

MINUTES OF A SPECIAL 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 9:00 A.M. ON THURSDAY, **DECEMBER 20, 2018.**

1. CALL TO ORDER

Mayor Hudson called the meeting to order at 9:00 a.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Staff Present: Interim City Attorney Benjamin Bryan
City Clerk Linda Cox
City Manager Nicholas Mimms

Ms. Cox explained that Commissioner Sessions notified the City that he was unable to attend the meeting because of a conflict.

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

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

4. COMMENTS FROM THE PUBLIC

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to fifteen minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

5. NEW BUSINESS

- a. Resolution 18-R64 Authorizing the execution of deeds in favor of Florida Power and Light for the purposes of finalizing the sale of the Vero Beach Power Facility to FP&L; said property is owned by the City for the use and benefit of Fort Pierce Utilities Authority.

City Clerk Linda Cox introduced Resolution 18-R64, read by title only, into the record.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE EXECUTION OF THREE (3) SPECIAL WARRANTY DEEDS IN FAVOR OF FLORIDA POWER & LIGHT COMPANY ON BEHALF OF THE FORT PIERCE UTILITIES AUTHORITY, PURSUANT TO THE ASSET PURCHASE AGREEMENT ENTERED INTO BETWEEN THE FORT PIERCE UTILITIES AUTHORITY AND FLORIDA POWER & LIGHT COMPANY AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE SAID DEEDS ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. John Tompeck, Director of Utilities, explained the need for the Resolution. FPUA and the City of Vero Beach have a joint ownership agreement for a transmission line. FPUA had a right of first refusal should Vero Beach decide to sell their portion of the transmission line. FPUA decided not to exercise its right to purchase, but instead elected to sell its portion to FPL. An asset purchase agreement between FPUA and FPL was previously approved. In order to effectuate the sale, deeds must be executed for the sale to FPL; however the property is titled in the name of the City of Fort Pierce for the use and benefit of Fort Pierce Utilities Authority. Resolution 18-R64 authorizes the City to execute the deeds necessary to complete the asset purchase agreement.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution 18-R64.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- b. Approval of Hold Harmless Agreement between the City of Fort Pierce and the Fort Pierce Utilities Authority relating to the FPUA/FPL Transaction authorized by Resolution 18-R64.

City Attorney Ben Bryan indicated that the hold harmless agreement essentially confirms that if any problems arise out the sale and/or transfer to FPL, it is the problem of Fort Pierce Utilities Authority and not the City of Fort Pierce.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve hold harmless agreement.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

Mayor Hudson indicated that the attorney's from FPL have asked that the City send a letter as follows:

To Whom it May Concern:

I am familiar with the terms of the agreement between Fort Pierce Utilities Authority and Florida Power & Light company regarding the asset purchase agreement (dated February 6, 2018 and as amended) to sell certain transmission line and switching assets to Florida Power & Light. The proceeds from the sale are to be given directly to Fort Pierce Utilities Authority.

Please contact me if you have any questions.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve letter as read.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

Mayor Hudson wanted to make sure there was an understanding that if any additional changes for this sale are necessary they can be made without additional meetings so long as they are only to form but not substance. The lawyers on all sides have guaranteed that any future changes would be form and not substance. The City Attorney would make the call as to whether it is form or substance.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to confirm understanding.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

6. ADJOURNMENT

Meeting adjourned at 9:12 a.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER