

City of Port St. Lucie

City Council

Regular Meeting Minutes

121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984

Gregory J. Oravec, Mayor

Stephanie Morgan, Councilwoman, District I
John Carvelli, Councilman, District II
Shannon Martin, Vice Mayor, District III
Jolien Caraballo, Councilwoman, District IV

Monday, June 10, 2019

6:30 PM

Council Chambers, City Hall

1. Meeting Called to Order

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Oravec on June 10, 2019, at 6:30 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

2. Roll Call

Council Members Present: Mayor Gregory J. Oravec, Vice Mayor Shannon Martin, Councilwoman Jolien Caraballo, Councilwoman Stephanie Morgan

Council Members Not Present: Councilman John Carvelli

3. Invocation & Pledge of Allegiance

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

4. Proclamations and Special Presentations

4.a Donation of Three U.S. Flags by Daughters of the American Revolution (DAR) St. Lucie River Chapter

The Assistant Parks & Recreation Director introduced Valerie Ehret Regent, St. Lucie River Chapter, Daughters of the American Revolution, who gave a history of the Flag and presented the Council with 3 flags to be flown over City-owned properties.

4.b Recognize Councilwoman Jolien Caraballo and Deputy City Attorney Ella Gilbert with a 2019 Home Rule Hero Award

Patricia Christensen, President of the Treasure Coast League of Cities, gave a presentation and bestowed Councilwoman Caraballo and Deputy City Attorney Gilbert

with the 2019 Local Home Rule Hero certificates. She invited City staff and Council to participate in policy committees, in order to become involved, moving forward.

Deputy City Attorney Gilbert thanked the Council for allowing her to advocate for Home Rule on the local, federal and state levels, and stated that it was an honor to receive the award.

Councilwoman Caraballo said that Deputy City Attorney Gilbert was integral in the program, which included appropriations, working with the lobbyists, and grant writers and thanked her for her efforts.

5. Public to be Heard

There was nothing heard under this item.

6. Additions or Deletions to Agenda and Approval of Agenda

Vice Mayor Martin moved to approve the Agenda. Councilwoman Caraballo seconded the motion, which passed unanimously by voice vote.

7. Approval of Consent Agenda

Mayor Oravec requested that Items 7 d), 7 e) & 7 g) be pulled for separate discussion.

Councilwoman Caraballo moved to approve the Consent Agenda with Items 7 d), 7 e) & 7 g) pulled for separate discussion. Vice Mayor Martin seconded the motion, which passed unanimously by voice vote.

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7.b Award Contract #20190048 Southbend Sidewalk Construction Project to McTeague Construction Co, Inc. for \$233,671.36.

7.c Approve the Renewal of Contract #20130091 to The Public Group for Online Auction Services.

7.d Award Contract #20190070 for the Construction of the New Riverwalk Boardwalk - Phase I to Brothers' Construction, Inc. in the amount of \$1,946,656.45 plus a one-time fee of \$10.00 for Indemnification. Contract period is 310 calendar days with no option to renew.

Mayor Oravec asked the City Manager if the item was regarding the missing link under the bridge for the Riverwalk project, to which the City Manager replied in the

affirmative and stated that staff would be providing the Council with a memo in reference to the status. He explained that the permit to construct it was due next year, but that FDOT did not place the project into their budget and it would be issued in 2023. The City Manager advised that he would find a better alternative than just waiting for FDOT. Mayor Oravec suggested increasing the lobbying efforts on the issue.

The City Manager stated that the City had received \$469,000 in state grants for the project and that the Assistant Parks & Recreation Director would be presenting another request for funding next week. Mayor Oravec requested that the staff memo contain all funding information, moving forward on the project. The City Manager said that the funds were from the Florida Inland Navigation District.

Mayor Oravec requested that any legislative appropriations be tracked in the future. The City Manager stated that a request for a FRDAP grant had been made, but he had not heard back regarding the status of the funding.

The Assistant Parks & Recreation Director explained that the City was applying for the FRDAP grant next week, as well as a Land and Water Conservation Fund grant, and had not yet heard if the funds would be awarded to the project. Councilwoman Caraballo stated that when she met with Representative Overdorf, he requested more information regarding the economic development portion of the project. She requested that as the message was crafted, to keep that in mind.

Councilwoman Caraballo moved to approve Item 7 d). Councilwoman Morgan seconded the motion, which passed unanimously by voice vote.

- 7.e** Award Contract #20190042 for the McCarty Ranch Extension Water Quality Restoration Construction Project - Area 2 to Guettler Brothers Construction, LLC in the amount of \$1,912,815.00.

Mayor Oravec requested the status of Area 1 of the project, to which the Assistant Utilities Director stated that Area 1 & 2 were tied to the Corps Permit and that it would be finalized today and should have it within the next 2 weeks. He said that there were some issues with wetland mitigation that he was dealing with and stated that the level of Structure 97 had to be at 22.8, which it had not reached this year, as it was at 21.68 currently.

Vice Mayor Martin moved to approve Item 7 e). Councilwoman Caraballo seconded the motion.

Councilwoman Morgan stated that the contract was being awarded to Guettler Construction and that her husband was an affiliate, and not an owner or investor, nor was his salary impacted by the contract. She conferred with the City Attorney, the League of Cities and the State Ethic's Commission and was advised that there was not a conflict of interest regarding her voting on the item.

There being no further discussion, the motion passed unanimously by voice vote.

- 7.f** Award Contract #20190067 for the Replacement of Lift Station NP-12 to Felix Associates of Florida, Inc. for \$528,836.00.
- 7.g** Approve Shortlisted Firms and Start Negotiations for Request for Qualifications #20190057 Design Architect for Westmoreland Riverfront Park Playground.

Mayor Oravec stated that the RFQ for the project included a request for public meetings and a workshop for public input, but that he did not see it in the recommended respondent's package and requested information as to how the process would proceed. The City Manager said that public outreach would be required in the contract.

The Procurement Director explained that the process was for qualifications only and then was vetted. Once the short list had been established, then the other requirement of meetings was included. Mayor Oravec requested that the public input meeting/community workshop regarding the playground at Westmoreland include a preference survey and suggested that children from 5 to 12 years old be included, along with stations that could test some of the concepts. Councilman Caraballo recommended that staff host the meeting at the Botanical Gardens, in order to have the site mapped out, so that the public could experience it firsthand. Mayor Oravec requested the proposals regarding the apparatus include native elements, as opposed to non-native structures. Councilwoman Caraballo suggested that a charette be held, in order to determine what elements would be placed on the property.

Vice Mayor Martin moved to approve Item 7 g). Councilwoman Morgan seconded the motion, which passed unanimously by voice vote.

8. Second Reading, Public Hearing of Ordinances

- 8.a** Ordinance 19-32, Quasi-Judicial, An Ordinance Providing for the First Amendment of the Planned Unit Development Document and Conceptual Development Plan for Verano South PUD 1 Pod C Planned Unit Development (P19-020) Located Southwest of the C-24 Canal, and North of Crosstown Parkway and Within the Verano DRI; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

The City Attorney read the Quasi-Judicial Procedures into the record, and stated that it applied to Item 8 a). The City Clerk administered the Oath of Testimony to staff and other interested parties. Mayor Oravec asked if there were any ex-parte communications to disclose, to which all of the Councilmembers responded in the

negative. The City Clerk read Ordinance 19-32 aloud by title only.

Mayor Oravec opened the Public Hearing. The Interim P&Z Director gave a presentation and stated that she had been sworn in and the file was delivered to the City Clerk's Office 5 days prior to the hearing to enter into the record. She stated that the complete list of changes was located on Page 2 of the PUD document and clarified that the May 28th PUD Amendment that was attached to the staff report was amended. The Interim P&Z Director advised that the PUD document that was attached to the agenda was the correct version of the proposed application. She stated that the Planning and Zoning Department staff found the request to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommended approval.

Dan Sorrow, Cotleur & Hearing, represented the applicants and gave a presentation. He stated that the amendment was the for the Murphy Tract that was reducing the minimum lot depth to 115 feet and would clean up some of the language in the documents. Mr. Sorrow explained that the architectural controls were going to be provided by the HOA, but were previously going to be provided by City staff instead, as well as the landscape review.

There being no further discussion, Vice Mayor Martin moved to approve Ordinance 19-32. Councilwoman Morgan seconded the motion. The City Clerk restated the motion, for approval of Ordinance 19-32, which passed unanimously by voice vote.

9. Other Public Hearings - There was nothing scheduled under this item.

10. First Reading of Ordinances

- 10.a** Ordinance 19-35, An Ordinance Amending Title XV "Land Usage", Chapter 158, "Zoning Code", Article X.5. "Master Planned Unit Development (MPUD) Zoning District", of the Code of Ordinances of the City of Port St. Lucie by Amending Section 158.187 "Standards For District Establishment"; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. P19-018

The City Clerk read Ordinance 19-35 aloud by title only. There being no discussion, Councilwoman Morgan moved to approve Ordinance 19-35. Councilwoman Caraballo seconded the motion, which passed unanimously by voice vote.

11. Resolutions

- 11.a** Resolution 19-R43, A Resolution of the City of Port St. Lucie, Florida, Approving and Authorizing the Acceptance of a Sovereignty Submerged Lands Fee Waived Lease Required for the Construction of a Boardwalk, Boat Docking Facility and Kayak Launch on State Owned Bottom Lands from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Public Access to Waters of the North Fork of the St. Lucie River Aquatic Preserve as Part of the Westmoreland Riverfront Park and Riverwalk Projects; Providing for Conflict; Providing for Severability; Providing an Effective Date.

The City Clerk read Resolution 19-R43 aloud by title only.

Mayor Oravec clarified that the item was for a kayak launch, to which the City Manager replied in the affirmative and added that it was also for a boardwalk over the top of it.

There being no further discussion, Councilwoman Caraballo moved to approve Resolution 19-R43. The City Clerk restated the motion as follows: for approval of Resolution 19-R43. The motion passed unanimously by roll call vote.

12. Unfinished Business - There was nothing scheduled under this item

13. New Business

- 13.a** Approve a Public Art Sculpture for City Hall that will be Displayed for two years. (19-008)

The Long-Range Planning Administrator gave a presentation and stated that an RFP was not utilized in the process. She explained that the pictures did not do the art justice and that she would have a better image of the next sculpture for the roundabout at Bayshore Boulevard and Selvitz. Road. The Long-Range Planning Administrator stated that there were 14 submissions that were in the order that the Public Art Advisory Board approved. She stated that the art would be rotated every two years.

Mayor Oravec requested a motion be made to approve the Influx piece of art. Councilwoman Caraballo moved to approve Public Art Sculpture Number 2, Influx. Vice Mayor Martin seconded the motion, which passed unanimously by voice vote.

- 13.b** Request for Direction from City Council on Joining the Opioid Litigation

The City Attorney stated that there was a crisis of the use and abuse of opioids and that there were several lawsuits across the country focusing in on different defendants under different theories. He stated that there would be a presentation by two different attorneys and that the options were to stay on the sidelines or get involved.

Judge Cynthia Angelos gave a presentation and stated that the lawsuit was the only federal case in the state against the opioid manufacturers. She advised that she represented the City of Fort Pierce and the St. Lucie County Fire District. Judge Angelos said that the taxpayers and City should be reimbursed for all of the services that were provided during the crisis.

Michael Kahn, Esquire, gave a presentation and passed out a booklet that described the group that he was with. He advised that filing a lawsuit at the federal level would rise to multi-district litigation that had a trial date set on October 22, 2019, which had been set for two counties in Florida. Mr. Kahn urged that the Council to join the litigation entity, which had to be filed by June 14, 2019. He said that he would be honored to represent the City of Port St. Lucie and asked the Council to sign a retainer agreement. Mr. Kahn explained that with the money that would be awarded, the City would be able to institute programs to redeem and repair homes, as well as equipment for emergency services.

Travis Walker, Esquire, gave a presentation and stated that he had seen the effects of the opioid crisis firsthand. Mr. Walker said that his claim would be on the basis of a public nuisance claim against pharmacies, as they should have known the volume being dispensed would affect people negatively. He stated that he represented the City of Stuart and would be filing a state lawsuit. Councilwoman Caraballo inquired as to if there were any other lawsuits that had been tried and awarded a settlement on the federal or state levels. Mr. Walker responded that there was a federal trial in Oklahoma that was ongoing that would have a verdict within in the next three to four weeks and that a lot of state court cases had been filed that had received settlements.

Mayor Oravec stated that the City's organization had been impacted by the opioid epidemic, as well as the people of Port St. Lucie, and that the City needed to be part of the litigation. He asked if it was possible to proceed with both litigations, to which the City Attorney replied that it was not impossible to proceed with both, as each one was going after different defendants. The City Attorney advised that although there was an obvious drug problem in the country, he indicated that the product was misused, and gave examples of gun manufacturers and auto manufacturers that caused tragedy and death, if not used correctly. He stated that the plaintiff's did not receive any money in the tobacco lawsuits, only the attorneys, and the only thing that came from it were educational programs that were televised, and didn't think the City would recoup any settlement from a lawsuit. Mayor Oravec said that the results of tobacco use over time following the settlement and that the positive social change in behavior were the benefits, not necessarily a monetary benefit, as sometimes reform was the best outcome for a better world. He stated that it was important to stand with the other entities in St. Lucie County and that the caveat would be that the City would not pay out-of-pocket.

Vice Mayor Martin asked what would be required to move forward with the federal

lawsuit, to which Judge Angelos replied that the City could piggy-back onto the City of Fort Pierce's contract. She stated that the City would not be responsible for any costs, whether there was a recovery or not, which would be included in writing in the agreement. Judge Angelos advised that much of the information required for the lawsuit had already be submitted by the other local entities. Mayor Oravec requested additional information regarding the type of pharmacies that would be pursued. Mr. Walker advised that the ARCOS data would be the information that contained the pill counts, etc. that would be used to determine which pharmacies were negligent.

Councilwoman Caraballo moved to approve going forward with the federal opioid litigation and to come back with information regarding the state lawsuit. Councilwoman Morgan seconded the motion, which passed unanimously by voice vote.

14. City Manager's Report

The City Manager stated that he had been reviewing the budget with staff all week and that his goal was to provide a manager recommended budget to the Council by June 28, 2019, which was being crafted around the Strategic Plan.

15. Councilmembers Report on Committee Assignments

Councilwoman Morgan listed the events that she attended in the past few weeks.

Councilwoman Caraballo listed the events and tour that she attended in the past few weeks. She stated that in light of the Crosstown Bridge opening on September 28, 2019, there was an opportunity to promote the eastern side of the City. She requested that the Council consider entertaining a program called East meets West that would highlight events on the eastern side of the City, with a focus of inviting the western side of the City. Councilwoman Caraballo suggested that next year, the program could be flipped, West meets East. Councilwoman Morgan stated that it should not be an east versus west event, but a City of Port St. Lucie event and was not in favor of the division of the City.

Vice Mayor Martin pointed out that all of the events were heavily promoted on every platform for the public to be aware of for all areas of the City and was not in favor of dividing the sides of the City. She stated that Councilwoman Caraballo should feel free to promote her district. Mayor Oravec suggested that a conscious effort needed to be made for the citizens to discover eastern Port St. Lucie and recommended that she bring back the idea at a Workshop or a Retreat.

Vice Mayor Martin stated that at the TPO meeting there was an item regarding the Priority Projects, with Port St. Lucie Boulevard South being Number 1, and mentioned to them that the City Manager would be bringing forward information from FDOT with the potential of advancing the project. She said that she would be updating the TPO regarding the outcome of the information that was presented to the Council.

Mayor Oravec stated that he had been talking to staff about the use of glyphosate and that time would show that we were on the wrong side of the issue. He said that he would be bringing the issue forward at a future meeting, as Martin County had banned the use of it. Councilwoman Caraballo said that she had referred Mike of the Treasure Coast League of Cities to Mayor Oravec, as he was working on environmental initiatives.

16. Public to be Heard - (if necessary as determined by City Council at conclusion of public to be heard)

There was nothing heard under this item.

17. Adjourn

There being no further business, the meeting was adjourned at 3:45 p.m.

Karen A. Phillips, City Clerk

April C. Stoncius, Deputy City Clerk Supervisor