MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD October 8, 2018
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Kelli Glass Leighton
Vice Mayor Becky Bruner
Commissioner Eula R. Clarke
Commissioner Merritt Matheson
Commissioner Mike Meier

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

ROLL CALL

5:30 PM Roll Call.
Present: Mayor Glass Leighton, Vice Mayor Bruner, Commissioner Clarke, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

1. Arts Moment - Bruce and Barbara Osborn Portrayal of Captain Henry & Abbie Sewall

PROCLAMATIONS

PRESENTATIONS

5:38 PM 2. Stuart Downtown Future Parking Needs Analysis and Recommendations.

Pinal Gandhi-Savdas, CRA Administrator, introduced Jim Walker of Walker Parking Consultants who presented on the Downtown Future Parking Needs and Analysis. Pinal reviewed the recommendations and funding. This item will go before the CRA.

6:20 PM Motion: Approval to accept staffs first year action plan, including the premium paid parking program item., Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke.
Motion passed unanimously.

COMMENTS BY CITY COMMISSIONERS

Commissioner Meier

- **Attended East Stuart Partnership Meeting, successful meeting.**
- **Treasure Coast Council of Local Governments Meeting, shared a presentation made at the meeting by Bob Solari who provided the TCCLG board with various Constitutional amendments coming up in November.**
- **Thinking of those effected by Hurricane Michael up in the panhandle of Florida and Carolina's.**
- **Climate change is an eminent threat and we need to start talking, thinking and acting on it. Per his meeting with Mayor Glass Leighton on September 26th, held a discussion to join/support the Southeast Florida Regional Climate Compact in order to work with other local governments to address Climate Change.**

Commissioner Matheson

- **Supports the Climate Change discussion.**
- **Thanked City Manager for changing the lights under the Roosevelt Bridge in honor of Breast Cancer Awareness Month.**
- **Interested in the endangered species research in the St. Lucie River. Recommends Dr. Gilmore come give a presentation in the future.**
- **Attended the East Stuart partnership meeting, found it very informative.**

Commission Clarke

- **Also attended the East Stuart Partnership Meeting, knows it was the first meeting and that they will have more input.**
- **Announced that on Oct 19th at 9 a.m., the home at 710 (410) East Lake Street, built in 1938, will be dedicated as a historic home. The community is invited.**

COMMENTS BY CITY MANAGER

- **City Manager David Dyess received grant from Florida Inland Navigation District, awarded $57,500 for the downtown courtesy dock and the wave attenuator project.**
- **Announced the Downtown Ribbon Cutting Ceremony on Thursday, Oct 11, 2018 at 5 p.m.**
- **Announced a scriveners error on Item #12, the Ordinance No. should read 2389-2018.**
- **Continuation of Item #15, Ordinance No. 2383-2018 to October 22, 2018 City Commission Meeting.**

APPROVAL OF AGENDA

6:40 PM Motion: Approving agenda with said changes. Item's #4 and #5 pulled for brief explanation by Mr. Peters., Action: Approve, Moved by Commissioner Meier, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

1) **Armond Pasquale – Opposes the use of tablets for the purpose of providing the public the whole agenda in electronic format. Prefers the paper copy to be available.**

2) **Tracy Caisse – Palm City resident – Encourages the City to not rule out sea turtles in the research for endangered species.**

CONSENT CALENDAR

3. Approval of Minutes; 9/11/18 SCM, 9/17/18 SCM, 9/24/18 CCM, 9/24/18 SCM, & 9/26/18 SCM

4. (PULLED) RESOLUTION No. 96-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB #2018-109, PER-FLUORINATED CHEMICAL TREATMENT SYSTEM PROJECT TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER AT THE UNIT PRICE TOTAL OF $2,136,930.00 TO LAWRENCE LEE CONSTRUCTION OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. (PULLED) RESOLUTION No. 97-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO SUBMIT THE LOAN APPLICATION AGREEMENT FOR A $2,403,385.00 PER-FLUORINATED PRETREATMENT SYSTEM; AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

6. RESOLUTION No. 98-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO SUBMIT THE LOAN APPLICATION AGREEMENT FOR THE $768,375.00 DESIGN OF PHASES I & II OF THE 1.0 MGD RO WTP PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

7. RESOLUTION No. 100-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE REOPENERS FOR THE SECOND FISCAL YEAR OF THE CURRENT THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART LOCAL #2411 ("IAFF") EFFECTIVE OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2020; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. RESOLUTION No. 101-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AWARD RFQL# 2018-301, PROFESSIONAL ARCHITECTURAL ENGINEERING AND HYDROGEOLOGICAL SERVICES TO THE TOP RANKED FIRM, CAPTEC ENGINEERING INC. OF STUART, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:48 PM Motion: Approved less Items #4 and #5. Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Matheson.
Motion passed unanimously.

4. RESOLUTION No. 96-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB #2018-109, PER-FLUORINATED CHEMICAL TREATMENT SYSTEM PROJECT TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER AT THE UNIT PRICE TOTAL OF $2,136,930.00 TO LAWRENCE LEE CONSTRUCTION OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. RESOLUTION No. 97-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO SUBMIT THE LOAN APPLICATION AGREEMENT FOR A $2,403,385.00 PER-FLUORINATED PRETREATMENT SYSTEM; AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

Per Commissioner Clarke's request, David Peters, Public Works Director gave a brief review of both Resolution No. 96-2018 and Resolution No. 97-2018.

6:55 PM Motion: Approval of Resolution No. 96-2018 and 97-2018. Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

COMMISSION ACTION

6:55 PM 9. RESOLUTION No. 99-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING THE DRAFT CONCEPT FOR DEEP INJECTION WELLS IN THE NORTHERN EVERGLADES AS WAS

PRESENTED TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S GOVERNING BOARD ON OCTOBER 12, 2017.

City Attorney Mortell reported that, per Commissioner Matheson's request, the City drafted a letter as read and is prepared to provide it to the governing board and the legislative members of the community.

6:56 PM Motion: Approval of Resolution 99-2018 and specify in letter that the City opposes deep injection wells north of the lake., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Clarke.
Motion passed unanimously.

6:59 PM 10. RESOLUTION No. 102-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION, WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:00 PM Motion: Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

ORDINANCE FIRST READING

7:01 PM 11. ORDINANCE No. 2388-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT ARTICLE III, SEC. 12-46; PROVIDING FOR A FINE FOR UNPERMITTED ACTIVITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:02 PM Motion: Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Clarke.
Motion passed unanimously.

12. ORDINANCE No. ~~2381-2018~~ 2389-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT ARTICLE III, SEC. 36, 61-74 SPECIAL EVENTS AND PUBLIC ASSEMBLY; PROVIDING FOR A SPECIFIC READING FOR SPECIAL EVENTS AND PUBLIC ASSEMBLY ACTIVITIES PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
(Resolution Number Scriveners Error – see City Manager's Comments)

Ben Hogarth, Communications and Special Events Coordinator provided clarification of the language in Ordinance No. 2389-2018.

7:02 PM Motion: Approve the Motion ~~2381-2018~~ 2389-2018 amending to include the 25 people and revise it accordingly. Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Clarke.

Discussion on the language of Resolution 2389-2018. Vice Mayor Bruner preferred to move forward, Commissioner Clarke withdrew her second.
Died for lack of a second.

7:18 PM Motion: Table it and bring back at least by the 22nd if it's something urgent., Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Matheson.
Motion passed unanimously.

7:18 PM 13. ORDINANCE No. 2390-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, ARTICLE V, FINANCIAL MATTERS OF THE STUART CODE OF ORDINANCE, DIVISION 4, PROCUREMENT PROCEDURES FOR THE CITY OF STUART; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

City Attorney Mortell and Financial Services Assistant Director, Holly Vath reported on the updates to the policy. Commissioner Matheson expressed concern for the safeguard for amounts.

7:20 PM Motion: On first reading, and including staff looking at the suggestions that were making to come back on Second Reading. Attorney Mortell clarified: Approve 2390-2018 on first reading with amendments heard by staff., Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

7:27 PM 14. ORDINANCE No. 2373-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "INSTITUTIONAL" FOR A 5.01 ACRE PORTION OF A 10.33 ACRE PARCEL, OWNED BY STUART COMMONS 76, LLC FORMERLY KNOWN AS CENTER POINTE, LLC, LOCATED ON THE EAST SIDE OF KANNER HIGHWAY (SR 76), NORTH OF INDIAN STREET; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM "CPUD" TO "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE "KANNER HIGHWAY ASSISTED LIVING FACILITY" RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF A 64 UNIT/BED ASSISTED LIVING FACILITY WITH MEMORY CARE; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE OF

DEVELOPMENT, DECLARING THE PROJECT TO BE CONSISTENT W ITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

Five (5) people sworn-in; Kevin Freeman, Tom Reetz, Eric Juliano of Bowman Consulting, Will Reynolds of Certus and Emma Sandel, applicant.

Tom Reetz gave presentation on the Kanner Highway ALF – FLUM and Rezoning to RPUD with Master Site Plan Approval.

Public Comment:

1) **Don Barber – Riverland Co-op member – Commented that the pond size differs from the original approved plan and other changes may be included. Recommends further review of applicants.**

7:46 PM Motion: Approve 2373-2018, Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Meier.
Motion passed unanimously.

15. (CONTINUED TO OCTOBER 22, 2018) ORDINANCE No. 2383-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD "COMMERCIAL PLANNED UNIT DEVELOPMENT" TO A PARCEL OF LAND TOTALING 1.85 +/- ACRES, OWNED BY DELICETO, LLC., LOCATED AT 700 SW FEDERAL HIGHWAY, BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE "SAFE AND SECURE SELF-STORAGE AT STUART" COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF 115,332 SQUARE FOOT WAREHOUSE FOR MINI STORAGE; PROVIDING FOR APPROVAL OF A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE OF DEVELOPMENT, DECLARING THE PROJECT TO BE CONSISTENT W ITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

7:47 PM 16. ORDINANCE No. 2385-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MAJOR AMENDMENT TO THE WINDEMERE POINT COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF NW FEDERAL HIGHWAY AND NW WINDEMERE DRIVE THEREBY AMENDING THE PROJECT'S SITE PLAN TO INCLUDE MEDICAL AND OTHER SERVICE RELATED USES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING DIRECTIONS TO THE CITY CLERK AND FOR OTHER PURPOSES.

Three (3) people sworn-in; Tom Reetz, Kevin Freeman, and applicant Mr. Alan Sakowitz.

Tom Reetz gave presentation on the Windemere Pointe Major Amendment to the approved CPUD to allow medical and other services related users.

Mr. Sakowitz presented the plans for the property.

7:53 PM Hearing Closed

7:53 PM Motion: Approve Ordinance 2385-2018, Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Clarke.
Motion passed unanimously.

7:53 PM 17. (REQUEST TO CONTINUE) ORDINANCE No. 2386-2018; Staff is recommending to continue the item requesting a minor PUD amendment to the Stuart Centre PUD until November 22, 2018, in order to negotiate the design of the site plan, in respect to the drive thru location, location and amount of parking, and provision of landscaping.

7:54 PM Motion: Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

ORDINANCE SECOND READING

7:54 PM 18. ORDINANCE No. 2381-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING N.W. FEDERAL HIGHWAY (U.S. HIGHWAY 1) AND SOUTH OF 14TH STREET, OW NED BY BAKER ROAD, LLC;, CONSISTING OF 0.80 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Three (3) people sworn-in: Kevin Freeman, Stephen Mayer, and Brad Currie of EDC, Inc.

Stephen Mayer reported that the changes discussed during first reading have been included. Changes include sidewalk changed to 8 feet, elevation and dumpster details.

Brad Currie of Engineering Design Construction addressed items discussed during First Reading.

Commissioner Meier asked about the discussion of the traffic directional sign discussed during the last meeting. The applicant understood there to be no conclusion to that discussion, but is happy to add a sign if needed. Attorney Mortell explained that the Commission has the authority to coordinate signage if it is found to be needed in the future.

Public Comment:

1) **Ronald Aussner – Palm Lake Park resident – commented on dumpster location and parking lot pavement concerns. Would like to see pervious pavement be used to reduce risk of flooding.**

8:01 PM Motion: Approval based on the City Attorney's memo as well as the site plan and the changes that have come in from First Reading to Second Reading, that we approve Ordinance No. 2381-2018., Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Meier.
Motion passed unanimously.

19. ORDINANCE No. 2382-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE COMPREHENSIVE PLAN USE PLAN OF THE CITY OF STUART TO "COMMERCIAL," PURSUANT TO THE COMPREHENSIVE LAND USE AMENDMENT LAW S OF THE STATE OF FLORIDA FOR PARCEL OF LAND FRONTING N.W. FEDERAL HIGHWAY (U.S. HIGHWAY 1), CONSISTING OF 0.80 ACRES OWNED BY BAKER ROAD, LLC.; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; SAID LAND TO BE CONCURRENTLY DESIGNATED AS A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT ON THE CITY OF STUART OFFICIAL ZONING MAP; ADOPTING A FINAL SITE PLAN; PROVIDING FOR A TIMETABLE FOR DEVELOPMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Three (3) people sworn-in: Kevin Freeman, Stephen Mayer, and Brad Currie, EDC, Inc.

8:11 PM Motion: Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

DISCUSSION AND DELIBERATION

Commissioner Meier commented in reference to Commissioner Matheson's comments about working with the County on River initiatives and feels it would be beneficial to the City to appoint a "point" person representing the City in negotiations and bringing that information back to the City.

Commissioner Matheson commented that he would like to pursue the endangered species with the County. Commissioner Meier clarified that other issues are included. Commissioner Matheson accepted.

8:12 PM Motion: Move to appoint Commissioner Matheson to fulfill that role and working with the County on our efforts in cleaning, addressing the river quality. Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke. Motion passed unanimously.

8:13 PM ADJOURNMENT

_____ _____

Mary R. Kindel, City Clerk **Kelli Glass Leighton, Mayor**

Minutes to be approved at the Regular Commission Meeting this 22nd day of October, 2018.