

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON TUESDAY, FEBRUARY 18, 2014.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order
2. **OPENING PRAYER** - Commisser Reginald Sessions offered the opening prayer.
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Edward Becht; Commissioner Thomas Perona; Commissioner Reginald Sessions

Staff Present: City Clerk Linda Cox  
City Manager Robert Bradshaw  
City Attorney Robert Schwerer

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes from February 3, 2014 Meeting

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Minutes of the Regular Meeting on February 3, 2014.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a Proclamation declaring February 16 - 22, 2014, National Engineer's Week. It was received by Dan J. Zrallack, P.E., Vice-President, Florida Engineering Society, Treasure Coast Chapter.
- b. Mayor Hudson issued a Proclamation in honor of the 125th Anniversary of Florida Public Health. It was received by Arlease Hall, Public Information Officer and Community Relations Director, Florida Department of Health in St. Lucie County.

7. **LETTERS TO COMMISSION** - the following letters will be kept on file in the City Clerk's Office.

- a. Letter from Ms. Barbara Wagner commending Sergeant John Schramm, Officer Brian Avilla, and Officer Keith Holmes for providing assistance to her during the severe flooding on January 9, 2014.

8. **COMMENTS FROM THE PUBLIC**

**Rev. John Lee**, 1204 Avenue K  
**Mr. Roy Darby**, 619 South 6th Street  
**Mr. Patrick Henry**, 1123 Granada Street  
**Mr. Bill Thiess**, 2212 Lightelwood Lane

**Mr. Gage Steffen**, 332 NW Aura  
**Mr. Stan Fidge**, 1101 SE Mendavia Avenue

**9. CONSENT AGENDA**

- a. Approve Specific Authorization No. 17 to Tetra Tech, Inc. of Stuart Florida for construction engineering services for the City Marina Reconstruction Phase II in the amount of \$997,272.00.
- b. Approve RFP 2013-021 Contract to Florida Floats dba Bellingham Marine of Jacksonville, FL for the City Marina Reconstruction Phase II - Docks in the amount of \$10,993,417 pending final review and approval of City Attorney.
- c. Approve Scope of Services and Cost Revision from Tetra Tech, Inc. of Stuart Florida for survey data and geotechnical exploration services for the Melody Lane Fishing Pier project in an amount not to exceed \$29,500.
- d. Approval to submit and acceptance of the State of Florida, Office of the Attorney General - Victim of Crime Act (VOCA) Grant 2014-2015 with a total award amount of \$52,028.
- e. Approval to submit and acceptance of the Florida Department of Health - Emergency Medical Services (EMS) Matching Grant 2014-2015 for a total project cost of \$8,000.
- f. Approval to submit and acceptance of the Florida Department of Transportation Highway Safety Grant 2014-2015 in the amount of \$37,000.
- g. Approval of Settlement reached in the Harbour Isle Lawsuit.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht that the following items on the Consent Agenda be approved - **9a, 9c, 9d, 9e, 9f, 9g**. Commissioner Perona pulled item **9b**.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

As to Item **9b**, Commissioner Perona asked if security is part of the expansion. Mr. Seissiger stated that it was not. The funds that are being utilized are to build like what we had prior, those items were not on there but we are pursuing them as an addition to this contract. Commissioner Perona asked when is the expected completion date. Mr. Seissiger stated 14 months.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Consent Agenda Item 9b.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

**10. PUBLIC HEARINGS**

- a. Ordinance No. 14-003 - Amending the future land use map of the comprehensive plan for property located at 1110 North 29th Street, Pinecreek Village Apartments. FIRST READING

City Clerk, Linda Cox, read the title of the Ordinance into the record.

Planner Clarissa Davis, appeared with a presentation. She noted the future land use map amendment and the rezoning request for this parcel are two public hearings which she condensed into one presentation. Staff recommends that the City Commission approve the zoning change from R4 to R5 and the future land use from RM to RH as it furthers the city's comprehensive plan without the developers agreement.

Mayor Hudson asked why the rezoning and land use change was not done before. Ms. Davis believes it was brought to their attention during the permitting process; they are now going through the process to complete it.

Commissioner Alexander inquired of the health and safety of the community. Chief Baldwin responded that the improvements on the property have helped considerably.

Commissioner Becht stated that according to Mr. Murphy's notes, the site cannot be rebuilt to its current density should it be damaged or destroyed to an extent amounting to more than 50% of its value. He asked if this is a Federal, State or City requirement. He wanted to know there is a rationale behind the policy. Planning Manager, Rebecca Grohall, responded that the 50% is typical rule of thumb for non-conformities. It is on the books to encourage non-conformities to either rebuild with a conforming structure or to apply for a variance, which cures it. In this case the applicant is asking for the cure through the rezoning process.

Mayor Hudson opened the Public Hearing.

Mr. Dennis Murphy of Culpepper & Terpening appeared as a representative for Pinecreek Village LP Partnership, the developers of the property. He believes the 50% rule is an industry standard for zoning and regulatory type issues. He stated for the record he is in agreement with everything staff stated.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve Ordinance No. 14-003 on first reading.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht,  
Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- b. Ordinance No. 14-004 - Rezoning of property located at 1110 North 29th Street, Pinecreek Village Apartments. FIRST READING

City Clerk, Linda Cox, read the title of the Ordinance into the record.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Ordinance No. 14-004 on first reading.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht,  
Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- c. Ordinance No. 14-005 - Annexation of 3700 Okeechobee Road - Indian River Oil - FIRST READING

City Clerk, Linda Cox, read the title of the Ordinance into the record.

Mr. Kori Benton, Historic Preservation Officer, appeared with a staff recommendation to approve annexation. Mr. Benton responded to Commissioner Alexander and explained that this parcel has a clean bill of health after completing an environmental remediation process in the past. The City zoning code mirrors the county and their existing operation is compliant with the City Code of Ordinances. This is a voluntary annexation, the property owner is looking to be proactive.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Ordinance No. 14-005 on first reading.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht,  
Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- d. Ordinance No. 14-006, Amendment to Chapter 2, Administration; Removing Section 2-29(c)(2) Comments from the Public and creating Section 2-35 Addressing the Commission Generally. FIRST READING

City Clerk, Linda Cox, read the title of the Ordinance into the record.

Mayor Hudson stated this ordinance was developed in response to the new law that was passed last fall. Although we have had public comment in the City for a long while this sets parameters for comment. The Public Comment is for a member of the public to address the Commission as a whole. This is in not restricting anyone's free speech, we want to respect one another in reasonable voices.

City Attorney, Rob Schwerer, explained this is primarily a decorum ordinance, reconfirming what the commission has already had in its previous policies. He summarized the ordinance for the public at Commissioner Alexander's request.

Mayor Hudson opened the Public Hearing.

Mr. Patrick Henry inquired if this is a maneuver to keep people from speaking the truth. He feels this ordinance would not allow him to positively commend an individual commissioner, he would have to speak in general to all commission members.

Mr. Rick Reed stated that there are people that stand here that he does not like what they say, but this is America, bad speech is not illegal speech.

Mr. Greg Simmons asked to not censor the public comments, if they get out of hand to just correct them.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to pass Ordinance No. 14-006 on first reading.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

## 11. MISCELLANEOUS REPORTS & REQUESTS

### a. Presentation of Actuarial Impact Statement by the Finance Director.

Ms. Gloria Johnson appeared and stated this study is based "on what-ifs" and does not include the Police Department, it only affects the general and Utility Authority groups. Currently our members have a 3% multiplier, this study addresses a 2.5% multiplier. The members would not lose their 3% for the previous years but from January 1, 2014 going forward it would be at the 2.5% rate.

Mr. Brad Armstrong, the Actuary for the City of Fort Pierce Defined Benefit System, appeared and was available for questions from the commission. He stated that the actuary's role is to put price tags on things, not to make the decision for you but allow you to be fully informed.

Commissioner Becht stated that he needs to know where the numbers are coming from. He would like to make whatever decision they are going to make on the best information they can get, but does not feel that they have it before them tonight.

Mr. Bradshaw stated this is a discussion item only and we cannot make a decision. What he is hearing is to schedule a workshop as soon as possible and include the Actuary. It was mentioned to the Commission, FPUA has offered to help pay for an additional consultant with the stipulation they be able to ask questions. Mr. Bradshaw and the Commission were amicable to this request.

### b. Single Stream Recycling Update.

Mr. Mike Reals, Public Works Director, appeared with a brief update. It is our goal to have a 2 yard dumpster at every park. He responded to Commissioner Perona about the recyclables becoming contaminated with non-recyclable items and stated in the next 6 months, there will be a contamination study to get an accurate account but right now everything we are delivering is very clean. We are very pleased, we have had great success.

### c. Request award of construction contract to Paul Jacquin & Sons, Inc. for stormwater improvements for the Indian Hills Recreation Area in the amount of \$2,787,588.42.

Mr. Jack Andrews, City Engineer, appeared and gave a presentation. Total available funding, including all grants is \$4,761,325.00. After this project, there will be a remaining \$2,000,000.00 for additional improvements. We are trying to mirror the plans that had already been developed for Heathcote.

We plan on having a public ceremony with the Secretary of DEP; the ground breaking is scheduled for February 25, 2014 at 10:00 a.m.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the award of the construction contract to Paul Jacquin & Sons, Inc.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

## 12. CITY COMMISSION

- a. Approval of FPUA Resolutions No. UA 2014-03 and 2014-04, which provide for a reduction in the electric energy rate of \$1 per 1,000 kWh and a 3.7% increase in the water customer and volume charges, which were approved by the FPUA Board on February 4, 2014 contingent upon the City Commission approving both of these Resolutions.

City Clerk, Linda Cox, read the title of the Resolutions into record.

Mr. Bill Thiess appeared and gave a presentation requesting the Commission approve for reduction of the electric rate and an increase to water rates. If we approve the decrease in electric and not approve the increase in water then our revenues will be deficient. The electric utilities is producing more revenue than is needed to run the system and the water utilities is producing less revenue than it needs to run the system.

Mr. Schwerer stated per city charter in order to disapprove of any rate increase you must get a 4/5's majority vote to disapprove. If you do that, then you have to state the reason on the record why you are disapproving it. If you do not get the 4/5's majority vote to disapprove, any resolution it automatically becomes effective 30 days from the date it is submitted.

Commissioner Sessions requested that the Commission vote on the FPUA Resolutions individually.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve FPUA Resolution No. UA 2014-03, electric energy rate reduction.

AYE: Mayor Linda Hudson, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

NAY: Commissioner Rufus Alexander

Passed

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve FPUA Resolution No. UA 2014-04, 3.7% increase water utility rate.

AYE: Mayor Linda Hudson, Commissioner Edward Becht, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

- b. Resolution No. 14-R05 - A resolution authorizing the transfer of certain property generally known as the Old Federal Courthouse to Gus Gutierrez and/or assigns; finding that the property is no longer needed for public purpose.

City Clerk, Linda Cox, read the title of the Resolution into record.

Mr. Schwerer indicated this property was originally purchased with Fort Pierce Utility Authority's monies, there are no city funds involved, so the money from the sale would go back into the funds for F.P.U.A.

Mr. Bill Thiess stated he believed this sale would fall under sale of assets and 6% of this sale would come to the city. He is 100% certain the city will receive 6%.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Resolution No. 14-R05.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- c. Discussion of an All Aboard Florida resolution recently passed by the Treasure Coast Regional League of Cities.

Mr. Mimms appeared and spoke concerning the cost and funding of quiet zones within the City.

Commissioner Becht asked staff to be proactive. We don't want to wait too long to do preliminary planning and miss an opportunity for improvements because we don't have our plans at the construction phase. Mr. Mimms stated that every two years, FDOT conducts a survey of all bridges in the City. From this survey, the City will receive a report on any deficiencies found.

Staff was directed to craft a Resolution similar to St. Lucie County with the either or option for funding. Also, to encompass preservation of quality of life issues including safety, quiet zones and preserved and enhanced ingress and egress into and out of downtown Fort Pierce.

- d. Proposed Letter of Support for Port Development.

Mayor Hudson said this is a letter requested from MegaYachts asking if the city would entertain and not be against having a mega yacht facility at the Port. She modified their request to state that we are interested in any and all ideas that pass muster in environmental safety.

Commissioner Perona pointed out these letters do help businesses when they are seeking financial assistance because it shows the community is receptive. Commissioners agreed the Mayor should sign the letter.

- e. Submittal of applications for appointment/reappointment to the Planning Board.
- f. Submittal of applications for appointment/reappointment to the Board of Adjustment.

### **13. COMMENTS FROM THE CITY MANAGER**

- a. Department Activity Report - Mr. Bradshaw had no comments.

### **14. COMMENTS FROM THE COMMISSION**

Commissioner Alexander inquired if there had been any studies on the old fertilizer plant on North A-1-A. Mayor Hudson responded that it is not within the city limits.

Commissioner Perona noticed that there are a lot of out-of-state license plates in the area and wanted the visitors to the city to know that we appreciate them being here and exploring our beautiful city. It is great to have this amount of activity finally happening again in our

city. He was very happy that the commission made the decisions that allowed the citizens to be able to have garbage service even on a holiday.

Commissioner Sessions wished everyone a happy, good night.

Commissioner Becht said good night.

Mayor Hudson congratulated the Police Department on the accreditation. She attended the Tree of Life Ceremony at the Tax Collector's honoring Christian Medina and promoting becoming an organ donor.

**15. ADJOURNMENT**

There being no further business, Mayor Hudson declared the meeting adjourned at 10:57 p.m.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER