

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON NOVEMBER 9, 2009
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor James A. Christie
Vice Mayor Michael Mortell
Commissioner Carol S. Waxler
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti (absent)
Assistant City Attorney Robert Kilbride
City Clerk: Cherie White**

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

PRESENTATIONS

1. PROCLAMATION: Proclaiming the week of November 18-22, 2009 as BIBLE READING WEEK

Pastor Gene Healton of the Spirit of Prophecy Ministries came forward and graciously accepted the Proclamation and thanked the Commission in encouraged the City Commission and residents to participate in the bible reading week and read for about 15 minutes.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Mortell congratulated Commissioner Krauskopf on his re-election.

Commissioner Krauskopf thanked everyone for their support and requested the City Attorney look into the issue of having only one City polling place (such as the Stuart Rec Center) in order to reduce costs. He suggested the second meeting in December. He also suggested having an interlocal agreement with the Supervisor of Elections on what's involved in some of the work. He thanked all the citizens for their trust and confidence.

Commissioner Hutchinson felt that having 6-7 Air Show posters concentrated in a small strip of road around the Sailfish Fountain was "overkill". She also noted that Key Lime Café had music again this weekend in spite of prior complaints.

City Manager Hudson explained that a letter from the City Attorney was sent last week recommending the Café schedule a meeting with the City Commission to discuss rescinding the exception.

Christie commended the CRA staff, Teresa Lamar- Sarno for organizing the very successful "Meet Me at the USO" event.

COMMENTS BY CITY MANAGER

Mr. Hudson explained the Public Works Department's Neighborhood Clean Up Initiative and noted that the program has received a \$500 Grant from the Treasure Coast Regional League of Cities to be used to help with promotion of the program. He also reminded everyone of the veterans day parade this Wednesday gathering on Flagler Avenue in the morning. The next Coffee with the Manager has been scheduled for December 2, 2009 at 8:00 a.m. in the City Commission chambers. Correction notation: The CRA/CRB/SCC joint meeting will be held on November 16th and not on the 15th as originally noted.

Hutchinson suggested that residents of neighborhoods that have "pocket parks" should be encouraged to volunteer to help with the cleanup.

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

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA
SECOND: VICE MAYOR MORTELL
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 2. **RESOLUTION 132-09 Authorization to approve a Special Exception to Dr. Charles Hooks and the Monterey Veterenarian Clinic located at 2239 S. Kanner Highway within the business general zoning district to temporarily permit a mobile MRI facility (Quasi-Judicial)**

- 3. **RESOLUTION 133-09 Authorization to approve and adopt the 415 regulations amendment to the City of Stuart 401(a) retirement plan GA#59722 updating its governmental volume submitter plan document as required by IRS regulations to incorporate the provisions of the economic growth and tax relief reconciliation act of 2001 ("EGTRRA"); and simultaneously authorizing to execute the amendment upon review and approval by the City Attorney**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT AGENDA 2-3

SECOND: COMMISSIONER WAXLER
ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

4. Appoint a Commissioner to the Treasure Coast Regional Planning Council

MOTION: VICE MAYOR MORTELL; MOVED APPROVAL TO APPOINT COMMISSIONER WAXLER TO THE TREASURE COAST REGIONAL PLANNING COUNCIL

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

ORDINANCE FIRST READING

5. ORDINANCE 2195-09 (First Reading) to approve an amendment to the Future Land Use Map of the Comprehensive Plan to designate the land use of a 2.88-acre parcel within the City of Stuart from “Public/Institution to “Commercial” proposed by Eco Ventures, LLC, lessee of the property; parcel of land consisting of 2.88-acres is located South of the intersection of Monterey Road and Monterey Road extension on a portion of the Old City of Stuart landfill; said land to be concurrently changed from “Public” to a Commercial Planned Unit Development (CPUD) district on the City of Stuart Zoning Map (Quasi-Judicial)

The Commission stated they had spoke with the applicant and City Attorney and all have an open mind. Assistant City Attorney swore in all participants giving testimony,

Pinal Gandhi-Savdas gave a brief overview of the proposed project, and recommended approval with the inclusion of Condition # 37 regarding the stormwater facilities revision agreed to by the City and the applicant.

Attorney Terry McCarthy addressed the original premise of the application and the “revised game plan” that extended the lease and changed the use of site. He stated they were in agreement with the additional condition #37 change.

Planner Ken Natoli of the Houston Cuozzo Group displayed renderings of the proposed new reuse of the existing building and the CPUD Site Plan for Ocean Gate Builders.

Niki Norton-Gozdz, project architect presented the architectural renderings including the special green features of the building.

Attorney McCarthy said the lease and rent provisions are not changing and Ocean Gate Contractors who plan to use the building as its headquarters is simply downsizing the project.

Commissioner Krauskopf requested a legal description of the leased property before 1st and second reading.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2195-09 ON FIRST READING WITH THE AMENDED CONDITION #37.

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

COMMISSIONER KRAUSKOPF YES

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

6. Workshop Discussion - Status of City's Reclaimed Water System

Assistant Public Works Director Dave Peters explained that the City's Reclaimed Water System He stated the process to develop the system began in 2003 with a partnership with SFWMD to supply reclaimed water.

In 2006 the Town of Jupiter Island approached the City about supplying reclaimed water in exchange they would provide an alternative water supply. This involved a pipeline that would run up and down Dixie Highway and early estimates were \$13-15 million dollars in cost.

He said they approached Martin County to come up with a regional source on trying to get reclaimed water to the town and wastewater from the town to the County, and then water back to the City from an alternative source. This did not work because the County and the town could not work out the terms of the wastewater.

Unfortunately, the Town of Jupiter Island has experienced some serious loss and the new Town Manager has informed the City that the Town is not interested in the Interlocal at this time. Staff has explored other options but none are feasible at this time.

Dave Peters explained that the City has spent approximately \$2,127,000 on the 1st and 2nd phases of the Reclaimed Water System. The City received matching funds from SFWMD in the amount of \$790,000. The final phases which include remaining on-site improvements at an estimated cost of \$2.5 million were delayed pending results of waste water plan relocation study and identification of a reclaimed water customer.

City Manager Hudson said staff was disappointed when they were not able to bring the three part system together but the City has a "significant investment" in the reclaim system and a policy decision is needed from the Commission to go ahead and set up a central system looking to the future.

Dave Peters recommended the City finish the project now because the cost will only increase over time. Mr. Peters said reclaimed water costs slightly less than potable water and the project could pay for itself in time. He explained several options to fund the project to completion. He recommended action by the Commission to rescind all bids received and rebid the reduced project, run a line for providing reclaimed water to the City, execute a loan Florida State revolving Loan program.

City Manager Hudson recommended the State Revolving Program which is very flexible, and there would be no down side in applying for a loan.

Commissioner Krauskopf asked about the differential in processed water and IQ water costs in debt service.

Dave Peters said staff has done the planning process but the Stuart City Commission has to set the rates for all users.

Commissioner Krauskopf asked if these funds would be better used for a sewer project until there are consumers for the reclaimed water system.

Dave Peters said there was no one asking for sewer at this time.

Commissioner Krauskopf stated he favors moving forward with the IQ system.

Commissioner Hutchinson supported staff's recommendation to submit an invoice to the Town of Jupiter Island .

Commissioner Waxler expressed concern over borrowing money for something we do not have users for. She recommended the Finance Director review the loan documents and come back at the next meeting to discuss the matter.

Vice Mayor Mortell said the "borrowing thing is secondary" and the fundamental principle is are we going to run the pipe line and be ready when SFWMD and the State change the rules and require the use of reclaimed water where it is available. He suggested the City apply for the loan but not execute it until we get all the papers in.

Commissioner Waxler agreed we could get in line and that would give the Finance Director time to review the loan.

Commissioner Hutchinson there may be more interest in the system when a severe drought occurs and they won't be able to water their lawns. She said if we have the system in place we can hook those customers up.

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF TO SUBMIT THE LOAN APPLICATION, INVOICE JUPITER ISLAND, REJECT ALL BIDS RECEIVED RE-BID WITH CHANGED SPECS, AWARD CONTRACT TO BEACH CONSTRUCTION.

SECOND: VICE MAYOR MORTELL

ROLL CALL

MAYOR CHRISTIE YES

VICE MAYOR MORTELL YES

COMMISSIONER WAXLER YES

COMMISSIONER HUTCHINSON YES

COMMISSIONER KRAUSKOPF YES

ADJOURNMENT 6:43 pm

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie, Mayor

**Minutes approved at the Regular Commission
Meeting This 23rd Day November 2009**