

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, NOVEMBER 2, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Craig Bridgers of The Crossings Community Church 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 October 5, 2015 regular meeting, the October 5, 2015 special meeting and the October 19, 2015 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the minutes from the October 5, 2015 regular meeting, the October 5, 2015 special meeting, and the October 19, 2015 regular meeting.

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

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a proclamation declaring November National Adoption Month.
- b. Mayor Hudson issued a proclamation declaring November National Runaway Prevention Awareness Month.
- c. Mayor Hudson issued a proclamation recognizing Olivia Watkins as a Retired Educator.

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

- a. Letter from Darrell J. Drummond, President/CEO with Council on Aging of St. Lucie, Inc. thanking the City of Fort Pierce for the assistance provided by Johnna Morris, Interim Director of Finance, regarding a billing matter.

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

London Reeves
Charlie Matthews
Stephanie Morgan

9. **CONSENT AGENDA**

- a. The police department requests approval to execute three (3) Independent Contractor Agreements: Police Administrator, Program and Grants Coordinator, and Accreditation Manager.
- b. Request approval of Dunkelberger Engineering and Testing, Inc. proposal for materials testing and pile driving inspection services in the amount of \$17,810.00.
- c. Request approval of proposal from Beemats in the amount of \$84,400.00 for the annual harvesting, maintenance and replanting of floating vegetated mats at the Indian Hills Recreation Area.
- d. Request to issue a Blanket Purchase Order to Econolite Controls of Jacksonville, Fl. in the amount of \$86,000 for equipment purchases. Econolite is the City's sole source provider of traffic system operations equipment.
- e. Request to issue a Blanket Purchase Order to Rainbow Distributors of Lake Mary, Fl in the amount of \$20,000 for traffic signal parts. Rainbow Distributors is the City's sole source provider of intersection signal parts.
- f. Approval of \$15,000 payable to Main Street Fort Pierce, Inc. for the sponsorship of the 27th Annual Sights and Sounds on Second event.
- g. The City Manager requests approval for the appointment of Johnna Morris as the Director of Finance for the City of Fort Pierce in accordance with Article IV, Section 42 (i) of the City Charter.

Commissioner Sessions pulled item **9a**.

Commissioner Becht pulled item **9g**.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve items **9b, 9c, 9d, 9e, 9f**.

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

Passed

As to item **9a**, Commissioner Sessions wanted to discuss the advantages of hiring their new employees as independent contractors rather than going through the normal hiring process.

Chief Hobbly-Burney stated that after careful consideration to select the best candidates, it is in the taxpayer's best interest to test the work ethic. The contract has stipulations that reference the logistics and the Administrative Services department has done their due diligence. Robert Bradshaw stated that it is a cost savings to the City and it supports the need

to enhance law enforcement.

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

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

Passed

As to item **9g**, Commissioner Becht wanted clarification on the Commission's involvement in the hiring process of the Finance Director, since typically they are forbidden to be involved in hiring.

Robert Schwerer, City Attorney, cited Charter Section 42 subparagraph i, stating the City Manager is to appoint with the approval of the Commission, a Finance Director of the City who shall be under supervision and direction of the City Manager. It is similar to the hiring process of the Chief of Police.

Commissioner Becht stated that he feels the process is flawed since the job advertisement only yielded 4 applications. Tony Barnes, Administrative Services, stated that the standard advertising procedure was followed for this opening. The Commission discussed the possibility of hiring a consultant and going through a more comprehensive process.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item **9g** as presented.

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

NAY: Commissioner Edward Becht

Passed

10. PUBLIC HEARINGS

- a. Public Hearing on the Consolidated Annual Performance Evaluation Report (CAPER) for Program Year 2014-2015

Elizabeth Woodruff, Grants Administrator, gave a brief presentation on the Consolidated Annual Performance Evaluation Report (CAPER) for 2014 -2015.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

- b. Ordinance 15-055 the Annexation of 5550 S US Hwy 1 and Smallwood Avenue. **SECOND READING**

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

Clarissa Davis, Planner, 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 Edward Becht, seconded by Commissioner Reginald Sessions to approve item **10b**.

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

Passed

- c. Ordinance 15-054 Amending Chapter 22, Article 3, Basic Zoning Districts Providing for Multi-Family Building Use as Permitted Use in R-5 Zoning District. FIRST READING

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

Clarissa Davis, Planner, gave a brief presentation 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 Rufus Alexander to approve item **10c**.

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

Passed

- d. Review of an application for a Conditional Use submitted by Property Owners, Ted & Kristin Hollander, to operate a Dwelling Rental. The property is zoned Single-Family Intermediate Density zone (R-2), (Parcel ID 2412-503-0051-000-7).

Kori Benton, Senior Planner, gave a brief presentation and was available for questions. Rebecca Grohall, Planning Manager, was also available for questions. The Planning Board and staff recommendation is to deny the request.

Mayor Hudson opened the public hearing.

Al Griffin - spoke in support of Conditional Use application
Charles Grande - spoke in opposition of Conditional Use application
Gayle Gonzalez - spoke in support of Conditional Use application
Guillermo Gonzalez - spoke in support of Conditional Use application
August - spoke in opposition of Conditional Use application
Carol Usher - spoke in opposition of Conditional Use application
Tom Raeger - spoke in opposition of Conditional Use application
William Springer - spoke in opposition of Conditional Use application
Bruce Murray - spoke in opposition of Conditional Use application
Carol Evans - spoke in opposition of Conditional Use application
Charlene Adair - spoke in opposition of Conditional Use application
Carol Mushier - spoke in opposition of Conditional Use application
Ted Hollander, applicant, stated he wanted consistency within surrounding neighborhoods

Seeing no one else, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to disapprove item **10d**.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

12. CITY COMMISSION

- a. Request approval of Resolution No. UA 2015-13, Amending the Economic Development Electric Service Rate Schedule.

Clay Lindstrom, FPUA Director, appeared, gave a brief presentation, and was available for questions.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve item **12a** and waive the 30 day period.

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

Passed

- b. Resolution 15-R29 Reappointing Camie Sellin to Fort Pierce Authentic Tours (FPAT) Advisory Board.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve item **12b**.

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

Passed

- c. Resolution 15-R30 appointing Mrs. Charlene Adair to the Keep Fort Pierce Beautiful Board rather than the Fort Pierce Tree Board as originally submitted.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **12c**.

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

Passed

- d. Submittal of applications to serve on the Historic Preservation Board to fill two vacancies. -

This item will come back at the next meeting in the form of a Resolution.

- e. Submittal of applications for appointment to the Code Enforcement Board (alternate member) for consideration. -

This item will come back at the next meeting in the form of a Resolution.

- f. Discussion of the policy for the appointment of members to the Fort Pierce Utilities Authority Board requested by Commissioner Sessions.

Commissioner Sessions discussed the need for fair distribution of representation on the FPUA Board.

Rob Schwerer, City Attorney, stated that the four citizen members are elected or appointed by majority vote of the City Commission and elected at large. There is no current rule that designates appointment for any specific district. In order to effect any rule change, the charter will have to be amended. This may require an Ordinance or it may require a referendum vote of the electorate of the City.

Commissioner Becht stated that at face value any change may insert a certain element of politics into the process. We should research what other municipalities are doing and come back with something that will balance the concerns with the idea that FPUA is a business.

The consensus was to research what type of action is required to make that change in the appointment process.

- g. Clarification of contract terms for Interim Legal Services approved at the October 19, 2015 meeting at the request of Mayor Hudson.

Mayor Hudson wanted to clarify that the contract rates were changed to reflect the original rates of \$135 and \$55. Commissioner Alexander stated that he was unclear on the public records portion of the agreement that outlined copies being made at the City's expense.

Robert Schwerer, City Attorney, clarified the City's difference between records retention and copies. The records will continue to be kept at the off-site storage facility and his firm will maintain access, as needed. The contract rates have been modified to reflect the approved changes.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve the contract as is.

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

Passed

- h. Discussion of the engagement of a consultant to assist the City Commission with the selecting and hiring of an in-house City Attorney as requested by Commissioner Becht.

Commission discussion included the benefits of using a consultant to bring in a larger, more qualified applicant pool. Robert Bradshaw, City Manager, stated that it may push the process back another 30 days.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to task staff to create an RFP to bring in a consulting firm to assist with hiring in house City Attorney, bringing it back for approval within 30 days.

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

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

13. COMMENTS FROM THE PUBLIC -

Mike Perri
Caroline Sessions

14. COMMENTS FROM THE CITY MANAGER

a. City Manager's Departmental Activity Report

Robert Bradshaw, City Manager, announced that there will be a mandatory customer service training on November 13th, follow up with IRSC on signing up for their 5 Star Hospitality and Customer Service training, and five departments have turned in suggestions for streamlining customer service. The joint workshop with the County to discuss the Port is on November 4th.

Robert Schwerer, City Attorney, announced the need for an executive session with the City Commission as soon as possible to discuss K & K lawsuit as required by Florida Statute 286.011(8).

15. COMMENTS FROM THE COMMISSION

Commissioner Perona stated that Commission should do whatever we can to assist code enforcement and working with local realtors on vacation rentals.

Commissioner Sessions stated that he would like more recommendations from staff in reference to vacation rentals.

Mayor Hudson thanked staff for the Old Fort Park vegetation restoration.

16. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 11:00 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER