MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD January 14, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
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 Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

1. Arts Moment - Song by Semere Lewis

Miss Semere Lewis, 13, sang "Colors of the Wind".

PROCLAMATIONS

2. Reverend Martin Luther King, Jr. Celebration - January 21, 2019

Thelma Washington accepted the Proclamation and announced information on the upcoming Martin Luther King Day celebration.

3. Arbor Day - January 18, 2019

Christi Li Roberts came forward with several members of the Garden Club of Stuart to accept the Proclamation and announced the various activities and achievements of the Garden Club.

PRESENTATIONS

4. 2018 Employee of the Year and Runner Up

Employee of the Year Runner Up – Chalimar Gregory

Employee of the Year – Milton Leggett, Deputy Public Works Director

5. US-1 at SW Joan Jefferson Way Planning Study presented by The Florida Department of Transportation.

Tim Voelker, City Engineer and Assistant Public Works Director introduced Mr. Ron Kareiva, P.E. and Alexander Estrada, P.E. of Florida Department of Transportation (FDOT) to present on the planning study.

Beth Beltran of Martin County MPO came forward to clarify the history of the roadway and stated that the MPO will address their upcoming priorities in June, and funding may come from state and federal funds through FDOT to this area. MPO will only approve after consensus on a local level.

There was a brief discussion among FDOT, MPO and the Commission.

6. Palm City Road Update

Tim Voelker, City Engineer and Assistant Public Works Director presented on Palm City Road.

Commissioner's addressed this issue and inquired how long it would take if on the MPO prioritized list. Beth Beltran of Martin County MPO came forward stating that such funding would take approximately 5 years. Attorney Mortell clarified that Palm City Road is a County Road and the City has an Interlocal Agreement that allows the City to regulate the road.

Public Comment:

1) **Steve Cucci, Palm City Road. – Windjammer resident and President of the Board. Supports the pedestrian activated crosswalks.**

2) **Sally Franklin, Manor Drive – Thanked the City for fixing the sidewalks and addressing this problem.**

3) **Greg Fedele, North Carolina Drive – Supports the pedestrian activated crosswalks and inquired how the City can coordinate with the County to address the number of signs posted and beautification of the roadway.**

4) **Amanda Dutton, N. Riverpoint – Suggests the upcoming changes address the traffic issue on Palm City Rd. rather than sidewalks/crosswalks.**

5) **Stephanie Loyd, South Carolina Drive – Supports the pedestrian activated crosswalks for safety, she personally suffered a loss of a loved one being hit by a car.**

6:44 PM Motion: For the City to move forward with the proposal [for four additional raised crosswalks] and also examine the possibility of making them pedestrian activated, and that the City find funding for that.
Motion by: Commissioner Matheson
Seconded by: Commissioner Meier
Motion passed unanimously.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Hopeful that 2019 will bring progress for our river with the new Governor and what he has been working to put in place and that legislature will follow suit.**

Vice Mayor Clarke

- **Announced the upcoming MLK events coming up on Jan. 20th at 4 p.m. at St. Monica's Episcipal Church, and on Jan. 21, 2019, an event at Memorial Park.**
- **Commented that on tonight's agenda, she is relinquishing her position to Mayor Bruner on the Arts Council. Thanked the Council and in addition, hopes that all enjoy the Arts Moments that she brings to the Commission Meetings.**

Commissioner Meier

- **Feels that 2019 brings a growing sense of cooperation and collaboration between the City and County.**
- **Commented on the toxic algae issue and reminds all of the funding for environmental causes set up as a river defense fund. Met with Jim Sullivan, Director of Harbor Branch and provided each commissioner with a Harbor Branch Executive Summary, The Florida Center for Coastal and Human Health. Would like the Commission to consider signing a letter of support to help in their efforts, especially leading up to legislative session.**
- **Announced that he received a call from ORCA (Ocean Research Conservation Agency) about a potential grant from Impact 100. Interested in partnering with the City of Stuart to be a location for their living shoreline and buffer zone project. Meier is requesting a letter from the City stating our support and interest in the project.**

7:09 PM Motion: We direct staff to write that letter.
Motion by: Commissioner Meier
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

Commissioner Matheson

- **Commented on Amendment 4 which restores the voting rights to non-violent felons and discovered that within 24 hours of that change, 23 new voter registrations came in to Martin County Supervisor of Elections.**

- **Thanked Commissioner Glass Leighton for her leadership in initiating a letter that called for the resignations of members of the South Florida Water Management District.**

7:12 PM Motion: Motion that we write a letter thanking our new Governor as well as thanking our local congressman who had his ear during the transition and he chairs their environmental transition team, and I believe without Congressman Mast's support, Governor DeSantis may not have done this. And unfortunately, we may not have gotten the invite to their press release, so perhaps in the future our letter could say they might welcome us there, but I would make a motion that we thank both Congressman Mast and Governor DeSantis for their decisive action.
Motion by: Commissioner Matheson
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

Vice Mayor Clarke announced that she will not be present at the Legislative Session tomorrow.

Mayor Bruner
- **Congratulated Governor DeSantis.**

COMMENTS BY CITY MANAGER

7:14 PM City Manager Dyess
- **Commented on the change in the agenda format, stating that there is now a legible title for each item so items can be more easily identified at a glance. The Mayor will read the title and the City Attorney will read the legal language.**
- **Living Shoreline has been discussed by staff and the Commission will hear more about it on January 22nd at the Special Commission Meeting, is in support of finding a funding source for the project.**
- **Referred the next issue to Attorney Mortell.**

Attorney Mortell reported that the City is being defended by Attorney Jeff Blake and has been presented a settlement proposal in which he would need to review with the Commissioners. He requested a Shade Meeting be scheduled for January 22, 2019 at 12:30 p.m. All agreed.

APPROVAL OF AGENDA

7:17 PM Motion: Move approval of Agenda.
Motion by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

No Comments.

CONSENT CALENDAR

7. Approval of 11/26/2018 CCM and 12/10/2018 CCM Minutes.

8. APPOINTMENT OF CITY OF STUART MAGISTRATES:
RESOLUTION No. 01-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPOINTING PAUL J. NICOLETTI AS A MAGISTRATE FOR THE CITY AND THOMAS J. BAIRD AS CODE ENFORCEMENT MAGISTRATE ALTERNATE; AND PROVIDING FOR AN EFFECTIVE DATE.

9. SELECTION OF NEW EMPLOYEE HEALTH CENTER:
RESOLUTION No. 02-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE A MEDICAL SERVICE AGREEMENT WITH EMPLOYEE WELLNESS OF STUART, FLORIDA, BASED ON THEIR SUBMITTAL RESPONSE TO AN RFP; MEDICAL SERVICE AGREEMENT WILL ALLOW CITY EMPLOYEES AND THEIR DEPENDENTS AND ELIGIBLE RETIREES TO PARTICIPATE IN EMPLOYEE HEALTH CENTER SERVICES, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. ROCK'N RIVERWALK AGREEMENT:
RESOLUTION No. 04-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDED AGREEMENT BETWEEN THE CITY OF STUART AND STUART MAIN STREET ASSOCIATION, INC. AND DOWNTOWN BUSINESS ASSOCIATION OF STUART, INC.; GRANTING A NON-EXCLUSIVE LICENSE TO OPERATE A WEEKLY OUTDOOR CONCERT SERIES ON THE RIVERWALK STAGE AND ADJACENT PARK AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. FACSIMILE SIGNATURE BANK:
RESOLUTION No. 05-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE USE OF FACSIMILE SIGNATURES ON CHECKS ISSUED BY THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. AUTHORIZE LOAN AGREEMENT FOR PFC WATER TREATMENT:
RESOLUTION No. 06-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE MAYOR TO EXECUTE THE DRINKING WATER FACILITIES STATE REVOLVING FUND LOAN AGREEMENT FOR THE CONSTRUCTION OF THE PER-FLUORINATED CHEMICAL TREATMENT SYSTEM PROJECT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY; AND EFFECTIVE DATE.

13. AWARD GRINDER PUMP BID:
RESOLUTION No. 07-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB #2019-101, GRINDER PUMP SYSTEM TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER AT THE UNIT PRICE TOTAL OF $280,975.00 TO PSI TECHNOLOGIES, INC. OF RIVIERA BEACH, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. AWARD RFQL 2019-301, ENGINEERING SERVICES:
RESOLUTION No. 08-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AWARD RFQL #2019-301, PROFESSIONAL ENGINEERING SERVICES FOR 1.0 MGD REVERSE OSMOSIS WATER TREATMENT PLANT TO THE TOP RANKED FIRM, KIMLEY-HORN OF WEST PALM BEACH, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

15. TERMINATION OF INTERLOCAL AGREEMENT:
RESOLUTION No. 09-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO TERMINATE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY REGARDING CONVEYANCE OF RIGHT OF WAY, AND FOR CONSTRUCTION OF WILLOUGHBY BOULEVARD EXTENSION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

7:18 PM Motion: Move approval of Consent
Motion by: Commissioner Glass Leighton
Seconded by: Commissioner Meier
Motion passed unanimously.

COMMISSION ACTION

16. ARTS COUNCIL APPOINTMENT:
APPOINT MAYOR BRUNER TO THE ARTS COUNCIL IN PLACE OF PREVIOUS VOTE OF VICE MAYOR CLARKE.

7:19 PM Motion: Motion that we approve Item #16.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

17. RFP #2018-204 CONE OF SILENCE:
REMOVAL OF THE CONE OF SILENCE COVERING RFP #2018-204, THE SALE AND DEVELOPMENT OF TWO CITY-OWNED PARCELS KNOWN AS THE 7.27-ACRE SAILFISH BALLFIELD AND ADJOINING 3.48-ACRE CITY GARAGE PROPERTIES.

Attorney Mortell reported on the purpose of the "cone of silence" and why it is being requested to be removed.

7:21 PM Motion: I'll move that we adopt the recommended action and move to end the cone of silence from RFP#2018-204.
Motion by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

18. NEGOTIATE SALE OF STUART TRAILER TOWN:
RESOLUTION No. 10-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE A REAL ESTATE SALE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell reviewed Resolution No. 10-2019.

7:26 PM Motion: Move approval of Resolution No. 10-2019.
Motion by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Abstain: Commissioner Meier
Motion passed.

ORDINANCE FIRST READING

ORDINANCE SECOND READING

19. SECOND READING OF WATERMARK RPUD (QUASI-JUDICIAL):
ORDINANCE No. 2387-2019; 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 "NEIGHBORHOOD SPECIAL DISTRICT" TO "MULTI-FAMILY DENSITY RESIDENTIAL" FOR A 11.34 ACRE PARCEL ANNEXED AND FORMERLY REFERED TO AS PHASE VIII MULTI-FAMILY ON THE PINEAPPLE PLANTATION MASTER PLAN AND LOCATED ON THE EAST SIDE OF US HIGHWAY ONE, WEST OF THE WINDEMERE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), AND SOUTH OF THE PINEAPPLE COMMONS COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE WATERMARK RESIDENTIAL RPUD CONSISTING OF TWO HUNDRED EIGHTY FOUR (284) MULTI-FAMILY UNITS WITHIN TWO FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT.

Quasi-Judicial
Sworn – 6 people; Kevin Freeman and Stephen Mayer of the City of Stuart, Steve Garrett of Lucido and Associates, Jesse Houghtalen of Watermark LLC, Chris Sopotnick of Ecological Consultants of Florida, and Howard Ehrsam of Bowman Consulting.

Stephen Mayer presented on the changes made to the Watermark Residential RPUD.

7:38 PM Motion: Move that Ordinance No. 2387-2019 be approved as recommended by staff.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed 4/1.

Bruner	**YES**
Clarke	**YES**
Glass Leighton	**YES**
Matheson	**NO**
Meier	**YES**

20. SECOND READING OF FRAZIER CREEK TOWNHOMES RPUD (QUASI-JUDICIAL): ORDINANCE No. 2395-2019; 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 RPUD "RESIDENTIAL PLANNED UNIT DEVELOPMENT" TO THREE PARCELS OF LAND TOTALING 0.565 ACRES, OWNED BY FRAZIER CREEK LLC, FRAZIER CREEK TWO LLC, GARY L. HUFNAGEL AND KAROL HUFNAGEL, LOCATED AT 513, 517, AND 521 S.W. OCEAN BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE "TOWNHOMES AT FRAZIER CREEK" RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF TWO MULTI-FAMILY BUILDINGS WITH FOUR UNITS EACH IN THE URBAN WATERFRONT ZONING DISTRICT; ALLOWING BOTH BUILDINGS TO BE CONSTRUCTED WITH LESS THAN THE REQUIRED 10 FOOT SIDE SETBACK; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE OF DEVELOPMENT, DECLARING THE PROJECT TO BE CONSISTENT WITH 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.

7:43 PM Motion: Move that at Second Reading, approval of Ordinance No. 2395-2019.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Meier
Motion passed unanimously.

Vice Mayor Clarke commented on what a nice job all did at the Police Chief Ceremony.

DISCUSSION AND DELIBERATION

7:45 PM ADJOURNMENT

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Mary R. Kindel, City Clerk **Rebecca S. Bruner, Mayor**

Minutes to be approved at the Regular Commission Meeting this 28th day of January, 2019.