

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, JULY 7, 2014.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:32 p.m.
2. **OPENING PRAYER** - Pastor Hugh F. Brockington 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 the June 16, 2014 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve the Minutes of the Regular Meeting on June 16, 2014.

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

Passed

6. **PROCLAMATIONS**

A special tribute to honor Mr. Khalil Mack was presented by Representative Larry Lee Jr. of District 84. Mayor Hudson awarded Mr. Mack with the Fort Pierce Key to the City.

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

- a. Letter of thanks from Heathcote Botanical Gardens for including them in the Great American Cleanup on May 17 and commending the Public Works Department staff for their assistance in trimming the trees along Savannah Road.

Item 12g was taken out of order. Mayor Hudson requested to change the agenda order and discuss City Commission Item 12 g at this time. Discussion led by Commissioner Sessions regarding an update of crime prevention activities.

Commissioner Sessions stated the City is dealing with a crisis, a dilemma, a major problem with our city with regards to crime. We are being told crime is at a low but gunfire is raging in our city, specifically the northwest section of town. We have to open up lines of communication and open up relationships between our officers and our young people. He stated money talks, if we put a price on this in terms of rewards for individuals that come up with information we can start to solve these crimes.

Chief Baldwin responded he is proud of his officers and detectives with all they have accomplished in the last months; there has been tremendous success. It is hard to wait for a solution during a crisis and the violence in Fort Pierce has plagued this city for over 25 years. The City cannot solve a long term problem with a short term solution. Chief Baldwin stated his department has searched nationwide and believe they have found the perfect model from the Office of Juvenile Justice with the Delinquency Prevention Comprehensive Gang Model that can be implemented in Fort Pierce.

Mr. Mimms wanted the Commission to know they have been heard and there is currently a faith based mentoring program this summer at the Percy Peak Gymnasium. The gym is open for children ages 12-17 and also into their twenties and it is free for them to gather, practice and play. The facility is packed and doing very well. This gym is in the perfect location to do the community the most good. He is also very proud of the upcoming football program; they are expecting about 300 kids to participate. He stated they cannot reach them all but we will reach quite a few with our efforts.

Representative Larry Lee, Jr. stated we have to restore that village mentality if we are going to turn this around. We just need to stay focused and not become discouraged.

Mr. Scott Van Duzer indicated Troop 772 was initiated and they targeted the most at risk school with the most at risk children. When they met with these 51 students, they all stated they wanted to go in a different direction in life. Troop 772 went from non-existent to the largest troop in three counties. The members of the troop all have grades that have gone up and discipline has gone down. Invest in the youth and spend some time, they are always looking for volunteers. Interested individuals can go to Big Apple Pizza 35th and Virginia to learn more.

Chief Baldwin responded to Commissioner Alexander that if it pleased the Commission he will get the balance of the money raised at a community meeting held several years ago and have it put on the agenda. This money was given by the community to the Commission and it had been in the past reserved and used for rewards. But, if it is the pleasure of the Commission it can be split down the middle and half be used to form Scout Troops in the community.

8. COMMENTS FROM THE PUBLIC

Mr. George Gibson, 1401 Reynolds Court
Mr. Rick Reed
Mr. David Staples
Mr. Tracey Williams, 808 Georgia Avenue
Ms. Renee Jordan Wyatt
Mr. Ahmaad Hill
Mr. Lajarvis Rolle
Ms. Rosemite Pierre
Pastor Hugh F. Brockington
Rev. John Lee, 1204 Avenue K
Mr. Patrick Henry, 1123 Granda Street

9. CONSENT AGENDA

- a. Reduce Code Enforcement Lien in the amount of \$92,430.00 against 1824 S 29th Street, owned by Federal National Mortgage Assoc. (Fannie Mae), c/o Farless Properties, contingent upon payment of \$2,000.00 within 60 days.

- b. Approval to submit and accept the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Comprehensive Anti-Gang Strategies and Programs Grant 2014-2015 in the amount of \$200,000.
- c. Approval of increase to Blanket Purchase Order #140279 for additional funds in the amount of \$7,500 for Sunrise Theatre Scripps TC Newspapers advertisement.
- d. Approval of Modification Number 4 to Subgrant Agreement Number 14HM-2Y-10-66-02-144 between the Division of Emergency Management and the City of Fort Pierce contingent upon approval by City Attorney as to form and correctness.
- e. Approval of Travel for Mayor Hudson to attend the Florida League of Cities 88th Annual Conference in Hollywood, Florida on August 14-16, 2014 in the total amount of \$1,044.77.
- f. Approval of Travel for Commissioner Alexander to attend the Florida League of Cities 88th Annual Conference on August 14-16, 2014 in Hollywood, Florida in the total amount of \$1,190.65.
- g. Approval of a Lease Agreement between the Police Department and the Fort Pierce Housing Authority for the provision of a police substation at the Williams Center, located at 3104 Avenue J, at the cost of \$1 per year.
- h. Approval of the appointment of Linda W. Cox, City Clerk, as the Florida Enterprise Zone coordinator.
- i. Approval of an increase to Purchase Order #14-0706 with GFA International for continuation of plan review and inspections in the amount of \$80,000.00.
- j. Request approval of interlocal agreement between the City of Fort Pierce, Fort Pierce Utilities Authority, and St. Lucie County for the North Second Street Improvements.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander that the following items on the Consent Agenda be approved - **9a, 9b, 9e, 9f, 9h, 9i**. Commissioner Becht pulled items **9c, 9d, 9g** and **9j**.

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

Passed

As to item **9c**, the Commission made a request for additional information before proceeding since Mr. Wilkes was unavailable to answer questions. Ms. Johnson stated this is a request to increase a purchase order for Scripps newspaper ads, this is to pay what is outstanding. She also said the Sunrise budget is still in progress, the Finance Department has not received their final numbers as of yet.

The Commission requested an update identifying if this is for this years budget or for this season or does this apply to next year. There was a question of the Sunrise's correct budget amount for print advertising next year. is it \$130,000 or \$137,500. There were also questions raised about where the \$7,500 will be pulled from, is there to be a deletion or reduction for one of the other advertising vendors.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to postpone Consent item 9c to Regular Meeting July 21, 2014.

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

Passed

As to Item **9d**, Commissioner Becht stated there is a concern that FEMA could de-obligate the funds and asked of any assurances the City may have that this will not occur as it has to a multitude of counties across the state. Mr. Schwerer responded to receive the grants you must agree to the terms of the agreement set forth by the Division of Emergency Management and the terms do state they can come back in future years. The City signed the terms of the sub grant agreement and we are already bound by those terms and conditions.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Consent Agenda item **9d**.

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

Passed

As to item **9g**, Commissioner Becht stated he does not have a problem with the \$1 lease but wanted to know if there were any additional costs. Deputy Chief Amandro stated there are no additional costs for equipment or employees for manning the police substation at the Williams Center. They are taking the Avenue I substation and moving everything from that facility to this location.

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

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

Passed

As to item **9j**, Commissioner Becht stated had he realized the fiscal impact of this item was on another page.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Consent Agenda item **9j**.

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

Passed

10. PUBLIC HEARINGS

- a. Approval of Conceptual Development Plan for Fresh Wind, Fresh Fire Church of God located at 401 N 25th Street.

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation and staff recommendation the City Commission review the Conceptual Development Plan and make recommendations as appropriate for its disapproval or approval.

Mayor Hudson opened the Public Hearing.

Mr. Ibrahim Chabob addressed the Commission with additional information. The entrance to the property is currently through 26th Street because Avenue C is an abandoned right of way. The owner has the option to include the right of way with their property granted the City approves the Conceptual Development Plan. It was stated additional landscaping was also

agreed upon for this project.

Mr. Mike Menard of Cook Menard Architecture stated the reason for this conceptual plan is to make sure they can build what they need to build on the property before the property is purchased.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Conceptual Development Plan for Fresh Wind, Fresh Fire Church of God.

Commissioner Edward Becht abstained from the vote because he represents the applicant and filed Form 8B as required.

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

Passed

- b. Ordinance No. 14-017 - Amending City Code Section 22-22, Allowed Uses; Eliminating the differentiation of public and private elementary, middle or high schools.

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

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation. Staff recommends approval.

Commissioner Becht disagrees with E-1 classification. The other classifications referenced in the presentation states the word school, E-1 has text that reads public and semi public facilities to identify school. He stated we need to make sure our code is clean and says what we want it to say.

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 Rufus Alexander to approve Ordinance No. 14-017 on first reading.

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

Passed

- c. Ordinance 14-018 - Right-of-way Abandonment - Boston Avenue Extension – East of South Indian River Drive. First Reading

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

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation and staff recommendation to approve the abandonment with two conditions. The first condition is securing a 15 foot pedestrian access easement as discussed and second, that the applicant record a unity of title between the two parcels to avoid rendering one of the parcels landlocked and therefore non-conforming.

Mr. Benton stated the safety and welfare of the community is of the utmost importance to City staff. The City has a walkable downtown; there is an existing K-8 school on site and near by,

citizens walk in and out of the court system each and every day. The City currently holds Boston Avenue as a right of way. He is uncertain if it is authorized, but people are down there fishing and enjoying that access to the waterfront. City staff was looking at a strategic option to provide continued access to the waterfront but still allow the applicants the ability to incorporate this proposal within their development plan. The applicant is requesting the City Commission to abandon a portion of our right of way and staff is seeking to insure public benefit through incorporating pedestrian access in their long term plan as well.

Commissioner Becht stated we have a petition for abandonment of a right of way which is the strongest bargaining chip this Commission has to insure development happens in accord with the best interests of the City of Fort Pierce. The appraisal that accompanies the petition identifies no comparable market data on which to value the property and is for one-third of this right of way. He stressed public access to the waterfront is critical. There are ways this can be designed so that the needs and protection of the children can be accomplished. The needs of St. Andrews can be addressed as well as the needs of Fort Pierce in terms of access to the waterfront.

Mayor Hudson opened the Public Hearing.

Ms. Trina Angelone of St. Andrews Episcopal Academy appeared and gave a presentation on the applicant's vision for the development and expansion of their school. She is asking the Commission to not vote and not approve the abandonment as it is written tonight because they would like to go back to the table with their representatives to do something they believe to be far more beneficial for the City. They would be happy to pay for the abandonment of the property as opposed negotiating any other access. She stated if they get the abandonment, they will proceed as displayed in their presentation, and if not the fields and structures will not fit on the property and they will have to go back to the drawing board. Ms. Angelone indicated their goal is not to add anything that detracts, all they want is an agreement that there can be a working relationship. She asked the Commission to trust their vision and know their number one goal is protecting the kids and their number two goal is minimal spread of buildings on the land, keeping it as accessible to the water as possible.

Mr. William Stoddard stated they do not want the Commission to approve the easement as it is written currently, they would like to amend the Ordinance to the legal description they are proposing.

Mr. Schwerer responded the Commission can approve a site plan contingent upon abandonment of easement. If the Commission is concerned about the abandonment being made without an approved site plan he recommends the Commission postpone this abandonment and the applicant submit something you can work with them on including options they have discussed here tonight.

Mr. Rick Reed is against the possibility of a 15' easement extending further south from Citrus to Easter Avenue. He stated it would no longer be waterfront property after the owners have been paying taxes and maintaining those properties. He supports St. Andrews request and what they are trying to do and questioned why the City would want to put a walkway and allow public into a school area.

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

Mayor Hudson re-opened the Public Hearing.

Ms. Noreen Dryer spoke on behalf of the Church and asked for the right of way abandonment to be approved on faith. They agree to the unity of title but rather than provide the 15' pedestrian easement along the shoreline as described in the ordinance, they would ask the Commission to accept the offer that was made for the alternative easement that was

presented.

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

Mr. Schwerer stated under our code, the Commission has a fiduciary duty to the public to evaluate the value of property they may abandon, whether it is asking for compensation paid to the City or if it's a bartering exchange for other properties. He is troubled legally that they do not have an appraisal before them so the public is aware of the value of the property. The appraisal submitted was for 2,200 sq. ft. of the total 9,200 square feet of the Boston Avenue extension. Mr. Schwerer suggested the Commission may want to postpone the ordinance until they get a new appraisal because they do need the accurate value of this property on record.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to postpone Ordinance No. 14-018 for two weeks.

Commissioner Sessions stated he does not feel two weeks will be enough time to bring back the requested documentation.

Ms. Angelone requested if a completed conceptual site plan would be adequate to bring back before Commission in two weeks because she could do that. If the Commission is requesting for actual site plans, they would require more time than proposed in the motion.

Commissioner Becht said we are talking about a very valuable piece of right of way to the waterway that the citizens and the taxpayers of Fort Pierce own. The Commission was given an appraisal on one third of the property and based on old values; he stated he wants to see the value in the project.

Amended motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to postpone Ordinance No. 14-018 for two weeks with appraisal updated to reflect the correct amount of property and updated to use comparables that are now of record.

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

NAY: Commissioner Rufus Alexander

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

- a. Update on 2014 Hurricane preparations for the City of Fort Pierce.

Deputy Chief Amandro was present and available for questions. He stated he sent an email out to entire staff in May and the City is well prepared for hurricane season. He responded this information is available to the public and the Police Department is currently re-vamping their website and it will include a link specifically for hurricane preparedness. He will also provide to the Commission a list of all of the local shelters available in the event of an oncoming storm. In response to Mayor Hudson he stated the passes to return to the island after a storm are no longer required, instead they ask for their driver's license and another form of identification to prove they live there.

- b. Update on annexations, as requested by the City Commission.

Planning Manager, Rebecca Grohall, appeared and was available for questions. Ms. Grohall stated annexations are the department's top priority. Initially they have focused on commercial properties because they have a higher ad valorem tax value, but they are pursuing all possible tracts. They hope to identify the FPUA retail service area for squaring off the boundaries of the City. It is the goal to bring the next batch of annexations before the Commission in September.

Commissioner Becht commented the urban service line is a more accurate demarcation of what ought to be county and rural and urban. This is a statutorily created line where urban development is supposed to happen, in St. Lucie County urban is supposed to be east of it.

Ms. Grohall addressed Commissioner Alexander and his concerns about the area of Paradise Park. Although their properties are contiguous there are no utility agreements on file that would allow the City to move forward with annexing. The Legislative annexation could be a solution; however it is unavailable to us at this time.

In response to Commissioner Sessions Florida Statutes states enclaves have to be addressed in an interlocal agreement and our current agreement with St. Lucie County does not address those. There will be talk to modify or create a new interlocal agreement that will address the enclaves.

12. CITY COMMISSION

- a. Designation of a delegate to vote on behalf of the City Commission at the Florida League of Cities Annual Conference.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to designate Commission Alexander as delegate for the City of Fort Pierce at the Florida League of Cities Annual Conference.

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

Passed

- b. City representation by an elected official, Commissioner Alexander, on a Florida League of Cities legislative policy committee.

Commissioner Alexander volunteered to be the City's elected official representative at the annual conference in August. He also requested a copy of the Florida League of Cities committees be provided to the members of the Commission and he encourages each of them to attend one.

Ms. Cox stated she will forward a memo listing the committees to the Commission. If anyone wants to serve, they are to get back with her.

- c. Submittal of application for appointment to the Keep Fort Pierce Beautiful Advisory Board.

City Clerk, Linda Cox, indicated applications are attached and will come back at the next meeting in the form of a Resolution for approval.

- d. Discussion led by Mayor Hudson regarding the review and approval of the City Attorney's invoices for legal services and disbursements.

Mayor Hudson noted that at a recent Conference Agenda, the Commission discussed evaluating the City's legal services and that she has been monitoring the City's legal bills for the last 8 months. Our goals should be to reduce the cost of lawsuits once they are filed, reduce the number of lawsuits and to reduce the time it takes legal to review or regenerate projects and documents. The process currently consists of legal preparing a bill that is forwarded to Ms. Johnson in the Finance Department and the Commission that approves a general amount for the year.

Mayor Hudson suggested receiving a more specific bill monthly from legal. She also suggested a more specific contractual agreement that delineates services that are covered under the annual hours and billable hours as well as what is assigned to insurance carriers, a more clearly defined contract so all expectations are understood. Finally, she discussed a better way to track what goes into the City Attorney's office and the response time.

Commissioner Becht stated the Commission previously spoke of having a discussion about whether it is better to have an inside council or an outside council but without the information previously requested at the Conference Agenda the Commission is currently unable to do make that decision. He has no problem with a more detailed contract. He described the dangers of detailed billing relating to how opposing parties may be able to garner strategy from that. He stated he would like Mr. Bradshaw and Mr. Mimms to meet with Mr. Schwerer and discuss tracking mechanisms that may work inside our existing contracts so when a memo is sent to legal with a request for feedback, it can be expected to happen.

Mr. Schwerer indicated that they track their billing by starting with the annual budget. He indicated that how they base their bills, what they bill, the way they submit their bills and account for their time has been set by previous Commissions. They bill against budget and let the Commission know when they will exceed budget.

Commissioner Sessions indicated that their common goal is to cut the costs. We can do that by lowering the budget and send a strong message as to what we will and will not pay and suggested that some things could be delegated. Mr. Schwerer responded there are a lot of things that legal is doing or has done that could be delegated to other departments and offset costs and he needs to work with the City Manager on that.

Commissioner Perona inquired what the City's contingent liability on lawsuits, we need to be informed and understand what the legal position with the City is and how it relates with our financial picture. Mr. Schwerer would like to have a meeting with every Commissioner, one on one, each month to update them individually as to where legal is on major lawsuits and what is happening and where there are problems.

- e. Discussion led by Commissioner Alexander regarding an update of the proposed vendor ordinance.

Ms. Arraiz said the most recent update is the last revision was reviewed by legal, they provided comments to her the last week of June. The revisions have been made and returned to the City Attorney's office. She stated they are very close to providing a final draft to be brought before the Commission.

In reference to the food truck invasion, they are considered a special event same as Friday Fest or the Farmer's Market on Saturdays. Ms. Arraiz stated the City would surely welcome that type of event. At this time the current ordinance only allows for produce merchandise licenses.

Mr. Schwerer stated within the next thirty days the vendor ordinance should be advertised and back before the Commission for action.

- f. Discussion led by Commissioner Alexander regarding the designation of Lincoln Park, Fort Pierce, St. Lucie County, as a "Common Good Community" by the Allegany Franciscan Ministries.

Commissioner Alexander requested this item be pulled.

- g. Discussion led by Commissioner Sessions regarding an update of crime prevention activities.
This agenda item was taken out of order and discussed before Public Comment.

13. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Activity Report - Mr. Bradshaw had no comments.

14. COMMENTS FROM THE COMMISSION

Commissioner Perona wanted to say it was good to see so many people out enjoying the waterfront for the 4th of July festivities. The fireworks display was awesome, it was a wonderful night celebrating our nation's birthday. He wanted to thank Peggy Arraiz for successfully negotiating the grant to continue the spay and neuter voucher program. It is a great program made possible by Susan and John Parry and United for Animals.

Commissioner Alexander and Commissioner Sessions had no comments.

Commissioner Becht stated he was approached by County Commissioner Dzadovsky requesting a letter of support for the location of a VA Nursing Home in St. Lucie County. If a letter had been done previously, please forward a copy but he believed this to be a new request.

Mayor Hudson wanted to say congratulations to Saint Lucie County for getting just that, named most preferred as the location of the VA Nursing Home. She is pleased with the progression of the Williams Center, it is going to be great for that neighborhood. The boys and girls club will have a great facility and the substantial police presence there will make it a wonderful effort against crime. She also wanted to say thank you to the City of Fort Pierce for the Percy Peak Gym, it is a pleasure to see the young people that fill it every day.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 11:04 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER