

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, **OCTOBER 07, 2019**

1. CALL TO ORDER

Mayor Hudson called the October 07, 2019, Regular Meeting of the City Commission to order at 6:30 PM.

2. OPENING PRAYER - Father Jaime Dorado, Hispanic Mission San Juan Diego

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

Absent: Commissioner Thomas Perona

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to excuse Commissioner Perona.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

5. APPROVAL OF MINUTES

- a. Approval of Minutes from the September 9, 2019 special meeting and Budget Hearing, the September 16, 2019 regular meeting and the September 23, 2019 meeting which was held in place of the canceled meeting.

Motion was made by Commissioner Jeremiah Johnson, to approve all Minutes as presented.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

6. PROCLAMATIONS

- a. National Hispanic Heritage Month proclamation being received by Father Jaime Dorado of San Juan Diego Hispanic Mission.

7. LETTERS TO COMMISSION

- a. Notification from ICMA that Nicholas Mimms, P.E., City Manager, has achieved the International City/County Management Association Credentialed Manager designation.
- b. Email from Nolan Wilson, State Investigator, Florida Department of Business & Professional Regulation commending Kim West, Senior Permit Specialist, Building Department, for her prompt professionalism and support.

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

Any person who wishes to comment on an agenda item which is not under Public Hearings on the Agenda may be heard at this time and must sign up to speak in advance. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty 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.

Mr. Charles Wilson - Agenda Item 13a
Mr. Joe Mayer - Agenda Items 11h and 13b

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to postpone Item #12c until the October 21, 2019 Regular Meeting; to pull item #13c at the request of the City Attorney; and, to set the Agenda as amended.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

10. MISCELLANEOUS REPORTS

None.

11. CONSENT AGENDA

- a. Request approval to award Bid 2019-019 to the lowest bidder, Verdex Construction, LLC for construction of the interior build-out of the office space located on the third floor of the Sunrise Center for the purpose of relocating the City of Fort Pierce Building Department in the amount of \$897,953.00.
- b. Request to reduce Building Department lien in the amount of \$78,790.00 against 315 S 17th Street, Ft. Pierce, Florida 34950, Parcel ID Number: 2409-314-0002-000/9, owned by Ermith Lazare of 3406 Menendez Avenue, Ft Pierce, FL 34947 to \$1,500.00 payable within 90 days.
- c. Request approval of Change Order No. 7 to CW Roberts Contracting Inc. in the amount of \$90,490.28 for the Surfside neighborhood drainage improvements.
- d. Approval of annual/blanket purchase orders for the Police Department for FY 2020 in the total budgeted amount of \$145,157.00.
- e. Approval of Blanket Purchase Orders between \$10K to \$50K for the Public Works Department for Fiscal Year 2019-2020 to ensure efficient maintenance, service and repair of all City owned facilities, amenities and equipment, in the total budgeted amount of approximately \$2,000,000.00.
- f. Approval of annual/blanket purchase orders for the Police Department for the FY 2020 in the amount not to exceed \$391,577.
- g. Approve PAD Mural Project Property Owner Agreement for mural to be located at 725 Orange Avenue.
- h. Approval of the amended Interlocal Agreement for temporary animal sheltering services with St. Lucie County and Port St. Lucie.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve items 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 19-030: Adoption Hearing for an application submitted by the property owner & applicant Neill Farms FP, LLC, and representative Brian Nolan, AICP, ASLA of Lucido & Associates, for a Future Land Use Map Amendment for two (2) parcels of land, 19.07 acres in total, to change the Future Land Use designation for parcel IDs 2419-323-0001-000-1 & 2419-323-0002-000-8, from GC, General Commercial, to RM, Medium Density Residential. **SECOND READING**

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

ORDINANCE NO. 19-030

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF TWO (2) PARCELS GENERALLY LOCATED AT OR NEAR THE EAST SIDE OF SOUTH JENKINS ROAD, APPROXIMATELY 1,000 FEET SOUTH OF STATE ROAD 70 FROM CITY OF FORT PIERCE GC, GENERAL COMMERCIAL TO CITY OF FORT PIERCE RM, MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Applicant Representative, Brian Nolan was present to answer any questions.

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 Reginald Sessions to approve Item 12a, Ordinance 19-030.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

- b. Legislative Hearing - Ordinance 19-040 - An Ordinance by the City Commission of the City of Fort Pierce, Florida; Rezoning eight properties generally located at or near the east side of South Jenkins Road, approximately 1,000 feet south of State Road 70 from General Commercial (C-3) and Medium Density Residential (R-4) to Planned Development (PD); further approving a Development Plan pursuant to Section 22-40, providing for a severability clause; providing for repeal of ordinances or parts thereof in conflict herewith; and providing for an effective date. SECOND READING.

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

ORDINANCE NO. 19-040

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING EIGHT (8) PROPERTIES GENERALLY LOCATED AT OR NEAR THE EAST SIDE OF SOUTH JENKINS ROAD, APPROXIMATELY 1,000 FEET SOUTH OF STATE ROAD 70 FROM C-3, GENERAL COMMERCIAL AND R-4, MEDIUM DENSITY RESIDENTIAL, TO PD, PLANNED DEVELOPMENT; FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22-40, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Item 12b, Ordinance No. 19-040

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

- c. **PLEASE POSTPONE UNTIL OCTOBER 21, 2019** - Legislative Hearing - Ordinance 19-041 - An Ordinance by the City Commission of the City Of Fort Pierce, Florida; Rezoning property generally located between Glades Cut Off Road & Bandy Boulevard approximately 1,100 feet east of Selvitz Road from St. Lucie County Industrial Heavy (IH) to City of Fort Pierce Planned Development (PD); further approving a Development Plan pursuant to Section 22-40, providing for a severability clause; providing for repeal of ordinances or parts thereof in conflict herewith; and providing for an effective date. SECOND READING

Agenda Item 12c. has been postponed and will be heard at the Regular Meeting of the City Commission on October 21, 2019.

- d. Legislative Hearing - Ordinance 19-042 amending Chapter 9, the Vendor Ordinance, to remove the distance restrictions for mobile vendors in proximity to similar type of business. FIRST READING

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

ORDINANCE NO. 19-042

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 9, ARTICLE IV VENDORS, SOLICITORS AND CANVASSERS, DIVISION 3 – MOBILE VENDING OF THE CODE OF ORDINANCES; AMENDING SECTION 9-111 – GENERAL REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

City Attorney Peter Sweeney provided a brief overview of the proposed Ordinance No. 19-042. The highlighted change is with the 500-foot restaurant set-back. This change is to bring the ordinance into compliance with the ruling from the trial court. Also, the provision for the requirement of a Temporary Use Permit has been removed if you hold a Vendor Permit.

No questions from Staff.

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve Item 12d, Ordinance No. 19-042.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions
Passed

13. CITY COMMISSION

- a. Resolution 19-R43 establishing the City of Fort Pierce Youth Council

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

RESOLUTION NO. 19-R43

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE CITY OF FORT PIERCE YOUTH COUNCIL; RESPONSIBILITIES OF THE COUNCIL, ELECTION OF PRESIDING OFFICER, MEETINGS, AND QUORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager, Mr. Nick Mimms provided an overview of Resolution No. 19-R43 to establish a City of Fort Pierce Youth Council. This proposal will enable the City of Fort Pierce to integrate with the youth of our City.

Mr. Joe Sweat, Marketing Specialist was available to answer any questions regarding establishing the Fort Pierce Youth Council. The Commission inquired as to how the program will attract youth to get involved. Mr. Sweat explained that youth in grades nine through 12 will be made aware of this leadership program through interaction with community partners such as the school board, guidance counselors, Kids at Hope, Round Table of St. Lucie County, etc., as examples. Each Commissioner will appoint one Youth Representative whose term will run concurrent with the Commissioner's term. Each prospective Youth Representative will be allowed no more than three missed meetings and must be versed in Florida's Sunshine Law. This will be a beneficial opportunity for the youth of our City who are interested in pursuing government leadership as a future career.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Item 13a, Resolution #19-R43 for the establishment of the City of Fort Pierce Youth Council.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions
Passed

- b. Review and approval of the Request for Proposal for the lease and management of the Fort Pierce Animal Shelter, including the proposed evaluation criteria, establishing the evaluation committee and the proposed schedule.

Code Compliance Manager, Peggy Arriaz presented an overview and draft of the Request for Proposal (RFP) for the lease and operations management of the Fort Pierce Animal Shelter located on Savannah Road. At the direction of the City Commission, staff initiated legal proceedings to terminate the lease of the Savannah Road shelter facility. The Humane Society has been sent notice of deficiencies in relation to the lease and given the prescribed time to remedy the violations. Due to their failure to fully comply the deficiencies, the Humane Society was sent a notice to vacate the building. Staff continues to move forward with legal remedies to officially terminate the lease and take possession of the property. Staff has prepared an RFP for the lease of the property and operational management of the animal shelter, which is contingent upon the successful termination of the lease.

The Request for Proposal was reviewed by both St. Lucie County and Port St. Lucie Legal Departments and many of their suggestions have been incorporated.

The RFP highlights include operation of the animal shelter to service the entire St. Lucie County area, both incorporated and unincorporated; the operator is to provide low cost veterinarian services to pet owners; appropriate and necessary care is to be provided to all impounded animals; the facility is to operate in a fiscally responsible manner focusing on fundraising, volunteers, community outreach and adoptions.

Ms. Arriaz detailed the RFP's proposed timeline along with critical dates. The proposal is contingent on the City of Fort Pierce reclaiming possession of the property. It is anticipated that a short list and recommendation will be presented to the City Commission at the January 20, 2020 Regular Meeting.

A Review Committee will need to be established and the evaluation criteria for selection needs to be established both of which will require a vote by the City Commission. Mr. Mimms explained that the criteria includes but is not limited to the eight items as outlined in the draft RFP. A final decision is not required today.

The Commission discussed various issues with the RFP and criteria and the process, as well as Freedom of Information requests, Sunshine Law, and visits on-site.

Ms. Arriaz stated that upon taking possession of the property, the facility will be repaired to a rentable condition so that the renter will take possession of a facility that is in good repair. Routine maintenance will be performed by the tenant, but structural repairs and maintenance will be done by the City of Fort Pierce.

The evaluation committee and criteria will be determined at a later date.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve moving forward with the RFP.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Passed

- c. PULLED FROM AGENDA. Request from Keith Holmes, retiree, for consideration of payment of health insurance premiums.

This item has been pulled from the Agenda and will be presented at a later date.

14. 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 thirty 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.

Mario Wilcox
Rick Reed
Charlie Wilson

15. COMMENTS FROM THE CITY MANAGER

City Manager, Nick Mimms received a letter from Mr. Tipton, St. Lucie County Administrator which states the intention to move forward with the concept of relocating the History Museum to the St. Anastasia site. The FPRA is in the final stages of preparing a lease agreement with the Lindsay School of the Arts which will be presented at the October 21, 2019 FPRA meeting. Additionally, Mr. Tipton mentioned the idea of relocating the Smithsonian Aquarium to the area near the Manatee Observation and Education Center. This concept could really make the downtown Fort Pierce area a center for educational and oceanographic research. The County will continue to engage with staff regarding these improvements.

A Memorandum was sent to the Mayor and Commission regarding the Precast Specialties Development. The memo included information regarding the construction progress, noise, dust control, perimeter barrier and local employment. A meeting was held with representatives of Precast Specialties. The President has every intention to work with the City of Fort Pierce to intensify the perimeter barriers to create a greater buffer with neighbors. Ninety percent of their current work force lives in the greater Fort Pierce area. They have implemented dust control and have hired off-duty police officers who work seven days per week, 11 hours per day to monitor noise and other issues that may cause problems with the neighbors. Precast is located in a very industrial area and is surrounded by other industrial properties. The officer may have access to a decibel meter to monitor the noise coming from their property. The City will not request silencing of back up alarms on trucks or machines. It is an OSHA regulation and an important safety feature that cannot be compromised.

Mr. Mimms stated that we have administratively partnered with Port St. Lucie and St. Lucie County for the Florida Resilient Coastline Program. We are seeking a grant in the amount of \$75,000.00.

Commissioner Sessions inquired about Precast Specialties commitment to hire local residents. Mr. Mimms stated that the employees that relocated from Pompano for employment now reside in the Fort Pierce area. They currently employ approximately 150 employees which they expect to rise to 250 as production increases in the next couple of months. In the next few years, they envision over 500 employees. They have re-stated their intent to hire locally.

Mr. Mimms also mentioned that Fort Pierce hosts the largest job fair for the Treasure Coast and Precast as well as other industrial neighbors will be invited to participate.

City Attorney, Peter Sweeney would like to acknowledge and congratulate Mr. Mimms for receiving the certification from ICMA which is a high level achievement.

Attorney Sweeney is seeking a consensus from the City Commission on moving forward with filing a lawsuit against the Humane Society within the next two days which will continue the proceedings for actual eviction. The Commission discussed issues regarding the filing of a lawsuit. The City Commission agrees to proceed with the court filing.

a. Reports

16. COMMENTS FROM THE COMMISSION

Commissioner Sessions
No further comments.

Commissioner Alexander expressed concern over actions within the Chamber. Officers are available for assistance to remove individuals. Commissioner Alexander takes the words used as a threat.

Commissioner Johnson expressed great happenings this weekend at the Manatee Center with the National Firefighter Competition. Commissioner Johnson would like to acknowledge and thank the tourism group, the Treasure Coast Sports Commission for hosting the event. Also, for the most part people are smiling and enjoying the scooter program. While adjustments are still being made to the program and parameters, it has been an overall positive experience.

Mayor Hudson said the first corridor clean up with Keep Fort Pierce Beautiful was this weekend. There were 35 volunteers who helped to clean up along US-1 from the K-Mart Plaza to Ohio Avenue. The next event is scheduled for Dreamland Park in January. The event was well attended by scouts, high-school students and members of the community.

17. ADJOURNMENT

Mayor Linda Hudson adjourned the meeting at 8:03 PM.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER