

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD October 11, 2021
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Merritt Matheson

Commissioner Becky Bruner

Commissioner Troy McDonald

Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

SERGEANT AT ARMS: Police Chief Joseph Tumminelli



4:02 PM ROLL CALL

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - SCOT BUCCINA, STONE SCULPTOR

Local stone sculptor, Scot Buccina presented on his background, website, and his art.

PROCLAMATIONS

2. FLORIDA CITY GOVERNMENT WEEK OCTOBER 18 - 24, 2021

Commissioner Meier accepted the Proclamation on behalf of the Treasure Coast Regional League of Cities and expressed his appreciation for the support from the Board and stated that the local league has done much to help the League with the advocacy of Home Rule.

3. GOLD STAR MOTHER'S AND FAMILY'S DAY - SEPTEMBER 26, 2021

JoAnn Maitland, National President of American Gold Star Mothers, Inc., chartered by Congress, announced that they work with Veteran's and families to get through grief; thanked all.

 **4:24 PM**

4. BREAST CANCER AWARENESS MONTH - OCTOBER 2021

Ellen Frogner, Event Lead, American Cancer Society of the Treasure Coast accepted the Proclamation, provided statistics, announced an upcoming walk in Tradition, and thanked the City.

5. DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2021

Dr. Teresa Albizu, Safespace CEO accepted and expressed appreciation for the Proclamation, provided statistics and announced the new outreach services provided in the community. She encouraged participation in the 10th Anniversary of Walk a Mile in Her Shoes Event on Nov. 13th.

6. MANUFACTURING MONTH - OCTOBER 2021

Joan K. Goodrich, Executive Director of the Business Development Board of Martin County accepted and introduced fellow board members and local manufacturers, announcing some of the manufacturing that happens within our community.

7. CYBER SECURITY AWARENESS MONTH - OCTOBER 2021

Darren Duke, Technology Services Director, accepted the Proclamation, provided statistics, and thanked the Commission.

PRESENTATIONS

8. SERVICE AWARDS - OCTOBER 2021

- Nicole Johnson, Community Services Department – 5 Years
- Devon Taylor, Police Department – 5 Years
- Michelle Vicat, City Manager Department – 15 Years
- Jonathan Huneycutt, Fire Rescue Department – 15 Years
- Corky Kossen, Utilities and Engineering Department – 20 Years
- Mary Kindel, City Clerk Department – 20 Years

9. EMPLOYEE SPOTLIGHT - OCTOBER 2021

Mike DeFrank, Technology Services was recognized in the Employee Spotlight, read by Darren Duke, Technology Services Director.

10. PRESENTATION OF CERTIFICATE OF APPRECIATION TO ARTIST, MIKE HART

Thanked Michelle Vicat and David Dyess for allowing his art to be displayed in City Hall.

 **5:06 PM**

11. ICMA RECOGNITION OF STUART'S 95TH YEAR AS COMMISSION/MANAGER FORM OF GOVERNMENT

Christine Thrower-Skinner, Manager of the Village of Golf in Palm Beach County and the District 4 Director for the Florida City & County Management Association, Michelle Burger, Town of Sewall's Point City Manager, and Paul Nicoletti came forward to present City Manager David Dyess with an award commending the City of Stuart on its Council Manager form of government.

City Manager Dyess thanked Christine for presenting the award and spoke on being recognized as a Manager Council form of Government. He also recognized Mr. Paul Nicoletti, previous City Manager.

12. STORMWATER MASTER PLAN 2021 UPDATE

Utilities & Engineering Director, Tim Voelker introduced Milton Leggett, Public Works Director, Joe Capra, President of Captec and Teri Andre, Professional Engineer. Tim opened the presentation with the purpose of the Floodplain and Stormwater Management project.

Joe Capra presented on the components of stormwater management including conveyance, storage and discharge, the outline of the master plan, reviewed the benefits of a plan, strategic goals, sustainability, and resiliency. Provided brief historical review, project identification, prioritized recommendations and a regulatory review including resiliency and sea level rise. Capra summarized the presentation with identified areas and a photo of current areas of flooding.

Commissioners reviewed and asked questions about the Stormwater Management Program and Mr. Capra responded with further explanations his recommendations.

Commissioner Meier commented that the Policy should be obtained and reviewed, get this on the calendar and move forward.

Dyess requested that Mr. Tim Voelker email a draft copy of the Master Plan to the Commissioners. Voelker confirmed.

 **5:55 PM**

COMMENTS BY CITY COMMISSIONERS

Commissioner Brunner

- Commented that she was invited to the Kiwanis Club reception at the Elliot Museum, noted the Christmas ornaments for sale there and at the Historic Museum; appreciates being a member of the Kiwanis Club.

Commissioner McDonald

- Request to pull Item #17 from Consent Calendar.
- Met with one of the gentlemen from public comment of last meeting pertaining to speeding on Lonita Street, commented that it needs paving.
- Thanked Milton Leggett for trimming trees after he received a complaint from his neighbor.
- Would like to look at the code for pre-construction meetings, requirements for protections of preserved areas, have staff look at that and bring something back due to Meritage Homes.

Steve Nicolosi, Building Official, came forward and commented that staff and applicants do have 2 meetings. Pre-construction meeting in City Hall and Marc Rogolino's team does a meeting on site.

Commissioner Meier

- Commented on the month of October being a month for many recognitions. Stated that today is National Coming Out Day, commented that there is love and support for those out there, and be strong.

Vice Mayor Matheson

- Announced that we are celebrating Commissioner Meier's comments and all the special days.
- Thanked Milton Leggett and Pinal Gandhi-Savdas for their work with the East Stuart Community Workshop.
- Reported that he and some staff took South Florida Water Management District member Charlotte Roman out on the St. Lucie River and Shepard Park. Thanked Officer Joe Hogan, Mike Conner, and Ben Hogarth for their assistance.
- Announced that he has an outstanding invite with the Army Corp of Engineers.
- Provided a brief Lake Okeechobee report and commented on the City's use of fertilizers, asking Public Works to fully move away from using herbicides, stated he directed staff to consult with scientists and bring back information.

Mayor Clarke

- Noted that she agrees with pulling Item #17 as she noted Mr. Woodside, Water Treatment Plant is in the audience.
- Reported on the MLK Jr. Blvd. revitalization Workshop, thanked Milton Leggett and Pinal Gandhi-Savdas for their efforts.
- Announced that she is a recent member of the Audubon, encouraged visitation and suggestions from the public pertaining to the center.
- Commented on community policing and making sure we are taking the right approach.
- Book Club, reading a book and one project is to make sure children in the community are reading, requests public participation.



6:17 PM

COMMENTS BY CITY MANAGER

City Manager Dyess

- Wished Attorney Mortell a Happy Birthday.
- Commented that Item #17 has a presentation attached and recognized that it should have been on Commission Action instead of the Consent Calendar.
- Clarified that Vice Mayor Matheson stated that he directed staff, offered correction, and explained process.
- Stated that if there is any change to the procedure it will come back to the Commission as the Shoreline is a delicate subject.

APPROVAL OF AGENDA



6:18 PM MOTION: Move approval [with Item #17 pulled].

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner McDonald

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Helen McBride – Flamingo Avenue; Commented on a complaint she filed in the Building Department pertaining to Aldi's handicap spaces, ADA compliance with restrooms at public events, and complimented the City of the basketball court at East 10h Street.
- 2) Caryn Hall – Palm City Road; Commented that the public comment should be before the Commissioner Comments.



6:24 PM

CONSENT CALENDAR

13. APPROVAL OF 9/27/2021 SCM FINAL BUDGET & FINAL MILLAGE AND 9/27/2021 CCM MINUTES.

14. IRL LICENSE PLATE GRANT APPLICATION - TRESSLER DRIVE WATER QUALITY IMPROVEMENTS:

RESOLUTION 73-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES & ENGINEERING DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR THE INDIAN RIVER LAGOON LICENSE PLATE FUNDING PROGRAM TO PROVIDE FUNDING FOR THE TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

15. ACCEPT COST OF LIVING ADJUSTMENT - CHILDREN'S SERVICE COUNCIL GRANT:

RESOLUTION No. 78-2021 BUDGET AMENDMENT No. 01-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, AUTHORIZING BUDGET AMENDMENT

#1 TO THE 2022 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION AND ACCEPTING A COST OF LIVING ADJUSTMENT (COLA) CONTRIBUTION IN THE AMOUNT OF \$10,507.49 FROM THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE EXPENDITURE OF THE NEW GRANT CONTRIBUTION IN ACCORDANCE WITH THE TERMS OF THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16. CORRECTION OF DATE REGARDING AGREEMENT FOR LOBBYING SERVICES WITH JORDAN CONNORS GROUP, INC. THAT WAS APPROVED LAST YEAR:

RESOLUTION No. 105-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CORRECTING RESOLUTION 89-2020 AMENDING THE AUTHORIZATION TO EXTEND UNTIL SEPTEMBER 30, 2023 AS CONTEMPLATED AT THE ORIGINAL HEARING; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

(PULLED) 17. AWARD OF ITB #2021-114: WATER TREATMENT PLANT RO TREATMENT FACILITY:

RESOLUTION No. 107-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-114, WATER TREATMENT PLANT RO TREATMENT FACILITY TO THE LOW EST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF \$16,695,000.00 TO PC CONSTRUCTION DBA PCEO, INC OF SOUTH BURLINGTON, VT PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

18. BUDGET AMENDMENT #02 FOR THE PURCHASE OF A FIFTH WHEEL RV:

RESOLUTION No. 110-2021 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 02 TO THE 2022 GENERAL FUND FUND BALANCE; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF A FIFTH WHEEL RV FOR THE TEMPORARY USE OF FIRE STATION 3, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

19. AWARD OF ITB #2021-117 PURCHASE OF A FIFTH WHEEL RV:


RESOLUTION No. 108-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-117, PURCHASE OF A FIFTH WHEEL RV TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF \$61,000 TO GANDER RV & OUTDOORS. OF FORT PIERCE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

20. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY AND PBA:

RESOLUTION No. 109-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY POLICE

BENEVOLENT ASSOCIATION, INC. (PBA), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **6:24 PM MOTION: Move for approval.**
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

 **6:25 PM**

17. AWARD OF ITB #2021-114: WATER TREATMENT PLANT RO TREATMENT FACILITY:

RESOLUTION No. 107-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-114, WATER TREATMENT PLANT RO TREATMENT FACILITY TO THE LOW EST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF \$16,695,000.00 TO PC CONSTRUCTION DBA PCEO, INC OF SOUTH BURLINGTON, VT PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Tim Voelker, Utilities & Engineering Director, presented on the components and phases of the Water Supply Project; reviewed site location, construction timeline/phases and costs. Reviewed rate study information, funding received through grants, state appropriations, State Revolving Fund programs, and potential future funding.

Commissioner Meier questioned the rate study, potential grant funding, and how Mr. Voelker thought we can be within our rate increased limits.

Mr. Voelker explained what came out of the preliminary financial analysis.

 **6:37 PM MOTION: Move approval.**
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion approved unanimously.

 **6:38 PM Meeting Recess**

 **6:50 PM Meeting Resumed**

COMMISSION ACTION

21. R.O.W. ABANDONMENT OF A PORTION OF 11-FOOT-WIDE ALLEY AS SHOWN ON THE PLAT OF DYER ESTATES LOCATED BETWEEN SW ST. LUCIE CRESCENT AND SW PALM CITY RD:

RESOLUTION No. 106-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON OCTOBER 25, 2021, AT 5:30 P.M. AND NOVEMBER 8, 2021, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF A PLATTED 11-FOOT-WIDE ALLEY AS SHOWN ON THE PLAT OF DYER ESTATES, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner presented on the site location, announced the upcoming First Reading on October 25, 2021.

City Attorney Mortell reviewed the process of a Right-of-Way Abandonment.

Mr. Reetz commented that the correction will be noted in the Ordinance at First Reading.



6:52 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

22. PLAT OF "TIDEWATER COURT":

RESOLUTION No. 55-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "TIDEWATER COURT PLAT", BEING A REPLAT OF A PORTION OF BAY ST. LUCIE , WITH SAID LANDS LYING IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 10 (TEN) INDIVIDUAL LOTS APPROXIMATELY .10 ACRES EACH IN SIZE, PREPARED BY ROBERT F. KEMERSON OF VELCON ENGINEERING AND SURVEYING, LLC, A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6285, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner presented on the Tidewater Plat location, size, and reviewed the LDC requirements, identified 10 lots for single-family development, the easements that have been approved by Public Works and Fire.

Marcela Cambelor presented a couple of images demonstrating the project.

Vice Mayor Matheson stated that his biggest concern was some sort of organization method for trash bins and would like to see some sort of method in regard to the easement section in the event there is a fire truck, and a car is parked in the area.

Ms. Cambelor mentioned that there is a Condition of Approval, which is no parking signs at the end of the easement. City Manager, staff, and Commission would like for law enforcement to have the authority to enforce the "No Parking".

Kev Freeman, Director of Development suggested that the applicant provide an amended plan to the layout for trash bins and that be attached to the Minor Site Plan.

Ms. Cambelor noted that she agrees to doing this but is still needing to turn in a full set of construction documents that need to be approved.



7:08 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

23. OSPREY PRESERVE RPUD - RESTORATION PLAN

Tom Reetz, Senior Planner presented briefly on the location, history of approval, clearing limits, provided preserve restoration calculations, performance security bonds, and staff's recommendation.

Steve Garrett, Lucido and Associates introduce Mark McFarlin, Director of Development for Meritage Homes. McFarlin commented on the landscaping oversight (removal of buffer zone trees), stating what happened is not typical and will not happen again.

Mr. Garrett introduced Kevin Valinski and then continued with his presentation on the Osprey Restoration Plan, identifying the buffer, the plant list, and the landscape plans.

Commissioner Meier expressed his disappointment with the tree oversight and broke down the calculations based on Municode, noting the numbers are off and feels the calculations are to be reviewed before moving forward.

Commissioners, staff, and Mr. McFarlin continued to discuss when and what could be done to replace the preserved trees that were taken out.

Commissioner McDonald stated to leave the stop order in place and direct staff and Mr. McFarlin to work out a plan that's acceptable, and from there see what can be done with it. Mr. McFarlin agreed to come back in 2 weeks (October 25, 2021) with another plan.

Mayor Clarke noticed a misspelling on the Ryder, B3.



7:56 PM

Public Comment:

- 1) Helen McBride – Flamingo Ave.; Commented on the oversight, asked about the use of water trucks and feels mature plants should be planted now.

DISCUSSION AND DELIBERATION

24. CITY ATTORNEY IS REQUESTING TO SCHEDULE AN ATTORNEY-CLIENT MEETING WITH THE CITY COMMISSIONERS AND CITY MANAGER IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES.

Attorney Mortell stated that a Shade Meeting will take place on October 25, 2021 at 4:30PM to discuss status of 4 cases. Attorney Mortell gave a description of what a Shade Meeting is.



8:01 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting this 25th day of October, 2021.