

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JULY 12, 2010
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**Roll call was answered by:
Mayor Michael Mortell
Vice Mayor Carol Waxler
Commissioner James A. Christie
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

**Also present were:
City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

Mayor Mortell delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PRESENTATIONS

**1. PROCLAMATION: Proclaiming Saturday, July 24, 2010 as
Treasure Coast Waterway Cleanup Day**

The Proclamation was graciously accepted by Gail Byrd and Jim Pomriand of the Florida Inland Navigation District, and thanked the City Commission for their support.

**2. PROCLAMATION: Proclaiming July 12, 2010 as the Celebration of
the 30th Anniversary of Stuart Alliance Church**

The Proclamation was graciously accepted by Pastor Jim Brocious who thanked the City for their recognition.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson thanked all those who attended the Fourth of July celebration, and she thanked City staff for their hard work.

COMMENTS BY CITY MANAGER

City Manager Hudson reminded the Commission and public of the upcoming meetings:

County Commission Candidates meeting Thursday July 15, 2010 at 5:30 p.m.

LPA meeting has been rescheduled to July 22, 2010 at 5:30 pm.
CRA meeting scheduled for July 26, 2010 has been cancelled.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA AS AMENDED.
SECOND: VICE MAYOR WAXLER
MOTION APPROVED UNANIMOUSLY

COMMENTS FROM THE PUBLIC (Non-Agenda Matters Only – 5 min. max)

NONE

CONSENT CALENDAR

3. **Request to approve the minutes of the regular Commission Meeting of June 28, 2010**
4. **RESOLUTION 67-2010 Authorization to award and execute an agreement between the City of Stuart and Nancy Phillips & Associates, LC to provide Community Block Grant Administration and Project Delivery Services in conjunction with the Eldorado Heights drainage project**
5. **RESOLUTION 68-2010 Authorization to renew a contract between the City of Stuart and Cherry, Bekaert & Holland, LLP to provide Municipal Audit Services**
6. **RESOLUTION 69-2010 Authorization to approve a Minor Amendment to the Parks Indian, LLC mixed use Planned Unit Development (MX-PUD) thereby permitting the construction of storm water retention facilities (Quasi-Judicial)**

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF RESOLUTION 69-2010

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	ABSTAIN
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR WAXLER	YES		

7. **RESOLUTION 70-2010 Authorization to renew agreements between the City of Stuart and Maaco of Stuart and Advantage Ford of Stuart to provide auto & truck body repair services as needed by the City per the hourly rates in each agreement**

- 8. RESOLUTION 71-2010 Authorizing budget amendments to the 2009-2010 annual infrastructure Sales Tax Fund and Stormwater Fund budgets in the amount of \$738,490.00; Staff was recently successful in obtaining \$677,990.00 in Tropical Storm Faye CDBG grant funding for flooding mitigation in the El Dorado Heights subdivision, and no match is required**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 3,4,5,7,8

SECOND: VICE MAYOR WAXLER

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR WAXLER	YES		

END OF CONSENT CALENDAR

COMMISSION ACTION

- 9. RESOLUTION 66-2010 Authorization in accordance with Section 166.0451, Florida Statutes, to adopt an inventory of City-owned properties which may be appropriate for use in promoting affordable housing; authorizing the City Manager to accept and bring forward to the City Commission proposals from non-profit affordable housing organizations interest in acquiring said properties**

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF RESOLUTION 66-2010

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR WAXLER	YES		

ORDINANCE FIRST READING

ORDINANCE SECOND READING

- 10. ORDINANCE 2206-2010 (Second Reading) Adopting a Comprehensive Sign Code for the City, by amending the general sign provisions; amending the definitions; providing for conflicting provisions; providing for codification**

City Attorney Nicoletti gave a brief overview regarding the handouts given to the Commission and public regarding the amendments to be made at adoption.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2206-10

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR WAXLER	YES		

11. ORDINANCE 2208-2010 (Second Reading) Adopting and enacting a new Code of Ordinances for the City of Stuart, Florida; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2208-10

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR WAXLER	YES		

12. ORDINANCE 2209-2010 (Second Reading) Providing an amendment to the Commercial Planned Unit Development Agreement described in Ordinance No. 2160-08 amended by Resolution No. 143-08 providing for a new timetable for approval of construction permits and the issuance of Certificates of Occupancy for an Assisted Living Facility located on 2.7 acres consisting of 96 individual units on the North East corner of SE Palm Beach Road and SE 14th Street; amending the conditions of development accordingly (Quasi-Judicial)

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF ORDINANCE 2209-10

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR WAXLER	YES		

DISCUSSION & DELIBERATION

13. Solicitation of Proposals to Lease the Dockside Restaurant property

City Manager Hudson gave a brief introduction to this item, He stated the City is a little over a year into the lease and the City should start looking into possible proposals for a new lease on the subject site.

Commissioner Krauskopf said he has four comments regarding the RFP:

1. Make it “abundantly clear” that this is to be an absolute net non subordinated lease.
2. An inventory should be attached.
3. He also wants a “coordinated date with the current tenant” for the inspection of the premise.

City Attorney Nicoletti clarified that the restaurant is closed on Mondays and that would be the time to schedule inspections of the premises.

4. Include a recorded “memorandum of lease” so that anyone that does work there looks to the operator and not the land owner.

City Attorney Nicoletti said that is required in the lease document.

Commissioner Hutchinson suggested looking at other possible ways to get the RFP on the market. She suggested Loop Net.

City Manager Hudson said he would look into it.

Commissioner Krauskopf asked about “the element of time,”

City Manager Hudson said staff will be preparing an RFP.

14. Sailfish Ballpark discussion on annual operating expenses

City Manager Hudson addressed the operating expenses of the Sailfish all Fields.

Mayor Mortell said that during the budget workshops there was discussion regarding the use of the fields, and if we are going to get into some sort of “equitable conversation” with the County as it relates to that.

Vice Mayor Waxler said Commissioner Valliere had referenced the use of other parks and asked “if we take that path where does it stop.” Waxler addressed “decommissioning the Park” and said that the park is just not equitable, and does not make good business sense.

Mayor Mortell was told there is no money in the County budget to maintain a proposed park in Palm City.

Commissioner Krauskopf said we first need to find out whether the County may agree in entertaining a transfer payment or whether they don't, and that in effect could affect the decommissioning schedule of Sailfish Park.

Mayor Mortell said we should look into our own budget and set the time frame and let the County come to us.

Vice Mayor Waxler stated that the City would be waiting and spending more money waiting for them to give us an answer.

Commissioner Krauskopf suggested looking at the schedule.

Mayor Mortell said there is a “disproportionate” number of City residents using the Sailfish Park and cost an enormous amount of money for maintenance. He added that it would be helpful to get “updated numbers.”

Vice Mayor Waxler said it does not make good business sense to spend that much money on a park used by so few City residents. Our money could be better spent at Guy Davis where we do know that the larger percentage of City residents is using it.

City Manager Hudson stated that the budget for 2011 does include continued operation of the field. He said that the next step would be to draft a letter and put it back on a future consent calendar item, the item would authorize the Mayor to formally begin sending notices to the appropriate parties.

Commissioner Hutchinson felt there should also be further discussions regarding the future of the transit center.

Mayor Mortell said the Transit Center is being built by Martin County on Martin County owned land.

The Commission suggested looking into having a consultant put together some options for the City including consultants.

Sam Amerson said what we don't see here is a revenue side and asked the City to look at potential revenues from the site, before they look at decommissioning. If we have over 80% of outside (non-City) users we could create a revenue stream by charging usage fees. He noted the Hornets are working hard this year. Amerson would like the opportunity to look into the issues. He said he had talked to Mike Houston who was willing to do another site plan pro-bono. Staff will meet with the leagues to see if they are interested in paying fees.

City Manager Hudson clarified that we do not want to mention a specific firm to work with.

Commissioner Hutchinson said we need to look at a long term solution for use of that site.

Vice Mayor Waxler noted activity at Memorial Park and asked for an update.

Sam Amerson explained that the City has a contract for work on drainage improvements and staff is now finalizing the final RFI for Phase I which they plan to advertise next week. He also said that the upcoming events scheduled for Memorial Park have all be redirected to another park.

Mayor Mortell noted that Robin Hicks Connors had requested the City write a letter in support of the Elliott Museum's application for a Cultural Support Grant. A form letter that could be used had been supplied. The Commission agreed to send the letter as requested.

ADJOURNMENT 6:10 P.M.

Cheryl White, CMC, City Clerk

Michael Mortell, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 12th Day July, 2010**