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 MONDAY MARCH 3, 2014.

1. CALL TO ORDER

2. OPENING PRAYER - Mayor Linda Hudson offered the opening prayer.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

Absent: Commissioner Reginald Sessions

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

Commissioner Reginald Sessions arrived at 6:35 p.m.

5. APPROVAL OF MINUTES

a. Approval of Minutes from February 18, 2014 meeting.

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

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

Passed

6. **PROCLAMATIONS**

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

a. Letter from Dave Forest, Supervisor Physical Medicine and Rehabilitation at Lawnwood Regional Medical Center & Heart Institute, expressing gratitude for the Healing of Magic program arranged by John Wilkes and provided through the Sunrise Theatre to patients at the Lawnwood Rehab Pavilion.

8. **COMMENTS FROM THE PUBLIC**

Ms. Bonnie Howard, Lakewood Park
Mr. Rick Reed
Mr. Roy Darby, 619 South 6th Street
Mr. Patrick Henry, 1123 Granada Street
Mr. Marion Mathews, 1612 Oleander Boulevard

9. CONSENT AGENDA

a. Approve piggyback to the City of Cocoa Beach, RFP No. CB-13-002 Website Redesign contract with CivicPlus,Inc., Manhattan, KS to update the City's website to current governmental standards of appearance, functionality, and interactivity for the purpose of providing vital information and user friendly access to the public.

b. Approve Communitywide Council Recommendations for CDBG Commercial Façade Grant Awards for eight (8) projects in the total amount of $50,000.00.

c. Request by Ms. Gertrude Elliot to reduce lien in the amount of $75,750.00 to $500.00.

d. Request by Mr. Michael James Beck to reduce lien in the amount of $376,980.00 to $7,500.00

e. The police department requests approval to submit and accept the 2014 Firehouse Subs Public Safety Foundation Grant in the amount of $20,000.

f. Approve Modification Number Two to Subgrant Agreement Number 14HM-2Y-10-66-02-144 pending review as to form and correctness by City Attorney.

g. Approval of Subordination of Utility Interests Agreements between the State of Florida Department of Transportation and the City of Fort Pierce for the Use and Benefit of the Fort Pierce Utilities Authority for Parcel Nos. 114.5R and 115.2R, which were approved and signed by the FPUA Board on February 18, 2014.

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

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

Passed

As to Item **9a,** Mayor Hudson wanted to make sure the current programs the city is using will work with the website. Mr. Shay Johnson, Network Specialist, responded that all current programs will be compatible.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve Consent Agenda **9a**.

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

Passed

10. PUBLIC HEARINGS

a. Notice of Appeal submitted by Mr. David Cleveland. On February 18, 2014, Mr. Cleveland withdrew his appeal indicating that his concerns had been addressed.

b. 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. SECOND READING

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

Planner, Clarissa Davis, appeared with a presentation. Commissioner Becht stated since they have already seen the presentation they could speed up the process and forego it. Mayor Hudson asked if anyone wanted to hear more or had any questions, there were none.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

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

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

Passed

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

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

Mayor Hudson opened the Public Hearing.

Seeing no one, the closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance No. 14-004 on second and final reading.

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

Passed

d. Ordinance No. 14-005 - Annexation of 3700 Okeechobee Road - Indian River Oil - SECOND 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. 14-005 on second and final reading.

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

Passed

e. 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. SECOND READING

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

Mayor Hudson opened the Public Hearing.

Mr. Rick Reed thought that the foundation of Democracy is freedom of speech, a fundamental

right. He was taken aback that some on the commission would vote for this ordinance, he feels this reflects poorly on this body and this city.

Mr. Marion Matthews asked what 2-29(c)(2) was, he needed some clarity. Mayor Hudson explained this ordinance is patterned from surrounding municipalities and it addresses decorum during meetings; how we are addressing one another and how we respect one another. There is no change from what we have done in the past. There are no restrictions except that we treat one another with respect and address the Commission as a whole.

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

Commissioner Alexander asked if there was anything in this ordinance that should have anybody in an uproar that they cannot come here and say what they feel like. Mr. Schwerer responded there absolutely is not, this is an ordinance that maintains the civility and decorum of a public business meeting of the City Commission. If you are civil and professional in your demeanor in addressing this commission and respectful to this commission and respectful to how this commission functions that person who abides by those rules has nothing to be concerned about.

Commissioner Sessions stated he did not want to be responsible for somebody going to jail. Mr. Schwerer clarified that if the chair calls someone out of order and they continue to be unruly and violate the decorum ordinance, the chair can ask that they be removed. It shall be the duty of the officer present to remove them from the room, if that person resists being removed there can be any number of charges that could result from that disruptive behavior. No one is being arrested for their speech.

Commissioner Becht stated there has been a whole lot of paranoia attached to what this ordinance may mean. He would like to add that if there is to be an arrest it will not be for what you have said it will be because of a refusal to obey the lawful commands of an officer.

Commissioner Perona feels this is redundant, he would rather leave this part up to law enforcement and the laws that already exist on the books. He asked to remove the last section of this ordinance.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Ordinance No. 14-006 with the deletion of the last sentence in Section 2-35(c)(3).

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

Passed

f. Ordinance No. 14-009 - Easement Abandonment, Fort Pierce Shopping Center, 1167 S US Highway 1. FIRST READING

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

Mr. Kori Benton, Historic Preservation Officer, appeared and stated this is a procedural item to relinquish control of these outdated easements.

Commissioner Alexander asked why they are requesting an additional 3 feet and why it was not calculated in the beginning. Mr. Benton stated originally the plat was a single family home subdivision with numerous lots configured with rear property lines each with a 3 foot easement. This ordinance collectively describes all of the easements they are seeking to abandon. Staff has coordinated with all affected departments and utility providers to redefine

and re-establish replacement easements. Commissioner Alexander asked if the property went from residential to commercial. Mr. Benton stated the property has been zoned commercial for quite some time.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve Ordinance No. 14-009 on first reading.

Commissioner Becht abstained because he represents the applicants requesting the abandonment of the easements, Fort Pierce Shopping Center, and filed Form 8B as required.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

12. CITY COMMISSION

a. Resolution 14-R15 accepting the proposal of Bank of America to purchase the City's not to exceed $6.15 Million capital improvement revenue note to finance the City's cost of Acquiring and Installing Energy Conservation Equipment.

Approval of Guaranteed Energy and Water Performance Savings Contract between City of Fort Pierce and BGA, Inc. which was manually routed.

Mr. Rob Schwerer, City Attorney, presented the Commission a brief summary. Staff recommends for the City Commission to approve the contract and all of the attachments and further vote to approve Resolution 14-R15.

Mr. Jeff Wykoff of BGA Inc, Mr. Wes Bradish of RBC, and Mr. Greg Ratter of ConEdison appeared and were available for questions.

This is a contract and corporate guarantee agreement where the provider is guaranteeing that if we spend the money to do these upgrades that we will be guaranteed the total amount of savings that we are borrowing to make those installations during the life and term of the financing. That is a corporate guarantee that basically guarantees that no funds will be used from the city's general fund or funds that are available to the city to pay for these installations, it is solely from the loan funds. If we do not get those guaranteed savings throughout any one given year then that will be made up by the provider BGA.

It was stated the entire amount of the $6.15 million will be use to complete $6.15 million of improvements. The annual energy savings to the city is $432,664. The financing term is 16 years with a guaranteed savings for 19 years.

The majority of the savings will come from the replacement of the street lights and maintenance. We do know the actual calculation for the flat rate is based on fixture, not consumption. As soon as that light is replaced we will have a reduced rate and less maintenance.

The whole project is about a year long and they will be able to accomplish the street lighting in about 4 months.

The City's debt ceiling is $67 million. The city is currently at $57,007,000 with an available $9,993,000, this loan will take up $6 million of this amount bringing us to $3.8 million shy of our debt ceiling.

Mr. Schwerer requested each part be voted on individually.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the Guaranteed Energy and Water Performance Savings Contract.

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

Passed

City Clerk, Linda Cox, read the title of Resolution No. 14-R15 into the record.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution No. 14-R15.

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

Passed

b. Selection of Alternate Member for Treasure Coast Regional League of Cities

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to select Commissioner Alexander as an alternate member.

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

Passed

c. Resolution 14-R10 - Re-appointing two members and appointing one new member to the Code Enforcement Board.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve Resolution 14-R10 appointing members to the Code Enforcement Board.

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

Passed

d. Resolution 14-R11 - Appointing and Re-Appointing seven members to the City Planning Board

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

Commissioner Alexander brought to the attention of the Commission that he voted incorrectly. He did not vote in order by preference, he thought he was re-appointing existing board members and he would like to rectify this.

Commissioner Perona feels that since we have announced the appointees on this Resolution and then we go through and change it again it would cause irreparable harm to our system.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Resolution No. 14-R11 appointing members to the Planning Board.

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

e. Resolution 14-R12 - Appointing and Re-Appointing two regular and two alternate members to the Board of Adjustment

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve Resolution 14-R12 appointing members to the Board of Adjustment.

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

f. Resolution No. 14-R13 authorizing the City to apply for and accept a second grant from the Florida Inland Navigation District (FIND) for completion of the construction of the Melody Lane Fishing Pier.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve Resolution No. 14-R13.

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

g. Resolution 14-R14 - Funding of All Aboard Florida Impacts to the City of Fort Pierce, subject to review as to form and correctness by City Attorney.

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

Mr. Nick Mimms, Deputy City Manager, appeared and said we have crafted a resolution that speaks to several different aspects unique to Fort Pierce, he believes they have identified the many different impacts and we are requesting All Aboard Florida to fund and mitigate all offsite impacts that are realized as a effect of the enhanced double tracking and increased railroad traffic associated with the increased freight and the passenger rail component.

In response to Commissioner Perona's request that we stay "in the know", Mr. Mimms informed the Commission of an email he received this evening from All Aboard Florida stating they would be in Fort Pierce on March 6th and 7th. They have invited staff to accompany them on their inspections of our intersections.

Commissioner Becht requested to add an additional paragraph that talks about financial assistance regarding the loss of revenue to our local businesses due to the loss of visitors and guests that will no longer use I-95 and the turnpike to travel between Orlando and South Florida.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution No. 14-R14 with the addition of a paragraph for financial assistance regarding loss of revenue to our local businesses due to the loss of visitors along the turnpike and I-95 corridors.

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

Passed

13. COMMENTS FROM THE CITY MANAGER

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

14. COMMENTS FROM THE COMMISSION

Commissioner Alexander wanted to state for the record that he does not think Mr. Schwerer is taking matters serious about the matter at the Federal Court House.

Mr. Schwerer asked to speak to the Commission. He said we see these comments from the podium and to comment back against them lends creditability to inaccuracies and misstatements. But when it comes to his job with the city, he takes it very serious and he wants the commission to understand that what happened in Miami is totally out of the control of the attorneys and the City Commission.

He also commented that we have a gentleman come here and attempt to criticize his office about a lawsuit. Mr. Henry's lawsuit was filed over 12 years ago for nuisance abatement, his office was directed by the commission to do so. But what the public does not understand is Mr. Henry continues to talk about a lawsuit that ended over 12 years ago by his voluntary agreement and stipulation. He wrote a letter commending Mr. Schwerer's office on how we handled that and was grateful for bringing the case to a resolution. The issued was resolved over 12 years ago and he feels the public needs to know this.

Commissioner Perona has adopted All Aboard Florida almost as his number 1 aspect. There is a large concern within the community out there and he stresses that this commission is working diligently with staff to make sure we are at the table when decisions are being made.

Commissioner Sessions had no comment.

Commissioner Becht wishes Mr. Bradshaw good luck on putting his application in with County. If we are lucky he won't get the job, but if he does, we have team here capable of taking us forward.

Mayor Hudson saw the memo from Ms. Johnson about the Retirement Board and would like to know when those meetings are so Commissioners may attend. She asked Ms. Johnson if she wanted recommendations from the commission. She responded that yes, they do want the commission's input. She would like to know when the fence is coming down at the Backus Gallery so the parking lot will be free for public use.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 8:50 p.m.

ATTEST:

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CITY CLERK MAYOR COMMISSIONER