

**NOTICE**

The City Council of the City of Port St. Lucie will hold a Workshop Meeting on April 18, 2016, starting at 11:00 a.m., at the PORT ST. LUCIE COMMUNITY CENTER, ROOM A, 2195 SE Airoso Boulevard, Port St. Lucie, Florida.

**AGENDA**

1. **MEETING CALLED TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC TO BE HEARD**
5. **PROPOSED ½ CENT SALES TAX – HOWARD TIPTON, ST. LUCIE COUNTY ADMINISTRATOR**
6. **CITYWIDE INTERNSHIP PROGRAM – FUNDING GUIDELINES - HUMAN RESOURCES**
7. **UPDATE ON UNIMPROVED LOT NUISANCE ABATEMENT PROGRAM – CHAPTER 43 OF THE CITY’S CODE OF ORDINANCES – CITY ATTORNEY’S OFFICE**
8. **COMPENSATION & CLASSIFICATION STUDY - EVERGREEN SOLUTIONS**
9. **PARKS & RECREATION FACILITY NEEDS AND REQUESTS – PARKS & RECREATION**
10. **THOMAS J. WHITE, SR. – COUNCILWOMAN BERGER**
11. **CHARTER REVIEW – COUNCILWOMAN BERGER**
12. **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

St. Lucie County  
**Bridging the Gap**

Board of County Commissioners

Tuesday, April 19, 2016

# American Society of Civil Engineers Scorecards

- National Infrastructure Challenges (2013)
  - D+ over 16 sectors
  - \$3.6 trillion needed by 2020
- Florida Infrastructure Challenges (2012)
  - C- over 11 sectors
  - \$36 billion needed in water/waste water upgrades by 2032

*“According to the Federal Reserve Bank of St. Louis, overall government spending on US Public infrastructure has fallen to a 20-year low of 1.7% of GDP”*

Testimony of Jay Dhru, Senior Managing Director, Standard & Poors Rating Service, before the US Senate Committee on Finance (2014)

# Florida TaxWatch 2016 Report: How Florida Compares

- Florida ranks 49<sup>th</sup> in per capita state revenue collections, lowest ranking since TaxWatch has been monitoring

*“Florida’s local governments (tax) rankings are generally much higher than the state government rankings due to the fact that Florida relies more heavily on local governments to fund public services than almost all other states.”*

# Why Are We Here Today?

During the 2015/2016 budget cycle, the County's Citizen Budget Committee made a recommendation to the BOCC to explore a possible sales tax initiative to address the shortfall in infrastructure funding. The Board accepted this recommendation and directed staff to evaluate.

And, we're not alone....

- Florida Counties & Cities around the state are looking at the sales tax option
- Broward County has placed a 1-cent sales tax on the ballot
- Palm Beach has placed a 1-cent sales tax on the ballot
- Marion County voters have already approved an increase
- Alachua, Manatee, Sarasota and Bay Counties are exploring the option

# Problem Statement

- The County has experienced a 22.4% decline in Ad Valorem revenue since FY 2007, attributable to the recession of 2008
- Since 2008 the County has steadily reduced and in some cases eliminated planned capital investment as a result of the decline revenues
- St. Lucie County's Population is anticipated to increase by 70,902 by 2025
- There is a backlog of approximately \$600 million of capital needs throughout the County

# The Challenges

- Current revenues put County roads on 75-year repaving schedule
- Many needed road and sidewalk projects have little prospect of completion in the 2040 LRTP timeframe
- Public Safety – Sheriff vehicle/equipment replacement, 911 infrastructure upgrades/800 MHz radio system
- Water quality in the rivers, canals, St. Lucie River and the Indian River Lagoon is at crisis level
- Neighborhood storm water and drainage retrofits are grossly underfunded

# Challenges

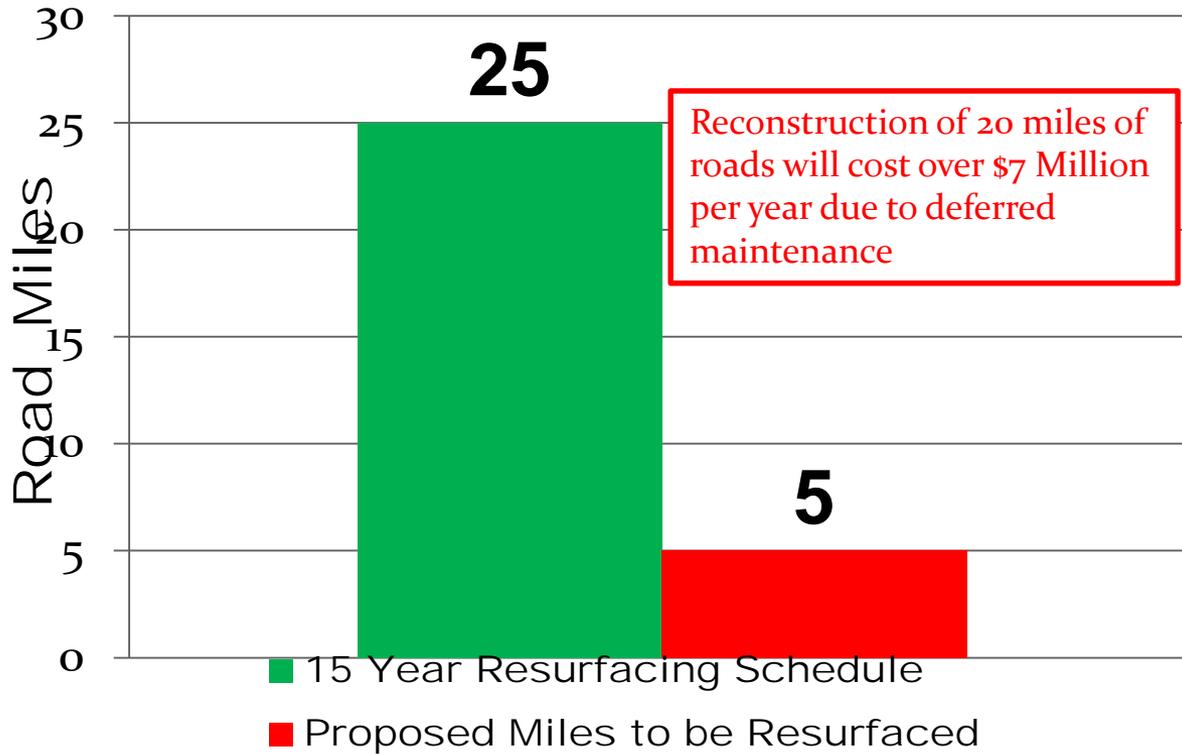
- 2040 LRTP cost feasible project list is very short....
- 5 Projects consume 72% of projected funds 2021-2040
  - Kings Highway
  - Port St Lucie Boulevard
  - Midway Road
  - US 1 Retrofit
  - Jenkins Road
- For water quality, focus on the basin we control
  - C-23, C-24
  - Accelerate the Indian River Lagoon South project
  - Improve St. Lucie River water quality
  - 10-mile creek
  - Moore's Creek

# County Priority Roads/Infrastructure Projects

<b>PROJECT/DESCRIPTION</b>	<b>TOTAL COST</b>	<b>CURRENT FUNDING</b>	<b>UNFUNDED AMOUNT</b>
<b>Roadway Widening Projects</b>			
Kings Hwy & Indrio Rd. Intersection	17,425,625	8,470,224	8,955,401
Midway Road (Selvitz to Glades Cutoff)	27,550,000	3,500,000	24,050,000
Jenkins Road (Midway to St. Lucie Blvd)	123,600,000	-	123,600,000
Airport Connector (Turnpike to Kings)	16,800,000	-	16,800,000
Glades Cutoff Road (Commerce to Selvitz)	73,100,000	-	73,100,000
Selvitz Road (Glades Cutoff to Edwards)	9,300,000	-	9,300,000
<b>Total Roadway widening Projects</b>	<b>267,775,625</b>	<b>11,970,224</b>	<b>255,805,401</b>

# Major Service Level Impacts

## ROAD AND BRIDGE 75 Year Road Maintenance Cycle



# County Priority Water Quality/Stormwater Projects

PROJECT/DESCRIPTION	TOTAL COST	CURRENT FUNDING	UNFUNDED AMOUNT
Stormwater/Neighborhood Drainage			
San Lucie Drainage Improv-Phase II	2,124,915	24,915	2,100,000
Harmony Heights Phase I-B	2,631,969	56,969	2,575,000
Paradise Park Phase 4 (FINAL PHASE)	2,400,000	200,000	2,200,000
Melville Rd Stormwater Master Plan	1,364,242	114,242	1,250,000
<b>St Lucie Estuary/Indian River Lagoon Natural Storage Initiative - TMDL</b>	9,500,000		9,500,000
San Lucie Stormwater Master Plan Land Acquisition	556,865	281,865	275,000
<b>Wet Detention Pond Retrofit Program - TMDL</b>	2,500,000		2,500,000
Harmony Heights Drainage Impvmts (Ph 2-5)	7,000,000	-	7,000,000
Melville Rd (Ph 1-5 Design and Construction)	11,000,000		11,000,000
San Lucie Ph1,3,4,5 (Design and Construction)	7,000,000		7,000,000
Sunland Gardens Neighborhood Improvement Project	25,000,000		25,000,000
White City - Canals F and G	11,000,000		11,000,000
<b>Total Stormwater Neighborhood Drainage</b>	<b>82,077,991</b>	<b>677,991</b>	<b>81,400,000</b>

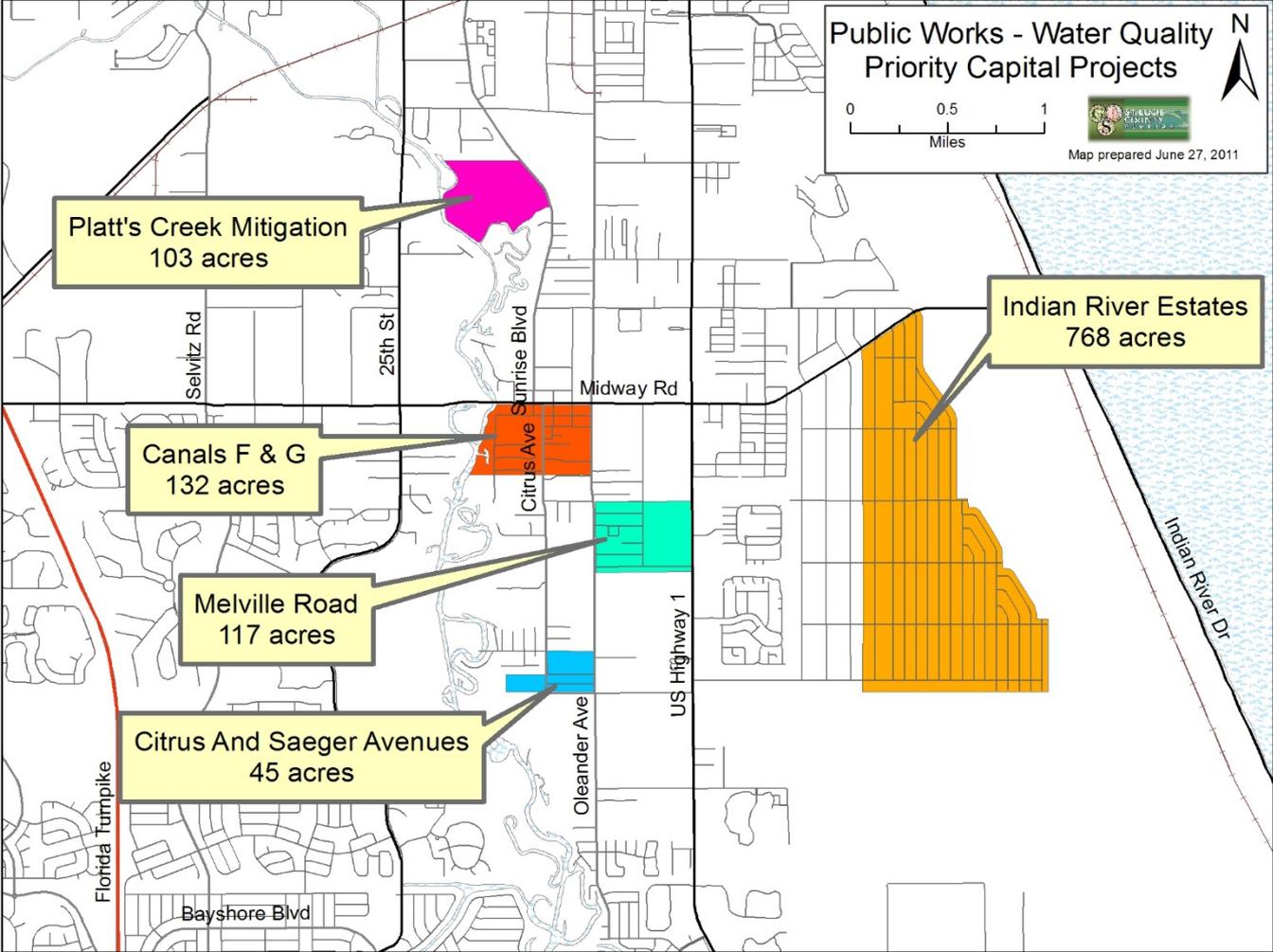
# County-wide Septic to Sewer Upgrade/Replacements

- High densities of on-site septic tanks are adjacent to the St. Lucie River and Indian River Lagoon – an estimated 3,500 properties
- Data indicates that groundwater seepage and nutrient loading are factors producing stress in these in vital natural gems
- Estimated cost to convert 3,500 septic tanks to sewer is \$40,000,000 - \$50,000,000

# County Priority Projects



# Water Quality/Stormwater



# Opportunities

- If we agree that the projects are needed and there is a funding gap
- Do we begin to address the needs today before 160,000 new residents move here by 2040?
- How do we bridge the gap?

# What Are Our Options?

- Cut services
- Shift resources
- Increase taxes
- Reduce reserves (further)
- Do nothing
- New revenue source

# Florida Counties with Infrastructure Sales Tax

County	Amount	Enacted	Date
Charlotte	0.01	1/1/2015	12/31/2020
Clay	0.01	2/1/2005	12/31/2019
Escambia	0.01	1/1/2018	12/31/2028
Glades	0.01	2/1/2007	12/31/2021
Highlands	0.01	1/1/2019	12/31/2033
Indian River	0.01	6/1/2004	12/31/2019
Lake	0.01	1/1/2018	12/31/2032
Leon	0.01	12/1/2020	12/31/2039
Monroe	0.01	1/1/2019	12/31/2033
Osceola	0.01	9/1/2005	8/31/2025
Pasco	0.01	1/1/2015	12/31/2024

# Florida Counties with Infrastructure Sales Tax

<b>County</b>	<b>Amount</b>	<b>Enacted</b>	<b>Date</b>
Pinellas	0.01	2/1/1990	12/31/2019
Putnam	0.01	1/1/2018	12/31/2032
Sarasota	0.01	9/1/200	12/31/2024
Seminole	0.01	1/1/2015	12/31/2024
Wakulla	0.01	1/1/2003	12/31/2017
Duval	0.005	1/1/1989	Until Repealed
Duval	0.005	1/1/2001	12/31/2030
Hillsborough	0.005	12/1/1996	11/30/2026
Miami-Dade	0.005	1/1/1989	Until Repealed

# Local Government Infrastructure Surtax

- Referendum: Two Methods
  - Enacted by a majority of County Commission and approved by voters via referendum.
  - Municipalities representing a majority of the county's population may initiate the surtax by adoption of resolutions calling for a countywide referendum and approved by the majority of the voters by referendum.
- Length:
  - Surtax Referendums enacted after July 1, 1993 do not have a limit on the length of levy
- Distribution: Two Methods
  - Local agreement to determine the distribution of the surtax
  - Formula provided in Florida Statute 218.62 (based on the Local Government Half-Cent Sales Tax formulas)
    - 49.95% - County
    - 50.05% - City

# Local Government Infrastructure Surtax

## Estimated Proceeds

- \$15,576,076 (based on the Local Government Half-Cent Sales Tax formulas)

## Bonds

- May pledge the proceeds of the tax for the bonds
- Counties and municipalities may join together for the issuance of bonds

## County Comparison

- 18 Counties in the State of Florida levy the Infrastructure Surtax
- Neighboring counties that levy the Infrastructure Surtax and effective date:
  - Okeechobee (Oct 1. 1995) – *1% Small County Surtax*
  - Indian River (Jun. 2004)

# SURTAX BENEFITS

TAX PAID BY  
**EVERYONE**



RESIDENTS



BUSINESS OWNERS  
PROPERTY OWNERS



VISITORS

- Easily bondable
- All proceeds stay here

# Local Government Infrastructure Surtax

- Survey indicates support for water quality, sidewalk and road projects
- Public safety is also supported
- Currently 6.5% sales tax
- 1 cent versus 0.5 cent – 0.5 has support
- Estimated 80/20 split – residents v. tourists
- Leverages other funding sources

# Local Government Infrastructure Surtax

- Authorized under F.S. 212.055(2)
- Applied to all taxable transactions but shall not apply on sales above \$5,000 on an item of tangible personal property.

- Over 10 years would generate approximately:

Port St. Lucie	\$ 75,518,062
Ft. Pierce	\$ 18,606,348
St. Lucie Village	\$ 260,493
St. Lucie County	\$ 94,207,240

# Local Government Infrastructure Surtax

- Over 20 years would generate approximately:

Port St. Lucie	\$ 173,164,932
Ft. Pierce	\$ 42,664,853
St. Lucie Village	\$ 597,318
St. Lucie County	\$ 216,019,716

# Next Steps

- County workshop on April 19<sup>th</sup> to gauge level of interest in moving surtax discussion to a public hearing.
- Public hearing would most likely be on June 7<sup>th</sup> for the item to be placed on November's ballot.
- Build community awareness through education campaign.
- If voter approved, a citizen committee established to monitor expenditures and project progress.

# In Summary

- We have hundreds of millions \$\$\$\$ of unmet infrastructure needs for water quality improvement, stormwater, road and public safety
- Existing funding doesn't come close to bridging the gap – the option of addressing the needs with an infrastructure is a good start
- And one of the benefits is that it's paid for by everyone, residents, visitors and businesses – not just property tax

# Comments and Questions



**CITY OF PORT ST. LUCIE**  
**HUMAN RESOURCES**

.....  
**A CITY FOR ALL AGES**

**RECEIVED**

APR 08 2016

CITY MANAGER'S OFFICE

**MEMORANDUM**

To: Mayor and City Council  
Through: Jeff Bremer, City Manager *JB*  
From: Jerome Post SPHR, SHRM-SCP, Human Resources Director *J*  
Date: April 7, 2016  
Subject: Formal Internship Program

---

Proposal

It is proposed that the City of Port St. Lucie adopt a formal internship program to promote interest in full-time city employment and as a community service to help educate youth and others interested in learning about city government and related work. This recommendation includes both the employment of paid interns and mentoring of unpaid interns and would require the allocation of at least \$51,758 to the FY 2016-17 budget.

Background

Through the Strategic Plan Goal #1, Financially Sound City, High Performance City Organization, the City administration committed to developing an Internship Policy Framework. That framework is found in this report and recommendation.

The City has employed interns on a paid and unpaid basis sporadically for some time, but there has not been a formal policy or program in place to administer the program, measure its effectiveness, or follow up with interns to establish a connection that can be used to recruit talent in the future. Departments that have employed paid interns in the recent past include Communications, Planning and Zoning and the Legal Dept. Others that have mentored unpaid interns include the City Council Office, Parks and Recreation, Public Works (the latter two from the Somerset Academy) and the Police Dept. (via the Police Academy). We will look at the current use of unpaid interns first.

## Recent Use of Unpaid Interns

Table 1

Dept.	Hourly Wage	Hours per Week	Length of Internship	Cost (Wage Only)	Cost w/Taxes Of 9.53%
Council Office	NA	21	7 weeks	NA	NA
Parks and Rec (2)	NA	30-35	8 weeks	NA	NA
Public Works	NA	16	9 weeks	NA	NA
Police Dept.	NA	5-6	10 weeks	NA	NA

During the summer months in 2015 an unpaid intern was placed in the City Council Office to field telephone calls from citizens and to conduct research for Council members. She was also asked to draft letters in an effort to mentor her on her writing skills.

In 2014 an unpaid intern was placed in Parks and Recreation to assist with planning, staging and implementation of special events. This person also developed a Leisure Needs Survey that was given to attendees at festivals to determine their level of interest in additional recreational opportunities in the community. The experience gained by the intern was in learning the logistics and requirements of putting on a special event, and the proper use of surveys in community polling.

In 2015 an unpaid intern was also placed in Parks and Recreation at the Community Center who assisted in meeting with clients renting the facility, developed a slide show of photos to share with potential rental clients, and performed basic clerical duties relative to the hospitality unit. This intern learned basic marketing techniques for a rental facility.

In 2015 an intern was placed Public Works to help with a variety of tasks, including basic project planning to conceptual design layouts. His placement provided a wide exposure to the Public Works Dept.

The Police Dept. regularly places interns from the Police Academy for the purpose of teaching them basic functions of a police department. They complete ride-alongs with patrol and observe the Criminal Investigations Division. Some interns also spend time in evidence, records and purchasing. This program is conducted through the course of one semester and is not to be confused with the Explorer program, although the latter is another example of an unpaid internship program offered by the City.

## Recent Use of Paid Interns

To date paid interns have been treated as temporary part-time or full-time workers (aka contract workers), paid from funds available in the respective department budgets that were realized through vacant positions. No department has budgeted money in their personnel costs specifically for the employment of interns, and interns have been hired

on a sporadic basis. With this approach there have been 4 paid interns in the past 2 fiscal years:

Table 2

Dept.	Hourly Wage	Hours per Week	Length of Internship	Cost (Wage Only)	Cost w/Taxes Of 9.53%
Communications (2)	\$12.00	25	1 year each	\$15,600 ea. \$31,200 Total	\$17,087 ea. \$34,174 Total
Legal	\$9.00	25	3 months	\$ 2,925	\$ 3,204
Planning/Zoning	\$12.00	40	6 months	\$12,480	\$13,669

In the Communications Dept. one intern performs the duties of a Graphic Designer. He designs flyers, logos, brochures, advertisements, banners and posters. The second is a "webmaster," maintaining and updating the City's website, creating posts and adding links to PDFs and JPGs.

In the Legal Dept. a law student on summer break was employed to open cases and files for litigation, entered case management data in the Aderant system and conducted some research.

In Planning and Zoning an intern was placed as a supplement to a part-time technician working on signage, giving the department full time coverage to answer questions about signage and permits. As the intern's capabilities grew, so did his responsibility.

#### Comparison of Paid vs. Unpaid Internships

The positions described above are good examples of the need to establish a formal policy for paid and unpaid interns. According to the Department of Labor, internships should be paid when the intern is producing a product or a service to the employer and the primary beneficiary of the work is the employer. Unpaid internships should be reserved for cases where the primary beneficiary of the experience is the intern, in that he/she learns from the employer more than producing a product or service from the employer. Historically the benefit to unpaid interns has been college credit or experience required for a particular vocation or career development program typically sponsored by an institution. Such internships are of short duration.

Where the unpaid positions in the Council Office, Public Works and the Police Department appear to have been more for the benefit of the intern, it is not as clear that that is the case for the interns who worked in the Parks and Recreation Dept.

On the other hand the paid interns in the Communications Dept. may be getting needed experience in their fields, but they are working to produce a product or a service, and seem to be correctly classified as paid positions. The same applies to the Legal Dept. and Planning and Zoning, although in the latter case, there is an argument as to the beginning of the internship. Given that the internship lasted six months, however, it

seems likely that the internship soon became more appropriately identified as a paid internship. In any case, each would have benefitted from a more formal process to distinguish the two and clarify for all why some interns should be paid while others unpaid.

### The "Volunteer" Question

This leads us to the question of the difference between an unpaid intern and a volunteer. The City has benefitted for several years from two volunteer programs, one that was initiated through the Parks and Recreation Dept. and grew to supply volunteers for most of the City's departments, and a second that is specific to the Police Dept. Volunteers are allowed under the Department of Labor's exceptions for public employers. Such volunteer programs must clearly state that the position is unpaid and the volunteer understands that no compensation is offered by the employer. The same applies to unpaid internships, and the recommendation contained in this paper includes that stipulation. The difference between a volunteer and an unpaid intern are twofold. First, the volunteer may provide a product or a service to the public employer without being the primary beneficiary of any training. Second, the volunteer is allowed to work on a continuous basis, which can last more than six months. One might ask why an intern couldn't simply be called a volunteer and be subject to more flexible work standards. The answer is difficult because that could certainly be the case, but the intent of the unpaid internship is to provide service to the community by training and educating a person in a particular field, and a volunteer is not in a vocational program whereas the intern is.

### Local Comparable Communities

In studying what recommendation to make, city staff considered what our neighbors are doing relative to internships and found the following:

City of Stuart has no paid internships, but they have a "volunteer" program that pays a stipend of \$20 for a full day and \$10 for a half day.

City of Fort Pierce has no paid internships. They have had unpaid internships in their engineering and Planning Depts.

St. Lucie County has no paid internships. They have a volunteer program through which they place their unpaid interns.

Martin County has no paid internships. They have had unpaid internships occasionally in their Engineering and Legal Depts.

City of West Palm Beach does not have a formal program for interns, but paid interns have been employed based on department needs. They do not have unpaid internships.

Although staff did not review a great number of comparable communities, we clearly discovered that no local agencies offer paid internships. If we do so, the City of Port St. Lucie will be the only agency in the geographic area that provides paid internships as a formal policy.

### Potential Placements

Department Directors in the City were polled to see where interns might be placed if money were budgeted through a specific fund. Of the 18 responses, 13 said yes, one said possibly, and 4 said no. Since no department currently budgets for interns in their personnel costs no one was able to state definitively whether or not they were likely to have an intern in the future unless money was set aside to fund them. Only 4 of the 18 anticipated the possible placement of an unpaid intern in the next fiscal year.

### Proposed Program

Attached to this paper is a draft policy which is recommended for implementation in the next fiscal year, however it should be recognized that the portion pertaining to unpaid internships is able to be implemented immediately. This policy recognizes the difference between paid and unpaid internships and the requirements for each.

Also attached are several documents drafted to help administer the program:

Unpaid Internship Request Form - This form is designed be used by a department director to request the placement of an unpaid intern. It identifies the anticipated start and end date of the internship, the training to be provided and the goals to be achieved. People outside the organization requesting to be placed as an intern may also use this form, or solicit the City by a letter containing the same information to the Human Resources Dept.

Unpaid Internship Agreement - This document is designed to recognize that both the City and the intern understand the conditions of the unpaid internship.

Intern Evaluation and Summary - This form will be used to evaluate the program by both the department head or their designee and the intern. It is expected that valuable feedback will be provided so that the director can learn how to improve the program and the intern can summarize the benefit of it. This form can be used to evaluate both paid and unpaid interns.

All forms will be kept in the Human Resources Office in the same manner as personnel files. This will be particularly useful if, as is our hope, interns gain an interest in future City employment and community service.

Paid Internships have historically been recruited as temporary (contract) employees and it is recommended that they continue to be so. They can be recruited through the City's new applicant tracking system, NjoGov, and job postings can be sent to the targeted market.

## Economic Impact

In determining a dollar figure to recommend for funding of paid internships, we begin by referring back to Table 2 in this report in which we identified the cost of recent and current internships. It should be noted that the interns in the Communications Dept. have been working a full year, which is unusual. Internships typically last six months at the most, and lengths of two to three months are more common. The reader will also note that the wage rate for interns varied slightly, although three of the four interns were paid \$12.00 per hour. This can be explained in that those three interns were paid via vacancies in the respective departments' budgets while the intern in the Legal Dept. was paid at a rate of \$9.00 per hour through unused funds found in the account normally used to fund the Summer Youth Employment Program (5100 Account).

For the purpose of internal equity, we look at the City's current pay plan and we see that the lowest paid positions in the City start at a \$9.08 per hour (PT Park Attendant and PT Maintenance Worker).

It should also be noted that the minimum wage in the State of Florida is currently \$8.05 per hour.

Taking a conservative approach by using a rate of \$9.00 per hour (the lowest amount paid in the past two years) and calculating in taxes and worker's compensation insurance (9.53% total), the cost of an intern rises to \$9.86 per hour. Using the assumption that an intern should work between 25 to 40 hours per week for 15 weeks (3 months as a pilot program) the cost comes to a range of \$3,697 to \$5,916 per intern. If the Council were inclined to fund one internship per department director who responded affirmatively in the survey that they would likely employ an intern if funds were made available (14, including one who responded "possibly") the approximate cost comes to a range of \$51,758 to \$82,824.

In an effort to keep the cost centers separate, it is recommended that each department have a line item to fund their own interns in the 2016-17 fiscal year based on anticipated projects. Department Directors who only anticipate employing the services of a paid intern for 25 hours for the 15 weeks (375 total hours) only need to budget \$3,697. Directors who anticipate employing the services of a paid intern 40 hours per week for 15 weeks (600 total hours) will need to budget \$5,916. Total cost to the City for 14 interns will range from a minimum of \$51,758 to a maximum of \$82,824.

## Organization Impact

The primary impact to the organization of a paid internship program will be to expedite projects by having interns perform some preliminary work that needs to be done, and for the City to benefit from a fresh perspective on projects. The City will also be putting in place another potential element of the Succession Plan by cultivating our own. That is by planting a seed for future prospects for city employment. As was the case in Planning and Zoning, the City acquired a valued full time employee from what began as an internship.

The primary impact to the organization of an unpaid internship program will be to provide a community service by educating people in details of city government, and once again, plant a seed for future employment. Although some productive work may be performed by an unpaid intern, the intent is to benefit the intern primarily.

In both cases the City of Port St. Lucie will be recognized as a leader in the geographic area for its implementation of a formal internship program.

### Recommendation

It is recommended that the City Council adopt the proposed Internship Policy and encourage staff to include in their budget proposals for FY 2016-17 at least one position titled Intern to be paid wages at a rate of \$9.00.

### Alternatives

The Council may consider an alternative of funding a flat dollar amount for all departments to access, for example funding the minimum amount recommended of \$51,758 and placing it in an independent account for each department to access throughout the year, and administered by Human Resources, similar to the Summer Youth Employment Fund.

The Council may also consider postponing the implementation of the paid internship program in order to fund other projects and direct the implementation of only the unpaid internship program.

### Attachments

Draft Internship Policy  
Unpaid Internship Request Form  
Unpaid Internship Agreement  
Internship Evaluation Summary



# ***CITY OF PORT ST. LUCIE***

## **HUMAN RESOURCES**

• • • • •  
**A CITY FOR ALL AGES**

### **City of Port St. Lucie Internship Policy**

The City of Port St. Lucie recognizes the value of providing training and career development for those interested in obtaining experience in city government and related work. To that end, the City has established a program to provide such training through paid and unpaid internship programs.

#### **Unpaid Internships**

To qualify as unpaid, the position must:

1. Have a clear program in writing that includes the purpose of the internship, the work to be performed, and the goals to be achieved by the intern.
2. Primarily benefit the students or trainees via training and educating.
3. Be part of a vocational or career path, or be part of a college credit program or other high school or post-high school educational program.
4. Last no more than 6 months in duration.
5. Not displace or replace any regular full or part-time position.
6. Be approved by the Human Resources Director.

To initiate an unpaid internship, the Department Director must complete an Unpaid Internship Request Form and submit it to the Human Resources Director for approval. The Intern candidate will be required to sign an Unpaid Internship Agreement prior to starting work, and both the Department Director (or their designee) and the Intern will be required to complete an Unpaid Intern Evaluation and Summary Form at the end of the internship. All documents will be kept on file in Human Resources in the same manner as those of regular employees.

Students interested in an unpaid internship with the City may contact the Human Resources Dept. and submit a letter of interest that includes the field of work they are interested in, the career program they are pursuing, the dates they are available and the

goals they hope to achieve with the internship. Placement as an intern is not guaranteed, and a personal interview may be required with the department staff.

## **Paid Internships**

Paid internships will be treated as temporary employees.

To qualify as paid, the position must:

1. Be funded by the department using personnel funds, or through a fund established for the employment of interns.
2. Have a clear program in writing that includes the purpose of the internship, the work to be performed, and the goals to be achieved by the intern.
3. Produce a product or a service for the City.
4. Be part of a vocational or career path, or be part of a college credit program or other high school or post-high school educational program.
5. Last no more than 6 months.
6. Not displace or replace any regular full or part-time position.
7. Be approved by the Human Resources Director.

To initiate a paid internship, the Department Director must complete a Paid Internship Request Form and submit it to the Human Resources Director for approval. The HR staff will work with the Department Director to recruit the individual in a similar manner as a regular temporary position.

Students interested in a paid internship with the City may contact the Human Resources Dept. and submit a letter of interest that includes the field of work they are interested in, the career program they are pursuing, the dates they are available and the goals they hope to achieve with the internship. Placement as an intern is not guaranteed, and a personal interview may be required with the department staff.

The Department Director (or their designee) and the Intern will be required to complete an Unpaid Intern Evaluation and Summary Form at the end of the internship

All interns, paid and unpaid, will be required to adhere to all City policies and procedures and attend training sessions as required by their Department Director and Human Resources.



## City of Port St. Lucie Unpaid Internship Request

**Department:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Requestor:** \_\_\_\_\_

**Estimated Start Date:** \_\_\_\_\_ **Estimated End Date:** \_\_\_\_\_

**Educational or vocational program being pursued:** \_\_\_\_\_  
\_\_\_\_\_

**School Affiliation:** \_\_\_\_\_

**Briefly describe the training, work to be performed, and identify the trainer(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Will the intern drive a city vehicle or their own vehicle in the course of their internship?**

Yes

No

**Goals to be achieved by the intern:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**How will this training benefit the intern?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Approval:**

\_\_\_\_\_  
**Department Director**

\_\_\_\_\_  
**Human Resources Director**



# ***CITY OF PORT ST. LUCIE***

## **HUMAN RESOURCES**

• • • • •  
**A CITY FOR ALL AGES**

### **City of Port St. Lucie Unpaid Internship Agreement**

I, (printed name) \_\_\_\_\_ understand and agree that my engagement with the City of Port St. Lucie, commencing (date) \_\_\_\_\_, is as an unpaid intern.

An unpaid internship must:

1. Have a clear program in writing that includes the purpose of the internship, the work to be performed, and the goals to be achieved by the intern.
2. Primarily benefit the students or trainees.
3. Be part of a vocational or career path, or be part of a college credit program or other post-high school educational program.
4. Last no more than 6 months in duration.
5. Not displace or replace any regular full or part time position.
6. Be approved by the Human Resources Director.

Due to the purpose of the internship program candidates must be at least 18 years of age.

I also understand and agree that, as an unpaid intern, I am not entitled to any economic benefits, unemployment compensation, or workers disability compensation.

These conditions of an unpaid internship prevail, despite any previous employment status with the City.

I further understand and agree that my assignment as an unpaid intern is also an at-will relationship that has no specific duration, other than it is not to exceed 6 months. The term at-will means that I can resign my unpaid internship at any time, with or without reason or advance notice, and that the City of Port St. Lucie has the right to terminate my internship at any time, with or without reason or advance notice.

I further understand and agree that no department head, supervisor, or other City employee, other than the Human Resources Director, has the authority to promise or agree to any changes to this Agreement. I also understand that any changes to this Unpaid Internship Agreement must be approved by this person and must be set forth in writing and signed by them.

By signing this agreement, I agree that I fully understand all of the terms of this Agreement, including that the internship is unpaid, that there is no expectation of employment by the City at the end of the internship, and that I have had an opportunity to consult with my supervisor, department head, a representative of the Human Resources Department, and/or anyone else of my choice.

---

Unpaid Intern Signature

---

Witness Signature



## City of Port St. Lucie Intern Evaluation and Summary

Name of Intern \_\_\_\_\_

Dates of Internship \_\_\_\_\_

Department \_\_\_\_\_

### For the Intern to Complete:

Briefly describe the training that was conducted, who the trainer(s) was/were, and the work that was performed.

---

---

---

---

What skills did you learn?

---

---

---

---

Did you achieve your goal(s) of the internship, and in what way(s)?

---

---

---

---

If there were anything you could change about the internship, what would it be?

---

---

---

---

Department Director to complete the back page, intern and director to sign.

**For the Department Director to Complete:**

Did the intern complete the internship as designed (circle one)

Yes

No

If not, explain:

---

---

---

---

What training was provided the intern?

---

---

---

---

Who was/were the trainer(s)?

---

---

Did the intern achieve the goal(s) of the internship? Explain:

---

---

---

---

Was the intern reliable? Explain:

---

---

---

---

As a condition of the internship, no work offer is to be expected or made following an internship with the City of Port St. Lucie. This form is to be submitted to Human Resources as part of the internship file.

---

Intern

Date

---

Department Director

Date



# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7  
Meeting Date: 4/18/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager 

THRU: Azlina Goldstein Siegel, Interim City Attorney 

FROM: Stefanie Beskovoyne, Assistant City Attorney 

Agenda Item: Discussion: Update on Unimproved Lot Nuisance Abatement Program – Chapter 43 of the City's Code of Ordinances

Submittal Date: 4/12/2016

---

**STRATEGIC PLAN LINK:** GOALS 2020 - PROVIDING EXCEPTIONAL MUNICIPAL SERVICES, RESPONSIVE TO THE COMMUNITY

**BACKGROUND:** On July 28, 2014, the City Council adopted Ordinance 14-46 which enacted Chapter 43 in the Property Maintenance Section of the City's Code of Ordinances in an effort to remedy and remove encroaching overgrowth from vacant (unimproved) lots. This Nuisance Abatement Program allows the City to enter onto private property and cut back or clear the overgrowth based upon a verified complaint from an affected neighbor.

**ANALYSIS:** The City Council had requested an update on this Nuisance Abatement Program. This memo and its back up serve to provide a response to that request. Please see the attached Powerpoint for more detail.

**FINANCIAL INFORMATION:** The Lot Clearing budget, (separate from the Nuisance Abatement Homes Budget) contained within the Code Compliance budget, is \$100,000 annually. As of March 31, 2016, the City has expended \$87,477.64 to cut back encroaching overgrowth on 60 lots. The cost of the assessment may exceed the value of the property and result in unpaid taxes and eventually, tax deed sales.

**LEGAL INFORMATION:** This presentation has been prepared by Attorney Stefanie Beskovoyne and is approved as to form. The City has adopted the uniform method of collection for the unpaid liens via the tax roll.

**STAFF RECOMMENDATION:** N/A

**SPECIAL CONSIDERATION:** It is still too early to see what financial impact an unpaid lien resulting from this program may have on the City. If the City liens a property for this special assessment, and the owner fails to pay his/her taxes, a tax certificate is sold by the Tax Collector on or before June 1 of the following year. A tax certificate is a lien for unpaid property taxes along with additional monetary penalties, advertising costs and fees. Anytime within two and seven years of purchasing the certificate, the certificate holder may request the sale of the property to satisfy the certificate by completing a tax deed application with the Tax Collector. The application is then forwarded to the Clerk who administers the sale. If, for instance, the amount due and owing on the property exceeds the value of the property, and no one bids on the property, the property will end up on the list of lands, then the property will escheat to the County, and eventually, back to the City. This process is outlined in § 197.592, Florida Statutes.

**PRESENTATION INFORMATION:** 15 minutes

**REQUESTED MEETING DATE:** 4/18/2016

**LOCATION OF PROJECT:** City Wide

**ATTACHMENTS:** Powerpoint Presentation, Finance Information Regarding Liens

H:\STEFANIE\NUISANCE\2 VACANT LOTS - CLEARING - CHAPTER 43\PRESENTATIONS\2016 WORKSHOP - UPDATE ON LOT CLEARING

**CITY OF PORT ST. LUCIE  
COUNCIL WORKSHOP  
VACANT LOT ORDINANCE  
NUISANCE ABATEMENT PROGRAM UPDATE  
April 18, 2016**

---



Presenter: Stefanie Beskovoyne, Assistant City Attorney

# Strategic Plan – Goals 2020

- Providing Exceptional Municipal Services
- Responsive to the Community
- Goal 3 – Balanced and Responsible Sustainable Growth

# UNIMPROVED REAL PROPERTY. CHAPTER 43.

## Overview

---

- Enacted in 2014
- Based upon Number of Complaints received
  - Maintained current staffing levels
  - Met Goals set at inception



# Vacant Lot Ordinance

## Complaints

---

- Started at 200 per year
- New Ordinance
  - New Email address = 6444 emails (sent and received)
  - New Phone Line = 1479 calls
- Total Complaints = 2375
  - Total Complaints Investigated = 1051
    - 48 are active and being investigated
  - Total Remaining Active Cases = 1370
  - Special Magistrate – 137 cases heard
- Program is geared towards Compliance



# VACANT LOT ORDINANCE

## COMPLIANCE RATES

---

- Since Enacted in 2014
  - Code Closed 1003 Cases
  - Special Magistrate
    - City cut 60 properties
    - \$87,477.64 (Principle Amount of lien)



# Nuisance Abatement Collections

- 2015 Tax Roll
  - 18 liens filed
    - 4 paid
    - 14 on Tax roll
      - (too early to tell if these will be paid)
- 2016 Tax Roll
  - 28 liens filed (14 pending)
    - 10 paid
    - 18 currently scheduled for Tax Roll



# Unintended Consequences

- Debris Piles/Dumping
  - Waste pro
  - Opening new code cases
- Tax Deed Sale
  - Implication
- Neighbor Complaints
  - Animals
  - Appearance of Lot after its cut
- Staff time dedicated to complaints
  - No financial recovery unless City abates nuisance
- Fence Issues
  - Property owner responsible for both sides of fence
- Legal implications
  - Deriving a real benefit?

# Discussion

- Is the Council satisfied with this Nuisance Abatement Program?
- Any questions for the Staff?

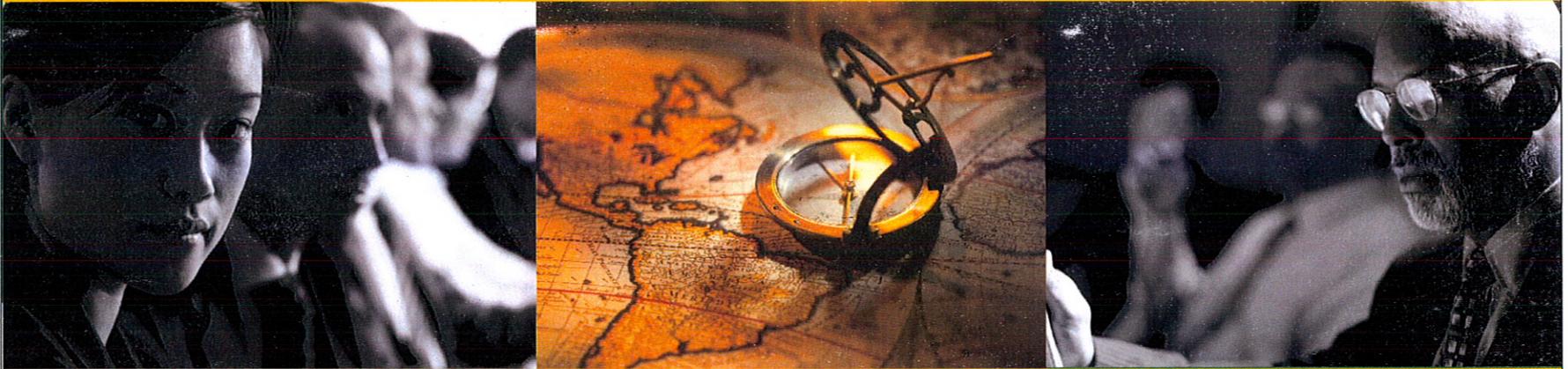
**UNIMPROVED REAL PROPERTY LIENS**  
Updated as of 3/31/16

		(4)
	Number of Liens Filed	Principle Amount of Lien
(1) Unimproved Properties 2015 Tax Roll	18	\$ 25,602.00
(2) Unimproved Properties 2016 Tax Roll	28	\$ 41,955.70
(3) Pending Unimproved Property Liens	14	\$ 19,919.94
<b>Totals</b>	<b>60</b>	<b>\$ 87,477.64</b>

**Notes:**

- (1) Of the 18 properties, 4 paid and 14 went on the 2015 Tax Roll.
- (2) Of the 28 properties, 10 have paid and 18 are currently scheduled for the 2016 Tax Roll.
- (3) These 14 properties have had work completed but a lien has not yet been filed.
- 10 Finance has sent totals to Legal
- 4 Finance is waiting on final invoices and charges
- ✘ (4) Principle amount includes cost of abatement and all applicable admin fees.

# Salary and Classification Plan Study City of Port St. Lucie, Florida



## Presentation of Results



Evergreen Solutions, LLC

March 22, 2016

# *Agenda*

---

- Review of Study Process
- Recommendations
- Next Steps
- Questions



# *Kickoff and Outreach*

- Project Kickoff Call (September 21, 2016)
- Three Day Onsite Visit (Week of Oct. 18, 2016)
  - Seven Orientation Sessions (~850 Employees)
  - Fifteen (15) Focus Groups (~116 Employees)
- Job Assessment Tool (October/November 2015)
  - 79% Participation Rate



# *Assessment of Conditions*

- **Analysis of Compensation and Classification Structure**
  - Overall Compensation Structure
    - Layout, # of Grades, Administration, Etc.
    - Range Spread and Midpoint Progression
    - Comparison to Best Practice
  - Overall Classification System
    - Number of Classification Titles
    - Hierarchy, Reporting Relationships, Organization
    - Duties and Responsibilities



# *Market Survey – Civilian*

---

- 66 classifications included
- 15 Peers and ERI Database
- 601 Data Points Collected, for an average of 9.5 points of comparison per position
- Evergreen found that City salary ranges are 3.5 percent below the market average across all benchmark titles
- Average market range spread is 51.5 percent



# *Market Survey – Sworn*

---

- Three classifications included
- Same peers as Civilian survey
- 31 Data Points Collected, for an average of 10.3 points of comparison per position
- Evergreen found that City salary ranges are 15.4 percent above the market average across all benchmark titles
- Average market range spread is 41.3 percent

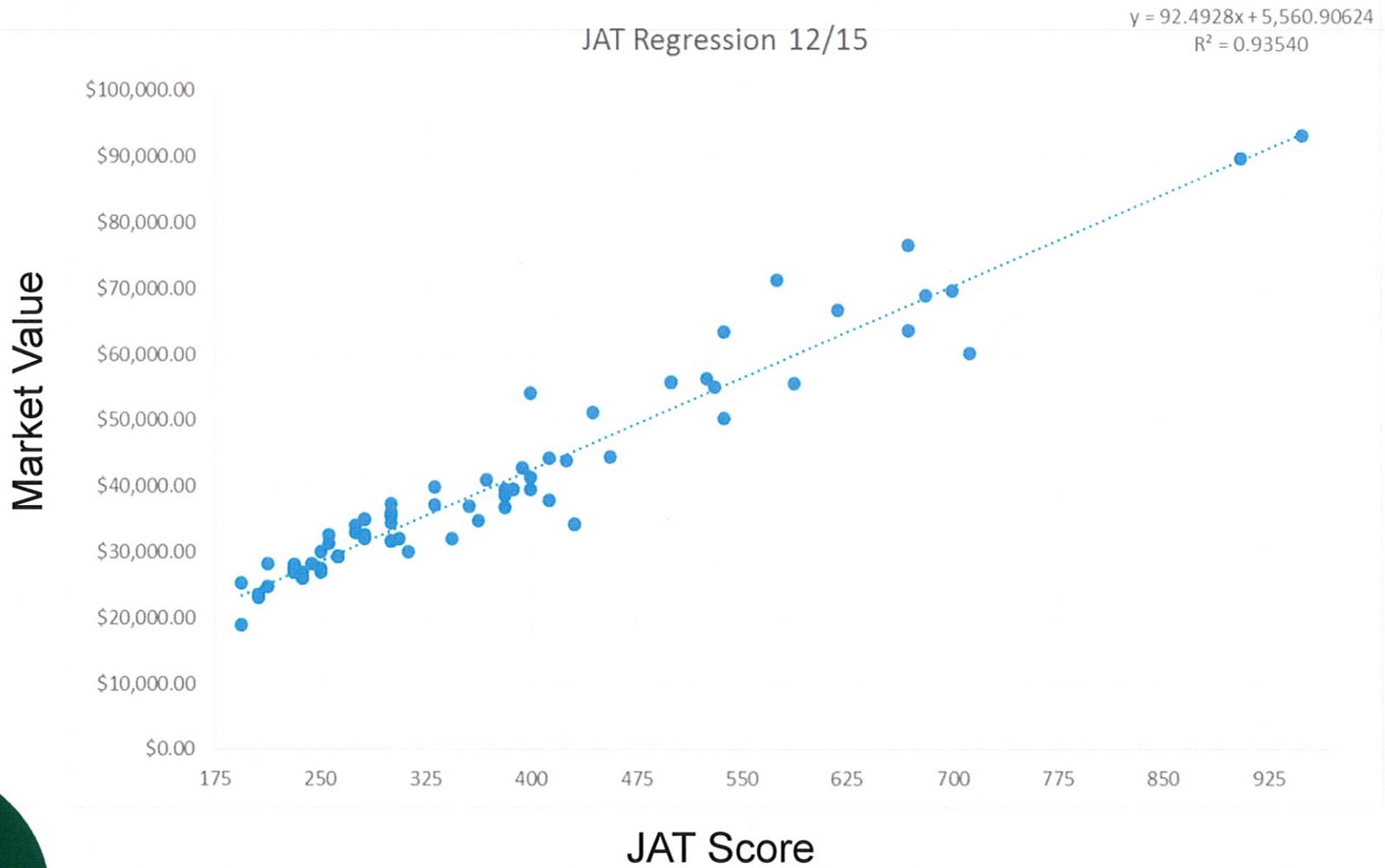


# *Job Assessment Tool*

- Questionnaire that Provides Data on Roles and Responsibilities by Classification; all Employees Asked to Complete
- Produced Classification Scores Based on 5 Factors:
  - Leadership
  - Working Conditions
  - Complexity
  - Decision Making
  - Relationships
- Multiple Verification Steps: Employee Input, Supervisor Review, Review by Human Resources, Review by Evergreen
- Combined with Market Survey Data through Regression Analysis



# Regression Analysis



# *Recommendations*

---

- Three Recommendations to Address Compensation and Classification Findings
- One has an Associated Implementation Costs
- Recommendations Designed to Bring the City to Market
- Suggested that all Recommendations be Implemented at the Same Time because Market Data has a Shelf-Life; however, there are Ways to Phase in Recommendations



# *Recommendations*

---

**Recommendation 1:** Adopt the proposed pay plans to address the weaknesses identified by Evergreen.

**Annual Implementation Cost: \$0**



# Recommendations

## PROPOSED SWORN PAY PLAN

Step	Police Officer	Sergeant	Lieutenant
1	\$42,000.00	\$71,208.00	\$90,238.83
2	\$44,400.00	\$73,344.00	\$92,945.99
3	\$46,800.00	\$75,545.00	\$95,734.38
4	\$49,200.00	\$77,811.00	\$98,606.40
5	\$51,600.00	\$80,145.00	\$101,564.60
6	\$54,000.00	\$82,548.00	\$104,611.53
7	\$56,400.00	\$85,024.00	\$107,749.88
8	\$58,800.00	-	-
9	\$61,200.00	-	-
10	\$63,600.00	-	-
11	\$66,000.00	-	-
12	\$68,400.00	-	-
13	\$70,800.00	-	-



# Recommendations

## PROPOSED CIVILIAN PAY PLAN

Grade	Minimum	Midpoint	Maximum	Range Spread	Midpoint Progression
1	\$23,481.39	\$29,480.88	\$35,480.37	51.1%	-
2	\$24,655.46	\$30,954.92	\$37,254.39	51.1%	5%
3	\$25,888.23	\$32,502.67	\$39,117.11	51.1%	5%
4	\$27,182.64	\$34,127.80	\$41,072.97	51.1%	5%
5	\$28,541.77	\$35,834.19	\$43,126.62	51.1%	5%
6	\$29,968.86	\$37,625.90	\$45,282.95	51.1%	5%
7	\$31,467.30	\$39,507.20	\$47,547.10	51.1%	5%
8	\$33,040.67	\$41,482.56	\$49,924.45	51.1%	5%
9	\$34,692.70	\$43,556.69	\$52,420.67	51.1%	5%
10	\$36,427.34	\$45,734.52	\$55,041.71	51.1%	5%
11	\$38,248.70	\$48,021.25	\$57,793.79	51.1%	5%
12	\$40,161.14	\$50,422.31	\$60,683.48	51.1%	5%
13	\$42,169.20	\$52,943.43	\$63,717.66	51.1%	5%
14	\$44,277.66	\$55,590.60	\$66,903.54	51.1%	5%
15	\$46,491.54	\$58,370.13	\$70,248.71	51.1%	5%
16	\$48,816.12	\$61,288.63	\$73,761.15	51.1%	5%
17	\$51,256.92	\$64,353.06	\$77,449.21	51.1%	5%
18	\$53,819.77	\$67,570.72	\$81,321.67	51.1%	5%
19	\$56,510.76	\$70,949.25	\$85,387.75	51.1%	5%
20	\$59,336.29	\$74,496.72	\$89,657.14	51.1%	5%
21	\$62,303.11	\$78,221.55	\$94,140.00	51.1%	5%
22	\$65,418.26	\$82,132.63	\$98,847.00	51.1%	5%
23	\$68,689.18	\$86,239.26	\$103,789.35	51.1%	5%
24	\$72,123.64	\$90,551.22	\$108,978.81	51.1%	5%
25	\$75,729.82	\$95,078.79	\$114,427.75	51.1%	5%
26	\$79,516.31	\$99,832.73	\$120,149.14	51.1%	5%
27	\$83,492.12	\$104,824.36	\$126,156.60	51.1%	5%
28	\$87,666.73	\$110,065.58	\$132,464.43	51.1%	5%
29	\$92,050.07	\$115,568.86	\$139,087.65	51.1%	5%
30	\$96,652.57	\$121,347.30	\$146,042.03	51.1%	5%
31	\$101,485.20	\$127,414.67	\$153,344.13	51.1%	5%



# Recommendations

**Recommendation 2:** Adopt the proposed grade order list, which ensures both internal and external equity for all City classifications.

### Annual Implementation Cost:

Option	Cost
Option 1: Bring to Minimum	\$366,362.48
Option 2: Class Date Parity	\$605,332.89



# *Recommendations*

---

## **Recommendation 2 Phase in Strategies?**

- Phase in over 2-3 years
- Target salary approach
- Incremental pay plan approach
- Risk is that phases never actually happen
- Weakness is that study is based on today's market value – not market value 2-3 years from now



# *Recommendations*

---

**Recommendation 3:** Monitor market average movement on an annual basis to determine what method should be used to advance employees through their assigned pay grades.

**Annual Implementation Cost: \$0**



# *Next Steps*

---

- Update Job Descriptions – In Progress
- HR Staff Training



*Thank you!*

---

Tom Masters  
Vice President  
Evergreen Solutions, LLC  
[tomm@consultevergreen.com](mailto:tomm@consultevergreen.com)  
850-459-9872





## MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Brad Keen, Assistant Director, Parks & Recreation

THROUGH: Jeff Bremer, City Manager

RE: PARKS & RECREATION FACILITY NEEDS & REQUESTS

DATE: April 7, 2016

### **Background:**

Pursuant to the City's Strategic Plan for 2015-2020-2030, Goal 5 – Expanded Leisure Activities; Action 2015-2016, the Parks & Recreation Department is tasked with developing a mechanism for the prioritization and funding of future park projects. As part of the annual budget process, the Department maintains a list of unfunded capital projects that have, over the years, been requested by citizens, City Council or determined to be a capital need by Parks & Recreation staff. The list includes proposed projects such as:

- Development of new community parks in the Torino area and in Tradition
- Development of the Westmoreland property
- Boardwalk expansion
- Veteran's Memorial expansion
- Neighborhood parks throughout the City
- Recreation opportunities at McCarty Ranch Preserve
- Amphitheater
- Passive parks and/or additional access to natural areas
- Expansion projects at Minsky Gym and the Community Center
- Resurrect Ravenswood Community Center
- Fitness trails/stations
- BMX/Skate Park
- Dog park
- Public boat ramps
- Develop parks in underserved areas (Torino, Southwest PSL)
- Lighted multi-purpose sports fields and practice areas

In addition, individual citizens or organized groups have requested specific facilities be constructed such as:

- Pickleball courts
- Teen activity/recreation center with indoor gymnasium
- Adult/Senior community center
- Lacrosse fields
- Shuffleboard courts
- Additional soccer fields
- Cricket facility
- Additional baseball/softball game fields and practice facilities
- Playgrounds
- Pocket parks
- Fitness Zones
- Football venues
- Remote Control hobbyist facility (aircraft, cars, boats)
- Multi-sports complex

The Parks & Recreation Department is frequently contacted by numerous organized groups representing specific interests such as pickleball, travel sports (football, baseball, etc.) and soccer to name but a few. We will continue to be receptive to the requests presented by organized groups and individuals and will provide updates to City Council. However, it is important to acknowledge that, as a result of the economic downturn in 2007-2008, the fiscal resources required to develop/construct projects identified on the project list or requested by organized groups has become increasingly scarce. Furthermore, since 2007-2008, the unfunded Capital Improvement Project (CIP) list grew faster than what projects could be developed and/or removed from the list. Given the continuing and lingering financial impact of the Great Recession, the Parks & Recreation list of unfunded CIP projects now approaches \$86 million dollars.

Staff has examined the current unfunded CIP list, and recognizes that \$86 million in Parks & Recreation projects is an unrealistic and unattainable number for the City. Therefore, it is our recommendation that the current unfunded CIP list be declared obsolete and, in its place, a new prioritized project listing be developed. The newly-crafted prioritized Capital Improvement Project (CIP) list will identify projects that have a reasonable chance of development within a realistic timeframe as well as projects that, as the Strategic Plan tasks us; can be sustained throughout future years with funding for operating needs, personal services and capital outlay equipment and services. The newly crafted list can be created, in part, by City Council and staff input as well as using the results of the soon-to-be completed Parks & Recreation General Population Needs Assessment.

### **Parks Facilities Needs and Requests**

In addition to the lack of capital funding to construct new parks and recreation facilities in the past eight years, the Parks & Recreation Department has been significantly impacted in our ability to operate, maintain, and repair existing park and recreation properties. Since 2008, many maintenance projects have been deferred until such time that fiscal resources become available.

While City staff has performed admirably in keeping our facilities safe for citizens and visitors to enjoy (evidenced by the fact that many of the deferred maintenance needs have gone unreported by the general public), a number of park amenities and structures have reached the end of their expected and/or designed life cycles.

To illustrate this problem, one can look at Lyngate Park. Lyngate Park opened in 1979 and is the City's second oldest community park. In late December 2015, one of the basketball goals collapsed due to rust and metal fatigue. The single basketball court was closed to the public immediately, which directly affected the leisure opportunities for many patrons who frequent that facility. However, with our focus on public safety, the failure of this one goal, due to age and deferred maintenance, ultimately resulted in the replacement of both goals, repair to the court surface, repainting & lining the basketball court and the removal and replacement of the chain link fence system surrounding the perimeter of the basketball court. The impact to the General Fund Parks operating budget to repair the basketball court and re-open the facility to the public was \$30,214, a cost that was unanticipated when preparing the FY 2015-2016 Parks budget. Fortunately, the funds used to repair, resurface and reline the court were provided through an existing Community Development Block Grant (CDBG) in the amount of \$13,000. Using CDBG funds lessened the financial impact to the current year Parks Division budget and reduced the expense shouldered by taxpayers.

Other park amenities that have been removed from service recently, due to equipment deterioration/failure or as a safety concern, include the removal of two football goal posts at Sportsman's Park West and five sets of tennis court net standards at Whispering Pines Tennis Center. Once again, these repairs and/or equipment replacements were not anticipated when the FY 2015-2016 Parks Division budget was prepared approximately one year ago.

A total of \$15,051 was provided from the current year Parks budget to replace the net standards on five tennis courts at Whispering Pines Park. This work is completed and the tennis courts are once again open to the public. The two football goal posts at Sportsman's Park West were removed and no longer pose a safety concern; however, new goal posts have not been ordered/installed.

As part of FY 2015-2016 Budget Amendment #1, Parks & Recreation submitted individual line item requests to either order/replace some needed parks equipment (goal posts) or reimburse the Parks operating budget for monies already spent on unanticipated repairs such as the tennis court net standards. The attached Immediate Facility Needs and Requests spreadsheet indicates projects totaling \$121,233 that have already been addressed as part of Budget Amendment #1.

As an integral component of the task at hand, that of addressing park and recreation facility needs and requests, staff has carefully examined the current state of our City parks, and have identified a number of items that should be addressed immediately or in the very near future. Attached to this memorandum is a list of park related items, amenities and/or equipment that, through our own self-audit of our facilities, have been extrapolated into three distinct categories:

1. Immediate Facility Needs and Requests
2. Deferred Maintenance Needs
3. Community Development Block Grant Potentially Eligible Projects

As can be seen from the “Immediate Facility Needs & Requests” list, the two most common community park items requiring immediate attention are interior park sidewalks and overhead safety netting. The sidewalk issue is the result of tree roots growing under existing walkways and causing cracks and/or the concrete to heave. Both scenarios are immediate safety concerns. Staff has attempted to abate the safety concern by grinding the sidewalk down to within an acceptable safety tolerance, but concrete sidewalks can only be ground to a certain point before the old concrete must be removed and new concrete poured. The safety netting at our baseball fields and soccer parks is necessary to protect spectators and other park visitors who may not be watching a game but have their back turned and are unable to track a baseball/soccer ball hit or kicked into a park’s common area. Although the overhead netting is chemically treated to withstand UV light, over time, and most especially given Florida’s tropical climate, this protection deteriorates and the nets rot from exposure to the elements.

Maintenance on the track at Sportsman’s Park West has been deferred over several budget years. Since 2008, staff has made minor repairs to track areas that were most in need of repair. In the past, track clubs have used the facility for practice, a roller skating club has held skating events and the City has hosted a Special Olympics track event. Today, however, the condition of the track is at a point where we no longer allow any activity with the exception of walking.

The second section of the attached list identifies and lists numerous repair, replacement or renovation projects throughout the City’s eight community parks. These projects have been deferred from year to year, or repairs have been performed sufficiently to, at a minimum, keep the parks safe and open to the public. These projects are not necessarily safety concerns at this time but may become more serious as time goes by. Many of the deferred projects identify the replacement of various park building or pavilion roofs, which, if allowed to deteriorate, will eventually, compromise the structural integrity of the structure itself. Over time, all parking lots will need some level of maintenance attention in the form of resealing, restriping and/or asphalt repair.

The last section of the attachment identifies park projects that are potentially eligible for funding through the Community Development Block Grant program. Although these funds are limited and there is no guarantee CDBG funds will be available year after year, staff has identified projects that are potentially eligible to receive program funding. The CDBG program will not fund all our maintenance needs, but if any project qualifies and is approved, the CDBG program will allow us to make some of the needed improvements sooner rather than later and would lessen the financial impact to the General Fund. In FY 2015-2016, major projects were funded, using CDBG money at Lyngate Park, Sandhill Crane Park and Veterans Park at Rivergate.

### **Related Projects and/or Funding Mechanisms**

As a committee, Parks & Recreation staff, along with staff from the Utility Systems Department, Public Works, Procurement Management, and the Assistant City Manager, is meeting to move forward in developing public camping opportunities at McCarty Ranch Preserve. Pursuant to the direction of City Council, during their March 3, 2016, Council Retreat, a team has been formed to provide a detailed plan to develop a campground at the Preserve, which will incorporate many infrastructural and project design elements. When completed, the conceptual plan will be shared with City Council.

Lastly, as related to possible funding mechanisms to spur either new park projects and/or address immediate and deferred maintenance items as delineated through this memorandum, we offer the possibility that Neighborhood Planning funds may be available, in addition to Parks Impact Fees, that could assist us with this task.

### Summary

By way of this discussion with Council, we come before you to ascertain your direction as to how we move forward with the following two tasks:

- ◆ Crafting of a newly-prioritized CIP list, and,
- ◆ Development of a parks maintenance plan to address immediate facility needs, as well as development of a long-term funding vehicle to address significant deferred maintenance items throughout our park collateral.

Given the above, we are here today to ask Council whether it is your direction to add to our inventory of park properties and facilities, i.e., pickleball, shuffleboard courts, etc., or, given the very serious deferred maintenance needs that have accumulated throughout the past eight years, whether you would like us to focus on enhancing our existing facilities that we currently have in our collateral. While it is a very precarious balancing act, whether to fund new amenities or pay to maintain/upgrade our existing facilities, as our park system ages, it is incumbent upon us to ensure that our existing facilities are safe and secure. In reality, under the current budgeting trend, we have minimal funding available to do either - add to the inventory or improve/enhance existing facilities.

Since 2008, the state of the local economy has forced the Parks & Recreation Department to evaluate its maintenance and operational needs while still providing excellent park and leisure services to the public. Many maintenance projects have been deferred in order to apply scarce dollars to address other priority needs. At some point in the future, major investment of capital dollars will be needed in order for the Parks & Recreation Department to continue to offer the current level of service to the public. To consistently defer significant maintenance issues within our properties will become detrimental to the City and to the thousands of patrons who frequent our parks.

Thank you for this opportunity to bring this discussion before you and we are available, at any time, to provide further information, as needed.

c: Patricia Roebing, Assistant City Manager-Administrative Services  
Sherman Conrad, Director, Parks & Recreation

Attachments



**IMMEDIATE FACILITY NEEDS AND REQUESTS  
FY 2015-2016**

<b>LYNGATE PARK</b>	
Basketball Backstops/Goals (Addressed in B.A #1)	\$ 9,885
Basketball Fencing/Center Rails (Addressed in B.A.#1)	
<b>Actual expense of project incurred a shortfall of \$2,260</b>	\$ 18,069
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 24,500
Safety Netting Between Fields (Sun Damage/Holes)	\$ 27,000
ADA Sidewalk at Dog Park (Addressed in B.A #1)	\$ 37,279
<b>TOTAL</b>	<b>\$ 116,733</b>

<b>WHISPERING PINES PARKS</b>	
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 28,500
Pop Warner Football Goal Post (2) (Addressed in B.A #1)	\$ 20,000
Tennis Court Standards Courts 1-5 (Addressed in B.A #1)	\$ 16,000
Safety Netting Between Fields and Outfields (Sun Damage/Holes)	\$ 62,000
<b>TOTAL</b>	<b>\$ 126,500</b>

<b>JESSICA CLINTON PARK</b>	
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 26,500
Safety Netting Between Fields and Outfields (Sun Damage /Holes)	\$ 28,000
<b>TOTAL</b>	<b>\$ 54,500</b>

<b>SPORTSMAN'S PARK WEST</b>	
Walking/Running Track (Proposed CDBG Funding FY 2016-17)	\$ 102,000
Football Goals (2) (Addressed in B.A #1)	\$ 20,000
<b>TOTAL</b>	<b>\$ 122,000</b>

<b>SPORTSMAN'S PARK</b>	
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 18,500
Interior Lighting Project (Security/Patron Safety)	\$ 295,000
Safety Netting Between Fields and Outfields	\$ 62,000
<b>TOTAL</b>	<b>\$ 375,500</b>

<b>PROPOSED GRAND TOTAL</b>	<b>\$ 795,233</b>
<b>LESS FUNDS SECURED IN FY 15-16 BUDGET AMENDMENT #1</b>	<b>\$ (121,233)</b>
<b>REMAINING PROJECT TOTAL TO BE FUNDED</b>	<b>\$ 674,000</b>



**DEFERRED MAINTENANCE NEEDS  
FY 2016-2017**

<b>RIVERGATE PARK</b>	
Bathroom/Storage Building Renovation	\$ 28,000
Metal Roof Replacement	\$ 48,000
<b>TOTAL</b>	<b>\$ 76,000</b>

<b>LYNGATE PARK</b>	
Tennis Court Fencing (Rusted/Damaged)	\$ 10,000
Restroom Renovation (Six Total)	\$ 48,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$ 32,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 24,000
Bathroom Ventilation System	\$ 6,500
Safety Netting Between Fields (Sun Damage/Holes)	\$ 27,000
Dog Park Additional Water Fountains (2) Public Requested	\$ 11,000
Asphalt Parking Lot Resealing/Restriping	\$ 45,000
Additional Electrical Service to Two Family Pavilions	\$ 4,000
Painting of Three Exterior Buildings	\$ 4,600
Trimming of Large Oak Trees & Palms (Security Camera Blocked)	\$ 18,000
Single Storage Material Bins W/Fencing	\$ 15,000
Playground Safety Zone Renovation	\$ 11,000
Asphalt Millings at Dog Park Entrance/Parking (Public Requested)	\$ 120,000
Trash Receptacles, Benches, Picnic Tables	\$ 35,000
<b>TOTAL</b>	<b>\$ 411,100</b>

<b>WHISPERING PINES PARKS</b>	
Complete Dugout Replacement/Roof/Siding/Fencing/Benches	\$ 68,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$ 58,000
Roof Replacement (Maintenance Building/Restroom)	\$ 18,000
Roof Replacement (Neighborhood Patrol Office (NPO)/Restroom)	\$ 14,000
Roof Replacement (Tennis Center Building)	\$ 16,000
Roof Replacement (Large Family Pavilion)	\$ 16,000
Exterior Painting of Building (Neighborhood Patrol Office/Restroom)	\$ 8,500
Resurfacing of 14 Tennis Courts	\$ 87,000
Bathroom Renovation (Neighborhood Patrol Office/Restroom)	\$ 18,000
Asphalt Parking Lot (Repairs/Restriping/Resealing)	\$ 105,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 28,500
Pop Warner Football Goals (Rusted/End of Life Cycle)	\$ 20,000
Safety Netting Between Fields and Outfields (Sun Damage/Holes)	\$ 62,000
Trash Receptacles, Benches, Picnic Tables	\$ 35,000
Playground Safety Zone Renovation	\$ 29,000
Lighting Renovation to Cheerleading Practice/Recreational Area	\$ 18,000
<b>TOTAL</b>	<b>\$ 601,000</b>



**DEFERRED MAINTENANCE NEEDS  
FY 2016-2017**

<b>SWAN PARK</b>	
Bathroom/Storage Building Renovation	\$ 23,000
Playground Safety Zone Renovation	\$ 10,000
<b>TOTAL</b>	<b>\$ 33,000</b>

<b>McCHESNEY PARK</b>	
Safety Netting at Playground	\$ 3,000
Bathroom Renovation (West Side)	\$ 19,000
Additional Fencing and Gates	\$ 23,000
Bathroom Renovation (Partition Walls East Side)	\$ 6,500
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 10,500
Asphalt Parking Lot Resealing/Restriping (West and East Sides)	\$ 130,000
Playground Safety Zone Renovation	\$ 20,000
<b>TOTAL</b>	<b>\$ 212,000</b>

<b>JESSICA CLINTON PARK</b>	
Tennis/Basketball Court Resurfacing/Resealing/Restriping	\$ 15,000
Asphalt Parking Lot (Repairs/Restriping/Resealing)	\$ 40,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 26,500
Safety Netting Between Fields (Sun Damage/Holes)	\$ 28,000
Playground Safety Zone Renovation	\$ 8,000
<b>TOTAL</b>	<b>\$ 117,500</b>

<b>SPORTSMAN'S PARK</b>	
Baseball/Football Fence Replacement	\$ 51,000
Walking/Running Track	\$ 102,000
Asphalt Parking Lot Resealing/Repairs/Restriping	\$ 105,000
Bathroom Renovation (Total of six)	\$ 98,000
Additional CXT Restroom East Side	\$ 300,000
Tennis Court Fencing Replacement/Repairs	\$ 11,000
Safety Netting Between fields and Outfields (Sun Damage/Holes)	\$ 62,000
Playground Fence Replacement	\$ 15,000
10 Tier Bleacher/Concrete Pad	\$ 90,000
Playground Safety Zone Renovation	\$ 29,000
New/Renovate Dumpster Enclosures	\$ 47,000
Double Material Storage Bins with Fencing	\$ 32,000
Replacement Trash Receptacles/Benches/Picnic Tables	\$ 45,000
<b>TOTAL</b>	<b>\$ 987,000</b>



**DEFERRED MAINTENANCE NEEDS  
FY 2016-2017**

<b>SANDHILL CRANE PARK</b>	
Racquetball Fencing Replacement/Repairs	\$ 11,000
Volleyball Fencing Replacement/Repairs	\$ 23,000
Security Camera System With Fiber Optic Lines	\$ 270,000
Bathroom and Building Renovation (Two buildings, four restrooms)	\$ 132,000
Drainage and Concrete Pad Between Fields	\$ 46,000
Asphalt Parking Lot Repairs/Resealing/Restriping	\$ 98,000
Replacement Playground Structure	\$ 46,000
Replacement Trash Receptacles/Benches/Picnic Tables	\$ 38,000
<b>TOTAL</b>	<b>\$ 664,000</b>

<b>GRAND TOTAL-ALL PARKS</b>	<b>\$ 3,101,600</b>
------------------------------	---------------------

4/6/2016



**Community Development Block Grant Potentially Eligible Projects**

**FY 2016-2017**

**Project Values Are Estimates Only**

<b>VETERANS @ RIVERGATE PARK</b>	
Bathroom/Storage Building Renovation	\$ 28,000
Metal Roof Replacement	\$ 38,000
<b>TOTAL</b>	<b>\$ 66,000</b>

<b>LYNGATE PARK</b>	
Tennis Court Fencing (Rusted/Damaged)	\$ 10,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$ 32,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 24,500
Restroom Renovation (Six Total)	\$ 48,000
Painting of Three Exterior Buildings	\$ 4,600
<b>TOTAL</b>	<b>\$ 119,100</b>

<b>WHISPERING PINES PARKS</b>	
Complete Dugout Replacement/Roof/Siding/Fencing/Benches	\$ 68,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$ 58,000
Roof Replacement (Maintenance Building/Restroom)	\$ 18,000
Roof Replacement (Neighborhood Patrol Office(NPO)/Restroom)	\$ 14,000
Roof Replacement (Tennis Center Building)	\$ 16,000
Roof Replacement (Large Family Pavilion)	\$ 16,000
Exterior Painting of Building (Neighborhood Patrol Office/Restroom)	\$ 8,500
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 28,500
Resurfacing of 14 Tennis Courts	\$ 87,000
Bathroom Renovation (Neighborhood Patrol Office/Restroom)	\$ 18,000
<b>TOTAL</b>	<b>\$ 332,000</b>



**Community Development Block Grant Potentially Eligible Projects  
FY 2016-2017**

<b>SWAN PARK</b>	
Bathroom/Storage Building Renovation	\$ 23,000
<b>TOTAL</b>	<b>\$ 23,000</b>

<b>McCHESNEY PARK</b>	
Bathroom Renovation (West-side)	\$ 19,000
Additional Fencing and Gates	\$ 23,000
Bathroom Renovation (Partition Walls East Side)	\$ 6,500
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 10,500
<b>TOTAL</b>	<b>\$ 59,000</b>

<b>JESSICA CLINTON PARK</b>	
Tennis/Basketball Court Resurfacing/Resealing/Restriping	\$ 15,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 26,500
<b>TOTAL</b>	<b>\$ 41,500</b>

<b>SPORTSMAN'S PARK</b>	
Baseball/Football Fence Replacement	\$ 51,000
Walking/Running Track	\$ 102,000
Bathroom Renovation (Six Total)	\$ 98,000
Additional CXT Restroom East-Side	\$ 300,000
Tennis Court Fencing Replacement/Repairs	\$ 11,000
Playground Fence Replacement	\$ 15,000
10 Tier Bleacher/Concrete Pad	\$ 90,000
<b>TOTAL</b>	<b>\$ 667,000</b>



**Community Development Block Grant Potentially Eligible Projects  
FY 2016-2017**

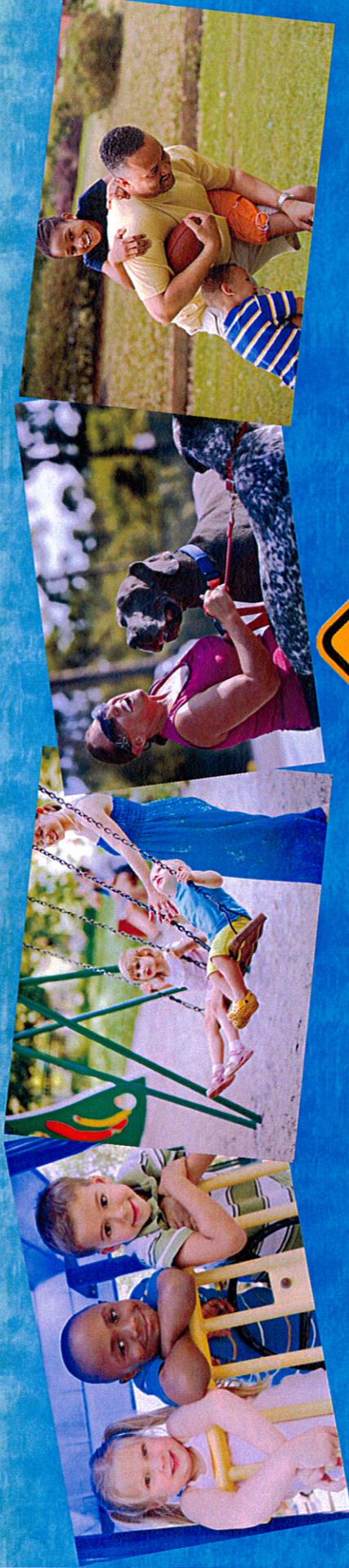
<b>SANDHILL CRANE PARK</b>	
Racquetball Fencing Replacement/Repairs	\$ 11,000
Volleyball Fencing Replacement/Repairs	\$ 23,000
Security Camera System With Fiber Optic Lines	\$ 270,000
Bathroom and Building Renovation (2 Buildings, 4 Restrooms)	\$ 132,000
Drainage and Concrete Pad Between Fields	\$ 46,000
<b>TOTAL</b>	<b>\$ 482,000</b>

<b>GRAND TOTAL-ALL PARKS</b>	<b>\$ 1,789,600</b>
------------------------------	---------------------

4/6/2016

# Parks & Recreation Facility Needs and Requests Discussion

City Council Workshop- April 18, 2016



PORT ST LUCIE IT STARTS IN  
**PARKS & RECREATION PARKS**

# City's Strategic Plan for 2015-2020-2030

## Goal 5:

- Expanded Leisure Activities; Action 2015- 2016, the Parks & Recreation Department is tasked with developing a mechanism for the prioritization and funding of future park projects



# Topics of Discussion

- The City's Unfunded Parks & Recreation CIP Project List
- Immediate Parks Facility Needs and Requests
- Deferred Maintenance Needs
- Community Development Block Grant (CDBG) Potentially Eligible Projects

# Parks & Recreation Unfunded CIP Projects

- Torino Park
- Westmoreland Riverfront Park
- Tradition Regional Park
- Ravenswood Community Center Reconstruction
- Veteran's Memorial Expansion Museum
- Dreyfus Lake/O.L. Peacock Sr. Park
- Oak Hammock Park Expansion
- Riverwalk Project South "Phase 1"
- California Blvd. Community Park
- Thornhill Lake Passive Park
- Amphitheatre
- McCarty Ranch Recreation Master Plan
- Minsky Gym Building Expansion
- Jessica Clinton Park Sports Lighting & Improvements
- Park Entrance Signs at Neighborhood and Open Space Parks
- Community Center Expansion
- Apache Neighborhood Park
- Crosstown Fitness Trail
- Cameo Dog Park
- S.W. Neighborhood Park
- BMX Sports Park
- Skate Park
- Winterlakes Park
- Sport Courts Resurfacing
- Sportsman's West Track Rebuild

**GRAND TOTAL- ALL PARKS**      \$      **85,831,000**

## Parks & Recreation CIP Project List

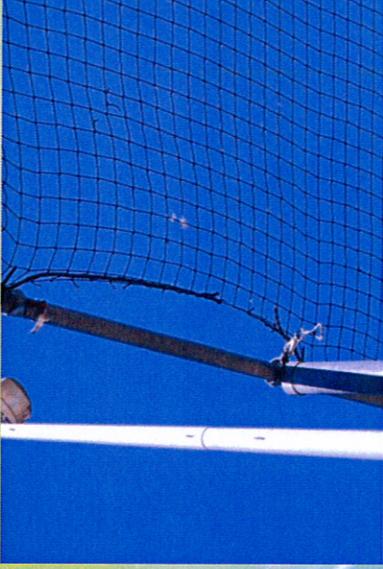
### Staff Recommendations:

- Deem the current CIP Project List totaling almost \$86 million as obsolete
- Evaluate the results of the upcoming General Population Recreation Needs Assessment
- Staff to provide City Council with a recommended list of achievable projects based on today's discussion as well as on the results obtained through the Needs Assessment

# Immediate Facility Needs



Basketball  
Fencing/Center Rails



Safety Netting



ADA Sidewalk

## Lyngate Park

Basketball Backstops/Goals (Addressed in B.A. #1)	\$	9,885
Basketball Fencing/Center Rails (Addressed in B.A #1) <b>Actual expense of project incurred a shortfall of \$2,260</b>	\$	18,069
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	24,500
Safety Netting Between Fields (Sun Damage/Holes)	\$	27,000
ADA Sidewalk at Dog Park (Addressed in B.A #1)	\$	37,279
<b>TOTAL</b>	<b>\$</b>	<b>116,733</b>

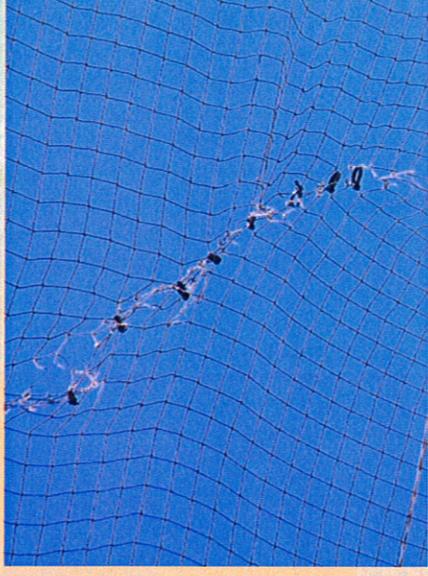
# Immediate Facility Needs



Tennis Court Standard



Sidewalk Cracks



Safety Netting

## Whispering Pines Park

Park Interior Sidewalks (Root Intrusion/Cracks)	\$	28,500
Pop Warner Football Goal Posts (2), (Addressed in B.A #1)	\$	20,000
Tennis Court Standards, Courts 1-5 (Addressed in B.A #1)	\$	16,000
Safety Netting Between Fields and Outfields (Sun Damage/Holes)	\$	62,000
<b>TOTAL</b>	<b>\$</b>	<b>126,500</b>

# Immediate Facility Needs



Sidewalk Cracks/Root Intrusion

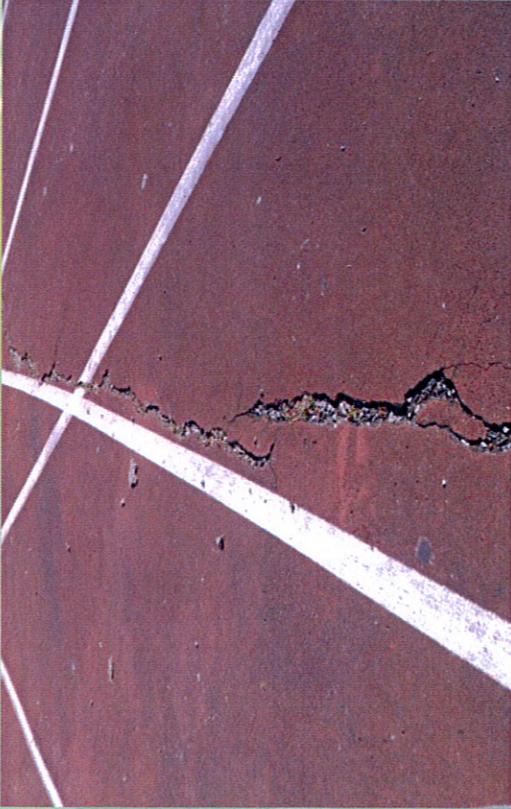


Safety Netting

## Jessica Clinton Park

Park Interior Sidewalks (Root Intrusion/Cracks)	\$	26,500
Safety Netting Between Fields and Outfields (Sun Damage/Holes)	\$	28,000
<b>TOTAL</b>	<b>\$</b>	<b>54,500</b>

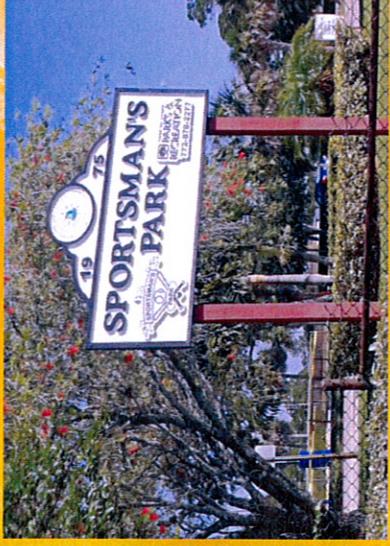
# Immediate Facility Needs



## Sportsman's Park West

Walking/Running Track (Proposed CDBG Funding FY 2016-17)	\$	102,000
Football Goals (2), (Addressed in B.A. #1)	\$	20,000
<b>TOTAL</b>	<b>\$</b>	<b>122,000</b>

# Immediate Facility Needs



Interior Lighting



Sidewalk Root Intrusion



Safety Netting

Sportsman's Park	
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 18,500
Interior Lighting Project (Security/Patron Safety)	\$ 295,000
Safety Netting Between Fields and Outfields	\$ 62,000
<b>TOTAL</b>	<b>\$ 375,500</b>

# Deferred Maintenance Needs FY 2016-2017

## Veterans at Rivergate Park- Established 1983

Bathroom/Storage Building Renovation	\$	28,000
Metal Roof Replacement	\$	48,000
<b>TOTAL</b>	<b>\$</b>	<b>76,000</b>

## Lyngate Park- Established 1979

Tennis Court Fencing (Rusted/Damaged)	\$	10,000
Restroom Renovation (Six Total)	\$	48,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$	32,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	24,000
Bathroom Ventilation System	\$	6,500
Safety Netting Between Fields (Sun Damage/Holes)	\$	27,000
Dog Park Additional Water Fountains (2) (Public Requested)	\$	11,000
Asphalt Parking Lot Resealing/Restriping	\$	45,000

### Lyngate Park (cont'd)

Additional Electrical Service to Two Family Pavilions	\$	4,000
Painting of Three Exterior Buildings	\$	4,600
Trimming of Large Oak Trees & Palms (Security Camera Blocked)	\$	18,000
Single Storage Material Bins w/ Fencing	\$	15,000
Playground Safety Zone Renovation	\$	11,000
Asphalt Millings at Dog Park Entrance/Parking (Public Requested)	\$	120,000
Trash Receptacles, Benches, Picnic Tables	\$	35,000
<b>TOTAL</b>	<b>\$</b>	<b>411,100</b>

## Whispering Pines Park- Established 1993

Complete Dugout Replacement/Roof/Siding/Fencing/Benches	\$ 68,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$ 58,000
Roof Replacement (Maintenance Building/Restroom)	\$ 18,000
Roof Replacement (Neighborhood Patrol Office (NPO)/Restroom)	\$ 14,000
Roof Replacement (Tennis Center Building)	\$ 16,000
Roof replacement (Large Family Pavilion)	\$ 16,000
Exterior Painting of Building (Neighborhood Patrol Office (NPO)/ Restroom)	\$ 8,500
Resurfacing of 14 Tennis Courts	\$ 87,000
Bathroom Renovation (Neighborhood Patrol Office (NPO)/ Restroom)	\$ 18,000
Asphalt Parking Lot (Repairs/Restriping/Resealing)	\$ 105,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 28,500
Pop Warner Football Goals (Rusted/End of Life Cycle)	\$ 20,000
Safety Netting Between Fields and Outfields (Sun Damage/Holes)	\$ 62,000
Trash Receptacles, Benches, Picnic Tables	\$ 35,000
Playground Safety Zone Renovation	\$ 29,000
Lighting Renovation to Cheerleading Practice/Recreational Area	\$ 18,000
<b>TOTAL</b>	<b>\$ 601,000</b>

### Swan Park- Established 1982

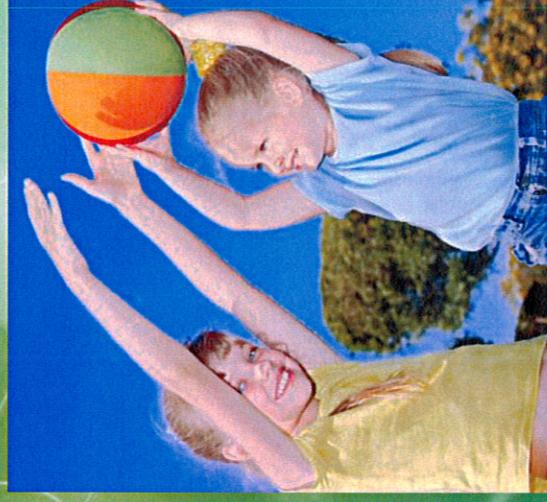
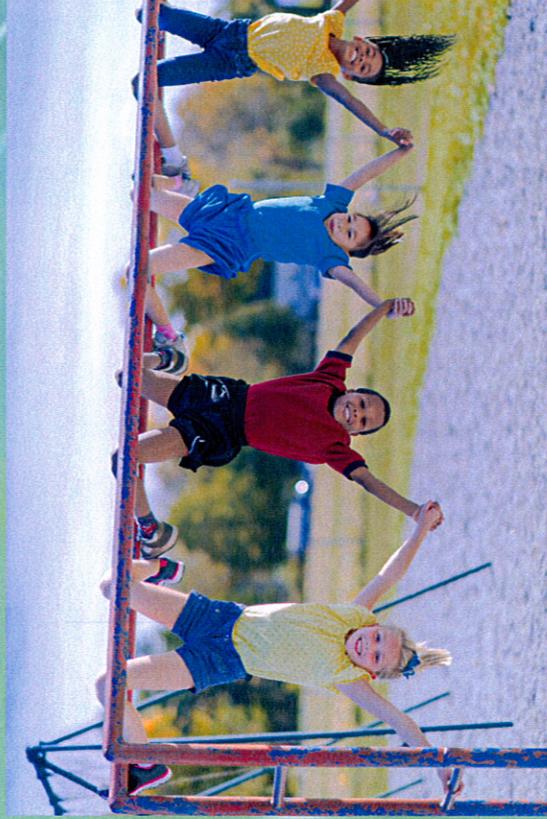
Bathroom/Storage Building Renovation	\$	23,000
Playground Safety Zone Renovation	\$	10,000
<b>TOTAL</b>	<b>\$</b>	<b>33,000</b>

### McChesney Park- Established 1995

Safety Netting at Playground	\$	3,000
Bathroom Renovation (West Side)	\$	19,000
Additional Fencing and Gates	\$	23,000
Bathroom Renovation (Partition Walls East Side)	\$	6,500
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	10,500
Asphalt Parking Lot Resealing/Restriping (West and East Sides)	\$	130,000
Playground Safety Zone Renovation	\$	20,000
<b>TOTAL</b>	<b>\$</b>	<b>212,000</b>

## Jessica Clinton Park- Established 2005

Tennis/Basketball Court Resurfacing/Resealing/Restriping	\$	15,000
Asphalt Parking Lot (Repairs/Restriping/Resealing)	\$	40,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	26,500
Safety Netting Between Fields (Sun Damage/Holes)	\$	28,000
Playground Safety Zone Renovation	\$	8,000
<b>TOTAL</b>	<b>\$</b>	<b>117,500</b>



## Sportsman's Park- Established 1975

Baseball/Football Fence Replacement	\$	51,000
Walking/Running Track	\$	102,000
Asphalt Parking Lot Resealing/Repairs/Restriping	\$	105,000
Bathroom Renovation (Total of Six)	\$	98,000
Additional CXT Restroom East Side	\$	300,000
Tennis Court Fencing Replacement/Repairs	\$	11,000
Safety Netting Between Fields and Outfields (Sun Damage/Holes)	\$	62,000
Playground Fence Replacement	\$	15,000
10 Tier Bleacher/Concrete Pad	\$	90,000
Playground Safety Zone Renovation	\$	29,000
New/Renovate Dumpster Enclosures	\$	47,000
Double Material Storage Bins with Fencing	\$	32,000
Replacement Trash Receptacles/Benches/Picnic Tables	\$	45,000
<b>TOTAL</b>	<b>\$</b>	<b>987,000</b>

### Sandhill Crane Park- Established 1992

Racquetball Fencing Replacement/Repairs	\$	11,000
Volleyball Fencing Replacement/Repairs	\$	23,000
Security Camera System With Fiber Optic Lines	\$	270,000
Bathroom and Building Renovation (Two Buildings, Four Restrooms)	\$	132,000
Drainage and Concrete Pad Between Fields	\$	46,000
Asphalt Parking Lot Repairs/Resealing/Restriping	\$	98,000
Replacement Playground Structure	\$	46,000
Replacement Trash Receptacles/Benches/Picnic Tables	\$	38,000
<b>TOTAL</b>	<b>\$</b>	<b>664,000</b>

**GRAND TOTAL- ALL PARKS**

**\$ 3,101,600**

Community Development Block Grant Potentially Eligible Projects  
 FY 2016-2017  
 Project Values Are Estimates Only

<b>Veterans at Rivergate Park</b>	
Bathroom/Storage Building Renovation	\$ 28,000
Metal Roof Replacement	\$ 38,000
<b>TOTAL</b>	<b>\$ 66,000</b>

<b>Lyngate Park</b>	
Tennis Court Fencing (Rusted/Damaged)	\$ 10,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$ 32,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$ 24,500
Restroom Renovation (Six Total)	\$ 48,000
Painting of Three Exterior Buildings	\$ 4,600
<b>TOTAL</b>	<b>\$ 119,100</b>

## Whispering Pines Park

Complete Dugout Replacement/Roof/Siding/Fencing/Benches	\$	68,000
Baseball Field Fence Replacement (Damaged/Broken Links/Rusted)	\$	58,000
Roof Replacement (Maintenance Building/Restroom)	\$	18,000
Roof Replacement (Neighborhood Patrol Office (NPO)/Restroom)	\$	14,000
Roof Replacement (Tennis Center Building)	\$	16,000
Roof Replacement (Large Family Pavilion)	\$	16,000
Exterior Painting of Building (Neighborhood Patrol Office (NPO)/Restroom)	\$	8,500
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	28,500
Resurfacing of 14 Tennis Courts	\$	87,000
Bathroom Renovation (Neighborhood Patrol Office (NPO)/Restroom)	\$	18,000
<b>TOTAL</b>	<b>\$</b>	<b>332,000</b>

### Swan Park

Bathroom/Storage Building Renovation	\$	23,000
<b>TOTAL</b>	<b>\$</b>	<b>23,000</b>

### McChesney Park

Bathroom Renovation (West Side)	\$	19,000
Additional Fencing and Gates	\$	23,000
Bathroom Renovation (Partition Walls East Side)	\$	6,500
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	10,500
<b>TOTAL</b>	<b>\$</b>	<b>59,000</b>

### Jessica Clinton Park

Tennis/Basketball Court Resurfacing/Resealing/Restriping	\$	15,000
Park Interior Sidewalks (Root Intrusion/Cracks)	\$	26,500
<b>TOTAL</b>	<b>\$</b>	<b>41,500</b>

### Sportsman's Park

Baseball/Football Fence Replacement	\$	51,000
Walking/Running Track	\$	102,000
Bathroom Renovation (Six Total)	\$	98,000
Additional CXT Restroom East Side	\$	300,000
Tennis Court Fencing Replacement/Repairs	\$	11,000
Playground Fence Replacement	\$	15,000
10 Tier Bleacher/Concrete Pad	\$	90,000
<b>TOTAL</b>	<b>\$</b>	<b>667,000</b>

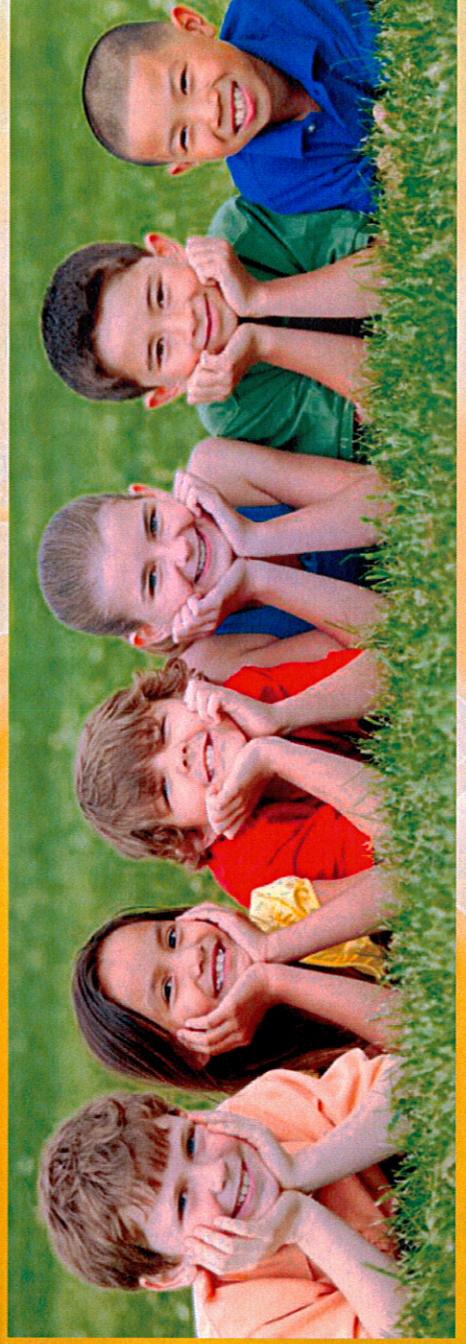
### Sandhill Crane Park

Racquetball Fencing Replacement/Repairs	\$	11,000
Volleyball Fencing Replacement/Repairs	\$	23,000
Security Camera System With Fiber Optic Lines	\$	270,000
Bathroom and Building Renovation (2 Buildings, 4 Restrooms)	\$	132,000
Drainage and Concrete Pad Between Fields	\$	46,000
<b>TOTAL</b>	<b>\$</b>	<b>482,000</b>

**GRAND TOTAL- ALL PARKS**      \$      **1,789,600**

# SUMMARY

Immediate Facility Needs	
Lyngate Park	\$ 116,733
Whispering Pines Park	\$ 126,500
Jessica Clinton Park	\$ 54,500
Sportsman's Park West	\$ 122,000
Sportsman's Park	\$ 375,500
<b>PROPOSED PROJECT TOTAL</b>	<b>\$ 795,233</b>
<b>LESS FUNDS SECURED IN FY 15-16 BUDGET AMENDMENT #1</b>	<b>\$ -121,233</b>
<b>REMAINING PROJECT TOTAL TO BE FUNDED</b>	<b>\$ 674,000</b>



# SUMMARY

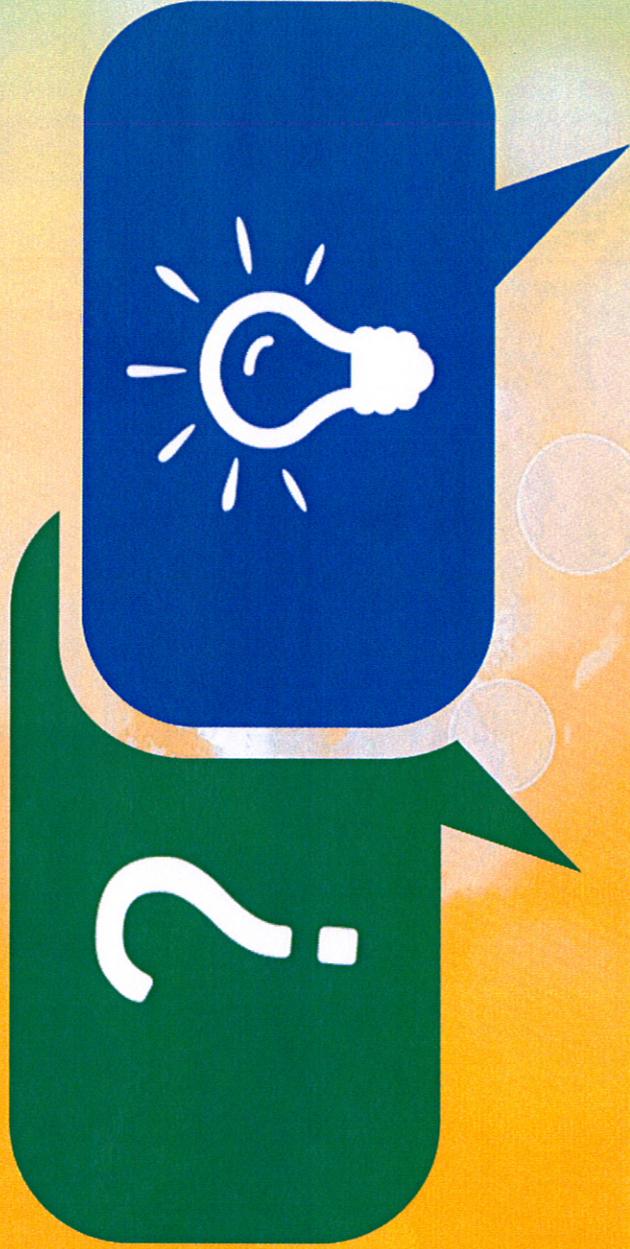
Deferred Maintenance Needs	
Veterans at Rivergate Park	\$ 76,000
Lyngate Park	\$ 411,100
Whispering Pines Park	\$ 601,000
Swan Park	\$ 33,000
McChesney Park	\$ 212,000
Jessica Clinton Park	\$ 117,500
Sportsman's Park	\$ 987,000
Sandhill Crane Park	\$ 694,000
<b>TOTAL</b>	<b>\$ 3,131,600</b>

# SUMMARY

Community Development Block Grant Potentially Eligible Projects	
Veterans at Rivergate Park	\$ 66,000
Lyngate Park	\$ 119,100
Whispering Pines Park	\$ 332,000
Swan Park	\$ 23,000
McChesney Park	\$ 59,000
Jessica Clinton Park	\$ 41,500
Sportsman's Park	\$ 667,000
Sandhill Crane Park	\$ 482,000
<b>TOTAL</b>	<b>\$ 1,789,600</b>

**Parks**  
**Make**  
**Life!**  
**Better!**

**DISCUSSION**



**PORT ST. LUCIE** IT STARTS IN  
**PARKS & RECREATION** **PARKS**



**MEMORANDUM**

**TO:** JEFFREY BREMER, CITY MANAGER  
**FROM:** MICHELLE LEE BERGER, COUNCILWOMAN *JC for MB*  
**SUBJECT:** REQUEST FOR AGENDA ITEM TO BE ADDED TO THE MARCH 21, 2016 CITY COUNCIL WORKSHOP AGENDA.  
**DATE:** 12/15/2015

---

Recently I met with a group of residents related to Thomas J. White, Sr., who spent the majority of his life creating and developing the area we know now as "St. Lucie West". Through his work to facilitate the I-95 Exit, St. Lucie West has developed into a beautiful section of our City. The crowning achievements of Mr. White's time with us is the development of Tradition Field. Today, there are limited commemorative pieces at or around Tradition Field, reminding the public of his hard work and dedication to the community. It is my intent to open this up to discussion and in an effort to find a way to ensure Mr. White's sacrifice and service is observed in an appropriate manner for generations to come.

Please place this subject on the March 21, 2016 City Council Workshop Agenda as a discussion item.

Thank you.

MB/jrc

**RECEIVED**

DEC 15 2015

City Manager's Office

# Council Meeting Minutes

RE: Charter

March 3, 2016

succession planning more from a business standpoint, where you have a family run business and the principal owner dies, who runs the business? Or it could be a buy/sell agreement on two partners. For your document number 5, I have a hypothetical question. We have a City Manager and two Assistant City Managers. Where is it written if the City Manager is unfortunately incapacitated and he passes away suddenly, who succeeds the City Manager, or do we go outside the organization? The same could be said for the two Assistant Chiefs of Police. If the Chief is incapacitated or passes on, where is it policy or written in the Succession Plan which Assistant Chief assumes the command? Or does the City Manager go outside the organization? It seems like we're trying to build within the organization. My concern or question is: if there are more competent people or better qualified people outside the organization, why not look at them, or why not try to arrange to steal the best young talent from other government agencies?" Project Manager Capezzuto replied, "Those are excellent questions. The City Manager vacancy is obviously a Council-appointed position, so it would come before the Council to appoint an Acting City Manager, until such time exists that we find who the permanent replacement is going to be. You're not going to see that in what we create as far as a Succession Plan, but each department would have to have their own lines of succession about who would be next. I don't know that that's something we're going to discuss today, but if you would like to, I can turn it over to the Chief." Councilman Bowen said, "I don't necessarily want to discuss it. I realize the Council would appoint another City Manager. I'm saying in the interim, if it takes three days to get the Council together for a meeting, who is going to run the City for those three days? That's all I'm asking. The same with the Chief of Police. Obviously, they'll either promote one of the Assistants to Chief, or the City Manager will make that call, but again, if we're talking about Succession Planning, I'm talking about all areas of Succession Planning. You're talking about retirement and tuition reimbursement. I favor the tuition reimbursement, and I think we should open it up to all the employees, and not necessarily have a certain cutoff. If they want to go back to school and we want to assist them, I'd be in favor of that, and we're gaining through training. Thank you for answering my questions."

Mayor Oravec stated, "That is clearly a succession issue, and Council, I don't know if you want to take that up as a matter for the Council, to share your thoughts on succession as it relates to the appointed officials. It seems that is what Councilman Bowen was getting after, versus employees of the City Manager. Are there any thoughts you want to share on how you feel about succession planning of the appointed officials?" Councilwoman Martin replied, "I think, God forbid, we're put in a situation where the City Manager became incapacitated, we would know how important it is on an emergency basis for the five of us or any other Council to come together and make a decision about who would be in that role. For me, I don't have a problem, a worry, or a concern about that, because it would be our responsibility to make sure we had someone in line right away to take on those duties. We would either choose from the Assistants or pick someone else, but that would be a discussion we'd have to have publicly, and we would make that decision. Any other department head, the choice goes to the City Manager ultimately, but they do have their Succession Plan for a very valid purpose, to make sure the next person in line can take over. I don't think it's something that is of major concern, because that's what this whole process is about."

Councilwoman Berger said, "I think that would be a Charter change. It would not be something that would be written into the Rules or Standards of Operations as a Charter change. In the same way that the Constitution lays out who is in charge if the President goes down, and if the Vice President goes down, and the Secretary of State, etc., it is laid out in the letter of the law at the very highest level. Our letter of the law at the very highest level would be a Charter change, and I don't think we're ready for that. This conversation that we're having around Succession Planning, manpower planning, or however you want to refer to it, is a fantastic conversation. I'm really glad to see that the last years' worth of investment of time is going in the right direction, so I appreciate that, and I'm ready to speak to that if all your comments . . . ." Mayor Oravec interjected, "Before you get into that, I'd like to close the loop on that one. Vice Mayor Bartz, did you have any comments?" Vice Mayor Bartz responded in the negative. Mayor Oravec continued, "I think it's a timely point to make, given that we just had a transition. I'm always an open book, and I'll try to take on any question. For me, personally, it's the decision of the Council at the time, and the Council team is potentially subject every two years. Every two years, you form the team that you're going to have for the next two years. As I serve with this team, my feeling is this: I would hope that we would be cultivating internal talent that is capable of helping us create an award winning team as part of an award winning City. That's my hope. I want us to be championship level, Councilman Bowen. If there was a super bowl for cities, I would want to compete for it and win. We need our appointed officials to be championship level employees, because they do so much, they are such heavy lifters in our organization. We set the policy, and then we turn it over to them, and they have to execute, or we don't win, and that goes all the way down to their team. I'm very passionate about making sure that we have the best talent available. That being said, while we develop that internal talent, my hope is that we would always open it up to competition. I think competition brings out the best in us, so while we develop that internal talent, my hope is that we would always also put them to the challenge of showing that they are the best of everyone available in the field at that time, and then we would make a good hiring decision. That's where I'm at." Councilman Bowen replied, "It was just a comment; that's all." Mayor Oravec stated, "Councilwoman Berger, back to you."

Councilwoman Berger said, "What Councilwoman Martin was saying is right in alignment with the Charter. The Charter says that the Council appoints, and the bottom line is that every Council is going to be a little different, so there may be a different need 20 years from now." Mayor Oravec said, "Certainly, there are different reasons for different choices, but I think the need to develop the internal talent all the time in all offices is apparent with the transition in the City Attorney's Office. You have to have that next level ready to go, because you never know what's going to happen." Councilwoman Berger remarked, "Agreed. With 40% of the workforce, we're going to see attrition by 2020, which is four years from now. Are you saying 40% of our workforce . . . ." Project Manager Capezzuto replied, "What that statistic referred to is the baby boomers being 55 years and older, which is retirement eligible, by the year 2020. It does not mean anyone's leaving, it just means that there is a vulnerability there, especially that employees with the City's Health Plan could walk away at the age of 55 with full benefits. It just means they're retirement eligible." Councilwoman Berger said, "That's a grand number, 40%. It's not just at the higher level, it is the entire

organization.” Project Manager Capezzuto replied, “Yes, across the organization.” Councilwoman Berger asked, “What does it look like at the leadership level? Do you have it broken down?” The Human Resources Director replied, “I don’t believe we broke it down by leadership.”

Councilwoman Berger inquired, “Under the education reimbursement policies, are you linking it to retention?” The Human Resources Director asked, “Retention in terms of one of the criteria?” Councilwoman Berger replied, “Retention in terms of their employment.” The Human Resources Director said, “Yes. One of the criteria was that they would have to pay back whatever monies were afforded them if they left within two years of the payment.” Councilwoman Berger asked, “Is there a link for the higher level educational opportunities? Say they’re going for a graduate degree, are you linking it to a timeline of when they will be promotable? You have a chart on Page 7 of your PowerPoint presentation where you spell out the potential and the readiness on the x and y. I know of policies where you can be reimbursed for a graduate level degree; however, you must be identified in the readiness category within the next two years, and promotable within the next x amount of years.” Project Manager Capezzuto replied, “I guess it’s kind of a catch 22. It’s a chicken or the egg type of conversation. Do you need to have the ready to be ready, or do you need to be ready to then go get the degree? I think it is situational. I don’t know that we can answer that question.” The Human Resources Director added, “I guess my thought is that if you have someone who is entering into a higher level degree, such as a Masters’ program, what is the timeline? We would look at that on an individual basis. What is the timeline by which you’re going to achieve that degree, and when is it that you’re expected to be able to take on a higher level position. We can always add the criteria of having the requirement of the degree completed, if we believe that degree is going to be beneficial to that program, or required for it.”

Councilwoman Berger said, “Okay. Demand versus need, like when I think back to the 2005 – 2006 timeline, I remember a lot of people being in graduate degree programs. I also think a lot of those people have moved on from the organization, the ones I know offhand. When we’re thinking about reimbursements, and since we’re limiting it to a certain number of people and a certain dollar amount, are we looking about what the overall needs of the organization are, and then dispersing it based on that percentage, meaning that if most of the openings that will be occurring within the next three years require a Bachelor’s Degree, are we looking at putting a majority of the funds towards people pursuing Bachelor’s Degrees? Is there any strategy around that? If not, you may have what would be considered people who are already educated moving into a graduate degree program, and have a majority of our funds funding graduate degree programs for three openings in the next three years that might require that.” The Human Resources Director replied, “Certainly that possibility exists. I think what you’re going to find is that the majority of people taking advantage of the assistance program are still completing their Bachelor’s Degree. Have we analyzed an area to tie the need to the degree? No, we have not. I think that’s an excellent suggestion, though, in looking at where our vulnerabilities are, what type of degrees we’re looking at and what we need to do. We can always add that as another criteria for whether the person would qualify for the Assistance Program.”

# Council Meeting Minutes

RE: Charter

August 25, 2014

habitat that we will find on the North Fork. I really hope that you would consider looking at an alternative and getting out from under an outdated plan that was formed 40 years ago when people needed to get to the east side of the river to shop. That focus has changed for the City, and is now out west. There are other ways to address the traffic problem, making Floresta Boulevard a four lane would be one of them. I wanted to share with you Commissioner Dzadovsky's observations, which I feel are relevant. Think of the greater good for Port St. Lucie by saving millions of dollars by putting the bridge somewhere else that won't damage our environment."

#### **STACEY GILLFILLAN – CHARTER REVIEW COMMITTEE**

Ms. Gillfillan said, "I reside at 10511 SW West Park Avenue in Tradition. I would like to thank you for the few moments to speak with you tonight. I would like to respectfully request that the City Council consider appointing a Charter Review Committee. The Port St. Lucie Charter, which was adopted in November of 1976 and last amended in 1984, could be updated appropriately to reflect present day standards regarding Code of Conduct, Ethics, Expectations, as well as adopting new language and mandatory requirements applying to any citizen considering a run for the Mayor or a City Council seat in the future. Some of you may wonder why I am asking for this. I am a Registered Nurse in Massachusetts, Connecticut, and now in the State of Florida. In addition to all of the fees required in obtaining my Florida RN, I had to pay an additional \$100 for a Level II Background Check. The good news is that I passed with flying colors, of course. For folks that are not familiar with this more expensive background check, a Level II refers to a State and National Fingerprint Base Check in consideration of disqualifying offenses. It applies to employees, designated by law, holding positions of responsibility and trust. It is the same requirement that the City of Port St. Lucie has for anyone filling out a volunteer application, Board or Committee application, as well as an application for all Port St. Lucie job postings. One would hope that any future candidate for Mayor or the City Council would be held to the same requirements as the average citizen seeking employment for volunteer opportunities in Port St. Lucie. Some recent letters to the editor in the local newspaper have been sent in by folks, like me, who find it rather troubling and extremely problematic should we ever have a Mayoral candidate with a well documented criminal history and has admitted on several occasions of their three arrests without conviction of a felony. If someone like that actually gets elected to represent the citizens, it would be an unfortunate event. The scenario would be especially problematic, since the Mayor is the City official that would be called to swear in a new Police Chief or law enforcement officers. It is simply ludicrous and unacceptable that someone, who couldn't obtain employment as a volunteer, could potentially be elected to the City Council or Mayor. Tomorrow many of our citizens will be voting in the primary election. Thank you for your thoughtful consideration of my request."

#### **DENNIS MCKENNA – FIRST RESPONDERS**

Mr. McKenna said, "I am the President of the USA 911 First Responders, which is an organization of First Responders and families of victims. We contribute in obtaining the

steel that now displays an everlasting memory at the Civic Center, an upcoming library in Palm City, and three other locations along the east coast. We would like to thank the Council for participation and support in building the monuments. In spite of our critics, we are still accomplishing our mission and goals in never forgetting 9-11. Besides securing monuments, we have helped handicapped people in need. Unfortunately, Holly Harris, a young girl that we had helped in 2011, passed away at 29 years of age. Our organization had purchased and installed a lift that helped her into the pool for therapy. The lift will be removed and offered to another special needs person, preferably for a child, for reinstallation at no cost. The lift is capable of lifting someone from a wheelchair into a pool. We are hoping, with the viewer's help, to make contact with another person who is also in need. We want to always remember Holly and how we were able to make her life a little easier while here on earth. Unfortunately, I will not be able to speak at Holly's memorial due to prior commitments at other tributes. We would like to offer the City two trucks projecting images of the Worlds Trade Center towers in blue lights on September 11<sup>th</sup>, from 7:30 p.m. to 11:00 p.m., at the monument site. This will not obstruct or interfere with any service; it is self contained, maintained by two pickup trucks, and no permits are required. The lights will shine across Port St. Lucie in memory of the brothers and sisters who paid the ultimate sacrifice. We will need the Council's permission, if possible, to proceed in the necessary arrangements. **(Clerk's note:** Mr. McKenna showed the Council a picture of light display.) Thank you and God bless you."

#### **MARY ANN RUSSELL – ST. LUCIE WEST HOLIDAY DECORATIONS**

Ms. Russell said, "I live in St. Lucie West. No one likes Christmas lights more than I do; I decorate my house with tons of them. However, I cannot see spending \$100,000 on Christmas lights in an effort to attract businesses with the debt that our City has today. This area has nothing but empty strip malls right now, even Crown Wine & Spirits and Edwin Watts Golf are gone. No one will want to put a business in an empty strip mall. If we want to attract more business to St. Lucie West, then let's give them incentives. By raising the taxes, you are talking about having people choose whether to purchase their medications or food. It may be a small amount of money compared to how much we are in debt, but it is just frivolous. You have to think about the people that are struggling week to week who most likely don't think kindly of it."

#### **STEVE CLAUS – FIRING OF VETERAN POLICE OFFICERS**

Mr. Claus said, "I am a veteran of two years with the U.S. Army 82<sup>nd</sup> Airborne and 26 years with the U.S. Air Force Reserve. In April of 2012, Mr. Oravec terminated seven Police Department employees in a reorganization plan, in which Scott Bartal and I were involved in. Can the Council please answer the following questions: Why were we, as veterans, deprived of the opportunity to compete fairly for the Assistant Chief positions as required in the City Rules and Regulations and the Department of Veterans Affairs? Did Greg Oravec promise the Assistant Chief positions to Lieutenants Bill Vega and Richard Del Toro more than a week prior to us being interviewed for the positions? How could Mr. Oravec be fair in the selection process when there is sworn testimony that he

had been working with the same two candidates, Vega and Del Toro, on the new reorganization plan? Can the Council explain why Mr. Vega drafted his acceptance speech for the Assistant Chief more than a week prior to us being terminated or notified of the interviews? Why did Mr. Vega's wife testify that Mr. Oravec asked Mr. Vega to draft his acceptance speech prior to April 10<sup>th</sup>? Since these facts have come to light, why hasn't the City Council called for an independent investigation into Greg Oravec's conspiracy to deny veterans preference opportunities? I am asking for an independent investigation by the Council."

### **MARK GOTZ – 2010 A & B BOND ISSUE RENEGOTIATIONS**

Mr. Gotz said, "About a month ago, we were having a discussion about the 2010 A & B Bonds and the restructuring of debt. That is to remind you of the \$40,000,000 debt on Digital Domain. Staff has been very helpful filling in the blanks that we couldn't fill in that evening. It is interesting that the \$40,000,000 2010 bond issues are being sold and restructuring into 2014 Bonds. I found out that the bonds will go from being 20 years to 30 years. Now we have a longer period of debt service in 30 years, rather than 20. I also found out that the cost to restructure these bonds will cost the City \$700,000, which is the restructure of the bonds. Bonds are normally restructured if you are going to get a 200 basis point, which is 2% reduction of the bonds, but this is very unlikely. So the question of why would bond holders want to restructure bonds and do interest only for four years and tact everything on the back end. Why would a bond holder take less money initially in a restructured bond? As you dig into that, you would have to say that there must be some additional security that is coming up making bond holders renegotiate the existing positions that they are in. Looking at the 10% electric service tax fee, which will be put into the 2014 A & B Bond Issue, it will be a pretty good item to get the bond holders to rework the 2010 positions from principal and interest to interest only for four years. The reason that I mention this is because I believe it is a bad idea to restructure these bonds at this point in time. I think that the City could utilize their existing position to potentially do something different in order to save the City a substantial amount of money. I am sorry to hear that no one took up my suggestion about not going through with the Floresta piece, since you are in your due diligence period. Between the bond issues and Floresta, there are lots of dollars that could be saved if we make some good decisions at the Council level. I would hope that everyone votes in the primary. If you can read, write, count, and critically think, you should get the Agendas for the Council meetings and review them along with the backup material, and express your concerns about the City. I believe that the people on the dais would appreciate that, and it is a responsibility as a taxpayer."

Councilwoman Berger commented, "I had left off with Nina Bechtel, who I agree with. We had spoken about how she felt that the communication was lacking and that a TRIM Notice legally allows us to put out the maximum allowed. Between now and when we vote the millage rate, the TRIM Notice is a promise to the public it will not go above it. Ms. Bechtel informed me that the public needed more of an opportunity for the public to understand why. Even though we have had a two day meeting, aired shows on PSL-20, posted information on the website and newsletters, and created pamphlets, we have to

listen when she says that it is not enough. We really need to hear about what you're thinking and what can be anticipated. Her first view was that it should be mandated legally that you communicate these things and your intent. So, part of my feedback is that is what the TRIM Notice is; it is the mandate legally that we give the maximum. I agree that we can put out some kind of communication, but we can't include with the TRIM Notice because it doesn't come from us. I don't have an answer, but it is something that we can think about for the future. I don't know what else to do as far providing that information. We are not to the point where are actually voting for the 60% increase, it is just what we can legally say is the cap. We are within the time period where the law mandates us to communicate what the maximum could be. Mr. Carroll had stated that I called myself a business expert, which is incorrect. To keep everyone from going back to the minutes, we were talking about retail and I said that I was a retail expert. So, I stand by that. His statement was incorrect. Ms. Gillfillian had mentioned having a Charter Review Committee, and I completely agree. I know that as a Council we have talked about the need to do so. It is time as we are at the ten year mark, so we need to make that happen. We can start planning for that, even though it may be next year before it comes together. I have a list of items that I think that the Charter Review Committee needs to evaluate; many items that we have talked about on the dais. Qualifying for an elected office should have a background check. Each one of us should be comfortable with a background check. I have always had a problem with the fact that our employees have to pass a drug test; however, an elected official was not required to do so. If this is what the application says for the people that have to work here, then the people that serve the people should as well. I would like to see that, but it will come too late as there are people running for office with criminal backgrounds. You can call it an election issue, but it is a fact right now. It is the main reason why we should call it sooner than later, so we don't have to deal with that again. Another thing that I would love to see more communication on is Mr. Gotz's concern with the bonds and whether there was a cost savings. I know that before we voted on that issue, we discussed it at least twice. Granted there are fees involved when you refinance, but the cost savings outweighed the fee. Do you recall how much it was?" The City Manager noted, "I don't recall what the total savings was, but the intent was to buy some additional time. It was in the forefront of our conversation with respect to giving us more opportunity to review what the best use for the Digital Domain."

Councilwoman Berger continued, "By moving it out 30 years, we can pay less per month. We are talking about not wanting to raise the taxes. If you want the debt to be shorter, then the taxes have to go up to pay the debt. We have to be strategic and pull it out if we need to. With any depreciation, we just need to make it work. As far as an investigation, I appreciate the comments. I understand that it is a topic that is timely with the election tomorrow. However, I think that is what the judges did when the case went before them. I don't think that we can make any more comments, because there is still ongoing litigation where employee's wives are being brought in for testimony. This is an active investigation as far as I am concerned."

Councilwoman Martin said, "We have spoken about a Charter Review Committee and the necessity of that, so I am in favor of that and would like to see that occur early next

year. I also agree that we are in pending litigation, and until that's resolved, we have to continue through that process."

Mayor Faiella noted, "We knew that there was going to be a panic once the TRIM Notice went out, so we rely on staff to get information to the public as to what the notice is about. I am confident that during our next Council Workshop that it will not be what everyone expects it to be. I know that I am not for raising taxes, so hopefully we can move forward and alleviate the panic attack. As a homeowner myself, I don't want to see my taxes go up. However, you have to keep in mind that we have a budget deficit. We can blame everyone, but the reality is that we have to deal with the reality of it. As far as the lawsuit, can this Council call for an independent investigation to put these allegations to rest?" The City Attorney advised, "These issues will be addressed through the litigation that is currently pending." Mayor Faiella clarified, "So, we cannot call for an independent investigation." The City Attorney replied, "It is not my opinion that you can nor should you with the litigation that is pending. Those claims should be addressed through the litigation that is pending."

Vice Mayor Bartz commented, "It is great that Ms. Bechtel brought up communication. I know that we all have had conversations about how to open up communication with the public, and not just being about the debt. We constantly hear about certain things that the residents want; however, the communication wasn't that great. So now we are sharing with them the steps we are taking in order to make those things happen, and advising them of what would be needed in order to do more. It gives us an open dialogue with the residents. I think that we have had open dialogue with our residents, but it may not have been communicated as well as how we would have liked it to be. We are now trying to communicate on a one-on-one basis as people contact us. I think that they have gotten their messages across, which will be helpful in moving forward. Every time that someone shares with us their concerns or inquires about a project, I always appreciate the dialogue."

Councilwoman Berger added, "The thing to remember is that nothing has changed this year in how we communicate, other than getting better and having more of it. There is always room for improvement, but we are communicating now more than any time in the past in regards to our intent, strategic vision, and the connecting projects. I thank the members of the public that attended the two-day City Council Retreat. Mr. Gilfillan, who is in the audience, utilized the Public To Be Heard portion during the Retreat to voice his concerns in regards to the millage rate. We can't have both things. I agree that everyone isn't going to be happy looking at the TRIM Notice, but at the same time, I have received a ton of calls saying that they are willing to pay the additional \$6 a month. So, there are two sides to every story. We want to continue to have a high level of service and be proud of this City with the best Police Department, but we cannot have all of those unless we pay. There is a balance, and it is our job to find it. Short of that, we could put everything out to referendum. For example, we want to open to more parks and here is the cost. Yes or no. We want to add to the Police force to continue the level of service. Yes or no. We want to build sidewalks. Yes or no. We want to pave the streets that haven't been paved in 20 years. Yes or no. I can tell you with the calls that

# Council Meeting Minutes

RE: Charter

August 28, 2014

before the Planning and Zoning Board. The Planning and Zoning Board normally sees those tower leases in a different format for City-owned parcels. When they come in for their Special Exception Use, the leases are attached as a part of that process to make sure they obtain City approval. There is usually a draft lease attached to the packet as well. The suggestion would be for staff to modify this language and bring it back, so that it is optional for the City Council on much larger projects that would have an impact to the public for the community. Their input may be important to the City Council, as well as to the Planning and Zoning Board, to discuss these projects in a lot more detail and to have that conversation. We could have the projects go back to the Planning and Zoning Board for a lot more input to the City Council, as well as for the public to participate in more detail at those meetings, and provide that input to the City Council. It is open for discussion, but those are some of the provisions that should be changed. There are a few other items in here that have not been practiced. I believe this language is just a little bit dated, and should be updated. It is one more of those things in our Code that as we find a little bit more time and staff, we will address it and bring the proposed changes to the Board for discussion." Mayor Faiella remarked, "Okay. That is fine."

Mr. Martin said, "This is why I wanted this meeting. I have been talking about this for four years, and have gotten a variety of different answers. I've talked to the past Council members, previous Legal staff, and the City Manager's staff. We need checks and balances; we really do. It is nothing new. Our economy tanked in 2008, and we are feeling a lot of the pain from that. Nobody in this room knew it was going to tank, or knew the repercussions of what was going to happen. Now we have an opportunity to go forward, and that is why it is vital that the Board vet a lot of these projects. None of us are experts, like staff, in legal or engineering matters. We need to have an open discussion with the public regarding the acquisition, disposition, and leasing. I agree that there should be a threshold on leasing. I'm not saying that Ms. Booker just said that we are just going to have the Council change these. I want a conversation, in public, before anything is changed. I'm not trying to be difficult, but this has been ongoing for me for four years, and I have volunteered hundreds of hours to the City. Why weren't we provided with a copy of this today? I don't need an answer, but I'm disappointed that we weren't provided with a copy of this today. I hope it is somewhere in the documents; Section 32.57(b)(8) says, 'Improvements not included in the Master Plan.' I'm going to paraphrase; the board has every right to hear and go through due process for public lands and buildings. I have evaluated the state statutes and how they handle public land and buildings. I tried to correlate it with what we have in our Charter. Ms. Booker is right, it has been 34 years since Section 32.57 was amended in our Charter and Code. Number 8 is of vital importance. Number 9, Disposition of City Property, I'm not going to be too specific, but we obviously have current circumstances where we are in the process of a disposition of a very substantial asset in the City that needs to go through the Planning and Zoning Board. I think Eight, Nine and 14 are of critical importance for the City to move forward, and not be caught in a situation like we are today. We are more than likely going to have another downturn in the economy. You should be willing and begging for another Board to help make decisions, so that you don't have 171,000 people pointing their fingers at five of you. Let them point their fingers at 12 of us, but at

least we will have had those checks and balances. I look at this as a semi-judicial Board. When I was first given my packet to become a Planning and Zoning Board member, I had an interview with the Legal Department and Mr. Holbrook. You folks were generous enough to send me to a class, so I understood more about the Comp Plan and what a Planning and Zoning Board does, specifically the Land Planning Agency, which is a mandate from the state. As all of you know, you have to have it. You don't have a choice, as it is mandated by the state for the Comprehensive Plan. I don't think that we should take this lightly. Yes, it is 34 years old. Does it need to be revised? Yes. Do there need to be thresholds, so that the Planning and Zoning Board is not listening to a 500-square foot lease at a park venue? Yes. I think that we need to be reasonable about it. I will continue to be vocal, if I believe that the intent is to just change these by Council without any input from the Planning and Zoning Board. Thank you."

Councilwoman Berger said, "Changing language to make sure that you have that flexibility, like 'From time to time the Planning and Zoning Board may,' is that going to satisfy it, if we leave everything the way that it is now, so that you still have full function of the original intent? Or did you want to add additional regulations to it? I'm trying to understand how much more you want." Mr. Martin stated, "There has been talk recently, and I heard it at one of the most recent City Council meetings that somebody from the public talked about doing a Charter Review Committee to allow the citizens to review the old documents when the City had 50,000 people in it. I'm not prepared to go through it by line item and delete, remove, or make suggestions. It needs to be on a Charter Review Committee, where they can go through the document, as well as a lot of other City documents. Leave it as it is, and let's follow it. If a circumstance comes in like a tower lease, let us handle it. If it becomes too burdensome, and we have 35 items on the agenda instead of 15, then maybe the Board can come back and talk to the Council to have you look at it." Councilwoman Berger stated, "I like what it says. The only thing I thought we could change to make it flexible for the future would be to add the words; instead of 'shall' go with 'may.' That way, for the 500 square-foot items, it makes sense. At any given time, if it is not working, then I think we have been called out. We need to know that we need to create some milestones. We are going to check in January and then in August of next year to see how many times this came up, and how we dealt with it, so we can make a recommendation. Any of the Planning and Zoning Board members can make recommendations for a change in writing. I don't know that I would want a separate committee, like the Charter Advisory Committee would just be for the Charter. For our ordinances, specifically as it pertains to the Planning and Zoning Board, I'd rather have it from the Planning and Zoning Board. If you have a separate workshop on your own and want to make recommendations, I think it is a great idea. If you want us to come back with the dialogue as it is now with some 'mays' in there to see if you like it, that makes sense, too. I want to make sure that we satisfy that need, because I recognize that we need to. It would have benefited everybody, yes, you are correct." Mr. Martin said, "I like the document the way it is. If somebody comes along at a future date and makes a suggestion for a revision, I'm fine with it."

Ms. White stated, "I agree. There should be a threshold, like park benches or maybe an

# Council Meeting Minutes

RE: Charter

October 31, 2013

the Mayor and the Council members are going to the department heads for and not giving direction." Mr. Sumek noted, "It is consistent with what we had talked about. Simple information that is readily available, so the Council members can go directly to department heads was the protocol that I identified last time. Do you want to change that?" Councilwoman Berger stated, "This goes back to my original discussion from the first meeting. I believe that the conversations between the Council, the Mayor, and department heads are by design, and are supposed to be regulated and worked through the City Manager. This way we don't have people that are in department head positions reacting or responding because they are in fear of their jobs. They need to know, and that is for everybody's protection. It is in the Charter for the City. That is why I am asking for clarity on that." Mr. Sumek said, "The key was that the manager feels comfortable that you can go to them. We can add at the end for information." Vice Mayor Bartz stated, "I don't disagree with that, because it has been my theory that the managers should be comfortable enough with their department heads. I think that the clarity should be there. The idea that it goes without saying gets us in trouble sometimes." Councilman Bowen commented, "I'm okay with adding it, it's an assumed thing. If I talk to a department head about information, I give the City Manager a heads up. I don't want to go back to that hourglass theory, where everything has to go through the City Manager's office." Vice Mayor Bartz interjected, "This is not just for us, but for future Councils. If we can clarify it now, there is no question. I used to talk to Chuck Proulx a lot, and within an hour he had sent an email stating that I talked to him and the contents of the discussion. However, that was the direction he was given." Mr. Sumek pointed out, "That is not consistent with this either. I think that adding 'for information or service request' is consistent." Mayor Faiella commented, "It is up to the City Manager, and what his position is." Mr. Sumek said, "This item is looking at an individual to be the City Manager, and your expectation that they should feel comfortable to have you go to a department head for information or a service request." Mayor Faiella commented, "Jerry Bentrutt did it one way, and Greg Oravec did it another way." Mr. Sumek pointed out, "You need to talk about what you want. You play it out on a day to day basis."

Councilwoman Berger asked, "Did we specify that we expect the City Manager to follow the Charter?" Mr. Sumek answered, "No." Councilwoman Berger questioned, "Where would that go, under organizational leadership or the first page?" Mr. Sumek responded, "Charter doesn't necessarily specify information or service requests." Councilwoman Berger interjected, "I think it

does. There is a memo from our City Attorney that says it does. The Charter clarifies how service gets rendered with the City Manager on a day to day basis." Mr. Sumek stated, "We talked about that last time and set out a protocol."

Councilwoman Berger clarified, "Is it correct to say that we have decided that it is by protocol?" Mr. Sumek answered, "Yes." Councilwoman Berger asked, "Did we say then that protocol is more impactful, important, and prioritized than the Charter? What is protocol?" Mr. Sumek responded, "No, I didn't hear that at all. Are you saying that the Council should have no contact at all with the department heads?" Councilwoman Berger stated, "We have had this discussion yesterday, and I am not looking to redo it. I am saying that I agree with the original interpretation from our City Attorney, the hourglass." Mr. Sumek interjected, "We agreed to this previously. I thought it was accepted, and signed off. Mr. Orr, are you saying that they should not have any contact with department heads?" Councilman Bowen interjected, "We have been down this road before." Mr. Sumek continued, "We talked about it at our Retreat, we talked about the roles of the Council, and that they are employees for the City Manager. The City Manager said that it would work, and the steps were outlined to be followed." Councilwoman Berger pointed out, "There is nothing wrong with me, as an individual. . . ." Mr. Sumek interjected, "Excuse me, but when you say that I am undercutting the Charter I am personally offended by that." Councilwoman Berger asked, "How should I sit here, as an elected official, and not be personally offended when you say that my view is not as important? I am just putting it out there so my voice is heard, because I am elected to represent the people." Mr. Sumek noted, "You made the comment directly that this is. . . . Mr. Orr, is this a violation of the Charter? We asked this last time, and I believe you said no." Councilwoman Berger stated, "I would think that you are right. I think that the City Attorney had a different response, and that is when I asked if he would put out a new memo. The only existing memo that we have supports the previous view." Mr. Sumek said, "My intent was not to undercut the Charter, which you stated a minute ago." Councilwoman Berger replied, "I will continue to stand firm in what I believe."

Mr. Sumek asked the City Attorney to comment. The City Attorney stated, "The language of the core Charter states that the Council shall deal with employees under the direction of the City Manager, through the City Manager. Then you get into the parsing of the phrase through the City Manager, which the City Manager can give some guidance or protocol. I think that is where you went with protocol last time. The City Manager was

comfortable with saying if you follow this protocol, you were dealing with City employees that report me." Councilwoman Berger asked, "Will you put out a new memo that states that?" The City Attorney responded, "My last memo regarding the Charter states that the Council members must deal with City employees who report to the City Manager." Councilwoman Martin added, "If the City Manager says it is okay for us to ask a department head a question, then that is through the City Manager. He made the determination." Mr. Sumeck said, "From my perspective, I did not see this as undercutting or violating your Charter at all. It was consistent with what the City Attorney ruled last time, and your discussions with the City Manager in terms of how to handle it. That is the way it is reflected there. Are we ready to move on?" Councilwoman Martin commented, "Yes."

Mr. Sumeck continued, "On policy development, your expectations of the Manager are listed there. Number 1 is identify areas needing policy or policy changes. Number 2 is present complete reports with unbiased analysis and clear recommendations. Number 3 is work with the Legal Department in policy development. Number 4 is streamline and simplify City policies. Number 5 is develop and present recommendations for the Mayor and the City Council. Number 6 is share insights and experiences as policies are developed. Number 7 is provide direct feedback to the Mayor and the City Council if the policy is not working. Number 8 is know and anticipate future issues for policy deliberation and development. Number 9 is identify potential consequences from decisions or actions. Number 10 is take the initiative, and develop a new idea. Number 11 is provide the pros and cons on an issue. Does anyone have any comments? (**Clerk's note:** There was no response.) Next is the policy implementation after you have acted. Number 1 is take timely action to implement policies and direction. Number 2 is keep the City Council and the Mayor informed on the status and progress on new initiatives or projects. Number 3 is inform the Council if something is not working. Number 4 is take responsibility for follow through and implementation. Number 5 is be accountable for the results and impacts. Number 6 is follow through on the Council's direction and directives. Number 7 is actively support the Mayor and the Council policies, decisions, and actions. Number 8 is work on implementation through the entire City team. Number 9 is address barriers to policy implementation. Number 10 is work with departments to set operational goals. Does anyone have any comments? (**Clerk's note:** There was no response.) On the next page is Strategic Thinking and Planning. Number 1 is anticipate issues, opportunities, and potential problems. Number 2 is work with the Mayor and the Council to develop a realistic Strategic Plan. Number 3 is institutionalize an on-going Strategic Plan

# Council Meeting Minutes

RE: Charter

December 9, 2013

RESPECT TO THE SERIES 2013 BONDS; AUTHORIZING CITY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE SERIES 2013 BONDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Resolution 13-R165 aloud by title only. Councilwoman Berger **moved** to approve Resolution 13-R165. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 13-R165. The **motion passed unanimously** by roll call vote.

**c) RESOLUTION 13-R166**, PROVIDING FOR THE SCHEDULING OF THE SPECIAL ELECTION TO FILL THE VACANCY FOR DISTRICT FOUR DUE TO THE SUSPENSION BY THE GOVERNOR VIA EXECUTIVE ORDER NUMBER 13-332; PROVIDING AN EFFECTIVE DATE.

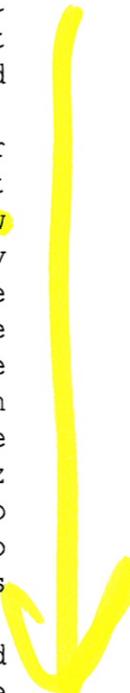
Mayor Faiella read Resolution 13-R166 aloud by title only. Mayor Faiella asked for direction of Council, to which Councilwoman Berger replied, "Let's talk about it." Mayor Faiella asked the City Attorney if he wished to speak. The City Attorney replied, "The Senior Assistant City Attorney is here. She can address Council with the details; she has a memorandum that supports our position. If you have specific questions, I'd be happy to answer them." The Senior Assistant City Attorney stated, "Good evening. I'd be happy to answer any questions you have about the Resolution that is put before you tonight. Heather Young, the representative for the Supervisor of Elections Office, should be present this evening as well. The Supervisor of Elections could not attend tonight. What you have before you is pursuant to our **City Charter**. We're requesting to have an election on February 25, 2014. The way our **Charter** reads, it requires a primary election in the month of January; however, the Supervisor of Elections could not accommodate that schedule. There would not be enough time to send out the ballots. We must comply with Florida statutes and get the Supervisor of Election's consent; we are preempted by the elections provisions in the Florida Statutes. The Supervisor of Election's memo is attached with the cost of that. If there's only one election, it would cost \$125,000. If both elections are required, it would be \$250,000. Based on conversations we've had with the Supervisor of Elections, she would request an initial deposit of \$50,000 if this Resolution is approved tonight so that we can move forward with the items necessary to get this on the Agenda in time." Mayor Faiella inquired, "If we approve this tonight, how long do we have for polling paperwork and qualifying?" The Senior Assistant City Attorney replied, "The qualifying period that we've looked at is the week of January 6-10. There is additional information added here based on preliminary discussions that supports that." Councilwoman Berger stated, "I'm sorry, I don't

have that. My backup here is the only backup I have." (**Clerk's Note:** Mayor Faiella asked if anyone else's backup was missing. Councilwoman Martin stated hers was present. The City Clerk provided Councilwoman Berger with an extra copy.)

Mayor Faiella asked, "Is qualifying between January 6 and January 10?" The Senior Assistant City Attorney responded in the affirmative. Mayor Faiella questioned, "If we do this and Councilman Bowen comes back, is everything null and void?" The Senior Assistant City Attorney responded, "No. If the Governor rescinds the Order and reinstates Mr. Bowen to office, that person would no longer be in that seat. It's a temporary vacancy. The individual would only hold that position until the Governor's Order is rescinded, or they would serve the remaining three years of Mr. Bowen's term." Councilwoman Martin stated, "Because of the way the Charter is, we would have to expend the \$50,000. Correct?" The Senior Assistant City Attorney responded in the affirmative. Councilwoman Martin continued, "If something were to happen with Mr. Bowen's case prior to this, would we have to expend any more money? When would we have to pay the next portion due?" The Senior Assistant City Attorney replied, "We would be billed as costs are incurred by the Supervisor of Elections. That is beyond her control and our control as well. The sooner Mr. Bowen's case is resolved, the better, since costs will become invoiced as they become due." Vice Mayor Bartz stated, "I apologize. I think I've missed something you said. There's an initial \$50,000 deposit with the Supervisor of Elections. If, in fact, we send in that \$50,000 by the 1<sup>st</sup> of January and things change by the 20<sup>th</sup> of January, would we be refunded that money?" The Senior Assistant City Attorney replied, "If those funds have not been expended, yes. But there are costs she will have to incur, and there's the expectation of having those funds prior to expending the costs. There are letters she has to send out this month to the various locations where the voting will take place, to advise them of what is taking place and to get their consent. There are costs for those mailings and we would be responsible." Councilwoman Berger inquired, "Do we have enough time to advertise for qualifying January 6-10?" The Senior Assistant City Attorney replied, "If this is approved, the notice will go out and there will be enough time. There is a draft notice in your packet." Councilwoman Berger stated, "Our hope would be that if we have to go the full election to get somebody in, that they actually win the first time through the Primary. It would be a lot less money." The Senior Assistant responded in the affirmative and added, "It would be a lot less money for the City if that took place." Councilwoman Berger stated, "The good news is that typically, the super voters come out for something like this. The super voters usually work with Homeowner's Associations and

they really dig in to get to know the candidates. A lot of times, they'll get behind the candidates as groups. In this kind of situation, that might be what we hope for, just so that it saves the City \$125,000. The community can really help to save us some money here based on the choices that others have made and the situation we're in."

Councilwoman Martin stated, "I really think it's unfortunate that we have to expend this amount of funds. Another thing I read in the Supervisor of Election's memo is that we have a conflict between our Charter and State Statute. Knowing that we have had other issues regarding our Charter, and that the Charter has not been revised in 10 years or more, I think that we need to have a workshop next year. We need to take a look at our Charter and identify the areas of our Charter that we've had problems with, and review them for revisions. It's time that it needs to be addressed." Vice Mayor Bartz replied, "I don't disagree with you, and a discussion next year would not be a bad thing; however, it's not up to us as to what we want reviewed. It is up to a Charter Committee to go over the entire Charter and make their recommendations." The City Attorney stated, "That can go both ways. The Council can appoint a Charter Review Committee to look at certain provisions in the Charter, or they can appoint a Charter Review Committee to look at the entire Charter for review. Historically, the pattern has been for the Charter Committee to review the entire Charter and make recommendations for changes to the City Council." Councilwoman Martin said, "It can go either way. I'm just stating that there are specific things that have been issues." Vice Mayor Bartz said, "I'm okay with that. I was just told that they had to go through everything and that us having discussions held no water." Councilwoman Berger stated, "Madame Mayor, I think it's time. I can't tell you how many times I've sat in a room, whether with our attorneys or other attorneys, and we've had different interpretations of the Charter. We, ourselves, operate differently because we think it says something else. When the Senior Assistant City Attorney and I were discussing this situation, we thought, 'Why can't we find someone who would typically be on the opposite side and can provide a different interpretation of this?' We looked, and the Senior Assistant City has had conversations with outside attorneys, including the State Elections Attorney and the Governor's Office, trying to get opinions. We have put ourselves into this corner because of the Charter. What's important to remember is that as bad as it seems to have to spend this money, this is the Constitution for our City. It was written by our citizens, in essence. It was voted in, along with every amendment, by the citizens. There's a fundamental reason why we, or future Boards, cannot change it on a whim. That is to protect the citizens and the organization.



Whoever put this Amendment in had the intention of making sure that all citizens were represented as quickly as possible. As you know, we are here with 25% of our City who are not being represented. It is a big district, and it happens to be a district that has a lot of voter turnout. They are very active in their community. I understand the intent of why it's in our Charter. To me, it says that they want quick representation. The sum of \$150,000 seems like a lot of money, but we've spent that on other projects. This is a public trust issue. We may be fortunate enough that Mr. Bowen is found not guilty and gets reinstated, and we save the taxpayers' money, but what we should be the most interested in is saving the public's trust in this government and this agency. By moving forward with this, we should feel comfortable that the people get to pick their representative, even if it's just for a day. They get to pick who they want to represent them and their needs, so that the entire cross section of our community is represented the way that this government is supposed to be, and find comfort in that." Mayor Faiella stated, "Let's remember that we vote at large. We don't vote by districts, even though everyone is concerned with districts. I've been asked that question. Although we don't have a representative, we still care about our District Four and will vote appropriately." Councilwoman Berger responded, "Sure. Just the last two days, I visited a few people in District Four, and I know you all are taking care of some interests. Even when we have a full Board, we sometimes cross over and take care of issues. We still cannot minimize the fact that a District is not being represented. If that was not important, we wouldn't have four of them. We'd all be at large." Councilwoman Martin stated, "I agree with what you've said. My concern is that we have the Charter, Florida Statutes and Ordinances. You would think that they'd all be in line for the most part, but there's a conflict. I don't like the fact that we have all these rules that we are governed by, but they are not in concert with one another. That's my big concern." Councilwoman Berger replied, "I think that in our past history, there was a lot of fighting for home rule, fighting that we don't have to do. We have that luxury, whereas the previous Councils over the past 20 years have had to really fight with the League of Cities to gain home rule away from state senators and legislators who thought they knew better than the people who lived here. It's important to remain conscious of home rule." Mayor Faiella inquired of the Senior Assistant City Attorney, "How soon do we have to cut the check? Is there a deadline?" The Senior Assistant City Attorney replied, "There is no firm deadline, but it should be done by the end of this year so that the Supervisor of Elections can start the process. There will be a cost with the postage alone, so the Supervisor of Elections is anticipating the check shortly so that she may meet the time

frames." Mayor Faiella asked for direction of Council.

Vice Mayor Bartz stated, "Madame Mayor, I **move** to approve this and give the staff the ability to move forward with the Supervisor of Elections, with the idea that if the process needs to stop they will do so and act appropriately." Councilwoman Martin **seconded** the motion to approve Resolution 13-R166.

Mayor Faiella inquired, "May I ask a question of the Interim City Manager? There are rumors out there. Can you explain how you came to the conclusion of taking Ron Bowen's pictures down?" The Interim City Manager responded, "There is nothing we can turn to and see how we can function with respect to the suspension of a Councilman. It's clear that as a part of the Executive Order, the Councilmember is not to be able to enjoy any of the privileges of office. Not having any guidelines or distinct policy, it was our decision to make sure that anything that could be construed as a privilege of the office was taken down. That included the decision to take his picture down, take his bio off the webpage, and take programs that he authored off of our cable channel. While it may seem to be ridiculous at some point, I'd rather err on the side of being overly ridiculous than to miss something and have the Governor's office say we did not thoroughly comply with the Executive Order. While it may seem draconian, we want to make sure we didn't run afoul of the Executive Order. That's why all of that was done."

Mayor Faiella stated, "I have first and a second. Are there any further discussions?" (**Clerk's Note:** No one responded.) The City Clerk restated the motion as follows: for approval of Resolution 13-R166. The **motion passed unanimously** by roll call vote.

The Interim City Manager stated, "Just to confirm, that will establish the qualifying period from noon January 6 through January 10. I don't think we meet again within that period, so I just want to make sure we're all on the same page."

## 12. UNFINISHED BUSINESS

There was nothing scheduled for this item.

## 13. NEW BUSINESS

### a) CONSIDERATION OF CITY MANAGER APPOINTMENT, MAYOR

Mayor Faiella inquired of the Council if everyone had received her letter and the City Manager's Performance Assessment Report. Councilwoman Martin stated, "Madame Mayor, I read through the whole report and I think it is very positive, for the most part.

# Council Meeting Minutes

RE: Charter

December 2, 2013

giving the Council an opportunity to participate. I won't wait three weeks. If I find out the answers to my questions, and then I have to come up here and speak to you about them, I don't want you to feel left out. I want you to be part of the process and I think that allowing us to have a meeting that's in the open is the way to do that." Mayor Faiella asked, "So, two weeks?"

**(Clerk's note:** There was a discussion regarding scheduling availability.) It was the **consensus** of the Council to hold an emergency meeting on Thursday, December 9, in Council Chambers.

Councilwoman Berger stated that she also wanted the Senior Assistant City Attorney to provide an update regarding a special election to fill the vacant seat. The Assistant City Attorney stated, "Last week, on Wednesday, I received a call from the Governor's office advising that they would be sending an Executive Order from the Governor. We received that Executive Order, Number 13-332. The Order recites Mr. Bowen's name, as well as the allegations from the State Attorney's Office, for alleged violations of Section 286.011 3(b) of the Florida Statutes. The order goes on to provide that pursuant to Section 112.51 (2) of the Florida Statutes, the Governor has the authority to suspend any elected official who is arrested for a misdemeanor, or is informed against the commission of a misdemeanor. The additional portion of that Order removes Mr. Bowen from his office as a Council Member for the City of Port St. Lucie. Mr. Bowen is prohibited from performing any official act, duty, or function of the public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of suspension. The Executive Order stays in place until we receive further order from the Governor's Office. The information from the State Attorney's Office is attached to the Order. Florida Statute 286.011 addresses violations of the Sunshine. It says: 'Any officer who violates the provisions of this section may be guilty of a noncriminal infraction, not exceeding \$500.' That's one portion. The specific portion that was cited in regards to Mr. Bowen is Subsection 3(b), which states, 'Any person who is a member of a Board or Commission, or of any state agency or authority, who knowingly violates the provisions of this section by attending a meeting not held in accordance to the provisions hereof, is guilty of a misdemeanor of the second Degree.' That section goes on to provide additional language that if Mr. Bowen would be subsequently acquitted of the charges, the Board or Commission is authorized to reimburse him for any portion of his reasonable attorney's fees. Section 112.51 of the Florida Statutes gives the Governor the authority for removal. That Section states, 'The suspension of an Official by the Governor creates a temporary vacancy. A temporary vacancy is created by

the suspension, and shall be filled by a temporary appointment for the period of suspension. The temporary appointment shall be made in the same manner and by the same authority by which a permanent vacancy in such office is filled.' Moving onto the City's Charter for filling vacancies, as to a vacancy created in the City of Port St. Lucie, if there were less than six months left in Mr. Bowen's term, the City Council would have the authority to appoint a successor. Mr. Bowen has more than six months left on his term in office, therefore; Subsection (2) of the Charter under 3.09 would apply. If there are more than six months remaining in the unexpired term, or more than six months before the next scheduled election, the Council has to schedule a special election to be held no earlier than 30 days and no later than 90 days following the date the vacancy occurred. This would mean, for the City, that we would have to have a special election the last week in February to comply with the 90 days. I have contacted the Governor's office and their General Counsel regarding the Executive Order. We discussed it at length. Mr. Bowen was advised of the Executive Order last week on Wednesday, and he turned in his City equipment and left City Hall. He's no longer an acting City Council member for the City of Port St. Lucie. I've spoken to the Supervisor of Elections. There's a meeting scheduled with her tomorrow to address the parameters for setting up a special election, the dates for qualification, and any other information we may need to comply with in terms of giving proper notice for the election. There are several Attorney General opinions, as well as other case law that have been reviewed. We would have to weigh the outcome of Mr. Bowen's criminal proceedings to know if that position would be temporarily or permanently filled. The Governor's Office will not revoke the suspension, nor permanently remove him from office until the outcome of that case is provided. In the meantime, we would have to have the special election to have someone else fill his position, and that would only be on a temporary basis during the suspension. If he is permanently removed, it would be for the duration of his office term."

Mayor Faiella asked, "So if we have a special election and he gets reinstated, does that person step down?" The Senior Assistant City Attorney replied, "That would be correct." Councilwoman Martin stated, "Obviously, there are costs associated with a special election. That's going to be borne upon the City. I assume it's going to be costly to do that. My concern is that according to the paper today, Mr. Bowen has a court date on the 26<sup>th</sup> of December. My question is: if we schedule a special election and something happens during that time and he is able to come back to the Council, are we still responsible for the costs?" The Senior Assistant City Attorney replied, "Yes, we would be responsible for the costs incurred by

the Supervisor of Elections up to that date. I don't have those costs estimates at this time. The numbers that I've heard are anywhere from \$100,000 to \$170,000 for the special election." Councilwoman Martin responded, "I just want to make sure we are taking the proper precautions and are not scheduling something that we may not need to schedule. We don't know what's going to happen with this." Mayor Faiella inquired of the Senior Assistant City Attorney, "When is the latest we can schedule? I know we have 90 days, you had mentioned." The Senior Assistant City Attorney responded, "The election would have to be held during the last week in February. There are other things that would have to occur prior to that to have that election scheduled at that time. I do not have all the specifics, but I will get all of that information tomorrow during my meeting with the Supervisor of Elections."

Vice Mayor Bartz stated, "I think that there was some valuable information given to us. Right now it is too early to think about any of these things. I appreciate the fact that you are looking into it and that you are going to get some costs associated. What is important is that we continue discussing what the process is so that we know. All of this is going to take time, so I don't want us to overreact. I want us to be calm and methodical in what we do, and I think that starting these conversations is that first step. I appreciate that you're going to have that information available at the special meeting on Thursday. At that time, there can be more of a discussion as to what those alternatives and options are. I think that this is a lot of information to ingest in this meeting. Unless the rest of the Council has something on it, we should take the time to catch our breath, get information, and then sit down at a meeting and go forward."

Councilwoman Berger stated, "While I agree with you, it is important to say that these aren't arbitrary dates that we're coming up with. This is not something that this Council is trying to rush through. This is what our Charter has mandated, and it's what the Governor's Order has referred back to. The clock started ticking last week when Mr. Bowen was summoned. At minimum, we can have the election 30 days from last week. At maximum, it's 90 days from last week. The complication is that while I think it's right to wait until December 26 to see what happens in front of the Judge, we also have to anticipate that the Supervisor of Elections may need 60 days of lead time. It's a Citywide vote, and we're a big City. It's not something that she can typically put together in a couple of days. As a group, we need to anticipate any scenario and be ready to move when the time comes. That's what the regular meetings are for, but we may need to have emergency meetings multiple times before we make

the decision to go forward with the special election. By the way, unless he is found innocent and returns back within the next 60 days, we don't get to make that decision. We would be having a special election. This is a public trust issue. This is a **Charter** that was voted in by the public. None of us wrote it. The public voted it in and said this is how they want their government to operate. As a board, when we have exercised behaviors that have broken that public trust, we need to do a lot of communication, and have a lot of visibility to make sure we gain back that public trust because we've lost it. Anybody who sits up here and thinks we haven't lost it, you're making a mistake. I want to recognize Vice Mayor Bartz, along with myself, and say we're part of a very wide brush stroke that is occurring. From the City Attorney's perspective, based on the little bit of information about our City Attorney, whether true or not, our entire Legal Department is now being brushed with that same brush stroke, as well as our administration. We have people in our community who live here, pay taxes, and feel as if they cannot trust the government that's here. It is our obligation to do everything we can to gain that trust back as fast as possible. Let's not delay anything. Let's get it done."

Mayor Faiella stated, "I just need you to find out when the latest is, and get the information from the Supervisor of Elections. Whatever she feels comfortable with." The Assistant City Attorney said she would have additional information the next day. Vice Mayor Bartz stated, "Madame Berger, I was not trying to make light of the situation or say that we shouldn't follow the **Charter** or the state regulations; however, I was just trying to say let's take a breath. Let's do it methodically, as we should. I certainly did not mean. . . ." Councilwoman Berger stated, "And I didn't take it that way. That is what we need to do always, but from now on, especially. My preference would be to have the special election sooner rather than later."

#### 14. DETERMINATION OF EXCUSED ABSENCES

There was nothing scheduled for this item.

#### 15. CITY MANAGER'S REPORT - THANK YOU TO TONYA TAYLOR/FESTIVAL OF LIGHTS

The Interim City Manager stated, "I would like to extend my appreciation to Tonya Taylor. She oversaw the installation of the holiday lights that you see around the City. I appreciate the hard work she did to make that happen this year. Thank you to Tonya. Also, we have our Festival of Lights Celebration this Saturday, so I hope everybody comes out and enjoys a lighter moment of the celebration of the season. Thank you very much."

# Council Meeting Minutes

RE: Charter

June 25, 2013

Department. I don't want him to be here for a year, and then leave. I don't feel that that is what he is looking for, which also impressed me. I look forward to the future with him. He is going to be a benefit to our City. I welcome him aboard."

**THOMAS LADOMIRAK**, resident, said, "I wanted to thank the City Manager for requiring City employees to be residents of the City. I think it is very important. As far as the pending contract, I hope if there are any problems, that they are resolved quickly to get the contract executed. I think he is a good choice, and I'm looking forward to him becoming our Chief of Police. Thank you."

The City Clerk restated the motion as follows: for approval of Item 13 n). The **motion passed unanimously** by roll call vote.

**o) DISCUSSION CONCERNING ETHICS IN LOCAL GOVERNMENT, COUNCILWOMAN BERGER**

Councilwoman Berger said, "I sent you background information on this item. I had a couple of discussion items in general. I spoke with the City Attorney today for two hours. In the end, where I'm at with the **Charter** is that it has a lot of holes. Under Ethics, it refers to the City needing an ethics ordinance. It says, 'shall' and 'and,' but we don't have an ordinance for ethics. We have a **Charter** that gives us direction that doesn't make sense. There are a couple of cities, like the City of Miramar, that is close by, and the City of Lake Worth, who both have a Code of Ethics and core values. There is an opportunity for us to make some improvements. I think we need to, because it says in our **Charter** that we are supposed to have something. I wanted to start talking about that with you to see what you thought."

Vice Mayor Bartz inquired, "Do you have some recommendations as far as going forward? Is it something that we need to do as a Council, or would we have a volunteer group look at it?" Councilwoman Berger responded, "I don't know that we would necessarily need a committee on it. There are so many opportunities to go online to look at what other municipalities have as examples. We have Team Port St. Lucie that the City Manager has put together, which really has some core values already stated. We can take a look at what we want to incorporate to make sure that what we are saying about the **Charter** is in those core values and in our Code of Ethics. For instance, there has been a lot discussion last week with the **Charter** itself, and if there was a violation of the **Charter**."

There was a lot of conflict, because there is no direct correlation of what happened, specifically the Mayor's issue, and what the Charter says should be okay. If there needs to be more detail, then maybe it needs more detail. If not and everybody's comfortable with it, then we will leave it alone. There is a handbook that Minnesota puts out for candidates and elected officials. It talks about the form of government that they have in detail, and we can add anything like that. We can look at our ethics, and say something along the lines of making sure that we don't allow or find it okay that Council members are involved in day to day operations within the City. We don't have anything, and the Charter says that we are supposed to have something. The Charter is written and approved by the citizens. In order to change it, we have to go out to referendum. I don't see the need to change the Charter. I just think that we need to create an ordinance and a Code of Ethics to get on board with where we should be in holding ourselves accountable." Councilman Kelly stated, "If we haven't adopted anything, then I think we should immediately adopt the Florida Sunshine Amendment, because that covers the Sunshine law and the Code of Ethics from the state. That would suffice, and I'm sure that is what 90% of other cities have. If we don't have it, then we should adopt it officially. Would that be the right thing to do?" The City Attorney advised, "We have adopted the Florida Ethics Code, Chapter 112 in the Charter. Councilwoman Berger is referring to something that is customized to our circumstances and practices in the City of Port St. Lucie. When the Charter Amendment was put in place in 1990, the Council did not want to adopt a specific ethics ordinance. They wanted to rely upon the state code. If we have reached a point where we want to do something other than what we have, we can. We have certainly seen a lot of changes in south Florida. We have an inspector general in Palm Beach County and an ethics commission in Miami-Dade County. Some of that is the fallout from a lot of elected officials finding themselves in jail, literally. It is the Council's call to look at the Charter. Staff is here to support you if that is the direction that you are going."



Vice Mayor Bartz said, "Councilwoman Berger, I appreciate you bringing this forward. I see it as an opportunity to protect ourselves, and make sure that everything is in writing so that there is no question or gray area regarding doing the right thing, and how we are held accountable. I would support us going forward, and looking at it to see what we can put together." Councilwoman Berger stated, "One of the things that Councilwoman Martin did when she first came into office that I really respected was that she had a question regarding her position,

and how it would relate to some voting items that might come up. She took it upon herself to put a question out there to the state, and asked their official opinion on ethics. I like that idea. As we move forward on issues, if there is a question on if something is right or wrong, we should hold ourselves accountable. That is what Councilwoman Martin did, and I applaud her for that." Councilwoman Martin remarked, "Thank you." Councilwoman Berger said, "That is something that we should do. I know that we can't depend on people to actually do the right thing all of the time. We are talking about the Charter, and authorization for years to come. Everybody around us has already started this process or completed the process on identifying how they are going to deal with ethics issues. I think we are a little bit behind on the times on it." Mayor Faiella pointed out, "Let me remind you that we also have a Legal Department to advise us. That is why we go to them, and hopefully, they will lead us in the right direction." Councilwoman Berger said, "My two-hour conversation today with the City Attorney left me with more questions than I had when I started. He indicated that the Charter is not the law." The City Attorney explained, "The Charter leaves a lot to interpretation. It is our constitutional document, and our ordinances are our laws. The Charter is the law, but it leaves a lot of things unsaid. The process that the Charter provides for is the regulation of Council members, which is self-regulating by the City Council itself. The Charter provides that Council members shall determine the qualifications of Council members, and the grounds for forfeiture of a Council seat. Only the Council can forfeit another Council member's seat. We have never seen that in the history of the City of Port St. Lucie. There are several grounds for removal of a Council member, like if they cease to live in the district. The Council can establish the grounds for forfeiture, but other than that, the Council is self-regulated." Councilwoman Berger said, "I don't like the idea that a Council would have the right to remove an elected official that was put into office by the people. I think that is wrong, but that is my personal opinion, and it doesn't mean that I wouldn't follow the Charter. I think that is not where we should be looking to improve it. Our area to improve is how do we become more self-accountable, and how do we make sure that we put in opportunities for people to have reflection. We need to take a look at how we can make sure that the governing body remains the way the public wants it to remain. This is a Charter that was devised, written, and approved by referendum in an effort to make sure that we keep corruption out. That is the basis behind this form of government. It is a cross-section of the community consisting of five individuals with everyone having an equal vote. It is an

excellent way to make sure that the City is represented. It is our responsibility to make sure that the Charter is upheld, and that we understand it. There are areas that need to be improved."

Councilwoman Martin stated, "I would support looking into what Councilwoman Berger and Vice Mayor Bartz suggested. As far as the process for going about it, are you looking at what Palm Beach has in place or other surrounding areas that have done things recently?" Councilwoman Berger responded, "We should look at what the City of Miramar has, and other cities that are similar to us, especially the top ten within the state of Florida. I think it is important to mirror them." Councilwoman Martin remarked, "It is a good idea. I will definitely support it." Councilwoman Berger commented, "We can tailor it how we want it."

Councilwoman Berger said, "The other thing that I want to put out there is a reminder that as we operate, we operate as a body. I know that there were some conversations about what can be done and investigations, and none of that is true. Investigations can happen if this Council, as a body, says it happens. Not individually. Did any of the other backup information interest you?" Councilman Kelly responded, "I don't have a problem with going forward, but the Charter does refer to the Florida Commission on Ethics. If you are an elected official in the state of Florida, then you are already governed by the Code of Ethics. I want to make sure that there is something in place, because it sounded like we didn't have anything in place." Councilwoman Berger stated, "The Charter uses both, which says to refer back to the ordinance and the Florida Commission. Since we don't have our own under an ordinance, my suggestion is that we should have our own under an ordinance." Mayor Faiella inquired, "Is it safe to give the City Attorney some direction in reference to mirroring some similarities to other cities, and bring it back to us, so that we can choose what we want to put down on this?" Councilwoman Berger suggested, "At least give us some opportunity to look at it, and give us some examples. The other thought was to expand some of the definitions too. The interference piece itself does not mirror what many other places have as interference. When the City Attorney and I spoke about interference, what it says in our Charter is one thing, but my position is if the City Manager of any city says that there was interference, then there was interference. That definition needs to be reflected in there as well." The City Attorney advised, "That can be done by the implementation of an ordinance. At the end of the day, such an

ordinance may provide a clearer picture, which is useful to everybody. The clearer the picture, the better, but it is still going to be self-enforced by the Council. I don't think that anyone else can come in and say you have violated the Code of Ethics, and because they are elected, they must resign. I don't know that an ethics ordinance is going to get you there. I have not looked at the inspector general as it is being implemented in other jurisdictions, or whether they have the authority to remove a Council member. I think establishing a clearer set of guidelines is useful for everyone."

Councilwoman Berger said, "You indicated the removal of a Council member, but my intent is not that. My intent is to make sure that we are following the Charter as outlined currently. If it needs improvements, then we need to talk about what it needs to make the improvements." The City Attorney remarked, "Certainly." Mayor Faiella stated, "We will let him bring it back to us." The City Attorney explained, "We will conduct a survey, as we have a group of communities that are very similar to the City of Port St. Lucie. We will start with those jurisdictions to see what they have, and bring back that information."

**STEVE CARROLL**, resident, said, "Be careful what you wish for, because you might get it. When you are trying to ram something through in a hurry, be careful, because it could be used against each and every one of you. One of the claims to my fame in business was that I was a loophole specialist. I found all the loopholes. You can find loopholes in these things. It is admirable to address it. West Palm Beach, which is called Corruption County, had 60% of their City Commissioners go to prison. If you want to implement some rules for yourselves, because you think that you cannot control yourselves, then go to the citizens to see what they want. I don't know if we need to have anything changed. If you are unethical, it will show up. You will see it. We had a previous mayor who was unethical and did something illegal, and she was removed. It was a pretty simple process. Why are we cluttering it up? You have to be careful, because you are adding layers and layers of government that can be misinterpreted by a future Council. The majority here might be the minority in the next election. If they see it another way, someone could be removed. Look at Michigan, where they dissolved whole towns and took everyone away, and nullified it. We don't want that here. I think you guys work pretty good. If you want to start talking about ethics and want to have a session on who is ethical, I'll be more than happy to bring you a few examples of things that I thought were unethical. I know

your intentions are good, but once you commit this to a law, you have to live with it. You better be careful of what you are doing, because it can come back and bite you hard. Palm Beach County has an inspector general, but they have been fighting for three years in lawsuits about having everybody coming under the inspector general, so what good is the inspector general? I know Councilwoman Berger wants to have good government. I think everybody does, but you can't just keep layering it on to trap somebody down the road. We want open transparent government that is progressing and bringing in jobs. I haven't heard that once tonight from anybody. We need jobs. We don't need more regulation and a thicker book. We need people working, buying houses, and spending their money for commerce to go on. Stop and think before you do this. I know it sounds good, but we have done a lot of stuff that sounded good. If you want an Ethics Code, let's have citizen input and a Charter change that will have all of you looking straight ahead." Councilwoman Berger said, "It think the Charter change might be a good idea. It is time for it to be looked at." The City Attorney advised, "There is no calendar that indicates that we are going to have a Charter review committee study the Charter. The last one was about eight years ago." The City Clerk remarked, "It was in 2004." Mr. Carroll pointed out, "It goes back to reading the instructions. There are safeguards in there." Councilwoman Berger pointed out, "Yeah, but you didn't understand it before. You were saying the wrong information before." Mr. Carroll said, "Pardon me?" Councilwoman Berger said, "You were given the wrong information before, and you said you read the instructions." Mr. Carroll stated, "The information that I was given was about the Mayor interfering and violating the Charter, when the charter is very clear. It says that she can't interfere with employees. The chief is not an employee until the contract is signed. He is a candidate. If you want to have a discussion about things that I thought were unethical in just my district, which is Councilwoman Berger's district, I'd be happy to bring a list. I'm not against what you are doing, but I think the citizens should be involved, because it affects us. If you are expanding government, we need to know about it. We need to know what we are getting for our buck. What will it do to the Council if we have one side accusing the other side of something unethical? It has to be clear cut. The problem is that people didn't like the City Attorney's ruling regarding the Mayor, but it was his legal ruling. It was the ruling that would be upheld if they took it to court."

Councilwoman Berger said, "This has been very challenging for me to have this conversation, based on the fact that I was bringing

forward information that I wanted to make sure we addressed, because I thought it was the right thing to do. The City Attorney and I spoke for a long time today, and I spoke with the City Manager as well. I sat down today with the intent of talking about the future. Mayor, before this meeting started you shut off the mikes, leaned over and said to me that you care about me, and I should be careful because it is reelection time, and you didn't want me to be attacked. That is what you said, right?" Mayor Faiella responded, "Because that is what the word was out there." Councilwoman Berger stated, "I find that inappropriate before a Council meeting. I find it inappropriate from peer to peer. I find it somewhat threatening. My innermost thought is that you were afraid that I was going to bring forth something that might hurt you." Mayor Faiella remarked, "No." Councilwoman Berger said, "You wanted to make sure you got your point across in an intimidating manner. I get it is a risk for me to say this publically, but it was a challenging week for our public. Everybody is accountable up here for that, and we all have our part. I wanted to make sure that I did my due diligence to find out what happened while I was on vacation. I had a lot of questions to ask. I think it is wrong for you to put a veiled threat out to me. I want to make sure that the public knows that that is what you said." Mayor Faiella explained, "I got the word today through many phone calls that you put something on Twitter. People have indicated all day that you were going to attack me at this Council meeting. For me to say, Michelle, I care about you, it is election time, don't put yourself out there, and if you want to attack me, attack me after election or in private." Councilwoman Berger said, "That's what she said, 'attack me after the election.'" Mayor Faiella stated, "It is very obvious that since the first day I was elected, there was no love between us. People have seen that. I'm done." Councilwoman Berger said, "I'm not done. I waited all meeting to decide if we were going to talk about it, because we had important issues that were not part of this circus." Mayor Faiella commented, "You are making it a circus." Councilwoman Berger stated, "No ma'am." Mayor Faiella remarked, "You have been doing it ever since I was elected." (**Clerk's Note:** An audience member requested to speak). Mayor Faiella said, "Mr. Cutler." Councilwoman Berger asked, "Do I get to call people up, too?"

**HARVEY CUTLER**, St. Lucie West District Services, said, "Apparently this has been brewing for a while, and now it has come to a head. It really is unfortunate that citizens have to hear a discussion like this between two Council members. When you take office, you take an oath to uphold the Constitution,

the Charter, and all of the rules that are in place. That should be sufficient to guide you. There are so many gray areas, that you cannot make a law on every little rule or item that comes up. It is impossible to do that. You have to trust each other until the point where you think a law has been broken or someone has violated their oath, and then you take the action necessary by bringing it to the proper authority. That is as far as it should go. This is not appropriate for a City Council meeting. From what I understand, the Mayor asked the City Attorney if it was ethical for her to follow up, and she was given the okay. That should have been the end of it. By the way, as the Chairman of the Board of Supervisors of St. Lucie West Services District, I'd like to thank Mayor Faiella for attending our meetings occasionally, which is more than I can say for any previous mayor or our district Councilwoman. Thank you, Mayor."

Mayor Faiella inquired, "Mr. Oravec, would you give us your comments from your report?" Councilwoman Berger said, "Madam Mayor. Mr. Cutler, I appreciate you coming up to the lectern. I agree with you. It is not the place to have these discussions. I sat here all night and didn't want to say anything, but at some point enough is enough. I'm not going to sit on this dais and basically be bullied. I apologize if I haven't been to one of your meetings lately. I have been to your meetings over the course of the years. When I'm not there, staff is there to make sure that things are taken care of. The people in St. Lucie West are taken care of by you. That is your board to take care of, so I appreciate what you do as an elected official. I have a right as an elected official to say my opinion, and to make sure I'm sharing what I think is appropriate to share when something is odd or when something is strange. I don't like to do it. I don't think it looks good. I'm not happy about being up here and doing it, but I would be upset with myself weeks from now if I did not address the issue as I felt it should be addressed, which is head on, uncomfortable as it is, unpopular as it is, but head on." Mayor Faiella commented, "Wow. Council, I guess your feelings today were right on target that you were feeling."

Vice Mayor Bartz said, "I'm not sure what that meant, so I'm going to start by going back to the item at hand. The way that I understand is that we are not looking to have a lot of rules that we have to cover. Councilwoman Berger, do you have a Code of Ethics at your place of employment?" Councilwoman Berger responded, "Absolutely." Vice Mayor Bartz stated, "That has always been true anywhere that I have worked. They have always had a Code of Ethics. It gives you something to reflect on, and it protects us so that there is not an immediate rush to

judgment. I appreciate that the Mayor went to the City Attorney and got that information. Unfortunately, the public didn't know that until it was released. I agree with Councilwoman Berger that in this day and age there is no harm in us looking at what other cities are doing. The Codes of Ethics is put in place to protect the people that are in office. We are asking for staff to review other cities' Code of Ethics and bring the information back to us. At that point, we have the opportunity to tweak it. I support the City Attorney and staff looking at it. Do you feel comfortable, Mr. Orr, with the direction going forward?" The City Attorney replied in the affirmative, and advised, "I'm going to survey a group of communities to see how they have they dealt with this issue. They are communities in the immediate area with a similar size and structure, and that is where we will start."

Councilwoman Berger said, "I appreciate your objectivity, Vice Mayor Bartz. In the past, we have had opportunities to have orientation as newly elected officials. In the past we have had opportunities for the City Clerk to give each one of us information about what the Charter says. The Mayor and a couple of other people have advanced certifications from the Florida League of Cities that shows that they have taken classes that indicate that they understand what the structure of the government looks like. We have the information, and we have a Charter that provides what we need. When I ask my staff, and one person says it was not a violation, and another member of staff indicates that it is a violation, then I want to make sure we hold each other accountable and hold ourselves accountable for doing the right thing. I tried to do it in a way that was not directed at being personal, and this is where we are at."

#### 14. CITY MANAGER'S REPORT

The City Manager said, "At the beginning of June, Property Appraiser Ken Pruitt delivered the news that the City's assessed property value as of January 1, 2012, has declined 2½% from the year before. Though it might seem like bad news, I want everyone to remember that it could always be worse. This decline has a silver lining in that it reflects the drop in property values is leveling off from the preceding years where we experienced a 4.43% decrease in 2011, and then almost 14% in 2010. That curve is changing shape, and we are hopeful that we are at the bottom of the bust. We are looking forward to better days ahead. With the estimated property value in hand, City staff members began preparing their budget requests for the upcoming fiscal year of 2012/2013, which runs from October 1st to September 30th. The

**From:** Justin Council  
**Sent:** Thursday, February 04, 2016 10:04 AM  
**To:** MaryAnn Verillo <DeliaM@cityofpsl.com>  
**Subject:** Council Workshop Agenda Item.

Mary Ann,

Councilwoman Berger would like to add a discussion item concerning Charter Review to the upcoming Workshop Agenda.

Thank you,

Justin

Justin R. Council  
Assistant  
Office of the Mayor and City Council  
City of Port St. Lucie  
121 SW Port St. Lucie Blvd.  
Port St Lucie Florida, 34984  
772-871-5159 – Office  
772-871-7382 – Fax



*"A City for All Ages"*