

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 TUESDAY, FEBRUARY 20, 2024.

1. CALL TO ORDER

Mayor Hudson called the February 20, 2024, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Jero Brown with Liberty, Truth and Deliverance Tabernacle of God, Inc

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 the February 05, 2024 Regular Meeting.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve the minutes of the February 05, 2024 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. HUWE1 Awareness Month
- b. 65th Pearl Anniversary of the Eta Eta Omega Chapter of Alpha Kappa Alpha Sorority Incorporated.
- c. Engineers Week

7. LETTERS TO COMMISSION

- a. Email from Larry Spero commending Fort Pierce Building Inspectors Kevin Young and Logan Winn for providing exceptional professional service.
- b. Email from Michael Rem expressing his appreciation for Public Works Deputy Director Derrick Johnson and Parks and Grounds Division Manager Paul Bertram's prompt responses and communication, which facilitated the scheduling of a reinspection.

- c. Email from Chris Kein praising Building Permit Specialist Danielle Goncalves for going above and beyond.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. 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 comments

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of agreements for waivers of local match requirements for Hurricanes Ian and Nicole.
- b. Approval of travel for Commissioner Curtis Johnson, Jr. to attend the Florida Black Caucus of Elected Officials 2024 Annual Conference in the amount of \$852.37.
- c. Approval of travel for Commissioner Arnold Gaines to attend the Florida Black Caucus of Local Elected Officials 2024 Annual Conference in the amount of \$852.37.
- d. Approval of unit price construction contract with The Paving Lady pursuant to Bid No 2023-044 for Annual Street Resurfacing.
- e. Approval of evaluation committee recommendations for providers identified in the following service areas for the Miscellaneous Professional Continuing Services RFQ No. 2024-005 for an initial period of two (1) year with three (3) one-year renewal options: Architectural, Environmental Testing, Facilities Engineering-Mechanical, Electrical, and Plumbing (MEP), Facilities Engineering-Structural, Hydrogeological, Landscape Architectural, and Urban Planning.

Commissioner Curtis Johnson pulled item 11d.

Commissioner Gaines pulled item 11c.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve items 11a, 11b, and 11e 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 11c

Commissioner Gaines commented on the purpose of attending the Florida Black Caucus Of Local Elected Officials conference.

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

Commissioner Curtis Johnson inquired about the paving project including targeted areas.

Selena Griffett, City of Fort Pierce Project Engineer, provided an update on street paving and highlighted the surtax, eight streets chosen for 2023/2024, and the need to obtain a contract so the process may be expedited.

The Commission inquired on the commitment of the contractor to complete the services.

Ms. Griffett commented on the contractors' process and work history.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve item 11d of the Consent Agenda.

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 an application for a Major Amendment to a site plan at 2011 S. 13th Street, Fort Pierce, submitted by applicant Culpepper and Terpening, Inc on behalf of Trinity Lutheran Church of Fort Pierce. Parcel ID: 2416-504-0750-000-2

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Sara Hedges would read regarding Quasi-Judicial Hearings. 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:

Kerry Driver, Planner, presented the review and approval of an application for a major amendment to a site plan at 2011 S. 13th Street.

Staff recommendation for the City Commission to vote approval of the major amendment.

Questions of Staff:

None

Applicant Questions of Staff:

Thomas Degrace, Culpepper & Terpening, Inc. had no questions of staff.

Questions of the Applicant:

Commissioner Gaines inquired on the number of students to be serviced.

Mr. Degrace commented that one hundred and twenty students would be serviced in six classrooms.

Mayor Hudson opened the public hearing.

Michelle Danaluk commented on selective enforcement.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve the application for a major amendment to the site plan at 2011 S. 13th Street.

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

Passed

13. CITY COMMISSION

- a. Resolution 24-R07 approving the subordination of a utility easement held by the City for the FPUA to FDOT for highway purposes.

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

RESOLUTION NO. 24-R07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, APPROVING THE SUBORDINATION OF UTILITY INTERESTS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Sara Hedges explained the purpose of the resolution.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Resolution No. 24-R07.

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

Passed

- b. Resolution 24-R08 approving UA Resolution setting new rates for FPUANet

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

RESOLUTION NO. 24-R08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, APPROVING RATE CHANGES FOR FPUANet SERVICES AS CONTAINED IN RESOLUTION NO. UA 2024-01 ADOPTED BY THE FORT PIERCE UTILITIES AUTHORITY BOARD; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR EFFECTIVE DATE.

Jason Mittler, FPUA, provided an overview of FPUANet, rate reduction, new tiers of service, and the affordable connectivity program.

The Commission inquired on the radius of Wi-Fi and how citizens can obtain the service.

Mr. Mittler commented that the service area is an estimated five hundred feet and to determine availability, go to www.fpua.net and type in their address.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution 24-R08.

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

Passed

- c. Resolution 24-R09 Authorizing the City to enter into a lease with the United States of America for tenant, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), of the 4th Floor of the Sunrise Center, 310 Orange Avenue.

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

RESOLUTION NO. 24-R09

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE LEASE OF THE 4TH FLOOR OF THE SUNRISE CENTER, 310 ORANGE AVENUE, FORT PIERCE, FL, TO THE UNITED STATES OF AMERICA FOR TENANT, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Jeremiah Johnson expressed his dissatisfaction with the revised language of the proposed lease agreement.

Mike Reals, Director of Public Works, presented the update to the proposed lease of the 4th floor of Sunrise Center including the addition of the small business plan approval.

The Commission inquired if the City of the Government initiated the changes, the purpose of the small business plan, if the changes are available to the public, contingent cost if not approved, fees, to Collier International, and commented on the proposed changes.

Mr. Reals commented that the changes were made by the Government and a waiver was requested for the small business plan but denied.

City Attorney Hedges commented that all the documents are available to the public and referred the cost associated with Collier International to Mr. Mimms.

Mr. Mimms commented that Collier International contracted at a flat rate.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to deny Resolution No. 24-R09.

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.

Michelle Danaluk

Kris Einstein

Ekrem Uzman

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms highlighted the City Manager and purchase order reports, the Highwaymen Festival, event at the A. E Backus Museum, and events Downtown.

City Clerk Linda Cox- No comments

City Attorney Sara Hedges- No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines commented on the Highwaymen Festival, prioritizing a resolution to the "bubble plan", relocation and closing of local businesses, and congratulated the proclamation recipients.

Commissioner Broderick commented on the upcoming meeting with Congressman Mast's Representative, planning and zoning processes, and Sunrise Center 4th-floor usage.

Commissioner Curtis Johnson commented that he could support the exploration of

the use of the Sunrise Center on the 4th floor, and thanked the staff for participating in the Highwaymen Festival.

Commissioner Jeremiah Johnson commented on Sunrise Center's 4th floor and Brightline.

Mayor Hudson commented on the Sunrise Center's 4th floor, the Highwaymen Festival, the 27th Anniversary of the Downtown Farmers Market, Nature Fest, the Cracker Trail, and the Great American Cleanup on March 9th.

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 6:46 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER