

RESOLUTION 23-R\_\_

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, RATIFYING THE CITY MANAGER'S EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT AGREEMENT FOR REDUCING NUTRIENT POLLUTION INTO THE NORTH FORK OF ST. LUCIE RIVER BY INSTALLING BAFFLE BOXES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT EXTENDING THE GRANT AGREEMENT'S TERM; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the Florida Department of environmental Protection ("FDEP") approved and proposed grant agreement NS097 ("Agreement") to the City of Port St. Lucie ("City"), which provides the City with financial assistance to further the completion of a water quality improvement project ("Project"); and

**WHEREAS**, FDEP and the City Manager executed the Agreement; and

**WHEREAS**, the scope of the Project consists of retrofitting the surface water management system that serves the Calmoso Drainage Basin (171 acres), as well as the Crosspoint Drainage Basin (254 acres), by installing Type II baffle boxes upstream of the Harbor Waterway outfall to the North Fork of the St Lucie River; and

**WHEREAS**, FDEP and the City reached an agreement in principal which would extend the Agreement's term, including certain task due dates for the Project; and

**WHEREAS**, such an extension requires the execution of an amendment to the Agreement, which FDEP has approved and prepared for the City's execution; and

**WHEREAS**, the FDEP and the City desire to enter into the Agreement, as well as the amendment to the Agreement; and

**WHEREAS**, the City Council hereby determines that the Project, the Agreement, and amendment serves a valid public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:**

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Ratification of Agreement and Authorization. The Agreement, previously executed by the City Manager and FDEP, is ratified. Additionally, the City Manager, or his designee, is hereby authorized to enter into, execute and deliver to FDEP the amendment to the Agreement, and such other documents as are necessary to implement the terms of the Agreement. Moreover, the City Manager and City Engineer, and/or their designees, are hereby authorized to

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take all actions necessary to work with FDEP to accomplish the purposes set forth in the Agreement.

Section 3. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

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Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney