

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 P.M. ON MONDAY, MAY 2, 2022.

1. CALL TO ORDER

Mayor Hudson called the May 2, 2022, Regular Meeting of the City Commission to order at 6:00 P.M.

2. OPENING PRAYER - Terrance Beauford with Sword Outreach Mentoring and Resource Center

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Arnold Gaines; Commissioner Curtis Johnson, Jr.; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Mayor Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Tanya Earley

5. APPROVAL OF MINUTES

- a. Approval of Minutes from the April 18, 2022 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the minutes of the April 18, 2022 Regular Meeting.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor Linda Hudson

Passed

6. PROCLAMATIONS

- a. National Letter Carriers Food Drive Day Proclamation
- b. Mental Health Awareness
- c. Building Safety Awareness Month
- d. Haitian Heritage Month

7. LETTERS TO COMMISSION

- a. Britta Santana sent an email thanking Isaac Saucedo, Code Enforcement Officer, for his professionalism, effort, and patience in dealing with their neighborhood issues.
- b. Thank you note from Monica to Elizabeth Beck, Administrative Assistant in the Building Department expressing her gratitude for her assistance.
- c. Letter from the Glavan & Molitor Family thanking the friendly staff and volunteers at the Sunrise Theatre for their kindness and helpfulness at the recent Kenny G performance.
- d. Voice message from Suzanne Wisoker commending Public Works Department staff, specifically Nathaniel Morris for exceeding her expectations

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the Agenda as set.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor Linda Hudson

Passed

9. 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.

Eva Arnez
Charlie Wilson

10. MISCELLANEOUS REPORTS

a. Fort Pierce Utilities Authority update on the Wastewater Reclamation Facility Relocation

Javier Cisneros, Director of Utilities, Rachel Tenant, Sustainability Program Manager, Bo Hutchinson, Director of Water/Waste Water Systems, and Sharon Simington, Southeast Regional Funding Program leader, Hazen and Sawyer, Grant Program Lead presented a comprehensive plan for the new Mainland Waste Water Treatment Plant which replaces the Island Waste Water Treatment Plant.

Mayor Hudson inquired on the City's fitch rating and its meaning, if the proposed rate structure is conservative because of the expected grants, and if the rates are required to obtain grants. Mr. Cisneros explained that the City's rating is an A+, A which determines borrowing power. Mr. Hutchinson explained that the rates are required to obtain the bonds but the further along in the process the more funds may be available from grants.

Commissioner Jeremiah Johnson inquired what the grant process is for a public entity versus a private entity, and does the public entity have to acquire grants. Mr. Hutchinson explained that all grants are on a scoring bases the more public you are the higher the score, and Resilient Florida would require the City to be the applicant for the grant.

Commissioner Curtis Johnson inquired on the grant process timeline. Mr. Cisneros explained if the City is required by the State to relocate the plant the goal is to ensure they assist with relocation. Ms. Tenant explained that different grants have different timelines, requirements and processes, some may require the City as applicant. Mr. Cisneros explained that over the last five years around eight million dollars in grants have been acquired. Ms. Simington explained that initial funding sources are evaluated based on the criteria needed for the project, and bonds can be utilized during the grant process.

Commissioner Perona inquired what thirty percent built looks like, does the sixty percent include infrastructure, confirmed the projected dollar amount required for project completion, what are the risks involved with entertaining other options, and the interest rate cap. Mr. Hutchinson explained that it begins with your core process, tasks or steps that must be completed to move forward to the next on the Energy Lane / Selvitz Rd location, sixty percent does include infrastructure and negotiations with vendors, the project cost is closer to one hundred million dollars. Mr. Cisneros explained that the risk includes reduced borrowing capacity and the interest rate presented is four percent, but May 24th is a determining factor.

Commissioner Gaines inquired on the extended timeline. Mr. Cisneros explained that the technology has changed since the original plant design as well as new regulatory requirements. Mr. Hutchinson explained that the structure is important but the technology to run the plant is no longer applicable to the original plan and moving forward communication with the Commission is necessary.

Mayor Hudson explained the environmental concerns which may have played a part in the urgency to move the facility and the importance of relocation before the State becomes involved. Mr. Cisneros explained that the City can borrow at a low rate and proceed on their terms, and not the states.

Commissioner Curtis Johnson inquired if sixty percent would allow for a better estimate, how close to that number is the City, the preliminary figures presented, and the timetable to lock in the rates. Mr. Hutchinson explained that assuming the rate structure is approved it will allow for bonding to be in place with the finalized thirty percent design within weeks, the plan for sixty percent will begin in June and take until the first of the year to determine the full cost of the project, and there are associated risk with contractors.

Commissioner Jeremiah Johnson commented that had the project moved forward in 2008 the City would have paid significantly less, he does not want to rely solely on the grant process but the rates and revenue to cover the bonds, inquired when does the Department of Environmental Protection become involved, is St Lucie County partnering on the facility, is the facility is moving from an 8-mgd to 10-mgd, requested information on the rate increases, and cash reserves available if required for the project. Mr. Hutchinson explained that the DEP is currently involved, the permit phase begins at sixty percent, believes the City is in a better position to open negotiations with the County to ensure lower rates for all customers, confirmed that from phase 1 to phase 2 is an increase. Mr. Cisneros explained that they are even on utilities across the board, and he would have to determine the availability of cash reserves for the purpose of bonds.

Commissioner Perona commented that there will always be a reason not to move forward, but this is the closet they have come to moving forward with the relocation.

Commissioner Curtis Johnson inquired if there is an opportunity to bring another builder on board and announced the FPUA public meetings. Mr. Cisneros confirmed that an agreement exists with a design build vendor, and the public meeting will take place Thursday, May 5 from 6:30 p.m.-8:30 p.m. and Saturday, May 14 from 12:00 p.m. to 5:00 p.m. at the Incubate Neighborhood Center at Mean Court School, Lincoln Park.

Commissioner Jeremiah Johnson inquired when the proposed changes will be presented and voted on. Mr. Cisneros explained that the rate increase will be presented to the FPUA Board on May 3rd, if approved the increase will be presented to the Commission on May 16th, and at the May 17th FPUA Board meeting the bond resolution will be put into place to lock in the rates.

11. CONSENT AGENDA

- a. Approve letter to the Federal Transit Administration in support of St. Lucie County's grant application for the development of a Transit Operations and Maintenance Facility.
- b. Approval for Mayor to execute participant agreements for the potential settlement of Opioid Litigation.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the consent agenda.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor Linda Hudson

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 22-012 Amending Section 12-6, Election Districts by amending the election district boundary following the 2020 U.S. Census. **SECOND READING**

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

ORDINANCE NO. 22-012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; AMENDING CHAPTER 12, ELECTIONS, SECTION 12-6, ELECTION DISTRICTS, BY AMENDING THE BOUNDARY BETWEEN ELECTION DISTRICT 1 AND ELECTION DISTRICT 2; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Commissioner Curtis Johnson commented that the process was well worth it to understand concerns, addressed allegations that the City is being sued by the American Civil Liberties Union (ACLU), and read the information provided by the ACLU. City Attorney Tanya Earley confirmed that the City has not been served.

Commissioner Jeremiah Johnson commented that the numbers were critiqued, and the analysis was provided by the consultant.

Commissioner Gaines commented that his vote of no was based on percentages and numbers provided by the consultant.

Commissioner Perona commented that he respected Commissioner Gaines vote of no and better understands his decision.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Thomas Perona to approve Ordinance No. 22-012.

AYE: Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Commissioner Thomas Perona, Mayor Linda Hudson

NAY: Commissioner Arnold Gaines

Passed

- b. Legislative Hearing - Ordinance 22-013 amending the Community Development District boundary of the Preserve at Savannah Lakes. FIRST READING

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

ORDINANCE NO. 22-013

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING ORDINANCE NO. 21-035, ESTABLISHING THE PRESERVE AT SAVANNAH LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; AMENDING THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

City Attorney Tanya Earley explained that a petition was received to amend Ordinance No 22 -013 and an attorney for the applicant is present for questions.

Mayor Hudson opened the public hearing

Attorney Meredith Hammock, KE Law Group, and Dennis Murphy, Senior Project Manager, Culpepper & Terpening, Inc. were available for questions.

Mayor Hudson inquired if a portion of land had been omitted from the previous presentation and why was it not included. Ms. Hammock explained that a seven-acre parcel be added which was included in the development plan, but the landowner consent was not yet available. Mr. Murphy explained that during the initial petitions they were in the process of acquiring the parcel because access issues were apparent.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 22-013.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor Linda Hudson

Passed

13. CITY COMMISSION

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.

Eva Arnaiz
Delores Harris

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms- No comments
City Clerk Linda Cox - No comments
City Attorney Tanya Earley- No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson commented that he had forwarded the FPUA community meeting flyer to Mr. Mimms for further distribution.

Commissioner Perona received a letter from Florid Municipal Power Agency (FMPA) and Jacob Williams on the future of electric utilities in anticipation of cost increases and would like to extend an invitation to him to speak with the Commission.

Commissioner Gaines attended the grand opening of St. Fort Funeral Home servicing the Haitian community as it is Haitian Heritage month.

Commissioner Jeremiah Johnson would like the City to consider the budget as it is rising, will attend the community garden groundbreaking at First United Methodist Church on May 3rd, inquired had anyone reached out to The Housing Authority regarding rebranding and updates, and inquired an updated on the search for a new planning director.

Mayor Hudson commented that she speaks with Rosetta the Director monthly who has great concern about the problem with mold and is working with contractors to address the issue.

City Clerk Linda Cox commented that a joint meeting with the Housing Authority has been tentatively scheduled for June 27 at 9 am.

Commissioner Curtis Johnson commented that he speaks with the board members regarding the concerns as some unit must be demolished causing a shortage in units and will participate in the yearly retreat where he will share the City's Strategic Plan.

Commissioner Perona commented that the Housing Authority is competing with open market prices causing additional shortages.

Mr. Mimms commented that the position has been advertised with three applicants being considered.

Mayor Hudson commented that Main Street is celebrating May 4th at the Backus Museum and Gallery.

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: 8:46 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER