

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, JUNE 6, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Williams of God's Kingdom Station House of Prayer 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 Nicholas Mimms
City Attorney James Messer

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the May 16, 2016 regular meeting.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve the minutes from the May 16, 2016 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 recognizing June 5 - 11, 2016 as Garden Week.
- b. Mayor Hudson issued a proclamation recognizing June 2, 2016 as Gun Violence Awareness Day.
- c. Mayor Hudson issued a proclamation recognizing Sword Outreach Mentoring and Resource Center and their volunteering efforts.
- d. Kori Benton, Senior Planner, presented the State Trust for Historic Preservation Award for Honorable Mention in the Archaeology Category for Old Fort Park Preservation to the Mayor & Commission, Public Works Team, and Fort Pierce Lions' Club.

7. **LETTERS TO COMMISSION** - A copy of the following letter will be kept on file at the City Clerk's office.

- a. Letter from Christel Myrick in sincere appreciation for the services rendered by Officer Mandral Gibson during a vehicle accident on May 2, 2016.

8. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS** - There were no comments from the public.

9. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

Commissioner Sessions requested that items **13c** and **13d** are combined for discussion.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to amend the agenda as requested.

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

Passed

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve the agenda as amended.

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

Passed

10. **CONSENT AGENDA**

- a. Approve termination of Interim Legal Services contract with Robert V. Schwerer and the law firm of Hayskar, Walker, Schwerer, Dundas & McCain effective close of business on July 1, 2016.
- b. Request to reduce code enforcement fines in the amount of \$358,790.00 against 701 Delaware Avenue, Ft. Pierce, FL Parcel ID #2410-709-0001-000-8 which was previously owned by Hein Van Nguuyen, Delaware's Petroleum Services, 641 NW Selvitz Road, Port St. Lucie, FL 34983 and currently owned by Ryan Andrew, Trustee, c/o Steve Tarr, 4521 PGA Blvd, #201, Palm Beach Gardens, FL 33418 to \$57,683.69.
- c. Request to reduce code enforcement liens in the amount of \$9,340.00 against 2804 S 10th Street, Ft. Pierce, FL, Parcel ID # 2421-506-0099-000-2 which is owned by Adrian Morales of the same address, to \$900.00, payable in 12 monthly payments of \$75.00.
- d. Recommendation to reduce code enforcement fines in the amount of \$169,250.00 against 2107 San Marcos Avenue, Ft. Pierce, FL Parcel ID #1433-701-0250-000-2 which was previously owned by Robert L. Monroe (EST), 2107 San Marcos Avenue, Ft. Pierce, FL and currently owned by Carr Investment Properties, Inc. (TR), 521 S Andrews Avenue, Suite 7, Ft. Lauderdale, FL 33301 to \$10,721.79.
- e. Approval of Culpepper and Terpening's proposal in the amount of \$13,040.00 for the Melody Lane public parking lot design, The parking lot's location is south of Saint Andrews and west of Melody Lane.

- f. Request award of the 13th Street Roadway Improvements construction contract to the low bidder, Guettler Brothers Construction, LLC, in an amount not to exceed \$1,039,864.75.

Commissioner Becht requested to pull item **10c**.

Commissioner Sessions requested to pull item **10f**.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve items **10a, 10b, 10d** and **10e**.

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

Passed

As to item **10c**, Commissioner Becht stated that historically the City has not done well monitoring installment payments. Additionally, staff time to monitor payments should be considered. Peggy Arraiz, Code Compliance Manager, replied that the probable intent of the Special Magistrate was to give 12 months to pay the total amount due, rather than a specify a monthly payment.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **10c** with payment of \$900 within 12 months.

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

Passed

As to item **10f**, Commissioner Sessions inquired why we are paying for this project and then reimbursed by the Fort Pierce Utilities Authority. Jack Andrews, City Engineer, stated that the contract is set up with the City of Fort Pierce in order to finish the project quicker, more economically and to limit redundancy.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve item **10f**.

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

Passed

11. PUBLIC HEARINGS

- a. Review and approval of an application for Conditional Use with New Construction, submitted by Property Owner, JPD Enterprises of Florida LLC, applicant, Drawdy Concrete Construction, and representative Richard Laventure, PE, to establish a truck and equipment storage facility for a Contractor Performing Services Off-Site located at 2551 Peters Road, Fort Pierce, FL.

Kori Benton, Senior Planner, gave a brief presentation and was available for questions.

Commission discussion included the likelihood of heavy equipment repair, traffic congestion and pedestrian traffic.

Mayor Hudson opened the public hearing.

Richard Laventure, applicant representative, responded to concerns and was available for questions.

Commissioner Becht requested adding another condition requiring that trucks not owned by Drawdy are not parked there overnight so that it does not become a truck storage yard.

Danny Drawdy, owner, stated the facility will be locked nightly and was okay with the additional condition. His long-term planning for the site is to include all Drawdy Concrete operations and help develop the area.

Jacquelyn Brown spoke about wanting malls back in the area.

Miss Maristel spoke about the youth needing productive outlets such as malls and retail shops. Charles Gannon spoke out about wanting malls to bring in tourism.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve with 3 staff recommendations and the ownership of the vehicles.

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

Passed

- b. Ordinance No. 16-012 Amending the Retirement System as to exclusions for membership requirements and adding a designee who may act on behalf of the City Attorney as legal advisor to the Retirement Board.

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

James Messer, City Attorney, stated that the amendment is to eliminate the membership positions that were held by classified employees. The other part of the amendment is the ability for him to designate an attorney, naming Jim Walker, to the Retirement Board, utilizing the theory that Mr. Walker possesses a body of institutional knowledge and experience that is more valuable to retain.

Commission discussion included who will supervise Mr. Walker, his relationship with City employees and how he will be paid.

Mayor Hudson opened the public hearing.

Rick Reed spoke in opposition.

James Messer stated that the board can accept or reject his recommendation. Using a designee is more cost effective than expanding his office. He clarified this step is only to amend the Ordinance and not to change the Charter.

Further discussion included exploring other options through other qualified attorneys in the area, Mr. Walker's experience and level of service, holding Attorney Messer responsible for the Retirement Board as the City Attorney and the final decisions ultimately coming back to the City Commission.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve item **11b**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

13. CITY COMMISSION

- a. Resolution No. 16-R23 providing limited authorizations for management, the Special Magistrates and the Code Enforcement Board to mitigate lien reduction requests when specific criteria are met.

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

Nicholas Mimms, City Manager, stated that the resolution has been revised to reflect the necessary changes.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **13a**.

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

Passed

- b. Resolution 16-R25 Supporting the County's efforts to place a referendum on the November 8, 2016 ballot for voter approval of a one-half cent sales tax to fund infrastructure.

Linda Cox, City Clerk, read the Resolution, by title, into the record.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **13b**.

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

Passed

- c. Resolution 16-R26 Declaring Certain Property as Surplus - This item is combined with item **13d** for discussion.

- d. Discussion on status of Indian River Villas Project at the request of Commissioner Sessions.

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

Commissioner Sessions stated that he would like to get this project going because this \$31M development can spearhead other economic growth. This is a window of opportunity for our city.

James Messer, City Attorney, confirmed that we are not able to donate the parcel as it would be a clear violation of the Charter. The title search determined that property belongs to the City. The Charter gives the ability to decide who to sell the property to as well as to reject all bids.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve item **13c**.

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

Passed

- e. City Commission to appoint one (1) voting delegate to the Florida League of Cities. The 90th Annual FLC Conference will be held August 18-20, 2016 in Hollywood, Florida.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to select Mayor Hudson as the voting delegate.

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

Passed

14. COMMENTS FROM THE PUBLIC

Charles Gannon

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report

Nicholas Mimms, City Manager, highlighted successful events noting 250 volunteers at the Great American Cleanup on May 14, Paint Our Town event and Small Business Workshop on May 18. Upcoming events include Realtor Night on June 9, National Marina Day on June 11 and Restoring The Village Initiative's Neighborhood clean up on June 18. There were 26 new businesses since last meeting which is highlighted, along with more updates, in the City Manager's Report.

James Messer, City Attorney, announced that we won the rehearing on the City Marina case and it has been sent for Certification before the Florida Supreme Court. He would like to schedule a quasi-judicial proceedings coach to come in over the next few months for the City Commission.

16. COMMENTS FROM THE COMMISSION

Mayor Hudson welcomed Commissioner Alexander back.

Commissioner Alexander expressed concerns about the number of code enforcement violations in the Northwest section of Fort Pierce. The positive things seem to be wiped out. He is happy to be back.

Commissioner Perona announced the FPUA Budget Workshop on June 8 and invited the entire Commission. He would like a draft of the Anti-Tethering Ordinance once completed.

Commissioner Sessions would like to have FPUA join in on the Realtors Workshop. He inquired into why the new police cars are not out on the road. Chief Diane Hobleby-Burney stated that they are not yet fully equipped and will soon be on the road. Commissioner Sessions inquired about the Semer investigation. He also gave thanks to Representative Larry Lee for the Restoring the Village project and invited everyone to volunteer.

Commissioner Becht would like to the City give a presentation self-promoting activities that Fort Pierce does for the community because visitors and citizens like to hear about it. The Lion's Club is very proactive and he is proud of the public/private partnership. The Indian River Villas project will bring citizens that may want to walk down to Old Fort Park and a discussion about sidewalks should take place. In reference to retail malls, he believes we need to create more higher paying jobs before we are able to receive an increase in retailers in the area.

Mayor Hudson stated that we need to figure out a way to self-promote. The Restoring the Village project is huge and seeking at least 500 volunteers on Saturday, June 18 on Avenue C and 25th Street. The Backus Museum groundbreaking ceremony is on June 10.

17. **ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 9:30 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER