

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, JANUARY 16,2024.

1. CALL TO ORDER

Mayor Hudson called the January 16, 2024, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Hazel Holyman with In the Image of Christ

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 December 18, 2023 Regular Meeting

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the minutes of the December 18, 2023 Regular Meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

- a. Letter from Charlie Hayak expressing gratitude for the exceptional service provided by Aderian Sapp and his foreman, Ernest Riccardi, from the Public Works Department.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson 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.

Jean Woodard 10c.
Jorge Goz 11e and 11f.

10. MISCELLANEOUS REPORTS

- a. Fort Pierce Infrastructure Surtax Citizens Oversight Committee Annual Report 2023

Selena Griffett, City of Fort Pierce Project Engineer, presented an update of the Infrastructure Surtax Citizens Oversight Committee 2023 Annual Report. The report included funding status and the master project list.

The Commission inquired on projects for 2024, reserved funds to leverage for grant funds, and commented on the increased cost of improvements.

Ms. Griffett highlighted the plans for 2024.

- b. Derek Boyd Hankerson, Constituent Service Representative/Event Specialist, Office of Congressman Mast

Derek Boyd Hankerson, Constituent Service Representative/Event Specialist, Office of Congressman Mast offered service to assist the City in driving tourism.

- c. Housing Needs Assessment and Implementation Plan Update by TPMA-Inc.

Aaron Finley, TPMA, presented the Housing Needs Assessment and Implementation Plan update which included relevant document review, market and data analysis, stakeholder engagement, public survey, strategy workshops, and strategic development.

The Commission inquired on incentives for offering affordable workforce housing, resources for developers and landlords, local salaries and data, balancing expansion of the west, the proper balance of homeowners and renters.

Mr. Finley recommended dedicated staff to assist in locating resources, and jurisdictional collaborations to achieve economic sustainability.

11. CONSENT AGENDA

- a. Authorize staff to enter into negotiations for Professional Engineering Services RFQ No. 23-059 to complete a Comprehensive Safety Action Plan in accordance with the requirements of the Safe Streets For All Grant to the highest responsive bidder, Kimley Horn and Associates, Vero Beach, FL.
- b. Approve Avenue B Construction Change Order No 1 for Heavy Civil, Inc., Bid No. 2022-016 in the amount of \$7,548.96.

- c. Approval of request by Cynthia G. Angelos, Esq. for a waiver of potential conflict of interest due to her prior representation of the City of Fort Pierce.
- d. Approval of emergency expenditure to Johnson-Davis, Inc. for 8th Street Emergency Drainage Repairs in the amount not to exceed \$212,845.00 as a piggyback of the Town of Jupiter Utilities Unit Price Contract for Stormwater Utility Infrastructure Repairs, Contract No. S2029, as awarded to Johnson-Davis, Inc.
- e. Approval of the PBA Sergeants' and Lieutenants' contracts for the period of October 1, 2021, through September 30, 2024.
- f. Approval of the PBA Contract for the Officers for the period of October 1, 2021, through September 30, 2024.

Commissioner Curtis Johnson pulled item 11c.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve items 11a, 11b, 11d-11f.

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

Passed

As to item 11c

City Attorney Sara Hedges explained the request for the waiver of conflict.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve item 11c.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
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. Quasi-Judicial Hearing - Review and approval of an application for a Final Plat, submitted by the applicant District Planning Group, to subdivide one (1) parcel into one-hundred and twenty-seven (127) lots with corresponding roadway tract and easements at 5000 Peterson Road, more specifically at Parcel ID: 2407-700-0027-000-9.

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Sara Hedges would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi-Judicial Hearings tonight. Sara Hedges, City Attorney, reviewed the quasi-judicial hearing rules and procedures.

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
Commissioner Jeremiah Johnson – 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 an application for a Final Plat at 5000 Peterson Road.

RECOMMENDATION:

Staff's recommendation is for the City Commission to 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 St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

Questions of Staff:

None

Applicant Questions of Staff:

Leslie Olson, District Planning Group commented on the supply and demand for affordable housing.

Question of the Applicant:

None

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 the application for final plat with (1) one condition.

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

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review), submitted by applicant Francarlos Rivera with TEG Developers, to construct a two-hundred and twenty-two (222) unit rental community with an amenity center and associated development improvements at 3037 S. Jenkins Road, more specifically at Parcel ID: 2325-111-0001-000-2.

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
Commissioner Jeremiah Johnson – Yes (Residents of Briargate via phone and email)
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 an application for a Site Plan at 3037 S. Jenkins Road

RECOMMENDATION:

Staff's recommendation is for City Commission to vote APPROVAL of the proposed Site Plan (Development and Design Review), with four conditions:

1. A completion certification by a landscape architect, cost estimate and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. A gopher tortoise survey will be required per State Statute before construction can begin.
3. Addresses will need to be submitted through the Planning Department for all units prior to building permit applications.
4. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.

Questions of Staff:

Inquired on the sidewalk in lieu of payment, the barriers between communities hardscaped, stormwater pond placement, impervious area, lighting, orientation of one and two-story units, K.O.A., school district input, traffic and stormwater.

Kevin Freeman, Planning Director, explained the sidewalk in lieu of payment, landscaping, stormwater pond placement, and wetlands impervious and pervious areas, lighting plan, the orientation of units, school district input, traffic impact, and engineering stormwater review.

Applicant Questions of Staff:

Francarlos Rivera, TEG Developers, had no questions of staff.

Applicant presentation:

Mr. Rivera provided background on the company, project goals, building specifications, and addressed questions posed by the Commission.

Questions of the Applicant:

The Commission inquired on the target market, traffic impact, rental rates, how properties are acquired, local condition evaluation, trash, similar properties, buffering and landscaping, public transportation, and if public meetings were conducted.

Mr. Rivera explained workforce incentives, and commented on traffic study completion, workforce housing rates, based on HUD rates, most of the company's properties are maintained, similar to the proposed property, privacy fences, buffering, and landscaping. In addition, he explained that a public meeting had occurred in 2021 or 2022.

Mr. Freeman inquired on the fence and suggested an additional condition with fence type and height be added.

Mayor Hudson opened the public hearing.

Debra Johns – Opposed

Kaylee Nanney – Posed Concerns

Jordan Modine – Opposed with concerns.

Christa Stone – Posed Concerns.

Jean Woodard – Inquired on residential input.

Applicant Rebuttal:

Mr. Rivera commented on the scale of the townhouses, fencing, location of the windows, that there are sixty-six proposed two-story units, sight lighting, drainage, ecological impact report, and dumpster location.

The Commission inquired on fencing to prevent access to and from the nearby community, landscaping, and view from the two-story units and shared and shared amenities, reconfiguration of the two-story units and/or the amenities, and the addition of a berm to prevent flooding and visual impact.

Mr. Altizier referenced the proposed landscaping package.

Mr. Rivera explained the shared amenities of the east location and explained that reconfiguring the two-story units would impact the wetlands, and several options have been considered to address drainage and privacy concerns.

Mayor Hudson closed the public hearing.

Commission Discussion:

The Commission discussed concerns with the proposed property and the alternatives due to the current zoning.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve the application for site plan with (4) staff conditions and (1) additional condition that a 5 feet berm is constructed adjacent to Briargate community with Trex fencing and landscaping as shown on the site plan.

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

NAY: Commissioner Jeremiah Johnson

Passed

- c. Quasi-Judicial Hearing - Review and Approval of an application for a Site Plan (Development and Design Review) with a Conditional Use for an Innovative Residential Development by property owner Farrell Communities Fort Pierce Owner LLC, and representative, Michael Sanchez of Farrell Communities, to construct a 488-unit multi-family innovative residential development with a Clubhouse, Pool, Garages, Recreational Courts, and associated site improvements at or near 2535 South Kings Highway in Fort Pierce, Florida, more specifically located at Parcel Control Number: 2323-501-0002-000-0.

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
Commissioner Jeremiah Johnson – No
Mayor Hudson – No

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

Staff Presentation:

Vennis Gilmore, Assistant Planning Director presented a Site Plan at or near 2535 South Kings Highway.

Recommendation:

The proposed Site Plan (Development and Design Review) and Conditional Use applications adhere to the requirements of the City Land Development Code and guidelines of the City's Comprehensive Plan. Therefore, Staff recommends APPROVAL of the requested applications with the following conditions:

1. Prior to the issuance of Building Permit approval, provide colored elevations to demonstrate that the proposed building conforms to the specifications of City Code 125-314, Design Review.
2. A completion certification by a landscape architect, cost estimate and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
3. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.
4. If a monument sign is proposed, please consider installing a landscaped area around the proposed monument sign base which extends a minimum distance of three (3) feet in all directions. Such landscaped area shall be completely covered by ground cover and shrubs, hedges, or similar vegetative materials.
5. No entitlements/units are assigned to the Potential Future Buildings as part of this approval, but it allows City staff to review and approve or deny any application(s) to transfer units between buildings, including the Potential Future Buildings, and/or to phase the project so long as the design intent approved by the City Commission is maintained and the overall density does not exceed 488 units.

Questions of Staff:

The Commission required on the residential entrance(s), amenities, solid waste, and additional features.

Mayor Hudson opened the public hearing.

Applicant Questions of Staff:

Michael Sanchez, Farrell Companies, has no questions of staff.

Applicant Presentation:

Mr. Sanchez provided background information on the company, clarified the location, and provided additional information on the proposed property.

Question of the Applicant:

The Commission inquired on gate and fencing, buffering, phasing, emergency vehicle access, and market evaluations.

Mr. Sanchez clarified the gating, phasing plan, plan configuration, emergency vehicle access, and market evaluations.

Mayor Hudson closed the public hearing.

The Commission commented on the unique nature of the product.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve the application and conditional use with (5) conditions.

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

Passed

- a. Selection of Mayor Pro Tem pursuant to Section 23 of the City Charter which requires the City Commission to select one (1) of their number as Mayor Pro Tem at the first regular meeting following January 1.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines selecting Commissioner Broderick as Mayor Pro Tem.

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

Passed

- b. Submittal of applications to serve on the Communitywide Council as an at-large member.

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

- c. Submittal of applications to serve on the Parking Committee as an at-large member.

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

- d. Resolution 24-R01 addressing a request for an additional extension to comply with the terms of the Quit Claim Deed for 727 S.11th Street .

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

RESOLUTION 24-R01

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, MAKING A DETERMINATION REGARDING THE REQUEST OF KIB CONSTRUCTION CORP. FOR AN EXTENSION OF TIME TO COMPLY WITH TERMS OF A QUIT CLAIM DEED FOR 727 S. 11TH STREET, FORT PIERCE; PROVIDING AN EFFECTIVE DATE.

Mr. Mimms explained the stipulations provided in the original agreement and the extensions provided.

Miriam Garcia, Redevelopment Specialist, was available for questions.

Indy Baksh, KIB Construction was available for questions.

The Commission inquired on the reason for the extended delay and the extension requested.

Ms.Baksh commented that COVID and their architect were responsible for the delays.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve Resolution No. 24-R01 with a 60-day extension from today's date and to follow the law with silt and fencing on the job site.

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

Passed

- e. Resolution 24-R02 receiving the Affordable Housing Advisory Committee Report and presentation of recommendations..

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

RESOLUTION NO. 24-R02

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA RECEIVING THE AFFORDABLE HOUSING ADVISORY COMMITTEE'S STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM AFFORDABLE HOUSING INCENTIVE STRATEGIES REPORT; DIRECTING STAFF TO REVIEW RECOMMENDATIONS FOR FUTURE IMPLEMENTATION AS APPROPRIATE; AND PROVIDING AN EFFECTIVE DATE.

KeAndrea Davis, AHAC Chair, Phil Thompson and Chad Ingram, AHAC, presented the 5 strategies for the implementation of affordable housing.

The Commission discussed the recommendations.

Ms. Cox clarified the goal of the resolution and the steps to follow.

Commissioner Gaines commended the committee on their hard work as a committee member.

Commissioner Broderick commented on the need for an affordable housing navigator.

Mayor Hudson commented on the current legislation regarding affordable housing.

Mr. Mimms inquired about how the Commission would direct staff with their recommendations.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve Resolution No. 24-R02.

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

Passed

- f. Resolution 24-R03 amending the Local Housing Assistance Program (LHAP).

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

RESOLUTION NO. 24-R03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA APPROVING THE AMENDED LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

Johnna Morris, Director of Finance, presented the LHAP amendments which include an increase in LHAP from fifty thousand to one hundred thousand, an increase in rebuild from one hundred fifty thousand to two hundred fifty thousand, and foreclosure prevention.

The Commission inquired on the impact of this change.

Ms. Morris commented that with the current funds, it may affect the number of residents that can be helped.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 24-R03.

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

Hoyt C. Murphy Jr.

Edmundo Marino

Terry Calhoun

Tessa Adams

Greg Rosslow

Laura Murphy

Jacques Chester

Debra Brown

Christa Stone

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms commented on the January 23rd Strategic Planning Session, including homeless and women's programs, and infrastructure to be discussed with St. Lucie County, a joint meeting with St. Lucie County, and 707 N. 7th streets living conditions will be reported to the building department and the Housing Authority.

City Clerk Linda Cox – No comments

City Attorney Sara Hedges – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson commented that he took Congressman Mast and staff to tour 707 N. 7th Street and the need for assistance, the challenges with homelessness and the need for County assistance and strategy, and the work that needs to be done in 2024.

Commissioner Broderick commented on the economic impact of homelessness and unsafe conditions.

Commissioner Jeremiah Johnson commented on homelessness and the role of

religious communities in serving and doing so in the proper locations.

Commissioner Gaines commented on the need for hard decisions to maintain the safety of the City and the great time had at the MLK Parade.

Mayor Hudson commented on the conversation with Pat Murphy and the local non-profit organization working with the homeless to come up with innovative ideas to assist the City.

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 9:56 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER