

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, MARCH 3, 2008.

Mayor Benton called the meeting to order.

Pastor Robert Coleman, Goodwill Presbyterian 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 B. 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 Postponed Meeting on February 19, 2008.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to approve the Minutes of the Regular Postponed Meeting on February 19, 2008.

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

Mayor Benton proclaimed March 2008 as AMERICAN RED CROSS MONTH.

Ms. Olive Weddenburn said on behalf of the North Treasure Coast Chapter of the American Red Cross, she would like to thank the Commission for the proclamation. She will give them a little bit of information about what they have done recently. In the past six months Red Cross has provided services to over 40 families, the majority of them here in Fort Pierce, to fire victims to a tune of \$22,000 they spent providing services such as food, clothing, and housing for those family members. Red Cross is funded totally by donations. They receive no monies from the Federal Government, even though they are chartered by the Federal Government.

Mayor Benton issued a proclamation in honor of ROBERT L. JEFFERSON, SR.

Mayor Benton said he was one of their community leaders. He happened to know him personally. Their schools were a lot safer with him there. They have come a long way. So everyone does know, tonight they are honoring several folks for Black History Month. Mr. Jefferson was one of those leaders.

Ms. Zenobia Jefferson said she does believe that those of them who are present tonight have been touched by Mr. Jefferson one way or the other. She is so happy that things worked out for the betterment of their community, because that was the start of how they became united and they have continued to do so. She wants to thank everyone involved for this proclamation and for recognizing his service.

Mayor Benton issued a proclamation in honor of JULIUS LEE, JR.

Mayor Benton said he had an opportunity to know Julius Lee. Ms. Lee's husband in St. Lucie Middle School when he was there. He was a fine man and his work was good.

Ms. Arlena Benton Lee said Julius just absolutely loved education and he liked working. He was not only a District Administrator for the St. Lucie County School Board, he was also a City Commissioner. There are some people here in this audience who also worked with him as teachers or administrators. She and her daughters are appreciative to them for remembering Mr. Lee and his work in the school system and on the City Commission.

Mayor Benton issued a proclamation in honor of JAMES McNEILL.

Ms. Vera McNeill said she thank the Commission and all who thought about her husband, James McNeill. He came here in 1960 and he came to be a principal of one of the schools here. When they built Garden City Elementary School, he became the first principal there. When the Superintendent passed away, he was Superintendent of Schools. Knowing him as well as she does, he is looking down asking, why me? She just thanks them so much and God bless each one of them.

Mayor Benton issued a proclamation in honor of DAVID MONROE.

Mayor Benton said he didn't know him really well, but Mr. Monroe was his Guidance Counselor. He couldn't get away with much back then.

Ms. Cora Monroe said she would like to think that her husband's steps were being ordered by God because he took on so many projects and seemingly he did them well. She misses him very much.

Mayor Benton issued a proclamation in honor of R. DUKE NELSON.

Mayor Benton said it has been an honor to work with him for the last 13 years plus. He thanks him for what he has done for this community.

Mr. R. Duke Nelson said he can only say with deep sincerity and humility, thank you very much. He hopes what he has done will not be in vain.

Mayor Benton issued a proclamation in honor of GERTRUDE WALKER.

Mayor Benton said he thanks Ms. Walker for her dedication to this community and for counting all those votes right for all these years. Tell them how she did it, because the rest of the State would like to know how.

Ms. Gertrude Walker said her thanks Mayor Benton and to the Commissioners and to all of them here today and to all the people of St. Lucie County. She is just very grateful to have the opportunity to serve the people of this County for so many years and to have been elected. She has been on the ballot three times and hasn't had opposition since 1992. She feels very gratified that the people elected her and are pleased with her service. She knows that this would have never happened had it not been for those individuals who were honored before her, being the youngest of all of them, knowing that these individuals literally laid down their bodies as a bridge for her to cross over and to enjoy this wonderful opportunity to serve and to have the dignity and the respect of the people in this community. Her hat is off to all of those who have been honored before her. She is just grateful. She thanks her family and her staff and all of those good people.

Mayor Benton issued a proclamation in honor of BERTHA McDONALD.

Mayor Benton said he thanks Ms. McDonald for all she has done for Fort Pierce and St. Lucie County. It is remarkable what she has accomplished.

Ms. Bertha McDonald said it is a great pleasure for her to stand here before the Commission tonight. She is very fortunate, all the things she has done for the Lincoln Park Academy plus downtown also. She thanks each and every one of them for thinking about her. After all, she can't get out like she used to. She used to come to the City Commission meetings every Monday night when it was held. Please forgive her for not coming and attending now, but she watches it on the TV and she sees what is going on. She has to say to her daughter, turn the TV on so she can get the Commission meeting. She can't go down to see it, but she can see it on the television. She would like to thank each and every one of them for thinking about her and she thanks the Mayor.

Mayor Benton said he thanks her and for what she has done for this community. They appreciate it.

Ms. Dolores Johnson said she wants to take this opportunity to thank all of them who have taken part in the Black History Month events, especially Dennis Beach and Commissioner Alexander. He was an original member of their little Committee of four last year and they are increasing their numbers. But they had the City's support last year and they appreciate it this year. They have some catching up to do with their history makers and they really look forward to continuing the work.

The next item on the Agenda was Presentation of Certificate of Accreditation from the Commission for **Florida Law Enforcement Accreditation** to the Fort Pierce Police Department.

Chief of Police Sean Baldwin said it is good to stand before the Commission with some good news and not have to ask them for anything. Over the last 18 months the Police Department has been working to receive their accreditation through the Commission for Florida Law Enforcement Accreditation. Their entire agency has been involved in that, but there was a core team who worked on that and he would like to mention their names - Lt. Katherine England, Lt. Christopher Bender, Detective Kathleen Murphy, and the newest member of the team is their Accreditation Coordinator, Ms. Linda Blanning. Ms. Blanning has been with them for about a year and helped to bring this to fruition. He knows the Commission is very familiar with the accreditation and the process they have to go through in order to attain the accreditation, but he will take just a minute to explain it to the public. Accreditation is an inspection and auditing process that requires the Police Department develop, implement, and then maintain a number of policies that are considered standards for modern policing. These standards cover everything from how they respond to specific emergencies, how they handle evidence, and even how they administer the agency. Accreditation is a highly coveted award. For him, it is the hallmark of professional policing, it really is the stamp that marks a professional policing agency. Accreditation is important to their employees because it insures that they are managing the Department in a manner that supports their critical mission in this community. It is important to the community, to the Commissioners, and to the City Manager because it holds the Police Department to a higher standard of performance and insures that they are meeting those standards. On February 20th they went to Clearwater to participate in the final phases of their accreditation process. He is happy to share with them their Certificate of Accreditation from the Commission for Florida Law Enforcement and Accreditation. This is something they are extremely proud of at the Police Department. He hopes all of the Commission is extremely proud of that. It goes beyond what they have done. He has to thank the Commission for the support they have given them over the last several years, because this does take a certain amount of resources and it does cost a little bit of money, but it is well worth it. It is something they are extremely proud of.

Mayor Benton said they have come a long way. The Chief should be very proud of those guys. The Commission is very proud of them and are proud of the job Chief Baldwin is doing.

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

Certificate awarded to Lt. Chris Bender, Fort Pierce Police Department, for his commitment, dedication, and perseverance.

Letter from Christopher Dzadovsky, Fort Pierce Jazz & Blues Society, in appreciation of the assistance, diligence, and hard work of the following City employees: Michelle Kubitschek (City Clerk's Office); Dean Kubitschek and Craig Kilgore (City Marina); Chief Baldwin, Capt. Sandifer, and Sgt. Curry (Fort Pierce Police Department); Chuck Hutchinson (Public Works Department); Public Works Employees; and Jon Ward (Fort Pierce Redevelopment Agency). -----

Ordinance No. L-04 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 22-34(c) OF CHAPTER 22, ARTICLE III, CONDITIONAL USES PERMITTED; BY ADDING SECTION 22-34(c)(13) TO PERMIT **SHIP AND BOAT BUILDING AND REPAIR FACILITIES** IN THE I-1, LIGHT INDUSTRIAL ZONING DISTRICT, WITH CONDITIONAL USE APPROVAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-04 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. L-04 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-04 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-05 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CODE SECTION 2-29(a); MOVING **PUBLIC COMMENTS** IN ORDER OF BUSINESS SO AS TO PRECEDE CONSIDERATION OF PUBLIC HEARINGS; RENUMBERING SUBPARTS ACCORDINGLY; REPEALING ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-05 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Ordinance No. L-05 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-05 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-06 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; CREATING CHAPTER 17, ARTICLE V (SECTIONS 17-90 THROUGH 17-110); SETTING OUT REQUIREMENTS FOR **ILLICIT DISCHARGE AND CONNECTION OF NON-STORMWATER DISCHARGE TO THE STORM DRAINAGE SYSTEMS** FOR CERTAIN DEVELOPMENT PROJECTS; PROVIDING STANDARDS FOR ILLICIT DISCHARGE AND CONNECTION; PROVIDING ADMINISTRATIVE PROVISIONS RELATING TO INSPECTION, SURVEILLANCE, MONITORING, AND ENFORCEMENT; PROVIDING FOR APPEAL OF VIOLATION NOTICE, ABATEMENT; LIENING COST OF ABATEMENT; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-06 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. L-06 be passed on second and final reading.

Commissioner Alexander asked is this something they have a great deal of a problem with?

Mr. Jack Andrews, City Engineer, said this is a requirement of the NPDES (National Pollutant Discharge Elimination System) Permit, the national permit that they have to get for their stormwater system. This is a step they have to incorporate into their ordinances that NPDES requires.

Commissioner Alexander asked why today and not two years ago?

Mr. Andrews said this is the phase in the permitting where this comes about.

Those voting in favor of the passage of Ordinance No. L-06 on second and final reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

Ordinance No. L-07 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING ARTICLE VI OF THE CITY CHARTER, **ELECTIONS**; AMENDING SECTION 52(a), CHANGING THE REGULAR MUNICIPAL ELECTION DAY FROM THE FIRST TUESDAY IN DECEMBER TO THE FIRST TUESDAY IN NOVEMBER; AMENDING SECTION 52(d); CHANGING THE RUNOFF ELECTION DAY FROM ONE WEEK AFTER THE REGULAR ELECTION TO TWO WEEKS AFTER THE REGULAR ELECTION; AMENDING SECTION 63(b), CHANGING THE QUALIFYING PERIOD TO BEGIN THE SECOND MONDAY IN SEPTEMBER AND END ON THE FOLLOWING FRIDAY IN SEPTEMBER; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. L-07 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Sessions, seconded by Commissioner Alexander, that Ordinance No. L-07 be passed on first reading.

Those voting in favor of the passage of Ordinance No. L-07 on first reading were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Mr. William Thiess, Fort Pierce Utilities Authority, to submit Resolution No. U.A. 2008-02, **Final Budget Amendment for FY 2007 FPUA Budget.**

Mr. William Thiess, Director of Fort Pierce Utilities Authority, said he is here to present the Final Budget Amendment for Fiscal Year 2007, the fiscal year that ended at the end of last September. This first slide shows the big picture of the amended budget. This is the budget that they brought with their 2008 budget that the Commission approved back in August. If they look at the comparisons on revenues (Revenues: Amended \$113,060,032 /

Final \$118,377,025), they are about \$5.3 million over the projected amount on the amended budget on revenues, but that number by itself is a little bit deceiving. The big players on the revenue were really three items - they had contributed capital, about \$16.2 million; they had a large amount of grant money for the wastewater system, about \$2.8 million; and about \$1.4 million in interest income. Almost all of those three items are not used for operating purposes, those are restricted funds used for capital projects. So if they strip all that out, they would really have about a \$3.2 million deficit from the amended budget to the final budget if they are looking strictly at operating revenues. On the bottom line they have Operations and Maintenance, Net of Transfers. (Operations & Maintenance: Amended \$101,611,444 / Final \$100,166,737) Net of Transfers means that the O&M (Operating & Maintenance) costs that are directly associated with capital projects have been removed. So looking at these two comparisons here, the final to the amended, they are about \$1.4 million less on the final than they were on the amended, expenses were down \$1.4 million from the projection. The great bulk of that was a decrease in purchased power cost and purchased gas cost. There were some slight decreases in costs if they recall in about the third quarter, he thinks they lowered the power cost adjustment for purchased power by a considerable amount and made some small decreases in the purchased gas. The biggest part of that really is the decrease in consumption due largely to conservation. So really the numbers were down and that brought the purchased power and purchased gas costs down. These next series of slides really give them a better picture when they are looking at strictly the operating aspect of the utility. Electric Consumption & Operating Revenues, the next to the last date here is the Amended Budget FY 2007 and Final Budget FY 2007, so they are really comparing the next to the last one to the last one. The green graph here is their operating revenues. They can see they had a little dip on this scale that amounts to about -\$2.5 million decrease in Operating Revenues. That is largely a result of this graph shown here, which is the Consumption. They can see a pretty significant drop here from the Amended Budget FY 2007 to the Final Budget. That represents about a \$4.8 million decrease in electrical consumption. Next is Water Consumption & Operating Revenues. Again, the green graph is the Operating Revenues. They have a dip from the Amended Budget to the Final Budget. On this scale that represents about \$572,000. The blue line there is the Consumption. They have a pretty good drop from the Amended Budget to the Final Budget and that is about -7.6%. Again a similar picture on Wastewater Gallons Billed & Operating Revenues. If they notice the similarities throughout these, the consumption is dipping in every utility due largely to conservation. On the Wastewater, very similar again with the green graph is the Operating Revenues. A dip at the end here between the Amended Budget and the Final Budget here represents about a \$275,000 decrease. Here on the Thousands of Gallons Billed, they have a decrease from the Amended Budget to the Final Budget at the end of the year of -6.3%. Last but not least, Natural Gas Consumption & Operating Revenues. There is a little bit of a difference here. On the Operating Revenues they actually have a very slight increase, it doesn't amount to anything in the overall scheme of things, it amounts to about \$3,200. That is really two components of that. One is the allocation of interest income, that was relatively high this year; and the other is sales of gas appliances, which they do out of the Gas Department. On the Consumption they are following the same trends as the other utilities. From the Amended Budget to the Final Budget, they are dropping about 6.1%.

Commissioner Alexander said before he gets too far and he starts with these numbers again, go back to that first screen he showed about the budget. In the Revenues - Amended and Final - it is about \$5 million difference. Is Mr. Thiess saying they had that much of a difference in revenues received?

Mr. Thiess said that is between the Amended Budget that was submitted with the 2008 Budget. When they submit the budget for the year, they amend the budget for the year they are currently in to try to project where they are going to be at the end of the year. So they submitted the 2008 budget back in August. The amended budget had this figure in it, the \$113 million. When they finally got to the end of the year, they were about \$5.3 million higher than that.

Commissioner Alexander asked it is revenues he is speaking of now?

Mr. Thiess said yes, revenues. The increase in revenues here is largely those three items he talked about.

Commissioner Alexander said but he is not answering his question. He can rattle off all these numbers all night, but he is telling him that they had a \$5 million difference in revenue; and before the end of the final, he flipped to \$8 million in deficit. How?

Mr. Thiess said when they do a budget, whether it is at the beginning of the year and the middle of the year, they are projecting what their revenues will be. The U.A. has no way of knowing what those revenues are going to be.

Commissioner Alexander said the final revenues were \$5 million more than projected.

Mr. Thiess said yes.

Commissioner Alexander said then he tells him at a flip that there is an \$8 million deficit.

Mr. Thiess said they are talking about two different things here. These are not operating revenues here. These are revenues that include contributed capital, which is water mains and sewer facilities that are built for them, capital improvement charges, and grants. There is \$2.8 million in grants there. And the interest income. It is not indicative of operating revenues from sales of water, electric, sewer, or gas utilities.

Commissioner Alexander said he guesses he will never understand, so he can go ahead on.

Mr. Thiess said the increase is due largely to things that are associated with capital; and that was the contributed capital, the grant money they received for the wastewater facilities, and the interest income. It was not from an increase in operating revenues, which is what they get from the customers on their bills.

Commissioner Becht said he thinks he understands what Mr. Thiess is saying, that some of the revenues are not from operations but are from capital money that can't be used for operational expenditures, it has to be used for capital.

Mr. Thiess said that is right.

Commissioner Becht said but Operations & Maintenance went down \$1 million, which is a budget savings, and they had interest income of over \$1 million, which was unforeseen revenue. Where are they with the transfer of the approximate \$500,000 the City was shorted?

Mr. Thiess said the shortage from the past transfer is still up for discussion. The U.A. Attorney is working with the City Attorney on that. This year they are projecting a full transfer at 6%.

Commissioner Becht said the transfer that he is talking about was for Fiscal Year 2007, if he is not mistaken. Or was it for 2006?

Mr. Thiess said 2006. It was transferred in March 2007 based on 2006 financials. That was a short transfer. This transfer will be March 2008 based on the Fiscal Year 2007 financials.

Commissioner Becht asked they won't be shorted in March of 2008?

Mr. Thiess said that is going to be a full transfer.

Commissioner Alexander asked so what are they still waiting on between attorneys? How much is that?

Mr. Thiess said that was just under \$500,000 he believes. He doesn't recall the number off the top of his head.

Commissioner Alexander asked what does that represent?

Mr. Thiess said that was the short between the transfer based on the 40% of cash flow, which the bond covenants limited transfer to, versus the 6% of gross revenues.

Commissioner Alexander asked what year was that?

Mr. Thiess said that was the 2006.

Commissioner Alexander said he thought it was paid.

Mr. Thiess said the transfer was paid, but not the shortage.

Commissioner Becht said the U.A. owed the City about \$4.8 million and they paid them about \$4.2 million.

Mr. Thiess said it is about \$500,000.

Commissioner Becht said if he has to wait on lawyers to decide this transfer, some of them might not be up here then. Does the U.A. have the money to pay the City and is it permitted by their bond documents now?

Mr. Thiess said according to his attorney's interpretation, it is not permitted by the bond documents. They talked with the U.A. bond counsel a couple of weeks ago. Their bond counsel was going to have an informal conversation with the City's bond counsel and see if they were on common ground.

Commissioner Becht asked is the City's bond counsel the same as FPUA's bond counsel?

City Attorney Schwerer said no, it is not.

Commissioner Coke said first of all she would like to hear from the City Attorney if their opinion is the same as the U.A.'s opinion on whether or not that \$500,000 is still due and owing to the City.

City Attorney Schwerer said the money is still owed to the City. They have the City's bond counsel and his office rendering one opinion and they have the U.A.'s bond counsel and their attorney rendering another opinion. The City deems it a carry-forward debt that should be shown on the books. They agree with the calculations, but they don't agree with the fact that the U.A. claims it is forgiven. The City claims it is a carry-forward debt. That is where they are in the dispute.

Commissioner Coke said she doesn't remember forgiving anything.

Commissioner Alexander asked at the end of the day, who is the policymakers concerning bickering or whatever discussion or disagreement or how they want to label it? At the end of the day, who has the say?

City Attorney Schwerer said it is an issue that is very complicated because it involves a specific calculation of what the transfer would be under various different documents, including the Charter, the Bond Covenants that the City accepted or agreed to or at least

implied back when this bond issue was issued by the U.A. The calculations that were made for the transfer, there is no dispute. But there is a dispute about the language in the Charter. At the end of the day, it is going to be that the Commission has to decide whether they want to press that issue legally or not if they are not able to resolve it. They are not at an impasse yet.

Commissioner Alexander asked since 2006 this is what they have been going through? At this point since 2006 they can tell him that they still are paying attorneys, both City and the U.A.? He doesn't care how they look at it, it is costing them.

City Manager Beach said to answer Commissioner Alexander's question, the ultimate determination of this and the outcome will be interpreted by what the law requires. How they come to terms with what the law requires is what is going on between the City Attorney and the FPUA Attorney at this time. He thinks there is a resolution to it, he thinks they will find a resolution to it; and the individuals that need to be working on it are working on it.

Commissioner Coke said she is going to comment on Commissioner Alexander's comment that it was 2006. They are talking that 2006 was paid in March of 2007. Now they are talking about it a year later. The City raised the concern at that juncture in time that they felt it would be a carryover. The U.A. said no, it wasn't. Now amusingly enough they see that assets are up \$6.7 million this year. She would like to request and see if they have a consensus here. She doesn't want a 45 page report from any attorney. She would like a two page synopsis from the U.A. Attorney and one from their bond counsel and one from the City Attorney before this Commission moves forward on any other issues approving or disapproving or anything for the U.A. Board. It is almost a year now, it is time to resolve the issue. Either the City is going to have another \$500,000 that they can budget with, or they are not. But she thinks the City is in a position that they need to know that. She doesn't know if they have a consensus up here to push the button a little and get the answer.

City Manager Beach said the issue at hand is not whether or not the Utilities Authority is going to pay it, but whether or not they owe it. This formula that the City Attorney referred to earlier and the bond language in the covenants that they have agreed to - and by the way the Charter provisions that set it up also agree to it - absolutely provides for the U.A. to take the position they did in regards to their ability to transfer that money. The only thing in dispute right now is whether or not that money is currently owed to the City in the future. City staff believes it is. Their interpretation of it is that it should be an Accounts Payable on the U.A.'s books; and whenever it is time and whenever it is appropriate, that can then be rendered to the City.

Commissioner Coke said she thinks they all understand that the U.A. had a right to interpret it that way and the City has a right to interpret it their way. What she is saying, and she thinks the increasing frustration is, at some point in time they need to move forward from this point. So they need to have a resolution, yea or nay. It is pushing a year now. What she is saying is, she would feel more comfortable being able to move forward in the future if they had that issue resolved. The City needs to know it for their budget workshops and she is sure the U.A. needs to know it for their budget workshops. She is just not going to feel comfortable until that issue is settled.

Mr. Thiess said if it was decided that the U.A. were to pay the \$500,000, it wouldn't be paid this year because the 6% and the 40% are right on top of each other. He thinks there is a couple of thousand dollar difference. So this year they couldn't do it anyway, because it would have to be in a year where they had 6% plus some money left over. So it is not time critical as far as the transfer this year. Perhaps for the transfer next year it might be.

Commissioner Alexander asked are they talking about plus interest?

City Manager Beach said the City would take the position, yes it is.

Commissioner Coke said they might have to barter this one out. She is looking on Page 4 (FPUA FY 2007 Final Budget Amendment Summary). Although she can appreciate that he is telling them under revenues that part are grants, etc. It would be a lot clearer for both herself and she is sure members of the public who want to look not at the volume but at this page here that gives them the summary of... It is budgeted revenue from electric was \$72,908,322 and it ended up being \$72,909,166, so there is an \$843 difference. If there are grant monies involved in electric, water, natural gas, and wastewater, perhaps they could list them as a subtotal underneath it or a separate line item like wastewater grants. So that way everyone looking at it would not be questioning, they have a \$5.3 million increase in revenues? It would be clearly delineated on this format that the money was grant money and would be earmarked for capital improvements only.

Mr. Thiess said they can take that into consideration.

Commissioner Coke said notice, he didn't say he would do it.

Mr. Thiess said to continue, this slide shows a summary of the expenses in a bar chart format - the red is electric, blue is water, green is wastewater, and yellow is natural gas. Again the next to the last bar on the chart is the Amended Budget, the last bar on the chart is the Final Budget. The difference between the two is about -\$1.4 million. That is the negative \$1.4 million they discussed earlier. The last slide shows that bar chart broken out in numbers. They can see the decrease in revenues right down the line through all the utilities. Again, the \$1.4 million decrease in total expenses. That concludes his presentation. He would be glad to answer any questions.

Mayor Benton asked do they have to approve this amended budget?

City Attorney Schwerer said he is not seeing in the charter where they have to approve or disapprove this. It talks specifically about the budget as opposed to an amendment.

Commissioner Coke asked with the Commission's indulgence, she thought Mr. Recor could give them a update on the **Causeway Park** situation.

Mr. David Recor, Deputy City Manager, said just this afternoon he received correspondence from the County Attorney indicating that the revised language proposed by County Commissioner Grande has been submitted for the Commission's consideration. That language reads: Any parking use questions within South Causeway Park shall require the approval of both the City and the County. His opinion is that is good language and that it is better obviously than the language that the County brought forward at the last minute and included in the Interlocal Agreement that the City Attorney and he had developed with the County Attorney. However, he would also suggest to the Commission - and he believes the City Attorney will agree - that that language is really not necessary. If they recall, in the Interlocal Agreement they specifically constructed it to say that all issues related to parking would be addressed by the Master Plan, which both the City and the County have agreed to. So he really believes that the language is superfluous at this point and not necessary. But in the interest of time, he opens it up for their input and direction as to how they would like to proceed.

Mayor Benton asked in other words, the County Commission did support County Commissioner Grande's language change?

Mr. Recor said yes, the County Commission did accept the language that Commissioner Grande initially provided. They had it scheduled on the City Commission Agenda and they did not. In light of that, this language now has come forward that clarifies what they really meant to do. They still don't think it is necessary.

Commissioner Becht said he has not had a chance to call Commissioner Grande, that is his own fault. But has anybody else heard from him?

Commissioner Coke said she spoke with Commissioner Grande. He was inundated with calls after some other Commissioner up here mentioned his phone number on TV. She talked to him and he didn't really understand what the problem was. She tried to tell him that it was the additional language they put in there, it was not part of the City Commission's initial package for their January 22nd meeting, although the County had passed it on January 15th; and this Commission felt it was all covered under that Master Plan they have already done. She felt personally it was necessary for them to move forward yesterday before the Causeway Park erodes any further. She was rather blunt, as she sometimes is, and told him that if the citizens of the City of Fort Pierce are going to spend \$600,000 of their money on a park that the County owns, they ought to be happy, take it, smile, sign the agreement, and let's move forward. It is her understanding that to date this is still not scheduled for another County Commission with the second group of revised language in there. She told Commissioner Grande clearly that it was the City's understanding that the parking requirements were already covered under the agreement that the City approved and the County had originally submitted to them.

Mr. Recor said that is correct. There is no scheduled date in this written correspondence. Last week after the FPRA meeting, he did ask the County Attorney to schedule the agreement - as it was approved by the City Commission on January 22nd - at the next available County Commission meeting. The question is, in the interest of time, do they want - even though they don't think it is necessary - to allow this to go back to the County Commission and get their endorsement that basically says the City and the County has to agree for parking on South Causeway Park? Once it is approved by the County Commission, they will bring it back to the City Commission for their final approval. Or do they simply stick with the position that they don't think it is necessary and run the risk that the County Commission won't approve it without the language included?

Commissioner Becht said he would like to have a discussion with County Commissioner Grande, because he usually doesn't ask for stuff unless there is some kind of reasoning behind it. But he has not had the chance to talk to him, so he doesn't know what his concern is. His own concern with this addition to the language is that it is confusing or abdicating the City's authority to control via the City zoning code what happens in their City, by saying the City and the County shall talk about parking.

Mr. Recor said Commissioner Becht is thinking like an attorney now. That is exactly what the City Attorney's position was when they were constructing this language, that there was absolutely no need to include it, because of precisely what Commissioner Becht just said.

Commissioner Becht said in this particular instance, he happens to agree with him.

Commissioner Coke said regarding the conversation she had with County Commissioner Grande, just so everyone is aware. She did tell him that if he felt it was necessary to put any reference in there for parking, that she felt a more appropriate sentence to put in there would be: The parking in this designated area of the park shall remain open to the public for public use only.

Commissioner Becht said just say, per City Code. Whatever they would do, they would have to do it per City Code. They couldn't force parking down on them that didn't meet City Code. So where is Commissioner Grande going with this?

Mr. Recor said this is exactly why Mr. Schwerer and he concluded that it would be best not to include any language at all, but simply rely on the Master Plan that both organizations had already agreed to, because of the debate of what is the most appropriate language to address the issue.

Commissioner Becht said he would like to accommodate any reasonable objection or reasonable goal that Commissioner Grande has. But he doesn't understand the addition of this language, so he is not good with the language he has chosen. He guesses the County Commissioners have not responded to the City's response that the City doesn't want the language in there. This is the County Attorney's response, not the County Commission's response.

Mr. Recor said this has not been presented to the County Commission. But this is the alternate language that was developed in response to the City Commission's decision on January 22nd.

Commissioner Becht said he thinks if they reverse roles and the City told the County that they wanted to tell them what their parking was going to be in the County, he thinks they would have some heartburn on that too. So he would like to stand their ground until Commissioner Grande articulates a clear reason why he needs to have control over parking from one end to the other. He doesn't know what he is trying to achieve there.

Commissioner Coke said her big concern is, now they have already delayed this another seven weeks where they could have been moving forward and doing something. All too often between staff and the attorneys, the waters get so muddy that nothing... Everybody is looking out to protect them, she is sure. She would like to know if maybe the Mayor could write a letter on the Commission's behalf to each individual County Commissioner explaining they feel all the parking rights are covered under the Master Plan and therefore they respectfully request that if they would like for the City to move forward with this \$600,000 worth of improvements, that they sign the original agreement as proposed and the City would be happy to move forward with it. So that way at least they know every County Commissioner knows what the City Commission's concerns are and that they are looking to move forward.

Commissioner Alexander asked precisely what is the problem with the parking? What does the County want? What does the City want?

Commissioner Coke said County Commissioner Grande is afraid that five or ten years down the road there will be another group sitting as the City Commission that might allow a private entity to utilize that public parking for private use.

Mayor Benton said the County already does it.

Commissioner Alexander said he just doesn't understand their bickering and going back and forth. They are past due for a joint meeting with the County Commission. He thinks they need to set that forth first and let this fall wherever it may, because he really doesn't understand what the bickering is. If they have a personal agenda, then it is not his accord and he is not following up behind no personal agenda.

Mr. Recor said he did think of a bit of a strategy this afternoon. In that this language has not been considered by the County Commission, he would like to encourage the City Commission to direct Staff to move forward with the language they approved, as is. And he and City Commissioners and members of the public can attend the Board of County Commissioners meeting to have some dialogue with them. And if they would like this alternate language considered, they can have a dialogue with them about why the City believes it is not necessary and they can reference the Master Plan that shows the depiction of parking on South Causeway Park. In the event that the County comes up with some language at that time, then they will bring whatever is approved by the County Commission back to the City Commission for their final consideration.

Commissioner Alexander said per City ordinance, parking at any parks are from dusk to dawn, so that should cover anything they may think is going on underneath the covers. He agrees with Commissioner Coke that it needs to say for the public use, period.

Mayor Benton said keep the agreement as is and hopefully the County will approve it.

Commissioner Alexander said he doesn't know what the agreement is because he is discombobulated with whatever they said. But it is still public use from dusk to dawn in all parks, not just that particular park, is it not?

Mr. Recor said the agreement approved by the City Commission simply says that parking at the beach park will be governed by the Master Plan. Staff will ask that it be scheduled and will be present to discuss it.

Commissioner Coke said let her know when it will be scheduled.

Mayor Benton said when he has lunch with County Commissioner Smith this week, he will check and see if he has any heartache with it.-----

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-07

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **JOYCE CALVERT, CLEM BENTON, FRANCES SCOTT, AND CRAIG FROSS** TO THE **BOARD OF ADJUSTMENT** FOR A TERM COMMENCING MARCH 3, 2008, AND TO EXPIRE AS SET OUT HEREIN."

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Resolution No. 08-07 be adopted.

Those voting in favor of the adoption of Resolution No. 08-07 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-08

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **DON BERGMAN AND CHUCK ENNS** TO THE **CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS** FOR A TERM COMMENCING MARCH 3, 2008, AND TO EXPIRE AS SET OUT HEREIN."

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

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

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-09

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **LESLIE OLSON, WILLIAM DANNAHOWER, JEREMIAH JOHNSON, EDWARD REILLY, DARRYL BEY, AND CLAYTON YATES** TO THE **CITY PLANNING BOARD** FOR A TERM COMMENCING MARCH 3, 2008, AND TO EXPIRE AS SET OUT HEREIN."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 08-09 be adopted.

Those voting in favor of the adoption of Resolution No. 08-09 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-10

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **JOHN L. GEORGE**, AND APPOINTING **DONALD J. SCOTT AND ROBERT J. HAIN** TO THE **CODE ENFORCEMENT BOARD** FOR A TERM COMMENCING MARCH 3, 2008, AND TO EXPIRE AS SET OUT HEREIN."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 08-10 be adopted.

Those voting in favor of the adoption of Resolution No. 08-10 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 08-11

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REAPPOINTING **LEWIS RICE** AND **BILL CHEVERIE** TO THE **CIVIL SERVICE APPEALS BOARD** FOR A TERM COMMENCING MARCH 3, 2008, AND TO EXPIRE AS SET OUT HEREIN."

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, that Resolution No. 08-11 be adopted.

Those voting in favor of the adoption of Resolution No. 08-11 were: Commissioners Alexander, Becht, Coke, Sessions, and Benton. Those opposed: None.

The next item on the Agenda was Designation of members on the **Citizens Utilities Advisory Committee.**

City Clerk Steele said she just needs for the Commission to confirm the following individuals to comprise of that Committee: Harry Shaw, Marvin Grimsley, Joseph Jenkins, Michael J. Brown, Hoyt C. Murphy, Jr., Richard Lynch, Steven DiPalma, Charlie Frank Matthews, and Steven M. Weaver.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to designate the following as members of the Citizens Utilities Advisory Committee: Harry Shaw, Marvin Grimsley, Joseph Jenkins, Michael J. Brown, Hoyt C. Murphy, Jr., Richard Lynch, Steven DiPalma, Charlie Frank Matthews, and Steven M. Weaver.

Mayor Benton said he will have a second name. Somebody backed out, so he will have another name next week. He had somebody in mind and they decided at the last minute they weren't interested.

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

Commissioner Sessions asked what will be the schedule in terms of meetings of this particular committee, because there are some issues regarding the Fort Pierce Utilities Authority that he feels this committee should have some input on. They have been postponing this since he has been elected. He is just wondering are they going to proceed

forward with allowing them to meet in light of the issues they are facing now with the Utilities Authority or are they going to continue to postpone this as a result of one appointment that hasn't been made yet?

Mayor Benton said he wouldn't call it postponed, they didn't have names. So they finally have a committee. They didn't have one before. He would expect notification will go out tomorrow to these individuals and he expects the first meeting within the next two weeks.

City Manager Beach said what he will be doing, he can start with the appointments they have, but he will start tomorrow scheduling the initial meeting. He thinks there are a number of things that they need to go through with this group to get it kicked off. He reads things in the newspaper that are apparently unrelated to the assignment this Commission had given to this Advisory Committee. They will need to work through that and they will need to work through it with the Committee and hopefully bring back some ideas to the Commission about how this would move forward. He has expressed some concern he believes to Commissioner Becht in the form of a memo, who had inquired as to who was going to be coordinating this and monitoring it. He had expressed some concern that unless they handle this very deliberately, that the outcome of what is determined is going to be suspect. So he wants to get input from them as to how they can get the most unbiased fair look at what questions have been raised. If they will recall at the last meeting, what he understood from reviewing the Minutes - and he reviewed those today - is that what they decided was that this Committee was going to develop a list of inquiries, a list of concerns, and a list of questions that related to the Utilities Authority; and then they were going to figure out the best way to get factual unbiased answers to those questions. That is where he is going with this right now. If there is further direction, as a Commission they need to give that direction.

Mayor Benton said with the first meeting he thinks they are going to hear the concerns from some of these appointees. He thinks it is mainly getting that first meeting behind them and breaking the ice and going from there.

City Manager Beach said to answer Commissioner Sessions question, they will start right away.

Commissioner Alexander said he is sure they have a list of questions already available that will be presented to them, so let's make sure they are pro-active on this and just get those things out on the surface so they can be able to discuss those things.

Commissioner Becht asked should they call Mr. Beach's office?

City Manager Beach said yes. He will coordinate these meetings until the Commissioners decide a different way to do it.

Commissioner Becht asked not Ms. Robinson or somebody else in his office?

City Manager Beach said his office. And he will be personally involved in it.

Commissioner Becht said so they can tell their designated appointees that they should call Mr. Beach to try to figure out where they are going to meet and when they are going to meet?

City Manager Beach said no, his office will be calling them about what their availability is; and he will coordinate and schedule those meetings.

Mayor Benton said they will also receive notice just like they do with any City board.

City Attorney Schwerer said let him do 30 seconds of legal caveats here. It is a Committee, not a council and not a board. The City Clerk and he are characterizing it as a Committee

to make recommendations. They have to make some reports to Tallahassee about what it is they are doing. Tallahassee makes some decisions about whether there are some financial reporting issues or what kind of composition of members this is going to be. So it is going to be called the Citizens Utilities Advisory Committee. And it will be subject to Sunshine, both as to its meetings and to its members and all the provisions.

Commissioner Alexander asked what is the difference between a board or a committee?

City Attorney Schwerer said it gets very technical and legal. A board generally has certain powers to do certain things; and when they create a board, they have to create bylaws and they have to create rules of procedure, chairmanships, and the whole nine yards. If they call it a committee, the purpose as he understood it, was to have this Committee make recommendations to the Commission and the Commission was going to be the final arbiter of anything made from their recommendations. A committee is not given any power to do anything other than make recommendations.

Commissioner Alexander said he just wants to make sure that they are not sitting here thinking they are just going to put a group of people together to come back and bicker with the Commission. They want these individuals to know that whatever their decision as a group, when it comes back to the Commission, there is going to be some substance to it. They are not just going to be listening to reports. They want them to know that they are a vital issue. They are just as important a committee as any board they appoint. Because he as a Commissioner is taking a step in saying he wants this person to represent the City of Fort Pierce. So if that makes a difference between being a committee or a board, they need to know up front what they are expecting from these individuals.

Mayor Benton said when he brought this up last November he felt there needed to be better communication and a lot of answers from the Fort Pierce Utilities Authority. He thinks this Committee will have questions. He hopes there are answers. And if there are recommendations, he expects recommendations not only to come to the City Commission, but also to the Fort Pierce Utilities Board with what comes out of this. This is just a fact finding mission. There is just this big indifference between the Fort Pierce Utilities Authority and the community. They have to clear that up. He is hoping this Committee does that.

The next item on the Agenda was Appoint or Reappoint one City Commissioner to the Council on Aging.

Commissioner Alexander said he will volunteer.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, that Commissioner Alexander be reappointed to the Council on Aging.

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

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

Commissioner Alexander said he would like Item 17i (Moore's Creek-8th Street Bridge Replacement) removed for discussion.

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

a. Set date for Public Hearing on Application for **Certificate of Public Convenience & Necessity** for Chadallac, Inc. (one limousine bus for hire) on Monday, March 17, 2008.

- b. Approve Application for Public Funds in the amount of \$1,000 submitted by Bob Swisher, Downtown Business Association, for advertising for **Classic Car Cruise-In**.
- c. Approve Application for Public Funds in the amount of \$1,000 submitted by Bob Swisher, Downtown Business Association, for advertising for **St. Patricks Day** event.
- d. Approve Application for Public Funds in the amount of \$1,000 submitted by Nerissa Martin, Women With Words, Inc. Book Club, for **Community Book Review** on March 26, 2008.
- e. Approve Application for Public Funds in the amount of \$1,000 submitted by Kevin Perry, Alpha Phi Alpha Fraternity, for **Celebration of Music Program**.
- f. Approve Application for **Alcohol Beverage Permit** submitted by Pam Gillette, Main Street Fort Pierce, Inc. for **Sandy Shoes Festival** in Indian River Veterans Memorial Park on March 22, 2008.
- g. Accept proposal submitted by Johnson-Davis Inc. in the amount of \$106,454.00 for **Emergency Repairs**: (a) Storm Sewer Drainage Pipe at Yosemite Court & 17th Street; (b) Storm Drainage Pipe along Bayshore Drive; and (c) Connection of Indian River Drive drainage system to outfall system located within the Melody Lane right-of-way.
- h. Approve purchase of 96-gallon **Garbage Containers** in truck load lots of 588 at \$28,866.12 per truck load lot for Solid Waste from Toter, Inc. in an amount total not to exceed \$126,000.00. (Single Source - City of Tucson RFP #083008)
- j. Approve purchase of **Emergency Vehicle Equipment** for the Police Department from Dana Safety Supply in the amount of \$19,140.00. (Piggyback City of Tallahassee Contract #1489)
- k. Approve travel and attendance by City Manager Beach to the **Florida City & County Management Association** 2008 Annual Conference in Marco Island on May 28-31, 2008.
- l. Approve waiver of fines and penalties in the amount of \$3,147.60 against **118-120 Alma Court**, owned by Frances Watson, upon payment of demolition lien and administrative costs of \$6,100.00 within 60 days.

The next item considered was Item 17i, which had previously been removed from the Consent Agenda: Approve Change Order No. 1 to Contract with Burkhardt Construction Inc. for **Moore's Creek - 8th Street Bridge** Replacement - in the amount of \$197,846.00 for plan modifications due to SFWMD permitting requirements. SMU Bond #2
Commissioner Alexander asked where is the money coming from for this change order? Does the Fort Pierce Redevelopment Agency have to pay it?

Mr. Jack Andrews, City Engineer, said this money comes out of the Stormwater Utility. At the same time, the South Florida Water Management District has stepped up to the plate and they are contributing \$574,000 toward the bridge. The amount that comes out of the FPRA stays the same as what they agreed on earlier for the aesthetic enhancements.

Commissioner Alexander said he just lost him. Mr. Andrews said South Florida Water Management District contributed \$574,000. That was \$1 million bridge. Plus this change order. So they paid \$574,000 toward the \$1 million?

Mr. Andrews said yes.

Commissioner Alexander asked what does this change order make it?

Mr. Andrews said the change order they have to do for the contract to bring it up to that amount. The original money will come out of the Stormwater Utility and then they will be reimbursed by the South Florida Water Management District the \$574,000.

Commissioner Alexander asked who is paying what?

City Manager Beach asked does Mr. Andrews know what the Fort Pierce Redevelopment Agency is contributing? If so, he can describe where the rest of it is coming from.

Mr. Andrews said the FPRA's cost is \$71,560.

City Manager Beach said the balance of it is coming from the South Florida Water Management District and their Stormwater Utility Bond that they issued probably three or four years ago for these projects. So a very small portion of this project is coming out of the Fort Pierce Redevelopment Agency.

Commissioner Alexander said he just heard Mr. Andrews say, to be reimbursed.

City Manager Beach said what that means is the Stormwater Utility Bond Account will pay the entire bill and then the South Florida Water Management District will reimburse the City of Fort Pierce or that account \$574,000.

Commissioner Becht said the cost for the 8th Street Bridge is \$1 million.

Mr. Andrews said \$945,000.

Commissioner Becht said so to get this particular bridge built, they are going to have to advance some monies, but they are going to get \$574,000 back from SFWMD.

Mr. Andrews said correct.

Commissioner Becht asked how much is the City paying of the other \$500,000 and how much is FPRA paying of the \$500,000?

Mr. Andrews said the FPRA is only paying \$71,560.

Commissioner Becht said okay. He misunderstood when he said that to think it was just the change order. Is this the series of bridges, the three or four bridges they are going to build?

Mr. Andrews said this is the first of the four.

Commissioner Becht asked is somebody smart enough to get \$500,000 per bridge out of SFWMD for the next three bridges?

Mr. Andrews said no, but they do have other funding coming from FEMA, that is the grant they are working on now. There will be a total of \$700,000 out of FEMA for that.

Commissioner Becht asked per bridge?

City Manager Beach said let him copy the Commissioners on some correspondence between the City Engineer's office and his office. It is very well defined and very well laid out. They can show them specifically what they anticipate the costs to be and what those funding sources are for those various spots.

Commissioner Becht said he is happy as punch. He just found out that the bridge is costing them \$500,000 less than he thought it was costing them.

City Manager Beach said he will send that to all of the Commissioners to show them how it is laid out.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve Change Order No. 1 to contract with Burkhardt Construction Inc. for Moore's Creek - 8th Street Bridge Replacement in the amount of \$197,846 for plan modifications due to SFWMD permitting requirements.

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

Ms. Frances Watson said her address is 2300 San Marcos Avenue in Fort Pierce. She is here this evening to address the Board in regards to an item on the Consent Agenda (**118-120 Alma Court**). When she got notice about the property, she worked with Mr. Tony Barnes. Mr. Barnes secured a firm to demolish the buildings as a donation. She went with that and did not follow through on the property because there was a company that was going to demolish it for a donation. She was working with the Love Center to knock it down, but Mr. Barnes helped her. She is asking the Commission to help her out if they can better than what is proposed on the Consent Agenda. She was under the impression that it was taken care of at no cost. So she is here asking for the Commission's assistance.

Mayor Benton said he would have to refer that question to the City Attorney. He knows some costs they can waive; but if they paid a contractor to do this, he doesn't believe they have a choice.

City Manager Beach said he is not familiar with this subject and there is no reason they all would be familiar with it. Let him put some background information together on this and bring it back to the Commission at another meeting. He thinks they would be at a disadvantage to try to discuss this and set a direction on it this evening. This obviously has a history. He will develop that history for the Commission between now and the next meeting and give them a complete report. He will also ask Ms. Watson to give him something in writing as it relates to her position so they can follow through with this. Is that workable for everyone?

Ms. Watson said okay.

Mayor Benton said they will take a look at this and have something in front of the Commission at their next meeting and see if they can straighten it out.

City Attorney Schwerer said a legal caveat. The matter has already been approved on the Consent Agenda for waiver of \$3,147.60, which was the maximum amount they could waive by Charter. He knows the City Manager is going to make a report. But if they are going to change an action that has already been taken, it needs to be done at the next meeting by a motion to reconsider. He is just advising them that they need to do it at the next meeting or it is going to be final.

Commissioner Alexander asked could Mr. Schwerer read those figures off that he just read?

City Attorney Schwerer said the total amount that can be waived is \$3,147.60. That is the total amount of interest and penalties. They can't forgive the principal, it has already been paid for the demolition. He is just reading from the report.

Commissioner Alexander said he has one serious concern. He lives off of **25th Street** and he has asked Chief Baldwin concerning the traffic on 25th Street. What he really wants to follow up with is how many accidents they have had since construction has been there? That is a death trap out there. They have markings, they have one directive arrow. But he

is telling them, it is a serious problem out there with markings in the road that have been blackened out and the ones that have been laid down. They almost have like a circus out there just to get from one red light to the next red light. There have been several accidents. And when the tow trucks come to tow vehicles, they leave all the debris in the road. But the danger to kids or bicycles or even cars driving through that kind of debris they just swept to the side. He is just concerned about 25th Street. Does somebody have to get killed out there before they can make sure that is a safe route for anyone? He doesn't know who to stick that to, but something needs to be done urgently. It is just a serious problem. He doesn't want somebody to get killed because they are trying to beautify Fort Pierce, it won't be worth one life.

Chief of Police Sean Baldwin said as far as the marking goes, after Commissioner Alexander called him he rode through there. It looked like it was marked. He will take another ride through and work with the City Engineer to make sure, he is more familiar with what exactly has to be posted and marked. He will work with him first thing in the morning to see if they can make sure it is safe. The tow trucks are absolutely required to remove debris from the scene. It is part of their City ordinance. He knows for a fact that at least in two cases over the last two weeks - and he believes one Commissioner Alexander was involved in directly - there was some disciplinary action taken against the tow truck driver for not doing that. Commissioner Alexander is absolutely right on that issue, debris should be removed. And at least in two cases he knows of in the last two weeks, it was not.

Commissioner Alexander asked does Chief Baldwin have any idea how many accidents they have had in that little stretch from Orange Avenue to Avenue Q?

Chief Baldwin said in the last three or four weeks since they started construction, he doesn't know; but he will check and see if he can get a number for him.

Commissioner Sessions said just to echo what Commissioner Alexander was saying earlier about 25th Street, going through that construction, it is a maze and a danger zone. Several accidents have happened. He doesn't know if it is the Police Department or whoever is responsible for making it clear and giving the proper notices in regards to speed limits and the curves and so on, but it seems to be a lack of notices that have been put up. And also some police visibility. He has seen police out in the areas on numerous projects that pose these types of problems; but for whatever reason, there aren't any police out there. This is a maze and a danger zone. And accident after accident that keeps happening out there in that area.

Chief Baldwin said Commissioner Sessions may have a point about the need for police presence. They may notice on the State Roads they require that a police officer or a trooper provide constant security. He doesn't know for sure if this project qualifies for that, but that is something else he will check out in the morning. They may be required to provide that.

Mayor Benton asked isn't that a County road?

Mr. Jack Andrews, City Engineer, said it is a State road.

Chief Baldwin said so it may very well qualify for that. They will work with the Department of Transportation tomorrow morning. They are normally very responsive and he is sure they will be this time.

Commissioner Alexander asked is it possible they could maybe put that speed limit sign in there? He saw it sitting somewhere just blank. They have more than one, right?

Chief Baldwin said they actually have two of them. He will offer to put them there. He wants to make sure that doesn't interfere with what FDOT is supposed to be having the

contractor do out there. But as long as that doesn't cause an interference, they could do that. They also have another warning sign they could allow them to use.

Commissioner Becht said he had a chance to talk with Steve Fousek at the County, who is one of the people who is key to their creation of Green Trails throughout the County. Their green trails follow different routes, but primarily Five Mile Creek and Ten Mile Creek. The County has money to buy **environmentally sensitive lands** within the City of Fort Pierce. If the City has the ability to identify those, they need to identify them and get that list to the County and make sure they start considering the City. He thinks Commissioner Sessions serves on that Board. They have a hard time getting a quorum. They had a meeting last Thursday and didn't have a quorum. But he thinks it is important for the City to identify what they may think is environmentally sensitive and see if they can get the County focused on using their money and get it used properly within the City limits of Fort Pierce.

Mayor Benton said he will just give a quick report of his trip to Tallahassee. To start with, his meeting with the Chief Engineer for the Secretary of FDOT (Florida Department of Transportation). Mr. John Donahue (Boyle Engineering) joined him for that meeting. They were told as they entered his office that the contract for the **Harbour Isle Roundabout** specifically, which is five years in the permitting stages now, was sitting on his desk to be signed. Needless to say, what came in a couple hours later after lunch was a legal agreement to be signed by the City. He guesses it will be in front of the Commission at their next meeting he hopes. Harbour Isle and Comcast, right?

Mr. Jack Andrews, City Engineer, said yes.

Mayor Benton said as soon as that agreement is signed, then they get the permit. He was told it was the permit and this is from their Chief Engineer. So if things don't materialize within the next week, they are going to have a conference call this time with the FDOT Secretary. She was very gracious. But he thinks they need to get this straight. If anybody thinks it is tough getting a permit with the City or County, it has been five years for a roundabout with the State and they still don't have it yet.

Mayor Benton said he met with the Secretary of DEP (Florida Department of Environmental Protection). That was a very good meeting. He and his Deputy Secretary both have roots in St. Lucie County, which worked out very well. This direction for these **wind turbines** had come from an agency that was set up by the Governor, a Task Force that was looking into alternative power sources in the State of Florida. St. Lucie County was going to be used as an example or as a guinea pig. Hopefully they will get that cleared up. They seemed very responsive to their concerns. In his letter he made reference to their world famous landscapes, the Backus paintings and the Highwayman paintings. As they walk into the Governor's office and walk into the Capital, there are two Highwayman paintings. His understanding is he bought one of Mr. Gibson's paintings just a day after he was up there hand delivering this letter. Hopefully the City has their attention on that issue.

Mayor Benton said he also talked with DEP about the **City Marina** and its new plans. The District Director is supposed to come up, they have a meeting with him this Friday to discuss the Marina plans. The Secretary was not aware of those plans. Hopefully they will get that on track.

There being no further business, Mayor Benton declared the meeting adjourned at 8:10 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

