MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
OCTOBER 9, 2023
AT 4:00 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
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel

ROLL CALL

4:00 PM

PRESENT: Mayor McDonald, Vice Mayor Bruner, Commissioner Clarke, Commissioner Collins, Commissioner Rich

Interim City Attorney Paul Nicoletti opened the meeting and Lee Baggett, new hire City Attorney proceeded as Attorney after sworn in with an Oath of Office at 4:46 p.m.

INVOCATION

Pastor Dr. Darrell Orman of First Baptist Church led the Commission and the audience in the Invocation.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - NEW DAY DANCE ACADEMY PERFORMANCE

Members of New Day Dance Academy briefly shared information about their dance studio and gave two tickets to their Christmas Show away to members of the audience, then performed a lovely dance.

PROCLAMATIONS

2. HONORING STUDENT WITH PRESIDENT'S VOLUNTEER SERVICE AWARD

Student, Ashleigh Polhemus, proudly accepted the Proclamation and was greeted by

supporters who presented her with the President's Service Medallion and Presidential Service Award. The Commission joined her for a group photo.

3. HELPING PEOPLE SUCCEED - NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH (NDEAM) (OCTOBER 2023)

Suzanne Hutcheson, President and CEO of Helping People Succeed, and Board Member, Tom Campenni, accepted the Proclamation and thanked the Commission. She explained her goal for Helping People Succeed with a brief story from her life being an Army child.

4. DOMESTIC VIOLENCE AWARENESS MONTH (OCTOBER 2023)

Safe Space CEO, Jennifer Fox, Board Member, Bryan Gardner, and a staff member accepted the Proclamation and thanked the Commission for recognizing this month, stating it is a local problem and their services are provided to almost 900 adults and children along the Treasure Coast; announced the various programs they offer and the upcoming Annual Walk a Mile in Her Shoes event.

5. FIRE PREVENTION WEEK (OCTOBER 8-14, 2023)

John Huneycutt, Stuart Fire Department, Chief of Operations, proudly accepted the Proclamation and reported on the various safety programs they have in place and promoted throughout this awareness month.

6. E-WASTE DAY (OCTOBER 14, 2023)

Anya Gupta, Youth Environmental activist and author, accepted the Proclamation and explained her purpose to educate and preserve the environment for generations to come.

7. FLORIDA CITY GOVERNMENT WEEK (OCTOBER 16-22, 2023)

City of Stuart's City Clerk, Mary Kindel, and Communications & Digital Marketing Manager, Misti Guertin, accepted the Proclamation, noting what the City has done to celebrate Florida City Government Week and announced the scheduled plans for this year's week-long event.

8. LIGHTS ON AFTERSCHOOL DAY (OCTOBER 26, 2023)

DarMonique Butler, Community Services Recreation Division, accepted the Proclamation along with a few students from the 10th Street Civic Center, and thanked the board for recognizing the job they do.

9. HOSPICE AND PALLIATIVE CARE MONTH (NOVEMBER 2023)

Craig Perry and Shannon Cooper, Vice President of Quality and Education of Hospice, accepted the Proclamation and commented on her experience working and serving the community.

PRESENTATIONS

10. OATH OF OFFICE FOR CITY ATTORNEY LEE J. BAGGETT

4:46 PM

Interim City Attorney, Paul Nicoletti invited Mr. Lee Baggett's family to the front of the room to surround him while he took his Oath as City Attorney. Mr. Baggett briefly commented

that he is honored, thanked the Commission for hiring him and looks forward to bringing his municipal experience to the City of Stuart.

11. SERVICE AWARDS - OCTOBER 2023

Derek Ortado	Police	20 years (Not present)
Michael Mortell	City Manager	10 years
Alicia King	Building/Permitting	5 years
Matthew Cawley	Fire Rescue	5 years

12. LOSOM UPDATE

Ben Hogarth, City of Stuart Public Affairs Liaison, provided a brief update, stated the lake is currently at 16.1 feet, provided estimated projection that the lake will be at 6 1/2 feet by the end of the rain season. Commented on a presentation by the Rivers Coalition and encouraged future conversations with the Corp.

Brief Commission questions and discussion included the capacity being raised, how discharges have not occurred the past three (3) years, the importance of the Rivers Coalition and the contributions they provide, and the legislative delegation. They thanked Ben Hogarth for keeping them informed.

COMMENTS BY CITY COMMISSIONERS

Commissioner Rich

- Commented on information he recently learned while attending a Treasure Coast Council of Local Government (TCCLG) meeting on clean waterways and stormwater, stated the stormwater rules in the state of Florida have not been updated for twenty (20) years. Noted the model is out of date in regard to precipitation, the group discussed and feels this is the #1 legislative priority to concentrate on. Could create the statewide coalition and will be requesting policies and procedure for monitoring and enforcement. Quoted statewide stormwater rule 62-330, adopted in April of 2023, needs to be ratified. Plans to meet with Mr. Hogarth on this.
- Commented on the problems with the PACE Program.

Commissioner Collins

- Questioned whether the Pace Program should be a future presentation and discussion; information will be distributed to Commissioners per Ben Hogarth.
- Commented that City Manager, Mike Mortell's birthday is in two (2) days and asked Tom Campenni to sing "Happy Birthday" to him.

Commissioner Clarke

- Commented on the tram that was on display out front of City Hall before the meeting with it's new wrap design, thanked the drivers and all involved.
- Congratulated the youth in the community, happy to see so many youth's attending the meeting today. Now that Commissioners have four (4) year terms, would like to see a Youth City Council.
- Announced October happenings: Sandy Thurlow at the Civic Center (Flagler Center) will

speak on Stuart's history, October is Indigenous People's Month (Columbus Day) and would like to see a Proclamation for it in the future, Oct. 11th is a Breaking Bread event from 12 noon to 1:30 PM to learn about and understand each other and be more neighborly, Oct. 12th is the Boys and Girls Club Town Hall Meeting to present information on their programs, Oct. 13th is a movie called "The Burial" in Memorial Park, depicting the life of Willie Gary, local resident and Attorney, Oct. 14th is a 5K and 10K Walk for NAACP and Oct. 19th will be Soroptomist Girls Night Out. Hope everyone will visit the Possum Long Nature Trail.

- Welcomed Mr. Baggett.

Mayor McDonald

- Announced that last week was legislative delegation and he presented a request for appropriations on behalf of the City.
- Requested to pull Item #20 from the Consent Calendar for discussion.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Commented on the tram wrapping and looks forward to more being done.
- Announced that there is a Craft Show in downtown this weekend.
- Commented on Commissioner Rich's comment pertaining to baffle boxes and noted that the City stays on top of cleaning them and making sure they are functioning on a regular basis.
- Request to remove Agenda Items #14 and #22; may be brought back in the future.

APPROVAL OF AGENDA

5:25 PM MOTION: Approval of the agenda removing Item's #14 and 22 and pulling Item #20 from the Consent Agenda.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

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

None.

CONSENT CALENDAR

13. APPROVAL OF 09/25/2023 CCM MINUTES AND 09/25/2023 SCM FINAL BUDGET MINUTES (RC)

****REMOVED ITEM #14****

14. AWARD OF ITB #2023-109: CITY OF STUART VETERANS MEMORIAL PARK PHASE 4 AMPHITHEATRE (RC):

RESOLUTION No. 83-2023; A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-109, CITY OF STUART VETERANS MEMORIAL PARK PHASE -4 AMPHITHEATRE TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $2,077,700.00 TO DI POMPEO CONSTRUCTION CORPORATION OF POMPANO BEACH, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

15. BUDGET AMENDMENT #1 - CHILDRENS SERVICES COUNCIL OF MARTIN COUNTY (RC):

RESOLUTION No 86-2023, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, AUTHORIZING BUDGET AMENDMENT No. 1 TO THE FISCAL YEAR 2024 OPERATING BUDGET; AUTHORIZING RECIEPT AND APPROPRIATION AND ACCEPTING AN INCREASE CONTRIBUTION IN THE AMOUNT OF $ 9,419 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. AUTHORIZING AWARD OF ARPA SUBRECIPIENT AGREEMENTS TO ELIGIBLE NONPROFITS (RC):

RESOLUTION No. 87-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE AWARD OF SUBRECIPIENT AGREEMENTS TO ELIGIBLE NONPROFITS. FOR SUPPORT OF RESPONSE TO MITIGATE THE IMPACTS OF THE COVID-19 PANDEMIC AT A TOTAL AMOUNT NOT TO EXCEED $500,000; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL DOCCUMENTS NECESSARY TO EXECUTE THESE TRANSACTIONS; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $500,000 FROM THE UNAPPROPRIATED BALANCE OF THE AMERICAN RESCUE PLAN ACT FUND TO PROVIDE SUPPORTING ELIGIBLE PROJECTS TO DIRECTLY BENEFIT RESIDENTS OF STUART, FLORIDA AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

17. MARTIN COUNTY LAW ENFORCEMENT MUTUAL AID AGREEMENT MCSO CITY OF STUART (RC):

RESOLUTION No. 94-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE RENEWAL OF THE MARTIN COUNTY LAW ENFORCEMENT ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

18. CONTRIBUTION OF AID TO THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY (RC):

RESOLUTION No. 96-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CONTRIBUTION OF AID TO THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY INC. FOR THE 2024 FISCAL YEAR IN THE AMOUNT OF UP TO TWENTY-FIVE THOUSAND DOLLARS FOR PROGRAMS AND INITIATIVES SERVICING BUSINESSES AND RESIDENTS OF THE CITY OF STUART; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

19. LOBBYING SERVICES WITH THE JORDAN CONNORS GROUP, INC. (RC):

RESOLUTION No. 98-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, WAIVING A COMPETITIVE SELECTION PROCESS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR LOBBYING SERVICES WITH THE JORDAN CONNORS GROUP, INC.ROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

****PULLED ITEM #20****

20. RFP# 2023-206, DOWNTOWN UNDERGROUNDING AND SEMINOLE STREETSCAPE IMPROVEMENTS PROJECT (RC):

RESOLUTION No. 102-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFP #2023-206, DOWNTOWN UNDERGROUNDING AND SEMINOLE STREETSCAPE IMPROVEMENTS PROJECT WITH THE ONLY PROPOSER, THE WHITING-TURNER CONTRACTING COMPANY. OF BALTIMORE, MD PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

21. BUDGET AMENDMENT #2, ARPA SUPPORT FUNDING ALLOCATION (RC):

RESOLUTION No. 103-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2, A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $500,000 FROM THE UNAPPROPRIATED BALANCE OF THE AMERICAN RESCUE PLAN ACT FUND TO PROVIDE SUPPORTING ELIGIBLE PROJECTS TO DIRECTLY BENEFIT RESIDENTS OF STUART, FLORIDA AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:25 PM MOTION: Approve the Consent Agenda, removing Item #14 and pulling Item #20.
MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins
Motion approved unanimously.

20. RFP #2023-206, DOWNTOWN UNDERGROUNDING AND SEMINOLE STREETSCAPE IMPROVEMENTS PROJECT (RC):

RESOLUTION No.102-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFP #2023-206, DOWNTOWN UNDERGROUNDING AND SEMINOLE STREETSCAPE IMPROVEMENTS PROJECT WITH THE ONLY PROPOSER, THE WHITING-TURNER CONTRACTING COMPANY, OF BALTIMORE, MD PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

CRA Director, Pinal Gandhi-Savdas, came forward and explained the bid received was higher than budgeted, approximately two (2) to three (3) million dollars higher, but it is a negotiation phase. Feels it can be reduced to approximately six (6) million. A brief discussion about the expectations of the poles and including Osceola Street and hardening the wooden poles to concrete poles.

Commissioner Rich commented that he is not educated on this, but knows that in some instances, due to storm damage, some cities are not replacing underground power. It can take weeks instead of days to repair underground power. Unconfirmed sources told him that Lee County Electrical Cooperative is no longer recommending that coastal communities underground their utilities. The City plans to move forward with the negotiation and bring the information back to the Commission.

5:35 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

COMMISSION ACTION

****REMOVED ITEM #22****

22. RESOLUTION No. 99-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR CONTINUED PARTTIME EMPLOYMENT OF PAUL J. NICOLETTI WITH A NEW TITLE OF SENIOR LEGAL COUNSEL (CITY ATTORNEY EMERITUS) WITHIN THE OFFICE OF THE CITY ATTORNEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

5:37 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

Minutes to be approved at the Regular Commission Meeting this 23rd day of October, 2023.