

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
AUGUST 28, 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

ROLL CALL

6:12 PM

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

INVOCATION

No Invocation, Chair Mayor McDonald requested a moment of silence.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

PRESENTATIONS

1. US-1 AT SW PALM CITY ROAD MULTIMODAL INTERSECTION IMPROVEMENT
FEASIBILITY STUDY

City Manager, Mike Mortell, announced that at the end of the presentation, a motion and second is requested to have the City make a recommendation.

Beth Beltran, Martin County Transportation Agency, MPO reported on the history of Palm City Road and their work program. Ms. Beltran introduced Mr. Gerald Bolden of the Corradino Group and Ms. Joy Puerta, Project Manager and Planner for the MPO. Mr. Bolden presented five (5) alternatives for Palm City Road and commented on the pros and

cons of each alternative. He presented another alternative that was not discussed during the public meeting last week, a traffic-calming alternative. The summary included the physical impact of the alternatives, opinion of probable cause, goals and objectives, and physical impacts. PAC General Meetings were held; common comments were about delivery trucks, intersection traffic operations, raised crosswalks, and speed. The General Public Workshops were well attended and the comments from them included more enforcement is needed, traffic-calming alternatives, address the intersection at Palm City Road and Monterey Road, and a multi-use path along Palm City Road. Alternative 5 was the most favored at the General Public Meeting.

PUBLIC COMMENT:

1. Joe Flanagan - Indian Grove Drive; Commented on the fact that that neighborhood is the only one that has an express exit from US 1. Try to reroute behavior, need to do what can be done to lessen the volume, lessen the speed. There are enforcement issues. Stuart Police Department does a good job, but the afternoon traffic backup causes problems.
2. Merritt Matheson - South Carolina Drive; Lives off Palm City Road and commented on the power of the MPO, having the power to put projects such as this to be prioritized, and once there, the Florida Department Of Transportation (FDOT) would take control. Feels that changing an intersection should be the state's responsibility. Asks the Commission to consider Alternative 5 for the MPO project priority list.
3. Mark Brechbill - Osceola Street; When running as a candidate, walked through that neighborhood, commented that the only way to reduce the traffic is to make it a one-way.

7:11 PM MOTION: Approval of Alternative 5 for MPO to put on its priority list, with traffic calming.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Commented on an email sent to the Commissioners from a resident regarding paper straws and that they contain PFAS and we may want to revisit the straw ordinance.
- Attended Brian Mast's new Legislative Director briefing by the Army Corp and commented that there are only three ways to no discharges; The President of the United States, an act of Congress, or a federal judge.
- Commented on the recent change by the Florida League of Cities (FLC) to the American Rescue Plan (ARPA). The interim final rule update included various investments, felt it could potentially deploy our half million to be freed-up for employee Cost of Living (COLA) increases. Recommended the City look outside the box to use ARPA money for COLA.

Commissioner Clarke

- Commented on Hurricane preparations and the impending storm in Florida.
- Commented whether the Community Redevelopment Agency (CRA) agenda and City Commission Meeting (CCM) agenda is under the same rule in the Charter. Stated there should be consideration to completely divorce having the CRA meetings before the CCM.
- Stated we make sure the City's properties are thoroughly inspected and expenses identified when leasing.

Vice Mayor Bruner

- Commented on the City-owned properties, the City needs to make guidelines.

Mayor McDonald

- Commented on the hurricane, for all to keep vigilant, and how this might affect insurance rates and could lead to discharges.
- Noted the CRA Meetings need more time.
- Commented on the straw ordinance review and agreed to review the ordinance if that was the Boards consensus.

COMMENTS BY CITY MANAGER

City Manager Mortell provided a brief update on the history of the Waterfront Restaurant application, reviewed details of correspondence, the timeline of inspections, emails and meetings between the previous City Manager, David Dyess and the owner of the Waterfront.

APPROVAL OF AGENDA

7:35 PM MOTION: Approval of Agenda, pulling Item #9.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

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

1. Missy Harris - Alamanda Way; Commented on the next generation and downtown Stuart, would love to see this land be part of Flagler Park.
2. Mark Brechbill - Osceola Street; Commented on the budget about employee raises and felt it's a mistake to not give all employees the same COLA, because they do not have a union. Commented on City Manager Mortell's comments on commercial leases, stating the tenant is responsible for these things, it is part of being a tenant.

CONSENT CALENDAR

2. APPROVAL OF 08/14/2023 SCM - BUDGET WORKSHOP #2 AND 08/14/2023 CCM MINUTES (RC)

3. REVISED MODIFICATION TO CONSENT AGREEMENT NO. SFWMD 94-93-CO-WU WITH THE SFWMD (RC):

RESOLUTION No. 55-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RESCINDING RESOLUTION 22-2023 AND AUTHORIZING THE EXECUTION OF A REVISED CONSENT ORDER WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. AUTHORIZATION TO SUBMIT GRANT APPLICATION TO FDLE, TO EXECUTE A GRANT AGREEMENT, AND MINOR AMENDMENTS IF REQUIRED (RC):

RESOLUTION No. 65-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO SUBMIT A FLORIDA DEPARTMENT OF LAW ENFORCEMENT OFFICE OF CRIMINAL JUSTICE GRANT APPLICATION FOR IDENTITY THEFT AND FRAUD PREVENTION; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. BA #15 FOR ENGINEERING SERVICES FOR LONG-TERM WATER SUPPLY OPTIONS (RC):

RESOLUTION No. 66-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 15 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR PROFESSIONAL ENGINEERING SERVICES TO EVALUATE LONG TERM WATER SUPPLY OPTIONS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6. APPROVE AWARD OF ITB#2023-105, CITY OF STUART COURTESY DOCK REPAIR (RC):

RESOLUTION No. 67-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-105, CITY OF STUART COURTESY DOCK REPAIR WITH A TOTAL UNIT PRICE OF \$110,550.00 TO EDENS BENTON, INC. OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. APPROVE AWARD OF ITB #2023-108: SE ILLINOIS AVENUE LIVING SHORELINE PROJECT (RC):

RESOLUTION No. 68-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-108, SE ILLINOIS AVENUE LIVINGSHORE LINE PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$207,472.22 TO EDENS BENTON, INC., OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. BUDGET AMENDMENT NO. 16 FOR MONTEREY ROAD WATER MAIN REPAIRS (RC):

RESOLUTION No. 77-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 16 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR MONTEREY ROAD WATER MAIN REPAIRS AT THE INTERSECTION OF MONTEREY ROAD AND KANNER HIGHWAY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. AUTHORIZATION TO AMEND RESOLUTION 116-2020 TO REQUEST ADDITIONAL FUNDS; TO EXECUTE A GRANT AGREEMENT; AND MAKE MINOR AMENDMENTS IF REQUIRED(RC):

RESOLUTION No. 78-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO AMEND RESOLUTION 116-2020 TO REQUEST ADDITIONAL GRANT FUNDS THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A CITY-WIDE RESILIENCY STUDY AND ADAPTATION PLAN; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**** PULLED****

END OF CONSENT CALENDAR

7:45 PM MOTION: Approve Items #2 - 8, pulling Item #9 from Consent Calendar.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

9. AUTHORIZATION TO AMEND RESOLUTION 116-2020 TO REQUEST ADDITIONAL FUNDS; TO EXECUTE A GRANT AGREEMENT; AND MAKE MINOR AMENDMENTS, IF REQUIRED (RC):

RESOLUTION No. 78-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO AMEND RESOLUTION 116-2020 TO REQUEST ADDITIONAL GRANT FUNDS THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A CITY-WIDE RESILIENCY STUDY AND ADAPTATION PLAN; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Manager Mortell briefly reviewed the grant agreement.

Commissioner Collins asked for clarification on the resiliency study.

7:51 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Becky Bruner
Motion approved unanimously.

COMMISSION ACTION

10. ADOPT A MOTION TO APPROVE A CITY ATTORNEY INTERVIEW SCHEDULE AND SELECT ATTORNEYS TO BE INTERVIEWED

Commissioner Collins commented on the information recently reviewed and feels there are three (3) of the four (4) candidates that have municipal experience and do not have legal or financial issues. Stated he feels it is important that the selection is based on merit, not who you know. Collins proposed keeping it to three (3) candidates; Baggett, Serrano, and Panarites.

Mayor McDonald and Commissioner Rich commented that they preferred to remain with the committee's recommendation of interviewing four (4) candidates. Mr. McDonald noted that one has environmental experience and respects the opinions of those who served on the selection committee.

The Commission further discussed the experience and qualifications of the candidates then, Commissioner Clarke made a motion.

7:59 PM MOTION: Follow the recommendation of staff and committee to accept the interview schedule for the persons to be interviewed and work on the schedule to come back with a recommendation to select a City Attorney.

MOVED BY: Eula Clarke
SECONDED BY: Campbell Rich

VOTE:

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

NO: Christopher Collins

Interim City Attorney Paul Nicoletti noted that a schedule was needed, the special meeting would open for the public, recess for the 30-minute individual interviews, referred to as "speed dating," and reconvene to make a decision on the new hire or defer the decision until the September 11, 2023 Commission Meeting.

Mayor McDonald announced that he will not be available that week in person, but could be available via Zoom Telecommunications. Discussion of day and time continued; a Special Commission Meeting for Attorney Interviews was set for Thursday, September 7th beginning at 9:00 a.m.

8:03 PM MOTION: Approve interview schedule for Thursday, September 7th at 9 a.m.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

11. RELOCATION OF CITY GARAGE SITE AND SANITATION REVENUE SUFFICIENCY STUDY (RC):

RESOLUTION No. 80-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATING TO THE RELOCATION OF THE CITY GARAGE SITE AND THE SANITATION REVENUE SUFFICIENCY STUDY, PREPARED AND SUBMITTED BY RAFTELIS DATED SEPTEMBER 14, 2022. PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

City Manager Mortell discussed the item, stated that if the City is inclined to revisit the issue, it could be brought back for a full presentation.

Mayor McDonald commented that he is not inclined to do this, but some points to consider are the square footage, and he would be open-minded if the item came back before them.

Commissioner Collins stated concerns over what the existing garage property would become.

Commissioner Clarke commented that she would like to save the small building on the property that was built by students in the 1970's. The preservation request may be considered.

Vice Mayor Bruner likes it when the City purchases property and agrees to save the small building on the property.

8:19 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

12. US-1/FEDERAL HIGHWAY STREET TREE MASTER PLAN/PROGRAM AND

LAND DEVELOPMENT CODE AMENDMENTS (RC):

ORDINANCE No. 2520-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.04.06 ENTITLED "SUPPLEMENTAL BUILDING SETBACKS ON CERTAIN STREETS" IN CHAPTER II AND SECTION 3.01.03 ENTITLED "URBAN STANDARDS AND REGULATIONS FOR DESIGNATED URBAN SUBDISTRICTS" IN CHAPTER III; AMENDING SECTION 11.01.03 ENTITLED "MINOR DEVELOPMENT PLAN APPLICATION" IN CHAPTER XI; AND CHAPTER XII DEFINITIONS OF THE CITY OF STUART LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Executive Director, presented the history of this item and provided the timeline for approval.

Jessica Seymour, Treasure Coast Regional Planning Council, presented the shade trees, recommending a Fox Tailed Palm. The median's recommendation is Purple Trumpet Tree and Royal Palm.

Commissioner Collins would like to see the language for the credit of parking for all the properties involved be removed and changed to only the properties where the planting of trees affected their parking receive credit.

8:38 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

VOTE:

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

NO: Christopher Collins

- 13. 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.

Vince Felicione, Fire Chief, came forward and explained the reporting process and how this will speed up the compliance process.

8:48 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

8:48 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

Minutes to be approved at the Regular Commission
Meeting this 11th day of September, 2023.