

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, APRIL 21, 2014.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:36 p.m.
2. **OPENING PRAYER** - Commissioner Reginald Sessions offered the opening prayer.
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**

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

Absent: Commissioner Rufus Alexander

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to excuse Commissioner Rufus Alexander.

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

Passed

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes of April 7, 2014 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Minutes of the Regular Meeting on April 7, 2014.

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

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a Proclamation declaring April 24, 2014, as Arbor Day. It was received by Shirley Walker, President, City of Fort Pierce Tree Board.
- b. Mayor Hudson issue a Proclamation declaring May 1, 2014, as Law Day. It was received by Lillian Ewen, St. Lucie County Bar Association President.
- c. Mayor Hudson issued a Proclamation declaring May 3 - 11, 2014, as Travel and Tourism Week. It was accepted by St. Lucie County Commissioner Chris Dzadoovsky, Chairman of the St. Lucie County Tourist Development Council.

7. **LETTERS TO COMMISSION**

8. **COMMENTS FROM THE PUBLIC**

Rev. John Lee Sr. - 1204 Avenue K
Ms. Betty Bradwell - 2905 Kingsley Drive
Mr. Bill Clancy - 1713 N Dovetail Drive
Mr. George Gibson - Fort Pierce

9. **CONSENT AGENDA**

- a. Approve Specific Authorization No. 1 to Design Build Contract for RFP No. 2013-26 City Hall Wind Retrofit Project - Expansion with Windtech Products, Inc. in the amount of \$1,388,260.00, pending review as to form and correctness by City Attorney.
- b. Reduce Code Enforcement Lien in the amount of \$215,900.00 against 603 S. 24th Street, owned by Emilie Alouption, to \$1,750.00, contingent upon payment within 6 months.
- c. Approval of travel expenses in the amount of \$1,050.90 for Commissioner Alexander to attend the 29th National Conference on Preventing Crime in the Black Community being held May 28 - 30, 2014 in Jacksonville, FL.
- d. Acceptance of the Appointment of Mr. Dan Flaherty to the City of Fort Pierce Police Officers' Supplemental Pension Fund Board of Trustees
- e. Approval to submit and accept the U.S. Department of Justice Byrne Criminal Justice Innovation Program 2014-2015 grant in the amount of \$1,000,000.
- f. Execution of FDEP Grant Agreement No. S0696 providing funding in the amount of \$462,000 for the construction and operation of a stormwater treatment system at the Veterans Memorial Park.
- g. Approval of improvements at the Old Library site in the amount of \$12,942.50 for the construction of a fence and sod replacement.

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

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

Passed

As to Item **9c**, Commissioner Perona thought this travel had been withdrawn. City Clerk, Linda Cox, clarified the travel previously withdrawn was for a trip to Tallahassee. Ms. Cox did confirm this travel request with Commissioner Alexander before it was put on the agenda. She conveyed to the Commission his wish to attend.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Consent Agenda **9c**.

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

Passed

As to Item **9e**, Commissioner Becht pulled this item to point out to the public that a lot of our funding comes through grant programs.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Consent Agenda **9e**.

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

Passed

As to Item **9g**. Commissioner Becht asked Mr. Mike Reals about the purpose of this project and if they coordinated with the groups that are going to be impacted by the sodding and fence. In response, Mr. Reals indicated he had spoken with Mainstreet and briefly discussed ideas with the Farmer's Market; he met in the past with the Craft Market and has a scheduled meeting with them pending tonight's approval. Mr. Reals stated the goal is to make the parcel more attractive, the fence will allow for pedestrian traffic on all sides and, when not in use for events, will serve as a passive park area. We are looking to enhance the look of the downtown area.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Consent Agenda **9g**.

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

Passed

10. PUBLIC HEARINGS

- a. Ordinance No. 14-012 - Budget Amendment of the 2012-13 Budget. **SECOND READING**

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

Ms. Gloria Johnson, Finance Director, appeared and was available for questions.

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 Reginald Sessions to approve Ordinance No. 14-012 on second and final reading.

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

Passed

- b. Ordinance No. 14-013, Amending Chapter 16 - Nuisance Definitions. **FIRST READING**

City Clerk Linda Cox introduced the ordinance, read by title only, into the record.

Code Enforcement Manager, Peggy Arraiz, appeared and stated this is an update of some definitions in the City's nuisance code. We are adding a definition for graffiti and landscape maintenance and to change the parking requirements for unregistered vehicles.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve Ordinance No. 14-013 on first reading.

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

Passed

c. Ordinance No. 14-014 Creating Article VI - Florida Friendly Fertilizer Use FIRST READING

City Clerk Linda Cox introduced the ordinance, read by title only, into the record.

City Engineer, Jack Andrews, appeared and was available for questions. He stated at this time the object is not the enforcement of fines but to educate the public on the proper procedures of fertilizer application. It is the education we need to get out there.

Commissioner Perona commented that if we are going to make a rule it should have some kind of penalty and/or consequence. Otherwise, it is not a rule but rather a suggestion.

Mr. Schwerer recommended to first place this Ordinance into effect then enforcement provisions can be developed. We can establish an immediate citation process and set fee amounts for first, second or third offences. This can be done fairly easily via ordinance.

Mayor Hudson opened the Public Hearing.

Captain Don Voss of Marine Clean-up Initiative stated this is more than a feel good amendment; the fertilizer ordinance is needed to clean up our water. People can learn in a short period of time and they will do the right thing if you lead the way.

Mr. John Davis said we need to work together and pass this ordinance. We need a strong ordinance and yes, we need to enforce it.

Mr. Gabe Steffen explained the ingredients in fertilizer promote algae growth and deplete oxygen from the water. Every city along the coast and the Indian River Lagoon contributes, we need to pass this fertilizer ordinance to stop that.

Ms. Nila Pipes stated our economy is directly tied to our environment, without water we have nothing in this state. Every single one of us have a footprint so please work with us, work hard with us because this is going to be a fight we will be in for the years to come.

Mr. Ezra Appel of Palm City, Florida stated he works with Friends of the Spoil Islands and with the DEP. He goes to these islands because he knows it's the right thing to do. We pick up a cigarette butt or a piece of trash, we all do what we can. We all live here, we all play here, this is our world so please do the right thing.

Mr. Charles Grande told the commission they have the opportunity to pass the right kind of ordinance, the opportunity to have the people of Fort Pierce to join the rest of the Treasure Coast and make a difference. We need to work together with a similar, strong ordinance to tell the state that we do want this type of protection for these waters that are so important to us.

Mr. William McNeely stated that we are part of the problem and asked that they give the ordinance more teeth and go for a second offense fine of \$500.

Mr. Chris Dzadoovsky encouraged the City to take exactly what they have at St. Lucie County and pass that specific ordinance; it has the teeth, it has the educational component and it

has the enforcement scenario. He does not expect complete compliance in the first year but he will continue on the county level to push the educational component.

Mr. Richard Sylvestri suggested the a local training session be done and have representatives from the City of Fort Pierce, the City of Port St. Lucie and St. Lucie County in attendance.

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

Mr. Andrews responded to Commissioner Becht and clarified this ordinance has all of the same requirements as both the County and City of Port St. Lucie, it is just lacking the teeth which we can readily come back and add later. Commissioner Perona would like for staff to come back with a report within 6 months so we can revisit and make any necessary changes.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance No. 14-014 on first reading.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

a. 2012-13 Final Budget Amendment

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve 2012-13 Final Budget Amendment.

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

Passed

b. Presentation of the City of Fort Pierce Fiscal Year 2013 Audit Report by DiBartolomeo, McBee, Hartley & Barnes, P.A.

Mr. Mark Barnes and Mr. Jerry DiBartolomeo of DiBartolomeo, McBee, Hartley & Barnes appeared with a presentation. Mr. Barnes stated overall assets increased by \$6 million from last year. In 2009 the City's general government expenses were \$14.9 million and in 2013 the expenditures were down to \$9.7 million. He stated it is difficult to remove \$5 million from expenditures; he commented this was pretty impressive.

Commissioner Becht would be interested in having the FPRA Advisory Board tasked with taking a look at the golf course. Mr. Bradshaw stated this has come to his attention recently and the Mayor and he have had several conversations. They will be presenting something shortly to the Commission.

Ms. Johnson responded to Mayor Hudson to advise that the City's debt limit for the general fund is \$67 million. The City is currently at \$58 million, \$70 million when you include FPRA.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to accept the City of Fort Pierce Fiscal Year 2013 Audit Report.

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

Passed

c. Single Stream Recycling Update

Mr. Reals, Public Works Director, appeared with a presentation. He is happy to announce the City has increased recycling participation by over 100%. While we do not see an increase in revenue we have experienced a steady increase in savings. Since Pierce the Pelican is back from hiatus, we are going to intensify our education program again to encourage people to recycle more.

Commissioner Becht commended Mr. Reals on a job well done.

12. CITY COMMISSION

a. Finance Director's Quarterly Report for the Quarter Ending March 31, 2014.

Ms. Gloria Johnson, Finance Director, read into the record the approved budgets and the amended budgets for the 2012-13 grant funds.

Mr. Schwerer responded to Commissioner Becht's request for some kind of cheat sheet by asking Ms. Johnson to forward a copy of the restructure note for the Coral Square project .

Commissioner Perona requested that more information be provided as to reasons why we have the amended figures, especially with some of the larger numbers. Ms. Johnson stated in the future they will be provided additional information just as is done with the general fund.

b. Request by Commissioner Alexander to allocate the travel funds he did not use for the Legislative Conference in Tallahassee in the amount of \$1,086.44 to Community Outreach Youth Program, Inc. (COYP) to support the attendance of youth and young adults at the National Preventing Crime in the Black Community Conference being held May 29-May 30, 2014.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve with discussion.

The Commission does not want to set a precedent where they will take funds from a set budget line area and designate it for non-profit donation. Mayor Hudson added that as worthy as this cause is, we have to be disciplined and stick to our budget.

A revised Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to table till the next meeting.

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

Passed

c. Consideration of the FPUA's FY 2013 Final Budget Amendment.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to waive the 30 day requirement under the charter and approve the budget amendment.

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

NAY: Commissioner Reginald Sessions

Passed

- d. Consider acceptance of the FPUA Comprehensive Annual Financial Report (CAFR) for FY2013.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona that the City Commission approve the audit as being the unqualified opinion of the auditors that the FPUA's financial statements for the fiscal year ending September 30, 2013 are fairly presented in conformity with Generally Accepted Accounting Principles (GAAP), and accept the filing of such audit with the City of Fort Pierce, the same to be kept together with the FPUA CAFR, on file with the City Clerk's office pursuant to the City Charter.

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

Passed

- e. Resolution No. 14-R16 appointing members of the Civil Service Appeals Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to table Resolution No. 14-R16 until next meeting.

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

Passed

- f. Resolution No. 14-R17 appointing members to the Sunrise Theatre Advisory Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution No. 14-R17.

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

Passed

13. COMMENTS FROM THE CITY MANAGER

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

14. COMMENTS FROM THE COMMISSION

Commissioner Becht had no comment.

Commissioner Perona commented on Mr. Clancy's concerns from public comment. He thought these concerns had been addressed and asked City Manager, Mr. Bradshaw. He asked that they reach out to him and Mr. Bradshaw stated they will schedule a follow up meeting. Commissioner Perona also wanted to give a shout out to all of the local participants of the Boston Marathon. He was pleased to note the winner this year was an American.

Commissioner Sessions had no comment.

Mayor Hudson wanted to remind everyone the Community Garden Ribbon cutting is tomorrow at 9:30 a.m. located at 9th and Moore's Creek. She is proud of the Lion's Club, they have been wonderful and recommends we all reach out to them. They will be Old Fort Park at 10:00 a.m. on Thursday, Arbor Day.

Deputy Chief Kirk spoke on behalf of Commissioner Alexander, he has championed an

easter egg hunt at Pioneer Park for the last three years. There was about 200 people in attendance, it was a successful day with no problems and no issues.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 9:22 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER