

**CITY OF PORT ST. LUCIE  
CITY COUNCIL REGULAR MEETING MINUTES  
DECEMBER 5, 2011**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on December 5, 2011, at 7:00 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. MEETING CALLED TO ORDER**

**2. ROLL CALL**

Council Members

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

Others Present:

Jerry A. Bentrrott, City Manager  
Roger G. Orr, City Attorney  
Sherman A. Conrad, Parks and Recreation  
Director  
Edward Cunningham, Communications Director  
Marcia Dedert, Finance Director/Treasurer  
Pam E. Booker Hakim, Senior Assistant City  
Attorney  
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  
Margie L. Wilson, Deputy City Clerk

**3. INVOCATION & PLEDGE OF ALLEGIANCE**

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

**4. PUBLIC TO BE HEARD**

**JOSEPH PATRONIE - QUESTIONS FOR MAYOR FAIELLA**

Mr. Patronie asked if Mayor Faiella had been given a honeymoon area to address her campaign promises. Mayor Faiella replied in the affirmative. Mr. Patronie asked if the Mayor has begun initiatives and if so, how many passed. Mayor Faiella replied, "I initiated quite a few, and the majority were passed by Council." Mr. Patronie said that he sent a letter to higher authorities on subjects that are covered at the local level and he is waiting for a response. Mr. Patronie noted that he is working with other agencies on two other issues and asked who has oversight on the City boards and committees, such as the Contractors' Board, and what happens if a member is either outstanding or substandard. The City Manager said, "The committee members work for the City Council, so the Council can remove them." Mr. Patronie suggested that the City make a proclamation on former Mayor Minsky's 9/11 address.

#### 5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

##### a) PROCLAMATION - "CITY OF DREAMS" CD SOUNDTRACK COMPOSER MARK BARNES

Mayor Faiella stated, "Our first proclamation recognizes a really important accomplishment. This year the City passed a historic landmark, celebrating 50 years since incorporation in 1961. The highlight of the celebration week was the premiere of our historic docu-drama, City of Dreams. The movie is powerful, but the beautiful theme song, A City Within a Dream, is earning major recognition, and I believe the reason is obvious." (Clerk's Note: A portion of City of Dreams featuring the theme song was played.)

The City Clerk read the Proclamation, and Mayor Faiella presented the Proclamation to Mark Barnes, composer, who said, "I would like to thank my City, its people, and the honorable Council and Mayor for this wonderful recognition. I moved here in 1988 and have seen this place grow from a small town to the City it is today, and I'm very proud to call Port St. Lucie and St. Lucie County my home. I really don't think there's a better place to live in Florida. All of this would not be possible without the support of my family and friends in town and the absolutely fabulous contributions from Ms. Carol Connors, who wrote the lyrics to the music, Port St. Lucie's own Alana Ferraro, as well as Robert Navarro. I would also like to thank Jose Garofalo, the director, and our own Richard McAfoos. They really did a phenomenal job putting this movie together. Working on the music and film was one of the most excellent adventures I've had the pleasure of going on. The recognition I received

from this music was beyond what I ever thought it would be. I want to thank you again. I am truly honored."

**b) PROCLAMATION - ARBOR DAY**

The City Clerk read the Proclamation and Mayor Faiella presented it to Linda Bagley, Engineering Department, who said, "I am here representing Keep Port St. Lucie Beautiful. On behalf of all of them, Happy Holidays, Merry Christmas, Happy Hanukah, and thank you very much for your continued support."

Councilman Kelly noted, "Arbor Day never gets the recognition it should. I also want to mention that we are so proud of Mr. Barnes, the film, the song, and the talent. Being associated with many musicians in the area, I am just amazed at the amount of talent we have." Councilwoman Berger added, "For Arbor Day, since we have former Mayor Pat Christensen in the audience, it is apropos to mention that she was an important part of making our City the Tree City it is today. Those steps were taken years ago. I'm very happy with where we are and where we're going in relation to our canopy and the amount of work our Public Works people do. Thank you to them."

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

Mayor Faiella advised that she would like to pull Item 13 a) from the Agenda. Councilwoman Martin **moved** to approve the Agenda. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Agenda with Item 13 a) removed. The **motion passed unanimously** by roll call vote.

**7. APPROVAL OF CONSENT AGENDA**

**a) APPROVAL OF MINUTES**

**b) YOUNGQUIST BROTHERS, INC., CHANGE ORDER #1, CONSTRUCTION OF THE PRINEVILLE WATER TREATMENT PLANT RO INJECTION WELL NO. 1 AND WELLHEAD APPURTENANCES, #20100074, NET DECREASE OF <\$148,466.49> FOR A NEW CONTRACT TOTAL OF \$4,544,133,51, 153 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 483 CALENDAR DAYS, FUND 445-3310-5630, UTILITY SYSTEMS**

**c) TERMINATION OF DECLARATION OF RESTRICTIVE COVENANTS, LOTS 31 AND 32, BLOCK 2580, PORT ST. LUCIE SECTION TWELVE, TRC #290, FEROS A. CHAGANI, CITY IS OWED \$6,093.98, LEGAL**

d) **THOMSON WEST**, EARLY CONTRACT RENEWAL FOR WESTLAW AND VARIOUS ONLINE SUBSCRIPTIONS USED FOR RESEARCH, \$18,804.95 PER YEAR WITH A YEARLY INCREASE OF 3%, LEGAL

e) **PURCHASE OF FORECLOSED PROPERTIES**, NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3), 2450 SW MADIERA STREET, PORT ST. LUCIE, FLORIDA, \$1.00, LEGAL

f) **PSL LANDSCAPE SERVICES, INC., SUNSHINE LAND DESIGN, NATURE'S KEEPER, INC.**, DELIVER, SUPPLY AND INSTALL CERTIFIED MULCH AND PINE STRAW THROUGHOUT THE CITY, #20120001, EXPENDITURES AS BUDGET ALLOWS, CONTRACT PERIOD WILL BE FOR 24 MONTHS WITH AN OPTION TO RENEW FOR AN ADDITIONAL 24 MONTH PERIOD, FUND 104/401-4127-5341, ENGINEERING

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

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

a) **ORDINANCE 11-86**, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND THE PORT ST. LUCIE SKI CLUB; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-86 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Ordinance 11-86. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-86. The **motion passed unanimously** by roll call vote.

#### 9. **OTHER PUBLIC HEARINGS**

a) **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL PERFORMANCE REPORTS 2010/2011, AND APPROVAL FOR SUBMITTAL TO HUD, COMMUNITY SERVICES**

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

10. **FIRST READING OF ORDINANCES**

a) **ORDINANCE 11-91**, AUTHORIZING THE CONVEYANCE OF UTILITY EASEMENT FROM THE CITY OF PORT ST. LUCIE TO THE CITY OF PORT ST. LUCIE UTILITY DEPARTMENT; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-91 aloud by title only. Vice Mayor Bartz **moved** to approve Ordinance 11-91. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-91. The **motion passed unanimously** by roll call vote.

b) **ORDINANCE 11-92**, AUTHORIZING THE CONVEYANCE OF UTILITY EASEMENT FROM THE CITY OF PORT ST. LUCIE TO THE CITY OF PORT ST. LUCIE UTILITY DEPARTMENT; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-92 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 11-92. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-92. The **motion passed unanimously** by roll call vote.

c) **ORDINANCE 11-93**, AUTHORIZING THE CONVEYANCE OF DRAINAGE EASEMENT FROM THE CITY OF PORT ST. LUCIE TO DDH LAND HOLDINGS, LLC; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 11-93 aloud by title only. Vice Mayor Bartz **moved** to approve Ordinance 11-93. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 11-93. The **motion passed unanimously** by roll call vote.

11. **RESOLUTIONS**

There was nothing scheduled for this item.

12. **UNFINISHED BUSINESS**

There was nothing scheduled for this item.

13. **NEW BUSINESS**

a) **REQUEST DONATION OF USE OF THE MOBILE SOUND STAGE**, FOR TOM EISERT CANCER BENEFIT BEING HELD IN TRADITION ON JANUARY 7, 2012, LAURA RODRIQUEZ

This item was removed from the Agenda.

**b) FERRY ENTERPRISES, INC.,** RENEWAL #1, MOWING AND GROUNDS MAINTENANCE FOR THE ENGINEERING DEPARTMENT, #20060116, \$885,996.19, CONTRACT EXPIRES NOVEMBER 30, 2016, AND HAS NO RENEWALS, FUND 104/401-4127-5341, ENGINEERING

The City Manager said, "This is to renew and increase the current contract with Ferry Enterprises in the amount of \$885,996.19. This is for mowing medians and slopes along various roadways. The contract will expire November 30, 2016 and has no more renewals. We do recommend approval." Councilwoman Berger **moved** to approve Item 13 b). Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 b). The **motion passed unanimously** by roll call vote.

**c) GENSET SERVICES, INC.,** GENERATOR PREVENTATIVE MAINTENANCE AND SERVICE PROGRAM, RENEW FIXED PRICE CONTRACT #20060007, \$124,000; CONTRACT PERIOD IS 1/1/11 THROUGH 12/31/13, FUND 431-3380-5340, UTILITIES DEPARTMENT

The City Manager said, "This is for generator preventive maintenance and repair throughout the City. Genset has offered the City a 4% reduction in pricing that will save the City \$7,884.80 during the next two years of the contract. It is estimated at \$124,000 a year based upon actual work they will perform. We recommend approval." Vice Mayor Bartz **moved** to approve Item 13 c) Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 c). The **motion passed unanimously** by roll call vote.

#### 14. COUNCIL COMMENTS AND COMMITTEE REPORTS

##### **VICE MAYOR BARTZ - JUVENILE JUSTICE/FESTIVAL OF LIGHTS**

Vice Mayor Bartz said, "Last week we had our Concerned Citizens meeting, which we do monthly. The conversation was about juvenile justice and some of the concerns we have. Once again Bell Avenue is on the chopping block. Some of the judges are concerned that they can only incarcerate a juvenile into the juvenile facility for 21 days. Unfortunately, what we have are juveniles that are repeat offenders to the point of being picked up up to 19 times. We discussed GPS and other possibilities. We were informed by a legislator that they are going to be revamping the entire juvenile justice system. They are meeting tomorrow, and we are anxiously awaiting the results. If they close Bell Avenue, the intent is to have only four facilities in the state. That will cost law enforcement much more, because

they will have to transport those juveniles. We were looking at other alternatives to try to keep it from happening so many times. We understand that it will possibly have to be changed legislatively."

Vice Mayor Bartz said, "On a positive note, the Festival of Lights was on Saturday night. Madam Mayor, you had a great occasion going on, so I understand why you weren't there. But it was absolutely incredible. You couldn't walk through the crowd. The parade was great. There were lots of families having a great time. The tree lighting was beautiful. The Civic Center staff did a great job. We look forward to seeing you there next year."

**COUNCILWOMAN BERGER - FESTIVAL OF LIGHTS**

Councilwoman Berger said, "We had a great time Saturday night. Thank you to Waste Pro for our beautiful tree. I was around a group of young children who thought the best part of the parade were the Waste Pro trucks. Thanks to everyone involved in the parade. The staff worked very hard, and our Police Department was out there in full force."

**COUNCILWOMAN MARTIN**

Councilwoman Martin advised that she had no updates.

**COUNCILMAN KELLY - FESTIVAL OF LIGHTS/CDBG FUNDING**

Councilman Kelly said, "I want to echo what was said about Saturday night. The tree lighting was fabulous. It was the most crowded and the best time we ever had at Christmas. I also want to mention the CDBG funding. I want to mention what the City did with the funds: \$299,000 was to repair and rehab low and moderate income homes; \$245,000 was for reconstruction of Lyngate sidewalks to meet ADA requirements; \$48,000 was for ADA retrofits at City facilities; and \$14,000 went for security at Minsky Gym. Through the NSP Program we purchased over 150 homes. This year we rehabbed 52 properties; we demolished eight blighted, foreclosed properties, and we provided home-purchase assistance for 58 clients. That's where the money went, and we have time to do even more."

**MAYOR FAIELLA**

Mayor Faiella did not have any comments or reports.

**15. ADJOURN**

There being no further business, the meeting adjourned at 7:30 p.m.

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Karen A. Phillips, City Clerk

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Margie L. Wilson, Deputy City Clerk