT to transport sand out of the DMMA in the future. Mr. Gray responded to Commissioners' questions about the pros and cons of placing beach compatible sand in the DMMA and recommended placing the stored sand on the beaches as soon as next year. Chairman Barney asked Mr. Demers what becomes of the contract under this option and why does the District have to pay for future transportation of the sand if placed in the DMMA. Mr. Demers said the District will have to discuss the details with the contractor because it is a breach of contract. He said that that this is the best option, given the circumstances, without impacting all parties involved. Chairman Barney said the District should place as much sand on the beach as possible. Commissioner Campbell agreed, saying that the navigation channel also needs to be cleared. Commissioners discussed additional potential costs associated with this option. Mr. Gray said those estimates will become more defined as ATL continues placing sand on the beach.

Mr. Gray said Option 4 would formally notice ATL Diversified, Inc. that the District is aware of the boat strike incidents and subsequent U.S. Coast Guard dredging operation suspension, noting the indemnification clause of the agreement, and requesting ATL provide the District proof of the submission of any claims to their insurance. Additionally, the District would formally notice ATL Diversified, Inc. that pursuant to their contract they are to be completed by April 30, 2025, and while the commissioners will consider a change order to extend the contract to May 30, 2025, even if approved, the District is not waiving any rights for any claims for the potential breach. Responding to Commissioner Frazier's questions about the project schedule under the Option 3 and 4 scenario, Mr. Gray said the contractor would complete dredging and demobilizing by May 23 to avoid impacts to the State Park during the Memorial Day weekend. Mr. Clint Hodges of ATL spoke during the Public Comment section of the meeting (Agenda Item VII).

Recommended Action:

The recommendation of staff is for the Commission to approve Option 3 (extend the contract with ATL Diversified, Inc. until May 30 2025), approve Option 4 (formally notify ATL of non-performance and authorize Mr. Gray to sign Change Order 2 on behalf of the District.

Under Agenda Item VII

Public Comment on Consent Agenda Items

Mr. Clint Hodges, speaking to Agenda Item VI B2, cited events that caused delays in the 2024/2025 Sand Trap Dredging and Beach Placement Project, including the shipment of the wrong sized dredge pipe, a delayed crane, a booter pump fire, multiple boat strikes and a resulting project shutdown by the U.S. Coast Guard. He said the company is capable but was plagued by unforeseen events beyond the company's control. He said the company needs the time granted by an extension. He expects the company to place 100,000 cubic yards on the beach by April 30. Commissioner Marshall said it comes down to negotiations, especially considering that there will be additional costs to the District. Mr. Hodges said ATL wants to work with the District toward a suitable solution for both sides. Chairman Barney asked how the project delays will affect the District's permits and related grants. Mr. Gray said he discussed the project challenges with FDEP and that FDEP is aware of the situation. The District would conduct permit-required monitoring of the completed portions and would receive grant funding based on the District's project expenditures, he said. Commissioner Frazier, agreeing with Commissioner Marshall, said the District's goal is not to be punitive but that the District faces additional costs. The variables of the contract are that the District will have to truck a certain

volume of sand to the beach and that about 35 percent of the sand trap will not be dredged. These items will need to be noted when moving forward, she said. Commissioner Campbell asked for more accurate numbers by the May 2025 Commission meeting. Mr. Gray said although not a guarantee, the District has also requested regulatory agencies to consider a permit modification to allow placement of sand on the beach until the first week of May. Mr. Torres said the contractor should move as much sand as possible because the park is already impacted by the project.

Under Item VIII

Board Vote on Consent Agenda

Commissioner Frazier made a motion to approve Consent Agenda Item B2 (Change Order No. 2) and options 3 and 4 under Consent Agenda Item B 2. Commissioner Marshall seconded the motion. **The motion carried 5-0.**

Under Agenda Item IX

Public Outreach Activities

Mr. Garland gave an overview of the past month's public outreach activities, including a cleanup event on March 28, a March 26 speaking engagement to the Vero Beach Sunrise Rotary, and his assistance in recruiting candidates for the vacant Senior Contracts/Accounting Manager position.

Under Agenda Item X

Park Matters — Ken Torres

Weekend park attendance is high on weekends as summer approaches. Mr. Kinder added that SISP is working to fill three SISP job vacancies.

Under Item XI

Commissioner Items

Secretary/Treasurer Rowland — Nothing.

Vice Chair Frazier— Nothing.

Chairman Barney — Would like to discuss “lessons learned” at the completion of the sand trap dredging and beach placement project.

Commissioner Campbell — Nothing.

Commissioner Marshall — Nothing.

Under Item XII

Unfinished Business

No Unfinished business.

Under Item XIII

New Business

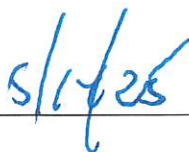
No New Business.

Under Item XIV

Adjournment — Chairman Barney adjourned the meeting at 6:34 p.m.


Secretary/Treasurer

Date


5/14/25