

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 TUESDAY, SEPTEMBER 6, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.

2. **OPENING PRAYER** - Linda Cox, City Clerk, offered the opening prayer.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

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

Absent: Commissioner Rufus Alexander; Commissioner Edward Becht

Staff Present: City Clerk Linda Cox  
City Manager Nicholas Mimms  
City Attorney James Messer

Commissioner Alexander arrived at 6:33 p.m.

Commissioner Becht arrived at 6:33 p.m.

5. **APPROVAL OF MINUTES**

a. Approval of the minutes of the August 15, 2016 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve the minutes from the August 15, 2016 regular meeting.

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

Passed

6. **PROCLAMATIONS**

a. Mayor Hudson issued a proclamation declaring September 17 - 23, 2016 as Constitution Week.

b. Mayor Hudson issued a proclamation recognizing September 10, 2016 as Suicide Awareness Day.

c. Mayor Hudson issued a proclamation declaring September 2016 as Adult Literacy Month.

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

a. Emails from Rachel Beckner of Green Roofing & Waterproofing Technologies LLC, Jim Davis, and Helen Wagner of Treasure Coast Garage Doors Inc. thanking the Building Department, Karen Cabrera, and staff members for their outstanding service, professionalism, and going the extra mile for individuals needing their services.

b. Letter from Elder Terrence Beauford of Sword Outreach Mentoring and Resource Center thanking the City of Fort Pierce for the approval and development of the community volunteer sign that has been placed at Linear Park and Moore's Creek.

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

Steve Tarr - Item 13a  
Mike Broderick - Item 13a  
Hans Kraaz - Item 13a  
Carole Mushier - Items 9 and 15a

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

Commissioner Alexander requested that item 11f be moved to 11a.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to move item **11f** to **11a**.

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 remainder of the agenda.

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

Passed

**10. CONSENT AGENDA**

- a. Approve entering into negotiations with the top ranked proposer, Tetra Tech, Inc., for RFQ No 2016-014 Marina Permit Performance and Ecological Monitoring.
- b. Request approval of Captec Engineering's Specific Authorization No. 1 (RFQ No. 2014-012) in the amount of \$75,000.
- c. Approve proposal by Cardno Construction for the design/build replacement of the seawall along Moore's Creek from N. 2nd Street to Indian River Drive, in an amount not to exceed 1,610,521.00.
- d. Approve acceptance of Johnson-Davis, Inc's. construction proposal in the amount of \$40,000.00 to replace drainage outfalls that have failed.
- e. Approval to accept Settlement Offer in the amount of \$275,000 to the City, execute Settlement Agreement and Release in City of Fort Pierce v Petroleum Marine Consultants LLC and RGD & Associates, Inc. for underground fuel tank claim and dismiss the case.
- f. Approve request to install 3 Above-Ground Fuel Tanks for Drawdy Concrete Construction located at 2551 Peters Road in accordance with Section 7-20 of the Code of Ordinances.
- g. Approve award of RFP#2016-08, Auditing Services, to the first ranked firm of DiBartolomeo, McBee, Hartley & Barnes.
- h. Approval and Authorization for the City Manager to sign the Coldwell Banker Right of Sale Listing Agreement for City owner real estate.
- i. Request from MGC Fort Pierce Corporation located at 7151 Okeechobee Road for a two year site plan extension for a future hotel providing a new expiration date of September 15, 2018.
- j. Approve grant award for Ms. Tammy Rodgers for her business, Tazzy T's Boutique in the amount of \$3,000 as an eligible recipient under the 2015-2016 CDBG Action Plan-Grant Award for Small Business.
- k. Approve Small Business Grant Award for \$3,000 for Pam's Food Hut, owned by Ms. Pamela McNair.
- l. Approval to submit and accept two 2016 JAG Grants - one in the amount of \$35,055.50 and another in the amount of \$5,774.66.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve all items on the consent agenda.

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

Passed

## 11. PUBLIC HEARINGS

- f. Ordinance No. 16-018 correcting a scrivener's error in classification of dwelling rentals in certain zoning districts within the use table. FIRST READING - This item was ahead of item 11a.

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

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING ORDINANCE NO. L-295 IN ORDER TO CORRECT SCRIVENERS ERROR IN CLASSIFICATION OF DWELLING RENTALS IN CERTAIN ZONING WITHIN THE ADOPTED ZONING USE TABLE; ASSIGNING THE ACCURATE CLASSIFICATION WITHIN THE ADOPTED USE TABLE OF SECTION 22-22 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

James Messer, City Attorney, 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 **11f**.

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

Passed

- a. Review and approval of an application for a Conceptual Development Plan submitted by property owner, Kings Highway Commercial South LLC and applicant, Troy Holloway for consideration of a commercial commerce park located at 2496 S. Kings Highway, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID: 2324-232-0000-000-4).

Kori Benton, Senior 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 **11a**.

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

Passed

- b. Review and approval of an application for a Conceptual Development Plan submitted by property owner Kings Highway Commercial Park LLC and applicant, Troy Holloway for consideration of a commercial commerce subdivision located at 7001 White Road, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID: 2324-210-000-000-6).

Kori Benton, Senior 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 Edward Becht, seconded by Commissioner Rufus Alexander to approve item **11b**.

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

Passed

- c. Review and approval with one condition of an application for a Site Plan submitted by Applicant; Scott Kerney P.E., Engineer, Wawa, Inc. to construct a 6,119 sf Fueling Station on a collection of parcels in the C-3 General Commercial district, located at 5575 Okeechobee Road, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID 2419-322-0002-000-5, 2419-322-0003-000-2, 2419-322-0004-000-9, & 2419-321-0001-000-5).

Rebecca Grohall, Planning Director, gave a brief presentation and was available for questions. She stated that the recommended condition of approval has already been met.

Commissioner Becht inquired if the plan will accommodate future traffic patterns and growth. Rebecca Grohall stated that the applicant has acquired the additional right of way necessary and are in discussion with the Department of Transportation. This should allow for accommodation of future growth plans.

Mayor Hudson opened the public hearing.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve item **11c**.

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

Passed

- d. Public Hearing on the proposed 2016-17 General Fund Budget and Millage Rate for the City of Fort Pierce.

Johnna Morris, Finance Director, gave a brief overview of the proposed General Fund Budget and was available for questions. The budget is balanced at \$35,803,121 which is less than FY2016 budget and there is no proposed change to the millage rate of 6.900. We will receive \$13,825,575 from ad valorem taxes after the 5% reduction, which is more than we received in FY2016. The proposed distributions for capital projects are outlined for the police department, IT, road resurfacing and Public Works.

Commissioner Sessions stressed the importance of prioritizing road resurfacing.

Commissioner Becht highlighted the importance of the proposed sales tax initiative and that those funds would be able to be utilized for capital improvements such as road resurfacing. This will be on the upcoming ballot in November.

Mayor Hudson opened the public hearing.

Cleaver Hayling inquired about public education on budget terminology.

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

- a. Consider any proposed amendments to the 2016-17 Budget.

There were no amendments to the budget.

- b. Adopt the (amended) tentative 2016-17 General Fund Budget.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the tentative 2016-17 General Fund Budget.

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

NAY: Commissioner Reginald Sessions

Passed

- c. Recompute (if necessary) and adopt the proposed Millage Rate.

No recomputing was necessary.

- d. Announce the percentage, if any, by which the millage rate exceeds the roll-back rate.

The City of Fort Pierce is proposing a millage rate of 6.90 and the rate exceeds the

roll-back rate (6.5867) by 4.76%.

- e. Ordinance No. 16-017 amending Chapter 2 Sections 2-254, 2-259 and 2-260(b) of the Code of Ordinances to establish new procedures for processing citations and amending the Classes of Violations. FIRST READING

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 2, ARTICLE XIII.5, ENTITLED "SUPPLEMENTAL MUNICIPAL CODE ENFORCEMENT PROCEDURES"; AMENDING SECTION 2-254 CITATION AUTHORIZATION; VIOLATION AS CIVIL INFRACTION; MAXIMUM CIVIL PENALTY; AMENDING SEC. 2-257 – FORM OF CONTENTS OF CITATION; FILING WITH COURT; AMENDING SEC. 2-259 - PROCESSING CITATIONS; PAYMENT OF FINES; HEARINGS; AND AMENDING SECTION 2-260 (B) RELATING TO CLASSES OF VIOLATIONS AND CIVIL PENALTIES FOR VIOLATIONS OF CITY CODES CONSTITUTING CIVIL INFRACTIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Peggy Arraiz, Code Compliance Manager, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Cleaver Hayling inquired about staff increases needed if Ordinance is passed.  
Gary Soffin spoke about enforcement and revenues.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve item **11e**.

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

Passed

## **12. MISCELLANEOUS REPORTS & REQUESTS**

- a. Approve recommendations from the Wastewater Relocation Advisory Committee: 1. Have property surveyed; 2. Request City, FPUA and County staff identify and explore grant funding opportunities; and 3. Request FPUA to develop a phased schedule for construction of new facility and decommissioning of existing facility.

Darrell Drummond discussed the recent meeting that discovered opportunities for funding in the upcoming Legislative session. The FPUA along with City and County staff are on board and working towards the next steps. The committee is charged with investigating all possibilities and bringing the options before the Commission for the final decision.

Commission discussion included identifying a functioning utility system, determining who is best suited to come up with a phased schedule and how far the committee has come thus far.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to direct Nick Mimms, City Manager, to follow through with the Committee's recommendations.

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

Passed

- b. St. Lucie County School Board Update by Wayne Gent, Superintendent.

Wayne Gent, Superintendent, gave a brief presentation on the current status of the St. Lucie County School Board. He discussed the increase in graduation rates and the goal to be at 90% within the next two (2) years, the biggest challenge being in elementary school standards assessments, as well as career, college ready and technical programs which will adequately prepare youth for the future. Mr. Gent is interested in getting results and he sees much potential in St. Lucie County Schools.

Commission discussed included being glad that the County is going in the right direction and

building community and City relationships with the school board through volunteer efforts.

- c. Presentation by Clint Sperber, Health Officer and Administrator, Florida Health Department on the education of the community regarding the Zika virus.

Clint Sperber gave a presentation providing a general introduction and breakdown on the Zika virus and concerns for the area. He provided contact information for his agency and gave suggestions on how citizens can protect themselves against the virus.

- d. Monthly Financial Report for the Month Ending July 31, 2016

Johnna Morris, Finance Director, gave the July financial report. All funds with the exception of the golf course are stable.

### 13. CITY COMMISSION

- a. Discussion of downtown 2-hour parking limit in J.C. Penney Lot led by Commissioner Alexander.

Commissioner Alexander believes that the changes for the parking lot should be initiated gradually, possibly with phases. Nicholas Mimms, City Manager, outlined the parking recommendations. Commission discussion included seasonal parking changes, ideas for phasing in 2-hour parking and other alternatives. The City is providing the trolley as transportation to facilitate the downtown workforce.

Commissioner Alexander made a motion to adopt option 3 and rescinded the motion after some discussion.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to delineate the parking lot to monitor half of the parking spots, particularly the northern half of the lot and the eastern row, over a 90 day period of time and come back to review.

AYE: Commissioner Rufus Alexander, Commissioner Reginald Sessions

NAY: Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson  
Failed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to use the natural borders of the parking lot, north and south of the parking lot, for free 2-hour parking and revisit after 90 days.

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

Passed

- b. Resolution No. 16-R41 Reappointing Arlo Koletzky and Cathy Gibson to the Fort Pierce Authentic Tours Advisory Board.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBER(S) TO THE FORT PIERCE AUTHENTIC TOURS (FPAT) ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

- c. Resolution 16-R42 appointing Bo Hutchinson as the FPUA representative on the Wastewater Relocation Advisory Committee.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE RELOCATION ADVISORY COMMITTEE FOR FORT PIERCE WASTEWATER TREATMENT PLANT; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

- d. Resolution 16-R43 Supporting Florida Senate President-Designate Joe Negron's plans to pursue funding to add 120 billion gallons of new water storage south of Lake Okeechobee.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, SUPPORTING FLORIDA SENATE PRESIDENT-DESIGNATE JOE NEGRON'S PLANS TO PURSUE FUNDING TO ADD 120 BILLION GALLONS OF NEW WATER STORAGE SOUTH OF LAKE OKEECHOBEE TO REPAIR THE FRAGILE EVERGLADES ECOSYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **13d**.

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

Passed

- e. Resolution No.16-R44 accepting the returns of the primary election held on August 30, 2016.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ACCEPTING THE RETURNS OF THE PRIMARY ELECTION HELD ON AUGUST 30, 2016, AS PROVIDED BY THE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve item **13e**.

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

Passed

- f. Submittal of applications to serve on the Fort Pierce Utilities Authority Board - This item will come back before the Commission in the form of a resolution.

**14. COMMENTS FROM THE PUBLIC**

Gary Soffin  
Charles Gannon

**15. COMMENTS FROM THE CITY MANAGER**

a. City Manager's Report

Nicholas Mimms, City Manager, highlighted the South Beach Association's community outreach, the Planning Department's school supply drive and other community outreach programs. The Conference Agenda meeting is scheduled for September 12, 2016.

James Messer, City Attorney, is looking forward to the upcoming Conference Agenda. The recent changes in handling business should make transactions more efficient as well as making everyone more knowledgeable about legal affairs.

**16. COMMENTS FROM THE COMMISSION**

Commissioner Alexander stated his concern about the Zika virus and the children being effected most.

Commissioner Perona is grateful for the types of business being brought in front of the Commission. He is looking to moving growth and forward in the next few years.

Commissioner Sessions mentioned that he would like to know what plans are in store for the old Central High School property.

Commissioner Becht would like staff to take the time to discuss plans with the school board for the old Central High School property. He requested that Mr. Mimms discuss with the County bringing lifeguards back in the City of Fort Pierce. He thanked staff for the work on the budget and noted that there was no negative public feedback on the topic.

Mayor Hudson mentioned the renovated Village Resource Center building next to the First Step Park, which houses a food bank, after school program, satellite clinic of HANDS and encourages everyone to tour. The housing authority units have been repainted in that community. She was happy to attend the Florida League of Cities conference and work on the Legislative nominating committee.

**17. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 10:21 p.m.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER