

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 5:05 P.M. ON MONDAY, NOVEMBER 06, 2023.

1. CALL TO ORDER

Mayor Hudson called the November 06, 2023, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Claudette Carpenter with Yahweh Hands on Ministry

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines;
Commissioner Curtis Johnson, Jr.; Commissioner Jeremiah Johnson; Mayor
Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Sara Hedges

5. APPROVAL OF MINUTES

- a. Approval of Minutes from October 16, 2023 Regular Meeting

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the minutes of the October 16, 2023 Regular Meeting.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

6. PROCLAMATIONS

- a. Nurse Practitioner Week
- b. National Apprenticeship Week
- c. Hibiscus Park Crime Watch and Neighborhood Association donation to the City of Fort Pierce holiday lighting effort.

Luca Bradley, Hibiscus Park Crime Watch and Neighborhood Association, presented a donation of \$250.00 to the City for the holiday lights and celebrations.

7. LETTERS TO COMMISSION

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

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

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, 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.

No public comments.

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of authorization for staff to enter into contractual negotiations with the highest ranked proposer pursuant to the review of qualifications and proposals associated with RFQ 2023-055 Noise, Acoustic, and Sound Consulting Services.
- b. Approval of Golf Course Blanket Purchase Orders in an amount not to exceed \$160,000.00, for Fiscal Year 2024.
- c. Approval of a blanket purchase order to use awarded funds from the 2022 Bullet Proof Vest Program (BVP) to purchase vests from GL Distributors, Inc. in an amount not to exceed \$68,564.
- d. Approve the purchase of seven (7) community cameras in the amount of \$60,001.85 from Tactical Video Inc.

Commissioner Gaines pulled item 11d.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve items 11 a – 11 c of the Consent Agenda.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

As to item 11 d

Commissioner Gaines commented on the addition of seven cameras.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve item 11d.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

Mayor Hudson introduced Cathy Townsend, Chair of the Saint Lucie County Commission.

12. PUBLIC HEARINGS

Quasi-Judicial Hearings follow a strict set of rules and procedures which can be found on the City's website using this link: <https://www.cityoffortpierce.com/DocumentCenter/View/6740/Quasi-Judicial-Procedures>. All Quasi-Judicial decisions by the City Commission must be based on competency substantial evidence. Competent substantial evidence is evidence which will establish a substantial basis from which the fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issues to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion. Hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues and that cannot be reasonably said to support the action advocated, are not competent substantial evidence.

- a. Legislative Hearing - Ordinance 23-012 review and adoption of a Future Land Use Map Amendment of five (5) parcels of land to change the future land use designations from St. Lucie County designations of Residential Urban (RU) and Commercial (COM) to City designations of High Density Residential (RH) (+/- 80.3 Acres) and General Commercial (CG) (+/- 4.5 Acres).- West Orange located at Orange Avenue and N. Jenkins Road (5 parcels.) Parcel ID's: 2407-241-0001-000-3, 2407-231-0000-000-5, 2407-212-0001-000-3, 2407-221-0001-000-1 and 2407-211-0001-000-0. SECOND READING

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

ORDINANCE NO. 23-012

AN ORDINANCE OF THE CITY OF FORT PIERCE AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF THE CITY'S COMPREHENSIVE PLAN IN RESPECT OF PROPERTY GENERALLY LOCATED AT OR NEAR THE SOUTHEAST CORNER OF N JENKINS ROAD AND FLOYD JOHNSON ROAD IN FORT PIERCE, FLORIDA BEING APPROXIMATELY MORE OR LESS 84.8 ACRES; THEREBY AMENDING THE FUTURE LAND USE DESIGNATIONS OF APPROXIMATELY 80.3 ACRES OF THE SUBJECT PROPERTY FROM ST. LUCIE DESIGNATIONS OF RESIDENTIAL URBAN AND COMMERCIAL TO CITY OF FORT PIERCE DESIGNATION OF HIGH DENSITY RESIDENTIAL, AND AMENDING THE FUTURE LAND USE DESIGNATIONS OF APPROXIMATELY 4.5 ACRES OF THE SUBJECT PROPERTY FROM ST. LUCIE COUNTY DESIGNATION OF COMMERCIAL TO CITY OF FORT PIERCE DESIGNATION OF GENERAL COMMERCIAL, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND FOR OTHER PURPOSES. SECOND READING

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No 23-012.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- b. Legislative Hearing - Ordinance 23-054 - Impact Fee Moratorium within Urban Infill and Redevelopment Area. SECOND READING.

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

ORDINANCE NO. 23-054

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A MORATORIUM ON THE IMPOSITION AND COLLECTION OF CITY IMPACT FEES FOR A PERIOD OF ONE (1) YEAR WITHIN THE BOUNDARIES OF THE CITY'S DESIGNATED URBAN INFILL AND REDEVELOPMENT AREA REQUIRED BY SECTIONS 113-8, 113-15 THROUGH AND INCLUDING 113-19 OF THE CITY CODE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

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

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Ordinance No 23-054.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- c. Legislative Hearing - Ordinance 23-055 - Review and approval for a voluntary annexation by property owners Daniel and Janica Jules of three (3) parcels at the South east corner of Totten Road and Rhode Island Avenue, more specifically at Parcel IDs: 2417-331-0003-000-4, 2417-331-0005-000-8 and 2417-331-0004-000-1. SECOND READING

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

ORDINANCE NO. 23-055

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (3) PARCELS AT OR NEAR EAST OF TOTTEN ROAD AND SOUTH OF RHODE ISLAND AVENUE JUST NORTH OF OKEECHOBEE ROAD, PARCEL IDS: 2417-331-0003-000-4, 2417-331-0005-000-8 AND 2417-331-0004-000-1, AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTIES AND PLACE THEM ON THE CITY TAX ROLLS AS OF JANUARY 1, 2024; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTIES; 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, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No 23-055.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- d. Legislative Hearing - Ordinance 23-059 Amending Chapter 2, Article IV, Division 5, Police Officers' Retirement/Pension Fund to modify definitions and clarify benefit commence date. FIRST READING

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

ORDINANCE NO. 23-059

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 2, ADMINISTRATION, ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 5, POLICE OFFICERS' RETIREMENT/PENSION FUNDS, SUBDIVISION II – POLICE OFFICERS' RETIREMENT TRUST FUND; BY AMENDING SECTION 2-381, DEFINITIONS TO REFLECT LANGUAGE SIMILAR TO THE PROVISIONS OF THE STATUTORY DEFINITION OF POLICE OFFICER CONTAINED IN FLORIDA STATUTE §185.02(16); BY AMENDING SECTIONS 2-386 AND 2-387 TO PROVIDE FOR THE BENEFIT COMMENCEMENT DATE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Bonni Jensen, Attorney for the Police Officer's Retirement Trust Fund, presented the amendment to the pension plan to include language from the Florida Statutes and to clearly define when the benefit begins.

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

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 23-059.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- e. Legislative Hearing - Ordinance 23-060 relating to the General Employees retirement system in order to extend the DROP period from 5 to 6 years and increasing the standard form of annuity from 75% to 100% with a cap of \$115,000 for employees hired after October 2012, and creating a section in the code which prescribes investment standards and provisions for investment contracts and amending the section for the periodic reports. FIRST READING

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

ORDINANCE NO. 23-060

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, RELATING TO THE GENERAL EMPLOYEES RETIREMENT SYSTEM; AMENDING CODE SECTION 2-270 – RETIREMENT ANNUITY, SUBSECTION (c); PROVIDING THAT NO MEMBER IS TO RECEIVE TOTAL ANNUAL PENSION PAYMENTS IN EXCESS OF \$115,000; PROVIDING THE STANDARD FORM OF ANNUITY IS INCREASED FROM 75 PERCENT TO 100 PERCENT OF AVERAGE FINAL COMPENSATION; AMENDING CODE SECTION 2-281 – DEFERRED RETIREMENT OPTION PROGRAM (DROP), SUBSECTION (b); EXTENDING DROP FROM 5 YEARS TO 6 YEARS; AMENDING CODE SECTION 2-281 – DEFERRED RETIREMENT OPTION PROGRAM (DROP), SUBSECTION (c); INCREASING THE PAYMENTS MADE MONTHLY INTO DROP TO UP TO 72 MONTHS; CREATING CODE SECTION 2-298 – INVESTMENTS; PRESCRIBING INVESTMENT STANDARDS AND SETTING OUT PROVISIONS FOR INVESTMENT CONTRACTS; AMENDING CODE SECTION 2-333 – ANNUAL REPORTS; PROVIDING FOR PERIODIC REPORTS TO THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES;

PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Johnna Morris, Finance Director, presented the Proposed Change 1 – Amendment to Deferred Retirement Option Plan (DROP) from 5 years to 6 years and Proposed Change 2 – Amending the Maximum Annual Pension Benefit for Employees hired after 2012 from \$100,000 to \$115,000, Not to Exceed 100% of Final Average Salary, and House Bill 3 administrative change reporting for governance and fiduciary reporting.

The Commission commented on the requested changes, implementation, and inquired how upcoming retirees could be affected within the DROP period.

Mayor Hudson opened the public hearing.

Steve Meyers - Union involvement and ethics concerns

Mayor Hudson closed the public hearing.

Commissioner Gaines inquired on the responsibility to include the union representatives in tonight's decision. Ms. Morris explained that it had been conveyed to the unions involved.

Commissioner Jeremiah Johnson inquired if the unions are in current standing contractually. Mr. Mimms clarified the current situation and explained the negotiations in process. Ms. Hedges also clarified the current information and addressed the motion needed.

Commissioner Broderick commented on moving forward and the requirement for union approval.

The Commission discussed the recommendation of the retirement board.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve Ordinance No 23-060 as presented.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

13. CITY COMMISSION

- a. Resolution No. 23-R56 Adopting the Food for Fines program to run between November 7, 2023 and December 31, 2023.

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

RESOLUTION NO. 23-R56

A RESOLUTION APPROVING A CITY OF FORT PIERCE PROGRAM TO BE KNOWN AS "FOOD FOR FINES"; ALLOWING FOR PAYMENT OF CERTAIN PARKING CITATIONS, OR PORTION THEREOF, TO BE PAID WITH DONATIONS OF CANNED FOOD OR NON-PERISHABLE FOOD ITEMS AND PROVIDING FOR EFFECTIVE DATES.

Peggy Arraiz, Director of Community Response, presented the Food For Fines program supporting the Treasure Coast Food Bank.

Commissioner Curtis Johnson inquired on the details of the program. Ms. Arraiz explained each item of food donated would equal \$2.00 towards the citation amount.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Resolution No 23-R56.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- b. Resolution No. 23-R57 approving agreements with Manatee Island Holdings, LLC, for the sidewalk easement relocation.

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

RESOLUTION NO. 23-R57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, APPROVING THE TERMINATION OF AN EXISTING EASEMENT AND ENTERING INTO A CORRECTED EASEMENT AGREEMENT, FOR A CONCRETE SIDEWALK THROUGH A PARCEL OWNED BY MANATEE ISLAND HOLDINGS, LOCATED AT 1640 SEAWAY DRIVE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Mimms explained the current pedestrian easement, the need to terminate the easement and correct the agreement.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No 23-R57.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Mayor Linda Hudson

Passed

- c. Resolution No. 23-R58 authorizing the City to execute a Grant Agreement with the State of Florida Department of Environmental Protection for the FPUA Wastewater Treatment Plant relocation in the amount of \$15 Million.

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

RESOLUTION NO. 23-R58

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STANDARD GRANT AGREEMENT FOR THE WASTEWATER TREATMENT PLANT RESILIENCY PROJECT AND THE ASSIGNMENT OF THE GRANT TO THE FORT PIERCE UTILITIES AUTHORITY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Rachel Tennant, FPUA Director of Public Affairs and Sustainability, and Grants Administrative staff were available for questions.

Ms. Hedges explained that FPUA is a qualifying entity and that the grant can be assigned to them.

Commissioner Broderick inquired if these funds are new sourcing or if this is the paperwork necessary to accept them.

Ms. Tenant explained that these funds are from the original request and provided the amounts pending.

Commissioner Jeremiah Johnson announced that there may be a conflict of interest and that he would abstain from the vote.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Resolution No 23-R58.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Mayor Linda Hudson

Other: Commissioner Jeremiah Johnson (ABSTAIN)

Passed

Commissioner Jeremiah Johnson filed the appropriate form which will be kept on file with these minutes.

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.

Chad Ingram
Franco Prado
Mazella Smith
Steve Meyers
Cathy Townsend
Ralph Morrison
Jacquez Huell

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms highlighted the strategic plan, City Mangers Report, purchase order report, Fort Pierce Fire Hawks, development, permitting, and discussion with Brightline.

City Clerk Linda Cox - No comments.

City Attorney Sara Hedges - No comments.

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines commented on retirees' lack of cost-of-living increases and discussed how the City can assist, the need for a joint meeting with the County, and the retirement board.

Commissioner Broderick commented on the retirement board, and a joint meeting with the County.

Commissioner Curtis Johnson commented on a joint meeting with the County and expressed concern with allegations mentioned during public comment, was encouraged by discussion with Brightline and the opportunities that it would bring, Eastman Advanced Workforce Training Center, and acknowledged Veterans Day.

Commissioner Jeremiah Johnson commented on cost-of-living reports, thanked the police department for their service, and recent travel that caused him to reflect on the City.

Mayor Hudson thanked staff, COLA, Brightline, IRSC Eastman Training Center, and TPO for consideration of traffic lights at High Point.

Commissioner Jeremiah Johnson commented on the importance of traffic impact.

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 6:56 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER