



City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

JUNE 12, 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

Interim 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

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 - PASTOR JIM BROCIOS, STUART ALLIANCE CHURCH

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - ISABELLA HODGES SINGING "SOMEWHERE OVER THE RAINBOW"

PROCLAMATIONS

2. JUNETEENTH FREEDOM DAY - JUNE 19, 2023

PRESENTATIONS

3. SERVICE AWARDS - JUNE 2023
4. BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY UPDATE
5. STUART MAIN STREET UPDATE
6. 2023 FLORIDA LEGISLATIVE SESSION RECAP

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

7. APPROVAL OF 05/22/2023 CCM MINUTES (RC)
8. AUTHORIZATION FOR COMMUNITY SERVICES TO APPLY FOR A GRANT WITH THE CHILDREN SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT (RC):

RESOLUTION No. 41-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. KIWANIS PARK IMPROVEMENTS - BUDGET AMENDMENT #11 (RC):

RESOLUTION No. 45-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 11 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES FROM DONATIONS AND FUND BALANCE AND APPROPRIATIONS IDENTIFIED FOR IMPROVEMENTS TO KIWANIS PARK; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

10. SUPPORT REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH

FLORIDA WATER MANAGEMENT BOARD (RC):

RESOLUTION No. 47-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING AND ENCOURAGING REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

11. DISCUSSION AND DELIBERATION INCLUDING POSSIBLE AUTHORIZATION TO PROCEED WITH FUNDING THE REIMBURSEMENT OF TENANT IMPROVEMENTS (WATERFRONT RESTAURANT) FOR EXPENSES RELATED TO STRUCTURAL RENOVATION OF PROPERTY OWNED BY THE CITY OF STUART
12. LIVE LOCAL ACT (SB102) STAFF PRESENTATION
13. CRITERIA FOR CITY ATTORNEY POSITION
14. WELLS FARGO BUILDING DISCUSSION

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.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Nina Mullin

Title of Item:

ARTS MOMENT - ISABELLA HODGES SINGING "SOMEWHERE OVER THE RAINBOW"

Summary Explanation/Background Information on Agenda Request:

Arts Moment participant placed 2nd in 2023 Stars Over Stuart competition.

Funding Source:

N/A

Recommended Action:

Enjoy!

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: RYANNE CAVO

Title of Item:

JUNETEENTH FREEDOM DAY - JUNE 19, 2023

Summary Explanation/Background Information on Agenda Request:

Juneteenth is the oldest known celebration commemorating the abolition of slavery in the United States and the emancipation of African American slaves and celebrates the successes gained through education and greater opportunity.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

1. Juneteenth Freedom Day 2023

**PROCLAMATION
JUNETEENTH FREEDOM DAY
JUNE 19, 2023**

WHEREAS, Juneteenth is the oldest known celebration commemorating the abolition of slavery in the United States and the emancipation of African American slaves and celebrates the successes gained through education and greater opportunity; and

WHEREAS, Union soldiers landed at Galveston, Texas on June 19, 1865 with news that the war had ended and the enslaved were now free. On that first Juneteenth, the people of Texas were read General Order Number 3, which stated: “The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free”; and

WHEREAS, the first Juneteenth celebration was a time for reassurance, prayer, and the gathering of family members. Today, Juneteenth continues to grow within communities and organizations throughout the country. Numerous local and national Juneteenth organizations have arisen alongside older organizations with the common mission of promoting and cultivating knowledge and appreciation of African American history and culture, while encouraging continuous self-development and respect for all people and cultures; and

WHEREAS, on a larger scale, celebration of Juneteenth reminds each of us of the precious promises of freedom, equality, and opportunity which are the core of the American dream; and

WHEREAS, on _____, the Afro American Citizens of East Stuart (AACES) will host a Juneteenth celebration at the Guy Davis Basketball Courts in Stuart, Florida and encourage all residents to celebrate it as a day of remembrance and celebration with family fun, food, and music.

NOW, THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart, Florida do hereby proclaim June 19, 2023, as:

JUNETEENTH FREEDOM DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 12th day of June, 2023.

TROY MCDONALD
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Karen Chambers-Cuffy

Title of Item:

SERVICE AWARDS - JUNE 2023

Summary Explanation/Background Information on Agenda Request:

Vincent Felicione	Fire Rescue	25 years
James Farley	Public Works	15 years
Monica Sands	10th Street Center	10 years
Matthew Reuther	Fire Rescue	10 years
Carlos Morales	Public Works	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Jim Chrulski

Title of Item:

BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY UPDATE

Summary Explanation/Background Information on Agenda Request:

Business Development Board of Martin County Update

Funding Source:

N/A

Recommended Action:

No action required. Enjoy the presentation.

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Jim Chrulski

Title of Item:

STUART MAIN STREET UPDATE

Summary Explanation/Background Information on Agenda Request:

Annual Update from Stuart Main Street

Funding Source:

N/A

Recommended Action:

No action needed. Enjoy the presentation.

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Ben Hogarth, Jim Chrulski

Title of Item:

2023 FLORIDA LEGISLATIVE SESSION RECAP

Summary Explanation/Background Information on Agenda Request:

Presentation by Ben Hogarth and analysis of the locally relevant bills that passed during the 2023 Florida Legislative Session.

Funding Source:

N/A

Recommended Action:

Identify any concerns or questions about recently passed bills and/or possible priorities for the 2024 Legislative Session.

ATTACHMENTS:

1. Home Rule Impacts 2023 (PJM edits 6-5-23)



**2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES**

1. SB 89:

Local governments are prohibited from changing the plans or specifications of a development after issuance of a permit, unless the changes are directly required by the Florida Building Code, Fire Prevention Code, or local amendments thereto.

2. SB 170:

The enactment of a proposed (policy) ordinance by a local government is prohibited until a business impact estimate (for affected businesses) has been conducted and posted on the agency website.

Local governments are now required to suspend enforcement of any ordinance subject of an action challenging the ordinance's validity pursuant to Sec. 166.0411, F.S.

The law does provide exemptions for privately initiated ordinances and those relating to compliance with state/federal law, adoption of a budget, issuance or refinancing of debt, or emergencies.

3. SB 252:

Preempts local regulations regarding a requirement for a person to wear a mask, a face shield, or any other facial covering that covers the nose and mouth; further preempts local agency employment policies relating to COVID-19 vaccinations and testing.

4. SB 540:

Addresses administrative challenges; by expanding conditions for when a local government may be sued with respect to a development order that materially alters the use, density, or intensity of property, and which is not consistent with the Comprehensive Plan. Allows for award of prevailing party attorney fees. This will discourage local governments from agreeing to make land use changes to settle cases, due to the attorneys' fee provision.

5. SB 718:

Local governments are preempted from any "initiative" voting process regarding "land development regulations."



**2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES**

6. SB 1604:

Local comprehensive plans must now address 10-year and 20-year planning horizons, requiring local governments to make population projections further into the future.

Local governments are restricted from updating an “optional” element in a comprehensive plan, without concurrently updating any “required” elements.

If the local government fails to provide the required population projections to satisfy the new rules, the state land planning agency will provide population projections for the jurisdiction, which must then be used for its comprehensive plan.

7. SB 1068:

Prohibits a local government from withholding a Business Tax Receipt or Development Permit, or otherwise enacting any ordinance prohibiting a drone delivery service’s operation.

8. CS/CS/HB 1281(Buchanan)

Prohibits a local government from enacting or enforcing an ordinance, resolution, rule, code or policy, or from taking any action that restricts or prohibits or has the effect of restricting or prohibiting the use of any major appliances, including stoves and gas grills. The bill exempts local government actions and regulations necessary to implement the Florida Building Code and the Florida Fire Prevention Code.

9. CS/CS/HB 1379 (Steele)

Imposes new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, onsite sewage treatment and disposal systems, mandatory connection to central sewer systems, septic system and wastewater treatment facility remediation plans, and advanced waste treatment systems.



2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES

Indian River Lagoon Protection Program

The bill establishes this program within the Department of Environmental Protection (DEP), which consists of the various basin management action plans around the Indian River Lagoon. DEP, water management districts, local governments, and other stakeholders are directed to identify and prioritize strategies necessary to meet water quality standards. Beginning January 2024, the bill prohibits the installation of new septic systems for areas within the Program where central sewer is available. If central sewer is not available, only advanced nutrient-reducing onsite systems or distributed wastewater systems will be permitted. By July 2030, the bill requires any existing septic system within the areas subject to the Program to connect to central sewer if available or upgrade to an advanced onsite system.

Basin Management Action Plans (BMAPs)

The bill requires BMAPs to include 5-year implementation milestones. It specifies additional required contents for BMAPs, including a requirement that any entity with a specific pollutant load reduction requirement established in a plan identify the projects or strategies the entity will undertake to meet the BMAP's current five-year milestone. In addition, the bill requires the installation of advanced onsite septic systems on lots of 1 acre or less located within such areas if central sewer is not available.

Grants and Loans for Septic-to-Sewer Conversions

The bill encourages local governments that receive grants or loans from DEP to offset the cost of connecting to sewer to identify the owners of septic tanks within their jurisdictions who are eligible to apply for grants or loans and notify them of such funding availability.

Wastewater Grant Program

The bill expands funding eligibility to the following project types: connecting septic tanks to sewer; upgrading wastewater treatment facilities to advanced waste treatment or greater; repairing, upgrading, expanding or constructing stormwater treatment facilities; and many others. The bill



2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES

specifies that funding priority must be given to projects most likely to achieve the maximum pollutant reduction.

Advanced Waste Treatment

For facilities that are subject to a nutrient BMAP or reasonable assurance plan are subject to the requirement to upgrade to advanced wastewater treatment facilities or to a more stringent treatment standard. The bill also provides that sewage disposal facilities may not dispose of any wastes in the following waters without providing advanced waste treatment or a more stringent treatment standard within a 10-year period: a waterbody that does not attain nutrient standards after July 2023; a water body that is subject to a nutrient related BMAP after July 2023; or a waterbody that is subject to an adopted reasonable assurance plan after July 2023.

10. SB 2502 The 2023-2024 Budget Implementing Act.

Sec. 85 prohibits local governments from adopting or amending a fertilizer management ordinance pursuant to s. 403.9337, F.S., which provides for a prohibited application period, not in existence on June 30, 2023.

11. CS/CS/SB 774 (Brodeur)

Requires elected members of the governing body of a municipality, as well as candidates for such offices and members of the Florida Commission on Ethics, to file an annual full disclosure of financial interests (Form 6), beginning January 1, 2024.

The bill also addresses requirements for e-filing of financial disclosures.

It maintains the requirement that Form 6 filers submit their disclosures to the Commission on Ethics' electronic filing system beginning January 1, 2023 and requires Form 1 filers to submit their disclosures electronically beginning January 1, 2024.

It allows filers to submit federal tax returns for purposes of showing income.



2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES

The bill increases the maximum civil penalty for violations of the Code of Ethics to \$20,000 (from \$10,000).

The bill adds members of a Community Redevelopment Agency (CRA) to the list of officers exempt from having to complete ethics training in the year they begin their term, if the term begins after March 31.

12. HB 7063 (Ways and Means Committee/McClain) (tax package).

The bill contains various provisions concerning sales taxes and exemptions, the state corporate income taxes, documentary stamp taxes, intangible personal property taxes, ad valorem taxes, and various other tax provisions affecting county, municipal, and state revenues. Among the many tax provisions, the bill:

Permanently exempts several products from sales tax including baby and toddler products, oral hygiene products, adult incontinence products, and firearm storage devices, among others.

Increases the discrepancy thresholds for a property appraiser to challenge a value adjustment board (VAB) decision in circuit court.

“Freezes” local communications services tax rates at their current level until January 1, 2026.

Clarifies that totally and permanently disabled veterans and surviving spouses may transfer their existing homestead exemption to a new property, and that such veterans and surviving spouses who purchase a home in Florida may receive a refund for taxes paid in the year of purchase.

13. CS/CS/SB 170 (Trumbull)

Imposes new requirements on local governments for adopting and enforcing ordinances.

First, the bill requires a local government to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement.

The bill exempts the following ordinances from this requirement:

1. Ordinances required to comply with federal or state laws or regulations;



**2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES**

2. Ordinances relating to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract or agreement, including grants or financial assistance;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement Part II, Ch. 163, including land development regulations, zoning, development orders, development agreements, and development permits;
8. Ordinances enacted to implement Sections 190.005 and 190.046 (CDDs);
9. Ordinances enacted to implement the Florida Building Code; and the Florida Fire Prevention Code.

The business impact estimate must:

First, be posted on the local government's website no later than the date of publication of notice of the proposed ordinance.

Second, requires suspension of enforcement of an ordinance that is the subject of a civil action challenging the ordinance's validity on the grounds that it is arbitrary or unreasonable or is expressly preempted by state law, if filed within 90 days of the ordinance's effective date; if suspension of the ordinance was requested in the complaint; and the local government was served with a copy of the complaint.

Third, the bill authorizes the award of attorney fees, plus costs, and damages (capped at \$50,000), to a prevailing plaintiff in a civil action commenced after October 1, 2023.

The bill authorizes a court to impose sanctions upon a party for filing a paper, pleading or motion for an improper purpose (such as to harass or delay). The bill exempts ordinances listed above from the stay of enforcement provision.

Finally, the bill addresses the Fourth DCA's recent decision in *Testa v. Town of Jupiter Island, et al.*, Case No. 4D22-432, 2023 WL 1808293 (Fla. 4th DCA, February 8, 2023), by clarifying that consideration of an ordinance



**2023 FLORIDA LEGISLATIVE SESSION
SUMMARY LOCAL IMPACTS
WITH EXCERPTS FROM THE FLORIDA LEAGUE OF CITIES**

properly noticed may be “continued” to a subsequent meeting, if the date, time, and place of the subsequent meeting is publicly stated. This provision is retroactive.

14. CS/SB 1521 (Plakon) creates s. 553.865, F.S., the “Safety in Private Spaces Act,” and states the legislative purpose and intent of the bill as providing restrooms and changing facilities for exclusive use by females or males, respective to their sex, in order to maintain public safety, decency, decorum, and privacy. The bill also requires governmental agencies to report compliance by April 1, 2024.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 05/22/2023 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 05/22/2023 CCM MINUTES

Funding Source:

Recommended Action:

Approve Minutes

ATTACHMENTS:

1. 05222023 CCM Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
MAY 22, 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

Interim City Manager, Michael J. Mortell
Interim City Attorney, Paul J. Nicoletti
City Clerk, Mary R. Kindel

ROLL CALL

5:30 PM

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

INVOCATION

1. PASTOR JIM HARP - STUART ALLIANCE CHURCH

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Rich

- Stated he is building an Accessory Dwelling Unit (ADU) on his property and asked why our Building department only allows plans to be put on a CD.
- Commented he attended the Calvary Church event and enjoyed it.
- Commented on the hiring of a City Attorney and proposed that on the next agenda there be a fund study of a group of attorneys, if it is feasible, to pursue legal avenues for future lawsuit. Asked the Interim City Manager Mike Mortell to come back with proposals and terms.

Commissioner Collins

- Agreed that we need to have more conversations about hiring a City Attorney. Continued to say that he is more in favor of expertise, not just environmental experience.

Commissioner Clarke

- Agreed with Commissioner Collins and stated that when hiring a City Attorney the job description should mention having environmental experience.
- Thanked the City for allowing her to be present at the USO event at the Flagler Center and thanked the Flagler Center employees for putting the event together and the veterans that attended.
- Commented on the two different events she attended and the hometown feel those events brought to the City.

Vice Mayor Bruner

- Requested clarification about what Commissioner Rich asked the Interim City Manager Mortell to do.

Interim City Manager Mortell clarified that it is his intention between now and June 12 to consult with some agency-type attorneys that regularly deal with FDEP water management district and other administrative agency laws and get numbers from two or three "A-B" Rated firms and see what they would charge. Stated there will be an upcoming agenda item on an RFP for review.

Commissioner Rich responded that he wants to show the community that the City made every effort to keep our water clean.

Mayor McDonald summarized the Commissioners comments regarding the hiring of a City Attorney.

A conversation ensued among the Commissioners, Interim City Manager and Interim City Attorney.

Mayor McDonald

- Requested to add a discussion and deliberation in a June or July meeting on the moving of City Hall to the Wells Fargo Building.
- Commented on the timeline of projects that go through the Metropolitan Planning Organization (MPO). Highlighted the TIF, (tax increment financing), that's being adopted and informed of the different projects happening within the City and their costs and stated they are being funded by the Federal Government.

COMMENTS BY CITY MANAGER

Interim City Manager Mortell

- Announced that Commissioner Campbell Rich was named Hometown Hero in the Treasure League of Cities.
- Stated he wanted to follow up with the MPO about the improvements being made to the entrance of North River Shores.
- Commented that FDOT notified him that Kanner Hwy would be closed for the weekend and it was not. Will be working with them to find out if there is a delay or if it will not be happening.
- Announced different closures happening around the City. He also stated that the Railroad Bridge is open and there will be different nightly closures until May 29.
- Will provide an update on the Wells Fargo building in the upcoming agenda.
- Provided an update on the PFOA/PFAS case.

APPROVAL OF AGENDA

6:19 PM MOTION: Approved with removal of Item # 3, 4, and 5 for discussion and add an Addendum as Item #7, to the Consent Calendar.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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

1. Tom Campenni - St Lucie Crescent; Commended Interim City Manager Mortell in the Northpoint Trial for his professionalism and preparation. The City of Stuart is very lucky to have someone of his caliber.
2. Cher Fisher - SE Bridgetown Court; Family Promise of Martin County, housing needs, ARPA Grant will be their fix and asked to be put on the Agenda.
3. John Fedorek - SW Jasmine Trace, Palm City; Board Member and Treasurer for Family Promise. Provided a history on Family Promise.
4. Chris Schiemer - Port St. Lucie; Board Member for Family Promise and former resident of Martin County, provided information on the families in need.
5. Rebecca Cray - Port St. Lucie; Pastor at both Palm City and Stuart Immanuel Lutheran Church, spoke on Family Promise and families in need.
6. Roberta Scott - Palm City; Asked Commissioners to consider the ARPA Grant funding and stated the need for homes in Martin County.
7. Jill Bennet - SW North Carolina; Board Member of Family Promise. Spoke on the need for homes in Martin County.
8. Nancy King - SE St. Lucie Blvd; Spoke on the Family Promise organization and stated the need for a program like this.
9. Edward King - SE St. Lucie Blvd; Thanked the Invocation that was given earlier and recognition to Commissioner Clarke's visits to various committees and organizations. Asked City of Stuart to favor receipt of the Grant.
10. Chad Fair - Palm City; Board Member of Family Promise, thanked all Commissioners for serving the City of Stuart. Spoke on the families in need and asked City of Stuart to consider the ARPA Grant funding.
11. David Bradford, Jr - Palm City; In the absence of Matthew Price, Senior Pastor Covenant Fellowship Baptist Church, a letter was read in support of the Family Promise and have

- the City consider providing this organization the ARPA Grant funding.
12. Belinda Low - Hobe Sound; Has been employed by Family Promise since inception. Asked the City to support the Grant, as it is needed.
 13. Caryn Hall, SW Palm City Road; Spoke on the great need of this program and stated her personal issues with her home.
 14. Audra Creech, Palm City; Provided her personal history.

CONSENT CALENDAR

2. APPROVAL OF 05082023 CCM MINUTES (RC)

3. INTER-LOCAL AGREEMENT WITH TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC) FOR CONTINUING PLANNING AND DESIGN SERVICES (RC):

RESOLUTION No. 32-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR CONTINUING DESIGN AND PLANNING SERVICES; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

****PULLED****

4. ADOPTING A TITLE VI TRANSIT PROGRAM POLICY (RC):

RESOLUTION No. 36-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING A TITLE VI TRANSIT PROGRAM POLICY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

****PULLED****

5. RENEWAL OF A NON-EXCLUSIVE LICENSE AGREEMENT WITH STUART MAIN STREET FOR 'MARKET ON MAIN' (RC):

RESOLUTION No. 37-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE RENEWAL OF A NON-EXCLUSIVE LICENSE FOR PREVIOUSLY AWARDED RFP #2021-203 AND LICENSE AGREEMENT FOR THE TERM OF THREE (3) YEARS TO STUART MAIN STREET ASSOCIATION, INC. A DESIGNATED 501(c) ORGANIZATION, FOR THE OPERATION OF A WEEKLY OUTDOOR MARKET PLACE FOR SALES TO THE GENERAL PUBLIC INCLUDING FRESH PRODUCE, GREEN PRODUCTS, BAKED GOODS, PLANTS, ASSORTED FOODS, AND OTHER PRODUCTS AND SERVICES BY INDEPENDENT VENDORS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

****PULLED****

6. AMENDMENT TO INTERIM CITY ATTORNEY CONTRACT (RC):

RESOLUTION No. 38-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN AMENDMENT TO THE INTERIM CITY ATTORNEY POSITION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. LOCAL GOVERNMENT CYBER SECURITY GRANT (RC):

RESOLUTION No. 39-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE TECHNOLOGY SERVICES DEPARTMENT TO SUBMIT AN EXECUTED AGREEMENT FOR THE LOCAL GOVERNMENT CYBERSECURITY GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:52 PM MOTION: Approved with removal of Item #3, 4, and 5 for discussion and include Item #7.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

***Clerks Note – The below items are the pulled items with their discussion and motions.**

3. INTER-LOCAL AGREEMENT WITH TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC) FOR CONTINUING PLANNING AND DESIGN SERVICES (RC):

RESOLUTION No. 32-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR CONTINUING DESIGN AND PLANNING SERVICES; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Interim City Manager Mortell stated this is to provide ongoing services to the Development Department as it pertains to the Form Based Code which is the Creek District and East Stuart District.

Commissioner Collins asked if this is an existing agreement or a new agreement.

Interim City Manager Mortell explained this is just for the purpose to finish up these two Form Based Codes and then it will come to an end.

6:56 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Becky Bruner

Motion approved unanimously.

4. ADOPTING A TITLE VI TRANSIT PROGRAM POLICY (RC):

RESOLUTION No. 36-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING A TITLE VI TRANSIT PROGRAM POLICY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Interim City Manager Mortell stated this is so the City can apply for a FDOT Grant and according to Jacqui May, City Grants Administrator, an FDOT Title VI Policy is necessary to be adopted in order to qualify for the application.

Commissioner Collins wanted to know what the importance of the language, on Page 38 of the application, with regard to the racial background of our Board Members.

Dr. May clarified that we already have this grant and an audit is required at three years. She stated that the language is also a requirement of the FDOT.

Interim City Attorney Nicoletti continued to clarify by reading a section of the grant.

7:02 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

VOTE: Motion passes 4/1.

YES: Troy McDonald, Becky Bruner, Eula Clarke, Campbell Rich

NO: Christopher Collins

5. RENEWAL OF A NON-EXCLUSIVE LICENSE AGREEMENT WITH STUART MAIN STREET FOR 'MARKET ON MAIN' (RC):

RESOLUTION No. 37-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE RENEWAL OF A NON-EXCLUSIVE LICENSE FOR PREVIOUSLY AWARDED RFP #2021-203 AND LICENSE AGREEMENT FOR THE TERM OF THREE (3) YEARS TO STUART MAIN STREET ASSOCIATION, INC. A DESIGNATED 501(c) ORGANIZATION, FOR THE OPERATION OF A WEEKLY OUTDOOR MARKET PLACE FOR SALES TO THE GENERAL PUBLIC INCLUDING FRESH PRODUCE, GREEN PRODUCTS, BAKED GOODS, PLANTS, ASSORTED FOODS, AND OTHER PRODUCTS AND SERVICES BY INDEPENDENT VENDORS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Interim City Manager Mortell stated that it is a continuation to the lease from a Resolution adopted in 2021.

Commissioner Collins stated that he visited the outdoor market and was very impressed. He requested to have all three contracts the City has with Main Street to be approved together at the same timeline.

Interim City Manager stated we could extend this Resolution to have it within the same

fiscal year, so they can all be done at the same time. He will amend the contract to expire September 30, 2026, so they are all on the same timeline.

7:09 MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

7:12 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 12th day of June, 2023.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Jim Chrulski

Title of Item:

AUTHORIZATION FOR COMMUNITY SERVICES TO APPLY FOR A GRANT WITH THE CHILDREN SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT (RC):

RESOLUTION No. 41-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City of Stuart Community Services Department has served as the lead administrator for a grant from the Children's Service Council since 2003. The grant supports the East Stuart Youth Initiative Afterschool Program. This year's grant amount is \$400,919.00 which includes \$351,063 for the Community Services Department and \$49,856 for the Stuart Police Department.

Funding Source:

Revenues:

Local Grant	\$400,919
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Appropriations:

Community Services Dept.	351,063
Stuart Police Dept.	49,856
Total Grant	\$ 400,919

Recommended Action:

Approve request to apply for a Children's Services of Martin County Grant.

ATTACHMENTS:

1. R41-2023 Childrens Service Council - Apply Accept Grant



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 41-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart, Florida is committed to providing quality recreation and education programming for youth; and

WHEREAS, the Children's Services Council of Martin County is an independent special district, created in 1988 and reauthorized in 2014 to provide a dedicated funding source for local children's programs; and

WHEREAS, the City of Stuart, Florida has been awarded a consecutive grant for the East Stuart Youth Initiative After School Program since 2003; and

WHEREAS, the City of Stuart's Community Services Department is the lead grant administrator and is subject to accept a grant from the Children's Services Council in the amount of

\$400,919.00 for Fiscal Year 2023 East Stuart Youth Initiative after-school program at the 10th Street Community Center.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The City Commission of the City of Stuart, Florida authorizes a formal grant application to the Children’s Services Council of Martin County (CSCMC) for the East Stuart Youth Initiative, a collaboration which includes the City of Stuart Community Services Department, and Stuart Police Department. The City Commission further authorizes the Community Services Department and Police Department to execute contracts with CSCMC necessary for the administration of grant award funds and services rendered thereby.

SECTION 2: Upon grant approval through the CSCMC, the City expects to manage a total grant award of \$400,919.00 This includes \$351,063 for services administrated by the Community Services Department, and an additional \$49,856 for services administrated by the Stuart Police Department.

SECTION 3: The City Commission also authorizes the Community Services Department to accept a Cost-of-Living Adjustment (COLA) increase up to 10% awarded by the CSCMC Board of Directors, and apply and expend any additional emergency funding, if needed. The Community Services Department will serve as lead administrator and operator for the grant. There are no matching funds required to receive this grant.

SECTION 4: The City Commission authorizes the Mayor, City Clerk and any other designated City Official to execute the necessary documents, after review and approval of the City Attorney as to form.

SECTION 5: This resolution shall take effect upon adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of ____.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

PAUL NICOLETTI
INTERIM CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by:

Title of Item:

KIWANIS PARK IMPROVEMENTS - BUDGET AMENDMENT #11 (RC):

RESOLUTION No. 45-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 11 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES FROM DONATIONS AND FUND BALANCE AND APPROPRIATIONS IDENTIFIED FOR IMPROVEMENTS TO KIWANIS PARK; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 11 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES FROM DONATIONS AND FUND BALANCE AND APPROPRIATIONS IDENTIFIED FOR IMPROVEMENTS TO KIWANIS PARK; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Funding Source:

Donations and Fund Balance

Recommended Action:

Adopt Resolution 45-2023

ATTACHMENTS:

1. R45-2023 BA#11 Kiwanis Park Improvements



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 45-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 11 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES FROM DONATIONS AND FUND BALANCE AND APPROPRIATIONS IDENTIFIED FOR IMPROVEMENTS TO KIWANIS PARK; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart (“City”) adopts a balanced budget annual for Revenues and Appropriations as part of the Fiscal Year Operating Budget which is intended to provide for the general operations of the City and the various funds, anticipating regular operating costs and expected capital acquisitions, the City monitors and reviews the progress of the operating budget throughout the fiscal year; and

WHEREAS, the City from time to time identifies unexpected or unintended expenditures as well as, additional revenues and possible shortfalls, and therefore, must amend the Fiscal Year Operating Budget to accommodate these variations.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AS FOLLOWS:

SECTION 1: The 2022-2023 Fiscal Year Operating Budget for the General Fund is hereby further amended, as follows:

From: General Fund Revenues - Donations	\$150,000
From: General Fund Revenues – Fund Balance	\$25,000
To: General Fund Appropriations	\$175,000

SECTION 2: This resolution shall take effect immediately upon adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption.
The motion was seconded by Commissioner _____ and upon being put to a roll call vote,
the vote was as follows:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER, COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of June 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

PAUL J. NICOLETTI
INTERIM CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Paul Nicoletti

Title of Item:

SUPPORT REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD (RC):

RESOLUTION No. 47-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING AND ENCOURAGING REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Jacqui Thurlow-Lippish is completing her first (3) year term representing St. Lucie, Martin, Palm Beach, Broward, Miami-Dade and Monroe counties as the At-Large "local government" member; her reappointment is subject confirmation by the Florida Senate, which so far has been withheld. This Resolution supports Ms. Thurlow-Lippish in her role and effort to be reappointed.

Funding Source:

NA

Recommended Action:

Approval, as submitted

ATTACHMENTS:

1. R47-2023 Supporting Confirmation of Jacqui Thurlow-Lippish to SFWMD

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Paul Nicoletti

Title of Item:

SUPPORT REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD (RC):

RESOLUTION No. 47-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING AND ENCOURAGING REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Jacqui Thurlow-Lippish is completing her first (3) year term representing St. Lucie, Martin, Palm Beach, Broward, Miami-Dade and Monroe counties as the At-Large "local government" member; her reappointment is subject confirmation by the Florida Senate, which so far has been withheld. This Resolution supports Ms. Thurlow-Lippish in her role and effort to be reappointed.

Funding Source:

NA

Recommended Action:

Approval, as submitted

ATTACHMENTS:

1. R47-2023 Supporting Confirmation of Jacqui Thurlow-Lippish to SFWMD



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 47-2023

**A RESOLUTION OF THE CITY COMMISSION
OF THE CITY OF STUART, FLORIDA,
SUPPORTING AND ENCOURAGING
REAPPOINTMENT OF JACQUI THURLOW-
LIPPISCH TO THE SOUTH FLORIDA WATER
MANAGEMENT BOARD; PROVIDING FOR AN
EFFECTIVE DATE; AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, Jacqui Thurlow-Lippisch has served as the at-large member on the Governing Board of the South Florida Water Management District (the “Governing Board”) for St. Lucie, Martin, Palm Beach, Broward, Miami-Dade and Monroe counties during her term beginning in 2019; and

WHEREAS, Jacqui Thurlow-Lippisch is a valued member and advocate of the Martin County and Stuart community, who from 2008 until 2016 served as a Town of Sewall’s Point Commissioner and Mayor; who has served as Chair of the Florida League of Cities Natural Resources & Environment Legislative Committee; and who actively represents our area on the Governing Board; and

WHEREAS, Jacqui Thurlow-Lippisch more than meets the requirements for membership on Governing Board by having significant experience in local government; and

Resolution 47-2023
Supporting and Encouraging Confirmation of Jacqui Thurlow-Lippisch
to the Governing Board of the South Florida Water Management District

WHEREAS, her current term is due to expire, and Jacqui Thurlow-Lippisch is ready, willing, and able to be reappointed to a term expiring in March, 2026, subject to confirmation by the Florida Senate.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City Commission supports and encourages the confirmation and continued participation of Jacqui Thurlow-Lippisch on the Governing Board as the ad hoc member representing Stuart and Martin County.

SECTION 3: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of June, 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

Resolution 47-2023

Supporting and Encouraging Confirmation of Jacqui Thurlow-Lippisch
to the Governing Board of the South Florida Water Management District

PAUL J. NICOLETTI
INTERIM CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Michael Mortell

Title of Item:

DISCUSSION AND DELIBERATION INCLUDING POSSIBLE AUTHORIZATION TO PROCEED WITH FUNDING THE REIMBURSEMENT OF TENANT IMPROVEMENTS (WATERFRONT RESTAURANT) FOR EXPENSES RELATED TO STRUCTURAL RENOVATION OF PROPERTY OWNED BY THE CITY OF STUART

Summary Explanation/Background Information on Agenda Request:

During the course of recent renovations to the property located at 131 SW Flagler Avenue, it was determined that there were significant structural issues that were in need of repair. The then City Manager met with the tenant and agreed that the City would share in those costs. The tenant has made all of the repairs and is now seeking reimbursement for 50% of those expenses incurred during the renovation.

Funding Source:

CRA is recommended; with City funds as an alternate

Recommended Action:

Discussion and perhaps a motion to approve certain funding and funding source, subject to a Resolution of the CRA or City Commission.

ATTACHMENTS:

1. Copy of Restaurant Improvements for City of Stuart - Expenses Final

S & C Building Correction Expense

				Full Documenta tion Without Receipt	Questionable Remediation With Receipt
Structural	Total		Full Documentation With Receipt		
GC Labor as of 12.20.22 (Projected 1	\$20,998.00		\$20,998.00	-	-
East side	\$29,131.00		\$29,131.00	-	-
West Side	\$25,845.00		\$25,845.00	-	-
Deck structure,demo, repair (in proe	\$128,634.00		\$128,634.00	-	-
Roof	\$2,700.00		-	\$2,700.00	-
Kitchen Floors	\$38,739.48		\$38,739.48	-	-
Kitchen Walls	\$15,500.00		-	\$15,500.00	-
Sub-total	\$261,547.48	\$0.00	\$243,347.48	\$18,200.00	\$0.00
Safety					
ADA Ramp	\$60,000.00		\$60,000.00	-	-
Fire Alarm System	\$12,811.00		\$12,811.00	-	-
Fire Sprinklers	\$37,552.00		\$37,552.00	-	-
Elimination of pest issue	\$4,600.00		-	\$4,600.00	-
Sub-total	\$114,963.00	\$0.00	\$110,363.00	\$4,600.00	\$116,286.00
Code/MEP/Safety					
Plumbing	\$38,500.00	38500	\$31,850.00	-	-
Electrical	\$59,640.00		\$59,640.00	-	-
Low Voltage	\$2,720.00		\$2,720.00	-	-
HVAC	\$19,950.00		\$19,950.00	-	-
3 A/C Unit replacements	\$19,000.00		\$20,000.00	-	-
Cooler Replacement	\$31,900.33		\$31,900.33	-	-
Sub-total	\$171,710.33	\$38,500.00	\$166,060.33	\$0.00	\$0.00

Necessary - Value Add					
Exterior Painting/repair	\$37,000.00		\$37,000.00	-	\$3,700.00
Sub-total	\$37,000.00	\$0.00	\$37,000.00	\$0.00	\$3,700.00
SubTotal without Make Line	\$585,220.81	\$38,500.00	\$556,770.81	\$22,800.00	\$119,986.00
Make line	\$116,286.85		-	-	\$116,286.00
Total with Make Line	<u>\$701,507.66</u>				

299 Hours Billed by Bayview for structural repairs

Concrete removal, soil fill, labor, concrete fill,seawall (11,294,3,983 7169.92, 687,880, 1601,7500

concrete removal, flowable fill, rebar/concrete (SSI 11,000, Alantic 1749,4590,SHell7740, 250,516)

floors, hangers and other structural items need replaced (current estimated) (Trinity 12500, A-List 33000, Docks and More 47,100 &10000) M

Roof leaking when raining causing damage to interior

Significant amount of tiles missing, 3 inch deep section,s corroded (Ecogrip 38739.48)

Holes in walls/sections of walls missing

Ada ramp build at the request of City for safety (Otis Docks and More 60,000)

ADT replacing - not functioning or to code (Fire Alarm system ADT - Go Electric Wiring 5,000/ ADT 7811

ADT replacing - rusted and in bad condition (ADT 37,552)

Building was infested with rodents when taking over lease - issue is now resolved. (Rats to Bats)

Contract is for \$110,000 - requesting 35% of cost due to repiping cracking cast iron pipes, pipes not to code/functional, abandoned

Contract is for 170,402 - requesting 35% of cost due to removing abandoned wires, re-wiring to code.

Remove abandon (Off-Grid)

Contract is for 57,000 - requesting 35% of cost due to removing old abandoned pipes/units and rearrangin units to code (H & CB)

2 ac units not working when taking over lease and one broke shortly after. (H & CB)

Cooler ceiling collapsing with continuous mold build up due to condensation from broken seal (Coastline Air)

Scheduled first week of January

100332.91, 15953.94

Materials 14434, 1600

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Jodi Nentwick

Title of Item:

LIVE LOCAL ACT (SB102) STAFF PRESENTATION

Summary Explanation/Background Information on Agenda Request:

LIVE LOCAL ACT UPDATE

Funding Source:

N/A

Recommended Action:

STAFF PRESENTATION

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Paul Nicoletti

Title of Item:

CRITERIA FOR CITY ATTORNEY POSITION

Summary Explanation/Background Information on Agenda Request:

At the Regular Meeting of March 28, 2023, the Commissioners discussed the City Attorney position, along with the interim appointments of the City Manager and City Attorney, asking that it be brought back for discussion and deliberation in June.

As a preparation for the discussion, there is attached the current official Job Description for the City Attorney. As you will see, there are a host of "essential functions" required of a City Attorney. The City Attorney, as one of two Charter Officers appointed by the City Commission, works on a day-to-day basis with the City Commissioners, the City Manager, the Department Directors, and other senior staff members reviewing, and editing documents used by the City as Ordinances, Resolutions, Contracts, and many other types of documents; in addition, the City Attorney participates in the legal defense of the City, and in any other legal actions taken by the City, which can be property related;

I recommend that you dispose of the issue surrounding the City Manager position ("interim" versus "regular" appointment), before you consider what to do about the City Attorney position.

As the City Attorney incumbent, I am agreeable to remaining in the position until you select a new City Attorney, and also agreeable to assisting you with selection process, if you wish me to do so. But, as stated earlier, it is difficult to decide when and how to advertise for a City Attorney until you have settled the City Manager position.

Funding Source:

The position is in the General Fund Budget, but is funded from various Funds of the City and CRA.

Recommended Action:

Discuss the City Manager position first; and then discuss the City Attorney position.

ATTACHMENTS:

1. CityAttorney 2013

**CITY OF STUART
JOB DESCRIPTION**

Title: CITY ATTORNEY
Department: City Attorney
Job Code: 2010
Exempt Status: Exempt

CHARACTERISTICS OF THE CLASS

Under general direction of the City Commission, incumbent serves as legal advisor and counsel for the Mayor, City Commission, City Manager, department directors and employees in their official capacity. Directs and provides legal counsel and advice to the various Boards and Commissions as established by the City and attendance at their meetings when requested. Performs duties with broad latitude in decision-making and is self-directed. Work is reviewed through conferences, reports, observations and with periodic evaluations based upon achievement of specific goals and an executive and professional level of performance.

EXAMPLES OF ESSENTIAL FUNCTION

1. Provides legal counsel for prosecution of eminent domain proceedings and other civil suits, actions, and proceedings authorized by the City Commission; attends meetings of City commission and certain other City boards.
2. Provides legal defense counsel in suits and actions brought against the City, except in cases where special legal counsel is engaged.
3. Renders written legal opinions on matters relating to municipal government.
4. Reviews various matters for compliance with applicable laws and ordinances.
5. Prepares, reviews, and approves as to form and sufficiency, City ordinances, resolutions, deeds, and contracts.
6. Drafts, reviews and/or supervises the preparation and passage through the State Legislature of legislative bills affecting the City.

7. Provides legal assistance and participates in employee relations matters and union negotiations.
8. Directs the preparation of department budget; assigns and supervises support staff.
9. Performs such other related duties and functions as may be assigned by the City Commission or City Manager.

NOTE: The examples of essential functions as listed in this classification specification are not necessarily descriptive of any one position in the class. The omission of an essential function of work does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the position.

REQUIREMENTS

A. Training and Experience:

A Bachelor's degree from an accredited college of law, and membership in "good standing" with The Florida Bar, and a minimum of five (5) years progressively responsible experience in municipal law is required. Board Certified or the ability to become certified within 2 years. Experience in one or more of the following is important to the proper functioning of the Office: civil or criminal trials or administrative hearings, code enforcement, environmental and land use, public contracts, public purchasing, public finance, real estate, and employment law. Possession of a valid Florida Drivers License as required for the position.

B. Knowledge, Abilities and Skills:

Knowledge and understanding of judicial procedures at all judicial levels.

Knowledge and understanding of City ordinances, codes, regulations, policies, practices and accepted interpretation of same.

Knowledge of State Statutory and Constitutional law.

Knowledge and understanding of modern office practices and procedures and standard office legal equipment.

Knowledge and understanding of the organization, functions and legal challenges of City government.

Ability to research and to compile information of a technical and complex manner.

Ability to analyze, appraise and organize the facts, evidence and precedents concerned in cases.

Ability to present complex findings effectively in oral or written reports.

Ability to represent the interest of City departments in drafting legislation or contracts.

Ability to present and argue cases in court.

Ability to analyze cases for their value as legal precedents and to determine which cases the City should appeal.

Ability to establish and maintain effective work relationships with other employees, City officials, contractors, professionals, and the general public.

Skill in the use of computers and various software programs.

Skill in supervision of staff and public and employee relations.

Skill in effectively dealing with court officials and attorneys.

C. Physical Requirements:

Task involves regular physical effort in standing, sitting, walking, bending, stooping, reaching, pulling, pushing, stretching, and frequent moderate lifting and carrying objects of moderate weight (30+ pounds); and/or the operation of vehicle, and with standard dexterity in the use of fingers, hands, limbs, or body in the operation of office equipment in which skills and eye-hand coordination are important ingredients of safe and/or productive

operations. Task may involve extended periods of time at a keyboard.

D. Environmental Requirements:

Task is regularly performed without exposure to adverse environmental conditions.

F. Sensory Requirements:

Task requires color perception and discrimination.
Task requires sound perception and discrimination.
Task requires texture perception and discrimination.
Task requires visual perception and discrimination.
Task requires oral communications ability.

Approved: _____ Date: _____
Human Resources Director

Approved: _____ Date: _____
City Manager

Received by: _____ Date: _____
Employee

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 6/12/2023

Prepared by: Michael Mortell

Title of Item:

WELLS FARGO BUILDING DISCUSSION

Summary Explanation/Background Information on Agenda Request:

As per the Mayors request to have a discussion on the Wells Fargo Building.

Funding Source:

N/A

Recommended Action:

Discuss

ATTACHMENTS: