

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, FEBRUARY 5, 2024.

1. CALL TO ORDER

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

2. OPENING PRAYER- Bishop Fisher with New Covenant Prayer Center Ministries

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines;
Commissioner Jeremiah Johnson; Mayor Linda Hudson

Absent: Commissioner Curtis Johnson, Jr.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to excuse Commissioner Curtis Johnson, Jr.

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

Passed

5. APPROVAL OF MINUTES

- a. Approval of the Minutes from the January 16, 2024 Regular Meeting.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve the minutes of the January 16, 2024 Regular Meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

- a. Letter sent on behalf of the IRSC Foundation's Board of Directors expressing gratitude to the City of Fort Pierce for a donation to the Promise Program.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Item 11j, approval of a partnership agreement between St. Lucie County and the City of Fort Pierce.

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

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
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 comments from the public.

10. MISCELLANEOUS REPORTS

- a. Recommendations from Arts and Culture Advisory Board seeking approval by the Mayor and City Commission.

Marsha Command, Redevelopment Specialist, and Doretha Hair-Trusedell presented the revision of the Art in Public Spaces Ordinance to include the appropriation of fees from private development, thereby increasing funding and requesting sponsorship for the Zora Neal Hurston Festival.

The Commission commented on the benefits of the enhancement of Art in the City, requested clarification on the use of AIPP funding, and defined private funding.

City Manager Nick Mimms explained the funding source and how it was obtained.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to accept the recommendations of the Arts and Culture Advisory Board and direct staff to investigate the ordinance options for AIPP funding.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson
Passed

11. CONSENT AGENDA

- a. Approve ten (10) Agreements for Tax Deed Sale Surplus Proceeds between the City of Fort Pierce and the St. Lucie County Clerk of the Circuit Court and Comptroller.
- b. Award RFP 2024-013 for Disposal of Surplus Property, N. 25th Street, Lot 1 & 2 identified by Parcel IDs: 2408-501-0066-000-6 and 2408-501-0067-000-3, to the highest responsive bidder, Larry Lee Jr. & Family, LLC., and authorize staff to enter into negotiations for the sale of the property.
- c. Award RFP 2024-012 for Disposal of Surplus Property, 1620 Avenue E, to the highest responsive bidder, Sunrise City Concrete Services, Inc., and authorize staff to enter into negotiations for the sale of the property.

- d. Award RFP 2024-011 for Disposal of Surplus Property, 1204 Avenue E, to the highest ranked responsive bidder, Telco Investments, LLC., and authorize staff to enter into negotiations for the sale of the property.
- e. Award RFP 2024-010 for Disposal of Surplus Property - 604 S. 6th Street, to the highest ranked responsive bidder, JoeJohn McVey, and authorize staff to enter into negotiations for the sale of the property.
- f. Award RFP 2024-009 for Disposal of Surplus Property, 706 N. 20th Street, to the highest responsive bidder, Sunrise City Concrete Services, Inc., and authorize staff to enter into negotiations for the sale of the property.
- g. Authorize acceptance of proposal from EnSight Technologies for Parking Count/Guidance System in the amount not to exceed \$189,520.00 plus an annual fee of \$8,875.00 for annual software and support services.
- h. Approval for the Letter of Support for the NOAA Climate Resilience Regional Challenge Grant
- i. Approval of Community Development Block Grant (CDBG) Grant Agreements for FY 2022 & 2023 to receive additional funding.
- j. ADDED ON ITEM: Approval of partnership agreement between St. Lucie County and the City of Fort Pierce for use of property at 435 N 7th Street for the Highwaymen Festival on February 16 and 17, 2024.

Commissioner Gaines requested that item 11j be restated for the record.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to accept items 11 a- 11i of the Consent Agenda.

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

Passed

As to item 11j

Kim Henton, Community Resource Specialist, Grants Department, presented the 7th Annual Highwaymen Festival partnership agreement with St. Lucie County.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve item 11j of the Consent Agenda.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
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. 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. SECOND 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. SECOND READING

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve Ordinance No. 23-060.

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

Passed

13. CITY COMMISSION

- a. Resolution 24-R04 Appointing an individual to serve on the Parking Committee as an at-large member.

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

RESOLUTION NO. 24-R04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF MEMBERS TO THE PARKING COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

The Commission voted on the appointment or reappointment of members to the Parking Committee.

Gus Gutierrez was unanimously reappointed to the Parking Committee.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 24-R04 reappointing Gus Gutierrez.

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

Passed

- b. Resolution 24-R05 appointing Denetria Timms to serve on the Communitywide Council as a target area member.

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

RESOLUTION NO. 24-R05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE COMMUNITYWIDE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Linda Cox explained that Ms. Timms is the only qualified applicant for the targeted area.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 24-R05.

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

Passed

- c. Resolution 24-R06 appointing Gloria Baxevanis to serve as the Arts and Culture Advisory Board as their appointee.

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

RESOLUTION NO. 24-R0

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE ARTS AND CULTURE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Linda Cox explained that the Arts and Cultural Advisory Board agreed to appoint Ms. Baxevanis to the Board at their last meeting.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 24-R06.

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

Passed

- d. Discussion at the request of Commissioner Broderick regarding Amusement Arcades and Arcade Amusement Centers.

The Commission discussed what defines an all-age arcade/entertainment establishment and revising the code for the downtown area.

City Attorney Hedges commented that, based on the preliminary review, her concern is prohibiting establishments and restrictions.

Mr. Mimms commented that Staff will find something that works and bring it back to the Board.

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.

Jeanne Johnson
Pinky Hendley
Christa Stone
Steve Tarr
Steve Meyers

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms commented that his door is always open to City employees, Strategic Planning on Monday, February 12th, FPRA on Tuesday, February 13th, the Highwaymen Festival on February 17th at Moore's Creek Linear Park, the launching of an affordable housing program, and Youth Council call for nominations by March 31, 2024.

City Clerk Linda Cox – No comments

City Attorney Sara Hedges - No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Jeremiah Johnson commented on his door being open to City employees, his desire for movement within a few weeks, and his excitement about City events.

Commissioner Gaines commented on City Staff, reported that he had completed his retirement Board certification, participated in Wagging Tails at Pepper Park trails, and the cancer walk, and responded to the discussion on family amusement/entertainment.

Commissioner Broderick commented on staff pay, Coast Guard career day, and meeting with Mr. Hankerson, Congressional representative on grants and funding.

Mayor Hudson commented to Staff they are supported by the Commission and City Manager and were in Tallahassee last week working on behalf of the City citizens.

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 6:23 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER