CN032612

CITY OF PORT ST. LUCIE
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 26, 2012

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on March 26, 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
Councilman Jack Kelly
Councilwoman Shannon M. Martin

Council Members Not Present:
Councilwoman Michelle Lee Berger

Others Present:
Gregory J. Oravec, City Manager/ CRA Director
Roger G. Orr, City Attorney
Stefanie Beskovoyne, Assistant City Attorney
Pam E. Booker, Senior Assistant City Attorney
Roxanne Chesser, Engineering Department
Milton Collins, Assistant City Attorney
Sherman A. Conrad, Parks & Recreation Director
Edward Cunningham, Communications Director
Joel Dramis, Building Official
Edwin M. Fry, Jr., Assistant Finance Director
Azlina Goldstein Siegel, Assistant City Attorney
Carol Heintz, Assistant City Clerk
Daniel Holbrook, Planning & Zoning Director
Renee Major, Risk Management Director
Karen A. Phillips, City Clerk
David K. Pollard, OMB Director
Brian E. Reuther, Police Chief
Patricia Roebling, City Engineer

Susan Williams, Human Resources Director
Margie L. Wilson, Deputy City Clerk

3. **INVOCATION & PLEDGE OF ALLEGIANCE**

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

4. **PUBLIC TO BE HEARD**

DANA BENNETT – STORMWATER DRAINAGE

Mr. Bennett said, "I live at 218 SE Wallace Terrace. The issue I want to bring forward is stormwater drainage. I've read that about $38 million has been spent to alleviate stormwater. My next door neighbor's house at 210 SE Wallace Terrace has been vacant since 2005. They had a permit to put a new roof on. It does have a roof that is now seven years old. They put new windows in and did not have a permit. There was a lien put against the house in 2008. Now the driveway has collapsed and the drain under the driveway has collapsed, which renders the stormwater drainage useless in that area. There are four houses that have the water run through that property that are affected by this. We all pay $150 a year for assessment, and we are not getting the service. Code Enforcement came out and inspected it and agreed that there's a problem. I understand there is a lien against the property now for that. They tell me the lien has no teeth. When the person decides to sell the house the property will have to be fixed. They've been out of the house for seven years. It looks nice from the outside. Inside it has been gutted since 2005. The woman pays taxes and the mortgage. She has no intention of selling or doing anything with the house, including fixing the drainage. Therefore, four houses are affected by the stormwater. Back in July when we had rain, we had about 3.5 feet in front of our properties. There's nothing we can do about it. I understand there is nothing the City can do about it. I think the City needs to look into issues like this. If you have one failure, the whole system is a failure. If you paid $38 million for a system, it should work."

DICK BLOHM – NEW CITY MANAGER

Mr. Blohm said, "I live at 129 NE Sagamore Terrace. The City has been looking great lately. I'm here to congratulate Mr. Oravec and to commend the Mayor and City Council for saving us a ton of money by not going out to look for a new City Manager, because there he is. He's going to be a great one. He will need all the

support we can all give him. I think the City will turn around and we'll see great things happen."

STEVEN CARROLL – CRA SOUTHERN GROVE

Mr. Carroll said, "I want to congratulate Mr. Oravec on his promotion and his job. I think he'll do a great job. He has a big job in front of him."

Mr. Carroll said, "I have a few questions about the CRA. When that was proposed, it was said to me that, 'We won't approve this unless it does something for the City. The City has to get something out of it.' I'm trying to figure out what the City is getting. We're still on the hook for the $8 to $10 million if everybody walks away. We've gone through that fiasco. That's not going to happen, but we're still on the hook for all that money. Plus we're on the hook now for the City Center. I guess next year we start paying $3.89 million. Where are we going to get the money for City Center? When we give up all this in the CRA in Southern Grove, how are we going to explain to the business people that the Planning and Zoning Board just approved almost seven million square feet of developable space? How are the people who are already in business going to compete against the subsidized businesses out there? We're subsidizing them as taxpayers with all their infrastructure and other things. What do you say to the businessperson? 'Gee. I know you've been here through all the tough times, but we're going to put a project out there that could seriously draw some people from you and hurt you.' I think that has to be addressed. It brings it back to my old adage that you have to let the people decide if you're going to indebt us for 30 years. We should have a say in this. I know we elected you to represent us, but these things will be well beyond most of your terms. If you're here 30 years, good luck. If you're only going to be here two years. . . . Mr. Kelly said he's not running again. The people are still going to be here for those 30 years. I think we should have a voice and a say in it. Mr. Kelly said we wouldn't see any money for five years, anyway. What's the harm, once you get this package together, in letting the people have a voice? The county is giving us a voice and they only want to indebt us for ten years. The more I look at this, the less I see what's in it for the City. I see a lot of it for the developer. It's a major thing and it needs to be treated with major seriousness. People having a vote would be the proper thing to do."

Mr. Carroll continued, "The other thing is the two questions I gave to the City Attorney. I think they're valid and you should

get an opinion on them early in the process as opposed to later when it might be expensive to redo this. I know development is coming. I'm not against development. But I want smart development that's going to stay, not development that every five or ten years we're bailing them out. With that being said, the only other thing I have to say is Mr. Oravec, good luck."

JOSEPH PATRONIE – MEETING RULES FOR PUBLIC PARTICIPATION

Mr. Patronie said that he considers the Mayor's rules for public participation a high order of political achievement.

Councilman Kelly commented, "Mr. Oravec has met with us all on some of his plans. He has touched on these three topics. He is going to address a policy concerning Mr. Bennett's issue. That house could be up for nuisance abatement. Mr. Carroll, Southern Grove did pay $9 million to the City. That's what we get out of it. Lastly, one reason I'm such a supporter of Mr. Oravec is that he is Mr. Keep Port St. Lucie Beautiful. I've seen him stop and pick litter up. That's what he does. These three people hit the nail on the head."

Mayor Faiella advised that Item 13 a) will be considered next.

13. **NEW BUSINESS**

a) CITY MANAGER'S EMPLOYMENT AGREEMENT

The City Attorney stated, "I provided you with a memorandum transmitting the contract. This is based upon a template we have used, with some modifications, and expect to use going forward. It has been tweaked to recognize the unique position that the City Manager is working at the will and pleasure of the City Council. There is a two-week paid leave that has been added to his accruals one time for this year. That was discussed when the Council considered him for City Manager. Lastly we have included a post-employment restriction. This issue has been kicked around. We think the best vehicle for having it as an enforceable restriction is to put it in the employment agreement itself. His is the first to have that restriction. It is recommended for Council consideration."

The City Manager said, "I like to address issues head on. The pay is the same as I make now. There is no raise until all City employees get a raise and I get a positive evaluation. I have requested an evaluation at six months and a year, so that we can develop a relationship of constructive criticism and feedback

and I can give you the absolute best service I can and that you deserve. As Mr. Orr mentioned, the issue about the one-time vacation days, and the issue of, 'What if Mr. Oravec leaves again,' if I leave again I won't be able to represent anything in front of the City for a two-year period, with the exception of if I would work for a nonprofit and the Council would approve it. I love the City of Port St. Lucie. The day I lose this job I still want to be part of the community. Thank you."

Councilman Kelly **moved** to approve the contract. Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: to approve the City Manager's employment agreement. The **motion passed unanimously** by roll call vote.

5. **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

a) SPECIAL PRESENTATION – OATH OF OFFICE FOR CITY MANAGER, GREGORY J. ORAVEC

The City Clerk administered the Oath of Office to Gregory J. Oravec.

The City Manager stated, "With my first comments as City Manager, I would like to send our condolences and prayers to the families of F. K. Sweet and the St. Lucie County School System, who suffered a terrible tragedy today. Everyone should remember to hug their kids tonight, because you can't do it enough. Turning my attention to this meeting and this great honor, let me say thank you. As much as I've tried, there are no words which adequately convey how much your support and this selection means to me. It is truly inspiring and invigorating. I promise you that no one will love the City more or work harder for you and our citizens than me. I promise to implement the policies of this Council or go down in the attempt. I pledge that our administrative team will be dedicated to the virtues of excellence, integrity, and commitment. With regard to excellence, I don't believe that money is our most valuable currency. I believe that the most valuable currency is time. No matter how much you have, it is not enough. Therefore we owe it to ourselves and those who rely upon us to utilize that precious resource to its fullest extent. That time spent will never be replaced. Truly, anything worth doing is worth doing to the very best of our abilities and with excellence. Integrity is critical to any organization, but especially to this organization, because we are responsible for the public trust. Any power we wield is supposed to be on the behalf of the public for the good of society. This must never be forgotten. This administration

will follow the Golden Rule. We will treat others as we want to be treated. We will do the right thing the right way. This administration will be committed to service above self. Sorry, Rotary, we're going to borrow that one. It will recognize that it is a customer-service organization created for the purpose of helping the public and society. It is not always an easy job, but it is vitally important. Our employees must fight for good, even in the most difficult of times. For those committed to this virtue, this administration will be a true home. For those who believe that the system is here to serve them, they will be retrained or introduced to other opportunities. These three virtues will guide us in all of our endeavors as we look to end the turbulence of the last couple of years. Frankly, Mayor and Council, we have a little bit more turbulence to navigate. I'm currently working on several reorganizations to improve the quality of our services, and the resulting changes will not be easy, but I believe they are highly necessary and overdue. I truly believe that once we get through this additional period and as we go into the budget, we will find ourselves on the other side of the storm. We will have burned to ashes and the phoenix will be reborn. We will come together as one team, one unit, one family, with a laser focus on providing the very best services to our community. We will again be the premier organization on the Treasure Coast in the State of Florida. In closing I would like to thank Mr. Blohm and others for their comments. I would also like to say that I'm glad my mom is here, my wife, and my family. March is Colorectal Cancer Awareness Month. My mom was diagnosed with Stage 4 on December 18. We have to bring awareness to those things. I'm so happy that she could be here and that we're sharing this moment as a family. Good things are on the way. I promise. Thank you."

A recess was called at 7:25 p.m., and the meeting resumed at 7:50 p.m.

b) PROCLAMATION – MDA – ST. LUCIE COUNTY FIREFIGHTER APPRECIATION MONTH

The Assistant City Clerk read the proclamation, and Mayor Faiella presented it to Stephanie Glavin, MDA, and Alexia Birth, FF/Paramedic, St. Lucie County Fire District, Local 1377 Representative. Ms. Glavin said, "I thank you on behalf of the MDA for your continued support. The International Association of Firefighters has kept the tradition of the Fill the Boot Campaign for over 57 years. We are so proud to partner with the City of Port St. Lucie residents and the Fire District again in April. The Fire District raised $39,000 last year for the MDA,

which was able to provide services at no cost to the several hundred local families on the Treasure Coast who are registered with the association. These funds provide flu shots, clinic visits, equipment, repairs to durable medical equipment, research and a weeklong summer camp for MDA kids. For every dollar raised, 77% stays local, so every dollar makes a huge difference. Thank you to the members of the community and the community leaders for keeping this longstanding tradition of hope a possibility for those we serve." Ms. Birth said, "I'm a firefighter/paramedic with the St. Lucie County Fire District. This is my fourth year working as the MDA coordinator. On behalf of the Fire District and Local 1377 I would like to thank Mayor Faiella and the Council members for your continued support throughout the years. It means so much to us to have support from the City and the citizens. I can speak on behalf of the firefighters when I say that this boot drive is so important to us. Helping others isn't just our job; it's our way of life. It is the reason we love our job so much. Our Honor Flight boot drive last month was successful. We have a St. Baldric's Day event at the end of this month to help raise money for children with cancer. April is dedicated to muscular dystrophy. Thank you for this recognition. We look forward to continuing to serve our community on and off duty. Look for us on the weekends in April."

c) PROCLAMATION – PARALYZED VETERANS OF AMERICA AWARENESS MONTH

The Assistant City Clerk read the proclamation, and Mayor Faiella presented it to Mr. Andy Carajal, who said, "Good evening. On behalf of the Board of Directors, members, and staff of the Paralyzed Veterans Association of Florida, I extend my sincere thanks and appreciation to you and the City of Port St. Lucie for proclaiming the month of April as Paralyzed Veterans Awareness Month."

d) SPECIAL PRESENTATION – PLAQUES OF APPRECIATION TO BE PRESENTED TO CHARLES ROOKSBERRY AND BRYAN GARDNER FOR THEIR SERVICE ON THE PLANNING AND ZONING BOARD

Mayor Faiella presented the plaques to Charles Rooksberry and Bryan Gardner. Mr. Rooksberry said, "It's been a short eight years. I've learned a lot. I appreciate everything you have done for us. I hope you continue the good you're doing. Thank you." Mr. Gardner said, "I want to thank the City for giving me the opportunity to serve. I walk away having a new appreciation for those who serve on that side of the dais."

Mayor Faiella advised that certificates will be mailed to Mr. Osborn, Coach Harkcom, and Assistant Coach Dave Martin for the Sportsman Park incident on March 14.

e) SPECIAL PRESENTATION – CERTIFICATE OF RECOGNITION TO BE PRESENTED TO DONALD OSBORN

f) SPECIAL PRESENTATION – CERTIFICATE OF RECOGNITION TO BE PRESENTED TO COACH JEFF HARKCOM

g) SPECIAL PRESENTATION – CERTIFICATE OF RECOGNITION TO BE PRESENTED TO ASSISTANT COACH DAVE MARTIN

h) SPECIAL PRESENTATION – CERTIFICATE OF RECOGNITION TO BE PRESENTED TO JAN BERNSTEIN

Mayor Faiella said, "I want to recognize a special member of the Port St. Lucie Police Department, Sergeant Jan Bernstein, for his bravery and leadership in this incident." Sergeant Bernstein thanked the Council.

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

Councilman Kelly **moved** to approve the Agenda. Councilwoman Martin **seconded** the motion. The Assistant 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

b) MELVIN BUSH CONSTRUCTION, INC., CHLORINE CONTACT BASIN OVERFLOW PIPE MODIFICATIONS AT WESTPORT WASTEWATER TREATMENT FACILITY, #20120033, $39,643.30, CONTRACT PERIOD 30 CALENDAR DAYS WITH NO OPTION FOR RENEWAL, FUND 445-3512-5630, UTILITIES DEPARTMENT

c) MINOR RESIDENTIAL SITE PLAN, LOCATED ADJACENT TO THE MODEL ROW PARKING LOT WITHIN THE VERANO PUD 1, DESIGNATING LOTS 30 THROUGH 36 OF PLAT NO. 9 FOR A SALES CENTER AND CORRESPONDING MODEL HOMES, P11-111, VERANO DEVELOPMENT, LLC

d) THE SIGNAL GROUP, INC., CHANGE ORDER #1 TO AMENDMENT #1, TRAFFIC SIGNAL AND STREET LIGHTING SERVICES, PROVIDE ADDITIONAL PAY ITEMS FOR FINAL TRUE-UP OF THE SIGNALIZATION AND LIGHTING AT SEGMENT 3 OF BECKER ROAD, #20090103, $7,906.83,

FUND 360-4105-5645, ENGINEERING

e) UNDERWATER ENGINEERING SERVICES, INC., CHANGE ORDER #1, EASTERN WATERSHED IMPROVEMENT PROJECT (EWIP) LENNARD SQUARE STORMWATER RETROFIT PROJECT, #20110034, $9,766.39, FOR A NEW CONTRACT TOTAL OF $1,768,500.87, AND 17 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 257 CALENDAR DAYS, FUND 403-4126-5688, ENGINEERING

f) MAJOR SITE PLAN, LOCATED ON THE SOUTH AND EAST SIDE OF SW FOUNTAINVIEW BOULEVARD, SOUTH OF ST. LUCIE WEST BOULEVARD, NORTH AND WEST OF THE BELMONT MULTI-FAMILY DEVELOPMENT, AND EAST OF I-95, TEN BUILDINGS, 402,500 GROSS SQUARE FEET, P11-141, FOUNTAINVIEW PLAZA, PLANNING AND ZONING

g) MAJOR SITE PLAN AMENDMENT, SOUTH SIDE OF FPL DRIVE, WEST OF ENTERPRISE DRIVE, TO CONSTRUCT A 1,296 SQUARE-FOOT BUILDING ON EXISTING PAVEMENT AREA TO WASH DOWN AND FILL COMPANY VEHICLES, SCOTT'S LAWN SERVICE AT SLW, P12-011, PLANNING AND ZONING

h) PURCHASE OF FORECLOSED PROPERTY, NEIGHBORHOOD STABILIZATION PROGRAM 3 - (NSP3), 2025 SW BURLINGTON STREET, WITH A PURCHASE PRICE OF LESSER OF $82,900 OR 99% OF APPRAISED VALUE, LEGAL DEPARTMENT

i) NATURES KEEPER INC., AMENDMENT #1, CHANGE ORDER #2, EWIP LANDSCAPING & IRRIGATION AT HOWARD CREEK STA & BURR STREET POND, #20110018, $154,066.11, FOR A NEW CONTRACT AMOUNT OF $897,111.99, NO ADDITIONAL CALENDAR DAYS, FUND 403-4126-5688, ENGINEERING

j) REQUEST FOR UNITY OF TITLE FOR ERIK AND MYLA WINE TO COMBINE LOTS 7 AND 8, BLOCK 1623, PORT ST. LUCIE SECTION 23, TO PLACE A SHED ON THEIR ADJACENT VACANT LOT, LEGAL DEPARTMENT

k) TARMAC AMERICA, LLC, APPROVAL TO ENTER INTO A FIXED PRICE CONTRACT, WITH A ONE (1) YEAR CONTRACT PERIOD AND FOUR ADDITIONAL ONE-YEAR RENEWAL OPTIONS CONTINGENT UPON MUTUALLY AGREED UPON PRICES AND SATISFACTORY SERVICE, CONTRACT MAY BE RENEWED WITHOUT FURTHER COUNCIL ACTION, READY MIX CONCRETE, FIER MESH AND FLOWABLE FILL, $80,000, #20110129, 401-4126-5530, ENGINEERING

Councilwoman Martin **moved** to approve the Consent Agenda. Vice Mayor Bartz **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of the Consent

Agenda. The **motion passed unanimously** by roll call vote.

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

a) ORDINANCE 11-29, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST LUCIE TO INCLUDE A LARGE SCALE AMENDMENT CONSISTING OF TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT AS REQUESTED BY PSL ACQUISITIONS 1, LLC; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-29 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing.

Mr. Holbrook, Planning and Zoning Department Director, advised, "We have a short presentation in two parts. We will first present information on this ordinance, which is dealing with the Comprehensive Plan amendment. Following we will address the substantial deviation to the Development of Regional Impact (DRI) for Southern Grove. Both deal with the same subject property, but with two separate required state applications. Anne Cox, Assistant Planning and Zoning Department Director, will go through the specifics of the report. If you have any questions, ask them during or after the report. The applicant is here, as well as the other developers in the southwest."

Ms. Cox stated, "We will go over the Comprehensive Plan amendment application first. We will start with some general information for the public. The Southern Grove property has historically been agricultural. It was annexed into the City in 2003 and 2004. It is a DRI. The primary infrastructure has been installed. Vertical development has commenced at the north end of the property. The property is located south of Tradition Parkway and west of I-95. The Comprehensive Plan amendment application does consist of changes to maps and the text of the Comprehensive Plan." The City Manager noted, "On the illustration we have to strike 'future home' of VGTI. I can't forget Homewood Suites, either." Ms. Cox continued, "This is the adoption hearing. Previously this item was transmitted to the state and reviewing agencies for comments, in April 2011. The Conceptual Land Use Plan for Southern Grove is proposed to be changed to be consistent with the changes proposed to the DRI and Master Plan, which is coming up in a resolution item. The proposed plan has a refinement of the location of certain of the land use categories. A figure is proposed to be changed for the Tradition and Western Grove DRI's. That is to make it consistent

with what has currently been approved for those DRI's. It's a housekeeping issue. There are policy changes to specify the development entitlements for the Tradition and Western Grove NCD districts for consistency with those approved DRI's. The policy change for the Southern Grove NCD is to be consistent with the proposed DRI amendment. That is the policy that includes the increase in the development entitlements, the increase in non-residential land use areas. There have been comments provided to the City by the Florida Department of Transportation and Martin County. Those comments have been addressed and are included in the backup materials to the staff report. With that, staff recommends approval of the Comprehensive Plan amendment."

Councilman Kelly said, "This amendment does not give them one more house. Right?" Ms. Cox replied in the affirmative. Councilwoman Martin **moved** to approve Ordinance 11-29. Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Ordinance 11-29. The **motion passed unanimously** by roll call vote.

b) ORDINANCE 12-11, CREATING CHAPTER 42 OF THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES; ESTABLISHING AN ABANDONED REAL PROPERTY REGISTRATION SYSTEM; PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, REGISTRATION OF ABANDONED PROPERTIES, STANDARDS FOR MAINTENANCE OF ABANDONED PROPERTIES, INSPECTIONS, ENFORCEMENT AND PENALTIES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-11 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing.

Councilman Kelly asked, "Can we get a short explanation of this and of the how long it will take to implement?" The City Manager explained, "We're very excited about this program. It closes the gap. A lot of times when properties are going into foreclosure, there is a period where the former resident has abandoned the property and the bank is going through the legal process of acquiring title through foreclosure. In all that time, which can be two years or more. . . . We had a case in Public to be Heard tonight where a gentleman was talking about the type of house I'm talking about right now. This makes the lender responsible for registering the property, having a property agent, and being responsible to maintain the property with the property maintenance code. It short circuits the banks' common refrain that they can't do anything about it, because they haven't taken

title to the property. I believe this will help us build on the success of our nuisance abatement program and our Code Enforcement efforts, and give us another valuable tool. As far as implementation, I've been working with Mr. Dramis and Ms. Mastro, and I fully expect that upon the effective date of this ordinance we'll be rocking and rolling." Councilman Kelly **moved** to approve Ordinance 12-11. Councilwoman Martin **seconded** the motion and commented, "I'd like to thank Mr. Oravec and staff for working on this. It's been a long time in the process and it's here, and I'm really excited about it." The Assistant City Clerk restated the motion as follows: for approval of Ordinance 12-11. The **motion passed unanimously** by roll call vote.

c) ORDINANCE 12-12, AMENDING THE 2011-12 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 8 PAGES, ATTACHED HERETO AND DESIGNATED AS 2011-12 BUDGET AMENDMENT NO. 1. THE SAID SCHEDULE PROVIDES FOR AN INCREASE AND/OR DECREASE IN APPROPRIATIONS IN THE VARIOUS LINE ITEMS; PROVIDING AN EFFECTIVE DATE

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

9. **OTHER PUBLIC HEARINGS**

There was nothing scheduled for this item.

10. **FIRST READING OF ORDINANCES**

a) ORDINANCE 12-13, PUBLIC HEARING, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST LUCIE TO INCLUDE A LARGE SCALE AMENDMENT CONSISTING OF TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT AS REQUESTED BY RIVERLAND/KENNEDY, LLP AND RIVERLAND/KENNEDY II, LLC; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-13 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Ordinance 12-13. Councilman Kelly **seconded** the motion. The Assistant City Clerk repeated the

motion as follows: for approval of Ordinance 12-13. The **motion passed unanimously** by roll call vote.

b) ORDINANCE 12-14, AMENDING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES, AMENDING CHAPTER 155 SIGN CODE OF THE CITY OF PORT ST. LUCIE LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-14 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-14. Councilwoman Martin **seconded** the motion. The Assistant City Clerk repeated the motion as follows: for approval of Ordinance 12-14. The **motion passed unanimously** by roll call vote.

c) ORDINANCE 12-15, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING THE ZONING CODE SECTION 158.006 (A) AND 158.136 (B); TO DEFINE COMMERCIAL LAUNDRY FACILITIES AND TO PERMIT COMMERCIAL LAUNDRY FACILITIES AS a PERMITTED USE WITHIN THE INDUSTRIAL ZONING DISTRICT (IN), 158.006, AND 158.136 (B) (1) (m); PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-15 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-15. Vice Mayor Bartz **seconded** the motion. The Assistant City Clerk repeated the motion as follows: for approval of Ordinance 12-15. The **motion passed unanimously** by roll call vote.

d) ORDINANCE 12-16, TO REZONE 0.331 ACRES OF PROPERTY LEGALLY DESCRIBED AS LOT 19 AND A PORTION OF LOT 18, BLOCK 1828, PORT ST. LUCIE SECTION 35; FROM RS-2 (SINGLE-FAMILY RESIDENTIAL) TO U (UTILITY); FOR A PROJECT KNOWN AS CITY OF PORT ST. LUCIE - TANFORAN TOWER (P11-066); PROVIDING FOR AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-16 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-16. Councilwoman Martin **seconded** the motion. Councilman Kelly asked if this is by I-95. The City Manager replied in the affirmative. The Assistant City Clerk repeated the motion as follows: for approval of Ordinance 12-16. The **motion passed unanimously** by roll call vote.

e) ORDINANCE 12-17, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR CITY OF PORT ST. LUCIE - TANFORAN TOWER (P11-065) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RL (LOW DENSITY RESIDENTIAL) TO U (UTILITY) FOR A PARCEL LEGALLY DESCRIBED AS LOT 19 AND A PORTION OF LOT 18, BLOCK 1828, PORT

ST. LUCIE SECTION 35; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

The Assistant City Clerk read Ordinance 12-17 aloud by title only. Vice Mayor Bartz **moved** to approve Ordinance 12-17. Councilwoman Martin **seconded** the motion. The Assistant City Clerk repeated the motion as follows: for approval of Ordinance 12-17. The **motion passed unanimously** by roll call vote.

11. **RESOLUTIONS**

a) RESOLUTION 12-R30, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE FOR AN ENCLOSED ASSEMBLY AREA IN P (PROFESSIONAL) ZONING DISTRICT PER SECTION 158.122 (C) ON GENA ROAD, LEGALLY DESCRIBED AS LOTS 1 AND 2 (P12-019); PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R30 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Resolution 12-R30. Councilman Kelly **seconded** the motion. The Assistant City Clerk repeated the motion as follows: for approval of Resolution 12-R30. The **motion passed unanimously** by roll call vote.

b) RESOLUTION 12-R34, PUBLIC HEARING, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE SOUTHERN GROVE DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS AN AMENDED AND RESTATED DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW; AND PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE

The Assistant City Clerk read Resolution 12-R34 aloud by title only.

Ms. Cox said, "This is the second amendment to the Development Order (DO) for Southern Grove. The proposed amendment includes changes to DO conditions regarding the plan of development, phasing, build-out, and expiration dates, transportation, environmental and natural resources, human resources, and also the amendment of Map H, which is the Master Development Plan. The plan of development includes substantial increases to the non-residential development. The phasing, build-out, and expiration dates are proposed to be extended by seven years. The major changes are the expansion of the mixed-use area to go west and south to just north of Becker Road, and also the mall site is now labeled as a regional business center. Because this

application is considered a substantial deviation to an approved DRI, the Regional Planning Council had prepared a report and recommended DO conditions. The DO that is before you is different from what was recommended by the Regional Planning Council. It does separate the responsibilities for the roadway improvements from the other DRI's in the Southwest Annexation Area. The proposed conditions assign specific roadway segments to be built by Southern Grove. This is based on the road assignments that were prepared by the Engineering Department. The conditions also require that roadway improvements for certain roadway segments that are outside the City haven't been changed, except for the dates by which they would be completed. There are also monitoring conditions that are retained in the DO so that improvements can be accelerated or delayed, based on the need for the improvement. Roxanne Chesser is here from Engineering to answer any questions you may have on the transportation conditions."

Ms. Cox continued, "In the Human Resource Issues section there is a condition that requires the developer to pay a proportionate share or construct on-site hurricane shelter space. The applicant had originally proposed to delete this condition, and the Planning and Zoning Board recommended that this condition be kept in the DO. I understand that the applicant has a presentation; they would like to address that issue and a few other items. I'd be happy to answer any questions."

The City Manager said, "I'd like to make an additional presentation on behalf of staff, just as to the big picture and dealing with it in a straightforward manner. This is a huge increase in non-residential entitlements, not a single house. If we tripled our current rate of residential development out there, we would have 51 years of inventory. This does nothing on the residential side. What it does create is the opportunity for destination retail and job creation, and to finally overcome that deficit we've had due to being a platted GDC community. There is no way to get around that this is a very large increase in non-residential space. The keys to the Development Order are the transportation and the other impacts of development. It says what they can build, when they can build it, and what they have to do to build it. Staff can only support this proposed agreement because of key provisions in the DO, which state that the road improvements can be accelerated or delayed depending upon the actual pace of development. That is really the key. I can tell you that we have absolutely no idea how that is going to develop over the next 30 years. We know what the maximum is,

but we can't anticipate the cycles. If we could and society could, things would be a little bit different right now at the bottom. Those provisions are key, and they're at the heart of the DO. We spent a lot of time with all the developers. There are three players in that defined area. They're competing for resources in a very competitive and scarce resource environment. You have to keep in mind the different efforts and the need to be as equitable as possible. I can truly say that I have followed the Golden Rule with all of them."

Mayor Faiella opened the Public Hearing.

WES MCCURRY, Fishkind and Associates, representing Port St. Lucie Acquisitions I, said, "Noreen Dreyer with Greenspoon Marder, our legal counsel, is here. Tom Babcock with MPC Advisors, Jim Anderson with Fishkind and Associates, along with Nick Mora and Jason Madson, Kimley-Horn, are our traffic consultants. If you will indulge me, I would like to say a few words about Pete Hegener, whose vision and passion to create meaningful and memorable communities has shaped Tradition into the great place it is, a hub for economic development and a world class destination for life sciences. Pete had a profound impact on this region. His passing is a sad occasion for all who call Port St. Lucie and the Treasure Coast home. He was a visionary leader, a tireless advocate of our community, and a devoted father and husband. All who have worked with him are honored to call him a mentor and friend. He will be sorely missed, but his vision will carry on with this project and with the continued collaboration of this Council and staff. I had a presentation prepared, but Ms. Cox covered most of it. Greg did a good job of summing up the importance of this application and the different parameters involved. There are two things that we set as goals with this change to the DO. One was increasing the non-residential development thresholds. Two was separating the traffic conditions. When this property was first annexed into the City and the DRI's were approved, they were all subject to one large regional traffic study. That study resulted in all the DRI's having the same traffic conditions. We were tied together at the hip, and development within each project was dependent upon roadways being completed throughout the whole of this area. Obviously the market has changed. All the developments have not proceeded as was originally anticipated. There is a need to separate those improvements and allocate them to each responsible party. Staff has worked tirelessly with us and the other developers to do that. We've come up with a very good compromise that ensures that this area will develop responsibly. There are a few things I want to point out: clarifications and a

couple of requests for revision to the document in front of you. First, although a new traffic study was conducted based upon the increase in square footage and the traffic conditions have been overhauled, there have been no changes to the original DO conditions that deal with extra-jurisdictional impacts. I refer to impacts within Martin or St. Lucie County. The conditions for those impacts are the same as they were in the original DO. Secondly, although the DO has a table in it that allows for conversion of uses, we have not made any changes to the residential units. That is the same as originally proposed. Councilman Kelly pointed that out on the Comprehensive Plan amendment. The conversion table allows us to convert from one use to another, but it has caps and limitations on it. We are not changing the amount of residential that can be converted from one use to another. Those caps remain in place and are the same as was previously approved. There truly will be no increase in residential development, even though we have a large increase in non-residential that allows for conversion."

Mr. McCurry continued, "There are a couple more items that I would like you to consider in your motion this evening. The Draft DO that was viewed by the Planning and Zoning Board recommended deleting Condition 64, which pertains to hurricane shelters. In our application to the RPC and the City we proposed deletion of this condition based on several different factors. The City's Comprehensive Plan does not require hurricane shelters to be provided as a result of development. The property is not located in a flood or evacuation zone or a high hazard area. The homes in this area are built to withstand the current wind codes, which in that area are 130 mph. Therefore, as we have come to learn, residents should be encouraged to shelter in their homes rather than evacuate. That is the current thinking amongst emergency managers. Lastly, the Regional Planning Council, the body charged with preparing and maintaining the regional hurricane assessment report and keeping track of shelter space, also recommended deletion of this condition. We respectfully request that that condition be deleted from the DO. Secondly, the DOT has recommended that the City include a monitoring condition relative to I-95. That was included in the proposed DO as Condition 30. I would like to point out that our traffic study that was conducted included an analysis of the I-95 main line for all phases. That was done using data from a DOT study that was acknowledged by DOT and agreed to as part of the traffic methodology at the beginning of that process. Additionally, we would like to have the condition revised. The revision we would request would be that it be rewritten to state 'monitoring of the operation level of service conditions at the

Tradition Parkway/Gatlin Boulevard and I-95 interchange and the Becker Road/I-95 interchange shall commence at such time as development exceeds 17,061 external PM peak hour trips.' There is also a minor typo in Condition 28, which references Condition 25. That should reference Condition 27. I would like to thank you for your time and thank staff for the effort they have put into this process. It's been a long time coming. We started down this road back in 2009. We've ended up at a good place. I would like to reserve some time at the end of the public comments to answer any questions that might come up."

Councilman Kelly said, "Let's go back to the hurricane shelters. I did meet with these gentlemen during the week. You have to sell me on why we should delete the shelters. I think you said that you would abide by the requirement for special needs shelters." Mr. McCurry said, "That's correct. There are two conditions in the DO that address hurricane shelters. One is for normal space and one is for special needs space. We are not proposing any changes, other than a cleanup of some of the language, to the special needs conditions. That condition remains in the DO." Councilman Kelly said, "That's good to know. During the hurricanes that was our biggest problem. I thought about this after speaking with you. I can understand why you're requesting it. However, if we give it to you, the other annexation people are going to ask for the same thing. It's probably okay for later on, because private enterprise is going to build hurricane shelters. When concurrency kicks in with the schools, don't the schools require that some part of a school has to be a hurricane shelter? You could have a couple thousand houses out there before a school gets built. Where will those people go?" Mr. McCurry said, "Homes built to the current codes withstand hurricanes better than older homes do. We are approximately ten miles from the coast. We're not in flood hazard areas or evacuation zones. There would not be any mandatory evacuation of this area. The number of residents in this area who would seek shelter is probably very low. Any space provided would likely be to meet needs from other areas. The condition as it is written doesn't require the provision of space; it is more a contribution toward construction of space. That space is to meet an existing need, if there is an existing need. The recent RPC hurricane assessment study showed that there was sufficient shelter space in the area." Councilman Kelly noted, "For the population we have now." Mr. McCurry commented that they also include projections. Councilman Kelly said, "You're telling me it's not going to get windy there because it's too far west. The second hurricane we had the winds came from the west. I don't know about deleting the shelters.

Special needs carry more weight, because that was the problem. Daniel, what are your thoughts?"

Mr. Holbrook replied, "There was quite a bit of discussion at the Planning and Zoning Board on this topic. With the new Building Code at 150 mph, the Codes have changed very recently. Any new construction, and there aren't any residential units in this development currently, would have to meet the new Building Code. For the standard evacuation purposes, it is true that it is to shelter in place, not to get people on the interstate or at one central location. It's really important to deal with the special needs. This will do that. There was discussion at the Planning and Zoning Board. A lot of that conversation was steered by our School Board representative. He shared his concern and the board supported that condition remaining in the DO. The applicant is requesting to not have it in. It isn't a requirement for concurrency purposes for the City." Councilwoman Martin said, "Any schools that would be built there would have to meet those requirements. Correct?" Mr. Holbrook replied, "They have requirements to meet according to the state. There will obviously be a time delay to when school construction will occur. That's per the School Board's budget and their planning."

GLENN RYALS said, "I'm with the Riverland/Kennedy neighboring DRI. I have one clarification. I talked to Wes about it beforehand, just to wrap things up as we're getting an approval. Part of the negotiation has been that there was going to be a realignment of Community Boulevard. Mr. Oravec has worked with everybody, and we now have that exhibit as part of this DO. However, in Condition 13, the last sentence reads, 'the right-of-way alignment shall be agreed upon by the developer and the City prior to December 31.' It seems a little ambiguous that we have the exhibit of what the right-of-way is going to be; that's a little contradictory that we're going to agree to it. I think we are agreed to it. I think that language is a little contradictory. More to the point is that instead of that we would like to have a sentence similar to what we proposed in our DO, which is that the deed for conveyance will happen by year end. The critical thing here is that the alignment of Community is going to impact our ability to so our very first Site Plan. We can't plan our first project until we get that new right-of-way in place, because our first project will be up against Community. We're just trying to be very careful that, in fact, the deed for conveyance will happen by year end. I believe Wes said he was okay with that. I would like to ask as part of the approval that we change that last sentence to be 'the conveyance of the deed will happen by year end.' Otherwise we support what

everybody is doing."

The City Manager said, "It's definitely not a conspiracy on that alignment issue. Mr. McCurry, are you agreeable to conveying it by the end of the year?" Mr. McCurry answered, "Yes. That was our intent with the condition. We have no problem modifying the language to be more clear." The City Manager said, "That was our intent, also. Put that on your list, Madame Mayor. Staff supports that clarification. It just has to do with Southern Grove. Everyone wanted to make sure everything was fair and equal."

LINDA SHELLEY, Fowler White Boggs, said, "I'm here representing Wilson Groves DRI. We also have a request for a small change to the DO that we have spoken to Southern Grove about and reached agreement on some language. We hope that you will agree, as well. It does not involve any of the major issues you've discussed so far. It has to do with a footnote that appears on Page 7 of the DO that indicates that the segment of Becker Road from Community Boulevard to Village is the responsibility of others. You have heard a lot about the Annexation Agreement between all three parties and the City. The benefit of the bargain for Wilson Groves and the $22.5 million they paid to participate in the Annexation Agreement was critically based on the agreement in that document that every developer would pay for the initial two lanes of Becker Road through their property. There were some timing components in the Annexation Agreement that were very optimistic. It was entered into in July 2004, and then the bottom fell out. The City has been working very hard with all of the applicants to juggle and do this in an equitable way. We believe it is very important that we stay consistent with the Annexation Agreement. We believe we have come up with a way in agreement with Southern Grove that we can do that and honor the first commitment about Becker Road. The language would strike the first sentence, which is gratuitous, to say that is the responsibility of others, and it would add our commitment as well as Southern Grove's as an alternative. I would like to read it into the record. The footnote would say: 'The developer is responsible for widening the roadway from two lanes to four lanes. In the event the developer of the Southern Grove property constructs or provides funding for the initial two lane divided roadway, this condition shall terminate.' The new language, which we have worked out with counsel for Southern Grove, is as follows: 'Alternatively, at such time as the Annexation Agreement is amended to provide that a delay to 2018 or later for the construction of the first two lanes of Becker Road from Community Boulevard to Village Parkway is not a default of the

Annexation Agreement.' Frankly, all of the developers are currently in default of the Annexation Agreement, because the timing was so quick. We would like to fix that. it goes on: 'Then the construction of the first two lanes shall become a Phase 2 responsibility of Southern Grove, which shall be reflected by replacing 4LD with zero for the existing lanes, and replacing widen to 4LD with construct to LD for the required improvement. Notwithstanding any other provision of this DO, construction of the first two lanes of this segment of Becker Road shall not be required prior to 2018.' Of course it would always be within the power of the City and the applicants to further delay that. We understand that you have been trying to equitably rejuggle all the roadway assignments. We would still be assigned some of the lanes on that segment. But since Southern Grove and ANSCA have agreed that they would be responsible for the first two under the condition, we respectfully request that you make that change."

Noreen Dreyer, Greenspoon Marder, said, "I would like to respond to Ms. Shelley. We have agreed with the language that Ms. Shelley read into the record. I think she misspoke how it was written. It was 2LD changes to zero, rather than 4LD. We have a copy of the language for your consideration, should you desire to make that change." The City Manager said, "I'd like to provide some context. We're getting to the heart of where we are with the Annexation Agreement. It requires that after they provide the right-of-way, the three players then provide the City the funding to build it. Because the bottom has fallen out of the market, that requirement of the Agreement was never enforced. They were not put on notice that they were in breach. It would be a very expensive road that didn't go anywhere quite yet. As part of this process we have tried to equitably distribute the lane miles required to serve all of the development for all three players. That distribution, though very fair, requires ANSCA to build two lanes on Southern Grove's property, the first two lanes. This goes back to that first meeting in October or December. That's when ANSCA was up and the other players were complaining. It seems like they have come to an accord on the language. Southern Grove doesn't want to be double whammied on the requirement. ANSCA wants to make sure it has access to its property. I think both sides are reasonable, but I would ask for a five minute recess, so that I can read the proposed language." Councilman Kelly said, "When you come back my vote will be on this. When we originally did this I was against the annexations totally. The original agreement was nothing like it is today. However, I did vote for everything after that, because once it's in the City, you have to make sure

everything is done properly. The problem I had then is going to be the same as now. For Becker Road, we didn't say they were going to pay for so many road miles at the cost in 2018. We said they would give us $25 million. Becker Road cost us $56 million. Are we going to get paid in 2018 what it costs to build a road then or is it going to be an assigned amount of money? It's $4 for gas now. I read that within three years it will cost 50 to 75% more to build a lane mile. That's going to be on you guys. As long as we get paid for what it's going to cost." The City Manager said, "They pay when it's time to build the road, when there is demand. Let me provide additional context. This is before you tonight. Next month Riverland/Kennedy will be before you. After that, I predict that all four players will sit down and hammer out DO's and the Annexation Agreement amendment that works for everyone. We will work out Becker Road once and for all. The days of building out the infrastructure on the front side and building out 4,000 unit neighborhoods are probably over for the foreseeable future. There will be a much more incremental approach to development." Councilman Kelly said, "Tell us whether we will get the money in 2018 dollars." The City Manager said, "Yes. At the time it is constructed, you will get the money required to build the roadway."

A recess was called at 8:50 p.m., and the meeting resumed at 8:55 p.m.

The City Manager said, "I would recommend that we table this to the meeting of April 9, where the latest proposal can be considered. I think this really highlights the herding cats metaphor. The players sometimes have competing interests; it's very difficult. This is a very important DO. It impacts the future of the City. That kind of thing can't come up at the last minute. It needs to be carefully considered by staff to provide you with a meaningful recommendation. Therefore I recommend you table this to the April 9 meeting." Councilwoman Martin said, "I'm going to make a motion for that recommendation. Again, I want to say that in meeting with everyone there was specific talk that this wouldn't happen, that is wouldn't get here with people jockeying for position in front of Council. This stuff has to get worked out with staff. It can't be like this. In my opinion, there is no reason why this couldn't have been handled during the day with staff, giving everyone the opportunity to look at what's going on and review it properly. Reading it in front of a lectern is not helpful for everyone up here to process the information and it's not fair to staff. I **move** to table this to the April 9 meeting." Vice Mayor Bartz **seconded** the motion. Mayor Faiella commented, "We had a lot of things

thrown at us. We thought this was going to be worked out."

The City Attorney advised, "We still have the Public Hearing open. You want to recess the Public Hearing to the date certain, so we're not in a re-publication, re-notice situation. The Public Hearing will be recessed and re-opened on April 9."

Ms. Dreyer said, "We would respectfully request that you take action on the substantial deviation and the DO tonight. Both the Comprehensive Plan amendment and the DRI DO need to be considered at the same meeting. We believe these issues have all been resolved to the extent that you could approve them tonight. You have already passed the Comprehensive Plan amendment, so we believe that it would be appropriate for you to take whatever action you need to take on the DO. We would ask you to approve that with the changes we have all agreed to." The City Manager said, "My recommendation remains unchanged." Councilwoman Martin observed, "I'm not going to do that to staff. Absolutely not." Councilwoman Martin **moved** to recess the item to the April 9 meeting. Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: to recess Resolution 12-R34 and the Public Hearing to the Council meeting of April 9, 2012. The **motion passed unanimously** by roll call vote.

c) RESOLUTION 12-R35, OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PORT ST. LUCIE AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION, ST. LUCIE COUNTY AND THE CITY OF PORT ST. LUCIE; PROVIDING AND EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R35 aloud by title only. Mayor Faiella said that they will take the word 'acting' out. Councilman Kelly **moved** to approve Resolution 12-R35. Vice Mayor Bartz **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Resolution 12-R35. The **motion passed unanimously** by roll call vote.

d) RESOLUTION 12-R36, DECLARING A PUBLIC NUISANCE AT 362 SE ATLAS TERRACE, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R36 aloud by title only. Vice Mayor Bartz **moved** to approve Resolution 12-R36. Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Resolution

12-R36. The **motion passed unanimously** by roll call vote.

e) RESOLUTION 12-R37, DECLARING A PUBLIC NUISANCE AT 2037 SW HARRISON AVENUE, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R37 aloud by title only. Councilman Kelly **moved** to approve Resolution 12-R37. Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Resolution 12-R37. The **motion passed unanimously** by roll call vote.

f) RESOLUTION 12-R38, DECLARING A PUBLIC NUISANCE AT 432 SW CURTIS STREET, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R38 aloud by title only. Councilwoman Martin **moved** to approve Resolution 12-R38. Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Resolution 12-R38. The **motion passed unanimously** by roll call vote.

g) RESOLUTION 12-R39, AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER ONE TO THE LOCALLY FUNDED AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORT ST. LUCIE FOR REMEDIATION SERVICES ALONG THE CROSSTOWN PARKWAY EXTENSION CORRIDOR; PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R39 aloud by title only. Vice Mayor Bartz **moved** to approve Resolution 12-R39. Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Resolution 12-R39. The **motion passed unanimously** by roll call vote.

h) RESOLUTION 12-R40, DECLARING A PUBLIC NUISANCE AT 2171 SE BISBEE STREET, PORT ST. LUCIE, FLORIDA AFTER A SHOW CAUSE HEARING; REQUIRING ABATEMENT OF THE NUISANCE WITHIN A CERTAIN TIME; AUTHORIZING ABATEMENT BY CITY FORCES; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE

The Assistant City Clerk read Resolution 12-R40 aloud by title only. Vice Mayor Bartz **moved** to approve Resolution 12-R40. Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Resolution 12-R40. The **motion passed unanimously** by roll call vote.

12. **UNFINISHED BUSINESS**

a) ANDREW THOMAS CONSTRUCTION, INC., NUISANCE ABATEMENT, REMOVE AND REPLACE EXISTING POOL BARRIER WITH AN APPROVED SAFETY POOL COVER COMPLYING WITH ASTM F 1346 ON HOUSE LOCATED AT 1351 DORIC COURT, $1,900, LEGAL DEPARTMENT

The City Manager stated, "This is for the nuisance abatement program and would allow us to go about abating the nuisances at 1351 SW Doric Court. It was put out to bid, and we have identified the lowest responsive bid. We recommend your approval to move forward with abatement." Councilwoman Martin **moved** to approve Item 12 a). Vice Mayor Bartz **seconded** the motion. Councilman Kelly asked if this is the pool barrier Vice Mayor Bartz had talked about. Vice Mayor Bartz replied in the affirmative and added, "There are too many empty houses with pools. A child can drown in less than a foot of water." The Assistant City Clerk restated the motion as follows: for approval of Item 12 a). The **motion passed unanimously** by roll call vote.

b) TRUE COLOR ENTERPRISES, INC., NUISANCE ABATEMENT, REMOVE PLYWOOD COVERING RIGHT SIDE WINDOW AND SLIDING GLASS DOOR AND REPLACE BROKEN GLASS ON HOUSE LOCATED AT 2361 SW BLAINE TERRACE, $600, LEGAL DEPARTMENT

The City Manager said, "This item would allow us to move forward with the abatement at 2361 SW Blaine Terrace. It would allow us to complete swale liner work, cut high grass and weeds, and fix broken windows. We encourage your approval." Councilwoman Martin **moved** to approve Item 12 b). Councilman Kelly **seconded** the motion. The Assistant 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) CITY MANAGER'S EMPLOYMENT AGREEMENT

Clerk's Note: This item was approved after Public to be Heard. See Page 4.

b) 2012 TREASURE COAST BUSINESS SUMMIT, REQUEST FOR CITY SPONSORSHIP IN TWO FORMS: 1) APPROVAL OF A JOINT PARTNERSHIP TO HOST THE SUMMIT, 2) SUPPORT OF THE CITY'S COMMUNICATION DEPARTMENT FOR VIDEO COVERAGE, AUDIO/VISUAL SUPPORT, AND PROMOTIONAL ASSISTANCE OF THE EVENT, CITY MANAGER

The City Manager stated, "The request would allow the City to continue its collaboration with the Treasure Coast Business Summit, which is scheduled to take place at the Civic Center on May 11, 2012. It would provide a partnership where we jointly host the event. We would also provide support from the Communication Department for video coverage, audiovisual support, and promotional assistance." Councilman Kelly **moved** to approve Item 13 b). Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Item 13 b). The **motion passed unanimously** by roll call vote.

c) CROSSTOWN PARKWAY EXTENSION, USE OF CITY-OWNED LANDS FOR PROPRIETARY MITIGATION FOR MEMO OF UNDERSTANDING WITH DEP, CITY MANAGER/LEGAL DEPARTMENT

The City Manager said, "The Engineering and Legal Departments will provide you with a presentation regarding one of our most important projects, the Crosstown Parkway Extension Project. One of the interesting things that came out of the City working to get this bridge done is proprietary mitigation. We entered into an agreement with the DEP that identified the properties that we were going to set aside for the impact of the bridge. We have an agreement with the state saying that we are to convey approximately 110 acres. Ms. Goldstein has been very busy identifying those properties, trying to negotiate and come to terms. We had great initial success with the Evans property. Recently we had a positive development with the DEP. They identified a number of properties that are already in our possession. What you will see as a part of the presentation is that they were part of the old Riverwalk North Master Plan. That wasn't a formal zoning document; it was just a Conceptual Master Plan. I wanted to bring this before you so you could see the properties that are being proposed for this mitigation, and hopefully you will see fit to approve it, so we can send formal notice to the DEP that we have identified the following properties to fulfill the proprietary mitigation. It is my hope that they will either expeditiously respond that it is acceptable, or that the following property is not acceptable, or please provide two or three more acres. In any event, we will

have very clear direction on what we need to do. With Crosstown, it's a matter of lining it up and knocking it down, step by step, and being relentless in carrying out each step of the process. Quite frankly, we have lost some time because of slippage. Slippage is a group of people on a team talking about when things are going to be done, but there is not a deadline and no one is held accountable. Everyone is going to be accountable and holding on to the deadlines. This is the first step."

Ms. Goldstein Siegel stated, "This is about the use of City-owned properties for proprietary mitigation. I'll give you a brief summary of the MOU with DEP. A Memorandum of Understanding was entered into between the City and the Department of Environmental Protection on April 26, 2010, so the City could obtain an easement to cross the state-owned lands for the proposed bridge crossing of the North Fork of the St. Lucie River for the Crosstown Parkway Extension Project. Under the MOU, the City agreed to convey approximately 110 acres for mitigation purposes and to undertake certain environmental projects. A component of the proprietary mitigation plan in the MOU is land acquisition. This plan will offset the impacts to the state-owned uplands and/or sovereignty lands for the proposed river crossing for the Project. In the MOU, the DEP provided a list of sites that they would like to acquire for state park purposes and restoration projects. The City needs to acquire approximately 110 acres of land, which it will later convey to the state in exchange for the easement to cross the river. The City has acquired the Evans property, which consists of approximately 49.81 acres. The Evans property was among those properties originally identified by the DEP in the MOU. We are currently pursuing negotiations to acquire additional lands that the DEP identified in the MOU. To facilitate the City's acquisition of the remaining 60+ acres for proprietary mitigation, the DEP identified additional land that they are interested in acquiring. These are City-owned properties. Your map identifies these lands. The Green River parcel and the Bywood Avenue lots were originally identified by the DEP in the MOU. The additional properties that have recently been identified as possible proprietary mitigation lands are the Emerson Street Park parcel and several Riverwalk parcels. In addition, City staff has recently identified lots on Crowberry Drive as potential mitigation lands, since the lots are of a similar quality and character to the Bywood Avenue lots."

Ms. Goldstein Siegel continued, "The Green River Parcel consists of about 15.5 acres. It was originally identified by the DEP in

the MOU. The Bywood Avenue lots were also identified by the DEP in the MOU. They comprise about 1.08 acres. In reviewing the Bywood lots, the City staff found that the Crowberry lots were of a similar character, and they would like to offer these lots as proprietary mitigation lands to satisfy the requirements. The total acreage for Crowberry is about 3.73 acres. The Emerson Street parcel is approximately 2.83 acres. It was identified by the DEP but was not originally in the MOU. In an effort to move this process forward, they identified this as a property of interest for them. The DEP identified more of the northern Riverwalk parcels than are outlined in white on the slide. In reviewing the best interests of the City, the staff decided that the parcels consisting of about 35.19 acres would be the best option to possibly convey to the state."

The City Manager said, "The Riverwalk Master Plan shows some of the multi-family and mixed use development that had previously been contemplated for Riverwalk. A lot has changed since the plan was conceptualized. City Center and Southern Grove are destination living and retail environments. When you look at the property we need to provide to the DEP to make Crosstown happen, I don't know how it could be better than giving them property we already have. We don't have to negotiate. We just have to decide that's what you want to do." Councilman Kelly said, "I don't have any problem with anything except Riverwalk. When we first looked at Riverwalk a lot of people wanted to do a lot of things there. If I remember correctly, someone wanted to develop the south and we asked them to do something in the north. Because of the wetlands, we could only do something on the first 100 feet or so. There could be some shops, but there was not a lot of room." Mr. Holbrook said, "My recollection reflects that." Councilman Kelly continued, "If we could keep Riverwalk north and south intact and break off the higher part by the road, I have no problem with giving them the other 30+ acres. It's preserve; we're not going to do anything with it." The City Manager said, "It is correct that there is not much buildable land at all there, because of the mangroves and the type of soils. But if you look at the Riverwalk Master Plan and where Walden Woods is located, most of that area is green space on the Master Plan. We're just taking out a couple of the little plazas. I would urge you to use the whole thing. I think ultimately what will be special about the City's river is how much of it is preserved and green. It's not going to be a Las Olas Ft. Lauderdale environment, where the waterfront is urbanized. I think our legacy will be that it's in a pristine state. As far as Riverwalk and where you go from here, I do believe that you still have opportunities to expand Veterans'

Park. The DEP land would be public space, and it would connect very nicely to the lake in Lyngate Park. In Riverwalk south the Council still has the very large parcel that it has not decided what to do with. That is the old hotel/condo site. The staff presented a park plan, but it was never determined what that land would be. You do still have the ability to develop a significant parcel on the river. With all the sites that are right for development in the City, I just don't know if that site with limited depth is a site where you could happily develop. That's especially if this leads to developing Crosstown. If we take any out of this, we won't round up to 110 acres. We would probably have to pick up a church site or another one if we remove any part of that property." Councilman Kelly said, "I thought I heard her say we have a little more than enough. I'm just thinking of four or five acres. The 100 feet would be good for temporary setups, enhancements, or monuments. There is a trail behind the park where we talked about launching kayaks and non-motorized boats. I don't know if that's viable. It would be nice to keep 100 feet. If we can't do it, that's different." The City Manager said, "I'm happy to carry out the will of the Council." Councilman Kelly said, "It might not be viable, but if it is, I'd like to keep it."

Ms. Goldstein Siegel said, "To get to the 110 acres, part of satisfying the requirement is the use of City funds to buy additional lands. By using as much as we can of City-owned properties, that saves us a significant amount of money. The land acquisition is one component of the MOU. There are recreational opportunities that the City will be constructing. The Green River parcel is 15.5 acres. Bywood is one acre. The Crowberry lots are 3.73 acres. The Emerson parcel is 2.83 acres. We deleted some portion of Riverwalk that the DEP wanted, which is about 35.19 acres. The Riverwalk parcel is 58.33. That gets us just shy of 110 acres. That's why we're looking for authorization to present these lands as proprietary mitigation to the DEP at 108 acres. We're also trying to acquire an additional acre." Councilman Kelly said, "I understand. Right up the road is a church that was built four or five years ago. They offered us 10 or 12 acres for free. It's landlocked. I think they wanted to extend their driveway to another piece. It would be worth talking to the church before we make the decision. That would put us way over and we could keep the 100 feet. Do we need to do this tonight? Is time of the essence?" The City Manager said, "The reason this is on the Agenda is so we can have a public discussion. Is time of the essence? The faster we can provide them with this and get a formal response from them, the quicker we can lock it down. I really feel that this proprietary

mitigation will break up a logjam we're experiencing. I think it's holding us up. It's indirect, but I really feel this will break some things loose. If you want us to come back, we're more than happy to. If you want us to draw out a parcel, we'll do that." Mayor Faiella said, "At this point we need to move forward." Councilman Kelly said, "I'm just asking to delay it for one week to make a call to the church. It's free property." The City Manager said, "Ms. Goldstein Siegel, please contact the church and say that Councilman Kelly said it's free. We'll see where we get. We will be happy to provide a report on that." Mayor Faiella asked, "Can we move for approval based on what the church says? If the church says no, I don't want to hold anything up." Councilman Kelly advised, "You could make a recommendation for approval with the condition that if we are successful in acquiring the church property for free, we will carve out a developable piece along Veterans' Parkway in the Riverwalk parcel." Mayor Faiella said, "And if it's not in agreement, we still move forward." Councilman Kelly said, "So **moved**." Vice Mayor Bartz **seconded** the motion and said, "Azlina, I listened to the presentation. What I got was that a lot of this land is pretty much what the DEP wants. However, we continue to talk about a small parcel of land. They could come back to us and say they don't want this section, and we need to come up with more." Ms. Goldstein Siegel said, "We're looking to present these parcels to them and get word that they will accept them for the 110 acre requirement." Vice Mayor Bartz said, "But it's possible they may not approve a parcel of the group." The City Manager said, "That's correct. That's why we want to formally transmit, so we can receive a formal response."

Patricia Roebling, City Engineer, stated, "We met with the DEP in January in Tallahassee and discussed some of these issues with them. This is why they presented these other parcels to us. You're correct in saying that we need to get this up there. Time is of the essence. It does help us along in the final EIS process and through the EDTM process, which we started years ago. This is part of that whole program. We will do whatever you want us to do. We can contact the church. We do have to follow the Uniform Act for property acquisition. We can carve out a piece. But what we present to them they have to accept or not. And they may modify it. We will come back to Council with it. We just need to get something to them so we can get the process moving and get confirmation from them that they are willing to go with these parcels." The City Manager advised, "It is important to point out that this was just a formal recommendation. Any conveyance would be based upon ordinance. This will come back to the Council. Until we formally identify

the properties we can play the game and months slip by." The City Clerk restated the motion as follows: to approve Item 13 c), including a discussion with the church concerning land. The **motion passed unanimously** by roll call vote. Councilman Kelly said, "I hear what you're saying, Patricia. You say that time is of the essence, and like other things that happened tonight, you push it off onto us. Time is of the essence all of a sudden. We have a lot going on and I know it was partially our fault and the City Manager's fault; I got my packet at 3:30 Friday. You should have met with the Council on this." The City Manager said, "Direct it right to me. If I thought this was going to be an issue I would have personally delivered a Site Plan overlay on the Master Plan to your house. I apologize that it wasn't available to you sooner. I'll make sure you get whatever you need. We often talk before meetings on items where you have questions. That didn't happen here. I apologize that I didn't anticipate it. Please direct that to me." Ms. Goldstein Siegel said, "To allay any concerns you have, this is just for talking purposes with the DEP to continue moving the ball forward. We're getting closer to the December 2012 deadline when we hope to receive a Record of Decision from the FHA approving 1C. We will certainly explore using the church property."

14. **COUNCIL COMMENTS AND COMMITTEE REPORTS**

VICE MAYOR BARTZ – SAFE SPACE/BIG BROTHERS BIG SISTERS/FEDERAL COURTHOUSE

Vice Mayor Bartz said, "This Thursday night Safe Space is going to present Every Woman is my Sister once again. This year Dr. Stephanie Haridopolos will be our speaker. When we started this Denise Brown spoke to us about domestic violence. She is going to be on talk radio discussing Safe Space on the Treasure Coast. We're sold out. I'm sad to say that most of the domestic violence clients we have are from St. Lucie County, even though we don't have a Safe Space home here. The other thing was the Taste of St. Lucie with Big Brothers Big Sisters in downtown Ft. Pierce. There was restaurant after restaurant. Each provided a sample. They had entertainment. Thirdly, Friday was the ribbon cutting for the federal courthouse in Ft. Pierce. It was very well done. The courthouse is amazing. That has been in the works for a good 20 years. Hopefully they will name the atrium after Doc Dannahauer, a former mayor of Ft. Pierce. He has been a driving force to get the courthouse here. The speakers were very good. It was great to see that come to our county."

COUNCILWOMAN MARTIN – RESPECT FOR CITY PROCESSES

Councilwoman Martin said, "I am going to specifically address ANSCA Southern Grove and Riverland/Kennedy representatives. We're going to work together for a long time. The City and all of you are going to have to be working together for a long time. I know that the City has been doing and will continue to do everything in its power to be as equitably fair as possible, and to do what is in the best interests of the City. What happened with regard to jockeying for position in front of the dais should not happen. All this needs to be worked out between all of you and our staff prior to coming before Council. So everyone up here knows what's going on and all of our staff knows what's going on. It is not right or fair to the City and to our staff for this to be occurring. I'm going to ask that from now on all the ducks get in a row and everything gets worked out prior to things coming before us. I'm going to ask our City Manager and Council to agree with me on that. This should not be happening. I'm going to ask Mr. Oravec that unless he is sure everything is in order, that items aren't on the Agenda until things are worked out. We're going to go through many processes with these groups for many years to come. This can't keep happening." The City Manager said, "I think this is the second one that you've personally been familiar with. It's happened both times. I certainly will do my best, but I can't stop them from making public comments. From our side, quite frankly, you could take a harder line. If it's considered to be a significant change to what the Planning and Zoning Board reviewed, maybe it should be reviewed again." Councilwoman Martin said, "I agree. We have a process and it has to be respected."

COUNCILMAN KELLY – RESPECT FOR CITY PROCESSES/RIVERWALK/RETREAT PRESENTATION FROM ENGINEERING

Councilman Kelly said, "Councilwoman Martin saved me a lot of time. Well said. I felt like deals were being cut. I'm glad the Council went that way. Other than that, Mr. Oravec, we're starting off good. We had a little thing here tonight. We had 32 items when we met, and that one wasn't on there. We'll straighten it out. There were things in the 90's when we had money and Riverwalk was around the corner. They had visions, and that was part of it. Crosstown Parkway is the biggest thing we have. But I don't want to sacrifice the others. When staff says, 'We have to have this tonight. Time is of the essence,' that always rubs me wrong. I hope that other property is still available. I didn't mean to come down on anyone, but if staff addresses me, I'm going to address them back. I will go through the City Manager. That's the way it's supposed to be." The City Manager added, "I thought this might be an issue. That's why I

wanted you to see the Riverwalk Master Plan. I'm happy to do that. For as long as I'm here, the buck stops here. I'm your employee. When you're not happy with the service my team provides, give it to me and I'll deal with it." Councilman Kelly said, "While I have the floor, at the Retreat there was the best Engineering presentation we ever had. For some reason it didn't get the recognition it should have. Others said the same."

MAYOR FAIELLA – REPORT FROM CITY MANAGER ON AGENDA/CITY EVENTS

Mayor Faiella said, "I'm sure Mr. Oravec is going to bring a lot of changes to the City in the next couple of weeks. I would like to add an item to the Council Agenda for the City Manager to give an update to the Council on special items. I'd like to see that on the next Agenda. It could be right before Council Comments as City Manager's Report. We had a lot of events this weekend. Apparently Mr. Oravec was dunked quite a few times for the Veterans Poker Run. The golf tournament was excellent. We also had a Diabetes Walk in Tradition that generated a lot of money. The PowWow in Ft. Pierce was exciting." Councilman Kelly added, "The veterans raised over $34,000. I want to thank the St. Bernadette's Knights of Columbus, who started the whole thing, the Blue Knights, and everybody who helped us." Mayor Faiella added that the first flight is May 12.

15. **ADJOURN**

There being no further business, the meeting adjourned at 9:45 p.m.

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Carol M. Heintz, Assistant City Clerk

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Margie L. Wilson, Deputy City Clerk