



City of Stuart

## **AGENDA**

### **REGULAR MEETING OF THE STUART CITY COMMISSION**

**AUGUST 8, 2022**

**AT 4:00 PM**

**COMMISSION CHAMBERS**

**121 SW FLAGLER AVE.**

**STUART, FLORIDA 34994**

#### **CITY COMMISSION**

**Mayor Merritt Matheson  
Vice Mayor Troy McDonald  
Commissioner Becky Bruner  
Commissioner Eula R. Clarke  
Commissioner Mike Meier**

#### **ADMINISTRATIVE**

**City Manager, David Dyess  
City Attorney, Michael J. Mortell  
City Clerk, Mary R. Kindel**

Agenda items are available on our website at <http://www.cityofstuart.us>  
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: [mkindel@ci.stuart.fl.us](mailto:mkindel@ci.stuart.fl.us)

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he 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.

**(RC)** next to an item denotes there is a City Code requirement for a Roll Call vote.

**(QJ)** next to an item denotes that it is a quasi-judicial matter or public hearing.

**WHAT IS CIVILITY?** Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

**PUBLIC COMMENT:** If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

**CONSENT CALENDAR:** Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

**QUASI-JUDICIAL HEARINGS:** Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

1. ARTS MOMENT - TRI-COUNTY LINE DANCING

## **PROCLAMATIONS**

## **PRESENTATIONS**

2. SERVICE AWARDS - AUGUST 2022
3. LOW IMPACT DEVELOPMENT PRESENTATION BY DR. LEESA SOUTO, EXECUTIVE DIRECTOR OF THE MARINE RESOURCES COUNCIL
4. 2022 FLORIDA LEGISLATIVE SESSION RECAP

## **COMMENTS BY CITY COMMISSIONERS**

## **COMMENTS BY CITY MANAGER**

## **APPROVAL OF AGENDA**

## **COMMENTS FROM THE PUBLIC (3 Minutes Max.)**

## **CONSENT CALENDAR**

5. APPROVAL OF 07/25/2022 CCM MINUTES (RC)
6. BUDGET AMENDMENT No. 16, PURCHASE A FRONT LOADER (RC):  
RESOLUTION No. 68-2022; A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 16 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR A FRONT LOADER; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. AWARD OF ITB #2022-111: SAILFISH BALL FIELD FORCE MAIN REPLACEMENT PROJECT (RC):

RESOLUTION No. 69-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-111, CITY OF STUART SAILFISH BALL FIELD FORCE MAIN REPLACEMENT PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$1,205,916.00 TO DBE MNAGEMENT, INC. OF LOXAHATCHEE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. EASEMENT FOR RIPARIAN RIGHTS - SUBMERGED LAND LEASE (RC):

RESOLUTION No. 70-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF EASEMENT BETWEEN THE CITY OF STUART AND MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT, LLC FAT 59 W. FLAGLER AVENUE IN ACCORDANCE WITH THE LEASE AUTHORIZED IN RESOLUTION 28-2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

#### **END OF CONSENT CALENDAR**

#### **COMMISSION ACTION**

9. CENTRAL PARK II PUD MINOR AMENDMENT (QUASI-JUDICIAL) (RC):

RESOLUTION No. 58-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING APPROVAL OF A MINOR PUD AMENDMENT TO THE CENTRAL PARK II COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO ALLOW AN AMENDMENT TO THE ORIGINALLY APPROVED TIMETABLE OF DEVELOPMENT. THE SUBJECT PROPERTY IS LOT THREE (3) (LESS S 50') OF THE CENTRAL PARK II CPUD AND IS APPROXIMATELY 1.6-ACRES OF LAND. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 150 NORTHWEST OF THE INTERSECTION SE CENTRAL PARKWAY AND SE RAYS WAY AT 640 SE CENTRAL PARKWAY; PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; AND FOR OTHER PURPOSES.

#### **ORDINANCE SECOND READING**

10. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES **(REQUEST TO CONTINUE TO DATE CERTAIN OF AUGUST 22, 2022 CCM)**:

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT

OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

### **ORDINANCE FIRST READING**

#### **11. WATERBLASTING - MAJOR AMENDMENT TO IPUD (QUASI-JUDICIAL) (RC):**

ORDINANCE No. 2497-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST SIDE OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,327 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **DISCUSSION AND DELIBERATION**

### **ADJOURNMENT**