



City of Stuart

## **AGENDA**

**REGULAR MEETING OF THE STUART CITY COMMISSION  
SEPTEMBER 25, 2023  
AT 5:30 PM  
COMMISSION CHAMBERS  
121 SW FLAGLER AVE.  
STUART, FLORIDA 34994**

### **CITY COMMISSION**

**Mayor Troy McDonald  
Vice Mayor Becky Bruner  
Commissioner Eula R. Clarke  
Commissioner Christopher Collins  
Commissioner Campbell Rich**

### **ADMINISTRATIVE**

**City Manager, Michael J. Mortell  
Interim City Attorney, Paul J. Nicoletti  
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.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY CITY COMMISSIONERS**

**COMMENTS BY CITY MANAGER**

**APPROVAL OF AGENDA**

**COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)**

**CONSENT CALENDAR**

1. APPROVAL OF 09/07/2023 SCM - CITY ATTORNEY INTERVIEWS, 09/11/2023 SCM - TENTATIVE BUDGET & TENTATIVE MILLAGE, AND 09/11/2023 CCM MINUTES (RC)
2. UPDATE EMPLOYEE HANDBOOK, CHAPTER 11 (EMPLOYEE RECOGNITION) AND CHAPTER 13 (LEAVE TIME AND LEAVES OF ABSENCE) (RC):

RESOLUTION No. 69-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA UPDATING CHAPTER 11 (EMPLOYEE RECOGNITION) AND CHAPTER 13 (LEAVE TIME AND LEAVES OF ABSENCE) OF THE CITY EMPLOYEE POLICY HANDBOOK, EFFECTIVE SEPTEMBER 1, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. MEMORANDUM OF UNDERSTANDING WITH UF-IFAS (RC):

RESOLUTION No. 79-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MEMORANDUM OF UNDERSTANDING WITH THE UF/IFAS EXTENSION 'FLORIDA FRIENDLY LANDSCAPING' (FFL) PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. STUART CHRISTMAS PARADE ROAD CLOSURE (RC):

RESOLUTION No. 85-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE ANNUAL VISITING NURSE ASSOCIATION'S STUART CHRISTMAS PARADE ON FRIDAY, DECEMBER 1, 2023, BEGINNING AT S. E. MONTEREY ROAD TRAVELING WEST ON S.E. OCEAN BLVD. TO CONFUSION CORNER INTERSECTION; AUTHORIZING THE CITY MANAGER OF THE CITY OF STUART TO SIGN THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMIT FOR THE TEMPORARY CLOSING OF A STATE ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. AWARD OF ITB #2023-111: CONVERSION OF FRONT LOAD TRUCK TO ROLL OFF TRUCK (RC):

RESOLUTION No. 88-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-111, CONVERSION OF FRONT LOAD TRUCK TO ROLL OFF TRUCK TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$80,800.00 TO SUNBELT WASTE EQUIPMENT, INC., OF POMPANO, FLORIDA

PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (RC):

RESOLUTION No. 91-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THIRD-YEAR REOPENERS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411 (RC):

RESOLUTION No. 92-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THIRD-YEAR REOPENERS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411 (IAFF), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

#### **COMMISSION ACTION**

8. CONFIRMING THE APPOINTMENT OF LEE J. BAGGETT AS CITY ATTORNEY AND AUTHORIZING AN EMPLOYMENT CONTRACT WITH THE CITY ATTORNEY (RC):

RESOLUTION No. 93-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA CONFIRMING THE APPOINTMENT OF LEE J. BAGGETT AS CITY ATTORNEY AND AUTHORIZING AN EMPLOYMENT CONTRACT WITH THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

#### **ORDINANCE SECOND READING**

9. WOJNAR - ABANDONMENT OF S.E. OCEAN AVENUE (RC):

ORDINANCE No. 2521-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT BROADWAY SECTION OF ST. LUCIE ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 4, MARTIN COUNTY, FLORIDA PUBLIC RECORDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; REQUESTING THE PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY BE WAIVED IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. AMENDING CHAPTER 22, FIRE PREVENTION, OF CODE OF ORDINANCES, ADDING A NEW SECTION (RC):

ORDINANCE No. 2522-2023; AN ORDINANCE OF THE CITY OF STUART

AMENDING CHAPTER 22; FIRE PREVENTION; OF THE CODE OF ORDINANCES; ADDING A NEW SECTION 22-63; TO REQUIRE ELECTRONIC REPORTING OF ALL FIRE PROTECTION SYSTEM INSPECTION REPORTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

11. AMENDING CHAPTER 26, LAW ENFORCEMENT. ARTICLE II AND CHAPTER 28, OFFENSES, ARTICLE 1, OF CODE OF ORDINANCES, ADDING A NEW SECTION (RC):

ORDINANCE No. 2523-2023; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE AT SECTION 26-30 SCHEDULE OF FINES; AND BY AMENDING SECTION 28-30 RESERVED, ADDING A NEW SECTION PROHIBITING DESTRUCTION OF PUBLIC PROPERTY AND SETTING A FINE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **ORDINANCE FIRST READING**

### **DISCUSSION AND DELIBERATION**

### **ADJOURNMENT**

**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.

**INVOCATION:** Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.