



BOARD OF COUNTY COMMISSIONERS

ST. LUCIE COUNTY, FLORIDA

Regular Meeting

February 19, 2019

Convened: 9:04 AM

Adjourned: 9:41 AM

1. CALL TO ORDER

The meeting was called to order at 9:04 AM by District No. 3, Chair Linda Bartz

Attendee Name	Title	Status	Arrived
Linda Bartz	District No. 3, Chair	Present	9:00 AM
Cathy Townsend	District No. 5, Vice-Chair	Present	9:00 AM
Chris Dzadovsky	District No. 1	Present	9:00 AM
Sean P. Mitchell	District No. 2	Present	9:00 AM
Frannie Hutchinson	District No. 4	Present	9:00 AM
Howard Tipton	Administrator	Present	9:00 AM
Mark Satterlee	Deputy Administrator	Present	9:00 AM
Daniel S. McIntyre	County Attorney	Present	9:00 AM
Jennifer Hill	Office of Management and Budget Director	Present	9:00 AM
Glenn Henderson	Director, Mosquito Control & Coastal Mgt. Services	Present	9:00 AM
Edward Matthews	Parks & Recreation Director	Present	9:00 AM
Stan Payne	Director of Port & Airport	Present	9:00 AM
Don West	Public Works Director	Present	9:00 AM
Leslie Olson	Director, Planning & Development Services	Present	9:00 AM
Ceretha Leon	Human Resources Director	Present	9:00 AM
George Landry	Solid Waste Division Director	Present	9:00 AM
Erick Gill	Communications Division Director	Present	9:00 AM
Ron Roberts	Director of Public Utilities	Present	9:00 AM
JoAnn Riley	Property Acquisitions Manager	Present	9:00 AM
Daniel Retherford	Facilities Director	Present	9:00 AM
Shai Francis	COO of Financial Services	Present	9:00 AM

Joseph E. Smith	Clerk of the Circuit Court	Present	9:00 AM
Brittany Jones	Recording Secretary	Present	9:00 AM

2. INVOCATION

The County Administrator led the invocation.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A motion was made to approve all three sets of minutes and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Frannie Hutchinson, District No. 4
SECONDER:	Cathy Townsend, District No. 5, Vice-Chair
AYES:	Bartz, Townsend, Dzadoovsky, Mitchell, Hutchinson

- A. Board of County Commissioners minutes for the meeting of Monday, November 26, 2018
- B. Board of County Commissioners minutes for the meeting of Tuesday, January 15, 2019
- C. Board of County Commissioners minutes for the meeting of Tuesday, February 05, 2019

5. PROCLAMATIONS APPROVAL

There are no items scheduled.

6. PUBLIC COMMENT (excluding Public Hearing items)

Chair Bartz opened the meeting for public comment at this time.

Richard Silvestri, 5708 Buchanan Drive, spoke on social security and cited a news article on the subject.

There being no one further wishing to address the Board, Chair Bartz closed public comment.

7. PRESENTATIONS

A. Excess Fees Presentation - Joseph E. Smith, St. Lucie County Clerk of Circuit Court

Joseph E. Smith, Clerk of the Circuit Court, presented the Board and St. Lucie County taxpayers with a check for \$179,124.18. Clerk Smith spoke of the program's history, thanked his staff for

their hard work, and shared that the program has earned more than \$1.2 million for taxpayers which is equivalent to about 50 standard county vehicles.

8. CONSENT AGENDA

Commissioner Hutchinson stated she has no relation to Tom Hutchinson who is affiliated to Item 8.H.1. (Resolution – Work Camper Agreement). Commissioner Dzadoovsky commented on Items 8.R.1. and 8.R.2.

Chair Bartz commented that both Item 8.R.1. (Award Bid 19-010 Paradise Park Phase 4 Stormwater Improvements Construction) and 8.R.2. (Paradise Park Phase 4 Stormwater Improvements Construction Management Services) are projects that will be funded by the Infrastructure Surtax.

It was requested by Commissioner Hutchinson to have Item 8.B.3. (Legislative Affairs Grants Coordinator Position) pulled for separate vote. Please see Item under Regular Agenda for vote results.

A motion was made to adopt to consent agenda (minus Item 8.B.3.) and it passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Cathy Townsend, District No. 5, Vice-Chair
SECONDER:	Sean P. Mitchell, District No. 2
AYES:	Bartz, Townsend, Dzadoovsky, Mitchell, Hutchinson

A. WARRANTS

1. Warrant Lists 18 & 19

B. ADMINISTRATION

1. Acceptance of Tourism Recovery Grant for Red Tide & Approval to enter into a Digital Marketing Services Agreement with Madden Media
2. Award of Bid No. 19-019 - Sale of Surplus Fill Dirt

C. AIR & SEA PORT

1. Award of Bid No. 19-009 Treasure Coast International Airport Maintenance, Repair, and Overhaul (MRO) Hangar with Associated Office/Shop Spaces

D. COUNTY ATTORNEY

1. Amendment to Agreement to Pay for Construction of a Berm and Buffer Wall (Ardie R. Copas Veterans Nursing Home)
2. Declarations of the St. Lucie County Public Safety Director Declaring a State of Local Emergency for Hurricane Irma

3. Resolution - Conservation Easement - Preserve Area Monitoring and Management Plan - Ravinia Subdivision
4. Resolution - Conservation Easement and Preserve Area Monitoring and Management Plan - Sunset Beach PUD - Parcel ID 2529-233-0002-000-0
5. Spruce Bluff Preserve - Consent to revitalization of Declaration of Protective Covenants
6. Morningside Branch Library - Parcel ID 3420-815-0001-010-1 - 20' Access & Exclusive Utility Easement in favor of the City of Port St. Lucie

E. COMMUNITY SERVICES

There are no items scheduled.

F. COOPERATIVE EXTENSION

There are no items scheduled.

G. COURT ADMINISTRATION

There are no items scheduled.

H. ENVIRONMENTAL RESOURCES

1. Work Camper Agreement - Platts Creek
2. Resolution - Transfer of Insurance Recovery Payments and Other Misc. Revenues

I. FACILITIES

1. Rock Road Jail Kitchen Floor Emergency Replacement Project

J. HUMAN RESOURCES

There are no items scheduled.

K. INFORMATION TECHNOLOGY

There are no items scheduled.

L. LIBRARY SERVICES

1. LSTA Innovation Grant - 2019

M. MOSQUITO CONTROL & COASTAL MGMT. SERVICES

There are no items scheduled.

N. OFFICE OF MANAGEMENT & BUDGET

1. Resolution - Sale of Fixed Assets Auction Proceeds Allocation

O. PARKS & RECREATION

1. Florida Indian Heritage Assoc. Pow Wow Fee Waiver

P. PLANNING & DEVELOPMENT SERVICES

There are no items scheduled.

Q. PUBLIC SAFETY

There are no items scheduled.

R. PUBLIC WORKS

1. Award Bid 19-010 Paradise Park Phase 4 Stormwater Improvements Construction
2. Paradise Park Phase 4 Stormwater Improvements Construction Management Services - C09-06-278 Work Authorization No. 15
3. Acceptance of a Donation from St. Andrews Episcopal Academy
4. Award Bid No. 18-064, Heavy Duty Truck Parts and Repair Services
5. Award Bid No. 19-013, Striping and Pavement Markings
6. Award Bid No. 19-008 - River Hammock Municipal Services Benefit Unit (MSBU)
7. River Hammock Municipal Services Benefit Unit (MSBU)
8. River Hammock Municipal Services Benefit Unit (MSBU)

S. SHERIFF'S OFFICE

There are no items scheduled.

T. SOLID WASTE

There are no items scheduled.

U. SUPERVISOR OF ELECTIONS

There are no items scheduled.

V. TRANSPORTATION PLANNING ORGANIZATION

There are no items scheduled.

W. UTILITIES

1. Lakewood Park Pilot Potable Water Program

9. PUBLIC HEARINGS

There are no items scheduled.

10. REGULAR AGENDA**1. AIR & SEA PORT****1. Staff Update to the BOCC Regarding Negotiations with Derektor for the Operation of the Terminal at the Port of Fort Pierce**

The County Administrator, Howard Tipton, presented this item. On January 8, 2019 staff provided an update to the Board regarding the negotiations with the Board's selected candidate to operate the working waterfront at the Port of Fort Pierce - Derektor. The County Administrator provided an update stating the negotiations are going exceedingly well and that currently they are negotiating the final documents necessary to bring to the Board.

RESULT:	DISCUSSION
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2. COUNTY ATTORNEY**1. SFS (N.Y. Mets) and St. Lucie County - Status Update; Authorization for Early Release**

(Item presented in conjunction with Item 10.B.3.)

Both the County Attorney and the County Administrator presented this item. The County Attorney stated this item and Item 10.B.3. will be presented together.

RECENT EVENTS

There are copies of the following recent documents that relate to the Project:

1. Email dated February 7, 2019 from James Denniston, Esq. (counsel for SFS) requesting an early release of certain critical items.
2. Letter dated February 8, 2019 from Paul Taglieri containing a summary of the Guaranteed Maximum Price Document.
3. Proposed Guaranteed Maximum Price Amendment.
4. Letter dated February 14, 2019 from Paul Taglieri.
5. Letter dated February 15, 2019 from Howard Tipton.

6. Comments from HPM on the Guaranteed Maximum Price documents received February 15, 2019.

County staff received the GMP documents on Friday, February 8, 2019 and have been working with the County consultant HPM and legal counsel to review the documents and provide comments back to SFS in an expedited manner. As indicated, staff received HPM's final comments on Friday, February 15. There are substantive questions and comments raised by HPM and legal counsel that County staff believe need to be addressed by SFS and Barton Malow, to ensure all key deal points are memorialized in the GMP proposal, and that there is better clarity as to the overall program budget.

One of the issues that County staff noticed was a significant increase in a County funded improvement (i.e. renovation of the existing elevator) from \$250,000.00 to \$647,000.00. Since this improvement impacts the County's budget, County staff requested more information on the cost increase. On February 15, 2019, County staff received information that the cost proposed for the elevator renovation mistakenly included the additional cost of the new 2 stop elevator, which if accurate, should bring the elevator renovation project in line with the project budget. County staff has reviewed different options to fund any increases in the cost of County funded improvements. After review, County staff recommends that the Board designate the \$1,000,000.00 set aside for future softball fields as a "County Contingency Fund" to only be used to fund County improvements with the understanding that no funds can be spent from the contingency fund without Board approval. This suggestion will not increase the \$55 million project budget. County staff will work with HPM to ensure to the maximum extent possible that all County funded improvements are completed within the budget. In addition, based on the recommendation of HPM, County staff has decided to bid and construct the elevator renovations outside the Project. County staff will also review HPM comments with SFS as soon as possible and will agenda the item as soon as the issues are resolved.

County staff is committed to completing the review of the GMP documents in a timely manner and will schedule a special meeting of the Board as soon as that is accomplished.

County staff recommended that the Board authorize the early release as requested by Mr. Denniston.

Staff Recommendation for Item 10.B.3.

Based on the request of SFS and in view of the time constraints by SFS as set out above, staff recommended that the Board approve the Guaranteed Maximum Price Amendment and Second Amendment to the Amended and Restated Facilities Use Agreement, and authorize the Chair to sign the Second Amendment to the Amended and Restated Facilities Use Agreement, subject to final review and approval of the County Attorney. SFS and Barton Malow shall sign the Guaranteed Maximum Price Amendment following Board approval and final review by the County Attorney.

The Board made one vote for both this item and item 10.B.3. A motion was made to approve staff recommendation and upon roll call, it passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sean P. Mitchell, District No. 2
SECONDER:	Chris Dzadoovsky, District No. 1
AYES:	Bartz, Townsend, Dzadoovsky, Mitchell, Hutchinson

2. 1st Amendment to Amended & Restated Solid Waste Franchise Agreement with Waste Pro of Florida, Inc.

This item was presented by Dan McIntyre, the County Attorney. In 2009 the County issued a Request for Proposal (RFP) for the Collection of Solid Waste and Recyclable Materials generated by County residents (RFP No. 09-020). The County concluded that Waste Pro of Florida, Inc. (Waste Pro) submitted the best proposal in response to the RFP and then awarded an exclusive franchise to Waste Pro for the collection of residential waste. In 2012 the County entered into an exclusive franchise with Waste Pro for the collection of commercial waste generated in the County.

More recently, County staff and Waste Pro negotiated an Amended and Restated Franchise Agreement that updated and amended the two existing franchises, and also combined the two franchises into one agreement. On December 18, 2018, the Board approved the Amended and Restated Franchise Agreement (Agreement) with Waste Pro. The term of the Agreement began February 1, 2019 and ends on September 30, 2029.

The First Amendment to the Amended and Restated Franchise Agreement adds a new section 40.6. Section 40.6 provides that Waste Pro will deliver at least four hundred (400) tons each month of Source Separated Recyclable Materials that Waste Pro collected from commercial customers or commercial establishments. Section 40.6 also provides that Waste Pro must pay Sixty-Five Dollars (\$65.00) per ton to the County if Waste Pro fails to deliver four hundred (400) tons of commercial recyclables to the County each month.

Staff recommended that the Board approve the First Amendment to the Amended and Restated Franchise Agreement with Waste Pro and authorize the Chair to sign the First Amendment.

A motion was made to approve staff recommendation and it passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Dzadoovsky, District No. 1
SECONDER:	Cathy Townsend, District No. 5, Vice-Chair
AYES:	Bartz, Townsend, Dzadoovsky, Mitchell, Hutchinson

3. SFS (N.Y. Mets) - Supplemental Status Update - Guaranteed Maximum Price Amendment

(Item presented in conjunction with Item 10.B.1.)

BACKGROUND

SUPPLEMENTAL STATUS UPDATE

As indicated in the Status Report that was distributed on Friday, February 15, 2019, County staff intended to review HPM's comments with SFS as soon as possible and intended to Agenda the item as soon as the issues were resolved. The continued review and discussions with SFS, HPM and County staff took place on Saturday, February 16, 2019, and Sunday, February 17, 2019. The review resulted in a resolution of HPM's issues. Exhibit "A" is a copy of the electronic communications between SFS and HPM concerning the resolution of HPM's issues.

SFS has indicated to County staff that it is critical to the project schedule that the Board approve the GMP Amendment on February 19, 2019, so that SFS and Barton Malow can commence construction by March 1, 2019. According to SFS, permit approval is also needed by March 1, 2019 in order to ensure that the stadium improvements are substantially complete by late February 2020 so that the Major League Spring Training for 2020 can proceed. SFS has confirmed that building permits are expected by March 1, 2019, and final review is currently underway at the County Fire District.

GUARANTEED MAXIMUM PRICE AMENDMENT

The Guaranteed Maximum Price Amendment, with the Guaranteed Price proposal by the Construction Manager, Barton Malow Company is Exhibit "B". The proposed guaranteed maximum price is \$48,148,064.06. The Guaranteed Maximum Price Amendment is the legal instrument for review and approval by the Board. This document amends the construction management at risk contract by adding all of the necessary scope, schedule and related terms, that have been prepared following completion of design, preconstruction, and competitive procurement of sub-trades by Barton Malow. This Guaranteed Maximum Price amendment is the contract document that governs what will be built, and in accordance with the proposed guaranteed maximum price, cost and schedule. SFS and Barton Malow are responsible for delivering this project on time and within budget, and any overage being the responsibility of SFS per the Facilities Use Agreement.

County staff recommends that approval of the Guaranteed Maximum Price Amendment document be subject to final review and approval by County Attorney. There are remaining terms on contingency usage and owner direct purchase processes that are being finalized for inclusion into the Guaranteed Maximum Price Amendment.

In accordance with the Facilities Use Agreement, the final terms "shall be subject to the approval of the County, through its Board of County Commissioners, limited to whether the Construction Contract terms are fair, competitive and reasonable." The Guaranteed

Maximum Price Amendment follows the construction contract form previously approved by this Board, with terms that were previously found fair, competitive and reasonable. The schedule and pricing terms set forth in the Guaranteed Maximum Price proposal have been delivered through the competitive procurement process required by the Facilities Use Agreement and construction contract, reflecting pricing and terms in an open competitive market.

SECOND AMENDMENT TO THE FACILITIES USE AGREEMENT

Exhibit "C" is a copy of a draft Second Amendment to the Amended and Restated Facilities Use Agreement, which is necessary to achieve and carry out the overall deal terms with the Guaranteed Maximum Price Amendment. A summary of the draft Second Amendment follows:

- SFS has agreed to contribute an additional \$2,000,000.00 to the Ne Improvements Budget.
- For qualifying material purchases in excess of \$50,000.00 the County may elect to implement an Owner Direct Purchase in accordance with Section 212.08(6), Florida Statutes. The estimated range of tax savings generated through the use of Owner Direct Purchases is \$150,000.00 to \$300,000.00.
- County has reallocated from the First Amendment, \$1,000,000.00 to County directed work scope, with any remainder to the softball fields project.

(Item was presented and voted on in conjunction with Item 10.B.1.)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sean P. Mitchell, District No. 2
SECONDER:	Chris Dzadoovsky, District No. 1
AYES:	Bartz, Townsend, Dzadoovsky, Mitchell, Hutchinson

3. Legislative Affairs Grants Coordinator Position

(Item pulled from Consent Agenda for separate vote)

Commissioner Hutchinson stated she was not present at the February 12, 2019 Informal Meeting and was therefore voting in opposition of this item.

A motion was made to approve staff recommendation and it passed 4-1.

RESULT:	APPROVED [4 TO 1]
MOVER:	Chris Dzadoovsky, District No. 1
SECONDER:	Sean P. Mitchell, District No. 2
AYES:	Linda Bartz, Cathy Townsend, Chris Dzadoovsky, Sean P. Mitchell
NAYS:	Frannie Hutchinson

11. ANNOUNCEMENTS

- A. The Annual St. Lucie County Fair will take place February 22, 2019 - March 3, 2019 at the St. Lucie County Fairgrounds, 15601 West Midway Road, Fort Pierce. For details visit: www.stluciecountyfair.com.
- B. The New York Mets kick off their Spring Training Season at First Data Field in Port St. Lucie on Saturday, February 23, 2019. For tickets call (772) 871-2115 or visit www.stluciemets.com.
- C. The Board of County Commissioners will hold a Regular meeting on Tuesday, March 5, 2019 at 6 pm in the Commission Chambers of the Roger Poitras Administration Annex located at 2300 Virginia Avenue, Fort Pierce, FL.
- D. The Board of County Commissioners will hold an Informal meeting on Tuesday, March 12, 2019 at 9am in Conference Room 3 of the Roger Poitras Administration Annex located at 2300 Virginia Avenue, Fort Pierce, FL.
- E. The Board of County Commissioners will hold a Regular meeting on Tuesday, March 19, 2019 at 9am in the Commission Chambers of the Roger Poitras Administration Annex located at 2300 Virginia Avenue, Fort Pierce, FL.

12. MOTION TO ADJOURN

There being no further business to be brought before the Board, the meeting was adjourned.

Please Note: Final minutes are recorded in the official minute books that are filed with the Clerk of the Circuit Court and available for inspection upon request.