

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 6, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Apostle Trevor Banks of Resurrection Life Family Worship Center offered the opening prayer.
3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

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

Absent: Commissioner Edward Becht

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to excuse Commissioner Edward Becht.

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

Passed

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes from the March 16, 2015 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve the Minutes of the Regular Meeting on March 16, 2015.

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

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a Proclamation recognizing April as Jazz Appreciation Month. It was received by Darryl Bey of Bluebird Productions.
- b. Mayor Hudson issued a Proclamation recognizing Florida's Children's Week. It was received by Tony Loupe and Deb LaBella of the Early Learning Coalition of St. Lucie County.
- c. Mayor Hudson issued a Proclamation declaring April 7, 2015 as National Service Recognition Day. It was received by Scott Hinkley, Director of AmeriCorps Programs, Big Brothers Big Sisters.
- d. Mayor Hudson issued a Proclamation honoring Larry J. Lee, St. Lucie County Health Officer. It was received by Arlease Hall, of the St. Lucie County Health Department.

7. **LETTERS TO COMMISSION** - The following letters will be kept on file in the City Clerk's Office.
- a. Letter from Diamond R. Litty, Public Defender, acknowledging the superior efforts and accomplishments of John Wilkes as Executive Director of the Sunrise Theatre.
 - b. Email from Ronald Weeden and Carmen DiGeorge with the Harbour Isle West Social Committee thanking the entire Fort Pierce Economic Development Team for their great presentation at the Harbour Isle Neighborhood Meeting on March 17, 2015.
 - c. Letter from Anne Satterlee, Public Relations and Development Director, on behalf of the Sunrise Theatre Advisory Board thanking Sergeant John Schramm, Officer Dani Dreizehnter, Officer John Fasanello, and Officer Todd Warner of the Fort Pierce Police Department for their assistance during the Dick Hellstrom Memorial Sunrise Theatre 5K Run/Walk. The funds raised from this event aid in supporting School Time Performances at the Sunrise Theatre for the children of our community.
 - d. Letter from Donna Benton and Betty Brolmann with Coastal Living Realty of Florida expressing appreciation to Nick Mimms, Deputy City Manager, and Kim West, Building Department for their helpful and professional assistance that avoided unnecessary delays for the issuance of a permit.
 - e. Letter from Jim Burg of the Square Grouper Tiki Bar thanking Marc Meyers, Paul Thomas, and Kristie Kirstein of the Building Department and Kori Benton of the Planning Department for their efforts and support in advancing his project.

8. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS**

There were no comments from the public.

9. **CONSENT AGENDA**

- a. Waive interest, penalties, and administrative fees in the amount of \$123.40 for a Lot Clearing Lien against 1002 Avenue E owned by Erica D. Butler, 2502 Mohawk Avenue, Ft. Pierce, FL, leaving a balance of \$200.00 payable in 60 days.
- b. Waive administrative fees in the amount of \$100.00 for Emergency Repair Lien against 1002 Avenue E owned by Erica D. Butler, 2502 Mohawk Avenue, Ft. Pierce, FL, leaving a balance of \$1,169.11 payable in 60 days.
- c. Waiver of interest and penalties in the amount of \$4,867.65 for demolition lien totaling \$14,825.40 against 1569 Thumb Point Drive, Ft. Pierce, FL owned by Freddie Mac, 2005 Vista Parkway, West Palm Beach, FL in consideration of payment of \$9,957.75 payable in 60 days.
- d. Reduce code enforcement fines in the amount of \$18,050.00 against 508 N 14th Street; previously owned by Mayfive Capital LLC, 8902 N Dale Mabry Hwy, #200, Tampa, FL 33614 and currently owned by Royston Dass, 1528 SW Abingdon Avenue, Port St. Lucie, FL 34953, to \$500 payable in 30 days.

- e. Reduce code enforcement fines in the amount of \$66,490.00 against 1002 Avenue E currently owned by Erica D. Butler, 2502 Mohawk Avenue, Ft. Pierce, FL 34946, to \$1,500.00 payable in 60 days.
- f. Approve contribution of \$5,000 to the Police Athletic League from the Law Enforcement Trust Fund.
- g. Approval of Modification # 6 to Florida Division of Emergency Management Contract # 14HM-2Y-66-02-144 to extend the Period of Performance from February 1, 2015 to August 1, 2015.
- h. Approval of a contract with Lyle Sumek Associates, Inc. for consultation services for the update of the Leadership and Strategic Plan for an amount not to exceed \$20,000 in professional fees.
- i. Request award of the Melody Lane Fishing Pier construction contract to the low bidder, Brothers' Construction Inc., in a amount equivalent to \$539,845.
- j. Approval of the investment of \$1.1 million from the available HUD Bond resources to fund the remaining contractual obligations of the City of Fort Pierce Marina Dock Reconstruction Project.
- k. Approval of Lease Extension Agreement with the Fort Pierce Police Officers Association for certain identified parcels in Dreamland Park Subdivision for a five year period at the cost of \$10.00 per year commencing on January 5, 2015.
- l. Approve increase to Purchase Order #150076 for Amy's Cakes and Catering in the amount of \$30,000.00.

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

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

Passed

As to item 9d, Commissioner Alexander questioned who received the liens, the bank that foreclosed or the current property owner. He has a problem with the bank owning properties that continue to accumulate fines and liens and then request the Commission to forgive them. He feels the fines and liens should remain attached to the bank that accumulated them.

Ms. Arraiz responded that in the past the City has released the property from the lien with the lien remaining against the capital.

Mr. Schwerer affirmed that is an option.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve with discussion to release the lien from the property and attach the fines and liens to Mayfive Capital LLC.

Commissioner Sessions agrees the City of Fort Pierce should not be permitting the banks to shift the responsibility of fines and liens to the potential new owners. He stated in the banking world there is a conveyance of the property with the anticipation of the owners coming before the City; the banks are encouraging the owners to come forth.

Commissioner Perona feels this should be looked at from a case to case basis and not set a precedent for all banks.

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

Passed

As to item 9f, Commissioner Sessions pulled this item to request the balance of this fund. Interim Chief Amandro responded the approximate balance that remains in this account is \$34,000.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve Consent Agenda item **9f**.

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

Passed

As to item 9i, Commissioner Perona pulled this item as a great opportunity to give an update on the project. He has been asked numerous times when it will begin, and now he is happy to say that the expected date of completion will be in December of this year.

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

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

Passed

As to item 9l, Commissioner Sessions requested an update and clarification of the request for increase.

Mr. Wilkes responded that there have been increased activities at the theatre since the original budget. The numbers of acts that have been added has increased the gross revenue and he sees this request as having no negative impact to the budget. The increase is for the entertainers catering requests that are part of their contract.

Finance Director Gloria Johnson responded to Commissioner Alexander's concerns and explained the funds will be transferred from personal services; the theatre has two positions that are vacant and will be using the unexpended funds from those salaries. Further stating the \$60,000 budgeted for catering has been expended. Therefore, the Finance Department cannot pay any bills until the funds are moved to cover the expenses and because the amount is over \$10,000 it has to come before the Commission for approval. Ms. Johnson reiterated the funds are not coming out of the General Fund.

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

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

Passed

10. PUBLIC HEARINGS

- a. Ordinance No. 15-007 - Final Budget Amendment of the 2013-14 Budget. **SECOND READING**

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

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

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance No. 15-007 on second and final reading.

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

Passed

- b. Ordinance No. 15-009 - Amending Chapter 22 to permit Farmer's Market and Farm Stand Use in Light Industrial Zoning Districts. **FIRST READING**

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

Clarissa Davis, Planner, appeared with a brief presentation and staff recommendation for approval. This is a staff initiated text amendment application for farmer's markets and farmer stands to be a permitted use in the I1 light industrial zone and amend the error from 2013 that created the conditional use.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve Ordinance No. 15-009 on first reading.

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

Passed

- c. Application for a Site Plan and Conditional Use submitted by Mosaics Of America Inc. to construct a 14,500 S.F. structure to include a new showroom, warehouse, and business offices located at 900 S US Highway 1, Fort Pierce, FL. (Staff recommends postponement until April 20th, 2015 meeting in order to consider Site Plan, Conditional Use, Abandonment, and Lot Transfer Concurrently.)

Kori Benton, Historic Preservation Officer, appeared and indicated staff was recommending this item be postponed to April 20, 2015 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to postpone until April 20, 2015.

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

11. MISCELLANEOUS REPORTS & REQUESTS

- a. Approval of 2013-14 Final Budget Amendments for Grant Funds: CDBG, SHIP and Grant Administration

Gloria Johnson, Finance Director, stated this is the final amendment for the City's Grant funds. The initial budget for the year for the CDBG was \$1,567,023 with a final amendment for \$3,734,559. The increase of \$2,867,436 was due to receiving payment from the developer for a note that matured from Coral Square. The Ship program initially budgeted for \$271,149 actually finalled at \$74,947. Lastly, the Hurricane and Housing was decreased from \$286,458 to \$151,174.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve the 2013-14 Final Budget Amendments for Grant Funds.

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

12. CITY COMMISSION

- a. Resolution 15-R14 appointing Daniel Retherford to the Board of Adjustments and Appeals.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Resolution No. 15-R14 appointing Mr. Daniel Retherford.

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

- b. Consideration of the FPUA's FY 2014 Final Budget Amendment.

Director of Utilities Authority Clay Lindstrom appeared with a presentation. The City distribution payment for the year 2015 will be \$5,735,239.

Commissioner Alexander questioned whether this item should be postponed until after a meeting with the FMPA.

City Attorney Robert Schwerer responded this is on schedule to be presented to the Commission in accordance with the City Charter at the conclusion of the budget year. This approval triggers the payment from the Utilities Authority to the City of the contribution payment. Since the Utilities Board has passed this final budget amendment, it therefore comes to the Commission on the next scheduled agenda and then begins the 30 day clock the charter provides unless the Commission, by a 4/5's majority vote to delete or decrease a line item in the budget, it becomes final in 30 days. He explained the difficulty to line item veto on a final budget. Further explaining the CAFR defines the final number the City will

receive in transfer for City revenues of the Utilities Authority for the year.

Commissioner Sessions commented on the increase to Director Thiess' salary 30 days prior to his leaving. Mayor Hudson clarified that upon retiring, a final payout will seem huge because of the accrued vacation and sick leave they are due and receive.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to deny the proposed final budget for 2014 based on the line items being presented.

AYE: Commissioner Rufus Alexander, Commissioner Reginald Sessions

NAY: Mayor Linda Hudson, Commissioner Thomas Perona

Failed

Motion was made by Commissioner Thomas Perona, Mayor Linda Hudson relinquished the gavel to Mayor Pro Tem Rufus Alexander and seconded the motion to waive the 30 days.

AYE: Mayor Linda Hudson, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Failed

- c. Consider acceptance of the FPUA Comprehensive Annual Financial Report (CAFR) for FY2014.

Nina Hurtubise, Director of Financial Services, appeared and stated there was an extended discussion about this item last year with a recommended motion by Mr. Schwerer. This motion is in accordance with the City of Fort Pierce Charter, Article 12, and Section 178(c). Ms. Hurtubise stated the UA is asking for approval of the audit, not the CAFR and read into record the motion.

The FPUA is requesting that the City approve the audit as being the unqualified opinion of the auditors that the FPUA's financial statements for the fiscal year ending September 30, 2014 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.

Mr. Schwerer clarified for the Commission that the CAFR is the certified financial report that is submitted, there is no motion needed to approve it. However, the Commission needs to approve that the audit was done with generally accepted standards that will then be a statement by this Commission to the citizens of Fort Pierce that their financial transactions have been properly audited in accordance with all government regulations.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions with discussion to approve the audit as being the unqualified opinion of the auditors that the FPUA's financial statements for the fiscal year ending September 30, 2014 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.

Commissioner Sessions stated he can appreciate the CAFR report because it gives him the ability to critique the proposed budget.

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

NAY: Commissioner Rufus Alexander

Passed

13. **COMMENTS FROM THE PUBLIC** - there were no comments from the public.

14. **COMMENTS FROM THE CITY MANAGER**

a. City Manager's Departmental Activity Report

Mr. Bradshaw stated that he is both excited and proud to present a very historic moment in the City of Fort Pierce. The City is in the final stages of hiring the new Police Chief. He wanted to thank and commend staff, the advisory committee, the representatives from PERF, Commission and the community as a whole; it was a very successful process.

Risk Manager Sherita Johnson was happy to announce that the hiring process that started with 72 applications being received and narrowed down to 10 then ultimately the final 5 applicants, has been a success. She stated the City's conditional offer that was extended, was accepted by Diane Hopley-Burney. Ms. Hopley-Burney was quoted as saying that she looks forward to being a part of the history of the City of Fort Pierce and she is excited to meet the organization.

15. **COMMENTS FROM THE COMMISSION**

Commissioner Alexander stated he attended the Easter festivities at 29th Street Park and was concerned that there were no police officers visible.

Commissioner Perona wanted to thank staff for picking up on the parking issues downtown. There were a couple of very full weekends with lots of events, staff stepped in and volunteered. They assisted and helped the people get where they wanted to go. He stated they are working on the parking issues at the beach right now; he feels this will be a bigger challenge because there isn't as much land that is suitable for parking. This is a dynamic committee that continues to move forward. He urges everyone to check out the City's website and look for the link ***Where Can I Park in Downtown Fort Pierce***. This link will show you with maps where there are approximately 1400 places to park. Commissioner Perona stated that once the City gets the resolution going forward, there are some issues of policy that may need to be handled by the Commission.

Mr. Bradshaw added that Commissioner Perona is being very modest, that he wanted to thank him for his leadership. Mayor Hudson expressed her gratitude also; she had received no recent emails or calls concerning towed vehicles.

Mr. Schwerer reported on the Porpoise Beach agreement. The City received today a revised agreement that is going back to staff to take a final look at and once the County Commission approves the agreement it will be back before the Commission for approval.

Commissioner Sessions is very encouraged with the new changes in the City, with the new Utility Director and new Police Chief he is motivated to run for office again. He feels inspired for another four years. The City is doing some really great things and he has high expectations. He would like everyone to keep in their prayers the Haitian Church on Orange Avenue. Their van crashed, eight died and ten were critically injured. He sends his condolences and the community needs to come together in support. He is sending that message out to the community.

Mayor Hudson stated that on April 15, 2015 from 4:00 to 10:00 p.m. there will be a fundraising event by Scott VanDuzer at Big Apple Pizza on behalf of the Haitian Church. The services for

the eight who died will be held on April 18, 2015, tentatively planned at the Fenn Center. She stated it is the younger people that are now making the decisions at the church because it was the elders that were traveling in the van. If you would like to make a donation and cannot attend the fundraiser you can do so online through the VanDuzer Foundation. Mayor Hudson wanted to mention the City is working with the Florida League of Cities on the many bills in the Legislature that are impacting cities. One would require Indian River State College to take State out of its name, thus reducing its funding. She feels Senate Bill 1252 would create an adverse effect on IRSC as well as other Community Colleges in the state. The City of Fort Pierce will suffer if this happens.

16. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 8:29 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER