

**CITY OF PORT ST. LUCIE
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 26, 2011**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on September 26, 2011, at 7:40 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
Gregory J. Oravec, Assistant City Manager/
CRA Director
Roger G. Orr, City Attorney
James Arnold, Neighborhood Service Director
Sherman Conrad, Parks and Recreation Director
Edward Cunningham, Communications Director
Joel Dramis, Building Official
Kim Graham, Assistant City Engineer
Daniel Hakim, MIS Director
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
Tricia Swift-Pollard, Community Services
Director
April C. Stoncius, Records Specialist

3. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Faiella stated, "The Invocation and Pledge of Allegiance were recited at the previous meeting."

4. PUBLIC TO BE HEARD

There were no public comments to be heard.

5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

a) PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

The City Clerk read the proclamation. Mayor Faiella presented the Proclamation to Jill Borowicz, CEO of SafeSpace, Inc. Ms. Borowicz said, "It is my pleasure to stand here tonight in front of all of you although, I have some bad news. Unfortunately, one in three women are victims of domestic violence in our country. Every day in the United States four women are murdered by their intimate partners. There were 1,556 domestic violence crimes in St. Lucie County last year. Three separate domestic violence murders and suicides occurred just recently in this calendar year. It is a pandemic. If it were a physical disease, everyone would be up in arms over it, but with this issue for some reason that isn't happening. Proclamations like this make the public aware of the situation, which helps a lot. SafeSpace is the ultimate emergency safety network for victims of domestic violence on the Treasure Coast. We save and change lives every day. Last year SafeSpace provided services to 318 women and 57 men who were victims of domestic violence in St. Lucie County, and their children. SafeSpace provides shelter when needed, counseling, and empowering skills for victims to make a better life for themselves and their families. We help victims become survivors. SafeSpace is an educational resource, and an advocate for those who cannot speak for themselves. Domestic violence can and does happen to anyone. It could be happening right now to one of your friends or neighbors. Join SafeSpace during the month of October, Domestic Violence Awareness month by telling someone about us, or by joining us in one of our three awareness walks this month. We have an event called, 'Walk a Mile in her Shoes.' It is an international men's walk where men literally walk in four-inch high red stilettos for a mile to symbolically show their support to end violence against women. October 15, 2011, is the St. Lucie County walk at Digital Domain Stadium at 8:30 a.m. Please join us to walk, or just to show your support. SafeSpace can help, but it needs the community's help to meet its mission. As we all know, abusers are deadly serious about what they are doing. Become a lifesaver today. Thank you for support for recognizing October as Domestic Violence Awareness month."

Vice Mayor Bartz said, "Chief Reuther will be at the walk. I would like to know if we can jointly support them, so that they can put signs up in the City. It is not on the agenda, and I

apologize for that." The City Attorney advised, "It will be at the pleasure of the Council." Councilman Kelly **moved** to support the sponsorship of signage in the City's right-of-way for the SafeSpace Red Heels Walk event. Councilwoman Martin **seconded** the motion. Chief Reuther said, "As you know, Ms. Owen is our Domestic Violence Coordinator, and she handles all of the follow-ups. We did not have any calls from either house for the last two incidents, as far as domestic violence was concerned. We did not provide any service in either of those situations. We are working on the statistics for the last two and a half years regarding how many domestic violence calls that we have gone on. Like anything else, we could always use more help. The more people that we have, the more services we can provide. We were starting to reach out to young children of domestic violence and provide service to them, but we had to scale back because of staffing cuts. We are doing the best that we can." Mayor Faiella pointed out, "I know that Ms. Owen has made a difference in people's lives." Chief Reuther stated, "We work very closely with SafeSpace, which also does an excellent job." The City Clerk restated the motion as follows: for approval for the request for sponsorship of signage for the sole purpose of locating them temporarily in the City's right-of-way for the SafeSpace Red Heels Walk. The **motion passed unanimously** by roll call vote.

b) SPECIAL PRESENTATION - INSURANCE SERVICE OFFICE (ISO) - FIRE DISTRICT INSURANCE RATING, DEPUTY FIRE CHIEF BUDDY EMERSON

Deputy Chief Emerson said, "I'm the Fire Marshall for the St. Lucie County Fire District. I'm here on behalf of Fire Chief Ron Parrish. I wanted to share some information that can save the community money. It also demonstrates the capabilities of the Fire District in providing the best quality fire protection and emergency services protection to the citizens of Port St. Lucie, St. Lucie County, and the City of Fort Pierce. The Fire District is graded periodically by an independent company called the Insurance Services Office. Two years ago, at our strategic planning retreat, the District looked at various ways that we could help the community. One of the ideas that we came up with outside of the box to help taxpayers was to improve our insurance grading. It is important because it determines to a large extent how much a person pays for fire protection insurance. We wanted to tackle the ISO grade, and improve it if possible. It is the largest provider of fire protection information for the insurance industry. They rate fire protection capabilities of communities across the United States.

They look at the water supply capabilities and the communications capabilities through the 911 system. They grade on a scale of one to ten, one being the best and ten being the worst. We were last graded in 1999, and had a split classification; a 3/9. You were a 3 if you were within five road miles of a fire station and had a fire hydrant within 1,000 feet of your property. You were a 9 if you were within five miles of a fire station, but had no fire hydrant."

Deputy Chief Emerson continued, "We started making our preparations for the ISO evaluation in July of 2009. We worked for 14 months at all of the preparations necessary to undergo this grading evaluation. Some of the aspects that they look at are the training records, building and inspection records, apparatus inventory, the response time data, the apparatus service areas, the alarm assignments, the apparatus capabilities, the staffing, fire hydrant locations, the capabilities of the water department, hydrant maintenance, and training evolutions. Those are just a few of the large quantity of items that they look at. They were here for a solid week in October of 2010, examining all the records and traveling to all parts of the county. They met with the Utility Department to go over the capabilities of the facilities in Port St. Lucie, as well as the other areas. They timed the firefighters filling a portable tank from a tanker vehicle that would supply water to an engine to fight a fire. They also had to pull up to a hydrant, and flow water out on two lines. We had a tanker being timed on the dump time, and on how long it takes to empty the tank and fill a tank. One of our newest pieces of apparatus, which helped us increase our score, was donated by the Division of Forestry. It is an old Air Force fuel tank, and we converted it to carry water. We had to pay \$15,000 to convert it. It normally costs \$100,000 for an apparatus like that. It helped us improve our ISO score, and is a tremendous value."

Deputy Chief Emerson stated, "They take the times from each of those evolutions, and add it to the response time to determine how long it actually takes to get to a fire scene and establish a water supply to provide the necessary fire protection. Normally it is done solely with fire hydrants, but on this particular evaluation, the fire district decided that we were going to do something different. Regardless of whether there is a hydrant nearby, we have the capability through our equipment and training of our manpower to establish a water supply without fire hydrants. We use them when they are available, but we can do it without them. It is important because the 9 rating is for homes that are within five miles, but did not have a fire

hydrant within 1,000 feet. On August 1, 2011, our new ISO rating took effect, which is a 3 for every property within five miles of a fire station regardless of whether or not there is a hydrant nearby. Everyone in St. Lucie County, if you are within five miles of the fire station, is now a 3. There is no more split rating. We are the first county-wide single class Fire Department in the State of Florida, which is a huge accomplishment. There is no other county that is as large as we are that provides the service that we do with that rating. The Fire District ranks among the top 16% of graded departments statewide, and the in the top 5% nationwide. The 3 rating comes with some responsibilities, so we have to keep that 3 to keep the property rates low. We will be reassessed every three years. We have to go through this process in two more years. We publicized this information when it first became known to us. The savings range is from \$200 to \$2,000 annually on a fire insurance plan. People have called us to thank us for helping them keep their insurance plan, because the insurance industry is looking to cut costs to save money. We encourage everyone to call their insurance agent, and ask them if their property is receiving credit for the Class 3 rating. If you don't call, they are not going to tell you. The information is available on our website, www.slcfcd.com."

Councilwoman Martin inquired, "The people that were not able to get insurance before are now able to obtain it?" Deputy Chief Emerson replied in the affirmative. Vice Mayor Bartz asked, "Is there any chance that we will go up from the Class 3?" Deputy Chief Emerson replied, "We are planning for a Class 2, which would have been outstanding. We will try for that next time." Councilman Kelly questioned, "How long have you been a Fire District and a separate taxing authority?" Deputy Chief Emerson answered, "We were created by an Act of the Legislature in 1955. There are other independent special taxing districts that are fire districts that serve small areas, but none that are as large as we are. There are none that cover multiple jurisdictions like we do. In our case, we cover two municipalities and the unincorporated county." Councilman Kelly clarified, "We are not the only one, and you cover the entire county, not just Port St. Lucie. It is the best Fire Department in the State of Florida. It is great to have a Number One Fire Department and Police Department, as it affects the value of the homes. It will save people a lot more money than what happened with the taxes. The Fire Chief spoke to a citizen last week that saved \$2,200 on her insurance plan because of the rating. The City of Port St. Lucie had something to do with the rating, as we put in 6,000 hydrants."

Mayor Faiella said, "I want to recognize two people tonight. Dave Pollard is the man who does the budget and looks at it very closely. Mr. Pollard, I can't thank you enough for all of your hard work. Officer Fazio is here, and he saved a toddler last night. That is the third life that he has saved. Congratulations and good work."

6. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Councilman Kelly **moved** to approve the Agenda. Councilwoman Martin **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** - REGULAR MEETING AUGUST 8, SPECIAL MEETING SEPTEMBER 12, 2011

b) **MAJOR SITE PLAN**, LOCATED ON THE NORTH SIDE OF GATLIN BOULEVARD BETWEEN SAVONA BOULEVARD AND BOUGAINVILLEA AVENUE, ONE-STORY MULTI-TENANT RETAIL/OFFICE BUILDING WITH A TOTAL OF 11,040 SQ FT, P10-161, SHOPPES OF BOUGAINVILLEA, LLC

c) **PROFESSIONAL FIREFIGHTERS OF ST. LUCIE COUNTY, LOCAL 1377, 2011 PINK HEALS TOUR**, REQUEST FOR 1) CITY PARTICIPATION AND 2) FOR SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN CITY RIGHTS-OF-WAY FOR THEIR EVENT OCTOBER 10, 2011, ASSISTANT CITY MANAGER

d) **WAIVER OF BID PER SECTION 35.11(A)**, EMERGENCY GENERATOR REPAIRS AT THE PRINEVILLE WATER TREATMENT FACILITY, **GENSET SERVICES, INC.**, \$31,081.27, #20110127, FUND 438-3310-5630, UTILITY SYSTEMS

e) **MINOR SITE PLAN AMENDMENT**, LOCATED ON THE SOUTHEAST CORNER OF PORT ST. LUCIE BOULEVARD AND CARY STREET, CONVERT AN OLD MODEL HOME CENTER, CONSISTING OF THREE (3) ONE-STORY HOME OFFICE MODEL BUILDINGS, INTO GROUP HOMES AND ASSOCIATED OFFICE SPACE FOR A TREATMENT CENTER, P11-091, PACE 2000, INC., ANDREW NADALIN

f) **DISPOSAL OF SURPLUS FORFEITURE VEHICLES**, ONE (1) 2002 DODGE DAKOTA, ONE (1) 2004 CHEVY TRAILBLAZER, TO BE SOLD THROUGH AN ONLINE AUCTION SITE, ESTIMATED THAT EACH VEHICLE WOULD EXCEED A \$1,000 VALUE, POLICE DEPARTMENT

g) **PUBLIC ART ADVISORY BOARD**, APPOINTMENT OF MEMBERS TO

REPLACE RESIGNING MEMBERS, NO TERM LIMIT, PLANNING AND ZONING/MAYOR FAIELLA

h) ARTIST AGREEMENT, DISPLAY OF SCULPTURE ENTITLED "ADAPTER" IN FRONT OF CITY HALL FOR A TERM OF ONE (1) YEAR, ASSISTANT CITY MANAGER

i) R.J. SULLIVAN CORPORATION, CHANGE ORDER #1, WESTPORT WWTF PLANT IMPROVEMENTS CONSTRUCTION, PHASE 3, 4 MGD TO 6 MGD, FINAL TRUE UP, #20080149, NET DECREASE OF <\$375,607>, FOR A NEW CONTRACT TOTAL \$21,874,403, AND 274 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 934 CALENDAR DAYS, FUND 444-3512-5630, UTILITY SYSTEMS

j) HILL INTERNATIONAL, CHANGE ORDER #1, CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES (CEI) FOR PORT ST. LUCIE BOULEVARD RECONSTRUCTION - LAP PROJECT, #20110013, NET DECREASE OF <\$11,484.83>, FOR A NEW CONTRACT TOTAL OF \$97,367.67, AND 41 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 152 CALENDAR DAYS, FUND 304-4105-5310, ENGINEERING

k) COMMUNITY ASPHALT CORPORATION, CHANGE ORDER #1, PORT ST. LUCIE BOULEVARD RECONSTRUCTION PROJECT, #20100115, \$1,982.19, FOR A NEW CONTRACT TOTAL OF \$563,375.04, NO ADDITIONAL CALENDAR DAYS, FUND 304-4105-5340, ENGINEERING

l) MARINE CORPS LEAGUE AUXILIARY, JACK IVY UNIT #496, REQUEST FOR CITY SPONSORSHIP FOR LOCATING TEMPORARY SIGNAGE IN THE RIGHTS-OF-WAY AND PERMITTING APPLICATION FEE WAIVER FOR THEIR YARD SALE AND PIZZA DAY EVENT OCTOBER 2, 2011, ASSISTANT CITY MANAGER

m) SITE PLAN APPLICATION, LOCATED AT 1985 GENA ROAD, ON THE EAST SIDE ON GENA ROAD NORTH OF PORT ST. LUCIE BOULEVARD, RENOVATE AN EXISTING ONE-STORY 2,472 SQ FT SINGLE-FAMILY HOME INTO A PROFESSIONAL OFFICE BUILDING WITH PARKING, P11-022, JOHN AND MARLENE A. CAIRNS

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

8. SECOND READING, PUBLIC HEARING OF ORDINANCES

a) ORDINANCE 11-74, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A LEASE AGREEMENT BETWEEN

THE CITY OF PORT ST. LUCIE AND THE SOUTHWESTERN PORT ST. LUCIE LITTLE LEAGUE, INC; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-74 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Ordinance 11-74. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-74. 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 11-75**, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF PORT ST. LUCIE; PROVIDING FOR AN EFFECTIVE DATE

The City Clerk read Ordinance 11-75 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 11-75. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-75. The **motion passed unanimously** by roll call vote.

b) **ORDINANCE 11-76**, REZONE 2.031 ACRES OF PROPERTY, LOCATED ON THE SOUTH SIDE OF PRIMA VISTA BOULEVARD, BETWEEN AILEEN STREET AND DOREEN STREET FROM RS-2 (SINGLE-FAMILY RESIDENTIAL) TO I (INSTITUTIONAL) ZONING FOR LOTS 1-3, AND 10-14, BLOCK 90, PORT ST. LUCIE SECTION 27 (P11-100); PROVIDING FOR AN EFFECTIVE DATE

The City Clerk read Ordinance 11-76 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 11-76. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-76. The **motion passed unanimously** by roll call vote.

11. RESOLUTIONS

a) **RESOLUTION 11-R58, PUBLIC HEARING**, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.135(C)(3) TO ALLOW AN INDOOR VOLLEYBALL SCHOOL (GYMNASTIC OR OTHER SPORTS OR

RECREATION INSTRUCTION SCHOOL) IN THE WI (WAREHOUSE INDUSTRIAL) ZONING DISTRICT FOR ROMANELLI WAREHOUSE, LEGALLY DESCRIBED AS LOT 4, BLOCK 6, ST. LUCIE WEST PLAT 14, P11-089; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 11-R58 aloud by title only. Mayor Faiella opened the Public Hearing.

JOSEPH FRISCIA, Friscia Engineering, said, "I'm the engineer representing the applicant. We are here to request a Special Exception Use, because one is required to have this sort of a facility. It is in an industrial area, and I don't see any adverse effects to anybody. The parking is adequate, and you will see a positive staff recommendation."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Resolution 11-R58. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R58. The **motion passed unanimously** by roll call vote.

b) RESOLUTION 11-R59, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) (12) TO ALLOW A CONVENIENCE STORE IN THE PUD ZONING DISTRICT FOR CULPEPPER AND TERPENING, INC., VERANDA PLAT NO. 1, TRACT A, P11-095; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 11-R59 aloud by title only. Mayor Faiella opened the Public Hearing.

PATRICK FERLAND, Culpepper & Terpening, Inc., said, "I'm a physical engineer with Culpepper & Terpening, Inc., representing the applicant. We have four Special Exceptions on this project, and I'd be happy to answer any questions."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Resolution 11-R59. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R59. The **motion passed unanimously** by roll call vote.

c) RESOLUTION 11-R60, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) (14) TO ALLOW A DRIVE-THROUGH FACILITY FOR A CONVENIENCE STORE IN THE PUD ZONING DISTRICT FOR CULPEPPER AND TERPENING, INC., VERANDA PLAT NO. 1, TRACT A, P11-094; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 11-R60 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Resolution 11-R60. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R60. The **motion passed unanimously** by roll call vote.

d) RESOLUTION 11-R61, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) (6) TO ALLOW A CAR WASH IN THE PUD ZONING DISTRICT FOR CULPEPPER AND TERPENING, INC., VERANDA PLAT NO. 1, TRACT A, P11-096; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 11-R61 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Resolution 11-R61. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R61. The **motion passed unanimously** by roll call vote.

e) RESOLUTION 11-R62, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) (11) TO ALLOW AUTOMOBILE GASOLINE SERVICES IN THE PUD ZONING DISTRICT FOR CULPEPPER AND TERPENING, INC., VERANDA PLAT NO. 1, TRACT A, P11-097; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 11-R62 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Resolution 11-R62. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R62. The **motion passed unanimously** by roll call vote.

f) RESOLUTION 11-R65, APPROVING THE REVISED STREET TREE PLANTING PLAN FOR ST. LUCIE WEST PLAT NO. 160 - LAKE FOREST POINTE AND ST. LUCIE WEST PLAT NO. 169 - LAKE FOREST POINTE REPLAT, WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF THE LAKE FOREST POINTE HOMEOWNER'S ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 11-R65 aloud by title only. Councilwoman Martin **moved** to approve Resolution 11-R65. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 11-R65. The **motion**

passed unanimously by roll call vote.

12. UNFINISHED BUSINESS

a) **CULPEPPER AND TERPENING, INC.**, DESIGN AND PERMIT FOR MIDWAY AND SELVITZ ROADS, #20110115, ESTIMATED CONTRACT AMOUNT \$94,750, CONTRACT TIME IS 363 CALENDAR DAYS, FUND 445-3316/3516-5630, UTILITY SYSTEMS

The City Manager said, "The engineering firm of Culpepper & Terpening, Inc. was selected to negotiate a contract to do the design work for the waterlines at Midway Road. The contract is being presented to you in the amount of \$94,750, and the contract time is 363 calendar days. We recommend approval."

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

13. NEW BUSINESS

a) **MINOR SITE PLAN**, VERANDA FALLS SERVICE STATION, LOCATED ON THE SOUTH SIDE OF BECKER ROAD ON THE WEST SIDE OF VERANDA PLACE, CONSTRUCT A 3,702 SQ FT CONVENIENCE STORE WITH A DRIVE-THROUGH FACILITY, SIX (6) GAS PUMPS AND A 1,290 SQ FT CAR WASH, P11-088, ST. LUCIE LAND LTD. C/O ALEX MUXO, VP

The City Manager said, "This is a minor Site Plan, and was approved by the Planning and Zoning Board. This is the Site Plan for the four Special Exception Uses that were just previously approved for that project."

Councilwoman Martin **moved** to approve Item 13 a). Vice Mayor Bartz **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) **DISCUSSION AND DIRECTION REGARDING THE EXPIRED COMPLIANCE TIMELINE FOR THE WINDOW SIGN PORTION OF THE SIGN ORDINANCE**, COUNCILWOMAN MARTIN

Councilwoman Martin said, "I met with Mr. Holbrook regarding this item. The time has passed where businesses in the community were to come into compliance with regard to the changes in the Sign Ordinance. Staff needs direction from the Council as to what we want to do." Mr. Holbrook stated, "In 2009, the sign

issue escalated, and there were some enforcement cases that went forward. Following that, there was an appointment of a Sign Code Review Committee, which met for a little under a year. They did a thorough review of the entire Sign Code, and they proposed recommendations and changes. One of the changes was a permit for window signs, which would allow for up to 40% coverage on each window. After that, the St. Lucie County Chamber of Commerce contacted the Council and had some issues with it. They wanted to know if a business was in compliance, why should it be required to pay a fee. The Council then requested that they waive the fee for any businesses that were in compliance. Last fall, Code Enforcement informed businesses of this requirement, and that there was a need to comply. They informed them again this summer and statistically speaking, we have had very little compliance. There were 19 permits out of 7,000 businesses that were obtained. We wanted to bring this to the Council's attention in case there is any desire to change the policy or direction." Mayor Faiella asked, "Does that exclude convenience stores?" Mr. Holbrook replied, "It includes all non-residential businesses." Councilwoman Martin pointed out, "We are past the compliance date, so do we have the businesses come into compliance or do we do something else?" Councilwoman Berger commented, "I would refer it to Vice Mayor Bartz, as she was involved in the original planning of it." Vice Mayor Bartz inquired, "The businesses that have been there a long time and have been in compliance are not an issue, correct?" Mr. Holbrook responded, "They still need to apply for a permit, and almost all of them have not done that, even though there isn't a fee. All that they have to do is sign a waiver indicating that they have been in compliance." Vice Mayor Bartz remarked, "It would be my feeling that they need to come into compliance." Councilwoman Martin clarified, "I would agree, because as a Council we put policies in place. We have to follow through on those policies, otherwise, why are we setting policies that we know we are not going to get anywhere on?" Mayor Faiella observed, "We gave them a year to come into compliance." Mr. Holbrook advised, "A year and a half."

Vice Mayor Bartz said, "There was a lot of work involved in the Sign Committee that included public input. The Chamber of Commerce asked if we looked at everything, so we made some stipulations and gave them a year and a half to comply. Initially, they would have been charged for a permit, but they are not being charged. It is a matter of applying for and putting up the permits. If most of the businesses have already been contacted, then I agree with Councilwoman Martin, there is a reason these Codes are put in place." Mayor Faiella stated,

"We made sure that we contacted each and every single one of them." Councilwoman Martin explained, "I know that we put it out on the City's website, and Code Enforcement notified them." Mr. Arnold said, "When Mr. Holbrook contacted us in March, they came up with a notice to notify all of the businesses of the new Sign Code. From July to November of 2010, I had 12 officers in 12 separate zones that took five months to notify the 7,000 businesses. We stopped in November, because of the holidays in November and December. In January 2011, we decided to put out a notice regarding the banners, and go to the businesses again. Mr. Holbrook asked us to add the Sign Ordinance to the back of the banner notice, which we did. From January through June 13, all 12 officers in 12 zones notified all of the businesses. It was revised again to indicate that September 8, 2011, was the deadline date for all of the businesses to comply. It took five months the first time and it took five months to notify businesses the second time. In order for us to enforce it, we would have to have a Special Magistrate process or a citation process. Under Florida State Statute Chapter 162, I have to give them a reasonable time period to come into compliance before I can take them to the Special Magistrate or write a citation. If I had one officer dedicated to just that, for the 7,000 businesses in an eight-hour day, they would need to notify at least ten per hour on an average. If one officer does that, they could notify 80 per day. It would take 90 days to notify all 7,000 businesses. It is difficult when it comes to enforcement, because we have to give them a reasonable time period, and then we have to go back again. If we go through the Special Magistrate process, I would have to open a case for each of them, which would be 7,000 cases. If they don't comply, the Special Magistrate can place a lien against the commercial property. If I dedicate one officer it would be difficult, because it will take three months just to notify the 7,000 businesses." Mayor Faiella commented, "I will go out and help." Mr. Arnold, "Mr. Holbrook or the Business Tax Office needs to let me know which businesses come into compliance. Out of 7,000, he has only had 15 people come into compliance up to this point. If we know which ones have come into compliance, we can close their case."

Councilwoman Martin said, "The problem is that we still have the policy in place. Even if we suspend it, at some point we will make a determination of when that enforcement is going to go forward or not. That raises the question of why do we have that policy if we are not going to enforce it?" Councilwoman Berger stated, "Agreed. This was a piece of the original legislation that came through for change from us, and was initiated by some

groups in the public during an election cycle that was part of a bigger issue. There was a lot of debate regarding putting the Sign Committee together, because of the cost of it at the time. I remember Mr. Holbrook's department basically having to subsidize it. There were some things that came out of it that were good regarding the Sign Ordinance changes. The idea of a permit is to say everything that they have on their window is correct. For the first year and a half the permit was free." Mr. Holbrook advised, "Previously, window signs were not permitted in the City. We had a regulation, but unless there was a complaint, there was no enforcement. It was the desire of the City to have regulations that are enforced, and the enforcement mechanism was the permit. The application is pretty basic, as it requires the window dimensions for a nominal fee." Mayor Faiella asked, "Is this what the Committee agreed to eighteen months ago?" Mr. Holbrook replied, "Their recommendation went forward, and we had public workshops and hearings. We then took it to the Planning and Zoning Board, who had two hearings on it before it went to the City Council. The purpose of this item was to give the Council an update on where we are, so there is no action needed unless the Council wishes to take action." Councilwoman Berger said, "The amount of money that we are spending on manpower concerns me. To get the information out, make sure it is understood, distributed, and a permit is obtained is a lot. If we took Mr. Arnold's numbers and started adding up how much it cost, I think we would probably vomit in our mouths over the cost of this additional regulation. Sometimes common sense does have to play in. Mr. Arnold, I would have liked to have heard after the first five months that it was not working for your department. If I heard your frustration correctly, you have bigger and better things to do. A majority of what you are seeing out there is compliant. In my opinion, we are regulating for no reason on this item. It doesn't seem to make any sense to me."

Mayor Faiella questioned, "Did they think the lettering was too small in the original Code?" Mr. Holbrook answered, "The original Code allowed for 20% window coverage. A vast majority of businesses that had window signage exceeded that. The new regulation doubled it to 40% and that required a permit, which wasn't required previously for standard window signs." Councilman Kelly pointed out, "It took us almost a year to get to that point. It has been about two and a half years this week. I reluctantly supported the Sign Committee, because at the time, Chief Skinner and Brian Reuther talked me into to it. It was a safety issue. If they went by a gas station, 90% of their windows were covered. If there was a holdup, they couldn't see

inside. It was a safety issue, and I thought it was great. It is still an issue, but 40% of it should only be enforced. Other than that, it is unenforceable with 12 Code Officers and the amount of time that they could spend on it. If we do cite them, it will go the Special Magistrate, who will put liens on them, and it will be bureaucracy on top of bureaucracy. All that I want to see is that they don't put more than 40% in their window. The amount for the permit will not pay for the manpower and the bureaucracy that we will go through. The Code Officers can enforce 40%, and the police officers can enforce it too. I really don't like all of the banners and signs all over town. It doesn't look nice, but we did it because the businesses were hurting. Eventually, we will have to enforce it, but we will need money to hire more Code Enforcement Officers. I'm conflicted about it, but there has to be a compromise somewhere."

Mayor Faiella said, "I don't think there is a way to enforce it. It is impossible, and we are pulling away from other priorities, like the houses that need attention." Councilman Kelly commented, "It is too much money." Councilwoman Berger stated, "I'm not willing to charge businesses for permits, because they are going to spend the most on the tax increase." Mayor Faiella remarked, "I will not do that to the small businesses." Vice Mayor Bartz clarified, "We are not going to enforce the permitting, but we are going to enforce it should there be a question of 40% coverage." Mr. Holbrook said, "The Police Department looks at convenience stores, and that is a State Statute. It is something that is enforceable and is required to be enforced. For a remainder of the businesses, it is the obligation of the City to enforce it." Councilman Kelly asked, "Does everybody want to suspend this, or put it in abeyance for a year or two?" Councilwoman Berger replied, "I'm not sure that there was a problem to begin with. I feel like we were fixing a problem that didn't exist, which we said at the time. The convenience store factor was never a part of this, as it was always dealt with under the State Statute. The police officers deal with that separately. We are talking about a Code Enforcement issue that didn't need an additional regulation. We had one area that needed more opportunity to cover their windows to advertise their business. Since then, we have allowed more banners and larger signs in front of their business to create opportunities for them. This issue of just covering the window is something completely different, and it should just go away." Mayor Faiella pointed out, "If there is no way to enforce it, let's be done with it. We are not going to charge, and we can't enforce it, so why are we even continuing it?" Councilman Kelly

moved to suspend the sign ordinance permit procedure, and continue to enforce the 40% coverage. Vice Mayor Bartz **seconded** the motion. The City Attorney clarified, "This is only as to the window signs." The City Clerk restated the motion as follows: to suspend the sign ordinance permit procedure in regard to window signs only, but to continue to enforce the 40% coverage. The **motion passed unanimously** by roll call vote.

c) SHIP PROGRAM, REQUEST FOR PAYOFF REDUCTION FROM \$3,000 TO \$2,400 ON PREVIOUSLY APPROVED FORGIVENESS OF SHIP OUTSTANDING DEFERRED LOAN IN ORDER TO ALLOW FOR A SHORT SALE AND AVOID FORECLOSURE, CURRENT LOAN AMOUNT \$21,360, COMMUNITY SERVICES

The City Manager stated, "At a previous meeting, the Council approved a write off on a SHIP loan for a short sale. In the meantime, there have been some delays and problems with the sale. The request is for the City to receive \$2,400 instead of \$3,000 as part of the settlement for writing off the loan. The City recommends that we do this to allow the house to be sold. Otherwise, it will end up in foreclosure and we would get nothing."

Councilwoman Martin **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) AMERICAN EARTH MOVERS, INC., EASTERN WATERSHED IMPROVEMENT PROJECT (EWIP) LOUTUS POND STA & BLACKWELL WATERWAY IMPROVEMENTS PROJECT, #20110077, \$2,751,349.05, PLUS A ONE-TIME \$10 INDEMNIFICATION FEE, CONTRACT PERIOD WILL BE 240 CALENDAR DAYS, FUND 403-4126-5688, ENGINEERING

The City Manager said, "This is a component of the EWIP. It is for the Loutus Pond storage treatment area at the Blackwell Waterway. The lowest bid on this was by American Earth Movers, Inc., in the amount of \$2,751,349.05. We recommend approval."

Councilwoman Berger **moved** to approve Item 13 d). Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed** by roll call vote with Mayor Faiella, Councilwoman Martin, Councilwoman Berger, and Councilman Kelly voting in favor, and Vice Mayor Bartz voting against.

e) FY 2012 JUSTICE ASSISTANCE GRANT (JAG), AWARD 2012-JAGC-STLU-1-C4-070 TOTALING \$54,838, UNDER THE PROJECT TITLE

"CRIMINAL JUSTICE INFORMATION SYSTEMS," PURCHASE EQUIPMENT AND SOFTWARE INCLUDING 22 BIO-METRIC FINGERPRINT READERS AND 2 RADAR RECORDERS WITH LICENSES, THERE IS NO MATCHING GRANT REQUIREMENT, GRANT PERIOD IS FROM 10/1/11 TO 9/30/12, POLICE DEPARTMENT

The City Manager stated, "This is for the Justice Assistance Grant in the amount of \$54,838. It is a request to purchase equipment for the grant for 22 Bio-Metric Fingerprint Readers and 2 Radar Recorders with licenses. There is no matching grant, and they are federal funds. We do recommend approval."

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, AT&T CORPORATION, AGREEMENT FOR DEDICATED INTERNET ACCESS SERVICE, \$3,373.55 MONTHLY IP CHARGES, TOTAL COST \$40,482 ANNUALLY, INITIAL AGREEMENT FOR 36 MONTHS WITH AUTOMATIC RENEWALS, #20110119, FUND 001-VARIOUS-5411, M.I.S.

The City Manager said, "This is a request to enter into a contract with AT&T Corporation for \$3,373.55 monthly for internet services for the City. It would be a large internet connection, plus a smaller backup in case the main one went down. We do recommend approval."

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

g) FORT PIERCE ORCHID SOCIETY, REQUEST FOR CITY SPONSORSHIP FOR LOCATING TEMPORARY SIGNAGE IN THE RIGHTS-OF-WAY FOR THE FT. PIERCE ORCHID SHOW TO BE HELD OCTOBER 8 AND 9, 2011, ASSISTANT CITY MANAGER

The Assistant City Manager said, "This is a request from the Fort Pierce Orchid Society for the City to sponsor their program. It is similar to what we normally do when they want to put signs in our right-of-ways to advertise their event. It was put under New Business instead of the Consent, because this is an organization from Fort Pierce."

Councilwoman Berger **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) INTERLOCAL AGREEMENTS, BETWEEN THE CITY OF PORT ST. LUCIE AND ST. LUCIE COUNTY FOR 1) PUBLIC BUILDINGS IMPACT FEES, 2) ROAD IMPACT FEES, AND 3) PARKS IMPACT FEES, LEGAL

The City Manager said, "This is a series of three Interlocal Agreements for Public Buildings, Roads, and Parks regarding impact fees. The City staff has been in discussions with the county staff, and they have requested that the City collect their impact fees for any building that is built in the City. As you know, when we implemented our own impact fees, we stopped collecting for the county. It has caused an inconvenience for the contractors and homeowners in that after they have built their building and paid their fees, they are then contacted by the county. The county has put liens on their property for their impact fees. The City would get a 4% collection fee. The main areas that these fees would be spent on for public buildings would be 84% for corrections and detention, and 16% on other court facilities or constitutional offices. For the Road Impact Fee, they would credit up to 50% of their fee being offset by the City. The overall road impact fee would be lower in the City than it had been in the past, because they would reduce their fee. It was also negotiated that they would spend the fees collected on Midway Road, Prima Vista Boulevard, Glades Cutoff Road, Range Line Road, and St. James Boulevard. We would collect the Parks Impact Fee for them. They have indicated that their priority for spending it would be on the South Regional Football and Soccer Stadium, the Savannas Campgrounds, Ravenswood Pool, St. Lucie County Fairgrounds, the Oxbow Eco-Center, and River Park Marina. If you approve these, they will go into effect on October 1, 2011. I received a copy of the letter from County Attorney McIntyre regarding this. The County Commission approved these agreements last week. With your approval, we will implement this strategy." Mayor Faiella said, "I want to thank the City Attorney and the City Manager for handling this, because I know they had open communication to get this going. Thank you for working very diligently to get these agreements done."

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

i) CONSTRUCTION ENGINEERING INSPECTION (CEI) FOR LOUTUS

POND, APPROVE FIRMS SHORT LISTED BY EVALUATION COMMITTEE #1 HILL INTERNATIONAL INC., #2 CAPTEC ENGINEERING, INC., #3 CULPEPPER AND TERPENING, INC., AND BEGIN NEGOTIATIONS WITH #1 RANKED FIRM **HILL INTERNATIONAL, INC.**, OMB

The City Manager said, "This is for the CEI work for the Loutus Pond. We just approved the construction contract a couple of items ago. The selection committee has shortlisted three firms which are: Hill International, Inc., Captec Engineering, and Culpepper & Terpening, Inc. With your approval, we will begin negotiations with the top firm. If we cannot get a contract with them, we would move to the second and third firms."

STUART RICHTER, Hill International, Inc., said, "We wanted an opportunity to address something that we heard about, so that there is no confusion. I'm one of the founding members of Hill International, Inc. We went from one person to 3,700 employees. We are a public company on the New York Stock Exchange. We don't intend to do anything that would tarnish our reputation. If you went back on the agenda, there was a mention of Hill International on a project in which we had a change order where \$11,000 was given back for efficient management. We managed our people and their phasing so well that you got \$11,000 back. It was not a change order for more money, but a change order for less, which is remarkable today. We are going to have the same project executive and manager on this job as the previous one. I know that there are tough times today, and I commend you in a world that is very difficult. Mayor, I gave you a signed document today regarding a new office that we have in the area." Mayor Faiella pointed out, "You know that was in question today, because we could not find a lease." Mr. Richter clarified, "We didn't sign it until today. We had a different building in mind, but we could not reach an agreement. We put it in the original proposal, but indicated that we were still negotiating. The issue was regarding indemnification of the landlord for negligence. We couldn't sign it, as our insurance company would not let us sign a lease for an office in that building. We obtained a different building, because we know that you want local people. We would like to be local, and work in the community with you. We would like to give you more money back for efficiently managed jobs. Our company will bring more jobs to this community, and we have a reach that extends beyond the local community. You have my commitment as one of the founders of this firm that we are here, and all that you ever have to do is pick up the phone and ask me our intentions. I understand the competitive nature for work, but you will have a very good team that was selected by a very wide margin to do this work. We are

a firm that has worked for you in the past, and has performed well. We now have an office in the community." Mayor Faiella clarified, "Staff did get us a copy of your lease, signed, sealed, and delivered. Are you going to be moving here?" Mr. Richter responded, "We will have a project executive who was on the last job that was effectively managed, and who will be the day to day person in the field." Mayor Faiella said, "When I reviewed the packet, I found a lot of grey areas, like the lease issue." Mr. Richter stated, "We do project management and CEI work, and we are also a construction claims firm. We are the biggest in the country. We have identified Port St. Lucie as a place that makes perfect sense for us. We have an office in Orlando, and I run the Miami office. We have an office that handles project management in Palm Beach. It also has a division of our company called Hill-Stone Affordable Housing, and we are also in Jacksonville. I'm honored that we are growing in Port St. Lucie, and we will be here for you. You have my commitment that we will do as good of a job, if not better, than we have done in the past and will do in the future."

Councilman Kelly said, "I'm not going to be supporting Hill International because of the last thing that you said. In my back up material, I don't have a copy of any lease indicating that you have an office in the City. All I have is a letter from you that states Hill International, Inc. is located at 8000 South US 1, Suite #302. You do not have an office there. I'm in a receipt of a letter from the owner of the building that says Hill International is not, nor has ever been a tenant in that building. At best, your letter is misleading and deceptive. Myself and other members of the Council have a problem with firms going before the committee that rates you, and changing things at the last minute. When this came to me, I found out that they didn't have an office here. There was a last minute lease that was produced, so there was some deception when you went before our committee. You were not a local firm when you went before our people. The firms that are ranked after you are. You can't submit a lease at the last minute which contradicts the letter that you submitted." Mayor Faiella said, "I had the same concerns when I spoke to the City Manager today regarding the packet and the lease agreement. I researched it and I was informed that Hill International has never applied for a lease. It was a concern for me, because it appears that you listed that address just to obtain the contract. It is a matter of integrity in my book. Realistically, we don't have to vote you in because you are not in Port St. Lucie. It comes down to integrity, and if you misled now, what are you going to lie about in the future?" Mr. Richter explained, "The proposal indicated that we

were negotiating the lease. We were not in Port St. Lucie, but it became meaningful to us that you would prefer the firm to be local. Other firms were not getting contracts if they were not local. We looked diligently for an office, and we were negotiating at that site. We were never in that site, and we never said that we were. We have the emails that will show you the discussions that took place. I don't know who you talked to that said that they never spoke with Hill International, but their broker and/or representative did." Councilman Kelly clarified, "They indicated that you never had a lease with them. This is your sealed electronic proposal with the address on it that you misrepresented. To me, that is deception. It is a valid no vote for me, sir. It doesn't indicate that you were negotiating the address. It has the address, and that is wrong, sir. It is just not right."

Councilwoman Berger said, "It does say that they are executing a lease for office space. I define that as working on obtaining a lease during the time that you submitted the application." Mr. Richter advised, "I gave the Mayor a sample lease, but we could not work it out. We leased space in another building, because we are trying to serve you now and in the future. We did not want to sign a lease where the landlord was freed from negligence. We had all intentions of being there, but my attorney would not allow us to enter into it. There is no deception, especially not for a project of this size. Councilman Kelly, I'm sorry that you feel that way, but it was not intended." Councilman Kelly stated, "You are digging a hole with me, sir. Let me go onto another misleading or deceptive statement. At the bottom of the Agenda Item Request Form it says, 'Hill International Senior Inspector lives within the City limits, and will respond to an emergency in less than ten minutes.' That is misleading and deceptive again, so you are not going to get my support." Mr. Richter said, "Our past shows that we do effective work. We will have a manager living here, and we have signed a lease for an office. There was no intent to deceive, as the City Council and your staff knew who we were because we had just done a recent job. Our integrity with our clients is why we are the number one firm in the world. The inspector, Steven Mix, will live here. The same person who managed your other job will be the project executive on this job. I'm reaching out to you to do work, and I think that we will do a good job on your behalf." Vice Mayor Bartz said, "Whether there was any intent or not to shade, the issue that I have is that we have competent companies that are already here that need the work. We talk constantly about the unemployment rate, so we should use the people that live here. I appreciate that you want to move here, but that takes away from

everything that we have said. The people that are currently here deserve to have an opportunity regarding the local preference." Mr. Richter pointed out, "The local people respectfully competed with us, and had a chance to prove their competence. We won by an overwhelming margin. The Number Two firm is also your designer. It could be an issue when your designer is inspecting their own design. Some places allow that, but most don't. We are here to represent you, and we did it very well on the last job. We saved you \$11,000. Which one of your local firms would have done that for you?" Councilwoman Martin asked, "Didn't we not give a contract to a local company, and award it to Hill International some time ago?" The City Manager replied in the affirmative. Councilman Kelly stated, "They were on the Consent Agenda tonight for the Port St. Lucie Boulevard project. I take offense when you ask what other local firm would give back money. Our local firms have given us back hundreds of thousands of dollars. You are trying to talk over me, and you are digging a hole with me."

Councilwoman Berger said, "At the last meeting we voted for Honeywell over a local firm, so we don't have consistency on this issue. I thought we had a policy or best practice in place, Mr. Bentrutt, about the designer and the contractor not being the same firm. I thought that we did not do that, and maybe that is why staff is recommending Hill International as Number One. My understanding was that we didn't do both." The City Manager advised, "We normally do not, but in some cases we have." Councilwoman Berger said, "At this time I would ask that staff distribute the information that was received today, because I don't have it. They are currently ranked. If it doesn't work out with the first firm, then staff can go onto the next firm, so I **move** to support Item 13 i). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: to support Item 13 i). The **motion passed** with Councilwoman Berger, Mayor Faiella, and Councilwoman Martin voting in favor, and Vice Mayor Bartz and Councilman Kelly voting against.

j) WAIVER OF BID PER SECTION 35.06, EQUAL TO OR LOWER THAN EXISTING CONTRACT, FIA CARD SERVICES, N.A., A BANK AMERICA COMPANY, APPROVE THE HILLSBOROUGH COUNTY PURCHASING CARD PROGRAM LINKING AUTHORIZATION CONTRACT RFP NO. S-0001-09(JSW) LINKING THE CITY'S PURCHASING CARD CONSORTIUM WITH HILLSBOROUGH COUNTY'S PURCHASING CARD PROGRAM, RESULTING IN HIGHER REBATES, OMB

The City Manager said, "This is a request to approve the City contract with the Hillsborough County Purchase Card Program, linking our purchasing card system with theirs. It will allow

the City to get a larger rebate percentage than we had in the past. It would allow us to get into a larger consortium in Hillsborough County, and we recommend approval."

Councilwoman Berger **moved** to approve Item 13 j). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 j). The **motion passed unanimously** by roll call vote.

14. EXCUSED ABSENCES

a) **VICE MAYOR, LINDA BARTZ**, SPECIAL AND REGULAR COUNCIL MEETINGS SEPTEMBER 12, 2011

Councilwoman Berger **moved** to approve Item 14 a). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 14 a). The **motion passed unanimously** by roll call vote.

15. COUNCIL COMMENTS AND COMMITTEE REPORTS

MAYOR FAIELLA - CROSSTOWN PARKWAY PUBLIC HEARING

Mayor Faiella said, "We had a great turnout for the Crosstown Parkway. There were over 400 people in attendance. It was fabulous to see everybody giving their input."

COUNCILWOMAN MARTIN - ST. LUCIE COUNTY FIREFIGHTERS' ANNUAL PINK HEELS FIGHT AGAINST BREAST CANCER

Councilwoman Martin said, "I want to remind everyone that on October 10, 2011, at 5:00 p.m. in Tradition, the St. Lucie Firefighters will be having their annual Pink Heels Tour to support the fight against breast cancer. I would like everyone to come out and support this great cause."

16. ADJOURN

There being no further business, the meeting adjourned at 9:10 p.m.

Karen A. Phillips, City Clerk

April C. Stoncius, Records Specialist