

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 6:00 P.M. ON MONDAY, **NOVEMBER 02, 2020.**

1. CALL TO ORDER

Mayor Hudson called the November 02, 2020 Regular Meeting of the City Commission to order at 6:00 PM.

2. OPENING PRAYER - Pastor Obed, Rivera of Iglesia de Dios Pentecostal M.I.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

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

Commissioner Alexander was present by telephone conference call.

5. APPROVAL OF MINUTES

- a. Approval of minutes from the October 19, 2020 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the minutes from the October 19, 2020 Regular Meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

- a. Email from County Commissioner Chris Dzadvosky expressing his appreciation of the City and County's swift response to the removal of the unusual overflow of trash from the Indian Hills Recreation Area. The following Public Works employees contributed toward the successful result: Donald Spells, Parks & Grounds Foreman; John Viola, Parks & Grounds Irrigation Specialist; Ernest Ricciardi, Parks & Grounds Equipment Operator; William Diaz, Parks & Grounds Maintenance Worker; Tora Parker, Streets & Drainage Equipment Operator; Delvin Hart, Streets & Drainage Maintenance Worker; Larry Owens, Streets & Drainage Maintenance Repair Worker and Vontravious Jones, Streets & Drainage Maintenance Worker.
- b. Email from Ben Murray thanking the entire Public Works Department Team for their swift response and efficiency in making a picnic table wheel chair accessible at Jaycee Park.

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.

Bob Burdge – Item 11e
Vincent Marcellino – Item 11b & 11c

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve and set the Agenda.

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

Passed

10. MISCELLANEOUS REPORTS

None.

11. CONSENT AGENDA

- a. Approval to install holiday lighting at Marina Square by Lighting by Design, Wellington Florida in the amount of \$52,309.00 per year / three (3) years (\$156,927.00 total).
- b. Approval of request to reduce demolition fees in the amount of \$7,456.31 against 1216 Avenue E, Ft. Pierce, FL 34950, Parcel ID Number 2404-823-0013-000-7 owned by Lee R. Lachmund, 2303 E. Hildy Lane, Palm Springs, CA 92262 and contracted to Vincent Marcellino (applicant) 5625 N. W. Wawant Court, Port St. Lucie, FL 34986 to \$3,318.00 payable in 30 days. However, applicant is requesting a waiver of all charges totaling \$7,456.31, which requires a direct vote by Commission.
- c. Approval of request to reduce lot clearing fees in the amount of \$6,404.82 against 1216 Avenue E, Ft. Pierce, FL 34950, Parcel ID Number 2404-823-0013-000-7 owned by Lee R. Lachmund, 2303 E. Hildy Lane, Palm Springs, CA 92262 and contracted to Vincent Marcellino (applicant), 5625 N. W. Wawant Court, Port St. Lucie, FL 34986 to \$1,676.55 payable in 30 days. However, applicant is requesting a waiver of all charges totalling \$6,404.82, which requires a direct vote by Commission.
- d. Approve Blanket Purchase Orders for the Sunrise Theatre in the amount not to exceed \$57,000 2020/21 Fiscal Year
- e. Request award of the 2020 Street Resurfacing Program to the low bidder, C.W. Roberts Contracting, Inc. of Palm City, Florida in an amount not to exceed \$263,948.80.
- f. Approve proposal from Beemats, New Smyrna Beach, FL, in the amount of \$105,600 for the annual harvesting, maintenance and replanting of vegetated mats at the Indian Hills Recreation Area.
- g. Approval of professional service agreement with Engineering Design & Construction, Inc. (EDC) for design of the continuation of the Florida Shared-Use Non-motorized Trail Network (SUN Trail), from Indian Hills Drive to Georgia Avenue, the section being known as the Highwayman Trail Gap in the amount of \$88,525.00.
- h. Request abandonment of recorded utility easement that was erroneously described and replace utility easement with corrected sketch and description.
- i. Approve Lease between the City of Fort Pierce and Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Sovereignty Submerged Lands Fee Waived Lease Renewal.
- j. Approval of the Operation Agreement between the City of Fort Pierce and Indian River State College for a school resource officer.
- k. Approval of CRF (Coronavirus Relief Funds) Interlocal Subrecipient Agreement with St. Lucie County BOCC in the amount of \$178,000

Commissioner Johnson pulled item 11e for discussion.

Commissioner Sessions pulled items 11b and 11c for discussion.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve items 11a, 11d, 11f, 11g, 11h, 11i, 11j, and 11k

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

Passed

Regarding items 11b and 11c, Code Enforcement Manager Peggy Arriaz stated that the City of Fort Pierce is seeking recovery of the hard costs which are \$3,318.00 for the demolition, and 1,676.55 for the lot clearing. Code Enforcement has recommended waiving the soft costs for each property. Commissioner Sessions proposed reducing the total amount due to the City of Fort Pierce to a total of \$2,000.00 considering the applicant's history of rehabilitating structures. Commissioner Alexander inquired of the City Attorney if all costs can be waived. Attorney Sweeney stated there is no legal reason why all fees, including hard costs, cannot be waived. It is the City's policy to collect hard costs; however, there have been a very limited number of properties with special circumstances that have had hard costs waived.

Commissioner Alexander stated that this applicant is willing to invest money into the property in order to improve it, and that will benefit the City. City Manager Nick Mimms stated that Mr. Marcellino has been before the CRA and has an interest in rehabilitating structures that need attention. In this case, he is willing to spur neighborhood revitalization, and we need investors like him to continue to do the work he is doing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve the reduction of the total amount due to the City of Fort Pierce to \$1,000.00 and approve item 11b providing the current sales contract is consummated.

Commissioner Perona has agreed that certain properties should be identified and have a policy put in place that makes it fair for any developer to rehabilitate and improve a property. Commissioner Perona expressed concern that the City Commission was not provided with any facts regarding this property or developer other than the owner is from California and this developer is from Port St. Lucie. There were hard costs expended by the City of Fort Pierce. Commissioner Sessions stated that the overall condition of 13th Street has many dilapidated structures, and under normal circumstances, he would not consider a reduction in hard costs. This neighborhood needs help to revitalize. Commissioner Alexander said this is an investment in the improvement of our community. Ms. Arriaz stated that the demolition occurred in 2004 prior to the current owner's purchase of the property. Commissioner Johnson commented that this property is adjacent to the new Means Court Center project which is about to commence and is concerned that this proposal which is outside the normal policy of collecting the minimum hard costs will come from taxpayer-funded money to benefit a for-profit entity. Mayor Hudson also has reservations about waiving hard costs but said this could be an investment in the revitalization of this neighborhood. Mr. Mimms said the FPRA can create a program to spur residential redevelopment especially in targeted areas; however, there is a limited number of funding resources available. Staff can only recommend the waving of soft costs such as interest, penalties, and fees. It is up to the City Commission to review each property individually and determine if the hard costs should be waived.

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

NAY: Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve the reduction of the total amount due to the City of Fort Pierce to \$1,000.00 and approve item 11c providing the current sales contract is consummated.

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

NAY: Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

Regarding item 11e, Commissioner Johnson inquired of Staff about the bidding process. Mr. Jack Andrews, Building Official, stated that the bidding was very close, and all the companies are very reputable and have worked with the City of Fort Pierce in the past. The determining factor was the price and CW Roberts Contracting was the low bidder.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 11e.

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

NAY: Commissioner Reginald Sessions

Passed

12. PUBLIC HEARINGS

Any Public Comment on these Public Hearing items, if not being offered in person, should be submitted by noon on the day of the meeting using the Sworn Public Comment Form which is available on the city's website at:

<http://www.cityoffortpierce.com/DocumentCenter/View/8741/Sworn-Public-Comment-for-Public-Hearings>

- a. Legislative Hearing - Ordinance 20-029 - extending the territorial limits of the City of Fort Pierce, to include 504 Tumblin Kling Road in Fort Pierce, Florida. SECOND READING

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

ORDINANCE NO. 20-029

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 504 TUMBLIN KLING ROAD IN FORT PIERCE, FLORIDA AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2021; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL 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 Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance 20-029.

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

Passed

13. CITY COMMISSION

- a. Submittal of applications for the Sunrise Theatre Advisory Board.

This item will come back to the City Commission at the next meeting for a vote.

- b. Submittal of applications to fill an at-large seat of the Planning Board due to a resignation.

This item will come back to the City Commission at the next meeting for a vote.

- c. Resolution 20-R52 establishing Wrecker Driver fees.

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

RESOLUTION NO. 20-R52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING FEES PURSUANT TO SECTION 34-105, CALL ALLOCATION SYSTEM, OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Nick Mimms provided an overview of the proposed resolution. This item was brought forth by the City of Fort Pierce Police Department in conjunction with the City's recodification project.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Resolution 20-R52.

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

Passed

- d. Resolution 20-R53 establishing fees for public fingerprinting services.

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

RESOLUTION NO. 20-R53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING FEES FOR PUBLIC FINGERPRINTING SERVICES PROVIDED BY THE FORT PIERCE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Deputy Chief Norris provided an overview of the proposed resolution. The City of Fort Pierce Police Department is establishing the fees to cover the costs associated with technological advances in fingerprinting services. Mr. Mimms added that we currently refer individuals to the St. Lucie County Sheriff's Department for these services and if we have the technology in-house, we can provide this service to our community.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution 20-R53.

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

Passed

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.

None.

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms reported that as of November 2, 2020, there are no City employees absent due to COVID-19. Testing was recently completed in conjunction with the Florida Department of Emergency Management and St. Lucie County. Approximately 240 individuals were tested with 14 positive results.

Code Compliance Manager Peggy Arriaz provided a brief update on the Savannah Road Animal Shelter. The rehabilitation is approximately ninety-eight percent complete. The facility is currently being operated by St. Lucie County Animal Control. It is a closed operation, not open to the public but they are working very closely with the local animal rescue organizations. St. Lucie County has been in negotiation with a third party to operate the shelter on a temporary basis and to assist with the re-writing of the RFP. There is another party who may possibly be considered for a long-term solution. Negotiations are ongoing.

Mr. Mimms added that pursuant to the sub-recipient agreement with St. Lucie County, the City of Fort Pierce has been reimbursed in the amount of \$420,000.00 for COVID-19 related expenses. We will continue to work with St. Lucie County to combat the COVID-19 pandemic.

City Attorney Peter Sweeney had no updates.

City Clerk Linda Cox had no updates.

a. Reports

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander reminds the public that we are under attack by the coronavirus and that he just received clearance to return to normal. Please wear a mask and use every precaution because it is still here and is very real.

Commissioner Perona offered congratulations to St. Lucie County and the City of Fort Pierce for completing the Census. A total of 66.3% responded to the survey. Please get out and vote.

Commissioner Sessions encourages everyone to remain vigilant about virus precautions because it's still here and having a greater effect since government mandates were lifted. Test yourself, and protect yourself by wearing a mask. Applications are circulating for those in need to help with utility bills. Please get out and vote, it is your right.

Commissioner Johnson wanted to share that the Port of Fort Pierce draft plan will be forthcoming. There will be a meeting on November 12, 2020 regarding the draft plan. Commissioner Johnson is requesting the Planning Department prepare a brief on the document for each Commissioner to include their input, explain some of the aspects of the document, and to address future zoning so the City and City Commission can proactively prepare if changes or updates are needed legislatively.

Mayor Hudson also wanted to remind the public about the availability of the affidavit for assistance from FPUA. If you have been adversely affected by the pandemic, please complete the form to receive the assistance that is available. Mayor Hudson is proud of the way the citizens of Fort Pierce have handled adversity and encourages everyone to get out and vote.

17. ADJOURNMENT

Immediately following adjournment, please move toward the doors and exit the chambers. This allows for the safe and courteous exit of all persons, and those on the dais. Conversations after the meeting should be held outside of chambers, in the foyer or elsewhere, but not in the commission chambers where lights will be out as soon as the chambers are empty.

Mayor Linda Hudson adjourned the meeting at **7:52 PM**

ATTEST:

CITY CLERK

MAYOR COMMISSIONER