

MINUTES OF A REGULAR MEETING OF THE FORT PIERCE REDEVELOPMENT AGENCY HELD IN THE FORT PIERCE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S.#1, FORT PIERCE, FLORIDA, AT 5:30 P.M. ON MONDAY, OCTOBER 21, 2013.

Chairwoman Hudson called the meeting to order.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Chairwoman Linda Hudson; Commissioners Rufus Alexander, Edward Becht, Thomas Perona; City Manager Robert Bradshaw; City Attorney Robert Schwerer; City Clerk Linda Cox

4. The next item on the Agenda was **Approval of the Minutes of the Regular Meeting on July 15, 2013 and the Special Meeting on September 16, 2013.**

Motion was made by Commission Alexander, seconded by Commissioner Perona, to approve the Minutes.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Perona, and Chairman Hudson. Those opposed: None

5. The next item on the Agenda was **Comments from the Public.**

Seeing no one signed up for Comments from the Public, Chairwoman Hudson moved on to the next item on the agenda.

6. The first item on the agenda was the **Approval of the FPRA Financial Report for the 4th Quarter 2013**

Commissioner Sessions arrived at 5:37 p.m.

Ms. Gloria Johnson, Finance Director, stated this was the 4th Quarter 2013 Financial Report, September 2013, this was a preliminary report she would like to make an adjustment as far as the expenditures on the operating fund. Started out with \$13,944.00, total revenue was \$5,651,534, available resources \$5,665,478, expenditures are listed at \$5,626,534 should be \$5,654,155. Current available resources are \$11,323.00 for the operating fund.

The Board has asked for transfers from the General Fund to FPRA, total due General Fund is \$2,371,333.

Commissioner Alexander asked when he is looking at the total transfer he is seeing less what is the less part, where you have reductions.

Ms. Johnson said that is the Days Inn sight.

Commissioner Alexander stated he thought when the Days Inn property was purchased it was a joint venture with FPRA and someone else. Mr. Schwerer did we buy that property along with someone else?

Attorney Schwerer said FPRA bought half the property and the other half was either bought or retained by the person who sold it to FPRA, but on FPRA half we are the sole owner.

Commissioner Alexander said we purchased property but we spent money on demo and that was supposed to be a joint venture too, never saw any figures.

Attorney Schwerer stated they can look back at the acquisition cost and he recalls a demo cost was put into that as well how that worked with purchase price if it was additional he would not be able to tell him today.

Commissioner Alexander asked what they were supposed to do with that property just leave it vacant was that part of a big picture.

Attorney Schwerer said his understanding is, it was purchased to add to existing Jetty Park but more importantly to add to the roundabout parcel.

Commissioner Becht said his recollection was that it made the roundabout possible. He also recalls that the \$1,488,000 includes the condemnation cost and that was part of the consideration to pick up half if not all of the demo cost.

Commissioner Alexander asked is that going to be a paid piece of property.

Commissioner Becht said would have to ask staff maybe Mr. Mimms if any plans for that property.

Commissioner Alexander said Mr. Mimms that is something we can discuss later.

Commissioner Perona stated basically it was an asset of the FPRA and now it is an asset of the City.

Ms. Gloria Johnson said that is correct.

Commissioner Session said Mr. Mimms along the same lines as Commissioner Alexander that parcel at issue is it large enough for development of something else or is that all inclusive of the park, just out of curiosity.

Mr. Mimms stated he does not know the acreage and at this point do not have a future direction for that parcel.

Commissioner Sessions stated that it is a very valuable piece of property and he always looked at it as part of the park, but if it can be separated it opens up a lot of opportunities.

Ms. Gloria Johnson said next report is the Construction Fund, beginning resources of \$450,989, revenues of mostly interest of \$1,457, expenditures of \$245,692, and current available resources of \$206,754. We still have a few projects still outstanding.

Chairwoman Hudson asked if there were any questions of Ms. Johnson.

Commissioner Alexander said he sees the resources is short \$341,893 and then memo saying Moore's Creek would not be paid till funds are available. Is that an agreement with the County.

Ms. Gloria Johnson said no this was paid out of one of the other funds, Storm water.

Commissioner Alexander said it hasn't been completely paid.

Ms. Gloria Johnson said no it has not, we have to reimburse the Storm water.

Motion was made by Commissioner Alexander, seconded by Commission Sessions, **to approve the FPRA 4th Quarter 2013 Operating Funds and Construction Funds Financial Report.**

Those voting in favor of the motion were: Commissioners Alexander, Becht, Perona, Sessions, and Chairwoman Hudson. Those opposed: None.

Commissioner Becht said point of order historically I think the voting order rotates just to make things more interesting for you.

City Clerk Cox asked do I always call the Chair last as well.

Chairwoman Hudson said yes.

7a. The next item on the agenda is **Update on NSP Properties, Including approval of Special Warranty Deed for Orange Avenue Property and Amendment to Agreement between the Fort Pierce Housing Authority (FPHA), City of Fort Pierce and Fort Pierce Redevelopment Agency (FPRA).**

Deputy City Manager Mimms stated finally moving forward with the transfer of properties to Fort Pierce Housing Authority, should have people moving in within 30 days. Did final walk through a few things on punch list to be ironed out, facilities are beautiful will be an asset to that corridor.

Commissioner Becht said two questions the payment in lieu of taxes issue is languishing, what are we going to go about that and when.

Deputy City Manager Mimms said he spoke to Andrea Kochanowski, I believe I said that correctly.

Commissioner Becht said she is the new Executive Director, they can't get anyone with a simple name.

Deputy City Manager Mimms said she told him because it is affordable housing they will be paying taxes on the parcels.

Commissioner Becht said on fair market value.

Deputy City Manager said whatever it is assessed as.

Commissioner Becht said you believe that is what she told you.

Deputy City Manager Mimms said that is what she told me last week. We have a current PILOT agreement for all FPHA units that can be amend.

Commissioner Becht said okay second question, this matter is on the Consent Agenda, special warranty deed, what action does the City have to take.

Deputy City Manager Mimms said it is a three party agreement the City of Fort Pierce transferred the properties over to the FPRA to handle and administer the NSP program. The NSP program is funded through the HUD program through the Federal Government. At this time it became a three party agreement.

Commission Becht said if when it comes time for the Consent Agenda, I don't want to pull it.

Ms. Gloria Johnson said the funding for the grants on the buildings is through the City. The FPRA was granted the administration of it.

Commissioner Becht said the way it was approved money was coming back to the City and the FPRA, the way this has changed now we don't get money back we get the property back and then the property would revert to the FPRA. Do we have a loose end with that.

Attorney Schwerer said he doesn't believe so. If there is an accounting due between the FPRA and the city that can happen later doesn't have to be with this transaction.

Commissioner Becht said I understand what you're saying.

Attorney Schwerer said if it does come back I can only speculate, it most likely be a liability as opposed to an asset the way the agreement is structured.

Deputy City Manager said their attorney was not amenable to repaying back 1.6 million dollars, that amount is the amount of the NSP.

Commissioner Becht said he doesn't have any problem with this other than the adjustment between the City got the money, the City gave the money to FPRA.

Attorney Schwerer said it's all NSP funds, non-city funds.

Commissioner Alexander said heard said all properties are the same with reverters but what do we have contracts with teeth in them.

Deputy City Manager Mimms said if the rental administration is not handled by NSP guidelines and if property not managed properly it comes back to the City and we as the City would need to find a suitable use of the property.

Commissioner Alexander said what about the assurance of the fifteen years.

Attorney Schwerer said he thinks the term was fifteen years with conditions after fifteen years there would be no reverter and it would become part of the Housing Authority stock.

Commissioner Alexander said what if it came back in five years, there would be no monies involved in this transaction.

Deputy City Manager Mimms said we need to get that property filled, it has been vacant for over a year.

Motion was made by Commissioner Becht, seconded by Commissioner Sessions to approve Special Warranty Deed for Orange Avenue Property and Amendment to Agreement between the Fort Pierce Hosing Authority (FPHA), City of Fort Pierce, and Fort Pierce Redevelopment Agency (FPRA).

Those voting in favor of the motion were Commissioner Becht, Perona, Sessions, Alexander and Chairwoman Hudson. Those Opposed: None

7b. The next item on the agenda is **Approval of Easement Deeds for Backflow Valves for 1116 and 1122 Orange Avenue.**

Motion was made by Commissioner Alexander, seconded by Commissioner Becht to approve Easement Deeds for Backflow Valves for 1116 and 1122 Orange Avenue.

Those voting in favor of the motion were Commissioners Perona, Sessions, Alexander, Becht, and Chairwoman Hudson. Those Opposed: None

7c. The next item on the agenda is **Status of 827 Atlantic Avenue.**

Deputy City Manager Mimms said there is an executed contract and schedule closing date of November 15, 2013.

Commissioner Alexander said is this part of our NSP program, where will dollars go.

Deputy City Manager Mimms said supposed to flow back into the NSP program.

Commissioner Alexander said only asking cause we purchased the apartment , no return, we had another property a third property that was sold, right.

Deputy City Manager Mimms said had a property on 10th Street and also Paseo Avenue.

8a. The next item on the agenda is **Update on H.D. King Power Plant Brownfield, Approve Contract Extension for Cardno TBE through January 2015.**

Deputy City Manager Mimms said just a quick update, Cardno TBE is on site intermittently and is doing more intense sampling. This is to make the grids smaller for mitigation to keep the cost down.

Commissioner Perona said happy to hear update and understands through the Treasure Coast Regional Planning Council there is additional money loan for clean-up. If we have not looked into or taken part of that it's important to do so.

Deputy City Manager Mimms said staff has been actively seeking grants.

Commissioner Perona said he just thinks it's important to take a look at all the available dollars out there.

Commissioner Becht said the FPUA okay with this.

Deputy City Manager Mimms said the FPUA has stated their opinion several times.

Commissioner Becht said you are asking for a contract approval tonight and I asked if the FPUA is okay with the contract.

Deputy City Manager Mimms said yes they are.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander to approve the contract extension for Cardno TBE through January 2015.

Those voting in favor of the motion were Commissioner Sessions, Alexander, Becht, Perona, and Chairwoman Hudson. Those Opposed: None

8b. The next item on the agenda is **Discussion on Potential Development With Possible Creation of Request for Proposals.**

Deputy City Manager Mimms said there has been a lot of interest by the private sector in parcels 1, 2, and 3, he and staff feel now is the time to start developing for the future. Want to be prepared when that property is at residential clean-up standard, to start developing the property. Bringing it to the Board so they can give their marching orders.

Commissioner Perona said nothing would make him more excited to do something with the property. Maybe held back a little with reverters are we working on that?

Deputy City Manager said yes Cardno is working with us to make the property attractive by working with the reverter clauses and making sure we can develop the entire property.

Commissioner Alexander said wanted to be assured of one thing, thought the property had to be of some public use according to the reverter.

Attorney Schwerer said correct, there are two in different forms, continuing to work with consultants and Cardno as part of the contract is assisting to have them removed.

Commissioner Alexander said second question the taxes to come off of the property when developed it would benefit the CRA.

Deputy City Manager said the properties are located within the CRA.

Commissioner Becht said keep in mind there are a wide variety of FPUA easements across that property. Surveys were done and should be made available to any real developer. Are we at the stage we should start considering designing a RFP or RFQ?

Deputy City Manager Mimms said the RFQ is a simple statement of qualifications to see who you're dealing with. The RFP would be the actual proposal as to lease, land swap or outright purchase.

Commissioner Becht said need clarification so he would know what direction to go.

Deputy City Manager Mimms said he would recommend a RFQ/P, a lot of municipalities do, to not only see who they're dealing with but also receiving a development concept for those parcels.

Commissioner Becht said as a Board member he has not had much luck with RFP'S. When we make the next venture into RFP'S hope we have a better chance getting to a contract.

Deputy City Manager Mimms said will not bring anything before them that does not make financial sense.

Commissioner Becht said 100% for that. Trying to share he thinks for any development of serious magnitude there is going to need be infrastructure improvements.

Commissioner Sessions said he remembered a decent development fell through cause of the reverter clause and that was for the hotel.

Commissioner Becht said he begged to disagree with Commissioner Sessions the previous development did not fall through cause of the reverter clause, it was due to the developer's lack of funding and backing.

Commissioner Sessions said that was the point he was trying to make on that issue when we talk about marketing that property someone has already done the footwork and feels it is a marketable parcel for that purpose, so he would hope they could travel that same road for a Hotel/Resort/Civic Center. He hoped that the city could take care of

our own and take the property and maybe go into the Hotel business, already in the Marina business. Attorney Schwerer when we talk about public purpose are we in a position if the revenue from that business goes back to the public.

Attorney Schwerer said there are a number of ways to structure a public use and public purpose joint partnership with a potential developer. Should not be an impediment to the future development property if structured correctly and discussed in advance with the State should we not be successful in getting the reverters totally eliminated.

Commissioner Becht said he has already had this conversation with Mr. Schwerer, a real solid developer who is going to hire competent help is going to find out it's probably a 3 to 6 month process to get the reverters released if we don't get them leased. It just takes a real developer to hire somebody solid to go to Tallahassee.

Commissioner Alexander said Commissioner Becht why would we want to release reverter on the Moores Creek property that's going to be one of our continuation of our scenic route we have along our waterways?

Commissioner Becht said to answer your question the reverter is not back to us, the reverter is back to the Trustees of the Interior Improvement Fund and heard recently maybe the Corp may have some interest in the reverter, I did not know that and maybe that's not correct.

City Manager Bradshaw said before we move on can you just give us more direction on this we need to start formalizing this process, would like some direction this evening about letting staff begin to draft an RFP or RFQ, need to start formalizing and begin moving forward on this now. Would you all be comfortable in giving us that direction this evening?

Commissioner Alexander said he would be fine with that.

Commissioner Becht said he wants to go on record cause he wants to be real clear here. We have the ability to just sell the property out-right correct, we would not have to get a site plan back?

Attorney Schwerer said the properties owned by the Fort Pierce Development Agency and under the Statues there are a number of ways we can dispose of it and one way is a direct sale with no strings attached and or a site plan.

Commissioner Becht said he said they were going through the site plan process and didn't want to burden their minds with it has to go that way , if someone came along and made an offer they found attractive they would not have to deal with all that and potentially including the clean- up. So there are other ways of doing this other than the site plan. What kind of direction are you looking for?

Deputy City Manager Mimms said would need a directive to move forward with the drafting of an RFP, we would work with the commission to stay focus on perimeters. Get feedback from them.

Commissioner Becht said wants to remind them all he owns a piece of property across the street from this that will be impacted either positively or negatively depending on how one views the development across the street, so he is going to take a passive role with this and decide later whether he can vote on this.

Chairwoman Hudson said do you have your direction on this?

Deputy City Manager Mimms said yes.

9. The next item on the agenda is **Update On The Expansion Of The FPRA Boundaries.**

Ms. Rebecca Grohall, Planning Manager said have put together a short memo outlining the process of expanding the CRA which is the same process as creating a CRA and also a time frame to achieve the same goal. The goal is ultimately have it all completed by July 1, 2014.

Chairwoman Hudson said you suggest we have a Conference Agenda to discuss this and I feel that we need that kind of time to do that, the inclusion of 62% of the total city in the new CRA district is something I would like to understand the ramifications of that.

Commission Alexander said along those lines we did have a conference meeting on expanding the CRA boundaries. We had a detailed meeting at a FPRA meeting cause Mr. Ward proposed an area of the City of Fort Pierce I don't know how much it encompassed. We had a discussion on that, for the record if we are to go back over that it needs to be the short version, I can see it being another 2 hour meeting. No one recalls that?

Chairwoman Hudson said she thinks it happen before she came on.

Commission Becht said the only one not here, we agreed to do this unanimously in July 2012 is the Mayor. If she wants to have further conversation regarding the 62% of the total City, I have a problem with additional information if there's bad information we needed to consider at the time we agreed to do this that's fine. He is going back on the record cause you were not on the record before you were being quoted though Mr. Mimms that there is no negative to the City by not getting this done by December 31, 2013.

Ms. Rebecca Grohall, Planning Manager said right.

Commissioner Becht said okay we can have all the conversation we want to as a Commission or Mayor if you want to have a conversation directly with whoever you need to on this point that's fine too.

Commissioner Sessions said he raised a concern too last meeting with regards to designation of substantial amount of City parameters being designated for purposes of FPRA. I have some concerns as well, don't know if it's a situation we need to address the Board, I would like to get some reinforcement; you did in certain issues, still not 100% certain this is the route to take. I believe there are some potential negative ramifications for doing so. Have some concerns along those lines withstanding how I voted back in 2012.

Commissioner Becht said the negative ramification from the prospective of this District 2 Commissioner is I can't get monies into this area. Impeding the development of this you are contributing to the inadequate, outdated, unsafe, and unsanitary conditions that exist in this area, so to vote against this expansion in some shape, fashion or form impedes the ability for district two to deal with its issues.

Commissioner Sessions said on the flip side of that as he raised before potential investors and developers that designation of properties whether or not, even though there is a benefit as you pointed out for the purpose of funding district two's infrastructure. I am looking at the long term and the impact it will have on potential developers, because the Statue says it needs to be a parcel or property in need to some degree dilapidated area that warrants redevelopment and to have my whole City labeled as that I don't know if that's a route we want to take.

Commissioner Perona said even though direction was given before and he is pretty solid on that direction, maybe a good time the Mayor and the rest of us on clarity to have that conversation at a conference agenda. If could have some scenarios to show the difference in tax on the effect to the general fund that would help too. So we have a complete understanding of movement we make with the CRA, think it's part of our job and responsibility to do so.

Chairwoman Hudson said she for one needs to know what is proposed for the inclusion, don't even have a good map.

Commission Alexander said at the conference meeting he suggests having the minutes from the last meeting and maps.

10. The next item on the agenda was **Update on Potential Sale of North Second Street FPRA Property to St. Lucie County for Second Street Work.**

Attorney Schwerer said will be brief as you recall this is the sale of a portion of 2nd Street property owned by FPRA, staff has met and worked out some details for a future joint use for that portion of the property for storm water detention for any redevelopment

activity that would occur on the remaining piece that the FPRA would still own, be a benefit to future redevelopment the County is not opposed. Proceeding with the contract language and hopefully a very quick closing.

Commissioner Alexander said I thought this was a done deal, we voted for this to happen.

Attorney Schwerer said it is, the contract the County sent us was just their standard contract; the City had some provisions that had been discussed with the County and the County Engineer as well that were not included in that contract and we had to work them into that contract.

11. The next item on the agenda was **Approval of Resolution 13-05 Creation of FPRA Advisory Board.**

Commissioner Alexander said I'm willing to make a motion is that going to be another board we are going to create and each Commissioner has a designee.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht to approve Resolution 13-05 Creation of FPRA Advisory Board.

Those voting in favor of the motion were Commissioner Alexander, Becht, Perona, Sessions, and Chairwoman Hudson. Those Opposed: None

12. The next item on the agenda was **Discussion on the Disposition of FPRA Properties.**

Deputy City Manager Mimms said would the Board like to adjourn the FPRA meeting and reconvene after the City Commission Meeting to discuss this item.

It was a consensus of the Board to postpone this item until the next FPRA Meeting.

The meeting adjourned at 6:35 p.m.

ATTEST:

Linda Hudson, Chairwoman

Secretary, FPRA

Date

Date