



City of Stuart

## **AGENDA**

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

**FEBRUARY 12, 2024**

**AT 4:00 PM**

**COMMISSION CHAMBERS**

**121 SW FLAGLER AVE.**

**STUART, FLORIDA 34994**

### **CITY COMMISSION**

**Mayor Rebecca S. Bruner**

**Vice Mayor Campbell Rich**

**Commissioner Eula R. Clarke**

**Commissioner Christopher Collins**

**Commissioner Troy McDonald**

### **ADMINISTRATIVE**

**City Manager, Michael J. Mortell**

**City Attorney, Lee J. Baggett**

**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**

1. ARTS MOMENT - THELMA WASHINGTON, ABC'S OF BLACK HISTORY IN STUART AND THE CHILDREN OF GERTRUDE WALDEN

## **PROCLAMATIONS**

2. ENGINEERS WEEK (FEBRUARY 18-24, 2024)
3. HOUSE OF HOPE 40TH ANNIVERSARY
4. NATIONAL CHILDREN'S DENTAL HEALTH MONTH
5. BLACK HISTORY MONTH
6. CHILD TRAFFICKING AWARENESS

## **PRESENTATIONS**

7. FEBRUARY SERVICE AWARDS
8. 2024 LEGISLATIVE SESSION UPDATE
9. OPEN GOV PRESENTATION

## **COMMENTS BY CITY COMMISSIONERS**

## **COMMENTS BY CITY MANAGER**

## **APPROVAL OF AGENDA**

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

## **CONSENT CALENDAR**

10. APPROVAL OF 01/22/2024 CCM MINUTES AND 01/22/2024 SCM MINUTES (RC)
11. AUTHORIZATION TO ACCEPT \$130.5 MILLION FEDERAL MEGA GRANT TO HELP FUND REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE (RC):

RESOLUTION No. 07-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A U.S. DEPARTMENT OF TRANSPORTATION MEGA GRANT TO ASSIST FUNDING THE REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE AND AUTHORIZING FOR THE ADMINISTRATION OF THE GRANT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. AUTHORIZE HEALTHY START COALITION CHANGE IN ARPA AWARD SCOPE (RC):

RESOLUTION No. 10-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A CHANGE IN SCOPE OF WORK IN THE AWARD OF SUBRECIPIENT AGREEMENT TO MARTIN COUNTY HEALTHY START COALITION'S ARPA SUPPORT SUBAWARD. FOR SUPPORT OF RESPONSE TO MITIGATE THE IMPACTS OF THE COVID-19 PANDEMIC. AUTHORIZING THE

CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EXECUTE THIS TRANSACTION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. AUTHORITY TO CANCEL SOVEREIGNTY SUBMERGED LANDS LEASE BOT#430340696 (NORTHPOINT PROPERTY) (RC):

RESOLUTION No. 15-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND EXECUTIVE DIRECTOR OF THE COMMUNITY REDEVELOPMENT AGENCY TO EXECUTE A CANCELLATION OF SOVEREIGNTY SUBMERGED LANDS LEASE WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. AWARD OF ITB#2024-102: CITY OF STUART PAVEMENT MAINTENANCE ZONE-1 MILL/OVERLAY AND POINT REPAIRS PROJECT (RC):

RESOLUTION No. 16-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF ITB #2024-102, CITY OF STUART PAVEMENT MAINTENANCE ZONE-1 MILL/OVERLAY AND POINT REPAIRS PROJECT TO THE LOWEST, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$380,099.95 TO M&M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY TO EXECUTE A FINAL AGREEMENT SUBSEQUENT TO REVIEW AND APPROVAL BY CITY ATTORNEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

15. ADOPTION OF APPENDIX "A," FEES, RATES & CHARGES (RC):

RESOLUTION No. 17-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING TYPES, FEES, RATES AND CHARGES AS APPENDIX "A" TO THE CITY CODE OF ORDINANCES, AS PROVIDED AND PERMITTED IN VARIOUS CHAPTERS OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16. BA#05-2024 AUTHORIZE AND EXPEND FDLE SAFE PROGRAM GRANT (RC):

RESOLUTION No. 22-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #05-2024 TO THE FISCAL YEAR 2024 OPERATING BUDGET AND AUTHORIZING GRANT EXPENDITURES FOR THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT'S STATE ASSISTANCE FOR FENTANYL ERADICATION (SAFE) IN FLORIDA PROGRAM, PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

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

#### **COMMISSION ACTION**

17. STUART MAIN STREET CONTRIBUTION AND SERVICE AGREEMENT (RC):

RESOLUTION No. 19-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT BETWEEN THE CITY/CRA AND STUART MAIN STREET, INC., FOR

ITS CONTRIBUTIONS TO THE CITY AND THE PROMOTION OF ECONOMIC VITALITY, REDEVELOPMENT, AND HISTORIC PRESERVATION OF THE STUART MAIN STREET DISTRICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**18. SUPPORT OF HALF-CENT SALES TAX (RC):**

RESOLUTION No. 21-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA SUPPORTING A REFERENDUM ON THE NOVEMBER 2024 BALLOT FOR A 10-YEAR DURATION, HALF-CENT SALES TAX TO PURCHASE AND CONSERVE NATURAL LANDS IN MARTIN COUNTY BEING VOTED ON BY THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 20, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**ORDINANCE SECOND READING**

**19. APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF MARCH 25, 2024 CCM:**

101 S. COLORADO RESTAURANT - REZONE TO URBAN PLANNED UNIT DEVELOPMENT & SITE PLAN APPROVAL (QJ)(RC):

ORDINANCE No. 2524-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN WATERFRONT TO URBAN PLANNED UNIT DEVELOPMENT FOR A 0.234 ACRE PROPERTY, LOCATED AT 101 S. COLORADO AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE COLORADO WATERFRONT RESTAURANT (UPUD); TO RE-PURPOSE THE EXISTING OFFICE BUILDING FOR A 150-SEAT RESTAURANT AND PROVIDE RELIEF FROM VARIOUS PARKING REQUIREMENTS; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMEABLE FOR DEVELOPMENT, DECLARING THE PLAN WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND 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.