

NOTICE

There will be a **Regular Meeting of the CITY COUNCIL** of the City of Port St. Lucie on November 23, 2009, beginning 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**
6. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**
7. **APPROVAL OF CONSENT AGENDA**

a) **APPROVAL OF MINUTES, OCTOBER 19, 2009**

b) **MAJOR SITE PLAN, NORTHEAST CORNER OF PORT ST. LUCIE BOULEVARD AND VETERANS MEMORIAL PARKWAY, REFURBISH THE EXISTING RIVERGATE PLAZA INCLUDING REBUILDING THE PUBLIX SUPERMARKET, ADDING A PORTION TO THE EXISTING RETAIL LOCATIONS, UPGRADING/REPLACING THE FAÇADE FOR THE ENTIRE DEVELOPMENT TO BE CONSISTENT WITH THE CITY'S CITYWIDE DESIGN STANDARDS, AND THE ADDITION OF A FREE-STANDING BANK AND FAST-FOOD RESTAURANT, P08-086, DEAD RIVER RIVERGATE, LLC**

c) **CONTRACTORS' EXAMINING BOARD, REMOVAL OF MEMBER KEVIN GREENE DUE TO FOUR UNEXCUSED ABSENCES, BUILDING DEPARTMENT**

d) **WAIVER OF BID PER SECTION 35.04 (C), FOR GOOD CAUSE SHOWN, TO ENTER INTO A CONTINUAL CONTRACT WITH MASUEN CONSULTING, LLC, TO PROVIDE SETUPS, MONITORING AND RELATED SERVICES FOR THE CITY'S MAXICOM CENTRAL CONTROL SYSTEM, #20100001, \$50,000 FUND 401/104-4127-5340, PUBLIC WORKS**

e) **SERVICE KING, INC., AMENDMENT #17, ADD JANITORIAL SERVICES FOR THE CONSTRUCTION DIVISION LOCATED AT 2258 SE BELVEDERE STREET, #20010017, INCREASE CURRENT CONTRACT BY \$1,885, CONTRACT EXPIRES 9/30/11, FUND 307/7203/5340, ASSISTANT CITY MANAGER BENTROTT**

f) **WAIVER OF BID PER SECTION 35.03 (E), EXTENSION OF CURRENT CONTRACT, A ULTIMATE HOME INSPECTION, #20040072, AMENDMENT #1, INSPECTION AND COORDINATION ACTIVITIES FOR REPAIR/REHABILITATION HOUSING PROGRAMS, EXTENSION OF CONTRACT PERIOD WILL BE 4/11/2010**

THROUGH 4/10/2013 WITH AN OPTION OF ONE (1) ADDITIONAL THIRTY-SIX MONTH RENEWAL PERIOD, \$55,000, FUND 119/116/118-5500/5900-5491/5494, COMMUNITY SERVICES

g) COCA-COLA ENTERPRISES, INC. D/B/A FLORIDA COCA-COLA BOTTLING COMPANY, AMENDMENT #1, TO INCORPORATE VENDING SERVICES AT THE CIVIC CENTER, #20080093, THE CIVIC CENTER WILL RECEIVE A COMMISSION AND OTHER CONSIDERATIONS FOR EACH CASE OF DRINKS SOLD IN THE VENDING MACHINES AND A REBATE FOR MOST ITEMS SOLD FROM THE GYM COOLER; CONTRACT PERIOD IS 12/1/09 THROUGH 9/30/10, WITH THE POSSIBILITY OF FOUR ONE-YEAR RENEWALS, PARKS & RECREATION

h) REQUEST FOR UNITY OF TITLE BY RONALD L. AND MARY ANN PLATT, TRS, FOR LOTS 17 THROUGH 20, BLOCK 766, PORT ST. LUCIE SECTION EIGHTEEN, SO THAT THE LAND USE AND ZONING FOR THE PARCELS COULD BE CHANGED FOR FUTURE DEVELOPMENT, LEGAL DEPARTMENT

i) FY 2010 BYRNE JUSTICE ASSISTANCE GRANT (JAG), ACCEPT AWARD TOTALING \$71,365 UNDER THE PROJECT TITLE "IMPROVING LOCAL LAW ENFORCEMENT TECHNOLOGY." THE PURPOSE IS TO PURCHASE EQUIPMENT AND SOFTWARE; THERE IS NO MATCHING GRANT REQUIREMENT, POLICE DEPARTMENT

j) ARCADIS RMA, INC., AMENDMENT #54, REQUIRED TASKS FOR THE RENEWAL OF THE INJECTION WELL OPERATING PERMIT AT THE JAMES E. ANDERSON WATER TREATMENT FACILITY, #98-02467, \$20,000 (INCLUDING A \$10,000 FDEP APPLICATION FEE); CONTRACT PERIOD IS 120 CALENDAR DAYS, FUND 431-3312-5310, UTILITY SYSTEMS

8. SECOND READING, PUBLIC HEARING OF ORDINANCES

a) ORDINANCE 09-87, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR VERANO DEVELOPMENT (P09-082), TO CHANGE THE FUTURE LAND USE DESIGNATION RGC (RESIDENTIAL GOLF COURSE) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS VERANO PLAT 1, COMMERCIAL TRACT, LOCATED SOUTH OF COMMERCE CENTER DRIVE, WEST OF INTERSTATE 95; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

b) ORDINANCE 09-88, PROVIDING FOR THE THIRD AMENDMENT OF THE PLANNED UNIT DEVELOPMENT DOCUMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR PINE TRACE PUD, P09-091, LOCATED ON ST. JAMES DRIVE, BETWEEN ST. JAMES BOULEVARD AND MANVILLE DRIVE; PROVIDING AN EFFECTIVE DATE

c) ORDINANCE 09-89, AUTHORIZING THE CONVEYANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF PORT ST. LUCIE TO DJG DEVELOPERS, LLC; PROVIDING AN EFFECTIVE DATE

d) ORDINANCE 09-90, AUTHORIZING THE CONVEYANCE OF AN EASEMENT FROM THE CITY OF PORT ST. LUCIE TO DJG DEVELOPERS, LLC; PROVIDING

AN EFFECTIVE DATE

e) **ORDINANCE 09-83**, TO REZONE 20 ACRES OF PROPERTY LOCATED BETWEEN COMMERCE CENTER DRIVE AND INTERSTATE 95, NORTH OF THE CROSSTOWN PARKWAY INTERCHANGE, FROM AG-2.5 (AGRICULTURE 2.5) TO PUD (PLANNED UNIT DEVELOPMENT), AND AMEND THE PLANNED UNIT DEVELOPMENT DOCUMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR A PROJECT KNOWN AS VERANO PUD 1 AMENDMENT NO. 5 (P09-049), LOCATED IN A PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

9. **OTHER PUBLIC HEARINGS**

a) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #169**, SW RANCH AVENUE

b) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #170**, SW STARMAN AVENUE

c) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #175**, SE ERWIN ROAD

d) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #184**, NW DENSAW TERRACE

e) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #185**, SW FRANKLIN STREET

f) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #186**, SW KOBER ROAD

g) **PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #189**, NW CULLOM CIRCLE/COURT

10. **FIRST READING OF ORDINANCES**

a) **ORDINANCE 09-85, A PUBLIC HEARING**, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE BY AMENDING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AND ASSOCIATED TEXTS AND TABLES IN THE CAPITAL IMPROVEMENTS ELEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

b) **ORDINANCE 09-91**, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA; AMENDING SECTIONS 156.059(A)(1) AND 156.147 REGARDING PERFORMANCE BONDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISION PLATS; PROVIDING AN EFFECTIVE DATE

c) **ORDINANCE 09-92**, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING SECTION 158.135 (B), TO ALLOW RETAIL AS A PERMITTED USE WITHIN THE WAREHOUSE INDUSTRIAL

ZONING DISTRICT (WI), 158.135 (B) (1) (o); PROVIDING AN EFFECTIVE DATE

d) ORDINANCE 09-93, A PUBLIC HEARING, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST LUCIE TO INCLUDE A LARGE SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR A PROJECT KNOWN AS THE CITY OF PORT ST. LUCIE CITY-OWNED CONSERVATION LAND (P09-098) TO CHANGE THE FUTURE LAND USE DESIGNATIONS ON TWO CITY-OWNED PARCELS FROM OSR (OPEN SPACE RECREATION) AND U (UTILITY) RESULTING IN APPROXIMATELY 110.85 ACRES OF OSC (OPEN SPACE CONSERVATION) AND 18.99 ACRES OF OSR (OPEN SPACE RECREATION) FOR PARCELS LEGALLY DESCRIBED IN EXHIBITS A AND B AND GENERALLY LOCATED NORTH OF THE C-24 CANAL, EAST OF GLADES CUT-OFF ROAD, AND SOUTH OF MIDWAY ROAD; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

e) ORDINANCE 09-94, TO REZONE CITY-OWNED PROPERTY LOCATED ALONG GULFPORT TERRACE AND OGDEN LANE SURROUNDING THE PRINEVILLE-OGDEN WATER PLANT FROM RS-2 (SINGLE-FAMILY RESIDENTIAL) ZONING TO I (INSTITUTIONAL) ZONING FOR A PROJECT KNOWN AS CITY OF PORT ST. LUCIE PRINEVILLE-OGDEN WATER PLANT (P09-130); PROVIDING FOR AN EFFECTIVE DATE

f) ORDINANCE 09-95, TO REZONE 1.15 ACRES OF PROPERTY, LOCATED ON THE SOUTH SIDE OF PORT ST. LUCIE BOULEVARD NORTH OF ESSEX DRIVE AND EAST OF CARY STREET FROM P (PROFESSIONAL) TO LMD (LIMITED MIXED USE DISTRICT) FOR A PROJECT KNOWN AS RONALD AND MARY ANN PLATT (P09-121); PROVIDING FOR AN EFFECTIVE DATE

g) ORDINANCE 09-96, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND THE BOYS AND GIRLS CLUB OF ST. LUCIE COUNTY, INC.; PROVIDING AN EFFECTIVE DATE

11. RESOLUTIONS

a) RESOLUTION 09-R140, A PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(10) TO ALLOW AUTOMOBILE SALES IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR GBS, LLC, FOR PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT F, PORT ST. LUCIE SECTION 9, P09-119; PROVIDING AN EFFECTIVE DATE

b) RESOLUTION 09-R143, APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL PLAT FOR FOUNDERS CROSSING PUD MASTER PLAT 1st REPLAT WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA; ON THE REQUEST OF KENCO COMMUNITIES AT PORT ST. LUCIE, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a) **DISCUSSION CONCERNING CHANGES TO ORDINANCE** AS REQUESTED BY THE PUBLIC ART ADVISORY BOARD, MAYOR CHRISTENSEN

b) **SITE PLAN AMENDMENT**, NORTHWEST CORNER OF PRIMA VISTA BOULEVARD AND IRVING STREET, THE CHURCH WANTS TO EXPAND THE PLAYGROUND AND FENCE FOR THE EXISTING DAYCARE CENTER (CHRISTIAN ACADEMY) AND TO CONSTRUCT A FIVE-FOOT CONCRETE WALK (BIKE PATH) SURROUNDING THE PLAYGROUND. THE SITE PLAN REVIEW COMMITTEE INFORMED THE APPLICANT ABOUT THE REQUIREMENT FOR A SIDEWALK ALONG IRVING STREET TO MEET THE EXISTING SIDEWALK ON PRIMA VISTA BOULEVARD. THE CHURCH DID NOT AGREE WITH THIS REGULATION, AND THE SPRC RECOMMENDED DENIAL OF THE PROJECT, P09-114, ST. ANDREW LUTHERAN CHURCH

c) **AZTECA SYSTEMS, INC.**, CITYWORKS SOFTWARE LICENSE, UPDATE AND SUPPORT SERVICES FOR COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM (CMMS) PROJECT, 20080013, \$180,000 BILLED ANNUALLY AT \$60,000 PER YEAR FOR THE NEXT THREE (3) YEARS, FUND 438-1360-5630, UTILITY SYSTEMS

d) **FELIX ASSOCIATES, LLC**, AMENDMENT #3, CHANGE ORDER #4, VILLAGE PARKWAY PHASE II CONSTRUCTION PROJECT, #20070142, REPLACEMENT OF 30,000 CUBIC YARDS OF HYDROSEEDING WITH BAHIA SOD, INSTALLATION OF ADDITIONAL CONDUIT AND WIRING FOR THE RELOCATION OF TWO LOAD CENTERS, AND MINOR PROVISIONS TO THE IRRIGATION AND LANDSCAPING, \$140,011.95 FOR A NEW CONTRACT AMOUNT OF \$34,984,249.13, AND NO ADDITIONAL CALENDAR DAYS, FUND 315-4105-VARIOUS, ENGINEERING

e) **MELVIN BUSH CONSTRUCTION**, AMENDMENT XIII, CHANGE ORDER #1, CITYWIDE CULVERT REPLACEMENTS & SIDEWALK CONSTRUCTION, #20070008, DRAINAGE REPAIRS FOR ARDSLEY DRIVE NEIGHBORHOOD PROJECT, THERE IS NO CHANGE IN THE CONTRACT PRICE OF \$165,156, BUT AN ADDITIONAL 90 DAYS IS REQUESTED, RESULTING IN A NEW CONTRACT TIME OF 180 DAYS, FUND 118-5902-5340, PUBLIC WORKS

f) **CONCEPTUAL APPROVAL OF A GRANT AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND WYNDCREST DD FLORIDA, INC.**, CONTINGENT UPON OBLIGATIONS, CITY MANAGER

g) **CONCEPTUAL APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND WYNDCREST DD FLORIDA, INC.**, CONTINGENT UPON OBLIGATIONS, CITY MANAGER

h) **DISCUSSION REQUESTING THE CITY'S SUPPORT FOR A CONCEPT OF A DISTRICTWIDE PUBLIC CONSERVATION FUND**, SUPPORTED BY FEDERAL GRANTS AND IN CONJUNCTION WITH ST. LUCIE COUNTY, CITY OF FORT PIERCE, AND ST. LUCIE COUNTY FIRE DISTRICT, VICE MAYOR KELLY

14. COUNCIL COMMENTS AND COMMITTEE REPORTS

15. 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 material 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