

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 20, 2023.

**1. CALL TO ORDER**

Mayor Hudson called the November 24, 2023, Regular Meeting of the City Commission to order at 5:05 P.M

**2. OPENING PRAYER**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

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

Absent: Commissioner Jeremiah Johnson

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

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to excuse Commissioner Jeremiah Johnson from the meeting.

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

Passed

**5. APPROVAL OF MINUTES**

- a. Approval of Minutes from the November 6, 2023 Regular Meeting.

This item will be moved to the next meeting.

**6. PROCLAMATIONS**

**7. LETTERS TO COMMISSION**

- a. Voice message from Ross Crittendon commending Solid Waste Division Driver Raymond Abernathy for providing outstanding customer service.
- b. Jan DalCorso of Paws Fur Recovery Rescue & Landlord Assn sent a thank you card expressing her gratitude for the City of Fort Pierce taking over the operation of the animal shelter and making it into such a success.
- c. Solid Waste Division Manager Jacolby Washington was commended by Sharon Mastronardi for going above and beyond the normal course of business.
- d. Letter from Gary Porter, Community Relations Director, Treasure Coast Food Bank, thanking the City of Fort Pierce for sponsoring their 9th Annual Pack the House event.

**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., 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 comments

**10. MISCELLANEOUS REPORTS**

**11. CONSENT AGENDA**

- a. Approval of Infill Lien Reduction Program Development Agreement with Bax 815 Holdings, Inc., owner of 150 S. 19th Street.
- b. Approval to increase the funding allowance for the Emergency Rehabilitation Strategy for SHIP/CDBG from \$50,000 to \$100,000 in the FY23-24 Annual Action Plan/LHAP.
- c. Approval of contract renewal with Granicus LLC, Palatine, IL in the amount not to exceed \$216,510.02.

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

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

Passed

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

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., Mayor Linda Hudson

Passed

- b. Legislative Hearing - Ordinance 23-053: Review and approval of a Voluntary Annexation by owner Jose Ubilla-Duque of Ubilla-Duque Holdings, LLC, represented by Alejandro Toro of Engineering Design & Construction, Inc. The applicant request to extend the territorial limits of the City of Fort Pierce, Florida, to include one (1) parcel at or near 3307 S. US. Hwy 1 in Fort Pierce, FL 34982. The proposed Future Land Use designation for the subject property is General Commercial (GC)/High Density Residential (RH), with a proposed Zoning designation of General Commercial (C-3)/Residential High (R-5). Parcel ID: 2427-601-0050-000-7 - FIRST READING

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

**ORDINANCE NO. 23-053**

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (1) PARCEL OF +/- 3.72 ACRES LOCATED AT OR NEAR APPROXIMATELY 3307 S US HWY 1 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, 2024; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; MAINTAINING THE SAINT LUCIE COUNTY ZONING DESIGNATION OF COMMERCIAL GENERAL/RESIDENTIAL MULTI-FAMILY; MAINTAINING THE SAINT LUCIE COUNTY LAND USE DESIGNATION OF COMMERCIAL/RESIDENTIAL HIGH; 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 A EFFECTIVE DATE.FIRST READING

**Staff Presentation:**

Kerry Charles, Planner, presented the review and approval of a voluntary annexation at or near 3307 S. US. Hwy 1.

**RECOMMENDATION:**

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning Staff recommends approval of the proposed annexation.

**Questions of Staff:**

Commissioner Gaines inquired on the proposed use. Ms. Charles commented that the use would be residential.

Mayor Hudson opened the public hearing.

Alejandro Toro, EDC, representing the applicant, commented that the commercial portion would be used for the applicants' business.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No.23-053

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

Passed

- c. Legislative Hearing - Ordinance 23-061: Review and approval of a Voluntary Annexation by owner, George Ortiz, to extend the territorial limits of the City of Fort Pierce, Florida, to include one (1) parcel at or near 1703 Totten Road in Fort Pierce, FL 34947. The proposed Future Land Use designation for the subject property is GC, General Commercial, with a proposed Zoning designation of C-3, General Commercial. Parcel ID: 2417-323-0001-000-5 - FIRST READING

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

ORDINANCE NO. 23-061

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (1) PARCEL AT OR NEAR APPROXIMATELY 1703 TOTTEN ROAD, FORT PIERCE, FL 34947 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, 2024; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION AS GENERAL COMMERCIAL; ESTABLISHING THE LAND USE DESIGNATION GENERAL COMMERCIAL; 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 A EFFECTIVE DATE. FIRST READING

Kerry Charles, Planner, presented the review and approval of a voluntary annexation at or near 1703 Totten Road.

RECOMMENDATION:

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

Questions of Staff:

None

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 23-061.

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

Passed

- d. Quasi-Judicial Hearing - Review and approval of an application for a Final Plat, submitted by applicant Tod Mowery of Redtail Design Group, to subdivide 1 parcel of land, approximately 0.81 acres, into 6 platted lots at 601 Hernando Street, more specifically at Parcel ID: 2401-502-0085-000-7.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Michael Broderick - No

Commissioner Arnold Gaines - No

Commissioner Curtis Johnson Jr.- No

Mayor Hudson - No

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Ryan Altizer, Senior Planner, presented the application for Final Plat at 601 Hernando Street.

Recommendation

Staff's recommendation is that the City Commission vote APPROVAL of the final plat, with one condition:

The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with the St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

Questions of Staff:

Commissioner Broderick inquired on the plan for the development of homes with a smaller footprint and setbacks. Mr. Altizer confirmed the proposed use and setbacks.

Mayor Hudson opened the public hearing.

Tod Mowery, Redtail DG, representing the applicant, provided additional information on the lot and explained the plan for it.

Commissioner Curtis Johnson inquired on access to the property and residential square footage. Mr. Mowery explained the access points and provided the square footage is fifteen hundred.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve the Final Plat with one (1) condition.

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

Passed

### **13. CITY COMMISSION**

- a. Resolution 23-R59 Authorizing the execution of a deed to transfer fifteen (15) residential lots and a right of way, known as Oaks at Moore's Creek Phase II, approximately 3.38 acres located between Avenue B and Canal Terrace, to OMCII, LLC, a Florida limited liability company.

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

**RESOLUTION 23-R59**

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE TRANSFER OF 3.38+/- ACRES BETWEEN AVENUE B AND CANAL TERRACE; DETERMINING THAT IT IS IN THE BEST INTEREST AND WELFARE OF THE CITY AND ITS RESIDENTS; PROVIDING FOR APPROPRIATE BUDGET ITEMS; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick to approve Resolution 23-R59.

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

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.

Rick Reed

**15. COMMENTS FROM THE CITY MANAGER**

City Manager Nick Mimms- commented on the success of the partnership with the Treasure Coast Food Bank and highlighted upcoming events.

City Clerk Linda Cox – No comment

City Attorney Sara Hedges – No comment

**16. COMMENTS FROM THE COMMISSION**

Commissioner Gaines wished everyone a happy Thanksgiving and commented on increased police activity during the holiday.

Commissioner Curtis Johnson wished everyone a safe and happy Thanksgiving and commented on Stoney BBQ and other organizations giving back, thanking them for their work.

Commissioner Broderick commented on giving during the holiday season and applauded City staff for their work with the Treasure Coast Food Bank.

Mayor Hudson wished everyone a safe and happy Thanksgiving and commented on the Fire District providing meals on Thanksgiving as well as Mustard seed on 10th and Orange.

**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 Hudson adjourned the meeting at 5:43 P.M.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER