

**CITY OF PORT ST. LUCIE  
CITY COUNCIL REGULAR MEETING MINUTES  
APRIL 9, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on April 9, 2012, at 7:00 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. CALL TO ORDER**

**2. ROLL CALL**

Council Members

Present:

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

Others Present:

Gregory J. Oravec, City Manager/  
CRA Director  
Roger G. Orr, City Attorney  
Stefanie Beskovoyne, Assistant City Attorney  
Pam E. Booker, Senior Assistant City  
Attorney  
Sherman Conrad, Parks & Recreation Director  
Anne Cox, Assistant Planning and Zoning  
Department Director  
Edward Cunningham, Communications Director  
Joel Dramis, Building Official  
Kim Graham, Assistant City Engineer  
Carol M. Heintz, Assistant City Clerk  
Daniel Holbrook, Planning & Zoning Director  
Jesus A. Merejo, Utilities Director  
David K. Pollard, OMB Director  
Brian E. Reuther, Chief of Police  
Tricia Swift-Pollard, Community Services  
Director  
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****STEVE CARROLL - CRA/FINANCES**

Mr. Carroll said, "At the last meeting I asked what we got out of the CRA at Tradition. Councilman Kelly said that we got \$9 million. They owed us that under the law. It wasn't a favor. The question remains: What did we get? The answer is nothing. We're still on the hook for the money if they fail. We've given them double the amount of commercial space that they asked for. We have now doubled it in the whole City. We've taken all the safeguards off. What did we get? Councilman Kelly pointed out that it will be five years before we see any money. I read the papers where they said they may not pay their taxes next year if you don't give them this stuff. I may not pay mine unless you give me a 40-story hotel in my back yard. Does that intimidate you? We gave up everything and we got nothing. We didn't negotiate a position one bit better than we had before. We are still working on the promises of the same people. We have a new City Manager; they have a new CEO. Next year we start paying on the other CRA. That's \$3.89 million. Where will we get that money? We should get something for giving something. This deal isn't final yet, so I implore you to look at it and ask yourself what it's going to do for us. I see where the developer is going to make out good. We bailed out the banks; now we're bailing out the developers. Bailouts don't usually work. Something this big needs to have the public's okay. Five people on the Council took this upon themselves. People need to vote on this. If you had to sell this to the taxpayers, how would you sell it? No bank has stepped forward. It looks like people are subsidizing developers who already have a track record of failure. Crosstown Parkway was approved." Mayor Faiella noted, "We've had public hearings and workshops in the past for people to give their input." Mr. Carroll said the people should have a vote on it.

**STACY BROCKMAN - UNMAINTAINED VACANT LOT**

Ms. Brockman said, "I have a lot next to me that someone purchased about 28 years ago. I was told that it belonged to the City; we couldn't buy it. We are having a massive rodent problem. I have had to have an exclusion on my home. I have trucks outside the yard. I have armadillos living under my shed that they tell me is my problem. You can't kill them. If you put something under there, they'll die, but you have to live with the smell. I'm up to almost \$1,800, not including monthly trap fees." Mayor Faiella asked if it is a City-owned lot. Ms. Brockman explained, "I came to find that someone in Union, New Jersey, owns it. For all I know, they could be dead. Maybe someone inherited it and just pays taxes on it. They just found

out who owns it and they sent letters. I asked if they can be fined. The trees are growing onto my roof. I have to pay the lawn guy, since my husband got sick and can't trim them anymore. That's an extra fee. The trees are wild. The animals are burrowing under my fence. I was told that since I sound like I'm from New York, I must be used to rodents. I thought that was really inappropriate. They said they can't be fined because there is no house on the lot. I can be fined if I don't cut my grass. Money is flowing out of my pocket. I need help. The animals are in my roof. There must have been a little hole, and they were in and out all night long. I only found out because I heard something at night. Who's going to refund my money? I pay taxes. They told me I would pay more taxes if they get fined. There are children in the area. You can hear animals at night. One was in front of my door the other night, and I have a child. Every month the trappers come and check the traps. I think it's disgusting and there has to be something to do. What happens if the people never answer the letter? I'm out of luck. If they give me the money I'll have the whole thing cut. As far as I know, there is supposed to be ten feet between you and the next lot. If the trees are going over and the stuff is coming under my fence. . . . The animals are jumping from the tree to the roof, onto my pool screen, which leads into my house. I live on Galt Circle in Southbend." Councilman Kelly noted that she is in his district. Ms. Brockman continued, "Her other answer was that there are many lots with that problem. My problem is the one coming into my home where I live." Mayor Faiella said, "Unfortunately, it's not the City's problem. I hate to say that. It's privately owned." Ms. Brockman asked, "What happens if you can't get in touch with the people? If you look it up it says vacation property. Do they pitch a tent there? What are we supposed to do? I pay taxes." The City Manager said, "In the back is Mr. Dramis. He'll take your contact information. There are two issues at work here. One is the unmaintained vacant lot. The Council is correct in advising you that we currently do not regulate the maintenance of vacant lots within the City. We run into this all the time. It's a civil matter between property owners. We send a courtesy letter to try to get something done. We can't mandate it. But you have brought a second issue to light, which is the proliferation of rodents. They are a vector of harmful disease. We'll take a closer look at that, and I'll coordinate with Mr. Dramis to see if we can provide you some relief, and charge the landowner to take care of the problem." Ms. Brockman said, "If you trim it back and clean it up. . . . I can't afford to do that." The City Manager said, "We'll be happy to help you. Mr. Dramis will take care of you."

**LAWRENCE COHEN - CONTRACT CHANGES**

Mr. Cohen said, "I have a question about contract changes that are tens if not hundreds of thousands of dollars. Is the engineering not done properly? Are the contracts not drawn up properly? Are the negotiations not done properly? The changes are done without bid. The Council approves them five to zero." The City Manager said, "We'd be happy to discuss each one on a case-by-case basis. Mr. Pollard is here. He's in charge of the Office of Management and Budget. He takes care of procurement, as well. Let's do a couple of examples. In one case, say we were doing a \$35 million stormwater project. When we began we didn't know that a certain tree was going to be planted next to a certain pipe, where those roots would be in danger of negatively impacting the pipes. We may change a species of tree. That would cause a change to the contract, which would have to be done through a change order. Weather delays or something outside the control of the contractor can cause a change order. An amendment could occur if a similar project came up and the contractor showed an expertise in dealing with that type of project. Those are three quick examples of why it could happen. We're happy to be as transparent with you and all the residents as possible. We'd be happy to go through each specific case." Mr. Cohen commented, "You'd think the engineers would know what kinds of trees are being planted next to pipes." The City Manager said, "I wish we all had crystal balls that worked perfectly. But when you're dealing with a \$35 million project, you aren't going to anticipate everything. It's a game. They can fluff up the numbers on the front side to try to prove that they have captured all the contingencies. But that just means they're building additional money into the project, so that they aren't ever exposed as not knowing everything. As it turns out, we already know they don't know everything, and as long as you're honest and you properly vet it, you have nothing to worry about." Councilwoman Berger said, "Feel free to reach out to me any time you have a question along those lines."

#### **MARIE JOEL - UNMAINTAINED VACANT LOT**

Ms. Joel, 1630 SE Biddle Lane, said, "I'm here to ask City Council to consider passing an ordinance concerning undeveloped lots that are next to property owners. They are dangerous, a fire hazard, and they cause damage. The City has a policy that the owners have their own discretion with the lots. I have documentation that these people feel that since there is not an ordinance, they aren't concerned about it. It's the property owner next to them that has the issue. The City has an ordinance about high grass. Grass does no harm; it's not a fire hazard. During hurricanes you have these trees looming over you. The owners are totally unconcerned. I took the owner next to me to court. I won the case because the growth was destroying my

fence. I've had Code Enforcement come, and there is nothing they can do about the growth. I haven't heard from the owner. The judge told him he needed to excavate at least four feet from my property line. I tried to talk to him and absorb some of the expense. He said that since the City has no ordinance, he didn't have to talk to me. I tried to contact excavation people, but they won't go on his property. I am asking City Council to pass an ordinance to make these people maintain their property. I can't afford to pay to have it cut; they won't come out for less than \$150. And it just grows back. Pass an ordinance for this. I'm not the only one with this problem. You can write letters and people don't respond, because they aren't compelled. How come these undeveloped lots are not considered hurricane and fire threats?" Councilwoman Berger said, "We do have the City Manager looking into this for us. He's going to bring an update soon. We've talked about this. It's not easy to fix because it involves regulation and enforcement to follow up on individuals who don't live here to make them do something. The City Attorney's Office has this in their background information. It's being worked on. We do hear the concerns. It's just a matter of making sure there's something solid enough to do. We hear your concerns." Mayor Faiella said, "We are looking into it."

#### **MARINA GRASSO - SCHOOL SAFETY**

Ms. Grasso said, "I'm representing parents at Westgate K-8 School. It's been about two years since we've had a dedicated, full-time SRO at the school. Some issues have recently come to light at the school. There have been repeated issues with this one individual who has been able to return to the school. Even if he couldn't return to school to work, what is there to prevent him from coming through those doors? There is a Sheriff's Deputy there three half-days a week, who calls the City police if something happens. There are eighth graders in that school. There is bullying that goes on. There are drug situations. We didn't know where to start. This situation that happened last week has been very hush-hush. When it was brought to light in the media, we asked what would happen if he decides to come back to retaliate. There is no one there. There is no protection in that school. The deputy was about to clock out; there was an issue, so he called the police and left. What then? It's really a serious issue. I kept my daughter home today because the man may be released. His car is on premise. He's very angry because they took him out of the school. We have not contacted the School Board yet. We spoke to the Principal. Everything is very passive. But it's not okay. Not even all of the teachers were fully informed. I know that's not the City's issue, but from a protection standpoint, what do you advise?" Mayor Faiella said, "See Chief Reuther in the back of the room."

Councilwoman Berger advised, "We want you to start with the School Board, because that's the right thing, and the Sheriff's Office. They may have hired somebody who is not an officer to be there. Check with them first. We don't have anything to do with it. We're concerned because it's in our City." Ms. Grasso asked if there is any way of getting an officer, and noted, "This is the type of situation that you read about in the newspaper." Mayor Faiella said, "Contact the School Board and then the Sheriff's Office." Councilman Kelly said, "Call me tomorrow and we'll set up a meeting. I'll show you where to start."

**MIKE DI IANNI - CODE ENFORCEMENT**

Mr. Di Ianni said that two weeks ago he called a violation in to Code Enforcement, and that the violation had existed for four weeks prior to that. He reported that when he called today he was told they didn't get to it yet. The City Manager advised that he should speak to Mr. Dramis about it.

**JOSEPH PATRONIE - ELECTED OFFICIALS/CITY ATTORNEY/CITY MANAGER/FORMER CITY MANAGER/CITY COUNCIL**

Mr. Patronie said, "Elected officials must stay true to their Oath of Office. There is nothing in the meeting rules that say I can speak directly to the City Manager. During the meeting of March 9, there were painful motions made. The motion concerning the City Attorney should be forwarded to the Florida Bar, the State Attorney, and the Florida Attorney General. I feel the contract for the City Manager should be amended to include a probation period. Many contracts need cash or funds to be exchanged to make them binding. If that is true in this case, I recommend that the City Manager get a one dollar pay raise. It is my opinion that the punishment on Jerry Bentrutt was unreasonable and un-American. When he served as Assistant City Manager he was a brilliant man. The contract he signed as City Manager was flawed. There was no probation. I think you should recall the order against him. All the employees who were fired by Mr. Bentrutt should be returned as City employees and given retroactive pay. I have great trouble with the majority rule of the City Council. If three of them would consider resigning, I would be very happy."

**5. PROCLAMATIONS AND SPECIAL PRESENTATIONS****a) PROCLAMATION - FLORIDA VOLUNTEER MONTH**

The Assistant City Clerk read the proclamation, and Mayor Faiella presented it to Cris Adams, Lana McClain, Maureen Puglisi, and Pat Roberts. Ms. McClain said, "Volunteerism is an

essential part of any community. The assessed value exceeds \$20 per hour. More important are their commitment, brain power, and peripheral value through their friends. Both United Way of St. Lucie County and St. Lucie County have dedicated resources and time to developing a volunteer center. I'm here to recognize all the volunteers in our community." Ms. Roberts said, "Our volunteer program was established first at the Civic Center in 2009. Last June we took the program throughout Parks and Recreation. To date we have almost 200 active volunteers. It's a very aggressive and active program. Based on our success we have volunteers in other departments of the City. I can't thank our volunteers enough. They have saved Port St. Lucie almost \$500,000."

**b) PROCLAMATION - CHILD ABUSE PREVENTION MONTH**

The Assistant City Clerk read the proclamation, and Mayor Faiella presented it to Chris Robertson, CASTLE Development Associate. Mr. Robertson said, "CASTLE has been around for 31 years helping to prevent child abuse and neglect. Two years ago 198 children in Florida lost their lives to abuse and neglect. That could have been any of us. Last year the number was reduced to 155, but that is double the national average. We need to reduce the number to zero. Thank you for the proclamation. You have all seen our Memory Field. It will be at Digital Domain Park on April 21."

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

Councilman Kelly said, "We got a letter from the County Administrator today regarding a meeting we've been asking about for almost eight months. I'd like to discuss that. We could put that under Unfinished Business." Councilwoman Berger **moved** to approve the Agenda with the amendment. Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of the Agenda with the addition of Item 12 c). The **motion passed unanimously** by roll call vote.

**7. APPROVAL OF CONSENT AGENDA**

**a) APPROVAL OF MINUTES - FEBRUARY 27, MARCH 9, 2012**

**b) AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, CHANGE ORDER #3, CROSSTOWN PARKWAY CORRIDOR EXTENSION, TO ADD A CONSULTANT FOR REVISED SCOPE TO INCLUDE PLATT'S CREEK OFFSITE MITIGATION, #20100053, IN THE AMOUNT OF \$6,640 FOR A NEW CONTRACT TOTAL OF \$640,427, 546 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 1,086 CALENDAR DAYS, FUND 314-4105-5688, ENGINEERING**

c) **EAGLE ENTERPRISES, INC.**, CHANGE ORDER #1, LYNNGATE DRIVE SIDEWALK CONSTRUCTION AND ASSOCIATED DRAINAGE MODIFICATION PROJECT, CDBG FUNDED, #20110100, \$12,535.16, FOR A NEW CONTRACT TOTAL OF \$164,221.66, AND 95 ADDITIONAL CALENDAR DAYS FOR A NEW TOTAL OF 185 CALENDAR DAYS, FUND 118-5900-5340, ENGINEERING

d) **PORT ST. LUCIE POLICE DEPARTMENT**, REQUEST TO EXPEND \$7,125 OF FORFEITURE FUNDS FOR PSL EXPLORERS SUMMER CONFERENCE, WITH THE BALANCE OF TRIP COSTS ESTIMATED AT \$7,750 PAID BY THE EXPLORERS AND THEIR PARENTS, POLICE DEPARTMENT

e) **MELVIN BUSH CONSTRUCTION, INC.**, AMENDMENT #21, CHANGE ORDER #5, E-8 CANAL DRAINAGE IMPROVEMENTS FOR THE TRUE UP OF PAY ITEMS, #20070008, WITH AN INCREASE IN CONTRACT AMOUNT OF \$10,260.55 FOR A NEW TOTAL OF \$1,905,735.63, NO ADDITIONAL CONTRACT DAYS, FUND 401-4126-5340, ENGINEERING

f) **KIMLEY-HORN & ASSOCIATES, INC.**, CHANGE ORDER #3, PROFESSIONAL ENGINEERING SERVICES, CROSSTOWN PARKWAY EXTENSION EIS SEGMENT 1, TO ALLOW VALUE ENGINEERING PHASE OF THE PROJECT TO MAINTAIN CONSULTING SERVICES UNTIL CITY OBTAINS ROD, #20090010, \$9,938, WITH AN INCREASE OF 297 CALENDAR DAYS, MASTER CONTRACT #20070049 AND ADDENDA APPLY, FUND 314-4105-5688, ENGINEERING

g) **NATURE'S KEEPER, INC.**, CHANGE ORDER #1, BECKER ROAD LANDSCAPING & IRRIGATION PROJECT SEGMENT 3, #20110036, DECREASE OF <\$23,389.39> FOR A FINAL CONTRACT AMOUNT OF \$275,238.04, NO ADDITIONAL CALENDAR DAYS, FUND 360-4105-5688, ENGINEERING

h) **KEEP PORT ST. LUCIE BEAUTIFUL**, APPROVAL TO PURCHASE LUNCH FOR VOLUNTEERS WITHIN THE ADOPT-A-STREET PROGRAM, ENGINEERING

i) **TREASURE COAST VICTORY CENTER**, REQUEST FOR CITY SPONSORSHIP FOR THE WOMEN OF VALOR AND VALUE EVENT FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN CITY RIGHTS-OF-WAY TO BE HELD MAY 3, 2012, CIVIC CENTER, FUND 401-3900-5480

j) **PURCHASE OF FORECLOSED PROPERTY**, NEIGHBORHOOD STABILIZATION PROGRAM 3 - (NSP3), 552 SW TODD AVENUE, WITH A PURCHASE PRICE OF LESSER OF \$78,500 OR 99% OF APPRAISED VALUE, LEGAL DEPARTMENT

k) **PURCHASE OF FORECLOSED PROPERTY**, NEIGHBORHOOD STABILIZATION PROGRAM 3 - (NSP3), 425 SW TODD AVENUE, WITH A PURCHASE PRICE OF LESSER OF \$37,652 OR 99% OF APPRAISED VALUE, LEGAL DEPARTMENT

Councilman Kelly **moved** to approve the Consent Agenda. Councilwoman Martin **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 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. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Ordinance 12-14. Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Ordinance 12-14. The **motion passed unanimously** by roll call vote.

b) **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. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Ordinance 12-15. Councilwoman Berger **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Ordinance 12-15. The **motion passed unanimously** by roll call vote.

c) **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. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Ordinance 12-17. Vice Mayor Bartz

**seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Ordinance 12-17. The **motion passed unanimously** by roll call vote.

#### 9. OTHER PUBLIC HEARINGS

There was nothing scheduled for this Item.

#### 10. FIRST READING OF ORDINANCES

There was nothing scheduled for this Item.

#### 11. RESOLUTIONS

**a) 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 City Clerk read Resolution 12-R34 aloud by title only.

Ms. Cox said, "The Public Hearing for this item was recessed at the March 26 Council meeting. I will briefly recap the presentation and then go into the changes that have been made since then. The Comprehensive Plan amendment was adopted at the last meeting. The item before you tonight is made of the proposed changes to the Development Order conditions. (Clerk's Note: Ms. Cox showed several slides of information.) The revisions are presented in your packet. Condition 13 was revised to clarify that the conveyance of the deed to the City for the additional right of way for Community Boulevard shall occur prior to December 31, 2012. Footnote 2 of Table 1 regarding Becker Road has been revised. In Condition 28 a typo was corrected. Exhibit F to Exhibit 1 has been revised to show the additional right of way for Community Boulevard south of Becker Road. Staff does recommend approval of the proposed resolution as presented."

Mayor Faiella re-opened the Public Hearing.

**WES MCCURRY**, Fishkind and Associates, representing the applicant, said, "This item was before you on March 26. A few items of concern were raised. All of those have been addressed and revised to staff's satisfaction as well as to our satisfaction. One other item came up later Friday afternoon that I think some of you are aware of. It deals with an outstanding invoice that is due to the Regional Planning Council, which was

involved in the review of this DRI that began in 2009. That was simply an oversight on our part. We take full responsibility for it. I can assure you that the payment is in process. We have done many applications through the RPC and we plan on doing several more, so this is something we are going to take care of. It is in process. We are in agreement with staff's recommendation and respectfully request your approval."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Resolution 12-R34 with the revisions since the March 26 meeting. Councilwoman Martin **seconded** the motion. Councilman Kelly pointed out that the residential housing number has not been changed. The Assistant City Clerk restated the motion as follows: for approval of Resolution 12-R34 with the revisions since the March 26 Council meeting. The **motion passed unanimously** by roll call vote.

## 12. UNFINISHED BUSINESS

**a) MEHAFFEY CONSTRUCTION GROUP INC., NUISANCE ABATEMENT, REMOVE AND REPLACE EXISTING ROOF AND OTHER MISCELLANEOUS REPAIRS ON HOUSE LOCATED AT 2037 SW HARRISON AVENUE, \$12,555, LEGAL DEPARTMENT**

The City Manager said, "This is where we actually abate the nuisance in a nuisance case. Staff has bid out the actions that are necessary to bring the property into compliance. Mehaffey was the lowest responsive bidder at \$12,555. Staff does recommend your approval. This will take care of the problems at 2037 SW Harrison Avenue." Councilwoman Martin **moved** to approve Item 12 a). Vice Mayor Bartz **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Item 12 a). The **motion passed unanimously** by roll call vote.

**b) L.E.B. DEMOLITION AND CONSULTING CONTRACTORS, INC., NUISANCE ABATEMENT, COMPLETE DEMOLITION AND REMOVAL OF HOUSE LOCATED AT 1758 SW PENROSE AVENUE, \$12,317.85, LEGAL DEPARTMENT**

The City Manager said, "This is another abatement action for the demolition of the subject property at 1758 SW Penrose Avenue. Staff recommends approval." Vice Mayor Bartz **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.

### ADDED ITEM:

**c) JOINT MEETING WITH THE ST. LUCIE COUNTY COMMISSIONERS**

Councilman Kelly said, "It's almost eight months since the Council asked for a meeting with the County Commissioners, not the City of Ft. Pierce. Our City Managers have sent letters and talked to the county on the phone to let them know that none of us wanted to meet with Ft. Pierce; we want to meet with the county. The letter that came today had a meeting set for the 30<sup>th</sup>. For some reason they don't understand that we just want to meet with the county. I don't think we've met with them for three years. We've given them an Agenda on three or four occasions. I don't understand the letter that came back. Maybe Mr. Oravec can call or write a letter and request again a meeting with the County Commissioners. I think it should be as soon as possible. I don't know how we can make it more clear." The City Manager asked, "Would the Council like to meet with the county?" Councilwoman Berger said, "I thought the county was still working on that. I thought meeting altogether was an option." Councilman Kelly noted that the Council asked to just meet with the Commissioners. Mayor Faiella said, "Mr. Recor was discussing the meeting with our City Manager." The City Manager said, "Ms. Outlaw's letter kept open the possibility of a meeting between the county and the City. If I'm hearing the Council's consensus, I will send a letter requesting a meeting between the City and the county at our first mutual opportunity. I'll get with each of you to confirm the issues."

### 13. NEW BUSINESS

**a) LANDSCAPE PLAN AND AGREEMENT, LAKE CHARLES AT SLW/CROSTOWN PARKWAY, TO ENHANCE THE LANDSCAPING ALONG THE CROSTOWN PARKWAY AND TO PROVIDE ADDITIONAL BUFFERING FOR THE RESIDENTS LIVING WITHIN LAKE CHARLES, P11-118, PLANNING AND ZONING**

The City Manager said, "This is a partnership agreement between the City and Lake Charles to landscape along the Crosstown Parkway. Staff has worked very closely with the Lake Charles HOA and recommends approval." Councilwoman Berger **moved** to approve Item 13 a). Councilwoman Martin **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Item 13 a). The **motion passed unanimously** by roll call vote.

**b) BANK OF AMERICA MERCHANT CARD SERVICES, APPROVAL TO CANCEL CURRENT AGREEMENT WITH WELLS FARGO BANK AND VELOCITY PROCESSING, AND RE-ENTER INTO AN AGREEMENT WITH BANK OF AMERICA TO PROVIDE THE MERCHANT CARD SERVICES UNDER STATE CONTRACT TERMS AND CONDITIONS, CONTRACT #20110113, FINANCE**

The City Manager said, "Sometimes despite everyone's best

intentions things don't work out as planned. What we were hoping for using Wells Fargo Bank and Velocity didn't happen. So we're proposing to go back to Bank of America." Councilman Kelly **moved** to approve Item 13 b). Councilwoman Martin **seconded** the motion. Mayor Faiella advised that someone had asked to speak on the item.

**JOSEPH PATRONIE** asked if this item addresses procurement cards. The City Manager explained, "This is for credit card processing services." Mr. Patronie said that it might be possible to look into other bank rates for this to introduce competition. Councilman Kelly said, "It's disheartening. On the Fire Board recently we sent out an RFP for our regular checking account to about 20 banks. It's \$60 to \$90 million dollars. Only two banks answered, and they didn't want to give us even 1%. It's really frustrating." Vice Mayor Bartz explained, "That's because they have to put up a certain match when it's municipal dollars. Many of the banks are at their max, or they don't have the room to do that." The Assistant City Clerk restated the motion as follows: to approve Item 13 b). The **motion passed unanimously** by roll call vote.

**c) CALVIN, GIORDANO & ASSOCIATES, INC., AMENDMENT #1, CONSULTANT SERVICES FOR THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN, ADD TRAFFIC ANALYSIS, #20100111, NOT TO EXCEED \$7,190 AND 243 ADDITIONAL CALENDAR DAYS, FUND 001-1500-5340, PLANNING AND ZONING**

The City Manager said, "The item is for Amendment 1 to the Calvin, Giordano contract in the amount of \$7,190 to address additional steps in the process. I wanted to take this opportunity for Mr. Holbrook to give us an update on the EAR-based Comprehensive Plan amendments. We're going to have a special meeting soon."

Mr. Holbrook said, "The acronym EAR stands for the Evaluation and Appraisal Report. The Comprehensive Plan is a requirement in the State of Florida that each jurisdiction have one. The City's Comprehensive Plan was adopted in 1998. Amendments have gone through this current year. The EAR is the check-up for the City. How are we doing? What do we need to do? It looks at trends that have changed throughout the years. We looked at the amount of growth in the City in area. The majority of other annexations occurred west of I-95. The majority of the City's vacant land is also west of I-95."

Mr. Holbrook continued, "The public has been a key component in discussing their concerns about the future of the City. Four community issues were identified: land use and development,

economic development, transportation choices, and dealing with infrastructure, energy and the environment. What have we done so far? This process started in 2009, and that's when we had our first workshop. Following that the list of major issues was approved by the Council in the summer of 2009. We then sent a letter to DCA, now DEO, which they approved. The EAR was adopted in the spring of 2010. It was found in compliance by DCA. Following that we issued an RFP; the contract was awarded to Calvin, Giordano in February 2011. We held two public workshops at the end of last year. This week will be our first Public Hearing dealing with the draft document. Everyone is welcome to attend. If you don't wish to attend, you are more than welcome to submit comments by e-mail. Those documents in their entirety are on the City's website. The Planning and Zoning Department has hard copies in the office, or we can lead you to the link. Following the Planning and Zoning Board hearing there will be a transmittal hearing by the City Council at a special meeting on April 23. After that the state will comment on the document and we will respond to those comments and bring that to the City Council for final adoption in the fall. I encourage the public to participate. Our presentations will be posted on the website as they become available."

Councilwoman Martin **moved** to approve Item 13 c). Councilwoman Berger **seconded** the motion. Councilman Kelly asked, "Why 243 more days? I thought this was time sensitive." Mr. Holbrook explained, "There have been changes. We were waiting for state population projections to be issued, so this document can reflect the most current information, based on the 2010 Census. The 2000 Census was dramatically different. The contract time will take it out to a realistic time for the process. It is not a fault of the consultant." The Assistant City Clerk restated the motion as follows: for approval of Item 13 c). The **motion passed unanimously** by roll call vote.

**d) MELVIN BUSH CONSTRUCTION, INC., CHANGE ORDER #1, SOUTHPORT #4 LIFT STATION AND FORCE MAIN REPLACEMENT, #20120011, \$21,195.60, CONTRACT PERIOD REMAINS AT 180 CALENDAR DAYS, FUND 438-3380-5630, UTILITY DEPARTMENT**

The City Manager said, "This item would allow Melvin Bush Construction to replace an asbestos-cement 12-inch force main line at the cost of \$21,195.60. Staff recommends approval. Those lines are quite brittle." Vice Mayor Bartz **moved** to approve Item 13 d). Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote.

**e) SHIP PROGRAM, REQUEST FOR FORGIVENESS OF SHIP**

OUTSTANDING DEFERRED LOAN OF \$27,700 IN RETURN FOR A PAYOFF OF \$1,662 IN ORDER TO ALLOW FOR A SHORT SALE AND AVOID FORECLOSURE, COMMUNITY SERVICES

The City Manager called Ms. Swift-Pollard up to explain the item. She said, "I believe we have had four of these since the downturn. We have hundreds of mortgages. Our average is quite good. This is a situation where we helped a lady repair her home. Soon after, her husband passed away and she is not able to afford the first mortgage. They are losing approximately \$88,000. We would be losing \$26,000. This follows Fannie Mae guidelines to provide us with \$1,662 if you choose to forgive the remainder of the second mortgage. If it goes through foreclosure we get nothing." Vice Mayor Bartz **moved** to approve Item 13 e). Councilwoman Martin **seconded** the motion. Councilman Kelly commented, "I'm going to support this, but I have to grit my teeth." The Assistant City Clerk restated the motion as follows: for approval of Item 13 e). The **motion passed unanimously** by roll call vote.

**f) L.E.B. DEMOLITION & CONSULTING CONTRACTORS, INC.,**  
PRINEVILLE - ODGEN SITE BUFFER, COMPLETE DEMOLITION AND REMOVAL OF FOUR HOUSES LOCATED AT 856, 902, 950, AND 974 SE PRINEVILLE STREET, \$37,367.50, FUNDS ARE AVAILABLE IN THE UTILITY'S 444 CIP FUND, UTILITY DEPARTMENT

The City Manager said, "This item relates to the Prineville-Ogden site buffer. Ms. Rhoden will make a presentation."

Ms. Rhoden stated, "The Prineville water treatment facilities are located off Lakehurst. It is an industrial site among residential properties. We've always tried to be good neighbors, regardless of what facility we're talking about. Buffering the Prineville site from the residential neighbors became very important to us several years ago, to reduce noise and dust and to improve site security. In 2003 we began acquiring surrounding properties very slowly. In 2004 we intensified our efforts with a three-phased approach. The first phase was to acquire properties directly on Ogden and Gulfport. The second was to acquire vacant lots on Prineville and Greenway. The final phase was to purchase developed Prineville and Greenway sites as they were put up for sale or went into foreclosure. One thing we did was install a masonry wall around the boundaries of the actual compound. Four of the older homes on Prineville are not needed now nor in the foreseeable future. That is due in part to continued maintenance and potential ADA-compliance costs, which will outweigh their value to the Utility. Those four homes are 856, 902, 950, and 974 Prineville. They are all empty and we have owned them for some time. Therefore we are here tonight

seeking approval to demolish the four houses using L.E.B. Demolition and Consulting. The quote for the houses combined is \$37,367.50."

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

**g) AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, AMENDMENT #7, TO PROVIDE CONSTRUCTION PLANS FOR THE CANAL PARK BOAT RAMP, #20060011, \$88,100, SCOPE OF WORK TO BE COMPLETED IN 180 DAYS, FUND 307-7210-5310, PARKS & RECREATION**

The City Manager said, "We've been hard at work trying to get the Port St. Lucie Canal Park boat ramp project permitted and underway for a long time. That's probably why our former director, Mr. Proulx, is here to speak. He certainly worked on that for a long time. We finally got it through the permitting process and made it to the other side, where we can see this project moving forward. American Consulting has brought us to where we are. This would allow them to do the bid documents and construction drawings, so we can actually build this thing. They can be done within 180 days at the cost of \$88,100. Staff does recommend approval."

**CHUCK PROULX** said, "I reside at 1023 SE Coral Reef Street. In a former life I put a lot of effort into this project from a professional and personal standpoint. For any recreational boater who uses our one and only waterfront park where you can put your boat in, Veterans at Rivergate, you know that you have to get there early. I would implore that you approve this project so that it can go the next step. Hopefully some day we will have a new park with access to the St. Lucie and Indian Rivers and the Atlantic Ocean." Councilwoman Berger **moved** to approve Item 13 g). Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Item 13 g). The **motion passed unanimously** by roll call vote.

**h) AG-SCAPE SERVICES, INC., TREE REPLACEMENT AFTER WATER MAIN CONSTRUCTION, #20120038, FUND 447-3316-5630, UTILITY DEPARTMENT**

The City Manager said, "The City is engaged in a major water main replacement project in eastern Port St. Lucie. This contract would allow the Utility to replace trees that are removed as part of the project. The scope of work was bid. Ag-Scape Services was the low responsive bidder. Staff does

recommend award of the contract to Ag-Scape Service, Inc." Councilwoman Martin **moved** to approve Item 13 h). Councilman Kelly **seconded** the motion. The Assistant City Clerk restated the motion as follows: for approval of Item 13 h). The **motion passed unanimously** by roll call vote.

#### 14. CITY MANAGER'S REPORT

The City Manager stated, "I'll try to make this as brief as possible. Hopefully in the last couple of meetings you noticed that staff is making some presentations to provide you and the public information. What you do on this Agenda is so vitally important. In the course of a meeting when you are flying through items, sometimes it's hard for people at home to appreciate all the important decisions. It's important to take a step back sometimes and make sure that we try to share as much information as possible with the public. With this report I hope to shine a little light onto what the City Manager's Office and staff are doing. It can take a long time to get these items onto the Agenda. Tonight I would like to touch on a few important topics. We just talked about the water main replacement project. That came before the City Council a number of weeks ago. We approved a project of over \$10 million to replace water lines throughout the City. The project team is here. I'd like them to provide a brief update."

William Blazak, Culpepper & Terpening, said, "On December 12 the City Council approved multiple contracts that were necessary to facilitate the replacement of the aging water distribution piping and related appurtenances. The contracts approved were for the contractor Felix and Associates in the amount of \$6.7 million, and the materials supplier Ferguson in the amount of \$3.7 million. It is important to note that the City purchased the material directly, resulting in a savings of \$225,000 to the City. They approved professional engineering services in the amount of \$610,000 with Culpepper & Terpening, and geotechnical engineering and testing services in the amount of \$137,000 with Andersen Andre Consulting. The other thing that slipped by that night was that the City's Utility Department is providing the construction, engineering, and inspection for this project and the preparation of the as-built drawings. That provides a value of approximately \$600,000 through the use of in-house staff. Immediately following Council's actions the customers in the defined area were notified by reverse calling and door hangers and provided information that the construction was about to begin. If you've been by there you will have seen the signs. A hotline number was provided for the residents for any questions or concerns now and during construction. Construction activities commenced with the videotaping of the area to document it, so we

know exactly what was there and don't have to fix anything that isn't our problem. We also commenced potholing of utility locates, including phone, electric, cable, TV, gas and our own Utility Department lines to avoid conflicts and provide good horizontal and vertical location for our contractors. Concurrent with the initial construction activities, materials were ordered, permits finalized, and the contractor's professional service teams and Utilities staff were mobilized. The project consists of multiple phases in the Southport service area. It's the oldest service area in the City, circa 1960. It consists of approximately 218,400 linear feet, about 41 miles of water line to be replaced. Approximately 15% or 33,300 linear feet have been installed in the first three months of the project. The total project is expected to be completed within the 14 month time frame as anticipated. The work is progressing better than expected, due to the fact that a lot of the trees that were anticipated to be moved don't have to be moved. The important part of that is saving mature trees, which will help maintain the sense of established neighborhoods. It will keep the project moving along a lot faster, not to mention keeping the cost down. The first section of 12-inch main distribution lines from Southport distribution was placed and is ready for service as late as Friday, April 6. The 6- and 8-inch lines will start to be connected and put into service shortly for the customers in that area."

Mr. Blazak continued, "Residents' calls to the hotline so far have totaled 54. They are routine calls. How will this affect my house? Is my driveway going to be replaced? What will happen to my grass? What about my trees? I think we have had one complaint about a piece of equipment speeding down the road and one flat tire issue that is unresolved. There are detailed phone logs kept, and all calls are followed up. So far it's going better than expected."

The City Manager noted, "It's a \$10 million project with 41 miles of pipe. It's a big deal. One of my goals in working with the public is to be as transparent as possible. It seems there is a conspiracy theory around every corner. The best way to deal with them is to expose them to the light of day. Mr. Blazak, what are your experiences with Utilities? Why should we see you as an expert in the field?" Mr. Blazak answered, "I've been working with utilities since the mid 70's, with the construction of several large federal plants in the Midwest, and line replacement infrastructure in Florida. I was Utility Director for St. Lucie County for ten years. Concurrent with that I was Regional Vice Chair of American Waterworks. I facilitated the meetings for the eight or nine counties that surround us. We met monthly and talked about what we could do to help each other. I

assure you that AC Pipe is a tremendous burden to everyone. Everybody has it. We all work religiously on our plans to get it out of the system the best we can. AC is asbestos cement pipe. The asbestos is the fiber used for reinforcement." The City Manager remarked, "That's one of the rumors I've heard, that there is an asbestos problem. Is there any sort of asbestos problem?" Mr. Blazak replied, "No, sir. But part of what led us to this was in October when Utilities had an asbestos test. The state requires a test every nine years. One test came up with 31 million micro-fibers per milliliter. The state standard is 7 million. When the results came back in November the staff worked with FDEP in retesting. Multiple subsequent tests in that area came back non-detectable. So we had one test with it and multiple tests afterward without it. Our staff worked with FDEP and they agreed wholeheartedly with staff that there was adequate testing and that this test was an anomaly. But it was an indicator that it is 50-year-old system. It gets brittle. But in the eyes of FDEP we didn't have a problem." The City Manager asked, "Did the City try to hide anything?" Mr. Blazak replied in the negative. The City Manager asked, "What did we do following this test?" Mr. Blazak responded, "We continue to test. FDEP has been our partner through this. Prior to this the City has had a very active plan with replacement of asbestos-cement lines. The City has replaced along Prima Vista, Riverpark, and Port St. Lucie Boulevard. Whenever you do a project you work with FDEP. In this case everyone knew it was there. Staff worked with a new action plan to say how it would be funded and where it would go. This is the largest piece of this pipe left in the City." The City Manager asked, "Following the one test, did we properly notify FDEP and all the residents who were impacted?" Mr. Blazak answered, "Yes, sir. There were 59 residents notified in the immediate area, consistent with FDEP regulations. Staff is testing quarterly, even though it's a nine-year test. FDEP agreed it's a good safeguard."

The City Manager said, "In a nutshell, Mayor and Council, one of the things I heard was that this was a cover up. Nothing could be further from the truth. It is estimated that 15% of the nation's water distribution system is AC pipe. It's getting old and needs to be replaced, and that's what we're doing. Safety is Number 1 in this City. There was one isolated test that could not be verified through additional testing. The Utility identified the replacement. It has been carrying out the replacement of 41 miles of pipe in 14 months. FDEP and the residents were notified. That's the demonstrated commitment to safety and taking care of the residents. I look forward to keeping you up to date as the project moves to completion."

Councilman Kelly said, "This is all being done in my district. I

drive it every day. It's moving very fast. It's going down Westmoreland now. After we had that test, did we not flush that whole area?" Mr. Blazak replied in the affirmative. Councilman Kelly continued, "If there was a problem, wouldn't it have shown up right after flushing it?" Mr. Blazak said, "Water is a residual, so if you have residuals lingering, it is very difficult to get rid of. Five subsequent re-tests showed non-detectable amounts. That supports that the one test was an anomaly." Councilman Kelly said, "I've only had one complaint, and it was justifiable. We can't bore under some of the driveways; we have to rip them up. We are going to put them back just the way we found them. I have been here for a long time, and this has always been planned. If anybody is going to work on this, Mr. Blazak is the guy I would want. We did this in Riverpark. It was a huge deal. This was always planned to do. Is this the end of the AC pipe in the City?" Mr. Blazak said, "Staff has a plan to eliminate all of it over the next three years."

The City Manager stated, "Reorganization is something I'm working on with a number of departments as we go through the budgeting process and look at being the best we can be as administration. In measuring our outcomes, we not only look to how we're doing in carrying out your policy, but also to how we compare with other jurisdictions. One thing that I look forward to bringing back to the Council as part of the budget is comparing our total organization size to similar jurisdictions. I believe you will find that we are quite lean. I think that's due to us hitting the Great Recession perhaps harder and faster than a lot of other communities. One of the areas we still need to take a look at is making sure we have proper spans of control in place, meaning that there are enough workers per managers and we're not top-heavy in the organization. That may be the one area where we need to focus in the upcoming budget season, to make sure we're as lean as possible and providing the best possible value to our residents. That can be very difficult, but I think it's also very necessary. I look forward to bringing you additional work products on that matter. I will work on the joint City Council/County Commission meeting. Please be advised that we have a Police Chief Review Committee meeting scheduled for April 18 with the goal of creating a reduced pool from which to conduct phone interviews. If I heard properly you would like the City Manager to work on a maintenance of vacant lot proposal. We have discussed it, but I was never given that direction before. That is a **consensus**. I'll work with our staff on that. And I would like to thank Dr. Marty Lesin for becoming a sponsor of a hole at The Saints Golf Course today. I'd like to thank Mr. Conrad for facilitating that sponsorship. I hope other businesses and residents will complete the sponsorships."

## 15. COUNCIL COMMENTS AND COMMITTEE REPORTS

**COUNCILMAN KELLY - CITY MANAGER'S REPORT/PUBLIC TO BE HEARD**

Councilman Kelly said, "I like having the City Manager's report at the end of the night. My other comment is that when we had Public to be Heard tonight, we went back to our old way of answering everybody at the podium. I would have liked to answer Mr. Carroll myself. Sometimes it almost demands that you answer. If we're going to adhere to it strictly, let me know." Councilwoman Berger added, "Speaking of which, I just want to make it clear, I wasn't redirecting that woman from the school because I wasn't willing to help. I'm sure the Mayor wasn't, either. It was simply because there are jurisdictions that are taking care of that issue. It's important to make sure we don't give the wrong information out and have everybody lined up here. If that gentleman is coming out of jail, the Sheriff's Office would be where to go to for that information." Councilman Kelly said, "I think I'm familiar with the problem. That's why I told her to give me a call. I can tell her where to go."

Mayor Faiella asked if the City Manager's comments will be on the website. The City Manager said, "Yes. In the future I'll try to do a report in advance."

16. **ADJOURN**

There being no further comments, the meeting adjourned at 8:45 p.m.

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Carol M. Heintz, Assistant City Clerk

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Margie L. Wilson, Deputy City Clerk