

# City of Port St. Lucie

## Special City Council

### Meeting Minutes

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

Shannon M. Martin, Mayor

Jolien Caraballo, Vice Mayor, District IV  
Stephanie Morgan, Councilwoman, District I  
Dave Pickett, Councilman, District II  
Anthony Bonna, Councilman, District III

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**Monday, March 21, 2022**

**9:30 AM**

**Council Chambers, City Hall**

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**\*Item 5d Withdrawn\***

**1. Meeting Called to Order**

A Special Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Martin on March 21, 2022, at 9:32 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**2. Roll Call**

Council Members Present:  
Mayor Shannon Martin  
Vice Mayor Jolien Caraballo  
Councilwoman Stephanie Morgan  
Councilman Dave Pickett  
Councilman Anthony Bonna

**3. Pledge of Allegiance**

Mayor Martin led the assembly in the Pledge of Allegiance.

**4. Public to be Heard**

There was nothing heard under this item.

**5. New Business**

**5.a** Approve the Adventure Park Business and Operations Plan

**[2022-252](#)**

(Clerk's Note: A PowerPoint presentation was shown at this time.)  
Jesse Myott of BerryDunn Consulting and Sean O'Connell of Stantec Consulting Services, Inc presented the research from the plan to the

Council. Mr. O'Connell informed that the park would contain a BMX track, BMX pump tracks, BMX dirt jump tracks, skatepark, Ninja Warrior parkour course, climbing tower, wave riders, amphitheater, playgrounds, open space play, ropes course, and zip lines, and he stated that the plan would be broken up into multiple phases. Mr. Myott discussed the proposed park hours, stating that the park would be open for the vast majority of the year with closures on major holidays and other events, with the park being operational 7 days a week for 8 to 12 hours a day, which was dependent on the time of year. He stated that their financial analysis was looked at for when the doors were open on day 1, and that they did not look at capital construction cost or other elements, but they did look at capital resources that would be needed throughout the course of the year for maintenance. He also stated that they considered that the park entrance charge would be free with a charge for 5 amenities including BMX, rock climbing, ropes course, zip lines, and dirt jump lines, along with concessions, and that they researched the different ways those fees would be charged such as a daily fee or membership.

Mr. Myott then discussed the financial data, stating that the estimated revenues for Year 1 were \$800,000, and that as the park matured the estimates were \$1.1 million to \$1.2 million. He stated that they had researched what it would take for the City to operate the free elements and contract out the operation of the paid elements, as well as researching what it would take to contract the entire elements of the park. Mr. Myott then discussed future considerations and a market study, and Mr. O'Connell discussed the overall layout of the plan and the parking.

Councilman Bonna asked if there were alternate locations planned for this site due to the current site housing the solid waste drop off, to which City Manager Blackburn replied that they would identify alternate sites should the construction of the Adventure Park go forward in a time where they would need to move the solid waste functions. Councilman Pickett stated that he had found an alternative site near Commerce Drive that was selected due to the ease of coming off I-95, and Councilwoman Morgan stated that when this first came out she was not in favor of this site, and at this point in time she could not move forward with this location due to what the City was in the middle of at the moment and because she was not in favor of a million dollar subsidy. She stated that she was sure there was a better home for this somewhere else and that she would rather see this go to a

public/partnership to decide on, and also that she could not see taking on another large project at this time.

Vice Mayor Caraballo stated that she understood the concerns of the Councilmembers in regard to the solid waste issue, but that she would hate to take investments that had already been paid by the taxpayers for a Master Plan process to be tossed away as bad money by not further looking at this site and moving forward with some of the recommendations. She stated that she would also like this to eventually go out for an RFQ, and that they did not need to decide today whether the site would be for solid waste or for the Adventure Park, that they should look to see if there is an entity that would be willing to take this on and then look to see if that was an option. She agreed with Councilwoman Morgan that it should not be subsidized, and she wanted to make sure that they are responsive and currently keeping this site as the solid waste drop off.

Mayor Martin stated that the drop-off site was more than a convenience site or a temporary site, and that when she went to the site, her thought process started to change as far as location. She stated that there were some park amenities that they could do that were within their scope, but there were also some they could not do due to cost and safety issues, so she would like to look at potentially taking the amenities that they could provide and incorporate them into Torino and Tradition Regional Park, and for the amenities that they could not provide, see if anyone would be interested in a partnership. She also stated that they would need to look at the future growth of the City in regard to solid waste and she did not want to hamstring future decision making because they lost that site. Mayor Martin stated that they could switch funds from the CIP and incorporate them into the existing park sites and that the City was also out for a grant, to which Kelly Boatwright, Senior Project Manager, stated that the grant was site specific and tied to this location. Mayor Martin asked if they could amend it, to which Ms. Boatwright replied that she had asked and was informed that they usually did not amend, but that she would ask again. City Manager Blackburn stated that Torino could accommodate a skate park and it would be a good fit.

Vice Mayor Caraballo stated that something to be aware of was the machinery that was being utilized as there was a budding residential community and there had been resident complaints. She also stated that if they took the pin out of the Adventure Park, she would like to see

it included in a Torino or Tradition Master Plan to assure residents that it was coming, and that she would not support the item because she felt it was being rushed and she would like more information.

There being no further discussion, Councilwoman Morgan moved to put the Adventure Park Cameo site on the backburner, include elements of the Adventure Park into the 2 Regional Parks, and go for an RFQ for other aspects of the park for a public/private partnership. Councilman Pickett seconded the motion, which passed by voice vote with Mayor Martin, Councilwoman Morgan, Councilman Pickett, and Councilman Bonna in favor, and Vice Mayor Caraballo opposed.

A break was called at 10:18 a.m. and the meeting resumed at 10:30 a.m.

- 5.b** Approve Wilderness Trail Concept Design and Phasing Recommendation

[2022-259](#)

(Clerk's Note: This item was heard after 5c.)

(Clerk's Note: A PowerPoint presentation was shown at this time.) Joe Capra, Captec Engineering Consultant, presented recommendations to the Council and stated that they held a public meeting to determine what residents would like at the site. He stated that the first phase they would propose would be the trail along Cambridge, the second phase would be trees and landscaping, and the third phase would be putting in the loops, restrooms, pavilions, wetland overlooks, pond boardwalks, bioswale plantings, and parking. He discussed the funding and grants and stated that they had hoped to get the RTP Award. Vice Mayor Caraballo stated that the restrooms were another opportunity for public art and that she thought it would be advantageous to look for public art grants.

Councilwoman Morgan moved to approve the Wilderness Trail Concept Design and Phasing recommendation. Vice Mayor Caraballo seconded the motion, which passed unanimously by voice vote.

(Clerk's Note: This topic was addressed at the end of the meeting after New Business.) Vice Mayor Caraballo stated that there were concerning statements made at the last County Planning & Zoning Board meeting in regard to Impact Fees and encouraged everyone to watch the meeting. She stated that there were statements made that an agreement was not made for and several that were not factual, so she

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had a concern of how this affected the vote. Mayor Martin stated that if there were inaccuracies, they should address them.

**5.c** Solid Waste Updates & Task Force Recommendations

[2022-189](#)

(Clerk's Note: This item was heard after 5a and before 5b.)

City Manager Blackburn provided a history of the Solid Waste issue which involved the lack of service, litigation, utilization of City employees for service, and the creation of the citizen committee for the Solid Waste Task Force. Caroline Sturgis, OMB Budget Director, stated that she was the team lead for the Solid Waste Working Group, which was established 14 days prior and comprised of City Representatives of whom had a goal of addressing current waste challenges by implementing short-term and long-term solutions with Solid Waste Task Force recommendations in mind. She stated that addressing the solid waste issue was the top priority for City Manager Blackburn, and that the Working Group was focused on a comprehensive approach which included implementing solutions to improve yard waste pickup for the short-term, identifying a waste hauler that can mobilize and be available in September, and coordinating a competitive and fair procurement process with the swiftness to finalize an agreement with a waste hauler for a long-term solution. City Manager Blackburn introduced new City team member Dave Peters, who was previously a part of the Solid Waste Task Force.

(Clerk's Note: A PowerPoint presentation was shown at this time.)

Carmen Capezzuto, Neighborhood Services Director, gave a presentation on the Solid Waste Task Force recommendations for future service and stated that while the presentation was meant for this purpose, it had also expanded to address other points of concern. Mr. Capezzuto began the presentation with the state of the franchise agreement and stated that they were preparing for an exit from Waste Pro in September. He discussed the creation of the Solid Waste Task Force, and Mayor Martin asked to clarify the timeline of the issue, to which City Manager Blackburn complied and clarified the issue and timeline.

Mr. Capezzuto discussed the Citizen's Survey and stated that the top 3 service improvements that residents asked for were scheduled bulk item collection days, a city-provided container for household garbage, and weekly automated garbage pickup. He then discussed the Solid Waste Task Force recommendations, stating that the short-term recommendations were ongoing education of the rules for solid waste

collection and code enforcement, continuing with the drop-off site, and preparing ordinance changes that would require tree services to haul away the debris they generate. He stated that the timeline to start the procurement process was 24 months in advance of the end of the current contract.

Mr. Capezzuto stated that a long-term recommendation was automated service, and that no change would be made to the current recycling program. He stated that another long-term suggestion would be limiting the yard waste to 4 cubic yards per week and have a limit of 5 pieces for bulk waste with pickup once per month. He then discussed splitting the City into 2 zones for future pickup and added that another recommendation was keeping commercial pickup connected to the zones.

Mr. Capezzuto stated that it was recommended to have a centralized call/complaints center, and that the contractors should provide their plan to staff annually for approval. He stated that the Task Force recommended a 7-year contract with a 3-year renewal option for a total contract term of 10 years, which allowed proposers to capitalize on their equipment and added that it would be important for the City in order to keep rates as low as possible. He then discussed performance bonds, stating that the recommendation would be that they be set at 50%, and he also discussed standard rate adjustments.

Mr. Capezzuto summarized the basic services with a comparison between the current service level and the future recommendations, and discussed the solid waste rate breakdown with comparisons of Port St. Lucie to other cities. Councilwoman Morgan asked what the cost would be for homeowners to purchase the additional recommended cart, to which Mr. Capezzuto replied roughly \$60, but that they did not know if they would charge as a one-time purchase or implement it into the monthly rate.

Mr. Capezzuto then provided an estimated timeline with a 6-month outlook until September, and stated that for emergency yard waste services, there was one written proposal from Optimum Services Inc. for which they were recommending for Council approval, which would then create a request for a Special City Council meeting either at the end of March or in April. He stated that the proposal was on a time/equipment basis, that the contractor would obtain a notice to proceed this week, and that they had received an email from Waste Pro

that informed that they would be sending out 12 clam trucks on yard waste and picking up the small yard waste piles with their rear load garbage trucks.

Mayor Martin asked if City Manager Blackburn wanted the recommendation stated with that provider or would he want it generalized because there were other opportunities that they were working on, to which City Manager Blackburn replied that they were still working on locating additional vendors for the short-term emergency services, and he recommended that when the Council makes a motion, that they authorize it as having the City Manager procure emergency services for yard waste and/or other services that way he would be authorized to look to other vendors when they become available.

Councilman Pickett asked what legal ramifications Waste Pro had against the sub-contractor to protect them from being sued by Waste Pro, to which Deputy City Attorney Sebastian Poprawski replied that there would be protections within the new contract, and that the current contract with Waste Pro stated that the City could seek cover from a third-party company when there is non-performance. City Manager Blackburn stated that if the Council authorized the City to enter into a contract, prior to giving the sub-contractor notice to proceed, they would do everything in their power to give Waste Pro the opportunity to meet the standards in the contract, to which Mayor Martin stated that it was important to point out that Waste Pro had these opportunities all along and that they had previously hired sub-contractors to assist them, as was allowed in the contract, which did help for some time, but they could have done that recently and had not. She stated that they had not done so because they wanted their administrative charges back, but they were not going to give it back due to non-performance.

Councilman Bonna stated that he was in full support of doing anything they could to pick up yard waste as long as it was within the law and full terms of the contract. Vice Mayor Caraballo asked how many days Waste Pro had to correct the action if they did not pick up yard waste, to which Mr. Capezzuto replied 3 days after the service day. Vice Mayor Caraballo stated that in regard to the future contract, she wanted to stick to the 3 days and that they would be billed for the areas of the City that were not able to be swept. She stated that the City would continue to work with them, and if they were unresponsive then the City would need to take action. Mayor Martin stated that a sweep was a sweep, but items continually get put out, so there needed to be consistency across the board going forward.

Vice Mayor Caraballo stated that the contract addressed yard waste, but not bulk items, and she asked what the plan would be, to which Mr. Capezzuto replied that the short-term recommendation was education on bulk waste, and that they were working on picking it up, but if it was not being picked up then residents would need to utilize the drop off site or limit their bulk to 2 cubic yards or less. Vice Mayor Caraballo stated that she had seen piles that were well above the 2 cubic yards, and recommended that they notify the individuals that they would be cited immediately if they did not comply, but a neighborhood should not be paying the price for a bad actor so they needed to come up with a pick-up plan.

Mayor Martin opened Public Comment, and Sheila Selinger spoke on Waste Pro and their lack of service and stated that the 5-piece bulk waste limit recommendation was stringent.

Michael Moses spoke on the Waste Pro litigation and asked why the Emergency Motion was not filed a couple of days after the Complaint was filed, and asked what the hearing was for on the 5th, asked about the filing of a Breach of Contract, and could the City wait 3 more weeks before hiring the sub-contractor to make sure that they did not get sued and the taxpayers pay more money.

Ana Gomez-Mallada stated that the City should start looking for a replacement and Waste Pro should not be given more opportunities.

Eddie (Edetha) Evans spoke on concerns of yard waste, stating that she was concerned how the pickup would happen farther down the road.

Mayor Martin read into record an emailed public comment from Robert Biermann, who spoke on the lack of service for waste pick-up and lack of speed limit enforcements.

Stefan Obel stated that he was pleased with the presented recommendations and that the community would like curb appeal, but cannot have it due to Waste Pro's lack of service on bulk item pickup.

(Clerk's Note: Attorney Stokes appeared via Zoom and portions of the audio were inaudible.) City Attorney James Stokes addressed Mr. Moses' questions regarding litigation and stated that the Emergency



Motion filing was outside of their control due to the Judge's assistant being the one that sets the hearings and the motions were not always sent right away. He also stated that after review, the Judge sent them to mediation which was also outside of their control. Attorney Stokes then discussed the Breach of Contract filing and stated that both the City as well as Waste Pro had both filed Breaches, but they would not be addressed on April 5th, that the hearing was to decide whether or not Force Majeure was available for Waste Pro.

Mayor Martin asked Attorney Poprawski to recap what Attorney Stokes had discussed due to audio issues, to which Attorney Poprawski stated that in regard to the Emergency Motion, the Judge had a high standard as to what she considered an emergency and she felt that standard had not been met, and that the contract called for mediation, but that also no case goes to trial without doing mediation first. He stated that whether they chose to do a Breach of Contract or not, they wanted clarification on the Force Majeure issue, and that they were the only municipality that they were aware of that Waste Pro had issued a Force Majeure on, so that was the first roadblock for this issue. Mayor Martin asked for explanation on what would happen at the April 5th hearing, to which Attorney Poprawski stated that they did not expect the case to be finalized at the hearing because they were still seeking the Judge's ruling on whether the Force Majeure was lawful, and seeking for the Judge to enter an Order as to the City's right to cover because although the contract provides for them to cover, there was a chance that the entity that provides the cover may have pushback from Waste Pro. Vice Mayor Caraballo stated that the Emergency Motion was based on the reaction of the Force Majeure claim and asked if the Judge had made any indication about it, to which Attorney Poprawski responded in the negative.

Mayor Martin asked for a consensus on recommended service levels of automated garbage service once per week instead of twice per week, and emphasized that this was for negotiating the emergency services contract for the longer term, not the shorter term, as she did not want this confused with yard waste. Councilman Bonna stated that he had feedback from residents, with retired residents approving once a week pickup, and families giving pushback, but that if they offered the 96-gallon cans with an option to purchase an additional can, they would have more capacity to put out trash. He informed residents that their concerns were being addressed in this recommendation. Vice Mayor Caraballo agreed with Councilman Bonna and stated that education

was important. It was the consensus of the Council to make automated garbage service once per week.

Mayor Martin stated that there was no change for recycling, and it would stay as once a week service. Vice Mayor Caraballo asked if they had a different can for that or how it would work with recycling, to which Mr. Capezzuto replied that it would be the same can as currently used.

Mayor Martin stated the recommendation of yard waste going from unlimited weekly to 4 cubic yards per week, to which Vice Mayor Caraballo stated that this was another opportunity for education, but that this would not affect the majority of residents. It was the consensus of the Council to limit yard waste to 4 cubic yards per week.

Mayor Martin stated the recommendation of bulk waste going from unlimited weekly to 5 pieces per month, to which Councilwoman Morgan stated that if you have move-ins or move-outs, this would be the perfect opportunity to work with the Landlords Association and Realtors Association to order a roll-off container. It was the consensus of the Council to limit bulk waste to 5 pieces per month.

It was the consensus of the Council to continue the customer convenience drop-off center.

It was the consensus of the Council to split the City into 2 franchise zones.

It was the consensus of the Council to keep the commercial service connected to the respective collection zones.

Councilman Pickett stated that they needed to communicate to companies that the City was requesting bids for dumpsters because once Waste Pro left, they would be taking their dumpsters with them, to which Mr. Capezzuto stated that the current contract called for the current hauler to sell them at fair market value or lease them in good faith for 3 months to the City or new hauler.

Mayor Martin stated the recommendation of restructuring the customer support services with haulers transferring all requests to the City, to which she stated that the customer service issue needed to be addressed, but that she did not know that this was particular to all future haulers because they may not have problematic customer

service issues. She stated that there should be a balance, to which Vice Mayor Caraballo agreed and stated that they should be cautious with this one and wait to see what feedback they received. Mayor Martin suggested to be free to negotiate and come up with the best solution. Councilwoman Morgan agreed and if the residents used 1PSL it could be disseminated to the proper company, to which Mr. Capezzuto agreed and stated that they were trying to get everything into 1PSL. It was the consensus of the Council to restructure customer support services.

It was the consensus of the Council to approve education and outreach plans annually.

Mayor Martin stated the recommendation of the RFP term length being 7 years with a 3 year renewal option for a total of 10 years, and Councilwoman Morgan and Vice Mayor Caraballo stated that they were good with this. Vice Mayor Caraballo asked if it would be included in the contract to have the cancellation of a future contract extended past 6 months for protection of periods where they may have a service gap, to which Mayor Martin stated that she had asked the same question because you could not get a new hauler on between 12-18 months so there needed to be a grace period of at least 12 months. It was the consensus of the Council to have the RFP term be 7 years with a 3 year renewal option.

It was the consensus of the Council to approve setting the performance bond at 50% of the annual rate payable to the contractor

It was the consensus of the Council to approve of standard rate adjustments every 2 years based on the CPI.

City Manager Blackburn asked to add the 12 month termination as it was not a Task Force recommendation, to which Mayor Martin agreed and also asked that it be added. Vice Mayor Caraballo asked if the CPI standard is changing in the solid waste industry, to which City Manager Blackburn replied that there were multiple CPI's and they would look at the ones proposed, but it would not be the national CPI, more likely the southwestern CPI, but it could also be industry specific which they would look at.

Councilwoman Morgan moved to approve the recommended future service levels with the addition of the termination date of the contract to

be one year. Councilman Pickett seconded the motion, which passed unanimously by voice vote.

Vice Mayor Caraballo moved to approve the emergency procurement of solid waste services. Councilman Bonna seconded the motion, which passed unanimously by voice vote.

Councilwoman Morgan moved to approve the sub-contractor proposal to sweep the City of yard waste. Councilman Bonna seconded the motion, which passed unanimously by voice vote.

Vice Mayor Caraballo moved to approve the City Manager to procure emergency yard and bulk waste services. Councilman Bonna seconded the motion, which passed unanimously by voice vote.

City Manager Blackburn clarified that these changes would not go into effect until they had a new vendor on board and stated that they would aggressively communicate to the Port St. Lucie community what to expect, why to expect these changes, and when they would go into effect. He also stated that the emergency contract would come back to Council and they would keep them informed. Attorney Stokes clarified that nothing that the Council decided in this meeting affected the current contract with Waste Pro, and everything being done was a remedial measure moving forward because of their breach.

A break was called at 12:14 p.m., and the meeting resumed at 12:36 p.m.

(Clerk's Note: Item 5b was heard after this item.)

## 6. Adjourn

There being no further business, the meeting was adjourned at 12:48 p.m.

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Sally Walsh, City Clerk

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Jasmin De Freese, Deputy City Clerk