

NOTICE

There will be a **Regular Meeting of the CITY COUNCIL** of the City of Port St. Lucie on **May 12, 2008, at 7:00 p.m.**, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

AGENDA

1. **MEETING CALLED TO ORDER**
2. **ROLL CALL**
3. **INVOCATION & PLEDGE OF ALLEGIANCE**
4. **PUBLIC TO BE HEARD**
5. **PROCLAMATIONS AND SPECIAL PRESENTATIONS**
 - a) **PROCLAMATION - POPPY DAY**
 - b) **PROCLAMATION - NATIONAL SAFE BOATING WEEK**
 - c) **PROCLAMATION - FOSTER FAMILY APPRECIATION MONTH**
6. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**
7. **APPROVAL OF CONSENT AGENDA**
 - a) **APPROVAL OF MINUTES, MARCH 31, 2008**
 - b) **TETRA TECH, AMENDMENT #A-05-01, CHANGE ORDER #2, PROFESSIONAL SERVICES FOR THE SW WELLFIELD FLORIDAN WELL EXPANSION, ADDITIONAL WORK DUE TO PERMITTING DELAYS FROM SFWMD, #9530593, \$18,229 FOR A NEW CONTRACT AMOUNT OF \$570,829, AND AN INCREASE OF 180 CALENDAR DAYS FOR A NEW TOTAL OF 1,226 DAYS, FUND 444-3315-5630, UTILITY SYSTEMS**
 - c) **NATURES KEEPER, INC., CHANGE ORDER #1, IRRIGATION INSTALLATION FOR CROSSTOWN PARKWAY SEGMENT 2, PHASE II, ADDITIONAL INSTALLATIONS RESULTING FROM PLANTING CHANGES BY THE CITY, FIELD CHANGES, AND ADDITIONAL BERMS, #20080010, \$17,656.30 FOR A NEW TOTAL AMOUNT OF \$764,637.42, AND NO ADDITIONAL DAYS, FUND 314-4105-5688, PUBLIC WORKS**
 - d) **NATURES KEEPER, INC., CHANGE ORDER #1, LANDSCAPE AND IRRIGATION FOR CROSSTOWN PARKWAY SEGMENT 2, PHASE II, ADDITIONAL LANDSCAPING AND IRRIGATION RESULTING FROM PLANTING CHANGES BY THE CITY, FIELD CHANGES, AND ADDITIONAL BERM PLANTINGS AND IRRIGATION, #20070188, \$105,797.77 FOR A NEW TOTAL AMOUNT OF \$483,128.10, AND NO ADDITIONAL DAYS, FUND 314-4105-5688, PUBLIC WORKS**
 - e) **MINOR SITE PLAN, NORTH OF NW MERCANTILE PLACE IN ST. LUCIE**

WEST; THE AMENDMENT IS REQUESTED TO INCREASE THE EXISTING OFFICE AREA FROM 2,250 SQUARE FEET TO 4,080 SQUARE FEET, AND TO DECREASE THE EXISTING WAREHOUSE AREA FROM 21,830 SQUARE FEET TO 18,420 SQUARE FEET; ADDITIONAL PARKING HAS BEEN PROVIDED TO MEET THE CITY'S CODE REQUIREMENTS FOR THE PROPOSED OFFICE SPACE; THE TOTAL AREA OF THE BUILDING WILL REMAIN THE SAME AT 22,500 SQUARE FEET ACCORDING TO THE ORIGINALLY APPROVED PLAN (P05-425), P08-073, SHARON TERESA WEINBERG REVOCABLE TRUST

f) INTERLOCAL AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE, THE DISTRICT BOARD OF TRUSTEES OF THE INDIAN RIVER COMMUNITY COLLEGE, AND THE INDIAN RIVER COMMUNITY COLLEGE FOUNDATION, INC., FOR CONSTRUCTION OF AN EDUCATION FACILITY AND THE TRANSFER OF REAL PROPERTY LOCATED AT 451 SW RAVENSWOOD DRIVE, AND A **LEASE AGREEMENT** BETWEEN THE DISTRICT BOARD OF TRUSTEES OF THE INDIAN RIVER COMMUNITY COLLEGE AND THE CITY OF PORT ST. LUCIE, STATING THAT THE COLLEGE WILL HAVE THE CLASSROOM BUILDING AVAILABLE FOR ITS USE IN EXCHANGE FOR THE TRANSFER OF THE PROPERTY, BUT WILL BE RESPONSIBLE FOR THE OPERATIONAL COSTS OF THE FACILITY; THE CITY WILL BE THE OWNER OF THE CLASSROOM BUILDING AND WILL MAINTAIN OWNERSHIP IF THE COLLEGE SHOULD CHOOSE NOT TO UTILIZE THE SITE, ASSISTANT CITY MANAGER BENTROTT

g) DEAN EVANS AND ASSOCIATES, INC., PIGGYBACK MARTIN COUNTY CONTRACT TO PURCHASE AN EVENT MANAGEMENT SOFTWARE PACKAGE FOR THE CIVIC CENTER, ENABLING PARKS AND RECREATION TO COORDINATE ALL ACTIVITIES, MEETINGS, AND EVENTS FROM THE INITIAL CONTACT WITH THE CUSTOMER TO THE FINAL SETTLEMENT OF THEIR BILL, #20070031, \$14,915, FUND 377-5210-5642, PARKS & RECREATION

h) BANNER ATTACHMENT AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND TRADITION COMMUNITY ASSOCIATION, INC., FOR THE ATTACHMENT OF CERTAIN TYPES OF BANNERS ON STREET LIGHT POLES OWNED BY THE CITY BUT LOCATED SOLELY WITHIN THE TRADITION PROPERTIES, CITY MANAGER

i) MAJOR SITE PLAN, LOCATED ON PORT ST. LUCIE BOULEVARD BETWEEN DARWIN BOULEVARD AND TUNIS AVENUE, CONSTRUCTION OF A NEW 54,817 SQ FT PUBLIX BUILDING AND A 6,750 SQ FT RETAIL SPACE ADJACENT TO THIS BUILDING ON LOT E; A SPECIAL EXCEPTION USE HAS BEEN APPLIED CONCURRENTLY FOR A DRIVE-THRU PHARMACY FOR THE PROPOSED PUBLIX BUILDING (P08-052) AND WAS APPROVED BY THE CITY COUNCIL ON APRIL 28, 2008, P07-013, PRISA DARWIN SQUARE, LLC

j) TERMINATION OF RESTRICTIVE COVENANTS, LOTS 1 AND 2, BLOCK 57, SOUTH PORT ST. LUCIE UNIT FIVE, TRC #274, CITY IS OWED \$4,954.58, CLAESGENS

k) MELVIN BUSH CONSTRUCTION, INC., CHANGE ORDER #2, AMENDMENT IV, CITYWIDE CULVERT REPLACEMENTS AND SIDEWALK CONSTRUCTION, UNDERGROUND DRAINAGE CONSTRUCTION SERVICES, CROSSTOWN PARKWAY, SEGMENT #2, MODIFICATION OF AN OVERRUN OF PLAN QUANTITIES AND EXTRA WORK, REDUCTION IN PAY QUANTITIES FOR INLETS AND AN INCREASE TO

MODIFY DRAINAGE STRUCTURES, #20070008, \$36,928.45 FOR A NEW CONTRACT AMOUNT OF \$2,166,082.80, AND NO ADDITIONAL DAYS, FUND 314-4105-5688, ENGINEERING

8. SECOND READING, PUBLIC HEARING OF ORDINANCES

a) ORDINANCE 08-26, ANNEXING A PORTION OF ST. LUCIE COUNTY, FLORIDA, LEGALLY DESCRIBED AS BEING A PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 36 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA; FOR A PROJECT KNOWN AS FLORIDA POWER AND LIGHT (P08-021); PROVIDING FOR CONDITIONS OF ANNEXATION; AND PROVIDING FOR AN EFFECTIVE DATE

b) ORDINANCE 08-34, AMENDING SECTION 61.11 OF THE PORT ST. LUCIE CITY CODE; PROVIDING FOR WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; PROVIDING AN EFFECTIVE DATE

c) ORDINANCE 08-35, AMENDING SECTION 61.07 OF THE PORT ST. LUCIE CITY CODE; CUSTOMER DEPOSITS; ADDING SECTION 61.25; HYDRANT METER PERMITS; PROVIDING AN EFFECTIVE DATE

d) ORDINANCE 08-38, GRANTING TO TRADITION IRRIGATION COMPANY, LLC, A NON-EXCLUSIVE FRANCHISE TO PROVIDE IRRIGATION QUALITY WATER IN THE DEVELOPMENT KNOWN AS SOUTHERN GROVE; PROVIDING FOR MINIMAL INTERFERENCE WITH CITY ROADS AND FACILITIES; PROVIDING FOR LIMITATION OF LIABILITY AND INDEMNIFICATION OF CITY; PROVIDING FOR RELOCATION OF FACILITIES; APPROVING THE IRRIGATION FRANCHISE AGREEMENT; PROVIDING FOR ESTABLISHMENT OF RATES BY GRANTEE; PROVIDING AN EFFECTIVE DATE

9. OTHER PUBLIC HEARINGS

10. FIRST READING OF ORDINANCES

a) ORDINANCE 08-37, PROVIDING FOR THE AMENDMENT OF SECTION 155, PORT ST. LUCIE CITY CODE; PROVIDING FOR THE PERMITTING REQUIREMENTS FOR GARAGE SALE AND RESIDENTIAL TRANSITORY SIGNAGE; PROVIDING AN EFFECTIVE DATE

b) ORDINANCE 08-40, AMENDING VARIOUS SECTIONS OF PORT ST. LUCIE CITY CODE 150, "BUILDING REGULATIONS," TO PROVIDE A NEW SCHEDULE OF FEES RELATING TO SINGLE-FAMILY RESIDENCES, COMMERCIAL BUILDING AND MISCELLANEOUS TYPE PERMITS; PROVIDING AN EFFECTIVE DATE

c) ORDINANCE 08-41, AMENDING SECTION 158.217(F); PROVIDING FOR THE AUTHORIZATION OF ONE ON-SITE EMPLOYEE FOR PERSONS HOLDING A HOME OCCUPATIONAL LICENSE; PROVIDING AN EFFECTIVE DATE

d) ORDINANCE 08-42, AMENDING CHAPTER 100, LOCAL HOUSING ASSISTANCE, PORT ST. LUCIE CITY CODE; PROVIDING AN EFFECTIVE DATE

11. RESOLUTIONS

a) **RESOLUTION 08-R30, A PUBLIC HEARING,** GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(14) TO ALLOW A DRIVE-THROUGH IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR DEAD RIVER RIVERGATE, LLC, ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT "D" SOUTH PORT ST. LUCIE UNIT FIVE, P08-043; PROVIDING AN EFFECTIVE DATE

b) **RESOLUTION 08-R31, A PUBLIC HEARING,** GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(14) TO ALLOW A DRIVE-THROUGH BANK IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR DEAD RIVER RIVERGATE, LLC, ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT "D" SOUTH PORT ST. LUCIE UNIT FIVE, P08-044; PROVIDING AN EFFECTIVE DATE

c) **RESOLUTION 08-R32, A PUBLIC HEARING,** GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(14) TO ALLOW A DRIVE-THROUGH IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR DEAD RIVER RIVERGATE, LLC, ON PROPERTY DESCRIBED AS A PORTION OF TRACT "D" SOUTH PORT ST. LUCIE UNIT FIVE, P08-045; PROVIDING AN EFFECTIVE DATE

d) **RESOLUTION 08-R35,** APPROVING AND ACCEPTING SOUTHERN GROVE PLAT NO. 6 WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF HORIZON ST. LUCIE DEVELOPMENT, LLC; MARTIN MEMORIAL ACQUISITION, LLC; AND ST. LUCIE HOSPITALITY AT TRADITION, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE, P07-386

e) **RESOLUTION 08-R38,** ACCEPTING THE PRELIMINARY AND FINAL PLAT OF TRADITION PLAT NO. 23, WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF ARCADIS G & M, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE, P05-258

f) **RESOLUTION 08-R40,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA AMENDING AND RESTATING RESOLUTION 05-R40 OF THE CITY COUNCIL OF THE CITY OF PORT ST LUCIE, FLORIDA, ADOPTED ON JUNE 13, 2005 AND ENTITLED: "A RESOLUTION SUPPLEMENTING ORDINANCE 05-84 OF THE CITY OF PORT ST. LUCIE, FLORIDA , ENACTED ON MAY 23, 2005; AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; PROVIDING FOR THE SALE AND ISSUANCE OF NOT EXCEEDING \$110,000,000 UTILITY SYSTEM REVENUE BONDS, SERIES 2005, TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF THE BONDS FROM CERTAIN PLEDGED REVENUES; MAKING CERTAIN COVENANTS AND AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING THE CITY MANAGER TO DETERMINE THE DATE OF THE SALE AND THE DETAILS OF THE SERIES 2005 BONDS, AND TO EXECUTE A BOND PURCHASE AGREEMENT; AUTHORIZING THE OFFICERS AND

OFFICIALS OF THE CITY TO EXECUTE AND DELIVER THE SERIES 2005 BONDS AND SUCH AGREEMENTS AND CERTIFICATES AS ARE NECESSARY AND DESIRABLE IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF THE SERIES 2005 BONDS; RATIFYING THE ENTRY INTO AN INTEREST RATE SWAP TRANSACTION FOR DEBT MANAGEMENT PURPOSES IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2005 BONDS; AND PROVIDING AN EFFECTIVE DATE" TO PROVIDE FOR ADDITIONAL VARIABLE RATE INTEREST MODES; PROVIDING FOR CONVERSION OF SUCH SERIES 2005 BONDS TO A DIFFERENT MODE UPON CERTAIN CONDITIONS; PROVIDING FOR THE REMARKETING OF THE SERIES 2005 BOND UPON CONVERSION; PROVIDING FOR THE REDEMPTION OF A PORTION OF THE SERIES 2005 BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REMARKETING AGREEMENT; APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A REMARKETING CIRCULAR; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE ENTRY INTO A 2008 INTEREST RATE SWAP TRANSACTION IN CONNECTION WITH THE REMARKETING AND CONVERSION OF THE SERIES 2005 BONDS; AUTHORIZING SUCH OFFICERS AND OFFICIALS OF THE CITY TO EXECUTE AND DELIVER SUCH DOCUMENTS AND CERTIFICATES AS ARE NECESSARY AND DESIRABLE IN CONNECTION WITH THE CONVERSION AND REMARKETING OF THE SERIES 2005 BONDS; AND PROVIDING AN EFFECTIVE DATE

g) RESOLUTION 08-R41, APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL PLAT OF TRADITION PLAT NO. 58, WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF TRADITION DEVELOPMENT COMPANY, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE, P07-296

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a) NATURES KEEPER, INC., CROSSTOWN PARKWAY SEGMENT #4, LANDSCAPE AND IRRIGATION, #20080081, \$1,011,600.82, CONTRACT WORK WILL BE COMPLETED WITHIN 500 DAYS, TERMINATING ON 10/1/09, FUND 314-4105-5688, PUBLIC WORKS

b) CAPTEC ENGINEERING, INC., CHANGE ORDER #2, BECKER ROAD WIDENING FROM I-95 TO THE FLORIDA TURNPIKE, REDESIGN OF THE BECKER ROAD CORRIDOR, #20060008, \$636,000 FOR A TOTAL CONSULTANT FEE OF \$2,501,000, WORK WILL COMMENCE 4/28/08 AND TERMINATE 1/23/09, FUND 360-4105-5310, ENGINEERING

c) SIGNAL GROUP, INC., AMENDMENT #1, TRAFFIC SIGNAL MAINTENANCE AND MASTER CONSTRUCTION, TRAFFIC AND PEDESTRIAN SIGNALS AND DECORATIVE PEDESTRIAN LIGHTING ON SEGMENT 4 OF THE CROSSTOWN PARKWAY; CONSTRUCTION TO COMMENCE IN MAY 2008 AND BE COMPLETED IN 480 CALENDAR DAYS, #20070161, \$2,030,964.60, FUND 314-4105-5645/5688, ENGINEERING

d) JOHNSON BROS., LLC, IS REQUESTING AUTHORIZATION TO WORK 12 HOURS A DAY, FROM SUN-UP TO SUNDOWN, 7 DAYS A WEEK FOR APPROXIMATELY 10 WEEKS, EXCAVATING AND HAULING MATERIAL OUT OF THE

E-8 POND LOCATED IN PORT ST. LUCIE SECTION 35; THE EXCAVATION IS INCLUDED IN THE CROSSTOWN PARKWAY SEGMENT 5 CONSTRUCTION CONTRACT, AND FILL FROM THAT POND IS TO BE USED AS EMBANKMENT WITHIN SEGMENT 5; THE MAIN ISSUE IS TO COMPLETE THE DEWATERING OF THE POND WITHIN THE 90-DAY SFWMD PERMIT SCHEDULE WINDOW, PRIOR TO THE RAINY SEASON, ENGINEERING

e) 1. **PROPOSED CONTRACT FOR SALE AND PURCHASE**, LOT 1, BLOCK 2326, PORT ST. LUCIE SECTION THIRTY-THREE, 614 SW BECKER ROAD, PARCEL #156, \$60,500, PROPERTY NEEDED FOR THE BECKER ROAD WIDENING PROJECT, SOUZA

2. **REQUEST FOR DISCUSSION** CONCERNING DIRECTION REGARDING VOLUNTARY PROPERTY ACQUISITION ALONG BECKER ROAD (SEE PAGE 2 OF MEMORANDUM), LEGAL

f) **UNDERWATER ENGINEERING SERVICES, INC.**, AMENDMENT #1, WATERWAY STORMWATER SYSTEM REPAIRS PROJECT, E3C/OAK HAMMOCK K-8 SCHOOL STORMWATER SYSTEM REPAIRS PROJECT #801.5, FUNDING IS UNDER THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) PROJECT AGREEMENT; #20080071, \$202,519.50 PLUS BONDING FEE AND \$10 INDEMNIFICATION FEE, FUND 401-2500-5340, PUBLIC WORKS

14. **ADJOURN**

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

NOTICE: Public and Press are invited to review all the backup for Council Meetings. Copies are available on Thursday, Friday, and Monday before any Council Meeting in the City Clerk's Office in City Hall. On Meeting nights a copy of backup material is in the Reception Area for further review during the meeting. PLEASE LEAVE THE AGENDA BACKUP MATERIAL IN GOOD ORDER FOR OTHERS TO REVIEW.

NOTICE: Anyone wishing to speak during Public to be Heard or the First Reading of Ordinances is required to sign on the sheet supplied by the City Clerk in the front of the Chambers (at the lectern).

AS A COURTESY TO THE PEOPLE RECORDING THE MEETING, PLEASE TURN OFF ALL CELL PHONES, PAGERS AND BEEPERS