

**CITY OF PORT ST. LUCIE
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 25, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on June 25, 2012, 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:

Gregory J. Oravec, City Manager/
CRA Director
Roger G. Orr, City Attorney
James Angstadt, Acting Assistant City
Engineer
Linda Bagley, Manager, Engineering
Stefanie Beskovoyne, Assistant City Attorney
John A. Bolduc, Acting Police Chief
Roxanne Chesser, Engineering
Milton Collins, Assistant City Attorney
Sherman A. Conrad, Parks & Recreation
Director
Edward Cunningham, Communications Director
John Dunton, Manager, Engineering
Joel Dramis, Building Official
Edwin M. Fry, Jr., Finance Director/City
Treasurer
Daniel Holbrook, Planning & Zoning Director
Renee Major, Risk Management Director
Jesus A. Merejo, Utilities Director
Karen A. Phillips, City Clerk
David K. Pollard, OMB Director
Patricia Selmer, Acting Community Services
Director
April C. Stoncius, Deputy City Clerk

Tonya Taylor, Facility Administrator, Civic Center
Anthony Veltre, Nuisance Abatement Coordinator, Building Department

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

DIANA SCHON - SPICE ORDINANCE

(Clerk's Note: A packet of information was distributed by Ms. Schon).

Ms. Schon said, "I'm here to ask that the City of Port St. Lucie put a temporary emergency ban on all synthetic substances, whether loose leaf or granule, due to the health and safety risk of our public and our youth. I have a son that is 19 years old. Before smoking SPICE, he was fine and healthy. After smoking it, he was in a coma for four days. He has permanent brain damage and an unidentifiable tumor behind his optic nerve in his brain. There are several other kids that have died from this substance and thousands of others who have permanent brain damage that are in mental hospitals. Resolution 11-R23 bans flavored tobacco in Port St. Lucie. SPICE is not tobacco. It is made up of oregano, thyme, grass, and rye. It is sprayed with acetone and hundreds of chemicals. There is a company in Port St. Lucie that boasted about making \$4.5 million last year selling this stuff. They are putting out over 25,000 bags a week that I have proof of, because I was able to hack into their corporate system. The DEA is aware of it. It is within five miles of the Port St. Lucie Police Department. I want to know how much tax that company paid the City on \$4.5 million worth of sales. If we don't do something about this soon, our kids are going to die. The pamphlets I distributed state everything that is bad about it. These chemists are one step ahead of us. It takes 14 days to hit the streets, and it takes the DEA about three months to consider it a controlled substance. Until then, nobody knows until a child ends up in the hospital like mine or dies. Florida State Statute 893.0356 bans any and all synthetic substances. Unfortunately, every law enforcement agency across the state is not aware of it. It is up to the local communities to get the word out. I'm asking that even if it is only temporary until the Legal Department can review it, we place an emergency ban on all

synthetic substances, whether it is loose leaf, which simulates marijuana, or granule, which simulates cocaine. The City of Miami-Dade passed it last week, and it bans everything, whether it is a controlled substance or not, until it can be reviewed by their legal department. I just don't want to see any more kids get hurt. There are sample ordinances from across the nation in the packet. I have just teamed up with the Maximus Foundation. Max was 19 years old the first time he smoked SPICE. He drove a car 100 miles per hour through somebody's house with a ten-month old baby sleeping in the bedroom. Before that, Max never had a problem. This is because our local cities aren't doing anything about it. We can't afford to wait."

Vice Mayor Bartz stated, "I had the opportunity to talk to Ms. Schon this afternoon. I thought we had passed an ordinance banning SPICE. Actually, we had a lot of discussion regarding it, because the state was coming in to ban it. I have offered to meet with her again to get as much information as possible. I have also discussed this with the City Manager and Acting Chief Bolduc regarding the ordinances in Miami and Sunrise to see what we can do to maximize our position, and follow their lead. I am on this."

THOMAS LADOMIRAK - CHEMICALS/FOURTH OF JULY/POLICE CHIEF

Mr. Ladomirk said, "I hope something can be done, because these chemicals are harming people. I have not seen a warning on chlorine bleach or ammonia, as those chemicals are toxic when mixed. Many people die every year accidentally by mixing those, because it produces a toxic gas, especially in a small enclosed area. I have accidentally put a few drops together, and found out the results of how bad it is. Also, I want to encourage all of the citizens to go to the 4th of July event at the Civic Center. It is an important opportunity to celebrate our Declaration of Independence, and is a free event that families should enjoy. I also hope that the Police Chief contract can be worked out judiciously, and hope it is approved by both sides."

JOSEPH PATRONIE - POLICE DEPARTMENT AND MAYOR

Mr. Patronie said, "I did not participate in the initiative put forth by our City Manager, but I read about it in the newspaper. I have a recommendation for the Police Department; they need to continue their service in an outstanding manner, and keep in mind their commitment and reputation. Based on the newspaper articles, there may be a hothead in the chain of command, and you don't want that to disturb your performance of duty. I

understand a stranger from another city quoted our laws, and in doing so, he labeled the Mayor a bully. I think you have a duty to seek justice regarding your position of Mayor of Port St. Lucie. You should consult a dictionary, which describes a bully as, 'a larger boy picking on smaller boys' and 'someone who has a habit of picking on weak or smaller boys.' That doesn't apply in this case. The term bully should be eradicated, and not have been used. Also, you need to consult with an attorney to see if you have a case. You need to look at fraud, honor, and integrity of a Mayor's position. You represent the highest office in this City, and have taken the heat below the belt. Thank you." Mayor Faiella remarked, "Thank you for your comments, but I've been called worse than a bully."

JIM MCKENZIE - CHARTER CONCERNS

Mr. McKenzie said, "Our Charter was written to guide this community, as the Constitution was written for the United States to guide future leaders of this nation. It acknowledges that not every issue can be anticipated or circumstance can be outlined in the document. However, attached to this document there is a spirit and intent. In our Charter, the Mayor and City Council approve or reject recommendations from the City Manager. If the elected body has a question, they are able to meet one on one with the City Manager, or during a workshop for clarification. The City Manager is responsible for the quality of the recommendations and those of his department heads. The spirit and the intent of the Charter was not upheld during the hiring process of the Chief. If the Mayor and Council members had questions, it was their responsibility to go to the City Manager. He and his trained staff would have obtained the answers. Having an elected official call undermines the responsibility of the City Manager, and intervenes with his authority, thus showing a lack of confidence and respect for the professionals within his departments, specifically, Human Resources. It shows disrespect for policies and procedures of the Federal EEOC, and the privacy laws. I believe that the spirit and intent of our Charter places the responsibility of getting concerns answered solely with the City Manager and his staff. Comments to the newspaper were that Mr. Novick was a strong town manager, he had police chief leadership, and his accomplishments were very strong. If there was a question about his personality not being strong enough, there were four days to ask about it. Any questions should have been through the City Manager and his personnel department. Madam Mayor, you commented that you were stubborn and would not do anything different. I hope that you will take these comments positively, and learn from it to change your course of action in

the future. Thank you."

MICHAEL DI IANNI - POLICE CHIEF AND ANTHONY WESTBURY'S ARTICLES

Mr. Di Ianni said, "I believe that it is everybody on the Council's responsibility, as well as the people of the City, to pick the right person for the job. I don't see it as an issue if one of you called and asked opinions of the candidates. In the public sector we would call. By making that call, it doesn't mean that you are doing anything wrong. If someone wants to give you information, then they did something wrong. We want the right person for the City, and I think that we got him. I want to congratulate the new Chief for accepting the job, and the Council for doing a good job. Every time something happens in the City, Mr. Westbury asks someone to resign. Maybe he has an agenda of his own, and maybe he should resign from the newspaper. In the eleven years that I have been here, he has never said anything positive about the Council. It is always negative, and that is bringing the City down. He mentioned the residents of Port St. Lucie were disappointed. I took my own survey, and they didn't have the same feelings. He quoted something about the residents of Port St. Lucie are disgusted, but I think we should get past all of this and move on. We have a great City Manager and a good Council, so we need to move on and be positive. We should not listen to the newspaper, because it is not always true."

STEVEN CARROLL - POLICE CHIEF AND MEDIA COVERAGE

Mr. Carroll said, "The City Charter says the Council and the Mayor have the right to vet candidates and other issues before the City. They even have subpoena powers, but no one has mentioned that. The Mayor called all of the candidates, not just that one. The whole town wants change, and is looking for a new start. We have a great Council and a new City Manager. I want to congratulate the City Manager on being transparent on this. When you open something up to transparency, you always open up different opinions and methods. The newspaper articles from Mr. Westbury, who I call the Jerry Springer of the media, do nothing but rag on Port St. Lucie. He called us Port St. Looney, but he lives in the fine City of Fort Pierce, which we all know has no crime or problems, as he doesn't put them in his columns. He is always jumping all over us, and it is ridiculous. I'd really like someone to point out legally what the Mayor did wrong. The City Attorney indicated she was well within her rights. Mr. Westbury indicated it was a self-serving opinion, but it happens to be a legal opinion. He talks about the City Manager losing

his job, which is laughable. The City Manager is well liked, and is doing a good job. He put 18 more boots on the ground to protect us. When we are hiring a Police Chief that is going to be responsible for 165,000 people, I want to know everything about him. It is the Council's duty to get involved, and check it out. The City Manager has the final word, and everybody knows that. That is what happened here. The pending Chief made a statement that you were a bully and were interfering, and he also cited our City Charter. It can't be the same Charter that I read, because ours says she has the right to do it. The other thing that bothered me was that he went to the media with the problem and not to the City Manager, who is the Chief Executive Officer of this City. He didn't go to the Council. It takes three of you to fire the City Manager, not just the Mayor. It will take a majority, so it will not happen. We have all of these people who are always calling for resignations, and it is ridiculous. We have a good Council and an excellent City Manager, who is moving forward. If anybody doesn't think that there is change here, take a look around. We are changing every day positively. We replaced the old Council, because we wanted change. There are two seats that may get changed, because people are tired of it. Every time a decision is made, someone requests a resignation. I don't see where the Mayor did anything wrong, legally. I want the person protecting the City to be vetted as much as possible. I see nothing going on except some politically disgruntled people trying to start trouble. I'd like to see everyone concentrate on how we can move the City forward and bring jobs here. We can't keep trying to undercut the Mayor on everything. If anyone is unhappy with the Mayor, then run against her. I heard Councilwoman Martin mentioned, because her husband is in the union. I believe Councilwoman Berger's husband is a fireman and is in the union, but I didn't hear anything about her." Councilwoman Berger stated, "He does not work in this county. He works two counties south, just to be clear." Mr. Carroll commented, "There is a war on unions, in case you haven't seen the newspapers lately."

5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

a) **SPECIAL PRESENTATION - AWARD OF GRATITUDE TO THE PORT ST. LUCIE LIONS CLUB FOR THEIR PARTICIPATION IN THE ADOPT-A-STREET PROGRAM**

The City Clerk read the Proclamation, and Mayor Faiella presented the award to Debbie Mickles of the Port St. Lucie Lions Club, who said, "We are honored to accept this award recognizing our club for this. Lion John Dellavedova contacted

the Club to let us know that we were being presented with this award. He has been the one who has been instrumental in keeping the streets clean and participating with community activities. We want to acknowledge him, and thank him for that. We want to thank the City of Port St. Lucie for this honor."

Ms. Bagley stated, "I am the Keep Port St. Lucie Beautiful Coordinator. I am here to thank the Port St. Lucie Lion's Club also. My favorite motivational saying is, you can make a wish or you can make it happen. The Port St. Lucie Lion's Club has made it happen for the past 20 years. I'd like for everyone to give them a round of applause for what they have done for the City."

6. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Councilman Kelly **moved** to approve the Agenda with the addition of Item 13 o). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Agenda with Item 13 o) added. The **motion passed unanimously** by roll call vote.

7. APPROVAL OF CONSENT AGENDA

a) APPROVAL OF MINUTES - MAY 29, 2012

b) **ATLANTIC ENVIRONMENTAL SYSTEMS, INC.**, PURCHASE ONE 2,100 GPM INJECTION WELL PUMP AND MOTOR, #20120004, \$46,000, WHICH INCLUDES A \$10 INDEMNIFICATION FEE, FUND 438-3512-5630, UTILITY SYSTEMS

c) **MELVIN BUSH CONSTRUCTION, INC.**, CHANGE ORDER #1, CHLORINE CONTACT BASIN OVERFLOW PIPE MODIFICATIONS AT WESTPORT WASTEWATER TREATMENT FACILITY, #20120033, ADDING NINETY (90) ADDITIONAL CALENDAR DAYS FOR A NEW CONTRACT PERIOD OF 120 CALENDAR DAYS, NO ADDITIONAL FUNDS, FUND 445-3512-5630, UTILITIES DEPARTMENT

d) **CULPEPPER AND TERPENING, INC.**, AMENDMENT #1, DESIGN AND PERMIT FOR MIDWAY AND SELVITZ ROADS, #20110115, PREPARE AND SUBMIT THE SKETCH AND LEGAL DESCRIPTION OF THE REQUIRED EASEMENT, \$830 FOR A NEW CONTRACT TOTAL OF \$95,580, PLUS AN ADDITIONAL 365 CALENDAR DAYS FOR A NEW TOTAL OF 728 CALENDAR DAYS, FUND 445-3316/3516-5630, UTILITY SYSTEMS

e) **DISPOSAL OF SURPLUS FORFEITURE VEHICLE**, ONE (1) 1999 TOYOTA CAMRY, TO BE SOLD THROUGH THE ONLINE AUCTION SITE AUCTIONS INTERNATIONAL OR SIMILAR PROCESS, ESTIMATED THAT THIS

VEHICLE WOULD EXCEED A \$1,000 VALUE, POLICE DEPARTMENT

f) **SALTER LAWN SERVICE, MR. "B" LAWN SERVICE, INC., FREEDOM WASTE SERVICES, NATIVE SON LANDSCAPE MANAGEMENT, EARTHLY PARADISE LAWN CARE, LLC,** (5 VENDORS), RENEWAL #1, #20100015, LOT MOWING FOR CODE ENFORCEMENT LOCATIONS, FIXED PRICE CONTRACT, FUND 001-2135-5494, BUILDING DEPARTMENT

g) **PURCHASE OF FORECLOSED PROPERTY,** NEIGHBORHOOD STABILIZATION PROGRAM 3 - (NSP3), 608 SW LUCERO DRIVE, LIST PRICE IS \$65,000; PURCHASE PRICE IS LESSER OF 99% OF APPRAISED VALUE OR PURCHASE PRICE, LEGAL DEPARTMENT

h) **PURCHASE OF FORECLOSED PROPERTY,** NEIGHBORHOOD STABILIZATION PROGRAM 3 - (NSP3), 431 SW PEACH STREET, LIST PRICE IS \$69,900; PURCHASE PRICE IS LESSER OF 99% OF APPRAISED VALUE OR PURCHASE PRICE, LEGAL DEPARTMENT

Councilwoman Berger **moved** to approve the Consent Agenda. Councilman Kelly **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**

There was nothing scheduled for this item.

9. **OTHER PUBLIC HEARINGS**

a) **COMMUNITY DEVELOPMENT BLOCK GRANT,** ALLOCATION OF \$755,777 FOR THE 2012-2013 FUNDING PROGRAM AND PUBLIC REVIEW OF THE ACTION PLAN, COMMUNITY SERVICES

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Item 9 a). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 a). The **motion passed unanimously** by roll call vote.

10. **FIRST READING OF ORDINANCES**

a) **ORDINANCE 12-30, PUBLIC HEARING,** AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, PROVIDING FOR THE ADDITIONAL FUNDING OF AN ESTABLISHED REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN "SOUTHERN GROVE"; DETERMINING THE ADDITIONAL TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT

TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE CRA EXPANSION AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATION OF THE ADDITIONAL TAX INCREMENT BY TAXING AUTHORITIES IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-30 aloud by title only. Mayor Faiella opened the Public Hearing. The City Manager said, "I would like to point out that this is an ordinance which provides for the additional funding of the Redevelopment Trust Fund, if the Southern Grove CRA District is approved this evening. If the resolution amending the plan to include Southern Grove is not approved, this will not come back for a second reading. Additionally, I would like to point out that a change will be made to the heading of Ordinance 12-30 when it comes back for second reading on the 4th line from the bottom, 'CRA Expansion Area' will be changed to 'Southern Grove.'"

There being no further comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Ordinance 12-30 with a change on the 4th line from the bottom, the CRA Expansion Area will be changed to Southern Grove for second reading. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-30 with a change on the 4th line from the bottom, the CRA Expansion Area will be changed to Southern Grove for second reading. The **motion passed unanimously** by roll call vote.

b) ORDINANCE 12-31, PROVIDING FOR THE FIRST AMENDMENT OF THE PLANNED UNIT DEVELOPMENT DOCUMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR PRIMA VISTA PROPERTIES (TO BE KNOWN AS SHOPPES @ PRIMA VISTA) P12-046, LOCATED IN A PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-31 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-31. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-31. The **motion passed unanimously** by roll call vote.

c) ORDINANCE 12-32, AUTHORIZING THE CONVEYANCE OF CERTAIN RESIDENTIAL PROPERTIES ACQUIRED BY THE CITY OF PORT ST. LUCIE NEIGHBORHOOD STABILIZATION PROGRAM TO QUALIFIED APPLICANTS OF THE PROGRAM; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-32 aloud by title only. Vice Mayor Bartz **moved** to approve Ordinance 12-32. Councilman Kelly

seconded the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-32. The **motion passed unanimously** by roll call vote.

d) ORDINANCE 12-33, AMENDING THE 2011-12 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 3 PAGES, ATTACHED HERETO AND DESIGNATED AS 2011-12 BUDGET AMENDMENT NO. 2. THE SAID SCHEDULE PROVIDES FOR AN INCREASE AND/OR DECREASE IN APPROPRIATIONS IN THE VARIOUS LINE ITEMS; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-33 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 12-33. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-33. The **motion passed unanimously** by roll call vote.

e) ORDINANCE 12-34, PROVIDING FOR THE AMENDMENT OF SECTION 31.01, PORT ST. LUCIE CITY CODE; AMENDING THE REQUIREMENT FOR BONDING OF CERTAIN CITY OFFICIALS, PROVIDING COMPARABLE INSURANCE IS IN PLACE; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 12-34 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-34. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-34. The **motion passed unanimously** by roll call vote.

11. RESOLUTIONS

a) RESOLUTION 12-R65, PUBLIC HEARING, A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; APPROVING AN AMENDMENT TO THE COMMUNITY REDEVELOPMENT PLAN WHICH INCLUDES EXPANDING THE BOUNDARIES OF THE COMMUNITY REDEVELOPMENT AREA TO INCLUDE THE AREA COMMONLY REFERRED TO AS "SOUTHERN GROVE"; AUTHORIZING IMPLEMENTATION OF THE PLAN; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R65 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 Resolution 12-R65. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R65. The **motion passed unanimously** by roll call vote.

b) RESOLUTION 12-R66, PUBLIC HEARING, GRANTING A SPECIAL

EXCEPTION USE PROVIDED FOR IN SECTION 158.137(C)(3) TO ALLOW A TELECOMMUNICATIONS TOWER IN THE U (UTILITY) ZONING DISTRICT FOR CITY OF PORT ST. LUCIE PRINEVILLE WASTEWATER TREATMENT PLANT TELECOMMUNICATIONS TOWER, LEGALLY DESCRIBED AS OGDEN TRACT, PRINEVILLE OGDEN PLAT, P11-070; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 12-R66 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Resolution 12-R66. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R66. The **motion passed unanimously** by roll call vote.

c) RESOLUTION 12-R67, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) (11) TO ALLOW AN AUTOMOBILE REPAIR FACILITY IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR SANDPIPER PETROLEUM, LLC, LOCATED AT 2780 SE MORNINGSIDE BOULEVARD AND LEGALLY DESCRIBED AS A PORTION OF SECTION 14, TOWNSHIP 37 SOUTH, RANGE 40 EAST, P12-010; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 12-R67 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Resolution 12-R67. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R67. The **motion passed** by roll call vote with Mayor Faiella, Vice Mayor Bartz, Councilwoman Berger, and Councilwoman Martin voting in favor, and Councilman Kelly voting against.

d) RESOLUTION 12-R68, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE FOR A RECREATIONAL AMUSEMENT FACILITY (DANCE ACADEMY) IN WI (WAREHOUSE INDUSTRIAL) ZONING DISTRICT PER SECTION 158.135 (C) (3) FOR FRICKTECH II , LEGALLY DESCRIBED AS LOT 7, ST. LUCIE WEST PLAT 166, ST. LUCIE WEST INDUSTRIAL PARK PHASE II (P12-055); PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R68 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 Resolution 12-R68. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R68. The **motion passed unanimously** by roll call vote.

e) **RESOLUTION 12-R71**, AMENDING THE FEE SCHEDULE FOR DEVELOPMENT REVIEW APPLICATIONS OF THE PLANNING AND ZONING DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R71 aloud by title only. Councilwoman Martin **moved** to approve Resolution 12-R71. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R71. The **motion passed unanimously** by roll call vote.

f) **RESOLUTION 12-R72**, IDENTIFYING CERTAIN PROPERTY WITHIN THE CITY OF PORT ST. LUCIE A THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY PURSUANT TO CHAPTER 40 OF THE PORT ST. LUCIE CITY CODE; PROVIDING FOR A HEARING DATE TO DETERMINE WHETHER THE AFFECTED PROPERTY SHOULD BE FOUND A PUBLIC NUISANCE; PROVIDING NOTICE TO THE OWNERS AND MORTGAGEE(S) OF THE PROPERTY OF SAID HEARING DATE; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 12-R72 aloud by title only.

Mr. Veltre said, "We have two properties on this resolution. At 1698 SE Burgundy Lane, the property is abandoned and foreclosure proceedings have been filed against it. There has not been any movement on the foreclosure case since November of 2010. The Code Compliance Division originally found violations of high grass and weeds in excess of 12 inches, property maintenance issues, such as a gable end vent in need of repair, a garage door in need of repair, and an unmaintained swimming pool with water green in color. Upon further inspection, we found additional violations of an unsecured pool without an approved child safety barrier, per the Florida Building Code. The pool is temporarily secured with a cage that was installed by the bank. It does not meet the requirements of the Florida Building Code. We have attempted to compel the owner to voluntarily bring the property into compliance. There has been no contact with the owner of the property. In the interest of the public's health, safety, and welfare, we secured the structure, and have been maintaining the grass on the property. The Building Department completed an assessment on the property to determine what is needed to bring it into compliance. The garage door is in need of repair and replacement, and the pool is unsecured due to the missing screens in the enclosure. In the best interest of the health, safety, and welfare of the surrounding community, staff is recommending that the garage door be repaired or replaced, and the pool be secured by replacing the screens in the enclosure."

Vice Mayor Bartz inquired, "Are you telling me that there is a screen around it?" Mr. Veltre responded, "There is not a screen around it." Vice Mayor Bartz asked, "Is that cover a tarp?" Ms. Beskovoyne replied, "It is a wood frame with a tarp on top of it." Mr. Veltre explained, "It has a reinforced metal type of meshing." Vice Mayor Bartz clarified, "If I walked on it, I would not fall through." Mr. Veltre responded, "Probably not, but it is not an approved child safety barrier, per the Florida Building Code. That is why we are requiring them to replace the screens. It is only temporary in nature. In this climate, they deteriorate very quickly."

Mr. Veltre said, "The second property listed in the resolution is 1450 SE Vesthaven Circle. We brought this property through the Special Magistrate process, and there is an active lien on it. The property is abandoned, and there are foreclosure proceedings filed against it. The Code Compliance Division originally found violations of high grass and weeds in excess of 12 inches, a fence in need of repair or replacement, and an unmaintained swimming pool with water green in color. Upon further inspection, we found additional violations of an unsecured pool without an approved child safety barrier, per the Florida Building Code. We have attempted to compel the owner to voluntarily bring the property into compliance. There has been no contact with the property owner, and the pool has been temporarily secured with a cage. It does not meet the requirements set forth in the Florida Building Code. In the interest of the public's health, safety, and welfare, we have secured the structure and are maintaining the property. The Building Department completed an assessment on the property to determine what is needed to bring the property into compliance. The fence is in disrepair with 90% of it laying on the ground and broken, and the pool is unsecured. In the best interest of the health, safety, and welfare of the surrounding community, staff is recommending that the fence panels be removed and disposed of, and the pool be covered with an approved child safety barrier, per the Florida Building Code requirements." Ms. Beskovoyne pointed out, "This pool backs up to a park. There is a street in between the park and this backyard. The tarp was nailed down to make sure it was covered." Mr. Veltre advised, "That is Veteran Memorial Parkway, and Lyngate Park behind it." Vice Mayor Bartz said, "I really appreciate the fact that you anticipate that I'm always concerned about pool issues, as it puts children at risk. Thank you very much for all of the work that you do." Councilman Kelly stated, "It looks like the first house has a new roof." Mr. Veltre said, "It is a fairly new roof. I'm assuming that it was replaced shortly after the

2004/2005 hurricanes.”

Councilwoman Martin **moved** to approve Resolution 12-R72. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R72. The **motion passed unanimously** by roll call vote.

12. UNFINISHED BUSINESS

a) **HONEYWELL INTERNATIONAL, INC., ENERGY AUDIT, #20110058, BY AND BETWEEN HONEYWELL INTERNATIONAL, INC., AND THE CITY OF PORT ST. LUCIE, CITY MANAGER**

The City Manager said, “The City entered into an energy audit agreement with Honeywell International last October in order to identify energy improvements and operational changes that could reduce the City’s expenditures for energy and other operational costs, which currently exceed \$5 million per year. After several months of work, Honeywell presented an audit report recommending approximately an \$11 million project, which would pay for itself with energy savings. Following an extensive review of the audit report, staff worked with Honeywell to formulate a guaranteed energy, water, and wastewater performance savings contract, which was transmitted to you before the previous Council meeting. It was given to you a week early, because it is so large. It is a couple of thousand pages long. As you consider the complex and lengthy contract, I hope that you consider the improvement project has been reduced to an amount of \$7,098,950 in the contract. Due to the direct purchases of some materials, the actual cost is almost \$8 million. The City would fund a portion of the project from cash. The Police Department has to replace an air conditioner that is about to go this year. There is \$41,000 in the budget for that. A portion of the sports lighting could be paid from the Parks’ MSTU Fund. It would leave an amount of approximately \$7,346,798 to be paid by the City. It is proposed that this be done through an internal borrowing from the Utility Fund. The City’s fund would repay their pro-rata portion of the loan annually over a 15-year period. It will be a pro-rata share of the various funds such as the General Fund, the Road Fund, and the Building Department Fund, which are outlined in my memorandum. The interest rate of the loan is 1%, which is better than the City can do in the open market that is currently about 1.25% or so. That 1% is better than the Utility Fund could get through cash investments in this market. Unfortunately, right now our rate of return is about 1.75%. It is really tough to get a return on your cash in today’s market. The City would repay the loan with the energy, water, and

operational savings it achieves as a result of completing the project. Honeywell guarantees a savings of about \$560,000 in the first year with a guaranteed savings in excess of \$600,000 the year thereafter for the 15-year term. The project is calculated to generate approximately \$3.1 million in free cash flow over a 15-year period, which is in addition to the savings that pay for the project. Honeywell is only putting their guarantee on \$300,769 in free cash flow, so there is a big spread between what they project and what they guarantee. They guarantee something greater than the cost of the project. At the end of the day, that is the key point. If the guaranteed annual savings do not materialize, Honeywell must make up the difference by cutting us a check. As a result of this project, the thermostat set point for most buildings will be 76 degrees Fahrenheit. We have looked at a number of energy policies and set points for other jurisdictions. The City of Atlanta sets theirs at 76 degrees. It is estimated that out of their annual energy bill, about 1% to 3% of the bill is related to every degree set point on the thermostat, so one or two degrees starts adding up."

The City Manager continued, "Honeywell will accept our purchasing card. If we were to move forward with this project, the City should generate more than \$75,000 in the first year as a result of paying for the contract with our purchasing card. That is in addition to the cash flow that I've already mentioned. This was a long, complex contract. We provided a presentation at the last City Council meeting." Mayor Faiella asked, "And you recommend this?" The City Manager replied, "I do recommend approval." Councilwoman Martin asked, "Will the money generated as a rebate from the purchasing card go directly back to the Utility Fund?" The City Manager replied, "That money should be pro-rata, so that everyone gets their pro-rata share of the purchase. If the General Fund pays 87% of the cost, the General Fund should get an 87% rebate." Councilwoman Martin questioned, "Seeing that we are borrowing the money from the Utility Fund and from the Contingency, taking this amount out for that purpose would not affect our bond rating in any way? There will be no issues with the bond as far as what our contingency level needs to be?" The City Manager answered, "We have built it into the budget. At this point, we are providing our required coverage. Hopefully before we would have reason to go back to the rating agencies, we will already have outlines and goals that we want to accomplish, so that we can have our rating improved the next time we go there. We don't anticipate it causing an issue. If it ever did become an issue, we would be in a position to get financing, and take out a loan. We could do that at any point. We would just be increasing our borrowing

costs, and cut into our cash savings. There is enough cash on hand to do that and is something that is done from time to time. That is why we recently had the internal borrowing guidance that was approved by the City Council. Previously, there were no set rules for that. We wanted to standardize that process, so no one was shooting from the hip." Councilman Kelly clarified, "Honeywell is guaranteeing savings greater than what the cost of the project is." The City Manager explained, "They are guaranteeing that the savings pay for their project and then some."

Councilman Kelly **moved** to approve Item 12 a). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 12 a). The **motion passed unanimously** by roll call vote.

13. NEW BUSINESS

a) HD SUPPLY WATERWORKS LTD., AND FERGUSON WATERWORKS, A DIVISION OF FERGUSON ENTERPRISES, INC., SUPPLIERS FOR WATER AND SEWER PRODUCTS, THIRTY-SIX (36) MONTH FIXED UNIT-PRICE CONTRACT WITH TWO (2) ADDITIONAL TWELVE-MONTH PERIODS AT A MUTUALLY AGREED UPON PRICE, #20120009, ESTIMATED ANNUAL EXPENDITURE \$487,942.70, FUND 431-000-1410, UTILITIES

The City Manager said, "The Utility Department uses quite a bit of linear feet of pipe every year. We go through the contract process that hires the vendors who provide us with the pipe every once in a while. We have recently gone through a bidding process, and are prepared to make an award to HD Waterworks and Ferguson Waterworks. The estimated annual expenditure is \$487,942.70. Staff recommends approval."

Vice Mayor Bartz **moved** to approve Item 13 a). Councilwoman Berger **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) SITE PLAN APPLICATION, PRINEVILLE WATER TREATMENT PLANT TELECOMMUNICATIONS TOWER, A 150' STEALTH TELECOMMUNICATIONS TOWER ON A 100' BY 30' AREA WITHIN THE PRINEVILLE WATER TREATMENT PLAN, TO BE LEASED FROM THE CITY, P11-071, CITY OF PORT ST. LUCIE

The City Manager said, "This item provides for a stealth tower to be located at the Prineville Water Treatment Plant. As part of this project, they would collocate all radio facilities in

that area to one tower and redo some fencing. Staff does recommend approval." Councilman Kelly **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) RPF 20120002, AFFORDABLE HOUSING HOMEOWNERSHIP AND/OR RENTAL, M.I.S.S., INC. OF THE TREASURE COAST, ASSUME ROLE OF OWNER/LANDLORD, SELECT ELIGIBLE HOUSEHOLDS, COLLECT RENTAL PAYMENTS, IMPLEMENT LEASE AGREEMENTS, PROVIDE SUPPORTIVE SERVICES AND MAINTAIN SUBJECT PROPERTIES INSIDE AND OUT, COMMUNITY SERVICES

The City Manager stated, "This item is so that we can meet our objective of providing the Affordable Housing Homeownership Program to the low income levels. We went through a competitive process to select a provider. We had one responsible bid for M.I.S.S., Inc. of the Treasure Coast. This proposal would transfer the home at 333 SW Belmont Circle to M.I.S.S., Inc. to a rental, pursuant to the enclosed program guidelines. Staff does recommend approval." Councilwoman Berger inquired, "Did we notify the residents?" The City Manager responded, "I don't believe that we did a direct mailing to the surrounding neighbors. No ma'am. This is one of the units that we have had a hard time selling. It has been in our inventory for a while."

Ms. Selmer said, "This particular house is a home that has not been sold for at least a year. It is a very small two-bedroom, two-bathroom house. It doesn't appeal to people who are buying houses, because there are a lot out there. We looked at the house to be a rental, as there are a number of rentals in that area. It is not something that it is going to stand out and not be accepted in that neighborhood. This house is very close to where M.I.S.S. has its apartments at Koler and Port St. Lucie Boulevard, so they can maintain the property, and have it close to where they do their operations." Councilwoman Berger clarified, "This will be a single-family residence still." Ms. Selmer replied in the affirmative. Councilwoman Martin **moved** to approve Item 13 c). Councilman Kelly **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) FIRST VEHICLE SERVICES, AMENDMENT #3, FLEET MAINTENANCE AND REPAIRS ON CITY VEHICLES, #20040059, 2.3% INCREASE ON THE CONTINUING CONTRACT FOR THE ANNUAL FEE FOR FISCAL YEAR 2013 FOR A TOTAL EXPENDITURE OF \$1,762,731, FUND 001-VARIOUS-5340, FINANCE

The City Manager stated, "As you are aware, we do not provide our own garage services. We have been engaged with First Vehicle Services for some time to take care of our fleet of vehicles. This item provides for a rate increase of 2.3% on the continuing services contract. Staff does recommend approval." Councilwoman Berger **moved** to approve Item 13 d). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote.

e) THE KEYES COMPANY, RENEWAL #1, REALTOR FOR NSP HOMES, CONTRACT TERM 5/14/12 UNTIL 5/13/13, ALL FEES AND CHARGES ARE AS LISTED IN THE ORIGINAL CONTRACT, #20100054, FUND 116-5500-5491, COMMUNITY SERVICES

The City Manager said, "The City has engaged The Keyes Company for residential real estate services associated with our Neighborhood Stabilization Program. This item would renew their contract for an additional year. We are in the process of preparing an RFP, so that we can competitively select a replacement as NSP continues. This will keep us going in the interim. Staff recommends approval." Councilman Kelly **moved** to approve Item 13 e). Councilwoman Martin **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) SAMPSON TREE SERVICE COMPANY, DRAINAGE SWALE LINER MAINTENANCE, #20110053, FIXED UNIT PRICE IS \$235 PER LINEAR MILE FOR A TOTAL CONTRACT AMOUNT OF \$984,650, PLUS A ONE-TIME \$10 INDEMNIFICATION FEE, FIVE (5) ROTATIONS PER TWELVE (12) MONTH PERIOD, CONTRACT PERIOD IS FIVE (5) YEARS WITH THE OPTION TO RENEW FOR AN ADDITIONAL FIVE (5) YEARS, FUND 401/104-4127-5341, ENGINEERING

The City Manager said, "This item is for our Swale Liner Maintenance Program throughout the City. There is a change in the number of cuts essentially. It is going from six services to five services per year. Staff does believe that they will maintain the same basic level of service, and save \$215,350 per year. It is part of the effort to bring both the Road and Bridge Fund and the Stormwater Fund into a steady state, and into the black. Staff does recommend approval." Vice Mayor Bartz **moved** to approve Item 13 f). Councilwoman Berger **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) ARAZOZA BROTHERS CORPORATION, PORT ST. LUCIE

BOULEVARD LANDSCAPE BEAUTIFICATION PROJECT, LAP GRANT FUNDED, #20110125, \$911,514.24, PLUS A ONE-TIME \$10 INDEMNIFICATION FEE, PROJECT IS TO BE COMPLETED WITHIN 200 CALENDAR DAYS, FUND 304-4127-5363, ENGINEERING

The City Manager said, "I would appreciate the opportunity for the Public Works Department to provide a short presentation on the Port St. Lucie Boulevard Landscape Beautification Project. It is something that you have seen at the Retreat, but I would like to get it out there for the public. This project will provide for the beautification of our signature Port St. Lucie Boulevard from the Turnpike to Petunia Ave. The Turnpike is one of our major gateways into the City at Port St. Lucie Boulevard, and runs into an FP&L substation and a vacant gas station. That is not the way that I would like people to initially experience Port St. Lucie. I'm very excited about this project, and I thank the Florida Department of Transportation for participating."

Mr. Angstadt stated, "The project before you is the Port St. Lucie Boulevard Landscaping Project. It is a FDOT funded project. It is approximately 2.6 miles in length, running from west Bayshore Boulevard to eastern Petunia Avenue. It was designed by Cotleur and Hearing. (**Clerk's Note:** A PowerPoint presentation was shown at this time). In May of 2008, the City was awarded The FDOT enhancement grant by the St. Lucie County TPO. This project is being implemented by the City through the FDOT Local Agency Program, or LAP. The LAP agreement was approved by the Council on January 23, 2012, for \$997,788. We brought you the construction contract, which was for \$911,514.24. The remainder of the grant funds will be used to fund the CEI services during the construction. We will also be partnering with FP&L to enhance landscaping and irrigation around their substation, with the work being performed by FP&L. The landscape theme of the project is a beefed-up landscaping design. The design conforms to the new FDOT's bold performing landscaping initiative, which was set by the Governor recently to provide significant impacts to promote tourism and economic development. Our anticipated start will be in July of 2012. It is a construction time of 200 days, with a proposed completion date in February 2013." Councilwoman Berger asked, "Councilman Kelly, weren't you the Chairman of the TPO at that time?" Councilman Kelly replied in the affirmative. Councilwoman Berger said, "Congratulations, as I know it has been a long time coming." Councilman Kelly stated, "We thought we would have it done in 2010, but at least it is getting done." The City Manager remarked, "Mr. Angstadt and Mr. Dunton, make it happen."

Councilman Kelly **moved** to approve Item 13 g). Councilwoman Berger **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) CONSTRUCTION ENGINEERING INSPECTIONS (CEI) FOR PORT ST. LUCIE BOULEVARD LANDSCAPE AND IRRIGATION PROJECT, APPROVE FIRMS SHORT LISTED BY EVALUATION COMMITTEE: #1 CULPEPPER AND TERPENING, INC., #2 MILESTONE CONSTRUCTION GROUP, INC., AND #3 CARNAHAN PROCTOR CROSS, INC., AND BEGIN NEGOTIATIONS WITH #1 RANKED FIRM, #20120048, OMB

The City Manager said, "This is for the CEI associated with the aforementioned Port St. Lucie Boulevard Landscape and Irrigation Project. After going through the selection process, Culpepper & Terpening, Inc. came in Number 1, Milestone is Number 2, and Carnahan Proctor Cross is Number 3. This item would allow staff to negotiate with the selected firms in that order, in hopes of coming to terms on a contract. Staff is requesting your approval." Councilwoman Berger **moved** to approve Item 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.

i) CAFFE LUNA, L.L.C., CONCESSIONAIRE AT THE CIVIC CENTER CAFÉ, #20120045, LEASE CONTRACT PLUS A ONE-TIME \$10 INDEMNIFICATION FEE, CITY WILL RECEIVE 10% COMMISSION OF THE GROSS SALES AS RENT PER MONTH FOR FIVE (5) YEARS WITH YEARLY RENEWALS ON A CONTINUING BASIS, PARKS AND RECREATION

The City Manager said, "The City of Port St. Lucie is a major corporation. It is about a \$500 million dollar corporation, and we have a number of assets. We are actively working on making those assets perform at their highest capacity. We have a beautiful facility at the Civic Center, with a café that been underutilized. We received interest from parties regarding operating the café, and we put it out to bid. This item would approve an award to enter into a lease contract with Caffe Luna, LLC., for the concessionaire at the Civic Center Café. It is a lease contract that provides the City 10% commission on the gross monthly sales for five years, with yearly renewals. It also has a cancellation provision. Should things not work out, either party can terminate the agreement. It allows us to utilize the space that is already there without putting out any additional money. It gives a small business a chance in Port St. Lucie, so it seems like a win, win. Staff is requesting your approval." Vice Mayor Bartz **moved** to approve Item 13 i).

Councilwoman Martin **seconded** the motion. Vice Mayor Bartz said, "I want to thank the City Manager for this. It is something that has been talked about for a long time. It is a great facility, and people want to be able to sit outside and enjoy a cup of coffee. Thank you for your initiative on this. I'm very pleased about it." The City Manager stated, "Thank you. Thank you to staff, Tonya Taylor and Sherman Conrad. We are always trying to make positive things happen for our City." The City Clerk restated the motion as follows: for approval of Item 13 i). The **motion passed unanimously** by roll call vote.

j) CREECH ENGINEERS, INC., DESIGN AND PERMIT MARIPOSA SIDEWALK PROJECT, #20120041, \$38,148.50, PROJECT TO BE COMPLETED IN 699 CALENDAR DAYS, FUND 304-4105-5630, ENGINEERING

The City Manager said, "This is a sidewalk project. Hopefully, at the Summer Retreat we will be bringing you up to date. We have a number of sidewalk projects coming up. One of the Council's major initiatives is trying to retrofit the City with sidewalks, so we can improve pedestrian safety. Pedestrians have been getting hit, and it has become all too common lately. If you are out there driving or walking, please pay attention. This item provides for the design and permitting in the amount of \$38,148.50, to Creech Engineers, Inc. Staff recommends approval." Councilwoman Martin **moved** to approve Item 13 j). Vice Mayor Bartz **seconded** the motion. Councilman Kelly said, "It took 699 calendar days to get it done." The City Manager explained, "The problem is that we have to wait for the money to build it. The construction funds are grant funds. I received letters from the community saying it was outrageous that it would take so long. I understand the frustration, but it is because it is grant-funded and not funded by the City." Councilman Kelly stated, "The sidewalk stops at the church, but people don't understand that we have to build the sidewalks in segments as we get the money." The City Manager pointed out, "It will take about two years. If we waited until we had all the money, we might never get there. We have to build the piece that we can. We did the piece from the corner of Lennard as part of the EWIP project, and took it as far as we could go. Now we have a gap, and as soon as we get the grant funds, we will finish it. If funds magically appear, we will build it sooner, and move that grant money somewhere else. As soon as we get the money, we will do it." The City Clerk restated the motion as follows: for approval of Item 13 j). The **motion passed unanimously** by roll call vote.

k) GEOTECHNICAL SERVICES FOR THE SIDEWALK ON MARION

AVENUE, APPROVE FIRMS SHORT LISTED BY EVALUATION COMMITTEE: #1 ANDERSEN ANDRE CONSULTING ENGINEERS, INC., #2 DUNKELBERGER ENGINEERING AND TESTING, INC., AND #3 NUTTING ENGINEERS OF FLORIDA, INC., AND BEGIN NEGOTIATIONS WITH #1 RANKED FIRM, #20120054, OMB

The City Manager said, "This item is for Geotechnical Services for the sidewalk on Marion Avenue. After going through the process, the evaluation committee has ranked Anderson Andre Consulting as Number 1, Dunkelberger as Number 2, and Nutting Engineering as Number 3. Staff is asking for your permission to move forward in negotiating with the Number 1 firm, and to continue on to Number 2 and Number 3, if we can't come to terms with Number 1." Councilwoman Berger **moved** to approve Item 13 k). Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 k). The **motion passed unanimously** by roll call vote.

1) DYNAMIC TOWERS, INC., SITE LEASE AGREEMENT FOR A CELL TOWER AT THE PRINEVILLE WATER TREATMENT FACILITY, LEGAL DEPARTMENT

The City Manager said, "This item provides for a site lease agreement with Dynamic Towers at the Prineville Water Treatment Plant. It corresponds with the Site Plan that we discussed earlier. This agreement sets forth the terms of the deal. Staff does recommend approval." Vice Mayor Bartz **moved** to approve Item 13 l). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 l). The **motion passed unanimously** by roll call vote.

m) DYNAMIC TOWERS, INC., SITE LEASE AGREEMENT FOR A CELL TOWER AT APACHE AVENUE PARK, LEGAL DEPARTMENT

The City Manager said, "This is the lease agreement for the area commonly referred to as Apache Avenue Park. It will be nestled in that area, so it is not intrusive to the neighborhood. Staff does recommend approval." Councilman Kelly **moved** to approve Item 13 m). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 m). The **motion passed unanimously** by roll call vote.

n) CHIEF OF POLICE EMPLOYMENT CONTRACT, CONCERNING APPOINTMENT OF CRAIG R. NOVICK, PURSUANT TO SECTION 32.71 CITY OF PORT ST. LUCIE MUNICIPAL CODE, CITY MANAGER

The City Manager stated, "As you know, we recently concluded a

rigorous selection process in the finalist tournament. As it turned out, it wasn't rigorous enough, so we engaged in an overtime period last week. At the end of the process, I was able to select Craig R. Novick for the position of Police Chief. I would like to thank the Council, our citizens, our staff, and the selection committee for helping me make a very important and difficult decision. We had three very fine finalists. In the end, there could be only one, and that one was Mr. Novick. Please be advised he has accepted our conditional offer of employment based upon the terms set forth in the employment agreement. The agreement is based upon our typical department head agreement with a few changes. The key elements in those changes are outlined as follows:

- The Police Chief is an at-will contractual employee.
- His start date is September 8, 2012.
- His term is for two years.
- Extensions are automatic, unless one party notifies the other at least 90 days prior to the expiration date.
- His salary will be \$120,000, and the median salary in our comparable jurisdiction study group is \$136,805.
- His current salary is \$120,000, and the salary of our last Chief was \$137,134.
- The contract provides 80 hours of upfront vacation time that is normally accrued over time, but Mr. Novick is planning a wedding at the end of the year.
- Normally there is three months of severance offered until the two-year mark. After two years, they get five months. In this contract, I have proposed through year one, with five months thereafter.
- State certification sponsorship; we don't usually have a need to make sure that department heads are certified as police officers in the State of Florida, but in this case we do. As a result, there is a paragraph in the contract which would provide for the sponsorship of his completion of the certification course, which is a two-week course with a test at a cost of less than \$2,000. The current estimate that has been provided is \$1,400, and it will be taken care of before he takes the position on September 8, 2012.
- Residency is a new provision, and is something that I hope to insert into the department head's contract that I have the privilege of hiring. If you work here and get paid here, then you should live here.
- Mr. Novick did not request moving expenses, and stated

he will decline health coverage.

With your approval of the terms of the agreement, I will execute it once Mr. Novick completes the remaining elements of the hiring process. They include a drug screening, a physical, a background check by Human Resources, obtaining a Florida driver's license, and signing all of the required documents in the new employee package. A comprehensive Police Department background investigation of Mr. Novick has already been completed. Unfortunately, he couldn't be here this evening. He is in the Dominican Republic, but I would like to read his letter into the record, 'Dear Mr. Oravec, Unfortunately, Keri and I will be out of the country next week. I will be unable to provide a response if any questions arise. I do have a statement for you to pass along. I would like to take this opportunity to thank City Manager Greg Oravec, Mayor Faiella, Vice Mayor Bartz, the City Council, the brave men and women of the Port St. Lucie Police Department, and the citizens of Port St. Lucie for your trust and support. The last few days I was honored by all of the phone calls and emails from citizens across Port St. Lucie asking for me to reconsider. I also had comprehensive conversations with members of the City Council and the City Manager, and am now ready and extremely energized to serve the citizens of Port St. Lucie, and work side by side with our police officers to raise the bar and ensure excellence in public safety. I am proud to now be a part of the community, and eager to bring the Port St. Lucie Police Department to the highest levels of success. My door will always be open to each and every citizen. I am committed to always improving the quality of life. It is my honor and privilege to be part of Team Port St. Lucie. Sincerely, Craig R. Novick.'"

Vice Mayor Bartz **moved** to approve Item 13 n). Councilman Kelly **seconded** the motion. Councilwoman Berger said, "I want to thank the City Manager, because it was something new that we all were not prepared for how impactful it was going to be. From our perspective and from the City's perspective, I had a lot of great feedback from citizens who were able to participate in the process, and felt as though their feedback was heard. Giving an opportunity for everyone to know the Chief is important, because part of what we discussed and that I discussed with each one of the candidates was that we had a comfort zone with previous Chiefs. Our community would like to be able to know the Chief, and be able to walk up and shake his hand when they see him at events. This gave the public an opportunity to get to know him right from the beginning, and felt like they were part of the process. At first, I wasn't sure it was going to work, but I

loved it in the end, so thank you very much." The City Manager remarked, "Thank you." Councilman Kelly stated, "I think we selected the best man for the job. When we first started this, I didn't want somebody from outside of Florida. I liked the guy from Florida, because he was from Florida. We had another candidate who had a tremendous resume that looked great on paper and I liked him, but Mr. Novick won me over the last night when we had dinner. Just watching how he interacted with people, I think he will be a good fit. I'm very happy that he decided to change his mind." Mayor Faiella commented, "The whole process was really good." Councilwoman Berger pointed out, "It was a privilege to be a part of it. I appreciated being part of the process, as it was typically out of our scope. It is something that I hope we don't have to do again for a long time, because our Chief will stay."

Councilman Kelly said, "He stated he wanted to stay for 10 years, and no one else said that." Mayor Faiella inquired, "If we are looking for a long-term Chief, why is the contract two years and not five?" The City Manager responded, "It is based on ICMA's standard contract. The minimum amount of time for a professional obligation has been deemed to be two years. That is the minimum amount of time we need to provide professional service in the eyes of many professionals. It is automatically renewed if he does not provide notice. If he gives notice before 90 days, the contract ends and there is no severance provision. If he gets inside the 90 days, it automatically renews and he will be entitled to severance pay. It is my intention to have a long-standing Chief, so we can build stability and continuity again. This Chief should mentor his subordinates, so that when he leaves, there are at least three viable candidates for the Chief of Police. I don't think the process will be necessary again. I think we will have three outstanding candidates ready to go at that time. I'm certainly impressed with Acting Chief Bolduc, as he has done an outstanding job, as well as Acting Assistant Chief Vega. Those and others, if that is what they want to do, I hope they get the shot. It is always nice to promote from within and cultivate the existing talent of the organization."

Vice Mayor Bartz stated, "I also want to thank you. It was a whirlwind for the candidates, but it was a very informative process for us, as well as the citizens. It gave us an opportunity that we have not had before to see the candidates in different settings, and see how they responded. One of the things that will be important is that Mr. Novick is willing to mentor, because we have outstanding talent in our Police

Department. I don't want him to be here for a year, and then leave. I don't feel that that is what he is looking for, which also impressed me. I look forward to the future with him. He is going to be a benefit to our City. I welcome him aboard."

THOMAS LADOMIRAK, resident, said, "I wanted to thank the City Manager for requiring City employees to be residents of the City. I think it is very important. As far as the pending contract, I hope if there are any problems, that they are resolved quickly to get the contract executed. I think he is a good choice, and I'm looking forward to him becoming our Chief of Police. Thank you."

The City Clerk restated the motion as follows: for approval of Item 13 n). The **motion passed unanimously** by roll call vote.

o) DISCUSSION CONCERNING ETHICS IN LOCAL GOVERNMENT, COUNCILWOMAN BERGER

Councilwoman Berger said, "I sent you background information on this item. I had a couple of discussion items in general. I spoke with the City Attorney today for two hours. In the end, where I'm at with the Charter is that it has a lot of holes. Under Ethics, it refers to the City needing an ethics ordinance. It says, 'shall' and 'and,' but we don't have an ordinance for ethics. We have a Charter that gives us direction that doesn't make sense. There are a couple of cities, like the City of Miramar, that is close by, and the City of Lake Worth, who both have a Code of Ethics and core values. There is an opportunity for us to make some improvements. I think we need to, because it says in our Charter that we are supposed to have something. I wanted to start talking about that with you to see what you thought."

Vice Mayor Bartz inquired, "Do you have some recommendations as far as going forward? Is it something that we need to do as a Council, or would we have a volunteer group look at it?" Councilwoman Berger responded, "I don't know that we would necessarily need a committee on it. There are so many opportunities to go online to look at what other municipalities have as examples. We have Team Port St. Lucie that the City Manager has put together, which really has some core values already stated. We can take a look at what we want to incorporate to make sure that what we are saying about the Charter is in those core values and in our Code of Ethics. For instance, there has been a lot discussion last week with the Charter itself, and if there was a violation of the Charter.

There was a lot of conflict, because there is no direct correlation of what happened, specifically the Mayor's issue, and what the Charter says should be okay. If there needs to be more detail, then maybe it needs more detail. If not and everybody's comfortable with it, then we will leave it alone. There is a handbook that Minnesota puts out for candidates and elected officials. It talks about the form of government that they have in detail, and we can add anything like that. We can look at our ethics, and say something along the lines of making sure that we don't allow or find it okay that Council members are involved in day to day operations within the City. We don't have anything, and the Charter says that we are supposed to have something. The Charter is written and approved by the citizens. In order to change it, we have to go out to referendum. I don't see the need to change the Charter. I just think that we need to create an ordinance and a Code of Ethics to get on board with where we should be in holding ourselves accountable." Councilman Kelly stated, "If we haven't adopted anything, then I think we should immediately adopt the Florida Sunshine Amendment, because that covers the Sunshine law and the Code of Ethics from the state. That would suffice, and I'm sure that is what 90% of other cities have. If we don't have it, then we should adopt it officially. Would that be the right thing to do?" The City Attorney advised, "We have adopted the Florida Ethics Code, Chapter 112 in the Charter. Councilwoman Berger is referring to something that is customized to our circumstances and practices in the City of Port St. Lucie. When the Charter Amendment was put in place in 1990, the Council did not want to adopt a specific ethics ordinance. They wanted to rely upon the state code. If we have reached a point where we want to do something other than what we have, we can. We have certainly seen a lot of changes in south Florida. We have an inspector general in Palm Beach County and an ethics commission in Miami-Dade County. Some of that is the fallout from a lot of elected officials finding themselves in jail, literally. It is the Council's call to look at the Charter. Staff is here to support you if that is the direction that you are going."

Vice Mayor Bartz said, "Councilwoman Berger, I appreciate you bringing this forward. I see it as an opportunity to protect ourselves, and make sure that everything is in writing so that there is no question or gray area regarding doing the right thing, and how we are held accountable. I would support us going forward, and looking at it to see what we can put together." Councilwoman Berger stated, "One of the things that Councilwoman Martin did when she first came into office that I really respected was that she had a question regarding her position,

and how it would relate to some voting items that might come up. She took it upon herself to put a question out there to the state, and asked their official opinion on ethics. I like that idea. As we move forward on issues, if there is a question on if something is right or wrong, we should hold ourselves accountable. That is what Councilwoman Martin did, and I applaud her for that." Councilwoman Martin remarked, "Thank you." Councilwoman Berger said, "That is something that we should do. I know that we can't depend on people to actually do the right thing all of the time. We are talking about the Charter, and authorization for years to come. Everybody around us has already started this process or completed the process on identifying how they are going to deal with ethics issues. I think we are a little bit behind on the times on it." Mayor Faiella pointed out, "Let me remind you that we also have a Legal Department to advise us. That is why we go to them, and hopefully, they will lead us in the right direction." Councilwoman Berger said, "My two-hour conversation today with the City Attorney left me with more questions than I had when I started. He indicated that the Charter is not the law." The City Attorney explained, "The Charter leaves a lot to interpretation. It is our constitutional document, and our ordinances are our laws. The Charter is the law, but it leaves a lot of things unsaid. The process that the Charter provides for is the regulation of Council members, which is self-regulating by the City Council itself. The Charter provides that Council members shall determine the qualifications of Council members, and the grounds for forfeiture of a Council seat. Only the Council can forfeit another Council member's seat. We have never seen that in the history of the City of Port St. Lucie. There are several grounds for removal of a Council member, like if they cease to live in the district. The Council can establish the grounds for forfeiture, but other than that, the Council is self-regulated." Councilwoman Berger said, "I don't like the idea that a Council would have the right to remove an elected official that was put into office by the people. I think that is wrong, but that is my personal opinion, and it doesn't mean that I wouldn't follow the Charter. I think that is not where we should be looking to improve it. Our area to improve is how do we become more self-accountable, and how do we make sure that we put in opportunities for people to have reflection. We need to take a look at how we can make sure that the governing body remains the way the public wants it to remain. This is a Charter that was devised, written, and approved by referendum in an effort to make sure that we keep corruption out. That is the basis behind this form of government. It is a cross-section of the community consisting of five individuals with everyone having an equal vote. It is an

excellent way to make sure that the City is represented. It is our responsibility to make sure that the Charter is upheld, and that we understand it. There are areas that need to be improved."

Councilwoman Martin stated, "I would support looking into what Councilwoman Berger and Vice Mayor Bartz suggested. As far as the process for going about it, are you looking at what Palm Beach has in place or other surrounding areas that have done things recently?" Councilwoman Berger responded, "We should look at what the City of Miramar has, and other cities that are similar to us, especially the top ten within the state of Florida. I think it is important to mirror them." Councilwoman Martin remarked, "It is a good idea. I will definitely support it." Councilwoman Berger commented, "We can tailor it how we want it."

Councilwoman Berger said, "The other thing that I want to put out there is a reminder that as we operate, we operate as a body. I know that there were some conversations about what can be done and investigations, and none of that is true. Investigations can happen if this Council, as a body, says it happens. Not individually. Did any of the other backup information interest you?" Councilman Kelly responded, "I don't have a problem with going forward, but the Charter does refer to the Florida Commission on Ethics. If you are an elected official in the state of Florida, then you are already governed by the Code of Ethics. I want to make sure that there is something in place, because it sounded like we didn't have anything in place." Councilwoman Berger stated, "The Charter uses both, which says to refer back to the ordinance and the Florida Commission. Since we don't have our own under an ordinance, my suggestion is that we should have our own under an ordinance." Mayor Faiella inquired, "Is it safe to give the City Attorney some direction in reference to mirroring some similarities to other cities, and bring it back to us, so that we can choose what we want to put down on this?" Councilwoman Berger suggested, "At least give us some opportunity to look at it, and give us some examples. The other thought was to expand some of the definitions too. The interference piece itself does not mirror what many other places have as interference. When the City Attorney and I spoke about interference, what it says in our Charter is one thing, but my position is if the City Manager of any city says that there was interference, then there was interference. That definition needs to be reflected in there as well." The City Attorney advised, "That can be done by the implementation of an ordinance. At the end of the day, such an

ordinance may provide a clearer picture, which is useful to everybody. The clearer the picture, the better, but it is still going to be self-enforced by the Council. I don't think that anyone else can come in and say you have violated the Code of Ethics, and because they are elected, they must resign. I don't know that an ethics ordinance is going to get you there. I have not looked at the inspector general as it is being implemented in other jurisdictions, or whether they have the authority to remove a Council member. I think establishing a clearer set of guidelines is useful for everyone."

Councilwoman Berger said, "You indicated the removal of a Council member, but my intent is not that. My intent is to make sure that we are following the Charter as outlined currently. If it needs improvements, then we need to talk about what it needs to make the improvements." The City Attorney remarked, "Certainly." Mayor Faiella stated, "We will let him bring it back to us." The City Attorney explained, "We will conduct a survey, as we have a group of communities that are very similar to the City of Port St. Lucie. We will start with those jurisdictions to see what they have, and bring back that information."

STEVE CARROLL, resident, said, "Be careful what you wish for, because you might get it. When you are trying to ram something through in a hurry, be careful, because it could be used against each and every one of you. One of the claims to my fame in business was that I was a loophole specialist. I found all the loopholes. You can find loopholes in these things. It is admirable to address it. West Palm Beach, which is called Corruption County, had 60% of their City Commissioners go to prison. If you want to implement some rules for yourselves, because you think that you cannot control yourselves, then go to the citizens to see what they want. I don't know if we need to have anything changed. If you are unethical, it will show up. You will see it. We had a previous mayor who was unethical and did something illegal, and she was removed. It was a pretty simple process. Why are we cluttering it up? You have to be careful, because you are adding layers and layers of government that can be misinterpreted by a future Council. The majority here might be the minority in the next election. If they see it another way, someone could be removed. Look at Michigan, where they dissolved whole towns and took everyone away, and nullified it. We don't want that here. I think you guys work pretty good. If you want to start talking about ethics and want to have a session on who is ethical, I'll be more than happy to bring you a few examples of things that I thought were unethical. I know

your intentions are good, but once you commit this to a law, you have to live with it. You better be careful of what you are doing, because it can come back and bite you hard. Palm Beach County has an inspector general, but they have been fighting for three years in lawsuits about having everybody coming under the inspector general, so what good is the inspector general? I know Councilwoman Berger wants to have good government. I think everybody does, but you can't just keep layering it on to trap somebody down the road. We want open transparent government that is progressing and bringing in jobs. I haven't heard that once tonight from anybody. We need jobs. We don't need more regulation and a thicker book. We need people working, buying houses, and spending their money for commerce to go on. Stop and think before you do this. I know it sounds good, but we have done a lot of stuff that sounded good. If you want an Ethics Code, let's have citizen input and a Charter change that will have all of you looking straight ahead." Councilwoman Berger said, "I think the Charter change might be a good idea. It is time for it to be looked at." The City Attorney advised, "There is no calendar that indicates that we are going to have a Charter review committee study the Charter. The last one was about eight years ago." The City Clerk remarked, "It was in 2004." Mr. Carroll pointed out, "It goes back to reading the instructions. There are safeguards in there." Councilwoman Berger pointed out, "Yeah, but you didn't understand it before. You were saying the wrong information before." Mr. Carroll said, "Pardon me?" Councilwoman Berger said, "You were given the wrong information before, and you said you read the instructions." Mr. Carroll stated, "The information that I was given was about the Mayor interfering and violating the Charter, when the charter is very clear. It says that she can't interfere with employees. The chief is not an employee until the contract is signed. He is a candidate. If you want to have a discussion about things that I thought were unethical in just my district, which is Councilwoman Berger's district, I'd be happy to bring a list. I'm not against what you are doing, but I think the citizens should be involved, because it affects us. If you are expanding government, we need to know about it. We need to know what we are getting for our buck. What will it do to the Council if we have one side accusing the other side of something unethical? It has to be clear cut. The problem is that people didn't like the City Attorney's ruling regarding the Mayor, but it was his legal ruling. It was the ruling that would be upheld if they took it to court."

Councilwoman Berger said, "This has been very challenging for me to have this conversation, based on the fact that I was bringing

forward information that I wanted to make sure we addressed, because I thought it was the right thing to do. The City Attorney and I spoke for a long time today, and I spoke with the City Manager as well. I sat down today with the intent of talking about the future. Mayor, before this meeting started you shut off the mikes, leaned over and said to me that you care about me, and I should be careful because it is reelection time, and you didn't want me to be attacked. That is what you said, right?" Mayor Faiella responded, "Because that is what the word was out there." Councilwoman Berger stated, "I find that inappropriate before a Council meeting. I find it inappropriate from peer to peer. I find it somewhat threatening. My innermost thought is that you were afraid that I was going to bring forth something that might hurt you." Mayor Faiella remarked, "No." Councilwoman Berger said, "You wanted to make sure you got your point across in an intimidating manner. I get it is a risk for me to say this publically, but it was a challenging week for our public. Everybody is accountable up here for that, and we all have our part. I wanted to make sure that I did my due diligence to find out what happened while I was on vacation. I had a lot of questions to ask. I think it is wrong for you to put a veiled threat out to me. I want to make sure that the public knows that that is what you said." Mayor Faiella explained, "I got the word today through many phone calls that you put something on Twitter. People have indicated all day that you were going to attack me at this Council meeting. For me to say, Michelle, I care about you, it is election time, don't put yourself out there, and if you want to attack me, attack me after election or in private." Councilwoman Berger said, "That's what she said, 'attack me after the election.'" Mayor Faiella stated, "It is very obvious that since the first day I was elected, there was no love between us. People have seen that. I'm done." Councilwoman Berger said, "I'm not done. I waited all meeting to decide if we were going to talk about it, because we had important issues that were not part of this circus." Mayor Faiella commented, "You are making it a circus." Councilwoman Berger stated, "No ma'am." Mayor Faiella remarked, "You have been doing it ever since I was elected." (**Clerk's Note:** An audience member requested to speak). Mayor Faiella said, "Mr. Cutler." Councilwoman Berger asked, "Do I get to call people up, too?"

HARVEY CUTLER, St. Lucie West District Services, said, "Apparently this has been brewing for a while, and now it has come to a head. It really is unfortunate that citizens have to hear a discussion like this between two Council members. When you take office, you take an oath to uphold the Constitution,

the Charter, and all of the rules that are in place. That should be sufficient to guide you. There are so many gray areas, that you cannot make a law on every little rule or item that comes up. It is impossible to do that. You have to trust each other until the point where you think a law has been broken or someone has violated their oath, and then you take the action necessary by bringing it to the proper authority. That is as far as it should go. This is not appropriate for a City Council meeting. From what I understand, the Mayor asked the City Attorney if it was ethical for her to follow up, and she was given the okay. That should have been the end of it. By the way, as the Chairman of the Board of Supervisors of St. Lucie West Services District, I'd like to thank Mayor Faiella for attending our meetings occasionally, which is more than I can say for any previous mayor or our district Councilwoman. Thank you, Mayor."

Mayor Faiella inquired, "Mr. Oravec, would you give us your comments from your report?" Councilwoman Berger said, "Madam Mayor. Mr. Cutler, I appreciate you coming up to the lectern. I agree with you. It is not the place to have these discussions. I sat here all night and didn't want to say anything, but at some point enough is enough. I'm not going to sit on this dais and basically be bullied. I apologize if I haven't been to one of your meetings lately. I have been to your meetings over the course of the years. When I'm not there, staff is there to make sure that things are taken care of. The people in St. Lucie West are taken care of by you. That is your board to take care of, so I appreciate what you do as an elected official. I have a right as an elected official to say my opinion, and to make sure I'm sharing what I think is appropriate to share when something is odd or when something is strange. I don't like to do it. I don't think it looks good. I'm not happy about being up here and doing it, but I would be upset with myself weeks from now if I did not address the issue as I felt it should be addressed, which is head on, uncomfortable as it is, unpopular as it is, but head on." Mayor Faiella commented, "Wow. Council, I guess your feelings today were right on target that you were feeling."

Vice Mayor Bartz said, "I'm not sure what that meant, so I'm going to start by going back to the item at hand. The way that I understand is that we are not looking to have a lot of rules that we have to cover. Councilwoman Berger, do you have a Code of Ethics at your place of employment?" Councilwoman Berger responded, "Absolutely." Vice Mayor Bartz stated, "That has always been true anywhere that I have worked. They have always had a Code of Ethics. It gives you something to reflect on, and it protects us so that there is not an immediate rush to

judgment. I appreciate that the Mayor went to the City Attorney and got that information. Unfortunately, the public didn't know that until it was released. I agree with Councilwoman Berger that in this day and age there is no harm in us looking at what other cities are doing. The Codes of Ethics is put in place to protect the people that are in office. We are asking for staff to review other cities' Code of Ethics and bring the information back to us. At that point, we have the opportunity to tweak it. I support the City Attorney and staff looking at it. Do you feel comfortable, Mr. Orr, with the direction going forward?" The City Attorney replied in the affirmative, and advised, "I'm going to survey a group of communities to see how they have they dealt with this issue. They are communities in the immediate area with a similar size and structure, and that is where we will start."

Councilwoman Berger said, "I appreciate your objectivity, Vice Mayor Bartz. In the past, we have had opportunities to have orientation as newly elected officials. In the past we have had opportunities for the City Clerk to give each one of us information about what the Charter says. The Mayor and a couple of other people have advanced certifications from the Florida League of Cities that shows that they have taken classes that indicate that they understand what the structure of the government looks like. We have the information, and we have a Charter that provides what we need. When I ask my staff, and one person says it was not a violation, and another member of staff indicates that it is a violation, then I want to make sure we hold each other accountable and hold ourselves accountable for doing the right thing. I tried to do it in a way that was not directed at being personal, and this is where we are at."

14. CITY MANAGER'S REPORT

The City Manager said, "At the beginning of June, Property Appraiser Ken Pruitt delivered the news that the City's assessed property value as of January 1, 2012, has declined 2½% from the year before. Though it might seem like bad news, I want everyone to remember that it could always be worse. This decline has a silver lining in that it reflects the drop in property values is leveling off from the preceding years where we experienced a 4.43% decrease in 2011, and then almost 14% in 2010. That curve is changing shape, and we are hopeful that we are at the bottom of the bust. We are looking forward to better days ahead. With the estimated property value in hand, City staff members began preparing their budget requests for the upcoming fiscal year of 2012/2013, which runs from October 1st to September 30th. The

City Council will discuss the budget at the upcoming City Council Retreat scheduled for July 19th and 20th, and advertise the budget hearing the following September."

The City Manager continued, "I'd like to continue to hammer home on park safety. Although we have a low crime rate and have implemented some new procedures to discourage crime in our parks, our residents will hopefully understand that no level of crime is acceptable. We ask them to call 911 for any suspicious activities in our parks, regardless of how minor they might think it is. We urge our park users that if they come by car or truck, to lock their cars and secure any valuables. Too often opportunistic criminals steal due to those opportunities where cars are unlocked and valuables are in plain view. Additionally, not only has the basketball court at Sportsman's Park been reopened, but it has attendants, increased police patrol, and 265 court passes have been issued. We have had great participation, and things seem to be going very well."

The City Manager stated, "Team Port St. Lucie initiatives include recognizing the Lion's Club for their participation in the Adopt-a-Street Program. We love them and all of the groups for participating. The City has declared a war against litter, and Keep Port St. Lucie Beautiful is rallying to the cause. One of our initiatives in this war is the Adopt-a-Street Program, which is a program where volunteers pick up litter from a defined section of roadway a minimum of 12 times per year. We are constantly on the lookout for new allies. If you are interested, please call the Public Works Department at 871-5100, or visit the Adopt-a-Street page on the City's website. We currently have more than 80 groups signed up, which I think is the all time record high. I'm proud to report that 25 of those groups are comprised of City employees. We want to break 100 active groups this year and hope that you will join us."

The City Manager continued, "The next hire that I will work on is the Assistant City Manager position. There are 87 applications that have been submitted. I look forward to finding our next teammate very soon. I will decide on it this month. Also, the Fairgreen Road project is on track. I'm pleased to report that some variable message boards and project signage should go up this week, because the repaving of the Airoso/Bayshore area will be moving forward on July 2, 2012. The renovation is complete in the Utilities Customer Service Area. I hope you get a chance to visit it, as our Building Maintenance staff did a fantastic job. The 4th of July is coming up, so please join us for Freedom Fest from 2:00 p.m. to 10:00 p.m. at

the Martin Health System Village Square located at City Center. Speaking of City Center and Community Redevelopment topics, we approved the Community Redevelopment Area tonight. Southern Grove is now part of the CRA. We have to get to work on job creation. If there is a place to make it happen in the City, it is in Southern Groves and the greater Tradition area, as well as the City Center. It will be a big push as part of our proposed budget that you will see. We lowered the Planning and Zoning Department fees tonight. We will have a similar but more comprehensive item for the Public Works Department coming to a City Council meeting soon where they completely revamped their fee structure as a follow-up to the regulatory rethink that we initiated last year. Thank you."

15. COUNCIL COMMENTS AND COMMITTEE REPORTS**COUNCILMAN KELLY - HONOR FLIGHT**

Councilman Kelly said, "On July 18, 2012, the veterans are going to show the video of their trip to the Washington Memorial at the Community Center."

VICE MAYOR BARTZ - AMATEUR HAM RADIO CLUB/TEENAGE BULLYING

Vice Mayor Bartz said, "I had the opportunity on Saturday to go to the Amateur Ham Radio Club. It was extremely interesting. They were very gracious, and took me from trailer to trailer to show me how the ham radios work. They showed me the difference in some using Morse Code and some using audio, and how all of it is set up. They had a young member that was 11 years old, who was certified and was able to answer a lot of questions. They can talk to people all over the world. One weekend a year they see how many contacts that they can make across the country. If there ever is a disaster, they already have a good idea of where they can get help from. They have a great operation, and I was very impressed."

Vice Mayor Bartz continued, "Teenage bullying starts in grade school. I wanted to see how we can come together with an organization like we did with Kids at Hope to stop indoctrinating our kids into this. We are looking at definitions for bullying that everybody can grab onto, whether it is a 9 year old or a 35 year old, so that we all understand and are on the same page with the same initiative. The local kids that are involved made a great video that we watched on stopping bullying. I'm really excited about where this is going to go, because I was so involved with Kids at Hope. I know how far they

have gone, and this is another piece of that.”

16. **ADJOURN**

There being no further business, the meeting adjourned at 9:20 p.m.

Karen A. Phillips, City Clerk

April C. Stoncius, Deputy City Clerk