

**CITY OF PORT ST. LUCIE  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 13, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on February 13, 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:

Jerry A. Bentrrott, City Manager  
Roger G. Orr, City Attorney  
Sherman A. Conrad, Parks & Recreation  
Director  
Edward Cunningham, Communications Director  
Marcia Dedert, Finance Director/Treasurer  
Joel Dramis, Building Official  
Kim Graham, Assistant City Engineer  
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  
Gabrielle Taylor, Assistant City Attorney  
April C. Stoncius, Deputy City Clerk

**3. INVOCATION & PLEDGE OF ALLEGIANCE**

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

**4. PUBLIC TO BE HEARD**

**STEVEN CARROLL - COMMUNITY REDEVELOPMENT AGENCY - SOUTHERN GROVE**

Mr. Carroll, said, "I have been doing a lot of research on the CRA. The thing that troubles me about it is that if we meet all of the developer's requests, which are to add 4 million square feet of nonresidential, and we let them get rid of the

safeguards in the first plan that indicated if they didn't develop roadways, then they could not develop. In the new plan, those safeguards have been removed, so they don't have to do anything. In the paperwork, they indicated there would be 250,000 more car trips per day, but don't give any explanation on how they are going to handle them. That is something that we don't want to deal with down the road. The whole CRA idea was promoted because we were told that if we don't do this, the developers and the bank financing would walk away, and no one would buy the tax certificates out of 165,000 people. If that happens, it was indicated that we could be on the hook for \$8 to \$9 million, because the land is upside down and they paid too much for it. Back when they bought it, everyone was paying too much for their land. No property in this City has had any appreciable increase in five years. They also tell us that the infrastructure is deteriorating, yet I have the report from Culpepper & Terpening, Inc. that doesn't say a word about deteriorating. It says underutilized. They are two different things. I inquired in a meeting with the Mayor and the Assistant City Manager if the road deteriorates faster at 20% use or 80% use. I received no answer. They are claiming that it would deteriorate on one hand, but it is underutilized on the other. Mr. Terpening is the southwest SAD engineering, but he is also a partner in Culpepper & Terpening, Inc., who has done over \$50 million worth of business for the City, and will be doing more if this goes through. That is a giant conflict of interest. In his letter and in the legal cases that were referenced, it said that the CRA is advised with data and analysis. There is no data and analysis, as it is a two-paragraph letter. I was told that this was exploratory, but it seems to be moving ahead at steamroller speed. The citizens don't have any idea what this is going to cost."

Mr. Carroll continued "Last Tuesday at the county meeting, they agreed to put on the ballot in November an initiative for the St. Lucie County taxpayers to tax ourselves for the next ten years to help promote business and development. This proposal could actually go on for 30 years, so this needs to go out to a vote to have the citizen's input, because the Council also sits as the CRA. You are going to encumber 165,000 plus people for 30 years with no input from them? Also, in some of the information that was provided to us it says, 'Between now and 2015, there will be 30,000 more people.' It also says, 'A CRA can then attach any lands that are adjoining to them into that CRA.' There are 10,000 acres attached to it, and we could be indebted for more the next 100 years."

**LINDA THORPE - GARAGE SALE INFORMATION**

Ms. Thorpe, said, "I live at 201 SW Grove Avenue, and my request is very simple. I'm an avid yard sale person, and am out every weekend. You advertise for us online, but there are no beginning times. Some of them begin at 6:00 a.m., 8:00 a.m., or 10:00 a.m. We are burning up our gas for nothing. At least two out of three people who are having yard sales are not getting their permits. People are leaving their signs up for two or three weeks at a time. All that we need are the beginning times of the garage sales."

#### **JEFF HARDIN - DIGITAL DOMAIN**

Michael Jacquin said, "Mr. Hardin is on his way, and asked me to sign in for him. I didn't know if we could move him to the end of the agenda. He just wanted to address Digital Domain." Mayor Faiella stated, "We will see where we are at the end of the agenda."

#### **5. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

##### **a) PROCLAMATION - NATIONAL ENGINEERS' WEEK**

The City Clerk read the Proclamation, and Mayor Faiella presented the Proclamation to Adam Schildmeier, P.E., Vice President of the Florida Engineering Society Treasure Coast, who said, "On behalf of the engineering community and the Florida Engineering Society, we really appreciate the City's recognition of Engineers' Week. We will keep doing our best. Thank you very much."

##### **b) PROCLAMATION - HONOR FLIGHT WEEK**

The City Clerk read the Proclamation, and Mayor Faiella presented the Proclamation to the Port St. Lucie Honor Flight Committee, and said, "On behalf of the Council, we are working hard to raise \$33,000 to send Port St. Lucie veterans to Washington, I'm honored to give you this Proclamation." Ed Forte, Blue Knights FL X, Law Enforcement Motorcycle Club, said, "I can only say how honored I am to be part of this committee. The energy that these other organizations that stand behind me put into this, and the dedication in getting this off the ground and up and running to make it a success is beyond any other that I could imagine. They are: Dan DePagnier with the Marine Corp League, Jack Ivy Detachment, Paul Bisaccia from Knights of Columbus, 4th Degree, Our Lady Fatima Assembly in St. Lucie West, the Blue Knights Law Enforcement Motorcycle Club, as well as the American Legion Riders from Post 358 and 318, and the Vice Chairman of the SE Honor Flight, Todd Tucker. The events planned to raise funds are: The St. Lucie County Fire District

Boot Drive the last week of February; The Botanical Gardens for wine and cheese on March 1st; The Mets Stadium on March 20th; Club Med golf game on March 24; The Civic Center Poker Run on March 25th, and the Mayor's Ball on April 20, 2012. It looks like the \$33,000 that we committed to 60 veterans is going to happen, but we are just reaching out to find them. We have 40 that are confirmed. With the City's support and all of these organizations, it will be a success." Councilman Kelly stated, "I know Tutu Fresco is helping us out, and Bravos will help with the Mayor's Ball. The Assistant City Manager suggested everyone meet at City Hall at 4:00 a.m., and he will open the building. It is not costing us anything, because everyone is helping us."

Todd Tucker, Vice Chairman, SE Honor Flight, said, "I have been involved in the Honor Flight since it started, so this is a special night for me. I have been a Martin County fire fighter for 16 years. I live two miles down the road, and have lived in St. Lucie County since 1985. Having St. Lucie County on board is a personal point of pride. It is amazing to see what will happen as we go forward. When you tell people what we are doing, people bend over backwards to help. One of the most important things that the veterans are experiencing is the outpouring from the community. In preparation for the flight, we will meet at 4:00 a.m., May 12, 2012, in the parking lot of City Hall that should be filled with people holding American flags. I know it is early, but it is nothing compared to what these guys did for our country. We could not do this without you, so thank you. Having the St. Lucie County Fire District on board is so big, and our second boot drive was last year. We will be doing our third at the same time they will be doing theirs. We raised \$60,000 to \$65,000 respectively each year during one of the worst economies. We have thrown down the challenge to our brothers and sisters in St. Lucie County, and I think we will be doing an amazing thing. Thank you. We appreciate it." Councilman Kelly clarified, "This is a true partnership with both counties." Mr. Tucker pointed out, "It is going to literally, fly, with two planes in one day on May 12, 2012. I encourage people to sign up for the flights as a guardian, as we have several flights a year to experience it firsthand. It will change your life."

Mr. Tucker continued, "Honor Flight is a mission that flies veterans to Washington D.C. to see the memorial. The reason it is important now is because this country only opened the World War II Memorial in 2004. Most of the veterans haven't had a chance to see it, as it is relatively new. In 2005, a group of people saw the need and flew the veterans four and five at a time in a small aircraft. It has grown into a nationwide organization with 93 different chapters. There is not one single paid employee in the entire organization. The guardians actually

pay to go on the flight, and we do not have a shortage of guardians. It is \$400 to go with a veteran, plus your time. It is a very big statement about the patriotic feelings this country still has. Not only do we take them to the memorial, but we take them several other places in Washington D.C., like The Iwo Jima, which is The United States Marine Corp Memorial. We always visit the Arlington Cemetery, and we see the changing of the guard. Each veteran has a guardian that sees to their needs all day. One of the most amazing things about the Honor Flight is the bond that goes on afterwards, as almost every guardian that I know is still in contact with their veteran. It is a neat thing that goes on past the flight. We also carry complete medical care on the airplanes, and we feed them and bring them home. It is about a 22-hour trip, as we go up and back the same day. A lot of people wonder how 85 or 86 year old guys hold up, and they hold up wonderfully. It is the younger guys, like me, that are dragging by the end of the day." Bill Blazak, Culpepper & Terpening, Inc., said, "Councilman Kelly, I received the sponsorship, and we will certainly sponsor that flight. If you are going to be here at 4:00 a.m. with the Assistant City Manager, then I will be here too. I'll make sure that the veterans have orange juice and water to go on the trip."

(Clerk's Note: A picture was taken of the Honor Flight group.)

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

Councilwoman Martin **moved** to approve the Agenda. Councilwoman Berger **seconded** the motion. 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** - JANUARY 9, 2012, BOARD OF ZONING APPEAL AND REGULAR COUNCIL MEETING; JANUARY 11, 2012, SPECIAL COUNCIL MEETING

**b) DISPOSAL OF SURPLUS FORFEITURE VEHICLES AND MOTORCYCLE PARTS**, ONE (1) 1997 MERCEDES BENZ, ONE (1) 2004 NISSAN TITAN TRUCK, AND VARIOUS MOTORCYCLE PARTS TO BE SOLD THROUGH THE ONLINE AUCTION SITE AUCTIONS INTERNATIONAL OR SIMILAR PROCESS, ESTIMATED THAT EACH OF THESE WOULD EXCEED A \$1,000 VALUE, POLICE DEPARTMENT

**c) HULETT ENVIRONMENTAL SERVICES, INC.**, TERMITE INSPECTION SERVICES FOR NEIGHBORHOOD STABILIZATION PROGRAM, #20120012, \$35 PER INSPECTION, INITIAL CONTRACT PERIOD IS FOR 24 MONTHS WITH THE OPTION TO RENEW FOR AN ADDITIONAL 24 MONTHS,

FUND 116/114-5500-5491, COMMUNITY SERVICES

**d) PORT ST. LUCIE ORCHID SOCIETY,** REQUEST FOR CITY SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN CITY RIGHTS-OF-WAY FOR THE 20<sup>TH</sup> ANNUAL ORCHID SHOW SCHEDULED FOR MARCH 9-11, 2012, ASSISTANT CITY MANAGER

**e) SULPHURIC ACID TRADING COMPANY, INC.,** AMENDMENT #1, SULFURIC ACID FOR THE WATER AND/OR WASTEWATER OPERATIONS, PRICE INCREASE IN THE AMOUNT OF \$1.07106 PER TON FOR A NEW PRICE OF \$180.62 PER TON, #20090002, AMENDMENT TERM IS 2/18/2012 TO 2/17/2014, FUND 431-0000-1410, UTILITY SYSTEMS DEPARTMENT

**f) MINOR SITE PLAN,** LAKE FOREST AT ST. LUCIE WEST ENTRANCE, LOCATED ALONG THE EAST SIDE OF CASHMERE BOULEVARD AND SOUTH OF ST. LUCIE WEST BOULEVARD, REPLACE THE EXISTING SIGNS AT THE NORTH ENTRANCE TO A DIFFERENT LOCATION WITH NEW MONUMENT SIGNS, P11-170, LAKE FOREST AT ST. LUCIE WEST HOA

**g) UNDERWATER ENGINEERING SERVICES, INC.,** CHANGE ORDER #2, EWIP PROJECT ELKS-CANE SLOUGH STORMWATER TREATMENT AREA CONSTRUCTION, #20110010, TWENTY-ONE (21) ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 261 CALENDAR DAYS, NO ADDITIONAL FUNDS, CONTRACT TOTAL REMAINS AT \$1,329,233.36, FUND 403-4126-5688, ENGINEERING

**h) CULPEPPER & TERPENING, INC.,** CHANGE ORDER #1, PORT ST. LUCIE BOULEVARD PROJECT CEI SERVICES FOR PEDESTRIAN LIGHTING RELOCATION OF UTILITIES, #20110012, \$40,400, FOR A NEW CONTRACT TOTAL OF \$208,090, AND 202 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 335 CALENDAR DAYS, FUND 304-4121-5688, ENGINEERING

**i) CAPTEC ENGINEERING, INC.,** CHANGE ORDER #1, DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR E-8 CANAL NRCS EWIP10 REPAIRS, #20110060, \$46,575, FOR A NEW CONTRACT TOTAL OF \$208,585, AND 30 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 310 CALENDAR DAYS, FUND 401-4126-5310, ENGINEERING

**j) CULPEPPER & TERPENING, INC.,** CHANGE ORDER #3, SOUTHWEST ANNEXATION SPECIAL ASSESSMENT DISTRICT CONSTRUCTION ENGINEERING SERVICES FINAL TRUE-UP, #20080151, DECREASE OF <\$16,716.96>, FOR A NEW CONTRACT TOTAL OF \$3,104,010.29, NO ADDITIONAL CALENDAR DAYS, FUND 315-4105-5688, ENGINEERING

**k) CULPEPPER & TERPENING, INC.,** CHANGE ORDER #4, DESIGN COMMUNITY BOULEVARD AND DISCOVERY WAY (E/W#1) FINAL TRUE-UP, #20090133, DECREASE OF <\$2,575.52>, FOR A NEW CONTRACT TOTAL OF \$302,081.98, NO ADDITIONAL CALENDAR DAYS, FUND 315-4105-5688, ENGINEERING

1) **BIG BROTHERS BIG SISTERS OF ST. LUCIE COUNTY**, REQUEST FOR CITY SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN CITY RIGHTS-OF-WAY FOR THE TASTE OF ST. LUCIE SCHEDULED FOR MARCH 21, 2012, IN DOWNTOWN FT. PIERCE, ASSISTANT CITY MANAGER

#### **ADDENDUM**

m) **PAUL JACQUIN & SONS, INC.**, CHANGE ORDER #3, CONSTRUCTION OF DIGITAL DESIGN STUDIO FACILITY IN TRADITION, #20100002, CONTRACT NET DECREASE OF <\$350,000> FOR A NEW CONTRACT TOTAL OF \$24,050,000, NO ADDITIONAL CALENDAR DAYS, FUND 342-5520-5620, CITY MANAGER

Councilwoman Martin **moved** to approve the Consent Agenda. Councilwoman Berger **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) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #280**, SW BELLEVUE AVENUE

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Street Lighting Assessment Area, Boundary #280, SW Bellevue Avenue. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Street Lighting District Area, Boundary #280, SW Bellevue Avenue, Item 9 a). The **motion passed unanimously** by roll call vote.

b) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #281**, NW WINFIELD DRIVE

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Street Lighting Assessment Area, Boundary #281, NW Winfield Drive. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Street Lighting District Area, Boundary #281, NW Winfield Drive, Item 9 b). The **motion passed unanimously** by roll call vote.

**c) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #282, SW BAY STATE ROAD**

Mayor Faiella opened the Public Hearing.

Jesus Delray, resident, said, "I live on Bay State Road, Lot 27. Lot 28 and the three lots across the street are very dark, because no one lives there. We need a light on the corner of my lot. There are a lot of kids in the morning that wait on the corner for the bus. I own Lot 26, which is fine, but there is not enough light before you get to Provincetown." The City Clerk clarified, "You are asking for a light on the corner of Provincetown." Mr. Delray stated, "It can be on Lot 27 or Lot 28." The City Clerk asked, "Are you concerned about the corner of Provincetown and Bay State Road?" Mr. Delray replied, "Yes. You can put it there, or on Lots 27 and 28." The City Clerk advised, "We will look into it." Mr. Delray remarked, "Thank you."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Street Lighting Assessment Area, Boundary #282, SW Bay State Road. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Street Lighting District Area, Boundary #282, SW Bay State Road, Item 9 c). The **motion passed unanimously** by roll call vote.

**d) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #283, NW SOUTH LANETT CIRCLE**

Mayor Faiella opened the Public Hearing.

Ron Stickly, resident, said, "I live on Edna Court. I had a couple questions about the cost and what kind of lighting it would be. There is one at the end of Del Court, which is a very small light and would do nothing for the street. It states in the letter that the cost would be \$27. Is that per lot, and will it go up as lots empty?" The City Clerk responded, "The \$27 is per lot. Every July when we have the City Council Summer Retreat, we set the street lighting fee. If properties become empty, the fee doesn't change. It could up or down at the summer retreat." Mr. Stickly questioned, "Is it due to the economy? It is not more people, you pay less, and with less people you pay more?" The City Clerk answered, "That is correct. It is usually based on the cost of the electricity." Mr. Stickly inquired, "Will it be a normal street light that you would see on a City street? The one at the end of Del Court looks like it is from Home Depot. To me, it wouldn't be worth paying for it. I can install lighting on my house for that." The City Clerk

explained, "It won't be the decorative ones that you see on Port St. Lucie Boulevard or the Crosstown Parkway. It will be a regular street light with a long arm that comes out." Mr. Stickley remarked, "Thank you."

There being no further comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Street Lighting Assessment Area, Boundary #283, NW South Lanett Circle. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Street Lighting District Area, Boundary #283, NW South Lanett Circle, Item 9 d). The **motion passed unanimously** by roll call vote.

**e) APPEAL OF CONTRACTORS' EXAMINING BOARD DECISIONS, FROM JANUARY 12, 2012 MEETING, 1) DECISION FOR SUSPENSION OF PERMITTING PRIVILEGES FOR 180 DAYS, PAY AN ADMINISTRATIVE FEE OF \$205, AND RECOMMENDATION TO THE CILB FOR SUSPENSION OF CERTIFICATION OR REGISTRATION FOR 180 DAYS, 2) DECISION FOR SUSPENSION OF PERMITTING PRIVILEGES FOR 365 DAYS TO RUN CONSECUTIVE WITH THE DECISION FOR SUSPENSION OF PERMITTING PRIVILEGES FOR 180 DAYS, PAY AN ADMINISTRATIVE FEE OF \$205, AND RECOMMENDATION TO THE CILB FOR SUSPENSION OF CERTIFICATION OR REGISTRATION FOR 365 DAYS, ARTHUR WEST, FLORIDA SOLAR EAST**

Mayor Faiella opened the Appeal Hearing. There being no comments, Mayor Faiella closed the Appeal Hearing. Councilwoman Berger **moved** to uphold the decision of the Contractors' Licensing Board. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: to uphold the decision of the Contractors' Licensing Board. The **motion passed unanimously** by roll call vote.

#### 10. FIRST READING OF ORDINANCES

**a) ORDINANCE 12-04, PROVIDING FOR THE AMENDMENT OF SECTION 10.99, GENERAL PENALTY; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 12-04 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-04. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-04. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 12-05, PROVIDING FOR THE ABANDONMENT OF A NON EXCLUSIVE UTILITY EASEMENT DEDICATED TO THE CITY OF PORT ST. LUCIE ON THE PLAT FOR RIVER PARK-UNIT FIVE; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 12-05 aloud by title only.

Councilwoman Berger **moved** to approve Ordinance 12-05. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-05. The **motion passed unanimously** by roll call vote.

**c) ORDINANCE 12-06**, AN EMERGENCY ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, SPECIFICALLY REPEALING CHAPTER 152 OF THE PORT ST. LUCIE CODE OF ORDINANCES AND SUBSTITUTING THE FOLLOWING AMENDED CHAPTER 152 IN ITS PLACE; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 12-06 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-06. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-06. The **motion passed unanimously** by roll call vote.

**d) ORDINANCE 12-07**, CREATING CHAPTER 117 OF THE PORT ST. LUCIE CITY CODE RELATING TO SECONDARY METALS RECYCLERS; CREATING SECTION 117.01, TITLE; CREATING SECTION 117.02, DEFINITIONS; CREATING SECTION 117.03, LIMITATIONS ON CASH TRANSACTIONS; CREATING SECTION 117.04, RESTRICTED REGULATED METAL PROPERTY; EXEMPTIONS; CREATING SECTION 117.05, ELECTRONIC TRANSACTION RECORDS REQUIRED; CREATING SECTION 117.06, FACSIMILE, TELECOPIER, OR SIMILAR EQUIPMENT REQUIRED; CREATING SECTION 117.07, PENALTY; CREATING SECTION 117.08, SEVERABILITY; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 12-07 aloud by title only.

Ms. Taylor said, "This is an ordinance that mirrors the St. Lucie County ordinance that they have already passed. We added a couple of items. When it comes to personal identification cards, any governmental issued photographic ID would be acceptable. We added to Section 117.04(A)(1), storm grate and grass sprinkler heads. In Section 117.05(B)(4), we added the common English name of the product that is being sold to be part of the description that the buyer has to communicate to the Port St. Lucie Police Department. It has to be labeled such as a manhole cover, if that is what it is. We added to Section D that the supporting documentation that people use to show that they are an authorized representative of a government or a company, or a bill of sale that shows that they own the property should be scanned in and kept by the dealer for five years. It won't have to be transmitted every day, as will the other information, but they will have to keep it on file. There are a couple of changes that I would like to verbally make to the ordinance. I believe that the City Clerk might have already addressed the effective date. The state law that may pass this year will provide that

any local laws will be preempted if not passed by March 1, 2012. In order to avoid any question, we would like to make it effective immediately. In Section 117.05(B)(5), we would like to add, 'Digital image of items that accurately reflect its serial number and any other specific detailed characteristics.'" Councilman Kelly asked, "Do you mean effective immediately after the second reading?" Ms. Taylor replied in the affirmative.

Councilwoman Martin **moved** to approve Ordinance 12-07. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-07, with the changes as noted. The **motion passed unanimously** by roll call vote.

## 11. RESOLUTIONS

There was nothing scheduled for this item.

## 12. UNFINISHED BUSINESS

a) **BLUE CROSS AND BLUE SHIELD OF FLORIDA**, ADMINISTRATIVE SERVICES FOR EMPLOYEE GROUP MEDICAL INSURANCE AS PER AGREED UPON PRICES, TERMS AND CONDITIONS, ANNUAL EXPENDITURE TO BE DETERMINED BY NUMBER OF EMPLOYEE PARTICIPANTS, #20100076, CONTRACT PERIOD IS FOR TWO YEARS WITH TWO ONE-YEAR RENEWAL OPTIONS, HUMAN RESOURCES

The City Manager said, "At a meeting last year, the City approved entering into a contract with Blue Cross and Blue Shield of Florida for the administrative services for the City's self insured employee group medical policy. This is the contract that has been negotiated with Blue Cross and Blue Shield, and we recommend approval." Councilwoman Martin said, "Congratulations to staff for obtaining the funds for the Wellness Program."

Councilwoman Martin **moved** to approve Item 12 a). Councilman Kelly **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.

b) **DREDGING AND MARINE CONSULTANTS, LLC**, DESIGN AND PERMIT KINGSWAY WATERWAY, REBID, #20120007, TIME AND EXPENSE CONTRACT ESTIMATED AMOUNT OF \$183,161, FUND 401-4126-5310, ENGINEERING

The City Manager stated, "At a previous meeting, Dredging and Marine Consultants was selected as the Number One ranked firm for the design engineering for the Kingsway Waterway work that is necessary. This is a contract with them in the amount of \$183,161. We do recommend approval."

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

### 13. NEW BUSINESS

a) **ST. LUCIE COUNTY ARTIFICIAL REEF PROGRAM, APPROVAL TO DONATE EXCESS CONCRETE MATERIAL, ENGINEERING**

The City Manager said, "The City has previously tried to dispose of an excess of concrete pipe that we have had in the Public Works yard for some time. We have not had any takers on it, so this is a request to donate it to the St. Lucie County Artificial Reef Program to be used to create reefs in the ocean. It will allow us to remove the articles out of our yard to create storage space. We do recommend approval."

Councilwoman Berger **moved** to approve Item 13 a). Councilwoman Martin **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) **CONSTRUCTION ENGINEERING INSPECTION AND GEOTECHNICAL FOR ST. LUCIE NORTH DRAINAGE, APPROVE FIRMS SHORT LISTED BY EVALUATION COMMITTEE: #1 CULPEPPER AND TERPENING, INC., #2 MILESTONE CONSTRUCTION GROUP, LLC, #3 CALVIN, GIORDANO AND ASSOCIATES, INC., AND BEGIN NEGOTIATIONS WITH #1 RANKED FIRM, #20120018, OMB**

The City Manager stated, "We have some grants that we are going to use for some capital maintenance on the canals in the northern part of the City. This is for the CEI work. The committee has selected Culpepper & Terpening, Inc., as the first company to negotiate a contract with. If we cannot come to a contract, then we would go to the second firm that was selected, Milestone Construction Group, LLC. We recommend moving forward to negotiate a contract."

Vice Mayor Bartz **moved** to approve Item 13 b). Councilwoman Berger **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) **DESIGN AND PERMITTING FOR SIDEWALKS AT MELALEUCA BOULEVARD, APPROVE FIRMS SHORT LISTED BY EVALUATION COMMITTEE: #1 CAPTEC ENGINEERING, INC., #2 CULPEPPER AND TERPENING, INC., #3 CREECH ENGINEERS, INC., AND BEGIN NEGOTIATIONS WITH #1 RANKED FIRM, #20120027, OMB**

The City Manager said, "This is for the sidewalks on Melaleuca Boulevard from Lennard Road to Green River Parkway. It is for the design services. The committee has selected Captec Engineering as the Number One firm, and Culpepper & Terpening, Inc. as the Number Two. We recommend beginning negotiations with Captec for the contract. If we cannot reach a contract with them, we would move on to Culpepper & Terpening, Inc." Councilman Kelly stated, "We have been working on this since 2005, and Ms. Graham will explain the project. We are doing this in three phases, and this is the first phase. If you could tell the people on the east side where they are going to go, and when they can expect them. I think it is being funded by the TPO."

Kim Graham, Assistant City Engineering, said, "This is for the design of all three phases of the Melaleuca sidewalks. It will be constructed in different phases based upon the funding from the TPO." Councilman Kelly asked, "Does the first phase go beyond the first canal?" Ms. Graham replied, "The first phase is from Camden Street to Berkshire Boulevard. Phase Two is from Berkshire Boulevard to Green River Parkway. The final phase is Lennard Road to Camden Street. It is based on the way that we applied for the funding that was available at the time." Councilman Kelly questioned, "What is the timeline?" Ms. Graham answered, "The funds will become available for the first two phases in 2012, and the last phase will be available in 2013. We will be able to start construction at that time." Councilman Kelly clarified, "We are looking at a year after that for the completion." Ms. Graham replied in the affirmative.

Councilman Kelly **moved** to approve Item 13 c). Vice Mayor Bartz **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) DISCUSSION CONCERNING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND ST. LUCIE COUNTY, TO PROVIDE MATCHING FUNDS FOR MARKETING AT THE CIVIC CENTER, PARKS AND RECREATION**

The City Manager said, "This interlocal agreement would provide funds from St. Lucie County for the Civic Center to do marketing offsite, and to go to conventions for marketing. This will allow us to better market the Civic Center."

Vice Mayor Bartz **moved** to approve Item 13 d). Councilwoman Martin **seconded** the motion. Vice Mayor Bartz said, "This was an effort between the Civic Center and the Tourist Development Council. It is coming through the county, but it was the Civic Center who indicated that we needed to be included. It is a

matching grant. I'm very pleased that the Tourist Development Council has taken this step forward so we can market the Civic Center. We are going to do a good job." Councilman Kelly remarked, "Thank you for being on the Tourist Development Council." The City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote.

**e) WAIVER OF BID PER SECTION 35.06**, EQUAL TO OR LOWER THAN EXISTING CONTRACT, **PRESIDIO NETWORKED SOLUTIONS, INC.**, REPLACE HP STORAGE AREA NETWORK ("SAN"), CURRENT EQUIPMENT IS OBSOLETE AND NEEDS TO BE REPLACED TO PREVENT FAILURE, \$232,648.48, #20110102, FUND 001-1320-5642, MIS

The City Manager said, "The City's computer system storage area network is obsolete, as the equipment is fairly old. Under the state contract, the replacement for this equipment was \$560,543.11. Presidio has offered to sell us the same equipment for \$232,648.48. We recommend waiving the bid process and going with the Presidio offer, which is \$327,000 cheaper than the state bid."

Vice Mayor Bartz **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) WAIVER OF BID PER SECTION 35.04(C)**, FOR GOOD CAUSE SHOWN, **GS EQUIPMENT, INC.**, PURCHASE ONE NEW KAISER MODEL #S2 GATOR 4X4 WALKING EXCAVATOR FOR DRAINAGE RIGHT-OF-WAY PROGRAM, \$355,437, #20120037, FUND 401-4126-5644, ENGINEERING

The City Manager stated, "This is for the purchase of a new Kaiser Model #S2 Gator, better known as a swamp meister. It is an excavator used to do maintenance and clean out our canals. The cost is \$355,437. We recommend approval." Councilwoman Berger asked, "If we are not under any sense of urgency since we have others in stock, why wouldn't we put this out to bid to obtain a better option?" The City Manager replied, "There are only two manufacturers, and the other manufacturer's equipment we had did not performed well. Therefore, we have gone back to the Kaiser model." Councilwoman Berger clarified, "We will have three in inventory." The City Manager replied in the affirmative and said, "This is off of the state bid." Councilwoman Berger remarked, "We've typically have had one and one in backup, and now we will have three in inventory." The City Manager advised, "We have always had three, and this is to replace one of them." Councilwoman Berger said, "We are keeping that one, so now we will have four total." The City Manager explained, "We are going

to keep one in reserve. We don't get anything back as a trade in. If one of them breaks down, we will have parts and the ability to continue to use it. Sometimes when they breakdown, it can take a month or better to get the parts to fixed them."

Councilwoman Berger stated, "I'm not going to be supporting this, because I know in the past we have gone out for bid on this. I also know there was a waiver for the other manufacturers when we went that route and didn't like that brand. Every year there is a new model and an opportunity to see if the quality has changed. If there is no sense of urgency, then I don't understand why we wouldn't put it out to bid to see if there is a significant savings on that one model. We don't have to go with the lowest price bid, but we should go with the one that is the best." The City Manager pointed out, "It is a state bid." Councilwoman Berger responded, "I understand it is a state bid. It is a state contract off of the Fire District's contract." The City Manager replied in the affirmative and said, "It is off the state bids for equipment." Councilwoman Berger stated, "I am approving the waiving of the bid process, so we are waiving the bidding process, right?" The City Manager responded, "We are going to use the state bid." Councilwoman Berger said, "We are accepting a price without going out to bid." The City Manager replied in the affirmative. Councilwoman Berger commented, "Just the conversation alone is circular."

Councilman Kelly **moved** to approve Item 13 f), and said, "Councilwoman Berger's questions are well taken, but it is still a bid. We are waiving our local bid in order to piggyback on a bid by the state. It is the best price that we can get." Councilwoman Berger stated, "I agree with you that there is a process in place, but my position is that we have become very comfortable with waiving bids. As you can see, on almost every agenda that we have had lately, we had equipment and services coming forward. At some point, we have to make sure that we do our due diligence behind the bidding process." Mr. Pollard said, "We are using the pricing and contract the state uses to go out to bid for a lot of vehicles and equipment that we have the opportunity to buy. In the past, we used to call it piggybacking when sharing a bid. We are not piggybacking anymore. Now we are waiving our local bidding requirement to allow us to use that contract price. It is just language so that we don't have to spend the time and effort at the local level." Councilman Kelly said, "Often the state or some large organization can get a better bid than we can, because there are so big." Mr. Pollard explained, "Exactly. That is why a state organization can go out to bid with a bigger volume to obtain a better price. We are partnering with everyone across the state who will be buying one of these pieces of equipment. In theory, we would not go out to

bid for one unit, and be able to beat this contract price." Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 f). The **motion passed** by roll call vote with Councilman Kelly, Mayor Faiella, Councilwoman Martin, and Vice Mayor Bartz voting in favor, and Councilwoman Berger voting against.

**g) COASTAL FLORIDA PEA, 2011 CONTRACT NEGOTIATIONS REOPENER, SCHEDULE CHANGES, ASSISTANT CITY ATTORNEY COLLINS**

The City Manager said, "Through negotiations with the PEA union, we had a reopener on schedule changes. As you know, Public Works is no longer in existence, and those employees are part of the Engineering Department. Under the contract, the schedule transferred to Engineering and they negotiated three or four additional schedule work times. This has been approved by the union, and we are recommending approval to incorporate it into the contract."

Councilwoman Martin **moved** to approve Item 13 g). Councilman Kelly **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 35.04(C), FOR GOOD CAUSE SHOWN, ITERIS, DIRECT PURCHASE OF VIDEO TRAFFIC MONITORING EQUIPMENT, \$94,750, #20120039, UTILITY SYSTEMS DEPARTMENT**

The City Manager said, "This is for camera equipment for our traffic signals used to monitor traffic and operate the signals. The state requires us to use this equipment. It is in the amount of \$94,750. We recommend approval." Councilwoman Martin **moved** to approve Item 13 h). Councilman Kelly **seconded** the motion.

Councilwoman Berger stated, "So Mr. Bentrott, this is the third waiver on this agenda. FDOT is basically mandating this equipment, as we only have one vendor to pick from. It was very nice of the state of Florida to make sure that they contract with one particular company, as someone is probably related there. We need to know if these products can be changed out, so that when we make our trips to Tallahassee, we can have conversations regarding opening up this process to use the taxpayers' dollars better. This is like, tell us how much it is and we will write a blank check, when we have to use these same companies. If there are other products like this out there, we need to know about them. The same thing with the swamp meister, as we are spending \$355,000 every couple of years, and I keep hearing that it is the only one we can use. At some point, there has to be other companies that we can use. If it is through

Tallahassee that we have to fight it, then that is what our roles should be when we go up there." The City Manager said, "The swamp meisters only have a couple of companies in the world that manufacturer them." Councilwoman Berger pointed out, "It is \$355,000 for one piece of equipment, so excuse me if I want to ask questions. This one is \$95,000 to buy cameras, because the state of Florida only allows us to contract with this company. My request to you is to find more information coming forward, so that we can carry the message back to Tallahassee to request the contracts be opened up. If we are being regulated, then that is where our fight and goals should be. I'm just asking for more information as you see it coming forward." 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**

##### **VICE MAYOR BARTZ - LAUREN'S WALK AND PORT ST. LUCIE NATIONAL LITTLE LEAUGE**

Vice Mayor Bartz said, "This is the fifth year that we have had Lauren's Walk. Lauren Book walks through the state of Florida to prevent child abuse and sexual abuse. It started at the Civic Center. They tried to talk me into walking, but they were walking to Vero Beach. I wasn't sure how I was going to get home, so I declined. They do a great job, and there was a great turnout. Also this weekend, I had the opportunity to go to the Port St. Lucie National Little League opening. There were 600 kids, and those were just the ones that are playing in the league and do not include their brothers and sisters that are not able to play yet. It was a great turnout. Saturday afternoon I had a chance to go to Botanica, which was the plant sale at our Botanical Gardens. I was absolutely amazed at how many people were there and enjoying it. They had information on how to best use the plants that were purchased. I wouldn't be very surprised if they didn't have a record breaking day. It was incredible."

##### **COUNCILMAN KELLY - AMERICAN LITTLE LEAGUE AND MAYOR'S BALL**

Councilman Kelly said, "There are also another 600 plus kids playing in the American Little League, so that is a lot of kids playing little league baseball in the City. Also, regarding the Mayor's Ball, we need servers. I talked to Councilwoman Berger, and she said okay. We are looking for local celebrity servers, and we need the entire City Council to help serve the food."

##### **MAYOR FAIELLA - WALGREENS AND CIVIC CENTER, HOMESHOW**

Mayor Faiella said, "This weekend I was at the Walgreens Kick Off for Diabetes, and there were a lot of people there. Hopefully, the event will be held again in March at Digital Domain. I was also at the Civic Center for the Home Show. You wouldn't believe how crowded it was, as there was no parking. It was a phenomenal turnout. I hope everyone participates in the Honor Flight events as well. I wish everyone a happy Valentine's Day tomorrow."

**15. ADJOURN**

There being no further business, the meeting adjourned at 8:15 p.m.

---

Karen A. Phillips, City Clerk

---

April C. Stoncius, Deputy City Clerk