MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD February 14, 2022
AT 4:00 PM COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Merritt Matheson
Vice Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Mike Meier

ADMINISTRATIVE
City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

Sergeant At Arms: Joseph Tumminelli, Police Chief

4:00 PM ROLL CALL

Present: Mayor Matheson, Vice Mayor McDonald, Commissioner Bruner, Commissioner Clarke, Commissioner Meier

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - Thelma Washington, The ABC's of Black History and the Gertrude Walden children's performance.

The children of Gertrude Walden sang a song and Thelma Washington recited the ABC's of Black History Month of Martin County.

PROCLAMATIONS

2. BLACK HISTORY MONTH - FEBRUARY 2022

Accepted by Nina Dooley, The Afro American Citizens of East Stuart (AACES) and announced the Black History Celebration in East Stuart on February 19th.

3. 2-1-1 AWARENESS MONTH - FEBRUARY 2022

Patrice Schroeder, Community Relations Specialist, accepted the Proclamation and thanked the City, announcing their various support services and statistics throughout the community. Newest program is the caregiver program for elderly and veterans.

4:25 PM

PRESENTATIONS

4. SERVICE AWARDS - FEBRUARY 2022

Milton Leggett	Public Works	40 years	
Andreas Sudhoff	Police	15 years	(Absent)

Milton Leggett was honored for his 40 year of service, surrounded by staff and his family, with an Employee Spotlight, a photo presentation, and presented with a Service Certificate.

4:46 PM

5. SAILFISH SPRINT PRESENTATION, 5TH YEAR ANNIVERSARY

Jessica Tharp, Community Services, presented on the history, routes, and successes of the Sailfish Sprint 5 and 10K.

4:54 PM

6. SPRAY REDUCTION PILOT PROJECT

Milton Leggett, Public Works Director introduced Kathy LaMartina, South Florida Water Management District and Todd Olsen of Aquatic Vegetation Control. Mr. Olsen presented a power point on the project. Pilot Project set up for Hospital Pond. Best Practices Manual distributed to all Commissioners.

Kathy LaMartina reported that if a plan is put together in the summer of 2022, grants will be available come Fall of 2022.

5:17 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner Meier

- Reported on his visit to Tallahassee and a Committee Hearing he attended, noting various bills such as one that would raise the cap on sovereign immunity, noting the caps and suggested it be watched, and provided updates on short term rentals, prohibiting smoking in various public places, permitting for tree trimming and removal, proposal of cyber security funds, and noted Senate Bill 280 and 620 and how our ordinance can be challenged.

Commissioner Bruner

- No Comments.

Commissioner Clarke

- Thanked all for the sympathy messages for her brothers passing.
- Commented on tree planting in dedication of Loreen Grant at St Paul Ame Church.
- Thanked the Police and Fire Departments for their service during the shut-down at Arts Fest due to a gas leak.
- Announced the Black Heritage Festival on Feb. 19th, walking tour, plaques in various locations and noted the schoolhouse in Port Salerno, there will be an event on Feb. 19th, 20th, 26th, and 27th, speaking about the history of schoolhouse in Martin County.
- Commented on the Kiwanis Park build project, March 5th Ribbon Cutting Ceremony at Pancakes in the Park event.
- Requested an update on the Community Relations Board.

Vice Mayor McDonald

- Requested an update at next meeting on the exotic vegetation removal.
- Complimented Fire Chief Felicione and Battalion Chief Bowser for their professionalism.

City Manager Dyess provided an update on the location of Fire Station #3.

Mayor Matheson

- Commented on the increased number of complaints received about speeding on Palm City Rd.
- Announced that Helen McBride will receive a Sage Award, encouraged other Commissioners attend.
- Commented about the Kiwanis Park improvements and Ribbon Cutting Ceremony.
- Provided a Lake Okeechobee update and noted that he plans to attend tours of the C-23 and C-24 reservoirs.
- Commented on a Senate Bill noting it has some detrimental effects on LOSOM. [SB 2508] Asks that the City oppose the bill and requested that Ben Hogarth, Community Affairs Liaison draft a letter of opposition to be mailed to Gov. DeSantis.

5:40 PM MOTION: Staff prepare a letter and the Mayor sign it without Commissioner review, due to time constraints and copies sent to Senator Harrell.
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Clarke
Motion approved unanimously.

5:42 PM

COMMENTS BY CITY MANAGER

City Manager Dyess

- Commented on a grant application of the living shoreline project on Illinois Avenue and announced the City is receiving the grant from the Indian River Lagoon.
- Requested to pull Item #8 from Consent Calendar so additional information can be added to the record.

APPROVAL OF AGENDA

5:43 PM MOTION: Move for approval of the agenda and I'd like to pull Item # [8] 10, 11, 13, 14 and 15.
MOVED BY: Commissioner Clarke
SECONDED BY: Commissioner Meier
Motion approved unanimously.

5:44 PM

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1) Joe Tumminelli – Recognition of Helen McBride and Jonnie Bell for their participation on a board for the Sergeants promotional test.
2) Robin Cartwright – Hibiscus Avenue; Comment of contract between the City and EW Consultants and feels it is a conflict of interest.
3) Mike Knepper – Gator Trail, Palm City; Commented on the spraying in the ponds and reviewed four cases.
4) Caryn Hall – Palm City Rd; Complaint on public comment being changed from 5 minutes to 3 minutes and feels the public comments should come before Commissioner Comments. Feels that the CRA and Commission should not consist of the same people and would like to see a broader board.
5) Joe Flanigan – Indian Grove Dr; New president of Stuart Main Street, announced upcoming events, Arts Festival, and Morning on Main.
6) Gwendolyn Hall-Brinkley – ZOOM; Commented on Taylor Property and being misquoted in a newspaper article and wanted to set the record straight.

CONSENT CALENDAR

7. APPROVAL OF 01/24/2022 CCM MINUTES

(PULLED) 8. BA #06-2022; NW DIXIE HIGHWAY SIDEWALK EXTENSION PROJECT:

RESOLUTION No. 15-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 6 TO THE 2021-2022

GENERAL FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE NW DIXIE HIGHWAY SIDEWALK EXTENSION PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. WRF DEEP INJECTION WELL MODIFICATION & MONITOR WELL REPLACEMENT:

RESOLUTION No. 17-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-101, WATER RECLAMATION FACILITY DEEP INJECTION WELL MODIFICATION & MONITOR WELL REPLACEMENT TO THE LOWEST, MOST RESPONSIVE, AND RESPONSIBLE BIDDER WITH THE TOTAL AWARD AMOUNT NOT TO EXCEED $4,889,000.00 TO ALL WEBBS ENTERPRISES, INC. OF JUPITER, FLORIDA PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

(PULLED) 10. PURCHASE OF 23 FT. SEA PRO BOAT:

RESOLUTION No. 18-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB NO. 2021-117, PURCHASE OF A 23FT. SEA PRO BOAT TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER TOTAL PRICE OF $93,250.00 TO PALM CITY YACHTS OF STUART, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 11. SRF LOAN AGREEMENT - ALTERNATIVE WATER SUPPLY:

RESOLUTION No. 20-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE FORM AND AUTHORIZING EXECUTION OF LOAN AGREEMENT DW430450 FOR CONSTRUCTION OF THE ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

12. BA #07-2022; TO PURCHASE NEW DESK CONSOLES FOR PUBLIC SAFETY DISPATCH:

RESOLUTION No. 21-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NUMBER 7 TO THE 2022 OPERATING BUDGET; AUTHORIZING APPROPRIATION OF THE EXPENDITURE FOR THE UPGRADED DISPATCH CENTER FOR THE POLICE DISPATCH CENTER AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

(PULLED) 13. BA #09-2022; KIWANIS CLUB DONATION FOR PARK IMPROVEMENTS:

RESOLUTION No. 23-2022; BUDGET AMENDMENT No. 09-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 09-2022 TO THE 2021-2022 FISCAL YEAR BUDGET; APPROVING A DONATION FROM THE KIWANIS CLUB OF STUART, FLORIDA IN THE AMOUNT OF $4,652.65 TO GENERAL FUND REVENUES, ‘DONATION TO RECREATION’ FOR KIWANIS PARK IMPROVEMENTS; AND AUTHORIZING PARKS AND GROUNDS

MAINTENANCE TO EXPEND $1,889.10 FOR AN ADDITIONAL PARK BENCH, AND $2,763.55 FOR CONCRETE CURBING IMPROVEMENTS AT KIWANIS PARK.

(PULLED) 14. ITB #2022-104; SODIUM HEXAMETAPHOSPHATE FOR WATER TREATMENT PLANT:

RESOLUTION No. 24-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB NO. 2022-104, SODIUM HEXAMETAPHOSPHATE FOR THE WATER TREATMENT FACILITY TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER SHANNON CHEMCIALS CORPORATION OF MALVERN, PA AT THE TOTAL PRICE OF $39,330.00 TO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 15. WHOLE KIDS FOUNDATION, 'GARDEN GRANT' FOR THE 10th STREET COMMUNITY CENTER:

RESOLUTION No. 25-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY AS THE LEAD AGENCY WITH ‘WHOLE KIDS FOUNDATION’ FOR A 'GARDEN GRANT' IN THE AMOUNT OF $3,000; AND IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE GRANT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16. CITY COURTESY DOCK AND WAVE ATTENUATOR:

RESOLUTION No. 26-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFP #2022-202, PROFESSIONAL ENGINEERING SERVICES FOR THE CITY COURTESY DOCK AND WAVE ATTENUATOR WITH THE TOP RANKED FIRM, CUMMINS CEDERBERG, INC. OF JUPITER, FLORIDA PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:00 PM MOTION: Move for approval - Items #7, 9, 12, and 16.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Clarke
Motion approved unanimously.

8. BA #06-2022; NW DIXIE HIGHWAY SIDEWALK EXTENSION PROJECT:

RESOLUTION No. 15-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 6 TO THE 2021-2022 GENERAL FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE NW DIXIE HIGHWAY SIDEWALK EXTENSION PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mr. Dyess informed the Commission about the additional funding ($28,289.00) that we will receive from the Florida Department of Transportation for this project.

Commissioner Meier commented that he would like to see the City use the TAP grants on partially developed parcels vs using them for undeveloped parcels and allow the developers to build their sidewalks.

6:01 PM MOTION: Motion for approval.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion approved unanimously.

10. PURCHASE OF 23 FT. SEA PRO BOAT:

RESOLUTION No. 18-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB NO. 2021-117, PURCHASE OF A 23FT. SEA PRO BOAT TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER TOTAL PRICE OF $93,250.00 TO PALM CITY YACHTS OF STUART, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Clarke pulled item noting it was a single bid and wondered if there was a need to re-advertise for additional bidders. Inquired if the Police Chief is satisfied with the vessel.

Chief Tumminelli stated he is satisfied and noted the reasons for the need of the boat.

6:07 PM MOTION: Move for approval.
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Clarke
Motion approved unanimously.

11. SRF LOAN AGREEMENT - ALTERNATIVE WATER SUPPLY:

RESOLUTION No. 20-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE FORM AND AUTHORIZING EXECUTION OF LOAN AGREEMENT DW430450 FOR CONSTRUCTION OF THE ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

Commissioner Clarke wanted to let the public know the status of this item.

Mr. Dyess reported on the recent Commission approval and the loan forgiveness amount of 16.4 million.

6:09 PM MOTION: Move approval.
MOVED BY: Commissioner Clarke
SECONDED BY: Commissioner Meier
Motion approved unanimously.

13. BA #09-2022; KIWANIS CLUB DONATION FOR PARK IMPROVEMENTS:

RESOLUTION No. 23-2022; BUDGET AMENDMENT No. 09-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 09-2022 TO THE 2021-2022 FISCAL YEAR BUDGET; APPROVING A DONATION FROM THE KIWANIS CLUB OF STUART, FLORIDA IN THE AMOUNT OF $4,652.65 TO GENERAL FUND REVENUES, 'DONATION TO RECREATION' FOR KIWANIS PARK IMPROVEMENTS; AND AUTHORIZING PARKS AND GROUNDS MAINTENANCE TO EXPEND $1,889.10 FOR AN ADDITIONAL PARK BENCH, AND $2,763.55 FOR CONCRETE CURBING IMPROVEMENTS AT KIWANIS PARK.

Commissioner Clarke announced the improvements in Kiwanis Park and wanted to ensure that the public is aware what was happening with the money that was raised and any changes the happen to their budget and to our budget.

Bob Burson, Secretary of Kiwanis Club thanked the commission and The City and spoke on how the partnership between the two came about.

6:17 PM MOTION: Make a motion to approve item #13.
MOVED BY: Commissioner Clarke
SECONDED BY: Commissioner Meier
Motion approved unanimously.

14. ITB #2022-104; SODIUM HEXAMETAPHOSPHATE FOR WATER TREATMENT PLANT:

RESOLUTION No. 24-~~2021~~ 2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB NO. 2022-104, SODIUM HEXAMETAPHOSPHATE FOR THE WATER TREATMENT FACILITY TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER SHANNON CHEMCIALS CORPORATION OF MALVERN, PA AT THE TOTAL PRICE OF $39,330.00 TO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Clarke invited Tim Voelker forward to talk about the new chemicals in the water.

Tim Voelker, Utilities & Engineering Director clarified that it is simply a new supplier, and no new chemical is being introduced to our waters. The change was due to inflation and the original bidder not honoring their price.

6:20 PM MOTION: Motion to approve resolution 24-~~2021~~ 2022.
MOVED BY: Commissioner Clarke
SECONDED BY: Vice Mayor McDonald
Motion approved unanimously.

15. WHOLE KIDS FOUNDATION, 'GARDEN GRANT' FOR THE 10th STREET COMMUNITY CENTER:

RESOLUTION No. 25-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY AS THE LEAD AGENCY WITH 'WHOLE KIDS FOUNDATION' FOR A 'GARDEN GRANT' IN THE AMOUNT OF $3,000; AND IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE GRANT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Clarke commented on the positive program and requested clarification for the public.

Jim Chrulski, Community Services Director introduced Jacqui May, Grants Administrator to explain the grant.

6:24 PM MOTION: Approve Resolution 25-2022.
MOVED BY: Commissioner Clarke
SECONDED BY: Commissioner Meier
Motion approved unanimously.

6:25 PM

COMMISSION ACTION

17. MAJOR SITE PLAN AMENDMENT - MONTEREY MEDICAL (CORRECTION)(QUASI-JUDICIAL):

RESOLUTION No. 01-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE AN AMENDMENT TO RESOLUTION NO. 110-01 (WHICH GRANTED A MAJOR DEVELOPMENT SITE PLAN WITH CONDITIONS) FOR THE 'MONTEREY MEDICAL CENTER' LOCATED AT 1050 SE MONTEREY ROAD, AUTHORIZING SEVERAL CHANGES TO THE PROJECT'S ORIGINAL DEVELOPMENT ORDER INCLUDING, BUT NOT LIMITED TO, AN EXPANSION OF THE EXISTING PARKING LOT TO PROVIDE AN ADDITIONAL 51 PARKING STALLS; REDESIGNING THE STORMWATER SYSTEM; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR CONDITIONS; PROVIDING THAT ELEMENTS AND PROVISIONS OF RESOLUTION NO. 110-01 NOT AMENDED OR SUPERSEDED HEREBY SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mike Mortell, City Attorney commented that as he mentioned in the Agenda Item, this would not be treated as quasi-judicial tonight and reviewed the history of this Resolution and its approval. Stated that the reason this item is on the agenda is to request a strike in the condition of the 30 additional spaces that was previously set by the Commissioners.

Vice Mayor McDonald reported his disappointment on this because he was the one who pushed for the condition, and he stated that he believes all involved were just trying to get the best use of this for the users.

6:29 PM MOTION: Move for approval to strike condition 24 from the approval.
MOVED BY: Commissioner Bruner
SECONDED BY: Commissioner Meier
Motion approved unanimously.

6:32 PM

18. SUPPORTING LEGISLATION RELATING TO REGULATION OF SMOKING BY LOCAL GOVERNMENTS:

RESOLUTION No. 19-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING SENATE BILL 224 AND HOUSE BILL 105 RELATING TO REGULATION OF SMOKING BY COUNTIES AND MUNICIPALITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:33 PM MOTION: Move approval.
MOVED BY: Commissioner Meier
SECONDED BY: Vice Mayor McDonald
Motion approved unanimously.

19. LEASE AGREEMENT FOR RIPARIAN RIGHTS:

RESOLUTION No. 28-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF STUART AND MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT, LLC FOR THE RIPARIAN AND UPLAND RIGHTS REQUIRED TO OBTAIN A SUBMERGED LAND LEASE FOR THE CONSTRUCTION OF A RIVERWALK AND MARINA AT 59 W. FLAGLER AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*City Attorney Mortell reported that in the draft lease, the upland rights necessary to afford the opportunity to have the boardwalk and submerged land lease, the draft lease has not been agreed to, but he would like to add to the upland rights were just those for the purpose of the submerged land lease and it did not give occupancy rights to the land, construction, or ownership. Requests to add such language.

City Manager Dyess reiterated that it is not a lease for the land, it is for the riparian rights so they can apply for the submerged land lease and in return, there are some conditions such as the public boardwalk and a lift for the law enforcement vessel approved tonight.

6:35 PM MOTION: Move approval with the language Mike (City Attorney) mentioned. [* Noted above.]
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Clarke
Motion approved unanimously.

DISCUSSION AND DELIBERATION

6:40 PM ADJOURNMENT

_____ **_____**

Mary R. Kindel, City Clerk **Merritt Matheson, Mayor**

Minutes to be approved at the Regular Commission Meeting this 28th day of February, 2022.