

MINUTES OF A REGULAR POSTPONED 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 6:30 P.M. ON TUESDAY, JANUARY 22, 2008.

Mayor Benton called the meeting to order.

Reverend John Lee, Mount Olive Baptist Church, gave the invocation.


The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and Reginald Sessions; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None

The next item on the Agenda was Approval of Minutes of the Regular Meeting on January 7, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the Minutes of the Regular Meeting on January 7, 2008.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Mayor Benton proclaimed January 15, 2008 as  Alpha Kappa Alpha Day. Ms. Mazella Smith was present to receive the proclamation.

Ms. Mazella Smith, Director of Administrative Services, said she is yielding to their Charter members - Carnelle Clifton, Mazie Epps, Zanobia Jefferson, Emma Loman, and Cora Monroe. These are some of the ladies who established their organization back in 1959.

Mayor Benton said two of them were his teachers in High School.

The following letter will be kept on file in the City Clerk's Office:

Letter from Mathew Kaphan in appreciation of the time and service provided by Jack Andrews, City Engineer.

The next item on the Agenda was Ordinance No. K-651, Extending the territorial limits of the City to include 875 W. Midway Road. (Owned by: William & Charlotte Nelson)
SECOND READING

City Clerk Steele said Staff is recommending that this item be postponed until the February 19, 2008, City Commission meeting.

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, to postpone second reading of Ordinance No. K-651 to the City Commission Meeting on February 19, 2008.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Mr. John Donahue, Boyle Engineering, to give State Road A1A Status Update.

Mr. John Donahue, Boyle Engineering, said they have all received his report. There is some good news. They were able to have some discussions with the Pelican Yacht Club. They have given a report to the City Engineer and he believes that Mr. Andrews and Staff are working on addressing some of the issues there. Also the Fort Pierce Utilities Authority is out there in Phase 1 doing the potholes to identify the location of the underground water

and sewer lines so they can continue with their design. They tell him that they expect the report to be finished sometime mid February.

Commissioner Coke asked do they have an update for Harbour Isle roundabout?

Mr. Jack Andrews, City Engineer, said he was on the phone with FDOT at 5:30 this evening. It appears they are getting close again. FDOT has new members...

Commissioner Coke asked didn't FDOT tell them that in November?

Mr. Andrews said there are new members from FDOT working on it. They are preparing the Subordination Agreement that they need for the utilities. That should be in the City Attorney's hands, if not already, tomorrow. So they are moving along. He is in daily contact with FDOT now.

Commissioner Coke said she will remind Mr. Andrews, because she believes he was at the meeting in November when they promised her that December 5th they would have a start date for construction on that roundabout.

Mayor Benton said he knows they had a scheduled phone discussion with FDOT on Friday, but he was lead to believe things were progressing along and that didn't need to take place.

Mr. Andrews said he talked to them on Thursday and they requested that not take place, that they were moving in the right direction and they didn't feel the need for it, but they would be in constant contact with him.

Mayor Benton asked did he tell them if no permits are ready by next Friday, they will have that discussion?

Mr. Andrews said he will keep them informed. At the same time they are out for bid for Phase 2B and for the roundabout. They had a couple of prices he had requested for the roundabout, but they are putting the whole phase out to bid now, so that will be on the streets this week.

Commissioner Sessions said on Phase 1, in his memorandum it talks about the conflicts: "...there is a good chance for numerous utility conflicts, and proceeding with the final design at this time may drastically increase the cost of the construction." That somewhat scares and concerns him because that looks like a blank check. And who is to sign that check? Is it the citizens of Fort Pierce? Is it the Fort Pierce Utilities Authority? He sees the Fort Pierce Utilities Authority's name written all over this. It even scares him more because the methodology and the justification for a lot of the rate increases with the Fort Pierce Utilities Authority arise from the demands - according to the FPUA - that the City puts on them for a lot of the new constructions. So who is going to be responsible for that possible drastic increase for the construction costs?

Mr. Donahue said he thinks that question probably should be directed toward the City Engineer, because he doesn't get into the contractual issues between the Fort Pierce Utilities Authority and the City of Fort Pierce. The reason they are asking them to do potholes is because they base their design using as-built drawings or record drawings that FPUA has that shows the locations of their pipes. Sometimes those are not correct, sometimes those don't show all the laterals leading to the residences there. They would like to know the exact locations of potential conflicts with their drainage structures. So if there is an adjustment that can be made to move a structure from here to there to avoid a conflict with the utility line, let's do that before they start digging a hole in the ground and encounter a conflict at that time, because then the contractor can say it is a change of

scope and pretty much ask whatever he wants to make an adjustment. As far as the contractual issues between the City and the Fort Pierce Utilities Authority, he is going to have to defer to Mr. Andrews on that.

Mr. Andrews said that is the reason why they went ahead with this extra step. They call it potholing. It is to go out and physically locate the existing utilities they have in there so they know what they are getting into prior to the design being finished. So they are not going out there blind when they get the contractor out there. Hopefully they are going to avoid these drastic increases in construction costs by doing this extra step. Any time that they do have conflicts with the utilities where they have a conflict with drainage and water and sewer, it is the Utilities Authority's responsibility to either relocate or provide for a conflict manhole or whatever to avoid these conflicts. So the cost in a roundabout way doesn't come to the City, but it would be the responsibility of the Utilities Authority. He will remind the Commission that the remainder of the drainage work and the road work is being paid by FDOT. They are hoping to avoid these increased costs.

Commissioner Session asked as far as the funding of this project, who bears the cost of this project?

Mayor Benton said when it comes to the utilities part of it, the undergrounding, that is a partnership between the Fort Pierce Redevelopment Agency; and the Fort Pierce Utilities Authority is picking up a very minor part of the cost.

Commissioner Becht said he is looking at Mr. Andrew's memo of January 16, 2008, and it says that Dickerson has completed the sidewalk construction from Coconut Drive south of Blue Heron Boulevard. That is not correct. He was out there on the 17th of January. It is not complete. There are two or three sections in there south of Coconut Drive. So if they put in a draw request, it is not done. There is actually a section of the sidewalk that has not been finished. It is asphalt and it has a big gaping hole in it with one little blinking light on it for somebody to step into. He doesn't know when it will be done, but it was not done on Thursday of last week.

Mr. Andrews said that is correct. There is that small section right by the Clipper Boulevard that goes into Ocean Village that is not completed. He believes there is another section up by Coconut Drive.

Commissioner Becht said this is within 50 yards of Coconut Drive.

Mr. Andrews said one of the problems is, there is a drainage pipe coming out of the Ocean Village retention area.

Commissioner Becht said he is okay with it being the way it is. What he is not okay is Mr. Andrews sending a memo saying it is all done and Dickerson submitting a request for payment when it is not done.

Commissioner Alexander said in the same paragraph it is speaking of Dickerson has completed the milling. He thought there was no longer milling done in the City of Fort Pierce.

Mr. Andrews said what that is referring to is the old asphalt was milled off and new asphalt was put in. There was a section from Coconut Drive south to Blue Heron Boulevard where the roadbed was acceptable and the base was acceptable, and the existing asphalt was milled off and then new asphalt was placed on that.

Commissioner Alexander said maybe he needs to ask the definition of what milling is.

Mr. Andrews said he believes what Commissioner Alexander is referring to is when they take the actual millings and use them for a different purpose.

Commissioner Alexander asked so that is not what they are talking about here?

Mr. Andrews said no.

Commissioner Alexander said he just wanted to make sure for the record that there is no milling going on because he had a couple of citizens get eaten alive because of their use of milling.

Mayor Benton said he thanks Mr. Donahue and they will probably see him in February in Tallahassee.

Mr. Donahue said yes.

Mayor Benton said so everyone knows, if they approve his expenses to go up there, that is for the additional \$7 million that they do need to fund the reconstruction of A1A. Hopefully the State will find it in whatever budget they do have this year - this is the second year they have asked - so they can finish that project. It is on their priority list when he goes up there in February.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-03

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2008 LEGISLATIVE SESSION."

Commissioner Alexander said in the reading of the resolution, it says certain issues. Are they just telling the public they are sending it carte blanche? Are they going to tell them exactly what they represent?

Mayor Benton said in other words, what these issues are.

City Manager Dennis Beach said he believes those issues are defined in Section 1 of the Resolution. The Florida League of Cities prepares a list of objectives that they pursue each year. What they try to do is to get all of the municipalities to pass resolutions supporting those objectives. Those objectives are listed in Section 1 of that resolution and he believes that is all they are agreeing to.

Commissioner Alexander asked how do they get this type of information to the public so they would know exactly what they are talking about?

City Manager Beach said this resolution is one of the means that they would use for that purpose.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 08-03 be adopted.

Those voting in favor of the adoption of Resolution No. 08-03 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-04

RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, ADOPTING A **SOCIAL SECURITY NUMBER COLLECTION POLICY**; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 08-04 be adopted.

Those voting in favor of the adoption of Resolution No. 08-04 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-05

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE MAYOR'S APPOINTMENT OF **CAROLE MCGARY** AS A COMMISSIONER ON THE **FORT PIERCE HOUSING AUTHORITY BOARD**; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 08-05 be adopted.

Commissioner Alexander said he is beginning to have serious thoughts coming out of that Housing Authority because of the representation that is there on those boards. Again, he is seeing it being swayed one way or the other, but it is not to the benefit of the African American which is completely, not 100% but the majority of them are African American living in it. And with the representation that they have on that Board is not the same. He understands there is another vacancy coming. He is here to uphold this motion here.

Commissioner Sessions said along those same lines, he had an opportunity to serve on that Board. When they look at the individuals that are affected by that Board's decision, for the most part those individuals live in the Housing Authority projects. He feels that it is essential that they have individuals who reside in these positions that are somewhat sensitive to the needs of those individuals themselves, individuals that have broadened their horizons in the community and have been involved in all aspects of what serving in that type of position could actually have an impact on those people. He looked at the individual the Mayor proposed. He doesn't know her personally, but just from looking at her application, it said she was very involved in real estate. Selling real estate however, he didn't see where she was civically involved in any type of governmental functions in their area or her familiarity with the Housing Authority projects and things of that nature. So for future purposes, he would hope that when they do appoint individuals, especially for this Board itself with what is going on over there and the project area and what they have gone through and what is going on with the administration, that they appoint individuals that have been involved and know the issues and will in fact be able to embark on the issues and make a difference over at the Housing Authority Board.

Mayor Benton said just so everyone knows, his appointees have been Mr. Nunn who came in with a recommendation from Mr. Brenner and also with a little experience. Reverend Brown, who he knew had experience in the community and also a businessman, he thinks represents the community very well. Ms. McGary, when he asked some questions one day in his wife's office, this woman presented him with a lot of information on Housing Authorities and Section 8 that he didn't know, so she appears to know a lot about it. What he is looking for in the Housing Authority, right now they are in a position where they have to find a Director very quickly. He is a little unhappy that a Director hasn't been found yet.

They have been looking now for several months. The past Director, Mr. Brooks, took a big part in the community and he sat on several Boards with himself, from the Executive Roundtable to Weed and Seed. They haven't seen anybody representing the Housing Authority recently. So he is hoping they get in there, take care of business, get a new Director, and get somebody who can represent this whole community. He sees cliques in there where the right people aren't getting into public housing. He thinks it is very important that they get the right people in there. They do have another appointment coming up. Mr. Williams time is up in February also. He hasn't heard back from him. He did ask Mr. Williams if he would stay on until they found an Executive Director because it appears they are almost through the process. But he is looking for names right now and people who would put in an application from the community who has experience in this so that they can get the right people on that Board. If the Commissioners have somebody in mind, please ask them to fill out an application.

Commissioner Alexander said that is what he did do. He just thinks about the community as a whole and he did ask a couple of people to put their name in. Again, he is opening it up for the whole Board. He just sees things going on. When he has people complaining that they are handicapped and they have to pay for their own accessibility to their home, then he thinks something is wrong there. That can't be right. They need to start here.

Mayor Benton said Commissioner Alexander has been to Board meetings with the Housing Authority. He hopes if the others get a chance to drop in on one, please drop in. He is looking for a Director who can really make things happen over there.

Those voting in favor of the adoption of Resolution No. 08-05 were: Commissioner Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was City Manager discussion on refinancing of the taxable Sunshine State Loan Fund.

City Manager Beach said approximately 18 months ago the City acquired a \$30 million loan from the Sunshine State Loan Fund. They acquired that for two different purposes. They had \$10 million or \$12 million of it that was applied to a public project which became a non-taxable debt. And they had another \$15 million of it that was applied to taxable debt. What that meant was that the interest rate charged on that loan was substantially higher for the taxable debt. Over the past year they have had a shift in the market and a shift in the use of the funds from what they originally intended to do. The result of that shift has been that they now believe that the \$18 million they set up as a taxable loan is now non-taxable. What they have asked their finance consultants to do is to bring back a package to the Fort Pierce City Commission refinancing that \$18 million from a taxable to a non-taxable loan. What that means is millions of dollars in interest over the term of the loan. What they are looking for this evening is simply the City Commission's direction to move forward with this. They get another bite at this probably either at their next meeting or the one after that when the documents will actually be prepared and a lot of the details are worked through with the City Attorney's office and their financial advisors.

Commissioner Becht said if he understands correctly, what they are trying to do here is they have roughly \$12 million that they allocated to a non-taxable designation which resulted in a cheaper interest rate for the City, and they allocated \$18 million to a taxable designation. Mr. Beach is recommending that they convert that debt amount from taxable to non-taxable.

City Manager Beach said yes.

Commissioner Becht said they are not increasing the debt on the City.

City Manager Beach said in fact, they are probably lowering it.

Commissioner Becht said the principal amount they owe will stay the same, it is not increasing.

City Manager Beach said it depends. They may even reduce the principal by \$1 million or so for various reasons that will show up when they get the documents.

Commissioner Becht said he thinks he knows what that would be because he thinks they were escrowing some of the future payments.

City Manager Beach said yes, that is correct.

Commissioner Becht said he doesn't know that they need to have the discussion tonight, but he is interested in discussing at some point what they are going to do with the grant monies that are coming back from the State that Mr. Ward and others were successful in getting for them on the Rollins property. That might be more appropriate to talk about at the capital improvements project workshop. As he read these documents, he saw they contained a clause that says there will not be any pre-payment penalties; so if they wanted to pre-pay it, they could without penalty. Is that Mr. Schwerer's understanding? He would really like to get that in the record that his understanding is the same as his.

City Attorney Schwerer said that is correct. There are a number of changes to this document. This is their standard loan agreement. They negotiated other changes.

Commissioner Becht asked no pre-payment penalty?

City Attorney Schwerer said right, absolutely none.

Commissioner Becht said based on the experts they have hired, the existing rate will drop substantially. The per year savings with their conservative model was like \$140,000 per year. It would be his hope that they don't have this debt for the full 30 years. If they did, the savings would be tremendous in interest. But he would hope to get it paid back sooner.

The cost of refinancing was not in his packet and he doesn't know if anybody is prepared to give them an estimate on the cost of refinancing.

City Manager Beach said he doesn't have that at this point.

Commissioner Becht said when Mr. Beach brings it back then. There is a provision for roughly one-third of a point in insurance on that. And on \$18 million, it was like .385. There is an insurance premium and it looks like that is going to have to be paid up front. It also looks like there has to be a dollar amount that is put in a reserve account. He thinks they are already doing that, if he understood the old loan correctly, that they have money set aside for future payments, so that is not going to be a big difference. There is a statement in here that they are making a representation that they are converting this from taxable to non-taxable because they have made a decision to hold the property. He wants to be real careful what he puts in the record here. But he doesn't think they have changed their minds. He thinks the market changed their minds.

City Manager Beach said let him describe that for the record. Two of the acquisitions, having to do with Moore's Creek and the Rollins property, are clearly properties they are going to keep. They do not intend to turn those properties, those are public properties. The City Attorney and he are still working on the M&M property and they will have that resolved by the time this comes back to the City Commission for action.

Commissioner Alexander said maybe Mr. Beach could just continue that what he is speaking of. But his concern is, how did they get to this point? Why did it not in the beginning when they went after this loan, why did they not do it in that way of non-taxable loan?

City Manager Beach said the stated purpose of the Sunshine Loan Fund originally was to acquire property around Fisherman's Wharf. The intent was to acquire that property and return it to the private sector within a three year period of time. Through a series of steps taken by the Commission, they diverted those resources to purchase the Moore's Creek property and to purchase the Rollins property. Both are going to be permanent public properties, which makes them non-taxable. Those were deliberate and conscious decisions made by the Commission for the purposes of qualifying for about \$5 million worth of resources from the State of Florida. So it has worked out very well to their advantage. But that is how it came into the circumstances it is today.

Commissioner Alexander asked if they had gone this direction in the beginning, would they be in a better situation or be the same or what? One last thought, they are speaking about the property... What is the marina over there they just bought?

City Manager Beach said M & M.

Commissioner Alexander asked that property over there they say is going to stay in the City's hand?

City Manager Beach said that is the property that the City Attorney and he are still discussing as it relates to this issue, as it relates to the non-taxable portion. So out of the \$18 million, that portion of property represents about \$5 million of the issue. And they will have that resolved before it comes back to the Commission.

Commissioner Alexander asked if they were to sell that property, then would they be in default of this loan?

City Manager Beach said they wouldn't be in default of the loan. There would be steps they would have to take in order to comply with the details of the loan, such as a pre-payment of it. If they were to sell it, he thinks they would be responsible to take those resources and pay it directly on this note.

Commissioner Alexander said he heard Mr. Beach speak of Moore's Creek. He thought that Moore's Creek was properties that they are converting those properties over to those owners? Are they going to be building homes on properties they will never own?

City Manager Beach said no. The properties they acquired as a result of the construction of the Moore's Creek itself, the Linear Park, that is one set of properties. The properties they are conveying for ownership for construction is a different set of properties.

Commissioner Alexander asked when they speak of Moore's Creek, they need to be saying Moore's Creek Phase 1...?

City Manager Beach said he thinks Moore's Creek Linear Park would be a more accurate description of it.

Mayor Benton asked renegotiating this with the Federal government cutting interest rates three-quarters of a percent, will that affect this even more?

City Manager Beach said he doesn't know the answer to that. He doesn't think Mr. Bergalis does either.

Mayor Benton said he would hope so. If they haven't finalized anything yet, hopefully that will bring that down even more.

The next item on the Agenda was City Attorney report on changing the Election Date.

City Attorney Schwerer said he has before the Commission a fairly detailed report from his office discussing a number of issues and a number of legal requirements should the City consider changing its election date. He is going to go through this as briefly as he possibly can and is prepared to discuss in any level of detail the Commission wishes on any of these issues. The City's election date, which is the first Tuesday after the first Monday in December, has been the City's election date since 1905. Essentially that was the Charter in 1905. That was reaffirmed in 1980 when the City in the late 1970's changed the terms of Commissioners to be four years. Previous to that it was a two-year term. It was changed to be a four-year term and the election date remained the same. He needs to point out that with municipal elections the law is very different with respect to that and the dates they can have such elections as opposed to the state, national, and federal. The Federal government is regulated by Federal Statute that requires elections to be on the first Tuesday of November of every other even year. The State has a State Statute which provides that all state offices, all constitutional officers such as Clerk of Court, Judges, Sheriffs, County Commissioners, etc. are all required to be with the State and National elections in November, so they have no choice. Municipalities have a choice because of the Home Rule Powers Act. Florida Statute 166 preserves to all municipalities the ability to select its own election dates for its own purposes. So that is why municipal elections are held differently in most cases than the state or national. His office was presented with basically two options that the Commission was discussing. There are any number of other issues or options that they could present. The first option was simply changing the election date from the December date that it is now established for odd years and moving it back to perhaps a November date. If the Commission so chooses to discuss or do that, it can be done by a simple ordinance. That does not require a voter referendum. A voter referendum would be required for different topics, but not that. If they do decide to move their election date, they have to consider what they might want to do with their runoff election because that would need to change perhaps. They also need to consider their qualifying period. That might need to change perhaps, because their current qualifying period is the second Monday in October through the following Friday in October, that is generally the second week of October. So if they held an election in one month as opposed to two months down the road, they might want to consider that. The second option that was discussed amongst the Commission that he heard was trying to coordinate the City's elections with the State and National elections which would be held the first Tuesday after the first Monday in November of even-numbered years. Florida Statute 110 establishes that date for all those elections. If they were to do that, there is some concern that they would obviously need to move their terms of their Commissioners because they are elected for four-year terms in odd years every two years. To try to get on an even year schedule, they are going to have to shorten terms or lengthen terms of both groups. There are two groups that are elected. They have what he calls Group 3 of 5 and Group 2 of 5. The 3 of 5 group consists of the Mayor and one Commissioner from District #1 and one Commissioner from District #2, which was just elected in the 2007 year. The next group that will come is the Group 2 of 5, which is one Commissioner from District #1 and one Commissioner from District #2. That election will happen in two years, in December of 2009. So they have got to try to coordinate their elections if they want to go with even years by extending it out to an even year or reducing it down to an even year. There are a number of options they can do there. However, there is some debate in the legal field, and the Attorney General opinions are not all that clear, as to whether changing terms of Commissioners voluntarily or involuntarily. He says involuntarily, because if they have an ordinance done by 3 of the 5 Commissioners, which is what it takes to pass an ordinance

and then submit it to the electorate, that may not be agreeable to some of the members if they were to shorten their terms to coordinate that election to be held. So there are issues there as well. They have to address also their initial qualifying period because of the date and they will have to address their runoff election. Because if they coordinate with State and National, they are on a primary system which is 10 weeks prior to the election is their primary, and then the general election in November. Currently if there is more than one candidate for office, the way the City elections work is if during the first election no candidate gets 51% or more of the vote, then there is a runoff between the two highest. So they may wish to choose to have a runoff election like it remains or they may wish to choose a primary election which would occur ten weeks prior to the general election. If they go that route, essentially they will most likely have to submit at least one or two of the issues to the voters because they are changing terms of their Commissioners. He had pointed out a number of other issues that they may wish to consider if they debate this and wish to continue debating it. He has already talked about in his report the historical precedent that the City has been on this election schedule since 1905. He did discuss in here the other municipalities. He asked for a report from the City Clerk. It shows that when given a choice, 88% of the Florida municipalities choose a date which does not coordinate with the National and State elections and instead is on a date which they themselves select. Only 12% of the municipalities have an election date which coincides with national elections, that is 51 out of 410 reporting. According to the City Clerk's report he received, there were 410 municipalities reporting their election dates in the document they looked at. 51 coordinate in November even election year and that translates to 12%. So 88% choose to have it on other dates. It looks to him like the majority of cities in Florida, approximately 135 of the 410 are in the month of March. Other cities within their immediate area that do not have elections with the National or State date include St. Lucie Village which is in May 2007; Vero Beach which is in March 2008; Sebastian which is in March 2008; and Stuart which is in November 2007. He also pointed out in the report that they have to really consider the impact of the Presidential election as it may have on that group which has to be elected should they change the date to concur with that election. They are going to be running on a ballot with any number of other issues. They are going to have all the national and state and local issues presented on that, the tax issues, and of course the Presidential election which carries with it the normal indicia of the signs, the media attention, the party affiliation, the democrat/republican issues, and the national or state issues that are pressing at the time. They should consider what effect that may have on their election. There are some voter statistics here that they were able to obtain from Gertrude Walker's office. The Supervisor of Elections provided them with some numbers. Sometimes the voter turnout is higher, sometimes it isn't, so it is obviously geared toward when certain candidates are being elected and what issues are on there. Understand that these numbers are across the board St. Lucie County-wide. They didn't have the ability to break out to see what percentages... He is sure Ms. Walker's office could do that for them if they wanted to see what the voter percentage was of Fort Pierce voters. There is a list of Fort Pierce precincts that they could tabulate to determine what the percentage was of Fort Pierce voters. Because in many of these years they are getting Port St. Lucie issues with tax issues such as stormwater and other things going on that they may be more inclined to come out in greater numbers to vote for. So the bottom line number needs to be analyzed with respect to where the votes are coming from, Port St. Lucie or the County as a whole. There is this election cost issue which is costing the City approximately \$25,000 for the elections that they need to consider. If they are going to be given coordination of dates with the other elections for national and state, they probably would need an Interlocal Agreement to assure that they are not going to be charged. The final thing he pointed out - and he is not sure what literature exists on this, he tried to obtain something but couldn't at this point in time, but he is sure it is out there - is the absentee voters. They saw in this last election for the City this great number of absentee votes that were put in. Florida law no longer requires that they have a particular need for an absentee vote and they can ask for an absentee vote on a permanent basis without specifying a reason. So what they now have, which they didn't have in any prior years, was the ability of voters to now simply call

the Supervisor of Elections office and request that the form be sent, fill it in. All their voting that occurs on issues they can vote on, they will be sent a ballot. That ballot can be studied, read, and it costs a \$.41 stamp to mail it back in rather than a trip to the polls. It is anticipated that will hopefully increase voter participation and perhaps get a greater number of voters to vote on the particular issues since they don't have to drive to the polls. But that obviously is subject to further study and some statistics out there. That is essentially the report they prepared for the Commission.

Mayor Benton said Gertrude Walker, Supervisor of Elections, is here with them tonight. If Ms. Walker would like to join into this discussion, because this is something they have talked about several times since he has been on this Commission and it was something that was an issue. In the last two campaigns he asked that it be on the agenda with this discussion early December or maybe it was November, just to talk about it one more time. The commitment he made was he would do what he could do to move this to the first Tuesday in November. To change it to a Presidential year would take a Charter change which could be a lot more complicated plus it would be adding years on to folks and/or taking years away from the future elected officials. With that, he will open it up for discussion.

Commissioner Alexander said his question that has been troubling him for the time period, he heard that the cost of each election is why they should change those dates. Maybe Ms. Walker could elaborate on that. The cost they say is \$25,000 or \$30,000 per election. How can they save the citizens that \$25,000 or \$30,000, to move it to even years or move it back a month or what?

Ms. Gertrude Walker, Supervisor of Elections, said it is a pleasure to be here to talk to them about this important issue. The cost of elections, it would not make a difference whether they had it on an even or odd number year.

Commissioner Becht asked did Ms. Walker say it would or would not matter?

Ms. Walker said it would not matter whether they have the election earlier or later in a year. But if they placed it on the general election ballot and the primary ballot on the even-numbered year, of course there would be no cost to the City to conduct the election. They pay for the ballots and anything printed on that ballot is going to cost the same thing. They have to prepare for the election, hire poll workers, and prepare for all of the expenses for the election for the County election; therefore they can't charge the City any additional because they are conducting a countywide election anyway. The City of Port St. Lucie did change, it took them quite a while to change over to the primary election and general election and have a primary as well as a general election as the State elections are conducted on. But that was one of the reasons that they chose to do so was to do away with the cost of elections. They will continue to escalate because, as the City Attorney just alluded to, they are conducting two kinds of elections - one at the precinct that has always been the cost of conducting an election, but now they have a mail election where the voters can of course just request ballots. They do have to print all of the envelopes and pay the postage for them to mail those ballots and then the staff to process those ballots when they come back. So the cost is going to continue to climb. As for technology, they have to pay more for their poll workers because they are not able to get just the ordinary housewife to come in and conduct the elections. They have to train them on laptops. They have to operate the laptop, they have to be able to operate the touch screen and the technology. So it is becoming more and more difficult and costly to find people who want to do that. So she doesn't see any end in sight to cost escalation, the same as with other living expenses.

Commissioner Sessions said when he hears what their Supervisor of Elections is saying with regards to the \$25,000, as well as the City Attorney, he guesses they need to approach it from a cost/benefit analysis. Certainly when their Legislators created the laws

that protected municipalities and allowed them to have these isolated elections, it was for a reason. They would not be on the ballot with national issues or with state issues where they would see convoluted ballots, where individuals who were voting in City elections had somewhat different concerns. He believes that was the intent of the Legislators in creating that. This is a privilege they have, an isolated election. Let's face it, if they get involved in this and they change this, they are going to face issues of great competitiveness. When they look at national and state elections, it is going to have a serious impact on their City elections. He thinks they would be doing themselves more than injustice than a justice if they were to actually change this. He thinks it is incumbent upon a candidate for Commissioner or Mayor to work hard and diligent to get his message out to the potential voters. If in fact there is a low turnout, as far as he is concerned there is a failure on the part of the candidate. They have to stir up the interest of those individuals and they will come forward and participate when they realize and understand that the issues directly address them and therefore they will participate. With the new absentee ballot policy, he feels it is going to be the new way of voting in the new millennium. Whereas at one time they had to have an excuse to vote absentee, now that is no longer needed. They can just cast their vote by way of absentee. It did affect his election. There was a substantial number of people who voted absentee this time. It sort of caught him by surprise. Now individuals can just cast a ballot absentee without any reason. He thinks the percentages went up almost about 34% or 35%, which was a drastic impact in terms of voter turnout, so it is working and it is making a difference. So if they are addressing this issue from a standpoint of trying to save themselves \$25,000 from the cost/benefit analysis, he thinks it is well worth the \$25,000 to keep an isolated ballot for individuals that live in the City to address their concerns with regards to services, the impact that it has on them, and elect individuals who share their platform. To convolute it with someone with issues dealing with national security or state laws or social security issues and things of that nature, he thinks is just going to convolute the ballot itself. They have a benefit, they have a privilege. To be honest, if they were on the national ballot he would be an advocate for trying to change it so they could get off the ballot. That is his position. He thinks what they have in place now is a benefit for them. He can't reiterate enough how incumbent it is for the candidates to get out, make a difference, let the voters know that they have a platform. If they are successful at doing that, if they are strategic in doing so, they will see a stronger turnout in addition to the fact that now people can vote absentee ballot.

Mayor Benton said that is one reason why he brought it up. He guesses there is a good reason why 88% of the municipalities in Florida have their election on an off year and a different month. But when he looks at it, the majority of them are either in March or in November. He just felt if it was changed from December to November, move everything up a month, also they would have more involvement because very few of them are in December. That is his concern with Thanksgiving and Christmas and Hanukkah - all of the holidays fall in there - it is hard to get people really involved in voting, it is hard enough anyway. But if it was in November, people have the mindset that November is election time. It would take an ordinance instead of a Charter change. It would still cost the City, but they would have their own issues on the ballot and they wouldn't be overshadowed by a democrat or republican partisan race, it is still non-partisan. But they would get away from the holidays, make Ms. Walker's folks happier he would think, and Ms. Walker and the rest of them.

Ms. Walker said it is certainly a difficult time to conduct an election now because of the holidays. But one of the other issues if they are considering Option 1 is to please give them more time between elections since so many people are voting by mail. Although they did have a good return on their absentee ballots, basically because most of the people do live here and they were able to read the paper and see that they could walk their ballot back into the office. The papers and the radio stations really helped them with getting the information out to all of those 2,200 that they sent ballots to, that they could get those back to them, and they were successful in getting them back. But should they chose Option 1,

please consider at least four weeks between their elections to allow them to be able to get their absentee ballots back in.

Commissioner Alexander asked is Ms. Walker saying she is satisfied with the time and distance, when it is a runoff? It is generally a week for the runoff? He is speaking of the absentee ballots for a runoff election, it just gives them a very short time for that. She has no problem with getting returns on those?

Ms. Walker said she needs more time. If they could give them at least three weeks in between.

Commissioner Becht said two weeks.

Commissioner Alexander asked Ms. Walker is speaking of two different things, right?

Ms. Walker said between their election and their runoff, there wasn't sufficient time for all of the absentee voters to get their ballots back to them.

Commissioner Alexander said he was thinking Ms. Walker was talking about the regular election, she didn't have enough time in between.

Ms. Walker said no. In the regular elections the Legislature just moved it to ten weeks to allow them to be able to conduct the elections and to give the overseas voters an opportunity to get their ballots back to them. That was the purpose of that. She would like for them to consider that if they do go with Option 1.

Commissioner Alexander said if they go to November 2nd and give them three weeks, they are slap into Thanksgiving dinner.

Mayor Benton said he knows a week is tough; but at two weeks they get it all done before Thanksgiving, if they were to look at that option.

Ms. Walker said if they look at that option and they can give her two weeks. Anything is better than what they have, it is almost impossible. Her staff had to work 12 or 14 hour days to try to get all of the equipment from the precincts prepared and back to the precincts. That is a lot of work. It was very difficult, very trying for all of them.

Mayor Benton said it is tough on the candidate, because if they want to get anything in the mail, it is very difficult. Because they follow, as she sends the absentee ballots, so they have literally two days. It is very difficult for the candidate too. This year it has been very difficult.

Commissioner Becht asked so Ms. Walker is saying if they give her this luxury of having two weeks to do what she has historically done in one week, it will be cheaper for the City?

Ms. Walker said not cheaper. She is asking for help.

Commissioner Becht said he thought he heard cheaper in there somewhere.

Ms. Walker said no, it wouldn't be cheaper. It is going to cost the same thing.

Commissioner Becht said no more 14 hour workdays.

Ms. Walker said it would be cheaper because they wouldn't have to work overtime to get this job done. So that would be cheaper, because overtime is expensive and it is through holidays.

Commissioner Becht said he doesn't know where this is going because he has not seen enough consensus yet to know where it is going. But it doesn't look like it is going in the direction of changing the year. In Mr. Schwerer's memo, he said they have to have a referendum to change the year, but they don't have to have a referendum to change the date. He would like to know why? They are changing the date, whether they change it by a month or they change it by a year. Is Mr. Schwerer taking reliance on the statute?

City Attorney Schwerer said there is more than just statute. There is case law and there are Attorney General opinions. Over the years with the Home Rule Powers Act, the Florida Legislature and the Courts have taken the position that a Charter is like the bible, they can't change certain subjects without voter approval. One of the things they can't change and historically could not change is the length of terms of the Commissioners, permanently or temporarily. So if they lengthened the terms of the Commissioners by adding a year to somebody or subtracting a year, the law says they have to first adopt an ordinance and then submit that to a referendum vote. That is what happened in 1980. There is also a State Statute that he pointed out in his memo. F.S. 166.021 and 100.3605 were amended in 1995 to allow municipalities to change the dates for qualifying and the dates for election of its members by ordinance rather than by charter amendment with a voter referendum. That is significant. So if they just change the date...

Commissioner Becht said okay, Mr. Schwerer answered his question. He would compliment and welcome the comments of Commissioner Sessions. He liked his analysis and he liked the fact that he pointed to a cost/benefit analysis. His concern is, they don't have all the data in front of them tonight to do that cost/benefit analysis because they don't have some of the things that Mr. Schwerer requested in his memo. Specifically, the turnout in Fort Pierce precincts as distinguished from Countywide precincts in general elections vis-a-vis the Fort Pierce elections. He does share his concerns that Fort Pierce issues could get lost in a state election or could get lost in a national election. The past election that three of them went through, in his opinion highlighted the fact that it was focused on City issues. It was not contaminated with discussions on social security or abortion or national issues, it was specific to Fort Pierce. So he wants to weigh that. He thinks he would lose that benefit with changing it to a general election. He would like to know what the tangible - to the extent it is predictable - increase in voter turnout would be if they did change it to the general election in an even year. In his opinion, that is going to take a crystal ball. He is concerned that they don't know yet the effect of the permanent absentee ballots, they don't know what that is going to mean in terms of turnout. He would like as soon as possible, if the Commission is agreeable to it, to post on their website the link that would get to Ms. Walker's website where people could register for the permanent absentee ballot if they so choose. He is contacted regularly by people - he doesn't want to call them shut-ins, but they don't get out that often. It is difficult for them to get out, but they are computer savvy. If they could register for the permanent absentee ballot, then he would like to help them do that, which in turn would increase the voter turnout. That was one of the goals of changing the date of the election. So if they can increase voter turnout with the permanent absentee ballot, if three of them aren't going to see their way through to changing it to the general election, at least they could increase voter turnout and still save the City issues in an odd year election. Is anybody else interested in having the link to Ms. Walker's site?

Commissioner Coke said yes, if they can do that.

Commissioner Sessions said yes, he is for it.

Commissioner Alexander said there are some shut-ins. He knows how it feels.

Commissioner Becht said the information he is looking for, if it is appropriate to ask Mrs. Walker for this. In the past elections, what was the Fort Pierce turnout in its precincts for

the citywide elections versus the county elections? When he says citywide, what he means is the city election as distinguished from a national election or an election in which they are electing Ms. Walker or other County officers.

Ms. Walker said certainly that information is available and it is just compiling the information. She will be able to get that for them for the next meeting or whenever they want to place it back on the agenda again.

Commissioners Becht said regardless of whether the others want it or not, he knows he wants it.

Ms. Walker said she will get that information for them; and that would be the turnout in the major elections, the Presidential as well as the Gubernatorial year, the turnout specifically in all the Fort Pierce precincts. Port St. Lucie has changed, but they have never had that kind of analysis to see how many people were actually turning out in the Port St. Lucie precincts in the general election year.

Commissioner Alexander said he doesn't know if it would be more of a problem to her. But if they didn't have to work overtime, could she put a cost to that? She doesn't know one way or the other the cost of overtime for staff?

Ms. Walker asked why is he concerned?

Commissioner Alexander said if they are going to just change the date from one month to the other and give Ms. Walker a two-week period of time in between for runoffs, then that cost they are saving... There is actual a cost there, and the wear and tear on her staff.

Ms. Walker said it is wear and tear. This year they were preparing for a presidential preference at the same time they were conducting the City's two elections. Of course, it was really hard on them to turn that election around, it really was.

Commissioner Alexander said he is just trying to make it as easy as he can for her office.

Ms. Walker said please don't consider moving it but leaving it a week apart, please don't do that. They do need more time and the voters need more time to get their ballots back. She thinks it is so important that every voter has an opportunity to cast their vote and have it counted.

City Attorney Schwerer said perhaps this will help voters who are watching tonight. On the absentee ballots, for someone who doesn't want to mail it, do they have drop boxes around the County where they can drop it besides just her office?

Ms. Walker said not really around the County, but they can drop it at her office and any of the three offices. They have the box outside should they want to drop it in the evenings or early in the morning on their way to work. When the office isn't open, they can use that drop box. And they could use it when the office is open, staff checks it every day and of course receive those ballots. So they can do that or they could have someone else drop it off for them.

Commissioner Alexander said each candidate raises a campaign fund. Could one of the candidates offer it to pay for 100 stamps for return stamps?

Ms. Walker said no, they have never had a candidate offer to assist in paying for the election. The City has never objected to paying the bill.

Commissioner Alexander said it is not for the election but for the stamps. When she sends out the ballot, it has a self-return stamp.

Ms. Walker asked a stamp for the voter to return their ballots? She wouldn't suggest that.

Commissioner Alexander said the candidate doesn't know who he is sending it to. He could be sending it to one of his opponent's voters. He is just asking is there a way? Because at the end of the day they have to disburse those funds.

Mayor Benton said give it to a charity.

Ms. Walker said she can't comment on paying the postage for all of the return absentee ballots. He will have to talk with his City Attorney about that to see if there are any legal issues. She certainly will look into it if there are any legal issues with the candidate paying postage for return absentee ballots. There may be something that prohibits that. She doesn't know.

Mayor Benton said he is going to try to get a consensus up here tonight if there is interest from this Commission of taking it to one step or another. He heard Commissioner Sessions and he agrees with Commissioner Sessions; but he just wonders if he is willing to move it up that one month because he thinks more people would come out before the holidays. That was his thinking from day one.

Commissioner Alexander asked he is speaking of moving it back a month, right?

Mayor Benton said yes, back up to November. That would be Option 1. He is just trying to find out if there is enough interest to look into Option 1 or Option 2.

Commissioner Alexander said he agrees with Option 1.

Commissioner Sessions asked they are still stuck with the \$25,000 with Option 1 though, right?

Mayor Benton said he has no problem with that. He thinks Fort Pierce is well worth \$25,000 just to be independent.

Commissioner Sessions asked this doesn't require a change in terms of the Charter?

City Attorney Schwerer said no. This would require an ordinance. If they are going to go with Option 1, Staff would present that to the Commission.

Mayor Benton said bring something back to the Commission; and if they like it, they can put it in an ordinance form and then move forward with a Public Hearing. Are there three people who would support that?

Commissioner Sessions said he doesn't have a problem with that.

Commissioner Alexander said the qualifying date and all that, okay.

Commissioner Becht said they have three. He wants to go on record as preferring to follow through and get a little more analysis on whether they might get a greater turnout with changing the year. But it seems like he is in the minority on that.

The next item was the **Consent Agenda**. Mayor Benton asked does any Commissioner wish to remove an item?

Commissioner Coke said she would like Item 15b (Public Funds for Lincoln Park Main Street); Item 15f (Beach Raking Cleaning Services); Item 15l (Little Jim Bridge Fish Camp Property); and Item 15m (South Beach Causeway Park) removed for discussion.

Commissioner Alexander said he would like Item 15e (GPS Mapping System) removed for discussion.

Commissioner Becht said he would like Item 15k (Revenue Sharing Agreement) removed for discussion.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, and unanimously carried, that the following items on the Consent Agenda be approved:

a. Approve Application for Alcohol Beverage Permit submitted by Herb Ellis & Chris Dzadozsky, Fort Pierce Jazz & Blues, for **Mardi Gras Celebration at Marina Square** on February 2, 2008.

c. Approve Application for **Public Funds** submitted by Kurt Holden, **Fort Pierce Fire Football, Inc.** for \$1,000 for advertising.

d. Approve travel and attendance by Mayor Benton to the **Treasure Coast Legislative Conference** in Tallahassee on February 20-22, 2008.

g. Approve Change Order No. 1 to Contract with Johnson-Davis Inc. for **Surfside Drive Emergency Drainage Repairs** in the amount of \$27,665.00 for replacement of exfiltration trench system within Coconut Dune Crossover parking lot, a conflict structure for sanitary sewer main along Coconut Drive, etc. (Funds from SMU Bond No. 2, to be reimbursed by FEMA)

h. Approve purchase of four 2008 Ford Fusion Administrative **Vehicles** for the Police Department from Tropical Ford in the amount of \$66,328.00.

l. Approve purchase of four 2008 Ford Crown Victoria Interceptor **Vehicles** for the Police Department from Duval Ford in the amount of \$84,760.00.

j. Award bid for Police Department Sergeant's, Lieutenant's, and Captain's **Promotional Examinations** to CPS Human Resource Services in an amount not to exceed \$40,500.00 per year through FY 2011. RFP No. 5768

n. Approve increase in Blanket Purchase Order to Clear Channel Broadcasting from \$10,000 not to exceed \$25,000 to cover the cost of advertising shows at the **Sunrise Theatre** until September 30, 2008.

o. Appropriate \$150,000 from the General Fund for installation of new trees at the **Indian Hills Golf Course** lost due to the hurricanes; and direct staff to prepare and enter into a contract with The Growing Concern Tree & Landscape Inc. (Piggyback Bid #06-105 contract with St. Lucie County. Reimbursement from U&CF (Urban & Community Forestry Hurricane Tree Grant.)

p. Approve ranking of proposals for **Update of Land Development Regulations**; and authorize staff to commence negotiation of a Contract with Duncan Associates in an amount not to exceed \$168,440.00. RFP No. 5773

The next item considered was Item 15b, which had previously been removed from the Consent Agenda: Approve Application for **Public Funds** submitted by Elise Rollins, **Lincoln Park Main Street**, for \$1,000 for advertising for the 2008 Continue the Momentum Workshops.

Commissioner Coke said she doesn't think she is going to be able to support this. It is absolutely not because she doesn't support the Lincoln Park Main Street. As they all will

recall, with the exception of Commissioner Sessions, she was the one who promoted that they give Lincoln Park Main Street the exact same amount they give the Downtown Main Street organization, which is \$90,000 a year. Her concern becomes that they do fund them to \$90,000 and additionally they gave them another \$20,000 for another program for which they have not funded the other Main Street. First of all, she doesn't want to get too off centered in giving way more to one than the other. But she is very sensitive with these advertising funds because they have a limited amount of that which is \$15,000. She knows that previously the Lincoln Park Business Association has applied for that funding, the Fort Pierce Fire Football, the Downtown Business Association. There are lots of organizations they do not fund at all throughout the year that need to apply for that. They only have \$15,000 this year in the budget, so they only have the opportunity to give this out fifteen times. She would much prefer to see them afford to do that to fifteen other organizations rather than one. Again, it is nothing against Lincoln Park Main Street. But she just doesn't want to see them putting all their eggs in one basket. They are funding them \$90,000 plus already a year. It was her intent when they did that, that would be their funding to them for the year. This other \$15,000 they have in advertising should be distributed among other non-profits. So she cannot support that.

Commissioner Alexander said he is not going to be in disagreement with her. He serves on that Board of Main Street. And when it comes down to asking for advertising funds, it is for the purpose of spreading the Lincoln Park Main Street purpose. They are so far behind the ball that catching up with \$1,000 is not even going to be even a trickle for what they need in that area.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve the application for Public Funds submitted by Elise Rollins, Lincoln Park Main Street, for \$1,000 for advertising for the 2008 Continue the Momentum Workshops.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Sessions, and Benton. Those opposed: Commissioner Coke.

The next item considered was Item 15e, which had previously been removed from the Consent Agenda: Approve purchase of **GPS Mapping System** (two **GMS-2 Topcon Positioning Systems**) for the Public Works Department from Lengemann of Florida, Inc. in the amount of \$10,670.00.

Commissioner Alexander said he pulled this just for his information. They need a GPS System for Public Works? They are able to find them anytime they wish, right? When they start putting eyes in the sky, he wants to be sure it is an emergency vehicle or something like that where they can reroute.

Mr. Bob Hood, Director of Public Works, said this is to integrate with what the Engineering Department is already doing on locating various assets of the City out in the field more precisely. They found that trying to get reimbursement during the storms of 2004 and Hurricane Wilma in 2005, FEMA requires them to have some very detailed locations of where these assets are. These assets could be signs - stop signs, speed signs and that sort of thing - or could be street lights. They have to be able to identify them. The City has spent a great deal of money creating a GIS layer kept by the Engineering Department and this just goes along with it. It allows their field crews to integrate that information with them.

Commissioner Alexander said Mr. Hood spoke eloquently there, but he lost him. They are not talking about equipment are they? Or is that just part of the assets Mr. Hood is speaking of?

Mr. Hood said they are talking about a handheld unit that the field crews can very quickly plug in information and they can download it into the Engineering Department's computers and it will give them all the information they need.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve purchase of a GPS Mapping System (two GMS-2 Topcon Positioning Systems) for the Public Works Department from Lengemann of Florida, Inc. in the amount of \$10,670.00.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item considered was Item 15f, which had previously been removed from the Consent Agenda: Approve ranking of proposals submitted for **Beach Raking Cleaning Services** and award contract to highest ranked firm, Universal Beach Services Corporation, in an amount not to exceed \$62,400.00. (Public Works Parks & Grounds Division) RFP No. 5767

Commissioner Coke said she pulled this just to see if maybe she missed something, but she thought they as a Commission had decided a long time ago on these final ranking sheets that there should be a certain number of points awarded to local Fort Pierce firms. And yet again she is looking at proposal amount, qualifications, experience, and references. And she doesn't see any points given for a local firm. The point she is trying to make here is that there have been national studies that show that when a government agency spends their money within their own community, 87% more of that money is returned back into the local economy than if they take it outside. Bottom line is, whatever the recommendation or will of this Commission is fine, so long as the job gets done. But if they spend the money with an out of town firm, those men and women are going to drive up here on a full tank of gas from where they live, do the work, collect their little pay checks, and drive back to where they live, where they will then pay rent, utilities, buy groceries, and refuel their vehicle, rather than spending that money here in their local economy. She thinks it would behoove them to once again consider adding a certain number of points here for utilizing of a local firm.

Commissioner Alexander said he is in agreement with that.

Mayor Benton said he wishes they would receive the numbers. They see the proposal amount and points, but he is just wondering what the actual proposals were for as far as money-wise.

Mr. Bob Hood, Director of Public Works, said these were ranked. Of course that is a large area, the cost. This is a very sensitive area on the beach and some other things are overriding in their considerations. One was, they needed to be able to get the permits necessary during turtle nesting season and that sort of thing to be able to do the job. Some of these people had no prior experience whatsoever. It is not one of those things they can learn on the job. So even if they had gone in at a very low cost, they would not have ranked as high. As far as preferential points based on where they are located, that would be up to Mr. Barnes in the procurement department to come up with a formula for that, and they would work with him on that.

Commissioner Coke said she is just clarifying that she is not looking to tell them who is better qualified to do this job in particular. It is her understanding that they had requested that there be a point award for location or proximity to this City on every bid tabulation that they did.

Mayor Benton said he also wants to use local people. There should be a condition put on this that if they can't get the appropriate permits within a certain length of time or if they don't have them in hand, then they forego the process and they go back to the bidding. He would rather hire somebody locally if they can have those permits.

City Manager Beach said he thinks it is accurate to say that Staff absolutely shares Commissioner Coke's position on this. It is better for Fort Pierce financially and economically any time they can do business with a Fort Pierce or a St. Lucie County business. The closest folks they can do business with, that is what is best for Fort Pierce. The problem, what staff goes through is having to decide who is qualified to do the job, who is going to be able to do the job, who can get permitted, and so on. That is where the complication comes in. Commissioner Coke indicated that this Commission had previously set as one of the perimeters for selection a local preference. He knows that discussion has taken place, but he doesn't recall a decision ever being made on it because it ran afoul of their purchasing laws and their purchasing requirements and things of that nature, unless he is just not remembering it accurately. But he can assure them that the procurement department is sensitive to the local vendor issue; and when they have the option and when they have the ability, he thinks they are absolutely inclined to do business with the local vendors.

Mr. Tony Barnes, Director of Procurement, said any time they have term contracts they are buying off of, i.e. the Sheriff's contract or the State Contract, they send the same specifications. For instance with vehicles, they send that to Sunrise Ford. Advantage Ford of Stuart has petitioned them to send it to them also. So they do include local vendors when there is a chance, especially with the term contracts. They won't buy a car unless they send it to Sunrise Ford. They use to send it to the Chevrolet dealerships, but they never responded back. Sunrise Ford recently has not been responding back. They did not respond to these two that the City sent to them. When it comes down to Police Vehicles, then the Police Department has a certain standard of vehicle that they want. He doesn't even think Sunrise Ford makes the Police Interceptor vehicle. If they do, it is at a very higher cost. To comment on the local preference, they include in nearly all of their evaluations, points for local preference. If they look, it will be in the miscellaneous category. Because they do not want to put in their bids the fact that they have a local preference, because they don't. That has to be a chartered amendment for them to begin to do that, so they can not put in there a local preference now. The thing that comes into play here is, are they talking about a regional local preference, are they talking about a City local preference, are they talking about a County local preference? So what they have done, if they live in the City of Fort Pierce they are going to get 10; if they live in St. Lucie County, they are going to get 7; or in Indian River County, they will get 5. Those are the types of things they do. So they do have a mechanism in place to make sure they do allow some advantage for businesses that are located within the Treasure Coast. They are doing that, but they cannot list it under a local preference. The problem that will come in is, if they do that then Vero Beach or Martin County is going to say they have local folks and now they are going to do the same thing for their local folks, and they are going to have a lot of people who are not going to be able to eat on a regular basis. This is throughout the Treasure Coast.

Commissioner Coke said she understands local business is not always going to be qualified. She sees that the few Fort Pierce firms here, had they given them each 10 points for being local, it still would not have come close to the top two ranked firms. Her concern is, they have nothing here for proximity of Fort Pierce. So when she looks at these sheets, she never knows. She sees they have ranked one place number one and one place number two, but she is not quite sure what exactly the difference was between them. She knows the number one ranked firm is in Delray Beach, the number two ranked firm is in Vero Beach. From the paperwork she has received here, she doesn't know - is the number two ranked firm equally capable of doing the job, or was it four times the amount of money? Because there is only 6.5 points between the ratings on them.

Mr. Barnes said he can't really comment on that. What they do as procurement is to make sure everyone is on a level playing field. Mr. Hood or whomever is the Department Head, they have the technical expertise to give them that type of information or give him that type

of information. It is his job to make sure. He is a non-voting member of the evaluation committee, sort of like the judge and the jury, to make sure it is a level playing field that no one receives any type of incentive or any type of special privileges. That is what the Purchasing Department is supposed to do from a procurement standpoint. When it comes down to dealing with the technical issues, they would have to have that discussion with the people who have the technical expertise.

Commissioner Coke asked can Mr. Hood tell her the difference between the number one ranked firm in Delray Beach and the number two ranked firm in Vero Beach?

Mr. Hood said they were both very close. But the difference was that the Delray-based business is going to leave its equipment. It is specialized and custom made to do this type of work and they have experience in this type of work. They are going to leave their equipment here. They are going to be doing this twice a week for 2.3 miles of their beachfront during the season from October to April, and for the balance of the year it will be once a week. They are going to leave the equipment here. Public Works is going to provide a space for them and provide a roll-off container that will come from a local roll-off container company to pick up the debris they can't bury. They can't bury anything but the seaweed. All the other floatables and that sort of thing will go in this container and it will be hauled off. So they will be working with them. The level of experience they had and other criteria that they talked to them about and judged them on with their proposal was superior to that of Homestead and Vero Beach.

Commissioner Alexander asked is this an annual agreement from 2007-2008? Is it a one year contract?

Mr. Hood said it is a one year contract.

Commissioner Alexander asked have they not had this done in the past?

Mr. Hood said they did an emergency cleanup using Beach Raker, who was the third ranked firm on this list, because they were available and could do it quickly for them, and they did that a few months ago.

Commissioner Alexander asked they only have the 9.5 experience even though they did the work? He won't question them about this. He just thought maybe it was something that was necessary.

Mr. David Recor, Deputy City Manager, said this is in fact a new service initiative that was approved as a part of this year's budget, so it is a new service.

Commissioner Becht said the last time they second-guessed Mr. Barnes and thought they were awarding the uniform contract to a local contractor, after the meeting he found out they are not local, they are based out of Orlando, he thinks.

Mr. Barnes said Melbourne.

Mayor Benton said they have a business here.

Commissioner Becht said but they are not local.

Mr. Barnes said they have a storefront.

Commissioner Becht said that is all they have.

Mr. Barnes said those are things they have to look into and they have to realize that a lot of times that how do they really police that type of thing. They have a lot of people who say

they are local businesses here in Fort Pierce, but their home office and other offices are located elsewhere.

Commissioner Becht said he is going to rely on staff tonight.

Commissioner Alexander asked they have a City license though?

Mayor Benton said they have a facility out in the business park out there off Kings Highway or Angle Road. How much did they budget for this?

Mr. Hood said they budgeted \$75,000 for this.

Mayor Benton said he just wonders about once a week. There are times when there is seaweed on the beach and stuff that needs to be picked up; but there are some weeks that if the wind is not blowing, there isn't. He is just wondering if maybe they can redefine that maybe and do it once a week. Because of budget cuts, \$75,000 to do this twice a week when it is not always needed twice a week. As somebody who is at the beach every day, there are a lot of days that they don't have to do it.

Mr. Hood said this is a new service and they might want to make adjustments on it as it goes along. They were also listening to everyone who had done this before in Florida. They talked to several other municipalities and that was what they were recommending what they go with. They are also going to knock down that scarp that is out there and that sort of thing. Hopefully this is going to be an attractive feature for those visiting Fort Pierce to make them want to come back or stay longer and spend more money. That is what they are trying to do.

Mayor Benton said at least to choose the beach accesses that draw the most people. They have certain beach parks. Sometimes that whole 2.3 miles might not need to be raked up. It is something to look at.

Commissioner Coke said they are not just doing seaweed though. They are going to rake up the trash and everything else that is on the beach.

Mr. Hood said they will be raking the beach. They are going to bury the seaweed, they have a special way to do that. The rest of it goes into the roll-off containers and it is hauled off site.

Mayor Benton said let's see how it goes because he knows next year when they are looking at budget cuts that could be something they might not be...

Commissioner Coke said it took them 100-something years to get the beach cleaned. It is one of their most important assets. It attracts tourism. And for them to allow it to deteriorate and be such a mess, it is a disgrace.

Mayor Benton said as somebody who has spent most of his life at the beach, he also knows that not all the beaches look like that. There are certain areas like the Jetty that it all ends up when the wind is blowing. It might be something when they are looking at expenses. Mother Nature has her way of pushing things around. He sees it every day. It is just \$75,000 is a lot of money.

Commissioner Coke said there are lots of things they can look at as an expense.

Motion was made by Commissioner Coke, and seconded by Commissioner Becht, to approve ranking of proposals submitted for Beach Raking Cleaning Services and award contract to highest ranked firm, Universal Beach Services Corporation, in an amount not to exceed \$62,400.00.

Mr. David Recor, Deputy City Manager, said in researching this initiative, they discovered during the process that providing this service enables them to be eligible for having their beaches rated. That is actually published in tourist magazines. But the point is that their beaches would be eligible for rating where tourists and travelers would know the condition of their beaches.

Commissioner Alexander said bring those ratings back to the Commission.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item considered was Item 15k, which had previously been removed from the Consent Agenda: Approve Revenue Sharing Agreement between the City, St. Lucie County, and Florida Gaming Centers, Inc. for revenues generated from cardroom operations at the Jai Alai facility at 1750 Kings Highway.

Commissioner Becht said there was not a whole lot of backup information on what this might mean. The Jai Alai Fronton was annexed into the City of Fort Pierce he thinks in July or August of 2007. They will have a cardroom activity, depending on their permitting with the City and when they get their construction work done. Incident to their approval through the County, even though Doug Anderson wanted to take a full 3% from them, their attorney was able to negotiate so that 1.5% came to the City of Fort Pierce. The reason he pulled this from the Agenda is that could amount to - not in 2008, but maybe in 2009 - as much as \$50,000 a year, depending on the cardroom activities. If they couple that \$50,000 with the \$12,000 they just saved on the beach raking, that is \$72,000 toward the construction of the Linear Park on the Jetty, or at least that would be one of his preferences. The reason he really pulled it was he wanted to have some discussion - either tonight or at some other time after they all have a chance to think through it - is do they want to dump this money into the General Fund, or do they want to allocate or earmark it for something special? For instance, not a particular project but maybe parks and recreation or something like that. It is only \$50,000, but it is all of \$50,000. If it goes into the General Fund, it is going to disappear. If they earmark it for some particular part of the City's budget, then they might have a revenue stream in perpetuity.

Commissioner Alexander said if it is going to be earmarked for parks and recreation they have his support on it.

Mayor Benton said he would agree.

Commissioner Coke said it seems only fair, adult recreation paying for children's recreation.

Mayor Benton asked do they need a motion to approve it?

Commissioner Becht said he doesn't know that it is time for a motion.

Commissioner Coke asked maybe have a separate line item they could put it in?

Commissioner Becht said they could give it to Staff and have Staff handle it appropriately.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve a Revenue Sharing Agreement between the City, St. Lucie County, and Florida Gaming Centers, Inc. for revenues generated from cardroom operations at the Jai Alai facility at 1750 Kings Highway.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item considered was Item 15I, which had previously been removed from the Consent Agenda: Approve draft of Request for Proposal No. 5774, Lease of City owned Property, Buildings, & Docks (Little Jim Bridge Fish Camp Property).

Commissioner Coke said she was looking at the method and criteria and the scope of work, but she didn't see where they had included in here a lease amount, what they were going to lease this property for. Is that something these people are supposed to bring back as a proposal to the Commission?

City Manager Beach said this should not have been on their Consent Agenda, this was intended to be on for discussion. What they are looking for is whether or not there is any input from the City Commission in regards to the Request for Proposals. They are all familiar with this property. The existing lease is expiring. He has had conversations with different members of the Commission about what they anticipate may be the future of that area. He wanted to make sure this Request for Proposals was sufficient in terms of addressing those issues. If they have no suggestions, that is fine. If they have suggestions and want to get those to the Purchasing Department at a later time, that is fine as well. But if he doesn't hear from the Commissioners, this will be the format for the RFP and it will be going out shortly.

Commissioner Coke said let her continue along the same line, her question remains the same. She doesn't know what they lease this property for now, nor does she see a specific dollar amount put in there. Is that going to be part of the proposal, what they will pay the City?

City Manager Beach said his expectations are that the proposal will address that. If it does not address it, then it will become a subject of negotiations with whoever the successful proposer is.

Mr. Tony Barnes, Director of Procurement, said normally when they prepare an RFP, they try to stay away from cost. Cost is normally an item that is negotiated after they have short-listed their potential solicitors.

Commissioner Becht said if they will all look at the aerial photo, they will see there is a small marina there. He counted roughly 24 boats that appear to be attached either to the dock or up in the mangroves, probably where they don't belong, but there appears to be three boats that are back in there. He would hope that they can get the word out to marina operators. This is quite a little operation, if they have been there by boat or by car. There is quite a crowd there. They have great hamburgers. It is quite an opportunity. They would probably vomit if they saw the lease, because he thinks it is about \$1,000 a month. Two boat slips probably make up for that rental. But they have an opportunity to get a fair market rental from either the current operator, if they choose to respond to the RFP, or anybody else who cares to make a response. He would throw out for consideration that if they don't get a response, Dean Kubitschek knows how to run a Marina. If the City wants to consider that, then they always have that option. They just take it back in and have Mr. Kubitschek run it; and maybe rent out the restaurant or have somebody come in and just make a proposal in running the grocery store/restaurant. It is a de facto restaurant, he doesn't think they have a restaurant license, but they have the picnic tables outside. He thinks they have lots of options here other than renewing that lease at \$1,000 a month or whatever it is.

Commissioner Alexander said they are all constantly hearing him speaking about the string of pearls they have in their hands and their control and smart growth. One thing he wants to be up-front on record about, regardless of what the lease is, it has to be set. The ones who are running the place, he thinks they have been there for quite a while. He is going to

be in any kind of objection that trying to run them out of business, because he utilizes that for fishing and whatever, just stopping off. He doesn't know them personally, so this is nothing personal. He just knows the Little Jim Bridge Fish Camp is a landmark and is one of the string of pearls that they have on their coast here, whatever the lease is. This came before them last year for some reason or another. He knows Little Jim came up when they were talking about leasing that carwash or something like that. Again, his concern is that is it not a trouble spot for the Police Department, even though there is a lot of people there. Is it a trouble spot to the Police Department?

Captain Frank Amandro, Fort Pierce Police Department, said no, it is not a trouble spot.

Commissioner Alexander said he is going to support. He doesn't know who would like to run or be in business there, but he knows those people there wouldn't want to leave. He wholehearted support is with them.

Mayor Benton said he is going to support Commissioner Alexander on that one. These folks have been in to see him. He has been part of watching this progress for the last 20 years. He remembers many years ago before any of them were sitting up here and this room was full when the City found out some 20 years ago that they owned the property. For years the people who started there with squatters rights thought they owned it. Things didn't end up that way. That is a landmark. That is a historical site, it was the guard shack for getting over to the beach during the war. It is amazing, if they ever go over to the Veterans Day affairs at the SEAL Museum, there are literally hundreds of veterans over there afterward. And mostly every weekend there are lots of veterans there. He met the Secretary of the Navy there. He has been here two years that he knows of. He thinks this is very off limits. He thinks it is one of those little places that are old Florida, and he hopes they can renegotiate the lease with these folks.

Commissioner Sessions said the City of Fort Pierce, especially during the budgeting crisis they are facing, it is incumbent upon them to be innovative and come up with revenue sources. When he hears what Mayor Benton is saying with regards to this particular area having all of that history and Commissioner Alexander with regards to the area and how they are doing so well, it makes him wonder whether or not this particular piece of property is not being utilized to its full potential. If it got into the right hands, perhaps it could be and it could be a good revenue source. So when he hears the amount of money that area is being leased out for, he doesn't understand why it is like that, because it is a substantially low amount of money when they look at the actual benefit that this particular area could gain if in fact there were some improvements made, if in fact it was advertised, if in fact it was put into the right hands, maybe the City of Fort Pierce, he doesn't know. But this is an undiscovered jewel. He feels it is incumbent upon them to be innovative in terms of revenue sources. Perhaps Commissioner Becht had some concerns that they need to address.

Mayor Benton said there are limits with the zoning of the property of what can be done. He believes it is open space with a conditional use for that facility there. So putting a real full-scale restaurant or something like that would take a zoning change and he thinks it would take an act of Congress to get it. But he is sure they will be hearing a lot about this in the very near future, they are going to see a crowd in here.

Commissioner Coke said she is not necessarily opposed to the people who have it now continuing with the lease, that would not be a problem with her at all. What is a problem with her is, Commissioner Becht is correct. They are leasing all those boat slips and they are maintaining a restaurant and running a store, they probably make \$1,000 for their rent in the first 20 minutes they are open any Saturday morning, not including all the boat docks they rent out. She thinks the Commission has a fiscal responsibility to the citizens who own that property. They don't own that property, the citizens of Fort Pierce do. So if these

people want to continue, then they need to understand that there will be or should be a benefit accrued to the people who actually own the property, the citizens of Fort Pierce. That means a fair market value for the rental of that property.

Mayor Benton said that is what he was saying about renegotiating the lease, they have to come up with definitely some higher numbers than what they have there. That is why he questioned, should they be looking to renegotiate a lease, or going out for proposals on this?

Commissioner Coke said if they don't go out for proposals, they are not in any position to renegotiate from a standpoint of strength.

City Manager Beach said he understands from the City Attorney's office that the terms of the existing contract have expired. It is legally necessary that they go out for proposals. Then of course, they encourage these folks to submit a proposal as well.

Commissioner Alexander said his concern with that is, because these individuals, he doesn't say they got away with anything... Believe him, it is not that easy to sell shrimp and supplies when the weather is bad. His concern is, how long have these individuals been in place there?

Commissioner Becht said probably 20 years.

Mayor Benton said the Miners have been there a lot longer than that.

Commissioner Alexander said they were squatters.

Mayor Benton said they have been there since he was a teenager.

Commissioner Alexander said he knows if they have to go out and raise the rent, so be it. They know what their revenue is that is coming in. But he is just not going to readily be ready to kick them out. He doesn't know any of the individuals at Little Jim Bridge Fish Camp. If they have been able to get away with it, who negotiated the lease before?

Mayor Benton said the City Commission. They negotiated with these folks and have continued that lease.

Commissioner Alexander said he has never met with any of these folks.

Mayor Benton said this lease was long before Commissioner Alexander was here.

City Manager Beach said he believes they had an original five year lease with two five year options.

Commissioner Alexander said that is 15 years. He would want to know a little more about that before he makes any kind of decision against or for these individuals.

Mayor Benton said they have a request in front of the Commission to go out for proposals on this property.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve the draft Request for Proposal No. 5774, Lease of City-Owned Property, Buildings, & Docks at Little Jim Bridge Fish Camp Property.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item considered was Item 15m, which had previously been removed from the Consent Agenda: Approve Further Amendment to Amended and Restated Interlocal Agreement - Recreational Facilities Exchange - between the City and St. Lucie County to add **South Beach Causeway Park** to the list of City operation and maintenance responsibilities.

City Manager Beach said if Commissioner Coke had not pulled this, Staff was going to pull it because they have some recent information that they need to share with the Commission.

Commissioner Coke said in Paragraph 2, in what the Commission has received under City responsibilities, it is a nice clean agreement. Her number one preference would have been that the County find a way to land swap this piece of land with the City for the parking lot they have across from the County Administration building that they use, but the County wasn't going to go along with that. So she was willing to accept responsibility of maintenance here and have Mr. Hood move forward. Now after they received their Agenda package, the County has thrown in another line under Paragraph 2 that says, "The City further agrees that the County shall retain the right for determining any parking use questions within South Causeway Park." She could approve this as it was in their package. But she cannot support that because that is going to give the County the right to rent out parking space in a public park that the City will be responsible for maintaining.

Commissioner Becht asked is that a motion to approve it as currently drafted?

Commissioner Coke said yes.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to approve - as currently drafted and submitted in the Agenda packet - the Amendment to Amended and Restated Interlocal Agreement, Recreational Facilities Exchange, between the City and St. Lucie County to add South Beach Causeway Park to the list of City operation and maintenance responsibilities.

Mayor Benton said his understanding is that the County wants to give the City that park. He thought they signed an agreement at their last meeting is what somebody had told him.

City Attorney Schwerer said no, but they have some compromise language to be added that would address this issue. The County apparently at the last minute, notwithstanding several drafts of this and what they thought was an agreed draft, added that clause in there giving the County essentially the sole right to determine parking questions. If parking is an issue with the County, staff felt it more appropriate that, since they are jointly developing a Master Plan for the Park that identifies future capital improvements, that they also jointly develop the parking issue. So staff is suggesting a compromise to the language in that last sentence Paragraph 2 where it reads: "It is the intent of the parties to jointly develop a master plan for the park that would identify future capital improvements for the overall site."

They are simply going to ask that they interlineate future capital improvements "and parking" for the overall site. That requires them to jointly cooperate on all issues including parking. If that is acceptable to the Commission with that interlineation, they could approve it; and he will have it redrafted and sent back to the County.

Commissioner Coke said when she first heard the rumor last week from Mr. Recor that the County was inserting this line after they had already received their Agenda packages, she had great concern. She called the County Commissioners. They said absolutely not, that was not their intent. So she would stand firm on the motion to approve as stands, because she thinks if they send it back to the County, they will agree with it. If they don't, the ball is in their court. Quite frankly, they have been putting this off waiting for the County to approve it. They were supposed to vote on it today. Somehow it was on the County's agenda on January 15th. They weren't made aware of it. The County made changes.

Commissioner Becht said he doesn't know where the language is coming from, so he would like to send it back and question a couple of County Commissioners. He would like to send it back the way the City wants it, not with compromise language in it, and talk to some County Commissioners and find out what they thought they were accomplishing with inserting the language. If their intent was to do something with Chuck's, that is within the City and the requirements for parking at Chuck's is going to be solely up to the City, it comes back to the City via permitting. So he is not sure what the County thinks they accomplished. If they point out to them that, if that was what they were intending, they really didn't accomplish anything. That is why he is going to vote for it the way it is. When he says the way it is, it is the way he received it in his packet, without modification.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ms. Carole Mushier, President of the South Beach Association, said she thanks the Commission for passing the Amendment to the Interlocal Agreement for **South Beach Causeway Park** as it was written. When she first heard there was some new language coming into it, the steam started coming out. As they know, Causeway Park and the rehabilitation of it and she hopes the City ownership of it has been a number one priority for the South Beach Association, not just this past year but particularly this past year, but for a number of years. She just hopes that when they finally get approval that everybody will move along with this and let's save that Causeway beach. It is a disaster. It really kind of annoys her. Today she wasn't just disappointed with the County, she was getting angry. She has been disappointed over and over again with their treatment of that property. On a different note for the record, Lucido & Associates did not make a presentation to the South Beach Association on **Jetty Park**. There has been word out to the contrary on that. She is going to give a plug. This is the first announcement that the South Beach Association Annual Meeting will be Thursday, February 21st at 7:00 p.m. at the Chapel by the Sea.

Mr. John Arena, 1509 Faber Court, said the long term economic well being of Fort Pierce and St. Lucie County is dependent on the integrity of the **Indian River Lagoon**. Some 15 years ago the City decided to push styrofoam boat slips out into the lagoon. When the hurricanes surged through the deepened and widened inlet ship channel, they broke apart. Big surprise. Now they say they want to protect the boats by making buffer islands out there in the same area. However, using high school geometry on their plans, he determined that they really intend to go out twice as far as before. In part, the cause of the storm damage was a six foot water level rise for which the islands would be useless. He knows this because he stayed in his house on South Beach during Hurricane Frances and saw almost three feet of calm lagoon water in the street as the eye passed over. They say they want to build the islands out of limestone. This material is porous and will gradually dissolve from the inside while appearing to be in good condition. Since they are confident enough to want to again expand out into the lagoon, it seems to him they should instead call for a 20-foot ship channel depth to form a barrier to surge. And also if they want more yachts, they should partner with the County and the megayacht group and take the 67 acres at the head of the inlet either through condemnation, or if they are caught importing illegally, by purchasing the property at auction. That land could be channeled and bermed to provide safe harbor for billions of dollars worth of watercraft.

Commissioner Coke said every day when she goes to the drive-through window at the bank, she drives that extra couple of blocks and she looks at those three high **stacked containers**. If anybody thinks there are three, they don't know how to count, because there are four, some days there are five, and some days they move them right up to the fence so they can just see them. She has major concerns that they have passed an ordinance and people are thumbing their nose at them. And if they don't move forward expeditiously to resolve that issue, they are going to be in a position where they can't resolve the issue.

Mayor Benton said Mr. Beach can maybe answer that, because today he did ask him about that because he knows Code Enforcement has cited them. But he also has another issue he has asked him to look into. If they look at the trains that are over there that are being stored, these are used for transporting cars. They don't have any car dealers here that would be using those. So he considers that storage. And those are four-stories high. Did Mr. Beach get any status report today on that?

City Manager Beach said no, but he has asked the Code Compliance Manager to look into the issue of the train storage. The container storage, they were cited shortly after the Commission passed the ordinance establishing the three height limitation. Originally they were scheduled to go before the Code Enforcement Board in January. They had a change in attorneys. As the Commissioners know, Mr. Morell was representing them. They now have a different attorney. They asked to extend that date to February. So that is when it is currently scheduled. He thinks they had suggested previously that their feedback from the Port users is that they do intend to legally challenge this ordinance. So their Code Enforcement Board hearing or Special Master hearing is simply a precursor to getting them into the court system to deal with this. But that process is underway.

Commissioner Coke said their Code Enforcement Board does a wonderful job. But if they know this is the first step in a lawsuit, why would they not put these people in front of a Special Master, who in fact has a law degree.

City Manager Beach said it may be the Special Master. He is not sure it is going before the Code Board or Special Master. He knows it is going before one or the other.

Commissioner Coke said someone said the Code Enforcement Board. So she would think they ought to consider moving it to the Special Master to make sure they are getting it in front of a lawyer.

City Manager Beach said they both have legal jurisdiction.

Commissioner Sessions said while they are getting ready to go into a budget workshop, he had one grave issue of concern. Perhaps they need to explore the opening of the **Ellis Police Substation** on a 24-hour basis. If he could get some form of memorandum or the feasibility of doing so, he would appreciate it. That is an item he feels they need to address. It makes no sense to have a Police Substation where the core of the cancer is and the crime is, and it is run like a Social Security office from 9:00 a.m. to 5:00 p.m. He thinks if they had more visibility and more traffic out of that substation, that would help them tremendously in trying to impact crime in that area. So he would like to see something like that. Maybe they could address that.

Mayor Benton said they can have that discussion at the workshop when the Chief of Police is back.

Commissioner Becht said they have talked about moving **Public Comment** from the back of the meeting to the front of the meeting. When are they going to hear back on that?

City Attorney Schwerer said he had raised that issue at the Staff meeting this morning about that. Because their job in legal is done, they have a draft of an ordinance. But the Commission asked for some rules and regulations and wanted to know what other cities were doing. He discussed that with the City Manager today. That is really something that other Staff needs to probably find out and get that to his office so they can get the ordinance to the Commission. He didn't think they wanted lawyers to do that, so he asked for someone to follow up on that from Staff.

Commissioner Becht asked so he will hear about it three months from now, one month from now, six months from now?

City Attorney Schwerer said they put the request out today that some Staff member be assigned to that. He has the ordinance in draft form.

Commissioner Becht asked Mr. Schwerer's department is not going to do it, right?

City Attorney Schwerer said if they want him to, he will; but it is not a legal issue.

Commissioner Becht said let's ask the City Manager who he wants to do it and when they will hear back?

City Manager Beach said the issue he thinks is moving the public comment from the end of the agenda to the front of the agenda. The City Attorney's office is under the impression that comes with a great number of conditions relating to public comment. As they know they have public comment today that doesn't have all of those conditions, it is simply public comment. He believes if they have made the decision to move that public comment section from the end of the agenda to the front, he thinks they can do that without all of those rules and guidelines.

Commissioner Becht said they can come back in later and create the rules they were talking about, because there were some interesting...

City Attorney Schwerer said there was a lot of comment in the record and it was unclear to him. He simply reported that to staff today, that after reading the comments it was very confusing to him, and he thinks the City Clerk would agree with him, as to what they were specifically wanting attached to it. If they don't want anything, that is not an issue.

Commissioner Becht said let him suggest this. Let's see if they have a consensus to move it to the front of the meeting.

City Attorney Schwerer said they do have that already.

Commissioner Becht said he may be jinxing himself, but even at the height of the election and with everybody who was running against everybody, there was not a vulgar abuse of public comment. So let's move it ahead. Then somebody can bring it to the Commission how Port St. Lucie is handling it. He thinks Port St. Lucie is three minutes. He is not sure what the County is, but he knows he has seen Chairman Smith cut it short at times. When they talked about it the last time, he was trying to give the Mayor the up-front support that if he has to cut somebody off, they have to get on with the people's business. So when can they have it? Is it going to require an ordinance to move it to the front or how are they going to do that?

City Attorney Schwerer said it is an ordinance to move the order of business of the Commission. It requires two readings and it needs to come before them properly advertised. That depends on the calendar.

Commissioner Becht asked maybe in two weeks, but definitely four? Is everybody in accord with that?

Mayor Benton said they are in accord with that. The only thing they didn't talk about is what the County does, there is a sign-in sheet which keeps it going. That way they have an idea of how many people want to speak.

Commissioner Becht said he is all for that, except he doesn't think the County has an ordinance on the sign-in sheet, he thinks they just put the sign-in sheet out there.

City Attorney Schwerer said procedural rules.

Commissioner Becht said which are not ordinances.

City Attorney Schwerer said no.

Commissioner Becht asked they have the latitude to do that, without it being an ordinance, correct?

City Attorney Schwerer said correct.

Commissioner Becht asked when are they going to get an update on the **Jetty Linear Park**?

Mr. David Recor, Deputy City Manager, said at their CIP Workshop next week.

Commissioner Becht asked the **Financial Summary**, is Mr. Recor or Mr. Bergalis working on that? When are they going to get that?

Mr. David Recor, Deputy City Manager, said he understands the Finance Department has prepared three different drafts. Yes, they are working on that. They plan to present that at the Workshop next week.

Commissioner Alexander said he received some correspondence on City Attorney Schwerer concerning those **EEOC** cases. He doesn't know what that is going to cost the City, but he thinks they need to be kept abreast step by step. He doesn't care if it is every day. Because he just does not want this to come back to haunt them. If there is going to be some relief to be done, then they can coordinate it for the Justice Department here. Evidently something in the milk is not right. But he just doesn't see the people in the City of Fort Pierce suffering. He wants to be kept abreast. He doesn't know about the other Commissioners. He is asking that he be kept abreast.

Mayor Benton said he received a couple of phone calls from the public asking him how the City of Fort Pierce could throw the **Humane Society** out of their facility over on Savannah Road. He guesses the language specifically said that eminent domain would be used by the City. The Director understood that something was misprinted. He spoke to some of the folks at the Humane Society. But for the record, Fort Pierce is not throwing the Humane Society out of their facility. The City and the Humane Society has had an agreement for years. Heathcote Botanical Park will be expanding around them. Their Public Works Department is not going anywhere. They have had that in-depth discussion. It is not in their budget to move their Public Works Department. So to set the record straight, the Humane Society is good there, they are not pushing them out. And Public Works is good too.

City Commission Workshop Meetings will be held on Thursday & Friday, January 31 & February 1, 2008, from 9:00 a.m. to 5:00 p.m. in the 2nd Floor meeting room of the Sunrise Theatre, 117 South 2nd Street, Fort Pierce, Florida. The focus of the Workshop will be Capital Improvement Planning and the 2008-09 General Fund Budget.

There being no further business, Mayor Benton declared the meeting adjourned at 8:45 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

