

**CITY OF PORT ST. LUCIE  
CITY COUNCIL REGULAR MEETING MINUTES  
DECEMBER 12, 2011**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on December 12, 2011, at 7:00 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. MEETING CALLED TO ORDER**

**2. ROLL CALL**

Council Members

Present:

Mayor JoAnn M. Faiella  
Vice Mayor Linda Bartz  
Councilwoman Michelle Lee Berger  
Councilman Jack Kelly  
Councilwoman Shannon M. Martin

Others Present:

Jerry A. Bentrrott, City Manager  
Roger G. Orr, City Attorney  
Stephanie Beskovoyne, Assistant City  
Attorney  
Edward Cunningham, Communications Director  
Marcia Dedert, Finance Director/Treasurer  
Joel Dramis, Building Inspector  
Pam E. Booker, Senior Assistant City  
Attorney  
Daniel Holbrook, Planning & Zoning Director  
Jesus A. Merejo, Utilities Director  
Karen A. Phillips, City Clerk  
David K. Pollard, OMB Director  
Brian E. Reuther, Police Chief  
Patricia Roebling, Engineering Director  
Tricia Swift-Pollard, Community Services  
Director  
Carol M. Heintz, Deputy Clerk Supervisor

**3. INVOCATION & PLEDGE OF ALLEGIANCE**

The City Clerk gave the Invocation, and Mayor Faiella led the assembly in the Pledge of Allegiance.

**4. PUBLIC TO BE HEARD**

**SALLY ANN BERGQUIST - ANIMAL ADVOCATE/SUPPORTER**

Ms. Bergquist said, "Our municipal county shelter. . . . I want you to know that there's an alternative model. It's called No-Kill Animal Sheltering, and it has been formatted out of California by an organization known as The No-Kill Advocacy Center. I would like to come back next month and play for you a four and a half minute DVD on the Premier No-Kill Municipal Animal Shelter in Charlottesville, Virginia, which I have personally toured. Since they stopped euthanizing savable animals five years ago and adopted the no-kill format, they have placed as adoptions 20,000 animals and 10,000 fosters. They performed 25,000 spay/neuters and logged more than 100,000 volunteer hours. I learned about this no-kill municipal sheltering from the director of the No-Kill Advocacy Center. I just want to share with you that there's a new model, and it takes a shelter director not content to kill, a shelter director who's willing to shift the paradigm to do much more spay and neutering, much more fostering, and get the community behind it. It can be done. After I toured the shelter, I happened to be at the Humane Society and wound up in the office of Director Andrews. I started to talk about the no-kill model, but during the course of the discussion I would have to say that he dismissed it. Also present was the shelter's operation manager David Robertson who later expressed an interest to learn more. I want to know why our county shelter can't replicate this humane, sustainable, and cost effective model that supports public health and safety, while also meeting fiscal responsibility to the taxpayers. Clearly, the Humane Society has the infrastructure to evolve into a no-kill municipal shelter. However, can they change their attitude, develop resolve, and implement the No-Kill Center's method and model?"

**SUSAN HARGREAVES - NO-KILL SHELTER**

Ms. Hargreaves said, "I'm the director of the Spay/Neuter Alliance of the Treasure Coast. The Spay/Neuter Alliance consists of every companion animal rescue group in both Martin and St. Lucie. I would like to congratulate you, because your county has the voucher program for spaying and neutering, so you're further ahead than many other counties. Spaying and neutering is the answer. Approximately four million dogs and cats are killed each year in shelters. With the foreclosures many people are giving up their animals. In Martin County we're doing a pilot program where we're taking cat colonies or community cats and spaying and neutering them. It has been proven that those colonies actually reduce in size after so many

years. Currently, in your county it would be illegal for someone to feed a community cat colony and spay and neuter them. I understand that your policy is to trap them and euthanize them. We would like to humanely manage the cat colony, and I have brought my cards with me, so that we may discuss this in the future. I'm also with the Pegasus Foundation, and we have a Caring Fields Humane Education Center. We're having an Animal Disaster Workshop that any of your county employees can attend for free." Councilwoman Berger stated, "Thank you for that opportunity for discussion. Just as a reminder, this is the City of Port St. Lucie and not the county. We don't run that shelter, nor do we work with the county employees who are mandated to work with it. We do have our Animal Control that works directly with them by dropping them off, and we do have a contract with the Humane Society. However, I would consider that an indirect way that we euthanize maybe, but certainly I'm sort of uncomfortable with someone just saying that we euthanize the animals, because that's not the case. Just as an FYI, the City of Port St. Lucie does not do that."

#### 5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

##### a) PROCLAMATION - PORT ST. LUCIE PIONEER HISTORY MONTH

The City Clerk read the Proclamation for Port St. Lucie Pioneer History Month, and Mayor Faiella presented the Proclamation to Zoe and Erin Barbeau from the Clover 4-H Club. Ms. Barbeau said, "Clover 4-H, Friends of the Savannas, and I thank you for proclaiming January Port St. Lucie Pioneer History Month. It is important that we learn about the brave people who settled our home. These great people have a story that needs to be told. I hope you can join us at the Savannas Preserve State Park on January 21, 2012, for a remembrance of these brave people."

#### 6. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Councilman Kelly **moved** to approve the Agenda. Councilwoman Martin **seconded** the motion. Mayor Faiella commented that Item 7 f) has been corrected to NSP1. It previously listed NSP3. The City Clerk restated the motion as follows: for approval of the Agenda. The **motion passed unanimously** by roll call vote.

#### 7. APPROVAL OF CONSENT AGENDA

##### a) APPROVAL OF MINUTES - November 14, 2011

##### b) MAJOR SITE PLAN, NEELY'S GROG HOUSE - CHICKEE HUT,

LOCATED AT 802 SW BAYSHORE BOULEVARD, CONSTRUCT A 930 SQ FT AREA WOOD DECK WITH THATCHED ROOF AS AN EXTENSION OF THE EXISTING BAR IN SWAN PLAZA II, P11-125, KAREN DICK OF KED COMMERCIALS, INC.

**c) ESTEP CONSTRUCTION, INC.,** AMENDMENT #1, BRIDGE DECK AND JOINT REHABILITATION FOR ST. LUCIE WEST BOULEVARD BRIDGES OVER THE FLORIDA TURNPIKE #949901 AND BRIDGE #949902, #20110095, \$19,010, CONTRACT PERIOD WILL BEGIN 12/13/11 AND TERMINATE 1/27/12, FUND 304-4125-5340, ENGINEERING

**d) NATURAL RESOURCES CONSERVATION SERVICE (NRCS) EMERGENCY WATERSHED PROTECTION PROGRAM,** AMENDMENT #2, E-8 CANAL REPAIRS, TIME EXTENSION FOR COMPLETION DATE FROM 1/2/12 TO 2/1/12, PROJECT AGREEMENT #69-4209-11-1768, ENGINEERING

**e) REQUEST FOR UNITY OF TITLE** BY ISMAT A. CHAGANI, AAMIR A. CHAGANI AND FEROS A. CHAGANI, FOR LOTS 23 AND 24, BLOCK 1294, PORT ST. LUCIE SECTION TWELVE, SO THAT THE FUTURE OWNERS CAN PLACE A POOL ON THEIR ADJACENT VACANT LOT, LEGAL DEPARTMENT

**f) PURCHASE OF FORECLOSED PROPERTIES,** NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1), 2450 SW MADIERA STREET, PORT ST. LUCIE, FLORIDA, \$1.00, LEGAL

Vice Mayor Bartz **moved** to approve the Consent Agenda. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Consent Agenda. The **motion passed unanimously** by roll call vote.

#### 8. SECOND READING, PUBLIC HEARING OF ORDINANCES

**a) ORDINANCE 11-87,** AMENDING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES, AMENDING CHAPTER 155 SIGN CODE OF THE CITY OF PORT ST. LUCIE LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-87 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Ordinance 11-87. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-87. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 11-88,** UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE

REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

The City Clerk read Ordinance 11-88 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Ordinance 11-88. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-88. The **motion passed unanimously** by roll call vote.

**c) ORDINANCE 11-89**, DEFINING THE FOUR CITY COUNCIL DISTRICT BOUNDARIES AS SET FORTH IN SECTION 5.05 (COUNCIL DISTRICTS; ADJUSTMENT OF DISTRICTS) OF THE CITY CHARTER; PROVIDING FOR AMENDMENT OF SECTION 33.04 (ELECTION DISTRICT(S), PORT ST. LUCIE CITY CODE; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-89 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Ordinance 11-89. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-89. The **motion passed unanimously** by roll call vote.

**d) ORDINANCE 11-90**, PROVIDING FOR THE CONSOLIDATION OF THE ENGINEERING DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR THE AMENDMENT OF SECTION 32.38, PORT ST. LUCIE CITY CODE, AMENDING THE RESPONSIBILITIES OF THE ENGINEERING DEPARTMENT; PROVIDING FOR THE REPEAL OF SECTIONS 32.80, 32.81, AND 32.82, PORT ST. LUCIE CITY CODE; PROVIDING THAT ANY REFERENCES IN THE PORT ST. LUCIE CITY CODE TO THE PUBLIC WORKS DEPARTMENT SHALL BE DEEMED TO REFER TO THE ENGINEERING DEPARTMENT; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-90 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Ordinance 11-90. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-90. The **motion passed unanimously** by roll call vote.

## 9. OTHER PUBLIC HEARINGS

**a) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #270, NW TURTON TERRACE**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Item 9 a). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 a), Street Lighting Boundary #270, NW Turton Terrace. The **motion passed unanimously** by roll call vote.

**b) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #271, NW LINCOLN AVENUE**

Mayor Faiella opened the Public Hearing.

**FRANCES FORD CLINTON** said, "I live at 519 NW Lincoln Avenue, and I want the lighting. It's like a black hole, and I put in for it two years ago."

**JOSEPH GOLDMAN** stated, "I live at 441 NW Lincoln Avenue, and my concern is the actual proposal. Will we be getting some sort of layout of the plan? I got the street map, but it doesn't say what the style of lighting is going to be, or how the electrical will be run. Are the wires going above ground? I think we need to know that, so we can make an educated decision about the proposal." The City Clerk replied, "It will be the standard residential street lighting, and not the decorative lighting like you see on the major thoroughfares. It's a low-level lighting, and the wires will be above ground unless you are in one of the areas where they are already underground, and we have very few of those." Mr. Goldman noted, "The wiring is behind the houses. Are they going to run lighting on the wire from the light post to the wire behind the house?" The City Clerk replied in the affirmative. Mr. Goldman commented, "My other concern was the assessments. Who will be paying the FP&L bill?" The City Clerk replied, "If the boundary passes, and that's with a vote of 50% plus 1 of the ballots received back, the assessment is currently \$27 per year per lot." Mr. Goldman asked, "Is that just for the installation?" The City Clerk replied, "That's for everything. The only bill you will see, if it does pass, is \$27, which is the rate at this time. It will appear on your next year's tax bill." Mr. Goldman pointed out, "But there's no guarantee of future years going forward. Is that correct?" The City Clerk replied, "It has increased a little over the past few years, because the cost of electricity has increased. There are no charges for installation of the wires or poles." Mr. Goldman remarked, "Gulf Coast, one street over, has two streetlights, and Archer on the other side of us only has one streetlight between Elm and Kingston. You're proposing six streetlights. It seems like overkill." The City Clerk said, "The lights that

you're seeing on the other streets are probably personal lighting from FP&L. The formula that's used when the lights are installed is one light for every four lots as best as can be done. FP&L has the final say."

There being no further discussion, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Boundary #271, NW Lincoln Avenue. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 b), Street Lighting Boundary #271, NW Lincoln Avenue. The **motion passed unanimously** by roll call vote.

**c) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #272, SW HAMBERLAND AVENUE**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Item 9 c), Boundary #272. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 c), Street Lighting Boundary #272, SW Hamberland Avenue. The **motion passed unanimously** by roll call vote.

**10. FIRST READING OF ORDINANCES**

**a) ORDINANCE 11-94, AUTHORIZING THE CONVEYANCE OF THAT CERTAIN PROPERTY DESCRIBED AS LOT 4, BLOCK 1615, PORT ST. LUCIE SECTION TWENTY THREE, WHICH WAS PREVIOUSLY PURCHASED FOR USE IN NSP; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 11-94 aloud by title only. Vice Mayor Bartz **moved** to approve Ordinance 11-94. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-94. The **motion passed unanimously** by roll call vote.

**11. RESOLUTIONS**

**a) RESOLUTION 11-R95, REQUESTING THAT THE FLORIDA LEAGUE OF CITIES RECOGNIZES THE CITY OF PORT ST. LUCIE AS THE NINTH MOST POPULOUS CITY IN THE STATE OF FLORIDA AND, AS SUCH, REQUESTING THAT THE CITY OF PORT ST. LUCIE BE GRANTED A BOARD SEAT ON THE FLORIDA LEAGUE OF CITIES BOARD OF DIRECTORS; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 11-R95 aloud by title only. Mayor Faiella said, "Hopefully, I will be receiving a letter by the

end of next month stating that we have been appointed a seat on the Board to take effect at the end of August. The redistricting has to be completed, and then they reorganize." Vice Mayor Bartz **moved** to approve Resolution 11-R95. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R95. The **motion passed unanimously** by roll call vote.

**b) RESOLUTION 11-R96, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORT ST. LUCIE; PROVIDING AND EFFECTIVE DATE**

The City Clerk read Resolution 11-R96 aloud by title only. Councilwoman Berger **moved** to approve Resolution 11-R96. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R96. The **motion passed unanimously** by roll call vote.

**c) RESOLUTION 11-R97, AUTHORIZING THE RESERVATION OF EXCLUSIVE UTILITY EASEMENTS CONCERNING THE VGTI-FLORIDA PROJECT AT TORREY PINES; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 11-R97 aloud by title only. Councilwoman Martin **moved** to approve Resolution 11-R97. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R97. The **motion passed unanimously** by roll call vote.

**d) RESOLUTION 11-R98, PROVIDING FOR A TEMPORARY PARTIAL REBATE OF CITY OF PORT ST. LUCIE ROAD IMPACT FEES; PROVIDING FOR AN EFFECTIVE DATE**

The City Clerk read Resolution 11-R98 aloud by title only. Mayor Faiella said, "I know that we've had discussions on trying to find a way to reduce the impact fees. I'm glad this came to the table now, and I commend the City Manager and staff for doing that." Councilman Kelly asked, "Is this for one year?" The City Manager replied, "If approved, it would be effective from December 1, 2011, through December 31, 2012. It's technically 13 months." Councilman Kelly asked, "Are we going to give them 50% back after they get their CO?" The City Manager replied, "That's correct less any administrative fees. In the meantime, we will have a study to review comprehensively all of our impact fees." Councilman Kelly stated, "I also think we need to start looking at our commercial impact fees, because they are outrageous. Why would anyone want to build here with the outrageous fees that we

have?" Mayor Faiella noted, "Once we pass this, we will let the County Commissioners know, and, hopefully, they will look at theirs as well." Councilwoman Berger asked, "Aren't we still working toward reducing these impact fees in the areas that we're trying to attract the most?" The City Manager replied, "We have multiple issues, whether it is areas, what kind of fees, etc. That's why rather than doing it piecemeal, this is a temporary rebate program while we do the comprehensive review of all of the impact fees next year. We do have multiple issues that we want to look at, and we will look at all of them during that study to make recommendations, should we want to make changes."

Councilwoman Berger pointed out, "I also appreciate the fact that in your first 90 days when you gave the update about what you projected the next couple of years would look like, you mentioned at the time the regulation issue that you were concerned about, and it was one of those things that you wanted to look at for opportunities for less regulation, continued growth, and sustainability within the City. I appreciate you doing that, but I would actually like to make sure that we get it done in a relatively short period of time." Councilman Kelly remarked, "It's not just the City. We can do everything we can do, but the county has to be involved. I know we're trying to get a meeting with them, and this is one of the things that we should talk about." Councilwoman Berger **moved** to approve Resolution 11-R98. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R98. The **motion passed unanimously** by roll call vote.

## 12. UNFINISHED BUSINESS

There was nothing scheduled for this item.

## 13. NEW BUSINESS

**a) SEA COAST AIR CONDITIONING, INC.**, HVAC CONTRACTOR FOR NSP HOME REHABILITATION, SUPPLY, INSTALL AND REPAIR HVAC SYSTEMS WHEN NEEDED, #20110071, INITIAL CONTRACT PERIOD IS FOR 24 MONTHS WITH THE OPTION TO RENEW FOR AN ADDITIONAL 24 MONTHS, PURCHASE ORDERS WILL BE ISSUED AS NEEDED UP TO \$200,000 PER FISCAL YEAR, FUND 116/114-5500-5491, COMMUNITY SERVICES

The City Manager said, "This is a contract with Seacoast Air Conditioning, Inc., to provide HVAC equipment for NSP homes as needed, and we do recommend approval." Councilwoman Martin **moved**

to approve Item 13 a). Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 a). The **motion passed unanimously** by roll call vote.

**b) MELVIN BUSH CONSTRUCTION, INC., AMENDMENT #21, CHANGE ORDER #3, CITYWIDE CULVERT REPLACEMENTS & SIDEWALK CONSTRUCTION, E-8 CANAL DRAINAGE IMPROVEMENTS, #20070008, \$146,988 FOR ADDITIONAL WORK FOR A NEW CONTRACT TOTAL OF \$1,600,352.92, PLUS 30 ADDITIONAL CALENDAR DAYS FOR A NEW CONTRACT TOTAL OF 201 CALENDAR DAYS, THIS IS A NATURAL RESOURCES CONSERVATION SERVICE (NRCS) FUNDED PROJECT, FUND 401-4126-5340, ENGINEERING**

The City Manager stated, "As part of the Consent Agenda, there was an extension of a grant program with the NRCS. This is to do capital maintenance work on the E-8 Canal system. Some additional work was observed. Some major culverts were rusted out, and the granting agency agreed that would be the time to do that, and this would all be part of it. We are recommending amending the contract with Melvin Bush Construction, Inc., for \$146,988 to do that work." Vice Mayor Bartz **moved** to approve Item 13 b). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 b). The **motion passed unanimously** by roll call vote.

**c) DELL FINANCIAL SERVICES, L.L.C., LEASE OR PURCHASE 140 DELL LATITUDE E6420 XFR LAPTOPS TO REPLACE LAPTOPS THAT HAVE REACHED THE END OF THEIR USEFUL LIFE, #20110084, \$475,797.87 TO BE PAID IN THREE ANNUAL INSTALLMENTS OF \$158,599.29 EACH, FUND 001-2105-5443, POLICE DEPARTMENT**

The City Manager noted, "This is a lease/purchase contract with Dell Financial Services, L.L.C., in the amount of \$475,797.87 to be paid over a three-year period in equal payments of \$158,599.29, to acquire new computers. These would be for the police vehicles. Our existing computers are at an age where they will no longer run the new software that is being developed countywide by 9-1-1 later this year. We couldn't afford to buy them all at one time, so this lease/purchase will pay for them over a three-year period, and we do recommend approval. We received a bid from Dell Computer and TD Leasing, and the best bid was from Dell." Vice Mayor Bartz **moved** to approve Item 13 c). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 c). The **motion passed unanimously** by roll call vote.

**d) RE-CONVEYANCE OF PARCEL 3 WITHIN LTC RANCH INDUSTRIAL PARK FROM PHOENIX METAL PRODUCTS, INC. BACK TO THE CITY OF PORT**

**ST. LUCIE, LEGAL DEPARTMENT**

The City Manager said, "The City, as part of an economic development grant several years ago, has several lots in the LTC Ranch that were set aside for economic development. One of those properties was conveyed to Phoenix Metal about three years ago to build a new facility on that property. They have contacted the City and indicated that because of the economy, they are no longer going to be able to build that facility and expand their business. With this deed, they are giving the property back to the City, which would then make it available for any other economic development projects. It's roughly five acres." Councilwoman Berger **moved** to approve Item 13 d). Councilwoman Martin **seconded** the motion. Councilman Kelly asked, "Wasn't there someone before us a year or so ago that wanted to sell the property? We put some caveats on it, they didn't know whether they wanted to try and sell it or give it back, and we gave them some time?" The City Manager replied, "Real Stone and Granite has a lot, and they've not done anything. There's also a door and window frame company that has another lot, and they have not done anything either. There was a pipe supplier, and they have built their building and are in business. Another site was conveyed to the Humane Society for their new facility." Councilman Kelly asked, "How long do we wait on these others? What's the contract? Can we just take it back?" The City Manager replied, "There are no restrictions on it."

Councilman Kelly noted, "I thought they had to supply so many jobs in a certain time frame." The City Manager commented, "They have to supply so many jobs, but I do not believe they have reverter clauses in them." Councilman Kelly asked, "Didn't we give them a time frame for those certain numbers of jobs?" (**Clerk's Note:** The City Attorney replied to Councilman Kelly, but the reply was inaudible). The City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote. Councilwoman Berger asked, "Can you give us a follow up on Councilman Kelly's question, and make sure that those landowners have their taxes paid in full as well?" The City Attorney replied in the affirmative.

**e) FELIX ASSOCIATES OF FLORIDA, INC., REPAIR AND REPLACEMENT OF THE WATER DISTRIBUTION SYSTEM CONSTRUCTION PROJECT TO REPLACE CITY WATER MAINS, #20120024 UNDER MASTER CONTRACT #20080097, ESTIMATED MATERIALS COST \$3,734,309.85, ESTIMATED CONSTRUCTION COST \$6,672,019.43, ESTIMATED COST SAVINGS OF SALES TAX FOR PURCHASING MATERIALS DIRECT \$224,058.91, FUND 447-3316-5630, UTILITY DEPARTMENT**

The City Manager stated, "This is a contract in the amount of \$10,630,388.19 to replace several miles of the water distribution system in the southeast part of the City. Of this amount, there will be a deductive change order of over \$3.7 million for the materials to do this. Felix is currently negotiating a price for those. Once we have gotten the best deal from the various vendors, the City will direct purchase of the hydrants, pipes, valves, etc. The net amount of this contract will probably be approximately \$6.6 million and we do recommend approval. It's about a 14-month time period." Councilwoman Martin **moved** to approve Item 13 e). Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 e). The **motion passed unanimously** by roll call vote.

**f) CULPEPPER AND TERPENING, INC., DESIGN SERVICES FOR THE REPAIR AND REPLACEMENT OF THE WATER DISTRIBUTION SYSTEM CONSTRUCTION PROJECT, #20120023 UNDER MASTER CONTRACT #20100050, \$610,190, FUND 447-3316-5630, UTILITY DEPARTMENT**

The City Manager noted, "This is a contract in the amount of \$610,190, that will be for the design and CEI services for the project, and we do recommend approval." Vice Mayor Bartz **moved** to approve Item 13 f). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 f). The **motion passed unanimously** by roll call vote.

**g) ANDERSEN ANDRE CONSULTING ENGINEERS, INC., GEOTECHNICAL TESTING SERVICES FOR THE REPAIR AND REPLACEMENT OF THE WATER DISTRIBUTION SYSTEM CONSTRUCTION PROJECT, #20120022 UNDER MASTER CONTRACT #20070116, \$136,450, FUND 447-3316-5630, UTILITY DEPARTMENT**

The City Manager said, "This is a contract in the amount of \$136,450 for geotechnical testing services for the project. It's with Andersen Andre." Councilwoman Berger **moved** to approve Item 13 g). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 g). The **motion passed unanimously** by roll call vote.

**h) WAIVER OF BID PER SECTION 35.11 (A), EMERGENCY CONDITIONS, CONCORD BUILDING CORP., REPAIR VANDALIZED PARK BUILDING AND COMPLETE ALL NECESSARY ADA IMPROVEMENTS AT JAYCEE PARK YMCA BUILDING, #20120021, \$59,935, FUND 301-7210-5620, PARKS AND RECREATION**

The City Manager noted, "This is a contract with Concord

Building Corporation to do damage repairs and ADA improvements to the YMCA building at Jaycee Park. The building was severely vandalized several weeks ago, and about half of this amount is going to be reimbursed by insurance for the vandalism damage. The other half will be for upgrades to make the building ADA compatible, and we do recommend approval." Councilwoman Martin **moved** to approve 13 h). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 h). The **motion passed unanimously** by roll call vote.

14. **COUNCIL COMMENTS AND COMMITTEE REPORTS**

The Council wished the residents of Port St. Lucie and their families a Happy Holidays and a Happy New Year.

15. **ADJOURN**

There being no further business, the meeting adjourned at 7:50 p.m.

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Karen A. Phillips, City Clerk

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Carol M. Heintz, Deputy Clerk Supervisor